



**Oldham**  
Council

**Report to COUNCIL**

## **Adoption of the Public Health Act 1925 Concerning Naming of Streets**

**Portfolio Holder:**

Councillor A Chadderton, Cabinet Member for Neighbourhoods

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**16 March 2022**

**Reason for Decision**

To seek the adoption by the Council of sections 17 and 19 of the Public Health Act 1925 relating to the naming of streets within the Borough.

**Recommendation**

Council is recommended to adopt sections 17 and 19 of the Public Health Act 1925 relating to the naming of streets within the Borough with effect from 1 May 2022.

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## **Adoption of the Public Health Act 1925 Concerning Naming of Streets**

### **1 Background**

- 1.1 Members will recall that a report concerning the adoption of sections 17 and 19 of the Public Health Act 1925 was considered at the Council meeting on 15 December 2021. A copy of the report is attached as Appendix 1. Council agreed to commence the process for adopting sections 17 and 19 of the Act.
- 1.2 To adopt sections 17 and 19, the Council is required to publish a notice for 2 consecutive weeks in a local newspaper circulating in their area of the intention to pass a resolution applying the provisions of sections 17 and 19. The date the resolution is to take effect is not earlier than one month from the date of the resolution.
- 1.3 Notice of the intention to pass a resolution applying the provisions of sections 17 and 19 of the Public Health Act 1925 with effect from 1 May 2022 was published in the Manchester Evening News on 7 March and will also be published in the Manchester Evening News on 14 March 2022.

### **2 Options/Alternatives**

- 2.1 Adopting sections 17 and 19 of the Public Health Act 1925 will provide certainty that the Council can use these powers, in the event of any legal challenge. Section 17 in particular enables the Council to prevent inappropriate street names being suggested or streets being named with disregard to current street naming conventions in relation to the Local and National Street Gazetteers. If the section was not adopted, conflicts could be hard to resolve where developers and Ward Councillors and/or other consultees fail to reach agreement on a mutually acceptable street name.

### **3 Preferred Option**

- 3.1 It is recommended that the Council adopt sections 17 and 19 of the Public Health Act 1925 with effect from 1 May 2022 to ensure that the Council has the legal power to operate a street naming policy.

### **4 Consultation**

- 4.1 Any responses received by the Council as a result of the press notices will be reported verbally to Council.

### **5 Financial Implications**

- 5.1 See previous report

### **6 Legal Services Comments**

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6.1 Paragraph 23 of Part II of Schedule 14 of the Local Government Act 1972 provided that the provisions of the Public Health Acts 1875 to 1925 extended throughout England and Wales, whether or not they so extended immediately before 1 April 1974 (which was when the current local authority structure in Greater Manchester was introduced). However paragraph 23 did not apply to sections 17 to 19 of the Public Health Act 1925, which only applied to those areas where they applied immediately before 1 April 1974. Under paragraph 25 of Schedule 14, a local authority could after giving the requisite notice resolve that sections 17 to 19 of the Public Health Act 1925 should apply throughout their area. The requisite notice is one published for 2 consecutive weeks in a local newspaper circulating in their area of the local authority's intention to pass a resolution applying the provisions of sections 17 to 19. A copy of the notice must also be served on any parish councils within the local authority's area. Under paragraph 25(7) of Schedule 14, a copy of the resolution of the local authority certified in writing to be a true copy by the proper officer of the authority shall in all legal proceedings be received as evidence of the resolution having been passed by the authority. (A Evans)

## **7 Co-operative Agenda**

7.1 See previous report

## **8 Human Resources Comments**

8.1 None.

## **9 Risk Assessments**

9.1 None.

## **10 IT Implications**

10.1 None.

## **11 Property Implications**

11.1 None.

## **12 Procurement Implications**

12.1 None.

## **13 Environmental and Health & Safety Implications**

13.1 Energy – Nil.

13.2 Transport – Nil.

13.3 Pollution – Nil.

13.4 Consumption and Use of Resources – Nil.

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13.5 Built Environment – Nil.

13.6 Natural Environment – Nil.

13.7 Health and Safety – Nil.

14 **Equality, community cohesion and crime implications**

14.1 None.

15 **Equality Impact Assessment Completed?**

15.1 No.

16 **Key Decision**

16.1 No.

17 **Key Decision Reference**

17.1 Not applicable.

18 **Background Papers**

18.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

None.

19 **Appendices**

19.1 Report to Council 15 December 2021