

# **SOUTH LAKELAND DISTRICT COUNCIL**

South Lakeland House Kendal, Cumbria LA9 4UQ

[www.southlakeland.gov.uk](http://www.southlakeland.gov.uk)



**You are requested to attend a meeting of  
the Discretionary Rate Relief Sub-Committee,  
sitting as an Appeals Panel,  
on Wednesday, 23 July 2014,  
on the rising of the Discretionary Rate Relief Sub-Committee,  
in the District Council Chamber, South Lakeland House,  
Kendal**

## **Membership**

### **Councillors**

<b>Sue Sanderson</b>	Environment and People Portfolio Holder
<b>Graham Vincent</b>	Health and Wellbeing Portfolio Holder
<b>Janet Willis</b>	Deputy Leader of the Council and Innovation and Improvement Portfolio Holder
<b>Chris Hogg</b>	Culture, Arts and Events Portfolio Holder (substitute)

**Monday, 14 July 2014**

**Debbie Storr, Director of Policy and Resources (Monitoring Officer)**

***For all enquiries, please contact:-***

***Committee Administrator:*** Inge Booth

***Telephone:*** 01539 793190

***e-mail:*** [committeeservices@southlakeland.gov.uk](mailto:committeeservices@southlakeland.gov.uk)

# AGENDA

*Page Nos.*

## PART I

### **1 ELECTION OF CHAIRMAN**

To elect a Chairman for the meeting.

### **2 APOLOGIES AND RECONSTITUTION OF MEMBERSHIP**

To receive apologies for absence, if any, and to report any arising changes to membership.

### **3 DECLARATIONS OF INTEREST**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

*If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting.*

### **4 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS**

To consider whether the items, if any, in Part II of the Agenda should be considered in the presence of the press and public.

### **5 CONSIDERATION OF APPEAL AGAINST EXECUTIVE DECISION TO REFUSE AN APPLICATION FOR DISCRETIONARY RATE RELIEF MADE BY KENDAL JUDO CLUB (52527298)**

**5 - 14**

To consider an appeal made by Kendal Judo Club against an Executive Decision made under delegated powers to refuse an application for discretionary rate relief.

## **PART II**

Private Section (exempt reasons under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, specified by way of paragraph number)

There are no items in this Part of the Agenda.

**South Lakeland District Council  
Discretionary Rate Relief Sub-Committee  
23<sup>rd</sup> July 2014**

**Consideration of Appeal against Executive Decision  
to refuse an application for Discretionary Rate Relief  
made by Kendal Judo Club (52527298)**

<b>PORTFOLIO:</b>	<b>Councillor Graham Vincent – Health and Wellbeing Portfolio Holder</b>
<b>REPORT FROM:</b>	<b>Shelagh McGregor - Assistant Director (Resources) and Section 151 Officer</b>
<b>REPORT AUTHOR:</b>	<b>Alan Raven – Revenues and Benefits Manager</b>
<b>WARDS:</b>	<b>Not Applicable</b>
<b>KEY DECISION NO:</b>	<b>Not Applicable</b>

**1.0 EXPECTED OUTCOME**

- 1.1 Members will consider an appeal made by Kendal Judo Club against an Executive decision made under delegated powers to refuse an application for discretionary rate relief. Members will determine the appeal by reference to the policy guidelines for determining applications shown at Appendix 2 to this report.
- 1.2 Members are requested to provide reasons for the decision on determination of the appeal.

**2.0 RECOMMENDATION**

**2.1 It is recommended that the Sub-Committee:-**

- (1) considers the points raised in the letter of appeal at Appendix 1 with reference to the policy guidelines at Appendix 2; and**
- (2) determines whether or not the appeal should be allowed and if so the appropriate % relief to be awarded in the case and provide reasons for the decision.**

**BACKGROUND AND PROPOSALS**

- 3.1 Under Executive Decision DEX/33(2) on 8<sup>th</sup> May 2014 (Appendix 3) an application for discretionary rate relief from Kendal Judo Club was refused as the club did not meet the criteria set out in the policy guidelines shown at Appendix 2.

3.2 The application was refused as the highest rate of subscription exceeds £150 per annum which may deter persons from seeking membership.

3.3 The Club has sent a letter of appeal shown at Appendix 1 which gives a detailed explanation of the breakdown of the fees and the reasons for changes introduced this year.

#### **4.0 CONSULTATION**

4.1 A full public consultation exercise was undertaken prior to introduction of the new policies.

#### **5.0 ALTERNATIVE OPTIONS**

5.1 Members are required to determine the appeal and may decide to allow or refuse the appeal.

#### **6.0 LINKS TO COUNCIL PRIORITIES**

6.1 The award of discretionary rate relief to sporting clubs is to help achieve our priorities and targets set out in the Council Plan.

#### **7.0 IMPLICATIONS**

##### **7.1 Financial and Resources**

7.1.1 Within the Business Rate Retention Scheme budget a sum of £119,736 has been allocated to the award of discretionary rate relief. The Assistant Director Resources has delegated powers to determine cases up to a maximum limit of £10,000 in any individual case and to date awards totalling £55,016 have been made leaving an unspent balance of £64,720 available to this Sub-Committee.

7.1.2 Applications are to be considered by this Sub Committee where relief of up to £53,604 will be considered.

7.1.3 Business Rates payable by the Judo Club for 2014/2015 amount to £3,374.00.

##### **7.2 Human Resources**

7.2.1 Not Applicable

##### **7.3 Legal**

7.3.1 Section 47 (2) (a) of the Local Government Finance Act 1988 gives the Council discretion to determine the chargeable amount where the ratepayer is a Charity or Trustees for a Charity. In effect this allows the Council to top up the 80% statutory relief to up to 100% relief in total.

7.3.2 Section 47 (2) (c) of the Local Government Finance Act 1988 gives the Council discretion to determine the chargeable amount where the property is used wholly or mainly for the purposes of recreation, and all or part of it is occupied for the purposes of a club, society or other organisation not established or conducted for profit.

##### **7.4 Social, Economic and Environmental**

7.4.1 A sustainability impact assessment has not been carried out as this is an individual application.

7.4.2 Any awards or refusals of applications are considered to have a neutral impact on sustainability.

## 7.5 Equality and Diversity

7.5.1 An equality and diversity impact assessment has not been carried out.

7.5.2 An assessment has not been undertaken, as this is based on a previously agreed Council policy for which an assessment was undertaken.

## 7.6 Risk

<b>Risk</b>	<b>Consequence</b>	<b>Controls required</b>
A decision may be made which does not comply with legislation.	The auditor may qualify the final pool contribution and the Department for Communities and Local Government could adjust the final return with the costs of this award being met by the Council.	A set of policy guidelines, which have been prepared to comply with legislation.
A decision may be made that creates a precedent for other similar applications.	The Council would not have budgetary resources to meet further large applications.	The policy guidelines are adhered to with reasons given as to why particular cases are considered to qualify. Close monitoring of the budget profile.

## CONTACT OFFICERS

Report Author – Alan Raven, Revenues and Benefits Manager. Tel 01539 793257 e mail- a.raven@southlakeland.gov.uk

## APPENDICES ATTACHED TO THIS REPORT

<b>Appendix No.</b>	
<b>1</b>	<b>LETTER OF APPEAL FROM KENDAL JUDO CLUB</b>
<b>2</b>	<b>GUIDELINES FOR DETERMINING APPLICATIONS FOR DISCRETIONARY RATE RELIEF FROM SPORTING ORGANISATIONS</b>
<b>3</b>	<b>DELEGATED EXECUTIVE DECISION DEX/33 8<sup>th</sup> May 2014</b>

## BACKGROUND DOCUMENTS AVAILABLE

There are no background papers to this report.

## TRACKING INFORMATION

<b>Assistant Director</b>	<b>Portfolio Holder</b>	<b>Solicitor to the Council</b>	<b>SMT</b>	<b>Scrutiny Committee</b>
03/07/14	03/07/14	03/07/14	10/07/14	n/a
<b>Executive (Cabinet)</b>	<b>Committee</b>	<b>Council</b>	<b>Section 151 Officer</b>	<b>Monitoring Officer</b>
n/a	23/07/14	n/a	03/07/14	03/07/14
<b>Human Resource Services Manager</b>	<b>Leader</b>	<b>Ward Councillor(s)</b>	<b>Use these boxes for additional tracking</b>	<b>Use these boxes for additional tracking</b>
n/a	n/a	n/a		

**Kendal Judo Club**

The Dojo, Parkside Road, Kendal, Cumbria, LA9 7QJ

[www.kendaljudoclub.co.uk](http://www.kendaljudoclub.co.uk)

Local Taxation Team

SLDC

South Lakeland House

Ref: 52527298

SOUTH LAKELAND  
DISTRICT COUNCIL  
RECEIVED

17 JUN 2014

REVS &amp; BENS

Friday, 13 June 2014

Dear Sirs,

We are writing on behalf of Kendal Judo Club to appeal against the withdrawal of our Discretionary Rate Relief for the current year.

The reason given for refusal is that our annual subscription exceeds £150 and may therefore deter people from seeking membership.

Our members all pay a monthly fee which the Judo Club has always called a "mat fee". Prior to our move to the new Dojo members paid an annual membership fee of £50 - £100 depending on the type of membership and then paid a "mat fee" for hire of the facilities each time they attended a judo class. This system was extremely hard to control as keeping records of who had paid for which classes was difficult. The current system where members pay 1 monthly fee which includes a portion for club membership and a portion for mat/facilities hire, which with the odd exception goes directly into the bank, was thus set up to make things simpler.

Our fees have been the same since moving to the new Dojo 8 years ago but following our recent AGM the difficult decision to increase them slightly was made.

The new monthly rates are as below

Sports Club – Membership £10 + Mat/Hire fee £10

Junior Judo – Membership £10 + Mat/Hire fee £15

Senior Judo – Membership £10 + Mat/Hire fee £20

Family Judo – Membership £20 + Mat/Hire fee £25 (2 or more family members attending judo classes)

Players have to be members of Kendal Judo Club in order to be covered by our insurances and the membership portion on the fee is for this and our affiliation to the British Judo Association.

Kendal Judo Club is a World Class facility with a double mat competition area which boasts the 2012 Olympic Judo mats. In addition to being a well renowned Club with an excellent reputation within the Judo world, Kendal Judo Club also provides a Community Sports Facility for the area.

Our reputation as a successful club means we are used as a venue by the British Judo Association and North West Area Judo for some of their training camps and courses, we were a pre-Olympic training venue for the Oceania Olympic Judo and Boxing Teams and have a team coming from Vanuatu for pre-Commonwealth Games training. We also continue to run a number of our own successful competitions and training camps throughout the year and are a centre for the BJA AASE programme which we currently have 5 athletes attending with a further 4 due to start in September. As a club we also help lead the way in some of Judo's national initiatives to ensure the sport is all-inclusive as we have visually impaired players and are also holding a women only training camp late next month.

As a community facility we run an elite sports training academy 3 mornings a week for athletes of all disciplines, run self-defence classes, run classes for Kirkbie Kendal and Wings School, run sports events for local primary schools such as our Olympic Sports Day in 2012 and our up-coming Commonwealth Sport Weekend, and take judo classes into local schools. We aim to provide openings for young people to enjoy sport and inspire them to take up sport, specifically judo and no-one who shows an interest is turned away.

Other Sports organisations such as the fell Running Association, Kendal Rugby Club and the Jujitsu Association also make use of our Facilities and coaches.

The total revenue from membership subscriptions and mat fees, including the new increase will bring in approximately £19,000 in revenue at our current level of members. The actual basic running costs of The Dojo and Kendal Judo Club will be around £56,000 leaving a substantial shortfall of £37,000 for the current year.

With the exception of grant funding for specific purchases such as our new Olympic mat in 2012 and to help with putting on special events such as our Commonwealth Sports Weekend Kendal Judo Club is completely self-funded. All the extra events we hold which are hard work for the team of mainly volunteers who are involved in their organisation and running but are an essential and necessary source of income in addition to helping maintain the profile and continued success of Kendal Judo Club.

Running costs are always increasing and if we had to find a further £3374 to pay the extra rates from our current revenue we would have to make savings elsewhere. Our running costs have been cut back to the bare minimum over the last 2 to 3 years so any savings would now have to come from our player support fund meaning we could not support our athletes. This would be a move away from the ethos of the club where we have always supported our Judoka at all ages and levels in order that they can participate and develop in the sport of judo whatever their ability.

We would ask that you re-consider your decision in the light of the information given above and if you would like any further details please do not hesitate to contact one of the signatories below

Yours Faithfully

Nick Hill (Club Trustee)

Jackie Holmes (Club Treasurer)

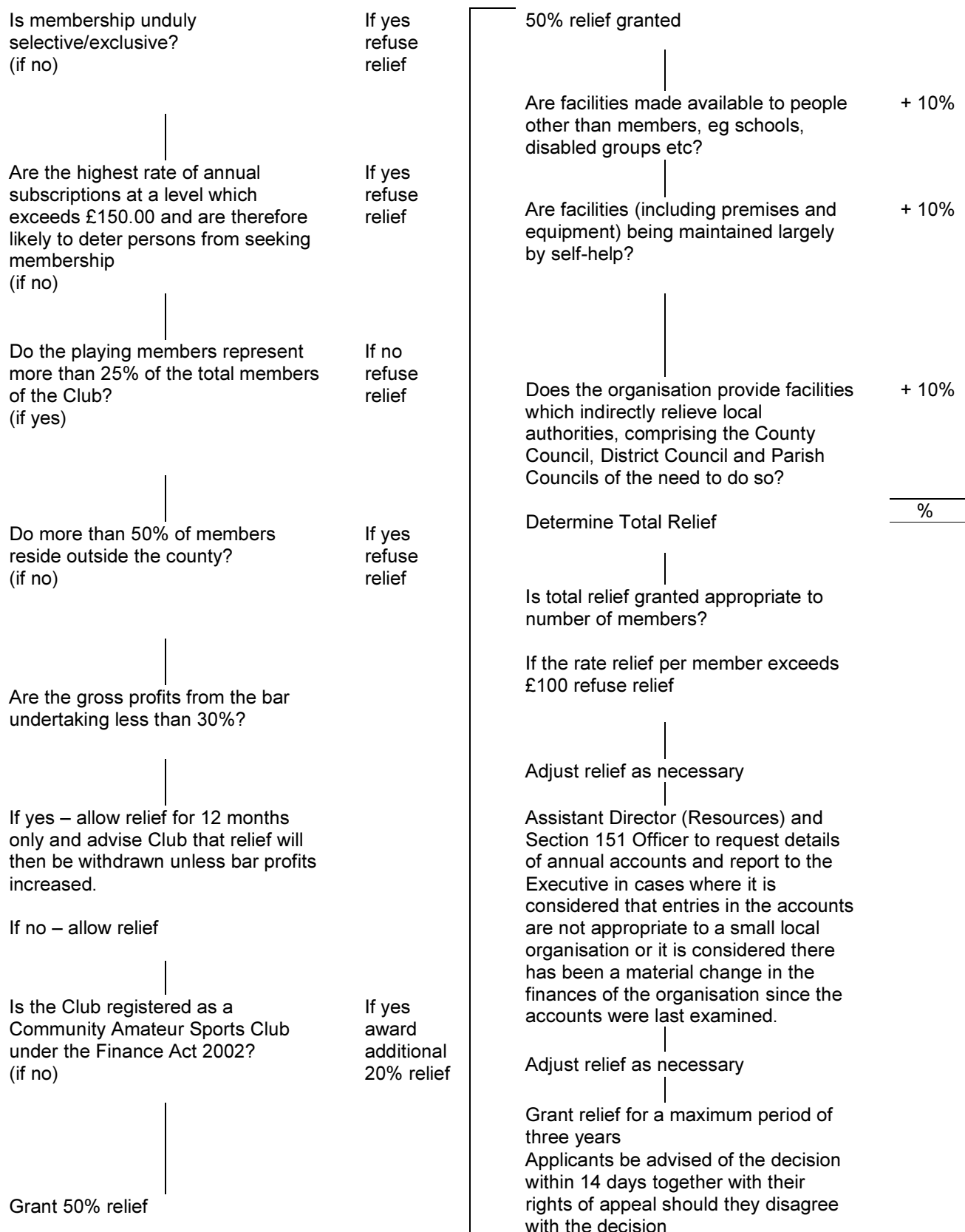
Mike Liptrot (Club Coach)



## APPENDIX 2

### GUIDELINES FOR DETERMINING APPLICATIONS FOR DISCRETIONARY RATE RELIEF FROM SPORTING ORGANISATIONS

1. The award of discretionary rate relief to sporting clubs is to help achieve our priorities and targets set out in the Council Plan and will take into account the following factors:



2. The Assistant Director (Resources) and Section 151 officer be authorised to determine applications for discretionary rate relief from all Sporting Organisations up to a maximum limit of £10,000 relief in any individual case.
3. Applicants are to be advised of the decision within 14 days together with their rights of appeal.
4. Any appeal must be made in writing and received within one calendar month of the date of the letter giving notification of the original decision and will be considered by a Panel of three Cabinet Members not involved in the original decision and sitting as a Discretionary Rate Relief Appeals Panel.

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**APPLICATIONS FOR DISCRETIONARY RATE RELIEF - SPORTING ORGANISATIONS****(ASSISTANT DIRECTOR (SECTION 151 OFFICER))****Summary**

Consideration was given to approving Discretionary Rate Relief for sporting organisations within the District for 2014/15, in line with new policies agreed by the Cabinet on 28 January 2014.

**Decision**

**(1) Discretionary Rate Relief be awarded to Sporting Organisations at the percentages as listed in Appendix 2 of the report for the period 1 April 2014 to 31 March 2015, namely:-**

Ref	Name	Amount of Relief	Total %
50179141	Milnthorpe Corinthians FC	£327.82	80
50637351	Sedbergh Bowling Club	£23.62	20
50466521	Hawkshead Bowling Club	£31.33	20
50195831	Endmoor Bowling Club Per JD Ridgway	£113.27	20
50127361	Arnside Sailing Club	£489.84	80
50179251	Milnthorpe Cricket Club	£414.52	20
50063151	Kendal Squash Club	£616.96	20
52238271	North Lonsdale Tennis Club	£80.98	20
50453661	The Leven Valley Croquet and Tennis Club	£65.55	20
50399251	Ulverston Sports and Recreation Association	£3,971.77	80
50204991	Burneside Bowling Club	£218.54	80

08.05.2014

Delegated Executive Decisions

Ref	Name	Amount of Relief	Total %
52161201	Kendal Snowsports Club	£3,374.00	20

**(2) Discretionary Rate Relief be refused for Kendal Judo Club as they do not meet the criteria as set out in Appendix 1 of the report.**

**(3) 20% Discretionary Rate Relief be awarded to Windermere Sports Club for the period 1 April 2014 to 31 March 2015 but withdrawn after that period unless gross bar profits increase to 30% or above, as set out in Appendix 1 of the report.**

**Reason for Decision**

The awards are in line with new policies agreed by Cabinet on 28 January 2014 (CEX/123).

The Council has a priority to develop health, wellbeing and physical activity programmes that are accessible to residents and visitors and support sustainable modern leisure facilities.

**Alternative Options Considered and Rejected**

All applications could have been approved, but this was not recommended as it would not be in line with Council policies and priorities. Council policy did require a review of all applications.

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