

**EXECUTIVE  
COMMITTEE**

**21st AUGUST 2012**

**COMMUNITY RIGHT TO CHALLENGE**

Relevant Portfolio Holder	Councillor Phil Mould, Corporate Management
Portfolio Holder Consulted	Yes
Relevant Head of Service	Teresa Kristunas – Head of Finance and Resources
Wards Affected	All

**1. SUMMARY OF PROPOSALS**

To enable Members to consider local arrangements for the new Community Right to Challenge contained in Part 5, Chapter 2 of the Localism Act 2011.

**2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that**

**the local arrangements for managing the Community Right to Challenge, as set out in the report, be approved.**

**3. KEY ISSUES**

- 3.1 Members may be aware of the various community rights under the Localism Act: Right to Challenge (running services) and Right to Bid (Assets of Community Value). Draft Statutory Guidance on the Community Right to Challenge was recently published by the Government and the provisions are expected to come into force on 27 June 2012. A summary of this guidance is attached at Appendix 1. The Right to Bid is expected to come into force in the summer.
- 3.2 The Community Right to Challenge allows communities to submit expression's of interest to deliver council services. Relevant authorities such as County and District Councils must consider expressions of interest in respect of relevant services from relevant bodies. Relevant bodies will include voluntary / community bodies, charities, parish councils and two or more employees of the relevant authority. Where the relevant authority accepts the expression of interest then a procurement exercise for the service in question must be carried out.

**Financial Implications**

- 3.3 There may be additional officer time required in relation to the assessment of the Expression of Interest together with the undertaking of the procurement exercise. Currently the level of demand is unknown and therefore it is proposed that resources are monitored with the aim

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to refer back to members should the number of Expressions of Interest be material.

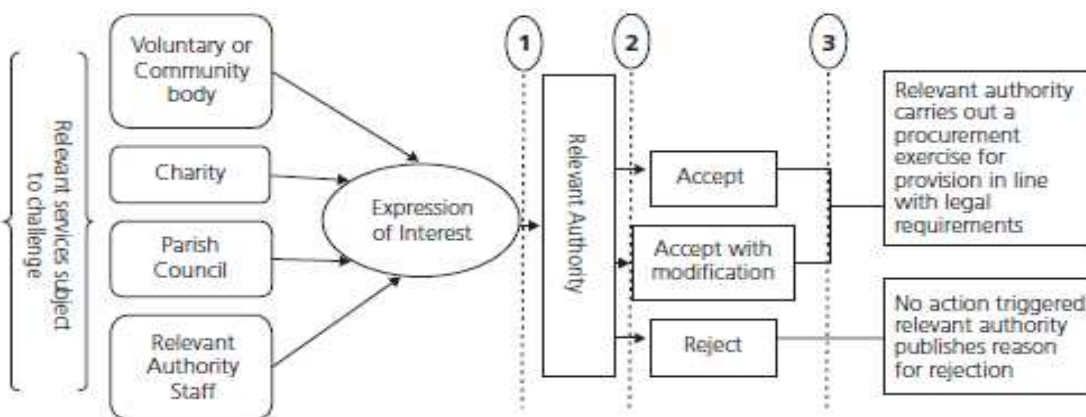
## **Legal Implications**

- 3.4 The Council has a statutory responsibility to deliver the legislative requirements as detailed in the Localism Bill.

## **Service/Operational Implications**

- 3.5 As detailed within the guidance attached there are specific regulations in relation to the nature of services include and criteria for acceptance of expressions of interest. In general the regulations :
- Specify information required in an expression of interest
  - Specify grounds whereby an expression of interest may be rejected
  - State which kinds of services are excluded from the Right, and
  - Add certain fire and rescue authorities as relevant authorities.

## **3.6 The process**



- 3.7 As a relevant authority there are a number of decisions to take regarding local arrangements for managing expressions of interest. Given that the Community Right to Challenge was expected to be effective from 27 June, these arrangements have already been published on the Council's website explaining that these are subject to endorsement by the Committee at this meeting.

- 3.8 It is proposed that the local rules for the Council are:

- The Council will accept expressions of interest at any time.

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- Expressions of interest should be sent to the Council's Monitoring Officer ( or S151 Officer).
- That information required to be included in an expression of interest will be as set out in Paragraph 4.2 of the Statutory Guidance. Following receipt of expression of interest we may ask that the relevant body demonstrates that they meet the definition of a relevant body.
- We will notify the relevant body of our decision regarding an expression of interest within 12 weeks of receiving the expression of interest.
- The period between an expression of interest being accepted (and notified to the relevant body in writing) and any procurement exercise starting will be no less than 3 months and no more than 6 months.

3.9 Officers are currently developing the internal process for assessment of the expressions of interest received.

**Customer / Equalities and Diversity Implications**

3.10 By addressing the issues raised within the Localism Bill the Council will accept requests by all members of the community and therefore, there are no specific customer or equality and diversity implications.

**4. RISK MANAGEMENT**

The adoption of a clear set of rules and procedures will reduce any risk associated with the alternative ways of providing services.

**5. APPENDICES**

Appendix 1 – Draft Guidance

**6. BACKGROUND PAPERS**

Localism Bill (as detailed in the report)

**AUTHOR OF REPORT**

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