VALUATION TRIBUNAL SERVICE

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Valuation In Practice

Valuation Tribunal for England: Important changes from 1 October 2009

1 October 2009 brought a very important change in how council tax, drainage rate and non-domestic rate appeals are handled in the future. The Valuation Tribunal for England (VTE) replaced the 56 separate valuation tribunals that were spread throughout England.

As a result of this change, the overarching name of 'Valuation Tribunal' will now be used for many of our public-facing activities to provide a single focus on the judicial and administrative functions provided by the VTE and the Valuation Tribunal Service (VTS). The President of the VTE is Professor Graham Zellick CBE, its judicial head. The VTS remains a non-departmental public body governed by a Board and administered by its Chief Executive.

New regulations have been laid very recently, which cover procedures and the appeals process. There are some important changes as a consequence, such as:

- The previous appeals regulations for council tax valuation and non-domestic rating are revoked.
- Parties may apply to the VTE for directions in writing before the day of the hearing, or orally at the hearing. The VTE may also issue its own directions. If an appellant appoints a representative, they must let the VTE know in writing before the hearing date.
- Presidential discretion to accept an appeal made out of time is extended from applying to council tax appeals to appeals against penalties and non-domestic completion notices.
- Legal notice of a hearing date has been reduced to 14 days, with the ability for the VTE to give shorter notice with the parties' consent, or in urgent or exceptional cases. However, our standard notice of hearing will remain 4-6 weeks.
- Withdrawal of an appeal must be in writing to the Valuation Tribunal.
- A 'panel' will normally comprise three members; however it may be any number if the President so directs, provided that at least one of them is a senior member, (that is drawn from the panel of Chairmen). The parties' consent is not required.

For more information, please contact the office that you most regularly use, or the Head Office, 2nd Floor Black Lion House, 45 Whitechapel Road, London E1 1DU.
Tel: 020 7426 3900
Email:ceo.office@vto.gsx.gov.uk

The new regulations are contained in: VTE (Council Tax and Rating Appeals) (Procedure) Regulations 2009 SI 2009 No 2269; Council Tax (Alteration of Lists and Appeals) (England) Regulations 2009 SI 2009 No 2270; Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009 SI 20092268; Valuation Tribunals (Consequential Modifications and Saving and Transitional Provisions) (England) Regulations 2009 SI 2009 No 2267; VTE (Membership and Transitional Provisions) Regulations 2009 SI 2009 No 2267.

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Special points of interest:

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Superior Court decisions

High Court (HC) decisions

R (on the application of Fayad) v London SE (VT) and Lewisham LBC [2008]-PhD Student not exempt and definition provided of 'to attend or otherwise'

The appellant was a PhD student. The Asylum and Immigration Tribunal had held that he was a student for immigration purposes. However, in August 2005, the London SE VT determined that he was not a student for council tax purposes. The appellant had applied for judicial review in March 2007, the delay being because he had been out of the country.

The HC held that:

- Although the case should have been appealed within four weeks of the VT decision, there was jurisdiction to allow the High Court to consider the matter.
- The Asylum and Immigration Tribunal's decision had little relevance, because that tribunal was addressing different questions against different statutory backgrounds.
- The appellant was not a student for council tax purposes because he was not undertaking a fulltime course of education, as defined in Schedule 1 para (4) of the 1992 Order, since in that definition 'attend' meant to 'physically attend'.
- The words 'to attend' were followed in the parenthesis by the words 'whether at the premises of the establishment or otherwise'. Whilst the billing authority (BA) raised the possibility that the words 'or otherwise' might mean 'to give their attention to' rather than 'attend', Neil Garham QC concluded that this would be incorrect. He stated that the only natural reading of these words indicated a provision that students were normally required to attend at some identified place and if attendance meant to give their attention to, it would be surprising in the extreme if there were then a separate discrete condition as to the activities to be carried during that period of attendance.

Consequently, as the appellant was not required to attend at a particular place when writing up his thesis, the appeal was dismissed.

Lever v Southwark London BC [2009] EWHC (Admin) 536- entitlement to job related second home discount.

In this case the HC agreed with the decision reached by the London SE VT that the appellant was not entitled to receive the 50% second home discount that was appropriate for someone who had to reside in a 'job related' property.

The subject property in this case was a London flat that was owned by an investment company of which the appellant and his daughter were directors. Para 1 (a) of The CT (Prescribed Classes of Dwellings) (England) Regulations 2003 referred to a dwelling provided to an employee where it was necessary for the proper performance of the duties of their employment that the employee should reside in that dwelling.

The HC agreed with the VT that there must be a link between the duties of the employment and the place where the person had to live, and not just be a matter of personal choice. On the facts of the case the HC also concluded that the appellant didn't actually reside in the dwelling, since residency connoted a situation of some permanency, as opposed to where someone may stay occasionally twice a month or twice a year.

R (on the application of Kinsley) v Barnet Magistrates Court and Barnett London BC [2009] EWHC (Admin) 464- VT making its own conclusions

A decision of the London NW VT was quashed by the HC because the VT had extended its own enquiries.

In the case presented by the BA, the appellant was considered to be liable to pay council tax, as the resident owner, under regulation 6(2) (a) of the Local Government Finance Act 1992. Whilst the appellant contended that he did not live there and others occupied the appeal property, the VT reached the conclusion that there was no one resident and the appellant should be liable under s 6 (2) (f), as the owner.

The HC quashed the VT's decision, given that the way it had extended its own enquires did not allow the appellant the opportunity to address the issue on which the VT's decision was based.

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Lands Tribunal decisions

Re: The Appeal of Kendrick (VO) RA/59/2007- Airport lounges at Heathrow

The Lands Tribunal (LT) held that the 10% allowance the London NW VT had given to the rateable values placed on the airport lounges at Heathrow to reflect the effects of 11/9/01 on the values of these hereditaments should be removed. The LT decided that there was no material change of circumstances on which a successful proposal could have been funded on the basis:

- The terrorist events of 11/9 were a past happening.
- Statute required all properties to be valued at an antecedent valuation date and the loss of footfall in airport lounges would have been affected by the wider recession in the global economy and the trading difficulties of some of the airline operators at that time.

Interesting VT decisions

North Yorkshire VT- Sole or main residence of a student

On 1 May 2008 Mr B, the owner, his wife and two daughters permanently left the appeal property, a large detached house in Melton, to live in Jersey. Mr B's eldest daughter remained at the appeal property as the sole occupant and a request was made by Mr B for her to be held liable for the council tax charge on the appeal property and that from 29 September 2008 she should be granted student exemption.

North Yorkshire Council (BA) accepted that Mr B's daughter qualified as a full-time student. However, they considered that Class N exemption was not warranted as the appeal property was not her sole or main residence, given that her educational establishment had stated that her term time address was an apartment within a hall of residence.

The BA pointed out that the education establishment was located 80 miles away from the appeal property and would take around 1 hour and 34 minutes to travel to. They also contended that it was normal practice for students to retain their doctor, dentist and bank near to their family home, which would be where they would return to, in order to visit family and friends at holiday times and weekends.

The BA had declined the student exemption but had awarded a 10% discount, as it regarded the appeal property as a 'second home', with Mr and Mrs B being held liable for the council tax charge.

Mr B argued that the appeal property was not a 'second home' or a 'holiday home' but was in fact the main residence of his daughter, explaining that there was a 'room' available for her at the university but this was during term time only. He argued that his daughter did not reside in the room and the time she spent there was mainly for daytime study purposes between lectures. It was also argued that his daughter had commitments that required her daily attendance at the appeal property, such as a cat, two horses and a pony.

Mr B's daughter spent most nights at the appeal property, plus every weekend, all holidays and study breaks, which represented a major portion of the year. Whilst she had been given the opportunity of moving away from the appeal property, she had stayed, her life, boyfriend, friends and pets remaining in Melton.

Mr B presented the VT with the following documents, which confirmed that his daughter's address was at the appeal property: student certificate, driving licence, student loan documentation and prescriptions. He also presented the VT with a signed statement from her, in which she confirmed that she had a small room at the university that she used for daytime study purposes and for the occasional overnight stay if she had had a late lecture or attended a social event. She likened her use of the room to someone spending an occasional nights in a hotel room.

In arriving at its decision, the VT had regard to the Court of Appeal case of *R (Williams) v Horsham District Council [2004],* in which the Judge stated that usually a person's main residence would be the dwelling that a reasonable onlooker, in possession of all the facts, would regard as that person's home.

The VT took the position of the reasonable onlooker and

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and examined the factors for and against treating the appeal property as a main residence. The VT decided that it would be perverse to determine that Mr B's daughter's main residence was at the halls of residence, given the factors for doing so were far outweighed by those for treating the appeal property as her main residence. It was the view of the VT that a 'reasonable onlooker' in possession of all the material facts would also come to the same conclusion.

Therefore, the VT allowed the appeal and determined that Mr B's daughter's main residence had been the appeal property, continuously from 1 May 2008.

Listing Officer's acceptance that reductions in bandings can be given for temporary allowances- North Yorkshire VT

In a case brought before a VT in August 2009, both parties referred to section 6 of the Valuation Office Agency's (VOA) Council Tax Manual, Practice Note 4, which stated:

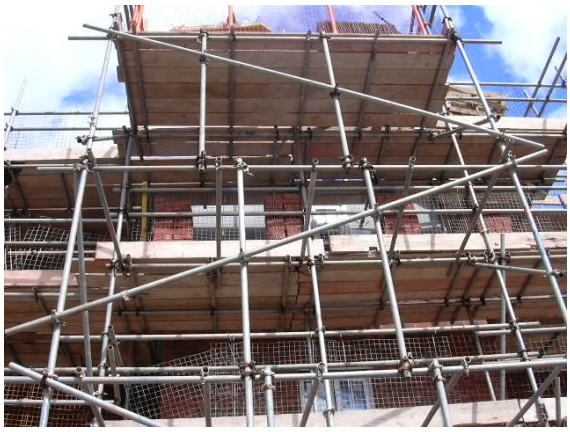
"The definition of 'material reduction' includes any reduction which is caused in whole or in part by any change in the physical state of the dwelling's locality.

Regulation 4 (2) which prevents reductions in banding due to the demolition of part of a dwelling where the reduction in capital value will only be temporary due to planned building works, does not apply to nuisances beyond the dwelling's boundaries which might temporarily affect capital value.

The situations where a temporary nuisance, (such as street works), as opposed to a permanent one (such as a motorway being built and opening adjoining the dwelling), will have a significant effect on capital value, are likely to be much fewer than where a temporary nuisance would have affected the rental value on an annual tenancy under the old domestic rating system. **However if it can be established that such a material reduction does sufficiently reduce the value of a dwelling to change its band then this reduction should be conceded.**

Where such a reduced banding is agreed it will not be possible to restore the band on the cessation of the nuisance as a change in the physical state of a dwelling's locality does not constitute a 'material increase'.

Including the effect of the cessation of a temporary nuisance in the valuation for banding will only be possible when there is an alteration to the banding for some other reason. In arriving at the banding for this other reason the 'physical state of its locality' will be



taken as being the same as at the effective date for that alteration and will therefore take into account the fact that the temporary nuisance has ceased."

The issue for the VT to determine was whether the adjacent building works, which had spanned a 18 month period would have caused the capital value of the appeal property (a flat in Harrogate) to have dropped enough to allow it to be placed into band A.

Through questions from the appellant and VT, it was established that the VOA had recently received new advice from their head office to confirm that it was possible to reduce a property's banding for a temporary allowance. This said, the LO did not consider it was applicable in this case. He was also unable to give any examples of where such an allowance had been conceded, as to date no one in the area they administered had been able to produce evidence that the capital value of a property had been affected to such an extent, that it would cause it to be placed into a lower band.

The appellant pointed out that:

- The works had commenced on 1 November 2007 and the majority had been completed by 1 June 2009, some 18 months in total.
- The works had started with the demolition of the existing single storey commercial unit adjacent to the appeal property's block. In its place two new ground floor units, together with five flats, on the first to third floors above, had been created. The photographs demonstrated the severity of their disruptions, being of a significant size to cause disruptions to both the front and rear of the appeal property's block. In particular, he highlighted that the works had been immediately next to the appeal property's entrance.
- At the same time four town houses had been constructed on the adjacent site to the rear, on Oxford Street.

In reaching its decision, the VT noted that both parties accepted that applications for a temporary material reduction could be considered, but only in cases where the temporary disability could be shown to have had a significant effect on the capital value of a property.

The VT looked first at the definition of material reduction that was contained in section 24 (10) of the Local Government Act 1992, which stated:

"material reduction, in relation to the value of a dwelling, means any reduction which is caused (in

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whole or in part) by the demolition of any part of the dwelling, any change in the physical state of the dwelling's locality or any adaptation of the dwelling to make it suitable for use by a physically disabled person'

Whilst on the face of it, the legislation did not prevent temporary changes in a locality from being taken into consideration, the VT was not totally convinced that this was what the original legislators had had in mind and noted in the case of a change to a building caused by demolition, any temporary reduction had been specifically excluded under regulation 4 (2) of The Council Tax (Alteration of Lists and Appeals) Regulations 1993/SI 290.

The VT also noted that unlike the non-domestic rating system, there were no specific regulations for reflecting temporary allowances and restoring the entries once the disruption had finished. In fairness, the VT could see instances where a temporary disruption, such as being located near to an opencast site, would adversely affect the capital value of a property until the site had been excavated. The VT also considered the uncertainty that appeared to have originally existed at the VOA could stem from the fact that initially it had been envisaged that any inconsistencies would be able to be addressed by regular revaluations, which had never materialised. Whilst the VOA had amended its guidance, the VT considered that even if the widest interpretation was given, most applications would fail on lack of evidence and agreed with the LO that the effect on the rental value of an annual tenancy was something that would be much easier to substantiate.

If an application for a temporary material reduction could be considered, this VT considered the following matters needed to be taken into account:

- the severity and duration of the works; and
- whether there was any evidence to show that a property's capital value had been affected.

Looking first at the severity and duration of the works, the VT accepted that there was sufficient evidence to show that the disruption would have affected the full enjoyment of the appeal property at this time. It also considered that a nuisance covering an 18 month period, was of sufficient duration to warrant consideration, albeit that the period of disruption appeared to have trebled, purely down to the decline in the economy, a factor that would not be applicable in 1991.

However, whilst the VT sympathised with the nuisance suffered, the next question to be addressed was whether there was any evidence to substantiate that the appeal property's capital value had declined whilst the works were being carried out.

Looking at the case presented, the VT considered that there was no evidence, only suppositions based on the personal opinion of the appellant, who had some expertise in the valuation field being a former employee of the VOA who had dealt with rating and council tax matters in Leeds and London. The problems the VT faced were:

- Flat 7, a 10 m² smaller flat, located directly above the appeal property had sold for £150,000 in July 2008, during the height of the works.
- Both parties accepted that the appeal property had originally been placed in band B, attracting a value of around £45,600 in 1991. However, during the period of the works, the appeal property had not been placed on the open market; therefore there was no evidence that the appeal property's value or the sale prices of any of the flats in the same block had dropped by 12.5% during the period of disruption to allow the appeal property to be placed in band A.
- The appellant had not even conceded a reduction in the appeal property's rental value to his former tenants, to reflect the disruptions they had suffered.
- Although the former tenants had vacated the appeal property in January 2009, the main reason for them leaving had not been because of the works.
- Whilst the works would have contributed to the difficulties the appellant had experienced in finding new tenants, the 6 month vacancy had also been affected by the current decline in the economy and the level of the passing rent, which had eventually been reduced.
- None of the other flats had sought reductions in their council tax bandings because of the works.

Accordingly, the VT considered on the case presented, there was insufficient evidence to reduce the appeal property's banding.

A copy of this council tax decision can be found on the VTS website: Appeal no 2715534864/105CAD

Rating of public conveniences- Cumbria VT

This case concerned the rateability of a public convenience located in Bootle, Cumbria. The issue before the Cumbria VT was of particular interest; given the rateability of a particular property was a matter that was seldom argued before it.

After giving careful consideration to the issues raised, the VT gave the following responses to the questions that had been raised by the appellant.

1. How did increasing the cost of operating toilets by levying rates help councils deliver best value for money?

Whilst the VT understood why the appellant had drawn a link between these two issues, it agreed with the Valuation Officer (VO) that for rating purposes it was irrelevant; the connection between

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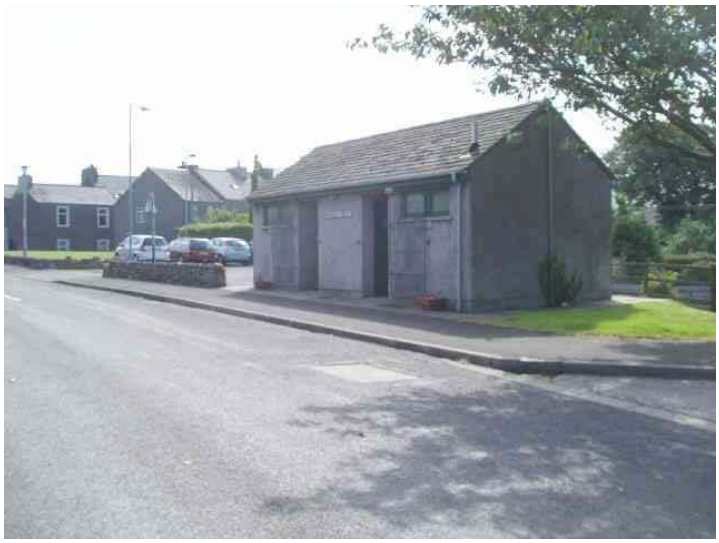
rateability and councils delivering best value for money were two separate issues. The VT's jurisdiction only gave it the power to determine whether a property was rateable or not under the Local Government Finance Act (LGFA) 1988 and it did not allow the VT to look at or comment on Government objectives and policies as a whole.



2. What benefit was Bootle Parish Council thought to derive from operating the appeal property?

Although much of the case law presented was 100 years old, the VT was legally bound by judgments made by higher courts. The cases presented clearly highlighted that a benefit could be obtained, even if there was no profit element. More importantly, the LT decision *Erith Borough Council v Draper (VO) [1952]* had clearly found that public conveniences were rateable; the provider being the person in rateable occupation. Having close regard to this judgment, the VT noted that the case was almost on all fours with the case before it, the only exception being that Bootle Parish Council did not own the building, but had taken over responsibility for the provision of this service from Copeland Borough Council. However, this latter point was largely irrelevant because neither Parish nor Borough Councils were legally obliged to provide these facilities. Accordingly, the principles set out in *Erith* applied to the appeal property; hence the appeal currently before the VT had to fail.

Other than on a legal level, the VT also noted that the evidence presented clearly demonstrated the appellant's desire to operate and keep this facility for the benefit of Bootle as a whole and for visitors to the area. Rather than see the appeal property close, the appellant had decided to maintain the facility and had received grants from Copeland Borough Council to enable it to do this. Accordingly, the appellant must have seen some benefit in operating the appeal property.

3. Did the VO's interpretation of 'beneficial occupation' as one of mere occupation undermine the entire basis of rating and suggest the absence of a selfless motive justified or desirable?

Generally speaking occupation of a property brought benefit to someone. However, the case put forward by the VO showed that mere occupation did not always lead to 'beneficial occupation': The two cases of *Hare v Overseers of Putney [1891] and Lambeth Overseers v London County Council [1897],* highlighted that the occupation of a property in itself was not enough to hold it to be rateable.

The VT commended the appellant's decision to maintain a public convenience in its village. Whilst undoubtedly the retention of this service stemmed from a selfless motive, for the good of the public as a whole, the appellant believed that the service was used by sufficient people that it would be missed if the public convenience closed and Bootle Parish Council had always received sufficient money from Copeland Borough Council to enable it to run the appeal property.

4. Why did the liability to pay rates on public conveniences change depending on whether or not they were located within or outside of a park, when in reality the same members of the general public were occupying/using the toilets?

All properties that enjoyed exemption from rating were contained in Schedule 5 of the LGFA 1988, of which public parks was one of the specified exempt types. The VT understood that unless entry to something in a park was restricted and/or required payment of a commercial nature, then everything within the park was exempt.

Whilst the VT appreciated why the appellant considered this to be unfair, in simple terms, the only way the appeal property could enjoy the same benefits as public conveniences in parks, was if the law was amended.

5. Had the time come to re-examine the rateability of public conveniences, particularly as 50 years had now passed since the last LT decision had been given.

The VT could only apply the law and had no powers to create new exemptions; this could only be done by Parliament.

Whilst the VT fully sympathised with the appellant and could foresee further closures of public conveniences in the future, it was an independent body, the independent nature of which prevented it from expressing its support or otherwise for any change in the current legislation. Any petitioning of Parliament

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therefore had to rest with the appellant.

Accordingly, the VT dismissed the appeal.

A full copy of this decision is available on the VTS website: appeal no 092014064009/127N05

Port appeal – VO challenged on dividing artificial hereditament- East Yorkshire VT

The East Yorkshire VT heard an appeal challenging the VO's authority to divide the assessment of the Port of Goole. This was not a valuation appeal but one challenging the entry in the list, made in 2008, but effective from 01 April, 2005.

Ordinarily, non-domestic property is valued for rating, according to the provisions of schedule 2 of the 1988 LGFA, with rental values forming its basis. Paragraph (b) of subsection 64(3) provides that "anything which would (apart from the regulations) be more than one hereditament shall be treated as one hereditament". Case law, *Gilbert (Valuation Officer) v Hickinbottom & Sons Ltd* [1956] 1 All ER 101 has held that, providing they are in the same occupation, where two or more properties are within the same curtilage or are contiguous to one another, they can form a new, single hereditament.

Notwithstanding this, statutory docks and harbour undertakings across England are assessed using the provision of regulation 5 of the Non-Domestic Rating (Miscellaneous Provisions) (No.2) Regulations 1989. This legislation seeks to limit only 'operational land' in use for the statutory undertaking to form part of the principal hereditament. The parties agreed that, if regulation 5 of the 1989 Regulations applied, the hereditament could form part of this cumulo.

For the 2000 rating list, the VO produced a single, artificial assessment encompassing most or all the land and buildings within the port; the panel was told this was typical of port hereditaments elsewhere in England. Individual occupiers of land and buildings would contribute their share of rates to the liable owner. The end valuation reflected a complex approach to the ports' income, as provided by the Docks and Harbours (Rateable Values) (England) Order 2000; this Order lapsed with the 2000 list.

For the 2005 list, VOs had reviewed their approach and stripped out from the artificial assessment all land and buildings they contended did not form part of the operational land of the statutory undertaking. In evidence, the appellant said that this decision had caused some 1,600 new entries in lists across England with a further 600 properties awaiting valuation. Despite their late inclusion into the lists, all had or would have April 2005 effective dates and the occupiers would be directly liable.

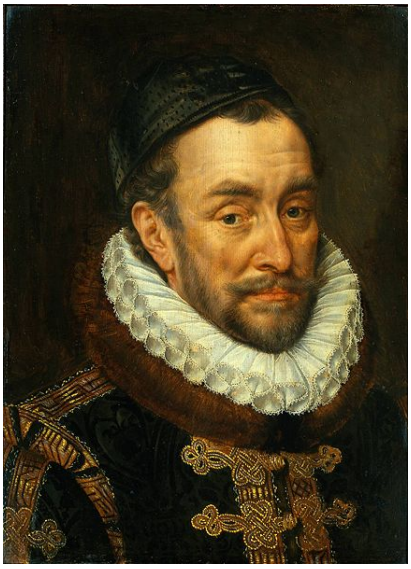
The panel found no new legislation was enacted for the 2005 list; regulation 5 of the 1989 Regulations continued to apply but, clearly, the VO had put a different construction on its words. No new order was made for the 2005 list, as regards the method of valuation. One obvious inference to be drawn was that, if the VO was right, the respective entries in earlier lists were inaccurate.
The appeal turned on available factual evidence, which strongly suggested the appellant exclusively and beneficially occupied the subject hereditament for his own purposes, notwithstanding that, at times, he may be obliged to undertake work for the statutory owner. The lack of evidence to prove the relationship between appellant and owner was a compelling feature in the decision. (The panel found the appellant occupier satisfied all four ingredients necessary for rateability- *Laing v Kingswood Area Assessment Committee* [1949] 1 KB 344).

In making its decision, the panel found regulation 5 still capable of adopting s.64 (3) (b) to ports, but the factual evidence must justify its application. In this case, it did not and the panel found the entry in the list was properly made.

A full copy of this decision can be found on the VTS website- Appeal no 200115108765/257N05

Special guest article– Geoff Parsons- Changing taxation- Into the 13th Century

William I was responsible for developing 'benefits', 'revenues' and 'taxation' in the way we may understand it today. Local affairs at the manorial level were in the hands of the Lords of the Manor. The Manor itself might be regarded as a self-contained



"taxation" unit for those within it but with some revenues being sent to the overlords and hence the king or directly to the king. The Lord of the Manor and the Church were the two "collectors of taxes". At the local level and at "county" level the Sheriff collected on behalf of the king.

In Issue 14 we considered the importance of common land and the rights of common as a 'benefits' stream. Rights of forest might also be mentioned as another source of benefits for the local tenants, e.g. in the form of estovers and pannage. These occurred all over England, but as Royal Forests were created by the king's "designation" of a rural area, life changed. Forest Law was introduced by William the Conqueror and strictly enforced to govern and protect the king's hunting rights and deer husbandry. The rights of commoners were respected in the Royal Forests, which were large areas of rural countryside including agricultural lands.

"Taxes" are other streams of revenue, although the word itself might not be associated as such. The word 'taxes' is used loosely to include:

Aid – essentially a "gift" of money given by the underling to his lord to help out when needed for say knighting a son or marrying off a daughter;
Knight's fee – a kind of death duty for land which was paid by an inheriting knight on the death of a tenant in the knight's service -
Heir's homage – on the death of a tenant a payment to a lord as homage or relief by an heir – in effect recognising the lord as such;
Wardship – the lord's taking of possession of and profit from a deceased military tenant's land until the young heir reaches majority - son (21 years) or daughter (14 years) – the lord cared for the children until majority and should not waste the land;
Marriage right – the lord's right to sell the marriage of a ward – the intended spouse was to be an equal to the marriageable ward;
Fines of alienation – a tenant who wished to grant a tenancy of his land could do so freely (but the lord's consent was usually sought). Lords sought fines and no doubt many received sums of money on alienation but the courts tended to allow free alienation with the exception of the king's direct tenants.
Escheat – somewhat different from today – when a tenant committed a felony his land was lost to his successors - the land passed to his lord.

Apart from being used by the Lords of the Manor for personal purposes, e.g. the knighting of a son or day to day living, some of the funds received would have been passed up the feudal hierarchy.

The need to meet military obligations would have been an important use of these monies together with the administration of the manor. Military obligations were the supply of knights and/or armed men to one's superior lord; they were known *knight's service* but as society developed it became increasingly difficult to cope with issues such as old or infirm knights, knights who had land by two lords and so on. As a result many knight's services were commuted to money payments from the knight-tenant and his lord, paving the way for another 'national' tax of the time –*scutage*.

In the period up to 1250 an increasingly sophisticated 'national' revenues and taxation 'system' developed. The *principles of taxation* were those that the incumbent king thought fit for his. However, kingly propensities towards extortionate taxation were gradually met by the principle of *taxation by consent.* More recognisable revenues into the King's treasury were:

Danegeld – originally Anglo-Saxon, it was certainly imposed in the early 12th Century (one supposes *virement* was allowed, i.e. in any absences of ferocious Vikings);
Geld – originally Anglo-Saxon, it was an annual (notionally) land tax at a given rate (less exemptions) – assessed upon the hide;
Ecclesiastical vacancies – periods when the King did not (or could not) appoint a bishop to a diocese – the king shared the *profit* of the estate no doubt;
Guild fees - Sums paid to the King for permission to form or reconstitute a guild by a group of craftsmen;

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Monopoly fees - Sums paid to the king for a trade monopoly;
Fines – Imposed for operating an association without a licence or warrant;
Feudal services – feudal payments from the king's barons;
Tallage – An impost on towns and boroughs which was assessed on movable property;
Scutage – a tax on the worth of knight's services where commuted to money payments;
Church tax – In 1199 the Pope took the opportunity to tax the Church and accommodated several English kings with a large sums from the proceeds raised in the British Isles.

At a different level of national and international life various happenings took place to increase the significance of taxation in England and Wales. Five periods of crusades resulted in the imposts of taxation by different kings in Europe. Examples include:

- In 1166 and 1185 a so-called *profits tax* on property and movables was raised by the King.
- In 1188 a tax known as the *Saladin tithe* was raised in the England and France to fund the Third Crusade – it was a 10% tax on movables belonging to non-crusaders.
- Later imposts and indulgences were raised by the Pope on the Church itself to raise monies for the Fifth Crusade.

From 1066 the Church became re-organised into strata of dioceses (down to parishes) with revenues from tithes together with fees for marriages, baptisms and burials. Gifts and indulgencies for the donor's soul were given and fees for the writing of wills, charters and other documents were taken. In 1199 the Pope imposed a tax on the Church – and used foreign *nuncio* in England for several years to collect the impost. Originally, in the latter Dark Ages, the tithes were imposed to benefit the poor parishioners and pilgrims but later came to benefit the incumbent (although it is thought the *quadripartitum* principle was applied in the British Isles). Towards the end of the 13th Century the kings began to tax the Church themselves.

It seems that the Pope and financial houses of Italy supported the kings in the wars with large loans which in due course would have to be repaid. As a result a new tax was introduced – customs duty – and charged on exports and, perhaps, imports. A tentative war tax at the turn of the 12th Century, it was well established by the end of the 13th Century.

By the end of the 13th Century taxation and revenues was essentially local in terms of the aids, wardships, fees, homages and the like. It had become national in terms of tallage, scutage, Church tax and customs duty. International flavours changed from Danegeld to Saladin tithe to the original Church tax by the Pope. International financial operations are evidenced by the "sponsorship" of the Norman invasion, the mortgaging of part of Norman France for crusading and the monies borrowed from the Italian financial houses. What is not overstated above is the beginnings of the gradual curtailment of the king's fiscal demands. Taxation by consent emerged – firstly, of the barons and secondly, in later the 13th Century, of the knights and representatives of the boroughs.

Geoff Parsons is a member of the IRRV and RICS. He is the editor of the estates Gazette's The Glossary of Property Terms and various other publications.

And Finally

Thank you to the 160 visitors who came to our stand at the IRRV Conference in Bournemouth and took part in our guess the banding competition. The properties on display included a houseboat, a converted windmill and a multi million pound property with stables, cinema and five swimming pools!

Most visitors managed to guess five of the seven bands, two visitors even got six right but there was only one winner that got all seven right- **Congratulations to Mrs Angie Hunt, Revenues and Benefits Administrator, West Oxfordshire DC** (on the right) who can be seen here collecting her prize from **Diane Russell, our Corporate Manager** (on the left).

New look website-more than just a change of address!

Visit us at:

www.valuationtribunal.gov.uk

The more observant will notice that our website address has only changed slightly- we have lost the hyphen between 'valuation' and 'tribunals' and made tribunals singular, given there is now only one VT for England!

However, along with the change of name, we have taken the opportunity to revamp our website.

(Continued on page 10)

Fair, effective and efficient

VALUATION TRIBUNAL SERVICE

Chief Executive's Office
VTS
2nd Floor
Black Lion House
London
E1 1DU
Tel no. 020 7426 3900
Fax no. 020 7247 6598

LPAC Team

Wendy Bowen Beynon IRRV
Brian Hannon Tech IRRV
Janet Lopez
Diane Russell BSc MCLIP IRRV
Helen Warren MA (Hons) IRRV –Editor
Grahame Hunt - Graphic Design, IT support

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

The photographs in this publication are for illustration purposes only and may not be of the actual properties referred to in the articles.

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New look website– Continued

We hope that you will like our modernised site which has benefited from changes brought about after looking at other websites that have won awards and obtaining views from User Focus groups. If we have achieved our objectives our new website will not only look better but will have a front page with clear menus and a clearer layout that can more easily be navigated.

We have tried to provide appeal areas that are specific to each user; where they can trace their footsteps and attempted to jargon bust common rating and council tax terms. We are, as always, interested in your views –so please log on and let us know.