IN THE VALUATION TRIBUNAL FOR ENGLAND
IN THE MATTER OF A 2017 RATING LIST APPEAL

Case No: CHG101125854

Sitting remotely using
Microsoft Teams

Date: 8 January 2026

SCHEDULE 11 TO THE LOCAL GOVERNMENT FINANCE ACT 1988

Non-domestic rating; 2017 list appeal; public house and premises; fair maintainable trade; comparable properties; tonal evidence; appeal dismissed

Before:
MR PJ WARD
MRS H NEWMAN-NEWING

Between:

JD WETHERSPOON **Appellant**

- and -

KAREN GILES
(VALUATION OFFICER) **Respondent**

Regarding:
THE WHITE HOUSE, THE GALAXY, LUTON LU1 2NF
(the "subject property")

Appearances:
Michael Hampton-Riddington & Tracy Steeden of Cluttons LLP, for the Appellant
Peace Nwosu, for the respondent

Hearing date: 9 December 2025

DECISION AND STATEMENT OF REASONS

DECISION

1. The appeal is dismissed.

2. The Tribunal finds the rateable value of £135,500 with effect from 1 April 2017 to be reasonable.

STATEMENT OF REASONS

Introduction

3. This appeal has been brought in respect of the following: The White House, The Galaxy, Luton LU1 2NF which was shown in the 2017 Rating List as ‘public house and premises’ at £180,000 rateable value (RV) effective from 1 April 2017. The subject property is a Wetherspoons pub located to the north of Luton town centre within the Galaxy development. It trades from the ground and mezzanine levels.

4. A challenge was submitted on 11 September 2023 which disputed the determination of the RV. It challenged the fair maintainable turnover (FMT), the bids adopted, the application of the Rating Lists 2017 Valuation of Public Houses Approved Guide, and the valuation method.

5. During discussions as part of the challenge process some of the matters in dispute were resolved. The parties agreed that the valuation should be in accordance with the Approved Guide with wet and dry trade valued by reference to category 1 and band b at 50% of the bid range. They agreed that the dry FMT is £200,000. It was also accepted that the present occupiers overtrade and therefore requires a discount to arrive at the FMT. The challenge decision which was issued on the 10 March 2025 provided a revised RV of £135,500 which was based on the following:

   Wet trade: Adopted FMT £1,070,000 Cat 1 at 0.5 = rental % of 11.25% = £120,375
   Dry trade: Adopted FMT £200,000 Band B at 0.5 = rental % of 7.70% = £15,400
   Total RV of £135,775 Say RV of £135,500

6. The issue which remained in dispute was the Wet FMT as the appellant was still of the opinion that the respondent’s wet trade was excessive. Consequently, an appeal was lodged with this Tribunal.

7. Leading up to the hearing of this appeal, there was a change in the appellant’s agent representative. The appellant’s now appointed representative submitted a new valuation which proposed a wet FMT of £850,000:

   Wet Trade: Adopted FMT £850,000 rental % of 11.25% = £95,625
   Dry Trade: Adopted FMT £200,000 rental % of 7.70% = £15,400
   Total RV of £111,025 Say RV of £111,000

8. Ms Nwosu, for the respondent appeared in a dual role of advocate and expert witness. For the appellant, Mr Hampton-Riddington appeared as advocate and Ms Steeden appeared as expert witness. It was declared that the appellant’s representatives were not instructed under a conditional fee.

9. This statement of reasons is not and does not purport to be a verbatim record of proceedings.

Preliminary issue

10. The appellant made an application for late evidence to be included. This was provided to the respondent and the Tribunal the day before the hearing of this appeal (8 December 2025). The evidence included the revised valuation, the RV history of the subject property and the properties which had been discussed in the challenge, and the subject property's turnover for 2016 and 2017. It was submitted that the reason this was provided late was due to the change in agent (in October 2025) and that there was not a joint inspection until 20 November 2025. It was stated that the submissions were more of an embellishment of what had already been discussed.

11. The respondent opposed the appellant's application. It was submitted that the trade information would have been known at the time of the challenge and that the information being referred to had never come into any discussions during the progression of the challenge. Furthermore, this was provided the day before the hearing so did not present enough time for the respondent to consider it and respond.

12. In reaching its decision on this preliminary matter the panel had regard to regulation 17A of the Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009, which provides the following:

> [17A Admission of new evidence on NDR appeal]
>
> [(1) On a NDR appeal, the VTE may only admit evidence that was not included in the notice of appeal or any document accompanying the notice of appeal ("new evidence") if—
>
> (a) that evidence—
>
> (I) is provided by a party to the appeal;
> (ii) relates to the ground on which the proposal was made; and
> (iii) was not known to the party and could not reasonably have been acquired by the party before the proposal was determined under Part 2 of the NDR Regulations; or
>
> (b) all the parties to the appeal agree in writing to the party providing the new evidence.
>
> (2) If the VTE admits new evidence under paragraph (1), the VTE may admit further evidence provided by another party to the appeal if the further evidence specifically relates to—
>
> (a) the new evidence; and
> (b) the ground on which the proposal was made.
>
> (3) A party which provides evidence under paragraph (1) or (2) must also provide that evidence to all the other parties to the appeal.]

13. The panel found that the evidence did not meet (1)(a)(iii) as the information should have been provided sooner, i.e. during the challenge negotiations. This was not new information, it could have reasonably been acquired sooner and therefore did not satisfy regulation 17a. The evidence was therefore excluded and the hearing of this appeal proceeded on that basis.

14. The appellant's revised valuation was admitted as this represented the newly appointed agent's position following a review of the current evidence.

Issue and Relevant Law

15. The issue before the panel concerned the wet FMT to be adopted when determining the RV. The respondent has adopted a wet FMT of £1,070,000. The appellant proposed valuation adopted a wet FMT of £850,000.

16. In considering this appeal, the panel had regard to the term 'rateable value' which is defined in paragraph 2(1), Schedule 6 to the Local Government Finance Act 1988 (as amended).

17. Both parties referred to the 2017 Valuation of Public Houses Approved Guide which whilst still having regard to the statutory definition assists with valuing this class of property.

18. The antecedent valuation date (AVD) for the 2017 list rating appeals is 1 April 2015. The material date for this appeal is 1 April 2017.

Discussion

19. The subject property had a passing rent of £187,000 with effect from September 2018. This was over three years post AVD and the rent commenced in the 1990's and had not been increased from commencement.

20. In deciding this appeal, the panel was determining what level of FMT was reasonable for the subject property. The FMT represents the annual trade considered to be maintainable at the AVD of 1 April 2015 on the assumption that the business will be proficiently carried out by a competent publican responding to the normal trading practices and competition of the locality.

21. The actual wet trade for the subject property was provided for 2008, 2013, 2014 and 2015 and was as follows:

Year Ending	Wet
July 08	£2,401,063
July 13	£1,752,066
July 14	£1,826,986
July 15	£1,736,219

22. In the matter before it, both parties agreed that the subject property was overtrading and, as such, the actual turnover could not be accepted as the FMT. Consequently, each were relying on properties they considered comparable and representative of what the FMT should be.

23. In summary, the appellant's contention was that the respondent's valuation had not given sufficient consideration to the decline in the direct locality of the subject reflected by licensed

leisure falls in value and closures. The demolition of the multi storey car park in 2008, which had a bridge connection to The Galaxy, and its reduction to a ground level car park, has meant that fewer customers park this end of town. The other car parks in Luton do not generate a natural walk by The Galaxy Centre. The expert witness, for the appellant, provided an overview of the locality and submitted that the closures of the nightclubs had resulted in a change to the subject end of the town centre square. Essentially, the location used to be part of a night drinking circuit but now was a secondary circuit.

24. It was submitted that the trade itself had dropped by 28% between the two AVDs and this is a reflection of the changes in the town. To reflect this the RV should be reduced. The RVs on the other large licensed premises at this end of town (Gordon Street which is opposite The Galaxy centre) have reduced and therefore presents a similar picture. Chicagos, which was 91% of the size of the subject and had an RV of £73,500, and Liquid Nightclub which was 6% larger than the subject and had an RV of £83,500, were both nightclub assessments valued on floor area and have undergone falls in RV compared to the 2010 rating list of 24% and 22% respectively.

25. The respondent’s position was that in her opinion, the subject property was located on the fringe of the main St Georges Square so was still within the circuit. The subject property was open until 1am on weekends and the comparable properties relied on by the respondent were a short walk and Off the Wall was open until 3am on weekends. Off the Wall on 6-8 Park Street was a wet and dry venue located just 0.3 miles from the subject property. The wet FMT on this property was £1,200,000. It was a well maintained national operator and therefore it was the respondent’s submission, that when comparing to the subject property, this supported the £1,070,000 to be reasonable given it was nearly half the size of the subject property.

26. The respondent also referred to Brookes Café Bar/Red Lion on Castle Street and The London Hatter on Park Street. Brookes’ wet FMT was £1,000,000. It was just a six minute walk from the subject property and was 40% larger. The London Hatter was situated outside the main city centre drag so was in a secondary location. It was significantly smaller than the subject property (under half the size) and had a wet FMT of £400,000.

27. Having considered the actual trade of the subject property together with the basket of evidence brought before it, the panel was not persuaded that the wet FMT should be reduced to £850,000. It was accepted that there had been a fall between the RV’s for the 2010 rating list and the 2017 rating list for the nightclubs referred to (Chicagos and Liquid) which were situated within close proximity to the subject property. However, the panel found that there could be many factors which had influence on this, not just the changes in the locality, for example, change in consumer habits. The subject property was a public house not a nightclub. There was no evidence presented in respect of the nightclubs trade as they were valued on a floor area as opposed to FMT. The nightclubs did not close until 2018 which was post the material date being considered in this appeal, consequently, the closure of the clubs was not a deciding factor.

28. The panel was not persuaded that the evidence presented supported that the changes in locality should have a further impact on the FMT. It recognised that the trade of the subject property had fallen when comparing July 2008 to July 2015 but when looking at the actual trade closest to the AVD for the 2017 rating list, the panel found that the FMT adopted by the respondent did not appear to be unreasonable. The trade had been discounted

approximately 38% and the panel found that to go beyond this, it would require compelling evidence.

29. Most of the comparables referred to by the respondent were a short walk from the subject property and the subject property had the benefit of a late night licence. The London Hatter which was less than half the size of the subject property was in a secondary location and this further supported that the subject property's wet FMT was reasonable even with the changes to the locality which may have resulted in it being in a secondary position, or on the fringe of the main circuit. In such appeals the burden of proof rests with the appellant and having considered all of the evidence brought before it, the panel was not persuaded that there was sufficient evidence to support a reduction in the adopted wet FMT.

Conclusion

30. In view of the above findings and conclusions, the Tribunal is satisfied that the RV of £135,500 with effect from 1 April 2017 is reasonable and accordingly, the appeal is dismissed.

Right of further appeal

31. Any party who is aggrieved at the Tribunal's decision, and who appeared or was represented at the hearing, has a statutory right of further appeal to the Upper Tribunal (Lands Chamber) pursuant to Regulation 42 of the Tribunal Procedure Regulations. A party does not require permission to appeal from the Tribunal. Any appeal must be made directly to the Upper Tribunal (Lands Chamber) using Form T385 (Notice of appeal) within **four weeks** of the date this decision and statement of reasons was issued.

32. Further information regarding this statutory right of further appeal, and the parties' other rights, is contained in the guidance booklet "*A guide to tribunal decisions"* available on the Tribunal's website at www.valuationtribunal.gov.uk/guidance-booklets/.

Mr PJ Ward, Senior Member (Chair)
Mrs H Newman-Newing, Senior Member
8 January 2026

Mrs C McAvoy
Clerk to the Tribunal
Date issued to the parties: 8 January 2026