VALUATION TRIBUNAL SERVICE

Issue 8

December 2007

Valuation In Practice

VALUATION TRIBUNAL SERVICE

News in Brief

Local Government and Public Involvement in Health Act 2007

In receiving royal assent at the end of October, this Act establishes a single Valuation Tribunal for England, headed by a national president. The current 56 valuation tribunals in England will be abolished, although the existing jurisdictions will transfer to the new body.

In addition to a national President, the Act enables one or more Vice-Presidents to be appointed.

Business rate supplements: a white paper

This White Paper sets out the Government's proposal to introduce a power for local authorities and the Greater London Authority (GLA) to raise and retain local supplements on the national business rate. The proposed model for business rate supplements involves four levels of protection for business:

• Revenue from supplements will only be available for spending on economic development – such as infrastructure.

• A national upper limit of 2p in the pound will be set on the level of supplements that can be levied.

• To protect smaller businesses from disproportionate burdens, properties liable for business rates with a rateable value of £50,000 or less will be exempt from paying

(continued on Page 2)

A big welcome to Dr Christina Townsend, the new Chief Executive of the VTS for England

We welcome Christina (Tina) to her new role which she took up in July 2007. Tina was previously the Chief Executive of the Appeals Service Agency and led work to improve customer support for users who were often socially disadvantaged, disabled or mentally ill. Tina also successfully led that organisation into the Tribunals Service.

At earlier stages in her career, Tina was the Chief Executive of the NHS Training Agency and Chief Executive of Edexcel, a service charity providing vocational and academic qualifications.

Inside this issue:

Special points of interest:

Brunning & Price Ltd v Owain Wynn Cowell (VO) LT 2007– page 4

JW Brown & Sons v Burnt Fen Internal Drainage Board LT 2007– page 4

supplements.

• Where the supplement will support more than a third of the total cost of the project, there will be a full ballot of businesses affected.

Revenues from supplements will be locally raised and retained, with local decision-making on the duration of any supplement and the specific projects it should be spent on.

The Government intends that that only the highest tier local authority in any area should be entitled to levy supplements. These authorities will be able to cooperate to raise supplements to fund joint projects, within the existing statutory framework. In London, the power will rest with the Greater London Authority. Shire counties will be required to consult their districts on any new supplement proposals. The Government will consult on technical issues before finalising.

Institute of Revenues Rating and Valuation (IRRV) 2007 conference update-Brighton

Two of the interesting presentations on the Valuers' day were from Blake Penfold on material change of circumstances (MCC), and Jerry Schurder's review of exemptions and reliefs.

Blake expressed his view that the smoking ban was an MCC. He also warned that the introduction of empty rates, although not in itself an MCC could give rise to events that were MCC events, as the change could for example lead people to demolish buildings.

Blake expressed concern at the requirement for the appellant to give details of the passing rent at the date the proposal was submitted for an MCC. He also considered it unfair that the material date for an MCC appeal was the date of the proposal, whereas for a Valuation Officer Notice (VON) it was the date that the circumstances giving rise to the alteration occurred. Blake's view was that the material date should be the same for both.

Jerry Schurder expressed his concern that the Government had not taken more time to consider Lyons' review and believed that, particularly as they cost the Exchequer over £2 billion per annum at present, all reliefs and exemptions should have been reviewed to prove that they were still fit for purpose.

Jerry reminded delegates that:

- Agricultural exemptions cost around £300-450 million. He considered that the VOA should have been asked to value all of the agricultural properties, not necessarily to bring them back into rating but to find out the true cost.
- Lyons had indicated that empty rates should be reduced, not removed.

Jerry explained that £724 million was being given in Mandatory relief and questioned whether it was right for this to continue to be applied to charity shops which had changed their source of goods in past years, as this approach could appear to receive unfair trading advantages.

Jerry's view was that the Transitional Relief scheme (cost £821 million in 2005/2006), could be improved by adding 1-1.5% to the Uniform Business Rate to make it self financing. This would allow people to benefit from downward phasing straight away. He also pointed to the anomaly that the present system subsidised businesses that were doing well and who did not need any help.

Finally, he commented that hardship relief was rarely given, as it was difficult for Billing Authorities to prove that hardship would otherwise be sustained by the actual occupier and that it was in the interests of their CT payers to grant them it.

First to introduce– Kirklees Council introduces a council tax reduction scheme for those aged 65 and over

Kirklees Council, at Huddersfield, West Yorkshire, is the first council to introduce a council tax reduction scheme for those aged 65 and over, using the provisions set out in the Local Government Finance Act 2003 allowing Billing Authorities the right to set their own discounts. Under this scheme people receive a 3% discount in their council tax bill, if:

- one of the tax payers was aged 65 or more on 1 April 2007;
- the property in the Kirklees area is their main home; and
- they were not claiming any council tax benefit.

Graham Beckett, Revenues Manager at Kirklees Council explained that the council has received more than 18,000 pensioner reduction claims. There have been no appeals against the Award or non award of the reduction. A similar scheme is planned for next year. However, the final decision has not been taken by their elected members.

Simon Wright, the Chief Executive for the Valuation Tribunal Service for Wales

Simon Wright, the Chief Executive for the Valuation Tribunal Service for Wales (VTSW) says: “I am delighted to have been given the opportunity to lead the VTSW, as it seeks to forge a unified public service across Wales”.

Simon was appointed as the Chief Executive of the VTSW in April 2007. Simon started his working career in the 1980s in the electricity industry. His career in the industry spanned 14 years and, after the industry's privatisation, he played an instrumental role in developing and implementing the energy industry's Code of Practice for Marketing - the door step selling of gas and electricity by 'rogue traders' having become something of a national scandal.

He then decided to cross the River Thames and join an educational charity at the forefront of the energy efficiency and sustainable development debate. He rose to become the charity's Operations Manager and as such oversaw projects from Cornwall to the Outer Hebrides, via Brighton, London and Sheffield.

In 2003 Simon become the Executive Director for a housing and project management company based in the West Midlands where for the next three years he was responsible for delivering private sector housing programmes for many of the larger Metropolitan and City Councils - Birmingham, Wolverhampton, Sandwell, Walsall to name but a few.

Before joining the VTSW, he spent six months working for the Wales Council for Voluntary Action, as their first Funding Advice Co-ordinator, specifically tasked with raising the profile of the Third Sector, as it sought to increase its participation in the delivery of public services.

VTS Customer Surveyors and VTS exhibition stand

As a learning organisation we are committed to improving the service we provide to our users. Your views are important to us.

Appellants

This is the third year that we have commissioned an independent telephone survey of appellants who have represented themselves at a hearing. Detailed analysis is underway, feeding into regional action plans, but we can report a steady improvement in levels of overall satisfaction with the service we provide. Taking into account whether the appellant won their case or not, and base-lining to 2006 results, the increase in satisfaction rating is up 5% to 78%.

Nationally, the improvement is particularly noticeable in the service people felt they had been received before the hearing. This is an area that we put considerable effort into as a result of the previous year’s survey, for example by improving our notices and literature, offering a DVD showing what happens at a hearing, carrying out active case management and arranging indicative time slots for individual cases at a hearing.

Rating Agents and VOA offices

We are very grateful to those who returned our summer questionnaires. Your responses have provided some very useful feedback on specific issues that we need to consider and address.

- 92% of VOA staff (of 25 responses); and
- 88% of agents (of 83 responses)

rated our overall service as either very good or good.

Further analysis is taking place as we speak.

Billing Authorities

We have also sought views of local authority staff attending valuation tribunals and have received over 120 responses to date (big thank you!) . These will be analysed shortly, but the headline for us is that over 80% of you have rated our overall service as either ‘very good’ or ‘good’.

VTS exhibition stand at IRRV Conference, October 2007

The stand team (Lester Bertie, Grahame Hunt, Diane Russell and Helen Warren, shown here with Tony Masella) was again in action at the Brighton venue for the IRRV exhibition, with additional support from Marian Jones from our Croydon office – Big thank you Marian!

Thanks to those who visited us, or at any rate did not put up too much of a fight when dragged onto the stand. We had lots of interest, including from firms of bailiffs who wanted to be able to tell those they are levying distress on about their rights of appeal. We had 221 entries for our light-hearted competition, more of which is in our ‘And finally…’ section on page 9 of this newsletter.

Superior Court Decisions– Lands Tribunal cases

Brunning and Price Ltd v Owain Wynn Cowell (Valuation Officer) (VO) LT 2007 RA/25/2005

The appellant appealed against the decision of the North Wales VT who had confirmed the assessment in the 2000 rating list of a public house and premises known as Glasfryn, Raikes Lane, Sychdyn, Mold at £70,000 Rateable Value (RV).

The appeal property's original entry in the 2000 list had been £29,500 RV. However, in 2003 the property had been extended and its entrance reconfigured. The appeal property had traded in its present form since December 2003. The VO had increased the appeal property's RV by notice to £70,000 RV from September, 2004. However, both parties accepted that the revised RV should have taken effect from the 1 April, 2004.

Mr Richard Glover appeared as counsel for the appellant with Mr Timothy Morshead as counsel for the respondent VO. The expert witness for the appellant valued the appeal property at £31,500 RV. Whilst the expert witness for the respondent, valued the appeal property at £83,000 RV, he did not asked the LT to alter the existing figure of £70,000 RV.

The LT, NJ Rose FRICS, having considered the evidence allowed the appeal and ordered that the appeal property's entry in the 2000 rating list be altered to £62,500 RV with effect from the 1 April, 2004.

In reaching its decision the LT found that there were no reliable trading figures available for the appeal property until after the completion of the physical alterations to the property which had given rise to the appeal. In view of the length of time which had by then elapsed since the antecedent valuation date, it meant that it was not possible to carry out a reliable toning back exercise. The fair maintainable receipts (FMR) of Glasfryn therefore fell to be calculated by reference to the agreed FMRs of comparable pubs, as reflected in the agreed rating assessments. Of these the LT considered six to be of assistance in the valuation, with their valuations suggesting a wide range of assessments of between £40,000 and £70,000 RV for the appeal property.

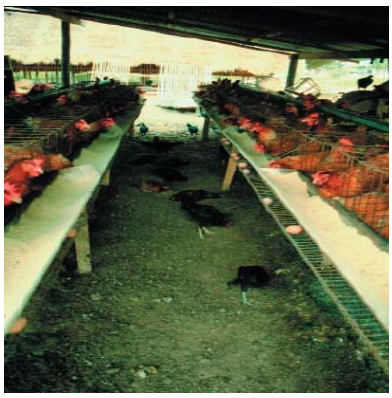
A number of subsidiary issues were also considered:

- the extent of the difference between the operating abilities of the appellant and those of the approved guide's competent publican. In this case the LT agreed that the appellant was an operator of exceptional ability: since 1997 he had received 260 unsolicited and unpaid for recommendations from a variety of publications, including 20 county or national awards from four independent bodies;

- the proportion of the trade at Glasfryn which was attributable to the proximity of the civic centre and neighbouring buildings: the LT determined this to be no more than 10%, given that the appeal property did not actively seek or encourage trade form the complex which had its own licensed bistro;

- the weight to be given to the appellant's budget forecast of £936,249, for the un-extended property, made on 14 December 1999, in respect of the year to 30 June 2000. Whilst this proved to be a conservative forecast, the LT again held that little weight should be attached to this, as this level would not have been achieved by a publican of average ability.

JW Brown & Sons v Burnt Fen Internal Drainage Board 2007 RA/63/2006 RVR part 10 2007



P R Francis FRICS, at the LT, allowed an appeal that had been made by the ratepayer.

Following changes to his farm in 2004, which included the giving over of a cropping area to a free range egg enterprise, the appellant's drainage rates had been increased from £15,000 annual value to £24,300 per annum, effective from 1 October 2004.

The principal issue between the parties was the method of assessment of the poultry building of 1,480 m², which had a capacity to house 12,000 birds and included an egg packing room and a chiller store.

The appellant contended that the Suffolk VT had erred in supporting the drainage board's assessment, which had been reached by valuing the poultry building by reference to a table of comparables and then adding this valuation to the original assessment. The ratepayer pointed out that this method of valuation went against section 41 of the Land Drainage Act 1991, which required the valuation to be obtained by considering the whole holding.

Using information available from farm management books, the appellant re-analysed the whole farm and arrived at a revised figure of £15,000. (Continued on page 5)

In upholding the appeal, the LT confirmed that the appellant had undertaken precisely the exercise that was required under the Act and that his valuation at £15,000 had been based on the best evidence available.

High Court News

A decision made by the Manchester North Valuation Tribunal, to accept the increase in traffic noise on the M61, as a physical change for the submission of a valid council tax valuation appeal, has been appealed by the Valuation Office Agency (VOA). The case is due to be heard at the High Court, on 18 December 2007, ex-parte, with the VOA presenting both sides of the case.

Valuation Tribunal Corner

Council Tax liability decisions

Please note that council tax liability decisions do not appear on our website

Sole or main residence of couple with separately owned properties – Cumbria VT

The appellants (Mr and Mrs A) lived together in a jointly owned house until 2003, when they separated. Mrs A then went to live elsewhere in Cumbria with their son in a house (Property X) that she bought from Mr A. Mr A became the sole owner of the original property, in which he remained until he sold it in January 2006. He then bought Property Y, which was only half a kilometre from Property X, in June 2005 and occupied it in the following January.

Mr and Mrs A married in November 2005, although there had been no plans to do so until a month before their wedding. They regarded themselves as independent people and although committed to a stable relationship they each continued to live in and maintain their own homes.

However, refurbishment work to Property X caused Mrs A to store her furniture and possessions in two rooms and to move into property Y from February 2006 until June or July 2006, when she moved back to Property X.

The appellants' contentions were that Mr A should have been treated as solely resident at Property Y and Mrs A at Property X. Mrs A submitted that the case law cited by the Billing Authority (BA) was not relevant as it did not accord with the circumstances in this case. Media coverage and government statistics were referred to concerning the large number of people who lived in separate homes from their partners, to illustrate that the appellants' circumstances were not particularly unusual.

The BA referred to decisions of higher courts in support of its contention that it was usual for a married couple to live together in the normal sense of the phrase and that separate ownership of the two properties did not change this. In the BA's opinion, Property Y was the sole or main residence of both Mr and Mrs A.

Cumbria VT acknowledged that the circumstances in this case differed in several respects from those in existing case law. It found the following factors to be persuasive:

- The fact that Mrs A and her son had on occasions stayed overnight at whichever of the two properties was convenient, depending on what they had been doing during the day.
- Mr and Mrs A's marriage and the legal and contractual implications that flowed from it.
- The fact that Mrs A and her son had lived full time, albeit temporarily, at Property Y in 2006.

The tribunal concluded that the BA had correctly treated Mr and Mrs A as resident at Property Y and dismissed the appeal.

Work or study? Students fail the University Challenge- London North East VT

A liability appeal to reinstate two student exemption certificates was dismissed by London North East VT when it was held that their 'working placements' denied them their student status.

The two Loughborough University students had been held liable to pay council tax by the London Borough of Waltham Forest (BA) despite holding student exemption certificates; a third Loughborough student occupier at the same residence successfully retained his exemption despite all three working for the same employer.

(Continued on page 6)

The BA accepted the latter student's placement was an integral part of his programme of study but contended the certificates for the other two students (on similar Economics courses) indicated they had been granted a 'leave of absence' from their respective programmes of study for the 2006-2007 academic year.

The BA maintained the definition of 'student' was set down in Council Tax (Discount Disregards) Order 1992, as amended; it required attendance at the educational establishment, whether that was at the University itself or another place as in the case of a placement in connection with the course of study being undertaken. The BA argued the two subject work placements were not in pursuance of the stipulated courses and the individuals had to re-register for their courses for the subsequent academic year; neither appellant passed the student test.

Representing both 'students', the appellant contended each had kept their student status since starting in 2004. He argued that the University had granted both students a leave of absence *'in order to undertake an industrial placement'* and said each was entitled to Class N exemption under the Council Tax (Exempt Dwellings) Order 1992.

Central to the appellant's case was the interpretation of the legislation, specifically paragraph 4(1) (b) of schedule 1 of the (Discount Disregards) Order 1992. He said the BA had misdirected itself by wrongly applying the *'requirement'* in the context of relating to the course itself (the number of weeks attendance normally required and the number of hours study normally required by the course in any week during the academic year) and not to the individual circumstances of students on the course at any given time. He said the purpose of paragraph 4(1) was to define a 'full time course of education', a fact not in dispute by virtue of his student certificate. He also referred to government guidance on intercalating students that had been given in the Council Tax Information Letter No.5 in respect of Council Tax benefit, which stated:

"In our view a period of intercalation will remain within the period of a course (the amendment in SI 1996/636 described above helps clarify this) and therefore, provided that person remains enrolled at the educational establishment, they will continue to fall within the definition of a full-time student."

The tribunal found the BA's interpretation of para 4(1) (b) to be correct in that attendance may be required otherwise than at the premises of the educational establishment. However, para 4(1) (b) was qualified by para 4(1)(c) which provided that the nature of the course shall be such that a person would normally require to undertake study, tuition, or work experience; the subject case related to the 'work experience' element of the course and whether the work experience was part of the course.

The tribunal found the appellant had not corroborated his statement that either student had been granted a permissible leave of absence by the University. In contrast, the annotated certificate for the third student clearly indicated the fact he

maintained a placement for the 2006-2007 academic year and that it formed an integral part of his course.

Paragraph 4(2)(a) of schedule 1 of SI 1992/548 provided guidance on work experience - to the effect that the work experience had to be part of the curriculum of the course. The circumstances of the appellant and his cohort failed to meet the statutory terms. Therefore, the appeal was dismissed.

Council tax valuation decisions

Flat in a closed hotel- Hertfordshire VT

This decision from the Hertfordshire VT was in respect of a flat located within a closed hotel. The issue concerned whether works carried out to incorporate part of the former hotel into the flat should be considered as an extension or the creation of a new dwelling.

The appellant occupied the flat and had carried out the work to incorporate the lower part of the hotel into the flat to form a larger dwelling. Work was done to enlarge the flat over a number of years by incorporating bits of the former hotel accommodation into it to form a house. The appellant argued that the work was, in effect, an extension to his existing dwelling and as such its banding should not be increased until a relevant transaction took place.

In contrast, the Listing Officer (LO) argued that the work that the appellant had carried out was not an extension, but the creation of a new dwelling and should therefore have the effective date of when the work was complete.

The tribunal decided that as both the rating and valuation lists had entries relating to this property, the works had in effect merged part of a composite hereditament with another part to form a new hereditament. Therefore, it was not an extension: No new accommodation was created, it had all taken place within the existing external walls. The work done was therefore viewed as a re-constitution rather than an extension. As no relevant transaction was required to trigger such a list alteration, the effective date was determined to be the date when the list was altered.

A full copy of this decision can be found on the VTS website- Appeal No 1910468395/017C

Banding of an old period property- Suffolk VT

This decision concerned a very old period property in rural Suffolk. The matters in dispute were:

- the effect (if any) on value of fairly major disrepair items;
- over the number of habitable rooms including bathrooms;
- the effect of having half of the garden split off and a new house built on it; and
- the LO's comparables being very different properties in different locations, whereas the appellant had produced a number of similar properties located in the same village as the appeal property.

Regarding the disrepair, the appellant explained that conversion that had been carried out in 1977 had been done cheaply, as a result many of the timbers had split and some let in water causing severe rot. However, the LO pointed out that none of these factors could be taken into consideration, as under the council tax regulations a property had to be assumed to be in a reasonable state of repair.

It was accepted that even though the landing had been described as a room by the estate agent selling the house, it could not be used as a permanent bedroom. The original bathroom in the house had also been divided by a previous owner to create two very small rooms, which were only 17 inches wide and therefore he intended to merge these back to form one bathroom.

The appellant accepted that when banding modern houses, the evidence that could be obtained from comparables of similar design would be of significant importance. However, he questioned the relevance of comparables to very old period houses where no two were the same.

The tribunal determined that it should attach most weight to the actual sale price of the appeal house and the local comparables that had been produced by the appellant. The tribunal accepted in the light of this evidence and having regard to the amount of useable space at the appeal property, that it had been over assessed. Therefore, the appeal property's entry in the valuation list should be reduced the band from F to E.

A full copy of this decision can be found on the VTS website- Appeal No 3505462330/025C

Was the mooring of a boat sufficiently permanent for it to be treated as a dwelling -Teesside VT

The appeal property was a boat moored at Hartlepool Marina. The appellant sought its deletion from the valuation list on the basis that it was not a dwelling because its mooring was too transient.

It was not disputed that the boat was the sole or main residence of the appellant and his wife. Their boat was moored near to a shared access/walkway and they had to pay for all services. The water supply was from a hosepipe and their electricity supply could be disconnected at any time by the marina. The appellant described the boat as a 'Cruiser style' boat, although he did accept that it was not a sea going vessel.

The appellant said that the terms of the mooring agreement were such that he had no right of tenure at a particular mooring and the marina could require him to move the boat to any other part of the harbour. After discussions with the marina authority, he had in fact moved the boat to the other side of the marina on the day before the hearing. The appellant felt that the boat should therefore not be subject to council tax.

The LO's representative said that in his opinion, the boat was essentially a houseboat, moored in the internal waterway of Hartlepool Marina. It was not used as an open sea going vessel or a passenger cruiser.

He stated that, under Section 66 of the Local Government Finance Act 1988, if the boat was the sole or main residence of an individual then it should be treated as a dwelling. He noted that it was agreed that it was the sole or main residence of the appellant and his wife.

He referred the tribunal to extracts from the VOA Council Tax Manual, which advised that where a boat was enjoyed with land and this enjoyment was of a non-transitory nature, the two together formed a single hereditament. As a general rule, where a boat occupied a mooring for a substantial period of time – such duration would usually be for 12 months or more – it should be entered into the valuation list, even if it moved away for brief periods of say two to four weeks, provided it then returned to its original mooring or pitch.

He concluded that even though the boat did not have exclusive rights to a particular pitch or mooring, it occupied the land with sufficient permanence and should therefore be classed as domestic property and included in the valuation list. He asked the tribunal to confirm the existing entry.

(continued on page 8)

The tribunal found that the appellant's boat enjoyed a degree of permanence and attachment to the land. It did not move away frequently or for long periods of time and therefore it would be incorrect to value only the mooring. Although the appellant and his wife did not have exclusive rights to the particular mooring, the boat was their sole or main residence and it occupied the land with a sufficient degree of permanence for it to be classed as domestic property and included in the valuation list at band A. The tribunal therefore dismissed the appeal.

A full copy of this decision can be found on the VTS website- Appeal No 0724458100/102C

Non-domestic rating decisions

Optician blind to the definition- Central London VT

Central London VT saw through the arguments to dismiss an appeal on a shop, in London's Royal Exchange, used by opticians for over 100 years.

Situated close to the corner of Threadneedle Street and Royal Court, the property was well situated and benefited from busy footfall.

A tenant since 1994, the appellant argued his RV of £62,500 was excessive, compared to his rent of £49,500 per annum, which had been set at its review in 1999, to apply until the expiry of his lease in December 2004.

He also cited restrictive covenants on user clauses. When the lease had expired in December 2004 it had been held over until October 2006 at the same rent, but with a six-month break clause.

The respondent Valuation Officer (VO) contended the 1999 rent was too distant from the Antecedent Valuation Date (AVD) of 1 April 2003 to be reliable. He referred to 10 leases on comparable shops at the Royal Exchange settled between January 2000 and July 2006. When analysed, they produced prices ranging from £2,147 to £3,725m². Those closest to AVD were agreed at £2,284m² and £2,566m² although the wider picture indicated a trend of £2,600m².

Additionally, rating appeals on nine comparable Royal Exchange shops had been settled at a zone A price of £2,300m². The VO had adopted £2,300m² in assessing the appeal property at a RV of £62,500.

In its decision, the tribunal noted the definition of RV as "an amount equal to the rent at which it is estimated the hereditament might reasonably be expected to let from year to year"; it also found the valuation date to be 1 April 2003. Accordingly, the tribunal held the 1999 rent was too remote from the AVD to be helpful. The tribunal afforded greater weight to rental analysis on the neighbouring retail units and, in its isolation, the tribunal found the subject rent to be significantly below the rents passing in April 2003.

Further, the tribunal found that a licence agreement in force from December 2004 did not constitute an annual letting of the property. Consequently, the agreement did not satisfy the definition of RV. The appellant himself had proffered in evidence that the shop could have been let for £60,000 - £65,000pa in 2004.

The tribunal found the two rental settlements (closest to April 2003) to be significant evidence of a zone A price of £2,300m² and confirmed the £62,500 valuation.

A full copy of this decision can be found on the VTS website- Appeal No 503010019363/058N05

Valuation of factories and warehouses in a former Enterprise Zone, Forest Town, Mansfield- Nottinghamshire VT

Four of the appeal properties were located in the former Crown Farm Enterprise Zone, which had ceased to exist from 22 September 2005. The fifth property was located approximately 1.5 miles to the south of that zone. The hearing of the appeals was consolidated and the issues were as follows:

- The extent, if any, to which weight could be attached to the available rental evidence.
- The extent, if any, to which a tone of values had become established in the locality for such properties.
- What weight, if any, was to be placed on the evidence of comparable properties in other locations?
- In the light of the tribunal's conclusions regarding the above issues, and taking into account the individual circumstances in

(Continued on page 9)

each appeal, what was the correct rateable value for each of the subject properties?

The VO argued that a rent agreed for one property in the zone area, after the Enterprise Zone had ended, was tainted as a result of the existence of that zone. He preferred to rely on evidence of the settled assessment of comparable properties in the locality. The tribunal concluded that some assistance could be derived from that rental evidence. The tribunal did not, however, place weight on adjusted rental evidence from when the Enterprise Zone had existed.

The tribunal considered that whilst the evidence of three settled assessments may have pointed to a tone of values becoming established, it remained possible for that tone to be varied, in the light of further evidence.

The tribunal concluded that it was

appropriate to consider the evidence relating to comparables in other locations. It was regarded as probable that a tenant, fresh to the scene, would have taken such an approach.

In the light of its findings, the tribunal determined revised rateable values for each of the appeal properties, reflecting their individual circumstances. Whilst the values determined fell between those contended for by the parties, the valuation of their basic main spaces was more in line with the rates that had been requested by the appellants.

A full copy of this decision can be found on the VTS website- Appeal No 302510383636/037N05.

And Finally

A big thank you to those of you who visited our stand at the IRRV Conference held in Brighton.

We had 221 entries into our Fantasy Tribunal competition, where we asked you to select your fantasy tribunal from 24 random celebrities.

The top three celebrities selected were Homer Simpson, Jose Mourinho and Helen Mirren!

We judged the entries under the categories of 'sensible' and 'silly'.

The entries were very close and the combinations used were amusing. However, there could only be one winner in each of the two categories and the winners were:

'Sensible' category - Roger Littlewood from HBOS.

Roger's selection was Homer Simpson as Chairman, "*given he is the ultimate arbiter!",* with "JK Rowling, "*because she appreciates a good story"* and Carol Vorderman, "*because she can do her sums"* as his members.

'Silly' winner- Andrew Taylor from Preston Borough Council.

Andrew's selection was Johnny Wilkinson as Chairman, "*because he could kick the appeals into touch*", Boy George, "*who would be lenient to both sides*" and Gary Lineker, "*who would be all ears!"* as his members.

We look forward to seeing you all again next year!

VALUATION TRIBUNAL SERVICE

Fair, effective and efficient

VALUATION TRIBUNAL SERVICE

LPAC Team
Wendy Bowen Benyon IRRV
Phil Hampson
Brian Hannon Tech IRRV
Janet Lopez
Diane Russell BSc MCLIP
David Slater IRRV
Helen Warren MA (Hons) IRRV –Editor

Grahame Hunt - Graphic Design, IT support

Chief Executive's Office
VTS
Block One
Angel Square
1 Torrens Street
London
EC1V 1NY

Tel no. 0207 841 8700
Fax no. 0207 837 6131

Any views that are given in this newsletter are personal views and should not be taken as legal opinion.

www.valuation-tribunals.gov.uk