APPENDIX 1 RULINGS MADE BY SOC SINCE AGM 2023:

Having a full year’s rulings and advice to report on, the number is unusually large.

**Variation of sanctions by GPRC Appeals Committee**

On 12.03.2023 BF wrote:

'*Can I have a ruling, please, does the GPRC Appeals Subcommittee have the power to increase disciplinary measures to include decisions that have the impact of suspending or removing from office any member of the Regional Council?*

*Under the constitution 6 (ix) “By a two-thirds majority of its voting membership the Regional Council may suspend from office any member of the Regional Council, if there is evidence of sustained conduct which in the opinion of the Regional Council is against the interests of the Party, subject to the right of such a member to appeal.”*

*At the same time, GPRC’s Appeals subcommittee 4 (xii) is “governed by Standing Orders for Party Discipline”  
SOPD 7.9 “If the appeal is upheld by the Appeals Committee, then the Committee’s decision will be overruled and either the original complaint dismissed or an appropriate disciplinary measure imposed. This shall follow the same process in considering proportionality as in 6.12.”*'

**SOC by majority rules that**

The Appeals Subcommittee of GPRC has the power to impose whatever sanction it considers to be appropriate within section 6.12, which may include those that have the effect of suspending or removing a member of the Regional Council from office.

**The rationale being:**

The questioner has quoted helpfully from the relevant sections of the Constitution and SOPD.

SOPD 7.9 makes it clear that, in the event of the Appeals Committee upholding an appeal, then its decision in effect replaces the previous one by the Disciplinary Committee, whether to dismiss the original complaint or else to impose a sanction as it deems appropriate.

The only list of sanctions given in SOPD is at 6.12, and includes expulsion, exclusion from certain party meetings or activities for a fixed period, or exclusion from all party activity for a fixed period. It is plain that these sanctions are therefore also available for consideration by the Appeals Committee.

SOPD and the Constitution are silent on what would constitute an ‘appropriate disciplinary measure’; this is for the exclusive consideration of the Appeals Committee.

This may well have the practical effect of suspending or removing from office a member of the Regional Council (whether by outright exclusion or by exclusion from certain activities), if the Committee is of the opinion that this is appropriate in the circumstances.

There is nothing in SOPD or the Constitution to suggest that the discretion of the Committee is fettered or limited by the original decision of the Disciplinary Committee, or by a sanction imposed by the Regional Council under section 6 (ix) of the Constitution or any other Party body. Whether and to what extent it takes account of these factors is a matter for the Appeals Committee.

**Complaints sent back to DC from GPRC Appeals Committee**

On the 24.04.2023 HA asked:

*‘When a complaint is sent back to Disciplinary Committee from appeals committee (SOC note: The Appeals Committee of Green Party Regional Council (GPRC)), and DC then reconfirms their original decision, is there a limit to how many times the appeals committee and DC can continue in an infinite loop of appeals and complaint hearings?*’

**SOC rules that**

There is no specified limit to the number of appeals but that the requirements of Standing Orders for Party Discipline (SOPD) mean that these should be self-limiting, and not an ‘infinite loop’.

**The rationale being**

Sections 7.3, 7.4 and ss 7.8-7.10 of (SOPD) set out that:

*7.3 Appeals may only be pursued on one or more of the following grounds:*

*i) That from the information presented before the Committee it was unreasonable for the Committee to find the ground of the complaint to be established or dismissed.*

*ii) That there is relevant, reliable, and significant information that was not been presented before the Committee and which would have been likely to cause the Committee to find that the ground of the complaint was or was not established.*

*iii) That the Committee’s consideration of the complaint was procedurally unfair to the member.*

*iv) That from the information presented before the Committee it was unreasonable for the Committee to award the sanction or sanctions it has imposed, or that the sanction(s) was (were) disproportionate.*

*7.4 7.4 On receipt of the appeal statement the Complaints Manager shall refer it to the Appeals Committee for determination as regards to whether the appeal statement constitutes a valid appeal. All of the case file will be forwarded together with the relevant section of the Committee minutes when the decision was made.*

*…..*

*7.8 If no ground of appeal is upheld by the Appeals Committee, it shall be dismissed. If new information is found to be relevant, reliable, and significant or if there were procedural errors then the case may be referred back to the Committee to be re-heard.*

*7.9 If the appeal is upheld by the Appeals Committee, then the Committee’s decision will be overruled and either the original complaint dismissed or an appropriate disciplinary measure imposed. This shall follow the same process in considering proportionality as in 6.12.*

*7.10 The Appeals Committee appeal decision shall be final and binding and not subject to further appeal.*

Section 7.8 allows the Appeals Committee to refer a case back to Disciplinary Committee (DC) if an appeal based on the availability of new information (7.3(ii)) or evidence that the DC procedures were unfair (7.3(iii)). SOC note that there is no requirement that a case be referred back even if the appeal is upheld on one of these grounds, but that it ‘*may be referred back*’. This cannot be appealed. (s.7.10).

If a case is referred back then the case is being heard as though for the first time and can be appealed, if the new information has not been taken into account, or the procedure has been unfair on another ground. It will then be for the Appeals Committee to determine if it is a valid appeal (7.4).

The procedures set out in the relevant clauses of section 7 and the discretionary powers available to the Appeals Committee should prevent abuse of the appeals process and any ‘infinite loop’ of appeals.

**Tied votes on GPRC Appeals Committee**

On 13 October DY asked as follows:

I hope you are able to provide an opinion on a query relating to decisions made by the Appeals sub-committee of GPRC.

Ash Routh and I have recently taken over as co-chairs and I’ve been reviewing the content of SOPD and GPRC standing orders, particularly in relation to how Appeals would make a decision and cannot find any guidance or instruction on what would happen should a vote be tied. While obviously we would always try to achieve consensus on any decision, it is possible that a vote could be tied – especially if only four members were able to attend a meeting, or a member had to abstain etc.

Is there any precedent on this elsewhere we could follow? For example, in the case of a tie, would the chair have the casting vote, or if Appeals couldn’t reach a decision would the original decision of Disciplinary Committee stand?

**The decision, being a majority ruling after the recusal of AR:**

In the event of a tied vote, the *status quo* would be retained, *i.e.* the original decision of Disciplinary Committee would remain in force.

**The reasoning:**

The Constitution is silent on this matter. The Chair of the Appeals Sub-Committee is not granted a deciding vote, nor are other mechanisms defined to achieve a decisive vote. Unless a vote is actively won to change a ruling, that ruling remains the authoritative statement.

**Ruling Regarding Voting Rights of Members Co-opted onto Green Party Regional Council (GPRC)**

On 19th October 2023, JHS wrote: It has been suggested to me that co-opted GPRC members cannot vote, and that this decision was made by SOC at some point in the past. Could I please have either SOC or Doug's (Rouxel) assistance in finding this ruling?

It was determined that no such ruling had ever been made by SOC. In light of a ‘live’ issue, a ruling has been made.

**SOC rules that:**

There is no national constitutional reason to prevent voting by co-opted members of GPRC. However, GPRC will need to check what Regional Constitutions say with regard to both co-option and voting rights for any co-opted member.

**The rationale being:**

National Constitution Clause 6(v) states:

“Any casual vacancy on the Regional Council may be filled by the appropriate Region according to its constitution.”

The Constitution is silent on the matter of voting rights.

**Further Advice:**

The initial request was made in light of a co-option by the North East Region. Upon examination of the NE Regional Constitution, no mention is made for a process of co-option for a casual vacancy. Nor is there specific mention of voting rights for a co-opted member filling a casual vacancy.

SOC therefore advises that it would be wise for GPRC to contact each Region and encourage them to ensure their Regional Constitutions contain clauses specifying a) how casual vacancies for GPRC are to be filled and b) specifying whether a properly co-opted GPRC member has full voting rights until the subsequent election.

A model clause, currently used by Yorkshire and Humber Region, will be made available upon request to SOC.

**Payment of Local Party Capitations**

On 20.10.2023 ML wrote:

“*…I would be grateful if you could address the recent decision by the Green Party Executive to cancel local party capitation for 2022 and 2023.*

*As you may already know, the decision to do this was, I understand, taken at the 12 September meeting of GPEx… it was conveyed to local party chairs and treasurers in an email from Jon Nott as Chair of GPEx on 5 October. The relevant part of the letter states, “... the Green Party Executive has resolved that the payment of the 2022 and 2023 capitations to Local Parties, already suspended ‘indefinitely’, will be cancelled altogether.”*

*….*

*At the Brighton conference earlier this month, the 3 yearly review was undertaken through Motion A04, which increased the standard membership subscription to £5 per month. However, there was nothing in the motion about changing the proportions by which the membership fee is to be divided between Local Parties, Regional Parties and GPEW, meaning the existing division must, by default, remain…*

*…I would be grateful for a SOC ruling on this.*”

**SOC by majority rules that:**

Green Party Executive (‘GPEx’) cannot suspend or cancel capitation rates to local parties without reporting such a decision to Conference and having it ratified.

**The rationale being:**

Section 7(xvi)(b) and (e) of the GPEW Constitution states that, among the responsibilities of GPEx are:

‘*b) to ensure the proper expenditure, administration, and raising of the funds of the Party….  
(e) to present a full written report on its activities and on the financial state of the Party to the AGM.*’

Section 3(iii) of the same Constitution states that:

‘*The rates of subscription for membership, and the proportions in which they shall be divided between Local Parties, Regional Parties and The Green Party, shall be set by the Party Conference ... Membership subscriptions and capitation rates shall be subject to regular reviews as of Green Party AGM 2001. Such reviews shall be carried out on a 3 yearly basis by GPEx in consultation with GPRC.*’

Green Party Executive therefore does have the ability to modify the rate of capitations by proposing the proportions in which membership subscriptions shall be divided and putting it to a Conference vote. Had GPEx chosen to reduce the relevant proportion to zero for an indefinite period of time, reported this to Conference and then had this decision ratified, that would have been in compliance with the Constitution. However, this was not the course it has taken.

This is consistent with a view taken by a previous incarnation of SOC in a ruling published in the Agenda for Spring Conference 2021 following a request from Douglas Rouxel. That ruling noted that it was ‘*difficult to recognise in [the relevant sections of the Constitution] a permission to interfere in the payment of the local party element of the subscription to local parties when due*’.

**Electronic voting in GPRC elections**

From 20.11.2023 EB asked across a series of emails, in summary, whether or not electronic/digital voting was allowed under the Constitution for GPRC elections, since the ERO had included this within the election regulations for GPRC regions.

**SOC rules that:**

**Electronic voting is allowed and it is only necessary for the ERO to approve them being in the regulations.**

**The rationale being:**

Section 6(iv) and Appendix C 1b of the Constitution state:

‘iv) The Regional Council shall consist of two members elected by postal ballot (as specified in Appendix C) by and from each constituted Region. Each term of membership of Regional Council shall be for two years commencing from the date of election by the individual Region. Such election shall be notified, in writing, to the Secretary of the Regional Council giving the date of election and confirmed by the Region’s Electoral Returning Officer. Such notice is to be given not less than two weeks prior to the next meeting of the Regional Council.

…..

APPENDIX C: DEFINITIONS

1. Postal Ballot.

The term Postal Ballot wherever used within this Constitution or any Standing Orders of any GPEW body shall mean either:  
(a) all the ballot papers are sent out and all the votes are cast by post or ;  
(b) all the ballot papers are sent out by post and the votes are cast, at the discretion of the voting member, either by post or by such electronic means that has been approved by the ERO supervising that particular election or;  
(c) Subject to the agreement of the ERO, ballot information can be sent electronically to members who have provided an e-mail address, and by post to those who have no e-mail address or have expressed a preference for postal ballot information. Votes may be cast, at the discretion of the voting member, either by post or by such electronic means that has been approved by the ERO supervising that particular election.’

This makes it very clear that, provided that the ERO has approved the relevant mechanism, electronic/digital voting is allowed under the Constitution.

**Alternative Dispute Resolution Committee and members under No Fault Suspension (NFS)**

On the 12.11.2023 and 10.12.2023 VL asked:

“*ADRC would like to know whether we may engage with suspended members:*

*·         if on a No-Fault Suspension*

*·         after a DC hearing – presumably have to wait to see if an appeal is requested (Complainants and Respondents have three weeks to notify their intention to appeal - SOPD 6.16).*

*·         after a DC hearing and before an Appeals hearing.*

*·         after the Appeals Committee agree with DC's decision to suspend a members, or decide to impose a suspension.*

*I hope that covers all eventualities.*

*The two possibilities are:*

*a)    another member\* wishes to bring a dispute to ADRC involving the suspended member.  
\*not necessarily the member who is/was the complainant in the case which resulted the member being suspended*

*b)    the suspended member wishes to bring a dispute to ADRC, not necessarily involving the member who is/was the complainant in the case which resulted the member being suspended…*”

**SOC rules that**

ADRC have the ability to engage with members who are subject to suspension if they choose to do so for the purposes of carrying out their Constitutional role. This would include cases where another member wishes to bring a dispute to ADRC involving a suspended member, or a suspended member wishing to bring a dispute to ADRC.

**The rationale being**

SOC has previously held that a member who is subject to suspension does not cease to become a member, though the terms of their suspension may prohibit them from becoming involved in certain activities.

The Constitution at section 19(i) describes the role of ADRC as being to ‘*serve the needs of… members*’ who are involved in disputes.

Section 4 of Standing Orders for Party Discipline (SOPD) sets out that:

‘*If ADRC is requested to intervene details of the dispute and those involved will be sought. ADRC can offer assistance if they hear of a problem and feel that this is necessary for the well-being of the party. In line with the party's complaints process, or provisions in the constitution, complaints may be referred to ADRC for dispute resolution. If the disputants do not consent or, after due evaluation, in the opinion of ADRC there are no realistic prospects of any resolution, or the referrer recalls the complaints case, ADRC will pass the dispute back to the referrer with a report.*’

Since members who are suspended are nevertheless members, and since ADRC’s routes to involvement in a matter are clearly set out in SOPD in a manner which does not exclude them from interacting with members in this way, ADRC does have the power to interact with suspended members in the manner envisioned by the questioner.

Whether or not ADRC elects to do this in a particular case is a matter for their discretion.

**Disability Group Elections**

On the 10.12.2023 a member requesting anonymity asked:

“*The Green Party Disability Group last had an AGM and Election at the end of November 2022. They have said that they are unable to fulfill any obligation to hold an election this year. This seems, as with the recent ruling on GPW, to not be in line with the main GPEW constitution.*”

**SOC rules that**

GPDG have failed to hold an election in keeping with the requirements set out in their constitution, which requires that elections take place “annually and not more than 15 months after the previous AGM”. In keeping with previous SOC rulings, “annually” has been interpreted to mean “in each calendar year”.

The solution to a special interest group failing to hold an election in the timescales set out is that they fail to meet the requirements to be considered as a valid special interest group, but that this can be resolved relatively easily by the holding of an election, followed by re-approval by E&D committee.

SOC note that when this ruling request was made, an election was underway, and has now concluded, and accordingly, that the only work needed to resolve this issue is for E&D committee to consider GPDG for readmittance as a special interest group at a future meeting.

**The rationale for the ruling:**

The Constitution of the GPDG says at 4.7:

“4.7 ...business of the AGM will normally include:…

…Election and/or announcement of the new committee (NB if the election has taken place electronically prior to the AGM the new committee officially takes over after the AGM) …”

And at 4.1:

“4.1 … AGM annually and not more than 15 months after the previous AGM …”

Noting that this allows for, for example, a September election in one year, and an October election the following year, but that elections must still take place “annually”.

**Election to a casual vacancy on GPRC by regional ballot**

On 13.12.23 JR asked:

“*I have been looking at the SWGP constitution with relation to the GPRC elections:*

*4.3 Elections to the post of GPRC representative shall be conducted as follows;*

*i. One member of the SWGP Committee will be appointed as ERO.*

*ii. Neither candidates for GPRC, nor elected GPRC representatives may be members of the SWGP Committee.*

*iii. Where necessary, separate ballots may be conducted with the aim of electing GPRC representatives of different genders.*

iv. If a casual vacancy arises through insufficient valid nominations being received, or a representative resigning, then the vacancy can be filled by a ballot of those attending a Conference; a GPRC representative selected in this way shall only hold office for the remainder of the current 2 year term on GPRC.

……

*The context is that I was elected as the SW GPRC rep on 24 November (see email from Jon Eccles ERO). The previous rep had resigned at the end of July from a term ending in February 2024 and there was a substantial delay in setting up a replacement process. Instead of co-opting at a regional meeting there was a region-wide ballot. No mention was made in the ballot that it was for a 'casual vacancy'.*

*I am positing the argument that, as a region-wide ballot was held, the term I was elected for should therefore be the full two-year term starting from November 2023.*”

**SOC rules that**

The mechanism by which this member was elected (a region-wide ballot) means that this member was therefore elected to serve a term of two years under section 6 of the national GPEW Constitution.

**The rationale being**

The member has already quoted the relevant portion of the South West GP Constitution, for which SOC is grateful.

SOC notes that the SWGP Constitution specifies only one mechanism by which a casual vacancy may be filled in this situation – with a ‘*ballot of those attending Conference*’. This has not taken place.

Section 6(iv) of the GPEW Constitution states that:

‘*The Regional Council shall consist of two members elected by postal ballot (as specified in Appendix C) by and from each constituted Region. Each term of membership of Regional Council shall be for two years commencing from the date of election by the individual Region…’*

Given that nothing in the preceding clauses of the SWGP Constitution require a regional ballot for members, and given the additional context of delay in this case, SOC are of the view that this is therefore brought within the remit of section 6(iv), and this member has therefore been elected to serve a term of two years.

**Confirmation of Sheffield Green Party candidate**

(ME and AR recused)

On the 26th December 2023 JHS asked whether the failure of the Sheffield Green Party (SGP) to hold a confirmation hearing in June 2023 for the candidate selected for the constituency of Sheffield Central meant that the candidacy should now be considered vacant.

**SOC rules that**

the earliest date on which a confirmatory hearing can be expected is June 2024 and that accordingly the candidate selected in September 2022 is still the Green Party candidate for Shefield Central.

The executive committee of SGP should organise a confirmatory hearing for June 2024.

**The rationale for this decision is as follows:**

The nomination document pack for the selection provided by SGP notes that

“As the selection is more than 12 months in advance of the last possible date for polling, the selection will be subject to confirmation hearings”

And

“Members of Sheffield Green Party will be invited to confirm continuation of the selection at a meeting to be held in June each year until the General Election takes place”

The timetable for selection involved completion of the process on the 27th September 2022.

From this it follows that the candidate selected on the 27th September 2022 would be the candidate until the 27th September 2023 since the selection would only cease to be continuous if the election took place more than 12 months after completion of the selection.

The document could have specified that confirmatory hearings would be heard in the following September (or October), but it is explicit that these can only be held in June. The first June after an absence of an election for 12 months after September 2022 will be June 2024 and a confirmatory hearing can be held then.

SOC note that the responsibility for organising the confirmatory hearing falls on the local party, not the candidate.

**Status of GPRC Appeals Committee Decisions**

On 01.02.24 SW and on 04.02.24 RH asked almost identical questions:

“Did GPRC have the right to alter its documentation to allow it to overturn appeals?

Was the proper process followed to insert the new powers?

Should it have been allowed to apply retrospectively to (a particular) case?”

**SOC**

**i) notes**

a) that GPRC has not altered documentation to allow it to overturn appeals – the relevant clause of GPRC Standing Orders (SO 6.5) was initially added to the SO’s and agreed by Spring Conference 2021.

b) the proper process was followed in 2021

c) accordingly, there was no retrospective application

**ii) rules**

that it was in error in allowing this amendment to come to Conference in Spring 2021 (and subsequently with amendments) as in order rather than being Out of Order under SOCC E2(a) as being ‘contrary to the Constitution’.

The rationale for this:

The Constitution of the GPEW at 4(xii) states:

‘The Disciplinary Committee and all appeals against it considered by the GPRC Appeals Subcommittee shall be governed by Standing Orders for Party Discipline, which can only be amended by a simple majority (at) conference’

Standing Orders for Party Discipline (SOPD) at 7.10 states:

‘The Appeals Committee appeal decision shall be final and binding and not subject to further appeal’

And at 8.1:

‘These Standing Orders and the Disputes and Complaints Process on the member’s website shall be reviewed annually by the Committee Standing Orders Subcommittee. Any proposed revisions shall be considered and agreed by a majority vote of the full Committee. They will then be presented to the GPEW Annual Conference by the Chair of the Committee for approval.’

This is in conformity with s.4(xii) of the GPEW Constitution which does not indicate a role for any other body.

The Standing Orders of the Green Party Regional Council (GPRC) at 6.5 states:

‘GPRC exercises oversight of the Appeals Sub-Committee and will invalidate an appeal process if there is evidence that the process has not been properly followed. GPRC shall delegate the decision of whether to invalidate an appeal process to the Co-Chairs and On-Call Councillors, who will consult with the Chair of GPRC Appeals sub-committee. In the event of there being evidence that a correct process was not followed by Appeals Sub-Committee, GPRC (minus Appeals Sub-Committee) will consider and decide on referring back an Appeal decision for reconsideration using the correct process.’

SOPD and the Constitution are explicit that no other body can exercise ‘oversight’ of the Appeals Sub-Committee of GPRC in stating that the decision of the Appeals sub-committee is ‘final and binding’. To refer a decision back to the Appeals Sub-Committee would be contrary to the ‘final and binding’ nature of its original decision in that it would render it other than ‘final’.

Clause 6.5 of the GPRC Standing Orders must be considered null and void. GPRC could only confer such a power on itself through an amendment to SOPD agreed at Conference as required by clause 4(xii) of the Party Constitution.

**Notification of No Fault Suspension (NFS)**

On 19.01.24 NW asked in relation to her No Fault Suspension (NFS)

Whether

i. Section 3.3 of Standing Orders for Party Discipline (SOPD) had been complied with in relation to the time scale for notification of a suspension.

ii. Appropriate recusals had taken place in the case of conflicts of interest, and

iii. What would be the consequences if SOC decided that proper process had not been followed.

**SOC rules**

in relation to (i) above that the time for notification of suspension was not complied with, with responsibility shared between Green Party Regional Council (GPRC), and perhaps also the officer responsible.

In relation to (ii) as far as SOC can ascertain appropriate recusals took place in the discussion in GPRC as well as in the decision taken by SOC.

In relation to (iii) there are no consequences that follow from the failure to follow the time scale set out as ideal in SOPD 3.3, however SOC will be drawing the attention of the Co-Chairs of GPRC and the Chair of GPEx to the importance of conforming to the requirements of SOPD.

**The rationale in relation to (i) above is as follows.**

SOPD 3.3 says that:

“3.3 If a complaint is received with a request for an immediate No-Fault Suspension the Complaints Manager will pass the complaint to both the Referral Group, and within two working days of receipt to GPRC. As soon as practically possible, GPRC should consider whether there is evidence of an immediate risk to the party or to bodies or individuals unless a No-Fault Suspension is activated, in accordance with the GPRC Standing Orders, and communicate this to the necessary parties as a matter of urgency. **A request for a No-Fault Suspension should ideally take no more than three working days from receipt to notification of that suspension.”**

‌The sentence highlighted is the crucial one:

“A request for a No-Fault Suspension should ideally take no more than three working days from receipt to notification of that suspension.”

The complaint was received on the 1st January and sent to GPRC on the 3rd January satisfying the requirement in the first sentence of SOPD 3.3. The request was received by GPRC on Wednesday the 3rd January and this is the operative date for the timing of ‘receipt’ in the final sentence quoted above, and NW should have been notified of the decision ‘ideally’ by the 6th, or stretching the third working day to the following Monday by the 8th.

When GPRC makes the decision is not listed as a factor but one would expect it to be ‘ideally’ within the ‘three working days’ specified by SOPD 3.3.

Notification took place on the 14th January, another five working days after the 8th.

SOC is of the view that the requirement in SOPD 3.3 has not been met since GPRC did not make a decision until the 5th working day after receipt of the ‘request for NFS’ and notification took a further four ‘working days’. Although the text uses the word ‘ideally’ in the final sentence, the preceding sentence says that the decision should be made and notified ‘as a matter of urgency’.

In allowing a time lapse of 11 days, seven of them working days, between the receipt of the request and the notification, GPRC has not dealt with the matter as one of urgency nor complied with the ideal time scale set out in SOPD 3.3.

**Status of GPRC Appeals Committee Decisions**

(Majority decision)

On 6th February AM asked:

My understanding was that the GP Appeals Committee were the final arbiters in internal disputes and there was no right of Appeal to a ruling by the Appeals Committee.

Is this correct?

**SOC rules**

that there are clauses in SOPD and GPRC’s standing orders which appear, at face value, to either be contradictory, or else to have no clear and obvious indicator which clause should take precedence. When considering this case, SOC arrived at two different interpretations, but were unable to find agreement as to whether the GPRC standing orders allowed for an appeals outcome to be overturned and reheard by appeals, or if SOPD and/or the constitution makes this impossible.

Accordingly, SOC rules that the two clauses are either contradictory, or at least too unclear so as to allow a firm decision either way, and SOC accordingly plans to present a motion to conference to allow conference the opportunity to clarify this ambiguity. SOC notes and appreciates that in the meantime, this presents no clear answer as to how to resolve any appeals that GPRC might wish to consider referring back to appeals, but SOC is unable to make recommendations beyond this ruling.

**The rationale for this:**

The Constitution of the GPEW at 4(xii) states:

‘The Disciplinary Committee and all appeals against it considered by the GPRC Appeals Subcommittee shall be governed by Standing Orders for Party Discipline, which can only be amended by a simple majority (at) conference’

Standing Orders for Party Discipline (SOPD) at 7.10 states:

‘The Appeals Committee appeal decision shall be final and binding and not subject to further appeal’

The Standing Orders of the Green Party Regional Council (GPRC) at 6.5 state:

‘GPRC exercises oversight of the Appeals Sub-Committee and will invalidate an appeal process if there is evidence that the process has not been properly followed. GPRC shall delegate the decision of whether to invalidate an appeal process to the Co-Chairs and On-Call Councillors, who will consult with the Chair of GPRC Appeals sub-committee. In the event of there being evidence that a correct process was not followed by Appeals Sub-Committee, GPRC (minus Appeals Sub-Committee) will consider and decide on referring back an Appeal decision for reconsideration using the correct process.’

SOC cannot find consensus on whether Constitution 4(xii) implies that GPRC as a whole (or indeed, GPRC minus appeals) is bound, or if only disciplinary committee and the appeals subcommittee. With no consensus either way, no firm ruling is possible.

**Deselection of candidate under No fault Suspension (NFS)**

On 19.01.2024 AM asked

'If a member who has been properly selected as a candidate is suspended, are they automatically deselected?'

On 18.03.2024 EF asked:

‘*It is my understanding that [a member] received an NFS on Thursday 14th March. [They have] been selected as a Green Party candidate in the 2024 local elections…*

*…..*

*Bristol Green Party does have a local procedure which allows their Election Support Group to deselect a candidate who is suspended, however I have separately seen advice that SOC have previously deemed it unconstitutional to remove someone from a role on the basis of a no-fault suspension (source: A01 SOC Report to Autumn Conference 2022), though in this case it was not a local election candidate, and the case also notes that members with an NFS may not undertake any party activities.*

*It could reasonably be argued that filling in a Nomination form and getting the Nominating Officer/Election Agent to sign it is “undertaking a party activity”, and therefore I would like to seek urgent clarity from SOC as to whether this is the case or not, and whether therefore the locally agreed procedure can be used. I have attached the ESG terms of reference.*'

Since these two requests relate to a similar area SOC has decided to answer them together.

**SOC rules that**

A member who has been subject to a No Fault Suspension (NFS) may not volunteer for a local or regional party, or attend any local or regional party events.

Whether or not they are also formally ‘deselected’ as a candidate for election will depend on the relevant internal procedures of the local or regional party which initially selected them.

In light of this a local party may, as part of its selection procedures, include a rule that allows candidates to be deselected on the basis of their NFS, provided that they do so in a way that is in accordance with their established decision-making procedures.

**The rationale being**

A footnote to (apparently) Standing Orders for Party Discipline 3.3 (though this is not clear) covering the terms of a No-Fault Suspension specifically, states that:  
  
‘*A No-Fault Suspension means that the suspended member is not able to volunteer for the local or regional party, nor any national party body; is not able to attend any local, regional or national events, including Conference; and access to the members website will be removed.*’

In relation to whether or not SOC has previously ruled that removing someone from ‘a role’ on the basis of an NFS was contrary to the Constitution, this appears to relate specifically to whether or not the relevant body had the power under the Constitution to remove someone from a role or consider them ineligible to resume the role following the end of their suspension (in these cases Green Party Executive and/or Green Party Women Executive Committee).

In both cases, the relevant rules to be applied were those relating to the processes of those particular bodies. SOC is particularly mindful of section 5(i) of the Constitution and the ‘*general practice*’ of encouraging ‘*the greatest possible autonomy*’ of local and regional parties.

Sections 6.3 and 6.4 of the Bristol Green Party (BGP) Constitution say that:

‘*No later than 18 months before any election the business meeting shall appoint an election support group tasked with overseeing all aspects of the election campaign including appointment of candidates… the terms of reference for the Election Support Group will be agreed by a BGP business meeting, and only a BGP business meeting can revise terms of reference once agreed.*’

Section 10.1 of the BGP Constitution says in relation to ‘Selection of Election Candidates’ that:

‘*Once a candidate [for Parliament] is selected, that candidate will continue to be the Green Party Candidate unless: a) they choose to withdraw b) they are deselected according to BGP procedures c) they are charged with a criminal offence d) a time-limit, agreed prior to their selection, is reached.*’

Except for in those circumstances, it is noted that withdrawal of the nomination of a selected candidate is specifically prohibited by section 10.2.

‘*For the selection of local authority candidates BGP shall approve a set of rules adopted at a BGP business meeting.*’

Section 10 of the BGP Constitution refers only to ‘Parliamentary candidates, but no such distinction is drawn in sections 6.3/6.4, referring instead to ‘any election’. *While SOC is mindful of the provisions of the GPEW Constitution already noted in relation to local party autonomy, it is remarked that the BGP may wish to consider making it explicit for future reference whether the terms of section 10 apply equally to all elections, rather than only parliamentary ones.*

SOC are grateful in this case to have to hand the latest Terms of Reference (ToR) of the Election Support Group (ESG), which indicates that they were adopted on 14.03.2024 by an Emergency Meeting and subject to ratification at the next business meeting. It is understood that the last extant ToR document, dated July 2019, has been lost, and the current copy of that document cuts off before coming to the relevant provisions. SOC therefore has regard to the latest version.

Among the terms of reference SOC note the following:

‘*Should a candidate be given a No Fault Suspension by the Green Party of England and Wales thus being unable to stand for the party, ESG will have the right to appoint a new candidate. If in the short campaign, the above provision applies.*’

SOC notes that this does not appear to make specific reference to ‘deselection’ of a candidate, though in practice the appointment of a new candidate in their place would amount to the same thing.

SOC notes that BGP’s constitution is quite clear that *only* a BGP Business Meeting can either adopt or revise Terms of Reference, so until and unless such a business meeting takes place SOC cannot say that the relevant portion of the Terms of Reference has been adopted, though BGP does have the right to such a procedure using the internal rules set out above.

As and when such a Business Meeting takes place and these ToRs are formally adopted, then BGP may, using these rules, formally deselect a candidate who is made subject to an NFS.

**Selection of council by-election candidates in Brighton & Hove**

On the 27.03.2024 AS asked for a ruling:

“*Brighton and Hove GP have recently announced by election candidates without having a member vote on it, and without having a specific member call out for candidates, announced in a member email.*

*This goes against section 6 of the BHGP Constitution where multiple clauses set out that specific call outs must be made to the membership and that votes must be held for by election candidates.*”

The Co-ordinator of BHGP (D) acknowledged that, through inexperience procedures may not have been followed, and provided further information.

**SOC rules that**

It is unclear on the information provided that proper procedures were not followed, and that circumstances – the nomination of GP candidates in the two by-elections – mean that no action could be taken in this case.

**The rationale being**

D noted that BHGP “*made repeated efforts to gather interest through emails, in person at Members meetings and on our WhatsApp groups.*” This suggests that a call out had been made.

An election process is not always required under the BHGP constitution which at 6.13.4 says:

"*For all non-target seats, nominations shall be opened separately and ExCo shall appoint suitable candidates in these seats such that, as long as enough suitable candidates have come forward (and, where necessary, a second nomination period has been opened to encourage such candidates to come forward)*"

If the by-elections were in wards that ExCo had not defined as ‘target wards’ then this clause would seem to exclude the need for elections. The following clause on by-elections does not seem to vary these requirements.

The two by-elections are to be held on the 2nd May, and a check the B&HCC website on the 11th April showed that GP candidates were nominated in both wards suggesting that events had overtaken any potential action.

SOC reminds local parties of the importance of following national and local party regulations in candidate selection and reminds the national and local parties that advice can be sought from SOC or the national ERO team in cases of uncertainty.

**Counting RON**

On 05.04.2024 the Co-ordinator of Bristol Green Party (BGP) asked for an SOC ruling in relation to internal elections for posts of policy chairs.

The request was for a recount of ballots since, with the exception of ballots with fewer than a couple of candidates, Re-Open Nominations (RON) had been eliminated in the first round contrary to section 18(ii) of the Constitution which required RON to remain a candidate at every stage. The software available (GreenVote) would have allowed RON to be carried forward.

**SOC rules that**

Although the election requirements agreed by Conference were that RON should remain on the ballot at every stage, and that ‘GreenVote’ allowed this, the result would not have been affected by its exclusion at the start for the five roles with more than three candidates since RON had zero (0) votes.

SOC are of the view that a ballot would only be invalidated if the exclusion of RON could have affected the final result.

SOC remind local parties and other readers that guidance and support on election procedures can be sought either from SOC or from the national ERO.

**On Manchester GP constitution and campaigning in non-target wards**

On the 08.04.2024 GM asked for a ruling relating to a potential breach of the Manchester Green Party (MGP) constitution.

The elements of the ruling request were:

1. A proposal to allow “*paper candidates... to produce and distribute a newsletter to their own wards, with their own money and with their own distribution*” is contrary to Appendix 1 of the MGP constitution A1.3.6 which says in part “*No campaign support and expenditure will be provided by the Executive Committee in non-target wards.*”

‌2. The proposal had not been notified in advance of the meeting contrary to MGP constitution 3.5:

‌“*3.5 Members should be notified of any motions relating to policy at least one week before the meeting to discuss the issue*.”

**SOC rules that**

The proposal to allow campaigning in non-target wards if a ‘policy’ proposal had not been brought to the Executive meeting in the correct time frame, nor was a final vote recorded – only an indicative ‘temperature in the room’ vote which might however be sufficient had it been brought correctly.

However, SOC are of the view that the proposal did not need to come to MGP for agreement in any event.

**The rationale being**

The MGP constitution at 3.5 requires that ‘policy’ proposals have to be notified one week in advance to meetings.

There was a difference of view on SOC as to whether the proposal constituted a ‘policy’ proposal. If it were a ‘policy’ proposal then the MGP constitution at 3.9 indicates that it could not come to an ordinary business meeting of MGP but only to a general meeting:

“*The policy of the Party shall be set by General Meetings, that is, the Annual General Meeting, the Annual Policy and Strategy Meeting, and any Extraordinary General Meetings.*"

If the motion is not a ‘policy’ motion then there appears to be no requirement for the one week notice.

The motion either could not, as a ‘policy’ proposal come to the Executive meeting; or if not a ‘policy’ proposal did not require one week’s notice.

SOC note that no ‘final’ vote on the proposal is recorded in the minutes of the meeting of 4th April 2024, only a ‘room temp check’ on the proposal. However, the MGP constitution at 3.4 says:

“*3.4 Decisions should be reached by consensus where possible; where voting is required,  
motions will be carried by a simple majority vote*”.

suggesting that an indicative vote with no one voting against as in this case could be regarded as consensus.

SOC are of the view that the wording of MGP constitution A1.3.6 which mirrors the wording of A1.3.3 which defines a non-target ward as one:

“*In which the candidate will represent the party on the ballot, without any local campaign support provided by the wider party*”

This does not exclude campaigning in non-target wards provided this does not require support from the wider party.

While the proposal does not fit with guidance on ‘Target to Win’, TTW is a ‘guide book’ not a ‘rule book’.

**Election of officers of Greater Manchester Federation of Green Parties**

ME abstained on the vote on this issue

On the 9th April 2024 ME asked in relation to the Greater Manchester Federation of Green Parties (GM Fed) whether:

1. an ‘acting chair’ could be elected during a committee meeting, and carry on as chair without an election as required by s.6.6 of the GM Fed Constitution.

2. Whether a member could be co-opted without this being recorded in the minutes and whether co-opted members could vote on the committee in the absence of any explicit constitutional provision.

**SOC rules**

on (1) that while an acting chair can be elected in a meeting to chair the business of that meeting, the role cannot continue and there must be an election to the vacant post.

**SOC rules**

on (2) that a co-option would be valid, however this should have been recorded in the minutes of the meeting. The failure to record the co-option does not invalidate the co-option. In the absence of a specific instructions in relation to the voting rights of co-opted members SOC determine that these should not be available to co-opted members on party committees in the absence of a specific clause allowing co-opted members to vote.

**The rationale for the decision in relation (1)**

The GM Fed constitution at 6.6 says that:

“If a Committee member resigns or is removed from the committee between AGMs, a replacement **may** be elected at a meeting called for the purpose or via an email vote. Whatever the format, a call for nominations must be publicised to all GMFed voting members and all voting members must be offered the opportunity to cast a vote, including through the provision of proxy voting if a physical General meeting is called, as set out in clause 6.4. This business requires advance notice (outlined in clause 15 of this constitution). Committee members elected through this process will be elected until the next AGM.”

SOC are of the view that the ’may’ highlighted in 6.6 in the phrase “may be elected at a meeting called for the purpose or via an email vote” relates only to the format of the election to the vacancy offering the options of in person (with proxies) or on-line.

SOC is of the view that the GM Fed Constitution 6.1(e):

“When an officer leaves their post for any reason the regional and national party shall be informed in a timely manner and a replacement appointed within 28 days, to enable compliance with the PPERA.”

does not allow the post to be filled by ‘appointment’. Any replacement under 6.1(e) could be temporary until a meeting could be called, however the notice requirement for meetings (15 working days) would also allow the PPERA requirement to be met.

**The rationale for the decision in relation to (2)**

and the voting rights of co-opted members requires greater justification since it creates a blanket presumption for party committees and bodies.

The Constitution of GM Fed at 6.7:

“6.7 Additional committee members may be co-opted from time to time by the elected committee in order to extend the capacity or skills of the committee. Co-options will be valid until the end of any specific project that the member is co-opted to work on, or until the next AGM, whichever falls first.

The clause allows for co-option so a co-option would be valid. However, this should have been minuted. SOC remind party committees of the importance of minuting decisions taken. The failure to minute does not, however, in our view constitute grounds for disallowing the co-option.

The second part of this question concerned the voting rights of co-opted members to the GM Federation committee. On this the GM Fed Constitution is silent.

In relation to the co-option of members to Green Party Regional Council (GPRC) where the national constitution is silent, SOC has ruled that voting by co-optees to that committee can be determined by explicit wording in the regional constitution.

The national constitution at s.7(xv) in relation to GPEx says:

“In the event of a casual vacancy for a GPEx Chair or Co-ordinator post a replacement shall be appointed in an acting and non-voting capacity…”

Policy Development Committee within 14(1) allows for the co-option of an “additional five non-voting members”

The Green World Editorial Board includes among its non-voting members at s.17(iv)(4) “any other members, whom the elected members of the board may co-opt in order to assist the board’s work”

In relation to Standing Orders Committee, Conferences Committee, Campaigns Committee, International Committee, Alternative Dispute Resolution Committee and Equalities and Diversity Committee the relevant sections of the constitution are silent on the voting rights of co-optees.

Where our national constitution is explicit on the voting rights of co-opted members these are excluded. SOC have taken the view, in the past, that an explicit provision to allow co-opted members of committees to vote is acceptable, the presumption, in the absence of such explicit provision, is that co-opted members of committees do not have voting rights.

**Selection of candidate for Sheffield Central**

On the 30.05.2024 PG asked:

‘*In the hustings meeting in Sheffield on 29.05.24 it was announced that GPRC had made a ruling about hustings for Sheffield Central. Byelaws relating to clause 5(xvii) mention at point 3 that the Regional Council can arbitrate in disputed selections. Clause 6 says that Regional Council co-chairs can declare a process so a local party can make a short notice selection, but only where there is no prospective parliamentary candidate. SOC ruled that an NFS did not rule out an already selected candidate. Has GPRC acted unconstitutionally?*’

It was also asked if the existing candidate for Sheffield Central remained in place.

This was followed up on 31.05.2024 in asking whether a suspension by GPRC rules out an already selected candidate; whether GPRC had acted unconstitutionally; and reiterating the above question about the candidate for Sheffield Central.

**SOC by a majority rules that**

GPRC’s power to impose a No-Fault Suspension (NFS) is granted under section 4(viii) of the Constitution.

Being subject to a NFS does not of itself result in a properly selected candidate being ‘deselected’; any such deselection (or the candidate otherwise not continuing to be a candidate) would need to be conducted according to whatever procedures are in place in the relevant local or regional party, bearing in mind that the bye-laws to section 5(xvii) of the Constitution set out the process for a formal deselection petition where that is the path that is followed.

Being subject to a NFS does prevent the subject of the NFS from being named on party-related paperwork.

Local or regional parties can also begin the process of ‘selecting’ a candidate, according to their own internal procedures, without first needing to ‘deselect’ an existing candidate, save where the relevant local or regional constitution states that deselection must first take place.

**The rationale being**

SOC notes initially that the questioner may be in error regarding a ‘ruling’ by GPRC in this matter, since GPRC do not make ‘rulings’. That being said, the follow-up question makes it clear that this relates to the effects of GPRC imposing an NFS, something which it is granted power to impose under section 4(viii) of the Constitution. It is not in dispute that GPRC has properly exercised this power.

SOC notes that, per our earlier rulings, each local and regional party will have its own procedures regarding the specifics of eligibility for being candidates in elections.

SOC is particularly mindful of section 5(i) of the Constitution and the ‘*general practice*’ of encouraging ‘*the greatest possible autonomy*’ of local and regional parties, and also of the footnote to Standing Orders for Party Discipline 3.3 which it has previously noted regarding the effects of being subject to a No-Fault Suspension:

‘*A No-Fault Suspension means that the suspended member is not able to volunteer for the local or regional party, nor any national party body; is not able to attend any local, regional or national events, including Conference; and access to the members website will be removed.*’

SOC have previously ruled that a member who has been subject to a NFS may not volunteer for a local or regional party, or attend any local or regional party events. Of necessity, this will also preclude their name from appearing on party-related paperwork, such as ballot papers, since this would constitute participation in the activities of the party to a degree not permitted by an NFS.

Deselection is not an automatic effect of being subject to a NFS. Whether or not they are also formally ‘deselected’ as a candidate for election (or otherwise continue to be a candidate) will depend on the relevant internal procedures of the local or regional party which initially selected them.

It should be borne in mind that the internal procedures of the relevant local or regional party will, necessarily, be affected by the fact that the formal processes for bringing a deselection petition are set out in the bye-laws to section 5(xvii) of the Constitution. If a deselection petition of this kind is the path followed by the local or regional party or its members, then they will follow that procedure.

The Constitution is silent on the question of whether or not there must be a process of ‘deselection’ of one or more existing candidates before there can also be a ‘selection’ of another candidate. SOC finds that, as a matter of practicality, candidate selections are frequently made without the need for a formal or prior ‘deselection’ in internal and external elections.

Therefore, a local or regional party may, using whatever internal procedures are relevant to them, being the process of ‘selecting’ a candidate without first needing to formally ‘deselect’ an existing candidate, save where the relevant local or regional constitution states that deselection must first take place.