



City of London Corporation (Open Spaces) Act 2018

2018 CHAPTER i

General powers

5 Land management

- (1) The Corporation may, if it appears to the Corporation to be necessary or expedient for the proper management or husbandry of the land forming part of an open space and its flora and fauna, undertake—
 - (a) the cutting, felling, lopping, chipping, mulching, swaling, cultivation or collection of any trees, pollards, gorse, heather, turf, grass or other shrubs, crops or herbage;
 - (b) the scraping of soil; and
 - (c) the grazing of cattle or other animals.
- (2) In relation to Epping Forest, the Corporation must, in respect of each year in which the grazing of animals is proposed under subsection (1)—
 - (a) take reasonable steps to ascertain the extent to which the relevant rights of common are likely to be exercised in that year; and
 - (b) ensure that a sufficient area of land is maintained so as to allow for the exercise of those rights to the extent so ascertained.
- (3) In subsection (2), “relevant rights of common” means such of the rights mentioned in section 5 of the Epping Forest Act 1878 as are liable to be affected by the proposed grazing.

6 Letting of buildings

- (1) Where the Corporation has entered into arrangements for the provision by another person of a service or facility in, or in connection with, an open space, the Corporation may let to that person any building which the Corporation would have been able to use for the purpose of providing that service or facility.

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- (2) Where any building held by the Corporation for purposes connected with the management of an open space or its enjoyment by the public is, in the opinion of the Corporation, no longer required for those purposes, the Corporation may let the building to another person, or permit another person to occupy it, for the purpose of any use that will not cause material injury to the amenity of the open space.
- (3) A lease or permission granted under subsection (1) or (2) may be for any period not exceeding 15 years or, where there are exceptional circumstances, 21 years.
- (4) The exceptional circumstances referred to in subsection (3) are circumstances in which the Corporation is satisfied that a period exceeding 15 years is necessary to secure investment in the building in respect of which the lease or permission is to be granted.
- (5) In exercising the power in subsection (1), the Corporation must have regard to the desirability of ensuring that the service or facility to which the lease relates is provided to a satisfactory standard throughout the duration of the lease.
- (6) Before granting a lease under subsection (1), the Corporation must consult such persons or bodies as it thinks appropriate (which must include any committee or group established by statute for the purpose of consultation about the management of the open space).
- (7) Part II of the Landlord and Tenant Act 1954 (which provides security of tenure for commercial tenancies) and section 5 of the Housing Act 1988 (which provides security of tenure for assured tenancies) do not apply to a lease granted under subsection (1) or (2).
- (8) In this section, “building” includes the curtilage of a building.

7 Facilities for events

- (1) In this section “event” means—
 - (a) a ceremony, celebration, entertainment or similar occasion; or
 - (b) a conference, an exhibition or the making of a film.
- (2) The Corporation may—
 - (a) temporarily use or permit others to use land (including buildings) forming part of an open space for the purposes of an event;
 - (b) provide, or arrange for another person to provide, equipment, facilities or services for the purposes of an event;
 - (c) so far as appears to the Corporation to be necessary in connection with an event, restrict or authorise others to restrict access temporarily to an area of land forming part of the open space; and
 - (d) charge for permission or provision given or made under paragraph (a) or (b) or charge or authorise others to charge for admission to an area to which access is so restricted.
- (3) The Corporation must exercise the powers in subsection (2) having regard to a policy concerning the exercise of the powers prepared by the Corporation in consultation with such persons or bodies as it thinks appropriate (which must include any committee or group established by statute for the purpose of consultation about the management of the open space).
- (4) The policy must, in particular, contain provision—

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- (a) requiring that—
 - (i) in deciding whether, and on what terms, to permit an event under subsection (2), the Corporation must have regard to the character and local environment of the open space (or the part of the open space in which the event is to take place);
 - (ii) such an event (whether individually or taken with other events) does not cause material injury to the amenity of the open space or significant impairment to the public enjoyment of the open space; and
 - (iii) the locations in the open space to which events are confined are specified, and, in relation to land to which the London Government Reorganisation (Hampstead Heath) Order 1989 applies, that any structure erected is not on a part of the land which is unbuilt on; and
- (b) limiting the frequency and duration of events in the open space.

8 Grant of rights for utilities

- (1) The Corporation may grant easements or licences in relation to land forming part of an open space in connection with the provision of services relating to water, electricity, gas, oil, electronic communications, drainage or sewerage.
- (2) A grant under subsection (1) is to be made on such terms and conditions as appear to the Corporation to be necessary in order to avoid material injury to the amenity of the open space.

9 Agreements with highway authorities and traffic authorities

- (1) The Corporation may enter into an agreement with a highway authority or traffic authority about the exercise of their respective functions as they relate to an open space.
- (2) An agreement under subsection (1) may include agreement for—
 - (a) the provision, installation or maintenance of signs, fences, gates, cattle-grids, road-humps, traffic-calming works, or any other works or equipment;
 - (b) the restriction or regulation of traffic; or
 - (c) the making, or dedication to the public, of a road or path.
- (3) In exercising the power in subsection (1), the Corporation must have regard to the amenity of the open space and the interests of persons resorting to it, and to the interests of inhabitants of the locality of the open space and other persons using the highways in that locality.

10 Control of commercial activity

- (1) The Corporation may make a scheme (a “licensing scheme”) for the purposes of controlling activity in an open space carried on for commercial gain.
- (2) Where an activity is specified in a licensing scheme (a “specified activity”), the Corporation may grant a licence for the carrying on of that activity.
- (3) The Schedule makes provision about licensing schemes and the grant of licences under subsection (2).

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- (4) A person who, without reasonable excuse, carries on a specified activity without a licence granted under subsection (2), or in contravention of the terms or conditions of such a licence, commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) Nothing contained in this section is to be taken as conferring a right of access to an open space for the purpose of carrying on a specified activity other than in accordance with a licence granted under subsection (2).