



CLPD's proposals for rule changes to be submitted to Labour Party conference 2019

Popular rule change proposals should not have to wait three years to be discussed at Conference

The Labour Party Rule Book 2019 Chapter 3 Party Conference, Clause III. Procedural rules for Party Conference, Conference Rule 2 – agenda, sub-section H reads as follows:

'When Party conference has made a decision on a constitutional amendment, no resolution to amend the constitution or rules of the Party having the same or a similar primary objective shall appear on the agenda of the three following annual party conferences, except such resolutions to amend the constitution and rules that are in the opinion of the NEC of immediate importance.'

Amendment

Add at end: 'or when 5 or more identical resolutions to amend the constitution or rules have been submitted.'

Supporting argument

The 'three-year rule' restricts Conference from debating important rule change proposals which could significantly improve the party's functioning. It is repeatedly used to prevent important rule change debates regardless of how much the changes are desired by the members or trade union affiliates.

This rule change would allow constitutional amendments which can demonstrate they have support from five CLPs/affiliates to be debated in the year they are submitted.

Conference would only re-discuss a change to the rules (with a similar or same primary objective) if that minimum number of organisations submit it.

It should be noted that the NEC is not subject to the three-year rule. This proposal merely seeks to extend that same right to the CLPs and affiliates if they can demonstrate their proposal has a clear minimum level of support.

Closing date for constitutional amendments: 28 June 2019

To establish the position of a Labour Party Ombudsperson

Labour Party Rule Book 2019, Chapter 1 Constitutional Rules.

Amendment

Insert new Clause XI as follows:

‘There shall be a Labour Party Ombudsperson, appointed by the National Executive Committee and ratified by Annual Conference.

‘The Labour Party Ombudsperson shall deal with complaints alleging a breach of the Party’s rules and procedures and any other complaints that in the view of the NEC should be referred to the Ombudsperson.

‘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 of between five and ten years, as agreed with the NEC.

‘The Labour Party Ombudsperson who, at all times, will act in an independent and impartial manner, shall be remunerated as 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.’

Supporting argument

Our Party’s Rule Book sets out the duties and restrictions on members of the Party. CLPs and members have long argued that, in addition, there needs to be an independent arbiter, particularly in very contentious cases and where a member/members feel they have not been treated in a fair and just manner. An ombudsperson would give the whole Party confidence and reassurance in relation to our, often very complex, Rules and procedures.

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

The Labour Party Rule Book 2019 Chapter 5 Selections, rights and responsibilities of candidates for elected public office, Clause IV. Selection of Westminster parliamentary candidates

Amendment

Insert new sub-clause 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 sub-clauses (2) onwards to now be sub-clauses (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 an NEC survey, as few as 9% of Labour MPs have a manual background, whereas 27% are from the Westminster village. The party 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.

Reserved places for BAME candidates on shortlists - to rectify under-representation

The Labour Party Rule Book 2019 Chapter 5 Selections, rights and responsibilities of candidates for elected public office, Clause I. General rules for selections for public office, Section 1, sub-clause E Candidates representative of our society, sub-section (i) (Page 29) reads as follows:

‘The Party will take action in all selections to encourage a greater level of representation and participation of groups of people in our society who are currently under-represented in our democratic institutions. In particular, the Party will seek to select more candidates who reflect the full diversity of our society in terms of gender, race, sexual orientation and disability, and to increase working class representation.’

Amendment

Add afterwards new sub-section:

‘(ii) In addition to the use of All Women Shortlists to rectify the under-representation of women in elected public office, the party will seek to rectify the under-representation of BAME candidates by using shortlists on which a fixed number of places are for BAME candidates, in accordance with the provisions of the 2010 Equalities Act.’

Supporting argument

Britain’s BAME population is under-presented on publically elected bodies and amongst Labour’s candidates in parliamentary elections, the latter being a matter that the party can take more action to correct.

Current procedures in use have not corrected this under-representation amongst the parliamentary candidates selected since 2017. So the party should make use of the law that is available to improve the situation. That law may be weak, but it does permit the NEC to insist on shortlists with reserved places for BAME candidates. This mechanism should be taken advantage of by the party as part of a serious campaign throughout the party to tackle this under-representation.

The 2010 Equalities Act Section 104 recognises the issue of under-representation and makes provision for political parties, in selecting their candidates, to use some forms of positive actions, where it can be demonstrated that the purpose is to reduce inequality in the party's representation in the electoral body concerned. Whilst it does not allow a party to stipulate an all-BAME shortlists, this current law does permit parties to stipulate shortlists that are substantially made up of BAME persons if this is a proportionate means of reducing the inequality.

**A suggested draft, rule-change, for increasing the democracy for electing Labour Group Leaders.
Please let us have any comments/amendments.**

Election of leader and deputy leader of Labour Groups

The Labour Party Rule Book 2019 Chapter 13: Rules for local government Labour groups on principal authorities, Clause IX: Selection of nominations for civic offices, council leadership and other council appointments, reads as follows:

1. 'The selection of nominations for civic offices, council leadership, chair and vice-chair of any committees and allocation of members to committees shall be made in accordance with the group standing orders, and in a manner that ensures equality of opportunity and encourages under-represented groups to come forward. The Party expects Labour cabinets to reflect the diversity of the area represented by the local authority as far as possible, and to discuss any failure to do so with the RD(GS). Where a vote for a nomination is necessary it shall be by secret ballot. The appropriate Local Campaign Forum of the Party shall have the right and opportunity to submit names for consideration, but formal nomination and selection shall be as specified in the group standing orders.'

Amendment

Deleted all and replace with:

1. 'In all councils, other than those with directly elected mayors, the Leader and Deputy Leader of the Labour Group shall be elected by a vote of all eligible individual party members and affiliated members in the area of the local authority concerned, on the basis of one member one vote. Councillors who wish to stand for leader or deputy leader must receive nominations from 10% of members of the Labour group AND EITHER 10% of party branches OR 10% of affiliated branches in order to be included on the ballot. Nominations not attaining this threshold shall be null and void. The NEC will issue guidelines as to the implementation of this election.'
2. 'The selection of nominations for civic offices, chair and vice-chair of any committees and allocation of members to committees shall be made in accordance with the group standing orders and in a manner that ensures equality of opportunity and encourages under-represented groups to come forward. The Party expects Labour cabinets to reflect the diversity of the area represented by the local authority as far as possible, and to discuss any failure to do so with the RD(GS). Where a vote for a nomination is necessary it shall be by secret ballot. The appropriate Local Campaign Forum of the Party shall have the right and opportunity to submit names for consideration, but formal nomination and selection shall be as specified in the group standing orders.'

Supporting Argument

The Labour Party's ability to deliver on its agenda of radical change will depend heavily on the policies implemented in local government, where the progressive aspirations of our members and trade unions are increasingly coming into conflict with vested interests, such as those of property developers, government funding and restrictive policies, as well as lack of ambition and vision.

Campaign for Labour Party Democracy – Suggested Rule Changes – 2019

Developing a transformative local government project will partly depend on having group leaders who have the support of local party members to campaign for the delivery of a radical local manifesto. Moreover, the involvement of the local membership in electing the leader and deputy leader of the Labour Group will give renewed confidence to members in using local government as a vehicle to implement socialism locally.

Just as giving members a say over our national leadership has renewed our party in a way which has not been seen for many decades, enabling local members to elect their Labour Group leaders and deputy leaders will support the radical reinvigoration of local government, an area where we can do so much more.

Members deserve a more complete relationship with their local Labour Groups – allowing them to elect their local leaders and deputy leaders will help to foster this.

Replacement of Local Campaign Forums with Local Government Committees

The Labour Party Rule Book 2019 Chapter 1 Constitutional Rules, Clause VIII The National Executive Committee, Sub Clause 3 B iii (page 6) reads as follows:

'an Local Campaign Forum (LCF) for each elected level of local authority above parish or community – and a Labour group of councillors on local authorities having Labour representation'

Amendment

Delete: '*Local Campaign Forum (LCF)*'

Replace with: '*Local Government Committee (LGC)*'

Consequent rule changes

Replace all subsequent references throughout the Rule Book to “Local Campaign Forum(s)” with Local Government Committee(s) and all subsequent references to “LCF” with LGC.

Chapter 12 Rules for Labour Party Local Campaign Forums

Clause 2 Objects, sub-clause 4

Delete:

'4. To undertake activities within the area for the purpose of new candidate recruitment.'

Replace with:

'4. To undertake activities within the area for the purpose of encouraging new candidates so that Labour groups are representative of the communities in which they work. '

Add:

'6. To provide a democratic structure for the accountability of the Labour group to the local Labour parties and affiliates in the area covered by the LGC.

'7. To undertake, facilitate and lead on campaigns relating to the communities in which the LGC covers. To work with CLPs, Trade Unions and community organisations to deliver this.'

Clause 3 General Principles, Sub Clause 1:

Replace 'Campaign Forum' with 'Local Government Committee'

Clause 4 Membership:

Delete:

'1 The NEC model will recommend that the membership of the LCF should include the leader and deputy leader of the Labour group or other group officer as determined by the Labour group (where such Labour Groups exists), any local and regional organisers, and appropriate representatives from

the relevant CLPs, including CLP campaign co-ordinators, representatives from trade unions and, where appropriate, other organisations affiliated to that constituency. Where a Co-operative Party council exists for the area concerned and they sponsor candidates in local elections they shall be entitled to appoint a member to the LCF. Additionally, any sitting MP, AM, MSP, MEP, PCC and / or PPC may attend their LCF.

'2 The local Party should work to ensure that the membership of the LCF is representative of the communities in which it will work. '

Replace with:

'1 The membership of the LGC shall consist 75% of delegates from the local CLP(s) and 25% from affiliates. At least 50% of delegates from each group shall be women. There shall be one additional BAME, Disabled and LGBT representative; this shall be elected by the respective BAME, Disability and LGBT forums where such forums exist. Delegates must not be councillors in the area covered by the LGC; where this is not possible the relevant RD (GS) may waive this rule.

'2 Additionally, CLP campaign coordinators shall be ex officio members of the LGC. Any sitting Councillor, MP, AM, MSP, MEP, PCC and / or PPC may attend their LGC without voting rights. Where a Cooperative Party council exists for the area concerned and they sponsor candidates in local elections they shall be entitled to appoint a member to the LGC with full voting rights.'

Clause V. Officers and Executive Committee

Delete:

'3 The officers shall consist of a chair, vice-chair, and secretary. At least one of the officers shall be a woman.'

Replace with:

' 3 The officers shall consist of a chair, vice-chair, secretary, procedures secretary and treasurer. The secretary may also serve as the procedure's secretary. At least two of the officers shall be women.'

Clause VI. Meetings

Delete:

'2 The LCF shall meet whenever necessary to deliver the best organisation and campaigns to secure the best possible representation for Labour in the authority. As a minimum, the LCF shall have at least one meeting a year for each of: the creation of a campaign strategy, the creation of a recruitment strategy, the creation of a selection strategy and to convene a selection panel. '

Replace with:

'2 The LGC shall meet whenever necessary to deliver the best organisation and campaigns to secure the best possible representation for Labour in the authority. The LGC should have at least one meeting a year for each of: the creation of a campaign strategy, the creation of a recruitment strategy, the creation of a selection strategy and to convene a selection panel.

'3 Where the Labour Party are in power, the LGC shall meet at least two more times a year, to discuss the progress of the implementation the manifesto. The leader, deputy leader and all office holders of the council shall report on their portfolios. These meetings shall be open to all party and affiliated members covered by the area of the LGC.

Clause VIII. Determination of group policy and action:

Delete:

'1 The local government election campaign strategy shall be determined by the local Party, normally the Local Campaign Forum in consultation with the Labour Group. The Labour Group shall formulate election manifestos in consultation with the local Party and relevant CLPs. '

Replace with:

'1 The local government election campaign strategy shall be determined by the LGC, in consultation with the Labour Group. Election manifestos should be formulated and agreed between the LGC and the Labour Group, in consultation with the local Party and relevant CLPs. The NEC shall produce guidelines for the development of the borough manifesto that enable the full participation of members at all levels of the party in its development.'

Supporting Argument

This rule change is necessary because LCFs are not currently fit for purpose. In many cases, they meet infrequently for the sole purpose of overseeing selections, they don't fulfil any positive role in policy development, they don't perform a role in holding the labour group to account and they don't organise campaigning. It also provides for greater representation from trade unions and other affiliates. The 75% / 25% ratio is recommended in the democracy review published in 2018 and therefore ought to be implemented.

The function of the LGC should be to consult and negotiate with the Labour Group on behalf of members, branches and CLPs, and not to serve as a subcommittee of the Labour Group. For this reason, councillors should not be officers or delegates to the LGC. It eliminates any perceptions of a conflict of interest that can arise if Councillors hold positions in both the Labour Group and the LGC.

Overall, this proposal strengthens the accountability of the Labour Group to the local party and proposes structures that will enable elected representatives and local members to work together in partnership.

Member's Rights and the Nolan Principles

The Labour Party Rule Book 2019 Chapter 2 Membership rules, Clause II Charter of Members Rights, Section 7 (pg 14) reads as follows:

'Members have the right to dignity and respect, and to be treated fairly by the Labour Party. Party officers at every level shall exercise their powers in good faith and use their best endeavours to ensure procedural fairness for members.'

Amendment

After Party officers, insert ', staff and volunteer role holders'

After 'good faith', insert 'in accordance with the Nolan Principles of conduct in public life'

Replace 'endeavours' with 'efforts'.

Supporting argument

All Party Officers, staff and volunteer role holders are to be held to the Nolan Principles of selflessness, integrity, objectivity, accountability, openness, honesty & leadership.

Member's Rights and the European Convention on Human Rights

The Labour Party Rule Book 2019 Chapter 1 Constitutional rules, Clause X Scope of rules, Section 5 (pg 10) reads as follows:

'For the avoidance of any doubt, any dispute as to the meaning, interpretation or general application of the constitution, standing orders and rules of the Party or any unit of the Party shall be referred to the NEC for determination, and the decision of the NEC thereupon shall be final and conclusive for all purposes. The decision of the NEC subject to any modification by Party conference as to the meaning and effect of any rule or any part of this constitution and rules shall be final.'

Amendment

After 'for all purposes.' Insert 'The NEC, any person or body using the delegated powers of the NEC, the NCC and its officers and advisors shall take into account and comply with the laws of the relevant UK jurisdiction and the European Convention of Human Rights.'

Supporting argument

Since the Labour Party is not a public body, automatic use of the ECHR does not apply to the interpretation of its rules. This amendment states the European Convention of Human Rights applies to the interpretation of Labour's rules strengthening member's rights including the right to a fair trial, right of effective remedy, freedom of expression & thought and right to privacy and a family life.

End arbitrary freeze dates

The Labour Party Rule Book 2019 Chapter 5 Selections, rights and responsibilities of candidates for elected public office, Clause III Selection of local government candidates, Section 5 (pg 31) reads as follows:

‘Individual paid-up members of the Party, resident in the electoral area where the selection is taking place and a member for at least six months at a date determined by the Local Campaign Forum, will be invited to participate in the process of shortlisting and selection of their local government candidate(s).’

Amendment

Delete section and replace with:

‘All individual paid-up members of the party, resident in the electoral area where the selection is taking place, who are either in membership 12 months prior to the date of local government elections or have six months’ membership prior to the date of the shortlisting meeting shall be entitled (except in by-elections) to take part in shortlisting and selection meetings. In the case of by-elections, the eligibility shall be six months before the date of the election.’

Supporting argument

The present rule allows for entirely arbitrary freeze dates, different in different parts of Britain, and open to manipulation by very small numbers of people to disenfranchise large sections of members. In selections for elections in May 2018, as many as half of all members were disenfranchised in some areas, with logical absurdities resulting – for example, that while local government candidates normally need one year’s membership, members selecting candidates have needed well over a year’s membership.

Under the present rule, Regional Directors have insisted that the six-month countback starts from the date of the LCF meeting called to discuss the issue. By calling an LCF meeting on a particular date, an LCF secretary can, in conjunction with a Regional Director, determine the eligibility of members. Many LCFs have met infrequently, not holding AGMs according to rule, and LCF secretaries have been able to act without any effective accountability.

Rule change to permit the establishment of ad-hoc forums

The Labour Party Rule Book 2019 Chapter 7 Rules for CLPs, Clause VI, Section 10 (page 41) reads as follows:

'There may be established other such forums among common interests groups acting in accordance with the rules for these forums and any other regulations approved by the NEC and on boundaries approved by the NEC.'

Amendment

After: 'these forums' insert: 'set out in Chapter 15'

Add: 'Such forums may be established by resolution of a General Meeting, which shall state, the name, purpose, membership and geographic boundaries of the forum, the EC officer responsible for the forum and if the EC Officer responsible is an additional voting member of the Executive Committee. Any such forum shall require approval by the RD/GS which shall not unreasonably be withheld.'

Consequential amendments

Insert: New Chapter 15, Model Rules for Forums
And renumber as appropriate

Add in the preamble and clauses set out below:

Preamble

This Rule is a template rule for the establishment of forums within a CLP or District. It shall be instantiated via the processes stated in Chapter 7.IV.5. The resolution shall specify those details, required in rule C.IV.5.

In the template below {} represents the constituency name and {}{} represents the name and membership of the forum.

The EC Officer responsible for the forum is referred to as the designated EC officer.

Clause I.

Name

1. {} Constituency Labour Party {}{} forum.

Clause II.

Aims and values

1. National

A. The aims and values of the Party as outlined in Chapter 1 Clause IV of the national constitutional rules shall apply to this {}{} forum.

2. Constituency

A. The aims of this {}{} forum shall be:

i. to encourage and support {}{} members to play a full and active part in all the Party's activities, particularly through facilitating training, networking and mentoring, and encouraging {}{} members to run for elected office.

ii. to build links with {}{} voters in the community, through contact with community organisations and individual {}{} voters, consultation, campaigning and joint working.

- iii. to encourage {} voters to join the Party and to ensure that new {} members are welcomed.
- iv. to ensure that {} members' voices are heard in the Party, through monitoring {} involvement in activities, and feeding {} concerns to the Party and to policy makers.
- v. to work jointly with Labour {} members in neighbouring constituencies in the delivery of the above aims.

Clause III. Membership

1. The membership of the this forum shall consist of all individual {} members in { } Constituency Labour Party. The designated EC officer should be provided with contact details for {} members in the constituency by the constituency secretary. All {} members shall be mailed at least annually to inform them about the activity of the {} officer and/ or forum.

Clause IV. Management

1. The designated EC officer shall be responsible for co-ordinating a {} forum in the constituency to aid them in delivering the aims of the organisation. She/he will be, ex-officio, the chair/ co-ordinator of this group.
2. The designated EC officer and forum shall draw up an annual plan and a programme of activities. This plan shall be agreed by the GC/AMM of the constituency. The plan shall be prepared bearing in mind:
 - A. the aims of the local {} forum.
 - B. the particular interests and needs of local {} members, as identified through surveying {} members.
 - C. the guidelines and priorities circulated from time to time by Party Head Office or, as appropriate, the Scottish, Welsh or regional office.
3. The {} forum may appoint other officers to help carry out its work.
4. The designated EC officer shall build targets for the year into their plans, which can then be monitored and reviewed to help planning for future years.
5. The {} forum shall register with the appropriate Regional Director (or General Secretary in Scotland or Wales), and re-register on an annual basis.

Clause V. Meetings

1. A meeting of this forum shall only have formal status if all {} members in the constituency have been given 14 days written notice of the meeting, and the business to be discussed, and at least ten eligible {} members attend.
2. At a formal meeting this forum may, if it wishes, make nominations to the CLP for posts open to nomination from branches (i.e. CLP officers, parliamentary/ European parliamentary candidate, members of the NEC, National Policy Forum, etc.) and elect two delegates to the constituency General Meeting, at least one of which must be a woman. A formal meeting may also agree motions to be sent to the General Meeting.
3. The {} forum may hold whatever informal meetings or gatherings it sees fit to work towards meeting its aims.

Clause VI. Activities

1. The {} forum shall prioritise work which aims to support {} members of the Party to play an active part in all the Party's activities – in particular, training, mentoring and networking among {} members to encourage them to:
 - A. hold elected office within the Party (e.g. as branch or constituency chair, political education officer, etc.).
 - B. stand as councillors, MPs, MEPs and other forms of elected representative for the Party.
 - C. become involved in the community, for example, as school governors/ board members, on committees of local organisations, as magistrates, members of community health councils, etc.
 - D. take part in all forms of Party activities – in particular campaigns, recruitment activity, Party committees, meetings and policy forums.
2. The {} forum shall also seek to build links with {} voters in the community through, for example:

- A. building relationships with organisations, such as {{{}} voluntary organisations, tenants' groups, trade unions and other organisations in which {{{}} voters are active, through information exchange, personal contact, joint meetings, events and campaigns.
- B. working with the Party and Labour councillors and MPs to consult {{{}} voters in the community about their views and concerns, using consultation meetings, policy forums, surveys, listening campaigns and other techniques.
- C. targeted campaigning and recruitment activity with {{{}} voters, including campaigns on issues of particular interest to {{{}} voters.
- D. The {{{}} forum shall seek to ensure that {{{}} members' voices are properly heard in the Party, through the above activities and through, for example:
 - i. feeding {{{}} members' views on policy into local and national policy forums and to the constituency's General Meeting.
 - ii. encouraging {{{}} members to play an active role in these and other bodies, monitoring {{{}} members involvement and working with the rest of the Party to develop arrangements which maximise this involvement.
 - iii. bringing any problems regarding {{{}} involvement to the attention of the constituency secretary, other officers, the regional Party office or the General Secretary

Clause VII.

Finances

1. The funds of this forum shall consist of donations, collections, profits from sales, and receipts from activities undertaken by the forum. In the event of the dissolution of the {{{}} forum its assets shall belong to the { } Constituency Labour Party. The Constituency Labour Party shall, by agreement, make resources available to the {{{}} forum (if operating successfully), to enable it to function effectively. The Labour Party's financial scheme recognises the assets and financial transactions of this forum as the assets and financial transactions of { } Constituency Labour Party, of which it is a constituent part. It shall be the duty of this forum to co-operate with the CLP, and in particular the CLP treasurer, in respect of the CLP's obligations under the Political Parties, Elections and Referendums Act 2000. Should this forum fail to co-operate with the CLP, the NEC will take appropriate disciplinary action against individual members, suspend this {{{}} forum or both.

Clause VIII.

General

- 1. The general provisions of the constitution and rules of the Party shall apply to this forum.
- 2. This forum shall not enter into affiliation or give support financially or otherwise to any political party or organisation ancillary or subsidiary thereto declared ineligible for affiliation to the Party by the annual Party conference or by the NEC.
- 3. This forum shall not have the power to enter into property-related transactions or to employ staff.
- 4. This forum shall adopt standing orders and procedural rules as may be agreed by the appropriate RD(GS).

Clause IX.

Alteration to rules

1. Any alteration or addition to these rules may only be made at the annual general meeting of this forum but must be submitted to the appropriate RD(GS) for approval before being put into operation. Such changes shall not contravene the spirit or intention of the model rules as accepted by Party conference or the NEC.

