

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL COMMUNITY PLANNING FORUM - 1 NOVEMBER 2007

REQUEST FOR CHANGE OF STREET NAME AT GARDEN COURT, HOLLYBUSH

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1** To enable the Forum to consider a request from residents of Garden Court, Hollybush, that the name of the street within which they reside be renamed "The Walled Garden".

2. BACKGROUND

- 2.1** The Forum at its meeting held on 20 June 2007 were requested to determine a street name for a then proposed new housing development located at Hollybush House, Hollybush. The development comprises five detached villas arranged in a linear fashion along the residential access road.
- 2.2** In considering the matter, the Forum were made aware that the due process had been undertaken, involving consultation with the local Community Council, being Dalrymple Community Council in this case, and with the three Elected Members for the Doon Valley Ward. The Forum agreed that the new street be named "Garden Court" as suggested by Dalrymple Community Council and agreed by the local Elected Members.
- 2.3** Subsequently, and in accordance with the usual procedure, the Executive Head of Finance and Asset Management advised a wide range of agencies and Council Departments of the street name (including the Post Office, Valuation Board, utilities and emergency services).
- 2.4** No name plates have been manufactured for this street.

3. REQUEST TO ALTER STREET NAME

- 3.1** A letter has been received, signed by 9 of the 10 residents of "Garden Court", advising of the residents' unanimous strong disagreement with the name allocated to the street within which they reside; and requesting that the Council rename this street "The Walled Garden".
- 3.2** The residents, in support of their request, put forward the following points, namely:-
- (i) the street within which they reside (and which they refer to as "The Walled Garden") is a development of five detached five bedroom villas

within a 2 acre walled garden surrounded by mature woodland and forming part of the 33 acre Hollybush Estate;

- (ii) the area concerned has been known for years as “The Walled Garden”; and
- (iii) the definition of “Court” in the Cambridge English Dictionary, when defined in this context is: an area which is not covered by a roof and is mostly or completely surrounded by buildings; and mainly in UK, court is used in the names of some roads and buildings containing apartments. The residents, accordingly, suggest that the dictionary definition bears no relation to the development or its location.

3.3 The residents suggest that the location “has never been visited by anyone involved in this process and not much thought was given to it”, and “insist that this obvious mistake be rectified” and the name changed to “The Walled Garden”.

4. CONSIDERATION OF ISSUES

4.1 As indicated above, the name allocated to this street was determined by the Forum having regard to the outcome of the due consultation process involving the local Community Council and the local Elected Members. All parties involved in the process were happy with the name suggested and subsequently adopted, being “Garden Court”.

4.2 The name allocated to this street, in the use of the word “Garden” recognises that the housing development is located within the former walled garden of the Hollybush Estate. With regard to the use of the word “court” the Oxford English Dictionary, in this context, gives a definition of “a quadrangle surrounded by a building or group of buildings”. It is fair to say that the physical layout of the five houses within this street would not accord with the dictionary definitions of “court” as provided within either the Oxford or Cambridge English Dictionaries, however, the view could be taken that “court” in relation to street names has a broader definition to include, perhaps, developments which are enclosed or clearly defined in their extent. It is therefore suggested that the judgement as to whether “Garden Court” is a suitable name is a subjective one.

4.3 East Ayrshire Council has authority in terms of Section 97 of the Civic Government (Scotland) Act 1982, following due process, to change a street name. Therefore, should the Forum agree to the residents’ suggestion to change the street name in this case, the Act requires notification of the proposed change to be advertised in the local press and allows a period of 28 days for representations to be made and requires those representations to be taken into account by the Local Authority in determining whether or not to proceed with the change of name.

4.4 Where a house is sold prior to any change to a street name being implemented, which is the situation in this case, there may be a cost to the purchasers concerned in respect of the alteration of legal documentation.

5. LEGAL/POLICY IMPLICATIONS

5.1 The legal authority in respect of this matter are as indicated in Section 4, above. There are no policy implications arising directly from this report.

5.2 Standing Order 40 of the Council's Standing Orders prevent reconsideration of any item of business the same or substantially the same as one previously determined within six months of the making of the previous decision, unless two thirds of the Members present agree otherwise. Since the request for renaming falls within this timescale, two thirds of Elected Members present at the meeting are required to agree to consider the request in this case.

6. FINANCIAL IMPLICATIONS

6.1 Should it be required, advertising of the proposal for a change of street name in this case would result in expenditure of approximately £200.00 to be met from the departmental budget of Corporate Support (Democratic Services).

7. RISK MANAGEMENT IMPLICATIONS/COMMUNITY PLANNING ISSUES

7.1 It is considered that there are no significant risks or Community Planning issues associated with this report.

8. RECOMMENDATIONS

8.1 It is recommended that the Forum:-

- (i) determine whether or not to reconsider this matter in terms of Standing Order 40;
- (ii) if (i), above, is agreed, consider the request for a name change in respect of the street concerned and, if appropriate, agree that the necessary statutory notification procedures be implemented and that, thereafter, a further report be submitted to the next meeting of the Forum for consideration; and
- (iii) otherwise, note the terms of the report.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

16 October 2007
SN/SR

LIST OF BACKGROUND PAPERS

1. Procedure Note - Naming of Streets by Local Committees.
2. Report by Depute Chief Executive/Executive Director of Corporate Support submitted to the meeting of the Southern Local Community Planning Forum held on 20 June 2007.
3. Related correspondence.
4. The Civic Government (Scotland) Act 1982 (Section 97).

Any person wishing to inspect the background papers relative to this report should contact Stuart Nelson, Administrative Officer on Tel No (01563) 576151. Any person wishing further information on this report should contact Bill Walkinshaw, Head of Democratic Services on Tel No (01563) 576135.

Implementation Officer: Stuart Nelson, Administrative Officer.