



## **MENDIP DISTRICT COUNCIL**

### **CORPORATE SERVICES / BUSINESS INFORMATION SYSTEMS**

# **STREET NAMING AND NUMBERING POLICY**

<b>Author:</b>	<b>Adam Rhymer</b>
<b>Document Name:</b>	<b>Street Naming and Numbering Policy</b>
<b>Document Number:</b>	<b>1</b>
<b>Effective Date:</b>	<b>TBC</b>
<b>Date due for review:</b>	<b>1 November 2020</b>
<b>Responsible for review:</b>	<b>Principal Systems Officer – BIS</b>
<b>Version:</b>	<b>2</b>

### Version control

Number	Effective Date	Author / Reviewer	Comments (e.g. details of any policies being replaced)
1	07/12/2009	Carol Marchant	New Document
2	06/12/2016	Adam Rhymer	Updated
3			
4			

### Dissemination

Name or Team	Method	Date	Version
All Staff	SharePoint	06/12/2016	
BIS	Team Meeting	06/12/2016	

### Publication of current version

Location	Date of Publication
Website	06/12/2016
SharePoint - Policies	06/12/2016

### Approvals for current version

Name	Date of Approval
Group Manager Group	05/12/2016
Senior Leadership Team	05/12/2016
Legal	05/12/2016
Finance	05/12/2016
Cabinet	05/12/2016

# **STREET NAMING & NUMBERING POLICY**

## **Contents**

- 1. Introduction**
- 2. Purpose of Policy**
- 3. Legal Framework**
  - Powers to require display of street numbers and road names
  - Adopted legislation for performing Street Naming and Numbering duties
  - Adopted legislation for charging
- 4. Operational Framework**
  - Scheme of delegation
  - Service responsible
  - Fees and charges
- 5. Application Process**
  - Timescales
  - Consultation
  - Details required
  - Notification of decision
- 6. Right of Appeal**
- 7. Operational Guidance**
- 8. Exclusions**

## **Appendices**

**A:** Legislation

**B:** Consultees and Notifications

## **1. Introduction**

Mendip District Council is the body responsible for the administration of the street naming and numbering process to ensure that all properties in the district are officially addressed. This enables proper response by Emergency Services and Utilities and ensures that all Council customers have a verifiable address for postal, service and goods deliveries.

Names chosen will need to be acceptable both to the Local Authority and to Royal Mail primarily to avoid duplication or confusion arising from use of similar names in close proximity.

New addresses are only registered by Royal Mail when notified by the Local Authority as the responsible body. Postcodes are allocated by Royal Mail and allocation is made in conjunction with the name/number registration initiated by the Local Authority.

This policy sets out the operational framework for the delivery of the Street Naming and Numbering Service. It also confirms delegation of authority to the Council's designated Group Manager for Corporate Services via the Council's Constitution for the official determination of applications for street naming and numbering and the allocation and amendment of official addresses.

For the purposes of this Policy "parish council" is taken to mean the respective parish, town and city councils within the administrative area of Mendip District Council.

## **2. Purpose of Policy**

This policy provides a framework for Mendip District Council to operate its street naming and numbering function effectively and efficiently for the benefit of Mendip residents, businesses and visitors.

The Policy defines:-

- Legal framework for operation of the Street Naming and Numbering service
- Operational framework for the delivery of the service
- Protocols for determining official street names and numbers

## **3. Legal Framework**

The relevant statutory provisions with regard to street naming are:

- Section 21 Public Health Acts Amenity Act 1907 (alteration of street name with consent of two-thirds of the ratepayers)
- Sections 17-19 Public Health Act 1925 (naming of streets and alteration and indication of street names)
- Sections 64 and 65 of the Town Improvement Clauses Act 1847 (street naming and numbering)

Adoption of section 18 of the Public Health Act 1925 causes section 21 of the Public Health Acts Amenity Act 1907 automatically to cease to apply. Adoption of section 19 of the 1925 Act causes the street naming provisions in sections 64 and 65 of the Town Improvement Clauses Act 1847 to cease to apply.

Section 18 of the Public Health Act 1925 enables an authority to alter the name of a street and to give a name to an un-named street. The adoption of section 18 of the 1925 Act enables (by virtue of section 93 of the Local Government Act 2003) charging for altering street names and giving names to streets, as section 18 is a discretionary power.

The Council decided in March 2006 to formally adopt:-

- Sections 64 and 65 of the Town Improvement Clauses Act 1847 (“the 1847 Act”) as far as they relate to street numbering
- Sections 17-19 of the Public Health Act 1925 (“the 1925 Act”)

Relevant extracts are shown in Appendix A.

The Council does not have a statutory obligation to amend existing addresses in line with property-owners’ wishes to change a property name. This is a discretionary service that the Council re-introduced in April 2006.

The Council does not have a statutory obligation to research, consult or issue formal notices confirming official addresses for existing, occupied properties. This is a discretionary service that the Council introduced in 2013.

Under the Local Government Act 2003 local authorities are empowered to charge for non-statutory services. The Council took the decision at Cabinet in February 2006 (implemented from April 2006 after proper advertisement) to re-introduce the re-naming service and agreed the initial charging levels.

## **4. Operational Framework**

### **4.1 Scheme of delegation**

Authority to perform and determine applications for street naming and numbering and to fulfil the obligations on the Local Authority under the street naming and numbering legislation is delegated to the designated Group Manager for Corporate Services of the Council.

### **4.2 Service responsible**

The service performing the street naming and numbering service is the BIS section of the Corporate Services Group.

### **4.3 Fees and charges**

Fees and charges applicable for the Street Naming and Numbering services are annually reviewed during the Council’s budget setting process and publicised through the Council’s communication channels including the website (<http://www.mendip.gov.uk/snn>).

Such fees and charges are set on a cost recovery basis and are set to cover the non-statutory elements of the service: consultation and liaison with the Royal Mail, Emergency Services, Land Registry or other interested parties, to publish officially registered addresses on its website, and/or to provide official notices confirming addresses for existing properties.

## **5. Process for Street and Property Naming/Numbering**

The Local Authority will always seek to name a street or part of street where new properties have separate accesses from such a roadway, regardless of whether that road is, or will be, adopted public highway. Building names will only be used for new properties contained within a single shell with a single point of access.

### **5.1 Street Naming**

There are two methods by which a street may be named or re-named. The most common will be an owner or developer who will give notice to the Local Authority that they intend to name a new street. The procedure for this is set out at section 7.2.

The Local Authority has an additional power to alter the name of a street or assign a new name by order under s.18 Public Health Act 1925. The Local Authority will use this power in instances where a new street is created and requires an official name or where a street is currently un-named and requires an official name in its place due to issues arising where the allocation of an official street name would help rectify any issues. The Local Authority will follow the procedure set out in section 7.3 for making such an order.

There are no statutory requirements to consult when using either powers to name a new street or re-name an existing street or part of one. Notwithstanding that, the Local Authority recognises the importance of community involvement in the process of naming or re-naming streets and will carry out the consultations as set out in sections 7.2, 7.3 and 7.4 as appropriate.

The Local Authority recommends avoiding the use of punctuation marks such as apostrophes in proposed street names, as they are not always recognised by electronic databases.

### **5.2 Property Naming and Numbering**

The Local Authority's powers to number properties are found in s.64 and s.65 of the 1847 Act. S.64 gives the power to the Local Authority to cause the houses and buildings in all or any of the streets to be marked with numbers as they think fit. S.65 of the 1847 Act gives the Local Authority the power to approve numbers and to ensure that properties are correctly marked with those approved numbers. In order to achieve this the Local Authority will follow the procedure set out section 7.5 below.

There is no specific statutory power contained within the 1847 Act or the 1925 Act to name properties. Notwithstanding this the Local Authority believes that it is in the public interest to ensure that new property names are checked against reasonable criteria (including that proposed names do not lead to duplication of names and confusions for both residents and organisations). It has, therefore, made the decision in conjunction with relevant stakeholders to monitor property names against a set of specified criteria and will consider requests to name properties in accordance with the procedure set out in section 7.5.

## **6. Right of Appeal**

There is no right of appeal against the allocation of property numbers by the Local Authority under sections 64 and 65 of the 1847 Act. If any person is aggrieved by the process or the allocation of property numbers or names under this section, they should use the Council's Complaints Procedure.

Where street names are proposed to the Council under s17 of the 1925 Act and the Council formally objects to the proposal, the proposer has a right of appeal to the Magistrates' Court.

Where the Council exercises its powers under s18 of the 1925 Act and assigns or changes a street name, any person aggrieved by the notice has 21 days from the date the notice is posted to lodge an appeal with the Magistrates' Court.

Consultees to any action to be taken by the Local Authority do not have rights of appeal to the Magistrates Court unless they are responding to a notice displayed at the affected location by the Local Authority under s.18 of the 1925 Act. Any informal consultee who is unhappy with the decision made by the Local Authority should follow the Local Authority's internal Complaints Procedure and copies of the procedure will be made available upon request.

All appeals to the Magistrates Court should be lodged at South Somerset Magistrates Court in Yeovil or such other Magistrates Court as is the court with geographical responsibility for the area of Mendip.

## **7. Operational Guidance**

### **7.1 Approval Criteria**

The Local Authority will ensure that any proposed street name meets the following criteria:-

- Does not duplicate an existing street or building name in the area (within the same parish)
- Does not breach rules of common decency
- Does not promote an active organisation or living individual
- Where the name of a deceased person is proposed, consent from their estate is obtained and it is clear which person is intended to be commemorated by the name

Street names wishing to commemorate deceased individuals who have living family members within the area or otherwise have people of the same name in the local area will be permitted provided that it is made clear in the proposal which individual is intended to be commemorated. For example, a proposal suggesting the name "King" be used to commemorate the "King Family" is unlikely to be acceptable. However, a proposal stating the wish to commemorate "Mary King" may be permitted.

The Local Authority will ensure that all new street names end with a descriptive term which adheres to the version of the data entry conventions of the National Land and Property Gazetteer which are in use at the time when the application is submitted.

### **7.2 New Street Notice Procedure**

Where a new street has been created it is necessary for it to be named in order for all properties on that street to be allocated addresses.

Notices for new street names need to be submitted to the Local Authority by the owner (or with the consent of the owner) of the affected property/properties. The notice will be processed when all the following are received:-

- Completed application form, including statement of ownership
- Site plan illustrating the layout and primary point of access/es to property/properties

- Any requisite fee

Where the notification is of a proposed new street name under s17 of the 1925 Act, the Local Authority will consult with the local town or parish council. Where consultees advise that any proposed name is unacceptable they will be expected to provide reasons that will be robust to any appeal process. The Local Authority may negotiate with the applicant in order to reach a mutually acceptable alternative in such cases.

The Local Authority will consider the received notice, together with any consultation responses received, and will decide whether it is acceptable in accordance with this Policy. The decision as to whether to accept any notice rests with the Local Authority. If the Local Authority objects to the proposal it shall issue a notice of objection in writing to the applicant within one month of receipt of the notice of proposal.

If the Local Authority does not consider it a valid objection that could be upheld at appeal they will advise the parish council and not formally object to the proposer. If the parish council is aggrieved by the decision not to object, they have recourse to the Local Authority's complaints procedure.

The Local Authority will complete any and all necessary consultation and advise the applicant of their decision on the official address/es within 15 working days where a new street name is rejected or within 45 working days if a new street name is to be approved.

If no response is received from the local city, town or parish council within 21 days of consultation, it will be assumed that they have no objections to the proposed street name/s.

On final approval of official street names the Local Authority will notify the applicant, other interested parties and the relevant internal and external bodies applicable at that time, illustrated in Appendix B. This list will be reviewed periodically in line with national guidance and internal working practices.

### **7.3 Existing Streets**

On occasion the Local Authority may need to consider the naming or renaming of an existing street to rectify issues with duplications and delivery problems. Requests may also be received from residents or local councils for the Local Authority to name or rename a street. Requests from residents or the parish council will be dealt with using the same procedure as under section 7.2 above except for the following:

If the proposed street name meets the criteria in 7.1 the Local Authority will consult with owners/occupiers of all properties on the street, and the parish council, allowing 30 days to respond. If no response is received in this timescale the assumption will be made that the consultee has no objection to the proposal.

The decision will be made to officially change the name of the street if the majority of consultees who respond are in agreement.

The Local Authority will post notice at the affected location of its intent to issue an order changing or allocating the new official street name under s18 of the 1925 Act. Any person aggrieved by the intended order of the Local Authority may, within twenty-one days after the posting of the notice, appeal to the Magistrates Court.

Once the period for objection has passed, the Local Authority will make the order and notify all concerned parties, including Royal Mail and the Land Registry.

#### **7.4 Street Naming and Numbering in the Absence of any Application**

The Council will remind developers of new properties of the need for an official address and the process to follow. If no application is received within 3 months of notification of the building completion date, the Local Authority may allocate official addresses for emergency services purposes with no further consultation and will notify the developer/owner/occupier of this decision.

In cases such as these, the Council gives no guarantee as to the accuracy of such addresses. No external consultation will be undertaken and the Local Authority will not consult with the Royal Mail for confirmation of the applicable postcodes or the need to add such addresses to the Royal Mail postal address file.

If no application is submitted to the Local Authority to rename an existing addressed property, the official name will remain unchanged and no internal or external consultation or notifications will be made by the Local Authority.

#### **7.5 Property Naming and Numbering**

Property numbering is dealt with by the Local Authority under s64 and s65 of the 1874 Act.

##### **7.5.1 Numbering Properties**

For all new major development sites and for infill plots in numbered roads, the Local Authority will apply a numbering process to all new properties, residential and commercial, in accordance with national guidelines. Properties will be numbered and addressed from the street with the primary access and delivery point to the property.

For new properties in streets with no existing numbered properties, the Local Authority will seek proposals for appropriate property name/s from the applicant.

The Local Authority will not remove numbers from existing official addresses unless it is necessary to resolve existing duplications and identification problems. Names can be used in addition to a property number, but applicants should be aware that the postal address recorded by Royal Mail and used by other organisations may not always reflect this.

##### **7.5.2 Naming or Renaming a Property**

The Local Authority works in conjunction with the Royal Mail to ensure that, in the best interests of the public, criteria are established to avoid confusion with conflicting property names and other reasonable matters.

Applicants wishing to name, or re-name, a property are recommended to apply to the Local Authority giving details of the proposed name in order that the Local Authority may carry out checks and consultation as set out below.

On receipt of an application for naming or re-naming a property the Local Authority will ensure any proposed name meets the following criteria:-

- Does not duplicate an existing building name in the area (within the same settlement)
- Does not breach rules of common decency

- Where the name of a deceased person is proposed, consent from their estate **has been** obtained and it is clear which person is intended to be commemorated by the name
- Where a **property** name is proposed that refers to a living person, consent from the referred party will be requested before an application is processed

Organisation names will not be allocated as the property name in an address, but may be held in Council records and notified to consultees alongside a property number or unit name.

The Local Authority will also consult with Royal Mail to ensure that no delivery problems are likely to ensue from the proposed property name and to confirm the postcode for the new address/es. Royal Mail will not guarantee mail delivery if their advice is ignored, and in these situations the Council will treat such advice as binding and will formally advise the applicant against the proposed name.

## **7.6 Addressing Premises in Special Circumstances**

In some circumstances the Local Authority receives requests to provide official addresses for delivery points, particularly for agricultural barns and fields, for individual pitches on caravan sites and for residential annexes.

### **7.6.1 Agricultural Barns and Fields**

The Local Authority will not allocate official addresses for agricultural barns and fields that are part of a larger farm holding with its own address and delivery point.

Where farm holdings are split and requests for individual addresses are made, these will only be addressed if the relevant planning authorisation has been granted for the split.

### **7.6.2 Caravans and Camping**

Static Caravans permanently occupied on individual pitches will be treated as individual properties, recorded with an individual address and will only be addressed if the relevant planning authorisation has been granted for the pitch in question. For caravan parks/sites the main site will be addressed and individual pitches will not be allocated individual official addresses.

### **7.6.3 Residential Annexes**

Where residential annexes are 'tied' to the associated property and are not to be sold or otherwise occupied independently of the main building, the Local Authority will only provide an official address if there is a separate access and delivery point to the Annexe section. The Local Authority will include 'Annexe' and retain the name of the main building in the address allocated

### **7.6.4 Units on Trading / Industrial Estates**

Existing or new buildings that have separate business premises within them will, where possible, be allocated a separate number for each unit. Where this is not possible because of the existing numbering, commercial premises will be allocated numbers and/or A, B, C etc.

## 8 Exclusions

### **The Local Authority is not responsible for the following:**

- Postcode Allocation: this is the responsibility of the Royal Mail
- Non-delivery of items to the official address: issues should be raised with the appropriate delivery service.
- New/amended addresses being unavailable on databases used by third parties: various third parties refresh their address sets at different frequencies and from different sources, and address changes can therefore take some time to appear in their systems.
- Maps not showing new properties or roads: again, change information can take some time to percolate through to third party products and depends on those third party update regimes
- Erection of new street nameplates: the owner/developer is responsible for the proper provision of street nameplates
- The impact on postcodes allocated by the Royal Mail if there is a requirement for a road name change and the Council issues the relevant order under s18 of the Public Health Act 1925
- Impacts on postal addresses arising from confirmation of official addresses where no new or amended street names are involved – the Local Authority will advise and consult with residents where research shows that confirmation of official addresses should be reflected in the postal address file.
- Replacement, erection or mending of street nameplates

Developers are responsible for the erection of new street nameplates and the Council's Operational Assets service is responsible for advising on specifications and resolving issues with replacement or mending of existing street nameplates. Details are available from the Council's website at <http://www.mendip.gov.uk/street>.

## **APPENDIX A: Legislation**

### **Section 64: Town Improvement Clauses Act 1847 Houses to be numbered and streets named**

“The commissioners shall from time to time cause the houses and buildings in all or any of the streets to be marked with numbers as they think fit, [and shall cause to be put up or painted on a conspicuous part of some house, building, or place, at or near each end, corner, or entrance of every such street, the name by which such street is to be known]; and every person who destroys, pulls down, or defaces any such number [or name], or puts up any number [or name] different from the number [or name] put up by the commissioners, shall be liable to a penalty not exceeding [level 1 on the standard scale] for every such offence”.

*Parts in square brackets excluded by the adoption of ss17-19 Public Health Act 1925*

### **Section 65: Town Improvement Clauses Act 1847 Numbers of houses to be renewed by occupiers**

“The occupiers of houses and other buildings in the streets shall mark their houses with such numbers as the commissioners approve of, and shall renew such numbers as often as they become obliterated or defaced; and every such occupier who fails, within one week after notice for that purpose from the commissioners, to mark his house with a number approved of by the commissioners, or to renew such number when obliterated, shall be liable to a penalty not exceeding [level 1 on the standard scale], and the commissioners shall cause such numbers to be marked or to be renewed, as the case may require, and the expense thereof shall be repaid to them by such occupier, and shall be recoverable as damages.

### **Section 17: Public Health Act 1925 Notice to urban Local Authority before street is named**

“1) Before any street is given a name, notice of the proposed name shall be sent to the urban authority by the person proposing to name the street.

2) The urban authority, within one month after the receipt of such notice, may, by notice in writing served on the person by whom notice of the proposed name of the street was sent, object to the proposed name.

3) It shall not be lawful to be set up in any street an inscription of the name thereof – a) until the expiration of one month after notice of the proposed name has been sent to the urban authority under this section; and b) where the urban authority have objected to the proposed name, unless and until such objection has been withdrawn by the urban authority or overruled on appeal; and any person acting in contravention of this provision shall be liable to a penalty not exceeding [level 1 on the standard scale] and to a daily penalty not exceeding [£1].

4) Where the urban authority serve a notice of objection under this section, the person proposing to name the street may, within twenty-one days after the service of the notice, appeal against the objection to a petty sessional court”.

**Section 18: Public Health Act 1925**  
**Alteration of name of street**

“1) The urban authority by order may alter the name of any street, or part of a street, or may assign a name to any street, or part of a street, to which a name has not been given.

2) Not less than one month before making an order under this section, the urban authority shall cause notice of the intended order to be posted at each end of the street, or part of the street, or in some conspicuous position in the street or part affected.

3) Every such notice shall contain a statement that the intended order may be made by the urban authority on or at any time after the day named in the notice, and that an appeal will lie under this Act to a petty sessional court against the intended order at the instance of any person aggrieved.

4) Any person aggrieved by the intended order of the local authority may, within twenty-one days after the posting of the notice, appeal to a petty sessional court”.

5) .....

**Section 19: Public Health Act 1925**  
**Indication of name of street**

1) The urban authority shall 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 become illegible.

2) If any person ....., pulls down ..... any inscription of the name of a street which has lawfully been set up, or sets up in any street any name different from the name lawfully given to the street, or places or affixes any notice or advertisement within twelve inches of any name of street marked on a house, building, or erection in pursuance of this section, he shall be liable to a penalty not exceeding [level 1 on the standard scale] and to a daily penalty not exceeding [£1].

3) ...

**The Local Government Act 2003**

Brought about new devolved powers for Local Authorities, these included giving Councils new powers to trade and charge for non statutory services if they are Best Value Authorities (Section 93 of the Act)

Authorities, if charging for discretionary services, have a duty to charge no more than the costs they incur in providing the service. The aim is to encourage improvements to existing services and develop new ones that will help to improve the overall service they provide to the community, not to make a profit.

## **APPENDIX B: Internal/External Consultees and Notifications**

Internal Bodies that may be informed of all new official addresses include:-

- Council Tax
- Electoral Registrations
- Land Charges
- Corporate Address Gazetteer
- Planning
- Environmental Health

External Bodies and Partners that may be informed of all new official addresses include:-

- Fire and Rescue Services
- Land Registry
- Ordnance Survey (OS)
- Avon and Somerset Police
- Somerset County Council
- National Land and Property Gazetteer
- Contractors to the Council for provision of local authority services
- Local City, Town or Parish Council
- Local Council Members
- Building Control
- Somerset Waste Partnership

## APPENDIX C – EXAMPLES AND BEST PRACTICE

### CARAVANS

Static Caravans sites will be treated as dwellings and recorded with an individual address as they will be liable for Council Tax.

For caravan parks/sites the main site will be addressed and the individual caravans will be recorded off the main site.

### COMMERCIAL UNITS

Existing or new buildings that have separate business premises will, if possible, be allocated a separate street number for each unit. Where this is not possible because of the existing numbering, all Commercial premises will be allocated numbers and/or A, B, C etc.

### AGRICULTURAL BUILDINGS / FIELDS / FARMHOUSES

The Royal Mail has advised that Agricultural barns which are not used for the receiving of postal deliveries will not be allocated a postal address/post code. If the field/barn is not part of a larger site, that is a postal address, then it is not an address and does not qualify for any form of mail delivery. Royal Mail would not allocate a postal address/postcode to a piece of land, allotment or uninhabited barn or agricultural premises simply for the delivery of feed, satellite navigation purposes utilities etc.

If a field/barn is part of a larger site that has an existing postal address, then under Royal Mail's Universal Service Obligation, Royal Mail will deliver mail to the delivery point for that main address only. Onward distribution of the mail is not Royal Mail's responsibility.

### ANNEXES

The request and allocation of a Separate official addresses (or addresses) for an Annexe will need to include the word 'Annexe' and be addresses off the parent property, this does not serve as confirmation that any building or structure is authorised under Planning, Building Regulations or any other legislation. Owners/occupiers risk enforcement action if any necessary approvals have not been obtained.