

REGULATORY APPRAISAL

LOCAL GOVERNMENT, WALES

THE VALUATION TRIBUNALS (WALES) REGULATIONS 2005

Purpose and intended effect of the measure

1. These Regulations establish a Valuation Tribunal Service for Wales, which will comprise of the four current Valuation Tribunals and the membership, judicial functions and areas served by each current Valuation Tribunal will remain unchanged. The Valuation Tribunal Service for Wales will provide a centralised administrative service for the Valuation Tribunal's and the Valuation Tribunal Service for Wales's administrative functions will, for the most part, be undertaken by its Governing Council and/or it's Chief Executive
2. The Regulations will revoke the Valuation Tribunals (Wales) Regulations 1995 and the Valuation Tribunals (Amendment) (Wales) Regulations 2001 and the Valuation Tribunals (Amendment) (Wales) Regulations 2004 as they supersede and replace them. Failure to revoke these Regulations would result in there being more than 1 set of Regulations in place governing the Valuation Tribunals, parts of which would contradict each other and therefore be unworkable.
3. There is an increasing necessity for the Valuation Tribunal's in Wales to rely more on their own resources. This is because the Valuation Tribunal Service in England has been restructured as a Non-Departmental Public Body with a remit to focus on English issues, and because the National Assembly for Wales has devolved responsibility for managing the Valuation Tribunal's in Wales. The National Assembly for Wales is now increasingly passing secondary legislation applicable to Wales only and this is having a particular impact on areas such as training for staff & members, personnel (pay, terms and conditions etc have been devolved), and information technology support. Whereas in the past the Valuation Tribunal's in Wales were able to rely on sharing resources from England. They now have to take responsibility for these areas themselves. To do this effectively, a central administrative service is required.
4. The Valuation Tribunal's in Wales are currently represented by the Council of Wales Valuation Tribunals. This is an advisory body with no legal status or managerial powers consisting of the Clerks and Presidents of each Valuation Tribunal. It considers matters of common concern such as training, resources, personnel, and increased co-operation between the Valuation Tribunal's particularly in relation to administrative functions.
5. The Council of Wales Valuation Tribunals is supported by one of the Valuation Tribunal Clerks who, in his capacity as Honorary Secretary, receives additional remuneration based on the time that he spends on Council of Wales Valuation Tribunals work and administrative support is provided by staff from his office. He has indicated that he wishes to relinquish this role, and the Council of Wales

Valuation Tribunals believe that a centrally managed administrative service is required to enable the Valuation Tribunal's to operate effectively.

Risk Assessment

6. Without this proposed legislation, there is a risk that the Valuation Tribunals in Wales will not be in a position to maintain or improve their current standards of service, develop corporate policies on staffing, training, equal opportunities, health and safety, or identify efficiency savings and improved methods of working. They will also be unable to negotiate contracts for shared services for information technology as they lack a corporate body that can sign and monitor service contracts.
7. There is also a risk that as the National Assembly for Wales progressively passes Regulations that apply only to Wales that without a central administrative corporate body there may be inconsistencies in the way in which they are interpreted by the Tribunals.

Options

Option 1: Do Nothing

8. The amount of work being taken up on Secretariat duties is increasing, and has reached the stage where it cannot be accommodated within the existing structure without substantial overtime being worked by a Valuation Tribunal Clerk in his capacity as Honorary Secretary of the Council of Wales Valuation Tribunals.
9. There is duplication in certain areas of administrative work, and no central management authority or accountability, which can have an adverse impact on flexibility and efficiency.
10. Assembly Government staff time will continue to be taken up on staffing, budgetary and administrative matters that would better be devolved to the Valuation Tribunals. The Valuation Tribunals will not have the structure or resources to develop corporate policies for the Tribunal service in Wales.
11. The Valuation Tribunal's in Wales lack a single voice to speak for the service in Wales, to liaise with other organisations, including the National Assembly, and to take responsibility for resource management, staffing and future service provision and development of the service that they provide. The Assembly therefore will continue to have to manage the Valuation Tribunals' budget on their behalf, and involve itself in the provision of shared corporate services, such as IT, as there is no one body that can currently sign or manage contracts on behalf of the Valuation Tribunal's.

Option 2: Make the Legislation

12. This will establish the Valuation Tribunal Service as a corporate body.

Benefits

13. This will establish a central administrative service to maximise the efficient running of the Valuation Tribunal service in Wales, and to oversee current and future challenges. These include:

- Identify and promoting best practice in both the judicial and administrative arenas;
- Making recommendations seeking harmonisation of working methods / practices and strategic issues faced by the Tribunals;
- Managing and meeting customers expectations including the facilitating of uniform guidance for users and disseminating best practice to members and staff;
- Be the central focus point for the Valuation Tribunals in Wales;
- In partnership with the Welsh Assembly Government to review the structure, location and administrative systems of the Valuation Tribunal's with a view to modernising the service to enable it to provide a high standard of service as efficiently as possible, making the most of new technology and working practices. The new structure will be better placed to consider and implement any changes agreed following the review of the Valuation Tribunal Service in Wales scheduled for early 2006;
- To have responsibility for implementation of Equal Opportunities throughout the Valuation Tribunals Services in Wales; and
- To identify and implement a training strategy for staff and members.

Costs

14. It is estimated that the additional costs will be approximately £25k per year, which will be met from within the agreed Valuation Tribunal budget. There are no financial implications for other Assembly budgets, local government or any other organisation.

Consultation

With Stakeholders

15. Each Valuation Tribunal in Wales, the Valuation Office Agency, The Council of Tribunals, the Welsh Local Government Association, and all unitary authorities in Wales were consulted on these proposals between 16 June 2004 and 31 August 2004. Nine replies were received, none were opposed to the proposals, and most comments were concerned with maintaining the judicial independence of the Valuation Tribunal's, maintaining their independence from the National Assembly for Wales, and the need for adequate funding.

With Subject Committee

16. The Regulations were notified to the Local Government and Public Services Committee via the list of forthcoming legislation on 16 June 2004 (LGPS 06-04(p.3) and were identified for detailed scrutiny.
17. The LGPS Committee considered an earlier draft of these Regulations on 9 March 2005. However, the Council of Wales Valuation Tribunals subsequently expressed concerns that the Regulations as drafted may impinge upon the judicial independence of the Valuation Tribunal's, and conflict with existing appeals Regulations, and suggested some amendments. Careful consideration was given to the matters raised by the Council of Wales Valuation Tribunals and the draft Regulations maintain the 'independence' of each Valuation Tribunal with regard to its judicial functions and does not conflict with existing Regulations.
18. Following further discussions with officials and the Council of Wales Valuation Tribunals, it was decided that the administrative structure for the Valuation Service for Wales should be more prescriptive, by making statutory provision for each Valuation Tribunal to have a designated Clerk. The draft Regulations were amended accordingly.
19. As changes had been made to the draft Regulations since the Local Government and Public Services Committee had originally considered them, the revised version was sent for their consideration.
20. These Regulations were further considered by the Local Government and Public Services Committee on 13 October 2005, the Committee approved the draft Regulations (LGPS(2)-09-05(p.2)) without any amendments.

Review

21. A full review of the Valuation Tribunal Service in Wales has been commissioned for early 2006, and the effectiveness of these Regulations, and any further changes required will be considered.

Summary

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