

Report – Policy and Resources Committee

Bill for an Act of Common Council – Power to Remove the Freedom of the City (Disenfranchisement)

To be presented on Thursday, 10th September 2026

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

Summary

The accompanying Bill is intended to address the inoperability of the existing process of removal of the Freedom of the City (disenfranchisement), as identified in the Law Officers' Opinion set out at Appendix 1 to this report (non-public). The necessity to introduce an operational process of disenfranchisement has arisen following the consideration of this Court of a non-public report from the Policy and Resources Committee on the topic of the Freedom of the City and in particular the Freedom of Andrew Mountbatten Windsor (AMW), and the subsequent resolutions made by this Court on 21st May 2026.

In order to enable the Court to affect the proposed change, a Bill for an Act of Common Council is required. The effect of the Bill would be to confer the power of removal of the Freedom upon the Court of Common Council where it considers that removal is appropriate, having regard to the relevant common law principles and the circumstances of the case. In accordance with Standing Order No.45, the terms of the Bill must be considered by the appropriate Committee(s) and must be submitted to the Recorder of London for settling prior to its submission to the Court of Common Council for its first, second and third reading.

Your Policy and Resources Committee agreed to progress the matter under the Urgency Procedure on 1st September 2026. The draft Bill at Appendix 2 has been settled by the Recorder and is now presented for its first, second and third readings to take effect immediately.

Recommendations

Approval be given to:-

1. Confer the power of removal of the Freedom of the City of London (disenfranchisement) upon the Court of Common Council where it considers that removal is appropriate, having regard to the relevant legal principles and the circumstances of the case.

2. The draft Bill for an Act of Common Council to effect this change, as set out in Appendix 2 to this report.

MAIN REPORT

Background

1. At its meeting on 21st May 2026 this Honourable Court received a non-public report from the Policy and Resources Committee in relation to the Freedom of the City and in particular the Freedom of AMW. This report set out the legal and procedural difficulties of removing the Freedom from an individual (other than an Honorary Freedom) due to the ancient and obsolete nature of the power and the change in jurisdiction of the Mayor's and City of London Court in which the power was vested. Having considered the matter, the Court resolved at this meeting to "instruct Officers to commence such proceedings as may be necessary to enable the Court to Remove the Freedom of the City from Andrew Mountbatten Windsor".
2. Subsequently the Comptroller & City Solicitor and City Remembrancer met with the Recorder of London and the Common Serjeant to consider the matter further. The assembled Law Officers agreed with the conclusion that the current disenfranchisement process was obsolete and unusable. This view, along with an explanation of the defects of the current disenfranchisement process, is set out in full in the Law Officers' Opinion at Appendix 1 to this report which is subject to legal professional privilege and therefore appears in the Non-Public part of the agenda.

Existing Caselaw

3. The last significant instance of a Freeman being disenfranchised was Alderman Plumbe in 1771, although notably this decision was overturned on appeal. In that case the High Court held that a person could not be deprived of the Freedom except for "some grave offence" and referred to categories of conduct which might lead to disenfranchisement:

"Something must be done which is to the detriment of the Corporation, or, though they may have no relation to the particular Office he is in, yet are themselves of so infamous a nature as to render the Person unfit to execute any public Franchise. The second is where he acts clearly against the Oath and Duty of his Office as a Corporator, where such Duties are annexed to his Franchise or Office. The third Sort of Offence for which an Officer in

a Corporation may be amoved or disenfranchised is of a mixed Nature, as being an Offence not only against the Duty of his Office but also a Matter indictable at law”

4. It is notable that the Alderman Plumbe disenfranchisement occurred against a distinctly political backdrop. It should also be noted that the effects of removal of the Freedom in the 18th Century could be financially ruinous given the fact that it was required to exercise a trade in the City of London and provided exemption from tolls and customs, The Alderman Plumbe case must be understood in that context. However it remains part of the common law and emphasises the nature and seriousness of conduct which may justify removal of the Freedom. If the Court legislates to confer the power to remove the Freedom upon itself, the exercise of that power would need to take account of the applicable legal principles. Whether removal is appropriate in any particular case would be a matter for the Court to determine at the relevant time, having considered the facts and any representations received.

Proposal

5. As explained, the proposal is for the power to remove the Freedom to be conferred on the Court of Common Council, with any exercise of that power to be considered by reference to the applicable legal principles, including those reflected in the relevant case law.
6. Whilst the importance of having an operable mechanism for removal is clearly important it is not expected that disenfranchisement cases will be common. There is limited evidence of any proceedings between 1771 and 1971 at which point the procedure became defective and nor has any such case been seriously considered prior to the issue of AMW. The considerable difficulties of consistently policing tens of thousands of Freemen and women have been noted by Sir Desmond Heap (as detailed in 21st May 2026 report, paragraph 3.6).
7. Whilst third parties may choose to raise concerns with the Corporation in relation to a recipient of the Freedom, such concerns do not engage a formal complaints process conferring rights on complainants. Rather, historically the commencement of disenfranchisement proceedings was in the hands of the Common Serjeant on instructions from the Corporation.
8. Given the exceptional nature of disenfranchisement, it is recommended that the following procedure be adopted.

- (i) Where the Town Clerk, in consultation with the Chamberlain, Comptroller & City Solicitor and City Remembrancer is of the opinion that grounds for the disenfranchisement of a Freeman/woman has arisen they shall submit the allegations to the Policy and Resources Committee for its consideration.
 - (ii) Before doing so the Town Clerk will write to the Freeman/woman setting out the allegations against them and inviting them to make written representations within 14 days.
 - (iii) The Policy and Resources Committee will consider the matter, including any representations received, at the first convenient meeting. The Town Clerk will notify the Freeman/woman of the outcome and where the Committee resolves to submit the matter to the Court of Common Council the Freeman/woman will be given a further and final opportunity to make written representations which will be placed before Court when the matter is considered. The Town Clerk will notify the Freeman/woman within 7 days of the decision and provide reasons for the decision.
9. Officers are of the view that such a procedure would satisfy the minimum legal requirements for procedural fairness. If the Bill is enacted, then the process may be commenced in relation to AMW.
10. The proposal requires a new Bill for an Act of Common Council (Appendix 2). In accordance with Standing Order 45, the Bill has been settled by the Recorder of London and approved by your Policy and Resources Committee, which agreed to progress the matter under the Urgency Procedure on 1st September 2026. Unless otherwise ordered by the Court of Common Council, a Bill for an Act of Common Council shall be read a first and second time at one meeting of the Court and shall at the next or a subsequent meeting be read a third time and made an Act of Common Council. Given this Honourable Court's resolution at its previous meeting on 21st May 2026, the Bill is presented for its first, second and third readings on this day with the intention that, if approved, it will be made an Act of Common Council and come into force immediately.

Conclusion

11. Officers are of the view that the proposals set out above would provide a lawful and effective process for dealing with disenfranchisement issues, subject to the relevant legal principles being considered and applied in

light of the circumstances of any particular case. The new procedure must be in place before any action can be taken in relation to the AMW matter.

Appendices

Appendix 1 – Law Officers Opinion (Non-Public)

Appendix 2 – Draft Bill for an Act of Common Council

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

DATED this 1st day of September 2026.

SIGNED on behalf of the Committee.

Deputy Christopher Michael Hayward

Chairman, Policy and Resources Committee