

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Cllr Matthew McCabe, Cabinet Member for Built Environment and Sustainable Development</b>	
MEETING/ DECISION DATE:	<b>On or after 5<sup>th</sup> September 2023</b>	EXECUTIVE FORWARD PLAN REFERENCE:  <b>E3479</b>
TITLE:	<b>Adopting an updated street naming and numbering policy</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Appendix 1 - Draft revised Street Naming and Numbering Policy		

### 1 THE ISSUE

- 1.1 A draft revision of the Council's Street Naming and Numbering Policy has been prepared and needs to be approved by the executive member.

### 2 RECOMMENDATION

**The Member is asked to approve the draft for adoption.**

### 3 THE REPORT

- 3.1 The Council's Street Naming and Numbering Policy was last updated in 2019, in the immediate aftermath of the case of *Gamlin v Bath & North East Somerset Council [2019]*.
- 3.2 Since then, a number of issues have arisen which have made it desirable to amend the policy and clarify it. These include the way the policy works when a Council department is the developer proposing a street name.
- 3.3 The opportunity has been taken to compare our policy with those of neighbouring councils and learn from them where appropriate.
- 3.4 Specific changes are:
- Removal of references to paper-based processes, in line with the preferred method of application being online

- Addition of new Appendix 3 to detail the position when a Council department acts as applicant
- Inclusion of longer-term lessons from *Gamlin v Bath & North East Somerset Council [2019]* that were not included the 2019 revision, including a better explanation of the role of the Cabinet Member.
- Better explanation of why we will not normally rename a street because of the adverse effect on businesses and residents.
- Clarification that charges will not normally be levied for Council-led renumbering schemes or for voluntary first numbering of existing named properties.

#### **4 STATUTORY CONSIDERATIONS**

- 4.1 Street Naming is undertaken under the provisions of the Public Health Acts 1875-1925. Street Numbering is undertaken by the provisions of the Towns Improvement Clauses Act 1847, which were united with the provisions for street naming by the Public Health Act 1875.
- 4.2 The interpretation of the legislation is supplemented by two modern court cases: *Basildon Borough Council v James [2015]* and *Gamlin v Bath & North East Somerset Council [2019]*. Links to these are provided as background papers.
- 4.3 A particular feature of Public Health Act 1925 is that if a member of the public wishes to object to the naming of a street at the statutory stage, the objection goes directly to the local magistrates' court. This immediately puts the whole process on hold until the court resolves it (Section 8, Public Health Act 1925). Objections may be made both on the choice of name and the process used.
- 4.4 It is therefore important that the policy is water-tight and does not give opportunity for a challenge on procedural grounds. Part for the reason for the revision is to tighten up the policy on various procedural issues.

#### **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 5.1 The revised policy will make our position clearer and should reduce the drain on GIS Team time in more controversial naming cases, particularly when the proposing developer is another Council department.

#### **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. The changes to the policy will reduce the risk of the Council ending up in court again.

#### **7 EQUALITIES**

- 7.1 The Public Sector Equality Duty is incorporated within the policy.

## 8 CLIMATE CHANGE

8.1 There is no climate change impact to this policy.

## 9 OTHER OPTIONS CONSIDERED

9.1 None.

## 10 CONSULTATION

10.1 The new Appendix 3, covering the position where the Council acts as developer, has been discussed with Sophie Broadfield, as director for Project Delivery.

10.2 Appendix 3 has also been reviewed by the Insight Team and their comments incorporated.

10.3 The whole policy has been reviewed by Legal and their amendments have been incorporated.

10.4 The report has been approved by the Monitoring Officer.

10.5 The Cabinet Member and Leader have agreed that the policy should go forward for approval.

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<b>Background papers</b>	Here are the links to the two court cases referred to in Section 4 above:  Basildon Borough Council v James [2015] <a href="https://www.bailii.org/ew/cases/EWHC/Admin/2015/3365.html">https://www.bailii.org/ew/cases/EWHC/Admin/2015/3365.html</a>  Gamlin v Bath & North East Somerset Council [2019]. <a href="https://democracy.bathnes.gov.uk/documents/s60553/E3203z%20Gamlin%20v%20BANES%202019.pdf">https://democracy.bathnes.gov.uk/documents/s60553/E3203z%20Gamlin%20v%20BANES%202019.pdf</a>
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