

SCHEME OF SUB-DELEGATION

GROWTH ENVIRONMENT AND TRANSPORT

Divisional Director: Katie Stewart

To: Head of Public Protection

The principles of the operation of this Scheme of Sub-Delegation are set out in Appendix A. Sub-Delegations are categorised as General and Specific delegations below.

1) GENERAL DELEGATIONS

See Appendix B for a summary of the general powers which have been delegated to Officers. These delegations cover Finance, Risk Management and Internal Control, Information Management, Employees, Health & Safety and External Arrangements.

These general delegations are in respect of the following services:

- Public Protection

2) SPECIFIC DELEGATIONS

In accordance with the provisions of the Constitution of Kent County Council, I authorise the Head of Public Protection to undertake the following:

1) Functions delegated to me by the Council

Those powers which have been delegated to me by the Council in Appendix 2 Part 3 of the Constitution of Kent County Council

FUNCTIONS RELATING TO ENVIRONMENT, PLANNING AND ENFORCEMENT	
FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT
B. Regulatory Services Functions	
1. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3, 5, 6 and 11 of the Poisons Act 1972.
2. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
3. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, bylaws made under that Part, and Part II of the Children and Young Persons Act 1963.
5. Powers to license the sale and collection of pigs.	Articles 13 and 14 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
6. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922.
C. Functions Relating to Highways	
11. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
12. The making of agreements for the execution of highways works.	Section 278 of the Highways Act 1980
D. Functions relating to Public Paths	
1. Power to create footpaths, bridleways	Section 25 of the Highways Act 1980.

FUNCTIONS RELATING TO ENVIRONMENT, PLANNING AND ENFORCEMENT	
FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT
and restricted byways by agreement.	
2. Power to create footpaths, bridleways and restricted byways.	Section 26 of the Highways Act 1980.
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
4. Power to stop up footpaths, bridleways and restricted byways.	Section 118 of the Highways Act 1980.
5. Power to determine application for public path extinguishment order.	Section 118ZA and 118C(2) of the Highways Act 1980.
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.
8. Power to divert footpaths, bridleways and restricted byways.	Section 119 of the Highways Act 1980.
9. Power to make a public path or restricted byway diversion order.	Section 119Z and 119C(4) of the Highways Act 1980.
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.
14. Duty to keep register with respect of applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980 and the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006/1177.
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980.
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
19. Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980.
20. Power temporarily to divert footpath or bridleway.	Section 135A of the Highways Act 1980.
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980.
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.

FUNCTIONS RELATING TO ENVIRONMENT, PLANNING AND ENFORCEMENT	
FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT
23. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981.
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
27. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984.
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981.
31. Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257 of the Town and Country Planning Act 1990.
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000.
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
H. Other Functions	
16. The obtaining of particulars of persons interested in land.	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

2) Functions delegated to me by the Leader and Cabinet

Those functions delegated to me by the Leader in Appendix 2 Part 4 of the Constitution of Kent County Council, through the Executive Scheme of Delegation:

- To exercise the relevant functions of the Cabinet Member for Planning, Highways, Transport and Waste, and the Cabinet Member for Community and Regulatory Services in relation to their portfolios

Signed:

Mike Overbeke
Head of Public Protection

Date:

19/2/18

Signed: *K Stewart*

Katie Stewart
Director, Environment, Planning and Enforcement

Date: 19/3/2018

Lodged with the Monitoring Officer:

Date: