INTRODUCTION

1. These explanatory notes relate to the Lords Amendments to the Greater London Authority Bill as brought from the House of Lords on 9th October 2007. They have been prepared by the Department for Communities and Local Government in order to assist the reader of the Bill and to help inform debate on the Lords Amendments. They do not form part of the Bill and have not been endorsed by Parliament.

2. These notes, like the Lords Amendments themselves, refer to HL Bill 46, the Bill as first printed for the Lords.

3. These notes need to be read in conjunction with the Lords Amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the effect of the Lords Amendments.

4. All the Lords Amendments were in the name of the Minister or were supported by the Government, except for amendments 1 and 2 which were opposed by the Government. (In the following Commentary, an asterisk appears in the heading of each of the paragraphs dealing with a non-Government amendment which was opposed by the Government).

COMMENTARY ON LORDS AMENDMENTS

*Lords Amendment 1

5. Lords Amendment 1 would insert a new clause into the Bill amending section 21(1) of the Greater London Authority Act 1999 (“the Act”). Section 21 sets out the circumstances for disqualification of a person from being elected or being the Mayor or an Assembly member. Lords Amendment 1 would add a further criterion, disqualifying a person from being Mayor or an Assembly Member if he has previously been elected or been the Mayor twice.
These notes refer to the Lords Amendments to the Greater London Authority Bill, as brought from the House of Lords on 9th October 2007 [Bill 158]

*Lords Amendment 2*
6. Lords Amendment 2 would insert a new clause into the Bill amending Paragraph 8 of Schedule 6 to the Act. Schedule 6 sets out the procedure for determining the Authority’s consolidated budget requirement. Paragraph 8 enables the Assembly, in approving the final draft consolidated budget proposed by the Mayor, to amend it by a two-thirds majority of Assembly members voting. The effect of amendment 2 would be to change this so that only a simple majority was required.

*Lords Amendments 3 to 7*
7. Lords Amendments 3, 4, 5, 6 and 7 would make changes to Part 4 of the Bill, dealing with health. Amendment 3 would add London borough councils and the Common Council of the City of London to the list of relevant bodies or persons whose role in implementing the health inequalities strategy the Mayor must describe in the strategy. By virtue of their inclusion in the list, any London borough council and the Common Council will be consulted by the Mayor in the early stages of the development of the strategy. Amendment 6 would make clear that the duty on the Mayor to consult relevant bodies and persons, including London borough councils and the Common Council, at an early stage of the preparation of the strategy is without prejudice to the consultation process set out at section 42 of the Act.

8. Amendments 4 and 5 would make a minor change to the definition of *general health determinants* at new section 309F(5)(d). Amendment 7 would simplify the consultation process the Mayor must undertake when preparing or revising the health inequalities strategy. It would remove new sections 309G(6) and (7), which require the Mayor to publish a final draft of the strategy in order to consult the bodies or persons listed at new section 309E(5) about matters he should include in it, and issues he should take into account in preparing or revising it.

*Lords Amendments 8 and 9*
9. Lords amendment 8 would require the Mayor to consult the Housing Corporation and any body that appears to him to be representative of registered social landlords when preparing or revising the London housing strategy. Amendment 9 would define ‘registered social landlord’.

*Lords Amendments 10 to 16*
10. Amendment 11 would amend clause 31 to make clear that the definition of “connected applications” in new section 2B of the Town and Country Planning Act 1990 (inserted by that clause) includes applications for the variation or discharge of conditions subject to which listed building consent has been granted, and applications for hazardous substances consent without a condition subject to which a previous hazardous substances consent was granted. Amendment 12 would enable the Mayor, where he determines a planning application under the sections inserted by clause 31, to pass decision-making for any subsequent applications for the approval of reserved matters, or approval of details under a listed building consent, back to the relevant London borough. Amendment 13 is consequential on amendment 12.
11. Amendment 16 would insert a new clause amending the Town and Country Planning Act 1990 to enable the applicant and the local planning authority to which an application is made to make oral representations to the Mayor at a “representation hearing” before he determines an application. The Mayor must prepare and publish a document setting out other persons he will hear representations from and the procedures to be followed at a representation hearing. The Secretary of State is required to make provision, by order, for Part 5A of the Local Government Act 1972 (public access to local authority meetings and public access to documents etc) to apply to the Mayor and his conduct of representation hearings as it applies to principal councils and their conduct of their meetings. Amendments 10, 14 and 15 are consequential on amendment 16.

**Lords Amendment 17**

12. Amendment 17 would insert a new clause into the Bill inserting new sections 356A and 356B into the Act. These new sections would establish a statutory London Waste and Recycling Board. The Board’s objectives are to promote within Greater London: the production of less waste, an increase in the proportion of waste which is re-used or recycled and the use of methods of collection, treatment and disposal of waste which are beneficial to the environment. The Board is able to give financial assistance and provide advice in order to fulfil its objectives.

**Lords Amendments 18 to 29**

13. Amendment 18 would remove the phrase ‘so far as relating to Greater London’ from clause 38(2) so that in deciding whether or how to exercise the Authority’s general power under section 30 of the Act, the Mayor must have regard to the effects of the proposed exercise of this power on climate change and its consequences in general and global terms, and not only in so far as relating to Greater London. Amendment 19 would remove the phrase ‘so far as relating to Greater London’ from clause 38(3) and replace it with ‘in the United Kingdom’ so that the Authority would be required to exercise its general power in a way best calculated to contribute towards the mitigation of, and adaptation to, climate change nationally, and not only in so far as relating to Greater London.

14. Amendment 20 would insert a new clause amending section 41 of the Act (General duties of the Mayor in relation to his strategies) so as to require the Mayor to have regard to the effect which the proposed strategy or revision would have on climate change and the consequences of climate change. It would also require the Mayor to include such policies and proposals in his strategies as he considers best calculated to contribute towards the mitigation of, or adaptation to, climate change nationally.

15. Amendments 21 and 22 would amend clause 39 so that the new section 361A, instead of requiring the Mayor and Assembly to comply with any guidance issued by the Secretary of State when carrying out their duties to address climate change, would require them to have regard to such guidance.
16. Amendment 23 would amend clause 40 of the Bill, which inserts new section 361B into the Act requiring the Mayor to produce a London climate change mitigation and energy strategy. The amendment would mean that instead of the strategy containing policies for assisting with the implementation in Greater London of national climate change and energy policies, it must instead contain the Mayor’s policies and proposals on the contribution to be made in Greater London towards climate change mitigation and the achievement of any objectives in national policies relating to energy.

17. Amendments 24 and 25 would also amend clause 40 so that, by virtue of the new section 361B(3) of the Act, the Mayor must include in the London climate change mitigation and energy strategy proposals and policies to minimise emissions of other significant greenhouse substances, as well as carbon dioxide, from the use of energy for surface transport and more generally. Amendment 26 would also amend clause 40, so as to define ‘other significant greenhouse substances’ for the purposes of new section 361B(3) as substances (other than carbon dioxide) which contribute to climate change and which the Mayor considers it appropriate to deal with in the strategy.

18. Amendment 27 would require the Mayor to have regard to the desirability of advancing energy technologies which involve the emission of lower levels of substances which contribute to climate change, when performing the duty set out in new section 361B(3) of the Act. Amendment 28 would amend clause 40 so that new section 361B(4) of the Act required the Mayor to report on levels of emissions in or attributable to Greater London of all substances which contribute to climate change, not just carbon dioxide. Amendment 29 would require the London climate change mitigation and energy strategy not to be inconsistent with national policies relating to climate change mitigation or energy.

**Lords Amendment 30**

19. Amendment 30 would amend clause 49 so that if the Secretary of State by order were to amend new section 401A of the Act, so as to extend or restrict the services or functions to which it applies, the order would be subject to the affirmative rather than the negative procedure.

**Lords Amendment 31**

20. Amendment 31 would amend clause 50 so that the Secretary of State’s order-making powers to make incidental, consequential, supplemental or transitional provision or savings, includes a power to amend only those Acts passed or made before this Act, instead of a power to amend any enactment (whenever passed or made).

**Lords Amendments 32 to 34**

21. Lords Amendments 32, 33 and 34 would make a number of amendments to Schedule 1 to the Bill, which sets out the process for the Assembly to hold confirmation hearings for appointments to the offices listed at clause 4. Amendment
32 would exclude the period beginning on the day of an Assembly ordinary election, and ending on the day of the Assembly’s meeting to appoint its Chair and Deputy Chair, from counting towards the three-week period within which the Assembly must notify the Mayor whether it recommends the proposed appointee or not.

22. Amendment 33 would allow the Assembly to delegate the decisions on whether or not to hold a confirmation hearing and request documents from a candidate relating to the proposed appointment (under paragraphs 6(1) and 6(4) of Schedule 1 respectively) to the Chair of the Assembly. Amendment 34 is consequential on amendment 33.

FINANCIAL EFFECTS OF THE LORDS AMENDMENTS

23. Government amendment 16 would introduce a requirement for the Mayor to hear oral representations from the applicant and local planning authority, if they so wish. There may be minimal costs for the parties in preparing for a representation hearing, but their appearance at a hearing is discretionary and the applicant would not be at a disadvantage if they chose not to exercise this right.
GREATER LONDON AUTHORITY BILL

EXPLANATORY NOTES
ON LORDS AMENDMENTS

These notes refer to the Lords Amendments to the Greater London Authority Bill as brought from the House of Lords on 9th October 2007 [Bill 158]

Ordered, by The House of Commons, to be Printed, 9th October 2007.