



Report to COUNCIL

Adoption of the Public Health Act 1925 Concerning Naming of Streets

Portfolio Holder:

Councillor A Chadderton, Cabinet Member for Neighbourhoods

Officer Contact: John Lamb, Director of Environmental Services

Report Author: Gary Sutcliffe

Ext. 3046

15th December 2021

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 commence the process for adopting sections 17 and 19 of the Public Health Act 1925 relating to the naming of streets within the Borough and that a further report to adopt the sections be submitted to the next Council meeting after public notice has been given in accordance with Schedule 14 of the Local Government Act 1972.

Adoption of the Public Health Act 1925 Concerning Naming of Streets**1 Background**

- 1.1 The naming of streets is covered by legislation contained in sections 17 – 19 of the Public Health Act 1925.
- 1.2 Section 17 of the Act requires that before any street is given a name, notice of the proposed name shall be given to the Council which has one month to object to the proposed name. It is not lawful to set up in any street its proposed name until the one month objection period has passed and if the Council has objected to the proposed name, the objection has been considered by the Magistrates' court.
- 1.3 Section 18 of the Act enables the Council to alter the name of any street or part of a street or assign a name to a street or part of a street to which a name has not been given, by making an order. Not less than one month before making the order, notices advertising the intended order shall be posted at each end of the street to inform the public of the proposal, including details of how an objection can be lodged at the Magistrates' Court. An objection to the Magistrates must be submitted within 21 days after the posting of the notice.
- 1.4 Section 19 of the Act requires the Council to cause the name of every street to be painted or otherwise marked in a conspicuous position on any house, building or erection in or near the street and shall from time to time alter or renew such inscription of the name of any street, if and when the name of the street is altered or the inscription becomes illegible.
- 1.5 The Public Health Act 1925 was an adoptive Act and its provisions would only apply if they were specifically adopted by the local authority. Under the Local Government Act 1972, Oldham Metropolitan Borough Council was created in 1974 from a merger of 7 existing local authorities – Oldham County Borough Council and Chadderton, Crompton, Failsworth, Lees, Royton and Saddleworth Urban District Councils. Oldham County Borough Council had specific powers contained in section 48 of the Oldham Borough Improvement Act 1865 concerning the naming of streets in Oldham and it is likely that each of the other pre 1974 Councils adopted the provisions of the Public Health Act 1925 concerning street naming for their areas but no record of the adoptions has been retained.
- 1.6 The provisions of the Oldham Borough Improvement Act 1865 expired in 1981. Subsequently section 18 of the Public Health Act 1925 concerning the renaming of streets throughout the whole Borough was adopted by resolution of the Council in February 1983 with effect from June 1983 and is the legal power the Council has been using in relation to street naming.
- 1.7 In addition, the Council has no formal policy document for street naming, which could lead to 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.

2 Current Position

- 2.1 Unity Partnership are reviewing the Council's policy on street naming and it has been identified that no record of the adoption of sections 17 and 19 of the Public Health Act 1925 has been retained by the Council. For the avoidance of doubt and to provide greater flexibility to the process of naming of streets it is therefore requested that the Council approve the adoption of sections 17 and 19 of the Public Health Act 1925 for the whole

Borough. The updated street naming policy will then be submitted to the Cabinet Member for Neighbourhoods for approval.

- 2.2 To adopt the provisions 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.

3 **Options/Alternatives**

- 3.1 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.

4 **Preferred Option**

- 4.1 It is recommended that the Council adopt sections 17 and 19 of the Public Health Act 1925 to ensure that the Council has the legal power to operate a street naming policy.

5 **Consultation**

- 5.1 [Give details of all relevant parties consulted, their views and the Council's response]

6 **Financial Implications**

- 6.1 The requirement to advertise the adoption of sections 17 and 19 of the Public Health Act 1925 in a local newspaper will cost approximately £1.2k. This will be funded from the existing revenue budget for Highways Operations – Unity.

(Nigel Howard)

7 **Legal Services Comments**

- 7.1 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)

8 Co-operative Agenda

8.1 In respect of the Council's Street Naming Policy there has been particular consideration given to its impact on community cohesion, where service users and Ward Councillors can have a positive impact on choosing appropriate street names by involving community groups, school children and local residents in naming the streets in their local area, this might be a particular Value contained in the Co-operative Charter for example or an opportunity to involve service users in developing a proposal.

9 Human Resources Comments

9.1 None.

10 Risk Assessments

10.1 None.

11 IT Implications

11.1 None.

12 Property Implications

12.1 None.

13 Procurement Implications

13.1 None.

14 Environmental and Health & Safety Implications

14.1 Energy – Nil.

14.2 Transport – Nil.

14.3 Pollution – Nil.

14.4 Consumption and Use of Resources – Nil.

14.5 Built Environment – Nil.

14.6 Natural Environment – Nil.

14.7 Health and Safety – Nil.

15 Equality, community cohesion and crime implications

15.1 None.

16 Equality Impact Assessment Completed?

16.1 No.

17 **Key Decision**

17.1 No.

18 **Key Decision Reference**

18.1 Not applicable.

19 **Background Papers**

19.1 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.

20 **Appendices**

20.1 None

This page is intentionally left blank