

REPORT TO:	Environmental and Development Services Committee	AGENDA ITEM: 7
DATE OF MEETING:	26 January 2012	CATEGORY: DELEGATED
REPORT FROM:	Director of Operations	OPEN
MEMBERS' CONTACT POINT:	Tony Sylvester Development & Building Control Manager (EXT. 5743)	DOC:
SUBJECT:	Adoption Of Public Health Act 1925 For Street Naming And Numbering Function And Recovery Of Costs for related services	REF:
WARD(S) AFFECTED:	All Wards	TERMS OF REFERENCE: EDS

1.0 Recommendations

- 1.1 A. The adoption of sections 17 to 19 (inclusive) of the Public Health Act 1925.
B. The introduction of charges on a cost recovery basis only (based on hourly staff rates) in accordance with the Appendix 1 to this report.
C. That future charges be assessed annually (on a cost recovery basis) as part of the Council's review of fees and charges.
Subject to the Committee's approval of recommendation A that:
D. An Official Notice of Intention is published in a local newspaper as set out in paragraph 3 of the report.

2.0 Purpose of Report

- 2.1 To seek Committee's approval of:
(a) The formal adoption by the Council of Sections 17 to 19 (inclusive) of the Public Health Act 1925 in order to facilitate the street naming and numbering functions listed in this report (to supersede any previously adopted by any predecessor authorities).
(b) The statutory advertising required for the above purpose.
(c) The introduction of appropriate charging for all aspects of the Council's Street Naming and Numbering functions on a cost recovery basis as detailed in Appendix 1 attached.
- 2.2 The previous meeting of this Committee on 3 January has seen the budget for the service approved to include the revenue income identified here.

3.0 Detail

- 3.1 Sections 17 to 19 of the Public Health Act 1925, which give the Council power to control street naming and numbering, are 'adoptive' and therefore need to be formally adopted by the Council before they can be implemented.
- 3.2 The Local Government Act 1972 requires that the formal resolution to adopt the above provisions be preceded by the advertising of the Council's intention for two consecutive weeks in a local newspaper circulating in its area. The 1972 Act also

specifies that the formal resolution shall not take effect until a date not earlier than one month after the date of the resolution.

- 3.3 Section 17 of the Act requires that before any street is given a name, notice of the proposed name shall be sent to the Council by the person (usually a developer) proposing to name the street. The Council would then have one month to object to the proposed name. If the person proposing to name the street disagrees with any objection made by the Council, there is a right of appeal to the local Magistrates' Court. This provision would give the Council control over new street names proposed for use within its area.
- 3.4 Section 18 of the Act enables the Council to alter the name of a street, or part of a street or, if a name has not been given to it, to give a name to the street, or part of it. Any aggrieved person has a right of appeal to the changes proposed to a local Magistrates' Court.
- 3.5 Section 19 of the Act requires the name of every street to be marked in a conspicuous position in or near the street (e.g. by street name plates) and specifies the penalty that can be imposed on any individual who interferes with it.
- 3.6 It is essential that the Council maintain a comprehensive and high standard for this function so as to enable:
 - a) the reliable delivery of services, mail and products throughout its area,
 - b) the records of service providers to be kept in an effective manner,
 - c) visitors to find their destination and
 - d) emergency services to find properties quickly.
- 3.7 This service is currently provided by this Council free of charge to the applicant. Across the country a number of Local Authorities have been reviewing the way they provide this service and considering what actions could be taken to ensure that the wider community does not carry the cost of this activity.
- 3.8 The important consideration is that to be able to charge for this service it must be discretionary. This would then allow the Council to charge for the services under the Local Government Act 2003 should it choose to.
- 3.9 Street numbering provisions are contained in sections 64 and 65 of the Town Improvement Clauses Act 1847. These provisions are discretionary, so a Council may charge for the street numbering service if it has adopted this Act.
- 3.10 If section 18 of the Public Health Act 1925 is adopted, then section 21 of the Public Health Acts Amenity Act 1907 automatically ceases to apply. If section 19 of the 1925 Act is adopted, the street naming provisions in the Town Improvement Clauses Act 1847 will cease to apply.
- 3.11 Section 18 of the Public Health Act 1925 enables an authority to alter the name of a street and to give a name to an un-named street. The adoption of section 18 of the 1925 Act would enable (by virtue of section 93 of the Local Government Act 2003) charging for altering street names and giving names to streets, as section 18 is a discretionary power.

- 3.12 A number of authorities around the country are charging for street naming and numbering services, without first ensuring that these acts have been adopted. Legal advice given to them has been that unless they can prove adoption when challenged they will be open legal action. The recommendation for the Council to formally adopt the relevant legislation is specifically required as we are unable to prove adoption at any previous point in the Council's history. Following adoption, combined with the superseding of any previous historical policies will place the Council in a position to be able to charge a reasonable fee for this service.
- 3.13 Many Local Authorities only make charges for house re-naming. A smaller number presently make charges for all their naming and numbering services. Almost all of those Councils that do not charge are presently looking at a route that would allow them to adopt the discretionary acts and charge for all their service.
- 3.14 Although there was almost certainly some form of minuted adoption of Street Naming and Numbering Acts by one or other (or all) of the predecessors to the current Council, it has not been possible to pinpoint any formal documentation. For this reason the most sensible way forward for the Council if it wished to make reasonable charges for the service would be to formally adopt the Acts. This would then make its street naming and numbering powers discretionary and allow it to charge for the service should it wish.

4.0 Financial Implications

- 4.1 Additional income would be available to the Council if these proposals were accepted. Income would be highly dependant upon the economy and particularly the house building completions. For guidance purposes only, based upon last year's Street Naming and Numbering work the income for 2010-2011 would have equated to approximately £10,000 based on a charging regime designed to cover the estimated cost of the service to the Council as set out in Appendix 1.

5.0 Corporate Implications

- 5.1 The ability for the Council to cover its costs in regard to street naming and numbering has implications for the following theme of the Corporate Strategy:

"Value For Money" in that it would ensure that proper arrangements are in place to enable resources to be used efficiently and effectively. It should help to cut costs and enhance the customer experience through more sustainable resourcing.

6.0 Community Implications

- 6.1 "Sustainable development" - ensuring housing growth is accompanied by the provision of appropriate services and infrastructure, in this case mainly funded by the relevant developer and not at the expense of the Council Tax payer.

7.0 Conclusion

- 7.1 The current service provided by the Council's Building Control Unit for Street Naming and Numbering is free at the point of delivery even though it incurs a significant cost to the Council and legislation is available to make a charge to users of the service to cover the cost of the process. There is currently a lack of definitive information relating to any previously adopted legislation and it is therefore recommended that

the Council adopts relevant Acts of Parliament to allow the Council to implement discretionary charges for the service.

8.0 Background Papers

Town Improvement Clauses Act 1847 (street naming and numbering provisions)

Section 21 Public Health Acts Amenity Act 1907

Sections 17-19 Public Health Act 1925 (naming of streets and alteration and indication of street names)

Section 93 of the Local Government Act 2003

APPENDIX 1

Type of Charge	Current Fee £	Proposed Fee
Request to formally change an official name of an existing property	NIL	£35.00
Request for copy of notification of an issuing of an address	NIL	£20.00
Request to formally rename an existing street or unnamed road.	NIL	<i>£262.50 + £35.00 per household affected</i>
Request for the naming of a new street	NIL	£140.00 + £25.00 for every additional street dealt with at the same time
Request for the issuing of number or name (restrictions apply) to new properties 1-5 plots	NIL	£70.00
Request for the issuing of number or name (restrictions apply) to new properties 6-9 plots	NIL	£88.00
Request for the issuing of number or name (restrictions apply) to new properties 10 or more plots	NIL	£105.00
Request to amend a previously confirmed naming and numbering schedule (Restrictions apply)	NIL	<i>Price on Application</i>
Request for the naming of premises and Commercial/Industrial Estates	NIL	£35.00
Enquiries - Request for information tantamount to a search - Street Naming & Numbering	NIL	£70.00