

London Assembly (Plenary) Meeting – 15 January 2013
Transcript of Agenda Item 5: Question and Answer Session – CLG (Select) Committee Report on the London Assembly

Darren Johnson AM (Chair): We then come to item 5 on the agenda, which is the question and answer session with the Department for Communities and Local Government (CLG) (Select) Committee on their report on the London Assembly.

Can I welcome Clive [Betts MP, Chair, House of Commons' Communities and Local Government (CLG) (Select) Committee] to come to the Assembly this morning, we are delighted that you are able to come along and I certainly, as Chair, appreciated the work that your Committee did on the Greater London Authority (GLA), in particular on the Assembly's scrutiny powers. We did not agree with everything in your report but certainly a number of recommendations echoed what the Assembly itself had said cross-party.

For the benefit of the public this morning, I would like to make clear that, unlike the last session, this one is not being strictly timed, but we do have lead-off questions from each of the groups. I will of course ensure that the two larger groups get more time than the two smaller groups, but firstly I am going to ask Mr Betts to make a short opening statement. Thank you.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): Thank you, Chair, and it is interesting to see our roles reversed this morning from when you appeared before the Select Committee and I am not sure it is as much a question of poacher turned gamekeeper as far as I feel this morning, but a bit more like gamekeeper turned poacher coming before your scrutiny arrangements.

Our remit was defined by the fact that select committees are given the option to do post-legislative scrutiny on Acts of Parliament after they have been in law for five years and to look at how they are operating. Therefore, essentially our remit was defined by the 2007 Act, though, in looking at that and its operation, it seemed sensible to take account of changes after that like the 2011 Localism Act, which were already in place. What we did not do other than make reference to it was to go on and look at what changes might come about in the future in terms of changes to the powers of the Mayor or the Assembly and particularly the London Finance Commission report.

You probably are aware that since we did the report that we are discussing this morning, the Select Committee has decided to do an Inquiry into city financing and city governance, not merely looking at London, but the Core Cities [group representing Birmingham, Bristol, Leeds, Liverpool, Manchester, Newcastle, Nottingham and Sheffield] as well. We have recently asked for evidence on that and we are about to start our Inquiry in the next few weeks so that is another area I am sure we will be interested in exploring how it affects the work of the GLA.

Darren Johnson AM (Chair): Thank you very much, we will be moving on to some specific questions on that later on.

Firstly, just to start off, could I ask how could the Assembly's powers to hold the Mayor to account be enhanced?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I think our recommendations were that it was important, given the model in London was essentially one of a strong, executive Mayor, that there should be a clear and distinct scrutiny role for the Assembly and we in a number of respects felt that the

powers that you have were not as significant and substantial as they might have been. I think therefore what we did was to examine a number of ways that they might be enhanced and particularly looking at what happens in other scrutiny arrangements in councils throughout the country. One significant change was that we would ask the Mayor to produce a forward plan and for the Assembly to have call-in powers, which powers are of course available to other scrutiny committees in councils.

Where we did not quite agree with you was on the change from two-thirds to 60% in terms of the veto over certain proposals. What we did suggest was that the potential to have a veto with a two-thirds majority of the Assembly should be extended from revenue budgets to capital budgets; we thought there was really complete inconsistency there given the increased size of the Mayor's capital budgets in areas like housing. We also did not understand why the Police and Crime Plan was not subject to the same arrangements as strategies from other authorities and boards and we did not understand why the Mayor's nominee for the office of Deputy Mayor for Policing - providing he/she was not an Assembly Member - could be rejected by a two-thirds majority, but the same was not true of other Deputy Mayors or Chairs and Deputy Chairs of boards, so we thought there were inconsistencies there that could be rectified.

Darren Johnson AM (Chair): Thank you very much. You made some very sensible recommendations from your committee, as I said when I welcomed you, many of those the Assembly itself had suggested and supported, therefore we very much welcome a number of your recommendations. Unfortunately, they were not welcomed with quite the same spirit of enthusiasm by central Government. What do you think we can do as an Assembly and your committee can do in terms of putting pressure on the Government to actually getting them to consider changes to the GLA Act?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): Realistically maybe not a lot before the election. I think the Government has made its position clear; it does not really want to get involved in further legislation. I think that is what it is saying to us. I think the one slight opening of the door that they left was that, if there are significant changes to the powers of the Mayor in future, then at that point it would be appropriate to have a revision of the scrutiny powers of the Assembly. I think realistically that is more likely to be the opportunity, which obviously leads on to what we might look at in terms of the work of the London Finance Commission, although in reality, in that document, I think there was only a passing reference to maybe the need to strengthen the scrutiny powers of the Assembly. I am not saying that we will not push the Government and Parliament; there is always opportunity for a debate on the Government's response and we will probably take that up and try and pursue it. I just think realistically that is probably where we are at.

Darren Johnson AM (Chair): It could well be, in terms of influencing future Government, the recommendations from your next piece of work on London on financial devolution combined with these recommendations here, could form the basis of a package that a future Government could hopefully take seriously.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I do not want to anticipate what findings the committee may come to in terms of its next inquiry; that would be wrong, except to say that clearly there are a number of interesting ideas in the London Finance Commission: they are setting an agenda; they are clearly trying to shape the powers of the authority as a whole for the future and the London boroughs as well. It is interesting that the Core Cities have very much taken up a similar view and that therefore we are looking at the whole of that. It may well be that, depending on the findings we come to, the issue of scrutiny will be an issue that we want to take further when we come to our recommendations on that inquiry.

Darren Johnson AM (Chair): Thank you very much.

Caroline Pidgeon MBE AM: I am very interested in your report and looking at how our powers could be enhanced, but there are a few areas where we have particularly put forward suggestions that your committee did not take forward and I wanted to explore those a little bit further.

One of them particularly is around the power to be able to summons people and papers, including senior Metropolitan Police Service officers. I was wondering why your committee did not support that recommendation?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I think we had a whole range of things put to us; I think what we tried to do in our report was to pick out the key issues where we thought, in a more general sense, scrutiny could be enhanced. We did not come to a specific view, is my recollection of that, so it was not that we dismissed it, we just did not pick it out as one of the key issues for making a clear recommendation on. So it was not that we dismissed it.

Caroline Pidgeon MBE AM: I think it is very serious issue for us. Lots of people come before us just at our request. A very good example is High Speed 2 Limited (HS2). It has a huge impact on parts of London, particularly Camden, and yet they refused to come before our Committee to put the case for their project. Quite extraordinary, yet actually we needed them to give a balanced discussion before us so that we could come to our conclusions.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I take the point and I think it is a problem that scrutiny committees have in councils up and down the country as well. Indeed this is an interesting area, which in Parliament we are still discussing, about precisely what our powers are. Calling people before the Bar of the House and sending them to the Tower is probably a little bit outdated but I think we still do have some challenges. There was an example in Parliament where the chief executive of Kraft refused to come to give evidence to a select committee and in the end there was not much that could be done to get them there. I think it is an issue, one we ought to return to, I accept.

Caroline Pidgeon MBE AM: Great, thank you, we would very much welcome that and the issue of senior Metropolitan Police Service officers, who come before our Committee using their goodwill, but they do not have to if they do not want to and that would mean we would not be able to carry out our duties thoroughly.

The issue - you already touched on it - about the two-thirds majority to amend the strategies and so on, and I am glad you have put in the capital budget side, because as you say it is increasingly important. Given that we need 17 out of 25 Members to be able to amend any of the Mayor's strategies or documents, there are 16 opposition Members here at the moment, yet we still cannot amend it. We felt the 60% threshold would be a fairer way forward. What was the thinking within your committee on rejecting that option?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): We had not received overwhelming evidence; we had some arguments strongly in favour of 60%, others against. The feeling also put to us was that it was the potential of the veto rather than its implementation that was most effective in persuading the Mayor to listen to alternative views. Two-thirds is the criteria used for veto in councils up and down the country so it would have left an inconsistency there. I think we felt in the end that the best way to strengthen the powers of scrutiny of the Assembly was to look at extending the two-thirds to the areas I have just described rather than changing the two-thirds rule. It was on that basis that there was not an overwhelming case made, although I can see the specific case that you are making.

Caroline Pidgeon MBE AM: Finally I wanted to pick up the issue of the Assembly's own budget. I think you did say in your report that the Assembly should develop as a separate independent body, clearly

distinguishable from the Mayoralty, and yet I do not think you made any recommendations around us having a specific budget that is perhaps separate from the Mayor's. I was wondering what discussions you had around that?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): It was not an issue we had any overwhelming evidence on, but I think we could see from looking at the current arrangements that there is a confusion in the public that the GLA is itself composed of the Mayor and the Assembly. Is there a case for having two distinct separate bodies? I think certainly we could see the logic that independent financial advice and other advice for the Assembly would be following the sort of model that we have in Parliament where people like select committees are officials of the House of Commons, not of Government; we could see a clear parallel there that would be sensible. I think we were again suggesting that, if there is a significant change in the powers of the Mayor and hopefully along with that the scrutiny powers of the Assembly in the future, at that time it probably would be appropriate to consider whether the organisations should be split and whether there should be a clear separation in terms of the advisory officers and scrutiny officers and maybe a separate financial office that could give that independent advice to the Assembly.

Darren Johnson AM (Chair): Thank you. I will take a couple of supplementary questions from Members on this.

Andrew Dismore AM: Clive, can I first of all echo the point about summons of witnesses. As the Member for Camden, the fact that HS2 have been utterly unaccountable to Camden Council, the Camden community, the Assembly, has been very difficult, we just cannot get any answers on anything of substance from them. That I think is a very good example of why we need summoning powers here.

The thing I particularly wanted to come back to was the two-thirds majority issue and I suppose I am partly to blame because I was on the Public Bill Committee right back at the beginning of this and we settled on a two-thirds majority. I think that experience has shown things have moved on somewhat since then because I do not think anyone really could foresee then how the balance of power on the Assembly, for want of a better word, would turn out as a result of proportional representation (PR); I think that is the difference between London and the other councils to which you refer in that we are elected on a PR basis whereas in the rest of the country it is the first-past-the-post basis and I think if we had a first-past-the-post system here we might get a very different result on the Assembly. The fact remains you talked about the potential of veto, in fact there is no potential of veto at all because we have now had four different electoral cycles in London and it is absolutely impossible for any two-thirds majority to be obtained. Nobody is saying that one particular party should have the right of veto, but realistically, bearing in mind that we now have four parties here; a combination of three would produce a 60% majority but not a two-thirds majority. The only way we could get it is for example some kind of grand coalition between Labour and the Conservatives, but realistically that is not going to happen as things stand.

I would suggest that we need to look again at that two-thirds issue; bearing in mind we are different because of the PR system to other authorities. Nobody is making a political point here because the same would apply to a Labour Mayor as to a Conservative Mayor, but the fact remains it is completely toothless.— You might as well say 100% than two-thirds.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I hear the points you make. The committee reflected on that and heard different evidence from different people and concluded that there was not the weight of evidence to recommend a change. I am not saying that we would never return to that in the future but I cannot promise to.

In terms of the issue about the witnesses being obliged to come, that was not a recommendation the committee specifically looked at and came to a view on. Chair, if when you come to your view about our report and want to presumably write to us about that, if that issue is highlighted then I think it would be fair for me to say the committee would have another specific look at that.

Darren Johnson AM (Chair): Thank you; that is a very useful commitment.

Tom Copley AM: Just going back to the issue of the budget, I suppose I would echo what Andrew said about the two-thirds majority: it may as well be 100% if you are going to have two-thirds, which of course is the proportion it takes to amend the American Constitution. In terms of the budget, do you think there is a slight conflict of interest where the person being scrutinised essentially sets the budget of the body that is scrutinising him?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I can see that. Again, it was not a specific point that we looked at in our report, but I can see the issue. Coming back to my reflection of what happens in Parliament, it is quite important that Parliament sets its own budget, so select committee budgets are fixed by MPs, not by Government, so I can see that point. Again, if you want to make that point to us in further evidence then I am sure we can look at it.

Tom Copley AM: Thank you.

Roger Evans AM (Deputy Chairman): I think my colleague Assembly Member Dismore is possibly a little hard on himself and his record working on the Bill before, because in fact there has been a period when there was a sufficient majority on the Assembly to amend the Mayor's budget. From 2004 to 2008 when the Labour Group had fewer than nine Members, which is the one-third blocking majority that is required, so in fact the two-thirds did work for one of the four periods and it is pretty close on this period as well because the Conservative Group have nine Members and if there was one person missing then there would be the same effect, so perhaps you could reflect on that and decide that your decision was correct to leave things as they are because the Assembly blocking the Mayor and overturning things should really be an exception to the rule and occur when the Mayor does not have the support of the Assembly rather than being a continuous feature of this body.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I hear what is being said, Chair, I think I have tried to explain why we did not make a recommendation to change, and that is our report, so I do not think we are likely to go back and alter that.

John Biggs AM: I tend to agree with the 60% thing; I will not repeat Andrew Dismore's argument, except I do not agree with him that the Assembly is rendered toothless by that; I think the evidence is that we do have considerable influence, although it may be indirect and rarely vocalised by the Mayor himself. I think, having been here for however long it is, 14 years now, you do see changes in the way in which the Authority behaves in response to effective and thoughtful scrutiny and I think that is part of what we are here for.

I have a couple of questions about the impact though of the relative powerlessness of the Assembly, the first is about access to information in general where things have moved but we are still in a position where Members feel inclined to use the Freedom of Information Act, or indeed the Information Commissioner, to try to delve into facts that are not forthcoming from the functional bodies.

The second is simply an observation in relation to the point about rejecting Mayoral appointments. The only occasion when the Assembly I think voted to reject an appointment, the appointee was subsequently

appointed by the Mayor, but only lasted about two months in office, which suggested that maybe the Assembly was acting with judicious thoughtfulness and got it right.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): On the latter point, I do understand that, if an individual up for a public appointment is asked to come for a hearing, even though the hearing may have no formal powers, if they are told that they are not a fit and proper person at the end of that hearing, it somewhat damages their credibility, whether there is a veto or not. That has been the case in some examples with select committees in Parliament examining intended appointments, sometimes Secretary of States have carried on regardless, other times the individuals themselves have decided that it is probably a little too embarrassing to continue and have withdrawn their applications, therefore I do accept that point.

In terms of the powers, again, if you want to link that in with the issue of the ability to summon witnesses in your response, we will certainly have a look at it.

John Biggs AM: If I move on to my substantive questions then, there are two: the first is to ask you about your committee's broad position on the devolution of powers and resources from central Government to more local bodies, and I think this invites you to repeat your additional piece of work.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): Yes, and I do not want to indicate conclusions that we are going to come to; that would be wrong, but clearly it is an area of interest. We began on Monday with a seminar for the committee where we had [Professor] Tony Travers [Chair, London Finance Commission] and others come to speak to us to explain the background to it, so it is clearly an area of big interest. The fact that Core Cities have now latched on to it, the interesting thing is that we have been told the same thing by the Mayor and London Councils. Harmony has broken out until I suppose it comes to deciding precisely who gets the benefits of any extra money that is allocated, but anyway it is a very interesting area. As I said, I do not want to presume where we might end up. What I would say is that generally on the committee I think we have a track record in our reports of looking for localist solutions, sometimes we have been a bit critical of the Government for not being localist enough, and we did a report on localism in 2011 where we were strongly in favour of localism, seeing local authorities, local government in general, at the heart of the process, not being bypassed by it. I think that is the committee's background, I think we have all - maybe with one exception - been on local councils in the past, so I think we have some understanding from that perspective.

John Biggs AM: I think, for the record, you are a former leader of one of the nation's other great cities.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I was the leader of Sheffield Council between 1987 and 1992.

John Biggs AM: That leads me to another interesting point. I have often thought this, and quite often the other cities look at London with some envy and resentment because we are such a big beast, and it seems to me that we could learn quite a lot from each other, in terms of taking evidence and looking at what works, one assumes that your study will try to find areas where there is a consensus about what will work. It is about strategic powers such as transport, strategic planning, investment in employment creation, and those sorts of areas of work. Would you agree or do you think there are other areas that we might want to venture into?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I would not venture down that road at present because clearly we are going to look at that issue as part of our Inquiry. What I would say is that I think it is interesting that the initial work was obviously done by the London Finance Commission looking at the Mayor, the Assembly, and the London boroughs, and I think there was a feeling that there might be the

sort of backlash you made reference to among other parts of the country. The interesting thing is that the Core Cities have immediately said, "We want to join in with this; we want to work along with this; we do not see this as a threat to us". On the other hand, we have evidence from the County Councils Network, which has said something slightly different to us. We are clearly going to have to reflect in our inquiry. One of the things we have said in our terms of reference is that in looking at what additional powers and financial competence may be available to London than to other cities, how that might impact on other parts of the country. That is something we are clearly going to have to reflect on as a committee.

John Biggs AM: If we talk specifically about the ability to raise more taxes locally, do you have any observations or are you still at the evidence-gathering stage?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): There are facts there that would indicate that we are just about the most centralised democracy in the western world in terms of the percentage of our gross domestic product that is raised in local taxation. I think Tony Travers gave us the figures that it was 1.7% in this country and about 4% in France and even more in Germany, therefore we are centralised both in terms of powers and in terms of ability to raise finance at a local level.

John Biggs AM: I was the Assembly's representative on the London Finance Commission and I chair the Assembly Budget and Performance Committee, so I am a bluffer on finance matters at the very least, and its recommendations seem to have been very widely accepted in principle as being a way forward for cities. This is a sort of leading question if one is not careful, but there seems to be a lot of economic evidence as well that cities in the current state of the world are the key dynamos of economic growth.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I think we were presented with evidence that in the UK, London has a higher output per head, higher income per head, than the national average, but by and large the other major cities - I think with the exception of Bristol - do not. That is not true in other countries where the major cities tend to outperform the national average almost as a whole. Clearly there is a difference there. I will not draw any conclusions about where that difference may lead us as a committee in our findings, but there is some interesting evidence around on economic performance that we will have to look at.

John Biggs AM: If I could push one other question at you and it is about taxation and accountability for decision-making on taxation, it is this: that if cities have devolved to them the ability to set levels of taxation, then there is a fairly strong and likely arguable case that the level of scrutiny points towards the Assembly in that area potentially having a more legislative role. You could see a clear division between the Assembly taking decisions about how it might be done and the executive about the detail of it. Do you see where I am coming from?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I do. We did not take a view on that. I think we make reference to the fact that there are different models of governance with Mayors and councils, particularly in the United States where you would probably have an arrangement where the Mayor put forward proposals and then they were worked up into a legislative form by the council there and effectively passed a bit like a Parliamentary system. That is not the model that we have in London; it is a strong executive Mayor and a scrutiny body through the Assembly. We therefore did not come to a view about whether that should change; we did not have any real evidence on it so we merely passed reference to the fact that it was a different model to that in London now to that which does exist in some authorities in the United States.

John Biggs AM: Clearly every area of taxation tends to involve, nearly always involves – I cannot think of an instance where it does not – very technical questions about exemptions and the extent to which different parts of the community should bear the burden of that income-generation.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): Yes, I think therefore, whatever model you have, it is about ensuring that those who have a responsibility to scrutinise the detail of it have the resources to enable them to do it effectively.

John Biggs AM: That is very helpful. If I could move on to my final question, which is: do you accept the Government's argument that recent changes need time to embed before further devolution is considered? It happens that the GLA Act has been revised twice now in 12 years, which is pretty rapid on a Parliamentary scale.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I do not think we agree with the Government's position on that because it disagrees with our recommendation.

John Biggs AM: OK, I am happy I think at that point.

Darren Johnson AM (Chair): Thank you very much. We will then move on to Assembly Member Boff's area of questioning on financial devolution.

Andrew Boff AM: First of all, can it be an all-party welcome for you to be here; we very much appreciate you taking the time out to come and answer our questions. We hope that we see a lot more of Members of Parliament responding to a summons from the London Assembly; an invitation in this case.

Why did your committee conclude that the Assembly should be better equipped to undertake financial scrutiny?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I think we simply looked at the fact that there was not a separate resource that you had distinct from the Mayor whose job it was to advise, inform and assist the Assembly. Maybe we looked at it from a Parliamentary viewpoint where I think one of the most important resources for select committees is that our specific staff on select committees, the Scrutiny Unit and Library in Parliament, are there as employees of Parliament, and I think that gives them an independence and a rapport, a clear remit to serve the select committees, and they are not civil servants, and I think that distinction would be helpful.

Andrew Boff AM: The Government rejected your call for a review of the Assembly's powers to hold the Mayor to account. Without even further devolution, do we still need to review the powers even if we do not devolve more power down to the Greater London Authority?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): Yes, our recommendations about extending the two-thirds rule to cover capital, to cover the Police and Crime Plan, to cover the various appointments that are not currently covered, was on the basis of existing arrangements, not on the basis of enhanced powers.

Andrew Boff AM: My colleague who has just questioned you, John Biggs, has recently done a review about transparency of the Greater London Authority. How would you get more transparency into budget-making to allow the Assembly to do more financial scrutiny effectively?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I think we are getting into the sort of detail now that I probably would not have the ability to advise you on; I think that is something that you as Assembly Members are probably better placed to look at.

Andrew Boff AM: Still on the finance area of things, you say that the Assembly should have the ability to amend the Mayor's capital budgets - and can I quickly say that I am absolutely convinced that this call for 60% would not have been a call for 60% if the outcome of the last election had been different - so in terms of the ability of the Assembly to amend the Mayor's budget, why are capital budgets an important tool in those powers?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I think, as the Mayor has taken on greater responsibility, particularly for housing and economic development, clearly they are major areas of capital spend, therefore I think that has been a change from when the GLA was first established and it ought to be reflected in the scrutiny powers. Indeed, the argument that I think was put to us that there is no necessity to be able to veto any element of a capital budget because the consequences of capital budgets in terms of the borrowing undertaken was included in revenue budgets that could be then amended, seemed to me to be a complete nonsense because by the time you have borrowed the money and spent it and included it in the revenue budgets, there is not much you can do about it.

Andrew Boff AM: The Government also responded that this would result in there being instability and uncertainty in the future of infrastructure projects if we were able to amend capital budgets. How do you see that argument?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I understand the difference between capital and revenue budgets but I do not understand why one should have a two-thirds potential for amendment or veto and the other not; I did not see the logic at all.

Andrew Boff AM: Moving on from finance, you had a number of views about the Assembly Members relationship to the executive and why should Members of the London Assembly have to resign from the Assembly if they get an executive position? What is the problem there?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I thought we would get here in the end; it was probably one of the more contentious recommendations. I simply think that if you have a strong executive Mayor you have to have a clear and distinct scrutiny body. This is what was in the Bill; a very strong Mayor and some scrutiny powers that are limited to a degree and we suggested they should be less limited.

But if then you start confusing things by having some people who are in the scrutiny body also being part of the executive arrangements, I think that is very difficult for the public to understand. Certainly it took quite a bit of time for members of the committee to get their heads around the very different arrangements. I think first of all there is a principle of clarification of distinction, one body making the executive decisions, one body scrutinising those decisions, and a problem for the public if the two mix together; and secondly the fact you have very different arrangements on virtually every board and authority, there is no one the same as another, and I think that is confusing as well.

Andrew Boff AM: I understand the philosophical argument and I think you can come down on one side or another on how you want governance to take place. If you want a scrutiny-only body, surely your very insistence that the ability of this scrutiny body to amend the Mayor's budget should be widened is conflicting to that, because all of a sudden, if we have power, we are not a 100% scrutiny body?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I think if scrutiny were only sitting down and commenting on what you like and do not like, then it probably would be a lot less effective. I think in the end having some power of veto - ultimately it is a bit of a nuclear option - if it is not there I think it does change the relationship, so I accept that pushes the Assembly as a whole into an area where it can start taking decisions, but I think it is very clear that the Mayor has made those decisions, the Assembly then looks at them, investigates them, takes evidence, and then makes a decision that can ultimately result in a veto. I think that is different from individual Members of the Assembly being part of the decision in the first place.

Andrew Boff AM: That is not quite what we are talking about, but I am curious as to what decisions the Select Committee can make?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): The Select Committee cannot make decisions generally, it makes recommendations. Because we have a slightly different system, where we are moving towards the possibility of select committees putting motions down in Parliament - which are voteable - maybe putting amendments down to legislation, but we are different in the sense that we have a legislative arrangement rather than simply an executive and scrutiny. If you were looking to enhance the role of Assembly Members in the decision-making process then I think you ought to do it in a consistent and overall way by looking to move to the sort of model we talked about earlier with Mr Biggs where there was a more legislative role for the Assembly as a whole. I think at present it is just confusing that individual members of a scrutiny body can then go off and be party to executive arrangements; that is not what happens in Parliament; it does not happen in any council in the country.

Andrew Boff AM: I absolutely take what you say about public perceptions are very important. Do you think the public actually think that when they are voting for the London Assembly they are just voting for a scrutiny body? Do you not think they think they are voting about the government of London and therefore going with that there are powers involved?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): Precisely; there are powers to the Assembly as a whole, which we just talked about, which are scrutiny with the potential then to amend revenue budgets and to look at amending various strategies and plans. That is clear. Whether the public thoroughly understand that, I think very often they do not always understand the niceties of government, but I think it is clear that is a role for the Assembly. I think there would be a lot of misunderstanding if you went and asked the public what the Assembly Members' role as individuals was on the various boards. It certainly took us a lot of time to work through the very different arrangements that exist on the different boards and authorities.

Andrew Boff AM: I think that is probably something for us as Assembly Members, and we can add up all the conversations that we have had with members of the public and what members of the public think we do here and I do not think - to be certain - those members of the public think we are just scrutineers with a handbrake; I think they think we are more than that. I think that is something we need to determine ourselves, but I am very grateful for your answers.

Richard Tracey AM: May I reiterate the thanks to you for coming along, we have had a few Ministers coming in front of the Assembly, but not enough, and now to have a chairman of a select committee is very welcome.

Can I take up just a couple of points that have been raised with you: one is this matter of greater ability of the Assembly to scrutinise and I think one of the things you said in the Select Committee report was the proposal for an independent budget office for London.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): We made reference in the report to the possibility of that coming about.

Richard Tracey AM: You have already talked about the sort of backup that select committees get, and indeed of course the National Audit Office backing up the Public Accounts Committee, are you suggesting anything along those lines? I mean obviously not as big, but is that what you are driving at?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): We did not make a formal proposal in my recollection, so we did not sit down and examine in detail how it might be done, I think we were merely commenting on the potential for that to be a force for good and something - I think you rightly say - it will be up to the Assembly to look at precisely what its needs were and how that might be developed.

Richard Tracey AM: I think it is undoubted that in some of our committees that do have slightly more analytical staff and experts, we probably can conduct better scrutiny, so I am very much with you on that, and it struck me, since I arrived here in 2008, that the Assembly's ability would be greatly enhanced by specific experts in specific areas.

The other thing that you raised is this one about some of us being Assembly Members and in some way or other involved with the executive with the Mayor, with particular jobs that we may do. I think one of the problems that you perhaps did not recognise in your analysis in the Select Committee is the sheer size of the Assembly, 25 Members, and it may well be ideal for the Mayor to be able to draw on some of the expertise that exists here, so there is that point, but the other comparison that I see is with councils where we are now seeing the creation of executive or cabinet members. These people in the local authorities are elected councillors; they are also very much part of the executive and taking very considerable financial decisions a great deal larger than Members of Parliament or we are. They nevertheless are still very much part of the scrutiny process of the whole thing, in councils that I experience. I know that there are different scrutiny procedures in some councils, but it does seem to me that what we are doing, those of us who are involved in the Mayor's Office, it is just the same sort of thing.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): No, I think it is different because I think the role of the Assembly is scrutiny with some enhancements that we talked about and this is a powerful executive Mayor; that is the model in London and it is different in that way. Having said that, even in local authorities where there is an executive Mayor or a cabinet, my understanding is that the members of the Mayor's cabinet or members of the cabinet drawn from councillors would not be members of the scrutiny committee on that council; there would be a distinction in the role within that local authority, just as in Parliament there is a distinction between members of select committees not being members of the Government; the two are different. We are still part of the same Parliament but we have a distinction and a distinct role and if someone becomes a member of the Government they do not remain a member of a select committee.

Richard Tracey AM: Clearly there are different models in some local authorities. Can I just ask you finally though, have there actually been any examples raised of conflict of interest involving any of us that may participate in the Mayor's operations? Has anybody quoted to you any example? Because in my experience, if our own responsibilities are being discussed in the Assembly, or in any of the Committees, we would always of course sit back and not participate.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I do not want any inference to be drawn that we were being in any way critical of any individual behaving improperly; that was not the inference. I think we were saying that the system that allows the Members who are doing scrutiny to also potentially be

party to the executive decision that is then being scrutinised, even though they may stand back when that scrutiny is being done in the Assembly, is I a confusion for the public. The fact that it is not consistent, it is not that there are two Assembly Members on every board and authority, we probably would not agree with that anyway, but it is not that position, it is one where you have no Assembly Members in the Mayor's Office for Policing and Crime (MOPAC), you have a completely different arrangement on the London Fire and Emergency Planning Authority (LFEPA), you have two Assembly Members potentially on transport but none have been appointed, and I think you yourself actually are appointed by the Mayor to the Waste and Recycling Board, but not there as an Assembly Member even though you are one. Therefore, I think there is enough confusion there to warrant some clarification.

Richard Tracey AM: OK, thank you.

James Cleverly AM: Mr Betts, thank you, and actually just following on from that last point, which I think is a really neat encapsulation of how incredibly untidy various governance arrangements are, I want to focus specifically on the recommendations around LFEPA and solicit your views on the Government's response.

Your committee put forward that a MOPAC-style structure would be more appropriate with a much clearer separation of the executive function and the scrutiny function, and the Government's response was to say that they will look at it in light of the [Sir Ken] Knight [CBE, Chief Fire and Rescue Adviser] review, but there was an implicit concern that primary legislation was going to be needed. Would it not be the case that primary legislation would be needed whatever future structure it be to dissolve the current structure, so what are your views on my contention that the Government kind of missed the point slightly on their response?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I think it partly is that primary legislation would be needed for quite a few of these changes that we were proposing; I think therefore realistically it is likely that, if change is going to happen, it will happen as part of a wider look at the powers of the Mayor and the Assembly, which will come in the next Parliament. Depending on where we go with the recommendations, the London Finance Commission and other proposals, it is probably at that stage that these will be pulled together. That is the realistic political position.

James Cleverly AM: Since your report was published, the Mayor in quite high profile situations used his power of direction to implement a fairly major change programme, do you think that has given a greater impetus to the recommendations you put forward?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): It certainly highlights the need I think to have another look at the whole of the relationship between the Mayor and the Assembly, but I do not want to be drawn into the politics of the correctness or otherwise of the Mayor's individual policies and that would not be appropriate.

James Cleverly AM: Thank you.

Murad Qureshi AM: Just a very quick point really, on the back of your separation of the executive from the Assembly, is that also by implication, are you suggesting that the statutory Deputy Mayor of London should not be an Assembly Member?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): Yes, we were saying the Deputy Mayor should not be, as well as the members of the boards and authorities, yes.

Murad Qureshi AM: The implication is, at least with an Assembly Member being a statutory Deputy Mayor, that they are elected by PR, or directly as a constituent Assembly Member, that you could in effect have a statutory Deputy Mayor who has not been elected covering for the Mayor if and when they have an accident or something.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): Yes, and that will be the case in other authorities up and down the country. You could have a different arrangement if you wanted to have an election of a Deputy Mayor, we did not go into this, but you could rely on a joint ticket, could you not, a bit like you do as a President of the United States, if you wanted to make clear that someone was being elected as deputy to the Mayor; that they had a mandate.

Murad Qureshi AM: By implication that is what you are saying then?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): Yes.

John Biggs AM: An alternative approach to this conflict problem with executive Members of the Assembly would be to stipulate that, where there was a conflict that Assembly Members should not be able to exercise that aspect of their Assembly powers, so, for example, in the extreme, an Assembly Member who had an executive role, which influenced the Mayor's budgets, might not be able to vote on the annual budget meeting. I am not suggesting that should happen, I am just postulating that might be a way, and then a Mayor would have a choice as to whether to appoint an Assembly Member, to appoint an Assembly Member and cause a by-election, or to appoint someone else. That might be a neat way of resolving such a conflict, because one of the bad things about the British system is that we sort of have an unwritten series of bodesges and it is quite a good thing as well on occasions. Would you concur that might be a sort of muddled way through these things?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I think it would be a muddled way through, I agree with you on that.

John Biggs AM: I had a couple of tidying up things, and the second one in passing is that, speaking to a journalist, they said they only ever quote Tony Travers about 30% of the time because otherwise they would have to quote him 100% of the time, such is his expertise on local government, and so they have to find other people to speak on these things, but I notice his fingerprints over quite a lot of your work and I think that is very welcome. When you take your evidence on this other piece of work, will you be looking at whether the ten-authority model [Greater Manchester Combined Authority] in Manchester is working or whether it is an essentially unstable one?

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I think we will look at it and I think it is a very interesting point. Without coming again to conclusions on that, I think what we have seen in Greater Manchester - and it is the lead example - is of ten authorities there of different political persuasions coming together because they see a common interest in issues like economic development, skills, transport infrastructure, and working together over a long period of time, including with the private sector. It is a very effective operation in Greater Manchester, and then they formed themselves into a strategic authority on a statutory basis. That has now been taken up in Leeds, Sheffield and in Newcastle, following a similar model. You do however have this issue, which I am sure we will have to have a look at, that you have a statutory body, which is composed of the leaders of individual authorities, either Mayors or leaders, who therefore are there in an indirectly elected capacity, and there is not a direct election for the public. On the other hand, we used to have a situation in the metropolitan areas where there was a great contention over the Greater London Council's abolition. There were areas where the Metropolitan Counties were not greatly loved and were just

seen as a superfluous addition, so do you want to go back and recreate another elected body or can you find some way of making those combined authorities more accountable? I think that is going to have to be an issue we are going to have to explore.

John Biggs AM: Indeed, when the GLA was being discussed, one of the reasons why we did not have a single member for each local authority was because it was the potential conflict between your role advocating for one geographical area and a more strategic role for the whole of London.

There is a related question, which is about functional economic areas - and again this could become rather technical - but London sort of gets its own way except of course our economic hinterland is pretty extensive, and so one could argue that there should be further linkages between us and surrounding areas - for example over commuter rail lines, which stretch outside greater London. Again, it does get rather technical, but it begs the question of whether there should be local autonomy in defining what it is that will work for your geographical area.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): I think it is an interesting question. Can I be personal about this, because the committee has not come to a view about this, and say, yes, I think that is right, it should be. Speaking as a Sheffield Member of Parliament where under the regional arrangements our economic hinterland was in a different region, the East Midlands rather than Yorkshire. What has happened, and the authorities are doing it themselves, but it actually was helped, and credit to the Government, when they established the Local Enterprise Partnerships (LEPs) - and there were the arguments for and against the LEPs and some are doing better than others - but the Government did allow them to draw up their own boundaries and so interestingly authorities like Chesterfield in Northeast Derbyshire, Bolsover in Derbyshire, Bassetlaw in Nottinghamshire, have decided that they did not want to be part of their old counties for LEP purposes and indeed now for the strategic authority eventually, they wanted to come into the Sheffield City region because that was naturally their travel-to-work area. I think trying to form a governing arrangement based on natural economic entities is quite a sensible way forward and allowing areas to come to that I think is potentially very good.

John Biggs AM: That is very useful, and I have two tiny final things: the first was - I did not have many conversations with him - the last conversation I had with Lord [Sandy] Bruce-Lockhart he said it was all very well talking about cities, but what about counties and other rural areas, and one assumes that your terms of reference are partly to keep our country cousins happy - if I can be offensive gratuitously as I often am - but it is also about recognising that the economy in places outside the city areas is pretty important as well.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): Yes, and we specifically in our terms of reference indicated we want to look at the implications for the rest of the country of proposing the London Finance Commission. They were taking up for London and for the Core Cities, so the County Councils Network is giving us evidence and so have other counties individually and other individual authorities. There is also an organisation called the Key Cities [representing the 26 next largest cities after London and the Core Cities] now, which is saying, "What about us if these larger cities get extra powers and financial responsibilities?" Therefore we are going to look at those issues as well. Of course then there is the whole issue of equalisation, which has been an important and very controversial continually part of local government finance, how do you deal with that in any new situation?

John Biggs AM: That is very interesting as well, and the final one, which is again as much about throwing an idea, which may form part of the record and form part of this longer process, is about the idea of civic engagement with something as big as the GLA and I think we could talk about this all day, which we are not going to do, but I think the record has been mixed. There is a civic forum in London but there was a more

ambitious idea of what sort of civic body there might be for London, it has never quite really achieved what it set out to achieve in my opinion. Does that matter? Does that not matter? It is an interesting question but it is one that in the longer term maybe needs to reflect ideas of identity for areas such as greater London.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): It is not an area the committee looked at and I think you probably have far more knowledge about that than I would have.

John Biggs AM: I am sort of semi-bluffing on this. Very grateful for that. Thank you very much.

Darren Johnson AM (Chair): Thank you, and the final question from Assembly Member Boff.

Andrew Boff AM: Very briefly. I would love you to forward your comments about LEPs not having to stick to administrative boundaries and rather than represent economically sensitive boundaries, if you could just forward that to the Mayor of London I would very much appreciate that.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): All right, OK.

Darren Johnson AM (Chair): Thank you very much. We really do appreciate, all of the Assembly Members here today, the whole Assembly appreciates you taking the trouble to not only carry out this investigation but to come along and explain your finding and share your thinking with the Assembly Members today. We did not necessarily agree with all of your findings, but I think we do appreciate the trouble that the Select Committee took to really understand the intricacies of the GLA group and how the different parts of it work and interact with one another. We appreciate that and also appreciate your commitment to look at any further submissions from the Assembly, both on this and on the ongoing issue of financial devolution to London and the Core Cities. Thank you very much once again for coming along.

Clive Betts MP (Chair, House of Commons' CLG (Select) Committee): Thank you, Chair.

Darren Johnson AM (Chair): Thank you.

Darren Johnson AM (Chair): Could I thank all the Members for their thoughtful contributions to that discussion as well. Can I ask the Assembly to note today's discussion and also note the CLG (Select) Committee's report, *Post-Legislative Scrutiny of the GLA Act 2007 and the London Assembly*?

All: Agreed.

Darren Johnson AM (Chair): Thank you. There are now two motions on this item that have been laid on the table. As Chair, I have accepted both as urgent business because clearly this is the appropriate session for considering any motions that arise from the CLG (Select) Committee report. We will agree individually, each motion we accept as urgent business. In accordance with section 100B(4) of the Local Government Act 1972 (as amended) I have accepted the motion, which has been tabled as an item of urgent business and in accordance with Standing Order 3.12(b) I would ask the Assembly to agree to consider this motion now as this meeting is the relevant meeting to do this business.

The Deputy Chairman, Roger Evans AM, has indicated that he would second the motion. Is that agreed?

All: Agreed.

Darren Johnson AM (Chair): Thank you. This motion does broadly welcome the findings of the CLG (Select) Committee report. In London of course we have a strong Mayor model and that is a settled part of the political landscape in London; that is not going to change. However, for a strong Mayor model to work effectively we do need to ensure there are sufficient powers within the Assembly as a scrutiny body to hold the Mayor to account and to scrutinise the activities of the Mayor and the various bodies within the GLA group. Therefore, in terms of the Select Committee recommendations, we do welcome a number of those recommendations and they appear in the motion, particularly as Clive Betts was saying today, the call-in powers for the Assembly - which is the norm in local government and has not been used as a weapon that has completely stifled the executive's ability to make decisions in local government - I believe on the whole it has been used proportionately and responsibly, but it is an additional check and balance and it should be something that applies to the GLA as well as to every local council in the country.

In terms of additional budgetary powers, it was very welcome to hear Clive Betts today talking about the need for the Assembly to be able to amend the capital budget as well as the revenue budget. Of course we have to remember from when the GLA Act [1999] was first written and the Mayor and the Assembly were first set up, the budget of the GLA group has risen considerably because of devolution from central Government and more powers being taken on. Therefore it is important, far more important than ever before, that the Assembly's powers to properly scrutinise that budget, to hold the Mayor to account over that budget and to be able to amend that budget in a meaningful way is properly looked at.

I think it will be even more important if the London Finance Commission proposals actually become enacted for London and the Core Cities because that is really important, it would be a huge prize in terms of genuine devolution for London if the Mayor were to have more financial flexibility because it is ridiculous how centralised the system is compared to other cities around the world. If the Mayor were to get that financial flexibility, we absolutely need to enhance the Assembly's scrutiny powers and ability to hold the Mayor to account.

We also welcome in this motion the recommendation that the Assembly have the power to reject the Police and Crime Plan in the same ways and the same mechanism as for all the other Mayoral strategies and that just seems a sensible tidying-up exercise, an additional sensible check and balance within the Assembly's powers.

There are obviously some areas where we disagree with the Select Committee recommendations or where things have not been covered and I welcomed today Clive Betts' commitment to his committee considering again any submission from the Assembly. One of the things I think we would want them to look at again is summoning powers and widening the Assembly's ability to summons relevant witnesses.

I think that the issue of Assembly Members sitting on Mayoral bodies and playing executive roles as well as a scrutiny role is something that we would want the Select Committee to look at again and I think Assembly Member Tracey's point about the size of the Assembly is so relevant. I think it is fine to have a perfect scrutiny/executive split when you have a Parliament of 600 or even a council of 50 or 60, it is absolutely fine to do that. It is not practical within an Assembly of only 25 to have a perfect fit in terms of a scrutiny/executive split and I think we have found a sensible way of approaching that without direct conflicts of interest that allows Members to play a full part in both the scrutiny and the executive side of the GLA. I think we do differ very strongly with the Select Committee on that.

On the issue of LFEPA, I think there are a range of views around this Chamber and we do not propose any particular model or particular set of arrangements in this model, but I think it does need to be looked at again because the idea of an independent body composed of elected members that is then constantly subject to

Mayoral direction; that is not a sustainable model for the future and I think it is time to have a thorough review of the fire role within the GLA group and the scrutiny and executive roles within that. We do not propose anything within this motion but it is something that needs to be looked at.

I am pleased that there has been consensus from across the Groups on a number of these things because I do know, when we have spoken as one voice as an Assembly, we have had far more impact in terms of effecting change and getting Government to listen. At the 2007 Act, the Assembly spoke with a myriad of different voices and received very little in terms of the changes within that Act. When it came to 2011, not only did the Assembly speak with one voice on so many issues in the Localism Act, but also we spoke alongside the Mayor and London Councils together and I think we made that point together. Therefore I do welcome the consensus around a number of areas in this motion and I hope that we can all agree it unanimously and I apologise for going over time. Thank you.

I now call Assembly Member Evans to second the motion.

Roger Evans AM (Deputy Chairman): Thank you, Chairman, and you have covered I think most of the salient point in what you had to say. It has been a good session this morning and it is evident of course that scrutiny always occurs after something has taken place whereas lobbying always occurs before it has taken place. I think perhaps in some ways the cart is before the horse on this occasion because we are coming to this, not only after the report has been made by the committee, but also after Government Ministers have rejected it, and I am actually very disappointed that the Ministers have taken that point of view; I think that they could have spent a bit more time discussing it and coming to the conclusion that some changes needed to be made.

Perhaps, Chairman, the person sitting in front of us at some point in the future and explaining their views on this should be Eric Pickles [Secretary of State for Communities and Local Government] or Local Government Minister Brandon Lewis. I sadly suspect that their level of commitment, sympathy and knowledge about London and this organisation would be considerably less than that of the previous Minister Bob Neill when he appeared before us a few years ago.

There are just a couple of issues referred to that perhaps I would like to develop the debate on. The first is democratic involvement. I think it is important that Members of the Assembly are involved with the executive and play a part in the decision-making as well as the scrutiny. I fully support the view that we should continue to have a statutory Deputy Mayor who is selected from the Assembly.

Indeed there is a level of conflict in the approach that Government seems to have to this because of course the last change to the legislation created a Deputy Mayor for Policing and Crime as a statutory role and stated that the Deputy Mayor for Policing and Crime could be a Member of the Assembly and indeed, if they were a Member of the Assembly, they would not be subject to such a rigorous confirmation process. Therefore that piece of legislation seems to suggest that the Government approve of Members of the Assembly playing an executive role, and it seems strange to actually have a report now that suggests going the other way.

I thought Assembly Member Biggs made an interesting suggestion and a positive one when he stated that perhaps an Assembly Member who was involved with a particular issue in an executive role should be excluded from voting on it when it comes to putting it through the Assembly. However there is a practical problem with the size of the Assembly and the idea that an Assembly Member who was involved in setting the budget could not vote on the budget, or an Assembly Member who was involved in creating the London Plan - as Nicky Gavron [AM] played such a huge role in the [Ken] Livingstone [former Mayor of London] administration - could then not vote on the London Plan, or an Assembly Member who was doing policing could not vote on

the Police and Crime Plan. This would actually be effectively a signal from Government that they wanted to discourage the involvement of Assembly Members because a Mayor would have to think very carefully before they appointed an Assembly Member to one of those roles, knowing that they would be likely to lose their majority as a result of that. Therefore it might well create unintended consequences and discouragement to involve the Assembly.

We touched briefly on the idea of reducing the blocking number from two-thirds to 60% and we are going to have a motion about that later so I do not want to spend too much time on it, but those of us who have been here from the beginning and look at the numbers I think maybe have something to say. All we have to look at in this case is the book, we do not have a crystal ball, and at the moment we have a blocking number of nine; nine Members can ensure the Mayor's budget goes through, and we have a Conservative Group of nine. The effect of bringing the number to 60% would be to create a blocking number of 11 instead and in fact there has only been one occasion of the four elections when we have had a blocking number of 11 and that was the last Conservative Mayor when Boris Johnson was elected the first time. The effect of a 60% threshold would actually have been to subject all of Mayor Livingstone's budget decisions to agreement by two or more parties in the Assembly. It would have been to create a block 75% of the time rather than the current block, which is 25% of the time, so although the numbers look like a relatively small change; that is quite a big change in the role of the Assembly. You are saying the Assembly would be able to block things three-quarters of the time rather than a quarter and that is not somewhere that I think many of us would want to go.

It has been a very thoughtful debate this morning; I know we were concerned when we sat down and discussed this at the beginning that we wanted to make sure that we presented to the Chairman of the Select Committee an occasion when the Assembly was performing at its most informed and thoughtful best and I think we did that this morning and for that I am grateful to colleagues and I hope that the Chairman has taken away some positive feedback from this morning and will act on it.

Darren Johnson AM (Chair): Thank you very much. Are there any other Members who wish to come in on this debate?

Caroline Pidgeon MBE AM: Could I just pick up a point that I have just seen in the motion that I do not recall seeing in the draft although I am told it was in there. It is item 10, it goes completely against the questioning I did earlier, in brackets it says, "Other than the Metropolitan Police Service." We are saying we want the power of summons for the Mayor, his appointees, and other people, but "other than the Metropolitan Police Service", but I thought actually we wanted to be able to summons Metropolitan Police Service senior police officers, therefore I think that bit in brackets should be deleted. I do not recall it from the draft that I signed off so I would like us to delete that if possible.

Darren Johnson AM (Chair): It was in the draft, but I think we are happy to accept the removal of it, therefore I will happily agree to accept that amendment.

Len Duvall AM: Of course we have taken this position, the consensus that has been discussed in various meetings, and it is right that we go forward along these lines. Equally, we should mention for the record there will be further work undertaken by the Groups that will bring in additional issues, some have mentioned about the number of constituencies, you rightly have raised that. The 60% issue and other issues will be brought back for further debate. There is a standalone motion later on and others will talk to that. I think there are other issues that we need to flesh out over and above this conversation that we are having now and this is a good starting point. Well done to our officers here at the GLA for getting us to this position. I am grateful to our colleagues in Parliament in terms of that investigation that echo those points, and also in terms of the spirit in which people are entering into this debate this morning.

Darren Johnson AM (Chair): Thank you. Do any other Members wish to contribute? Just to sum up on that: this is not the full contribution in terms of this debate, obviously it is a starting point, as Assembly Member Duvall has said, there will be contributions from Members, from individual Groups, from Members of Parliament and so on, but I think it is very good to have a starting point like this that we all agree on with consensus, therefore I do thank the Assembly for that consensus. Can we then move to a vote on the motion in my name, as amended; those in favour please show?

That is unanimous. Thank you.

We then move on to the second motion on this item from the Labour Group. In accordance with section 100B(4) of the Local Government Act 1972 as amended, I have agreed to admit a motion as an item of urgent business as this meeting is the relevant meeting to do this business. In accordance with Standing Order 3.12(b), I invited Assembly Member Dismore to make an oral statement of up to one minute in length as to why the Assembly should consider the motion.

Andrew Dismore AM: Thank you, Chair. There has been a lot of discussion around the consensus motion, which is the common denominator of the Assembly, but I think those discussions have been going on until very recently and I think there are other issues as we have discussed just now that do need to be fleshed out and this is one of those issues that might not have consensus but will probably command a majority in the Assembly. I think we ought to have the opportunity to vote on it.

Darren Johnson AM (Chair): Thank you. In accordance with Standing Order 3.12, can I ask the Assembly to decide whether to permit consideration of the motion in the name of Assembly Member Dismore?

All: Agreed.

Andrew Dismore AM: Thank you, Chair. I think we have probably discussed most of the points in here already in our questioning of Clive [Betts] earlier on and Roger Evans [AM] made some other points. I think this comes down to a question of good governance, making sure we have the right checks and balances on a Mayor who is all-powerful, whichever political party the Mayor happens to come from. If the effect of this would be to say that a Labour Mayor would have a similar check and balance on his power to put forward a budget so be it. I think Roger Evans made the point about Mayor Livingstone's budget. I think this should be the norm rather than the exception. Roger Evans put me right earlier on - and quite rightly - that one of the four Assembly elections did produce a blocking majority and I think that was a healthy thing, which enabled the Mayor's budget to be scrutinised and brought into line more with what the Assembly may want to see; that should be the norm, not the exception.

I think if we have a PR system it does produce a need to work with other parties; nobody is suggesting that there should be a blocking majority by one party alone; that I think would be impossible to do under our existing electoral system, but I think it would require probably there parties to agree for any blocking majority. What this is about is not preventing a budget going forward; it is to try and make sure the Mayor engages with the Assembly in the preparation of that budget in a way that does not seem to happen, whichever Mayor it happens to be. I do not think the current Mayor has engaged very much with the Assembly in the preparation of the budget. I think there is an argument to say that a Labour Mayor might not do so either without that check and balance. I think it is an important requirement to enable us to have a proper relationship between the Assembly and the Mayor for the people of London.

Darren Johnson AM (Chair): Thank you very much. Assembly Member Copley to second?

Tom Copley AM: Thank you, Chair, and I echo what Andrew has said. I am a great believer in the Mayoral model and a strong Mayoral model, I think it is a model that other cities around the country would benefit from, but I do think that when you have a strong directly-elected figure you also need to have an equivalent body to be able to hold that figure to account. I do not say this just because we have a Conservative Mayor; I have always thought this. If, after the next election, I am still here and if we have a Labour Mayor elected, you can come back to me and ask me what I think then and I will still think that the Assembly should be able to amend the Mayor's budget and indeed the Mayor's strategies and have veto over appointments with a 60% vote.

Let us not forget, in most elected bodies around the country, you only require a simple majority. We are still saying here that the Mayor should be able to get his budget through but the Mayor should have to come to the Assembly and should have to negotiate with the parties here because any elected figure that knows that there is no real realistic prospect of their proposals being defeated is not going to pay very much attention to the body that is holding them to account and that is the truth. Therefore we have a choice as a body whether or not we want to make ourselves more relevant, a body that the Mayor is more likely to listen to, or whether we want to carry on as we are. I think that we do need the extra powers to be able to hold the Mayor to account and to scrutinise and, if necessary, amend his budget. A two-thirds majority is the majority that it takes to amend the United States Constitution; that is a very high threshold and I am firmly of the belief, regardless of the political colour of the Mayor, that that threshold should be lowered.

James Cleverly AM: First of all I want to thank Mr Dismore and Mr Copley for not trying to muddy the water with regard to the consensus motion by putting this as an amendment; I think that was wise. What it means is that there was no danger of the vast bulk of things that we agree being mixed up with things where there is a bit more contention, so I do appreciate that.

I stand to oppose this fundamentally on two grounds: firstly on, I think, perhaps a slightly boring procedural thing, which is that, as we have discussed, there will be a process that we go through whereby we put forward a package of proposals that I think should be considered and I think picking individual bits out through a motion perhaps is not the best or most scientific way of putting forward a complete and co-ordinated package of reforms that we believe would make London governance better. That is perhaps a slightly dull procedural point.

A more direct point about this particular proposal, and it goes to the point that Roger made in his speech seconding the main motion, is that actually it switches the threshold from being a quite unusual mechanism by exception whereby, if a Mayor were to go really off on a tangent in a way that we thought was really very damaging to London then actually the thing that Andrew said could never possibly happen - there being a coalition of agreement between the Labour Party and the Conservative Party for example - might happen. Actually, if a Mayor was doing something really quite catastrophic I do think we could reach common ground and I do think we could overturn that budget and I think that is what it should be about. It should be about in extremeness preventing something catastrophic happening, rather than a Mayor putting forward policies that we do not like, because of course by definition we are always going to get the situation where a significant number of Assembly Members are not going to like either a Labour Mayor's budget or a Conservative Mayor's budget.

If we bring that threshold down to a level whereby it becomes commonplace for the Assembly to overturn the Mayor's budget, we enter into a situation where we are presenting a very confusing picture to the electorate, because come election time the Mayor would be quite within his rights to stand up and say, "You cannot hold me to account for how London has been governed over the last four years because I have never been allowed

to govern London the way I wanted. The Assembly has constantly prevented me from implementing my agenda, therefore if you do not like what has happened in London over the last four years, vote them out, not me." As Assembly Members, we would turn around and say, "Well we kept amending the Mayor's budget, but we were limited in what we were able to put forward because we were just amending someone else's agenda and if you do not think, Mr and Mrs Voter, that London has been governed effectively over the last four years, you cannot blame me, like the Mayor says you should, because after all it is their budget that I was attempting to improve". As a voter, you would sit there going, "Well who do I hold to account for the governance car crash that I want to punish?" I think it will put the voter in a completely untenable position. The Mayor on the one hand could say, "I was hampered in delivering my agenda", and the Assembly on the other hand could say, "We were not able to change their agenda enough to make it right", and what does the voter do? The voter has no realistic foundation on which to make their decisions and I think that is unfair.

It is frustrating - and I know my colleagues who were here when the former Mayor was in office, I am sure it must be frustrating for you - when you see something that you genuinely believe not to be for the good of London that you are not able easily to amend it, and that frustration is understandable, but it is actually also appropriate, because the best way of delivering change to an agenda you do not like is putting forward an alternative agenda and getting that voted through with the support of Londoners. Therefore I invite you to join me and oppose this motion.

Darren Johnson AM (Chair): Thank you very much. Can I, under Standing Orders, ask the Assembly to agree to extend the meeting to cover remaining business?

All: Agreed.

Darren Johnson AM (Chair): Thank you, Members. Can I call Assembly Member Boff?

Andrew Boff AM: Thank you, Chair. As you so rightly said earlier, this body is at its best when all parties can agree. I would not have used the word 'unanimous' but after the 2008 election results I was not particularly interested in unanimity, but I was interested when all parties did get together, all the major parties got together and could agree on a line, and I think that what this motion does not take into account is that the inference seems to be that two-thirds has never had an influence over policy; that two-thirds has never resulted in any Mayoral changes. Perhaps you should say that to the Green Group when Ken Livingstone was Mayor of London. Are you saying that the Green Group had absolutely no effect whatsoever, their negotiating stance that they had in delivering the budget for Ken Livingstone, that they had no effect whatsoever and Jenny [Jones AM] voted in those budgets purely because coincidentally they happened to be the right budgets as far as she was concerned and the Green Group were concerned? Of course not.

Mayors are very aware, both Mayors have been very aware that this Assembly has the ability to overturn their budget and this Mayor is no different. If you think that the budget that he is presenting has had absolutely no input from, for example, this Group, because 'this Group will always vote for the Mayor's budget whatever it is', then I think you are kidding yourself, because you know from the stance of this Group, and I know from the stance of some of the Labour Members opposite under Ken Livingstone, that is not the case. We made those arguments with the Mayor, whoever they are, whatever their political persuasion, and that negotiating position of two-thirds is very relevant.

I will take the offer up from Tom Copley; I will argue for this amendment when the next Labour Mayor - it is bound to happen in the next 20 or 30 years there will be a Labour Mayor of London - and I will assure you that I will take up the opportunity of, when that sad moment in London's history actually comes upon us, when it happens I will argue within the GLA Conservatives, I will argue for us to consider the 60%. I am looking

forward to you proposing that enthusiastically, top item of your agenda, when the next Labour Mayor sits in that seat, when you argue that is the most important thing. 2036, yes, that is fine. If that is the case I will be somewhere else at that time.

This is really tinkering, I believe the motivation for this motion is, "We have not quite obviously got what we want straight away and therefore we want to adjust the rules". Actually that two-thirds works terribly well; it has had an influence on both Mayors, and this would be a mistake.

We also, may I say, think that it is impossible to argue about the threshold until you argue, you have a full debate, which I do not intend to do now, about the method of election. Because the two are inextricably linked and if you wanted to have an argument about it being 60% then we have to talk about Members of the London Assembly being elected in a different way and having more executive-type roles. We have just heard from Clive Betts saying about how we are a scrutiny body, if you change that to 60% we will cease to be a scrutiny body and we will become a day-to-day executive body. That is fine; that is an argument we can have, but it is not one that is covered within this very thin motion. Therefore we will be voting against. We are not against any kind of reform but this one is particularly ill-thought out.

Darren Johnson AM (Chair): Thank you. I am going to call Assembly Member Biggs and then I will call Assembly Member Dismore for right of reply.

John Biggs AM: I will be extraordinarily brief and I wanted to say two things: the first is that I would like to say the same as Tom Copley said, and certainly in my heart I will hold this view, that I will support the 40% as against the 33% whether we have a Labour Mayor or a Conservative Mayor or whatever. There is a caveat to that, which is of course for nine years I was the whip of my Group and I do not vote against the whip lightly and if my Group was to whip me to vote for the status quo then I imagine I would vote for the status quo. I think, within there, there is a conundrum.

The second point I wanted to make is that the situation where a Mayor has less than 40% of Assembly Members on their side is a situation where the Mayor is more popular than their party and I think Members should reflect on that because that is telling you that Londoners are giving a mixed verdict about where the balance of power should lie and that is in my mind quite a good reason why 60% does have a justification, even if occasionally it is triggered. I think Andrew's predictions of the apocalypse are somewhat overstated, particularly in a multi-party Assembly.

Darren Johnson AM (Chair): Thank you very much, then Assembly Member Dismore to sum-up on the debate.

Andrew Dismore AM: Thank you. Well I certainly agree with Andrew Boff that this does to a degree depend on the electoral system and personally I have always been a first-past-the-post person. But, having said that, I cannot see there being any prospect of any change in relation to the PR system, therefore I think we are stuck with what we have got. I simply say in relation to the Finance Bill in Parliament that passes on a simple majority, it does not mean a two-thirds majority at all, even though it is proposed by the executive. A simple majority passes the Finance Act in the House of Commons and you do not need the Parliament Act because the Finance Bill is not veto-able by the House of Lords. I have been there; I know.

I think James Cleverly made more important points. On the procedural one I would simply say this: that this was one of the key issues that was left out of the consensus motion, some of the others have probably a great deal of detail, I think this is one of the things that we really do need to consider. He questioned whether I was right about whether there would be the grand coalition between the Conservatives and Labour, but I think that

is very unlikely. Perhaps if we had the Mayor of Toronto that might achieve that, however I know the Mayor of Toronto [Rob Ford] is still there; he seems to have lost his support across the board.

This is not about using a power, it is about - as Clive Betts said - having the potential of the veto, and I think realistically there is no potential veto and the Mayor has actually realised that, apart from the one time when there actually as a veto, which did require that engagement. I think that engagement was very important and very beneficial, both to the Mayor and to the Assembly.

James Cleverly says, "Well, the people will not know when the Mayor comes to election he will be able to blame us and vice versa", but at the moment I think people say, "Well, you cannot do anything about the budget; what is the point of voting for you at all?" never mind which party you stand for, because we simply do not have the power to engage with the Mayor in the way that we should.

I think that we do need these powers to hold the Mayor to account; we do need these powers to scrutinise the budget; we do need these powers to actually engage with the Mayor more constructively in the way the budget goes forward. It cannot be one single party; it has to be a coalition of parties under our present structure, and I think that is a fair and reasonable way to proceed.

Darren Johnson AM (Chair): Thank you very much. Can we then move to a vote on the motion in the name of Assembly Member Dismore. Those in favour please show. That is 15 in favour. Those against? That is 8 against. That motion is carried.