
**APPOINTMENT OF MEMBERS TO THE BERKSHIRE VALUATION TRIBUNAL
(Director of Corporate Services – Democratic Services)**

1. INTRODUCTION

- 1.1 The terms of office of the Council's three appointed members to the Berkshire Valuation Tribunal service expire on 31 March 2004. In advance of the Annual Meeting on 28 April and at the request of the Berkshire Valuation Tribunal, the Council is invited to consider making appointments to the Tribunal with effect from 1 April 2004. Owing to a reduction in the case load of the tribunal service, only two appointments are required. Appointments are usually for a six year period and members must retire on reaching the age of 72.

2. RECOMMENDATION

- 2.1 **That one Member of the Council and one other person (not a Member of the Council) be appointed to serve on the Berkshire Valuation Tribunal for a term of office with effect from 1 April 2004 until 31 March 2010.**

3. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Finance Officer

- 3.1 There are no financial implications for Bracknell Forest Borough Council arising from this report.

Borough Solicitor

- 3.2 The Borough Solicitor has nothing to add to the report.

Access Implications

- 3.3 There are no access implications

4. SUPPORTING INFORMATION

- 4.1 Valuation tribunals are constituted under the Local Government Finance Act 1988 and the relevant regulations. There are 56 valuation tribunals in England and Wales, which determine appeals against council tax banding, non-domestic rates and several other types of local taxation appeals. Valuation tribunals are quasi-judicial, so whilst members are put forward by an 'appointing authority' they do not represent the appointing authority or its views, and in certain circumstances members are precluded from determining appeals arising in their area. Thus members of the tribunal sit throughout Berkshire in an entirely independent capacity.

- 4.2 The Berkshire Valuation Tribunal is one of three tribunals in the Thames Valley Valuation Tribunal Group and the case load across the three counties has fallen and as a result there are too many tribunal members. For this reason, the required number of appointments from Bracknell Forest has fallen from three to two members. There is also a restriction on the number of Members of the Council that can be appointed, which is set under the regulations at one third. However, given that Bracknell Forest is now entitled to two appointments only, the President of the Tribunal is prepared to accept the appointment of one Member of the Council and one non-member.
- 4.3 When the Council assumed unitary status on 1 April 1998, Councillors Mrs Hayes and Mrs Ryder, and Mrs I Mattick were appointed until 31 March 2004, although at that time only Councillor Mrs Hayes was a serving Borough Councillor, thus meeting the one third member of the Council requirement set out in the regulations. However, between 2000 and 2003 all three Bracknell Forest appointments to the tribunal were serving Councillors. The President of the Tribunal has requested that Mrs Isabel Mattick be re-appointed to fill one of the two places available, and has indicated that ideally one of the current elected members be appointed to the other place. Mrs Mattick has been consulted and has indicated that she would be willing to serve for a further term.
- 4.4 Under the regulations, any appointments to fill a vacancy must be made by the appointing authority and the President of the Tribunal. If there is a disagreement between the appointing authority and the President of the Tribunal in relation to a proposed appointment, a two person panel is set up to determine this, comprising the President of the Tribunal and a representative of the appointing authority. If there is still disagreement, the matter is referred to the Secretary of State, who may consult only the President of the Tribunal in making his/her final determination. Effectively, this means that the view of the President of the Tribunal will ultimately override the view of the appointing authority.

Conclusion

- 4.5 In view of paragraphs 4.2, 4.3 and 4.4 above, the Council is invited to consider the re-appointment of Mrs Mattick and either Councillor Mrs Hayes or Councillor Mrs Ryder, for a term of office commencing on 1 April 2004 and expiring on 31 March 2010.

Background Papers

Letter from Clerk to the Tribunals and Head of Administration, Thames Valley Tribunal Group, dated 29 January 2004

Contact for Further Information

Simon Evans (01344) 352263 simon.evans@bracknell-forest.gov.uk