



Valuation Tribunals – Modernisation and Reorganisation Consultation

Summary of responses



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On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government.

Department for Communities and Local Government
Eland House
Bressenden Place
London SW1E 5DU
Telephone: 020 7944 4400
Website: www.communities.gov.uk

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Communities and Local Government Publications
PO Box 236
Wetherby
West Yorkshire
LS23 7NB
Tel: 0870 1226 236
Fax: 0870 1226 237
Textphone: 0870 1207 405
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1. This document provides a factual analysis of the responses received to the Valuation Tribunal Modernisation and Reorganisation consultation paper. The aim of this analysis is to set out the views expressed by the respondents as accurately as possible. It does not offer any opinion on those views.

Introduction

2. In June 2006 Communities and Local Government published a consultation paper seeking views on proposals for the modernisation of the current 56 valuation tribunals in England. The set of proposals consulted on were aimed at unifying, streamlining and improving the service provided to the public.
3. The proposals were as follows:
 - To amalgamate the 56 valuation tribunals into a single Valuation Tribunal for England (VTE);
 - To create the positions of a single VTE President and a number of Vice-Presidents;
 - For the Secretary of State to have the power to pay the VTE President and Vice-Presidents for their work;
 - For the VTE President to sit on the Valuation Tribunal Service Board;
 - For all appointments to the VTE to be made by the Lord Chancellor on the advice of the Judicial Appointments Commission;
 - For the upper age limit for all members to be reduced from 72 to 70.
4. The consultation document was sent to over 1400 interested organisations, key stakeholders, and individuals. These included all members of the 56 valuation tribunals (over a 1,000 in total), the Valuation Tribunal Service (VTS) Board, all English Local Authorities, the Royal Institute of Chartered Surveyors (RICS), the Institute of Revenues Rating and Valuation (IRRV), The Council on Tribunals and other Government departments. The consultation document was also made available on the DCLG and VTS websites.
5. A total of 95 responses to the consultation were received of which 70 were from valuation tribunal presidents, chairman or members. However, some responses were collective, for example on behalf of members of a particular tribunal, so in total 144 individuals offered their views during the 12 week consultation period. Of those, 119 responses were from members of valuation tribunals or the VTS, 14 from local authorities and 11 from other organisations or individuals.
6. The consultation posed 8 separate questions, reproduced at **A** along with a more detailed analysis of the responses to the key proposals. **B** contains a statistical analysis of the responses by question, and by type of response (valuation tribunal, local authority and other/individuals).

7. The analysis at **B** is a statistical representation of the responses received. It provides, in percentage values, information on how many respondents were in favour of or against the individual proposals made in the consultation document.
8. The breakdown of respondents by category can be seen in **Table 1**. All respondents were asked if they were content for their views to be made public, and a full set of these responses is available by emailing Nageen Haroon at valuation.tribunals@communities.gsi.gov.uk or by calling her on 020 7944 6937.
9. We are grateful for all the responses received. This paper aims to reflect the views offered, but inevitably, it is not possible to describe all the responses in detail.

Overview

10. The majority of respondents were in favour of the establishment of the single Valuation Tribunal for England (VTE) but there were concerns about the retention of local accountability and judicial independence. Whilst some responses concentrated on a few specific issues of concern to them, making no comment on other questions raised in the paper, others ensured that each of the questions was addressed.
11. The majority of respondents were valuation tribunal presidents, chairman or members. A common theme of these replies was on the issue of local accountability and judicial independence, but some others made detailed submissions about the full range of proposals. There were also representations made against the reduction in the upper age limit for members and a concern about the risk of a move away from the ethos of a volunteer based lay membership. The matter of the VTE President elicited a range of responses from tribunal members with a clear majority not committing to a 'yes' or 'no' response. Instead there was dialogue about the support the VTE President would need along with a debate on his/her ideal qualifications and whether or not this position should be recruited from within or outside the Service. A majority favoured the appointments of Vice-Presidents with some respondents indicating that the Vice-Presidents should be regional presidents. There was broad support for a single tribunal, if not agreement on how it should be organised. Although there was almost universal agreement that the creation of the VTE would assist in any perceived inconsistencies of practice, some key respondents argued that current valuation tribunal members take extremely seriously their statutory responsibilities to provide a service to the public, whilst preserving integrity and judicial independence wherever possible, and felt that local variation was important.
12. Local authorities focused on the range of proposals and were mostly in favour of the single VTE. Comments were made mainly on the proposal to move appointments from local authorities to the Lord Chancellor with an emphasis on retaining the local element of appointments as well as wishing to emphasise that a perceived bias in the current *system* of appointments, made jointly by local authorities and presidents, must not translate itself into an accusation of bias within the appointments decisions.
13. Other respondents were concerned with local accountability. There was also strong opposition to the reduction in the upper age limit. This focused on the principle that the Government should in spirit adopt the European Union Directive (on age discrimination that came into force in October 2006) whilst considering the upward trend in higher retirement ages which makes reducing the upper age limit difficult to justify. It was also felt that different treatment of paid staff and volunteers would be wrong. There was some support for the proposal on the grounds that reducing the upper age limit would bring the VTE in line with wider tribunal practice and that it would allow the membership to be regularly refreshed.

Detailed Analysis – A

Response to main consultation questions (in order of appearance in consultation paper annex A):

Would the creation of a single tribunal, for the reasons outlined above [in the consultation paper], meet the needs of all its stakeholders?

14. Out of the 144 respondents, over 69% agreed with this proposal. In support of the single tribunal, one respondent stated that *“We agree that the creation of a single tribunal would be useful. It might well have benefits for all or most stakeholders and we cannot identify stakeholders who would suffer from the proposal”*. Most respondents agreed that the single tribunal would meet the needs of all stakeholders and also went so far as to state that it would provide a better service to the tax payer, but this overall picture was tempered with some concern for the loss of local accountability and in particular concern over the internal structure(s) of the tribunal.
15. Supplementing these responses were various provisos and options including suggestions on how the VTE should be structured, with a small number of respondents proposing various numbers such as 9 or 12 regions, whilst others felt it should mirror the 4 VTS administrative regions. The main thrust of these comments however was that local accountability was important, in that a local service provided by local people, locally, should be retained and could only be achieved by having an appropriate divisional structure within the VTE.
16. In support of the VTE a valuation tribunal president stated that *“The creation of a single tribunal for England will, in the long term, provide a better more streamlined customer friendly service that meets the needs of all parties,”* whilst another member stated that *“Yes a single tribunal is fine, Employment Tribunals are a single tribunal and members may sit anywhere in England and Wales because Employment Law is the same in Cornwall as Cumbria and no doubt rating law and council tax appeals are the same in Northumberland as Newquay, members should be able to sit in a VT serving anywhere in England & with a national yet local panel”*.
17. Against the proposal one local billing authority respondent stated that it *“acknowledges the view that some rationalisation may be beneficial. However, [it] would be loathe to support a step which would weaken the local connection which it considers to be one of the current system’s strength in dealing with appeals, using local knowledge and local people. A more regional approach, rather than a national system would better protect stakeholders interests at the local level. In any event tribunals should continue to sit locally and members of tribunals should continue to be selected from local people”*.
18. Another concern, articulated by a few respondents, centred around expectations and demands on volunteer members. There was concern that members would be asked to travel greater distances to hear appeals, thus not only losing the local element of the service and possibly dissuading people from becoming members but also having an effect on the volume and amount of travel and subsistence that would be claimed.

There was concern that in the long term this would cost more in terms of both human and financial resources.

Would the creation of a single tribunal assist in addressing the lack of consistency within current valuation tribunal practice?

19. More than 41% of respondents agreed with the question, approximately 16 % disagreed. Over 43% of respondents neither agreed nor disagreed with the proposal, although comments from many respondents in this group, too, suggested some support for the Government’s proposition. Some respondents felt that any inconsistencies in the current system could also be remedied by better communication and more co-ordinated training for the membership which could be achieved under the current arrangements. Respondents that disagreed felt that there was nothing wrong with the current system.
20. The matter of local accountability was again raised with an emphasis by respondents who agreed, and indeed some that did not, that flexibility in any processes would need to be retained so that localities could adapt judgements etc accordingly. A member of the valuation tribunal said *“Judicial independence is, therefore, local and, as such, can have some inconsistencies. If it were the case that every member were to arbitrate using the same reasoning, then there would not be a need for tribunals – their judgement could be plucked from a database and given without the need for hearing.”*
21. On the other hand, another member stated that *“The establishment of one Tribunal Service would, no doubt, provide uniformity. This would be an advantage insofar as it would be seen by stakeholders that there was a standard practice throughout the country, hopefully, without too many regional variations.”*
22. However, in relation to the debate about use of local knowledge one valuation tribunal president stated that *“Not necessarily. Local accountability will be compromised. Particularly in Council Tax cases appellants appreciate Members’ knowledge of the variation in house values in an area. Rating officers often use comparators which appear to give a correct value but local knowledge may reveal inequities based on socioeconomic and environmental conditions.”*
23. A small number of responses also raised a concern about the possibility of the VTE being too remote and insular which would be detrimental to communication and hence the entire premise of the proposals put forward in the consultation. However, some of these acknowledged that the role of the VTE President would be crucial to this matter.

Do you agree that having a national President would provide better judicial leadership and be a strong advocate for the Service?

24. Just over 45% agreed on both, that a VTE President would provide better leadership and be a strong advocate for the Service, whilst approximately 16% disagreed. A council response stated that *“A National President will clearly provide a focus for stronger leadership and a higher profile for the service nationally. One of our disappointments is that relatively little is known in the community about the existence of the service and the valuable work that it does.”* A little over 38% did not have a firm opinion either way mainly because there was some discussion on whether or not the Service required a ‘strong advocate’. Some respondents did not directly respond to the question

and instead offered the concern that appointment of the VTE President should be made from within the Service so as to command the respect of the membership; whilst a few of the respondents felt that decisions on reform had already been taken and that a candidate had already been selected. Other respondents argued that should the appointment be made from outside the Service, the VTE President would be unsuitable to sit as a tribunal chairman initially, or that the position might become too remote and that the VTE President would never act as chairman and would hence lose touch with what is ‘happening on the ground’.

25. Other comments included thoughts on what qualifications the VTE President should have; although a different set of respondents argued conversely against the case for qualifications. Some respondents felt that the national President should be from a strong judicial background whilst a number felt that the VTE President should come from the current membership.
26. One valuation tribunal member stated that *“I believe strongly that the appointment of a single national president should come from within the existing presidents. To assume that there is no one of sufficient calibre to fulfil the role is an arrogant presumption. The nomination should be put forward and voted on by the existing presidents (and chairmen.) This is a time of change for VT’s and someone who is known and knows the VT would be a good first appointment. This would obviate the need to appoint the president as a member as he/she would be a serving member already. Only if no one was prepared to stand internally should any consideration be given to advertising the post externally.”*

Do you agree that in line with post-Leggatt policy, appointments to the Valuation Tribunal for England should be selected by the Judicial Appointments Commission and made by the Lord Chancellor?

27. The majority (67%) of the respondents thought the appointments system needed to change and that the proposal of moving it to the Lord Chancellor under the Judicial Appointments Commission (JAC) would introduce a fairer system for appointments. 21% disagreed as they either did not think there was anything wrong with the current system, or agreed that appointments should be removed from the remit of local authorities but felt that recommendations and appointments should still be made locally by the relevant tribunal (a range of variations were suggested). A few respondents felt that appointments for higher positions within the Service should be appointed under the proposed system whilst other member appointments should be appointed locally, whilst a similar number argued for the opposite with member appointments being made by the Lord Chancellor and the presidential and chairman positions being elected.
28. A number of responses queried how the JAC would advertise for members locally with most respondents emphasising the need for local appointments. Others felt that all senior appointments should be made as proposed, however with the field limited to the current membership.
29. One respondent felt that the proposal would inhibit people from applying because they would not want to go through a complicated application process in order to volunteer.

Should the President for the Valuation Tribunal for England sit on the Board of the Valuation Tribunal Service?

30. Notwithstanding the views expressed about the case for a VTE President (see paragraphs 24 – 26), 56% of respondents agreed with this proposal. However some of these responses contained additional comments such as that the VTE President should also be Chair of the VTS Board whilst others felt that the VTE President should be an ex-officio member of the Board but remain separated to maintain judicial independence. Others felt that although administrative and judicial matters were separate, each affected the other and therefore having the VTE President contribute to the VTS would help enhance communication between the two sides and lead to a more cohesive structure and relationship within the Service. Some of the respondents that agreed felt that this move would enhance member training prospects.
31. Some of the 36% of respondents who disagreed felt the VTS Board were not in touch with the membership and doubted whether this would be improved by the VTE President being on the VTS Board. Two respondents suggested the VTS be abolished and a new Non Departmental Public Body set up that would be chaired by the VTE President.

Do you agree that the President of the Valuation Tribunal for England should be supported by a number of Vice-Presidents?

32. The majority of respondents agreed with this proposal. Again, a few options were offered in terms of the number of Vice-Presidents and what they should reflect/represent. A large volume of respondents felt that the Vice-President should represent the divisions of the VTE. This was supplemented with a reiteration on the number of divisions, the most popular of which were 9, 4 and 12. One respondent felt that there should be 56 Vice-Presidents to represent the current 56 tribunals whereas another respondent specifically felt that if 56 Vice-Presidents were replicated then there would be no use in the creation of the VTE.

Should the positions of President and Vice-President be paid?

33. A small majority (51%) of respondents were against the proposal. Many of the respondents felt that remunerating the post would lead to a two tier system whereby some members are paid for doing the same job as those that aren't (sitting on a panel). This led to a few respondents proposing that all members should be paid whereas the majority felt that the nature of the tribunals has always been based on a voluntary ethos and that should be retained.
34. A small number of the respondents also felt that if the VTE President were remunerated, it would impinge on his/her judicial independence whereas others felt that it would help in attracting a suitably qualified person to the post.
35. One respondent felt that the Vice-Presidents should be paid an honorarium as opposed to remuneration. The 39% respondents in favour felt that the work commitment was going to be sufficient to demand remuneration. However there were a few responses that set out that remuneration to these positions should not lead to a professional based service of just lawyers or surveyors.

Do you agree that the upper age limit for members of the Service should be reduced from 72 to 70?

36. This proved to be the most contentious issue of all with several strands of argument and debate. Approximately 67% disagreed with this proposal whilst 24% agreed. The arguments in favour were that it would bring the Service in line with other tribunals and allow the membership to be regularly refreshed.
37. The arguments against were that the ability to serve on a tribunal is not dependent on age. Others were of the view that in a culture where retirement ages are increasing with older people working longer this proposal would be at odds with general trends; others said that the Government should not be 'ageist' whilst others offered the view that people in employment are unable to offer the time required to train and act as members therefore making recruitment more difficult should the upper age limit be reduced to exclude members of the public who have retired. Some also felt that valuable knowledge and training would be lost and that a strong appraisal system should be put in place that would ensure that appropriate people are retained within the membership, regardless of age.
38. Other suggestions were that the current upper age limit of 72 should be raised to 75 or 80 or removed altogether. Some felt the proposal did not go far enough and suggested a reduction to 68. Other suggestions included a 70 age limit for new recruits while existing members continue to retire at 72.

Table 1: List of Respondents

| Respondent | Type of Organisation | |
|-------------------|--|--------------------|
| 001 | Bhupendra R Patel | Valuation Tribunal |
| 002 | Chris White | Valuation Tribunal |
| 003 | Derby City Council | Local Authority |
| 004 | Alan Snarey | Valuation Tribunal |
| 005 | Alan Hankinson | Valuation Tribunal |
| 006 | Michael Harvey | Valuation Tribunal |
| 007 | Brentwood Council | Local Authority |
| 008 | Herb Booth | Valuation Tribunal |
| 009 | Institute of Directors | Other |
| 010 | Malcolm Leeding | Valuation Tribunal |
| 011 | Graham Jones | Valuation Tribunal |
| 012 | Jim Browell | Valuation Tribunal |
| 013 | Richard Tomlinson | Valuation Tribunal |
| 014 | Stratford & Avon District Council | Local Authority |
| 015 | Paul Shrimpton | Valuation Tribunal |
| 016 | R. W. Taylor. J.P | Valuation Tribunal |
| 017 | East Yorkshire Valuation Tribunal Chairman | Valuation Tribunal |
| 018 | Alan Chesters | Valuation Tribunal |
| 019 | The Commission for Local Administration in England | Other |
| 020 | Brian Price | Valuation Tribunal |
| 021 | Mavis Latham | Valuation Tribunal |
| 022 | Anonymous | Valuation Tribunal |
| 023 | Jim Dixon | Valuation Tribunal |
| 024 | Brian Willis | Valuation Tribunal |
| 025 | Clare Bense | Valuation Tribunal |
| 026 | John F Vause | Valuation Tribunal |
| 027 | Clementine Smith | Valuation Tribunal |
| 028 | Keith Salkeld | Valuation Tribunal |
| 029 | A.W.J Coleman | Valuation Tribunal |
| 030 | Margaret Collins | Valuation Tribunal |
| 031 | David J Terwey | Valuation Tribunal |
| 032 | Manchester North Valuation Tribunal | Valuation Tribunal |

Table 1: List of Respondents (continued)

| | Respondent | Type of Organisation |
|-----|---|-----------------------------|
| 033 | Lyell W. Fairlie | Valuation Tribunal |
| 034 | South Gloucestershire Council | Local Authority |
| 035 | Local Judicial Committee – Wessex Administrative Unit | Valuation Tribunal |
| 036 | Stephen G Evans | Valuation Tribunal |
| 037 | Philip Veater. | Valuation Tribunal |
| 038 | B.M.Brearley | Valuation Tribunal |
| 039 | AR Mitchell-Harris | Valuation Tribunal |
| 040 | Bisset Moffatt Hill – Chartered Surveyors | Other |
| 041 | Brian L Hill | Valuation Tribunal |
| 042 | Denvir Champion | Valuation Tribunal |
| 043 | R. J Kinsman | Valuation Tribunal |
| 044 | William Alexander | Valuation Tribunal |
| 045 | South Norfolk Council | Local Authority |
| 046 | Roy Tandy | Valuation Tribunal |
| 047 | John Jones | Valuation Tribunal |
| 048 | Roger Selway | Valuation Tribunal |
| 049 | Brian Talfourd-Cook | Valuation Tribunal |
| 050 | Rosalind Mason | Valuation Tribunal |
| 051 | Mary Young | Valuation Tribunal |
| 052 | Robert Froy | Valuation Tribunal |
| 053 | Derek Carline | Valuation Tribunal |
| 054 | K Smalley | Other |
| 055 | Susan Haynes | Valuation Tribunal |
| 056 | Peter Jewell | Valuation Tribunal |
| 057 | Sheila Bath | Valuation Tribunal |
| 058 | Mary C Fagan | Valuation Tribunal |
| 059 | Cheshire County Council | Local Authority |
| 060 | Allan Jones | Valuation Tribunal |
| 061 | Bryan B. Harrison | Valuation Tribunal |
| 062 | Bristol Employment Tribunals Members' Association. | Other |
| 063 | VTS Board | Valuation Tribunal |
| 064 | M J Bines | Valuation Tribunal |
| 065 | Sheila Harding | Valuation Tribunal |
| 066 | Derek Hancock | Valuation Tribunal |
| 067 | Peter Seddon | Valuation Tribunal |
| 068 | Director of Corporate Services – Dorset County Council | Local Authority |
| 069 | Michael Bond | Valuation Tribunal |
| 070 | Peter Pearson | Valuation Tribunal |
| 071 | J M Butcher | Valuation Tribunal |
| 072 | President, The Rating Surveyors' Association | Other |
| 073 | Henry Aubrey John | Valuation Tribunal |
| 074 | Preston City Council | Local Authority |
| 075 | Ellesmere Port and Neston Borough Council | Local Authority |
| 076 | James Garry Bean | Valuation Tribunal |
| 077 | Brian Price | Valuation Tribunal |
| 078 | Carla-Maria Heath | Other |
| 079 | Country Land & Business Association | Other |
| 080 | Peter Hurlstone | Valuation Tribunal |
| 081 | Head of UK Public Policy, RICS Communications Directorate | Other |
| 082 | Conservative Group – Coventry City Council | Local Authority |
| 083 | City of London | Local Authority |
| 084 | Joseph William Osborne | Valuation Tribunal |
| 085 | Council on Tribunals | Other |
| 086 | Michael Collery | Valuation Tribunal |
| 087 | Mike Ackroyd | Valuation Tribunal |
| 088 | IRRV | Other |
| 089 | London North East Valuation Tribunal | Valuation Tribunal |
| 090 | Richard Ward | Valuation Tribunal |
| 091 | Katherine Bligh | Valuation Tribunal |
| 092 | His Honour Judge Ian Morris | Other |
| 093 | John Rawling | Valuation Tribunal |
| 094 | East Lindsay District Council | Local Authority |
| 095 | North Norfolk District Council | Local Authority |

Table 2: Breakdown of Respondents

| Category | *Number |
|----------------------------|----------------|
| Valuation Tribunal Member | 119 |
| Local Authorities/Councils | 14 |
| Other | 11 |
| Total | 144 |

* Figures show the number of respondents (including where a number of people are involved in a group response). Please note that each respondent has only been counted once so where individuals have sent in a response and also signed up to a group response, their individual response has been counted for the statistical analysis.

B – Statistical Analysis

| | | | | |
|-----------------|---|--------|----------------|--------|
| | 1. Would the creation of a single tribunal, for the reasons outlined above, meet the needs of all its stakeholders? | | | |
| | Yes | No | No strong View | |
| | Cumulative Response Table | 69.44% | 15.28% | 15.28% |
| | Valuation Tribunal Responses | 68.07% | 15.97% | 15.97% |
| | Local Authority Responses | 71.43% | 21.43% | 7.14% |
| Other Responses | 81.82% | 0.00% | 18.18% | |
| | 3. Do you agree that having a national president would provide better judicial leadership and be a strong advocate for the Service? | | | |
| | Yes | No | No strong View | |
| | Cumulative Response Table | 45.14% | 16.67% | 38.19% |
| | Valuation Tribunal Responses | 36.97% | 18.49% | 44.54% |
| | Local Authority Responses | 92.86% | 7.14% | 0.00% |
| Other Responses | 72.73% | 0.00% | 27.27% | |
| | 2. Would the creation of a single tribunal assist in addressing the lack of consistency within current valuation tribunal practice? | | | |
| | Yes | No | No strong View | |
| | Cumulative Response Table | 41.67% | 15.97% | 42.36% |
| | Valuation Tribunal Responses | 37.82% | 15.97% | 46.22% |
| | Local Authority Responses | 71.43% | 7.14% | 21.43% |
| Other Responses | 45.45% | 18.18% | 36.36% | |
| | 4. Do you agree that in line with post-Leggatt policy, appointments to the Valuation Tribunal for England should be selected by the Judicial Appointments Commission and made by the Lord Chancellor? | | | |
| | Yes | No | No strong View | |
| | Cumulative Response Table | 67.63% | 20.83% | 11.81% |
| | Valuation Tribunal Responses | 63.87% | 24.37% | 11.76% |
| | Local Authority Responses | 85.71% | 7.14% | 7.14% |
| Other Responses | 81.82% | 0.00% | 18.18% | |

| | 7. Should the positions of president and vice president be paid? | | |
|------------------------------|--|--------|----------------|
| | Yes | No | No strong View |
| Cumulative Response Table | 38.89% | 50.69% | 10.42% |
| Valuation Tribunal Responses | 31.93% | 59.66% | 8.40% |
| Local Authority Responses | 71.43% | 14.29% | 14.29% |
| Other Responses | 72.73% | 0.00% | 27.27% |

| | 8. Do you agree that the upper age limit for members of the Service should be reduced from 72 to 70? | | |
|------------------------------|--|--------|----------------|
| | Yes | No | No strong View |
| Cumulative Response Table | 23.61% | 67.36% | 9.03% |
| Valuation Tribunal Responses | 21.01% | 73.11% | 5.88% |
| Local Authority Responses | 50.00% | 35.71% | 14.29% |
| Other Responses | 18.18% | 45.45% | 36.36% |

| | 5. Should the president for Valuation Tribunal for England sit on the Board of the Valuation Tribunal Service? | | |
|------------------------------|--|--------|----------------|
| | Yes | No | No strong View |
| Cumulative Response Table | 55.56% | 36.11% | 8.33% |
| Valuation Tribunal Responses | 52.10% | 42.02% | 5.88% |
| Local Authority Responses | 71.43% | 7.14% | 21.43% |
| Other Responses | 63.64% | 9.09% | 27.27% |

| | 6. Do you agree that the president of Valuation Tribunal for England should be supported by a number of vice presidents? | | |
|------------------------------|--|-------|----------------|
| | Yes | No | No strong View |
| Cumulative Response Table | 88.89% | 4.17% | 6.94% |
| Valuation Tribunal Responses | 89.92% | 5.04% | 5.04% |
| Local Authority Responses | 78.57% | 0.00% | 21.43% |
| Other Responses | 90.91% | 0.00% | 9.09% |