

VALUATION TRIBUNAL FOR ENGLAND



Non domestic rating appeal; 2010 rating list; Non-Domestic Rating (Alteration of Lists & Appeals) (England) Regulations 2009; Proposal invalid

Re: Unifab Engineering Ltd. Pelham Road, Cleethorpes, Lincs DN35 7JT

APPEAL NO : 200230387945/541N10

BETWEEN	Mr D Atkin	(Appellant)
	and	
	Ms J Moore	(Respondent)
	(Valuation Officer)	

BEFORE: Dr J Johnson (Senior member)

REMOTE HEARING ON: Thursday 18 March 2021

CLERK: Mr J Hewitson

APPEARANCES:

Mr T Walker (Representing the Respondent)

Summary of decision

1. The proposal had not been validly made.

Introduction

2. The President of the Valuation Tribunal for England (VTE) is required to make sure arrangements are in place and make such statements and Directions so as to ensure that business before the Tribunal is conducted in accordance with The Local Government Finance Act 1988, Schedule 11, Part 1, paragraph A17(1) and The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009 and by virtue of Part 2 regulation (5) (arrangement for appeals) and regulation (6)(3)(g) (appeal management powers) the VTE may determine the form of any hearing.
3. Therefore, in pursuance of Regulation (6)(3)(g) the VTE has incorporated "remote hearings" as part of that definition and for the time being as the default option until

it is safe to return to normal working. The Tribunal's Consolidated Practice Statement has been amended to reflect this.

4. In accordance with the Tribunal's Business Arrangements, I have been authorised to consider and determine this appeal alone.
5. Mr Atkin had requested that the appeal be heard in his absence on the basis of a written submission that had been made and I agreed that the case should proceed on that basis.
6. This document is not intended as a verbatim report of the proceedings, nor is it proposed to reproduce in full all the parties' evidence. The absence in this decision of a reference to any statement or item of evidence placed before the panel by the parties should not be construed as an indication that the statement or item of evidence has been overlooked.
7. The hearing resulted from a proposal made by the appellant on 17 January 2018. On 17 October 2016, the Valuation Officer had deleted the subject property from the rating list, with effect from 31 May 2016 and the proposal sought a revision to the effective date adopted in that deletion.

Issue

8. The issue before me was whether the proposal made by Mr Atkin had been validly made.

Decision and reasons

9. Mr Atkin's submission detailed the chronology of events beginning in 2011, when he had attempted to sell the property. In 2012, he had made an application for its demolition and subsequently there had been interest in acquiring the site for demolition and the erection of a care home. Unfortunately, the proposed development fell through and Mr Atkin suffered a period of ill health. He explained that the property had been repeatedly vandalised and was under the supervision of the community police. He had vacated the property many years ago and, had the funds been available, he would have demolished the building in 2012. He considered that he was being penalised through no fault of his own and had incurred a substantially rate liability on a property which provided no return.
10. Mr Walker explained that under the provisions of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009, as amended, the circumstances in which a proposal may be made for the alteration of the list are specified and article 5 (2) (a) states that a proposal challenging an alteration made by the VO 'may only be served on the VO before the day on which the next list is compiled or within six months of the date of the alteration, whichever is the later'. Because the proposal was made 15 months after the alteration had been made to the rating list, he argued that it had not been validly made.
11. In considering the appeal I was bound by this legislation and, whilst I could understand the frustration felt by Mr Atkin and the circumstances in which he found himself, I was unable to take such matters into account.
12. The legislation, as spelt out by the respondent is clear and I have no discretion to vary the time periods stated. Following the deletion of the property in October

2016, Mr Atkin had six months to challenge the effective date of that alteration. Because he did not do so and submit his proposal within the statutory time frame, I found that the proposal was invalid and dismissed the appeal.

Date: 15 April 2021

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