

## **A Guide to the Community Right to Challenge - Epping Forest District Council**

We recognise the importance of the Community Right to Challenge. The Localism Act 2011 gives our communities the right to 'challenge' the way we run local authority services.

Relevant bodies (as defined in the Localism Act 2011) such as voluntary and community bodies, Parish/Town Councils, and local authority employees have the right to express an interest in taking over the running of a local authority service.

The Localism Act allows a relevant authority to specify the period during which it will consider expressions of interest.

We will only accept an 'expression of interest' within a designated period we have published – this is the 3 month period commencing on 1 April and ending on 30 June each year. This designated period is selected as it is the most suitable in terms of the Council's budgetary process.

### **Submitting an Expression of interest to the Council**

Any expression of interest must be made in writing and submitted to the Council's Chief Executive during the period mentioned above. It should include evidence to demonstrate that the body submitting the expression of interest satisfies the definition of a relevant body in the Localism Act 2011. It must also include the following information regarding that body:

- Information about the financial resources of the relevant body;
- Evidence that demonstrates that by the time of any procurement exercise the relevant body will be capable of providing or assisting in providing the relevant service;
- Details of the relevant service which is being challenged which are sufficient to identify it and the geographical area to which it relates;
- Information about the outcomes to be achieved by the relevant body in providing the relevant service, in particular (a) how the provision will promote or improve the social, economic or environmental well-being of the Council's area, and (b) how the relevant body will meet the needs of the users of the relevant service;
- (Where the relevant body consists of employees of the Council) details of how that relevant body proposes to engage other employees of the Council who are affected by the expression of interest.

(NB: Where the relevant body proposes to deliver the service as part of a consortium or to use a subcontractor to deliver any part of the service, the above information should also be provided in respect of each consortium member and subcontractor.)

We would also request that an expression of interest includes the following information, although this is not mandatory:

- Details of any consultation that has taken place with potential users of the proposed service and any other groups or communities with a legitimate stake in the service, and the outcomes of that consultation;

- An explanation of how the service in question will be improved in quality by its transfer to an alternative provider. This will include comparison with either the current service standards or with proposed new service standards if the service in question is being reduced or reconfigured as part of the Council's budget process;
- Details of how the proposed alternative provision will operate within the current budget of the existing service, or within any reduced level of budget that is being considered;

### **How the Council will deal with an Expression of Interest**

On receipt of an expression of interest, the Chief Executive will delegate responsibility to the Policy and Research Officer to coordinate our response. We will notify the relevant body in writing (within 30 days of the close of the period for submitting expressions of interest, ie by 31 July) of the maximum period we will take to notify the body of our decision and we will publish this information on our website. (Whilst this will depend on the specific details of each case, we anticipate that it may take around 6 months in which to carry out the assessment and make the decision.)

The relevant Portfolio Member will then make a decision as to who will consider the challenge and undertake the required assessment of the expression of interest.

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.

The Cabinet will make the final decision: this is subject to a 5 working day 'call in' period. Following the expiry of this period (or, if a call-in is made, the conclusion of that process), we will then notify the relevant body of our decision.

If an expression of interest is accepted, then the Council will undertake a procurement exercise which is appropriate having regard to the value and nature of the contract which may be awarded as a result of the exercise. We will carry out the procurement exercise in accordance with the requirements of public procurement law and the Council's own Corporate Procurement procedures and Financial Regulations. This will include consideration of how we can promote or improve the social, economic or environmental well-being of the Council's area through the procurement exercise.

We will ensure that support in readiness for procurement is provided to all potential suppliers, so that there is equal opportunity, fairness and transparency in our procurement process. We would emphasise that, in accordance with public procurement law, no preference can be given in the procurement exercise to the relevant body which submitted the original expression of interest.