



Valuation Tribunal Users' Group

Minutes of the Meeting held at 120 Leaman Street on Wednesday 4 March 2020 at 11:00 am

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| Present: | Tony Masella | VTS (Chair) |
| | Lee Anderson | VTS |
| | Jon Bestow | VTS (Registrar & Chief Clerk) |
| | Gary Garland | VTE (President) |
| | Mark Higgin | RICS |
| | Blake Penfold | RICS |
| | Jerry Schurder | RICS |
| | Tom Emlyn Jones | RSA |
| | Andrew Hetherington | IRRV |
| | Carla-Maria Heath | IRRV |
| | Michael Pearce | VOA |
| | Jo Moore | VOA |
| | Mike Heiser | LGA |
| | Cain Ormondroyd | PEBA |
| | Nicola Hunt | Secretary |

1 Welcome and apologies for absence

1.1 The Chairman welcomed all attendees to the meeting and apologies were noted from Tim Johnson (RSA), Louise Freeth (IRRV), Helen Zammit-Willson (VOA), Stuart Moss (VOA), Roger Jones (LGA) and Daniel Bellis (FSB).

1.2 Jo Moore reported that Stuart Moss would no longer attend VTUG meetings; either Chris Sykes or herself will be attending in future.

2 Minutes of the meeting held on 3 December 2019

2.1 The minutes of the meeting held on 3 December 2019 were accepted as an accurate record and confirmed.

2.2 There were no matters arising; the actions from the previous meeting were closed as outlined below:

2.3 *Lee Anderson to ensure any missing 2017 decisions are added to the website*
Lee Anderson had made arrangements for all missing 2017 decisions to be published on the VTS website. **Action closed.**

2.4 *Tony Masella to review more prominence of VTS publications on the website*
The VTS website had been discussed during various meetings to hopefully improve user experience. This issue was discussed fully under item 4.4 on the agenda. **Action closed.**

3 IRRV Issues

3.1 *Council Tax Reduction update*

Jon Bestow conveyed that there continues to be issues with BA evidence bundles and pointed out that whilst the VTE do not require the full BA scheme to be provided, it is important that the extract submitted contains the complete section so that the Tribunal may decide upon the issue before them accordingly.

3.2 It was reported that Council tax liability decisions will now be published without redaction on the website, although parties can request their appeal is redacted and provide reasons for this. Carla-Maria Heath felt it is useful for BAs to understand what cases the tribunal is dealing with and publishing them can assist BA staff to interpret the law. It was noted that council tax reduction decisions will remain unpublished for the time being.

4 VTS/VTE Update

4.1 *Workload statistics for 2010*

Lee Anderson reported that there are currently just under 52,000 2010 appeals outstanding, the majority of which are linked to the Supreme Court hearing on ATM cases in mid-March 2020. Only around 1,000 of the outstanding 2010 appeals are able to be progressed at this point in time.

4.2 *2017 Appeals update*

Lee Anderson reported that as at the end of February:

- 328 appeals received
- 237 cleared
- 91 outstanding
- 156 agreed pre-tribunal or allowed by tribunal
- 90 agreed
- 66 allowed or allowed in part
- 21 withdrawn
- 60 dismissed
- 66% of fees were refunded

4.4 Tony Masella highlighted the large number of consent orders being issued. He opined that these increasing numbers of consent orders had been linked to situations where negotiations had resulted in an agreement, but the signing off of the agreements had not been acted upon by the ratepayer. This then resulted in a decision notice being issued, which prompted an appeal and an agreement of the negotiated value. This was not a practice recognised by the IRRV, RICS and RSA and it was queried why, if the values had been verbally agreed, the VO did not give effect to them in their decision notice?

4.5 Michael Pearce confirmed that VOA practice was to update the list within a week or

two of a decision notice being issued. Tony Masella asked if the VOA would be able to provide a breakdown of consent orders including background information; the VOA agreed to provide this data before the next meeting.

Action: VOA to provide VTS with a breakdown of consent orders issued

4.6 Mike Heiser thought it would be interesting to see 'end to end' stats showing how long the check and challenge stages take and the timeline for disposal by the tribunal. Lee Anderson confirmed he can report on how long it takes from receipt to clearance of an appeal, but he wouldn't be able to provide details of the complete journey. This would require both the VOA and VTS to share data to provide that level of detail. Tom Emlyn Jones wondered if a number of challenges are dealt with later than anticipated which could then encourage staff to issue decision notices quickly? Jo Moore stated that challenges are generally dealt with at the 12-15 months stage, and the deadline is 18 months. She explained that it may be possible to provide the journey time for some cases but she wasn't sure how you would choose which ones to report on. She added that the conversion rate from check to challenge is good at this moment in time and that the last published stats show approximately 10,000 challenges were dealt with.

4.7 Lee Anderson reported that February stats for CT appeals are:

- 445 CTV outstanding
- 193 CTL outstanding
- 198 CTR outstanding

4.8 *CTL/CTV Evidence bundles*

Guidance on CT evidence bundle submission for respondents had been previously circulated and was now published on the VTS website, which comes into effect for cases notified from 1 April 2020 as part of the move towards electronic hearings. Lee Anderson added that feedback from BAs had been positive.

4.9 Mike Heiser asked if the VTS could provide him with a link to the guidance to include in his next bulletin; LA agreed to do so.

Action: Lee Anderson to send the link to the evidence bundle guidance to Mike Heiser

4.10 Lee Anderson explained that for 2017 appeals the VOA decision notice is a key document as it contains all the relevant information. The expectation was that the evidence bundle for 2017 appeals would be centred around this to hopefully streamline the process.

4.11 Michael Pearce referred to the previous meeting where the template was discussed, which he understood would be circulated for comment prior to being published. While he agrees with the principle of structured evidence bundles, he was concerned with the resources for the LO to collate evidence bundles into the prescribed format when there is no control over what format appellants evidence will be submitted. He also questioned whether it was appropriate for the LO to summarise an appellants case.

4.12 Michael Pearce explained that there are also technical problems which mean the VOA will be unable to comply, for example the size limit of email attachments on the VOA system. He suggested a separate meeting to discuss this in greater detail and added that the VOA is currently working on a template which is similar to the VTS template which has

not yet been rolled out. Lee Anderson agreed that there needs to be discussion and that a structured approach is sensible.

Action: Lee Anderson to discuss electronic evidence bundles with Jo Moore

4.13 *Feedback regarding VTS Website re-vamp*

The improvements to the VTS website were discussed at the previous meeting and Tony Masella invited feedback from the Group. The following was noted:

- The two options on the front page of 'new appeal' or 'existing appeal' were considered confusing and not relevant to VOA or agents. The 'X' was not obvious and it was suggested there should be a third option if neither of the two current options were relevant rather than the X.
- Visitors to the site had difficulty finding the Consolidated Practice Statement (CPS); Tony Masella explained that this had already been rectified and that using the search facility was the easiest way to navigate to the document.
- The search facility for 2017 appeals is causing frustration; it was confirmed that this temporary area will be replaced by a new search facility which should be live by 1 April 2020.
- Michael Pearce pointed out that the link to the CPS 2019 was not working. *PMN: this was corrected following the meeting.*
- It was agreed that the website works well when accessed via a mobile phone or tablet.

4.14 Tony Masella advised that he would be delighted to receive any further suggestions.

5 RICS Issues

5.1 *Possible changes to Regulations for the end of the 2017 List under CCA*

Prior to the meeting Blake Penfold circulated a letter from the professional bodies (RICS, RSA and IRRV) to L A Hall, MP, regarding amendments to the CCA system at the end of the list. He referred specifically to page four which contained suggestions for amendment of the regulations and invited any suggestions or comments from the Group as this is a good opportunity to look at any changes which may be needed.

5.2 Gary Garland pointed out that evidence bundles should be a product of the end of the challenge stage, all evidence should come from the respondent when the appeal is submitted, which would be more efficient. He added that he is open to persuasion to anything which would make the process more efficient.

5.3 Jon Bestow felt it was strange where a case is considered complex the tribunal can't issue directions to bring the parties together where necessary, which can make progressing cases difficult.

5.4 While supporting the process of disclosure and exchange, Tony Masella was of the view that fettering the hands of the Tribunal on what evidence it could consider was not justice. He also felt that a Tribunal should have the power to issue directions as this would assist the moving forward of an appeal. Gary Garland was of the opinion that there should be discretion on the tribunal to allow additional evidence if it's relevant, to address those cases where evidence comes to light unexpectedly.

5.5 *Position of Expert Witness under SI 2009 No 2268 as amended by SI 2017 No 155*
Blake Penfold had been approached for advice on cases which are approaching the end of the challenge stage and the initial response to challenge was received at 17 months. Gary Garland explained that there appears to be confusion regarding what is evidence and what is persuasive argument. For instance, referring to a VTE decision is not evidence. It is argument, so it is admissible.

6 RSA Issues

6.1 Search facility on the VTS website for 2017 decisions and listings

This matter was discussed fully earlier in the meeting under item 4.4 of the agenda.

7 Any other business

7.1 Contingency planning for COVID-19

Michael Pearce asked if the VTS had got any contingency plans in place in the event of widespread contamination which would affect hearings. Tony Masella explained that the VTS Business Continuity Plan refers to pandemics. Michael asked if this would affect listings, to which Lee Anderson confirmed that the overarching BCP outlines steps to be taken and this matter is being discussed regularly during meetings. At this stage there is no plan to change the hearing programme unless things develop. Hearings may be cancelled if it is appropriate to do so but not at this moment in time. Tony Masella added that the VTS will be sympathetic to justified requests if people cannot attend hearings due to COVID-19. Michael Pearce confirmed that VOA guidance had not yet been amended but staff will be expected to follow it.

7.2 Jon Bestow confirmed that museums are still stayed despite some requests for affected cases to be listed. No changes will be made to the stayed list until after 13 March to see what is lodged and the situation will be reviewed.

8 Date of next meeting

8.1 The meeting closed at 12:40 pm. The next meeting will take place on 2 June 2020.



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Tony Masella
Chairman