

# **Community Right to Challenge**

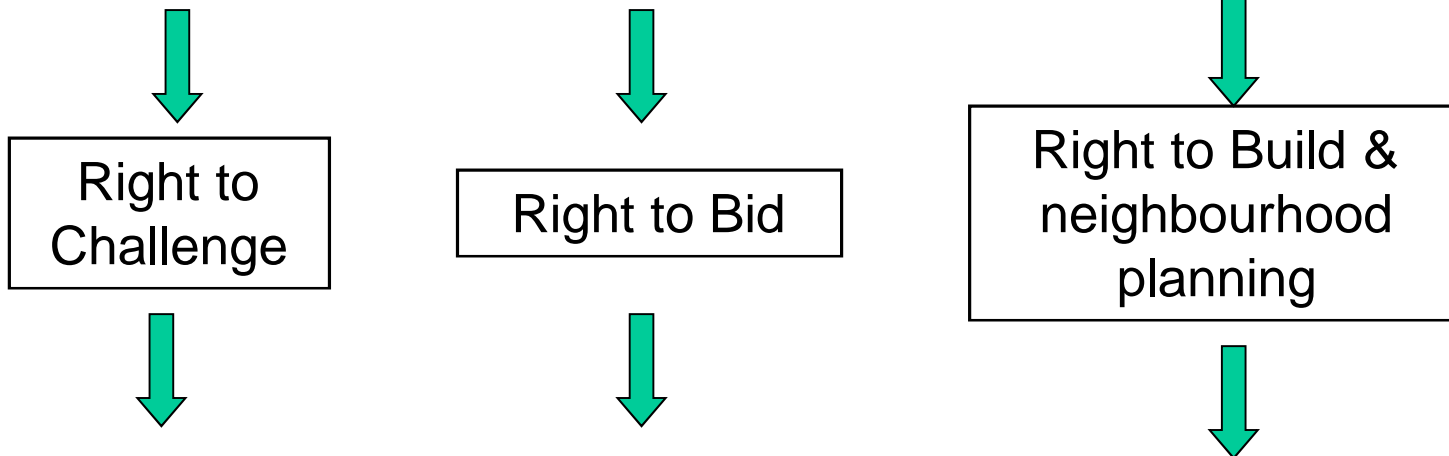
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# Building the Big Society through the Localism Act

*Decentralisation – giving away power to individuals, professionals and communities*



*Big Society - people, neighbourhoods and communities have more power and responsibility and use it to create better services and outcomes*

# Community Right to Challenge

On 27 June 2012, a new duty was placed on local authorities to consider and either accept or reject expressions of interest (EoI) from particular groups who wish to run a council service.

# Community Right to Challenge

If the expressions of interest meet certain criteria laid down in the Localism Act 2011 and subsequent regulations, the local authority must run a procurement exercise. As such, community groups have a new “Community Right to Challenge” (CRtC).

# Community Right to Challenge

- Community Groups including voluntary and community bodies; charitable bodies; parish councils; and council employees can submit a written EoI to the Council to run all or part of a Council service.
- The Council can suggest modifications to the EoI.

# Community Right to Challenge

## Information required in an EoI:

- Information about the financial resources of the group.
- Evidence that the group is capable of providing or assisting in providing the relevant service.
- Information about the relevant service sufficient to identify it and the geographical area to which the expression of interest relates.
- Information about the outcomes to be achieved:
  - How the provision or assistance will promote or improve the social, economic or environmental well-being of the relevant authority's area; and
  - How it will meet the needs of the users of the relevant service.
- Where the relevant body consists of employees of the relevant authority, details of how that relevant body proposes to engage other employees.

# Community Right to Challenge

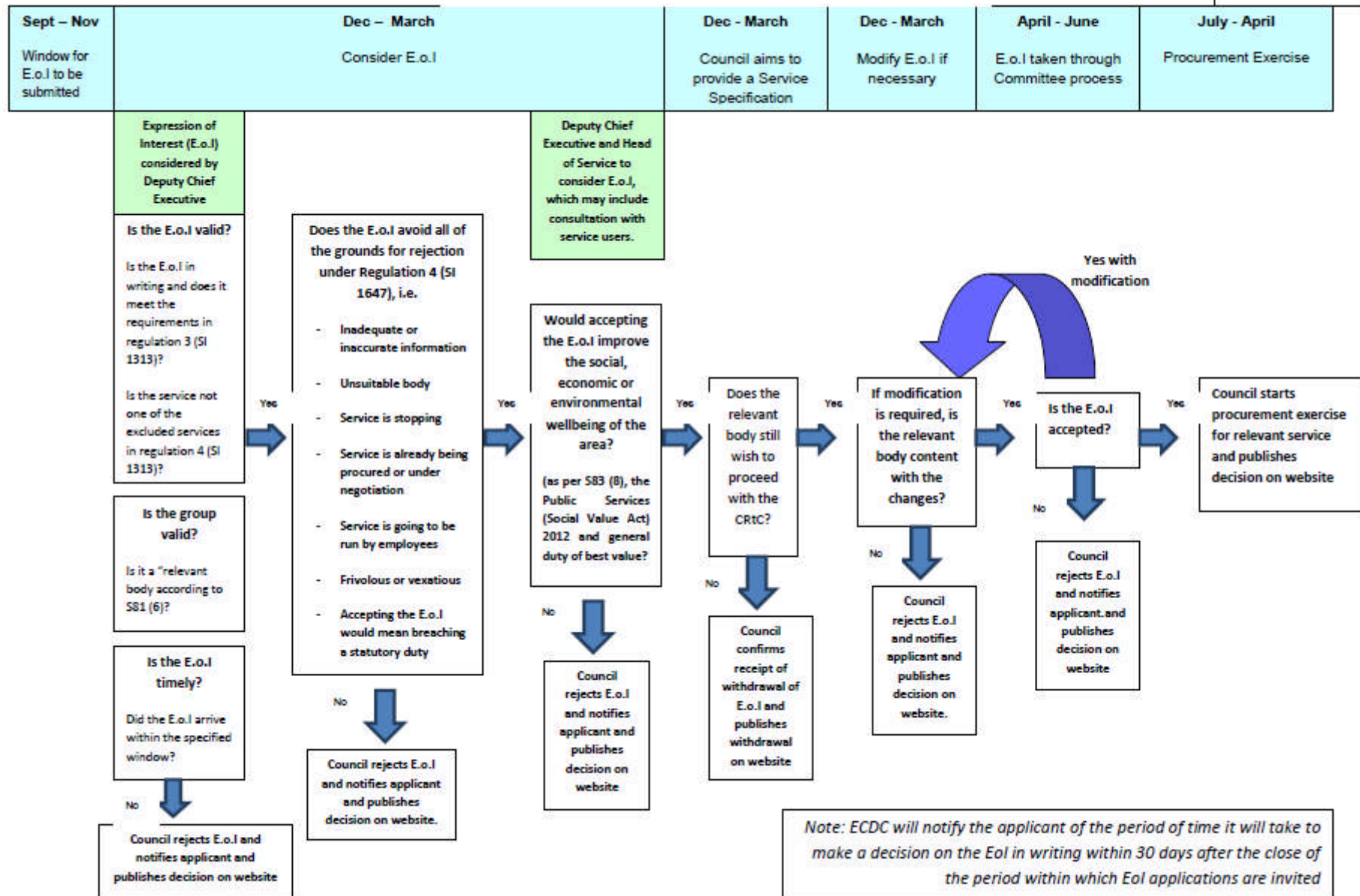
- The Local authority must accept or reject an 'expression of interest' and give grounds for doing so.
- The Local authority in coming to a judgement must
  - “ consider how it might promote or improve the social economic or environmental well-being of the authority's area”*
- Likely to generate some case law.....

# Community Right to Challenge

- ECDC has chosen to specify when it will receive Eols (called the 'window of opportunity').
- If a service is already run under contract by a third party, Eols can be made in the window prior to a scheduled procurement process starting.



## Appendix B



# Community Right to Challenge

- Guidance is provided in the regulations with respect to the validity of the expression of interest and potential grounds for rejection.
- Certain functions are excluded such as the determination of planning applications although the processing of such applications could be included in the Community Right to Challenge.
- There is no provision for appeals against a Council's decision to reject an expression of interest in the guidance.

# Community Right to Challenge

## ECDCs Protocol

- ECDC is a “Relevant Authority” and therefore has drafted a CRtC Protocol.
- It is available on the ECDC website.
- It states what our window of opportunity is for submitting an EoI.
- It states the time periods that will apply for ECDC to consider an EoI.
- It states the process ECDC will follow for considering an EoI.

# Community Right to Challenge

How does this affect you?

- There may be District Council services your organisation feels it could run in a way that would improve the social, economic or environmental well-being of the area.
- If so the Community Right to Challenge could be for you!

# **Community Right to Challenge**

Any questions?