

## **CABINET – 19TH JANUARY 2012**

### **Report of the Head of Planning and Regeneration Services Lead Member: Councillor Matthew Blain**

#### **Part A**

#### **ITEM 11 CHARGING FOR STREET NAMING AND NUMBERING APPLICATIONS**

##### Purpose of the Report

To seek Cabinet approval to introduce a charging schedule for the provision of the Council's non-statutory Street Naming and Numbering service.

##### Recommendations

1. That notice of intention to adopt the provisions of Sections 17 to 19 of the Public Health Act 1925 for the whole of Charnwood be given in accordance with paragraph 25(5) of Schedule 14 of the Local Government Act 1972.
2. That authority be given to the Head of Planning and Regeneration Services in conjunction with the Lead Member for Planning to formally adopt the provisions following publication of the notice in 1 above for the whole of Charnwood.
3. That subject to adoption of the provisions, the charges set out in appendix 1 be agreed.
4. That the charges be reviewed annually by the Head of Planning and Regeneration Services in conjunction with the Lead Member for Planning.

##### Reasons

1. To ensure the appropriate legislation is adopted by the council to enable it to carry out its duties in respect of street naming and numbering and to also charge for its non-statutory street naming and numbering service.
2. To ensure consideration is given to comments received following publication of the notice.
3. To ensure that the cost of providing the Street Naming and Numbering service is recovered as set out in Appendix 1.
4. To enable the impact of the charge on service users to be reviewed.

##### Policy Justification and Previous Decisions

Cabinet approved an Income and Charging Policy Framework on 22nd July 2004 which embraces fees and charges to individuals, businesses, community groups and other organisations external to Charnwood.

## Implementation Timetable including Future Decisions and Scrutiny

Subject to the adoption of the provisions in recommendation 2 the decision will come into effect on 2nd April 2012 and will be reviewed after one year.

Customers will be advised in advance of the introduction of the charge. The schedule of charges and the service standards will be published on the web site.

## Report Implications

The following implications have been identified for this report.

### *Financial Implications*

It is estimated that the introduction of a charge will provide annual income of £2,000.

### *Risk Management*

The risks associated with the decision Cabinet is asked to make and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Not adopting the provisions of the legislation in respect of street naming and numbering.	Unlikely	Major	The adoption of Sections 17 to 19 of the Public Health Act would avoid the risk of the Council being challenged.
Customers may question the legitimacy and equality of the proposed charge.	Possible	Minor	A guidance note setting out the details of the service will be published on the web site.
A charge may result in applications not being submitted.	Possible	Major	Without a statutory address purchaser's solicitors will not be able to carry out on-line title searches and this will delay the transaction; the purchasers will need it so that their utility companies can connect the gas, electricity and other services and so that they can give the new address to their family and friends. It is unlikely to occur. Royal Mail will also not allocate postcodes without formal notification from the council.

### *Equality and Diversity*

An Equality Impact Assessment of the proposed charge is not considered to be necessary because the charge will apply to all applicants applying for re-naming/re-

numbering of properties or streets. There is therefore no negative or positive equality or diversity impacts as a result of the introduction of the charge.

Key Decision: No

Background Papers:

1. Public Health Act 1925
2. Local Government Act 1972
3. Local Government Act 2003
4. General Power for Best Value Authorities to Charge for Discretionary Services – Guidance on the Power in the Local Government Act 2003
5. Income and Charging Policy Framework – Approved July 2004

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## Part B

### Background

1. The Council currently carries out street naming and numbering for new properties and streets within Charnwood, this is a statutory service. It also provides a non-statutory service to enable residents and developers to change the name of streets, property numbers or property names. These requests are usually accepted providing the proposal meets the Council's published criteria and follows consultation with the Parish/Town Council and local Ward Member. If objections are made they are lodged with and considered by the Magistrates' Court. Both these services are currently provided without a charge to the applicant.
2. Across the country a number of Local Authorities have been reviewing the way they provide these services and considering what actions could be taken to ensure that the non-statutory activity is not carried out at cost to the council tax payer.
3. This report sets out the procedure which will permit the Council to levy charges for the non-statutory service, which involves considerable liaison, consultation, administration and notification tasks, and makes proposals for the charges which could be levied.

### Legislation

4. The legislative position for street naming and numbering is complex, and various statutory provisions can apply. In essence, the council must resolve to adopt the provisions of Sections 17 to 19 of the Public Health Act 1925 for the whole of Charnwood in accordance with paragraph 25(5) of Schedule 14 of the Local Government Act 1972. This would clarify which powers the Council was exercising, as well as providing the necessary legislative context for charges to be made.
5. In summary:
  - Section 17 enables developers to suggest a name for a new street and for the authority to approve or refuse the name, there is a right of appeal to the Magistrates' Court.
  - Section 18 enables the Borough Council to alter the name of a street and to give a name to an un-named street with the provision for an objector to require the decision to be considered and determined by the Magistrates' Court.
  - Section 19: enables the Borough Council to ensure that the name of every street is maintained at public expense, is shown in a conspicuous position and also to alter or renew it if it becomes illegible. Anyone found guilty of damaging or removing a sign is liable to prosecution. Signs for private streets are the responsibility of the residents.
6. Other relevant legislation is included within the Town Improvement Clauses Act 1847:

- Section 64 gives the Council discretionary powers to require or put up or paint street numbers to houses; and
- Section 65 gives the Council discretionary powers to require the Occupiers of houses and other buildings in streets to mark them with such numbers, and to approve and to renew them when reasonably necessary.

### Charging Provisions

7. The Local Government Act 2003 Section 93 allows the Council to charge for discretionary services. This would therefore allow for charges to be made in respect of the following discretionary services currently carried out
  - Re-naming existing properties.
  - Re-numbering existing properties
  - Re-naming existing streets
  - alterations in either names or numbers to new developments after initial naming and numbering has been undertaken
8. There is however a duty to charge no more than the costs incurred in providing the service. The Act aims to encourage improvements to existing services and develop new ones that will help to improve the overall service they provide to the community and not to make a profit.
9. The 2003 Act also requires charges to be reviewed annually, to ensure that taking one year against another, the Council is only recovering its costs in providing the service.

### Options Available

10. There are three options open to Charnwood regarding this issue:
  - (a) Continue to carry the cost of providing the discretionary element of the street naming and numbering service, as at present, from general revenue funds. This would mean that the cost of running the service would continue to be met generally, rather than by specific users of the service.
  - (b) Adopt the relevant legislation and then charge a reasonable cost for providing the non-statutory part of the street naming and numbering service. This would mean that the individual or organisations benefiting from the service would be the one bearing the cost. If this was the case then a set of charges as laid out below would be implemented. These costs are not excessive and would not lead to a profit. They would go some way towards covering the staff costs for running the service and the revenue costs. It is anticipated that the revenue costs will reduce as more of the work carried out by the Council and its partners move to being fully electronic. For this reason it is recommended that, should this option be approved, then the costs for running the service are reviewed annually to ensure that they are reasonable
  - (c) Only carry out the statutory functions in respect of naming and numbering of new streets and properties and cease to provide a service to allow changes to existing properties. This would not be reasonable

since it would result in unauthorised changes to property names and numbers causing issues with the postal service and emergency services and any other function that requires a consistent up to date and accurate property address system.

## Appendices

### Appendix – Schedule of Proposed Charges

## APPENDIX

### Schedule of proposed charges for Street Naming and Numbering Service

Activity	Charge	Charge (inclusive of VAT)
<b><i>New street or new property (where no names or numbers have already been agreed)</i></b>	No charge	No charge
<b><i>Re-naming/re-numbering of properties or amendments to an existing named/numbered development</i></b>		
1 unit	£100 plus VAT	£120
2-4 units	£200 plus VAT	£240
5-9-units	£300 plus VAT	£360
10-49 units	£500 plus VAT	£600
50-199 units	£1,000 plus VAT	£1,200
200+ units	£1,500 plus VAT	£1,800
<b><i>If properties and street names are to change add the cost together.</i></b>		
Renaming of street (each street) or amendments to an existing named street named/numbered development	£300 plus VAT	£360