



## Valuation Tribunal Users' Group

### Minutes of the Meeting held at 120 Leaman Street on Monday 17 December 2018 at 12:00 pm

<b>Present:</b>	Tony Masella	VTS & Chairman of the Group
	Lee Anderson	VTS
	Jon Bestow	VTS (Registrar)
	Gary Garland	VTE President
	Mark Higgin	RICS
	Blake Penfold	RICS
	Jerry Schurder	RICS
	Tom Emlyn Jones	RSA
	Tim Johnson	RSA
	Andrew Hetherington	IRRV
	Louise Freeth	IRRV for CTR
	Michael Pearce	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 Gordon Heath (IRRV), Alan Colston (VOA), Stuart Moss (VOA) and Mike Heiser (LGA).

#### Minutes of the meeting held on 27 September 2018

2.1 The minutes of the meeting held on 27 September 2018 were accepted as an accurate record and confirmed.

#### 3 VTS/VTE update

##### 3.1 *Workload statistics for 2010*

Lee Anderson presented workload statistics to reflect the reporting period up to 30 November 2018. He added that there was nothing exceptional to report in respect of Council Tax appeals for the period April to November, the rates of receipt and clearance are consistent year on year, and the number of appeals is reducing.

3.2 In respect of NDR appeals, he highlighted:

- 79,000 appeals were carried forward;
- receipts are low (although this could change as a result of Mazars);
- 56,000 appeals were cleared;
- 944 invalid appeals are outstanding.

3.3 Tom Emlyn Jones queried how many of the 79,000 outstanding appeals are pending cases; Lee Anderson did not have the figure to hand but estimated there are around 40,000 ATM cases, and a number of appeals are stayed as a result of the Canada Square issue. The VTS are currently listing 4,000 appeals per month.

3.4 Andrew Hetherington explained that it was currently difficult to obtain a meaningful understanding of the current position as the VTS and VOA statistics did not tally; a more consistent view of the position would be helpful. Lee Anderson explained that there is a regular quarterly publication date for statistics which cover the same period. However, it is important to note that what is reported on proposal statistics will not naturally tally with what the VTS reports on appeals. It was hoped that in future the VTS and VOA will be able to share data in respect of the 2017 appeals to ensure greater consistency.

### 3.5 *2017 Appeals update*

In referring to 2017 appeals, Lee Anderson reported:

- 35 appeals were received to the end of November;
- 18 appeals were carried forward.

3.6 Lee Anderson explained that all 2017 decisions are published on the VTS website and available if anyone wanted to read. He added that if there are any specific issues of concern around 2017 appeals please contact him.

## **4 RICS issues**

### 4.1 *2017 List appeal process*

Prior to the meeting Blake Penfold circulated comments from David Bullimore of Johnson Fellows of his observations during a recent hearing. Blake was concerned whether the comments Mr Bullimore made were regular occurrences at hearings or if this was an isolated occasion. Jon Bestow confirmed that he had spoken with the clerk officiating at that hearing who did not recognise Mr Bullimore's observations. He confirmed that contrary to Mr Bullimore's comments, both parties submitted traditional bundles at the hearing which did not contain any new evidence, the VO objected to part of the evidence but the panel found it wasn't new evidence and there was no attempt to have the appeals made invalid. Jon Bestow added that the appellant was successful in his appeal.

4.2 Tony Masella opined that the comments presented reflect more of a frustration in the challenge stage than at the appeal hearing itself. Jerry Schurder was of the opinion that the comments were not meant as a criticism, but demonstrated a lack of engagement with the VOA.

4.3 Lee Anderson explained that 90% of evidence should be captured during the challenge stage and that this point in the process should not be used as 'triage'. Michael Pearce confirmed his expectations that VOA staff are to be thorough when dealing with 'challenges', but there needs to be detailed evidence provided to enable them to respond to challenges. The question was asked how many appeals have been settled between the

challenge stage and the hearing; Lee Anderson confirmed that out of 31 appeals one was withdrawn and two settled by consent.

4.4 Tony Masella explained that it was becoming clear that rating practitioners may be finding it difficult to migrate between the 2010 and 2017 situation and that there appears to be an emerging need for the professional bodies to consolidate in issuing guidance to their members because the processes are very different. Mark Higgin agreed this would be useful but thought it would take at least six months to create such guidance with the RICS. Tom Emlyn Jones added that the RSA Forum will be creating a “Code of Conduct” which may be published sooner than the RICS guidance. This was felt to be very helpful.

4.5 Blake Penfold raised the question of whether separate fees were payable when submitting appeals where there are shared issues or multiple properties in the same street or unit. Tony Masella confirmed that regulations are very clear in that an appeal cannot be lodged without the appropriate fee being paid. Therefore, the relevant fee is payable on every appeal and it is not possible to pay one fee for multiple appeals. Gary Garland added that the regulations are laid down by Parliament and finding ways to circumvent the payment of a fee to lodge an appeal is unlawful.

4.6 Tony Masella asked if there had been any progress on the IT platform and when it is anticipated appeal volumes will become significant? The professional bodies explained that their members are keen to communicate electronically, but due to the ongoing problems with the VOA portal electronic communication is causing an obstacle to progress challenges. It was estimated that it would be another 10 months before volumes of appeals would materialise.

4.7 Mark Higgin raised the issue of Regulation 9(9) and new information being passed to appellants. Michael Pearce confirmed that documented ‘step by step’ stages have been provided to VOA staff and all are aware of the importance to share relevant evidence. Gary Garland opined that the process appears to be being made more difficult than it should be. The process is simple; both parties have to exchange evidence and discussions need to take place. Chris Sykes confirmed all VOA staff have been instructed to ensure all evidence is included in their initial response; the only exception would be when evidence was not known when their response is issued.

## **5 IRRV issues**

### **5.1 *Council Tax Reduction – appeals update***

Lee Anderson reported that the volume of appeals remained consistent. He stated that Billing Authorities (BA) regularly fail to provide the necessary documentation for hearings and as they do not always attend hearings this can cause problems because they are not in attendance to answer any questions relating to the case or their submissions. Jon Bestow added that there are still problems occurring where BAs do not pick up discretionary relief early enough in the process.

5.2 Jon Bestow reported a recent incident of bad behaviour by the BA representative during a hearing, which was so serious the President has submitted a formal complaint to the CEO of the BA. The individual was rude, refused to follow the Chair’s direction and bordered on being racist towards the appellant and their representative.

5.3 Tony Masella expressed concern at the standard of cases presented by

representatives and explained that he was considering arranging training events in the new year to the VOA, rating practitioners and BAs to educate parties on tribunal procedure.

5.4 Due to the confusion surrounding certain elements of the Dannhauser decision a test case will be heard by the President. It was noted that an OU student case was stayed recently because the two lawyer members could not agree; this case will be re-listed and heard by the lawyer members together with the President.

## **6 RSA issues**

6.1 Tom Emlyn Jones asked what action can be taken to ensure a swift alteration to the rating list after a VT decision? He expressed concern that following VT decisions there can be lengthy delays before the VOA update the rating list, which is not only frustrating but unfair to his clients.

6.2 Tony Masella had recently been made aware of the same problem experienced by a particular agent where a Tribunal Order had been issued but not affected. Michael Pearce confirmed that the rating list is altered within two weeks following a decision or agreement and was, therefore, most concerned if this was not happening. He asked for any issues to be escalated to him for investigation.

6.3 Chris Sykes stated that regular 'housekeeping returns' are run, which are monitored and any delays are investigated. He advised that if delays are experienced please contact the VOA so the matter can be investigated.

6.4 Tom had found that if agreement forms are sent to the group inboxes rather than direct to an individual, the process for giving effect to alterations is quicker.

## **7 Any other business**

7.1 Jon Bestow advised that the decision on the Royal Opera House had been issued. Michael Pearce asked how quickly decisions are published on the VTS website; it was confirmed there is a weekly download.

## **8 Date of next meeting**

8.1 The meeting closed at 1:25 pm. The next meeting will take place during March 2019 at Leman Street; the date will be circulated in due course.



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Tony Masella  
Chairman