



Valuation Tribunal Users' Group

Minutes of the Meeting held via MS Teams on Tuesday 8 March 2022 at 11:00 am

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| Present: Tony Masella - | Valuation Tribunal Service (Chair) |
| Harry Rich - | Valuation Tribunal Service (Board Chair) |
| Gary Garland - | Valuation Tribunal for England (President) |
| Blake Penfold - | Royal Institution of Chartered Surveyors |
| Charles Golding - | Royal Institution of Chartered Surveyors |
| Tim Johnson - | Rating Surveyors' Association |
| Dennis Broughton - | Rating Surveyors' Association |
| Andrew Hetherington - | Institute of Revenues Rating & Valuation |
| Michael Pearce - | Valuation Office Agency |
| Helen Zammit-Willson - | Valuation Office Agency |
| Chris Sykes - | Valuation Office Agency |
| Roger Jones - | Local Government Association |
| Bevis Ingram - | 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.

1.2 Apologies were noted from Lee Anderson (Director of Operations & Development), Jon Bestow (Registrar & Chief Clerk), Simon Green (Royal Institution of Chartered Surveyors), Carla-Maria Heath (Institute of Revenues Rating & Valuation), Louise Freeth (Institute of Revenues Rating & Valuation) and Mike Heiser (Local Government Association).

2 Minutes of the meeting held on 1 December 2021

2.1 The minutes of the meeting held on 1 December 2021 were accepted as an accurate record and confirmed.

2.2 There were no matters arising.

2.3 *(Michael Pearce to provide details of cases where additional or new evidence was allowed despite objections by VOA staff)* Michael Pearce will supply

details of the cases referred to previously in due course.

2.4 (*Helen Zammit-Willson to provide the VTS with projected figures of CCA appeals for the current List*) Helen Zammit-Willson provided the requested information following the meeting. **Action closed.**

2.5 (*Lee Anderson to review the wording of the evidence requirements guidance at section 1.4*) The wording at section 1.4 of the guidance had been reviewed and was discussed fully during the meeting. **Action closed.**

3 Update on appeals relating to more than one hereditament

3.1 Blake Penfold asked if any cases had been heard since this was discussed previously as it would provide some legal clarity on whether an appeal can relate to more than one hereditament. It was noted that it was unclear at this stage whether the appeal(s) in question will proceed. Should it be listed VTUG will be notified.

4 New penalty appeal types in 2026

4.1 During the meeting in December, Mike Heiser raised the subject of the new penalty appeals which could potentially fall within the jurisdiction of the VTS. Tony Masella advised that these were expected in 2026 and that it was still early days. However, he confirmed that the VTE/VTS would be keen in expanding its appeal types to include these appeals. Bevis Ingram, who was representing the LGA in Mike's absence, thanked Tony for outlining the VTE/VTS position.

4.2 Andrew Hetherington enquired how many penalty or failure to comply appeals the VTS are currently dealing with? The Chair agreed to provide the figures.

Action: VTS to provide the number of penalty appeals dealt with

5 Appeal workload analysis, including MCC COVID appeals received

5.1 Tony Masella reported the following in respect of CCA appeals:

- 1,099 live
- 1,070 cleared
- 2,169 received
- of the cleared cases 659 refunds were given to appellants and 411 fees paid into the consolidated fund

6 Listing of ATM appeals

6.1 The listing of ATM appeals had begun, the first cases to be listed are those which are not affected by the Supreme Court decision or where the parties are no longer in occupation and there had been no contact (circa 1k). The next ATM progress meeting will take place on 5 April 2022, when a plan will be finalised for

the remaining appeals. A lot of work has already taken place and continues to, Tony Masella passed on his thanks to those involved. Helen Zammit-Willson advised that the listings have generated contact with appellants which was really helpful.

7 Consolidated Practice Statement from 1 April 2022 (CPS)

7.1 It is normal practice for updates made to the CPS to take effect on 1 April. The 1 April 2022 CPS as revised was circulated for comment.

7.2 The principal change was to reflect the move from face-to-face hearings to online tribunals. If a party thinks their case is unsuitable for an online hearing they will need to submit a request for a face-to-face hearing detailing the reasons why.

7.3 Harry Rich welcomed the clarity regarding the move to online hearings as the default and added that it was clear from the research carried out that most parties prefer online hearings and that these changes have not been made just for the convenience of the tribunal. It was explained that where requests are received for face-to-face hearings cases will be reviewed individually, and the final decision will be made by the VTE President or one of the Vice-Presidents. Tony Masella added that while online hearings will be the default position, two hearing rooms are retained at Lemn Street if face-to-face hearings are required.

7.4 The professional bodies confirmed that online hearings have worked well and they were in support of this move. It was felt that Microsoft Teams provides an excellent platform.

7.5 There have been instances of odd practices during online hearings, such as cameras being switched off or individuals not sitting directly in front of their camera. It was stressed that the same protocols ought to apply online as they would in a hearing environment. Tony Masella confirmed there is guidance on etiquette on online hearings available on the VTS website as guidance to those planning for a hearing. This guidance would be reviewed to ensure best practice and etiquette for attending online hearings is clearly outlined. Once the guidance is reviewed it will be circulated to VTUG for onward transmission.

7.6 Gary Garland added that users are currently going through a phase of learning and that feedback on any issues is useful and enables the process to be improved where necessary.

Action: Review hearing guidance for remote hearings

7.7 Tony Masella explained that wherever possible panels will comprise of a minimum of two members. There will be occasions when a single member will preside alone, but this will be kept to a minimum.

8 Appealing decisions issued between 15 October 2021 and 14 February 2022

8.1 Tim Johnson raised the matter of appealing decisions issued between 15 October 2021 and 14 February 2022, as this is the period where decisions were made before the new regulations came into force. Previously when a decision was issued four documents were submitted, now only two are required. Tim requested clarification on how the logistics for appeals submitted during this period should be dealt with given that the guidance had changed and the issues experienced previously when documents were merged. Tony Masella explained that the guidance came into force on 14 February 2022 and that any appeals made post this date should follow the new guidance.

8.2 Dennis Broughton stated that he had been involved in this project to improve and streamline the process and explained that it has the potential to be successful, but hinges on the quality of the VOA decision document. If parties feel the decision does not include all the required evidence additional information will need to be added to their evidence statement. The guidance makes it clear that embedded documents are not acceptable. However, the VOA has been issuing decision notices containing links to documents not contained within it. Tony Masella expressed concern that VOA staff are adding hyperlinks to decisions or referencing standalone documents. This practice was disappointing given that Alison Gidman of the VOA had been actively part of this project. Helen Zammit-Willson and Michael Pearce agreed to feedback concerns to VOA staff to ensure this practice ceases immediately.

8.3 Helen Zammit-Willson reiterated her understanding that appeal submissions should contain two documents, the VOA decision notice and the appellant's argument. The decision notice should be a summary of what has been discussed and include a copy of the proposal, outlining what has and has not been agreed. She was not aware of the matter of inserting hyperlinks. Tony Masella requested that examples of notices where hyperlinks had been inserted to be shared with Helen and Michael Pearce, copying in himself and Lee Anderson, so that the matter can be resolved as soon as possible.

Action: Tim Johnson to circulate examples of VOA decision notices containing hyperlinks to the VOA/VTs for investigation

8.4 Concern was expressed that there is not enough space to include all evidence in a skeleton argument if the appeal relates to a large RV or involves substantial amounts of evidence or complex legal submissions. It was noted that it is not necessary to set out every single detail in the skeleton argument, just the salient points. The actual detail will be provided during the hearing orally. Gary Garland explained that the new format is an attempt to improve and simplify the process. It was important that submissions are succinct so that the Tribunal had a clear picture of what was in dispute and what needs to be considered.

8.5 Blake Penfold requested clarification that this protocol for evidence submission is part of the updated CPS and that it doesn't supplant the regulations as the regulations are prescriptive about what has to be submitted with a notice of

appeal. Blake opined that if the required information is not included in the VOA decision notice the appellant will need to submit it. Tony Masella confirmed his understanding. Blake felt the protocols should make it clear that this does not supplant Regulation 13C as he was concerned that, if this is not made clear, an appeal could be submitted which does not comply with Regulation 13C, thus making the appeal invalid. He was also concerned that, if VOA decision notices do not contain all the material required under Regulation 13C (and at present they do not) then it will become the responsibility of the appellant to remedy any deficiencies in the VOA decision notice. As well as resulting in unnecessary additional work for potential appellants, this will defeat the aim of the new guidance by resulting in large evidence submission documents from appellants, with associated formatting difficulties.

8.6 It was reiterated that the aim is for the decision notice to encompass all the required information, the appellant's document would be a referral to it as it contains all the evidence. If the VOA fail to include pertinent information, that will need to be included in the appellant's statement and the guidance on evidence submission reflects this. Professional bodies representatives expressed concern about the reformatting of documents that were either embedded in, or linked to but not included in, VOA decision notices.

9 NDR 2017 List evidence submission and its interaction with Regulation 13C of the ALA Regulations (as amended)

9.1 This matter was fully discussed under item 8.

10 Introduction of revised floor areas and additional rental evidence by a VOA representative at a VTE hearing

10.1 Blake Penfold expressed concern that on occasions additional evidence had been introduced by the VOA representative at a hearing and referred to a recent example where this had happened. Chris Sykes stated that he had investigated this and was confident it was an isolated incident dealt with by a new member of staff. He confirmed there had been no changes to the floor areas at the check stage, but the diligent case worker inspected the property a week before the hearing and found the areas were incorrect. Once it is known areas are incorrect it would be wrong to continue at the Tribunal with incorrect evidence, so the error was corrected. It was noted that late inspections are not encouraged by the VOA.

11 Any other business

11.1 A letter had been received at the VTS addressed to VTUG from an appellant. The individual remained of the opinion their property was incorrectly banded due to clerical errors and that he was restricted from challenging his band. As the manner of appealing was prescribed by Parliament, this was outside the remit of VTUG.

11.2 Tony Masella advised that Jon Bestow, the Registrar, will be retiring from employment on 31 March 2022 and recorded his appreciation and thanks for Jon's

contribution and input to the Group. The Group wished Jon every success in his retirement.

12 Date of next meeting

12.1 The meeting closed at 12:20 pm. The next meeting will take place on Monday 6 June 2022.

A handwritten signature in black ink, appearing to read "Tony Masella". The signature is fluid and cursive, with a large initial "T" and "M".

Tony Masella
Chair