



House of Commons
Communities and Local Government
Committee

Greater London Authority Act 2007

Written Evidence received up to 15/03/13

Only those submissions written specifically for the Committee and accepted by the Committee as evidence for the Implementation of welfare reform by local authorities inquiry are included.

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**Written submission from the Department for Communities and
Local Government (GLA 00)**

Thank you for your letter of 20 December regarding the Committee's decision to carry out post-legislative scrutiny of the Greater London Authority Act 2007. I am pleased to hear that you found the Department's memorandum useful.

You requested the Government's views on the financial impact of the 2007 Act, specifically:

- How much did the Act cost to implement?
- What are the estimated costs of its operation?
- How do these compare to any impact assessment made at the time the legislation was passed?

When considering the Greater London Authority 2007 Act, it is important to view it in the context of much greater change and devolution that both preceded and succeeded it. You will be aware that the GLA 1999 Act was a far more significant Act that created the current system of London governance in its entirety. The 2011 Localism Act also made significant changes to the responsibilities of the GLA, that went far beyond the 2007 Act, including the devolution of responsibility for housing, economic development and Olympic Legacy.

In addition to the cost associated with the passage of the Bill through Parliament, the GLA Act 2007 only had marginal resource implications for the GLA. In almost all cases, the new responsibilities were subsumed into existing work programmes and resources; for example in the areas of planning, housing and skills & employment only marginal increases were made to staffing levels and budgets.

The Government provided additional, and distinct, grant funding to the London Waste and Recycling Board (LWARB). The Department of Food and Rural Affairs (Defra) confirmed that LWARB would receive £18million for the Spending Review period (2011-15). This £18million was added to £6.3million which remained available from the previous funding round, plus an estimated £2million of loan income coming in from previously funded projects. This brings the total available funds over 2011-15 to £26.3million. In terms of the benefits of the Waste and Recycling Board, which you raise in your broader call for evidence, it has heavily invested in infrastructure projects designed to deliver significant landfill diversion, boost recycling and generate renewable energy from the reprocessing of waste. The Board has also provided opportunities for boroughs to act collectively, for example, enabling joint procurement.

Similarly, the governance reforms brought in through the Act did not place additional burdens on the UK public purse as they did not require intensive staffing resources or substantial programme budgets; for example in the areas of the Assembly's own budget, board appointments and new statutory strategies the GLA modified existing processes and initiatives to ensure that it complied

With the Act in an efficient and effective manner. This was anticipated in the Regulatory Impact Assessment of the GLA Bill which concluded that the changes introduced through this act were minor and involved minimal cost.

It is worth noting that the Greater London Authority Act 2007 did not establish the London Skills and Employment Board, which was established by the Further Education and Training Act 2007. The London Housing Board, which is also mentioned in the call for evidence, was also not established through the GLA Act 2007, nor is it a statutory body.

February 2013

Written submission from the Mayor of London (GLA 01)

Overview

1. The Greater London Authority (GLA) Act 2007 was the culmination of the first review of the powers provided to London government through the GLA Act 1999, the Act which restored citywide government to the capital.
2. There has been a subsequent revision of those powers through the Localism Act 2011 and so the issues being raised by the Committee should also be seen through the prism of this more recent piece of legislation.
3. It would be reasonable to view the GLA Act 2007 as representing incremental rather than radical change. The Act focused on four principal policy areas:
 - Planning;
 - Housing;
 - Waste; and
 - Skills and employment.
4. In the case of waste, the former Mayor did not achieve his stated wish of creating a single waste authority for London under the Mayoralty. The creation of the London Waste & Recycling Board (LWARB) should be seen in this light.
5. In the other areas, some changes were instigated – the Mayoralty was given a strategic role in housing and skills & employment matters – but there was not a major transfer of responsibilities, budgets or staff.
6. On housing, the strategic housing powers conferred on the Mayor by the Act did to some extent increase the Mayor’s ability to deliver his housing aims. However, the reforms at best represented only partial devolution and did not provide the ability to hold those delivering housing in London to account commensurate with the expectations surrounding the Mayor’s role.
7. On skills and employment, the London Skills & Employment Board (LSEB) operated from 2006 to 2010 and created a robust evidence base and a straightforward, effective skills and employment strategy for London. Its work is continued by the London Enterprise Panel (LEP).
8. As a result of the LSEB’s work, London had an accessible and coherent approach to tackling the complexities and fragmentation of London’s skills and employment landscape. The LSEB’s first London skills and employment strategy generated a set of positive relationships between partners that have endured beyond the LSEB’s lifespan.

9. The most controversial change was made in the area of planning decisions. The Mayorality was given the power – for the first time – to call in and take over major applications rather than just veto them, as had initially been the case.
10. Understandably, London boroughs were apprehensive about this change. The GLA is of the view that the new power has been used sparingly and judiciously – in each case, it can be justifiably argued that the power was invoked for the good of London as a whole.
11. The Localism Act moved matters on further by:
 - Transferring the Homes & Communities Agency’s (HCA) London functions to the GLA;
 - Transferring the London Development Agency’s (LDA) functions to the GLA; and
 - The creation of the London Legacy Development Corporation (LLDC) as a functional body of the GLA with responsibility for the transformation of the Olympic Park.
12. The transfer of HCA and LDA functions and the creation of the LLDC involved significant additional policy, budget and staffing responsibilities for the GLA. In this sense, it would seem reasonable to conclude that the Localism Act was somewhat bolder in awarding further devolution to London government than the GLA Act 2007 had been.
13. It seems unlikely that there will be any imminent further reforms to the role of London government, given that the review culminating in the Localism Act has only recently been fully implemented. However, that is not to say, that the Mayorality lacks ambition for London. Areas with potential for further devolution to the GLA include:
 - Greater financial devolution – the Mayor has established the London Finance Commission with a view to establishing a more sustainable funding regime for London government;
 - Outcomes arising from the Mayor’s 2020 Vision document – in an increasingly globalised world a plan is needed to deal with the significant challenges presented by both rapid population growth and ever more competitive economic conditions. The Vision will set out a consensus view of the economic and social infrastructure needed if the capital city is to thrive in the current world environment and contribute to the nation’s wealth; and
 - Transfer of responsibility for suburban train services in the capital to Transport for London (TfL) – this would build on TfL’s successful operation of its ‘Overground’ service.
14. There follow sections on:
 - Planning;
 - Waste;
 - Statutory Strategies;
 - The London Assembly;
 - Appointments to the TfL Board; and
 - Appointments to the London Fire & Emergency Planning Authority (LFEPA).

Planning

15. The GLA Act 2007 introduced two new Mayoral powers:
 - The power to direct changes to London boroughs' Local Development Schemes (their planning policy work programme); and
 - The power to direct that the Mayor is to become the local planning authority.
16. The power to direct changes to London boroughs' Local Development Schemes has only been used once, and in light of subsequent changes to the development plan process is only likely to be used exceptionally.
17. The power to direct that the Mayor is to become the planning authority has been used six times, since coming into effect in 2008:
 - Columbus Tower;
 - Southall Gasworks;
 - Benedict Wharf (SITA);
 - Saatchi site;
 - The London Fruit & Wool Exchange; and
 - Eileen House.
18. Representation Hearings have been held for five of these, with the sixth, for Eileen House, due in late February 2013.
19. There is no evidence from these cases that the Mayor has used the process to revise the distribution of Section 106 payments in favour of infrastructure projects of interest to the Mayor.
20. For Columbus Tower, there was a ring-fenced re-distribution of the transport package from cycleway upgrades to Crossrail.
21. For Southall Gasworks, the total section 106 pot remained the same but there was some re-distribution from projects in Ealing to projects in Hillingdon, following negotiation with the two boroughs in question. Disagreements between the two boroughs over the impact of the development had historically been a significant barrier to development of the site (which straddles the borough boundary). The Mayor's intervention was welcomed.
22. For Saatchi, the total section 106 package was increased (with the additional amount going towards Crossrail, to comply with the relevant Supplementary Planning Guidance – SPG – that had subsequently been adopted) as a result of Mayoral intervention.
23. For Benedict Wharf and the London Fruit and Wool Exchange, the section 106 package remained unchanged.

24. In all cases, there had been some objections that the Mayor has intervened at all. However, it also fair to say that objectors have been satisfied that the Representation Hearing has operated impartially and have welcomed being given the opportunity to present their case (as have scheme supporters).
25. In all cases, the boroughs have continued to be involved in section 106 negotiations after the Mayoral decision, have signed the section 106 agreement and have been the recipient of section 106 monies. The Mayor has not opted to receive payments.
26. Similarly, the boroughs have – in general – appreciated the additional experience and negotiating skills that the GLA can bring to bear in order to resolve outstanding issues. In all cases to date, the applications have been recommended for approval by officers and overturned by Members. As such, officers were facing lengthy and costly public inquiries which would have been very difficult to defend. In these instances, the intervention of the Mayor has not only saved public (and indeed private) expenditure but delivered a planning decision more quickly.
27. There is also evidence that the prospect of Mayoral intervention has helped focus applicants and boroughs (Members in particular) on delivering a timely decision on other schemes.

Waste

28. LWARB comprises a board of eight members. There are four borough Members, three independent members and the Chair, who is either the Mayor or his representative. The Mayor and the London boroughs support the work of LWARB and have jointly supported LWARB's request to Government to provide additional funding in the next Spending Review period.
29. Longer term, the aim is that, through returns on its investments, LWARB becomes self financing, and can continue to deliver improvements in waste management in London without relying upon further taxpayer support.
30. LWARB has supported a range of projects covering waste minimisation, reuse, recycling and waste infrastructure, as well as a waste efficiency project. In summary LWARB has:
 - Recently reached financial close on an Anaerobic Digestion plant and In Vessel Composting facility in East London, which is now under construction and expects to reach close on a further two projects this year, with a combined tonnage of circa 150,000 tonnes per year;
 - Committed finance to five infrastructure projects that will deliver almost 10,000,000 tonnes of waste diversion from landfill over their lifetime, and nearly 3,000,000 tonnes of CO2 avoidance. LWARB's total commitment to these projects is £22m, which will lever in around an additional £182 million of private sector finance. LWARB funds are provided on a commercial (and therefore recyclable) basis and LWARB will only

invest in projects where it can be demonstrated that the funding cannot be obtained from the private sector finance community;

- Made an £18m investment into a waste Urban Development Fund under the umbrella London Green Fund (LGF). The total waste fund stands at £60m. Debt is often an essential ingredient in meeting equity investor return requirements. As such, LWARB and LGF are often looking to co-invest. A well funded LWARB is therefore a key ingredient to enabling these infrastructure projects to happen;
- Provided £14m to support reuse and recycling initiatives in London. It is expected that this will lead to an additional 230,000 tonnes of material reused and recycled over the lifetime of these projects. Current data indicates that these projects have reused and recycled almost 80,000 tonnes of material to date;
- Funded the London Reuse Network (in addition to separate food and furniture reuse investments) which is expected to deliver around 200 jobs (of which 50 have been delivered to date), just over 3,000 training places (148 to date), 3,700 volunteer places (85 to date), and 1,600 work placements (42 to date);
- Established an efficiencies programme. The first borough waste Efficiency Reviews have been conducted and the recommendations are beginning to be implemented. It is hoped that the first two Efficiency Reviews could lead to savings of around £1m (including some one-off savings). The costs of these Efficiency Reviews are covered by LWARB but are repayable upon savings being realised; and
- Established a joint equipment procurement scheme that leads to savings of around 10%.

31. LWARB was designed so as not to add additional burdens – financial or otherwise – to the Mayor and the boroughs. It has a small, but expert, compliment of staff.

32. The extent to which LWARB is successful in making the case to Government for funding in the next Spending Review period (2015 onwards) will determine its future. In an era of reducing the number of public bodies – particularly the number of smaller public bodies - its existence will need to be kept under ongoing review.

Statutory strategies

33. The GLA Act 2007 introduced three new Mayoral statutory strategies:

- Health inequalities; and
- Two new environmental strategies:
 - Climate change mitigation and energy;
 - Climate change adaptation.

Health Inequalities Strategy

34. The Health Inequalities Strategy (HIS) was published in April 2010 and is structured around the principles of the Marmot Report. It describes actions that the city needs to take to reduce health inequalities over the next 20 years.

35. There are a number of examples where the resulting work has influenced policy and practice in boroughs:
- The Healthy Workplace Charter (launched in 2012) is run from the GLA and facilitates boroughs' work with employers to create health improving workplaces and reduce work related health issues;
 - The development of the Healthy Schools London model by the GLA has led to four boroughs reinvesting in the local Healthy Schools work;
 - The GLA has commissioned the Marmot Team to offer assistance to boroughs to improve how the social determinants of health are reflected in joint strategic needs assessments (JSNA);
 - The Well London programme is funded through the Big Lottery, and hosted in the GLA. This programme has worked with 20 of the most deprived boroughs to empower those communities that suffer most from health inequalities; and
 - The GLA has hosted regular events marking World Aids Day, along with the Mayor's Ambassador for HIV Annie Lennox, aimed at the reduction of stigma and inequalities suffered by those living with HIV.
36. The current health reforms – including the repositioning of public health responsibilities within local government – will be key to the future delivery mechanisms for the strategy.

Environmental strategies

37. The GLA Act 1999 established four statutory environmental strategies:
- Municipal waste;
 - Air quality;
 - Noise; and
 - Biodiversity.
38. The GLA Act 2007 introduced two new statutory environmental strategies to reflect London's role in contributing to national climate change initiatives:
- Climate change mitigation and energy; and
 - Climate change adaptation.
39. The Localism Act 2011 combined all six statutory environmental strategies to form a single statutory environmental strategy.
40. Whilst specific powers to implement the statutory environmental strategy do not generally exist, the GLA has encountered success in influencing policy and delivery across a broad range of stakeholders. The strategy sets out the vision and direction that the Mayor wishes to take which, alongside the Mayor's status and profile, has helped deliver outcomes. This success has been supported by the integration of key policies within the London Plan, which has a strong influence over development in London.

The London Assembly

41. As the London Assembly is the democratically elected body charged with holding the Mayor to account, it would be inappropriate for the Mayorality to comment on the Assembly's discharge of its responsibilities.

Appointments to the TfL Board

42. The GLA Act 1999 prohibited the Mayor appointing Assembly Members, and other elected representatives, to the TfL Board. The GLA Act 2007 removed that prohibition. An Assembly Member has yet to be appointed to the TfL Board, although there have been a few instances of councillors being appointed.

Appointments to LFEPA

43. At its meeting on 21 January 2013, LFEPA agreed a series of amendments to the Draft Fifth London Safety Plan put forward by the Fire Commissioner. The Mayor considers that the amendments have rendered the Draft Fifth London Safety Plan unfit for purpose by removing all reference to fire station closures and have made the Authority's future budgetary position (2014-15 onwards) unsustainable.

44. The Mayor views the actions of a narrow majority of LFEPA Members (the vote to amend was nine in favour and eight against) as irresponsible and stemming from the unsatisfactory composition of the Authority's membership:

- Eight Assembly Members appointed according to political proportionality;
- Seven borough representatives appointed according to political proportionality; and
- Two Mayoral appointees.

45. The composition prior to the GLA Act 2007 was nine Assembly Members and eight borough representatives. The Government consultation paper in the run-up to the 2007 Act proposed that there should be four (rather than two) Mayoral appointees to reflect the Mayor's strategic role, alongside seven Assembly Members and six borough representatives.

46. Responses to the consultation led to this number being reduced from four down to two. The consequence of that reduction is that the Mayor is unlikely to command a majority in support of his policies among the LFEPA membership.

47. The Mayorality recommends that the Government restores the initial proposals for four Mayoral appointees to LFEPA. That would be a better reflection of the Mayor's role and put an end to the dysfunctional arrangements which have recently been witnessed in relation to the Authority's future service provision and budgetary position.

February 2013

Written submission from MayorWatch (GLA 02)

Please find enclosed my submission which I hope will be considered as part of the Committee's post-legislative scrutiny of the Greater London Authority Act 2007.

I have limited my response to those areas covering the powers and effectiveness of the London Assembly.

I write in my capacity as journalist and editor of MayorWatch, a non-partisan and politically independent publication which has been following the Greater London Authority since 2000.

Are the Assembly's powers and method of operation effective?
Is the Assembly effective in holding the Mayor to account? If not, what is the remedy?

I believe the Assembly is both an effective check on the Mayor and champion for Londoners in its own right.

In recent years it has made great progress in stepping out of the Mayor's shadow and increasing public awareness of its work.

Some of this success has been achieved through investigations into issues affecting a diverse range of groups including cyclists, residents affected by airport noise and mobility impaired transport users.

Media coverage of these investigations appears to be higher than at any stage in the Assembly's history.

It is increasingly common to see reports concerning the Assembly where there is no reference to the Mayor or where the narrative is driven by the Assembly's work rather than its response to a Mayoral policy or announcement.

Coverage of a recent Assembly report on the level of service victims of crime receive from the Metropolitan Police Service is a good example of this.

The change in the Met's governance arrangements, which saw the Metropolitan Police Authority replaced with the Mayor's Office for Policing and Crime and the Assembly's Police and Crime Committee, has also placed the Assembly more firmly in the public eye.

However while this greater profile enhances the Assembly's ability to hold the Mayor to account, it remains disadvantaged by the ability of the executive and Greater London Authority's functional bodies, such as Transport for London, to withhold information.

An all-party report (London Assembly response to the Mayor's draft 2013/14 budget, 23rd January 2013, <http://www.london.gov.uk/publication/london-assembly-response-mayors->

[draft-201314-budget](#)) has raised concerns that TfL's refusal to disclose advice which informed the Mayor's decision to increase fares has hampered scrutiny of the GLA budget.

Since the May 2012 election the Assembly's scrutiny of the Mayor's Office for Policing and Crime (MOPAC) has taken place in the shadow of a row over access to the Metropolitan Police Commissioner, his senior team and MPS information.

Assembly Members have repeatedly, and in my view correctly, argued that scrutiny of MOPAC requires access to MPS officers and information and that they should not have to request information via MOPAC in order to carry out that scrutiny.

To set the Assembly's stance in context, in January 2012 they and Londoners were assured that AMs would have regular access to the Commissioner.

In an interview with myself (Kit Malthouse discusses police scrutiny changes, January 16, 2012, <http://www.mayorwatch.co.uk/kit-malthouse-discusses-police-scrutiny-changes/201218423>) Kit Malthouse AM, then Deputy Mayor for Policing, said:

“While I'm Deputy Mayor for Policing and Boris is Mayor it would be inconceivable that the commissioner will not accept an invitation to appear in front of the Assembly and answer questions.”

However in June 2012 the Police and Crime Committee discovered just minutes before a meeting where they expected question him that Mr Malthouse's successor had unilaterally instructed the Commissioner not to attend.

Despite the 2012 election returning the incumbent Mayor, MOPAC's position had changed without any prior public discussion or announcement. More confusingly, this new position appeared out of step with the Mayor's own stance, which in September he summarised as follows:

“when we embarked on the reforms and I effectively became the Commissioner for London, it was always going to be in my mind that the function of the Assembly was to provide the scrutiny function of the old Metropolitan Police Authority (MPA) and I stick to that.”

(Mayor Boris Johnson, Mayor's Question Time, 19th September 2012, <http://www.london.gov.uk/moderngov/documents/b6957/Minutes%20-%20Appendix%20-%20Questions%20to%20the%20.pdf?T=9>)

Following the June 2012 PCC meeting there was a marked souring in the relationship between the Committee and MOPAC over this issue.

The deadlock was finally broken after an intervention by the Mayor's Chief of Staff who wrote to the Committee in November to confirm that AMs had the freedom to invite “relevant

senior MPS officers to PCC meetings” and that in future it would be “a matter for the PCC to decide who to invite, whether this be the Commissioner or his representative at the monthly Q&A sessions, and for this to be settled between the PCC and the MPS”.

While the intervention appears to have calmed the waters, it is undesirable that scrutiny of such an important area be dependent on a gentlemen’s agreement which does not bind future Mayors.

To address this issue and prevent repeats in this and other policy areas, I believe the Assembly’s right to summons witnesses should be enhanced to ensure it always has access to senior staff and executives within all Greater London Authority functional bodies and Mayoral agencies.

This power should also cover all agencies and public services funded, overseen or working in partnership with the GLA and commercial operators who play a key role in delivering services under its branding, for example transport operators delivering services on behalf of Transport for London.

The Localism Act 2011 introduced a power for the Assembly to reject Mayoral strategies on a two-thirds majority, but, we understand, that it has not been used; neither has the equivalent power over the budget introduced in the 1999 Act. Do these powers serve any purpose and could they ever be used?

The system presumes that Mayoral budgets and strategies will pass in their original form unless two-thirds of Assembly Members can agree a common amendment.

While ordinarily Londoners would expect the will of their directly elected Mayor to prevail, it’s important that an office-holder who enjoys few sanctions between elections knows they can be ‘reigned in’ by a body with an equally legitimate electoral mandate.

For this reason retaining the Assembly’s power to amend Mayoral budgets and strategies is an essential tool in protecting Londoners against a Mayor adopting a risky or extreme fiscal or policy position.

However the two-thirds requirement is likely to be achieved only in the most extreme circumstances.

In June 2010, then Deputy Mayor of London Richard Barnes AM told me:

“...we knew at the May 2008 election that every one of the current Mayor’s budgets would get through, full stop, simply because of the number [of Tory AMs] that were there and the inability of anybody to create or manufacture a coalition to overturn it.”

<http://www.mayorwatch.co.uk/gla-at-10-richard-barnes-interview/201011668>

While retaining the presumption of Mayoral will prevailing is important in ensuring a Mayor has the freedom to deliver manifesto commitments and priorities, consideration should be given to reducing the majority from two-thirds to a simple numerical majority for both budgets and strategies.

This would make it more likely that the Assembly could act to curtail unreasonable or extreme behaviour without making it easier for opposition groups to cause mischief as all foreseeable Assembly configurations suggest that a successful amendment would still require at least two, more likely three, separate parties to agree a common position.

Is there a conflict of interest because of the requirement to appoint Assembly members to the boards of Transport for London and the London Fire and Emergency Planning Authority when part of the job of the Assembly is to hold these bodies to account?

The rules governing appointments to Transport for London allow, but do not mandate, the appointment of Assembly Members. There are currently no AMs serving on the TfL board.

My perception is that Assembly scrutiny of the London Fire and Emergency Planning Authority (LFEPA) is most often focussed around its budget and the impact this has on the London Fire Brigade's ability to protect Londoners.

Assembly Members are therefore more often seeking information, education and clarification from the Fire Commissioner and senior LFB officers to inform their scrutiny of the Mayor's budget.

As it is often the City Hall executive which is being scrutinised, rather than the Brigade itself, the potential for conflict is minimal.

There have been occasions, such as the Assembly's report into the July 7th bombings, where the Brigade's operational performance comes under scrutiny, but with operational matters being the concern of the Brigade's Commissioner rather than the LFEPA board there remains little scope for conflict.

However there are questions about the need to retain LFEPA in its current shape and form.

Under section 328A (1) of the Greater London Authority Act 1999, the Mayor has the power to direct LFEPA to discharge his instructions.

In recent weeks this power has been used (MD1140 Mayoral Direction to LFEPA <http://www.london.gov.uk/who-runs-london/mayor/mayoral-decisions/md1140>) to approve a consultation on a new Draft London Safety Plan.

The Mayor's Direction was issued after a majority of LFEPA members amended a motion approving the consultation to remove any mention of station closures and appliance

reductions which derive from a need to meet a reduced funding settlement from City Hall and the UK Government.

By amending the motion, Authority members sought to pause the closures in order to pressure the Mayor to increase his funding.

Given that the Mayor holds the power to overrule such a vote, it is debatable to what extent LFEPA can be said to be an independent, cross-party body merely reliant on the Mayor for some of its funding, rather than a body under his direct control.

I suggest that the governance arrangements for LFEPA should be reformed along the lines of the Mayor's Office for Policing and Crime, with a new statutory Deputy Mayor heading a Mayor's Office for Fire and Public Safety which is then scrutinised by a committee of the Assembly.

February 2013

Written submission from the London Councils (GLA 03)

Overview

1. London Councils represents all 32 London boroughs and the City of London. We are committed to fighting for more resources for the Capital and getting the best possible deal for London's 33 councils. We develop policy, lobby government and others, and run a range of services designed to make life better for Londoners.
2. We welcome the Select Committee's Inquiry into the Greater London Authority Act 2007 and are pleased to submit written evidence for consideration.
3. Our general view is that the 2007 Act represents an important step on the road towards greater local decentralisation and partnership between London boroughs and the Mayor. Over the last 12 years the governance of London has developed significantly and recently the London boroughs and the Mayor have developed joint arrangements to tackle issues at the strategic level.
4. In July 2010 we wrote jointly with the Mayor of London and the London Assembly to the Secretary of State for Communities and Local Government proposing a devolution package for London. Subsequently, through robust partnerships such as the Homes for London Board, the London Waste and Recycling Board and the London Crime Reduction Board, we have delivered better results for the public and developed solutions that reach across the Capital.
5. However, London government may need further formal underpinning if we are to secure the powers and financial flexibilities necessary for continued growth and competitiveness.
6. With this in mind our submission offers evidence on the following questions:
 1. **Planning, infrastructure and growth** - we feel that planning and infrastructure investment requires a re-energised and devolved approach to drive growth.
 2. **The London Waste and Recycling Board** - we support the Board and believe there is good evidence of its impact on London's waste management systems and performance.
 3. **Governance arrangements in London** — we feel that the continued development and enhancement of a robust framework for joint action between the Mayor and the boroughs offers the best practical solution to London's challenges.

Introduction

7. In 2001, London had a population of just over 7.1 million people. In the last ten years this has grown by 14 per cent to nearly 8.2 million. Over the next decade London's

population is forecast to grow by a further 14 per cent. By 2021 London will be home to nearly 9.2 million people. As a city with a young, diverse population London will see growth in the number of young children unmatched across England. As a city with a global reputation for business, research and culture, London will need to harness the energy and creativity of its residents and leaders if it is to meet emerging challenges from across the globe.

8. The architecture of London governance, like the city itself, continues to develop and evolve. The passage of the GLA Act 1999 redefined London's institutional landscape. The GLA Act 2007, the Localism Act 2011 and the Police Reform and Social Responsibility Act 2011 made further alterations. In each Act the tendency has been to channel powers towards the regional tier, but devolve very little to London's boroughs.
9. The reluctance of national government to devolve powers below the regional tier risks London's ability to grow and meet the demands of governing a global city. This risks frustrating London boroughs who feel increasingly excluded from powers and freedoms available to local authorities outside the Capital.
10. Reflecting on the 2007 Act and the questions raised by this Select Committee Inquiry, we are struck by how rapidly events have outpaced the best intentions of five years ago. The powers conferred by Act have functioned well-enough in their own right, yet were clearly drafted in a less uncertain context.
11. London needs an effective Mayor, a regional tier of government able to provide strategic direction, but an effective Mayor alone is not sufficient. Indeed, with each new challenge the solutions that sustain are invariably the result of London's boroughs and the Mayor working in partnership, often in spite rather than because of London's legislative framework.
12. The joint letter between London Councils, the Mayor and the London Assembly to the Secretary of State for Communities and Local Government in July 2010 (attached as Appendix A) provides wide-ranging evidence of this ambitious partnership and frames much of the commentary set out below. It contained a number of proposals, including: the transfer of the Homes and Communities Agency London to the Greater London Authority, discretion not to produce Mayoral strategies that do not have associated implantation powers; and, a strengthening of the London Waste and Recycling Board.
13. This devolution package built on the 2007 Act at a time when institutions were still developing. Now, three years later, we call for an exploration of how these partnerships can be strengthened and deepened. It may be that national government can support this process in using more formal underpinning to make devolution permanent and lock in the collaborative model we have developed.

Planning, infrastructure and growth

14. In submitting evidence to the Mayor's Vision for 2020, London Councils highlighted boroughs' eagerness to build on their critical role in shaping and developing the social and physical infrastructure of our city to meet the aspirations of our communities. We went on call for:

- I. Devolution of power and influence over:
 - The commissioning of adult skills training alongside the Mayor and the LEP;
 - The commissioning of personalised programmes to tackle worklessness and unemployment.

- II. Devolved commissioning powers for boroughs to promote economic growth, including:
 - Empowering boroughs to deliver directly on transport infrastructure, to improve connectivity and unlock development sites;
 - Flexibilities to maximise borrowing against housing revenue;
 - Measures to ensure developers use local labour and suppliers.

- III. An expanded role for boroughs in the leadership and coordination of public services in their area:
 - Pooling of budgets and responsibilities under local leadership will be key to joining up the multitude of public interventions in an efficient and responsive package to tackle ingrained problems, such as persistent re-offending.

15. The submission also outlined a number of medium-sized infrastructure projects that would help unlock growth across the Capital. We went on to identify a critical shortage in commissioning capacity that slows these projects getting off the ground and would potentially see them grind to a halt if a major project such as a new aviation hub for London were agreed. We also noted that boroughs would welcome an open conversation on future use of the Community Infrastructure Levy¹ (CIL), after Crossrail 1, to avoid crowding out local development opportunities.

¹ From April 2012, London boroughs are required to collect a Community Infrastructure Levy on behalf of the Mayor and must take account of the rate of Mayoral CIL when assessing the viability of their CIL rate. There is no obligation on the Mayor to take account of borough CIL or S106 arrangements when setting his CIL. The funding agreement for Crossrail 1 requires the Mayor to raise £300 million through CIL over the seven years to 2019. Although London Councils firmly supports the development of Crossrail it is not yet clear what will happen to Mayoral CIL once this project is funded. This presents the risk that money raised through CIL may not reach projects important to local authorities.

16. In parallel to the development of the 2020 vision, which will be published in the coming months, the London Finance Commission, chaired by Professor Tony Travers, is considering the funding issues facing London in detail and is due to report in April. London Councils and London local government generally are strongly represented on the Commission. Without wishing to pre-empt the recommendations of the Commission there is an emerging sense that a clear framework for long term strategic investment would support a more coherent approach to infrastructure planning at all levels.
17. The Mayor's approach to the strategic planning powers conferred by the 2007 Act has broadly recognised the tension between local and citywide priorities. Since the Act's planning powers commenced, six schemes have been called-in for consideration. Of these, five have been discussed at public hearings and in each instance the Mayor has decided that planning permission be granted. While we accept that the exercise of this power has so far been limited we continue to believe that the thresholds for referral of plans to the Mayor should be reviewed.

London Waste and Recycling Board

18. Managing waste in a city such as London is a complex and expensive business. London boroughs are forecast to spend over £800 million in 2012/13 on environmental and regulatory services. Of this, approximately £400 million will be spent on waste management alone. Already the third largest area of local government expenditure, by 2020 London Councils estimates these figures will have grown by almost ten per cent.
19. The London Waste and Recycling Board provides a substantial financial and organisational resource for London boroughs and the Mayor to engage in partnership on these issues. New Board members were appointed in 2012² and there is strong borough representation from across the Capital. The Board stands as an example of London Councils, the London Assembly and the Mayor working together in robust partnership to tackle a critical challenge for London.
20. Since its establishment in August 2008 the Board has committed almost £54 million to a wide range of projects across the Capital. These include: one of the UK's first large scale advanced gasification plants; a plastic reprocessing plant; and, £14m to re-use and recycling initiatives, including a highly successful flats recycling programme which saved over £200,000 through joint procurement. These initiatives are estimated to have diverted 80,000 tonnes from landfill so far.
21. The Board will have helped to create 330 jobs, as well as around 3,000 trainee roles and 1,600 work placements. It has attracted around £226 million of external investment by

² (Cllr Clyde Loakes, second term, Cllr David Williams, second term, Cllr Bassam Mahfouz, first term, Cllr Nicolas Paget-Brown, first term, Melville Haggard, Independent, first term, Barbara Anderson, Independent, first term, Matthew Pencharz, Mayors' Independent, Richard Tracey AM, Mayor's representative and Chair)

funding schemes such as London Green Fund, where £18 million has been matched by the London European Regional Development Fund and a further £35 million from the private sector. Planned projects are expected to divert over 465,000 tonnes of waste from landfill each year and displace almost 3 million tonnes of CO₂.

22. The London Waste and Recycling Board has become fully embedded as part of London's strategic decision-making and investment architecture. Its role as a broker and co-ordinator of best practice will prove essential in meeting the challenges of the coming years. London Councils recognises the Board's role in driving forward new approaches capable of achieving significant cost savings and providing dedicated support for borough and community infrastructure projects.

London Governance

23. In our publication 'Governing London towards 2016', (attached as Appendix B) we outlined a framework for joint action, within which the Mayor and the boroughs can deliver practical answers to London's challenges:

1. Speaking up for fair resources for London;
2. Acting as a voice for London, ensuring that one-size-fits-all national policies do not disadvantage Londoners;
3. Where we have joint arrangements, using them as real partnerships ;
4. Where we have a problem in common, aligning our resources to maximise the impact;
5. Where real benefits can be obtained through further devolution from the centre, using our proven partnership model.

24. Building on this framework, London boroughs and the current Mayor have put in place a number of partnerships that provide an increasingly substantial part of London's governance architecture.

25. Through the Homes for London Board, the Capital's desperate need for new affordable housing is being tackled through a strategic and shared approach to housing investment decision-making. Similarly, the London Crime Reduction Board provides a forum for the boroughs and the Mayor to agree a co-ordinated approach to crime reduction, local policing and community safety. The London Waste and Recycling Board provides a significant resource for the Mayor and London boroughs to work in partnership. The London Enterprise Panel is driving the creation of jobs and growth as a key influence on transport, housing and inward investment. Furthermore, the developing plans for a London Health Board will provide a valuable new mechanism for joining up political and health sector leadership to tackle the Capital's health challenges.

26. These arrangements shape the delivery of services and investment. Crucially, these partnerships allow different parts of London's governance to mediate their interest to make the case for the City and serve Londoners.
27. As the London Finance Commission proceeds and we move to greater collaboration within the context of a devolution and City Deal agenda, we recognise that this evolving governance framework may need more formal underpinning, so that we can jointly deliver a sustainable approach to effective devolved governance in London.
28. Whilst these joint arrangements have become a feature of London's governance, it is also important that further devolution from the centre is, in each case, thought through carefully in terms of the right spatial level for such devolution. In some cases, it will be at a London wide level and in some others the sort of joint arrangement we have described will be an effective solution. Equally, London boroughs — both individually and in groups — should on their own be able in many cases to enjoy the same sort of devolution as other upper tier councils across the country in order to secure better outcomes for local people.

Conclusion

29. In considering the Greater London Authority Act 2007 London Councils is conscious of how much the Capital has changed and how partnership has emerged as a key ingredient to meeting the strategic challenges posed by this change. In looking backward, we are also minded to look forward, to a decade characterised by increased infrastructure and service demands; demands that will need to be addressed against the backdrop of an increasingly stark fiscal climate.
30. London government is going to need new powers to join up local services and commission programmes that expand the Capital's social and physical infrastructure. It is going to need financial settlements that properly reflect demographic change and the flexibility to work with a streamlined pot for investment across the capital. The 2007 Act may have reflected the issues of the time, but its lasting legacy is to underline the importance of legislation that frees London's leaders to achieve their ambitions and supports sustainable partnerships able to face the future challenges of governing a global city.

February 2013

Written submission from the London Assembly (GLA 04)

The operation of the greater London Authority Act 2007 and the operation of the London Assembly – submission to the Communities and Local Government Committee.

The London Assembly welcomes the review of the Greater London Authority (GLA) Act 2007 and the operation of the Assembly and the opportunity to provide a written submission to the review.

In the 12 years since the establishment of the GLA, the Mayor's powers and areas of responsibility have expanded. The Assembly's tools to scrutinise those responsibilities, and the constraints of local government legislation under which they are operated, have broadly remained the same. The Assembly believes its power to scrutinise could and should be strengthened to improve decision making and delivery at the GLA.

1. Department of Communities and Local Government memorandum on the GLA Act 2007

The Assembly would broadly agree with the Department's assessment that the GLA Act 2007 has had a relatively modest impact. Specific provisions are addressed below.

Subsequent legislative changes in the Localism Act 2011 and the Police Reform and Social Responsibility Act 2011 have had a greater impact on the operation of the GLA, shifting more of the balance of its functions from strategy development to operational implementation.

2. GLA Act 2007 impact on Assembly Powers and budget

2.1 Separate component budgets for the Assembly and the Mayor

The Act required that the Authority's budget be presented as separate components for the Mayor and Assembly. This has been described as giving the Assembly the power to set its own independent budget, however this is not the case. While the Assembly decides how its final settlement is allocated it has less power over what that final settlement is than it has over the other parts of the GLA budget.

The Mayor sets all component parts of the GLA Group budget, including that for the Assembly. The Assembly may only amend component budgets if two-thirds of members agree to do so.

The Assembly may vote to increase or decrease component budgets for the Mayor, Transport for London, the Mayor's Office for Policing and Crime, the London Fire & Emergency Planning Authority and the London Legacy Development Corporation, subject to achieving that two-thirds majority.

The Assembly's amendment powers in respect of its own component budget are limited by s13 of the Act. The Assembly may only amend its budget component by up to the same percentage increase (or decrease) that the Mayor has set for his own component budget as compared to the previous financial year.

The 2007 Act thus sets a ceiling for the Assembly's ability to amend its own budget but does not set a floor below which a Mayor may not reduce the Assembly's budget.

If the Assembly is to have real budgetary independence further measures are needed, either the allocation to the Assembly of a fixed proportion of the Mayor's component budget, or a provision for the Assembly to set a separate precept to provide any funding beyond grant levels.

2.2 Confirmation hearings

The Act gave the Assembly the power to hold confirmation hearings for specified mayoral appointments. While confirmation hearings provide for a public examination of the qualifications and fitness of a nominee to hold office they are non-binding. On the one occasion when the Assembly has recommended that the Mayor not proceed with an appointment³ and on other occasions when it has raised specific concerns about a nominee's ability to fully perform the role, those recommendations have been rejected.

The Police Reform and Social Responsibility Act 2011 gave the Assembly Police and Crime Committee the power to confirm the appointment of the Deputy Mayor for Policing and Crime. Where the appointee is not an Assembly Member, and therefore does not have a mandate from a GLA election, the Committee may reject the appointment subject to a two-thirds majority. The Assembly believes this power of rejection should apply to all confirmation hearings.

2.3 Consultation

The 2007 Act required the Mayor to reply to the Assembly's response to consultations about statutory strategies, setting out which comments the Mayor accepted and the reasons for rejecting any comments. This process had to be completed before the Mayor could carry out the wider statutory consultation required by the GLA Act (1999).

This requirement has been superseded by provisions in the Localism Act 2011. The Mayor is no longer required to carry out a two phase consultation about statutory strategies, first with the Assembly and functional bodies and then with the wider public. The Assembly unanimously supported this change as it also provided for the Assembly to veto a mayoral strategy, subject to a two-thirds majority.

³ [Confirmation Hearings Committee, 23 May 2012](#). The Committee recommended the Mayor not proceed with the appointment of Councillor Daniel Moylan as Chair of the London Docklands Development Corporation, a post in which Councillor Moylan served for four months before being replaced.

2.4 Conclusion

The GLA Act 2007 provided the Assembly with some limited additional tools to hold the Mayor to account but did not give it budgetary independence. In section 6 the Assembly makes further proposals which it believes would strengthen accountability at City Hall.

3. Examination of the impact of the 2007 Act

3.1 Increased planning powers

One aim of the Act was to facilitate improved strategic planning in London – but given the limited number of instances of mayoral call-in it is difficult to assess its direct benefits. The prospect of mayoral call-in will have had an impact on applications for large scale development beyond those which have seen direct mayoral intervention at the approval stage. Developers regularly seek guidance from the GLA planning team to shape their proposals in accordance with the London Plan.

The Act allows the Mayor to base a decision to call-in an application on a borough's past performance in meeting strategic planning targets that are set out in the London Plan – for example housing, employment and transport provision. The Mayor has rarely made these criteria explicit. Should the Mayor do so in future this may allow an assessment of whether the powers have contributed to improved strategic planning in London.

3.2 Impact on section 106 and Community Infrastructure Levy contributions

Judging the impact of the 2007 Act changes to section 106 is complicated by the introduction of the Mayor's Community Infrastructure Levy (CIL) in April 2012. The CIL is designed to raise a £300 million contribution towards Crossrail. The Mayor is now formalising his policy in this respect through a draft Supplementary Planning Guidance on the use of planning obligations (November 2012).

An analysis of the five applications decided by the Mayor to date does suggest that on occasion mayoral planning priorities have received greater funding through section 106/CIL contributions at the expense of borough priorities:

- Hertsmere House – the original agreement negotiated by Tower Hamlets may have resulted in funding for local transport improvements to the DLR (upgrading two local stations) – whereas the Mayor accepted a £4 million contribution to Crossrail
- Saatchi Block – Camden appears to have favoured a greater affordable housing contribution in the original section 106 negotiations – whereas the Mayor decided Crossrail was a priority due to the proximity of Tottenham Court Road station. An increased Crossrail contribution seems to have reduced the number of social rented units.

3.3 London Waste and Recycling Board

The Assembly does not view LWRB as creating a further layer of bureaucracy but rather as a relatively low-cost organisation that has started to catalyse commercial investment in waste infrastructure which London has sorely needed. It has successfully forged a strong working partnership between the Mayor, the boroughs and commercial partners which, for example, is helping to deliver London's first anaerobic digestion plants.

3.4 Statutory strategies

The Mayor does not need specific powers for a strategy to be valuable. The specific powers the Mayor does have, and the Mayor's general powers, are often enough to have an impact, if the resources and political will are put behind a strategy. The requirement for strategies to be consistent also allows the strategies that do not come with specific implementation powers to influence those that do.

The experience of the Assembly is that the obligation to produce strategies improves both the quality and accessibility of mayoral policy. The strategies go some way towards setting overall and long-term goals and showing how these will be achieved, and with what resources. The input of the Assembly and others to the drafting and revision process has further improved the quality of the strategies, and particularly the clarity of expected impacts, implementation plans and monitoring mechanisms. Enhancements to the evidence base and policy drivers have also been secured, such as establishing the public health impact of air pollution in London as a driver of mayoral policy.

The Mayor's strategies and the work based around and driven by them, have certainly influenced both central government and the boroughs in areas that the Assembly has examined such as energy efficiency, energy supply policy, waste management and flood risk management. However, a call for action in a mayoral strategy is not by itself sufficient to influence reluctant partners, and the strategies still hold unfulfilled aspirations for central and local action.

4. The powers and operation of the London Assembly

The Assembly recognises that like any organisation it can always find ways to improve its effectiveness and operational efficiency. As a relatively young institution the Assembly continues to develop its ways of working applying the benefit of each year's experience.

The Assembly's role is constrained to post-decision scrutiny of mayoral actions, the opportunity to make recommendations for policy changes but not to enact them, and the power to undertake wide ranging investigations into important issues relevant to mayoral statutory functions and Londoners. The GLA Act 1999, GLA Act 2007, Localism Act 2011 and Police Reform and Social Responsibility Act 2011 are all framed in support of a powerful executive with an Assembly that may challenge, but for the most part not stop, mayoral actions.

Within the confines of the legislation the Assembly uses its powers to highlight gaps or failings in mayoral policies and their delivery, and to make proactive recommendations to improve the quality of life in London. For example concessionary public transport fares for the unemployed were introduced at the suggestion of an Assembly Member, while the London Plan now gives War Memorials recognised status and protection as a result of recommendations made by the Assembly to the Mayor⁴.

Assembly Committees publicly question the leaders and senior officers of organisations delivering services to London, including GLA functional bodies. They challenge custom and practice and adopt a user's eye view to judge the effectiveness of services and how they can best be improved for the benefit of all. For example the Assembly report on passengers' experiences on London Underground prompted TfL to adopt new approaches to tube closures for upgrade and maintenance work resulting in less disruption to passengers.⁵

Committee reports and recommendations will be directed not only to the GLA group, the Assembly's statutory function, but also to any organisation that has the ability to improve or undermine the quality of life in London. It was work by the Assembly that persuaded the Civil Aviation Authority to establish the monitoring of helicopter movements over London and a reporting system for complaints about excessive helicopter noise⁶, while national planning regulations changed as a result of an Assembly investigation into the impact on flooding risk caused by the paving over of front gardens with non-porous materials⁷.

5. Holding the Mayor to account

The Mayor of London is not subject to the same accountability arrangements that exist for directly elected mayors in local government. Some provisions of the GLA Act require greater accountability, some less. Executive decisions are not subject to call-in and budgets may not be amended or rejected by simple majority - but the Mayor is required to answer publicly to the Assembly for those decisions.

The Mayor holds all executive power and the Assembly's ability to override decisions is limited to amending budgets and, as of 2012, rejecting statutory strategies. These powers both require a two-thirds majority vote, the same threshold required to amend the United States Constitution or for Congress to override a Presidential veto.

The most visible accountability tool at City Hall is Mayor's Question Time (MQT). In contrast to local government mayoral models, the Mayor of London is required to appear in public before the scrutiny body ten times a year to answer for decisions made and their outcome. Prior to MQT the Mayor must provide a written report to the Assembly about their

⁴ [Not forgotten – A review of London's war memorials](#)

⁵ [Too close for comfort: Passenger experiences on the London Underground](#)

⁶ [London in a spin – A review of helicopter noise](#)

⁷ [Crazy Paving: The environmental importance of London's front gardens](#)

recent decisions and activities, and Assembly Members may submit questions for written answer within a legally specified time limit.

These provisions ensure that mayoral actions are publicly reported and challenged with Assembly Members setting the agenda by their choice of subjects for questioning. MPs will be familiar with the importance of written questions as a means of extracting information from an administration, as well as oral questions.

Mayoral administrations, including the activities of GLA functional bodies, are also held to account through Assembly committees' examination of the development and implementation of statutory strategies and their pro-active investigations into relevant issues of importance to London. For example uncovering systemic weaknesses in the emergency response to the 7 July 2005 London bombings and ensuring action was taken by the GLA group and others to address those weaknesses⁸. The Assembly's investigation into the administration of Visit London led to an acknowledgement of errors made, restitution to creditors and funds to secure pension liabilities⁹.

Being at the heart of City Hall the Assembly is able to act swiftly when issues of concern arise. For example, within a month of London Buses being completely withdrawn from service for the first time, because of snow in 2009, an Assembly report revealed the reasons for the breakdown of the transport system and recommended viable solutions which have subsequently been successfully implemented¹⁰. The Assembly is also able to influence governance procedures and challenge failures such as those it uncovered in expense claim processes at City Hall following fraudulent claims by a mayoral adviser. This resulted in real time detailed publication of all claims by the Mayor, his advisers, senior GLA staff and Assembly Members¹¹.

Often the work of individual Assembly Members, committee investigations and plenary sessions of the Assembly complement each other in holding the mayoral administration as a whole to account. For example when the Assembly exposed consistently poor management processes at the London Development Agency, in particular in relation to projects supported by the Mayor's office¹², and the application of constant pressure on TfL to improve services for Londoners with mobility problems¹³.

6. Strengthening the Assembly's role and responsibilities

Given that Parliament has three times given its support to the basic tenets of the strong executive mayor model operating at City Hall through legislation in 1999, 2007 and 2011, the

⁸ [Report of the 7 July Review Committee](#)

⁹ [The Administration of Visit London](#)

¹⁰ [Slipping up? The impact of extreme weather on London Transport](#)

¹¹ [Expenses and the use of corporate credit cards by mayoral appointees.](#)

¹² [London Development Agency Grants](#)

¹³ [Response to TfL's accessibility proposals](#) , [Accessibility of the transport network in London](#), [Door-to-door transport services](#)

Assembly does not seek to undermine the Mayor's ability to exercise the authority they have been given.

However, the Assembly is unanimous in its support for the following provisions which it believes would strengthen accountability at City Hall and provide better outcomes from the policy and operational decisions made by the mayoralty and for Londoners.

6.1 The Mayor should be required to publish a forward plan of key decisions which would be subject to Assembly call-in.

This proposal would bring the GLA into line with the arrangements to ensure that elected mayors in local authorities are transparent and accountable. The Mayor of London is the only elected mayor who is not required to publish a forward plan and whose decisions are not subject to call-in by the scrutiny body. This anomaly should be addressed.

Having a powerful directly elected individual as Mayor of London has been a success but there has been a lack of openness and transparency as decisions relating to significant expenditure are taken in private and not announced until after the decision has been taken. No papers have to be published in advance and no deliberations take place in public; the Mayor's decisions can only be reviewed after they have been taken and finally published.

The decision making process would be enhanced if more information were in the public arena before a decision was made and the Assembly had the opportunity to influence the Mayor's key decisions before they take effect. It would expose significant decisions to a range of views and questions, resulting in a more transparent and accountable decision-making process. It would contribute to maintaining public trust and confidence in mayoral decision-making as well as the quality and effectiveness of those decisions.

The proposal would also place an onus on the Assembly to identify and challenge potentially poor decisions before they take place, rather than only challenging decisions after they have demonstrably failed to effectively and efficiently achieve their goals.

6.3 The Assembly's powers to summons people and information should be extended to cover all individuals and organisations within the GLA group and relevant external bodies.

The Assembly's powers to summons people and information are restricted to prescribed categories of people and organisations within the GLA group or those with a formal contractual relationship with the GLA to talk about that contractual relationship. Such tight prescription is no longer suited to the nature of the Mayor's role or the complex structures of London government and governance. It is also inconsistent with developments in local government scrutiny, whereby the powers of local authority overview and scrutiny committees have been expanded to require partner organisations and those involved in health and crime and disorder to cooperate, provide information and respond to recommendations.

The Assembly's ability to scrutinise the Mayor and investigate relevant issues of importance would be strengthened if its summoning powers covered all pertinent individuals within the GLA group, including the Mayor, and London-wide bodies that are appointed or formally influenced by the Mayor or have a significant role to play in achieving the Mayor's strategies. This would strengthen the Assembly's role by making sure that it has timely and unfettered access to the appropriate people and information.

The external bodies covered by this change would include those that have a significant role to play in delivering the Mayor's strategies, in providing London wide services, and in the governance of London.

For example:

- The London Ambulance Service has no direct accountability to Londoners. The Assembly believes that this represents a democratic deficit that would be most appropriately filled by the Assembly, given its strategic London-wide role.
- The Environment Agency holds information that is directly relevant to the Mayor's environmental strategy and responsibilities, and carries out activities in support of the strategies, the Assembly should have the right to access that information.
- Utility companies provide universally required services to Londoners and should be answerable for their standards of delivery
- English Heritage exercises considerable authority over planning and the protection of London's build environment and should be accountable for its decisions in respect of London.

6.4 Power to require senior officers from the Metropolitan Police Service to provide information and attend meetings of the Police and Crime Committee

The Police Reform and Social Responsibility Act 2011 provided the Police and Crime Committee with the power to require the Mayor's Office for Police and Crime (MOPAC) to provide information and attend meetings. In order to hold the MOPAC to account for the implementation of the Mayor's policies and commitments, the Police and Crime Committee requires information held by the Metropolitan Police Service (MPS).

For example, if a Mayor had identified neighbourhood policing as a priority, the Police and Crime Committee would require information about the allocation of resources within the MPS and its performance in order to inform its assessment of the Mayor's policies, actions and decisions. Similarly, the Committee will require input from senior officers from the MPS at its meetings in order to inform its deliberations.

The Police and Crime Committee should have the power to require senior officers of the MPS to provide information and attend its meetings.

6.5 Power to reject the draft Police and Crime Plan

It is important that the role and remit of the Police and Crime Committee is consistent with the Assembly's relationship with the Mayor as set out in the GLA Act 1999 (as amended by the GLA Act 2007) and the provisions of the Localism Act 2011 which gave the Assembly a new power to reject mayoral strategies by a two-thirds majority vote.

The Police Reform and Social Responsibility Act 2011 applies some of the requirements of the GLA Act 1999 relating to mayoral strategies to the Police and Crime Plan, but it does not have the effect of applying the Assembly's new power to reject mayoral strategies by a two-thirds majority vote. During the passage of the Act the proposal to introduce this new power was supported by the Mayor, the Assembly and London Councils,¹⁴ and there is no substantive difference between the Police and Crime Plan and other mayoral strategies that justify it being excluded from these arrangements.

Whilst such provisions would be different to those outside London, this would not be unique in the Act. For example, the power for Police and Crime Panels outside London to suspend police and crime commissioners, whereas the London Assembly Police and Crime Committee does not have such a power, recognising that the elected Mayor is the occupant of the office.

The Act provides that none of the functions of the Police and Crime Committee may be carried out by the Assembly or any of its other committees. The Assembly proposes that if a power to reject the draft Police and Crime Plan is introduced, this specific power should be exercisable by the full Assembly. This would provide consistency with the provisions of the Localism Act 2011 in relation to other mayoral strategies.

6.6 The Assembly's powers to amend the Mayor's budget proposals should be extended to include capital expenditure, prudential borrowing limits and grants and transfers within the GLA group.

Until 2012 the Assembly's only formal power to amend or reject mayoral proposals was its power to amend the Mayor's proposed budget by a two-thirds majority vote.

Although the Assembly has not amended a mayoral budget using this power, the fact that the potential exists for it to do so has meant that mayors have been obliged to take notice of the Assembly's proposals. As a result, mayoral budgets have been more efficient and effective. In the first ten years, the Assembly's responses to mayoral budget proposals resulted in budget savings of £180 million.

¹⁴ <http://www.london.gov.uk/who-runs-london/the-london-assembly/publications/general/devolution>

The Mayor's draft budget for 2013-14 proposes capital expenditure of £5.6 billion; this has increased significantly as a result of the Localism Act 2011 bringing London's housing budget into the GLA. There is also significant capital expenditure within the GLA budget in support of Crossrail.

The Assembly is consulted on capital expenditure and prudential borrowing limits but has no sanctions to apply in the event of a Mayor taking irresponsible or unsupportable decisions. This is a potential significant weakness in the checks and balances on the Mayor, and should be rectified.

7. Budget amendments and the rejection of strategies

Since the provisions of the Localism Act 2011 came into force there has not been an opportunity to vote on the acceptance or rejection of a mayoral strategy as none have been issued.

While the Assembly has had many votes on amending the Mayor's budget no amendment has yet been successful at the final stage of the budget. The two-thirds majority needed to agree on an amendment and the proportional nature of Assembly elections makes the threshold required for a successful amendment very high.

Proponents of the strong Mayor model operating in London argue that such a high hurdle enables the Mayor to exercise their executive mandate without undue restraint from an alternative source of democratic power, while ensuring that there is a provision for militating against an overreaching of that executive mandate in the face of significant cross-party opposition.

The absence of a successful amendment to mayoral budgets does not mean the power to do so is either unnecessary or ineffective. When putting together a budget now, or a strategy in the future, mayoral administrations do so in the knowledge that the Assembly may exercise its amending or blocking function if measures brought forward attract significant cross-party opposition and will cut their cloth accordingly. During Mayor Livingstone's second term of office he agreed to a number of provisions sought by the Green Group on the Assembly to ensure their support for his budget.

In the absence of any mechanism between elections to remove a mayor who is abusing their power it is important that some democratic safeguards exist to allow the Assembly to militate against any extreme decision such a mayor may make.

8. Board appointments

The 2007 Act removed the restriction on political office holders being members of the board of Transport for London (TfL) but to date no Assembly Member has been appointed to the board.

The London Fire and Emergency Planning Authority (LFEPA) is a separately constituted local authority comprised of 17 members. The 2007 Act amended the composition of LFEPA to include two members of the Authority to be appointed directly by the Mayor and established the mayoral power to issue directions to LFEPA.

The current composition is:

- Eight Assembly Members appointed according to political proportionality;
- Seven borough representatives appointed according to political proportionality; and
- Two mayoral appointees.

The majority of the Assembly¹⁵ believes that any boards within the GLA group should include democratically elected representatives who can both fulfil governance functions and represent the views of the electorate in the decision-making process. This strengthens the line of accountability between the boards and the electorate.

There is no overriding conflict of interest which prevents Assembly Members fulfilling their decision making responsibilities on LFEPA and their scrutiny function in the Assembly. Decisions made by LFEPA, and by TfL, are restricted by the Mayor's power to direct decisions and set its budget. LFEPA members are required to act within those boundaries, as Assembly Members they are free to challenge the confines placed upon LFEPA by the Mayor. On 30 January 2013 the Mayor issued just such a direction to LFEPA directing it to adopt a draft London Safety Plan provisions of which it had previously rejected¹⁶.

9. Advice to the Mayor should not be automatically exempt from the Assembly's summoning power

Where the Assembly has the power to require the attendance of witnesses and production of documents this is limited by s61(10) and s61 (11) of the GLA Act 1999 to exclude advice given to the Mayor by GLA staff appointed by the Mayor or by board or staff members of a functional body.

The majority of the Assembly¹⁷ propose that advice to the Mayor should be withheld on an exceptional basis, for example on the basis of commercial confidentiality, not as a rule. This would improve the transparency of the reasons for mayoral decision making.

10. The threshold for Assembly intervention

¹⁵ The Conservative Group of 9 Assembly Members believes LFEPA should be reformed to more closely resemble the Mayor's Office for Policing and Crime and TfL governance models. This would achieve consistency across the GLA group.

¹⁶ [MD1140 Mayoral Direction to LFEPA](#)

¹⁷ The Conservative Group of 9 Assembly Members believe that the call-in power proposed in 6.1 is sufficient to improve the transparency of decision making and do not support this proposal.

The GLA Act 1999 established the threshold for direct Assembly intervention in mayoral decision at a two-thirds majority of the Assembly Members voting. This is the same threshold required for Congress to propose an amendment to the United States Constitution or to override a Presidential veto.

The majority of the Assembly¹⁸ propose that the threshold be reduced to 60% of Assembly Members present and voting to pass a budget amendment, reject a statutory strategy or reject a specified mayoral appointment. Given the nature of the dual voting system used to elect the Assembly, the 60% threshold would mean the support of at least two party groups would be needed to use these powers.

11. Conclusion

Within the concept of the strong mayor model the Assembly has provided a plurality of voices as policy is developed and power exercised within the GLA. It has improved policy, strengthened governance and measured performance against promises. Refining the Assembly's formal powers would reinforce its positive role in London government.

February 2013

¹⁸ The Conservative Group of 9 Assembly Members propose that the threshold for Assembly intervention should be a simple majority provided all 25 Assembly Members are elected by single member geographical constituencies.

Written submission from the Association of Colleges London Region (GLA 05)

1. AoC's role

The Association of Colleges (AoC) represents and promotes the 341 Colleges in England incorporated under the Further and Higher Education Act 1992, including 94 Sixth Form Colleges and 247 Further Education Colleges. Colleges educate 853,000 people aged 16 to 18, almost twice as many as school sixth forms.^{19,20} This includes 185,000 young people taking A-levels²¹. Colleges also train over one quarter of the total 240,000 apprentices aged 16-18²². In addition, they have a growing role in the education of those of compulsory school age, including 55,000 14 to 15 year olds taking part-time courses and 3,000 studying full-time²³. 45 Colleges are either lead sponsors or co-sponsors of academies²⁴. Colleges account for 33% of entrants to higher education.²⁵

AoC London/London Colleges Key facts

London's 49 Further Education, Sixth Form and specialist Colleges educate and train around 400,000 young people and adults every year. They employ 26,000 people and have a collective turnover of £1.1bn.

London Colleges are at the heart of providing the skills and qualifications - from A levels and apprenticeships to degrees and higher levels skills – London employers and citizens need to continue to make their mark.

AoC London supports London Colleges in delivering maximum social and economic benefit for people, business and communities, and contributes to the region's social and economic agenda. In 2012 AoC London published 'London's Learning: A Manifesto for the Mayor from the Capital's Colleges', 'London Colleges: What you need to know', and its recent pamphlet 'London Colleges Policy and Priorities'. All of these documents can be found on the regional page of the AoC website (www.aoc.co.uk).

2. Context

2.1 National Policy

The education and skills landscape has seen some significant changes in recent years. In 2010 the Government published its skills strategy, *Skills for Sustainable Growth*, which set out a freer, user-focused further education system which could make a major contribution to economic recovery. The aim of the Coalition Government has been to move away from central targets, and to free up the system giving Colleges greater flexibility and discretion to determine priorities in response to local need. There has been a concomitant shift from central grant funding to the empowerment of employers and individuals for example,

¹⁹ AoC analysis of Individualised Learner Record, 2010/11 - learner responsive dataset

²⁰ DfE Statistical First Release 16-18 Participation in England, June 2012

²¹ AoC analysis of Individualised Learner Record, 2010/11 - learner responsive dataset

²² AoC analysis of Individualised Learner Record, 2010/11 – employer responsive dataset

²³ AoC analysis of Individualised Learner Record, 2010/11 - learner responsive dataset

²⁴ DfE list of open Academies and those in development at July 2012

²⁵ UCAS data on applications and acceptances for 2011 entry in England.

through Employer Ownership Pilots and 24+ Advanced Learning Loans (greater 'personalisation').

In November 2012 the Government consulted on Chartered Status for FE institutions²⁶. This is part of the agenda for meeting local need by deregulating and allowing the FE sector to determine the right offer for their local communities. The consultation period is now closed and responses are currently being considered by Government. In principle, AoC supports the proposal for Chartered Status for FE Colleges because it allows them to demonstrate their responsiveness to local communities as well as offering legal protection for the title 'chartered college'.

2.2 London Colleges Key Policy Priorities

In the context of London's needs and the significant role of London Colleges in meeting these needs, AoC London has recently published London Colleges' five top policy priorities (December 2012):

- Promoting Young people's Participation and Engagement;
- Delivering the Skills London Employers Need
- Reducing Adult Unemployment
- Maximising Apprenticeship opportunities in London
- Ensuring Social Cohesion and adding value.

London Colleges aim to develop the skills of the London workforce at all levels and support those who are unemployed to meet the demands of the London labour market. London Colleges have been demonstrably responsive to addressing London's priorities for example, with growth of Apprenticeships, employability programmes, basic skills, higher level skills, and accessing ESF funding.

2.3 Local partnerships

To deliver the skills that meet the needs of their local areas Colleges work in close and dynamic partnership with local stakeholders. This includes local employers with their knowledge of skills they need and will require, the London boroughs with their extensive knowledge and connectivity to inform the skills agenda, and Job Centre Plus in terms of getting people into and back into sustainable work in their localities.

2.4 London Skills and Employment Board (LSEB) 2007 – 2010

London Colleges were represented on the LSEB at Principal/CEO level. The LSEB was responsible for delivering a long-term strategy for adult skills and employment in London. The Board was charged with providing leadership in improving adult skills and employment in London. The LSEB was employer-led and chaired by the Mayor of London. Its purpose incorporated strategic direction of the Learning and Skills Council's (LSC) adult skills budget and sought to influence the spending and priorities of other key agencies such as Jobcentre

²⁶ Source: BIS <https://www.gov.uk>.

Plus, the London Development Agency (LDA) and the Higher Education Funding Council for England (HEFCE).

Its terms of reference were to formulate and publish a strategy and annual plan for adult (post 19) skills training and employment in London; regularly review the strategy; produce an annual report setting out progress on implementation; contribute to the allocation of European Social Fund monies in London; and make recommendations to the Mayor, Secretary of State, the LSC, LDA and other relevant bodies and organisations on issues related to its responsibilities.

The LSEB evidence base ‘The London Story’, and its strategies ‘London’s Future: The Skills and Employment Strategy for London 2008 -13’, and ‘From Recession to Recovery: The Skills and Employment Strategy for London (2009 -2014)’ published in December 2009, identified a number of the key economic and social/issues/challenges for London.

However, the LSEB was stood down shortly afterwards in 2010. Whilst this makes it more difficult to evaluate its legacy and impact, the work of the LSEB will have helped inform the transition and work of the new body, the London Enterprise Panel established in 2011.

2.5 London Enterprise Panel

London Colleges work to support the goals of the London Enterprise Panel (LEP). The LEP has key purposes which centre on providing strategic investment to support private sector growth and employment; promoting enterprise and innovation and the acquisition of skills for sustained employment in London; and protecting and enhancing London’s competitiveness.

As a result of London’s unique governance arrangements, the London Enterprise Panel has an advisory role, and does not deliver of services.

A key component of the LEP is the Skills and Employment Working Group. The Chair of AoC London, the Principal of Hackney Community College, is a member of the Group.

The LEP Skills and Employment Working Group have been tasked by the Mayor to develop a vision for employment and skills in the capital and the group is expected to publish its statement later this year.

2.6 London Assembly and the Greater London Authority (GLA)

London Colleges have an ongoing working relationship with the GLA through a number of mechanisms. This includes regular liaison with the Deputy Mayors for both Education, and Business and Enterprise together with senior officials. This provides a valued and productive link with the Mayor’s office and the London Assembly. AoC London welcomes the Mayor’s contribution towards Apprenticeships across the capital and his commitment to working with London’s businesses to help boost employment by offering apprenticeships to either new or existing employees.

3. Looking Forward

AoC London wholeheartedly agrees that growth is rightly at the heart of London's regional and local strategies. London Colleges recognise and value their prominent role in developing both regional and local skills strategies.

Further Education Colleges are independent, autonomous, self governing organisations with a range of stakeholders and accountabilities. Government has been committed to freeing Colleges from central government control, steering accountability outwards to the College's local communities, learners and employers.

College Governors have a collective responsibility for developing a responsive and diverse sector, working with employers, schools, academies, independent training organisations, universities, local authorities and the voluntary sector. Colleges play a crucial role in responding to the current, future and changing needs and demands of a dynamic economy and society, contributing to the work of the LEP in driving local economic growth, and working with the local community leaders and the business sector.

In this context we emphasise the criticality of local decision-making, collaborative working and ensuring maximum resources go to the frontline.

Systems which give considerable autonomy to the local unit have tended to be more successful, as have governance regimes which recognise local stakeholder involvement²⁷.

The formation of creative partnerships is seen as key to realising London's ambitions. Breaking down the barriers to creative partnership working, new models of engagement and collaboration can be a shared, common purpose.

The flexibility to respond to changing patterns of demand, and needs, of London's communities and businesses is crucial. There is a real risk that any added layers of bureaucracy, or further compartmentalisation of resources could hinder responsiveness, effective and efficient deployment of resources and potentially divert resources away from front line delivery.

London Colleges recognise:

- The benefit of learning from the practice and successes of the first round of City Deals where LEPs and local authorities are working together to stimulate local economies;
- The London Enterprise Panel and Skills and Employment Working Group is consulting with all relevant local partners including the Chamber of Commerce, London First, Local Authorities, employers and Colleges on their developing strategy;
- LEPs have been charged with a leadership role to steer strategic direction, and should not be impeded by having to take on bureaucratic burdens;

²⁷Reference: Dynamic Nucleus: Colleges at the heart of local communities

- Again, the crucial importance of partnership working across the London to deliver sustainable economic growth and social inclusion.

London Colleges are therefore committed to:

- Furthering improvement to joint working between employers and Colleges, universities and training providers to ensure London has the skills it requires in the decades to come;
- Practically helping business to increase investment in skills and getting people back into work to boost productivity and growth for London;
- Lobbying for better informed career choices through an independent information, advice and guidance service in London;
- Building a sustainable collaborative model of engagement to deliver skills, employability and growth in London;
- An effective strategic relationship and joint working between the LEP and Colleges' boards;
- Playing a leading role with the London Enterprise Panel and partners by developing a rolling annual London Statement of Skills Priorities;
- Facilitating an economic and social impact assessment of the total impact of FE in London;

We recommend:

A joint London Skills and Employment 'Compact' delivered through nominated representatives of London Colleges, the Mayor's Office, the GLA, the LEP, London Councils, Job Centre Plus and London First. The Compact can support the LEP and the Skills and Employment Working Group by securing greater leverage in:

- Strategic co-ordination (for example through clear skills representation, building the business and economic case for skills, regional skills networking to share intelligence on priority sectors for London, the "London Skills Priority Statement");
- Leading Policy Change (for example through the joint development of a joint 'compact' policy position, making joined up government work at local level);
- Employer Engagement (for example by building an integrated skills and employment offer which is easier for individuals and employers to navigate – improving connectivity of the system, and involving employers in co-design of the skills training offer);
- Employability (for example, by developing an integrated 'London Works' framework).

February 2013

**Written submission from Emeritus Professor George Jones and
Emeritus Professor John Stewart (GLA 06)**

1. Our evidence focuses on the relationship between the Mayor and the Assembly. It is fundamentally flawed, since the structure laid down in the Government of London Act 1999 and reinforced in the Greater London Authority Act 2007 gives the Assembly few significant powers. There is an imbalance in the powers of the Mayor and the Assembly. The Select Committee has pointed out in its request for evidence that one of the objectives of the 2007 Act was to strengthen the Assembly, but in practice it did nothing significant to achieve that aim because it made no significant change in the relationship between Mayor and Assembly.
2. Our starting point is that the Greater London Authority has two separate elected institutions - Mayor and Assembly. Each has its own elected authority which requires a balance of power between them in the working of the Authority.
3. The powers given to the Mayor in relation to the powers of the Assembly represent an undue concentration of power in the hands of the Mayor, making the Mayor virtually unaccountable within the four-year period of office. There are no adequate means of accountability of the Mayor to the Assembly, or to the electorate, apart from the four-yearly election. A vote of no confidence by the Assembly in the Mayor could and would be ignored. The electorate have no powers of recall even if there were widespread disapproval of the Mayor's policies and decisions.
4. The concentration of powers in a single individual as Mayor has been unique in our system of government, although it has recently been extended through the election of police and crime commissioners. It is a development in our system of government whose implications require review. One of these implications is the lack of means of accountability

Experience abroad

5. It should not be assumed that directly-elected mayors in other countries have equivalent powers to those of the London Mayor. There is great variation in those powers in other countries. Where directly-elected mayors have executive powers, they often do not have the concentration of powers that applies in London. Directly-elected mayors may not even have executive powers, as has been the case in New Zealand. Nor are mayors with executive powers necessarily directly-elected, though they are often described as directly-elected in discussions about elected mayors in the UK. In France and Spain the executive mayor is appointed by the council, and in the Netherlands by the government or formally by the Queen.
6. In the UK there has been a focus on the mayor's role and powers and relative neglect of the role and powers of the council. To understand the balance between them the powers of the mayor and of the council have to be analysed together. In an INLOGOV [University of Birmingham Institute of Local Government Studies] study *Executive*

Mayors for Britain? (1996), it was argued that veto powers over council decisions were “a feature found not in European models” [page 28]. In Germany for example it concluded: “While the balance in the relationship between the burgermeister [the German equivalent of mayor] and the council varies, the council retains important functions – approving the budget and the accompanying policy framework, developing policy proposals, agreeing executive action and undertaking scrutiny. The appearances are of a system, which for all its variations, rests heavily on discussion and negotiation between burgermeister and council...” [page 28].

7. In the much quoted United States, *The Municipal Yearbook 1998* published by ICMA (The International City/County Management Association) showed that mayors had veto powers in only 28.1% of all municipalities, and the percentage was declining. [page 36] Even where there were such powers they did not necessarily cover all council decisions on the budget and on policy as in London. Even in New York, where the mayor has veto powers over increases in the budget, he has no vetoes over decreases. Policy is often given expression in council legislation which can be vetoed by the mayor but he cannot impose his own legislation.
8. Much discussion of US political structures has ignored the role of the council in mayoral authorities. Its importance can be shown in authorities of 250,000 plus where the majority of councils meet at least weekly, and where 69% meet fortnightly, because of their functions and the procedures that have been developed to consider budgets and legislation. They can encompass First and Second Readings, public hearings and Committee stages, showing the importance given to the council's role.
9. The need for accountability has led many countries to accompany directly-elected mayors with at least some means by which the mayor can be removed from office and forced to stand for election again. There can be provision for recall by a petition signed by a specified number of councillors or a specified percentage of electors. In other countries it can be achieved by a vote of no confidence by the council, normally by a special majority. In both instances provisions are set at levels to discourage their use except in serious circumstances, but their existence has an impact on the mayor even when in practice they are not used. They act as a deterrent on the mayor going beyond what is acceptable to the council and citizens.
10. The other approach to provide a counter balance to the powers of the mayor is to make the budget and/or policies subject to decision by the council. In many American authorities there is provision for legislation to be adopted by the council which can embody the council's policies and involve procedures for two readings and a committee stage or a series of public hearings. Similar procedures are adopted for the budget. There may be provision for mayoral vetoes, but in New York the mayor cannot impose legislation, which can give expression to policy, and has no veto on reductions in the budget voted by the council. Although provisions vary from state to state and from local authority to local authority in the United States and in other

countries, in most countries the need for mayoral accountability has been accepted and appropriate provisions have been adopted.

Conflicting mandates

11. It is often argued that the Mayor has a unique mandate from the electorate of London and must have the right to impose his views even when opposed by the Assembly, but the Assembly has its own mandate since its members have collectively been elected by the whole of London. While the Mayor represents one view, the Assembly is representative of a much wider range of views. Its representativeness is enhanced by the electoral system that is in part based on proportional representation. The present structure in London virtually ignores the Assembly's mandate by giving precedence to the Mayor's views.

12. The London Assembly has no power in practice to determine the budget or the policies of the authority, or to call in for discussion executive decisions, as can be done in British local authorities without elected mayors, making the Assembly weak and ineffective. The Assembly has in effect only the power to overturn the Mayor's budget by passing its own alternative budget and amend his strategies with a two-thirds majority. This hurdle is too high. The powers of the authority are concentrated in the Mayor with no means of accountability until the next election. The CLG Committee's review of the government of the GLA should provide greater power for the Assembly.

Possible changes

13. The requirement of a two-thirds majority for the Assembly to overrule the Mayor is difficult to defend. It should be reduced or removed. There have been other examples in recent legislation to introduce special majorities which act as a constraint on elected assemblies, and that has been a two-thirds majority. It is not clear on what basis two-thirds is adopted for special majorities. There is no clear rationale for that particular figure. Whereas a simple majority has its own logic, a two-thirds majority requires a justification that is not readily available. Above all it means that a minority view always wins.

14. The experience of the GLA shows the defects of the present provisions for a two-thirds majority.

The results of the four GLA elections are set out below:-

	2000	2004	2008	2012
Mayor				
Mayor's party	Ind	Lab	Con	Con
Assembly numbers				
Conservative	9	9	11	9
Labour	9	7	8	12
Lib Dem	4	5	3	2
Green	3	2	2	2

UKIP	0	2	0	0
BNP	0	0	1	0
Mayor's Party	0	7	11	9
Other parties	25	18	14	16

A two-thirds majority requires 17 votes since the Assembly has 25 members and two-thirds of 25 is 16.67.

15. In 2008 and 2012 a two-thirds majority could not be achieved as long as the Mayor had the full support of his party. In 2004 the other parties could achieve a two-thirds majority, but only if the four parties involved could reach agreement to vote against the Mayor's budget and for a specified alternative, including, for example both the party and UKIP members. In 2000 the position was unique with the election of an Independent Mayor and unlikely to occur again, and a two-thirds majority could possibly have been attained, although that possibility lasted only until Livingstone was accepted back in the Labour Party, and the other parties could reach only 16 votes.

16. While a two-thirds majority is theoretically possible, this analysis suggests it is unlikely to be achieved except in very exceptional circumstances.

17. In the Greater London Authority a judgment about the size of a majority must be considered in the context of the need for a balance of power. A balance of power that makes one institution powerless cannot be defended. Both Mayor and Assembly should have significant powers reflecting their elected authority.

18. We recommend that the CLG Select Committee should consider three options for replacing the two-thirds provisions:

- giving the Assembly the right to determine the budget and policy framework without any mayoral veto, but with the mayor retaining the initiative in putting forward proposals for the budget and strategies of the authority;

- specifying that the budget and policy framework require approval by both the Mayor and the Assembly as elected institutions;

- retaining the Mayor's veto but with the percentage for over-ruling Assembly decisions reduced to 55% or 60%, but not so great as to reduce to insignificance the powers of the Assembly.

The Committee's Questions

19. Our answers to the questions posed by the Committee on "the powers and operation of the Assembly" are:

3A. The Assembly's powers and method of operation are far from effective;

3B. The solution lies in enhancing the powers of the Assembly on the determination of the budget and the strategies of the authority, as suggested above, and the adoption of procedures by the Assembly appropriate for those powers. The right of the public to hold the Mayor to account should be enhanced by the power of recall. At a minimum the Committee should call for a review by the Government of the provisions for the determination of the budget and strategies of the Greater London Authority.

3C. The Assembly does not have significant powers to influence the Mayor's decisions, and call-in powers should be introduced.

3D. The budget and strategies of the authority should be determined by the Assembly, removing or modifying the right of the Mayor to determine them unless secured by a two-thirds majority in the Assembly.

3E. There is a conflict of interest if members of the Assembly who are themselves chairs and members of the GLA's functional bodies carry out scrutiny of those bodies over which the Assembly is supposed to exercise scrutiny. They should be excluded from membership of any scrutiny committee or any scrutiny exercise on behalf of the Assembly.

20. The Assembly should review its procedures to determine both budgets and policies, considering the introduction of First and Second readings, Committee stages and/or public hearings, drawing on the experiences of Parliament and of the devolved assemblies.

February 2013

Written submission from the London Forum (GLA 07)

This is a response to the Committee's questions about the **outcome of the GLA Act 2007** by the London Forum of Amenity and Civic Societies, a charity established 25 years ago to network and support over 100 community groups in London.

1. The Government's memorandum indicates that most parts of the 2007 Act had little effect or are impossible to assess because further legislation has superseded the 2007 Act. The Committee would welcome comments on this assertion.

The increased powers of the Mayor to call-in planning applications and to establish a Mayoral Development Corporation (MDC) have not been clarified sufficiently by him in process terms. Communities are concerned that local authority planning decisions have been over-ruled by the Mayor without full justification.

The MDC puts the Mayor into the position of being both a developer and a planning authority operating development control. It is not clear what safeguards there are for communities and Councils in the Mayor granting himself planning permission.

There has been a major problem of excessive housing density in London. The London Plan states that all new housing developments should be within 5% of the density range for the site on which they are built. The actual figure is around **sixty** percent. Many such schemes have been approved by the Mayor's Planning Decisions Unit. They are not all developments of quality and many lack sufficient amenity space to meet the London Plan's other policies and guidance by the Mayor on children's play space. Density above policy levels results in overloading of local infrastructure and facilities.

The further legislation on planning by DCLG is not all suitable for London. For example the conversion of offices to dwellings and the extensions of homes, all without planning permission, are contrary to the Mayor's policies in the London Plan. Following the Localism Act, DCLG should not have tried to take away local decision making and should not dictate how development will be assessed. The elected Mayor of London had been given the right to develop a spatial development strategy for the capital. He should not have to change it to conform to new policies beyond those in the NPPF, particularly if they could damage the economic development of London.

2. In the Committee's view there are matters on which the legislation can be examined and it seeks views.

Q What has been the effect of the increased planning powers conferred by the 2007 Act on the Mayor?

For example, where the Mayor declares himself to be the planning authority, he negotiates and receives the payments from section 106 agreements. One issue raised before the legislation was enacted was whether this money would be spent on infrastructure projects of interest to the

Mayor, not on projects important to the local authority.

See comments above on the MDC.

The Mayor has operated a Community Infrastructure Levy (CIL) for funding Crossrail.

In the locations to which that commitment applies, the boroughs have had to collect the 'Mayor's CIL' on his behalf. That has limited their ability to secure further borough CIL for infrastructure, as developers claim that it makes schemes unviable, which they have been encouraged to do by DCLG Ministers.

The Government has also recommended renegotiation of existing S.106 agreements and that has the potential to reduce contributions by developers to affordable housing in the capital.

It is not clear on what the Mayor spends any S.106 income received by the GLA.

Planning Minister Nick Boles announced on 10th January 2013 that the GLA Mayoral Development Corporation will be able to impose a CIL. It is not clear how the Mayor will "spend it in accordance with the wishes of the community", as Nick Boles indicated should happen.

What benefits have been achieved through the establishment of the London Waste and Recycling Board? For example, has it improved efficiency, recycling rates, joint working or instead created further layers of bureaucracy? What hard and fast evidence is there of tangible improvements which would not otherwise have occurred?

The establishment of the London Waste and Recycling Board has allowed a strategic approach to be taken across London.

The identification of London-wide priorities, particularly in recycling and re-use, has seen an increase in diversion from Landfill and a significant increase in recycling rates.

The Board has leveraged funding into its programme which individual Boroughs would have struggled to do.

It has funded innovative projects, and has funded projects in important areas which Councils cannot do — for example targeting recycling from SMEs

They also estimate the current efficiency programme of joint working between councils will deliver savings of over £4.6 million.

Five years is a short timescale in delivering waste infrastructure projects and it is too early to assess how significant the impact the Board has had.

Some form of London-wide waste board is needed and it is difficult to see an alternative model which the Boroughs would support.

The Board will want more income to continue post 2015 but funding remains extremely restricted.

Q How has the duty on the Mayor to create strategies impacted when there are no powers specifically to implement them? Have the strategies influenced policies either of central government or of the boroughs?

The process has gone well. The London Plan forms the basic Core Strategy for all London's boroughs to which they add policies for their Local Plan. They have been positively influenced by the Mayor's London Plan and its associated Guidance documents. The latter are necessary now that DCLG has asked the Taylor Review to reduce the quantity of guidance in PPGs and PPSs. That guidance to Council planning and development management officers is important and it should be rationalised but not reduced in scope.

The London Plan has key Performance Indicators for monitoring. They indicate the problem above of excessive density of housing.

The London Plan has been developed in its 2011 version to state what boroughs should have in their Local Plan and on what basis they should make planning decisions. However, communities find that borough development control case officers do not quote or use the London Plan policies sufficiently.

The Mayor has introduced a London Plan Implementation Plan to ensure that issues are addressed and to support his Annual Monitoring Report.

The main problem is as described above that DCLG keeps changing the national planning policies after the NPPF was published in ways that are not suitable for London.

The NPPF revoked Government Office for London Circular 1/2008 which "provided advice and guidance on the arrangements for strategic planning in London". The Mayor considers that it is helpful for him to fill the gap that this leaves with a document at <http://bit.ly/Xo9jFe> that provides some information about his planning functions, and the way in which he intends to carry them out.

The Committee might consider how well that document meets its expectations.

3) The legislation raises a wider question about the London Assembly, and the Committee invites submissions on the powers and operation of the Assembly. To assist those making a submission the Committee has posed several questions which they may wish to consider, though they are not exhaustive.

London Forum supports the kinds of scrutinies that the Assembly's committees initiate.

We think that the Mayor's officers are slow to respond to recommendations by the Assembly Members in their reports.

The attendance at City Hall by Assembly Members and their response to emails varies considerably. As a result of the political nominations system, Several of the Assembly Members have work commitments as Councillors in London's local authorities which keeps them aware of local government matters and issues but restricts their availability for GLA work.

February 2013

Written submission from the London Waste and Recycling Board (GLA 08)

Introduction

The Communities and Local Government Select Committee have called for evidence in response to the post legislative review of the Greater London Authority Act 2007. This submission responds to the question the select committee have asked about the achievements of the London Waste and Recycling Board (LWARB) set out below:

“What benefits have been achieved through the establishment of the London Waste and Recycling Board? For example, has it improved efficiency, recycling rates, joint working or instead created further layers of bureaucracy? What hard and fast evidence is there of tangible improvements which would not otherwise have occurred?”

Summary of LWARB achievements

LWARB has:

- Recently reached financial close on an Anaerobic Digestion plant and In Vessel Composting facility in East London, which is now under construction and expects to reach close on a further two projects this year, with a combined tonnage of circa 150,000 tonnes per year;
- Committed finance to five infrastructure projects that will deliver almost 10,000,000 tonnes of waste diversion from landfill over their lifetime, and nearly 3,000,000 tonnes of CO2 avoidance. LWARB’s total commitment to these projects is £22m, which will lever in around an additional £182 million of private sector finance.
- Made an £18m investment into a waste Urban Development Fund under the umbrella London Green Fund (LGF). The total waste fund stands at £60m. Debt is often an essential ingredient in meeting equity investor return requirements.
- Provided £14m to support reuse and recycling initiatives in London. It is expected that this will lead to an additional 230,000 tonnes of material reused and recycled over the lifetime of these projects. Current data indicates that these projects have reused and recycled almost 80,000 tonnes of material to date;
- Funded the London Reuse Network (in addition to separate food and furniture reuse investments) which is expected to deliver around 200 jobs (of which 50 have been delivered to date), just over 3,000 training places (148 to date), 3,700 volunteer places (85 to date), and 1,600 work placements (42 to date);
- Established an efficiencies programme. It is hoped that the first two Efficiency Reviews could lead to savings of around £1m;
- Established a joint equipment procurement scheme that leads to savings of around 10%.

Background

The London Waste and Recycling Board (LWARB) was established under the GLA Act when it was revised in 2007. This followed the government's review of the Powers of the Mayor and the Assembly in 2005-6, and in particular the former Mayor, Ken Livingstone's proposal for a Single London Waste Authority dealing with waste disposal.

In response to the review, there was broad agreement from London Boroughs and the Mayor about the need for the development of additional waste infrastructure in London, and about the need for better strategic planning and co-ordination. There was significant disagreement between the London Boroughs and the former Mayor of London about the need for a single waste disposal authority as a functional body of the GLA.

The government decided upon the creation of the London Waste and Recycling Board, in order to bridge the gap between these two views, and provide a forum, underpinned through statute, to bring the regional and local tiers of governance together within a body requiring no change to existing governance arrangements. LWARB does not, and was intentionally designed not to, place additional bureaucratic burdens upon waste management within London. As such, its introduction was welcomed by London Councils (who had argued for such a body) and supported by the current Mayor (and was explicitly supported within both his Mayoral manifestos).

LWARB's Objectives

The GLA Act 2007 established LWARB with the three main objectives to promote and encourage, so far as relating to Greater London;

- a) the production of less waste;
- b) an increase in the proportion of waste that is re-used or recycled;
- c) the use of methods of collection, treatment and disposal of waste which are more beneficial to the environment in London.

The Act also allows that, for the purpose of achieving its objectives, LWARB may provide financial assistance to any person towards or for the purposes of:

- a) the provision of facilities for or in connection with the collection, treatment or disposal of waste produced in Greater London;
- b) conducting research into new technologies or techniques for the collection, treatment or disposal of waste;
- c) securing, or assisting in securing, the performance of any function of a London borough council or the Common Council relating to waste.

In carrying out its functions LWARB must act in accordance with the Mayor's Municipal Waste Management Strategy and in general conformity with the London Plan so far as relating to the collection, treatment and disposal of waste.

Improvements in Recycling and Reuse

A summary of LWARB achievements is included as an Appendix.

LWARB has provided £14 million to support reuse and recycling initiatives in London. It is expected that this will lead to an additional 230,000 tonnes of material reused and recycled over the lifetime of these projects. Current data indicates that these projects have reused and recycled almost 80,000 of material to date.

The focus of LWARB's recycling and reuse expenditure has been:

- recycling communication messaging – both strategic and local
- recycling collections from flatted properties
- the establishment of the London Reuse Network (LRN). This network has invested more than £2 million to date establishing a variety of programmes and infrastructure, including reuse workshops for the refurbishment of electrical items and furniture, depots for the storage and sale of reusable items, and pan London paint and bicycle recycling schemes.

These recycling and reuse projects are innovative and are generating additional jobs and training opportunities as well as additional tonnes of waste diversion from landfill and incineration. For example, the LRN (in addition to separate food and furniture reuse investments by LWARB) is expected to deliver around 200 jobs (of which 50 have been delivered to date), just over 3000 training places (148 to date), 3700 volunteer places (85 to date), and 1600 work placements (42 to date). These schemes would not have happened without LWARB, as we have been able to lever additional resources into programmes through a combination of match funding and joint procurement. For example, LWARB saved £200,000 (10 per cent of the quoted price) on the procurement of equipment required for recycling from flatted properties.

Waste Infrastructure

LWARB is also, through Board commitments, helping to develop infrastructure projects in London that would otherwise not be able to secure all of the required finance. It is LWARB's experience that there are very few developers capable of funding the entire project investment off balance sheet. As such, alternative sources of funding have to be sought. Sources of private sector funding are constrained for many projects for a variety of reasons including the projects being too small or the contractual structure not being sufficiently securitised to satisfy a bank. Additionally, project returns are often not high enough to support equity only structures. The projects in LWARB's pipeline echo this sentiment and LWARB's finance products reflect the requirements of the market to enable delivery.

LWARB offers a range of financing products that are tailored to the requirements of each individual project. The products are offered at commercial rates and fill the financing gap in a project. Projects are robustly assessed, and LWARB aims to invest on the same terms as commercial lenders where possible. LWARB has recently reached financial close on an Anaerobic Digestion plant and In Vessel Composting facility in East London, which is now under construction. LWARB expects to reach close on a further two projects this year, with a combined tonnage of c. 150,000 tonnes per year.

The current pipeline of five committed infrastructure projects will deliver almost 10,000,000 tonnes of waste diversion from landfill over their lifetime, and nearly 3,000,000 tonnes of CO2 avoidance. LWARB's total commitment to these projects is £22 million, which will lever in around an additional £182 million of private sector finance.

In addition, LWARB has made an £18 million investment into a waste Urban Development Fund under the umbrella of the London Green Fund. This is primarily an equity fund that has been further capitalised by the European Union (through its JESSICA programme) and private sector funds. The total waste fund stands at £60 million. Debt is often an essential ingredient in meeting equity investor return requirements. As such, LWARB and LGF are often looking co-invest. A sufficiently funded LWARB is therefore a key ingredient to enabling these infrastructure projects to happen.

This infrastructure will provide additional waste capacity that is generally available for waste streams that are offered on short term contracts. Capacity will be available to both businesses and waste authorities in London (and beyond) and will enable waste authorities to access spot market capacity on short to medium term contracts, outside of their long term PPP/PFI contracts.

LWARB will only invest in projects where it can be demonstrated that the funding cannot be obtained from the private sector finance community.

Improvements in Efficiency

LWARB launched an Efficiency Programme in March 2012. LWARB aims to help London Waste Authorities save £10 million per year by 2016.

The programme offers assistance on a variety areas such as joint procurement of equipment and marketing of recycling; support for developing shared service opportunities, the provision of Efficiency Reviews and good practice tools. Successes to date include:

- the creation of a joint textiles recycling contract, that comprises 7 boroughs (with the possibility of a further 3 joining at a later date) that will provide a better income stream for this material;

- the first Efficiency Reviews have been conducted on borough waste services and the recommendations are beginning to be implemented. It is hoped that the first two Efficiency Reviews could lead to savings of around £1m (including some one-off savings). The costs of these Efficiency Reviews are covered by LWARB but are repayable upon savings being realised;
- work on shared services is much more challenging although we are currently working with boroughs in the South and West of London who are interested in examining the possibility of joint working. This is an emerging area for LWARB, but to increase the pace of change in London, LWARB has established an Efficiencies Committee with member and senior, and chief officer membership;
- delivery of a number of good practice workshops focussed on key areas for development i.e. low performing areas, high rise and flatted properties, contamination and supporting crew training.

Does LWARB add a layer of Bureaucracy?

LWARB does not impose any additional burden upon boroughs. It does however, provide a forum where local and strategic issues can be discussed. LWARB works closely with the GLA and with London Councils and the London boroughs. The establishment of an efficiency programme and efficiencies committee provides the opportunity for London's waste authorities to exploit the opportunities for shared services and pan London waste governance issues. Previous attempts to change governance structures within London have failed due to the top down nature of the approach taken. LWARB, by its composition, is the only forum where these issues can be resolved collectively.

LWARB leverages additional resources through strategic partnerships with national organisations operating in this space, and through the additional private sector investment that it generates.

The London Waste and Recycling Board provides a substantial financial and organisational resource for London boroughs and the Mayor to engage in partnership on waste issues. LWARB Board members have a strong background in local and regional government, waste and investment issues²⁸ and LWARB is an example of London Councils and the Mayor working in partnership.

Both London Councils and the Mayor support LWARB's request to government to provide additional funding in the next spending review. The aim is that, through its investments,

²⁸ Richard Tracey AM (Chairman and Mayor's Representative), Cllr Clyde Loakes, Cllr Bassam Mahfouz, Cllr Nicolas Paget-Brown, Cllr David Williams, Melville Haggard, Independent, Barbara Anderson, Independent, Matthew Pencharz, (Mayor's Environment Advisor)

LWARB becomes self financing, and can continue to deliver improvements in waste management in London without relying upon further additional tax payer support.

February 2013

Appendix

LWARB Achievements

Unique projects:

- London's first AD plant: TEG
- UK's first and probably worlds largest materials reuse network: London Reuse Network
- UK's first large scale Gasification plant: Biossence

Bullet point narrative

- Since it was established LWARB has committed c. **£54 million** to various waste minimisation, reuse, recycling and waste infrastructure projects to improve waste management in the capital
- These projects will create over **330 jobs**, and over **3000 trainee roles, 3700 volunteer roles** and **1600 work placements**
- Anticipated **2.8 million tonnes** of CO2 displaced over project life spans, once all funded projects are fully operational
- Anticipated c. **465,000 tonnes** diverted from landfill annually, once all funded projects are fully operational
- **£226m** of external investment attracted through LWARB commitments
- **£18m** invested in the London Green Fund, Waste UDF (Foresight Environmental Fund) – matched by London European Regional Development Fund – and at least another **£35m** from the private sector
- Wide range of projects, from waste infrastructure through to community reuse projects:
 - 1 x Gasification plant
 - 1 x MHT plant
 - 2 x AD plants
 - 1 x plastic reprocessing plant
 - 3 x reuse projects, including UK's first and world largest reuse network
 - Consumer campaign (RfL)
 - Local Authority £5m grant funding through the 'Flats Recycling Programme'
 - £18m investment in the London Green Fund, Waste UDF – 'Foresight Environmental Fund'
- Flats Recycling Programme:
 - 29 projects – across 26 boroughs
 - Seeing an average recycling increase of 43 per cent per project
 - *Over the first four years:*
 - **600,000 households** will have new/improved recycling services
 - Diverting around **70,000 tonnes** of waste from

landfill

*- Prevent almost **110,000** tonnes of CO2 from entering
the atmosphere*

*All projects are fully operational by March 2012

- Pipeline capacity: **1,075,000** tonnes from landfill each year

Written submission from Professor Tony Travers (GLA 09)

Greater London Authority (2007) Act

1. Changes made to London government in 2007

This memorandum is a response to the Communities and Local Government Committee's request for evidence in respect of its inquiry into the impact of the Greater London Authority (2007) Act. The Committee has summarised the purposes of the 2007 legislation as follows:

- providing the London Assembly with extra powers and an independent budget;
- establishing the London Board within the Homes and Communities Agency (at that time the Housing Corporation);
- establishing the London Skills and Employment Board;
- allowing the Mayor a freer hand in making appointments to a number of functional bodies, including Transport for London;
- requiring the creation of plans and strategies in a number of policy areas;
- allowing the Mayor a greater role in determining planning applications which he judged to have strategic importance.

Another key change was:

- the establishment of a new London Waste and Recycling Board.

2. The government's assessment

The government's memorandum on the subject²⁹ is luke-warm in its judgement of the success of the 2007 changes. However, it sees the planning changes as broadly positive, stating: "Insofar as the approval of planning decisions can be read as furthering economic development, then the power has had a beneficial effect on London's overall social and economic development. It may also be the case that the Mayor's initial uses of the powers may have persuaded boroughs to take a more positive view of development applications in order to avoid mayoral intervention, providing a further boost to the city's economy...". Other changes are judged to have had limited impact and some (notably in relation to housing) have been superseded.

²⁹ *Memorandum – Post Legislative Scrutiny Greater London Authority (2007) Act*, Cm 8428, September 2012, DCLG

The 2007 Act was indeed of modest intent. Subsequent changes made in 2011 affected housing, economic development, policing and Royal Parks, though these, also, were of limited scope. The reforms of 2007 and 2011 contributed to a small extension of the Greater London Authority's powers. Neither of the reforms were a radical further step in the direction of devolution to London.

3. Impact of the 2007 Act

The current government is broadly correct in its assessment of the 2007 Act. The new planning provisions shifted the balance of power over major developments towards the Mayor and away from the boroughs. But the change only affected a limited number of larger developments. Given the pressure for development in London, boroughs will inevitably come under pressure from local residents to reduce the number and scale of big projects. As in any large city, city-wide requirements must be set against those of neighbourhoods. From time to time the mayor will have to overrule boroughs in the whole city's interests. At a time of sharp development pressure and within wider English planning policies which seek to protect green land, this reform was probably justified. There is little, if any, pressure to reverse this reform.

The other changes made, concerning matters such as confirmatory hearings by the Assembly and the creation of new waste and skills boards, have had, at best, modest impacts. It would be difficult to point to any particular subsequent policy impacts and attribute them directly to the 2007 Act. However, the new housing powers paved the way for the 2011 reforms. Taken together, this pair of changes gave the Mayor of London a bigger city-wide role in the delivery of housing.

4. Conclusions

Post-legislative scrutiny would suggest the 2007 reforms delivered a modest further devolution of power to the Greater London Authority. But these changes, like those enacted in 2011, failed to address a number of key problems with the original legislation which need to be tackled in the future. In addition, devolution has been far less radical in London than in Scotland and Wales and shows few signs of following these nations towards more extensive powers. The most important of the outstanding problems facing the GLA are as follows:

- the Mayor's formal relationships (eg, the appointment of boards and responsibility for setting policy) with the institutions that deliver services (transport, police, fire & emergencies) are inconsistent and hard for the public to understand;
- the Mayor has a number of weak powers where his/her capacity to act is very limited, for example, over skills, public health and waste;
- the Assembly's powers to act as a legislative body (a role consistent with the 'American' mayoral model in use in London) is weak;

- there are unresolved problems in relation to the appointment of ‘political executives’ to the Mayor’s Office, a process which is very different from the traditional, non-political’, way of appointing civil servants and local government officers
- there are issues associated with the ‘sudden death’ nature of power changes in the London mayoralty. Building a new executive within hours of a change of mayor causes a challenge for the new office holder;
- there are challenges associated with the use of a single executive for many of the key functions of the Mayor and Assembly, whose functions are adversarial.

In addition, though not a problem in relation to the current operation of City Hall, it is worth noting that, in the context of further devolution to Edinburgh and Cardiff,

- the GLA has far fewer responsibilities than the governments of Scotland, Wales and Northern Ireland;
- the Mayor has little fiscal autonomy.

There will probably, in the relatively near future, need to be a fuller review of the operation of the GLA and, indeed, of its relationships with the London boroughs. Moreover, the progress of devolution to Scotland and Wales has implications for the governance of London and of city regions elsewhere in England.

February 2013