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Sent by E-mail to: valuation.tribunal@communities.gsi.gov.uk

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Dear Ms Haroon,

### **Valuation Tribunal for England: Regulatory Framework and Detailed Arrangements**

1. The Institute of Revenues, Rating and Valuation [IRRV] is pleased to provide this response to the above consultation paper. The response represents the shared views of both the IRRV's Local Taxation and Revenues Faculty Board and Valuation Faculty Board.

#### **Introduction**

2. The IRRV is the professional body concerned with all aspects of local taxation in the United Kingdom. Its members are engaged in the valuation of property for taxation, local tax administration, the appeals process, local authority benefits and financial management in local government. The Institute represents the professional interests of its members who work within these disciplines.

#### **General Comments**

3. The current Valuation Tribunal (VT) structure and administration processes demonstrate many features which are valuable to its users:
  - They allow ready local access to the appeal mechanism at no charge to the (often unrepresented) appellant.
  - Members from the local community hear local appeals; they are therefore able to approach matters before them with the benefit of knowledge of their local areas.
  - The relatively informal style of appeal hearing is a great advantage in a tribunal of first resort and is appreciated by the user.
4. Whatever the final outcomes from this consultation process, it is important that the changes introduced protect and maintain these important features and serve to keep the tribunal process within the reach of all of its many users. It is very important that the VT remains accessible to small ratepayers and council tax payers. The range of cases at a VT cannot be emphasised too much; it can range from a FTSE 100 company appealing against a rateable value in excess of £1million to a disabled council tax payer appealing against not being granted disabled relief worth less than £200 a year. The former will be represented and may well go on to the Lands Tribunal, while the latter will generally represent themselves and could not afford to appeal to the High Court.
5. We welcome that the VTE has committed to continue to sit in accessible locations, with a locally based membership, supported out of Valuation Tribunal Service (VTS) regional offices. The proposed changes will help to bring about a greater consistency of approach, which is also to be welcomed.

#### **Response to the questions raised in the consultation paper**

***Are you content that the Government should produce a single set of procedural regulations in relation to the handling by the VTE of appeals in relation to council tax and business rates (paragraphs 13 to 18)?***

6. We welcome all efforts to create clarity and simplicity in the procedural regulations for both council tax and non-domestic rates. However, it is probably unlikely that these aims would be achieved through the production of a single set of procedural regulations.

***Are you content with the scope of the procedural regulations that the Government is minded to provide for the VTE (paragraphs 27-30)?***

7. We agree that new procedural regulations should be made, but raise our concerns regarding the scope of the matters to be addressed and the modelling basis for the changes.

The scope of matters to be addressed

8. The list of matters to be addressed (paragraph 30) includes several items that could fundamentally change the way that Valuation Tribunals operate and how appeals are handled. Furthermore, no detail is offered to explain what these mean, why they should be incorporated into procedural regulation, nor the impact of the possible changes. Certain of the matters listed have not been part of VT proceedings before e.g. striking out proceedings and summoning of witnesses. Without more detailed information on these we cannot provide comment on the merit or otherwise of including them.
9. Furthermore, the list of matters to be addressed (paragraph 30) is preceded with the words 'such as', so there may be other matters that will ultimately be included that we are not presently aware of. We would very much welcome an opportunity to offer comment on any additional matters that might be included in the scope of these regulations.

The modelling basis

10. We also have concerns about the extent to which the regulations would be modelled on the *Guide to Drafting Tribunals* and other recent enactments for other tribunals. For example, in relation to 'evidence and submissions', such modelling would suggest that there will be a move to formal pleadings. We contend that such an approach would be inappropriate for most council tax appeals and for many non-domestic rate appeals.
11. We read in all this a move towards more prescribed and formalised proceedings; something along the lines of the Lands Tribunal. If so, then without more information about the range of matters to be covered, the reasoning behind the changes and clear detailing of benefits that will be brought to the VT users we argue that such prescription and formalisation is not required. Indeed, it would lead to increased costs for the appellant (and in many cases, the Valuation Office Agency) and serve as an unnecessary obstacle to the appeals process.

***What VTE functions of a judicial nature do you think it should be possible to delegate to the VTE's staff (paragraph 39)?***

12. It is important that the revised arrangements allow VT clerks the ability to grant postponements and to adjourn proceedings; and to make such decisions as will maintain the smooth running of tribunal hearings.

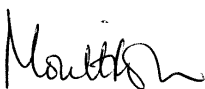
***Are you content with the arrangements proposed for the transfer of unresolved appeals to the VTE (paragraph 40)?***

13. Yes.

Yours truly,



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