

Executive**On 31st January 2006**

Report Title:

Consultation on the Mayor's and GLA powers

Forward Plan reference number n/a

Report of: **Max Caller, Interim Chief Executive**

Wards(s) affected: All

Report for: Non Key Decision

1. Purpose

1.1 To agree Haringey's response to the consultation on increasing the role of the GLA and the Mayor's powers

2. Introduction by Leader

2.1 The Office of the Deputy Prime Minister has launched consultation around extending the role and powers of the GLA and the Mayor. The consultation ends on 22nd February 2006. This report details Haringey's proposed response

3. Recommendations

3.1 To agree the response to the consultation as outlined under section 8

Report Authorised by: **Max Caller, Interim Chief Executive**Contact Officer: **Janice Robinson, Principal Policy Officer****4. Executive Summary**

The most significant and far reaching changes are in those proposals around housing and planning. Coupled together they could give the mayor significant new powers. Haringey's proposed response is premised on ensuring that there are robust checks and balances in place to ensure proper scrutiny of any new powers. Additionally, any new

powers should be drawn down from Government rather than removed from local authorities. To ensure this there will need to be built in mechanism to make certain that the views of London boroughs can be heard in the right place at the right time.

5. Reasons for any change in policy or for new policy development (if applicable)

6. Local Government (Access to Information) Act 1985

6.1 Papers used to inform this report are

- The Greater London Authority: the Government's proposals for additional powers and responsibilities for the Mayor and Assembly – a consultation paper, November 2005
 - Local Government Information Unit Policy Briefing 6th December 2005
 - Association of London Government Policy Briefing 30th November 2005
 - ALG Housing Steering Group report 9th November 2005
 - Briefing note from Haringey's Planning Service 22nd December 2005
- Further information can be obtained from Janice Robinson ext 2613

6.2 [Also list reasons for *exemption or confidentiality (if applicable)] N/A

7 Background

The consultation was discussed at the Council, Executive Advisory Board on 10th.

8 Proposed Response to the Consultation on the GLA and the Mayor's Powers

The points outlined below under 8.1 shows the response detailed in our letter to the GLA Review Team.

Section 8.2 gives our full response to the consultation.

8.1 Fundamental Principles

Accountability – checks and balances

- a) Overall we welcome the opportunity to enhance the Mayor's strategic and context setting role. But the exercise of equipping the Mayor with new powers must be premised on a drawing down of power from Central Government, its regional office and quangos rather than a weakening of the powers and responsibilities of the London boroughs
- b) Any new powers for the London Mayor will need to be balanced with extended powers of scrutiny for the Greater London Assembly, which the Mayor cannot veto. Alongside this there will be need to built in mechanisms to make certain that the views of the London boroughs can be heard in the right place at the right time. Ensuring that there are robust checks and balances within any new regime underscores our overall position on the new powers.

- c) We would want to see clear arrangements for borough engagement. We and would welcome proposals to use the current LFEPA arrangements to apply to other GLA bodies.
- d) In a number of instances there are proposals for new or extended powers in areas where the Mayor already has a legislative framework. We are not convinced that new powers in these areas should be considered without evidence that attempts have been made to use the existing powers but that they have proved ineffectual. The case for change must be evidence based and not just asserted.

Strategic role - not delivery

- e) Haringey Council supports the vitally important strategic role that the GLA plays in London. However, we would not want to see the GLA drawn into operational issues and consider that any move to do so could have serious repercussions for the drive to improve critical services at the local level such as waste collection.

Housing – local authorities and successful neighbourhoods

- f) Similarly we recognise the very important strategic role that the GLA can have around housing issues and the delivery of affordable housing. We accept that there may be a need to give the Mayor control over the affordable housing element of the regional housing pot given the high level of statutory housing need within the capital. However, it is incumbent upon local authorities to oversee the development of prosperous, well served and sustainable communities and to manage the neighbourhoods agenda and the tempo of local regeneration. We would also want boroughs to maintain local influence over matters such as the precise tenure mix, the development of family sized accommodation and the need to ensure that there were adequate local facilities such as schools to support and make a success of any housing development.
- g) The formation of the new regime around the London Housing Board provides an opportunity to develop a more accountable structure to replace what is currently an unaccountable quango.

Planning and section 106

- h) Haringey supports conformity around the London Plan and would welcome drawing in those boroughs that are currently not compliant with it. However, we are fundamentally opposed to the Mayor having the power to approve specific local planning applications. Such an arrangement would not have adequate checks and balances and would mean that residents and boroughs would have no hearing of the case for and against in a decision taking forum nor any route of appeal, save for recourse to the courts, should they disagree with the Mayor's decision. We believe that the Mayor's major role around planning is to set the strategic context and create and build compliance around the London Plan.
- i) We do not support the Mayor having powers over Section 106 agreements. The outcomes around these agreements are often part of delicate local negotiations which help deliver successful developments that have the support of the local community. A move to vest greater powers in the Mayor around section 106 agreements would remove a critical lever from local authorities.

8.2 issues to consider in response to specific questions

Housing

Q 1: Should the Mayor be able to decide the allocation of the affordable housing portion of the Regional Housing Pot? If so, what would be the benefits?

Q 2: Would there be benefits in the London Housing Strategy becoming a statutory strategy, and does having a statutory strategy raise any difficulties?

Q 3: Should further options be explored? If so, what should these be?

Response

1 & 2

The key issue for both these questions is that we should not swap one unaccountable quango for another. Haringey would be keen to see wider conformity around delivery of affordable housing, but would want to see greater accountability for the Mayor and adequate mechanisms for boroughs to influence the investment strategy. Moreover, because local authorities are charged with responsibility for building sustainable and prosperous neighbourhoods, we would want to ensure that boroughs retain a strong influence over matters such as tenure balance and unit sizes.

3

Measures to build in democratic accountability and adequate representation for local authorities should be explored. Places for Members and officers from the boroughs will need to be secured for the new London Housing Board and the structures that surround it.

Learning and Skills

Q 4: Do you consider that there is a case for change to current arrangements for learning and skills in London?

Q 5: Do you agree that the Mayor should have a greater say over learning and skills in London? If you do, which option (or series of options) do you favour?

Q 6: What greater flexibilities are possible within the current organisational context? How can the GLA make best use of current mechanisms for strategic influence?

Q 7: What would the benefits of change be to learners and/or employers? Do those benefits outweigh any risks of destabilising learning and skills provision?

Response

Yes. Haringey believes that there is a need to change current arrangements for learning and skills in London and we believe that the overarching strategic voice of the Mayor could bring real benefits to the capital particularly for those areas with high levels of worklessness and a low skills base. However, once again we are concerned about checks and balances in the system. We would not want to see the LDAs role promoted with regard to learning and skills in London. Instead, we would wish to see a separate member of the GLA 'family' taking learning and skills issues forward. We would therefore, support a hybrid of options 2 & 3, i.e. strengthening the regional tier of the LSC coupled with an enhanced leadership role for the Mayor.

Planning

Q 8: Is there evidence from the operation or delivery of the planning system in London to justify fundamental change to the current arrangements?

Q 9: Do consultees have other suggestions, beyond those set out in this paper, on how the efficiency and effectiveness of the strategic planning process in London can be improved?

Q 10: For each of the options, would the changes proposed lead to a demonstrable improvement in the performance and delivery of regional planning and consequent local planning activity in London?

Q 11: For each of the options, would there be an acceptable impact upon democratic accountability of decision making; would there be adverse consequences for the delivery of national policy; and would there be any adverse consequences for adjoining regions?

Q 12: Are safeguards needed (such as an increased role for the Assembly) to ensure accountability, consistency, fairness and propriety if the Mayor is given powers to decide planning applications and/or direct changes to Local Development Documents and Local Development Schemes? If so, what safeguards would be required?

Q 13: How should the Mayor's promotional and decision making roles be reconciled under options a) and b)?

Q 14: Should the Mayor be consulted on a statutory basis on planning applications outside London that impact on the capital, and how would these be defined?

Q 15: Should the Mayor be a statutory party to negotiations on Section 106 agreements associated with strategic applications and what would the implications be for the use of Section 106 income, or the mitigation of local impacts arising for development proposals (setting aside the changes to planning obligations foreshadowed in Budget 04 as a result of the Barker review)?

Response

10

Haringey does not believe that there is a need to justify fundamental change to the planning system currently operating in London. We support the minimal change option 'c', as outlined under section 4.3.19 of the consultation document. This option will allow the necessary adjustments to enable planning in London to catch up with recent changes in planning arrangements.

11 & 12.

We are concerned that any new powers afforded to the Mayor should be balanced through greater accountability and scrutiny. Increasing the role of the Assembly could help achieve this.

13

Haringey does not support the Mayor being given powers of both promoting development and deciding plans. This would give the Mayor the role of judge, jury and executioner. However, there is acceptance that the Mayor should have a role in refusing applications that are out of line with the London Plan.

14

Haringey would support statutory consultation around planning applications that have a significant effect upon the capital. For example those that have major implications around traffic or transport.

15

Haringey does not support the Mayor's statutory involvement in section 106 agreements. We believe that this would cause considerable delays in the planning process. Haringey supports the Mayor's role in promoting strategic development and ensuring that infrastructure requirements are negotiated from developments. However, section 106 agreements play a critical role in addressing very local concerns. As such the negotiations surrounding these agreements must remain at a local level and be accountable to and in touch with local people.

Waste Management and Waste Planning

Q 16: What, if any, is the case for change to current waste disposal and waste planning arrangements in London, taking into account:

- a. Experience since the GLA came into being;*
- b. The changes arising from the planning reform agenda and updated planning policy on waste management; and*
- c. Options for enhancing the Mayor's planning powers detailed by options in the planning section?*

Q 17: Are there powers that could be given to the GLA, disposal authorities or planning authorities that would enable the current structure to work better?

Q 18: If you consider there is a case for change, what is your preferred option for waste management and waste planning (including any options not covered in this section), and what are your views on the risks and benefits of:

- a. the range of options outlined above;*
- b. specifically, the Mayor's proposal.*

Q 19: If a Single Waste Authority of some kind is established, what type of governance structure should it have (e.g. modelled on TfL, the LDA, LFEPA or the ALG Transport and Environment Committee) and why?

Response

Haringey accepts that there is probably a need for the Mayor to have greater strategic direction over waste for London. However, we believe that the Mayor has existing powers that could enable him to achieve this. For example the boroughs within the North London Waste Disposal Authority are producing, on a voluntary basis, a strategy for waste disposal within the sub region. We are opposed to the Mayor drawing in responsibility over delivery and operational matters around waste disposal. Haringey is concerned that any such strategic powers are used and seen to be reasonable and consistent. Therefore, we would advocate a stronger role for the boroughs at a sub regional level modelled on the current arrangements for LFEPA.

Q 20: In respect of waste planning:

- a. Would London be better equipped to achieve more sustainable waste management if disposal and planning responsibilities are met within the same organisation; at the same geographic scale; or both?*
- b. Should the Mayor be given powers to allocate sites for new waste facilities and make development control decisions?*
- c. If so, are safeguards needed (such as an increased role for the Assembly) to ensure accountability, consistency, fairness and propriety? What might these be?*

Q 21: Are transitional arrangements required with any of the options set out for waste management and/or waste planning, and if so what are they?

Q 22: What is the optimal geographic scale (i.e. borough-level; sub-regional level; or pan-London level) for:

- a. Procurement of collection and disposal infrastructure; and*
- b. Management of collection and disposal operations?*

Q 23: What governance, operational or procurement links should be made between collection and disposal? Why?

Q 24: How can the sustainable management of London's non-municipal waste streams be assured? To what extent could management of municipal and non-municipal wastes be combined? And how could this be achieved?

Response

20 a, b & c

The new waste planning powers should be considered in conjunction with the new plan-making and development control powers. It is considered that additional powers to direct LDSs and DPDs, including waste DPDs are unnecessary. However, there may be a case for such a power for strategic waste applications. The Mayor is best placed to make decisions on strategic applications which should be assessed in the regional and sub-regional interest.

Culture, Media and Sport

Q 25: Should the GLA be responsible for appointing Chairs and board members of London cultural bodies?

Q 26: Should the GLA be consulted on cultural NDPBs' national strategies, (including plans for spending) as they are developed, and should London cultural bodies consult the GLA on the development of their regional strategies?

Q 27: Should the GLA consult London cultural bodies on the development of the Mayor's Cultural Strategy?

Response

Haringey has no objection in principle to any of these proposals. However, we are concerned that culture and sport is not neglected at a local level. We would want to see the proposals expanded to ensure that local issues will be adequately addressed.

Public Health

Q 28: Should the Mayor be given further powers relating to health improvement, building on the existing responsibility to take the health of Londoners into account and to improve their health, and if so, what would these be?

Response

Yes, the Mayor should be given further powers in relation to health improvement. For example there could be a greater alignment of health and housing issues, or other strategic areas that have a direct impact upon health.

Energy

Q 29: Should the Mayor be subject to a clear statutory responsibility to produce an energy strategy for London? If you agree that he should, what more if anything does the GLA need to help deliver it?

Response

Haringey is neutral on this issue

Water

Q 30: Do you agree that the Government should have a new duty to have regard to the Mayor's Water Action Framework when it frames its guidance to regulators in preparation for a review of water price limits?

Sustainable Development

Q 31: Are the Mayor's current range of powers consistent with his existing statutory duty on sustainable development (e.g. is there a case for strengthening his existing powers to take account of climate change)?

Response

Haringey is neutral on this issue

TfL

Q 32: Do you agree the proposals for section 163 consent to be via letter rather than by an order, and for the other minor regimes to be passed to the Mayor?

Q 33: Should political representatives, other than the Mayor of London, be able to sit on the TfL Board?

Response

32

Yes

33

Transport issues have become increasingly important at a local level. It has become clear that if boroughs are to fulfil their duties and responsibilities they must have a greater opportunity to influence transport policy for the capital. Yes, we do support political representation on the TfL Board. We would recommend that the proposals for borough representation are in line with or broadly similar to the current arrangements around LFEPA

The LDA

Q 34: If London receives European funding during the 2007-13 round of European programmes, do you consider the Government Office, the GLA or another body best placed to run the programme?

Response

34

Consistent with our view that powers should be devolved from Government, we support this programme being run at GLA level. However, it is important to ensure a separation between applicants and the management arrangements so neither the Mayor's Office nor the LDA would be acceptable. A member of the GLA family that can act impartially should be chosen.

The MPA

Q 35: We welcome comments on the proposed changes to arrangements for policing accountability.

Q 36: We welcome comments as to whether section 17 of the Crime and Disorder Act should be extended to the GLA.

Response

35 & 36

We do not support the proposals for the Mayor to chair the MPA. This is a burdensome role and would render the Mayor little time for other matters. This view is underpinned by a strong belief that the local role of boroughs should be strengthened. We are not opposed to the GLA being included in the group of organisations having responsibility for section 17. Policing does require a strong strategic framework with equally robust powers of accountability. However, policing outcomes will only improve if the strategy is informed by a strong local input.

The LFEPA

Q 37: We welcome comments on the proposed changes to arrangements for making appointments to LFEPA and to empower the Mayor to give the Authority direction and guidance.

Response

37

The existing composition of LFEPA is the model that should be followed for other GLA family bodies. There is no case to reduce elected representatives to include non-elected 'interest groups'. It would be preferable to issue guidance enabling the Mayor in making his nominations to identify specific champions for these areas if this is felt appropriate.

The London Assembly

Q 38: Should the Mayor be required to have regard to Assembly responses to consultation?

Q 39: Should the Assembly have a strengthened role in preparing or revising Mayoral strategies, whereby it could block implementation by a two-thirds majority?

Q 40: Should the Assembly's scrutiny role be extended to London-wide bodies that are not directly accountable to the Mayor. If it should, which bodies could be subject to Assembly scrutiny, and should the Assembly be able to summon members and officers from those bodies to appear before it?

Q 41: Are there broader implications for extending the Assembly's scrutiny role that should be considered? Please specify.

Q 42: Do you agree that there is a case for changing the current arrangements for appointing GLA staff. If you do, what system do you favour?

Response

38 & 39

A principle that underscores Haringey's overall response to this consultation is that any greater powers must be balanced by stronger powers of accountability and representation. Therefore we would welcome moves to strengthen the role of the Assembly to better scrutinise the decisions of the Mayor

40, 41 & 42

Clearly, if the Mayor is to be given powers to set strategies in say Health or water then it is equally vital for the Assembly to be able to scrutinise the context and impact of his proposals. If regulators and for example, NHS regional health authorities, were required to attend without such a power, scrutiny would become nugatory.

9. Consultation

The views of Members have been sought via service heads and at the Executive Advisory Board. These views have been drawn together and incorporated in this report. The consultation has been sent to other key London stakeholders directly by the ODPM

10. Summary and Conclusions

There are merits in affording greater strategic responsibilities to the Mayor. However, these must not be gained at the expense of the influence of London boroughs. If the new regime is to work at a local level, then boroughs must have built in mechanisms which guarantee that they can intervene and have an effect upon decision making within the GLA and its functional bodies. The Mayor should not take control of any operational functions.

11. Recommendations

To agree the response to the consultation outlined under section 8.

12. Comments of the Director of Finance

Not necessary at this stage

13. Comments of the Head of Legal Services

Not necessary at this stage

14. Equalities Implications

Greater strategic direction over resources could have beneficial results for our poorest communities. Equally, however, decision making that is not sensitive to local needs and circumstances could have negative consequences for our most deprived and socially excluded neighbourhoods.

15. Use of Appendices / Tables / Photographs

None