

Commentary on the Proposed Constitution

This document aims to set out the changes proposed to our constitution in a clear and transparent way.

Some terminology:

Existing constitution – the current (as of 1st September) constitution of the local party, brought into force in 2013

Model constitution – the text of the proposed constitution as given by the Liberal Democrats in England (v0.1, as distributed in August 2022)

Proposed constitution – the final draft that we propose to approve at this AGM. It would come into force on 1st January 2023.

Local party – our local party is City of Nottingham, encompassing all Liberal Democrats in the Nottingham City Council boundary, or in Nottingham North, Nottingham South or Nottingham East parliamentary constituencies.

Regional party – our regional party is the East Midlands.

State party – our state party is the Liberal Democrats in England, who have responsibility for the model constitution.

Federal party – this is the Liberal Democrats, across all of the UK.

ALDC – Alliance of Liberal Democrat Councillors and Campaigners, an organisation with an additional membership fee who offer advice for local election candidates.

Why are we doing this?

Our existing constitution states (11.3) that if the model constitution for local parties in England is updated, ours is also amended unless we vote to not accept it at a General Meeting. The Liberal Democrats in England have informed local parties of their new model, coming into force on 1st January 2023 if not rejected.

The executive of the local party have found areas of the new constitution which do not entirely fit with local circumstances. Therefore, this proposed constitution seeks to amalgamate the spirit of our existing constitution with the model proposed by the English Party.

The new constitution explained:

Section One – Name and Area

Section One outlines the name and geographic area of the local party.

This is unchanged from both the existing and model constitution.

Section Two - Definitions

Provides definitions of various terms used in the constitution.

Conference reps are no longer elected (any member can vote at conference now) so this definition appeared in our existing constitution but is removed from our proposed one.

The model includes additional definitions that are used in the model document subsequently. We chose to include all of these.

Section Three - Objects

Defines the aims of the local party.

The model updates some aspects of the objects, for example adding the recruitment of registered supporters (introduced at Spring 2019 federal conference) and removing mention of the European Parliament, which we have included into our proposed constitution.

Our existing constitution also included the aim to help local people, whereas the model does not, which we have retained.

Section Four – Membership and Registered Support

Sets the rules for membership of the local party.

The model brings this section up to date by permitting online registration for membership and reflecting how membership lapsing dates are now calculated, which we have included.

It also adds that people who seek to join the local party without living, working or studying in Nottingham must have the approval of the region, which we included. The regional and state parties must also approve membership applications from people previously expelled from the party.

Section Five – Officers and Executive Committee

Sets out the officers of the local party and the membership of the local executive.

The model constitution increases the number of people expected to be officers by two. As a smaller local party, in recent years we have had difficulty finding enough officers to meet our constitutional requirement. Due to this, we propose that we do not adopt the majority of this section.

In a change from our current constitution, we have renamed the “membership secretary” to “data officer” as this has become the name we use day to day.

In the proposed constitution we have increased the number of Young Liberal branch representatives to two per branch (we have historically had one branch, which is currently dormant), in order to be more supportive to our young members, in line with our local party diversity strategy.

We have separated the role of Diversity Champion from our 4 other non-officer elected posts (our existing constitution have 5 unspecified roles), as this is not elected but appointed. By enshrining this in the constitution, this stops the role being removed by the executive and would instead require a constitutional amendment at a general meeting to be removed.

The model removes mention of Conference Representatives, as conference is now “one member one vote”, we no longer have reps – we have incorporated this.

In the proposed constitution, we increased the number of ordinary member posts from five to ten, at the direction of the regional party.

The model required decisions taken at an exec that is not quorate, or via email, to be ratified at the next quorate meeting, which we have incorporated.

The existing constitution allows “the Officers” to collectively make decisions in urgent circumstances, but the model constitution requires this is specifically done by the Chair or Vice Chair and two officers. Due to the size of our local officer team (and that we technically have a Vice Chair serving as Interim Chair) we have not included this change in the proposed constitution.

The model constitution proposes that a development plan must be produced and updated at each election by the executive. While we do consider our targeting and aims each election, due to current resources it seems unwise to commit to writing this formally for submission to the regional party and so have not included this in the proposed constitution.

Our existing constitution includes special responsibility to be given to a member of the executive for socials and fundraising. We have removed this in the proposed constitution as this need is met by one of our non-officer roles.

Section Six – Election of Officers and Executive Committee

Sets out the mechanism for electing the executive committee and officers.

The model constitution suggested that executive elections, if roles were contested, should take place by post (or electronically) following the AGM. Currently, we ballot at the AGM itself in a mechanism of the returning officer’s choosing. We have retained this practice.

Section Seven – General Meetings

Sets out the requirements and mechanisms for General Meetings.

The model constitution requires that minutes are kept as a hard copy and does not specify a retention period, so for practical reasons we have not included this change in the proposed constitution.

The model constitution added that any proposed amendments to the constitution be circulated when notice is given of the general meeting, which we have included in the proposed constitution (and done on this occasion!)

(Section Eight) - Branches

Specifies procedures for local branches

Branches are used by some local parties to have smaller organisations for one or a few wards. We don’t have them in Nottingham. The model now makes this an optional section, so we removed it.

Removing a section has unsynced section numbering hereafter.

Section Eight (of proposed) / Section Nine (of existing) – Candidates for and Elections to Public Office

Sets rules for selecting candidates for public elections

The model constitution limits the electoral college for selecting a parliamentary candidate to those in that constituency. Our existing one allows members across the local party to vote for each of our three parliamentary candidates. The proposed constitution follows our existing process. This is particularly critical as the mechanism the model gives for constituencies with fewer than 30 members do not have a process for the set up of our local party and could leave us without the ability to compliantly select a candidate if membership in a particular constituency was below 30 (as is currently the case in Nottingham North).

Currently, according to the existing constitution, as a local party we set our approval mechanism and selection process for local election candidates. The model proposes that we give this authority to the state party and ALDC. In the proposed constitution, we retain this power.

When we nominate candidates for election, a Delegated Nominating Officer must sign the papers to authorise use of the party name and logo. The model proposes reducing the number of these locally to one, from three in the existing constitution. We have retained three in the proposed constitution for practical reasons (sometimes these people need to sign documentation at short notice).

The model constitution adds that electoral pacts, or agreements to stand down, must be agreed with the regional and state parties. We have included this.

The model also requires prospective candidates to agree to tithe 10% of their salary as an MP or their councillor allowance to the local party, unless doing so would cause hardship. We have included this into our proposal.

The model removes the requirement to suspend local party activities formally in the campaign period for a General Election, as legislation no longer requires this, we have included this.

The model adds that advice must be sought before deselection candidates, which we have included.

Section Nine (of proposed) / Section Ten (of existing) – Finance

The rules for banking and donations

The model formally adds procedures for online banking, which we have incorporated into the proposal.

The model allows us to optionally include mechanisms for holding properties through Trusts – we've not included this as we don't expect to be in that position.

Section Ten (of proposed) / Section Eleven (of existing) – Constitution and Interpretation

Sets mechanism for changing or using the constitution

Where the constitution states that when interpreting it, no aspect should be taken to imply discrimination, the model is more vague than the existing constitution, so the proposal specifies that this relates to protected characteristics as in the Equality Act (2010).

The model now includes mechanism for dissolving the local party to allow new local parties to be formed, which we have incorporated.