

Labour Party orders a re-run of Mayoral trigger ballot

09/01/2018 (*Public Law*)

In December 2016 the National Executive Committee (“NEC”) of the Labour Party confirmed the result of the reselection process in the London Borough of Newham to choose the Labour Party candidate for the 2018 mayoral elections. The sitting directly-elected Mayor of Newham - Sir Robin Wales - secured 20 of the 37 nominations from local party branches and affiliated organisations. The NEC affirmed him as the Party’s candidate.

A significant number of local Labour party members considered that the nomination process had been unfair, because the Local Campaign Forum had failed to follow the relevant internal party rules governing such procedures.

The local activists’ concerns focused on two questions.

First, different affiliated organisations had been treated differently when ballot papers were sent out. Some affiliates only received one ballot, though they were entitled to vote up to six times (because there were six branches of the relevant trade union affiliated in the borough). Others received multiple ballots, to reflect their full voting entitlement. As a result, different unions understood their rights differently and voted accordingly.

Second, at least two affiliates were allowed to participate in the vote, despite the fact that their affiliation fees were not up to date.

Following extensive pre-action correspondence, the local party members crowdfunded sufficient support to bring a claim against the Labour Party for breach of contract (the contract in question being the rules of the Party as an unincorporated association). On the day proceedings were to be issued, alongside an application seeking expedition from the High Court, the NEC of the Labour Party withdrew its recognition of Sir Robin Wales’ nomination. The selection process will now be re-run with the original ‘freeze date’ of October 2016.

Richard Gordon QC and Tim Johnston were instructed by Ravi Naik at ITN Solicitors to act for the local Labour Party activists and challenge the selection process.

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- Richard Gordon QC
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