

From: **Michael Payne - Cabinet Member for Highways and Transport**

Simon Jones, Director of Highways, Transportation & Waste

To: County Council – 10 September 2020

Subject: **Functions delegated by Council to officers**

Classification: **Unrestricted**

Past Pathway of Paper: Selection and Member Services Committee

Future Pathway of Paper: N/A

Electoral Division: All

Summary: This report sets out a request for amendments to the Delegation Table to the Constitution.

Recommendation(s):

The County Council is asked to agree the recommendation from the Selection and Member Services Committee to amend the Delegation Table in the Appendix to the Constitution as set out in paragraph 2 to this report.

1. Introduction

- 1.1 This report sets out a request for changes to the [Delegation Table](#) of the KCC Constitution. As these are functions of the council delegated by the council to committees and officers, it is necessary for any amendments to be formally approved by County Council.
- 1.2 The changes were reported to the Selection and Members Services Committee on 29 July 2020. Committee Members agreed to recommend the changes to County Council.

2. Proposed changes

- 2.1 The changes refer to powers which exist in statute but which have not been formally recorded previously in the delegation table.
- 2.2 Additionally, the proposed amendment in paragraph 2.3 (ii) second bullet point, aligns with KCC's published approach to asset management which sets out the core legislation used by Highways Transportation and Waste to manage the service. The asset management approach was formerly discussed at the Environment and Transport Cabinet Committee on January 2018 and the key decision subsequently taken by the Cabinet Member for Planning, Transport and Highways in February 2018.
- 2.3 The proposed changes are to:
 - (i) Section C: Highways functions:

The making of traffic regulation orders to restrict traffic under the Road Traffic Regulation Act 1984 to be delegated to the Director Highways, Transportation and Waste.

(ii) Section H: Other Functions:

- Legal framework for duty of care for waste, contaminated land and statutory nuisance under the Environmental Protection Act (EPA) 1990 to be delegated to the Director Highways Transportation & Waste
- To carry out Highways, Transport & Waste statutory duties included within The Highways Act 1980, The Traffic Management Act 2004, The New Roads & Streetworks Act 1991, The Road Traffic Act 1991, Traffic Signs Regulations and General Directions 2016, The Construction (Design and Management) Regulations 2015, The Equality Act 2010, Town and Country Planning Act 1990, The Wildlife & Countryside Act 1981 and Public Nuisance Common Law to be delegated to the Director Highways Transportation & Waste

3. Recommendation

3.1

The County Council is asked to agree the recommendation from the Selection and Member Services Committee to amend the Delegation Table in the Appendix to the Constitution as set out in paragraph 2 to this report.

4. Report author

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