

Agricultural Land Tribunal Wales Annual Report 2014 – 2015

November 2015



Tribiwnlys Tir
Amaethyddol
Cymru

Agricultural
Land Tribunal
Wales

Contents

Foreword		3
Section 1	About Us	4
Section 2	Performance and Progress	7
Section 3	Our Customers	11
Section 4	Business Priorities	12
Section 5	Expenditure	13

Foreword

This Report sets out in detail the work of the Agricultural Land Tribunal for Wales during the past year. It is intended to explain the ways in which the Tribunal fulfils a very important role for the agricultural community in Wales, that is in adjudicating on a variety of disputes that arise as between landlords and tenants of agricultural land whose contractual arrangements are subject to the Agricultural Holdings Act 1986. Additionally, the work of the Tribunal extends to adjudicating on certain types of drainage dispute, not necessarily affecting agricultural land, but covered by the Land Drainage Act 1991.

In every case in which it is involved, the composition of the Tribunal adjudicating on the dispute consists of the legally qualified Chairman or Deputy Chairman and two members from the appropriate lay Panels, thereby ensuring as far as is humanly possible that the decisions taken are informed by the appropriate expertise and are fair and balanced. Since the Tribunal only in rare cases awards costs to be paid by any party, and unlike the Court no fee is payable when proceedings are started, the Tribunal has the particular advantage for its users of being accessible for the resolution of disputes within its jurisdiction, with minimal financial risk for the parties involved. This particular advantage for users of the Tribunal needs to be widely understood and appreciated, as does the practice of the Tribunal to minimise delay and reach the decision in all cases as efficiently and expeditiously as is possible.

The Tribunal will hugely benefit from the appointment this year of the leading Barrister, Christopher McNall, as Deputy Chairman. Christopher is a well known expert in agricultural law, as well as connected legal areas, and I have no doubt that his appointment will have a really positive effect on the operation of the Tribunal.

Finally, I would like to pay tribute to the Tribunal Secretary, whose tireless work ensures the smooth running of the Tribunal at all times.

James Buxton
Chairman of the Tribunal



Section 1 – About Us

In this section:

- Background
- Overview of procedures
- Members of the Tribunal
- Contacting the Tribunal

Background

The Agricultural Land Tribunal for Wales (ALT Wales) plays an important role in determining disputes and other issues between agricultural landlords and tenants arising from tenancy agreements held under the Agricultural Holdings Act 1986. The ALT Wales also determines disputes relating to the drainage of agricultural land under the Land Drainage Act 1991.

The ALT Wales is an independent statutory body with jurisdiction for the geographical area of Wales as laid down in the Agricultural Land Tribunals (Area) Order 1982 (SI 1982/97).

Overview of Procedures

The overriding aim of the ALT Wales is to;

- provide a high performing, cost effective customer service for tribunal users and members
- ensure that all aspects of the tribunal's work are administered in such a way as to achieve fair, independent and timely adjudication
- operate within the legislative framework applicable in Wales.

The tribunal is committed to providing a high performance service for both Welsh and English speakers who use the tribunal.

Regulations governing the tribunal's procedures are:

- The Agricultural Land Tribunal (Area) Order 1982 (SI 1982/97)
- The Land Drainage Act 1991
- The Agricultural Land Tribunal (Rules) Order 2007.

At a tribunal hearing, the panel is composed of a legally qualified chairperson and two lay members. Lay members have been appointed for their general expertise and knowledge.

The parties to a case are entitled to give evidence and call witnesses.

Hearing arrangements take account of any special requirements of those attending, such as wheelchair access, hearing assistance, interpreter, etc.

Tribunal hearings will normally be held in public and take place near to the land in question.

There is no cost for making an application to the tribunal. Furthermore, neither party is required to pay for the cost of the report of an independent expert in cases where this is obtained in order to assist the tribunal.

The tribunal publishes its decisions on the website for ALT Wales.

Decisions of the ALT Wales can be appealed on limited grounds to the Lands Chamber of the Upper Tribunal.

Full information and guidance about the tribunal's procedures is provided on the website for the tribunal at: alt.gov.wales. Alternatively please contact the tribunal secretariat for further information or if you would like to receive publications in a different format

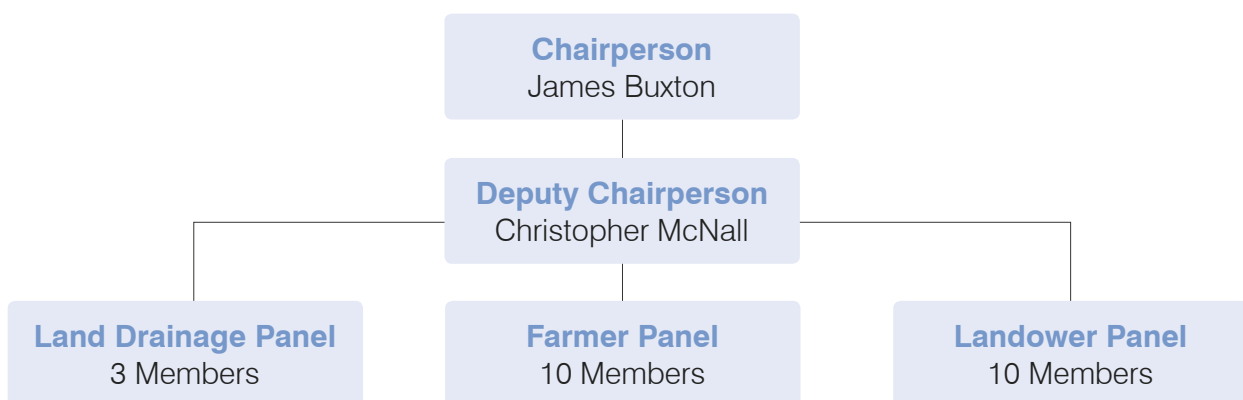
Members of the Tribunal

The Lord Chancellor is responsible for the appointment and re-appointment of the chairperson, deputy chairperson and lay members. Appointments are made following the advertisement of vacancies and competitive interview by the Judicial Appointments Commission.

Chairperson: The chairperson has judicial responsibility for the tribunal.

Lay Members: Lay members have a wide range of relevant knowledge and experience which they bring to each hearing. They sit on the Land Drainage, Farmer or Landowner Panels.

Secretariat: The day-to-day administration is largely delegated to the secretariat who deals with all the preliminary paperwork and the processing of applications to the tribunal. The secretariat consults the chairperson on any legal points arising during the preliminary pre-hearing stages of the proceedings and passes on the chairperson's rulings and directions in writing to the parties. The secretariat acts as a point of contact for the chairperson, members and parties and attends all hearings in order to ensure that proceedings run smoothly.



Appointments

Following the retirement of Simon Duffy in May 2014, Christopher McNall, through the Judicial Appointments Commission, was appointed Deputy Chairperson in October 2014.

Training and Appraisals

The first annual training event took place during September 2014. It is intended to hold the next event during September 2015. Appraisals are due to commence during 2015.

Contacting the Tribunal

To contact the secretariat to the ALT Wales:

Tribunal Address: Agricultural Land Tribunal for Wales
Government Buildings
Spa Road East
Llandrindod Wells
Powys
LD1 5HA

Tribunal Helpline: 01597 829809

Tribunal Fax: 01597 829801

Tribunal E-mail: altwales@wales.gsi.gov.uk

Tribunal Website: Agricultural Land Tribunal for Wales – alt.gov.wales

Section 2 – Performance and Progress

In this section:

- Numbers and statistics
- Reviews and onward appeals
- Achievement against key performance indicators
- Complaints

Numbers and statistics

The tribunal year runs from April to March. The following statistics are collated:

- number of applications received and registered
- type of application received and registered
- number of applications finalised
- outcome of applications.

Table 2.1 Number of Applications Received and Registered 2014-2015

The Tribunal carried forward 14 Applications in to this period. The type of Cases were:

- 6 – Succession on Death
- 4 – Consent to Notice to Quit
- 2 – Succession on Retirement
- 2 – Land Drainage
- 1 – Certificate of Bad Husbandry

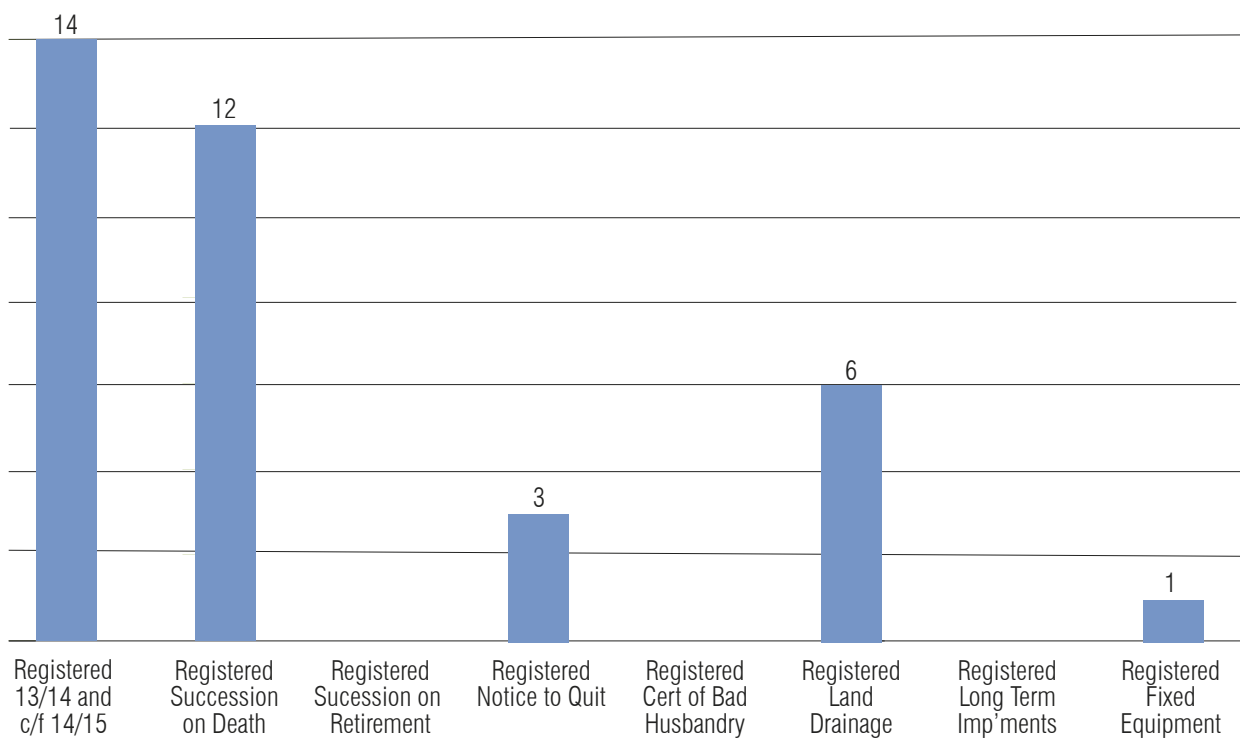


Table 2.2 Number of Applications Received and Registered by Year and Type of Application

Type of Application	Number of Applications Received and Registered				
	2014-2015	2013-2014	2012-2013	2011-2012	2010-2011
Land Drainage	6	0	4	3	3
Succession on Death	12	8	3	5	6
Succession on Retirement	0	2	1	1	3
Consent to Notice to Quit	3	3	2	2	1
Certificate of Bad Husbandry	0	1	0	0	1
Consent to Long Term Improvements	0	0	0	0	1
Fixed Equipment	1	0	0	1	0
Total	22	14	10	12	15

Table 2.3 Number of Applications Finalised by year

Type of Application	Number of Applications Finalised (includes carried over from 2013-2014)				
	2014-2015	2013-2014	2012-2013	2011-2012	2010-2011
Land Drainage	2	1	5	5	2
Succession on Death	4	8	4	12	8
Succession on Retirement	2	1	0	3	4
Consent to Notice to Quit	4	2	1	2	2
Certificate of Bad Husbandry	1	0	1	0	0
Consent to Long Term Improvements	0	0	0	0	1
Fixed Equipment	1	0	0	0	0
Total	14	12	11	22	17

Table 2.4 Applications Finalised in 2014-2015 by Outcome

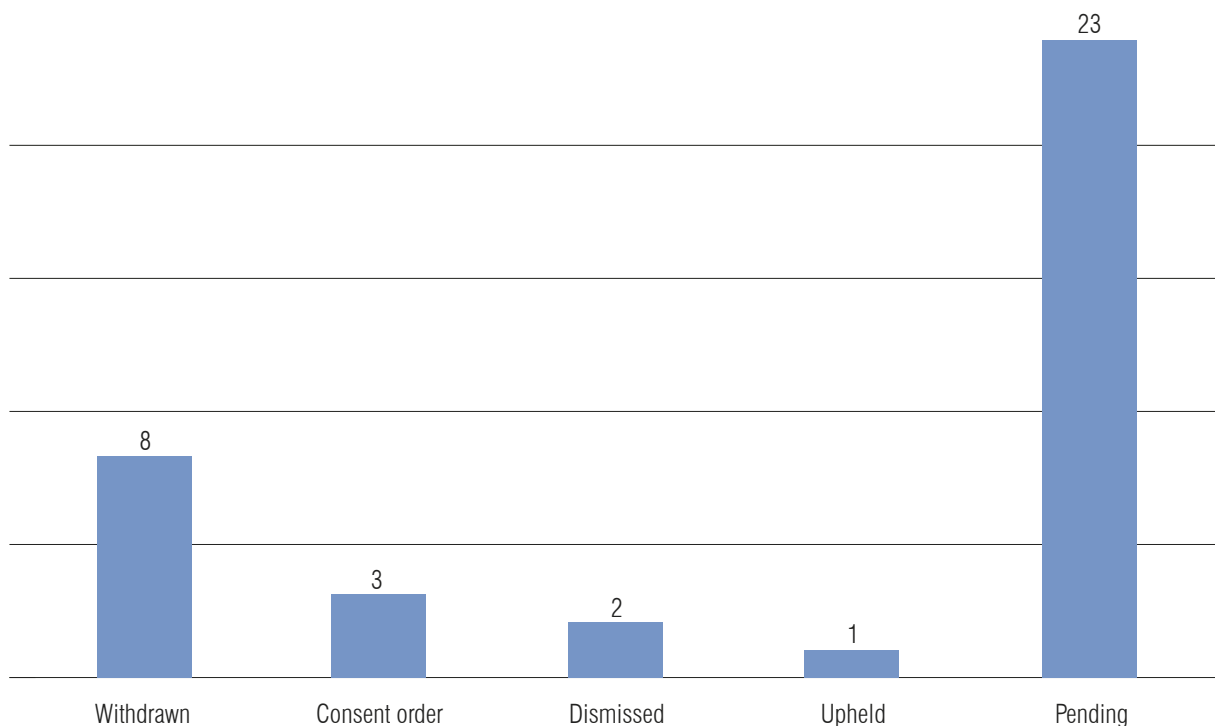


Table 2.5 Applications in 2014-2015 by Type of Case and Outcome

Type of Application	Outcome (includes carried over from 2013-2014)				
	Withdrawn	Consent Order	Dismissed	Upheld	Pending
Land Drainage	1	0	1	0	6
Succession on Death	2	1	0	1	14
Succession on Retirement	0	2	0	0	0
Consent to Notice to Quit	4	0	0	0	3
Certificate of Bad Husbandry	1	0	0	0	0
Consent to Long Term Improvements	0	0	0	0	0
Fixed Equipment	0	0	1	0	0
Total	8	3	2	1	23

Hearings

During 2014-2015, 5 Applications proceeded to Paper Hearings, which involved 2 Hearing days.

Reviews and onward appeals

Applications for a review of a Tribunal Decision can be made by parties on limited grounds. Over the period of this report, no Applications were made.

Parties can appeal to the Upper Tribunal on a point of law. Permission for leave to appeal must first be sought from the Agricultural Land Tribunal for Wales. The tribunal decision letter will advise you about any deadlines. No appeals were received during the course of the year.

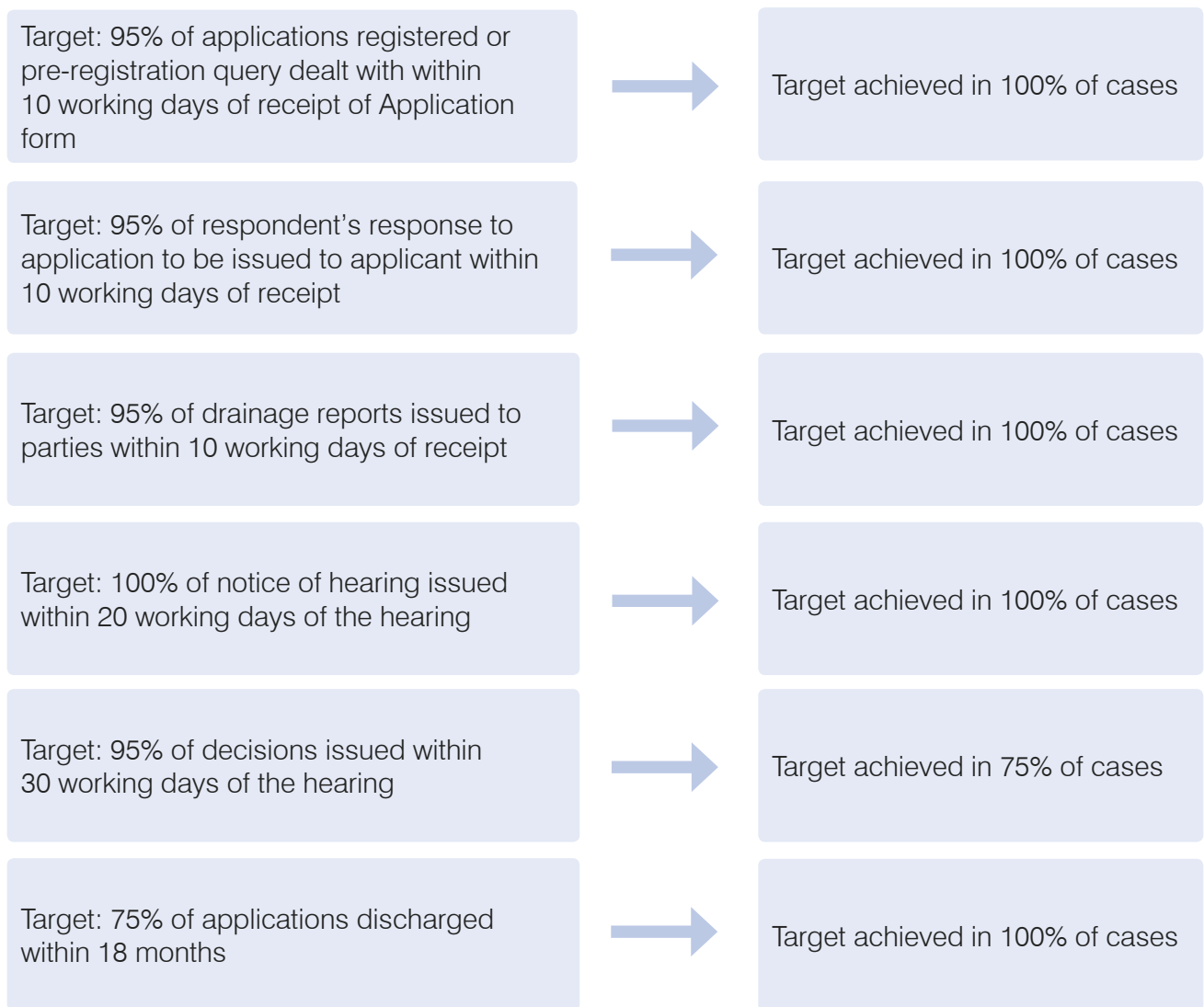
Achievement against key performance indicators

To monitor how effectively services are delivered, we have key performance indicators aimed at measuring two key aspects of our business; the speed of our service and the quality of service through customer satisfaction.

To measure the speed of our service, we have a series of primary performance indicators based on the time taken to process an application – from receipt to the hearing or disposal.

To measure customer satisfaction, we use an indicator that is derived from periodic customer surveys.

Speed of our service



Complaints

The Tribunal received no formal complaints during the course of the year.

Section 3 – Our Customers

In this section:

- Customer satisfaction survey

The Tribunal strives to improve customer service delivery and aims to put our customers at the heart of everything we do.

During the period 2012/2013, the Tribunal established a customer satisfaction survey. The survey results enable us to gain a better understanding of our customers' needs and give us a valuable insight into what the Tribunal is doing well, as well as highlighting those areas where the Tribunal needs to improve.

We received 3 completed forms during 2014/2015. Of those:

100% of customers said the Tribunal was helpful when handling enquiries, that we responded quickly and that they were satisfied with the information received;

100% of customers agreed that the Tribunal processed their case efficiently.

Section 4 – Business Priorities

In this section:

- Business priorities for 2015-2016

It is important that the Tribunal continues to develop in order to deliver the best possible service for our users. This section is about how the Tribunal will build on its achievements through focusing on business priorities and our commitment to our users.

Business Priorities 2015-2016

- Identify tribunal members' training needs
- Continue to deliver high quality service ensuring KPIs are met
- Implementation of Members' Hearing Appraisals
- Continue to monitor and update ALT Wales website

Section 5 – Expenditure

In this section:

- Business priorities for 2015-2016

Expenditure for 2014-2015

Content	Amount
Members Fees and Expenses for tribunal proceedings	£28,311
Tribunal events (hearing costs)	£77.00
Total	£28,388

* rounded to the nearest £1,000