

South Lakeland District Council
Council

28 July 2020

**Request to change the names of the Parishes of
Lower Allithwaite and Windermere**

Portfolio:	Not applicable
Report from:	Linda Fisher – Monitoring Officer
Report Author:	Tom Benson – Legal, Governance & Democracy Specialist
Wards:	Cartmel, Grange, Windermere, Bowness & Levens
Forward Plan:	Not applicable

1.0 Expected Outcome

- 1.1 The report sets out two separate requests from parish councils to change the name of their respective parish areas. Lower Allithwaite Parish Council seeks approval to change the name of the parish to Allithwaite and Cartmel. Windermere Town Council seeks approval to change the name of the parish to Windermere and Bowness.

2.0 Recommendation

2.1 It is recommended that Council:-

- (1) Agree that the Parish of Lower Allithwaite be renamed Allithwaite and Cartmel Parish; and**
- (2) the Parish of Windermere be renamed Windermere and Bowness; and**
- (3) Notices 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 Lower Allithwaite Parish Council seeking the District Council's approval for a change of name of Lower Allithwaite Parish. The Parish Council has proposed that the parish should be renamed Allithwaite and Cartmel Parish, as this provides a clearer description of the relevant geographical areas.
- 3.2 The Parish Council has consulted widely with local residents, the details of which are provided in the attached letter from the Parish Council.
- 3.3 A separate request has been received from Windermere Town Council seeking the District Council's approval for a change of name of Windermere Parish. The Town Council has proposed that the parish should be renamed Windermere and Bowness, recognising the community identity of Bowness-on-Windermere as a settlement of similar size to Windermere, as well as bringing the name in line with other community organisations as outlined in the attached report from Windermere Town Council.

- 3.4 Windermere Town Council consulted with residents on social media, the details of which are provided in the attached report.
- 3.5 At the request of a Parish or Town Council the District Council has power under section 75 of the Local Government Act 1972 to change the name of a parish provided no other changes are proposed. The requests of both Councils 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.
- 3.6 Both Councils have consulted with the residents of the parish and publicised the intention to proceed with a name change.
- 3.7 Should the District Council approve the recommendations then pursuant to section 14 of the Local Government Act 1972 the Council's names will automatically change and the District Council will publish a notice to this effect. Lower Allithwaite will be known as Allithwaite and Cartmel, and Windermere will be known as Windermere and Bowness.
- 3.8 The District Council will also send a copy of the notice to the Secretary of State, the Director General of Ordnance Survey and the Registrar General.

4.0 Consultation

- 4.1 The District Council is not required to undertake any consultation in this matter. The relevant parish council has undertaken consultation as detailed in the attached reports.
- 4.2 The Ward members have been consulted and no objections were raised to the proposals.

5.0 Alternative Options

- 5.1 The District Council could refuse the request. This is not recommended as Lower Allithwaite Parish Council and Windermere Town Council have both taken steps to canvass local opinion before requesting the change.

6.0 Links to Council Priorities

- 6.1 Empowering local communities.

7.0 Implications

Financial, Resources and Procurement

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

Human Resources

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

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 relevant Councils.
- 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. The District Council is also required to send copies of this notice 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 Local Government Act 1973 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”.

Health, Social, Economic and Environmental

- 7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? No
- 7.5 If you have not completed an Impact Assessment, please explain your reasons:
There are no issues arising for this report.
- 7.6 Summary of health, social, economic and environmental impacts.

Equality and Diversity

- 7.7 Have you completed an Equality Impact Analysis? No
- 7.8 If you have not completed an Impact Assessment, please explain your reasons:
There are no direct equality considerations arising from this report.

Risk

There are no risks associated with this report.

Contact Officers

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Appendices Attached to this Report

(delete if no appendices attached)

Appendix No.	Name of Appendix
1	Letter from Lower Allithwaite Parish Council dated 22 February 2020
2	Report from Windermere Town Council, sent by email on the 18 May 2020

Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	8 July 2020	13 July 2020
Monitoring Officer	8 July 2020	13 July 2020
CMT	4 June 2020	4 June 2020

Circulated to	Date sent
Lead Specialist	8 July 2020
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	8 July 2020
Committee Chairman	8 July 2020
Portfolio Holder	N/A
Ward Councillor(s)	8 July 2020
Committee	N/A
Executive (Cabinet)	N/A
Council	28 July 2020