

LAKE ADMINISTRATION COMMITTEE

Minutes of the proceedings at a meeting of the Lake Administration Committee held in the Assembly Room, Kendal Town Hall, Kendal, on Friday, 2 July 2021, at 11.00 a.m.

Present

Councillors

Doug Rathbone (Chairman)
Vicky Hughes (Vice-Chairman)

Giles Archibald
Pat Bell
Roger Bingham
Philip Dixon
Eamonn Hennessy

John Holmes
Kevin Holmes
Andrew Jarvis
Dyan Jones
Malcolm Lamb

Susanne Long
Brian Rendell
Ian Wharton

Representing Lakes Parish Council

Leslie Johnson

Paul Wileman

Representing Windermere Town Council

Jennifer Borer
Leith Hallatsch

Peter Hamilton
Kate Tripp

Apologies for absence were received from District Councillors Mark Wilson, Lakes Parish Councillors Brian Hewitt and Windermere Town Councillors Christine Hallatsch.

Officers

Linda Fisher

Legal, Governance and Democracy Lead Specialist
(Monitoring Officer)

Danielle Walls

Legal, Governance and Democracy Specialist (Solicitor)

Louisa Wania

Case Management Officer

LA/1 CHAIRMAN

RESOLVED – That Councillor Kevin Holmes be elected as Chairman of the Committee for the ensuing year.

LA/2 VICE-CHAIRMAN

RESOLVED – That Councillor John Holmes be elected as Vice-Chairman of the Committee for the ensuing year.

LA/3 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 22 January 2021.

LA/4 DECLARATIONS OF INTEREST

RESOLVED – That the following declaration of interest be noted:-

(1) Councillor Hughes declared an interest in agenda item 15 Encroachment Application Waterhead Marina.

LA/5 TERMS OF REFERENCE

RESOLVED – That the Terms of Reference and the Agreement for the Constitution of the Lake Administration Committee be noted.

LA/6 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

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

LA/7 PUBLIC PARTICIPATION

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

LA/8 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 item 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/9 FINANCIAL REPORT UPDATE ON COMMERCIAL LEASES AND ANNUAL ENCROACHMENTS

- *Paragraph 1,2,3,5 - Information relating to any individual.*
- *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)*
- *Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

- *Paragraph 1,2,3,5 - Information relating to any individual.*
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- *Information relating to the financial or business affairs of any particular person (including the authority holding that information)*
- *Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

The Legal Governance and Democracy Specialist (Solicitor) presented the financial report which provided Members with an update regarding commercial leases and annual encroachments around the Lake and the current position in relation to non-payment of rents and fees.

02.07.2021

Lake Administration Committee

RESOLVED – That the report be noted.

LA/10 RE-ADMISSION OF PRESS AND PUBLIC

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

LA/11 PROGRESS REPORT

Members gave consideration to a report which provided an update on progress being made on decisions taken at previous meetings of the Committee.

The Operational Lead (Delivery and Commercial Services) noted updates to the Windermere Lake Action Plan in light of the ongoing COVID-19 Pandemic.

A suggestion was raised for the need to achieve a Green Agenda for the Lake in order to assure the best safety and quality of water for the Lake and those who use it.

RESOLVED – That the report be noted.

LA/12 APPOINTMENT TO OUTSIDE BODIES 2021/22

The Legal Governance and Democracy Specialist (Solicitor) introduced the report. The Committee gave consideration to a report on the work of the Windermere Lake Action Plan Steering Group during 2020/21 and seeking nominations for representatives to serve on both that Steering Group and the Windermere Ferry Advisory Committee for the forthcoming year.

RESOLVED – That the following appointments of representatives to serve on outside bodies for 2021/22 be made:-

Organisation	Representative
Windermere Lake Action Plan Steering Group	Councillor Ian Wharton (South Lakeland District Council) Councillor Doug Rathbone (South Lakeland District Council) Councillor Paul William Wileman (Lakes Parish Council) Councillor Peter Hamilton (Windermere Town Council)
Windermere Ferry Advisory Committee	Councillor Ian Wharton

LA/13 POLICY FOR NEW ENCROACHMENTS

The Operational Lead for Delivery and Commercial Services presented a report seeking approval for a policy for new encroachment allowing Officers to not progress or present applications for new encroachments to the Lake Administration Committee for determination until all debts owed to the Council by the Applicant have been paid and confirmation that the Applicant is complying with all lease/Licence conditions.

The Operational Lead for Delivery and Commercial Services responded to questions raised by Members.

RESOLVED – That the policy as set out in Section 3 of the report be approved to provide officers and applicants with clarity around encroachment applications where applicants have outstanding debts or are failing to meet with lease conditions.

LA/14 INSTALLATION OF A BALCONY AT BLACKWELL BOATHOUSE STORRS PARK WINDERMERE

The Service Delivery Manager presented a report outlining an application seeking approval for the construction of a new projecting balcony at Blackwell Boathouse, Windermere. The application sought to install a new balcony consisting of a cantilever steel frame with timber deck and joists and timber balustrade with an overall encroachment of 9.57m² approx. The report included the Applicant's confirmation of the approved planning consent by The Lake District National Park Authority and stated that approval from the Environment Agency had also been sought.

RESOLVED – That the Lake Administration Committee, delegate the authority to the Director of Customer and Commercial Services to grant permission, subject to the completion of a new private encroachment agreement, for the following:-

- (1) Installation of a new balcony as outlined in Appendix 1 of the report.

LA/15 WINDERMERE LAKE WARDENS AND RANGERS ANNUAL REPORT 2019/2020

Note – Councillor Susanne Long left the meeting at 12.34 p.m.

The Service Delivery Manager presented a report which provided Members with the achievements and outcomes of the joint operational activities from 1st October 2019 to 30th September 2020.

RESOLVED – That the report be noted.

LA/16 ENCROACHMENT APPLICATION TO REPLACE EXISTING DILAPIDATED JETTY AT BUCKS YEAT LODGE PARK, NEWBY BRIDGE

The Service Delivery Manager presented a report which outlined an encroachment application to replace the existing dilapidated jetty for a like for like new traditional wooden jetty at Bucks Yeat Lodge Park Newby Bridge.

Members took issue with the wording "like for like" in the report, seeing as the proposed encroachment is to be larger than the existing jetty.

RESOLVED – That the application be deferred for officers to clarify the Policy wording, appreciating that this was required to be agreed by the Council and then to reassess this application once the clarification to the policy had been agreed provided.

LA/17 ENCROACHMENT APPLICATION WATERHEAD MARINA

Note – Councillor Hughes having declared her interest left the room while this item was considered.

The Service Delivery Manager presented a report which outlined an encroachment application to construct a new marina containing 47 berths. The jetties will be floating platoons and include up to 14 piles driven into the lakebed to secure the facility. The Service Delivery Manager responded to questions raised by Members. Several Councillors raised concerns regarding an increase of traffic, specifically on the A591, and hence the

02.07.2021

Lake Administration Committee

possibility of issues relating to the availability of parking. The Operational Lead for Delivery and Commercial Services highlighted the fact that the Lake Administration Committee was concerned solely with the Lake encroachment, not with other issues that might arise from the development, such as parking concerns.

RESOLVED –That the Lake Administration Committee, delegate the authority to the Director of Customer and Commercial Services to grant permission, subject to the completion of a new private encroachment agreement, for the following:-

- (1) Construction of a new marina containing 47 berths at Waterhead.

The meeting ended at 1.09 p.m.