

Report – Policy and Resources Committee

Supplementary arrangements for the Presiding Officer at a Wardmote – Bill for an Act of Common Council

To be presented on Thursday, 13th January 2022

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

SUMMARY

The accompanying Bill to this report is intended to introduce more flexibility into the arrangements for presiding at a wardmote, by allowing a Lord Mayor's Aldermanic Representative to preside where none of the traditional presiding officers are available.

Your Policy and Resources Committee has considered the matter and is minded that the proposed changes – which constitute a formalisation of pragmatic arrangements employed previously – should be progressed in advance of the City-wide elections in March 2022.

In order to effect the proposed change, a Bill for an Act of Common Council is required. In accordance with Standing Order No. 46, the terms of the Bill must be considered by the appropriate Committee(s) and be settled by the Recorder of London prior to its submission to the Court of Common Council for its first, second and third reading.

The draft Bill as set out in the appendix to this report has now been approved by the Policy and Resources Committee and has since been settled by the Recorder. It is, therefore, now presented to the Court for its first and second reading. Subject to the approval of the Court of the first and second reading, the Bill will be submitted to the next meeting of the Court for its third and final reading, thereby allowing it to be ratified in advance of the City-wide elections.

RECOMMENDATION(s)

Approval be given to:-

- Proposals to make supplementary arrangements for the presiding officer at a wardmote; and
- The draft Bill for an Act of Common Council to effect these changes, as set out in the Appendix to this report.

MAIN REPORT

Background

1. Traditionally, at an Aldermanic election, the Lord Mayor, or in their absence their locum tenens, acts as presiding officer.
2. At an election of Common Councilmen, the Alderman of the ward, or in their absence the Lord Mayor or their locum tenens, acts as presiding officer at the wardmote, and the Deputy of a ward can also preside at a wardmote to fill a casual vacancy.
3. When Members recently reviewed the Wardmote Book, they asked officers to look at these arrangements, to see if more flexibility could be introduced.

Current Position and Issues

4. One issue is that there are many duties that the Lord Mayor is asked to undertake, both at home and abroad, and the number of senior Aldermen who have served as Lord Mayor and can act as locum tenens is quite limited. In any event it is not possible for the Lord Mayor and their locum tenens, or more than one locum tenens, to be present in the City at the same time and this limits the number of substitutions that can be put in place on the same day.
5. Whilst section 17(3) of the City of London (Various Powers) Act 1954 enables a poll to be delayed to a different date in some circumstances, to allow the Lord Mayor to preside in multiple wards, it would be better in many cases to avoid any delay in the holding of a poll, for example where the ordinary ward elections in relation to the whole number of Common Councilmen are scheduled to be held on the same day.
6. Another concern that has been expressed by some Members is around potential conflicts when acting in the presiding officer role, for example, where an Alderman has supported a particular candidate for Common Council at the election in question. In this context it is important to note that, under section 2 of the City of London Ballot Act 1887, the presiding officer at an election where a poll is held is also the returning officer for that election, with all of the powers and duties which are conferred and imposed on that position.

Proposal

7. Whilst the link between an Alderman and their ward is very important, and in most cases such engagement will not give rise to an actual conflict or perception of bias, there is clearly a desire amongst some Aldermen to have increased flexibility to recuse themselves in some circumstances, for example through an exchange of duties with an Alderman in another ward.
8. It is known that, occasionally, the customary arrangements set out above have been departed from in the past, out of necessity, but it is felt that any deviation ought to be formalised and regularised.

9. The initial proposal from Members was that a Representative Lord Mayor could be authorised to preside at ward elections. However, this must still be an Alderman who has passed the chair and so would not address all of the above concerns.
10. Allowing any Alderman to preside in a different ward would maximise the available options and is, accordingly, proposed. It is also proposed that such arrangements should continue to be exercised under the authority of the Lord Mayor, through the appointment in writing of a Lord Mayor's Aldermanic Representative to act as presiding officer at a specific election.
11. It may be worth emphasising that is not intended to routinely depart from the current arrangements – the option of a Lord Mayor's Aldermanic Representative would be used where none of the traditional presiding officers were available, and this is reflected in the drafting of clauses 2 and 3 in the Bill.
12. Should Members be supportive of the proposed change, a Bill for an Act of Common Council is required. In accordance with Standing Order No. 46, the Bill must be considered and approved by the appropriate Committee(s) and submitted to the Recorder of London for settling before it can be considered by the Court of Common Council for its first and second reading. A third and final reading at a subsequent meeting will also be required to complete the process.
13. Following approval by Policy and Resources Committee, the draft Bill has also been settled by the Recorder and it is now presented to the Court for its first and second reading. Subject to the approval of the Court, the draft Bill will then need be submitted to the next meeting of the Court for its third and final reading.

Conclusion

14. Allowing for a Lord Mayor's Aldermanic Representative to act as Presiding Officer at any Ward election, where required, is considered a pragmatic and prudent measure to deal with potential logistical difficulties. Your Policy and Resources Committee commends it to you accordingly.

Appendices

- Draft Bill for an Act of Common Council

All of which we submit to the judgement of this Honourable Court.

DATED this 4th day of January 2022.

SIGNED on behalf of the Committee.

Deputy Catherine McGuinness
Chair, Policy and Resources Committee

To be considered at the Court of Common Council

2022

A BILL

For an Act of Common Council to –

Make supplementary arrangements for the presiding officer at a wardmote.

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 the election of an Alderman the Lord Mayor, or in their absence their locum tenens, acts as presiding officer at the wardmote;
- (3) At the election of a Common Councilman, or Common Councilmen as the case may be, the Alderman of the ward, or in their absence the Lord Mayor or their locum tenens, acts as presiding officer at the wardmote, and the Deputy of a ward can also preside at a wardmote to fill a casual vacancy;
- (4) Under section 2 of the City of London Ballot Act 1887 the presiding officer at an election where a poll is held is also the returning officer for that election, with all of the powers and duties which are conferred and imposed on that position;
- (5) A number of Aldermen have expressed concerns about acting as presiding officer where they have supported a particular candidate for Common Councilman within their own ward;
- (6) It is not possible for the Lord Mayor and their locum tenens, or more than one locum tenens, to be present in the City at the same time and in addition the number of senior Aldermen who can act as Lord Mayor locum tenens is at present fairly limited and is likely to diminish further in the next few years;
- (7) Where by reason of the illness, absence or other incapacity of any Alderman the Lord Mayor is required to take a poll in more than one ward on the same day, each such poll shall be taken on such a day as the Lord Mayor may appoint, in accordance with section 17(3) of the City of London (Various Powers) Act 1954, but it would be beneficial to avoid any delay in the holding of a poll, especially where the ordinary ward elections in relation to the whole number of Common Councilmen are scheduled to be held on the same day;

- (8) 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 –

“casual vacancy” means a vacancy in the office of Common Councilman arising from the death, disqualification or resignation of the incumbent;

“Lord Mayor’s Aldermanic Representative” means any Alderman appointed in writing by the Lord Mayor to act as presiding officer at the election in question.

Presiding Officer at the Election of an Alderman

2. At the election of an Alderman a Lord Mayor’s Aldermanic Representative may act as presiding officer at the wardmote in the absence of the Lord Mayor and their locum tenens.

Presiding Officer at the Election of a Common Councilman or Common Councilmen

3. At the election of a Common Councilman or Common Councilmen a Lord Mayor’s Aldermanic Representative may act as presiding officer at the wardmote in the absence of the Alderman of the ward, the Lord Mayor and their locum tenens, and also in the absence of the Deputy of the ward in the case of an election to fill a casual vacancy.

Commencement

4. 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.