

Committee(s) Policy and Resources Committee	Date: 16 December 2021
Subject: Electoral Registration	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	N/A
Does this proposal require extra revenue and/or capital spending?	No
Report of: Comptroller and City Solicitor, Remembrancer and Town Clerk and Chief Executive	For Decision
Report author: Michael Cogher, Comptroller and City Solicitor	

Summary

The City of London (Ward Elections) Act 2002 ("the Act") made significant amendments to the City of London (Various Powers) Act 1957 in terms of the franchise, by the introduction of Qualifying Bodies who, subject to various conditions, are entitled to appoint workers to vote in Ward Elections in the City.

The Corporation is itself (including the Police, the City of London School, City of London School for Girls and the Guildhall School of Music and Drama) is a Qualifying Body for the purposes of the legislation and is therefore entitled to appoint its workers to vote in the various Wards in which it has premises.

Since 2002, it has been the City Corporation's practice not to register to vote and nominate voters. This unofficial policy has recently been called into question through a number of enquiries. The Committee is therefore invited to consider the matter formally and decide the policy going forward.

Recommendation

That the Committee determines whether the unofficial policy of not nominating workers to vote in Ward Elections in which the Corporation has premises is maintained or reversed.

Main Report

Background

1. Under the Act a Qualifying Body is defined as a body corporate or unincorporated body other than a partnership. Government departments and other bodies exercising functions on behalf of the Crown are excluded. The Corporation satisfies the definition and is therefore a Qualifying Body. It does not, including the City of London Police, exercise functions on behalf of the Crown and is therefore not caught by this exception.
2. A Qualifying Body that occupies premises in a Ward appoints voters depending on the size of the workforce in that Ward on the following basis:
 - Up to 5 workers – 1 vote
 - Each further 5 workers up to 50 – 1 vote
 - Each further 50 workers – 1 vote
 - Fractions are disregarded
3. A Qualifying Body entitled to appoint more than 1 voter must ensure so far as is reasonably practicable that the appointments it makes reflects the composition of its workforce. There are certain conditions around length of service which must be satisfied in order to be appointed as a voter, but these are not material for present purposes.
4. Whilst Qualifying Bodies are obliged to provide information in relation to the compiling of the Ward Lists, they are under no legal obligation to nominate voters and there are a number of large City businesses which choose not to do so on policy grounds. Workers in a Qualifying Body do not therefore have the same right to a vote (subject to qualification) as ordinary UK electors.
5. The Corporation's informal policy has been in place since the Act was passed in 2002 and does not appear to have been the subject of formal consideration by the Policy and Resources Committee. Officers have been unable to identify any documentation explaining why this might be the case.

Policy Considerations

6. There would appear to be two broad opposing policy considerations. The first is that Parliament has decided not to exclude the City Corporation from Qualifying Body status and therefore it has the same statutory right to appoint voters based on its workforce as any other Qualifying Body. Given the Corporation's clear policy goals of improving electoral registration and democratic engagement it could be argued that the Corporation should be seen to lead by example and so ensure that it nominates eligible workers as voters.
7. On the other hand, City of London Corporation staff should be - and be seen to be - politically neutral. To register and permit voting would call into question that neutrality and impact our ability to be seen to be ready to serve whoever is

elected. The organisation should be proud of its reputation as an impartial, reliable and responsible service to elected Members.

8. Further, Guildhall is located in the Ward of Bassishaw. There are currently 340 voters on the 2020/21 Ward List. If the City Corporation were to register this would add an additional 27 electors to the list. This figure is calculated from the 2019 Business Register & Employment survey which identified 907 employees working primarily from the Guildhall. This would give the organisation a significant presence in the Ward, which could, potentially, have an impact on the outcome of electors in that Ward

Practical Considerations

9. The timing of this issue causes obvious difficulties given that deadline for the draft Ward List is midnight on 16 December 2021.
10. Should a decision be taken to reverse the current practice, then a process would need to be put in place to ensure that all eligible members of staff are made aware of the opportunity to register. It is likely that expressions of interest from staff who wish to register would need to be sought as well as ensure that, as far as practicably possible, the diversity of the organisation is represented. The City Corporation would also need to ensure a fair practice of appointment where it receives more expressions than voter allocations. Further, the Corporation may also want to consider excluding some specific officers from being appointed to vote (for instance, those in the Town Clerk's – the office responsible for the electoral process and for Members services more generally), which could take some discussion. Therefore, the change could only become effective from 2022 onwards.

Conclusion

11. For many years it has been the City Corporation's practice not to register to vote and nominate voters. This practice has recently been called into question through a number of enquiries. As noted above the City Corporation has a statutory right to appoint voters based on its workforce however, this could cause doubts about the organisation's political neutrality. The Committee is, therefore, asked to consider the matter formally and decide the policy going forward.

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