

LAKE ADMINISTRATION COMMITTEE

Minutes of the proceedings at a meeting of the Lake Administration Committee held in the District Council Chamber, South Lakeland House, Kendal, on Friday, 5 October 2018, at 10.00 a.m.

Present

Councillors

David Williams (Chairman)
Matt Brereton (Vice-Chairman)

Robin Ashcroft
Roger Bingham
Andrew Butcher
Gill Gardner

Eamonn Hennessy
John Holmes
Vicky Hughes
Dyan Jones

Eric Morrell
Doug Rathbone
Mark Wilson

Representing Lakes Parish Council

Brian Hewitt

Philip Thompson

Representing Windermere Town Council

Jennifer Borer

Leith Hallatsch

Peter Hamilton

Apologies for absence were received from District Councillors Kevin Holmes, Andrew Jarvis and Vivienne Rees, Lakes Parish Councillor Leslie Johnson and Windermere Town Councillors Kathleen Atkinson and Adrian Legge.

Officers

Inge Booth

Senior Committee Services Officer

Frankie Flannigan

Principal Lake and Parking Services Officer

Julia Krier

Solicitor (Property and Contracts)

Debbie Storr

Director of Policy and Resources (Monitoring Officer)

LA/14 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 29 June 2018.

LA/15 DECLARATIONS OF INTEREST

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

LA/16 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That, should discussion be necessary, the item in Part II of the Agenda be dealt with following the exclusion of the press and public.

LA/17 PUBLIC PARTICIPATION

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

LA/18 PROGRESS REPORT

The Director of Policy and Resources (Monitoring Officer) presented a report updating Members on progress made on decisions taken at previous meetings of the Committee, as follows:-

LA/21 (5 October 2012) – Lake User Forum Engagement Protocol – The Director of Policy and Resources (Monitoring Officer) indicated that this item could now be removed, as it had been replaced by engagement through the officer delivery groups working on the actions within the Windermere Lake Action Plan, which formed part of the second item on the progress report.

LA/21 (6 October 2017) – Windermere Lake Action Plan 2017-2022 – The Director of Policy and Resources (Monitoring Officer) reported that the second meeting of the delivery group had taken place on 21 September 2018. The purpose of the delivery group was to deliver on the breakthrough actions within the Plan. A positive start had been made, with delivery groups having been set up. The next meeting was due to take place in December, and a report would be presented to the Lake Administration Committee in the new year.

RESOLVED – That the report be noted.

LA/19 LAKE WINDERMERE FEES AND CHARGES 2019/20

The Principal Lake and Parking Services Officer presented a report including proposals for Fees and Charges relating to Windermere Lake and the Lake Wardens Services from 1 April 2019 to 31 March 2020.

The fees covered four distinct areas, namely:-

- permanent and holiday moorings;
- yearly renewed encroachments (the commercial term leases were outside the scope of the Fees and Charges);
- ancillary services (including slipway, training, dinghy and winter storage); and
- marina berths.

The proposals sought to limit the increase in fees and charges whilst sustaining the Lake Income, and met the Medium Term Financial Plan requirements of a 2% rise where practicable.

RESOLVED – That the Fees and Charges, as set out in Appendix 1 to the report, be approved.

LA/20 PROPOSAL TO OFFER EXTENDED RESIDENTIAL ENCROACHMENT AGREEMENTS

The Director of Policy and Resources (Monitoring Officer) reported that the Council offered a number of different encroachment agreements, namely:-

- annual residential;
- annual commercial; and
- longer term commercial.

Currently, annual residential encroachment agreements were granted for a period of one year, but continued on a rolling yearly basis, taking the form of a licence agreement, which provided very little security to the customer. It was considered that there may be some benefit in granting longer-term agreements, in the form of a lease, to customers for residential encroachments. The proposal was to offer a lease agreement for a period of up to nine years, in line with Lambert Smith Hampton's current delegations. Rent reviews would follow the same format as currently, with the Lake Administration Committee approving the charges for each financial year as part of the fees and charges process. Subject to approval, the Council would offer the new agreements, with effect from 1 April 2019. In offering a lease, it was proposed that the relationship between Council and customer would take the basis of a formal landlord/tenant relationship, enabling a better understanding of each party's obligations.

In response to queries raised, the Director of Policy and Resources (Monitoring Officer) and the Solicitor (Property and Contacts) explained that the proposal related only to residential encroachments. Although the proposal was to offer agreements for a term of up to nine years, the period could be less, with break clauses also being negotiated within the agreements, as necessary. Appropriate provisions would be included in the agreements to address the possibility of a change in property ownership during the term of the agreement.

RESOLVED – That

- (1) the proposal to offer residential encroachment agreements to customers for a term of up to nine years, subject to customers having an up-to-date Lake encroachment account, be approved; and
- (2) Lambert Smith Hampton be delegated authority to agree the granting of such agreement.

LA/21

JETTY, SLIPWAY AND BOATHOUSE ALTERATIONS CALGARTH HALL BOATHOUSE, WINDERMERE

Members had been provided with a revised copy of Recommendation 2.1.1 c which now read, "removal and replacement of the existing slipway 2.5m south of its current location and to cover an area of 2.7m squared."

The Principal Lake and Parking Services Officer reported on an application for permission to replace the two existing jetties, relocate the slipway and add a balcony to the encroachment at Calgarth Hall. Attention was drawn to the fact that the Lake District National Park Authority had already approved an application to demolish the existing boathouse and to construct a new boathouse to include both jetties; the boathouse was located above the Council's registered title.

Details of the application under consideration were provided. It was also pointed out that an application for dredging had been received covering only the internal area of the boathouse.

RESOLVED – That

(1) the Director People and Places be delegated authority to grant permission, subject to the completion of a revised Encroachment Agreement, for the following:-

- (a) replacement of two existing wooden jetties;
- (b) installation of a glass balustrade balcony; and
- (c) removal and replacement of the existing slipway 2.5m south of its current location and to cover an area of 2.7m squared; and

(2) the intention of the applicant to undertake dredging to the internal area of the boathouse be noted.

LA/22

APPLICATION TO AMEND ENCROACHMENT STATUS - WATERSEDGE, STORRS PARK, WINDERMERE

The Director of Policy and Resources (Monitoring Officer) presented an application for an alteration in the charging rate relating to the Boathouse, Watersedge, Storrs Park, Windermere, from a commercial charging basis to a residential basis. The premise of the application was that the property had been transferred into a family trust for inheritance tax purposes but was being used, and always had been used, as family property.

Appendix 2 to the report was the guidance that had been approved by the Lake Administration Committee in April 2018. The report also drew attention to the fact that, for Council Tax purposes, the property was classified as being a small business. In addition, the applicant was of the opinion that the charging had been on a commercial basis since the Trust had been created in 2013. It was pointed out, however, that it was only in April 2018 that a decision had been made by the Committee to allow those who held property in trust but used it for residential purposes to make an application for consideration by the Committee for the commercial encroachment to be treated as a residential encroachment. It was noted that, in accordance with the guidance approved by the Committee in April 2018, any decision to change the charging status to residential would take effect from the first day of the month following the decision having been made.

Note – During consideration of the item, Members voted to move into Part II to discuss Appendix 1 to the report which contained a copy of the application and supporting documents.

LA/23

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 it involves 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/24 APPLICATION TO AMEND ENCROACHMENT STATUS - WATERSEDGE, STORRS PARK, WINDERMERE - APPENDIX 1

- *Paragraph 2, 3 - Information which is likely to reveal the identity of an individual.*
- *Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

The Solicitor (Property and Contracts) provided clarification on a query relating to one of the supporting documents.

Note – Following this discussion, Members voted to move back into Part I.

LA/25 RE-ADMISSION OF PRESS AND PUBLIC

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

LA/26 APPLICATION TO AMEND ENCROACHMENT STATUS - WATERSEDGE, STORRS PARK, WINDERMERE

RESOLVED – That the application to alter the charging rate relating to the Boathouse, Watersedge, Storrs Park, Windermere, from a commercial charging basis to a residential basis be granted.

The meeting ended at 10.33 a.m.