

Appeal No. VA90/1/003

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 1988
VALUATION ACT, 1988

Mr. John McVeigh

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Licensed Premises at Lot No.3a, Rooskey Lower, Castlefinn, Co. Donegal
Quantum - Trading position

B E F O R E

Henry Abbott

Barrister

Veronica Gates

Barrister

Padraig Connellan

Solicitor

JUDGMENT OF THE VALUATION TRIBUNAL
DELIVERED ON THE 30TH DAY OF AUGUST, 1990.

By Notice of Appeal dated 11th April 1990 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £10 on the above described hereditament.

The grounds of appeal are that the premises are not used during the week but are opened on Saturday evenings only in order to retain the licence (6 day licence).

A written submission was received on 23rd August 1990 from Mr. Christopher Hicks an Appeal Valuer in the Valuation Office in which he said that this is a plain concrete and timber structure with basic fittings located two miles south of Convoy on a good minor road. Mr. Hicks outlined the valuation history of the property and stated that as the turnover is negligible it would not be practical to use this figure to calculate a valuation. He said, that in his opinion, Mr. McVeigh would not accept a rent of less than £30 per week and calculated a net annual value of £1,560 which would yield a rateable valuation of £10. He said that alternatively there would be an estimated capital value of £19,500 which taking an 8% yield would also produce a £10 rateable valuation.

At the oral hearing which took place on 29th August 1990 in the Courthouse, Letterkenny Mr. Patrick Dorian represented the Appellant and Mr. Hicks represented the Respondent.

Mr. Dorian said that the subject premises could be described as a shack on a back road in a rural area. He said that the appellant bought the premises in 1972 together with 18 acres of marshy land. A number of events made this licensed premises very unattractive for clients including a substantial differential in the price of alcohol between Northern Ireland and the South and the reduction in the number of families living in the townland from 35 to 1 over the years. He said that trade collapsed and that Mr. McVeigh had accumulated losses. Mr. Dorian submitted accounts for the two-year period to 30th April 1990. He said that Mr. McVeigh would have been better advised to stop trading but he kept the premises open on Saturdays to retain the licence.

He said that Mr. McVeigh had placed the premises with an auctioneer but not one single offer had been made either to rent or buy. Mr. McVeigh's instructions to the auctioneer are to sell if an offer of £5,000 is made.

Mr. Hicks said that he could not disagree with the depressing picture painted by Mr. Dorian and said that he was surprised that Mr. McVeigh continued trading. He outlined the points already mentioned in his summary of evidence.

The Tribunal is in no doubt and there seems to be agreement among the parties that Mr. McVeigh's trading position is desperate and that it is almost impossible to sell or rent this premises. The Tribunal accordingly determines that the rateable valuation on this premises be reduced to £2.