
**Issues of Importance:
The scrutiny role of the
London Assembly**

by Mark Sandford and Lucinda Maer

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Unit

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Executive Summary

- The small range of responsibilities of the Greater London Authority permit the London Assembly



Foreword

1. This briefing forms part of the Constitution Unit's research into effective scrutiny. The research is taking place from 2002–2004, and will examine the practice of scrutiny at all levels of government: national, devolved, regional and local. This briefing is the fifth output of the project (see Appendix 3 for details of other outputs).
2. The briefing outlines and analyses the practice of scrutiny in the London Assembly. The first term of the Assembly was analysed (May 2000 to June 2004).¹ However, the Assembly changed its scrutiny system twice in its first two years of operation.² The first two committee systems were very different from the third (which has lasted from March 2002 to June 2004). In particular, under the second system it was standard practice to convene an ad hoc committee for each new scrutiny enquiry. The third system, with eight standing committees, resembles scrutiny committees in other tiers of government far more. The Greater London Authority Act, however, does not mandate any particular committee system—indeed, it does not prescribe that any specific committees must be set up by the Assembly (unlike the Scotland and Government of Wales Acts).
3. The Assembly's committee remits are set by its Standing Orders. We studied the work of the 'subject committees', omitting the Business Management and Appointments Committee and Audit. We focused on seven case study committee enquiry reports (see Table 2). Appendix 1 provides a classification of all the reports produced in the Assembly's first term. Our case study enquiries were chosen to cover a range of the types of report identified by our classification.
4. Research took place through studying the final reports of each enquiry. Where available, verbatim transcripts of hearings were studied, as were meeting minutes. Finally, some 20 interviews with members, scrutiny officers,³ officials and witnesses who had been involved with the case study enquiries were carried out. Non-attributed quotes from the respondents are used in the analysis below.
5. The briefing begins by proposing a classification of scrutiny enquiries. This is intended not as a set of hard boundaries, but as a tool for analysing the balance of type of review carried out by committees. The briefing then examines each of the elements of conducting an enquiry, roughly in the order in which they take place. For each element, the briefing sets out the procedures observed in the case study enquiries, then analyses the rationale for those procedures, both independently and using respondents' assessment of them. Bulleted recommendations are then listed for the successful practice of each element of scrutiny.
6. We would like to thank all of the officers and elected members of the London Assembly and in other bodies who took the time to be interviewed on a topic which, in most cases, was not at the head of their list of concerns. In particular we would like to thank Richard Horsman, director of the London Assembly secretariat, and the scrutiny officers at the London Assembly, without whom the project would not have been possible. Responsibility for the contents of this report remains ours alone.





The work of London Assembly committees

14. The Greater London Authority Act 1999 did not prescribe most of the remits of the Assembly scrutiny committees. The Budget Committee is of importance to the Assembly in that the Assembly's strongest (and really its only) sanction against the Mayor is to reject his budget by a two-thirds majority.

15. Table 1 indicates the committee structure used by the London Assembly since March 2002.⁴ It does not include details of any scrutiny of the Metropolitan Police Authority (MPA) and the London Fire and Emergency Planning Authority (LFEPA). Members are appointed to their boards according to the proportionality of the Assembly.⁵

Table 1: Committees of the London Assembly

Committee	Chair	Dep	Con	Lab	LD	Grn	Mayoral powers	Strategy documents
Budget	LD	L	3	3	2	1	—	—
Culture Sport & Tourism	L	C	2	2	1	1		Culture
Economic & Social Development	LD	C	2	2	1	1	London Development Agency	Economic Development
Environment	L	C	2	2	1	1		Air Quality Ambient Noise Biodiversity Waste Management
Health	C	L	2	2	1	1		
Planning	C	LD [†]	2	2	1	1	Spatial development	London Plan
Public Services	C	L	2	2	1			
Transport	LD	L	3	3	2	1	Transport for London	Transport

ppnmittees

members. The Green Party, with three

pressure to actively co-operate with the assembly generally.

24. A number of the issues and policy areas in which the Assembly has an interest are also outside the control of the Mayor. The Mayor must write strategies which he has no power or money to enforce in a number of policy fields. The odd constitutional settlement of the GLA in this regard has been discussed elsewhere.⁷

25. This means that the Assembly has produced many reports which fall into the category of 'external scrutiny'. They make recommendations to organisations outside the GLA's purview, and as such can be difficult to enforce. Most participants in the scrutiny process perceived a clear divide between scrutiny of the 'GLA family' (the Mayor and the functional bodies) and scrutiny concerning external matters. It is rare for external scrutiny to be perceived as a process which is aimed at helping the Mayor influence external matters: dialogue between the Mayor and the Assembly in this regard has been limited up till now. The Mayor himself has occasionally shared the Assembly's platform at a scrutiny launch, where he has agreed with the conclusions of an external report.

26. One way of strengthening external scrutiny reports would be for the Assembly to work jointly with the Mayor on producing conclusions, lobbying external organisations and bending the policy of the organisations within the 'GLA family' (i.e. the functional bodies). This has happened so far on one scrutiny process (Access to Primary Care), where mayoral representatives and Assembly members both sat on the scrutiny committee.⁸ However, there has been no wider move by either the Mayor or the Assembly to adopt a partnership approach in this regard.

27. Many Assembly members also sit as London borough councillors. This has implications for the time they are able to spend on London Assembly business. Three Assembly members are working peers in the House of Lords, and still others find their positions on the

MPA or the LFEPA take up substantial amounts of time—a problem that does not appear to have been anticipated by the GLA's creators. The chairs of these bodies, and other Assembly members who chair Mayoral task groups, have tended to be less active in scrutiny than their colleagues.

28. Those members who are able to give time and attention to the scrutiny process have many ideas: the Assembly has produced over 70 reports in its first term, which is a large output for such a small representative body. Notably, none of the party group leaders have secured the chairship of a scrutiny committee: this may indicate that scrutiny is perceived as a second-order activity after the more regular business of party debate.

29. Membership of the Assembly's committees is decided by the political parties. There has been a limited amount of turnover in membership so far.⁹ This has advantages for preserving the collective memory of committees: even though the present committee structure is only two years old, some committees (especially transport) find themselves frequently returning to subjects, and members are able to draw on their past experience within the committee.

Recommendation



Care demonstrated the potential of this approach.

Classifying committee reports

30. There is no agreed typology of scrutiny committee work either in the GLA or other tiers of government, though there is an acknowledgement that there are different kinds of work a committee can do:

“The two obvious forms are scrutinising the activities of some body and judging its performance against those activities.... And on the other hand one which looks at the possibilities for future policy development, more outward looking scrutiny. And there are various hybrids on the outskirts of those.”

31. In *Scrutiny under Devolution* we attempted a classification of committee reports in the devolved assemblies. This typology was not intended as a group of hard and fast categories, but as a means to identifying the range of work that committees can carry out. We have attempted to produce a similar classification for the London Assembly in Appendix 1.

32. Table 2 shows our case study enquiries and the classification that we have applied to them. We have attempted to apply the typology developed in *Scrutiny under Devolution* to scrutiny in the Assembly: the main difference is the existence in the Assembly of the category of ‘issues of importance to Londoners’. This derives from section 59 (2) (e) of the GLA Act, which states that “the powers of the Assembly include in particular power to investigate, and prepare reports about...any other matters which the Assembly considers to be of importance to Greater London”.

33. We have deliberately chosen reports which were completed towards the end of the first term of the GLA. This is to avoid using reports which were begun under the previous committee system (running from 2001–02), on which most enquiries were carried out by small, specially-convened committees.

34. The list of scrutiny reports in Appendix 1 indicates that the Assembly returns to similar subjects on many occasions. This tends to occur with ‘internal scrutiny’, of the functional bodies or of Mayoral decisions. It is inevitable, for instance, that congestion charging would be scrutinised three to four times in the first term, as an entirely new and untried policy of national interest.

Table 2: Case Study Enquiries

Name of Report	Publication Date	Type of Report [see Box 1 for explanation]	Internal/ eXternal
2004-05 Budget	March 2004	Budget	I
Access to Primary Care	April 2003	Strategy (LI)	X
Draft Cultural Strategy	April 2003	Mayoral strategy	I
Chancery Lane	June 2003	Event enquiry	I
GP Recruitment	July 2003	Strategy (LI)	X
Thames Foreshore and Path	August 2003	Policy proposal (LI)	X
New Year's Eve	December 2002	Event enquiry	I

Box 1: A typology of scrutiny

- **Strategic policy review:** these are large-scale forward-looking reviews into widely-drawn policy areas. Often they cut across traditional policy subjects. By their nature, these reviews normally examine recent policy and practice as well as looking forward.
- **Forward policy proposal:** these focus on smaller-scale issues or policies, under development by the Mayor or by outside bodies. These may be inspired by proposed or draft legislation.
- **Event enquiry:** These are backward-looking reviews of one-off events. The 'disaster review' comes into this category. These reviews are rarer than may be thought, though they often offer good press coverage due to their topical quality.

In each of these categories, we have also subdivided into 'internal' and 'external' scrutiny. This distinction is clearly made within the Assembly, and affects quite strongly the approach taken to each scrutiny process.

Setting the workplan

35. Following the reorganisation of the scrutiny function in mid-2002, a very systematic approach to scrutiny has been put in place in the Assembly. A Scrutiny Business Plan has been established, giving each committee a target of producing at least two reports a year. So far this target has been easily exceeded. Quarterly reports on progress towards targets in the plan are made to the Business Management and Appointments Committee (BMAC). The secretariat also maintains a matrix listing committees and their forthcoming reports, thus ensuring that reports are not all published and launched at the same time.

36. The quarterly reports to BMAC include details of how the scrutiny process contributes to the GLA's statutory requirement to promote equality. Each scrutiny process is 'equality-proofed' to ensure that it either contributes to or does not detract from this duty. The reports also give details of the impacts resulting from the scrutiny process (discussed later).

37. A unique aspect of the Assembly's planning of scrutiny is the involvement of the Media Relations team at almost all stages of the process. The press and media team are co-located with the scrutiny officers within City Hall. They will be consulted on likely timings of report launches, and may hold reports back if two with good media potential are targeted for publication in the same week. The media team will also advise at the scoping stage on the likely media consequences of different approaches to a subject—although committees do not automatically take their advice if it cuts across committee priorities. The potential for good media hooks can be factored in to the report early:

“An important part of scrutiny is media coverage. You need to get the media involved right from early on if you want to have greater impact.”

38. Evidence from other tiers of government indicates that external scrutiny must be handled differently, as its success depends on building relationships with those scrutinised—who are rarely under any obligation to attend scrutiny

sessions. But the distinction filters through, in London, to the conduct of meetings:

“There's a different flavour in London—when it's officials from the [GLA] group, everyone's polite and [they] try to give as good an account as they can, but members might be tempted to give them a bit of a hard time on occasion.”

39. Issues of importance to Londoners are prioritised more by some committees than others. The Transport and Economic Development committees, being concerned to monitor the executive powers of the agencies in their remit, have less time to cover external issues. These committees also tend to be more subject to the pressure of events than

session was held and a short and punchy report produced. Because of time restrictions, this type of report is less easily produced by committees which have functional bodies to scrutinise. This method is popular when a committee seeks to hold the Mayor to account over a particular issue:

“Some of the stuff looking at what the Mayor does is probably more likely to be short and sharp—some information’s come to light, members are unhappy about it, and they want to make their views clear to the Mayor.”

42. Each scrutiny committee meets fortnightly whilst the Assembly is in session, though where oral evidence sessions are being planned more frequent meetings are sometimes held. At the beginning of each year some slots for scrutiny meetings are left empty, so that the timetable can deal with sudden events. These slots are not always filled, but most respondents indicated that most committees (some more than others) have a heavy workload and do not often cancel meetings for want of business.

43. The origin of topics in the scrutiny forward plan is largely internal to the Assembly. Members—predominantly chairs—and officers will suggest topics, which are approved annually. Constituency issues can occasionally become the subject of scrutinies: flooding was an example of this. The committee chairs are very influential in the forward work plan of the committee. There are few formal mechanisms for co-ordinating with any work that London boroughs may be doing, or for obtaining formal stakeholder input from, for instance, the London Civic Forum:

“Some consult very widely and come up with some quite interesting topics as a result. Others—the ones monitoring the GLA group—it’s slightly different. You’ve got some fairly obvious topics to look at—driven by events and major spending plans.”

“One of the advantages of having an assembly with [only] 25 members is that there is more than enough work to go around, and this has meant that it has been relatively easy to get a piece of scrutiny done which you have an interest in. If we were a larger body it would be harder.... An appropriate thing would be to look at long

lists and the pluses and minuses and the political potential and benefits which come out of those. We have rather short-cut that by going for member preferences.”

44. The Standing Orders of the Assembly do not oblige committees to carry out regular or short-term business in the manner of the devolved assemblies. Committees in those bodies must regularly scrutinise non-departmental public bodies and secondary legislation (amongst other things), which can often crowd out attempts to establish their own agenda. The London Assembly must scrutinise strategies (but chooses to do this through subject committees), and under section 42 (1) of the GLA Act the Mayor must consult the Assembly on all statutory strategies. But these responsibilities still leave the Assembly’s committees very free by comparison to devolved and national institutions.

45. The Budget committee, whose workload revolves around the annual budget cycle, is an exception to the above point. It invites all of the functional bodies per quarter to present a monitoring report, and the Transport and Economic Development committees also take quarterly reports from their respective functional bodies. As implied in the quote above, those committees have executive bodies to monitor, and thus have less time to undertake scrutinies into issues of importance to Londoners.

46. The requirement on the Assembly to investigate issues of importance to Londoners functions as a statutory entitlement to look into any subject. Interview indicated that this aim—which is also a means for the Assembly to make itself accountable, legitimate and relevant to the electorate—was taken seriously by members and officers alike:

“A major constraint is identifying an issue that affects all 32 London boroughs, rather than homing in on one aspect of health that affects one borough.”

47. Each committee has a scrutiny officer, who will draw up terms of reference and a timetable in dialogue with the committee chair for each subject that has been agreed. Respondents indicated that the shape of any given enquiry—the number of evidence sessions, type of evidence invited etc.—was not subject to a clear rationale—“an art rather than a science”, as one

put it. The scrutiny manager and chair have almost total discretion to shape the enquiry as they see fit. Ordinary members of the committee are not consulted in detail at the planning stage: they have an opportunity to input when the plan has been drafted.

48. Latterly, scrutiny officers have presumed in favour of terms of reference covering smaller, manageable topics. Evidence-taking for most scrutiny processes does not last for more than 4–5 sessions. Similarly, very few of the Assembly’s scrutiny reports are 100–page tomes on the House of Commons model. The report into Access to Primary Care was unusually long, but partly this was because “health professionals did the scoping, instead of scrutiny professionals...[but] the people within the scrutiny team who could have said ‘this is too broad’ could not have known because they didn’t have the health knowledge.”

49. The shortness of the scrutiny processes reflects pressures on time. Scrutiny committees could always do more than they have time to do, which means that their reports can never be exhaustive contributions to a subject:

“It’s a bit like sketching against a masterpiece oil painting.... You have to do a fairly fleeting scrutiny and pick your targets within it. I think that is probably the nature of the political process.”

50. Informal links to boroughs exist: many Assembly members are also borough councillors (some leaders, some back-benchers) and a few ad hoc committees have recently been established between the Assembly and the Association of London Government (representing the boroughs). Under the GLA Act the status of joint committees can only be advisory to the Assembly. The Review of London Governance (beginning in February 2004) is one example; a scrutiny into the London Ambulance Service (relating to the health scrutiny role of the London boroughs and the work of the Assembly’s Health Committee) is another.

51. Respondents indicated that it was relatively rare for the Mayor, or members of his team, to express strong opinions about the choice of a particular subject or approach by the Assembly. There was no evidence of attempted interference with the committees’ job or discretion. This was even true of the joint scrutiny, *Access to Primary*

Care: one Mayoral adviser sat on the joint committee but did not attempt to dominate proceedings or drive the Mayor’s viewpoint through discussions. Some respondents indicated that the Mayor is occasionally irritated at the conclusions of scrutiny reports, but this does not appear to have translated into any attempt to interfere with the process.

52. Similarly, the problem of ‘executive pre-emption’ which we encountered at other tiers—where executive-side officers review policy at the same time as a scrutiny committee and hence upstage the committee’s opportunity to influence policy—appears to be more or less absent from the GLA. The fact that the Mayor’s office and functional bodies are much smaller, both absolutely and in proportion to the Assembly committees’ resources, than at other tiers of government may be a contributory factor. It is easier for the Transport Committee, for instance, to monitor the whole of Transport for London’s work than the range of transport powers of the Scottish Parliament.

Strategies

53. Scrutiny

Cultural Strategy, for instance, can then become a baseline for the Mayor's cultural activities, by which his funding decisions will be benchmarked:

“Another reason why our focus has changed is because in the first couple of years we were very busy scrutinising the Mayor’s developing strategies.... Now that is out of the way we can be more outward looking in our approach.”

55. The Mayor has tended to link recommendations within strategy documents to executive powers within the GLA family whenever possible. This is reflected in the approach of the Assembly to scrutiny of issues of importance to Londoners:

“Normally, if you can, you raise an issue which will impact on the strategy. You don’t want it to be completely outside [the Mayor’s power]—you want to do something where you can make recommendations within the GLA family.”

56. The Assembly will also occasionally hold seminars on potential future policy issues—a recent example being a seminar on trams in London. This has affinities with the reports which we classify as ‘forward policy proposals’. The aim is to bring together elected representatives and a range of experts, and to produce a discussion paper which may influence the forward planning of an agency or agencies.

59. At other tiers of government, we have observed a style of carrying out enquiries which we termed 'classical scrutiny'.¹⁰

with the committee, and valuable new information was obtained about events as a result. The committee uncovered several disparities between official London Underground accounts of events, the views of trade unions,

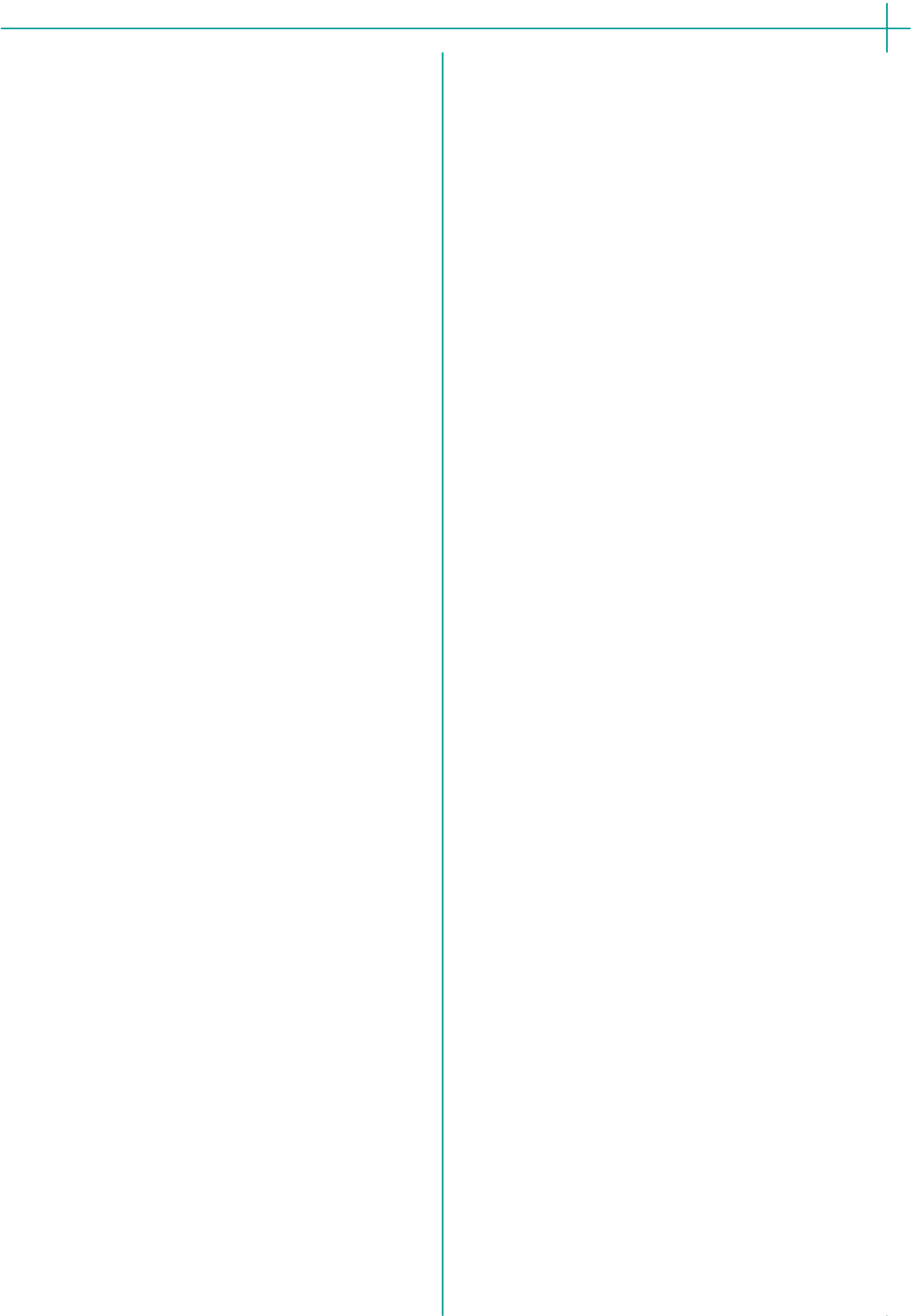
assembly member, carried out a scrutiny of the Thames foreshore and path. This was done under the auspices of the Planning and Spatial Development committee. The subject was of particular interest to the rapporteur, and the committee voted to permit him to take the lead on a short enquiry.

first term of the Assembly. Members are more easily able to connect current enquiries with previous ones and bring their accumulated knowledge to bear.

Recommendations

- The strict timetabling of scrutiny processes is commendable. However, stricter processes are required for drafting and signing off scrutiny reports.
- Interesting officer initiatives have taken place in methodology in the Assembly, which should be discussed in scrutiny officer networks.
- Although there is no room here to discuss the constitutional oddities of MPA and





103. Occasionally, draft reports are shared with witnesses or outside bodies by the Assembly, in order to weed out any misunderstandings. This is also a common practice within local government.

Party politics

104. Party politics do not play a very strong role in the evidence sessions or normal committee meetings within the Assembly's scrutiny process. Party political disagreements are focused on the agreement of recommendations. There are two influential points here. Firstly, it is rare for Assembly committees to hold formal deliberation sessions, reading draft reports paragraph by paragraph. Reports tend to be finalised by e-mail contact between clerk, chair and members. This can lead to delays of several weeks whilst members discuss recommendations.

105. Secondly, the Assembly has to make draft reports publicly available when they are discussed at committee meetings. This may mean that a draft report is seized upon by the 'outside world' before it has been approved, and at a point when it may still be subject to considerable amendment. This is a conundrum to which the devolved assemblies are not subject.

106. Party issues surface most commonly on issues over which the Mayor has executive power. Congestion charging, for instance, is opposed by the Conservatives, and this party position inevitably colours scrutinies which touch on it. But the majority of the questions asked, and subjects debated, are devoid of party politics. Party politics surfaces most commonly on issues over which the Mayor has executive power. Similarly, the budget process, which is pivotal to the work of the Assembly, is tinged with party politics:

"We will have our stock of questions which the other side won't know about, and what you tend to do is try to work those in when we come to the appropriate stage...[but] there's been a couple of occasions when, because of the media agenda, it's much easier to sabotage the order so that you get in first, otherwise you don't get the headlines."

Media coverage

107. Strong attempts are made to obtain good press coverage for committee reports. Because of the formal weakness of the Assembly's position, media and public pressure are of immense importance in ensuring reaction to reports' recommendations—whether from the Mayor or from external bodies:

"The media side of things is actually the Assembly's greatest strength. In terms of power to do things, if we send the Mayor a report saying we don't agree with this collectively...he doesn't have to do it unless there's a huge outcry outside this building as well."

108. The press team prioritise reports, or aspects of reports, which are likely to be of interest to newspapers because of their subject. Hence, the report into the Chancery Lane derailment obtained vast press coverage (being a topic of national interest). A specific issues report on the Mayor's draft Cultural Strategy—*theatre ticket promotions*—was emphasised. The media team is involved at the point at which scrutinies are commissioned, and the media relations team may informally suggest topics to officers and members.

109. The approach to the media, and the media's interest, can be explained by three factors—"subject, focus and freshness". The subject of a scrutiny can often be identified as a possible "media hit" in advance. This may be strengthened or weakened according to the specific focus of the report that comes out of the scrutiny process. Linked to this, 'freshness' Nc issue,354gissuesc0.lo itj0 -1.1891,(the other side v

The following lists reproduce the recommendations from the main sections of the briefing. They are re-arranged here according to which scrutiny 'actors' they are directed at.

Committees collectively or chairs

- Visits could be carried out by committees on a more systematic basis. They are very useful, both for reconnecting the institution with its electorate, and for enhancing the

which should be discussed in scrutiny officer networks.

- Annual scrutiny plans could be more closely co-ordinated with issues of interest to the Association of London Government. The development of the London Scrutiny Officers' network and the associated network of members facilitates this. It has already begun with scrutiny of issues such as the Ambulance Service.

Members

- Short questions are almost always more effective at eliciting information, even where informative and not interrogative questions are inappropriate. Basic information can be obtained through written submissions, whilst oral evidence sessions are best used to follow up more focused points.
- Visits to specific sites are a valuable way of enhancing committee understanding of issues—and also of promoting the Assembly's profile with ordinary Londoners. They must be carefully timetabled at the start of a scrutiny process.
- Assembly Standing Orders should require that political proportionality on the Assembly is taken into account when allocating committee chairships. The Assembly is not an old-style local authority, where chairing committees represented power. In particular, minority parties (such as the Green Party) should be entitled to chairships of subject committees should they wish to take them up and should the political arithmetic justify it.
- A more systematic approach to external scrutiny could be considered, where the Mayor and the Assembly might work together on a scrutiny and later lobby jointly for action outside the GLA based on the scrutiny's conclusions. *Access to Primary Care* demonstrated the potential of this approach.

e

Name**Date****Committee****Type**

Aviation Consultation Response-the Transport
Committee's response to the Government's
consultation on air transport in the south-east

July 2003

Transport

Policy proposal

(b) (5) - DPP TD(l)Tj-0.564 0 TD(b)Tj-0.814 0 T 0.2(b)Tj-0.814 0 T .Jy(t)Tj-0.564 0 TD(a)

**Functional
Bodies**

Name	Party	Committee Membership	Other commitments
Sally Hamwee	LD	Budget Committee (Chair) Planning (Deputy Chair) BMAC Standards Transport	Member of the House of Lords

Name	Party	Functional Bodies	Committee Membership	Other commitments
Noel Lynch	Green	LFEPA MPA	Culture, Sport and Tourism Planning and Spatial Development Health Standards (chair)	
Bob Neill	Con		Planning and Spatial Development (chair) Budget	
Eric Ollershaw	Con	MPA	Economic and Social Development (deputy chair) Budget Transport BMAC	Councillor, Hackney
Andrew Pelling	Con	LDA	Transport Public Services (chair) Budget (deputy chair) Audit Panel (chair)	Councillor, Croydon
Valerie Shawcross	Lab	LFEPA (Chair)	Transport Planning and Spatial Development Audit Panel Mayor's Advisory Cabinet	
Graham Tope	LD	MPA	Public Services Environment Business Management and Appointments Audit Panel Mayor's Advisory Cabinet	Leader of the European Liberal Democrat and Reform group on the Committee of the Regions Member of House of Lords
Mike Tuffrey	LD	LFEPA	Culture Sport and Tourism Economic and Social Development (Chair) Budget	



Appendix 3: Other outputs from Effective Scrutiny

Mark Sandford and Lucinda Maer, *Old Habits Die Hard? Overview and scrutiny in local government*, February 2004, 57pp, £10.00.

Lucinda Maer and Mark Sandford, *The Development of Scrutiny in the UK; an overview of procedures and practice*, January 2004, 58pp, Available on line.

Mark Sandford and Lucinda Maer, *Scrutiny under devolution: committees in Scotland, Wales and Northern Ireland*, November 2003, 51pp, £8.00.

Mark Sandford and Lucinda Maer, *Annotated Bibliography of Effective Scrutiny*,

