

To be considered at the Court of Common Council

2013

A BILL

For an Act of Common Council to –

Provide for the nomination and election of Auditors of Chamberlain's and Bridgemasters' Accounts, Bridgemasters and Ale Conners of this City and repeal any previous conflicting provisions regulating or enforcing the same.

WHEREAS:-

- (1) From time immemorial there has existed and still exists in the City of London ("the City") a Common Council consisting of the Lord Mayor, Aldermen and Commons in Common Council assembled and the Common Council have made, passed, ordained and established divers Acts, Ordinances, Rules, Orders and Regulations for the regulation and good government of the City and its Liberties as to them from time to time has been found necessary and expedient;
- (2) At present no formal qualifications are required to stand for election to serve as an Auditor of Chamberlain's and Bridgemasters' Accounts, despite the fact that the audit of the accounts of larger charities is governed by certain statutory requirements, and any audit of the City's Cash and Bridge House Estate funds requires significant expertise, experience and operational capacity, and similar skills and experience are required to effectively review the procedures adopted for the audit as part of the review panel;
- (3) Common Hall has resolved that appropriate ongoing qualifications should be introduced for Auditors of Chamberlain's and Bridgemasters' Accounts, addressing legal competence to carry out the audit; experience of auditing large organisations, public organisations or charities; willingness to sign up to standard terms of appointment; and financial independence;
- (4) It is desirable to regularise the electoral timetable and processes for the election of Auditors of Chamberlain's and Bridgemasters' Accounts, as well as other offices elected by the Livery where there is at present little or no known provision, being Bridgemasters and Ale Conners;
- (5) His late Majesty King Edward the Third by his Charter made and granted to the City in the fifteenth year of his reign afterwards confirmed and ratified by Parliament did (amongst other things) grant that if any customs in the City before that time obtained and used were in any part hard or defective or any things in the City newly arising in which no remedy had been ordained should need amendment the Mayor and Aldermen of the City and their successors with the assent of the Commonalty of the City might put and ordain thereto fit remedy as often as it should seem expedient to them so that such ordinance should be profitable to the King and to the citizens and to all other liege subjects resorting to the City and agreeable also to reason and good faith.

BE IT THEREFORE and IT IS HEREBY ENACTED ORDAINED AND ESTABLISHED by the Right Honourable the Lord Mayor, the Right Worshipful the Aldermen and the Commons of the City of London in Common Council assembled and the authority of the same **AS FOLLOWS:**

Interpretation

1. In this Act –

“Auditor” means an Auditor of Chamberlain’s and Bridgemasters’ Accounts;

“General Day of Election” means the general day of election of Auditors, Bridgemasters and Ale Conners of this City as provided for by section 3 of this Act, or such other day as may be appointed therefor under section 3 of the Act of 1932;

“The Act of 1932” means an Act of Common Council made and passed on the 21st day of January 1932 and entitled “*An Act of Common Council to consolidate and amend the law relating to the nomination and election of Sheriffs of the City of London*” as amended.

Right of Common Hall to elect

2. The right of electing persons as Auditors, Bridgemasters and Ale Conners of this City shall from henceforth for ever as heretofore be vested in the Liverymen of the several Companies of this City to be for that purpose from time to time assembled in the Common Hall of the Guildhall of this City.

General day of election

3. The general day of election of Auditors, Bridgemasters and Ale Conners of this City shall be yearly the twenty-fourth day of June, unless the same shall happen to be a Saturday or a Sunday, in which case the election shall be on the Monday then next following. Provided always that in accordance with section 3 of the Act of 1932 it shall be lawful for the Court of Common Council in any year for any special cause to appoint a day for the election of Sheriffs and other Officers usually elected on Midsummer Day by the Liverymen of the several Companies of this City in Common Hall assembled other than that above mentioned, by a formal Resolution of the Court.

Casual vacancies

4. Whenever any person elected as an Auditor, Bridgemaster or Ale Conner of this City shall in any instance refuse or neglect to conform to this Act or shall die or resign or be removed or discharged from the said office, or from his respective election thereto or whenever there shall be just cause to proceed to a new election, then and in every such case it shall be lawful for the Liverymen of the said several Companies of this City duly assembled as aforesaid to proceed to and make such new election at such day and time as by the Court of Lord Mayor and Aldermen of this City for the time being may be ordered and in such case the provisions of this Act which apply to the General Day of Election shall apply to such an election but with any references as to dates amended accordingly.

Number of office holders and term of office

5. (1) Two Bridgemasters and four Ale Conners shall be elected on the General Day of Election, together with as many Auditors as there are vacancies to be filled.
- (2) The number of Auditors and their term of years in office shall continue to be determined by resolution of the Liverymen of the several Companies of this City in Common Hall assembled.
- (3) Auditors and Ale Conners shall hold office from the point of their election and Bridgemasters shall hold office from the point of their admission in the Court of Lord Mayor and Aldermen next following their election.
- (4) Any Auditor, Bridgemaster or Ale Conner shall, unless he resigns his office or it otherwise becomes vacant, cease to hold office from the point at which a successor takes office in accordance with subsection (3) above.

Nomination of candidates

6. (1) Subject to section 7 below, any two or more of the Liverymen of the several Companies of this City, having a right to vote at the election of Auditors, Bridgemasters and Ale Conners of this City, shall be entitled to nominate, in writing, any person being free of this City for election to the said offices on the General Day of Election in any year. Every such nomination in writing shall be in the form prescribed by subsection (2) below and shall be delivered to the Town Clerk of this City between the fourteenth day of February and the first day of May in such year.
- (2) Every nomination in writing for the office of Auditor, Bridgemaster or Ale Conner shall be in the respective form set out in the Schedule to this Act. Provided that the Town Clerk in consultation with the Comptroller & City Solicitor shall be authorised to amend the forms set out in the Schedule to this Act as and when it is necessary to do so.

Additional qualifications for the office of Auditor

7. (1) Every candidate for the office of Auditor and the firm that they represent shall in addition satisfy the requirements of this section.
- (2) Candidates for the office of Auditor and the firms that they represent shall meet all legal requirements to carry out an audit of the Chamberlain's and Bridgemasters' Accounts.
- (3) The firm represented by every candidate for the office of Auditor shall have experience of auditing –
 - (a) organisations employing over 3,000 staff; or
 - (b) organisations with turnovers in excess of £500million and reserves in excess of £1billion; or
 - (c) public authorities or other public sector organisations; or

- (d) charities with turnovers in excess of £40million.
- (4) Candidates for the office of Auditor and the firms that they represent shall have signed or be willing to sign an engagement letter in the standard form.
 - (5) The firm represented by every candidate for the office of Auditor shall have generated fees of at least £5million in its last accounting year.
 - (6) For the purposes of this section, a candidate for the office of Auditor represents a firm where –
 - (a) the firm is a company and he is a director of that company; or
 - (b) the firm is a partnership and he is a partner in that partnership; or
 - (c) the firm is a limited liability partnership and he is a member of that limited liability partnership; or
 - (d) he is an employee of that firm.
 - (7) For the purposes of subsection (4), an engagement letter in the standard form means the letter and associated terms most recently approved by an appropriate Committee of the Common Council of this City, subject to any amendments authorised by the Town Clerk from time to time in consultation with the Chamberlain and Comptroller & City Solicitor.
 - (8) In the case of prospective candidates for the office of Auditor, the nomination paper submitted in accordance with section 6 above shall include a declaration signed by the person being nominated confirming that both he and the named firm he represents meet the qualification criteria set out in this section and a prospective candidate shall, on the request of the Town Clerk, supply any additional evidence that the Town Clerk may reasonably require to verify the truth of his declaration. No person shall be deemed to be validly nominated for the office of Auditor unless the requirements of this subsection are met during the nomination period specified in section 6 above.
 - (9) The Town Clerk may require a serving Auditor on reasonable notice to deliver a fresh declaration signed by said Auditor in the form set out in the Schedule to this Act or as modified in accordance with section 6 above confirming that both he and the named firm he represents continue to meet the qualification criteria set out in this section, and to supply any additional evidence that the Town Clerk may reasonably require to verify the truth of that declaration. If an Auditor fails to comply with the requirements of this subsection the Town Clerk may remove him from office by giving him a written notice to that effect and in such circumstances the resulting vacancy shall be filled on the next General Day of Election, or at any earlier election held in accordance with section 4 above, and the person elected in place of the removed Auditor shall, unless he resigns his office or it otherwise becomes vacant, hold office for the remainder of the relevant term.

Notification of nomination

8. The Town Clerk of this City shall immediately after the first day of May in every year transmit to every candidate nominated as aforesaid for election to the office of Auditor, Bridgemaster or Ale Conner of this City in such year a notification in writing of his nomination and of the statutory provisions relating to the maximum amount of expenditure permitted by or on behalf of a candidate in such election and of the penal provisions applicable by statute to any candidate or agent of the candidate who knowingly exceeds such maximum amount of expenditure.

Withdrawal of nomination

9. It shall be lawful for any candidate nominated as aforesaid for election to the office of Auditor, Bridgemaster or Ale Conner of this City on the General Day of Election in any year to withdraw his name from nomination by giving a written notice to that effect, signed by him, addressed to the Town Clerk of this City, to be received by him on or before the eighth day of May in such year.

Publication of nominations

10. The Town Clerk of this City shall within seven clear days next after the eighth day of May in each year, or as soon thereafter as practicable, publish by such means as he thinks best calculated to afford information to the Liverymen of the several Companies of this City, having a right to vote at the election of Auditors, Bridgemasters and Ale Conners of this City, the names and addresses and descriptions of all candidates nominated as aforesaid for election as Auditors, Bridgemasters and Ale Conners of this City in such year who shall not have withdrawn his or their names in accordance with the provisions of section 9 above. Such names, addresses and descriptions shall be published in alphabetical order. The Town Clerk shall also publish as aforesaid the date and place fixed for holding the elections of Auditors, Bridgemasters and Ale Conners of this City.

Nominations in Common Hall

11. On the General Day of Election in any year, such persons only as shall have been validly nominated on or before the first day of May in that year and who shall not have withdrawn their names from nomination under the provisions contained in section 9 above, shall be eligible for election as Auditors, Bridgemasters or Ale Conners of this City by the Liverymen of the several Companies of this City in Common Hall assembled for such election. Provided always that if fewer persons are eligible for election to a particular aforementioned office than there are vacancies to be filled it shall be lawful for any two or more of the said Liverymen in Common Hall assembled as aforesaid and having a right of voting at such election then and there to nominate a person or persons being free of this City for election to the said office except that in the case of an election to the office of Auditor the person or persons nominated shall also meet the qualification criteria set out in section 7 above.

Order in which names of candidates are to be put to Common Hall

12. At all assemblies of the Liverymen of the several Companies of this City in the said Common Hall for the election of Auditors, Bridgemasters and Ale Conners of this City the names of the persons eligible for election shall be put to the said Liverymen then and there

present in the same order in which they were published under the provisions of section 10 above.

Ballot by show of hands and withdrawal before poll

13. If, on the General Day of Election, an election is contested, the Common Serjeant, or, in his absence, another of the Law Officers, shall call for a ballot by show of hands. The Common Serjeant, or the Law Officer as aforesaid, shall appoint scrutineers to conduct a count of the show of hands. The Common Serjeant, or the Law Officer as aforesaid, shall, immediately the result of the counting is known, announce the number of votes cast for each candidate. Should a poll then be demanded by one of the candidates or two or more of the electors, any candidate in nomination may withdraw his candidature before such demand is granted.

Repeal

14. All former Acts, Orders and Ordinances regulating or enforcing the nomination or election of Auditors, Bridgemasters or Ale Conners of this City so far as the same conflict with any provisions of this Act are hereby repealed. Provided always that this repeal shall not affect anything done or any proceeding taken under any enactment hereby repealed.

Commencement

15. The provisions of this Act shall come into force on the day on which it is made and passed as an Act of Common Council.

NOMINATION PAPER**CITY OF LONDON**Election of **Auditor of Chamberlain's and Bridgemasters' Accounts**

Midsummer's Day 20...

We, the undersigned, being Liverymen of the City of London having a right to vote at elections in Common Hall **DO HEREBY NOMINATE** the undermentioned person as a candidate at the said election.

Surname	
Other names in full	
Home address in full	
Description <i>(Not more than six words)</i>	
Date of Freedom of the City <i>(Day/Month/Year)</i>	

	Signature	Full name (in CAPITALS)	Electoral number on Common Hall register
Proposer			
Secunder			

Dated this _____ day of _____ 20__

Note: The person being nominated must sign the declaration overleaf.

**Declaration of qualifications to hold the office of Auditor of Chamberlain's and
Bridgemasters' Accounts**

I (*Full name*) _____

of (*Home Address*) _____

hereby confirm that:

I and the firm that I represent meet all legal requirements to carry out an audit of the Chamberlain's and Bridgemasters' Accounts;

The firm that I represent has experience of auditing –

- (a) organisations employing over 3,000 staff; or
- (b) organisations with turnovers in excess of £500million and reserves in excess of £1billion; or
- (c) public authorities or other public sector organisations; or
- (d) charities with turnovers in excess of £40million;

I and the firm that I represent have signed or are willing to sign an engagement letter in the standard form¹;

The firm that I represent generated fees of at least £5million in its last accounting year.

Name of firm that I represent² _____

Address of firm that I represent _____

Candidate's signature _____

Signed in the presence of:-

Witness's signature _____

Witness's home address _____

Note 1: An example of an engagement letter in the standard form is available on request.

Note 2: For the purposes of this declaration you represent a firm where –

- (a) the firm is a company and you are a director of that company; or**
- (b) the firm is a partnership and you are a partner in that partnership; or**
- (c) the firm is a limited liability partnership and you are a member of that limited liability partnership; or**
- (d) you are an employee of that firm.**

NOMINATION PAPER

CITY OF LONDON

Election of **Bridgemaster**

Midsummer's Day 20...

We, the undersigned, being Liverymen of the City of London having a right to vote at elections in Common Hall **DO HEREBY NOMINATE** the undermentioned person as a candidate at the said election.

Surname	
Other names in full	
Home address in full	
Description <i>(Not more than six words)</i>	
Date of Freedom of the City <i>(Day/Month/Year)</i>	

	Signature	Full name (in CAPITALS)	Electoral number on Common Hall register
Proposer			
Secunder			

Dated this _____ day of _____ 20__

NOMINATION PAPER

CITY OF LONDON

Election of **Ale Conner**

Midsummer's Day 20...

We, the undersigned, being Liverymen of the City of London having a right to vote at elections in Common Hall **DO HEREBY NOMINATE** the undermentioned person as a candidate at the said election.

Surname	
Other names in full	
Home address in full	
Description <i>(Not more than six words)</i>	
Date of Freedom of the City <i>(Day/Month/Year)</i>	

	Signature	Full name (in CAPITALS)	Electoral number on Common Hall register
Proposer			
Secunder			

Dated this _____ day of _____ 20__