**Qualification and disqualification**

**Introduction**

There are both party requirements and also certain legal provisions about who can and cannot be a local councillor.

The Labour party’s rules state that:

*‘Nominees must be legally qualified, and not disqualified, to stand for the local authority at the election concerned. It is required of LCFs that they take steps to check on disqualifications under the relevant legislation as well as any party requirements when compiling their panel of prospective candidates.’ NEC procedural rule D.iv.*

and

*‘This party shall not accept as qualified for inclusion in its panel of approved candidates any sitting councillor whose sole legal qualification for standing for election in the local government area is existing service as a councillor.’ NEC procedural rule D.viii.*

**Party expectations**

In addition to meeting the legal requirements, the Labour Party expects that nominees for the panel of local election candidates should:

be normally resident in the area of the relevant local authority, and

hold their party membership in the area of the relevant local authority, and

have been members of the party for at least 12 months – although Local Campaign Forums may decide to make exceptions

**Exceptions**

It is within the discretion of the Local Campaign Forum to consider nominations from individuals otherwise legally qualified, but that discretion must only be exercised having taken advice from the party’s regional or constitutional officers.

**Legal provisions**

In addition, there are legal provisions relating to qualification and disqualification.

Each nominee for the panel is required to sign a declaration confirming that he/she knows of no legal reason or party rule that would prevent him/her from being a candidate or being elected as a councillor in the local elections.

It is absolutely essential that every nominee is properly questioned to establish that s/he is both qualified and not disqualified. If there is any question about this – especially arising from employment – s/he must seek advice from the council’s solicitor before being appointed to the panel of approved candidates. Every approved candidate must be reminded of the importance of remaining qualified and of checking the implication for qualification of any change in circumstance (eg employment).

**Qualification**

The law says that, on the day of nomination, you must:

have attained the age of 18 years, and

be a British subject or citizen of the European Union[[1]](#footnote-2) and

be and thereafter continue to be on the electoral roll for the area of the authority[[2]](#footnote-3), or

during the whole of the previous 12 months have occupied, as owner or tenant, land or premises in that area, or

had your principal or only place of work in the area during the previous 12 months[[3]](#footnote-4), or

have resided in the area for the whole of the previous 12 months.

**Disqualification**

Certain people are disqualified from standing for election or from being a member of a local authority.

The law says that you are disqualified if, on the day of nomination, you:

are subject to a bankruptcy restrictions order or an interim order made in connection with creditors (excludes Individual Voluntary Arrangements)

have been surcharged for more than £500 by the district auditor in the last five years

have been sentenced to a term of imprisonment (whether suspended or not) for three months or more, in the last five years

have been disqualified under Part III of the Representation of the People Act 1983 (this relates to donations and other offences as well) or under the Audit Commission Act 1998.

are disqualified by virtue of section 80 of the Local Government Act 1972 and/or the political restrictions provisions of the Local Government & Housing Act 1989.[[4]](#footnote-5)

**Code of conduct for local government selections**

This code of conduct has been produced for all potential candidates in the selection of candidates for the London Borough of Haringey, in order to assist the smooth running of all stages of the process.

No materials calling for support in the selection process will be produced or distributed by or on behalf of any individual prior to the publication of the timetable for selections in the London Borough of Haringey.

Potential candidates who are on the approved panel of candidates are entitled to a list of ward secretaries from the Secretary of the Local Campaign Forum. Once shortlisted by a ward, potential candidates will be entitled to a list of eligible members for that ward from the CLP Secretary. In order to receive this list, potential candidates will have to pay the relevant CLP an administration charge of £5.

The list of eligible members (or list of Party Units and Affiliates) is supplied solely for the purposes of the current selection/election campaign of the aspiring candidate to which it is supplied and is not transferable to any other campaign or person or for any other use whatsoever. Use of the list for any other purpose will lead to disqualification as an aspiring candidate and potential further disciplinary action. The selling or providing a list for commercial purposes will lead to automatic exclusion from the party for five years.

Following publication of the timetable for a ward potential candidates are permitted to mail eligible members direct, as well as Labour Party Units and affiliated organisations, with any canvassing/promotional material.

No potential candidates or persons acting on behalf of any potential candidate will use their own material or access to publicity to disparage any other potential candidate.

Canvassing is specifically allowed following publication of the timetable and from this period onwards potential candidates may approach members personally or by telephone to seek their support. Contact with members must not be carried out in a manner likely to cause offence or be seen as applying pressure to any member.

No financial inducement or inducement in kind may be offered to attempt to secure support.

Only designated officers will be authorised to issue statements to the media about any aspect of the selection procedure, and then only after consultation with appropriate senior Party Officers. This does not preclude potential candidates undertaking press, Radio or TV interviews on other matters, though under no circumstances should any potential candidate disparage any other potential candidate.

Party staff will not use or abuse their position, Party resources or time in the process of an internal selection or election so as to further the interests of themselves or their personal preferred candidate(s). This does not preclude normal contact or general conversation undertaken in their capacity as a member of the Party. The General Secretary is answerable to the NEC for the conduct of staff in all internal elections.

Once a potential candidate has declared an interest in an elected position s/he cannot attend the part of any meeting that is dealing with selection business of the ward in question, unless specifically invited in their role as a potential candidate.

No potential candidate or members acting on her/his behalf will interfere with or put under duress any member in regard to how they vote at any stage during the process.

Potential candidates (and those making donations of money or in kind to their selection campaign) are regulated by the Political Parties, Elections & Referendum Act and are required to comply with the provisions on accepting and reporting of donations of £500 or more. Contact the Compliance Unit for more information.

Any member breaching this code of conduct or knowingly allowing others to do so on her/his behalf will be liable for disciplinary action. The NEC will not hesitate to use its powers of disqualification and suspension to impose sanctions to enforce the code.

**The ethical framework**

The Labour Party is committed to high standards of ethical behaviour and probity by its elected representatives and members. All Labour councillors need to ensure that all duties are performed in compliance with the highest standards of probity and integrity. Members must sign up to the local Code of Conduct, keep their register of interest up to date in the council and group office, ensure that all declarations of interest are made as necessary, and observe the high standards expected in public life. Guidance is available to elected members by the council, the appropriate standards board/commission of the nation, and the local government unit.

**Code of Conduct for local government members**

The Labour Party expects high standards of behaviour from its elected representatives. Our rules clearly state that competence and probity matter. In addition there are national frameworks of standards and ethics governing local government.

Chief whips are responsible for ensuring that our members are aware of the requirements of the standards framework, and that they maintain good standards of behaviour and probity as councillors.

Whips should ensure that:

all members are aware of and uphold the provisions of the code of conduct, are aware of the requirements of office and are aware of the standards framework.

all Labour members sign up to the local code as soon as they are elected.

all Labour members complete the register of interests held by the monitoring office and the register of interests held by the whip, and keep both up to date.

Any referral to a standards committee should be reported to the Compliance Unit and to the regional office, Scottish Labour Party office or Welsh Labour Party office. The party has established a legal line to offer support to Labour councillors if they are referred to a standards body. The telephone number is 0870 890 3778 or email frances.randle@steelandshamash.co.uk

The Labour Party expects all its representatives to uphold the highest standards of integrity and probity in public life. Please support your members in complying with these requirements.

**The ethical framework**

An ethical framework for local government was established by the Local Government Act 2000, which requires ever-higher standards of behaviour and ethics from all councillors. The Labour Party takes this challenge very seriously indeed. Being a Labour councillor is an honour not a right, and all our representatives must meet the highest possible standards of conduct and behaviour – both individually and collectively – if they are to be worthy of the trust placed in them by those who have elected them. In addition it is clear our political opponents will use any opportunity to discredit our party through the behaviour of our councillors.

The role of the Chief whip therefore needs to include a focus on monitoring and promoting high standards of conduct, as well as the enforcement of group discipline and the management of council business.

The vast majority of Labour councillors are immensely committed, hard-working public representatives, and we must not let the opposition parties abuse the standards committee procedures for purely party political advantage.

What we need to do is spread the best practice of the many so that the few councillors who do not meet these standards do not let the others down, and are allowed the opportunity to improve their behaviour.

**The rules framework**

Council Code of Conduct

The Localism Act 2011 made substantial changes to the code of conduct. Local authorities must have in place a locally agreed code of conduct, which replace the 2007 standard code of conduct. They must also have in place arrangements under which allegations of a breach of the code can be investigated and decisions on allegations are made. These arrangements must include the appointment of at least one independent person. The Standards Board for England has been abolished and so breaches of the code must be dealt with internally.

The Localism Act also made it a criminal offence to not declare certain ‘disclosable pecuniary interests’ to the Monitoring Officer. These replace the old system of personal and prejudicial interests. A council may add whatever pecuniary interests it wishes to the list of those to be disclosed at the start of a meeting. However, there is a statutory list of interests that must be included.

This list is in ‘The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012’, and includes:

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.
This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(3).

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—
(a) under which goods or services are to be provided or works are to be executed; and
(b) which has not been fully discharged.

Any beneficial interest in land which is within the area of the relevant authority.

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Any tenancy where (to M’s knowledge)—
(a) the landlord is the relevant authority; and
(b) the tenant is a body in which the relevant person has a beneficial interest.

Any beneficial interest in securities of a body where—
(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and
(b) either—
(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Please refer to the full list and explanatory information in the statutory instrument here: http://www.legislation.gov.uk/uksi/2012/1464/made

If in any doubt about pecuniary interests and the new codes of conduct, councillors should seek advice from the Local Authority Monitoring Officer. In particular, written advice should be sought prior to a meeting on whether they must withdraw on an item of concern.

**Party rules**

Chapter 13 of the party’s Rule Book, governing Labour groups in local government, has been in effect since the annual meetings of Labour groups in 2000. It is now an enabling framework of basic minimum rules and requirements, within which groups will adopt standing orders and procedures most appropriate to the model of local governance in operation in their council.

Relevant extracts from the rules governing the behaviour of group members are given below. The responsibility for ensuring that members abide by the rules and standing orders rests with the Chief whip.

*13.II.(2) A. Individual members of Labour groups and group observers*

*To uphold the highest standards of probity and integrity*

 *“The Labour Party requires its representatives to uphold the highest standards of probity and integrity and they shall be guided in those standards by advice from the NEC. The onus of responsibility for upholding those standards rests with the individual councillor and group observer. Specifically, it shall be the responsibility of the group whip to establish a register of interests in the form prescribed by the NEC, detailing for each member of the group and group observer his/her employment, financial interests in companies, membership of trade unions and other societies or organisations.*

*Labour councillors and members must at all times avoid not only wrong-doing but also the perception of wrong-doing. Therefore if there is any uncertainty regarding whether a declaration of interest is appropriate, Labour councillors and members must take the most open course of action and declare an interest or disclose all relevant circumstances, taking advice if necessary. The statutory provisions relating to the declaration of personal and prejudicial interests shall apply to full group meetings and other meetings of all or part of the Labour group (e.g. pre-committee meetings). Councillors and group observers are required to take appropriate actions in all those meetings in respect of any interest (e.g. an individual with a prejudicial interest in the item under discussion must declare that interest and leave the meeting while that item is under consideration).*

*(B) To comply fully with the statutory ethical framework*

*Members of the Labour group must sign and abide by any codes of conduct as may be agreed by the local authority from time to time. Members of the Labour group must sign any legal requirements relating to acceptance of office.*

*(C) To accept the rules and standing orders of the Labour group Members of the Labour group shall agree in writing to abide by the rules and standing orders of the Labour group, as agreed at the annual meeting of the group. Members of the Labour group must register as members of the Labour group under the provisions of the Local Government (Committees and Political Groups) Regulations 1990. Failure to do so within 14 days of a written request from an officer of the group shall automatically render that person outside the group for all purposes and ineligible to be or remain a party member (subject to the provisions of 6A.2 of the party’s disciplinary rules).
The general provisions of the constitution and rules of the party shall apply to this group.”*

Therefore the key points to note are that:

13.II(2)(A)(ii) requires the chief whip to establish a register of interests of members of the group, detailing for each member of the group and group observer his/her employment, financial interests in companies, membership of trade unions and other societies or organisations. This is in addition to the statutory one held by the council’s monitoring officer. The purpose of the whip’s register is that the whip may ensure that members comply with the code and is aware of any interests that might affect the participation of a member of a group in a discussion or vote. A copy of the form for the group register is attached as an appendix.

13II.2(C)(i) and (ii) require members to agree in writing to abide by the rules and standing orders of the group and by any code of conduct issued by their authority, and to register as members of the Labour group. An officer of the group is required to request members to do this and it would be logical for this officer to be the Chief whip.

13.XIII gives the chief whip responsibility for the implementation of NEC guidance on disciplinary procedures and any possible breach of rule by a member of a Labour group.

The section 13.II. – Aims and Values – sets out the expectations the party nationally and local party members have of their locally elected representatives. This ranges from things like activities in the community, attendance at meetings and comradely behaviour to being a member of the Association of Labour Councillors and meeting all legal and statutory requirements. The chief whip will have a duty to ensure all members are abiding by these, and to watch for any members that may be having a difficulty in doing so, so that any necessary action may be taken.

**Appendix 4 of the Labour Party rules – local government selections**

Appendix 4 NEC Procedures for the selection of local government Candidates

These procedural rules supplement Chapter 5 of the Party rule book – selections for election to public office, and provide a framework for Local Campaign Forums (LCFs) and Constituency Labour Parties (CLPs) to follow when conducting selections of local government candidates.

Local Campaign Forums and CLPs must also follow the good practice advice on these procedures as provided from time to time by the NEC.

A. Selection timetable

i. The executive of the Local Campaign Forum (‘LCF’) shall prepare a timetable for the selection procedure. All timetables and/or any variance to any of the selection procedures must be approved by the RD(GS) or other national officer as determined by the General Secretary on behalf of the NEC.

ii. The timetable should be set so that, as far as possible, candidates are selected six months in advance of the election (12 months where the council elects on a two or four yearly cycle).

iii. The timetable should identify various stages as follows:

a. invitation for nominations to the panel of approved candidates

b. initial closing date for receipt of nominations

c. proposed interviewing procedure for those who require an interview

d. date of LCF to decide on endorsement of initial applications

e. submission of initial list of approved nominees (‘the panel’) to CLPs and ward selection committees

f. the agreed order for selection meetings (i.e. first priority to Labour seats, second to winnable seats and last to other seats)

g. date for reopening of endorsement procedure, where this is appropriate

h. final date for completion of selections.

iv. The panel remains in existence following an election until a new panel is nominated and endorsed. The panel is therefore available for any by-elections in this period. This later date (iii.g above) is so that LCFs can plan for a period without new endorsements whilst high priority selections are taking place. The panel cannot be closed as such so all nominations must be dealt with at an appropriate time.

B. Positive action procedures

i. For authorities with all-out elections

a. The Regional Director (or General Secretary in Scotland and Wales) will agree a list of winnable wards with the LCF

b. In winnable wards with two or three members, at least one candidate must be a woman

c. For selection in a winnable ward, the ballot will take place in two parts. The first ballot will select a woman from the shortlist and the second ballot will select the remaining candidates from the entire shortlist.

d. If the ward fails to implement these positive action procedures then the selection will be invalid and the RD(GS) will require the ward to re-run its selection procedures.

ii. For authorities with elections where one third or one half of seats are up for election

a. In all winnable wards/divisions where a sitting councillor is retiring, at least one other councillor or candidate must be a woman.

b. If there are more women retirees than men then the current proportion of women candidates must be maintained.

iii. For each local authority area the RD(GS) will:

a. agree a list of winnable seats with the LCF; and

b. determine which winnable seats will be selected from an all-woman shortlist and which from an open shortlist.

c. If a ward fails to implement the agreed positive action procedure then the selection will be invalid and the RD(GS) will require that the ward to re-run its selection process.

iv. The RD(GS) has the authority to vary the arrangements within a given ward due to what they regard as exceptional circumstances, provided reciprocal arrangements are made to ensure that the overall level of women’s representation is achieved.

C. Panel of approved candidates

i. The LCF will invite nominations for the Panel of Candidates which will be in the form of self-nominations using an official nomination form produced by the LCF. The form may include a number of questions (as well as a section for personal details) as approved by the LCF executive, but must include an undertaking to abide by the Party’s rules and procedures relating to local government candidature and by the standing orders for the Labour group if elected.

ii. The LCF must ensure that all eligible members are informed of their right to self-nominate to the panel of approved candidates together with details of the timetable described in section 1 above.

D. Qualification of nominees

i. Each nominee must be an individual member of the Party, in accordance with the conditions of membership which include, where applicable, membership of an appropriate trade union.

ii. Each nominee must have paid the Party membership contribution at the appropriate rate and have at least 12 months’ continuous national individual membership of the Party in the electoral area concerned at the date of nomination. This 12 month continuous membership and residency qualification may be waived in exceptional circumstances to be decided by the LCF and endorsed by the RD(GS) on behalf of the NEC.

iii. All nominees must undertake, if elected, to accept and conform to the standing orders of the appropriate Labour group as approved by the NEC.

iv. Nominees must be legally qualified, and not disqualified, to stand for the local authority at the election concerned. It is required of LCFs that they take steps to check on disqualifications under the relevant legislation as well as any Party requirements when compiling their panel of prospective candidates.

v. Sitting councillors must be nominated and considered for endorsement and selection in accordance with the provisions set out in section E.ii.A.1 below, unless varied by section F.i.A. below.

vi. If a sitting councillor, the nominee must also have paid their annual elected representatives levy, and be fully paid up to date with their Party membership subscriptions at the standard rate and pay by direct debit.

vii. Sitting councillors who have had the Labour group whip withdrawn from them indefinitely are not eligible for membership of any panel.

viii. This Party shall not accept as qualified for inclusion in its panel of approved candidates any sitting councillor whose sole legal qualification for standing for election in the local government area is existing service as a councillor.

E. Endorsement of applicants to the panel of approved candidates

i. All applicants recommended for inclusion in its panel of candidates must be submitted to a meeting of the LCF concerned.

ii. There are three ways that applicants will be considered for membership of the approved panel of candidates. The particular method of approval depends upon the individual circumstances of the applicant as set out below:

a. Sitting councillor

1. To be reviewed by a written form from the chief whip regarding discipline and attendance, and by a written report from the branch secretary covering the ward they represent. An update form should be completed should circumstances have changed since a previous application form was completed. The LCF Officers, or a panel duly authorised by the LCF, may request an interview if the reports raise concerns about discipline, attendance, campaigning record or competence. Should they feel the circumstance dictate, the RD(GS) may instruct the LCF that an interview is undertaken and must give such reasons in writing. Should an interview not be requested, the sitting councillor will be recommended for inclusion on the panel without interview. Should an interview be required, this will be undertaken by an assessment team.

b. Recent candidate who had not been elected

1. To be reviewed by a written report confirming there has been no change in circumstances and updating the applicant’s campaign and Party record. It will require an endorsement of the application by the branch in which they reside and the CLP campaign coordinator or similar officer. The LCF Officers, or a panel duly authorised by the LCF, may request an interview if the report raises concerns about their campaigning record or competence. Should they feel the circumstance dictate, the RD(GS) may instruct the LCF that an interview is undertaken and must give such reasons in writing. Should an interview not be requested, the applicant will be recommended for inclusion on the panel without interview. Should an interview be required, this will be undertaken by an assessment team.

c. New applicant

1. By completion of the nomination form and a full interview by an assessment team.

iii. An assessment team, which will be drawn up by the LCF with the agreement of the RD(GS) in line with NEC recommendations, will carry out interviews for applicants where required. At the discretion of the RD(GS), the assessment team may be required to include assessors from outside of the local authority area.

iv. The assessment team will supply a decision sheet to each nominee following their assessment interview. The assessment team will prepare a report for the LCF on which candidates they are recommending to endorse. The LCF may refuse endorsement as it thinks fit to any candidate recommended for acceptance by the assessment team, on a secret ballot of eligible delegates at a duly notified meeting. The suitability of candidates for endorsement is a matter of judgement by members of the LCF. Candidates not endorsed by the assessment team will be given reasons for such decision.

v. The LCF shall not endorse any candidate the assessment team have interviewed and not recommended for endorsement. However, the individual concerned (or the organisation responsible for his/her nomination) may appeal within 14 days of receiving written notice against the refusal of the assessment team or LCF endorsement to the appeals panel of the appropriate regional board, who where practicable shall hear the appeal within 14 days.

vi. Such appeals shall be to establish the suitability or otherwise of the nominee for inclusion in the panel of candidates and on this basis the panel established to hear the appeal shall consider submissions from the appellant and representatives of the LCF concerned. The panel shall receive any submissions from both sides in the presence of the other and, within reason, witnesses may be called to support the submissions. A reasonable opportunity shall be given for witnesses and submissions to be questioned by either side. The panel may conduct the appeal hearing as a re-interview should they consider this is required by the circumstances. Should any appeal be conducted by the panel as a re-interview then, in the absence of any express decision to the contrary by the panel, the result of such a re-interview shall constitute the final determination of the appeal. When an appeal hearing against withdrawal of endorsement is heard, the hearing may be conducted where the panel consider it appropriate solely in relation to the changed circumstances leading to the LCF withdrawal of endorsement. The panel shall also rule on any procedural issues. The decision of the appeals panel shall be final and binding on all parties in accordance with the rules for local government selections. The reasons for the decision shall remain confidential to the panel concerned.

F. Authority to vary assessment procedures

i. The RD(GS) may, with the agreement of the LCF and the endorsement of the NEC, vary the assessment procedures in the following ways:

a. waive section E.ii.A.i above and/or section E.ii.B.i above to allow for all sitting councillors and/or recent candidates to be interviewed before endorsement;

b. waive the requirement in section E.ii.A.i or E.ii.B.i above for the branch secretaries to submit a written report to the LCF if this is not appropriate due to local circumstances. Such a waiver shall apply for all applicants.

G. Withdrawal of endorsement from a member of the approved panel

i. The LCF may withdraw its endorsement of any nominee if, in its opinion, there are changed circumstances relating to that nominee including failure to meet the requirements of the candidate’s contract. Again, the individual concerned (or the organisation responsible for her/his nomination) may appeal within 14 days of receiving written notice against such withdrawal of endorsement to the appeals panel of the regional board who where practicable shall hear the appeal within 14 days on the same basis as in section E.vi above.

H. Rights and responsibilities of members of the approved panel of candidates

i. Potential candidates who are on the approved panel of candidates are entitled to a list of ward secretaries from the Secretary of the LCF. Once shortlisted by a ward, potential candidates will be entitled to a list of eligible members for that ward from the CLP Secretary. In order to receive this list, potential candidates will have to pay the relevant CLP an administration charge as set out in the code of conduct.

ii. The NEC maintains a code of conduct that applies to all candidates at all stages of this process including candidates applying to the panel of approved candidates.

I. Shortlisting and selection

i. Insufficient nominations

a. In the event of an insufficient number of valid nominations, the LCF executive shall have power to take whatever action may be necessary to meet the situation and ensure that there are Labour candidates available to contest any election to the appropriate authority.

b. In cases of dispute the matter shall be submitted to the LCF whose decision shall be final.

ii. Shortlisting and selection meetings – general

a. Shortlisting and selection meetings shall be convened by the Executive Committee of the CLP concerned after consultation with and in accordance with the timetable (referred to in A.iii.F above) laid down by the executive of the LCF. This is to ensure that meetings are convened on a priority basis so that candidates are selected first for Labour-held and winnable seats.

b. Notice of such meetings must be sent to all members entitled to attend. The notice shall state the business to be conducted and give appropriate details of the procedure to be adopted.

c. Notice of such meeting shall include notice of any positive action procedures as agreed under section B above, i.e. whether at least one woman candidate is to be selected or the candidate will be selected from an all-woman shortlist

d. Notice of such meetings shall be sent out at least seven days in advance, except in an emergency where the LCF executive has approved a contracted timetable for a particular selection.

e. Where only one branch is involved, notices shall be sent out by the branch secretary on the instructions of the CLP secretary. Where more than one branch is involved, the CLP secretary shall be responsible for sending out the notice. Where more than one constituency is involved, the LCF secretary shall be directly responsible for convening such meetings on the instructions of the LCF executive.

f. Such meetings shall comprise only those fully paid-up individual members of the Party who are registered as electors or who reside in the electoral area concerned. Where this is impractical (for instance on the grounds of geography or travelling involved) the RD(GS) shall act on behalf of the NEC to approve arrangements for a special meeting of delegates appointed by branches within that electoral area.

g. Only those members who have been a member for at least 6 months are eligible to attend any meeting in this procedure. A freeze date for calculating this 6-month eligibility may be set by the LCF with the approval of the RD(GS). If no such freeze date is set the 6 months shall be counted from the date of the first meeting convened to discuss a shortlist for a particular electoral area.

h. A meeting in this procedure may be attended by not more than three representatives of the LCF executive who shall act in an advisory capacity without voting power. Any CLP concerned may send one member of their Executive Committee as an observer.

i. The LCF shall decide the number of members who shall comprise a necessary quorum for these meetings, which must be reviewed prior to each round of elections, subject to the agreement of the RD(GS).

j. A list of eligible members for such meetings shall be provided by the CLP secretaries involved from information supplied by the national membership system. Where appropriate a check against such list shall be made at the door and membership cards and/or other credentials shall be examined. At the commencement of the meeting the opportunity shall be given for the eligibility of any member present to be challenged. The LCF representatives present shall rule on the eligibility of any member over which the meeting is not satisfied. The notice of the meetings should indicate by when and where subscriptions should be brought up to date to ensure eligibility.

iii. Shortlisting procedure

a. The list of nominees endorsed by the LCF (‘the panel’) shall be sent to CLPs for forwarding to the meetings of individual members covering the electoral areas where selections have been approved.

b. The shortlisting procedure shall incorporate any positive action procedures as agreed under section B above.

c. Those in attendance at the special shortlisting meeting convened as above shall decide which of the nominees shall be invited to the subsequent selection meeting.

d. Once a member has been nominated or expresses an interest in being nominated s/he must withdraw from the meeting and take no further part in it.

e. Where a vote is to be taken at a shortlisting meeting the following procedure must be adopted:

1. Members present shall be invited to make nominations from those names on the approved panel of candidates. Nominations should be moved and seconded.

2. Once all desired nominations have been made, those that have been moved and seconded shall be confirmed to the meeting and nominations closed.

3. When nominations have closed the meeting shall have to make a decision on how many nominees to invite to the selection meeting. It is not acceptable to shortlist only the number of candidates who are ultimately to be selected, unless either:

a. the shortlist comprises only sitting councillors for the electoral area concerned who are seeking re-election to the relevant authority, or

b. only that number have been nominated at the commencement of the procedure.

4. In all other cases the meeting must agree to invite at least one more nominee than the number of candidates to be ultimately selected and normally a greater choice should be ensured for the subsequent selection meeting.

5. Once the number to be shortlisted has been agreed, if required, the meeting should proceed to a vote using an eliminating ballot until only the number required to be shortlisted remain.

6. Following the result of the ballot the meeting should agree the period of time to be offered to each nominee to address the selection meeting and answer questions and agree any other arrangements necessary. These agreed arrangements shall be communicated to the shortlisted nominees.

f. If the required quorum is not present at a shortlisting meeting, then the meeting should proceed to draw up a shortlist which shall then be put to the subsequent selection meeting for approval or rejection before the business of that selection meeting may commence.

g. Any member arriving at the shortlisting meeting after consideration of the shortlist has commenced shall be ineligible to take part or to vote and this should be made clear in the notice convening the meeting.

iv. Selection procedure

a. The following procedure should be adopted at the special selection meeting:

1. Lots should be drawn for the order of appearance before the meeting of the shortlisted nominees. (This may be done in advance.)

2. Each shortlisted nominee in attendance should be invited to address the meeting and answer questions for the specified period of time which shall be the same for all nominees.

3. In the event of a nominee not being in attendance and having indicated a continued interest in the selection, her/his name shall remain in the ballot.

4. Once all nominees in attendance have addressed the meeting and answered questions the meeting shall consider a procedural motion ‘to proceed to ballot’. If members are dissatisfied with the shortlist as presented they shall vote against the motion and a secret ballot shall be held if one is requested by any member.

5. If the ‘proceed to ballot’ motion is not carried then the meeting may suggest new dates for shortlisting and selection to be agreed by the CLP Executive Committee, or they may proceed to draw up a new shortlist. Any new selection meetings shall be convened in accordance with the procedure above.

6. If it is agreed to ballot, then the method of balloting will depend on whether or not the ward is subject to positive action procedures as set out in section B above. Where at least one woman candidate must be selected from a multi-seat selection then a two-part ballot shall be held in accordance with section viii below. In all other cases the ballot will proceed as set out in section vii below.

7. Where there is no positive action requirement, or you are selecting candidate(s) from an all women shortlist in line with positive action procedures, the ballot shall be held as follows:

a. There shall be a secret paper eliminating ballot. Members may vote for as many as, or less than, the number of candidates required to be selected.

8. Where there is a requirement to select at least one woman candidate from a multi-seat selection, the vote to decide which nominees shall be selected as candidates shall be held as follows:

a. The ballot will be held in two parts. The first ballot will select a woman candidate (or two women candidates, if two seats are set aside for women) from amongst those women nominees on the shortlist. If there is only one woman nominee (or two where two seats are set aside for women) then that woman or women will be deemed selected. The second ballot will select the remaining candidate(s) from all shortlisted nominees with the exception of the woman candidate(s) selected in the part one ballot.

b. Voting in both ballots shall be a secret paper eliminating ballot. In the first ballot, members may cast one vote to select one woman candidate (or up to two votes where two seats have been set aside for women). In the second ballot members may vote for as many as, or less than, the number of candidates required to be selected.

9. A successful candidate must have an overall majority of votes cast. Spoilt and blank papers shall be deducted from the total number of ballot papers returned before deciding whether a nominee has a clear majority.

10. Should no nominee have an overall majority, the nominee at the bottom of the poll shall be eliminated from the next round of voting together with any others whose votes added to those of nominees lower in the poll do not equal the number of votes cast for the nominee immediately above.

11. Where there is more than one candidate to be selected the eliminating ballot must continue removing the name(s) with the lowest votes until only the number required to be selected remain.

12. Where there is a tie at the bottom of any ballot and the two (or more) votes added together are equal to or more than the next vote above, a separate ballot shall be held to break the tie and decide which nominee shall be eliminated from the following round.

13. If there is a tie on the final round of any ballot, the chair is not allowed a casting vote so a further ballot must be held to determine the result. Before taking this further ballot the nominees tying may be recalled separately for a further period of questions. If there is still a tie then a fresh selection meeting shall be convened

14. If after a further meeting no decision is reached there shall be a joint meeting convened on the same basis as in xvi below.

15. No shortlisted nominee shall take part or vote as a member of the branch in the selection meeting unless they have formally withdrawn from the selection.

16. If the required quorum is not present at a selection meeting then the selection of the candidate(s) shall be deferred to a subsequent joint meeting of those individual members eligible to attend the first meeting plus members of the Executive Committee of the CLP concerned who are registered as electors within the area of operation of the LCF and who have the 6-month membership qualification. Executive members who have an interest in the outcome of the selection shall not participate in this joint meeting. Such a meeting shall proceed however many members are present. However, the Executive Committee members present at the deferred meeting shall have the right to vote in any ballot only if again insufficient members from the electoral area concerned attend to form a quorum.

17. Any member arriving at the selection meeting after the first nominee has started to address it shall be ineligible to take part or to vote and this should be made clear in the notice convening the meeting.

18. In the case of any dispute arising in connection with a selection it shall be referred to the LCF whose decision shall be final.

v. Exceptional selections

a. In the event of a local government by-election occurring within a constituency, the Executive Committee of the CLP concerned shall consult with the executive of the appropriate LCF and the officers of any branches concerned to ensure that the vacancy is contested by the Party. Wherever possible a selection should be made in accordance with the procedures detailed above, but where necessary the CLP Executive Committee, in consultation with the executive of the LCF, shall take whatever action is required to meet the situation and endorsed by the RD(GS) on behalf of the NEC.

b. Where any situation requires that a candidate be imposed for a local government election, the appropriate LCF may only do so with the approval of the appropriate RD(GS) of the Party on behalf of the NEC. In exceptional circumstances the NEC shall require a panel of the Regional Board to make a decision which shall be final and binding on all parties.

J. Alternative Procedures

a. An LCF may apply to the NEC to pilot new or innovative procedures. Any such procedure must retain procedures for ensuring the Party’s objectives under positive action are met.

1. A person is qualified to be elected if he/she is:
A British subject (includes persons who have the status of Commonwealth citizens under the 1981 Act and certain persons who had the status of British subject under earlier legislation);
A citizen of the Republic of Ireland;
A citizen of the European Union (ie not a Commonwealth citizen or a citizen of the Republic of Ireland) [↑](#footnote-ref-2)
2. If only the electoral registration qualification is used, it would be necessary, if elected, to continue that electoral registration throughout the term of office. [↑](#footnote-ref-3)
3. The party does not accept as qualified in its panel of approved candidates any sitting councillor whose sole legal qualification for standing for election is existing service as a councillor – see NEC procedural rule D8. [↑](#footnote-ref-4)
4. Broadly, anyone working for a public authority and who holds a politically restricted post will be ineligible, as will anyone who holds office or employment with the local authority for which the election is being held, or whose paid post is confirmed by that local authority. Restrictions may also apply to individuals working for an organisation which is significantly funded and/or controlled by the council, or party to a contract with the council or to another local authority which jointly funds their position. See separate section on conflicts of interest arising from employment. [↑](#footnote-ref-5)