



## **REVIEW OF POWERS FOR THE MAYOR AND GLA**

**A Special Briefing from London Communications Agency  
13 July 2006**

### **EXECUTIVE SUMMARY**

As LCA predicted last autumn, the Government's review of the Mayor's and GLA's powers has resulted in an extension of authority for London regional government in several key areas.

On housing, the Mayor will be given responsibility for the London Housing Board and have more say on affordable housing provision, while on planning he will crucially have "the discretion to determine planning applications of strategic importance" and significantly the right to negotiate section 106 settlements. However the criteria and thresholds for these applications will be subject to a separate consultation due to start next week and run for 12 weeks and of course an Act of Parliament will be needed which the Government estimates will take 7 months or so. There is also likely to be opposition from the Boroughs.

The Mayor will though be disappointed with several of the Government's proposals, particularly on the decision not to introduce a single waste authority under his control. He may also be slightly aggrieved that he isn't give more power over the skills agenda, despite the Government implementing his recommendation of a single Learning & Skills Council in the capital and setting up a skills board that he will chair. This remains arguably one of London's most disjointed and under-performing areas of governance and the challenge remains to coordinate an effective skills and training agenda that will have an impact on London's poorer communities, particularly, and crucially in the run up to the Olympics.

For the Assembly, there are some areas where the Government has recommended increases in power and responsibility and it will now notably be able to set its own budget and have greater opportunity to scrutinise the Mayor's key appointments.

Other areas where there are extensions in GLA authority include health, culture, crime and water, as well as climate change where the Mayor and Assembly are given specific duties to help mitigate the negative impacts on the capital's environment.

Overall, the Mayor will feel he has won in some areas but lost on others. What is clear however is that the Government remains committed to regional governance in London and has decided that it remains the best authority on key strategic issues in the capital. The implementation of these proposals will nonetheless be interesting and certainly not easy particularly with a reinvigorated and more popular Conservative party across many of the capital's boroughs and their leadership of the Association of London Government (ALG) and current Chairmanship of the London Assembly.



## Planning

This was probably the key area for the Mayor with his very clear wish for more positive powers over large scale planning applications across the capital. Despite the boroughs objecting to any further say on their plans, the Mayor has significantly been given the **responsibility to decide on “developments of substantial size”** including responsibility for then negotiating the **section 106 deals**.

The **determination of the thresholds** will be the subject of a separate consultation starting at the end of next week and so it seems likely that there will be two sets of definitions – those which are referred to the Mayor by the Borough once they have taken the decision to grant consent (as now) and those which are now for the Mayor to determine, not the Borough.

Government can still **call-in** schemes of national importance from the Mayor, but will not overturn his decisions where they have allowed him to make them.

The Government has also proposed giving the Mayor the **right to direct changes to local development schemes** for the local development plans they produce and an **enhanced say on draft development proposals** affecting the London Plan.

With further consultation and legislation needed, there seems certain to be a further battle between the Mayor and Boroughs. The **legislative process** is expected to begin in November, with further opposition in the Commons and Lords likely.

## Housing

As expected, the Government has given a big increase in strategic housing power to the Mayor, believing that he is the best placed to meet the housing needs of the capital. This includes the handing over of several key elements of housing responsibility, notably **responsibility for the London Housing Board** and the **right to decide how funding for new affordable housing in the capital should be spent** – some £1.7 billion between 2006 and 2008.

The Mayor will also now **prepare a statutory long-term London Housing Strategy and a Strategic Housing Investment Plan** which will relate to the Government’s three year spending review periods. The investment plan will be integrated into Mayoral strategies, including the London Plan and is a very clear sign that the Government supports the Mayor’s affordable housing agenda in the capital.

Unlike the planning proposals, in housing there has been **much less opposition to an increase in the Mayor’s remit**. The proposals mean that the boroughs will retain control over housing strategy for their areas – which will have to conform with the Mayor’s strategy, while the Housing Corporation has supported the proposals for the Mayor controlling the London Housing Board.



## Skills

Falling short of the “genuine devolution” to a new London-wide body desired in Livingstone’s response to the powers consultation, the Mayor will now **chair a new “London Skills Board”** which will be made up of “London’s key business leaders”.

This board will prepare an **Adult Skills Strategy for London** that will be implemented by a **single new London Learning & Skills Council (LSC)**. Given his past criticism of the LSCs and the complexity of Further Education funding, Livingstone may secretly be happy to have avoided greater control of a London LSC although, as with waste below, the Mayor’s executive power will be somewhat blunted by having to work through a new board.

The new plans that keep a **London LSC** within the national organisation do echo a suggestion from the ALG, before its recent reconstitution, that a skills body could operate outside the GLA family while “working to targets agreed with the Mayor and other stakeholders.”

## Waste

**The Mayor will be disappointed** with the proposals on waste as the Government has decided against **a single waste authority** or even any rationalisation of existing waste authorities. A single waste authority and further centralisation of local authority power was a challenge to a national Government espousing decentralisation. However, the waste authorities will be required to be in general conformity with the Mayor’s Municipal Waste Strategy.

Livingstone may not have the planning powers he needs to achieve the substantial increase in the numbers of waste facilities he envisaged in his London Plan early alterations. The Mayor will have **the discretion to decide “planning applications for waste facilities** which are strategically important and critical to implementing his waste strategy.” This seems imprecise and could give the Mayor a say on many sites across London (if interpreted as critical to the implementation) or could encourage the Mayor to push for fewer larger sites. One to watch.

Other proposed changes include a London-wide **Waste & Recycling Forum** which will bring together stakeholders. It will administer a Waste & Recycling Fund of £25m per year. There will also be a **Government-led London Waste Infrastructure Development Programme** which denies the GLA the control on infrastructure it would have liked.

## Governance

The changes to GLA governance are fairly minor but will see some changes to current working practices.

A controversial aspect of the review was **the composition of functional body boards** and the Government has proposed few alterations.

The **Transport for London** (TfL) board will now allow political representatives other than the Mayor while at the **Metropolitan Police Authority** (MPA) the Mayor will be able to be the MPA chair or appoint one from among the MPA



membership. The Mayor will also be given greater say on the independent members of the MPA and more generally the whole GLA family will now also have a duty to integrate **crime and community safety** into all aspects of their work.

At the **LFEPA**, the Mayor will appoint 8 Assembly members, 7 borough members and also 2 independent members to its board and will also have power to issue direction and guidance in-line with the Fire & Rescue National Framework.

Changes to the Assembly include that it will set its own budget (not the whole GLA Budget – just that relating to the Assembly), will publish an annual report on its previous year's work and will hold “non-binding” confirmation hearings of key Mayoral appointments. It will also be able to require the attendance of people to its hearings longer (8 years) after their involvement with the GLA has ceased. Meanwhile Bob Neill and Andrew Pelling will find their **Assembly salary cut by two thirds** if they remain at the Assembly and an MP at the same time (once when this provision is adopted following legislation).

Encouraging greater accountability to the Mayor and functional bodies, the Mayor will have to give “specific regard” to the **Assembly's and Functional Bodies' consultation** responses to his statutory strategies and explain why if he does not follow their advice.

**GOL** loses its housing strategy, influence on European Structural Funding and some influence on affordable housing funding but is backed by Government as fulfilling a key role in London representing multiple central Government Departments.

## **Other**

There were several other areas where the Government has recommended either changes or an increase in the powers of the Mayor/ GLA. These include:

### Culture, Media and Sport

The Mayor is now tasked with **consulting with London cultural organisations** through the London Cultural Consortium as part of developing his Cultural Strategy. He will also **appoint board members to several cultural bodies** including Arts Council London. The Government will also consult on **transferring the Museum of London to GLA control**.

### Health

In an area where the Mayor and GLA have had only a small role, the Government has now proposed increasing its authority. This includes formalising the **role of the Regional Director of Public Health as being Health Adviser to the GLA**, and asking the Mayor to take **more responsibility for reducing health inequalities** through the production of a strategy jointly with the Strategic Health Authority and Regional Director of Public Health.

### Climate Change and Energy

Following his non-statutory energy strategy in 2004, the Mayor will now be required to produce a **statutory Climate Change & Energy strategy**.



It is hoped that this will ensure that environmental issues are central to the GLA's work, enhancing the strategy's credibility and helping London meet emission reduction targets. There will also be a **Climate Change adaptation strategy** which will advise on how London should adapt to the effects climate change.

### Water

A hot topic in the capital at the moment, the Government has proposed that the **Secretary of State has regard to the Mayor's Water Framework** (a non-salutatory document) in reviewing water price limits.

A full version of the Department for Communities & Local Government document; The Greater London Authority: Proposals for Additional Powers and Responsibilities for the Mayor and Assembly; is available at <http://www.communities.gov.uk/index.asp?id=1500896>

*If you know anyone else within your organisation who would like to receive this briefing please do let us know. We would welcome your views on the content, if you have any comments please contact Chris Madel on 020 7479 2830.*

*This briefing paper is published for general information only. Its contents should not be used as a basis for entering into any commitments without seeking qualified professional advice. Facts have been rigorously checked but London Communications Agency can take no responsibility for any damage or loss suffered as a result of any inadvertent inaccuracy or incorrectness contained in this document.*

END