

# Valuation Tribunals in Wales

## Reorganisation

### Consultation Paper

Welsh Assembly Government  
September 2008



# Valuation Tribunals in Wales – Reorganisation

- (i) This consultation paper seeks views on proposals for the restructuring of valuation tribunals in Wales. The consultation includes proposals to establish a single Valuation Tribunal for Wales with a President and Vice Presidents. Views on all aspects of the proposals are welcome.
- (ii) A copy of the consultation paper is available on the web site of the Welsh Assembly Government at the following address:  
<http://new.wales.gov.uk/consultations/currentconsultation/locgovcurrcons/?lang=en>
- (iii) Copies have been sent to Members of the Governing Council of the Valuation Tribunal Service for Wales, all serving members of valuation tribunals in Wales, the Valuation Office Agency (VOA), local authorities in Wales, the Administrative Justice & Tribunals Council, the Institute of Revenues, Rating and Valuation, the Royal Institution of Chartered Surveyors and other parties with an interest in issues related to valuation tribunals. Responses from other interested groups or individuals are also welcome.
- (iv) A Regulatory Impact Assessment has not been prepared for these proposals as they will have minimal impact on the public sector and no impact on business, charities or voluntary bodies.

## Responses and Enquiries

- (v) Responses to this consultation document should be received by 24<sup>th</sup> November 2008. Responses may be sent by e-mail (which is preferred) to:

[LGF1consultations@wales.gsi.gov.uk](mailto:LGF1consultations@wales.gsi.gov.uk)

or by post to:

Gemma Smith  
Local Government Finance Division  
Welsh Assembly Government  
Cathays Park  
Cardiff CF10 3NQ

or by Fax to:  
029 2082 5346

- (vi) Any enquiries or requests for copies of the paper should be directed to Gemma Smith at the above address.
- (vii) The Welsh Assembly Government intends to publish a summary of the responses to this document. Normally, the name and address (or part of the address) of its author are published along with the response, as this gives credibility to the consultation exercise. If you do not wish to be identified as the author of your response, please state this expressly in writing to us.
- (viii) The summary of responses will be published within 3 months of the consultation closing, on the Welsh Assembly Government web-site. Paper copies of the summary will be available on request from Gemma Smith at the above address.

# Valuation Tribunals in Wales – Reorganisation

## Introduction

1. This consultation paper seeks views on a change relating to the structure of valuation tribunals in Wales. The Welsh Assembly Government believes this change would help to address variations in tribunal practice which may occur in the current structure and operation of the valuation tribunals. This is consistent with our aim of promoting good tribunal practice, and of encouraging the efficient and effective running of the valuation tribunal service in Wales while continuing to sustain its judicial independence.
2. Implementation of the proposals contained in this paper will require changes to secondary legislation and it is envisaged that the process will be completed by April 2010.
3. The Welsh Assembly Government is issuing this consultation paper in the light of an internal review of Valuation Tribunals in Wales.

## Relationship between the Valuation Tribunals and the Valuation Tribunal Service for Wales

4. The appeals service for local taxation matters, including appeals against council tax and national non-domestic rates, is provided by two separate organisations which are responsible separately for the judicial and administrative aspects of the service. The judicial function is provided by the valuation tribunals, of which there are currently 4 in Wales, and on which a trained volunteer body of members sit to hear and decide appeals. The administration function is provided by the Valuation Tribunal Service for Wales (VTSW) which supplies the valuation tribunals with the necessary administrative support framework, staff and members training to be able to operate effectively and with judicial independence. The VTSW also provides advice on procedure and points of law to the tribunals.

## Valuation tribunals

5. There are currently 4 separately constituted valuation tribunals in Wales, each with its own president, chairs and members. Members are appointed to valuation tribunals by two means: (1) by the local authorities in their area of jurisdiction and the president of the valuation tribunal jointly: (2) by the Welsh Ministers. The maximum number of members that can be appointed by the local authorities and the president varies between tribunals. However, the total maximum number appointed in this manner across

Wales is 234. The Welsh Ministers may appoint members to each tribunal and in practice, have appointed a single member to each tribunal.

6. The president and chairpersons of a tribunal must be members of the tribunal and elected by the members, except that, if the tribunal fails to make an appointment after a specified period of time, the Welsh Ministers have a duty to appoint tribunal presidents and chairpersons after undertaking the required consultation. There is one president and several chairpersons in each tribunal. The number of chairpersons in each tribunal is determined by the VTSW.
7. Since January 2006 a Governing Council, assisted by the Chief Executive of the VTSW, has provided a central management structure to maximise the efficient running of the Valuation Tribunal Service in Wales.
8. The Valuation Tribunals (Wales) Regulations 2005 require that the members of the Governing Council must be the four serving valuation tribunal presidents, and any member appointed by the Welsh Assembly Government. This provision is designed to ensure that the Governing Council has a good understanding of how tribunals function, and the likely impact of any proposals which are being considered.
9. It is crucial to the integrity of the appeals system for the valuation tribunals to be judicially independent.

### **The Valuation Tribunal Service for Wales**

10. The VTSW was established in January 2006 to secure the efficient and independent operation of the valuation tribunals in Wales, to improve customer service through the spread of best practice and to provide administrative services to the tribunals and general advice about procedure. Since its establishment, the VTSW has been working towards providing a more effective and efficient service that continues to provide a fair outcome for the users of valuation tribunals. This is supported by greater coherence and consistency in the administrative services provided by the VTSW.
11. The proposals in this paper relate to the reorganisation of the valuation tribunals only and do not seek to address the structure or operation of the VTSW, other than where it is affected by those proposals, e.g. membership of the Governing Council.

### **Proposals**

12. The Welsh Assembly Government proposes to make secondary legislation that would allow the delivery of the following two main proposals:

- a. establish a single valuation tribunal by unification of the 4 current tribunals to handle all appeals against decisions relating to council tax and national non-domestic rates arising in Wales;
- b. establish new positions, within the single tribunal, of President of the Valuation Tribunal for Wales and three Vice Presidents - the appointments to these positions to be determined by election by a simple majority of votes cast, each valuation tribunal member having one vote.

### **A Single Valuation Tribunal**

13. The present structure for the tribunals is based historically on very local arrangements; the four tribunals that currently exist are the result of amalgamations that have taken place over a number of years. However, these separately constituted tribunals still constitute a structure that runs the risk of supporting variations in the application of judicial processes.
14. The Welsh Assembly Government is of the view that unification into a single tribunal, with a national president, is the right way forward for the valuation tribunals. By establishing a single tribunal for Wales - the Valuation Tribunal for Wales - the Welsh Assembly Government seeks to establish a tribunal that reflects best practice, offers a first class service to customers and can provide members with a strong, focussed leadership.
15. By maintaining a presence in the regions of Wales, together with a locally based membership, and by continuing to sit in accessible locations, the Valuation Tribunal for Wales would continue to provide a local service and allay possible concerns about loss of local identity. Its unified structure would enable it to ensure consistency of practice across the tribunal, as well as the most effective partnership between the judicial and administrative arms of the service - that is to say, between the tribunal itself and the VTSW.

### **President and Vice Presidents of the Valuation Tribunal for Wales**

16. The Welsh Assembly Government proposes that on the establishment of the Valuation Tribunal for Wales, the four separate tribunals would cease to exist and the members and existing chairpersons of each of the four current tribunals would automatically become the members and the chairpersons of the Valuation Tribunal for Wales. The existing tribunal presidents, who are also chairpersons within their individual tribunals, also would become chairpersons in the new Tribunal, but their office as tribunal presidents would cease to exist.

17. Transitional arrangements would be put in place so that the current Director to the Governing Council of the VTSW would become the new President of the Valuation Tribunal for Wales, and the existing tribunal presidents would be appointed vice presidents. Elections for appointments to the positions of President and Vice Presidents would be held within twelve months of the establishment of the new tribunal.
18. The membership of the Governing Council would consist of the President and Vice-Presidents of the Valuation Tribunal for Wales and an independent member appointed by the Welsh Ministers.

### **Number of tribunal chairpersons and members**

19. The Welsh Assembly Government envisages that decisions about the number of chairpersons and members appointed within the single Tribunal for Wales will be based on the projected workload of the Tribunal as a whole and will take into account the particular workload that might reasonably be expected of individual tribunal members. We believe it appropriate for the Welsh Assembly Government to have a power to determine the number of vice presidents, chairpersons and members of the Tribunal, should that be deemed necessary, but in practice decisions about numbers are expected to be made by the Governing Council of the VTSW with the agreement of the Welsh Assembly Government.

### **Staff of the VTSW**

20. It is envisaged that the current complement of four clerks to the Valuation Tribunals, and the total number of staff in the VTSW should be maintained for now. We believe, however that staffing levels should be reviewed on an ongoing basis, in consultation with the Governing Council, so that they match the demands of the workload.

### **QUESTIONS**

1. Would the creation of a single Valuation Tribunal for Wales meet the needs of the public and other stakeholders?
2. Do you agree that having a national president would provide better leadership for the Service?
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 an independent member appointed by the Welsh Assembly Government?