

Closing date for constitutional amendments: 10 June 2015

Suggested Rule Change

Full involvement by party branches and branches of affiliated organisations in the selection of Westminster candidates

The Labour Party Rule Book 2015 Chapter 5 Selections, rights and responsibilities of candidates for elected public office, Clause IV Selection of Westminster parliamentary candidates (page 22)

Amendment

Insert new subclause 2 as follows:

'The NEC's procedural rules and guidelines for the selection of candidates for Westminster parliament elections shall include provision for party branches and branches of affiliated organisations to both interview prospective candidates and make nominations to the long list. The drawing up of the final shortlist will give due cognisance to the weight of nominations each candidate receives.'

and renumber existing subclauses (2) onwards to now be subclauses (3) onwards.

Supporting argument

The selection of parliamentary candidates is one of the party's most important tasks. Some MPs serve for 40 years and it is vital that every effort is made to secure the very best candidates. This should mean involving all party members and affiliated members through their branches and seeking to select PPCs that are representative of their communities. Unfortunately, in recent years, the opposite has been happening. Party branches nominate from CVs without interview, affiliated branches are not properly involved at all, and, according to the latest NEC survey, as few as 9% of current Labour MPs have a manual background, whereas 27% are from the Westminster village. Ed Miliband has made a commitment to giving members a greater role and influence. Nowhere is this more important than in the selection of Labour parliamentary candidates.

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Suggested Rule Change

Right of Party members to select candidates

The Labour Party Rule Book 2015 Chapter 5 Selections, rights and responsibilities of candidates for elected public office, Clause I General rules for selections for public office, section 2 (page 20) reads as follows:

'Party units shall act in accordance with guidance that shall be issued by the NEC in the application of these rules. The NEC has the authority to modify these rules and any procedural rules and guidelines as required to meet particular circumstances or to further the stated objectives and principles of these rules. Further the NEC has the power to impose candidates where it deems this is required by the circumstances.'

Amendment

Delete the words 'Further the NEC has the power to impose candidates where it deems this is required by the circumstances.' And replace with:

'However, the NEC shall not override the general right of party members who reside

in the electoral area concerned to participate in any selection except where the party finds itself for any reason without a duly selected candidate within two weeks of the close of nominations. In such cases, the NEC may appoint a selection panel of its members drawn by lot from those available (or, in the case of candidates other than for the UK or European parliament, available members of the NEC or appropriate Regional Board members or party officials), plus the same number of members appointed by the appropriate party body for the electoral area concerned. In other cases where the timetable requires an abbreviated process and the NEC considers it necessary to impose a shortlist, and in the event of a parliamentary by-election, the NEC may appoint a shortlisting panel with the same composition and in the same manner as the shortlisting panel described in this paragraph. This panel shall draw up a shortlist of not fewer than six candidates (unless fewer than six candidates have been nominated) if time permits from those nominated by party branches (or from specially convened meetings of members within ward boundaries where there are no members branches) and affiliated organisations, giving due cognisance to the weight of nominations received, and otherwise from those who have self-nominated.'

Supporting argument

At recent general elections, there has been considerable concern about the number of late selections where candidates have been 'parachuted' into constituencies either by imposing candidates selected without any local involvement or by imposing shortlists which excluded popular local candidates. In many cases the time taken to organise the NEC selection or shortlisting process was no quicker than would have been possible at a local level by reducing the time allowed in the normal timetables for selection. In 2010, such decisions were taken without even the presence of local observers. This amendment therefore restricts the imposition of candidates to the most extreme circumstances, and in the case of imposition of either candidate or shortlist, that decisions are taken jointly with local representatives. Where it is necessary to impose a shortlist, it should still be done jointly, and from those nominated locally whenever possible.

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Suggested Rule Change

Policy Reports: end the choice between all or nothing Allow conference to vote in parts

The Labour Party Rule Book 2015 Chapter 3 Party conference, Clause III Procedural Rules for Party Conference, Conference rule 2 - Agenda. Sub-Clause G (page 13) reads as follows:

'Party Conference shall consider policy reports and draft reports as part of the rolling programme, the NPF report, the NEC annual report, NEC statements and development strategy, constitutional amendments and contemporary motions or emergency resolutions submitted and accepted. It shall not consider any business unless recommended by the NEC or the CAC. At any special session of party conference, the NEC shall determine the business to be conducted.'

Amendment

First sentence: after 'strategy', end the sentence and insert:

'Conference has the right to refer back part of any policy document without rejecting the policy document as a whole. Conference shall also consider'

Supporting argument

Conference has always had the right to refer back any section of the NEC Report. But the platform has always refused to extend this right to NEC policy statements (except in 1974 when Tony Benn chaired the Conference). When Partnership in Power was introduced in 1997 delegates were led to believe that National Policy Forum reports would be voted on in parts if Conference so wished. But in practice this has not happened. Conference has to vote for the whole document on a take-it-or-leave-it basis. This means that, inevitably, documents are always passed, although delegates may be unhappy with one or more particular section. This proposed rule would allow Conference to have a separate vote on any part of a policy document. It is a simple democratic procedure that is long overdue. The trade unions are very supportive of this proposal.

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Suggested Rule Change

Accountability of Labour MPs: reform of "trigger mechanism"

The Labour Party Rule Book 2015 (page 22) Chapter 5: Selections, rights and responsibilities of candidates for elected public office; Clause IV Selection of Westminster parliamentary candidates; subclause 5 reads as follows:

'5. If a CLP is represented in Parliament by a member of the PLP:

A. If the sitting MP wishes to stand for re-election, a trigger ballot will be carried out through Party units and affiliates according to NEC guidelines. If the MP wins the trigger ballot he/she will, subject to NEC endorsement, be selected as the CLP's prospective parliamentary candidate.

B. If the MP fails to win the trigger ballot he/she shall be eligible for nomination for selection as the prospective parliamentary candidate, and he/she shall be included in the shortlist of candidates from whom the selection shall be made.'

Amendment

Replace paragraphs (A) and (B) by the following:

'A. If the sitting MP wishes to stand for re-election the standard procedures for the selection of a Prospective Parliamentary Candidate shall be set in motion not later than 42 months after the last time the said Member of Parliament was elected to Parliament at a general election. If the nominations are overwhelmingly in favour of the sitting MP then the NEC has the authority to approve, after consultation with the CLP, a shortlist of one, namely the sitting MP. This shortlist is then put forward to party members in accordance with the aforementioned standard procedures.

B. The said Member of Parliament shall have the right to be included (irrespective of whether he/she has been nominated) on the shortlist of candidates from whom the selection of the Prospective Parliamentary Candidate shall be made.'

Consequential amendments to be made elsewhere in the Rule Book where the 'trigger ballot' is mentioned.

Supporting argument

A mandatory reselection process for sitting Labour MPs was introduced by annual conference some 35 years ago. Prior to this Labour MPs in safe seats effectively had a comfy job for life. It was felt that this unsatisfactory situation meant that our MPs were unaccountable to the Party and thus less likely to fight hard to implement policies that seriously challenged the status quo. A powerful alliance of the trade

unions and CLPs ensured that mandatory reselection was adopted in the teeth of bitter opposition from many Labour MPs and their supporters in the Party establishment. We were told that MPs would be reduced to being mere puppets of their CLPs and that huge numbers of hard working MPs would be deselected. In fact hardly any MPs were replaced (and as many left-wing ones as right-wing ones). All it meant was that MPs took a little more notice of the policies carried by Annual Conference.

But even this small step for democracy (and no different to the mandatory reselection process that has always operated for Labour councillors) was too much for the old guard. They wanted to return to their comfort zone and there was constant pressure behind the scenes to water down mandatory reselection. The old guard eventually inveigled the unions to vote for the 'trigger mechanism' on the grounds that this maintained 'mandatory reselection' and thus kept MPs on their toes, but saved party officials and members lots of meetings and bureaucracy. In fact, of course, the trigger mechanism has effectively removed mandatory reselection and returned us to the old situation where MPs in safe seats have a comfy job for life.

If our Party is to challenge the neo-liberal status quo and properly deliver for Labour voters, our MPs, like our local councillors, must be accountable to our Party and its policies. The 'trigger mechanism' is inadequate for this purpose. We need to be bold and make a change to enhance our democracy and give party and trade union members more influence and more hope.

The proposed rule change makes provision for the situation where the sitting MP gets the overwhelming number of nominations. In these circumstances a shortlist of one can be approved, namely the sitting MP.

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Suggested Rule Change

CLPs to have the right to submit a rule change AND a contemporary motion

The Labour Party Rulebook 2015 (page 13). Chapter 3 Party Conference, Clause III Procedural rules for party conference. Conference Rule 2 - Agenda. Sub-clause C.

The last but one sentence of Sub-clause C reads as follows: '**Alternatively**, a constitutional amendment on one subject only may be submitted in writing.'

Amendment

Delete 'Alternatively' and replace by 'also'.

Supporting argument

The right of CLPs and affiliated organisations to amend the party's Constitution is an important democratic right. There should be no restriction on this right. At present, CLPs and affiliated organisations can submit either a rule amendment or a 'contemporary motion', but not both. This is an arbitrary and unnecessary restriction, since there is no link whatsoever between rule changes and 'contemporary motions'. The above rule change would remove this unreasonable restriction. The trade unions are generally very supportive of this proposal.

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Suggested Rule Change

To create a Labour Party Ombudsperson

The Labour Party Rule Book 2015 Chapter 1 Constitutional Rules (page 7)

Amendment

Insert new clause X as follows: (and renumber existing Clause X as Clause XI)

There shall be a **Labour Party Ombudsperson**, appointed by the National Executive Committee.

- The Labour Party Ombudsperson shall deal with complaints alleging a breach of the Party's rules and procedures and any other appropriate matter, in accordance with guidelines approved by the National Executive Committee.
- The Labour Party Ombudsperson shall be a Labour Party member and shall be appointed by the National Executive Committee. The Labour Party Ombudsperson shall be appointed to serve for a non-renewable fixed term, which shall not exceed 10 years.
- The Labour Party Ombudsperson shall be independent and impartial; shall be remunerated in accordance with a sum approved by the National Executive Committee; and shall not be removed from office while continuing in membership of the Party except for misconduct or incapacity, following a resolution of the National Executive Committee approved by Conference.

and renumber subsequent clauses accordingly

Supporting argument

The existing Party rules set out the duties and restrictions on members of the Labour Party. Recent experience of top down management of the Party has demonstrated that these rules have unfortunately not always been applied in an even handed and transparent way. At a local level too, the rules are not always applied in the spirit in which they were intended. The enforcement of members' rights and duties, and the investigation of complaints as to their breach, needs to be underpinned by the work of an independent ombudsperson. It is essential that the ombudsperson is accountable to the NEC and to the Party and that their work does not cut across other NEC functions. The ombudsperson must personally be truly independent and command widespread support across the party as a whole. Hopefully the ombudsperson would not have many cases to deal with, but the position would be a vital backstop and would give all members reassurance, fairness and justice where needed.

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Suggested Rule Change

To institute a rolling party programme

The Labour Party Rule Book 2015, Chapter 1 Constitutional Rules, Clause V Party Programme, subclause 2 (page 3) reads:

'Party conference shall decide from time to time what specific proposals of legislative, financial or administrative reform shall be included in the Party programme. This shall be based on the rolling programme of work of the National Policy Forum. No proposal shall be included in the final Party programme unless it has been adopted by the Party conference by a majority of not less than two thirds of

the votes recorded on a card vote.'

Amendment

Delete all and replace with:

'The Party programme will be updated annually by Party conference based on amendments submitted by affiliated organisations, the ALC, Young Labour and CLPs on the following basis:

A. The National Policy Forum shall establish policy commissions which shall each year review the relevant sections of the Party programme by no later than the end of March, incorporating any relevant resolutions of conference. These revised policy documents shall be circulated to affiliated organisations, the ALC, Young Labour and CLPs who shall be entitled to submit a limited number of amendments in accordance with the decision of the National Executive Committee.

B. These amendments shall be considered by the relevant policy commission which shall recommend whether to accept or reject them, or, if they thought appropriate, to include alternative options in the document to be resolved by party conference. Where there was a division of opinion, the commission would submit majority / minority recommendations to the National Policy Forum within its report.

C. Policy Commission reports would be presented to an annual meeting of the National Policy Forum. The National Policy Forum would decide which course to take through a simple majority vote. Where a proposal is defeated, but receives more than 25% support, it would be presented to Conference as an alternative position.

D. Party conference shall vote on each policy commission report as revised by the national policy forum, choosing between any alternative positions either presented as options within the report or as majority/minority positions.'

Supporting argument

This procedure would reform the policy-making process to (i) provide for a rolling programme based on amendments from party units, giving grassroots party individual and affiliated members direct input into policy making, (ii) enable party conference to make the final decisions on policy, choosing between any options which commanded more than 25% support. The proposal is based on a submission to Refounding Labour by the Trade Union & Labour Liaison Organisation (TULO).

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Suggested rule change

Four plus four should equal eight

The Labour Party Rule Book 2015 (page 13), Chapter 3 Party Conference, Clause III (Procedural rules for Party Conference), Conference Rule 2 - Agenda, Sub-clause C reads as follows:

'... At least the four priorities selected by CLPs will be time-tabled for debate, as will at least the first four priorities selected by Trade Unions and other affiliated organisations...'

Amendment

Replace the above with the following:

'At least the first four priorities selected by Trade Unions and other affiliated

organisations will be time-tabled for debate, as will at least the first four priorities (excluding those selected by the Trade Unions and other affiliated organisations) selected by CLPs. To ensure that a total of eight topics are prioritised the affiliates' ballot will be timetabled first and the four topics selected by the affiliates will then be removed from the subsequent CLPs' ballot.'

Supporting argument

Partnership in Power structures introduced in 1997 limited members' direct input into conference to only four subjects. In practice these were chosen by the unions. Thanks mainly to union dissatisfaction with the way conference was being 'managed', the 2003 conference passed a rule change which provided for four subjects also to be chosen by the CLPs. But when it came to voting for priorities, CLP delegates were often pressurised first by ministers in 'briefing' sessions, then by party officials, that they should vote for the priorities chosen by the unions because 'there would not be time to debate more than four subjects'. The result has been that, in most years since, only one additional subject has been debated. The New Labour plan to avoid debate and the possibility of the platform's defeat on controversial subjects was therefore largely achieved. This rule change would ensure that eight subjects are debated every year, four chosen by the trade unions and four additional subjects chosen by the CLPs. This would increase the role of CLPs and the influence of annual conference, the party's sovereign body. The trade unions are generally very supportive of this proposal.

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Suggested Rule Change

Remove the arbitrary criterion of 'contemporary' in relation to annual conference motions

The Labour Party Rule Book 2015 (page 13), Chapter 3 Party Conference, Clause III (Procedural rules for Party Conference), Conference Rule 2 - Agenda, Sub-clause C reads as follows:

'All affiliated organisations, the ALC, Young Labour and CLPs may submit one contemporary motion which is not substantially addressed by reports of the NEC or NPF to Conference. The CAC shall determine whether the motions meet these criteria and submit all motions received to a priorities ballot at the start of conference. The ballot will be divided into two sections. One section for CLPs and one section for trade unions and other affiliated organisations. At least the four priorities selected by CLPs will be time-tabled for debate, as will at least the first four priorities selected by Trade Unions and other affiliated organisations. Motions must be in writing, on one subject only and in 250 words or less. Alternatively, a constitutional amendment on one subject only may be submitted in writing. Contemporary motions and constitutional amendments must be received by the General Secretary at the offices of the party by the closing date determined by the NEC.'

Amendment

First sentence: delete 'contemporary' and delete 'which is not substantially addressed by reports of the NEC or NPF to Conference.' And replace the latter with 'on a matter of policy, campaigning or party organisation and finance'.

Second sentence: delete 'determine whether the motions meet these criteria and'.

Last sentence: delete 'contemporary'.

Supporting argument

CLPs have precious little scope to influence decision-making at annual conference and the right to submit a single 'contemporary motion' is one of their most important opportunities. Indeed, this lack of real influence is a major factor why less and less CLPs are sending delegates to conference.

Unfortunately the arbitrary criterion of 'contemporary' is not only not properly defined, but it is unnecessarily restrictive. It lends itself to being used by the platform to rule out controversial issues that the Party establishment would prefer not to see on the conference agenda. But in a democratic party, annual conference (the Party's sovereign body) should have the right to discuss all subjects which CLPs and affiliated organisations consider are important. There should be no artificial barriers on this right. CLPs and unions should therefore have the right to submit whatever subject their members consider important. The original Partnership into Power proposals made it clear that motions on campaigning and party organisation were permissible. The above rule change spells this out.

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Suggested Rule Change

Abolish the obsolete one year's delay re rule changes from CLPs

The Labour Party Rule Book 2015 (page 13) Chapter 3 Party Conference, Clause III (Procedural Rules for Party Conference), Conference rule 2 - agenda.

Amendment

Add at end after Sub-clause H, a new Sub-clause I as follows:

'All constitutional amendments submitted by affiliated organisations and CLPs that are accepted as in order shall be timetabled for debate at the first annual party conference following their submission.'

Supporting argument

The NEC can (and does!) agree rule changes one week and have them voted on by Annual Conference the following week. But for CLPs and trade unions it is an entirely different process. A rule change from CLPs/TUs submitted before the June closing date in one year has to wait well over a year (until the Annual Conference the following year) before it is timetabled for debate. This inordinate delay is due to an obscure convention, referred to as 'The 1968 ruling'! In those more democratic days a complete verbatim of Conference was published and provided to delegates and CLPs. Thus we can read that the idea proposed in 1968 was that, during the year's delay, the NEC would analyse the rule amendments in detail and present a considered assessment to the subsequent Conference. This may have happened once, but it has not been like that for years. Rather, in the lead up to the subsequent Conference, the Party officials simply make a one or two sentence written comment (usually to 'reject') and then this is nodded through by the NEC (although 2014 saw an exception to this pattern).

Thus, by its actions, the NEC has rendered the 1968 convention obsolete and it should be dispensed with. In any one year there is plenty of time between June and Annual Conference to assess rule change proposals from CLPs and TUs. The rule amendments should therefore be considered by Annual Conference in the year in which they are submitted - as set out in our recommended rule change.

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Suggested rule change

Extra seats on the NEC for CLPs

The Labour Party Rule Book 2015 Chapter 4 Elections of national officers of the Party and national committees, Clause III Procedural rules for elections for national committees Aic (page 16) reads:

“Division III (CLPs) shall consist of six members, at least three of whom shall be women, to be nominated by their own CLP and at least two other CLPs. The ballot for these places shall be conducted among all eligible individual members of the Party by means of a national one-member-one-vote postal ballot conducted to guidelines laid down by the NEC.”

Amendment

Delete and replace with:

“Division III (CLPs) shall consist of twelve members, at least six of whom shall be women and at least one of whom shall live in Scotland and Wales respectively, to be nominated by at least three CLPs. The ballot for these places shall be conducted among all eligible individual members of the Party by means of a national one-member-one-vote postal ballot conducted to guidelines laid down by the NEC.”

Consequential Amendment

In Chapter 1 Constitutional Rules Clause VIII The National Executive Committee !A (page 5) which reads:

“24 members elected in such proportion and under such conditions as may be set out in rules Chapter 3.III below and Chapter 4.III below.”

Delete “24” and insert “30”.

Supporting argument

The NEC currently consists of 12 members nominated by trade unions and only six members elected by CLPs out of a total of 33 members. This is an inadequate level of representation of CLPs (just 18%). The amendment increases CLP representation to match that of trade unions - a principle supported by trade unions in recent evidence to the party by TULO. This would give CLPs almost 31% of the places on a slightly enlarged NEC. The requirement for nominees to be nominated by their own CLP is deleted in line with the procedures for electing CLP representatives on the Conference Arrangements Committee. This is to ensure that party members can re-elect sitting members of the NEC without the possibility of their nomination being blocked by a small number of members of one CLP.

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