

# GREATER LONDON AUTHORITY ACT 2007

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## EXPLANATORY NOTES

### COMMENTARY

#### **Part 1: General Functions of the Authority**

##### **Payments on loss of office**

##### *Section 1: Payments on ceasing to hold office as Mayor or Assembly member*

22. *Section 1* inserts into the GLA Act 1999 a new section 26A. Sections 24 to 26 of the 1999 Act provide for the Mayor and Assembly members to be paid salaries and expenses and to establish a pension scheme. The new section enables the Authority to establish and administer schemes allowing for a Mayor or Assembly member to receive a payment on ceasing to hold office. A scheme may be set up if the Mayor and Assembly, acting jointly, decide to establish one.
23. The Assembly is required to include in its standing orders provision for publishing each determination made in relation to a scheme set up under this section.

##### **The Mayor's strategies**

##### *Section 2: Consultation*

24. The GLA Act 1999 requires the Mayor to produce a number of strategies, and to carry out consultations in preparing or revising them. The Mayor consults in the first instance the Assembly and the four functional bodies before consulting more widely.
25. *Section 2* inserts into the GLA Act 1999 a new section 42A. It requires the Mayor to have regard to any comments submitted to him by the Assembly or any of the functional bodies in response to consultation on his strategies. The Mayor shall also respond in writing to the Chair of the Assembly setting out which of the Assembly's comments he accepts for implementation in the strategy and, where he has not accepted a comment, giving the reasons why.

##### **The Assembly**

##### *Section 3: The Mayor's periodic report to the Assembly*

26. Section 45 of the GLA Act 1999 requires the Mayor to make a report to the Assembly at least three clear working days before each of the ten 'monthly' meetings the Assembly must hold each year.
27. *Section 3* amends section 45 to require the Mayor to submit his report to the Assembly at least five clear working days before each Assembly meeting.

***Section 4 & Schedule 1: Confirmation hearings etc for certain appointments by the Mayor***

28. **Section 4** inserts into the GLA Act 1999 a new section 60A which lists the offices to which confirmation hearings will apply. They are:

- chairman, or deputy chairman, of Transport for London
- chairman, or deputy chairman, of the London Development Agency
- chairman, or vice chairman, of the Metropolitan Police Authority
- chairman of the London Fire and Emergency Planning Authority
- chair of the Culture Strategy Group for London
- chairman, or deputy chairman, of the London Pensions Fund Authority

The Secretary of State may by order amend that list, and must consult the Mayor and the Assembly before making an order.

29. **Schedule 1** sets out a new Schedule 4A to the GLA Act 1999 which provides for the Assembly to hold confirmation hearings for appointments to the offices mentioned above. The Mayor must not make any of the above appointments until the confirmation hearing process has ended. He must notify the name and details of the proposed appointee to the Assembly and they may call that person before them. The Assembly must notify the Mayor stating whether it recommends the proposed appointee or not. The Mayor need not accept the recommendation.

***Section 5: Power to require attendance at Assembly meetings: time limits***

30. Section 61 of the GLA Act 1999 contains powers for the Assembly to summon certain categories of people to give evidence at its meetings and to produce documents e.g. a person who is a senior member of staff of the Authority, the chairman or a member of the board or a senior member of staff of one of the functional bodies, or a person who has a contractual relationship with the Authority. The Authority may summon such a person up to 3 years after the end of their period in office, contractual relationship, etc.
31. **Section 5** amends section 61 to extend the period during which the Assembly may summon a person from 3 years to 8 years.

***Section 6: Annual report by the Assembly***

32. This section inserts into the GLA Act 1999 a new section 65A. It requires the Assembly to prepare an annual report on its work and achievements during the year. The Assembly must send the report to the Mayor before publishing it.

**Officers and staff**

***Sections 7 to 11: Officers and staff***

33. **Sections 67 to 73** and section 127 of the GLA Act 1999 provide for the appointment of employees of the Authority.
34. Under the provisions of section 67(1)(a) and (b) the Mayor is able to appoint two political advisers and not more than 10 other members of staff. Under the provisions of section 67(2) the Assembly appoints all other staff, following consultation with the Mayor.
35. **Section 7** replaces section 67(2) so as to provide for the Authority's staff to be appointed by the Authority's Head of Paid Service, except for the appointments of the Head of Paid Service himself, the Monitoring Officer and the Chief Finance Officer. The Head of Paid Service must consult the Mayor and Assembly before making appointments,

and must have regard to available resources and the priorities of the Authority in making them. The section also amends section 70(2) of the GLA Act 1999 to provide for the Head of Paid Service to set the terms and conditions of those staff he appoints after consulting the Mayor and Assembly. The appointments, and terms and conditions, of the Authority's existing staff have effect as if they had been appointed or set by the Head of Paid Service.

36. **Section 8** amends section 72 of the GLA Act 1999. Under the provisions of that section as amended, the Mayor and Assembly acting jointly will appoint the Authority's Head of Paid Service, and set his terms and conditions. **Subsection (6)** inserts into section 72 of the 1999 Act a new subsection (11) which allows the Head of Paid Service to delegate to a member of staff of the Authority (other than a member of staff appointed under section 67(1)) his functions of making appointments and setting terms and conditions.
37. **Section 9** amends section 73 of the GLA Act 1999 to require the Mayor and Assembly, acting jointly, to appoint the Authority's Monitoring Officer and set his terms and conditions.
38. **Section 10** amends section 127 of the GLA Act 1999 and inserts a new section 127A to make similar provision with respect to the Authority's Chief Finance Officer.

## **The annual budget**

### ***Sections 12 to 16: The annual budget***

39. Part 3 of the GLA Act 1999 makes provision about the budget of the Authority. The Authority does not raise council tax directly from individual council taxpayers, but the 1999 Act instead requires each London borough council to raise a certain amount (the "precept") from council taxpayers in its area. The 1999 Act sets out rules which the Authority must follow in calculating its consolidated annual budget requirement. For each constituent body, that is the Authority and each of the four functional bodies, the Authority must calculate the component budget requirement – the difference between the sum of expenditure items and the sum of income items as described in the 1999 Act. The Authority must then calculate the consolidated budget requirement by adding together the component budget requirements of each of the constituent bodies. The Mayor must present the consolidated budget in draft to the Assembly, which may amend the budget.
40. **Section 12** amends section 85 of the GLA Act 1999 to provide for separate component budget requirements for the Assembly and the Mayor. The Assembly's component budget requirement is the requirement in relation to the Assembly's functions, including in particular estimates of expenditure, allowance for contingencies and use of reserves, in respect of Assembly members and staff; goods and services procured solely for the purposes of the Assembly; and in relation to the London Transport Users' Committee. The Mayor's component budget requirement is everything else which would otherwise make up the Authority's component budget requirement.
41. **Section 13** amends Schedule 6 to the GLA Act 1999 to include the separate component budget requirements for the Assembly and the Mayor in the procedure for determining the Authority's consolidated budget requirement. Schedule 6 provides for the Assembly to be able to amend the draft consolidated budget, and the draft component budgets comprised in it, by a simple majority of the Assembly members voting, and the final draft consolidated budget by at least a two-thirds majority.
42. **Subsections (5) and (7)** insert into Schedule 6 new paragraphs 5A and 8A respectively, limiting the Assembly's powers to increase its own component budget requirement by amendment. The Assembly may not amend its own component budget requirement so that its annual percentage increase is greater than the annual percentage increase in the Mayor's component budget requirement. In order to deal with unusual one-off payments, the Authority's Chief Finance Officer may direct that specified amounts are

to be left out of the budget requirement calculations for the purpose of determining this limit. The Secretary of State may give guidance to the Chief Finance Officer with respect to his exercise of the power.

43. [Section 14](#) amends Schedule 7 to the GLA Act 1999 to make similar changes to the procedures for carrying out substitute budget calculations by the Authority.
44. [Section 15](#) provides for amounts to be designated as the component budget requirements of the Assembly and the Mayor for the financial year preceding the first financial year in which the new arrangements are to operate. The designation is needed so that the limit on the amount by which the Assembly's component budget requirement may be increased by Assembly amendments in the first year of operation of the new provisions can be calculated. *Subsection (4)* requires the Authority's Chief Finance Officer to make the designation by 31 December of the year preceding the first financial year in which the new arrangements operate. He must consult the Mayor and Assembly before making the designation.
45. Schedule 4 to the GLA Act 1999 provides for the Deputy Mayor to be able to exercise functions of the Mayor where the Mayor is unable to do so. At present this provision does not cover the Mayor's functions under Schedules 6 and 7 in relation to the setting of the Authority's budget. So if the Mayor is temporarily unavailable, the Assembly must set the budget as if the Mayor had failed to exercise his functions. Section 16 changes this by providing that the Deputy Mayor may exercise the Mayor's budget-setting functions if the Mayor is temporarily unable to act.

## **Part 2: Transport**

### ***Section 17: Restrictions on disposal of land: method of giving consent***

46. [Section 17](#) of the Act amends section 163 of the GLA Act 1999. Section 163 provides that TfL cannot dispose of operational land such as railway or tramway lines or stations, either through freehold sale or lease of over 50 years, without the consent of the Secretary of State. That consent must currently be given by means of an order made by statutory instrument. This section amends that requirement so that only the written approval of the Secretary of State is required.

### ***Section 18: Membership of Transport for London: eligibility of holders of political office***

47. [Section 18](#) removes the current prohibition in Schedule 10 to the GLA Act 1999 on political representatives being appointed as members of TfL, in order to bring TfL in line with other functional bodies, where political representatives can be appointed.

### ***Section 19: Remuneration and allowances***

48. [Section 19](#) then amends Schedule 10 to the GLA Act 1999 to prohibit the payment of remuneration or allowances (other than expenses) to members of TfL who are also Assembly members, except allowances in the case of an Assembly member who is also the chairman or deputy chairman of TfL.

## **Part 3: the London Development Agency**

### ***Section 20: Allowances***

49. [Section 20](#) removes the prohibition on payments of allowances to any chairman or deputy chairman of the LDA who is also an Assembly member.

## **Part 4: Health**

### **The Health Adviser and the Deputy Health Advisers**

#### ***Section 21: The Health Adviser and the Deputy Health Advisers***

50. This section inserts into the GLA Act 1999 a new section 309A to provide for there to be a Health Adviser to the Authority. It will be the function of the Health Adviser to advise the Authority, the Mayor, any Assembly member and any functional body on major health issues, the performance of any person's health-related functions and the implementation of the provisions of the 1999 Act which impose duties relating to health inequalities between persons living in London.
51. This section also inserts into the GLA Act 1999 a new section 309B which provides for the current Regional Director of Public Health (RDPH) (for London) to be the Health Adviser. If the post of RDPH for London ceases to exist, the section provides for the Health Adviser to be the person in the post which corresponds, or most closely corresponds, to that of RDPH for London. If there is a question as to which of two or more persons is to be the Health Adviser, the Secretary of State may designate one of them to be the Health Adviser. If there ceases to be an RDPH or corresponding post, the Secretary of State is to appoint the Health Adviser from among persons within the civil service or NHS who hold senior posts in which they have strategic responsibilities for public health in Greater London. Following such an appointment, if the person ceases to hold such a post, he also ceases to be the Health Adviser.
52. This section also inserts into the GLA Act 1999 a new section 309C to make provision for there to be one or more Deputy Health Advisers. If there is a vacancy in the post of Health Adviser or if the Health Adviser is incapable of discharging his functions, one of the Deputy Health Advisers will be appointed to exercise the Health Adviser's functions. The Health Adviser's functions are exercisable by any Deputy Health Adviser to the extent that the Health Adviser authorises, and subject to any conditions.
53. This section also inserts into the GLA Act 1999 a new section 309D to provide for the Deputy RDPHs (for London) to be the Deputy Health Advisers to the Authority. If the post of Deputy RDPH for London ceases to exist, the Deputy Health Advisers are to be the persons in the posts which correspond, or most closely correspond, to that of Deputy RDPH. If there is a question as to which of two or more persons are to be the Deputy Health Advisers the Secretary of State may designate one or more to be the Deputy Health Advisers. If there ceases to be a Deputy RDPH or corresponding post, the Secretary of State is to appoint one or more Deputy Health Advisers from among persons within the civil service or NHS who hold senior posts in which they have strategic responsibilities for public health in Greater London. Following such an appointment, if the person ceases to hold such a post, he also ceases to be a Deputy Health Adviser.

### **Reduction of health inequalities**

#### ***Section 22: The health inequalities strategy***

54. **Section 22** inserts into the GLA Act 1999 a new section 309E that requires the Mayor to prepare and publish a health inequalities strategy containing proposals and policies for promoting the reduction of health inequalities between persons living in London. Those proposals and policies are to be addressed to mitigating differences in general health determinants (as defined). The strategy must identify issues that appear to the Mayor to be major health issues where there are health inequalities, identify those health inequalities, specify priorities for reducing them and describe the role of any relevant person or body in implementing the strategy. Relevant persons and bodies include the Authority, any functional body, any London borough council, the Common Council of the City of London, the Health Adviser, any Strategic Health Authority for London,

Primary Care Trusts established for London, NHS Trusts and NHS Foundation Trusts with hospitals, establishments or facilities in London and other bodies and persons with responsibilities, in relation to London, with respect to general health determinants.

55. This section also inserts into the GLA Act 1999 section 309F which defines “health inequalities between persons living in Greater London” as health inequalities between persons living in or in different parts of London or between persons of different descriptions living in or in different parts of London. “Health inequalities” is defined as inequalities in respect of life expectancy or general state of health resulting from differences in general health determinants. General health determinants are matters such as standards of housing, transport services, public safety, employment prospects, earning capacity and other matters affecting levels of prosperity, degree of ease or difficulty of access to public services, the use or level of use of substances such as tobacco, other aspects of lifestyle or personal behaviour that are, or may be, harmful to health and other determinants except genetic or biological factors.
56. New section 309G specifies that in preparing or revising the health inequalities strategy the Mayor must have regard to any guidance given by the Secretary of State as to matters to be taken into account. The Mayor and Health Adviser must collaborate and co-operate in the preparation or revision of the strategy and in ascertaining the issues to be identified in it. The Mayor must also consult those relevant bodies that appear to him to be likely to be affected by the strategy. (The Mayor is not required to consult the Authority or any functional body under this provision, because he must consult them under section 42(1) of the GLA Act 1999.)
57. New section 309H empowers the Secretary of State to direct the Mayor to revise the health inequalities strategy where it is inconsistent with national policies and where that inconsistency would have a detrimental effect on achieving the objectives of those policies. Where such a direction is issued the Mayor must revise the strategy accordingly. The Secretary of State must consult the Mayor before giving a direction.

### ***Section 23: The general power of the Authority: duty to have regard***

58. Section 30 of the GLA Act 1999 requires the Authority to have regard to the effect which any proposed exercise of its general power will have on the health of persons in Greater London, and to exercise its general power in a way best calculated to promote improvements in the health of such persons. Section 23 amends section 30 to require the Authority also to have regard to the effect of any proposed exercise of its general power on health inequalities, and to exercise its powers in a way that is best calculated to promote the reduction of health inequalities between persons living in Greater London.

### ***Section 24: General duties of the Mayor with respect to his strategies***

59. Section 41 of the GLA Act 1999 requires the Mayor to have regard to the effect of his strategies or revisions to his strategies on the health of persons in London. It provides that when the Mayor prepares or revises his strategies he must include policies and proposals best calculated to promote improvements in the health of such persons. In line with the general duty under section 30, section 24 amends section 41 of the 1999 Act to require the Mayor additionally to consider the effects of his strategies on health inequalities. It requires the Mayor, when preparing or revising his strategies, to include policies and proposals that are also best calculated to promote the reduction of health inequalities.

## **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.

## **Part 6: Housing**

### ***Section 28: The London housing strategy***

68. This section inserts into the GLA Act 1999 new provisions requiring the Mayor to prepare a London housing strategy. The section sets out what the strategy should contain, which includes recommendations affecting housing funding decisions for London. It specifies the circumstances under which the Secretary of State may intervene in the production of the strategy.
69. *Subsections (1) and (2)* apply to the London housing strategy the provisions (as amended) of section 41 of the GLA Act 1999 (except subsection (9) – see below). Section 41 of the 1999 Act makes provision which applies to the Mayor's statutory strategies. It requires the Mayor to have regard to certain matters in preparing or revising those strategies, and to follow certain procedural steps. Section 42 lists the persons he is required to consult in preparing or revising a strategy.
70. *Subsection (3)* of the section exempts the Mayor from the requirement, set out in section 41(9) of the GLA Act 1999, to set targets within the London housing strategy which are not less demanding than targets and objectives set nationally. This exception

has been put in place in acknowledgement that, for housing, local circumstances might mean that national targets have different effects in different regions.

71. *Subsection (4)* of the section inserts 4 new sections after section 333 of the GLA Act 1999 - sections 333A to 333D.
72. The new section 333A places a requirement on the Mayor to prepare and publish a London housing strategy and sets out in broad terms what the strategy should contain. In particular, it requires the Mayor to:
  - assess housing conditions and identify housing needs in Greater London;
  - put forward proposals and policies to promote the improvement of those housing conditions and the meeting of those needs;
  - state the measures that he will encourage other bodies and persons to take for that purpose, and
  - make a statement as to his “spending recommendations” to the Secretary of State and the Housing Corporation for housing for Greater London.
73. The “spending recommendations” are to relate to funding for housing from central government for a period specified by the Secretary of State. The new section sets out what the recommendations are to contain and, in particular, crossrefers to new section 333D(1) (duty of the Housing Corporation to have regard to recommendations). The section requires the Mayor, when preparing the strategy, to have regard to guidance from the Secretary of State and the effect of the strategy on regions adjoining Greater London. New section 333A(8) also requires him to consult the Housing Corporation and bodies he deems to be representative of registered social landlords when preparing or revising the strategy, in addition to the statutory consultees listed in section 42 of the GLA Act 1999.
74. New section 333B requires the Mayor to provide the Secretary of State with a copy of the London housing strategy prior to publication. It gives the Secretary of State the period of six weeks in which to direct changes to the strategy where it conflicts with national policy on housing or where it will have an adverse effect on regions adjoining Greater London. In the event of such a direction, the Mayor must comply with it before the London housing strategy can be published. The Secretary of State can only issue a direction under this section after consulting the Mayor.
75. New section 333C sets out arrangements for the Secretary of State to require a revision to all or part of the London housing strategy once it is published. This is to allow for changes in national policy or levels of funding – for instance as a result of a more recent Spending Review. Again the Secretary of State can only require a revision after consulting the Mayor.
76. New section 333D places a requirement on the Housing Corporation, when exercising its functions of giving grants under sections 18 and 27A of the Housing Act 1996, to have regard to the London housing strategy. The section also requires local housing strategies (defined in the section) of local housing authorities in Greater London to be in general conformity with the London housing strategy. This will enable the Mayor to challenge boroughs whose local housing strategies are significantly out of alignment with the policies and aspirations set out in the London housing strategy.
77. *Subsection (5)* of section 28 provides a power under which the Secretary of State may direct the Mayor to submit a draft London housing strategy by a specified date. This will allow the Secretary of State to ensure that the funding recommendations which form part of the London housing strategy are agreed in line with the timetables for the funding decisions to which the recommendations relate. *Subsection (6)* provides that the Secretary of State can only set such a date after consultation with the Mayor.

## **Part 7: Planning**

### **The Mayor's spatial development strategy**

#### ***Section 29: Duties in relation to consultation***

78. **Section 29** amends section 335 of the GLA Act 1999 to require the Mayor to have regard to comments by the Assembly or functional bodies in response to consultation on proposed revisions to his spatial development strategy. The Mayor must also respond in writing to the Chair of the Assembly, setting out which of the Assembly's comments he accepts for implementation in the strategy and, where he does not accept a comment, giving the reasons why.

### **Local development schemes**

#### ***Section 30: Local development schemes***

79. The Planning and Compulsory Purchase Act 2004 ("the 2004 Act") provides for local development schemes (LDSs). The LDS is the local planning authority's workplan for the production of local development documents (LDDs). This section amends the 2004 Act to require local planning authorities in Greater London to send a copy of their draft LDS to the Mayor who may direct that changes be made to it. It also allows the Mayor to direct the borough to prepare a revision to their LDS. The purpose is to ensure that key policies of the regional plan (the London Plan) are reflected in LDDs in a timely manner.
80. In considering whether to issue a direction and what its content should be, the Mayor must have regard to any guidance issued by the Secretary of State. Local planning authorities must comply with the direction unless the Secretary of State directs otherwise.

### **Development control**

#### ***Section 31: Mayor to determine certain applications for planning permission***

81. This section amends the Town and Country Planning Act 1990 ("the 1990 Act") to give the Mayor power to direct that planning applications which are of potential strategic importance in Greater London should be determined by him in place of the local planning authority. It also provides for the application of enactments in relation to cases where the Mayor determines an application, including provision enabling the Mayor to enforce the terms of any planning permission he has granted. The term "application of potential strategic importance" will be defined in secondary legislation. The secondary legislation will also set out the procedure for giving directions.
82. In deciding whether to give a direction, the Mayor must have regard to guidance issued by the Secretary of State. Where a direction is given, the Mayor will determine any connected applications for listed building consent, conservation area consent and hazardous substances consent. For any planning application he decides, the Mayor may pass decision making for any subsequent applications for the approval of reserved matters or approval of details under a listed building consent, back to the relevant London borough.
83. Secondary legislation will set out the procedures the Mayor must follow in determining applications.
84. The Mayor's existing power to direct a local planning authority to refuse a planning application of potential strategic importance is unaffected by this section (see section 74(1B) of the 1990 Act) other than by the changes to the thresholds identifying planning applications as being of potential strategic importance set out in the secondary legislation made under this section.

***Sections 32, 33, 34: Planning obligations***

85. These sections amend the 1990 Act so as to give the Mayor power to agree planning obligations related to applications which he is to determine by virtue of section 31. They provide for the Mayor to enforce and discharge obligations as well as the local planning authority and for monies to be payable to the Authority.

***Section 35: Representation Hearings***

86. This section amends the 1990 Act to enable the applicant and the local planning authority to whom the application was made to make oral representations to the Mayor at a “representation hearing” before he determines an application. The Mayor must prepare and publish a document setting out any other persons he will hear representations from and the procedures to be followed at a representation hearing.
87. The Secretary of State is required to make provision by order for Part 5A of the Local Government Act 1972 to apply to representation hearings and to the Mayor in the conduct of a representation hearing, with such modifications as she considers necessary or expedient.

***Section 36: Planning Contribution under section 46 of PCPA 2004***

88. This section amends section 46 of the 2004 Act to allow regulations made under that section to provide for the circumstances in which a planning contribution is made where the Mayor is acting as the local planning authority (that is, where he is determining an application of potential strategic importance).

**Part 8: Environmental Functions**

**Waste**

***Section 37: Duties of waste collection authorities etc***

89. Section 353 of the GLA Act 1999 requires the Mayor to prepare and publish a document known as the municipal waste management strategy. This sets the strategic direction for London’s waste activities. Section 355 of the 1999 Act requires waste collection authorities and waste disposal authorities in Greater London to “have regard to” the strategy in carrying out some of their waste functions.
90. *Subsection (3)* amends section 355 of the GLA Act 1999 so as to require waste collection and waste disposal authorities in Greater London to “act in general conformity with” the Mayor’s strategy. The duty will apply whenever those authorities exercise any of their waste functions under Part 2 of the Environmental Protection Act 1990. This will allow the Mayor to have a stronger strategic role in the management of London’s waste.
91. *Subsection (4)* inserts a new subsection (2) into section 355 of the GLA Act 1999 to limit the duty on London waste authorities to “act in general conformity” with the strategy, so that it does not apply where to do so would impose “excessive additional costs” on the authority.
92. *Subsection (5)* inserts a series of new subsections into section 355 of the GLA Act 1999. New subsection (3) gives the Secretary of State the power to issue guidance setting out a definition of “general conformity” and “imposing excessive additional costs on an authority”. New subsection (4) requires waste collection authorities and waste disposal authorities in Greater London to act in accordance with the guidance.
93. New subsections (6) and (7) set out the limitations on the duty for waste authorities in Greater London to act in general conformity insofar as waste contracts are concerned. Subsection (6) provides that neither the duty nor any related guidance requires an authority to terminate a waste contract before the expiry of the term of the contract or to

do anything which would result in a breach of any term of a waste contract. Subsection (7) provides that if the Mayor's municipal waste management strategy is revised after the authority has sent the second information notice relating to the awarding of the contract to the Official Journal of the European Union, the duty and guidance apply as if the former strategy still had effect.

94. *Subsection (6)*, a transitional provision, provides that the new duty to act in general conformity with the Mayor's municipal waste management strategy and accompanying guidance does not apply in relation to the awarding of a waste contract if the authority had sent the second information notice relating to the awarding of the contract to the Official Journal of the European Union before the new duty comes into force.

### ***Section 38: London Waste and Recycling Board***

95. This section inserts into the GLA Act 1999 two new sections (sections 356A and 356B) which establish a London Waste and Recycling Board ("the Board"). The Board's objectives are to promote within Greater London: the production of less waste; an increase in the proportion of waste which is re-used or recycled and the use of methods of collection, treatment and disposal of waste which are beneficial to the environment.
96. The Board can give financial assistance and provide advice in order to fulfil its objectives. In particular it may provide financial assistance in order to help provide waste facilities; undertake research into new technologies or techniques for the collection, treatment or disposal of waste; and assist London Boroughs and the City of London in their waste functions. The Board will have to act in accordance with the Mayor's Municipal Waste Management Strategy and in general conformity with the London Plan.
97. Supplemental provision on the nature of the Board is laid out in section 356B. In particular it allows the Secretary of State, by order, to determine the Board's constitution and membership. The number of members must be between 7 and 13. The Secretary of State may pay grants to the Board on such conditions as he may determine.

### ***Section 39: Information about waste contracts***

98. This section amends section 358 of the GLA Act 1999 on information about new waste contracts, and updates the 1999 Act following changes to public procurement legislation. It makes new provision that where an authority is *not* obliged either to send the European Commission a first information notice of its intention to tender a waste contract or to publish such a notice on the authority's buyer profile, but it *is* obliged to send a second information notice, the authority must inform the Mayor of its intention to tender. An authority is required to notify the Mayor 108 days before issuing the second information notice. Waste authorities that publish their intention to tender on the authority's buyer profile as an alternative to issuing a first information notice will be required to give the Mayor 56 days prior notification. Where waste authorities are not required to comply with public procurement regulations, existing notification requirements under section 358(2) will continue to apply. The amendments will ensure that the Mayor is informed of all waste tenders in advance.

## **Climate change and energy**

### ***Section 40: The general power of the Authority: duty to have regard***

99. Under section 30(1) of the GLA Act 1999, the Authority has a general power, within certain limitations, to take any action for the furtherance of its principal purposes (as defined in that section). Section 30(4) of the 1999 Act requires that the Authority must have regard to the effect which any proposed exercise of its powers will have on the health of persons in Greater London and the achievement of sustainable development in the United Kingdom. Section 30(5) requires that it should exercise its powers in a way best calculated to promote the improvement in the health of those persons and

to contribute towards the achievement of sustainable development, where reasonably practicable. Section 40 amends section 30(4) to require that the Authority must also have regard to the effect of any proposed exercise of its powers on climate change, and the consequences of climate change. The section amends section 30(5) to require that the Authority exercises its powers in a way that is best calculated to contribute towards the mitigation of, or adaptation to, climate change, in the United Kingdom, where reasonably practicable.

***Section 41: General duties of the Mayor with respect to his strategies***

100. Under section 41(4) of the GLA Act 1999 the Mayor is required to have regard to the effect his proposed strategies will have on the health of persons in Greater London and on the achievement of sustainable development in the United Kingdom. Section 41(7) requires that he include such policies and proposals relating to the content of the strategy he considers best meets those aims. Section 41 makes similar provision in respect to climate change. It amends section 41(4) of the 1999 Act to require the Mayor to have regard to climate change and the consequences of climate change when preparing his strategies. The section also amends section 41(7) to require the Mayor to include such policies and proposals in his strategies he considers best calculated to contribute towards the mitigation of, or adaptation to, climate change, in the United Kingdom.
101. This requirement complements the duty on each of the Mayor and Assembly at section 42 to address climate change, and the requirement on the Mayor to ensure the exercise of the GLA's general power contributes to addressing climate change at section 40.

***Section 42: Duty of Mayor and Assembly to address climate change***

102. Action is required both globally and domestically to prevent climate change, primarily by reducing emissions of greenhouse gases. In addition to its commitment to reduce emissions of greenhouse gases by 12.5 per cent below base year levels by 2008-12, the Government has set national goals of reducing carbon dioxide emissions by 20% below 1990 levels by 2010 and by 60% by 2050, with real progress by 2020. Action is also required to adapt to the actual and expected consequences of climate change. The Government believes that regional and local government have an important role to play in tackling climate change.
103. **Section 42** amends the GLA Act 1999 and places a duty on each of the Mayor and the Assembly to address climate change.
104. The Mayor is required to take action in Greater London to help prevent climate change and to help Greater London to adapt to both the actual and expected consequences of climate change. The Mayor and Assembly are each required to take into account Government policies on climate change whenever they exercise their functions and to have regard to any guidance and comply with any directions issued by the Secretary of State as to how they are each to discharge their duties with respect to climate change.

***Section 43: The London climate change mitigation and energy strategy***

105. **Section 43** amends the GLA Act 1999 so as to require the Mayor to prepare a London climate change mitigation and energy strategy, which will contain proposals for the contribution to be made in Greater London towards the mitigation of climate change and the achievement of objectives in national policies relating to energy. The strategy must contain proposals setting out how the Mayor will:
  - minimise the emissions of carbon dioxide, and any significant greenhouse substances which the Mayor considers it appropriate to address, from the use of energy in Greater London for the purposes of surface transport and the use of energy more broadly;

- support innovation and encourage investment in energy technologies; and
  - promote the efficient production and use of energy in Greater London.
106. The strategy will also contain information about fuel poverty in Greater London and emission levels in, or attributable to, Greater London. In addition, the strategy must not be inconsistent with national policies on climate change mitigation, or national policies on energy.
107. The section gives the Secretary of State a limited power to direct the Mayor to change the London climate change mitigation and energy strategy. The Secretary of State will only be able to use this power where the strategy would be inconsistent with national policies on energy or climate change, and the inconsistency would have a detrimental effect on achieving any or all of the objectives of those national policies. The Secretary of State must consult the Mayor before using this power of direction.
108. The London climate change mitigation and energy strategy will be subject to sections 41 to 44 of the GLA Act 1999, which make general provision for the preparation and publication of the Mayor's strategies. These include provisions on timing, the need to have regard to available resources and the persons to be consulted by the Mayor.
109. In addition to the statutory consultees listed in section 42 of the GLA Act 1999, the Mayor must also consult the Gas and Electricity Markets Authority and the Gas and Electricity Consumer Council as well as certain holders of gas and electricity licences. If there ceases to be a body known as the Gas and Electricity Markets Authority or the Gas and Electricity Consumer Council, the Mayor must consult with such other appropriate body as the Secretary of State prescribes by order, which would be set out in an Order made under the strategy provision .

#### ***Section 44: The Mayor's adaptation to climate change strategy for London***

110. **Section 44** requires the Mayor to prepare and publish an adaptation to climate change strategy for London. The strategy must contain the Mayor's assessment of the consequences of climate change for Greater London and his proposals and policies for adaptation to the effects, both actual and expected, of climate change in Greater London. The Mayor must have regard to any guidance produced by the Secretary of State about the content of the strategy and in relation to the preparation and revision of the strategy. Such guidance may include guidance about the evidence to which the Mayor must have regard in preparing or revising the strategy.
111. The strategy will be subject to the general provisions for the preparation and publication of Mayoral strategies set out in sections 41 to 44 of the GLA Act 1999. The Secretary of State may specify in guidance the persons the Mayor must consult in addition to the statutory consultees listed at section 42 of the 1999 Act. The Secretary of State may direct the Mayor to revise the strategy to remove any inconsistency with Government climate change policies or objectives if he considers the inconsistency would have a detrimental effect on achieving them.

### **Part 9: Culture, Media and Sport**

#### **Museum of London**

112. The Museum of London is a Non-Departmental Public Body, funded jointly by the Department for Culture, Media and Sport (DCMS) and the City of London Corporation. It is governed by the Museum of London Acts 1965 (the "1965 Act") and 1986 (the "1986 Act"). The Museum is administered by a Board of 18 Governors, nine of whom are appointed by the Prime Minister and nine by the City. Sections 45 to 49 deal with the transfer to the Authority of the Government's responsibilities for funding the Museum and appointing members of the Board.

***Section 45: Transfer of power of appointment of members of Board of Governors***

- 113. *Subsection (1)* amends section 1(2)(a) of the 1965 Act to enable the Authority to take over the Prime Minister's power to appoint half of the members of the Museum of London's Board of Governors.
- 114. *Subsection (2)* amends paragraph 4(1) of the Schedule to the 1965 Act. That paragraph sets out the procedure for Governors who wish to resign from their post. It enables them to do so by giving notice in writing to the authority responsible for appointing them which, at present, is either the Prime Minister or the City. This amendment substitutes the Authority for the Prime Minister.
- 115. *Subsection (3)* ensures that Governors appointed by the Prime Minister before the Act comes into force will not be affected by the provisions in this section.

***Section 46: Period of appointment of Governors to the Board***

- 116. *Subsection (1)* amends paragraph 2(1) of the Schedule to the 1965 Act. Currently, Governors may be appointed for a term of three years. The subsection amends this to a term of 'not more than four years'.
- 117. *Subsection (2)* gives this amendment retrospective force. This ensures that any appointment in the past of a Governor for a period of more than three years but not more than four years will be treated as having complied with the provisions of the 1965 Act.

***Section 47: The Board's expenditure: transfer of powers and other provisions.***

- 118. *Subsection (1)* amends section 14 of the 1965 Act. Section 14 stipulates that the approval of the Secretary of State and the Corporation of London are needed before monies received from, for example, donations may be used for any purpose other than to meet general administrative expenses of the collections. The amendments in subsection (1) substitute the Authority for the Secretary of State.
- 119. *Subsection (3)* amends section 15(1) of the 1965 Act, which stipulates that the Board of the Museum will be required, from time to time, to submit estimates of future expenditure to the Secretary of State and the City of London Corporation. The amendment in subsection (3) substitutes the Authority for the Secretary of State.
- 120. *Subsection (4)* amends section 15(2) of the 1965 Act. This sets out the mechanism by which expenditure incurred by the Museum is to be defrayed. The amendments substitute the Authority for the Secretary of State. They also allow for the Authority to make payments directly to the Museum, instead of simply reimbursing the Corporation under subsection (3) of section 15.
- 121. *Subsection (5)* sets out substitute provisions for section 15(3) of the 1965 Act, which stipulates that the Secretary of State must pay the Corporation of London one half of the monies paid by the Corporation to the Museum under section 15(2). The new subsections (3) and (4) maintain the position that the Corporation and the Authority are each liable for half the expenditure of the Museum (subject to agreement about an alternative proportion in relation to particular expenses) but take into account the fact that the Authority may make payments under subsection (2) directly to the Museum.

***Section 48: Transfer of other powers relating to the Museum***

- 122. *Subsection (1)* amends section 3(4) of the 1965 Act. This section requires the Museum to seek the consent of the Secretary of State and the City of London Corporation before disposing of any land or interest in land. The amendments replace references to the Secretary of State with references to the Authority.
- 123. *Subsection (2)* amends subsections (1), (3) and (4) of section 9 of the 1965 Act. This section gives the Board of the Museum the power to appoint a Director and other staff,

subject to the consent of the Secretary of State and the City of London Corporation, and on terms and conditions approved by the Secretary of State and the Corporation. The amendments in subsection (2) replace references to the Secretary of State with references to the Authority.

### ***Section 49: Repeal of section 5 of the Museum of London Act 1986***

124. **Section 49** repeals section 5 of the 1986 Act. This section requires the Secretary of State to lay a report on the exercise of the functions of the Board of Governors of the Museum of London before each House of Parliament every three years. As the Government will no longer be directly accountable for the use of public funds by the Museum of London, this section will not be required.

## **Miscellaneous**

### ***Section 50: The Mayor's culture strategy: consultation***

125. Section 376 of the GLA Act 1999 requires the Mayor of London to prepare and publish a culture strategy. A draft of the strategy is to be prepared by the Cultural Strategy Group for London. The Mayor is also required to consult certain bodies in revising the Cultural Strategy (section 42), but not where he considers that the revision will not materially alter the strategy in question (section 42(6)).
126. This section amends section 376. As amended, that section will require:
- the Cultural Strategy Group for London to consult the bodies listed in the new subsection (10) (see *subsection (5)* of section 50) when proposing revisions to the Cultural Strategy, and
  - the Cultural Strategy Group for London to consult these bodies when consulted by the Mayor if he makes revisions other than those proposed by the Group

The section also gives the Secretary of State a power to amend the list of bodies to be consulted.

### ***Section 51: The Mayor's duty to exercise certain powers of appointment***

127. The Mayor is expected to gain certain rights of appointment of board members of the London Regional Council of Arts Council England; English Sports Council London Regional Sports Board; and Archives, Libraries & Museums London (which uses the trading name "MLA London"). It is expected that these new appointment powers will be given to the Mayor by amendment of the Royal Charters of the Arts Council England and the English Sports Council and of the Articles of Association of Archives, Libraries and Museums London and the Museums, Libraries and Archives Council.
128. **Section 51** inserts a new section 377A into the GLA Act 1999. This new section imposes a duty on the Mayor to exercise appointment rights he has been granted as soon as reasonably practicable after he has received a request in writing from bodies prescribed by the Secretary of State. Prescribed bodies must have functions relating to sport, culture or the arts. Section 377A also gives the Secretary of State a power to amend the list of prescribed bodies.

## **Part 10: Miscellaneous and General**

### ***Section 52: Common provision of administrative, professional and technical services***

129. This section inserts a new section 401A into the GLA Act 1999. This relates to administrative, professional or technical services – what might be called "back office" services. The new section enables each of the "constituent bodies" (that is, the Authority and the four functional bodies) to provide, or to receive, such services to or from any

of the others. It also enables those bodies to share such functions by establishing joint committees.

## **Part 11: Supplementary Provisions**

### ***Section 53: Orders***

130. This section provides that any power conferred on the Secretary of State to make an order is exercisable by statutory instrument. The only such power in the Act is the power to bring its provisions into force. The subordinate legislation may make different provision for different cases. It may make incidental, consequential, supplemental and transitional provision or savings, including power to amend any Acts passed or made before this one. The section provides that any order which amends any enactment is subject to annulment in pursuance of a resolution of either House of Parliament (unless, by virtue of some other provision, it is subject to the affirmative procedure instead).

### ***Section 54: Directions***

131. [Section 54](#) provides that any directions given under the Act must be in writing. It provides that a power of direction conferred by the Act includes power to vary or revoke the direction.

### ***Section 55: Financial Provisions***

132. This section provides for any expenditure incurred by a Minister of the Crown or government department, under or attributable to the provisions of the Act, to be paid out of money provided by Parliament.

### ***Section 56: Transitional provision relating to consultation***

133. [Section 56](#) provides for the Mayor to be able to begin to carry out consultation in connection with his four new statutory strategies after the Act is enacted, but before the relevant provisions come into force. Such consultation will be treated as if it had been undertaken after those provisions are commenced.

### ***Section 57: Repeals***

134. [Section 57](#) introduces Schedule 2, which contains repeals of certain provisions in the GLA Act 1999 and the Museum of London Act 1986. All the repeals are consequential upon the provisions in the Act.

### ***Section 58: Interpretation***

135. This section defines certain abbreviations and terms used in the Act.

### ***Section 59: Short title, citation, commencement and extent***

136. This section sets out the short title of the Act and provides for the Act, when enacted, and the GLA Act 1999 to be cited together as the Greater London Authority Acts 1999 and 2007. The section also determines the extent of the Act.