



Agricultural Land Tribunal Wales Annual Report 2018 – 2019

July 2019



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

By the Chairperson Christopher McNall

I am pleased to introduce the Annual Report of the Agricultural Land Tribunal for Wales for 2018-2019, which has been my first full year as Chairperson.

The Tribunal's workload of applications relating to tenancy disputes under the Agricultural Holdings Act 1986 and drainage disputes under the Land Drainage Act 1991 continues to increase, as it did in 2017/18. Approximately 75% more applications have been received in 2018/19 than in 2017/18.

Despite the increasing pressure on our resources which this inevitably brings, the Tribunal continues to aim to provide a user-friendly, bilingual, efficient, and expert service at a minimum cost to litigants and the public purse. Unlike the court system, no fee is payable when an application is made to the Tribunal, and in most cases there will be no liability to pay the costs of the other side, regardless of the outcome. Unlike private arbitrations or third party determinations, no fee is payable by the parties for the panel hearing a case. The Tribunal is therefore a very cost-effective means of resolving disputes, delivering just decisions speedily and economically.

We welcome continued governmental focus on the role and work of the Tribunal, and its relationship to other methods of resolving disputes. Extension of the Tribunal's jurisdiction (for example, to resolve disputes which must otherwise be referred to private arbitration) was one of the matters consulted on by the Welsh Government in autumn 2017, as part of its 'Taking Wales Forward – Sustainable Management of Natural Resources' programme. A summary of the responses to that consultation was published in June 2018.

At the time of writing, the Welsh Government is also consulting on options for reform of agricultural tenancy law in Wales, including potentially far-reaching changes to tenancies under the Agricultural Holdings Act 1986. We await the outcome of that consultation with great interest.

During the course of the year, I have been pleased to represent the Tribunal in meetings with Lesley Griffiths AM, the Minister for Environment, Energy and Rural Affairs, and her staff, the Commission on Justice in Wales led by Lord Thomas of Cwmgiedd, and meetings of the judicial leads of the devolved Tribunals, chaired by the President of Welsh Tribunals, Sir Wyn Williams.

The Tribunal is an expert Tribunal, and I express my continuing thanks to the Tribunal's panels of farmers, land-owners, and drainage experts. We draw heavily on their knowledge and experience. All corners of Wales, and all types of Welsh agricultural activity, have a voice in the Tribunal.

I also thank the Tribunal's Secretary, its business managers, and their colleagues in the Welsh Tribunals Unit for their hard work in supporting the Tribunal's work.

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
- 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 in 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 6.

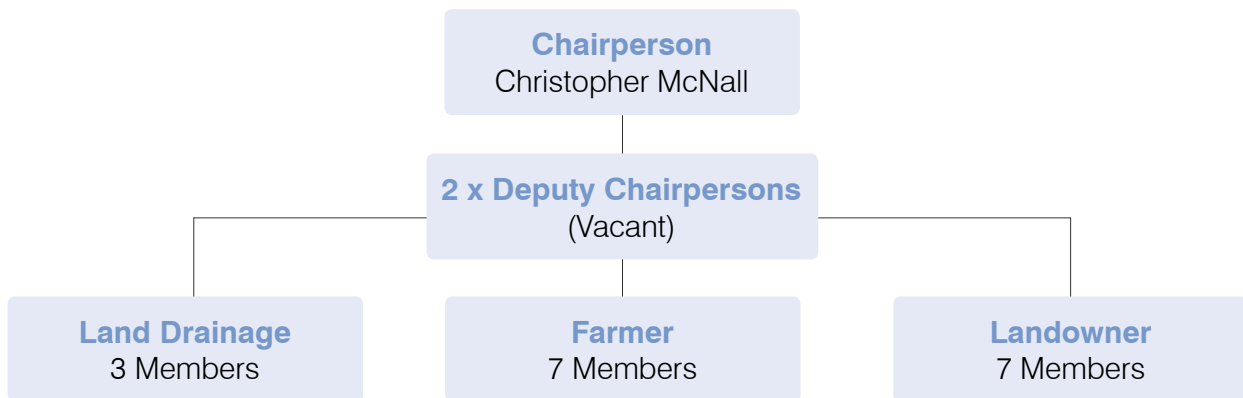
Members of the Tribunal

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

During 2018-2019 there were:

- 2 appointments
- 1 retirement
- 0 resignations.

Appraisals

During 2018-2019 there were no appraisals undertaken.

Training

The Tribunal's annual training event was held during September 2018. It is intended to hold the next event during September 2019.

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
LD1 5HA

Tribunal Helpline: 03000 259809

Tribunal E-mail: agriculturallandtribunalwales@gov.wales

Tribunal Website: alt.gov.wales

Accessing the Tribunal

The Tribunal is happy to communicate with you in English or Welsh. 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
- Achievement against key performance indicators
- Complaints

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 2018-2019

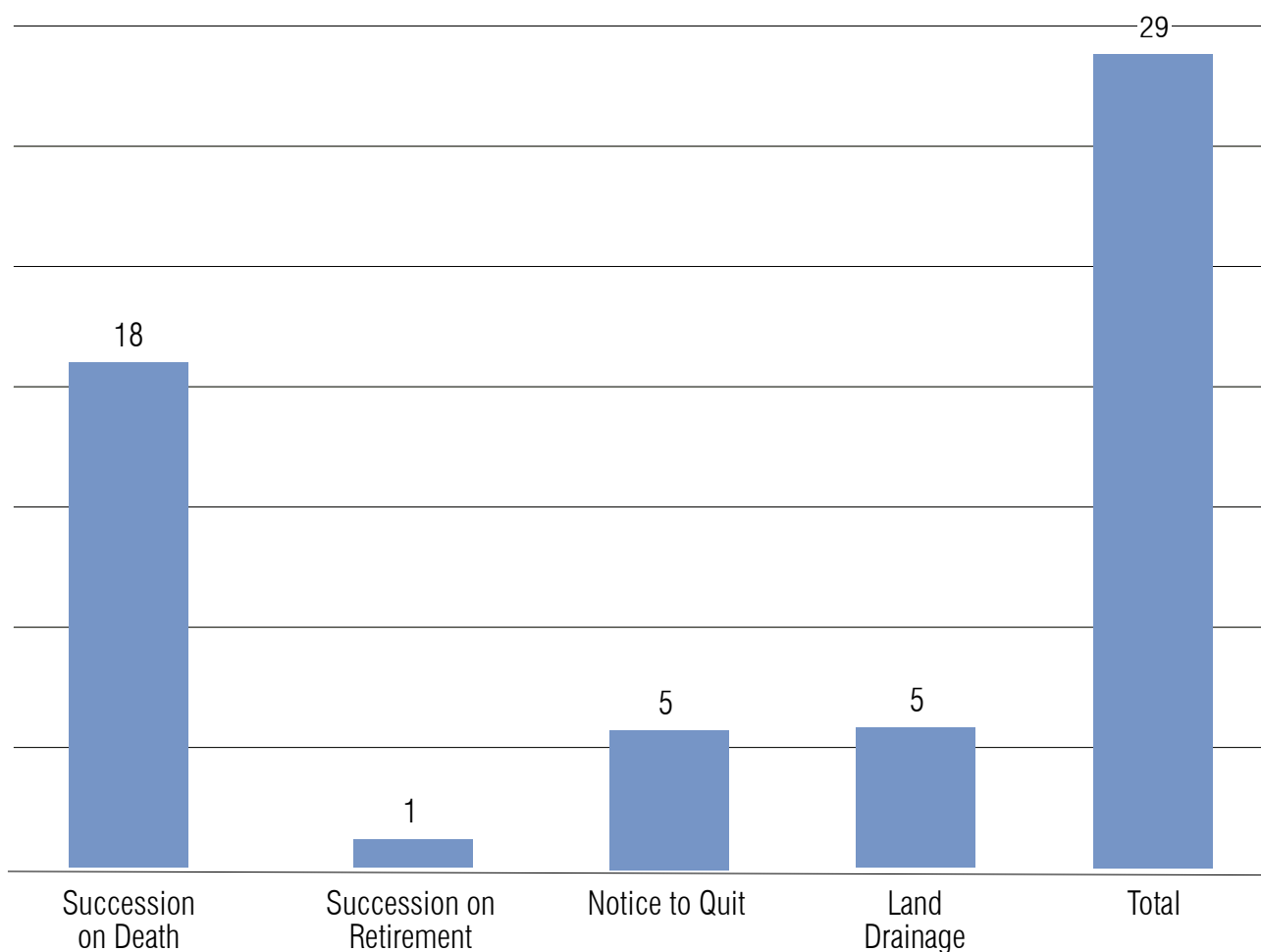


Table 2.2: Number of Applications Received and Registered by Year and Type of Application during 2014-2019*

Type of Application	Number of Applications Received and Registered				
	2018-19	2017-18	2016-17	2015-16	2014-15
Land Drainage	5	4	3	6	6
Succession on Death	18	11	11	7	12
Succession on Retirement	1	1	1	0	0
Consent to Notice to Quit	5	1	2	7	3
Certificate of Bad Husbandry	0	0	0	0	0
Fixed Equipment	0	0	0	0	1
Total	29	17	17	20	22

Table 2.3: Number of Applications Finalised by year during 2014-2019*

Type of Application	Number of Applications Finalised (includes carried over from 2017-2018)				
	2018-2019	2017-18	2016-17	2015-16	2014-15
Land Drainage	6	5	1	2	2
Succession on Death	15	14	8	5	4
Succession on Retirement	0	2	0	0	2
Consent to Notice to Quit	1	2	4	3	4
Certificate of Bad Husbandry	0	0	0	0	1
Fixed Equipment	0	0	0	0	1
Total	22	23	13	10	14

* During 2014-2019 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 2018-2019 by Outcome

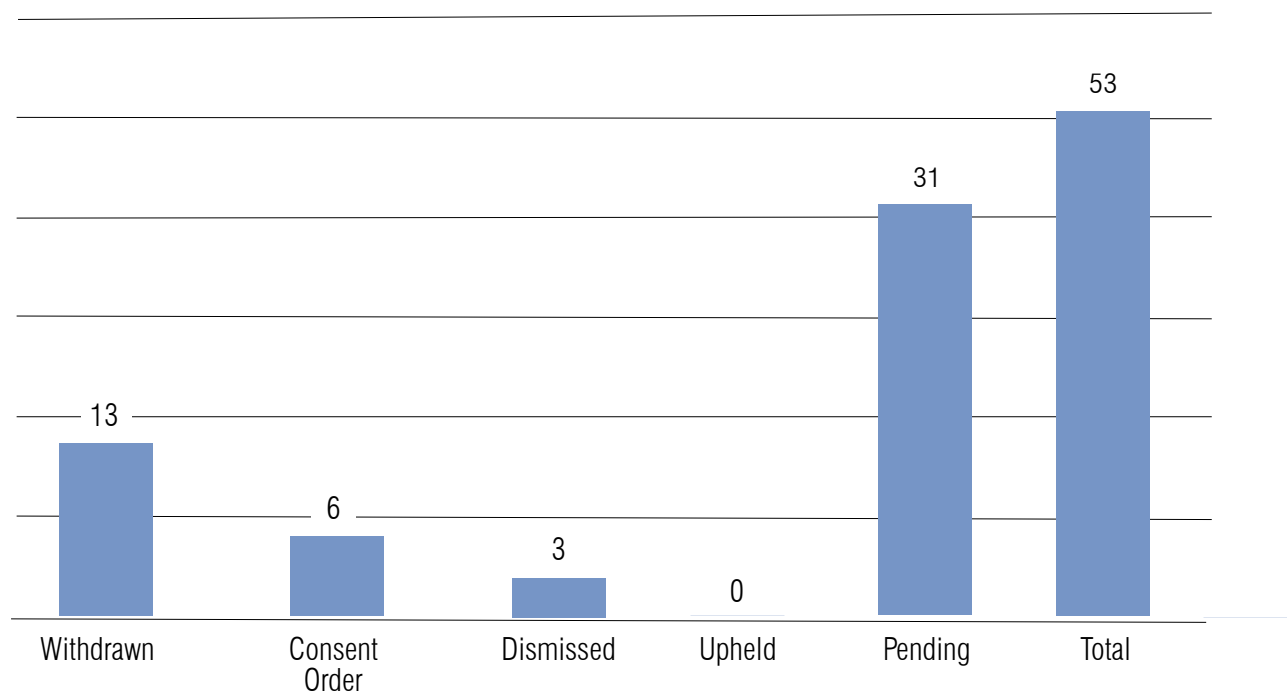


Table 2.5: Progress of Applications in 2018-2019 by Type of Case and Outcome

Type of Application	Withdrawn	Consent Order	Dismissed	Upheld	Pending
Land Drainage	3	0	3	0	10
Succession on Death	9	6	0	0	19
Succession on Retirement	0	0	0	0	1
Consent to Notice to Quit	1	0	0		8
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	13	6	3	0	38

During 2018-2019 there were:

- 0 oral hearings
- 9 paper hearings (where panel members would meet without the parties present)
- 1 telephone Case management conference (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, two 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. One appeal was received during the course of the year, a decision is still pending.

Complaints

The Tribunal received no formal complaints during 2018-2019.

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 2018 – March 2019, 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. Of those:

- 100% of customers said the Tribunal was helpful when handling enquiries
- 100% of customers said 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 2019- 2020

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 2019-2020

- 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.

Section 5 – Expenditure

In this section:

- Expenditure for 2018-2019

Expenditure for 2018-2019

Content	Amount
Members Fee's and Expenses for tribunal proceedings	£9,000
Tribunal events (hearing costs)	£1,000
Members' Training	£4,000
Total*	£14,000

* rounded to the nearest £1,000