

PART 4

RESPONSIBILITY FOR FUNCTIONS

WORKING DRAFT

- (a) the value of the interest in the land or building, as confirmed by the Head of Property and Asset Management or a person nominated by him or her, does not exceed £20k in rental value per annum or, if acquired or granted at a premium does not exceed £50k in value; and
- (b) the interest is an easement, a licence or a lease and is for a term which does not exceed seven years less 2 days, and
- (c) The Head of Property and Asset Management is consulted and gives prior approval to the terms of any transaction, and
- (d) The terms of any interest granted are forwarded to the Head of Property and Asset Management, or a person nominated by him or her, to note on the Council's asset register.

4.2 No freehold land or buildings shall be disposed of by a director.

4.3 The Head of Property and Asset Management may acquire any interest in land or buildings for, or in connection with, any of the Council's functions and may dispose of or grant easements, licences or leases in respect of any land or buildings, except where the value of the interest in the land or building, in his or her view, exceeds ~~£100k~~ in rental value per annum or, if acquired, disposed of or granted at a premium, exceeds ~~£300k~~¹ in value.

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4.4. Neither the directors or the Head of Property and Asset Management may sell or grant any lease or easement, licence or otherwise dispose of any land or buildings unless the consideration received, as confirmed by the Head of Property and Asset Management, is the best that can reasonably be obtained, whether or not the grant, sale or disposal is covered by a general or specific consent from the relevant Secretary of State.

4.5 Nothing in this paragraph 4 shall prevent the Director of Housing and Community Care from granting, in accordance with the Council's policies and procedures, any secure tenancy of housing accommodation nor from selling the leasehold or freehold interest in any residential property pursuant to the right to buy scheme or the voluntary sales scheme as promoted by the Secretary of State from time to time.

4.6 In acquiring, selling or disposing of any land or buildings or granting any lease, licence or easement in respect thereof regard shall be had to any relevant Corporate Standards on property acquisitions, management and disposals.

4.7 No person shall create or grant a service tenancy or service occupancy without the prior written approval of the Chief Executive.

4.8 In any cases where officers do not have or may not exercise delegated powers in respect of land or buildings the matter shall be determined by the Executive (unless precluded by law or the Constitution from exercising that power in which case the matter will be determined by the General Purposes Committee where possible or the Full Council if not possible).

4.9 For the avoidance of doubt the rules in this paragraph 4 do not apply to the adoption of highways and footways if there is no legal transfer of title to land.

¹ [This increase is being recommended by officers, as set out in the covering report](#)

<p>14. Power to issue entertainment licences.</p>	<p>Section 12 of the Children and Young Persons Act 1933 section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982.</p>	
<p>14A. Functions related to alcohol and public entertainment licensing</p>	<p>Licensing Act 2003</p>	
<p>14B Functions related to gambling licensing, including the power to resolve not to issue a casino premises licence</p>	<p>Gambling Act 2005</p>	<p>Full Council in respect of the power to resolve not to issue a casino premises licence under section 166 of the Gambling Act 2005²</p>
<p>15. Power to license sex shops and sex cinemas.</p>	<p>The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.</p>	
<p>16. Power to license performances of hypnotism.</p>	<p>The Hypnotism Act 1952.</p>	
<p>17. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.</p>	<p>Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.</p>	
<p>18. Power to license pleasure boats and pleasure vessels.</p>	<p>Section 94 of the Public Health Acts Amendment Act 1907.</p>	

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² [This change makes it clear that none of the functions relating to alcohol and entertainment licensing and gambling licensing are executive functions. It also makes it clear that the power to resolve not to issue a casino premises licence is a function of Full Council. The definition of Policy Framework includes both types of licensing policy statement which also have to be approved by Full Council. Fees can be set by the Alcohol and Entertainment Licensing Committee.](#)

I. Miscellaneous functions		
Part I: Functions relating to public rights of way		All of the functions listed under Part 1 of this section will be exercised by the Director of Environment and Culture or by a person nominated or authorised by him or her unless³ within the terms of reference of a Council committee or sub-committee or unless otherwise specified
1. Power to create footpath or bridleway by agreement.	Section 25 of the Highways Act 1980.	General Purposes Committee
2. Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980.	General Purposes Committee
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.	
4. Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.	General Purposes Committee
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.	General Purposes Committee
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.	General Purposes Committee
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.	General Purposes Committee
8. Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.	
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.	

Deleted: falling within the terms of reference of the Highways Committee of the Executive or

³ [This change needs to be made since none of the functions can in fact be carried out by the Highways Committee as it is an executive committee.](#)

<p>19. Power to authorise temporary disturbance of surface of footpath or bridleway.</p>	<p>Section 135 of the Highways Act 1980.</p>	
<p>20. Power temporarily to divert footpath or bridleway.</p>	<p>Section 135A of the Highways Act 1980.</p>	

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