

Title: Direction to Transport for London to undertake additional work in relation to aviation issues

Executive Summary:

The Secretary of State for Transport announced in October 2010 a review of Britain's aviation policy. A Scoping Study for the Review has been published for comment. DfT officials have in recent weeks engaged with Transport for London as they prepared the draft Scoping Study. The importance of aviation to London's businesses, jobs and prosperity means that the Mayor should be fully involved as London's elected leader, in the formulation of the new aviation policy. To help inform this, the Mayor's report 'A New Airport for London' was launched in January 2011. To respond to the DfT's consultation and inform further the development of the policy, further work is required to assess issues associated with the Government's aviation policy review for aviation to, from or within Greater London including but not limited to aviation capacity issues, impacts of proposals and engaging with Government in relation to aviation policies as appropriate. It is recommended that the Mayor direct Transport for London to undertake this work to respond to the DfT's consultations and any matter ancillary to doing so and delegate his wider powers to Transport for London to do so. The Direction is time limited to 31 May 2012 and will be reviewed at this date.

Decision:

The Mayor is asked to:

- Direct Transport for London under section 155(1)(c) of the Greater London Authority Act 1999 ("the GLA Act") to assess issues associated with the Government's aviation policy review for aviation to, from or within Greater London including but not limited to aviation capacity issues, impacts of proposals and engaging with Government in relation to aviation policies as appropriate and respond to the DfT's consultations and any matter ancillary to doing so. The Direction is time limited to 31 May 2012 and will be reviewed at this date; and
- Authorise Transport for London under section 38(1) of the GLA Act to exercise the Mayor's powers under sections 30 and 34 of the GLA Act to do all things necessary and expedient to undertake the works required in the Mayor's direction in accordance with the terms of the delegation annexed to this report.

Mayor of London

The above request has my approval.

Signature

Date

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 The Secretary of State for Transport announced in October 2010 a review of Britain's aviation policy. A Scoping Study for the Review has been published for comment. DfT officials have, in recent weeks, engaged with Transport for London as they prepare the draft Scoping Study. The importance of aviation to London's businesses, jobs and prosperity means that the Mayor should be fully involved, as London's elected leader, in the formulation of the new aviation policy. The Mayor's report 'A New Airport for London' ("the Mayor's report") launched in January 2011 has helped re-start the debate about the need for new airport capacity. The Mayor's report referred to additional work that would be undertaken to assess the options for new airport capacity including the option of a new airport in the Thames Estuary.
- 1.2 In taking the Mayor's report forward, a number of elements of work are needed to strengthen the case for new airport capacity. These will include work on aviation's role in facilitating economic growth; the environmental impacts of aviation; the commercial issues involved in promoting new runway capacity and a new hub airport; and work on the options for the location of a new airport. In addition, work may be called for directly responding to Government thinking as their review of national aviation policy progresses.
- 1.3 It is proposed that this work is undertaken by Transport for London (TfL).
- 1.4 In the coming months, there will be various opportunities for contributions to be made in relation to the Government's aviation policies. It is proposed that the works to be undertaken by TfL form part of a continuing engagement with Government on these matters.
- 1.5 Additional work is required to be undertaken to assess issues associated with the Government's aviation policy review for aviation to, from or within Greater London including but not limited to aviation capacity issues, impacts of proposals and engaging with Government in relation to aviation policies as appropriate ("the additional work"). It is recommended that the Mayor direct Transport for London to undertake this work to respond to the DfT's consultations and any matter ancillary to doing so and delegate his wider powers to Transport for London to do so. The direction is time limited to 31 May 2012 and will be reviewed at this date.

2. Issues for consideration

a) Links to Strategies and Strategic Plan

The London Plan

- 2.1 The London Plan Consultation Draft Replacement, published in October 2009 makes reference to aviation capacity. Policy 6.6A states:
- Adequate airport capacity serving a wide range of destinations is critical to the competitive position of London in a global economy. Airport capacity serving the capital and wider south east of England must be sufficient to sustain London's competitive position.*

Mayor's Transport Strategy

- 2.2 The Mayor's Transport Strategy published in May 2010 makes reference to airport capacity and surface access to airports. Proposal 48 states:

The Mayor recognises that the provision of adequate airport capacity serving the South East is critical to the competitive position of London in a global economy, but will oppose any further increases in runway capacity at Heathrow.

Economic Development Strategy

- 2.3 The Mayor's Economic Development Strategy, published in May 2010 recognises the role airport capacity plays in supporting London's global economic success. Paragraph 5.42 states:
- The Mayor recognises that some additional runway capacity will be needed in the wider South East. He will resist the provision of further capacity at Heathrow because of its unacceptable environmental and community impacts and will support the evaluation of alternatives.*

Mayor's Air Quality Strategy

- 2.4 The Mayor's Air Quality Strategy published in December 2010, acknowledges the role of aviation in generating key air pollutants. One of the principal reasons why the Mayor is opposed to the expansion of Heathrow is because of its potential to worsen local air quality, and breach permitted limits. The Mayor is keen to explore whether proposals at locations other than Heathrow can adhere to strict air quality limits.

Mayor's Climate Change Mitigation and Energy Strategy

- 2.5 The Mayor's draft Climate Change Mitigation and Energy Strategy, published in October 2010, supports a number of actions and activities that will help to reduce the harmful impacts of aviation. If the industry continues to successfully adopt these practices and other sectors of the economy make significant cuts in carbon emissions, substantial aviation expansion can be fully compliant with the UK's national and international climate change and emissions commitments. This vision is endorsed by the UK Government's Committee on Climate Change.

b) Impact Assessments and Consultation

- 2.6 No impact assessments or consultation are required for the Mayor to make this decision.

c) Risk

- 2.7 If the Mayor does not make this decision there is a risk that London considerations are not appropriately taken into account by Government when determining aviation policy.
- 2.8 In addition, if this decision is not made, there is a risk that the economic development of London is not maximised and that the impact on London of the Government's aviation policy, including transport implications, are not properly taken into account.

3. Financial Comments

- 3.1 Approval is sought to direct TfL to assess issues associated with aviation (time limited to 1 May 2012), and authorise TfL to exercise the Mayor's powers under sections 30 and 34 of the GLA Act to undertake the works required in accordance with the terms of the delegation annexed to this report.
- 3.2 The GLA will incur no direct costs associated with these proposals.
- 3.3 It is estimated that the financial implications for TfL undertaking these proposals will be up to £200,000.

4. Legal Comments

Direction to TfL

- 4.1 Under section 155(1) of the Greater London Authority Act 1999 (“the GLA Act”) the Mayor may issue directions to TfL as to the manner in which it is to exercise its functions. Section 155(1)(c) states that the Mayor may issue specific directions to TfL as to the exercise of its functions.
- 4.2 Section 155(4) provides that any directions issued under section 155(1) must be issued in writing and notified to such officer of TfL as it may from time to time nominate to the Mayor for this purpose.
- 4.3 The proposed direction to TfL by the Mayor to undertake the additional work may be made under section 155(1)(c) of the GLA Act. The direction must be in writing. The proposed direction is attached at Annex 1.

Delegation of Mayoral powers

- 4.4 The Mayor is being asked to authorise TfL undertaking the additional work pursuant to sections 30, 34 and 38 of the GLA Act.
- 4.5 Section 30 of the GLA Act gives the Mayor a general power to do anything which he considers will further one or more of the principal purposes of the GLA. The principal purposes, as set out in section 30(2), are:
 - (a) promoting economic development and wealth creation in Greater London;
 - (b) promoting social development in Greater London; and
 - (c) promoting the improvement of the environment in Greater London.
- 4.6 Further, section 34 of the GLA Act allows the Mayor to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of any of his functions (including his functions under section 30).
- 4.7 It is considered that the additional work may be undertaken pursuant to the principal purposes of the GLA.
- 4.8 In determining whether or how to exercise the power under section 30, it is necessary for the Mayor to comply with the requirements of sections 30 to 33 of the GLA Act, and in particular the requirements set out below. The Mayor has considered these requirements in relation to the exercise of the principal powers and considers that it appropriate to do so.
 - (a) Under sections 30(4) and (5), the Mayor must have regard to the effect of the proposal on health, sustainable development and climate change and exercise the power in such a way as to promote improvement in these areas.
 - (b) Under sections 31(1) and (2), the Mayor may not incur expenditure in doing anything which may be done by a functional body or which is actually being done by the London Development Agency.
 - (c) Under section 32, the Mayor must consider the appropriateness of consultation with various categories of bodies, including the London borough councils, and any other bodies he may consider appropriate.
 - (d) Under section 33, the Mayor must make appropriate arrangements with a view to securing that due regard is given to the principle of equality of opportunity.

- 4.9 The Mayor's functions under section 378(1) of the GLA Act are also relevant and include the following duties:
- (a) to encourage people to visit Greater London;
 - (b) to encourage people from outside the UK to visit the UK via Greater London; and
 - (c) to encourage the provision and improvement of tourist amenities and facilities in Greater London.
- 4.10 Further, section 378(2) of the GLA Act gives the Mayor power to do anything for the purpose of or incidental to the discharge of these duties. While the Mayor cannot delegate his functions under section 378 to TfL (as explained below), the additional work will be consistent with the fulfilment of these functions by the Mayor by encouraging tourists to visit London and providing facilities and amenities to meet their travel requirements.
- 4.11 Section 38(1) and (2) of the GLA Act allow the Mayor to authorise TfL to exercise his functions under the GLA Act, including those contained in sections 30 and 34. However, this does not extend to the Mayor's functions under Part X of the GLA Act (Culture, Strategy and Tourism), including those contained in section 378, which can be delegated to certain other bodies under section 380 but not to TfL.
- 4.12 Section 38(7) of the GLA Act gives TfL the power to exercise any functions delegated to it by the Mayor pursuant to section 38, whether or not TfL would otherwise have had that power and irrespective of the nature of the function.
- 4.13 In summary therefore, sections 30 and 34 of the GLA Act give the Mayor the power (and therefore the function), acting on behalf of the GLA and after appropriate consultation, to do anything which he considers will further the promotion of economic, social or environmental improvement in Greater London. The additional work may be undertaken pursuant to the principal purposes and consequently undertaking the additional work is a function of the Mayor under sections 30 and 34 which may be delegated to TfL pursuant to section 38 of the GLA Act. The proposed delegation is being sought on this basis.
- 4.14 The Mayor may impose conditions on any delegations under section 38(1). A number of recommendations for conditions are set out in the form of delegation annexed to this report. These include requirements to provide progress reports, comply with any instructions or guidance issued by the Mayor and co-operate with the GLA Monitoring Officer (who has a duty under section 5(2) of the Local Government and Housing Act 1989 to monitor TfL's activities when it is exercising functions delegated by the Mayor).
- 4.15 Section 38(10) of the GLA Act requires the section 38 delegation to be in writing. The proposed delegation is attached at Annex 2.

TfL's powers

- 4.16 TfL has its own powers which are relevant to undertaking the additional work, including its power to provide or secure the provision of public passenger transport services to, from or within Greater London under section 173 of the GLA Act and its power to provide for any person professional or technical advice or assistance, including research and other services as respects any matter in which TfL has skill, experience or expertise under paragraph 9 of Schedule 11 to the GLA Act. In addition, section 154(3) states that TfL shall exercise its functions for the purposes of securing or facilitating the implementation of the Mayor's Transport Strategy.
- 4.17 In order to supplement these powers and ensure that TfL is able to deliver all aspects of the additional work, it is appropriate for the Mayor to delegate his wider powers to TfL for the purposes of TfL undertaking the additional work. The Mayor's express powers to undertake activities for the purposes of promoting economic, social and environmental improvement in London are particularly relevant.

5. Background/supporting papers

5.1 The following documents are attached:

- (a) Annex 1 – Direction to TfL
- (b) Annex 2 – Delegation of Mayor's powers to TfL

Public access to information

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the GLA website within 1 working day of approval. Any facts and advice that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of this approval to be deferred? NO

If yes, for what reason:

Until what date:

Is there a part 2 form - NO

ORIGINATING OFFICER DECLARATION:

	<i>Tick to indicate approval</i>
Sponsoring Director: Lyn Garner, Executive Director - Development & Environment, has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.	✓
Mayoral Advisor: Guto Harri has been consulted about the proposal and agrees the recommendations.	✓
Legal Advice: The Public Law team have commented on this proposal.	✓
Financial Advice: The Development and Environment finance team have commented on this proposal on behalf of the Assistant Director of GLA Finance.	✓

OFFICER APPROVAL

Executive Director, Resources	
I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report.	
Signature	Date

Chief of Staff	
I am satisfied that this is an appropriate request to be submitted to the Mayor	
Signature	Date