



Valuation Tribunal Users' Group

Minutes of the Meeting held via MS Teams on Wednesday 3 March 2021 at 11:00 am

Present:	Tony Masella -	Valuation Tribunal Service (Chair)
	Lee Anderson -	Valuation Tribunal Service (Director of Operations & Development)
	Jon Bestow -	Valuation Tribunal Service (Registrar & Chief Clerk)
	Robin Evans -	Valuation Tribunal Service (Board Chair)
	Gary Garland -	Valuation Tribunal for England (President)
	Blake Penfold -	Royal Institution of Chartered Surveyors
	Simon Green -	Royal Institution of Chartered Surveyors
	Charles Golding -	Royal Institution of Chartered Surveyors
	Tim Johnson -	Rating Surveyors' Association
	Dennis Broughton -	Rating Surveyors' Association
	Andrew Hetheron -	Institute of Revenues Rating & Valuation
	Carla-Maria Heath -	Institute of Revenues Rating & Valuation
	Louise Freeth -	Institute of Revenues Rating & Valuation
	Michael Pearce -	Valuation Office Agency
	Chris Sykes -	Valuation Office Agency
	Mike Heiser -	Local Government Association
	Daniel Bellis -	Federation of Small Businesses
	Cain Ormondroyd -	Planning & Environment Bar Association
	Nicola Hunt -	Secretary

1 Welcome and apologies for absence

1.1 The Chair welcomed all attendees to the meeting and apologies were noted from Helen Zammit-Willson (Valuation Office Agency) and Roger Jones (Local Government Association).

2 Minutes of the meeting held on 1 December 2020

2.1 The minutes of the meeting held on 1 December 2020 were accepted as an accurate record and confirmed.

2.2 There were no matters arising.

3 Progressing remote hearings

3.1 Lee Anderson explained that remote hearings, implemented in September 2020, were progressing well and we have now moved from initially listing a reduced number of cases to each hearing to higher numbers since October 2020. Due to its success, listing volumes are now at pre-COVID levels.

3.2 Despite some minor teething issues, feedback from VTE members, parties and VTS staff has been positive. Microsoft Teams is the platform used and thus far has worked well. Following recent improvements by Microsoft, we are now able to utilise virtual 'break out' rooms, which will enable panel members to leave the main hearing to discuss cases in a virtual 'retiring room', replicating the normal procedure of a physical hearing.

3.3 The hearing programme for April 2021 remains focussed on remote hearings and it is planned that remote hearings will continue to be the default, although subject to COVID restrictions, some physical hearings where required may take place in November/December 2021.

3.4 Jon Bestow pointed out that VTE members were experiencing difficulties navigating some evidence bundles due to the plethora of duplicated documents contained within them. A project group has been set up with the aim of looking at ways of streamlining evidence bundles.

3.5 Gary Garland elucidated that the remote hearings continued to be an effective way of working, which had also resolved the geographical challenges faced when allocating hearings to members. He pointed out that parties do not have to travel to hearings and for some appellants it is less stressful to be able to participate from home. He recognised that some cases may not be suitable to be heard remotely, but this is the default position for this jurisdiction until current advice changes.

3.6 Tony Masella estimated that he could see 70% of hearings being online. Cain Ormondroyd requested clarification on the criteria for cases to be heard in a physical environment. Gary Garland advised that legislation gives him the power to determine the format of hearings and he would do his best to accommodate the requirements of all parties. Cain Ormondroyd was grateful for the clarification and added that his concern is how cross examination will work during an online hearing due to the three-way interaction.

3.7 Tony Masella requested those present to provide any feedback of remote hearings to be sent to himself, Lee Anderson or Jon Bestow.

4 Update on clearance of ATM appeals

4.1 Blake Penfold explained that the Supreme Court judgment also impacted on non-ATM appeals, one such matter was in respect of a delivery locker at a store which had been listed for hearing in April 2021. Discussions are currently underway between the ratepayers' professional representatives and the VOA in identifying such cases where this judgment may or may not impact. However, at this stage he would welcome a stay on listing the appeals pending the conclusion of the ongoing discussions between the representatives and the VOA. He added that if agreement cannot be reached it may be sensible to list these cases for a bespoke hearing.

4.2 Michael Pearce provided an update on ATM discussions between the agent group

and the VOA. The latest clearance figures are

- Type 2 (seeking deletion or merger) – 12,474 cleared; 1,274 outstanding
- Type 3 (proposals against value of host rather than seeking deletion) – 984 cleared; 14,114 outstanding
- Type 4 (superfluous) – 9,769 cleared; 13,533 outstanding
- Total – 23,227 cleared; 28,921 outstanding

4.3 Tony Masella requested a list of those non-ATM cases affected so that they could be stayed, subject to the agreement of the VTE President.

Action: Blake Penfold to provide the VTS with a list of non-ATM 2010 appeals which are affected by the Supreme Court decision

4.4 Tony Masella updated the Group on recent discussions with Cooke & Arkwright on their appeals where interested parties had now been identified and where these new ratepayers may see an increase in rate liability due to the ATM being merged with the host assessment. Discussion are ongoing with Cooke & Arkwright to identify the interested parties.

5 COVID MCC Challenges

5.1 Tony Masella reflected that there are currently circa 50k challenges in the pipeline, the clock on some of these started in October 2020. Michael Pearce confirmed no appeals have arisen yet, just the 50k challenges. There are a significant number of checks (circa 300k) also in the pipeline which could potentially translate into challenges.

6 Post lockdown working

6.1 Tony Masella elucidated that following the Government's publication of its roadmap, he was not planning to return to the office environment pre-September. It was noted that both offices are COVID compliant.

6.2 Tony Masella advised that the Leman Street office is COVID compliant and would be available for physical hearings once restrictions are lifted.

6.3 Jon Bestow elucidated that remote hearings provide far more flexibility, it is easier to construct a meaningful hearing day which isn't possible with physical hearings, resulting in higher clearance rates.

6.4 Lee Anderson reported that the current position on CCA appeals stood at:

- 944 registered appeals on the system
- 613 cleared (of which 396 received a refund)
- 331 live
- 230 settled by Consent Order

7 Electronic appeal receipts

7.1 Lee Anderson reported that at the beginning of the last financial year a service was

introduced which allows full online registration, information can be submitted and the fee paid against a single appeal entry. This works while volumes are still low, but once volumes increase the VTS need to be in a position to handle a significant number of receipts. Therefore, he is working with the agents and the E-comms Group to produce a secondary system which will allow batch appeals to be lodged. The main issue is around how payment can be facilitated when logging multiple appeals through an API.

7.2 The VTS is duty bound to use GovPay interfaces, and the payment link solution requires manual entry of appeal numbers which is not an effective way to control the system should the incorrect appeal number be entered. Following discussion with GovPay, some changes to the system have been proposed where a unique payment reference is created for a batch of appeals. An automated single payment link will be created and referenced back to the originating appeals through metadata. It is hoped this solution can be implemented early in the new financial year, ahead of an increase in appeal volumes.

7.3 It is recognised that submitting multiple appeals could cause credit card issues, however the VTS is keen to assist where possible. Dennis Broughton added that a lot of work had been carried out to progress this matter and that it is important it is resolved before COVID MCCs may cause a significant increase in numbers.

8 Any other business

8.1 Michael Pearce raised the issue where evidence bundles submitted at hearings by appellants were different to those exchanged during the discussion period and contained new material. He opined that panels do not always stick to the default position outlined in the Practice Statement and were allowing the late submission of new evidence, despite objections by VOA case workers with no exceptional reasons. He also explained that agents are requesting evidence from the VOA within 48 hours of the hearing, while they are permitted to seek additional evidence, the exchange of evidence should be concluded two weeks before the hearing as stated in the Practice Statement. He referred to a recent NDR case where a direction allowed the submission of a different evidence bundle to be submitted during challenge, and despite an objection the panel allowed it and postponed the case on the day. Michael expressed concern that this encourages ratepayers and representatives to not follow the process and was a fundamental breach of regulations.

8.2 Gary Garland opined that it is the responsibility of the individual panels to deal with cases as they see fit and it would be improper for him to second guess what happened when he hadn't seen the submissions. However, if panels are not following regulations and procedure it is a problem, but it was unclear if this was a widespread problem or a couple of isolated incidents. Regular training is provided to all VTE members and he felt it should be rare for evidence to be submitted late, and if so, there should be a very good reason and he would expect the panel to apply the rules. Panels will not allow new evidence because a party had not prepared their case properly. Gary stated the rules are clear and requested details of any cases where it appeared something was materially wrong to enable the situation to be monitored.

Action: Michael Pearce to provide details of cases where additional or new evidence was allowed despite objections by VOA staff

8.3 Jon Bestow advised that he had prepared guidance outlining what constitutes evidence to assist VTS staff and VTE members following some disputes on the admissibility of case law. Cain Ormondroyd asked if this guidance will be made public;

Tony Masella advised that it is only an internal document to provide training to staff and members. However, he added that while the document is for internal use the actual advice is public, it would be wrong to tell people what evidence is required as it is up to the parties to decide what information to submit.

8.4 Simon Green referred to the earlier discussion regarding evidence bundles and asked if there are any plans for the Practice Statement to be adapted to incorporate a Statement of Argument which would assist the members? Lee Anderson explained that work was carried out previously on CT cases with the BA and VOA, and guidelines produced on evidence bundles. CCA cases are fundamentally different and online registration does provide the format for submissions, however it is planned to provide some guidelines to ensure consistency of information provided to the panel in an agreed format at the front end of the registration process. Lee hopes to be able to share some guidance towards the end of March.

8.5 Lee Anderson reported that outstanding CT volumes were slightly higher because of COVID, however remote hearings are now reducing the backlog caused by the cancellation of hearings and it is hoped by Q1 2021-22 the level will be back to normal. The current position is shown below:

- CTL – 817 appeals, 175 listed for hearing
- CTR – 631 appeals, 116 listed for hearing
- CTV – 2,178 appeals, 431 listed for hearing

9 Date of next meeting

9.1 The meeting closed at 12:30 pm. The next meeting will take place on Tuesday 29 June 2021.



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Tony Masella
Chair