

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TO BE TAKEN BY:

Peter Osborne, Cabinet Member for Highways & Transport

DECISION NUMBER:

25/00088

Executive Decision – key

Highways Enforcement Prosecution Policies

Decision:

As Cabinet Member for Highways and Transport PORTFOLIO, I agree to:

To approve and adopt a new enforcement policy enabling Kent County Council (KCC) to take enforcement action against land owners to ensure highways users are not put at risk from non-compliance under relevant statutory provisions.

To approve and adopt a new street works enforcement policy enabling KCC to take relevant enforcement action up to and including prosecution against utility companies and other entities for non-compliance failures under relevant statutory provisions

Reasons for decision:

As the local Highway Authority, KCC has a statutory to ensure that the public can use and enjoy any highway for which they are responsible including any roadside waste which forms part of it. KCC also has a statutory duty to coordinate the works of statutory utility companies.

To meet these obligations, KCC needs to know about all the work happening on the road network. The work must be done in timely fashion with the safety and convenience of all road users in mind. The proposed polices will enable KCC to take enforcement action against landowners and utility companies when they break the law or act in a way that is non-compliant to the works orders. This is especially important when such violations affect the council's ability to manage and coordinate road works or when the work is done unsafely or disruptively.

Financial implications:

Enforcement actions will be carried out within existing staffing and budget resources.

Cost including legal fees and officer time for taking prosecution action will be incurred on a case-by-case basis but a simple prosecution may cost from £2500 per prosecution, which is reflective of the relatively low level of preparatory and court hearing time associated with this type of proceeding.

Prosecutions are expected to be low in volume and will only be undertaken where there is a high chance of a successful outcome.

Legal implications:

Kent County Council is the Highway Authority under the Highways Act 1980, responsible for protecting public rights to use highways, including roadside waste.

KCC must coordinate utility works (New Roads and Street Works Act 1991) and manage road networks for efficient traffic flow (Section 16 - Traffic Management Act).

Adopting enforcement prosecution policies does not obligate KCC to prosecute every case; each will be reviewed individually

Equalities implications:

The EqIA has not identified any negative impacts for Protected Characteristic Groups.

Data Protection implications:

The Enforcement Policy will involve the processing of personal data of individuals and utility companies. The data for utility companies will be obtained via Department for Transports national Street Manager IT system, with the DfT already having its own DPIA and privacy notice.

Cabinet Committee recommendations and other consultation:

The proposed decision was considered by the Growth, Environment and Cabinet Committee on 13 January 2026

Any alternatives considered and rejected:

To not have a specific enforcement policy and rely on existing legislation and ad hoc measures. This option is rejected as there is greater risk of inconsistency in enforcement, weaker position should prosecution action be taken, reduced transparency and accountability pertaining to reputational and financial risk

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None



27.01.2026

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Signed

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Date