

**POLICY FINANCE AND ADMINISTRATION COMMITTEE**

**7 OCTOBER 2013**

**REPORT OF SOLICITOR TO THE COUNCIL**

**COMMUNITY RIGHT TO CHALLENGE**

**1.0 PURPOSE OF REPORT**

1.1 To provide Members with an understanding of the Community Right to Challenge and seek Members' approval of the Council's Community Right to Challenge Policy referred to in this report, which will form the basis for consideration of any requests by the Committee in the future.

**2.0 RECOMMENDATIONS**

2.1 **To approve the Community Right to Challenge Policy attached as Appendix A.**

**3.0 KEY ISSUES**

3.1 The Community Right to Challenge ("CRtC") was introduced as part of the Localism Act 2011 and came into force on 27 June 2012.

3.2 The CRtC gives people the right to challenge to take over local services that they think they can run differently and more effectively. "Relevant bodies" which are listed in paragraph 3.5 below have the opportunity to express an interest in running a service that is currently delivered by the Council.

3.3 The policy attached to this report as Appendix A sets out how it is proposed that the Council will deal with any expressions of interest it receives in respect of running Council services.

3.4 The majority of the process is governed by legislation contained in the Act and there is little scope to for discretion by the authority. The statutory guidance provided by the Department for Communities and Local Government (DCLG) sets out who may make an expression of interest, the services that are covered by the Act, the information required in the expression of interest and the grounds whereby an expression of interest may be rejected.

3.5 "Relevant bodies" that may exercise the right are:

- A voluntary or community body
- A body or persons or a trust which is established for charitable purposes only
- A parish council
- Two or more employees of the relevant authority ( Melton Borough Council)
- Any other person or body specified by the Secretary of State by regulations

3.6 Services that fall within the remit of the right are those which are provided by or on behalf of the Council in the exercise of its functions

3.7 The proposed policy has been considered by Management Team and it is suggested that the process would be more manageable if a timeframe for receiving expressions of interest regarding services that are currently run by the Council is identified. This means that these decisions can be taken at the appropriate time in the service planning and budget process. Services that are currently run by a third party on the Council's behalf

will be subject to their own timetable to coincide with the end dates for existing contracts.

If a group that meets the definition of a relevant body submits an expression of interest that includes the information required in the statutory guidance, it may only be rejected on one or more of the grounds specified in the Regulations, and as listed in the Policy.

It accepted the expression of interest triggers a full procurement exercise which is open to all and must comply with the relevant procurement law.

#### **4.0 POLICY AND CORPORATE IMPLICATIONS**

4.1 The Community Right to Challenge provisions have direct implications around:

- Encouraging people to take an active role in their communities;
- Increasing public confidence and pride in neighbourhoods.

4.2 The policy as adopted will need to be incorporated within the Council's contract standing orders.

#### **5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

5.1 Additional Officer time may be required to deal with any expressions of interest that are submitted. However there is no additional costs incurred in the implementation of the policy. Subject to any expression of interest being approved the resultant procurement exercise will seek to establish to maintain or increase service delivery standards at the same or lesser cost to the Council. It is anticipated that this can be covered within existing budgets.

#### **6.0 LEGAL IMPLICATIONS/POWERS**

6.1 The Act was enacted on 15 November 2011. The relevant provisions were brought into effect on 27 June 2012. The Council is required to adopt a policy governing how it will consider any expressions of interest it receives.

#### **7.0 COMMUNITY SAFETY**

7.1 None as far as this report is concerned.

#### **8.0 EQUALITIES**

8.1 A comprehensive Impact Assessment was carried out by central government and published in January 2011, and is available from the following link: <https://www.gov.uk/government/uploads/system/...data/.../182977.pdf>

An Equalities Impact has not been carried out in this process. It is considered that there are no equality implications arising from this policy as it is largely governed by legislation. Decisions on whether to accept an expression of interest have to be taken in accordance with the adopted policy and the criteria set out in the legislation.

## 9.0 RISKS

9.1 To consider and give any Risks related to this report and if there are risks to complete the tables below. If there are no risks identified, then delete the table

Probability



Very High A				
High B				
Significant C				
Low D		X		
Very Low E				
Almost Impossible F				
	IV Neg- ligible	III Marg- inal	II Critical	I Catast- rophic

Impact



Risk No.	Description
1	Significant number of expressions of interest received resulting in a large number of procurement processes running concurrently.

## 10.0 CLIMATE CHANGE

10.1 None as far as this report is concerned.

## 11.0 CONSULTATION

11.1 None as far as this report is concerned.

## 12.0 WARDS AFFECTED

12.1 All wards

Contact Officer: Verina Wenham Solicitor to the Council  
Date: 19<sup>th</sup> September 2013

Appendices: Appendix A – Community Right to Challenge Policy

Background Papers: Localism Act 2011

Reference: X : Committees\Council, Cttes & Sub Cttees\PFA\2013-14