

Barclay Implementation Advisory Group Appeals Sub-Group

13 March 2018, 10am -12pm

St Andrew's House

In Attendance

Ian Storrie, Scottish Government

Brian Rogan, Scottish Chambers of Commerce

Marianne Barker, Scottish Government

Ken McCormack, RICS/ RSA

Ian Milton, SAA

Graeme Strachan, SAA

Apologies

Moir Walker, SPF

Note of key points made in discussion

1. The sub-group agreed to work to the remit of the main group.
2. The sub-group agreed to provide an oral update to the main Implementation Advisory Group.
3. The sub-group discussed the appeals process principles set out in Recommendation 19 of the Barclay Review - below.

4.92 We recommend that the Scottish Government incorporates the following principles at the point at which panels transfer to Tribunals Scotland.

- a) Appointments to panels, including the appointments of Chairs and Secretaries, should be made through an open and transparent process;
- b) Diversity on panels should be sought, so far as possible, when appointing members, Chairs and Secretaries;
- c) Consideration should be given to introducing a basic remuneration for panel members and Chairs;
- d) Appointments should be for fixed terms, with scope to renew at regular intervals;

- e) Panel members should have a clear code of conduct to follow, including a process for registering conflicts of interest;
- f) There should be no geographical limit to the area in which panel members must live and/ or work;
- g) There should be mandatory formal training for panel members at regular intervals;
- h) All hearings should be held in public and advertised in advance;
- i) The appeal process should be as streamlined as possible and encourage prompt and full exchange of all information ahead of formal hearings;
- j) There should be a process for fast tracking of appeals;
- k) Guidance for those appearing before committees under the new structure should be available well in advance of the structural change and this should be regularly reviewed;
- l) All panel decisions should be published online;
- m) Appeal panels should also hear assessment appeals against councils decisions on relief eligibility;
- n) Panels should have a power to refer complex cases direct to higher Tribunals/ courts, and;
- o) Fees should be considered for lodging an appeal to cover any costs associated with the structural change. If introduced, a fee should be proportionate and linked to rateable value.

4.93 One additional key principle that should be introduced is that panels should have the power to increase rateable value at an appeal hearing where evidence has emerged to support this.

4. There was consensus that the majority of the principles were a sound basis for further the work. Some of the principles would benefit from some further discussion.

Action 1 – The Group agreed to invite a member of the Tribunal Scotland to attend a future meeting

Action 2 – Scottish Government to circulate a copy of the Tribunals (Scotland) Bill.

Action 3 –The sub-group will explore voluntary and mandatory training systems available to other tribunal and panels in Scotland.

Action 4 – The sub-group will return to ‘Principles i) and l) as an agenda item at a future meeting.

Action 5 – The sub-group will return to ‘Principle n) as an agenda item at a future meeting.

Action 6 – The sub-group will return to paragraph 4.93 of the Barclay Review as an agenda item at a future meeting.

Action 7 – The next sub-group meeting will take place in around four weeks