

# CHESHIRE EAST COUNCIL

## Cabinet Member for Environment

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<b>Date of Meeting:</b>	24 <sup>th</sup> September 2012
<b>Report of:</b>	Strategic Director (Places and Organisational Capacity) & Borough Solicitor
<b>Subject/Title:</b>	Adoption of Street Naming Legislation and Amendments to the Officer Delegations of the Strategic Director (Places and Organisational Capacity)
<b>Portfolio Holder:</b>	Councillor R Menlove

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### 1.0 Report Summary

1.1 This report has two main purposes:

- 1.1.1 the adoption of legislation in respect of street naming and the approval of a policy in respect of street naming and numbering, including altering existing street names and numbers; and
- 1.1.2 the making of amendments to the Officer Delegations of the Strategic Director (Places & Organisational Capacity) in relation to traffic regulation orders, stopping up orders and street naming and numbering.

1.2 In respect of the first purpose, the Cabinet Member will recall that, at a meeting on 17<sup>th</sup> April 2012 consideration was given to various legislative provisions relating to street naming and numbering. The Cabinet Member resolved to express the intention to adopt certain legislation in respect of street naming. As resolved at that meeting, public notice has been given in accordance with Schedule 14 of the Local Government Act 1972 and therefore the Cabinet Member is now asked to adopt the legislation. The Cabinet Member is also requested to approve the Street Naming and Numbering Policy attached at Appendix A. This policy would supersede any previous policy in respect of street naming and numbering. This draft policy was considered by the Environment and Prosperity Scrutiny Committee on 24<sup>th</sup> July 2012. The draft minute of Environment and Prosperity Committee is attached at Appendix B

1.3 In respect of the second purpose, the Cabinet Member is being asked to approve amendments to the delegations to the Strategic Director (Places & Organisational Capacity) as a result of the adoption of street naming legislation, but also to remove the formal requirement to consult with the Portfolio Holder for Environmental Services in the making of certain decisions. These amendments, together with other minor amendments, are being sought as a tidying up exercise and can be found at Appendix D.

## **2.0 Recommendations**

2.1 The Cabinet Member for Environment is requested to resolve that:

- (1) the provisions of section 17 and 19 of the Public Health Act 1925 and section 21 of the Public Health Act Amendment Act 1907 be adopted and to apply throughout the Borough of Cheshire East with effect from 27<sup>th</sup> August 2012;
- (2) the Street Naming and Numbering Policy at Appendix A be approved;
- (3) the charges relating to street naming and numbering listed in the Policy be approved; and
- (4) the changes to the delegations to the Strategic Director (Places & Organisational Capacity) within the Council's Constitution, by the deletion of paragraphs 16.1.13 and 16.2 and the insertion of the paragraphs in Appendix D, be recommended to the Constitution Committee.

## **3.0 Reasons for Recommendations**

- 3.1 In relation to street naming, as the requisite public notice has been given, the Cabinet Member may now adopt the legislation for dealing with street names.
- 3.2 Given the importance of address management for all those persons using it, it is considered appropriate to adopt a policy which sets out the Council's requirements and procedure in the naming and numbering of streets.
- 3.3 In respect of those street naming and numbering functions which are discretionary, the Council may apply charges and therefore it is appropriate for the Cabinet Member to set the level of such charges.
- 3.4 In respect of the amendments to the delegations to the Strategic Director (Places & Organisational Capacity), implementation of these delegations since 1 April 2009 has highlighted some areas where the decision making procedure could be simplified. Such a simplification is to remove the formal requirement for the Strategic Director to consult with the Portfolio Holder for Environmental Services in the making of traffic regulation orders, stopping up orders and street naming and numbering decisions. Other minor amendments to the delegations are being sought as a tidying up exercise.

## **4.0 Wards Affected**

- 4.1 All Wards.

## **5.0 Local Ward Members**

- 5.1 All Members

## **6.0 Policy Implications including Carbon Reduction and Health**

- 6.1 The decision requests that approval is given for the adoption of a policy in relation to street naming and numbering.

## **7.0 Financial Implications (Authorised by the Borough Treasurer)**

- 7.1 Under section 93 of the 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 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 Section 10 of the Policy.

## **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 choose not to 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**

### Street naming and numbering

- 10.1 A place matters, and knowing where that place is allows the Council to provide a better service for its customers. As more and more systems rely on some form of location database it becomes increasingly important to have confidence in the Council's address holding systems and processes. Such address data is made available to the Royal Mail who provide the postcode and post town information and it is also supplied to the emergency services, with the Fire Service having agreed to adopt the National Land and Property Gazetteer (NLPG) as its address database from 2011. All local authorities are required to develop a Local Land and Property Gazetteer (LLPG) which is a definitive master list of all land and property addresses within the authorities' areas. The Council's own LLPG will form part of the NLPG and will be the definitive master address list for all services to use and

will have live links to all other major systems, namely Council, Electoral Registration, Finance, Planning, Environmental Health, Neighbourhood Services and Customer Relationship Management.

- 10.2 The policy at Appendix A reflects emerging national best practice and thus will ensure the information fed into the LLPG will be consistent locally and eventually nationally when it is fed into the NLPG. The LLPG is held and managed by the Council's address management team located within the Places Directorate and it is this team which oversees the allocation, management and use of all addresses used by the Council.
- 10.3 The Environment and Prosperity Scrutiny Committee considered the policy at its meeting on 24<sup>th</sup> July 2012. It resolved:
1. That the Portfolio Holder for Environment be recommended to approve the Policy subject to the comments highlighted above.
  2. That a progress report outlining the agreed charges and income generated be brought back to a future meeting of the Committee.
- 10.4 As detailed in the report to the Cabinet Member of 17<sup>th</sup> April 2012, the Council has the legal responsibility to ensure that streets are named and properties numbered. As the requisite notice has been given, Cabinet may adopt the legislation detailed in the decision, at paragraph 2.1.
- Delegations to Strategic Director
- 10.5 Presently under the Constitution, the Strategic Director Places has delegated authority to approve routine traffic management orders, highway stopping up and alley gating orders and variations to pedestrian crossing schemes under the Road Traffic Regulation Act 1984 and Highways Act (paragraph 17.13 on page 119 of the Constitution). The Strategic Director also has delegated authority, in consultation with the Portfolio Holder, to undertake consultation and advertisement of traffic management and regulation orders, stopping up and alley-gating orders, and street naming proposals (paragraph 17.2 on page 120 of the Constitution). The relevant extracts of the Constitution, can be found at Appendix C.
- 10.6 It is proposed that all of the actions required in respect of traffic regulation orders, highway stopping up and alley-gating orders and variations to pedestrian schemes be undertaken by the Strategic Director Places acting alone. In practice, the Portfolio Holder for Environmental Services will continue to be consulted in respect of these matters through his regular meetings with officers. At the same time, it is proposed that paragraphs 16.1.13 and 16.2 can be merged to avoid duplication of powers. The proposed revised wording of these paragraphs can be found at Appendix D.

10.7 Further changes to these delegations are sought to reflect the decisions to be made in respect of street naming and numbering as provided above. Again, the proposed new wording can be found at paragraph 16.2 in Appendix D. At present, the Strategic Director (Places & Organisational Capacity), in respect of any public consultation regarding street naming proposals, must consult with the Portfolio Holder. It is proposed that the Strategic Director can act alone. Further, at present, the Constitution refers only to street naming and not numbering therefore it is also necessary to amend the Delegations to include reference to the numbering of properties and in all respects, to state the legislation under which the Council carries out its street naming/numbering functions.

10.8 The powers of the Portfolio Holder and Cabinet to take decisions in accordance with the Constitution is not affected by any of the proposed changes.

### **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

11.5 The Environment and Prosperity Scrutiny Committee Agenda and dated 24<sup>th</sup> July 2012

The background papers relating to this report can be inspected by contacting the report writer(s). The background paper 11.5 is available on the Council's website: [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

Name: Neil Morgan

Designation: Programme Manager (Structured Data)

Tel No: 01270 686290

Email: [neil.morgan@cheshireeast.gov.uk](mailto:neil.morgan@cheshireeast.gov.uk)

Name: Fiona Crane

Designation: Lawyer

Tel No: 01270 685847

Email: [fiona.crane@cheshireeast.gov.uk](mailto:fiona.crane@cheshireeast.gov.uk)