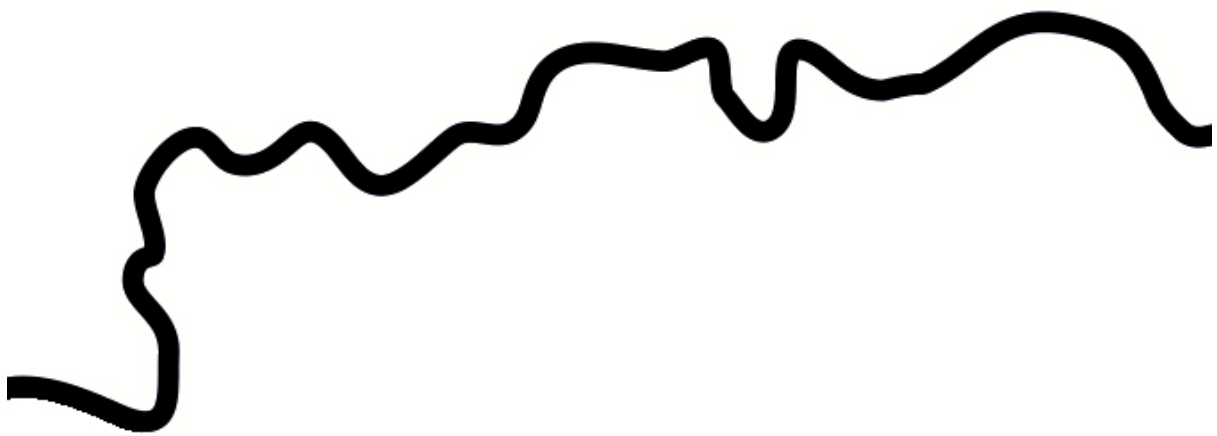


A New Agreement for London



September 2015

Devolution Working Group

Darren Johnson (Chair)	Green
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The Devolution Working Group

The Fiscal Devolution Working Group was established by the GLA Oversight Committee in December 2013. In response to policy developments, at its meeting of 20 November 2014, the GLA Oversight Committee amended the title to the Devolution Working Group and agreed the following amended terms of reference:

- To consider London's case for further devolved services and taxes in the context of developments including the Scottish referendum and the devolved model of service provision announced for Manchester;
- To progress the case for further devolution to London by developing practical solutions to unanswered questions including how additional powers and yield from any localised taxes could work in terms of the roles and responsibilities of GLA and London Boroughs; and
- To develop draft position statements for the Assembly's consideration on issues related to the potential further devolution of powers to London Government and any potential changes to governance arrangements within London Government and to take the lead in promoting the Assembly's agreed views on these matters.

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Foreword

London has made a success of devolution. Its model of a directly elected Mayor held to account by an elected Assembly has delivered a form of city government that is effective, open and transparent, and commands the confidence of Londoners.

As other cities and city regions begin to put together their proposals for devolution measures, it is right that London government sets out its case for why further powers and responsibilities should be devolved from Whitehall.

The challenges that London faces are formidable: they include boosting housing supply, creating more jobs, getting more people back to work, improving health outcomes and cutting crime. Giving London government and the boroughs the ability to deliver public services more effectively and with better outcomes will be part of the solution.

The London Assembly's Devolution Working Group has taken evidence from a range of influential politicians, experts and commentators to critically assess the case. Our report, signed off by all four Party Group leaders, sets out the basis for a new London Agreement with Government.

The next stage of devolution to London should include two elements: fiscal devolution and the re-design of public services. This report contains proposals for short-term measures which could be introduced relatively quickly and without the need for primary legislation. It also makes more radical proposals that would require wider consultation and take a longer time frame to realise.

London can learn from the experience of other large cities. In New York and Tokyo, for example, city mayors have more power than the London Mayor, and have larger budgets to deliver more services; but they are held in check by strong scrutiny arrangements.

Our report proposes an expansion in the powers of the Mayor and greater responsibilities for the boroughs. But as the Mayor's responsibilities increase there needs to be strong scrutiny arrangements to provide Londoners with the necessary check and balance to ensure they have the fullest confidence in the way their city is governed. Our report therefore also sets out measures to enhance the scrutiny powers of the Assembly.



Darren Johnson – Leader of the Green Group



Caroline Pidgeon – Leader of the Liberal Democrat Group



Len Duvall – Leader of the Labour Group



Andrew Boff – Leader of the Conservative Group

Executive summary

A new Agreement for London

Devolution works. It makes government more open, more accountable and more relevant to local voters.

London has made a particular success of devolution. Since the creation of the Mayor and London Assembly in 2000, the UK's capital city has emerged as a leader amongst world cities. At the UK level, it is the biggest single net contributor to both the economy and government finances. London has led the UK's economic recovery and over the past decade has created over three quarters of a million new jobs.

Throughout, London government has played a central role in supporting the city's success, delivering major infrastructure projects including an Olympic and Paralympic Games widely seen as one of the most welcoming ever, a massive £5.5 billion Tube upgrade and over 160,000 affordable homes. The Government is now asking other cities and regions to base their devolution bids on the London Mayoral model, a clear sign of its success.

However, London now faces new challenges. Its population is headed towards 10 million by 2030. As a result, London needs to dramatically increase its housebuilding programme, to develop a high tech, high skilled economy, and to support more people back into work. We need to improve health care and further cut crime rates. Further devolution to London will play an important part in this and should include two elements: fiscal devolution and the re-design of public services.

Fiscal devolution to better support a growing city

London government needs fewer borrowing constraints and greater devolved tax powers. These changes would re-balance the relationship between central and local government, allowing London government to invest more independently, comprehensively and flexibly to meet local needs.

Devolving fiscal powers will also meet a number of central Government's concerns. The Mayor's current proposals can, according to him, be cost-neutral to the Exchequer. They will also serve to meet widespread concern that central

Government favours London over the rest of the UK in its own investment strategies.

As a first step, the Government should fully devolve business rates to London. Not only is there is widespread support for this proposal but the Government's own research indicates that business rate retention can stimulate new businesses and help to expand existing ones. The Mayor should have the same financial powers and responsibilities with respect to business rates as the Scottish and Welsh devolved administrations.

Over the longer term, the Mayor and GLA should, in line with the recommendations from the London Finance Commission, gain greater control over stamp duty. Devolving control of this tax would allow more flexible funding of housing and transport initiatives and allow for more responsive regional initiatives to support growth.

Public service devolution to boost London's productivity

Some public services urgently need to be devolved. The current, centralised system of governance, with its over-emphasis on national delivery models, is not creating effective local outcomes for London, particularly in areas such as skills and employment support, and rail services.

This programme of devolution will help London government to become more dynamic and responsive, better preparing it to meet the challenges in the next two decades:

- **Devolution of skills budget** - The Mayor should negotiate with Government to fully devolve to the GLA the Skills Funding Agency's allocation for London. The Local Enterprise Partnership will advise the Mayor so that funding is aligned to London's jobs and growth agenda and college courses better meet the needs of local employers.
- **A single pot for employment support** - Employment support programmes are under-performing in London. All funding for these programmes should be brought together under a single pot and devolved to the Mayor, in the first instance, before being further devolved to local authorities. Boroughs in sub-regional partnerships would then have an incentive to work with the LEP, to better plan and integrate their employment support programmes with local job creation.

- **Rail devolution to better link Londoners** - Control of suburban routes is currently split between nine different Train Operating Companies, resulting in huge variations in passenger satisfaction, fares and ticketing policy, station upgrades and service reliability. Transport for London has already demonstrated significant success in managing suburban rail networks and most major rail franchises come up for renewal between 2017 and 2022. This represents an excellent opportunity for the Department for Transport to re-examine its position and commit to devolving rail suburban rail services more broadly.
- **A London Health Commissioner** - The post of a London Health Commissioner should be created. Public Health England should revisit plans to top-slice three per cent of the London Public Health budget to give to City Hall to galvanise action to tackle London's many public health challenges. A dedicated budget would give the London Health Commissioner the ability to monitor the Government's public health outcomes framework and enable innovative pan-London pilots to be trialed.

The case for a more radical agreement with the Government to improve health care and cut crime

This report sets out the basis for a new London Agreement with central Government. In addition to our shorter term proposals above, we also need a more radical rethink over the longer term. Our report therefore also proposes aspirations in respect of health care and criminal justice:

- **Primary and acute health care** - London faces huge challenges in delivering health care. Yet there is a democratic deficit in terms of decision-making, with residents unclear as to who is making the decisions that will affect the shape of the healthcare provision in their area. A well-resourced London Health Commissioner would be able to advise the Mayor on a vision for how London's health and social care services need to adapt to face the challenges of a rapidly growing but also ageing population. The London Health Commissioner would have oversight of the finances of the regional health economy as a whole and address workforce issues to help health workers to be able to live close to where they practice. There could finally be a detailed discussion about the merits of integrating the London Ambulance Service with the fire and police services, which the Mayor already manages, to create a modern and efficient first responder service. This type of strategic work would for the first time be done at City Hall, bringing greater transparency and accountability to long-term health care planning.

- **Improving the criminal justice system in London** - The criminal justice system in London should be accountable just as is the Metropolitan Police Service. There is a strong argument that devolution would make the criminal justice system speedier and more cost-effective, through for example, co-locating Met officers and Crown Prosecution Service staff, and through using the same IT systems. Devolution could make it easier to provide a 'whole-person' approach to commissioning, including a 'beyond-the-prison gate' package of services and support for all those who have been through the criminal justice system to more effectively reduce offending.

Balancing the power: an enhanced London Assembly for an increasingly devolved London government

Further devolution to London government will need to be balanced by effective and appropriate scrutiny arrangements. Through its committees, the Assembly oversees all the areas where the Mayor has power or influence. As his powers change, so those of the Assembly must develop in tandem.

The central role of the London Assembly is to hold the Mayor to account. It uses a variety of powers to ensure the GLA is transparent, and that all decision making is accounted for. The centrepiece of the Assembly's work programme is detailed scrutiny, and approval, of the Mayor's draft budget, which amounted to £17 billion in 2015/16.

The Assembly must play a key role in overseeing any agreed devolution package. In addition to its core powers, it should have the powers to:

- require the Mayor to publish a forward plan of decisions which would increase the transparency of City Hall decision-making;
- veto Mayoral amendments to a future devolved business rate;
- amend the capital budget;
- summon information and cooperation from bodies outside the GLA group that are appointed by the Mayor or have a significant London-wide role to play in delivering his strategies;
- reject the Mayor's Police and Crime Plan;
- use a power of veto, via a binding confirmation hearing, to reject key Mayoral appointments (deputy mayors); and potentially
- to amend at a programme level, the Mayor's budget.

London can learn from the experience of other large cities. In New York and Tokyo, for example, city mayors have more power than the London Mayor, and have larger budgets to deliver more services; but they are held in check by strong scrutiny arrangements.¹ As a result, mayors and city councils work more collaboratively. Over the longer term, the Government should work towards giving the London Mayor and the Assembly legislative power in areas such as public health and alcohol licensing.

As the London Mayor takes on new roles and looks to raise and spend larger sums of money, the Assembly's democratic function needs to keep pace, to provide Londoners with the necessary check and balance to ensure they have the fullest confidence in the way their city is governed.

¹ Background papers on the governance arrangements for New York City and Tokyo are available on the Devolution Working Group's landing page.

1. The challenge

London has made a success of devolution. Since the creation of the Mayor and London Assembly in 2000, the UK's capital city has emerged as a leader amongst world cities. London is the leading global hub for financial and business services, rivalled only by New York, and is now the world's most visited city.² The capital is the biggest net contributor to both government finances and the UK economy. London has led the economic recovery and over the past decade has created over three quarters of a million new jobs.³ London government has played a central role in supporting the city's success delivering major infrastructure projects including an Olympic and Paralympic Games widely seen as one of the most welcoming ever, a massive £5.5 billion Tube upgrade and over 160,000 affordable homes (some 25 per cent of the total number of affordable homes delivered across the country). That the Mayoral model used in London is now the basis for similar devolved systems across England today is a sign of its success.

Devolution works because it makes government more open, more accountable and more relevant to voters. This was the original ambition for the establishment of the Greater London Authority.⁴ Commentators and the public agree that more local decision making increases transparency and ensures clear lines of accountability.⁵ Successive governments have recognised the advantages of the Mayoral/Assembly model and have added powers and budgets to its remit through legislative change. Appendix A traces that evolution.

London's population is headed for 10 million by 2030. This massive demographic pressure is the key challenge facing the city. We need more housing and more jobs. London needs a dramatic increase in home building to address the problems generated by years of under-supply. Meeting this demand requires new approaches to housing delivery across the capital. London government needs greater flexibility in terms of access to surplus public sector land, greater freedom to borrow prudentially, and needs new powers to speed up delivery of new homes in the capital. It will be crucial to ensure that funds raised from selling council homes in

² *London 2036; an agenda for jobs and growth*, the London Enterprise Panel and London First, January 2015, pg 12

³ *Cities Outlook*, Centre for Cities, January 2015, pg 12

⁴ Second reading of GLA Bill, HC Deb 14 December 1998 vol 322 cc623-733 623. The Greater London Authority comprises the Mayor and London Assembly.

⁵ *The Future of England: the local dimension*, IPPR, April 2014, pg 2

the capital are reinvested in affordable housing and Government proposals to introduce the right to buy for housing association tenants supports, rather than undermines, additional new housing supply.

London government needs to lead the development of a high tech, high skilled economy that will provide many of the jobs needed over the next fifteen years and boost productivity not only in London but also across the UK. It needs to redesign policies to support people back into work and on to better paid jobs and it needs to champion reform of health and social care to improve the health of Londoners.

A new phase of devolution across the UK

For all parts of the UK, there is evidence of the Government's continued commitment to transfer powers and resource from Whitehall to nations, cities and regions. Government accepts that better outcomes are achieved when decisions are made closest to where those decisions will have effect.⁶ For this reason, Scotland and Wales are gaining significant control over taxation, most notably for business rates, stamp duty and, at least in part, income tax and borrowing. And cities and local government in England are gaining greater control over some spending programmes through the City Deals and bids to the Growth Fund.

Of more significance for English cities and regions, the *Cities and Local Government Devolution Bill* will create a framework for the implementation of devolution agreements with combined authority and other areas. This is enabling legislation which can be applied flexibly to different areas by secondary legislation. Most significantly, it is the legislation which will deliver the Greater Manchester Agreement (the Agreement). This Agreement, announced in November 2014, creates a new governance structure of a directly-elected Mayor and Cabinet of local authority leaders. The Agreement builds on the London Mayoral model giving similar powers already devolved to London, such as control of a multi-year transport budget, strategic planning powers and control of housing investment. However, the Greater Manchester Agreement goes further than the London model by proposing devolution of some elements of welfare spending (for example, to tackle complex dependency and to support people back into work), business support and skills funding. Most strikingly, the proposed integration of the health and social care budgets is a radical move to create a more effective "whole person"

⁶ In a speech delivered by the Chancellor George Osborne on 14 May 2015 announcing his plans for devolution to cities, he stated that decentralising power would provide "a revolution in the way we govern England. It's power to the working people of our country. And it means a stronger democracy and greater prosperity for all."

approach to care and to drive financial efficiencies. There are elements of these proposals that should now come to London.

The scrutiny arrangements are, however, different. Scrutiny is delivered in the Greater Manchester model in two ways. Firstly, by its own executive, with the Cabinet having the ability to reject strategies if two-thirds of them agree. This is problematic as scrutiny of the executive by the executive is not readily transparent – a value that must be at the heart of devolution. Secondly, scrutiny is also to be delivered by the Greater Manchester Scrutiny Pool which is expected to take on the task of holding the Mayor and Cabinet accountable for all their spending and decision-making but without any powers. The Scrutiny Pool is made up of politicians with very local electoral mandates and in its current form typically receives presentations from executive office holders. Given the size of the budgets which the Mayor and Cabinet of local leaders will control, which run into hundreds of millions of pounds, it is not yet clear how effective and open budgetary scrutiny will be managed.

Here in London, the London Assembly, which is tasked with scrutinising the Mayor, combines links with London boroughs through its 14 constituency members, with a pan-London mandate through its 11 London-wide members. The use of this proportional representation electoral system ensures the Assembly more accurately reflects the will of all London voters. It also means that Assembly Members elected with a London-wide mandate are not compromised in having to represent local interests at the same time as having to scrutinise the pan-London policies and strategies of the Mayor.

The London Assembly also has powers to check Mayoral budget and planning decisions, which protects Londoners from poorly-evidenced decisions or those taken without full consultation. In this way, the Assembly ensures the accountability and transparency of those services, decisions and powers devolved to London.

2. A new phase of devolution for London

Over the past two years, the London Mayor and London Councils have concentrated their energies on pressing the case for fiscal devolution, with little success. In a pre-election announcement of a long term economic plan for London,⁷ the Government proposed a modest set of devolution measures: a commitment to fund the transport investment budget out to 2020, the announcement of nine new housing zones and devolved powers over river wharves. But, as Sir Edward Lister, the Mayor's Chief of Staff, noted in comments to our Devolution Working Group "these things...are probably fairly low-hanging fruit in reality", and do little to address the issues outlined in Chapter 1 that London so sorely needs to address.

This report builds on the devolution proposals set out by the Mayor and London Councils at the July 2015 Congress of Leaders meeting.⁸ Their "London Proposition" is a welcome and long overdue development but which in some areas is not ambitious enough to meet the challenges London's growth will bring. It does not press for fiscal devolution which we feel is a missed opportunity. And devolution will only succeed where it is transparent and has appropriate and relevant checks and balances to ensure good performance and value for money.

Alongside proposals for where and how devolution could support both the London and UK economy, there are plans for a new pan-London partnership between the London Mayor and the executives of London's 32 boroughs and the City of London to cover areas such as health and skills. The "London Proposition" recognises that this pan-London governance system will need to be balanced by effective and appropriate scrutiny arrangements⁹ and that the Assembly as the London-wide scrutiny body has a "critical role"¹⁰ in relation to the proper governance of an agreed devolution package, a point Mayor Jules Pipe (Chair of London Councils)

⁷ 'Long term economic plan announced by the Chancellor and the Mayor of London', HM Treasury Press Release, 20 February 2015

⁸ 'The London proposition: Devolution and public service reform, Congress of Leaders meeting, 14th July 2015

⁹ While it is expected that decisions of the Congress Executive will normally be on a consensual basis, some decisions can be agreed by a majority of the London Councils' Executive and the Mayor. Some issues will be a reserved matter for the whole Congress, while others face a threshold for agreement of 26 of the 33 authorities and the Mayor. This is similar to the arrangements being proposed for the Greater Manchester Mayoralty. There is as yet no detail as to which matters or areas will be subject to which level of agreement.

¹⁰ *ibid*

made in testimony to the Assembly's Devolution Working Group.¹¹ With a stronger Mayor than in the Manchester model London needs stronger scrutiny arrangements.

The need for enhanced powers for the Mayor and London Councils...

The next stage of devolution to London should include two elements: fiscal devolution and the re-design of public services. This report contains proposals for short-term measures which could be introduced relatively quickly and without the need for primary legislation. It also makes proposals that would require wider consultation and take a longer time frame to realise.

Fiscal devolution is needed to enable London government to raise more of the money it needs and so reduce its dependency on central government. This would allow it to deliver services more flexibly, as service delivery will no longer be tied to specific ring fenced grants from central government, and to self-generate the funds for its key infrastructure requirements, particularly housing and transport.

Devolution of some public services, notably in the skills sector and in the delivery of employment programmes, is required because the current system is not functioning as effectively as it could. An over-centralised system of governance and an over-emphasis on national delivery models do not deliver the outcomes required at a local level.

Looking to the longer term, we need a more radical rethink. The GLA is held back by having differing levels of power in different policy areas. As the Communities and Local Government (CLG) Select Committee noted, "aside from those for transport, housing and economic development, where he has executive responsibilities and budgets, the Mayor must rely on persuasion and influence to ensure they are implemented."¹² This means that for those additional statutory strategies which the Mayor is obliged to produce, including culture and health inequalities, neither he nor other tiers of London Government have influence over the bodies that deliver in these areas. They continue to look to Whitehall for direction. It is time for that to change.

In light of new challenges, this report sets out a proposal for a set of powers and services to be devolved to the Mayor and London Councils. These relate to fiscal powers, skills budgets and employment support, suburban rail lines and our longer

¹¹ Transcript, Devolution Working Group, 26 February, pg 12.

¹² Transcript, Devolution Working Group, 22 June, pg 6.

term aspirations in respect of health and criminal justice. Our proposals for a new agreement with government are summarised in Appendix B.

There is then the question of which level of government is appropriate to deliver which services. A new London Agreement with the Government will need to distinguish between **strategic** and **local** devolution. Some roles will be best suited to Mayoral control, while others better suited to local control at the level of boroughs or groups of boroughs. There will need to be clarity so that neither tier of government will have a veto over the other. For example, if there is local ambition for co-commissioning of primary care services then, subject to sufficient local scrutiny, we would not expect the Mayor to have a role in this sphere. Equally, we would anticipate that in relation to the control of tax raising powers, the Mayor would be in the driving seat. This principle of mutual respect is already recognised by the Mayor and the London Councils where all areas of activity currently under the authority of either the Mayor or the London boroughs remain sovereign to each individual body. The proposals currently being developed by the London Congress must clearly set out which devolved powers will lie at which level.

...and stronger accountability powers for the Assembly

Governments have long accepted that as the powers of London's Mayor change, then the powers of the Assembly should also move in tandem. Legislation that changed Mayoral powers in 2007 and 2011 also increased the powers of the Assembly, introducing the ability to reject statutory strategies and non-binding confirmation powers over some senior posts.¹³ The central role of the London Assembly is to hold the Mayor to account, and to investigate issues of importance to Londoners. The Assembly uses a variety of powers to ensure London Government is transparent, and that all decision-making is accounted for. The centre piece of the Assembly's work programme is detailed scrutiny, and approval, of the Mayor's draft budget (which amounted to around £17 billion in 2015/16), which includes the spending of Transport for London and the Metropolitan Police Service, among other bodies. The Assembly also votes on the Mayor's proposal for the Council Tax precept.

Through its committee system, the Assembly provides oversight of all areas where the Mayor has power or influence. It is tasked to review and comment upon new policy developments: its recent work putting forward the case against the use of water cannon in London, which the Home Secretary ultimately declined to licence,

¹³ See for example 'The Greater London Authority', House of Commons Briefing Paper 05817, pgs 8-9

is a good example of its work. The Assembly also has the scope to develop new policy ideas and to press the Mayor for implementation. Recently the Assembly has, for example, championed the adoption of flexible ticketing arrangements that have been introduced by TfL to help encourage part-time working. In addition, it can take the lead on issues that the Mayor may not initially prioritise. For example, over the past 10 years, the Assembly has repeatedly highlighted the public health dangers of poor air quality. Since 2009, the Mayor and others have, following Assembly recommendations, taken action such as: quantifying deaths from air pollution at local and London levels; ordering an Ultra-Low Emission Zone (ULEZ) in central London; setting fleet-wide standards for emissions from buses and; providing air pollution data in real time to policy-makers and also the public.

As the role of the Mayor changes, then the powers of the Assembly will need to be enhanced to maintain that necessary check and balance. **There are some modest changes that could be implemented quickly to strengthen the Assembly's powers of oversight and increase accountability as the Mayor's role expands: for example by requiring the Mayor to publish a forward plan of decisions which would increase the transparency of City Hall decision-making and by having powers to amend the capital budget.**

There should also be a power to reject the Mayor's Police and Crime Plan to make this consistent with the Assembly's powers over the other Mayoral statutory strategies, which was one of the recommendations of the CLG Select Committee report in 2013.

Furthermore, given their importance in relation to policy development and implementation on behalf of the Mayor, the Assembly should have a power of veto, via a binding confirmation hearing, to reject section 67 (1) appointments (currently called deputy mayors). This would bring the Assembly's role in line with its powers in relation to a deputy mayor for police and crime (where an Assembly Member is not that person).

Under the current Government's and Mayor's plans it is likely that more services will be delivered by private companies or third sector organisations. Public money will increasingly be spent without clear lines of accountability to London government. To enhance accountability to Londoners, **the Assembly should be empowered to summons information and cooperation from bodies outside the GLA group that are appointed by the Mayor or have a significant London-wide**

role to play in delivering his strategies.¹⁴ This principle is recognised for other devolved bodies. For example, the Smith Commission’s proposals for further devolution of powers to the Scottish Parliament lists a wide range of national bodies (eg OFCOM and OFGEM) which should lay reports, and appear, before committees of the Scottish Parliament.

There are ways of working that London can learn from other large cities, such as New York and Tokyo, which have similar Mayoral models of government.¹⁵ In those cities, city government is accountable for a greater range of services and has more levers to help meet the needs of its people. These Mayors are more powerful and have larger budgets raised from local taxes and charges, but they are held in check by strong scrutiny arrangements. This relationship is a more balanced one than the London model and there is a greater partnership between the Mayor and City Council to reach decisions. As the London Mayor takes on new roles and looks to raise and spend larger sums of money then, as Professor Tony Travers, the London finance expert, has noted “the balance of power between the executive and the scrutiny part of the [London] system [will] have to be re-examined.”¹⁶ One option to enhance budget accountability would be to give the Assembly the ability to amend the budget at individual programme level.

Over the longer-term, the Government should work towards giving the Mayor and the Assembly legislative power in areas such as public health and alcohol licensing. While we accept that this is a significant change in the GLA’s statutory role, there is clear evidence that city government can move more quickly to address public health concerns at a citywide level instead of having to wait for national decisions to be taken. The move to create smoke-free public areas has been led by city governments both here and abroad. In the UK, the smoke-free campaign was led most notably by Liverpool, which at one point pressed for the ability to take citywide action, and then through a wide body of work initiated by the Mayor of London, the London Assembly and London Councils.

¹⁴ The relevant bodies are: London Waste and Recycling Board, London Pension Fund Authority, Museum of London, NHS London, the London Ambulance Service, Environment Agency, Royal Parks Agency and Constabulary, British Waterways, Commission for Architecture and the Built Environment, Arts Council and English Heritage London Advisory Committee, the Port of London Authority, the Higher Education Funding Council for England, and the Civil Aviation Authority.

¹⁵ Background papers on governance in New York city and Tokyo are on the Devolution Working Group landing page.

¹⁶ Transcript, Devolution Working Group, 22 June 2015

3. Fiscal devolution to better support a growing city

The London Finance Commission was established by the Mayor in 2012 to report on how to develop improved funding arrangements for London. London government needs fewer borrowing constraints (such as the Housing Revenue Account) and greater devolved tax powers to enable it to invest more comprehensively without the need for ad hoc, project-by-project financing arrangements.

The London Finance Commission report, published in May 2013, sought to establish robust arguments in favour of the devolution of London's property tax revenue streams - including council tax, stamp duty land tax and business rates - which account for roughly 11 per cent of all the tax paid in London.¹⁷ The proposals are similar to recent reforms in Scotland and in Wales and could work for other cities and city regions.

The Mayor has argued that the proposals would be cost neutral to the Exchequer at the point of devolution and would "provide cities with the means and incentives to grow their economies, including the appropriate balance of skills, infrastructure, and other economic development expenditure, and therefore their tax bases."¹⁸ These measures would re-balance the relationship between central and local government, giving greater autonomy and flexibility for money to be better spent to meet local need, and would thereby address the long-standing financial weakness of English cities in comparison to their foreign counterparts.

So far, the Chancellor has not responded favourably to the arguments presented by London government in support of fiscal devolution. In testimony to the London Assembly's Devolution Working group, Sir Edward Lister stated that "the Chancellor is not prepared to take on the issue of fiscal devolution for us here and indeed he hasn't for the rest of the country either... [However] I think this is still work

¹⁷ *Raising the Capital: The Report of the London Finance Commission*, London Finance Commission, May 2013, pgs 57 - 73

¹⁸ The letters were jointly signed by the Mayor and Jules Pipe, as Chair of London Councils and Sir Richard Leese on behalf of the Core Cities.

outstanding and the Mayor is quite clearly committed to lobbying for more fiscal devolution. I do not think we have lost that war.”¹⁹

The London Assembly has long argued in favour of greater fiscal devolution to London. In a joint piece of work with London Councils and ahead of the introduction of the 2007 GLA Act, the Assembly argued that the small proportion of taxes raised locally to fund public services meant that London remained at the “mercy of central government.” The report, “*A New Settlement for London*”, set out an agreed position calling for re-localising the business rate and the ability to pilot new local taxes.²⁰ More recently, in the Assembly’s response to the Mayor’s draft Infrastructure Plan, we highlighted the sheer scale of the capital investment needed to meet the demands of our rapidly growing population and noted the need for innovative forms of financing to ease the demand on central government grant.²¹

The rationale

London’s funding arrangements need to equip London government with the flexibility to support new growth initiatives, to respond to the fast changing economy and to raise the necessary investments in housing and transport to accommodate projected population growth. Even though the return on public investment in London is often higher than it would be elsewhere, other regions continue to experience a sense of injustice and neglect in the face of the volume of new investment in the capital. By giving London the means to fund more of its own infrastructure and other needs, the Government will reduce the pressure on central resources at a time when it wants to avoid being seen as favouring London.

With greater fiscal devolution, London government will bear the risk and reward of managing its own revenue stream and will not have to routinely re-negotiate its settlement with central government. This will bring a greater degree of financial certainty into long-term planning and help to create future borrowing opportunities for investment.

There are two positive effects for the UK as a whole: if through devolving property taxes to London government, the London economy grows faster than forecast, then the Exchequer will gain from the increase in value of other taxes paid in London. If, on the other hand, the London economy falters and does not grow as fast as the UK as a whole, then as Professor Tony Travers pointed out “the losses would be kept in

¹⁹ Transcript, Devolution Working Group, 26 February 2015, pg 2

²⁰ *A new settlement for London*, Commission on London Governance, February 2006, page 59

²¹ Letter from the London Assembly Planning Committee to the Mayor, 12 June 2014

London and actually the rest of the country would be protected from these [losses].”²²

Fiscal devolution will act as a powerful incentive to promote and sustain London’s economic dynamism. The London Assembly therefore reiterates its support for the devolution of property based taxes to the capital and calls on the Mayor and London Councils to continue to make the case for fiscal devolution. As many of these taxes are already being devolved to Scotland, there can be no technical reason preventing London from being given the same benefits. We believe fiscal devolution to be a form of strategic devolution and the Mayor should therefore have sole authority, subject to consultation and scrutiny. We would not expect London Councils to have a veto. In line with this, scrutiny and accountability should be the responsibility of the London Assembly.

A first step – full devolution of business rates

There is widespread support for full localisation of the business rate to London government.²³ The Government’s own research indicates that business rate retention can stimulate the growth of new business and the expansion of existing ones.²⁴ The need is for greater flexibility at a pan-London and sub-regional level to allow for exemptions to support new growth clusters and to better reflect the changing structure of the London economy. Bringing this tax raising power down to the London level would strengthen the relationship between the administration and enforcement of property taxation in the capital and its application for the delivery of services and infrastructure.²⁵

In April 2013, the Government introduced the business rates retention scheme. The objective of the new regime was that local authorities (and the GLA) should be able to retain a proportion of the increase in their business rates revenue to incentivise and reward them for delivering growth in their area. There is some early evidence of success: Westminster Council for example, has used funds from its business rate retention scheme to create a Civic Enterprise Fund to support a number of entrepreneurs and early stage businesses, creating new job opportunities for local people and additional value to the local economy.

²² Transcript, Devolution Working Group, 22 June, pg 5.

²³ See for example the Joint response to the Government’s Review of Business Rates from among others London Councils, Westminster Council, and London Chamber of Commerce:

²⁴ *Business rates retention scheme*, Communities and Local Government, May 2012

²⁵ Ibid.

In London, the GLA receives 20 per cent of all business rates income collected in the capital – 40 per cent of the locally retained share.²⁶ But we can and should go further. **Our proposal is that the Mayor should have the same powers and responsibilities as the Scottish and Welsh devolved administrations in relation to business rates** – including the ability to determine the timing of revaluations, the setting of the non-domestic rating multiplier, relief and discount policies and the ability to use locally-raised revenues in a targeted way to deliver infrastructure, housing and transport investment.

What needs to happen?

The ability to change the amount of business rate that comes to London government and the boroughs can be largely achieved by amendments to secondary legislation (in this case, the statutory instruments accompanying the 2012 Local Government Finance Act).²⁷ To make this move cost neutral to the Treasury, there will need to be offsetting adjustments to the GLA's and London boroughs' government grants. One option could see the GLA and London boroughs' share of the total business rate yield increased and the non-specific revenue grants they receive from Government correspondingly reduced. For example, the relative certainty of the business rate income stream could replace the less predictable Transport and Home Office policing grant which in total comes to around £2.4 billion.²⁸ This would give the Commissioners who run the transport system and the police a degree of multi-year financial certainty they have long called for. As Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service) said in testimony to the Assembly's Police and Crime Committee "It is incredibly difficult planning a budget of this size and complexity on an annual, 'Here is the announcement for this year'. Please give us multi-year settlements, even if they are challenging. It is easier to plan given the time it takes to implement some of the things we need to do."²⁹

The Treasury needs assurance that this devolution will be managed in a way to both protect ratepayers from the risk of unreasonably high business rate increases and to ensure that its yield will be used effectively. This could be achieved by the London Assembly having a veto on the Mayor's ability to amend the business rate or offer exemptions as it does in respect to the Mayor's budget. This will ensure

²⁶ Billing authorities retain 30 per cent of total business rates income; central government receives 50 per cent.

²⁷ Giving London Government the ability to alter the business rate multiplier, which determines the number of pence per pound of rateable value to be paid, would require primary legislation.

²⁸ The Government is currently consulting on reforms to the arrangements for allocating funding to police forces in England and Wales: More details can be found on the Home Office website

²⁹ Transcript, London Assembly Police and Crime Committee, 18 December 2014.

transparency, a clear mechanism for accountability and a check and balance should any Mayor operate in an unreasonable manner or without consultation.

Over the long term – devolution of stamp duty

Proposals to devolve stamp duty, which could be used to fund borrowing to support housing and transport infrastructure needs, will necessarily play out over a longer timeframe and are more complex to implement. The Scottish Government is now responsible for setting the bands and the rates for stamp duty (in Scotland, the Land and Building Transaction Tax). This has required primary and secondary legislation and the establishment of a new collection authority, *Revenue Scotland*, responsible for the collection and management of the devolved taxes. There are significant administrative costs, running to approximately £21m for initial set up for the first five years.³⁰

While the London Finance Commission did propose the devolution of stamp duty to London government, it is a volatile tax subject to the fluctuations of the housing market and carries substantial risks that would require a large financial reserve to help smooth out. London raises roughly a third of the total amount of stamp duty collected across the UK and changes to any future “London rate” could have ripple effects across the south east. The Mayor has recently proposed the option of looking at localising stamp duty to fund specific infrastructure projects. Under this proposal, property values uplifted by being close to new infrastructure such as Crossrail2 stations could be taxed upon sale so that London as a whole benefits from the additional value created by public investment. Given the lack of clarity over any future funding for Crossrail2, this contribution could be key. Taking these small steps would allow the Mayor to demonstrate that the GLA can manage fiscal devolution effectively and pave the way for further devolution in the future. This proposal is therefore worth exploring further with Government.

Over the longer term, there may be a need for further strengthening of the Assembly’s powers of financial scrutiny, particularly if we move to a situation where the forecasts for likely revenues (say if stamp duty were to be devolved) were disputed. Some commentators have called for an Independent Budget Office for London, though boosting the resources for the Assembly to undertake more detailed financial scrutiny might be a more pragmatic step.

³⁰ Implementation of devolved taxes: Joint update from Revenue Scotland, Registers of Scotland and the Scottish Environment Protection Agency, 17 October 2014

4. Public service devolution to boost London's productivity

Devolution of employment and skills measures is needed to support and sustain London's economic dynamism. Bringing budgets and commissioning powers closer to the London labour market will better help people to acquire the skills they need to get well-paid jobs and to boost productivity, to the benefit of the UK economy as a whole. In July 2015, the Treasury announced its plans to reverse the decline in the UK's productivity over the course of the current Parliament. In its report "*Fixing the Foundations: Creating a more prosperous nation*", it stated that the UK "suffers from several weaknesses in its skills base that have contributed to its longstanding productivity gap with France, Germany and the US."³¹ Alongside the announcement of a levy to fund apprenticeships, the Government also announced proposals to offer local government the opportunity to re-shape and re-commission the Further Education sector. Further details are still awaited, but a strategic, city-wide oversight of the skills agenda is needed to ensure the needs of the London economy can be met from local labour markets.

Devolution of the skills budget – the rationale

In testimony to the Devolution Working Group, Harvey McGrath (Deputy Chair, London Enterprise Panel (LEP)) argued that the current skills system is not effectively providing skills that are required by London employers. This is because the London economy changes quickly and information flows between employers, Further Education (FE) colleges and universities are poor. Some colleges are not providing the right courses to help people get the skills they need to access the jobs that the local economy is generating. As employers can't find job-ready local people they look further afield to meet their needs.

As Harvey McGrath recognised "there are literally thousands and thousands of jobs that need to be filled and there are not enough qualified individuals here to fill them." For example, the new housing requirement in London is well known, with the Mayor committing to build 42,000 new homes every year. This level of new build is significantly above anything that has been achieved in London since the 1930s. Yet, the construction industry tends to be a spot hirer of workers. A better alignment of FE revenue funding with market need would allow the construction

³¹ *Fixing the Foundations: Creating a more prosperous nation*, HM Treasury, July 2015, pg 23

sector to actively engage with colleges and training providers to develop a pipeline of talent to support their recruitment needs and to ensure that the people who work for them have the right training.

The LEP has taken some steps to ensure better information sharing between the national Skills Funding Agency and local authorities about the individual learners' journey. Having that awareness improves transparency and allows more effective commissioning to ensure a better fit between the skills being taught and the jobs being created. There is, however, more that is required and Harvey McGrath argued that because the "journey to learn" is inevitably cross-borough, there is a need for London government to be able to reconfigure the FE estate across London; map and plan where the provision is needed; and encourage the sub-regions to deliver to that plan.

What needs to happen?

As part of its Agreement, Greater Manchester will receive a package of measures to support economic development, including the power to restructure the Further Education sector. There are broad levels of support from business, local authorities and the colleges for similar devolution to London government. Successive governments have promised greater local influence over skills funding and yet little has been offered. The proposed cuts in funding to the FE sector (there will be a further 25 per cent cut for the 2015-16 academic year) increase the urgency. London needs to be able to take a strategic view of the role of further education, not just to get young people into work but as a way to support people at different stages in their career to be able to up-skill and move on to better paid jobs.

To this end, the Mayor should negotiate with Government for the full devolution of the Skills Funding Agency's allocation for London to the Greater London Authority. The LEP will provide expert advice to the Mayor to ensure that funding is aligned to London's jobs and growth agenda so that college courses better meet the needs of local employers. There may be scope for subsequent devolution to sub-regional groupings of local authorities, but as part of the necessary Skills Inquiry that the LEP is currently leading on there will need to be clear evidence that these groupings have the vision and capacity to take on the responsibility.³² Furthermore, the Assembly will need to provide robust scrutiny of the proposals and spending plans to ensure transparency and accountability.

³² See footnote 36

A single pot for employment support – the rationale

Some people need more support to get into work. They may speak English as another language, have mental illness, have a disability, and/or have parental or caring responsibilities. At present, up to £8 out of every £10 of the Government's employment support funding is spent on programmes that are designed and provided according to national guidelines.³³ However, the over-centralised system of governance and the lack of flexibility at a local level mean the programmes are not delivering the outcomes required. Although as the most densely populated region London has the highest number of starts on the Government's flagship welfare-to-work programme, it has fared less well in terms of achieving job outcomes for residents when compared to national averages. Work Choice, which targets the more severely disabled people, has also under performed in London compared with national outcomes.³⁴

In March 2014, the LEP's submission for Growth Deal funding set out a vision for a single ring-fenced flexible pot, which would have bought together the following funding streams:

- Jobcentre Plus Flexible Support Fund (£19m p.a.)
- Work Programme (£24m p.a.)
- Work Choice (£10m p.a.)
- Future Families Programme (£8.5m p.a.)
- Youth Contract (£4.4m p.a.)
- Work Programme Completers Pilot (estimated £12m p.a.)

The subsequent Growth Deal agreed with government did not include full devolution of this funding, opting for some piloting and co-commissioning instead.

In testimony to the Devolution Working Group, Sir Robin Wales (Mayor of Newham) argued that local authorities had the detailed labour market knowledge and experience to deliver more cost effective interventions. He argued that national programmes are not integrated with local services such as housing or social care, are overly complex and lead to duplication and higher costs. Sir Robin quoted the example of Newham's Workplace scheme, which, over a two year period, succeeded in getting 1,200 people into work, compared with the 350 that the Work Programme had helped in that area. Sir Robin argued that because local government better understood local employers' needs, they were able to deliver more suitable job-ready candidates for interview. Employers benefitted because

³³ *A growth deal for London*, London Enterprise Panel/London First March 2014, pg 117

³⁴ *Work Choice: Official Statistics*, Department for Work and Pensions, May 2015

people stayed in their jobs for longer and it was all delivered more cheaply than the national scheme. However, Sir Robin also noted that “what works for Newham may not work for Redbridge”³⁵ and it remains unclear if ad hoc partnerships of “willing boroughs” are going to be sufficient to re-assure Government that they are sufficiently credible and accountable to receive significant commissioning powers and funding.³⁶

What needs to happen?

Across London, boroughs are coming together to design employment programmes that try to overcome some of these barriers. Cllr Philippa Roe (leader of Westminster Council), for example, told the Devolution Working Group about the Centre London Forward programme which sees eight boroughs working together across a sub-region to provide support for over 10,000 residents who are currently furthest away from the labour market. The employment support programme provides a comprehensive employment support service, which includes working with the Department for Work and Pensions (DWP) and better information sharing across the sub-region. However, she noted how they were not able to support all those they wanted because of DWP’s caution: “They are not going to let us take over everybody we would like to have until we have proven success with this cohort. It is very much a lot of stepping stones on the way when we would have much preferred to have got the whole lot in one go, but we will do what we need to do.”

There is therefore further work for the boroughs and London Councils to do to gather the evidence that local devolution is a viable option for these funding streams and to put in place the necessary borough partnerships. The potential gains to the London economy are significant. Illustrative figures provided by the LEP indicate that a single employment funding pot for London could potentially move an estimated 34,700 people back into work per year and as a result save the Exchequer an estimated £230m.³⁷

³⁵ Transcript, Devolution Working Group, 18 June 2015, pg 9

³⁶ Between 2000 and 2010, London had a settled set of sub-regional arrangements with the boroughs in five groupings for purposes of working with the now disbanded London Development Agency.

³⁷ *A growth deal for London*, London Enterprise Panel/London First March 2014, pg 124

The Greater Manchester Agreement offers up the prospect of joint commissioning with DWP of the next stage of the Work Programme, although what form that joint commissioning will take is still unclear. **London should be able to go further and benefit from a single funding pot for employment support which brings together all the existing major contracts let in London.** The single pot would come to the Mayor, in the first instance, before being devolved down to local authorities. This would create an incentive for boroughs in sub-regional partnerships to work with the LEP to better plan and integrate their employment support programmes with local job creation. To give Government the assurance it needs that the single funding pot will be effectively managed, services would be commissioned on a reformed payment by results basis with the Assembly scrutinising not just the commissioning process but also, as Sir Robin suggested, the outcomes too.³⁸

³⁸ Transcript, Devolution Working Group, 18 June 2015

5. Devolution of suburban rail to better integrate London and the south east

In March 2012, the Mayor published his Rail Vision, which aimed to provide “a single coherent vision for the city’s railways.” This vision for suburban rail is seen as vital in the coming decade to help support the continued growth of London’s economy.

The strategic importance of the suburban rail network is underlined by three trends:

- the expected rise in London’s population;
- the concentration of job creation within the central London boroughs; and
- the increasing unaffordability of housing in inner London.

Simply put more workers than ever before will be commuting into the city. London is already far more dependent on the rail network than other regions, with Londoners making six times the number of National Rail journeys compared with the rest of the country each year, while demand is expected to grow by 80 per cent by 2050.

The London Assembly Transport Committee is examining how robust the case remains for continued devolution. The investigation is designed to establish the level of public support for proposed plans, as well as exploring how attitudes of key stakeholders may have changed over the preceding three years.³⁹

The rationale

To meet these needs a re-think of current rail strategy is required. Control of suburban routes is currently split between nine different Train Operating Companies (TOCs)⁴⁰ in addition to the services controlled by TfL. In terms of passenger satisfaction, these TOCs run the gamut from some of the worst performers in the country (Southeastern) to the most popular (Chiltern Rail). Overcrowding, particularly in the peak morning and evening commuter window

³⁹ The London Assembly Transport Committee is expected to publish its report in October 2015

⁴⁰ TfL assumed control of the Greater Anglia inner suburban services in May 2015. The franchise for the remaining routes will be renamed the East Anglia franchise in 2016

continues to blight the passenger experience, and there remains a high degree of variation in fares and ticketing policy, station upgrades and service reliability.

This system also acts as a barrier to greater integration of London and the South East's transport system. TfL reported that the relatively simple extension of Oyster to suburban rail networks was seriously delayed by the need to negotiate with each TOC, adding four years and needless expense to the expansion programme.⁴¹ Devolving control of these networks would also provide for greater consistency in customer service standards, passenger information and security. While the Mayor has some ability to influence franchise agreements that fall within the Greater London region, past experience has shown it to be ineffective in all but a few cases.

TfL has already demonstrated significant success in managing suburban rail networks. In 2007, TfL took over the failing Silverlink franchise and used it as the basis to transform orbital rail connectivity in London. Passenger volumes are now almost three times the level when TfL took over management of the services. Despite this enormous increase, the Overground receives some of the highest customer satisfaction ratings in the country. Crossrail, due to begin operation in 2018, is another example of a National Rail line which will be managed by TfL.

Involving TfL more in the running of the region's railways can deliver broader benefits than just an improved passenger experience. The organisation understands that the way it invests and runs its services is not just about journey times, accessibility and safety. TfL sees transport schemes as significant catalysts for regeneration and growth. With a broader reach, the organisation could work to connect jobs and housing which would serve to make the South East operate better as an integrated region.

What needs to happen?

The Government has previously backed further devolution of rail management in its response to the Brown Review on Rail franchising. That Review singled out TfL as one of only two bodies which had the ability to manage the demands of suburban rail networks and encouraged the Department for Transport (DfT) to consider the case. In response, the Mayor made a formal proposal to DfT to devolve control of, and funding for, parts of the Anglia and South Eastern franchises to TfL. This would help deliver "higher customer service standards, with greater train service

⁴¹ *The Mayors Rail Vision*, The Mayor of London, February 2012, pgs 6-8

reliability, and improved station ambience, staffing, passenger security, customer information and station facilities.”⁴²

TfL would use a different model for any franchises it takes over. TfL uses a ‘gross cost’ contract, in which it absorbs the revenue risk for the inner-suburban services. In contrast, the TOCs have limited control over revenues, which are driven largely by macroeconomic factors such as London employment and fare levels. As a result, normal DfT rail franchises include risk premiums in their bids, which would be significantly reduced if TfL took the revenue risk instead. Due to its size, TfL has a larger revenue base from which it can absorb any losses – it would contract out the management of the line to another operator as is currently the case with London Overground Rail Operations Ltd (LOROL) on the Overground.

Though the Mayor’s proposal received broad, cross-party support, as well as the backing of London Councils and major passenger groups, some issues were raised about further integration of suburban rail with TfL services. One concerned the level of democratic accountability for passengers who lived outside Greater London but would be affected by TfL’s decisions. Yet TfL already runs some Overground, tube and bus services outside of its geographical area, and has Board Members specifically tasked with representing their views. In addition, TfL has offered the affected councils a say in any proposed changes to rail services, although the details of what this means in practice need to be worked out. In reality, devolving control to the Mayor, with the experienced scrutiny offered by the London Assembly Transport Committee, provides a marked increase in accountability when compared with a private sector alternative.

Evidence heard by the Transport Committee during its investigation indicates that there is scope for new partnerships between TfL and neighbouring authorities, such as Kent, which are now more open to the proposal. In order to continue to reassure authorities outside London, and ultimately the DfT, a sub-regional transport group including input from the Assembly, affected councils and TfL has been suggested if rail devolution were to happen. This could provide the forum where changes to routes can be discussed and debated.

The DfT is also concerned about adding a new layer of complexity to existing franchise arrangements. In its response to the Mayor’s proposal, it agreed to devolve control of the Anglia services but rejected the plans for Southeastern

⁴² *The Mayors Rail Vision*, The Mayor of London, February 2012

services. In a letter to the London Assembly Transport Committee, the DfT said that this was “because the Southeastern franchise is operationally more complex, with far greater integration of inner suburban and long distance services than West Anglia.”⁴³

The Mayor and TfL have been open about their view that these two services are stepping stones to broader devolution of all suburban rail services. While piecemeal devolution of Anglia services is to be welcomed, **the DfT should reconsider its approach to suburban rail devolution, starting with the South Eastern franchise in 2018 and expanding to all inner suburban routes in London as other franchises come up for renewal.**

⁴³ Letter from the Department of Transport to the London Assembly Transport Committee, 1 July 2013

6. Devolution to improve public health outcomes

London is a modern city without modern health outcomes. London has some of the highest rates of childhood obesity, mental illness, TB and HIV across the UK. The Mayor has statutory duties to promote improvements in the health of Londoners and to promote a reduction in health inequalities. He must, under section 309 of the GLA Act 2007, prepare and publish a health inequalities strategy which should include proposals and policies for promoting the reduction of health inequalities.⁴⁴ However, the Mayor has no statutory role in providing health or care services. If the boroughs in their public health role do not have the capacity to co-ordinate and implement London-wide health campaigns then the Mayor should step in and should be given the appropriate resources to do so.

There have been a number of attempts by the Mayoralty to develop mechanisms to shape the provision of public health services in London and to work with the NHS and commissioners to have oversight of the regional health economy. However, without the resources and powers to do the job properly, the results so far have been modest. Officials from the NHS talk about the Mayor having the ability to have “serious conversations” with key stakeholders about preventing ill health and of being mindful of the health effects of policy areas he directly controls (such as the link between road traffic and air quality). But in reality they want to keep the Mayor at arms-length.

This issue was most recently examined by the London Health Commission which was set up by the Mayor in September 2013, to investigate health and care services in London.⁴⁵ The Commission was chaired by Lord Darzi, with a membership across many stakeholder groups including the Assembly. According to the Commission’s report, the complexity of health and health improvement created by the Health and Social Care Act 2012, creates “*a clear gap in leadership for the better health agenda in the capital.*”⁴⁶ These views chime with those offered by other lead health commentators, such as the King’s Fund. To address the strategic vacuum, the

⁴⁴Health inequalities are defined in the strategy as inequalities in respect of life expectancy or general state of health which are wholly or partly a result of differences in respect of general health determinants one of which is the degree of ease or difficulty with which persons have access to public services.

⁴⁵ ‘Independent commission to be set up to investigate health and care services in the capital’, the Mayor of London, Press Release, 16 September 2013

⁴⁶ Better Health for London, The London Health Commission, October 2014, pg 60

Commissioner's report recommends that *"the Mayor should appoint a London Health Commissioner to champion health in the capital."*

What needs to happen?

In response, the Mayor published, "Better Health for London: Next steps", which accepted the need for strategic leadership in public health and also set out a series of recommendations for local action, supported by city-wide activity to tackle in particular children's health, choices around healthy lifestyles, healthcare in the workplace and mental illness.

A re-focused London Health Board, which brings together local government and senior NHS leaders, will look to drive improvements in London's health, care and health inequalities. But again there are few dedicated resources to do the job properly. In testimony to our Working Group, Sir Edward Lister recalled how a previous attempt to top slice three per cent of the London public health budget to give City Hall the resources to promote public health activity across London had been resisted by central government. **It is time for Public Health England to revisit those plans and work with the Mayor to establish the post of London Health Commissioner and to give City Hall the dedicated resources to put behind the London Health Commission's recommendations. The London Health Commissioner would have strategic co-ordination of all London health matters as envisaged by Lord Darzi's report.**

For public health matters, a dedicated budget would give the London Health Commissioner the ability to bring together key stakeholders and enable innovative pan-London public health trials to be piloted and bring economies of scale to existing borough level activity. It would also ensure that there was a point of accountability at a London-wide level to deliver on the Government's public health outcome framework, which set out some 60 health measures against which local authorities would be able to demonstrate real improvement in health outcomes.⁴⁷ This list includes tackling childhood obesity, physical inactivity, and diabetes where a pan-London campaign and set of actions may be of more value than a piece meal approach across willing boroughs.

We should go further. In New York City, the Mayor's law-making powers have had a strong impact on the health of New Yorkers. Using all the tools at their disposal the

⁴⁷ 'Helping people live healthier lives: the future for public health', Department of Health, January 2012

Mayor and the New York City Council undertook a comprehensive and far-reaching public health reform agenda. In 2002, Mayor Bloomberg banned smoking in New York's bars and restaurants and in 2011 he banned smoking in most outdoor areas. Furthermore, New York banned the sale of cigarettes to those under 21 in November 2013. In 2007, the Mayor, through the New York City Board of Health (now the Department of Health and Mental Hygiene), forced restaurants to all but eliminate the use of partially hydrogenated vegetable oils and spreads, the main sources of trans fats in the US diet. This has sharply reduced the consumption of trans fats in each bought meal from about 3 grams to 0.5 grams.⁴⁸ These measures show the effectiveness that local law-making has had in pushing forward a city-wide public health agenda. The ability to legislate at a city-wide level means that action can be taken more quickly than waiting for a national decision. It is worth reflecting that the Mayor, London Assembly and London boroughs had campaigned for a smoke-free London many years before national policy was changed to ban smoking in public places. If London government had had the power to set public health laws then decisive action could have been taken more quickly to save lives and money over the longer term.

If the Government is serious about tackling London's public health challenges then it is time for the GLA to have the ability to legislate on health matters. Under this proposal, the Mayor would have the power to propose, and for the Assembly to agree, legislation for public health matters.

⁴⁸ See study by Christine Curtis, Director of the city's Nutrition Strategy Program, et al published in *Annals of Internal Medicine*, July 2012

7. The case for a more radical Agreement with government to improve health care and cut crime

As a city London is facing huge challenges in terms of health care. There is unprecedented demand being placed on both A&E and GP practices, there is a national GP shortage and a greater proportion of London's GPs are aged over 60.⁴⁹ The NHS estate needs to be dramatically re-configured to create facilities accessible, and of a sufficiently high standard, to meet the needs of the fast growing, and ageing, population. There are strains upon the Clinical Commissioning Groups to access the services their patients need in a cost effective manner and there are top down pressures from NHS England as they struggle to balance the books nationally and raise standards. All these changes are of key interest to London residents and their elected representatives. Yet there is a democratic deficit in terms of decision-making, with residents unclear as to who is making the decisions that will affect the shape of the healthcare provision in their area.

Primary and acute health care

While there is an emerging consensus about what role the Mayor should play in terms of promoting public health initiatives, there is less clarity about the role city-wide government should play to ensure that London has the best health and care services of any world city. Indeed, some argue that London is too big for this kind of devolution, that its politicians will fail to take decisive action when needed and that many London hospitals also have a national service element.⁵⁰

However, it is evident that the public is not clear that decisions are being taken in their interests or indeed who is taking those decisions. A well-resourced London Health Commissioner would be able to advise the Mayor on a vision for how London's health and social care services need to adapt to face the challenges of a rapidly growing but also ageing population. The London Health Commissioner would be able to link the Mayor's health inequality strategy with the need to improve the NHS estate. The London Health Commissioner would have oversight of

⁴⁹ See the Assembly's Health Committee report "Access to GP care", March 2015 for more detail

⁵⁰ On this point with both TfL and the Met have national service responsibilities which London government deals in partnership with national government.

the finances of the regional health economy as a whole and address workforce issues to help health workers to be able to live close to where they work. There could finally be a detailed discussion about the merits of integrating the London Ambulance Service with the fire and police services, which the Mayor already manages, to create a modern and efficient first responder service. **This type of strategic work would for the first time be done at City Hall, bringing greater transparency and accountability to long-term health care planning.**

In February 2015, the Government announced a ground breaking agreement between the Greater Manchester Combined Authority and NHS England to bring together health and social care budgets for that area – a combined sum of £6bn. The scope of the Memorandum of Understanding includes the entire health and social care system in Greater Manchester, including adult, primary and social care, mental health and community services and public health.

The size, diversity and complexity of the health economy of London necessarily engenders caution about calling for a similar deal to that agreed in principle for Greater Manchester. The lack of detail and clarity over roles for respective partners means that we would want to see how the Greater Manchester Agreement works in practice before pressing for a city-wide agreement to fully merge health and social care budgets in London. There is work taking place at a sub-regional level which will help shape London government's thinking about the potential for health and social care integration. Local authorities will need to demonstrate to central government that they can work effectively with the NHS to tackle difficult issues such as improving the NHS estate before further powers and responsibilities are devolved. **Over the course of the Parliament we would expect to see the Mayor and local government pull together evidence from the Greater Manchester experiment to establish whether there is a case for city-wide integration of health and social care budgets to ensure that London delivers the highest quality health and social care for all its residents.**

Improving the performance of the criminal justice system

The Mayor's Office for Policing and Crime (MOPAC) wants the criminal justice system, including the youth justice system, to be devolved to London. While the Mayor has a role in influencing the criminal justice and youth justice system, he does not directly oversee the system or its agencies. The Mayor wants to create a model similar to New York, where the Mayor of that city holds to account those responsible for investigation and arrest, through to charging, prosecution and sentencing.

The rationale

The Deputy Mayor for Policing and Crime (DMPC) has argued that “the criminal justice system should be held to account as the Met is in London, otherwise these are unaccountable agencies not answering to the people of London.” He also suggested that devolution would improve the speed of the criminal justice system and create savings through, for example, the co-location of MPS officers and Crown Prosecution Service staff that prepare the case files and through using the same IT systems. In testimony to the London Assembly’s Devolution Working Group Helen Bailey, Chief Operating Officer at MOPAC, suggested that being able to approach savings requirements from a “London criminal justice system” context would be easier than having to absorb the savings requirements of “four or five government departments” who each “take their own decisions about where cuts fall.”⁵¹

Furthermore, in testimony to the Devolution Working Group, the DMPC argued that devolution could support more effective performance management at local level. One of the very important things that City Hall could do is “look at what is going on across London and start to ask the difficult questions around why does it, [for example], take so much longer to deal with a domestic abuse case in this part of London as opposed to this part of London.”⁵²

The real prize is, however, about reducing re-offending rates. The vast majority of crimes are committed by people already in the system and as the DMPC noted there is a “small number of offenders, 3,800 habitual criminals convicted not once or twice but 15 times or more, costing the taxpayer £153 million...”⁵³ A devolved criminal justice system would enable the Mayor to bring together different pots of money from the national service providers such as the Youth Justice Board with funding from the European Social Fund and local authority input. The Holy Grail is to provide for a “whole-person” approach to commissioning. This includes both the “beyond-the-prison gate” package of services that can most effectively support resettlement, but also support for all those who have been through the criminal justice system and need some level of support to move on with their lives.

The “whole-person” approach was applied in Project Daedalus at the Heron Unit at Feltham Young Offenders Institute, which was sponsored by the GLA. Under this programme, young offenders were allocated a ‘resettlement broker’ who worked with them in prison and on release to build life skills and improve opportunities for

⁵¹ Transcript, Devolution Working Group, 26 February 2015, pg 2

⁵² *ibid*

⁵³ *ibid*

education, training and employment. We know that for the first group of young offenders that took part in the Heron Unit, their reoffending rate was substantially reduced: 53 per cent of those in the unit went on to reoffend, compared with 72 per cent for the rest of Feltham Youth Offenders Institute.⁵⁴ Despite some criticisms of the project, this model of intervention is considered an effective one. St Giles Trust, who were involved in delivering Project Daedalus, told the Police and Crime Committee in their investigation into youth reoffending and resettlement that while this type of intervention had previously existed, Project Daedalus “confirmed our belief that it is a good model.”⁵⁵ In addition, the HM Chief Inspector of Prison’s wrote in his January 2013 inspection report for Feltham that the loss of the re-settlement brokers in the Heron Unit had been “a real setback.”⁵⁶

There are other examples of how a more devolved system could bring benefits. Having pan-London commissioning of services would better support those seeking exit from gangs or those who have been trafficked into the country and need intensive support to protect and help them move on. For example, if MOPAC was to take over commissioning of Prevent projects - designed to tackle the spread of extremism - pan-London commissioning would ensure that the projects could run across borough boundaries, be more responsive to local needs and be more open to innovation. Furthermore, they could be funded for more than one year which would address problems facing projects with yearly funding including inefficient stopping and starting, the lack of consistency in terms of the service provided to clients and few chances to capture relevant learning. All these flexibilities would allow commissioners to get a better fit of projects with local need.

Arguments against this change include the risk of politicisation of the criminal justice process that has been set up to ensure its independence, and the potential of a “‘postcode lottery’ for justice.”⁵⁷ MOPAC has sought to address these arguments, explaining that its approach would be similar to that of its oversight of the MPS. MOPAC “would not be setting thresholds for prosecutions for the CPS, nor would you be trying to tell judges” how to operate, in the same way that it has no operational direction over police officers.⁵⁸

⁵⁴ *Breaking the Cycle: reducing youth reoffending in London*, London Assembly Police and Crime Committee, July 2015, pg 22

⁵⁵ Transcript, the London Assembly Police and Crime Committee, 8 January 2015

⁵⁶ *Report of an unannounced inspection of HMP/YOI Feltham (Feltham A – children and young people)*, Her Majesty’s Inspectorate of Prisons, January 2013, page 6

⁵⁷ Transcript, the London Assembly Police and Crime Committee, 8 January 2015

⁵⁸ Transcript, the London Assembly Police and Crime Committee, 8 January 2015

The Deputy Mayor for Policing and Crime's vision for devolution aims to do this by putting in place a model through which the savings made by reducing reoffending could be released into local services:

You would try to have a situation where a borough is incentivised over time to work on those things that reduce youth reoffending and that they benefit; they get a dividend that they can reinvest in local communities.⁵⁹

What needs to happen?

Much of this thinking remains work in progress and we accept that the case has not yet been fully developed. MOPAC needs to be much clearer about the detailed case for criminal justice devolution and should be specific about which budgets it wants to see handed down to the Mayor. **MOPAC also needs to demonstrate how outcomes would be improved through greater devolution and how it will safeguard the independence of the criminal justice system and in particular sentencing.**

Given the continued high volume of alcohol fuelled crimes and alcohol fuelled violence there may, over the longer term, be merit in a role for the GLA in the licensing for alcohol sales. A London-wide framework, agreed with the boroughs, could provide clarity to residents, customers and business and better support the work of council enforcement officers and the police.⁶⁰

⁵⁹ Transcript, Devolution Working Group, 26 February 2015

⁶⁰ The Assembly's Police and Crime Committee will be examining the available evidence in its review later in 2015.

Appendix A: Evolution of the GLA's powers and remit

Policy Area	Greater London Authority Act 1999	Greater London Authority Act 2007	Localism Act 2011
Transport	<p>Creation of Transport for London: Tube, trams, buses, trunk roads, taxi regulation, river services.</p> <p>Power to impose congestion charge, emissions charge and workplace parking levy</p>		<p>Business rate supplement and community infrastructure levy contributing to Crossrail funding</p>
Economic Development	<p>Creation of London Development Agency (including Business Link from 2004).</p> <p>Appointment of Board of LDA</p>		<p>LDA abolished; remaining functions and transfer of assets to GLA, together with the European Regional Development Fund.</p> <p>Established a single London-wide London Enterprise Panel (LEP)</p>
Environment	<p>Statutory strategies on ambient noise, air quality, biodiversity and waste</p>	<p>Statutory strategies on climate change mitigation and energy;</p> <p>Waste Recycling Forum and Fund</p> <p>Power to direct authorities to have regard for the Mayor's strategies</p> <p>Development of a Water Action Framework</p>	<p>Amalgamation of five environmental strategies (noise, biodiversity, waste, air quality and climate change) into one Environment Strategy</p>

Policy Area	Greater London Authority Act 1999	Greater London Authority Act 2007	Localism Act 2011
<i>Housing</i>		<p>Chair of the London Housing Board</p> <p>Development of Housing Strategy and Housing Investment Plan – high level decision over regional housing</p>	Budget and functions of Homes and Communities Agency for London pass to the Mayor
<i>Policing</i>	Mayor appoints and sets the budget for the Metropolitan Police Authority (MPA)	Mayor may chair the Metropolitan Police Authority	<p>MPA abolished, and replaced with the Mayor's Office for Policing and Crime (MOPAC)</p> <p>Statutory London Assembly Police and Crime Committee to provide scrutiny of MOPAC</p>
<i>Fire</i>	London Fire and Emergency Planning Authority created – board and budget set by the Mayor	The Mayor is given a power of direction over LFEPA	
<i>Skills</i>		<p>London Skills and Employment Board created, chaired by the Mayor</p> <p>Development of a London wide Skills Strategy.</p>	

Policy Area	Greater London Authority Act 1999	Greater London Authority Act 2007	Localism Act 2011
<i>Culture</i>	Development of a Culture Strategy	Appointment of the Chair of Arts Councils (London branch) Appointment of 8 Board Members to the Museum of London	The Mayor appoints the Royal Parks Board with the agreement of the Secretary of State which provides a strategic overview for management of the Park as well as guiding and challenging The Royal Parks (TRP). The Royal Parks are Hyde Park, Kensington Gardens, St James's Park, The Green Park, The Regent's Park (with Primrose Hill), Bushy Park, Greenwich Park and Richmond Park.
<i>Planning</i>	Production of a London Plan Right to be consulted by boroughs on applications of 'strategic importance', and the power to reject such applications Given control of Trafalgar and Parliament Squares, including determining what activities may or may not take place, as well as trading and transport issues.	Right to determine 'applications of strategic importance' Right to direct boroughs to change their local plans to harmonise with the London Plan	Mayor only to focus on major planning applications
<i>Health</i>		Development of a health inequalities strategy Appointed Health Advisor	Creation of a London Health Board

Appendix B: Summary of proposed new powers

Fiscal Devolution to better support a growing city

Proposed powers	Detail	Rationale	How
Full devolution of business rates	The Mayor and the London boroughs should have the same powers and responsibilities as the Scottish and Welsh devolved administrations in relation to business rates – including the ability to determine the timing of revaluations, the setting of the non-domestic rating multiplier, relief and discount policies and the ability to use locally raised revenues in a targeted way to deliver infrastructure, housing and transport investment	There is a need for greater flexibility at a pan-London and sub-regional level to allow for exemptions from business rates to support new growth clusters and to better reflect the changing structure of the London economy.	The ability to change business rates can be achieved by amendments to secondary legislation (in this case the 2012 Local Government Finance Act). Proposals to ensure it is cost neutral to the Treasury will have to be evaluated, as well as new management and delivery systems established within the GLA
Property-based taxes	The Mayor and GLA should have greater control over stamp duty.	Devolving control of this tax would allow more flexible funding of housing and transport initiatives.	Gradual process involving primary and secondary legislation. An initial first step may involve localising stamp duty to fund specific infrastructure projects, eg, property values uplifted by being close to new infrastructure such as Crossrail2 stations could be taxed upon sale so that London as a whole benefits from the additional value created. The financial scrutiny powers of the Assembly would also need to be strengthened.

Public service devolution to boost London's productivity

Proposed powers	Detail	Rationale	How
Skills Budgets	Devolution of employment and skills measures is needed to support and sustain London's economic dynamism. Bringing budgets and commissioning powers closer to the London labour market will better help people to acquire the skills they need to get well-paid jobs and to boost productivity, to the benefit of the UK economy as a whole.	The current system is not effectively providing skills that are required by London employers. This is because the London economy changes quickly and information flows between employers, Further Education (FE) colleges and universities are poor. Colleges, in some cases, are not providing the right courses for people to get the skills to access jobs in the local economy. Employers can't find job-ready local people and so look further afield to meet their needs.	<p>The Mayor should negotiate with Government for the full devolution of the Skills Funding Agency's allocation for London to the Greater London Authority. The LEP will provide expert advice to the Mayor to ensure that funding is aligned to London's jobs and growth agenda so that college courses better meet the needs of local employers.</p> <p>London Assembly to provide scrutiny of the proposals.</p>
A single funding pot for employment support	The Greater Manchester Agreement offers up the prospect of joint commissioning with DWP of the next stage of the Work Programme - London should be able to go further and benefit from a single funding pot for employment support which brings together all the existing mainstream contracts let in London.	At present, up to £8 out of every £10 of employment support funding is spent on programmes that are designed and provided according to national guidelines. However, the over-centralised system of governance and the lack of flexibility at a local level mean they are not delivering the outcomes required. The Work	The single pot should be awarded to the Mayor, in the first instance, before being devolved down to local authorities. This would create an incentive for boroughs in sub-regional partnerships to work with the LEP. Services would be commissioned on a payment by results basis with the Assembly scrutinising not just the commissioning process but also the outcomes too.

Proposed powers	Detail	Rationale	How
		<p>Programme is under-performing in London. Work Choice, which targets the more severely disabled people, has also under-performed compared with national outcomes.</p>	
<p>Control of suburban rail</p>	<p>Future rail franchises should be amended to give the Mayor and TfL control over the management of suburban rail infrastructure, in a similar way to its management of the London Overground Network.</p>	<p>Control of suburban routes is currently split between nine different Train Operating Companies (TOCs) in addition to the services controlled by TfL. Customer satisfaction is low, overcrowding is increasing and there is little incentive for TOCs to provide joined up services, The suburban rail network will become increasingly important over the coming decade and greater integration with the wider transport network can only be assured by Mayoral and TfL control.</p>	<p>The DfT should reconsider its approach to suburban rail devolution, starting with the Southeastern franchise 2018, and expanding to all inner suburban routes in London as other franchises come up for renewal.</p>

A more radical Agreement with the Government to health care and cut crime

Proposed powers	Detail	Rationale	How
Public Health	<p>Public Health England should revisit plans to give City Hall the dedicated resources to put behind the London Health Commission's recommendations. A dedicated budget would give a newly created role of London Health Commissioner the ability to monitor the Government's public health outcomes framework and enable innovative pan-London pilots to be trialed.</p> <p>In addition, the GLA should have the ability to legislate on health matters. Under this proposal, the Mayor would have the power to propose, and for the Assembly, to agree legislation for public health matters.</p>	<p>London is a modern city without modern health outcomes. London has some of the highest rates of childhood obesity, mental illness, TB and HIV across the UK. The Mayor has statutory duties to promote improvements in the health of Londoners and to promote a reduction in health inequalities. He must, under section 309 of the GLA Act 2007, prepare and publish a health inequalities strategy which should include proposals and policies for promoting the reduction of health inequalities. However, the Mayor has no statutory role in providing health or care services.</p>	<p>Public Health England to create a post of London Health Commissioner and to re-visit plans to top slice three per cent of the London public health budget to give City Hall the resources to promote public health activity across London.</p>
Primary and Acute health	<p>A London Health Commissioner would be able to advise the Mayor on a vision for how London's health and social care services need to adapt to face the challenges of a rapidly growing but also ageing population. The London Health Commissioner would be able</p>	<p>There is a lack of accountability and transparency about how strategic decisions are made about the development of London's primary and acute health services. This includes a lack of oversight. A London</p>	<p>Over the course of the Parliament we would expect to see the Mayor and local government pull together evidence from the Greater Manchester experiment to establish whether there is a case for city-wide integration of health and social care budgets to ensure that London delivers the highest quality health and social care for all its residents</p>

Proposed powers	Detail	Rationale	How
	<p>to link the Mayor’s inequality strategy with the need to improve the NHS estate. It would also bring greater transparency and accountability to long-term health care planning.</p>	<p>Health Commissioner would have oversight of the financial stability of the regional health economy as a whole and how the service will address issues such as how to help health workers live close to where they work.</p>	
<p>Improving the performance of the criminal justice system</p>	<p>The Mayor’s Office for Policing and Crime (MOPAC) wants the criminal justice system, including the youth justice system, to be devolved to London. While the Mayor has a role in influencing the criminal justice and youth justice system, he does not directly oversee the system or its agencies. The Mayor wants to create a model similar to New York, where the Mayor of that city holds to account those responsible for investigation and arrest, through to charging, prosecution and sentencing.</p> <p>Given the continued high volume of alcohol fuelled crimes and violence, over the longer term, there may be merit in a role for the GLA in licensing of alcohols sales.</p>	<p>The criminal justice system in London should be held to account as the Metropolitan Police Service is. It is suggested that devolution would improve the speed of the criminal justice system and create savings through for example the co-location of MPS officers and Crown Prosecution Service staff that prepare the case files and through using the same IT systems. A devolved criminal justice system would bring together different pots of money from the national service providers such as the Youth Justice Board with funding from the European Social Fund and local authority input. The Holy Grail is to provide for a “whole-person”</p>	<p>Much of this thinking remains work in progress and the case has not yet been fully developed. MOPAC needs to be much clearer about the detailed case for criminal justice devolution and should be specific about which budgets it wants to see handed down to the Mayor. MOPAC also needs to demonstrate how outcomes would be improved through greater devolution and how it will safeguard the independence of the criminal justice system.</p> <p>Over the longer term, there may be merit in the GLA taking on the powers of licensing for alcohol sales. A London-wide framework, agreed with the boroughs, could provide clarity to residents, customers and business and better support the work of council enforcement officers and the police. The Assembly’s Police and Crime Committee will review the available evidence and report its findings to the Mayor later in 2015.</p>

Proposed powers	Detail	Rationale	How
		<p>approach to commissioning. This includes both the “beyond-the-prison gate” package of services that can most effectively support resettlement, but also support for all those who have been through the criminal justice system and need some level of support to move on with their lives.</p>	

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Hindi

यदि आपको इस दस्तावेज़ का सारांश अपनी भाषा में चाहिए तो उपर दिये हुए नंबर पर फोन करें या उपर दिये गये डाक पते या ई मेल पते पर हम से संपर्क करें।

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Arabic

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