

**CYNGOR LLYWODRAETHOL Y GWASANAETH TRIBIWNLYS
PRISIO CYMRU
THE GOVERNING COUNCIL OF THE VALUATION TRIBUNAL
SERVICE FOR WALES**

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19 November 2008

For the attention of Ms G Smith

Head of Local Government Finance
Local Government Finance Division
Welsh Assembly Government
Cathay's Park
CARDIFF CF10 3NQ

Dear

Consultation – Valuation Tribunal Service for Wales – Reorganisation

The Governing Council has considered the above Consultation Document against the background of the related matters raised at a meeting with The Minister on the 2nd July 2008: prior to his decision to proceed with its issue, despite the resistance expressed by the members at that time.

The Governing Council has consulted with the whole membership over the past two months via a network of communication methods including meetings, and has confirmed there is an undoubted consensus objecting to the proposal of a single judicial Valuation Tribunal platform for Wales.

The Governing Council before responding to the specific questions wishes to record the following general but important points:-

- The existing VTSW **Joint Administration** was introduced in 2006 after a lengthy consultation under which this single entity matter had been considered but not adopted. i.e. the four legal entities would operate under the umbrella of the single VTSW administration.
- There is an unease created by the apparent lack of a disclosed long term plan for the Valuation Tribunals in Wales, or in fact for other Tribunals falling under the Assembly's sponsorship, leading to the perception that this Consultation is part of an undisclosed agenda?
- The proposal is also perceived as seeking to install full centralisation contrary to the National Assembly's aspirations of fostering decision making power to local levels.

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Valuation Tribunal Service
for Wales



Gwasanaeth Tribiwnlys Priso
Cymru

- Paragraphs 7 & 10 within the paper demonstrate the new VTSW administration is already structured to meet the desired objectives: In para. 7 it is mentioned “*the Governing Council has provided a central management structure to maximise the efficient running of the VTSW*”; in paragraph 10 reference is made to “*VTSW has been working towards providing a more effective and efficient service that continues to provide a fair outcome for users of valuation tribunals*” “*This is supported by the greater coherence and consistency in the administrative services provided by the VTSW* “ **yet** para. 14 is contradictory inasmuch the contention for single valuation tribunal does not recognise such achievements.
- The service given to **the user** and maintenance of **judicial independence** is paramount and must be at the forefront of all considerations for the future of the Valuation Tribunal Service

Questions:-

- 1) **Would the creation of a single Valuation Tribunal for Wales meet the needs of the public and other stakeholders?**

No, because

- The only **grounds** for National Assembly’s proposals are that there “may be” occurrences of variation in tribunal practice within the current structure - yet no evidence was offered to substantiate. This point was - a perception alluded to in the ‘Rolph Report’, a review undertaken predominately prior to the establishment of the single joint administration early in 2006: neither did this Report offer any examples or evidence to support such. Promotion of consistent and good tribunal practice exists through joint Member training and peripatetic officers within Wales.
- It is considered that such a single Valuation Tribunal would further remove the service from the public and other stakeholders. The loss of **local identity**, which now offers re-assurance to end users (in particular unrepresented parties), would erode justice being delivered on a local basis and being perceived so. The single unit proposal will lead to centralisation and the disenfranchisement of the service thus creating a loss of public confidence in the decision making process.
- Furthermore the proposed **centralisation** with the creation of an all Wales Tribunal membership would tend to amplify the North/South divide, since the greater population/hereditament stock is situated on the M4 corridor, which would in turn demand a membership weighted to the South to avoid members travelling unreasonable distances to sit on hearings.
- The potential of having **Cross Boundary members** was positively discussed at drafting of 2005 Regulations but was not implemented by WAG.

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- 2) **Do you agree that having a national president would provide better leadership?**
- 3) **Do you agree that the president of the Valuation Tribunal for Wales should be supported by three vice presidents?**
- 4) **Should the Governing Council consist of the President, vice Presidents and one independent member appointed by the National Assembly?**

It is considered that **Questions 2, 3 and 4** are consequential and can effectively be answered together?

- The current structure of VTSW ensures cost effective and cohesive administration for the four judicially independent VT's (as acknowledged in Consultation Paper p7/p10)
- The existing Governing Council (5) consists of four statutory Presidents plus one NAW appointed Member:-
 - The appointment of a **single** national president is likely on election to be weighted to the South.
 - One of the Presidents is currently elected Director and is already providing cohesive leadership: therefore the proposal cited in Q2 is superfluous.
 - The Governing Council is currently representative of the four areas: the new proposals could lead to a President and three vice Presidents all from one area.
 - There is no evidence that the current Governing Council's four Presidents each having his/her umbilical link as both lay members and operational Chairs of their respective Tribunals, together with the independently appointed member, are not providing a focused leadership: in fact praise was received from the current Minister and his predecessor of the way the Tribunals handled the unprecedented dual 2005 Revaluation workload.
 - The Governing Council of five persons incorporating Presidents and the independently appointed member evolved as a product of the current Regulations, effective from 2006 consequent on consultation, and has proved operationally sound.
 - Therefore the 'status quo' should be maintained

Further Points to support the status quo:-

- ❖ There are three strategically based centres Newport, Carmarthen and Colwyn Bay, giving proven coverage of Wales, supporting the four individual Tribunals.
- ❖ The joint administration emerged in 2006 initiated by VT Service in Wales itself which until then consisted of each VT working together voluntarily, the relatively new VTSW structure has not had time to "bed in".
- ❖ The all Wales training programme, appraisal of Chairs and peripatetic Tribunal Officers already fosters uniformity of practice.
- ❖ The low level of complaints, less than one per cent of appeals going to the higher courts and no evidence of failings cited in the consultation paper, overwhelmingly support the Governing Council's stance.

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- ❖ There have been no long term cost efficiency/savings demonstrated, or mentioned in fact, in the Consultation Document. Potentially Computer systems/Stationery will need costly modification and T & S Claims could increase.
- ❖ The Geography of Wales, including the limited road and rail network, and the retention of regional diversity are important factors for consideration
- ❖ With the 2010 Business Rates Revaluation on the horizon, and an intention to carry out a Council Tax Revaluation in 2013, the latter having a higher demand for a local service to the user, such a radical change as proposed may well create operational problems.

Yours sincerely



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