

## Report for Resolution

**Report to** Executive  
22 July 2009

**Report of** Head of Community Services

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**Subject** The Sustainable Communities Act 2007

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### Purpose

To seek Executive approval for a proposal to be submitted to the LGA on an issue that requires Government to take action to promote the sustainability of communities

### Recommendations

The Executive are asked to

- consider and approve the proposal for a “power of care” for older people and
- Delegate authority to officers submit this proposal to the LGA by the 31<sup>st</sup> July deadline.

### Financial Consequences

There are no direct financial consequences arising from this report.

### Risk Assessment

Local Authorities have been invited to submit proposals to government via the LGA that require government action. The issue that we are proposing to submit has been identified through the work of the Independent Commission for Older People. This is the first stage of a series of actions that are required for the proposal to be selected and implemented and there are no guarantees that these will be successful. If this is the case the issue will for the present remain un-resolved until an alternative solution is identified for it to be progressed.

### Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Opportunities for all – communities to be able to access the wide range of services in the city provided by the Council” and the service plan priority to develop an older people’s commission.

**Executive Member:** Councillor Blakeway -Neighbourhood Development and  
Councillor Arthur Housing and Adult Services

**Ward:** All

**Contact Officers**

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**Background Documents**

None

## **Report**

### **Background**

1. The Sustainable Communities Act provides a channel for local people to ask central government through their local council to take action on specific issues to promote the sustainability of their communities.
2. On 14<sup>th</sup> October, 2008 the Secretary of State for Communities and Local Government issued the first invitation to local authorities to submit proposals under the act. Local authorities have until 31<sup>st</sup> July 2009 to put forward proposals to the Local Government Association (LGA) who are acting as the “selector” for all proposals.
3. When considering whether to submit a proposal to the LGA, the Council needs to consider the following criteria:
  - proposals should be innovative and make a clear contribution to the delivery of the Sustainable Community Strategy and link to the Local Area Agreement
  - the proposal should be something the government can deliver
  - the proposal should not be something that the council and its partners already has the powers to deliver e.g. the council needs to be aware that the “power of wellbeing” is widely drawn; and
  - proposals should command or be capable of commanding community support
4. Given that there were no additional funds available for this work within 2009/10 service budgets the executive agreed at its meeting on the 18<sup>th</sup> March 2009 that:
  - the work to scope proposals would be undertaken by the community engagement team and would need to fit with existing team priorities and workloads
  - any new activity should add value to the current and forthcoming community engagement, neighbourhood development and unitary work streams
  - that issues identified that met the criteria set by the Department for Communities and Local Government would be considered at a future meeting for submission to the LGA.

### **Process for selecting and agreeing proposals**

5. Before proposals are submitted, the Council will need to demonstrate that it has engaged with “a panel of local persons” that are likely to be affected by or interested in a particular proposal.

6. The guidance states that this may be an existing panel or panels and does not need to be a newly created panel. However, the council needs to show that it has taken reasonable steps to identify and include representatives from under-represented groups.

## **Activities**

7. Since the establishment of the community engagement team, the officers have been getting to know their respective areas and communities by meeting groups to gather a “picture” of the neighbourhood. The final staff member covering Hellesdon, Earlham, Larkman and Marlpit took up employment in March. A summary table of the range of groups met, the issues raised and how they have or will be dealt with over the coming period is included in the appendices.
8. Each area is very different with the range and level of activity to respond to or get involved in. Feedback from the community engagement officers is that they feel that useful foundations have been built from which it is proposed that during the coming year further work can be undertaken to work with the local communities to problem solve and develop solutions to these types of issues which are important to them whilst joining up the different services areas and partners and working together better to make a difference.
9. Although Annex A demonstrates that a large range of comments and issues have been identified by local people and organisations, it is considered that the issues identified by the community engagement team do not meet the criteria of the Sustainable Communities Act as they:
  - generally focus on day to day council services, or
  - should be able to be resolved by the Council or its partners
10. In these circumstances it would not be appropriate to progress these issues through the Sustainable Communities Act process. However, they should be channelled back to relevant service managers to ensure that they are picked up as part of service planning processes. It is proposed that the Community Engagement Team should ensure this happens.
11. However, a proposal has been identified through the work of the Older People’s Commission that meets the criteria laid down by government.
12. The Commission was established to help Norwich City Council and the providers of services to better understand the needs of older people living in and around Norwich so that appropriate services can be developed in the future. The Commissions report and findings have previously been endorsed by this Executive at its meeting on 21 January 2009.

## **The proposal**

13. As a fundamental part of their work, Members of the Commission listened to the views of older people, their families and carers, and organisations working with and for older people living in and around Norwich. This was done by:
  - distributing a consultation document and analysing the feedback

- holding discussion groups
- taking evidence from people in person.

14. The seven themes consulted upon and discussed were:

- Living independently
- Improving the lives of carers
- More choice and control
- Involving older people
- Making services more responsive
- Focussing on all needs
- Getting good results

15. The report made a number of observations, conclusions and recommendations, some of which centred on the need for a 'power of care' along the lines of the 'power of attorney'. This was in response to carers' evidence which seemed to show that when a carer is not living with the person they care for it is all too easy for actions to be taken without their knowledge.

16. The current lasting power of attorney legislation has a personal care element, which allows people to choose someone to make decisions about their healthcare and welfare. This includes decisions to refuse or consent to treatment on their behalf and deciding where they live. These decisions can only be taken on an individual's behalf when the lasting power of attorney is registered and the individual lacks the capacity to make the decisions themselves.

17. The commission concluded that a power of care element is needed within legislation and should extend to arranging and co-ordinating services for people who can still make decisions but not organise their care services.

18. It is proposed that this power should be limited to arranging service provision for people being cared for after they have made the decision themselves to have care provided in this way. It is not about taking this decision away from the individual.

19. Carers often lack the authority to organise and negotiate on behalf of the older person they are caring for. This weakness could be overcome by formal recognition of the status of individual carers and the Commission recommended that what they describe as 'a power of care' should be developed and attached to the current lasting power of attorney legislation.

20. The council recognises that such an authority to act for and represent an older person will have limitations and may be legally complex. What is envisaged is that, for a power of care to be granted would require both the written agreement of the older person, the support of a body such as the local authority or health authority and registration at the court of protection. It would clearly need to be established that the carer (or other person chosen) was a fit person for such a role.

21. The proposed power of care would help to ensure that carers are formally included in, and have the power to influence, discussions between social services, health services and other service providers when arranging care

provision for older people. This is likely to lead to better outcomes in terms of well-being and dignity, sustaining them in their own homes and local communities for longer

22. The findings of the Commission were reported to the Council's Executive on 21<sup>st</sup> January 2009 where they resolved to:

- endorse the findings, conclusions and recommendations of the Commission
- support the circulation of the report to inform the services providers of the needs and feelings of older people living in and around Norwich
- ask that the findings, conclusions and recommendations be taken into account when developing all service areas
- note that there is no City Council budget provision for implementation of the Commission's recommendations and agree to consider this as part of the budget preparation for 2009/10
- ask for a progress report and action plan to be submitted to the Executive within the next two months
- ask that an article on the report is included in a future edition of the Citizen, and
- refer the report to the City of Norwich Partnership (the Local Strategic Partnership for Norwich)

### **Meeting the criteria**

23. On the basis of this evidence the proposal would meet the criteria set out for submissions to the LGA. The proposal will contribute to achieving the following City of Norwich Partnership Sustainable Community Strategy Priorities:

Theme 5: City of Health and Well-being

- to reduce poverty and disadvantage
- to reduce the incidence of mental health problems
- to reduce health inequalities
- to ensure adequate housing for all Norwich residents

24. The proposal would also contribute to outcomes set out in the Norfolk Local Area Agreement as follows:

Outcome 6: Safer communities  
6.12: Safeguards against poor treatment of vulnerable adults (Local)

Outcome 7: Supporting independence  
7.4: (NI 135): Carers receiving needs assessment or review and a specific carer's service, or advice and information (Designated)  
7.5: (NI 136): People supported to live independently through social services (Local)

Outcome 8: Improving health and well-being  
8.1 (NI 8): Adult participation in sport and active recreation (Designated)  
8.8 (NI 121): Mortality rate from all circulatory diseases at ages under 75 (Designated)  
8.10: Mental health of adults and older people (Local)

## **Panel of local persons**

25. The process, by which the proposal was highlighted through the Commission for Older people, would mean it met the criteria for it to be tested with a panel of local people.
26. In addition Councillor Arthur, the Chair. of the Commission presented the Commissions final report to the City of Norwich Partnership Delivery Board on 3<sup>rd</sup> March 2009. The Partnership Board, which comprises representatives from private, voluntary and statutory organisations across the city area, resolved to:
  - (a) endorse the findings, conclusions and recommendations of the Commission;
  - (b) support the circulation of the report to inform partners and service providers of the needs and feelings of older people living in and around Norwich
  - (c) that the findings conclusions and recommendations to be taken into account by partners and service providers when developing all services;
  - (d) note that there is currently no budgetary provision for implementation of the Commission's recommendations amongst partners, and to agree to consider this as part of future budgetary preparations
27. The Director of Norfolk County Council's Adult Social Services attended this meeting where he responded to the resolution stating "that he would be pleased to ensure that the County Council worked together with partners on the actions that had been identified."
28. The proposal originated directly from service users and therefore meets the spirit of the sustainable communities act. If the proposal is successful it will make a significant contribution to more sustainable living for older people in their communities.
29. Executive is asked to endorse this proposal, and delegate authority to officers to submit it to the LGA by the 31 July 2009 deadline. We will report back to Executive when we get a response to this proposal.

## Summary of groups contacted and issues raised (alphabetical)

Acorn Fellowship Group	Access to funding
Age Concern	Action to tackle anti social behaviour
Bowthorpe Heritage Group	Association - new committee members
BTCV Green Gym	Litter picking and grounds maintenance issues
BUILD	Cars parked on grass verges
Buy Local	Centre needs a new heating boiler
CAPS team	Cigarette butts being thrown out of windows
Catton Grove Community Centre	Communication between local residents group and ASB
Catton Grove Residents Association	Community café
Cavell Children's Centre Advisory Group	Community garden
Cavell School	Designated cycling routes
Central Norwich Citizens Forum	Development of TRA's
Chapel Break and Clover Hill Community Associations	Developing a local network to share practice
Che Jama	Dog fouling
Children's services central area youth team	Community safety issues in the neighbourhood
City & County Councillors	Energy efficiency of community centre
City Centre East SNAP and Youth SNAP	Engaging over 16's
City College Norwich Skills For Life	Establishing Friends of Group
City Council Departments	Explore opportunities for joined up working
Community Learning Mentors	Flytipping
Community Music East	General security
Douro Place Sheltered Housing	Graffiti and vandalism
Earlham Road Residents Association	Help with promoting the groups work
Eaton Park Community Association	Improving the neighbourhood
Eaton Village and University Forum	Internal redecoration and repairs of centre
Equality Forum	Lack of connection between groups active in the area
Frere Road Community Association	Lack of knowledge of activities of other groups in the area
Friends Meeting House	Lack of meeting venues



Friends of Earlham  
Friends of Lionwood  
Grapes Hill Community Gardens  
  
Greenfields Community Centre Management Committee  
Hatrack Football Groups  
Heathgate Judo Club  
HELM Residents Association  
Homewatch  
International Friendship Group  
Jessop Road Methodist Church  
Jubilee Community Association  
Jubilee Jellies playgroup  
Lakenham & Tuckswood Community Fair group  
Lakenham & Tuckswood SNAP & SNT  
Lakenham Business Networking Group  
Lionwood Junior  
Magdalene Group  
Management Committee  
Marlpit Youth Group  
Mental Health Link Worker  
MENTER  
Neighbourhood Network  
New Roots Community Mentors  
Norfolk and Norwich Muslim Association  
Norfolk MIND Outreach  
Norwich Central Baptist Church  
Notre Dame School  
NR5 Project  
Open Youth Trust  
Parents Group Angel Rd Junior school  
Parents Group Catton Grove Junior school

Lack of sense of connection with neighbours  
Lack of youth activities  
Less litter, tidy gardens enforcement  
Local engagement in events/ activities/ knowledge of what's going on  
More community spirit building activity  
More local provision of activities for young people in the area  
More things to do, promoting groups  
Motor cycles on pavement  
Need better resident representation in neighbourhood  
Need for more affordable activities for children and young people  
Need information on events  
Need more joined up working  
Need to recruit new members  
No access to bank account  
Parenting of young children-out in streets late at night  
Play area needs refurbishment  
Profile raising of group  
Prostitution in area  
Recycling issues  
Setting up parent and toddler group  
Slow down in usage at centre  
Support for business start-ups or ideas  
Support for new management committee required  
Trade waste collection information  
Traffic speeding  
Training and support for groups  
Truancy  
Low income household debt issues  
Venues available for community groups  
Volunteers needed  
Wanting to increase involvement the neighbourhood

Play Rangers  
Pottergate Area Community Association  
Rouen Road TRA  
Safer Neighbourhood Action Panel.  
Safer Neighbourhood Teams and SNAPS  
Salvation Army  
Sewell Conservation Area  
Sewell Park multi-cultural day  
Sheltered housing tenants groups  
SNAP meetings  
Sorrell and Campion Residents Group  
South Harford & Tuckswood Community Association  
St Albans Church  
St Gregory's Church, St Benedict's  
St James Lunch Club Volunteers  
St Marks Church  
St Stephens Gate TRA  
St. Augustine's Resident Group  
St. Matthew's Church  
Stay and Play Group  
Sure Start  
Tambai  
The Community Tree  
The Dell  
The Groves & Old Palace Rd TRA  
The Matrix Project  
The Mousehold Heath Defenders  
The NELM Development Trust  
The Ruin Trust  
Thorpe Sure Start  
Transforming Norwich  
Tuckswood Primary

Tuckswood Social Club  
UnLtd  
Valley Primary School  
Victim Support  
Waddington Court Sheltered Housing  
WEETU  
Wensum Community Association  
West Earlham Community Centre Committee  
West Earlham Traders Association  
West Norwich Partnership  
West Pottergate TRA  
Winchester Towers TRA  
Woodside Road  
YMCA