

LAKE ADMINISTRATION COMMITTEE

Minutes of the proceedings at a meeting of the Lake Administration Committee held in the Assembly Room, Kendal Town Hall, on Friday, 21 January 2022, at 10.00 a.m.

Present

Councillors

Kevin Holmes (Chairman)
John Holmes (Vice-Chairman)

Giles Archibald
Pat Bell
Roger Bingham
Philip Dixon

Vicky Hughes
Andrew Jarvis
Dyan Jones
Malcolm Lamb

Ian Wharton
Mark Wilson

Representing Windermere Town Council

Jennifer Borer
Christine Hallatsch

Leith Hallatsch
Peter Hamilton

Kate Tripp

Apologies for absence were received from District Councillors Eamonn Hennessy, Susanne Long and Doug Rathbone, Lakes Parish Councillors Brian Hewitt and Paul Wileman.

Officers

Linda Fisher

Legal, Governance and Democracy Lead Specialist
(Monitoring Officer)

Frankie Flannigan

Service Delivery Manager

Adam Moffatt

Legal, Governance and Democracy Specialist

Simon Rowley

Director of Customer and Commercial Services

LA/18 MINUTES

RESOLVED – That the Chairman be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 2 July 2021.

LA/19 DECLARATIONS OF INTEREST

RESOLVED – That no Declarations of Interest were raised by Members.

LA/20 LOCAL GOVERNMENT ACT 1972 - EXCLUDED ITEMS

RESOLVED – That the items in Part II of the Agenda, item LA/26, be dealt with following the exclusion of the press and public

LA/21 PUBLIC PARTICIPATION

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

LA/22 PROGRESS REPORT

The Service Delivery Manager informed Members that there was no update to the progress made following the previous meeting.

LA/23 LAKE WINDERMERE FEES AND CHARGES 2023/23

The Service Delivery Manager presented a report including proposals for Fees and Charges relating to Windermere Lake and the Lake Wardens Service from 1 April 2022 to 31 March 2023. The proposals set out in the report set out an average increase of 2% to the fees and charges, which was in line with the Medium Term Financial Plan. Details of the specific changes were presented at Appendix 1 to the report.

Members raised a query regarding the changing situation surrounding inflation and suggested creating the opportunity to review the fees and charges in six months when there may be more information on any changes to inflation levels. In response, the Director of Customer and Commercial Services informed Members that although there was no mechanism in place to review fees and charges during the year, the situation would be monitored closely.

RESOLVED – That

- (1) the fees and charges as shown in Appendix 1, which show an increase of 2% to most fees and charges where practical, be approved; and
- (2) the Finance Lead Specialist (Section 151 Officer) be approved to build the fees and charges into the budget for 2022/23.

LA/24 THE FUTURE CONSTITUTIONAL ARRANGEMENTS FOR THE ADMINISTRATION OF LAKE WINDERMERE FOLLOWING THE 2023 LOCAL GOVERNMENT REORGANISATION (LGR)

The Director of Customer and Commercial Services presented a report providing an update regarding Local Government Reorganisation (LGR). He reminded Members that as part of the LGR process, South Lakeland District Council would be abolished in March 2023, with the new Westmorland and Furness authority covering the footprint of Eden, Barrow and South Lakeland districts. He added that assets and responsibilities of the Council would be transferred into the new Westmorland and Furness authority. Clarity had been sought from the Department of Housing, Levelling Up and Communities (DHLUC) specifically in relation to matters pertaining to the lake and the Council had been advised that such matters would be subject to a supplementary order or directions from Government.

The Director of Customer and Commercial Services noted that a number of questions had been raised by the Council for response from external legal advisors and DHLUC and that once responses had been received a further report would be raised with the Committee.

In response to a question regarding when the additional Order would be made, the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) informed Members that meetings between Chief Executives and the Government had been frequent since the start of the LGR process. She added that a request for further information on the Consequential Order had already been made. As a result of this communication, the DHLUC representative was aware that a meeting was required on the Lake due to the complex history and a requirement for an understanding of the background.

In response to a question regarding the Lake Administration Committee's ambition for the Lake beyond South Lakeland District Council, the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) reminded Members that the assets of the authorities involved in the LGR process would be transferred to the new authority and asked Members to be mindful of the remit of the Lake Administration Committee. She added that a meeting on the Lake had already been requested from DHLUC and that a follow up request would be made expressing the urgent need for a meeting on this matter.

Members felt that the Lake was a key priority in terms of any material issues that need to be clarified in the additional order and requested an amendment to the recommendation for this Agenda Item.

After discussion on the wording of the amendment, the proposed new recommendation would read as follows:-

- (1) the current position in the update report be noted by the Lake Administration Committee; and
- (2) meetings with government be requested urgently to ensure clarification of the content of the Consequential Order.

Following further discussion regarding the SCO the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) reminded Members that although clarification would be sought on the additional Order, with the SCO it had been communicated that it was not a consultation.

The amendment to the recommendation was proposed and seconded, a vote took place and it was

RESOLVED – That

- (1) the current position in the update report be noted by the Lake Administration Committee; and
- (2) meetings with government be requested urgently to ensure clarification of the content of the Consequential Order.

LA/25

ENCROACHMENT APPLICATION TO REINSTATE THE WOODEN JETTY AND ASSOCIATED DREDGING AT THE SAMLING HOTEL WINDERMERE WHICH IS LOCATED 275M FROM THE HOTEL

The Service Delivery Manager presented a report which outlined an application to reinstate a wooden jetty and perform associated dredging at the Samling Hotel Windermere, located 275 meters from the hotel on the eastern shore of the lake. The application included details of a handmade oak gate and a rope hand rail with removable oak posts and repair of the current steps to the jetty. The construction of the jetty was to be a traditional construction with timber piles measuring 6.63 meters squared subject to a survey following completion. The dredged area would cover an area of 20 meters squared to a depth of 1.5 meters to enable craft to berth. The application had been approved by the Lake District National Park Authority (LDNPA) and the Environment Agency.

Members raised a query regarding the impact the application would have on traffic, the Service Delivery Manager responded noting that historically a jetty had been at this location with entrance and exit points' already in existence and that this had been considered by the LDNPA when the application was approved.

RESOLVED – That authority be delegated to the Director of Customer and Commercial Services to grant permission, subject to the completion of a new commercial encroachment agreement for the following:-

- (1) reinstatement of the traditional wooden jetty; and
- (2) localised dredging to allow berthing.

LA/26 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/27 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.*

The Legal, Governance and Democracy Lead Specialist (Monitoring Officer) presented a report 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.

The meeting ended at 11.03 a.m.