



City of Westminster

**Response to ODPM consultation
paper “The Greater London
Authority: The Government’s
proposals for additional powers and
responsibilities for the Mayor and
Assembly”**

February 2006

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?

Westminster City Council's overall position is that the Greater London Authority (GLA) should not make decisions about resources that currently come to local authorities. The City Council is firmly of the opinion that providing the GLA with the power to control affordable housing decisions through the Regional Housing Pot will only serve to remove the ability of local authorities to steer such vital resources to where they are most needed.

The City Council had strong reservations over the Government's plans to transfer responsibilities for the London Housing Strategy to the Mayor, when this issue was consulted on in ODPM's "Housing, Planning and the Regions" paper in 2004; and would not support any further extension of these powers. The main reasons are as follows:

A lack of a local approach to funding - the current, sub-region approach still allows for individual borough input into the Housing Corporation's decision making process. Any approach giving the Mayor the ability to make Regional Housing Pot decisions on affordable housing would centralise investment decisions on a London-wide basis away from boroughs and neutralise the local approach. It is vital that appropriate structures are in place to allow boroughs to influence housing investment in London. Whilst there are many commonalities between London Boroughs, where joint approaches make sense, there are also as many differences in needs and priorities. Therefore, it is essential that a localised approach to funding be adopted to ensure that appropriate levels of investment are made available. The move to regional housing allocations has already resulted in significantly reduced capital funding for housing being directly allocated to the City Council. Our position, therefore, is that investment in Westminster's housing, including affordable housing, needs to continue and that our residents feel the benefits of regional working on the ground. Clarity is certainly needed about any implications for other local authority funding streams.

Politicisation of housing decisions - it is vital to guard against the politicisation of housing allocations, which could be brought about by a further extension of Mayoral powers. An arrangement whereby individual boroughs could be penalised for not fully complying with a Mayor's own, political aims would be damaging to both housing need and wholly against the democratic process across the capital.

Bias towards growth and low-cost areas – it is acknowledged in the consultation paper that the Mayor's decisions on funding are more likely to favour the new growth areas, where cheap, more affordable housing can be developed. There is a significant risk that this will be at the expense of those parts of high cost areas of London, such as Westminster, where the provision of affordable housing is equally, if not more important. Providing the Mayor with more power poses the clear risk that he will concentrate investment where his housing targets can more easily be achieved, rather than in all areas of need.

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

We cannot see any benefit of a statutory strategy, which by its nature would mean the production of a document less responsive to local circumstances. Explicit obligations for local authorities, for example, could be included, without regard for the borough's own, well-placed assessment of local need. It would take time to adopt and would not fully reflect the unique – and rapidly changing circumstances – of the housing situation in Westminster, or indeed any other London borough. If any statutory strategy were to be introduced, local authorities would need to be guaranteed a direct role in the process.

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

As outlined above, the City Council is firmly opposed to any further extension of the Mayor's powers to influence housing decisions in London, which are rightly the responsibility of the boroughs as the democratically accountable bodies for their residents. Any consideration whatsoever given to increasing the GLA's powers in this respect, or towards the creation of any kind of London-wide approach, must guarantee that London boroughs maintain their voice and influence.

Learning and Skills

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

Westminster City Council welcomes Government consultation that focuses on improving the planning and delivery of the learning and skills agenda in London. We believe the time is right to consider whether the strategic planning and delivery of such services in the capital could be improved by devolving more powers and responsibilities to the regional level - whether that is to the Mayor and GLA or via other alternative proposals (such as an enhanced Learning and Skills Council for London) - and allowing for further decentralisation to meet local needs. There is a need both for the "bringing together" of related learning and skills budgets and for a borough-level focus on planning and delivery. Currently, too much funding from both the Learning and Skills Council (LSC) and the London Development Agency (LDA) is reserved for "London-wide" projects, which fragment delivery and offer little scope for dealing with identified local issues.

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?

The City Council wishes to see the right balance of powers between national government, the GLA and local partnerships/organisations in Westminster. A key test with all of the options set out in the consultation paper would be whether the proposals will genuinely raise achievement and improve employability for learners, particularly those aged 14-19 who have the most pressing needs.

In Westminster we have developed excellent links over a number of years with the LSC. We continue to work with them on a shared partnership basis to raise levels of achievement in education and training at a local level. We do not, therefore, agree with statements underpinning the proposals in the consultation, suggesting that state the LSC has failed to deliver for either the unskilled or for employers (the same can be said of the LDA), despite spending around £1bn a year. But we do, nevertheless, feel that there is room for improvement, particularly in terms of:

Securing more targeted funding to drive the 14-19 education reform agenda (e.g. for young apprenticeships, additional Entry to Employment places, pilot 14-19 diploma work).

Initiating long-term planning and development to support innovation.

Pooling of resources in relation to a shared vision for post-16 education and training.

Focusing resources on identified local needs and relating to Local Area Agreements.

We therefore believe improvements are needed in these areas and that the way forward is through continued involvement of all partners. It may be that a new body built upon the London Skills Commission, whereby both the LDA and LSC pool their learning and skills resources, could demonstrate that it can focus on London's wide-ranging education and training needs; and also be accountable in an effective way to people at a local level.

The City Council therefore favours an alternative approach based on more constructive joint working, coupled with measures such as representation on our local councils and regional board. In addition, we would welcome working more closely with the Mayor and his advisers in 2006 to achieve our goal of raising levels of attainment and increase the skills of young people living in and working in Westminster.

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?

The City Council also feels that the shift of control to a single body, answerable to the Mayor, could mean radical and also unpredictable re-directions for London's skills agenda. An enhanced, partnership-based structure, where boroughs are properly represented, gives greater longer-term stability, combined with the advantages of economies of scale. Nevertheless, as issues vary so markedly between boroughs, there are also clear risks that any single entity will not be able to offer a sufficiently differentiated response. Hence the importance of clearly demonstrating that any London-wide approach will both deliver genuine improvements, maintain proper democratic accountability, as well as offer opportunities for local planning and delivery while avoiding further centralisation.

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?

The consultation paper notes that the Government is not considering any change in arrangements for 16-19 year olds in relation to the White Paper "Higher Standards Better Schools for All". However, we believe that any fundamental structural changes

to the planning and organisation of learning and skills in London should not be in isolation and must take full account of all stages of education particularly at key stages three, four and five.

Considerable concerns remain over the future funding of 16-19 education and while the Mayor's proposals do not extend to school sixth forms, they do have major implications for Further Education Colleges, which account for the major part of the LSC budget, deliver both a vocational and academic curriculum, and offer a route into higher education. Any new structure would need to ensure stability for these mainstream institutions.

The City Council would also emphasise that there is nothing in the consultation paper about the learning and skills needs of older people and people with disabilities. New government legislation on adult services due shortly will require local authorities to ensure that these people have access to mainstream adult education services (at a time when these resources are being cut back by central government). By keeping relationships more clearly linked to the local level, Councils are more likely to be able to assist their older and disabled residents to access suitable education facilities and develop wider services to respond to local needs.

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?

General comment: The main purposes of the Mayor's involvement in the day to day operation of planning in London are to ensure that (a) local planning documents are in 'general conformity' with the London Plan (the spatial development strategy for Greater London); and (b) that proper account is taken of strategic matters when decisions are taken on planning applications. The City Council does not believe it is necessary for the Mayor to have additional powers if he/she is to secure 'general conformity' between local plans and the London Plan, and to ensure that developments themselves are also in general conformity.

The meaning of 'general conformity', as given by Lord Rooker in the debate on the Planning and Compensation Bill on 1 March 2004, is that 'only where a [local] document would cause significant harm to the implementation of the spatial development strategy should a local document be considered not to be in general conformity'. There is no clear, independently verified, evidence that significant harm to the London Plan has arisen from the developments approved or refused by the boroughs since the GLA came into being, nor that local planning documents have resulted in such harm.

If there are deficiencies in the present system there should be evidence that the best remedy involves the transfer of powers to the regional body, rather than any other solution. In England, no other regional body has power to determine applications or to direct local planning authorities on the content of their plans, and there is no 'track record' as to how this would operate. There is no clear reason for the system in London to diverge further from that which operates elsewhere in England.

Plan preparation: Some of the proposals relate to the new plan making system introduced in 2004. Local planning authorities throughout the country have only recently started to implement the system and it could be argued that London local planning authorities with their experience of producing unitary development plans are more advanced than others. At this stage, there is no evidence that there is a need to change it so that, for example, the Mayor can direct boroughs on the new planning documents.

At present that there is a general acceptance that the Secretary of State intervenes in local planning matters only where it is essential to do so. The City Council is concerned that the Mayor will seek, as he has done in the past, to intervene in local matters which are not his/her proper concern. For example, the Mayor made 142 representations about the Council's development plan when it was first placed on deposit in 2000. Many of these representations were not about strategic planning matters at all. Among the issues referred to in his representations were an objection to a policy seeking to protect several small areas in the City from the conversion of family sized houses into flats; an objection to the absence of a cycle parking standard for shops; an expectation that the City Council should commit itself to converting its buses to LPG; the reclassification of specific local shopping centres in the City; a suggestion amending a commentary on whether all rear gardens had wildlife value; and a specific addition to a list of sites of local nature conservation importance. These are all matters that are clearly best left to the local planning authority to decide.

Even after the City's local plan had reached adoption stage in 2004, the Mayor still sought the insertion of a specific single word in a policy which applied to warehousing in part of Marylebone, and minor changes to the phrasing of a policy to control certain entertainment uses in Soho and Covent Garden intended to protect residential amenity. Detailed changes of this kind plainly ignore the provision that requires only 'general conformity' with the London Plan.

Development control: The consultation paper does not say whether the existing arrangements are working well or say why change is needed. If powers are to be transferred to the Mayor, the transfer should be based on real evidence that there is a failure throughout London to deliver the London Plan's strategy effectively, and that 'general conformity' is not being achieved. Until recently it would appear that the Mayor believed the system was without serious defects. The Mayor's State of the Environment report, published in 2003, for example, did not attribute any of the problems dealt with in that report to failures of the operation of the planning system at either strategic or local level. The Mayor's own comments on the Government proposals show that he believes that 'some' boroughs refuse large planning applications for 'parochial' reasons, but this claim has not been independently assessed. To change the planning system on that unfounded basis would be mistaken.

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?

Sub-regional development frameworks: The Mayor has divided London into five sub-regions and prepared development frameworks for each of these. The boundaries of these areas are incongruous: for instance the City of London is included in East

London, and not in the Central London area, which does however include suburbs such as Streatham and Tooting in the south and Hampstead in the north. This tier of policy making was not thought necessary before the Greater London Authority was brought into being, and the draft framework has proved that point. The main criticisms are that the frameworks reiterate London-wide policies without tailoring them to reflect the circumstances of each sub region. In some instances the frameworks adopt a 'predict and provide' approach, on retailing for example, without assessing whether development can be achieved on the scale sought. They address matters that are plainly local, such as the management of the night-time economy, and conservation and design. As a general principle the Mayor should be discouraged from producing sub-regional frameworks unless their co-ordinative function is improved.

Supplementary guidance: The London Plan Examination in Public report expressed reservations about the supplementary guidance which the Mayor said he would prepare. It is intended that there will eventually be twenty such documents. The guidance and best practice documents produced so far typically run to eighty pages and in many instances deal with detailed rather than strategic matters. For example, the guidance on accessible developments refers to door closers, handrail design, avoiding slippery floors, specific standards of wheelchair accessibility and the dimensions of car-parking spaces. That on housing gives advice on plot ratios, the means for bringing into use vacant flats above shops, the standards of houses in multiple occupation, and preventing the use of houses as temporary sleeping accommodation. Guidance on sustainable design refers, among other things, to wheel washing facilities on building sites, not putting fitted carpets into properties liable to flood, the use of spray taps to conserve water, and so on. Borough planning policies are required only to be in 'general conformity' with strategic policies set out in the London Plan, and so the preparation of detailed guidance of this kind, without a specifically London element to them, should not be a priority activity for the GLA. As a general principle the Mayor should be discouraged from producing further supplementary guidance, and the professional time so used diverted to other purposes.

Development control: Significant delays are caused to applications by the Mayor directing on a wide range of matters rather than solely on the specific issues on which the case is referable. For instance, the Mayor has directed refusal because of the amount of affordable housing in a development where the only reason for the reference to him is the height of the building. This practice is most unsatisfactory and the relevant secondary legislation should be clarified as a matter of urgency.

In addition, the Mayor has a poor record in responding to planning applications expeditiously, even under the present system. At present he has fourteen days to make a response. In particular there are difficulties with the GLA's arrangements for the handling of applications as these often take several days to reach a case officer. The relevant secondary legislation should be clarified to secure better performance from the GLA in accordance with Government expectations.

It is possible that some boroughs are hard pressed to progress the largest proposals of strategic importance, because they have insufficient staffing or in-house expertise, or because their current policies and practices are not in general conformity with the London Plan. Those problems should be tackled on an individual borough basis, so

that they can improve their service delivery arrangements, perhaps in the short term through the use of Planning Development Grant. It is not necessary to make changes to the powers of all London boroughs to deal with such a problem.

If it is clear that the Government wishes to speed up decisions on large proposals, the City Council would accept that the Mayor might intervene in some way where a major application has reached its thirteen-week deadline without significant progress being made towards a decision. This could also apply if a delivery agreement has been entered into at pre-application stage and the borough has failed to live up to its side of the promised programme.

Some adjustment may be needed in the thresholds for applications referable to the Mayor so that they are consistent across borough boundaries. For example, it is odd that office developments of over 30,000 sq. m in the City of London are referred to the Mayor, but in neighbouring Westminster, with rather more office space than the City, the threshold is lower at 20,000 sq. m. The City Council believes that, wherever possible, thresholds should be adjusted upwards to reduce the potential for delay. However, if the Government wishes to widen the range of strategic applications considered by the Mayor by lowering some thresholds, the City Council believes that the Mayor should direct only in relation to the specific issue on which the application has been referred to him/her and not on any issue, strategic or not, as at present.

The City Council believes there is merit in the Government issuing a revised circular dealing with the day-to-day operation of the planning system in London and in producing new regulations dealing with the thresholds for applications referable to the Mayor and the way in which those applications are handled.

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?

Plan preparation: The option of giving the Mayor power to direct on new plan documents will run counter to the Government's stated purpose that the Planning and Compulsory Purchase Act should be 'speeding up the planning system'. National guidance requires that development plan documents must be subject to rigorous procedures of community involvement, consultation and independent examination to test for 'soundness', including general conformity with strategic guidance, and to ensure that the necessary legal requirements for its preparation have been undertaken. The independent report is binding. If this assessment is done (and there is no reason to believe that it will not be), there is no case for a further backstop of a direction from the Mayor.

Giving the Mayor powers to direct the content of a document would lead to uncertainty and delay after the publication of the inspector's report, thus negating the improvement in performance which the recent reform is intended to achieve. The proposal may lead some boroughs to challenge a direction in the courts, leading to further delay. Alternatively, a borough will be forced to comply with the direction and adopt a policy with which neither the borough nor an independent inspector agree. This could lead to the intervention of the First Secretary of State overruling the Mayor's direction and reinstating the independent Inspector's decision. Hardly transparency, speed or certainty in the decision making process.

Development control: Allowing the Mayor to determine strategic planning applications would not speed up the system, as rather than the Mayor commenting on a borough's planning application, the borough would have to comment on the Mayor's planning application. In practice, this could slow down the process as the borough will have knowledge of local conditions and issues and will have existing contacts and arrangements with developers, landowners and the local community and its organisations and can run consultation processes more efficiently and effectively.

In cases where proposals are close to the thresholds for determination by the Mayor, pre-application discussions will be complicated by uncertainty as to whether the eventual application will be determined by the Mayor or by the borough.

The proposal will significantly increase the competition between boroughs and the GLA for experienced development control staff, an area of planning activity where there are already significant staff shortages in the country as a whole and in London in particular.

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?

General comment: The City Council is highly concerned about the loss of local accountability that the proposals could lead to – directly opposing the Government's stated direction of its policies. Many of the options for change involve giving the Mayor the power to direct on plans and applications. This runs contrary to the government's own reforms to the planning system, which have placed greater emphasis on local authorities consulting local communities more thoroughly on planning issues; and the Local Development Framework is supposed to reflect the local authority's community strategies.

Plan preparation: At present, London boroughs are consulting on their draft Statements of Community Involvement, which are being welcomed for the opportunities they bring for involvement in the planning system. Giving the Mayor the powers to direct will allow him the opportunity to override considerations raised by local consultation.

In the case of plan making, the new planning system makes inspector's reports binding. Yet the consultation paper suggests giving the Mayor the power to direct on development plan documents (DPD's), overriding the inspector's report and any debate that has been had on the concerns of the local community. Giving the Mayor the extra powers would allow him to dictate local policy and leave boroughs very little scope to argue a different approach.

Development control: Any proposal to give the Mayor powers to decide strategic planning applications or direct approval will similarly mean a loss of accountability and the significant risk of local community concerns being overridden. Westminster sees a significant difference between the power to direct a refusal where there is a process of appeal and the power to direct approval where there is no appeal. At present, the Mayor is free to make observations on the strategic implications of major

development proposals, as he should rightly have the power to do. This allows the relevant borough to weigh up local considerations, benefits and problems with the strategic concerns. Handing such applications over to the Mayor would tip the emphasis to strategic considerations and risk overriding local concerns and in the case of directed approval without further remedy.

The determination of applications by the Mayor will put very great power in the hands of GLA officers, because the Mayor simply will not have time, having regard to all his/her other duties, to give large numbers of applications proper consideration. This will amount to *de facto* delegation to GLA officers who are likely in many instances to have lesser local knowledge than borough councillors and their officers who would deal with the proposal under the current arrangements. There is thus a strong likelihood that the Mayor's decisions would be of lesser quality, a shortcoming that would be particularly critical bearing in mind the size of proposals which the proposals relate to.

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?

The options involve giving the decision-making powers to the Mayor, not to the Assembly. Later comment on the Mayor's decisions by the Assembly will not correct unsatisfactory determinations once they have been made.

The law specifically prevents a local authority from delegating planning decisions to a single member, largely for reasons of probity and 'perception of probity'. It would be anomalous for a single person in the form of the Mayor, to be given just such a power, more especially where that power involves deciding on large proposals.

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

By virtue of the office, the Mayor inevitably has to commit him/herself in principle to policies and projects of great public interest, often well before a formal planning application is made. It is unlikely that the Mayor could decide applications without his/her impartiality being called into question. This difficulty would not arise if the present decision-making arrangements were retained.

In addition to his/her general role promoting the interests of Greater London as a whole, the Mayor has a direct association with Transport for London, the Metropolitan Police Authority, the London Fire and Emergency Planning Authority and the London Development Agency. As part of the current consultation document consideration is being given to giving the Mayor more power and greater responsibility on waste and housing. The various organisations concerned in the above activities are all involved from time to time in proposals which result in planning applications being made. Unless the Mayor exercises great care, it will lead to his/her impartiality and integrity being called into question. Again the difficulty would, of course, not arise if decisions were left with boroughs.

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?

There is no objection to the Mayor being consulted in such cases. If the Mayor is not already consulted where he/she should be, the relevant secondary legislation should be amended. It will not be possible to specify classes of development with any precision, and so a general class will have to be considered, something on the lines of 'development likely to have a material impact on the implementation of the spatial development strategy for Greater London.'

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)?

Making the Mayor a party to negotiations on section 106 agreements will make negotiations more complex, time consuming and difficult to conclude. This is likely to lead in its turn to significant delays to major developments. This is contrary to the Government's efforts to make the planning gain and section 106 arrangements more efficient and transparent. There is no clear evidence that the boroughs are failing to enter into agreements to secure appropriate obligations when asked to do so by the strategic bodies. In any event, changes to the arrangements for section 106 agreements are premature until the Government's response to the Barker proposals on housing and the Planning Gain Supplement have been finalised.

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?

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?

The City Council feels that it is easiest to address this issue as a whole, rather than through answering the specific questions set out in the consultation paper.

Westminster City Council's past prudence and good performance on waste disposal places us at particular risk of losing out from a new, London-wide body. It would put an end to our expected and not insignificant future Landfill Allowances Trading Scheme income. It could mean an increased cost for our council tax payers, passed on through a higher GLA cost and precept than our own highly advantageous waste-disposal contract. It would create a monopoly service and reduce the end benefits we can gain for our residents through a competitive market place. Furthermore, even if the Single Waste Authority's powers were confined to disposal only, its ability to specify the types of material it would accept, and the methods of transfer from collection to disposal authority, could in practice lead to the imposition of a "one size fits all" waste collection method. This is likely to be suited to the Mayor's own priorities, but fail to recognise the huge differences between London boroughs in terms of their populations and ability to collect and dispose of waste in particular ways.

More generally, the City Council is strongly opposed to Mayoral involvement in successful local waste collection and recycling schemes. The reasons are two-fold. Firstly, London boroughs are closest to their communities and therefore best placed to devise and promote arrangements which meet the many and varied needs of their local populations. Secondly, collection and recycling arrangements have major implications for the quality of the local street scene. The manner in which new services are developed and rolled out needs to be closely integrated with highway design, street furniture and cleansing policies – all pre-eminently local matters.

Therefore, while it is recognised that some underperforming boroughs will need help, the City Council strongly opposes any form of Mayor-controlled, single waste management body for London, which would take away vital borough powers and produce an undemocratic structure, imposed on our residents.

We recognise that a new arrangement is likely to be favoured by those boroughs whose current performance is poor and whose finances will not be damaged by a single body in the way that Westminster's will. However, we share the widespread view that no business case has yet been made for the Mayor's preferred option of a Single Waste Authority, either generally or in relation to less drastic and potentially damaging options (such as London-wide or sub-regional groupings of disposal authorities). We therefore urge the Government to await the conclusion of the on-going discussion on this issue taking place between boroughs under the guidance of the Association of London Governance (ALG), before considering any future waste management structure for London.

The City Council also opposes any extension of the Mayor's powers with respect to planning for waste, as it would similarly remove a significant and important borough responsibility. The recent GLA consultation on proposed alterations to the London Plan on housing, waste and minerals, has begun to fill the regional strategic vacuum on planning for waste facilities. It will provide a significant part of the basis that will enable borough planning authorities to make appropriate spatial plans for future waste facilities. Prior to this, there had been insufficient regional guidance on which to base local plans. It is therefore highly premature to draw conclusions about the performance of boroughs in planning for waste. They have had to operate without specific regional guidance on the necessary scale and distribution of waste facilities across London, and are only now reaching the point at which this framework will be provided.

Such an extension of planning powers could allow the Mayor to specify the provision of waste sites across London, including Westminster – once again, with the risk of ignoring entirely the legitimate local concerns. Despite the Mayor's claims that boroughs do not provide adequately for protection of waste sites, Westminster's replacement UDP, in fact, makes a number of allowances for this. Whilst there may be some merit in a call for more robust waste site provision by boroughs across London, collectively, the Mayor has not supported a proposal for a new waste-to-energy plant that would benefit London – so appears to be inconsistent on this issue.

However, we accept that the "no change" option set out in the consultation paper is unlikely to be seen as a way forward by Government. Therefore, the City Council's work with other boroughs and the ALG, as referred to above, will need to explore these wider planning issues to find what future options there may be for a more collaborative approach to planning for waste in London. However, it is vital that any collaborative approach does not compromise each borough's own priorities and interests. It would be highly premature to make any proposals on the future structure of planning for waste in London before these discussions with ALG have reached firm conclusions.

Culture, Media and Sport

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

The City Council does not support the provision of the GLA with powers of appointment to London's cultural bodies. The GLA is not responsible for most of the provision supported by such organisations, whereas London boroughs are. It is therefore not reasonable for the Mayor to appoint members to the Boards of those bodies, unless all London boroughs also have that entitlement, which they do not at present.

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?

The City Council feels that it is reasonable for the Mayor to be consulted on the strategies of regional Non-Domestic Public Bodies.

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

The City Council agrees that the GLA should consult London's cultural bodies on the development of the Cultural Strategy.

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?

Westminster City Council is concerned about the Mayor taking on greater responsibility for Public Health. Whilst there is certainly a role for pan-London public health planning, maintaining a local dimension is vital.

There is an on-going debate about whether the role of promoting public health should be provided primarily by Primary Care Trusts (PCTs) or local authorities. In the past, this was a local authority function, but some responsibility later passed to the PCTs. Before any consideration is given to expanding the Mayor's role in this agenda, therefore, the City Council would call for clearer government guidance on local authorities' public health role. We would argue that such a role is better undertaken in a local authority setting, which is democratically accountable and ensures that the wide range of services that impact on public health (health, environment, social services etc) are all factored in.

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?

The case for a Mayoral energy strategy is relatively straightforward, in view of the increasing importance of energy issues, ranging from its costs through to national energy security and the reduction of impacts on the global and local environments. For the City Council, the central issue is therefore the precise terms of any future revisions to the GLA Act 1999 and what requirements it might place on London boroughs. It may be appropriate for the City Council to have regard to such a strategy, provided that it has been properly consulted on. However, a Mayor might wish to place new obligations on boroughs and whilst these could be desirable in themselves, they may well have significant cost and staffing implications.

At this stage, therefore, the City Council gives a tentative welcome to this proposal in principle, with the caution that we would wish to be consulted on any specific duties in relation to this that any change to the GLA Act 1999 might place on London boroughs. As the Mayor has already produced a non-statutory energy strategy, he would appear to have the resources he needs to enable public and private partners to deliver it. Boroughs, however, would be in a better position to play their full part in its implementation if they were specifically resourced by the Government to do so.

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?

The City Council welcomes the fact that the Government is not proposing to make the Water Action Framework a further statutory responsibility of the Mayor. We approve of the Mayor's Framework as a non-statutory agenda for London, as it should provide a useful platform on which boroughs can raise their own water issues, such as the constant problems of high leakage levels, low water pressure in high rise buildings, or pollution events in the Thames.

The consultation paper does not, however, make it clear why a duty should be placed on Government to have regard to the Mayor's Water Action Framework, nor why this might have implications for guidance to regulators in preparation for price reviews. Does the Government expect the Mayor's Framework to generate upward price pressures? If so, it will be important for both the Government and London boroughs to have the ability to temper any of the Mayor's proposed policies that could have cost implications for Londoners.

The City Council would also wish to see a guarantee that the Mayor fully consults with London boroughs on the Water Action Framework.

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)?

The consultation paper provides no evidence as a basis for raising this question. The GLA already has a duty to have regard to "the achievement of sustainable development in the United Kingdom". Westminster City Council's view, therefore, is that there are no apparent shortcomings in the Mayor's effectiveness in applying sustainability principles in his strategies and we know of no expressed concerns that additional powers of this kind are needed.

A case could be made for placing a new duty, rather than a power, on the Mayor to have regard to the national climate change strategy, for example, but there is no clear case for increasing his powers in this respect.

Transport for London (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?

The transferral of responsibilities of these highways regimes to the Mayor grants powers of appeal, veto, arbitration or approval in unusual circumstances from the Secretary of State or Government Office to the Mayor of London and GLA.

For some similar powers the GLA already has this responsibility. For example, the final decision on the removal of the public right to use an area of highway where land is needed for a development to take place now rests with the Mayor.

In operational terms, therefore, the changes proposed are expected to make no change to the process for Westminster, as the powers are required rarely. However, the changes have the potential to result in the politicisation of the decision making process, as they would rest with an elected representative. In some circumstances there is the potential that these powers could be used to exert the Mayor of London's authority over the City Council. The City Council, therefore, is concerned about these proposed extensions of the Mayor's highways powers and necessary checks would need to be put in place should the proposal go forward, to ensure full and appropriate scrutiny.

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

Westminster City Council is wholly in favour of greater borough representation on the board of TfL. Indeed, it would appear to be inconsistent with the arrangements in the Mayor's other functional bodies (e.g. LFEPA) for the current restriction to continue.

The London Development Agency (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?

Westminster City Council has no particular view with regards to this proposal, other than to ensure that London boroughs are given a clear voice in the allocation of any European funding awarded in the future.

The Metropolitan Police Authority (MPA)

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

The City Council's view is that there is good reason to have a separately elected chair from the London Assembly, as this is more likely to reflect the aspirations and interests of the London boroughs, particularly in relation to community policing.

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

Westminster City Council supports the proposal for the GLA to be made an accountable body in relation to section 17 of the Crime and Disorder Act. Many of their policies and programmes have an impact on crime and disorder and it has been noted that some of their past decisions have not always taken the full impact on such areas into sufficient account (e.g. some of the events in Trafalgar Square).

The London Fire & Emergency Planning Authority (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.

The fact that the consultation paper states that LFEPA has functioned well with borough representation supports the City Council's view that other functional bodies, such as TfL and, indeed, the Olympic Authority, should follow a similar, representative structure.

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?

Westminster City Council's clear view is that any extension of the Mayor's powers must be accompanied by a commensurate increase in the Assembly's powers to scrutinise a wider range of his activities and decision making. Our commentary on the specific proposals above goes into more detail on how this may need to be achieved in particular policy areas.

Conclusion: Checks, balances and accountability

A key theme running through the City Council's response to this consultation exercise is our serious concern over the loss of local accountability the proposals will mean for Londoners. The majority of the proposals do not, in fact, devolve power away from central Government to the regional level. Rather, they propose the removal of key local decision making powers from local authorities, as the democratically elected representatives for our residents, to a single individual in the form of the Mayor of London, with their own political agenda.

It is therefore our view that many of these proposals thoroughly undermine the proper, democratic process of decision-making in London, taking such powers away from the organisations that are most attuned to local needs. Furthermore, these proposals run directly counter to the thrust of the Government's "*local:vision*" and neighbourhood governance policies and objectives. The City Council is aware of a numerous representations to this effect being made by our residents and we urge the Government to rethink these proposals in the light of the damage they could do to London's democratic structure.

Any consideration given to increasing the powers of the Mayor must be accompanied by a corresponding increase in the vital checks and balances to such powers provided by the London Assembly. There is a clear risk that giving the Mayor further abilities to direct, over-ride and even penalise London boroughs with respect to decisions that directly affect our electorate will simply ignore local concerns and allow the Mayor to pursue his or her own causes at the expense of all others.

In addition to the specific issues set out in the consultation paper, Westminster City Council would like to take this opportunity, therefore, to raise further proposals for improving the ways that the Mayor and GLA interact with London boroughs and our residents.

Firstly, in terms of how the Mayor consults with London boroughs. At present there are two phases to the Mayor's consultation arrangements on his various strategies - a

first round involving the 'GLA family' of organisations (GLA, TfL, LDA, MPA, etc.) and the London Assembly; and a second, "general public" consultation, which includes London boroughs.

However, it seems most inappropriate that the Metropolitan Police, for example, should be consulted ahead of local authorities on issues which are not central to their activities but do relate directly to borough responsibilities - such as waste management, air quality, ambient noise, and spatial planning. If boroughs were in the first phase of consultation, they would also have the opportunity to see how account had been taken of their representations in revised drafts presented for public consultation, at the second stage. This would enable a further opportunity for lobbying, based on local concerns, before any strategy is finalised.

We would therefore propose that an amendment is made to the Greater London Authority Act 1999 in order to allow for this greater level of consultation with local authorities, as the democratically elected representatives of London's residents.

In general terms, the City Council wishes to see the Mayor, GLA and its agencies taking a more strategic role and formally engaging London boroughs (individually or in consortiums) on operational issues at an early stage.

Additionally, the City Council also wishes to take this opportunity to stress the urgent need for arrangements by which the Mayor issues his council tax precept separately from that issued by the London boroughs. This is imperative in ensuring the transparency of the Mayor's budget and in terms of making it clear to Londoners what their council tax is being spent on. We call for this to be included in the final proposals for the future of the GLA, set out by ODPM.