



2010 on the grounds that the current rateable value was in excess of what the property would have let for having regard to the nature of the property, including its size and the area in which it is situated as at 1 April 2010 and to rental levels as at 1 April 2008.

4. The appeal property was a basement club of 492.90 m<sup>2</sup> in size.
5. This is not intended to be an exhaustive record of the proceedings, but the parties can be assured that all of the evidence presented was fully considered by the Panel when coming to its decision. Consequently, the absence of a reference to any statement, or evidence, should not be construed as its having been overlooked.

## **Issue**

6. The issue in this appeal concerned the accuracy of the appeal property's existing Rateable Value.
7. Prior to the commencement of the hearing, the Panel had to determine a preliminary issue. The appellant's representative had informed the Tribunal that, although he had requested it 13 times, the Valuation Officer had not included a valuation for the appeal property at Appendix 1 of his Statement of Case and that therefore the Statement of Case was not compliant with Section 11 of the VTE Practice Statement: A7 Non-Domestic Rates (Rating List 2010): Disclosure and Exchange VTE/ PS/ A7 -1:8 November 2011. In particular, the appellant's representative considered that as there was no valuation, the Statement of Case was fundamentally defective and the Valuation Officer should be barred from the hearing.
8. The Valuation Officer said that there had been no meaningful discussions held prior to the target date and he had highlighted in his Statement of Case his request, and applied at a hearing, for a Direction to be served by the Panel for a joint inspection of the appeal property as he considered that there were issues to be agreed. He said a verbal Direction had been given at the previous hearing, to be followed by a written confirmation of the Direction. However, following an objection after the hearing by the appellant's representative to the adjournment that had been granted, the President of the Valuation Tribunal for England revoked the proposed Direction and indicated that the previous adjournment had been incorrectly given and that the case should proceed at the next hearing based on the evidence contained within the Statements of Case.
9. The Panel determined that the omission of the summary valuation within the Valuation Officer's Statement of Case did not of itself render the Statement defective and consequently, as the Statement of Case was deficient only on this point, it was found to be compliant and the Valuation Officer was not barred from the proceedings.
10. Having determined the preliminary issue, the Panel went on to consider the substantive issue relating to the valuation of the appeal property

## **Evidence and Submissions**

11. The appellant's representative referred to his Statement of Case and highlighted that following an inspection, in November 2014, of the appeal property and with reference to a comparable assessment of a club at Basement Levels 2-3 24 Cornhill ECV 3ND, the assessment of the appeal property should be reduced to a main space price of £113.50 pm<sup>2</sup> and a Rateable Value of £49,000.

12. The Valuation Officer's representative contended that he had not inspected the appeal property and, based on his Statement of Case and the rental and assessment evidence of surgeries, offices and clubs with main space prices between £225 pm<sup>2</sup> and £410 pm<sup>2</sup>, he contended that this supported the current assessment. He therefore requested that the Panel confirm the current assessment of £60,000 rateable value with effect from 1 April 2010.

### **Decision and Reasons**

13. The appeal was allowed and the assessment was reduced to £49,000 rateable value, with effect from 1 April 2010.
14. Neither Martin Shapcott, for the appellant, nor Jason Balogun, for the Valuation Officer, presented substantive evidence of the type the panel would normally expect to be provided with when determining an appeal of this nature.
15. The appellant's case relies, in essence, on the rate per square metre in another basement club in the City, about which no information was forthcoming, not even a location plan. Mr Balogun, on the other hand, based his case on what he described as a broad view in the valuation office that rents in the City had generally grown by about 20 per cent between the antecedent valuation dates of the 2005 and 2010 lists. He had not visited the subject hereditament, nor Mr Shapcott's basement club comparable, and had no wish to proceed, even though the President had already determined that the appeal should not have been adjourned when it previously came before a panel on 25 November 2014 and had indicated that 'the hearing on 26 March 2015 should proceed without any further delays'.
16. Mr Shapcott wanted the Valuation Officer to be barred from the proceedings, on the basis that his Statement of Case, submitted prior to the hearing on 25 November, was, in his view, deficient and non-compliant in that the Appendix 1, which the VO stated contained his summary valuation, was in fact blank. The Valuation Officer's Statement of Case did, however, indicate that he was defending the entry in the list at £60,000 rateable value and we were satisfied that his Statement of Case, while incomplete in some detail, was compliant.
17. Overall, there was a serious paucity of evidence before us, neither side even supplied a location plan showing the subject hereditament, let alone any comparables. Nonetheless, from the submissions made the only item of actual evidence was Mr Shapcott's comparable. The Valuation Officer's broad view that rents in general had gone up by about 20 per cent between the lists was not supported by any evidence and therefore no weight was attached to this submission. Indeed, if that is the basis on which properties were to be valued, there would be little need for detailed revaluations.
18. Accordingly, we have little option but to adopt Mr Shapcott's valuation. His 7.5 per cent 'access allowance', which he applied as an end allowance, was, he said, merely repeating an allowance in the 2005 list, in which list the final value of this hereditament was £50,000, but this was not even challenged by Mr Balogun.
19. In all the circumstances, the only decision we can reach is to accept the appellant's valuation and direct rateable value £49,000, with effect from 1 April 2010.

### **Order**

20. Under the provisions of Regulation 38(4) of The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, the Valuation Tribunal for England orders the Valuation Officer to reduce the rating list entry of the appeal property to £49,000, with effect from 1 April 2010.
21. Under Regulation 38(9), the Valuation Officer must comply with this order within two weeks of the date of its making.

**Date:** 24 April 2015

**Appeal number:** 503017678033/539N10