

Scheme of Delegation of Highway and Transportation Matters

XXXXXXXXXX 2023

This Scheme of Delegation (“the Scheme”) is made under the powers contained in Section 101 of the Local Government Act 1972, Town Police Clauses Act 1847, the Highways Act 1980, the Road Traffic **Regulation Act 1984**, the Town and Country Planning Act 1990, Local Government Miscellaneous Provisions Act 1976, the Anti-Social Behaviour Crime and Policing Act 2014, the New Roads and Street Works Act 1991, the Wildlife and Countryside Act 1981, the Clean Neighbourhoods and Environment Act 2005, the Anti-social Behaviour Act 2003, Traffic Management Act 2004, **the Housing and Planning Act 2016, Refuse Disposal (Amenity) Act 1978, Road Vehicles (Registration and Licensing) Regulations 2022, Vehicle Excise and Registration Act 1993, Traffic Management Permit Scheme (England) Regulations 1994**, Article 14.20 of the Council’s Constitution and all other enabling powers. It was approved by the Executive Committee of the Council on **XX XXXXXX 2023** and Regulatory and Appeals Committee on **xx XXXXXXXX 2023** and supersedes and revokes all previous schemes of delegation.

Table of Contents

General Matters and Definitions	1
Referral of matters to the Executive or relevant committee	1
Requirements in relation to decisions taken under the scheme of delegation.....	1
Sub Delegations.....	2
Symbols used in this scheme.....	2
PART A Delegations of Powers to All Highway Officers (incl. Countryside and Rights of Way Officers)	3
(A1) Removal of Unauthorised Signs and Markings	3
PART B Delegations to Senior Engineer	4
(B1) Highway Safety	4
(B2) Alterations to adjoining structures and land	4
(B3) Temporary prohibition or restriction on roads.....	4
PART C Delegation to Senior Highway Enforcement Officer and Traffic Officer	5
(C1) Treatment of Vegetation	5
(C2) Private Maintenance of verges	5
(C3) Removal of Nuisance Obstructions	5
(C4) Vehicle Crossings over Footways and Verges.....	5
(C5) Considerations in relation to enforcement actions	5
(C6) Powers to serve enforcement notices.....	6
(C7) Skips and scaffolding	6
(C8) Deposit of materials on the highway.....	6
(C9) Events on the Highway.....	6
(C10) Execution of Works by others.....	7
(C11) Mud on the Highway.....	7
PART D Delegation to Senior NRASWA Co-ordinator, NRSWA Network Co-ordinator and Network Resilience Support Officer	8
(D1) Qualification of street works operatives	8
(D2) Statutory undertakers' reinstatements	8
(D3) Fixed Penalty noticing	8
(D4) Temporary prohibition or restrictions on roads.....	8
PART E Delegation to the Traffic and Enforcement Co-ordinator	9
(E1) Abandoned vehicles and other things.....	9
(E2) DVLA Devolved powers.....	9
(E3) Damage to the highway etc	9
(E4) Building operations.....	10
PART F Delegation to Principal Engineer	11
(F1) Highways safety	11
(F2) Traffic calming and road humps.....	11
(F3) Traffic regulation orders.....	11
(F4) Pedestrian crossings	11
(F5) Traffic signs	11
(F6) Removal of unauthorised structures	12
(F7) Powers of entry.....	12
(F8) Damage to the highway	12

(F9) Licenses and consents	12
(F10) Statutory undertakers' apparatus	12
(F11) Alterations to adjoining structures and land	12
PART G Delegation to Principal Engineer (Highway Development Control)	13
(G1) Alteration of highway status	13
(G2) Power to prepare legal agreements	13
(G3) Sight lines	13
PART H Delegation to Principal Engineer (Network Resilience & Management)	14
(H1) Skips and scaffolding	14
(H2) Illegal apparatus	14
(H3) Traffic manager	14
(H4) Fixed penalty notices	14
(H5) Regulation of the use of highways by public service vehicles	14
(H6) Restriction on works following substantial road works	14
(H7) Statutory undertaker's reinstatements	15
PART I Delegation to Principal Engineer (Street Lighting)	16
(I1) Flagpoles	16
PART J Delegation to the Principal Engineer (Highway Structures) and Group Engineer (Highway Structures)	17
(J1) Permit for trailer carrying excess weight	17
(J2) Powers in relation to street works carried out by others	17
(J3) Openings into cellars	17
PART K Delegation to Countryside & Rights of Way Service Manager	18
(K1) Creation of public footpaths and bridleways	18
(K2) Stopping up or diversion	18
(K3) Maintenance of footpaths and bridleways	18
(K4) Extinguishment of footpaths and bridleways	18
(K5) Duty to Maintain	18
(K6) Definitive map	19
(K7) Management agreements	19
(K8) Disturbance of surface of certain highways	19
PART L Delegation to the Highways Services Manager	20
(L1) Alterations to adjoining structures and land	20
(L2) Land matters	20
(L3) Legal agreements	20
(L4) Playgrounds on roads	20
(L5) Public space protection orders	20
(L6) Shared use footways	21
(L7) Agreements with neighbouring authorities	21
(L8) Private streets	21
PART M Delegation to the Assistant Director Planning Transportation & Highways	22
(M1) Property blight	22
(M2) Agreements with the Secretary of State	22
(M3) New Roads and Street Works Act 1991	22

General Matters and Definitions

- 1) When making decisions in the exercise of the following delegated powers the relevant officers shall act in their own name.
- 2) Any decision taken in pursuance of this scheme must comply with:-
 - a) Any statutory requirements with regard to the matters to be taken into considerations in making the decision;
 - b) The Council's Constitution;
 - c) The general principles of the Human Rights Act 1998;
 - d) Any other relevant protocols adopted by the Council from time to time.
- 3) Where reference is made in this scheme to a statute or statutory instrument that reference shall include any statute or statutory instrument revoking and re-enacting the original statute or statutory instrument with or without modification.
- 4) *Any delegated authority which grants the power to serve a notice or carry out other action shall, where appropriate, include the power, where authorised by statute, to authorise the carrying out of works in default of compliance with the notice and/or to recover the costs of so doing and where necessary instruct the Director of Legal and Governance to initiate legal proceedings.*

Referral of matters to the Executive or relevant committee

- 5) In exercising these powers, officers shall have regard to any relevant policies or plans adopted by the Council and shall have general regard to the desirability of referring any matter to the Area Committee or the Executive for decision. Officers shall always be entitled to decline to exercise any of the powers delegated by this scheme and to refer the matter to a higher level of decision making or alternatively to the appropriate Member body where they consider it expedient to do so. In deciding whether a matter should be referred to Committee or the Executive for decision, Officers shall have regard to the impact, sensitivity and possible controversial nature of the matter.
- 6) Officers shall accede to any request in writing or by electronic format made by a member of Council, or pursuant to a resolution of the Executive or of a committee or sub-committee thereof, that an item be referred to the next level of decision making as set out in this Scheme of Delegation or to the appropriate Area Committee or the Executive.
- 7) This scheme is additional to and without prejudice to the powers of the Strategic Director: Place or other relevant officers to make decisions under the general powers delegated to officers in the Council's Constitution.

Requirements in relation to decisions taken under the scheme of delegation

- 8) *Delegations marked (ED) are Executive Decisions all other delegations relate to non-Executive functions which are delegated by the Council to the Regulatory and Appeals Committee.*

- 9) *Delegations marked with (W) require a written record to be made of the decision taken by the officer authorised by this scheme. Such records shall be made on the appropriate record of officer decision forms in accordance with the requirements of regulation 7 of the Openness of Local Government Bodies Regulations 2014 (“the 2014 Regulations”) and shall be published in accordance regulation 8 of the 2014 Regulations. Responsibility for compliance with these requirements rests with the officer making the decision.*

Sub Delegations

- 10) Officers named in the scheme may authorise officers under their management to exercise powers on their behalf. Any decisions taken under this authority shall remain the responsibility of the Officer to whom the power has been specifically delegated and shall be taken in the name of that Officer.
- 11) Where an Officer specifically referred to in this Scheme is absent for any period, he/she may nominate in writing another Officer to act in that capacity during the appropriate period of absence.

Symbols used in this scheme

- 12) The following symbols used in this Scheme are assigned the following meanings:

Symbol	Meaning
*	Prior notification of a decision relating to this matter must be given to Ward Members by the officer taking the decision.
**	Prior notification of a decision relating to this matter must be given to Ward Members by the officer and referred to the relevant Area Committee in the event of any objections to the decision making process.
†	Prior consultation with the Chair of the appropriate Area Committee.

The following powers to act on behalf of the Council as local highway authority are delegated.

PART A

Delegation of Powers to All Highways Officers (incl. Countryside and Rights of Way Officers)

The following powers to take action in relation to highway matters shall be exercised under this part by all staff, *and are included without limitation in all delegation Parts listed within the Scheme.*

A1 Removal of Unauthorised Signs and Markings

The power to remove unauthorised marks, pictures, signs etc. upon the surface of a highway, any tree, structure, item of street furniture or works on a Highway under Section 132 of the Highways Act 1980. (ED)

PART B

Delegation to Senior Engineer

The following powers to take action in relation to highway matters shall be exercised under this part provided that no written representations, including any petition, objecting to the proposal have been received:

B1 Highway Safety

Power to authorise the erection of barriers in any street for the purpose of securing public safety, public order or preventing congestion of traffic in the cases of emergency under Section 287 of the Highways Act 1980. (ED) *(W)*

Power to ~~authorise the prepare and serve of~~ a notice relating to dangerous land adjoining a street *which is unfenced or inadequately fenced and a source of danger to persons using the street* under Section 165 of the Highways Act 1980 *requiring such works as may be specified to be carried out to obviate the danger within a prescribed period.* (ED)

Power to ~~authorise the prepare and serve of~~ a notice relating to prevention of soil etc. being washed onto the street under Section 151 of the Highways Act 1980. (ED)

Power to ~~authorise the prepare and serve of~~ a notice for prevention of water falling on or flowing onto a Highway under Section 163 of the Highways Act 1980. (ED)

Power ~~authorise the prepare and serve of~~ a notice requiring the execution of works to obviate the danger caused to people using a street by a retaining wall under Section 167 of the Highways Act 1980.(ED)

B2 Alterations to Adjoining Structures and Land

Power to ~~authorise the prepare and serve of~~ a notice requiring removal or widening of gates across the highway under Section 145 of the Highways Act 1980. (ED)

Power to ~~authorise the prepare and serve of~~ a notice requiring alterations of a door etc. which opens onto a Highway under Section 153 of the Highways Act 1980. (ED)

Power ~~authorise the prepare and serve of~~ a notice requiring removal of barbed wire on land adjoining a Highway under Section 164 of the Highways Act 1980. (ED)

B3 Temporary prohibition or restriction on roads

Power to authorise the making of orders for the temporary restriction or prohibition of the use of a road by vehicles or classes of vehicles or pedestrians under Section 14 of the Road Traffic Regulation Act 1984. (ED) *(W)*

PART C

Delegation to **Senior** Highway Enforcement Officer and Traffic Officer

All powers conferred under delegation B1 together with the following:

C1 Treatment of Vegetation

Power to ~~authorise the prepare and serve of~~ a notice requiring the cutting or removal of a hedge, tree or shrub overhanging the highway under Section 154 of the Highways Act 1980. (ED) (W)

Power to ~~authorise the prepare and serve of~~ a notice requiring the removal of any tree or shrub planted within 15 feet from the centre of a made-up carriageway within 21 days of the notice under Section 141 of the Highways Act 1980. * (ED) (W)

C2 Private Maintenance of verges

Power to authorise the granting of a license permitting the owner or occupier of premises adjoining the Highway to plant and maintain trees, shrubs, plants or grass in such part of the Highway as is specified under Section 142 of the Highways Act 1980. (W)

C3 Removal of Nuisance Obstructions

Power to authorise removal of things so deposited on a Highway as to cause a nuisance ~~and instruct the Director of Legal and Governance to commence legal action for recovery of costs of so doing~~ under Section 149 of the Highways Act 1980.

Power to authorise the removal of a continuing obstruction and recover costs in so doing from the offender under Section 137 of the Highways Act 1980. (ED) (W)

~~(DELETED) Power to authorise the removal or repositioning of builder's skips deposited on the highway in contravention of the appropriate licence, or unlicensed, and recover the costs in so doing under Section 140 of the Highways Act 1980.(ED)~~

Power to issue a Fixed Penalty Notices to person or persons guilty of committing an offence ~~under the Nuisance Parking offences described in~~ Part 2, Sections 3 and 4 of the Clean Neighbourhoods and Environment Act 2005.

C4 Vehicle Crossings over Footways and Verges

Power to ~~authorise the prepare and serve of~~ a notice relating to *illegal* vehicular crossings over footways and verges under Section 184 of the Highways Act 1980 ~~as to impose conditions on the use of the footway or verge as a crossing or to carry out works to create a legal crossing as may be specified in the notice.~~ (ED) (W)

C5 Considerations in relation to enforcement actions

Power to determine that no further action be taken in a complaint about a matter which could have been subject to enforcement action where:- (ED) (W)

- a. It is considered that the matter of complaint has not occurred; or
- b. That the matter of complaint is not a breach of highways legislation, or does not otherwise fall within the statutory powers relating to enforcement action.

Power to instruct the *Director of Legal and Governance* to commence legal proceedings against a party or parties contravening highway legislation under Section 135 of the Highways Act 1980. (W)

C6 Powers to serve enforcement notices

Power to *prepare and* serve ~~of~~ a notice under Section 6 of the Clean Neighbourhoods and Environment Act 2005 *for offences committed under section 3 (exposing vehicles for sale on a road) and section 4 (repairing vehicles on a road) of the Act.* (ED)

Power to require name and address details of a person or persons under Section 43B of the Anti-Social Behaviour Act 2003 for the purpose of serving a Fixed Penalty Notice. (ED)

Power to serve a community protection notice under Section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014 on persons or owners of premises. (ED) (W) *

Power to prepare and serve a community protection notice under Section 45 of the Anti-Social Behaviour, Crime and Policing Act 2014 including the power to enter premises to the extent reasonably necessary for the purpose of posting the notice. (ED) (W) *

~~(DELETED) Power to act as authorised officer of the Council as defined under Part 43(1) of the Anti-Social Behaviour Act 2003.~~

Power to serve a penalty notice for graffiti and flyposting in accordance with Section 43 of the Anti-Social Behaviour Act 2003. (ED)

C7 Skips and scaffolding

Power to issue a license authorising the placement of a builders' skip on the Highway under Section 139 of the Highways Act 1980.

Power to require the removal or repositioning of builder's skips deposited on the highway *in contravention of the appropriate licence, or unlicensed, and instruct the Director of Legal and Governance to commence legal proceeding to* recover the costs in so doing under Section 140 of the Highways Act 1980. (ED)

Power to issue a license authorising the erection of scaffolding or any other structure which obstructs the highway over the highway under Section 169 of the Highways Act 1980.

C8 Deposit of materials on the highway

Power to permit the temporary deposit of building materials, rubbish or other things in a Highway or the making of a temporary excavation on it under Section 171 of the Highways Act 1980. (W)

C9 Events on the Highway

Power to authorise the *Director of Legal and Governance* to make an order for the temporary prohibition or restriction of the Highway by vehicles of any class or pedestrians under Section 16A of the Road Traffic Regulation Act 1984. (ED)

C10 *Execution of Works by others*

Power to issue a license authorising the execution of works and use of objects by persons other than the Council under Section 115E of the Highways Act 1980. (W)

Power to impose conditions on licenses issued under Section 115F of the Highways Act 1980 in accordance with Section 115F.

C11 *Mud on the Highway*

Power to prepare and serve a notice requiring removal of mud deposited on the highway contrary to Section 148 of the Highways Act 1980. (ED)

Power to instruct Cleansing Services to remove mud on the highway and authorise recovery of costs from offender under Section 149 of the Highways Act 1980. (W)

Power to instruct the Director of Legal and Governance to commence legal proceedings against a party or parties contravening highway legislation under Section 161 of the Highways Act 1980. (ED) (W)

PART D

Delegation to NRSWA Senior Co-ordinator, NRSWA **Network** Co-ordinator and Network Resilience Support Officer

All powers conferred under delegation C3, C7 (in relation to those powers delegated under sections 139 and 169 of the Highways Act 1980 only), C9 above together with *F10 in addition to the following:*

D1 Qualification of street works operatives

Power to require all street works operatives and supervisors ~~to~~ demonstrate appropriate qualification to undertake works on the Highway under Section 68 of the New Roads and Street Works Act 1991 *through production of a valid Street Works card when requested.* (ED)

D2 Statutory undertakers' reinstatements

Power to *prepare and serve* a notice requiring remedial works to an undertakers' *permanent* reinstatement works under Section 72 of the New Roads and Street Works Act 1991. (ED)

D3 Fixed Penalty noticing

Power to issue a Fixed Penalty Notice to *statutory* undertakers working on or within the highway for failure to comply with the requirements of the Traffic Management Permit Scheme (England) Regulations 2007. Part 5 (Sanctions) and/or the City of Bradford Metropolitan District Council Permit Scheme 2015 (Yorkshire Common Permit Scheme) Statutory Instrument. (ED)

D4 Temporary prohibition or restrictions on roads

Power to authorise the Director of Legal and Governance to make a temporary traffic regulation order under Section 14 of the Road Traffic Regulation Act 1984. (ED)

PART E

Delegation to the Traffic and Enforcement Co-ordinator

All powers conferred in Parts A, B, and C together with those powers conferred under delegations F1, F6 and H1 together with the following additional powers.

E1 Abandoned vehicles and other things

Power to authorise the removal of an abandoned motor vehicle on land forming part of a highway road (within the meaning of the Road Traffic Regulation Act 1984) to a Council approved storage facility in accordance with the provisions of Section 3 of the Refuse Disposal (Amenity) Act 1978. (ED) (W)

Power to prepare and serve a notice advising of the Council's intention to remove for destruction any motor vehicle at the end of the prescribed period in pursuance of Section 3 of the Refuse Disposal (Amenity) Act 1978. (ED) (W)

Power to authorise and arrange for the disposal of any vehicle in the Council's custody in accordance with Section 4 of the Refuse Disposal (Amenity) Act 1978. (ED)¹ (W)

Power to authorise the Director of Legal and Governance to commence actions required for the recovery of expenses connected with the removal of abandoned vehicles in accordance with Section 5 of the Refuse Disposal (Amenity) Act 1978.

Power to authorise the removal of any thing other than a motor vehicle abandoned without lawful authority on land in the open air or on any land forming part of a highway road (within the meaning of the Road Traffic Regulation Act 1984) and to authorise the Director of Legal and Governance to recover such costs as appropriate for its removal and disposal in accordance with Section 6 of the Refuse Disposal (Amenity) Act 1978. (ED) (W)

E2 DVLA Devolved powers

Power to act as the Council's DVLA Devolved Powers Partner to facilitate the identification of unlicensed vehicles and undertake enforcement action against offences under the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended), Section 29 of the Vehicle Excise & Registration Act 1994 (as amended) and Regulation 27 of the Road Vehicles (Registration and Licensing) Regulations 2022 (as amended). (ED)

E3 Damage to the highway etc.

Power to instruct the Director of Legal and Governance to commence legal proceedings against a party or parties who without lawful authority or excuse have made interfered with the surface of a highway so as to compromise its operation under Section 131 of the Highways Act 1980. (ED) (W)

¹ The requirement of an Written Decision in relation to this matter does not apply when the destruction of the vehicle is associated with the expiration of the notice period previously notified to an individual in accordance with section 3 of the Refuse Disposal (Amenity) Act 1978.

Power to authorise the repair of an adopted highway damaged by or in consequence of any excavation or other work on land adjoining the street, and instruct the Director of Legal and Governance to recover the expenses reasonably incurred for such actions under Section 133 of the Highways Act 1980. (ED) (W)

E4 Building operations

Power to instruct the Director of Legal and Governance to commence legal proceedings against the owner of the land or building committing an act which could give rise to the possibility of serious bodily injury, or death in contravention of Section 168 of the Highways Act 1980. (ED) (W)

PART F

Delegation to Principal Engineer

All powers conferred in Parts A and B above together with the following additional powers which shall be exercised under this part provided that no written representations including any petition objecting to the proposal have been received:

F1 Highways safety

Power to ~~authorise the~~ *prepare and serve of* a notice requiring removal of projections from buildings under Section 152 of the Highways Act 1980. (ED)

Power to *prepare and serve* a notice requiring the prevention of danger, obstruction or inconvenience emanating from a forecourt abutting a street under Section 166 of the Highways Act 1980. (ED)

F2 Traffic calming and road humps

Power to construct Road Humps in a Highway under Section 90A of the Highways Act 1980. † (ED)

Power to construct Traffic Calming works in a Highway under Section 90G of the Highways Act 1980. † (ED)

F3 Traffic regulation orders

Power to authorise the making of orders providing *inter alia* for the routing of traffic through specified streets, closing of adjoining streets and removal of obstructions under Section 21 of the Town Police Clauses Act 1847. † (ED)

Power to authorise the *Director of Legal and Governance* to make experimental orders under Section 9 of the Road Traffic Regulation Act 1984. ** † (ED)

After receiving general authorisation from the appropriate Area Committee or Planning Panel, the Regulatory and Appeals Committee, Executive or Council the power to authorise the *Director of Legal and Governance* to make appropriate traffic regulation orders under Section 1 of the Road Traffic Regulation Act 1984. (ED)

F4 Pedestrian crossings

Power to authorise the establishment, alteration or removal of crossings for pedestrians under Section 23 of the Road Traffic Regulation Act 1984. * † (ED)

F5 Traffic signs

Power to cause or permit the placing of traffic signs on or near a road (including signs conveying information of a temporary nature) under Section 65 of the Road Traffic Regulations Act 1984. (ED)

F6 Removal of unauthorised structures

Power to ~~authorise the~~ *prepare and serve of* a notice requiring a person having control or possession of an unauthorised structure erected or set up on a highway to remove it under Section 143 of the Highways Act 1980. (ED)

F7 Powers of entry

Power to authorise in writing a person to enter land for the purpose of maintaining, altering or removing a structure or works on land under Section 291 of the Highways Act 1980. (ED)

~~**F8 Private streets**~~

~~(DELETED) Power to adopt a private street under Section 228 of the Highways Act 1980.(ED)~~

F8 Damage to the highway

Power to authorise the making of a complaint to Magistrates Court with respect to damage of a Highway consequent on exclusion of sun and wind under Section 136 of the Highways Act 1980. (ED)

F9 Licenses and consents

Power to authorise the granting of licenses to construct a bridge over the Highway under Section 176 of the Highways Act 1980. (ED)

~~(DELETED) Power to give authorise the making of an opening of a street as an entrance to a cellar or vault thereunder giving direction as to the construction of the door or covering to such opening or the provision of pavement lights and ventilators under Section 180 of the Highways Act 1980.(ED)~~

Power to authorise the issue of a notice requiring a person who has constructed a cellar under the Highway without proper authorisation to remove, alter or deal with them in such a manner as specified under Section 179 of the Highways Act 1980. (ED)

F10 Statutory undertakers' apparatus

Power to prepare and issue a notice under Section 85 of the New Roads and Street Works Act 1991 to statutory undertakers to advise of the Council's intention to undertake major works affecting statutory undertakers' apparatus.

F11 Alterations to adjoining structures and land

Power to authorise erection, and service of notices requiring repair and maintenance of stiles, gates etc. on footpaths or bridleways under Section 146, 147 and 147ZA of the Highways Act 1980.

PART G

Delegation to Principal Engineer (Highway Development Control)

All powers conferred by Part *F, C2 and C4* above together with the following powers:

G1 Alteration of highway status

Power to make an application to the Secretary of State for an order extinguishing the right to use vehicles on Highways under Section 249 of the Town and Country Planning Act 1990 where the Council has adopted a proposal for improving the amenity of the area under Section 249 of the Act 1990. (ED)

Power to make an application to the Secretary of State for an order stopping up or diversion of any highway under Section 247 of the Town and Country Planning Act 1990.

Power to authorise the making of an application on behalf of the Council for the stopping up or diversion of a Highway under Section 116 of the Highways Act 1980. (ED)

Power to sign certificates approving works carried out by agreement under Section 38 of the Highways Act 1980. (ED)

G2 Power to prepare legal agreements

Power to authorise the making or alteration of an agreement relating to the contribution to the cost of works on the Highway under Section 278 of the Highways Act 1980. (ED)

Power to authorise the making of an agreement whereby a new street becomes a Highway maintainable at public expense under Section 38 of the Highways Act 1980. (ED)

Power to authorise the making of an order under Section 124 of the Highways Act 1980 to stop up the private means of access to a publicly maintained highway. ** † (ED)

G3 Sight lines

Power to *prepare and serve* a notice requiring removal of obstructions from sight lines under Section 79 of the Highways Act 1980. (ED) (*W*)

PART H

Delegation to Principal Engineer (Network Resilience & Management)

All powers conferred in Parts C, D, E and F plus delegation G3 and J3 together with the following powers:

H1 Skips and scaffolding

Power to authorise the disposal of a builders skip under Section 140 of the Highways Act 1980 *following its removal from the highway being authorised under delegation C7.* (ED)

H2 Illegal apparatus

Power to serve notice requiring removal of unauthorised apparatus in a street and taking measures to reinstate the street under Section 51 of the New Roads and Street Works Act 1991. (ED)

H3 Traffic manager

Power to act in the role of Traffic Manager for the Authority as specified in the Network Management Duty of the Traffic Management Act 2004 under Section 17(2). (ED)

~~H4 Openings into cellars~~

~~(DELETED) In consultation with the Principal Engineer Highway Structures the power to authorise the making of an opening of a street as an entrance to a cellar or vault thereunder giving direction as the construction of the door or covering to such opening to be provided under Section 180 of the Highways Act 1980.~~

H4 Fixed penalty notices

Power to withdraw and cancel fixed penalty notices issued for offences under Part 9 of the Highways Act 1980 as set out in Schedule 22A of the Act.

H5 Regulation of the use of highways by public service vehicles

*Power to instruct the Director of Legal and Governance to make an order or orders to control which roads may or may not be used by public service vehicles or define places at which public service vehicles may stop for longer time than is necessary for taking up and setting down of passengers under Section 19 of the Road Traffic Regulation Act 1984. (ED) (W) ***

H6 Restriction on works following substantial road works

Power to issue a notice to restrict the execution of street works during a prescribed period following completion of substantial road works under Section 58 of the New Roads and Street Works Act 1991.

H7 **Statutory undertakers' reinstatements**

Power to authorise the immediate execution of remedial works and recover the costs of such from undertakers who fail to undertake remedial works to their reinstatements in the highway under Section 72 of the New Roads and Street Works Act 1991. (ED) (W)

PART I

Delegation to Principal Engineer (Street Lighting)

All powers conferred in Part F plus the following powers:

I1 Flagpoles

Power to erect flagpoles etc. on Highways under Section 144 of the Highways Act 1980.
(ED)

PART J

Delegation to the Principal Engineer (Highway Structures) and Group Engineer (Highway Structures)

The Group Engineer (Highway Structures) is delegated powers J1 and J2 only. The Principal Engineer (Highway Structures) shall be conferred delegated powers set out in Part F plus the following powers:

J1 Permit for trailer carrying excess weight

Power to issue a permit under Section 21 of the Road Traffic Regulation Act 1984 in respect of any trailer to carry weights specified within the permit over a bridge or road contrary to regulations made in respect of the maximum weight which may be transmitted to the road or any part of it by trailers. (ED) (W)

J2 Powers in relation to street works carried out by others

Power to authorise the Director of Legal and Governance to commence legal proceedings against a party or parties contravening highway legislation under Section 88 of the New Roads and Street Works Act 1994 by failing to take reasonable steps to protect a bridge or structure, secure access to it or provide the bridge authority reasonable facilities to monitor the execution of the works. (ED) (W)

J3 Openings into cellars

Power to authorise the making of an opening of a street as:

- an entrance to a cellar or vault thereunder; or*
- a means of admission of air or light to premises situated under, or abutting a street.*

giving direction as the construction of the door or covering to such opening to be provided under Section 180 of the Highways Act 1980. (W)

PART K

Delegation to Countryside & Rights of Way Service Manager

All powers conferred in delegation *B2, C3* (solely in relation to provisions relating to Section 149 of the Highways Act 1980), *F6 and F11* plus the following powers:

K1 Creation of public footpaths and bridleways

Power to authorise the *Director of Legal and Governance* to make a Creation Agreement for a footpath under Section 25 of the Highways Act 1980.

Power to authorise the *Director of Legal and Governance* to exercise powers of compulsory creation of a footpath under Section 26 of the Highways Act 1980. †

K2 Stopping up or diversion

Power to authorise the *Director of Legal and Governance* to make an order for the stopping up or diversion of a public footpath or bridleway under Section 257 of the Town and Country Planning Act 1990. * †

Power to authorise the services of stopping up and diversion orders for public paths under Section 257 of the Town and Country Planning Act 1990.

Power to authorise the stopping up or temporary diversion of a public footpath or bridleway to enable minerals to be works together with the restoration of the footpath line under Section 261 of the Town and Country Planning Act 1990. (ED)

Power to authorise the *Director of Legal and Governance* to make a Combined Order under Section 53(a) of the Countryside and Wildlife Act 1981 for the extinguishment or diversion of a public footpath or bridleway or restricted byway under Section 118 and 119 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990.

K3 Maintenance of footpaths and bridleways

Power to authorise the making of an order for the temporary disturbance of the surface of a footpath or bridleway under Section 135 of the Highways Act 1980.

K4 Extinguishment of footpaths and bridleways

Power to authorise the *Director of Legal and Governance* to make an order for the extinguishment or diversion of a public footpath or bridleway under Sections 118, 118(a), 118(b) , 119, 119(a) and 119(b) of the Highways Act 1980.

K5 Duty to Maintain

Power to authorise the service of a notice to require repair of stile, gate etc. under Section 146 of the Highways Act 1980. (*W*)

Power to authorise the *Director of Legal and Governance* to enter into an agreement to provide routes by permission of the landowner under Section 39(1) of the Wildlife and Countryside Act 1981. (ED) (W)

K6 Definitive map

Power to make a Modification Order based on a confirmed and operative legal event under Section 53(3)(a) of the Wildlife and Countryside Act 1981.

Power to make a Modification Order based on evidence discovered by the Authority under Section 53(3)(a), 53(3)(b) and 53(3)(c) of the Wildlife and Countryside Act 1981.

Power to make determination of applications to modify the Definitive Map under Section 53(5) of the Wildlife and Countryside Act 1981.

K7 Management agreements

Power to instruct the *Director of Legal and Governance* to prepare and enter into a Management Agreement for land for the purposes of conserving or enhancing the natural beauty or amenity under Section 39(1) of the Wildlife and Countryside Act 1981. (ED)

K8 *Disturbance of surface of certain highways*

Power to instruct the Director of Legal and Governance to commence legal proceedings against a part or parties who without lawful authority or excuse have disturbed the surface of a footpath, bridleway or highway comprising a carriageway other than a made up carriageway under Section 131A of the Highways Act 1980. (ED) (W)

PART L

Delegation to the Highways Services Manager

All powers under Parts A to K but without the restrictions imposed to those parts, together with the following powers:

L1 Alterations to adjoining structures and land

Power to grant a license in respect of construction or alteration of a building over any part of the Highway maintainable at public expense under Section 177 of the Highways Act 1980. (ED) (W)

L2 Land matters

Power to authorise in writing a person **or organisation** to enter land for the purposes of maintaining, altering, replacing or removing traffic signs under Section 71 of the Road Traffic Regulation Act 1984. (ED) (W)

Power to authorise a named officer of the Council in writing to enter land for the purposes of survey and ground investigations under Section 172 of the Housing and Planning Act 2016 where title and rights are intended to be acquired. (ED) (W)

Power to **authorise a named officer of the Council in writing to** enter land for the purpose of surveying under Section 289 of the Highways Act 1980. (ED) (W)

Power to require information as the ownership of land under Section 297 of the Highways Act 1980. ** (ED) (W)

L3 Legal agreements

Power to sign certificates for works to be carried out and carried out by agreement under Section 278 of the Highways Act 1980. (ED) (W)

Power to vary the levels of commuted sums payable in connection with works under Section 278 (3) of the Highways Act 1980. (ED) (W)

L4 Playgrounds on roads

Power to authorise the **Director of Legal and Governance** to make an order to prohibit or restrict the use of the Highway by all vehicles or vehicles of any specified class during specified periods for the purpose of creating a playground for children under Section 29 of the Road Traffic Act 1984. ** † (ED) (W)

L5 Public space protection orders

Power to authorise the **Director of Legal and Governance** to make a public space protection order for any relevant highway for the purpose of reducing anti-social behaviour under Section 59 of Anti-Social Behaviour Crime and Policing Act 2014. ** † (ED) (W)

Power to authorise the *Director of Legal and Governance* to vary or discharge a public space protection order for any relevant highway for the purpose of reducing crime or anti-social behaviour under Section 59 of Anti-Social Behaviour Crime and Policing Act 2014. **
† (ED) (W)

L6 Shared use footways

Power to authorise the *Director of Legal and Governance* to make an order for the conversion of a footway to shared use under Section 66(4) and 65(1) of the Highways Act 1980. ** (ED) (W)

L7 Agreements with neighbouring authorities

Power to authorise the *Director of Legal and Governance* to prepare an agreement or agreements with a neighbouring authority for authority in relation to construction, reconstruction, alteration, improvement or maintenance of a highway for which any party to the agreement are the Highway Authority under Section 8 of the Highways Act 1980. (ED) (W)

Power to authorise the *Director of Legal and Governance* to prepare an agreement or agreements with a neighbouring authority for the authority to take responsibility for the adjoining authority's road under Section 85 of the Highways Act 1980. (ED) (W)

Power to authorise the *Director of Legal and Governance* to prepare an agreement or agreements with the West Yorkshire Combined Authority in relation to the funding of capital construction projects. ~~associated with the West Yorkshire Transport Fund.~~

L8 Private streets

*Power to prepare a notice in relation to the Council's intention to adopt a private street following execution of works by the Council on a private street under Section 228 of the Highways Act 1980. (ED) (W) ***

Power to instruct the Director of Legal and Governance to make application to Magistrates court to overrule objections received from the owner of a private street, or the majority of owners of the street if more than one, under Section 228(1) of the Highways Act 1980. (ED)

PART M

Delegation to Assistant Director: Planning, Transportation & Highways

All powers under Part L above, together with the following powers:

M1 Property blight

Power to authorise the Director of Corporate Services to purchase properties subject to valid blight notice under suitable terms and conditions under Section 149 and Schedule 13 of the Town and Country Planning Act 1990. * † (ED) (W)

M2 Agreements with the Secretary of State

Power to enter into an agreement under Section 4 of the Highways Act 1980 with the Secretary of State for Transport in relation to works to the trunk road network carried out as a result of works on the local authority roads. (ED)

Power to enter into an agreement under Section 6 of the Highways Act 1980 with the Department for Transport in relation to works carried out to local authority roads as a result of works carried out on the trunk road network. (ED)

M3 New Roads and Street Works Act 1991

Authority to exercise all powers and duties of the Council conferred under Part 3 of the New Roads and Street Works Act 1991 (as amended) (ED)

Power to authorise Officers of the Council's Department of Place to issue Fixed Penalty Notices for offences committed under Section 95A and Schedules 4A and 4B of the New Roads and Street Works Act 1991 (as amended by Section 41 and Schedules 2 and 3 of the Traffic Management Act 2004). (ED) (W)

INDEX OF LEGISLATION REFERENCES

Anti-social Behaviour Act 2003

Section 43	7
Section 43B	7

Anti-Social Behaviour Crime and Policing Act 2014

Section 43	7
Section 45	7
Section 59	23

Clean Neighbourhoods and Environment Act 2005

Section 3	6, 7
Section 4	6, 7
Section 6	7

Highways Act 1980

Section 4	24
Section 6	24
Section 8	23
Section 25	20
Section 26	20
Section 38	15
Section 65(1)	23
Section 66(4)	23
Section 79	15
Section 85	23
Section 90A	12
Section 90G	12
Section 115E	8
Section 115F	8
Section 116	15
Section 118	20, 21
Section 119	20, 21
Section 124	15
Section 131	11
Section 131A	21
Section 132	3
Section 135	7, 20
Section 136	13
Section 137	6
Section 139	8, 16
Section 140	8, 16
Section 140A	16
Section 140B	16
Section 141	6
Section 142	6

Section 143	13
Section 144	18
Section 145	4
Section 146	14, 21
Section 147	14
Section 147ZA	14
Section 148	8
Section 149	6, 8
Section 151	4
Section 152	12
Section 153	4
Section 154	6
Section 161	8
Section 163	4
Section 164	4
Section 165	4
Section 166	12
Section 167	4
Section 168	11
Section 169	8, 16
Section 170	16
Section 171	8, 16
Section 171A	16
Section 171B	16
Section 176	13
Section 177	22
Section 180	19
Section 184	7
Section 228	23
Section 228(1)	23
Section 278	15, 22
Section 287	4
Section 289	22
Section 291	13
Section 297	22

Housing and Planning Act 2016

Section 172	22
-------------------	----

New Roads and Street Works Act 1991

Section 41	24
Section 51	16
Section 58	17
Section 68	9
Section 72	9, 17
Section 85	13
Section 88	19
Section 95A	24

INDEX OF LEGISLATION REFERENCES

Refuse Disposal (Amenity) Act 1978

Section 3	10
Section 4	10
Section 5	10
Section 6	10

Road Traffic Regulation Act 1984

Section 1	12
Section 9	12
Section 14	5, 9
Section 16A	8
Section 19	16
Section 21	19
Section 23	12
Section 29	22
Section 65	13
Section 71	22

Road Vehicles (Registration and Licensing) Regulations 2022

Regulation 27	11
---------------------	----

Town and Country Planning Act 1990

Section 149	24
Section 247	15

Section 249	15
Section 257	20
Section 261	20

Town Police Clauses Act 1847

Section 21	12
------------------	----

Traffic Management Act 2004

Section 17(2)	16
---------------------	----

Traffic Management Permit Scheme (England) Regulations 2007

Part 5	9
--------------	---

Vehicle Excise & Registration Act 1994

Section 29	11
------------------	----

Wildlife and Countryside Act 1981

Section 39(1)	21
Section 53(a)	20
Section 53(3)(a)	21
Section 53(3)(b)	21
Section 53(3)(c)	21
Section 53(5)	21