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The *Greater London Authority Bill*

Committee Stage Report

This is a report on the committee stage of the *Greater London Authority Bill* produced in response to a recommendation of the Modernisation Committee in its report on *The Legislative Process* (HC 1097, 2005-06).

This is a pilot report and we would welcome all feedback on its content and format. This should be sent to papers@parliament.uk or to the Director of Research Services, Rob Clements (ext. 3622).

The Public Bill Committee stage of this Bill began on 9 January 2007 and ended on 23 January. No amendments were made to the Bill. The programme motion appeared to allow sufficient time for debate and all parts of the Bill were debated. The Minister made a number of relatively minor commitments to consider amendments at a later stage. Substantial amounts of programmed time were spent on planning, waste and environmental issues, which remain controversial. Governance issues such as the budget for the Assembly, appointment powers of the Mayor and staffing arrangements were also subjected to considerable debate.

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Summary of main points

This summary explains the main provisions of the Bill.

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 powers of the Mayor to make appointments to the 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.

The Greater London Authority Bill will enable the Mayor of London to take over strategic planning applications from the London boroughs to determine them himself, instead of only being able to direct the boroughs to refuse applications, as is currently the case. The Mayor's powers over waste are also increased, but the Bill does not provide for a London-wide waste authority answerable to the Mayor.

The GLA will have a new duty to take action to mitigate the effects of climate change and help London adapt to its unavoidable impacts. The Bill will also place a duty on the Mayor to produce a statutory Climate Change Mitigation and Energy Strategy for London together with a statutory Climate Change Adaptation Strategy setting out how the capital should adapt to the effects of climate change

The Bill was not amended in committee.

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I Progress of the Bill

The *Greater London Authority Bill* received its second reading on 12 December 2006, with a majority of 320 to 151. Two Library Research Papers were produced. These were 06/60 *The Greater London Authority Bill* and 06/61 *The Greater London Authority Bill Parts 7 and 8 – Planning and Environmental Functions*. A Bill Gateway is available on the intranet¹ and the progress of the Bill, together with relevant documentation on the parliamentary internet.²

A subsequent programme motion for proceedings on Committee, Report and Third reading was agreed to on division (321 to 146). There was a formal Money Bill resolution. The Programming Sub-Committee agreed that the Bill would finish its Public Bill Committee proceedings on 23 January and there were 11 sittings, which can be viewed on the Parliamentary website, together with the amendments debated and the written evidence received.³ Five written submissions were received, one from the London Assembly, one from the City of London Corporation, two from London Councils (formerly the Association of London Government) and one from the Institute of Historic Building Conservation. No oral evidence was taken.⁴ This written evidence appears to have been drawn upon by Members of the Public Bill Committee, but was not explicitly acknowledged as such.

II Second Reading debate

The second reading on 12 December 2006 was begun by Yvette Cooper, Minister for Housing and Planning. She referred to the success of the mayoral model since 1999 and criticised the decision of Conservative Members to oppose the Bill.⁵ Much of her speech was taken up by the housing and planning proposals in the Bill. In response, the Conservative spokesperson, Jacqui Lait, said that she was disappointed in the partisan tones of the Minister and reiterated her view that scrutiny of the Bill would have been improved by some oral evidence sessions. She opposed in particular the new housing and planning powers, as removing powers from local communities and their representatives. She also objected to the new appointment powers to functional bodies, and plans for waste disposal, as well as expressing general doubts about Mayoral strategies and staffing issues. She concluded:

I am left with the suspicion that the Bill is the price that the Government had to pay to get Ken Livingstone back into the Labour fold before the last mayoral election. However, the proposals do not even satisfy him. They satisfy no one. Furthermore, we cannot use the new powers of the Public Bill Committee to examine whether the proposals are correct. I will invite my right hon. and hon. Friends to vote against the Bill tonight, because London and Londoners deserve better.⁶

¹ <http://hcl1.hclibrary.parliament.uk/parliament/bills/gateways.asp?session=2006-07&billid=63>

² http://www.publications.parliament.uk/pa/pabills/200607/greater_london_authority.htm

³ http://www.publications.parliament.uk/pa/pabills/200607/greater_london_authority.htm

⁴ See <http://www.publications.parliament.uk/pa/cm/cmpbgl.htm#memo>

⁵ HC Deb 12 December 2006 c751-762

⁶ HC Deb 12 December 2006 c771

The former Government minister, Nick Raynsford, who piloted the Greater London Authority Act 1999 through the Commons, offered broad support to the Government, while expressing some concerns about the staffing and budget proposals. Tom Brake, for the Liberal Democrats, offered broad support, except to clauses 31-35 on planning. Like Mrs Lait, he raised the question of the future of the Government Office for London.⁷

Several speakers, raised concerns about planning powers moving away from the boroughs. Robert Neill said it could not be right to have a one man planning authority to deal with both strategic plans and individual applications. Mark Field opposed the transfer of planning decisions from boroughs to the Mayor. The Bill was likely to add a further level of bureaucracy, complexity and delay to the planning process. He strongly opposed giving the Mayor responsibility for listed building and conservation area consent. Michael Gove said that the Conservative Party would support the Government in devolving powers from the central Government to the Mayor of London but not in transferring powers from the boroughs to the Mayor. Tom Brake for the Liberal Democrats said that the solution to concern about the Mayor's taking over planning controls would be to remove clauses 31 to 35 of the Bill, leaving the planning system just as it was before and removing the need to define an application of "potentially strategic importance".

The former minister, Nick Raynsford, supported giving the Mayor power to ensure compliance with the London plan, but stressed the importance of the definition of "strategic". Andrew Dismore welcomed the Bill, noting that the Mayor had used the power to refuse planning applications fewer than 20 times in six years. He could not see the power to accept being used more often than that. Harry Cohen supported increased powers for the Mayor. He wanted a third party right of appeal against the Mayor's decisions (as also did Lynne Featherstone), based on the New Zealand model of environmental courts.

Some speakers raised concerns about the distribution of revenue from planning agreements. The minister, Jim Fitzpatrick, rejected suggestions that money from section 106 agreements would be siphoned off by the Mayor. Boroughs should be fully involved in section 106 issues. They should decide applications in the first instance and should be consulted by the Mayor when he took on this responsibility.

Andrew Dismore disagreed with the Bill over waste, favouring a centralised solution. Twenty years earlier the GLC had responsibility for co-ordinating and managing waste disposal, and its innovative approach turned London into a world leader. Since its abolition, London had fallen well behind many international comparator cities.

Apart from the Minister, Yvette Cooper, all the speakers in the debate represented constituencies in the Greater London area, with the exception of Michael Gove (Surrey Heath) The Liberal Democrats supported the Government in the division lobbies, while the Conservatives voted against. (Division 15). On the programme motion, Division 16, patterns of voting were similar.

⁷ HC Deb 12 December 2006 c777-781

On 18 December the Programme Sub-Committee agreed a programme resolution and this was not amended by the Public Bill Committee when it met on 9 January 2007. The bill was programmed to end on 23 January 2007.

III Committee stage

A. Commentary

The Public Bill Committee had 17 Members, 2 Liberal Democrat, 5 Conservative and 10 Labour including the Minister for Housing and Planning and the Parliamentary Under-Secretary for the DTI. Only 6 Members did not sit for a Greater London constituency, including one of the Ministers, and the Conservative spokesman Michael Gove, who sits for Surrey Heath. Five of the Labour Members were PPSs.⁸ Both Andrew Pelling and Robert Neill are currently London Assembly members. The Members for non-London constituencies made contributions, but frontbenchers and Members from London constituencies were dominant as speakers in the debate. The full membership is set out in Part IV of this Paper.⁹

In opening comments Michael Gove, for the Conservatives, and Tom Brake, for the Liberal Democrats, expressed disappointment that there would not be oral evidence sessions, but expected that the time allowed in the programme motion would be sufficient.¹⁰ On 11 January the Minister for Housing and Planning, Yvette Cooper, apologised to Committee members for the failure to circulate the planning draft order in time, which affected the scope to table amendments on planning issues. Michael Gove accepted that there had been no Government intention to impede the flow of the Committee's proceedings, and that there would be an opportunity on report to table more specific amendments.¹¹ The draft order is printed as Part V of this Paper.

B. Written evidence

There were five separate pieces of evidence reported to the Committee, which were made available on the internet and printed as a separate booklet. The members of the Committee did not specifically refer to the written evidence during the debate on the Bill, but some of the arguments were presented by individual speakers. However, it is difficult to assess with any precision the value of the written evidence to Committee members. The London Assembly submission gave detailed comments on each clause of the Bill and indicated its views on proposed amendments. The submission indicated which aspects were supported unanimously by Assembly Members and which by majority only.

The submission from the City of London Corporation concentrated on the planning aspects of the Bill, combined with some concerns about future funding for the Museum of London and housing strategy and waste. The evidence from London Councils (formerly

⁸ Martin Linton, Siobhain McDonagh, Stephen Pound, Andrew Slaughter, and Angela Smith

⁹ <http://www.publications.parliament.uk/pa/cm200607/cmpublic/gla/great.htm>

¹⁰ PBC Deb 9 January 2007 c3-5

¹¹ PBC Deb 11 January 2007 c109

the Association of London Government) presented points on transport, LFEPA and housing. A further submission from London Councils concentrated on planning, waste and environmental issues. Their main concerns on planning were that the Mayor's decision-making process should be as transparent as possible, that any transfer of development control powers should not make the planning system more complex, and that the number of cases where the Mayor needs to intervene should be minimised. It also opposed any attempt to create a single waste authority.

The final evidence was from the Institute of Historic Building Conservation, which was concerned about the proposal to give the Mayor power over connected applications for planning, which would mean control over listed buildings consent and conservation areas consent. The Institute feared that the GLA would not have any independent professional historic buildings advisors available, in contrast to the conservation teams working within London boroughs and the City of London.

C. Amendments to the Bill

No amendments were made during the Public Bill Committee stage.

D. Ministerial undertakings to consider

The junior Minister, Jim Fitzpatrick said that he would consider the proposal in Amendment no 38 requiring the Secretary of State to consult the Mayor and Assembly before considering whether further offices should be subject to confirmation hearings.¹² Mr Fitzpatrick also said that he would consider the principle behind new clause 42 giving the Mayor oversight of procurement activity for street cleansing.¹³

During consideration of new clause 20 on abatement of salaries, Jim Fitzpatrick noted that the Government intended to lay an order after the passage of the Bill to abate the salary of the Mayor or Assembly Member who is also an MP or MEP by two thirds, rather than one third as at present. This follows a recommendation from the Senior Salaries Review Board in 2005.¹⁴

E. Significant areas of debate

1. Confirmation hearings

The debate on the first sitting concentrated on the question of confirmation hearings, where an amendment sponsored by the Liberal Democrats designed to widen the appointments to be subject to confirmation hearings were grouped with similar Conservative amendments. The amendments were defeated by 9 votes to 5.¹⁵ Further Conservative amendments to give the Assembly powers of consent to appointments by a

¹² PBC Deb 9 January 2007 c17

¹³ PBC Deb 9 January 2007 c 265

¹⁴ PBC Deb 23 January 2007 c364

¹⁵ PBC Deb 9 January 2007 c18

simple majority were also defeated by 4 votes to 11.¹⁶ The Government maintained that giving the Assembly such a power would confuse the separate roles of Mayor and Assembly.

2. Staffing of GLA

The staffing clauses also generated debate. Tom Brake, for the Liberal Democrats spoke to amendments on the role of the head of paid service. The amendments were designed to require further consultation by the head, and to prevent the head from delegating his appointment functions. The amendments were supported by the Conservatives, who raised concerns that the Mayor might be allowed to appoint a kitchen cabinet, without any scrutiny. In response, the Minister said the Government was establishing a head of paid service whose appointment would be joint between Mayor and Assembly and that the current statutory arrangements were not efficient. It was not necessary for the Assembly of 25 members to approve staffing details. In response, Michael Gove said:

That goes to the heart of the logical flaw in the Minister's argument. She said that she wanted to ensure that in future there could be no irresponsible exercise of power. However, at the moment, as my hon. Friend the Member for Bromley and Chislehurst pointed out, because decisions are taken in the open, through the process of negotiation in the assembly, we have a highly effective check against the abuse of powers. If the Government get their way, the head of paid service will find himself or herself susceptible to greater influence from the Mayor acting alone than is the case at the moment. A deliberative assembly with 25 members discussing something in the open is clearly less susceptible to covert pressure than is an individual.¹⁷

3. Budget setting

The Conservatives introduced a number of amendments on the budget setting process. Firstly, there was an amendment to protect the budget of the London Transport Users Committee and secondly there were grouped amendments from the Conservatives and Liberal Democrats to protect the new separate budget for the Assembly. Neither set of amendments were successful. Michael Gove, for the Conservatives, supported the separation of budgets but argued for a floor to protect the Assembly budget, should any future Mayor wish to restrict its funding. He also introduced amendments to allow the Assembly to amend the overall GLA budget on a simple majority basis and separately on a line by line basis with the proviso that amendments could only be made on a two thirds majority vote.¹⁸ Tom Brake, for the Liberal Democrats, also argued for a power to amend the GLA budget on a simple majority.¹⁹

In response the junior Minister, Jim Fitzpatrick, said that the GLA's budget setting process was tried and tested and that the two thirds requirement to change the budget remained appropriate. He was concerned that the amendments would make the system too complex to operate properly. None of the amendments on the budget process were

¹⁶ PBC Deb 9 January 2007 c27

¹⁷ *ibid* c37

¹⁸ *ibid* cols 62-63

¹⁹ *ibid* col 65

carried. The Minister explained that in the event of temporary unavailability of the Mayor, the Deputy Mayor would take charge of the budget setting process. If the Deputy Mayor could not act, then the Assembly would set the budget, using powers under the 1999 Act.²⁰

4. Appointments to Transport for London Board

The question of appointments to the board of Transport for London (TfL) was the subject of a Conservative new clause on 11 January, designed to replace clause 18 (removal of prohibition on political appointees to the TfL board). Michael Gove argued that the TfL board needed a balance of political representation and that the London councils should have the right to appoint 7 of 15 board members.²¹ A Labour backbencher, Martin Linton, pointed out that these proposals bore marked similarities with the constitution of the Inner London Education Authority, abolished by the Conservative Government.²² Mr Gove responded that the London Fire and Emergency Planning Authority model of appointment was more appropriate to TfL.²³ The Conservative new clause was supported by the Liberal Democrats, as Norman Baker argued that London needed a spread of geographic and political views on its transport body. The amendment was lost by 10 votes to 6.

5. Health inequalities strategy

There was a more consensual debate on the health inequalities strategy (Clause 22). Siobhain McDonagh asked whether there was a possibility that the powers in the Bill could be enlarged, and set out her proposals for a greater degree of political representation and democracy in the NHS. Her comments received support from Conservative and Liberal Democrat Members. Michael Gove invited her to resubmit at report stage the amendment she had proposed, which had not been selected for debate in committee.²⁴ Michael Gove introduced an amendment to allow the Assembly a role in approving Mayoral strategies, but did not press it to a vote.

6. LFEPA membership

The Conservatives also opposed changes to LFEPA membership in clause 25, because of the increased power given to the Mayor to appoint two 'stakeholders' not Assembly or borough members, and increased powers of direction over the LFEPA in clause 26. The Liberal Democrats supported the Conservatives, whose main argument was that the current arrangements for LFEPA worked satisfactorily. The Opposition amendment was defeated by 8 votes to 6.²⁵

²⁰ PBC Deb 11 January 2007 c 86

²¹ *ibid* c91

²² *ibid* c97

²³ *ibid* c100

²⁴ *ibid* c118

²⁵ *ibid* c130

7. London Housing Strategy

The London Housing Strategy in clause 28 was discussed, as the Conservatives questioned the rationale of the Government proposals involving the respective roles of Mayor and London boroughs. This led to a general debate on London housing issues. In response, the Minister, Yvette Cooper, argued that the role of the regional housing boards ought to be democratised in London through giving a voice to the Mayor.²⁶ The Conservatives lost their amendments on clause 28 by 5 votes to 9 and 6 votes to 9.

8. The Mayor's Spatial Development Strategy

Clause 29 Duties in relation to consultation

The clause would provide that the Mayor not only had to consult the Assembly over the London Plan but also to have regard to its views. There was some debate as to whether that requirement would achieve anything in practice.²⁷

9. Local Development Schemes

On clause 30 (local development schemes), Conservative amendments were tabled to restrict the power of the Mayor to direct changes to local plans. They would also remove the power of the Mayor to refuse a planning application that was contrary to the London plan. Some favoured an increase in the democratic power of the boroughs to take decisions. Others feared that they would want to reduce the quantity of affordable housing in new developments if given the chance.²⁸

10. Development control

Clauses 31 to 35 generated considerable debate. The scope of the clauses were as follows:

- Clause 31 Mayor to determine certain applications for planning permission
- Clause 32 Planning Obligations
- Clause 33 Amendments of section 106 of Town and Country Planning Act 1990
- Clause 34 Planning Obligations Further Provision
- Clause 35 Planning Contribution under section 46 of Planning and Compulsory Purchase Act 2004

New Clause 12 would have replaced “be in general conformity with” the London Plan by “have regard to” at various places in the *Town and Country Planning Act 1990*.

The draft *Town and Country Planning (Mayor of London) Order 2007* was circulated to the Committee and reproduced in Part V of this Paper.

The Committee considered arguments about strengthening the power of the Assembly and about the need for a transparent procedure for the Mayor in taking planning decisions. Out of some 90,000 planning applications a year, only around 300 were above the size threshold and the Mayor intervened in only around three a year. The

²⁶ PBC Deb 11 January 2007 c154

²⁷ PBC Deb 16 January 2007 cc165-7

²⁸ PBC Deb 16 January 2007 cc205-23

draft Order also included bus depots in the applications where intervention would be allowed, because the Mayor believed that they might be at risk from housing or retail development.

The New Clause 12 would allow more freedom for plans by the London boroughs to deviate from the London Plan. Yvette Cooper explained why the Government did not support it:

The new clause would effectively reduce the boroughs' requirement to look beyond their borders and do their part in meeting new housing and development challenges faced by London and the country.²⁹

Michael Gove quoted a briefing from the Mayor's office that Clause 31 might lead to expensive legal disputes between the boroughs and the Mayor.

Tom Brake opposed extension of the Mayor's powers to approve applications of potential strategic importance, referring to the *Town and Country Planning (Mayor of London) Order 2007*. He noted amongst other things:

London Councils is particularly concerned about schedule 3(b) to the order, under which an application might be deemed strategic if other planning permissions had been granted in the vicinity in the previous five years. That could open up a huge number of planning applications that would not previously have been covered by the Mayor's remit.³⁰

He wanted a basic test of whether it was reasonable for the Mayor to intervene to ensure delivery of the London Plan.

11. Transparency of Mayor's decision making process

A proposed amendment to Clause 31 would require that the Mayoral decisions on planning applications shall be made in public after public oral representations by interested parties. Michael Gove said that the Mayor would have to justify in public the decision to which he came, to publish in public the papers that govern that decision, to take evidence in public from those who had a material interest and to ensure a greater degree of transparency. It would not be "some sort of return to ancient Greece, where the citizens of London would gaze on the Mayor – as though, like Socrates, he would sit there with one fist underneath this chin as he deliberated on the planning applications – waiting, waiting, waiting until he delivered himself of his view."

Tom Brake supported the amendment. Yvette Cooper said that local planning authorities were not obliged to hear oral representations so the amendment would place stricter requirements on the Mayor than planning law imposes on them. She sympathised with the view that oral representations should be heard in public but did not consider that an appropriate area for primary legislation.³¹

The amendment was rejected by 10 votes to 6.

²⁹ PBC Deb 16 January 2007 c211

³⁰ *ibid* c190

³¹ *ibid* cols 223-8

Clauses 32 to 35 went through without a vote after Clause 31 was carried by 10 votes to 6.

12. The debate on a centralised waste authority

Several long amendments were tabled, mostly by Karen Buck to create a single London Waste Authority, answerable to the Mayor. She had been converted by the Mayor's briefing that a single waste authority was needed. Existing waste arrangements would not bring about the step change in waste management that would be necessary. It might be objected that a centralised waste authority would separate collection from disposal but 21 London boroughs already made that separation. The centralised waste authority would have local political representation on its board. A centralised authority would have a far higher political profile than the joint waste authorities that were common now.

The Government's proposed waste organisation was far too complex and would not enable London to meet its landfill directive targets. By 2020 London would need four times its existing capacity for recycling and three times its existing capacity for waste treatment. The scope for investing in new technologies and in plant to boost recycling was at risk of being driven out by the emphasis on incineration. The best-performing European cities already outperformed London significantly. London boroughs would not be able to meet the challenge, either operating separately or in partnership.

Tom Brake said that the recycling performance of some London boroughs was poor. However, the arguments against a centralised waste authority outweighed any advantages. There would be a loss of accountability at borough level. The link between collection, disposal and recycling should be local. Many boroughs were already delivering on recycling. Voluntary agreements between boroughs, as already happened, could secure any economies of scale.

Michael Gove stressed the positive waste management achievements of London boroughs. The Belvedere incinerator proposal had been approved by the Secretary of State against the Mayor's objections. Whenever boroughs had tried to meet their landfill targets by using incineration, the Mayor had tried to prevent them so doing. The minister, Jim Fitzpatrick, said that London recycling figures were improving. The EU landfill target was just three years away, with significant fines if the targets were missed. The creation of a centralised waste authority would threaten the good progress being made. The Bill would require waste collection and waste disposal authorities in Greater London to act in general conformity with the Mayor's plan, provided that it did not involve excessive additional costs or require an authority to break a contract. Given that the Mayor had published a suite of strategic waste policies, the boroughs had a clear framework for local plan making.

Karen Buck said that the comments by the Minister and the Opposition fell into two categories: first that the current position was all right; second that the Government's devolutionary intentions would conflict with the centralisation of responsibility for waste. She disagreed with both but did not press the amendment to a vote.³²

³² PBC Deb 16 January 2007 cc228-268

13. Climate change and energy

A Conservative amendment to clause 39 (London climate change mitigation and energy strategy) introduced by Michael Gove, would require that the London climate change mitigation and energy strategy (which the Mayor had to prepare and publish) should be in general conformity with national policies and strategies. The aim was to give the Mayor more flexibility by requiring general conformity rather than requiring that national policy be strictly followed. For combating climate change, specific policies were appropriate to specific regions and might be piloted in particular boroughs. Norman Baker supported a similar Liberal Democrat amendment giving the Mayor greater flexibility. He felt that the Mayor might improve on national policies. He had twice succeeded in reducing road transport in Central London in 30 years, with "fares fair" in 1981 and with the congestion charge.

Jim Fitzpatrick did not support either amendment on the grounds that they would leave undefined the scope of the Mayor's climate change strategy. The areas covered in the Bill were not meant to be exhaustive. The Mayor would have freedom to cover other areas and to publish other data in his strategy. The Government sought only to define the critical issues that he had to cover. The Bill would not prevent the Mayor from introducing innovative transport policies. Aviation, however, was a matter for the Government.³³

14. Trustees of Museum of London

Although the Conservatives did not object to the principle of clause 42, namely the transfer to the Mayor of the power to appoint half the trustees of the Museum of London, they were concerned to ensure that the Museum's funding and overall independence was not adversely affected. Mr Gove did not press his amendments to a division.³⁴

15. Miscellaneous

Andrew Pelling, a London Assembly Member, moved an amendment on the common provision of services across the GLA, to protect the position of the Assembly. The Minister considered the amendment unnecessary, but Mr Pelling pushed the matter to a division, which was lost by 4 votes to 10.³⁵ Robert Neill, the other London Assembly Member moved an amendment to make the Mayor and Assembly the police authority for London, in place of the current arrangements in Schedule 2A of the *Police Act 1996* for a separate Metropolitan Police Authority. Tom Brake, for the Liberal Democrats, introduced other amendments designed to remove the requirement for the deputy Mayor to be a member of the MPA. There was a division on the paving amendment which was defeated by 5 votes to 10.³⁶

³³ PBC Deb 18 January 2007 cc271-86

³⁴ PBC Deb 18 January 2007 c294

³⁵ PBC Deb 18 January 2007 c 296

³⁶ PBC Deb 18 January 2007 c313

16. New clauses

Most of the two final sittings were taken up by debates on several new clauses, including more transparency on congestion charge consultation responses. This amendment was lost by 9 votes to 6.³⁷ A further amendment from the Liberal Democrats on consultations by the Mayor was withdrawn.³⁸ The Liberal Democrats moved an amendment to introduce a two term limit for the office of Mayor, while the Conservatives moved an amendment to allow for a system of recall of the Mayor, on the American model. New clauses to give the Mayor more control over the water and sewerage strategy for London were sponsored by the Conservatives and the Liberal Democrats and a debate ensued in the last sitting on 23 January. The Minister, Jim Fitzpatrick, resisted the amendments on the grounds that the Mayor would become another regulator in an area which was already heavily regulated, instancing Ofwat, the drinking water inspectorate and the Environment Agency.³⁹ He also noted that the Mayor was planning to produce a non-statutory water action framework for London. The amendments were withdrawn.

Other new clauses rehearsed the issue of recall ballots for the Mayor⁴⁰ and legislative constraints on the ability of the Mayor to conduct foreign policy. The recall clause was supported by the Liberal Democrats, but they opposed the foreign policy new clause, which was subsequently withdrawn.⁴¹ New clause 20 was sponsored by the Conservatives and dealt with the abatement of salary for any councillor with executive responsibilities. The Minister, Jim Fitzpatrick noted that the Government intended to lay an order after the passage of the Bill to abate the salary of the Mayor or Assembly Member who is also an MP or MEP by two thirds, rather than one third as at present. This followed a recommendation from the Senior Salaries Review Board in 2005.⁴² This order would not be brought into force until after the next GLA elections in 2008. However, he rejected the new clause since it would extend the principle of abatement to local councillors. A Conservative proposal to postpone the date of the planned GLA election from 2012 to 2013, to take account of the Olympics, was also opposed and the new clause withdrawn.⁴³

Michael Gove introduced three new clauses designed to give the Assembly 'call-in powers' over mayoral directions in order to subject them to scrutiny. The power would relate only to directions to functional bodies. Mr Fitzpatrick objected, stating that the new clauses would inhibit the power of the Mayor to act quickly and decisively when using his powers of direction.⁴⁴ The amendments were withdrawn. Another new clause made the case for a separate leaflet and billing notice relating to the GLA precept. There was Liberal Democrat support for the principle, but the clause was objected to by the Minister as involving additional expense. The new clause was lost by 9 votes to 7.⁴⁵ Andrew

³⁷ PBC Deb 18 January 2007 c315

³⁸ *ibid* c326

³⁹ *ibid* c346

⁴⁰ *ibid* c348

⁴¹ *ibid* c358

⁴² *ibid* c364

⁴³ *ibid* c367

⁴⁴ *ibid* c 372

⁴⁵ *ibid* c377

Pelling introduced a new clause enabling the Mayor to set the performance priorities for the London Development Agency, which he said was strongly supported by London First. Tom Brake offered Liberal Democrat support as an important devolutionary measure. Mr Fitzpatrick opposed the measure, stating that the Mayor already had considerable statutory control over the Agency, but that the Agency was an integral part of the wider regional development agency network in England. The clause was withdrawn.⁴⁶ The final new clause was designed to establish a budget and performance office for the London Assembly, appointed by the Assembly on a majority vote. Andrew Pelling, the sponsor, said the new clause would address the deficiencies displayed by the Assembly in its scrutiny role and was based on a similar office in New York. The Minister Yvette Cooper, said that such an office would cut across existing provisions requiring financial accountability, potentially leading to duplication and confusion.⁴⁷

F. Clauses not subject to substantial debate

The programming motion appeared to allow sufficient time for debate and there were not complaints from Committee Members of inappropriate allocation of time. The following clauses were uncontroversial and were approved with minimal debate:

- Clauses 1 (Payments on ceasing office)
- Clause 3 (Mayor's periodic report to Assembly)
- Clause 6 (Annual report to Assembly)
- Clause 9 (Appointment of monitoring officer)
- Clause 10 (Appointment of chief finance officer)
- Clause 11 (Consequential amendments)
- Clause 12 (Separate component budgets for Mayor and Assembly)
- Clause 15 (Transitional budget provision)
- Clause 17 (Consent to disposal of land)
- Clause 23 (Extension of health duties to health inequalities)
- Clause 38 (Duty of the Mayor to address climate change)
- Clause 43 (Expenditure of Museum of London Board)
- Clause 44 (Transfer of powers of Museum)
- Clause 45 (Repeal of section 5 Museum of London Act)
- Clause 46 (consultation on the Mayor's culture strategy)
- Clause 47 (Mayor's power of appointment over cultural bodies)
- Clause 54 (Short title and extent)

Although the issue of the Government Office for London has been politically contentious a new clause relating to it was not selected for debate.

G. Policy developments

At the first day in Lords Committee on the *Further Education and Training Bill*, Baroness Turner of Camden, a Labour peer, moved an amendment requiring the Secretary of State to lay regulations providing for the Mayor to chair and appoint a functional body for

⁴⁶ PBC Deb 23 January 2007 c 380

⁴⁷ PBC Deb 23 January 2007 c383

learning and skills for London. Although the London Skills and Employment Board had been established, the Mayor was concerned that the clauses in this Bill were framed in temporary terms. After a short debate, Baroness Turner indicated that she would withdraw the amendment but would bring a similar amendment back at report stage.⁴⁸

Baroness Hamwee, a Liberal Democrat peer also introduced an amendment to require the representation of Assembly and London borough members on the London Skills and Employment Board. Again, this was not put to a vote, but withdrawn.⁴⁹ She also introduced amendments relating to transparency of the Board.⁵⁰ These themes are likely to recur at report stage of the Bill.

⁴⁸ HL Deb 23 January 2007 c353 (GC)

⁴⁹ *ibid* c356(GC)

⁵⁰ *ibid* c358(GC)

IV Membership of the Public Bill Committee

Below are the Members of the Greater London Authority Bill Committee :

CHAIRMEN: MR EDWARD O'HARA, ANN WINTERTON

CLERK: MR SANDALL

17 MEMBERS

Baker, Norman

(Lewes) Liberal Democrat

Brake, Tom

(Carshalton and Wallington)

Liberal Democrat

Buck, Ms Karen

(Regent's Park and Kensington

North) Labour

Butler, Ms Dawn

(Brent South) Labour

Cooper, Yvette

(Pontefract and Castleford)

Labour

Fabricant, Michael

(Lichfield) Conservative

Fitzpatrick, Jim

(Poplar and Canning Town)

Labour

Gove, Michael

(Surrey Heath) Conservative

Hands, Mr Greg

(Hammersmith and Fulham)

Conservative

Linton, Martin

(Battersea) Labour

McDonagh, Siobhain

(Mitcham and Morden) Labour

Neill, Robert

(Bromley & Chislehurst)

Conservative

Pelling, Mr Andrew

(Croydon Central)

Conservative

Pound, Stephen

(Ealing North) Labour

Shaw, Jonathan

(Chatham and Aylesford)

Labour

Slaughter, Mr Andrew

(Ealing, Acton and Shepherd's

Bush) Labour

Smith, Ms Angela C.

(Sheffield, Hillsborough)

Labour

V Draft Town and Country Planning (Mayor of London) Order 2007

A. Definition of “application of potential strategic importance”

The Mayor would be able to take over an application of potential strategic importance to determine it himself. That term was not defined in the Bill and several speakers in the second reading debate stressed the importance of that definition. The Government produced a draft *Town and Country Planning (Mayor of London) Order 2007* in time for the Committee hearings with a definition in the schedule. The definition follows very closely that in the *Town and Country Planning (Mayor of London) Order 2000* (SI 1493) which already allows the Mayor to direct that applications of potential strategic importance be refused. The following additions have been made:

- 1 Part 1 Large scale Development 1E – Casinos
- 2 Major Infrastructure – 2B add “5,000 tonnes per annum of hazardous waste”; 2C add “tram station”; add “bus storage depot”

...

Part 1 Large Scale Development

Definition of "application of potential strategic importance"

1. - (1) Subject to sub-paragraphs (2) and (3) below, "application of potential strategic importance" means any application for planning permission for development which the local planning authority consider falls within a category set out below.

(2) Sub-paragraph (1) does not apply to -
(a) an application under section 73 of the 1990 Act, or
(b) an application for renewal of planning permission,
where the previous planning permission was granted pursuant to an application for planning permission which was received by the local planning authority on or before 2 July 2000.

(3) In sub-paragraph (2) above, "previous planning permission" means the planning permission in respect of which the application referred to in paragraph (a) or (b) is made.

2. If the local planning authority receive an application for planning permission for development, which they consider forms part of more substantial proposed development, on the same land or adjoining land, they shall for the purposes of this Schedule treat that application as an application for planning permission for the more substantial development.

3. In deciding, in accordance with paragraph 2 above, whether an application for planning permission for development (referred to in this paragraph as "the relevant application") forms part of more substantial development, a local planning authority shall take into account other development of the same land or adjoining land -

(b) where no such area is so identified in respect of the relevant part of the River Thames, if the building is wholly or partly on a site which falls within the Thames Policy Area being the area bounded by the outer edge of the red line on the set of maps numbered 1 to 3 entitled "Maps of the Thames Policy Area referred to in the Town and Country Planning (Mayor of London) Order 2000" of which prints, dated 25th May 2000 and signed by a Director in the Department of the Environment, Transport and the Regions, are deposited and available for inspection at -

- (i) the principal office of Secretary of State for the Environment, Transport and the Regions;
- (ii) the Government Office for London;
- (iii) the principal office of the Mayor; and
- (iv) the principal office of the local planning authority for each London borough.

3. Any part of a building below ground level shall be ignored for the purposes of paragraph 1.

Category 1D

1. Development which comprises or includes the alteration of an existing building where -

- (a) the development would increase the height of the building by more than 15 metres; and
- (b) the building would, on completion of the development, be higher than a relevant threshold set out in paragraph 1 of Category 1C.

IE

Development to provide a large or regional casino within the meaning of the Gambling (Categories of Casino) Regulations 2007

N.B.

The Casino Regulations have not yet been made. The current draft of those regulations classifies as a large casino one whose floor area designated as available for providing gambling facilities is 1,500 square metres or more, but less than 3,500 square metres. A regional casino is so classified if the combined floor area designated as available for gambling facilities is 3,500 square metres or more.

PART II

MAJOR INFRASTRUCTURE

Category 2A

1. Development which comprises or includes mining operations where the development occupies more than 10 hectares.

2. In paragraph 1 "mining operations" means the winning and working of minerals in, on or under land, whether by surface or underground working.

Category 2B

1. Waste development to provide an installation with capacity for a throughput of more than –

- (a) 5,000 tonnes of hazardous waste; or
- (b) 50,000 tonnes per annum of waste produced outside the land in respect of which planning permission is sought.

2. In paragraph 1 "waste development" means any operational development

designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, keeping, processing or disposing of refuse or waste materials.

Category 2C

1. Development to provide -
 - (a) an aircraft runway;
 - (b) a heliport (including a floating heliport or a helipad on a building);
 - (c) an air passenger terminal at an airport;
 - (d) a railway station;
 - (e) a tramway, an underground, surface or elevated railway, or a cable car;
 - (f) a bus or coach station;
 - (g) an installation for a use within Class B8 (storage or distribution) of the Schedule to the Use Classes Order where the development would occupy more than 4 hectares;
 - (h) a crossing over or under the River Thames; or
 - (i) a passenger pier on the River Thames.
2. Development to alter an air passenger terminal to increase its capacity by more than 500,000 passengers per year.
3. Development for a use which includes the storage of buses or coaches where-
 - (a) it is proposed to store 70 or more buses or coaches or buses and coaches; or
 - (b) the part of the development that is to be used for storing buses or coaches or buses and coaches occupies more than 0.7 hectares.
4. For the purpose of paragraph 3(b), the area used for keeping or storing includes the area occupied by maintenance, administrative and staff facilities connected with such use.

PART III

DEVELOPMENT WHICH MAY AFFECT STRATEGIC POLICIES

Interpretation

1. In this Part land shall be treated as used for a particular use if -
 - (a) it was last used for that use, or
 - (b) it is allocated for that use in -
 - (i) the development plan in force in the area in which the application site is situated,
 - (ii) proposals for such a plan, or
 - (iii) proposals for the alteration or replacement of such a plan.

Category 3A

1. Development which is likely to -
 - (a) result in the loss of more than 200 houses, flats, or houses and flats (irrespective of whether the development would entail also the provision of new houses or flats); or
 - (b) prejudice the residential use of land which exceeds 4 hectares and is used for residential use.

Category 3B

1. Development -

- (a) which occupies more than 4 hectares of land which is used for a use within Class B1 (business), B2 (general industrial) or B8 (storage or distribution) of the Use Classes Order; and
- (b) which is likely to prejudice the use of that land for any such use.

Category 3C

1. Development which is likely to prejudice the use as a playing field of more than 2 hectares of land which -

- (a) is used as a playing field at the time the relevant application for planning permission is made, or
- (b) has at any time in the five years before the making of the application been used as a playing field.

2. In paragraph 1 "playing field" has the same meaning as in article 10(2)(l) of the GDPO.

Category 3D

1. Development -

- (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and
- (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.

Category 3E

1. Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated and -

(a) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following Classes in the Use Classes Order -

- (i) class A1 (retail);
 - (ii) class A2 (financial and professional);
 - (iii) class A3 (food and drink);
 - (iv) class B1 (business);
 - (v) class B2 (general industrial);
 - (vi) class B8 (storage and distribution);
 - (vii) class C1 (hotels);
 - (viii) class C2 (residential institutions);
 - (ix) class D1 (non-residential institutions);
 - (x) class D2 (assembly and leisure);
- or

(b) comprises or includes the provision of more than 150 houses or flats or houses and flats.

Category 3F

1. Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.

B. The Procedure for the Mayor to determine an application

- 10 (1) Before determining an application in respect of which a direction under section 2A has been given, the Mayor must, if either the applicant or the local planning authority so wish, give each of them an opportunity of appearing before and being heard by them.
- (2) The Mayor must prepare and publish a document setting out-
- (a) a list of any persons in addition to those mentioned in paragraph (1), whom he will permit to appear before him and be heard;
 - (b) procedures to be followed for considering oral representations;
- and
- (c) arrangements for identifying the factual information that is to be agreed by the parties.
- (3) The Mayor must give to every person entitled to appear before him and be heard, not less than 14 days written notice of the date, time and place of the meeting at which he intends to hear representations on an application that is to be determined by him.
- (4) The Mayor must, no later than 7 days before the meeting referred to in paragraph (3), publish any relevant agenda or planning report and any other document that he reasonably considers to be relevant to the consideration of the application.