



NON-DOMESTIC RATING 2023 RATING LISTS

A guide to our NOTICE OF HEARING

This guide does not cover every aspect of the appeals process. We do not have to follow everything in this guide, and it does not affect how we use the relevant laws or regulations. We will reply to any reasonable request you have for advice or clarification.

WHAT IS A NOTICE OF HEARING?

Our hearing notice tells you when and where the tribunal will consider your appeal.

If you cannot come to the hearing, either in person or via video link, on the day arranged and have good reason for not being able to attend, you should contact the Tribunal office 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 HAPPENS NEXT?

All parties are expected to appear at the hearing (either in person or by video link) unless they provide at least two weeks' notice to the Tribunal that they wish the appeal to be heard without them being present. If you do not appear at the hearing and do not contact the Tribunal beforehand, your appeal may be dismissed.

If you settle your appeal, please let the Tribunal know as it may be possible to process your appeal without the need for a hearing, if all parties agree. You may withdraw your appeal, in writing, at any stage before the hearing date.

IMPORTANT: Please complete the enclosed proforma to indicate how you would like the tribunal to hear your appeal and return it immediately to the Tribunal office.

HOW DO I PREPARE MY CASE FOR THE TRIBUNAL HEARING?

2023 Rating List Appeals

As it is your appeal, it is your responsibility to prepare your case and prove it. The evidence presented to the tribunal must be the same evidence that was exchanged at the Challenge stage, and which was included with your appeal when you submitted it to the Tribunal.

Only in exceptional circumstances will new evidence be admitted. If you want to submit any new evidence that was not included with your initial appeal, you must write to the Tribunal, at least four weeks before the hearing, and explain why the evidence is required, how it relates to the grounds on which your proposal was made, why it was not available sooner and state when it came into your possession. You must send a copy of your request to all other parties to the appeal at the same time that you make your application to the Tribunal, and they will have an opportunity to object to your request; if they do, they must send a copy of their objection to you. These rules apply equally to other parties wishing to introduce new evidence and they will have to notify you if they wish to do this. More information is included in the Standard Directions that appear on our website.

Your statement of case, including any plans or photographs, should be sent to the Tribunal and all other parties to the appeal at least two weeks before the hearing date. Other parties to the appeal will also have to send their statements of case to the Tribunal and to you at least two weeks before the hearing.

Completion Notice Appeals

You will need to inform the tribunal of the state of the property when the council served the completion notice and support your statement with, for example, photographic evidence or a list of the outstanding works and their cost.

Penalty Notice Appeals

You will need to convince the tribunal that the VOA should not have served you with a penalty notice.

If the VOA has served a penalty on you because it believed you submitted false material to support your check or your proposal to alter the rating list, then you should prove to the tribunal that the material was either correct or, if it has been shown that the material was faulty in some way, you did not knowingly, recklessly or carelessly submit it at the time. (These are called Part 2 Penalties)

In the case of penalties imposed for failure to provide information to the VOA, you will need to show that you did not have the information requested, you provided the information (e.g. proof of posting) or that you had a reasonable excuse for the delay in providing the information. (These are called Schedule 9 penalties)

DO I NEED TO COME TO THE HEARING?

It is usually better if you can come to the hearing, either in person or via video link, as this allows clarification of the issues in dispute and questioning, if necessary.

Alternatively, you can contact the Tribunal at least two weeks before the hearing to advise it that you wish your case to be heard in your absence or use the enclosed proforma to advise the Tribunal of your preference for a hearing in your absence. Other parties will still come to the hearing. Any case submission will still be required to be sent to the Tribunal and copied to other parties at least two weeks before the hearing and failure to do so could lead to your appeal being struck out or dismissed.

WHO WILL BE AT THE HEARING?

The members of the VT

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. They receive training and are experienced in hearing appeals. The members of the Tribunal are independent of the VOA that has put the RV on the properties and the Council/Billing Authority (BA) that sends out the rate bills.

The tribunal 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.

Representative(s) from the VOA (Rating List and Penalty appeals)

A member or members of the VOA staff will attend to present its case.

Representative(s) from the BA (Completion Notice appeals)

A member or members of the BA staff will attend to present its case.

Any other party to the appeal

Although uncommon, any other occupier/ratepayer in respect of the appeal property since the check was submitted can request that the Tribunal adds them as a party to the appeal.

You

You can come to the tribunal hearing, or you can choose to be represented, for example, by a friend or professional adviser. Anyone attending on your behalf should have your written authority to act. You can also bring someone along as a witness.

Members of the public

The tribunal hearing is open to members of the public, but the only other attendees are normally those waiting for their case to be heard.

You can ask for the appeal to be heard in private, however you must provide a good reason for this. Before a private hearing can take place, the tribunal is required by law to be convinced that your interests would be prejudicially affected if the case were to be held in public.

WHAT HAPPENS AT THE TRIBUNAL HEARING?

The hearing is fairly informal, and the tribunal 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 representative of the VOA/BA (and any other party) questions;
- The VOA's/BA's representative (and any other party) will be able to ask you questions;
- The tribunal may ask you and the other parties questions; and
- The clerk may also ask parties questions for clarification purposes.

Before closing the proceedings, the tribunal may ask the parties 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?

Most tribunals reserve their decisions and send them by post or email. By law, we must give you a written copy of the reasons for the decision. The tribunal will let you know when you may expect the written decision.

All Tribunal decisions are published on the VTW's website.

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.

WHAT IF I HAVE EXTRA NEEDS?

If you have any needs related to, for example, your sight, hearing or mobility, or you need an interpreter, please let the Tribunal office know in advance, we will do our best to help. Such notification can be made on the response proforma referred to on the first page of this leaflet.

CAN I COMPLAIN ABOUT THE SERVICE PROVIDED?

If you have a complaint about the way the VTW administration has handled your case, you should first write to 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.

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 Lands Chamber of the Upper Tribunal.

LANGUAGE CHOICE: WELSH OR ENGLISH

Notices are routinely prepared in either Welsh and/or English dependent on the language used on the original appeal application. However, you can notify us of a change of language choice whilst we are administering your case and setting up your tribunal hearing.

Correspondence and telephone calls in Welsh and English are welcomed. Writing to us in Welsh will not lead to a delay in our reply.

FURTHER INFORMATION

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

- a guide to our notice of acknowledgement; and
- a guide to our notice of decision.

We also offer guides on dealing with Council Tax Valuation, Council Tax Liability and Council Tax Reduction appeals. This guidance is available on the VTW's website or can be requested by contacting the Tribunal office at the address shown on our notices.

Our records

By law, anyone can visit the Tribunal office 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.

You can find more information about the VTW and its publications on our website:

www.valuationtribunal.wales

It also links to a portal where you can see our appeal listings and decisions online.

Relevant legislation

The principal legislation under which Non-Domestic Rating is administered is the **Local Government Finance Act 1988** and supporting regulations, particularly:

Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations WSI 2023/350

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