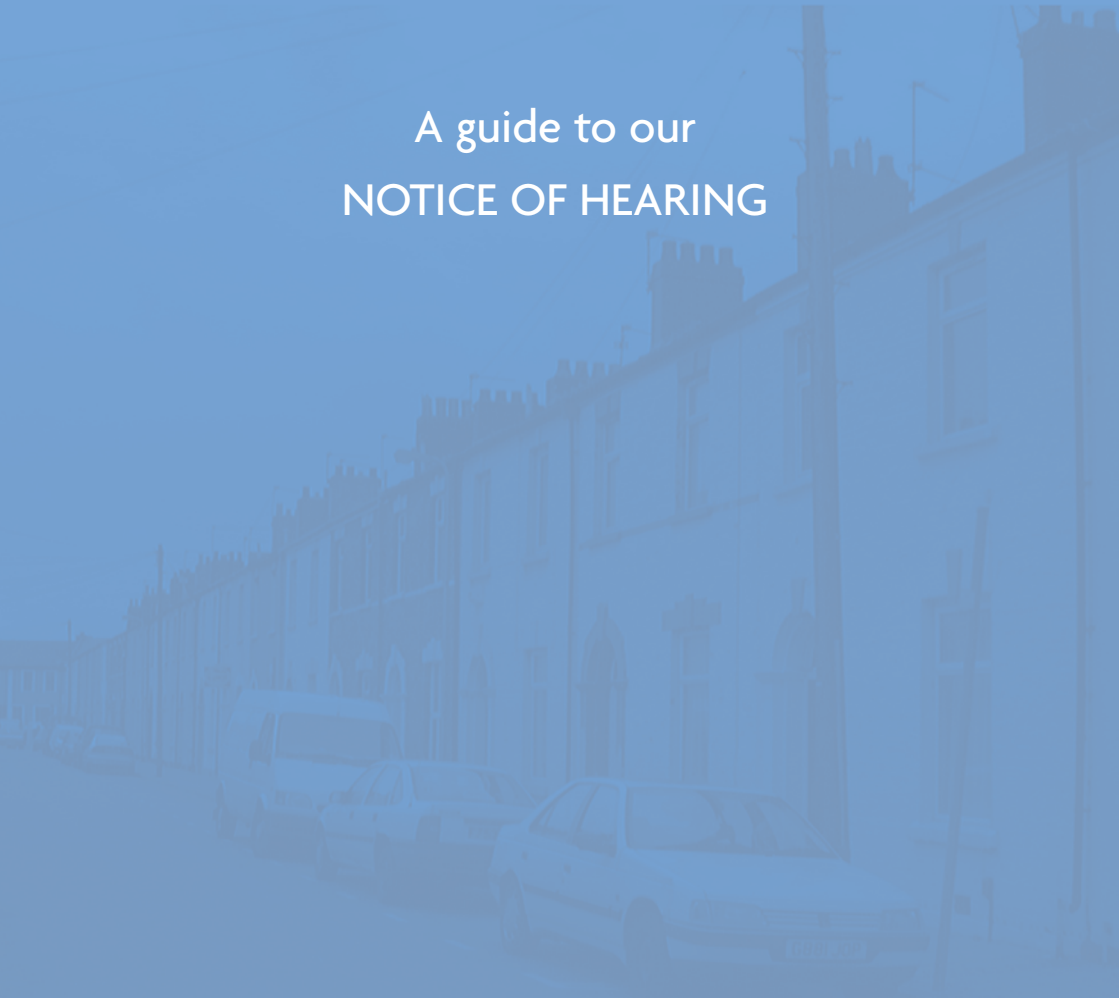




Valuation Tribunal Service for Wales

COUNCIL TAX VALUATION LIST 2005

A guide to our
NOTICE OF HEARING



WHAT IS A NOTICE OF HEARING?

The notice of hearing tells you when and where the Valuation Tribunal (VT) will consider your appeal.

If you cannot come to the hearing on the day arranged and have good reason for not being able to attend, you should contact the VT and ask for another date. In the event of a postponement it may be some time before we can give you a new hearing date.

If any of the details contained in the notice are incorrect please contact the Tribunal Office immediately.

WHAT SHOULD I DO NEXT?

The Tribunal expects that you will have discussed your appeal with the Listing Officer (LO) to try to settle it before the hearing date. If you do manage to settle your appeal please let the VT know. You may withdraw your appeal, in writing, at any stage before the hearing date.

IMPORTANT: If you have not settled your appeal by 10 days before the notified hearing date please complete the enclosed freepost proforma and return it immediately to the Tribunal Office.

HOW DO I PREPARE MY CASE FOR THE TRIBUNAL HEARING?

If you want to attend the tribunal hearing, you need to prepare your case before the hearing date. Please try to provide as much evidence as possible to support your case.

You will be allowed to:

- give spoken and written evidence;
- present anything that you believe will help your case, such as letters, photographs or plans; and
- bring someone along to speak for you or to appear as a witness.

INFORMATION ON VALUATION LIST APPEALS

The Tribunal expects you and the LO to have discussed beforehand, any evidence that you will present at the tribunal hearing. You should also have agreed basic facts including the size and layout of your property.

When you prepare your case, please remember that the banding is based on the sale price of your property on the **1 April 2003**. This date is set by law and we cannot change it. The LO has to look at sale prices prevailing in **2003**, even if your property was not sold or built on this date.

| Band | Range of Values | upto |
|------|--------------------|----------|
| A | | £44,000 |
| B | £44,001 | £65,000 |
| C | £65,001 | £91,000 |
| D | £91,001 | £123,000 |
| E | £123,001 | £162,000 |
| F | £162,001 | £223,000 |
| G | £223,001 | £324,000 |
| H | £324,001 | £424,000 |
| I | £424,001 and above | |

The LO also has to imagine a number of things about the sale, including that:

The property was sold empty;

The interest sold was the freehold (or a leasehold of 99 years for a flat); and

The property was in a reasonable state of repair.

At least two weeks before the hearing, the LO will tell you about the sales of any properties that he/she may use at the hearing. You will be allowed to look at this evidence before the tribunal hearing. You also have the right to ask the LO to let you look at the evidence he/she has for four other properties. (If the LO decides to use more than four sales, you can ask for information on the same number of properties that they have used.)

The LO and your local council both keep copies of the valuation list, which shows the bandings of all properties in your council's area. You can ask the LO or the council to let you look at the list, so that you can compare the bandings of your property and any other properties that you think are similar. There are copies of the valuation lists for all properties in England and Wales on the Valuation Office Agency's website (www.voa.gov.uk).

INFORMATION ON NOTICE OF INVALIDITY APPEALS

Please note when considering Invalidation Appeals, Tribunals are precluded from determining the correctness or otherwise of the banding value.

The Tribunal can only look at the rules under which you can make a proposal.

The rules for making proposals are set out in regulations which control the process for making appeals. The most common reasons why the LO may feel your proposal is not valid are as follows:

- **You made the proposal too late.** For example, you made it after the legal time limit.
- **You did not fill in the proposal properly.** For example, you did not give reasons why you believed the banding was wrong or you did not give full information about a decision of a Valuation Tribunal or superior court that you consider was relevant.

- **You do not have the right to make a proposal.** For example, you are not the occupier, owner or tenant of the appeal property.
- **A Valuation Tribunal or superior court has already considered an appeal on the same grounds and facts.**

Should the VT decide that your proposal is valid, it will consider valuation matters at a later date.

DO I NEED TO COME TO THE HEARING?

It is usually better if you can come to the hearing which enables, if required, clarification and questions. Your appeal can however be dealt with in the following ways based on a clear and concise submission.

Written representations (in accordance with the Regulations)

The Tribunal can only deal with your appeal in this way **if all parties agree** to use this method.

When an appeal is determined by way of written representations, only the written evidence that all parties provide can be considered. The parties are not present at such hearings.

If everyone agrees, in writing, you will be informed of the procedure.

The Tribunal may ask the parties for more evidence. It may decide that it can only deal with the case by holding a formal hearing.

Written submission

If you cannot come to the hearing and want your case heard in your absence, but the parties have not agreed to the formal written representations procedure, you **must** write and give details of any points that you want considered. Other parties will still come to the tribunal hearing.

WHO WILL BE AT THE HEARING?

The Members of the Valuation Tribunal

Usually, three members will hear your appeal, (although two members can hear an appeal if everyone at the hearing agrees). One of the members will chair the meeting. Members of the Tribunal are local people who are volunteers. Although they may not be professionally qualified, they do receive training and are experienced in hearing appeals. The members of the Tribunal are independent of the LO who has put the bandings on the properties and the Council/Billing Authority (BA) who send out the Council Tax bills.

The Clerk

The clerk will act as an adviser on points of procedure and law. The clerk is a paid employee of the Tribunal and does not take any part in the decision. However, the clerk is responsible for writing up the decision.

A representative from the Listing Officer

You will probably have already met the member of the Listing Officer's staff, during the discussion of your appeal.

The Billing Authority may also opt into the appeal.

You

You can come to the tribunal hearing or you can choose a representative, for example, a friend or professional adviser, to act for you. **(Anyone attending on your behalf should have your written authority to do so.)**

You can also bring someone along as a witness

Members of the public

The tribunal hearing is open to members of the public. However, usually the only other people who come to a hearing are other people who are waiting for their case to be heard.

You can ask for the appeal to be heard in private, you must however provide a good reason for this.

WHAT HAPPENS AT THE TRIBUNAL HEARING?

The hearing is fairly informal and we will try to put everyone at ease. However, the Tribunal will follow a procedure to make sure that all parties can present their cases. The Tribunal will decide who will begin.

During the hearing:

- All parties will give their cases;
- You will be able to ask the LO questions;
- The other parties will be able to ask you questions; and
- The Tribunal may ask you and the other parties questions.

Before the members retire to make the decision they may ask both sides to summarise their cases.

If you do not come to the hearing and you are not represented at the hearing, the Tribunal may dismiss your appeal.

WILL I BE INFORMED OF THE DECISION ON THE DAY?

The Tribunal can give the decision verbally at the end of the hearing. However, most tribunals send their decisions by post. By law, we have to give you a written copy of the reasons for the decision. The Tribunal will let you know when you may expect the written decision.

CAN THE TRIBUNAL AWARD COSTS?

No. The service is free. You only have to meet your own expenses (and the expenses of anyone representing you) in preparing your case and coming to the hearing.

A solicitor may be able to give you some advice under the Legal Services Commission's 'Legal Help Scheme'.

WHAT IF I HAVE EXTRA NEEDS?

If you have any extra needs related, for example, to your sight, hearing or mobility please let the tribunal office know before the date of the hearing – we will do our very best to help. Such notification can be made on the response proforma referred to on the first page of this leaflet.

Arrangements can be made for translation on request if not already indicated in your appeal. We can also provide someone to communicate with you in sign language (a signer).

We are positively committed to treating everyone fairly. No-one making an appeal will receive less favourable treatment because of their race, colour, nationality, age, religion, ethnic origin, sex, sexuality, marital status or disability.

CAN I COMPLAIN ABOUT THE SERVICE PROVIDED?

If you have a complaint about the way the VT administration has handled your case, you can do the following:-

- You should first write to the Clerk of the Tribunal, at the address shown on our notices.
You will be informed of the Tribunal's full complaints procedure in the Clerk's response.
- If you are not satisfied with the response, you may write to the President of the Tribunal, addressing your letter to the Tribunal Office.

You can only use this process to make a complaint about the way your appeal has been dealt with administratively by the Tribunal. Further appeal against the decision is to the higher courts.

FURTHER INFORMATION

Notices in Wales are routinely prepared in either Welsh and/or English dependant on the language used on the original proposal.

This guide is one of a series of leaflets that give information about our services. Our other guides include:

- general advice on appealing to the Tribunal;
- a guide to our notice of acknowledgement; and
- a guide to our notice of decision.

We also offer guides on dealing with Council Tax Liability and Non-Domestic Rating List appeals. If you would like to receive any of these guides, please contact the Tribunal Office at the address shown on our notice of hearing.

Our records

By law, anyone can visit the VT offices to look at copies of agendas, and decisions made by the Tribunal in the last six years. Agendas are lists of appeals that have been given a hearing date.

The VTSW's compliance for Freedom of Information, Data Protection and the Environmental Information Legislation is outlined in a policy statement which will be published on the VTSW website: copies available on request from VT Offices.

You will find more information about the Valuation Tribunals and copies of all guides on the following website(s) at:

www.valuation-tribunals.gov.uk [English VTS]

Currently there is a staged development of a parallel bilingual website in Wales (All VT's basically operate similarly but there are a few differences in legislation between England and Wales).

www.valuation-tribunals-wales.gov.uk [Welsh VTS]

The principal legislation under which Council Tax is administered is the **Local Government Finance Act 1992** and supporting regulations – particularly;

i) Council Tax (Alteration of Lists and Appeals) Regulations 1993 SI290 as amended

ii) Valuation Tribunals (Wales) Regulations 1995 SI3056

East Wales Valuation Tribunal

22 Gold Tops

NEWPORT

NP20 4PG

Tel: 01633 266367

Fax: 01633 253270

E-mail: eastwales.vt@vto.gsx.gov.uk

Powys CC

Blaenau Gwent CBC

Caerphilly CBC

Monmouthshire CC

Newport City Council

Torfaen CBC

Valuation Offices:

Wrexham VO

Regent House

Regent Street

WREXHAM

LL11 1PR

Tel: 01978 200000

Newport VO,

Second Floor

Clarence House

Clarence Place

NEWPORT

Gwent

NP20 7AA Tel: 01633 205600

Merthyr Tydfil VO

Inland Revenue

Government Building

Castle Street

MERTHYR TYDFIL

CF47 8TX

Tel: 01685 358000

TRIBUNAL for North Wales

Areas Covered: COUNCIL (BILLING AUTHORITIES)

North Wales Valuation Tribunal
Dinerth Road
Rhos-On-Sea
COLWYN BAY
Conwy
LL28 4UL
Tel: 01492 546610 Fax: 01492 545935
E-mail: northwales.vt@vto.gsx.gov.uk

Wrexham CBC
Flintshire CC
Denbighshire CC
Gwynedd CC
Isle of Anglesey CC
Conwy CBC

Valuation Offices:

Wrexham VO
Regent House
Regent Street
WREXHAM
LL11 1PR Tel: 01978 200000

Bangor VO,
Ty Glyder,
339 High Street,
BANGOR,
LL57 1YA Tel: 01978 200000

TRIBUNAL for South Wales

Areas Covered: COUNCIL (BILLING AUTHORITIES)

South Wales Valuation Tribunal
22 Gold Tops
NEWPORT
NP20 4PG
Tel: 01633 255003 Fax: 01633 255004
E-mail: southwales.vt@vto.gsx.gov.uk

Bridgend CBC
Cardiff CC
Rhondda Cynon
Taff CBC
Vale of Glamorgan CBC
Merthyr Tydfil CBC

Valuation Offices:

Cardiff VO

Ty Rhodfa
Ty Glas Road
Llanishen
CARDIFF
CF14 5GR Tel: 02920 806800

Merthyr Tydfil VO,

Inland Revenue
Government Buildings
Castle Street
MERTHYR TYDFIL
CF47 8TX Tel: 01685 358000

TRIBUNAL for West Wales

Areas Covered: COUNCIL (BILLING AUTHORITIES)

West Wales Valuation Tribunal

First Floor
14 King Street
CARMARTHEN
SA31 1BH
Tel: 01267 235071 Fax: 01267 221579
E-mail: westwales.vt@vto.gsx.gov.uk

Neath-Port Talbot CBC
City & County of Swansea
Carmarthenshire CC (Part 3)
Carmarthenshire CC (Part 1&2)
Ceredigion CC
Pembrokeshire CC

Valuation Offices:

Carmarthen VO

Government Building
Picton Terrace
CARMARTHEN
SA31 3BT Tel: 01267 322200

Swansea VO

Ty Nant
180 High Street
SWANSEA
SA1 1JR Tel: 01792 497700

You should note that this leaflet does not cover every aspect of Council Tax appeals. The information it contains is not binding upon any Valuation Tribunal, nor does it affect the application of the relevant statutes or regulations. The Clerk of the Tribunal will respond to any reasonable request for advice on procedure before the commencement of the hearing.