

Bath & North East Somerset Council		
DECISION MAKER:	Cllr Paul Crossley, Cabinet Member for Community Services	
DECISION DATE:	On or after 21 March 2020	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3203
TITLE:	Naming of new street in Chew Stoke	
WARD:	Chew Valley	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
<ul style="list-style-type: none">• Location plan• B&NES adopted street naming and numbering policy• B&NES adopted street naming and numbering guidelines• Minutes of Chew Stoke Parish Council		

1 THE ISSUE

- 1.1 The decision required is to name a new street in Chew Stoke. The location of the street is shown on the attached plan.

2 RECOMMENDATION

The Cabinet Member is asked to choose a name for the street

- 2.1 The developer has proposed the name **Riverside Close**.
- 2.2 Chew Stoke Parish Council have proposed the name **Malcolm Close**.
- 2.3 The member may choose another name that is within the Council's adopted policy and guidelines.
- 2.4 There is no officer recommendation as to which name should be chosen.

3 THE REPORT

- 3.1 An application has been made to name a new street on the former garage site by the bridge on Bristol Road in Chew Stoke. Planning permission was granted

in 2016 (application number 16/00571/FUL). The developer proposed the name of **Riverside Close**.

- 3.2 The proposed name was sent to Chew Stoke Parish Council for comment, in accordance with B&NES Council's adopted policy. The Parish Council responded by proposing the name **Malcolm Close**, after Malcolm Genge, a prominent and popular former member of the local community.
- 3.3 The current owners of the site, the Gamlen family, responded that if it were to be named after a former member of the community, then they proposed Patricia Gamlen, a member of their family, rather than Mr Genge, although they were still happy to accept Riverside Close. The Parish Council did not agree with this.
- 3.4 The Gamlen family then proposed that they construct and fund a suitable memorial and public seat to Mr Genge on the public space at the front of the site. They put this to the parish council. The chair of the parish council reported back that the members were not prepared to accept this as a compromise position.
- 3.5 In view of this impasse, and bearing in mind the comments made by judges in recent court cases regarding the importance of democratic input (see Section 4.3), it is appropriate that the final decision be made by the executive member.
- 3.6 From a purely addressing point of view, either name is acceptable. There is therefore no officer recommendation as to which name should be chosen.

4 STATUTORY CONSIDERATIONS

- 4.1 The Council holds the statutory powers to name streets in its area. The adopted procedure is that of Section 18 Public Health Act 1925. This requires that a "notice of intention" is erected on site, giving anyone "aggrieved" 21 days to lodge an objection at the local magistrates' court.
- 4.2 The relevant definition of a "street" is that of section 4, Public Health Act 1875: "Street includes any highway and any public bridge, and any road lane footway square court alley or passage whether a thoroughfare or not"
- 4.3 The interpretation and procedures the council should follow are guided by the cases such as *Basildon Borough Council v James [2015]*.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 There are no resource implications which affect the choice of name.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.
- 6.2 The only significant risk is that an aggrieved party may exercise their right to object to the street name at Bath Magistrates' Court. This will delay the naming of the street by several months, and require involvement of the Council's legal team. In previous cases, judges have mentioned the importance of democratic input to the decision making, hence the matter is being referred to the cabinet member.

6.3 Provided that the Council has followed its own policy and procedures, given due process to all parties, and that the democratic input is clear, then the Council's decision is likely to be found justifiable without change from the Court under the so-called "Basildon test". This may mitigate the risk of any appeal.

7 CLIMATE CHANGE

7.1 Naming a street is a statutory duty of the Council and the choice of name has no effect, positive or negative, on climate change.

8 OTHER OPTIONS CONSIDERED

8.1 The Council has no option but to name the street, so that the new dwellings can have addresses.

9 CONSULTATION

9.1 Consultation has been carried out with Chew Stoke Parish Council and with ward member Cllr Karen Warrington. There is no provision for consulting directly with the public prior to the erection of the statutory site notice under Section 18, Public Health Act 1925.

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Background papers	<i>Basildon Borough Council v James [2015]</i> is available online at https://www.bailii.org/ew/cases/EWHC/Admin/2015/3365.html
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