

**Extension of the Mayor of London’s Powers**

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On July 13 2006, Ruth Kelly, Secretary of State for Communities and Local Government, announced a range of new powers for the Greater London Authority, that is, collectively the Mayor of London and the London Assembly.<sup>1</sup> The package covers expanded roles for the Mayor in the areas of housing, learning and skills, planning, waste, culture, media and sport, health, climate change and energy and appointments to the boards of the functional bodies. The package also enhances the ability of the London Assembly to scrutinise the activities of the Mayor. The announcement followed a full round of consultation, launched in November last year, that sought the views of business, institutions and individuals on the shape of future strategic governance in London.

The minister argues that proposals are aimed at devolving power, where appropriate to regional level. Many of the planned changes will require primary legislation to enact. The government plans to introduce a GLA Bill as soon as parliamentary time allows. Other changes may be made more swiftly where secondary legislation or agreements can be used. This paper addresses each of the new powers.

**Learning and Skills**

The Mayor has been given a range of new powers in relation to learning and skills in London. These combine to give the Mayor a strong strategic role in planning and delivering **adult** skills in London. The Mayor will be asked by the Secretary of State for Education and Skills to set up and chair a new London Skills and Employment Board, in partnership with the capital’s key business leaders. The board’s title reflects the government’s support of closer links between skills and wider employment strategies and ensuring skills delivery is responsive to the needs of labour markets and employers. The vice-chair of the board will be a high profile London business person and the majority of the members will be employers.

<sup>1</sup> All description, unless otherwise stated, of the Mayor’s extended powers in this paper is drawn from the Department for Communities and Local Government, *The Greater London Authority: The Government’s Final Proposals for Additional Powers and Responsibilities for the Mayor and Assembly*, A Policy Statement, London, July 2006

The Mayor working with the new board will be required to prepare a Skills Strategy for London. This strategy will set priorities and overall direction for the delivery of adult skills in the capital. The Mayor and board will also prepare an annual plan for the delivery of the strategy. The board will be strategic rather than executive or operational.

The London Learning and Skills Council (LSC) will be responsible for the delivery of the strategy. The board will be able to require the LSC in London to increase value for money. However, the Department for Education and Skills/LSC framework of national targets for skills and qualifications and the requirement for LSC national and local learning and skills plans will continue to apply. This framework has inbuilt flexibility for meeting regional and local needs and priorities and it is within this flexibility that the board will work.

With the board assuming the priority setting and strategy function for adult skills of the five current London LSCs this structure will be simplified to create a single LSC for London nestled within the national LSC structure. The London LSC Regional Director will have a seat on the Skills and Employment Board and will present regular reports to the Board on delivery and performance against strategy and plan. The regional director and staff will remain employees of the LSC. The Mayor will sit on any appointment panel for future London Regional Directors and that appointment will be jointly agreed.

Following the establishment of the Skills and Employment Board, a memorandum of understanding will be drawn up between the LSC and the board to detail roles, responsibilities and ways of working. The new arrangements and the performance of the LSC in the delivery of the skills strategy in London will be reviewed after the first year and then every two years thereafter.

These changes will be implemented through a letter from the Secretary of State to the Mayor and the Chairman of the LSC setting out the role of the new board and providing terms of reference. Changes to the role of the LSC will be included in the planned Further Education Bill and cross-referenced in the GLA Bill. It is likely that the Skills and Employment Board will be inaugurated before Christmas and there is currently a call for members underway.

## **Housing**

The Mayor's powers in relation to housing will be strengthened. He will be given responsibility for producing a statutory London Housing Strategy and a strategic housing investment plan. The Housing Strategy will follow the format of the current Mayoral strategies and will be expected to outline long term housing plans.<sup>2</sup> The investment plan will relate to the government's three-year spending review periods. The Mayor will also be given power over the broad allocation of funding from the 'Regional Housing Pot', with the exception of the decent homes funding. In practice this means that the Mayor will control money intended for new build affordable housing. It is expected that these allocations will follow the strategic priorities identified in the Housing Strategy.

Other regional assemblies have already had some devolved power in this area. There are two significant differences however. Firstly the London Housing Strategy will be a statutory document ensuring full integration with other Mayoral plans. Secondly the Mayor will have powers of direction over the 'Regional Housing Pot' rather than simply the right to recommend action to government. This gives him

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<sup>2</sup> These include Transport and Economic Development Strategies and The London Plan

significantly greater leverage than that enjoyed by other regions. Both the strategy and funding decisions will be expected to be consistent with national policy and the new arrangements will be subject to reserve powers of direction by the Secretary of State in relation to matters of national importance.

The changes will require legislation and these will form part of the GLA Bill. In the interim the Mayor will be tasked with preparing a non-statutory housing strategy and making recommendations on housing capital investment to Government. The London Housing Board, chaired by the Government Office for London, currently holds these roles.

## Planning

The planning section of the proposed changes received the most consultation interest and the majority of those who responded supported very minimal or no change. The current plans therefore attempt to balance expanding the Mayor's powers with protecting the role of London boroughs. The government believes that there is a need to give the Mayor a stronger voice on planning in London to ensure that strategic planning policy for the capital is fully implemented. The Mayor has been granted new powers in a number of areas including:

- **Local Development Schemes**  
The Mayor will be able to direct changes to Local Development Schemes.<sup>3</sup> This will allow him to ensure regional development priorities, as identified in The London Plan, are taken forward in a timely way through borough level plans.<sup>4</sup> Boroughs will be encouraged by government to work together where appropriate but The Mayor will not be able to direct boroughs to do so. The Secretary of State will retain a reserve power to override Mayoral direction in the national interest but it is anticipated this would only be used in exceptional circumstances.
- **Development Plan Documents**  
The Mayor's powers will be enhanced so that his views on draft development plan documents' general conformity with The London Plan will form the starting point for the public examination of the plan.<sup>5</sup> At the examination the inspector, having heard evidence from all parties, will be required to expressly consider the Mayor's arguments and reach conclusions whether to support or reject them. This is currently not the case and the change gives the Mayor substantial powers over the final content of borough development plan documents. The government will carefully define the meaning of general conformity to be used in this setting.
- **Powers over Planning Applications**  
The Mayor will have enhanced powers to consider strategically important planning applications. The definition of those applications likely to fall under this power will be subject to consultation but are likely to be modelled on the existing Mayor of London Order 2000 criteria that currently specify which applications should be referred to the Mayor. The government wishes the

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<sup>3</sup> Local Development Schemes provide the programme for the preparation of a borough's Local Development Framework. Local Development Frameworks replaced Unitary Development Plans in 2006 as the key statement about borough's planning intentions.

<sup>4</sup> The London Plan outlines The Mayor of London's strategy for the spatial development of London. The Mayor of London, *The London Plan, Spatial Development Strategy for Greater London*, February 2004

<sup>5</sup> Development plan documents include all documents produced by a borough to underpin their Local Development Framework. By law, these include: a Core Planning Strategy which includes a proposals map and site allocations; a Statement of Community Involvement; Area Action Plans for those areas facing the most change; any supplementary or other planning documents; and an Annual Monitoring Plan.

majority of planning decisions to remain at borough level. The enhanced powers will involve a series of processes through which the Mayor may have a varying level of involvement in the planning decisions on a case by case basis. He may ultimately direct a borough to refuse an application, take over an application in full or in part or leave the application to be dealt with by the relevant borough. The Mayor will only be able to take over the handling of applications about which he has made no public statements of support or opposition. His power of direct refusal would remain in this case as this can be appealed. He will also not be able to take over cases that fall under the jurisdiction of the Olympic Development Authority or the London Thames Gateway Development Corporation.

- **Planning for waste**  
The Mayor will have discretion to decide those planning applications for waste facilities that are strategically important and critical to the implementation of the waste strategy.
- **Secretary of State's Powers**  
The Secretary of State will not be able to over turn the Mayor's decision to take over an application. However, the Secretary of State would retain the power to call-in the application after the Mayor had taken it over, though it is anticipated that this would be used rarely and mainly for application than raise larger national issues.
- **Mayoral involvement in s106 issues**  
The Mayor will be the lead party for s106 matters on those applications he decides as planning authority. However, boroughs will be crucial in discussions of s106 in Mayoral decided applications. This is because the outcomes of these are intended to be local rather than regional in nature. The relevant borough/s will therefore be statutory consultees in relation to s106 agreements in applications of strategic importance. This will require the Mayor to take full account of their views and concerns.
- **Statutory consultee status for applications outside London**  
The Mayor will have statutory consultee status on applications made to local planning authorities outside London that could have an impact on strategic planning matters in the capital.

Most of these changes will be implemented through the GLA Bill and changes to secondary legislation. There will be further consultation as the scope of strategically important applications is defined.

## **Waste**

The changes proposed in the area of waste are intended to strengthen London's ability to manage waste sustainably without significant change to existing structures. The Mayor has been given planning powers over strategically important waste facilities and the existing waste authorities will be required to act in general conformity with the Mayor's Municipal Waste Management Strategy. This, together with existing Mayoral powers of direction, will ensure that the vision and policies set out by the Mayor are implemented locally. In addition, government will establish a London-wide Waste and Recycling Forum to bring together stakeholders to improve performance on waste minimisation and recycling, to promote collaborative action and to link waste with other London priorities around climate change, transport and employment. The government will also establish a circa £25 million London Waste and Recycling Fund, drawn from existing funding sources, to be administered by the Forum. A dedicated London Waste Infrastructure Development Programme to support new waste facilities in London will also be established. This will be led by Defra and with strong GLA involvement. The Mayor's planning powers and the

general conformity requirement for waste authorities will be implemented in the GLA Bill. Other changes do not require legislation and will be taken forward immediately.

## **Culture, Media and Sport**

The Mayor will be given a range of new powers and responsibilities in the area of culture, media and sport. These include:

- New duty to consult requirements including:
  - A requirement to consult arts, sports and other cultural delivery bodies on the future development of the Mayor's Cultural Strategy. This will be done through the London Cultural Consortium, the body tasked with the implementation of the Mayor's Cultural Strategy.
  - A requirement for national strategic cultural non-departmental public bodies<sup>6</sup> to consult the GLA on their national strategies that impact London.
  - A requirement for regional strategic cultural non-departmental public bodies<sup>7</sup> to consult.

These will allow an enhanced two-way flow of information on relevant strategy development ensuring better alignment between strategies in the sectors.

- Challenge funding of up to £50,000 per annum will be made available to the London Cultural Consortium for an initial period of two years to fund work of joint relevance to the Department of Culture, Media and Sport and the body itself, for example culture in the Thames Gateway.
- The Mayor will be granted appointment powers subject to the Nolan principles for:
  - The Chair and four board members of the Arts Council England London (boroughs' appointments will be unaffected by this change) and the London Regional Sports Board.
  - The Chair and one board member of Museum Libraries and Archives London.

The chair posts will subject to the agreement of the Secretary of State because of the national responsibilities these appointments hold ex officio.

- Ministers in principle have no objection to transferring responsibility for the funding and governance of the Museum of London to the GLA. This proposal will be considered further following the conclusion of current public consultation on the issue.

Some changes, notably the requirement for the Mayor to involve arts, sport and other cultural delivery bodies in the development of the Cultural Strategy, will require legislation in the GLA Bill. Other changes will proceed as funding agreements and royal charters are changed to reflect the proposals.

## **Health**

The Mayor has been given a range of new responsibilities in relation to public health improvement. These include:

- A Mayoral duty to promote a reduction in health inequalities  
This extends the Mayor's responsibility to promote improvements in the health of Londoners to include reducing health inequality.
- Statutory health inequalities strategy

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<sup>6</sup> Sport England, Arts Council England, the Museums Libraries and Archives Council, the uK Film Council, English Heritage and the Commission for Architecture and the built Environemnt

<sup>7</sup> Arts Council England London, Sport England's London Regional Sports Board and Museums Libraries and Archives Council London

The Mayor will work with the Health Adviser and the Strategic Health Authority for London to develop a strategy. He will also lead on its implementation.

- Formalised role for Health Adviser  
The existing informal relationship between the Regional Director of Public Health and the Mayor and GLA Group will be formalised. This will allow for joined up working between the NHS and London's regional government.

A number of measures will also be put in place to strengthen current partnerships working throughout the region. Much of this will be around the new Strategic Health Authority configuration. Work undertaken by the Mayor and assembly will be expected to provide pan-London strategic leadership that offers greater impetus for partnership working to improve health and reduce health inequalities. The Assembly will be responsible for scrutinising the Mayor's new health inequalities strategy and will also be consulted on its preparations and revisions.

The Mayor's new duties to promote a reduction in health inequalities and prepare a statutory health inequalities strategy, and the formalisation of the Health Adviser role, will require legislation in the GLA Bill.

### **Climate Change and Energy**

The Mayor was granted a number of new powers in relation to climate change and energy. There will be a statutory duty on the GLA to tackle climate change, to be exercised by the Mayor. This will ensure an enduring London-wide programme of action to lower emissions of carbon dioxide. It will also require the GLA to take account of climate change in its day-to-day activities. The Authority will be expected to perform activities to mitigate and adapt to climate change that are reasonably practical, cost effective and cost efficient. The Mayor will also be tasked with producing a statutory Climate Change and Energy Strategy and a Climate Change Adaptation Strategy. These changes will be introduced through the GLA Bill.

### **Water**

The Mayor was given limited additional powers in this area. These build on his existing duty to report on water quality and emissions to water as well as groundwater in his State of the Environment Report. The Secretary of State will have regard to the Mayor's Water Action Framework when framing guidance in preparation for a review of water price limits. The requirement to take account of the Framework is on a non-statutory basis. This matches the Secretary of State's own guidance to Ofwat at successive periodic reviews, which itself has always been non-statutory. These changes do not require legislation.

### **European Structural Funds**

The GLA/LDA will play a leading role in the operation of the European programmes in London. The precise nature of how this will be undertaken has yet to be decided.

### **The Functional Bodies**

A number of changes will be made to the functional bodies. These include:

- Allowing political representatives to sit on the Transport for London Board.
- The transfer of minor transport regimes to the Mayor and the Secretary of State's consent for land disposal should be by letter rather than by order.
- The Mayor will be able to choose either to chair the Metropolitan Police Authority or to appoint the Chair from among the members of the Authority and the Mayor will have a greater role in the appointment of the panel that selects the independent members of the Authority.

- Section 17 of the Crime and Disorder Act 1998 will be extended to the GLA and its functional bodies. Section 17 places named bodies under a duty to do all they reasonably can to prevent crime and disorder. The government believe this will mainstream these issues and improve community safety.
- The Mayor will have wider powers in the appointment of London Fire and Emergency Planning Authority members. The Mayor will appoint 8 members. The Mayor will also have the power to give directions and guidance in line with the Fire and Rescue National Framework. The Secretary of State will retain reserve powers to ensure consistency with national policy.

### **GLA Functions**

Changes in this area aim to strengthen Assembly functioning in both policy making and scrutiny. The Assembly will:

- Be able to set its own budget.
- Publish an annual report setting out its work and achievements over the previous year.
- Be able to hold non-binding confirmation hearings for key appointments the Mayor proposes to make.

In addition, the Mayor will:

- Be subject to an explicit duty to have regard to responses to consultation by the Assembly and four functional bodies in preparing or revising his statutory strategies.
- Provide a timely, written response to the Assembly providing reasoned justifications where he is not acting on its advice.

The Mayor and the Assembly will jointly appoint the Authority's three statutory posts, the Head of Paid Service, the Monitoring Officer (Head of Law) and Chief Financial Officer. The Mayor will continue to appoint two political advisors and up to ten other staff. All other GLA staff will be appointed by the Head of Paid service. A number of other minor changes, around timing, attendance and payment, will be made to address anomalies and improve efficiency.

### **Response**

The extensions to the Mayor of London's powers have received a mixed response. The extensions have been categorised as offering the Mayor more power but in a limited way and there has been little response to many of the new powers. The announcements around culture, media and sport, health, climate change and energy, water and European structural funds raised barely a whisper in response. The areas of most controversy have been planning, housing, learning and skills and waste. There has been strong support expressed by Business for the changes. Baroness Jo Valentine, Chief Executive of London First said the 'decision is good for business, good for London and ultimately good for ensuring the economic competitiveness of the UK'.<sup>8</sup>

The 32 London boroughs have expressed the most dissatisfaction, particularly in the areas of planning and housing. The boroughs are critical that too much of their planning power has been centralised. This, they argue, prioritises strategic development at the expense of local democracy and therefore the wishes of local people. The Association of London Government (ALG) argues that:

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<sup>8</sup> News Release from London First, 'Business applauds bold approach to capital's needs', 13 July 2006 as found at [http://www.londonfirst.co.uk/press\\_centre](http://www.londonfirst.co.uk/press_centre) accessed 20 September 2006

Big decisions affecting a local community need to be taken within that community, by people accountable to the community. ...The 33 London councils have tried and tested consultation processes to involve local residents and businesses in the decision-making process. London is too big and varied a place to leave all such decisions to one individual. The Mayor also has a record of promoting certain types of development, such as tall buildings. This could jeopardise his ability to make objective decisions on specific proposals, and could also lead to developers creating designs that they think will please the Mayor.<sup>9</sup>

They express similar concerns about the changes to housing, arguing that these will concentrate too much power and influence at the centre, with the risk of more strategic decisions being taken that do not take account of local circumstances and priorities.<sup>10</sup> Business, however, is more supportive of the centralisation of planning powers. London First argue this will 'speed up the delivery of strategic development' and this will support the growth of the capital and the economic well being of the country.<sup>11</sup>

Other changes have received cautious welcome from the boroughs. Merrick Cockell, ALG Chariman, said 'We support the move to devolve powers from Whitehall to the regional tier of government in London and the locally elected Mayor. However we would have liked to have seen even more powers devolved to London's boroughs and local communities'.<sup>12</sup>

There has also been disappointment that the Mayor's new powers are not matched by greater power for the Assembly to hold the Mayor to account. This, it has been suggested, is likely to mean that the Assembly will remain a weak body with little power to reign in the Mayor. The Conservatives, in particular, have been critical of the changes arguing that 'Ken Livingstone is increasingly becoming the unaccountable, elected dictator of London'.<sup>13</sup>

The skills announcements have been received relatively favourably, although some commentators suggest further change is inevitable. Ken Livingstone has previously been highly critical of the LSC in London but following the announcement of the new arrangements he was conciliatory. He stated 'I started off thinking that the LSC was totally dysfunctional and we had to get our hands on it. ... With the current leadership of the LSC I have a sense of competence and the sense that they are starting to turn things round. I'm impressed with the people and I'm going to give it my best shot to make it work'.<sup>14</sup> David Hughes, the LSC's regional director for London was also similarly positive describing a mutual respect between the Greater London Authority

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<sup>9</sup> As found at <http://www.alg.gov.uk/doc.asp?doc=18193&cat=937> accessed 19 September 2006

<sup>10</sup> As found at <http://www.alg.gov.uk/doc.asp?doc=18193&cat=937> accessed 19 September 2006

<sup>11</sup> News Release from London First, 'Business applauds bold approach to capital's needs', 13 July 2006 as found at [http://www.londonfirst.co.uk/press\\_centre](http://www.londonfirst.co.uk/press_centre) accessed 20 September 2006

<sup>12</sup> Helene Mulholland, 'Government 'rewards' Livingstone with greater mayoral powers' in *Guardian Unlimited*, 13 July 2006 as found at [http://www.guardian.co.uk/uk\\_news/story/0,,1819799,00.html](http://www.guardian.co.uk/uk_news/story/0,,1819799,00.html) accessed 15 September 2006

<sup>13</sup> Helene Mulholland, 'Government 'rewards' Livingstone with greater mayoral powers' in *Guardian Unlimited*, July 13 2006 as found at [http://www.guardian.co.uk/uk\\_news/story/0,,1819799,00.html](http://www.guardian.co.uk/uk_news/story/0,,1819799,00.html) accessed 15 September 2006

<sup>14</sup> Peter Kingston, 'Ken settles for backroom job', in *Guardian Unlimited*, 18 July 2006 as found at <http://education.guardian.co.uk/egweekly/story/0,,1822416,00.html> accessed 15 September 2006

and the LSC that has developed in recent times. He praised the Mayors ability to 'cut through some of the institutional inertia that can exist between public bodies'.<sup>15</sup>

London First argues that the establishment of the Skills and Employment Board is 'a welcome first step' in addressing London's twin problems of high unemployment and low job-related skills levels.<sup>16</sup> Other commentators have suggested that this is the first step to gradual simplification and consolidation of London's skill structure. Any further change is likely to look more broadly at skills and there has been some suggestion that this may include higher education within the boundaries for discussion. However, to date, Ken Livingstone has not publicly indicated any ambitions in this direction.

## The London Office

The London Office is a strategic policy and intelligence unit at London Metropolitan University. We are actively engaged in advancing the University's mission to promote the economic and social regeneration of London and to meet the educational needs of its communities.

As part of its remit to provide a strategic information service, The London Office produces briefings on issues of regional, national and international importance to the University and its key stakeholders. Any feedback on our briefings are welcome, as are suggestions and enquiries as to other issues that can be investigated in future briefings.

Alongside this service, The London Office seeks to:

- promote the expertise of university staff with organisations and personnel engaged in the economic and social regeneration of the London region; and
- develop strategic regional partnerships in London and collaborative links with European regions.

Please direct any enquiries to **Hayley Robertson**:

T 020 7320 1375

F 020 7320 3025

E [thelondonoffice@londonmet.ac.uk](mailto:thelondonoffice@londonmet.ac.uk)

I <http://www.londonmet.ac.uk/london-office/>

<sup>15</sup> Peter Kingston, 'Ken settles for backroom job', in *Guardian Unlimited*, 18 July 2006 as found at <http://education.guardian.co.uk/egweekly/story/0,,1822416,00.html> accessed 15 September 2006

<sup>16</sup> News Release from London First, 'Business applauds bold approach to capital's needs', 13 July 2006 as found at [http://www.londonfirst.co.uk/press\\_centre](http://www.londonfirst.co.uk/press_centre) accessed 20 September 2006