

FEDERAL APPEALS PANEL

IN THE MATTER OF AN APPEAL BETWEEN:

DAVID NEWMAN

Appellant

–and –

(1) SIMON SHAW

(2) THE COMPLAINTS PANEL

Respondents

FINAL RULING

RULING

1. This appeal is dismissed.
2. Parties are to make any submissions about publication of this ruling by 4pm on Wednesday 8th November.
3. As the Cases, FAP 40, 41 & 42 refer to the same series of events, it was decided to deal with them together and a Panel was appointed.

REASONS

1. It is clear to us that the local party constitution allows the Southport Executive to make the decision that it did. We note particularly clause 9.2:- “The Executive Committee shall seek to ensure that, so far as practicable, all seats within the Constituency and local authority areas are contested by members of the Party, unless the Executive Committee, is satisfied that it is in the best interests of the Party in any specific case not to do so.” The final phrase “unless the Executive Committee,

is satisfied that it is in the best interests of the Party in any specific case not to do so. ” is the important phrase. We also note the statement of the Panel Chair that they considered the Constitution in their deliberations.

2. We believe that the Southport Executive decided, after their discussion, that it was “in the best interest of the Party” that one (but only one) other candidate, as well as Tory and Labour, should stand in Duke’s ward and the combined effect of the two resolutions was their endeavour to bring that about. The Local Party Executive believed that Tony Dawson, as the sitting councillor, had the best chance of keeping Duke’s Ward out of Tory hands and although he was no longer a member of the Liberal Democrats, he was a member of the Group on the Council so, if he re-stood, there should not be a Liberal Democrat candidate standing against him. But the second resolution provided for the eventuality that he did not stand.
3. It is clear from the evidence in the email chain that Tony Dawson had not put in Nomination Papers 48 hours before close of Nomination. Therefore David Newman was not going against the local party resolutions when he asked David Crowther to act as DNO. Nor was David Crowther acting against the policy of the local party when he signed the two forms that authorised David Newman’s candidature in Duke’s ward as a Liberal Democrat. Nor was David Newman in error when he submitted his nomination papers.
4. However, when Tony Dawson did put in his papers, David Newman was told of this and asked to withdraw the papers he had submitted. A discussion of the issue is outlined in the Complaints Panel Hearing Decision Notice - para 17 and it was mentioned at the Federal Appeal Panel hearing by one of the witnesses. When David Newman failed to withdraw his papers after Tony Dawson put his in, the question was whether he was going against the policy the local party executive had decided on.

We believe he was so doing and therefore was at fault.

This is an important part of the evidence the Panel relied on to come to their verdict.
We see no reason to rule against that verdict.

OVERALL CONCLUSIONS

5. It is clear to us that he knowingly stuck to behaviour that went against the local party resolution when he refused to with-draw his papers.

Panel: David Graham, William Charnley & Catherine Smart

Date: 24th October 2023