



# **DECISION OF DIRECTOR OF DEVELOPMENT AND ENVIRONMENT**

**DECISION NO. 16/17 DE 201**

**SUBJECT:** Delegated Authority within Land Drainage Act 1991.

## **DETAILS**

The Council's Constitution delegates to the Director authority to exercise all the functions of the Local Highway Authority (including the authorisation of officers for that purpose) including functions of local authorities under the Land Drainage Act 1991.

The Land Drainage Act 1991 section 64 provides a power of entry for local authorities where any person authorised may at all reasonable times enter any land for the purpose of exercising any local authority functions under the Act. This includes powers to enter land, survey land and take levels of the land and inspect the condition of any drainage work on the land. This section also includes a power for the authorised officer to take with him such other persons and such equipment as may be necessary; and requires that notice should be given to the occupier except in an emergency.

The powers of entry under section 64 for any local authority function of the Act include powers under section 14 of the Act. These allow authorised officers to enter on the land to cleanse, repair or otherwise maintain in a due state of efficiency any existing watercourse or drainage work so far as may be necessary for the purpose of preventing flooding or mitigating any damage caused by flooding in their area.

It is desirable in the interests of the efficient functioning of the Authority that powers are delegated to the relevant officers for the purpose of preventing flooding or mitigating any damage caused by flooding in the area. This includes the ability to undertake localised improvement works and investigate flooding issues including in emergency situations.

## **DECISION**

1. That the Head of Highways and Transport, Highways Service Manager and Council Officers listed in the appendix are authorised to exercise the Director's delegated powers for the purpose of preventing flooding or mitigating any damage caused by flooding in the area in accordance with the powers under the Land Drainage Act 1991 as amended.
2. That the Head of Highways and Transport and the Highways Service Manager is authorised to exercise by delegated powers to add to or amend the list of officers authorised to use powers under the Land Drainage Act 1991 as necessary.

**REASONS**

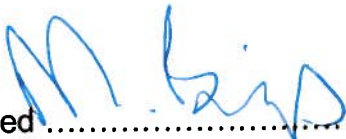
To ensure that decisions are made at the appropriate level so as to reduce unnecessary delays and costs to for the purpose of preventing flooding or mitigating any damage caused by flooding in their area.

**OTHER ALTERNATIVES CONSIDERED**

None

**FINANCIAL IMPLICATIONS**

None

Signed  ..... Director of Development and Environment

Dated  .....

**Appendix: Authorisations to use delegated powers for the Land Drainage Act 1991**

Legislation	Name	Position
Land Drainage Act 1990	Colin Medus Frank Cox Doug Barker Lucy Nicholson Robert Hanson Freddie Holland Susan Munns Jason Reading	Head of Highways and Transport. Highway Service Manager. Flood Risk Manager Senior Flood Risk Engineer Assistant Flood Risk Engineer Assistant Flood Risk Engineer Lead Flood Risk Officer Flood Risk Engineer