

No.	Function	Provision of Act or Statutory Instrument	In Force	Executive (E) or Non-Executive Function (NE)	Delegation to Strategic Director - Economy, Transport & Environment	Delegation to Officer	District, Borough or Parish Council Responsibility	Comments
1	Powers to create footpaths and bridleways by agreement	Section 25 Highways Act 1980	✓	NE		✓		
2	Compulsory powers for creation of footpaths and bridleways	1) Section 26 Highways Act 1980 Countryside and Rights of Way Act 2000	✓	NE		✓		Enables Natural England to apply to the Secretary of State to make a public footpath order
3	Duty to keep register of information with respect to maps and statements deposited and declarations lodged with the Council under Section 31(6) of the Highways Act 1980	Section 31A Highways Act 1980	✓					Duty - The Council's Constitution Part 3 Appendix 2
4	Response to a dedication either by certifying acceptance or making a complaint to a magistrates' court to resist such a dedication	Section 37 Highways Act 1980	✓	E				
5	Authority to make a complaint by resisting dedication of publicly maintainable Highway	Section 37 Highways Act 1980	✓	E				Cabco
6	Power of Highway Authorities to adopt by agreement	Section 38 Highways Act 1980	✓	E				
7	Duty to maintain highways maintainable at public expense	1) Section 41 Highways Act 1980 Local Authority (Transport Charges) Regulations 1998	✓					1) Power to impose charges, in connection with the clearance of accident debris, on the person responsible for the deposit of the debris 2) Duty - The Council's Constitution Part 3 Appendix 2
8	Application to declare unnecessary highway to be not maintainable at public expense	Section 47 Highways Act 1980	✓	E				
9	Proceedings for an order to repair highway	Section 56 Highways Act 1980	✓	E		✓		1) Power to serve on Private Street owner 2) Could result in Magistrates Order to repair
10	Powers relating to the recovery of expenses due to extraordinary traffic	Section 59 Highways Act 1980	✓	E		✓		
11	General power of improvement	Section 62 Highways Act 1980	✓	E				
12	Powers to create a cycle track	Section 65 Highways Act 1980	✓	E		✓		
13	Duty and power for the provision of footways and guard-rails, etc. for the purpose of safety or accommodation for pedestrians	Section 66 Highways Act 1980	✓	E		✓		
14	Powers relating to require that vehicles are not driven on footways and verges	1) Section 72 Highways Act 1980 Section 85 Local Government Act 1888 3) The fixed Penalty offences Order 1999 (SI 1999/1851) 4) Section 72 Highways Act 1980	✓ ✓ ✓ ✓					1) Not enforceable by councils. 2) Section 85 is still in force but declares bicycles to be carriages within the meaning of the Highways Act
15	Power to prescribe an improvement line for widening a street	Section 73 Highways Act 1980	✓	E		✓		1) Compensation provision 2) If in the opinion of the Highway Authority an improvement line, or any part of such a line, is no longer necessary or desirable and should be revoked, then the line or that part of it may be revoked
16	Power to prescribe a building line	Section 74 Highways Act 1980	✓	E		✓		Compensation provision
17	Power to prevent obstruction to view at corners	Section 79 Highways Act 1980	✓	E				Compensation provision
18	Provision of cattle-grids and by-passes	Section 82 Highways Act 1980	✓	E		✓		Consultation requirement
19	Powers relating to the removal of cattle-grids and the discontinuance of by-passes	Section 83 Highways Act 1980	✓	E		✓		Consultation requirement
20	Maintenance of cattle-grids and by-passes	Section 84 Highways Act 1980	✓					Duty - The Council's Constitution Part 3 Appendix 2
21	Exercise of powers by agreement between neighbouring authorities	Section 85 Highways Act 1980	✓	E	✓			
22	Supersession of gates by cattle-grids	Section 86 Highways Act 1980	✓	E	✓			Compensation provision
23	Agreements for use of land for cattle-grids or by-passes	Section 87 Highways Act 1980	✓	E	✓			Provision for payment
24	Contributions towards the expenditure of cattle-grids	Section 88 Highways Act 1980	✓	E		✓		
25	Power to construct road humps	Section 90A Highways Act 1980	✓	E				
26	Powers to carry out traffic calming works	Section 90G Highways Act 1980	✓	E				
27	Power for the construction of a bridge to carry an existing highway maintainable at public expense	Section 91 Highways Act 1980	✓	E				
28	Power for the reconstruction of a bridge maintainable at public expense	Section 92 Highways Act 1980	✓	E				
29	Power to make orders as to reconstruction, improvement, etc. of privately maintainable bridges	Section 93 Highways Act 1980	✓	E				

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30	Power to enter into agreements with bridge owners	Section 94 Highways Act 1980	✓	E				
31	Power to install equipment for the detection of traffic offences	Section 95A Highways Act 1980	✓	E				
32	Powers to plant trees, lay out grass verges, etc.	Section 96 Highways Act 1980	✓	E		✓	✓	All with the consent of the Highway Authority
33	Power for the lighting of highways	Section 97 Highways Act 1980	✓	E		✓		
34	Power for the delegation of lighting functions of the Highway Authority	Section 98 Highways Act 1980	✓	E			✓	
35	Powers to discharge functions relating to the drainage of highways	Sections 100/101 Highways Act 1980	✓	E				Compensation provision
36	Powers to repair or reinstate and recover costs for works undertaken without permission to the drainage of highways	Sections 100 (4a) /101 (3a) Highways Act 1980	✓	E	✓			
37	Powers to prosecute if a person alters, obstructs or interferes with the drainage of the highway	Sections 100 (4b) /101 (3b) Highways Act 1980	✓	E				
38	Provision of works for protecting highways against hazards of nature	Sections 102 Highways Act 1980	✓	E				Compensation provision
40	Duty to undertake an Environmental Impact Assessment for constructing or improving a highway if the scheme is defined as a 'relevant project'	1) Section 105A Highways Act 1980 2) The Highways (Environmental Impact Assessment) Regulations 2007 (SI 2007/1062)	✓ ✓					
41	Power to divert navigable watercourses	Section 108 / 109 Highways Act 1980	✓	E				Consultation Requirement
42	Power to divert non-navigable watercourses and to carry out other works on any watercourse	Section 110 Highways Act 1980	✓	E				Consultation Requirement & Compensation provision
43	Power to provide areas for parking heavy goods vehicles, etc.	Section 115/ 238/ 240 Highways Act 1980	✓	E				
44	Powers of the council to carry out works and place objects or structures on a highway	Section 115B/ 115H Highways Act 1980	✓	E		✓	✓	1) Combined with Section 278 this function enables the council to meet certain requirements of the Disability Discrimination Act 1995 2) Consultation requirement 3) Notices required
45	Powers of the council to provide, maintain and operate facilities for recreation or refreshment or both on a highway	Section 115C Highways Act 1980	✓	E			✓	
46	Powers to grant permission to other parties for the provision, etc. of services, amenities, recreation and refreshment facilities on a highway and related powers	1) Section 115E/ 115F/ 115K Highways Act 1980 2) Publication Notice 115G Highways Act 1980	✓ ✓	NE		✓	✓	1) With permission it enables a person to do what the council can do under Sections 115B and 115C 2) District Councils enjoy the same powers as the County Council but require consent of the County Council under Section 115 before exercising them
47	Duty to publish notice in respect of proposal to grant permission under Section 115E of the Highways Act 1980	Section 115G Highways Act 1980	✓	NE		✓		
48	Duty to consult or obtain consent of other authorities conferred by section 115B or 115C or permission granted by Section 115E of the Highways Act 1980	Section 115H Highways Act 1980	✓	E		✓		
49	Powers relating to applications for the stopping-up or diversion of highways, etc.	Sections 116 / 117 Highways Act 1980	✓	E				CabCo
50	Powers relating to applications for the stopping-up or diversion of highways, etc.	Sections 247 / 248 / 249 / 257 Town and Country Planning Act 1990	✓					Sections 247 / 248 / 249 / 257 are dealt with by GOEM
51	Powers relating to applications for the stopping-up or diversion of highways, etc.	Section 257 Town and Country Planning Act 1990	✓				✓	Section 257 is dealt with by District Councils
52	Powers to make orders for the stopping up of footpaths and bridleways	Section 118 Highways Act 1980	✓	NE				Regulatory Committee
53	Power to make a rail crossing extinguishment Order	Section 118A Highways Act 1980	✓	NE				
54	Power to make a special extinguishment order for the purpose of preventing or reducing crime in a designated area or of protecting school pupils or staff	Section 118B Highways Act 1980	✓	NE				
55	Power to determine application for public path extinguishment order	Sections 118ZA / 118C(2) Highways Act 1980	✗	NE				Not yet in force
56	Power to make orders for the diversion of footpaths or bridleways	Section 119 Highways Act 1980	✓	NE				
57	Power to make a rail crossing diversion order	Section 119A Highways Act 1980	✓	NE				
58	Power to make a special diversion order for the purpose of preventing or reducing crime in a designated area or protecting school pupils or staff	Section 119B Highways Act 1980	✓	NE				
59	Power to make a special diversion order of certain highways crossing school premises for the purposes of protecting school pupils or staff	Section 119C Highways Act 1980	✗	NE				Not yet in force
60	Power for an applicant for a special diversion order to enter into an agreement	Section 119C(3) Highways Act 1980	✗	NE				Not yet in force

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61	Power to make a SSSI diversion order	Section 119D Highways Act 1980	✓	NE				
62	Power to make a public path diversion order	Sections 119ZA / 119C(4) Highways Act 1980	x	NE				Not yet in force
63	Power to make a public path extinguishment and diversion order where a footpath or bridleway lies partly within and partly outside the area of the council	Section 120 Highways Act 1980	✓					Consultation required (S118 to 119D) in respect of cross boundary provision
64	Supplementary provisions as to public path extinguishment and diversion orders	Section 121 Highways Act 1980	✓					Financial provisions for cross boundary extinguishments and diversions
65	Duty to keep register with respect to applications under sections 118ZA / 118C/ 119ZA/ 119C	Section 121B Highways Act 1980	✓					Duty - Part 3 Appendix 2 of the Constitution of the Council
66	Power to decline to determine applications under sections 118ZA / 118C/ 119ZA/ 119C	Section 121C Highways Act 1980	✓	NE				1) 3 year period 2) Regulatory committee
67	1) Power to revoke at any time appointments under section 121 (5b) of the Highways Act 1980 2) Power to direct that an enquiry should be held 3) Power to appoint an assessor	Schedule 12ZA Highways Act 1980	✓					Power of the Minister
68	Powers to make temporary diversions where a highway is about to be repaired or widened	Section 122 Highways Act 1980	✓		✓	✓		Compensation provision
69	Powers relating to the stopping-up of private access to highways	Section 124 / 127 Highways Act 1980	✓					
70	Provisions supplementary to sections 124 and 125 etc.	Section 126 Highways Act 1980	✓					Compensation provision (section 124 only)
71	Powers relating to provisions with respect to new means of access	Section 129 Highways Act 1980	✓					
78	Duty to assert and protect the rights of the public to use and enjoyment of highways	1) Section 130 Highways Act 1980 2) The Local Authority (Transport Charges) Regulations 1998	✓	NE	✓	✓		Power to impose charges, in connection with the clearance of collision debris, on the person responsible for the deposit of the debris
79	Duty to serve notice of proposed action in relation to obstruction in respect of which notice has been served on the Highway Authority	Section 130A Highways Act 1980	✓	NE	✓	✓		
80	Power to apply for variation or order under Section 130B of the Highways Act 1980	Section 130B(7) Highways Act 1980	✓	NE	✓	✓		
81	Penalty for damaging highway, etc.	Section 131 Highways Act 1980	✓	E				Criminal Offence
82	Duty to ensure that in the public interest, that proceedings are brought relating to the making good of the surface of a footpath or bridleway due to ploughing, etc.	Section 131A Highways Act 1980	✓		✓	✓	✓	1) Duty - The Council Council or District Council 2) Criminal Offence
83	Powers relating to unauthorised marks, etc. on Highways	Section 132 Highways Act 1980	✓		✓	✓		1) Power to remove marks 2) Criminal Offence - powers to bring criminal proceedings
84	Penalty for displaying notices on footpaths deterring public use	Section 57 National Parks and Access to the Countryside Act 1949	✓		✓	✓	✓	
85	Powers relating to damage to footways of streets by excavations	Section 133 Highways Act 1980	✓	E	✓	✓		
86	Duty to ensure that, where desirable in the public interest, that proceedings are brought relating to the making good of the surface of a footpath or bridleway due to ploughing	Section 134 Highways Act 1980	✓	E	✓	✓		
87	Power to authorise temporary disturbance of the surface of a footpath or bridleway	Section 135 Highways Act 1980	✓	NE	✓	✓	✓ (subsection 6 only)	1) Order required and resultant notices 2) Works other than ploughing on agricultural land 3) Subsection 6 - criminal offence. District and Parish can only use this section
88	Power to temporarily divert footpath or bridleway for dangerous works	Section 135A Highways Act 1980	x	NE	✓	✓		Not yet in force
89	Functions relating to the making good of damage and the removal of obstructions from footpaths or bridleways	Section 135B Highways Act 1980	x	NE	✓	✓		Not yet in force
90	Powers relating to damage to a highway consequent on exclusion of sun and wind	Section 136 Highways Act 1980	✓	E	✓	✓		1) Powers to bring proceedings in a magistrates' court 2) Non-compliance with orders then the Highway Authority may carry out the work and recover the expenses
91	Powers relating to unlawful obstruction of the highway	Section 137 Highways Act 1980	✓	E	✓	✓		1) Criminal offence 2) Power to prosecute 3) Offender liable to a fine
92	Power to remove cause of obstruction and recover expenses reasonably incurred from the offender	Section 137ZA Highways Act 1980	✓	E	✓	✓		1) Court action only 2) If the offender is convicted then the Highway Authority has the power to remove obstruction and recover expenses incurred
93	Duty to enforce the provisions as a result of interference by crops	Section 137A(5) Highways Act 1980	✓	E	✓	✓		1) Duty of occupier of land to keep relevant highway clear 2) Duty of the Highway Authority to enforce the provisions of this section
94	Powers to carry out works which may be exercised if the provisions of sections 134, 135 and 137A of the Highways Act 1980 have not been followed	Schedule 12A Highways Act 1980	✓					
95	Powers relating to unlawful erection of a building, etc. in the highway	Section 138 Highways Act 1980	✓	E				Criminal Proceedings

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96	Powers relating to the control of builders' skips on the highway	1) Section 139 / 314 Highways Act 1980 2) The Local Authority (Transport Charges) Regulations 1998	✓	E	✓	✓		1) Power to impose charges on the person making the application 2) Criminal Proceedings
97	Powers relating to the removal of builders' skips deposited on the highway	Sections 140 / 314 Highways Act 1980	✓	E	✓	✓		Criminal Proceedings
98	1) Power to make provision by regulation regulations requiring the owner of a builders' skip deposited on a maintainable highway to pay a charge in cases where the period of the occupation of highway exceeds such period as may be prescribed. 2) Power to prescribe exemptions from the requirement to pay charges, etc.	Section 140A Highways Act 1980	✓		✓	✓		
99	Power to make regulations requiring an undertaker executing street works in a maintainable highway to pay a charge, determined in the prescribed manner by the reference to the duration of the works	Section 140B Highways Act 1980	x		✓	✓		Not yet in force
100	Power to apply Sections 140A and 140B of the Highways Act 1980 to the same builders' skip	Section 140C Highways Act 1980	x		✓	✓		Not yet in force
101	Powers relating to the restriction on planting trees, etc. in or near carriageways	Section 141 Highways Act 1980	✓	E	✓	✓		1) Power to serve notice 2) Criminal offence if a person fails to comply with the notice
102	Powers to licence planting, retention and maintenance of trees and shrubs, etc.	Section 142 Highways Act 1980	✓	NE	✓	✓		
103	Power to remove structures from highways	Section 143 Highways Act 1980	✓	E	✓	✓		
104	Powers relating to the erection of flagpoles etc. on highways	Section 144 Highways Act 1980	✓	E	✓	✓	✓	District Councils must obtain consent from the Highway Authority
105	Powers relating to gates across the highways	Section 145 Highways Act 1980	✓	E	✓	✓		
106	Duty to maintain stiles, etc. on footpaths and bridleways	Section 146 Highways Act 1980	✓	E	✓	✓	✓	1) Landowner responsibility 2) District also - if they choose to maintain PRoW's 3) Notice can be served 4) Power to carry out the work and recover the expenses
107	Power to authorise the erection of stiles, etc. on footpaths or bridleways	Section 147 Highways Act 1980	✓	E	✓	✓	✓	1) District also - if they choose to maintain PRoWs 2) Agricultural land only
108	Agreements relating to improvements for benefit of persons with mobility problems	Section 147ZA Highways Act 1980	✓					
109	Powers relating to street trading	1) Section 147A Highways Act 1980 Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982	✓	NE	✓			1) Principal and Trunk Roads only 2) Criminal offence
110	Penalty for depositing things or pitching booths, etc. on a highway	Section 148 Highways Act 1980	✓	E	✓			Criminal Offence
111	Powers relating to the removal of things so deposited on highways as to be a nuisance, etc.	Section 149 Highways Act 1980	✓	NE	✓	✓		1) Notice can be served 2) Civil proceedings in a magistrates' court 3) Dangerous unlawful deposit - immediate removal
112	Duty to remove snow, soil, etc. from the highway	Section 150 Highways Act 1980	✓	E	✓	✓		1) Duty 2) Recover expenses
113	Powers relating to the prevention of soil, etc. from being washed onto a street	Section 151 Highways Act 1980	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) Notice can be served on the owner or occupier of the land 3) Criminal Offence 4) Obstruction or choking of sewer or gully
114	Powers as to the removal of projections from buildings	Section 152 Highways Act 1980	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) Notice can be served on the owner and or occupier of the building 3) Person aggrieved by the notice may appeal to a magistrates' court 4) Criminal offence for failure to comply with any order on appeal 5) Power to remove projection and recover costs
115	Powers relating to doors etc. in streets not to open outwards	Section 153 Highways Act 1980	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) Notice can be served on the owner and or occupier of the building 3) Person aggrieved by the notice may appeal to a magistrates' court 4) Criminal offence for failure to comply with any order on appeal 5) Power to remove projection and recover costs
116	Powers relating to the cutting or felling etc. of trees etc. that overhang or are a danger to roads or footpaths	Section 154 Highways Act 1980	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) Notice can be served on the owner of the tree etc. or occupier of the land 3) Person aggrieved by the notice may appeal to a magistrates' court 4) Power to remove projection and recover costs
117	Penalties in connection with straying animals on the highway	Section 155 Highways Act 1980	✓	E	✓			Criminal offence
118	Powers relating to a person causing certain kind of danger or annoyance to users of a highway	Section 161 Highways Act 1980	✓	E	✓	✓		Criminal offence
119	Danger or annoyance caused by fires lit otherwise than on highways	Section 161A Highways Act 1980	✓	E				Criminal offence (fires only)
120	Powers relating to the placing of rope etc. across a highway	Section 162 Highways Act 1980	✓	E	✓			

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121	Powers relating to the prevention of water falling or flowing on to a highway	Section 163 Highways Act 1980	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) Notice can be served on the occupier and or owner of the premises 3) Person aggrieved by the notice may appeal to a magistrates' court 4) Applies to water from premises falling onto person using the highway or surface water from the premises flowing onto or over the footway
122	Power to require the removal of barbed wire	Section 164 Highways Act 1980	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) Notice to abate the nuisance can be served on the occupier of the land 3) Highway Authority and District Councils can apply to a magistrates' court to order the occupier to abate the nuisance 4) Failure to comply with the order - competent authority has power to do works and recover reasonable expenses
123	Powers relating to dangerous land adjoining a street	Section 165 Highways Act 1980	✓	E			✓	1) Power of the Highway Authority to ask a District Council to serve notice on the owner or the occupier of the land 2) Person aggrieved by the notice may appeal to the magistrates' court 3) If order made on appeal - failure to comply then the authority who served the notice may execute the works and recover expenses 4) If the district refuse to comply then the Highway Authority can exercise the powers of the district and (2) and (3) above apply accordingly
124	Powers relating to forecourts abutting on streets	1) Section 166 Highways Act 1980 2) Part XII Public Health Act 1936	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) Notice can be served on the owner or the occupier to take steps as specified in the notice to obviate danger, obstruction or inconvenience 3) Appeals provision in the Public Health Act 1936
125	Powers relating to retaining walls near streets	1) Section 167 Highways Act 1980 300/ 301 / 302 Public Health Act 1936 2) Sections 290 /	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) Powers to approve design before work starts 3) If approval by district they must consult with Highway Authority 4) Person aggrieved by refusal to approve application can appeal to a magistrates' court 5) Criminal offence 6) Notice can be served on the owner or occupier to obviate any danger
126	Powers relating to building operations in or near streets or highways affecting public safety	Section 168 Highways Act 1980	✓	E				Criminal Offence
127	Power to licence scaffolding, hoarding etc. (relevant structure) which obstructs the highway	1) Section 169 Highways Act 1980 (Transport Charges) Regulations 1998 2) Local Authority	✓	NE	✓	✓		1) Powers to impose charges on the person making the application 2) Applicant can appeal to a magistrates' court on refusal or terms of licence 3) Criminal offence for no licence or breach of conditions of licence 4) Also see Sections 172 and 173 of the Highways Act 1980
128	Powers relating to the control of mixing of mortar etc. on a highway	Section 170 Highways Act 1980	✓	E	✓	✓		Criminal offence if in direct contact with the highway or likely to enter sewers / drains and solidify
129	Powers relating to temporary deposits or excavations in streets	1) Section 171 Highways Act 1980 (Transport Charges) Regulations 1998 2) Local Authority	✓	NE	✓	✓		1) Power to impose charges on the person making the application 2) Consent form the Highway Authority required 3) Applicant can appeal to a magistrates' court on refusal or terms of consent 4) Duty of applicant to comply with directions given by the Highway Authority with the respect of the erection and maintenance of traffic signs in connection with the works 5) Criminal offence for failure to comply with conditions and or duties 6) In the event of an offence the Highway Authority can remove the obstruction or fill the excavation and recover reasonable expenses
130	Power to make provision for a charge to be paid for occupation of the highway for an unreasonable period by the erection or disposal of scaffolding, building materials and excavations over the highway	Section 171A Highways Act 1980	✓	E				
131	Power to make provision for the charge to be determined by reference to duration of occupation of the highway	Section 171B Highways Act 1980	x					Not yet in force
132	Power to apply sections 171A and 171B to the same scaffolding or similar structure	Section 171C Highways Act 1980	x					Not yet in force
133	Power to dispense with obligations to erect hoardings or fences	1) Section 172 Highways Act 1980 (Transport Charges) Regulations 1998 2) Local Authority	✓	NE	✓	✓		1) Power to impose charges on the person making the application and the person who has erected the hoarding or fence 2) Obligation to erect hoarding or fence prior to building works to separate a building from a street to the satisfaction of the Highway Authority 3) The applicant may seek consent from the Highway Authority to dispense with the obligation 4) A person, responsible for the works, can appeal to a magistrates' court on refusal of the consent or by the requirements made by the Highway Authority where a person has erected a hoarding or fence 5) Licence under Section 169 Highways Act 1980
134	Powers relating to hoardings etc. being securely fixed when erected in or adjoining a street	Section 173 Highways Act 1980	✓	E	✓			1) Licence under Section 169 Highways Act 1980 2) Criminal offence if not securely fixed
135	Powers relating to the precautions needed to be taken by persons executing works in a street	Section 174 Highways Act 1980	✓	E				1) Works other than NRSWA 2) Criminal offence not to take precautions 3) Criminal offence to interfere with barriers etc.
136	Duty of the Council in executing any works for road purposes to have regard to any guidance given under subsection (1A)	1) Section 174 (1B) Highways Act 1980 2) Section 71 Traffic management Act 2004	✓					1) In subsections (1A) and (1B) "works for road purposes" has the same meaning as in Part 3 of the NRSWA 1991 2) Duty
137	Liability of certain persons in respect of materials left on a highway	Section 175 Highways Act 1980	✓					Criminal offence to not take reasonable precautions for the prevention of accidents at night

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138	Duty to have regard relating to the needs of people with impaired mobility in executing works etc.	1) Section 175A Highways Act 1980 Chronically Sick and Disabled Persons Act 1970	✓					Duty on the Highway Authority and others
139	Powers on the restriction on construction of bridges over highways	Section 176 Highways Act 1980	✓	E	✓	✓		1) Criminal offence not to seek consent 2) Criminal offence for failure to comply with conditions
140	Powers on the restriction on construction of buildings over highways	Section 177 Highways Act 1980	✓	E	✓	✓		1) Criminal offence not to seek consent 2) Criminal offence for failure to comply with conditions 3) Applicant can appeal to the Crown Court on refusal or terms and conditions of the licence
141	Powers to restrict the placing of rails, beams etc.	Section 178 Highways Act 1980	✓	NE	✓	✓		1) Consent from the Highway Authority is required 2) Criminal offence for not seeking consent 3) Criminal offence for failure to comply with any terms and conditions 4) Applicant can appeal to a magistrates' court on refusal or terms and conditions of the licence
142	Powers to determine applications to the construction of vaults, arches and cellars under streets and carriageways	1) Section 179 Highways Act 1980 (Transport Charges) Regulations 1998	✓ ✓	NE	✓	✓		1) Powers to raise charges on the person making the application 2) Consent from the Highway Authority is required 3) Applicant can appeal to a magistrates' court on refusal of consent or by a requirement of a notice 4) Criminal offence not to seek approval 5) After consent given the Highway Authority must give notice to any public utility undertaker having any apparatus under the street
143	Powers to determine applications for the consent to the making of openings in footways for access to cellars	1) Section 180 Highways Act 1980 (Transport Charges) Regulations 1998	✓ ✓	NE	✓	✓		1) Powers to impose charges on the person making the application in sub-section (1) and the person making the application in sub-section (2) of the act 2) Consent from the Highway Authority is required 3) Applicant can appeal to a magistrates' court on refusal of consent or by a requirement of the consent 4) Criminal offence not to seek approval 5) Criminal offence for failure to comply with any requirements of the consent 6) After consent given the Highway Authority must give notice to any public utility undertaker having any apparatus under the street 7) Failure of the owner or occupier to maintain the opening etc. - the Highway Authority, after serving notice, can do any repairs and recover reasonable expenses
144	Powers relating to vehicle crossings over footways and verges	Section 184 Highways Act 1980	✓	E	✓	✓		1) Power to impose charges on the person making the request 2) Power to serve notice on the owner and the occupier for habitual use or permits for use 3) Power to serve notice on owner or occupier of the premises planned or being developed for the construction or alteration of a crossing as specifies in the notice 4) An objection to the notice, stating the grounds, can be made by notice to the Highway Authority. The Highway Authority must then send a copy of the notice and of the notice of objection to the minister 5) On new developments the Highway Authority can authorise the developer to execute works in accordance with the plans approved by the Highway Authority
145	Power to install refuse or storage bins in streets	Section 185 Highways Act 1980	✓	E	✓	✓	✓	1) District Councils must obtain consent from the Highway Authority 2) A litter authority may put up notices about the leaving of refuse and litter and for that purpose may erect and maintain notice boards
146	Power to provide and maintain litter bins in any street or public place	Section 5 Litter Act 1983	✓	E	✓	✓	✓	1) A litter authority must obtain consent from the Highway Authority 2) A litter authority may put up notices about the leaving of refuse and litter and for that purpose may erect and maintain notice boards
147	Payments to be made by owners of new buildings in respect of street works as part of the advance payment code	Section 219 Highways Act 1980	✓					1) A sum, as required by section 220, must be paid to the street works authority or secured to the satisfaction of that authority before works can start 2) Criminal offence for any works done in contravention of subsection (1) 3) Where a notice is served under sub-section (4) the street works authority shall refund the sum or release the security as the case may be
148	Determination of liability for, and amount of, payments as part of the advance payments code	Section 220 Highways Act 1980	✓					1) Notice to be served, within 6 weeks of the plans being passed, requiring payment or the securing of a sum under Section 219 above 2) Where a notice is served on a person (other than one which intimates that that no sum fails to be paid or secured) then that person has a right to appeal to the Minister
149	Adoption of private street after execution of street works	Section 228 Highways Act 1980	✓	E	✓			The street works authority may, by notice, declare the street to be a highway
150	Power of majority of frontages to require adoption where advance payment made	Section 229 Highways Act 1980	✓	E	✓			Sub-section (1) does not apply unless, in at least one case, a payment has been made or security has been given under section 219
151	Urgent repairs to private streets	Section 230 Highways Act 1980	✓	E	✓		✓ (Point 4 only)	1) The street works authority may by notice require the owners of premises fronting the street to execute such repairs as may be so specified 2) A person aggrieved by a requirement of a street works authority may appeal to a magistrates' court 3) Subject to any order made on appeal and subsection (5) if the repairs have not been executed then the authority may execute the repairs and recover reasonable expenses 4) Section 230(7) gives powers to the District Councils to execute repairs to prevent or remove danger to persons or vehicles. Before a district can exercise its powers the district should give notice to the Highway Authority. The Highway Authority has a right to object with a counter notice within 6 weeks of receiving the notice. If the dispute is not resolved within 6 weeks of receipt of the counter notice the dispute can be referred to GOEM for a decision
152	Compensation for damage caused by execution of street works	Section 231 Highways Act 1980	✓					Compensation provision

No.	Function	Provision of Act or Statutory Instrument	In Force	Executive (E) or Non-Executive Function (NE)	Delegation to Strategic Director - Economy, Transport & Environment	Delegation to Officer	District, Borough or Parish Council Responsibility	Comments
153	Power to exchange land to adjust boundaries of highways	Section 256 Highways Act 1980	✓	E	✓			1) The Highway Authority may enter into an agreement with the owner of land which adjoins or lies near to the highway providing the exchange of any such land for land on which the highway is situated, with or without the payment by either party of money for equality of exchange 2) The Highway Authority shall publish a notice once at least in each of 2 successive weeks, in one or more newspapers 3) The Highway Authority shall serve a copy of the notice on the statutory undertakers and any persons having an interest 4) Any person who objects may appeal to a magistrates' court
154	Agreements as to execution of works	Section 278 Highways Act 1980	✓	E	✓			Funding provision for works, by agreement, to the benefit of the public
155	Power of Highway Authority to execute works for mitigating adverse effect of constructing or improving etc. highway	Section 278 / 246 Highways Act 1980	✓	E	✓			1) The Highway Authority may carry out works for mitigating any adverse effect which the construction, improvement, existence or use of a highway has or will have on the surroundings as a highway 2) Works can include the planting of trees, shrubs or plants and the laying out an area as grassland 3) The Highway Authority may develop or redevelop any land acquired or in ownership under S.246 of the Highways Act 1980
156	Power to require angles of new buildings at corners of streets to be rounded off	Section 286 Highways Act 1980	✓	E	✓			1) Powers of the Highway Authority and District Councils 2) Notices can be served to have the corner rounded or splayed off to the height of the first story 3) A person aggrieved may appeal to a magistrates' court 4) The local authority shall pay compensation for any loss which may be sustained through the exercise of its powers
157	Powers relating to the erection of barriers in streets in cases of emergency etc.	Section 287 Highways Act 1980	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) A competent authority may provide and maintain sockets or slots under the surface of the street 3) A person who wilfully removes a barrier, socket or slot is guilty of an offence
158	Power to require gas and water pipes to be moved	1) Section 288 Highways Act 1980 2) Section 153 Public Health Act 1875 3) The Local Authorities (Contracting Out of Highway Functions) Order 1999 (SI 1999/2106)	✓ ✓ ✓					
159	Powers of entry for the purpose of surveys	Section 289 / 290 Highways Act 1980	✓	E	✓	✓		See section 294 is admission approved
160	Powers of entry for the purposes of maintaining etc. certain structures and works	Section 291 Highways Act 1980	✓	E	✓	✓		See section 294 is admission approved
161	Compensation for damage resulting from, and offences connected with, exercise of powers of entry etc. under sections 289 or 291	Section 292 Highways Act 1980	✓					1) Compensation provision 2) A person who wilfully obstructs a person acting in the exercise of a power conferred by section 289 or 291 above, or who removes or otherwise interferes with any apparatus placed or left on or in any land in exercise of a power conferred by section 289 above is guilty of an offence
162	Powers of entry for the purposes connected with certain orders relating to footpaths and bridleways	Section 293 Highways Act 1980	✓		✓	✓		1) See Section 294 if admission refused 2) A person who wilfully obstructs a person acting in the exercise of his powers under this section is guilty of an offence
163	Power to apply to magistrates' court for third party land	Section 294 Highways Act 1980	✓	E	✓	✓	✓	1) Power of the Highway Authority and District Councils 2) If, in the discharge of functions conferred or imposed by a provision to which this section applies, it becomes necessary for an authorised officer to enter, examine or lay open any premises for the purpose of: (a) surveying, (b) making plans, (c) executing maintaining or examining works, (d) ascertaining the course of sewers or drains, (e) ascertaining or fixing boundaries, or (f) ascertaining whether any hedge, tree or shrub is dead, diseased, damaged or insecurely rooted, and the owner or occupier of the premises refuses to permit the premises to be entered, examined or laid open for any such purpose, the authority, after giving notice to the owner or occupier of their intention to do so, may make a complaint to a magistrates' court
164	Powers to dispose of certain materials following execution of works in a private street	Section 295 Highways Act 1980	✓	E	✓	✓	✓	1) Power of the Highway Authority and District Councils 2) A council may remove, appropriate, or use, sell or otherwise dispose of all old materials existing in any street other than a highway maintainable at the public expense at the time of the execution by the council of any works in the street, unless those materials are removed by the owners of premises in the street within 3 days from the date of service of a notice 3) Where a council remove, appropriate, or use, sell or otherwise dispose of any materials, they shall, on demand, pay or allow to the owner of any premises in the street such proportion of the reasonable value of the material as is attributable to those premises, and the amount thereof, shall be settled, in case of dispute, by arbitration, or, if the amount claimed does not exceed level 3 on the standard scale and either party so requires, by a magistrates' court
165	Powers to execute certain works on behalf of another person	Section 296 Highways Act 1980	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) A council may by agreement with any person execute at his expense any work required by him to execute, or any work in connection with a highway which he is otherwise under an obligation or is entitled to execute, and for that purpose they have all such rights as he would have. 3) This does not apply to Part XI of this act

No.	Function	Provision of Act or Statutory Instrument	In Force	Executive (E) or Non-Executive Function (NE)	Delegation to Strategic Director - Economy, Transport & Environment	Delegation to Officer	District, Borough or Parish Council Responsibility	Comments
166	Powers to require information as to ownership of land	Section 297 Highways Act 1980	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) A council may, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise 3) Any person who, having been required to give any information, fails to give that information is guilty of an offence
167	Duties of District Councils to furnish information	Section 298 Highways Act 1980	✓	E	✓	✓		Every non-metropolitan District Council shall furnish, and shall instruct their officers to furnish, any information in their power which may reasonably be required by the county council for the purpose of enabling the council to discharge its functions under this Act
168	The right to discharge highway surface water into any inland waters or tidal waters	Section 299 Highways Act 1980	✓	E	✓	✓		1) Where there has been constructed or laid in land, or in the exercise of rights, acquired by the Highway Authority in the exercise of highway land acquisition powers, any drain or other work for the purpose of draining surface water from a highway, proposed highway, maintenance compound, trunk road picnic area, lorry area or service area, the water may be discharged into or through that drain or other work and into any inland waters, whether natural or artificial, or any tidal waters. 2) The Highway Authority shall pay compensation to the owner or occupier of any land who suffers damage by reason of the exercise by the authority 3) This section is without prejudice to any enactment the purpose of which is to protect water against pollution
169	The right of local authorities to use vehicles and appliances on footpaths, footways and bridleways	Section 300 Highways Act 1980	✓	E	✓	✓	✓	1) Powers of the Highway Authority, Districts and Parish Councils 2) No statutory provision prohibiting or restricting the use of footpaths, footways or bridleways shall affect the use by a competent authority of appliances or vehicles, where mechanically operated or propelled or not, for cleansing, maintaining or improving footpaths, footways or bridleways or their verges, for preventing or removing obstructions to them or otherwise preventing or abating nuisances or other interferences with them, or for maintaining or altering structures or other works situated therein.
170	Recovery of expenses - Powers and Charges on a Property	Section 305 Highways Act 1980	✓	E	✓	✓ (£5,000 maximum)	✓	1) Powers of the Highway Authority, Districts and Parish Councils 2) Any charge acquired by the Minister by virtue of sub-section (1) of the act is (without prejudice to the operation of section 1 of the Local Land Charges Act 1975 as regards any charge acquired by the council by virtue of that sub-section) a local land charge. 3) This section applies to the following provisions of the Act, namely, sections 152, 153, 165, 167, 177, 180, 184 and 230, except 230(7).
171	Fixed penalties for certain offences under Part 9	Section 314A Highways Act 1980	x					Not yet in force
172	Powers for saving for rights and liabilities as to interference with highways	Section 333 Highways Act 1980	✓	E	✓	✓		1) No provision of this Act relating to obstruction of or other interference with highways is to be taken to affect any right of a Highway Authority or other person under any enactment not contained in this Act, or under any rule of law, to remove an obstruction from a highway or otherwise abate a nuisance or other interference with the highway, or to affect the liability of any person under such an enactment or rule to proceedings (whether civil or criminal) in respect of any such obstruction or other interference 2) Nothing in section 134 or 135 above relating to disturbance of the surface of a highway in any manner is to be taken as affecting any right existing apart from this Act to disturb its surface in that manner
173	Powers relating to the restriction on works following substantial road works	Section 58 New Roads and Street Works Act 1991	✓	E	✓	✓		1) The street authority may by notice restrict the execution of substantial street works during the twelve months following the completion of substantial road works. The date shall specify (not being less than three months after the notice is published, or first published) on which it is proposed to begin the works, and the extent of the restriction 2) An undertaker shall not in contravention of a restriction imposed by a notice under this section break up or open the part of the highway to which the restriction relates, except to execute emergency works, or with the consent of the street authority, or in such other cases as may be prescribed. If he does he commits an offence and he is liable to reimburse the street authority any costs reasonably incurred by them in reinstating the highway.
174	Powers in relation to reinstatement	Section 72 New Roads and Street Works Act 1991	✓	E	✓	✓		1) The council may carry out investigatory works to ascertain whether an undertaker has complied with his duties 2) If such a failure is disclosed, the undertaker shall bear the cost of the investigatory works; if not the street authority shall bear the cost of the investigatory works and of any necessary reinstatement 3) Where an undertaker has failed to comply with his duties, he shall bear the cost of a joint inspection with the street authority to determine the nature of the failure and what remedial works need to be undertaken, an inspection by the authority when the remedial works have been completed 4) The street authority may by notice require an undertaker to carry out the necessary remedial works within such period of not less than 7 working days as may be specified by the notice 5) If he fails to comply with the notice, the authority may carry out the necessary works and recover from him the costs reasonably incurred by them 6) If it appears that a failure by an undertaker to comply with his duties is causing danger to users of the street, the authority may carry out the necessary works without first giving notice and may recover from him the costs reasonably incurred by them in doing so. They shall, however, give notice to him as soon as reasonably practicable stating their reasons for taking immediate action.



No.	Function	Provision of Act or Statutory Instrument	In Force	Executive (E) or Non-Executive Function (NE)	Delegation to Strategic Director - Economy, Transport & Environment	Delegation to Officer	District, Borough or Parish Council Responsibility	Comments
175	Powers to convert all or part of a footpath to a cycle track	1) Section 3 Cycle Tracks Act 1984 Act Regulations 1984 (SI1984/1431)2) The Cycle Tracks	✓ ✓	NE	✓	✓		1) The Highway Authority may, by order, designate a footpath or part thereof as a cycle track 2) If the order is opposed then it should be referred to CabCo
176	Powers relating to the consent for the laying of pipes under County Highways	Sections 15 / 16 of the Pipelines Act 1962	✓					1) Any person may place a pipe-line in a street with the consent (with reasonable conditions) of the Street Authority 2) Any dispute between the Street Authority and a person proposing to place a pipe-line in a street shall be determined by the Minister with the Secretary of State for Transport acting jointly, and the determination of the said Ministers shall not be impugned on the ground that either of them is himself a party to the dispute 3) In relation to undertakers' works in exercise of a power conferred by Section 15(1) of this Act, the provisions of Part III or IV of the New Roads and Street works Act 1991 have effect subject to the provisions of Section 16 of the Pipelines Act 1962
177	Powers relating to keeping land and highways clear of litter etc.	1) Section 89 Environmental Protection Act 1990 2) Section 20 Clean Neighbourhoods and Environmental Act 2005 3) Section 130 Highways Act 1980 if an obstruction and Country Planning Act 19904) Section 215 Town and Country Planning Act 1990 5) Code of Practice by the Secretary of State	✓ ✓ ✓ ✓ ✓				✓ (EPA 1990 only)	1) Duty of the local authority to keep any relevant highways clear of litter and refuse 2) Duty of a local authority, when discharging its duty under (1) to place and maintain on the highway such traffic signs and barriers as may be necessary for giving warning and preventing danger to traffic or for regulating it and afterwards to remove them as soon as they cease to be necessary for those purposes; but this has effect subject to any directions given under (3) below 3) In discharging its duty under (2) above the local authority shall comply with any directions given to it by the Highway Authority with respect to the placing and maintenance of any traffic signs or barriers; the days or periods during which clearing or cleaning shall not be undertaken or undertaken to any extent specified in the direction 4) For the purpose of enabling it to discharge its duty under (2) or (3) above the local authority may apply to the Highway Authority to exercise its powers under section 14(1) or (2) of the Road Traffic Regulation Act 1984 (temporary prohibition or restriction of traffic)
178	Power to serve Street Litter Control notices to prevent accumulations of litter in streets and open land	Section 93 Environmental Protection Act 1990	✓				✓	District Councils only
180	Power to take action in respect of abandoned shopping and luggage trollies		✓				✓	District Councils only
181	Powers relating to graffiti and fly-posting	1) Section 43 Anti-Social Behaviour Act 2003 2) Section 30 Crime and Disorder Act 1998 Sections 131 / 132 Highways Act 19803)4) Section 19 Public Health Act 1925	✓ ✓ ✓ ✓					
184	Adoption of highway drains by water authorities	Section 102 Water Industry Act 1991	✓	E	✓	✓		1) A sewerage undertaker may declare a highway sewer as a public sewer 2) If the Highway Authority, who immediately before the making of a declaration, was entitled to use the sewer in question shall be entitled to use it, or any sewer substituted by it, to the same extent as if the declaration had not been made
185	Use of highway drains as sewers and vice versa	Section 115 Water Industry Act 1991	✓	E	✓	✓		1) Any drain or sewer which is vested in the Highway Authority may, upon such terms as may be agreed, be used by the undertaker for the purpose of conveying surface water from premises or streets 2) Any public sewer vested in the undertaker may, upon such terms as may be agreed, be used by the authority for conveying surface water from roads repairable by the authority 3) Where a sewer or drain with respect to which the Highway Authority and a sewerage undertaker propose to make an agreement under this section discharges, whether directly or indirectly, into the sewers or sewage disposal works of another sewerage undertaker, the agreement shall not be made without the consent of that other undertaker
186	Powers to authorise the erection of motorcycle and cycle stands or racks, or devices for securing, bicycles or motorcycles on the public highway	Sections 45 / 63 Road Traffic Regulation Act 1984	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils. However, the power for District Councils is for off highway sites only 2) A local authority may by order designate parking places on highways for vehicles or vehicles of any class specified in the order
187	Powers to attract Tourists and visitors by the erection of signs, etc.	Section 144 Local Government Act 1972	✓					
188	Powers to grant Street Works Licences to permit the placement and maintenance of apparatus in the street	Section 50 of the New Roads and Street Works Act 1991	✓	NE	✓	✓		1) The Local Authority may grant a licence (a "street works licence") permitting a person to place, or to retain, apparatus in the street, and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, and to execute for those purposes any works required for or incidental to such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street) 2) A Street works licence does not dispense the licensee from obtaining any other consent, licence or permission which may be required; and it does not authorise the installation of apparatus for the use of which the licence of the Secretary of State is required unless and until that licence has been granted. 3) Where the apparatus in respect of which an application for a street works licence is made to the Highway Authority is to be placed or retained on a line crossing the street, and not along the line of the street, a person aggrieved by the refusal of the authority to grant him a licence, their refusal to grant except on terms prohibiting its assignment, or any terms or conditions of the licence granted to him, may appeal to the Secretary of State.

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189	General duty of undertakers to co-operate	Section 60 New Roads and Street Works Act 1991	✓	E	✓	✓		1) An undertaker shall use his best endeavours to co-operate with the street authority and with other undertakers in the interests of safety, to minimise the inconvenience to persons using the street (having regard, in particular, to the needs of people with a disability), to protect the structure of a street and the integrity of the apparatus in it. 2) The Secretary of State shall issue or approve codes of practice giving practical guidance as to the matters mentioned in (1) above and so far as an undertaker complies with such a code of practice he shall be taken to comply with his duty, and a failure in any respect to comply with any such code is evidence of failure in that respect to comply with his duty. 3) An undertaker who fails to comply with (1) above commits an offence
190	Charges for occupation of the highway where works unreasonably prolonged	1) Section 74 New Roads and Street Works Act 1991 2) The Street Works (Charges for unreasonably prolonged occupation of the highway)(England) Regulations 2001	✓	E	✓	✓		The Secretary of State may make provision by regulations requiring an undertaker executing street works in a maintainable highway to pay a charge to the Highway Authority where the duration of the works exceeds such period as may be prescribed and the works are not completed within a reasonable period
191	Power to ensure that apparatus placed in the street by an undertaker is maintained to the reasonable satisfaction of the council and execute any works should the undertaker fail to maintain such apparatus	Section 81 New Roads and Street Works Act 1991	✓	E	✓	✓		1) The apparatus should be maintained to the reasonable satisfaction of the street authority as regards the safety and convenience of persons using the street in particular to the needs of people with a disability 2) The council may execute any emergency works needed in consequence of failure
192	Powers relating to the removal of placards / posters illegally displayed	1) Section 225 Town and Country Planning Act 1990 2) Section 132 Highways Act 1980	✓ ✓			✓		District Councils only
193	Powers relating to obtaining particulars of persons interested in land	Section 16 Local Government (Miscellaneous Provisions) Act 1976	✓					
194	Powers to provide and maintain Bus Passenger Shelters	Section 4 Local Government (Miscellaneous Provisions) Act 1976	✓	E				1) Powers of the Highway Authority and District Councils 2) A local authority may provide and maintain in any highway within their district which is comprised in the route of public service vehicles, or on any other land abutting on such a highway, shelters or other accommodation at stopping places on the route for the use of persons intending to travel on such vehicles
195	Powers to provide roadside seats and shelters	Sections 1 and 5 Parish Councils Act 1957	✓				✓	Parish Councils only
196	Powers relating to permanent orders to regulate motor traffic including special areas in the countryside for the purpose of conserving or enhancing the natural beauty of the area	1) Section 1 Road Traffic Regulation Act 1984                      2) Section 22 / 22A Road Traffic Regulation Act 1984 3) The Local Authority (Transport Charges) Regulations 1998	✓ ✓ ✓	E	✓	✓		1) Power to impose charges, for an exemption from any prohibition or restriction imposed by the order on the stopping, parking, waiting, loading or unloading of vehicles on a road or anything in connection with or in consequence of a request to vary an order so as to create an exemption or exclusion from a prohibition or restriction imposed by the order on the stopping, parking, waiting, loading or unloading of vehicles on a road, on the person making the application 2) The traffic authority may make an order in respect of the road where it appears that it is expedient to make for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or for preventing damage to the road or to any building on or near the road, for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or for preserving or improving the amenities of the area through which the road runs or for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality) 3) <del>If an objection from the public is received then this is referred to the cabinet member</del>
197	Powers relating to 'Off Street' or Parking Places on any part of a road without payment Parking Orders	Sections 32 / 35 / 39 Road Traffic Regulation Act 1984	✓	E	✓	✓	✓	1) Powers of the Highway Authority and District Councils 2) A local authority may provide off-street parking places or by order authorise the use as a parking place of any part of a road within its area 3) Parking places provided under Section 32 of the Act, or any arrangements under section 33(4) may include provisions as to the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it, the conditions on which it may be used, the charges to be paid in connection with its use (where it is an off-street one), the removal from it of a vehicle left there in contravention of the order and the safe custody of the vehicle and the power to make provision as to the payment of charges 4) A District Council shall not exercise its powers under any of the provisions of this Act [section 32, sub-sections (1), (3) and (4) of section 33, section 34 and section 35(1)] without the consent of the County Council; and any consent given by the County Council may be subject to such conditions or restrictions as it thinks fit
198	Designation of paying parking places on highways	Section 45 Road Traffic regulation Act 1984	✓	E	✓	✓		1) Power to impose charges, in consequence of a request to revoke or amend an order so that a particular length of road may cease to be a place where vehicles may be parked in accordance with the order, on the person making the request 2) The County Council may by order designate parking places on highways and make charges (of such amount as may be prescribed under section 46 of this act) for vehicles left in a parking place so designated
199	General powers of Parish Councils for provision of parking spaces	Sections 57 / 58 Road Traffic Regulation Act 1984	✓				✓	1 Parish Councils only 2) A Parish Council may, provide within their area and maintain suitable parking places for bicycles and motor cycles on or off road, or provide and maintain in their area suitable parking places, otherwise than on roads for vehicles generally 3) A Parish Council shall not have power by virtue of section 57(1) of this Act to provide a parking place in a road which is a highway or on land abutting on any such road without the consent of the County Council

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200	Duty to keep records of objects in the highway	Section 65 of the Traffic Management Act 2004	x					Not yet in force
201	Disposal of land by principal councils	Section 123 of the Local Government Act 1972	✓	E	✓			1) Subject to the provisions of this section of the act, the County Council may dispose of land held by them in any manner it wishes. 2) Reports to go to CabCo - Strategic Policy and Budget.
202	Powers relating to the displaying on public paths notices deterring public use	Section 57 of the National Parks and Access to the Countryside Act 1949	✓	E	✓			If any person places or maintains, on or near any way shown on a definitive map, or on a revised map prepared in definitive form, as a public path or road used as a public path, a notice containing any false or misleading statement likely to deter the public from using the way, he shall be liable on summary conviction to a fine
203	Duty to conserve biodiversity	Section 40 Natural Environment and Rural Communities Act 2006	✓					1) Duty of the County Council 2) The Council must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity
204	Powers relating to diversions / stopping up of PRoW	Sections 15 / 15A Open Cast Coal Act 1958	✓					1) Powers of the Coal Authority 2) Duty of the Coal Authority to inform the County Council when the proposal is published
205	Signposting of footpaths and bridleways	Section 27 Countryside Act 1968	✓	E	✓	✓		1) The Highway Authority, after consultation with the owner or occupier of the land concerned, shall have power to erect and maintain signposts along any footpath, bridleway or byway for which they are Highway Authority 2) Subject to subsection (3) of the act, at every point where a footpath, bridleway or byway leaves a metalled road the Highway Authority shall in exercise of their power under subsection (1) of the act erect and maintain a signpost 3) The Authority need not erect a signpost in accordance with subsection (2) of the act at a particular site if, after consulting with the council of the parish in which the site is situated, or as the case may be the chairman of the parish meeting for the parish, not having a Parish Council, in which the site is situated, are satisfied that it is not necessary, and if the Parish Council, or as the case may be the chairman of the parish meeting, agree
206	Safety arrangements at level crossings	Section 50 Road Safety Act 2006	✓					1) The Secretary of State may require the operator of the crossing or the local traffic authority (or both) to provide at or near the crossing any protective equipment specified in the order and to maintain and operate that equipment in accordance with the order 2) The Secretary of State may make an order in respect of a level crossing on being requested to do so by the operator of the crossing or without a request by the operator
207	Power to extinguish certain public rights of way	1) Section 32 of the Acquisition of Land Act 1981      2) Schedule 6 Highways Act 1980	✓					1) This applies where land is acquired, or proposed to be acquired in pursuance of a compulsory purchase order, or by agreement for a purpose, and by an authority, such that the compulsory acquisition of the land could be authorised by a compulsory purchase order, and there subsists over any part of the land a public right of way, not being a right enjoyable by vehicular traffic 2) If the acquiring authority is satisfied that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required, the acquiring authority may by order extinguish the right of way; and Schedule 6 to the Highways Act 1980 shall have effect as to the making, confirmation, validity and date of operation of any such order 3) If the acquiring authority is not the Secretary of State the order under subsection (2) of the act shall not take effect unless confirmed by the Secretary of State, or unless confirmed, as an unopposed order, by the acquiring authority under paragraph 2(1)(b) of Schedule 6 to the Highways Act 1980 as applied by this section of the act and the Secretary of State shall not confirm the order unless satisfied that this section applies, and that a suitable alternative right of way has been or will be provided, or that the provision thereof is not required 4) No order shall be made under subsection (2) of the act as respects a right of way over land on, over or under which there is any apparatus belonging to statutory undertakers unless the undertakers consent to the making of the order
208	Duty to keep definitive map and statement under continuous review	Section 53 Wildlife and Countryside Act 1981	✓	NE	✓	✓		The authority shall as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3) of the act and as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence, on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
209	Powers to determine that a right of way is an ancient highway	Section 53 and Schedule 14 Wildlife and Countryside Act 1981	✓					In those cases where the evidence in support of a claim, under Part III of the act, justifies such a determination
210	Power to include modifications in other orders	Section 53A Wildlife and Countryside Act 1981	✓					
211	Duty to keep a register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981	Section 53B Wildlife and Countryside Act 1981	✓	NE				
212	Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A Wildlife and Countryside Act 1981	✓	NE				

No.	Function	Provision of Act or Statutory Instrument	In Force	Executive (E) or Non-Executive Function (NE)	Delegation to Strategic Director - Economy, Transport & Environment	Delegation to Officer	District, Borough or Parish Council Responsibility	Comments
213	Power to extinguish right of way over land acquired for clearance	Section 294 Housing Act 1985	✓				✓	1) The local housing authority may, with the approval of the Secretary for State, by order extinguish any public right of way over land acquired by them under section 290 (land acquired for clearance) as from such date as the Secretary of State in approving the order may direct 2) Where the authority have resolved to purchase under that section land over which a public right of way exists, an order made by the authority in advance of the purchase and approved by the Secretary of State (whether before or after the purchase) shall extinguish that right as from such date as the Secretary of State in approving the order may direct
214	Agreements with respect to means of access to access land	Section 35 Countryside and Rights of Way Act 2000	✓	NE				1) Where it appears to the access authority that the opening-up, improvement or repair of any means of access to the land, the construction of any new means of access to the land, the maintenance of any means of access to the land, or the imposition of restrictions on the destruction, removal, alteration or stopping-up of any means of access to the land, or on the doing of any thing whereby the use of any such means of access to the land by the public would be impeded, is necessary for giving the public reasonable access to that land in exercise of the right conferred by section 2(1) of the act, the access authority may enter into an agreement with the owner or occupier of the land as to the carrying out of the works or the imposition of the restrictions 2) An agreement may provide for the carrying out of works by the owner or occupier or by the access authority and for the making of payments by the access authority as a contribution towards, or for the purpose of defraying, costs incurred by the owner or occupier in carrying out any works for which the agreement provides, or in consideration of the imposition of any restriction
215	Power to provide access in the absence of an agreement under Section 35 of the Countryside and Rights of Way Act 2000	Section 37 Countryside and Rights of Way Act 2000	✓	NE	✓			If the access authority are satisfied that they are unable to conclude on reasonable terms an agreement under section 35 of the act with the owner or occupier of the land for the carrying out of the works, the access authority may, subject to subsection (3) of the act, give the owner or occupier a notice stating that, after the end of a specified period of not less than twenty-one days, the authority intend to take all necessary steps for carrying out the works specified in the notice for the opening-up, improvement, repair, construction or maintenance of the means of access
216	Powers relating to complaints about high hedges	Sections 66 / 68 Anti-Social Behaviour Act 2003	✓				✓	1) Power of the District Councils 2) Not relevant for hedges adjacent to public highways
217	Duty of providers of services to make adjustments	Section 21 Disability Discrimination Act 1995	✓					1) Where a provider of services has a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled persons to make use of a service which he provides, or is prepared to provide, to other members of the public, it is his duty to take such steps as it is reasonable, in all circumstances of the case, for him to have to take in order to change that practice, policy or procedure so that it no longer has that effect 2) Where a physical feature makes it impossible or unreasonably difficult for disabled persons to make use of such a service, it is the duty of the provider of that service to take such steps that is reasonable, in all circumstances of the case, for him to have to take in order to remove the feature, alter it so that it no longer has that effect, provide a reasonable means of avoiding the feature or provide a reasonable alternative method of making the service in question available to disabled persons
219	Duty when carrying out functions to have regard to the need to eliminate unlawful discrimination and harassment and promote equality for each of theReGARDS categories	Sections 31 / 32 Equality Act 2006	✓					1) The Commission may assess the extent to which or the manner in which a person has complied with a duty under or by virtue of section 76A, 76B or 76C of the Sex Discrimination Act 1975 (c.65)(public authorities: duty to eliminate discrimination, &c.), section 71 of the Race Relations Act 1976 (c. 74) (public authorities: duty to eliminate discrimination, &c.), or section 49A or 49D of the Disability Discrimination Act 1995 (c.50) (public authorities: duty to eliminate discrimination, &c.) 2) Where the Commission thinks that a person has failed to comply with a duty under or by virtue of section 76A, 76B or 76C of the Sex Discrimination Act 1975 (c.65)(public authorities: duty to eliminate discrimination, &c.), section 71 of the Race Relations Act 1976 (c. 74) (public authorities: duty to eliminate discrimination, &c.), or section 49A or 49D of the Disability Discrimination Act 1995 (c.50) (public authorities: duty to eliminate discrimination, &c.)
220	Power to deal with nuisance parking offences	Sections 3 / 4 / 6 / 7 Clean Neighbourhoods and Environment Act 2005	✓				✓	1) Powers of the District Councils 2) Where on any occasion an authorised officer of a local authority has reason to believe that a person has committed an offence under section 3 or 4 in the area of that authority, the officer may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the local authority 3) If an authorised officer of a local authority proposes to give a person a notice under section 6, the officer may require the person to give him his name and address 4) A person commits an offence if he fails to give his name and address when required to do so under subsection (1) or he gives a false or inaccurate name or address in response to a requirement under that subsection 5) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine
221	To exercise any powers of the Council which involves the granting of a consent, licence, permission, registration or similar function	Derbyshire Act 1981						
222	To determine whether, and in what manner, to enforce any failure to comply with any approval, consent, licence, permission or registration granted by the Committee in the exercise of its responsibilities	Derbyshire County Council's Constitution		Either				1) Derbyshire County Council's Constitution 2) This is a general scheme item, consequently each case and any licence must be checked for specific provisions, which may supersede this item

No.	Function	Provision of Act or Statutory Instrument	In Force	Executive (E) or Non-Executive Function (NE)	Delegation to Strategic Director - Economy, Transport & Environment	Delegation to Officer	District, Borough or Parish Council Responsibility	Comments
223	Duty to conduct undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in the council's employment who may be affected thereby are not thereby exposed to risks to their health and safety	Sections 3(1) / 7 Health and Safety at Work etc. Act 1974	✓					Duty of individual employees
224	Temporary prohibition or restriction on roads	1) Section 14 Road Traffic Regulation Act 1984 2) The Local Authority (Transport Charges) Regulations 1998	✓	E	✓	✓		1) Power to impose charges, for an exemption from any prohibition or restriction imposed by the order on the stopping, parking, waiting, loading or unloading of vehicles on a road or anything in connection with or in consequence of a request to vary an order so as to create an exemption or exclusion from a prohibition or restriction imposed by the order on the stopping, parking, waiting, loading or unloading of vehicles on a road, on the person making the application 2) Power to impose charges, for anything done in connection with or in consequence of the making of an order under section 14(1) or the giving of a notice under section 14(2) for the reason mentioned in section 14(1)(a), on the person undertaking the works by reason of which the order was made or the notice given 3) If the traffic authority for a road are satisfied that traffic on the road should be restricted or prohibited the authority may by order restrict or prohibit temporarily the use of that road, or any part of it, by vehicles, or vehicles of any class, or by pedestrians, to such an extent and subject to such conditions or exceptions as they may consider necessary 4) The traffic authority for a road may at any time by notice restrict or prohibit temporarily the use of the road, or any part of it, by vehicles, or vehicles of any class, or by pedestrians, where it appears to them that the restriction or prohibition should come into force without delay
225	Power to require owners or occupiers of land to remove any object or device for the guidance or direction of persons using the road	Section 69 Road Traffic Regulation Act 1984	✓	E	✓	✓		1) The Council may by notice in writing require the owner or occupier of any land on which there is an object or device (fixed or portable) for the guidance or direction of persons using the road to remove it 2) If a person fails to comply with such a notice, the traffic authority may effect the removal, doing as little damage as may be; and the expenses incurred by them in doing so shall be recoverable by them from the person in default, and, in England or Wales, shall be so recoverable summarily as a civil debt
226	Power to remove vehicles illegally, obstructively or dangerously parked, or abandoned or broken down	Section 99 Road Traffic Regulation Act 1984	✓				✓	Powers of the District Councils
227	Power of certain local authorities to deal with dangerous trees	Sections 23 / 24 Local Government (Miscellaneous Provisions) Act 1976	✓				✓	1) Powers of the District Councils 2) If a District Council considers that a tree in any land in the area of the district is in such a condition that there is imminent danger to causing damage to persons or property that they may take such steps on the land as appropriate for the purpose of making the situation safe
228	Power of certain councils with respect to dangerous excavations	Sections 25 / 26 Local Government (Miscellaneous Provisions) Act 1976	✓				✓	1) Powers of the District Councils 2) If a District Council considers that an excavation in land in the area of the council which is accessible to the public from a highway or a place of public resort is unenclosed or inadequately enclosed and is a danger to the public then the council may carry out such works as appear to be necessary for the purpose of removing the danger
229	Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Sections 13 / 14 Criminal Justice and Police Act 2001	✓				✓	1) Powers of the District Councils 2) A place is, subject to section 14 of the act, a designated public place if it is a public place in the area of the local authority and identified in an order made by that authority under subsection (2) of the act 3) A place is not a designated public place or a part of such a place if it is a place where facilities or activities relating to the sale or consumption of intoxicating liquor are for the time being permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway related uses)
230	Prosecutions of persons committing any of the offences in relation to highway matters named	Section 28 Town Police Clauses Act 1847	✓				✓	1) Powers of the District Councils 2) Every person who in any street, to the obstruction, annoyance, or danger of the residents or passengers, commits any of the offences listed in the act, shall be liable to a penalty for each offence
231	Power to grant Pavement Licence	Section 1 Business and Planning Act 2020	✓				✓	1) Powers of a District Council in consultation with Highway Authority. 2) A person whose use or proposed use of any premises in England is or includes relevant use may apply to the appropriate local authority for a licence under this section (a "pavement licence") in respect of those premises. 3) A pavement licence in respect of any premises is a licence for the licence-holder to put removable furniture on part of a relevant highway adjacent to the premises for either or both of the purposes below. 4) The purposes are— (a) use of the furniture by the licence-holder to sell or serve food or drink supplied from, or in connection with relevant use of, the premises; (b) use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises. 5) A pavement licence may be granted for such period specified in the licence or if no time limit is specified, until 30 September 2021. 6) A pavement licence may be granted subject to such conditions considered reasonable.