

Town Clerk's Department

Gregory Moore

Interim Deputy Town Clerk



Circulated to the Respondent, Objector, and other interested parties

Date 13 February 2024

**Re: City of London Ward Lists – Outcome of hearing
City of London (Various Powers) Act 1957
Representation of the People (England and Wales) Regulations 2001**

I am writing to advise all parties of my decision in relation to the inclusion of seven names linked to Elliotts Shah Chartered Accountants in the final Ward List for the Ward of Castle Baynard for 2024 – 2025.

A hearing was held on 25 January 2024 at the Guildhall before me, Greg Moore, Interim Deputy Town Clerk, under delegated authority from the Town Clerk and Chief Executive. I was assisted by Edward Wood, Assistant City Solicitor and Saira McKechnie, Head of Electoral Services and City Occupiers Database.

In attendance was Common Councillor Michael Hudson (hereinafter referred to as “the Objector”), who had submitted the objection to the inclusion of the seven names in the provisional Ward List, namely, Siddh Maru, Catherine Ng Fo Shing, Jean-Pierre Ng Fo Shing, Arumugam Sivansanthiran, Joel Field, Nilesh Shah, and Praphul Shah. Mr Hudson was accompanied at the hearing by Ian Luder.

Written representations were also received from Arvind Shah, a person with an interest in the proceedings as the Senior Partner and the nominated contact for registration purposes at Elliotts Shah (hereinafter referred to as “the Respondent”).

It was accepted that Elliotts Shah were operating as a traditional partnership within the meaning of the Partnership Act 1890 and that the partners were occupying premises within the Ward, at 167 Fleet Street, for relevant purposes.

The matter to be determined concerned the status of the seven named persons; whether they were equity partners at Elliotts Shah and individually entitled to be registered under section 6(1)(a) of the City of London (Various Powers) Act 1957 as at 1 September 2023 (“the Qualifying Date”).

In relation to Siddh Maru, Catherine Ng Fo Shing, Jean-Pierre Ng Fo Shing and Arumugam Sivansanthiran, the Respondent accepted that they were members of staff rather than partners and that they should not feature in the final Ward List.

In relation to Joel Field, the Objector queried whether he was a partner as his name did not feature on the Elliotts Shah website, and suggested that Elliotts Shah should be asked to formally confirm the position. In response to this, the Respondent confirmed in writing that Joel Field was indeed a partner at the firm. However, the Objector noted that this statement was still silent as to the date that Joel Field became a partner.

As explained at the hearing, the process for determining objections to registration is evidence based and an evidential burden is placed on the Objector to provide some evidence to support their objections. There is, therefore, a presumption that those who appear on the provisional Ward List are validly registered unless the Objector can provide sufficient evidence that they are not, on the balance of probabilities.

In the circumstances, I do not consider that the absence of Joel Field’s name from the website, or the failure to provide an exact date when he became a partner, is sufficient justification for removing his name from the final Ward List. The Respondent had stated that, in his view, Joel Field ought to appear in the Ward List and it was implicit from this that he was a partner on the Qualifying Date.

In relation to Nilesh Shah and Praphul Shah, the Objector queried whether they were partners, as they were described as consultants on the Elliotts Shah website. In previous discussions with the Head of Electoral Services, during the canvass, the Respondent had stated that, “Yes, we have shared responsibilities as partners and former partners are on exiting terms with insurance cover under our policy.” They had, therefore, been included in the provisional Ward List on the basis that they were in the process of exiting from the partnership agreement on the Qualifying Date.

However, in his written representations, the Respondent subsequently stated that Nilesh Shah and Praphul Shah were “...former partners who now act as self-employed Consultants.” It was clear from this statement that they were no longer partners in the firm.

Whilst they could still be eligible to appear on the final Ward List on this basis, as individual businesses separate from Elliotts Shah, they would each need to have been occupying premises as owner or tenant on the Qualifying Date.

As this would constitute a different route to qualification, and as new questions around eligibility arose from the evidence that had been submitted as part of the hearing process, I subsequently wrote to the Respondent to clarify the basis on which Nilesh Shah and Praphul Shah occupied offices at 167 Fleet Street on the Qualifying Date.

It became clear through that correspondence that they were making use of space at the offices of Elliotts Shah through informal licence arrangements, and not through a formal tenancy agreement. I explained to the Respondent that neither Nilesh Shah nor Praphul Shah would therefore satisfy the full requirements of section 6(1)(a).

Accordingly, Joel Field will be included in the final Ward List for the Ward of Castle Baynard for 2024 – 2025; however, Siddh Maru, Catherine Ng Fo Shing, Jean-Pierre Ng Fo Shing, Arumugam Sivansanthiran, Nilesh Shah, and Praphul Shah will not.

There is a right of appeal to the Mayor's and City of London Court in relation to this decision.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Greg Moore', with a long horizontal flourish extending to the right.

Greg Moore
Interim Deputy Town Clerk