These notes refer to the Greater London Authority Bill as introduced in the House of Commons on 28th November 2006 [Bill 11]

GREATER LONDON AUTHORITY BILL

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Greater London Authority Bill as introduced in the House of Commons on 28th November 2006. They have been prepared by the Department for Communities and Local Government in order to assist the reader of the Bill and help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.

2. The notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require any explanation or comment, none is given.

SUMMARY

Part 1 - General Functions of the Authority

3. Clauses 1 to 16 amend the Greater London Authority Act 1999 (“the Act”) in relation to the general functions of the Greater London Authority (“the Authority”). Clause 1 allows the Authority to establish and administer a severance pay scheme for the Mayor of London (“the Mayor”) and the members of the London Assembly (“Assembly members”) on ceasing to hold office. Clause 2 introduces additional procedures relating to consultation on Mayoral strategies. Clause 3 brings forward the date by which the Mayor must make a report to the London Assembly (“the Assembly”) before each of the ten ‘monthly’ meetings the Assembly must hold every year. Clause 4 (and Schedule 1) introduces provision for the Assembly to hold confirmation hearings for certain statutory appointments made by the Mayor. Clause 5 extends the time limit for the Assembly to summon certain categories of people to attend an Assembly meeting for questioning and to produce documents. Clause 6 requires the Assembly to prepare and publish an annual report. Clauses 7 to 11 make amendments in relation to the appointment of certain members of staff of the Authority. Clauses 12 to 15 provide for a separate budget for the Assembly (and consequently, for the remainder of the Authority). Clause 16 requires the Deputy Mayor to exercise the responsibilities of the Mayor for setting the budget if he were temporarily unable to act.
Part 2 – Transport
4. Clause 17 provides for the Secretary of State to give consent in writing to the disposal of operational land by Transport for London (TfL). Clause 18 removes the current restriction on political representatives being members of TfL. Clause 19 then prohibits the payment of allowances to TfL members who are also Assembly members unless they are chairman or deputy chairman of TfL.

Part 3 - The London Development Agency
5. Clause 20 removes the prohibition on payments of allowances to any chairman or deputy chairman of the London Development Agency (LDA) who is also an Assembly member.

Part 4 - Health
6. Clauses 21 to 24 amend provisions in the Act relating to health. Clause 21 provides for the appointment of a Health Adviser and one or more Deputy Health Advisers to the Authority. Clause 22 imposes a duty on the Mayor to prepare and publish a health inequalities strategy. Clause 23 requires the Authority to consider the effects that any proposed exercise of its general power under section 30 of the Act would have on health inequalities between persons living in London. If it decides to exercise its powers it must do so in a way which is best calculated to promote the reduction of those inequalities. Clause 24 requires the Mayor to have regard to the effect his proposed strategies or revisions would have on health inequalities between persons living in London. It requires the Mayor, in preparing or revising his strategies, to include policies and proposals best calculated to promote the reduction of such health inequalities.

Part 5 - The London Fire and Emergency Planning Authority
7. Clauses 25 to 27 extend the Mayor's powers in relation to the London Fire and Emergency Planning Authority (LFEPA). Clause 25 enables the Mayor to make two appointments of his own nomination to LFEPA. Clause 26 removes the prohibition on LFEPA paying certain allowances to Assembly members who are chairman or vice-chairman of LFEPA. Clause 27 gives the Mayor the power to issue directions and guidance to LFEPA and gives the Secretary of State the power to give directions to the Mayor if the Mayor's directions or guidance conflict with specified frameworks or guidance.

Part 6 - Housing
8. Clause 28 places a duty on the Mayor to prepare and publish a housing strategy for London. This is to include a statement of the Mayor's recommendations as to the amount, type and location of new housing which should be provided in London. The Secretary of State will be able to give guidance to the Mayor in preparing or revising the strategy, and may give directions to the Mayor if any part of the strategy is inconsistent with national housing policy or is likely to be detrimental to any region adjoining Greater London. The Housing Corporation must have regard
to the housing strategy when exercising certain functions. Local housing strategies prepared by local authorities in London should be in general conformity with the London housing strategy.

**Part 7 - Planning**

9. Clauses 29 to 35 concern town and country planning in Greater London. Clause 29 introduces additional procedures relating to consultation on the Mayor’s spatial development strategy. Clause 30 gives the Mayor a power of intervention in respect of a local planning authority’s local development scheme. Clauses 31 to 34 give the Mayor power to determine planning applications which are of “potential strategic importance” and certain related applications, in place of the local planning authority. There is power to modify enactments relating to enforcement, so as to allow the Mayor to enforce the terms of any planning permission he has granted. They also enable the Mayor to exercise functions of a local planning authority in relation to planning obligations under section 106 of the Town and Country Planning Act 1990. Clause 35 enables regulations made under section 46 of the Planning and Compulsory Purchase Act 2004 to provide for cases where a planning contribution is made in circumstances in which the Mayor is acting in place of the local planning authority.

**Part 8 - Environmental Functions**

10. Clauses 36 to 40 concern the Authority’s role in waste, climate change and energy. Clauses 36 and 37 deal with waste. Clause 36 provides that London waste authorities must exercise their waste collection and disposal functions in general conformity with the Mayor’s municipal waste management strategy. Clause 37 extends the requirement for waste authorities to inform the Mayor if they intend to tender for a waste contract.

11. Clauses 38 to 40 deal with climate change and energy. Clause 38 introduces a duty on each of the Mayor and the Assembly to address climate change. Clauses 39 and 40 require the Mayor to prepare and publish a London climate change mitigation and energy strategy and an adaptation to climate change strategy for London.

**Part 9 - Culture, Media and Sport**

12. Clauses 41 to 45 concern the Museum of London. Clause 41 transfers from the Prime Minister to the Authority the power to appoint nine of the eighteen members of the Board of Governors, and clause 42 extends the period of appointment for all Governors. **Subsection (2)** of clause 42 gives this amendment retrospective force. This ensures that any appointment in the past of a Governor for a period of more than three years but less than four years will be treated as having complied with the provisions of the 1965 Act. Clauses 43 and 44 transfer from the Secretary of State to the Authority certain other powers in relation to the Board (including expenditure and appointment of staff).

13. Clause 46 amends the current provisions relating to the consultation process for the Mayor’s culture strategy. The Cultural Strategy Group for London will be required to consult certain designated cultural bodies when proposing revisions to the
strategy or when consulted by the Mayor if he makes revisions other than those proposed by the Group. The Secretary of State has power to amend the list of bodies.

14. Clause 47 makes provision for cases where the Mayor has a power of appointment to certain sport, culture or arts bodies. It imposes a duty on the Mayor to make appointments to the board of such a body as soon as reasonably practicable after receiving a written request from the body. The Secretary of State is given the power to prescribe the bodies concerned (and amend the list subsequently).

**Part 10 – Miscellaneous and General**

15. Clause 48 enables the Authority and the functional bodies to arrange for administrative, professional or technical services to be provided for them by any of the others, or to be shared by two or more of them, and includes power to delegate to each other their functions of providing such services for themselves.

**BACKGROUND**

16. The Authority comprises a directly elected Mayor and a separately elected Assembly of 25 members. The Authority was established by the Greater London Authority Act 1999 and the first elections took place in 2000.

17. In November 2005, the Government consulted on proposals to grant additional powers to the Authority. The proposals covered a wide range of areas, but focused on housing, skills, planning and waste. In July 2006, the Government announced the final package of additional powers for the Mayor and Assembly. The proposals include new lead roles for the Mayor in housing and adult skills in London and additional strategic powers in a wide range of policy areas including planning, waste, culture and sport, health, climate change and energy and appointments to the boards of three of the four functional bodies (that is to say the LFEPA, the Metropolitan Police Authority (MPA) and TfL). The Assembly’s role is enhanced to complement the additional powers of the Mayor. The Government’s Policy Statement can be read on the DCLG website at: www.communities.gov.uk/glapowers.

18. The Bill gives effect to most of the additional powers that require primary legislation for their implementation. The Mayor’s new role in adult skills and employment in London is included in the Further Education Bill currently before Parliament. The broad thrust of the Mayor’s new powers to appoint the chairman and any vice chairman of the MPA is included in the Police and Justice Act 2006, with detail in relation to the powers to follow in regulations.
OVERVIEW OF THE STRUCTURE

19. The Bill consists of eleven parts. These are:

- Part 1 – General Functions of the Authority
- Part 2 – Transport
- Part 3 – The London Development Agency
- Part 4 – Health
- Part 5 – The London Fire and Emergency Planning Authority
- Part 6 – Housing
- Part 7 – Planning
- Part 8 – Environmental Functions
- Part 9 – Culture, Media and Sport
- Part 10 – Miscellaneous and General
- Part 11 – Supplementary Provisions

20. It also contains two Schedules. These are:

- Schedule 1 – Confirmation hearings etc: Schedule 4A to the GLA Act 1999
- Schedule 2 – Repeals

TERRITORIAL EXTENT

21. The Bill’s provisions extend to England and Wales only. The Scottish Parliament’s consent is not required for any of the Bill’s provisions. The provisions of the Bill in practice apply only to England.

COMMENTARY

PART 1: GENERAL FUNCTIONS OF THE AUTHORITY

Payments on loss of office

Clause 1: Payments on ceasing to hold office as Mayor or Assembly member

22. Clause 1 inserts into the Act a new section 26A. Sections 24 to 26 of the Act provide for the Mayor and Assembly members to be paid salaries and expenses and to establish a pension scheme. The new section enables the Authority to establish and administer schemes allowing for a Mayor or Assembly member to receive a payment on ceasing to hold office. A scheme may be set up if the Mayor and Assembly, acting jointly, decide to establish one.

23. The Assembly is required to include in its standing orders provision for publishing each determination made in relation to a scheme set up under this clause.
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The Mayor’s strategies

Clause 2: Consultation
24. The Act requires the Mayor to produce a number of strategies, and to carry out consultations in preparing or revising them. The Mayor consults in the first instance the Assembly and the four functional bodies before consulting more widely.

25. Clause 2 inserts into the Act a new section 42A. It requires the Mayor to have regard to any comments submitted to him by the Assembly or any of the functional bodies in response to consultation on his strategies. The Mayor shall also respond in writing to the Chair of the Assembly setting out which of the Assembly’s comments he accepts for implementation in the strategy and, where he has not accepted a comment, giving the reasons why.

The Assembly

Clause 3: The Mayor’s periodic report to the Assembly
26. Section 45 of the Act requires the Mayor to make a report to the Assembly at least three clear working days before each of the ten ‘monthly’ meetings the Assembly must hold each year.

27. Clause 3 amends section 45 to require the Mayor to submit his report to the Assembly at least five clear working days before each Assembly meeting.

Clause 4 & Schedule 1: Confirmation hearings etc for certain appointments by the Mayor
28. Clause 4 inserts into the Act a new section 60A which lists the offices to which confirmation hearings will apply. They are:

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

The Secretary of State may by order amend that list.

29. Schedule 1 sets out a new Schedule 4A to the Act which provides for the Assembly to hold confirmation hearings for appointments to the offices mentioned above. The Mayor must not make any of the above appointments until the confirmation hearing process has ended. He must notify the name and details of the proposed appointee to the Assembly and they may call that person before them. The Assembly must notify the Mayor stating whether it recommends the proposed appointee or not. The Mayor need not accept the recommendation.
Clause 5: Power to require attendance at Assembly meetings: time limits
30. Section 61 of the Act contains powers for the Assembly to summon certain categories of people to give evidence at its meetings and to produce documents e.g. a person who is a senior member of staff of the Authority, the chairman or a member of the board or a senior member of staff of one of the functional bodies, or a person who has a contractual relationship with the Authority. The Authority may summon such a person up to 3 years after the end of their period in office, contractual relationship, etc.

31. Clause 5 amends section 61 to extend the period during which the Assembly may summon a person from 3 years to 8 years.

Clause 6: Annual report by the Assembly
32. This clause inserts into the Act a new section 65A. It requires the Assembly to prepare an annual report on its work and achievements during the year. The Assembly must send the report to the Mayor before publishing it.

Officers and staff

Clauses 7 to 11: Officers and staff
33. Sections 67 to 73 and section 127 of the Act provide for the appointment of employees of the Authority.

34. Under the provisions of sections 67(1)(a) and 67(1)(b) the Mayor is able to appoint two political advisers and not more than 10 other members of staff. Under the provisions of section 67(2) the Assembly appoints all other staff, following consultation with the Mayor.

35. Clause 7 replaces section 67(2) so as to provide for the Authority’s staff to be appointed by the Authority’s Head of Paid Service, except for the appointments of Head of Paid Service himself, the Monitoring Officer and the Chief Finance Officer. The Head of Paid Service must consult the Mayor and Assembly before making appointments, and must have regard to available resources and the priorities of the Authority in making them. The clause also amends section 70(2) of the Act to provide for the Head of Paid Service to set the terms and conditions of those staff he appoints after consulting the Mayor and Assembly. The appointments, and terms and conditions, of the Authority’s existing staff have effect as if they had been appointed or set by the Head of Paid Service.

36. Clause 8 amends section 72 of the Act. Under the provisions of that section as amended, the Mayor and Assembly acting jointly will appoint the Authority’s Head of Paid Service, and set his terms and conditions. Subsection (6) inserts into section 72 of the Act a new subsection (11) which allows the Head of Paid Service to delegate to a member of staff of the Authority (other than a member of staff appointed under section 67(1)) his functions of making appointments and setting terms and conditions.
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37. Clause 9 amends section 73 of the Act to require the Mayor and Assembly, acting jointly, to appoint the Authority’s Monitoring Officer and set his terms and conditions.

38. Clause 10 amends section 127 of the Act and inserts a new section 127A to make similar provision with respect to the Authority’s Chief Finance Officer.

The annual budget

Clauses 12 to 16: The annual budget
39. Part 3 of the Act makes provision about the budget of the Authority. The Authority does not raise council tax directly from individual council taxpayers, but the Act instead requires each London borough council to raise a certain amount (the “precept”) from council taxpayers in its area. The Act sets out rules which the Authority must follow in calculating its consolidated annual budget requirement. For each constituent body, that is the Authority and each of the four functional bodies, the Authority must calculate the component budget requirement - the difference between the sum of expenditure items and the sum of income items as described in the Act. The Authority must then calculate the consolidated budget requirement by adding together the component budget requirements of each of the constituent bodies. The Mayor must present the consolidated budget in draft to the Assembly, which may amend the budget.

40. Clause 12 amends section 85 of the Act to provide for separate component budget requirements for the Assembly and the Mayor. The Assembly’s component budget requirement is the requirement in relation to the Assembly’s functions, including in particular estimates of expenditure, allowance for contingencies and use of reserves, in respect of Assembly members and staff; goods and services procured solely for the purposes of the Assembly; and in relation to the London Transport Users’ Committee. The Mayor’s component budget requirement is everything else which would otherwise make up the Authority’s component budget requirement.

41. Clause 13 amends Schedule 6 to the Act to include the separate component budget requirements for the Assembly and the Mayor in the procedure for determining the Authority’s consolidated budget requirement. Schedule 6 provides for the Assembly to be able to amend the draft consolidated budget, and the draft component budgets comprised in it, by a simple majority of the Assembly members voting, and the final draft consolidated budget by at least a two-thirds majority.

42. Subsections (5) and (7) insert into Schedule 6 new paragraphs 5A and 8A respectively, limiting the Assembly’s powers to increase its own component budget requirement by amendment. The Assembly may not amend its own component budget requirement so that its annual percentage increase is greater than the annual percentage increase in the Mayor’s component budget requirement. In order to deal with unusual one-off payments, the Authority’s Chief Finance Officer may direct that specified amounts are to be left out of the budget requirement calculations for the
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purpose of determining this limit. The Secretary of State may give guidance to the Chief Finance Officer with respect to his exercise of the power.

43. Clause 14 amends Schedule 7 to the Act to make similar changes to the procedures for carrying out substitute budget calculations by the Authority.

44. Clause 15 provides for amounts to be designated as the component budget requirements of the Assembly and the Mayor for the financial year preceding the first financial year in which the new arrangements are to operate. The designation is needed so that the limit on the amount by which the Assembly’s component budget requirement may be increased by Assembly amendments in the first year of operation of the new provisions can be calculated. **Subsection (4)** requires the Authority’s Chief Finance Officer to make the designation by 31 December of the year preceding the first financial year in which the new arrangements operate. He must consult the Mayor and Assembly before making the designation.

45. Schedule 4 to the Act provides for the Deputy Mayor to be able to exercise functions of the Mayor where the Mayor is unable to do so. At present this provision does not cover the Mayor’s functions under Schedules 6 and 7 in relation to the setting of the Authority’s budget. So if the Mayor is temporarily unavailable, the Assembly must set the budget as if the Mayor had failed to exercise his functions. Clause 16 changes this by providing that the Deputy Mayor may exercise the Mayor’s budget-setting functions if the Mayor is temporarily unable to act.

**PART 2: TRANSPORT**

**Clause 17: Restrictions on disposal of land: method of giving consent**

46. Clause 17 of the Bill amends section 163 of the Act. Section 163 provides that TfL cannot dispose of operational land such as railway or tramway lines or stations, either through freehold sale or lease of over 50 years, without the consent of the Secretary of State. That consent must currently be given by means of an order made by statutory instrument. This clause amends that requirement so that only the written approval of the Secretary of State is required.

**Clause 18: Membership of Transport for London: eligibility of holders of political office**

47. Clause 18 removes the current prohibition in Schedule 10 to the Act on political representatives being appointed as members of TfL, in order to bring TfL in line with other functional bodies, where political representatives can be appointed.

**Clause 19: Remuneration and allowances**

48. Clause 19 then amends Schedule 10 to the Act to prohibit the payment of remuneration or allowances (other than expenses) to members of TfL who are also Assembly members, except allowances in the case of an Assembly member who is also the chairman or deputy chairman of TfL.
PART 3: THE LONDON DEVELOPMENT AGENCY

Clause 20: Allowances

49. Clause 20 removes the prohibition on payments of allowances to any chairman or deputy chairman of the LDA who is also an Assembly member.

PART 4: HEALTH

The Health Adviser and the Deputy Health Advisers

Clause 21: The Health Adviser and the Deputy Health Advisers

50. This clause inserts into the Act a new section 309A to provide for there to be a Health Adviser to the Authority. It will be the function of the Health Adviser to advise the Authority, the Mayor, any Assembly member and any functional body on major health issues, the performance of any person’s health-related functions and the implementation of the provisions of the Act which impose duties relating to health inequalities between persons living in London.

51. This clause also inserts into the Act a new section 309B which provides for the current Regional Director of Public Health (RDPH) (for Greater London) to be the Health Adviser. If the post of RDPH ceases, the clause provides for the Health Adviser to be the person in the post which corresponds, or most closely corresponds, to that of RDPH. If there is a question as to which of two or more persons is to be the Health Adviser, the Secretary of State may designate one of them to be the Health Adviser. If there ceases to be an RDPH or equivalent post, the Secretary of State is to appoint the Health Adviser from among persons within the civil service or NHS who hold senior posts in which they have strategic responsibilities for public health in Greater London. Following such an appointment, if the person ceases to hold the post, he also ceases to be the Health Adviser.

52. This clause also inserts into the Act a new section 309C to make provision for there to be one or more Deputy Health Advisers. If there is a vacancy in the post of Health Adviser or if the Health Adviser is incapable of discharging his functions, one of the Deputy Health Advisers will exercise the Health Adviser’s functions. The Health Adviser’s functions are exercisable by a Deputy Health Adviser to the extent that the Health Adviser authorises, and subject to any conditions.

53. This clause also inserts into the Act a new section 309D to provide for the Deputy RDPHs (for Greater London) to be the Deputy Health Advisers to the Authority. If the post of Deputy RDPH ceases to exist, the Deputy Health Advisers are to be the persons in the posts which correspond, or most closely correspond, to that of Deputy RDPH. If there is a question as to which of two or more persons are to be the Deputy Health Advisers the Secretary of State may designate one or more to be the Deputy Health Advisers. If there ceases to be a Deputy RDPH or equivalent post, the Secretary of State is to appoint one or more Deputy Health Advisers from among
persons within the civil service or NHS who hold senior posts in which they have strategic responsibilities for public health in Greater London. Following such an appointment, if the person ceases to hold the post, he also ceases to be a Deputy Health Adviser.

Reduction of health inequalities

Clause 22: The health inequalities strategy

54. Clause 22 inserts into the Act a new section 309E that requires the Mayor to prepare and publish a health inequalities strategy containing proposals and policies for promoting the reduction of health inequalities between persons living in London. Those proposals and policies are to be addressed to mitigating differences in general health determinants (as defined). The strategy must identify issues that appear to the Mayor to be major health issues where there are health inequalities, identify those health inequalities, specify priorities for reducing them and describe the role of any relevant person or body in implementing the strategy. Relevant persons and bodies include the Authority, any functional body, the Health Adviser, any Strategic Health Authority for London, Primary Care Trusts, NHS Trusts and NHS Foundation Trusts.

55. This clause also inserts into the Act section 309F which defines “health inequalities between persons living in Greater London” as health inequalities between persons living in different parts of London or between persons of different descriptions living in or in different parts of London. “Health inequalities” is defined as inequalities in life expectancy or general state of health resulting from differences in general health determinants. General health determinants are matters such as standards of housing, transport services, public safety, employment prospects, earning capacity and other matters affecting levels of prosperity, ease or difficulty of access to public services, the use of harmful substances such as tobacco, other aspects of lifestyle or behaviour and other determinants except genetic or biological factors.

56. New section 309G specifies that in preparing or revising the strategy the Mayor must have regard to any guidance given by the Secretary of State as to matters to be taken into account. The Mayor and Health Adviser must collaborate and cooperate in the preparation or revision of the strategy and in ascertaining the issues to be identified in it. The Mayor must also consult those relevant bodies that appear to him to be likely to be affected by the strategy. Before publishing the strategy the Mayor must publish a final draft for consultation.

57. New section 309H empowers the Secretary of State to direct the Mayor to revise the health inequalities strategy where it is inconsistent with national policies and where that inconsistency would be detrimental to achieving the objectives of those policies. Where such a direction is issued the Mayor must revise the strategy accordingly.
Clause 23: The general power of the Authority: duty to have regard
58. Section 30 of the Act specifies that the Authority should have regard to the effect which any proposed exercise of its powers will have on the health of persons in Greater London and that it should exercise its powers in a way best calculated to promote improvements in health. Clause 23 amends section 30 to require that the Authority additionally has regard to the effect of any proposed exercise of its powers on health inequalities and that it exercises its powers in a way that is also best calculated to promote a reduction in health inequalities.

Clause 24: General duties of the Mayor with respect to his strategies
59. Section 41 of the Act specifies that the Mayor must have regard to the effect on health of his strategies or revisions to his strategies. It provides that when the Mayor prepares or revises his strategies he must include policies and proposals best calculated to promote improvements in the health of persons in Greater London. In line with the general duty under section 30, clause 24 amends section 41 of the Act to require the Mayor additionally to consider the effects of his strategies on health inequalities. It requires that when preparing or revising his strategies the Mayor includes policies and proposals that are also best calculated to promote the reduction of health inequalities.

PART 5: THE LONDON FIRE AND EMERGENCY PLANNING AUTHORITY

Clause 25: Membership
60. Subsections (1) and (2) amend paragraph 1 of Schedule 28 to the Act. These changes reduce by one in each case the number of Assembly and London borough council members on the LFEPA and enable the Mayor to appoint on his own nomination two members (Mayoral representatives) to that authority. The total number of members of LFEPA remains at 17.

61. Subsection (4) inserts a new provision in paragraph 8 of Schedule 28 to require the Mayor to fill any vacancy caused by a Mayoral representative ceasing to be a member of LFEPA.

Clause 26: Allowances
62. Clause 26 amends paragraph 4 of Schedule 28 by giving LFEPA the discretion, notwithstanding the constraints of sub-paragraph (1) of that paragraph, to pay the allowances set out in sub-paragraph (2) to the Chairman or Vice-Chairman.

Clause 27: Directions etc by the Mayor
63. Clause 27 adds two new sections to the Act (section 328A and section 328B). Section 328A enables the Mayor to issue directions and guidance to LFEPA (similar to section 155 of the Act in relation to TfL), but imposes certain constraints on the
exercise of those powers. Section 328B gives the Secretary of State power to remove any inconsistent directions or guidance which conflict with national policy and enforcement guidance.

64. Section 328A(1) to (3) enables the Mayor to issue guidance or directions to LFEPA on how it is to exercise its functions, perform its duties and conduct any legal proceedings.

65. Section 328A(4) provides that any guidance or direction given by the Mayor should be notified to the Chief Fire Officer, who has day to day operational command of LFEPA.

66. Section 328A(5) and (6) provides that the Mayor in exercising his power to issue guidance or direction to LFEPA has to have regard to the Fire and Rescue National Framework and any fire safety enforcement guidance issued under article 26 (enforcement) of the Regulatory Reform (Fire Safety) Order 2005 by the Secretary of State. The purpose is to ensure that any guidance or directions issued by the Mayor does not conflict with policy requirements and guidance at a national level.

67. Where the Secretary of State considers that any guidance or directions issued under section 328A is inconsistent with the Fire and Rescue National Framework or fire safety enforcement guidance then section 328B enables her to direct the Mayor to remove that inconsistency. The Mayor must comply with such a direction.

PART 6: HOUSING

Clause 28: The London housing strategy
68. This clause requires the Mayor to prepare a London housing strategy. The clause sets out what the strategy should contain, which includes recommendations affecting housing funding decisions for London. It specifies the circumstances under which the Secretary of State may intervene in the production of the strategy.

69. Subsections (1) and (2) apply to the London housing strategy the provisions (as amended) of section 41 of the Act (except subsection (9) - see below). Section 41 of the Act makes provision which applies to all of the Mayor's strategies, and which requires the Mayor to follow certain procedural steps in relation to these strategies. It sets out matters to which the Mayor is required to have regard, and persons he is required to consult.

70. Subsection (3) of the clause exempts the Mayor from the requirement, set out in section 41(9) the 1999 Act, to set targets within the London housing strategy which are not less demanding than targets and objectives set nationally. This exception has been put in place in acknowledgement that, for housing, local circumstances might mean that national targets have different effects in different regions.
71. **Subsection (4)** of the clause inserts 4 new sections after section 333 of the 1999 Act - sections 333A to 333D.

72. The new section 333A places a requirement on the Mayor to prepare and publish a London housing strategy and sets out in broad terms what the strategy should contain. In particular, it requires the Mayor to:

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

73. The “spending recommendations” are to relate to funding for housing from central government for a period specified by the Secretary of State. The new section sets out what the recommendations are to contain and, in particular, crossrefers to new section 333D(1) (duty of the Housing Corporation to have regard to recommendations). The section also requires the Mayor, when preparing the strategy, to have regard to guidance from the Secretary of State and the effect of the strategy on regions adjoining Greater London.

74. New section 333B requires the Mayor to provide the Secretary of State with a copy of the London housing strategy prior to publication. It gives the Secretary of State the period of six weeks in which to direct changes to the strategy where it conflicts with national policy on housing or where it will have an adverse effect on regions adjoining Greater London. In the event of such a direction, the Mayor must comply with it before the London housing strategy can be published. The Secretary of State can only issue a direction under this section after consulting the Mayor.

75. New section 333C sets out arrangements for the Secretary of State to require a revision to all or part of the London housing strategy once it is published. This is to allow for changes in national policy or levels of funding – for instance as a result of a more recent Spending Review. Again the Secretary of State can only require a revision after consulting the Mayor.

76. New section 333D places a requirement on the Housing Corporation, when exercising its functions of giving grants under sections 18 and 27A of the Housing Act 1996, to have regard to the London housing strategy. The section also requires local housing strategies (defined in the section) of local housing authorities in Greater London to be in general conformity with the London housing strategy. This will enable the Mayor, on an exceptional basis, to challenge boroughs whose local housing strategies are significantly out of alignment with the policies and aspirations set out in the London housing strategy.
77. **Subsection (5)** of clause 28 provides a power under which the Secretary of State may direct the Mayor to submit a draft London housing strategy by a specified date. This will allow the Secretary of State to ensure that the funding recommendations which form part of the London housing strategy are agreed in line with the timetables for the funding decisions to which the recommendations relate. **Subsection (6)** provides that the Secretary of State can only set such a date after consultation with the Mayor.

**PART 7: PLANNING**

*The Mayor’s spatial development strategy*

**Clause 29: Duties in relation to consultation**

78. Clause 29 amends section 335 of the Act to require the Mayor to have regard to comments by the Assembly or functional bodies in response to consultation on proposed revisions to his spatial development strategy. The Mayor must also respond in writing to the Chair of the Assembly, setting out which of the Assembly’s comments he accepts for implementation in the strategy and, where he does not accept a comment, giving the reasons why.

*Local development schemes*

**Clause 30: Local development schemes**

79. The Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) provides for local development schemes (LDS). The LDS is the local planning authority’s workplan for the production of local development documents (LDDs). This clause amends the 2004 Act to require local planning authorities in Greater London to send a copy of their draft LDS to the Mayor who may direct that changes be made to it. It also allows the Mayor to direct the borough to prepare a revision to their LDS. The purpose is to ensure that key policies of the regional plan (the London Plan) are reflected in LDDs in a timely manner.

80. In considering whether to issue a direction and what its content should be, the Mayor must have regard to any guidance issued by the Secretary of State. Local planning authorities must comply with the direction unless the Secretary of State directs otherwise.

*Development control*

**Clause 31: Mayor to determine certain applications for planning permission**

81. This clause amends the Town and Country Planning Act 1990 ("the 1990 Act") to give the Mayor power to direct that planning applications which are of potential strategic importance in Greater London should be determined by him in place of the local planning authority. It also provides for the application of enactments in relation to cases where the Mayor determines an application, including provision
enabling the Mayor to enforce the terms of any planning permission he has granted. The term "application of potential strategic importance" will be defined in secondary legislation. The secondary legislation will also set out the procedure for giving directions.

82. In deciding whether to give a direction, the Mayor must have regard to guidance issued by the Secretary of State. Where a direction is given, the Mayor will also determine any connected applications for listed building consent, conservation area consent and hazardous substances consent.

83. Secondary legislation will set out the procedures the Mayor must follow in determining applications.

84. The Mayor's existing power to direct that a planning application be refused is unaffected by this clause (see section 74(1B) of the 1990 Act and the secondary legislation made under it).

Clauses 32, 33, 34: Planning obligations
85. These clauses amend the 1990 Act so as to give the Mayor power to agree planning obligations related to applications which he is to determine by virtue of clause 31. They provide for the Mayor to enforce and discharge obligations and for monies to be payable to the Authority.

Clause 35: Planning Contribution under section 46 of PCPA 2004
86. This clause amends section 46 of the 2004 Act to allow regulations made under that section to provide for the circumstances in which a planning contribution is made where the Mayor is acting as the local planning authority (that is, where he is determining an application of potential strategic importance).

PART 8: ENVIRONMENTAL FUNCTIONS

Waste

Clause 36: Duties of waste collection authorities etc
87. Section 353 of the Act requires the Mayor to prepare and publish a document known as the municipal waste management strategy. This sets the strategic direction for London’s waste activities. Section 355 of the Act requires waste collection authorities and waste disposal authorities in Greater London to “have regard to” the strategy in carrying out their waste functions.

88. Subsection (3) amends section 355 of the Act so as to require waste collection and waste disposal authorities in Greater London to “act in general conformity with” the Mayor’s strategy. The duty will apply whenever those authorities exercise any of
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their waste functions under Part 2 of the Environmental Protection Act 1990. This will allow the Mayor to have a stronger strategic role in the management of London’s waste.

89. **Subsection (4)** inserts a new subsection (2) into section 355 of the Act to limit the duty on London waste authorities to “act in general conformity” with the strategy, so that it does not apply where to do so would impose “excessive additional costs” on the authority.

90. **Subsection (5)** inserts a series of new subsections into section 355 of the Act. New subsection (3) gives the Secretary of State the power to issue guidance setting out a definition of “general conformity” and “imposing excessive additional costs on an authority”. Subsection (4) requires waste collection authorities or waste disposal authorities in Greater London to act in accordance with the guidance.

91. **Subsections (6) and (7)** set out the limitations on the duty for waste authorities in Greater London to act in general conformity insofar as waste contracts are concerned. Subsection (6) provides that neither the duty nor any related guidance requires an authority to terminate a waste contract before the expiry of the term of the contract or to do anything which would result in a breach of any term of a waste contract. Subsection (7) provides that the duty and guidance do not apply in relation to the awarding of a waste contract if the authority had sent the second information notice relating to the awarding of the contract to the Official Journal of the European Union.

**Clause 37: Information about waste contracts**

92. This clause amends section 358 of the Act on information about new waste contracts, and updates the Act following changes to public procurement legislation. It makes new provision that where an authority is *not* obliged either to send the European Commission a first information notice of its intention to tender a waste contract or to publish such a notice on the authority's buyer profile, but it *is* obliged to send a second information notice, the authority must inform the Mayor of its intention to tender. An authority is required to notify the Mayor 108 days before issuing the second information notice. Waste authorities that publish their intention to tender on the authority’s buyer profile as an alternative to issuing a first information notice will be required to give the Mayor 56 days prior notification. Where waste authorities are not required to comply with public procurement regulations, existing notification requirements under section 358(2) will continue to apply. The amendments will ensure that the Mayor is informed of all waste tenders in advance.

**Climate change and energy**

**Clause 38: Duty of Mayor and Assembly to address climate change**

93. Action is required both globally and domestically to prevent climate change, primarily by reducing emissions of greenhouse gases. In addition to its commitment to reduce emissions of greenhouse gases by 12.5 per cent below base year levels by
2008-12, the Government has set national goals of reducing carbon dioxide emissions by 20% below 1990 levels by 2010 and by 60% by 2050, with significant progress by 2020. Action is also required to adapt to the actual and expected consequences of climate change. The Government believes that regional and local government have an important role to play in tackling climate change.

94. Clause 38 amends the Act and places a duty on each of the Mayor and the Assembly to address climate change.

95. The Mayor is required to take action in Greater London to help prevent climate change and to help Greater London to adapt to both the actual and expected consequences of climate change. The Mayor and Assembly are each required to take into account Government policies on climate change whenever they exercise their functions and to comply with any guidance issued by the Secretary of State as to how they are each to discharge their duties with respect to climate change.

Clause 39: The London climate change mitigation and energy strategy
96. Clause 39 amends the Act and requires the Mayor to prepare a climate change mitigation and energy strategy, which will contain proposals for assisting the implementation in Greater London of national policies relating to energy and mitigation of climate change. The strategy must contain proposals setting out how the Mayor will promote the reduction of emissions from surface transport and the use of energy more broadly, support technological innovation, and promote the efficient production and use of energy. The strategy is also to contain information about fuel poverty in Greater London. In preparing the strategy, the Mayor will have to have regard both to guidance produced by the Secretary of State and to national policies on climate change mitigation, security of supply, competitive energy markets, and fuel poverty.

97. The clause gives the Secretary of State a limited power to direct the Mayor to change the climate change mitigation and energy strategy. The Secretary of State will only be able to use this power where the strategy would be inconsistent with national policies on energy or climate change, and the inconsistency would have a detrimental effect on achieving any or all of the objectives of those national policies. The Secretary of State will need to consult the Mayor before using this power of direction.

98. The climate change mitigation and energy strategy will be subject to sections 41 to 44 of the Act, which make general provision for the preparation and publication of strategies. These include provisions on timing, the need to have regard to available resources and the persons to be consulted by the Mayor.

99. In addition to the statutory consultees listed in section 42 of the Act, the Mayor must also consult the Gas and Electricity Markets Authority and the Gas and Electricity Markets Consumer Council as well as certain holders of gas and electricity licences.
Clause 40: The Mayor’s adaptation to climate change strategy for London

100. Clause 40 requires the Mayor to prepare and publish an adaptation to climate change strategy for London. The strategy must contain the Mayor’s policies and proposals for adaptation to the effects, both actual and expected, of climate change in Greater London. The Mayor must have regard to any guidance produced by the Secretary of State about the content of the strategy and in relation to the preparation and revision of the strategy. Such guidance may include guidance about the evidence to which the Mayor must have regard in preparing or revising the strategy.

101. The strategy will be subject to the general provisions for the preparation and publication of Mayoral strategies set out in sections 41 to 44 of the Act. The Secretary of State may specify in guidance the persons the Mayor must consult in addition to the statutory consultees listed at section 42 of the Act. The Secretary of State may direct the Mayor to revise the strategy to remove any inconsistency with Government climate change policies or objectives if he considers the inconsistency would have a detrimental effect on achieving them.

PART 9: CULTURE, MEDIA AND SPORT

Museum of London

102. The Museum of London is a Non-Departmental Public Body, funded jointly by the Department for Culture, Media and Sport (DCMS) and the City of London Corporation. It is governed by the Museum of London Acts 1965 (the “1965 Act”) and 1986 (the “1986 Act”). The Museum is administered by a Board of 18 Governors, nine of whom are appointed by the Prime Minister and nine by the City. Clauses 41 to 45 deal with the transfer to the Authority of the Government’s responsibilities for funding the Museum and appointing members of the Board.

Clause 41: Transfer of power of appointment of members of Board of Governors

103. Subsection (1) amends section 1(2)(a) of the 1965 Act to enable the Authority to take over the Prime Minister’s power to appoint half of the members of the Museum of London’s Board of Governors.

104. Subsection (2) amends paragraph 4(1) of the Schedule to the 1965 Act. That paragraph sets out the procedure for Governors who wish to resign from their post. It enables them to do so by giving notice in writing to the authority responsible for appointing them which, at present, is either the Prime Minister or the City. This amendment substitutes the Authority for the Prime Minister.

105. Subsection (3) ensures that Governors appointed by the Prime Minister before the Act comes into force will not be affected by the provisions in this section.
Clause 42: Period of appointment of Governors to the Board
106. **Subsection (1)** amends paragraph 2(1) of the Schedule to the 1965 Act. Currently, Governors may be appointed for a term of three years. The subsection amends this to a term of ‘not more than four years’.

107. **Subsection (2)** gives this amendment retrospective force. This ensures that any appointment in the past of a Governor for a period of more than three years but not more than four years will be treated as having complied with the provisions of the 1965 Act.

Clause 43: The Board’s expenditure: transfer of powers and other provisions.
108. **Subsection (1)** amends section 14 of the 1965 Act. Section 14 stipulates that the approval of the Secretary of State and the Corporation of London are needed before monies received from, for example, donations may be used for any purpose other than to meet general administrative expenses of the collections. The amendments in subsection (1) substitute the Authority for the Secretary of State.

109. **Subsection (3)** amends section 15(1) of the 1965 Act, which stipulates that the Board of the Museum will be required, from time to time, to submit estimates of future expenditure to the Secretary of State and the City of London Corporation. The amendment in subsection (3) substitutes the Authority for the Secretary of State.

110. **Subsection (4)** amends section 15(2) of the 1965 Act. This sets out the mechanism by which expenditure incurred by the Museum is to be defrayed. The amendments substitute the Authority for the Secretary of State. They also allow for the Authority to make payments directly to the Museum, instead of simply reimbursing the Corporation under subsection (3) of section 15.

111. **Subsection (5)** sets out substitute provisions for section 15(3) of the 1965 Act, which stipulates that the Secretary of State must pay the Corporation of London one half of the monies paid by the Corporation to the Museum under section 15(2). The new subsections (3) and (4) maintain the position that the Corporation and the Authority are each liable for half the expenditure of the Museum (subject to agreement about an alternative proportion in relation to particular expenses) but take into account the fact that the Authority may make payments under subsection (2) directly to the Museum.

Clause 44: Transfer of other powers relating to the Museum
112. **Subsection (1)** amends section 3(4) of the 1965 Act. This section requires the Museum to seek the consent of the Secretary of State and the City of London Corporation before disposing of any land or interest in land. The amendments replace references to the Secretary of State with references to the Authority.

113. **Subsection (2)** amends subsections (1), (3) and (4) of section 9 of the 1965 Act. This section gives the Board of the Museum the power to appoint a Director and other staff, subject to the consent of the Secretary of State and the City of London
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Corporation, and on terms and conditions approved by the Secretary of State and the Corporation. The amendments in subsection (2) replace references to the Secretary of State with references to the Authority.

**Clause 45: Repeal of section 5 of the Museum of London Act 1986**

114. Clause 45 repeals section 5 of the 1986 Act. This section requires the Secretary of State to lay a report on the exercise of the functions of the Board of Governors of the Museum of London before each House of Parliament every three years. As the Government will no longer be directly accountable for the use of public funds by the Museum of London, this section will not be required.

**Miscellaneous**

**Clause 46: The Mayor’s culture strategy: consultation**

115. Section 376 of the Act requires the Mayor of London to prepare and publish a culture strategy. A draft of the strategy is to be prepared by the Cultural Strategy Group for London. The Mayor is also required to consult certain bodies in revising the Cultural Strategy (section 42), but not where he considers that the revision will not materially alter the strategy in question (section 42(6)).

116. This clause amends section 376. As amended, that section will require:

- the Cultural Strategy Group for London to consult the bodies listed in the new subsection (10) (see subsection (5) of clause 46) when proposing revisions to the Cultural Strategy, and
- the Cultural Strategy Group for London to consult these bodies when consulted by the Mayor if he makes revisions other than those proposed by the Group.

The clause also gives the Secretary of State a power to amend the list of bodies to be consulted.

**Clause 47: The Mayor’s duty to exercise certain powers of appointment**

117. The Mayor is expected to gain certain rights of appointment of board members of the London Regional Council of Arts Council England; English Sports Council London Regional Sports Board; and Archives, Libraries & Museums London. It is expected that these new appointment powers will be given to the Mayor by amendment of the Royal Charters of the Arts Council England and the English Sports Council and of the Articles of Association of Archives, Libraries and Museums London and the Museums, Libraries and Archives Council.

118. Clause 47 inserts a new section 377A into the Act. This new section imposes a duty on the Mayor to exercise appointment rights he has been granted as soon as reasonably practicable after he has received a request in writing from bodies.
prescribed by the Secretary of State. Prescribed bodies must have functions relating to sport, culture or the arts. Section 377A also gives the Secretary of State a power to amend the list of prescribed bodies.

PART 10: MISCELLANEOUS AND GENERAL

Clause 48: Common provision of administrative, professional and technical services
119. This clause inserts a new section 401A into the Act. This relates to administrative, professional or technical services - what might be called “back office” services. The new section enables each of the “constituent bodies” (that is, the Authority and the four functional bodies) to provide, or to receive, such services to or from any of the others. It also enables those bodies to share such functions by establishing joint committees.

PART 11: SUPPLEMENTARY PROVISIONS

Clause 49: Orders
120. This clause provides that any power conferred on the Secretary of State to make an order is exercisable by statutory instrument. The only such power in the Bill is the power to bring its provisions into force. The subordinate legislation may make different provision for different cases. It may make incidental, consequential, supplemental and transitional provision or savings, including power to amend any enactment (whenever passed or made). The clause provides that any order which amends any enactment is subject to annulment in pursuance of a resolution of either House of Parliament (unless, by virtue of some other provision, it is subject to the affirmative procedure instead).

Clause 50: Directions
121. Clause 50 provides that any directions given under the Bill must be in writing. It provides that a power of direction conferred by the Bill includes power to vary or revoke the direction.

122. This clause provides for any expenditure incurred by a Minister of the Crown or government department, under or attributable to the provisions of the Bill, to be paid out of money provided by Parliament.

Clause 52: Repeals
123. Clause 52 introduces Schedule 2, which contains repeals of certain provisions in the Act and the Museum of London Act 1986. All the repeals are consequential upon the provisions in the Bill.
Clause 53: Interpretation
124. This clause defines certain abbreviations and terms used in the Bill.

Clause 54: Short title, citation, commencement and extent
125. This clause sets out the short title of the Bill and provides for the Bill, when enacted, and the Greater London Authority Act 1999 to be cited together as the Greater London Authority Acts 1999 and 2007. The clause also determines the extent of the Bill.

CONCLUDING SECTIONS

Financial Effects of the Bill
126. The Bill entails changes in how strategic functions and services are delivered in London, providing the Authority with additional powers by:

- devolving powers from central Government to the regional tier (the Authority);
- granting new, additional powers to the Mayor and Assembly; or
- strengthening the Mayor’s influence over certain borough functions including, in the specific case of development control (planning) transferring functions from the London boroughs to the Authority.

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

Effects of the Bill on public sector manpower
128. We anticipate no significant impact on public service manpower. There are no tax implications.

The Regulatory Impact Assessment
129. A regulatory impact assessment (RIA) of the Bill’s provisions has been published alongside this Bill. It can be read on the DCLG website at: www.communities.gov.uk/glapowers

European Convention on Human Rights
130. Section 19 of the Human Rights Act 1998 requires the Minister in charge of a Bill in either House of Parliament to make a statement about the compatibility of the provisions of the Bill with the Convention rights (as defined by section 1 of that Act).
Ruth Kelly, the Secretary of State for Communities and Local Government, has made the following statement: “In my view the provisions of the Greater London Authority Bill are compatible with the Convention rights.”

131. The proposals in Part 7 relating to the determination of planning applications and for making provision for enforcement of planning permissions and “connected applications” engage Article 6(1) (fair trial), Article 8 (respect for family and private life) and Article 1 of the First Protocol (protection of property).

132. In relation to applications of potential strategic importance determined by the Mayor, the Mayor will be in the same position as the local planning authority would have been if they had determined the application. The existing right of appeal under section 78 and the right to apply to the court under section 288 will remain.

133. Similarly, where, under secondary legislation made under the Bill provision is made for the Mayor to enforce the terms of permissions, the Mayor will be in the same position as the local planning authority under the Town and Country Planning Act 1990. The intention is that both the Mayor and the local planning authority will be able to take enforcement action. There will be equivalent rights of appeal and challenge.

134. The enforcement provisions that currently apply to local planning authorities and that will be applied by secondary legislation to the Mayor are necessary in order to ensure an effective planning system and are proportionate in that they strike a fair balance between the rights of the developer as against the need to enforce planning control.

135. Consequently, the Department considers that the proposals in Part 7 relating to planning control and enforcement are compatible with Article 6, Article 8 and Article 1 of the First Protocol to the Convention.

136. It is not considered that the other provisions in Part 7 raise issues of compatibility with Convention rights.

**Commencement**

137. Most of the provisions in the Bill will be brought into force on a day or days to be appointed by the Secretary of State, by order. It is intended that Part 11, other than clause 52 and Schedule 2 (Repeals), will come into force on Royal Assent, including the power to make regulations or orders under or by virtue of the Bill. Clauses 28 and 42 are intended to come into force two months after Royal Assent.
ANNEX A

Glossary

The Authority  The Greater London Authority
DCLG  Department for Communities and Local Government
ECHR  European Convention on Human Rights
LDA  London Development Agency
LDD  Local Development Document
LDS  Local Development Scheme
LFEPA  London Fire and Emergency Planning Authority
MPA  Metropolitan Police Authority
RIA  Regulatory Impact Assessment
TfL  Transport for London
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as introduced in the House of Commons on 28th November 2006 [Bill 11]