

Community Right to Challenge

Localism Act 2011

Current Document Status			
Version	0.3	Approving body	Full Council
Date	November 2012	Date of formal approval	22 January 2013
Responsible officer	John Groves	Review date	December 2013
Location	Intranet and Council website		

VERSION HISTORY

Date	Version	Author/Editor	Comments
3 January 2013	0.3	Jessica Hall	Approved by Full Council on 22 January Recommended by Executive to Full Council on 9 January 2013

Equality Impact Assessment Record

Date	Type of assessment conducted	Stage/level completed (where applicable)	Summary of actions taken decisions made	Completed by	Impact Assessment review date
December 2012	(Initial)	Initial	(NFA)	Jessica Hall	December 2013
Responsible officer	John Groves	Review date	December 2013		

Corporate Quality Assessment Record

Date	3 January 2012
Completed by	Penny Mell

Document retention

Document retention period	Permanent
----------------------------------	-----------

Protective Marking

	Not protectively marked
--	-------------------------

Related policies/procedures

Procurement Strategy

Contract Procedure Rules

Introduction

The Localism Act 2011 introduced a new power allowing local communities the right to challenge how local authorities provide and run services. This is known as the Community Right to Challenge.

Community Right to Challenge was introduced to enable and empower Copeland's communities to shape and run local services which are responsive to the Borough's needs and offer additional social value outcomes or better value for money. It enables relevant bodies to bid to run Copeland Borough Council services by expressing an interest.

Copeland Borough Council is defined as a 'relevant authority'. This means that 'relevant bodies' including voluntary or community bodies, parish councils and two or more employees of the Council can challenge, through an Expression of Interest, the provision of a service by the Council.

Right to Challenge and Copeland Borough Councils Services

Before submitting a Right to Challenge Expression of Interest, contact us first for informal discussions on the service you are interested in. We may already be reviewing how we deliver a particular service and will talk to you about your ideas and plans. These discussions could help interested parties determine whether submitting a Community Right to Challenge Expression of Interest is the most appropriate course of action. They will also help facilitate information sharing about the service for which you are potentially submitting an Expression of Interest.

Who can bid to run a Council service?

The Community Right to Challenge allows relevant bodies to bid to run a Council service. The statutory guidance defines relevant bodies as:

- Parish Councils
- Voluntary or Community Bodies which are not for profit with any surplus being reinvested in the community and operate primarily for the benefit of the community. These include:
 - Community benefit societies including industrial or provident societies
 - Co-operatives primarily for community benefit
 - Community Interest Companies (CICs)
 - Charitable Incorporated Organisations
 - Other Incorporated bodies including companies limited by guarantee or shares where the companies Memorandum and/or Articles of Association state that its objectives are in the interest of the community rather than profit for shareholders
- A Body of people or Trust for charitable purposes only using charitable status
- Two or more employees of the relevant authority (Copeland Borough Council)

- Incorporated Joint Ventures where a relevant body and a non relevant body enter into a partnership
- Any person or body specified by the Secretary of State

Which Copeland Borough Council services are covered by Community Right to Challenge?

The statutory guidance also defines 'relevant services'. All of the services currently delivered by Copeland Borough Council are covered by the statutory Community Right to Challenge guidance. However it is important to note, that regardless of which body runs the service, Copeland Borough Council would remain responsible for the delivery of the function.

Expressions of Interest

Relevant bodies interested in bidding to run a Council service are in the first instance required to submit an Expression of Interest to the Council.

In accordance with the Council's annual business cycle, the Council will receive Expressions of Interest between 1 April and 31 May only, with effect from 2013.

Where a service is delivered through a contract with an external partner or provider, the Council will publish the contract end dates to enable relevant bodies to express an interest. (Please see our Contracts Register). The window of 1 April to 31 May in the year **before** the contract is due to end applies. *For example, if a contract for a service ends in July 2015, an Expression of Interest is required between 1 April 2014 and 31 May 2014.*

What needs to be included in an Expression of Interest?

An Expression of Interest must be made in writing and can be submitted using our [corporate template](#).

The Expression of Interest must include the following:

- Information about the organisation's financial resources (if in a Consortium, information about each of the organisations financial resources). **Please submit your evidence of your constitutional status and accounts.**
- The service the Expression of Interest relates to and the geographical area it relates to. **Please specify which Council service you are expressing an interest in and what geographical area it relates to e.g Ward/Parish/Borough. Please tell us if the Expression of Interest covers current equipment, buildings, staff and service processes.**
- Evidence that the body will be capable of providing or assisting delivery of a service by the time any procurement exercise is undertaken. **Please provide an outline business case which demonstrates your knowledge of the service, service standards you expect to deliver, any relevant experience, statutory policies and procedures you will have in place (Health and Safety, Equality and Diversity Policy) funding and TUPE arrangements.**

- Information about the outcomes to be achieved by the organisation, or where appropriate, the consortium of which it is part, in providing or assisting in providing of the relevant service, in particular: a) how provision or assistance will promote or improve the social, economic or environmental wellbeing of the area and b) how it will meet the needs of service users. **Please tell us about any community surveys/consultation you have undertaken and how the proposal might offer social, economic or environmental benefits – for example, job creation, improving local skills and assisting low income households. Please outline how the service will meet community need and how you will ensure accessibility.**
- Employee Expressions of Interest need to state how they will engage with other colleagues who are affected by the Expression of Interest. A ballot is not required. Levels of engagement will be appropriate and proportionate to the size and nature of the service and number of employees affected. **Please tell us how you will consult and engage with affected employees for example through face to face meetings, briefing sessions etc.**

What the Council will do when it receives an Expression of Interest?

When we receive an Expression of Interest we will:

Tell the organisation within 30 days of receiving it how long we will take to make a decision. Organisations can expect a decision on whether the Council will accept or reject an Expression of Interest within **3 months**. ***In some circumstances, this timescale may take longer, in which case the organisation will be notified.***

We will assess the Expression of Interest to determine whether it includes the relevant information as set out within the Statutory Guidance.

The Council will make a decision to accept, reject or modify the Expression of Interest. Organisations will be notified within 10 working days.

Successful Expressions of Interest

Once an Expression of Interest has been accepted, this will trigger a full procurement exercise and we will also notify you of when we will start this.

Procurement

This will be carried out in accordance with the Council's existing procurement procedure and in line with procurement law. Interested bodies should note that once a full procurement exercise commences, the opportunity to bid for the service is opened up to all organisations including the private sector.

The Council must consider a number of factors throughout the procurement exercise including how a contract would promote or improve the economic, social or environmental wellbeing of the authority's area and we may include social clauses.

Organisations are advised that such an exercise can take between 9 and 12 months.

Unsuccessful Expressions of Interest

An Expression of Interest can only be rejected on certain grounds. These are laid out in the statutory guidance and are:

- Failure to comply with the statutory requirements (as outlined at section 6)
- A material inadequacy or inaccuracy in the information provided
- Unsuitability of the organisation or any of its partners or sub-contractors
- A decision to stop providing the service has already been made and can be demonstrated in writing
- It relates to a service which is also integrated, provided and arranged with an NHS body and the continued integration is critical to the well-being of the person in receipt of the service
- It is already subject to a procurement exercise
- Negotiations have already commenced with a third party and this can be part demonstrated in writing
- The Council has already published an intention to consider provision by 2 or more employees who have made proposals
- It is frivolous or vexatious
- Accepting it is likely to lead to breaking of enactment, rule of law or statutory duty.

Organisations which have an Expression of Interest rejected will be advised in writing of the reasons for this.

Modification of an Expression of Interest

An Expression of Interest can be rejected with recommended modifications. Organisations will be advised in writing of the reasons for the rejection and what modifications are needed for it to be accepted. This will enable them to modify an Expression of Interest. If a group chooses to modify an Expression of Interest, it must resubmit it within 8 weeks of the date it was notified.

Submitting an Expression of Interest

For an informal discussion about submitting an Expression of Interest, please contact in the first instance:

John Groves
Head of Nuclear and Planning
Direct Tel. 01946 598416
John.groves@copeland.gov.uk

All Expressions of Interest should be submitted in writing to:

John.groves@copeland.gov.uk or by post to:

**FAO John Groves
Head of Nuclear and Planning
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
CA28 7SJ**

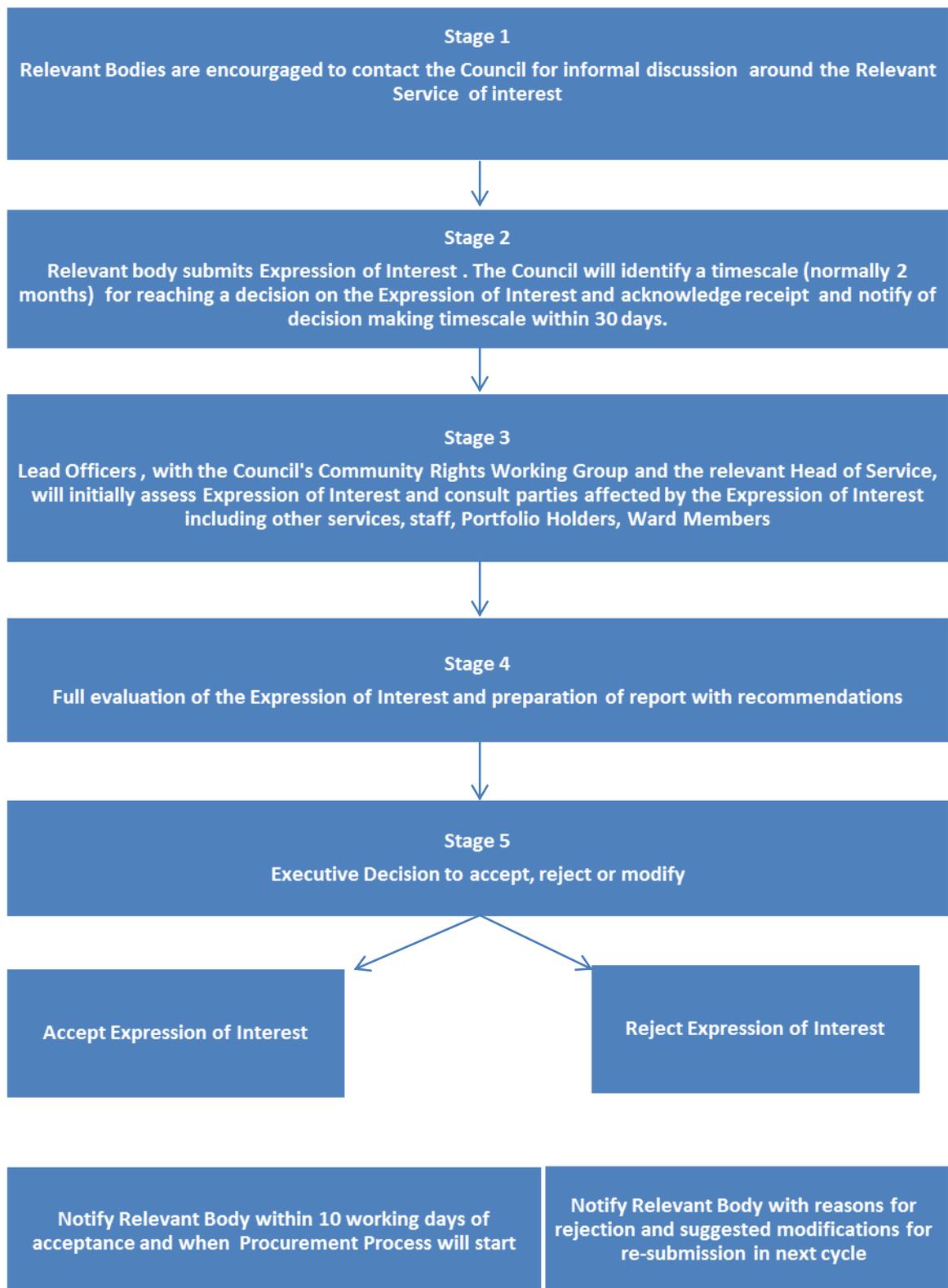
Links to further sources of advice and guidance

Community Right to Challenge Statutory Guidance: DCLG

My Community Rights – <http://mycommunityrights.org.uk/community-right-to-challenge/resources/>

Locality – <http://locality.org.uk/projects/community-rights/>

Community Right to Challenge Process



ACTION PLAN TEMPLATE

Please list the policy or strategy’s objective in the table below. Try to be as specific as possible about what you are going to do and how you are going to measure both progress and success.

Objective	Link to Council/directorate Priority	Measure (s)	Target(s)	Projects/Actions	Resources	Responsible Officer	Impact
The specific objective identified in order to address a need. Please also indicate, in bold at the end of the objective, which balanced scorecard perspective the objective falls into- customer, process, finance or learning and development.	State which Council or Directorate priority, or statutory requirement, the objective is contributing to.	The measures you will use to assess progress and success; often these will take the form of performance indicators, but could also be significant outputs or benefits to be realised, etc	What level of achievement are you aiming to attain and by when, to know if you have delivered on the objective?	A breakdown of what you are going to do to ensure the objective is met, but ensure conciseness by listing only headline activities and/or key deliverables	Not an exact costing (unless you have one), but are the necessary resources available (money, staff, time, etc) to deliver the objective- YES/NO	Senior officer responsible for driving and delivering the objective	Does the objective require significant input from other services and partnership organisations or will it have significant impact upon other services or partnership organisations? If so list those here

Risks- Please list the key risks to achieving the objectives detailed in the table above

Risk number	Risk Name	Risk definition	Risk Score Likelihood x Impact	Current Position/Action Being Taken (including responsible officer
Service initials followed by number E.g. F1 (Finance 1)	This should be a short name for the full risk	This should be in the following format: The risk is that the(Service, Directorate, Partnership, Contractor, Council) will fail to..... resulting in.....by.....	How likely is this:- 1-5 What would the impact be 1-5	What controls are currently in place? What needs to be done to reduce the risk and by whom?