

Councillor Jo Bird



By Email Only: [REDACTED]

Friday, 19 November 2021

Ref: [REDACTED]

Case No: [REDACTED]

Dear Councillor Bird,

Notice of Termination of Membership of the Labour Party

The Labour Party wrote to you on 24 October 2021 to inform you that we had reason to believe that you are ineligible to be or remain a Labour Party member because you are a supporter of Labour Against the Witchhunt.

This letter provided the details of the allegations against you, contained the relevant evidence supporting the allegations, informed you of how to make representations, and drew your attention to the provisions of Chapter 2, Clause I.4.B of the Labour Party Rule Book (the **Rules**).

Mr Martin Howe provided written representations in response to the allegations on your behalf on 26 August 2021, 06 September 2021, and 13 September 2021, following an extension of time granted by the Labour Party (the **Party**).

On 26 September 2021, the Party's Annual Conference passed a number of constitutional amendments that included the enclosed Chapter 2, Clause I.5 and Clause I.6.

The effect of these amendments was to introduce a panel of the NEC to make a finding of fact in cases where, *inter alia*, a member is alleged to have supported another political organisation and introduce the right of appeal in cases where such a finding of fact has been made.

Accordingly, we write to inform you that a panel of the National Executive Committee (the **NEC Panel**) met on 22 October 2021 to consider allegations that you had committed a Prohibited Act pursuant to Chapter 2, Clause I.5 of the Rules.ⁱ

We have set out the findings of the NEC Panel below.

Allegation 1: Support for Labour Against the Witchhunt, 2018 - 2020

Upheld

The NEC Panel had regard to the representations submitted on your behalf by Mr Martin Howe and received on 26 August 2021, 06 September 2021, and 13 September 2021.

The NEC Panel found, on the balance of probabilities, that you had spoken at the Labour Against the Witchhunt fringe meeting at the Labour Party Annual Conference in September 2018; that you had spoken in Liverpool and said that "Labour Against the Witchhunt are a great support

network for that. [Give] them your support." on 21 December 2019 and posted a transcript of this on Facebook on 22 December 2019; and that you signed an open letter to Ms Rebecca Long-Bailey MP published by Labour Against the Witchhunt on or around 14 January 2020.

The NEC Panel noted that these facts were not in dispute.

The NEC Panel considered that this amounted, in its opinion, to the type of support for Labour Against the Witchhunt that is prohibited by Chapter 2, Clause I.5.B.v of the Rules.

The NEC Panel rejected your claim that the Party was retrospectively applying its Rules in this matter. On the contrary, this is not a retrospective application of the Rules, but rather an application of the Rules to conduct of Party members in scenarios where the NEC is entitled to apply them (in accordance with those Rules). Accordingly, membership and/or support by a Party member for a political organisation that the NEC considers to be inimical with the aims and values of the Party is a matter that the NEC is permitted to consider. Furthermore, the Rules have consistently stipulated that it is a breach of the Rules for a member to provide support for a political organisation that the NEC defines as incompatible with membership of the Party.

Consequently, your membership of the Party stands terminated. You are no longer entitled to attend any Party meetings or to exercise any other rights associated with membership of the Party.

You have the right to appeal this decision on the grounds set out at Chapter 2, Clause I.6 of the Party Rule Book.ⁱⁱ Should you wish to do so, please submit any appeal within 14 days of the date of this letter, in writing to the address at the top of this letter, or by email to appeals@labour.org.uk.

Yours sincerely,

Disputes Team

Governance and Legal Unit
The Labour Party

CC Labour North West
Mr Martin Howe

ⁱ 5. Exclusions from Membership

- A. A member who commits a Prohibited Act in Chapter 2.1.5.B ceases to be eligible for membership of the Party and his or her membership shall terminate in the circumstances set out in Chapter 2.1.5.C.
- B. Prohibited Acts are the following acts:
- i. Possessing membership of a registered political party in the United Kingdom other than the Party or the Co-operative Party.
 - ii. Supporting financially a registered political party in the United Kingdom other than the Party or the Co-operative Party.
 - iii. Joining a Parliamentary party or caucus other than the Parliamentary Labour Party or the Labour Party in the Welsh Parliament or the Scottish Parliament.
 - iv. Joining a local authority Group other than the official Party Group without the permission of the NEC.
 - v. Possessing membership of, providing financial assistance to, sitting on the ruling body of or otherwise supporting (as may be defined by the NEC) any political organisation that the NEC in its absolute discretion shall declare to be inimical with the aims and values of the Party.
 - vi. Physically abusing employees of the Party.
 - vii. Threatening or harassing employees of the Party.
 - viii. Being convicted by a Court in the United Kingdom of a serious offence. For these purposes, a 'serious offence' is an offence that is serious in the opinion of the NEC and which may include, inter alia, indictable offences, sexual offences and/or offences committed by an adult against a child.
 - ix. Failing to satisfy an order for costs in the Party's favour promulgated by a Court or Tribunal in the United Kingdom.
 - x. A 'substantiated safeguarding concern' finding is made as the result of either an investigation by a Local Authority Designated Officer or another suitable professional regulatory body, or as the result of an outcome from a safeguarding investigation conducted by a statutory agency.
- C. The membership of a member who commits a Prohibited Act under Chapter 2.1.5.B shall terminate on the date on which the General Secretary or a national officer of the Party sends that member notice that the NEC has made a finding of fact pursuant to Chapter 2.1.5.D that the member has committed the Prohibited Act.
- D. The NEC shall determine whether a member has committed a Prohibited Act under Chapter 2.1.5.B in accordance with the following provisions:
- i. Chapter 6 shall not apply to findings of fact made under this clause.
 - ii. The General Secretary shall send to the member a Notice of Allegation. The Notice of Allegation must:
 - a. State details of any allegation that the member has committed Prohibited Act;
 - b. Be accompanied by any relevant evidence supporting that allegation;
 - c. State that the member has a right to make representations in writing within 14 days of the date the Notice of Allegation;
 - d. Inform the member how any such representations should be made; and
 - e. Draw to the attention of the member the provisions of Chapter 2.1.5.
 - iii. The member shall have a right to make representations to the NEC in writing within 14 days of the date of the Notice of Allegation.
 - iv. The General Secretary shall convene a panel of at least three NEC members to consider the allegation.

- v. The NEC must consider any representations submitted in defence that have been provided within 14 days of the Notice of Allegation. The NEC may in its absolute discretion consider any representations that are submitted after that 14 day period but the NEC is not obliged to do so.
 - vi. The NEC panel shall make findings of fact whether or not the member has committed a Proscribed Act on the balance of probabilities upon consideration of all the evidence available to the NEC.
 - vii. The NEC panel shall give prompt notice of its findings to the General Secretary.
 - viii. The General Secretary shall give notice of the NEC's decision to the member. Notice must:
 - a. Set out the NEC's findings of fact;
 - b. State that the member's membership stands terminated; and
 - c. Inform the member of a right of appeal under Chapter 2.1.6 and to whom to address that appeal.
- ii 6. Upon termination of a member's membership pursuant to Chapters 2.1.4.C or 2.1.5.C, a former member may appeal against that termination to the NCC on grounds that:
- A. The General Secretary or the NEC has contravened a provision in Chapter 2.1.4 or 2.1.5;
 - B. The findings of the NEC are flawed or tainted by bias or unsupported by the evidence; and/or
 - C. The evidence provided to the Party under Chapter 2.1.4.C is false, wrong or fabricated.
 - D. The member shall remain expelled from membership of the Party until such time that such member's appeal is upheld by the NCC.