

**MINUTE OF THE SCOTTISH
RATING SURVEYORS FORUM
Held at Victoria Quay,
Edinburgh EH6 6QQ
On 6 March 2020 at 14.00**

Present

Gary Bennett (SAA Vice President), Anouk Berthier (Scottish Government), Ross Brierley (Whitelaw Baikie Figes), Gordon Fettes (Knight Frank), Graham Howarth (Gerald Eve), Derek Kidd (GL Hearn), Alastair Kirkwood **Chair** (SAA President), Eilidh McCabe (Scottish Government), Stephen McIntosh (Scottish Water), Billy McKaig (WYM), Gordon Martin (Avison Young), Alasdair Matheson (Ryden), Brian Rogan (CBRE), Mike Rose (CBRE), Ian Storrie (Scottish Government), Pete Wildman (SAA Secretary).

1. Apologies

Andy Boal (Shepherds), Louise Daly (Colliers), Richard Foster (FG Burnett), Kevin Fraser (IRRV), Michael Harkin (BNP Paribas), Neil Hemings (Scottish Government Water Services Unit), Roger Littlewood (Tesco), Ken McCormack (Montagu Evans), Ian Milton (SAA Past President), Niall Rankin (JLL), Peter Wilkinson (Savills).

2. Minute of previous meeting of 17 May 2019

2a. Accuracy

The minute of previous meeting was approved subject to GVA being changed to Avison Young. The minute will now be published at the SAA Portal.

2b. Matters arising not on agenda

It was highlighted by B Rogan that not all VAC decisions were shown on the ScotVac website. A Kirkwood advised that this was a matter for local Valuation Appeal Panel Secretaries and not for the SAA. He advised rating agents to contact the Secretaries direct if they felt any cases were missing.

3. 2005 & 2010 Revaluation and 2010 Running Roll

3a. Appeals Update

A Kirkwood advised that all outstanding 2005 and 2010 revaluation and running roll appeals, with the exception of the small hydro appeals are currently at the Lands Tribunal.

3b. Lands Tribunal Update and Cases

A Kirkwood advised that there were in the region of 280 outstanding appeals sitting at the Lands Tribunal. The Lands Tribunal have not cited any cases to be heard to date.

The appeals at the Lands Tribunal include circa 200 telecoms appeals and circa 80 non telecoms appeals. Telecoms appeals are slowly being worked through with a view to resolving these following the Lands Tribunal decisions on that subject matter.

He noted that for mobile and fixed line telecommunication appeals there were no outstanding issues and he urged everyone to settle the remaining appeals as soon as possible.

3c. Lands Valuation Appeal Court Cases

It was noted that there are currently no cases with the LVAC but that a number of Stated cases are in the course of production across Scotland.

4. 2017 Revaluation

4a. Appeal Progress

A Kirkwood referred to the recently issued statistics by the Scottish Government. He advised that circa 56,500 2017 revaluation appeals have been resolved to date, which is around 75% of all appeals received. This compared to around 80% at the same period for the last revaluation. He further advised that those appeals resolved amounted to approximately 54% of rateable value, compared to 55% at the last revaluation.

B Rogan highlighted that large number of MCC appeals in the Grampian Valuation Area and suggested that an extension of the appeal disposal deadline be considered and asked that the SAA support that request. A Kirkwood noted that this issue had not been raised in respect of other areas where appeals are on schedule to be disposed of by 31 December 2020. Also the views of the Grampian Assessor and Grampian Valuation Appeal Panel were not known, it was therefore not possible for the SAA to support the request. I Storrie indicated that for the Scottish Government to accede to any such request there would have to be a very good justification for it.

A Kirkwood noted the forthcoming deadline for Lands Tribunal referral requests, G Martin indicated that there will be a number. It is understood that the Tayside Valuation Appeal Committee have agreed to the referral of ATM sites, although G Howarth said the agents had not received notification of this. ATM sites have been referred in Moray and some Clinics & Health Centres have been referred in Highland and Grampian. Hydro appeals have also been referred in Highland. A Kirkwood agreed to collate numbers of referred appeals for the next meeting of the Forum. **Action:** A Kirkwood. G Martin highlighted a technical issue with referring appeals and it was agreed that he would write to A Berthier with details. **Action:** G Martin.

It was noted that referral requests are likely for nuclear and MOD subjects.

5. Barclay Review of Non Domestic Rating

5a. SAA Action Plan & Issues Log

A Kirkwood advised that a new item had been added to the Issues Log around the approach to the valuation of District Heating Systems.

There was a general discussion about what items appeared on the Issues Log. A Kirkwood set out the process that the SAA followed, he said that any potential issues should be advised to the SAA Secretary in the first instance, the matter would then be considered by the Assessors Committee who would determine how the issue should be taken forward. I Storrie suggested that even if no action was necessary the item should appear on the Issues Log with that outcome noted. G Bennett

reminded Forum members that issues with a single Assessor should be referred to that Assessor.

A Kirkwood noted that an updated version of the Action Plan was available on the SAA website.

A Kirkwood advised that the SAA was beginning its preparations for the 2022 Revaluation and invited comments to him by 31 May 2020 on any existing Practice Notes that Forum members felt should be considered as part of the Revaluation process. **Action:** All Forum members.

D Kidd felt that the 2017 Revaluation Practice Notes contained less detail than the 2010 Revaluation Practice Notes. B McCaig stated that not all local Practice Notes are published raising an issue over consistency and transparency. G Martin stated that the updated Land Practice Note had not been published. A Kirkwood undertook to investigate these matters. **Action:** A Kirkwood.

A Kirkwood gave the Forum an update on work that the SAA is carrying out to improve transparency. This includes more categories of subjects with valuation available online, a GIS mapping tool to display Non Domestic information, improved online user journey for submitting rental information and comparison information.

5b. Barclay Implementation Advisory Group

A Kirkwood noted that the Appeals Subgroup had met on 6 February 2020 and was due to meet again on 16 March 2020.

5c. Civil Penalties

A Kirkwood advised that the SAA was interested in obtaining the necessary information and not in levying penalties. He noted that any income from Civil Penalties went to the Scottish Consolidated Fund after the deduction of reasonable expenses incurred in the collection of the penalties. M Rose asked if Assessors Information Notices would be in a standard format. A Kirkwood advised that the SAA was working to produce a standard set of forms although he noted that there may be circumstances when a local Assessor would have to use a bespoke form.

A Kirkwood reminded Forum members that the SAA would be interested in progressing bulk return of information. M Rose asked whether there was a data protection issue about supplying data to one Assessor in respect of differing Valuation Areas. P Wildman advised that Assessors had a Data Sharing Agreement in place to facilitate the sharing of information between Assessors.

G Howarth asked what the outcome of the consultation on the Rental and Cost forms had been, A Kirkwood responded that the information had been considered as part of the review and that the forms and online user journey would shortly be signed off by Assessors.

M Rose noted that information was not always held and that it should be possible to state this where a mandatory response was required online.

G Martin reported that he had been advised that local VACs were not keen to get involved with the Civil Penalty process. A Kirkwood responded that this was a matter for the Scottish Government rather than the SAA.

6. Scottish Water

S McIntosh reminded the Forum that the transition to live values ends on 31 March 2020 and that live values would be used for billing from the 1 April 2020. G Howarth reported ongoing problems in respect of historic rateable values. S McIntosh responded that it was the licence holder's responsibility to ensure the correct values were used. It was agreed though that he would look into why this was happening. G Howarth undertook to supply him with a couple of examples. **Action:** G Howarth

7. Scottish Government

7a. Policy Update

I Storrie noted that there had been a change of Cabinet Secretary, it was likely that the new Minister Ben Macpherson would take over responsibility for non-domestic rates although this has yet to be confirmed.

I Storrie drew members' attention to some of the changes introduced by the 2020/2021 Scottish Government Budget. In particular the change from Large Business Supplement to intermediate and higher rates. He noted that differing software billing systems would mean how this was applied initially would vary across Scotland although ultimately the result would be the same. G Howarth noted that the financial memorandum was unclear around the £95,000 threshold and A Berthier agreed to investigate this. **Action:** A Berthier.

I Storrie advised members that a project was underway as to how IT could be used to improve NDR services for customers. Initially the project had focussed solely on NDR billing systems but the scope had been widened and it form part of the Scottish Governments plan to improve digital services and spatial information. He asked that members of the forum contact his team with any changes they would like the project to consider.

A Berthier clarified a query from B Rogan regarding the calculation of empty rates relief.

A letter from K Forbes to all Proprietor, Tenants and Occupiers had been shared with Forum members. I Storrie asked that members circulate this letter as widely as possible, he noted that the letter was being shared widely including with groups not normally associated with non-domestic rating.

7b. NDR Bill Update

I Storrie advised that the Scottish Government are working on the new proposals and appeal system and would bring forward draft regulations for consultation in due course. A Berthier advised that the consultation would take place in 2020.

With regard to the role of the Valuation Appeal Committees in the new Civil Penalties procedure, I Storrie acknowledged that it was a live issue and that the Scottish government were actively pursuing a positive outcome. B Rogan stated he felt that small businesses were not represented at the BIAG.

M Rose was of the view that penalties should be more in line with England. I Storrie said that the Parliamentary Committee were of the view that the penalties as originally proposed were not high enough and the final Bill reflected that.

I Storrie emphasised that it were two stages of appeal against Civil Penalties, the first stage being to the Assessor and the second being to the Valuation Appeal Committee. B Rogan stated that he was not happy with an appeal to the Assessor being the first stage in the appeal process.

A Matheson asked what the current position was about the transfer of the VACs to the Tribunal Service. A Berthier advised that the Scottish Government were meeting with stakeholder like the Lands Tribunal for Scotland and the Lands Valuation Appeal Court before draft regulations are produced and put out to consultation in 2021.

D Kidd asked whether any consideration had been given to review consequential changes to values following an appeal. A Berthier responded that the Government had decided not to pursue this option.

I Storrie noted that the Bill allowed for fees to be levied at both the proposal and appeal stage, it also allowed for property exemptions from the Valuation Roll to be removed by way of regulations rather than by primary legislation. At this stage the Scottish government had no plans to implement either of these options.

I Storrie also advised that the MCC provisions had been amended to bring them more into line with the provisions elsewhere in the United Kingdom. B Rogan asked when the Commencement Date for these provisions would be. I Storrie it was currently being considered by the Government.

I Storrie highlighted that the Government are also considering issues such as “phoenixing” and student accommodation, although he acknowledged that this may be more of a housing issue as the concern was the costs of private student accommodation. He noted that the Tretton review had been published and the Scottish Government would respond in due course. A full review of Plant & Machinery would not be considered until after the response to the Tretton review. An external review into the working of the Small Business Bonus Scheme is being undertaken.

Finally I Storrie advised that a standard 2020/2021 NDR Bill template had been agreed that Councils should be following. M Rose raised concerns about the prescribed wording on the back of Valuation Notices. It was agreed that he would write to the Scottish Government with his concerns. **Action:** M Rose

Issues were raised with the Fresh Start and Transitional Relief Schemes. A Berthier undertook to look into these. **Action:** A Berthier

8. AOCB

In response to a question about the future of Council Tax. I Storrie said it was not within his team’s remit but he understood a cross party review was currently underway.

A Matheson asked about plans for Sports Club Relief. A Berthier responded that guidance is being prepared and will be consulted on ahead of its introduction in April 2021.

9. Date of Next Meeting

It was agreed that the date of next meeting would be best scheduled for autumn 2020.