

Suggested Changes to the Labour Party Rule Book

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Closing date for Constitutional Amendments: 12 noon, Friday 17 June 2022

The Labour Party should decide which Labour MPs can seek re-selection – not the PLP

The Labour Party Rule Book 2022 Chapter 5 Selections, rights and responsibilities of candidates for elected public office, Clause IV Selection of Westminster parliamentary candidates, Sub-clauses 5 and 5.A (pg 35) read 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 branches and affiliated branches according to this clause and NEC guidelines.’

Proposed Amendment

Delete: ‘5. If a CLP is represented in Parliament by a member of the PLP:’

And replace with:

‘5. If a CLP is represented in Parliament by either a member of the PLP or by a member of the Labour Party who has not had their membership rights to stand in internal selections to represent the Party as a publicly elected representative suspended under the provisions of Chapters 1, 2 or 6 of this rule book:’

Make no changes to Sub-clauses 5.A through to 5.E

Add a new Sub-clause 5.F, after Sub-clause 5.E:

‘F. This sub-clause 5.IV.5.F, conferring on sitting MPs the rights set out in sub-clause 5.IV.5 above, shall automatically expire at the close of Annual Conference 2025. If any parliamentary selection has concluded in 2022 in which an MP who is a member of the Labour Party was not able to seek re-selection and had not had their membership rights to stand in internal selections to represent the Party as a publicly elected representative suspended, under the provisions of Chapters 1, 2, or 6 of this rule book, then that parliamentary selection will be null and void and a new parliamentary selection will be organised on the basis of the rules agreed at the 2022 Labour Annual Conference, if that sitting MP wishes to seek re-selection.’

Supporting argument

Currently the Labour Party has the power, using the provisions of the disciplinary processes, clearly set out in the Rule Book, to prevent a Labour MP from seeking re-selection. Both the National Executive Committee (NEC) and National Constitutional Committee (NCC) have specific powers to suspend a party member’s right to be a prospective parliamentary candidate.

In addition the Parliamentary Labour Party (PLP) also currently has the power to prevent a Labour MP from seeking re-selection, even when the Labour Party has itself not decided to make such a decision. A Labour MP can be suspended or expelled from the PLP (suspension or withdrawal of the Labour Whip) by a decision of the Chief Whip, under powers that are set out in the PLP’s Standing Orders. Currently the Rule Book allows the

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PLP decision on the whip to take precedence over the Party's determinations on disciplinary matters.

Specifically, this means that in situations where the Labour Party has investigated the conduct of a Labour MP, under the Labour Party Rule Book's disciplinary processes, and the Labour Party has not decided to bar the Labour MP from seeking re-selection, the Chief Whip/PLP can ignore the outcome of the Party's disciplinary process and in effect bar the Labour MP from seeking re-selection.

The current wording of the Rule Book in effect allows a component unit of the Party (the PLP) to overrule the decisions of the NEC and NCC – the national Labour Party bodies that are elected by the Party as a whole to make such decisions. Unlike the rules and procedures for the NEC and NCC disciplinary processes, the PLP's procedures are not determined by the Labour Party through its Conference and as such there is no accountability within the Party for the decisions made. The PLP sets its own Standing Orders, with no involvement of the Party's CLPs and Affiliates.

The PLP, as a component unit of the Party, not the other way around. It is of course entitled to its view, but not to impose its view on the Party. The current wording of the Rule Book undemocratically permits the PLP to wield powers to impose decisions on the national Labour Party over re-selections. This power of veto by the PLP is not democratic, so should be removed from the Rule Book.

The purpose of this rule change is to allow all Labour MPs, who have not been barred from standing by the Labour Party, to seek re-selection. The PLP would continue to have their powers to set their own Standing Orders and internal codes of conduct, but not have the power to stop the Labour Party from considering the re-selection of any Labour MP that the Labour Party has not itself decided is ineligible to seek re-selection.

It is Labour Party Conference, made up of CLPs and affiliates, that sets the rules that govern eligibility for selection as a parliamentary candidate where there is no sitting Labour MP. The PLP has no powers to set those rules. Labour Party Conference also sets the rules that govern the re-selection process. It is an undemocratic anomaly, in the Party's Rule Book, that the PLP, which sets its own rules, can in effect take precedence over the national Party's process in re-selections.

The additional Sub Clause 5.F, proposed by this rule change, would ensure the application of this new rule to all parliamentary selections taking place in 2022, including those prior to the 2022 Labour Annual Conference.

Conference needs to democratise the parliamentary re-selection process!

Calls for card votes from Annual Conference delegates should not ignored

The Labour Party Rule Book 2022 Chapter 3 Party Conference, Clause III. Procedural rules for Party Conference, 3. Conference Rule 3 – Voting, A. reads as follows:

Voting at Party conference on resolutions, reports, amendments, proposals and references back shall be by show of hands or, when the conditions laid down by the CAC require it, by card. When a card vote is called, voting shall be in two sections as follows:

Amendment

After 'laid down by the CAC require it', insert, 'or where 30 delegates request it', after 'by card.' Insert, 'The Chair of Conference will call a card vote where it is unclear if a policy motion has achieved the necessary majority required by the rule set out in Chapter 1 Constitutional rules, Clause V. Party programme, sub-section 2.'

Supporting argument

Over the last few years there have been circumstances where delegates have asked by acclaim for card votes on policy and yet the Chair has refused to grant them. This means that:

- i. most policy motions, even those carried overwhelmingly are not recorded as having a $\frac{2}{3}$ majority required to be included the manifesto and programme.*
- ii. a show of hands vote within the CLP class favours smaller CLPs.*
- iii. this decision has on occasion been used by the NEC to suppress dissenting views.*

Members need a Party Ombudsperson

The Labour Party Rule Book 2022 Chapter 2 Membership rules, Clause II Charter of Members' Rights and Responsibilities

Amendment

Add new sub-section at end of Clause:

16. Members who consider there has been an instance of maladministration by the Party with regards to this Clause may appeal to a Party Ombudsperson to consider redress. Such an Ombudsperson shall be elected by delegates to Party Conference on a renewable three year term of office. Decisions by the Ombudsperson shall be final.

Supporting argument

Outside of disciplinary matters (considered under Chapter 6 of the Rule Book) members have no formal channel to complain about maladministration by the Party. Establishment of a Party Ombudsperson would give ordinary members a route to submit complaints where the Party has not acted within the rules or unfairly. The Ombudsperson would be elected by delegates to Annual Conference in order to ensure a separation from the NEC and the General Secretary who are responsible for the administration of the Party. This would mirror the election of the National Constitutional Committee.

Ban lobbyists and property developers from being selected as local government or Parliamentary candidates

The Labour Party Rule Book 2022 Chapter 5; Clause I General rules for selections for public office, Sub-clause 1. B.:

Amendment

Add a new sub-clause at the end:

iii. No member who works as or conducts a business as a lobbyist or property developer, or has worked as or conducted such a business in the previous four years, may be considered for selection for public office at any level, including without limitation for selection as a local councillor or parliamentary candidate.

For the purposes of this rule, “lobbying” means: undertaking activities for profit and on behalf of a for-profit third party or client in an attempt to influence, or advise those who wish to influence, the UK Government, Parliament, devolved legislatures or administrations, regional or local government or other public bodies on any matter within their competence, but for the avoidance of doubt shall not include:

1. Activities on behalf of a trade union or in the capacity as an official or member of a trade union; or
2. Activities on behalf of a charity or not-for-profit organisation or in the capacity as an official of a charity or not-for-profit organisation.

Supporting argument

This rule change is an anti-corruption measure to exclude lobbyists and property developers from being selected as Labour candidates.

The planning process is the epicentre of political corruption in the UK. When the right planning permission can cause land to skyrocket as much as three hundred times in value, unscrupulous developers do everything they can to influence the process. In London, almost one in ten councillors has links to property developers - the very developers whose applications they approve. Tory councillors frequently receive extravagant gifts from lobbyists, or work for "public relations" firms whose services include "delivery of planning approvals" - raising suspicions of corruption and undermining public confidence in the process. Unfortunately, the same is true of a small number of Labour councillors, who moonlight as lobbyists for developers.

For Labour to have credibility in taking on Tory corruption, it needs to make sure its own candidates are above suspicion. This rule change bans lobbyists and property developers from being selected as Labour candidates. It's a measure that's been adopted by our sister parties around the world, and ensures that the public can have confidence in Labour candidates' integrity. It specifically excludes trade unions and charities from the definition of lobbying

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because these do not pose the same conflicts of interest.

Selection of Westminster parliamentary candidates - longlisting should return to CLPs

The Labour Party Rule Book 2022 Chapter 5, Clause IV Selection of Westminster parliamentary candidates, Sub-clause 6 reads as follows:

6. In all circumstances (i.e. where there is no MP, where the MP has announced s/he is retiring or where the MP is putting themselves forward for re-selection but has failed to win the trigger ballot) the CLP Shortlisting Committee shall draw up a shortlist of interested candidates to present to all members of the CLP who are eligible to vote in accordance with Clause I.1.A above.

Amendment

Replace the entire Sub-clause 6 with:

6. In all circumstances (i.e. where there is no MP, where the MP has announced s/he is retiring or where the MP is putting themselves forward for re-selection but has failed to win the trigger ballot) the CLP Selection Committee shall draw up a longlist of interested candidates in accordance with Clause I.1.A above. Any person who has been nominated by the Co-operative Party or an affiliated organisation must be longlisted. After further consideration the CLP Selection Committee shall draw up a shortlist to present to all members of the CLP who are eligible to vote.

Supporting argument

Early in 2022 the NEC introduced a new set of procedures for the selection of parliamentary candidates, that have taken the power away from CLPs to select a parliamentary candidate from a longlist the CLP has itself drawn up. Previously the longlist was drawn up by the CLP Selection Committee. Under the new procedure, introduced this year, the longlist will be drawn up by a panel of NEC and REC members.

The Mirror article of 19 January 2022 that reported on these changes was titled: 'Keir Starmer seizes control over MP selections as clash with Labour Left looms'.

This rule change would return to CLPs the powers to draw up the longlist, from which the shortlist is decided. The rule change proposes to make no change to the longstanding arrangement that candidates nominated by an affiliate or the Coop Party are automatically placed on the longlist.

CLPs and affiliates should be allowed to submit a motion and a constitutional amendment to Party Conference

The Labour Party Rule Book 2022 Chapter 3 Party Conference; Clause III. Procedural rules for Party Conference; 2. Conference Rule 2 – agenda; Part C (Page 23) reads as follows:

All affiliated organisations, the ALC, Young Labour and CLPs may submit one motion to Conference. In addition, affiliates with more than 100,000 affiliated members may submit one further motion. The CAC shall 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 six priorities selected by CLPs will be time-tabled for debate, as will at least the first six 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. 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

In the first sentence delete ‘may submit one motion’ and insert: ‘may submit one motion and one constitutional amendment’

In the second to last sentence replace ‘Alternatively, a constitutional amendment’ with ‘Additionally, a constitutional amendment’

Supporting argument

Our Party Conference’s decision-making ability can be significantly improved. At the moment it is hampered by several key factors.

*One of these is that CLPs and affiliates face serious restrictions on their power to shape the agenda which they’d like to discuss. CLPs and affiliates are currently only allowed to submit a single motion **or** a single constitutional amendment.*

This suggested amendment would enable CLPs and affiliates to submit one of each.

CLPs and affiliates should be allowed to submit motions on organisational issues to Party Conference

The Labour Party Rule Book 2022 Chapter 3 Party Conference; Clause III. Procedural rules for Party Conference; 2. Conference Rule 2 – agenda; Part C (Page 23) reads as follows:

All affiliated organisations, the ALC, Young Labour and CLPs may submit one motion to Conference. In addition, affiliates with more than 100,000 affiliated members may submit one further motion. The CAC shall 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 six priorities selected by CLPs will be time-tabled for debate, as will at least the first six 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. 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

In the first sentence after ‘may submit one motion’ add: ‘on a matter of either policy, campaigning, party organisation or finance’

Supporting argument

Annual Conference is supposed to be the most authoritative body of the Party. As such, in the past Conference discussed and made decisions on both policy and organisational matters. It even overturned decisions made by the NEC to expel members, readmitting them to Party membership.

In recent years motions submitted by CLPs or affiliates that are deemed to be on matters of organisation have been not allowed on to the Conference agenda for the Annual Conference to discuss. Instead they have been referred to the NEC. It is undemocratic that the NEC’s decisions on organisational matters can no longer be considered and changed by Conference, should it so desire.

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

The Labour Party Rule Book 2022 Chapter 3 Party Conference; Clause III. Procedural rules for Party Conference; 2. Conference Rule 2 – agenda; Part H (Page 23) 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 five or more identical resolutions to amend the constitution or rules have been submitted.’

Supporting argument

The so called ‘three-year rule’ restricts Conference from debating important rule change proposals for the next three Conferences, which in 2022 means this year’s Conference cannot discuss proposals having the same primary purpose as a proposal that was voted on in either 2018, 2019 or 2021 – in other words the past four years. The current rules are repeatedly being used to prevent important rule change debates, and expanding the reach to well beyond what was originally discussed, regardless of how much the changes are desired by the members or 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 the proposed minimum number of five 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.

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

The Labour Party Rule Book 2022 Chapter 5 Selections, rights and responsibilities of candidates for elected public office; Clause IV. Selection of Westminster parliamentary candidates (page 34).

Amendment

Insert new Part 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 Part 2 onwards to now be Part 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 Prospective Parliamentary Candidates 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. The party should give its members and affiliates greater role and influence. Nowhere is this more important than in the selection of Labour parliamentary candidates.

The NEC must decide on the powers to be granted to the General Secretary, and Conference take the final decision

The Labour Party Rule Book 2022 Chapter 1 Constitutional rules, Clause VIII. The National Executive Committee, 3, sets out the duties and powers of the NEC.

Amendment

Add a new sub-clause R as follows:

'Each year before the annual conference the NEC shall adopt a clear and precise scheme of delegation of its powers to the General Secretary and Regional Directors. That scheme shall be reported to conference, which will have the right to agree it or refer it back.'

Supporting argument

Currently the General Secretary (GS) can issue 'guidance' to CLPs that they cannot discuss issues of party business such as 'solidarity' or the factional abuse of the party's disciplinary processes, and it is claimed that the GS's 'guidance' has been issued using the powers that the NEC has delegated to the GS. The NEC is not currently required to decide in advance exactly what powers it will delegate to the GS and Conference is never informed of the powers that are being delegated.

This proposed rule change would require the NEC to decide on the powers it wishes to delegate and to inform Conference of this decision, which Conference could refer back if it did not agree with the delegated powers.

Member's Rights and the European Convention on Human Rights

The Labour Party Rule Book 2022 Chapter 1 Constitutional rules, Clause XII Scope of rules, Section 5 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.

Labour members should be required to be members of a trade union

The Labour Party Rule Book 2022 Chapter 2 Membership rules, Clause I, Section 9 B reads as follows:

‘if applicable, be a member of a trade union affiliated to the Trade Union Congress or considered by the NEC as a bona fide trade union and contribute to the political fund of that union (a person who does not contribute to the political fund of her/his trade union may not be an individual member of the Party).’

Amendment

Replace the words: ‘if applicable’

With the words: ‘unless legally prevented because of their employment’

Supporting argument

The Labour Party was founded in 1900 to be the voice of the trade unions in Parliament, and by extension the champion of all working people, whether unionised or not. It used to be that one had to be in a union to be a member of the Party, but this has been rather ignored in recent decades. The maintenance and strengthening of the organic link between the trade unions and the Labour Party is essential if the Party is ever to achieve its goal of transforming society, as clearly stated in its Rulebook.

Apart from those who are barred from joining a union because of their occupation, everyone can now belong to a union, including retired and unwaged people. If someone has an anti-union employer he or she can request that the union sends all communications to their home address, so their employer will never find out. The more members there are in the trade unions the stronger and more effective the unions become, to the benefit everybody - working or not. Apart from members of the police or armed services, it's therefore reasonable to require trade union membership of anyone who wishes to belong to the very organisation which was set up to represent the trade unions in Parliament.

Member's rights to free speech should be restored

The Labour Party Rule Book 2022 Chapter 2 Membership rules, Clause II Charter of Members Rights and Responsibilities:

Amendment

Add in a new Sub-Clause 8 and renumber existing Sub-Clauses 8 to 15 accordingly.
New Sub-Clause: 'Members have the right to hold opinions and to express them freely without interference. This includes the right to express these views aloud (for example through public protest and demonstrations) or through, published articles, books or leaflets, television or radio broadcasting, works of art, and the internet and social media. Members have the right to receive information from other people by, for example, being part of an audience or reading a magazine or a social media group.'

Supporting argument

*These words are taken from
<https://www.equalityhumanrights.com/en/human-rights-act/article-10-freedom-expression>.
The right to free speech is a human right guaranteed by the European Convention on Human Rights. Labour removed this right from its rules in 2017 and has exacerbated restrictions on free speech in a series of rules reforms. It is essential that members Article 10 rights are established in the rules.*

The NEC should stop publishing its proposed rule changes at the last minute – members need time to consider such proposals

The Labour Party Rule Book 2022 Chapter 3 Party Conference, Clause III Procedural rules for Party Conference, Clause 2, Sub-Clauses A and C read as follows:

A. The NEC shall present to conference the report of the NEC, including: a summary of its work during the previous year; the work of the NEC committees and proposed programme for the forthcoming year. All such documentation shall be circulated to all affiliated organisations and CLPs by a date to be determined by the NEC.

C. All affiliated organisations, the ALC, Young Labour and CLPs may submit one motion to Conference. In addition, affiliates with more than 100,000 affiliated members may submit one further motion. The CAC shall submit all motions received to a priorities ballot either prior to or 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 first six priorities selected by CLPs will be timetabled for debate, as will at least the first six 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. 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

Sub-Clause A: Add at the end:

‘which shall not be later than 30 days before the conference.’

Sub-Clause C: Add at the end:

‘which shall not be later than 30 days before the conference. NEC proposed rule changes must be published not later than 30 days before the conference.’

Supporting argument

The NEC has developed a practice of proposing significant rule changes and publishing them with extremely short notice. This means that the membership cannot debate or mandate their delegates and that delegates cannot undertake reasonable scrutiny. This rule change ensures that any NEC documents inc. rule changes, the Annual Report and the Finance report are published such that proper scrutiny and informed debate can occur.

NEC final decisions and good faith

The Labour Party Rule Book 2022 Chapter 1 Constitutional Rules, Clause VIII The National Executive, Sub-Clauses 6 reads as follows:

‘All powers of the NEC may be exercised as the NEC deems appropriate through its elected officers, committees, sub-committees, the General Secretary and other national and regional officials and designated representatives appointed by the NEC or the General Secretary. For the avoidance of doubt, it is hereby declared that the NEC shall have the power to delegate its powers to such officers and committees and subcommittees of the NEC and upon such terms as from time to time it shall see fit. Further, it shall be deemed always to have had such power.’

Amendment

Insert New Sub-Clause 7:

‘All powers of the NEC, shall not be exercised in a manner that that is, or could be seen as, capricious, arbitrary, perverse or irrational. Any decisions taken by the NEC, or others acting on behalf of the NEC, shall not be exercised in a manner that is, or could be seen as, capricious, arbitrary, perverse or irrational. This constraint on the powers of the NEC and its delegates has precedence over all rules including those where the NEC decision is bestowed final.’

Supporting argument

This constraint is fundamental in contract law, it seems important that they are incorporated in the rules. It seems necessary to remind the NEC’s individual members that there are legal constraints on the decisions that they take, it is hard to see how anyone seeking to be honest, genuine or exercised in good faith.