



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

### Scheme of Delegation for Greenspace

<b>Date last reviewed:</b>	April 2025
<b>David Shepherd</b> Executive Director for Place	<i>Approved by Signature:</i> 
<b>Date Approved:</b>	April 2025
<b>Version No:</b>	V6
<b>Review Date:</b>	April 2026
<b>Directorate contact officers:</b>	Sabina Arshad

## **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:

Anti-Social Behaviour Act 2003  
 Anti-Social Behaviour, Crime and Policing Act 2014  
 Clean Neighbourhoods and Environment Act 2005  
 Contaminants in Food (England) Regulations 2013  
 Control of Pollution Act 1974 (as amended)  
 Criminal Procedure & Investigations Act 1996  
 Dangerous Dogs Act 1991 (as amended)  
 Environment Act 1995

Highways Act 1980 (HA)  
 Local Government (Miscellaneous provisions) Act 1976  
 Microchipping of Dogs (England) Regulations 2015  
 Police & Criminal Evidence Act 1984  
 Prevention of Damage by Pests Act 1949  
 Public Health Act 1936 (PHA) (as amended)  
 Public Health Act 1961  
 Refuse Disposal (Amenity) Act 1978 (as amended)  
 Town and Country Planning Act 1990

## **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 Executive 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 Executive 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 Executive 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.

In addition to the above:

a) Officers<sup>i</sup> have the authority to:

- Present the Council's case (whether written representations, at informal hearing or public inquiry) on appeals and references to the Secretary of State
- To give evidence in the Council's case on appeals to the Magistrates Court against relevant legislation referred to in pages 5 to 31 (inclusive) of this document
- To give evidence in the Council's case in legal proceedings in the Magistrates Court, Crown Court and County Court
- To attend the Magistrates' Court to apply for warrants under the relevant legislation referred to in pages 5 to 31 (inclusive) of this document
- Attend Court to prosecute, defend and appear in any proceedings brought before the Magistrates' Court. (In accordance with section 223(1) of the Local Government Act 1972, the Legal Services Act 2007 and the delegated powers of the Service Director – Legal, Governance and Commissioning set out in Part 3 Section F of Council's Constitution.

b) Officers<sup>ii</sup> have the authority to:

- Instigate prosecutions for any other offences contained within the Key Statutes/ Legislation listed above and not already specifically referred to in this document

c) Officers<sup>iii</sup> have the authority to:

- Issue simple cautions for any offences referred to in pages 5 to 31 of this document together with reference to the Enforcement Strategy

This information with regard to powers to authorise prosecutions/ legal proceedings will be included within each instruction sent to Legal services to place before the Courts. Each instruction will be signed off by a duly authorised person.

---

<sup>i</sup> All or as specified

<sup>ii</sup> Senior Manager Head of Service (all prosecutions), Operational Manager (for non-complex prosecutions that relate to an individual(s)), Service Director (all prosecutions), Director (all prosecutions)

<sup>iii</sup> Team Manager, Group Leader, Senior Manager, Service Director, Executive Director

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
<b>ANTI-SOCIAL BEHAVIOUR ACT 2003</b>								
Part1A (as amended by Section 118 Criminal Justice and Immigration Act 2008 & Clean Neighbourhoods & Environment Act 2005)								Note i
S.43 Power of Authorised Officer to issue Penalty Notice(s) for graffiti and fly-posting			✓	✓	✓	✓		
<b>ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014</b>								
S.5(a) Power for LA to apply to the Court for an injunction against a person over the age of 10								Note ii
S. 43 Power to issue Community Protection Notices			✓	✓	✓	✓		
S. 47 Remedial action by the Local Authority to have work carried out where a person fails to comply with a Community Protection Notice.			✓	✓	✓	✓		
S.49 (6) Remedial Orders – power for LA to issue a Notice to defaulter giving details of the work and the amount owed to the LA. The defaulter is liable for that amount.			✓	✓	✓	✓		Note ii
S.51(1) and S.51(1)(3) Power to enter premises to seize an item following the issue of a warrant by a justice of the peace.  S. 51(4) Power to retain the item seized subject to the requirements of the Act.			✓  ✓	✓  ✓	✓  ✓	✓  ✓		

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
S. 52 Fixed Penalty Notices – power to issue a fixed penalty notice for offence of failing to comply with Community Protection Notice.			✓	✓	✓	✓		
S. 53 Definition of Authorised Persons						✓		
S.59 Power to make Public Space Protection (PSP) Order				✓		✓		Note ii
S.61 Power to vary or discharge PSP Order				✓		✓		Note ii
S.68 Power to issue Fixed Penalty Notice for person failing to comply with a PSP Order.			✓	✓	✓			Note ii
S.76 Power to issue a closure notice and the power to apply to the court for a Closure Order.						✓	✓	
<b>THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005</b>								
Various powers under the Act applicable to Environmental Health/Streetscene Housing. In particular, provisions relating to Nuisance Vehicles, Litter, Refuse, Waste, and Alarms			✓	✓	✓	✓	✓	
S.6 Power to serve Fixed penalty notice (FPN) under for offences under S. 3 & 4 regarding sale of multiple vehicles on the highway and regarding repair of motor vehicles on the highway respectively			✓	✓	✓	✓	✓	
S.7 Re: Nuisance parking offences – Power of authorised officer to request name and address of person to whom a FPN is to be issued (under S6)	✓	✓	✓	✓	✓	✓	✓	
Repealed by the anti-social behaviour, Crime and Policing Act 2014								

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
S.77 Power to enter premises for the purposes of disabling an alarm. Officer may not enter the premises by force under this section. Power of entry only permitted where the conditions within the section are met.						✓		
S.79 Powers of entry – Supplementary: Power of authorised officer to take steps to disable the alarm; Officer may take with them any such person(s) or equipment necessary to disable the alarm. Power to recover the costs of disabling the alarm from the responsible person.						✓		
<b>CONTROL OF POLLUTION ACT 1974</b>								
S.16 Power to serve Notice requiring removal of controlled waste				✓	✓	✓	✓	
S.60 Power to serve notice relating to noise from constructions sites						✓	✓	
S.61 Power to grant prior consent for noise levels from construction sites						✓	✓	
S.91 Power of authorised officer to enter land or vessels.  Power to conduct inspections, take measurements and take away samples						✓		
S.92 Supplementary to S. 91						✓		

Responsibility									
		A	B	C	D	E	HOS	ED	Procedure Reference
Power for person authorised to enter land or vessels to take with them such other persons and such equipment as may be necessary.									
S.93 Power to serve Notice requiring information							✓		
<b>Control of Pollution (Amendments) Act 1989 (CoP(A)A)</b>									
CoP(A)A	Waste Transfer Stations						✓		
<b>CONTROL OF POLLUTION (AMENDMENT) ACT 1989</b>									
S.5 Power to enter and search any vehicle which appears to be transporting controlled waste and to require the production of authority for transporting controlled waste (Only constable in uniform can stop a vehicle on the road).				✓	✓	✓	✓		
S.6 Subject to obtaining a warrant from a JP power to seize a vehicle and its contents (illegal waste disposal). (Only a constable in uniform can stop a vehicle on the road).				✓	✓	✓	✓		
<b>CRIMINAL PROCEDURE &amp; INVESTIGATIONS ACT 1996</b>									
S.3 Duty for prosecutor to: (a) disclose to the accused any prosecution material which has not previously been disclosed to the accused and which might reasonably be considered capable of undermining the case for the prosecution against the accused or of assisting the case for the accused, or				✓	✓	✓	✓	✓	

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
(b) give to the accused a written statement that there is no material of a description mentioned in paragraph (a).								
S.7A Continuing duty of the Prosecutor to disclose until such time that the defendant is acquitted or found guilty or the prosecutor determines not to proceed with the case.			✓	✓	✓	✓	✓	
<b>DANGEROUS DOGS ACT 1991 &amp; DANGEROUS DOGS (AMENDMENT) ACT 1997</b>								
S.5 Power of seizure of dog in a public place.			✓	✓	✓			Note iii
<b>ENVIRONMENT ACT 1995</b>								
S 83 Power to issue an order designating an air quality management area								Cabinet
S.108(1) General provisions under Part II (and as amended by the Pollution Prevention & Control Act 1999)  S. 108(1) Power for the enforcing authority to authorise suitable officers for purpose of determining whether any provision (enforced by that authority) is being complied with etc.						✓		
S.108 (4) & S.108 (5) Various Powers to enter premises; conduct investigations; power to take measurements; power to take samples; power to request information and records.						✓		
S.109 Power to seize any article which poses an imminent danger of serious pollution. Power only in relation to premises for which the officer has power to								

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
enter (i.e., not Environment Agency enforced premises).				✓		✓		
<b>ENVIRONMENTAL PROTECTION ACT 1990</b>								
<b>Part II</b> S.30 Identification of the council as the Waste Regulation Authority and power to enforce the provisions							✓	
S.34(5) Power to serve notice requiring the production of documents in relation to duty of care in regard to waste			✓	✓	✓	✓		
S.34A Power to issue fixed penalty notices in relation to offences under S.34			✓	✓	✓	✓		
S34B Power to search and seize vehicles.			✓	✓	✓	✓		
S.34C Power to seize vehicles and remove to a place considered appropriate.			✓	✓	✓	✓		
S.46 Power to issue a notice requiring household waste to be placed in receptacles as specified			✓	✓	✓	✓	✓	
S.46A Power for authorised officer to give a written warning for failure to comply with requirements relating to household waste receptacles.  46A (4) Power for an authorised officer to require a person to whom a written warning was issued to pay a fixed penalty notice			✓	✓	✓	✓		
S.47 Power to issue a notice requiring receptacles for commercial or industrial waste to be provided			✓	✓	✓	✓	✓	

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
S.47ZA Power to serve Fixed Penalty Notice (FPN) for offences under S. 46 and S. 47			✓	✓	✓	✓	✓	
<p>S.59 Power to issue a notice requiring the removal of waste unlawfully deposited.</p> <p>S.59 (7) Power to remove waste from land, forthwith, where it poses a risk of pollution etc.</p> <p>S.59(8) Power to recover costs of actions taken under S59(7)</p> <p>S.59ZA Supplementary power in relation to owner of land to serve notice on the owner of land in relation to the removal of waste unlawfully deposited.</p>			✓	✓	✓	✓	✓	
S.71 Power to issue a notice requiring the recipient (can be persons or authorities) to furnish information (note KMC as Waste Regulatory Authority)			✓	✓	✓	✓	✓	
<p><b>Part IIA</b></p> <p>S.78B Requirement to issue a notice (to relevant parties) that Local Authority has identified contaminated land</p>						✓	✓	
S.78C Notice of designation of special site to be issued to relevant parties.						✓	✓	
S.78E Power to serve remediation notices in regard to contaminated land						✓	✓	
S.78L Power to modify a remediation notice						✓	✓	
S.78N Power for enforcing authority to carry out remediation.						✓	✓	

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
S.78P Power for recovery of and security for the costs of remediation by the enforcing authority. Service of a charging notice.						✓	✓	
S.78R Requirement for every enforcing authority to maintain a register relating to remediation notices; appeals against remediation notices etc. To make the register available at all reasonable times, for inspection by the public free of charge; and to afford members of the public facilities for obtain copies of entries, on payment of reasonable charges.						✓	✓	
S.78T Notice of confidentiality in relation to information kept on the register required under S.78R of the Act						✓	✓	
S.78X Provisions in relation to two or more different sites (when considered together that pose significant harm or pollution of controlled waters etc.) for the local authority to exercise its functions under this Part to treat land adjoining or adjacent to its area as if it were land situated within its area.						✓	✓	
<b>PART III</b> S.80 Power to issue a notice requiring the abatement of a nuisance			✓	✓	✓	✓	✓	
S.80A Power to issue an abatement notice in relation to noise in the street relating to a vehicle or machinery.								
S.81 (2) Power to serve Notice under S.80 where cause of nuisance arises outside the local authority's area.						✓	✓	

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
S.81 (3) Power to abate the nuisance and do whatever may be necessary in execution of the notice, where an abatement notice has not been complied with.						✓	✓	
S.81(4) Power to recover costs incurred in doing works in default to abate or prevent the recurrence of a statutory nuisance.						✓		
S.81(5) Power to take proceedings to the High Court for the purpose of securing the abatement etc. * Operational Manager only						✓	✓	
S.81(7) implements Sch. 3 Sch. 3(2) Powers of entry to premises and to take such persons as necessary, carry out such inspections, measurements and tests as considered and take away such samples or articles as considered necessary in relation to the local authority's functions under Part III. Sch.2A Power to enter or open a vehicle, machinery or equipment, if necessary, by force or remove a vehicle, machinery or equipment from the street to a secure place for the purposes of taking any action or executing any work, authorised by or required under Part III in relation to a statutory nuisance caused by noise emitted from or caused by the vehicle, machinery or equipment. Power to recover expenses reasonably incurred by a local authority in abating or preventing the recurrence of a statutory nuisance as per S.81(4)						✓  ✓  ✓	✓  ✓  ✓	

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
S.81A Power to serve notice for the recovery of expenses and interest as permitted under S. 81(4). Power under the Law of Property Act 1925 to enforce a charge under this section.						✓	✓	
S.81B Power for the local authority to declare that payment of expenses (with interest) be made by instalments within a specified period, until the whole amount is paid.						✓	✓	
<b>PART IV</b>								
S.88 Power to issue a Fixed Penalty Notice for the offence under S87 for leaving litter.			✓	✓	✓	✓		
S.94A Power to issue a Fixed Penalty Notice in relation to an offence committed in relation to the issue of a litter clearing notice.			✓	✓	✓	✓	✓	
S.94B (Sch. 3A) Power to order a designated area for the purposes of prohibiting the distribution of printed matter within that designated area.				✓		✓	✓	
Power to give consent to the distribution of printed material within a designated area.			✓	✓	✓	✓	✓	
Power to charge a fee in relation to giving consent for the distribution of printed material.			✓	✓	✓	✓	✓	Cabinet
Power to seize printed material			✓	✓	✓	✓	✓	
Power to issue a fixed penalty notice for offence under this section.			✓	✓	✓	✓		

Responsibility									
		A	B	C	D	E	HOS	ED	Procedure Reference
S.99 Powers to adopt requirements of Sch. 4 of the Act in relation to abandoned shopping trolleys  Sch. 4 (if adopted) Power to seize and detain shopping trolleys; Power to charge for their storage etc.									Need to create zones beforehand through Cabinet
<b>ENVIRONMENTAL PROTECTION ACT 1990</b> Section 88A The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulation 2018									
S.88 Issue a Penalty Notices to the keeper of a vehicle—power to issue a penalty notice for offence of dropping litter from a motor vehicle.				✓	✓	✓			
<b>HIGHWAYS ACT 1980 (HA)</b>									
Schedule 11	Provisions as to orders under section 93 of this Act						✓		
Schedule 12	Provisions as to orders under s 116 and conveyances under s 256						✓		
Schedule 12 A HA	Further powers of Highway Authorities and Councils in relation to interference with Highways under Sections 131A, 134 and 135						✓		
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 13	Deductions from rents						✓		

Responsibility									
		A	B	C	D	E	HOS	ED	Procedure Reference
Schedule 14	Provisions with respect to notices under s 184						✓		
Schedule 15	Application of advance payments code						✓		
Schedule 16	Particulars to be stated in specifications, notices, etc., under the private street works code						✓		
Schedule 17	Purposes for which additional land may be taken in advance of requirements						✓		
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						✓		
Schedule 21	Transitional matters arising where a highway becomes a trunk road, or a trunk road ceases to be a trunk road						✓		
Schedule 22	Provisions of this Act to which s 288, 294, 312, 338, 339 and 341 of this Act apply						✓		
Schedule 23	Transitional Provisions						✓		
Schedule 24	Consequential amendments						✓		
Schedule 25	Repeals						✓		
Section 25/26	To create footpaths, bridleways and restricted byways by agreement with						✓		

Responsibility									
		A	B	C	D	E	HOS	ED	Procedure Reference
	or without compensation or by order (with or without compensation) (i)								
Section 27	To survey new paths agreed by a planning authority						✓	✓	
Section 36	To keep a list of highways maintainable at public expense						✓	✓	
Section 38	To adopt i.e., become responsible for maintenance of highways by agreement							✓	Cabinet
Section 41	To maintain highways maintainable at public expense						✓	✓	
Section 56	Proceedings for an order to repair highway						✓	✓	
Section 57	Default powers in respect of non-repair of a privately repairable highway						✓	✓	
Section 62	To improve highways						✓	✓	
Section 65(1) Section 66(4)	Conversion of footways to cycle tracks							✓	Executive Function
Section 66 - amended by CROW2000 Section 70	To provide on a footpath or bridleway safety barriers, posts, rails or fences for safeguarding persons using the highway						✓	✓	
Section 71	To provide adequate grass or other margins by a carriageway where necessary or desirable for the safety or accommodation of ridden horses						✓	✓	
Section 72	To widen highways								Cabinet

Responsibility									
		A	B	C	D	E	HOS	ED	Procedure Reference
Section 76	To level a highway								
Section 77	To raise or lower, or otherwise alter, the level of a highway								
Section 91	To construct a bridge to carry a public path								
Section 92	To reconstruct a bridge forming part of a public path								
Section 100	To drain highways.								
Section 115 A – K inclusive	Provision of amenities on certain highways						✓	✓	
Section 116	Applications to magistrates' court to authorise stopping up or diversion of highway.						✓		
Section 118	To make an order stopping up footpath(s), bridleway(s) or restricted byway(s) (i)						✓		
Section 118A	To make an order stopping up footpath(s), bridleway(s) or restricted byway(s) crossing a railway (i)						✓		
Section 118B	Stopping up of certain highways for purposes of crime prevention, etc. (i)						✓		
Section 118C	Application by proprietor of school for special extinguishment order. (i)						✓		
Section 119	To make an order diverting footpath(s), bridleway(s) or restricted byway(s) (i)						✓		

Responsibility									
		A	B	C	D	E	HOS	ED	Procedure Reference
Section 119A	To make an order diverting footpath(s), bridleway(s) or restricted byway(s) crossing a railway (i)						✓		
Section 119B	Diversion of certain highways for purposes of crime prevention, etc. (i)						✓		
Section 119C	Application by proprietor of school for special diversion order. (i)						✓		
Section 119D	Diversion of certain highways for protection of sites of special scientific interest. (i)						✓		
Sections 129A to 129G	Gating orders								Cabinet Committee
Section 130A to 130D	To respond to notices and court applications regarding public path enforcement						✓	✓	
Section 131A - Inserted by Rights of Way Act 1990 Section 1	To instruct legal to prosecute re: disturbance of surface where desirable in the public interest						✓	✓	
Section 132	To remove unauthorised way marks						✓	✓	
S.132	Power to remove any picture, letter, sign or other mark which has been painted or otherwise inscribed or affixed upon the surface of the highway or upon any tree, structure or works on or in the highway.	✓	✓	✓	✓	✓			
	Power to issue fixed penalty notice.			✓	✓	✓			

Responsibility									
		A	B	C	D	E	HOS	ED	Procedure Reference
Section 134 – amended RWA90 Section 1	To enforce provision re: ploughing of footpaths or bridleways						✓	✓	
S 134 Power to make good the surface of a footpath or bridleway which has been ploughed and recover expenses from the occupier of the land				✓	✓	✓			
Section 135 – amended RWA90 Section 1	To make orders authorising agricultural works not exceeding 3 months						✓	✓	
Section 137	Decisions to undertake prosecutions, subject to consultation with Legal						✓	✓	
S.140 Power to remove or reposition a builder's skip. Power to recover costs incurred from the removal or repositioning of the skip from the owner.									
S.143 Power to issue notice requiring the removal of an obstruction from the highway. Power to remove the structure and recover the costs of doing so.				✓	✓	✓			
Section 143	To remove structures	✓	✓	✓	✓	✓	✓	✓	
Section 145 and Section 149	To require removal or widening of gates						✓	✓	
Section 146	To repair stiles, etc.	✓	✓	✓	✓	✓	✓	✓	

Responsibility									
		A	B	C	D	E	HOS	ED	Procedure Reference
Section 147 - amended by CROW2000 Section 69	To authorise the erection of stiles, etc. (having regard for the needs of persons with mobility problems)						✓	✓	
Section 147ZA - inserted by CROW 2000 s69)	To instruct legal to enter into agreements with owners, lessees or occupiers to improve structures (gates, stiles etc.) that are limitations or authorised under s147 HA80, for the benefit of persons with mobility problems						✓		
Section 149	Serve notice for removal of things so deposited on highways as to be a nuisance etc. Remove the deposit forthwith Apply to Magistrates Court for removal/disposal order						✓	✓	
S.149	Power to issue a notice requiring the removal of things deposited on the highway as to be a nuisance. Power to remove the things and recover the costs of removing the things.			✓	✓	✓			
Section 153	Doors etc. in streets not to open outwards.						✓	✓	
S.153	Power to issue a notice requiring the owner or occupier to alter, so as not to open outwards, the door, gate or bar. Power to undertake the work required in the Notice and recover the costs of that work.			✓	✓	✓			
S.154	Power to issue a notice to the owner of vegetation requiring them to lop or cut the vegetation so as to remove the cause of the danger, obstruction or			✓	✓	✓			

Responsibility									
		A	B	C	D	E	HOS	ED	Procedure Reference
interference to the highway or footpath. Power for the HA to carry out the works required under the Notice and recover the costs, if not complied with.									
Section 154 - amended CROW2000 Section 65	To require cutting or felling of trees or hedges that are overhanging highways or a danger to highway users						✓	✓	
Section 160A and Schedule 12A	Further powers of highway authorities and district council in relation to highways						✓	✓	
Section 164	To require removal of barbed wire	✓	✓	✓	✓	✓	✓	✓	
Section 167	Powers relating to retaining walls near streets						✓	✓	
Section 219 (2)	Authority to prosecute before payment of APC (or entering into a S38 agreement)						✓		
Section 278	To instruct Legal to prepare/enter into agreements for Contributions towards Highways Works.						✓	✓	
Section 289	Serve notice for powers of entry for purpose of undertaking surveys (e.g. Noise).						✓	✓	
Section 291	Powers of entry for the purpose of maintaining e.g. certain structures and works.						✓	✓	
Section 297	To require information as to ownership of land						✓	✓	

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>								
Part I S.16 Power to issue a Notice requiring particulars of persons with an interest in the land			✓	✓	✓	✓	✓	
S.20(1) Power to serve Notice requiring provision of sanitary accommodation at places of entertainment						✓		
S.20 (5) Power of Authorised person to enter premises to determine whether a notice should be issued.						✓	✓	
Deviation from approved policy under certain circumstances permitted.						✓	✓	
S23 Power of Local Authorities to deal with dangerous trees			✓	✓	✓	✓	✓	
S.24 Power of (person authorised in writing) to enter on any land for the purpose of determining whether the council should take steps in relation to the provisions of S.23.						✓	✓	
S.33 Power for the local authority to require the restoration or continuation of supply of water, gas or electricity. Power to recover costs incurred						✓	✓	
S.35 Power to serve Notice requiring removal of obstruction from private sewer. Power for the LA to remove obstruction where the notice is not complied with. Power to serve a notice requiring the payment of reasonably incurred expenses to the LA.						✓	✓	

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
<b>MICROCHIPPING OF DOGS (ENGLAND) 2015</b>								
<p>(a)serve on the keeper of a dog which is not microchipped a notice requiring the keeper to have the dog microchipped within 21 days;</p> <p>(b)where the keeper of a dog has failed to comply with a notice under paragraph (a), without the consent of the keeper—</p> <p>(i)arrange for the dog to be microchipped; and</p> <p>(ii)recover from the keeper the cost of doing so;</p> <p>(c)take possession of a dog without the consent of the keeper for the purpose of checking whether it is microchipped or for the purpose of microchipping</p>		✓	✓	✓	✓			
<b>POLICE &amp; CRIMINAL EVIDENCE ACT 1984</b>								
S.60 Tape recording of interviews in accordance with the CoP (S.60(1), came into force through the Police & Criminal Evidence (Commencement No. 4) 1991		✓	✓	✓	✓	✓		
<b>PREVENTION OF DAMAGE BY PESTS ACT 1949</b>								
S.4 power to issue a notice requiring owner or occupier to take action in relation to rats and mice			✓	✓	✓	✓		
S.5 Power of LA to take action to gain compliance with a notice under S. 4 and to recover the costs of doing so				✓		✓		

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
S.6 Power for LA to undertake treatment/action in relation to rats and mice where it involves several premises occupied by different persons, rather than serve individual notices under S4				✓		✓		
S.7 Power of LA to recover expenses incurred undertaking action under Ss. 5&6				✓		✓		
S.9 Power of LA to request information in relation to the interests in land			✓	✓	✓	✓		
S.22 Power of authorised officer to enter land for the purposes of enforcing this Act	✓	✓	✓	✓	✓	✓		
S.26 Power to institute legal proceedings *Operational Manager only				✓		✓	✓	
<b>REFUSE DISPOSAL (AMENITY) ACT 1978 (as amended)</b>								
S.2A Power for authorised officer to issue a FPN for an offence of unauthorised abandonment of vehicle			✓	✓	✓			
S.2B Power to request name and address if propose to issue an FPN.	✓	✓	✓	✓	✓			
S.3 Power to remove abandoned vehicles			✓	✓	✓	✓	✓	
S.4 Power to dispose of abandoned vehicles			✓	✓	✓	✓	✓	
S. 5 Power to recover costs associated with the removal of abandoned vehicles			✓	✓	✓			
S.6 Power to remove other refuse	✓	✓	✓	✓	✓	✓	✓	
S.8 Power of authorised officer to enter land	✓	✓	✓	✓	✓	✓	✓	

Responsibility									
		A	B	C	D	E	HOS	ED	Procedure Reference
<b>TOWN AND COUNTRY PLANNING ACT (TACPA)</b>									
Section 247 TaCPA	To respond to the Department of Transport upon applications under Section 247 of the Town and Country Planning Act 1990						✓		
Part 1.12	To respond to the Peak Park Planning Authority upon the highway implications of planning applications within the Peak Park						✓		
Section 247 TaCPA	Authority to apply to SoS to stop up or divert all purpose highway for planning purposes						✓		
Section 248 TaCPA	Authority to apply to SoS to stop up or divert other highways affecting main highways which are subject to planning permission						✓		
Section 249 TaCPA	Authority to apply to SoS to extinguish vehicular rights on an all purpose highway						✓		
Section 251 TaCPA	Authority to apply to SoS to extinguish public rights of way (all purpose) over land held for planning purposes						✓		
Section 253 TaCPA	Authority to apply to SoS to stop up or divert all purpose highway in anticipation of planning permission.						✓		
Section 254 TaCPA	Authority to apply to SoS to compulsorily acquire land in pursuance of an order under Sections 247, 248 or 249.						✓		

Responsibility									
		A	B	C	D	E	HOS	ED	Procedure Reference
Section 257 TaCPA	Power to authorise stopping-up or diversion of footpath or bridleway.						✓		
Section 257 TaCPA	Power to authorise stopping-up or diversion of footpath or bridleway.						✓		
Section 258 TaCPA	Power to extinguish public rights of way over land held for planning purposes.						✓		
<b>PUBLIC HEALTH ACT 1936 (as amended) (PHA)</b>									
S.45	Power to serve Notice requiring repair of closets						✓	✓	
S.48	Power to examine and test drains believed to be defective								
S.50	Power to serve Notice in relation to overflowing or leaking cesspools, requiring a person to execute such works as necessary to prevent the soakage and overflow of cesspools.						✓	✓	
S.78	Power to cleanse common courts and passages and to recover any expenses reasonably incurred.			✓	✓	✓	✓	✓	
S.79	Power to serve Notice requiring removal of noxious material and to remove the noxious matter should the notice not be complied with. Power to recover the expenses of any action reasonably taken to remove the noxious matter.			✓	✓	✓	✓	✓	
S.83	Power to serve Notice requiring cleansing of filthy or verminous premises						✓	✓	
S.84	Power to cleanse or destroy filthy or verminous articles						✓	✓	

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
S.85 Power to cleanse filthy and verminous persons and their clothing and if they refuse, power to apply to the court for an order requiring the person and or clothing to be cleansed						✓	✓	
S.140 Power to apply to the court for the issue of an order to close or restrict use of water from polluted supply						✓	✓	
S.259, S.260 and S.261 Power to deal with ponds, ditches etc. in such a state as to be prejudicial to health or a nuisance						✓	✓	
S.264 Power to issue a notice requiring the repair maintenance and cleansing of culverts				✓		✓	✓	
S.268 Power to deal with nuisances from tents, vans, sheds etc. including provisions relating to filthy & verminous premises being applicable and also issue of an Abatement Notice under the EPA.  Powers to make byelaws in relation to cleanliness of tents, vans and sheds.				✓		✓	✓	Cabinet
S.269 Power of local authority to control use of moveable dwellings by licensing land to be used (campsites)						✓	✓	
S.275 Power to carry out works by agreement with owners or occupiers						✓	✓	
S.276 Power of the local authority to sell any materials if not collected by owner. Proceeds of sale to go to the owner once expenses deducted.						✓	✓	
S.287 Power of authorised officer to enter premises to inspect; undertake works as permitted by the Act.			✓	✓	✓	✓		

Responsibility								
	A	B	C	D	E	HOS	ED	Procedure Reference
Power of authorised officer to be accompanied by such person(s) as to assist.								
<b>PUBLIC HEALTH ACT 1961</b>								
S.17 Power to repair drains etc.  Power to issue notice where a drain, private sewer, water-closet, waste pipe or soil pipe is stopped -up requiring the owner or occupier to remedy the defect  Power to recover costs of undertaking works.						✓		
S.34 Power to issue a notice requiring the removal of rubbish. Power to remove it if not complied with.			✓	✓	✓	✓	✓	
S.36 Power to require vacation of premises during fumigation (in relation to filthy and verminous premises upon which a notice has been served under S.83 of PHA 1936)						✓	✓	
S.37 Prohibition of sale of verminous articles. Power to cause to be disinfected or destroyed any verminous article displayed for sale; deposited with a dealer etc.						✓	✓	
S. 73 The local authority may by notice require the occupier of the premises to take the steps reasonably necessary to prevent danger from any disused petrol tank or other fixed container.						✓	✓	
S.74 Power to reduce number of pigeons and other birds in built up areas						✓	✓	

**Key to authorised officers:**

<b>Responsibility</b>	<b>Post Title / Section</b>
Officer A	Environment & Community Support Officer
Officer B	Environment & Greenspace Enforcement Officer / Public Space Protection Officer
Officer C	Greenspace Action Supervisor
Officer D	Greenspace Environment Action Manager
Officer E	Senior Enforcement Officer
HOS	Head of Service
SD	Service/Executive Director
<b>Procedure Reference</b>	
Note i	- Chief Executive
Note ii	- Refer through to Kirklees Anti-Social Behaviour Partnership
Note iii	- Only the Police can obtain a warrant to enter a private place to seize a Section 1 dog

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.

<sup>1</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>1</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