

Committee(s): Policy and Resources Committee	Date(s): 9 July 2020
Subject: COVID-19 Implications – possible postponement of the City Wide Elections in March 2021	Public
Report of: Town Clerk	For Decision
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Summary

Due to the COVID-19 outbreak in the United Kingdom, the Government passed legislation suspending the London Mayoral, Policy and Crime Commissioner and Local Government elections until May 2021. These provisions do not apply to the City of London Common Council elections, the dates of which remain under the control of the Court of Common Council. The election for all Common Councillors, hereafter referred to as the City elections, are scheduled to take place in March 2021.

Given the national position and uncertainty about the length of time during which restrictions and effects on normal activities may be in place, a report has been requested outlining the possibility of rescheduling the City elections. The Policy and Resources Committee considered a report at the May 2020 Committee meeting and agreed that for various reasons the City election should not be combined with the rescheduled GLA elections that will be held on 6 May 2021.

At the May 2020 Committee meeting concerns were raised that the Ward Lists due to be published in February 2021 would not be complete or accurate due to the pandemic. It was noted that it would be difficult to contact or engage businesses with Ward List registration at this time. Members of the Committee therefore requested a further report outlining the impact on Ward List registration and the possibility of postponing the City elections to March 2022.

Recommendation(s)

Members are asked:-

- To consider either retaining the current election dates in March 2021 or moving the date of the election to either June/July 2021 or March 2022
- To note the impact of COVID-19 on voter registration in regard to the preparation of the Ward Lists

Main Report

Background

1. The City of London elections are due to be held on 17 and 18 March 2021. Due to the COVID-19 outbreak in the United Kingdom, legislation has been passed to suspend all local government elections until May 2021. These provisions do not apply to the City elections
2. The purpose of this report is therefore to present Members with relevant information in order to consider whether the elections scheduled for March 2021 should be held in March 2021, or postponed to a later date in 2021 or until March 2022.
3. At the May 2020 meeting, the Committee agreed that the City elections should not be combined with the rescheduled elections in May 2021. It was noted that amongst other things holding the City elections on the same day as the GLA elections would have an adverse impact operationally and would require residents to attend two separate polling stations in order to vote in both elections. This would be onerous and was highly likely to cause confusion.
4. The COVID-19 alert level in the United Kingdom has been reduced to level three and some restrictions have now been relaxed. Notwithstanding this, it is not possible to say how long it will be before a return to pre-lockdown activities.

Options

5. There are three options for the Committee to consider with regard to the date of the City elections:-
 - To retain the current date of the City elections in March 2021
 - To consider postponing the City elections to a later date in 2021, which would allow for the completion of the GLA election timetable before publication of the Notice of Election for the City elections. If Members were minded to support a postponement to a later date in 2021, Officers would recommend that the elections be held on 30 June/1 July, allowing the elections to be held before the end of the Summer term for City's family of schools.
 - To consider postponing the City elections to March 2022, which should ensure that the registration activities undertaken to compile the Ward Lists in use for the City elections are not be impacted by the current situation. In addition, at the meeting in February 2020 the Policy and Resources Committee approved a schedule of promotional events and publicity to take place prior to the 2021 elections. With the pandemic It has not been possible to undertake these activities. Postponing the elections until 2022 would provide the ability to carry out these activities as agreed.

It should be noted that it will require an Act of Common Council to change the scheduled date of the elections.

Impact on Voter Registration and publication of Ward Lists

6. All elections held between February 2021 and February 2022 will use the Ward Lists compiled in Autumn 2020 to identify the eligible voters. The compilation of the Ward Lists will be impacted by the COVID-19 pandemic.
7. The City Occupiers Database team would usually carry out a survey of the businesses in the City of London by visiting businesses between February and July. This activity has been interrupted by the COVID-19 pandemic. Since the beginning of lockdown the City Occupiers Database team has been working remotely to compile an accurate, up to date Ward list by emailing existing business contacts. In addition, the team have made use of the Companies House website and data held by the City Corporation's Business Rates department. There has however been a reduction of 176 businesses across the Wards surveyed after the beginning of lockdown on the City Occupiers database. In comparison there was an increase of 97 businesses across the Wards surveyed prior to lockdown. In 2019 7,615 businesses were eligible to appoint voters.
8. Currently the City Occupiers database team hold email addresses for 74% of businesses. Whilst forms have been sent in the post to the remaining 26% of businesses, there has been a low response rate due to the pandemic and businesses working from home. Therefore, that the database, which will be used to contact businesses during the canvass, will not be complete.
9. The timetable for the preparation and publication of the Ward Lists is fixed as set out in section 7 of the City of London (Various Powers) Act 1957. Any changes to this legislation would require an Act of Parliament. All businesses and residents must be written to prior to 1 September each year and must respond by 16 December of that year. Current Public Health England guidance remains that where possible employees must work from home. In addition, the Coronavirus Job Retention Scheme will be in place until the end of October 2020 according to current Government policy. This leaves six and a half weeks from the end of the Scheme until the forms need to be completed and returned. Businesses are encouraged to ensure that the persons nominated to vote by the company reflect the make-up of the organisation as a whole, and should include employees from the chief executive to entry-level employees and even regular contractors should be considered so that the electorate represents the full, diverse, range of the City's workforce. Due to the short amount of time between the return of employees to work at the end of the Job Retention Scheme period and the date that the forms need to be returned by the businesses, organisations may find it difficult to appoint voters who are representative of all levels of seniority in their business. It should also be borne in mind that appointing voters is unlikely to be a priority for businesses.
10. The qualification date to be included on the Ward List is 1 September each year. In usual circumstances virtual offices do not have any voting rights, as qualifying

bodies must ordinarily occupy as owner or tenant the whole or part of any premise in that ward. 'Occupying' means to occupy by personal physical presence for the purpose of carrying on any trade, business, profession or other occupation or calling. The right to appoint voters then depends on the size of the workforce. 'Workforce' means all those persons whose principal or only place of work on the qualifying date is ordinarily those premises occupied by the qualifying body. Another category of person who may be appointed as a voter by a qualifying body is employees whose principal or only place of work is within the City and has been for the whole of the twelve months preceding that qualifying date.

11. Legal advice has been sought regarding the qualifications to be appointed as a voter on the Ward List given the current circumstances and enforced working from home. The Comptroller and City Solicitor's Office has advised that so long as it is intended that workers will return to the premise in question as their principal or only place of work following the relaxation of lockdown then they should be included in the workforce size and the calculation for the number of voters that each business can appoint.
12. During the canvass period for both the electoral register and the ward lists, house to house enquiries are required for residential properties who have not responded to either the initial form or the first reminder. This activity usually takes place from mid-October. Given the current situation it is not yet known whether this activity will be able to be undertaken in the usual way, as the health and safety of residents and staff must be considered. Should canvassing take place it would require the provision of PPE to canvassers who will be visiting residents. It should also be noted that despite the easing of restrictions, some residents will be mindful of reports of a second wave and will be uncomfortable with calls of this nature. In 2019, 3,390 residential properties were visited in person which resulted in 1,650 responses from residential properties.
13. It is worth noting that the Cabinet Office has notified Electoral Registration Officers of its intention to bring forward legislation to extend the deadline for Electoral Registration Officers in Great Britain to publish their revised registers for 2020 from 1 December 2020 to 1 February 2021. This would enable house to house enquiries for the electoral register to be carried out at a later date. However, this legislation does not apply to the canvass for the Ward List.
14. Consideration has been given to contacting residents by phone instead of house to house visitation. The Electoral Services Team currently only holds 1,030 phone numbers for residents, however, so this would not be sufficient to replace household visits. Whilst emails will be sent to residents as part of registration activities only 3,850 email addresses for residents are currently held out of 7,137 electors on the electoral register.
15. The Policy and Resources Committee is therefore asked to consider whether, given the points outlined above, City elections should be held based on the Ward Lists compiled during the pandemic or whether they should be postponed until 2022. The latter would enable the canvass to take place without the current restrictions. It is likely that, despite the best efforts of the Electoral Services and City Occupiers Database team, the Ward Lists published in February 2021 will be

incomplete and may not be accurate. As outlined, businesses may not have the opportunity to ensure that the voters are appointed and are representative of their organisation. It is also worth noting that in some Wards all or the majority of voters are business voters. This means that there will be a disproportionate impact on the democratic process in those Wards compared to those that are a residential Ward. Across all Wards, the 2020 Ward Lists consist of 12,716 business voters and 6,484 residential voters and a total of 19,200.

Pre-election publicity

16. At its meeting on 20 February 2020, the Policy and Resources Committee approved a schedule of promotional plans to encourage businesses and residents to register to vote ahead of the 2021 elections.
17. Planned activities comprised of a digital communications campaign, which would have included a YouTube video promoting the City, voter registration and the elections; a social media campaign; and email communications to business contacts before and during the registration period. The Committee also approved paper communications publicity, including production of leaflets, flyers and business cards; an advertising campaign in City AM, City Matters and Corporation publications (City Resident, CityView, ward newsletters and Livery Briefing); and creation of a pocket card with fixtures for Euro 2020. Due to the current situation and uncertainty about the date of the election, it has not been possible to proceed with these activities.
18. In addition to these activities, a promotional campaign to encourage a diverse range of candidates to stand for the 2021 elections was planned in the form of an early evening reception to be held during Inclusion Week (28th September – 4th October 2020). This would have enabled the Corporation to brief and engage a diverse range of networks operating in businesses across the City. A similar event was held in 2016, where emphasis was placed on the Corporation welcoming candidates from diverse backgrounds. Social distancing and other restrictions such as a limit on indoor physical gatherings are still in place and has prevented this from progressing. A more high-profile advertising campaign was planned on London Underground sites within the City. This has also not been possible, nor would the use of London Underground sites be as far reaching as hoped in the current situation.
19. Should the Policy and Resources Committee be minded to reschedule the 2021 elections to be held in March 2022 it would provide an opportunity for these promotional activities to be carried out as originally anticipated.

Aldermanic elections

20. It is convention of the Court of Aldermen to surrender office at the end of a six year term and to retire at the age of 70, which means that the anticipated Aldermanic election date differs for each Ward and there is no 'all-out' election for Aldermen. Under section 3 of the Act of Common Council of 14 July 1960 if an Alderman dies, is disqualified or offers to surrender their office, the Town Clerk shall report this to the next regular meeting of the Court of Aldermen. Under section 4 of the same

Act, in the case of an offer to surrender office, the election shall then take place within forty-two working days after the acceptance by the Court of that offer.

21. Due to the COVID-19 pandemic, it is currently not safe to hold an election. Legal advice from the Comptroller and City Solicitor's Office stated that it would be open to the Court of Aldermen to decline to accept an offer of surrender in the current circumstances, assuming that the Alderman concerned was willing to continue in office. It is a matter of convention by resolution of the Alderman that they serve a six year term and retire at the age of 70. It therefore follows that this practice could be suspended by the Court of Aldermen in order to avoid an election being held during a time when it is not safe to do so.
22. The Ward List to be compiled in Autumn 2020 will be in use for Aldermanic elections held between February 2021 and February 2022. As previously outlined, the Ward Lists published are likely to be incomplete and inaccurate. The Court of Aldermen will need to consider whether Aldermanic elections should be held with an electorate compiled during the pandemic.
23. The conventions governing Aldermanic elections are determined by the Court of Aldermen, and therefore this report is not asking for recommendations or a decision from this Committee on this matter. The Court of Aldermen will be considering this issue at its meeting on Friday 10 July.

Electronic Voting

24. At the May 2020 meeting of the Policy and Resources Committee it was suggested that the City of London look at the possibility of electronic voting for the City elections. The ability to vote electronically either in a polling station or online is not currently provided for in legislation, and it would therefore require an Act of primary legislation in order for this to be tested and implemented.
25. Currently both the Wardmote and the Poll must be held within the boundaries of the Ward. Section 2 of the City of London Municipal Elections Act 1849 states that persons entitled to vote in an election for an Alderman or Common Councillor by reason of occupying premises in that Ward 'shall be entitled to vote in the Ward in which such premises shall be situate'. The City of London Ballot Act 1887 (as amended by section 11 (2) of the City of London (Various Powers) Act 1957) states that the poll must be taken by ballot.
26. If legislative changes were made to enable the development of electronic voting, it would be necessary for extensive testing to be carried out to ensure the security and reliability of the system prior to use at the City elections. Additionally, some form of non-electronic voting would need to be retained for voters who do not have the ability, experience or willingness to use technology to cast their vote.
27. Should an electronic voting system be used, it is likely that this would be outsourced to a third party. This would therefore reduce ability of candidates and agents to scrutinise the process and to ensure that the poll was carried out without

error. Whilst the introduction of online voting would address some voting issues during the pandemic, it is not an avenue that is recommended at this time. Officers would instead recommend that existing methods of absent voting be encouraged by emailing postal vote applications forms to the contacts at businesses so that they can be completed ahead of the postal vote application deadline for elections.

Conclusion

28. Elections to the Court of Common Council are due to be held in March 2021. It is outlined in the report that there will be significant challenges in preparing a complete and accurate Ward List to be used at these elections. The result of this would be that organisations eligible to appoint voters may not be able to do so. Additionally, the Policy and Resources Committee approved a programme of publicity and events to be held in the period preceding the City election to both promote registration and to encourage a diverse range of candidates in the election. It has not been possible to carry out these activities.

29. In addition, it is worth noting that Public Health England guidance will be in effect for all elections. As part of this the Government is considering the use of localised lockdowns to control increases in COVID-19 cases in any particular area. Elections in the City of London are especially vulnerable to this policy, as turnout would be impacted not only by a lock down in the City of London itself but also if there was a lockdown in any commuter area.

30. The Policy and Resources Committee are asked to consider whether to hold the elections in March or June/July 2021 or to reschedule the elections to March 2022.

Appendices

- None

Background Papers

Report to the Policy and Resources Committee on 20 February 2020 – Common Council Elections in March 2021

Report to the Policy and Resources Committee on 7 May 2020 – COVID-19 Implications – possible postponement of the City-Wide elections in March 2021

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