
**From strategy to delivery: the future
development of the Greater
London Authority**

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Introduction

'Attempts to create new institutional machinery for London face a conflict between the desire to achieve effectiveness by giving greater powers to one body or individual and a need to trade off the many, powerful borough and local interests throughout the metropolitan area. History and the current politics of London suggest that this conflict will never be easily resolved'. (Travers and Jones 1991:102)

Since the establishment of the Greater London Authority in 2000, the governance of London has demonstrated proof of the contention that "further change in the regional governance arrangements in England is inevitable" (LGA 2000:4).

At the present time, the situation is particularly fluid due to the conduct of two official reviews. The London Assembly and Association of London Governance jointly established the Commission on London Governance in 2004, and it is due to produce its final report towards the end of 2005. Its terms of reference are to examine:

- the accountability of service delivery agents;
- the participation of the citizens of London in the delivery of services;
- the customer perspective on service delivery arrangements, including levels of satisfaction and involvement;
- the provider perspective of service delivery arrangements;
- the extent and effectiveness of coordination between service delivery agents;
- the efficiency and ownership of the funding streams;
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how the proposed new powers would allow London's government to address these challenges.

The Commission on London Governance produced an interim report, *Capital Life*, in July 2005. This report was more circumspect about devolving further powers to the GLA from central government, and called instead for representations on which powers, if any, should

but the functional bodies themselves control day-to-day decision-making. The Mayor also

Other potential transfers of power

If the Green and White Papers published in 1998 represent an accurate statement of the aims and objectives of the GLA, it follows that further devolution of powers ought to take place in line with those aims and objectives. They included responsibility for culture, health and the environment: as noted earlier, the GLA lacks executive powers in each of these areas, whilst national executive agencies do hold those powers within London. The Mayor has chosen not to call for powers over these policy areas in his scoping papers, despite the fact that many of them could be transferred to the GLA without primary legislation.

The possibility of a single waste authority for London raises the question of links with the other existing environmental agencies. Currently these are going through flux. The Natural Environment and Rural Communities Bill, currently progressing through Parliament, plans to merge English Nature, the Countryside Agency and the Rural Development Service into a new body called 'Natural England'. Each of the three predecessor bodies accommodated London uncomfortably into their regional structures: they all used the nine standard English regions, except for treating London as part of the South-East.

It would be possible to make provision, in the Bill, for the functions of Natural England, for London, to be devolved to the Greater London Authority or one of its functional bodies. Those functions are likely to have very different delivery implications within the mostly urban London region than they do in the other regions of England. Devolution of those functions within London would also aid the delivery of the Biodiversity and Waste strategies, and would relate to the health and sustainable development duties of the Mayor. It appears that this would be possible under the Bill as it currently stands. Clause 71 allows the Secretary of State to delegate an 'authorised DEFRA function' to anyone s/he sees fit, and Clause 94 makes general provision for amendment of provisions in the Act by the Secretary of State.

Functions relating to culture, heritage and the arts should also be considered for devolution into a functional body structure. The Mayor publishes a Cultural Strategy and convenes a Regional Cultural Consortium, and he has spent considerable sums on cultural events since the establishment of the GLA in 2000. Under these circumstances it makes little sense for all of the executive agencies operating in London to remain outside the Mayor's control. The Cultural Consortium could be transformed into a functional body, taking on the responsibilities of bodies such as the Arts Council and Film Council regional offices, English Heritage's London office, Sport England's regional tasks, and ALM London (the museums, libraries and archives council). Bodies such as the South Bank Centre could also come under Mayoral control (as was the case under the Greater London Council). This would require legislative amendment in some cases, although in others legislation would not be

Director of Public Health is also the Mayor's Health Advisor, this would be a sensible change. It would also link the Public Health team in to the Mayor's own nascent health strategy, focusing on drug abuse and mental health.

Finance

Like all sub-national governance in the UK, the finance of the GLA is overwhelmingly in the form of direct transfers from central government. The Mayor is able to precept on the Council

relevant Secretaries of State.” (Devolving Decision Making: a consultation on regional funding allocations, 2004 p9)

“Advice will be more credible if it arises as a product of a wide consensus, and reflects the full range of evidence contributed throughout the regions... Regional Development Agencies (RDAs) and Regional Assemblies will have a particularly important role to play” (Guidance on preparing advice p7)

If the Government can consider such flexibility in regions lacking a directly-elected government, it seems fair and logical to permit the same kind of flexibility to the directly-elected GLA. We therefore propose that the Mayor should be able to top-slice ten per cent of each of the functional body budgets and spend it as he sees fit. S/he could move it to a different functional body, or use it for another purpose entirely. The purpose of this is not to give any mayor carte blanche to begin all sorts of initiatives which cut across the responsibilities of other tiers of government. Instead, it facilitates initiatives which do not fit clearly into the remit of any one functional body – or put another way, it is a marginal relaxation of the public accountability requirements of the functional bodies. The functional bodies, like all public bodies, are covered by public accountability requirements which require them to ensure that public money is spent for its stated purpose.

This proposal would safeguard the vast majority of functional body spending (which most politically astute mayors would seek to do in any case) and allow for some freedom of policy-making at the same time. If this is felt to free up too much money for the Mayor to vire, it would be possible to make it subject to a maximum for each functional body – say £100 million. It would also be possible to require the Mayor only to move money between functional bodies i.e. projects located in the ‘core GLA’, outside of the framework of London strategies and scrutiny, could be forbidden.

In general, however, we recommend the principle, in recognition of the Mayor’s success in trialling new public policies since 2000. The GLA has acted as an effective laboratory of democracy (Peterson 2005; see also Sandford 2006) but has been limited in its ability to innovate due to financial constraints. We recognise that the Government may be unwilling to take such a step at present, as the Lyons review of public finance is still underway (its reporting stage having been postponed until 2006). Ministers will not wish to cut across the outcomes of the Lyons review by installing a set of relatively radical measures for the GLA. However, the option of greater budgetary freedom should be aired for future debate, if nothing else.

Proposals for extended revenue-raising power for the GLA have generally been more circumspect. The Commission on London Governance proposes the return of the business rate to pan-London control. This has been a bone of contention for local government since 1990, when the setting of the business rate was moved from local to national control. This effectively halved the proportion of revenue collected locally by local authorities. Since the Scottish Parliament and National Assembly for Wales are both entitled to set the business rate in their territories, there is a case for London to do the same. However, this would need to be carefully thought through. As London provides the motive power for a large part of the UK’s economy, changes at a devolved level coul

plug long-term funding gaps. Discussion of such ideas is only at a very initial stage, but possibilities could include a tax on development gain following public infrastructure (e.g. new underground lines); or variable rates of business rates or income tax (which could enable more of London's wealth to be hypothecated for provision of public goods).

The constitution of London

This section of the briefing analyses the implications of the current Mayoral proposals for the functioning of the GLA. It proposes a number of changes which flow from the Mayor's proposals. The changes also relate to various identified difficulties with the GLA as it stands. A number of these relate to the position of the London Assembly within the GLA, something which has been recognised as an issue by the Mayor – who provocatively suggested the abolition of the Assembly, and its replacement with a joint borough committee, in an Association of London Government seminar in October 2005.

We do not regard this as a realistic proposal, as it overlooks the potential for conflict and parochialism in a borough committee. The Mayor suggested in the October seminar that Assembly members had “made a pact not to do any work” (Guardian, 11 October 2005), and were not conducting effective scrutiny of his decisions. However, this is in a sense to ‘blame the victim’, as there are many structural deficiencies of the London Assembly which serve as disincentives for it to involve itself substantially with the Mayor's work. The answer that we present here is for the Assembly's formal powers and role to be strengthened, not abolished. This would be a useful move if no changes at all were made to the Mayor's powers, because the Assembly's current structure is faulty in a number of ways; but if any of the proposed expansions of Mayoral power take place it will be absolutely essential, for a number of reasons.

An expansion of functional bodies from four to six (or more), plus a number of enhanced internal functions (most notably the right to allocate housing funding). This represents a considerable enhancement of Mayoral powers – both a greater range of policy areas covered by his competences and greater spending powers. This has consequences for the nature of the Mayoral system in the Greater London Authority. The number of functions for which the Mayor is directly answerable grows. This means that his personal mandate would extend to a very wide range of policies – transport, policing, skills, housing, planning and more. The Mayor cannot be personally expected to hold up-to-date knowledge on at any one time. Even through the scrutiny of the London Assembly, and such events as Mayor's Question Time, accountability risks becoming a charade where the Mayor relies on briefings and general answers. At the same time, a greater range of scrutiny investigations by the Assembly will be required.

The London mayoralty is an intensely personal institution. The purpose of the directly-elected mayoralty was to concentrate accountability in a very visible figurehead:

“We expect the Mayor to become a high profile figure who will speak out on London's behalf and be listened to. Londoners will all know who their Mayor is and have an opinion on how she or he is doing.... With such a powerful elected Mayor, it is essential that there is another democratically elected forum where other political views or interests can be aired.” (DETR 1998:9)

However, a growing GLA has consequences for the meaning of ‘accountability’. It is unreasonable to expect a meaningful degree of accountability from the Mayor on such a wide range of policy issues: he will inevitably defer to his advisers in public, and they in turn will inevitably play a major part in the development of policy.

The London Assembly is in a particularly weak position vis-à-vis the Mayor compared to that of the council and elected mayor model in local authorities. The Assembly has no power to

There would be knock-on effects of appointing a London ‘cabinet’ from assembly members. Firstly, leading Assembly members would have access to definable executive positions and significant decision-making powers. Secondly, their presence on the Assembly would mean that their party group(s), through party structures and pressure, would have an increased leverage over their decision-making. At present many Assembly members find themselves unable to influence the Mayor in practice through the scrutiny process, because the political party links between the executive and ‘back-benches’, which exist in every other assembly and local authority in the UK, have been broken in London. In effect, the Mayor would become the directly-elected head of a recognisable administration, rather than a remote decision-maker who is required to explain his/her decisions but never obliged to change them. The Mayor would likely find it expedient to put together what amounted to a coalition government, giving himself enough votes to get the budget through the Assembly in return for seats at the ‘Cabinet’ table.⁴

Although in principle we believe Assembly members should not sit on the boards of functional bodies which the Assembly scrutinises, this principle would not be destroyed by the appointment of, for instance, one or two Assembly members to functional body boards. There are always likely to be Assembly members with considerable experience of particular policy areas, who would be appointable on merit. And elected politicians may be able to bring a useful political radar to the board’s decision-making. (RDA boards elsewhere in England typically include 2-4 local government representatives.) Also, these proposals do not entirely preclude borough councillors being appointed to functional body boards. This would be a useful source of local democratic accountability, and we recognise that removing elected members from boards may be perceived as downgrading accountability. But we believe this possibility is quite different in its nature from the suggestions made by the Commission on London Governance. The Commission’s proposals assume that Assembly members and borough councillors should have considerable policy control over Mayoral functional bodies. Our proposals award this control to a Mayoral cabinet, and route accountability through the executive of the GLA.

It would be appropriate for the Assembly to be able to hold confirmation hearings to interrogate proposed appointees to functional bodies where it felt this was appropriate or necessary. The Assembly could be given a power to reject an appointee on a two-thirds majority. This requirement for a supermajority would act as a safeguard against party political use of the power to reject.

Amendments to Assembly powers

We also suggest a number of amendments to the powers of the London Assembly, to enhance the effectiveness of its scrutiny and its position within the GLA. These derive from the weaknesses identified above. It should be noted that the suggested changes are all interlinked. They should not be adopted piecemeal, as they hang together to produce a specific balance of powers. If some but not others prove acceptable to Government, careful consideration needs to be given to how changes interrelate.

- The Assembly should have a power of call-in equivalent to that available to local authority scrutiny committees under the Local Government Act 2000.

⁴ To make this proposal work it would be necessary to clarify the relationship between the Mayor’s special advisers and the ‘cabinet members’, an issue that plays into current concerns about the role and powers of special advisers in central government. Would the special advisers work for the Mayor and have a roughly equal role to the cabinet or a distinct role, or would they work in practice for the cabinet members? This issue is mentioned because it may be expedient to take notice of it in any new legislation.

This proposal would enable the Assembly not merely to scrutinise, but to halt, any decision of the Mayor that it did not agree with or wished to amend. The current Mayor has developed a system of Mayoral 'authorisation forms'. These are used to certify that a Mayoral decision has actually been made, as no provision was made in the GLA Act to enable staff to know when this had happened. Under this proposal, the Assembly would have access to these forms and would be able to call in any decision recorded on one of them.

The purpose of this change would be to sharpen the degree of scrutiny by the Assembly. Currently, the Assembly's only real exercise of power is to reject the Mayor's budget. This is an extremely blunt instrument, which does not allow for objections to specific policies and decisions throughout the financial year. Access to a call-in power would immediately bring the Assembly's opinions into sharper focus for the Mayor. S/he would have to gauge Assembly opinion, formally or informally, before setting budgetary priorities. This is appropriate, because the Assembly members are democratic representatives and should have a say over Mayoral decision-making.

The Mayor's office may fear that this proposal would bring policy-making to a standstill, as opposition parties on the Assembly began to halt as many decisions as possible for party political purposes. In practice, it is unlikely that long lists of call-ins will emerge as soon as this power is granted. Experience from local government suggests that call-in's effect is in its threat rather than its use: fears that opposition parties would abuse the system by calling everything in have proved the exception rather than the rule.

Local authorities are allowed to specify the conditions for a call-in to take place. Most commonly, between 3 and 5 members must sign up to it; additionally, in some cases the chairs of scrutiny committees can call in a decision on their own. It would be for the London Assembly to decide, through standing orders, exactly how to implement this power. In order to prevent abuse, the Assembly might decide that any call-in must be signed by members of more than one Assembly party. Alternatively, a call-in could be accepted by majority vote on the Assembly but an amendment to the decision might require two-thirds of those voting to be in favour.

In local government, decisions can only be called in if they are at odds with the existing policy framework. This is one of the means through which call-in is prevented from becoming a party political free-for-all, and the same conditions would need to be created in the GLA. The logical approach to this would be to treat Mayoral strategies as the GLA's policy framework, allowing call-ins only on decisions at odds with the strategies – though the question would still arise as to what to do about decisions on policy subjects that were not covered by strategies (e.g. the Olympic bid). The White Paper on the GLA actually suggested that the Mayor should "propose an overall vision for London" (DETR 1998:9); this suggestion could be followed up by requiring some form of integrated strategy or foundation document underlying the existing statutory strategies.

Some means for the Assembly to control the content of the strategies should be considered, either by a majority or supermajority vote in Assembly plenary. The Assembly could be permitted to block strategies if they were unhappy with their content. In practice this would then lead to political negotiations on the content of the strategies. It would not be necessary to give the Assembly a formal power to amend the strategies and pass them without the Mayor's consent - this would damage the ability of the Mayor to get his programme passed. If the proposals on call-in above were adopted, the Mayor would no doubt be tempted to draw up strategies that were as wide-ranging and vague as possible, to prevent his/her hands being tied.

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planning. We do not believe that this is enough members to carry out effective scrutiny of the wide range of powers proposed by the Mayor (see Appendix 2). We recognise that, in the current climate, there is no appetite for the expansion of the London Assembly, but the suggestion is in our view a logical corollary of the expansions in executive power on which the debate over the GLA is currently centred. Part of the purpose of the GLA is to bring elected representatives' views to bear on policy-making in London, and it is vital that, to achieve this end, they are not expected to take on far too much work.

The London Assembly needs enough members to be able to appoint at least one scrutiny committee for each functional body, plus standards, budget, and business management committees.⁵ It has also, up till now, appointed other committees such as health, culture, and 'Safer London', monitoring the various strategic responsibilities of the Mayor. With an enhanced portfolio of Mayoral powers, Assembly members will also enjoy enhanced constituency duties. In order to effectively staff some 10 committees, plus providing cabinet members to the Mayor, we suggest that the Assembly would need to be expanded to some 40-45 members. This in turn raises questions about how those members would be elected. A version of the current Additional Member System could be used; or larger constituencies could elect several members each through the Single Transferable Vote.

The Mayoral scoping papers also propose two minor amendments. Firstly, they suggest ending the odd situation whereby all of the GLA's staff are formally appointed by the London Assembly rather than the Mayor. The Mayor has the power to appoint ten political advisors, but no other members of staff. In practice, the Mayor's office appoints most of the staff of the GLA apart from those working directly for the London Assembly secretariat. We cannot see any useful purpose that is served by the existing formal arrangements, and agree with the Mayor that this should be changed.

Secondly, the Mayor suggests that the two rounds of consultation for each of the statutory strategies should be rolled into one. The current system obliges the Mayor to consult the Assembly and functional bodies first, then external stakeholders. This builds a time delay into each strategy. Stakeholders are frequently consulted by the Assembly as it prepares its response, and then again by the Mayor himself, leading to much extra work.

Whilst under the current GLA structure we would agree that the process should be streamlined as the Mayor suggests, through the proposals made by this paper the strategy-writing process would occupy a far more central position in GLA policy-making. The Mayor would, in effect, have to pilot his strategies through the Assembly. To make this happen as smoothly as possible, s/he would inevitably consult with the Assembly before publication. The Assembly would then be entitled to move amendments on the basis of Assembly members' own views or views expressed by stakeholders or members of the public. In practice there would be a running dialogue behind the scenes between Mayor and Assembly, aiming towards an agreed strategy document.

The requirement of two rounds of consultation would therefore no longer be repetitive, but a formative part of policy-making. To achieve the proposals in this paper, the parts of the GLA Act which deal with strategy-making would have to be carefully rewritten in any case.

Conclusion

In order to achieve the aims of the Greater London Authority, as expressed by Government documents in the past, we agree with the Mayor's scoping papers that greater executive responsibilities are needed. We do not recommend trying to achieve this, however, through

⁵ Although the Assembly is not obliged to operate any committees at all under the GLA Act, this is a reasonable way to gauge the number of members it needs to allow it to carry out an effective degree of scrutiny.

non-statutory means (the fall-back position proposed in the scoping papers). Although this would be far easier, in practice, than piloting a second GLA Bill through Parliament, new partnerships and joint working are a recipe for public misunderstanding and confusion. They will also raise unrealistic expectations, and in the long term, increase the degree to which the Mayor is seen as a figurehead with no power over public policy.

We have also previously argued that the GLA's 'constitution' contains deficiencies which impair its effectiveness as a political assembly. If a new Bill is to be proposed, the opportunity should be taken to remedy these. Primary legislation is the only way to achieve this.

The main effect of the changes proposed in this briefing, and by the Mayor, will be to make the GLA look more like a conventional political authority. The Mayor will be more closely constrained by the views of the various political parties represented on the Assembly, and will have to take their proposals more closely into account than he does now.

The Mayor will also need to manage the cabinet. The electoral system implies the creation of a cabinet containing two or more parties, as no one party is ever likely to gain a majority on the Assembly. There will also be clearer lines of accountability between the activities of the functional bodies and the Mayor and the members of his cabinet. The cabinet members are likely to become identifiable figures in their own right, and can be held to account effectively for their functional body's activity.

The outcome of the review of the GLA will inevitably constitute a negotiation between the Mayor and the Government. We suggest that the Mayor should not be afraid of asking for a reasonable degree of extra power, and the Government should not be afraid of granting it. The challenges facing London are substantial, and bringing together the powers to tackle them under one roof is an effective organisational response. Our recommendations in this briefing aim to ensure that democratic accountability and effectiveness are maintained if further powers are devolved to the GLA; these are as important as creating a strong and powerful Mayor.

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Appendix 1: Government Office for London (GOL) funding streams

Source: Commission on London Governance (2005): originally PQ [149601] Session 2004-05

1. Funding streams over £10m per annum

	£
1. Greater London Authority Transport Grant	1,681,932,000
2. London Development Agency Grants	317,704,000
3. Housing Investment Programme (HIP)	269,709,000
4. <i>Neighbourhood Renewal Fund</i>	97,410,141
5. <i>Connexions Grant Funding</i>	69,995,638
6. <i>European Structural Fund (ESF) Objective 3</i>	59,724,332
7. <i>New Deal for Communities</i>	54,552,250
8. <i>Greater London Authority General Grant</i>	35,958,000
9. <i>European Regional Development Fund (Objective 2)</i>	24,206,183
10. <i>Housing Action Trusts</i>	24,145,000
11. <i>Disabled Facilities Grant</i>	15,399,000
12. <i>Building Safer Communities Fund</i>	11,590,616

2. Funding streams over £1m per annum

	£
<i>Basic Command Unit Fund</i>	9,430,277
<i>Positive Action for Young People</i>	8,080,744
<i>Community Chest</i>	5,545,083
<i>Estate Action</i>	5,000,000
<i>European Structural Fund (ESF) Objective 2</i>	4,137,134
<i>Street Crime Wardens</i>	3,782,498
<i>Community Empowerment Fund</i>	3,549,119
<i>Street Wardens</i>	2,129,882
<i>Home Office Directors' Allocation Fund</i>	1,459,795
<i>Transforming Youth Work (Development Funding)</i>	1,438,396
<i>Community Learning Chest</i>	1,321,477
<i>Neighbourhood Wardens</i>	1,227,217
<i>Neighbourhood Management Pathfinders</i>	1,204,177
<i>Neighbourhood Renewal Capacity Building Fund</i>	1,200,000
<i>Special Educational Needs/Disability Act</i>	1,039,814

3. There are another 20 plus funding streams each of under £1m per annum

Appendix 2: Number of members for a regional assembly

There are no hard and fast rules about the appropriate size of a regional, provincial or national assembly. In Europe, sub-national assemblies vary in size between Val d'Aosta in Italy (population 115,000, 35 members) to Bavaria in Germany (population 11 million, 206 members). Some of the smaller Australian and Canadian provinces and territories have fewer than 20 members. There does not appear to be any rule linking population size to number of representatives. The figures indicate that number of members tends to cluster around a particular average within a given country, but that the 'average' varies between countries.

There appears to be a rough link between number of members and comprehensiveness of task in regional assemblies. Thus, French and Italian regions generally have smaller numbers of members, reflecting their small responsibilities compared with Germany, Spain and Belgium. In the UK this rule also holds: Scotland and Northern Ireland, which have legislative powers, have large assemblies per head of population; Wales has a smaller one.

I have designed a formula to calculate the minimum number of members an assembly should have. This is *only* a mathematical toy, but it does help to focus on the issues that determine how many members should sit in any given assembly. The formula is:

$$A=5C-2+4E$$

A = total number of assembly members

C = number of cabinet members

E = number of extra committees (i.e. committees with roles such as audit and standards, which, unlike scrutiny/subject committees, do not examine policy work)

The basis for this formula is as follows:

1. The assembly must be made up of a cabinet, plus a presiding officer and deputy presiding officer (or appropriate title). These members cannot sit on scrutiny committees.
2. There must be at least as many committees as there are members of cabinet – in order to form subject committees to scrutinise each cabinet member's work – minus one. The leader or Mayor will not require a scrutiny committee as s/he has no department of his/her own.
3. Each committee would require at least seven members in order to achieve political balance and a range of representation.
4. In terms of time, each member could be expected to sit on two 'scrutiny' committees: hence each committee would require there to be 3½ committee members to exist. I have rounded this up to four.
5. This gives us the formula C [cabinet members] +2 [Presiding Officer plus deputy] + 4(C-1) [four members per committee, multiplied by the number of cabinet members minus the leader].
6. $C+2+4(C-1) = C+2+4C-4 = 5C-2$
7. I have then added 4E (the number of members required to exist for each committee, in point four above, multiplied by the number of extra non-subject committees, such as audit, equal opportunities, standards.)

This formula therefore relates to administrative organisation of assemblies. It does not take into account the important point of the degree of power of any assembly. The existence of legislative or tax-raising powers would increase pressure for greater numbers of members, because of the sheer amount of policy and scrutiny work involved in undertaking these roles

In London, assuming a cabinet of the Mayor plus six functional body chairs, plus three extra committees (audit, budget and BMAC), this formula suggests 45 Assembly members – at the upper end of the figures quoted in this report. This number could be reduced if committees of six members instead of seven (see point 3 above) were used.

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