

Rating: Law and Practice in 2021 - Applying Case Law to Practice

Virtual Event	16 February 2021	5 March 2021
£135 + VAT or £75 + VAT Each	Registration: 9.55 Finish: 12.00-12.30	5 CPD Hours or 2.5 CPD Hours Each
To book: https://cptevents.co.uk/event/rating-law-and-practice-2021		

Best rating practice cannot be achieved without understanding case law. This event is far more than a case law review. A panel of leading lawyers and practitioners will review important and topical cases and explore the nuances of what is best and effective practice in the light of these decisions. This event takes place in the shadow of COVID 19. With venues remaining closed and working from home still the norm, we have reviewed the programme and the event will now presented as two, approximately two hour virtual sessions.

RLP is now an established and success annual feature in the rating diary. It goes to the very soul of what rating is about: the impact of case law in rating work is profound and dictates how you practice. It is always valuable to hear about the cases, but the real value is in understanding the impact and significance of those cases on the way you work. This event provides commentary from the lawyers, from the VOA and private practice on key areas of rating practice and on the major cases impacting on it.

The formula is a simple one. We take a landmark case or an area of practice that is topical and/or contentious. The cases are summarised, but then we have a debate between the practitioner, the VOA and the lawyer to extract the nuances out of the subject.

This event is so much more than a case law review. It goes to the very heart of whether, based on existing case law, you have a property you can appeal.

This event has identified 6 core areas of rating practice. Leading lawyers and rating advisors, and along with senior VOA contributors will review key cases that create precedent, under the auspices of Tribunal Judge Cooke. They will then explore the extent and limits of how they impact on rating practice. And the audience will be encouraged to join the unfolding debates.

Speakers:

Judge Elizabeth Cooke

Upper Tribunal (Lands Chamber)

Karl List

Valuation Office Agency

Rebecca Campbell

Bryan Cave Leighton Paisner LLP

Phil Spencer

Bryan Cave Leighton Paisner LLP

Gill Levinson MRICS

Valuation Office Agency

Heather King MRICS

Valuation Office Agency

James Felton BSc MRICS

Valuation Office Agency

Richard Glover QC

Francis Taylor Building

Josh Myerson

Montagu Evans LLP

Luke Wilcox

Landmark Chambers

Dan Kolinsky QC

Landmark Chambers

Blake Penfold BSc FRICS MCI Arb

Blake Penfold Consultancy

Tim Johnson

CBRE

Roger Cohen

Bryan Cave Leighton Paisner LLP

Andrew Hetherton

Andrew Hetherton Consulting Ltd

Wayne Cox

Valuation Office Agency

Jill Tuplin IRRV (Hons)

Valuation Office Agency

Hui Ling McCarthy QC

11 New Square

Edward Gardner

Bryan Cave Leighton Paisner LLP

Topics Being Covered:

SESSION 1 - TUESDAY 16 FEBRUARY 2021

Process and Procedure

[Avison Young v Jackson \(VO \(2020\) UKUT 0058 \(LC\)\)](#)

- Application of provisions to "reinstate" RV

[Sykes \(VO\) v Great Bear Distribution Limited \[2020\] UKUT 0238 \(LC\)](#)

- No exercise of discretionary power where doing so would result in inaccuracy in the rating list

[Stock Auto Breakers Ltd v Sykes \(VO\) \(2020\) UKUT 0052 \(LC\)](#)

- Admissibility of new evidence

[Roberts \(VO\) v Backhouse Jones Ltd \(2020\) UKUT 0038 \(LC\)](#)

- When can assessments be merged under Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018?

[St John's Senior School v Jackson \(VO\) \(2019\) UKUT 0359 \(LC\)](#)

- Reinstatement of appeal "struck out" by the Valuation Tribunal for England

[Senova Limited v Sykes \(VO\) \(2019\) UK UT 0275 \(LC\)](#)

[UT \(LC\) Practice Direction and RICS Professional Guidance \(?\)](#)

- Conditional fees for expert witnesses and witnesses of fact
- Difference between these roles
- Application of new Practice Directions from the Upper Tribunal (Lands Chamber)

[RA 3 2020 \(the Appeal of C & C Wall\)](#)

Whether a right of appeal lies to the Upper Tribunal against the VTE's refusal of an application to review a decision – held, no right of appeal is available (Induna Stables).

[Libra Textiles Limited t/a Boundary Mills Stores and Centric Assets Limited v Roberts \(VO\) and Alford \(VO\) \[2020\] UKUT 0237 \(LC\)](#)

- Proposals made following the coming into force of the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 were made out of time

[Co-operative Group and Poundland Limited v Virk \(VO\) and Batelle Agrifood Limited v Sykes \(VO\) \[2020\] UKUT 286 \(LC\)](#)

- Proposals struck out as being an "abuse of process"

[London Borough of Newham v RAD Phase 1 Type B Property Company No.1 Limited \[2020\] UKUT 0203 \(LC\)](#)

- VTE has no power to quash a Completion Notice but may determine new completion date

Rates Liability and Mitigation

[NHS Foundation Trust and others v Derby City Council and others \(2019\) EWHC 3436 \(Ch\)](#)

- Charitable rate relief

[Application by the Insolvency Service re Ellis & Co of Stretford](#)

- Compulsory winding up of rates appeals business allowed by the Court

[Secretary of State for Business Energy and Industrial Strategy v PAG Asset Preservation Ltd and MB Vacant Property Solutions Ltd \(2020\) EWCA Civ 1017](#)

- Compulsory winding up of rates appeals business refused by the Court of Appeal

[Secretary of State for Business, Energy and Industrial Strategy v PAG Asset Preservation Ltd and MB Vacant Property Solutions Limited \(2019\) EWHC 2890 \(Ch\)](#)

- Compulsory winding up of rates mitigation business refused by the Court

[ATOS IT Services v Fylde Borough Council \(2020\) EWHC 0647 \(QB\)](#)

- Identification of the hereditament and liability for rates
- What happens if the hereditament is not correctly identified?

Valuation

[Hughes \(VO\) v Exeter City Council \(2020\) UKUT 0087 \(LC\)](#)

- Method of valuation
- Contractor's Basis or Receipts & Expenditure
- Alternative valuation approaches

[Vesse Networks Ltd v Gidman \(VO\) \(2020\) UKUT0013 \(LC\)](#)

- Method of valuation
- Comparable evidence
- Application of EU law

[Facciolo v Costantin \(2020\) UKUT 0123 \(LC\)](#)

- Receipts and Expenditure valuation
- Comparable assessments and "tone of the list" under CCA

Topics Being Covered:

SESSION 2 - FRIDAY 5 MARCH

Rateability - Hereditaments and Unit of Assessment

Chris Sykes and Others (VOs) v Cardtronics UK Limited and others UKSC 2018 0225

- The fallout from the Supreme Court decision review
- The wider application of the Supreme Court decision to other types of property
- Consequences of the decision for 2010 List Appeals and for the 2017 Rating Lists

Roberts (VO) v Backhouse Jones Ltd (2020) UKUT 0038 (LC)

- Meaning of "space" in establishing contiguity

London Borough of Southwark v Ludgate House Limited and Ricketts (VO) (2020) EWCA Civ 1637

- Building owner retained "general control" over occupations by property guardians

MCC's - Affecting The Property and the Locality

Wigan Football Company Ltd v Cox (VO) (2019) UKUT 0389 (LC)

- Changes to "state of the hereditament"; "mode or category of occupation"; "physically manifest" changes to the locality
- Can "certainty" and "accuracy" be reconciled

Buzz Group Ltd v Salmon (VO) (2020) UKUT 0116 (LC)

- Changes to the hereditament when valued on a Receipts and Expenditure basis
- Application of a valuation scheme to changed circumstances

Applying MCC rules to Covid-19

- What is the effect of the pandemic and the restrictions imposed as a result?
- Can these be reflected in the rating list?

State of Repair and Tenant's Alterations

Colour Weddings Ltd v Roberts (VO) (2019) UKUT 0385 (LC)

- Premises undergoing works and incapable of beneficial occupation – effective date

Appeal of Jackson (VO) (2020) UKUT 0078 (LC)

- Valuation of tenant's alterations – factors to consider

Butterworth Laboratories Ltd and Berkshire & Buckinghamshire FA Limited v Smale (VO) (2019)

- Valuation of tenant's alterations – approach by the VTE

Meadowbank International Ltd v Allis (VO) [2020] UKUT 0321 (LC)

- Proposals made to delete assessments dismissed because works had not commenced at the relevant date