



Valuation Tribunal Users' Group

Minutes of the Meeting held via MS Teams on Wednesday 5 June 2024 at 11:00 am

Present:	Tony Masella -	Valuation Tribunal Service (VTUG Chair)
	David Slater -	Valuation Tribunal Service (Registrar & Chief Clerk)
	Gary Garland -	Valuation Tribunal for England (President)
	Mike Heiser -	Local Government Association
	Louise Freeth -	Local Government Association
	Andrew Hetherton -	Institute of Revenues, Rating & Valuation
	Carla-Maria Heath -	Institute of Revenues, Rating & Valuation
	Charles Golding -	Royal Institution of Chartered Surveyors
	Simon Griffin -	Rating Surveyors' Association
	Richard Williamson -	Rating Surveyors' Association
	Dennis Broughton -	Rating Surveyors' Association
	Michael Pearce -	Valuation Office Agency
	Chris Sykes -	Valuation Office Agency
	Alison Gidman -	Valuation Office Agency
	Ben Butler -	Federation of Small Businesses
	Nicola Hunt -	Valuation Tribunal Service (Secretary)

1 Welcome and apologies for absence

1.1 Tony Masella welcomed all attendees to the meeting. Apologies were received from Lee Anderson (Director of Operations & Development, Valuation Tribunal Service), Cain Ormondroyd (Planning and Environment Bar Association), Blake Penfold (Royal Institution of Chartered Surveyors) and Simon Green (Royal Institution of Chartered Surveyors).

2 Minutes of the meeting held on 14 March 2024

2.1 The minutes of the meeting held on 14 March 2024 were accepted as an accurate record and confirmed. There were no outstanding actions to discuss.

3 Review of VTUG Terms of Reference

3.1 Tony Masella explained that this forum was designed to bring together representatives from various professional bodies involved in council tax and rating appeals. The revised TOR had been circulated, but there were no further comments

from the group. **The revised Terms of Reference were accepted.**

4 Appeal workload analysis

4.1 Tony Masella highlighted that in respect of the 2017 Rating List there were 2,002 appeals outstanding, of which 265 had been listed for hearing and notices issued, 377 were ready to be listed and 1,359 had been suppressed (which cannot currently be progressed).

4.2 In respect of the 2023 List it was noted that 33 appeals were outstanding, of which 13 had been listed for hearing and notices issued, 14 were ready to be listed and 6 had been suppressed.

4.3 The table below was circulated ahead of the meeting. It showed appeal statistics (by type) as at 1 June 2024:

Appeal Type	Open		Pending Strike			Total
	Ready	Listed	Notified	Out	Suppressed	
2017 Rating List Appeal	377	1	265		1359	2002
2023 Rating List Appeal	14		13		6	33
CT Completion Notice	55		50			105
CT Invalidity	3		8	6	10	27
CT Liability	241		258	2	15	516
CT Penalty	4		1			5
CT Reduction	190		196	4	10	400
CT Valuation	1200	8	524	2	13	1747
Non-Domestic Completion Notice	84		1	1		86
Non-Domestic Penalty- FOR	1		4			5
Non-Domestic Transitional Certification	11				2	13
	2180	9	1320	15	1415	4939

4.4 Tony Masella reported that council tax appeals remained the main workstream. It was planned to increase the number of hearings from 70 per month to 80 by October, to try and reduce the number of outstanding appeals.

4.5 Tony Masella referred to the breakdown of the 2017 Rating List appeal settlements, the following was noted:

- 1,402 agreed
- 221 allowed
- 350 allowed in part
- 640 dismissed
- 554 withdrawn

4.6 In respect of the 2023 Rating List appeal settlements, it was noted that two

appeals were agreed and two withdrawn.

5 IT update

5.1 Tony Masella reported that API was now live; this facility allowed appeals to be submitted in batches and the consolidation of payments. However, he expressed concern that not all agents were using it. It was suggested that an announcement on the RSA website may raise awareness; an article could also be published in the July issue of *Insight* to reinforce the point.

6 2017 Rating List Decision volumes

6.1 Chris Sykes referred to the latest VOA statistics as at 31 March 2024 in respect of the 2017 List. It was noted:

- 188,300 Challenges received
- 143,120 Challenges resolved
- 22,900 Challenges outstanding

6.2 Chris Sykes confirmed circa 4,000 Challenges were cleared each month. He pointed out that from 1 April caseworkers had been moved to carry out 2026 valuations for the re-val, therefore clearances in April/May had dropped to circa 2,000. Receipts remained consistent at around 2,500 per month. It was noted that the new approach where VOA staff contact parties to discuss cases had paid dividends with an increase in settlements, therefore this process would continue into the 2023 List.

7 Penalties

7.1 Chris Sykes reported that around eight or nine penalties had been issued. Following discussions during a recent PBLG meeting, the VOA approach and criteria was being reviewed, particularly in respect of plant and machinery. While the review takes place the issuing of further penalties will be paused. Michael Pearce added that high volumes were not anticipated and that he was pleased to advise there had been no evidence of widespread abuse of the system.

7.2 Chris Sykes explained that the focus remained on educating parties about misinterpretations or mistakes, rather than immediately enforcing penalties. Alison Gidman concurred that issuing penalties was a last resort. It appeared that agents were now taking greater care in checking submissions.

7.3 Ben Butler was heartened to hear the approach being taken was to allow mistakes to be investigated before penalties were issued, as he felt it was important lessons were learned now before volumes increase. Richard Williamson added that professional bodies do have some genuine concerns about the current VOA compliance regime and it was important there was transparency around what was required. Mistakes would always happen and there needed to be a balance. Ultimately the VT would be there to be called upon to give clarity on how penalties should be levied, and if they were fair in accordance with the regulations. Tony Masella was pleased to note that

the VOA recognised there are some concerns and were trying to work with the professional bodies to resolve any issues. David Slater clarified that one appeal could be made because a penalty was wrong in principle or because the penalty charge was excessive.

8 2023 Rating List Challenges

8.1 Chris Sykes referred to the latest VOA statistics for the 2023 List as at 31 March 2024. It was noted that 7,810 Challenges had been received, 990 Challenges resolved and circa 5,000 outstanding. Appeals may be suppressed if there is an outstanding 2017 List appeal on the same property which would need to be heard first, or if appeals are affected by office fit-out costs.

9 New evidence incorporated into VOA Decision Notices (position where this comes to a VTE hearing)

9.1 Blake Penfold was absent from the meeting but had requested discussion should take place in respect of cases where GPCRs have not been able to arrive at an agreement as to the basis of valuation for properties included in the GPCR. In some cases where this had happened, VO Decision Notices were issued which often contained evidence that had not been seen previously by the ratepayer/agent.

9.2 David Slater opined that it looked like a premature decision and the appellant could say to the VOA it had not been possible to respond to the evidence, and request the Challenge be re-opened. If this request was unsuccessful, an application can be made to the VT under regulation 17a. David stressed the appellant should be proactive and not just request an adjournment. Tony Masella agreed with David and added that if evidence was included which had not been discussed, it should be challenged. Parties should work on the principle of no surprises, by the time appeals reach the VT all evidence should be in the domain of the ratepayer/agent, but this was not a reason to delay a hearing. Tony clarified that the VT applies justice and fairness to provide a response in a dispute which could not be resolved.

9.3 Chris Sykes confirmed that instructions to caseworkers state that Decision Notices should not be issued containing new evidence. Mistakes do happen, but under those circumstances VOA staff would be happy to reconsider. It was noted this issue goes both ways, occasionally agents added new evidence. Gary Garland stressed the importance of applying common sense. Occasionally issues arose, but this was not necessarily a trend.

10 Stayed, complex and lead appeals

10.1 No appeals were currently stayed. David Slater had received an application from the VOA to identify a number of lead appeals in Northamptonshire in order to stay them on the basis of locality to establish the impact of Rushden Lakes Shopping Centre. A tribunal was held on 29 May; the decision was announced orally and will be formally issued this week. Therefore, there was no reason to stay the other appeals.

10.2 The Leeds airport appeal had been settled by Consent Order. A decision which failed to apply the Mazars test had been remitted back by the High Court for reconsideration by a different VTE panel. The appeal was heard by a Vice-President on 20 May and subsequently dismissed. The President heard the Charles Wells Brewery and Pipeline appeal with a Vice-President as a preliminary point and confirmed the two entries were contiguous. Appeals on anaerobic digestion plants will be heard later in the year. Office fit-out appeals in Liverpool and Manchester will be heard in July.

11 Any other business

11.1 The Upper Tribunal decision on Fridays Ltd had been issued; the VOA was considering whether to appeal it.

11.2 Tony Masella advised that there were now three Vice-Presidents in post, all of whom actively preside on VTE hearings (Martin Young, Frazer Stuart and Lola Moses). The newly appointed Vice-Presidents, Lola Moses and Frazer Stuart, were previously VTE Chairmen.

11.3 There was an observation that the VTE was becoming more legalistic with its make-up having a heavier lawyer focus, moving away from valuation. Tony Masella explained that this was a direct consequence of the JAC recruitment process, which was designed for judicial appointments. He reminded those present that the valuation knowledge remained invested in the VTS Clerks, who were IRRV qualified, and that the Clerks provide valuation advice to panels. Therefore, the profession of members was immaterial to the make-up of the VTE. There was also a robust training programme in place on valuation practice and procedure, which all VTE Members have to complete before being permitted to sit.

11.4 Tony Masella referred to the recently published new disclosure and information exchange process where billing authorities are the respondent. This required billing authorities to respond promptly to appeals in terms of presenting evidence, and to ensure only relevant information was provided. Notification of this new process had been published in the LGA Chief Executive bulletin and DLUHC had included advice in the latest Council Tax Information Letter.

11.5 Tony Masella explained that Clerks would be moving to active case management and it was hoped the new 'cradle to grave' approach would be fully implemented by Q3. Responses will be issued promptly where information is missing, and appeals could be struck out if there was no prospect of success. Ultimately it was hoped the new process would provide a better service, especially to unrepresented appellants. Tony invited feedback on the new process; Andrew Hetherington suggested this would be a good subject for an article.

11.6 Tony Masella thanked everyone for attending the meeting.

12 Date of next meeting

12.1 The meeting closed at 12:30 pm. The next meeting will take place on Wednesday 4 September 2024.

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

Tony Masella
Chair