

DRAFT report on Improvements to Candidate Approval / Selection

(for presentation to Executive Committee on Monday 14 September)

Introduction

We have committed to carrying out an approvals process in line with best practice as advised by the party. (Appendix 1 to the Constitution – Section 5:1)

Roger Fisher and Billy Boulton ‘attended’ training on this topic where we learned that there are some areas in which we ought to improve. The last Officers’ Management Committee therefore asked Billy and Roger to draw up some proposals for acceptance / discussion at the next Executive Meeting, which are outlined below.

It is worth noting at this point that the process is to be run by the Local Party, not the Council Group. It is also worth noting that we are ‘missing a trick’ if we do not actively search for candidates who are not currently members of the Party, and routinely ask people to recommend candidates. One the first point we follow best practice. On the second, we can definitely improve.

Equally, when seeking potential candidates we should be constantly mindful of the desirability of recruiting candidates from under-represented groups.

The main points we learned from the training were:

1. There should be a ‘job description’ and a ‘person description’ for candidates / councillors.
2. The co-ordinator of the Approvals Process (currently the Campaigns Chair) needs to ensure that: the Council Group standing orders, the Council Group’s ‘Contributions Policy’ and the job and person specifications are included in the candidate application pack along with the application form.
3. A basic record needs to be kept of what questions are asked at interview and why a decision was made.
4. All candidates seeking approval, whether ‘full’ approval or approval on licence for a particular election, must have their approval decision confirmed in writing.
5. A Returning Officer, independent of the Branch concerned, should oversee their selection process.
6. ALL candidates should be approved, including ‘paperless’ candidates and sitting Councillors.

While reviewing our procedures we observed several other issues.

1. The need to tidy up the appeals' process, such that any appeal must be lodged within a short period of the initial decision being made.
2. The need to tidy up the 'lapsing' section, such that once selected a candidate's approval will not lapse should the election they have been selected for end up being delayed.
3. The need for the Local Party's DNO to be formally informed by the Campaigns Chair of all current approved candidates prior to the completion of nomination papers.
4. Section 9 of the Local Party Constitution is unclear, especially in regard to the concepts of 'Branch' and 'Ward' and what should happen if the Branch and the Local Party Executive are unable to agree a timetable.

We are therefore RECOMMENDING that:

1. The Job Description and Person Description at the end of this document be included within candidate application packs.
2. Appendix 3 as outlined below be added to the Constitution to cover points 2,3,4,5 and 6.
3. Appendix 3 also include a procedure for selecting candidates for local elections that is consistent with the Local Party Constitution, but does not necessitate changing it.
4. Section 5 of Appendix 1 to the Constitution be amended to take account of the other issues that came to light (1,2 &3).
5. A simple approval process for 'paperless' candidates in an emergency situation be carried out thus. Candidates can be approved 'on licence' for one particular ward in one particular election, with conditions that would generally include no independently produced publicity literature, no promotion on social media and to refer any enquiries to the Group Leader or their representative. This would be without prejudice to any future full approval application. (This is already outlined in Appendix 1 to the Constitution Clause 5.7)
6. A simple approval process for sitting Councillors be carried out thus. The performance of sitting Councillors will be reviewed by an Approval Panel meeting every October, and if no concerns are raised their approved status continues. Should any significant concerns be raised the sitting Councillor will attend an Approval Panel meeting in the same way a new applicant would. Following said meeting the Councillor would be approved or not, and if

unsuccessful would be entitled to appeal in the same way as a new applicant. Any Councillor who at any point gets the whip withdrawn (not including suspensions without prejudice when they are subsequently found to have done no wrong) will have to go through the full Approval process should they wish to restand.

There are two suggestions that came up during training that we are NOT recommending the Executive adopt.

Reduce the period after which approval lapses to 4 years. This is because we believe our current procedure sufficiently acknowledges that approval is 'not for life'.

Introduce concepts like 'contracts' and 'targets' for candidates. We feel this is over-prescriptive and potentially problematic.

Notes:

1. Job description / person description – We agreed that this should be very basic. It is human nature to want to not do jobs that are not within a job description, also we don't want to discourage anyone of any background from applying to be a candidate.
2. Some people may feel having a 'Returning Officer' is 'over-the-top' especially as most of our selections are uncontested at the moment. However, we feel a Returning Officer from outside the Branch is a simple way to maximise the chance of selections being open and fair. There is precedent for this; CPW branch had a neutral chair at their selection meeting in September 2019.
3. We expect that approving ALL candidates will be the most controversial part of this report. However we think we have struck a sensible balance between being fair and robust while not being over-bureaucratic. We would stress we would expect the non-approval of any sitting councillor (not to be confused with non-selection) who had not already been subject to group discipline would only ever happen in extreme circumstances. The time to devise robust procedures is before you need them.

Suggested changes to section 5 of Appendix 1 to the Constitution – The Candidate Approval Panel (changes marked in bold italics)

5. The Candidate Approval Panel

5.1 The Candidate Approval Panel makes decisions as to which people are added to, or removed from, the Approved Candidates' list. All applicants to stand for local authority elections will complete an application form, and attend an interview. The Panel will act at all times in accordance with the latest guidance issued by the Party.

5.2 The Chair of Campaigns will ensure that an Approval Panel is held within 4 weeks of an application form being received. The Panel may be drawn from:

- Any Officer of the Executive
- Any Current Councillor
- Any member who is an accredited Parliamentary candidate assessor

except for anyone who ***has been formally sanctioned by the Party within the previous 5 years in accordance with section 11 of the Federal Party's Complaints Procedure and Guidance.***

5.3 The panel will consist of 3 people and include at least one Councillor and at least one non-Councillor; at least one man and at least one woman, and will include no one from the immediate family, or the referees, of any of the candidates to be approved. The Chair of Campaigns will nominate somebody to chair each approval session.

5.4 Candidates will be informed whether or not their application has been successful as soon as possible at a mutually convenient time after interview and in any case within 2 full working days. The decision will be confirmed in writing (which may be by email) within 7 working days.

5.5 Any unsuccessful candidate may appeal in writing to the Chair of the Campaigns Committee. ***However this must be done within 28 days***

of the decision being made. The appeal will be heard within 28 days of being lodged by a different set of 3 people.

- 5.6 After each election the Panel will meet as soon as reasonably practicable to decide whether each candidate who stood **DELETE[[and each sitting Councillor]]** should remain on the list. ***Should any significant concerns be raised the candidate will attend an Approval Panel meeting in the same way a new applicant would. Following said meeting the candidate would be approved or not, and if unsuccessful would be entitled to appeal in the same way as a new applicant.*** Anyone on the list who does not fight any election for 5 years is automatically removed from the list. ***Should a candidate be selected to contest an election which is then deferred such that it occur outside the 5 year period their Approval is automatically extended until the election has taken place.***
- 5.7 Should an Approved Candidate's membership lapse they will cease to be an Approved Candidate. Their approved status will resume when their membership is renewed. If, however, they ***resign from the Party, or*** cease to be a member of the Party for a continuous period of 1 year and 1 day, they will be removed from the Approved Candidate list.
- 5.8 In an emergency the Panel may approve someone to stand on conditional licence in one particular election. In this instance the Panel will meet, and record details of who has been approved to stand and on what grounds. ***In this instance, candidates will be informed of the decision and any licensing conditions as soon as practicable after the meeting, and the decision will be confirmed in writing within 7 working days.***
- 5.9 ***The Chair of Campaigns will inform the Delegated Nominating Officer of all changes to the list of Approved Candidates as they happen. The Chair of Campaigns will also, within a week either side of 1 March before a set of elections, provide the DNO with a full up-to-date list of current approved candidates.***

Suggested Appendix 3 - Candidate Approval and Selection

1. The Chair of Campaigns will ensure that all parts of this process are carried out in accordance with the latest guidance issued by the Party, as set out in the Constitution.
2. The Chair of Campaigns will be the co-ordinator of the Approvals Process unless it is agreed by the Executive to delegate this job to someone else.
3. All candidates for approval will receive an application pack (this may be in an electronic form). The application pack will contain: an application form, job description, person description, a copy of the Council Group Standing Orders and a copy of the Council Group's Contributions Policy.
4. A written record will be made of the main questions asked of candidates at interview and why the panel made its decision. This record will be kept, securely, as long as the candidate's approval is in force, or 25 months in the case of a non-approval. This will be the responsibility of the Chair of Campaigns. Once the records are no longer needed to be kept they will be disposed of in accordance with Data Protection best practice.
5. All candidates must have approved status prior to formal nomination, including 'paper' candidates and sitting Councillors.
6. Branches will primarily be responsible for the timetable for selecting candidates. Should a Branch agree to begin its selection process, it will ask the Chair of Campaigns to appoint a Returning Officer, who will oversee all aspects of the selection in accordance with the latest Party guidelines.
7. If there is no branch, or if a branch has not begun its selection process by December 31st in the approach to May elections, the Local Party Executive will assume responsibility for the process.
8. The Chair of Campaigns, or a deputy appointed by him or her, will act as Returning Officer.
9. The acting Returning Officer must be someone without a direct interest in the contest they are over-seeing: they must not be a member of the branch and neither they, nor a family member, must be seeking selection in any of the seats concerned.

Suggested Job description

The role of a Liberal Democrat candidate and/or councillor is to promote the principles outlined in the preamble to the constitution as best they see fit. However the role is almost certain to involve:

- interacting with the community, both in person and in writing,
- dealing with issues and concerns affecting residents,
- reading Council papers,
- attending and speaking at public meetings,
- reporting back to the Local Party, and
- supporting, unless special arrangements are made, the Liberal Democrat Council Group Policies.

Councillors are also required by law to attend a certain number of Council meetings to avoid disqualification.

Suggested Person description

It is possible for people of all backgrounds to be highly effective as Liberal Democrat Councillors and candidates: regardless of age, gender, sexuality, religion, disability, level of qualifications, work experience or anything else. So long as you consider yourself a Liberal Democrat and care about improving life for people within your community.

However there are a few requirements set out in law:

You ***must***:

- be at least 18 years of age.
- be a British national, or a citizen of the Commonwealth or the European Union
- be on the voting register for the Southend-on-Sea Borough Council area, or have lived, worked or owned property in the area for the 12 months prior to an election.

And you ***must not***:

- Work for Southend-on-Sea Borough Council
- Work in a politically-restricted post
- Be the subject of a bankruptcy restrictions order or interim order

- Have been sentenced to prison for three months or more (including suspended sentences) without the option of a fine during the 5 years before election day
- Have been disqualified either under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations) or following a decision of the First-tier Tribunal (formerly the Adjudication Panel for England) or the Adjudication Panel for Wales.

Applicants should also be aware that councillors receive certain Allowances for their duties and these are regarded as income by the Tax and Benefits Authorities and may impact either or both. It is each applicant's responsibility to establish how this may impact upon their individual circumstances.