

LAKE ADMINISTRATION COMMITTEE

Minutes of the proceedings at a meeting of the Lake Administration Committee held in the Marchesi Centre, Holly Road, Windermere, LA23 2AF, on Friday, 4 October 2019, at 10.00 a.m.

Present

Councillors

Doug Rathbone (Chairman)

James Airey
Roger Bingham

Gill Gardner
Eamonn Hennessy

Kevin Holmes
Ian Wharton

Representing Lakes Parish Council

Leslie Johnson

Philip Thompson

Representing Windermere Town Council

Jennifer Borer
Christine Hallatsch

Leith Hallatsch
Peter Hamilton

Adrian Legge

Apologies for absence were received from District Councillors Robin Ashcroft, John Holmes, Vicky Hughes (Vice-Chairman), Andrew Jarvis, Dyan Jones, Malcolm Lamb, Eric Morrell, Brian Rendell and Mark Wilson and Lakes Parish Councillor Brian Hewitt.

Officers

Inge Booth	Legal, Governance and Democracy Specialist
Linda Fisher	Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Frankie Flannigan	Principal Lake and Parking Services Officer
Julia Krier	Legal, Governance and Democracy Specialist
Adam Moffatt	Case Management Officer
Simon Rowley	Director of Customer and Commercial Services
Josie Smith	Legal, Governance and Democracy Specialist
Polly Straker	Locality Team Leader
Sion Thomas	Operational Lead Delivery and Commercial Services

Also in attendance at the meeting was Richard Platt from Lambert Smith Hampton.

LA/15**CHAIRMAN'S ANNOUNCEMENT**

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) explained that the District Council Constitution stated that the quorum of a meeting of the Lake Administration Committee would be one quarter of the whole membership of that Committee comprising Council Members and Co-opted Members and that, according to the Council's Constitution, of those persons present, the Members of the Council should be in the majority.

There were currently seven District Council Members and seven Co-optees present. The Legal, Governance and Democracy Leader Specialist (Monitoring Officer), therefore, suggested that should one Co-optee be willing to leave the meeting, then the meeting could continue. She presented the alternative option for the meeting to be postponed.

Following a brief discussion, Windermere Town Councillor Adrian Legge volunteered to withdraw from the meeting.

Concern was expressed by District, Town and Parish Councillors with regard to the poor attendance at the meeting and Members of the Committee wished to ensure that their disappointment was conveyed.

The Chairman thanked Councillor Legge and sought to ensure that his presence at the commencement of the meeting be recorded. He also assured the Committee that representation would be made to those District Councillors who were not in attendance at the meeting to explain the impact of non-attendance. Furthermore, he suggested that this aspect of the Constitution might be re-examined.

Note – Windermere Town Councillor Adrian Legge left the room for the remainder of the meeting.

LA/16 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 5 July 2019.

LA/17 DECLARATIONS OF INTEREST

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

LA/18 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/19 PUBLIC PARTICIPATION

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

LA/20 PROGRESS REPORT

The Operational Lead Delivery and Commercial Services provided a verbal update on progress being made on decisions taken at previous meetings of the Committee. He informed Members that the Windermere Lake Action Plan Steering Group would be meeting in December.

RESOLVED – That the report be noted.

LA/21 LAKE WINDERMERE FEES AND CHARGES 2020/21

The Operational Lead Delivery and Commercial Services presented a report including proposals for Fees and Charges relating to Windermere Lake and the Lake Wardens Services for the 2020/21 financial year.

The fees covered six 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);
- marina berths;
- license fees; and
- legal fees.

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.

Discussion took place with regard to legal fees and the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) explained in detail the type of work carried out by the Legal Team in this regard.

RESOLVED – That the Fees and Charges, as set out in both Appendix 1 and 2 to the report, be approved.

LA/22

ENCROACHMENT APPLICATION TO INSTALL A NEW WOODEN JETTY AT LOUPER WEIR WINDERMERE

The Principal Lake and Parking Services Officer presented a report outlining a retrospective encroachment application to install a new wooden jetty at Louper Weir Windermere. The application provided details of the construction of the new jetty of a traditional wooden construction with wooden piles measuring 26.2m². The report indicated that a meeting had been held with the applicant, who had been unaware that the jetty had been installed due to a break down in communications with the sub-contractors. The report highlighted that the application had had full planning consent by the Lake District National Park Authority and the Environment Agency.

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) informed Members that the report written by the Officer had been based on the merits of the application and had not made a recommendation, due to the application being made retrospectively. In addition, she reiterated Members' comments that the application should be viewed afresh, ignoring the fact that the application had been made in retrospect.

Members expressed concern at the retrospective nature of the application and it was felt that a letter should be sent to the applicant expressing the Committee's disappointment. In addition, it was raised that the consultation process with regard to planning applications relating to encroachments might be re-examined.

RESOLVED – That

- (1) the Director of Customer and Commercial Services be delegated authority to grant permission, subject to the completion of a revised private encroachment agreement for the installation of a new wooden jetty at Louper Weir, Windermere; and
- (2) a letter be sent to the applicant, expressing the Committee's disappointment with regard to the retrospective application.

LA/23 ENCROACHMENT APPLICATION TO INSTALL TWO NEW WOODEN JETTIES AT THE LAKE DISTRICT BOAT CLUB WINDERMERE

The Principal Lake and Parking Services Officer presented a report outlining an encroachment application at the Lake District Boat Club, Windermere. The application sought to install two new wooden jetties at the Lake District Boat Club and remove the three old wooden jetties. The dimensions for the proposed northern jetty were 45.24m² and the southern jetty, 40.43m²; both jetties were to be located close to the original jetty locations. The report highlighted support from both the Lake District National Park Authority and the Environment Agency.

Members felt that the application presented an opportunity for improved use of space.

RESOLVED – That the Director of Customer and Commercial Services be delegated authority to grant permission, subject to the completion of a revised commercial encroachment agreement for the following at the Lake District Boat Club, Windermere:-

- (1) removal of three old wooden jetties; and
- (2) installation of two new wooden jetties.

LA/24 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/25 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.*

Lengthy consideration was given to a report presented by the Legal, Governance and Democracy Lead Specialist (Monitoring Officer), which provided Members with an update regarding commercial leases and annual encroachments around the Lake.

Members welcomed this positive report.

RESOLVED – That the report be noted.

LA/26 RE-ADMISSION OF PRESS AND PUBLIC

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

The meeting ended at 11.02 a.m.