

## Report – Policy and Resources Committee

# Bill for Act of Court of Common Council to postpone ward elections during a period of national mourning, following the demise of Her Majesty Queen Elizabeth II

*To be presented on Thursday, 12<sup>th</sup> September 2022*

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

### SUMMARY

Following the death of Her Majesty, Elizabeth II, on 8 September 2022, the nation has entered a period of national mourning.

There are two Aldermanic elections in the wards of Bishopsgate and Cripplegate, as well as a Common Council by-election in the Ward of Cordwainer, currently scheduled for Wednesday 14 and Thursday 15 September. These elections fall within the national mourning period.

In light of this, your Policy and Resources Committee has considered the matter as a matter of urgency and is minded that the Court should be invited to consider whether these elections should be postponed. A Bill for an Act of Common Council, which would have the effect of postponing these Ward elections until after the period of mourning has ended is presented accordingly for this Honourable Court's determination.

In accordance with Standing Order No. 46, the terms of any Bill must be considered by the appropriate Committee 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 was approved by the Policy and Resources Committee under urgency procedures following the announcement of Her Majesty's demise and settled by the Recorder prior to submission. In view of the extremely tight timescales to implement any determination, your Committee proposes that the Bill be considered for all three readings at a special urgent meeting of the Common Council to be held on 12 September 2022.

### RECOMMENDATION(s)

Approval be given to:-

- Proposals providing for the postponement of Ward elections during a period of National Mourning; 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

1. Two Aldermanic elections are due to be held on Wednesday 14 September and Thursday 15 September 2022, in the Wards of Bishopsgate and Cripplegate. Additionally, there is a Common Council by-election in the Ward of Cordwainer, taking place at the same time.
2. The death of Her Majesty the Queen on 8 September 2022 instigated a period of national mourning. Though it is permissible for the elections to be held during this period, in view of the very close relationship between the City Corporation and the Crown, there has been expressed a sentiment by some Members that to proceed as originally scheduled would be inappropriate.
3. There is also a material possibility that the period of national mourning would have a detrimental impact on both turnout and the provision of administrative support for the elections.
4. However, there is also a legitimate argument that to postpone the elections at this stage may cause confusion to voters or inconvenience to candidates.
5. In order to provide Members with the opportunity to deliberate the merits of postponement, the accompanying Bill for Act of Common Council is, therefore, submitted for consideration.
6. The Bill would have the effect of providing that the aforementioned elections would be postponed until after the period of national mourning has concluded, with the rescheduled elections to take place on 21 and 22 September 2022.
7. Should Members be supportive of the postponement of the elections, the Court's approval of a Bill for an Act of Common Council is the legal mechanism required to give effect to this action.
8. In accordance with Standing Order No. 46, any Bill must be considered and approved by the appropriate Committee and submitted to the Recorder of London for settling, before it can be considered by the Court of Common Council.
9. Your Policy & Resources Committee, having the relevant remit to consider this matter, has given primary consideration to the proposed Bill under urgency procedures, so as to allow for proposals to be submitted to a special meeting of the Court to be held on 12 September 2022. This will allow for a determination to be made by the full Court of Common Council in session.
10. The Recorder of London has reviewed and settled the terms of the draft Bill, pursuant to Standing Order 46 to allow for its presentation to the Court of Common Council.
11. It should be noted that, ordinarily, Standing Order 46(3) requires a Bill for an Act of Common Council to be read for a first and second time at one meeting of the Court, and then be read at a next or subsequent meeting for a third time, before being made an Act of Common Council. However, due to the urgent nature of the

Bill given the circumstances in which it has arisen, it is recommended that the provisions of that Standing Order, which allow for a Bill be read and passed at a single meeting, be invoked.

### **Appendices**

- Bill for Act of Court of Common Council to postpone ward elections during a period of national mourning, following the demise of Her Majesty Queen Elizabeth II.

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

DATED this 10<sup>th</sup> day of September 2022.

SIGNED on behalf of the Committee.

**Deputy Christopher Hayward**  
Chairman, Policy and Resources Committee

**To be considered at the Court of Common Council**

**2022**

**A BILL**

For an Act of Common Council to –

Postpone ward elections during a period of National Mourning following the demise of Her Majesty Queen Elizabeth II.

**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) On 18 July 2022 the Court of Lord Mayor and Aldermen accepted an offer from the Aldermen of Bishopsgate and Cripplegate to surrender their office;
- (3) Section 4 of the Act of Common Council of 14 July 1960 (as amended) provides that the Lord Mayor shall cause a wardmote to be summoned and held for an election to fill the said vacancies within forty-two working days next thereafter;
- (4) On 10 August 2022 the Lord Mayor issued precepts for ward elections to fill the Aldermanic vacancies in Bishopsgate and Cripplegate, and a vacancy for a Common Councilman in the ward of Cordwainer;
- (5) Section 5 of the Act of Common Council of 14 July 1960 provides that a precept shall be issued no later than the twenty-eighth day before a ward election, with the date fixed for the said elections being 14 September 2022;
- (6) There is at present a period of National Mourning following the demise of Her Majesty Queen Elizabeth II that will continue until the end of the State Funeral, currently expected to be on 19 September 2022;
- (7) Section 1 of the Act of Common Council of 9 April 1970 (as amended) provides that in computing any period of time for related election purposes, a day appointed for public thanksgiving or mourning shall be disregarded;
- (8) Section 11A(2) of the Act of Common Council of 14 July 1960 (as amended) and section 17 of the City of London (Various Powers) Act 1954 provide that where the day on which a poll at a ward election is to be held is a day appointed for public thanksgiving or mourning, such poll shall be held on the first day thereafter which is not one of those days;

- (9) There is no current provision that allows the election timetable to be paused to avoid a ward election or poll being held during a longer period of National Mourning or that allows the Lord Mayor to countermand an election for these reasons once a precept has been issued;
- (10) Whilst this is consistent with the position nationally for local government elections, it is considered to be inappropriate for ward elections to be held during this period of National Mourning given the unique nature of the City’s relationship with the monarchy;
- (11) 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 –

“Act of 1960” means the Act of Common Council made and passed on 14 July 1960 as amended;

“current ward elections” means the elections to fill the current vacancies for an Alderman in the wards of Bishopsgate and Cripplegate and a Common Councilman in the ward of Cordwainer.

### **New dates for current ward elections**

2. Notwithstanding the provisions of the Act of 1960 and the precepts issued by the Lord Mayor on 10 August 2022, the current ward elections shall not take place on 14 September 2022 and shall instead take place on 21 September 2022.

### **Revised timetable for current ward elections**

3. Any outstanding dates in the timetable for the current ward elections shall be calculated by reference to the new date fixed for the holding of those elections, with any poll being held on 22 September 2022.

### **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.

### **Savings**

5. Save as hereby varied the provisions of the Act of 1960 shall continue in full force and effect.