



RESEARCH PAPER 06/60
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The Greater London Authority Bill

Bill 11 of 2006-7

This Bill is designed to give legislative effect to the Policy Statement issued by the Government on 13 July 2006 in relation to the Greater London Authority. Following a manifesto commitment in 2005 to review the powers of the London Mayor and Assembly, proposals were published to increase the Mayor's strategic role in relation to housing, health, planning, culture, climate change, waste, and the environment. The environmental issues, including planning, are dealt with in a separate *Library Research Paper 06/61 Greater London Authority Bill - Planning and Environmental Functions*. The powers of the Mayor to make appointments to London Fire and Emergency Planning Authority are widened and he is given a new power to issue directions. A new system of severance payments is introduced for the Mayor and Assembly Members on ceasing to hold office.

The Bill will also enhance the powers of the Assembly, allowing it to set its own budget on a two thirds majority and to hold confirmation hearings with candidates for key appointments to be made by the Mayor. The Mayor will be subject to an explicit duty to have regard to responses to his strategies from the Assembly and the associated functional bodies (Transport for London, Metropolitan Police, London Fire and Emergency Planning Authority and London Development Agency.) The Mayor and Assembly will jointly appoint the Authority's Head of Paid Service, Monitoring Officer and Chief Finance Officer, and responsibility for staff appointments will pass to the Head of Paid Service.

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Summary of main points

The *Greater London Authority Act 1999* re-established a system of democratic strategic government in the capital. Following abolition of the Greater London Council in 1986, a complex web of bodies had been responsible for aspects of city-wide policies. The model chosen by the new Labour Government was unique. It comprised a Mayor elected by Supplementary Vote and a 25 member Assembly elected by the Additional Member System, which formed a single Greater London Authority (GLA). Consequently there is not necessarily a clear division of responsibilities for the budget and for staffing between the Assembly and the Mayor.

The Mayor was given executive powers, and the Assembly was responsible for scrutiny and for the appointment of the majority of the Authority staff. However, the Mayor's role was designed to be strategic rather than directly responsible for policy delivery. He has powers to draw up the budget for the GLA Group and appoint to four functional bodies: Transport for London, Metropolitan Police, London Development Agency and the London Fire and Emergency Planning Authority. These four bodies account for the great majority of the cost of the precept on London borough council tax payers. Ken Livingstone (Labour) is in his second term as London Mayor, having originally stood as an independent candidate in 2000. The GLA is not responsible for all strategies affecting London; the Government Office for London continues to carry out a range of functions, for instance.

The Labour Party's manifesto for the 2005 general election promised to review the powers of the Mayor and Assembly and, following consultation, a Policy Statement was issued in July 2006. The *Greater London Authority Bill* is designed to change the 1999 scheme of governance. The Mayor's strategic powers are extended to cover housing, health, climate change, waste, culture and planning. He will appoint a new Health Adviser, take over the functions of the London Housing Board and appoint board members to the Museum of London. The most controversial area is expected to be planning, dealt with in Library Research Paper 06/61 *Greater London Authority Bill - Planning and Environmental Functions*. The Bill proposes retaining the London boroughs as the planning authority for the vast majority of applications but granting the Mayor three further powers, to direct changes to boroughs programmes, for local development plans, with a stronger say on whether draft plans are in conformity to his London plan; and to determine planning applications of strategic importance.

The Mayor has been given powers to chair or appoint the Chair and Deputy Chair(s) of the Metropolitan Police in the *Police and Justice Act 2006* and will gain powers to chair a new Skills and Employment Board in the *Further Education and Training Bill [HL] 2006-07*. The Mayor will be subject to a new duty in this Bill to have regard to responses to his draft strategies from the Assembly and functional bodies.

Currently, the Mayor proposes a draft consolidated budget for the overall GLA Group and draft component budgets for each of the four functional bodies and the Authority, which the Assembly can amend by a two-thirds majority. The Bill splits the component budget for the Authority into one for the Assembly and one for the rest of the Authority (the Mayor's budget). The Assembly will be able to amend each final draft budget, but only on a two thirds majority, and is limited in the extent to which it may increase its own budget. The Assembly will also be able to scrutinise the Mayor's new strategic responsibilities and hold confirmation

hearings in relation to proposed key appointments by the Mayor. However, power to appoint staff will pass from the Assembly to the (permanent) head of paid service, an office to be appointed jointly by the Mayor and Assembly. The Assembly will be required to produce an annual report.

The Mayor will have a new duty to prepare and publish a new health inequalities strategy and appoint a Health Adviser and Deputy Health Adviser. The Mayor will take over the functions of the London Housing Board and will have a major strategic role in meeting the capital's diverse housing needs. The Greater London Authority will make appointments to the Museum of London Board, in place of the Department for Culture, Museums and Sport. Both the Assembly and the Mayor will have a duty to address climate change, and the Mayor will be required to prepare a London climate change mitigation and energy strategy.

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I Background

In their 1997 general election manifesto, the Labour Party promised, if elected, to introduce plans for a new London Mayor and Assembly:

London is the only Western capital without an elected city government. Following a referendum to confirm popular demand, there will be a new deal for London, with a strategic authority and a mayor, each directly elected. Both will speak up for the needs of the city and plan its future. They will not duplicate the work of the boroughs, but take responsibility for London-wide issues - economic regeneration, planning, policing, transport and environmental protection. London-wide responsibility for its own government is urgently required. We will make it happen.¹

When elected in May 1997, the Labour Government set out its proposals for a Greater London Authority in the white paper *A Mayor and Assembly for London*.² A referendum in May 1998 approved the Government's proposals by 72% to 28%, with a 34% turnout. The Authority, which comprises the Mayor of London and a 25-member Greater London Assembly, was established by the *Greater London Authority Act 1999*³ (GLA Act 1999). It currently employs around 700 staff (130 employed by the Mayor's Office, 100 in the Assembly Secretariat and 470 employed to provide support to both the Mayor and the Assembly⁴). The aim of the new arrangements was to provide the city with the strategic direction perceived to be lacking following the abolition of the Greater London Council in 1986.⁵

The Authority has responsibility, to various extents, for: -

- Transport
- Economic development and regeneration
- The environment
- Planning (overall framework)
- Police
- Fire and emergency planning
- Culture, media, sport and tourism

There are four 'functional bodies' which are responsible for carrying out various aspects of the GLA's work. These are (1) Transport for London (2) the London Development Agency (3) the Metropolitan Police Authority (4) the London Fire and Emergency Planning Authority.⁶

¹ Further details of Labour's plans can be found in *A Voice for London*, 1996

² Cm 3897, March 1998. An overview of the Government's original plans is available in Library Research Paper 97/114, *The Greater London Authority (Referendum) Bill*

³ *Greater London Authority Act 1999* (Chapter 29).

⁴ Figures provided by the Head of Human Resources of the Greater London Authority.

⁵ An historical overview of London governance is available from Library Research Paper 98/115, 'The *Greater London Authority Bill: A Mayor and Assembly for London*, particularly pages 8-13. Pages 13-17 provide an overview of arrangements as they were directly preceding the establishment of the Greater London Authority.

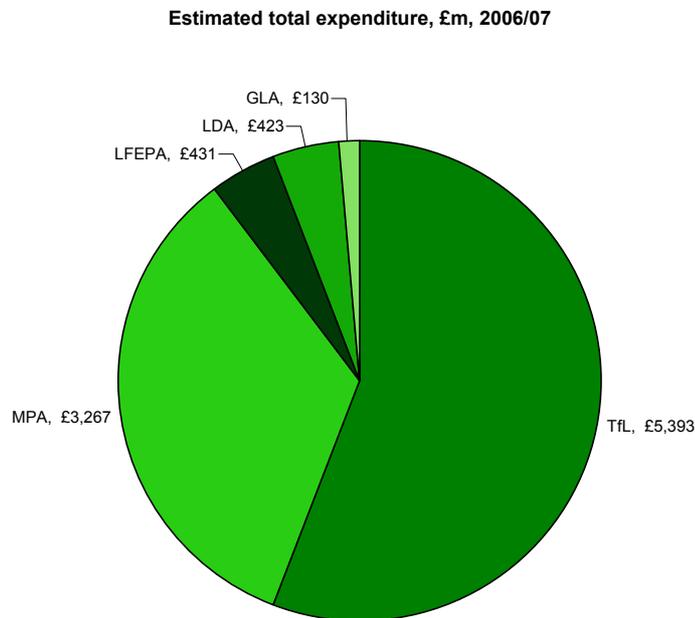
⁶ A useful organogram of this relationship is provided on page 18 of *A New Settlement for London*, Commission for London Governance, February 2006

II Funding the Greater London Authority

The GLA is financed in much the same way as any local authority as it is subject to the local government finance regime. The GLA is a receiving authority which means it receives grants on behalf of the functional bodies. The Mayor is not permitted to transfer money that has been earmarked for one functional body to another.

The GLA is also a major precepting authority. This is an authority that does not issue its own council tax bills but requires each billing authority (the London boroughs) to raise a specified amount (the precept) from the council tax payers in their area.

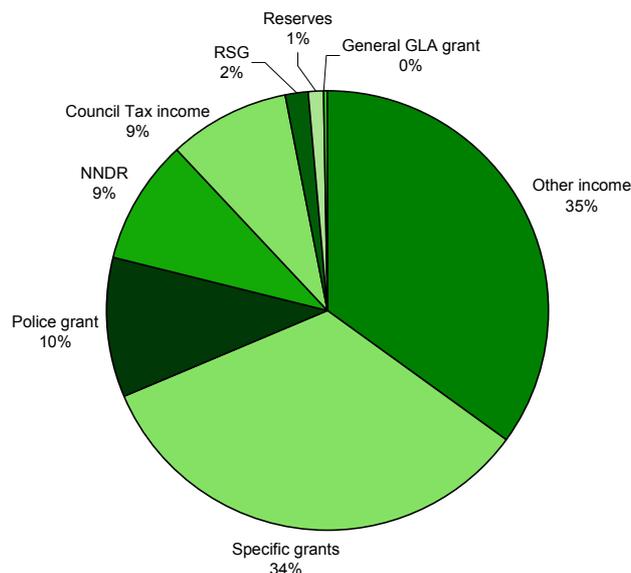
The total expenditure of the GLA group (GLA and four functional bodies) was estimated to be £9.648bn in 2006/07.⁷ As the chart below shows over one half of this was spent by Transport for London. The GLA expenditure of £130m includes the financial contribution of £58m to the public sector funding package for the 2012 Olympics.



Detailed expenditure figures can be found in the GLA Budget produced each February and available on the GLA Group website: www.london.gov.uk. Appendix 2 provides a summary of the 2006/07 budget for each of the functional bodies.

The GLA group is financed through specific grants, general GLA grant, revenue support grant, national non-domestic rates, police grant, council tax, reserves and other locally raised income. The chart below shows how the £9.648bn planned to be spent in 2006/07 was financed.

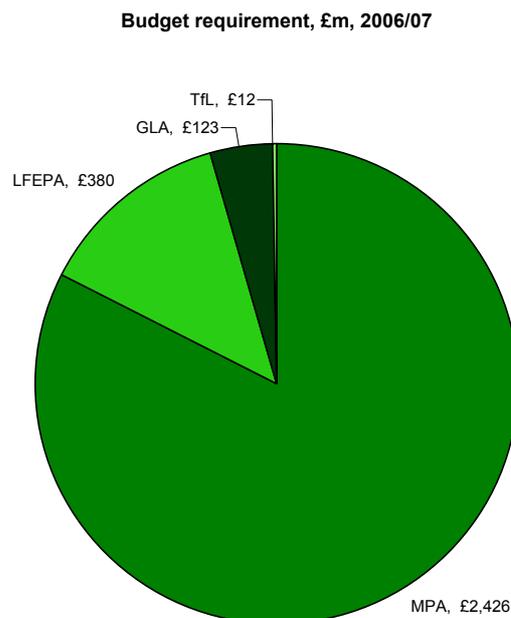
⁷ Unless otherwise stated, figures are taken from *The Greater London Authority's Consolidated Budget and Component Budgets* for various years.

Total Expenditure by source of finance, 2006/07

The vast majority of the money spent by the GLA group is raised through 'other' income or specific grants. One third of the money spent by the GLA group is raised through 'other' income. Of the £9.648bn, over one quarter is raised by TfL alone through London Underground, London Buses and Congestion Charging income.

Similar to the amount raised through other income is the amount of expenditure financed through specific grants. The majority of the specific grant money goes to TfL, although the MPA and LDA also receive substantial grants. The LDA specific grant covers 100% of its gross expenditure.

In order to calculate how much money is needed to be raised through council tax the GLA calculates its budget requirement. This is the amount each authority estimates as its planned spending, after deducting any funding from reserves, local income and specific grant receipts. The following chart breaks down the budget requirement by body. Although TfL is responsible for the majority of GLA group expenditure its budget requirement is relatively small.

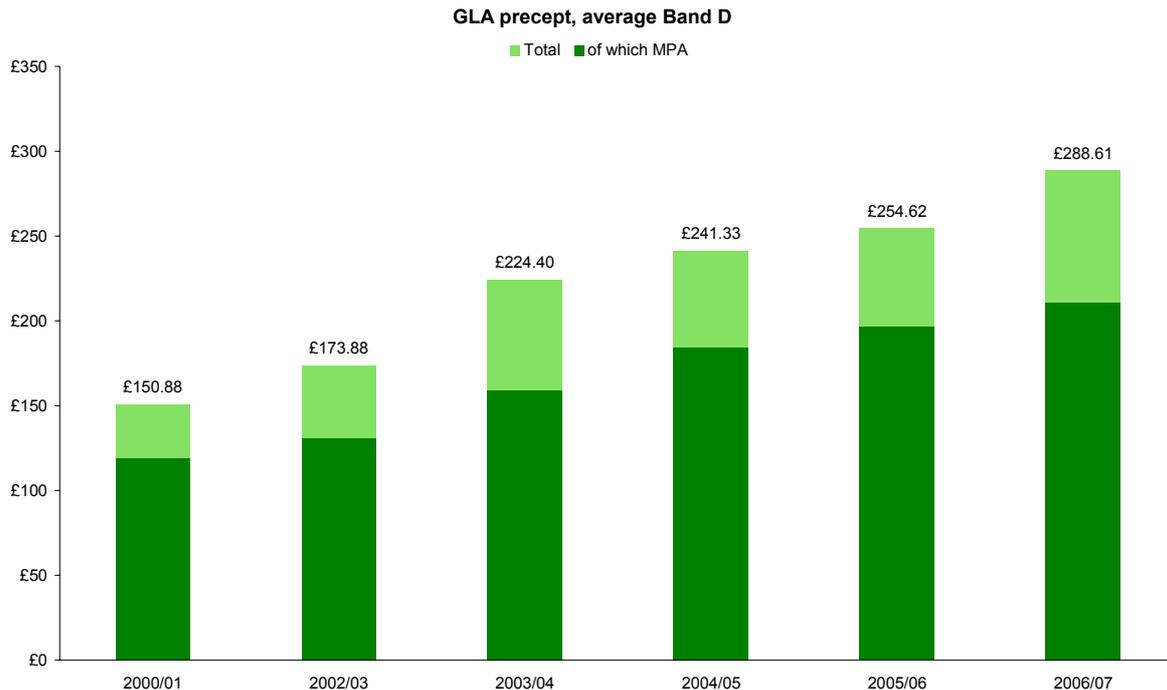


The council tax requirement of the GLA is the difference between the budget requirement and the amount of financing received via the revenue support grant (RSG), national non-domestic rates (NNDR), police grant and general GLA grant. These grants are distributed as follows:

- RSG & NNDR – Allocated to MPA and LFEPA in the Local Government Finance Settlement.
- Police grant - Allocated to the MPA in the Police Grant Report
- General GLA grant – Allocated to the GLA as a specific grant at the time of the Local Government Finance Settlement

Each of the functional bodies in the GLA group, except the LDA, are financed to some degree by the council tax. In 2006/07 it was estimated that £836m would be raised through the council tax, equivalent to £288.61 for a Band D household. Over 70% of this will be used to finance the MPA, with 16% going to LFEPA, 10% to the GLA (this includes the Olympic precept) with 1% used to finance TfL.

The following chart shows how the total GLA precept, including the MPA element, has grown since 2000/01.



The budget setting process

It is the duty of the Mayor and Assembly to prepare and approve a budget for each of the functional bodies and a consolidated budget for the Authority. The budget must contain statements of the budget requirement.

The budget requirements of each of the functional bodies, including the Authority, are set individually. These are known as the component budgets.

After the Mayor has consulted the Assembly and functional bodies about their relevant component budgets, he draws up a draft consolidated budget.

The Mayor will then consult the Assembly about the draft consolidated budget before presenting it to the Assembly at a public meeting on, or before, 1st February. The Assembly may approve the draft, or amend it, both by a simple majority vote, before returning it to the Mayor.

The Mayor produces a final draft budget and presents it to the Assembly at a public meeting before the end of February. If this draft does not incorporate any amendments made by the Assembly, the Mayor must lay before the Assembly a written statement providing his reasons. The Assembly may approve the draft by a simple majority or amend it by a two thirds majority. If the Assembly fails to do either, the final draft budget is deemed to have been passed.

If the Mayor fails to meet either of the deadlines the Assembly may decide the budget by a simple majority. The Secretary of State is able to change the 1st February date by regulations. The purpose of this power is to accommodate any delay in the Local Government Finance Settlement.

III The Mayor's powers and functions

A. Introduction

A summary of the Mayor's powers and duties was given in a 1998 white paper. He would:

- be a strong voice, speaking up for the whole of London;
- plan for the future and set out a budget;
- run new transport and economic development bodies;
- work with a new Metropolitan Police Authority to tackle crime;
- organise London-wide action to improve the environment;
- oversee a new London Fire and Emergency Planning Authority; and
- organise action on other issues (for instance the Olympic bid).⁸

Section 30 of the *Greater London Authority Act 1999 (GLA Act)* gives the Authority a general power "(...) to do anything which it considers will further any one or more of its principal purposes." These principal purposes are defined as:

- (a) promoting economic development and wealth creation in Greater London;
- (b) promoting social development in Greater London; and
- (c) promoting the improvement of the environment in Greater London.

In pursuing these purposes, the Authority must have regard to the health of persons in Greater London and the achievement of sustainable development in the UK.

The Mayor, as Executive of the Authority, has these general responsibilities as well as a key decision-making role in a number of areas, notably transport, economic development, the environment, planning, police, fire and civil defence, culture and health. However, within these areas, he normally acts in a strategic and/or co-ordinating capacity rather than in providing services directly. The GLA is not permitted to spend money on services that should be provided by a borough council or other public body.

The commentator Tony Travers has noted how the new office of Mayor represented a clean break with British traditions of local or regional governance. He commented:

Ken Livingstone's style of governance was in some ways highly reminiscent of American presidential or mayoral systems, yet in other ways it borrowed tools from prime ministerial approaches to government.⁹

The Assembly has the responsibility for making the great majority of staff appointments, yet the staff mainly work on the Mayor's executive responsibilities. As Travers notes, this has created some tensions:

⁸ DETR, *A Mayor and Assembly for London: the Government's proposals for modernising the governance of London*, Cm 3897, March 1998, pages 19-20. Further details of the Mayor's powers and responsibilities can be found on his website www.london.gov.uk/mayor

⁹ *The Politics of London: Governing an Ungovernable City* Tony Travers 2004, p107

It is clear that a number of parties, including the mayor, the chair of the Appointments Committee and the chief executive of the GLA have made considerable efforts to find ways of accommodating the needs of the Mayor's Office and, separately, of the Assembly, within the terms of the GLA Act. As the systemic difficulties of the Act have become clear, efforts have been made to create-as far as possible-watertight, confidential, officer sections for the mayor and, separately, for the assembly.¹⁰

Further details on the Mayor's duties with regard to specific policy areas are now provided.

B. The Mayor's powers of appointment

The Mayor's powers of appointment include the following:

- He appoints the boards of Transport for London and the London Development Agency;
- He chairs Transport for London and has led the recruitment of its senior managers;
- He appoints *some* members of the Metropolitan Police Authority following nomination by the London Assembly;
- He appoints *some* members of the London Fire and Emergency Planning Authority following nomination by the London Assembly and London Boroughs.

These four major functional bodies in London- the Metropolitan Police Authority, Transport for London, the London Fire and Emergency Planning Authority and the London Development Agency- hold executive powers, and their budgets are separate from that of the GLA.

C. Setting strategies for London

1. Transport

Section 141 of the *GLA Act* sets out the Authority's general transport duty: "...the Mayor shall develop and implement policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London." These policies cover movement of both people and freight. Section 142 of the Act requires the Mayor to prepare a transport strategy for London. London boroughs must have regard to this strategy and must prepare plans for implementing the strategy within their areas. The transport strategy was published on 10 July 2001 and is available on the Mayor's website.¹¹ A Transport Strategy Revision document was published on 11 August 2004.¹² This sets out the policy framework within which, for instance, proposals for a western extension to the congestion charge zone can be taken forward.

The Mayor chairs Transport for London (TfL) which is responsible for:

¹⁰ Ibid, p125

¹¹ <http://www.london.gov.uk/mayor/transport/strategy.jsp>

¹² <http://www.london.gov.uk/mayor/strategies/transport/index.jsp>

- London's scheduled bus services (operating under contract to TfL)
- London's road network (TfL is the highways and traffic authority)
- The Underground, Docklands Light Railway and Croydon Tramlink
- Passenger services on the river (operated under licence to TfL)
- Victoria Coach Station (owned and operated by TfL)
- Dial-a-ride (funded by TfL)
- Taxis and private hire vehicles (regulated by TfL)¹³

According to Section 155 of the Act, the Mayor may issue to TfL:

- (a) guidance as to the manner in which it is to exercise its functions,
- (b) general directions as to the manner in which it is to exercise its functions, or
- (c) specific directions as to the exercise of its functions.

2. Planning

Section 334 of the *GLA Act* requires the Mayor to prepare and publish a "spatial development strategy" for London. This, the *London Plan*, was published on 10 February 2004 and replaces the previous strategic planning guidance for London (Regional Planning Guidance 3 which was written by the Secretary of State). Both the *London Plan* and details of a current review of it, announced in December 2005, can be downloaded from the Mayor's website.¹⁴

The 32 London boroughs and the City Corporation are the local planning authorities for their areas but they must ensure that their unitary development plans conform to the Mayor's London Plan. Additionally, they are required to consult the Mayor on planning applications which are considered to be of strategic importance. The Mayor has a power to direct refusal of such applications, following which the applicant has a right of appeal to the Secretary of State. Further detail is available in Library Research Paper 06/61 *Greater London Authority Bill-Planning and Environmental Functions*.

3. Economic development

The London Development Agency (LDA) is required to formulate and submit to the Mayor a draft strategy. The Mayor may revise the strategy after consulting the Assembly, borough councils, representatives of employers and employees in London, and other relevant bodies. The new strategy, entitled *Sustaining Success*, was published in January 2005 and replaces an earlier strategy published in 2001. It sets out a plan for "...the sustainable, equitable and healthy growth and development of London's economy to 2016", focusing on four major investment themes – places and infrastructure, people, enterprise, and marketing and promoting. The strategy, along with other documents relevant to economic policy, can be found on the Mayor's website¹⁵ or on LDA's website.¹⁶ The Mayor is responsible for appointing and dismissing members of the LDA

¹³ Transport for London's Business Plans for such services are available on the TfL website <http://www.tfl.gov.uk/tfl/reports-businessplan05.asp>

¹⁴ <http://www.london.gov.uk/mayor/strategies/sds/index.jsp>

¹⁵ <http://www.london.gov.uk/londonissues/economicpolicy.jsp>

¹⁶ www.lda.gov.uk

board. While other regional development agencies are accountable to their regional ‘chambers’ or ‘assemblies’, the LDA is accountable to the Mayor and Assembly.

4. Culture, media and sport

The GLA Act 1999 requires the Mayor to produce a strategy containing policies on culture, media and sport in Greater London. This includes the arts, tourism and sport; ancient monuments and sites; buildings of historical and architectural interest; museums and galleries; library services; archives; treasure and moveable antiquities; and broadcasting, film production and other media. The Mayor’s ten year strategy – *London: cultural capital – realising the potential of a world class city* - was published in April 2004 and is on the Mayor’s website.¹⁷ The Act also requires the Mayor to establish a Cultural Strategy Group to advise the Mayor and implement the strategy. The restructured group is known as the London Cultural Consortium.¹⁸ Sections 383 and 384 of the GLA Act 1999 further transferred responsibility for Trafalgar Square and Parliament Square to the Authority.

5. Environment

Part IX of the GLA Act 1999 sets out the Mayor’s duties with regard to environmental issues. He is required to produce ‘state of the environment’ reports at least every four years. The legislation notes:

A state of the environment report shall contain information about the following matters in relation to Greater London-

- (a) air quality and emissions to air, including in particular emissions from road traffic,
- (b) road traffic levels,
- (c) water quality and emissions to water,
- (d) ground water levels,
- (e) energy consumption and the emission of substances which contribute to climate change,
- (f) land quality,
- (g) biodiversity,
- (h) the production, minimisation, recycling and disposal of waste,
- (i) noise,
- (j) natural resources, and
- (k) litter,

and may contain information about any other matters in relation to Greater London which the Mayor considers appropriate.

In support of this statutory obligation, the Mayor also is required by law to provide:

- A **biodiversity action plan**, *Connecting with London’s Nature*,¹⁹ containing information on the ecology of Greater London; the wildlife and its habitat; and proposals and commitments for the conservation and promotion of biodiversity in

¹⁷ <http://www.london.gov.uk/londonissues/culture.jsp>

¹⁸ <http://www.london.gov.uk/mayor/culture/lcc/index.jsp>

¹⁹ *Connecting to London’s Biodiversity* is available from the Mayor’s website http://www.london.gov.uk/mayor/strategies/biodiversity/docs/strat_full.pdf

Greater London made by persons or bodies who are consulted by the Mayor in connection with the action plan.

- A **municipal waste management strategy**: *Rethinking rubbish in London*²⁰ sets out a coordinated approach to dealing with London's municipal waste and has the aim of making London a 'sustainable city' by 2020. Waste collection and waste disposal authorities in London (i.e. the borough councils) must have regard to this strategy.
- An **air quality strategy**: *Cleaning London's Air: the Mayor's Air Quality Strategy*²¹ contains the Mayor's proposals and policies for implementing the national air quality strategy in London and for achieving statutory air quality standards. Local authorities in Greater London must have regard to the strategy in exercising their functions under the *Environment Act 1995*.
- An **ambient noise strategy**: The Mayor's Ambient Noise Strategy - *Souder City*²² - is concerned with noise from transport (including aircraft) and industry. It does not include problems of anti-social neighbourhood noise which are the preserve of the boroughs' environmental health officers.

In addition to these statutory obligations an **energy strategy** for London, *Green Light to Green Power*, has been produced because it was deemed essential to the city's long-term sustainability although the GLA Act did not specifically require this. Further details are available on the Mayor's website.²³ Further information on this topic is in Library Research Paper 06/61 *Greater London Authority Bill- Planning and Environmental Functions*.

However, the GLA has executive responsibility for only a small range of public policies within London.²⁴ This is in contrast to its predecessor, the Greater London Council. The GLA 1999 specifically prevented the Mayor from providing any health, education or housing services (s31(3)). Instead, the GLA was conceived as an enabling body, which would concentrate on strategy. It is not permitted to merge the four functional bodies into the core authority, or to vire money between the four bodies. It does have access to funds for purposes of its own choosing, through the ability to precept on the council tax collected by the London boroughs. Many commentators have argued that holding strategic powers without executive authority results in ineffective policy-making.²⁵

The academic Mark Sandford notes that the current Mayor has achieved high-profile policies through the use of the executive powers of the functional bodies:

The Congestion Charge, introduced in February 2003, was specified in the GLA Act as a TfL power. The successful 2012 Olympics bid depends on the powers of TfL and the LDA to carry out infrastructure works and regeneration.

²⁰ http://www.london.gov.uk/mayor/strategies/waste/doc_download.jsp

²¹ Available online http://www.london.gov.uk/mayor/strategies/air_quality/air_quality_strategy.jsp

²² <http://www.london.gov.uk/mayor/strategies/noise/downloads.jsp>

²³ <http://www.london.gov.uk/mayor/strategies/energy/index.jsp>

²⁴ See Tony Travers, *The politics of London- Governing an Ungovernable City*, Palgrave Macmillan, 2004

²⁵ See *From Strategy to Delivery: the future development of the Greater London Authority* Mark Sandford, Constitution Unit November 2005

Improvements to the bus services and increases in police numbers have also come about through executive powers.²⁶

IV The London Assembly

A. Background

The London Assembly has not received as much attention as the Mayor when London governance is discussed. The White Paper of 1998 on the GLA stated that: “The means by which what the Mayor says and does, will become subject to public scrutiny and, where necessary, criticism.”²⁷ It offered few other pointers to the future role of the Assembly. The concept of an elected body whose sole role was scrutiny was new in 1999-2000, giving considerable latitude to the Assembly.

The Assembly was elected using the Additional Member System. There are 14 constituency seats and 11 London wide list seats, elected on a top-up basis. The most recent election in June 2004 gave the parties seats as follows:²⁸

- Conservative - 9
- Labour - 7
- Liberal Democrat - 5
- Green Party - 2
- UK Independence Party - 2

Two Assembly Members are MPs as at November 2006; Robert Neill (Bromley and Chislehurst) and Andrew Pelling (Croydon and Sutton). Baroness Hamwee and Lord Tope are also Assembly Members. Nine other Assembly Members are also local authority councillors as at November 2006.

Further information can be found on the Assembly website.²⁹ The use of a proportional voting system has meant that minor parties have been able to gain representation in the Assembly, and that no one party has an overall majority. This presents particular difficulties when Assembly Members wish to obtain the necessary two thirds majority to oppose the budget presented by the Mayor.

B. Powers

The Assembly’s statutory scrutiny power is to “investigate issues of importance to London”, not just the actions of the Mayor. It has very few executive powers. Its main functions are as follows:

²⁶ “The Ninth or First English Region?” in Mark Sandford, *The new governance of the English regions* Palgrave Macmillan, 2005, p213

²⁷ A Mayor and Assembly for London Cm 3897 1998, p20

²⁸ Further information is given in Library Research Paper 04/48 2004: *London elections*

²⁹ <http://www.londonelects.org.uk/>

- A role in setting the budget. It can reject the Mayor's proposals with a two thirds majority (17/25 members)
- It approves staff appointments in the GLA
- The Members of Assembly must be appointed to two of the four functional bodies –London Fire and Emergency Planning Authority (LFEPA) and Metropolitan Police Authority (MPA)³⁰
- The Assembly is required to scrutinise each of the eight statutory strategies before they can be signed off by the Mayor
- The Assembly is empowered to summon the Mayor or his appointed advisers to answer questions before it, or one of its committees. The Assembly scrutinises the Mayor through Mayor's Question Time, a public event which must take place ten times a year.

The requirement to appoint Assembly members to the functional bodies can be characterised as confusing the essential scrutiny role of the Assembly. Almost every one of the 25 Members sits on the boards of the MPA, LFEPA or LDA.³¹ The Mayor can modify the total budget available to the Assembly since he retains flexibility to vary within the GLA budget. Therefore the Assembly lacks the power to determine its own budget, and determine its needs for scrutiny, research etc.

Mark Sandford, an academic authority on scrutiny, noted:

'The Assembly found establishing its role hard in the first eighteen months of operation, initially eschewing a standing committee structure for an overlapping and confusing system of ad hoc committees carrying out specific investigations'.³²

From March 2002 the Assembly developed a system of eight permanent scrutiny committees, plus an Audit and Business Management and Appointments Committee. There is no statutory requirement to use any particular structure.

The Assembly tends to use classic scrutiny processes, of written and oral evidence, followed by deliberation and production of report. But a study of the development of the scrutiny role of the London Assembly found that the Assembly has used an innovative range of scrutiny methods, such as websites, site visits, rapporteurs and consultation. However, the researchers concluded that the focus of the Assembly's scrutiny has tended to be external to the power of the Mayor and there have been only weak links between its work and the Mayor in the area of policy development.³³

The Budget Committee invites all of the functional bodies to present a monitoring report each quarter and the Transport and Economic Development Committees also take quarterly reports from their respective functional bodies. Scrutiny of the Metropolitan

³⁰ The other two functional bodies are: Transport for London (TfL) and the London Development Agency (LDA)

³¹ "The Ninth, or First English Region?" in *The New Governance of the English Regions* Mark Sandford 2006

³² *Effective Scrutiny? Tools and Intended Outcomes* Mark Sandford Constitution Unit February 2005

³³ *Issues of Importance: The scrutiny role of the London Assembly* Mark Sandford and Lucinda Maer Constitution Unit 2004

Police Authority and the LFEPA, is, in contrast, much more limited. However, the Assembly has received media coverage for its scrutiny work, most recently for its report into the handling of 7 July 2005 bombings by the emergency services. Its scrutiny pages provide an overview at <http://www.london.gov.uk/assembly/scrutiny/index.jsp>

The Commission on London Governance report of 2005 *Making London Work Better* did not produce unanimous recommendations on the role of the scrutiny in the Assembly. This is a cross-party body set up by both the London Assembly and the Association of London Government (now known as London Councils) to examine and propose changes to London governance.³⁴ It concluded:

19. Assembly's powers should be enhanced to provide effective challenge to the Mayor. Some Commission members propose enhanced scrutiny and call-in powers. Others would prefer a power to amend his scrutinies by a two-thirds majority.³⁵

Sandford notes:

The London Assembly is in a particularly weak position vis a vis the Mayor compared to that of the council and elected mayor model in local authorities. The Assembly has no power to call in Mayoral decisions.³⁶ It needs two thirds of votes to overturn the Mayor's budget. The political links between the Mayor's cabinet and the council, which are a feature of local authority elected mayoralties, are less clear in the GLA because the Mayor appoints close advisers of his choice and has no formal cabinet...The effect is to disconnect the Assembly from the decision-making process.³⁷

C. The broader governance of London

The new GLA did not replace all the London-wide strategic arrangements which had been put in place following the abolition of the GLC in 1986. The **Government Office for London (GOL)**, established in 1994, retains some key policy functions. Its website states:

GOL delivers policies and programmes in the London region on behalf of ten central Government Departments. We manage over 40 programmes for Whitehall Departments. GOL has a programme budget of £3.3 billion for 2005/06, of which the majority, over £2.5 billion, is grant given to the Greater London Authority and its functional bodies, Transport for London and the London Development Agency. We administer, for example, European programmes, New Deal for Communities

³⁴ The Commission's Interim Report, published July 2005, was *Capital Life*. This document called for responses to initial Commission proposals. Its next output was *Making London Work Better: Checks and Balances* which was a submission to the ODPM review, http://www.london.gov.uk/assembly/reports/londongov/making_london_work_better.pdf

³⁵ *Making London work better Checks and balances, para 8.5-8.6* at http://www.london.gov.uk/assembly/reports/londongov/making_london_work_better.pdf

³⁶ This call-in power is available to local authority scrutiny committees under the *Local Government Act 2000*

³⁷ *From strategy to delivery: the future development of the Greater London Authority* Mark Sandford November 2005 Constitution Unit, p14

and a range of anti-crime and drug prevention programmes for central Government, joining up programmes and policies across ten Whitehall Departments to help them deliver more effectively on the ground in London.

GOL is currently leading the negotiation of 15 new Local Area Agreements which will transform the relationship between central government and localities. We also have a new Director of Children and Learning which will provide a leadership for the Every Child Matters: Change for Children programme.³⁸

A parliamentary question answered in June 2006 indicated levels of expenditure since 1998-99:³⁹

Andrew Stunell: To ask the Secretary of State for Communities and Local Government what projects were managed by the Government Office for London in each year 1996 to 2006; and what the total funding for each project was. [77188]

Angela E. Smith: The Government Office for London (GOL) delivers policies and programmes on behalf of 10 central Government Departments. Programme expenditure figures are available from 1998-99 onwards. I have placed in the Library of the House of Commons tables showing a detailed breakdown of GOL's programme expenditure from 1998-99 to 2004-05, and for the 2005-06 budget (for which final outturn figures are not yet available). The tables make clear that not all programmes are directly delegated to GOL for allocation, but GOL is involved in the delivery and management of them.

	<i>Expenditure (£)</i>
1998-99	1,439,600,000
1999-00	2,202,000,000
2000-01	1,605,269,000
2001-02	2,094,276,000
2002-03	2,529,631,000
2003-04	2,724,391,846
2004-05	3,323,368,336
2005-06	3,360,066,496

Another parliamentary answer indicated that the numbers of staff employed by GOL had increased from 274 in 1997 to 303 in 2006.⁴⁰

There are also bodies such as the London Housing Board, and education and skills, health authorities and cultural bodies which span the greater London area. Tony Travers, a commentator on London, has produced a chart of the key statutory bodies in London in his publication *The Politics of London: Governing the Ungovernable City*.⁴¹ Some commentators would argue that the Greater London Authority forms the first elected

³⁸ <http://www.gol.gov.uk/gol/aboutus/>

³⁹ HC Deb 27 June 2006 c296w Dep 06/2117

⁴⁰ HC Deb 27 June 2006 c296w

⁴¹ *Chart 1 London's Government-key statutory bodies* 2004 p18

regional government in England, in view of its size and scope.⁴² The development of London is also relevant to the debate on city regions.⁴³

The **London Development Agency** role is also worth noting. This is a business-led board, appointed by the Mayor and is one of the four functional bodies. It was established in July 2000, and shares the same powers as other regional development agencies, as set out in the *Regional Development Agencies Act 1998* and the *Greater London Authority Act 1999* (primarily Part V and Schedule 25), but is answerable to the Mayor rather than the Secretary of State.

V Key issues

A. ODPM consultation paper November 2005

In the run up to the 2005 general election the Government made a manifesto commitment to review the powers of the London Mayor and the Greater London Assembly.⁴⁴ In September 2005, the Mayor published a number of scoping papers on the powers and functions of the Greater London Authority, proposing extensions in each policy area.⁴⁵ The Government subsequently issued a consultation paper in November 2005.⁴⁶ David Miliband, then Minister in the ODPM, announced:

We believe the time is now right to look at giving the Mayor a greater say in the planning and delivery of London's strategic services while preserving the appropriate balance of power between the Mayor, Assembly and boroughs. We are opening the door to significant decentralisation of powers from Whitehall, while ensuring the GLA remains a focused and strategic authority. We believe the GLA has proven its worth, and that the time is right to shift power from Whitehall to London. How far will depend on the response to the consultation. The Government's consultation paper outlines a number of proposals for additional powers for the Mayor across a range of policy areas, including housing, learning and skills, planning and waste management and waste planning. It also explores options for additional powers for the London Assembly and changes in appointments to the boards of the four functional bodies in the GLA Group.⁴⁷

In the main, the Government proposed additional powers to be devolved from central Government, although in certain areas, notably waste management and parts of planning, ministers indicated a willingness to permit the Mayor to have a greater say over certain borough functions where it could be expected to result in improved strategy and service delivery. The consultation paper outlined a range of options under main themes of interest to the GLA. Much of the subsequent debate and submissions to the review

⁴² *The New Governance of the English Regions* Mark Sandford 2006, p210

⁴³ For further information see Library Standard Note no 3660 *City Regions*

⁴⁴ Labour Party, *Manifesto 2005: Britain forward not back*, page 108

⁴⁵ For background, see Mark Sandford, *From strategy to delivery: the future development of the Greater London Authority*, Constitution Unit, February 2005, p3

⁴⁶ Office of the Deputy Prime Minister, *The Greater London Authority: the Government's proposals for additional powers and responsibilities for the Mayor and Assembly: a consultation paper*, November 2005, <http://www.info4local.gov.uk/searchreport.asp?id=27102&heading=e-mail+alert>

⁴⁷ HC Deb, 30 November 2005, c 24WS

have centred on the relationship between the tiers of governance in London and where new Mayoral powers will be taken from, and on the role of the Assembly or other bodies to hold the Mayor to account. The consultation period ran from 22 November 2005 until 22 February 2006. A list of stakeholders identified by the ODPM is available from the website of the successor department, that of Communities and Local Government.⁴⁸

B. Reaction from the Mayor

The Mayor has argued that the present institutional arrangements and range and depth of duties are the genesis of a stronger strategic tier of metropolitan governance:

A new set of powers will bolster a citywide group of public bodies so that it is far greater than the sum of its parts. It was always envisaged that the GLA Group would benefit from economies of scale and integrated policy development. This review provides an opportunity to take that concept to the next level. Strengthening the role of London's strategic government will improve the efficiency with which key services and infrastructure can be delivered. It will enable far closer integration of efforts between the work of the GLA and its functional bodies. Public services need to be delivered at the right level of government. I am not looking for services to be devolved from Government purely for devolution's sake. Indeed, in the cases of waste and planning, I am pressing for a recalibration of services from a local to a citywide level. This is because local arrangements do not always deliver.⁴⁹

The Mayor continues by referring to his apparent success, requesting an even stronger executive, which he claimed would be not only democratic but also more effective:

Central to my response is that the successes which have been achieved are the result of strong leadership by an executive Mayor with a clear electoral mandate. Technical arguments around the exact mode of policy delivery have their place, but my overriding message is that this great city of ours needs a strong, clear voice standing up for it. Future success depends on providing the elected office of Mayor with the right set of powers to tackle the problems we face – skills provision according to the capital's needs in the run-up to the Olympics, a citywide waste authority to oversee the recycling and management of the city's waste, and planning and housing powers to provide Londoners with the affordable homes they so badly need.

In a newspaper article the Mayor was even more forthright in his opinion that his office should have more power to direct local boroughs to meet his strategic targets:

The boroughs agree that the Mayor should have some new responsibilities, particularly in deciding on skills, training and housing policy in London. Nonetheless, there are some areas where the boroughs are not all exactly jumping for joy with the Government's consultation - such as on planning powers. Here there is a very simple problem. I can direct the refusal of a planning

⁴⁸ http://www.communities.gov.uk/pub/905/GLAconsultationstakeholderlist_id1161905.pdf

⁴⁹ From the foreword by the Mayor to *The Mayor of London's Response to the ODPM's consultation paper on the powers and responsibilities of the Mayor and Assembly*, February 2006, available online from <http://www.london.gov.uk/mayor/powers/docs/response.pdf>

application of strategic importance, but I can't direct agreement. Local interests can completely block something with real London-wide consequences, most obviously the need for housing. I firmly believe that local boroughs should remain the mainstay for planning decisions in London, but not at the expense of Nimbyism. Too many good applications for new homes are being turned down - already more than 40 per cent of all applications, the highest in the country. So the contradiction around the Mayor's planning powers needs to be ironed out. London is enjoying a renaissance. Now is the time to ensure that London government has the powers so that it remains a great city to do business, but also where growth and prosperity mean new opportunities and a better quality of life.⁵⁰

Others suggest the personality of the present Mayor and the way he has conducted his responsibilities led the Government to consider favourably requests from the Mayor:

The stock of the Mayor of London, Ken Livingstone, has risen yet again in the past year following the winning of the 2012 Olympic Games for London and his response to the terrorist attacks of the following day, 7 July. Livingstone's success and influence in his role has led to renewed speculation about further devolution of power to the London city-region's government.⁵¹

C. Reaction from local authorities

Concerns have been raised from many quarters that increased power for the Mayor of London may lead to an emasculation of local authorities and that no new mayoral powers should be granted without consideration of a greater scrutinizing role for the London Assembly. Cllr Hugh Maylan, chair of the Commission on London Governance⁵² said:

We think the Government needs to adopt a more holistic approach. In our submission on the GLA review, we propose that the powers of both the London Assembly and London boroughs are enhanced, to ensure there are sufficient checks and balances to hold the mayor to account.⁵³

The Association of London Government (now renamed London Councils), in its capacity as representative of the 32 London boroughs, the City of London, the Metropolitan Police Authority, and the Fire and Emergency Planning Authority, has similarly argued that many of the proposed new powers and areas of responsibility for the Mayor should be retained by or devolved to the borough level of governance:

As the ALG's responses to the Government's questions show, there are some areas where the ALG believes that it would be inappropriate for the Mayor to be

⁵⁰ Ken Livingstone, "Give me the means to help London flourish", *Evening Standard*, 21 February 2006, page 2

⁵¹ The Constitution Unit Monitor, Issue 32, January 2006, page 6. Available online <http://www.ucl.ac.uk/constitution-unit/files/monitor/monitor%2032.pdf>

⁵² A cross party body set up by both the London Assembly and the Association of London Government (ALG) in February 2004 to examine and propose changes to the governance of London.

⁵³ *Municipal Journal* 24 November 2005 p 17.

granted substantial additional powers. An example of this is planning. The boroughs are in a stronger position than the Mayor to achieve strategic objectives within a framework of local choice, and the ALG believes that it would be contrary to the principles of community empowerment and subsidiarity to dilute existing borough planning authorities.⁵⁴

A previous report by the Commission on London Governance⁵⁵ does support more strategic powers for the Mayor, although the Commission also argues for greater power for boroughs, criticising what they view as unnecessary complexity in the current governance arrangements. Such complexity, they argue, undermines democratic participation in decision-making processes:

More important than any specific recommendation, however, is the context in which they are all presented. An over-arching theme running through this report is that Londoners should have more say in the way their city is run. One of the current barriers to this is the extreme complexity of London's governance arrangements, which involve not only the GLA and boroughs but many other agencies and organizations. This complexity, we conclude, undermines attempts by citizens to engage with service providers and shape services. The price of this lack of local engagement can be failure of efforts to reform services, poor performance and low public satisfaction. Inadequate accountability therefore has practical and economic as well as democratic implications, leaving Londoners deprived as both citizens and users of public services."⁵⁶

Individual boroughs were invited to respond to the ODPM review and some expressed concerns regarding the potential that any powers gained by the Mayor may be at their loss. An example is Havering Borough's response to the Review:⁵⁷

The London Borough of Havering opposes any extension of powers of the Greater London Authority or the Mayor and wishes to see power reside as close to the people of Havering as possible. We feel that boroughs have the knowledge and expertise to address many local objectives, and the impact of strategic objectives, at the local level. Local communities will expect their own local authorities to address these matters and any loss of powers to the Greater London Authority would result in a loss of powers of the people of Havering. We are particularly concerned about the proposals that relate to planning, housing and waste. These are functions which require a strong local involvement in decision making, which some of these proposals will adversely diminish. While

⁵⁴ Association of London Government, *The Greater London Authority: the government's proposals for additional powers and responsibilities for the Mayor and Assembly – a consultation paper: response by the Association of London Government*, February 2006, p4, available online at <http://www.alg.gov.uk/upload/public/attachments/686/ALGResponsetoGLAReview.pdf>

⁵⁵ A cross party body set up by the London Assembly and the Association of London Government. In 2004 their response to the ODPM Greater London Authority consultation is *Making London Work Better (2005)*. It may be viewed at http://www.london.gov.uk/assembly/reports/londongov/making_london_work_better.pdf

⁵⁶ *A New Settlement for London*, February 2006, page 6. Please note this document was not written in direct response to the Government consultation. Available from <http://www.london.gov.uk/assembly/reports/londongov/new-settlement-vol1.pdf>

⁵⁷ It should be noted the Conservative leaning Havering Borough Council had a 39.5% turnout against plans for the Greater London Authority in the 1998 London Referendum, the second highest 'no' vote in the city.

we accept there is some scope for increasing the powers of the Mayor in certain areas, consideration should be given to resource implications of introducing these new powers and, should the Mayor be asking for increased responsibilities, this should be done within a broadly neutral funding arrangement.⁵⁸

This is illustrative of a general trend as forecast by Martin Pilgrim, the retiring Chief Executive of the Association of London Government (London Councils):

Other than learning and skills, boroughs have a major direct interest in these areas and the consultation paper is seen by many as a further shift in powers from boroughs to the regional tier. How much boroughs support any of these possible shifts in power will be a test of the new relationships between regional and local government. Present indications are that boroughs of all parties would support only marginal change.⁵⁹

The London Councils website has a page which sets out their opposition to transfers of powers from the boroughs to the Mayor.⁶⁰

D. The future role and responsibilities of the Assembly

The Mayor and the Assembly have had a combative past. On 11 October 2005 the Mayor, while attending a question and answer session with the ALG, called for the Assembly to be abolished, with the ALG assuming responsibility for the scrutiny function of the Mayor.⁶¹ The comments were attacked by the Leader of the London Assembly Liberal Democrat group, Graham Tope who said:

The Mayor's proposals are short term, self interested and would not benefit Londoners. It is pretty unsurprising that the Mayor would call for the Assembly to be scrapped as the opposition parties have been a constant thorn in his side in holding him to account for some of his more ridiculous proposals. Replacing the Assembly with the Boroughs would allow the Mayor simply to divide and rule. The job of each Borough leader is to fight for what was best for their own patch, but that does not necessarily mean what is best for the capital as a whole. The beauty of the London Assembly is that it is able to look at what is right for the whole of the capital and not on a borough by borough basis.⁶²

Calling also for more responsibility to be devolved to boroughs from Whitehall, Sally Hamwee, Liberal Democrat Member of the London Assembly, recently told the *Municipal Journal* that she felt any new powers for the Mayor had to come with an increased scrutiny capacity for the Assembly:

⁵⁸ Taken from a covering letter accompanying the Havering Borough response, written by Leader of the Council, Councillor Michael White, 20 February, 2006

⁵⁹ Martin Pilgrim, "London Regional Governance and the London Boroughs", *Local Government Studies*, Volume 32, Number 3, June 2006: 223-238

⁶⁰ *London councils fighting to protect local democracy 2006* at <http://www.londoncouncils.gov.uk/cat.asp?cat=2374>

⁶¹ H. Mulholland, "Livingstone wants London assembly scrapped", *Guardian Unlimited*, 11 October 2005, <http://politics.guardian.co.uk/gla/story/0,,1589783,00.html>

⁶² "Mayors view to scrap Assembly smacks of pure self interest", Press Release, 11 October 2005. Available from <http://www.glalibdems.org.uk/news/357.html?PHPSESSID=6050be589>

More than seven million people – and rising – make London their home. To meet their needs there is a budget this year of more than £9bn. If one person is responsible for all that, it must be right that the inbuilt checks and balances are effective. Any extension to the mayor's powers should be mirrored by making the assembly's powers more effective. Indeed, to my mind, this should happen anyway. The assembly is there to provide a check and balance to the mayor. This is not just a *quid pro quo*.⁶³

The Liberal Democrat response to the ODPM Review was similarly written to advocate a rebalancing of powers between tiers of governance:

The Liberal Democrats are keen supporters of devolution. We believe that decisions should be taken at the appropriate level of government, and we caution that in general this should mean that mayoral powers are not at the expense of existing powers being taken from the London Boroughs. We hope that the review will result in further powers being given to the Mayor of London and that the London Assembly's powers will be strengthened. Additionally any further powers for the Mayor should only be granted in addition to powers given to the London Assembly to parallel the Mayor's new powers.⁶⁴

Such sentiments are broadly in line with those from the Commission on London Governance⁶⁵, though again it should be noted the Commission is quite clear any new powers for the Assembly should be devolved from Whitehall or from other city-wide public bodies such as the Learning and Skills Council, rather than powers being drawn from the boroughs.

Previous criticism of the separation of powers within the GLA is found within the Assembly itself. The One London Assembly group (formerly United Kingdom Independence Party) has been a vehement critic of the democratic accountability of London governance under the present arrangements asking 'London Assembly – elected but for what purpose?' on its website. The text continues:

In the Manifesto on which we stood for election in June 2004, we made clear that the London Assembly is an impotent body which is potentially anti-democratic: with no powers to speak of, its existence is regularly used by those in other parts of government who wish to centralise government yet further. They claim falsely that we now have a democratic "London government" so the boroughs should be emasculated yet further. The claim is that the boroughs should be amalgamated, or some of their powers transferred to the Mayor (over whom the London Assembly has no meaningful control). This of course ultimately hands more control to central government because the Mayor's powers are variable by central

⁶³ Baroness Sally Hamwee, "Is it time to rein in Ken's reign?", *Municipal Journal*, 2 February 2006, page 9

⁶⁴ The response was formulated by Liberal Democrat London Assembly members, MPs representing seats in London and the London region of the Party.

⁶⁵ This was formerly the London Governance Review Commission with Members appointed by the London Assembly and the Association of London Governments Leaders' Committee. Their representations regarding the consultation are included in a report named *Making London Work Better*, available online http://www.london.gov.uk/assembly/reports/londongov/making_london_work_better.pdf

government and there is no proper means of holding him to account other than by parliament.⁶⁶

The Assembly itself responded to the ODPM Review and agreed guiding principles for the detailed responses. They include a call for greater powers of scrutiny (including budget and strategy proposals) and ‘call in’ powers for the Assembly,⁶⁷ an assurance that new powers are devolved according to the subsidiarity principle, a more accountable balance of powers between the Mayor and the Assembly, a secure source of funding for the Assembly, and calls for an independent staff establishment free from political intervention. The report emphasises that in other cities with a “strong mayor” model, the mayors remain highly accountable to their respective councils/assemblies, citing Barcelona, New York and Berlin as models. Further details are available from the Assembly response paper.⁶⁸

The Assembly’s response to the ODPM in February 2006 pressed for more robust scrutiny powers in a number of areas, as noted above in Part III.⁶⁹ It considered that where the Mayor’s strategic influence was extended to new London-wide powers, the Assembly’s scrutiny powers should correspondingly be extended. It called in particular for the power to hold confirmation hearings with those the Mayor was minded to appoint.

During the Queen’s Speech debate on 20 November 2006 Robert Neill, an Assembly Member, noted;

A key point that we need to look at is the mayoral strategies. The budget has been discussed. I am glad that the Government are proposing to strengthen the requirement for the Mayor to consult the assembly on his strategies and to give reasons where he differs, but they ought to go further. They should require the mayoral strategies to be approved by a vote in the assembly or, at the very least, they should give the assembly the power to amend the strategies in the same way as it can amend the budget. We can argue about the thresholds and so on, but the principle ought to be that, if the Mayor’s supply can be amended, why on earth can the strategies that give rise to the demands on his supply not be amended as well?

That was considered and, at one point, before the legislation came into force, it was the Government’s intention. In 1998, on Second Reading of the Greater London Authority Bill, the Deputy Prime Minister said:

“The assembly’s scrutiny role underlies all its work: it will be consulted on all strategies, and have the power to propose amendments”.—[*Official Report*, 14 December 1998; Vol. 322, c. 627.]

It is a shame that that got lost somewhere in the subsequent passage of the Bill. It is not often that I say that the Deputy Prime Minister was right, but he was on that occasion. The subsequent climb down—how and why it happened I know not—was a mistake. I hope that the Government will take the opportunity to go back to their original 1998 thinking and give the assembly the power to amend

⁶⁶ http://www.onelondon.org.uk/html/body_london_assembly.html

⁶⁷ As given to local government scrutiny committees under the *Local Government Act 2000*

⁶⁸ *The London Assembly’s response to the ODPM Review of GLA powers*. February 2006. London Assembly. Available online <http://www.london.gov.uk/assembly/publications/docs/odpm-response.pdf>

⁶⁹ *The London Assembly’s response to the ODPM’ Review of GLA powers* February 2006

mayoral strategies. That would concentrate the mayor's mind and significantly improve democratic accountability in London, which we all want.⁷⁰

E. Future role of the Government Office for London

A New Settlement for London (Commission on London Governance) recommended the Government consider treating the Government Office for London differently from others in England due to institutional capacity already in place in the capital. It believed the GOL should be reduced to a secretariat for briefing Ministers at ODPM, with many of the Office's present functions being devolved downwards. The Commission also proposed a new London Performance Agency to oversee developments in this area.⁷¹

The Treasury launched a review of Government Offices in March 2006. The press statement surrounding the issue of a consultation document stated that the review was designed to create a "streamlined, strategic role for the Government Office network in shaping national policy through local and regional expertise, and coordinating sub-national work across departmental boundaries. This value-adding shift in focus will be assisted by an overall staff reduction of at least 33 per cent, as well as a strong outcome focus on future GO work." Further details are available on the Treasury website.⁷²

There were a number of comments during the November 2006 debate on the Queen's Speech on the apparent increase in staffing in the GOL, despite the creation of the GLA. See for example, Mark Field's observations:

Since the establishment of the Mayor and the Assembly in that year, spending on the Government office for London has doubled, and the number of its employees in 2005—the last year in which a parliamentary question on this matter was tabled and answered—was higher than before the new tier of London government came into play. Yet from the moment of his election, Mayor Livingstone began what has now been a six-and-a-half-year spending splurge, with countless advisers and policy and research officers producing endless reports, few of which concern areas of policy for which he has anything other than tangential responsibility.⁷³

VI The policy proposals (13 July 2006)

A. Background

On 13 July 2006, and after a period of consultation, the new Department for Communities and Local Government (DCLG) announced a package of proposals aimed at strengthening the Greater London Authority. This was issued in the form of a Policy Statement.⁷⁴ Many powers were to be devolved from Whitehall, but some powers would

⁷⁰ HC Deb 20 November 2006 c354

⁷¹ *Ibid.* Paragraph 5.12

⁷² *Review of Government Offices* HM Treasury March 2006 http://www.hm-treasury.gov.uk/media/1E1/11/bud06_govtoffices_951.pdf

⁷³ HC Deb 20 November 2006 c322

⁷⁴ *The Greater London Authority: The Government's Final Proposals for Additional Powers and Responsibilities for the Mayor and Assembly: A Policy Statement* July 2006, available at

also involve transfer from local authorities, as noted by the new Secretary of State, Ruth Kelly:

We are devolving powers from Whitehall to London wherever feasible. But in some specific cases, such as planning, we are strengthening the Mayor's powers in relation to the boroughs where we believe a more strategic approach will deliver better co-ordination and delivery of services.⁷⁵

The Secretary of State expanded upon the rationale for the proposals in a written statement made to the House on the same day as the policy announcement:

It provides a robust and coherent set of strategic powers for the Mayor and Assembly, fulfilling the Government's manifesto commitment. It ensures the capital has the strong leadership it needs as a successful world city to meet future challenges, including hosting the 2012 Olympic and Paralympic Games. It builds on the success of the GLA to date, providing the Authority with additional powers to make a real difference to the quality of Londoners' lives.⁷⁶

The Secretary of State stated that a bill would be introduced as soon as parliamentary time allowed which would deal with changes requiring primary legislation. Other changes would be dealt with by secondary legislation or 'by agreement'. Ruth Kelly additionally proposed the policy proposals against a backdrop of a wider Government agenda of regional and local devolution:

The theme of devolution to our cities, towns, counties and neighbourhoods throughout England is one that I will develop further in the Local Government White Paper in the autumn.⁷⁷

According to the Government's summary of the consultation paper, released on the same day as the policy proposals, 337 organizations and individuals responded to the Government's outline of options.⁷⁸

Further details on the estimated costs and benefits of the proposals across economic, environmental and social themes, were outlined in the Regulatory Impact Assessment (RIA) issued with the July 2006 Policy Statement. With respect to the costs associated with proposals, the RIA noted that:

The Government is meeting the net additional costs of some of the proposals. Other changes carry minimal additional cost and will not require a transfer of resources. In some cases, the proposals put on a statutory footing activity the Mayor already undertakes on a voluntary basis (for example, the Mayor has published a London Energy Strategy voluntarily). The GLA has committed it will not be seeking additional funding in such cases.⁷⁹

http://www.communities.gov.uk/pub/573/TheGLATheGovernmentsFinalProposalsforAdditionalPowersandResponsibilitiesfortheMy_id1501573.pdf

⁷⁵ DCLG, "Devolution agenda pushed forward with new powers for London", *News Release 2006/0055*, 13 July 2006

⁷⁶ HC Deb, 13 July 2006, c 74-WS

⁷⁷ OP cit

⁷⁸ DCLG, *The Greater London Authority: The Government's proposals for additional powers and responsibilities for the Mayor and Assembly: a summary of the responses to consultation*, July 2006, para 2.01

⁷⁹ *Ibid.* para 1.12

B. New powers for Mayor and Assembly

As set out in the Press Release of 13 July, the Mayor and Assembly's new powers were planned as follows:

Mayoral Powers

Housing

Responsibilities of the London Housing Board will transfer to the Mayor

The Mayor will prepare and publish a statutory London Housing Strategy and a strategic Housing Investment Plan, setting out priorities to meet the housing needs of all Londoners.

The Mayor will decide the broad distribution of the affordable housing part of the Regional Housing Pot in line with the strategy. In short, the Mayor will decide in broad terms how public money for new affordable housing will be spent.

Learning and Skills

The Mayor will have a statutory duty to promote skills in London and will chair a new London Skills and Employment Board, drawn from business and other key sectors.

The Mayor will prepare a new statutory Skills Strategy for London setting priorities and budgets.

Planning⁸⁰

The Mayor will be able to direct changes to boroughs' programmes for the local development plans they produce.

The Mayor will have a stronger say on whether draft local development plans are in general conformity to his London Plan.

The Mayor will have the discretion to determine planning applications of strategic importance.

Waste

The Mayor will lead a London-wide waste and recycling forum, working in collaboration with the boroughs to improve performance in waste management and recycling. The forum will manage a new London waste and recycling fund.

London's waste authorities will be required to be in general conformity with the Mayors Municipal Waste Management Strategy, backed up by the Mayor's power of direction.

The Mayor and Government will work together closely on the London component of the Waste Infrastructure programme.

Stronger powers for the Mayor to determine strategic waste planning applications

A requirement for the boroughs to act in general conformity with the Mayors Waste Strategy

Culture

⁸⁰ A further consultation on the planning proposals was announced in August 2006. See DCLG, *The Greater London authority: the Government's final proposals for additional powers and responsibilities for the Mayor and assembly: a Consultation Paper on changes to the Mayor of London Order*, August 2006 http://www.communities.gov.uk/pub/97/TheGreaterLondonAuthorityTheGovernmentsfinalproposalsforadditionalpowersandResp0_id1502097.pdf

The Mayor should also appoint the Chairs and some board members of the Arts Council London, the London Regional Sports Board and Museums, Libraries and Archives London.

The GLA should consult arts, sport and other cultural delivery bodies in the future development of the Mayor's Cultural Strategy and national and regional strategic cultural bodies should consult the GLA on their strategies, where there is a London impact.

Health

The Mayor will prepare a strategy to tackle London's health inequalities and promote the reduction of health inequalities in London.

The Regional Director for Public Health (RDPH) in London will act as Health Adviser to the Mayor and GLA Group.

Climate Change and Energy

The Mayor will prepare and publish a statutory Climate Change and Energy Strategy for London, stating how the capital should minimise emissions of carbon dioxide by the use of energy in London, help to eradicate fuel poverty; and harness economic opportunities for London from investment and innovation in energy technologies and energy efficiency.

He will also prepare and publish a statutory Climate Change Adaptation Strategy setting out how the capital should adapt to the effects of climate change.

The GLA will be subject to a specific duty to take action to mitigate the effects of climate change and help London adapt to its unavoidable impacts.

Water

The Secretary of State will have regard to the Mayor's Water Action Framework when framing guidance to regulators in preparation for a review of water price limits.

The package of changes in respect to functional bodies, and additional powers for the Mayor in appointing to the bodies' boards, are intended to give the Mayor greater freedom of choice and more influence over delivery. The key changes are:

The Mayor will have the discretion to appoint political representatives to the TfL Board.

The Mayor will either appoint the Chair of the MPA or assume the role of Chair himself.

The Mayor will appoint two members of the LFEPA Board, and will be able to direct and issue guidance to the Authority.

London Assembly

The Assembly will be able to set its own budget and will publish an annual report setting out its work and achievements over the previous twelve months.

The Assembly will be able to hold confirmation hearings for key appointments the Mayor proposes to make.

The Mayor will be required to have specific regard to the views of the Assembly and the functional bodies in preparing or revising his strategies. He will need to provide reasoned justifications where he is not acting on their advice.

The Mayor and Assembly will jointly appoint the Authority's statutory posts. Most other GLA staff will be appointed by the Head of Paid Service.

The proposals, a summary of stakeholder responses and the associated Regulatory Impact Assessment (RIA) are available on the DCLG website.⁸¹

The policy document notes under each category how the proposed changes are to be implemented. Many are to be taken forward by the present Bill but there are exceptions, most notably the proposals concerning learning and skills which are included in the *Further Education and Training Bill* [HL] 2006-7. The changes to the Metropolitan Police Authority were implemented by the *Police and Justice Act 2006*, after amendments in the Lords, which inserted a new Schedule 2A to the *Police Act 1996*. Certain provisions do not require legislation; for example, powers of appointment to London cultural bodies can be implemented by changes to funding agreements and, in certain instances, changes to Royal Charters.

VII Reactions to the policy announcement

The *Summary of Responses to the Consultation* provides a useful overview of the official reaction to the proposals from a wide range of respondents. This section does not attempt to provide a comprehensive review of responses, but does attempt to gauge political opinion across several of the main actors with an interest in the GLA Review.

A. Support for the proposals

The Mayor, Ken Livingstone, indicated that he was broadly pleased with the outcome of the review. He was quoted in the Department for Communities and Local Government Press Release as saying:

This announcement is welcome recognition of the successes already achieved through the mayoral system in London and provides the opportunity to build on this success and further improve the lives of Londoners. We have demonstrated - through neighbourhood policing, the success of congestion charging and the transformation of the buses - that city-wide London government works and that Londoners are directly benefiting. The additional powers granted to the office of Mayor will enable us to tackle head-on the problems London faces - skills provision according to the capital's needs in the run-up to the Olympics and planning and housing powers which will help promote our city's global economic status and also deliver the vital affordable homes that Londoners need.⁸²

The same quotation was repeated in the Mayor's own press release issued in response to the policy proposals.⁸³ Additionally the Local Government Association issued a press release calling for similar powers to be afforded to other English regions. In it, the Chairman of the Local Government Association, Sandy Bruce-Lockhart said:

What are needed are not further small steps towards changing the balance of power, but bold reforming strides. In England, too many powers are held centrally

⁸¹ <http://www.communities.gov.uk/index.asp?id=1500895>

⁸² Ibid

⁸³ Mayor of London, "Devolution agenda pushed forward with new powers for London". *Press Release* 378, 13 July 2006, available online http://www.london.gov.uk/view_press_release.jsp?releaseid=8621

or fragmented among a set of non-elected bodies which includes regional development agencies, regional housing and planning boards, learning and skills councils. On the continent, cities such as Frankfurt, Milan and Madrid have higher, faster growth compared to equivalent cities in Britain...London's economic success is further evidence of the importance of devolved powers. It is local council Leaders working on the ground in their localities who can win the public's backing for economic and social initiatives. They are the people who can form strong partnerships with the private and business sector, and work with wealth and social capital creators to deliver major physical improvements and stronger local economies. But this can only happen if they have the devolved powers to do so, particularly in planning, transport and the economy.⁸⁴

Baroness Jo Valentine of London First⁸⁵, an organization that represents businesses in London, also voiced strong support for the proposals. In a press release she was quoted as saying:

We have been lobbying for the Government to seize this opportunity and take a bold approach to further devolution. Today's decision is good for business, good for London and ultimately good for ensuring the economic competitiveness of the UK.⁸⁶

The Mayor suggested that the most recent raft of powers to be granted to his office would be expanded in the future. He used the occasion of a *Local Government Chronicle* interview to indicate to the Government:

We won't let you down in making these powers work – when we make them work we'll come back and I'll hopefully use my third term [as Mayor] to ask for more.⁸⁷

B. Criticism of the proposals

Negative reactions to the proposals were based on two core themes. First, worries that the new plans involve not only devolution of powers from Whitehall to the GLA, but also a conveyance of powers from local authorities to the city-region tier of governance. Secondly, and related to the potential shift of powers outlined above, concerns that the additional powers to be given to the Mayor were not matched by the scrutiny powers of the Assembly.

In a press release the One London Group commented 'these proposals are great for one Londoner in particular – Ken Livingstone – but very bad for Londoners and London as a whole'.⁸⁸ Damien Hockney (Assembly Member) was quoted as saying:

⁸⁴ Local Government Association, "Devolution of powers should be rolled out to other parts of England" *Press Release 103/06*, 13 July <http://www.lga.gov.uk/PressRelease.asp?id=SXED09-A783BD65>

⁸⁵ <http://www.london-first.co.uk/>

⁸⁶ London First, "Business applauds bold approach to capital's needs", *Press Release*, 13 July 2006 http://www.london-first.co.uk/press_centre/newsreleasedetail.asp?L2=106&NewsReleaseId=3471

⁸⁷ Nick Golding, "Boroughs' alarm as mayor wins powers", *Local Government Chronicle*, 20 July 2006, p 5

⁸⁸ One London Group, "Mayor's New Powers are 'Centralisation masked as devolution'" *Press Release*, 13 July 2006, <http://www.onelondon.org.uk/html/news.shtml>

Between elections he has untrammelled power. The Assembly has minimal ability to hold him to account now and will have even less with these new proposals. As an elected Assembly member, I'm concerned that the Assembly will lose sole authority over its ability to employ GLA staff, and its scrutiny power will be reduced. We have no rights to get information and are constantly denied information on any matters of importance. The 25 members of the London Assembly were elected at the same time as the Mayor, and have a mandate from Londoners just as the Mayor has. But even our already minimal powers are to be reduced. Imagine Tony Blair having ultimate control over MPs' office staff!

The Liberal Democrat group in the London Assembly did not feel the powers to be granted to the Mayor were as extensive as Livingstone had wished them to be. In a press release the Liberal Democrat Deputy Chair commented:

Today's announcement is a clear message from Whitehall that the Government still does not trust its Labour Mayor. The increase in powers given to the London Assembly are a recognition that Ken Livingstone needs to be kept in check. The London Assembly is the only guarantee that the voice of Londoners will be brought to the top table where key decisions are made. The Mayor may claim this as a victory but key elements such as Waste and Learning and Skills are missing from his package. The Mayor plainly does not enjoy the full confidence of his own government which still has him on probation.⁸⁹

The Conservative group similarly criticised the Government's plans, describing them as 'thievevolution' rather than devolution, a 'smash and grab raid on borough power' and an attempt to prevent the Assembly from properly holding the Mayor to account. Angie Bray, Leader of the London Conservatives also said:

By this systematic leeching of powers from the Boroughs, we are in danger of creating a democratic deficit across London. This undermining of local accountability, is distancing people from having a real say in their communities, and does little apart from augment the Mayors vision of possessing an unchallenged sovereignty across London.⁹⁰

In another press release Conservative Assembly Member Tony Arbour singled out the Government's plans for a transfer of planning powers for explicit criticism. He responded:

He is now a one man planning authority in London. He has the powers to direct both consent and refusal of planning applications which he considers strategic irrespective of the views of the boroughs and those most directly affected by the proposals. In short this is a planning power grab from local communities!⁹¹

The Green Party assembly group focused their criticism of the policy proposals on the Government's rejection of calls for the establishment of a single waste authority for the city. Darren Johnson said:

⁸⁹ London Assembly Liberal Democrat Group, "Vote of no confidence in Mayor as Government reviews GLA powers" – Hamwee' 13 July 2006

⁹⁰ London Assembly Conservatives, "Not Devolution but 'Thievevolution'", *Press release*, 13 July 2006

⁹¹ London Assembly Conservatives, "King Ken's 'Power Grab from the Boroughs'", *Press release*, 13 July 2006

At the moment we have an unaccountable, uncoordinated mess that is failing to deliver on recycling and failing London. By rejecting the idea of a Single Waste Authority to co-ordinate waste disposal and reprocessing, the Government has sacrificed a historic opportunity to kick-start the recycling industry in London.⁹²

In response to the announcement by the Government, the London Assembly issued a press release expressing disappointment with the plans to grant substantial new powers to the Mayor. Brian Coleman, the Conservative Chairman of the Assembly said:

The Government's announcement on changing the powers and responsibilities of the Greater London Authority is flawed and inconsistent. It represents a pick and mix approach to governance in the capital, rather than adopting a cohesive blueprint for the future, according to the Chairman of the London Assembly. The proposals extract planning powers from London boroughs, leaving local people more remote from important decisions that could change the face of their neighbourhoods. This undermines the welcome move towards further devolution in areas like housing and skills where decision-making is being moved to a more appropriate local level. Ministers have also ignored the need for proper checks and balances on the exercise of the Mayor's powers. Weakening the Assembly's oversight role reduces the GLA's democratic legitimacy, integrity and openness. London Assembly Chairman Brian Coleman AM said: "Relinquishing responsibility from Whitehall to City Hall with one hand, whilst snatching power away from London's boroughs with the other, is scarcely a consistent approach to devolution."⁹³

However, the Assembly chairman did not have all-party agreement for his comments. In the same press release the Deputy Chairman, who is a member of the Liberal Democrats, disagreed, praising the work of the Assembly and the new powers it has been offered.

Deputy Chair Sally Hamwee AM commented: "The Government specifically acknowledges the value of what the Assembly has done, and is extending its powers. The Government clearly recognizes the importance of holding the Mayor to account in the public arena. It has given a vote of confidence in the power of effective scrutiny."⁹⁴

Councillor Merrick Cockell, Conservative chairman of the Association of London Government (ALG, now London Councils), was doubtful as to whether the changes would lead to more effective governance for the capital, though he did welcome any transfer of powers from Whitehall to the Authority. He was quoted by H  l  ne Mulholland in the *Guardian* as saying:

We support the move to devolve powers from Whitehall to the regional tier of government in London and the locally elected mayor. However we would have liked to have seen even more powers devolved to London's boroughs and local

⁹² London Assembly Green party group, "Government's wasted chance to sort out London's mess", 13 July 2006

⁹³ London Assembly, "Flawed approach to London devolution", *Press release 379*, 13 July 2006

⁹⁴ *Ibid.*

communities. It is right and proper that the mayor has a strategic role but the accountability of London's 33 councils must not be devalued as a city-wide strategy is only part of improving services for Londoners.⁹⁵

In the same article Angie Bray, Leader of the Assembly Conservative group, said:

Is there no end to this man's reach into our lives? Ken Livingstone is increasingly becoming the unaccountable, elected dictator of London. This is an unprecedented situation, not only are we granting power to Livingstone without putting any accountability in the situation but we are also centralising some powers away from local councillors.⁹⁶

In the Association of Local Government (London Councils) press release, issued the day after the policy announcement, the association's chairman, Merrick Cockell, expressed particular concern over the Government's proposal to grant the Mayor more control over local planning issues.⁹⁷

There has also been criticism on behalf of local authorities. In a short analysis piece for the *Local Government Chronicle* in light of the policy proposals, Nick Golding predicted that the granting of extra powers for the Mayor would be cause for concern for local authorities in across the country. He noted:

There were once fears the mayor would have no clout; Mr Livingstone is now swallowing up quangos to boost his power base. His empowerment raises questions about the long-term future of local government in the capital – and beyond. If the mayor's power over strategic issues is increasing and, at the same time ministers want devolution of power to neighbourhoods, are the boroughs the right size to deliver? The mayor has said there are too many boroughs to ensure efficient governance. One might alternatively conclude there are too few and only smaller units can provide a local counterbalance to Mr Livingstone's central influence.⁹⁸

Criticism of the plans have also been noted by representatives of individual councils. Edward Lister, Conservative leader of Wandsworth Council, was reported as saying the announcement of the Government's proposals marked a 'bad day for local democracy', adding:

Never before has one man had so much power and control over the day-to-day lives of Londoners. This is a massive power grab by the Mayor, who will be able to make decisions on issues of real importance without paying any heed to the thoughts or wishes of local communities...No-one thought it was a good idea to give the Mayor more planning powers - apart from Ken himself. The Government has even acknowledged this fact, but decided to give them to him anyway. So much for their consultation process. And just like ministers, Ken doesn't listen to public consultation. He completely ignored the views of Londoners on the

⁹⁵ "Government 'rewards' Livingstone with greater mayoral powers", *The Guardian*, 14 July 2006

⁹⁶ Ibid.

⁹⁷ Association of London Government, "Voice of local communities must not be compromised", *Press release*, 14 July, 2006

⁹⁸ Nick Golding, "Are we seeing the future?" , *Local Government Chronicle*, 20 July 2006, p 5

congestion charge extension, so no doubt anyone who opposes his plans for more skyscrapers or waste plants in every neighbourhood can expect the same thing. He will now be setting up a new planning bureaucracy at City Hall so that he can interfere in planning decisions that are best made at local level - so as well as being ignored, Londoners can also expect a big rise in their council tax bills next year.⁹⁹

VIII The Greater London Authority Bill 2006-7

The Bill was published on 28 November 2006. It consists of 54 clauses and is designed to amend the *Greater London Authority Act 1999*, and so the text needs to be read with reference to the earlier legislation. The formal territorial extent is to England and Wales only. A Regulatory Impact Assessment is available in electronic form.¹⁰⁰ The *Explanatory Notes* state:

127. The Bill will not create a significant charge on public funds. The Authority is taking on new functions and powers either without any additional funding (by agreement between Government and the Authority) or with a transfer in funding under new burdens principles. Funding for the Authority for the three-year period from 2008-09, including funding for any additional functions the Authority may assume as a result of the Bill, will be determined as part of the Government's 2007 Comprehensive Spending Review.

The substantive provisions of the Bill will come into effect following a commencement order from the Secretary of State. It is expected that commencement will take place in time for the next Greater London Authority elections in 2008.

A. Powers for the Mayor and Assembly

The Bill makes some adjustments to the relationship between Assembly and Mayor set out in Part II of the GLA Act 1999.

1. Allowances

Clause 1 introduces severance payments for Mayors and Assembly Members on ceasing to hold office. The Mayor and Assembly will establish a joint scheme, with the details being made publicly available. Severance payments were first introduced for the House of Commons in 1971, in the form of resettlement grants and are currently at a minimum of 50 per cent of annual salary, subject to age and time as a Member. They are only available to those who are Members immediately before an election.¹⁰¹ Ill-health grants are available where Members retire for that reason.

The Senior Salaries Review Board (SSRB) produced a report on the question of severance payments for the Greater London Authority in 2005, as well as reviewing pay

⁹⁹ "Mayor's powers 'a blow for democracy'", *Press release*, 14 July 2006 Wandsworth Council

¹⁰⁰ The RIA may be found at http://www.communities.gov.uk/pub/771/GreaterLondonAuthorityBillRegulatoryImpactAssessmentRIA_id1504771.pdf

¹⁰¹ For further details see Library Research Paper 06/47 *Parliamentary Pay and Allowances*

and allowances. The report noted the SSRB had recommended a severance scheme as early as 2002 and reaffirmed its value to assist the Mayor and Assembly who were effectively undertaking full-time employment and so could not follow a profession elsewhere.¹⁰² Among the report's other recommendations was the introduction of secondary legislation to abate the salary of a Mayor or Assembly Member who was simultaneously a Member of Parliament. Currently, the salary is abated by one third.¹⁰³ An amending Order is likely before the next Greater London Authority election in 2008.

Severance schemes operate in the National Assembly for Wales and the Scottish Parliament. Severance schemes were introduced for councillors in Wales in 2003 and for Scotland in 2004, with the aim of encouraging long serving councillors to step down.¹⁰⁴ The *Regulatory Impact Statement* summarises the arguments for a scheme:

3.1.14 Removing the prohibition on the Mayor and Assembly establishing a severance scheme will remove an anomaly: while the Authority is currently allowed to make pension provision for those who cease to be a Mayor or an Assembly member, there is currently no provision to allow the GLA to provide a severance payment scheme for the Mayor and Assembly members when they leave office. This change will bring the GLA's provision into line with members of the Scottish Parliament and Welsh Assembly.¹⁰⁵

The Authority will need to fund any scheme from within its available resources should it choose to set one up.

There are some other minor adjustments to eligibility for allowances. Since political representatives will no longer be prohibited from joining the board of Transport for London (TfL) under clause 18, **clause 19** prohibits the payment of allowances to members of TfL who are also Assembly members, except for an Assembly member who is also the chairman or deputy chairman of TfL. This is achieved by amending Schedule 10 to the GLA Act 1999. **Clause 20** removes the prohibition on payments of allowances to any chairman or deputy chairman of the London Development Agency who is also an Assembly member. **Clause 26** similarly removes the prohibition in respect of the chairman or vice-chairman of the London Fire and Emergency Planning Authority. The SSRB review in 2005 heard and agreed with evidence that a salary supplement for these positions would be appropriate, given the level of responsibility required.¹⁰⁶

¹⁰² Report no 61 *Greater London Authority: Review of Pay, expenses, pensions payments and severance arrangements for the Mayor of London and London Assembly members 2005* <http://www.ome.uk.com/downloads/Senior%20Salaries%20No%2061.pdf>

¹⁰³ Ibid para 2.26. The current rules are in SI 2000 no 1032

¹⁰⁴ *Local Government (Gratuities) (Members of County Councils and County Borough Councils) (Wales) Regulations 2003* SI 2003/2437 and the *Local Governance (Scotland) Act 2004*

¹⁰⁵ See the RIA at

http://www.communities.gov.uk/pub/771/GreaterLondonAuthorityBillRegulatoryImpactAssessmentRIA_id1504771.pdf

¹⁰⁶ Report no 61 *Greater London Authority: Review of Pay, expenses, pensions payments and severance arrangements for the Mayor of London and London Assembly members 2005* <http://www.ome.uk.com/downloads/Senior%20Salaries%20No%2061.pdf> paras 2.11-2.13

Clause 48 allows for the common provision of administrative, professional and technical services, and simplifies the current rather convoluted powers in the GLA Act 1999. The means of ensuring appropriate access to services for the Assembly and the functional bodies will presumably involve negotiation at a future point. The *Regulatory Impact Assessment* analyses the risks involved as follows:

3.10.3 There are three risks in allowing the GLA and functional bodies to delegate back-office functions to each other. First, that the body to whom the function is to be delegated does not wish to take on the role. But the Bill specifically requires the body concerned to agree to the delegation. Second that core, rather than back-office, functions may be delegated.

But the Bill includes a definition of the types of services that may be delegated and a reserve Secretary of State power to include or exclude activities from the definition of back office functions.

3.10.4 Finally, that a body would not be able to secure service standards if a service is provided by another body. In such circumstances we would expect the GLA Group bodies concerned to work closely in setting and monitoring service standards, and to have agreements in place specifying how the service should be delivered.¹⁰⁷

2. Strategies

Part I of this Paper sets out the Mayor's current powers in relation to strategies and Part IV examines the Government proposals in the July 2006 DCLG Policy Statement in detail. The July statement rejected arguments from the Assembly for a power to amend Mayoral strategies on a two-thirds vote, but accepted that the Mayor should be required to have regard to the Assembly's views on his draft strategies. The DCLG accepted that the Assembly's remit should also extend to cover the Mayor's new roles in housing, energy and climate change.

The Bill gives the Mayor new powers in the areas of health, housing, fire and emergency, planning, climate control, culture and waste, which build on existing powers in the GLA Act 1999. However, these do not in general overturn the policy assumption of 1999 that the Mayor should be responsible for strategy only. The main exception is planning where the Mayor takes over the role of the Secretary of State. These topics are covered separately below and in Library Research Paper 06/xx *Greater London Authority Bill - Planning and Environmental Functions*.

Clause 2 requires the Mayor to produce a number of strategies and to carry out consultations in preparing or revising them. A new requirement is placed on him to consult the Assembly and functional bodies first, before the London boroughs and the general public. This is achieved by inserting a new section 42A in the GLA Act 1999 to have regard to the outcomes of his consultations on strategies. The phrase 'have regard' is relevant in administrative law terms as indicating that the Mayor would be expected to produce evidence that he had considered the representations made to him before making the decision.¹⁰⁸

¹⁰⁷ http://www.communities.gov.uk/pub/771/GreaterLondonAuthorityBillRegulatoryImpactAssessmentRIA_id1504771.pdf

¹⁰⁸ See generally *Principles of Judicial Review* de Smith, Woolf and Jowell

Clause 2(2) provides that before launching the wider consultation, the Mayor must prepare a statement for the Chair of the Assembly identifying comments submitted by the Assembly which have been accepted as part of the strategy. The statement must also set out the reasons why Assembly submissions have not been accepted. However, there is no provision for the Assembly to amend or reject the Mayor's strategies. The London Assembly's parliamentary briefing on the Bill welcomes the new requirement on the Mayor to have regard to the Assembly views, but recommends amendment to the Bill to enable the Assembly to amend strategies by a two thirds vote, arguing that "this would provide a check against the potential for a mayor to develop unworkable strategies on the basis of his own individual views".¹⁰⁹

The *Regulatory Impact Assessment* sets out the arguments against:

3.1.20 The Government decided against taking forward either of these proposals. The former would risk compromising the underpinning principle that the Mayor should continue to own the content of his statutory strategies. It could also risk extending unduly the time taken to prepare or revise a strategy. The changes set out at paragraph 3.1.2 should ensure that the Mayor takes account of the Assembly's views without the need for a blocking mechanism.

3.1.21 The option of extending the Assembly's scrutiny role would risk its ability to fulfil effectively its core function of holding the Mayor to account – particularly given the Mayor's enhanced powers and broadened portfolio. It would also risk cutting across existing audit and scrutiny arrangements for the bodies concerned. The Assembly does of course have powers under the GLA Act 1999 to investigate and prepare reports on any matters which it considers to be of importance to Greater London.

3. Annual reports and attendance at committees

Clause 6 requires the Assembly to issue an annual report, which it does not currently produce. The Mayor is already required to issue a report under section 46 of the GLA Act 1999. **Clause 3** amends the duty of the Mayor to submit his periodic report to the Assembly at least five days in advance, rather than three as at present. **Clause 5** amends the Assembly's powers to require attendance at committee hearings in section 61 of the GLA Act 1999. At present the Assembly may summon certain office holders, such as Functional Bodies chairs, or senior Authority staff up to three years after the end of their period in office or contractual relationship. The clause extends this power for up to eight years. This change was requested by the Assembly to deal with exceptional cases where a key policy person might otherwise fall outside the powers in section 46. One example might be in relation to the holding of the 2012 Olympic Games.

4. Confirmation hearings

In its Policy Statement of July 2006, the DCLG accepted the Assembly argument for confirmation hearings with key appointees that the Mayor intended to make, as long as they were non-binding. The Assembly did not argue for the power to veto the Mayor's

¹⁰⁹ *Parliamentary briefing on GLA bill* December 2006 London Assembly

appointees, so strictly speaking these are not confirmation hearings in the sense used in the US where Congress can block appointments by the President.

Confirmation hearings are a relatively new development in the UK. There was interest in the topic following the *Bank of England Act 1998* and the new non-statutory role played by the Treasury Select Committee in holding evidence sessions with newly appointed members of the Council of Economic Advisers.¹¹⁰ Confirmation hearings by select committees were recommended by the Liaison Committee in its 1999-2000 report *Shifting the Balance*.¹¹¹ The Government response to the Liaison Committee was to reiterate the constitutional doctrine of ministerial accountability which required the Government to make the appointment. It deprecated any suggestion of a veto power for committees.

17...Any indication that a Ministerial appointment relied upon the approval of a Select Committee or was open to a Select Committee veto would break the clear lines of accountability by which Ministers are answerable to Committees for the actions of the executive.¹¹²

There is no formal confirmation hearing process in the UK Parliament although many of the select (scrutiny) committees invite newly appointed Ministers to give oral evidence to them about the policies of their departments, or invite new regulators to give evidence. Nor is the term currently used in local government circles and does not appear in the *Local Government Act 2000* which introduced an executive/scrutiny split into English local government. Nor are they planned for in the most recent Local Government White Paper.¹¹³

Clause 4 inserts a new section 60A in the GLA 1999 which applies a new Schedule 4A. New section 60A sets out the offices to which the confirmation hearings will apply. These are:

- chairman, or deputy chairman, of Transport for London
- chairman, or deputy chairman, of the London Development Agency
- chairman, or vice chairman, of the Metropolitan Police Authority
- chairman of the London Fire and Emergency Planning Authority
- chair of the Culture Strategy Group for London
- chairman, or deputy chairman, of the London Pensions Fund Authority

The Secretary of State may by order amend that list. The scheme is therefore prescriptive, in that the offices to which the hearings will apply are spelt out and cannot be amended apart from secondary legislation. The Assembly welcomed the new power but wondered whether there should not have been some more flexibility. New Schedule

¹¹⁰ For further information see Part III of Library Research Paper 06/25 *Economic Indicators*

¹¹¹ HC 300 1999-2000

¹¹² The Government's response to the first report from the Liaison Committee *Shifting the Balance* 1999-2000 HC 748 1999-2000

¹¹³ For background see Library Standard Note no 4184 *The Local Government White Paper*

4A in **Schedule 1** sets out a detailed process to be followed. Where the Mayor appoints himself to the office, the procedure does not apply and no confirmation hearings are held. In other cases, the Mayor is prohibited from making any of the appointments listed until the end of the confirmation process is reached.

It is not essential for a confirmation hearing to be held for each post; the Mayor is allowed to go ahead and appoint if three weeks expire without the Assembly giving any recommendation to the Mayor about the planned appointment. However, he is constrained from formal appointment until the processes are carried out, although he does not have to follow the Assembly recommendations. The Assembly may make a recommendation without holding a confirmation hearing. The Assembly has powers to request a candidate to produce documents relating to the proposed appointment, but the Secretary of State has powers to restrict access to such documents, using his powers in section 63 of the GLA Act 1999. The assumption is that the decision to hold a confirmation hearing would be taken on a simple majority vote. The Assembly may delegate its powers on confirmation hearings to a committee.

The Assembly parliamentary briefing welcomes the new power, but argues that the power to all Mayoral appointments, not just a list prescribed in legislation. This would then leave the Assembly with discretion to decide when to use the power. If the list of posts remained in the Bill, the Assembly would press for a statutory consultation process to be inserted, before the Secretary of State made changes.¹¹⁴

5. Staffing

One contentious issue is the responsibility for staffing within the Greater London Authority. Currently, the GLA Act 1999 places responsibility for the formal structure of the Authority on the Assembly, which sets staff salaries, terms and conditions and is responsible for appointing staff to the Assembly. The main exception is that the Mayor has power to appoint up to 12 individuals, two of whom may be political advisers. The commentator Tony Travers has noted how as the GLA was established, "Livingstone did not initially appoint the two political advisers and policy unit of 10 envisaged by the legislation. Instead he created with Assembly approval, a far bigger private office as part of the GLA payroll. There is no doubt that he managed to ensure all his key advisers were found jobs within the Mayor's Office or advisory core".¹¹⁵

The Mayor has expressed interest in having the power to appoint all staff in the Authority apart from the Secretariat and the three statutory officers (head of paid service, chief finance officer and statutory monitoring officer) The argument in favour is that most Authority staff work on delivering the Mayor's executive functions. The ODPM consultation paper of November 2005 raised the question of staffing arrangements, without indicating a Government review.

¹¹⁴ *Parliamentary briefing on GLA Bill* December 2006 London Assembly

¹¹⁵ *The Politics of London* Tony Travers 2004 p110

In its response to the ODPM review, the Assembly indicated that it was satisfied with the arrangements under the 1999 Act and argued that it was important not to move away from the model of a permanent cadre of professional staff:

219. A Mayoral power of appointment of staff beyond his own statutorily permitted number of political appointees would introduce a significant risk of politicisation of the appointment process of the staff of the Authority. The Assembly avoids this danger by being a cross-party body. It would be unthinkable for the Prime Minister to appoint the civil service. It ought to be equally unthinkable for the Mayor to appoint staff, other than his own political appointees, to the Authority. This would run counter to the well-established civil service principle of an impartial professional service, serving the executive of the day.¹¹⁶

The Assembly also argued that the requirement to debate staffing matters in public led to transparency, which would be lost if power to appoint staff was transferred to the Mayor.

Clauses 7-11 introduce a compromise scheme whereby the authority to provide staff for the Authority will pass to the permanent Head of Paid Service. This office, together with the Monitoring Officer and the Chief Finance Officer, are to be appointed jointly by the Mayor and Assembly. This is a change from existing provisions under 67(2) which require the Assembly to appoint staff of the Authority, following consultation with the Mayor. The *Explanatory Notes* to **clause 7** state as follows:

35...The Head of Paid Service must consult the Mayor and Assembly before making appointments, and must have regard to available resources and the priorities of the Authority in making them. The clause also amends section 70(2) of the Act to provide for the Head of Paid Service to set the terms and conditions of those staff he appoints after consulting the Mayor and Assembly. The appointments, and terms and conditions, of the Authority's existing staff have effect as if they had been appointed or set by the Head of Paid Service.

The *Regulatory Impact Assessment* sets out the risk assessment as follows:

3.1.17 A further risk is the potential for the Head of Paid Service's new appointment role to lead to potential conflict in his relationship with the Mayor and Assembly. But in practice we would expect the Head of Paid Service to exercise his appointment functions in close consultation with both the Mayor and Assembly, and for his new role to build on the close relationship he already has with both. The Mayor and Assembly will also need to cooperate in order to make the three statutory staff appointments, and the Head of Paid Service would need to consult both on staffing matters generally.¹¹⁷

Clause 8 allows the Head of Paid Service to delegate these functions to another member of staff (excluding the 12 staff members who may be appointed by the Mayor under section 67(1)). The Assembly remain of the view that although it is proper to

¹¹⁶ *The London Assembly's response to the ODPM review of GLA powers* February 2006

¹¹⁷

http://www.communities.gov.uk/pub/771/GreaterLondonAuthorityBillRegulatoryImpactAssessmentRIA_id1504771.pdf

delegate responsibility for individual appointments, the overall size of the staff should remain the responsibility of the Head of Paid Service. The Head remains ultimately responsible for the appointments including numbers. In exercising his staffing function he must have regard to available resources and Authority priorities.

The Head of Paid Service appoints staff solely as employees of the Authority, and the appointments are required to be on merit, as required by section 4 of the *Local Government and Housing Act 1989*. **Clause 8(7)** provides that the terms and conditions of the person in post as Head of Paid Service change when these provisions come into effect, and **Clause 8(8)** does the same for other Authority employees.

Clause 9 requires the Mayor and Assembly to appoint the Monitoring Officer jointly. The powers of the Monitoring Officer are set out in the *Local Government and Housing Act 1989*. **Clause 10** requires the Mayor and Assembly to appoint the Chief Finance Officer jointly. Both posts must be appointed on merit and the new terms will apply to those already in post. None of the three senior posts must be a political appointee of the Mayor. **Clause 11** makes consequential amendments to legislation.

There is no explicit provision in these clauses for dealing with the dismissal of the Head of Paid Service, which may raise some issues, considering that the appointments are made jointly. It is expected that dismissal would have to be agreed jointly.

The Assembly parliamentary briefing does not support the transfer of responsibility for staffing to the Head of Paid Service. This reflects the views of all Assembly party representatives except Labour. The opposition is on the grounds of:

- removing an important check against the Mayor's powers;
- losing transparency in decision-making on staff and establishment issues;
- lack of dispute resolution procedure between the Mayor and Assembly when they disagree.¹¹⁸

The briefing considers that if staffing responsibility is transferred, the Head of Paid Service should be placed under a statutory duty to consult the Assembly in advance of decisions relating to the creation or deletion of posts. It considers that statutory measures should be taken to ensure transparency in staffing matters. It opposes the proposal to allow the Head of Paid Service to delegate the power to create or delete posts.

B. The Budget

The proposals on the budget are also expected to cause some controversy. **Clause 12** amends section 85 of the GLA Act 1999 to provide for separate component budget requirements for the Assembly and Mayor. Currently a combined component budget for both the Assembly and Mayor is produced.

The Assembly's component budget will deal with functions of the Assembly including estimates of expenditure, allowance for contingencies and use of reserves, in respect of

¹¹⁸ *Parliamentary briefing on GLA Bill* December 2006 London Assembly

Assembly members and staff; goods and services procured solely for the purposes of the Assembly; and in relation to the London Transport Users Committee.

The Mayor's component budget is made up of the remaining expenditure items which would have otherwise been included in the current Authority component budget.

Clause 13 amends Schedule 6 of the GLA Act 1999 to make provisions for the creation of two budgets – for example the Mayor will consult the Assembly before on draft component budgets of both. The Assembly can prepare draft budgets for both bodies if 1st February deadline is missed.

The clause also inserts new paragraphs limiting the Assembly's powers to increase its own component budget, by amendments to the draft. The Assembly may not amend its own component budget so that its annual percentage increase is greater than the annual percentage increase of the Mayor's component budget

In the July 2006 Policy Statement the Government suggested that the 'power to set its own budget will give the Assembly greater control and stronger assurance over its own resources'.¹¹⁹ Although the Assembly has welcomed these proposals it does not believe the Government's objectives will be achieved by the Bill, citing the following reasons:¹²⁰

- A two thirds majority remains to amend the proposed budget meaning the Mayor and a minority of Members can set the Assembly's budget.
- The Bill contains no protection from 'unreasonable' cuts that may be proposed by the Mayor and imposes an upper limit on the amount that the Assembly can raise its budget in a complex statutory formula.
- There is no provision for the Assembly to determine the provision of resources within its overall budget-this is decided by the Mayor

Clause 16 transfers from the Assembly to the Deputy Mayor the responsibility for the budget setting process if the Mayor is unable to fulfill his functions. This proposal is supported by the Assembly.

C. Functional bodies

The main proposed changes in the July 2006 Policy Statement were:-

- To remove the current prohibition on political representatives, other than the Mayor of London, from becoming members of the **Transport for London** board. This would bring it into line with other functional bodies and would enable the Mayor to appoint an Assembly member or member from a London borough.

¹¹⁹ The Government's Final Proposals for Additional Powers and Responsibilities for the Mayor and Assembly – A Policy Statement, DCLG, July 2006

¹²⁰ *Parliamentary Briefing on GLA Bill*. December 2006 London Assembly

- Give the Mayor slightly wider powers of appointment to the **London Fire and Emergency Planning Authority** (LFEPA). London Assembly and London boroughs to lose one nominee each (out of a total board of 17) so that the Mayor can make two appointments to represent other interests.
- Mayor to be given power to issue directions and guidance to the LFEPA.

The *Police and Justice Act 2006* has already given the Mayor power to be able to chair the **Metropolitan Police Authority** or to appoint its Chair in a new Schedule 2A to the *Police Act 1996*. This is designed to strengthen the MPA's democratic legitimacy and to increase its effectiveness as a scrutiny body.

Clause 18 adjusts the statutory rules for the appointment of Transport for London (TfL) Board members to allow the Mayor to appoint Assembly members or local councillors. This brings the rules for TfL into line with other functional bodies. There is an additional policy impetus in that the *Railways Act 2005* includes provisions to require the Mayor to appoint at least two members to the TfL board from representatives of people living and working outside London. The Department for Transport has consulted on proposals for drawing these representatives from elected local councillors outside London.¹²¹ The Assembly has supported the appointment of elected representatives to functional bodies, including TfL.¹²²

Clause 17 makes a relatively minor change to liberalise restrictions on the disposal of land by TfL. The clause will require only the written approval of the Secretary of State, rather than a statutory instrument, as currently provided in section 163 of the GLA Act 1999.

There are 17 members of the LFEPA, nine from the London Assembly and eight nominated by the London boroughs via the Association of London Government (London Councils). The appointments reflect the political balance on the London Assembly and from across the boroughs.

As well as dealing with fires and other emergencies, LFEPA enforces fire safety laws, gives advice about fire safety and carries out various emergency-planning activities, including helping the London boroughs to plan for emergencies. Its fire responsibilities include

- setting the strategy for the provision of fire services
- ensuring the fire brigade can meet all normal requirements efficiently
- ensuring members of the fire brigade are properly trained and equipped
- ensuring effective arrangements are in place to receive fire calls and deal with them promptly
- ensuring information likely to be useful for fire-fighting is gathered
- ensuring arrangements for advice and guidance on fire prevention are made

¹²¹ See *Regulatory Impact Assessment*, DCLG, para 3.24

¹²² *London Assembly's response to the ODPM review of GLA powers* February 2006

For emergency planning, the LFEPA holds and fulfils the following responsibilities by law:

- assisting the boroughs with all aspects of planning for emergencies on request
- the preparation, review, revision and testing of off-site emergency plans for industrial sites in London that fall under the Control of Major Accident Hazard Regulations
- the preparation and updating of arrangements for the distribution of information to the public in the event of a radiological incident in London
- the preparation and updating of emergency plans for 350 kilometers of pipelines that fall within the Pipeline Safety Regulations within London.¹²³

The July 2006 DCLG document described the Government 2005 proposals and how they have been amended, with fewer new members to be allowed on the LFEPA board:

CONSULTATION OPTIONS

3.13.1 We asked whether the composition of LFEPA should be re-configured to allow

the Mayor to appoint 7 Assembly members, 6 nominees agreed between the 32 boroughs and the Corporation of London and a further 4 members to represent other interests. We also sought views on whether the Mayor should be empowered to give LFEPA directions and guidance provided they are compatible with the Fire and Rescue National Framework, and subject to Secretary of State reserve powers.

CONSULTATION RESPONSE

3.13.2 There was no clear consensus in the responses to consultation on the future composition of the LFEPA Board. Respondents generally welcomed the proposal for the Mayor to issue directions and guidance to the authority in line with the Fire and Rescue National Framework and with the proviso of a Secretary of State override.

THE GOVERNMENT'S PROPOSALS

3.13.3 Having carefully considered the responses to consultation, we propose to:

- Give the Mayor wider powers in the appointment of LFEPA members. In future, the Mayor should appoint 8 Assembly members; 7 London borough members and 2 (new) members to represent other interests;
- Give the Mayor the power to give directions and guidance in line with the Fire and Rescue National Framework, and subject to Secretary of State reserve powers to ensure any directions and guidance issued by the Mayor are consistent with national policy.

3.13.4 The changes in appointments to the LFEPA Board will give the Mayor a greater say in the composition of the Authority and should result in a board that more fully represents London's diverse population. They will allow for direct representation of stakeholders on the LFEPA Board, which will further support the Authority's work in engaging business, community and other sectors on fire risk prevention.

3.13.5 The Mayor's new power to issue directions and guidance to LFEPA strengthens his influence over the Authority and gives him more say over strategic issues.¹²⁴

¹²³ <http://www.london.gov.uk/gla/gla-group/lfepa.jsp>

Clause 25 adjusts the rights to appointment to LFEFA. Currently the Authority has 17 members. The numbers appointed by the Assembly are reduced by one from nine to eight, the numbers appointed by the London boroughs are reduced from eight to seven and the Mayor gains powers to appoint two members to the board. The Assembly expressed concern about this proposal in its response to the November 2005 consultation, in relation to the appointment of Authority staff to the board in place of elected members, but appears to consider at present that the power for the Mayor to nominate 2 members should not be opposed. The *Regulatory Impact Assessment* acknowledged that in light of the consultation responses to its November 2005 proposals, the DCLG had decided that the Mayor should make two appointments instead of four, and that neither appointment should have any element of ‘representation’ of groups such as business or LFEFA staff.¹²⁵

Clause 27 of the Bill gives the Mayor new powers to issue directions to LFEPA. The Mayor may already issue directions to TfL and the London Development Agency. Presumably these would be used when there was not sufficient agreement among board members to proceed. The Assembly response to the November 2005 consultations argued for a power for the Assembly to ‘call in’ any direction from the Mayor. This would allow the Assembly to question the Mayor about the direction and comment on its impact. The ‘call in’ power does not appear in the bill.

D. Health Inequalities

The Bill would extend the existing roles of the Authority and the Mayor with respect to health and link them to the Government’s health inequalities strategy. This section outlines the existing roles, the Government’s health inequalities strategy, and the provisions in the Bill relating to the reduction of health inequalities.

1. The existing health roles

Section 30 of the GLA Act 1999 requires the Authority to have regard to the effect that the exercise of its general powers would have on the health of people in Greater London and requires it to exercise these powers in a way best calculated to promote improvements in health. Similarly, section 41 of the 1999 Act requires the Mayor to have regard to the effect on health of his strategies (and revisions to them) and to include within those strategies policies and proposals best calculated to promote improvements in the health of people in Greater London.

The GLA website outlines what this means in practice:

Healthcare in London continues to be provided by the NHS, and the London Ambulance Service continues to operate within NHS structures.

¹²⁴ DCLG, *The Greater London Authority: The Government’s Final Proposals for Additional Powers and Responsibilities for the Mayor and Assembly*, July 2006
http://www.communities.gov.uk/pub/573/TheGLATheGovernmentsFinalProposalsforAdditionalPowersandResponsibilitiesfortheMy_id1501573.pdf

¹²⁵ See *Regulatory Impact Assessment*, DCLG, para 3.5.9

What are the GLA's health responsibilities? The Greater London Authority has a duty to promote the health of Londoners and to take into account the effect of its policies on the health of Londoners. The GLA needs to work in partnership with others to secure improvements in the health of Londoners and to reduce health inequalities in London.

What is the Mayor's role? The Mayor does not have any direct policy powers but:

- together with the London Regional Office of the NHS Executive, and other key organisations, is working to promote the improvement of Londoners' health
- has set up an independent London Health Commission to drive forward health improvement in priority areas across London and to advise on health impacts of strategy proposals
- is taking into account the effects of the GLA's strategies on health
- has appointed to the Mayor's Advisory Cabinet Dr Sue Atkinson, an advisor on health issues.

What is the Assembly's role?

- to work with the Mayor to improve the health of Londoners
- to be able to investigate specific health issues if it wishes
- with the Mayor, adoption of health impact assessment across London.¹²⁶

Health inequalities in the Greater London area have already attracted attention under the existing framework of policies. The Health Commission (mentioned above) says that although life expectancy in London is similar to life expectancy in England, this is not the case for other measures of health or health determinants. For example, all ten of England's worst local authority areas for overcrowding are in London. It also says that although indicators for London as a whole help to identify some issues, they mask considerable variation within the capital, in particular a divide between inner London and outer London.¹²⁷

The Department of Health's national policies (outlined in section 2 below) also have links to the London area. For example, the London Health Observatory, which provides information about London's health and healthcare, was set up by the Department of Health in 2001 and is one of nine Regional Public Health Observatories in England. It recently published a report on reducing inequalities in life expectancy in London, which was welcomed by the Mayor.¹²⁸

The Government Office for London has also highlighted the extremes of wealth and poverty that co-exist in London and its Regional Director currently acts as the Mayor's health adviser, a position that is to be formalised by the Bill (see the section 3 below). Its website says:

¹²⁶ GLA website: <http://www.london.gov.uk/gla/health.jsp>

¹²⁷ London Health Commission Report 2005: Health in London: Review of the London Health Strategy high level indicators: <http://www.londonshealth.gov.uk/PDF/hinl2005/hifullreport2005.pdf>

¹²⁸ London Health Observatory website: <http://www.lho.org.uk/> See Press release issued 16 November 2006.

London has a unique mix of high need and high cost, and co-existing extremes of wealth and poverty and poor and good health seen in no other city in the world. Specific health challenges include:

- Deprivation
- Earlier onset of illness
- An ethnically diverse population speaking over 300 languages
- Disproportionately high levels of HIV, Tuberculosis, teenage pregnancy, mental illness, drug & alcohol dependency, and sexually transmitted infections.

In common with other Regional Public Health Groups (RPHGs), work streams are largely based on the priorities for public health outlined in 'Choosing Health – Making healthy choices easier' and for inequalities in 'Tackling Inequalities: A programme for Action'. We are responsible for implementing this work in the context of the capital, as well as ensuring that health aspects are considered in all major developments and initiatives in the capital. However, unique to the RPHG-London, our Regional Director also acts as the Mayor's Health Adviser and the Group plays a central role in a pan-region health body, the London Health Commission.¹²⁹

2. The Government's health inequalities strategy

The Government has said that tackling health inequalities is one of its top priorities. Its policy is based on the belief that tackling such inequalities is not just a matter for the health service but also requires tackling wider social problems:

Health inequalities are the result of a complex and wide-ranging network of factors. People who experience material disadvantage, poor housing, lower educational attainment, insecure employment or homelessness are among those more likely to suffer poorer health outcomes and an earlier death compared with the rest of the population.¹³⁰

The Government's cross-cutting approach to the issue was influenced by the report by Sir Donald Acheson's on health inequalities published in 1988. The report, which had been commissioned by the Government, made 40 recommendations, ranging from poverty, income, tax and benefits, education and employment to mothers, children and families and ethnicity.¹³¹ The recommendations were followed up in a number of policy documents. The Government's current programme is set out in *Tackling Health Inequalities: A Programme for Action*,¹³² which was launched in July 2003. Progress on

¹²⁹ Government Office for London web pages on public health: <http://www.gos.gov.uk/gol/publichealth/?a=42496>

¹³⁰ The Department of Health's website contains many of the relevant statements and documents: <http://www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/HealthInequalities/fs/en>

¹³¹ See http://www.dh.gov.uk/PolicyAndGuidance/HealthAndSocialCareTopics/HealthInequalities/HealthInequalitiesGeneralInformation/HealthInequalitiesGeneralArticle/fs/en?CONTENT_ID=4079680&chk=i4sJw8

¹³² Department of Health, <http://www.dh.gov.uk/assetRoot/04/01/93/62/04019362.pdf>

the programme was reported in *Tackling health inequalities: Status report on the Programme for Action*, published in August 2005.¹³³

The idea of specific targets for reducing health inequalities, now a major element of Government policy, featured in the NHS Plan published in July 2000, where the Government said that local targets for reducing health inequalities would be reinforced by national health inequalities targets. These were announced by Alan Milburn, then Secretary of State for Health, in February 2001 and have been adapted following the Government's subsequent Spending Reviews.

Currently, the Department of Health's Public Service Agreement Objectives are those that resulted from the 2004 Spending Review. A paper issued by the Department of Health in November 2004, *Tackling health inequalities: the spearhead group of Local Authorities and Primary Care Trusts* lists the inequalities targets. These are part of the Department's Objective I, which is to improve the health of the population (by 2010 to increase life expectancy at birth in England to 78.6 years for men and to 82.5 years for women):

Substantially reduce mortality rates by 2010:

- from heart disease and stroke and related diseases by at least 40% in people under 75, with at least a 40% reduction in the inequalities gap between the fifth of areas with the worst health and deprivation indicators and the population as a whole;
- from cancer by at least 20% in people under 75, with a reduction in the inequalities gap of at least 6% between the fifth of areas with the worst health and deprivation indicators and the population as a whole;
- from suicide and undetermined injury by at least 20%.

Reduce health inequalities by 10% by 2010 as measured by infant mortality and life expectancy at birth. The single target is supported by two specific targets:

- Starting with children under one year, by 2010 to reduce the gap in mortality by at least 10% between "routine and manual" groups and the population as a whole.
- Starting with Local Authorities, by 2010 to reduce by at least 10% the gap between the fifth of areas with the worst health and deprivation indicators and the population as a whole.

Tackle the underlying determinants of ill health and health inequalities by:

- reducing adult smoking rates to 21% or less by 2010, with a reduction in prevalence among routine and manual groups to 26% or less;
- halting the year-on-year rise in obesity among children under 11 by 2010 in the context of a broader strategy to tackle obesity in the population as a whole. Joint with the Department for Education and Skills and the Department for Culture, Media and Sport; and
- reducing the under-18 conception rate by 50% by 2010 as part of a broader strategy to improve sexual health. Joint with the Department for Education and Skills.¹³⁴

¹³³ Department of Health, <http://www.dh.gov.uk/assetRoot/04/11/76/98/04117698.pdf>

The paper also lists the areas that have been designated the “fifth of areas with the worst health and deprivation indicators”, known as the *Spearhead Group*. They are made up of 70 local authorities and the Primary Care Trusts that link to them. (There were originally 88 of such PCT's but since reorganisation the number has been reduced to 62.)¹³⁵

The infant mortality target is a national one and local level figures are not routinely collected. However, performance against the life expectancy target is recorded at a local level. In October 2006, the Minister for Public Health, Caroline Flint, stated that five of the 11 spearhead local authority areas within the London strategic health authority were making sufficient progress to narrow the life expectancy gap for both men and women in line with the 2010 target. A further four areas were on track to narrow the gap for males or females only, while the other two areas were off track.¹³⁶

Progress against 2010 life expectancy PSA target: London spearhead local authority areas

On track		Partially on track		Off track
Male and female groups	Male groups only	Female groups only		Male and female groups
Hackney	Lewisham	Greenwich		Barking and Dagenham
Hammersmith and Fulham	Newham	Haringey		Islington
Lambeth				
Southwark				
Tower Hamlets				

Source: HC Deb 25 Oct 2006 c1962W

3. The Bill

The Bill carries forward proposals in the Government's policy document issued in July 2006 for a statutory role of the Health Adviser, a statutory health inequalities strategy, and an extension of the Authority's and the Mayor's health duties to include health inequalities.¹³⁷ Details of the clauses are in the Explanatory Notes to the Bill, as well as in the Bill itself. This note summarises some of the main features of the provisions.

These provisions are covered in Part 4 of the Bill, clauses 21-24. **Clause 21**, which deals with the Health Adviser and Deputy Health Advisers, and **Clause 22**, which covers the health inequalities strategy, would add new sections to the 1999 Act (Section 309A-H). **Clauses 23 and 24**, would amend the existing sections 30 and 41 (see section 1 above) to add 'health inequalities' to the existing health duties.

The Health Adviser to the Greater London Authority (Clause 21) would be the person holding the Civil Service post of Regional Director of Public Health for London or whatever post corresponds most closely to that description. If such a post ceased to exist, the Secretary of State would make the appointment subject to the person meeting

¹³⁴ <http://www.dh.gov.uk/assetRoot/04/09/54/13/04095413.pdf> The targets are set out in a number of other places. For information about the full suite of PSA targets, see the HM Treasury website.

¹³⁵ A letter updating the PCT list was issued by the Department of Health, on 14 September 2006: http://www.dh.gov.uk/PublicationsAndStatistics/LettersAndCirculars/DearColleagueLetters/DearColleagueLettersArticle/fs/en?CONTENT_ID=4138963&chk=bd7kSp

¹³⁶ HC Deb 25 Oct 2006 cc1961-1962W

¹³⁷ Details of these proposals and of those that are being implemented in other ways, see *The Greater London Authority: The Government's Final Proposals for Additional Powers and Responsibilities for the Mayor and Assembly*, Department for Communities and Local Government, 13 July 2006 http://www.communities.gov.uk/pub/573/TheGLAFinalProposalsforAdditionalPowersandResponsibilitiesfortheMayorandAssemblt_id1501573.pdf

certain conditions relating to responsibilities for public health in Greater London. There are similar provisions relating to Deputy Health Advisers.

The Mayor's Health Inequalities Strategy (Clause 22): The Mayor would be required to publish a document known as the *health inequalities strategy*. It would contain the Mayor's proposals and policies for promoting the reduction of health inequalities between individuals living in Greater London and the proposals and policies would be addressed to "the mitigation of difference in general health determinants". The clause makes a number of specifications relating to the strategy, for example, that it must identify inequalities, specify priorities and describe the role to be performed in implementing the strategy by various bodies, including NHS bodies such as Primary Care Trusts and National Health Service Trusts, in the Greater London area (although there are no powers to require the NHS bodies to perform these roles¹³⁸).

Health inequalities are defined as:

inequalities in respect of life expectancy or general state of health which are wholly or partly a result of differences in respect of general health determinants

General health determinants are defined as:

- standards of housing, transport services or public safety,
- employment prospects, earning capacity and any other matters that affect levels of prosperity,
- the degree of ease or difficulty with which persons have access to public services,
- the use, or level of use, of tobacco, alcohol or other substances that are or may be harmful to health, and any other matters of personal behaviour or lifestyle, and any other matters that are determinants of life expectancy or the state of health of persons generally, other than genetic or biological factors.

There would be various requirements on the Mayor relating to the preparation of the strategy, such as consultation with health bodies where appropriate, a duty to collaborate with the Health Adviser (and vice versa) and a requirement to have regard to any guidance given to him by the Secretary of State. Where the Secretary of State considers that the strategy is inconsistent with national strategy and that this would be detrimental, the Secretary of State would have the power to issue Directions to the Mayor (after consulting him), and the Mayor would have to revise the strategy accordingly.

Extension of health duties to health inequalities (Clauses 23 - the Authority and 24 - the Mayor): Duties for the Authority and the Mayor to have regard to the effect of their policies on the health of people in Greater London, and to exercise their powers in ways

¹³⁸ The DCLG's Regulatory Impact Assessment identified a risk that the Mayor might place undue burdens on health providers and businesses in implementing his strategy. But it notes that he will have no powers to compel organisations to do so, and that effective implementation will require 'co-operation, negotiation and persuasion': http://www.communities.gov.uk/pub/771/GreaterLondonAuthorityBillRegulatoryImpactAssessmentRIA_id_1504771.pdf

best calculated to promote improvements in health, would be extended to include health inequalities and the promotion of a reduction in health inequalities.

An indication of attitudes to the proposals is available from the responses to the consultation paper issued by the Department for Communities and Local Government in November 2005. The Government's summary of the responses said that around a fifth of the responses commented on the health section. The health sector supported the proposals unanimously, with five out of six of "health" respondents pledging strong support. But the London boroughs did not share a common view, with just under half opposing further powers for the Mayor, and just over a third supporting additional powers. There was also strong support for the formalization of the role of the Regional Director of Public Health in London as Health Adviser to the Mayor and GLA Group. The Mayor himself believed that he should have an explicit duty to reduce health inequalities in London and that he should have a role in the governance of London's health bodies.¹³⁹

E. Housing

1. The London housing context

In February 2003 the Government published *Sustainable Communities: Building for the Future* in which the Deputy Prime Minister acknowledged that Governments over the last 30 years had failed to meet housing need. The impact of this failure has been felt most acutely in London.

There is an acknowledged shortage of affordable housing in London. Around two-thirds of all homeless households placed in temporary accommodation by local authorities in England are found in London (62,020). London also has more than half of the national total of households living in overcrowded conditions (over 150,000).¹⁴⁰

Although the rate of new housing completions in London has increased in recent years from around 19,500 in 2000 to 27,500 in 2004/05 and 2005/06, London's population is projected to increase by 1.2 million by 2026 creating between 550,000 and 720,000 additional households.¹⁴¹

Appendix 3 of this paper provides a detailed statistical overview of the housing context in London.

¹³⁹ For further details see: Government summary of responses to the above consultation paper, Department for Communities and Local Government, November 2005:

http://www.communities.gov.uk/pub/576/TheGLAProposalsforAdditionalPowersandResponsibilitiesfortheMayorandAssemblyRespn_id1501576.pdf

¹⁴⁰ *Towards the Mayor's Housing Strategy: consultation paper*, November 2006, p10:

www.london.gov.uk/mayor/housing/strategy/docs/towards-housing-strat.pdf

¹⁴¹ *ibid* pp15-16

2. The Bill: clause 28

In July 2006 the Government announced that “The challenge of meeting London’s housing needs can best be met by giving the Mayor a strong strategic role”.¹⁴² Part 6 of the Bill therefore involves a major new strategic role for the Mayor in meeting the capital’s diverse housing needs.

The power to prepare a housing strategy for London has been vested in the Government Office for London and carried out by the London Housing Board.¹⁴³ There is currently no statutory duty to prepare such a strategy. **Clause 28** of the Bill would amend the *Greater London Authority Act 1999* to place a new duty on the Mayor to prepare and publish a London housing strategy. The Mayor would also prepare a strategic Housing Investment Plan for London and would make recommendations to the Secretary of State on the broad distribution of the affordable housing part of the ‘regional housing pot’ in line with the London housing strategy. The current affordable housing programme in London (2006-08) is some £1.7 billion.

A new section 333A would be inserted in the GLA Act 1999 which would set out in broad terms what the London housing strategy should contain. For example, it would require the Mayor to:

- assess housing conditions and identify housing needs in Greater London;
- put forward proposals and policies to promote the improvement of those housing conditions and the meeting of those needs;
- state the measures that he will encourage other bodies and persons to take for that purpose; and
- make a statement as to his "spending recommendations" to the Secretary of State and the Housing Corporation¹⁴⁴ for housing for Greater London.

The Mayor’s spending recommendations would cover:

- how much of the money allocated to the Secretary of State over the relevant period for housing in Greater London should be allocated to the Housing Corporation for the purpose of making housing grants;
- recommendations to the Housing Corporation as to how it should allocate housing grant in Greater London; and
- recommendations to the Secretary of State as to how much of the money allocated to him over the relevant period for housing in Greater London should be allocated to each housing authority in Greater London.

In making recommendations about how the Housing Corporation should allocate its funding in Greater London, the Mayor would be able to include recommendations on the

¹⁴² DCLG, 13 July 2006, para 3.1.5:
www.communities.gov.uk/pub/573/TheGLATheGovernmentsFinalProposalsforAdditionalPowersandResponsibilitiesfortheMayor_id1501573.pdf

¹⁴³ The London Housing Board was established in March 2003 after the Deputy Prime Minister announced in the *Sustainable Communities Plan* (February 2003) that all regions would be required to establish a Regional Housing Board.

¹⁴⁴ The Housing Corporation is the regulatory and funding body for registered social landlords in England.

amount of grant that should be payable for different activities or purposes and the number, type and location of houses that should be provided by means of grant. The London housing strategy would have to contain a statement as to how local authorities would be expected to use any money granted to them.

In preparing the strategy the Mayor would have to have regard to any guidance issued by the Secretary of State and the effect of his proposals and policies on regions adjoining Greater London.

A copy of the London housing strategy would have to be presented to the Secretary of State. There would be a period within which the Secretary of State could direct changes to the strategy – this would occur if the strategy contained proposals in conflict with national policies or which would have an adverse effect on regions adjoining Greater London. There are also provisions to allow for the revision of the strategy in the event of changes in national policy or levels of funding. The Secretary of State would only be able to direct revision of the strategy after consultation with the Mayor.

The Secretary of State would be able to specify that a draft of the strategy be submitted by a certain date. The purpose of this would be to allow time to ensure that the Mayor's funding recommendations are agreed in line with the timetables for the funding decisions to which the recommendations relate.

There is specific provision in the Bill (**clause 28(3)**) to exempt the Mayor from the requirement to set targets in the housing strategy that are no less demanding than national targets and objectives.¹⁴⁵ This exemption is there in recognition of the fact that, for housing, national targets may not be appropriate in certain regions because of local circumstances.

The Housing Corporation would be under a duty, when exercising its functions of allocating grants to registered social landlords and other bodies under sections 18 and 27A of the *Housing Act 1996*, to have regard to the London housing strategy. The local housing strategies of housing authorities in Greater London would be required to be "in general conformity" with the Mayor's London housing strategy.¹⁴⁶ The Mayor would have the power to challenge boroughs with strategies significantly out of alignment with the London wide strategy.

3. Comment

A summary of responses to *The Greater London Authority: The Government's Proposals for Additional Powers and Responsibilities for the Mayor and Assembly* (July 2006) states that just over 40% of respondents to the consultation paper commented on housing matters.¹⁴⁷

¹⁴⁵ This requirement is found in section 41(9) of the 1999 Act

¹⁴⁶ Local housing authorities can be required to prepare housing strategies under section 87 of the 2003 *Local Government Act*

¹⁴⁷ para 2.1.2

Opinions are mixed. The Mayor argued for the preparation of the London housing strategy to be placed on a statutory footing but a majority of the London boroughs oppose this on the grounds that it will provide insufficient flexibility to meet local needs. Amongst the wider housing sector the benefits of a more co-ordinated strategic approach are recognised; the voluntary housing sector, including homeless charities, strongly supports a statutory London-wide housing strategy.¹⁴⁸

The London Assembly supports the housing strategy being made statutory:

“...this would require the Mayor to fully consult stakeholders, including the Assembly, in preparing or revising the strategy resulting in a more effective strategy and greater public scrutiny.”¹⁴⁹

The arguments around a potential conflict of interest between local, regional and national interests also figure in relation to the Mayor’s powers over the allocation of the regional housing pot in London. Some respondents to the consultation paper expressed the view that this could lead to an uneven spatial distribution of investment across the capital.¹⁵⁰

One example of how the London boroughs view the importance of housing in meeting local needs was provided in Havering Council’s response to the Government’s review of the GLA’s powers:

The London Borough of Havering opposes any extension of powers of the Greater London Authority or the Mayor and wishes to see power reside as close to the people of Havering as possible. We feel that boroughs have the knowledge and expertise to address many local objectives, and the impact of strategic objectives, at the local level. Local communities will expect their own local authorities to address these matters and any loss of powers to the Greater London Authority would result in a loss of powers of the people of Havering. We are particularly concerned about the proposals that relate to planning, housing and waste. These are functions which require a strong local involvement in decision making, which some of these proposals will adversely diminish. While we accept there is some scope for increasing the powers of the Mayor in certain areas, consideration should be given to resource implications of introducing these new powers and, should the Mayor be asking for increased responsibilities, this should be done within a broadly neutral funding arrangement.¹⁵¹

It seems that, in terms of the impact that the Mayor’s housing strategy might have on the London boroughs, much will depend on the interpretation of “in general conformity” when applied to the boroughs’ housing strategies. The current test of “in general conformity” is found in *Planning Policy Statement 12: Local Development Frameworks*:

The test is of general conformity and not conformity. This means that it is only where an inconsistency or omission in a development plan document would cause significant harm to the implementation of the regional spatial strategy/the

¹⁴⁸ *ibid* paras 2.1.5-2.1.9

¹⁴⁹ *ibid*

¹⁵⁰ *ibid*

¹⁵¹ Taken from a covering letter accompanying the Havering borough response, written by Leader of the Council, Councillor Michael White, 20 February 2006

spatial development strategy, that it should be considered not to be in general conformity. The fact that a development plan document is inconsistent with one or more policies in the regional spatial strategy/the spatial development strategy, either directly or through the omission of a policy or proposal, does not, by itself, mean that the document is not in general conformity. Rather, the test is how significant the inconsistency is from the point of view of delivery of the regional spatial strategy/the spatial development strategy.¹⁵²

The *Regulatory Impact Assessment* (RIA) on the additional powers and responsibilities for the Mayor and the Assembly makes it clear that the transfer of the London Housing Board's functions to the Mayor is consistent with Government plans to transfer the functions of Regional Housing Boards in all English regions to the regional tier. The risk that the Mayor's housing strategy might cut across national priorities is deemed to be "unlikely" given the Secretary of State's reserve powers to intervene.¹⁵³

4. Towards the Mayor's housing strategy

Following the July 2006 announcement that the Mayor of London would be made responsible for the capital's housing strategy and for deciding the broad distribution of investment in affordable homes, the Government moved to transfer the roles and responsibilities of the London Housing Board to the Mayor. The London Housing Board has now ceased to exist. Although the Mayor's responsibilities are not yet on a statutory footing, the GLA has already started the process of consultation with a view to publishing the first draft Mayor's London housing strategy in July 2007. Subject to the progress of the GLA Bill, the aim is to have the final strategy endorsed in 2008.

In November 2006 the GLA published *Towards the Mayor's Housing Strategy: consultation paper*¹⁵⁴, interested parties have been asked to submit responses to this document by 7 February 2007. The starting point for the consultation exercise is, as the paper points out, the current London housing strategy, *Capital Homes*, which was published by the London Housing Board in July 2005.¹⁵⁵ The Mayor wants to build on *Capital Homes* but has identified seven key areas where he wants to move "further and faster". The Mayor's overarching aims for housing in London are:

- a major increase in the quality and quantity of home building - particularly to drive up the provision of affordable homes in order to achieve the new targets set out in the revised *London Plan*
- housing fully integrated with my other social, economic, planning, transport and environmental strategies.
- housing that fully meets the needs of London's diverse population
- housing to be sustainable at all levels - homes that are affordable to own or rent, well-designed for 21st century lifestyles and new climate conditions, designed to help support strong communities, with good

¹⁵² Found at

www.communities.gov.uk/pub/848/PlanningPolicyStatement12LocalDevelopmentFrameworks_id114384_8.pdf

¹⁵³ *The Greater London authority: Additional Powers and Responsibilities for the Mayor and Assembly – Regulatory Impact Assessment*, July 2006, para 3.1.10

¹⁵⁴ This is accessible online at: www.london.gov.uk/mayor/housing/strategy/docs/towards-housing-strat.pdf

¹⁵⁵ www.gos.gov.uk/gol/docs/202207/221836/London_Housing_Strategy_2001.pdf

infrastructure, and helping to limit further climate change through reducing carbon emissions.¹⁵⁶

Specifically, he has identified a need for an additional 35,400 new homes per year across all tenures “to clear the backlog of those living in unsuitable housing and to provide homes for London’s growing population”.¹⁵⁷

Briefly, the seven policy areas where significant changes in emphasis from *Capital Homes* are envisaged include:

Putting people first: in this chapter of the consultation paper the Mayor identifies his intention to ensure that the housing strategy is consistent with the *London Plan* and his strategies for economic development, transport and infrastructure; climate change; energy and the environment; anti-social behaviour; skills; health; equalities; children and young people; and older people. There is a stated intention to ensure that all new homes are built to ‘lifetime home’ standards and that ten per cent of new homes are designed to be wheelchair accessible or easily adaptable.

Building more homes: this chapter focuses on the need for the housing strategy to contain clear proposals to secure timely land supply, speed up housing delivery and create places where people want to live. To this end the Mayor wants to streamline the land acquisition process; reduce the impact of competitive bidding for sites “especially between publicly funding agencies”; and capture the increase in land values created by planning permissions and development to fund additional infrastructure.

Building the right homes in the right places: this chapter sets out the Mayor’s intention to target public investment more effectively. There is an intention to shift resources, where possible, from subsidies that help people buy existing homes on the open market¹⁵⁸ to subsidies that support the provision of additional homes. Priority will be given to building larger affordable homes with good space standards. East London is identified as the sub-region with the highest capacity for new homes; the paper proposes a shift in the geographical distribution of resources to match the capacity for new homes.

Designing places where people want to live: the Mayor intends to build on the work carried out by the London Housing Board on how existing grant criteria can be used to encourage better quality design and improved environmental sustainability, in addition to seeking better value for money. The standard of housing management on high density and mixed-tenure developments is identified as an issue that needs to be addressed.

Reviewing intermediate housing:¹⁵⁹ the Mayor wants to develop a “more focused and targeted approach to intermediate housing”. Some of the measures he intends to investigate include prioritising subsidised housing while encouraging the development of products with no subsidy to cater for “the higher income end of the intermediate housing

¹⁵⁶ *Towards the Mayor’s Housing Strategy: consultation paper*, November 2006, p3

¹⁵⁷ *ibid* p15

¹⁵⁸ The rationale being that these subsidies can fuel price increases and exacerbate affordability issues.

¹⁵⁹ This is described as encompassing a range of housing options that help to fill the gap between social renting and full home ownership. It includes shared ownership and sub-market renting.

market". Another aim is to make sure that the capital gains made by intermediate housing providers are recycled effectively and help fund the highest priorities for investment.

Promoting choice and mobility: the Mayor proposes to develop a pan-London choice based lettings and mobility scheme in partnership with the London boroughs and registered social landlords. Choice based letting schemes involve a move away from the traditional way of allocating social housing through a housing waiting list with "points" reflecting an applicant's level of housing need. Instead, applicants bid for vacant properties which are advertised widely within the local area.¹⁶⁰

Tackling climate change: the Mayor intends that his new statutory duty to tackle climate change in the Capital will be reflected strongly in his housing strategy. Investment in housing will be used to ensure that new housing is as carbon-neutral as possible.

F. Planning

Library Research Paper 06/61 *Planning and Environmental Functions* covers this topic, together with waste and climate change in greater depth and a summary only is offered here. Planning applications are almost all determined by the London boroughs. The Mayor already has the power to direct the boroughs to refuse certain applications of potential strategic importance. The disappointed applicants retain the right to appeal to the Secretary of State. The Bill proposes retaining the London boroughs as the planning authority for the vast majority of applications but granting the Mayor three further powers:

- * The Mayor will be able to direct changes to boroughs' programmes for the local development plans they produce.
- * The Mayor will have a stronger say on whether draft local development plans are in general conformity to his London Plan.
- * The Mayor will have the discretion to determine planning applications of strategic importance.¹⁶¹

The London boroughs are reluctant to give up the power to determine major planning applications. They consider that the proposed definition of "planning applications of strategic importance" would allow the Mayor too much scope to choose what to take over. Since the Mayor would be able to approve applications, there would be no further right of appeal to the Secretary of State.

The Mayor would be responsible for negotiating the planning obligations (section 106 agreements) for those applications that he takes over. These are payments to the planning authority and negotiated between developer and planning authority. They are meant to pay for extra infrastructure costs incurred as a result of the proposed development. London boroughs fear that the money will go to infrastructure of the Mayor's choosing rather than to projects of importance to them.

¹⁶⁰ More information on choice based letting schemes can be found in Library Standard Note SN/SP/3858, *Choice Based Housing Allocation Schemes*

¹⁶¹ DCLG Press Release, *Consultation on Extended Planning Powers*, 10 August 2006

The Mayor, however, has welcomed the proposals as enabling him to bring greater consistency and speed to the planning system. The power to approve planning applications would mean that fewer strategic planning applications would be unreasonably refused and then go to appeal, resulting in further costs and delay.

The Government has published for further consultation its proposals on the definition of a planning application of strategic importance and on the appropriate procedure for the Mayor to determine these planning applications. Both topics will be covered in secondary legislation. Final proposals will be published before the committee stage of the Bill.

G. Waste

Library Research Paper 06/61 *Planning and Environmental Functions* gives full details for waste and a summary is offered here. As with planning, the Government consulted on a range of options from “no change” to centralisation under the Mayor. However, while for planning they chose one of the more centralised options, centralisation was rejected for waste and the Bill will not make any major changes.

The Mayor favoured the establishment of a centralised waste authority answerable to him, to replace the existing borough waste collection and disposal operations. He criticised the current situation where much London waste is either incinerated or sent to landfill in other parts of the country. He argued that centralisation would allow him to implement policies to increase the rate of recycling.

However, London boroughs and others argued that the establishment of a centralised waste authority would be disruptive and make it even harder in the short term for London to meet its EU obligations on waste disposal. An additional problem was that most people agree that waste collection and waste disposal should not be separated.

The Government rejected the option of a centralised waste authority. The Bill requires London borough waste strategies to “be in general conformity with” the Mayor’s London waste strategy, unless compliance would impose excessive costs on them. The current position is that boroughs only have to “have regard to it”.

H. Climate change and Energy

Library Research Paper 06/61 *Planning and Environmental Functions* gives full details and this is a summary only of the Bill’s provisions.

The Bill would make it a specific duty of the GLA to take action to mitigate the effects of climate change and help London adapt to its unavoidable impacts. The Bill includes proposals to place a duty on the Mayor to produce a statutory Climate Change Mitigation and Energy Strategy for London. This would have to include proposals for tackling carbon emissions from surface transport and sources other than transport; support innovation and investment in energy technologies and promote efficient energy production and use. The Bill also proposes to place a duty on the Mayor to produce a

statutory Climate Change Adaptation Strategy setting out how the capital should adapt to the effects of climate change.

I. Culture and sport

The ODPM consultation paper in November 2005 noted the primary role of central government (through national and regional public bodies) and of the London boroughs in promoting and funding culture in the capital. 'Culture' included the arts, sport, museums and galleries, libraries and archives, the historic environment and tourism. The Greater London Authority (GLA) was viewed as an important new partner in this field and one that could provide strategic influence. The Government believed it should have a "significant influencing role" and proposed that:

- Through the London Cultural Consortium (formerly known as the Cultural Strategy Group), the GLA would involve arts, sport and other cultural delivery bodies in the preparation of the Mayor's Cultural Strategy);
- National strategic cultural NDPBs - Arts Council England, Sport England, Museums Libraries & Archives Council etc. - should be required to consult the GLA on their national strategies; regional strategic cultural NDPBs to consult the Authority on their regional strategies. These proposals to be implemented by amendments to funding agreements.
- The GLA should appoint board members and, subject to agreement by the Secretary of State, chairs of London cultural bodies – ACE London, the Sports Council's London Regional Sports Board, MLA London. This proposal to be implemented through changes to Royal Charters and funding agreements, as appropriate.

1. Museum of London

In his response to the November 2005 consultation, the Mayor proposed that he take on the Government's present functions in relation to the Museum of London, arguing that since it is "a resource for all of London, and not just the City, it should come under London's citywide government".¹⁶² The Museum is a Non-Departmental Public Body, funded jointly by DCMS and the City of London Corporation and governed by the *Museum of London Act 1965* and the *Museum of London Act 1986*. It is administered by a Board of eighteen Governors, nine of whom are appointed by the Prime Minister and nine by the City.¹⁶³ The Government agreed that the Mayor's proposal for transfer to him of funding and governance of the Museum merited public consultation. Accordingly, DCMS published a consultation paper in July 2006.¹⁶⁴

¹⁶² *The Mayor of London's response to the ODPM's consultation paper on the powers and responsibilities of the Mayor and Assembly*, February 2006 para 6.9 at

<http://www.london.gov.uk/mayor/powers/docs/response.pdf>

¹⁶³ <http://www.mol.gov.uk/English/AboutUs/Governors/Default.htm>

¹⁶⁴ DCMS, *Consultation paper on future sponsorship arrangements for the Museum of London*, July 2006, http://www.culture.gov.uk/Reference_library/Consultations/2006_closed_consultations/mol_consultation.htm

As well as canvassing opinion on the necessary amendments to the *Museum of London Acts*, the consultation document also asked for views on whether the GLA should take responsibility for the two non-national museums in London, the Geffrye Museum and the Horniman Museum and Gardens. Most of the responses to the consultation, which closed on 8 September, concerned sponsorship of the Horniman Museum, an issue which is not of direct relevance to the present Bill. Of those respondents who commented on the Museum of London, the majority were in favour of giving the GLA more influence, either by granting the Authority the power to appoint some Board members or by transferring the Government's responsibilities to the Authority completely. A summary of responses is available on the DCMS website.¹⁶⁵ Given this consensus around reform, the Government proceeded with measures to change the Museum's funding and governance.

Clauses 41 to 45 of the Bill affect the transfer to the Greater London Authority of the Government's responsibilities for funding the Museum of London and appointing members of the Board. **Clause 41(1)** amends the *Museum of London Act 1965* to enable the Authority to take over the Prime Minister's powers to appoint half the membership of the Board of Governors. As a result, the Board will be directly accountable to the Authority and the City Corporation.

Clause 42 makes retrospective adjustments to the term of appointments of Governors made under the 1965 Act. The practice has been to appoint for four years, but in fact the 1965 Act required terms of no more than 3 years. The *Explanatory Notes* state that those appointed for more than three years, but less than four will be treated as having complied with the 1965 Act.

Clause 43 contains financial measures. Essentially, these involve, in each case, amending the 1965 Act to replace references to the Secretary of State with references to the Greater London Authority. The 1965 Act (section 15(3) as amended by the 1986 Act) requires the Secretary of State and the City of London Corporation to provide equal levels of funding for the Museum "or other such proportion thereof as the Corporation and the Secretary of State may, in the case of particular amounts paid in respect of particular expenses, agree." Clause 43(5) of the Bill sets out substitute provisions, maintaining the position that the Corporation and the Authority are each liable for half the expenditure of the Museum (subject to agreement about an alternative proportion in relation to particular expenses). Clause 44 amends the 1965 Act to replace references to the Secretary of State with references to the Authority in relation to disposal of land and granting consent for the Board to make staff appointments.

Although these changes to the Museum have proved relatively uncontroversial, the *Regulatory Impact Assessment* for the Bill¹⁶⁶ identifies a number of possible "risks". These include:

¹⁶⁵ http://www.culture.gov.uk/Reference_library/Publications/archive_2006/summary_respon_consMoL.htm

¹⁶⁶ RIA, paras 3.9.8 to 3.9.11

- A short-term detrimental effect on the efficient running of the Museum as the Mayor takes over from central Government. This could be mitigated by “limited transitional arrangements”.
- The new co-sponsors, the Mayor and the Corporation, might not work together effectively. However, key decision-making powers are vested in the Board of Governors “and it is not envisaged that any disagreements could not be resolved amicably”.
- Corporate sponsors and private donors may be reluctant to contribute to the Museum if it no longer has the status of a nationally sponsored institution. DCMS remains confident that the Museum’s “brand” is sufficiently well-established and this, coupled with the prestige of the City of London, “should mean that the Museum will continue to attract donations”.

2. Other cultural provisions in the Bill

Clause 46 enhances the consultation process in relation to the Mayor’s cultural strategy. Section 376 of the GLA Act 1999 requires the Mayor to prepare and publish a culture strategy and to consult certain bodies in revising it (section 42), but not where he considers that the revision will not materially alter the strategy. A draft of the strategy is to be prepared by the Cultural Strategy Group for London.¹⁶⁷ The Bill amends the 1999 Act so that Cultural Strategy Group will now be required to consult certain designated cultural bodies (listed at clause 46(5)) when proposing revisions to the strategy or when consulted by the Mayor if he makes revisions other than those proposed by the Group. The Mayor’s Culture Strategy for London - intended to be a blueprint for the next ten years - was published in April 2004 and is available on the GLA website.¹⁶⁸

Following amendments to their respective Royal Charters, the Mayor is expected to gain certain rights to appoint board members to various arts, sports and archive bodies. **Clause 47** amends the GLA Act 1999 to require him to exercise those appointment rights “as soon as reasonably practicable after the making of the request”.

¹⁶⁷ Note that the Cultural Strategy Group has now been restructured under the title London Cultural Consortium: <http://www.london.gov.uk/mayor/culture/lcc/index.jsp>. The Bill retains the earlier terminology.

¹⁶⁸ Mayor of London, *London: cultural capital – realising the potential of a world-class city*, <http://www.london.gov.uk/mayor/strategies/culture/index.jsp>

Appendix 1: Timeline of London governance

- The first metropolitan authority in London was the Metropolitan Board of Works, established under the *Metropolis Local Management Act 1855*. Its main duty was to improve the city's sewerage system, though gradually assumed duties for other public works
- 1889 – **London County Council** (LCC) is created by the Lord Salisbury's Conservative government, after the *Local Government Act 1888*. The LCC controls all services for the city
- 1899 – 28 borough councils are created under the terms of the *London Government Act 1899*, assuming some of the responsibilities of the LCC
- 1899-1907 – The Progressives Group, who were allied to the Liberal Party, were consistently in power during this period.
- 1907 – The Municipal Reformer Group, who were allied to the Conservative Party, won control of the LCC and remained in control until 1934.
- 1933 - Herbert Morrison is elected leader of the Labour Group on the council.
- 1934 – The Labour Group win the 1934 elections to the LCC and Herbert Morrison becomes Leader of the LCC. Morrison, as Minister for Transport in the 1929-31 government, was influential in the creation of the London Passenger Transport Board (known as London Transport or LT), following the *London Passenger Transport Act 1933*, which unified London's transport system. He also pioneered the idea of protecting green countryside from building development, the Green Belt.
- 1957 – Sir Edwin Herbert chairs a Royal Commission to report on local government for the greater London area, appointed by Prime Minister Harold Macmillan. The Commission recommends the establishment of a strategic metropolitan authority, dealing mainly with infrastructural issues
- 1960 the Herbert Commission recommends a strategic authority, to cover most of the built-up London areas, with 51 lower tier borough authorities, plus City of London
- 1962 – The Macmillan Government introduces plans for a **Greater London Council** (GLC) to have a strategic role in governing London. Service provision would be left to the local authority level (borough councils)
- 1963 – The *London Government Act* introduces 32 boroughs plus the City in London and a Greater London Council to deal with strategic planning, housing, fire and major roads. The London Transport Board reports directly to the Minister of Transport
- 1964 – The Labour Party win control of the GLC, but power alternates between Labour and Conservative Parties until its abolition in 1985
- 1965 – The GLC assumes responsibilities from the LCC
- 1970 – The GLC assumes responsibility for London Transport, buses and tubes
- 1970s GLC begins the transfer of its housing stock to the boroughs
- 1981 (May) – Labour regain control of GLC from the Conservatives. Ken Livingstone immediately replaces Andrew McIntosh as the Labour party group leader, becoming also leader of the GLC
- December 1981 Labour's Fares Fair policy (cutting bus and tube fares by one third, paid for out of increased rate precepts) is declared unlawful by House of Lords

- 1983 Conservative election manifesto promises to abolish the GLC and the six metropolitan county councils
- 1984 (March) - the Conservative Government announce plans not to hold the GLC elections scheduled for May 1985. This would be the precursor to the abolition of the GLC as a tier of governance, and is outlined in the Government White Paper, *Streamlining the cities: Government proposals for reorganising local government in Greater London and the Metropolitan counties*
- 1986 (31 March) – the Greater London Council is abolished with powers and responsibility dispersed to other bodies, mostly to the **London Residuary Body**, established in 1985 to dispose of the GLC's assets.
- 1990 Inner London Education Authority abolished
- 1994 Government Office for London created, along with other integrated regional offices in England

Between the abolition of the GLC, and the creation of the GLA in 1999, some responsibilities such as the fire service, planning, grants to voluntary organizations and waste management were transferred to joint boards formed by elected councillors from constituent boroughs, whilst other powers and responsibilities were transferred to central government control (such as London Transport).

- 1996 the Labour Party produce a policy document outlining provisional plans for a new London Authority in *A Voice for London*
- 1997 – the New Labour election manifesto promised to introduce plans for a new London Mayor and Assembly
- July 1997 – The Labour Government release green paper *New Leadership for London* with a three month consultation period
- March 1998 The white paper is published
- 23 February 1998 - **Greater London Authority (Referendum) Act 1998** gains Royal Assent
- 7 May 1998 – the referendum shows a clear majority (72:28) in favour of an Assembly and Mayor, but on a 34 per cent turnout
- 11th November 1999 - **Greater London Authority Act 1999** receives Royal Assent. It contains 425 sections and 34 schedules
- 20 February 2000. Frank Dobson selected as Labour's candidate for Mayor defeating Ken Livingstone and Glenda Jackson
- 6 March 2000 Ken Livingstone announces he will run as an independent candidate and was subsequently expelled from the Labour Party (Member of Parliament for Brent East until the General Election 2001)
- 4 May 2000 London Mayoral Election. Ken Livingstone defeats Steve Norris (Conservative) Susan Kramer (Liberal Democrat) and Frank Dobson (Labour) to become Mayor of London. In the Assembly both the Labour and Conservative Party won 9 seats each, with the Liberal Democrats and Greens securing 4 and 3 seats respectively¹⁶⁹
- 3 July 2000 – Ken Livingstone assumes the powers of Mayor, as an Independent

¹⁶⁹ Further details on the election and results are available from http://news.bbc.co.uk/1/hi/english/static/uk_politics/vote2000/london/default.stm

- 6 January 2004 Ken Livingstone is re-admitted to the Labour Party
- 10 June 2004 – Ken Livingstone is returned as Mayor with 36% of the first preference votes, defeating the Conservative's Steve Norris who polled 143,118 fewer votes. On second preferences Norris was defeated 828,380 to 667,178. The Mayoral election had a 37% voter turnout¹⁷⁰
- The June 2004 elections returned 9 Conservative, 7 Labour, 5 Liberal Democrat, 2 United Kingdom Independence Party (now the One London Group) and 2 Green Party Assembly members
- 6 July 2005 – The International Olympic Committee announce London will host the 2012 Summer Olympic Games
- 30 March 2006 - *London Olympic Games and Paralympic Games Act 2006* receives Royal Assent
- 28 November 2006 *Greater London Authority Bill 2006-7* introduced to Parliament

¹⁷⁰ Please see Library Paper 04/48 *2004 London elections: elections for the Mayor of London and Greater London Assembly, 10 June 2004* for further details

Appendix 2: Summary of the 2006/07 budget

Expenditure of GLA group by source of finance, £m, 2006/07

	Gross expenditure	Specific grants	Other income	Reserves	<i>Budget requirement</i>	RSG	NNDR	General GLA grant	Police grant	Council Tax income
MPA	3,267.0	425.7	391.6	24.0	<i>2,425.7</i>	132.2	684.8		1,001.3	607.4
LFEPAs	431.2	9.6	17.5	24.6	<i>379.5</i>	40.1	207.7			131.7
TfL	5,393.0	2,383.0	2,946.0	52.0	<i>12.0</i>					12.0
GLA	130.3	2.2	10.2	-4.6	<i>122.5</i>			37.9		84.6
LDA	422.5	422.5			<i>0.0</i>					0.0
Total GLA group (excl MPA)	6,377.0	2,817.3	2,973.7	72.0	<i>514.0</i>	40.1	207.7	37.9		228.3
Total GLA group	9,644.0	3,243.0	3,365.3	96.0	<i>2,939.7</i>	172.3	892.5	37.9	1,001.3	835.7

Source: The Greater London Authority's Consolidated Budget and Component Budgets for 2006/07

Appendix 3: Housing statistics in London

Affordable housing

The Government defines affordable housing as covering “social rented housing and intermediate housing (e.g. shared equity) provided for households whose needs are not met by the housing market”. Affordable homes are provided at sub-market prices, and restricted to specified types of household. The Government provides shared equity schemes to support some households, including key workers and social tenants, in their aspirations to buy a home. The Housing Corporation provides social housing grant to registered social landlords and other bodies to provide additional affordable homes.¹⁷¹

Table 1 details the number of new affordable houses completed and acquired by London boroughs between 2001/02 and 2004/05. The figures cover local authority dwellings, registered social landlord dwellings and other affordable private sector dwellings. In London as a whole, 40,341 new affordable dwellings were made available over the period. The greatest number became available in Tower Hamlets (2,720), despite figures not being reported in this borough in 2001/02. Other boroughs with more than 2,000 new affordable dwellings included Newham, Hackney and Southwark. By contrast, fewer than 600 new affordable dwellings were completed or acquired in Harrow, Havering, Bexley, Kensington and Chelsea and Kingston upon Thames.

Decent homes

The Government has stated that a decent home should “be warm, weatherproof and have reasonably modern facilities”, and it has set a target that all council and housing association dwellings should be decent by 2010. It also wants to improve conditions for vulnerable households in privately owned housing, particularly those with children.¹⁷²

Table 2 details the number of unfit local authority-owned dwellings in London at 1 April for each year between 2001 and 2005. For London as a whole, the number fell by 24%, from 29,490 to 22,512. Trends in individual boroughs varied considerably. The number fell to zero in several boroughs over the period, but there were nine-fold increases in both Havering and Harrow. At 1 April 2005, Southwark recorded the highest number of unfit local authority dwellings (5,363), followed by Tower Hamlets (2,643), Lambeth (2,597) and Islington (2,043).

Table 3 includes private sector figures for 1 April 2005. For London as a whole, a total of 184,000 dwellings were classified as unfit, with 83% of these being private sector-owned by non-registered social landlords.

Altogether in London, 58 dwellings per 1,000 were declared unfit at 1 April 2005. The highest individual borough rates were in Haringey (123 per 1,000), Newham (116 per 1,000) and Lambeth (90 per 1,000).

¹⁷¹ Department for Communities and Local Government website:
<http://www.communities.gov.uk/index.asp?id=1150312>

¹⁷² Department for Communities and Local Government website:
<http://www.communities.gov.uk/index.asp?id=1152146>

Table 4 sets out the number of private sector homes given assistance to become decent during 2004/05. In London as a whole, 8,535 dwellings were provided with assistance. The highest individual borough totals were in Haringey (1,799), Lewisham (963) and Hillingdon (619). The figures detailing the split between vulnerable and non-vulnerable households are not complete. For those boroughs providing a full set of data, there is a clear bias towards vulnerable households. The indicative totals for London show that three-quarters of the assistance given in 2004/05 involved vulnerable households.

Homelessness

Table 5 describes an increase in the number of households placed in temporary accommodation between 2001 and 2006, both at the national level and within London. The rate of increase has been greater in London, however, with the numbers increasing by 47% over the period, compared with 28% for England as a whole. By 31 March 2006, London accounted for around two-thirds of all households in temporary accommodation in England.

Table 6 provides a breakdown of the figures for 31 March 2006, by London borough and by type of accommodation. It shows that, for England as a whole, 5 households per 1,000 were in temporary accommodation at 31 March 2006, compared with 20 per 1,000 in London. Among the London boroughs, the figure was highest in Newham, with 66 households per 1,000 being in temporary accommodation, followed by Haringey (61), Brent (43) and Tower Hamlets (32). The only boroughs for which the rate was equal to or lower than the England average were Merton (2), Richmond (5), Bexley (5) and the City of London (5).

Overcrowding

Table 7 reproduces the results of an attempt by the ODPM in April 2004 to combine survey data in order to compare levels of household overcrowding across London boroughs over a three year period from 2000-01 to 2002-03. Overcrowding is measured against the bedroom standard – an indicator of occupation density developed by the Government in the 1960s. A standard number of bedrooms required are calculated for each household in accordance with its age/sex/marital status composition and the relationship of the members to one another. This standard is then compared with the actual number of bedrooms available for the sole use of the household. If a household has fewer bedrooms than implied by the standard then it is deemed to be overcrowded.

The table shows that, for London as a whole, 5.8% of households were overcrowded, compared with a national figure of 2.4%. Within London, the highest levels of overcrowding were recorded in Newham (14.7%), Tower Hamlets (13.7%), Hackney (9.8%) and Islington (9.7%). At the other end of the scale, four boroughs recorded levels below the national figure: Bexley (1.8%), Bromley (1.8%), Kingston upon Thames (2.1%) and Havering (2.3%).

House building

Table 8 provides a breakdown by tenure of the permanent dwellings completed in each London borough between 2001/02 and 2004/05. Over the period, private enterprises accounted for 75% of all completions in London and registered social landlords accounted for 25%. The proportions varied across boroughs, however. More than 90% of completed dwellings were private enterprises in the City of London, Kingston upon Thames, Redbridge, Southwark and Bromley. By contrast, private enterprises were

responsible for fewer than half the new dwellings in Lewisham, Brent and Waltham Forest.

Expenditure

Table 9 details total capital expenditure on housing in each London borough between 2001/02 and 2004/05. Total expenditure in London amounted to £1 billion in 2004/05, equivalent to £140 per resident. On a per-capita basis, the highest spending borough was Southwark (£343 per resident), followed by Islington (£327 per resident) and Hackney (£323 per resident). By contrast, Bromley spent just £5 per resident, Richmond upon Thames spent £9 per resident and Bexley spent £13 per resident.

Household projections

Table 10 sets out population and household projections for the English regions between 2004 and 2021. It shows that increases in London are expected to outstrip the national averages. The overall population in London is expected to increase by 11% between 2004 and 2021, from 7.4 million to 8.2 million. Due to declining average household sizes, this is expected to equate to a 21% increase in the number of households, from 3.1 million to 3.8 million.

Table 1: New affordable housing completions/acquisitions: London 2001/02 – 2004/05

	2001/02	2002/03	2003/04	2004/05	Total
Barking and Dagenham	443	341	206	265	1,459
Barnet	104	245	270	312	1,294
Bexley	32	201	42	122	517
Brent	337	276	288	206	1,411
Bromley	105	188	86	191	778
Camden	154	99	96	173	697
City of London	0	0	0	0	0
Croydon	475	338	328	340	1,790
Ealing	169	203	281	285	1,196
Enfield	441	445	140	313	1,666
Greenwich	303	216	642	279	1,814
Hackney	680	519	612	396	2,478
Hammersmith and Fulham	67	168	381	300	1,153
Haringey	331	357	410	284	1,817
Harrow	96	145	131	78	536
Havering	184	65	68	113	536
Hillingdon	264	212	252	234	1,162
Hounslow	257	151	251	212	1,202
Islington	357	273	214	309	1,480
Kensington and Chelsea	136	64	106	65	435
Kingston upon Thames	84	39	39	153	315
Lambeth	166	147	332	257	1,247
Lewisham	249	272	366	508	1,840
Merton	130	83	139	172	632
Newham	328	411	639	562	2,568
Redbridge	118	194	233	225	858
Richmond upon Thames	42	64	156	212	792
Southwark	286	225	577	566	2,183
Sutton	174	220	119	308	1,085
Tower Hamlets	#	765	563	583	2,720
Waltham Forest	197	108	321	113	926
Wandsworth	51	100	275	251	677
Westminster	295	243	206	165	1,077
London	7,055	7,377	8,769	8,552	40,341

Notes: # figures not provided.

Source: DCLG, *Housing Strategy Statistical Appendix 2005*, Section N

Table 2: Number of local authority-owned unfit dwellings in London as at 1 April

	2001	2002	2003	2004	2005	Percentage change over period
Barking and Dagenham	1,480	2,277	2,031	1,908	1,701	15%
Barnet	23	137	155	112	58	152%
Bexley	0	0	0	0	0	:
Brent	291	62	14	14	14	-95%
Bromley	0	0	0	0	0	:
Camden	687	276	66	151	755	10%
City of London	0	0	0	0	0	:
Croydon	26	0	0	0	0	-100%
Ealing	295	287	277	433	403	37%
Enfield	166	160	153	144	141	-15%
Greenwich	1,411	1,234	1,103	1,103	166	-88%
Hackney	1,391	189	189	163	395	-72%
Hammersmith and Fulham	1,300	1,265	1,070	885	130	-90%
Haringey	991	854	543	1,128	1,019	3%
Harrow	79	53	48	773	743	841%
Havering	34	34	34	18	291	756%
Hillingdon	79	68	161	159	141	78%
Hounslow	1,016	885	2,222	2,064	577	-43%
Islington	2,831	3,272	3,036	2,929	2,043	-28%
Kensington and Chelsea	1,792	1,687	1,635	435	435	-76%
Kingston upon Thames	233	1,411	0	0	0	-100%
Lambeth	3,325	3,256	2,979	2,700	2,597	-22%
Lewisham	0	0	0	11	1,924	:
Merton	996	11	3	41	260	-74%
Newham	1,099	1,068	1,033	293	324	-71%
Redbridge	2	0	0	0	0	-100%
Richmond upon Thames	0	0	0	0	0	:
Southwark	1,798	1,598	1,598	6,612	5,363	198%
Sutton	108	107	105	0	0	-100%
Tower Hamlets	4,896	3,916	2,841	3,018	2,643	-46%
Waltham Forest	2,000	1,943	3,701	17	13	-99%
Wandsworth	701	510	2,109	418	325	-54%
Westminster	440	397	387	250	51	-88%
London	29,490	26,957	27,493	25,779	22,512	-24%

Source: DCLG, *Housing Strategy Statistical Appendix various years*, Section A

Table 3: Unfit dwellings in London as at 1 April 2005

	Local authority (within area owned by LA)	Registered social landlord	"Other" public sector	Private sector (non- registered social landlord)	Total	Number per 1,000 dwellings ¹
Barking and Dagenham	1,701	1	0	2,222	3,924	57
Barnet	58	0	26	6,429	6,513	49
Bexley	0	0	0	5,300	5,300	57
Brent	14	60	0	5,215	5,289	50
Bromley	0	716	0	3,595	4,311	33
Camden	755	353	0	6,904	8,012	83
City of London	0	0	0	0	0	0
Croydon	0	561	0	9,468	10,029	72
Ealing	403	61	0	4,658	5,122	42
Enfield	141	80	1	3,776	3,998	34
Greenwich	166	18	0	7,515	7,699	79
Hackney	395	390	0	4,950	5,735	62
Hammersmith and Fulham	130	35	0	2,864	3,029	39
Haringey	1,019	770	0	10,179	11,968	123
Harrow	743	2	0	2,852	3,597	43
Havering	291	1	1	3,215	3,508	36
Hillingdon	141	0	21	3,679	3,841	38
Hounslow	577	98	1	2,440	3,116	35
Islington	2,043	667	0	3,292	6,002	69
Kensington and Chelsea	435	300	0	2,927	3,662	42
Kingston upon Thames	0	53	0	2,469	2,522	40
Lambeth	2,597	42	0	8,273	10,912	90
Lewisham	1,924	254	0	5,324	7,502	67
Merton	260	57	#	4,093	#	#
Newham	324	999	0	9,971	11,294	116
Redbridge	0	0	0	5,178	5,178	54
Richmond upon Thames	0	362	15	3,504	3,881	49
Southwark	5,363	666	0	4,049	10,078	85
Sutton	0	0	0	2,908	2,908	38
Tower Hamlets	2,643	5	0	1,876	4,524	49
Waltham Forest	13	150	0	4,571	4,734	50
Wandsworth	325	77	#	5,392	#	#
Westminster	51	1,014	0	4,444	5,509	48
London	22,512	7,792	73	153,532	183,909	58

Notes: ¹Figures based on total dwellings including non-permanent dwellings.

figures not provided.

Totals for London include estimated values for missing data. Therefore individual borough figures do not sum to total.

Source: DCLG, *Housing Strategy Statistical Appendix 2005*, Section A

Table 4: Decent Home activity in London: number of private sector dwellings given assistance to improve 2004/2005

	Vulnerable household dwellings ¹				Total	All dwellings
	Non-vulnerable household dwellings	Pensioners	Families with children	Other		
Barking and Dagenham	0	57	6	3	66	66
Barnet	0	0	0	0	0	81
Bexley	0	0	0	0	0	597
Brent	#	#	120	#	#	541
Bromley	0	#	#	#	304	304
Camden	#	#	#	#	#	36
City of London	2	#	#	#	#	2
Croydon	160	197	80	58	335	497
Ealing	#	#	#	#	#	132
Enfield	0	32	8	4	44	116
Greenwich	0	19	14	17	50	149
Hackney	#	#	#	#	66	66
Hammersmith and Fulham	171	67	#	#	149	392
Haringey	#	#	#	#	#	1,799
Harrow	35	281	0	9	290	325
Havering	0	5	0	2	7	8
Hillingdon	260	330	11	18	359	619
Hounslow	0	79	10	0	89	98
Islington	20	32	16	14	62	156
Kensington and Chelsea	87	0	0	0	0	87
Kingston upon Thames	40	77	15	30	122	162
Lambeth	0	0	0	0	0	91
Lewisham	#	#	#	#	80	963
Merton	20	20	0	0	20	40
Newham	#	#	#	#	#	53
Redbridge	#	#	#	#	#	149
Richmond upon Thames	5	78	20	0	98	113
Southwark	12	95	3	0	98	115
Sutton	0	0	0	0	0	365
Tower Hamlets	#	10	#	#	145	145
Waltham Forest	0	0	0	0	0	37
Wandsworth	25	41	7	18	66	91
Westminster	#	#	#	#	#	140
London	837	1,420	310	173	2,450	8,535

Note: # figures not provided.

¹Vulnerable households are defined as those in receipt of at least one of the principal means tested or disability related benefits.

Totals for all dwellings include values for missing data. Therefore individual borough figures do not sum to total.

Source: DCLG, *Housing Strategy Statistical Appendix 2005*, Section K

Table 5: Number of households in temporary accommodation¹ at 31 March under 1985 and 1996 Housing Acts: London and England 2001-2006

		London	England
2001		42,620	75,200
2002		46,390	80,210
2003		52,690	89,040
2004		58,820	97,680
2005	P	61,990	101,070
2006	P	62,740	96,370
2006	P	62,020	93,910

Notes: ¹ Households in accommodation arranged by local authorities pending enquiries or after being accepted as homeless under the 1996 Act (includes residual cases awaiting re-housing under the 1985 Act).

P Provisional Data

Source: DCLG, *Live Tables*, Table 624

Table 6: Homeless households in London as at 31 March 2006

	Bed & breakfast (including shared annexes)	Hostels (including women's refuges)	Numbers in temporary accommodation				Total	Numbers per 1,000 households ¹	"Homeless at home" awaiting accommodation at end of year ²
			Local authority/Housing authority stock	Private sector leased	Others				
Barking and Dagenham	16	26	102	357	54	555	8	2	
Barnet	11	200	678	1,220	305	2,414	18	88	
Bexley	25	8	0	273	109	415	5	24	
Brent	163	42	0	3,728	375	4,308	43	97	
Bromley	67	157	264	346	170	1,004	8	201	
Camden	178	599	123	534	495	1,929	20	246	
City of London	4	0	0	0	20	24	5	1	
Croydon	38	52	1,328	661	544	2,623	18	0	
Ealing	85	142	21	2,023	0	2,271	19	180	
Enfield	88	5	245	2,647	307	3,292	29	15	
Greenwich	49	32	366	175	235	857	9	361	
Hackney	44	379	249	1,606	28	2,306	27	..	
Hammersmith and Fulham	70	47	361	1,189	0	1,667	21	18	
Haringey	128	301	426	3,757	1,086	5,698	61	5	
Harrow	14	52	33	1,058	3	1,160	15	2	
Havering	
Hillingdon	29	55	199	1,287	76	1,646	17	5	
Hounslow	170	150	75	759	145	1,299	15	120	
Islington	67	262	246	606	340	1,521	18	..	
Kensington and Chelsea	83	40	74	310	611	1,118	13	0	
Kingston upon Thames	9	85	55	517	101	767	12	32	
Lambeth	112	286	46	1,569	393	2,406	20	144	
Lewisham	13	378	1,238	655	0	2,284	21	877	
Merton	16	32	41	0	49	138	2	1	
Newham	148	38	77	5,628	216	6,107	66	..	
Redbridge	113	0	181	2,233	229	2,756	29	0	
Richmond upon Thames	16	45	8	301	26	396	5	0	
Southwark	64	321	335	367	60	1,147	10	358	
Sutton	28	3	294	183	46	554	7	0	
Tower Hamlets	125	7	855	1,664	1	2,652	32	0	
Waltham Forest	13	46	103	1,510	287	1,959	22	13	
Wandsworth	114	258	47	922	14	1,355	11	21	
Westminster	271	29	90	2,465	251	3,106	28	154	
London	2,380	4,150	8,870	40,770	6,580	62,750	20	3,000	
England	5,150	9,010	22,350	49,670	10,200	96,370	5	11,010	

¹Figures based on 2004 mid-year estimates

Notes: ²Households accepted as owed a main duty but able to remain in their existing accommodation for the immediate future.

Totals for London include estimated values for missing data. Therefore individual borough figures do not sum to total.

Source: DCLG, *Live Tables*, Table 627

Table 7: Proportion of overcrowded households in London: 2000-01 to 2002-03

	Estimated extent of overcrowded households	
	Number	Propoprtion (%)
Barking and Dagenham	3,635	3.7
Barnet	4,254	4.7
Bexley	1,636	1.8
Brent	7,425	8.7
Bromley	1,777	1.8
Camden	5,269	5.4
City of London ¹	8,561	6.0
Croydon	4,488	3.9
Ealing	9,771	8.5
Enfield	6,510	5.0
Greenwich	2,570	3.0
Hackney	9,807	9.8
Hammersmith and Fulham	5,344	4.1
Haringey	9,609	9.7
Harrow	4,339	4.5
Havering	2,070	2.3
Hillingdon	4,706	4.1
Hounslow	4,359	5.2
Islington	12,958	9.7
Kensington and Chelsea	6,087	7.1
Kingston upon Thames	2,679	2.1
Lambeth	5,088	6.0
Lewisham	3,017	3.0
Merton	3,361	4.9
Newham	11,449	14.7
Redbridge	6,752	5.9
Richmond upon Thames	2,631	2.8
Southwark	7,218	9.1
Sutton	2,885	3.1
Tower Hamlets	8,748	13.7
Waltham Forest	11,867	9.3
Wandsworth	3,886	4.3
Westminster ¹	8,561	6.0
London	193,320	5.8
England	512,029	2.4

Note: ¹ Combined City of London and Westminster results because sample in City of London too small.

Source: ODPM, *Overcrowding in England: the sub-regional picture - statistics*, April 2004, Table 1

Table 8: House building: dwellings completed in London: 2001/02 – 2004/05

	Numbers				Proportion			
	Private enterprise	Registered social landlord	Local authority	All dwellings	Private enterprise	Registered social landlord	Local authority	All dwellings
City of London	523	0	0	523	100%	0%	0%	100%
Barking and Dagenham	745	513	0	1,258	59%	41%	0%	100%
Barnet	2,661	822	0	3,483	76%	24%	0%	100%
Bexley	1,231	268	0	1,499	82%	18%	0%	100%
Brent	1,009	1,292	0	2,301	44%	56%	0%	100%
Bromley	1,717	169	0	1,886	91%	9%	0%	100%
Camden	754	260	0	1,014	74%	26%	0%	100%
Croydon	1,054	529	0	1,583	67%	33%	0%	100%
Ealing	1,095	815	0	1,910	57%	43%	0%	100%
Enfield	2,347	1,062	0	3,409	69%	31%	0%	100%
Greenwich	4,326	881	0	5,207	83%	17%	0%	100%
Hackney	1,497	342	0	1,839	81%	19%	0%	100%
Hammersmith and Fulham	289	237	0	526	55%	45%	0%	100%
Haringey	668	336	0	1,004	67%	33%	0%	100%
Harrow	970	234	0	1,204	81%	19%	0%	100%
Havering	1,080	236	0	1,316	82%	18%	0%	100%
Hillingdon	961	665	19	1,645	58%	40%	1%	100%
Hounslow	1,715	863	0	2,578	67%	33%	0%	100%
Islington	704	179	5	888	79%	20%	1%	100%
Kensington and Chelsea	903	218	0	1,121	81%	19%	0%	100%
Kingston upon Thames	1,182	60	0	1,242	95%	5%	0%	100%
Lambeth	1,278	225	0	1,503	85%	15%	0%	100%
Lewisham	983	992	0	1,975	50%	50%	0%	100%
Merton	1,216	386	0	1,602	76%	24%	0%	100%
Newham	2,284	372	0	2,656	86%	14%	0%	100%
Redbridge	1,798	105	0	1,903	94%	6%	0%	100%
Richmond upon Thames	1,078	231	0	1,309	82%	18%	0%	100%
Southwark	2,953	249	0	3,202	92%	8%	0%	100%
Sutton	948	558	0	1,506	63%	37%	0%	100%
Tower Hamlets	6,149	1,748	0	7,897	78%	22%	0%	100%
Waltham Forest	302	576	80	958	32%	60%	8%	100%
Wandsworth	2,219	573	6	2,798	79%	20%	0%	100%
Westminster	1,992	713	0	2,705	74%	26%	0%	100%
London	55,313	17,995	110	73,418	75%	25%	0%	100%

Notes: Totals for London include estimated values for missing data. Therefore individual borough figures do not sum to total.

Source: DCLG, Live Tables, Tables 252 & 232

Table 9: Housing capital expenditure in London: 2001/02 – 2004/05

	2001/02	2002/03	2003/04	2004/05	2004/05 expenditure per capita ¹ (£)
	(£000s)				
Barking and Dagenham	49,275	58,598	49,519	32,062	195
Barnet	15,686	18,344	19,744	23,347	71
Bexley	3,248	3,515	4,505	2,757	13
Brent	18,833	21,148	32,640	63,671	236
Bromley	10,897	10,678	1,061	1,491	5
Camden	56,495	50,766	66,037	42,103	186
City of London	8,027	9,827	660	1,590	173
Croydon	21,565	26,271	25,761	24,988	73
Ealing	29,004	34,758	25,877	28,235	94
Enfield	16,006	18,817	18,798	14,960	53
Greenwich	23,284	42,454	34,376	47,434	208
Hackney	41,252	24,989	40,681	67,172	323
Hammersmith and Fulham	19,448	30,742	30,902	27,440	153
Haringey	34,917	34,033	36,860	33,278	148
Harrow	8,803	8,405	9,495	8,943	42
Havering	7,206	8,023	15,358	12,491	55
Hillingdon	16,661	19,387	16,758	35,382	140
Hounslow	12,747	25,586	42,515	53,297	251
Islington	43,474	48,474	66,048	59,799	327
Kensington and Chelsea	20,613	16,798	16,366	21,565	110
Kingston upon Thames	6,047	6,058	4,882	6,022	39
Lambeth	48,351	50,326	58,194	62,984	234
Lewisham	47,414	46,508	66,020	47,486	192
Merton	8,222	6,909	5,582	6,783	35
Newham	38,525	40,448	42,638	37,085	151
Redbridge	9,090	8,315	8,670	11,673	46
Richmond upon Thames	4,087	3,371	1,811	1,758	9
Southwark	90,498	84,269	76,507	88,266	343
Sutton	8,594	14,324	15,679	13,310	75
Tower Hamlets	45,515	47,414	48,731	52,103	244
Waltham Forest	24,573	28,587	23,417	24,027	107
Wandsworth	28,574	29,489	39,929	38,059	135
Westminster	31,536	60,493	35,904	58,193	238
London	848,467	938,124	981,925	1,049,754	140

Note: ¹Based on Office for National Statistics mid-2005 population estimates

Source: DCLG, *Housing Strategy Statistical Appendix 2005*, Section H

Table 10: Household and population projections by region: 2004-2021

	England	London	North East	North West	Yorks & Humber	East Midlands	West Midlands	East	South East	South West
	000s									
Population										
2004	50,093	7,429	2,545	6,827	5,039	4,280	5,334	5,491	8,110	5,038
2006	50,484	7,521	2,529	6,830	5,050	4,320	5,354	5,572	8,210	5,097
2011	51,595	7,758	2,519	6,887	5,123	4,433	5,421	5,757	8,435	5,262
2016	52,771	8,008	2,512	6,957	5,202	4,547	5,499	5,948	8,669	5,429
2021	53,954	8,245	2,505	7,031	5,282	4,662	5,579	6,139	8,910	5,601
Projected growth 2004-2021										
	8%	11%	-2%	3%	5%	9%	5%	12%	10%	11%
Households										
2004	21,062	3,112	1,095	2,895	2,122	1,799	2,206	2,304	3,368	2,160
2006	21,485	3,191	1,105	2,935	2,153	1,839	2,244	2,364	3,445	2,209
2011	22,566	3,374	1,136	3,055	2,248	1,942	2,338	2,504	3,626	2,342
2016	23,705	3,567	1,168	3,179	2,348	2,048	2,436	2,653	3,822	2,485
2021	24,781	3,756	1,194	3,290	2,437	2,146	2,526	2,797	4,013	2,622
Projected growth 2004-2021										
	18%	21%	9%	14%	15%	19%	15%	21%	19%	21%

Source: DCLG, *Live Tables*, Tables 403 & 422