

<b>COUNCIL</b>		<b>DATE</b> 14 December 2022
<b>TITLE</b> Motion on Health & Social Care Bill - advice from Deputy Chief Executive		<b>ITEM NO</b> 16
<b>LEAD OFFICER</b> Deputy Chief Executive	<b>CABINET MEMBER</b> Health & Adults' Social Care	

1. Purpose of the Report

- 1.1 To advise Council that a motion on the agenda “could have financial, legal or significant other implications”.

2. Summary

- 2.1 Paragraph A1.60 of Part 4 of the Constitution states that “Where a motion could have financial, legal or significant other implications for the Council, the Chief Executive will draw these to the attention of the Council.”

3. Implications of Health & Social Care Bill Motion

- 3.1 The second paragraph of the motion contains the phrase “best endeavours”. Council is advised that the legal interpretation of this phrase is as follows:

“Best Endeavours – this requires a party to use its best efforts and take all steps that are available to them to provide the desired outcome. The party providing the obligation may be required to place the obligation over their own interests, so it can result in spending “good money after bad”. It is generally interpreted as the highest level of burden of the common endeavours obligations.”

- 3.3 Council is asked to consider whether the motion should be amended to replace the phrase “best endeavours” with alternative wording which has a lower level of obligation.
- 3.4 In addition, Council is advised that the final paragraph of the motion is considered to be unclear in its meaning and that additional financial and staffing resources may be required to implement the substance of this paragraph.

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(ADVICE)

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**TITLE:** Motion on Health & Social Care Bill

**PROPOSING COUNCILLORS:** John Fahy, Majella Anning.  
Linda Bird, David Gardner, Christine May, Odette McGahey

Council notes with regret the passing of the Health & Social Care Bill and the establishment of the ICS Boards.

The Council will use its best endeavours to ensure that:

Publicly provided NHS services will remain in public hands and will not be privatised

Council will use its best efforts to provide a framework for all health & social care workers in the Borough to achieve:

- London Living Wage
- Permanent Contracts
- Union recognition
- Access to appropriate training

Council will take appropriate action to challenge the role and influence of the private sector within the ICS.

The Health Scrutiny Panel will take steps to challenge current inadequate services being provided by GP Services and review existing practices which are not meeting current need.

Council will take action to review RBG Social Care provision, plan and rebuild services to integrate public, social enterprise and Co-operative models to deliver improved services to those in need.

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