

Appeal No. VA97/4/034

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

**Frank Curran**

**APPELLANT**

**and**

**Commissioner of Valuation**

**RESPONDENT**

RE: Licensed House at Map Ref: 132 Main Street, Townland: Caherciveen, ED: Caher, RD:  
Caherciveen, Co. Kerry  
Quantum

**B E F O R E**

**Con Guiney - Barrister at Law**

**Deputy Chairman**

**Anita Geraghty - Solicitor**

**Member**

**George McDonnell - F.C.A.**

**Member**

**JUDGMENT OF THE VALUATION TRIBUNAL**  
**ISSUED ON THE 11TH DAY OF MAY, 1998**

By Notice of Appeal dated the 28th day of July 1997 the Appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £42 on the above described hereditament.

The grounds of appeal as set out in the said Notice are:-

"The valuation is excessive for the size of the premises compared with the valuations for similar premises in the same town. Also the premises is located in a small rural town."

The relevant valuation history is that on 9th August 1996 the valuation list subsequent to revision was issued fixing the rateable valuation of the subject premises at £42. On 1st July 1997 pursuant to an appeal the Commissioner of Valuation issued his decision making no change in the rateable valuation of £42.

The subject premises has the following agreed accommodation.

**Ground Floor:** Entrance/Lounge Bar : 696 sq.ft.  
Bottle Store : 302 sq.ft.

**First Floor/ Residential** : Living room, kitchen,  
bathroom

**Top Floor Residential (dormer)** : Two bedrooms

A written submission prepared by Mr. David Maloney M.A.B.Sc A.R.I.C.S. A.S.C.S. on behalf of the Respondent was received by the Tribunal on 30th March 1998. Mr. Moloney is a Valuer with 4 years experience in the Valuation Office.

The written submission described the property as having an attractive external and internal appearance having being refurbished in 1995 at a cost of £60,000. In addition an expenditure of £34,318 was made on fixtures, fittings and equipment.

In the written submission Mr. Moloney set out his estimate of the rateable valuation as follows;

**Entrance, bar, lounge** : 696 sq.ft. @ £7.00 psf = £4,872

<b>Bottle, Store</b>	:	302 sq.ft. @ £1.50 psf =	£ 453
<b>Licence</b>	:		£1,200
<b>Residential</b>		@ £38.00 per week =	<u>£2,000</u>
		N.A.V. =	£8,529
		£8,529 @ 0.5% =	£42.64
		<b>Say R.V.</b> =	<b>£ 42.00</b>

Mr. Moloney using the first year year's trading accounts, year ending 30th June 1996, since the refurbishment of the property, established an R.V. of £49.00 for the subject premises. The written submission stated that an R.V. of £42.00 was being proposed due to the buoyancy of the first years trading after the refurbishment.

The written submission contained a schedule of three comparisons. The written submission also contained a copy of trading accounts for the subject property prepared by O'Sullivan Curran & Co., Chartered Accountants for the year ending 30th June 1996. These accounts for that year showed sales as being £128,258.

The Tribunal received a letter dated 30th March 1998 from the appellant on 2nd April 1998. This letter itemised four similar type properties in the town of Caherciveen which had lower valuations. The letter described the refurbishment of the subject premises and stated that the cost of refurbishment and new equipment was approximately £40,000. The letter further stated that the floor area of the licensed premises was not increased.

The appeal proceeded by way of an oral hearing which took place in the Council Chamber, Tralee Urban District Council, Tralee on Thursday, 23rd April 1998. Mr. Frank Curran, the Appellant of 5, Main Street, Caherciveen appeared on his own behalf and Mr. David Molony appeared on behalf of the Respondent. Having taken the oath both parties adopted their written submissions as their evidence in chief to the Tribunal.

Mr. Curran described the trading situation for licensed premises in Caherciveen. There are 52 licensed premises in Caherciveen. The trade in this town is seasonal in nature and in its own way for this particular town it is very competitive. In Mr. Curran's evidence he pointed that whereas his premises at the moment has been refurbished to a high standard and they are trading at an acceptable level, that when other premises are refurbished then the trade can shift and move to these other premises. Therefore he made the point in his evidence that his trade is vulnerable.

The Tribunal also considered Mr. Moloney's evidence and comparisons. The Tribunal has decided that there is some point in the argument that Mr. Curran has made about the competitive situation in Caherciveen and what he describes as the vulnerability of the trading situation and the Tribunal considers that the hypothetical tenant would take this into account in estimating the N.A.V. and accordingly the Tribunal has decided to determine the N.A.V. and rateable valuation of the subject premises as follows;

Bar Area	696 sq.ft. @ £6.50	£4,524
Bottle Store	302 sq.ft. @ £1.50	£ 453
Licence	@ £1200	
Residential portion of the premises	at £2,000	
	Total N.A.V.	£8,177
	@ 0.5%	£40.89
	Say	£40.00

The Tribunal therefore determines the rateable valuation of the subject premises to be £40.