

South Lakeland District Council

Full Council

28 March 2018

Request by Allithwaite Upper Parish Council to change the parish name to Lindale and Newton in Cartmel Parish

PORTFOLIO:	Not applicable
REPORT FROM:	Debbie Storr – Director of Policy and Resources (Monitoring Officer)
REPORT AUTHOR:	Debbie Storr – Director of Policy and Resources (Monitoring Officer)
WARDS:	Lyth Valley, Staveley in Cartmel
FORWARD PLAN:	not applicable

1.0 EXPECTED OUTCOME

- 1.1 The report sets out a request from Upper Allithwaite Parish Council for a change of name of the parish and seeks approval of the recommendation to the name of Lindale and Newton in Cartmel Parish.

2.0 RECOMMENDATION

2.1 It is recommended that:-

- (1) the Parish of Upper Allithwaite be renamed Lindale and Newton in Cartmel parish; and
- (2) a Notice be published in accordance with the statutory requirements detailed in the report.

3.0 BACKGROUND AND PROPOSALS

- 3.1 A request has been received from Upper Allithwaite Parish Council seeking the District Council's approval for a change of name of Upper Allithwaite Parish. The Parish Council has proposed that the parish should be renamed Lindale and Newton in Cartmel Parish as this provides a clearer description of the relevant geographical areas.
- 3.2 The Parish Council has consulted with local residents as part of its Community Plan Review, the details of which are provided in the attached letter from the Parish Council.
- 3.3 At the request of a Parish Council the District Council has power under section 75 of the Local Government Act 1972 to change the name of the

parish provided no other changes are proposed. The Parish Council's request is limited to the change of name of the parish and, therefore, can be considered and implemented by the District Council without the need for a Community Governance Review.

- 3.4 The Parish Council has consulted with the residents of the parish and publicised the intention to proceed with a name change. The Clerk has contacted parishes close by that have a link to Allithwaite and Cartmel but has had no response or objections from either.
- 3.5 Should the District Council approve the recommendation then pursuant to section 14 of the Local Government Act the Parish Council's name will automatically change to reflect the new name of the parish, and will therefore be known as Lindale and Newton in Cartmel Parish Council.

4.0 CONSULTATION

- 4.1 The District Council is not required to undertake any consultation in this matter. The Parish Council has undertaken consultation as detailed in the attached letter.
- 4.2 The Ward members have been consulted and are supportive of the proposal from the Parish Council.

5.0 ALTERNATIVE OPTIONS

- 5.1 The District Council could refuse the request, but this is not recommended as the Parish have indicated that they wish to see a name change.

6.0 LINKS TO COUNCIL PRIORITIES

- 6.1 Empowering local communities.

7.0 IMPLICATIONS

7.1 Financial and Resources

- 7.1.1 There are no financial implications associated with this report.

7.2 Human Resources

- 7.2.1 Electoral registers will be updated to reflect any change to the Parish name, this would be done within existing resources.

7.3 Legal

- 7.3.1 Section 75 of the Local Government Act 1972 enables a District Council to change the name of a parish where a request is received from a parish council. The 1972 Act does not require a consultation to be undertaken by the District Council when considering such a request. Due consideration however, must be given to the reasons for the request and the outcome of any consultation with residents undertaken by the parish council. These matters are set out within the report and letter from the Parish Council.
- 7.3.2 If the recommendation is approved the District Council is required to publish a notice confirming the change of name of the parish. This must be published within the Parish, and the District Council is also required to send copies to the Secretary of State, the Director General of the Ordnance Survey and the Registrar General.

7.3.3 Further in relation to the consequence of the change of parish name, section 75(3) of the LGA states that “a change of name made in pursuance of this section shall not affect any rights or obligations of any parish or of any council, authority or person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change”.

7.4 Health, Social, Economic and Environmental

7.4.1

Have you completed and Health, Social, Economic and Environmental Impact Assessment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, please confirm that it is attached to the report in the appendices.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If you have not completed an Impact Assessment, please explain your reasons.	<i>There are no issues arising for this report</i>	

7.5 Equality and Diversity

7.5.1 Have you completed an Equality Impact Analysis?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, please confirm that it is attached to the report in the appendices.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If you have not completed an Impact Assessment, please explain your reasons.	<i>There are no direct equality considerations arising from this report</i>	

7.6 Risk

There are no risks associated with this report.

CONTACT OFFICERS

Report Author – d.storr@southlakeland.gov.uk

APPENDICES ATTACHED TO THIS REPORT

Appendix No.	
1	Letter from Allithwaite Upper Parish Council dated 1 February 2018

BACKGROUND DOCUMENTS AVAILABLE

None

TRACKING INFORMATION

Assistant Director	Portfolio Holder	Solicitor to the Council	SMT	Scrutiny Committee
n/a		7.2.18	1.3.18	n/a
Executive (Cabinet)	Committee	Council	Section 151 Officer	Monitoring Officer
n/a	n/a	28.3.18	1.3.18	author
Human Resource Services Manager	Group Leaders	Ward Councillor(s)	Use these boxes for additional tracking	Use these boxes for additional tracking
n/a	5.3.18	22.2.18		