

ENVIRONMENT AND HIGHWAYS CABINET BOARD

JOINT REPORT OF THE HEAD OF ENGINEERING AND TRANSPORT – D.W. GRIFFITHS AND HEAD OF STREETCARE – M. ROBERTS

13TH NOVEMBER 2014

SECTION A– MATTER FOR DECISION

WARD(S) AFFECTED: ALL

DELEGATION OF POWER TO SIGN AND SERVE NOTICE UNDER SECTION 291 OF THE HIGHWAYS ACT 1980 TO ENTER PRIVATE LAND TO UNDERTAKE THE COUNCIL'S STATUTORY DUTIES

Purpose of Report

To obtain Member's approval to delegate authority under Section 291 of the Highways Act 1980 to enable officers to enter land as required to undertake the Council's statutory duties under the Act.

Background

The proposed delegation of authority will allow officers to serve notice to enter land for the purpose of undertaking the Council's statutory duties and functions in relation to the Act, and negate the need to have the permission of the landowner to enter the land.

Officers will always try and make contact with the landowner in the first instance, however there are many areas of land within the Authority which are not registered with the Land Registry making this difficult and sometimes impossible. Also, some owners may withhold consent or request unreasonable conditions of entry.

A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this function does not require an Equality Impact Assessment.

Financial Implications

None. However, the Council would be liable for a compensation claim for any damages as a result of the Authority exercising its powers.

Consultation Outcome

There has been no requirements under the Constitution for external consultation on this item.

Sustainability Appraisal

The delegation of powers will make it easier to undertake highway works without delay and some significant amounts of Officer time.

Recommendation(s)

It is recommended having due regard to the Equalities Impact Assessment screening, that;

Authority is delegated to the Director of Environment, Head of Engineering and Transport and Head of Streetcare (and other named officers) to sign and serve notice to enter land in accordance with Section 291 of the Highways Act 1980 where required to undertake the Council's statutory duties.

Reason for Proposed Decision

To ensure the Council's statutory duties can be undertaken in a timely manner.

List of Background Papers

Equality Impact Assessment Screening Form

Appendices

None

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COMPLIANCE STATEMENT

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(a) **Implementation of Decision**

The decision is proposed for implementation after the three day call in period

(b) **Sustainability Appraisal**

Community Plan impacts

Economic Prosperity	-	Positive Impact
Education & Lifelong Learning	-	Positive Impact
Better Health & Well Being	-	Positive Impact
Environment & Transport	-	Positive Impact
Crime & Disorder	-	Positive Impact

Other Impacts

Welsh Language	-	No Impact
Sustainable Development	-	Positive Impact
Equalities	-	Positive Impact
Social Inclusion	-	Positive Impact

(c) **Consultation**

There has been no requirement under the Constitution for external consultation on this item.