

National Executive Committee, 17 September 2021

The meeting again rapidly deviated from the timings on the agenda, and rather than finishing at 4 p.m. we eventually stopped at 7 p.m. Contrary to what newer members were told, NEC meetings do not have to be interminable, and less than five hours used to be normal. Endurance tests are bad for representatives, for staff and for the quality of decision-making.

The NEC welcomed Harry Donaldson, chair of the conference arrangements committee. He reported that 375 motions had been received, of which 330 met the criteria and were grouped into 50 topics for the priorities ballot. So far 1,179 delegates from CLPs and 259 from affiliates were registered. There would be 250+ fringe events and 98% of the exhibition space had been sold. Harry explained Covid-related measures and though not mandatory he hoped that everyone would wear masks except when speaking.

The Rules of the Game

We moved on to consider nearly 100 pages of rule changes, and I appreciate the time taken by staff to clarify details with NEC members before the meeting. Some are still work in progress and the NEC will make final decisions on the evening of Friday 24 September, so delegates will need to read fast. Many NEC proposals are tidying up, deleting (sadly) references to MEPs and replacing Welsh Assembly with Welsh Parliament. Also the rulebook will now reflect the right of Labour International members to pay concessionary subscription rates on the same basis as UK-based members.

Others are sensible, for instance allowing priorities ballots before conference so that compositing can be planned in advance. Allowing assistant conference chairs to come from any section of the NEC simply reflects longstanding practice. Waiving the 12-month membership requirement for council candidates would again be delegated to regional directors. And a proposal to withdraw even the right to vote from suspended members was dropped amid general opposition. When people are barred from all party activity for many months they should at least be able to cast an occasional online ballot in exchange for their £53.

Moving to local government committees (LGCs), the current rules say that at least 50% of the three officers (chair, vice-chair and secretary) must be women. Taken literally this means at least two, but we were told that specifying either one or two might be legally problematic. The ingenious solution was to add a second vice-chair, so that two of the four officers must be women. The NEC rightly agreed to add up to two Co-operative Party delegates, but the rules are now inconsistent because they still say that membership will be in three sections (CLPs, trade unions and councillors) each holding one-third of the votes. Sorting out the fudge would be deferred till someone devises a solution or till the end of time, whichever is sooner.

Some queried the “probationary period of provisional membership” and the general secretary’s ability to reject a member during their first eight weeks. This already happens, and CLPs can also object. Although the use of “provisional” alongside “probationary” is a bit confusing, this was carried 17 for, 9 against, 1 abstention. All the rest of the first batch was carried 19 for, 9 against, 1 abstention.

Following the Plan

The second batch implemented the new independent disciplinary procedures agreed at the last meeting, and includes a requirement for all candidates for public office or internal party positions to agree to undertake training, for instance on equality and diversity. It was clarified that the EHRC (equality and human rights commission) action plan allows current processes to continue until the end of 2021 while the new structures are being set up. This section was agreed with 18 for, 8 against and 1 abstention.

The third batch contained proposals originally tabled in July. The first vote was on enshrining single transferable voting for the constituency section of the NEC, opposed by some on the grounds that it should apply to the councillors and MPs’ sections as well. The response was that with only a few candidates STV and first-past-the post give the same result (which I don’t understand, but we returned to this later). The NEC voted in favour, with 16 for, 8 against, 3 abstentions. The meeting then voted for any vacancies in the CLP section to be filled by recounting the previous STV ballot rather than holding expensive by-elections or leaving vacancies, with 17 in favour, 9 against, 3 abstentions. By-elections were introduced three years ago, and I am happy to see them go. No faction should hold 100% of the places on 60% of the vote. However by-elections will still be held for vacancies in all other sections.

The NEC also agreed that CLPs should not affiliate to or support any organisation without our permission, with 19 for, 9 against and 1 abstention. This does not prevent working closely with others on common aims, but currently there is no regulation, which opens the party to reputational risk. The rest of this batch was carried with 19 in favour, 4 against, and 3 abstentions. On all these decisions I voted with the majority.

“When I use a word, it means just what I choose it to mean ...”

as Humpty Dumpty said in *Through the Looking Glass*. In discussing new proposals on expulsion no-one suggested reversing July’s decisions on proscribed organisations. However I was deeply unhappy with subsequent developments. For Socialist Appeal support had been defined thus:

That it considers, inter alia, that the following acts constitute “support” for Socialist Appeal under Chapter 2, Clause 1.4.B of the Labour Party Rule Book:

- a. Selling the Socialist Appeal newspaper;*
- b. Writing for the Socialist Appeal newspaper;*
- c. Running Socialist Appeal street stalls;*
- d. Describing oneself as a supporter of Socialist Appeal*

and similarly for other banned groups. I was shocked to find that some members were sent a couple of old Facebook likes and threatened that “*failure to make written representations, or to provide a compelling reason to extend this deadline within seven days will lead to your automatic exclusion from the party*”. No ifs, no buts, no NEC involvement, just out. This extends “*inter alia*” beyond all reasonable limits, and I was among those who believed that proscription would not be applied retrospectively. Some letters also included incorrect dates.

I lived through the 2016 leadership election when the party actively trawled social media for incriminating evidence and I never want to go back there. However we were informed that only 57 such letters had been sent, only five people had actually been expelled, and the party had acted only on complaints received. So I withdraw the suspicion of wholesale trawling, though the alternative – that recipients of these letters were reported by other individuals – may be more disturbing and harder to deal with.

Other members said that when Militant was proscribed this was not applied retrospectively, and asked whether these rules would exclude Tories or LibDems crossing the floor, to which the answer was No because they have renounced their former allegiance. The language became uncomradely on both sides, with regrettable references to leeches and witchfinders.

A proposal to defer the paper was rejected, with 11 in favour (including me) and 16 against, and my attempt to rule out retrospective application was defeated by 18 votes to 10. Further work would be done on words around court action. There were positive elements in that members would become able to challenge auto-exclusion if this was judged disproportionate, which might apply to signing a nomination paper for a friend in ignorance. For this reason I voted for the final version, carried with 20 in favour and 9 against.

Grassroots Voices

The last section concerned constitutional amendments from CLPs, where the NEC recommends and conference decides. Members were sympathetic to Oxford East’s aims in proposing that Labour groups could set minimum numbers of BAME (Black, Asian and minority ethnic) members when electing their cabinet. Reservations were that some Labour groups might make unlawful changes, and the amendment was unnecessary because the NEC can already authorise variations to standing orders in chapter 13 of the rulebook. The head of the governance and legal unit and the chair of the organisation committee would discuss positive ways forward with the delegate.

The NEC then agreed to oppose the following (I voted with the majority except where otherwise stated):

- Presenting a report from the parliamentary Labour party to conference, and allowing conference to vote on disciplinary actions against an MP (18 votes to 8). Debating individual suspensions openly could have legal consequences. I suggested resolving the situation which gave rise to these amendments, and certainly before we start selecting candidates. (I also wondered about similarities with 1995, when conference voted on Liz Davies’ parliamentary candidacy for Leeds North East.)
- Electing the general secretary (19 votes to 7). The procedure was not workable, for instance if there were fewer than eight applicants, and would break employment law. Members might elect the person for political reasons, while the NEC would appoint someone with the ability to manage a large organisation. Also an elected general secretary with their own mandate could be in conflict with the elected NEC.
- Allow similar rule changes to be discussed more often than every four years, if backed by five CLPs (17 votes to 7). I voted for this, as sometimes amendments are excluded on too sweeping a basis.

- Stating every member's right to freedom of speech without interference (18 votes to 9). This was internally contradictory, as it said that the NEC shall issue no instructions, but also that restrictions will ensure compliance with legal and financial responsibilities and protect against defamation. Presumably it is the NEC which has to specify these restrictions.
- Use STV for all sections of the NEC except affiliated organisations (16 votes to 9). I voted for this. STV can apply perfectly well with only one or two people.
- For parliamentary by-elections, snap elections or any situation where a full selection cannot be held, give the executive committee a majority on the shortlisting panel, and power to choose the candidate if there is no time for hustings (18 votes to 9). When I was last on the NEC the pressure was to take power away from executive committees, seen as factional cliques, and that may not have changed. Others believed that CLPs operating in isolation would prevent the NEC using all-women shortlists or positive action and would likely lead to more CLPs choosing favourite sons.

(There is widespread resentment that dozens of constituencies could not select their candidates in two successive general elections, and Keir Starmer promised no more impositions, but the best way to deal with this is for the NEC to turn its attention urgently to starting selections.)

- Set a minimum seven-day window for members to apply for parliamentary selections (17 votes to 8). Sometimes by-election timetables don't allow seven days.
- Define spending limits for leadership elections (17 votes to 8). Currently these are set by the procedures committee, which needs freedom to vary amounts for each election.
- Rejecting donations from any organisation except trade unions or co-operative societies, and donations of more than £10,000 from any living individual. The first part would immediately lose up to £8 million of public funding, including Short money, and bankrupt the party. The second part ascribed ulterior motives to anyone giving to the party. Many supporters dig deep: for some that means £5, for those who are lucky it may be much more. Perhaps because NEC members are personally liable for party debts no-one pushed this to a vote.

Question Time

We were now running three hours behind schedule and it was 5 p.m. when Keir Starmer was able to speak. From in-depth visits around the country he believed that Boris Johnson's appeal was wearing thin. People wanted change and were open to Labour if we gave them reasons to vote for us. Like many MPs he was dealing with agonising cases following the Taliban takeover in Afghanistan, where the consequences were predictable and had been predicted. He thanked Angela Rayner and Andy McDonald for their new deal for workers, highlighted in his TUC speech and criticised Boris Johnson's non-plan for social care.

Members praised Labour for defending the £20 uplift in universal credit and urged support for increased legacy benefits for disabled people and others. I asked for a riposte to the Tory attack line that "Labour will scrap universal credit", which suggests getting rid of all benefits. Keir Starmer explained our commitment to replacing UC with a better system. Anyone working extra hours currently loses 75p in every pound, there is a five-week wait, and payment to the head of the household endangers victims of domestic abuse. Some of us know that, but we need five words that Labour MPs can shout back in parliament and repeat in every interview, and activists can use on the doorstep. Similarly with health and social care: prevention is fine, as is enabling people to stay in their own homes and rewarding carers, funded by those with the broadest shoulders and from unearned income, not from working people. We need five words so that when Boris Johnson says "We have a plan, he has no plan" we have a snappy response ready. And "Captain Hindsight" should be firmly nailed to the former foreign secretary, who said that with hindsight he would not have gone on holiday when Kabul was about to fall.

Keir Starmer said he would meet Scottish local government workers and the Gypsy, Roma and Travellers working group as soon as possible. He agreed that a £10 minimum wage was only a starting point, and that properly staffed ticket offices were essential in reviving rail travel. Britain should be assisting with vaccine distribution worldwide, where Tory cuts in international aid were particularly shameful. Labour would push back on the courts and sentencing bill, and highlight the impact of national insurance rises. Coupled with UC cuts some families will lose more than £1,000 a year. Labour had to regain its pre-eminence as the party of working people. He said that conference would be a fantastic opportunity to put Covid behind us and make our arguments for tackling the climate crisis and building a better, brighter future. My second question, on whether he would support the 140+ CLPs who sent motions to conference on proportional representation, got lost, though I think I heard the chair mutter "I hope not!".

Moving On

The NEC endorsed papers on the national disabled members' organisation and the new Labour Students structure, agreed by small groups through consensus. Deputy leader Angela Rayner drew attention to next week's opposition day debate on the cost of living, with energy prices going through the roof and inflation back to 1990s levels. She thanked Jonathan Reynolds for his efforts on UC, particularly in stressing that it goes to many people in work. Asked about uniting the party she said that while there would always be differences on contentious issues, we should stick to our principles and values of decency and respect. Without previous Labour governments she would not be where she is today, and with everything she does, she always asks whether it will help to achieve our common objective of winning political power.

General Secretary's Report

David Evans said that restructuring was a tough time for staff, and he was working closely with their unions. He was now confident that there was no need to consider compulsory redundancies. To his own and everyone else's frustration the Forde report on the 2020 leaked document was not yet available even in partial form, and it was now promised in October/November (2021?). I asked for a report on the diversity impact of restructuring, and David promised a full diversity audit of the voluntary severance scheme.

He apologised for the distress caused to an individual who received a notice of investigation in error. This emanated from the project to clear the backlog of thousands of complaints, and procedures were being reviewed to avoid any repetition. He also committed to looking at the wording of letters to members about incidents which might have happened years ago, though serious allegations could not just be dropped. While processing outstanding complaints was on course to conclude by early 2022 my understanding is that cases will still have to be heard by NEC disputes sub-panels, which may take us into next summer.

David Evans said that the future candidates programme was still recruiting, and the NEC officers would provide oversight. He would check on the Bernie Grant and Jo Cox programmes for BAME and women. All we need now is lots of winnable seats. He had spoken with LGBT Labour about making progress on a code of conduct regarding transphobia. By the NEC meeting in November he hoped to have a scheme of delegated powers, clarifying who has the authority to do what, and recommendations for improving the working of the NEC, collected last November. Hopefully we will have time to discuss these.

Wrapping Up

The meeting noted new sexual harassment procedures and reports from the business board, the women's conference, the national policy forum and the joint policy committee. The NEC has not yet received any proposals arising from the policy development review, though various drafts are in circulation. I believe there is now no time to reach agreement on significant changes before Brighton, and no point in tinkering at the edges. The joint policy committee is particularly unrepresentative, dominated by the shadow cabinet and with no CLP members for more than two years, but that cannot be fixed in five days.

After waiting patiently for over three hours the national women's officer sought, and gained, NEC approval for the next national women's conference in spring 2022. I hope to have dates and details soon, so that CLPs can plan to elect delegates and pay their fees, travel and accommodation.

Other Meetings

The new national women's committee held its first meeting on 9 September 2021 and elected Ruth Hayes as chair and (after an online ballot) Ekuu Bayunu and Jean Sharrocks as vice-chairs. Following introductions the committee clarified our powers and terms of reference, expressed the desire for more, longer and hybrid or in-person meetings and reviewed the online national women's conference held in June, including what happens to motions not prioritised for annual conference. Looking ahead, some members suggested that in future CLPs should be able to satisfy diversity criteria by sending additional rural or low-income delegates, as well as BAME, disabled or LGBT+ delegates.

It was believed that only 26 CLPs so far have fully-fledged women's branches, and the committee was keen to advise and assist. Finally now that more than half of Labour MPs are women it may not be lawful to use all-women shortlists, and all possible measures must be taken to avoid slipping back. The committee includes an impressive range of ability and experience, and should have a bright future.

Finally the NEC development fund panel considered 24 applications and approved 21 in full or in part. After ten years the fund is still little-known, maybe just as well since its size depends on membership.

As usual please feel free to circulate and/or post online, and comments and questions are always welcome. *Ann Black, 07956-637958, annblack50@btinternet.com. Previous reports are at www.annblack.co.uk*