

# Collection of councillors' levies

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## Background

At the executive meeting on 28 July 2010 an extended discussion took place during which the following points were made:

1. The Executive Committee had not managed the process of responding to the national requirement for a levy effectively.
2. Concern was expressed that a levy took no account of other financial contributions made by councillors.
3. The national requirement for a levy will become operational at the time of the next Borough Council election.
4. All potential candidates for election should be made aware of the levy as part of the approval process.
5. There is a need to clarify the position of prospective candidates who are 'unwaged'.
6. The levy may be paid directly into constituency funds.
7. It was agreed that there exists a need to clarify the Executive's position, and to ensure that the candidate approval process includes specific details of any levy.
8. It was proposed by Glynn Jennings and seconded by Mike Harrison that the issue be an agenda item at the next Executive Committee meeting and that all interested parties be encouraged to attend to ensure that all points of view are considered. This was carried unanimously.

The following notes have been prepared to address these issues.

## Constitution

The Liberal Democrat Constitution which deals with these issues was published in February 2010 various parts having been amended during 2009 and can be downloaded from: -  
<http://www.highpeaklibdems.org.uk/resources/index/Members%20Only/Constitutions>.

This document includes the Federal and National (English, Scottish and Welsh) constitutions and Model Local Constituency and Branch Constitutions. In the following paragraphs the references will be in the following format:-

Constitution – Article – Paragraph – page (where the page number is the page in the combined document)

The important sections of the Constitution which have been recently amended and deal with the above issues are shown in full below with the relevant sections highlighted in yellow and explanatory notes in red:

### **Constitution of the LIBERAL DEMOCRAT'S IN ENGLAND - ARTICLE 3: Local Parties – para 3.8 onwards - pages 73 to 76**

3.8 For the purpose of (a) Parliamentary elections in a parliamentary constituency divided between Local Parties and (b) elections for a local authority divided between more than one Local Party, the

Local Parties concerned shall form appropriate joint arrangements to co-ordinate candidate approval and selection, campaigning and publicity and to be responsible for the formulation of policy on local issues for that election. In the case of Parliamentary elections the joint committee shall have the power to raise a levy from the relevant Local Parties. Where the Local Parties fail to form appropriate joint arrangements, the Regional Party or the English State Party shall have the power to investigate and impose any arrangements that it sees fit.

*(The local authorities applicable to High Peak Liberal Democrats are:*

- 1. Derbyshire County Council*
- 2. High Peak Borough Council*
- 3. New Mills Town Council*
- 4. Whaley Bridge Parish Council*
- 5. Chapel-en-le-Frith Parish Council)*

3.9 Each Local Party or Local Parties making joint arrangements under 3.8 above shall adopt a procedure for the approval of candidates for local authority elections. That procedure shall be uniform across the area of the local authority. It shall apply to those seeking election and re-election to the authority concerned. It shall apply to every election to every authority save for any parish or town council election that the relevant Regional Party agrees to exempt. It shall be also open to a Region to agree a blanket exemption for all parish and/or town councils or to stipulate the approvals process shall apply to one or more of them specifically. It shall comply with the following principles:

*(It is anticipated that local authorities applicable to High Peak Liberal Democrats will be:*

- 1. Derbyshire County Council*
- 2. High Peak Borough Council)*

- (a) No candidate may be sanctioned by a Liberal Democrat Delegated Nominating Officer unless they s/he has been approved by a panel of Party members appointed for the purpose. The panel shall consist both of Liberal Democrat Party members who are not members of the local authority concerned, one of whom shall take the chair, and Liberal Democrat members of the local authority concerned, if any. The panel need not always comprise the same people,
- (b) No person may be approved as a Liberal Democrat candidate unless they are a member of the Liberal Democrats,
- (c) Approval shall be specific to each authority and shall last for a maximum of four years from the date of approval,
- (d) As a condition precedent of approval, prospective candidates shall be required to agree to make a financial contribution towards Liberal Democrat Party activities in the event of their election to the relevant authority. The level of contribution shall be calculated in the same manner across the area of the authority concerned. No candidate shall be required to make a contribution where doing so would cause hardship and, for these purposes, hardship shall be widely construed. The procedure shall contain a mechanism by which cases of hardship are to be identified. Where it appears to the relevant Regional Party or the English State Party that such a procedure has not been adopted or, having been adopted, is not being followed, then a procedure may be imposed and/or a Party member appointed to administer the procedure and ensure that it is followed.

*(The financial contribution for candidates for Derbyshire County Council will be decided by the whole county. As the next County election is not due until May 2013 there is no urgency except in the event of a by-election.*

***The financial contribution for High Peak Borough Council must be decided by the Executive of High Peak Constituency Party before the approval of candidates for the Election in May 2011. In determining the size of the levy the following points should be noted and agreed:-***

- 1. The levy will be net of any tax*
- 2. Responsibility allowances will be levied at the same rate as the standard levy*
- 3. Expenses and allowances for telephones, broadband, computers etc will not be levied*
- 4. Suitable arrangements will be made to mitigate hardship for the unwaged*
- 5. The position of pensioners should be clarified.)*

3.10 Each Local Party or Local Parties making joint arrangements under 3.8 above shall adopt a procedure for the selection of candidates for local authority elections. The procedure shall comply with the following principles:

- (a) No person may be selected as a Liberal Democrat candidate for the purposes of any election to an authority to which the provisions at 3.9 above applies unless they have satisfied the procedure agreed under that clause,
- (b) All selections carried out under the procedure shall be carried out in a fair, impartial, and democratic manner,
- (c) Except where it is impossible because of there being insufficient time in the case of a by-election, **the selection shall be by secret ballot in which all eligible members may vote.** Where it appears to the relevant Regional Party or the English State Party that such a procedure has not been adopted or, having been adopted, is not being followed, then a procedure may be imposed and/or a Party member appointed to administer the procedure and ensure that it is followed.

3.11 Each Local Party shall take all reasonable and practicable steps to support the activities of **Council Groups covering any or all of its geographical area and which have been recognised under Article 8**

3.12 The objects of a Local Party shall include to be the successor to the Former Parties (as defined by the Federal Constitution) in its area and to promote and support the values and objects of the Party in the constituency or constituencies which it contains and in particular, through its members:

- (a) to secure the election of Liberal Democrats as Members of Parliament, UK Members of the European Parliament and members of local and other elected public authorities;
- (b) to admit and actively recruit new members of the Party and encourage members to renew their membership;
- (c) to participate in the formulation of the policy of the Party;
- (d) to play a full part in the democratic processes of the Party;
- (e) to play a full part in the campaigning activities of the Party at all levels;
- (f) to campaign and work with local people to achieve the objectives set out in the Preamble to the Federal Constitution; and
- (g) to help all local people, without regard to party or any other factor, to secure their rights and to protect them against oppression. Local Parties may adopt additional objects which are not inconsistent with the Federal Constitution or these Articles.

3.13 Each Local Party shall have a Constitution. The English Council shall publish and may from time to time vary a **Model Constitution for Local Parties**.

*(Amendment of the High Peak Constitution was on the agenda of the AGM in November 2009 but the minutes and amended constitution has not been circulated)*

3.14 The Constitution of a Local Party must comply with the following principles:

- (a) all elections shall be in accordance with election rules made under the Federal Constitution;
- (b) there must be an annual general meeting, and provision for the calling of other general meetings by the Executive Committee and by requisition of the members;

- (c) proper accounts and accounting records must be kept as required by the Political Parties, Elections and Referendums Act 2000, and must be audited and delivered to the Election Commission as required by the Political Parties, Elections and Referendums Act 2000 and submitted with an independent report to the annual general meeting for approval;
- (d) there must be an executive committee, which should include both men and women and at least one person under the age of 26, and which must report to the annual general meeting on its activities;
- (e) there must be a democratic process for the selection of candidates for local authority elections;
- (f) the Constitution of the Local Party may be amended only by a properly convened and quorate general meeting by the vote of at least two-thirds of those present and voting;
- (g) it must ensure compliance with the Political Parties, Elections and Referendums Act 2000.

3.15 A Local Party may adopt a Constitution which is not in the model form, or is in the model form subject to variations. Any Constitution not wholly in the model form and any amendment to a Constitution shall be subject to approval by the relevant Regional Party. Such approval shall be withheld if, in the opinion of the Regional Party, any provision of the Constitution or amendment conflicts with the Federal Constitution or these Articles or rules made there under, or is unworkable or defective, or omits or deletes provisions necessary to the proper functioning of the Local Party. There shall be a right of appeal to the English Appeals Panel against the withholding of approval on the ground that it was unreasonably withheld.

3.16 Any person who is employed by or provides services to a Local Party for payment shall be appointed only by the executive committee of the Local Party and paid only through the Local party's funds or out of funds provided for that purpose by the Liberal Democrats in England, a Regional Party or the Federal Party.

## **Constitution of the LIBERAL DEMOCRAT'S IN ENGLAND -ARTICLE 8: Councillors and Recognised Council Groups – (This Article 8 comes into force at the close of poll on the day of the local elections in May 2010) pages 86-89**

(This note as to the timing for implementation was the cause of confusion as it had been read that the levy came into force in May 2010 whereas it was only the provision for the levy in the approval documentation which had to be auctioned to take effect in the Local election in May 2011 or by-elections).

8.1 Each Regional Party shall be responsible for the recognition of Council Groups subject to the provisions of this Article and according to its own internal procedures. A Regional Party may resolve, through its own internal procedures that this Article, or specific sections of it, shall not apply to any parish or town council or shall apply only to designated ones.

8.2 A Council Group of an authority;

- (a) wholly comprising members of the Liberal Democrats who are elected to the authority after having been sanctioned as Liberal Democrat candidates by a Delegated Nominating Officer and properly approved as such under Article 3 or admitted to membership in accordance with 8.13, and
- (b) operating according to written Standing Orders which are in conformity with the constitutions of the Liberal Democrats, and which include the requirement that all group offices shall be filled by open and democratic election by the members of the group, shall be

deemed to be recognised by the relevant Regional Party subject to the provisions of clause 8.12 below. The Regional Party shall maintain a register of such groups and satisfy itself as soon as practicable and in any event no later than 31st July of each year, that each group appearing on the register continues to conform to the definition in this clause.

8.3 Where a Council Group has been recognised under clause 8.2 above, but it becomes apparent to the Regional Party that it no longer meets the relevant definition and has not done so for a period of ten weeks, then the procedure in clause 8.4 below shall be followed.

8.4 Where it appears to a Regional Party that there is a Council Group that fails to meet the definition in clause 8.2 above but which contains one or more members of the Liberal Democrats, the following procedure shall be engaged. The Regional Party, by its internal procedures, shall ascertain the nature of the membership and administration of the relevant Council Group and shall recognise the Council Group if, in the light of those matters and all the circumstances, the Regional Party considers that the Liberal Democrats would not be brought into disrepute thereby. A Region recognising such a group may prohibit it from using solely, as its title, any one or more of the Party's registered names. The position of any Council Group recognised under this clause shall be reviewed by the Region no later than 31st July of each year. The Regional Party shall maintain a register of its decisions made under this clause.

8.5 Any Local Party covered by an authority or any Liberal Democrat member of an authority aggrieved by a decision of the Regional Party to recognise or not to recognise a Council Group (or the failure to reach a decision in respect of a Council Group comprising one or more members of the Liberal Democrats) may refer the matter to the English Appeals Panel for a decision on recognition. The English Appeals Panel shall adopt the same test for recognition as that to be applied by a Regional Party under this Article.

8.6 The Regional Party shall maintain up-to-date copies of the Standing Orders of all recognised Council Groups which fall within its geographical area. The Regional Party, by its internal procedures, shall ensure that those Standing Orders,

- (a) are fair and democratic,
- (b) include a mechanism whereby significant disputes which are likely to bring the Liberal Democrats into disrepute if they remain unresolved can be resolved either by the Regional Party or by its appointed delegated body in the first instance.

8.7 The English State Party or the relevant Regional Party may decide, by its internal procedures, to de-recognise a formerly recognised Council Group if;

- (a) There is persistent or serious non-adherence on the part of the Council Group either to the Liberal Democrat Federal Party Constitution, the constitution of the Liberal Democrats in England, or its own Standing Orders, or
- (b) By the actions of the Council Group, events are occurring or about to occur in connection with the affairs of the Council Group which are, or may be, seriously detrimental to the Liberal Democrats. Such power shall not be exercised without the Council Group being informed of what is proposed and offered a reasonable opportunity to reply or take corrective action. Any member of the Council Group concerned or any Local Party covered by the authority concerned may appeal to the English Appeals Panel against a decision to derecognise.

8.8 Where a member of the Liberal Democrats suspects that matters are occurring that might justify the de-recognition of a Council Group under clause 8.7 above, that member shall report the matter

to the relevant Regional Party. The Regional Party, through its own internal procedures, may then take the following action:

- (a) Appoint an investigator, who shall be impartial and neither a member of the authority concerned nor any Local Party within the area covered by the authority, to ascertain the circumstances, take statements from all relevant people, and make out a report to the Regional Party on whether there are grounds for de-recognising the Council Group concerned; and/or
- (b) Where there appears to be conflict between members of the Council Group or between Liberal Democrat Party members on the authority, appoint a conciliator, who shall be impartial and neither a member of the authority concerned nor any Local Party within the area covered by the authority, to seek to mediate and resolve the conflict and/or,
- (c) Consider whether to de-recognise the Council Group in accordance with clause 8.7 above.

8.9 Where a Council Group is de-recognised under 8.7 above and the relevant Regional Party, by its internal procedures, concludes that the actions of the Council Group have brought the Party into disrepute, then it may specify a time period after which the membership revocation procedure may be initiated against any member of the Liberal Democrats who remains a member of the de-recognised Council Group, in accordance with the procedure in the Membership Rules. For the purposes of the membership revocation procedure, there shall be a rebuttable presumption that the member concerned has brought the Party into disrepute.

8.10 Where a Liberal Democrat Party member joins a Council Group that exists in opposition to a recognised Liberal Democrat Council Group, or a Council Group that has been refused recognition under this Article or serves on an authority without being a member of a recognised Liberal Democrat Council Group where one exists, then the Regional Party or the English State Party shall have the power, through its own internal procedures, to set a time period after which the individual concerned shall be liable to the membership revocation procedure in accordance with the Membership Rules. For the purposes of that procedure, there shall be a rebuttable presumption that the individual concerned has brought the Party into disrepute. The power to set a time limit shall not be exercised without the member concerned being informed of what is proposed and offered a reasonable opportunity to reply.

8.11 Where it appears that there is or has been a conflict within a recognised Council Group as a result of which one or more members of that Council Group have resigned membership of the Group, whether or not they have formed another Council Group, then the relevant Regional Party or the English State Party may take the following action:

- (a) Appoint an investigator in accordance with clause 8.8(a) above, and/or,
- (b) Appoint a conciliator in accordance with clause 8.8(b) above, and/or,
- (c) Consider whether the recognised Council Group ought to continue to enjoy recognition subject to clause 8.7 above, and/or
- (d) Consider whether any Council Group formed as a consequence of the dispute meets the definition in clause 8.2 above or ought to be recognised under 8.4 above.

8.12 In the event that there are two or more Council Groups of an authority which appear to meet the definition in clause 8.2 above, or which may justify recognition under clause 8.4 above, then the relevant Regional Party or the English State Party, shall have a discretion to recognise one of those Council Groups and not any of the others or, where there are exceptional circumstances, any or all of them. This power shall not be exercised without an investigator having been appointed in accordance with clause 8.8(a) above.

8.13 Any member of an authority who joins or seeks to join a recognised Council Group without having been elected with the sanction of a Liberal Democrat Delegated Nominating Officer shall subject themselves to the approval procedure established under Article 3 either before their admission to the relevant Council Group or within a period of ten weeks after it. Should they fail to be approved within that time period, then the relevant Regional Party or the English State Party may take the following action:

- (a) Require the individual to undertake training, or
- (b) Direct that the individual concerned is not eligible to be a member of the Council Group concerned and set a time period during which their membership of the Council Group must cease. If that membership is continued beyond the end of that time period, it shall amount to a breach of the Constitution and action may be taken under clause 8.7 above.

8.14 All recognised Council Groups shall, where practicable and reasonable,

- (a) Provide regular oral or written reports to those Local Parties and Regions covered by the authority concerned as appropriate and work to support their activities,
- (b) Work to support the activities of any Liberal Democrat Member of Parliament or selected Parliamentary Candidate, Member of the European Parliament or selected European Parliamentary Candidate(s) or any other recognised Council Group on a different authority covering the same or a similar geographical area, through liaison, co-ordination and the exchange of information.