



RECORD OF POWERS DELEGATED BY THE EXECUTIVE DIRECTOR FOR PLACE

Scheme of Delegation for Highways

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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>Anti-Social Behaviour, Crime and Policing Act 2014 Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 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) Environment Act 1995 Environmental Protection Act 1990 (EPA 90) Environmental Protection Act 1990 (EPA 95) Environmental Protection Act 1995 (EPA 95) European Communities Act 1972 (ECA) Hazardous Waste Regulations 2004 (HWR) Health and Safety at Work Act 1974 Highways Act (Traffic Calming) & (Road Humps) Regs 1993 & 1999 (HA(TC)&(RH)) Highways Act 1980 (HA) Housing Act (HoA) Land Compensation Act 1973 LCA Land Drainage Act 1991 (LDA) Land Drainage Act 1994 Local Government (Miscellaneous provisions) Act 1982 Local Government Act 1999 (LGA 1999) Local Government Act 2000 (LGA 2000)</p>	<p>National Park and Access to the Countryside Act NPACA New Roads and Street Works act 1991 Noise and Statutory Nuisance Act 1993 (N&SNA) NRA Land Drainage Act 1992 ((NRALDA) Occupiers Liability Act 1995 (OLA) Railways and Transport Safety Act 2003 (RaTA) Road Traffic Act 1988 Road Traffic Act 1991 (RTA) Road Traffic (Temporary Restrictions) Act 1991 (RT(TR)A) Road Traffic Reduction Act 1997 (RTRedA) Road Traffic Regulation (Special Events) (RTRA(SE)) Road Traffic Regulation Act 1984 (RTRA) Surface Water (Dangerous Substances) Regulations 1997/98 (SW(DS)Regs) The Water Supply (Water Quality) Regulations 1989 Town and Country Planning Act 1990 Town Police Clauses Act 1847 TPCA Traffic Management Act 2004 (TMA) Transport Act 2000 (TA) Waste Electrical and Electronic Equipment Directive (WE&EED) Waste Management Licence Regulations 1994 & 1996 (WMLRegs) Water Industry Act 1991 Wildlife and Countryside Act 1981</p>

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 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.

Responsibility									Procedure Reference
	A	B	C	D	E	F	HoS	Director	
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014									
S.59 Power to make Public Space Protection (PSP) Order	✓						✓		Note ii
S.61 Power to vary or discharge PSP Order	✓						✓		Note ii
CLEAN AIR ACT 1993 (As amended)									
S.4 Power to approve new furnace installations	✓						✓	✓	
S.6 Power to approve arrestment plant for furnaces	✓						✓	✓	
S.7 Power to exempt furnace from the requirements of S.6 of the Act	✓						✓	✓	
S.8 Power to approve plant for arresting grit and dust	✓						✓	✓	
S.10 Power to serve Notice requiring measurement of grit and dust	✓						✓	✓	
S.12 Power to serve Notice requiring details of fuel used	✓						✓	✓	
S.15 Power to approve, either conditionally or otherwise, or reject, chimney heights	✓→						✓→	✓→	Report to Ward Member. Subject to subsequent report to Cabinet.
S.18 Power to issue an order declaring a smoke control area (although currently whole of KMC already declared).	✓						✓	✓	
S.19A Implements the provisions under Schedule 1A that relates to penalty for emission of smoke in smoke control area in England.	✓						✓	✓	

Responsibility									Procedure Reference
	A	B	C	D	E	F	HoS	Director	
Sch.1A, 2(2) Power to give a liable person a “notice of intent” Sch. 1A, 5(1) power to impose a financial penalty on the liable person Sch.1A, 6(1) power to impose a financial penalty by a “final notice” Sch.1A, 7(1) power to withdraw a notice of intent or a final notice Sch.1A, 10(1) power for the LA to delegate to a person the exercise of any of the authority’s functions under the schedule. Sch.1A, 10(2) A delegation must be made by giving notice to the person. Sch. 1A, 11(2) power to give a notice to a person Power to issue a written warning ‘improvement notice’ to the person responsible	✓ ✓ ✓ ✓ ✓ ✓					✓	✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓	
Note regarding financial penalty issued under S.19A, Schedule 1 Power to set policy and amount for financial penalties issued under this section of the Act								✓	Penalty amount based on policy approved by Service Director in conjunction with Portfolio Holder
S.24 Power to serve Notice requiring adaptations of fireplaces to be carried out.							✓	✓	
S.26 Power to approve and pay grants in respect of charities, churches etc. following the issue of a smoke control order	✓						✓	✓	
S.35 Power of the LA to obtain information about the emissions of pollutants and other substances into the air including by measuring and recording the emissions or by entering into arrangements with the occupiers of premises under which they measure and record emissions on behalf of the LA	✓		✓				✓	✓	

Responsibility									Procedure Reference
	A	B	C	D	E	F	HoS	Director	
S.36 Power to issue a notice requiring information regarding emission of pollutants and other substances into the air from premises	✓						✓	✓	
S.45 Power to grant exemptions for research in smoke control areas	✓						✓	✓	
S.46 Power to report emissions from Crown premises to responsible Minister	✓						✓	✓	
S.55 Duty for LA to enforce Parts I to III, section 33 and Part VI. Power to institute legal proceedings for an offence under Sections 1 or 2	✓						✓		
S.56 Power of authorised officer to enter any land or vessel and to carry out such inspections, measurements and tests on land or vessel or any articles on it and take away any such samples of the land or articles as appropriate.	✓		✓				✓		
S. 57 Provisions Supplementary to S. 56 – a person authorised to enter upon any land or vessel may take with them such other persons and equipment as may be necessary.	✓		✓				✓		
S.58 Power of LA to serve Notice requiring information in relation to Part IV or V of the Act.	✓						✓		
THE CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005									
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	✓				✓	✓	✓	✓	

Responsibility									Procedure Reference
		A	B	C	D	E	F	HoS	Director
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									
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.		✓		✓			✓	✓	
Control of Pollution (Amendments) Act 1989 (CoP(A)A)									
CoP(A)A	Waste Transfer Stations	✓	✓	✓	✓			✓	
CONTROL OF POLLUTION (AMENDMENT) ACT 1989									
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).		✓				✓	✓	✓	
CONTROL OF POLLUTION (OIL STORAGE) (ENGLAND) REGS 2001 (COP(OS)REGS)									

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
(CoP (OS)Regs)	Fuel points in depots	✓	✓	✓	✓			✓		
CONTROLLED WASTE REGS 1992 (CW REGS)										
(CW Regs)	Waste Transfer Stations	✓	✓	✓	✓			✓		
COUNTRYSIDE ACT 1968 (CA) (ProW)										
Section 27 CA	Powers to erect signs	✓		✓	✓			✓		
Section 27 CA	Duty to upkeep Public rights of Way	✓		✓	✓			✓		
COUNTRYSIDE AND RIGHTS OF WAY ACT 2002 (CroW)										
Parts I, II and IV CroW	Various Powers	✓		✓	✓			✓		
CYCLETRACK ACT (CTA)										
Section 3 CTA	Power to designate footpath as cycle track	✓		✓	✓			✓		
DISABILITY DISCRIMINATION ACT 1995 (DDA)										
(DDA)	Accessibility Improvements	✓	✓ Regis	✓ Regis	✓ Regis			✓		
ENVIRONMENT ACT 1995										
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)		✓						✓		

Responsibility									Procedure Reference
		A	B	C	D	E	F	HoS	Director
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 enter (i.e., not Environment Agency enforced premises).		✓						✓	
ENVIRONMENT ACT 1995 (EA)									
Section 1 et seq EA	Monitoring Air Quality	✓		✓				✓	
ENVIRONMENTAL PROTECTION ACT 1990									
Part II									✓
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		✓				✓	✓	✓	✓

Responsibility									Procedure Reference
	A	B	C	D	E	F	HoS	Director	
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	✓				✓	✓	✓	✓	
S.47ZA Power to serve Fixed Penalty Notice (FPN) for offences under S. 46 and S. 47	✓				✓	✓	✓	✓	
S.59 Power to issue a notice requiring the removal of waste unlawfully deposited. S.59 (7) Power to remove waste from land, forthwith, where it poses a risk of pollution etc. S.59(8) Power to recover costs of actions taken under S59(7) 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.	✓				✓		✓	✓	
S.71 Power to issue a notice requiring the recipient (can be persons or authorities) to furnish information (note KMC as Waste Regulatory Authority)	✓				✓		✓	✓	
Part IIA S.78B Requirement to issue a notice (to relevant parties) that Local Authority has identified contaminated land	✓						✓	✓	
S.78C Notice of designation of special site to be issued to relevant parties.	✓						✓	✓	

Responsibility									Procedure Reference
	A	B	C	D	E	F	HoS	Director	
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.	✓						✓	✓	
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.	✓						✓	✓	
PART III 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.	✓					✓			

Responsibility									Procedure Reference
	A	B	C	D	E	F	HoS	Director	
S.81 (2) Power to serve Notice under S.80 where cause of nuisance arises outside the local authority’s area.	✓					✓	✓	✓	
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									Procedure Reference
	A	B	C	D	E	F	HoS	Director	
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.	✓						✓	✓	
PART IV	✓						✓		
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.	✓				✓		✓		
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

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
										through Cabinet
ENVIRONMENTAL PROTECTION ACT 1990										
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.		✓				✓				
HAZARDOUS WASTE REGULATIONS 2004 (HWR)										
(HWR)	Waste Transfer Stations	✓	✓	✓	✓			✓		
HEALTH AND SAFETY AT WORK ETC ACT 1974 and the relevant statutory provisions S.20(2)(i)										
S.18 (4) Duty of LA to make provision for enforcement of the relevant statutory instruments (as determined by regulations made by the Sec of State).		✓						✓	✓	
S.19 Power to appoint inspectors for the purposes of the Act and relevant statutory provisions. The instrument of appointment shall be in writing and must specify the powers conferred to them by the relevant statutory instruments.		✓						✓	✓	

Responsibility									Procedure Reference
	A	B	C	D	E	F	HoS	Director	
<p>S.20 Power to:</p> <ul style="list-style-type: none"> • Enter premises as a right unlike other legislation. • Power to take a constable if have reason to believe there will be serious obstruction. • Power to take another person, authorised by the enforcing authority with them and any equipment or materials required. • To make such examination or an investigation as necessary. • Power to direct that premises or part of them or anything therein be left undisturbed for the purpose of examination etc. • Power to take photographs; measurements etc. • Power to take samples of any article or substance. • Power to cause an article to be dismantled. • Power to take possession of articles and detain them until such time they can be examined. • Power to require persons to give information. • Require the production of information and to take copies of documents etc. • Require assistance and facilities to enable the officer to exercise their powers. • Any other power that is necessary for the purpose of carrying into effect any of the statutory provisions within the field of responsibility. 	<p>✓¹ NO/SA</p>								
<p>S.21 Power to serve Improvement Notices</p>	<p>✓¹ NO/SA</p>								
<p>S.22 Power to serve prohibition notices</p>	<p>✓¹ NO/SA</p>								
<p>S.25 Power to seize and render safe any article which poses imminent danger</p>	<p>✓¹ NO/SA</p>								
<p>S.26 Power of enforcing authorities to indemnify their officers.</p>	<p>✓</p>						<p>✓</p>	<p>✓</p>	

Responsibility									Procedure Reference
		A	B	C	D	E	F	HoS	Director
S.39 Power for Officer to prosecute if authorised on behalf of the enforcing authority. *Operational Manager only		✓ *						✓	
HIGHWAYS ACT 1980 (HA)									
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	✓	✓	✓	✓			✓	
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.	✓	✓	✓	✓			✓	

Responsibility		Directorate for Place (Delegation Scheme for Highways)								Procedure Reference
		A	B	C	D	E	F	HoS	Director	
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 or without compensation or by order (with or without compensation) (i)	✓		✓	✓			✓		
Section 27	To survey new paths agreed by a planning authority	✓		✓	✓			✓	✓	
Section 31 (6)	To keep a register of maps, statements and declarations lodged with the Council	✓		✓	✓			✓		
Section 31 (6C)	To follow prescribed steps in relation to a map, statement and declaration as prescribed in regulation 4 of The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013, which prescribes	✓		✓	✓			✓		

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
	steps which the Council must take upon receipt of a validly made application (Form CA16)									
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
Section 76	To level a highway			✓	✓					
Section 77	To raise or lower, or otherwise alter, the level of a highway			✓	✓					

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
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)	✓		✓	✓			✓		
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)	✓		✓	✓			✓		

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
Section 119D	Diversion of certain highways for protection of sites of special scientific interest. (i)	✓		✓	✓			✓		
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.		✓				✓				
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	✓		✓				✓	✓	

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
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.	✓		✓	✓	✓		✓	✓	
Section 147 - amended by CROW2000 Section 69	To authorise the erection of stiles, etc. (having regard for the needs of persons with mobility problems)	✓		✓	✓			✓	✓	
ü	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	✓		✓	✓			✓		
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. Apply to Magistrates Court for removal/disposal order		✓		✓	✓	✓	✓	✓	✓	

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
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 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.	✓		✓	✓			✓	✓	

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
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	✓		✓	✓			✓	✓	
HIGHWAYS ACT (TRAFFIC CALMING) & (ROAD HUMPS) REGS 1993 & 1999 (HA(TC)&(RH))										
Section (HA(TC)&(RH))	Provide measures to slow traffic and make safe for pedestrians	✓						✓		
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	Right 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	✓		✓				✓		

Responsibility									Procedure Reference
		A	B	C	D	E	F	HoS	Director
LAND DRAINAGE ACT 1994									
Whole Act	Whole Act	✓		✓				✓	
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							✓	
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							✓	
Table 3 travel concessions LA(TC)R	Matter for which a charge may be made: 93TA							✓	
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976									
Part I		✓		✓ ²		✓	✓	✓	✓
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.		✓						✓	✓

Responsibility									Procedure Reference
	A	B	C	D	E	F	HoS	Director	
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.	✓		✓ ⁴				✓	✓	
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (As amended by Local Government Act 2003)									
Part VIII S.14 (3) Duty of LA to register any person who applies for registration in respect of the practice of acupuncture. NOTE: it is an offence for any person to carry on acupuncture without such registration, but the LA <u>must</u> register any applicant, who then has to comply with local byelaws	✓						✓		
S.14(6) Power to charge reasonable fees for registration									Cabinet
S.14 (7) Power to make byelaws in relation to cleanliness of premises, persons and sterilisation of equipment etc.									Cabinet
S.15(3) Duty for LA to register tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis and issue a certificate or registration	✓						✓		

Responsibility									Procedure Reference	
		A	B	C	D	E	F	HoS	Director	
S.15(6) Power to charge reasonable fees for registration										Cabinet
S15 (7) Power to make byelaws in relation to cleanliness of premises, persons and sterilisation of equipment etc.										Cabinet
S.17 Power of entry in relation to suspicion of contraventions of S.16 that relates to contraventions of the requirements of sections 14 and 15. If access refused must have a warrant from a JP.		✓					✓	✓		
Section 23 LG(MP)A	✓	✓	✓	✓				✓		
Section 23 & 24	✓	✓	✓	✓				✓		
S.27 Power to give a notice requiring the repair of drains etc. and to remedy stopped-up drains etc. Power for the LA to repair the drain etc. and recover expenses reasonably incurred in doing so.		✓						✓	✓	
S.29 Power to serve notice requiring execution of works to prevent unauthorised entry to buildings.		✓						✓	✓	
Power of entry of authorised officer into buildings/land to exercise the powers under this section.		✓					✓	✓		
Power for the LA to undertake works to prevent access to buildings.		✓								
Power to recover costs incurred.		✓								

Responsibility									Procedure Reference
		A	B	C	D	E	F	HoS	Director
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.	✓						✓	
National Park and Access to the Countryside Act NPACA									
Section 57 NPACA	Misleading Notices	✓		✓				✓	
NEW ROADS AND STREET WORKS ACT 1991									
The New Roads & Street Works Act 1991	Part III - all, including the determination of any appropriate fees or charges. Most charges are determined by SI	✓		✓	✓			✓	

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
Section 48 to 52 NRASWA	Introductory provisions	✓		✓	✓			✓		
Section 53 NRASWA	The Street Works Register	✓		✓	✓			✓		
Section 54 to 60 NRASWA	Notice and Co-ordination of Works	✓		✓	✓			✓		
Section 61 to 64 NRASWA	Streets Subject to Special Controls	✓		✓	✓			✓		
Section 65 to 69 NRASWA	General Requirements as to Execution of Street Works	✓		✓	✓			✓		
Section 74, 74A and 74B NRASWA	Charges, Fees and Contributions payable by Undertakers	✓		✓	✓			✓		
Section 75 to 78 NRASWA	Charges, Fees and Contributions payable by Undertakers	✓		✓	✓			✓		
Section 83 to 85 NRASWA	Apparatus Affected by Highway, Bridge or Transport Works	✓		✓	✓			✓		
Section 86 to 93 NRASWA	Provisions with respect to particular authorities and undertakers	✓		✓	✓			✓		
Section 94 NRASWA	Power of authority or district council to undertake street works	✓		✓	✓			✓		
Section 95 to 106 NRASWA	Supplementary Provisions	✓		✓	✓			✓		

Responsibility									Procedure Reference	
		A	B	C	D	E	F	HoS		Director
NOISE AND STATUTORY NUISANCE ACT 1993 (N&SNA)										
S.8 Power for LA to issue a notice to adopt Sch2 paragraph 1 Power to grant consent to operate a loudspeaker in the street		✓						✓	✓	
NRA Land Drainage Act 1992 ((NRALDA)										
Section 23 & S24 NRALDA	Application for works in rivers	✓		✓				✓		
OCCUPIERS LIABILITY ACT 1995 (OLA)										
(OLA)	Signing, fencing and security of depots, storage sites and offices	✓	✓	✓				✓		
Railways and Transport Safety Act 2003 (RaTA)										
Section 329(1) RaTA	amendment after section 41(1) of the Highways Act 1980 "(1A) in particular, a highway, authority are under a duty to ensure so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice".							✓		
Road Traffic Act 1988										
Section 39	To fix charges for the training of road users							✓		
Part VIIA - Section 115 HA	Disabled Access Ramp Licences	✓	✓	✓	✓			✓		

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
Section 39 RTA	To fix charges for the training of road users	✓						✓		
Section 34 RTA	Driving mechanically propelled vehicles on public footpath/bridleway			✓	✓			✓		
Road Traffic Act 1991 (RTA)										
Section 8 RTA	Road Vehicle Construction & Use – Emissions to atmosphere	✓		✓	✓			✓		
Section 43 RTA	Power to apply for SPA / PPA designation							✓		
Schedule 6 Subsection 7 ie Schedule 6(7). RTA	Decision to uphold or reject appeal	✓	✓	✓	✓			✓		
Road Traffic (Temporary Restrictions) Act 1991 (RT(TR)A)										
New provision in Place Of s 14 and 15 of RTRA 1984 RTRA (TR)	Temporary prohibition or restriction of traffic on roads	✓		✓	✓			✓		
ROAD TRAFFIC REDUCTION ACT 1997 (RTREDA)										
Section 2 RTRedA	Report on levels of Road Traffic	✓		✓	✓			✓		
Road Traffic Regulation Act 1984 (RTRA)										

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
Section RTRA 20	To arrange for the making of permanent and temporary traffic regulation orders	✓						✓		
Section RTRA 20	To authorise operative dates for traffic regulation orders	✓						✓		
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	✓						✓		
Section RTRA 32 et seq	To make Parking Place Orders including Amendment and Consolidation Orders	✓						✓		
Section RTRA 32 et seq	To confirm Parking Place Orders where there are no objections subject to informing local Members before and after the consultation period.	✓						✓		
Section RTRA 32 et seq	To authorise the operative dates for Parking Place Orders.							✓		

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
Section RTRA 35 and 41	To Serve Notices pursuant to Sections 35(c) and 46 of the Road Traffic Regulation Act 1984 to vary changes at all off on-street parking places subject to prior approval by Cabinet of the new changes.	✓						✓		
Section RTRA 32 et seq	To commence proceedings in the Magistrates' Court for contravention of a On and Off-Street Parking Orders							✓		
Section 14 & 15 RTRA	The temporary prohibition or restriction of traffic on roads	✓		✓	✓			✓		
Section 16 RTRA	Supplementary provisions as to orders and notices under s 14	✓		✓	✓			✓		
Section 16A RTRA	The temporary prohibition or restriction of traffic on roads for public events	✓		✓	✓			✓		
Section 23 RTRA	To authorise in consultation with the Cabinet Member and local Ward Members changes, remove existing crossings and introduce new crossings in accordance with the criteria and that the alterations be reported to the next meeting of Cabinet.	✓						✓		
Section 57 (RTRA)	To provide parking spaces for bicycles & motorcycles	✓						✓		
Section 81 to 85 (RTRA)	Local speed limits	✓						✓		

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
Section 102 i	Power to remove, store and dispose of vehicles	✓		✓	✓			✓		
ii	Set charges	✓		✓	✓			✓		
iii	Determination of case-by-case incidents	✓						✓		
SURFACE WATER (DANGEROUS SUBSTANCES) REGULATIONS 1997/98 (SW(DS)REGS)										
SW(DS) A	Application for works in rivers	✓		✓				✓		
THE WATER SUPPLY (WATER QUALITY) REGULATIONS 1989										
(TWS(WQ) Regs)	Fittings to be of a certain standard	✓	✓	✓				✓		
TOWN AND COUNTRY PLANNING ACT (TACPA)										
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	✓	✓	✓	✓			✓		

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
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.	✓	✓	✓	✓			✓		
Section 257 TaCPA	Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.	✓		✓	✓			✓		
Section 258 TaCPA	Power to extinguish public rights of way over land held for planning purposes.	✓		✓	✓			✓		
S.215 Power to issue a notice requiring the remedy of land in relation to amenity		✓				✓	✓	✓	✓	
S.219 Power to enter the land in relation to which S.215 notice issued and take such steps as required by the notice to remedy the condition of the land. Power to recover the costs incurred in doing this.		✓				✓	✓	✓		
S 224 Power of Local Planning Authority to require the removal and discontinuance of displaying advertising material contrary to the Act						✓				
225 Power to remove or obliterate placards and posters and to issue a notice requiring the removal of such						✓				
S.261 NPACA Diversion and Extinguishment RE: Mineral (Temp Workings)		✓		✓				✓		

Responsibility									Procedure Reference
		A	B	C	D	E	F	HoS	Director
TOWN POLICE CLAUSES ACT 1847 TPCA									
Section 21 TPCA	To deal with applications to hold events and activities on the public highway in accordance with the approved guidelines. To make Orders under the Town Police Clauses Act 1847 for temporary closure of highways for special events of a social, sporting or charitable nature.	✓		✓	✓			✓	
Section 28 TPCA	Penalties for offences in the street eg. car repairs or goods for sale.	✓		✓	✓			✓	
TRAFFIC MANAGEMENT ACT 2004 (TMA)									
Part 1 S 1 to 15 TMA	Traffic Officers	✓						✓	
Part 2 S 16 to 31 TMA	Network Management by Local Authorities	✓						✓	
Part 3 S 33 to 36	Preparation of, variation and revocation of Permit Schemes	✓						✓	
Part 4 S 40 to 59 TMA	Street Works	✓	✓	✓	✓	✓	✓	✓	
Part 5 S 60 to 71 TMA	Highways and Roads	✓						✓	
Part 6 S 72 to 74 TMA	Civil Enforcement of Traffic Contraventions	✓						✓	
Part 6 S 75 TMA	Power to apply for CEA designation	✓						✓	
Part 6 S 76 to 76 TMA	Civil Enforcement of Traffic Contraventions	✓						✓	

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
Part 6 S 77 TMA	Power to set Penalty charges including discounts and Surcharges									Set by Government
Part 6 S 78 TMA	Civil Enforcement of Traffic Contraventions	✓						✓		
Part 6 S 79 i,	Power to immobilise Vehicles									Non function
ii,	Set charges for Release									Non function
iii, TMA	Determination of case by case incidents	✓						✓		
Schedule 5 TMA	Schedule 22A to the Highways Act 1980	✓						✓		
Part 6 S 80 to 81 TMA	Civil Enforcement of Traffic Contraventions	✓						✓		
Part 6 S 82 TMA	Power to appoint Bailiffs for enforcement of a Traffic contravention debt	✓		✓				✓		
Part 6 S 83 to 93 TMA	Civil Enforcement of Traffic Contraventions	✓	✓	✓				✓		
Part 7 S 94 to 100 TMA	Miscellaneous and General	✓						✓		
Schedule 1 TMA	Increases in maximum fines for certain summary offences under the 1991 Act	✓						✓		
Schedule 2 TMA	Schedule 4A to the New Roads and Street Works Act 1991	✓	✓	✓	✓	✓	✓	✓		
Schedule 3 TMA	Schedule 4B to the New Roads and Street Works Act 1991	✓	✓	✓	✓	✓	✓	✓		
Schedule 4 TMA	Schedule 3A to the New Roads and Street Works Act 1991	✓	✓	✓	✓	✓	✓	✓		
Schedule 6 TMA	Schedule 22B to the Highways Act 1980	✓						✓		

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
Schedule 7 TMA	Road Traffic Contraventions subject to civil enforcement	✓						✓		
Schedule 8 TMA	Civil enforcement areas and enforcement authorities	✓						✓		
Schedule 9 TMA	Civil enforcement: setting the level of charges							✓		
Schedule 10 TMA	Civil enforcement: special enforcement areas	✓						✓		
Schedule 11 TMA	Civil enforcement: consequential amendments	✓						✓		
Schedule 12 TMA	Repeals	✓						✓		
TRANSPORT ACT 2000 (TA)										
Section 108 TA	Statutory obligation to Submit a Local Transport Plan. 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	✓						✓		
WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT DIRECTIVE (WE&EED)										

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
(WE&EED)	Waste Transfer Stations	✓	✓	✓				✓		
WASTE MANAGEMENT LICENCE REGULATIONS 1994 & 1996 (WMLREGS)										
(WMLRegs) (SWR) (WDRags)	Obtain exemptions and Licences, WAMITAB qualifications to pursue Methods & Regulations of waste disposal Landfill Tax	✓	✓	✓				✓		
WATER INDUSTRY ACT 1991										
S.77 Duty of LA to keep itself informed of water quality		✓						✓	✓	
S.78 Duty of LA to notify water undertaker and Secretary of State of unsatisfactory public supply		✓						✓	✓	
S.79 Power of LA to require water undertaker to provide a wholesome and sufficient supply of water		✓						✓	✓	
S.80 Remedial powers of LA to issue notice in relation to private water supply		✓						✓	✓	
S.81 Requirement to confirm certain private supply notices with Secretary of State		✓						✓	✓	
S.82 Power of LA to take steps to comply with the notice issued under S. 81 and recover the costs. Power to vary or revoke private supply notices		✓						✓	✓	
S.83 duty of LA to act as if a water undertaker in certain circumstances		✓						✓	✓	
S.84 Power of entry by authorised officer to premises. Power to carry out inspections, tests, measurements, take samples away.		✓						✓		

Responsibility									Procedure Reference
		A	B	C	D	E	F	HoS	Director
S.85 Power to issue a notice requiring a person to furnish information		✓						✓	✓
WILDLIFE AND COUNTRYSIDE ACT 1981									
Section 14	Part 2 – Legislation relating to the control and responsibilities regarding noxious weeds, including Japanese knotweed, Giant Hogweed and others.	✓		✓				✓	
Section 53	Duty to keep definitive map and statement under continuous review.	✓		✓				✓	
Schedule 14	Duty to discharge provisions with respect to applications made under s.53(5) of WCA.	✓		✓				✓	
Schedule 15	Duty to discharge provisions as to orders made under s.53(2) of WCA in consequence of events specified in s.53(3)(b) & (c) of WCA.	✓		✓				✓	
Section 53 A	Power to include modifications in other orders.	✓		✓				✓	
Section 53 B	Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	✓		✓				✓	
Section 57 A	Power to prepare map and statement by way of consolidation of definitive map and statement.	✓		✓				✓	
Section 59	Bulls	✓		✓				✓	
Part 1 S 1,5,9, 11,13,14,18, 25 WACA	Protecting Birds, Plants and Animals. Raising awareness of the Act	✓		✓				✓	

Responsibility										Procedure Reference
		A	B	C	D	E	F	HoS	Director	
Wildlife and Countryside Act 1981; Countryside Rights of Way Act 2000; Countryside Act 1968										
WCA81 Section 62	To appoint warden							✓	✓	
Highway Asset Management	Keep the policy under review and update as required, in consultation with relevant Cabinet Members, if any change in policy or approach is required								✓	

Key to authorised officers:

Responsibility	Post Title / Section
Officer A	Public Protection Group Leader/Appropriate Operational Manager
Officer B	Highways Senior Engineer / Engineer
Officer C	Appropriate Service Delivery Manager / Principal Engineer / Team Leader / Principal Technical Officer PTO
Officer D	Highways Group Engineer
Officer E	Senior Enforcement Officer
Officer F	Complex Enforcement Officer
HOS	Head of Service
Director	Service/Executive Director
✓ ¹ Trained, competent and authorised under this legislation	
NO/SA Named Officer/Specific Appointment	
Procedure Reference	
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.

¹ 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

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