

# Protecting local heritage



How to bring democracy to the renaming of streets

Zewditu Gebreyohanes





---

# Protecting local heritage

## How to bring democracy to the renaming of local streets

Zewditu Gebreyohanes



---

Policy Exchange is the UK's leading think tank. We are an independent, non-partisan educational charity whose mission is to develop and promote new policy ideas that will deliver better public services, a stronger society and a more dynamic economy.

Policy Exchange is committed to an evidence-based approach to policy development and retains copyright and full editorial control over all its written research. We work in partnership with academics and other experts and commission major studies involving thorough empirical research of alternative policy outcomes. We believe that the policy experience of other countries offers important lessons for government in the UK. We also believe that government has much to learn from business and the voluntary sector.

Registered charity no: 1096300.

#### Trustees

Diana Berry, Alexander Downer, Pamela Dow, Andrew Feldman, David Harding, Patricia Hodgson, Greta Jones, Edward Lee, Charlotte Metcalf, David Ord, Roger Orf, Andrew Roberts, George Robinson, Robert Rosenkranz, William Salomon, Peter Wall, Simon Wolfson, Nigel Wright.

## About the Author

**Zewditu Gebreyohanes** joined Policy Exchange in 2020 after graduating from King's College London with a First Class degree in Philosophy, Politics and Economics (PPE). Prior to joining Policy Exchange, Zewditu served on the government commission on housing and architecture 'Building Better, Building Beautiful' as intern to its late Chair, Professor Sir Roger Scruton. She is currently the Director for Student Engagement at the Roger Scruton Legacy Foundation. Being of British-Ethiopian descent, she is a fluent Amharic speaker and has a keen interest in East African affairs.

---

© Policy Exchange 2021  
Published by  
Policy Exchange, 8 - 10 Great George Street, Westminster, London SW1P 3AE

[www.policyexchange.org.uk](http://www.policyexchange.org.uk)

ISBN: 978-1-913459-62-8

# Contents

About the Author	2
Executive Summary	5
Introduction	5
Recent precedent	6
Existing legislation	6
Legal challenges—case studies	7
Inconsistent approaches across councils: positive and negative case studies	9
Proposed amendments to legislation	11
Appendix	14
1. Table of street name alterations announced since June 2020	14
2. Public Health Acts Amendment Act 1907—Section 21	15
3. Public Health Act 1925—Section 18	15
4. London Buildings Acts Amendment Act 1939—Section 6	16
5. Local Government Act 1972—Schedule 14, Part II, Paragraph 25	17
6. Local Government Act 1972—Schedule 14, Part II, Paragraph 26	18
7. Plymouth City Council v Bamping—submissions and conclusions	18
8. 11KBW—Renaming Streets (30 November 2015)	20

---

## Executive Summary

- In recent months there has been a sharp rise in the number of street name alterations proposed by councils across the UK.
- There are currently three separate pieces of legislation on street renaming in England and Wales, which has given rise to inconsistency across councils in the approach they take when considering a street name alteration.
- Under the available legislation, any council has the power to change the name of a given street without consulting the residents on that street.
- For most residents wishing to challenge a council's decision, the only method of redress available is to take an appeal to Court. This is not only out of the reach of many ordinary citizens due to the time constraints and the costs incurred, but is of limited use because in most cases the Court does not have the authority to reverse the council's decision.
- A democratic right to a say on proposed changes to the name of a place, especially where this concerns heritage and local or national identity, should exist; such change should not be imposed on people top-down.
- Obtaining democratic consent is particularly vital in the case of street name alteration because renaming streets not only has an impact on public heritage, but also has very direct practical impacts on citizens through the costs incurred, such as when residents have to update all official documentation.
- Replacing the existing confusing pieces of legislation with new, consolidated legislation requiring support from a 2/3 majority of ratepayers on a street before a proposed street name change proceeds would democratise the process of street name alteration and would ensure that where any such alteration takes place it would carry legitimacy.

## Introduction

In recent months—and in the same vein as museums, galleries and educational institutions—local councils across the UK have sought to affirm their solidarity with the Black Lives Matter (BLM) movement by reappraising the history of their areas, particularly where supposed links to the transatlantic slave trade have been found. Whilst the main area of focus has been statues and central public spaces such as parks, there has also been a sharply increased focus on street names.

### Recent precedent

Since the height of the BLM protests in June 2020, at least nine local authorities—Plymouth Council, Haringey Council, Ealing Council, Watford Borough Council, Lambeth Council, Newcastle City Council, Vale of Glamorgan Council, Bridgend County Borough Council and Hackney Council—have identified specific streets which they intend to rename due to alleged links to slavery or to racism.<sup>1</sup> Several other councils are considering doing the same: Camden, Lancaster, Brighton & Hove, Richmond, Greenwich, Gloucester, City of London, Teignbridge and Gedling are among those that have stated their commitment to reviewing local street names and, where these are deemed to have a contentious history, to considering renaming streets. In London the Mayor Sadiq Khan recently unveiled a so-called ‘Commission for Diversity in the Public Realm’.<sup>2</sup> One of the aims of the commission is to review street names in London, which it contends “largely reflect a bygone era”,<sup>3</sup> and make naming recommendations.<sup>4</sup> The issue of street renaming is therefore a pressing issue of national importance.

The process surrounding street name alteration should be rigorous and democratic, with any decision to rename being underpinned by clear public support. The task of ascertaining public opinion is not easy, but it is important to undertake a diligent public consultation in order to ensure that the council’s actions reflect the views and wishes of the community.

### Existing legislation

The renaming of streets therefore requires a clear, defined process. Does such a process exist at present and does the current legislation provide adequate protection for street names? Street names are, after all, one of the key—albeit subtler—ways in which local history is woven into the urban fabric.

The process of street name alteration is governed in England and Wales by the Public Health Acts Amendment Act 1907 (the 1907 Act) and the Public Health Act 1925 (the 1925 Act), and in Greater London by the London Buildings Acts Amendment Act (LBAAA) of 1939.<sup>5</sup> <sup>6</sup> Whereas s.21 of the 1907 Act obligates the local authority to consult the public—with the alteration of a street name being conditional upon the council obtaining “the consent of two-thirds in number of the ratepayers and persons who are liable to pay an amount in respect of council tax” resident on that street—s.18 of the 1925 Act allows the local authority “by order [to] alter the name of any street, or part of a street” with the proviso that the authority must “cause notice of the intended order to be posted [...] in some conspicuous position in the street or part affected”. Only one power is available to a local authority at any given time, and s.21 of the 1907 Act is disappplied in any area where s.18 of the 1925 Act is in force. According to Sch.14 Pt.II para.25 of the Local Government Act 1972<sup>7</sup>, local authorities can choose to adopt the relevant provisions of the 1925 Act whenever they so wish, having given prior public notice; in effect they are no longer required by law to consult the public before altering a

1. See item 1 of the Appendix for a table containing a list of all the streets identified by the nine councils. Further information, including links to the councils’ announcements and information relating to the councils’ actions, can be obtained from Policy Exchange’s History Matters rolling compendium of evidence (accessible at <https://policyexchange.org.uk/history-matters-project/>).
2. London Assembly, 2021. *The Commission for Diversity in the Public Realm*. [online] Available at: <<https://www.london.gov.uk/what-we-do/arts-and-culture/commission-diversity-public-realm>> [Accessed 11 February 2020].
3. *Ibid.*
4. London Assembly, 2021. *Mayor announces members of new landmark Commission*. [online] 9 February 2021. Available at: <<https://www.london.gov.uk/press-releases/mayoral/mayor-announces-members-of-landmark-commission>> [Accessed 11 February 2021].
5. See items 2, 3 and 4 of the Appendix for the relevant excerpts from all three pieces of legislation.
6. S.64 of the Towns Improvement Clauses Act 1847 authorises councils which had adopted its provisions to name streets. However, s.64 applies only to unnamed streets and cannot be used to alter the name of a street, as illustrated in *Collins v Hornsey* (1901), during which case the Lord Chief Justice, Lord Alverstone, observed that the Court “can easily see that in the case of altering the name of an old street great inconvenience and difficulty may be caused if an alteration is forced upon people”.
7. See item 5 of the Appendix.

---

street name. The absence of a national register showing which provisions have been adopted by each local authority means that local authorities may have to search their records with great care to determine what street renaming powers they currently hold.

The regulation surrounding the renaming of streets by councils in Greater London—excluded from s.21 of the 1907 Act and from s.18 of the 1925 Act by Sch.14 Pt.II para.26 of the Local Government Act 1972<sup>8</sup>—is almost identical to that set forth in s.18 of the 1925 Act. S.6 of the LBAAA gives local authorities in London the power “by order [to] assign any name which they think fit to any street [...] whether or not in substitution for a name already given or assigned”.<sup>9</sup> However, s.6 also includes the stipulation that “the [borough] Council shall before making the order consider any objection so sent to them and may if they think fit having regard to any such objection amend any name which they have proposed to assign”.

By obligating councils to consider any objections to a proposed name change, locals are ostensibly provided with an opportunity to have a say in the process. On the other hand, there is no instrument in place to prevent councils from overriding the wishes of the local populations they are supposed to represent.

Councils following s.18 of the 1925 Act have even less inducement than London councils to provide residents with an opportunity to voice their opinions on a proposed name change, given that the legislation contains no similar stipulation regarding consideration of objections. S.18 does outline one course of redress for those who are “aggrieved by the intended order of the local authority”: any such individual may, “within twenty-one days after the posting of the notice, appeal to a petty sessional court”. Yet this is only a nominal channel for public engagement in the decision-making process; the average individual is unlikely to take an appeal to court, even if he or she is opposed to the local authority’s decision, because of time constraints and the costs incurred. Moreover, even in a scenario in which the majority of residents on a street were opposed to a name change, the onus would be on them rather than on the local authority to ensure their views were considered in the putative renaming process.

There is currently no universally applicable statutory criteria for street renaming. GeoPlace LLP, a public sector limited liability partnership between the Local Government Association and Ordnance Survey, has produced some guidance on street renaming, but this is both limited in the scope of its recommendations—particularly in relation to consultation—and not enforceable by law.<sup>10</sup> The Secretary of State has not yet introduced any policy on street name alteration.

### Legal challenges—case studies

A recent case study which illustrates the difficulty faced by those who wish to challenge a street renaming proposal is *Plymouth City Council v Bamping* (December 2020), in which District Judge Jo Matson rejected Danny

8. See item 6 of the Appendix.

9. These powers originally applied to the London County Council area and were extended to the whole of Greater London by s.43(1) of the London Government Act 1963.

10. GeoPlace, 2020. *The law and best practice for the re-naming of streets and buildings*. [pdf] December. Available at: <[https://s3.eu-west-1.amazonaws.com/static.geoplace.co.uk/downloads/The-law-and-best-practice-for-the-renaming-of-streets-and-building\\_FINAL-DEC-2020.pdf](https://s3.eu-west-1.amazonaws.com/static.geoplace.co.uk/downloads/The-law-and-best-practice-for-the-renaming-of-streets-and-building_FINAL-DEC-2020.pdf)> [Accessed 3 March 2021].

Bamping’s legal challenge to the local authority’s decision to rename a square from Sir John Hawkins to Jack Leslie, on the basis that “a street may be renamed by a local authority under section 18 [of the 1925 Act]”.<sup>11 12</sup> The Judge also pointed out that “there was no duty on the council to hold a public consultation” and, perhaps somewhat ironically, that “there was a clear and democratic decision made not to have a public consultation on the renaming of the street”. That councils have the final say and that they are not obligated to consult locals is therefore a principle very clearly entrenched in the legislation.

Nor was Bamping’s the only appeal that was lodged; in fact, within a month of the council’s initial public announcement of its proposal to rename the square, sixty people had written to the Magistrates’ Court to object to the proposal.<sup>13</sup> How many of these objections were carried through as formal appeals is not known, but it has been reported that only “a small number have had their letters accepted as a notice of appeal”, and “that they have been told they will have to pay a court fee and if they lose they could be ordered to pay the council’s legal costs”.<sup>14</sup> As suggested in the previous section, such threats are likely to deter prospective claimants who may not have the means to cover these legal costs. Mr Bamping himself was informed at the latest hearing that he would have to pay the council’s £8,000 legal costs.<sup>15</sup>

The ability of the Court to differ from the council in an appeal is in practice very limited, as shown in an earlier but similar case: *Basildon Borough Council v James*, in which the High Court held that an appeal under the 1925 Act can only be upheld if the Court is satisfied that the Council’s decision was wrong.<sup>16</sup> It is not for the Court simply to decide whether it would have altered the name; nor, conversely, is the Court limited to approaching the council decision on the basis of a public law error as is done in judicial review. Yet the Court has no criteria for deciding whether the council were wrong. The High Court pointed out in *Basildon* that “there are no statutory objectives, no statutory guidance and no policy to which the Council was required to have regard or to which the court can have resort”, and this presents a problem for anyone seeking to appeal a renaming decision.<sup>17</sup> In the absence of any statutory or policy tests which the council and the Court should be applying or considering, it is very difficult for a judge to pronounce the council’s view as wrong, even if the judge would himself have made a different decision for rational reasons. *Basildon* stands out because, according to the case reports, “more than 400 residents, representing about 50% of the population of the estate, sent letters of objection” to the local authority’s proposed renaming of several streets on the Five Links estate in Basildon (then being redeveloped), which indicates clearly that the council’s actions did not have the support of locals.<sup>18 19</sup>

Both cases show how ordinary citizens do not at present have a channel through which they can challenge a proposed name change in such a way that they could reasonably expect to have a meaningful impact on the council’s decision.

11. Sir John Hawkins was a notable Elizabethan naval commander and is considered to have been the first English slave trader; Jack Leslie was a Plymouth Argyle footballer whose invitation to join the national team in 1925 was withdrawn reputedly on account of his Afro-Caribbean descent. Royal Museums Greenwich. *John Hawkins: Admiral, Privateer, Slave Trader*. [online] Available at: <<https://www.rmg.co.uk/discover/explore/sir-john-hawkins>> [Accessed 8 January 2021]. BBC, 2020. *Black footballer statue campaign reaches goal*. [online] 11 August. Available at: <<https://www.bbc.co.uk/news/uk-england-devon-53733149>> [Accessed 8 January 2021].
12. See item 7 of the Appendix, which sets out Mr Bamping’s submissions; Plymouth City Council’s submissions; and the conclusions of the District Judge.
13. It should be noted that, according to Plymouth Live (20 July 2020), many of the objectors are not opposed to the idea of honouring Jack Leslie’s contributions to Plymouth—such as through putting up a statue of him at the Plymouth Argyle stadium—but simply oppose the renaming of Sir John Hawkins Square, for which change they argue inadequate consultation has taken place.
14. Oldfield, E., 2020. People who oppose renaming of Plymouth’s John Hawkins Square could face hefty legal bill. *PlymouthLive*, [online] 20 July. Available at: <<https://www.plymouthherald.co.uk/news/plymouth-news/people-who-oppose-renaming-plymouths-4345224>> [Accessed 6 January 2021].
15. Oldfield, E., 2020. Judge dismisses appeal against renaming Plymouth square after black footballer Jack Leslie. *PlymouthLive*, [online] 6 December. Available at: <<https://www.plymouthherald.co.uk/news/plymouth-news/judge-dismisses-appeal-against-renaming-4767376>> [Accessed 6 January 2021].
16. EWHC, 2015. *Basildon Borough Council v James*. [online] Available at: <<https://www.casemine.com/judgement/uk/5a8ff72360d03e7f57ea8674>> [Accessed 6 January 2021].
17. *Ibid.*
18. *Ibid.*
19. A Guardian article published in 2016 estimated that “53% of the 533 households affected submitted letters of complaint”. Wallop, H., 2016. ‘If it had a lovely, posh name, it might have been different’: do street names matter? *The Guardian*, [online] 22 October. Available at: <<https://www.theguardian.com/society/2016/oct/22/street-names-matter-property-values>> [Accessed 6 January 2021].

---

## Inconsistent approaches across councils: positive and negative case studies

The existence of various pieces of legislation on street renaming, and the fact that some councils have introduced their own additional provisions (as outlined in this section), has generated inconsistency in street alteration procedure across councils.

Not all councils have adopted s.18 of the 1925 Act; some—such as Exeter City Council,<sup>20</sup> Gloucester City Council,<sup>21</sup> Durham County Council<sup>22</sup> and Colchester Borough Council<sup>23</sup>—still follow the 1907 provisions, meaning that they can only alter a street name if they obtain the consent of two-thirds of ratepayers on the street. However, not only is this very rare but there is also nothing to prevent these councils from adopting the 1925 legislation at any point in the future should they so wish, thereby nullifying the 1907 provisions.

That residents should be consulted before a street name is altered is, it should be noted, already considered best practice in councils across England and Wales. Although for most there is no legal requirement to do so, councils in practice typically do undertake a consultation of some form. Nonetheless, the absence of a defined universal procedure means that there are invariably significant differences in their approach to consultation.

A positive example of a council which follows s.18 of the 1925 Act but which has shown itself to respect the views of locals regarding street name changes is Chesterfield Borough Council. Following the BLM protests, the council had considered changing the names of several streets, including Redvers Buller Road, Baden Powell Road and Rhodes Avenue.<sup>24</sup> However, following concerns voiced by residents as part of a review—combined with pressure from the Chesterfield Civic Society and from opposition councillors—the council announced that it would not be taking forward its renaming plans.<sup>25</sup>

Harlow Council, meanwhile, follows the 1925 street renaming legislation but has, unusually, chosen to integrate into its constitution its own stringent rules on consultation, which require “75% support from the local residents [for a name change] as any subsequent change can be very disruptive and cause individuals to have to change all their personal address details”.<sup>26</sup>

Yet these types of approaches are rare, and several councils have not shown the same disinclination to impose their wishes on unwilling residents. Haringey Council’s action to rename Black Boy Lane to La Rose Lane (after a late local campaigner for racial equality)—a process which began in the summer of 2020—is a paradigmatic case illustrating many of the flaws of the current legislation on street renaming.

Haringey’s Black Boy Lane attracted publicity in the wake of the Black Lives Matter protests because of the—erroneous—assumption that its name was a reference, nowadays considered derogatory, to men of African or Caribbean heritage. In reality, the street is thought to have been named this, centuries ago, after either King Charles II (so-called due to his swarthy

20. Exeter City Council, 2020. *Street naming and numbering policy*. [online] updated 9 December. Available at: <<https://exeter.gov.uk/planning-services/residential-and-business-address-information/street-naming-and-numbering-policy/procedure-to-name-name-an-existing-street-road-or-lane/>> [Accessed 4 February 2021].

21. Gloucester City Council. *Street Naming and Property Numbering Policy*. [pdf] Available at: <<https://www.gloucester.gov.uk/media/1032/gcc-snn-policy-final-version.pdf>> [Accessed 4 February 2021].

22. Durham County Council, 2020. *Street Naming and Numbering Policy and Procedures*. [pdf] March. Available at: <<https://www.durham.gov.uk/media/20157/Street-Naming-and-Numbering-Policy-and-Procedures-2020-2021/pdf/StreetNamingAndNumberingPolicyv7AMarch2020To2021.pdf?m=637217637319900000>> [Accessed 4 February 2021] p.4.

23. Colchester Borough Council, 2019. *Street Naming and Numbering Policy*. [pdf] Available at: <[https://cbccrmdata.blob.core.windows.net/noteattachment/SNN\\_Policy\\_v4.1.pdf](https://cbccrmdata.blob.core.windows.net/noteattachment/SNN_Policy_v4.1.pdf)> [Accessed 4 February 2021].

24. Broomhead, M., 2021. Chesterfield Council has ‘no plans’ to change street names after concerns raised. *Derbyshire Times*, [online] 20 January. Available at: <<https://www.derbyshiretimes.co.uk/news/people/chesterfield-council-has-no-plans-change-street-names-after-concerns-raised-3106827>> [Accessed 3 February 2021].

25. *Ibid.*

26. Harlow Council, 2016. *Street Naming and Numbering Policy, Procedure and Legislation*. [pdf] Available at: <<https://www.harlow.gov.uk/sites/default/files/documents/Street%20naming%20and%20numbering%20policy.pdf>> [Accessed 4 February 2021]. p.13.

complexion) or after local chimney sweeps, who earned this nickname across the UK (as did mine labourers) because of the blackened faces their profession gave them.<sup>27</sup> In spite of this, Councillor Joseph Ejiofor, the Labour Leader of Haringey Council, has claimed that “changing the name of this road is [the] first step” towards “eradicating racism, prejudice and discrimination”.<sup>28</sup>

The proposal has experienced significant push-back by locals for a number of reasons. Several Black Boy Lane residents of ethnic minority origin have opposed the name change on the grounds that, contrary to the council’s official statement, they do not find the name offensive; indeed, even a Labour Councillor (Eldridge Culverwell, who is of Zimbabwean descent) has denounced the move as “nonsense” and has argued that renaming the street could even be counter-intuitive as it could give rise to the belief that “all Black things are bad”.<sup>29</sup> Haringey Council received a deputation in December 2020 from two residents on Black Boy Lane, Anna Taylor and Ian Jackson-Reeves, who raised the following key points, among others: that the council had not undertaken a thorough consultation, with the first phase of consultation limited to a single letter sent to residents during the summer “which a number of residents did not receive due to some people’s addresses being missed off the list”;<sup>30</sup> that the council had failed “to engage with residents who were elderly or otherwise hard to reach”; that in focussing around “ideology” the council had given “insufficient consideration” to the “practical realities” of the name change, including the “time and effort” required for residents to change their address everywhere it has been listed, especially given the consideration that “most people worked long hours and did not have the time to undertake the various tasks involved”; and that the money required to facilitate the name change could be put to far better use “supporting those most in need”.<sup>31</sup>

Ironically, La Rose’s family has also objected to the use of his name on the street, whilst the George Padmore Institute of which La Rose was Founding Chairman released the following statement: “We feel the renaming proposal, in the way it has been conceived and is being carried out, is not one which John himself would have supported, nor is it in tune with his vision of the importance of people having access to and knowledge of all their history so that they can then make their own independent judgements. It is clear that the renaming proposal was not serious because (a) John La Rose’s closest family and friends were not consulted in advance, and (b) the biographical note presented to residents about who John La Rose was, and why he should be honoured in this way, was flimsy, shoddy and tokenistic. We also understand that there is a considerable cost in changing the name of a road and we feel that, at a time like this, when there are so many other more urgent calls on the Council’s finances, it is inappropriate to be spending money in this way.”<sup>32</sup>

In spite of all this, Haringey Council has persisted with the street renaming proposal and on 15th January 2021 announced that “phase

27. Weston, K., 2020. ‘Tokenistic’ London council is accused of erasing history with plan to rename 300-year-old ‘Black Boy Lane’ after late racial equality campaigner – despite even his FAMILY opposing it. *Daily Mail*, [online] 8 December. Available at: <<https://www.dailymail.co.uk/news/article-9031469/London-council-accused-erasing-history-plan-rename-300-year-old-Black-Boy-Lane.html>> [Accessed 5 February 2021].

28. Haringey Council, 2021. *Black Boy Lane Renaming – Phase 2 consultation*. [online] 15 January. Available at: <<https://www.haringey.gov.uk/news/black-boy-lane-renaming-phase-2-consultation>> [Accessed 4 February 2021].

29. Cruse, E., 2021. Renaming ‘racist’ Black Boy Lane in North London is ‘nonsense’ says Black councillor. *MyLondon*, [online] 2 February. Available at: <<https://www.mylondon.news/news/north-london-news/renaming-racist-black-boy-lane-19754209>> [Accessed 3 February].

30. The council has insisted that “residents showed a strong preference for the name ‘La Rose Lane’” in the initial phase of the consultation (Haringey Council, 2021), yet only 35 individuals out of the approximately 300 households on the street responded to the consultation. Haringey Council, 2020. *Agenda item: Deputations/Petitions/Presentations/Questions*. [online] Available at: <<https://www.minutes.haringey.gov.uk/mgAi.aspx?ID=66835>> [Accessed 3 February 2021].

31. Haringey Council, 2020.

32. Weston, 2020.

---

two of the consultation is open for a period of approximately of [sic] 5 weeks from Friday 15 Jan to Friday 19 February. The council has written directly to residents of Black Boy Lane who have been asked to consider ‘La Rose Lane’ as an alternative name”.<sup>33</sup> No estimate of the costs that would be incurred as a direct result of the renaming—including the costs to residents of updating their addresses on all official documents—was disclosed anywhere in the council’s public statements on the proposed name change or in the online consultation survey. The council’s lack of transparency, combined with its seeming unwillingness to respond to the concerns of those who will be affected by the name change, highlights some of the issues surrounding street name alteration.

Somewhat tellingly, and to the frustration of locals, the council removed some street signs in January even though the consultation on whether the street name should go ahead was ostensibly open until 19<sup>th</sup> February 2021.<sup>34</sup> This raises questions as to the council’s commitment to upholding the wishes of locals.

The current system has therefore given rise to inconsistency across councils. Residents on any given street in England or Wales are consulted about a proposed name change only at the discretion of the council; even if the council follows 1907 legislation, it could theoretically decide at any time to adopt s.18 of the 1925 Act, automatically disapplying the 1907 rules. Similarly, however well-intentioned current councillors may be or however scrupulous some councils’ existing constitutions may be in protecting the interests of locals, the door is still open legally to future ad-hoc street name alterations should a council ever have the inclination. In order to ensure cross-council parity and a fair system, all councils in England and Wales must have a statutory obligation to consult residents on any proposed street name alteration following a clearly defined, rigorous and democratic process as outlined in the following section.

## Proposed amendments to legislation

Legislation on street names is one of the last remaining fossils from a time when public involvement in council decision-making was either non-existent or heavily formalised. Local councils currently wield the power to change a street name without due regard to the wishes of the street’s residents, let alone to those of the wider community. Moreover, as outlined above there are numerous barriers which limit the ability of individuals to challenge councils’ decisions. A Magistrates’ Court or Crown Court is an unsuitable forum for resolving these issues, not least because where there is an appeal the Court would have to find that the council’s decision was wrong: something which, in the absence of any statutory criteria or national policy it would be very unlikely to do, short of any public law error by the local authority. The right of appeal to a Court, where it exists, is therefore of very limited use.

The provisions on street renaming are not only archaic but also highly inconsistent, with stipulations regarding public involvement ranging from the requirement for a super-majority of ratepayers on the street, in

33. Haringey Council, 2021.

34. Cruse, 2021.

the 1907 Act, to no consultation but merely a right of appeal under the 1925 Act. There is also a degree of uncertainty as to which powers apply for any particular local authority outside Greater London, since this relies on a resolution having been passed at some point during the last 95 years and this resolution not having been rescinded.

There is no reason to have three different pieces of legislation on street renaming. Repealing s.21 of the 1907 Act, s.18 of the 1925 Act and s.6 of the LBAAA and replacing them with new, consolidated legislation on street name alteration—crucially resembling the 1907 regime in its requirement for support from a 2/3 majority of ratepayers<sup>35</sup> on the street before any street name change is effected—would democratise the renaming process by inserting a duty to consult and by ensuring that only in cases where there is clear support for a name change from those living on the street would the local authority have the power to rename that street.<sup>36</sup> Street naming legislation is not a matter reserved to the UK government, meaning that any changes in Wales would be made by the devolved Welsh Assembly.

The new legislation should set out clearly the process by which residents are to be consulted. Street name alteration is an area in which postal voting would be apt; local councils could easily and cheaply send an envelope containing a ballot paper and a Postal Voter's Statement to each ratepayer living on the affected street.<sup>37</sup> Ballots would not be difficult to arrange because councils, which hold local elections every four years, already have their own electoral administrative departments.

The argument for pre-conditioning a street's renaming on the obtainment of approval from two-thirds of ratepayers on the street, as opposed to a simple majority of 50%, rests on the fact that whilst altering a street's name may appear superficially to be a simple procedure, it is in reality a cause of major disruption and incurs significant costs for residents on the street, who must update all records and official documents—including driving licences; company registration documents; and school, medical and insurance records—to reflect the change of their address. The sheer magnitude of the administrative burden on residents renders a simple majority in favour of renaming a street an unsuitable measure for proceeding with the alteration and means that there needs to be a *sizeable* majority before such action can be taken. Moreover, aside from the purely practical considerations, the sentimental value of street names—and their role as part of local history and heritage—should not be overlooked; many residents will feel an attachment to their street's name, which is another reason why renaming a street is not something into which a council should enter lightly. As Harlow Council puts it, “this is a very time consuming process and can be very emotive for those involved and should therefore only be contemplated as a last resort”.<sup>38</sup>

It is for similar reasons that it would be inappropriate to decide whether a street name should be altered on the basis of securing the support of two-thirds of *respondents*; this would be an inadequate threshold because, in cases of low turnout, it could lead to a street name alteration where only a small number of respondents voted in favour but where the majority of

35. The term 'ratepayers' refers to those who pay tax to the local council to contribute towards the cost of local services and utilities provision. It includes both domestic (household) and non-domestic (business) ratepayers. The practical benefits of giving a vote to each ratepayer on the street is that there already exists a register of ratepayers, drawn up by the Valuation Office Agency and to which councils—by virtue of being billing authorities—have access.

36. The government might also wish to consider whether this new legislation ought to sit with provisions for the naming of new or unnamed streets and for street numbering, for which there is similarly no consolidated legislation at present.

37. As with postal voting during national elections, these two documents would be handled separately to ensure voter anonymity.

38. Harlow Council, 2016.

---

ratepayers on the street disagreed with the proposal. Given the significant adverse impacts of street name alteration on residents, widespread apathy does not justify renaming; only if the *active support* of a considerable majority of residents is obtained should such action be taken.

Another thing to bear in mind is that squares fall, under current legislation, under the bracket of streets. This means that, at present, even if a councils were following s.21 of the 1907 Act, it would be able to rename a square on which no-one is resident—as in the aforementioned case of Sir John Hawkins Square in Plymouth—without holding any consultation.<sup>39</sup> One way to eradicate this loophole would be to incorporate within the new legislation a special provision for streets on which five households or fewer are resident, whereby in order to alter the name of such a street the council would need to obtain the approval of two-thirds of the residents of that street (if there are any) and all adjoining streets cumulatively.

Introducing new, consolidated legislation on street renaming, as outlined in this section, which supersedes the existing confusing mix of local and national Acts would ensure that all councils in England and Wales must follow a democratic process when considering the alteration of street names.

39. In addition to public squares, there may also be side-streets or alleys which have no residents. In all cases, it is desirable to require immediate support.

## Appendix

### 1. Table of street name alterations announced since June 2020

<https://policyexchange.org.uk/history-matters-project/>

Council	Legislation in force	Street
Plymouth	1925 Act	Sir John Hawkins Square
Haringey	LBAAA 1939	Rhodes Avenue Black Boy Lane
Ealing	LBAAA 1939	Havelock Road
Watford	1925 Act	Rhodes Way Clive Way Colonial Way Imperial Way
Lambeth	LBAAA 1939	Juxton Street Tradescant Road Vassall Road Tulse Hill Holland Grove Foxley Road Foxley Square Lord Holland Lane Lilford Road Rhodesia Road Thurlow Road Burgoyne Road Cromwell Road Dundas Road Nelson's Row
Hackney	LBAAA 1939	Cassland Road Gardens
Newcastle	1925 Act	Blackett Street Colston Street
Vale of Glamorgan	Not in public domain	Fford Penrhyn Gladstone Road
Bridgend	Not in public domain	Picton Street

---

## 2. Public Health Acts Amendment Act 1907—Section 21

<https://www.legislation.gov.uk/ukpga/Edw7/7/53>

### 21 Power to alter names of streets.

The local authority may, with the consent of two-thirds in number <sup>F25</sup> . . . of the ratepayers [<sup>F26</sup> and persons who are liable to pay an amount in respect of council tax] in any street, alter the name of such street or any part of such street. The local authority may cause the name of any street or of any part of any street to be painted or otherwise marked on a conspicuous part of any building or other erection.

Any person who shall wilfully and without the consent of the local authority, obliterate, deface, obscure, remove, or alter any such name, shall be liable to a penalty not exceeding [<sup>F27</sup> level 1 on the standard scale].

#### Textual Amendments

F25 Words repealed (E.W.) by S.I. 1990/776, art. 8, Sch. 3 para. 1(a)

F26 Words in s. 21 (which were added (E.W.) by S.I. 1990/776, art. 8, Sch. 3 para. 1(b)) substituted (E.W.) (1. 4. 1993) by Local Government Finance Act 1992 (c. 14), s. 117(1), Sch. 13 para. 3 (with s. 118(1)(2)(4)); S.I. 1992/2454, art. 3(1)(a).

F27 Words in s. 21 substituted (E.W.) by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46

#### Modifications etc. (not altering text)

C5 S. 21 repealed, as respects any area in which s. 18 of the Public Health Act 1925 (c. 71) is in force, by *ibid.*, s. 18(5)

C6 Power to extend or exclude s. 21 conferred by Local Government Act 1972 (c. 70), Sch. 14 Pt. II para. 25

C7 S. 21 excluded (Greater London) by Local Government Act 1972 (c. 70), Sch. 14 Pt. II para. 26

## 3. Public Health Act 1925—Section 18

<https://www.legislation.gov.uk/ukpga/Geo5/15-16/71>

### 18 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) . . . . . F3

#### Textual Amendments

F3 Ss. 16(2), 18(5), 19(3) repealed by Local Government Act 1972 (c. 70), Sch. 30

#### Modifications etc. (not altering text)

C3 Power to extend or exclude section 18 conferred by Local Government Act 1972 (c. 70), Sch. 14 Pt. II para. 25

C4 S. 18 excluded (Greater London) by Local Government Act 1972 (c. 70) Sch. 14 Pt. II para. 26; modified by S.I. 1973/686, art. 3(1), Sch. 3

### 19 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 becomes illegible.

## 4. London Buildings Acts Amendment Act 1939— Section 6

[https://www.legislation.gov.uk/ukla/1939/97/pdfs/ukla\\_19390097\\_en.pdf](https://www.legislation.gov.uk/ukla/1939/97/pdfs/ukla_19390097_en.pdf)

**6.**—(1) The Council may by order assign any name which they think fit to any street way place row of houses or block of buildings whether or not in substitution for a name already given or assigned.

PART II.  
—cont.  
Assigning of  
names to  
streets &c.

(2) Before making an order under this section the Council shall give notice of their intention of so doing to the local authority and shall also at their option either cause notice of their intention to be posted in some conspicuous position in the street way or place or adjacent to the row of houses or block of buildings as the case may be or give notice of their intention by circular delivered at every building situate in the street way or place or forming part of the row of houses or block of buildings as the case may be.

(3) Every such notice shall state the manner in which and the time (being not less than one month after the date of the notice) within which objections to the intended order may be sent to the Council and the Council shall before making the order consider any objection so sent to them and may if they think fit having regard to any such objection amend any name which they have proposed to assign.

---

## 5. Local Government Act 1972—Schedule 14, Part II, Paragraph 25

<https://www.legislation.gov.uk/ukpga/1972/70/schedule/14>

- 25 (1) Subject to **[F18]** sub-paragraph (2) below, a local authority may after giving the requisite notice resolve that any of the enactments mentioned in paragraph 24 above shall apply throughout their area or shall cease to apply throughout their area (whether or not, in either case, the enactment applies only to part of their area).
- (2) A resolution under this paragraph disapplying—
- (a) section 171(4) of the **M7** Public Health Act 1875;
  - F19**(b) .....
  - (c) section 82, 83 **F20** . . . of the **M8** Public Health Acts Amendment Act 1907; or
  - (d) section 76 of the **M9** Public Health Act 1925;
- must be passed before 1st April 1975, but any other resolution under this paragraph may be passed at any time.
- (3) A resolution under this paragraph applying either of the following provisions, that is to say, section 21 of the said Act of 1907 or section 18 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area and a resolution under this paragraph applying either of the following provisions, that is to say, the original street-naming enactment or section 19 of the said Act of 1925, throughout an area shall have effect as a resolution disapplying the other provision throughout that area.
- (4) **F21** .....
- (5) The notice which is requisite for a resolution given under sub-paragraph (1) above is a notice—
- (a) given by the local authority in question of their intention to pass the resolution given by advertisement in two consecutive weeks in a local newspaper circulating in their area; and
  - (b) served, not later than the date on which the advertisement is first published, on the council of every parish or community whose area, or part of whose area, is affected by the resolution or, in the case of a parish so affected but not having a parish council (whether separate or common), on the chairman of the parish meeting.
- (6) The date on which a resolution under this paragraph is to take effect shall—
- (a) **F22** . . . be a date specified therein, being not earlier than one month after the date of the resolution; **F23** . . .
  - (b) **F23** .....
- (7) A copy of a resolution of a local authority under this paragraph, 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.

### Textual Amendments

**F18** Words in Sch. 14 para. 25(1) substituted (30.10.2008) by The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), art. 3(1)(a) (subject to art. 3(2))

**F19** Sch. 14 paras. 25(2)(b), 26(b) repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, Sch. 7 Pt. I

**F20** Words in Sch. 14 para. 25(2)(c) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 13

**F21** Sch. 14 para. 25(4) repealed (30.10.2008) by The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), art. 3(1)(b) (subject to art. 3(2))

**F22** Words in Sch. 14 para. 25(6)(a) omitted (30.10.2008) by virtue of The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), art. 3(c)(i) (subject to art. 3(2))

**F23** Sch. 14 para. 25(6)(b) and preceding word repealed (30.10.2008) by The Legislative Reform (Local Authority Consent Requirements) (England and Wales) Order 2008 (S.I. 2008/2840), art. 3(c)(ii) (subject to art. 3(2))

### Modifications etc. (not altering text)

**C1** Sch. 14 para. 25 applied with modifications by S.I. 1975/1636, art. 7

### Marginal Citations

**M7** 1875 c. 55.

**M8** 1907 c. 53.

**M9** 1925 c. 71.

## 6. Local Government Act 1972—Schedule 14, Part II, Paragraph 26

<https://www.legislation.gov.uk/ukpga/1972/70/schedule/14>

- 26 The following enactments shall not extend to Greater London, that is to say—
- (a) sections 160 and 171 of the **M10** Public Health Act 1875;
  - F24**(b) .....
  - (c) sections 21 and 80 of the **M11** Public Health Acts Amendment Act 1907 and so much of section 81 of that Act as relates to the **M12** Town Police Clauses Act 1847;
  - (d) sections 17 to 19, 75 and 76 of the **M13** Public Health Act 1925.

### Textual Amendments

**F24** Sch. 14 paras. 25(2)(b), 26(b) repealed by Local Government (Miscellaneous Provisions) Act 1982 (c. 30, SIF 81:1), s. 47, Sch. 7 Pt. I

### Marginal Citations

**M10** 1875 c. 55.

**M11** 1907 c. 53.

**M12** 1847 c. 89.

**M13** 1925 c. 71.

## 7. Plymouth City Council v Bamping—submissions and conclusions

<https://www.localgovernmentlawyer.co.uk/litigation-and-enforcement/400-litigation-news/45596-council-defeats-legal-challenge-over-decision-to-rename-square-called-after-elizabethan-sail-or-with-slave-trade-links>

The claimant, Danny Bamping, made a wide range of submissions:

- i. That Section 18 of the Public Health Act did not allow a change of name of a street, only an amendment. He submitted the two have different meanings.
- ii. That there was no proper public consultation and no proper consultation with those connected to the square.
- iii. That there was no proper debate at the council meeting of 22 June 2020.
- iv. The council did not comply with its own policy on street naming in that it did not properly consult with Jack Leslie's family and did not comply with national policy which he stated sets out that streets should not be named after people.
- v. That the notice posted by the council was incorrectly worded in that it failed to have key information on and therefore the letters written in objection were rejected by the Court.
- vi. Many people in Plymouth did not want the name change and there had been numerous letters of objection.

- 
- vii. The council should have considered other locations to name a street after Jack Leslie, particularly an unnamed street at Home Park, the ground of Plymouth Argyle Football Club (for whom he played).
  - viii. That the decision of the council was wrong and illogical in that it did not take account of the proper history of Sir John Hawkins.
  - ix. That the decision of the council was racist and non-compliant with the council's own equality and diversity policy in that it was based upon Mr Leslie's race and was a knee-jerk reaction in response to the Black Lives Matter Campaign and the death of George Floyd in America.
  - x. That the council did not follow the national Geo Space Local Authority Guidelines.

In response, the city council submitted the following:

- i. That it had the power to rename the street as Parliament's delegate.
- ii. That it took the decision to rename the square as the duly constituted elected authority.
- iii. That it fully complied with the requirements of Section 18 of the Public Health Act 1925 in that it posted a notice containing all required information, in the appropriate places for the appropriate period of time.
- iv. It fully complied with its own policies in respect of street renaming and the permission of Jack Leslie's family was obtained in writing.
- v. There was no requirement to consult with local residents as the street does not have residents.
- vi. There was no requirement for any wider public consultation and such a motion was voted against at a full council meeting on 22 June 2020.
- vii. The decision to rename the square had been explained and justified by the council, and that decision alone could not be shown by the appellant to be wrong.

Finding for the local authority, District Judge Jo Matson concluded – amongst other things - that:

- i. A street may be renamed by a local authority under section 18.
- ii. There was no duty on the council to hold a public consultation. In any event, the motion to do so was voted against at the properly constituted meeting of the council on 22 June 2020 and the council could not be criticised for not doing so.
- iii. Under the council's policy, it was only necessary to consult residents of the street. Given that there were no residents, no

- consultation with residents was necessary.
- iv. There was a clear and democratic decision made not to have a public consultation on the renaming of the street and there had been a proper debate regarding this.
  - v. The council did comply with its policy in relation to consultation with the family of Jack Leslie.
  - vi. The GeoPlace guidance did not say that streets could not be named after deceased persons. Even if it did, it was clear that the authority could establish its own policy and so the district judge accepted that “the GeoPlace guidance is exactly that, guidance”.
  - vii. It was not the case that the notice failed to have ‘key information’ on it. She said the council had complied with its requirement as regards the contents and requirements of displaying the notice.
  - viii. In relation to the death of George Floyd and the Black Lives Matter movement, the district judge accepted the evidence of a councillor that consideration was being given to changing the name of the square for some time beforehand.
  - ix. It was clear from both the evidence of the objectors to the name change and the evidence of the council that there were strong feelings on both sides. She had taken into account the views of the objectors.
  - x. She did not accept that choosing to name the square after Jack Leslie was in anyway racist or against the council’s own equality and diversity policy.
  - xi. In deciding to remove the name of Sir John Hawkins from the square, the council clearly considered the history in relation to him and gave good reasons why his name was being removed and the square’s name changed to that of Jack Leslie. “As I have stated above, this was not a knee-jerk reaction....”

## 8. 11KBW—Renaming Streets (30 November 2015)

<https://local-government-law.11kbw.com/renaming-streets/>

Authorities have power to alter street names pursuant to Section 18 of the Public Health Act 1925. There is an unrestricted right of appeal under Section 8 to the Magistrates’ Court against a decision to rename a street. *Basildon BC v James* [2015] EWHC 3365 (Admin) was concerned with the approach to be adopted on appeal.

Other than the giving of notice, Section 18 imposes no preconditions on the exercise of the power. It gives no direction as to factors to which the authority is required to have regard in making such a decision. *Garnham J* saw no grounds on which a Court could read into the exercise of the statutory power any requirements to be met, or matters to be considered, before the power is exercised, beyond those required by familiar principles of public law, namely to have regard to all that is relevant and to disregard

---

all that is not.

The nature of the power in question is one that demands a subjective judgment by the authority. It cannot be governed by predetermined requirements. Essentially, Parliament has given the authority the right to choose a name.

There can be no doubt that it is the authority who makes the primary decision. The right of appeal given to “those aggrieved” by Section 8 does not change the identity of the primary decision maker.

The entitlement in the Magistrates’ Court on hearing the appeal to “make such order... as they consider reasonable” describes the remedies available to the Court in disposing of the appeal. It does not make the Magistrates’ Court the body charged with the decision whether or not to alter the street name. It follows that before determining what order is required the Magistrates’ Court must first determine whether or not the appeal succeeds; whether or not the authority’s decision was “wrong”.

The statute provides no guidance as to the test which should be applied in determining whether or not the appeal should be allowed or rejected. In those circumstances, in Garnham J’s view, it was a mistake for the District Judge here to attempt to introduce objectives of his own devising as a means of testing the adequacy of the authority’s reasoning. There is simply no basis for the Magistrates’ Court to create such a list of objectives or to treat it as decisive. The question for the District Judge was whether, according to the authority, appropriate respect for its reasoning and conclusions, that decision could properly be said to be wrong.

At paragraph 43 of his Judgment, Garnham J said:

*“... Section 8 provides an unrestricted right of appeal; but a District Judge is obliged to pay great attention to the opinion of the Council as the duly constituted and elected local authority and should not lightly reverse their conclusion; his function is to exercise the Section 8 powers only if he was satisfied that the judgment of the Council could be shown to be wrong, not merely because he was not satisfied that the judgment was right; if, but only if, he was first satisfied the Council was wrong was it for the District Judge to substitute his opinion for that of the Council.”*



£10.00  
ISBN: 978-1-913459-62-8

Policy Exchange  
8 - 10 Great George Street  
Westminster  
London SW1P 3AE

[www.policyexchange.org.uk](http://www.policyexchange.org.uk)