

Agricultural Land Tribunal Wales Annual Report 2020 – 2021

June 2021



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

I am pleased to introduce the Annual Report of the Agricultural Land Tribunal for Wales for 2020-21.

In my last report, I referred to the recruitment competition then underway to recruit 2 new Deputy Chairpersons. Because of COVID-19 restrictions, interviews took place remotely in summer 2020, and led to the appointment of Tribunal Judge Gareth Wilson and Tanveer Rakhim JP as Deputy Chairpersons. Both will bring great knowledge and experience to the Tribunal. I am grateful to the team at the Judicial Appointments Commission, and to Brie Stevens-Hoare QC and Cath Beckett who sat with me on the recruitment panel. In autumn 2020, we also recruited a new landowner member, Mr Thomas Wyn Jones, to our panel. Again, I extend thanks to the JAC and also to Judge Claire Jones who represented the Tribunal in the exercise.

COVID-19 brought challenges of the same kind which have affected everyone - the need to move, very suddenly, to remote working; the closure of buildings; and the restriction of unnecessary travel (including across the England/Wales border). But the Tribunal has remained operational throughout, albeit trying to deal with as many matters as possible on the papers rather than at hearings. We now hope to be able to resume site inspections in the fairly near future, although we may continue to make use of the Wales Government's excellent Cloud Video Platform whenever we can.

Last year, I reported that the Commission on Justice in Wales (led by Lord Thomas of Cwmgiedd) had reported to the Welsh Government, making a series of recommendations which could affect the work of the Tribunal. Since then, the Law Commission of England and Wales has issued its consultation document on the future of all Wales Tribunals, including this one. I have had useful meetings with the lead Commissioner, Nicholas Paines QC, and his team and I look forward to receiving their final recommendations.

The Lands Chamber of the Upper Tribunal considered an appeal from one of our decisions, and, in dismissing the appeal, gave useful guidance as to our case-management powers and the meaning and effect of our procedural rules: *Adams v Jones* [2021] UKUT 9 (LC).

The Tribunal continues to aim to provide a user-friendly, 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 nearly all 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.

The Tribunal is an expert Tribunal, and I express my continuing thanks to the Tribunal's panels of farmers, landowners, and drainage experts. We draw heavily on their knowledge and experience in resolving disputes which come before us. All corners of Wales, and all types of Welsh agricultural activity, have a voice in the Tribunal. We were able to meet, even if remotely, and using the Tribunals' Cloud Video Platform, during our annual training session in autumn 2020.

Finally, I use this opportunity to thank the Tribunal's Secretary and his colleagues in the Welsh Tribunals Unit for all their hard work: harder than ever due to the challenges of COVID-19.

Christopher McNall
Chairperson

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 Function

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 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 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 8.

Members of the Tribunal

The Lord Chancellor is responsible for the appointment and re-appointment of the President and all members of the MHRTW. 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 and referrals to the Tribunal. The secretariat consults the President or her deputies on all legal points arising during the preliminary pre-hearing stages of the proceedings and passes on their rulings and directions in writing to the parties. The secretariat acts as a point of contact for all tribunal members and users; members of the secretariat attend some hearings to help with the efficient running of proceedings.



Appointments

During 2020-2021 there were:

- 3 appointments
- 2 retirements
- 1 resignation.

Appraisals

During 2020-2021 there were no appraisals undertaken.

Training

The Tribunal's annual training event was held during September 2020. It is intended to hold the next event during the autumn of 2021.

Contacting the Tribunal

To contact the secretariat to the ALT Wales:

Agricultural Land Tribunal Wales

Government Buildings

Spa Road East

Llandrindod Wells

Powys

LD1 5HA

Helpline: 0300 025 9809

E-mail: agriculturallandtribunalwales@gov.wales

Website: www.agriculturallandtribunal.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 2020-2021

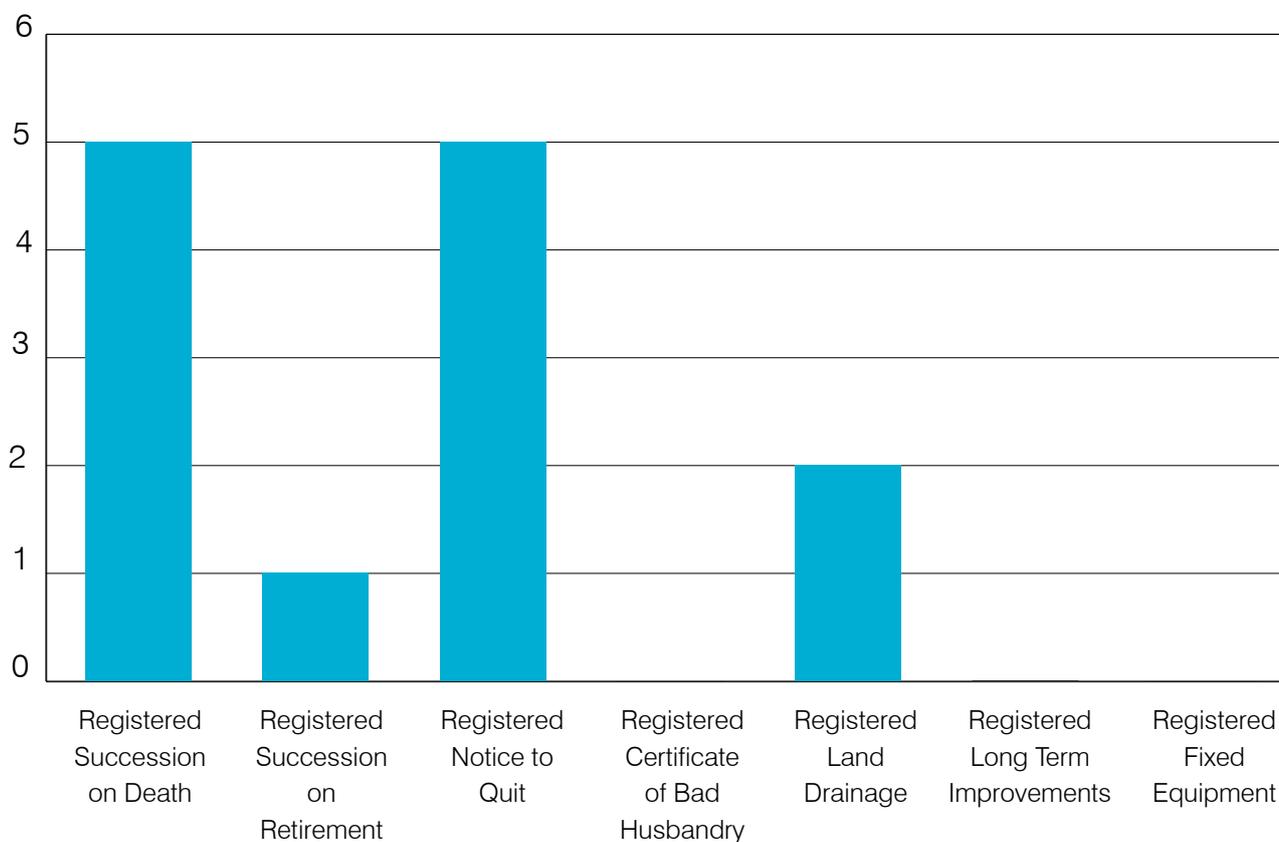


Table 2.2 Number of Applications Received and Registered

Type of Application	Number of Applications Received and Registered				
	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
Land Drainage	2	4	5	4	3
Succession on Death	5	13	18	11	11
Succession on Retirement	1	0	1	1	1
Consent to Notice to Quit	5	5	5	1	2
Certificate of Bad Husbandry	0	0	0	0	0
Fixed Equipment	0	0	0	0	0
Total	13	22	29	17	17

Table 2.3 Number of Applications Finalised by year during 2015-2020*

Type of Application	Number of Applications Finalised (includes carry over from 2012-2013) 2015-2016				
	2020-2021	2019-2020	2018-2019	2017-2018	2016-2017
Land Drainage	3	6	6	5	1
Succession on Death	8	9	15	14	8
Succession on Retirement	1	1	0	2	0
Consent to Notice to Quit	3	1	1	2	4
Certificate of Bad Husbandry	0	0	0	0	0
Fixed Equipment	0	0	0	0	0
Total	15	17	22	23	13

* During 2016-2021 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 2020-2021 by Outcome

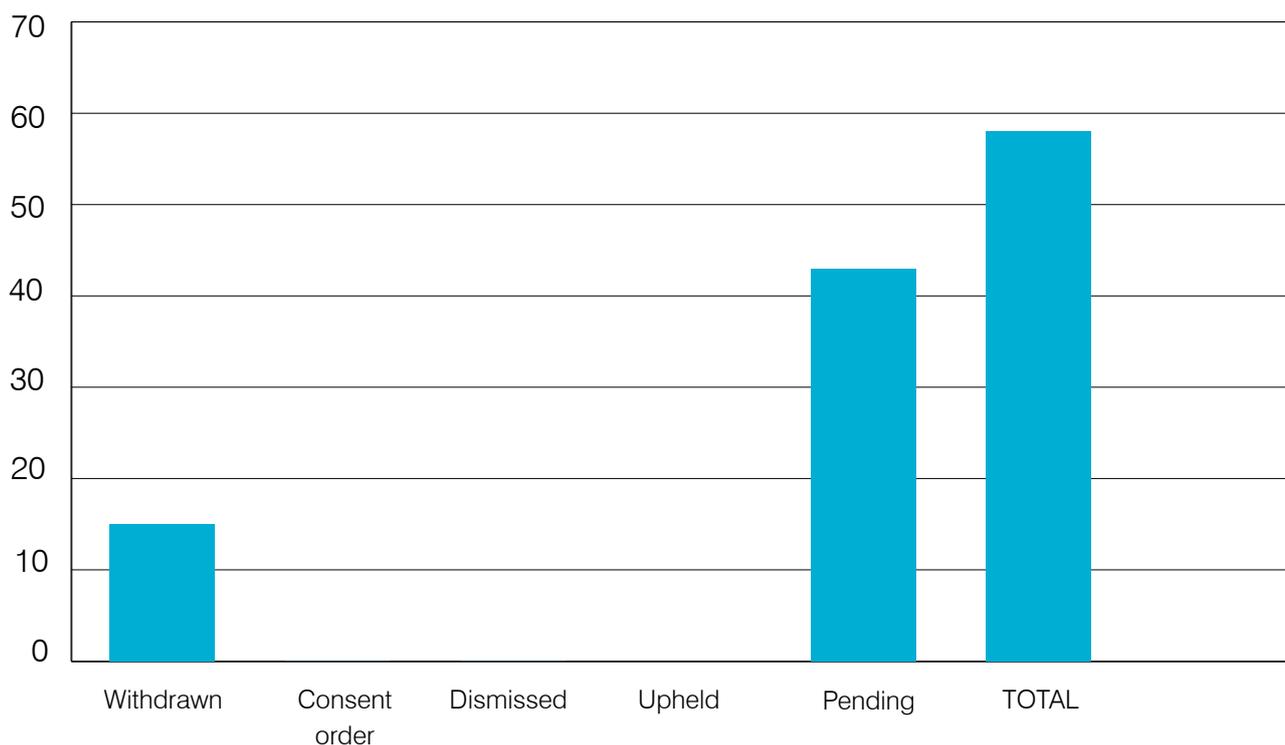


Table 2.5 Progress of Applications in 2020-2021 by Type of Case and Outcome

	Withdrawn	Consent Order	Dismissed	Upheld	Pending
Land Drainage	3	0	0	0	8
Succession on Death	8	0	0	0	23
Succession on Retirement	1	0	0	0	0
Consent to Notice to Quit	3	0	0	0	12
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	15	0	0	0	43

During 2020-2021 there were:

- 0 physical hearings
- 0 paper hearings (where panel members would meet without the parties present)
- no 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. One appeal was received during the course of the year.

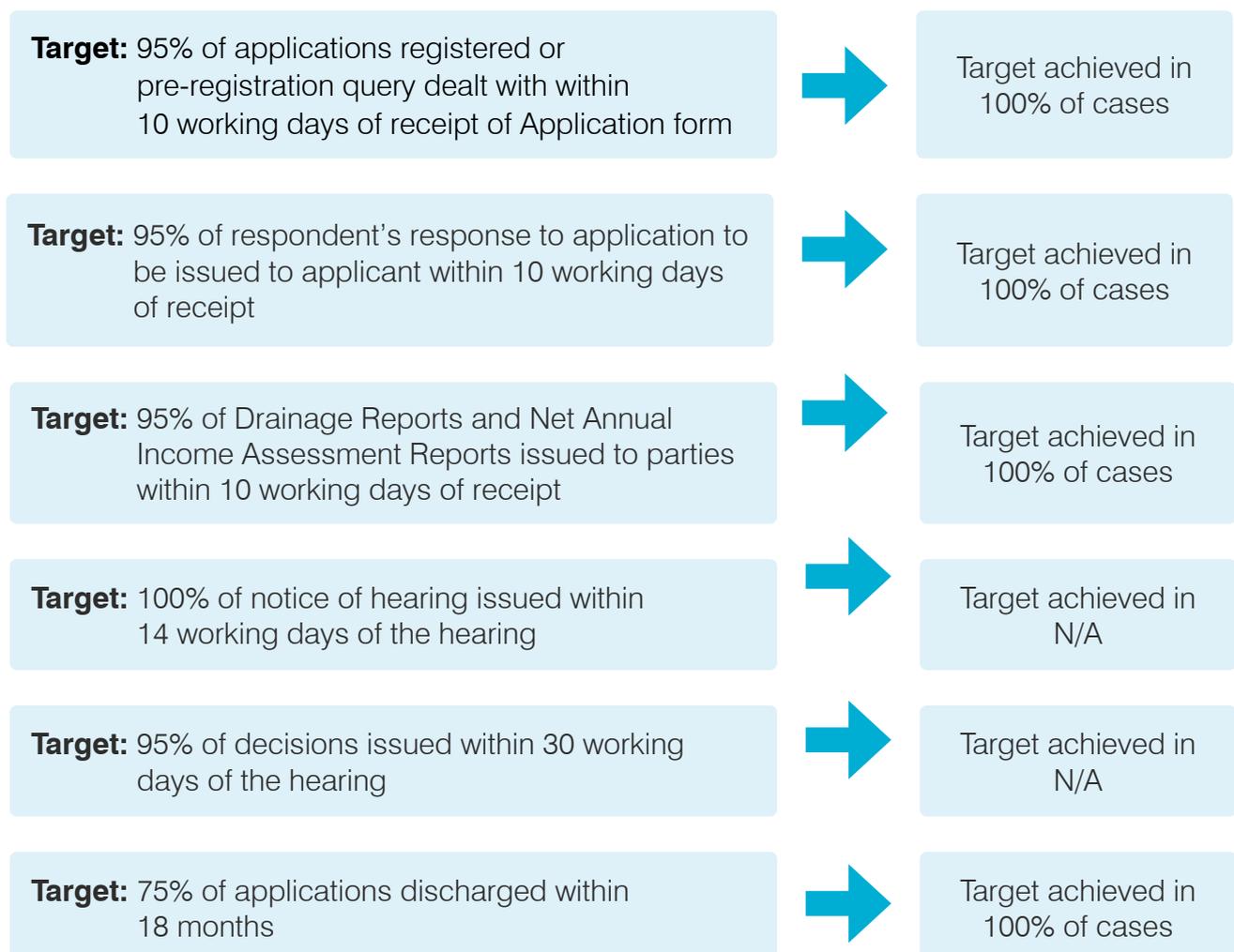
Complaints

The Tribunal received no formal complaints during 2020-2021.

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.



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 2020 – March 2021, 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 2021-2022

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 2021-2022

- 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 continues to maintain the Welsh language standards.

Section 5 – Expenditure

In this section:

- Expenditure for 2020 – 2021

Expenditure for 2020-2021

Content	Amount
Members Fees and Expenses for tribunal proceedings	£5,000
Tribunal events (hearing costs)	£ Nil
Members' Training	£5,000
TOTAL*	£10,000

* rounded to the nearest £1,000