

TRIBIWNLYS PRISIO CYMRU - VALUATION TRIBUNAL FOR WALES

Appellant: Mr E Percival

Appeal property: Havana 12, Church Street, Flint CH6 5AD

Appeal number: 683533249890/285NV17/2

Date of Appeal: N/A

The Matter Appealed against: 2017 Rating List Appeal

Date of Hearing: 13 February 2020

Appearances: Mrs T S Davies for the respondent Valuation Officer (VO)

Date of Decision: 12 March 2020

Decision of Tribunal: Dismissed as Invalid

Members of the Tribunal: Mr D Subacchi, Mr J Roberts & Ms S Wheldon

Tribunal Clerk: Mr Ll ap Glyn

Reasons for decision

1. The appeal came before the Tribunal as a result of a proposal to alter an entry in the 2017 Rating List. The VO received the proposal on the 11 January 2019.
2. Upon its receipt the VO accepted that the proposal was validly made. However, since it was not well-founded the matter was remitted to the Tribunal.
3. At the hearing the VO contended that despite accepting that the proposal had been validly made it was, in her opinion, invalidly made and asked the Tribunal to dismiss the appeal.
4. In evidence Mrs Davies explained that the appellant had completed a proposal form which sought a reduction with effect from 01/10/18 based on the fact that:

“circumstances affecting the rateable value changed on 01/10/18.”

Further, in the reasons, the appellant had provided the following information:

“Roadworks carried out on/over 66 days. Roads closed and one way system.

This has affected my small business clients didn't want to enter the town, as the traffic jams could be up to 40/50 mins.

Loss of earnings over time”

5. The Valuation Officer explained that it was her view that the appeal was not valid due to the lack of evidence available on the dates of the proposed Material Change of Circumstances.

Decision of the Tribunal

6. Having considered all the comments and evidence that was placed before it, the Tribunal decided to dismiss the appeal as invalid.
7. In arriving at its decision, the Tribunal had sight of the regulatory criteria for making a proposal to alter an entry in the Non-Domestic (Alteration of Lists and Appeals) Regulations 2005/SI758.
8. Whilst the Tribunal was sympathetic to the appellant’s position, it was only bound to determine whether the Valuation Officer was correct to hold that the proposal was invalidly made.
9. The Tribunal have no discretion in such matters, and consequently, it dismissed the appeal.

Decision: Appeal Dismissed as Invalid

Certified a true copy on 12 March 2020