

# **STATES OF JERSEY**



## **STATES OF JERSEY LAW 2005: DELEGATION OF FUNCTIONS – TRANSPORT AND TECHNICAL SERVICES**

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**Presented to the States on 29th November 2007  
by the Minister for Transport and Technical Services**

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**STATES GREFFE**



## REPORT

On 27th November 2007, the Minister for Transport and Technical Services made a decision delegating certain of his functions under Article 28 of the States of Jersey Law 2005 in respect of the legislation as detailed below.

The terms of the delegation were recorded in a ministerial decision as follows –

<b>DELEGATED AUTHORITY</b>	<b>RELEVANT LAW</b>	<b>DETAIL</b>	<b>TO WHOM</b>
Issuing licences under Highways Law	Highways (Jersey) Law 1956	TTS as highway authority for main roads has powers to issue licences for things to be placed over, on or below main roads	Chief Officer Director – Municipal Services Manager – Highways and Infrastructure Maintenance Manager – Traffic and Streetworks Director – Transport Manager – Transport Policy
Traffic signs	Road Traffic (Jersey) Law 1956	Road traffic law permits TTS to erect signs (in some circumstances TTS is obliged to erect signs, e.g. regulatory signs such as speed limits, no entry, etc.)	Chief Officer Director – Municipal Services Manager – Highways and Infrastructure Maintenance Director – Transport Manager – Transport Policy
Temporary changes to Traffic Orders	Road Traffic (Jersey) Law 1956	Temporary changes can be made to Parish Orders for a period up to 12 months, if approved by the Connétable and Roads Committee and are non-contentious	Chief Officer Director – Municipal Services Director – Transport Manager – Transport Policy Manager – Traffic and Streetworks
Speed limits – applications from all quarters including parishes and States members as well as public	Road Traffic (Jersey) Law 1956	Officers to apply States approved policy and notified to Minister for approval on a quarterly basis	Chief Officer Director – Municipal Services Director – Transport Manager – Transport Policy
Install, remove or move bus stops	Motor Traffic (Jersey) Law 1935	Bus stops also require approval of the Connétable of the relevant Parish if on a by-road. Non-contentious measures only.	Chief Officer Director – Municipal Services Director – Transport Manager – Transport Policy Manager – Traffic and Streetworks
Approve applications for “alfresco” areas	Customary Law (Choses Publiques) (Jersey) Law 1993	Approve non-contentious requests and inform Connétable of the Parish who issues a permit if approved by the Parish	Chief Officer Director – Municipal Services Director – Transport Manager – Transport Policy

DELEGATED AUTHORITY	RELEVANT LAW	DETAIL	TO WHOM
<p>opt tenders not exceeding £200,000</p>	<p>Public Finances (Jersey) Law 2005</p>	<p>By formal contract documentation</p>	<p>Chief Officer Director – Municipal Services Director – Transport Director – Waste Management</p>
<p>joint consultants for construction and engineering works</p>	<p>Public Finances (Jersey) Law 2005</p>	<p>Where the TTS is Client</p>	<p>Chief Officer Director – Municipal Services Director – Transport Director – Waste Management</p>
<p>off bad debts: with an individual value of less than £5,000 and a combined total of less than £25,000</p> <p>with an individual value of less than £1,000 and a combined total of less than £5,000</p>	<p>Public Finances (Jersey) Law 2005</p>	<p>Subject to them being reported to the Minister on a quarterly basis with an explanatory report</p>	<p>Chief Officer Director – Finance</p> <p>Chief Officer Director – Finance</p>
<p>off stock: with an individual value of less than £5,000 and a combined total of less than £50,000</p> <p>with an individual value of less than £1,000 and a combined total of less than £5,000</p>	<p>Public Finances (Jersey) Law 2005</p>	<p>Subject to them being reported to the Minister on a quarterly basis with an explanatory report</p>	<p>Chief Officer Director – Finance</p> <p>Chief Officer Director – Finance</p>
<p>rove the department's authorised nature schedule and approved expenditure is conditional upon it being within pre-ordained limits</p>	<p>Public Finances (Jersey) Law 2005</p>		<p>Chief Officer Director – Finance</p>
<p>ning Applications – permits</p>	<p>Planning and Building (Jersey) Law 2002</p>	<p>Provision of Highway and Drainage observations and the comments on Planning Applications. These will be reported to the Minister for noting</p>	<p><b>See Below for Appendix listing officers with delegated responsibilities</b></p>

<b>DELEGATED AUTHORITY</b>	<b>RELEVANT LAW</b>	<b>DETAIL</b>	<b>TO WHOM</b>
Carrying on a trade or business in a parking or public place	Public Parking Places (Jersey) Order 2006  Policing of Parks (Jersey) Regulations 2005	Where non-contentious, e.g. selling JEPs, ice-cream concessions, etc.	Chief Officer Director – Municipal Services Director – Transport Manager – Parking Control
Charity collections in parking or public places	Public Parking Places (Jersey) Order 2006  Policing of Parks (Jersey) Regulations 2005	Where non-contentious, e.g. poppy appeal, etc.	Chief Officer Director – Municipal Services Director – Transport Manager – Parking Control Manager – Parks and Gardens
Approval of requests for use of land administered by TTS for events, e.g. Victoria Avenue car parks, other car parks, etc.	Public Parking Places (Jersey) Order 2006  Policing of Parks (Jersey) Regulations 2005	Where non-contentious and often annual; reported to the Minister for noting on a quarterly basis	Chief Officer Director – Municipal Services Manager – Highways & Infrastructure Maintenance Director – Transport Manager – Parking Control Manager – Parks and Gardens
Indicate the speed and route to be taken and other restrictions to be observed by a person driving a vehicle in a parking place or by pedestrians	Public Parking Places (Jersey) Order 2006	Directional signs within car parks	Chief Officer Director – Transport Manager – Parking Control
Restrict the size or mass of vehicles that may use the whole or any part of the parking place	Public Parking Places (Jersey) Order 2006	Restriction on Commercial and/or agricultural vehicles in certain parking places	Chief Officer Director – Transport Manager – Parking Control
Close for any period and for any purpose the whole or any part of the parking place	Public Parking Places (Jersey) Order 2006	For events, maintenance works, setting aside an area for utility companies to lease as compounds whilst working in the area, etc., when non-contentious	Chief Officer Director – Transport Manager – Parking Control
Set aside permanently or for any period the whole or any part of the parking place for parking vehicles of a type specified in the notice	Public Parking Places (Jersey) Order 2006	Changing of parking space layouts within car parks to move commercial vehicle spaces, motorcycle parking, etc., where non-contentious	Chief Officer Director – Transport Manager – Parking Control

<b>REGATED AUTHORITY</b>	<b>RELEVANT LAW</b>	<b>DETAIL</b>	<b>TO WHOM</b>
side permanently or ny period the whole ly part of the parking e for parking cles on which a valid it is displayed	Public Parking Places (Jersey) Order 2006	Moving of permit holder areas within the parking area such as Disabled Bays, States Members' Parking, etc., when non- contentious	Chief Officer Director – Transport Manager – Parking Control
: approval for a boat, r or thing to be ed or placed in a ing place	Public Parking Places (Jersey) Order 2006	When non-contentious	Chief Officer Director – Transport Manager – Parking Control
: permission for rtising material to be ed in a parking place	Public Parking Places (Jersey) Order 2006	When non-contentious	Chief Officer Director – Transport Manager – Parking Control
a vehicle in ection with a trade usiness while it is ed in a parking space	Public Parking Places (Jersey) Order 2006	When non-contentious	Chief Officer Director – Transport Manager – Parking Control
w the consumption cohol in a parking e	Public Parking Places (Jersey) Order 2006	Allow alcohol to be consumed in a public car park as part of an event such as a Fête in a car park, when non- contentious	Chief Officer Director – Transport Manager – Parking Control

**APPENDIX TO DELEGATED AUTHORITIES FOR DELEGATION OF PLANNING APPLICATION DUTIES**

<b>HIGHWAYS</b>	<b>DRAINAGE</b>
<p>with responsibility:–</p> <p>Chief Officer            Director – Municipal Services            Manager – Traffic and Streetworks            Director – Transport            Manager – Transport Policy</p>	<p>Officers with responsibility:–</p> <p>Chief Officer            Director – Waste Management            Principal Engineer – Drainage            Senior Engineer – Drainage            Records Manager</p>
<p>Applications lists issued by the Planning Department are inspected.</p> <p>The Planning Department issues copies of all applications for sites bordering main roads to the Transport and Technical Services Department (TTSD) for comment in respect of Article 14 of the Planning and Building (Jersey) Law 2002 (formerly Article 6(6) of the Island Planning (Jersey) Law 1964). Comment is requested to be returned within 14 days.</p> <p>In addition, officers from TTSD will request information on sites that while not bordering a main road might have significant traffic that will have an impact on roads.</p> <p>The Manager – Traffic and Streetworks inspects each application and will visit each site.</p> <p>The Manager – Traffic and Streetworks will submit comment on the application on the adequacy of drainage, access, servicing and turning facilities. If the development site is subject to any of the Department’s policies or policies for provision of footways, these will be highlighted and taken into account when making comment.</p> <p>The Manager – Traffic and Streetworks will discuss the application with the Manager – Transport Policy, in addition, any recommendation to reject the application or provision that highway measures are required, for example, provision of a public footway, or where an application may conflict with the Department’s policy on sustainable development.</p> <p>The Manager – Transport Policy or the Manager – Traffic and Streetworks will approve the comments, request further investigation or request further comment. Comments are forwarded to the Planning Department normally within the requested timeframe.</p> <p>Comments are submitted to the Minister for noting.</p> <p>In cases where a development will have a very significant impact on the Minister’s policy areas, e.g. provision of a major retail outlet, a report will normally be submitted to the Minister for sanctioning.</p>	<p>The applications lists issued by the Planning Department are inspected.</p> <p>The Planning Department issues copies of all applications to the Transport and Technical Services Department (TTSD) for comment in respect of Article 16 of the Planning and Building (Jersey) Law 2002 (formerly Article 6(7) of the Island Planning (Jersey) Law 1964). Comment is requested to be returned within 14 days.</p> <p>The Records Manager inspects each planning application and will visit site where necessary.</p> <p>The Records Manager will submit comment on the application on the adequacy of drainage provision for the development and proposals for connecting to the mains drainage system. If the development site is subject to any of the Minister’s policies for provision of drainage, this will be highlighted and taken into account when making comment. The Records Manager consults the Senior Engineer (Drainage) prior to submitting his comments.</p> <p>The comments are forwarded to the Planning Department normally within the requested timeframe.</p> <p>The comments are submitted to the Minister.</p> <p>In cases where a development will have a very significant impact on the Minister’s policy areas, e.g. provision of a major retail outlet, a report will normally be submitted to the Minister for sanctioning.</p>

## DRAINAGE (JERSEY) LAW 2005

### SCHEDULE OF AUTHORISED PERSONS

Authorised Person	Authorised to exercise power under Articles
Chief Executive Officer	8, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 30, 31, 34, 35, 37
Director of Waste Management	8, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 30, 31, 34, 35, 37
Principal Engineer, Liquid Waste	8, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 30, 31, 34, 35, 37
Senior Engineer, Drainage Design	8, 12, 13, 14, 15, 16, 17, 18, 19, 23, 27, 30, 31, 34, 35, 37
Records Manager	8, 12, 13, 14, 15, 16, 17, 18, 19, 23, 30, 31, 34, 35, 37
Manager – Liquid Waste Treatment	22, 23, 24, 25, 26, 27, 34, 35, 37
Senior Engineer – Contracts Management	15, 16, 17, 23, 27, 30, 31, 34, 35, 37
Assistant Manager Drainage	15, 16, 31, 34
Assistant Manager Drainage Maintenance	15, 16, 31, 34
Leading Chargehand Drainage Investigations	15, 34
Chargehand Drainage Survey	15, 34
Senior Surveyor	34
Surveyor	34
Departmental Duty Officers	34

	<b>Title</b>	<b>Brief Description</b>
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Article		
8	Sewers and drains to the sea	Restricts discharge to sea shore without consent
12	Adoption of other sewerage facilities	Power to adopt sewerage facilities as public
13	Separation of foul and surface water sewers	Power to reserve sewer for foul or surface water only
14	Obligation to connect to public sewer	Power to require property owner to connect to the sewer
15	Repair of sewers and drains by owners	Power to examine sewer or drain and require property owner to repair
16	Restricted discharges into sewers and drains	Restricts surface water from being discharged to foul sewers without consent
17	Disturbance of public sewers	Restricts building close to sewer, or connecting to sewer, without consent
18	Septic tanks	Restricts use of septic tanks where property is connected to sewer
19	Abandonment of public sewerage facilities	Power to discontinue or prohibit use of public sewer
22	Trade effluent discharge consents	Power to issue a discharge consent
23	Production of plans and furnishing of information	Requirement on owner to provide information on discharge
24	Variation, suspension and revocation	Power to amend trade discharge consent
25	Transfers	Power to transfer trade discharge consent to new holder
26	Information about harmful effluent	Power to request information about nature of trade discharge
27	Control of harmful effluent	Power to require person to dispose of harmful trade effluent
30	Alternation of designated flood defences	Restricts alterations without consent

	<b>Title</b>	<b>Brief Description</b>
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Article		
31	Repair of other flood defences	Power to require work to be undertaken by owner on flood defences
34	Exercise of ancillary powers	Powers of entry for inspection, survey purposes, etc.
35	Remedial action by person causing damage	Power to require owner to correct damage
37	Remedial action by Minister	Power for TTSD to correct damage at owner's cost