

CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting: 16th April 2012
Report of: Strategic Director , Places and Organisational Capacity
Subject/Title: Street Naming and Numbering Legislation:
Intention to Adopt

1.0 Report Summary

- 1.1 The report provides details of the various legislative provisions in respect of street naming and numbering and, in respect of street naming, requests that the Cabinet Member identifies which legislation is proposed to be adopted once the necessary statutory notice has been given.

2.0 Decision Requested

- 2.1 The Cabinet Member for Environmental Services is requested:
- 2.1.1 to note the legislative position outlined in Appendix A in respect of the numbering of properties;
- 2.1.2 to express the intention to pass a resolution to adopt the following legislation relating to street naming:
- (i) section 17 of the Public Health Act 1925;
 - (ii) section 21 of the Public Health Acts Amendment Act 1907; and
 - (iii) section 19 of the Public Health Act 1925
- 2.1.3 to authorise the giving of notice as required by paragraph 25 of Schedule 14 to the Local Government Act 1972 of the Council's intention to pass a resolution to adopt the legislation referred to at 2.1.2 above.

3.0 Reasons for Recommendations

- 3.1 In relation to street naming, it is necessary to take steps to formalise the position in respect of the legislation under which the Borough Council undertakes its street naming function.
- 3.2 Prior to passing any resolution to adopt such legislation, it is necessary to give notice of the intention to adopt as per the requirements within paragraph 25 of Schedule 14 to the Local Government Act 1972, as discussed in detail below.

4.0 Wards Affected

- 4.1 All Wards.

5.0 Local Ward Members

5.1 All Members

6.0 Policy Implications including – Carbon Reduction - Health

- 6.1 Subject to the adoption of the legislative provisions, the Cabinet Member will be asked to consider the approval of a policy in relation to the street naming and numbering function at a subsequent meeting.

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 Under s.93 Local Government Act 2003, a best value authority may charge a person for providing a service if the authority is authorised, but not required, to provide the service – that is the service must be discretionary. There must be a power to provide the service, the person receiving the service must agree to its provision, and the charge must not exceed the cost of providing the service.
- 7.2 Thus, the Council would be able to charge under certain provisions, such as the numbering of houses under section 11 of the Cheshire County Council Act 1980 (which is a discretionary service) but not others such as certain street naming services (since the duty to provide this service is not discretionary). Full details of the provisions which are discretionary, and therefore enable the Council to charge if desired, are contained within Appendix A. Information is provided in respect of charging to facilitate a decision regarding the proposed adoption of the legislation.
- 7.3 There will be a cost associated with the publication of the requisite statutory notice. These costs, which are estimated to be in the region of £2,500, will be met within existing budgets within the ICT (Information Management) Service.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The Legal Implications are contained within the body of the Report and Appendices.

9.0 Risk Management

- 9.1 In respect of street naming, should the Council not formally adopt the legislation, the mixture of the various provisions in operation in the former boroughs will remain. This may lead to inconsistency in application across Cheshire East.

10.0 Background and Options

- 10.1 The Council has the legal responsibility to ensure that streets are named and properties numbered. Prior to local government reorganisation this function was carried out by the former councils under different legislation, some of which has been difficult to identify; as a result, it is necessary for the Cheshire

East Borough Council to formalise its view as to which legislation it wishes to apply. The legislative position is complex, involving different Acts of Parliament, including local legislation in the form of the Cheshire County Council Act 1980. A detailed breakdown of the legislation is contained with Appendix A including, where relevant, the different options available to the Council.

- 10.2 As is set out within Appendix A, some provisions within the legislation are applied automatically, (some of which were repealed by the Cheshire County Council Act 1980) and others require a decision as to which legislation is to be adopted. All of which, taken together, should provide a suite of legislation enabling the Borough Council to perform its street naming, numbering and signing functions.
- 10.3 As a part of the adoption process, the Council is required to provide public notice of its intention to pass the resolution in a local newspaper for two consecutive weeks. It must also serve such notice, no later than the date on which the notice is first published in the newspaper, on every parish council or community council affected. Where there is no parish council, it must be served on the chairman of the parish meeting.

11.0 Access to Information

- 11.1 Sections 17-19 of the Public Health Act 1925
- 11.2 Section 21 of the Public Health Acts Amendment Act 1907
- 11.3 Sections 64 & 65 of the Town Improvement Clauses Act 1847
- 11.4 Section 11 of the Cheshire County Council Act 1980

The background papers relating to this report can be inspected by contacting the report writer(s):

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