

*Valuation Tribunals –
Modernisation and Reorganisation*

A Consultation Paper

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Valuation Tribunals – Modernisation and Reorganisation

1. The enclosed consultation paper seeks views on proposals for the modernisation and reorganisation of valuation tribunals in England. The consultation encompasses proposals to establish a single Valuation Tribunal for England with a president and vice presidents and that the appointment of the president of the Valuation Tribunal for England, vice presidents, chairmen and members of the tribunal should be selected by the Judicial Appointments Commission (JAC) and made by the Lord Chancellor. Views on all aspects of the proposals are welcome. Annex A to the consultation highlights those questions on which views are sought in particular.
2. A copy of the consultation paper and this covering note is available on the web site of the Department for Communities and Local Government at the following address:

<http://www.communities.gov.uk/consultations>

Copies have been sent to all serving presidents and members of valuation tribunals, to Valuation Tribunal Service (VTS) Board Members, to the Valuation Office Agency (VOA), to local authorities in England, and to the IRRV, RICS and other parties that have expressed an interest in issues related to valuation tribunals. Responses from other interested groups or individuals are also welcome.

3. A Regulatory Impact Assessment (RIA) 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

4. Responses to this consultation document should be received by **8 September 2006**. Responses may be sent by e-mail (which is preferred) to:

valuation.tribunal@communities.gsi.gov.uk

or by post to:

Nageen Haroon
Department for Communities and Local Government
Council Tax & Business Rates Division
Zone 5/D1
Eland House
Bressenden Place
London SW1E 5DU

or by Fax to:

020 7944 4209

5. Any enquiries or requests for copies of the paper and covering note should be directed to Nageen Haroon at the above address.
6. A summary of responses to this consultation will be published within 3 months of the consultation closing at the address below.

<http://www.communities.gov.uk>

Paper copies of the summary will be available on request from Nageen Haroon at the above address.

7. Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
8. If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
9. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Comments and Complaints

8. This consultation is being undertaken in accordance with the *Code of Practice on Written Consultation*; the main consultation criteria are set out in Annex B to this consultation paper.

Valuation Tribunals – Modernisation and Reorganisation

Introduction

1. This consultation paper seeks views on a number of significant changes relating to the modernisation and reorganisation of valuation tribunals in England. The Government believes these changes would help to address variations from modern tribunal practice currently found in the structure and operation of the valuation tribunals. Consistent with the Government's aim of promoting good tribunal practice, of encouraging the efficient and effective running of the valuation tribunals while continuing to sustain their judicial independence and as part of its own consideration of the options for modernisation of the valuation tribunals and the service they offer, the Government has sought and received advice from the VTS Board about a number of issues affecting valuation tribunals and their members. These issues include the number of tribunals and the way in which the president, chairmen and members of tribunals are appointed.
2. Implementation of the proposals contained in this paper will require changes to both primary and secondary legislation. Until a suitable legislative vehicle for the delivery of these legislative changes is found, the Government is unable to indicate a definite timetable for their practical implementation.
3. The Government is issuing this consultation paper in the light of advice put to it by the Valuation Tribunal Service (VTS) Board. Before submitting its advice to the Government, the VTS undertook its own public consultation in the spring of 2005 on a range of options for both the structure and organisation of the tribunals and of the VTS itself. The Government welcomed the fact that the VTS generally received widespread support for their proposals, while noting that concern about their proposals was expressed by some tribunal members.

Relationship between the Valuation Tribunals and the Valuation Tribunal Service

4. The appeals service for local taxation matters, including appeals against council tax and national non-domestic rates, is provided by two separately constituted organisations of bodies 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 56 in England, and on which a trained volunteer body of members sit to hear and decide appeals. The administration function is provided by the VTS 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 VTS also provides general advice on procedure to the tribunals.

Valuation tribunals – current organisation

5. The valuation tribunals were established in their current form following the introduction of council tax in 1993. There are at present 56 separately constituted valuation tribunals in England, each with its own president, chairmen and members. The number of members varies between tribunals, but in total there are just under 1,100.
6. At present members are appointed to valuation tribunals by the local authorities in their area of jurisdiction and the president of the tribunal jointly, with administration provided by the staff of the VTS. The president and chairmen in a tribunal must both 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 Secretary of State has a duty to appoint tribunal presidents and chairmen.
7. It is crucial to the integrity of the appeals system for the valuation tribunals to be judicially independent. The Local Government Act 2003 requires that the majority of the members of the VTS Board must be serving valuation tribunal presidents or chairmen. This stipulation is designed to ensure that the VTS Board has a good understanding of how tribunals function, and the likely impact of any proposals which are being considered by the Board of the VTS. The Act also specifies that the VTS must carry out its functions with respect to valuation tribunals in the manner best calculated to secure their independent operation, and must consult the tribunals about the carrying out of its functions where these impact on valuation tribunals. These requirements were built into the constitution of the VTS to safeguard the judicial independence of the valuation tribunals.

The Valuation Tribunal Service

8. The VTS was established as a Non-Departmental Public Body in April 2004 to secure the efficient and independent operation of the valuation tribunals in England, 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 VTS has been working towards the Government's aim of providing an effective and efficient service that continues to provide a fair outcome for the users of valuation tribunals by bringing greater coherence and consistency to the operation of the valuation tribunals as they are currently constituted. The VTS Board advises the Secretary of State on matters relating to the valuation tribunals.
9. The proposals in this paper relate to the modernisation and reorganisation of the valuation tribunals only and do not seek to address the structure or operation of the VTS, other than where it is affected by those proposals, for example membership of the VTS Board and administration for the single tribunal.

The Tribunals Modernisation Programme

10. In May 2000 Sir Andrew Leggatt published his report "Tribunals for Users: One System, One Service". He gave a picture of an incoherent and inefficient set of institutions which, despite the efforts of the thousands of people who work in

tribunals, provided a service to the public which was well short of what people are entitled to expect and what can be achieved. Sir Andrew set out a convincing case for change and made a number of recommendations on how to improve the service to tribunal users. Most of his recommendations were aimed at improving the services that tribunal users receive, such as having access to information about the tribunal process, access to information about their rights, and more generally by having fair, efficient and speedy procedures. He argued that bringing the largest central government tribunals together in a single service would ensure a more effective and efficient delivery of tribunals justice than the current fragmented system.

11. In response to the Leggatt Report, the Department for Constitutional Affairs published the White Paper “Transforming Public Services: Complaints, Redress and Tribunals”, which accepted a number of his recommendations. One aspect is the creation of a non-statutory agency, the Tribunals Service, to provide an efficient and cost effective administration for tribunals. This Agency was formally launched in April 2006. The White Paper also proposed that the individual tribunals be brought together within a single overarching framework.
12. No decisions have been taken about whether or not the valuation tribunals should in future come under the umbrella of the new Tribunals Service. But the Government recognises that separately there is value in bringing a single national structure to the valuation tribunals. The Government is however firmly committed to ensuring that any changes it proposes in relation to modernisation and reorganisation of the valuation tribunals must be consistent with the arrangements for the Tribunals Service so as not to prejudice any future decision.
13. Sir Andrew Leggatt also recommended that there should be separation between the ministers and other authorities whose policies and decisions are tested by tribunals, and the minister who appoints and supports them. Additionally he recommended that the Lord Chancellor should assume responsibility for all appointments to tribunals.
14. Following the Leggatt report, the Government accepted that Ministers with policy responsibility should, in most circumstances, not play a part in judicial appointments to courts or tribunals in whose jurisdiction the Ministers’ policy may have bearing. The Government further accepted that while members of the judiciary might be involved in the selection system for their fellow members, they should not make decisions on appointments. Since then the Government has brought in the Constitutional Reform Act 2005 to introduce a clearer separation in the roles of the executive and the judiciary by reforming the role of the Lord Chancellor so that he ceased to be a judge and transferring many functions which he had carried out as Head of the Judiciary to the Lord Chief Justice.
15. The arrangements for making judicial appointments have also been modernised. It is no longer considered appropriate for a minister to have an unfettered discretion on who should be appointed to judicial office. It is, however, important that there should be adequate accountability for the quality and transparency of the appointments system. Whilst the Lord Chancellor therefore remains responsible for making judicial appointments, or making

recommendations to Her Majesty, he can now only appoint or recommend candidates selected for a vacancy by the Judicial Appointments Commission (JAC) who are required to consult the Lord Chief Justice during each selection process. The Lord Chancellor has powers to reject a selection, or ask the JAC to reconsider it, but those are limited by statute. The JAC was formally established in April 2006 and will in due course select candidates for all judicial appointments made by the Lord Chancellor or on his recommendation. This includes appointment of members to those tribunals which are to become a part of the new Tribunals Service.

Valuation tribunals and modern tribunal practice

16. The current structure of valuation tribunals and arrangements for appointments made to and within the tribunals are at variance with both modern tribunal practice as described above and the Government's policy developed since the publication of the Leggatt Report.

Number of tribunals

17. Following the Leggatt report, the Government accepted the principle that there should be a co-ordinated structure for tribunals and has taken the first steps towards this with the establishment of the Tribunals Service in April 2006. Although no decisions have been taken about whether the valuation tribunals should become a part of the Tribunals Service, the principle of having a single structure for tribunals nationally applies equally to the valuation tribunals and the Government has reached the view that a structure with 56 separately constituted valuation tribunals is no longer sustainable for the reasons explained later in this paper.

Appointment of members by local authorities and tribunal presidents

18. At present, the number of members for each valuation tribunal is determined by the Secretary of State in accordance with the principles set out in the Valuation and Community Charge Regulations 1989 (No. 439) but she has no role in the appointment of the members, except that, if the tribunal fails to make an appointment after a specified period of time, the Secretary of State has power to appoint members. The system for member appointments to the tribunals is administered by the staff of the VTS working with each tribunal. Appointments are made jointly by the president of each tribunal and by the relevant local authorities within the jurisdiction of that tribunal.
19. Good practice, as set out by the Council on Tribunals, and Government policy after the 2001 Leggatt Report is that organisations that are interested parties to cases before a tribunal, as local authorities are, should not be involved in the appointment of members sitting on that same tribunal. It is also accepted that while members of the judiciary should be involved in the selection system for their fellow members, judicial officers should not have or share responsibility for final decisions, since that would make it impossible to ensure an adequate degree of public accountability for the quality and transparency of the system. In the Government's view this principle applies also to the involvement of presidents of valuation tribunals in decisions on the appointment of members to

the valuation tribunals. This has prompted the Government to consider how improvements might be made to the appointments process for members of the valuation tribunals.

20. The Government's policy is to avoid the situation in which tribunal members are appointed by those whose decisions the tribunals test, or who have a direct policy or financial interest in the outcome. This principle suggests that local authorities should cease to have any responsibility for appointments, and suggests that it would not be appropriate for Ministers in the DCLG, the valuation tribunals sponsor department, to have involvement in the appointments process for members of the tribunal.
21. Given developments in the structure and organisation of tribunals since the Leggatt Report, the Government has reached the view that it would be inappropriate and unacceptable not to address the variations from modern tribunal practice currently in place in the valuation tribunals. It is also of the view that the valuation tribunals would benefit from steps to modernise and reorganise their structure, organisation and appointments processes, to underline their judicial independence and improve the public's understanding of their role.

Proposals for modernisation and reorganisation

22. The Government's aim is to establish a modern and responsive unified valuation tribunal for England with full customer focus that reflects modern thinking about tribunals, best practice in the tribunal world in line with the Council on Tribunals' Framework of Standards for Tribunals and that is consistent in its organisation, works in effective partnership with the VTS and demonstrates flexibility of operation and coherence of practice. In bringing forward proposals for the modernisation and reorganisation of valuation tribunals the Government remains committed to its firm belief that it is crucial to the integrity of the appeals system for the valuation tribunal's judicial independence to be maintained.
23. The proposals set out below are consistent with the Council on Tribunals' guidance set out in their publication "Tribunals: their Organisation and Independence" and with the Council's strong support for the creation of a Tribunals Service.
24. The Government proposes to take powers that would allow the delivery of the following three main proposals, explained in more detail below:
 1. establish a single valuation tribunal by amalgamation of the 56 current tribunals to handle all appeals against decisions relating to council tax and national non-domestic rates arising in England;
 2. establish new positions, within the single tribunal, of president of the Valuation Tribunal for England and vice presidents - the appointments to these positions to be selected by the Judicial Appointments Commission (JAC) and made by the Lord Chancellor; and

3. introduce new arrangements for the appointment of the members and chairmen of the tribunal under which the appointments to the tribunal are selected by the JAC and made by the Lord Chancellor.

Single Valuation Tribunal for England

25. The current arrangement under which there are 56 separate tribunals within England each with its own president is at odds with modern tribunal thinking and practice. The present structure for the tribunals is based historically on very local arrangements; the current number of tribunals is the result of amalgamations that have taken place over a number of years. This still large number of separately constituted tribunals creates a fragmented structure that has run the risk of variations in the application of judicial processes. The separate jurisdictions also unnecessarily reduce flexibility in the allocation of work and of members to hearings. With new thinking about tribunal structures and organisation since the Leggatt Report along with a projected fall in the overall level of workload and advances in information technology since the current structure was established, the time is right to look again at the structure of the tribunals.
26. The Government is strongly of the view that amalgamation to a single tribunal, with a national president and clerk, is the right way forward for the valuation tribunals. By establishing a single tribunal for England – the Valuation Tribunal for England - the Government seeks to establish a tribunal that reflects best practice in the tribunal world, offers a first class service to customers and can provide members with a strong, focussed leadership. By maintaining a presence in regional centres together with a locally based membership, and by continuing to sit in accessible locations, the Valuation Tribunal for England would continue to provide a local service and allay 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 VTS.
27. The Government proposes that on the establishment of the Valuation Tribunal for England, the 56 separate tribunals would cease to exist and the members and existing chairmen of each of the 56 current tribunals would automatically become the members and the chairmen of the Valuation Tribunal for England. The existing tribunal presidents, who are also chairmen within their individual tribunals, also would become chairmen in the Tribunal, but their office as tribunal presidents would cease to exist. The Government does not envisage that any arrangements would be required in relation to any property, assets and liabilities or of tribunal staff of each of the 56 tribunals since these were formally transferred to the VTS on its establishment in April 2004.
28. The Government will also ensure that appropriate transitional arrangements may be made for those appeal cases before the 56 separate valuation tribunals on the date the Valuation Tribunal for England is established to be transferred seamlessly to the new Tribunal.

President and vice presidents of the Valuation Tribunal for England

29. In the current valuation tribunal structure each tribunal has a president. The Government has taken the view that a structure with one single tribunal covering the whole of England should have a single president – the president of the Valuation Tribunal for England. It strongly believes the creation of this position would strengthen judicial independence and provide the benefit of an authoritative voice on judicial issues affecting the tribunal. The president would be judged and seen to be judged as meeting suitable appointment criteria and high standards. S/he would provide effective focussed leadership to the single tribunal for England and would be a strong advocate for the service. The president would be a focus for introducing best practice, be a natural conduit to the VTS Board and be active in enhancing effective partnership with the VTS. Drawing on best practice elsewhere in the justice system, including on the role of volunteer members, the president will have the task of ensuring members are fully and appropriately trained and appraised so as to deliver a body of members of high quality. S/he would oversee the deployment of other members and manage the work of the tribunal.
30. The Government envisages that the president of the Valuation Tribunal for England will benefit from assistance and support from within the tribunal structure on judicial matters such as the listing of cases for hearing and the promotion of coherent practices and procedures. The Government proposes that this support should be provided by a small number of vice presidents who would work with the president to formulate guidance for the service. Vice presidents will have considerable influence within the Tribunal and the positions will need to be filled by high quality candidates. The vice presidents would support the president by reflecting local issues, overseeing local arrangements, providing a conduit to the president, maintaining regular contact with members, leading consultation processes, co-ordinating members' appraisal, identifying members' training needs, assisting with training delivery and dealing with judicial complaints. Although the Government expects that there should be synergy between the structure within the Valuation Tribunal for England and the administrative structure of the VTS, it believes it appropriate to retain flexibility on the number of vice presidents. This would allow the president of the Valuation Tribunal for England, when appointed, to influence the structure of the Tribunal and also allow flexibility to handle any future structural changes both within the Tribunal and within the VTS.

Membership of the VTS Board

31. The Government takes the view that on appointment, the president of the Valuation Tribunal for England should also be appointed, by virtue of office, as a member of the Board of the VTS. Through this role, s/he would provide a further conduit between the tribunal and the VTS Board, additional to those other members of the VTS Board drawn from the tribunals. The constitution of the VTS seeks to preserve the judicial independence of the tribunals by requiring that the majority of members of the VTS Board should be drawn from among serving presidents or chairmen of tribunals. Given this provision, designed to protect and sustain the judicial independence of the Tribunals, it would, in the Government's view, undermine the position of the president of the Valuation Tribunal for England if s/he were not to be also a member of the

VTS Board. In the Government's view the presence of the president on the VTS Board should count for the purposes of conforming to the requirement that the majority of members of the VTS Board be drawn from the Tribunals as is required by Schedule 4 of the 2003 Act. The Government proposes to amend this provision both to provide that the president of the Tribunal for England should become a member of the VTS by virtue of office and so that the tribunal representatives on the VTS may be drawn from serving vice presidents and chairmen of the Tribunal for England (paralleling the present provision, by which they are drawn from presidents and chairmen).

Remuneration

32. The Government currently expects that the person appointed as president of the Valuation Tribunal for England will need to commit at least 1 day per week to the role. The valuation tribunals are at present a volunteer service but to attract the calibre of candidates to this high profile position given the time commitment anticipated, the Government has taken the view that the position of president should attract an appropriate level of remuneration. Similarly the Government currently expects that the positions of vice president might also require a considerable time commitment, perhaps 2-3 days per month. The Government therefore proposes to take powers so that the president and vice presidents may be paid, should it decide that is appropriate. The Government's estimates of the time commitment required of the president and vice presidents may need to be refined in the light of experience and of the workload of the VTE.

Appointments to the Valuation Tribunal for England

33. It is clear to the Government that changes need to be made to the way in which valuation tribunal members are appointed. The involvement of both the local authority and of the current tribunal presidents in appointments is contrary to modern tribunal practice as accepted by the Government. Equally it would be contrary to Government policy for the Secretary of State for Communities and Local Government to take on a role in appointments given her policy responsibilities for council tax, national non-domestic rates and for the VTS.
34. The Government no longer considers it is appropriate for local authorities to continue to have a role in the appointment of members of the valuation tribunal. Modern tribunal practice provides that organisations which are an interested party to cases before a tribunal, which local authorities are, should not be involved in the appointment of members sitting on the same tribunal. Similarly, in relation to the role of the tribunal president, while members of the judiciary might be involved in the selection system for their fellow members, they should not make the decisions on appointments. Moreover the current appointment procedures as provided for in the legislation do not provide for appointment of members by fair and open competition, or against specified criteria.
35. The Government's wish is to move to arrangements under which appointments of the president, vice presidents, chairmen and members to valuation tribunals are made by the Lord Chancellor after selection by the JAC. It will be for the JAC to determine the selection process for all appointments to the Valuation Tribunal for England, but that is likely to include open competition, be based on

a strong framework of skills and competencies and may for example include experience of tribunals' jurisdictions.

36. This would separate policy responsibility from judicial appointments, sit properly with modern tribunal practice and be consistent with arrangements for other tribunals. The main advantage of this approach to the appointments process is that it would reinforce the judicial independence of the appointees and be consistent with the arrangements for the new Tribunals Service. Importantly it would not prejudice any future decisions about whether or not the valuation tribunals should become a part of the Tribunals Service (a matter about which the Government has not as yet taken a view).

Appointments from outside the valuation tribunal

37. To provide for circumstances where the successful candidates appointed either as president or as vice president are drawn from outside the service and to enable, for example, the president and vice presidents to be eligible to sit on and chair hearings held by the Valuation Tribunal for England, the Government proposes that, on appointment, they be appointed also both as chairmen and members of the Tribunal.

Number of tribunal chairmen and members

38. The Government envisages that decisions about the number of chairmen and members appointed within the single Tribunal for England will be based on the projected workload of the Tribunal as a whole and of divisions within the Tribunal and will take into account the particular workload that might reasonably be expected of individual tribunal members. The Government believes it appropriate for the Secretary of State to have a power to determine the number of vice presidents, chairmen and members for the Tribunal, should she believe that necessary, but in practice it expects decisions about numbers to be made by the president of the Tribunal and the VTS jointly.

Other proposals on which views are invited

39. In 2003 the Government published a consultation paper which amongst other things proposed the removal of the age limit for membership of a valuation tribunal. Although the majority of respondents to the consultation were in favour of the removal of the age limit, key players at the time, such as the former National Association of Valuation Tribunals, were not and raised concerns that the removal of the age limit would lead to an ageing membership not representative of the community. The Government decided to leave the age limit in place for the time being but to review this decision again in advance of the European Employment Directive (2000/78/EC) being brought into UK law. This Directive will make age discrimination in employment and vocational training unlawful with effect from 1 October 2006. Members of valuation tribunals will not, however, be subject to the Directive or the implementing legislation. This is because valuation tribunal members are unpaid volunteers and are not employed in a VT capacity.
40. The Government now proposes that the age limit for membership of a valuation tribunal in England should be reduced from the current limit of 72 to 70. The

Government proposes to consult the president of the VTE (or the person proposed to be appointed as president) and the VTS about the timing for the reduction in age limit to 70, but is currently of the view that this reduction might be timed to coincide with the establishment of the VTE. Such a reduction in age limit would bring the retirement age for valuation tribunal members into line with that of judicial office holders in other jurisdictions and be consistent with the requirements of the Directive. Retaining an age limit for membership would also allow the tribunal membership to be regularly refreshed as existing members retire and would be a useful tool in addressing the widely recognised excess of tribunal members in relation to current and anticipated workload.

41. The Government will be publishing a separate consultation about proposals for the introduction of “Appeals Direct” for council tax. An “Appeals Direct” system would allow the tax payer to decide whether or not to proceed to formal appeal against decisions about council tax banding made by the Valuation Office Agency (VOA). Under the current system a formal appeal is automatically submitted to the valuation tribunal after six months if the VOA has not reach a decision on the case, even if negotiations are continuing and the tax payer has not him/herself taken a formal decision to proceed to appeal.

Delivery

42. The Government has considered whether its proposals might be achieved under existing powers. While it has concluded that it may be possible for a single tribunal to be established under existing powers, it has also reached the view that the creation of the positions of president of the Valuation Tribunal for England and vice presidents, their appointments in open competition and remuneration would all require primary legislation. Legislative changes would also be needed to allow the JAC to select candidates for appointment and for the Lord Chancellor to make those appointments for president and vice presidents and also for the chairmen and members of the Valuation Tribunal for England.
43. The Government has concluded that the best way forward is for it to seek a suitable vehicle for legislation that would allow the delivery of its proposals for modernisation and reorganisation of valuation tribunals in England.
44. The Government envisages that any costs associated with the establishment of the Valuation Tribunal for England and appointments selected by the JAC and made by the Lord Chancellor would be met from within the resources allocated to the VTS.

DCLG
Council Tax & Business Rates Division
June 2006

Annex A

Issues on which views are particularly sought

1. Would the creation of a single tribunal, for the reasons outlined above, meet the needs of all its stakeholders?
2. Would the creation of a single tribunal assist in addressing the lack of consistency within current valuation tribunal practice?
3. Do you agree that having a national president would provide better judicial leadership and be a strong advocate for the Service?
4. Do you agree that in line with post-Leggatt policy, appointments to the Valuation Tribunal for England should be selected by the Judicial Appointments Commission and made by the Lord Chancellor?
5. Should the president for Valuation Tribunal for England sit on the Board of the Valuation Tribunal Service?
6. Do you agree that the president of Valuation Tribunal for England should be supported by a number of vice presidents?
7. Should the positions of president and vice president be paid?
8. Do you agree that the upper age limit for members of the Service should be reduced from 72 to 70?

Annex B

The Consultation Criteria

The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation.

Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure.

- 1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.**
- 2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.**
- 3. Ensure that your consultation is clear, concise and widely accessible.**
- 4. Give feedback regarding the responses received and how the consultation process influenced the policy.**
- 5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.**
- 6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.**

The full consultation code may be viewed at

www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm

Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact

Adam Bond, DCLG Consultation Co-ordinator, Room 2.19, 26 Whitehall, London, SW1A 2WH;

or by e-mail to:

adam.bond@communities.gsi.gov.uk

Please note that **responses to the consultation itself** should be sent to the contact shown within the main body of the consultation.