

**CABINET – 4 APRIL 2006**

**APPOINTMENT OF PROPER OFFICER UNDER SECTION 59  
HIGHWAYS ACT 1980**

**REPORT OF THE CHIEF EXECUTIVE**

**PART A**

**PURPOSE OF REPORT**

1. To advise Cabinet of urgent action taken by me in consultation with the Leader and Deputy Leader to appoint the Director of Highways, Transportation and Waste Management as 'Proper Officer' for the purposes of Section 59 of the Highways Act 1980.

**RECOMMENDATION**

2. It is recommended that the Cabinet notes the appointment of the Director of Highways, Transportation and Waste Management as 'Proper Officer' for the purposes of Section 59 of the Highways Act 1980 and approves the consequent amendment to the Council's Scheme of Delegation.

**REASON FOR RECOMMENDATION**

3. The Scheme of Delegation requires that any urgent action taken by a Chief Officer between meetings be reported to Members and duly minuted.

**TIMETABLE FOR DECISIONS**

4. The Director of Highways, Transportation and Waste Management considered it necessary to commence the procedure under s.59 Highways Act 1980 in advance of this meeting of the Cabinet to ensure recovery of expenses to be incurred.

**POOLICY FRAMEWORK AND PREVIOUS DECISIONS**

5. The Scheme of Delegation authorises Chief Officers (in consultation with the relevant members) to take action between meetings of Committee where such action is urgently required.

**CIRCULATION UNDER THE SENSITIVE ISSUES PROCEDURE**

Mr S J Galton, CC

**OFFICERS TO CONTACT**

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## **PART B**

### **BACKGROUND**

6. In 2000, Harborough District Council granted Planning Permission for the change of use of a piece of land at Great Easton, to use as a wood yard and saw mill and erection of associated buildings.
7. Some time during 2005, part of the site was sublet and is in use as a concrete batching area. This use was without Planning Permission and Harborough now have an operative Enforcement Notice in respect of it. Largely because of the increased size of the vehicles involved, considerable damage has been caused to the section of Gatehouse Lane.
8. There is a process in Section 59 of the Highways Act whereby the Highway Authority can recover “extraordinary expenses” incurred by it in repairing/maintaining a highway where the damage to the traffic is caused by traffic of excessive weight or other extraordinary traffic. The trigger for recover is the issue by the “proper officer” of a certificate to the amount of those expenses but no-one has previously been appointed as such.
9. In view of the urgency of the matter, I indicated to the Leader and Deputy Leader that I proposed to appoint the Director of Highways, Transportation and Waste Management as ‘Proper Officer’ under Section 59 of the Highways Act 1980. They expressed their support for this proposal and I subsequently appointed the Director as ‘Proper Officer’ for the purposes of Section 59.

### **EQUAL OPPORTUNITIES IMPLICATIONS**

10. None.

### **BACKGROUND PAPERS**

None.