

# TRIBIWNLYS PRISIO CYMRU - VALUATION TRIBUNAL FOR WALES

**Appellant:** Mr Guiseppe M Franco (Occupier)

**Appellant's Address:** Franco & Sons Savoy Restaurant, 8 Chester Street,  
Mold, Flintshire CH7 1EG

**Appeal number:** 683529758557/192NV17/40

**The Matter Appealed against:** 2017 Rating List

**Date of Hearing:** Wednesday 15 May 2019

**Appearances:** Mrs M O'Connor for the respondent Valuation Officer

**Date of Decision:** 23 May 2019

**Decision of Tribunal:** Appeal Dismissed

**Members of the Tribunal:** Mr P O Williams (Chairperson)  
Mrs J Angell  
Mr W P Bagnall

**Tribunal Clerk:** Mrs C Jones

## Introduction:

1. Mr Franco made a proposal to alter an entry in the 2017 Non-Domestic Rating List (Rating List) in relation to the appeal hereditament, restaurant and premises, 8 Chester Street, Mold. The Valuation Officer (VO) received the proposal on 20 September 2017 and in making his proposal, the appellant sought a reduction in the appeal hereditament's entry in the Rating List with effect from the 1 April 2017.
2. The Clerk reported that prior to the hearing the appellant had asked that his appeal be heard in his absence as he was unable to attend.
3. The following is a summary of the case and is not intended to be an exhaustive record of the proceedings. However, the parties can be assured that all the evidence was fully considered by the Tribunal when it arrived at its decision. Consequently, the absence of reference to any statement, or evidence, should not be construed as being overlooked.

## Summary of the Case

4. The VO told the Tribunal that the appeal property was a restaurant located midway on Chester Street, just off the main High Street in Mold. The property comprised of a ground floor café and restaurant, valued on a zoning basis adopting a price per m<sup>2</sup> of £245.

5. The VO had inspected the property on the 1 May 2019 and had discussions with Mr Franco. She stated that the appellant had noted that since the valuation list was compiled many shops had closed in the town centre which in his opinion effected the Rateable Value (RV). She had advised the appellant that this would have to be dealt with on a separate appeal under the grounds of a material change of circumstances, as the current appeal was against the compiled list entry.
6. The VO stated that Mr Franco's main contention was that the appeal property hadn't changed since the original valuation was carried out and therefore his RV should not be increased. He also contended that there was nothing on his street to attract people to his business.
7. It was explained that the tone adopted for Chester Street was £245m<sup>2</sup> and £285m<sup>2</sup>, the shops closer to the High Street adopting £285. The VO had explained the basis of valuation and how the VOA arrived at the price per meter squared and discussed the evidence with Mr Franco. The VO believed that this evidence fully supported the current tone of £245m<sup>2</sup> that was adopted.
8. The VO referred the Tribunal to rental evidence in Appendix 5 of her evidence, as reproduced below:

| <u>Address</u>                            | <u>Total Area m<sup>2</sup></u> | <u>Total Sig. Area m<sup>2</sup></u> | <u>Total Area ITMS m<sup>2</sup></u> | <u>Matrix Value</u> | <u>Current RV</u> | <u>Effective Date of Rent</u> | <u>Rent</u> | <u>Adj. Rent</u> | <u>Analyse d Rent</u> | <u>Matrix Value</u> |
|-------------------------------------------|---------------------------------|--------------------------------------|--------------------------------------|---------------------|-------------------|-------------------------------|-------------|------------------|-----------------------|---------------------|
| 3 The Cross, Chester Street, Mold CH7 1ER | 18.5                            | 17.41                                | 16.52                                | £285.00             | £4,700            | 01-Nov-13                     | £5,000      | £4,575           | £276.94               | £285.00             |
| 12 Chester Street, Mold CH7 1EG           | 118.65                          | 113.7                                | 23.59                                | £245.00             | £5,700            | 05-Nov-14                     | £7,200      | £6,480           | £274.81               | £245.00             |
| 19/21 Chester Street, Mold CH7 1EG        | 157.67                          | 150.75                               | 44.74                                | £245.00             | £10,750           | 18-Oct-13                     | £11,000     | £11,000          | £245.92               | £245.00             |
| 4 Chester Street, Mold CH7 1EG            | 45.89                           | 45.89                                | 36.63                                | £285.00             | £10,250           | 05-Jun-13                     | £10,500     | £10,500          | £286.65               | £285.00             |

9. Mrs O'Connor stated that there had also been two settlements on Chester Street accepting the tone of £245 & £285, as reproduced below:

| <u>List Year</u> | <u>Full Address</u>                                    | <u>Original RV</u> | <u>IPP Settlement Code</u> | <u>Basic Price</u> |
|------------------|--------------------------------------------------------|--------------------|----------------------------|--------------------|
| 2017             | Bradburne Price & Co. 16, Chester Street, Mold CH7 1EG | £12,250            | Withdrawn                  | £245               |
| 2017             | 5, Chester Street, Mold CH7 1EG                        | £13,500            | Withdrawn                  | £285               |

10. In conclusion of her evidence, Mrs O'Connor stated that in light of the supporting evidence which fully supported the current price of £245m<sup>2</sup>, she requested the appeal be dismissed.
11. At the conclusion of the hearing, the Tribunal decided to reserve its decision.

### **Reasons for Decision**

12. Having considered all the evidence placed before it, the Tribunal decided to dismiss the appeal. In arriving at its decision, the Tribunal gave the following reasons.
13. It made its decision having regard to the prevailing legislation: Schedule 6 of the Local Government Finance Act 1988.
14. The Tribunal considered whether the evidence presented to it would justify a reduction in the rateable value of the appeal property. It must consider the hypothetical tenants rental bid, looking at the property vacant and to let.
15. Looking at the rental summary provided by the Valuation Officer the Tribunal was happy that the tone of £245m<sup>2</sup> applied was reasonable. It accepted that the appeal property's rateable value was in line with other similar properties in the locality.
16. The Tribunal felt that the settlements quoted by the Valuation Officer, demonstrated that there was an accepted tone for properties on Chester Street.
17. The onus is on the appellant to prosecute the case. The appellant provided no contrary rental evidence or information in support of his contention for a reduction in the rateable value.
18. Although the Tribunal was sympathetic to the plight of the appellant and appreciated the tough trading conditions faced in the area, it did not believe that any hard evidence had been provided to justify a reduction in the property's rateable value.

Certified a true copy on 23 May 2019