



## Valuation Tribunal Users' Group

### Minutes of the Meeting held via MS Teams on Monday 20 March 2023 at 2:30 pm

<b>Present:</b> Tony Masella -	Valuation Tribunal Service (VTUG Chair)
Lee Anderson -	Valuation Tribunal Service (Director of Operations & Development)
David Slater -	Valuation Tribunal Service (Registrar & Chief Clerk)
Harry Rich -	Valuation Tribunal Service (Board Chair)
Ben Butler -	Federation of Small Businesses
Carla-Maria Heath -	Institute of Revenues, Rating & Valuation
Andrew Hetherton -	Institute of Revenues, Rating & Valuation
Louise Freeth -	Local Government Association
Simon Griffin -	Rating Surveyors' Association
Tim Johnson -	Rating Surveyors' Association
Myles O'Brien -	Rating Surveyors' Association
Charles Golding -	Royal Institution of Chartered Surveyors
Simon Green -	Royal Institution of Chartered Surveyors
Blake Penfold -	Royal Institution of Chartered Surveyors
Michael Pearce -	Valuation Office Agency
Helen Zammit-Willson -	Valuation Office Agency
Nicola Hunt -	Secretary

#### **1 Welcome and apologies for absence**

1.1 The Chair welcomed all attendees, in particular Simon Griffin to his first meeting as the incoming RSA President in April.

1.2 Apologies were noted from Gary Garland (President of the Valuation Tribunal for England), Mike Heiser (Local Government Association), Chris Sykes (Valuation Office Agency) and Cain Ormondroyd (Planning and Environment Bar Association).

#### **2 Minutes of the meeting held on 5 December 2022**

2.1 The minutes of the meeting held on 5 December 2022 were accepted as an accurate record and confirmed.

2.2 There were no matters arising.

2.3 *(Tim Johnson to draft VTUG guidance and forward it to Tony Masella and Michael Pearce for approval)* Draft guidance had been emailed the previous day; Michael Pearce agreed to formally respond once he had reviewed the document. If the wording is accepted it will be incorporated into VT guidance. **Action closed.**

2.4 *(Tony Masella to review representation of professional bodies on VTUG)* VTUG membership had been reviewed and the Terms of Reference updated. **Action closed.**

2.5 *(Lee Anderson to provide wording and links to the appeal search facility on the VTS website for publication)* Wording had been provided as requested. It had been circulated to the Chief Executives of all London boroughs by the Local Government Association. **Action closed.**

### **3 Terms of Reference for VTUG**

3.1 The revised TOR had been circulated. Tony Masella will chair the meetings and confirmed membership of the Group will comprise of two members (three with the express agreement of the chair) from the following professional bodies:

- Valuation Office Agency
- Institute of Revenues, Rating & Valuation
- Rating Surveyors' Association (President and Vice-President to allow for continuity)
- Royal Institution of Chartered Surveyors
- Local Government Association
- Federation of Small Businesses
- Planning and Environment Bar Association

3.2 In addition membership will comprise of:

- Chief Executive, Valuation Tribunal Service
- Board Chair, Valuation Tribunal Service
- Director of Operations & Development, Valuation Tribunal Service
- Registrar & Chief Clerk, Valuation Tribunal Service
- The President, Valuation Tribunal for England.

### **4 Appeal workload analysis**

4.1 Lee Anderson circulated the following appeal statistics (by type) which showed the position as at 1 March 2023:

Appeal Type	Awaiting Validation	Open Ready	Suppressed	Listed	Notified	Total
2005 Rating List Appeal					1	1
2010 Invalidation		203			474	677
2010 Rating List Appeal	4	2159	45		1328	3536
2017 Rating List Appeal	7	859	791	5	180	1842
CT Completion Notice	5	44	2		16	67
CT Invalidation	6	19			50	75
CT Liability	9	219	138	2	216	584
CT Penalty		1			5	6
CT Reduction	5	206	11	1	173	396
CT Valuation	21	879	22	5	545	1472
Non-Domestic Completion Notice		33	1		1	35
Non-Domestic Penalty-FOR		3				3
Non-Domestic Transitional Certification		12				12
	<b>57</b>	<b>4637</b>	<b>1010</b>	<b>13</b>	<b>2989</b>	<b>8706</b>

4.2 Lee Anderson was pleased to note the number of 2010 List ATM appeals had reduced to 3,536, of which 1,328 are listed to hearings during the next few months. 791 2017 List appeals are suppressed from listings as office fit-out appeals, these are now starting to be released and will be built into the listing programme.

4.3 Tony Masella advised that given the current situation regarding office fit-out cost appeals, the VTS would be looking to arrange meetings with relevant representatives to manage the clearance of these in the same way as the ATM appeals. This would focus VTE needs to those appeals where potential agreement could not be reached.

4.4 Helen Zammit-Willson confirmed that none of the outstanding appeals relate to COVID-19. She supported the approach being taken and would be issuing a communication shortly to professional representatives involved to engage discussions. Tony Masella requested the names of the representatives involved.

4.5 Helen Zammit-Willson was surprised to see an outstanding 2005 List appeal as she thought all 2005 List appeals in England had been cleared; Lee Anderson explained that following a reconciliation one appeal had not been transmitted correctly. This appeal had been listed to a hearing, but he understood this to be a non-contentious appeal.

## **5 Consolidated Practice Statement changes for 2023**

5.1 Following previous agreement that any proposed changes to the current Consolidated Practice Statement (CPS) would be circulated for discussion and incorporated from 1 April 2023, the amendments below were noted:

- PS3 – Removal of references to the issuing of bespoke Directions and the arrangement of case management hearings. This change now reflects that most complex case applications relate to non-domestic rating appeals where there are evidential restrictions on what the VTE can admit
- PS6 – Amendment to Transitional Relief appeals to reflect 2022 Regulations for the 2023 List. Legacy appeals (2017 List related) will fall under 2016 Regulations
- PS8 – Amendment to Model Procedure to reflect the need for parties who are abroad to seek permission before they can give evidence. Amendment also made to the Clerk's opening statement
- PS11 – Addition of an important note on Disclosure for CT and Completion Notice appeal types to advise appellants that if their appeal had been previously listed for a hearing, and a bundle produced by the respondent, the new set of standard Directions that accompany the notice of hearing can be disregarded as the parties remain bound by the earlier set that accompanied the previous notice of hearing.

5.2 Blake Penfold requested clarification in respect of PS3 Directions; David Slater confirmed that as the VTE is not empowered to make bespoke evidential Directions, the expectation of the Tribunal is that the parties will agree any additional Directions themselves and control the disclosure and exchange of new evidence. David explained that reference to bespoke Directions had only been removed because the majority of complex cases are 2017 List appeals, but he agreed to include this expectation in the revised CPS.

## **6 Update on stayed, complex and lead appeals**

6.1 David Slater provided an update of the outstanding stayed, complex and lead appeals. He referred in particular to:

- The Ludgate House issue was now resolved following the UT decision that it was a composite hereditament
- The Scientology appeals will now be removed from the stayed list given the absence of a VOA challenge to the UT decision
- London office fit-out appeals due to be heard were postponed pending anticipated settlement(s). Fit-out cost discussions will now fall under the direction of the working group to be established by the VTS
- Debenhams appeals remain stayed to allow further discussion; if they are not settled by the end of the month the stay will be lifted and they will be listed for hearing
- Pump Court (barristers chambers) will be heard in April
- Advertising rights will be heard in May
- Fridays of Cranbrook Ltd (agricultural exemption) is listed for a hearing in June

- A Tesco supermarket with an ATM, a test case on whether the VO was entitled to increase an historic assessment retrospectively, will be listed in July; the argument surrounds whether Regulation 14(7) of the VTE Procedure Regulations permits such alterations
- Imperial War Museum appeals have been postponed to allow for agreements. If unresolved they will be re-listed at a later date.

## **7 Any other business**

7.1 Lee Anderson advised the agent API development work is drawing to a conclusion; discussions continued with the E-Comms Group to arrange a timeline for testing. It is hoped it will go live in April 2023.

7.2 Tony Masella referred to the requirement that evidence at remote hearings can only be given from within the UK, which is now reflected in the CPS. It is important that if anyone wants to join a hearing from outside of the UK, they must inform VTS staff beforehand.

## **8 Date of next meeting**

8.1 The meeting closed at 3:15 pm. The next meeting will take place on Tuesday 18 July 2023.

A handwritten signature in black ink, appearing to read 'Tony Masella', written in a cursive style.

Tony Masella  
Chair