

LOCALISM ACT 2011

EXPLANATORY NOTES

COMMENTARY

Part 8: London

Chapter 3 – Greater London Authority Governance

Sections 223 to 231 – Greater London Authority Governance

447. [Sections 223 to 231](#) reform miscellaneous aspects of the Greater London Authority’s governance framework under the Greater London Authority Act 1999.
448. [Section 223](#) gives Government Ministers the power to delegate certain functions to the Mayor of London. The functions which can be delegated are those which do not consist of a power to make regulations or other instruments of a legislative character, or a power to set fees or charges and which the Secretary of State considers can appropriately be exercised by the Mayor. Section 409 of the Greater London Authority Act 1999 enables a Minister to transfer associated property, rights or liabilities and this section amends that section to enable these to be transferred back if a delegation is revoked.
449. [Section 224](#) requires the Greater London Authority, if it carries on specified activities for a commercial purpose, to do so through a taxable body, to ensure tax parity with the private sector. This could be through a subsidiary company of the Authority or the delegation of the activity to a taxable body using the Mayor’s powers of delegation under section 38 of the Greater London Authority Act 1999.
450. Specified activities will be defined in regulations made by the Secretary of State with the consent of the Treasury and may include activities such as development of land. If any specified activity is not carried out through a taxable body, the Authority (or body acting under a delegation) will not be treated as exempt from income tax, corporation tax and capital gains tax in respect of that activity.
451. [Section 225](#) consolidates the six current statutory environmental strategies which the Mayor must publish into a strategy known as “the London Environment Strategy”. The Secretary of State may give guidance to the Mayor on the content and preparation that strategy, and subject to conditions, may give the Mayor a direction as to its content. Schedule 23 makes amendments to the Greater London Authority Act 1999 to reflect this consolidation.
452. [Section 226](#) repeals the duty on the Mayor to publish four-yearly reports on the state of environment in Greater London.
453. [Section 227](#) amends the general provisions in relation to the Mayor’s strategies. The Mayor when preparing a strategy must have regard to the need to ensure consistency with the UK’s EU obligations and other international obligations as well as national policies. The Mayor must also have regard to the strategies listed in section 41(1) of the Greater London Authority Act 1999.

*These notes refer to the Localism Act 2011 (c.20)
which received Royal Assent on 15 November 2011*

454. [Section 228](#) removes the duty on the Mayor to carry out a two-stage consultation process in relation to each of the statutory strategies, by removing the obligation to consult the Assembly and functional bodies first, before conducting a wider public consultation.
455. [Section 229](#) provides the London Assembly with a power to reject any of the Mayor's statutory strategies if a two-thirds majority of Assembly members vote against its publication. No power of veto applies, however, if a change to a strategy is made to comply with a direction from the Secretary of State.
456. [Section 231](#) extends the provisions of Part 5A of the Local Government Act 1972, which provide for access to meetings and documents of most local authorities, to Transport for London, bringing that body into line with the position of the Greater London Authority. The application of Part 5A to Transport for London is modified in two respects: the requirement to disclose the addresses of members is removed; and the requirement to list the titles of officers to whom functions are delegated is limited to those officers who have a function delegated to them directly by Transport for London or a committee of Transport for London (and does not include any further sub-delegations).