

NALC Selector Terms Of Reference; Sustainable Communities Act, 2007; Drafted By C. Borg; 4/3/13;

NALC Selector Terms Of Reference For Considering Requests To Review Proposals From Parish Councils Under SCA 2007, Already Considered By The Secretary of State for Communities and Local Government

The Selector and Advisory Panel will operate under the following key principles when considering requests from parish councils to re-submit proposals to the Secretary of State at Communities and Local Government, under the Sustainable Communities Act, 2007;

1. The process should be transparent and open. The Selector will feedback on reasons for decisions made;
2. The process should seek to minimize the burden on parish councils and local people;
3. The Act is about local solutions to local priorities;
4. Proposals should meet the basic tests of the Act;
5. Proposals should be viable and based on evidence;
6. The Advisory Panel will operate as a champion and advocate for re-submitted proposals;
7. The Selector will negotiate with the S.o.S. on the basis of a given proposal. Where proposals are felt to have wider potential (for example for the whole of the local government sector the Selector will highlight and support NALC or relevant organisation to take this forward); and
8. That the Selector and Advisory Board will consider if a given proposal requires Central Government action.

Decisions will normally be made based on evidence contained in the submission, however if further information is felt to be necessary, NALC may contact the parish council to discuss the proposal or request a meeting. NALC will review as Selector proposals which parish councils submit in response to the invitation dated 15 December, 2010, but which have since been rejected by the Secretary of State for Communities and Local Government, and which these parish councils had asked the Selector to re-submit to the Secretary of State because they wanted the initial decision on their proposal to be reviewed.

Assessing the proposals for review:

Does the Secretary of State give clear and evidenced reasons for the decision in line with the published criteria for assessing proposals?;

Does the ground for the review address the specific reasons for the rejection given by the Secretary of State? Is it supported by evidence or information not previously submitted?;

Is the proposal viable and credible, based on evidence and does it make a good case for change?;

*Does the proposal being re-submitted meet the **basic tests of the Act**?;*

- Consulting and engaging with the community;
- Requires specific change which would support sustainability. This may include a range of actions including a transfer of functions, requests for powers not currently available, removal of barriers such as ring-fencing or regulations or a change of policy;
- Support and contribute to the sustainability in the area;
- Cannot be implemented using existing parish council powers, but can be by Central Government action; and
- Evidence from the proposing parish council that it has already tried to reach agreement locally in accordance with the 2012 SCA regulations.

Liaison With Communities and Local Government Officials:

- There may be instances where it is not appropriate to re-submit a proposal to Communities and Local Government for consideration, but where liaison between NALC and Departmental officials can elicit a suitable alternative solution for the proposing parish council (such as referral to a specialist stakeholder or web-site containing relevant information); and
- It is understood by submitting parish councils that the extent to which the National Association's Advisory Board will refer proposals back to the Secretary of State for consideration is a function of the quantity of parish requests it has received for re-consideration of such proposals by the Secretary of State.

As Selector, NALC encourages parish councils to carry out their statutory duty to consult and try to reach agreement with the Selector through a dialogue where what can and cannot be done is stated and to then have a further dialogue about the final decision to be taken together.

NALC as Selector also encourages DCLG to ensure that philosophy works in practice by doing the following:

- At the written request of the Selector, meet with representatives from the Selector in order that both parties can put forward reasons for their position on a proposal submitted by the Selector, discuss those reasons and counter arguments, negotiate on implementing the proposal, implementing a compromise to the proposal or not implementing the proposal;
- If unwilling to implement a proposal, suggest alternative Government action for achieving the aims of the proposal and provide the Selector with a written explanation of how those actions would achieve the aims of the proposal, and receive any alternative suggestions from the Selector for Government action that would address the aims of the proposal;
- Meet as above mentioned, up to three times with the Selector, if requested to by the Selector in writing; and
- Make all reasonable attempts to overcome or mitigate initial reasons made for not wishing to implement a proposal.

NALC as Selector agrees to invite a Local Works representative, to attend, as an observer, any meetings held as part of the above mentioned process, and to allow that representative to speak at those meetings. Note: the Local Works representative will only be allowed to put forward their views; the Government and the Selector will be the deciders regarding the implementation of the proposal.