

GREATER LONDON AUTHORITY ACT 2007

EXPLANATORY NOTES

COMMENTARY

Part 5: the London Fire and Emergency Planning Authority

Section 25: Membership

60. Subsections (1) and (2) amend paragraph 1 of Schedule 28 to the GLA Act 1999. These changes reduce by one in each case the number of Assembly and London borough council members on the LFEPA and enable the Mayor to appoint on his own nomination two members (Mayoral representatives) to that authority. The total number of members of LFEPA remains at 17.
61. Subsection (4) inserts a new provision in paragraph 8 of Schedule 28 to require the Mayor to fill any vacancy caused by a Mayoral representative ceasing to be a member of LFEPA.

Section 26: Allowances

62. Section 26 amends paragraph 4 of Schedule 28 by giving LFEPA the discretion, notwithstanding the constraints of sub-paragraph (1) of that paragraph, to pay the allowances set out in sub-paragraph (2) to the Chairman or Vice-Chairman.

Section 27: Directions etc by the Mayor

63. Section 27 adds two new sections to the GLA Act 1999 (section 328A and section 328B). Section 328A enables the Mayor to issue directions and guidance to LFEPA (similar to section 155 of the 1999 Act in relation to TfL), but imposes certain constraints on the exercise of those powers. Section 328B gives the Secretary of State power to remove any inconsistent directions or guidance which conflict with national policy and enforcement guidance.
64. Section 328A(1) to (3) enables the Mayor to issue guidance or directions to LFEPA on how it is to exercise its functions, perform its duties and conduct any legal proceedings.
65. Section 328A(4) provides that any guidance or direction given by the Mayor should be notified to the Chief Fire Officer, who has day to day operational command of LFEPA.
66. Section 328A(5) and (6) provides that the Mayor in exercising his power to issue guidance or direction to LFEPA has to have regard to the Fire and Rescue National Framework and any fire safety enforcement guidance issued under article 26 (enforcement) of the Regulatory Reform (Fire Safety) Order 2005 by the Secretary of State. The purpose is to ensure that any guidance or directions issued by the Mayor does not conflict with policy requirements and guidance at a national level.
67. Where the Secretary of State considers that any guidance or directions issued under section 328A is inconsistent with the Fire and Rescue National Framework or fire safety enforcement guidance then section 328B enables her to direct the Mayor to remove that inconsistency. The Mayor must comply with such a direction.