

# **The Greater London Authority (Referendum) Bill**

**Bill 61 of 1997-98**

**Research Paper No 97/114**

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The Bill, which is due to receive a Second Reading on 10.11.97, would make provision for a referendum of London residents to be held on the Government's proposals for a Greater London Authority consisting of an elected mayor and assembly. The Government's preliminary proposals are set out in a consultation paper, **New Leadership for London**. This paper provides a short history of metropolitan government in London and discusses the Government's proposals (including possible methods of electing the Authority) and some of the responses which have been

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### I Summary

Between 1855 and 1965, London was governed first by the Metropolitan Board of Works and then by the London County Council. Both authorities covered an area similar to the present day boundaries of inner London. From 1965 to 1986 the Greater London Council was responsible for a combination of services and strategic functions. Since the GLC was abolished there have been complaints that the governance of London is (i) over-complicated, (ii) unco-ordinated and (iii) unaccountable.

The Labour Government's green paper **New Leadership for London** was published in July 1997. It proposes a strategic Greater London Authority, whose main functions would be land-use planning, transport, economic development and regeneration and environmental protection. There would also be a new police authority for London whose elected members would largely be drawn from the elected assembly. Fire and civil defence would also fall under the GLA's remit, as would strategic planning for culture, media and leisure. The GLA would consist of a separate directly elected mayor and assembly. The idea of introducing directly elected mayors in the UK, which has found favour in some quarters recently, is discussed in Chapter IV. The green paper does not recommend a specific voting system for the mayor or the assembly; the options are discussed in Chapter VI of this Paper.

The green paper asks to what extent should the GLA have access to local taxation but states that "the Government's overriding priority is the control of public expenditure within the planned totals." Proposals for a public-private partnership to enable major investment in London Underground will be made and implemented before the establishment of the GLA.

A small number of the responses to the green paper are examined in Chapter V(F). One theme which emerges is the desire of a variety of organisations to see formal mechanisms put in place to enable the GLA to consult effectively business or the wider community.

Chapter VII of this Paper considers the theory and practice of referendums, in the context of the proposed referendum on London government next May. General briefing on referendums, and their place in the UK system, is provided in earlier Research Papers. The issues of the **timing** of, and the **electorate** for the proposed referendum are briefly examined. Potentially the most controversial matter in the Bill in this context is the format of the **question** to be put to London voters. The Government have proposed a single question seeking endorsement of their policy of a Greater London Authority composed of an elected assembly and elected mayor. This has been criticised, for example, by those who, like the official Opposition, support a mayor but not an assembly, or, like the Liberal Democrats, who support an assembly but not a mayor.

## II A Brief History of London Government

**The New Government of London** by Tony Travers and George Jones [1997] contains a useful account of the history of London government, from which this summary is largely drawn. See also **Background Paper 135** [9.2.84] and **Reference Sheet 84/8** [12.10.84].

The 1851 census defined London as a full census division. The boundaries chosen for the 1851 census are similar to the present day Inner London area. Before this date there was no readily available definition of 'London' (other than the ancient boundaries of the City of London) and the capital had yet to emerge as an administrative entity, although the *London Police Act 1829* established the Metropolitan Police District, covering an area within a fifteen mile radius of Charing Cross, to coincide with the creation of the Metropolitan Police Force. Young and Garside suggest that "*The Times* in 1855 was scarcely pedantic in claiming that 'there is no such place as London at all.'"<sup>3</sup> Prior to the establishment of the Metropolitan Board of Works in that year, *The Times* [ibid, p21] commented that London was

rent into an infinity of divisions, districts and areas... Within the metropolitan limits the local administration is carried on by no fewer than 300 different bodies, deriving powers from about 250 different local Acts.

The first genuine metropolitan local authority in London was the Metropolitan Board of Works, which was established under the *Metropolis Local Management Act 1855* with the main purpose of improving the capital's sewerage system. During its 33-year life it also acquired various additional responsibilities; the comprehensive list of its eventual activities was as follows:<sup>4</sup>

- construction of main drains and sewers
- construction and improvement of main thoroughfares
- construction of flood protection works
- enforcement of building codes
- naming and numbering of streets
- fire protection
- creation and maintenance of parks and open spaces
- construction of tramways
- slum clearance
- supervisory and inspection duties with regard to water and gas supply, disease control, and noxious trades

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<sup>3</sup> 20 March 1855, quoted in *Metropolitan London: Politics and Urban Change 1837-1981*, 1982, p14

<sup>4</sup> *Metropolitan Government: I M Barlow*, 1991, p56

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Barlow [ibid, p55] observes:

Its functions increased in number, its establishment grew, and it approached the status of a municipal government in all but name and constitution. Some argued that the MBW was an empire-builder, but much closer to the truth was the fact that as specific metropolitan needs arose the board was viewed as the only practical repository of metropolitan authority.

The Board's boundaries were similar to what is now known as inner London. The 1855 Act also reformed the parish system in London, creating a system of 23 larger, directly-elected parishes and 15 district boards appointed by the smaller parishes. These lower-tier units were responsible for local sewers and drains, street cleaning, paving, and lighting. The members of the Metropolitan Board of Works were elected by these 38 units of local government, plus the Common Council of the City of London, which was left intact.<sup>5</sup> The Board originally had 45 members as some of the larger parishes had two representatives and the City of London appointed three.

The *Local Government Act 1888* established the London County Council, to cover a similar area to the Metropolitan Board of Works, which the Act abolished. The new county's responsibilities varied during the period of its existence, and included the sewerage and other powers of the Board of Works, the poor law, the fire service, housing, tramways, bridges and tunnels, building control, health services and education.<sup>6</sup> Young and Garside describe mounting pressure for devolution of some of the LCC's enormous powers to a lower tier of local government [op cit, chapter 4], culminating in the *London Government Act 1899*, which in 1900 established 27 metropolitan boroughs within the LCC area, together with Westminster City Council. In the event, however, the 1899 Act had been amended heavily during its passage through Parliament and was rather less radical than the reformers had wanted: the boroughs inherited the powers of the existing second tier of parishes and district boards, but the Act did not provide a workable mechanism for devolution of powers from the LCC.

The system introduced by the 1888 and 1899 Acts continued without major change until the creation of the GLC in 1965. Travers and Jones describe the development of the Greater London area:

The vast growth of London, from a population of four million in 1900 to over eight million in the 1950s, led to sprawling expansion well beyond the limits of the Victorian city. At

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<sup>5</sup> An interesting theme in the history of London government is the City of London's ability "to resist a number of attempts to reform it or to extend its boundaries:" Travers and Jones, p49

<sup>6</sup> From 1870 to 1904 education in London was controlled by a directly-elected London School Board

the time of its creation, the LCC covered virtually the whole of the capital's continuous urban area. By the 1950s, the majority of the population of what had become known as 'Greater London' lived beyond the LCC boundaries. [op cit, p50]

They note that the built-up areas outside the LCC boundaries contained a "bewildering array" of lower-tier government. During the twentieth century the arrangements for local government in the Greater London area were examined by two Royal Commissions, chaired by Lord Ullswater in 1921-23<sup>7</sup> and Sir Edwin Herbert, in 1957-60.<sup>8</sup> The main Ullswater report called for some relatively minor reforms, including the establishment of a statutory committee to advise the Government about planning, transport, housing and main drainage within about 25 miles of Charing Cross. Two minority reports were also issued: one suggested a central authority for Greater London, to be responsible for services such as planning, education, water, health, fire and some housing. The second recommended the creation of a number of county boroughs within the Greater London area, with a weaker second-tier authority. No action was taken on any of the reports which emerged from the Ullswater Commission.

Between the two Royal Commissions, a Committee chaired by Lord Reading was established in 1945 to examine the structure and distribution of functions of local government in the LCC area. Travers and Jones note that the Committee was dissolved after 18 months "because of the impossibility of considering the local government of the County of London in isolation from that of the whole built-up area." [op cit, p52] Various other attempts were made to consider the London government question, including the establishment in 1946 of a Committee chaired by Clement Davies MP to advise on proposals<sup>9</sup> for a London regional authority. The Davies Committee recommended that a regional authority would need executive powers of finance and direction<sup>10</sup> but no such authority was created. Travers and Jones note continuing pressures to reform local government in Middlesex in the years before the Herbert Commission was established, but the county was in fact excluded from the reforms in the shires introduced by the *Local Government Act 1958*.

The Herbert Commission reviewed the structure and functions of local government in an area slightly larger than the current Greater London boundaries, excluding finance and also police and water services, with a view to securing "effective and convenient" local government. The Commission proposed the creation of a Greater London Council (GLC) together with 51 borough councils within the Greater London area. The City of London would remain in place. The GLC would be responsible for education, planning, main roads, refuse disposal, the fire service, the ambulance service, traffic management and research. In addition, the new authority would share responsibility for housing, recreation, arts, sewerage and land

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<sup>7</sup> Report of the Royal Commission on London Government, Cmd 1830

<sup>8</sup> Report of the Royal Commission on Local Government in Greater London 1957-60

<sup>9</sup> Greater London Plan 1944, Ministry of Town and Country Planning, HMSO, London, 1945

<sup>10</sup> Report of the London Planning Administration Committee, Ministry of Town and Country Planning, HMSO, 1956



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drainage with the new borough councils. The boroughs would have sole responsibility for social services, environmental health, local roads and libraries.

The Conservative Government accepted the Commission's recommendations in part and the GLC was established in 1965 under the *London Government Act 1963*. Responsibility for education in inner London was given to a special committee of the council, the Inner London Education Authority, which later became a separate, directly-elected body. Education in outer London was given to the boroughs. The 1963 Act created 32 boroughs instead of the 51 proposed by Herbert. The City of London was made, in effect, an additional London borough, although it retained its separate franchise and constitution. Travers and Jones note that the GLC provided services for the eight million people living within virtually the whole of the modern built-up area of London. These included strategic planning, housing, fire and major roads. London Transport became the responsibility of the GLC in 1970; this was taken back by central government in 1984 following the GLC's controversial transport policies. The boroughs were responsible for social services, housing, local roads, libraries, recreation and parks.

Barlow summarises the GLC's relatively brief period of existence as follows [op cit, p87-8]:

Initially there was a period of adjustment to the new structure, followed by some questioning of the role of the GLC. In the mid-1970s a one-man inquiry into the structure [Conflicting problems in the political organization of space: the London experience. R.Honey, unpublished PhD thesis, 1972, University of Minnesota] clarified the situation somewhat, indicating a strong purpose for the metropolitan authority; by the early 1980s, however, abolition of the GLC was being called for. Early on, the 'metropolitan' issues were mainly in the fields of housing and planning, later transport occupied centre stage, but eventually attention turned more to unemployment and the state of the metropolitan economy. Politics and party rivalry continued to be important, as control of the GLC saw-sawed between Labour and Conservative and as the parties passed in and out of synchronization at the various levels of government. Eventually confrontation between a Labour GLC and a Conservative central government provided the opportunity for proposals to abolish the GLC.

Barlow [pp 93-4] concludes that

In some respects the new structure did not work well, and there were problems that went beyond simply the difficulties of transition and adjustment. These stemmed from the weaknesses of the reform, from the changing nature of metropolitan issues, and from the course of events in London's politics.

Appraisals of the reform, made after five years of operation, though generally favourable, were critical of significant structural weaknesses. These related to the allocation of functions between the two tiers of government and the nature of the relationship between

the tiers. First, because a prime object had been to create strong boroughs there was insufficient scope for providing a substantive and coherent role for the GLC. Whereas the boroughs were given responsibility for a broad array of important functions that were both familiar to the local government system and relatively easily co-ordinated, the GLC was given a bundle of functions that was both novel and difficult to integrate. ...A major failure in this regard was the GLC's inability to clarify its planning role or to effectively relate planning to its other functions.

A second weakness involved functions shared between the two tiers of government: whereas for some the responsibilities were clearly spelled out, for others the London Government Act was vague. Thus was due to the nature of the functions involved: some services could be easily divided, examples being refuse (disposal and collection), drainage (main and local) and parks (metropolitan and local); while several functions, notably planning, housing, and transport, were more complex and did not lend themselves to division. The overall effect was that in some vital functions, where responsibility was blurred, performance suffered, since consultation and co-operation cannot be effective 'in the absence of a clear definition of where responsibility lies' [The new government of London: an appraisal, G Rhodes, in *The New Government of London: The First Five Years*, ed Rhodes, 1972, p486]. The main 'failures' in this respect were planning and housing.

Finally, a third important weakness was that in the new structure there was no subordination of one level of government to the other, because the intention had been to create separate and distinct types of local government unit. This runs counter to the situation found in other two-tier metropolitan structures where generally the lower-level units are subordinate to the area-wide authority. This peculiarity of the London structure, coupled with the fact of strong boroughs, tended to undermine the authority of the GLC and to reduce its capacity to perform an effective strategic role. It posed major difficulties with regard to shared functions, particularly transport, housing, and planning.

Barlow suggests that these problems combined to make it very difficult for the GLC to find its feet. In addition, local government in the capital was the site of a series of political controversies, chronicled by Barlow [pp 95-7], which tended to undermine the stability of the post-1965 structure. Barlow describes the final years of the GLC as follows:

In subsequent years there emerged a great divide between Labour and Conservative over the new issues related to the metropolitan economy. In 1981 Labour, having campaigned on a 'radical socialist manifesto', secured control of the GLC once more. However, it faced an increasingly hostile Conservative central government bent on reducing public expenditures in general and local authority spending in particular. There were bitter conflicts over subsidies to London Transport, over programmes to generate employment, over the funding of voluntary service groups, minority groups, and cultural services, and over a revived housing programme. These conflicts created a situation in which abolition of the GLC could once more be proposed. ...Abolition of the GLC became an election promise and the focus of a personal crusade by [Margaret Thatcher].

The GLC was abolished in 1986 by the *Local Government Act 1985*. The system which was put in place after abolition is described in the next section.

### III After Abolition: the Current System

A brief description of the government of London immediately before the General Election of 1997 is given by Travers and Jones in **The New Government of London** [1997, pp10-12]:

The 32 London boroughs and the City of London form the basis of the capital's government. They have broadly the same functional responsibilities as local authorities in the rest of Britain, including schools, personal social services, local roads, environmental provision, town and country planning, social housing, and leisure and recreation. The 33 local authorities jointly constitute a number of London-wide committees, which have responsibilities for functions such as the fire brigade, research, planning advice, parking regulation and grants to voluntary organisations.

There are a number of London-wide appointed boards and analogous institutions, including London Transport, the London Arts Board, two regional outposts of the Department of Health (one for London and the South East north of the Thames, the other for the southern part of the South East) the London Pensions Fund Authority and, directly responsible to the Home Secretary, the Metropolitan Police.

Lastly, there is Whitehall. A number of government departments, notably the Department of the Environment (DoE) and the Department of Transport (DTp), have direct responsibilities for public provision in London. For example, the DoE is responsible for strategic land-use planning in London, while the DTp (through the Highways Agency) controls major roads in the capital. In 1994, a 'Government Office for London' was created to co-ordinate some of central government's responsibilities for London. A Cabinet Sub-Committee for London was created in 1992 to co-ordinate the full range of Whitehall activity in the capital.

The authors note that the framework described above is a simplification: "In reality, London government is bound together by a large number of formal and informal partnerships, joint committees and networking arrangements." The full picture is shown in an "organogram" which has gained some notoriety because of the complexity of the arrangements it depicts [p11].



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Travers and Jones analyse the pre-election arrangements for London government, including some important recent developments introduced by the Major Government, in chapter 2 of **The New Government of London**. They reach the following conclusions:

### **The Boroughs**

The boroughs have grown in stature since the abolition of the GLC. This has been enhanced recently by the creation of a single Association of London Government in 1996 (since 1983 there had been two rival associations); the ALG's representation on a range of London-wide bodies such as London First and London-Pride Partnership; and the boroughs' involvement in a number of large Lottery-financed projects. The most important factor in determining the effectiveness of borough-level services in the capital, Travers and Jones suggest, is the quality of borough members and officers rather than structural factors. Consequently there has been "little or no pressure for reform of borough government in London" [p12].

### **Inter-borough co-operation and joint boards and committees**

A system of metropolitan government as fragmented as that which currently exists in London will inevitably lead to pressure for joint arrangements and co-operation. The most important joint boards and committees currently in place are the London Fire and Civil Defence Authority, the London Planning Advisory Committee, the London Research Centre, the London Boroughs Grants Committee, the Parking Committee for London and the London Committee on Accessible Transport. Travers and Jones suggest that the lack of a single-party majority on London-wide committees from 1986 to 1994 had the effect of forcing the previously highly adversarial boroughs to co-operate more than in the years before the GLC was abolished. Despite Labour's control of a majority of boroughs since 1994, the authors maintain, consensus working has continued.

### **Quangos and Whitehall**

Public provision in London is "disproportionately" the responsibility either of quangos and other bodies appointed or controlled by central Government, or of central Government itself. Examples include London Transport, the London Pensions Fund Authority, the London Arts Board, health authorities, Training and Enterprise Councils, the London Docklands Development Corporation (due to be abolished in 1998) and the regional offices of the NHS Executive. The London Residuary Body, created for the purpose of disposing of the GLC's assets, was itself finally wound up in 1996. In addition the Government is the police authority and the strategic planning authority for the capital. Travers and Jones state: "The Government plays an important, though wholly uncoordinated, role in appointing

those who directly run many of the services that London relies upon" [p22]. Research undertaken by the authors suggested "no understanding within Whitehall of the problems caused by the fragmented nature of service provision by Whitehall agencies and appointees. ...The muddle of appointed boards and agencies remains difficult to understand and virtually impossible to hold to account." Travers and Jones suggest that the previous Government tacitly accepted the validity of this line of criticism by making a number of reforms to the Whitehall machinery in the years after 1992. These included:

1. The creation of a Government Office for London (GOL), in parallel with government offices in each region of England. GOL brought together the local responsibilities of the Departments of the Environment, Transport, Education and Employment, and Trade and Industry. Its key tasks are the distribution of housing capital allocation, the Single Regeneration Budget (SRB), and strategic land-use planning. It acts as a point of contact with the boroughs, voluntary organisations and the private sector about a range of central government issues as they affect London. Although Travers and Jones suggest that GOL's ability to represent London within Whitehall has been beneficial, they state: "GOL is not, and could never be, an effective regional authority. It lacks the powers, the resource base and the democratic legitimacy to undertake such functions. Its name, and the lack of a London-wide authority, have led many people to assume GOL would come to be more powerful than it is actually capable of becoming" [p25]
2. The appointment of a Cabinet sub-committee for London, chaired by the Environment Secretary
3. The appointment of a Minister for London: Travers and Jones comment on the previous incumbent, John Gummer, that even his political opponents conceded he was "effective as a spokesman for London within Whitehall and active in pursuing London initiatives through the Government Office for London" [p23]
4. The appointment of a Minister for Transport in London, who chairs a Transport Working Group. Nevertheless, "control of the day-to-day operation of the Underground, buses, suburban railways, trunk roads, local roads, parking, traffic regulation, taxis, airports and waterways remains the responsibility of an array of public and private institutions. The minister's role is, at best, to bring individuals and institutions together to encourage them to operate in a more effective collective manner" [p24]

### **Public-Private Sector Partnerships, etc**

Travers and Jones suggest that the emergence of partnerships such as London First, London Pride and the Joint London Advisory Panel is another distinctive feature of the post-GLC government of London. The most important of these is London First, which is comprised of various businesses with an interest in London, the London

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boroughs and the voluntary sector. London First does not contain central government representatives but was created on the initiative of the Conservative government. Its income is largely derived from the private sector and its key aims are promotion of the capital's economy and the encouragement of tourism.

Travers and Jones conclude that "London is a city with much government but little political power. While this contrast has been true in the past, the demands of a modern, advanced democracy make the failures of weak and fragmented government more important than before. Fragmentation of government - and the lack of effective political power that goes with such a system - is now worse than in the past. The recent creation of new London-wide committees and boards, the growth of new Whitehall involvement and the rapid development of partnerships together suggest there is a power vacuum" [p28]. The lack of an effective mechanism to deal with London's chronic traffic congestion problems, which lead to increased journey times and pollution, are cited as the best clear example of the alleged weakness of the current system.

There have been few challenges to the Travers/Jones analysis from outside the political arena. Simon Jenkins, in his book **Accountable to None**, declared that "the GLC... may not have been strategically effective, but that did not invalidate the idea of strategy" [1995, p166]. Nevertheless a leading article in *the Guardian* of 18.7.97 asked, somewhat tongue in cheek, "If London badly needs a mayor... how come it appears to have performed so well without one?" The article continued:

The truth is we don't really know what makes our cities glow. ...Curiously, the squeeze on the arts and art colleges during the 1980s seems to have produced vitality out of adversity; a kind of intellectual Dunkirk spirit. And it will presumably get better as all the lottery-funded projects including the new Bankside art gallery and a revamped South Bank, not to mention the Millennium Experience at Greenwich, come on stream. None of this undermines the need for planning and decent infrastructure. But it is amazing what can be done without them.

## IV Elected Mayors

Following John Major's appointment of Michael Heseltine as Secretary of State for the Environment late in 1990, a comprehensive review of local government in England was undertaken by the DoE. The first two arms of the review led to the replacement of the 'poll tax' by the council tax and the creation of the Local Government Commission, which undertook a protracted review of local government structure in the shire counties. The third arm of the review received less attention at the time but appears to have had a lasting influence on ideas for reinvigorating local government. A Department of the Environment consultation paper published in July 1991, **The Internal Management of Local Authorities in England**, made a number of suggestions designed to promote more effective, speedy and business-like decision making; enhance the scrutiny of decisions; increase the interest taken by the public in local government; and provide scope for councillors to devote more time to their constituency role. The current model for local authority decision making, involving votes taken by the whole council or council committees, might be revised or replaced where there was local agreement. Borrowing from arrangements in other countries, the consultation paper suggested a variety of options for change:

- Adaptation of the committee system, allowing certain decisions to be delegated to committee chairmen or establishing "question time"-type arrangements;
- A cabinet system, introducing formal separation of executive and representational (backbench) roles for councillors.
- A council manager, involving the appointment of an officer to take over the day-to-day running of the authority;
- A directly-elected cabinet, requiring separate elections for backbenchers and the executive; and
- A directly-elected mayor, a variant of the previous model but with executive responsibility residing in a single individual, who might then have the power to make political appointments to support him or her.

A brief survey of some of the arrangements for local executive governance used in Europe and the USA, contained in the consultation paper, is reproduced as an appendix to this Paper.

Michael Howard, who succeeded Mr Heseltine as Environment Secretary, established a Department of the Environment joint working party with the local authority associations, the Audit Commission, the Local Government Management Board and others, to consider current practice and suggestions for improving internal management arrangements and to



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investigate possible experimental models. The working party, which reported in July 1993,<sup>11</sup> identified two main objectives [p4]:

- To strengthen the role of all elected members in formulating council strategies, leading and representing their communities, and, within their powers, acting as consumer champions to help citizens in the area get the quality of services which is their right and hold to account those responsible for providing those services; and
- To develop the framework for effective leadership within local authorities - including clear political direction, identifying the needs and priorities of local communities and overseeing the efficient provision of high quality services to them.

The working party recommended, inter alia, that the Secretary of State for the Environment should take powers to allow, in consultation with local government, experimental changes to their internal management arrangements proposed by individual local authorities [p7]. Subject to suitable safeguards, these might include models of the kind described above. Additional experimental models (some of which might be introduced in conjunction with, for example, a directly-elected mayor) included:

- deliberative committees whose membership consisted only of members of the majority group;
- decentralised decision-taking
- new rights for councillors to review and scrutinise council decisions; and
- enhanced roles for councillors not in executive positions

The working party's proposals were not implemented. In response to a PQ of 15.10.96 from Tony Wright asking what assessment had been made of the advantages of having elected mayors, the then Local Government Minister David Curry said that of the responses received to the July 1991 consultation paper not a single county council, district council, London borough or metropolitan borough was in favour of elected mayors:

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<sup>11</sup> Community Leadership and Representation: Unlocking the Potential, HMSO

[Local government] was much more interested in the structure of committees. It was more interested, perhaps, in some form of cabinet system for local government. It was also more interested in the idea of

a council manager. It was especially interested in councillors' allowances. It was not particularly interested in locally elected mayors.

[HC Deb Vol 282, 15.10.96, c575]

Nevertheless the idea of elected mayors was endorsed by the Commission for Local Democracy, an independent commission chaired by the former editor of *The Times*, Simon Jenkins. The Commission claimed that evidence from other countries suggests that the existence of a directly elected mayor or an equivalent office ameliorates many of the problems found in British local government:<sup>12</sup>

Citizen participation in local politics is higher. Numbers standing for public office are higher. Recognition of local leadership is higher. Public satisfaction in local government and its services is higher. Since remedying precisely these flaws in the British system is our goal we cannot ignore the factor that appears to bear so directly upon them.

A report published by the Institute of Local Government at the University of Birmingham lists the following arguments which have been advanced for introducing executive mayors:

- to achieve national prominence for local political leaders and to strengthen the local government side of the central-local relationship
- to re-invigorate local democracy
- to strengthen community leadership
- to reinforce internal leadership
- to change the impact of party politics

In July 1996 the House of Lords Select Committee on Relations between Central and Local Government<sup>13</sup> called upon the previous Government to find, as a matter of urgency, Parliamentary time to legislate in order to enable local authorities to experiment with internal

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<sup>12</sup> Taking Charge: the rebirth of local democracy, 1995, p19

<sup>13</sup> Rebuilding Trust, HL 97 of 1995-96, Vol I, para 3.30

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management in line with the 1993 working party recommendations [see above]. The Conservative Government's response to the Select Committee's report stated that legislative time in which to implement the working party's recommendations had not been available, but promised that legislation would be brought forward in the next Parliament to enable local authorities in England and Wales to propose such experiments for approval.<sup>14</sup> The General Election intervened, but it has been reported in the press that the Labour Government will support a Private Member's Bill to allow councils to experiment presented by Lord Hunt, who chaired the Lords Select Committee.<sup>15</sup>

Some commentators have warned that the idea of elected mayors, based as it is on experience in other countries (particularly the USA) may not transfer easily to the UK:

The concept would be meaningless in Britain unless a high public profile could be translated into political power and leverage. Nor would mayors mean much unless they also enjoyed the patronage and ability to distribute largesse which makes many US mayors the pre-eminent figures within their cities.

There is much reason to doubt that elected mayors in the UK would have the same impact as American mayors because of the nature of our unitary system. British mayors would still be operating within a system which constrains majority groups on councils and under a centralising state which sets the limits of the localities' powers and spending.

...American mayors may have many powers but are often politically isolated. Separating the executive from the legislative functions of councils can often lead to political deadlock over budgets, priorities, agendas and status. This deadlock was at the centre of New York's history of fiscal problems.

Elected mayors would threaten existing political interests in British local government as the need to appeal to a city-wide mandate means greater reliance on personality politics to build a winning coalition. Do local political parties and backbenchers want to relinquish the influence they have over group leaders?

...Directly-elected mayors will not work as simple additions to the system - there would have to be fundamental changes in British local government.<sup>16</sup>

Those commentators who are broadly in favour of elected mayors also tend to emphasise the extent to which this would require a fundamental departure from the current arrangements in local government. Writing before the green paper was issued about plans for an elected mayor in London,<sup>17</sup> Gerry Stoker, professor of politics at the University of Strathclyde, acknowledged that the new system might bring with it a new set of problems, for example a

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<sup>14</sup> Cm 3464, November 1996, para 41

<sup>15</sup> See for example *The Observer*, 12.10.97 "Big cities are set to follow London on elected mayors"

<sup>16</sup> Dr Declan Hall, *Municipal Journal* 19.1.96 "Elected mayors: a blind alley?" See also David McKinless, letter to the *Local Government Chronicle*, 17.1.97 "New Zealand's mayoral experience suggests they are not the big cure-all."

<sup>17</sup> *Local Government Chronicle* 13.6.97 "Dual force to hit the capital."

situation in which the mayor is of a different party background to a party with a majority in the assembly:

Mayor/majority party disparity is probably worth trying to avoid. The likelihood of such a situation arising could be reduced by systems of proportional representation for authority elections which deliver no overall control, and a culture of coalition politics. Another option is a PR election which delivers a majority bonus to the party/coalition of the winning mayor.

Other mechanisms which could be considered in the management of mayor/authority relations are statutory provisions for budget and certain policy plans to be agreed by a certain date each year.

A paper prepared by the Society of Local Authority Chief Executives [SOLACE] Think Tank acknowledges that

Local government, not surprisingly, has seen elected mayors as a threat to be resisted, although no doubt many individuals see a possible future role for themselves and will have been making appropriate noises in smoke filled rooms<sup>18</sup>

The paper goes on to argue that it is difficult to see what real difference an elected mayor would make if their remit was confined simply to the things councils traditionally do:

Fifteen years of financial stringency - not to mention CCT - have meant that the vast bulk of council services are now reasonably efficient, and it is difficult to see what difference an elected mayor, however charismatic, would actually make to core services like refuse collection, housing or education.

The SOLACE Think Tank suggests that elected mayors would only be effective if they could operate across all the agencies at local level: councils, quangos and national departments: "In short, they will need to be given the power to co-ordinate effective governance at local level." This would allow them to do "what charismatic leaders are best at - giving leadership, pulling people together into teams."

Mayors operating along these lines... would give a local focus to the attack on local issues, drawing agencies together at local level and stimulating and co-ordinating their actions. Their job would be to orchestrate existing agencies, rather than supplant them, and in doing so they could provide the local democratic drive and legitimacy that so many of those agencies currently lack. And having democratic legitimacy, they could also have some control over funding - both national and locally determined - to draw recalcitrant bodies into participation.

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<sup>18</sup> Mayor culpa, February 1997,

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The Think Tank's paper suggests that these arguments apply particularly strongly to London, "which of course does not even have a single voice to speak out for the whole of it, far less anyone to exercise effective local governance for the whole capital."

## V A New Strategic Authority for London

### A. Background

The creation of a "streamlined" strategic authority for London has been Labour Party policy for some time.<sup>19</sup> Travers and Jones suggest that one of the immutable considerations in this area is that "central government is suspicious of strong government in the capital" [1997, p8] and it may be this, as much as the desire to learn from the mistakes of the past, that lies behind Labour's professed aim to avoid the creation of a "GLC mark II" (although the Conservative Party has always maintained that this is precisely what Labour's plans would lead to). The tentative proposal for an elected mayor in the 1996 Labour policy document **A Voice for London** is generally thought to have been on the direct intervention of Tony Blair. By the time Labour issued its 1997 General Election manifesto this had become a firm commitment:

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 for 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.

The Labour Government's green paper **New Leadership for London** was published in late July 1997 with a three month consultation period. It advances the argument, in line with the Travers/Jones analysis described in the previous chapter, that since the GLC was abolished in 1986 London has suffered from a "democratic deficit." The current arrangements, it is claimed, have been unsuitable for tackling certain deep-seated problems, [pp1-2] including:

- Concentrations of unemployment and deep poverty, particularly among ethnic minorities
- The need for improved infrastructure damaging London's economic competitiveness
- Traffic congestion, air pollution and noise undermining "the sustainability of London as a city and the quality of life offered to its people"

The green paper suggests that the functions of the new Greater London Authority would all come under the general heading of sustainable development, which is defined as "giving all

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<sup>19</sup> See, for example, *An Elected Voice for London*, Labour Party, 1992

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Londoners an improved and lasting quality of life, combining environmental, economic and social goals" [p17]. The Government states that "this is not an exercise in bringing back the Greater London Council" [p2]. It suggests that "the positive developments in recent years" should be built upon, most notably:

- The willingness of the private and voluntary sectors to play a part in the formulation and delivery of policy at a strategic level
- The creation of sub-regional public/private partnerships to regenerate and promote the competitiveness of their areas; and
- The achievements of London boroughs

[p2]

The green paper makes it clear that the Corporation of the City of London, and therefore by implication the Lord Mayor of London, will not be abolished, although it notes that the Corporation has accepted "the need to improve its electoral arrangements" to represent more accurately the various interests in the Square Mile [p2].

The Government lists [p3] what it calls the key criteria for the Greater London Authority.<sup>20</sup>

### Greater London Authority: Key Criteria

The GLA should be

- **Strategic** Concerned with strategy, thinking and planning for London, particularly at a pan-London and sub-regional level.
- **Democratic** Directly elected by the people of London, and accountable, with clear and public objectives and targets, reporting regularly to the electorate on progress.
- **Inclusive** Involving relevant interests such as business, boroughs, the voluntary sector and ethnic minorities in planning and implementation.
- **Effective** Promoting, leading and empowered to take practical action to bring about change
- **Small** Streamlined in terms of staff, the numbers of assembly members and cost.

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<sup>20</sup> The term Greater London Authority (GLA) is used to refer to the mayor and assembly together

- **Audible** With a high profile role for the mayor, speaking up for London and promoting London's interests particularly in the international context.
- **Consensual** Building a consensus, taking a pragmatic approach, working with the grain, confident within its areas of responsibility.
- **Clear about its role** Avoiding duplication of responsibilities and simplifying existing structures and government.
- **Efficient** Using its resources to best effect, reflecting the Government's commitment to achieve best value.
- **Influential** Capable of influencing policy formulation and decision-making in a range of public and private sector organisations.

## **B. The Role and Nature of the Authority**

The green paper states that the Government is committed to a separately elected mayor and assembly:

The Government believes that London needs a strong executive mayor, able to provide firm leadership and with the power and authority to bring about much needed change. But checks and balances also need to be put in place to ensure that the assembly can scrutinise the mayor's proposals and actions. Where appropriate, the assembly should be able to call other London bodies to account.

Views were invited on whether the post of mayor should be full-time or whether it could be combined with another position, eg. an MP. There would be a small "high quality" staff team to support the mayor in his or her duties.



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Five key roles for the mayor, and five for the assembly, are envisaged [pp6-8]:

### Five Key Roles of the Elected Mayor

1. Proposing the budget
2. Devising strategies and action plans
3. Promoting action to implement London-wide strategies
4. Providing a "voice for London", attracting inward investment, promoting cultural and sporting events, speaking up for London in the UK and in Europe
5. Making some appointments to executive bodies within the GLA's control, subject to Nolan principles

### Five Key Roles of the Assembly

1. Approving the budget and strategies.
2. Approval of appointments
3. Scrutiny of the Mayor
4. Scrutiny of other publicly-funded London organisations, plus examination of London-wide issues where a number of other agencies and organisations are involved, eg. the health of Londoners
5. Power to summon organisations and experts

A small assembly of 24-32 members is proposed; this would allow it to perform its intended functions, provide an opportunity for members to develop specialist expertise but "prevent the assembly from becoming an unwieldy and expensive body" [p8]. The green paper suggests that members should "probably" not receive a salary but would be entitled to the expenses which are paid to existing councillors.

## C. The Relationship Between the Mayor and the Assembly, and Other Issues

### 1. Mayor-Assembly Relations

From the five key roles for the assembly listed in the previous section, it is clear that the Government intends the main role of the assembly to be that of scrutiny of the mayor, who with a personal electoral mandate and wide powers of executive action and patronage is likely to be one of the most powerful figures in UK politics. The green paper states, in the context of the assembly's power to examine, propose changes to and approve the mayor's budgetary and strategic plans, that "there will not always be agreement, but we need mechanisms to avoid unnecessary conflict and to resolve any which does occur" [p7]. These are not spelt out in the green paper, which asks for views on this issue [Q4].

## **2. Patronage**

The mayor's power to make appointments will, potentially, be very wide. The firmest proposal in the green paper is for the mayor to be responsible for some appointments to executive bodies under the control of the Greater London Authority, eg the London Transport Authority and the London Fire and Civil Defence Authority. The mayor would also appoint all but one of the elected members of the new Metropolitan Police Authority [p34]. The green paper suggests that the mayor could also be given power to appoint board members to other pan-London public sector organisations to help improve co-ordination between their activities and those of the GLA, particularly where such organisations play an important role in implementing strategies drawn up by the GLA [p7].

The mayor's power of patronage would be subject to the Nolan principle of appointment on merit and should take account of the Nolan Committee's guidance on best practice for public appointments.

## **3. Consultation**

The green paper states that the Mayor's role in developing strategy should be informed by "an inclusive consultative process in which London's stakeholders - local authorities, the voluntary sector, business and other public sector bodies - would play a part. The means by which this might be accomplished are not spelt out but views on this issue were requested as part of the consultation exercise [Q3]. This issue has, predictably, been raised in many of the responses submitted to the Government [see Chapter V(F) below].

## **D. The Functions of the Authority**

The main strategic functions of the GLA would be land-use planning, transport, economic development and regeneration and environmental protection. There would also be a new police authority for London whose elected members would largely be drawn from the elected assembly. Fire and civil defence would also fall under the GLA's remit, as would strategic planning for culture, media and leisure. A number of current pan-London public bodies may be absorbed into the GLA. The pre-amble to the chapter in the green paper on the GLA's functions brackets them together under the heading sustainable development: "giving all Londoners an improved and lasting quality of life, combining environmental, economic and social goals" [p17]. The true measure of the GLA's success, it is suggested, would be "its ability to tackle city-wide issues and bring about change which benefits London." To this end it would be equipped to think strategically about these issues and to organise action to tackle problems, "working through existing organisations but to a common purpose."

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It is not proposed to describe the Government's proposals in detail here, but some of the main points are covered below.

Planning The GLA would take on the strategic planning functions currently exercised by the Government Office for London and the London Planning Advisory Committee, a joint committee of the London boroughs [p18]. The mayor would set the land-use planning framework for London, subject to approval by the assembly, and ensure that it was integrated with other strategic policies for the capital.

Transport The Government proposes to create a new London Transport Authority which would be an agency of the GLA. In developing an integrated transport policy for the capital the GLA would be required to take account of the Government's national transport strategies: a White Paper on transport policy is promised for next spring [p20]. Although the GLA's strategy would encompass all modes of transport, the authority would not be made responsible for all of them: airports, the Port of London, international rail links and the commuter rail network would remain the responsibility of central government [p21]. The LTA would, however, have direct responsibility for buses, tubes and the strategic road network. The green paper asks for views on how to deal with the problem of funding London's transport infrastructure, but states that the Government is "not currently persuaded of the merits of a business levy to finance transport spending" [p24].

Economic Development and Regeneration In June the Government issued a consultation paper on proposals for Regional Development Agencies, which would co-ordinate regional economic development, help attract inward investment and support the small business sector.<sup>21</sup> There would be a separate London Development Agency and the precise relationship between the GLA and the LDA has yet to be decided on, but the GLA would be responsible for setting the framework and direction for long term sustainable economic regeneration [p26]. At present, a large number of governmental, private sector, education and training and other organisations have a role in economic regeneration and development in London [p27]. The green paper states that the functions of some of these organisations may be absorbed into the LDA, or arrangements devised to ensure joint working.

Environmental Protection The GLA would be responsible for co-ordinating action to protect the environment. It would work with the Environment Agency (responsible for the rivers, pollution control and waste regulation) and the London boroughs (responsible for pollution control for smaller sites, developing local air quality strategies and waste disposal) but would not have direct responsibility for environment enforcement.

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<sup>21</sup> Regional Development Agencies: Issues for Discussion. DoE, 11.6.97

Culture, Media and Leisure The green paper states that the GLA would take a strategic role in respect of culture, media and sport in view of "the vital contribution these activities make to the economy and life of the capital." The mayor would have a role in the promotion of National Lottery projects. There are currently a number of pan-London culture and leisure bodies, including the London Tourist Board, the London Arts Board, the English Sports Council (London Region) and the London Film Commission; the green paper states that the functions of some of the existing bodies may be transferred to the GLA, but others "may be best left as they are, to work as partners with the new authority" [p32].

Police Under the *Police Act 1964*<sup>22</sup>, all police forces outside London are controlled by police authorities, as part of what the green paper describes as "a tripartite relationship with the police forces and the Home Secretary to ensure the delivery of efficient policing". The police authority for the Metropolitan Police is the Home Secretary, however. The Government proposes to establish a separate police authority for London in order to make policing in the capital "properly accountable to Londoners" [p34]. Existing police authorities are comprised of a mix of appointees and members of local authorities. The Metropolitan Police Authority would follow this pattern, with most of the latter group being appointed by the mayor from the ranks of the assembly.

Fire and Civil Defence These services are currently the responsibility of the London Fire and Civil Defence Authority, which is comprised of one representative from each of the boroughs, and the City. The LFCDA would be reconstituted as a Board responsible to the GLA, but the precise organisational structure is not spelt out in the green paper.

Pan-London Bodies The green paper lists a number of key pan-London public sector organisations: the London Planning Advisory Committee, the London Research Centre, the London Ecology Unit, the London Borough Grants Committee, the London Pensions Fund Authority, the London Ambulance Service and the Lee Valley Regional Park Authority. The green paper suggests that the last two are likely to remain outside the GLA. The work of LPAC, on the other hand, would be entirely taken over by the GLA, and the committee would be abolished. A range of options for the other bodies are set out in the green paper [pp37-8]. The mayor could be given power to appoint board members to some of the pan-London bodies to help improve co-ordination between their activities and those of the GLA, particularly where such organisations play an important role in implementing strategies drawn up by the GLA [p7].

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<sup>22</sup> As amended by the *Police and Magistrates' Courts Act 1994*

### E. Finance

The proposed referendum on the Greater London Authority will not feature a separate question on tax raising powers, but the Government says it is "keen to hear from Londoners and London organisations about the extent to which the GLA should have access to local taxation" [p39]. Nevertheless the green paper clearly states that "the Government's overriding priority is the control of public expenditure within the planned totals". Since this was a major part of the platform on which the Government fought the General Election it seems unlikely that it will want to depart from this strategy. Consequently, "any additional spending in setting up the GLA would need to be offset by savings. Thereafter, the savings achieved will allow the GLA to secure a wider and better range of strategic activities for London without increasing spending".

The police and fire services for London, two of the major functions for which the GLA would have financial responsibility, are currently funded by a combination of government grants, uniform business rates and precepts on the council tax,<sup>23</sup> with capital expenditure funded by a combination of grants and supplementary credit approvals (permission to borrow). The Government has indicated that it is likely to retain the substance of these arrangements but would consult on the details once the responsibilities of the authority had been finalised.

Finance for the transport functions which the GLA would inherit comes from a variety of sources. The broad current arrangements would be maintained but the green paper asks for views on how to deal with "the legacy of past under-investment in transport infrastructure." The Government states that it is "not currently persuaded of the merits of a business levy to finance transport spending" [p24]. Proposals for a public-private partnership to enable major investment in London Underground will be made and implemented before the establishment of the GLA [p40].

The current capping arrangements would remain for the time being but the green paper states that the GLA should have "an appropriate degree of budgetary flexibility" within its overall limits.<sup>24</sup> Given that the majority of the GLA's future functions are funded by hypothecated ("ring-fenced") grants, precepts and levies, however, it might prove difficult for the GLA to transfer money between different services if the current arrangements were retained in their entirety [p41]. An alternative would be for the Government to pay grant in a single block (rather like the way in which Revenue Support Grant is currently paid to councils) and to allow the GLA to set a single council tax precept to cover all of its major services. One problem with this arrangement would be that other parts of the country which had less flexibility regarding these services might object, although other local authorities enjoy

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<sup>23</sup> A precept is, in effect, a supplement to the council tax collected by the boroughs on behalf of the relevant body, eg the Metropolitan Police. It is identified separately on council tax bills.

<sup>24</sup> See Research Paper 97/89 Council Tax Capping in England.

(technically, at least) a wide degree of budgetary flexibility between most of their major services at present. Another problem would be that the Government departments which fund specific GLA services such as the police might be loathe to see their money siphoned off for other purposes.

The Government sought views on the appropriate method of funding the new mayoral or central responsibilities connected with the GLA's proposed strategic and representational roles, commissioning work, leading task forces, bidding to host major events, and representing London at home and abroad. The green paper points out that some of these services are already financed individually or collectively by the London boroughs and others may be provided by public sector bodies outside local government. No decision has yet been taken on whether local taxpayers should meet the cost of such central services and the cost of the mayor, his or her staff, accommodation and that of the assembly. The green paper asks if not,

would it be appropriate for funds to come from central government? An alternative source of finance which might be developed over time is fees and charges, although the GLA is not about increasing public spending [p41].

## **F. Reactions to the Government's Proposals**

### **1. General Reactions**

The Government's proposal for a directly elected mayor and assembly prompted the Conservative Party to reconsider its policy on London. The Conservative Manifesto for London 1997 listed the changes to the governance of London since 1992 [described in Chapter II above] and asserted that "These arrangements may not be neat. But they work. The results are there for all to see. ...London is booming precisely because it isn't stifled by too much bureaucracy; because, free from the threat of an all-powerful city-wide authority, people are prepared to work together, to co-operate" [pp3-4].

The Conservatives' new approach was set out in a speech by the Shadow Secretary of State for the Environment, Transport and the Regions, Sir Norman Fowler, on 17 July 1997. He described proposals for a mayor, assembly and London Development Agency, with the Government Office for London apparently continuing undisturbed, as "an extraordinary multi-layered solution to London's problems." Nevertheless, the public wanted "a voice for London speaking up on issues like inward investment or the bringing to London of an international event;" people also wanted Londonwide co-ordination in areas like transport and traffic. These aspirations should be met. Since the abolition of the GLC the Conservatives had "consistently opposed the return of a bureaucratic new London authority at odds with the London boroughs" and there was no reason to change that policy. Therefore the Party would

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support the creation of an elected mayor for London but oppose the assembly which would become a "GLC Mark 2." Instead the mayor would be able to draw upon the skill and experience of the London boroughs:

Thus the mayor could work with a board of borough council leaders while other councillors could be brought in for the specialist committees like transport. The aim would be to harness the expertise of elected councils; to win the cooperation of those who will need to make policies work upon the ground; and above all to avoid the conflict inherent in Labour's plan.

In contrast, the Liberal Democrats' 1997 manifesto **Make the Difference** proposed the creation of a strategic authority [p44] but the Party opposes an elected mayor.

The Government announced in a press release of 27 October 1997<sup>25</sup> that more than 1000 organisations and individuals had submitted responses to the green paper **New Leadership for London**. No detailed analysis of the responses has yet been produced, but the press release contained the following observations by the Minister for London Nick Raynsford:

I am delighted by the enthusiasm and excitement Londoners have shown for the idea of an elected mayor and assembly for London. The responses have overwhelmingly supported our proposals for a Greater London Authority. At the same time they have given us some very useful insights on the detailed arrangements for putting our ideas into action. These will be invaluable in helping us finalise our proposals for the White Paper.

In their responses many people were concerned about transport problems in London. Another area of great interest was the type of election system to be used for the mayor and assembly which attracted a range of views. Overall there was strong support for the GLA to take a pan-London strategic role in transport, planning, economic development and regeneration, environmental protection, fire services, police and cultural activities.

Some of the responses, including those from organisations representing local government, business and the voluntary sector, are discussed below. Most of the responses considered here give broad support to the Government's proposals. Many of them emphasise concepts like partnership and consensus, perhaps best summed up in a June 1997 speech by Cllr Toby Harris (chair of the Association of London Government and joint Chair of London Pride Partnership) which is quoted in a paper produced by the London Voluntary Service Council:<sup>26</sup>

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<sup>25</sup> "Big response to Government's plans for London" Department of the Environment, Transport and the Regions 419/Env.

<sup>26</sup> Enriching democracy: a Civic Forum for London. LVSC, 1997, p3

There has to be partnership and consensus: in tomorrow's conditions no part of London will prosper on its own; no interest group will really, in the long run, do well at the cost of another... only a fresh culture of interdependence will serve.

A similar approach is adopted by the London Pride Partnership, which currently comprises 11 organisations with a strategic interest in the well being of the capital drawn from business, local government and the voluntary sector:<sup>27</sup>

Partnership working allows the participants to understand problems more fully, and to work collaboratively on devising actions. It is important that partners feel a measure of 'ownership' both of issues and of proposed solutions.

Organisations representing the business community emphasise the need to "place competitiveness at the top of the London policy agenda."<sup>28</sup> This is echoed by the Association of London Government which represents all of the London boroughs plus the City Corporation: "The aim... is to make London the greatest European city, able to sustain its leading global position in the face of competition from cities from all over the world."<sup>29</sup> Hence, "New forms of governance... must avoid the sort of heavy handed regulation that would undermine the creativity and dynamism of a complex modern society" [p5].

## **2. Consultative Arrangements**

The Association of London Government states that the GLA must work within a "clear partnership structure involving the different sectors and stakeholders in London" but suggests that the precise structure for achieving inclusive consultation and debate should not necessarily be laid down in legislation but "allowed to develop alongside the evolving roles of the Mayor and Assembly." [ALG response, p7].

The business responses argue that business should have a central role in policy making and delivery in order to ensure that London's competitiveness is addressed effectively [CBI response, p2]. Businesses in London tend to the view that the arrangements for consultation should be formalised to ensure that their voice is heard. To improve communication with the broader business community, the CBI, London First and the London Chamber of Commerce propose the creation of a London Business Board. The role of the board would be to:

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<sup>27</sup> New Leadership for London: response from the London Pride Partnership, October 1997, para 4

<sup>28</sup> CBI's Response to Green Paper: New Leadership for London, 5.11.97, para 2

<sup>29</sup> ALG response to the Government's Green Paper on New Leadership for London, undated, p4



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- ensure that central and local government, the GLA, LDA [London Development Agency] and other public bodies promote policies which maximise the potential of businesses in London to generate sustained economic growth
- advise the Mayor and Assembly on all matters of policy beyond the remit of the LDA as they affect London's competitiveness
- publish an annual audit of the contribution of central and local government, the GLA and the LDA to London's competitiveness
- publish independent reports on London's business prosperity including, where it sees fit, its collective view where it differs from that of the Mayor or Assembly.<sup>30</sup>

The London Voluntary Service Council and Charter 88 recommend the establishment of a Civic Forum which would represent all strands of civil society in London:

A city of seven million people, [London] is one of the most cosmopolitan cities in the world with tremendous wealth lying next to shameful poverty and discrimination. To govern in the interests of all Londoners is a gargantuan task and not one that any city-wide body should undertake with arrogance. To pose the simple question, "How will 25 politicians in the Greater London Authority govern in the interests of seven million Londoners?" is to state the case for a Civic Forum.<sup>31</sup>

The Scottish Civic Assembly is proposed as a possible model. The Assembly brings together those engaged in key sectors of Scottish national life such as health, agriculture, industry, the environment, culture and housing, with social interest organisations such as those working with pensioners, disabled people and homeless people, and national bodies such as the Scottish Council of Voluntary Organisations and the Scottish Trades Union Congress. Each category is entitled to a quota of voting places in the plenary meeting which happens twice a year. The plenary meeting then elects a Council of 24 members to be responsible for the administration of the Assembly [ibid, p5].

### 3. The Role of the Mayor and Assembly

In general the proposal for a strong mayor with an assembly to provide checks and balances has been welcomed, but the CBI warns that "plans for new institutions, if clumsily structured, can lead to additional costs and bureaucracy that would stifle the dynamism which has contributed to London's success [CBI response, page 1]. Both the mayor and assembly should therefore remain streamlined and focused on major issues (rather than daily implementation) to maximise their value added function [page 2].

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<sup>30</sup> Proposal to create a London Business Board: London Chamber of Commerce, October 1997, para 8

<sup>31</sup> Enriching democracy: a Civic Forum for London, op cit, p6

The Local Government Association, which represents nearly 500 local authorities in England and Wales, does not put forward detailed views on the elected mayor model, but points out that the main thrust of LGA policy has been to press for freedom for local authorities to experiment with different forms of political leadership. As the Association expects that Lord Hunt will shortly present a Private Member's Bill to allow local authorities to experiment with the way that decisions are made [see Chapter IV above], it observes that developments in London will be studied in detail in other parts of the country.<sup>32</sup>

The London trades unions, represented by SERTUC, oppose the creation of an elected mayor, preferring to see the mayor being chosen by whichever political grouping can command a majority in the assembly. Mick Connolly, SERTUC regional secretary, said in a press release: "We believe the government's proposal will place too much power in the hands of one person. London does not need a New York style 'city boss.' Rather, we should be looking to European cities, in particular to Barcelona, where successful economic and social regeneration has been achieved by dynamic but democratically accountable leadership."<sup>33</sup> A similar position has been adopted by Ken Livingstone<sup>34</sup> and there have been reports that a significant proportion of Labour borough council leaders privately oppose an elected mayor.<sup>35</sup>

Professors George Jones and John Stewart argue in the *Local Government Chronicle* that there is a danger that the Government's proposals would not give the GLA sufficient powers to carry out its strategic role effectively. The green paper argues that additional powers are not needed to ensure compliance with the authority's strategic objectives since the electoral mandate the mayor receives will give him or her considerable authority. Jones and Stewart suggest: "That assertion may be true for the honeymoon period, but mandates tend to wear thin as they become remote from new topics and are tested in controversy and dispute". There is a danger that the new authority would become "a mere talking shop."<sup>36</sup>

Charter 88's response to the green paper emphasises the uniqueness of the proposal for an elected mayor for London.<sup>37</sup>

Charter 88 welcomes the decision to separate the executive and deliberative arms of London Government. This will create the first British institution of Government to have a separation of powers. The establishment of the mayor as the executive arm of the GLA obviously requires that the mayor has the power and authority to direct and lead the GLA.

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<sup>32</sup> Local Government Association. *New Leadership for London: Response from the Association on the Government's proposals for a Greater London Authority*, para 5

<sup>33</sup> "Unions oppose 'city boss' style mayor for London" TUC Press Release 24.10.97

<sup>34</sup> *The Guardian* 24.10.97 "Livingstone attacks "barmy" London mayor plan"

<sup>35</sup> *The Times* 18.7.97 "Astute move shows party has started to listed"

<sup>36</sup> "Power to the strategic body" 10.10.97

<sup>37</sup> *Ensuring Accountability*, undated, para 2.16

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Nevertheless, the assembly should be able to hold the mayor to account. The mechanisms proposed to enable this include:

- Power to overturn a mayoral decision
- Power to hold a vote of no-confidence
- Power to call a London-wide referendum.

Each of these steps should require a special majority of 2/3 or 3/4 [paras 2.20-2.22]. There should be a statutory requirement for agreement to be reached over the budget proposed by the mayor by a set date [para 2.20<sup>38</sup>].

Charter 88 suggests that the assembly's scrutiny role would be best met by establishing a series of select committees charged with monitoring the activity of bodies responsible for service delivery or some aspect of London government. The select committees should have a statutory power to summon representatives from these bodies [paras 2.24-2.27]

In addition to the creation of a full-time, salaried post of elected mayor, the Association of London Government recommends that members of the assembly should be paid, given that they will have "a wide range of functions, including representation on the boards of agencies such as the London Transport Authority and London Development Agency and the power of scrutiny" [ALG response, p10]. Regarding the mayor's power of patronage, the ALG believes that the assembly should be able to veto mayoral appointments only where there are clear indications that appointments have not been made in the full spirit of the Nolan principles [p9].

### 4. Finance

The ALG proposes that the GLA should be given the general ability to adjust the balance of spending between services: it notes that "this would be giving to the authority the same power as is enjoyed by every other local authority" [ALG response, p40]. The association, whilst acknowledging the Government's determination that the financial arrangements for the GLA should not lead to increased pressure on public finance and expenditure, supports making available to the GLA various new forms of income: [p39]

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<sup>38</sup> This proposal is endorsed in the Association of London Government's response [p6]. The ALG also recommend that while responsibility for preparing the budget should rest with the mayor, this should emerge from a consultative process.

- off-street parking charges for non-residents
- congestion charges
- environmental taxes of various kinds to assist in reducing the scale of pollution although there are problems with using such taxes for revenue raising purposes
- a tourist tax (this could take the form of a levy on hotel occupancy either as a flat rate tax or a pro-rata percentage)
- a voluntary transport levy; this would take the form of a voluntary addition to the business rate, which could be used, at least in the first instance, for investment in transport infrastructure
- a levy on utilities for road openings. The utilities would have a duty to report road openings and the length of time taken for works. The GLA would be given the power to levy the tax
- a sales tax could potentially raise revenue. However the ALG is aware that this would be a major departure in the British context and lead to the potential for 'border hopping' as different areas charged different rates; and such taxes would be subject to EU regulations.

The ALG considers that charges of this nature should be ringfenced for specific purposes, which, at least in the first instance, would be likely to be transport related [p41]. The availability of these new sources of income should not lead to the amount of government grant received by the GLA being reduced as part of the annual calculations for the local government settlement.

The ALG suggests that the cost of central services provided by the GLA, including the running costs for the mayor and assembly, should be funded as part of the Standard Spending Assessment [p41].

The London TEC Council (and also the London Chamber of Commerce) supports giving the GLA power to raise hypothecated taxes, since "amelioration of the capital's environmental and transport problems, to improve the living and working environment, could demand a new level of financial resource" [LTC response, p1]. However,

environmental regulation and increased taxes could affect the prosperity of London's businesses. The impact on small and medium sized businesses, the engines of London's growth, is critical. For every regulation, there should be an assessment - a competitiveness audit - of the consequences upon the competitiveness of London's businesses. Wherever possible, adverse implications should be prevented."

Both the CBI and the London Chamber of Commerce and Industry argue for a greater share of central government resources. The CBI suggests that the GLA would "give London a strong and cohesive voice in decisions on allocation of national resources for regional

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development" [CBI response, p1]. LCCI proposes that part of the GLA's funding could come from "recycling some of the £6.2 billion which the Government collects in London over and above what it spends here. Some of this surplus should be invested in London - especially in 12 out of the UK's 20 poorest boroughs which fall within London - which will then produce a return for the country as a whole."<sup>39</sup>

### 5. Other Observations

It is not proposed to consider here detailed responses to the Government's proposals for the GLA's functions and the way they should be carried out. Nevertheless the following brief points are worthy of note.

The London TEC Council [LTC]<sup>40</sup> argues that a competitive business base can best be encouraged if the GLA adopts a "sectoral approach," giving due attention to each of the nine key economic functions identified in the report **An Economic Profile of London**.<sup>41</sup> The LTC also suggests that the skills shortage is the greatest obstacle to further growth in London. It has been difficult to develop an integrated approach to this problem due to the diverse approaches adopted by schools, colleges and TECs, but the advent of regional government and the London Development Agency offers the opportunity to achieve this goal.

Finally, the Association of London Government proposes the appointment of a Director of Public Health for London to take a strategic role in addressing the particular problems of deprivation facing many Londoners. He or she would report to the GLA, which would be responsible for public health target setting and monitoring [ALG response, p42].

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<sup>39</sup> LCCI. New Leadership for London: a summary of business views, October 1997, p1

<sup>40</sup> New Leadership for London: A response from London's Training & Enterprise Councils, October 1997, p2

<sup>41</sup> London TEC Council, 1996. The nine key functions are: international banking and finance; manufacturing; gateway/logistics; seat of governance; commercial HQs; producer services; technology futures; culture and arts; and tourism.

## VI Elections for the Greater London Authority

### A. Background: the Greater London Council

For the purposes of elections to the Greater London Council, Greater London was divided into electoral divisions. From 1973 each division returned one councillor<sup>42</sup> At the first three elections to the GLC (1964,1967,1970) there were 100 councillors, and 32 divisions, each corresponding to one London borough (with the City of London included within Westminster). There were between 2 and 4 councillors for each of these electoral divisions, but from the 1973 elections there were 92 councillors representing single member divisions. Electoral divisions were required to be wholly within a London borough (except Westminster and the City).. Every Parliamentary constituency wholly within a borough was to constitute an electoral division. This meant that each division was co-terminous with a Parliamentary constituency<sup>43</sup> The Local Government Boundary Commission became responsible for conducting reviews of electoral arrangements. Elections were conducted under the First Past the Post System. The local government electorate applied. The last full elections were held in 1981 and since 1973 had been on a four year cycle..

### B. Electoral Systems for the Proposed Greater London Authority

The 1993 Plant Commission on electoral reform<sup>44</sup> did not make any recommendation on possible voting systems for a London assembly; Labour did not reach any agreement with the Liberal Democrats before the 1997 election over the voting system to be used for elections for a London mayor and the proposed London assembly. The report of the Labour/Liberal Democrat Joint Consultative Committee on Constitutional Reform (March 1997) noted both parties' commitment to a referendum on the establishment of an elected assembly, and the Labour commitment to an elected Mayor. Policy documents issued by the Labour party before the 1997 elections did not propose alternative voting systems for a Greater London Authority.

The Green Paper *New Leadership for London: the Government's proposals for a Greater London Authority*<sup>45</sup> did not recommend a specific voting system for the mayor or the assembly. It asked which system should be used for the mayoral elections and set out electoral options for the assembly:

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<sup>42</sup> *Local Government Act 1972* s.8(1) Schedule 2, para 7. The electoral divisions were defined by the *Greater London(Electoral Areas) Order 1972* SI no. 924

<sup>43</sup> Full details of the rules governing electoral arrangements were given in Schedule 11 of the *Local Government Act 1972*

<sup>44</sup> *Report of the Working party on electoral systems 1993* For background see Research Paper 97/26 *Voting systems :the alternatives*

<sup>45</sup> Cm 3724 July 1997

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### *Electing the Mayor*

#### 3.03

It will be important to ensure that the method of election of the mayor gives the eventual winner a clear mandate from the people of London. There are a number of options, including the system currently used for local government elections, and more representative systems such as the second ballot and the alternative vote system. The first-past-the-post system does not require a candidate to obtain a majority vote over all other candidates, or to obtain a given proportion of the total vote. The successful candidate has simply to secure more votes than the next placed candidate. If more than two candidates were standing for election as mayor, one could win with well under half the vote.

#### 3.04

As the name implies the second ballot system involves two rounds of voting. In the first round, only a candidate who secures an overall majority would be elected. If no candidate secures a majority, then a limited number of candidates would go forward to a second vote. The winner would become mayor.

#### 3.05

Under the alternative vote system, instead of voting for just one candidate, voters select any number of candidates they like, in order of preference. To win, a candidate has to obtain an overall majority. If no candidate secures a majority of first preferences, then the lowest placed candidate drops out and his or her second preferences are transferred to the other candidates. This process continues until one candidate achieves an overall majority.

### *Electing the Assembly*

#### 3.06

The method of election to the assembly needs to reflect and support the role of assembly members. Assembly members will be required to think and act strategically, looking at London-wide issues and the long-term interests of the capital. We do not think they need to or should duplicate the local representational roles of borough Councillors, MPs and Euro-MPs.

#### 3.07

The electoral landscape of London is also relevant. There are approximately five million electors in London, 74 Parliamentary constituencies, 10 Euro-

constituencies, 32 (unitary) London boroughs and the Corporation of the City of London. Some Euro-constituency boundaries extend beyond the limit of the area proposed for the new authority.

3.08

We are committed to a streamlined and effective assembly and will consider views on the size, shape and distribution of constituencies and the methods of electing assembly members.

### *Constituencies*

3.09

Several constituency models are available. For example, single-seat constituencies could follow borough boundaries, or 24 constituencies, each made up of approximately 3 Parliamentary constituencies. 32 constituencies would be easily understood by electors, but could lead to a focus on local rather than strategic issues. 24 constituencies would partially overcome this problem.

3.10

Larger multi-seat constituencies would allow constituencies more strategic in nature, perhaps corresponding with existing sub-regional partnerships. They would not have to be of equal size. London could, for example, be divided into between 8 and 10 constituencies, each with three elected representatives. Alternatively, there could be five larger constituencies (each with 5 or 6 members), with a large central area constituency and four based on sub-regional partnership areas or the points of the compass. Larger constituencies might allow assembly members to develop sub-regional identities, perhaps leading to a general strengthening of existing area partnerships .

3.11

A single London-wide constituency would give members a London-wide focus, as for the mayor, and this might encourage a more strategic outlook. Conversely, it may also result in some areas of London feeling under represented if elected assembly members have no obvious link at all with a community. This could also be an expensive option in campaigning terms.



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### *Electoral Options for the Assembly*

#### 3.12

In the single seat constituency model, the first-past-the-post and the alternative vote systems are probably the only viable options. In multi-seat constituencies a number of different electoral systems might be appropriate. These include first-past-the-post and other systems such as the list system, the additional member system and the single transferable vote system.

#### 3.13

In the first-past-the-post system for multi-member constituencies, the candidate with the highest number of votes would be elected (for example, in a three member constituency, the three with the most votes would be elected). In the simplest terms, the list system requires electors to vote, not for an individual candidate, but for a party which provides a list of candidates which might be ranked in the order the party wishes them to be elected. Seats in constituencies would then be allocated amongst the parties according to the proportion of the vote gained in each constituency. This system would more or less cut out the option of independent candidates.

#### 3.14

The additional member system allows a proportion of the available seats to be allocated on the first-past-the-post system, with the remainder allocated to parties on an all-London list, similar to that described above. The single transferable vote system requires voters to put candidates in an order of preference. Candidates have to reach a quota in order to be elected and where a candidate passes the quota, any excess votes are redistributed on the basis of voters' second preferences. If no candidate reaches the quota, the lowest placed candidate drops out and his or her second preferences are transferred. This process continues until the required number of candidates are elected.

The Green Paper favoured simultaneous elections for mayor and assembly with terms of between three and four years; it asked whether it was desirable to limit the number of terms of office of the mayor or assembly members. It would not be possible to be both the mayor and an assembly member. Rules for eligibility should be the same as for a local councillor and the Paper raised the possibility of limiting the number of candidates for mayor to avoid too lengthy a ballot paper. (paras 3.15-3.17)

Finally the Green Paper considered that there needed to be arrangements to control expenditure in relation to assembly elections and mayoral elections. The Paper did not offer any details on proposed schemes to control expenditure. The issue becomes more complex if a PR system

were to be adopted for elections to the Assembly since controls on expenditure in Great Britain relate to expenditure by the individual candidate or his agent in a particular constituency rather than spending by a political party. Major changes to the system of election expenses for local elections would therefore be necessary. Jack Straw has already announced that a bill will be brought forward as soon as possible to provide for the registration of political parties and to control donations to parties<sup>46</sup> In evidence to the Home Affairs Select Committee on 29<sup>th</sup> July 1997 Mr Straw said that statutory limits on the amounts that political parties can spend at national level were under consideration by the Government.<sup>47</sup> Equivalent limits for London-wide elections might well be appropriate, for example for the mayoral election. The current election expense limits for local elections are £219 per candidate, plus an additional 4.3p for every entry in the register of electors to be used at the election.<sup>48</sup> The independent Constitution Unit published a briefing on establishing an independent electoral commission before the May 1997 election which considered that if moves were made to limit national expenditure by party and/or the funding of parties, that a "body independent from the government would be necessary to take responsibility for monitoring compliance"<sup>49</sup>

In its response to the Green Paper<sup>50</sup> the Electoral Reform Society supported the alternative vote for the mayoral elections, arguing that there would be many candidates for such a high profile election, and that a winning candidate under First Past the Post might not get a high enough percentage of the vote to achieve electoral legitimacy. The Second Ballot system was not favoured because the turnout in the second ballot might be substantially lower than the first. The Alternative Vote would allow voters to number candidates in order of preference. Charter 88<sup>51</sup> also considered that a mayor elected on less than 50 per cent of the vote could not claim to have a clear mandate, and that the Alternative Vote would ensure that the winning candidate got more than 50 per cent of the vote. The Second Ballot was time-consuming and expensive and suffered from a low turnout in the second ballot.

Turning to the assembly, the ERS pointed out that unlike local government councils the assembly will not have executive functions, so its role would be effective scrutiny and representation of the people. It also argued that parties should not be the only basis of power within a small assembly. It rejected single seat constituencies based on the boroughs as leading to a focus on local issues, and because the boroughs differed markedly in size. Single seat constituencies tended to lead to safe seats for individual parties. A single constituency covering London would be impractical for campaigning and representational purposes, and might duplicate the function of the mayor. The ERS considered that several multi-member wards would be more practical:

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<sup>46</sup> *Home Office Press Notice* 16.10.97 "Jack Straw announces party funding controls"

<sup>47</sup> HC 215 *The Work of the Home Office*

<sup>48</sup> s.76 of the *Representation of the People Act 1983* as amended by the *Representation of the People (Variation of Limits' of Candidates' Election Expenses) Order 1997*

<sup>49</sup> *Establishing an Electoral Commission (1997)*

<sup>50</sup> *Democracy for London: response to the Government's Green Paper on a Greater London Authority* October 1997

<sup>51</sup> *Democracy for London: Charter 88 welcomes the Government's Green Paper on Government for London*

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### Multi-member districts

- 3.34 The remaining option is to elect the Assembly from several multi-member districts. This overcomes many of the problems with London-wide and single-seat constituencies, and is better suited to the role which the Government envisages for the Assembly.
- 3.35 As the Green Paper recognises, multi-member districts would encourage a sub-strategic role for the assembly, to complement the London-wide strategic role of the Mayor. The identification at sub-regional level may help to strengthen existing area partnerships.
- 3.36 The districts will not coincide with that for the Mayor or those for individual boroughs. This will help to ensure greater clarity in their different roles.
- 3.37 Multi-seat districts tend to provide much better equality of representation. They offer greater flexibility than single-seat constituencies because they can elect different numbers of elected representatives per district. For example a district which has 25% more voters than its neighbour can have five seats as opposed to four. Unlike a single London-wide constituency, they ensure that each area of London is fairly represented in the Assembly.
- 3.38 Unlike single member constituencies, multi-member district boundaries do not need to be redrawn every time there is a shift in population. Such changes can be accommodated simply by changing the number of seats allocated to each constituency.
- 3.39 Because of their greater flexibility, multi-member districts can more easily be identified with recognised areas of London. Of course, it is not possible for any electoral system to represent fully the multi-cultural patchwork of London society; that would require an Assembly of 240 instead of 24. But many Londoners identify strongly with larger areas of the capital; witness the loyalty to the East End, the friendly rivalry between North and South London, and the millions who are proud to use Middlesex in their postcode.

The ERS recommended the Single Transferable Vote (STV) as the "ideal system for use in multi-member districts, particularly those electing around 5 representatives" (para 3.54), pointing out that as far as the voter was concerned, casting a single transferable vote was very similar to casting an alternative vote. Charter 88 believed that the assembly should be elected by a proportional voting system from multi-member constituencies with boundaries not contiguous to the London boroughs, to prevent too great attention being given to borough issues. . It offered as available options an open list system or STV. The London branch of the Society of Local

Authority Chief Executives supported Alternative Vote for the assembly, using a single London constituency as first preference. The Conservative party do not support an assembly<sup>52</sup>, while the Liberal Democrats do not support a mayor, but favour STV for assembly elections.

Both the ERS and Charter 88 favoured reform of election campaign funding, with the creation of an electoral commission and favoured simultaneous elections of mayor and assembly. Elections at the same time of the borough elections should be avoided however. Charter 88 favoured limiting terms of office to two or three terms for both the mayor and assembly members, and limiting the number of candidates for mayor, through either an American system of primaries or for each candidate to achieve the support of 500 voters.

The London TEC Council response favoured some form of functional representation, with 50 per cent of Assembly members elected to serve geographically and the remainder elected to represent "specific issues or communities, such as young people, businesses, equal opportunities, transport and environment, on the basis of a London-wide constituency"<sup>53</sup>. The London Chamber of Commerce considered that the mayor should be elected by a system ensuring that he had as wide a mandate as possible, probably a form of PR, and that five large constituencies should be used for the assembly - a central constituency and then one for each point of the compass; the electoral system used should, it considered, ensure that "no one political grouping is disproportionately dominant and that all parties are required to work together for the benefit of London as a whole".<sup>54</sup> The LCC did not favour simultaneous election of mayor and assembly, as leading to stagnation in the last year before the election. It was concerned to limit the number of candidates for mayor, possibly by a high deposit of £5,000, and advocated lifting the ceiling on election expenses, not to disadvantage independent candidate who would not have the unpaid assistance which political parties can draw upon. The response from the CBI London region argued that "it is desirable to decouple the election of the Mayor so far as possible from party politics to ensure that this single post is seen to be for the service of Londoners as a whole, irrespective of party affiliation".<sup>55</sup> Unlike the London Chamber of Commerce, it thought that a relatively low maximum for campaign finance would be desirable to assist non-party candidates. The CBI also favoured a limit on the amount of non-financial assistance offered by parties and other local and regional organisations to candidates. Equal access to regional media should be available.

The Association of London Government supported the use of the traditional First Past the Post system for the election of the mayor, on balance, as being well known to the electorate and as the established form of election in Great Britain. However, it saw merits in both FPTP and proportional representation for the assembly elections and did not comment on the size and

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<sup>52</sup> Speech by Norman Fowler, Shadow spokesman on local government 17.7.97. Mr Fowler has suggested the holding of American style primaries by political parties to select their candidate for mayor (*Guardian* 25.7.97 "Tories want US-style primaries for mayors")

<sup>53</sup> Response by the London TEC council to Q11 of the Green Paper October 1997

<sup>54</sup> Response by the London Chamber of Commerce to Q11 of the Green Paper October 1997

<sup>55</sup> Response by the CBI London Region October 1997

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distribution of electoral divisions. The ALG considered that candidates should qualify as local government electors, and that a deposit along with requirements for a substantial number of supporting signatures from each London borough should reduce the number of candidates.

Clause 7 of the Bill gives the Secretary of State new powers to direct the Local Government Commission to determine the electoral areas into which Greater London should be divided, but provides that the Secretary of State's directions to the Commission must specify the number of electoral areas and the total number of members. The Secretary of State is not required to direct the Local Government Commission to carry out the work, but it was thought sensible to provide power for the Commission to start work as soon as possible. The Secretary of State decides the timetable for the review under Clause 8(1), but the Commission is required to take into account representations, following publication of a draft report under 8(3). Clause 9 enables the Secretary of State to direct the Commission to review its final recommendations and to submit a further report with revised recommendations. These powers are substantially the same as those given to the Secretary of State in Part II of the *Local Government Act 1992*, which gave the new Commission a remit to review the structure of local government in England. Clause 10 enables the Secretary of State to give the Commission directions as to the exercise of its functions, specifying matters which the Commission must take into account and requiring the Commission to have regard to any guidance issued by the Secretary of State. The Bill does not contain any detail on possible Parliamentary scrutiny of the Commission's recommendations or of their implementation.

The Bill does not contain further references to electoral arrangements for the mayoral or assembly elections and it is still feasible that the whole of London could be specified as the electoral area or that single member constituencies could be specified for the Commission. In effect, therefore decisions on the voting systems to be used or the electoral map for a new assembly remain with the Government.

If a list system or STV is selected as the voting system for the new assembly registration of parties would be necessary. Jack Straw has announced that a Bill will be brought forward as soon as possible to provide for the registration of parties as well as to require parties to declare sources of donations and to ban foreign donations.<sup>56</sup>

### **C. The electorate for the Referendum on 7<sup>th</sup> May**

Clause 2 of the Bill specifies that the electorate for the referendum will be the local government electorate. In the City of London the franchise will be confined to those resident there; those occupying rateable land over £10 per annum qualified to vote at municipal elections in the City

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<sup>56</sup> *Home Office Press Notice* 16.10.97 "Jack Straw announces party funding controls"

will not be able to vote in the referendum.<sup>57</sup>). This follows the precedent of the referendums in Scotland and Wales which also used the local government electorate.<sup>58</sup> Briefly, EU citizens will be able to vote, as long as they fulfil the residency requirements, as well as Irish and Commonwealth citizens and peers resident in London. But overseas voters will not be able to vote, as they form part of the Parliamentary franchise only. The justification used in the Scottish and Welsh referendum was that the electorate should be confined to those resident in the relevant area.<sup>59</sup> The *Local Government Elections (Changes to the franchise and qualification of members) Regulations 1995*<sup>60</sup> gave EU citizens the franchise in local government elections from 1 January 1996.

To qualify as a local government elector a person must be resident in the applicable area on the qualifying date. (10 October). It is possible to be added to the electoral register after the annual date on which it comes into force (16 February) but only if the voter met the residency requirement in the applicable area on the qualifying date.<sup>61</sup> Under S.11(3) of the *Representation of the People Act 1983* additions to the register can still be made up to the close of nominations of candidates at an election. This cut off date is not relevant for the referendum and so Clause 2 (2) of the Bill provides for an Order in Council to specify a cut off date. For Scotland and Wales this was 11 days before each referendum polling day.

The referendum polling day is scheduled for the same day as the London borough elections, and Clause 4 provides for the polls to be treated as combined.<sup>62</sup> An Order in Council under Clause 4 is provided for, to modify the relevant election procedures. There is likely to be political pressure to count the referendum before or at the same time as the borough results. The Chief Counting Officer provided for in Clause 3 is likely to co-ordinate with the counting officers in each borough areas and has the power to give formal directions to counting officers (Clause 3 (3)(a)). Clause 5 allows grants to London boroughs and the City of London in respect of expenditure on the referendum. Combined elections are more complex for election administrators to handle, and the Returning Officer for the Winchester constituency, recently the respondent in an election petition, has called for combined elections to be abolished since they

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<sup>57</sup> The bulk of office premises in the City are occupied by limited companies which pay rates but do not have a vote. The *Representation of the People Act 1969* abolished the business franchise for local government elections and so business voters did not have a separate vote for GLC elections. The City is currently consulting on proposals to alter the franchise to include corporate bodies within the franchise. Details are contained in its booklet *Improving the City's Franchise (1997)* This booklet proposes linking voting entitlement to the size of a business, so that additional votes could be gained according to the rateable value of the property of the business. In its policy document *Road to the Manifesto: a Voice for London (1996)* the Labour Party stated that the City Corporation's "present electoral arrangements cannot be defended and must be changed." The Green Paper made it clear that there were no proposals to abolish the City Corporation and stated that the Government looked forward to detailed discussions with the Corporation in autumn 1997 over Corporation proposals on its franchise. (paras 1.10-1.11) These proposals do not involve changes to the franchise for the referendum on London

<sup>58</sup> See Appendix 2 of Research Paper 97/92 *Scotland and Devolution* for details.

<sup>59</sup> See the speech by Henry McLeish for the government during the Committee stage of the *Referendums (Scotland and Wales) Bill* HC Deb 3.6.97 vol 295 c273

<sup>60</sup> SI no 1948

<sup>61</sup> It is the Electoral Registration Officer, not the applicant, who determines whether the requirement is met under S.5 of the *Representation of the People Act 1983*

<sup>62</sup> GLC elections took place in different years from London borough elections: the last GLC elections were in 1981 and the borough elections were in 1982.

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add to the potential for error.<sup>63</sup> On the other hand, combining the referendum with the borough elections is likely to raise turnout and avoid the expense of two polls coming shortly after each other.

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<sup>63</sup> *Local Government Chronicle Law and Administration Supplement* 24.10.97 "Returning Officer calls for the abolition of combined polls"

## VII The Referendum

### A. Background

Labour's policy of subjecting its policy for English regional government to referendums was considered in chapter B5 of Research Paper 97/10, *Referendum: recent proposals*, 24.1.97. That Paper reproduced, for example, the passage in the July 1995 consultation document, *A choice for England*, which examined, in constitutional terms, what the party called 'the need for consent' of the people in a particular English region for the establishment of a directly elected assembly. According to the document the case for establishing an elected strategic authority for London, unlike the rest of England, stands on its own. The final plans for this authority could be subject to a confirmatory test of public consent such as a referendum. This would strengthen the position of the new authority by demonstrating that it had the active support of Londoners (p3).

The referendum policy for its London proposals was firmed up in Labour's September 1995 paper, *A voice for London*, which stated that "the final plans for this authority would be subject to a referendum. This would strengthen the position of the new authority by demonstrating that it had the active support of London" (p13). In the Labour election manifesto, the party pledged that, 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.

The new Government's green paper, published in July 1997, set out the 'next steps':<sup>64</sup>

1.16 When the consultation period closes on 24 October 1997, we will draw together everyone's views and prepare a White Paper setting out detailed arrangements for the new authority. **Londoners will then have the opportunity to say in a referendum on 7 May 1998 whether they want a Greater London Authority.**

The Liberal Democrat proposals for London government, as expressed for example in its election manifesto, promised a strategic authority for London, but there was no explicit reference to the need for a prior referendum. However the report of the joint LD/Labour consultative committee on constitutional reform, published in March 1997, stated that both parties endorsed the establishment of an elected authority for London, with the consent of the people of London in a referendum.<sup>65</sup>

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<sup>64</sup> New leadership for London, Cm 3724, para 1.16. See also the foreword by John Prescott.

<sup>65</sup> Para 51, which also noted the Labour proposal for an elected mayor



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### B. Referendum theory and practice in the UK

Detailed briefing on the use of referendums in the UK constitutional system is provided in several Research Papers:

- RP 95/23, 21.2.95 *Referendum*
- RP 97/10, 24.1.97 *Referendum: recent proposals*
- RP 97/61, 20.5.97 *The Referendums (Scotland and Wales) Bill [Bill 1 of 1997-98]*
- RP 97/113, forthcoming *Results of devolution referendums (1979 and 1997)*

See also the recent report of the *Commission on the conduct of referendums*, established by the Electoral Reform Society and the Constitution Unit, Nov 1996, the main points of which were examined in chapter A of Research Paper 97/10.<sup>66</sup> A number of relevant issues may arise in the London government context, such as the **timing** of the referendum, for example. There was Opposition criticism of the 1997 devolution referendums because the people of Scotland and Wales were being asked to accept or reject, not a detailed scheme set out in statute (as in 1978), but, as with the proposed London referendum, one set out in Labour policy documents and Government white papers which could be altered by Parliament when it considered the substantive legislation. Current argument over EMU has revolved in part around when would be the proper and appropriate time for there to be the promised referendum on British participation.

The issue of the **electorate** may well not be as controversial as it was in the devolution referendums, but given the fluid nature over the decades of the definition of 'London' for local government purposes,<sup>67</sup> there may be arguments about the inclusion or exclusion of voters in areas on either side of the Greater London boundary. Labour's 1996 consultation document, *A voice for London*, briefly considered the boundary of Greater London, recognising that there is no clear single natural boundary, but favoured retention of the existing boundaries because they "broadly make sense and are now familiar"(p6). The new Government's green Paper simply stated that "the Government does not propose to open up the issue of the boundary of the GLA for discussion", and that the existing boundary would remain, meaning that the existing local government electorate would vote in mayoral and assembly elections,<sup>68</sup> and, as *clause 2* of the current Bill makes clear, in the proposed referendum.

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<sup>66</sup> For example, the report's proposal for some form of statutory 'referendum commission' (perhaps as part of a wider 'elections commission') to oversee the conduct of referendums was briefly discussed during the passage of the recent devolution referendum legislation. See, eg., HL Deb vol 581 cc1340-4, 22.7.97

<sup>67</sup> See, for example, the arguments over the boundary of the GLC in the early 1960s.

<sup>68</sup> New leadership for London, Cm 3724, para 3.02, July 1997

### C. The Question<sup>69</sup>

A crucial practical issue in any referendum is that of the **question** or questions, and the form of the question in the proposed London referendum has already been criticised on various grounds. This section examines the issues involved in the selection of the question (or questions) to be put before voters in a referendum. The question in the London referendum (to be held on Thursday 7 May 1998 or such later date as set by Order in Council)<sup>70</sup> is set out in the schedule to the current Bill:

#### FORM OF BALLOT PAPER

Are you in favour of the government's proposals for a Greater London Authority, made up of an elected mayor and a separately elected assembly?

Put a cross (X) in one box:

YES

NO

Ideally a referendum should be constructed in such a way as to enable voters to exercise a choice that as closely as is possible reflects their personal views of the issue under consideration. The propositions or questions should seek to achieve a balance between brevity, clarity and simplicity on the one hand, and full and accurate descriptions of the issue(s), in order that voters can make an informed choice. Questions can be of a 'Yes-No' format as in the 1975 EEC referendum or the 1979 devolution referendums, or a choice between two or more options as in the 1973 Northern Ireland border poll. From this follows the idea that the final outcome should reflect, as precisely as possible, the aggregated exercises of individual voter choice. Thus a referendum should (a) allow individual choice to be reflected accurately - 'micro-fairness', and (b) produce a final result which translates, with minimal distortion, the aggregation of individual choices - 'macro-fairness'.

Another aspect of question-setting is the notion that a referendum question, or set of questions, should perhaps not be so constructed as to force those with different, even diametrically opposed, views to vote the same way. For example, in the 1979 devolution referendums, supporters of independence and supporters of some version of devolution different from that on offer under the Government's legislation, had to choose whether to vote 'Yes' (ie with the supporters of the Government's plans) or 'No' (ie with the opponents of any form of devolution).

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<sup>69</sup> This section incorporates material from earlier Research Papers.

<sup>70</sup> *Clause 1(1)* of the Bill

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A referendum on some aspect of EU policy could pose such problems. For example, if the UK had conducted a referendum on the Maastricht Treaty in 1993, a simple 'Do you support ratification 'Yes-No' format could have forced anti-marketeters, Eurofederalists, supporters of Maastricht+social chapter or Maastricht+EMU all into the same camp. The Irish referendum on Maastricht demonstrated that subsidiary issues, such as abortion, can intrude on the referendum exercise, as can, obviously, support for the various political parties, whatever side they are on. In the proposed London referendum, voters who support the creation of an assembly, but not a mayor, or vice versa, or some other form of London government, will have to choose, whether to vote 'Yes', with those who support the creation of both an assembly and a mayor, or 'No' along with those who oppose the creation of either.

The construction of the question should perhaps also ensure that in a referendum with two or more options, every significant option which voters are likely to choose is available to them. The range of options on offer depends, to some degree, on the nature of a government's own policy preferences, as this will influence the format of the referendum question. A government may seek popular endorsement for its decided policy, an approach used in the devolution referendums, and in the proposed London referendum, or it may seek to discover the people's view on a more 'open' question, without explicitly seeking support for its own approach or policy *per se*, as in the 1973 Northern Ireland border poll. If the former, then a government may feel that it is legitimate to restrict the referendum to the issue of support or otherwise for its policy, rather than provide a range of alternative options, including those proposed by other parties. Even in the latter form of referendum, the range of options put before voters may not cover all debated policy alternatives.

In the Northern Ireland border poll in 1973, for example, voters were given two options: remaining part of the UK or uniting with the Irish Republic. These options did not directly cater for, say, those who may have wished for a fully independent Northern Ireland, or those who may have supported a redrawing of the border. The option of remaining in the UK did not distinguish expressly between full integration within the UK, that is on the same basis as England, Wales or Scotland, or some form of devolved basis. In the recent devolution referendums, there were arguments, in and out of Parliament, that they did not allow voters to express a view, for example, on independence for Scotland or 'Scottish-style' devolution for Wales, both of which, it was claimed by their proponents, had significant potential support.

In the London context, the Government has made it clear that the purpose of the proposed referendum is to seek the views of the people of London on, and endorsement of, its declared policy for London local government, including an elected assembly and an elected mayor. As such, the referendum does not, nor is it apparently intended to, provide voters with the opportunity of directly expressing their view of alternative policies for the government of London, such as, for example, the return of a 'GLC' system; some form of devolution; a reformed 'borough' arrangement;<sup>71</sup> the return of an 'inner London'-only authority,<sup>72</sup> or the

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<sup>71</sup> Such as a reduction in their number.

Conservatives' policy in favour of a mayor but not an assembly. This is made clear in *clause 1(1)* of the current Bill, which states that a referendum shall be held, not on London government generally, but on “the establishment of a Greater London Authority made up of an elected assembly and a separately elected mayor.”

Voters could, in theory, be given the option of the Opposition's 'mayor-only' policy, or of the Liberal Democrat's 'assembly-only' option, if the referendum took roughly the form of the recent Scottish referendum, for example. In that there were two questions or 'propositions' to which voters could agree or disagree, the first on whether there should be a Scottish parliament, and the second on whether it should have tax-varying powers.<sup>73</sup> This provided three outcomes (and four voting options) for voters to select: a Scottish parliament with tax-varying powers ('Yes-Yes'); a Scottish parliament with no tax-varying powers ('Yes-No'); no Scottish parliament ('No-No' and 'No-Yes')<sup>74</sup>. Subjecting its policy to a two-part referendum of this form poses obvious problems for a government in that voters may decide to accept only one of the components. A government may choose to emphasise the essential interlocking nature of the two components of its policy, thereby risking all on success in both questions, or accepting that its policy could survive even without one of the components, risking the potential loss of credibility involved in tacitly being seen to be accepting two different outcomes. The Scottish devolution propositions were presented in such a way as to suggest that the first question was the primary one on which the Government's policy stood or fell, whereas the second question (on the proposed tax-varying power), while important to the Government's preferred policy, was not essential to it. Thus a defeat of the second question (which, until close to referendum day itself, seemed to be a possibility) would not be regarded by the Government as a defeat of its overall devolution policy, and that a Scottish Parliament could still have been established.<sup>75</sup>

The Government's policy for London government, as posed in the proposed referendum, is not of the same form, in that neither the 'assembly' nor the 'mayor' aspects are to be regarded as severable components of its Greater London Authority, on which a view on each can be given by voters. Unlike the 'tax-varying' aspect of the Scottish devolution exercise, neither the 'assembly' nor the 'mayor' is, in the Government's view, to be regarded as the primary or subsidiary component of the policy. That being so, and as the purpose of the referendum is to consult the voters of London on the Government's policy, the Government argues that there is no case for the inclusion of options (such as an assembly without a mayor, or a mayor without an assembly) which are not part of that policy. Launching the current Bill, the Deputy Prime Minister, John Prescott, said that “the Government sees the question of the mayor and assembly as part of a balanced package providing clear accountability. We therefore propose one question for the London referendum next May. There is no sound case for a mayor without an assembly

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<sup>72</sup> The issue of the City of London may well also be addressed in this or related contexts.

<sup>73</sup> See *Referendums (Scotland and Wales) Act 1997* sch 1

<sup>74</sup> The 'No-Yes' option, which would have produced the same negative result as 'No-No', was discussed during the campaign, especially by those who opposed devolution but believed that if there were to be a Scottish parliament it had to have tax-varying powers to be viable and credible.

<sup>75</sup> Whether or not devolution would have survived a 'Yes-No' result, especially if the majority on the first question was not as decisive as it turned out to be, is of course hypothetical.

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or an assembly without a mayor. Both mayor and assembly would have an important, complementary role to play.”<sup>76</sup>

Opposition parties have objected to this approach. The Conservative Leader, William Hague, described Labour’s proposed Authority as a ‘GLC Mark II’, and warned that “Labour want to railroad through this new layer of bureaucracy on the back of popular support for a Mayor. Londoners deserve a chance to vote on two issues – a London mayor and a new strategic authority – in two separate questions. That’s why I am insisting the Government has a two question referendum, when the legislation comes before Parliament. Londoners should be given a real choice in how their city is governed in future. Londoners need a Mayor, but they also need a real choice in May. The Conservative Party offers them both.”<sup>77</sup> The Shadow Environment Secretary, Sir Norman Fowler, was quoted in the media as saying, on publication of the Bill: “If the aim is to find out what Londoners really want, two questions should be asked in the referendum, one on the Mayor and one on the directly elected Assembly. We plan to put down amendments to the Bill, calling for these two questions. We call on Liberal Democrats and Labour MPs too to support us. There are two separate issues. To lump the two questions together is wrong for democracy ..... If the Government is so confident of their position, they should put it to the test, with two questions. They should let Londoners decide.”<sup>78</sup>

The Liberal Democrats have also criticised the form of the referendum question, with their London spokesperson, Simon Hughes, declaring that “Londoners should be asked to understand two questions, and to answer them. Londoners should first be asked whether they want their own London-wide Government, and then they should be asked what sort of London Government. Directly elected Mayor or no directly elected mayor; that is the second question. It’s a funny definition of democracy when Government can say that they believe in returning regional government to London, but will give Londoners no choice as to what sort of Government they have.”<sup>79</sup> On the Labour side, Ken Livingstone has also been quoted as attacking the one-question format, contrasting it with the format of the recent Scottish referendum: “they are not prepared to give the same rights to Londoners, who are being treated as second-class citizens in their own city.”<sup>80</sup>

Much depends on the nature of the issue which is the subject of a referendum. A decision on what might be termed a 'static' question -- to remain within the EU, or to unite the two parts of Ireland -- is more readily suitable for a simple referendum than one on what may be termed a 'dynamic' or 'process' question, such as the stages of the process of European Union development. A referendum may be an appropriate device for both types of issue. There is no

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<sup>76</sup> DoE press notice 424/Env, 29.10.97

<sup>77</sup> “Hague calls for a two question referendum for Londoners”, Conservative Party PN 1348/97, 15.10.97. This approach was welcomed by the Liberal Democrats as a conversion to their policy on the referendum. See LD press release 15.10.97, “Hague converts to Lib Dem policy on London poll: Hughes”.

<sup>78</sup> LGCnet web site newpages, 30.10.97

<sup>79</sup> LD press release 29.10.97, “Referendum Bill – where’s the democracy?: Hughes”. See also the press release of 15 October, already cited.

<sup>80</sup> BBC News Web Site, 15.10.97, “London referendum under fire”

reason in theory why a referendum should not be used at each major step of a dynamic constitutional process, such as a progression to European unity. However, in such a dynamic process the choice of particular developments to be the subject of referendums can be problematic. In the extreme case, if referendums are not granted for any particular stage of such a process on the basis that each stage is not sufficiently constitutionally significant in itself, then it is possible that the overall constitutional change, which may be of fundamental significance, may never have been subject to a referendum. Allowing a series of referendums on a process matter would be a novel approach in the UK, but could have the virtue of enabling voters to decide how far, if at all, they wish a particular process to go.

Another way of dealing with the problem of subjecting more complex questions to a referendum is to provide more detailed choices in the referendum. Proponents of a 'multi-option' referendum on Scotland's constitutional future, a well-canvassed option following the 1992 general election, claimed that this method would allow supporters of devolution, independence or the status quo to express their view openly and directly. Such multi-choice referendums have to be constructed carefully, so that voters can understand and operate them. This may be by way of a two-part question format, ie 'are you in favour of change, and if so which change?', the second part being by some form of preference vote system, grading a range of set options. A two-part format for London could ask voters first whether they wished a change in the present arrangements for the government of London, or, more specifically, whether they wished to see some form of elected authority for Greater London. The second part could set out a range of options, including the Government's own policy, to which voters could be asked to state their preference, or to rank some or all of the options in their order of preference.

## **Appendix: Executive Management In Other Countries<sup>81</sup>**

1. There is a wide range of models of executive management of local authorities in other countries. Some countries have more than one system in operation. Brief descriptions of one tier of local government in France, Italy, Germany (Bavaria and Hesse only), Ireland, Denmark and Sweden, and of the main systems in the United States of America follow.

### **FRANCE**

2. In the communes, municipal councils are elected for six year terms. The council elects a mayor from within their number. His principal responsibilities relate to the budget, but he also has certain functions as agent of the state. He is also responsible for all staff appointments within an establishment approved by the council.

3. The mayor is assisted by a number of adjutants elected by the council from within their number. Usually a party group with a majority will take all the appointments. The adjutants have no powers of their own, but the mayor frequently delegates some of his functions to them. In larger towns this is usually done on a functional basis. It is usual for the mayor and the adjutants to gather and discuss matters, but such gatherings have no formal status.

4. Mayors are usually paid allowances, subject to maxima set centrally. Adjutants are also usually paid allowances.

### **ITALY**

5. The basic structure of the lowest level, the commune, is the same as in France. The middle tier consists of 92 provinces. The council elects an executive from within its membership. The executives (the members of which can form as many as a third of the members of the provincial council) act as a local government, with the members of the executive taking responsibility for various portfolios.

### **GERMANY**

6. Each Land has a separate system, and some have several. Only two are described below.

### **BAVARIA**

7. In communes the First Burgomaster is directly elected for a term of six years. He becomes ex officio chairman of the council and of any council committee on which he chooses to preside. In larger communes the First Burgomaster is a full-time paid officer.

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<sup>81</sup> Reproduced from a Department of the Environment consultation paper published in July 1991, **The Internal Management of Local Authorities in England**

(Many will already have been professional officers of their, or another, commune when elected.)

8. Councillors are elected at the same time as the First Burgomaster. Certain matters (for example the budget) need to be decided by the council. All other decisions can be delegated to committees or to the First Burgomaster. The latter is more normal, with the council laying down policy guidelines.

9. The council elects from within their number one or two further burgomasters, who are either full-time or part-time paid officers or honorary officers.

## **HESSE**

10. Each commune has a communal representation consisting of between 15 and 93 members elected for a term of four years. The communal representation elect their chairman from among their members: his duties are limited to presiding at council meetings. By-laws, the budget and fundamental decisions need to be approved by the full council.

11. The executive is the magistracy which consists of a burgomaster and two or more assistants. These may not be members of the communal representation. The burgomaster has a paid office, and up to half the assistants may be paid. The burgomaster and the salaried assistants are elected by the communal representation for a term of six years. The magistracy is responsible for the management of all communal services. It meets in private under the chairmanship of the burgomaster, who has a casting vote.

## **IRELAND**

12. The manager system was introduced in 1929 and then gradually extended until it was made universal in 1942. Managers, like other senior staff, are appointed on the nomination of the Local Appointments Commission. (The local authority have no rights to object to the appointment.) Managers are appointed for each county council and the manager is then responsible not only for managing the services of the county council, but also for all the municipal boroughs, urban districts and health authorities within the county.

13. All the functions of the council are handled by the manager, except for "reserved" functions, where the council must approve the decision. The main reserved functions are: setting the rate, setting the staff establishment, borrowing and making by-laws.

## **DENMARK**

14. Each commune elects, from among the councillors, a burgomaster who is both chairman and chief executive. He is paid a salary and his term of office is that of the council. The council is forbidden to delegate the more important decisions, but sets a scheme of delegation for the others in a by-law. There must be an economy committee to which financial matters are delegated. This consists of the burgomaster and five other members.



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Other committees are used on a limited scale, and usually consist of five members and the burgomaster. The committees reflect party strength on the council.

### SWEDEN

15. Each commune has a council elected for three year terms. Each council elects a chairman whose power is limited to presiding at meetings. The council also elects an executive committee of at least five members which forms the commune government. The executive committee then elects a chief executive from within their number. The executive committee must include at least one representative of minority political groups. The commune can appoint one or more members of the executive committee or other councillors as full-time officers.

16. A number of statutory committees are required (eg education and traffic) each of which has separate support staff and statutory duties. Few communes have any form of chief officer. Co-ordination is usually through the members of the executive committee who will normally be the chairmen of the specialist committees.

### UNITED STATES OF AMERICA

17. In the USA there are four main forms of local government:

- **Weak mayors** are normally elected by the council from within their own number. Their responsibilities were originally mainly ceremonial. Gradually some administrative functions were added, but in this system some functional responsibilities generally also rest with independent boards and commissions.

- **Strong mayors** are directly elected. They are not members of the council which is separately elected. Strong mayors are usually responsible for appointing principal officers. There are also normally independent boards and commissions in this system, but usually fewer than under the weak mayor system. Most strong mayors appoint a Chief Executive Officer who is responsible for co-ordinating the council's functions.

- **City managers** are appointed by the council and are not themselves members of the council. This system was developed in an attempt to import more effective corporate management along business lines. The council retain responsibility for policy direction. But day-to-day administration rests with the city manager. This system is the most common in the USA, particularly amongst larger councils.

- **The commission system** involves the election of a small council with corporate responsibility for the formulation and execution of policy. Each commissioner takes charge of a department or group of departments, but the commissioners are collectively responsible for their acts. There is thus no separate executive.

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