

To the Chair and Members of FULL COUNCIL

**REVISIONS TO TERMS OF REFERENCE OF THE HEALTH AND WELLBEING BOARD
AND APPOINTMENT OF CHAIR OF THE HEALTH AND WELL BEING BOARD AND
PLANNING COMMITTEE AND REPLACEMENT LABOUR GROUP NOMINATION FOR
THE PLANNING COMMITTEE**

EXECUTIVE SUMMARY

1. This report seeks the agreement of Full Council to approve the proposed revisions to the Terms of Reference of the Health and Wellbeing Board in order to enable the Cabinet Member whose portfolio includes Adult Social Care to Chair meetings of the Board, in addition to the portfolio holder with responsibility for Public Health.
2. At its meeting on 29th June, 2017, the Health and Wellbeing Board considered a report which sought their endorsement for the proposed amendments to the Terms of Reference and subsequent appointment of Councillor Rachael Blake as Chair.
3. Following the resignation of Councillor John McHale as both the Chair of the Planning Committee and from his position as a serving Member, Council is as a consequence requested to seek a nomination for replacement Labour Group Member nomination to serve on the Committee and a new Chair for the remainder of the 2017/18 Municipal Year.

RECOMMENDATIONS

4. Council approve:-
 - a) the revision to paragraph 4.2 of the Board's Terms of Reference, as set out in Appendix A to this report;
 - b) note that the Council's Constitution will be updated to reflect the revised Terms of Reference following approval by Council;
 - c) the appointment of Councillor Rachael Blake, in her capacity as Cabinet Member for Adult Social Care, as Chair of the Health and Well Being Board;
 - d) the appointment of Councillor Dave Shaw as the Labour Group nomination to serve on the Planning Committee as a replacement, following the resignation of Councillor John McHale; and
 - e) the appointment of a new Chair of the Planning Committee.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

5. The Council is committed to maintaining the highest standards of Governance, and having robust and fit-for-purpose Terms of Reference in place ensures openness and transparency in relation to the Council's decision making processes.

BACKGROUND

Health and Well Being Board

6. The Health and Wellbeing Board's Terms of Reference currently state in paragraph 4.2 that the Chair of the Board '...will be the Cabinet Member responsible for public health'.
7. Given that the remit of this Board cuts across the Cabinet portfolio areas of public health and adult social care, a revision is proposed to the wording in paragraph 4.2 of the Board's Terms of Reference, so that the Chair of the Health and Wellbeing Board will be either the Cabinet Member with responsibility for Adult Social Care or the Cabinet Member whose portfolio includes Public Health. This will offer greater flexibility in terms of future Chairing arrangements. A copy of the revised Terms of Reference reflecting this proposed change is set out at **Appendix A** to the report. Proposed deletions are crossed through whilst new text is shown in bold italics.
8. Additionally, further to these amendments, as Cabinet Member for Adult Social Care, it is proposed that Councillor Rachael Blake be appointed to the position of Chair of the Health and Well Being Board for the remainder of the 2017/18 Municipal Year.

Planning Committee

9. As Members are aware, the appointment of Chairs and Vice-Chairs to Committees and Sub-Committees of the Council were made at the Council's Annual Meeting on 19th May, 2017. Subsequently, Councillor John McHale has advised of his resignation from the position of Chair and also as a serving Member of the Planning Committee.
10. Therefore, as a consequence of Councillor McHale's resignation, Council is requested to seek a replacement nomination from the Labour Group, to serve on the Planning Committee and determine the appointment of a replacement Chair of the Committee, for the remaining period of the current 2017/18 Municipal Year.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

11. It is recommended that the proposed revision to the Board's Terms of Reference is accepted to provide maximum flexibility in future in terms of allowing the relevant Cabinet Member(s) to Chair meetings of this Board.
12. There is a duty to comply with the requirements of Sections 15, 16 and 17 of the Local Government and Housing Act 1989 (as amended) in the allocation of seats to Political Groups to ensure political balance. The proportional

entitlement of the Labour Group is 9 seats. Therefore, the Labour Group has been requested to put forward a replacement nomination to serve on the Committee.

When determining the allocation of seats, Council must follow the wishes expressed by Political Groups.

The appointment of Chairs and Vice Chairs to Committees and Sub-Committees is a statutory requirement and therefore no other options are considered appropriate.

RISKS & ASSUMPTIONS

13. There are no identified risks associated with this report.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

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	Working with our partners we will provide strong leadership and governance.	The Council is committed to maintaining the highest standards of Governance and robust Terms of Reference allow for the proper discharge of the Council's functions, ensuring openness and transparency.
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LEGAL IMPLICATIONS

15. Sections 101 and 102 of the Local Government Act 1972 empower the Council to arrange for the discharge of any of its functions by a Committee or Sub-Committee.
16. The Council is required to establish a Health and Wellbeing Board under the Health and Social Care Act 2012.
17. Sections 15, 16 and 17 of the Local Government and Housing Act 1989 (as amended) set out the duties of the Local Authority and the allocation of seats to political groups on Committees to ensure political balance.
18. The cumulative effect of these duties is to require "proportionality" across the formal activities of the Authority, representing the overall political composition of the Authority, so that there can for example, be no one party Committees so far as they are constituted as formal Committees or Sub-Committees of the Council.
19. The Local Government (Committees and Political Groups) Regulations 1990, provide the mechanism by which the wishes of Political Groups are to be ascertained.
20. This is to comply with Councillor McHale's resignation and the need to seek a replacement Chair of the Planning Committee and a Labour Group nomination sought.

CONSULTATION

21. Relevant lead Officers and Members have been consulted on the proposals outlined in this report.

HUMAN RESOURCES IMPLICATIONS

22. There are no human resources implications associated with this report.

EQUALITY IMPLICATIONS

23. There are no specific equality implications associated with this report.

FINANCIAL IMPLICATIONS

24. The Members Allowance Scheme makes provision for a Special Responsibility Allowance to be paid to the Chair of the Planning Committee.

TECHNOLOGY IMPLICATIONS

25. There are no specific technology implications associated with this report.

BACKGROUND PAPERS

26. None

REPORT AUTHOR

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