

POLICY & FINANCE COMMITTEE

23 SEPTEMBER 2021

STREET NAMING AND NUMBERING POLICY

1.0 Purpose of Report

1.1 To update Members on the street naming and numbering function of the Council and to seek authorisation to:

- adopt a new Street Naming and Numbering Policy; and
- formalise the legislation the Council will use to carry out this function.

2.0 Background Information

2.1 The District Council has a statutory duty to name and number streets and to approve and register official property addresses within its Council boundary. The powers are contained in Sections 64 & 65 of the Towns Improvement Clauses Act 1847 and Sections 17-19 of the Public Health Act 1925. However, only one of these Acts may be utilised by an authority in (a) street naming and (b) numbering (see section 7 below 'Legal Implications'). At present we use the 1847 Act in respect to street numbering and 1925 Act for street naming and have done so for some time, although it has not been possible to find the Council's resolution to this effect. All new addresses are allocated according to the British Standard BS7666-2006 (Spatial datasets for geographical referencing. General model for gazetteers and spatial referencing).

2.2 The address of a property is of importance to ensure the following:

- post is delivered efficiently;
- emergency services can find a property quickly;
- the general public can find where they want to go;
- reliable delivery of products and services; and
- ensuring ongoing accuracy of the National Address Gazetteer (NAG).

2.3 If a property is not "registered" through the street naming and numbering process it will not appear on our local gazetteer. Updates of changes to addresses and our Local Land Property Gazetteer (LLPG) are provided to a number of organisations, including Royal Mail, emergency services, credit agencies, satellite navigation system suppliers and many private companies. Furthermore, in our experience difficulties may be encountered in obtaining mail, goods and services from a variety of sources (e.g.: applying for a credit card or obtaining goods by mail order) when address information is not maintained.

2.4 The Data Co-operation Agreement – Street Naming & Numbering (SNN) – Practice Working Group, working closely with representatives from local authorities, issued technical guidance to councils on the collection of street and address information. This forms the basis of our proposed policy and will be followed where possible.

- 2.5 The main purpose of the proposed policy is that every property in Newark and Sherwood has a unique, clear and consistent address. This includes both new and converted properties, large developments and single in-fill plots, residential and commercial buildings as well as properties which may not have had official addresses assigned in the past.
- 2.6 Currently the authority has Street Naming and Numbering Guidance which was first drafted in November 2010. Since this time, it has been updated to account for changes in the Business Unit and Officer’s names as well as changes to the fees charged.
- 2.7 Whilst the current document provides useful guidance in terms of naming and numbering, in order to facilitate a consistent, logical and agreed approach to the naming and numbering of addresses across the District, it is considered that formal adoption by the Council of a Street Naming and Numbering Document [alongside the legislation that will be used] will provide clarity as well as detail the agreed policy approach. Continuing without adoption will continue the confusion and complaints received as the authority is sometimes challenged over naming and numbering assignments.

3.0 Legal Implications

3.1 The Legislation under which naming and numbering can be carried out is:

- Section 21 Public Health Acts Amenity Act 1907 (alteration of street name)
- Sections 17-19 Public Health Act 1925 (naming of streets, alteration of street name and indication of street names “meaning types and placing of street signs”)
- Sections 64 and 65 of the Town Improvement Clauses Act 1847 (house numbering and street naming)

3.2 Adoption of one piece of legislation can mean that another piece cannot lawfully be used. The table below provides a useful guide of the options:

Street Numbering	1847 Act	1847 Act	1847 Act	1847 Act
Street Naming	1907 Act	1847 Act	1847 Act	1925 Act
	1925 Act (Sections 17 and 19 only)	1907 Act	1925 Act (Sections 17 and 18 only)	

3.3 It can therefore be seen that in relation to numbering, only the 1847 Act may be used. For naming, adoption of Section 18 of the Public Health Act 1925 causes Section 21 of the Public Health Acts Amenity Act 1907 automatically to cease to apply. Adoption of section 19 of the 1925 Act causes the street naming provisions in the Town Improvement Clauses Act 1847 to cease to apply. The relevant extracts of each of the above pieces of legislation are provided within **Appendix A**.

3.4 The Council has historically applied Sections 17 (naming of streets) and 18 (Alteration of name of streets) of the Public Health Act 1925 and Sections 64 (Buildings to be Numbered) and 65 (Numbers to be renewed by occupiers) of the Town Improvement Clauses Act 1847. The process of each of the scenarios within the table area:

Alteration of Street Name

- The 1907 Act relates to the alteration of a street name or putting up of a street name sign/markings. Changes to a street name requires a referendum with two thirds of the council tax payers in the street to agree to the change. This could clearly be very contentious and resource intensive.
- 1925 Act (Section 18) requires the Council to put up a notice at each end of the street proposed to be re-named. No decision may be made before the passing of one month. Anyone aggrieved with the proposed name has a right of appeal to the Magistrates court.

Naming of a Street

- 1925 Act (Section 17) requires an applicant submits their proposal to the Council for consideration. The decision on the proposed name must be given within one month of the receipt of the application. The applicant has a right of appeal against any refusal of the proposed name to the Magistrates Court. The benefit of utilising this Section is the Council is able to charge the developer the equivalent of the cost of the time for dealing with the applications. A disadvantage as set out below is the short timescale for determining such proposals and giving meaningful notification time to Town/Parish Councils.
- 1847 Act (Section 64) allows the Council to name a street – no application is required to be submitted and the applicant (in the majority of cases the developer building the houses) would not be involved in the process. This has benefits in enabling the Council to engage with Town/Parish Councils without any time constraints, but would have significant resource implications on the Council with the Street Naming and Numbering Service no longer receiving income from applications.

Section 19 of the 1925 Act relates to the provision of street name plates. It is proposed that these same Acts are used and will do so until such time as the Council resolve to disapply them.

3.5 It is concluded that it is appropriate to continue using the same legislation i.e. 1847 Act and Sections 17 and 18 of the 1925 Act. As part of the resolution to using these Acts, there are specific notice requirements (paragraphs 24 and 25, Schedule 14, Local Government Act 1972). This requires the authority to:

- publish its intention to pass the resolution by advertisement in two consecutive weeks in a local newspaper circulating in their area. For the Council this would be the Newark Advertiser and Mansfield Chad; and
- serve, no later than the date the notice is first published in the press, notice of the intention to every Town/Parish Council or Parish Meeting in the area.

4.0 Proposals

4.1 A review of other council's street naming and numbering guidance has been undertaken (namely Ashfield, Broxtowe, Charnwood, Derbyshire Dales, Durham, East Cambridgeshire, Gloucester, Kingston upon Thames, Leeds City, Manchester City, Nottingham City, Rushcliffe, Rutland (Borough and County), Sunderland and Wiltshire) to provide insight of the contents of other authorities guidance and/or policy. These documents have been used to prepare the suggested policy for the Council alongside the Council's existing guidance.

4.2 The review has aimed to evaluate other council's documents to establish whether they have an approach that will assist us in overcoming the complaints and issues raised by those who have been involved in the street naming and numbering process, in particular developers, Members and Town / Parish councils. The issues are discussed below as well as others that have caused some more general concern.

4.3 Deceased – Currently the Council's guidance details the naming of a street after a deceased person requires the approval from the person's family or estate administrators. However, in view of potential issues of naming a street after someone who might later be found to not be of good character, a number of authorities have a certain length of time post death before a street might be so named as detailed in the following table:

Authority	Length of Time After Being Deceased (Years)
Ashfield	50
Kingston	75
Leeds	25
Rushcliffe	20
Rutland	5
English Heritage	20

4.4 The timescales are very varied and, aside from English Heritage (EH), it has not been possible to establish the rationale for the timescales. In the case of EH they state *"This is to help ensure that the decision about whether or not to shortlist a candidate is made with a sufficient degree of hindsight."* This would appear, at first glance, to be a rational approach. However, with consideration given to the riots of 2020 against slavery, for example, this can still have potential risks many years later. A balance therefore needs to be given against such a risk with recognising the contribution some people make to their community and/or nation. With this in mind, it is suggested that the approach taken by EH and the reason for it could be defended by the Council if challenged. It is therefore suggested that the timescale and rationale is included within our policy. Additionally, it is suggested that clarification is given in that it is for the person requesting the naming to undertake the task of seeking approval from the deceased's family or administrators and provide the confirmation.

4.5 Living Persons - Again a review of other councils approach has been undertaken. All (9 authorities) with the exception of Trafford Borough Council do not accept street names after living people. Trafford will only accept the names of living people in exceptional circumstances and with the agreement of the Chief Executive and Leader of the Council. We currently accept the names of living people, but with reference to the preceding paragraph, it is recommended that this is no longer the case in order to minimise the risks identified.

4.6 Timescales – When we consult with the Town / Parish Council on street names, we give them 20 working days to provide a response. The 1925 Act provides for the council to reject a street name within one month of receipt of its submission in writing. Failure to respond within a month means the person proposing the street name can go ahead. Currently, our guidance indicates that this is "...in order to respond to the applicant within the 30 working days for such requests". Notwithstanding allowing 20 working days for a response, there have been instances when a Town/Parish Council hasn't met

this timescale. It is suggested that the policy (and notification letter to Town/Parish Councils) details that failure to reply within given timescales will be treated as acceptance to the suggested name(s) as well as setting out that any objection by the District Council to the name **must** be issued within one month after the suggested name has been sent to the Council (Section 17 of the Public Health Act 1925). If Town/Parish Councils are still given the opportunity to comment (which appears right and proper), then the current timescale given to them to comment needs to be amended. With reference to the potentially three worst times of the year in terms of working days – February, December and Easter, an assessment of the number of days for each stage of the process has been undertaken. This assessment identifies for February, 15 calendar days can be provided to Town/Parish Councils for notification, for December, 13 and for April, 14.

- 4.7 The number of days that can be given for consultation whilst allowing a little bit of flexibility is 13-15 calendar days. It is acknowledged that this is not a significant amount of time and could leave the Town and Parish Councils disenfranchised with the process as there is a likelihood that this timescale would not fit in with their meeting schedule as well as providing for little time to arrange an impromptu meeting.
- 4.8 A review of other Council's SNN's reveal the majority do not undertake consultation with Town /Parish Councils. It is acknowledged for some local authorities, such bodies will not exist. However, for those where they do, timescales for those who have adopted the PHA1925, times are given as ranging between 10 and 14 calendar days, so a suggestion of 14 days aligns with other councils. Of course, the above calculation of dates takes account of the months when meeting the timescale is likely to be the most problematic. In the event that a Town/Parish Council asks for a longer period of time to respond, consideration will be given to agreeing to this, subject to meeting the month deadline.
- 4.9 Notwithstanding the timescales in which to determine street naming applications, in order to involve Town/Parish Councils more fully, it is proposed to undertake engagement with them prior to street naming applications being submitted. The SNN Department is aware at an early stage whether or not a site has been allocated as part of the Council's Local Plan or, in the case of windfall development, granted planning permission. In both cases, engagement will be undertaken as part of the adoption of this Policy with the Town/Parish Councils (and Civic Society's where they exist) to understand any historical links a particular site might have, for example through its former use, e.g. as a colliery, any [appropriate] local descriptors or similar. A 'suite' of names can be advanced by the Town/Parish Council for the respective sites, as well as for others on an adhoc basis. They will be assessed to ensure they are in accordance with the adopted Policy and retained pending development. The list will be reviewed every 3 years or so, or as a need for more names arises, with the Town/Parish Council. When the Building Regulations application is submitted for the development, the SNN Department will contact the developer to advise an application will be needed to be submitted for naming (as currently happens) but will also provide the list of suggested names. Whilst the developer would not be obliged to accept the names, it is anticipated they would wish to, thus mitigating the impact of the relatively short notification period.

- 4.10 As set out within the Legal Implications section above, it is a legal requirement to undertake consultation prior to adopting the legislation to be used, which includes Town/Parish Councils. We will therefore be able to set out the rationale for the timescale given for responses but provide this in the context that we will actively engage with them prior to SNN applications being received at which time they will have opportunity to make recommendation as well as comment when the application is formally submitted. It is also recommended that no reply within the timescale, following receipt of a SNN application, will be deemed as the Town/Parish Council not having any objection. Town/Parish Councils' will also be provided a copy of the SNN Policy which includes this timescale and the proposal set out above.
- 4.11 Disputes – At present, when requests for new street names are received, we encourage developers in liaison with the relevant parish/town council, to submit names for consideration. However, there can be disagreement between parties with the Town/Parish Council offering alternatives. The Council encourages, in this scenario, both parties to negotiate to try and come to agreement. However, compromise is not always possible within the month available. The current guidance details that in the case of disputes, we will accept the developer's suggestion. This approach does mean the engagement of the Town/Parish Council is somewhat limited, noting the restrictive timescales to reject a street name. Equally, the existing guidance does not provide detail of the grounds on which a Town/Parish Council may object to a particular name.
- 4.12 Most other authorities do not detail their process in dealing with such disputes with the exception of East Cambridgeshire and Manchester City Council. In the case of East Cambridgeshire they state:

“If the suggestion is found to be within the naming conventions, the proposed name/s will be forward [sic] for consultation to the local Parish/City/Town Council, local Ward Councillors, Emergency Services and Royal Mail. Guidance will be included as to the naming conventions and reasons for objections. Any objection has be to made by the Local Authority within one calendar month of receipt, a set time of 14 days will be given for the consultation period and any objection must be received by the Local Authority within this time period.

If an objection is received from the local Parish/City/Town Council, local Ward Councillors, the Emergency Services or Royal Mail and found to be valid, the written objection will be sent to the developer, informing of the reasons along with a request for further suggestion/s. This notice must be sent within one calendar month of receipt of the suggestion.

If no valid objections, or reply are received from the local Parish/City/Town Council, local Ward Councillors, the Emergency Services or Royal Mail, within the consultation period, a notice of adoption of street name will be sent to the developer.”

Manchester City Council's policy states:

- *“Suggestions for a new name, rename or renumberingin are sent to Manchester City Council's Street Naming and Numbering Team*
- *These suggestions are evaluated against the criteria for street names and numbering until an acceptable option or range of options is agreed.*

- *The suggestion or shortlist of suggestions is then shared with the relevant ward councillors for consultation.*
- *The process is run virtually with all relevant parties given 10 working days to respond with comments or alternative suggestions.*
- *Alternative suggestions will also be evaluated against the criteria for street names and numbering.*
- *Once a decision has been reached the new address will be formally allocated and all relevant bodies will be notified..."*

Exceptions to this process are given for large scale developments or particularly complex situation.

4.13 The approach by East Cambridgeshire makes it clear that any objection by a Town/Parish Council must be made on valid grounds as opposed to them objecting solely, for example, due to having an alternate favoured name. The approach by Manchester allows for suggestions, with these being evaluated against the criteria but does not indicate if both parties names comply with the criteria how the decision is then reached. As detailed earlier, an objection by the Council to the applicant's proposed street name must be made within a month of receiving the application and an appeal against an objection can be made to the Magistrates Court within 21 days after the service of the notice [decision of the Council]. This therefore means that any objection to a name must be robustly made to minimise the risk of costs to the Council as well as reputational damage. It is therefore proposed that when notifying Town/Parish Councils of such applications that they are provided with information of the grounds under which they may object. If alternative names are suggested by the Town/Parish Council which meet the naming criteria, these can be referred to the applicant for consideration, subject to the time limitations. If they are not accepted, the developer's choice will be used and the Town/Parish Council's suggested names held in case they are appropriate for another development in the locality and suggestions are requested. In the event no names are suggested, the Council will provide names based on the naming criteria. Details of the naming conventions are set out within the attached draft Policy.

4.14 The current guidance provides information on how to choose a name (previous use of the land/building; historical links) as well as suffixes to use 'Street, Road, Drive' etc. However, it is considered further information would provide clarity such as using names that are easily pronounceable, not using names when there is a similar one in the locality, not using names that could be misconstrued and so forth.

4.15 The existing guidance has been radically overhauled within the proposed Policy to take account of the legislation and the matters discussed above. Reference has also be made to GeoPlace LLP, a body owned equally by the Local Government Association and Ordnance Survey, and their guidance document on street naming and numbering '*The law and best practice for the re-naming of streets and buildings*'.

4.16 A copy of the Policy is attached as **Appendix 1** to this report.

5.0 Equalities Implications

5.1 None.

6.0 Digital Implications

6.1 None.

7.0 Financial Implications (FIN21-22/7138)

7.1 There are no direct financial implications identified from this report. The latest fee schedule was approved in February 2021 and will be reviewed again this financial year as part of the Council's annual fee setting.

8.0 Community Plan – Alignment to Objectives

8.1 The SNN Policy does not have a direct relationship with the community plan objectives although does indirectly by providing people and businesses with recognised addresses, allowing people and goods/services to travel efficiently within and between communities.

10.0 RECOMMENDATIONS that:

(a) a resolution be made to adopt:

- Sections 17 and 18 of the Public Health Act 1925 for the naming and alteration of names of streets in respect to naming; and
- Sections 74 and 75 of the Town Improvement Clauses Act 1847 is used for the numbering of buildings;

(b) the above resolution be notified to Town/Parish Councils and Parish Meetings and notices placed within the Newark Advertiser and Mansfield Chad in accordance with paragraph 25, Schedule 14 of the Local Government Act 1972; and

(c) the attached Street Naming and Numbering Policy be adopted following the undertaking of (b).

Reason for Recommendations

Adoption of the proposed Street Naming and Numbering policy will provide clear guidance for service users and align with national guidance in relation to Street Naming and Numbering. Undertaking the notification process will formalise the Council's approach in accordance with legislation.

Background Papers

Street Naming and Numbering Guidance - <https://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/streetnamingandnumbering/Document%201%20Street%20Naming%20and%20Numbering%20Guidance%202020.pdf>

Geo place – The law and best practice for the re-naming of streets and buildings - https://s3.eu-west-1.amazonaws.com/static.geoplace.co.uk/downloads/The-law-and-best-practice-for-the-renaming-of-streets-and-building_FINAL-Dec-2020.pdf

For further information please contact Lisa Hughes – Business Manager – Planning Development on Ext 5865.

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**Legislation Section 64: Town Improvement Clauses Act 1847
Houses to be numbered and streets named**

“The commissioners shall from time to time cause the houses and buildings in all or any of the streets to be marked with numbers as they think fit, and shall cause to be put up or painted on a conspicuous part of some house, building, or place, at or near each end, corner, or entrance of every such street, the name by which such street is to be known; and every person who destroys, pulls down, or defaces any such number or name, or puts up any number or name different from the number or name put up by the commissioners, shall be liable to a penalty not exceeding [level 1 on the standard scale] for every such offence”.

**Section 65: Town Improvement Clauses Act 1847
Numbers of houses to be renewed by occupiers**

“The occupiers of houses and other buildings in the streets shall mark their houses with such numbers as the commissioners approve of, and shall renew such numbers as often as they become obliterated or defaced; and every such occupier who fails, within one week after notice for that purpose from the commissioners, to mark his house with a number approved of by the commissioners, or to renew such number when obliterated, shall be liable to a penalty not exceeding [level 1 on the standard scale], and the commissioners shall cause such numbers to be marked or to be renewed, as the case may require, and the expense thereof shall be repaid to them by such occupier, and shall be recoverable as damages.”

**Section 17: Public Health Act 1925
Notice to urban Local Authority before street is named**

- “1) Before any street is given a name, notice of the proposed name shall be sent to the urban authority by the person proposing to name the street.
- 2) The urban authority, within one month after the receipt of such notice, may, by notice in writing served on the person by whom notice of the proposed name of the street was sent, object to the proposed name.
- 3) It shall not be lawful to be set up in any street an inscription of the name thereof –
 - a) until the expiration of one month after notice of the proposed name has been sent to the urban authority under this section; and
 - b) where the urban authority have objected to the proposed name, unless and until such objection has been withdrawn by the urban authority or overruled on appeal; and any person acting in contravention of this provision shall be liable to a penalty not exceeding [level 1 on the standard scale] and to a daily penalty not exceeding [£1].
- 4) Where the urban authority serve a notice of objection under this section, the person proposing to name the street may, within twenty-one days after the service of the notice, appeal against the objection to a Magistrates court”.

Section 18: Public Health Act 1925

Alteration of name of street

- “1) The urban authority by order may alter the name of any street, or part of a street, or may assign a name to any street, or part of a street, to which a name has not been given.
- 2) Not less than one month before making an order under this section, the urban authority shall cause notice of the intended order to be posted at each end of the street, or part of the street, or in some conspicuous position in the street or part affected.
- 3) Every such notice shall contain a statement that the intended order may be made by the urban authority on or at any time after the day named in the notice, and that an appeal will lie under this Act to a petty Magistrates Court against the intended order at the instance of any person aggrieved.
- 4) Any person aggrieved by the intended order of the local authority may, within twenty-one days after the posting of the notice, appeal to a Magistrates court”.

Section 21: Public Health Acts Amenity Act 1907

Power to alter names of streets

“The local authority may, with the consent of two-thirds of the ratepayers in any street, alter the name of name of such street- or any part of such street. The local authority may cause the name of any street or of any part of any street to be painted or otherwise marked on a conspicuous part of any building or other erection.

Any person who shall wilfully and without the consent of the local authority, obliterate, deface, obscure, remove, or alter any such name, shall be liable to a penalty not exceeding level 1 on the standard scale.”