

	<p align="center"><b>REPORT TO PLANNING AND DEVELOPMENT COMMITTEE ON 1 AUGUST 2019 AND CABINET ON 3 SEPTEMBER 2019</b></p>	
	<p><b>Key Decision</b></p>	<p align="center"><b>NO</b></p>
<p><b>Corporate Priority</b></p>	<p><b>Cabinet Portfolio Holder</b></p>	<p align="center"><b>Cllr Liz Colling</b></p>

**REPORT OF DIRECTOR (RB) – 19/162**

**WARDS AFFECTED: “All”**

**SUBJECT: ADOPTION OF THE TOWN IMPROVEMENT CLAUSES ACT 1847 (INCL 1875 PUBLIC HEALTH ACT AND 1907 PUBLIC HEALTH ACTS AMENDMENT ACT) AND ADOPTION OF THE NAMING AND NUMBERING POLICY IN ORDER TO UNDERTAKE NAMING AND NUMBERING FUNCTIONS**

**RECOMMENDATION (S):** It is recommended that:

- i) The Borough Council resolves to adopt the Town Improvement Clauses Act 1847 (incl 1875 Public Health Act and 1907 Public Health Acts Amendment Act) as the basis for its decision-making on matters appertaining to street naming and numbering.
- ii) The Borough Council resolves to adopt the Street Naming and Numbering Policy

**REASON FOR RECOMMENDATION:** The adoption of the Act and Policy will provide both a framework and guidance for the Authority to operate its Naming and Numbering functions for the benefit of residents, businesses and visitors. Ensuring that streets are named and properties can be located by emergency services, visitors and to assist with the reliable delivery of services and products.

**HIGHLIGHTED RISKS:** If the Authority does not adopt an Act and Policy there is an increased vulnerability to successful legal challenges against the Authority in discharging its Naming and Numbering functions. If streets are not properly named properties may not be readily located by emergency services and visitors and could lead to the endangerment of public safety, unreliable delivery of services and products including misdirected mail and parcels.

## **1. INTRODUCTION**

- 1.1 Local Authorities have the responsibility to ensure that streets are formally named and properties numbered. In a two-tier area this duty lies at district level. The Borough Council therefore has the power to approve or reject property and street addresses.
- 1.2 This requires the passing a resolution of adoption of either the 1847 Town Improvement Clauses Act or the 1925 Public Health Act.
- 1.3 It has not been possible to evidence historic formal adoption of any Act by Scarborough Borough Council, and therefore it is recommended that a process of formal adoption of an Act is established.
- 1.4 Alongside this, it is considered appropriate to review the Council's Policy document relating to street naming and numbering, and the document that has been developed incorporates the guidance and recommendations contained in the *Data Entry Conventions and Best Practice for the National Address Gazetteer* published by GeoPlace ®

## **2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN**

- 2.1 This report links to the following Corporate Objectives and Community Plan
  - Safe and Healthy Communities
  - Quality Environments
  - Inclusive and Vibrant Communities

(All streets require naming and numbering to assist the emergency services, visitors and the efficient delivery of goods and services)

## **3. BACKGROUND AND ISSUES**

- 3.1 The issues for Members' consideration and attention are:
  - Adoption of an Act
  - Adoption of Policy

## **4. CONSULTATION**

- 4.1 Public consultation in relation to the Naming and Numbering Policy was undertaken between 13 April 2018 and 18 May 2018.
- 4.2 98 consultation responses were received and analysed, these were on the whole positive and resulted in some amendments being made to the emerging Policy.

## **5. ASSESSMENT**

### Adoption of an Act

- 5.1 Naming and Numbering functions had been undertaken by the Council's Building Control function for a number of years. In 2012 the responsibility for Naming and Numbering functions passed to Planning Services following the restructuring of Building Control Services and establishment of the North Yorkshire Building Control Partnership. Throughout this period Naming and Numbering functions have been undertaken using the Town Improvement Clauses Act 1847 (incl 1875 Public Health Act and 1907 Public Health Acts Amendment Act).
- 5.2 Research was undertaken by the Legal Department to ascertain which Act was previously adopted by the Authority. No formal evidence was found confirming the adoption of any Act.
- 5.3 The legislation under which naming and numbering can be carried out is:
- Town Improvement Clauses Act 1847 (incl 1875 Public Health Act and 1907 Public Health Acts Amendment Act).
  - Public Health Act 1925
- 5.4 The Local Authority can only resolve to use one of the two Acts. Section 25(3) of the Local Government Act 1972 provides that when a resolution is made to apply one Act to the Authority's area then it automatically acts to disapply the other Act.
- 5.5 Legal advice was sought and taken into account. It is recommended to formally adopt the Town Improvement Clauses Act 1847 (incl 1875 Public Health Act and 1907 Public Health Acts Amendment Act) as it includes provisions regarding numbering.

## Adoption of the Policy

- 5.6 When Building Control operated the Naming and Numbering functions this was guided by the *Street Naming and Numbering Guidance Notes* (Appendix A), this continued when responsibility passed to Planning Services.
- 5.7 Given the age of this document, it is considered appropriate to refresh and revise the overall approach, and formalise the document into Council Policy.
- 5.8 The overall objective when undertaking naming and numbering processes is to allocate unique and logical addresses, and in doing so seek compliance with the recommendations and guidelines provided in the Guidance from GeoPlace.
- 5.9 The purpose of the revised Naming and Numbering Policy (Appendix B) is to set out the correct process and rules for the following:
- Naming of new streets and numbering properties on those streets
  - Renaming an existing street or renumbering all existing properties on an existing street
  - Registering a new property/properties on an existing street
  - Allocation of numbers to properties with names only
  - Allocation of house names or changing house names to properties with or without a postal number
- 5.10 Our recommendation would be to formally adopt the Policy as it provides greater clarity as to the basis of decision making.
- 5.11 It should be noted that the Council levies a fee for the implementation of the naming and numbering process, these will be reviewed and benchmarked against other local authorities in the near future.
- 5.12 Members should note that the Council cannot obligate property owners to officially register addresses and property names, although increasingly for new properties this is required to facilitate utility connections, insurance matters etc. An additional advantage to a property's name and number being established through official channels is that its details are then readily accessible to the emergency services.

## **6. IMPLICATIONS**

### **(a) Policy**

- 6.1 Subject to approval, the adoption of the Town Improvement Clauses Act 1847 including the 1875 Public Health Act and 1907 Public Health Acts Amendment Act and the Naming and Numbering Policy will be as recommended in this report.

**(b) Financial**

- 6.2 If agreed this recommendation to adopt the Town Improvement Clauses Act 1847 including the 1875 Public Health Act and 1907 Public Health Acts Amendment Act and the Naming and Numbering Policy will provide continued income to the Council and strengthen its position should a legal challenge be made on any Naming and Numbering decisions.

**(c) Environmental Implications**

- 6.3 If agreed this recommendation to adopt the Town Improvement Clauses Act 1847 including the 1875 Public Health Act and 1907 Public Health Acts Amendment Act and the Naming and Numbering Policy will contribute to the enhancement of our built and natural environment.

**(d) Legal**

- 6.4 If agreed this recommendation to adopt the Town Improvement Clauses Act 1847 including the 1875 Public Health Act and 1907 Public Health Acts Amendment Act and the Naming and Numbering Policy will strengthen the Council's position should a legal challenge be made on any Naming and Numbering decisions.

**(e) Planning Implications**

- 6.5 None directly

**(f) Crime and Disorder and Co-operation with Health Authorities Implications**

Emergency services have the potential to locate/respond to incidents more efficiently.

- 6.6 I have considered whether the following implications will arise from this report and am satisfied that there are no identified implications that will arise from this decision in relation to Staffing Implications, Health and Safety implications Equality implications, Human Rights Act or Environmental implications

**7. ACTION PLAN**

- 7.1 Arising for the consideration of the issues, the following action plan is proposed:

**Objective**

**Target**

- |                                 |                   |
|---------------------------------|-------------------|
| A. Report considered by P&D     | 1 August 2019     |
| B. Report considered by Cabinet | 3 September 2019  |
| C. Report considered by Council | 16 September 2019 |



**Richard Bradley**  
**Director**

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**Background Papers:**

Please give details of all publicly accessible (non private) background papers applicable to the report.

Appendix A – Street Naming and Numbering Guidance Notes  
Appendix B – Naming and Numbering Policy

Report ref: PSM19/162

## RISK MATRIX

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/Responsible Officer	Action Plan
1		Council does not adopt an Act	Streets cannot be legally named or numbered and/or the Authority receives legal challenge against decision(s)	Adopt Town Improvement Clauses Act 1847 including the 1875 Public Health Act and 1907 Public Health Acts Amendment Act	B2	A1	Mr D Walker	None
2		Council does not adopt Policy	The Authority receives legal challenge against decision(s)	Adopt the Naming and Numbering Policy				

### Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

**Risk Scoring**

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

- A = Very Low
- B = Not Likely
- C = Likely
- D = Very Likely
- E = Almost Certain

Impact

- 1 = Low
- 2 = Minor
- 3 = Medium
- 4 = Major
- 5 = Disaster