

WESTMORLAND AND FURNESS COUNCIL LAKE ADMINISTRATION  
COMMITTEE

Minutes of a Meeting of the **Lake Administration Committee** held on Monday, 8 January 2024 at 10.30 am at District Council Chamber - Kendal Town Hall - Kendal Town Hall, Lowther Street, Kendal, LA9 4DQ

---

**PRESENT:**

Cllr G Archibald  
Cllr J Battye  
Cllr S Bavin  
Cllr M Brereton  
Cllr W Clark (Chair)  
Cllr L Hall  
Cllr A Jarvis  
Cllr D Jones  
Cllr D Rathbone  
Cllr M Robinson

**Lakes Parish Council**

Juliet Cunningham  
Philip Thompson  
Paul Wileman

**Windermere and Bowness Town Council**

Jennifer Borer  
Leith Hallatsch  
Peter Hamilton  
Adrian Legge  
John Saunders

**Officers in attendance:**

Pauline Cameron	Interim Senior Service Manager (Business Partnering) Accountancy
Ms P Duke	Director of Resources (Section 151 Officer)
Ms F Flannigan	Service Delivery Manager
Mr A Harty	Assistant Director of Corporate Assets, Fleet and Capital Programme
Mr A Moffatt	Democratic Services
Ms A Smith	Assistant Director Waste and Environmental Services
Mrs D Walls	Legal, Governance and Democracy Specialist (Solicitor)

**PART I ITEMS CONSIDERED IN THE PRESENCE OF THE  
PUBLIC AND PRESS**

### **31. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Westmorland and Furness Council Members Cllrs J Boak, J Cornthwaite, P Endsor, J Filmore and V Hughes. Councillor J Battye was in attendance as a substitute.

### **32. DECLARATIONS OF INTEREST/DISPENSATIONS**

Councillor P Hamilton (Windermere and Bowness Town Council) declared a pecuniary interest in Agenda Item No. 5 Lake Fees and Charges 2024/25 as he held a mooring on Windermere, but he confirmed that he was not predetermined on the item and would remain in the meeting for discussion and voting on the item.

The Chair, Cllr Clark declared a non-pecuniary interest in Agenda Item No.7 – Update on Commercial Leases and Annual Encroachments – as he knew one of the encroachment holders referred to within the report. He would leave the meeting during discussion and voting on the item and pass the Chair duties over to the Vice-Chair.

Following a query from Members the Solicitor noted that members must determine whether they were predetermined on an item.

### **33. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED**, that the press and public be excluded during consideration of Agenda Item No.10 – Update on Commercial Leases and Annual Encroachments – by virtue of Paragraph 1 of Part I of Schedule 12A of the Local Government Act 1972, as the report contains exempt information relating to an individual; Paragraph 1 – information relating to any individual; Paragraph 2 – information which is likely to reveal the identity of an individual and Paragraph 3 – information relating to the financial or business affairs of any particular person, (including the authority holding that information), and Paragraph 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

### **34. MINUTES OF THE PREVIOUS MEETING**

Members requested that the attendance to the meeting be corrected as nine co-opted Members were shown.

Following a query regarding the impact of encroachment applications on biodiversity which had been raised at the previous meeting, the Service Delivery Manager explained that although the document was used by Lake Wardens and during the monitoring and inspection of encroachment applications it would not be circulated to members and published for public inspection.

Members requested clarity regarding the Committee's role and responsibilities in relation to the removal of phosphorous, which had been raised at the previous meeting. Members were informed that they were able to determine an encroachment application based on their level of satisfaction with the water quality treatment plant.

**RESOLVED**, that the minutes of the previous meeting of the Committee held on 8 September 2023 be agreed subject to the amendment as above.

### **35. LAKE FEES AND CHARGES 2024/25**

The Director of Resources (Section 151 Officer) presented a report including proposals for Fees and Charges relating to the Windermere Lake Service area from 1 April 2024 to 31 March 2025.

The Shadow Authority for Westmorland and Furness Council had agreed the Westmorland and Furness Council Fees and Charges Policy, attached at Appendix 1 to the report, as part of the 2023/24 Budget and Medium Term Financial Plan 2023-2028 (MTFP), which stated under the general principles that:

*'General changes to fees and charges in line with inflation, would be approved as part of the budget setting process. On an exception basis where, following review, changes are proposed other than in line with inflation then these would also be approved as part of the budget setting process.'*

The September CPI rate announced had been 6.7% and this rate was proposed to be applied to all discretionary fees and charges for the Council in 2024/25 (10.1% 2023/24). The proposed 10% uplift for the 2024/25 Windermere Lakes Service charges (rounded to the nearest 10p) reflects a combination of the proposed 6.7% increase for 24/25 plus an additional 3.3% as the increase applied in 2023/24 was only 5% as opposed to the full inflationary uplift of 10%. This reflects the unprecedented high inflation during 2022/23 and in 2023/24.

The proposed increase of 10% to fees and charges ensured that the Council was able to meet the additional running costs as well as supporting the proposed additional lake wardens whose work will include supporting the effective collection of existing income.

Councillor D Rathbone proposed that the recommended 10% uplift to the fees and charges be approved and was seconded by Councillor L Hall.

Following a query regarding whether VAT was included within the 10% uplift in fees and charges, the Director of Resources (Section 151 Officer) agreed to provide a written response following the meeting.

Members requested clarity on the Council's budget work that had been done and why this had not been included as part of the report. The Director of Resources (Section 151 Officer) responded, noting that this was information that could be shared following the meeting and that it had been published as part of the Cabinet agenda at the meeting held in December. She emphasised the point made by the report that the uplift in fees would provide much needed investments for additional staff in the Lake Warden's office and from that also included in the budget was additional investment across all of the Council's assets recognising the Council's health and safety responsibilities.

Following a point that had been made regarding the income from the Lake, Councillor A Jarvis highlighted if the Lake had been a commercial property there would be an expectation that a surplus after costs would be made. He explained that any surplus from the lake should be used to benefit council tax payers by providing resources that would serve the community.

Councillor A Legge, noted that he would prefer to see the surplus ring-fenced to provide benefit and improvements to the area around the lake. He proposed an amendment to the substantive motion, that the increase be 5% rather than the recommended 10% as set out in the report. The amendment was seconded by Councillor J Borer.

Following confirmation from the Director of Resources (Section 151 Officer) that the Fees and Charges Policy approved by Council applied to all fees and charges Councillor A Legge proposed that his original amendment be withdrawn and that he proposed a revised amendment that the increase should be changed to 6.7% which was in line with the inflation from September 2023.

Members discussed the benefits of both the 10% and 6.7% uplift to the fees and charges in detail. It was felt that the importance of the lake to local residents was crucial and there was a balance that should be found regarding the collection fees from the lake and ensuring that local people and visitors were able to access the benefits of the lake without being priced out of its services.

The Director of Resources (Section 151 Officer) explained that Members' feelings regarding the budget and transparency had been noted and that it was important to focus on the unprecedented increase to inflation and the 5% uplift in fees that had been agreed in the previous year which was significantly below inflation at the time.

Members requested that officers take time to review the lake fees and charges to understand the cost base, services and potential for maximising fees from other sources. Members added that it was important that the distribution of fees between different types of boats and lake users be considered carefully.

Members expressed concern felt by local residents regarding potholes, the quality of bathrooms available to lake users and the maintenance of the facilities at Ferry Nab. It was noted that traditional local groups like the Windermere 17 Fleet could be impacted by the proposed uplift.

Members requested that alternative means of income from the lake be explored, including collecting fees from the Great North Swim, advertising available berths and extending some jetties.

Following a query from Members, the Service Delivery Manager highlighted the work being prepared by the Asset Team to improve the services and facilities around the Lake.

A vote was taken on the amendment to approve an uplift of 6.7%, the vote was lost.

A vote was then taken on the substantive motion, which was to approve an increase of 10% to the Lake Fees and Charges, as set out in the report and it was

**RESOLVED**, that

(1) the fees and charges for the Lake Service area, as shown in Appendix 1 to the report showing an increase of 10% to all fees and charges where practical, be approved; and

(2) the Section 151 Officer be delegated authority to build the fees and charges into the budget for Westmorland and Furness Council for 2024/25.

Following the vote on the item, Members continued the debate around the item. It was felt that a review of the recalibration of the future fees and charges was important and that a report should be brought to the Lake Administration Committee at its October 2024 meeting.

The Co-opted Members from Windermere and Bowness Town Council and Lakes Parish Council wished to record their concern regarding the result of the vote. They had hoped that a compromise could have been reached on the proposals.

Members requested that the playground and pathway at Rayrigg Meadow, be maintained regularly to keep its previous standards, which had attracted a large number of visitors since the work had been completed.

The Chair thanked Members for their constructive contributions to the debate on this item.

## **36. URGENT ITEMS**

There were no urgent items of business.

## **37. ELECTION OF A TEMPORARY CHAIR**

As the Chair had declared an interest in Minute No. 39 below, Members were asked for nominations for a temporary Chair for the final agenda item.

Councillor G Archibald proposed that Councillor D Rathbone be elected as Chair and was seconded by Councillor L Hall.

No further nominations were received.

A vote was taken and it was

**RESOLVED**, that

Councillor D Rathbone be elected as Chair for the remainder of the meeting.

***Note – Members passed a resolution for a brief comfort break at 11.42 a.m..  
The meeting reconvened at 11.52 a.m.***

### **38. 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.

### **39. UPDATE ON COMMERCIAL LEASES AND ANNUAL ENCROACHMENTS**

***Note – The Chair, Councillor W Clark, declared a non-pecuniary interest in this item of business, as he knew one of the encroachment holders referred to within the report. He left the meeting for the remainder of the meeting and Councillor D Rathbone, took the Chair as the Vice-Chair was unwell.***

The Solicitor presented a report updating Members on commercial leases and annual encroachments around Lake Windermere, and the current position in relation to non-payment of rents and fees as at 12 December 2023.

In the interests of transparency, it was recommended that this report would be a monitoring report by way of exception at future meetings, so it could be in the public part of the meeting.

Members discussed the future reporting and contents of the report in detail and asked a number of questions, which were responded to by the Director of Resources (Section 151 Officer) and the Solicitor.

**RESOLVED**, that the report be noted.

The meeting ended at 12.08 pm