

Epping Forest District Council  
Community Right to Challenge Policy

## **Community Right to Challenge**

Chapter 5, Section 2 of the Localism Act 2011 provides the legislative framework for the Community Right to Challenge (CRtC). The (CRtC) allows for relevant bodies to express an interest in running a local authority service. Local authorities must consider that expression of interest and if acceptable under the legislation must run a full procurement process for the future running of that service.

This policy sets out the approach adopted by the District Council to receive, consider and approve or reject an expression of interest.

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## **1. Context**

### **Legislative Framework**

1.1 This section of the Policy provides a brief summary of the key points within the legislation, but it is not a comprehensive guide.

1.2 The Localism Act 2011, associated Regulations and Statutory Guidance, set out the rules that the Council must follow in operating the Community Right to Challenge (CRtC). These include:

- (a) specifying the 'relevant bodies' that may submit an expression of interest;
- (b) defining 'relevant services' and stating the services which are excluded from the CRtC;
- (c) specifying the information required in an expression of interest; and
- (d) specifying the grounds whereby an expression of interest may be rejected.

### **Relevant Bodies**

1.3 These are the groups that are allowed to submit an expression of interest. The Government has currently limited this to:

- (a) a voluntary or community body; or
- (b) a body of persons or a trust which is established for charitable purposes only; or
- (c) a Town or Parish Council ; or
- (d) two or more employees of the local authority.

### **Relevant Services**

1.4 These are the services that relevant bodies can express an interest in operating: those defined as a service provided by on behalf of a local authority in the exercise of its functions.

1.5 In the case of Epping Forest District Council, this requirement limits to a small number, the range of functions for which it is not able to transfer responsibility. For example, the making of planning decisions is a Council function that is not subject to the CRtC but the processing of planning applications is. Likewise, services commissioned by a relevant authority on behalf of an NHS body (ie. NHS service) fall outside the scope of this right.

## **2. Expressions of Interest**

### **Content**

2.1 For an expression of interest to be valid it must contain certain information, including:

- (a) details about financial resources;
- (b) evidence that demonstrates capability of providing or assisting in providing the relevant service;
- (c) the geographical area to which the expression of interest relates; and
- (d) outcomes to be achieved, in particular how the provision or assistance will promote or improve the social, economic or environmental well-being of the local authority's area and how it will meet the needs of the users of the relevant service.

### **Rejecting an Expression of Interest**

2.2 The Government has set out grounds on which an expression of interest may be rejected. These include:

- (a) the expression of interest does not comply with any of the requirements specified in the Localism Act 2011 or in regulations; or
- (b) the local authority considers, based on the information in the expression of interest, that the relevant body is not suitable to provide or assist in providing the relevant service; or
- (c) the expression of interest relates to a service where a decision has been taken to cease providing that service; or
- (d) the relevant authority considers that the expression of interest is frivolous or vexatious.

### **Council Aims and Objectives**

2.3 Epping Forest District Council is proud of the high quality, value for money services it delivers to the community.

2.4 The Council will apply its CRtC arrangements to further its broader policy objectives, include the following:

- (a) the achievement of the levels of net savings necessary to maintain the Council's sound financial position, and the provision of the best level of service possible with reduced resources;
- (b) the implementation of initiatives to mitigate the impact of the current economic conditions on local businesses, where resources permit and value for money can be achieved from the Council's activities; and

- (c) the implementation of provisions contained in the Localism Act 2011.

2.5 The Council will seek to ensure that the CRtC Policy is integrated within its Policy Framework, ensuring that it contributes directly to the achievement of the Council's vision and promises. It is therefore linked to the Council's:

- (a) Financial Strategy;
- (b) Budget Process;
- (c) Procurement Strategy; and
- (d) Equality Policy.

2.6 All expressions of interest will be assessed in that context

### **Submitting an Expression of Interest**

2.7 The District Council has chosen to integrate the CRtC into its budget setting processes and this means that there must be a specified time period during the budget process during which expressions of interest can be submitted. Thus, the Council can only accept expressions of interest for any of its relevant services during the period 1 April to 30 June.

2.8 The only exceptions to this policy are those services where the Council already has a contractual obligation in place. A record of these services and the time period when expressions of interest will be accepted will be publicised on the District Council website at: [www.eppingforestdc.gov.uk/righttochallenge](http://www.eppingforestdc.gov.uk/righttochallenge)

2.9 For an expression of interest to be accepted by the Council it must be made in writing. The Council will therefore accept expressions of interest either by post or by E mail to the following address:

Office of the Chief Executive – Policy and Research Officer,  
Epping Forest District Council,  
Civic Offices,  
High Street,  
Epping,  
CM16 4BZ

### **Making Decisions on Expressions of Interest**

2.10 In conjunction with the relevant Portfolio Holder, the Chief Executive will then make a recommendation to the Cabinet to either:

- Accept the expression of interest and respond by communicating the subsequent process and timescales; or

- Reject the expression of interest and respond, setting out the grounds for the decision.

2.11 The Council undertakes to consider each expression of interest fairly and carefully. It will be the responsibility of the Council's Cabinet to decide whether an expression of interest is acceptable under the legal framework set out by the Government. As expressions of interest will form part of the Council's budget setting process, the Council will be unable to provide a final decision on whether an expression of interest is accepted until 30 September of the appropriate year, at the earliest.

2.12 The Council will confirm receipt of each expression of interest in writing. At that time, the Council will state when the relevant body submitting the expression of interest can expect to be informed as to whether its expression of interest has been accepted or rejected.

### **Timetable for dealing with Expressions of Interest**

1 April - invitation period commences

30 June – invitations close

August – all Expressions of Interest considered

September – the Council's Cabinet receives a report on all approaches and decides whether to accept or reject expressions of interest received. If an expression of interest is accepted, a procurement exercise then ensues.

## **3. Procurement Policy**

3.1 The Council is committed to ensuring the best value outcome for the whole District when tendering for contracts (including those received under the CRtC), and to promote equality and diversity and environmentally sound practices.

3.2 This Policy is designed to support the Council in the following:

(a) seeking continuous performance improvement and best use of resources, against the background of diminishing public expenditure: by improving efficiency through better processes and better procurement enabling the Council's money to go further in delivering its services;

(b) achieving the levels of net savings necessary to maintain the Council's sound financial position: by using best practice procurement practices and decisions, supporting the delivery of excellent customer services, either directly provided by the Council or procured from third parties for delivery on behalf of the Council;

(c) mitigating the impact of the current economic conditions on local people and businesses, where resources permit and value for money can be achieved from the Council's activities: by continuing to improve its approach to joint purchasing;

(d) responding to issues of deprivation in the District: through promoting a consistent approach to equality and diversity and reducing inequality in the provision of services and through requiring and promoting good practice in equality and diversity in the employment and contracting practices of suppliers and partners;

(e) maintaining and improving links between the Council, local town centres and the businesses community: through, to the extent that the EU Procurement Directives, collaborative procurement, and value for money allow, sourcing appropriate goods and services through local businesses and promoting the development of local businesses by making the Council easier to do business with; and

(f) promoting equality of opportunity in line with public sector equality guidance.





## **Epping Forest District Council**

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If you have any comments about this document or require further copies, please contact:

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The Community Right to Challenge Policy is available on the Council's website at

[www.eppingforestdc.gov/communityrights](http://www.eppingforestdc.gov/communityrights) or [/righttochallenge](http://www.eppingforestdc.gov/righttochallenge) **TBC**

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