



Valuation Tribunal Users' Group

Minutes of the Meeting held via MS Teams on Wednesday 4 September 2024 at 11:00 am

Present:	Tony Masella -	Valuation Tribunal Service (VTUG Chair)
	David Slater -	Valuation Tribunal Service (Registrar & Chief Clerk)
	Nicola Hunt -	Valuation Tribunal Service (Executive PA)
	Mike Heiser -	Local Government Association
	Louise Freeth -	Local Government Association
	Andrew Hetherton	Institute of Revenues, Rating & Valuation
	Simon Green -	Royal Institution of Chartered Surveyors
	Blake Penfold -	Royal Institution of Chartered Surveyors
	Simon Griffin -	Rating Surveyors' Association
	Richard Williamson -	Rating Surveyors' Association
	Dennis Broughton -	Rating Surveyors' Association
	Chris Sykes -	Valuation Office Agency
	Gersy Sebastiao -	Valuation Tribunal Service (Secretary)

1 Welcome and apologies for absence

1.1 Tony Masella welcomed all attendees to the meeting.

1.2 Apologies were recorded from Lee Anderson (Director of Operations & Development, Valuation Tribunal Service), Cain Ormondroyd (Planning and Environment Bar Association), Carla-Maria Heath (Institute of Revenues, Rating & Valuation), Charles Golding (Royal Institution of Chartered Surveyors), Gary Garland (President, Valuation Tribunal for England), Michael Pearce (Valuation Office Agency) and Ben Butler (Federation of Small Businesses).

2 Minutes of the meeting held on 5 June 2024

2.1 The minutes of the meeting held on 5 June 2024 were accepted as an accurate record and confirmed. There were no outstanding actions to discuss.

3. Appeal workload analysis

3.1 The *Appeal workload analysis* had been circulated. It showed appeal statistics (by type) as of 2 September 2024, the following was noted:

- A total of 5,972 were received
- 2,759 were outstanding, ready to be listed
- 1,846 were listed and notices issued
- 18 appeals were pending Strike Out
- 1,340 appeals were suppressed (which cannot currently be progressed)

3.2 In terms of NDR appeals, of the 2017 Rating List, the following breakdown of clearances was noted:

- 1,513 agreed
- 248 allowed
- 389 allowed in part
- 683 dismissed
- 587 withdrawn

3.3 Of those appeals, 2,238 appeals were refunded.

3.4 In respect of the 2023 Rating List, the following breakdown was noted:

- 4 agreed
- none allowed
- 1 allowed in part
- 5 dismissed
- 3 withdrawn

3.5 Of those appeals, 13 were refunded.

3.6 Tony Masella reported that the tribunal is currently sitting around 70 hearings per month and that plans are in place to increase the number of hearings to 80 per month to increase clearances. Tony clarified the increase in hearings will be across both CT and NDR, with a greater focus on CT due to the higher volume of appeals.

4. Appeal Batching Portal

4.1 Tony Masella was pleased to inform the appeal batching portal is live and agents seem to be utilising it more than in the last meeting's report. Dennis Broughton pointed out that unfortunately, the payment authorisation process is still limited for some firms because it requires payment by credit card rather than the preferred option of bank transfer. Tony understood the difficulties this caused and explained this was outside of the control of the VTS, however he would liaise with Digital Services to progress the implementation of bank transfer payments.

Actions:

Tony Masella to progress payment by bank transfer for appeal fees with Digital Services

Tony Masella/ Dennis Broughton to write an article about the API portal for the Valuer Magazine

5 2017 Rating List Decision Notice volumes

5.1 Chris Sykes referred to the latest VOA statistics in respect of the 2017 List. It was noted:

- Around 500 challenges received per month
- 2,100 challenges cleared per month
- Around 19,000 challenges outstanding

5.2 Chris Sykes informed that there had been a spike in volumes in July, with circa 6,000 appeals received, predominantly MCC appeals. Of the 2,100 appeals cleared, around 50% were decision notices.

5.3 Tony Masella queried if the sudden rush to submit 2017 List appeals is in the belief that there might be a particular issue with the case or if it was to protect the interest of clients. Richard Williamson stated that when it comes to pursuing challenges outside of MCC, there is a genuine belief that something is wrong with the evidence provided; the CCA process is very resource heavy and does not allow for agents to waste time. The process is slightly different when it comes to MCC, where there can be an element of protection towards the client's position, but the vast majority are compiled list appeals. He added that there might be more activity on MCC, but most agents are dealing with cases where they believe there is something wrong with the evidence.

5.4 David Slater expressed concern about the MCC appeals and that despite having had 12 months to support the proposal with evidence, neither of the parties seem to be ready to proceed at the time of the appeal because the proposals were not properly evidence based and the VO decisions were proportionate. Dennis Broughton added that specific issues went around 2017 List challenges when trying to get the evidence and opined that was a lesson learned for the 2023 List. He explained that the GPCR process in place is a good way of bringing out information and evidence more informally so that parties can preview the evidence and other information before the challenge is submitted.

5.5 Mike Heiser stated that from the Local Authority perspective, they are now in a position of comparing both 2010 and 2017 Lists when it comes to CCA. There has always been some concern that although CCA might cut volumes down, it would lead to appeals being dealt with much further down the line and Local Authorities may have to hold positions further to wait for appeals or challenges to get sorted out. He added that it would perhaps be useful to have a set of appeal regulations which speed up the process as much as possible. He also understands that some parties would like to be part of the parties to the appeal as previously.

5.6 Blake Penfold noted that years ago the professional bodies wrote a detailed letter to the then Minister with detailed recommendations to the appeal regulations and he is happy to share the document with Tony Masella. He believes that now with the new

Government, it is a great time to make these suggestions.

Action: Blake Penfold to provide a copy of the letter previously sent to the Minister regarding appeal regulations (PMN: Blake provided a copy of the letter following the meeting)

6 Penalties

6.1 Chris Sykes reported that nine penalties were issued earlier in the year; the process did not go as well as planned which led the VOA to rethink the approach to penalties. The underlying principle is identifying the issues, engaging with the parties and tracking what happened as a result, to then review and take action where need be. The VOA is not looking at issuing penalties every time there is a transgression; if there is something that should not have happened, the VOA will explain and agree a way forward so the ratepayer/representative gets back into compliance. The VOA will only issue penalties as a last resort. The VOA will produce a document with detailed guidance and specific examples on penalties; this will be shared with PBLG. This is hoped to be produced in the course of September and be issued in October this year. It is expected that work volumes will remain low when it comes to penalties.

7 2023 Rating List Challenges

7.1 Tony Masella reported the latest volumes of the 2023 Rating List challenges, it was noted:

- 47 received
- 20 notified

7.2 Chris Sykes noted that the VOA are receiving around 2,000 challenges per month and clearing around 500-600. The outstanding stock is of about 12,000 and numbers continue to increase, he added that it is a similar proportion if we are clearing 500-600 a month that about 50% will be decision notices. Tony Masella was interested to see the ratio of decision to appeal (which was 10% under the previous list).

8 New evidence incorporated into VOA Decision Notices update

8.1 Tony Masella started by saying that this scenario is not ideal from the VTE's perspective. Blake Penfold noted that the matter was discussed at the last PBLG meeting and VTUG, as this has been happening to a number of cases. The process discussed in the meetings consists of requesting a challenge to be reopened to allow agents to respond to new evidence before a tribunal hearing; however, the first 28 cases were refused by the VOA on the basis that this is not permitted by the regulations. It was then finally agreed that it is possible to reopen challenges, though they will be given a different challenge number. If the request to reopen the challenge is still refused by the VO, then it will be open to the appellants to make an application to the VTE to submit new evidence to respond to or rebut the respondent's evidence.

8.2 Tony Masella understands the VOAs nervousness as sometimes this may be

used as a vehicle to include information that was already available but had not been disclosed at the time, but that is the process.

9 Stayed, complex and lead appeals

9.1 No appeals were currently stayed.

9.2 David Slater also updated on complex cases and the following was noted:

- **Offices in Liverpool and Manchester-** The drafted decision was approved by the President and should be released before the end of the week.
- **Charles Wells Brewery and Pipeline, Havelock Street, Beford-** The preliminary issue of whether the two entries constituted a single hereditament was heard on 29 April 2024; the panel found in favour of the appellants – the interim decision was released on 8 May 2024. No appeal was made by the VO against the preliminary decision. Valuation issues will be determined on 23 January 2025.
- **Anaerobic Digestion Plants-** The appeal is scheduled to be heard over two days on 8 and 11 November 2024 by Gary Garland.
- **Stibbington Hall – CTL appeal–** The appeal is scheduled to be heard by Gary Garland on 1 October 2024. It consists of three large dwellings now in a single ownership/rateable occupation. The appellant is seeking Annexe discount for two dwellings.

10 Any other business

10.1 Simon Green queried whether appeals are listed historically or as they are received. Tony Masella confirmed that it should be historically providing the date is identified; the idea is to clear the older appeals first.

10.2 David Slater mentioned he understands that the VOA will not be pursuing the Rushden Lakes Shopping Centre Upper Tribunal decision. Chris Sykes confirmed the appeal has been withdrawn.

10.3 Tony Masella informed that work is being done to understand the behaviours of Local Authorities in terms of CTR and identified that some councils are still struggling to understand the processes in place. For instance, Hackney Council is still advising council taxpayers to appeal even before a decision is issued. It was disappointing the regulations were still not fully understood by some council staff and there remained confusion between CTR and Housing Benefit appeals.

10.4 Tony Masella thanked everyone for attending the meeting.

11 Date of next meeting

11.1 The meeting closed at 12:04 pm. The date of the next meeting was scheduled for 9 December 2024; however, as the President and Registrar will be engaged elsewhere, a new date needs to be found and circulated in due course.

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

Tony Masella
Chair