

APPENDIX 8

[the words recommended for deletion are shown struck through and the words recommended for addition or insertion are shown in italics and underlined]

PART F.7 – SCHEME OF DELEGATION TO OFFICERS

SECTION 4 – ENVIRONMENTAL SERVICES

STATUTORY DELEGATIONS

(starts on page 59 of the June 2005 update)

Highways Act 1980		
	Creation of Highways	
Section 25	Power to create footpaths or bridleway by agreement	AD-PEPP TL-TP
Section 35	Power to create a walkway by agreement	AD-PEPP TL-TP
	Interference with Highways and Streets	
Section 130	Power to protect public rights	HOH
Section 134	Power to ensure that Council given notice of proposed ploughing of footpath, and to ensure surface made good as soon as reasonably convenient after ploughing	HOH
Section 134	Power to enforce landowners duty to make good the surface of a footpath or bridleway within 6 weeks of its ploughing by a farmer, and to vary the period for carrying out such work	HOH
Section 139/140	Power to control and remove Builders skips	HOH
Section 142	Power to grant licences to plant trees, shrubs, etc in a highway	HOH
Section 146	Power to enforce landowners duty to repair and maintain stiles etc on footpaths and bridleways and to decide extent of Council's contribution to cost	HOH
Section 147	Power to authorise erection of stiles in footpath or bridleway	HOH

Section 149	Power to remove things deposited on highways so as to be a nuisance and to recover expenses	HOH
Section 153	To authorise action in relation to removal of doors opening over a highway	HOH
Section 169	Power to control use of scaffolding on highways by licence	HOH
Section 171	Power to give consent with conditions for temporary deposits and excavations in highways	HOH
Section 171	Power to give consent with conditions to building materials deposited on highways	HOH
Section 171/173	Power to regulate erection of hoardings during building operations etc	HOH
Section 178	Power to license beams, rails, pipes, cables, wires and other apparatus over highway	AD-PEPP TL-TP
Section 179/180	Power to prohibit construction of cellars etc under highway without consent, and to control openings into cellars etc. and pavement lights	HOH
Section 209	Power to deal with objections to provisional and final appointments	HOH
Section 220	To authorise the service of advance payments code	HOH
Section 236	Power to agree contribution by Council to private frontagers expenses pursuant to street works	HOH
Section 278	The completion of relevant agreements in respect of the above	AD-PEPP TL-TP
	Maintenance	
Section 36	Duty to keep list of publicly maintainable highways	AD-PEPP TL-TP
Section 37	Power to decide whether dedicated highway should become publicly maintainable	AD-PEPP TL-TP
Section 38	Power to adopt roads by agreement	AD-PEPP TL-TP

Section 45	Power to get materials for repair of publicly maintainable highways	HOH
Section 46	Power to fence and fill up excavations made pursuant to S.45	HOH
Section 47	Power to apply to Magistrates Court for order that it is unnecessary to maintain a highway as a publicly maintainable highway	AD-PEPP TL-TP
Section 56(2)	Power to serve counter-notice admitting or denying that highway is publicly maintainable	AD-PEPP TL-TP
Section 59	Power to recover maintenance expenses due to extraordinary traffic	HOH
	Improvement of Highways	
Section 66	Power to provide footway and guard rails	HOH
Section 67	Power to provide, maintain, alter and remove guard rails in private streets	HOH
Section 68	Power to provide pedestrian refuges	HOH
Section 70	Power to construct, light, maintain, alter, remove or close temporarily a footbridge	HOH
Section 71	Power to provide margin for horses or livestock where considered desirable	HOH
Section 72	Power to make agreements for widening of existing highways	AD-PEPP TL-TP
Sections 75-77	Power to vary respective widths of carriageway/footway and alteration of levels of highway	HOH
Section 78	Power to cut off dangerous corners	HOH
Section 79	Power to serve notices preventing obstruction of view at corners	HOH
Section 80	Power to fence highways	HOH
Section 81	Power to provide highway boundary posts	HOH
Sections 82-83 & 86-87	Power to make provision for cattle grids	HOH

<u>Sections 90A to G</u>	<u>Powers relating to road humps and other traffic calming works including powers to carry out consultations on proposals and to implement unopposed measures</u>	<u>HOH</u>
Section 96	Power to plant trees in and lay out grass verges to a highway	HOH
Section 97	Power to provide lighting for highways	HOH
Section 99	Power to metal highways	HOH
Section 100	Power to undertake works for drainage of highway	HOH
Section 101	Power to fill in roadside ditches, etc.	HOH
Section 102	Power to carry out works to protect highway against natural hazards	HOH
Sections 103-104	Power to provide posts to indicate depth of flood water and to carry out works to mitigate dust	HOH
Section 115 E and F	Power to authorise provision of facilities and structures on the highway	AD-PEPP TL-TP
	<u>Stopping Up and Diversion of Highways</u>	
Section 116	Power to authorise application to Magistrates Court to order stopping up or diversion of highway	HOH
Section 117	Agreeing request to apply for order under S.116	HOH
<u>Section 118</u>	<u>Powers relating to stopping up footpaths and bridleways</u>	<u>HOH</u>
<u>Section 118A</u>	<u>Powers relating to stopping up highways crossing railways</u>	<u>HOH</u>
<u>Section 118B</u>	<u>Powers relating to stopping up highways for the purpose of crime prevention etc.</u>	<u>HOH</u>
<u>Section 119</u>	<u>Diversion of footpaths and bridleways</u>	<u>HOH</u>
<u>Section 119A</u>	<u>Diversion of footpaths and bridleways crossing railways</u>	<u>HOH</u>
<u>Section 119B</u>	<u>Diversion of highways for the purpose of crime prevention etc.</u>	<u>HOH</u>
<u>Section 120</u>	<u>Powers relating to public path extinguishment and diversion orders</u>	<u>HOH</u>
<u>Section 122</u>	<u>Powers relating to temporary diversion where highway to be repaired or widened</u>	<u>HOH</u>
<u>Sections 124 to 129</u>	<u>Powers relating to private access to/from</u>	<u>HOH</u>

	<u>highways and providing new means of access</u>	
<u>Sections 129A to G</u>	<u>Powers relating to gating orders for footpaths and other highways affected by crime and anti-social behaviour</u>	<u>HOH</u>
	Interference with Highways and Streets	
Section 130	Power to protect the rights of the public	HOH AD-Enf
Section 131	Power to deal with damage to the highway	HOH AD-Enf
Section 132	Power to remove unauthorised marks from highway.	HOH AD- Enf
Section 133	Power to make good damage to highway and recover expenses from person responsible	HOH AD- Enf
Section 134	Powers in relation to ploughing of footpaths and remedial action	HOH