



Agricultural Land Tribunal Wales Annual Report 2016 – 2017

March 2018



Tribiwnlys Tir
Amaethyddol
Cymru

Agricultural
Land Tribunal
Wales

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Foreword



Welcome to the Annual Report for 2017 of the Agricultural Land Tribunal for Wales.

As you will see from the Report, the Tribunal has been very active during the last year in processing Applications and determining them when no settlement can be achieved. The Applications made to the Tribunal relate to disputes under the Agricultural Holdings Act 1986 arising between landlord and tenant, and drainage disputes under the Land Drainage Act 1991. We aim to provide a user-friendly, efficient and expert service at a minimum cost – no fee is payable when an Application is made to the Tribunal and in nearly all cases there will be no liability to pay

the costs of the other side, regardless of the outcome. The Tribunal is therefore a very cost-effective means of having determined disputes relating to agricultural land that come within its jurisdiction.

It is gratifying that the Welsh Government is currently considering the result of consultation as to the possible extension of the jurisdiction of the Tribunal. If this produces a positive result, that should be of real benefit to the agricultural industry in Wales.

Finally, this is the last Annual Report for which I write the Foreword, since I retire as Chairman in March, having held the position since 2007. It has been a great pleasure to serve the Tribunal during the past 10 years and I would particularly like to thank all those who during this period have been responsible for ensuring that the work of the Tribunal has been undertaken to such a high standard.

James Buxton
Chairman of the Tribunal

Section 1 – About Us

In this section:

- Basis for the Tribunal
- The Tribunal's Functions
- The Tribunal's Rules/Regulations
- The Tribunal's Process
- Members of the Tribunal
- Appointments & Retirements
- Appraisals
- Training
- Contacting the Tribunal
- Accessing the Tribunal

Basis for the Tribunal

The Agricultural Land Tribunal for Wales (ALT Wales) is a statutory organisation established under the Agriculture Act 1947 with jurisdiction for the geographical area of Wales.

The tribunal is independent of government. The 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 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's Functions

ALT Wales deals with disputes relating to:

Land drainage:–

- Restoration or improvement of ditches.

Tenancy agreements:–

- Notice to quit a holding
- Succession on death
- Succession on retirement

Agricultural applications:–

- Bad husbandry
- Burning of heather or grass
- Fixed equipment
- Long-term improvement/s
- Market gardens

The Tribunal's Rules/Regulations

Regulations governing the tribunal's procedures are set out in:

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

The Tribunal's Process

To make an application or appeal you must complete and send the relevant application form to the ALT Wales. Applications will be accepted by post, fax or email. There are no fees for making an application to the tribunal.

The tribunal will acknowledge your application. The tribunal will register your case within 10 working days or write to you to request further information. On registration, a copy of the Application will be sent to the party named as the Respondent.

An application to the ALT Wales does not necessarily result in a hearing. Many cases are settled between the parties and do not require a hearing. If the application proceeds to 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.

Before almost every Tribunal hearing, the Tribunal panel will conduct an inspection of the land relating to the application. The tribunal may inspect the buildings, land and any livestock, equipment and produce.

Tribunal hearings will normally be held in public and take place near to the land in question. Tribunal hearings are managed by the chairperson or deputy chairperson, who must have a legal qualification. The other two panel members are lay members who have knowledge and experience of farming, drainage and landowner matters in Wales.

The Tribunal publishes its decisions on the website for the 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 and its procedures, is provided on the website for the ALT Wales. Alternatively please contact the tribunal secretariat for further information or if you would like to receive publications in a different format. The contact details can be found on page 7.

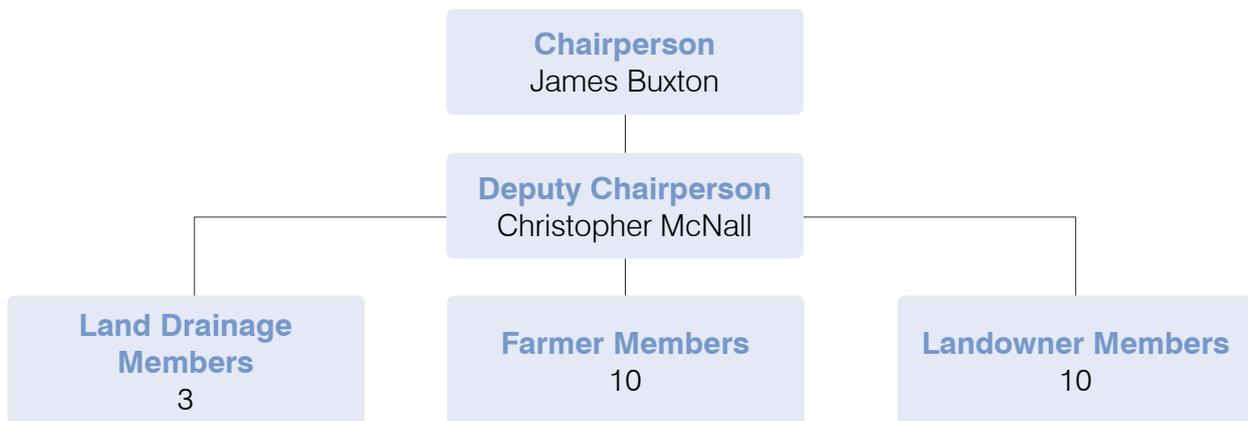
Members of the Tribunal

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.

Secretariat: The day-to-day administration is largely delegated to the secretariat which deals with all the preliminary paperwork and the processing of applications to the tribunal. The secretariat consults the chairperson on all 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 chairpersons, members and tribunal users and attends some hearings to help with the efficient running of proceedings.



Appointments and Retirements

During 2016-2017 there were:

- 0 appointments
- 1 retirement

Appraisals

During 2016-2017 there were no appraisals undertaken.

Training

The Tribunal's annual training event was held during September 2016. It is intended to hold the next event during September 2017.

Contacting the Tribunal

To contact the secretariat to the ALT Wales:

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

Tribunal Helpline: 03000 259809

Tribunal Fax: 03000 259801

Tribunal E-mail: AgriculturalLandTribunalWales@gov.wales

Tribunal Website: [Agricultural Land Tribunal for Wales – alt.gov.wales](http://AgriculturalLandTribunalforWales-alt.gov.wales)

Accessing the Tribunal

The Tribunal is happy to communicate with you in Welsh or English. If a Welsh speaker is not immediately available then we will arrange for a Welsh-speaking member of Tribunal staff to phone you back.

You can choose to have your Tribunal hearing conducted in Welsh or English. If your first language is not Welsh or English and you wish to speak in your first language during the hearing, we can arrange for an interpreter to be present. If you need a sign language interpreter to attend the hearing we will arrange this.

If you or anyone you are bringing to the hearing has any other access requirements that may affect our arrangements for the hearing, provision will be made.

To enable arrangements for interpreters or to make provision for any additional needs of attendees, sufficient notice must be given to the secretariat.

Section 2 – Performance and Progress

In this section:

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

Numbers and Statistics

A 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 2016-2017

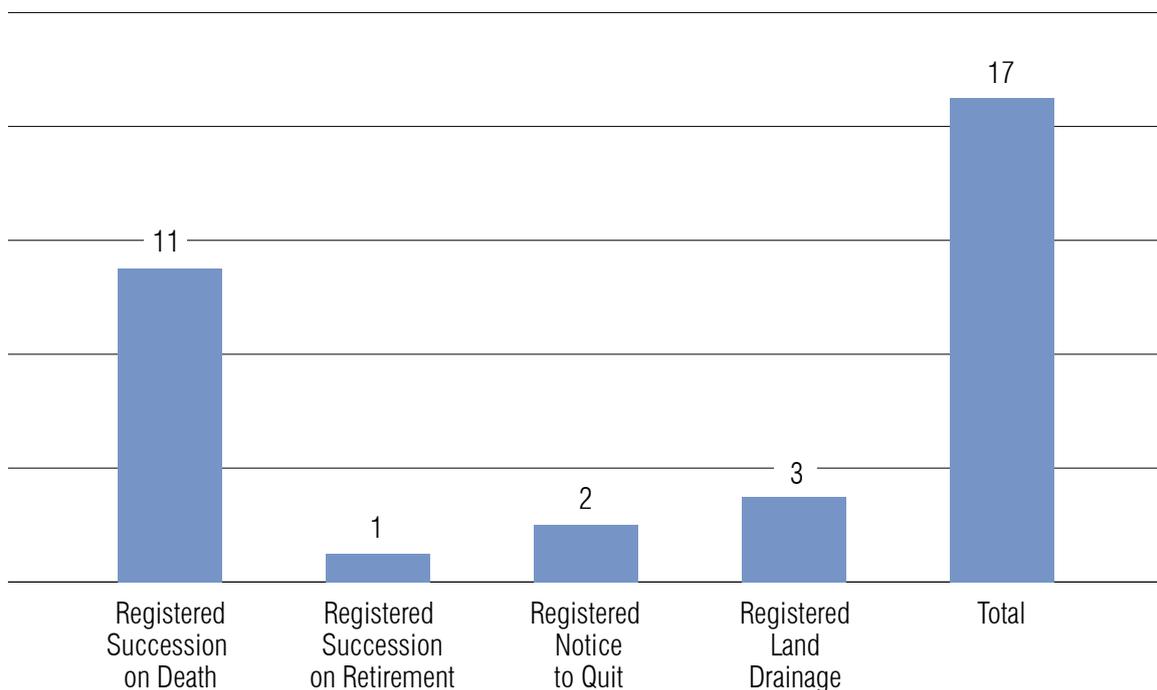


Table 2.2 Number of Applications Received and Registered by Year and Type of Application during 2012-2017*

Type of Application	Number of Applications Received and Registered				
	2016-2017	2015-2016	2014-2015	2013-2014	2012-2013
Land Drainage	3	6	6	0	4
Succession on Death	11	7	12	8	3
Succession on Retirement	1	0	0	2	1
Consent to Notice to Quit	2	7	3	3	2
Certificate of Bad Husbandry	0	0	0	1	0
Fixed Equipment	0	0	1	0	0
Total	17	20	22	14	10

Table 2.3 Number of Applications Finalised by year during 2012-2017*

Type of Application	Number of Applications Finalised (includes carry over from 2015-2016)				
	2016-2017	2015-2016	2014-2015	2013-2014	2012-2013
Land Drainage	1	2	2	1	5
Succession on Death	8	5	4	8	4
Succession on Retirement	0	0	2	1	0
Consent to Notice to Quit	4	3	4	2	1
Certificate of Bad Husbandry	0	0	1	0	1
Fixed Equipment	0	0	1	0	0
Total	13	10	14	12	11

*During 2012-2017 there have been no applications relating to:

- Consent to long term improvements
- Burning of heather or grass
- Market gardens

Table 2.4 Progress of Applications in 2016-2017 by Outcome

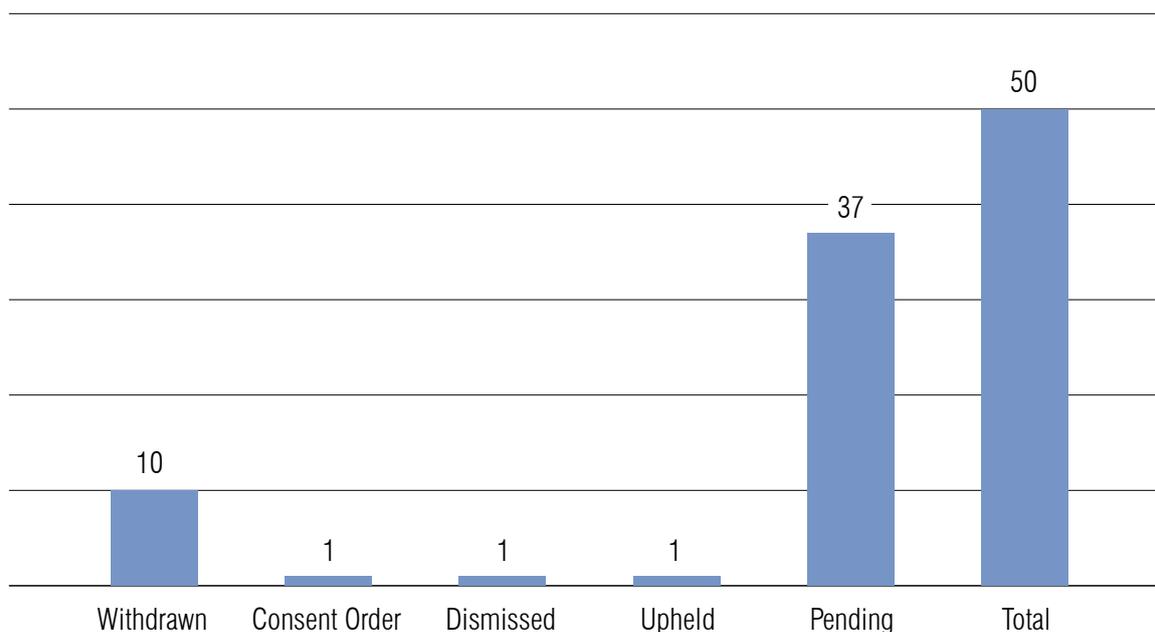


Table 2.5 Progress of Applications in 2016-2017 by Type of Case and Outcome

	Withdrawn	Consent Order	Dismissed	Upheld	Pending
Land Drainage	0	0	0	1	12
Succession on Death	7	1	0	0	19
Succession on Retirement	0	0	0	0	1
Consent to Notice to Quit	3		1		5
Certificate of Bad Husbandry	0	0	0	0	0
Consent to Long Term Improvements	0	0	0	0	0
Fixed Equipment	0	0	0	0	0
Total	10	1	1	1	37

During 2016-2017 there were:

- 3 physical hearings
- 1 paper hearing (where panel members would meet without the parties present)
- 3 telephone conferences (where panel members and parties would take part by phone)

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.

Complaints

The Tribunal received no formal complaints during 2016-2017.

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 used an indicator that is derived from periodic customer surveys.

Target: 95% of applications registered or pre-registration query dealt with within 10 working days of receipt of Application form	→	Target achieved in 100% of cases
Target: 95% of respondent's response to application to be issued to applicant within 10 working days of receipt	→	Target achieved in 100% of cases
Target: 95% of Drainage Reports and Net Annual Income Assessment Reports issued to parties within 10 working days of receipt	→	Target achieved in 100% of cases
Target: 100% of notice of hearing issued within 14 working days of the hearing	→	Target achieved in 100% of cases
Target: 95% of decisions issued within 30 working days of the hearing	→	Target achieved in 100% of cases
Target: 75% of applications discharged within 18 months	→	Target achieved in 100% of cases

Section 3 – Our Customers

In this section:

- Customer satisfaction survey

Customer satisfaction survey

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

During the period April 2016 – March 2017, the Tribunal distributed a customer satisfaction survey with each Tribunal decision that was issued. The feedback from the survey enables us to gain a better understanding of our customers' needs and gives a valuable insight into what the Tribunal is doing well, as well as highlighting those areas where the Tribunal needs to improve.

We received 1 completed form during this period:

- The customer said the Tribunal was helpful when handling enquiries,
- The customer said that we responded quickly and that they were satisfied with the information received.
- The customer agreed that the Tribunal processed their case efficiently.

Section 4 – Business Priorities

In this section:

- Business priorities for 2017-2018

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

Business Priorities 2017-2018

- Continue to deliver high quality service ensuring KPIs are met
- Implementation of Members' Hearing Appraisals
- Continue to monitor and update ALT Wales website
- Organise annual training conference for tribunal members, identifying and responding to training needs.
- Ensure that the Tribunal is ready to implement the Welsh language standards.

Section 5 – Expenditure

In this section:

- Expenditure for 2016-2017

Expenditure for 2016-2017

Content	Amount
Members Fees and Expenses for tribunal proceedings	£31,000
Tribunal events (hearing costs)	£1,000
Members' Training	£4,000
Total*	£36,000

* rounded to the nearest £1,000