

# **The Collins Review into Labour Party Reform**

**[NEC DRAFT: 31 January 2014]**

**Lord Collins of Highbury**

# Contents

	Page
Terms of reference	3
Introduction	4
List of recommendations	5
The context for reform	9
Major party reforms since 1981	19
The Collins Review - reform proposals	
1. A more transparent link with trade unions	21
2. A closer relationship with levy paying trade unionists	24
3. OMOV in leadership elections	27
4. Fair and transparent selections	30
5. Primary elections	36
6. Constituency development plans	41
7. The timetable for change	43
Appendix 1 - Rule changes	44

# The Collins Review

## Terms of Reference

On 10 July 2013 Lord Collins of Highbury was asked to review and make recommendations for party reform, according to the following terms of reference:

- The use of primaries in the selection of the Labour candidate for London Mayor and in other circumstances;
- The conduct of parliamentary selections to ensure fairness and transparency;
- The development of a new relationship between the Labour Party and members of our affiliated organisations;
- Constituency development agreements between affiliated organisations and constituency Labour parties.

# Building a One Nation Labour Party

## Introduction

To be completed

[Ray Signature here]

Lord Collins of Highbury

## List of recommendations

<p><b>A more transparent link with trade unions</b></p>	<p>The federal structure of the party should be retained.</p> <p>Trade unions and other affiliates should continue to have a collective constitutional role inside party structures, but on a more transparent basis.</p> <p>After a transitional period of five years, affiliation fees shall only be accepted on behalf of levy payers who have consented to the payment of such fees.</p> <p>At that point, the scale of a trade union's collective affiliation shall be governed by the number of levy payers who have consented to the payment of affiliation fees.</p>
<p><b>A closer relationship with trade unionists</b></p>	<p>Levy paying trade unionists should have the ability to become affiliated supporters and to receive certain individual rights, by signing up to Labour values and providing the party with verifiable personal details.</p> <p>These individual rights should include the right to be attached to a CLP and to vote in leadership elections. They will not be able to represent the Labour party or to participate in the election of party representatives – with the exception of primaries and leadership ballots – unless they join as full members.</p> <p>Party systems should be in place to enable a new category of affiliated supporters to be established before the end of 2014.</p>
<p><b>OMOV in leadership elections</b></p>	<p>The Electoral College for leadership elections should be abolished and replaced in party rules by a new system based on the principle of OMOV.</p> <p>Multiple voting in leadership elections should be ended.</p> <p>The eligible electorate should be composed of members, affiliated supporters and registered supporters.</p> <p>Members of affiliated organisations who are not already party members may take part in the ballot if they register with the party as affiliated supporters. This will require them to declare their support for Labour values, provide the party with personal contact details and be on the electoral roll.</p> <p>Individuals who are not already party members or members of an affiliated organisation may take part in leadership elections by registering with the party as a supporter. This will require them to declare their support for Labour values, provide the party with personal contact details, be on the electoral roll and</p>

	<p>pay the party a fee.</p> <p>The NEC should agree the detailed procedures for leadership elections including issues regarding registration, fees and freeze dates.</p>
<b>Nominations and shortlisting in leadership elections</b>	<p>Responsibility for nominating and shortlisting leadership candidates shall remain with the House of Commons members of the PLP.</p> <p>Nominations for the post of leader or deputy leader of the party must, in all circumstances, be supported by [... per cent] of the Commons members of the PLP to be valid.</p>
<b>Fair and transparent selections</b>	<p>There should be a new code of conduct which is clear and enforceable with the main aim of creating a level playing field for candidates.</p> <p>The NEC should decide the appropriate level at which candidate spending limits should be set for internal party selections. As a starting point, the following proposed limits are suggested in respect of Westminster parliamentary selections, leadership elections and European parliamentary selections:</p> <ul style="list-style-type: none"> <li>• For parliamentary selections, £3 per member in the constituency in question.</li> <li>• For leadership elections, £0.50 per eligible voter in the selection.</li> <li>• For European selections, £0.05 per eligible voter in the selection.</li> </ul> <p>Selection timetables should be as short as possible.</p>
<b>Primary elections</b>	<p>There should be a rule change to give the NEC a power to determine when closed primaries may be used in a mayoral selection.</p> <p>The selection of a London mayoral candidate should be conducted by means of a closed primary. The NEC should draw up the detailed procedural guidelines.</p> <p>The selection should not begin before May 2015 but should be completed by Annual Conference 2015.</p> <p>Specific safeguards should be employed in any closed primary to ensure a level playing field and to guard against manipulation or abuse.</p> <p>The NEC should have unreserved powers to cancel a primary when it deems it necessary.</p> <p>The selection of a London mayoral candidate should be</p>

	<p>conducted by means of a closed primary:</p> <ul style="list-style-type: none"> <li>○ The selection should not begin before May 2015 but should be completed by Annual Conference 2015</li> <li>○ London CLPs and affiliates should have nomination rights</li> <li>○ Shortlisting should be by a joint NEC/regional selection panel</li> <li>○ The final selection should be by means of a ballot via a closed primary</li> <li>○ All Labour members, individual affiliated supporters and registered supporters should be able to take part</li> <li>○ Any London resident on the electoral roll in London who registers with the party by signing a declaration of values and pays an administration fee should be eligible to register as a supporter in order to take part in the primary</li> <li>○ Voting should be by means of an on-line ballot, with postal ballots available on demand.</li> </ul>
<b>Constituency Development Plans</b>	<p>The National Executive Committee should oversee and endorse all Constituency Development Plan agreements.</p> <p>A central register of all Constituency Development Plan agreements should be compiled and maintained by the Compliance Unit.</p> <p>A model Constituency Development Plan should be developed with the trade unions so that the purpose and responsibilities of both the CLP and the trade union are clear. While building links with local trade unions and trade unionists is vital, the model plan should ensure that CDPs do not place excessive demands on CLPs and that there is no link between financial support for the CLP and elected representatives.</p> <p>Changes to the model agreement should be permitted only with the agreement of the NEC.</p> <p>CLPs may only have one Constituency Development Plan agreement at any given time. Exceptions to this rule will require the permission of the NEC.</p> <p>The maximum CDP grant of £2000 per annum has been in place for 10 years. This should be reviewed by the NEC.</p>
<b>The timetable for change</b>	<p>An Implementation Group should be established immediately to oversee the party reforms.</p> <p>Rule changes to amend the leadership electoral college and give the NEC a power regarding the use of primaries should be passed at the special conference and implemented immediately.</p>

	<p>A category of affiliated supporters should be brought into effect in 2014.</p> <p>In accordance with the recommendations of independent reviews by Sir Hayden Phillips and Sir Christopher Kelly, the transition period for affiliation fees to be paid on the basis of the number of levy payers who consent to their payment should be five years.</p>
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## The context for reform

To properly understand how the Labour Party might develop in the future, it is first useful to recall how it emerged and how it has developed over time. So this introductory section sets out the background to these reform proposals, looking at the origins of the Labour Party, important moments in our history, and the contemporary social and political environment in which we now operate.

### Labour's origins

In 1900 the Labour Representation Committee (LRC) was formed by a combination of trade unions and socialist societies. The primary objective of this committee was to secure the election of working people who would represent the labour interest in parliament independently of the Liberal and Conservative parties. By 1906 the LRC had become the Labour Party. Yet the fledgling party did not admit individuals into its membership and was arranged as a federation of organisations who were represented by delegates within a committee structure.

That position began to be transformed by the experience of war and the extension of the franchise to all working men and some women in 1918. As a result, Labour set out to become a truly national party with a programme for government. It adopted a new constitution which contained a central political objective and established a national network of constituency parties admitting individual members for the first time.

According to Arthur Henderson, general secretary of the party at the time, these developments were intended to make Labour:

*“the party of the producers – of the workers, in the widest sense of that noble word: of all the people, without distinction to class or sex, who labour to enrich the community”*

Labour organisers realised that in an era of near-universal suffrage individual membership was essential to build the army of local campaigning activists that modern electioneering required. The party leadership also believed that to gain electoral support Labour had to attract a wider body of people into its ranks. A structure that only allowed individuals to join the party indirectly, through an affiliated trade union or socialist society, placed a barrier to achieving that goal. So the introduction of individual party membership was integral to Labour's plan to reach into all communities.

Some in the party suggested that Labour should be based exclusively on individual members. However, this proposal was rejected on the grounds that the party's federal basis was a source of strength and should be retained. So the 1918 constitution created separate individual and affiliated sections which were both represented in the party's structures, bequeathing an organisational blueprint that remains relevant today.

Yet the builders of Labour's post-war organisation believed the new structures would evolve over time. Herbert Drinkwater, the party's national agent in the 1920s, who helped establish the new CLPs emphasised that:

*"individual membership had in it the genesis of a revolutionary transference of weight and power within the party ... [The 1918 constitution] was nowhere a final and last word regarding the party's structure ... it will adapt itself to circumstances as it grows".*

In the post-war years the party grew in membership and electoral support, and by the end of the 1920s Labour had supplanted the Liberals as the main alternative to the Conservatives, establishing a new pattern of two party politics which would last for over half a century. Following the Second World War, the Attlee Government won a landslide general election victory and as Labour entered the 1950s the party claimed a million individual members.

But despite this advance, described by one writer at the time as evidence that the party was "part of the wave of the future", in certain crucial respects Labour remained stuck in the past. The internal party structures established at the end of the First World War proved more enduring than its architects had expected or intended. Although Labour had increased its vote and membership, the make-up and methods of constituency parties remained largely unchanged. Reports suggested that branches were often moribund and controlled by a small number of overworked enthusiasts. In some parts of the country, individuals applying for membership were told that the party was "full up". Processes tended to be bureaucratic and based around meetings and minutes. Most members were far removed from centres of decision making. A review of Labour organisation at this time concluded that the party resembled a "penny farthing machine in the jet age".

Labour's mass membership in this period was achieved in spite of the party's organisation. In an era of collectivism, when trade union membership grew rapidly, and strong social identities were based round notions of class, the party's ranks swelled. But as economic and social changes took hold in the 1960s and 70s, organisational deficiencies which had been hidden in a more favourable climate

were exposed as a serious problem. Over a period of thirty years the party suffered a sustained loss of members and by 1982 its rolls were reported to have fallen to 274,000.

## **Party reform**

It was in this context that significant changes to the 1918 constitutional settlement were finally made. In 1981 a special conference voted to establish an Electoral College for Labour leadership elections, divided between affiliates (40%), the PLP (30%) and CLPs (30%). Previously, Labour leaders had been elected by a vote of the PLP alone. Under the new system, other sections of the movement were given a say, with the votes of CLP and affiliated sections cast by delegates at conference. This change marked an important devolution of power, but to activists rather than to all members.

By the early 1990s a new generation of leading Labour figures were arguing that reform had to go deeper. This argument was based, in part, on a realisation that important social changes were impacting on how the public was engaging in politics. Gordon Brown, who was at the forefront of this debate, wrote in 1992 that:

*“In the past people interested in change have joined the Labour Party largely to elect agents of change. Today they want to be agents of change themselves.”*

In a pamphlet entitled “Making Mass Membership Work” he emphasised that the purpose of new recruits was to enable the party to speak with greater authority and to become more representative of the communities it sought to serve. This argument was echoed by Tony Blair, who in 1993 said:

*“What I want to see is the Labour party pushing itself outwards, getting back in its local community, being the party that represents people within that community ... This mass membership - extending the membership of the party - that’s not a glorified recruitment drive to me, it’s about transforming the way the Labour party works and it operates and it thinks... We are changing the whole culture of the party and the way it works.”*

The drive to build a bigger membership and to devolve power to the wider membership led to the most important period of party reform since 1918. Under John Smith’s leadership the principle of One Member One Vote (OMOV) was introduced for ballots to elect the party leader and deputy, and in parliamentary selections. Two years later Clause IV was revised and the block vote of affiliated organisations at Conference was reduced to 50%, having earlier been reduced from 90% to 70%.

Individual members were given a direct say in the formulation of the party manifesto through the *Partnership into Power* reforms, and today have a continuous role in the development of Labour policy. Members were also given a direct vote in the election of NEC members and in 2000 the principle of OMOV was extended to all candidate selections.

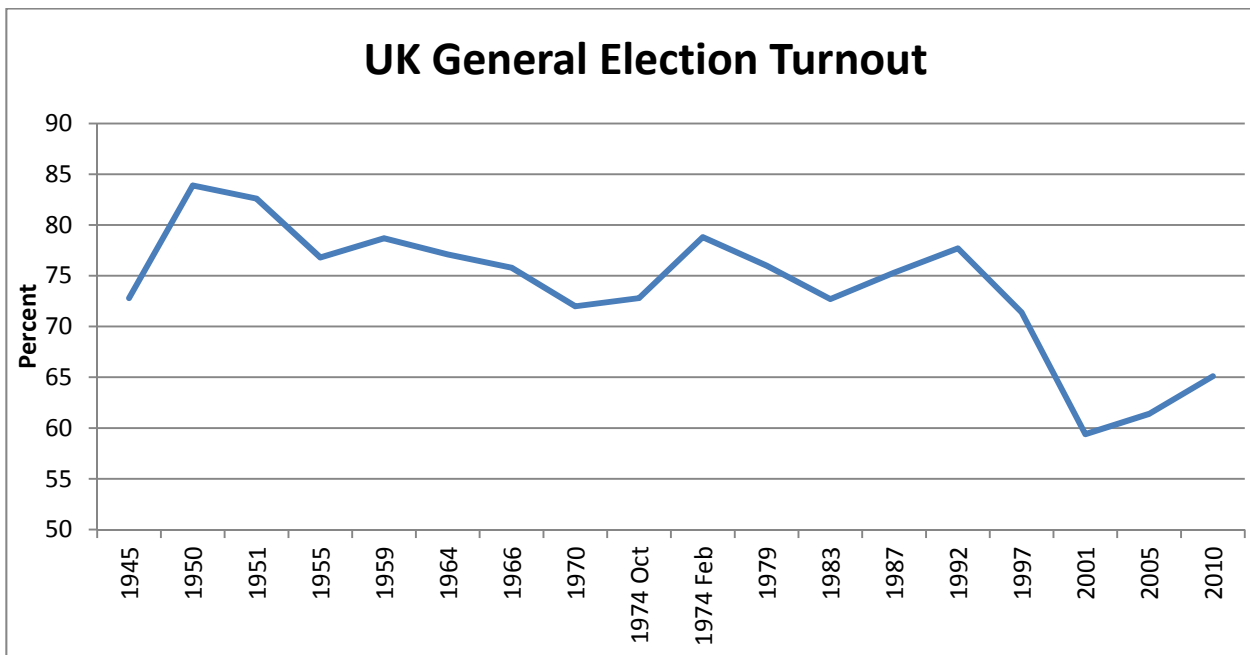
For a time membership rose and by 1997 had reached 400,000. But following this period of major structural change, by the end of the decade party reforms had stalled. Despite promising a cultural shift, many aspects of party life continued to resemble a scene that would have been familiar to Keir Hardie. And although ordinary members were given important new rights some complained that centralising tendencies persisted. Furthermore, it proved easier to recruit new members in opposition than to retain them in government; many were lost by the time Labour left office. Yet while the ambition of building and sustaining a mass membership has not been fulfilled, the motivation for pursuing that goal has become more – not less – compelling.

### **The challenge of social and political change**

Put simply the Labour Party, like all political parties, is faced with a politics and society radically different to that which existed when it was formed. Citizens today are substantially less likely to be a member of a political party than they were even three decades ago. According to figures compiled by the House of Commons library, only about one per cent of the UK electorate is currently a member of one of the main parties, compared with an estimated 3.8% in 1983. While the Labour Party has the largest membership of any UK party, and is currently growing, its numbers are substantially lower than in the past.



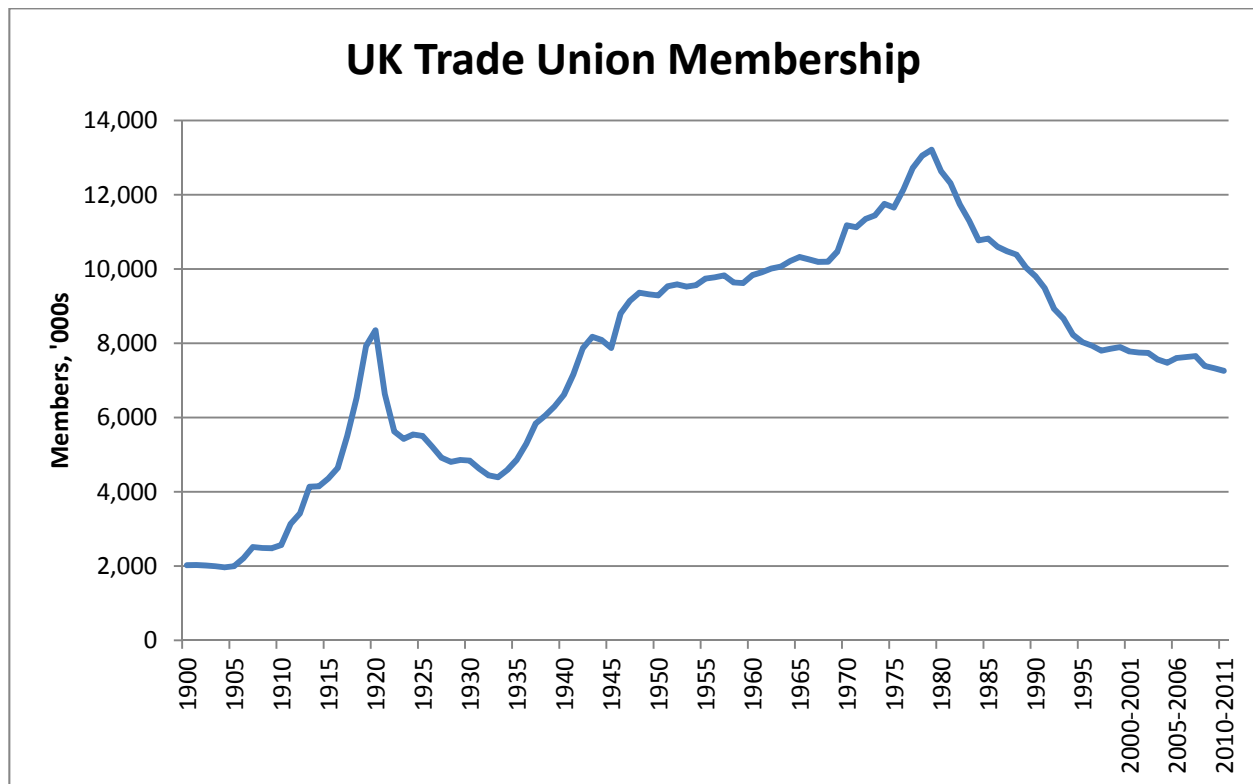
\*NB: The method of reporting members was changed in 1980; prior to this date the membership figures are likely to have been exaggerated by CLPs but the graph nonetheless provides a useful representation of the overall trend.



In tandem with lower levels of party membership, turnout at elections has fallen from historic highs. General election turnout reached a peak in 1950 (83.9%). By 2001 it had fallen to 59.4% and

although turnout has slightly increased in elections held since then, it remains well below the historic average.

It is not just political parties suffering from falling participation and declining membership. Trade unions, though still the most common form of group membership in Britain, have seen a loss of members over the past thirty years. In 1979 there were 13.2 million trade unionists. Today there are approximately 7 million.



As union membership has declined mergers have become more common, a trend reflected in the number affiliating to the Labour Party. In 1980 there were 54 unions affiliated to the party. Ten years later that had fallen to 30. Today there are 14 affiliated trade unions, a figure that may shrink further if mergers continue.

The reduced membership of traditional representative institutions like political parties and trade unions, a trend far from unique to Britain, is clearly bound up with major social and economic changes which have taken place over the past three or four decades. The contraction of heavy industry and manufacturing has encouraged a growth in the financial and service sectors. More people are entering higher education than in the past. Women are more prominent in the workplace. All these changes have helped to radically reshape traditional social identities and patterns of working and

living, and these have in turn altered political participation and allegiance. Added to this has been the growth of new forms of social media which have revolutionised the way people and groups interact and organise, a process that has contributed to the fragmentation and redefinition of political engagement.

A more consumerist public is today less tribal about politics and less trusting of traditional institutions and elected representatives. Younger people in particular are less inclined to vote or become members of political parties. Many have an “a la carte” approach to politics, feeling more comfortable supporting organisations on an issue by issue basis rather than committing to membership of a political party with its broader policy platform.

That trend should not be seen in an entirely negative light. The fact that pressure groups and campaigning charities can flourish in the 21<sup>st</sup> century is evidence that there remains an interest and concern for civic life among the British public. But single issue groups cannot perform the critical function of integrating various interests into a general political programme, and then campaigning to win majority support for it, which is the task of a political party – a task that the changing nature of political participation has made more difficult than ever before.

### **Adapting to new circumstances – Refounding Labour**

The realisation that society is changing, that people are engaging in politics differently than in the past, and crucially that parties need to respond to these changes if they are to survive and prosper, underpins the reform agenda which Ed Miliband is spearheading. This process began with the *Refounding Labour* reforms, which sought to reach out beyond the membership and refresh the traditional working practices of local parties. As Ed Miliband explained at the time:

*“We must look to our own traditions as a community-based grassroots party where the voices of individual members, trade unionists were always valued. But we must also widen our horizons to our supporters and the wider public. They must have their say in the future of our party too.”*

This was echoed by Peter Hain, who oversaw the *Refounding Labour* reforms. He underlined that:

*“We want to open up our Party to those who won't join but will support. We have to build a peoples' movement for Labour; in our neighbourhoods, in our workplaces. This is what we mean by Refounding Labour.”*

To that end *Refounding Labour* established a network of registered supporters with the right to vote in a leadership election when their numbers reached a certain level. It opened up the policy making process to people beyond the formal membership, and created the *Your Britain* programme which has drawn views from a wider body of people than ever before. It also established a Future Candidates Programme to encourage and support people from under-represented groups to stand for Labour.

Furthermore, *Refounding Labour* sought to transform the culture of constituency parties by encouraging a shift away from static meetings towards a more active campaigning model. This transformation cannot be achieved overnight by means of a rule amendment. It takes time to change established ways of working. But the process is now in motion, aided by the recruitment of a network of organisers who are working to build local capacity in community organising.

These reforms are bedding in and it will take time to see their full effect. But in the view of those involved, further reform is needed to realise the vision of a One Nation Labour Party. *Refounding Labour* was a start. But it is time to take the next step.

### **Building a One Nation Labour Party**

The agenda for further reform was laid out by Ed Miliband in a speech at the St Bride's Foundation, close to the location where the foundation Labour Conference took place. He used that platform to explain how:

*"I want to build a better Labour Party... by shaping a Party appropriate for the twenty-first century not the twentieth century in which we were founded. Understanding we live in a world where individuals rightly demand a voice. Where parties need to reach out far beyond their membership. And where our Party always looks like the diverse country we seek to serve. Representing the national interest."*

In particular, Ed Miliband argued that to achieve the goal of encouraging more people back into politics the party has to build a new relationship with the millions of trade unionists currently connected to Labour through their unions. He described these working people – shop-workers, nurses, engineers, bus drivers, construction workers, workers from public and private sector – as the most under-utilised asset in British politics.



Building a One Nation Labour Party requires us to mobilise these individuals in a more direct way than we do at present. And as the party leader made clear, it involves giving them a more transparent choice about their union's affiliation to Labour – and a choice about whether to support the party individually.

But this is about more than just the relationship between the party and the unions. It is about our relationship with the wider public, many of whom support Labour – or might support Labour – but do not necessarily want to be full members. We may be able to offer them a pathway into Labour membership through other avenues, including through trade unions but also socialist societies, by first signing up as supporters. But that requires us to think about how these supporters might be engaged in some party activities. Hence we should look at the use of primaries to engage a broader body of supporters. The selection of a candidate for the London Mayoral election has been identified as a contest where a primary should be employed. Similarly, we should look at reform of the existing leadership election process, which may help to draw people into Labour's ranks.

In addition to building the party's membership and supporter base, Labour is keen to increase the diversity of the party's representatives. This objective was recently reflected in party rules by the inclusion of a commitment to:

*“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.”*

Achieving a more diverse range of candidates and elected representatives means ensuring that the selection process is fair and transparent. Most particularly it means ensuring that access to money or resources should not be a distorting factor in the contest to become a Labour candidate.

Ed Miliband is clear about the direction in which he wishes the party to move. It is a direction of travel that builds on the party's historic foundations but responds to the world as it is today. The package of practical proposals presented here is based on his principled vision. Some involve immediate change; others will take time to bring into effect. But all should be seen as part of the same whole and motivated by the same ambition: to make Labour a movement that will change Britain for the better.

## Major party reforms since 1981

1981	<p>Electoral college for leadership elections is established (40% affiliates; 30% CLPs; 30% PLP), with votes in the affiliated and members' sections cast in blocks by delegates at conference</p> <p>"Kitson proposals" for raising the CLP, and reducing the affiliated, vote share at conference are published</p>
1983	NEC promises consultation on conference vote shares
1987	Policy Review launched
1988	New "levy plus" system for trade unions introduced
1989	OMOV ballots made compulsory in membership section of electoral college for leadership elections
1990	<p>Conference agrees principle of OMOV for parliamentary selections</p> <p>Conference agrees to apply gender balance quotas to NEC, Conference, NPF, CLPs and branches</p> <p>Conference agrees to the establishment of a National Policy Forum and policy commissions</p> <p>NEC proposes reduction in conference vote of the affiliated section to 70%</p>
1992	<p>First woman elected in trade union section on NEC</p> <p>Rule change introduced to reduce affiliates' vote share to 70%</p>
1993	<p>Conference agrees in principle to move to 50/50 conference vote split as individual membership grows</p> <p>Conference agrees OMOV for parliamentary selections and new leadership electoral college</p> <p>All Women Shortlists agreed for half of all</p>

	winnable seats
1995	<p>Clause IV revised</p> <p>Conference agrees to reduce affiliates' vote to 50%</p>
1996	OMOV ballot on draft manifesto
1997	<i>Partnership into Power</i> introduces changes to NPF and NEC
1998	OMOV for Euro selections
2010	<p><i>Refounding Labour</i> introduces a new category of "registered supporters", who have a vote in their own section of the leadership electoral college (once numbers reach 50,000)</p> <p><i>Your Britain</i> policy hub enables non-members to engage in the policy process</p> <p>Clause I redefines core purpose of the party, highlighting campaigning and community organising by CLPs</p>

# The Collins Review

## Reform Proposals

### 1. A more transparent link with trade unions

The Labour Party is today comprised of individual members, affiliated organisations and registered supporters.

Every individual member is attached to a constituency Labour party (CLP) and has a clear set of rights that can be exercised locally and nationally. Supporters who register with the party nationally receive more limited rights. Affiliated organisations that pay fees have a collective constitutional role inside the party and, as with CLPs, have representation on national committees and in the conference. Although they pay affiliation fees on behalf of their individual members, it is the organisation and not the individual that is directly affiliated to the party.

These different elements are constitutionally bound together by a federal party structure that can be traced back to Labour's formation in 1900. Submissions to the consultation have very strongly favoured the retention of the federal construct. Moreover, the party leader has explicitly said that the party's historic link with affiliated organisations should be reformed but not broken.

So the starting point of this report is a clear recommendation that the federal structure which enables individuals and organisations to have a voice inside the party should remain the bedrock of Labour organisation.

But this report nonetheless recommends that, in line with the party leader's vision for reform, there are important ways in which the historic federal structure could be updated. Most specifically, Ed Miliband wants there to be greater transparency in the basis of collective affiliation. He is clear that in the future trade union affiliation fees should not be paid on behalf of an individual union member unless that individual has consented to the payment. Furthermore, he wants individual trade unionists to have the opportunity to decide for themselves whether to affiliate to the Labour Party on an individual level, rather than be given individual rights automatically by virtue of their union's affiliation.

The practical dilemma is how to give effect to these objectives without undermining the principle of collective affiliation. A crude individualisation of the union link would undermine collective affiliation.

Having considered this question in detail, it is clear that the answer lies in distinguishing between collective affiliation and individual affiliation. Put simply, trade unionists need to be able to express one view on the financial contribution that underpins their union's collective affiliation to the party, and another on whether they wish to be affiliated to the party individually.

It is therefore proposed that, over a reasonable period of time, trade unions and the Labour Party standardise two separate processes with regards to collective and individual affiliation. The first process should involve trade union levy payers being able to make a choice about their union paying affiliation fees to the Labour Party on their behalf. This does not involve any change to trade union legislation governing political funds, which since 1945 has provided a statutory right to contract out from paying a political levy. This requirement was retained in the 1980s, when the Thatcher Government added the additional requirement for unions to ballot their members every ten years on whether to have a political fund at all.

Instead, what is proposed here is to ask all levy payers, current and future, to make a positive individual choice over the payment of affiliation fees to the Labour Party. In the case of new members this will be in the form of a clear choice on the membership form. Existing members will receive separate notification, and all will have been communicated with at the end of the five year transition period. As a number of respondents to the party reform consultation noted, Unison has offered its levy-paying members this sort of choice for some time, and its members who choose to pay into the affiliated section of that union's political fund have already consented to the payment of affiliation fees. However, it is not proposed to impose the "Unison model" across the board. Different trade unions have different structures and they should have the freedom to adopt an arrangement most appropriate to their own system and culture. The one common requirement is that they must provide all their levy paying members with an active choice about the payment of affiliation fees.

Preserving the principle of collective affiliation, but on a more transparent basis, is a fundamental part of the package of reform proposed here. It represents a significant development and it will take some time for both trade unions and the Labour Party to prepare their systems for this change. A transitional phase will therefore be necessary. This should be of a reasonable duration but should be clearly defined.

Proposals contained in two independent reports which examined the question of reforming affiliation fees provide a model timetable. The reports of Sir Hayden Phillips and Sir Christopher Kelly both recommended that it would take five years for trade unions and the Labour Party to move to a new method of collective affiliation fees based on individual positive choice.

Changing the basis on which affiliation fees are paid is only one element of the new relationship that the party needs to build with trade unions and trade unionists. Equally fundamental is the need to introduce a new mechanism for allowing trade unionists to make a decision about individual affiliation, and in so doing to address the rights that attach to members, affiliates and supporters. This is explored in the next section.

### **Recommendations**

- The federal structure of the party should be retained.
- Trade unions and other affiliates should continue to have a collective constitutional role inside party structures, but on a more transparent basis.
- After a transitional period of five years, affiliation fees shall only be accepted on behalf of levy payers who have consented to the payment of such fees.
- At that point, the scale of a trade union's collective affiliation shall be governed by the number of levy payers who have consented to the payment of affiliation fees.

## **2. A closer relationship with levy paying trade unionists**

Central to achieving the objective of growing Labour membership is the goal of building a closer relationship with the millions of working people who belong to an affiliated trade union. Labour has long had a connection with these people by virtue of the affiliated collective link. But while that collective voice should continue to be heard, Ed Miliband is clear that going forward individual trade unionists should also be given a choice about whether to greater involvement with the party.

Some point out that they can already have that by signing up as party members. But as previously noted, one of the factors motivating party reform is the realisation that public political engagement is changing. Party membership, in the traditional sense, is less common now than in the past. As Peter Hain has said, people are not “joiners” of political parties in the way they once were.

But that does not mean that support for parties has evaporated. Large numbers of people continue to identify themselves as Labour supporters and vote for the party in elections. Amongst the membership of affiliated trade unions there are undoubtedly large numbers of men and women who have a propensity to support Labour. They have the potential to be drawn into a more active engagement with the party; one which may ultimately take the form of full membership.

Of course, that will not apply to everyone. There are trade unionists who may be keen for their union to be affiliated to the Labour Party, but who wish for no individual link. But there is a large number who may be open to that next step, without yet being prepared to commit to full membership.

We therefore need to offer a stepping stone to those individuals who want to move beyond the indirect personal connection they have through their union’s collective affiliation. As already discussed, offering them that choice means distinguishing between collective and individual rights.

So separate from being asked to make a decision about the payment of trade union affiliation fees, it is recommended that levy paying trade unionists should have an opportunity to choose to formally support the party on a direct personal basis. An Implementation Group should be established to oversee this process, which should come into operation before the end of 2014.

This need not require any additional payment by levy paying trade unionists, who will already be contributing financially in the form of affiliation fees; but it would require these individuals to affirm

that they support Labour values and to provide the party with their personal contact details. By these means the party would be able to welcome a new body of “affiliated Labour supporters” into its ranks.

The party shall need to define a clear set of rights that will be offered to affiliated supporters. In response to the views expressed in submissions to the consultation, these rights should extend further than those afforded to registered supporters, reflecting the historic federal structure of the party and the fact that levy-paying trade unionists make an ongoing financial contribution to the party. However, they should not extend as far as those given to people who have taken out a full membership and pay subscription fees commensurate to that level.

It is therefore proposed that affiliated supporters will have the following rights:

- To vote in leader and deputy leader election ballots
- To receive party literature
- To receive invitations to party meetings and events
- To attend party branch meetings and CLP meetings open to all members
- To participate on the same basis as full members in the local party policy making process (including at branch meetings, CLP meetings and local policy forums)
- To attend Conference as visitors
- To vote in open and closed primary selections

They will not be able to represent the Labour party or to participate in the election of party representatives – with the exception of primaries and leadership ballots – unless they join as full members.

Enabling more trade unionists to have a more direct role in the party is central to realising one of Labour’s founding aims, which was to ensure that voices of ordinary working people are heard in the democratic process. By creating a new category of affiliated supporters, through which trade unionists can engage more directly with local parties, Labour will be able to engage more directly with men and women who are in touch with the issues that concern the great majority of working people in communities across Britain. And it would help trade unions to work more closely with the party in campaigning for the interests of their members. This is already evident in many places, where Labour and trade union members have been active in promoting joint campaigns on issues of public concern, such as protesting against rising ticket prices, fighting against exploitative pay day loan companies or defending the interests of local communities against proposed hospital closures. But the scope is there



for much greater activity in this vein, and the proposal for a new mechanism to draw trade unionised men and women into Labour's structures should be a critical means to realising that potential.

### Recommendations

- Levy paying trade unionists should have the ability to become affiliated supporters and to receive certain individual rights, by signing up to Labour values and providing the party with verifiable personal details.
- These individual rights should include the right to be attached to a CLP and to vote in leadership elections. They will not be able to represent the Labour party or to participate in the election of party representatives – with the exception of primaries and leadership ballots – unless they join as full members.
- Party systems should be in place to enable a new category of affiliated supporters to be established before the end of 2014.

### 3. OMOV in leadership elections

The introduction of new processes to enable trade unionists to make a decision about the payment of affiliation fees and about their individual connection with the party would mark a significant new stage in the development of Labour Party organisation. In that sense it is in keeping with the expectations of the party's constitutional architects a century ago. Labour was always intended to be a living breathing party, not an unchanging monument.

But by more clearly defining the nature of affiliation, it is evident that wider adjustments are needed to the rights which the party attaches to affiliated organisations and supporters.

In almost all respects the rights exercised by affiliated organisations, including trade unions, are collective rights applied through the representative democracy of the party. Affiliated organisations are able to send delegates to conference, to regional boards and to local parties. Similarly they elect representatives to national committees, such as the NEC and the NPF, who represent the policies and views of the affiliated organisation to which they belong.

Since 1993, the OMOV principle has applied to leadership elections, including within the affiliated section of the Electoral College. So in this forum of party decision making, trade unionists and socialist society members exercise an individual right, producing a multitude of different preferences rather than a single collective opinion.

In the case of affiliated trade unions, every levy paying member is issued with a ballot paper. In 2010 that meant 2.7 million ballots were sent to members of affiliated trade unions. As several trade union general secretaries have acknowledged, not all these levy paying trade unionists support the Labour Party. Some may even be attached to other parties. For that reason the ballots which were sent to levy-paying members of affiliated unions required them to agree the following declaration in order for their votes to be validated:

*"I support the principles and policies of the Labour Party, am not a supporter of any organisation opposed to it and pay a political subscription to the body that issued this ballot paper."*

But many submissions to the consultation argued that this system is unsatisfactory and should be reformed. They point to the fact that of the 2.7 million ballots sent to members of affiliates in 2010,

just 234,000 were returned. Of those, a very high percentage – 15% – were deemed to be spoilt because individuals had failed or forgotten to affirm their support for Labour values.

In the context of moves to define more clearly the distinction between collective and individual affiliation, and to place a greater premium on the active decision of trade unionists in this regard, it is time to reform the leadership Electoral College through a rule change. In future only those members of affiliated trade unions who make a separate decision to become affiliated supporters should receive a ballot for leadership and deputy leadership ballots. Similarly, only those members of socialist societies who are not already party members or registered supporters will need to affirm their support for Labour values and provide the party with personal contact details in order to take part in leadership ballots.

This reform of the leadership election process will invert the current position whereby ballots are sent to every member of an affiliated organisation before they have been asked to confirm their support for the party. In future it should operate the other way around.

This step will enable the final realisation of the OMOV process that was begun by John Smith thirty years ago. With this change the affiliated section of the college would be abolished and affiliated supporters enabled to cast their vote within one single section for individual members and affiliated supporters. Additionally, in line with the principle adopted in *Refounding Labour*, individuals outside of affiliated unions should be able to register as supporters and participate in the ballot. But they should be required to sign a declaration affirming their support for Labour values. Furthermore, in order to participate in any selection, immediately prior to the ballot they would be required to pay a fee (to be determined by the NEC) and to reaffirm their support.

The creation of a single section of members and supporters provides the basis for a purer form of OMOV to be used to elect the leader and deputy of the Labour Party. To finally achieve this transformative change, the MP/MEP section of the college should be dissolved; the current Electoral College abolished and all votes given equal value.

However, in recognition of the fact that the leader of the Labour Party has a special duty to head the Parliamentary Labour Party in Westminster, MPs will retain the responsibility of deciding the final shortlist of candidates that will be put to the ballot. MEPs, who previously had a share of the MPs' section of the college, will be able to publish supporting nominations but these will not count towards the formal nominating process. To ensure that all candidates who are put to the ballot command a

substantial body of support in the PLP, the threshold for nominations to secure a position on the shortlist should be raised from 12.5% of House of Commons members of the PLP.

Finally, the abolition of the Electoral College in these terms would ensure that the Labour Party holds the personal contact details of all individuals who are eligible to take part in a leadership ballot. That would enable the ballot to be run directly by the party, in association with an independent balloting company. This will place an additional financial burden on the party, but it will relieve trade unions of the need to expend money sending ballots to people who do not wish to take part.

Furthermore, by running the ballot from a central database it will enable the practice of multiple voting to be ended. This has been a serious flaw in the process. It has created confusion and opened the system up to understandable criticism. Solving this problem by abolishing the college will provide for a simpler and more democratic process of selection.

#### **Recommendations:**

- **The Electoral College for leadership elections should be abolished and replaced in party rules by a new system based on the principle of OMOV.**
- **Multiple voting in leadership elections should be ended.**
- **The eligible electorate should be composed of members, affiliated supporters and registered supporters.**
- **Members of affiliated organisations who are not already party members may take part in the ballot if they register with the party as affiliated supporters. This will require them to declare their support for Labour values, provide the party with personal contact details and be on the electoral roll.**
- **Individuals who are not already party members or members of an affiliated organisation may take part in leadership elections by registering with the party as a supporter. This will require them to declare their support for Labour values, provide the party with personal contact details, be on the electoral roll and pay the party a fee.**
- **The NEC should agree the detailed procedures for leadership elections including issues regarding registration, fees and freeze dates.**
- **Responsibility for nominating and shortlisting leadership candidates shall remain with the House of Commons members of the PLP.**
- **Nominations for the post of leader or deputy leader of the party must, in all circumstances, be supported by [...] per cent of the Commons members of the PLP to be valid.**

#### 4. Fair and transparent selections

The Labour Party has long been at the forefront of moves to ensure that the UK has elected politicians who look like the society they represent. It is why we have All Women Shortlists, the single biggest factor in increasing women's representation in Parliament. Today women MPs constitute a third of the PLP – a proportion that will hopefully rise again in 2015. It is why the party's selection procedures include measures to promote applicants from black and minority ethnic backgrounds during the nomination process. There is much more to do in terms of making the PLP more socially representative, but in terms of gender, ethnicity and sexuality there are solid moves to increase proportions. Indeed in all these areas the Westminster Parliament has become more representative of the population.

Yet in other respects, notably in terms of class and occupational background, it has arguably become less representative. For example, according to the House of Commons Library, in the years immediately after 1945, one-third of Labour MPs came from a manual working class background; today that figure is probably less than one in 10. After 1945, 32% of Lab MPs were graduates; now it is 72%. And more generally, the Commons Library estimates that while in 1979 just 3% of MPs had previously been politicians or political organisers today the figure is 14%. These numbers suggest that Westminster representation is socially skewed, with the voices of ordinary working people not as numerous as they were in the past.

Of course the reasons for that change are complicated and subject to numerous factors connected to wider social and economic change. But the way that the Labour Party's own selection procedures have operated in this new context must at least in part explain the trend.

Ed Miliband is clear that to build a new politics Labour needs candidates who are truly representative of our country. That is why under his leadership the party instituted a Future Candidates Programme which is designed to attract individuals from under represented social groups, and to give training and support to people who may otherwise feel deterred from putting their names forward to become Labour representatives. The party is now well on the way to selecting the individuals who will stand under its banner in the 2015 general election. But while we are successfully delivering a wide range of candidates of whom the party can be very proud, there is still room for improvement in ensuring that internal selections are transparent and fair; that they are more easily accessible to party members from all walks of life; and in particular there is a need to ensure that one candidate cannot spend their way to success on the basis of personal wealth or access to resources.

From submissions to this review, and the recent NEC review of parliamentary selections, there are a number of consistent areas where candidates, affiliates and members have indicated concerns or have highlighted areas that could be simplified or improved. There are therefore several areas where it is recommended that the NEC should, in due, course review existing procedure:

- The timetable for a selection: A universal complaint is that it is too long – whatever selection is being discussed.
- Interaction with candidates: apart from the leadership election where the Labour Party centrally was able to commit resources, it is very difficult under the current procedures for party members to effectively quiz potential candidates on an equal footing.
- The code of conduct: The “do’s and don’ts” guide for candidates and their campaign teams. Whilst the number of complaints between candidates has been limited in the recent round of parliamentary selections, a clearer statement that could be more easily enforced should be explored.
- Campaign limits: Submissions have complained that thousands of pounds are expended on selections which should more productively be used on contesting actual elections.
- Third Party activity: The area which has led to most complaints in the recent round of parliamentary selections.

### *Timetables*

The timetables for all selections should be as short as possible commensurate with allowing members to have an adequate opportunity to compare the credentials of the candidates involved and with the necessary logistics of the selections.

Timetables for parliamentary selections must include opportunities to ‘meet the candidates’ and these must be arranged in such a way as not to disproportionately disadvantage candidates from outside the local area. Consideration should be given to the use of new media to allow interaction with candidates from further afield.

The timetable will include a specific starting point – currently (primarily) the publishing of the timetable at which point the candidate code of conduct and other rules for the conduct of the selection in question come into force. Consideration should be given in NEC procedures for candidates to register an interest prior to a selection starting so that they can begin to make contact with the membership in question. This would allow prospective candidates to establish whether they

have sufficient support to formally enter the race. The code of conduct should apply as soon as an interest has been registered.

### *The Code of Conduct*

The code of conduct is seen by some as a mechanism by which other candidates can be disadvantaged or removed from the race. The purpose of the code should be, more properly, to ensure there are basic rules for the contest to which candidates must be willing to adhere. However, the rules should be enforceable and the discipline of those rules must include the ability to exclude a candidate for severe infringements.

For parliamentary selections, the NEC should include within the code the ability for the NEC representative overseeing a selection to issue a formal final warning – a yellow card – for a breach.

Any decision to exclude a parliamentary candidate from a race should be taken by a panel of the NEC, upon the recommendation of the General Secretary that they should hear complaints concerning breach of the code.

### *Campaign spending limits*

By far the most consistent complaint is the ability of some candidates to outspend others, particularly if they are supported by third parties. This is also an area which requires a different approach for different elections, although the basic principles should remain the same across all selections. One candidate responding to the consultation said:

*“Keeping the cost of selections to a minimum is in everyone’s interests. The money spent by candidates, unions and generous party members who donate to friends’ campaigns would be better used....supporting Labour candidates in elections. No one should have to borrow money to fund their selection campaign.”*

Although a range of spending limits have been suggested – from no spending whatsoever, through to £10,000 per candidate – the consistent view is that there needs to be a cash limit. Many people and organisations expressed the view that the cost of a campaign was a real deterrent. One response succinctly summed up the overall view at a local party meeting:

*“It was felt that spending should be capped at a very low level.”*

Another response, from the CWU, summed up the overall view that there should be *“clear, defined spending limits for selections. The spending limit should be fairly low, with the emphasis on a small number of direct communications, alongside lively and professional hustings.”*

Having considered these views it is clear that there should be a financial cap (possibly together with some other restrictions on campaign activity depending on the selection in question). The selection of Westminster parliamentary candidates is the most contentious and proposals for these selections are set out below.

It should be noted that, irrespective of any Party rules for selections, all candidates in internal selections for public office are regulated under the Political Parties, Elections and Referendums Act and they must comply with the legislation in respect of receiving donations in cash or in kind.

#### *Westminster Parliamentary candidate selection*

There should be a regulated period which extends from seven days before the timetable is advertised until the close of ballot. One problem with a financial cap (or a cap on literature) is that a candidate with access to unlimited resources, and who is aware of a seat coming up, will just spend money before the timetable starts. Having a regulated period which starts on an unknown date would counter this to a certain extent and would certainly limit spending in the immediate run up to a selection. It is not possible to restrict spending before a regulated period.

Although all candidates would be regulated, spending returns would only need to be required from shortlisted candidates. This is a proportionate way of ensuring candidates comply without being over burdensome on the Labour Party.

The NEC should produce procedures which define these regulations, together with appropriate monitoring and sanctions. As a starting point, it is proposed that the NEC should consider the merits of introducing a spending limit for each candidate set at £3 per eligible member. For third parties it is proposed that the spending limit is £50 in support of an individual candidate.

#### *Leadership and Deputy Leadership election*

The election of the Leader and Deputy in recent times has seen enormous resources expended by the Party and by candidates and their supporters. This has been partly caused by the length of the campaigns, and by the desire of candidates, rightly, to communicate directly and personally with as many individual Party members as possible.



There is a clear view amongst candidates and ordinary party members that this level of expenditure should be reduced. However, to print and post a single small item to all Labour Party members would currently cost in the order of £65,000. All candidates would be likely to incur other costs over and above one simple mailing. There is therefore an inherent conflict between an election campaign where candidates can engage with members and a cap set at a level which actively prevents that dialogue.

Of course Labour Party members will expect the Party centrally to provide election statements and to arrange hustings. Furthermore, in the most recent leadership elections the central party has provided candidates with access to space on the Labour website and the use of email platforms to help communicate their campaign. These facilities help to boost communication whilst maintaining a level playing field and it may be that such tools could be provided to candidates in other selections. Nonetheless, traditional forms of communication such as leaflets are still heavily used and it would be perverse in the extreme to have a code of conduct and procedural rules which prevented candidates from at least mailing each member's household with information. No doubt candidates will make voluntary efforts to reduce expenditure, but any cap on expenditure must at least allow for a minimum level of communication with all members. It is therefore proposed that the NEC should consider a limit of £0.50 per member for both the Leadership and Deputy Leadership campaigns.

#### *European Parliamentary candidate selection*

The two most common comments were, from members, the sheer volume of contacts (emails, letters, phone calls) from candidates; and, from candidates, the cost of delivering their campaigns. The former might be dealt with by a timetable which is fit for purpose. The latter can only be cured by a realistic cap on expenditure. Unlike the Leadership and Deputy Leadership campaign, the main arguments in respect of the candidates in this selection can be adequately dealt with in the candidates' brochure. It is therefore proposed that a small additional spending allowance, together with email, social media and volunteer support, should be sufficient to enable effective participation by each candidate.

Together with a similar process for monitoring expenditure as outlined for Westminster candidates, it is proposed that a spending cap of just £0.05 per member should be considered. This would allow for leaflets to be produced for distribution by volunteers, or for a limited targeted mail drop. It would still represent a significant financial outlay for candidates in the largest regions who wished to spend to the limit but would represent a dramatic reduction on the expenditure incurred in the recent selections.

### *Other selections*

This section has focussed on parliamentary selections, leadership elections and European parliamentary selections. Of course there will periodically be other selections (e.g. mayoral) where it may be appropriate to use a spending limit. In all cases, the precise level of the limit should be set by the NEC following detailed deliberation. The limits proposed in this report are offered as an aid to that deliberation.

### **Recommendations:**

- There should be a new code of conduct which is clear and enforceable with the main aim of creating a level playing field for candidates.
- The NEC should decide the appropriate level at which candidate spending limits should be set for internal party selections. As a starting point, the following proposed limits are suggested in respect of Westminster parliamentary selections, leadership elections and European parliamentary selections:
  - For parliamentary selections, £3 per member in the constituency in question.
  - For leadership elections, £0.50 per eligible voter in the selection.
  - For European selections, £0.05 per eligible voter in the selection.
- Selection timetables should be as short as possible.

## 5. Primary elections

Through *Refounding Labour* the party has already agreed the principle that individuals who are not full members, but who share Labour values and who register as supporters, may have a vote in the selection of the party leader and deputy leader. Ed Miliband has proposed to extend that principle further by using a “primary election” to select Labour’s next candidate to be London Mayor. He also asked this review to explore the question of whether primaries might be used in parliamentary selections under certain conditions.

It is important to make clear that what is under consideration here is a proposal to run a closed primary. There is no question of running an entirely open primary in which members of other political parties would be allowed a say over the selection of a Labour candidate. As Ed Miliband underlined in his St Bride’s speech, a basic requirement for any individual who wishes to take part in the London primary must be their formal registration as a supporter of Labour’s aims and values. That raises some practical questions about how the process for registration should work, as well as wider questions about the broader procedure and timing of the London primary. Recommendations relating to those questions are outlined below.

Submissions to this review have revealed differing views on the question of primaries, but with a majority against the widespread use of this process. Some were absolutely opposed to the use of primaries in any form, including in the London mayoral selection. Left Futures, for example, warned that:

*“the proposal to introduce primaries is seriously misguided ... and threatens the party with improper interference in selections.”*

(Left Futures)

Others questioned the likely demand, with Labour First stating:

*“Our concerns about primaries are based on the lack of evidence of any public demand for such a process, as shown by the turnout of only 20,019 in the Tory primary that selected Boris Johnson in 2008, out of over a million people who went on to vote for him in the election itself.”*

(Labour First)

Weighed against those criticisms, proponents of primary elections argued that – given the right safeguards – they could be a positive move:

*“Primaries could be a new way of reaching out and engaging with people who always vote Labour but who have never thought of joining the party. As such primaries should be seen as a development tool to support CLPs with low levels of membership and activism.”*

(Sally Prentice)

In particular, some pointed to international experience for evidence of how primaries can engage the public and produce political benefits. Examples highlighted included the Australian Labor Party’s use of a primary to select its mayoral candidate in Sydney, which engaged thousands of non-members and boosted voter identification files. Other positive examples were cited in Italy, Canada, the US and perhaps most notably in France, where the French Socialist Party used a primary selection to choose its presidential candidate in 2011. According to the Fabian Society, this was:

*“a successful model of how to do this while ensuring those taking part are genuinely supportive of the party”.*

(Fabian Society)

Under the French model anyone eligible to vote in the presidential election was able to vote in the primary, provided they paid at least a one euro fee and signed a declaration of allegiance to the values of the French left. Almost three million people took part and the primary was deemed to have given the eventual candidate a crucial edge in his victorious presidential election campaign. However, the process required enormous resources: 9,500 polling stations were set up across the country – often with the assistance of statutory authorities – manned by 10,000 bailiffs.

Notwithstanding this international evidence, it is clear from the majority of feedback that there is limited appetite within the Labour Party for the widespread use of primaries at this time. It is therefore the judgement of this report that it would be premature to use them to select Labour parliamentary candidates. Instead, it is proposed that the London Mayoral candidate selection should be a test case for the first official use of a primary within the Labour Party. Even those sceptical about primaries recognise that the London mayoral election is an unusual selection which takes place on a completely different scale to local or parliamentary selections.

*“As the largest directly elected position in the UK and one of the biggest in Europe, the London mayoral selection is well suited for a primary, where name recognition and breadth of support are crucial.”*

(Community)

### **The London primary**

In proceeding with a primary election in London, a number of practical questions arise, principally:

- When should the primary in London be held?
- What should be the nomination and shortlisting process?
- Who should be able to take part in the final selection and what conditions should apply?
- By what means should the election be administered?
- What safeguards should be in place?

### *Timing*

The precise timing should be agreed by the NEC, which should also agree the procedures for the selection overall, but this review would suggest a timetable that concludes by Annual Conference 2015. Given the proximity of the general election it is clear that the London primary should not be held until after May 2015. However, preparations should be made in advance to lay the ground for a selection that would be completed in the second half of the year.

### *Nomination and Shortlisting*

The current process for nominations for the London Mayoral candidacy is that applicants self-nominate and are then subject to a Mayoral Selections Board interview. Short-listing is then carried out by the Mayoral Selections Board (4 members of the NEC and 4 members of the London Regional board.)

This review has considered whether this process would be appropriate in the context of a primary selection. Using a primary is clearly an important means for engaging a wider body of supporters in Labour Party activity. But the drive to build and engage a bigger supporter base is not intended to undermine membership. Nor is it intended to remove the NEC from scrutinising candidates who wish to represent the party in what is, in essence, a national election.

It is therefore proposed that the current system for nominations and shortlisting should be amended. In the context of selecting a mayoral candidate by means of a primary, CLPs and affiliated organisations should have a defined role in nominating possible candidates. Only candidates with a

certain level of nominations, to be determined in advance by the NEC, should be eligible to be shortlisted. This process will ensure that CLPs and affiliates retain a special role in the selection. The shortlisting itself should continue to be conducted by a regional panel with NEC representation. The NEC should be responsible for agreeing the detailed procedures in this regard.

### *Eligibility to take part in a primary*

As London TULO highlighted, *“Any change to the selection process for the Mayoral candidate must start with the question: how can we maximise the engagement of Londoners in the election of Mayor?”*

The starting point for this report is that the primary should be open to any London resident who is on the electoral register. This may include individuals who have not yet reached the voting age but who have registered to vote in advance of doing so. However, to deter political opponents from taking part or making mischief, every individual who wishes to participate and who is not a party member must first register as a supporter with the party.

That process will require them to sign up to a declaration in support of Labour values. Furthermore, registered supporters will need to confirm their postal address, be on the electoral roll at the confirmed address and pay an administration fee by means of an individual payment.

Individuals who are members of an affiliated organisation and who have registered as an individual affiliated supporter will also be eligible to take part. In registering as an affiliated supporter they will need to confirm their postal address, be on the electoral roll and confirm their membership of the relevant affiliated organisation.

The registration process for all these supporters will be managed through a secure on-line section of the Labour Party website or through a formal application process managed by the membership unit and overseen by the compliance unit.

### *Administration*

The Labour Party will engage an independent balloting company to run the election. To drive down costs, all participants will in the first instance be advised of their right to vote on-line, though postal ballots will be available on demand. This review has consulted with a leading balloting company and gained assurances that safeguards can be put in place to guarantee the security of the balloting process.

### *Safeguards and NEC power*

The national membership and compliance units will monitor membership lists and the database of registered supporters to check for any suspicious join activity. Only individuals who send the relevant personal data will be permitted to take part in the primary. The NEC should retain reserved powers to halt or abandon a primary if it has any reason to suspect foul play.

### **Recommendations:**

- There should be a rule change to give the NEC a power to determine when closed primaries may be used in a mayoral selection.
- The selection of a London mayoral candidate should be conducted by means of a closed primary. The NEC should draw up the detailed procedural guidelines.
- The selection should not begin before May 2015 but should ideally be completed by Annual Conference 2015.
- Specific safeguards should be employed in any closed primary to ensure a level playing field and to guard against manipulation or abuse.
- The NEC should have unreserved powers to cancel a primary when it deems it necessary.
- The selection of a London mayoral candidate should be conducted by means of a closed primary:
  - The selection should not begin before May 2015 but should be completed before the end of 2015
  - London CLPs and affiliates should have nomination rights
  - Shortlisting should be by a joint NEC/regional selection panel
  - The final selection should be by means of a ballot via a closed primary
  - All Labour members, individual affiliated supporters and registered supporters should be able to take part
  - Any London resident on the electoral roll in London who registers with the party by signing a declaration of values and pays an administration fee should be eligible to register as a supporter in order to take part in the primary
  - Voting should be by means of an on-line ballot, with postal ballots available on demand.

## 6. Constituency development plans

Trade unions have long played an important role in supporting local parties and candidates to fight and win elections at all levels, beginning with the sponsorship of the first working class MPs. In 1995 the First Report of the Committee on Standards in Public Life chaired by Lord Nolan, and the subsequent report by Lord Neill on the funding of political parties in 1998, triggered a move away from the old practice of sponsorship of MPs to the present system of trade union support for constituency parties through Constituency Development Plan agreements (CDPs).

CDPs were introduced to remove any suggestion that financial support from trade unions could be used to exercise influence over elected representatives, whilst recognising the legitimate and healthy role that trade unions and other organisations can play in providing financial support to local political parties.

Ed Miliband has underlined the value of local agreements between Constituency Labour Parties and trade unions, saying they help to keep parties connected to the needs of working people. Indeed, whilst collecting evidence from parties around the country as part of this review, it has become clear that unions frequently play a critical and positive role in working alongside local parties to campaign in the community on issues of popular concern. However, whilst placing a very high value on the importance of this kind of grassroots community activism, Ed has also said that such constituency agreements between local parties and trade unions need to be properly regulated and overseen so that nobody can allege that individuals are being put under unreasonable pressure.

### **Constituency Development Plan Agreements**

To remove any perception that constituency development agreements could be used in an unacceptable way, it will be necessary to ensure that a model CDP is agreed by the NEC and trade unions. This will underline that the core purpose of the plan is to provide financial support to a CLP to enable it to fight and win elections at every level by developing its organisation and campaign capacity, including stronger links with local trade unions and trade union members. Most importantly, it will explicitly state that CDPs must not be used to support elected representatives or candidates seeking elected public office

### **Recommendations**

- **The National Executive Committee should oversee and endorse all Constituency Development Plan agreements.**



- A central register of all Constituency Development Plan agreements should be compiled and maintained by the Compliance Unit.
- A model Constituency Development Plan should be developed with the trade unions so that the purpose and responsibilities of both the CLP and the trade union are clear. While building links with local trade unions and trade unionists is vital, the model plan should ensure that CDPs do not place excessive demands on CLPs and that there is no link between financial support for the CLP and elected representatives.
- Changes to the model agreement should be permitted only with the permission of the NEC.
- CLPs may have one Constituency Development Plan agreement at any given time. Exceptions to this rule will require the permission of the NEC Organisation Committee.
- The maximum CDP grant of £2000 per annum has been in place for 10 years. This should be reviewed.

## 7. The timetable for change

The proposals for reform set out in this report should be regarded as a complete whole, and the Labour Conference is asked to endorse the report on that basis. However, the implementation of these reforms will take some time, as they require new processes to be established. Some will be finalised more quickly than others, but preparations towards all of the objectives set out here should be commenced as soon as the report is endorsed.

If the Conference agrees this report and its recommendations, an Implementation Group should be established to oversee the implementation of party reforms according to the following timetable:

<b>March 2014</b>	Report recommendations and rule changes (primaries and leadership elections) agreed
<b>May 2014</b>	Implementation Group established
<b>By end of 2014</b>	System for recording individual affiliation established Standard model for Constituency Development Plans agreed by NEC New code of conduct for selections agreed by NEC New spending limits in selections agreed by NEC
<b>By June 2015</b>	London Primary selection procedures agreed by NEC
<b>June 2015</b>	London Primary selection commences
<b>September 2015</b>	London Mayoral candidate selected
<b>By end of 2019</b>	Requirement for trade union affiliation fees to only be paid on behalf of levy payers who have made a positive individual choice comes into force
<b>2020</b>	Complete transition to new basis of collective affiliation