

## **Report to the Cabinet**

**Report reference:** C-034-2012/13  
**Date of meeting:** 3 December 2012



**Portfolios:** Leader  
Finance and Technology  
Support Services

**Subject:** Community Right to Challenge Policy

**Responsible Officer:** Chris Overend (01992 564247)

**Democratic Services Officer:** Gary Woodhall (01992 564470)

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### **Recommendations:**

- (1) That the draft policy (Appendix 1) setting out the District Council's approach to the Community Right to Challenge be approved; and**
- (2) That the proposed website content and proforma, as set out in Appendices 2 and 3, be approved for use in the Community Right to Challenge process.**

### **Executive Summary:**

Chapter 5 (Section 2) of the Localism Act 2011 provides the legislative framework for the Community Right to Challenge (CRtC). This allows for relevant bodies to express an interest in running a local authority service. Local authorities are required to consider those expressions and, if they are acceptable under the terms of the legislation, must run a full procurement exercise in respect of the service. The proposed policy attached sets out a procedure in that regard.

### **Reasons for Proposed Decision:**

The policy set out in Appendix 1 attached provides guidance and sets out a procedure for the District Council to respond in dealing with its responsibilities. The policy and procedure will be used to ensure that the District Council meets its obligations under Chapter 5 (Section 2) of the Localism Act 2011 and to ensure it is in a state of readiness when a group submits an expression of interest in running a Council service.

### **Other Options For Action:**

Not reacting to the requirements is not an option. The only options concern how proactive the District Council is to be on this matter.

### **Report:**

1. Under the provisions of the Localism Act there are a number of groups that are allowed to submit an expression of interest in running Council Services. The Government has currently limited this to:
  - A voluntary or community body;

- A body of persons or a trust which is established for charitable purposes only;
- A Town or Parish Council; or
- Two or more employees of the local authority.

2. The Act, associated Regulations and Statutory Guidance, set out the rules that the Council must follow in operating the Community Right to Challenge. These include:

- Specifying the 'relevant bodies' that may submit an expression of interest;
- Defining 'relevant services' and stating the services which are excluded from the CRtC;
- Specifying the information required in an expression of interest; and
- Specifying the grounds whereby an expression of interest may be rejected.

3. The draft policy set out in Appendix 1 attached incorporates a suggested approach/methodology for the District Council to use in respect of the CRtC. Research has been carried out into the approaches adopted into best practice elsewhere and specifically those of other local authorities at Newcastle-upon-Tyne, North Lincolnshire and Sevenoaks. The draft policy and proposed information for inclusion on the Council website attached is an amalgam based on their approaches. The information set out in Appendix 2 illustrates how the District Council's website content on this matter might appear.

4. Members are also asked to determine how proactive the District Council should be in seeking expressions of interest, for example through the provision of an online proforma for those who might be interested in bidding to run a service (see example set out in Appendix 3).

**Resource Implications:**

None at this stage.

**Legal and Governance Implications:**

The District Council would be in danger of failing to meet its legal obligations should there be no policy or procedure in place. There are also further legal and governance aspects to consider should an expression of interest be accepted and trigger the procurement process.

**Safer, Cleaner and Greener Implications:**

None.

**Consultation Undertaken:**

Internally with Officers.

**Background Papers:**

Localism Act 2011 and Community Right to Challenge Strategy Guidance (Department for Communities and Local Government June 2012).

**Impact Assessments:**

Risk Management

None are required at this stage. However, should expressions of interest in running a Council Service be received and a procurement exercise thereby be triggered, it would be necessary to carry out an impact assessment. There is a risk is that, should the District Council not have

a policy and procedure in place, it would have insufficient time to react to the submission of an expression of interest, there will be consequent effects on the projected timetable and the budgetary process, and potentially it might fail to meet its legal obligations under the Localism Act 2011.

Equality and Diversity

*Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?*

No formal assessment.

*What equality implications were identified through the Equality Impact Assessment process?*

As above.

*How have the equality implications identified through the Equality Impact Assessment been addressed in this report to avoid discrimination against any particular group?*

As above.