



Valuation Tribunal Users' Group

Minutes of the Meeting held at 120 Leaman Street on Monday 5 March 2018 at 11:00 am

Present:	Tony Masella	VTS & Chairman of the Group
	Lee Anderson	VTS
	Gary Garland	VTE (President)
	Jon Bestow	VTS (Registrar)
	Mark Higgin	RICS
	Tom Emlyn Jones	RSA
	Tim Johnson	RSA
	Gordon Heath	IRRV
	Andrew Hetherton	IRRV
	Michael Pearce	VOA
	Andrew Ricketts	VOA
	Carla-Maria Heath	LGA
	Greg Warren	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 Blake Penfold (RICS), Jerry Schurder (RICS), Louise Freeth (IRRV for CTR), Mary Hardman (VOA), Alan Colston (VOA), Stuart Moss (VOA) and Mike Heiser (LGA).

2 Minutes of the meeting held on 4 December 2017

2.1 The minutes of the meeting held on 4 December 2017 were accepted as an accurate record and confirmed.

3 Workload Statistics for 2010

3.1 Lee Anderson circulated details of appeal volumes of all appeal types for the period 1 April to 31 December 2017, and the statistics for NDR appeal hearings for Q3 2017-18, broken down into the three Tribunal regions of North, Midlands and South. There has been an increase in clearances, 148 hearings were held and the postponement rate was currently at 5%, 27% of cases were agreed, 40% withdrawn and 26% were decided.

3.2 Andrew Hetherton noted that the postponement rate is higher in the north

compared to the south, and wondered the reason for this; this was due to a number of appeals listed being postponed due to a medical condition of a particular agent. Tom Emlyn Jones pointed out that at the previous meeting it was reported that 86% of appellants attending a hearing had their cases dealt with by the panel and queried the position on cases being adjourned for insufficient Tribunal time on the day. It was highlighted that case management of hearings has improved, although this does occur on occasions. Tony Masella reported that the number of cases requiring a decision has increased from 2% to 3%, indicating more Tribunal resource is required.

3.3 Tony Masella stated that there are still a substantial number of bundles received at the two week point which are subsequently agreed closer to the hearing date. During the last meeting it was reported that 48% of submissions received were settled prior to the hearing, this is now approximately 50%. In a recent review of evidence bundles received for 2010 Rating List appeals he had noted that these are not formatted logically and that some professional representatives were submitting everything to the Tribunal without having regard to format. Lengthy email exchanges are included in submissions and staff have to sift through lots of unnecessary and repeated information to find the relevant points. There is, therefore, much benefit in the format of evidence bundles to be standardised; this would be discussed with the E-comms Group to agree a prescribed format which meets the requirements of the VTS. It was pointed out when submitting appeals under CCA they are required to be submitted under a standard VTE approved process, so it is important that the profession is educated early regarding expectations. Gary Garland stressed the importance of submitting a good skeleton argument as this is always read first and sets the scene so that the main issues of a case are clearly understood.

3.4 Jon Bestow pointed out that the Billing Authorities (BA) continue to have massive difficulties presenting cases. The ability of BA staff being able to progress appeals and correctly apply regulations is a major concern and this is causing council taxpayers to vent their frustration at VTS staff. VTS staff have spoken recently at IRRV Forums being held across England. The benefit of this exercise is awaited.

4 Simpsons Malt Ltd Upper Tribunal Decision

4.1 Tony Masella explained that the recent Upper Tribunal judgment has been helpful in supporting the direction of travel being adopted by the VTE. He was concerned with some of the fake news this has generated in certain quarters. It was important to note that this judgment referred to appeals under an old suite of Practice Statements revised in July 2017. He added that there is still a role for automatic strike outs for total non-compliance and that in situations of partial compliance the Denton test is being used before a sanction is imposed. The judgment also made clear that parties must settle cases rather than let them run to a hearing wherever possible.

4.2 Tony Masella confirmed it is not correct to say postponements won't be granted by his staff, but it was important that the disclosure and exchange process was adhered to and that only when bundles have been submitted would postponements be looked upon more favourably. Gary Garland highlighted that if parties have a genuine reason why they can't comply with directions requests will be considered but the VTS must be informed early, otherwise parties will need to attend the hearing to request an adjournment. Tom Emlyn Jones asked if the number of reinstatement requests is known; whilst the actual

number was not available at the meeting Jon Bestow confirmed that these were low numbers now. Gary Garland added that a good reason needs to be provided for a request.

5 CCA

5.1 Lee Anderson reported that three appeals have been received; two are unrepresented appellants and one by a small agent (as opposed to a national agent). The first case will be heard at Leman Street on 13 March 2018. Due to the low volume of appeals it is possible to micro-manage them to ensure our processes are tested appropriately and that the appeal process stage runs smoothly.

5.2 There was frustration that the issues surrounding the VOA IT platform have yet to be resolved and Mark Higgin suggested that this may be an artificial position because no main agents are involved yet; it was possible there will be an influx of cases at some point. Tony Masella explained that he planned to meet with the VOA to discuss the journey of CCA.

5.3 Andrew Hetherington pointed out that the VOA had published figures for the period 1 April to 31 December 2017 showing that 12,840 checks and 1,210 challenges have been registered; 8,720 checks have been resolved leaving 4,120 outstanding and 420 challenges have been resolved leaving 800 outstanding.

5.4 Tony Masella expressed his concern if no dialogue between the parties was taking place prior to the issue of the VO Determination, this could give rise to appeals being made without a clear understanding. Mark Higgin raised the question of submitting information at a later stage; Jon Bestow confirmed from the regulations that parties must either agree for additional information to be included or it must meet the criteria (new grounds cannot be introduced). Evidence should only be introduced at a later point in the process if it was not available for inclusion earlier, but if parties cannot agree the VT will decide.

6 Consolidated Practice Statement revisions

6.1 A revised Consolidated Practice Statement comes into force on 1 April 2018; the changes should be advantageous to parties and are highlighted in the summary which was published on the VTS website. The main changes are that Default judgments have been stopped and a standard form will be put in place to deal with review applications. The new form will ensure all relevant information is provided regarding the grounds for a review. It is anticipated that this will ensure applications are turned around much quicker. Changes have been made to the IT system which will come into effect on 1 April.

7 Council Tax Reduction – appeals update

7.1 There were no matters to discuss under this item.

8 Any other business

8.1 Tom Emlyn Jones questioned whether agents were required to attend hearings if a 2010 appeal had been agreed but the agreement form hadn't been fully signed. He was of the opinion the panel should just ratify the agreed figures and not treat it as an agreement to protect the interest of clients in case the VOA did not update the List. He had been told that recently an agent had to attend a hearing just to ask for the figures to be confirmed despite the case being agreed, which he didn't think was necessary if the case is settled. Advice was given that if a case is agreed and the form fully signed the appeal will be marked as such and removed from the hearing agenda. If the case is agreed but forms not fully signed, if the same figure is confirmed in writing by both parties those figures will be confirmed. Where the agreement is signed by one party and the figure not confirmed by the other party(ies), the agent should attend the hearing to substantiate the valuation being requested. Michael Pearce added that this particular situation was in respect of the closure of the 2010 Rating List and that the Rating List is updated every two weeks. In the unlikely event an agreement was missed and the List not updated, it would be a matter for the agent to take up with the VOA and the error would be rectified. It is not for the VTS/VTE to police agreements.

8.2 Jon Bestow reported that there will be several interesting decisions issued shortly:

- 'Safenames'
- 'Thames Tower'
- An interesting MCC case on 'Alton Towers'
- A class F appeal where a person died intestate.

9 Date of next meeting

9.1 The meeting closed at 1:05 pm. The next meeting will take place on Monday 11 June 2018 at Leman Street.



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Tony Masella
Chairman