

Committee(s) General Purposes Committee of Aldermen	Date: 30 March 2022
Subject: Aldermanic Resignations under the 70-year convention	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	3 and 8
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	£0
What is the source of Funding?	NA
Has this Funding Source been agreed with the Chamberlain's Department?	NA
Report of: The Town Clerk & Chief Executive, the Remembrancer and the Comptroller and City Solicitor	For Decision
Report author: Gemma Stokley, Acting Principal Committee and Member Services Manager, Town Clerk's Department	

Summary

This report concerns the convention that outlines that Aldermen should surrender office at age 70. This convention is entirely within the remit of the General Purposes Court of Aldermen to adhere to, suspend or amend as they see fit and a policy decision is now therefore required as to whether, for the reasons outlined within this report, this convention should be increased to require resignation at age 75.

The purpose of this report is to present Members with relevant information in order to consider whether to amend this particular Aldermanic convention last approved by the General Purposes Committee in July 1998. It is timely to review this now in order to give clarity to all interested parties ahead of any Aldermanic elections scheduled for the remainder of this year.

Recommendation

It is recommended that the General Purposes Committee of Aldermen now formally agree that, for the reasons set out within this report, the long-standing convention around the need to surrender office at the age of 70 be increased to age 75 with immediate effect and that the undertakings (Appendix 1) be updated accordingly. It is further recommended that a dedicated Working Party be established to consider future issues concerning Aldermanic terms of office/tenure.

Main Report

Background

1. With regard to Aldermanic elections, the clear constitutional position is that an Alderman is elected for life, subject to disqualification in certain circumstances. The legal responsibility for decisions relating to Aldermanic elections lies solely

with the Court of Aldermen. As a result of the COVID-19 pandemic, Aldermanic and Common Council elections have not been held in 2020 or 2021 and this Committee took a decision to waive all conventions in relation to Aldermanic elections until March 2022. Whilst Aldermen are technically elected for life, the conventions in place before the waiver dictated that they should retire at age 70 and seek re-election every 6 years.

2. A number of Aldermen have therefore been unable to stand for election or retire as expected under these conventions.
3. There are now nine wards where there is either a current vacancy or where the convention in place prior to the waiver would state that an election is now due.
4. The conventions are entirely within the remit of this Committee to adhere to, amend or suspend as it sees fit.

Main Report

Background

5. As summarised in the Wardmote Book, historically, Aldermen have held office for life, but it is a 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. This approach was approved by the General Purposes Committee of Aldermen at its meeting on 2 July 1998. Consequently, 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 is to 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 is then to take place within forty-two working days after the acceptance by the Court of that offer.
6. The legal position therefore remains that Aldermen are elected for life and subject to removal for "just and reasonable cause", criminal conviction resulting in a sentence of imprisonment and bankruptcy. They retire permanently at 70 and submit to re-election at six yearly intervals by convention only.
7. Following the outbreak of the COVID-19 pandemic and following legal advice from the Comptroller and City Solicitor's Office, Members were advised that it would be open to the Court of Aldermen to decline to accept an offer of surrender in the then circumstances (i.e., given the danger and impracticalities of holding an election), assuming that the Alderman concerned was willing to continue in office. As it is a matter of convention by resolution of the Aldermen 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 or where there are other good reasons to defer an election.

Current position

8. Since the outbreak of the Covid-19 pandemic in March 2020, the Court of Aldermen has not considered, formally, whether it wishes to amend the convention around the age of retirement. It was agreed on 10 July 2020 to waive the conventions until March 2022 and to then review the position further at this stage. There is no suggestion that the convention around the need to seek re-election every six years is altered and this should therefore be reinstated.
9. The Court of Aldermen should now therefore formally consider its position in respect of the retirement age convention specifically and the holding of future Aldermanic elections in order to give clarity to all interested parties.

Judicial retirement age

10. The retirement age for Judges is currently 70, however the parliamentary process for increasing this to 75 is now complete and Royal Assent has now also been received, thereby bringing this into effect. It is felt that there are sound reasons for maintaining a historic link with the judicial retirement age.
11. The Remembrancer has commented as follows -

The Aldermen of the City of London have a very long association with the administration of justice. This is reflected in the civic constitution through their statutory position in having the status of judges of the Central Criminal Court and in the qualification to stand for the Office of Alderman, one alternative element of which is that the individual seeking election is qualified to sit as a magistrate.

The judicial retirement age is therefore relevant to the qualification for the Office of Alderman and informed the application of the age limit of 70 years when that age limit was applied to judicial offices. The raising of the age limit for those offices to 75 enables the Court of Aldermen, if it so wishes, to adjust the age limit applied to the Office of Alderman to the revised retirement age applied to judicial offices to maintain the alignment.

Conclusion

12. As outlined above, there is good reason why formal consideration of the Aldermanic convention around retirement age is now recommended. Members are therefore now asked to agree upon a way forward and to instruct Officers to amend the Undertakings at Appendix 1 accordingly (specifically paragraph e).

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APPENDIX 1



The Undertakings

1. The Town Clerk will send all Aldermen a copy of the following undertaking which was agreed at the meeting of the General Purposes Committee of 25th March 2003:-

“Resolved that the Town Clerk be instructed to inform all newly elected and existing Aldermen that individual members were expected to follow the following undertakings and that failure to do so would be one of the factors taken into account in assessing the suitability of Aldermen for any office:-

- a) to serve faithfully the offices of Alderman and Magistrate and, if elected, the offices of Sheriff and Lord Mayor;
- b) to continue, subject to paragraph e) below, to serve as an Alderman for at least a further term of six years after having served the Office of Lord Mayor and to take all practicable steps to secure re-election to achieve this;
- c) to carry out such obligations as the Lord Chancellor may stipulate from time to time for both newly appointed Magistrates and currently officiating Magistrates in relation to training, attendance at Courts and visits to prisons and other institutions;
- d) to acquaint the Court of Aldermen of any professional or domestic matter of which the Alderman is aware which he/she believes might be capable of casting doubt on his/her ability or suitability to continue as an Alderman or a Magistrate and/or which may attract adverse publicity either to him/her or to the City of London Corporation or to both;

- e) to tender his/her resignation from the Office of Alderman on attaining the age of 70;
 - f) to refrain from adjudicating in his/her capacity as an Alderman of the City of London in any trial at the Central Criminal Court, save in accordance with public statute or as Lord Mayor;
 - g) on ceasing to hold the Office of Alderman of the City of London, to resign as Vice-President or Governor of Bridewell Royal Hospital, in the event of him/her holding such Office at the time;
 - h) to seek formal leave of the Court for any continuous period of absence abroad which might exceed four weeks”.
2. Each Aldermen will be asked to sign a statement that they have read and understand the Undertakings.
 3. New Aldermen will be asked by the Town Clerk to provide a detailed curriculum vitae when they are admitted. (There is no prescribed form.)

I confirm that I have read and understood the above Undertakings.

Signed.....

Date.....