

Need more help?

For more information and advice on the community right to challenge see www.cornwall.gov.uk/righttochallenge or for other advice contact the Corporate Policy Team.

Corporate Policy Team

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Bitesize guides in this series

Localism Act:

- Housing
- Planning
- Neighbourhood plans
- Community right to challenge
- Assets of community value
- Freedoms, flexibility, transparency and governance

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Localism Act

Community right to challenge

A bitesize guide

What is it all about?

The Community Right to Challenge was introduced under the Localism Act 2011 and provides a right for voluntary and community bodies, charities, town and parish councils and two or more employees of the authority to submit an Expression of Interest to run local authority services, where they believe they can do so differently and better.

Where an Expression of Interest is accepted, the local authority must carry out a procurement exercise for the service. The procurement exercise will be open to others who wish to tender to run the service so the body that triggers the exercise may not eventually be the provider of the service.

Cornwall Council welcomes interest from groups interested in taking over the running of Council services at any time and would encourage you to speak to our Corporate Policy Team in the first instance to find out more.

How do I express an interest?

Expressions of interest should be in writing and include:

- Information about the financial resources of the body.
- Evidence that demonstrates that by the time of any procurement exercise the body will be capable of providing or assisting in providing the service.

(For a consortium or where a sub-contractor will provide some or all of the service, the above must be given in respect of each member of the consortium and/or each sub-contractor).

- Information about the service and the geographical area to which the expression of interest relates.
- Information about the outcomes to be achieved in particular how it will promote or improve the social, economic or environmental well-being of the area and how it will meet the needs of the users.
- Where the relevant body consists of employees of the relevant authority, details of how other employees affected will be engaged.

What happens next?

The local authority must consider expressions of interest and, where they accept them, run a procurement exercise for the service.

This will have regard to the value and nature of the contract that may be awarded and consider whether the expression will promote or improve the social, economic or environmental well being of its area.

Authorities will need to comply with their duties under the Equalities Act when delivering services directly, considering expressions of interest, contracting out following a successful challenge under the right and when procuring services outside of the right.

When contracting out services, authorities will need to satisfy themselves that they have fulfilled their duties, for example by including appropriate requirements in contracts.

Can an expression of interest be rejected?

The following are grounds for rejecting an expression of interest:

- The expression of interest does not comply with the requirements specified in the Localism Act or regulations.
- Information provided is considered inadequate or inaccurate
- The body (or where applicable, any member of the consortium or any sub contractor) is considered not suitable to provide or assist in providing the service.
- A decision has already been taken to stop providing the service.
- The local authority considers that continued integration with the NHS is critical to the wellbeing of those receiving the service.
- The relevant service is already the subject of a procurement exercise or the subject of formal negotiations with a third party.
- The local authority has published its intention to consider the provision of the service by a body that two or more employees of the authority propose to establish.
- The expression of interest is considered frivolous or vexatious.
- The local authority considers that acceptance is likely to lead to contravention of legislation or statutory duties.

What are the timescales?

Expressions of interest may be submitted between 1 March and 31 March each year. Expressions of interest will be considered within a period of 3 months from the date of receipt and the body notified of when the procurement exercise will take place. This will depend upon the nature of the service and any existing contractual arrangements.