

CONSTITUTION COMMITTEE AGENDA



1 May 2009

at 12 noon

**in Committee Room *C*
Civic Centre, Hartlepool**

MEMBERS: CONSTITUTION COMMITTEE:

The Mayor, Stuart Drummond

Councillors R Cook, Fenwick, Flintoff, James, Laffey, A Marshall, Morris, Preece, Richardson, Simmons

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the Constitution Committee of 27 March 2009.

3.2 To consider the minutes of the Constitution Working Group of 27 March 2009.

4. ITEMS REQUIRING DECISION

4.1 Teesside Valuation Tribunal – *Democratic Services Team Manager*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

27 March 2009

The meeting commenced at 2.00 pm in the Civic Centre, Hartlepool

Present:

Councillor: Carl Richardson (In the Chair)

The Mayor, Stuart Drummond

Councillors: Rob Cook, Sandra Fenwick, Bob Flintoff, Marjorie James, Pauline Laffey, Ann Marshall, George Morris, Arthur Preece and Chris Simmons.

Officers: Alyson Caman, Legal Services Manager
Amanda Whitaker, Democratic Services Team Manager
Charlotte Burnham, Scrutiny Manager
Angela Hunter, Principal Democratic Services Officer

43. Apologies for Absence

None.

44. Declarations of interest by Members

None.

45. Confirmation of the following minutes

- (i) Constitution Committee – 23 January 2009 – confirmed.
- (ii) Constitution Working Group – 13 March 2009 – received.

46. Business Report – Member Questions *(Democratic Services Team Manager)*

The report provided the background to the discussions undertaken at the Constitution Working Group on 13 March 2009. As requested by the Constitution Working Group, the Democratic Services Team Manager had undertaken research on the procedures in place across other local authorities in relation to the submission of questions to Council and this was tabled for Members information.

A discussion ensued on the various way of recording the length of questions submitted including the importance of keeping questions concise and to the point. Members suggested that the main question submitted by a Member should be restricted to no more than 100 words with the time limit for supplementary questions remaining as directed within the Constitution. A Member suggested a similar approach could be adopted to that currently in place at Newcastle City Council which restricted the submission of questions by Members to one question per Council meeting.

A Member suggested that further consideration be given to whether Member questions should be answered at a meeting if the Member submitting the question was not present.

Decision

It was agreed that Members be limited to one question, with a maximum of 100 words, per Council meeting with supplementary questions remaining as directed within the Constitution.

47. Minutes of the Constitution Working Group – 13 March 2009

In relation to the minutes of the Constitution Working Group on 13 March 2009, concern was expressed that a Civic Honours Committee was not to be scheduled until July. A number of nominations had already been received for civic honours and there was concern that this information may be made public prior to the consideration of the nominations.

A discussion ensued on the nomination process as agreed at Council and Members felt that this process should be completed prior to the consideration of any nominations received. There was some concern that this would delay the consideration of the nominations already received which may result in the nominations becoming public information prior to their consideration. However, it was suggested that the Committee may wish to meet to consider the role, remit and terms of reference of the Committee before the end of the advertising process and prior to the consideration of any nominations. Clarification was sought on whether the gift of Alderman should be considered by the Civic Honours Committee.

Members were concerned about the financial implications of holding the ceremonial Council meeting to bestow any such honours on more than one occasion each year.

Decision

That a meeting of the Civic Honours Committee be arranged as soon as practical to enable Members to consider the role, remit and terms of

reference of the Committee.

48. Business Report – Hartlepoons War Memorial and Crosby Homes *(Democratic Services Team Manager)*

The report confirmed that Constitution Working Group had given consideration to the inclusion of the Hartlepoons War Memorial and Crosby Homes in the annual list of appointments to outside organisations. Members had requested confirmation of the voting rights of the Council's representative which was the Chairman of the Council, as indicated in the organisation's Constitution. Confirmation had been received from the organisation that the Council's representative had the same voting rights as all other trustees of the organisation.

Members were supportive of the inclusion of the organisation on the annual list of outside organisations.

Decision

That the Hartlepoons War Memorial and Crosby Homes be included on the annual list of outside organisations to which the Council appoint.

49. Constitutional Amendments required to implement the Councillor Call for Action Mechanism derived from the Local Government and Public Involvement in Health Act 2007 *(Chief Solicitor)*

At the meeting of Constitution Working Group on 27 March 2009 Members considered the proposed changes to the Constitution arising from the arrangements recently approved by the Scrutiny Co-ordinating Committee. The changes were detailed in a report of the Chair of Scrutiny Co-ordinating Committee attached by way of appendix.

The Chair of Scrutiny Co-ordinating Committee was in attendance and confirmed that the proposed changes strengthened the current arrangements in place.

Decision

The suggested amendments to the Constitution as detailed in the report be submitted to Council for adoption.

50. The Local Democracy, Economic Development and Construction Bill (*Chief Solicitor*)

The Legal Services Manager presented a report which had been considered by Constitution Working Group on 27 March 2009 where clarification on paragraph 1.1 had been sought. Reference had been made to the Draft Community Empowerment Bill. Members were informed that the Bill in its current form made it easier for people to demand their local leaders move to establishing a directly Elected Mayor model through online petitioning. Clarification was also sought on the reference to Parish Councils and the Legal Services Manager indicated that the Bill was seeking to empower Parish Councils with the possibility of creating more Parish Councils, known as local councils or neighbourhood, community or village councils and in so doing hoped to encourage the creation of more local councils especially in major cities where there was a local demand for them. Clarification was requested on the financial implications of the Bill for additional precepts payable to Parish Councils.

Members noted that there was a lot of detail contained within the report and were concerned that this was a step towards larger authorities and away from unitary authorities. Reference was made in the report to remote voting for Councillors and clarification was sought on this. The Legal Services Manager confirmed that the report referred to more effective support for Councillors using information technology but at the current time, there was no detail provided on how this would be achieved. The importance of taking part in the discussion and debate of items for consideration was discussed and there was concern that Members would be able to participate in voting on these items without being party to the discussions. Reference was made to the introduction of voting incentives with Local Authorities given power to provide incentives for voting in local government elections for eg by entering voters into a prize draw as a way of attracting young people who have never voted.

At the meeting of the Constitution Working Group, Members had also sought clarification on the reference to the appointment of “an Officer to be called to account”. The Legal Services Manager confirmed that this Officer could not be the Head of Paid Service, Chief Financial Officer or Monitoring Officer and it was envisaged that this responsibility would fall to the Scrutiny Manager.

Decision

- (i) The report was noted.
- (ii) That clarification be provided on proposed changes to parish councils and whether this would have any financial implications in relation to additional precepts.

51. Any Other Business

A Member made reference to Minute 42 of the Constitution Committee of 23 January 2009 and whether any progress had been made with the scheduling of the State of the Borough Debate. The Chairman indicated that he had approached the Mayor on a number of occasions but was not aware of any proposed dates at the current time.

A discussion ensued on the requirement as stated within the Council's Constitution to hold a State of the Borough Debate in the autumn. Members noted the required 4 weeks notice of an agreed date and were concerned that this timescale could lead to the Debate being held during the Purdah period. Members requested that the Chief Solicitor, in his position as Monitoring Officer, write to the Mayor to insist that a State of the Borough Debate be scheduled on an evening during week commencing 20 April 2009.

Decision

That the Chief Solicitor, as Monitoring Officer, write to the Mayor to insist that a State of the Borough Debate be scheduled on an evening during the week commencing 20 April 2009.

The meeting concluded at 3.10 pm

CHAIRMAN

CONSTITUTION WORKING GROUP

27 March 2009

The meeting commenced at 3.10 pm in the Civic Centre, Hartlepool

Present:

Councillor: Carl Richardson (In the Chair)

Councillors: Rob Cook, Sandra Fenwick, Bob Flintoff, Marjorie James, Pauline Laffey, Ann Marshall, George Morris, Arthur Preece and Chris Simmons.

53. APOLOGIES FOR ABSENCE

None.

54. DECLARATIONS OF INTEREST

None.

55. MINUTES OF THE MEETING HELD ON 13 MARCH 2009

Confirmed.

56. TEESSIDE VALUATION TRIBUNAL

At the meeting of the Constitution Working Group on 13 March 2009, consideration was given to the Council representation on the Teesside Valuation Tribunal. Members raised concerns about the upper age restriction on panel members applied by the Valuation Tribunal Service. The Legal Services Manager was in attendance and informed Members that the age legislation in place stipulates that it was unlawful to discriminate on age in relation to employment, but did not cover all situations and that tribunal members are unlikely to be covered by the requirements of the legislation as they are not employed by valuation tribunals.

The Democratic Services Team Manager informed Members that the Clerk and President of the Teesside Valuation Tribunal had indicated that they were willing to attend and answer Members' queries if Members felt that this would be helpful.

Members did not support the inclusion of the 5 non-councillors suggested by the President of the Valuation Tribunal to maintain the proportionality of the

Teesside Panel and they were aware that this invalidated the current Council appointments to the Teesside Panel.

Members requested that the Clerk and President of the Teesside Valuation Tribunal be invited to attend a meeting of the Constitution Committee as soon as practical and that a summary of the role and remit of the Panel be provided to Members for their consideration.

Decision

- (i) That the Clerk and President of the Teesside Valuation Tribunal be invited to attend a meeting of the Constitution Committee as soon as practical to discuss Members concerns.
- (ii) That a summary of the role and remit of the Panel be provided to Members for their consideration

The meeting concluded at 3.20 pm.

CHAIRMAN

Report of: Democratic Services Team Manager

Subject: TEESSIDE VALUATION TRIBUNAL

1. TEESSIDE VALUATION TRIBUNAL

1. Background

1.1 Members may recall that at the meeting of Council on 11 December 2008 following concerns expressed by Members it was requested that a meeting be arranged involving Members and appropriate Officers to discuss appointments to the Tribunal. The Chairman suggested that a report be submitted to a working group to discuss this issue further.

1.2 The following appointments to the Teesside Valuation Tribunal had been confirmed at the Council meeting on 30 October 2008 with a term of office until 31 March 2011:

Councillors Coward, A Lilley and G Lilley and Mr Jeffries.

1.3 In addition to these appointments, an additional five 'non-councillor' appointments were required, as detailed in a letter from the Valuation Tribunal Service attached as **Appendix 1**. In summary, 6 non-councillor names are required to ensure 3 councillors from Hartlepool continue to be included. This is due to the regulations only allowing the tribunal members from Hartlepool to comprise of no more than a third councillors. The composition already includes one non-councillor from Hartlepool, Mr E Jeffries, therefore another 5 names are required.

1.4 In view of the impending legislation changes, it was suggested that as an interim measure, the fully trained existing members from the Tyne and Wear, Durham and North Yorkshire tribunals could be utilised to cover any temporary shortages which could arise in Teesside after 31 March 2009. The Valuation Tribunal Service suggested five existing non-councillors of the Tribunal for the Council to appoint.

Mr J Woolley, Mr R G Bennett, Mr G E Miller, Mr A R Wilkinson JP and Mr J O'Shea.

1.5 The first four people are all current presidents of the Cumbria, Durham, Northumberland and Tyne & Wear Valuation Tribunals. The fifth name (Mr O'Shea) is one of only 7 VTS national Board members who run the service.

2. **Issues for Consideration**

- 2.1 At the meeting of the Constitution Working Group on 13 March 2009 consideration was given to the above proposal and the Council's representation on the Teesside Valuation Tribunal. The minutes of that meeting are attached to this agenda at item 3.2.
- 2.2 Members had requested a copy of the role and remit of the Teesside Valuation Tribunal and attached at **Appendices 2 and 3** are extracts from the Valuation Tribunal Service Annual Report 2007-2008 and the Valuation Tribunal Service website. Further information had been requested from the Clerk to the Teesside Valuation Tribunal and this should be circulated in due course.
- 2.3 At the meeting of the Constitution Working Group, Members were informed that the Clerk and the President of the Teesside Valuation Tribunal had indicated that they would be available to attend a meeting with Members to clarify any issues of concern should this be deemed appropriate. It was suggested by Members that an additional meeting of the Constitution Committee be arranged to facilitate this.
- 2.4 In view of the above, the Clerk and President of the Teesside Valuation Tribunal, David Mulgrew and Ian Irvine, have indicated that they will be in attendance at the meeting to clarify any issues further.

3. **RECOMMENDATION**

- 3.1 Members' views are sought.



Angela Hunter
Principal Democratic Services Officer
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

David P Mulgrew IRRV

Clerk of the Tribunals

VTS North Region

Ground Floor, Block B, Southfield House,
Southfield Way, Durham, DH1 5JY

Telephone : 0191 384 8020

Fax : 0191 384 7901

Email: vt Durham@vto.gsx.gov.uk

Our Ref :

Your Ref :

Date : Friday, 13 June 2008

Dear Angela

Teesside Valuation Tribunal

Thank you for your letter received on 6 June 2008 and my apologies for not providing a written response to your earlier email.

Current Membership

The Teesside Valuation Tribunal has 15 members from four appointing authorities, which includes Hartlepool.

Out of those 15, the following are from Hartlepool:

Name	Address	Tel No	Councillor/ Non Councillor
Mr. W. J. Coward	16 Coniscliffe Road, Hartlepool TS26 0BS	(H) 01429 273643	Councillor
Mr. E. Jeffries	28 Lowthian Road, Hartlepool. TS26 8AN	(H) 01429 867122	Non Councillor
Ms. A. Lilley	68 Fens Crescent, Hartlepool, TS25 2QN	(H) 01429 291542	Councillor
Mr. G. Lilley	68 Fens Crescent, Hartlepool, TS25 2QN	(H) 01429 291542	Councillor
Mr. B. Smith	12 Chepstow Walk, Hartlepool. TS26 0TF	(H) 01429 263588	Non Councillor

The Teesside Valuation Tribunal will lose five of its 15 members by October 2009 when they reach the statutory age limit of 72 years. Two of those members are from Redcar, two are from Middlesbrough and Mr B Smith of Hartlepool has replied to a general survey of tribunal

members indicating he does not wish to continue in office beyond 31 March 2009. This will leave 10 members in post and under normal circumstances we would be looking for replacements across Teesside.

However, imminent changes are on the horizon after the Local Government and Public Involvement in Health Act 2007 paved the way for the creation of a single Valuation Tribunal for England (VTE), which will replace the 56 English valuation tribunals. At the time of writing, work is ongoing to appoint a National President to take responsibility for the VTE. It is anticipated that the VTE will formally replace the 56 English valuation tribunals in the autumn of 2009.

A consequence of the VTE is likely to be less tribunal members needed nationally as members will have no geographical boundaries to their jurisdiction. The benefits will be an improved standard of tribunal member, more consistency and more efficient use of public money.

Member re-appointments

The current term of office for all of the members from the Hartlepool area ends on 31 March 2009. However, VTE may not come into operation until the autumn of 2009. Although the legislation is now in force to create a VTE there is nothing in place which automatically transfers Teesside members in office at 31 March 2009 to the VTE.

Therefore, there is likely to be a gap of up to one year and it is therefore necessary to re-appoint the existing members to a term ending no sooner than 31 March 2010, preferably 31 March 2011 to allow for any unforeseen delays in the creation of a VTE.

Until the VTE starts up, legislation requires the appointment of tribunal members to be determined jointly by the President of the Teesside Valuation Tribunal (Mr I Irvine) and the appointing authority (Hartlepool Borough Council).

Mr Irvine has asked me to seek re-appointment of Mr Jeffries, Mr Coward, Ms Lilley and Mr Lilley for a minimum term taking them up to 31 March 2010, preferably 31 March 2011.

Appointment rules

There are regulations which limit the percentage of councillor tribunal members. Essentially, regulations provide that an appointment to fill any vacancy in the membership of a tribunal will not be valid if its effect would make the aggregate number of tribunal members who are councillors exceed one third of the total number of tribunal members the local authority concerned is entitled to participate in appointing.

Excluding Mr Smith for the reasons stated above, you will note that three out of the four tribunal members from Hartlepool are councillors. In view of the falling numbers of tribunal members the Teesside Valuation Tribunal would need five new 'non-councillor' members to retain the existing councillor members.

Mr Irvine would like to retain all of the existing tribunal members from Hartlepool, as they regularly undertake refresher training and actively participate at hearings. Please remember that the office of a tribunal member is non-political; tribunal members act impartially and, like courts, make decisions based on the evidence presented to them.

Issues needing a decision by Hartlepool Borough Council

Mr Irvine does not wish to appoint any new members because by the time they are fully trained they may no longer be required. However, as an interim measure, it is more sensible to use some of our fully trained existing members from the Tyne & Wear, Durham and North Yorkshire tribunals to cover any temporary shortages which could arise in Teesside after 31 March 2009.

Please can you confirm that this would be acceptable to your authority?

If this is acceptable then we can discuss the details of the five individual members.

I must emphasise that both Mr Irvine and I are happy to meet with any representatives of Hartlepool Borough Council to discuss the issues.

Yours sincerely



David Mulgrew
Clerk of the Teesside Valuation Tribunal

Copy to Mr I Irvine, MRICS, President of the Teesside Valuation Tribunal

EXTRACT FROM VALUATION TRIBUNAL SERVICE
ANNUAL REPORT 2007-2008

Our services and what we do

The Valuation Tribunal Service

The Valuation Tribunal Service (VTS) was set up by the Local Government Act 2003 and established as a non-departmental public body on 1 April 2004. Sponsored by the Department for Communities and Local Government (CLG), the VTS supports the operation of valuation tribunals by providing the following services:

- » Accommodation.
- » Staffing (including clerks to tribunals).
- » Information technology.
- » Equipment.
- » Training for members and staff of (including clerks to) tribunals.
- » General advice about procedure relating to the proceedings before tribunals.

Valuation tribunals

Established by the Local Government Finance Act 1988, valuation tribunals are statutory bodies with jurisdiction to hear appeals against:

- » business rates
- » council tax valuation
- » council tax liability
- » completion notices
- » drainage rate assessments
- » penalty notices for failure to provide requested rental information.

Valuation tribunals are independent of the Valuation Office Agency (VOA) that sets rateable values on non-domestic (business) properties and council tax bands for homes, and the councils that send out the rates and council tax bills. There are 56 valuation tribunals in England, administered out of 16 offices supported by a total of 104 staff (96.4 full time equivalents). There are a further 16 staff based in the Chief Executive's Office located in Angel Islington, London.

Make up of valuation tribunals

The 56 tribunals are headed by presidents elected by the membership of each tribunal. A President is also one of the elected chairmen. As at 31 March 2008 there were a total of 834 members of valuation tribunals. The total number of members has declined since 2004-05 as more use has been made of cross tribunal membership and efforts made to match members more closely with actual and projected workload at hearings. This reduced membership permits more regular participation at tribunals for members, and takes full advantage of well trained and committed members.

Members of valuation tribunals are volunteers who come from all walks of life and receive training to support them in their statutory role. They commit to one hearing day per month and receive reimbursement of expenses incurred based on prescribed amounts determined by the Secretary of State. In certain

VALUATION TRIBUNALS ARE INDEPENDENT OF THE VALUATION OFFICE AGENCY (VOA) THAT SETS RATEABLE VALUES ON NON-DOMESTIC (BUSINESS) PROPERTIES AND COUNCIL TAX BANDS FOR HOMES, AND THE COUNCILS THAT SEND OUT THE RATES AND COUNCIL TAX BILLS



circumstances, members may also receive reimbursement at prescribed rates in respect of financial loss incurred as a result of undertaking tribunal duties. Some members serve on more than one valuation tribunal. A chairman and a maximum of two members preside at tribunal hearings, and they are supported at hearings by a salaried clerk who provides procedural and technical advice.

Appeals

Appeals arise when the VOA (in the case of business rates or council tax valuation) or the

council (in the case of council tax liability appeals) do not agree with a ratepayer or council taxpayer's contention and the ratepayer or taxpayer seeks a resolution to the matter.

» Business rates appeals are forwarded to valuation tribunals by the VOA under a regulatory framework that requires them to transmit any proposals (initial challenges) that they have not resolved after a three month period. This is an automated process, and due to the large volume of challenges made, the number of proposals transmitted as appeals is also large in volume.

834

THIS REDUCED
MEMBERSHIP PERMITS
MORE REGULAR
PARTICIPATION AT
TRIBUNALS FOR
MEMBERS

» Until 1 April 2008, council tax valuation (banding) appeals were also forwarded to valuation tribunals by the VOA under a regulatory framework requiring the VOA to transmit any proposals that they had not resolved within a six month period. The regulatory process has now been amended to

126,514

DURING THE YEAR UNDER REVIEW,
VALUATION TRIBUNALS RECEIVED
A TOTAL OF 126,514 APPEALS

allow such appeals to be made direct to the valuation tribunal under a system called 'Appeals Direct' – see below.

- » Liability appeals against a council's decision are made direct to the valuation tribunal and have to be made within two months of the date of the Council's decision. In cases where a council has failed to respond to an individual within this two month period, the timescale for appealing to a valuation tribunal becomes four months, starting from the date the initial challenge was made by the individual.

We started the 2007-08 financial year with 124,211 appeals brought forward, having cleared a total of 243,279 appeals during the previous year. During the year under review, valuation tribunals received a total of 126,514 appeals.

Not all appeals lodged with valuation tribunals result in a hearing, as some appeals are agreed through negotiation between the parties leading up to the hearing date. 58% of all types of appeals listed for hearing by a valuation tribunal were settled (61% in 2006-07). We start the new financial year with a carry forward figure of 78,173 appeals.

Appeals Direct

During the year we have been working in partnership with our sponsoring department to introduce a new process for how council tax appeals are made to valuation tribunals. Appeals Direct was introduced on 1 April 2008 under the Council Tax (Valuations, Alteration of Lists and Appeals) (England) Regulations 2008, which allows appeals to be made direct to the tribunal rather

than through the body whose decision is being challenged (the Valuation Office Agency). Work in this area has involved detailed changes in our IT processes as well as our administrative processes. We completed our IT changes and associated testing in February and implemented training for staff in March. This training prepared staff to handle appeals received under this new regulatory process. To underpin this training, we developed management instructions for staff to guide them through the new regulations, administration and IT processes.

This is a major change for both the Valuation Tribunal Service and valuation tribunals in further demonstrating our independence in the appeal system, whilst we continue to build on our aim of maintaining fairness in the process.

Type of appeal	Brought forward 1 April 2007	Received	Cleared	Carried forward on 31 March 2008
Business rates (1990 Rating List)	81	0	41	41
Business rates (1995 Rating List)	352	55	123	148
Business rates (2000 Rating List)	5241	333	2270	3,304
Business rates (2005 Rating List)	109,210	90,669	135,615	64,264
Council tax valuation list	9008	34,340	33,390	9,958
Council tax liability	319	883	801	401
Business rate rent return penalties	32	234	209	57
Total	124,211	126,514	172,449	78,173

[Login](#) / [Register](#)

Search

Tuesday 21 April, 2009

[Home](#) | [Guidance Notes](#) | [Faqs](#) | [Listings & Decisions](#) | [Vacancies](#) | [Annual Report](#) | [Consultation Papers](#) | [Offices](#) | [Venues](#)
[Newsletters](#) | [Council Tax Manual](#) | [Freedom of Information](#) | [Links](#) | [Customer Charter](#) | [Publications](#) | [Council Tax Appeal Form](#) | [E-mail us](#)

[Select Text Size](#) [A](#) [A](#) [A](#)

Valuation tribunals

[<< back](#)

Valuation tribunals are independent of the Valuation Office Agency, whose staff value homes and business properties for council tax and business rates. They are also independent of the billing authorities (local councils), which send out council tax and rates bills.

There are currently 56 valuation tribunals (VTs) in England, grouped into four regions, which are served by about 120 staff in 11 regional offices. [\[Location Details\]](#)

Valuation tribunals provide a free service; they cannot award costs. However, appellants have to meet their own costs in going to the tribunal hearing. They can represent themselves or have someone to speak for them, or can submit their case and evidence in writing.

Our [guidance leaflets](#) aim to help appellants through the appeals process. Offices can also provide a video or DVD that shows what happens at a hearing

Appeals

VTs deal with appeals about non-domestic rates and council tax. Appeals arise when the Valuation Office Agency (VOA) or the council do not agree with a ratepayer or council taxpayer's contention and the ratepayer or taxpayer is not satisfied. VTs are independent of the VOA (who set rateable values on non-domestic properties and council tax bands for homes), and the billing authorities (councils) that send out the rates and council tax bills.

VTs also deal with a small number of appeals against Drainage Boards' assessments of drainage rates.

Members

Each VT currently has a President and a number of Chairmen and members. They are all local volunteers who receive training and are experienced in hearing appeals. They come from a wide cross section of society. They are not paid but they are allowed to make claims to cover travel, meals and, where necessary, earnings lost due to their tribunal duties.

Usually, three members hear an appeal, although two members can hear an appeal if everyone at the hearing agrees.

Clerks

VT clerks are paid employees of the VTS and advise the members on points of procedure and law at hearings. They and the other tribunal staff act as contact points with the parties to appeals and send out information.

History

The Poor Relief Act of 1601 is generally recognised as the legislation that brought in a rating system, a property tax based on the value of real estate. The Overseers of each parish were empowered to make a rate and collect it from every inhabitant or occupier of land, to support the poor of that parish. At that time you could appeal to the Quarter Sessions about the rate, but not about your individual assessment for it.

The Union Assessment Committees Act 1862 brought Local Assessment Committees into being for hearing appeals against the rate. These were judicial but informal, an ethos that is retained today. These committees became Local Valuation Courts in 1948 and were renamed Valuation and Community Charge Tribunals in 1988. In 1992, with the demise of community charge, they were again renamed as VTs.

Until 1 April 2004, VTs employed their own staff, but relied on a government department (latterly the Office of the Deputy Prime Minister) for overall management and funding.

Jurisdiction

There are a number of Acts of Parliament and Statutory Instruments relating to the work and jurisdiction of VTs.

The tribunals were established on 1 May 1989 as successors to Local Valuation Panels, constituted by the Local Government Act 1948.

The Local Government Finance Act 1988 renamed Local Valuation Panels and Courts as Valuation and Community Charge Tribunals. Jurisdiction was extended to include appeals against certain aspects of the newly created community charge, together with valuation assessment appeals against the 1990 revaluation of non-domestic properties. Jurisdiction continued in respect of the right to hear appeals against Land Drainage assessments. Further powers were extended to consider the validation of completion notices.

The Local Government Finance Act 1992 extended jurisdiction to deal with council tax valuation and liability appeals.

Their jurisdiction was further extended to deal with appeals arising from the 1995, 2000 and 2005 revaluations of non-domestic properties. They were renamed valuation tribunals.

Section 72 of the Local Government Act 2003 further empowered valuation tribunals to hear appeals against the valuation officer's decision to invoke a penalty for failure to provide requested rent return information.

The appeals regulations are found in the following Statutory Instruments:

Council Tax Liability

Valuation and Community Charge Tribunals Regulations 1989 SI 1989/439
(as amended by SI 1993/292)

Council Tax Valuation

Council Tax (Alteration of Lists and Appeals) Regulations 1993 SI 1993/290

Non-Domestic Rating

Non-Domestic Rating (Alteration of Lists and Appeals) Regulations 1993 SI 1993/291

Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2005 SI 2005/65

[^ Back to top](#)

[| Privacy Statement | Copyright |](#)