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SOUTH LAKELAND DISTRICT COUNCIL

South Lakeland House, Kendal, Cumbria LA9 4UQ

www.southlakeland.gov.uk



**You are requested to attend a meeting of
the Lake Administration Committee
on Friday, 29 June 2018, at 2.00 p.m.**

in the The Marchesi Centre, Holly Road, Windermere LA23 2AF

Committee Membership

South Lakeland District Council

Robin Ashcroft
Matt Brereton
Andrew Butcher
Michael Cornah
Gill Gardner
Eamonn Hennessy
John Holmes
Kevin Holmes
Vicky Hughes
Andrew Jarvis
Dyan Jones
Eric Morrell
Doug Rathbone
Vivienne Rees
David Williams
Mark Wilson

Lakes Parish Council

Brian Hewitt

Leslie Johnson

Philip Thompson

Windermere Town Council

Kathleen Atkinson

Leith Hallatsch

Adrian Legge

Jennifer Borer

Peter Hamilton

Note – Where relevant, agendas for Members are labelled “Private Document Pack” and contain exempt information within the papers. Any relevant pages are marked as restricted within Agendas labelled “Public Document Pack”.

Wednesday, 20 June 2018

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

For all enquiries, please contact:-

Committee Administrator: Committee Services

Telephone: 01539 733333

e-mail: committeeservices@southlakeland.gov.uk



AGENDA

Page Nos.

PART I

1 CHAIRMAN

To elect a Chairman of the Committee for the ensuing year.

2 APOLOGIES

To receive apologies for absence, if any.

3 VICE-CHAIRMAN

To elect a Vice-Chairman of the Committee for the ensuing year.

4 MINUTES

To authorise the Chairman to sign, as a correct record, the minutes of the meeting of the Committee held on 13 April 2018 (copy attached).

5 - 8

5 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.

6 TERMS OF REFERENCE

(a) To note the following Terms of Reference for the Lake Administration Committee in accordance with the Council's Constitution:-

"The functions of the Council in relation to the management of land at Lake Windermere pursuant to an agreement dated 1 April 1975 between the Council, Windermere Parish Council and Lakes Parish Council as set out in Regulations 2(10) of the Functions Regulations."

(b) To note the Agreement for the Constitution of the Lake Administration Committee as agreed in 1975 (copy attached).

9 - 12

7 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

To consider whether the item in Part II of the Agenda should be considered in the presence of the press and public.

8 PUBLIC PARTICIPATION

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so by no later than 0:01am (one minute past midnight) two working days before the meeting. Information on how to make the application can be obtained by viewing the Council's Website www.southlakeland.gov.uk or by contacting the Committee Services Team on 01539 733333.

(1) Questions and Representations

To receive any questions or representations which have been received from members of the public.

(2) Deputations and Petitions

To receive any deputations or petitions which have been received from members of the public.

9 WINDERMERE LAKE USERS FORUM

13 - 14

To receive a report from the Chair of the Lakes Users Forum.

10 PROGRESS REPORT

15 - 16

To consider an update on progress relating to decisions made at previous meetings of the Committee, as at 15 June 2018.

11 APPOINTMENTS TO OUTSIDE BODIES 2018/19

17 - 20

To consider annual reports from Members appointed to serve on outside bodies during 2017/18 and to nominate representatives to serve on outside bodies for the forthcoming year, 2018/19.

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)

12 UPDATE ON COMMERCIAL LEASES AND ANNUAL ENCROACHMENTS

21 - 26

- *Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*
- *Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

To update Members on commercial leases and annual encroachments.

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LAKE ADMINISTRATION COMMITTEE

Minutes of the proceedings at a meeting of the Lake Administration Committee held in the The Marchesi Centre, Holly Road, Windermere LA23 2AF, on Friday, 13 April 2018, at 10.00 a.m.

Present

Councillors

Sue Sanderson (Chairman)

Roger Bingham
Andrew Butcher
Stan Collins

Gill Gardner
Dyan Jones
Annie Rawlinson

Vivienne Rees
Graham Vincent
David Williams

Representing Lakes Parish Council

Leslie Johnson

Representing Windermere Town Council

Kathleen Atkinson
Jennifer Borer

Leith Hallatsch
Adrian Legge

Apologies for absence were received from District Councillors David Evans, John Holmes and Phil Walker and Lakes Parish Councillors Fiona Sparrow and Philip Thompson.

Officers

Una Bell	Assistant Committee Services Officer
Frankie Flannigan	Lake and Parking Services Officer
Julia Krier	Solicitor (Property and Contracts)
Anthea Lowe	Solicitor to the Council
Dan Millican	Solicitor
Simon Rowley	Assistant Director Neighbourhood Services
David Sykes	Director People and Places

LA/38 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 26 January 2018.

LA/39 DECLARATIONS OF INTEREST

RESOLVED – That it be noted that no declarations of interest were raised.

LA/40 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That the items in Part II of the agenda be dealt with following the exclusion of the press and public.

LA/41 PUBLIC PARTICIPATION

The Solicitor to the Council informed the Members that as part of the annual review of the Constitution the General Public Participation scheme had been updated and the changes had been approved at the Council meeting on 28 March 2018. Members of the public wishing to make a representation would be required to register no later than 0:01am (one minute past midnight) two working days before the meeting.

RESOLVED – That it be noted that no questions, representations, deputations or petitions have been received in respect of this meeting.

LA/42 PROGRESS REPORT

The Director People and Places presented a report updating the Members on progress made on decisions taken at previous meetings of the Committee. He advised Members that the Lake User Forum's revised terms of reference had not yet been received and he would follow this up with the Lake District National Park Authority.

The Director People and Places confirmed that, at the June 2018 Lake Administration Committee meeting, there would be an appointment, from the Committee, to the Windermere Lake Action Plan Steering Group. Action Plan implementation planning was in progress, including engaging with other organisations.

With regard to the Windermere ferry ticket sales system, the Director People and Places highlighted the letter, included in the agenda pack, which had been sent to Cumbria County Council following the January meeting of the Lake Administration Committee. Councillor Dyan Jones addressed the Committee and informed them that she had attended the stakeholder meeting on 9 February 2018, it had been a very positive meeting with a number of user groups represented.

RESOLVED – That the report be noted.

LA/43 ENCROACHMENT APPLICATION TOWER WOOD OUTDOOR EDUCATION CENTRE

The Lake and Parking Services Officer presented a report which requested consideration of an application to replace two existing wooden jetties and to dredge an area of 190m² at the Tower Wood Outdoor Education Centre. He informed the Committee that the replacement jetties would be constructed from floating modular dock sections linked by hinged gangways and anchored by circular steel piles and that there would be an overall increase of encroachment area of 8.9m². He explained that the dredging would cover an area of approximately 190m² to achieve a depth of 1m and the dredged material would be used to build a wash wall to improve the flow of water into the Lake.

Members agreed that it was an excellent covering report and the application had been put together very well and provided full details of the proposals with supporting documents.

RESOLVED – That the application for permission to replace the two existing wooden jetties and dredge an area of 190m² at the Tower Wood Outdoor Education Centre be approved, subject to the applicant agreeing to a revised encroachment agreement.

LA/44 GUIDANCE NOTE REGARDING ENCROACHMENTS

The Solicitor to the Council presented a report which outlined the proposed guidance note regarding encroachments. The guidance note included the steps which would have to be taken by customers who wished to apply to have their commercial encroachment changed to residential and also outlined the documentary evidence which would be required to support an application. She explained that the guidance note had been produced following a request from Members. The Council's property advisors, Lambert Smith Hampton, had been consulted and the guidance reflected their comments.

Members gave consideration to the documentation which would be required to be submitted in support of an application.

RESOLVED – That

- (1) the guidance note attached at Appendix A to the report be adopted for approval; and
- (2) the Director of Policy and Resources (Monitoring Officer) and the Solicitor to the Council be delegated the authority to make minor amendments to the guidance for the purpose of adding clarity or to reflect any changes in legislation.

LA/45 PRESS AND PUBLIC

RESOLVED - That, under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the paragraphs indicated.

LA/46 UPDATE ON COMMERCIAL LEASES AND ANNUAL ENCROACHMENTS

- *Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*
- *Paragraph 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

The Solicitor to the Council presented a report which provided Members with an update regarding commercial leases and annual encroachments around the Lake and the current position in relation to debt recovery actions. She explained that progress on debt recovery had continued and there had been a number of meetings which were beginning to show results.

Members were informed that an issue had arisen relating to the timeliness of correspondence regarding the fee increase for annual encroachments. This had now been resolved and steps put in place to ensure that the issue did not reoccur.

Members agreed that it was excellent to see the continued progress of debt recovery.

RESOLVED – That the report be noted.

LA/47 FERRY NAB UPDATE

- *Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

The Director People and Places presented an update report on the completion of works at Ferry Nab boathouse. The update had been requested by Members at the meeting of the Lake Administration Committee on 26 January 2018. He informed the Members that the update referred to the report which had been presented to the Committee in June 2017 and which was attached at appendix 1 to the report.

Members considered the content of the report and agreed that a site visit would be very useful.

RESOLVED – That the report be noted.

LA/48 RE-ADMISSION OF PRESS AND PUBLIC

RESOLVED – That the press and public be re-admitted to the meeting.

The meeting ended at 10.55 a.m.

DATED 21st April 1975

S.113

SOUTH LAKELAND DISTRICT COUNCIL

AND

WINDERMERE PARISH COUNCIL

AND

LAKES PARISH COUNCIL

A G R E E M E N T

for

the constitution of a Sub-Committee
for the Administration of Windermere
Lake

Alan F. Winstanley
Stricklandgate House
Kendal

ms/pf

THIS AGREEMENT is made the 11th day of April One thousand nine hundred and seventy-five BETWEEN SOUTH LAKELAND DISTRICT COUNCIL whose office is at Stricklandgate House Kendal in the County of Cumbria (hereinafter called the District Council) of the first part WINDERMERE PARISH COUNCIL whose office is at Windermere in the said County of the second part and LAKES PARISH COUNCIL whose office is at Ambleside in the said County of the third part

WHEREAS:-

(1) The District Council are by virtue of the Local Government Act 1972 and various Orders made thereunder the owners of the bed of Lake Windermere situate within the area of the District Council and have resolved subject to the Windermere Parish Council foregoing their right to register a dispute to the transfer of the bed of the said Lake to the District Council that (a) the administration of the Lake be dealt with by a Sub-Committee of the District Council's Tourism Recreation and Amenities Committee which Sub-Committee is constituted as hereinafter provided and (b) subject as hereinafter contained the administration of all Lake matters including the management of the District Council's properties connected therewith be delegated to the said Sub-Committee

(2) The Windermere Parish Council have requested the District Council in consideration of the Windermere Parish Council foregoing their right to register a dispute to the transfer of the bed of the said Lake to the District Council as aforesaid to enter into an agreement for the purpose of guaranteeing the constitution of and delegation of powers to the said Sub-Committee which the District Council have agreed to do

(3) It has been agreed that the Lakes Parish Council should be made a party to this agreement

IT IS HEREBY AGREED as follows:-

1. IN consideration of the Windermere Parish Council foregoing their right to register a dispute to the transfer of the bed of the said Lake to the District Council the District Council hereby agrees that in accordance with the before recited resolution the said Sub-Committee shall consist of twenty-four persons eight of whom shall be co-opted members (five of such co-opted members to be appointed by Windermere Parish Council and the remaining three co-opted members to be appointed by the Lakes Parish Council) and the remaining sixteen of whom shall be members of the District Council's Tourism Recreation and Amenities Committee (eight of whom shall represent District Council wards incorporating parishes abutting on the Lake and/or who have experience of Lake Administration) The co-opted members shall be appointed by the Parish Councils at the annual meetings of the Councils in the year of the ordinary Parish Council elections and shall hold office until their successors are appointed pursuant to this clause Any vacancy amongst the co-opted members arising from death or resignation shall be filled by an appointment by the Parish Council whose representative has thus ceased to be a member and any person so appointed shall hold office until the annual meeting of the Council which appointed him held in the year of the ordinary Parish Council elections In accordance with the foregoing provisions of this clause the first co-opted members shall hold office until the annual meetings of the Parish Councils in 1976 A person appointed as co-opted member shall take office as soon as the proper officer of the Parish Council which appointed him has given

written notice thereof to the proper officer of the District Council_____

2.—THE Chairman of the Sub-Committee shall be appointed from the sixteen members of the said
Tourism Recreation and Amenities Committee_____

3.—THE District Council in accordance with the before recited resolution hereby delegates to
the said Sub-Committee the administration of all Lake matters including the management of
the District Council's properties connected with the Lake and undertakes that the necessary
moneys to carry out the functions hereby delegated and the appropriate staff to execute the
decisions of the Sub-Committee shall be made available to it by the District Council PROVIDED
ALWAYS that before acting on any matter involving the adoption of any new policy or the
substantial extension or substantial modification of any existing policy the Sub-Committee
shall report thereon to the District Council's Policy and Finance Committee and obtain the
approval of the District Council to their proposed course of action_____

4.—ANY dispute under or arising out of Clause 3 of this Agreement shall be referred to a single
arbitrator in accordance with the provisions of the Arbitration Act 1950 or any statutory
modification or re-enactment thereof for the time being in force_____

5.—THIS Agreement shall remain in full force and effect until such time as agreement to the
contrary is reached between the parties hereto_____

6.—THE first co-opted members shall be:—_____

Representing Windermere Parish Council:

Councillor A. Brooks

Councillor F. A. Bullivant

Councillor T. B. Shelton

Councillor E. P. Simpson

Councillor C. W. Tyson

Representing Lakes Parish Council:

Councillor J. Holmes

Councillor M. Horrax

Councillor A. D. Mossop

AS WITNESS the hands of Alan Forshaw Winstanley Secretary and Legal Services Officer of
the District Council Daniel Shepherd Clerk of the Windermere Parish Council and Frank Ronald
Smith Clerk of the Lakes Parish Council the day and year first before written_____

SIGNED by the said)
ALAN FORSHAW WINSTANLEY)
in the presence of)

SIGNED by the said)
DANIEL SHEPHERD)
in the presence of)

SIGNED by the said)
FRANK RONALD SMITH)
in the presence of)

Report from the Windermere Lake User Forum June 2018

Members of the Lake Administration Committee will be aware that elected members of SLDC and appointed members of the LDNPA agreed to a new Plan for Windermere which no longer recognises the Lake User Forum as a Partner.

The members of the Lake User Forum had become increasingly frustrated that the views of lake users were not being acted upon in policies, developments and plans affecting and taking place around the lake over recent years. Investment made into the shore side developments and facilities so often omitted the relatively small requests from the wider and diverse lake users.

This invariable meant that the meetings became more confrontational. Ultimately the decision to exclude the Forum from the partners in the Windermere Plan was not a surprise. However it has created a concern about how the voice of those with interests in the lake can now have their views known. The proposed method of an annual conference and reliance on staff from the two authorities being able to represent the views of thousands of people is not thought to be sufficient. Some representatives retired from the Forum and the remaining members met to review a way forward. The meeting was very positive and it was decided that a new approach should be considered.

At this time the commercial operators, public transport providers, sailors and power boat representatives are considering the formation of a less structured association of lake users. Boat Clubs have expressed an interest in joining such an association should it be created. The wealth of knowledge and diversity of views across differing activities and uses and within the same activities is very complex. The Forum provided valuable knowledge and views on such important issues as the review of the Bye Law, Exemption Policy, Event Registration Scheme and proposed Boat Safety Scheme. It also provided an important role in helpfully holding authorities to account to deliver what they promise.

The reality of lake users is that they do not fall into one category. Many users enjoy diverse activities on the lake. In fact some people or families can participate in sailing, swimming, canoeing and power boating all in one day or on a regular basis. It is hoped that if such an association can be created with multiple strands of interest rather than one chair with representatives for specific interest groups, that this new association will be able to provide access to independent and experienced lake users for the two authorities as their officers take responsibility for implementing the projects within the Lake Windermere Plan.

The plan for the Lake is very limited and focused and shows no links to the other Plan for Windermere and Bowness. These two plans show no links the LDNPA local plan for Windermere, Bowness and Ambleside. Hopefully someone is keeping an overall control on this diverse approach to managing this precious area and keeping the efficiency and costs of administering these various plans relative to their focused topics. There are many aspects of lake use, such as car parking, boat storage, fuel and management of lake use that are no longer part of any plan and it is hoped that these will not remain blind to planning and development considerations by omission.

Kind regards

Carole Shaw
Previous Chair of the terminated Lake User Forum.

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LAKE ADMINISTRATION COMMITTEE

PROGRESS REPORT: as at 12 June 2018

Minute no.	Report Title	Committee Date	Progress	Due date	Officer
LA/21	Lake User Forum Engagement Protocol	5 October 2012	<ul style="list-style-type: none"> • A short report from the Lake User Forum is contained in the Agenda for this meeting. The report refers to the possibility a lake users association being formed, with a view to providing access to independent and experienced lake users. • The Management Strategy Working Group, LDNPA and SLDC have stated a willingness to consider how an independent forum may be engaged in the approach to stakeholder engagement in the delivery of the Lake Action Plan, dependent upon the terms of reference of the forum – or association. • Wider stakeholder engagement approaches are to be developed through the workings of the Action Plan Delivery Group 	29 th June 2018	David Sykes
LA/21	Windermere Lake Action Plan 2017-2022	6 th October 2017	<ul style="list-style-type: none"> • Officer Delivery Group has been established • First meeting of the Steering Group to take place late July 2018 to consider the delivery plan. 	Committee Appointment to Steering Group on this agenda	David Sykes
LA/48	Ferry Nab Update	13 April 2018	<ul style="list-style-type: none"> • Following an update report by the Director People and Places regarding the completion of works at Ferry Nab Boathouse, Members agreed that a site visit would be very useful. 	Site visit arranged for 29 June 2018	David Sykes and Jim Maguire

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South Lakeland District Council

Lake Administration Committee

Friday, 29 June 2018

Appointments to Outside Bodies 2018/19

Portfolio:	Not Applicable
Report from:	Director of Policy and Resources (Monitoring Officer)
Report Author:	Una Bell – Assistant Committee Services Officer
Wards:	Ambleside & Grasmere; Windermere; Broughton & Coniston; Cartmel and Bowness & Levens
Forward Plan:	Not applicable

1.0 Expected Outcome

- 1.1 This report is presented to receive any updates from Members on the Windermere Management Strategy Working Group and to nominate representatives to serve on the new Windermere Lake Action Plan Steering Group for the forthcoming year.

2.0 Recommendation

2.1 It is recommended that the Lake Administration Committee:-

- (1) if appropriate, notes any reports from Members on the work of the Windermere Management Strategy Working Group for the period 2017/18; and
- (2) appoints representatives to serve on the Windermere Lake Action Plan Steering Group for the forthcoming year, in accordance with the makeup of the Group's membership as set out in paragraph 3.4.

3.0 Background and Proposals

- 3.1 Members appointed as representatives to outside bodies are required to provide an annual report. Where written reports are not provided, Members may wish to take the opportunity to report orally at the meeting.
- 3.2 The Committee is asked to receive and note the report from Members serving on the Windermere Management Strategy Working Group and to consider nominating representatives to serve on the new Lake Action Plan Steering Group in accordance with the membership requirements set out in paragraph 3.6 below.
- 3.3 In 2017/18, appointments were made to the Windermere Management Strategy Working Group which, most recently, over saw the development of the new Windermere Lake Action Plan 2017-2022.
- 3.4 The draft Windermere Lake Action Plan 2017-22 was adopted by this Committee at its meeting in October 2017. The Action Plan confirmed that Authority oversight on plan delivery and review will be provided by a Members' Steering Group comprising members from the Lake District National Park Authority and the Lake Administration Committee. The remit of the Windermere Lake Action Plan Steering Group is:

- To drive and oversee the delivery and review of the Windermere Lake Action Plan
- To receive progress reports from the Delivery Group
- To consider and agree amendments to the Plan in light of delivery and circumstantial changes.
- To enable community accountability for the Plan's delivery and achievement.
- To make recommendations to the appropriate decision making committee in the Authorities where relevant.

The Membership of the Group is proposed as:

- Lake District National Park Authority – 2 members
- Lake Administration Committee – 4 members, comprising 2 SLDC members and 1 member each from Lakes Parish Council and Windermere Town Council.

Meetings are to take place on a 6 monthly basis.

3.5 The Committee is asked to appoint 2 District Council members, 1 Lakes Parish Council member and 1 Windermere Town Council member.

4.0 Consultation

4.1 Not applicable

5.0 Alternative Options

5.1 Not to appoint representatives, this would be counter-productive to the work of the Committee.

6.0 Links to Council Priorities

6.1 To assist in the delivery of the priorities of the Council Plan through partnership working.

7.0 Implications

Financial, Resources and Procurement

7.1 Members appointed to serve as representatives on outside bodies are entitled to claim for travel and subsistence as detailed within Schedule 2 of Part 6 of the Council's Constitution - Members' Allowances Scheme. Provision for this has been made within the Council's Revenue Budget.

Human Resources

7.2 Not applicable.

Legal

7.3 Not applicable.

Health, Social, Economic and Environmental

7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No

7.5 If you have not completed an Impact Assessment, please explain your reasons: *This proposal is considered to have a neutral impact.*

Equality and Diversity

7.6 Have you completed an Equality Impact Analysis? No

7.7 If you have not completed an Impact Assessment, please explain your reasons: This proposal is considered to have a neutral impact.

Risk

Risk	Consequence	Controls required
Not to appoint representatives	This would be counterproductive to the work of the Committee	Representatives to be appointed

Contact Officers

Una Bell, Assistant Committee Services Officer, 01539 793248,
una.bell@southlakeland.gov.uk

Background Documents Available

None.

Tracking Information

Signed off by	Date sent
Legal Services	18/06/2018
Section 151 Officer	18/06/2018
Monitoring Officer	18/06/2018
SMT	N/A

Circulated to	Date sent
Assistant Director	18/06/2018
Human Resources Manager	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	29/06/2018
Executive (Cabinet)	N/A
Council	N/A

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By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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of the Local Government Act 1972.

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