

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council
AUTHOR/S: Chief Executive / Principal Solicitor

Date: 31 January 2008

THE NAMING OR RE-NAMING OF STREETS WITHIN THE DISTRICT

1 Purpose

The purpose of this Report is to ask Members to confirm adoption of the provisions of Sections 17, 18 and 19 of the Public Health Act 1925 to allow the Authority to name or re-name streets within the District Council area.

2 Executive Summary

Following Local Government reorganisation in 1972 the provisions in this Act were automatically transferred to District Councils if it could be shown that predecessor Authorities had operated these provisions, or alternatively the provisions had to be formally adopted. It has not been possible to confirm that prior to 1972 these provisions were in use and although this Authority appears to have utilised Section 18 of the Act a resolution to adopt these provisions cannot be found.

It seems likely that some time in the past the Council has indeed adopted these provisions but an extensive search of the records held at the Council offices has not been able to locate such a resolution. A formal Committee resolution will remedy any problem which may exist.

3 Background

Sections 17, 18 and 19 of the Public Health Act 1925 provide for the following:-

- (a) Section 17 makes it a requirement for a Notice to be given to a Local Authority before, or at a time when a street name is proposed, for example from Developers. The Local Authority can object to a street name and the Magistrates' Court will determine any dispute.
- (b) Section 18 allows the Local Authority to alter the name of a street or give a name to a street which does not have a name.
- (c) Section 19 allows the Local Authority to place name signs for a street and to renew them as and when they become illegible.

If the provisions of this Act are adopted then under Section 93 of the Local Government Act 2003 the District Council could charge for anything done for the provision of such a service, provided the person to whom the service is given has agreed to its provision.

4 Considerations

If the Council decides to adopt the provisions of the 1925 Act then the requisite notice needs to be given before such a resolution is made. The notice of the Council's intention to pass such a resolution has been advertised on two consecutive weeks in a local newspaper and served on every parish council/meeting in South Cambridgeshire. We have not had any objections to the proposals. The resolution will take effect not earlier than a month from the date of the Council decision.

5 Options

Although other options are available in other Acts of Parliament the provisions in the 1925 Act cover all other provisions and are therefore recommended for adoption.

6 Implications

There do not appear to be any major considerations in adopting the provisions of the 1925 Act and in summary the implications can be described as follows:-

Financial	If the Council of its own volition decides to take action to alter the names of streets, or give a street a name which does not have one then the cost could fall to the District Council. However, if a third party asks us to assist such as a resident in a particular street then at least there is the option of charging for the service on the basis that we have adopted the Local Government Act 2003 which would then allow us to charge provided the person/organisation agrees to the charge.
Legal	Set out in the main body of the report.
Staffing	Additional hours are likely to be needed to cover this work, however these can be met from within existing resources.
Risk Management	None specific.
Equal Opportunities	None specific.

7 Consultation

Consultation has been carried out as part of the process and is explained in paragraph 4 above.

8 Effect on Annual Priorities and Corporate Objectives

The report recommends that, for consistency and to prevent further ambiguity, Council take action to adopt formally legislative provisions allowing it to continue to provide a street naming and re-naming service. As such there are no direct effects on annual priorities or corporate objectives.

9 Conclusions/Summary

The District Council is asked to adopt the provisions of Sections 17, 18 and 19 of the Public Health Act 1925.

10. Recommendation

That Sections 17, 18 and 19 of the Public Health Act 1925 be adopted by the Council.

Background Papers: the following background papers have been used in compiling the Report:-

The legislative provisions in:-

The Public Health Act 1925, Sections 17, 18 and 19.

This document is available for public inspection in the Legal Department.

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