



RECORD OF POWERS DELEGATED BY THE STRATEGIC DIRECTOR FOR ENVIRONMENT AND CLIMATE CHANGE

Scheme of Delegation for Highways Registry & Local Land Charges

Date last reviewed:	May 2022
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DELEGATED POWERS

Purpose

To set out the delegations from the Strategic Director for Economy and Infrastructure Services in accordance with the requirements of Part 3.7, paragraph 6 of Section F of the Council's Constitution.

Related Policies & Documents

- **Council Constitution - Part 2 - Decision making by officers (Article 13.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-2.pdf>
- **Council constitution - Part 3 – Responsibility for functions (Section F)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-37.pdf>
- **Council Constitution - Part 4 - Financial Procedure Rules (Part 4.6)**
<http://www.kirklees.gov.uk/beta/your-council/pdf/constitution-part-46.pdf>

Key Statutes/Legislation

The following pieces of legislation are applied in the delegated decisions specified in this document:

Commons Registrations Act 1965 & Commons Act 2006 Highways Act 1980	Local Land Charges Act 1975 & Local Land Charges Rules 1977 & 2018 (When Enacted) Town & Country Planning Act 1990
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Who is governed by this policy?

The scheme of delegations will apply to all permanent, contract and temporary officers working for the Council.

Summary

The Council's Constitution requires that each Strategic Director will prepare service schemes of delegation which set out how decisions will be made in each of the Services for which they are responsible. Such schemes should clearly identify which officers have been authorised to make decisions under the delegated powers of the Strategic Director. All schemes of delegation will be lodged with the Council's Monitoring Officer and made available to the public on request.

Each Service Director or Monitoring Officer has the authority to make amendments to the Scheme of Delegation necessitated by legislative changes as and when appropriate.

Officers may only exercise the powers delegated to them in accordance with all relevant statutory requirements, the provisions of the Council's Constitution, the revenue and capital budgets of the Council, its Procurement Code, Financial Regulations and other relevant policies and procedures.

Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Services business is dealt with in the most efficient way possible. Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by the Strategic Director.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

In exercising the powers delegated to them officers must observe any additional procedural requirements that apply within their services e.g. any requirement to consult local ward councillors, cabinet members and/or the leader. It is also good practice to keep local ward councillors informed of decisions made and implemented under delegated powers that significantly affect members of the community in their ward.

Environment and Climate Change (Delegation Scheme for Highways Registry & Local Land Charges)

Responsibility	Officer A	Officer B	Officer C	Officer D	Head of Service	Service Director
Commons Registrations Act 1965 & Commons Act 2006						
Authority to amend the registers of common land and town & village greens including amendments as a result of unopposed applications from third parties (Part 1 CA2006 & relevant Schedules)			✓	✓	✓	✓
Authority to determine whether an application for registering new common land or a town & village green should be referred to the Licensing & Safety Committee for determination (Part 1 CA2006 & relevant Schedules)			✓	✓	✓	✓
Authority to exercise the Council's powers of regulation & enforcement in respect of common land and town & village greens (Parts 1, 3 & 4 CA2006 & relevant Schedules)			✓	✓	✓	✓
Authority to hold & maintain the registers of common land and town & village greens on behalf of the Council (Part 1 CA2006 & relevant Schedules) and to respond to enquiries in respect of such registers			✓	✓	✓	✓
Highways Act 1980						
Authority to engage with and submit annual returns to the Department for Transport in respect of road lengths			✓	✓	✓	✓
Authority to represent the Council in Court & Public Inquiry in regard to highways registry matters			✓	✓	✓	✓
Authority to offer a view on highway extents & highway boundaries on behalf of the Highway Authority.		✓	✓	✓	✓	✓
Authority to respond on behalf of the Council to claims from third parties for ransom strips or ancient highways		✓	✓	✓	✓	✓
Authority to respond on behalf of the Council to HM Land Registry in respect of claims for adverse possession, including the authority to object		✓	✓	✓	✓	✓
Authority to hold & maintain the list of highways maintainable at public expense (S36 HA1980) and to respond to enquiries in respect of the register	✓	✓	✓	✓	✓	✓
Authority to respond to notices served on the Authority under the terms of S56 HA1980			✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance & Commissioning to issue or revoke disabled access ramp licences and structures on the highway licences (Part VIIA S115 HA1980)		✓	✓	✓	✓	✓
Authority to apply to the Magistrates' Court for an order stopping up or diverting a highway (S116 HA1980 & Sch 12)			✓	✓	✓	✓

Environment and Climate Change (Delegation Scheme for Highways Registry & Local Land Charges)

Responsibility	Officer A	Officer B	Officer C	Officer D	Head of Service	Service Director
Authority to respond on behalf of the Highway Authority to consultations on the grant of street trading & pavement café licenses or equivalent		✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance & Commissioning to issue or revoke highway cultivation licenses (S142 HA80)		✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance & Commissioning to issue or revoke highway projection, canopy or building overhang licenses (S177 HA80)		✓	✓	✓	✓	✓
Authority to instruct the Service Director – Legal, Governance & Commissioning to issue or revoke cable or overhead beam licenses (S178 HA80)		✓	✓	✓	✓	✓
Local Land Charges Act 1975 & Local Land Charges Rules 1977 & 2018 (When Enacted)						
Authority to hold & maintain the register of local land charges on behalf of the Council as applicable (S3 LLCA1975)		✓	✓	✓	✓	✓
Authority to carry out searches of the local land charges register (LLC1 searches) on behalf of the Council as applicable (S9 LLCA1975)	✓	✓	✓	✓	✓	✓
Authority to update the national register of local land charges held by HM Land Registry (when applicable)		✓	✓	✓	✓	✓
Authority to carry out Con29 searches on behalf of the Council	✓	✓	✓	✓	✓	✓
Authority to raise searches with the Peak District National Park Authority	✓	✓	✓	✓	✓	✓
Authority to respond to enquiries in respect of local land charges matters	✓	✓	✓	✓	✓	✓
Town & Country Planning Act 1990						
Authority to apply to the Secretary of State to stop up or divert an all-purpose highway for planning purposes (S247 T&CPA1990)			✓	✓	✓	✓
Authority to respond to the Department for Transport on proposals to stop up or divert a highway to implement a planning permission, including the authority to object (S247 T&CPA1990)		✓	✓	✓	✓	✓

Key to authorised officers:

(Full details of post title, section etc. to be provided)

Responsibility	Post Title/Section
Officer A	Assistant Highways Registry & Local Land Charges Officer
Officer B	Highways Registry & Local Land Charges Officer
Officer C	Senior Highways Registry & Local Land Charges Officer
Officer D	Operational Manager
HOS	Head of Service
SD	Service Director