



Valuation Tribunal Users' Group

Minutes of the Meeting held at 120 Leaman Street on Monday 11 June 2018 at 11:00 am

Present:	Tony Masella	VTS & Chairman of the Group
	Lee Anderson	VTS
	Gary Garland	VTE (President)
	Jon Bestow	VTS (Registrar)
	Blake Penfold	RICS
	Jerry Schurder	RICS
	Tom Emlyn Jones	RSA
	Tim Johnson	RSA
	Louise Freeth	IRRV for CTR
	Andrew Hetherton	IRRV
	Alan Colston	VOA
	Jane Canney	VOA
	Chris Sykes	VOA
	Carla-Maria Heath	LGA
	Daniel Bellis	FSB
	Cain Ormondroyd	PEBA
	Nicola Hunt	Secretary

1 Welcome and apologies for absence

1.1 The Chairman welcomed all attendees to the meeting.

1.2 Apologies were received from Mark Higgin (RICS), Gordon Heath (IRRV), Michael Pearce (VOA), Mary Hardman (VOA), Stuart Moss (VOA) and Mike Heiser (LGA).

2 Minutes of the meeting held on 5 March 2018

2.1 The minutes of the meeting held on 5 March 2018 were accepted as an accurate record and confirmed.

2.2 Andrew Hetherton enquired whether the reference in paragraph 3.2 of more cases needing to be dealt with at the actual hearing meant more Tribunal resource, and if any different processes had been deployed to cater for this. TM confirmed that the VTS are already working in a different way to meet demands so no new process is envisaged at this time.

2.3 In referring to paragraph 5.4, Alan Colston stressed that while having no dialogue between parties may be an issue in some cases with CCA, it should be noted that when a challenge is received it is not necessary to discuss every case. For example, the VOA can

issue a decision if the comparables are not relevant or if the evidence is accepted the challenge can be well founded. In addition, the VOA may issue an initial opinion with evidence and the ratepayer or their representative may not respond or require further discussion in which case a decision notice will be issued after sufficient time had elapsed.

3 VTS/VTE Update

3.1 *Workload Statistics for 2010*

The 2010 stats are not due for another couple of weeks, but Lee Anderson confirmed he did not anticipate a substantial difference from the last quarter. The postponement rate is still less than 10%; there are 94,754 2010 appeals on the books of which 29,000 are outstanding ready to be listed. There are a number of cases which have been suppressed because they cannot be listed, for example ATMs. Lee couldn't confirm the exact number of ATM appeals outstanding as it can be difficult to identify the cases if the ATM is located inside a supermarket, but estimated there are approximately 40,000. It is not yet known the effect Mazars will have but the situation is being monitored.

3.2 *CCA Update*

Lee Anderson reported that 13 appeals have been registered. The first one was determined by the President on 13 March 2018; the decision is available on the VTS website. Four cases are listed to be heard in June 2018, one has been settled by consent which leaves three to be dealt with. There are currently another eight in the process.

3.3 The first appeal and the current ones being dealt with on CCA have highlighted some lessons to be learned by both parties. Due to the low volume of appeals the VTS has been able to micro manage them and deal with any issues as they arise before volumes increase. There remains some confusion surrounding both the exchange of evidence and how to submit additional evidence whilst parties are still finding their feet; the expectation is that this will iron itself out in due course. It is clear that the regulations do allow for additional evidence to be submitted, but only when both parties agree.

3.4 The professional bodies collectively felt it would be helpful if the information published quarterly by the VOA showed more detail, such as how cases are settled at each stage of the process; this would provide a view on whether or not CCA is working. It was noted that further information could be requested under the Freedom of Information Act. The new process should give BAs more certainty of RV loss, but this does not appear to be the case.

3.5 A lengthy discussion took place surrounding appellants using comparable assessments shown in the rating lists that are subsequently found to be inaccurate. Alan Colston explained that maintaining and altering rating list assessments could be a small number (e.g. properties in the same street) or large (e.g. properties within a national scheme). In such circumstances the VOA would not want to unduly delay the individual ratepayers challenge decision or subsequent appeal (if there was one). The VOA would endeavour to be clear in decision notices to explain the issue and the next steps. Gary Garland stressed that it is critical as part of this new system of CCA that appellants are aware of any errors in the assessment of comparable properties they have included in their evidence, even if all of the alterations required hadn't been undertaken by the date of the hearing. There should be no surprises for either party.

4 RICS Issues

4.1 Appeals under 2017 list procedure – experience so far

This was discussed fully under item 3.

4.2 Possible extension to the notice period given for hearing dates under Standard Directions

Notices of hearing are issued 14 weeks prior to the hearing date, but it was suggested it may be helpful if this was increased because the VOA are not required to produce their case until they receive the agents case. Jerry Schurder felt it would be useful to have more time at the other end of the process once the VOA evidence had been received to allow the agent to produce their rebuttal. It was suggested that a pilot could be run to see if there would be any impact to this change. Tony Masella opined that increasing the notice period would not provide more time as the trigger key point for any action would always remain 10 weeks before the hearing. Alan Colston added that he thought the current process was working well and that sometimes there is no contact by either party, not just the VOA. Gary Garland explained that all parties need to deal with cases efficiently, while increasing the notice period would be easy enough it wasn't felt this was necessary as the standard directions have improved the process.

4.3 Response to review applications of VTE decisions

Blake Penfold explained that he was concerned to receive an acknowledgement from the VTS expressing disappointment that an application had been made for a review of a decision. He felt this was an inappropriate response to a review application and possibly unprofessional. Tony Masella undertook to investigate the matter outside of the meeting.

4.4 Review of and response to recent UT decisions (including Thorntons Plc & Clarion Solicitors; Ryan Fisher & Shaw v Benton (VO))

Jon Bestow confirmed that the VTS had taken on board the points raised in the Ryan Fisher Carpet decision and internal advice is being promulgated. However, it was clear that even in events requesting a postponement parties should still continue to meet the requirements of the standard direction.

5 RSA Issues

5.1 Contact prior to 10 week deadline under Directions 1 & 2 of the Standard Directions

This was fully discussed under item 4.2.

5.2 Repeat postponement requests dependent on UT decisions

There appeared to be concerns that cases referring to superior hearing determinations were still being listed and that when this has happened some professional representatives have been advised by VTS staff that they still need to go through the process and request a postponement at a later stage. Tony Masella stated that this was not the expected process and that if this happens to contact him or Lee Anderson as soon as possible.

5.3 Concern was expressed as the holiday season approaches as to whether postponement requests due to holiday commitments will be favourably looked upon. In referring to the UT Ryan Fisher case, which the VTE had already reviewed before the UT

heard the case, Tony Masella highlighted that the VTE and VTS are not opposed to postponement requests. However, there is an expectation on professionals to act as such and to highlight this with the clerk at the earliest opportunity and it should not be taken as read that the discussions required should halt at that point. It should be the aim for the parties to attempt to resolve the issues during the required disclosure and exchange period. Where it is then clear that a hearing will be required, the postponement will be actioned.

6 IRRV Issues

6.1 Reading of submissions prior to hearing date

It was questioned what instructions are given to the panel prior to a hearing and whether they have sight of the evidence submitted. Lee Anderson pointed out that with the number of cases that get resolved between the serving of bundles to hearing date, it is not proving effective for VTE panels to read cases beforehand. Jon Bestow explained that irrespective of whether the VTE panel reads the bundles beforehand or not, on the day they are given a précis of the cases that will appear before them by the clerk on the day who takes them through the relevant details of each case to be argued before them.

6.2 Procedure at the hearing – time limits for submissions

Concern was expressed that on occasions parties prepare cases and then at the hearing are put under pressure by the panel to present their case quickly because of other business. Tony Masella confirmed that parties are asked for the length of time they require to present their case prior to their attendance so that the clerk can manage the day's business. It is likely, therefore, that they will be challenged if they exceed that time slot. It is important that parties who appear in a professional capacity remain succinct in their presentation. Jerry Schurder pointed out that the length of time required to present evidence and argument was linked to whether the panel had read all of the documents prior to the hearing.

6.3 Should adjourned cases when they are re-listed take precedence over cases listed for the first time

It was confirmed that where cases are adjourned they would be given precedence when they are re-listed.

6.4 Council Tax Reduction – appeals update

Lee Anderson reported that the volume of CTR appeals appears to remain at the same level year on year. There are currently no areas of concern and he had received no feedback to suggest otherwise. Engagement with BAs seems to have settled down and CTR cases now follow the same procedure as CTL cases which is working well. Louise Freeth added that it was likely that BAs will move towards banded schemes in the future.

7 Any other business

7.1 Blake Penfold referred to the RICS Code of Practice guidance which explains the role of an expert witness and advocate in the provision of evidence. It is not the duty of an expert witness to censor evidence, if there are questions regarding admissibility, these are matters for the panel to consider.

7.2 Lee Anderson confirmed the VTS will be moving forward with the cases that were held up because of the Iceland decision.

7.3 Jon Bestow reported that the Thames Tower (Delph Property Group Ltd) preliminary decision had been published and had not yet been appealed. This could cause the BA issues because only the date can be challenged and deletions because of completion notices could result in refunds.

8 Date of next meeting

8.1 The meeting closed at 12:45 pm. The next meeting will take place during September 2018 at Leman Street; the date will be circulated in due course.

A handwritten signature in black ink, appearing to read "Tony Masella", enclosed in a thin black rectangular border.

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Tony Masella
Chairman