

# **Sevenoaks 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. The Community Right to Challenge 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 Sevenoaks District Council to receive, consider and approve or reject an expression of interest.

The Policy is approved by Council and subject to regular review to ensure it takes on board the lessons learnt as this new policy area develops, new guidance is released by Government and best practice emerges.

**We are always interested in ways to improve our Community Right to Challenge Policy and welcome your suggestions**

### Contact us

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### Publication details

#### **Purpose of the Community Right to Challenge Policy**

To help ensure that the Council maximises the opportunities of the Community Right to Challenge scheme and considers each expression of interest in accordance with legislation.

#### **Publication date**

July 2012

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## Legislative Framework

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). This includes:

- 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.

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

### Relevant Bodies

These are the groups that are allowed to submit an expression of interest. The Government have 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.

### Relevant Services

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

In the case of Sevenoaks District Council this limits only a small number of functions that it is not allowed by law to pass on

responsibility for. For example the making of planning decisions is a Council function that is not subject to the community right to challenge but the processing of the planning applications themselves is.

### Expressions of Interest

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

- Information about financial resources;
- Evidence that demonstrates capability of providing or assisting in providing the relevant service;
- Information about the geographical area to which the expression of interest relates; and
- Information about the 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

The Government has set out 10 grounds on which an expression of interest may be rejected. These include:

- The expression of interest does not comply with any of the requirements specified in the Localism Act 2011 or in Regulations;
- 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;
- The expression of interest relates to a service where a decision has been to stop providing that service; or
- The relevant authority considers that the expression of interest is frivolous or vexatious.

## Council Aims and Objectives

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

The Council takes pride in the District and has a vision to work with the community as a whole to sustain and develop a fair, safe and thriving local economy.

Faithful to its core values of fairness, integrity and quality the Council is committed to considering the potential benefits of each expression of interest received through the Community Right to Challenge.

At the same time the Council has promised to provide value for money. To help ensure this continues the Council will integrate the Community Right to Challenge in to its robust financial planning processes.

When an expression of interest is accepted the Council will ensure that the procurement exercise has a focus on:

- the quality of the service delivered;
- the value provided to the whole of the District; and
- ensuring that the service provider is committed and able to promote or improve the social, economic or environmental well-being of the District.

## Links to Other Policies & Resources

The Council has chosen to ensure that the Community Right to Challenge Policy is integrated in to 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:

- Financial Strategy;
- 10 Year Budget;
- Procurement Strategy; and
- Equality Aims and Commitments.

## 2. Expressions of Interest

### Submitting an Expression of Interest

Sevenoaks District Council has chosen to integrate the Community Right to Challenge into its budget setting processes.

To ensure this is a fair, efficient and effective process it is necessary to restrict the time during which expressions of interest can be submitted to the Council.

The Council will accept expressions of interest for any of its relevant services during the period of 1 June to 31 July.

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 Sevenoaks District Council website at:

[www.sevenoaks.gov.uk/righttochallenge](http://www.sevenoaks.gov.uk/righttochallenge)

For an expression of interest to be accepted by the Council it must be made in writing. The Council are able to accept expressions of interest by post or by Email to the following addresses:

Policy and Performance,  
Sevenoaks District Council  
Argyle Road  
Sevenoaks  
Kent  
TN13 1HG

[righttochallenge@sevenoaks.gov.uk](mailto:righttochallenge@sevenoaks.gov.uk)

### Deciding on an Expression of Interest

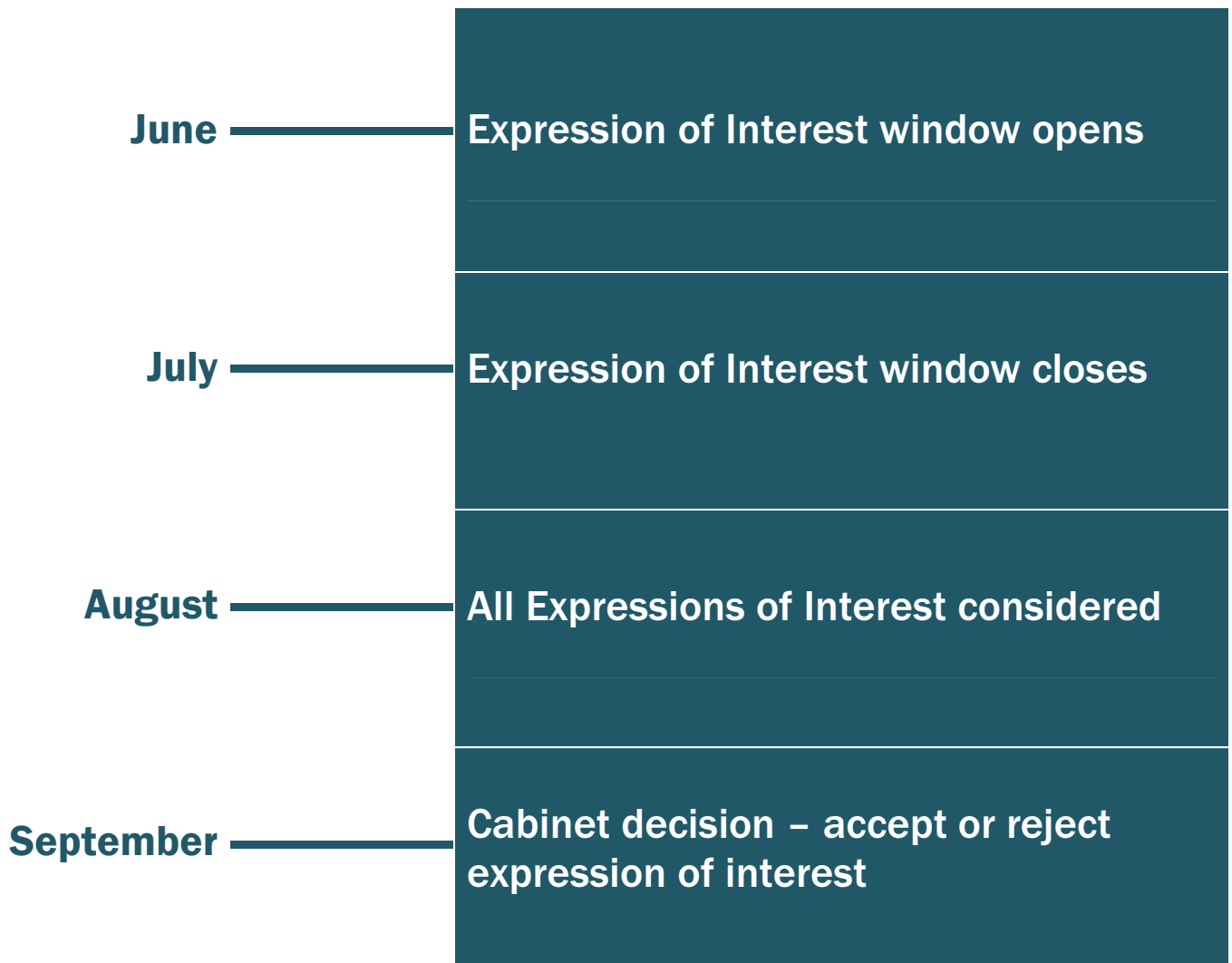
The Council will ensure that each expression of interest received is properly and effectively considered.

It will be the responsibility of the Council's Cabinet to decide on 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.

The Council will reply in writing confirming the receipt of each expression of interest. At that time the Council will state clearly when the relevant body submitting the expression of interest can expect to be informed whether it's expression of interest has been accepted or rejected by the Council.

**Timeline**



### 3. The Procurement Exercise

#### Procurement Policy

The Council is committed to ensuring the best value outcome for the whole District when tendering for contracts, including those received under the Community Right to Challenge.

This Policy commits the Council to:

- Delivering a procurement process that is appropriate for the size and complexity of the relevant service;
- A requirement for method statements from potential providers that are clear on the resources and delivery model that they will use to provide the service to the council or the community;
- A focus on best value to the whole of the District;
- A focus on high quality service delivery;
- The use of external tender assessors where appropriate; and
- Ensuring contracts are outcome based.

These commitments are in accordance with the principles set out in the Council's Sustainable Procurement Policy and the regulations in the Council's Constitution relating to financial and contract procedure rules.

Further information about Council Procurement is available on the Sevenoaks District Council website at:

[www.sevenoaks.gov.uk/procurement](http://www.sevenoaks.gov.uk/procurement)

#### Timeline

The timeline below sets out a proposed procurement timetable. The timetable will be subject to change dependent on the complexity of the service subject to the expression of interest.

**November  
to  
December**

**Tender period open**

**January  
to  
March**

**Contract  
evaluation and  
decision**

**April  
to  
June**

**Preparation for  
new contract to  
commence**

**1 July**

**Contract start date**





## Community Right to Challenge

### Time Line



# Sevenoaks 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.sevenoaks.gov.uk/communityrights](http://www.sevenoaks.gov.uk/communityrights).

Other formats:

**This publication is available in large print.**

**For a copy, call 01732 227000.**

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[www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

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