




**RECORD OF POWERS DELEGATED BY  
THE EXECUTIVE DIRECTOR FOR PLACE**

**Scheme of Delegation for Strategy & Design**

<b>Date last reviewed:</b>	July 2024
<b>David Shepherd</b> Executive Director for Place	<i>Approved by Signature:</i> 
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## **DELEGATED POWERS**

### **Purpose**

To set out the delegations from the Executive Director for Place 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:

<p>Acquisition of Land Act (AoLA).          Audit Commission Act 1998 (ACA)          Carrying of Dangerous Goods by Road Regulations (CoDG)          Clean Air Act 1993 (CAA)          Clean Neighbourhood and Environment Act 2005. (CN &amp; E A)          Climate Change Levy 1993 (CCL)          Contaminated Land Regs 1995 (CLRegs)          Control of Pollution (Amendments) Act 1989 (CoP(A)A)          Control of Pollution (Oil Storage) (England) Regs 2001 (CoP(OS)Regs)          Controlled Waste Regs 1992 (CW Regs)          Countryside Act 1968 (CA)          Countryside and Rights of Way Act 2002 (CroW)          Cycletrack Act (CTA),          Disability Discrimination Act 1995 (DDA)          End of Life Vehicle Directive (EoLVD)          Environment Act 1995 (EA)          Environmental Protection (Duty of Care) Regulations 1995 (EP(DoC) Regs)          Environmental Protection Act 1990 (EPA 90)          Environmental Protection Act 1995 (EPA 95)          European Communities Act 1972 (ECA)          Fire Precautions Act (Workplace) 1997 FPA (W)          Flood and Water Management Act 2010 (2012)          Groundwater Regulations 1999 (GRegs)          Hazardous Waste Regulations 2004 (HWR)          Health and Safety at Work Act 1974 (HASAWA)          Highways (Amendments) Act 1986 (H(A)A)          Highways Act (Traffic Calming) &amp; (Road Humps) Regs 1993 &amp; 1999 (HA(TC)&amp;(RH))          Highways Act 1980 (HA)          Highways Act 1980 Solicitor to the Council (HA SttC)          Housing Act (HoA),          Land Compensation Act 1973 LCA          Land Drainage Act 1991 (LDA)          Land Drainage Act 1994</p>	<p>Litter Act 1983 (LA)          Local Authorities (Transport Charges) Regulations 1998 LA(TC)R          Local Government Act 1999 (LGA 1999)          Local Government Act 2000 (LGA 2000)          Localism Act 2011          Local Transport Plan          National Park and Access to the Countryside Act NPACA          Noise and Statutory Nuisance Act 1993 (N&amp;SNA)          NRA Land Drainage Act 1992 ((NRALDA)          Occupiers Liability Act 1995 (OLA)          Planning (Hazardous Substances) Act 1991 P(HS)A          Public Health Act 1936 (PHA)          Railways and Transport Safety Act 2003 (RaTA)          Road Traffic (Temporary Restrictions) Act 1991 (RT(TR)A)          Road Traffic Act 1988          Road Traffic Act 1991 (RTA)          Road Traffic Reduction Act 1997 (RTRedA)          Road Traffic Regulation (Special Events) (RTRA(SE))          Road Traffic Regulation Act 1984 (RTRA)          Special Waste Regulations 1996 (SWR)          Surface Water (Dangerous Substances) Regulations 1997/98 (SW(DS)Regs)          The Water Supply (Water Quality) Regulations 1989          Town and Country Planning Act (TaCPA)          Town Police Clauses Act 1847 TPCA          Traffic Management Act 2004 (TMA)          Traffic Signs Regulations and General Directions 2002 (TSR&amp;GD)          Transport Act 2000 (TA)          Waste Disposal Regulations (WDR)Regs)          Waste Electrical and Electronic Equipment Directive (WE&amp;EED)          Waste Management Licence Regulations 1994 &amp; 1996 (WMLRegs)          Water Industries Act 1991 (WIA)          Water Resources Act 1991 (WRA)          Wildlife and Countryside Act (WaCA),</p>
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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 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 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 arrangements 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 Directorate's 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 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 eg. 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.

Responsibility		Officer A	Officer B	Officer C	Head of Service	Service Director	Procedure Reference <sup>1</sup>
Countryside Act 1968 (CA)							
Countryside Act 1968 Section 27	To erect signposts if in the opinion of the Highway Authority this is required to assist persons unfamiliar with the locality to follow a FP/BR/RB/BOAT		✓	✓	✓	✓	
Countryside Act 1968 Section 27	To erect and maintain signposts where any Footpath (FP), Bridleway (BR), Restricted Byway (RB) or Byway Open to All Traffic (BOAT) leaves a metalled road unless agreed with the Parish Council that it is not necessary		✓	✓	✓	✓	
Countryside and Rights of Way Act 2000 (CROW)							
CROW 2000 Section 60	To prepare and publish a Rights of Way Improvement Plan						Cabinet
CROW2000 Section 94	To establish a Local Access Forum		✓	✓	✓	✓	
Cycletrack Act 1984(CTA)							
Section 3	To designate a footpath as a cycle track (i)		✓		✓		
Section 4	To provide safety barriers on a cycle track	✓	✓	✓	✓	✓	
Highways Act 1980 (HA)							
Schedule 12 A HA	Rights of Entry - To authorise entry to carry out surveys under Section 289 of the Highways Act 1980; to authorise entry under Section 291 of the Highways Act 1980; and to authorise entry for any purpose under paragraph 7 of Schedule 12A, Highways Act 1980.		✓		✓		
Schedule 14	Provisions with respect to notices under s 184		✓	✓	✓		
Schedule 15	Application of advance payments code		✓	✓	✓		
Schedule 18	Distance limits from highway applicable to compulsory acquisition.			✓	✓		
Schedule 19	Compulsory acquisition of rights: modification of 1964 and 1965 Acts			✓	✓		
Schedule 20	Acquisition of land or rights: related schemes and orders			✓	✓		
Housing Act (HoA)							
Section 294 HoA	Power to extinguish public right of way over land acquired for clearance	✓	✓	✓	✓		
Land Compensation Act 1973 LCA							
Section 1 et seq LCA	Rights to Compensation			✓	✓	✓	
Land Drainage Act 1991 (LDA)							
Section 25 Land Drainage Act 1991	Exercise of powers for the maintenance of flow of watercourses		✓	✓	✓		
Section 61 LDA	Protection of flora and fauna and public access to water courses		✓	✓	✓		
Section 64	Powers of entry to maintain watercourses on private land		✓	✓	✓		

Responsibility		Officer A	Officer B	Officer C	Head of Service	Service Director	Procedure Reference <sup>1</sup>
Local Authorities (Transport Charges) Regulations 1998 LA(TC)R							
Table 1 highways LA(TC)R	Matter for which a charge may be made: 139(1) and (2) 169(1) and (2) 171(1), (2), (4) and (5) 172(1) 172(1) and (3) 179(1) 180(1) 180(2) 184 41 and 130 HA						Cabinet
Table 2 road traffic regulation LA(TC)R	Matter for which a charge may be made: 1, 6, 9 or 14 6, 32(1)(b) or 45 1, 6, 9 or 14 14(1), 14(1)(a) (2), 16A 49(4) 65(1) 65(3A)(i) and (ii) RTRA						Cabinet
Table 3 travel concessions LA(TC)R	Matter for which a charge may be made: 93TA						Cabinet
Local Government Act 2000 (LGA 2000)							
Local Government Act 2000. The whole Act LGA 2000	To consider applications for and to authorise (in consultation with the Cabinet Member) Local Transport Plan capital grants (subject to appropriate conditions) to public, private and voluntary sector employers up to a level of £5,000 from the "Sustainable Travel to Work and Schools" budget for the purpose of developing Workplace Travel Plans for projects likely to improve or promote social, economic or environmental well being of the Council's area having had regard to the Council's community strategy and any statutory guidance pursuant to Section 2 of the Local Government Act 2000.				✓		
Localism Act 2011							
Section 1	To exercise the general power of competence with regard to loans that the Council has granted.					✓	
Land Drainage Act 1992							
Section 23 & S24	Application to undertake works either temporary or permanent in ordinary watercourses.		✓		✓		
Road Traffic Act 1991 (RTA)							
Section RTRA 32	To manage all Council off-street and on-street car parks		✓	✓	✓	✓	
Section 99 – 101 RTRA	For the purposes of Off-Street Parking Places Orders and On-Street Parking Places Order to remove or arrange for the removal of vehicles left in a parking place in contravention of any provisions referred to in such Orders		✓	✓	✓		
Section RTRA 32 et seq	For the purposes of On-Street Parking Permit Schemes to deal with requests for and to issue all discretionary and business permits including the fixing of any charges			✓	✓		Cabinet for approval of charges
Town and Country Planning Act (TCPA)							
Section 247 TCPA	To respond to the Department of Transport upon applications under Section 247 of the Town and Country Planning Act 1990	✓	✓	✓	✓		

Directorate for Place (Delegation Scheme for Strategy and Design)

Responsibility		Officer A	Officer B	Officer C	Head of Service	Service Director	Procedure Reference <sup>1</sup>
Part 1.12	To respond to the Peak Park Planning Authority upon the highway implications of planning applications within the Peak Park	✓	✓	✓	✓		
Section 247 TCPA	Authority to apply to SoS to stop up or divert all-purpose highway for planning purposes	✓	✓	✓	✓		
Section 248 TCPA	Authority to apply to SoS to stop up or divert other highways affecting main highways which are subject to planning permission	✓	✓	✓	✓		
Section 249 TCPA	Authority to apply to SoS to extinguish vehicular rights on an all-purpose highway	✓	✓	✓	✓		
Section 251 TCPA	Authority to apply to SoS to extinguish public rights of way (all purpose) over land held for planning purposes	✓	✓	✓	✓		
Section 253 TCPA	Authority to apply to SoS to stop up or divert all-purpose highway in anticipation of planning permission.	✓	✓	✓	✓		
Section 254 TCPA	To instruct legal/Estates to apply to SoS to compulsorily acquire land in pursuance of an order under Sections 247, 248 or 249.						Cabinet
Section 257 - amended by CROW 2000	To stop up or divert footpaths, bridleways or restricted byways if satisfied it is necessary to enable development to be carried out <sup>ii</sup>		✓		✓		
Section 258 TCPA	Power to extinguish public rights of way over land held for planning purposes <sup>iii</sup> .		✓		✓		
Section 261 – amended CROW 2000	To stop up or divert footpaths, bridleways or restricted byways temporarily if satisfied it is necessary to enable minerals to be worked and can be restored.	✓	✓	✓	✓	✓	
Traffic Management Act 2004 (TMA)							
Part 6 S 72 to 74, 76, 78, 80-93 TMA	Civil Enforcement of Traffic Contraventions	✓	✓	✓	✓		
Part 6 S 82 TMA	Power to instruct Bailiffs for enforcement of a Traffic contravention debt		✓	✓	✓		

In addition to the above officers also have the Authority to:

- present the LPA’s case (whether written representations, at informal hearing or public inquiry) on appeals and references to the Secretary of State.
- to present the LPA’s case on appeals to the Magistrates’ Court against planning/PROW/Highways related issues.
- to present the LHA’s case in relation to prosecutions in the Magistrates’ Court.

**Key to authorised officers**

<b>Responsibility</b>	<b>Post Title/Section</b>
Officer A	Senior Technical Officer/Senior Engineer/Technical Officer/Engineer
Officer B	Service Delivery Manager/Principal Technical Officer/Principal Engineer/Team Leader
Officer C	Operational Manager/Group Leader
GE	Group Engineer

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<sup>i</sup> Where cabinet is highlighted in procedure reference, the decision cannot be taken by officers and must be referred to cabinet

<sup>ii</sup> Referred to Planning Area Sub-Committee following request from the Sub-Committee Chair, ward member or where there is not majority support for the proposed action by the three ward members

<sup>iii</sup> Referred to Planning Area Sub-Committee following request from the Sub-Committee Chair, ward member or where there is not majority support for the proposed action by the three ward members