



Renfrewshire Valuation Joint Board

Report to: Renfrewshire Valuation Joint Board

Meeting on: 22nd November 2019

Subject: Non-Domestic Appeals

Author: Assistant Assessor & Electoral Registration Officer

Introduction

The purpose of this report is to brief members on the appeal process and report progress not only on disposal of Revaluation appeals, but the disposal of Running Roll Appeals received since the 2017 Revaluation.

1. Background

A 5-yearly Revaluation process was introduced by the Valuation and Rating (Scotland) Act 1956. The previous revaluation was carried out as at 1st April 2010, the Revaluation due at 2015 was postponed by two years, therefore it has been seven years since the last revaluation. The 2017 Revaluation required the Assessor to value or revalue all of the lands and heritages in his valuation area. These valuations are totally fresh and need bear no relation to the value applied in the preceding 7 years.

The process involves the collection and analysis of rental, building cost and turnover data to establish the new levels of value to be applied to the various types of subject. These valuations are then updated, the new valuation roll is published, and all interested parties notified. This process is founded on continuous processes but the bulk of the work in relation to the Revaluation is carried out in the 2 years preceding the date of the Revaluation.

2. Right of Appeal

The Revaluation brings with it a fresh right of appeal. This right of appeal has to be exercised within a six-month period starting on the 1st April in the year of the Revaluation or within six months of the date of issue of the Valuation Notice, whichever is later.

Any person to whom the Assessor has issued a Revaluation Notice is entitled to appeal. In practice this means the Proprietor, the Tenant or the Occupier of the property.

These appeals must be disposed of within time limits prescribed in a Timetable Order. This currently states by the end of the third year following the revaluation; in this case, 31st December 2020.

3. Negotiation of Appeals

Following citation of an appeal, it is normal practice for a member of the Assessor's staff to enter into negotiation with the appellant or the appellant's agent. In the majority of cases, these discussions will result in a settlement of the appeal without any need to present the appeal to the Valuation Appeal Committee; this settlement will be a withdrawal of the appeal by the appellant or an adjustment to the value by the Assessor.

If, however, the parties cannot reach agreement, the appeal will be presented to the Valuation Appeal Committee. In the normal course of events, a senior member of the Assessor's staff will lead the case, however depending on the complexity and legal arguments involved, it may require that Counsel is employed to lead the case for the Assessor. In all cases one or more members of the Assessor's staff will require to give evidence as an expert witness.

4. Local Valuation Appeal Committee

The Appeal Committee is drawn from the Renfrewshire Valuation Appeal Panel. The members of the Panel are appointed by the Sheriff Principal. They are all unpaid, are completely independent of the Assessor and the local councils and have no prior knowledge of any case listed for hearing.

In the case of highly complex appeals, either party has the right to request that the appeal is referred to the Lands Tribunal for Scotland. Referral is not undertaken lightly as it involves a considerable amount of preparatory work by several members of staff and may involve several days of examination, cross-examination and submissions in front of a High Court Judge and a Lay Expert.

In all appeals, either party may appeal the decision of the Appeal Panel or Lands Tribunal. This appeal will be heard by the Lands Valuation Appeal Court (The Court of Session).

5. Revaluation Appeals

As members will be aware, the Revaluation brings with it a fresh right of appeal and traditionally results in a large influx of appeals. This Revaluation is no different with an increase of 6% on the number of 2010 Revaluation appeals. The total number of Revaluation Appeals received for 2017 is 3,832, which relates to 3,542 subjects with a cumulative value of £324,294,785.

A number of statistical extracts have been compiled to show the Revaluation Appeals received in 2017 and the subsequent running roll appeals. These have been shown by category type and map the categories used by the Scottish Executive; see Appendix 1. The 20 categories divide subjects into easily understood groupings such as Retail, Offices, Industrials, Health, Education and Hotels.

Category 11, titled "Public Service" includes subjects such as the Airport, Bus Station, Court House, Fire Station, Military Establishment, Police Station and Waste Water Treatment Works.

Category 17, titled "Others" includes subjects such as Car Parks, Car Spaces, Ground, Kennels, Livestock Auction Marts, Premises Under Reconstruction, Stables, Water Rights and Weighbridges.

Following a Revaluation, new values will generally remain unchanged until the next Revaluation; unless the property is altered, or other changes take place. New properties will be added to the Roll as they become capable of occupation and entries for demolished buildings will be deleted.

However, a Running Roll appeal can be lodged by a ratepayer or their agent on the grounds that there has been a Material Change of Circumstances which has affected the value of the property or on the basis of an error in the valuation.

6. The disposal of 2017 Revaluation Appeals

A number of statistical extracts have been compiled to show the 2017 Revaluation Appeals. These have been shown by the same category type as stated above, see Appendix 1.

As the Board is aware, the Assessor for Renfrewshire Valuation Joint Board is the “Designated Assessor” for fixed line Telecommunications subjects which are included at line 20 in the tables.

All the Revaluation appeals MUST be cited for a local Valuation Appeal Committee hearing by 31st December 2020.

The disposal of the Revaluation appeals began with the first local Valuation Appeal Committee hearing on 10th May 2018 followed by scheduled hearings from then to present date. It is normal practice that the Valuation Appeal Committee does not sit over the summer period therefore since last reporting there has only been one non domestic hearing held on the 10th October. The statistics provided within this report relate to all appeals processed over the last quarter up to the 30st September 2019.

As at 30th September we have disposed of 70.30% of the number of subjects under appeal, which relates in most part to the bulk categories such as shop, office and industrial type premises within each of the three Local Authority areas.

The numbers currently disposed of can be seen in Appendix 1; currently the number disposed of throughout the Board area is 2,490 with 1052 still outstanding. The information is provided for each of the three local authorities together with a total for the Joint Board area.

At each hearing we deal with approximately 250-300 appeals. At present most of the standard comparative subjects have been dealt with and we will be turning our attention to public buildings and other more specialised subjects.

Three further hearings have been scheduled throughout the year from 7th November through to 19th December. The category of subjects that will be disposed of include licensed premises, car showrooms, petrol filling stations and schools.

7. The disposal of Running Roll Appeals

In addition to the Revaluation appeals, Running Roll appeals have also been programmed into hearings throughout this period. Unlike the revaluation appeals which is a known quantity, running roll appeals will be a moving target as ratepayers and their agents can lodge this type of appeal at least once in any one financial year. Therefore, whilst the revaluation appeals will progressively reduce over this period of time, the numbers of running roll appeals outstanding will fluctuate depending on numbers received throughout the quinquennium. The disposal date for this type of appeal will be determined by the date the appeal is lodged – generally by 31st December in the following year or 12 months after receipt, whichever is later.

Since the last report in June, to date we have received an additional 67 running appeals which increases the total number received to 763. At time of writing we have disposed of 426 appeals in addition to the Revaluation appeals outlined above.

8. Disposal of Other Outstanding Appeals

As outlined previously, if a case is considered highly complex it may be necessary for it to be referred to the Lands Tribunal for Scotland. At present there are a number of subjects that have cases from both the 2005 and 2010 Revaluations that have been referred to the Lands Tribunal, the bulk of which relate to mobile or complex fixed line telecommunication subjects.

Negotiations are currently on-going with the relevant agents and it is hoped that agreement will be reached over the coming months without the need for any cases proceeding to formal hearings. The number of appeals referred to the Lands Tribunal currently outstanding are as follows:

6 appeals remain outstanding from 2005 Revaluation in relation to 5 subjects

29 appeals remain outstanding from 2010 Revaluation in relation to 17 subjects

Conclusion:

The disposal of appeals is a major component of the work undertaken by the Assessor's valuation staff. It is work that can be stressful due to the strict legislative timetables and the adversarial nature of the negotiations. It is to the credit of the staff that they are able to deal with these matters with fairness, courtesy and professionalism. It is hoped this gives an insight into the background of the appeal process and progress of revaluation and running roll appeals disposal.

Recommendations

- i. The Board notes the contents of this report.

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4th November 2019

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APPENDIX 1

RVJB Revaluation 2017 – Appeals (By number of subjects under appeal as at 30/09/2019 – **RENFREWSHIRE**)

Category	Number Received	RV under Appeal	Disposed	Original RV	Adj RV	Number O/S	Appeal RV O/S	% O/S
1 Retail	528	£ 63,147,350	483	£ 40,608,100	£ 38,696,000	45	£ 22,539,250	8.52%
2 Public House	67	£ 2,482,000	2	£ 30,000	£ 26,000	65	£ 2,452,000	97.01%
3 Office including Banks	526	£ 13,448,400	465	£ 11,349,900	£ 10,767,100	61	£ 2,098,500	11.60%
4 Hotel Etc	18	£ 6,229,500	2	£ 760,000	£ 525,000	16	£ 5,469,500	88.89%
5 Industrial	443	£ 30,604,205	426	£ 23,250,205	£ 22,023,155	17	£ 7,354,000	3.84%
6 Leisure	46	£ 5,977,950	9	£ 179,600	£ 184,600	37	£ 5,798,350	80.43%
7 Garages and Petrol Stations	19	£ 1,003,500	6	£ 106,500	£ 101,500	13	£ 897,000	68.42%
8 Cultural	37	£ 1,326,150	2	£ 56,400	£ 52,900	35	£ 1,269,750	94.59%
9 Sporting Subjects	3	£ 136,000	0	£ -	£ -	3	£ 136,000	100.00%
10 Education and Training	76	£ 13,701,350	2	£ 119,000	£ 105,000	74	£ 13,582,350	97.37%
11 Public Service Subjects	89	£ 5,590,000	13	£ 237,100	£ 235,100	76	£ 5,352,900	85.39%
12 Communications (Non Formula)	5	£ 9,200	0	£ -	£ -	5	£ 9,200	100.00%
13 Quarries Mines etc	1	£ 21,500	0	£ -	£ -	1	£ 21,500	100.00%
14 Petrochemical	2	£ 239,000	2	£ 239,000	£ 229,000	0	£ -	0.00%
15 Religious	11	£ 127,600	0	£ -	£ -	11	£ 127,600	100.00%
16 Health Medical	22	£ 4,890,200	11	£ 1,146,450	£ 968,350	11	£ 3,743,750	50.00%
17 Other	185	£ 3,020,970	80	£ 2,971,170	£ 1,502,130	105	£ 49,800	56.76%
18 Care Facilities	18	£ 1,308,850	1	£ 25,000	£ 25,000	17	£ 1,283,850	94.44%
19 Advertising	38	£ 121,140	0	£ -	£ -	38	£ 121,140	100.00%
20 Undertakings / Fixed Line	16	£ 100,261,800	5	£ 92,482,000	£ 67,882,300	11	£ 7,779,800	68.75%
	2,150	£ 253,646,665	1,509	£173,560,425	£143,323,135	641	£ 80,086,240	29.81%

RVJB Revaluation 2017 – Appeals (By number of subjects under appeal as at 30/09/2019 – **EAST RENFREWSHIRE**

Category	Number Received	RV under Appeal	Disposed	Original RV	Adj RV	Number O/S	Appeal RV O/S	% O/S
1 Retail	180	£ 11,304,000	165	£ 4,665,500	£ 4,465,050	15	£ 6,638,500	8.33%
2 Public House	12	£ 963,750	0	£ -	£ -	12	£ 963,750	100.00%
3 Office including Banks	118	£ 2,330,950	89	£ 1,514,900	£ 1,314,250	29	£ 816,050	24.58%
4 Hotel Etc	5	£ 635,000	0	£ -	£ -	5	£ 635,000	100.00%
5 Industrial	85	£ 1,175,105	84	£ 1,139,105	£ 1,118,855	1	£ 36,000	1.18%
6 Leisure	13	£ 2,248,000	1	£ 56,000	£ 56,000	12	£ 2,192,000	92.31%
7 Garages and Petrol Stations	8	£ 205,850	3	£ 44,350	£ 38,400	5	£ 161,500	62.50%
8 Cultural	14	£ 432,200	2	£ 121,750	£ 66,750	12	£ 310,450	85.71%
9 Sporting Subjects	0	£ -	0	£ -	£ -	0	£ -	0.00%
10 Education and Training	31	£ 6,885,000	0	£ -	£ -	31	£ 6,885,000	100.00%
11 Public Service Subjects	36	£ 1,319,940	5	£ 37,440	£ 37,440	31	£ 1,282,500	86.11%
12 Communications (Non Formula)	1	£ 100	0	£ -	£ -	1	£ 100	100.00%
13 Quarries Mines etc	1	£ 60,000	0	£ -	£ -	1	£ 60,000	100.00%
14 Petrochemical	0	£ -	0	£ -	£ -	0	£ -	0.00%
15 Religious	4	£ 11,700	0	£ -	£ -	4	£ 11,700	100.00%
16 Health Medical	7	£ 919,900	3	£ 50,900	£ 15,000	4	£ 869,000	57.14%
17 Other	22	£ 108,950	21	£ 106,550	£ 99,450	1	£ 2,400	4.55%
18 Care Facilities	5	£ 486,000	1	£ 15,000	£ 15,000	4	£ 471,000	80.00%
19 Advertising	13	£ 55,100	1	£ 3,300	£ 3,300	12	£ 51,800	92.31%
20 Undertakings / Fixed Line	8	£ 1,167,200	2	£ 300,000	£ 192,100	6	£ 867,200	75.00%
	563	£ 30,308,745	377	£ 8,054,795	£ 7,421,595	186	£ 22,253,950	33.04%

RVJB Revaluation 2017 – Appeals (By number of subjects under appeal as at 30/09/2019 – **INVERCLYDE**

Category	Number Received	RV under Appeal	Disposed	Original RV	Adj RV	Number O/S	Appeal RV O/S	% O/S
1 Retail	245	£ 12,093,100	231	£ 5,688,600	£ 5,145,000	14	£ 6,404,500	5.71%
2 Public House	28	£ 1,147,500	1	£ 29,000	£ 13,000	27	£ 1,118,500	96.43%
3 Office including Banks	171	£ 5,767,375	154	£ 5,082,950	£ 4,978,750	17	£ 684,425	9.94%
4 Hotel Etc	2	£ 171,500	0	£ -		2	£ 171,500	100.00%
5 Industrial	153	£ 3,917,550	149	£ 2,762,550	£ 2,671,150	4	£ 1,155,000	2.61%
6 Leisure	25	£ 1,812,500	1	£ 15,000	£ 15,000	24	£ 1,797,500	96.00%
7 Garages and Petrol Stations	15	£ 451,300	11	£ 156,800	£ 154,800	4	£ 294,500	26.67%
8 Cultural	16	£ 519,700	3	£ 48,800	£ 48,800	13	£ 470,900	81.25%
9 Sporting Subjects	0	£ -	0	£ -	£ -	0	£ -	0.00%
10 Education and Training	34	£ 7,564,550	0	£ -	£ -	34	£ 7,564,550	100.00%
11 Public Service Subjects	61	£ 2,763,800	7	£ 94,900	£ 94,300	54	£ 2,668,900	88.52%
12 Communications (Non Formula)	0	£ -	0	£ -	£ -	0	£ -	0.00%
13 Quarries Mines etc	0	£ -	0	£ -	£ -	0	£ -	0.00%
14 Petrochemical	0	£ -	0	£ -	£ -	0	£ -	0.00%
15 Religious	2	£ 57,400	0	£ -	£ -	2	£ 57,400	100.00%
16 Health Medical	11	£ 2,886,550	4	£ 50,050	£ 50,050	7	£ 2,836,500	63.64%
17 Other	41	£ 261,000	41	£ 261,000	£ 222,250	0	£ -	0.00%
18 Care Facilities	9	£ 264,600	0	£ -	£ -	9	£ 264,600	100.00%
19 Advertising	7	£ 23,750	0	£ -	£ -	7	£ 23,750	100.00%
20 Undertakings / Fixed Line	9	£ 637,200	2	£ 226,000	£ 166,100	7	£ 411,200	77.78%
	829	£ 40,339,375	604	£ 14,415,650	£ 13,559,200	225	£ 25,923,725	27.14%

RVJB Revaluation 2017 – Appeals (By number of subjects under appeal as at 30/09/2019 – **TOTALS IN JOINT BOARD AREA**

Category	Number Received	RV under Appeal	Disposed	Original RV	Adj RV	Number O/S	Appeal RV O/S	% O/S
1 Retail	953	£ 86,544,450	879	£ 50,962,200	£ 48,306,050	74	£ 35,582,250	7.76%
2 Public House	107	£ 4,593,250	3	£ 59,000	£ 39,000	104	£ 4,534,250	97.20%
3 Office including Banks	815	£ 21,546,725	708	£ 17,947,750	£ 17,060,100	107	£ 3,598,975	13.13%
4 Hotel Etc	25	£ 7,036,000	2	£ 760,000	£ 525,000	23	£ 6,276,000	92.00%
5 Industrial	681	£ 35,696,860	659	£ 27,151,860	£ 25,813,160	22	£ 8,545,000	3.23%
6 Leisure	84	£ 10,038,450	11	£ 250,600	£ 255,600	73	£ 9,787,850	86.90%
7 Garages and Petrol Stations	42	£ 1,660,650	20	£ 307,650	£ 294,700	22	£ 1,353,000	52.38%
8 Cultural	67	£ 2,278,050	7	£ 226,950	£ 168,450	60	£ 2,051,100	89.55%
9 Sporting Subjects	3	£ 136,000	0	£ -	£ -	3	£ 136,000	100.00%
10 Education and Training	141	£ 28,150,900	2	£ 119,000	£ 105,000	139	£ 28,031,900	98.58%
11 Public Service Subjects	186	£ 9,673,740	25	£ 369,440	£ 366,840	161	£ 9,304,300	86.56%
12 Communications (Non Formula)	6	£ 9,300	0	£ -	£ -	6	£ 9,300	100.00%
13 Quarries Mines etc	2	£ 81,500	0	£ -	£ -	2	£ 81,500	100.00%
14 Petrochemical	2	£ 239,000	2	£ 239,000	£ 229,000	0	£ -	0.00%
15 Religious	17	£ 196,700	0	£ -	£ -	17	£ 196,700	100.00%
16 Health Medical	40	£ 8,696,650	18	£ 1,247,400	£ 1,033,400	22	£ 7,449,250	55.00%
17 Other	248	£ 3,390,920	142	£ 3,338,720	£ 1,823,830	106	£ 52,200	42.74%
18 Care Facilities	32	£ 2,059,450	2	£ 40,000	£ 40,000	30	£ 2,019,450	93.75%
19 Advertising	58	£ 199,990	1	£ 3,300	£ 3,300	57	£ 196,690	98.28%
20 Undertakings / Fixed Line	33	£ 102,066,200	9	£ 93,008,000	£ 68,240,500	24	£ 9,058,200	72.73%
	3,542	£ 324,294,785	2,490	£ 196,030,870	£164,303,930	1,052	£128,263,915	29.70%