

## APPENDIX 2

**NB WITH THE EXCEPTION OF PARAGRAPHS 6(a)-(c) THIS PROTOCOL WAS SUSPENDED BY THE COUNCIL FOR THE COUNCIL YEAR 2012/13**

### EXISTING PROTOCOL – ALLOCATION OF CHAIRMANSHIPS AND VICE-CHAIRMANSHIPS AND OUTSIDE ORGANISATION PLACES

Purpose of Protocol	Comment	
1. To formalise the understandings between political groups represented on Epping Forest District Council in its response to the new constitution required by the Local Government Act 2000.		
2. To establish arrangements which secure the allocation of the following Chairmanships on an agreed basis between the political groups:  (a) Leader  (b) Deputy Leader  (c) Chairman and Vice-Chairman of Committees and Sub-Committees (including Scrutiny Committees);  (d) Chairmen and Vice-Chairmen of Panels, Boards, Working Groups and similar bodies;  (e) Chairmen of Policy Advisory Groups; and  (f) Chairmen and Vice-Chairmen of Cabinet Committees.	Replaced by TOR 2(a) (i)-(v) (Appendix 1)	
3. To ensure that the operation of the protocol recognises the statutory requirements and local arrangements approved by the Council as part of its constitution.		

#### Statutory and Local Requirements

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| 4. This protocol will recognise:   |                       |
| (a) that the Chairman of the Council shall not be a member of the Cabinet;   | - statutory           |
| (b) that no member of a Scrutiny Committee (including its Chairman or Vice-Chairman) shall be a member of the Cabinet; | - statutory           |
| (c) that the Chairman of the Standards Committee and any Sub-Committee thereof shall not be a Councillor;              | - no longer statutory |
| (d) that the Chairman or Vice-Chairman of any Cabinet Committee must be a member of the Cabinet; and                   | - statutory           |

(e) that the appointments of Chairmen and Vice-Chairmen of other Council Committees, Sub-Committees, Working Groups, Panels and Boards shall be in accordance with the Council's own rules as set out in the constitution.

5. In making all such appointments, the Council will take account of the legal requirements to ensure that members of the Cabinet must not be involved in any of the activities of the Overview and Scrutiny Committees. - statutory

**Provisions of Protocol - Chairmanships and Vice-Chairmanships**

6. The following provisions shall apply to the operation of this protocol and the making of appointments:

(a) all appointments shall be made against the requirement to achieve a pro rata allocation of Chairmanships and Vice-Chairmanships between political groups; replaced by 2(b)(ii)

(b) for the purpose of achieving the requirement set out in (a) above, the calculation of pro rata requirements shall be carried out separately in respect of the total number of Chairman and Vice-Chairman positions;

(c) each political group shall have an equal opportunity to submit nominations from its membership for positions of Chairmen and Vice-Chairmen in respect of the bodies covered by this protocol; replaced by 2(b)(ii)

(d) any political group shall nominate from within its own membership only but shall be free to support the nomination of another political group for any such position;

(e) in making nominations for such positions, each political group acknowledges that any of its nominees must command majority support within the Council and that the decision of the Council on any appointment is final;

(f) each political group undertakes to enter into discussions with other groups on individual nominees and the number of nominations to be submitted and shall be enabled to withdraw the name of any nominee prior to or at the appropriate Council meeting; facilitated by Appointments Panel

(g) notwithstanding the discussions specified under paragraph (c) above, political groups shall retain the right to submit their nominations to the Council for consideration notwithstanding the outcome of the discussions indicated; and

(h) the Council and other political groups will acknowledge the right of any political group not to submit a nomination or to withdraw such a nomination after discussion with other groups.

} replaced by TOR 6

## Provisions of Protocol - Outside Organisations

7. The following provisions shall apply to the operation of this protocol for appointments to outside organisations:
- (a) all appointments shall be made by the Council;
  - (b) appointments shall be designated by the Council as "Executive" or "Non Executive";
  - (c) appointments may also be designated as "local" in character in which case, local ward members shall be given precedence. replaced by TOR 2(c)
  - (d) appointments may be designated by the Council as specialist in which case Councillors (irrespective of political group membership) with the appropriate skills, experience or personal qualities shall be given precedence; no longer specialist category
  - (e) after considering the "local" and "specialist" categories, all political groups will agree on an annual basis how many seats are to be allocated to each group taking into account their overall numbers on the Council and their expressed preferences;
  - (f) in relation to the organisations designated as local, the political group or groups represented in relevant wards shall agree nominations to be put forward; and replaced by TOR 2(c)
  - (g) all groups will recognise the right, notwithstanding prior discussion required by this protocol, to submit its nominations for consideration by the Council. replaced by TOR 6

## Definition of Political Group

8. For the purposes of this protocol, a political group shall be defined in accordance with the Local Government Act 1989 (i.e. two or more Councillors).

## Changes to this Protocol

9. Any alteration of this protocol shall require the consent of the full Council, with no less than 65% (rounded up to the nearest whole number) of the Council's membership attending that meeting voting in favour.