



Modernising Empty Property Relief  
**Summary of consultation replies  
and Government response**





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# Introduction

The government published a consultation document *Modernising Empty Property Relief* on 9 July 2007. This set out options for a number of proposals regarding detailed aspects of reforms to the system of empty property rates in England, implementation of which would require secondary legislation. It sought responses by 1 October 2007, following which the government would take account of the responses prior to making decisions on how to take forward the proposals.

This document sets out a summary of the responses received to the Consultation Document, both in general terms and, where possible, against specific questions raised in the consultation document, and the Government's decisions on the detailed implementation of its reforms.

## Policy background

The Government announced its intention to modernise empty property relief as part of Budget 2007. The proposals modernise empty property relief from business rates by applying the full business rate to properties that have been empty for three months or more – or six months in the case of industrial property.

The reforms will provide an incentive for owners to re-use, re-let or re-develop their empty properties. A principal driver for the reforms is to increase the supply of commercial property available to new and existing businesses, and thereby to help to reduce rent levels which burden the competitiveness of the UK. UK office rents are routinely among the highest in the world, some 30% higher than our EU competitors, with London, Manchester and Leeds all ranked above Manhattan in a list of the world's costliest office locations. The government considers that the reforms will provide a strong incentive for owners to bring empty shops, offices and factory buildings back into use, and so improve access to property and reduce rents for businesses.

The Rating (Empty Properties) Act 2007 gave effect to key elements of these reforms and received Royal Assent on 19 July 2007. The Consultation Document sought views on detailed elements of reform that would need secondary legislation.

## Summary of responses

A total of 175 responses were received to the Consultation Document – see annex A for a list of respondents. 70 (40%) of these responses provided general comments on the Government's reform programme, rather than specific responses to individual questions within the Consultation Document. Most of the remaining respondents concentrated their responses on some of the questions rather than every question posed. The respondents can be broken down into the following categories:

<b>Sector</b>	<b>No. of responses</b>	<b>Proportion of responses*</b>
Local government family	42	24%
Businesses/business organisations	32	18%
Rating and valuation professionals	27	15%
Members of the public	26	15%
Property sector	18	10%
Central government/public sector	9	5%
Other	21	12%
<b>Total</b>	<b>175</b>	

\* Numbers do not add up to 100% due to rounding of individual totals.

Allocation of responses to specific categories was determined on the basis of the content of their response and some responses could reasonably have been allocated to more than one category (for example many responses representing “property interests” could also be treated as “businesses”).

In assessing responses to individual questions, this summary provides a general synopsis of responses to those questions where the nature of the question and/or responses has made it impractical to break down responses into specific categories. For those questions which specifically ask respondents to choose a particular option, this document provides a breakdown against those options.

It is important also to note that this is a summary of responses which will not, by its nature, record each and every point made in the body of responses received. Nor does it record in detail the views expressed about the policy reforms introduced by the government through the Rating (Empty Properties) Act 2007. It does, however, attempt to record the key substantive points made against each of the questions set in the Consultation Document.

# Summary of responses

## Protected buildings

### **Question 1: What, if any, evidence do you have regarding the risks of owning protected non-domestic buildings compared with the risks of owning other non-domestic buildings? (paragraph 3.3.7)**

There was a mixed response to whether there was any substantive evidence of the risks of owning a protected non-domestic building. However, responses to this question generally acknowledged that different circumstances apply to protected buildings as opposed to those that were not accorded any particular protection. It was noted that the effect of listing can also be different for different classes of property and can be subject to local supply and demand. It was noted that the processes required for obtaining planning and listed building consents can be lengthier than for non-protected buildings. Others stated that listed buildings can involve a greater degree of work to bring them back into beneficial use compared to purpose-built structures. Similarly, it was argued that the risks and uncertainty associated with such structures can make them more difficult to let or to sell.

Some responses expressed surprise at the suggestion that listing had no impact on occupancy levels or investment performance. In this regard, some respondents suggested that the IPD report quoted in the Consultation Document<sup>1</sup> should be treated with a degree of caution since its data was based on a small number of office properties, largely based within the London area, rather than being representative of non-domestic property across the country.

Some respondents also highlighted the fact that occupied buildings decay at a slower rate than empty buildings, and that such property is more likely to be in a good condition when occupied (which would therefore make it easier to let when empty) and so every encouragement should be given to ensure that listed buildings can be occupied.

### **Question 2: Which of the three alternative periods of exemption from rates described at paragraph 3.3.7 do you think should apply to owners of empty protected buildings and why?**

- **Option one: continue to provide protected buildings with a permanent exemption from rates when they are empty;**
- **Option two: provide protected buildings with an initial exemption from rates for the first six months they are empty;**
- **Option three: provide owners of protected buildings with the same initial exemption from rates as other owners.**

<sup>1</sup> See paragraph 3.3.5 of “Modernising Empty Property Relief – A Consultation Paper”



This question generated the highest response rate of any of the questions in the consultation document which provided options. The breakdown of the answers was as follows:

- 58 responses (61 per cent) favoured option one: continue to provide protected buildings with a permanent exemption from rates when they are empty;
- 28 (30 per cent) favoured option two: provide protected buildings with an initial exemption from rates for the first six months they are empty. All but two of these agreed with the proposed limit of six months; one other favoured 12 months and one favoured 24 months; and
- 9 (9 per cent) favoured option three: provide owners of protected buildings with the same initial exemption from rates as other owners

(NB these percentages relate to the proportion of those who responded to this question).

Some of those respondents in favour of retaining the existing permanent exemption available for listed buildings and those with a statutory protection stated that there was no substantive evidence to demonstrate that the existing arrangements needed to change.

It was argued also that retaining a permanent exemption would ensure that owners of listed buildings did not rush through renovation work. It was also stated that ownership of listed buildings conferred reduced flexibility compared to that available to owners of non-protected buildings. It was stated that this was because it can take substantially longer to let a listed building since there were greater restrictions on changes that could be made to such properties, thereby potentially narrowing demand.

Those respondents who favoured option two recognised that protected buildings should benefit from a certain degree of protection from empty property rates, but that this should be a finite period. Arguments in favour of this approach focused on the fact that such a period would act as an incentive on the owner to take all appropriate measures to bring the property back into beneficial use. Most of the respondents who favoured this option agreed that the proposed six month exemption was appropriate. However, a small number favoured variations on option two. These included one response favouring a 12 month exemption period, and one favouring a 24 month exemption, whilst a small number of others suggested that, whatever time period, the period of exemption should be subject to criteria based on the particular circumstances of the case, taking account of the action taken to let the property.

Those respondents who favoured option three stated that a consistent approach between protected and non-protected buildings would be simpler to understand. It was also suggested by one respondent that there did not appear to be any evidence that owners of listed buildings have greater problems finding tenants or purchasers than owners of other buildings.

**Question 3: Do you agree that all protected buildings included on the non-domestic rating list should be treated in the same way for rating purposes, or do you believe that some types of protected buildings should be treated more favourably than others? If so, which types of protected buildings do you think should be treated more favourably, on what grounds, and how might these categories be defined? (paragraph 3.3.7)**

Of the respondents who replied to this question, very few made the case that different types of listed or protected buildings should be treated in different ways for rating purposes. Many respondents considered that such an approach would introduce a further degree of unnecessary complexity into an already complex process. It was also argued that there was insufficient evidence to make appropriate judgements about how any such differentiation might take place. Some respondents said that, if there was a broader review of the exemptions to empty property relief, then consideration might be given at that stage into the scope for distinctions between different types of listed building.

There was a suggestion that there might be some merit in making a distinction between those buildings that are Grade 1 and Grade 2 listed, as opposed to others with a statutory protection, but this was very much in the minority.

**Government response**

The government has considered all of the responses to this section of the consultation document. In doing so, it has noted that there was a clear view that different circumstances apply to protected buildings and that this generally means that there are additional constraints placed on the owners and occupiers of such properties.

Some respondents expressed concerns that the IPD research referred to within the consultation document should not be seen to an authoritative analysis. The IPD research provided a useful analysis of the situation in certain circumstances. However, the government recognises that it should not be perceived to be necessarily representative of the challenges facing owners of all protected buildings.

The government considers a greater degree of work can be involved in bringing empty listed properties back into beneficial use compared to other properties and that the evidence supports listed buildings continuing to benefit from an exemption from empty property rates. On balance, it considers that there was no strong evidence submitted to suggest that the existing permanent exemption from empty property rates created problems, or that it should be changed.

**Decision – Continue to provide a permanent exemption from rates for vacant non-domestic buildings that are listed or enjoy statutory protection.**

## Insolvency

### **Question 4: Which of the three options for the future rates liability of companies that are in administration set out at paragraph 3.4.4 do you think the Department should adopt, and why?**

- **Option one: companies in administration continue to pay empty property rates;**
- **Option two: companies in administration are exempt from empty property rates for twelve months;**
- **Option three: companies in administration are permanently exempt from empty property rates.**

The breakdown of responses to this question was as follows:

- 12 respondents (15 per cent) favoured option one: companies in administration continue to pay empty property rates;
- 24 respondents (31 per cent) favoured option two: companies in administration are exempt from empty property rates for twelve months (although one of these argued for an exemption of 24 months);
- 42 respondents (54 per cent) favoured option three: companies in administration are permanently exempt from empty property rates.

(NB these percentages relate to the proportion of those who responded to this question).

There was general support, in the responses to this question, for the government's broader policy objective of rescuing companies with an underlying viable business. A number of respondents stated that a company's liability for empty property rates will be a significant factor for an administrator in considering whether there was a viable business capable of rescue.

A majority of those who commented supported the view that the treatment of those insolvent companies in administration should be made consistent with the treatment of insolvent companies and individuals subject to bankruptcy proceedings, and that they should be entitled to permanent exemption from empty property rates (option three). It was pointed out that the current inconsistency of treatment provided a potential perverse financial incentive for companies to adopt the route of liquidation rather than administration, contrary to the government's aim to promote a rescue culture.

Some respondents who favoured a permanent exemption considered that a twelve month exemption, although an improvement on the existing arrangements, could affect decisions at the end of the twelve month period. For example, a finite period of exemption might force the Administrator to wind the company up early when it might otherwise have an underlying viable business. In addition, some respondents pointed out that some administrations are extended due to their complexity rather than simply as a measure to provide more time to effect a rescue. In such

circumstances, it was argued that a twelve month limit on exemption would unfairly penalise creditors in those more complex cases.

Some respondents noted that the standard period of administration was twelve months, and that the period of exemption should be consistent with this, and therefore restricted to twelve months rather than on a permanent basis. Others who favoured a twelve month period argued that such a limit would help to incentivise the administrator to take the necessary action within a reasonable time period.

Others argued, in favour of maintaining the status quo, that there was some merit in companies in administration having to pay empty property rates since the company is continuing to trade and, if they are to demonstrate true viability, then they will need to pay rates. In the same connection, others pointed out that companies that continue to trade while in administration are likely to be occupying some premises on which they will pay the normal business rate.

Some respondents preferred a variation on the options put forward and suggested that, where an occupier has entered administration, the landlord should become liable for the empty rate from the point that the occupier formally notifies their intention to surrender the property.

### **Government response**

The government has taken account of all the representations that have been submitted in response to the issue of dealing with companies entering administration.

The government noted that the general consensus amongst respondents was support for the government's focus on promoting a rescue culture for insolvent companies and that the existing arrangements should be amended. Based on the responses received, the government considers that a permanent exemption would be most appropriate and would be consistent with the provisions that apply to companies in liquidation and to individuals subject to bankruptcy proceedings. While it is noted that a twelve month exemption would reflect the standard period of an administration and could, potentially, incentivise administrators to conclude their work more rapidly than if a permanent exemption were in place, the government does not consider this to be a decisive issue.

**Decision – To introduce a permanent exemption from empty property rates for empty non-domestic properties owned by companies in administration.**

## Tackling rates avoidance

Section 4 of "*Modernising Empty Property Relief*" presented a discussion of the risk of property owners taking steps to avoid payment of empty property rates, and set out a number of options that could be taken to tackle such action.

A number of responses provided detailed comments on the rationale for the introduction of anti-avoidance measures under the new section 66A of the Local Government Finance Act 1988, as introduced by the Rating (Empty Properties) Act 2007.

Many of these respondents questioned the need for the introduction of anti-avoidance measures since there was no substantive evidence that avoidance activity would occur. Many of those who commented on the need for such measures did not accept that owners of property would take such extreme action as to deliberately vandalise their own property, and thereby devalue their assets, purely as a mechanism to avoid payment of empty property rates, particularly given that any such damage would also make the property even more difficult to let or to sell.

It was acknowledged that avoidance activity had taken place before, but it was noted that this took place at a time when different economic conditions applied.

Some of the respondents commented that the necessary regulations would be extremely complex, with a risk of a large number of disputes. This complexity, it was stated, ran counter to the aim set out in the consultation document for any measures to be as simple as possible to operate in practical terms, and be based on existing valuation practice wherever practicable.

Some respondents argued that anti-avoidance measures should not be introduced since they believed that it would further remove one of the core assumptions under which ratings valuations are made, i.e. that properties are valued "*rebus sic stantibus*", or in their existing state. However, it was noted that the Local Government Finance Act 1988 does require properties to be valued as if they were in a reasonable state of repair.

Some respondents argued that now was not the right time to introduce anti-avoidance measures. There was currently very little evidence that such activity was likely. Instead, it was stated that there was merit in deferring introduction of any such measures to a later date. This would enable government to assess the impact of the changes and respond to actual activity on the ground if it was found to be the case that some owners were deliberately damaging their property for the purpose of avoiding payment of empty property rates. This would also enable any regulations to take account of the nature of any avoidance activity.

A concern expressed by a number of respondents was the perceived difficulty of defining avoidance measures tightly enough to catch genuine avoidance activity while ensuring that they do not catch buildings which, for genuine reasons, should be removed from the rating list. For example, it was stated that anti-avoidance measures should not create uncertainty over liability for rates during the course of refurbishment works – redevelopment or major refurbishment, which can take a significant amount of time, should not be seen as avoidance activity.

A number of respondents raised concerns that the issue of wilful damage or neglect would be difficult to prove and be subject to lengthy appeals.

**Question 5: With regard to the three options described at paragraph 4.2.18, do you think that the Valuation Officer should be required to value empty property as if it were in the same state as it was:**

- i) before the date it was last occupied (and only if it has been damaged in specific circumstances, on which questions 6 and 7 seek views);**
  - ii) before the date it was last valued (and only if it has been damaged in specific circumstances, on which questions 6 and 7 seek views); or**
  - iii) before an act or omission that caused its state to change and which was done by or on behalf of the owner (and only if the Valuation Officer can establish that this is the case, on which questions 8 and 9 seek views)?**
- 7 respondents (13 per cent) preferred option one: value the property as if it were in the same state as it was before a defined event, and define the event as the date it was last occupied;
  - 38 respondents (70 per cent) favoured option two; value the property as if it were in the same state as it was before a defined event, and define the event as the most recent day in respect of which it was valued;
  - 9 respondents (17 per cent) favoured option three: value the property as if it were in the same state as it was before an act or omission that causes its state to change, done by or on behalf of a prescribed person, and specify who the person is and who is to be treated as connected with them

(NB these percentages relate to the proportion of those who responded to this question).

Responses to the consultation raised a number of concerns about each of the options selected – these are set out below, in no particular order:

### ***Option one***

- There may be vandalism immediately before the property is vacated since this might be seen as an easy mechanism to avoid rates;
- Where a property has been empty for a number of years, it would be difficult for anyone to know what state it was in at the time of the last occupation and, in some cases, when it was last actually occupied;
- The property could have fallen into disrepair over a number of years, and the Valuation Officer might have already taken this into account in the 2005 valuation;
- This option would cause additional workload for local authorities since they are likely to be a key source of information for Valuation Officers in determining when the property was last occupied and what state it was then in;
- It was not clear how the Valuation Officer would be made aware that a property had been damaged as part of an attempt to avoid payment of rates;
- It is not clear what “appropriate” action might be – this could result in lengthy appeals processes;

- The list of exceptions includes “demolitions which are permitted under part 31 of Schedule 2 to the General Permitted Development Order 1995”. It was questioned whether this might mean that a demolished property which didn’t fall within this category could be valued as if it still existed; and
- Some considered this option to be inequitable since it might result in the Valuation Officer ignoring changes that were the result of statutory or contractual requirements, or were the result of legitimate business activity such as work preparatory to redevelopment for which planning consent had not yet been obtained.

### **Option two**

- This option assumes that Rateable Values are always up to date, so that the date it was last valued reflects the actual physical circumstances of the property and that the assessment is correct. This would be reasonable for properties recently empty but with long term empties, particularly industrial properties, the valuation is likely to be inaccurate. If a property is exempt, there is less incentive to appeal and the value might not have been looked at properly for many years;
- If anti-avoidance measures are to apply for a specific time, this option becomes unworkable since it would not be known when the anti-avoidance measures took place;
- It is not clear what “appropriate” action might be – this could result in lengthy appeals processes;
- The list of exceptions includes “demolitions which are permitted under part 31 of Schedule 2 to the General Permitted Development Order 1995”. It was questioned whether this might mean that a demolished property which didn’t fall within this category being valued as if it still existed;
- It is not clear how the Valuation Officer would be made aware that a property had been damaged as part of an attempt to avoid payment of rates; and
- This option could be modified to be made fairer so that the event is defined as “the most recent day in respect of which it was last valued or ought last to have been valued.”

### **Option three**

- It would be impractical and very difficult to establish the date of the “act” or “omission” and it could therefore result in a large number of disputes;
- There would be great difficulty for the Valuation Officer in proving that either the owner or someone acting on his behalf had carried out the “act” (or caused damage through “omission”);
- It is not clear how the Valuation Officer would be made aware that a property had been damaged as part of an attempt to avoid payment of rates; and
- Some respondents thought that this option is most closely aligned with the intention of Parliament when the new section 66A was passed. Despite this, it was considered that it would be difficult to implement this option with the simplicity desired.



**Question 6: If option one or option two were adopted, do you agree that anti-avoidance regulations should not apply to the classes of property described at paragraph 4.2.18 (i.e. property that is damaged as a result of natural disasters; accidental or criminal damage that the owner has taken appropriate action to prevent; permitted development work; or permitted demolitions)? If not, why not? (paragraph 4.2.19)**

**Question 7: If option one or option two were adopted, are there other classes of property that you think anti-avoidance regulations should not apply to, in addition to those listed at paragraph 4.2.18? If so, what additional classes of property should be exempt, on what grounds, and how could they be clearly defined in legislation? (paragraph 4.2.19)**

### ***Response to questions 6 and 7***

The majority of those respondents who responded to these questions agreed that anti-avoidance regulations should not apply in the circumstances set out in paragraph 4.2.18, and that there were no other particular additional classes of property that should be exempt. Some respondents noted that the lists provided of natural disasters and accidental damage should not necessarily be seen as exhaustive.

Some respondents stated that, in respect of both options one and two, it would be difficult to make a judgement between what was accidental or deliberate – it was considered that this would be difficult to prove and subject to appeal.

Linked to this, some respondents expressed concerns over what might be considered to be appropriate action to be taken by an owner to protect their property against accidental and criminal damage. There was agreement with the principle that the owner should not be penalised for accidental damage, but disagreement that the owner must have taken appropriate action to prevent it. This could lead to endless litigation as to the action that was and might have been taken. Similarly, some respondents considered that there should be no burden of proof on the owner to demonstrate that appropriate action had been taken to prevent criminal damage since this would be difficult to operate, would be an unreasonable burden of proof and would add to disputes.

Some respondents stated that the list of exemptions should take account of refurbishment or other building operations intended to improve a property and make it available for economic use. This could also include circumstances where an owner has applied for planning permission, that has not yet been determined, to change the use, carry out development or redevelop the property.

Some respondents also said that consideration should be given as to how anti-avoidance measures would apply in situations where a manufacturer may, for sound business reasons, review its building operations on its site leading to potential demolition of one or more properties.



There was little in terms of specific suggestions of circumstances that should be added to the list of exemptions. One exception to this was acts of terrorism.

**Question 8: If option three were adopted, do you agree that anti-avoidance regulations should only apply if the Valuation Officer is able to prove that damage to the property had been caused or allowed by an act or omission done by the owner, or a person acting on his behalf, as described at paragraph 4.2.18? If not, why not? (paragraph 4.2.19)**

**Question 9: If option three were adopted, are there additional classes of property to which you think the anti-avoidance regulations should apply? If so, what are they, on what grounds should anti-avoidance regulations apply to them, and how could they be clearly defined in legislation? (paragraph 4.2.19)**

### ***Response to questions 8 and 9***

Many comments responding to these two questions were prefaced by statements that they did not favour the selection of option three and highlighted concerns with the practicability of such an approach. Concerns were expressed that the option was exceptionally complex and ambiguous. A number of respondents considered that proving who had caused the damage would be difficult and would lead to protracted disputes that would be costly.

Of those specifically addressing question 8, the great majority agreed that the provisions should only apply if the Valuation Officer was able to prove that the damage had been caused by the owner or a person acting on his behalf.

In response to question 9, a number of respondents said that defining the concept of "omission" would be extremely difficult, and subject to appeals. Some respondents also stated that the provisions should specifically exclude works carried out to comply with statutory or contractual requirements, for example the removal of fixtures, fittings or building extensions where they belong to the previous ratepayer and not to the landlord.

Although the majority of respondents agreed that the responsibility should be on the Valuation Officer, a small number felt that the onus should be on the owner to prove that adequate preventative measures were in place.

It was also suggested that option three could only be considered fair if all works within the category of normal business activities are not regarded as avoidance activity. Such works might include works being undertaken to split a property into a number of units, or to combine, or reorganise, units, even if planning permission is not needed. It could also include situations following factory closures where heavy plant and machinery is moved from one site to another – it was considered that anti-avoidance regulations should not apply to the removal of such plant.

**Question 10: For each of the three options set out at paragraph 4.2.18, are there practical issues which the Department should consider in implementing them? (paragraph 4.2.19)**

Comments relating to question 10 are reflected in the summary of responses to question 5.

**Question 10:<sup>2</sup> Having regard to the issues considered at paragraph 4.2.26–4.2.28, which of the following options for the period of time that the anti-avoidance regulations could apply do you prefer, and why?:**

- i) One year;**
- ii) Two years;**
- iii) Three years; or**
- iv) Indefinitely. (paragraph 4.2.19)**

There was a range of views for each of these options, with the greatest proportions of respondents favouring the two options at the extremes of the possible timeframe for application of anti-avoidance measures. Some respondents suggested that, as an alternative, anti-avoidance regulations should apply for the lifetime of the current Valuation List. The following table provides a breakdown of the responses:

- 15 respondents (29 per cent) considered that anti-avoidance regulations should apply for one year;
- 4 respondents (8 per cent) stated that they would prefer that any anti-avoidance regulations should apply for two years;
- 11 respondents (22 per cent) favoured anti-avoidance regulations applying for three years; and
- 21 respondents (41 per cent) considered that anti-avoidance regulations should apply indefinitely.

(NB these percentages relate to the proportion of those who responded to this question).

Those in favour of the shortest period considered that regulations should apply for no longer than a year and that at that point, the property should be removed from the rating list until the next valuation on the basis that it was incapable of economic repair. Those respondents in favour of a shorter period also argued that an indefinite application of the regulations would be unnecessarily punitive. It was also suggested that an increase in the time period might also lead to additional deterioration of the property.

Those respondents who favoured an indefinite period argued that there was no particular rationale to disapply the regulations after a set period. This would mean that someone who was willing to take action to avoid rates would be more likely to do so if they knew that the sanction was time-limited. Other precautions could take

<sup>2</sup> Due to an error in the Consultation Document, two questions were numbered "10"

account of any subsequent development activity aimed at bringing the property back into economic use.

**Question 11: Having regard to the issues considered at paragraph 4.2.31, which of the following options do you think would best ensure that the owner's rates liability is not affected by the anti-avoidance provisions for any longer than the specified time period, and why? What practical issues should the Department consider in implementing those options?**

- i) On the day that the time period for which the change in the state of property can be disregarded expires, the property is automatically removed from the rating list until the Valuation Officer next values the property, when he will value it in its actual condition;**
- ii) On the day that the time period for which the change in the state of property can be disregarded expires, the rating list entry for the property is altered or removed to reflect its actual condition on the day it was last valued; or**
- iii) From the day that the time period for which the change in the state of property can be disregarded expires, the owner may appeal against the continued application of the anti-avoidance provisions by making a proposal to the Valuation Officer. (paragraph 4.2.35)**

Responses to this question are set out below:

- 7 respondents (22 per cent) chose option one: On the day that the time period for which the change in the state of property can be disregarded expires, the property is automatically removed from the rating list until the Valuation Officer next values the property, when he will value it in its actual condition;
- 7 respondents (22 per cent) selected option two: On the day that the time period for which the change in the state of property can be disregarded expires, the rating list entry for the property is altered or removed to reflect its actual condition on the day it was last valued
- 18 respondents (56 per cent) favoured option three: From the day that the time period for which the change in the state of property can be disregarded expires, the owner may appeal against the continued application of the anti-avoidance provisions by making a proposal to the Valuation Officer.

(NB these percentages relate to the proportion of those who responded to this question).

Those respondents who favoured option three stated that this was the only likely practicable option, and one that reflected current practice. It was stated that this would most accurately reflect the current state of the property in the rating list once the specified time period has expired. It was recognised that this would put the onus on the owner but this was not considered onerous since it would relate to owners that had taken action to avoid rates.

Those in favour of option two argued that this was the preferred option since it provides for the list entry of the property to be altered or removed according to the condition of the property on the day it was last valued. This would be relatively easy to administer and provision for further deterioration is made by allowing the ratepayer the right to appeal. Others argued that this option would entail a risk of valuations which do not reflect the actual state of the property.

Although option one was selected by 7 respondents, it was criticised by a number of others since it could mean that a property with a rateable value would be unnecessarily removed from the rating list.

As an alternative to the proposed options, one respondent suggested that, once anti-avoidance measures ceased to apply as regards a hereditament, the Valuation Officer should revalue the property in its actual condition at that time.

**Question 12: Do you agree that anti-avoidance provisions should cease to apply if the property is re-developed or re-occupied during the period of time for which the anti-avoidance regulations apply? If not, why not? (paragraph 4.2.35)**

Of all the questions posed in “Modernising Empty Property Relief”, this generated the clearest margin in favour of one of the proposed options. 98% of those responding agreed that anti-avoidance regulations should cease to apply if the property is redeveloped or re-occupied during the time period that the regulations apply. Only one respondent disagreed with this. It was suggested that, through undertaking development activity, a developer could use stalling tactics to delay the completion of the development specifically to avoid a completion notice being served by the Local Authority to bring the property back into the rating list.

**Question 13: Which of the following options do you think would strike the best balance between the need to treat new owners fairly and the need to prevent rates avoidance?**

- i) Anti-avoidance provisions cease to apply if the hereditament is sold, and the rating list entry can immediately be altered or removed in the usual way;**
- ii) Anti-avoidance provisions apply for a reduced period of time if the hereditament is sold, and the rating list entry can be altered or removed three months after the sale;**
- iii) The period of time for which anti-avoidance provisions apply does not change if the hereditament is sold. (paragraph 4.2.35)**

A clear majority of those who replied to this question considered that there should be no change in the period of time for which anti-avoidance measures apply if the hereditament was sold. The overall breakdown is as follows:

- 16 respondents (30 per cent) agreed with option one that any anti-avoidance regulations should cease to apply if the hereditament were to be sold;

- 6 respondents (11 per cent) thought that the rating list entry could be altered or removed three months following a sale; and
- 32 respondents (59 per cent) thought that there should not be any change to the anti-avoidance regulations if the hereditament is sold.

(NB these percentages relate to the proportion of those who responded to this question).

Those in favour of option three stated that any exemption/anti-avoidance measures should apply to the property rather than the owner. This would reflect the situation as at present. It was argued by some of the respondents to this question that it would be reasonable to assume that any prospective purchaser would have undertaken due diligence and taken account of the application of the anti-avoidance regulations in deciding whether to proceed with the purchase.

Some respondents specifically agreed with the consultation paper that both options one and two could encourage bogus sales engineered to avoid payment of empty property rates. It was suggested that, if a company were to take action to avoid payment of empty rates, then it was equally plausible that they might take action to avoid the application of anti-avoidance regulations through a bogus sale.

One respondent, noting the risk of bogus sales, suggested that where a property has been sold to a company other than a Group Company (as defined by the Companies Act) or to a related party, then the new owner should be entitled to the same exemptions or exceptions as if the property had just become vacant.

It was also noted by one respondent that it would be reasonable to assume that a new owner would have taken on the property with a view to occupation or development, at which point, in either case, the anti-avoidance measures would cease to apply.

Those in favour of options one or two argued that it would not be fair to penalise a new owner as a result of the actions, or inactions, of the previous owner.

**Question 14: Do you agree that, if option three at paragraph 4.2.18 is adopted, acts or omissions shall be treated as having been done on behalf of the owner if they are done by any person connected with the owner? If not, why not? (paragraph 4.2.38)**

**Question 15: Do you agree that, if option three at paragraph 4.2.18 is adopted, some or all of the persons listed at paragraph 4.2.38 should be treated as connected with the owner? If not, why not? What alternative means of determining whether damage is caused by a person acting on behalf of the owner would be preferable, if option three is adopted? (paragraph 4.2.38)**

**Question 16: Do you agree that, if option three at paragraph 4.2.18 is adopted, the change in the state of property should be disregarded where property is damaged as a result of omissions as well as acts done by or on behalf of the owner? (paragraph 4.2.38)**

A summary of the responses to questions 14–16 is combined since the arguments deployed in the responses had considerable overlap.

Many respondents to these questions prefaced their comments with the view that they did not support the introduction of option three. There was broad support for the principle that any anti-avoidance measures introduced should also deal with situations where people or organisations other than the owner damaged the property on behalf of the owner in order to avoid payment of empty property rates. However, those respondents who responded in detail raised a number of concerns about the practicability of such measures.

Respondents noted that much would depend on how a person might be defined to be “connected” with the owner and that it would be very difficult to prove that connection. In this respect, some respondents queried whether it was reasonable to assume that someone connected with the owner had damaged the property and had done so with the owner’s consent. For example, an employee might carry out malicious damage without the owner’s knowledge for which the owner should not be held responsible.

Within the list of possible connected people, respondents raised concerns to a greater or lesser extent about each possible category. It was argued by one respondent that it is possible that all of the listed people could have a connection, but it is equally possible that they might not. The only incontestable method would be if there is a criminal conviction for an act of criminal damage or an insurance company has proved collusion.

In terms of the individual categories, some respondents did not agree that the previous occupier should be treated as connected – if anti-avoidance measures do not cease upon sale, then there should be no concern of collusion between the owner and the previous occupier. Persons related should not be automatically treated as connected for the purposes of the regulations. Relatives can legitimately operate entirely separate businesses and there is no reason to treat them any differently from other entirely unconnected companies. Similarly, suppliers of goods and services should not separately be regarded as connected to the owner – if they have carried out damage at the behest of the owner, they would be treated as having been commissioned by the owner for that purpose.

Some respondents raised concerns that work such as the removal of a tenant’s fit-out (or causing the tenant to do so under the terms of the lease) should not be treated as avoidance activity, nor should the tenant be treated as “connected”.

One respondent stated that these questions highlighted further the difficulties of option three – it would require the Valuation Officer to undertake potentially extensive investigations to determine who was responsible for the damage, and their relationship to the owner.

It was suggested by one respondent that the only sensible definition would be “*any person commissioned by the owner to carry out an act or omission resulting in damage to the state of the property*”, thereby requiring a more formal commitment between the parties.

There was general agreement that the provisions should apply to damage arising from “omissions” as well as acts done. However, there was concern that this would be very problematic to prove. It would, for example, be difficult to define the extent to which an owner should go to maintain the property. Some respondents noted that, as part of a strategy to prevent squatters, owners of empty property sometimes disconnect services – it was important that this was not seen as lack of appropriate action to avoid rates.

Similarly, some respondents argued that there was likely to be considerable scope for debate about what might be considered to be “*appropriate action*” that should be taken to protect a building. For example, what steps might an owner reasonably be expected to have taken to protect premises against burst water pipes as a result of heavy frosts?

**Question 17: Do you agree that owners should have a right to make a proposal on the grounds that the Valuation Officer has applied the anti-avoidance regulations, and disregarded changes to the state of property, in circumstances when they should not have done so? If not, why not? (paragraph 4.3.3)**

**Question 18: Do you foresee any difficulties in ensuring owners have a right to make proposals on these grounds? If so, what are they and how might they best be avoided or overcome? (paragraph 4.3.3)**

The summary of responses to questions 17–18 has been combined because the responses frequently dealt with the issues together.

There was effectively unanimous support for the right of the owner to be able to make a proposal on the grounds that the rating list is inaccurate because anti-avoidance measures have been taken in cases where they should not have been. There were a number of comments about the practicalities of this.

There was a view expressed that any appeal should be dealt with quickly to ensure that this is not simply a delaying tactic to avoid payment yet further. This could be aided by ensuring that any appeal was subject to set grounds and timetable.

Some respondents suggested that it would be necessary to enable an owner to make a proposal for a reduction in the rateable value as a result of the damage, and also to submit an appeal against the imposition of any anti-avoidance measures.

Some respondents stated that it would be important to ensure that, while any appeal was in progress, rates would still be payable, with a refund at a later date if the appeal was successful.



Some respondents queried the practical arrangements for submitting appeals. They noted that, under current regulations, an interested person can only make one proposal per event during the life of the Rating List. It was suggested that some owners of empty property may have already submitted “protective” appeals against the 2005 valuation assessment of their premises. Some of these appeals, following negotiation with the Valuation Office Agency, had been withdrawn since there would have been no financial benefit because the empty property would not have been liable for rates (as was the case with vacant industrial or warehouse property). The new rates liability due from 1 April 2008 would change this position, creating an incentive for such owners to pursue a reduction in their assessment. It was therefore suggested that consideration be given to enabling more than one appeal during the lifetime of the List.

### **Government response**

The government notes that the issue of rate avoidance, and the range of measures proposed for tackling such activity, generated a significant body of comment. We have taken account of all the responses that have been made to the consultation document on this issue.

There was no substantive evidence submitted as part of the responses to the consultation document to suggest that the risk of avoidance activity would be anything more than low. Accordingly, the government has decided that it would be sensible to defer making anti-avoidance regulations to a later date. This would enable the Government to monitor the impact of the reforms introduced by the Rating (Empty Properties) Act 2007, and subsequent secondary legislation. The Government will return to this issue and consider the introduction of regulations if there is evidence of avoidance activity taking place.

As part of the monitoring of the success of the reforms, we will work closely with the Local Government Association, the Institute of Revenues Rating and Valuation, and the Valuation Office Agency to ensure that the government is kept apprised of how the reforms are working on the ground, and to ensure that we are made aware of any avoidance activity.

**Decision – to make regulations under section 66A of the Local Government Finance Act 1988 at a later date if there is evidence that anti-avoidance activity is taking place.**



## Other rate avoidance tactics

**Question 19: How widespread do you believe the practice of failing to complete a development in order to avoid rates is, based on your experience? Please provide any evidence, or describe any cases, of this happening that you have. (paragraph 4.4.3)**

There was a mixed response to this question. Whilst some respondents considered that failure to complete did occur, there was no clear view in the responses that this is widespread.

Some respondents considered that such activity would be unlikely since the loss of potential income from failing to complete a development is far greater than rates. They stated that most buildings are normally completed to a standard that will encourage the best possible marketing of the building. It was also noted that buildings are generally not left incomplete simply to avoid rates – as an example, it was stated that shops are nearly always left at “shell and core” to enable the future occupier to finish the property to their own standards and specifications, and to provide flexibility in marketing the property.

It was suggested by one respondent that while this is not an issue at the moment, the new empty property rate regime might increase the risk. In particular, some industrial properties which are more frequently speculative in nature, will be subject to the new levels of empty property rate and might therefore fail to complete to avoid the rate.

**Question 20: How might billing authorities best be encouraged to make full use of their existing powers to serve completion notices and so prevent owners from avoiding empty property rates by failing to complete developments? (paragraph 4.4.3)**

This question generated a mixed response from those who replied. Some respondents said that they were not aware of any particular impediment to billing authorities making full use of their current powers.

A number of the respondents to this question said that it would help if “complete” were more clearly defined. It was stated that billing authorities can be reluctant to issue completion notices as it is difficult to establish the level of completion. There are no specific conditions detailed within the legislation and it was said that more comprehensive guidance would encourage Billing Authorities to make greater use of their powers to serve completion notices. It was suggested that clarification of the existing regulations would be welcome since authorities have their own definitions, meaning inconsistency in application of the regulations.

One respondent suggested that guidance, and sharing of experiences of Billing Authorities that regularly do use completion notices, would be helpful.

Some respondents made the case that it was important to retain a financial incentive to bring empty property onto the list, for example through the continuation of the Local Authority Business Growth Incentive scheme.

One respondent suggested that, as the Valuation Officer has responsibility for valuing the premises, it might be more sensible for the Valuation Officer to take over the task of deciding when the premises are capable of completion. Another suggested that the completion notice period should be extended to six months, to enable local authorities to issue a completion notice up to six months in advance. The reality would be that the authority could reach an agreed date with the owner.

**Question 21: How widespread do you believe the practice of intermittent occupation in order to avoid rates is, based on your experience? Please provide any evidence, or describe any cases, of this happening that you are aware of. (paragraph 4.4.5)**

**Question 22: With regard to the time period for which a property should have to be re-occupied before it re-qualifies for the initial three or (in future) six month exemption when it next becomes empty, which of the options at paragraph 4.4.5 do you think would strike the best balance between preventing rate avoidance whilst preserving the ability to let premises on a flexible, short-term basis, and why? (paragraph 4.4.5)**

The summary of responses to questions 21–22 is combined because of the nature of the questions.

The majority of those of who responded to these questions considered that intermittent occupation to avoid rates was comparatively rare. However, some respondents acknowledged that, under the new empty property rate arrangements, there might be an increase in this type of activity. It was noted that very short-term occupations are common with serviced offices and occur because of the demands of the businesses, not in order to avoid rates.

Some respondents noted that there was an issue, in some areas, where billing authorities are advised after the event that a property was occupied but is now vacant. When the billing authority issues a bill, or takes enforcement action, the tenant has moved on and cannot be traced. None of these details can be confirmed and the owner receives a further period of exemption based purely on the owner's information. It is suggested that owners should be made responsible for informing authorities when a tenancy is granted, with the option of levying a penalty if the information is not provided.

In terms of responses to the time period for which a property should be re-occupied before it re-qualifies for an exemption, the preferences of those who responded to the question were as follows:

- 28 respondents (48 per cent) considered that there should not be any change in the time period for which a property should be re-occupied before it re-qualifies for exemption to empty property rates.
- 22 respondents (38 percent) chose option two whereby the time period should be extended to three months; and
- 8 respondents (14 percent) selected the third option whereby the time period should be extended to six months.

(NB these percentages relate to the proportion of those who responded to this question).

Amongst those who considered that there should be no change, it was felt there did not appear to be any particular evidence that the current arrangements generated any difficulty. Those in favour of this option argued that a six week period of occupation is all that should be required to trigger a further exemption, and that this would be a positive encouragement to landlords to enter into short term arrangements, fulfilling the government's objective to deliver a more flexible property market.

Some respondents noted that the property industry is being encouraged to adopt flexibility in its leasing structures. They said that the new empty property rates measures will operate in direct conflict with this objective since landlords are likely to wish to avoid the risk of paying empty rates and will therefore only offer long leases without tenant breaks.

Those in favour of three months (option two) suggest that six weeks is too short since, with the increase of empty rates liability to 100%, there would be a significant financial gain in manufacturing occupations of this length, whereas six months would restrict an owner's ability to offer flexible short-term lets.

Some of those in favour of a longer time frame commented that the existing arrangements of six weeks does not give the billing authority a long time if they wanted to verify the occupancy with a visit to the premises.

One respondent considered that the three month option would appear to help prevent intermittent occupation as a means of rate avoidance whilst catering for genuine short-term lets.

### **Government response**

The Government notes that there was a mixed response to the question of whether there should be any change to the period of time for which a property should remain occupied before it re-qualifies for an exemption from empty property rates, although nearly half of those who did respond favoured the status quo.

The Government is keen to ensure that there is an appropriate balance between maintaining an appropriate qualification period which does not, on the one hand, unduly restrict the ability of owners to bring premises back into use through flexible, short-term lets, and the other to ensure that the period is sufficiently long enough to prevent avoidance of empty property rates through intermittent occupation.

Having considered the evidence submitted in the responses to the consultation document, we consider that the arguments in favour of a longer time period are not sufficient to make changes to the existing six week qualification period.

**Decision – To retain the existing qualification period at six weeks.**

**Question 22:<sup>3</sup> Are you aware of instances where an owner has let a property to a company that does not in fact operate from the premises, for the purpose of avoiding empty property rates? (paragraph 4.4.7)**

**Question 23: How widespread do you believe this practice is, based on your experience, and how do you think it might best be prevented? (paragraph 4.4.7)**

The summary of responses to questions 22–23 has been combined because the respondents frequently dealt with the issues together.

There was no clear consistent view amongst those respondents who addressed these questions. The nature of responses ranged from the view that there was no evidence of such activity to some respondents who considered that there was quite widespread experience of such tactics. It was said that there was wide availability of standard leases that could be used to demonstrate the existence of a bogus tenant.

Those who considered that some property had been passed over to bogus tenants said that this is very difficult to prove and that it would be extremely difficult to legislate for all circumstances.

Some respondents considered that some leases had been granted to companies in liquidation, and to charities. However, they noted also that, although letting to charities may be seen as a potential avoidance tactic, the “when next in use” provisions in the Local Government Finance Act 1988 seems to be the way forward in tackling such avoidance.

There was some support for the concept of requiring owners to advise the billing authority of any change in tenants, and for a penalty to be levied against the owner where there is non-compliance with this.

One respondent suggested that disputes about fictitious tenants could be more easily resolved if the mechanism for confirming liability was moved from a liability order application at a magistrate court to a Valuation Tribunal, as is the case with council tax. Similarly, it was suggested that the definition of owners, under section 45 of the Local Government Finance Act 1988 would also benefit from some clarification on the lines of the hierarchy for council tax.

**Question 24: Are you aware of other forms of rate avoidance employed by owners of empty properties that you think the Department should address with the LGA and IRRV? If so, what are they and how do you think they might best be addressed? (paragraph 4.4.7)**

Some respondents used this as an opportunity to again note the difficulties sometimes encountered in establishing the identity of the owner. It was stated that there are often numerous related but separate companies and it is not known which is “entitled to possession” – this is particularly the case with new premises. In

<sup>3</sup> Due to an error in the Consultation Document, two questions were numbered “22”

addition, some respondents said that problems might also occur where a property has been empty for some time and limited records exist as to ownership. It was suggested by one respondent that the situation could be improved if authorities had the power to take a charge over such properties without having to obtain the agreement of the owner.

It was suggested by some that billing authorities should have the power to force owners/occupiers/tenants to give occupation/ownership details to the authority within a defined time period of a relevant transaction, i.e. sale, occupation, vacation.

**Question 25: Are there any further comments that you would like to make on the issues considered in this consultation, or any other issues relating to the reformed empty property rate that you think the Department should have regard to? (paragraph 5.2)**

This question provided an opportunity for a broad range of responses. This summary focuses on those comments that were made most frequently, rather than addressing every suggestion made.

Many respondents expressed concern about the nature of the measures introduced through Budget 2007 and the Rating (Empty Properties) Act 2007. It was felt by some that the scope of the consultation was too narrow and put constraints on responses. Some respondents argued that the proposed void periods of three and six months do not reflect the true length of time needed to re-let, regenerate or redevelop substantial properties. One respondent stated that the introduction of a 100% charge is a punitive measure designed to generate revenue rather than encouraging redevelopment/occupation. They suggested that it would have been fairer to bring empty industrial property in line with shops and offices (i.e. 50%).

The wide range of comments received in response to this question included the following points:

- impact of onerous leases in conjunction with a 100% empty rate;
- billing authorities should be given the power to obtain information about sales of property, and a statutory duty for ratepayers to inform the billing authority. It was acknowledged that this would require primary legislation. Similarly, billing authorities should be given powers to require information from owners and their representatives, utility companies, Inland Revenue and Royal Mail Direct;
- the Valuation Office Agency and HMRC should be enabled to share information with billing authorities
- the distinction between industrial and other non domestic properties is unnecessary and difficult to justify and it would be preferable for them to be unified;
- concern that there could be a reduction in collection rates for non-domestic properties which could adversely impact on Councils' CPA scores;

- disputes about liability and relief should rest with the Valuation Tribunal and not the Magistrates Court (as is the case for council tax); and
- ratepayers would benefit from greater simplification of the NNDR system but consider that the measures will add yet more complexity.

### **Government response**

The government will take account of the points raised in response to this question as it develops its policies on empty rates for non-domestic properties.

# Annex A – List of respondents

<b>Organisation</b>	<b>Name</b>
Apollo Business Parks LLP	Robert Synge
Association of Business Recovery Professionals	John Francis
Association of Chief Estates Surveyors	Jim Ross
Association of English Cathedrals	Sarah King
Association of Greater Manchester Authorities	Glenn Molden
Baker Davidson Thomas	Howard M Elliott
The Beattie Partnership	Paul Guinness
Bedford Borough Council	Kevin Stewart
Birmingham City Council	Richard Mather
The Black Ant Company, Camberwell	Conor McCormack
Bolton Birch	Jonty Goodchild
Bolton Metropolitan Council	Keith Davies
Borough Council of King's Lynn & West Norfolk	Gareth Evans
Bracknell Forest Borough Council	Brian Blackmun
Bristol City Council	Martin Smith
The British Chambers of Commerce	David Frost
British Council for Offices	Jenny MacDonnell
British Property Federation	Gareth Lewis
British Retail Consortium & CoreNet Global	Julian Lyon and Paul Browne
British Sugar plc	Ken Johnston
Bruntwood Ltd	David Shepherd
Bury Metropolitan Borough Council	Ann Sizer
Business Centre Association	Jennifer Brooke
Business in Sport & Leisure Ltd	Brigid Simmonds
Campaign to Protect Rural England	Kate Gordon
Canterbury Cathedral	Christopher Robinson
Capita Local Government Services	Claire Newton
Carlton Business & Technology Centre Ltd	Chris Russell
Castlepoint Borough Council	Gary Burns
CB Richard Ellis Ltd	Andrew Yule
Central Association of Agricultural Valuers	Jeremy Moody
Charity Logistics	Richard Fleming
Charity Tax Group	Mathieu Mori
The Chartered Institute of Public Finance and Accountancy	David Cattermoul
Cheshire Revenues Group	Jean Evans
Churnet Works Estates Ltd	Russell Foster
Chuzzlebar	
City of London Corporation	Bruce Hunt
City Property Association	Paul Houston
Cluttons LLP	Peter Chapman

<b>Organisation</b>	<b>Name</b>
Colchester Borough Council	Peter Evans
ColepCCL	Leigh Jones
Colliers CRE	John Webber and Philip Harrison
Compulsory Purchase Association	J P Scrafton
Confederation of British Industry	Emma Wild
Crawley District Council	Graeme Yates
Daily Mail & General Trust plc	Lisa Hollamby
David Oswick Chartered Surveyors	David Oswick
Defence Estates	Richard Yates
Deloitte & Touche LLP	Rob Bradbury
Department for Culture Media & Sport	Jeremy Dann
Department for Work and Pensions	Alan Wickert
Dunkerley Brothers, Oldham	Harold Dunkerley
Dunkerley Brothers, Oldham	Mike Dunkerley
Durham Cathedral	Jon Williams
East Lindsey District Council on behalf of Lincs authorities	Sharon Hammond
East Riding of Yorkshire Council	Paul Readshaw
Eden District Council	Suzanne Fairer
Edwin Hill Chartered Surveyors	Robert Hayton
English Heritage	Charles Wagner
Ernst & Young LLP	Helen Smithson
ESP Plastics Ltd	Nick Algar
ET Parker Chartered Surveyors	Jon Booth
Evans Easyspace	Tom Stokes
Eyesurvey	Leslie J Long
Federation Of Small Businesses	Roger Culcheth
Gerald Eve	Jerry Schurder
Gloucester City Council	Keith Birtles
Grant Thornton UK LLP	Stephen Hill
Greggs plc	John Rook
GVA Grimley	Alex Stevens
Heritage Link	Kate Pugh
Hicks Baker	Linda Staker
Highcross	Erica Barker
Historic Houses Association	Nick Way
Horncastle Group PLC	Andrew N Horncastle
Horsham District Council	A J Higgins and Ann Bailey
HV Skan Ltd	Chris Jacob
The Industrial Trust	James Allen
Institute of Historic Building Conservation	James Caird
Institute of Revenues, Rating and Valuation	Gary Watson and Roger Messenger
The Insolvency Service	Stephen Leinster
Intelek PLC	Kevin Edwards



<b>Organisation</b>	<b>Name</b>
Investment Property Forum	Sue Forster
Jones Lang LaSalle	Colin Parsons
Kirklees Council	Bernadette Thorp
Knowsley Metropolitan Borough Council	Dave Naylor
KPMG LLP	M V McLoughlin
Ladbrokes PLC	Richard Timmis
Land Securities Trillium	Simon Wooller
Learning and Skills Council	Roger Taylor
Leeds City Council	Alan T Gay
London & Colorado Ltd	John Nadler
London Borough of Bexley	Gary Mitchell
London Borough of Camden	Lesley Pigott
London Borough of Lambeth	Maureen Smith
London Borough of Wandsworth	Kevin Legg
Luton Accommodation and Move-on Project (LAMP)	Annette Lamptey
Macclesfield Borough Council	Chris Moores
Meadowstone (Derbyshire) Ltd	Mike Abbott
Merchant Seamen's War Memorial Society	Trevor Goacher
National Farmers' Union	Robert Sheasby
NB Real Estate	Andrew Warde
Newburgh Priory Estate, N Yorkshire	Newburgh Priory
North East Chamber of Commerce	Ross Smith
North Norfolk District Council	Cheryl Dawson
North Somerset Council	Clive N Boxley
Northampton Science Park Ltd	Dick Weatherley
Northgate Information Solutions	Richard Jeal
OneNorthEast	Hannah Furness and Ed Rowley
Paul Russell Rating & Council Tax Law Consultant	Paul Russell
PricewaterhouseCoopers LLP	Simon Tivey; Lucy Howcroft
The Prince's Regeneration Trust	Roland Jeffery
Property Occupiers Network	Tim Kind
Property Week	Giles Barrie
Provincial & Southern Estates Ltd	Stephen Jackson
Purbeck District Council	Phil McStraw
The Rating Surveyors' Association	Jerry Schurder
Responsible Authorities' Group, Stoke-on-Trent Safer City Partnership	Mayor Meredith
Rockspring Property Investment Managers Ltd	Paul Crosbie
Royal Borough of Kensington & Chelsea	Sue Beauchamp
Royal Borough of Kingston upon Thames	Mary Tam
Royal Institution of Chartered Surveyors	Nadia Nath-Varma
Rushmoor Borough Council	Ben Rowlands
J Sainsbury PLC	Joanna Fowles
Sedgemoor District Council	Kay Britter

<b>Organisation</b>	<b>Name</b>
Segro	David Arthur
Self Storage Association Ltd	Rodney Walker CBE
South Gloucestershire Council	Jenny Billett
South Wales Fire & Rescue Service	SJ Skivens
Stockton-on-Tees Borough Council	Esme Hall
Storage Base	Ben Morris
Surrey Heath Borough Council	Kelvin Menon
Tandridge District Council	Julie Holden
Tendring District Council	Jill Coleshaw
The Theatres Trust	Mark J Price
Tod Miller Thomas Chartered Surveyors	Jeremy Maltby
UK Coal Mining plc – Atisreal Ltd	Steven Turton
Upwey Mills, Dorset	Richard Willett
Valuation Tribunal Service	Antonio Masella
Voluntary Sector Centres	Richard Fleming
Walton Goodland Chartered Surveyors	Michael Walton
Westminster & Holborn Law Society	Jeremy de Souza
Whitbread PLC	Mark Anderson
White Rose Chartered Surveyors	Christopher C White
Wirral District Council	Peter Peasgood
Wychavon District Council and Malvern Hills District Council	Simon Hodges
Wyre Forest District Council	Patrick McGill
Zetland Estates	Earl of Ronaldshay

### Members of the public

Janet and Bernard Akin	Peter Cox	Mike Meadowcroft
Mark Bacon	Michael German	Robert Oliver
Jason Baggaley	Carla-Maria Heath	Christine Shrubbs
Graham Beaumont	Robert Hoar	Ian Sloan
David Broadhead	John Homer	David Thomas
Robert Brown	Howard Jones	Guy Timmis
David Burke	Roger Lester	Colin Walker
A J Cannon	Christopher Marriott	Stuart Wand
Simon Carhart	Jennifer Marshall	