

**South Lakeland District Council**  
**Lake Administration Committee**  
**Friday, 13 April 2018**  
**Guidance Note regarding encroachments**

<b>PORTFOLIO:</b>	<b>Cllr Sue Sanderson</b>
<b>REPORT FROM:</b>	<b>Assistant Director Resources (Section 151 Officer)</b>
<b>REPORT AUTHOR:</b>	<b>Anthea Lowe</b>
<b>WARDS:</b>	<b>All Wards surrounding Lake Windermere</b>
<b>FORWARD PLAN:</b>	<b>Not applicable</b>

**1.0 EXPECTED OUTCOME**

- 1.1 This report will provide members with information that will allow them to reach a decision as to whether or not to adopt the guidance note attached at Appendix A which sets out the steps to be taken should a customer wish to have an annual commercial encroachment recorded as an annual residential encroachment.

**2.0 RECOMMENDATION**

**2.1 It is recommended that Lake Administration Committee:-**

- (1) **Approve for adoption the guidance note attached at Appendix A of this report; and**
- (2) **Delegate authority to the Director (Policy & Resources) and Solicitor to the Council to make minor amendments to the guidance for the purpose of adding clarity or to reflect any changes in legislation.**

**3.0 BACKGROUND AND PROPOSALS**

- 3.1 Members will recall that discussions have taken place regarding the need to have a process by which those encroachments that are recorded as annual commercial encroachments can be updated so that they are recorded as annual residential encroachments.
- 3.2 The guidance note attached at **Appendix A** sets out the proposed steps to be taken by customers who wish to apply to have their encroachments changed to residential and the evidence needed to support such an application.

**4.0 CONSULTATION**

- 4.1 Members of Lake Administration Committee have previously confirmed a wish for this guidance to be produced.
- 4.2 Lambert Smith Hampton, as the Council's property advisors and those who would deal with such matters have been consulted and the attached guidance reflects their comments.

## 5.0 ALTERNATIVE OPTIONS

5.1 It is open to Members not to adopt the attached guidance. This is not recommended as it will lead to a lack of clarity and consistency when dealing with such matters in the future.

## 6.0 LINKS TO COUNCIL PRIORITIES

6.1 This report links to the values set out in the Council Plan by demonstrating that we are listening to our customers, seeking continuous improvement in what we do and being efficient and transparent in our dealings with the public.

## 7.0 IMPLICATIONS

### 7.1 Financial and Resources

7.1.1 As there are different rates charged for annual commercial and annual residential encroachments, there may be a small financial impact arising out of any changes to the recording of annual encroachments. It is not possible, at this stage, to assess the likely extent of such impact but it is expected to be small.

### 7.2 Human Resources

7.2.1 There will be a need for LSH to ensure that there are adequate resources in place to deal with any applications received. Again, this is expected to be small.

### 7.3 Legal

7.3.1 There are no legal implications associated with this report.

### 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>The proposals contained in this report are expected to have a positive impact on such matters.</i>	

### 7.5 Equality and Diversity

7.5.1

Have you completed an Equality Impact Analysis?	Yes <input type="checkbox"/>	No <input 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>It is expected that the proposals contained in this report will have a neutral impact.</i>	

### 7.6 Risk

Risk	Consequence	Controls required
That no process will be in	There will be a lack of	Adopting the guidance

<b>Risk</b>	<b>Consequence</b>	<b>Controls required</b>
place to deal with requests to change from commercial to residential encroachments.	clarity and consistency in how the Council addresses such matters.	attached will ensure that such matters are dealt with effectively.

## **CONTACT OFFICERS**

Report Author – Anthea Lowe – Solicitor to the Council, 01539 793305

## **APPENDICES ATTACHED TO THIS REPORT \***

<b>Appendix No.</b>	
1	Guidance Note

## **TRACKING INFORMATION**

<b>Assistant Director</b>	<b>Committee Chair</b>	<b>Solicitor to the Council</b>	<b>SMT</b>	<b>Scrutiny Committee</b>
27 March 2018	27 March 2018	Report Author	N/A	N/A
<b>Executive (Cabinet)</b>	<b>Committee</b>	<b>Council</b>	<b>Section 151 Officer</b>	<b>Monitoring Officer</b>
N/A	13 April 2018	N/A	27 March 2018	27 March 2018
<b>Human Resource Services Manager</b>	<b>Leader</b>	<b>Ward Councillor(s)</b>	<b>Comms Team</b>	
N/A	N/A	N/A	27 March 2018	