

PART A

Report to: Council
Date of meeting: 11 October 2016
Report of: Head of Democracy and Governance
Title: Adoption of the Public Health Act 1925 by Watford Borough Council for Street Naming and Numbering Purposes

1.0 **Summary**

1.1 The report seeks adoption of Sections 17 to 19 of the Public Health Act 1925 relating to street naming and authority to place the necessary notices advertising the adoption.

2.0 **Recommendations**

2.1 That the Council agrees to adopt sections 17 to 19 of the Public Health Act 1925.
2.2 That the Council authorises The Head of Democracy and Governance to place the necessary notices to advertise the adoption.

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Report approved by: Carol Chen Head of Democracy and Governance.

3.0 **Detailed Proposal**

3.1 Local authorities have powers to name streets but this must be under either the Town Improvement Clauses Act 1847 or Public Health Act 1925.

A recent street naming proposal facilitated a review of Watford Borough Council's street naming procedures. Whilst undertaking the review it emerged that records of the statutory procedures which have been used by the Council in street naming are no longer easily accessible, and evidence of which of the two acts cited above the Council names streets under can not be identified without a significant expenditure of officer time.

It is felt to be more straightforward to confirm adoption by Watford Borough Council of the provisions of sections 17 to 19 of the Public Health Act 1925, and use this legislation in all future street naming.

The adoption of the relevant provisions of the Act will then need to be advertised and the resolutions cannot take effect until one month after the date of the resolution.

4.0 **Implications**

4.1 **Financial**

4.1.1 The Shared Director of Finance comments that other than the cost of the statutory advertisement there are no financial implications

4.2 **Legal Issues (Monitoring Officer)**

4.2.1 The Head of Democracy and Governance comments that under local government legislation Local authorities outside London have the power to name streets. This power is conferred either by the Town Improvement Clauses Act 1847 or the Public Health Act 1925. Schedule 14 paragraphs 23 – 25 of the Local Government Act 1972 applies these statutory provisions to all local authorities in England and Wales. The provisions are mutually exclusive and where the 1925 Act is in force the provisions of the 1847 Act have no effect.

These statutory provisions, either under the 1847 Act or the 1925 Act, apply in all areas which they were in force prior to 1 April 1974, or in areas which resolutions for their application have been made prior to that date.

Only one statutory regime can apply and the Council will have in the past adopted one or the other, or will be continuing to use whichever statutory regime applied to: *“those*

areas, and only those, to which they applied immediately before 1st April 1974” (paragraph 24 of Schedule 14).

Therefore if the Council is unable to determine that either a resolution was passed adopting one or other of the statutory regimes or instead that no resolution was passed, but to demonstrate that a particular statutory regime was followed prior to 1 April 1974, then it cannot be said with certainty which regime applies.

In such a case it is recommended that the Council make a resolution adopting the relevant provisions of the Public Health Act 1925

4.3 **Equalities**

4.3.1 There are no implications

4.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
<i>Council is challenged on legislation it is using</i>	<i>1</i>	<i>4</i>	<i>4</i>
<i>Those risks scoring 9 or above are considered significant and will need specific attention in project management. They will also be added to the service’s Risk Register.</i>			

4.5 **Staffing**

4.5.1 No implications

4.6 **Accommodation**

4.6.1 No implications

4.7 **Community Safety**

4.7.1 No implications

4.8 **Sustainability**

4.8.1 No implications

Background Papers

No papers were used in the preparation of this report.

File Reference

None