

Statement of Reasons**Relative to an Appeal****By****Belhaven Brewery Co. Limited****In respect of****Public House, 17 Whifflet Street, Coatbridge.**

This was an appeal arising out of the year 2005 Revaluation.

The scheme of valuation was not in dispute and the parties agreed that the value of the Appeal Subjects was the adopted turnover at 8 ¾ % derived from the Scottish Assessor's Practice Note number 17 in respect of the valuation of licensed premises, public houses and licensed restaurants, appendix 1.

There was no available evidence in relation to the turnover of the Appeal Subjects at the tone date of 1st April, 2003. Accordingly, both parties in valuing the Appeal Subjects had required to calculate a hypothetical turnover in respect of them. The Committee were of the view that the Assessor's approach in this regard was to be preferred. The Appellants sought to value the Appeal Subjects by reference only to the hypothetical turnover calculated by them in relation to the Appeal Subjects. The Committee were of the view that firstly, the Appellants' calculation of the turnover of the Appeal Subjects at tone date had to be treated with caution. The Appellants had used the actual turnover for the Appeal Subjects as at the year ending 2000. They had adopted these figures on the basis that there was little difference between them and the only other turnover information available which was for the year ending 2004 taken together with the agent, Mr Henry's experience of the trading nature of the appeal subjects. The turnover as at the year end 2000 was obviously for a period considerably before the tone date. There was no attempt by the Appellants, having calculated their hypothetical turnover, to compare it with the turnover of comparable subjects at the tone date in order to test the turnover being adopted by them. The Committee were of the view that it was not appropriate to value by reference only to the turnover of the Appeal Subjects. It is necessary to draw comparisons with other comparable subjects.

The Assessor, on the other hand, had calculated his hypothetical turnover by analysing the final value rate per square metre of eleven other public houses which he considered were the closest comparable subjects to the Appeal Subjects based on their reduced areas and their proximity to the Appeal Subjects. The values of all of these comparisons had either been agreed, withdrawn appeals or had not been the subject of any appeal. The Assessor had exercised his judgement to arrive at an appropriate value rate per square metre which he considered fitted with the pattern of evidence

available and applied this rate to the reduced area of the Appeal Subjects in order to arrive at an adopted turnover in respect of them.

There was dispute between the parties with regard to the reduced area of the Appeal Subjects. A member of the Assessor's staff had measured the Appeal Subjects for the purposes of this appeal. Mr Henry had not measured the Appeal Subjects since the revaluation in 2000. Accordingly, in these circumstances, the Committee accepted that the Assessor's reduced area was likely to be more accurate and determined to adopt his reduced area.

Accordingly, the Committee upheld the proposed valuation of the Assessor, spoken to at the Hearing, which had been properly explained to the Committee and they dismissed the Appeal.