Community Right to Challenge

BASSETLAW
DISTRICT COUNCIL
NORTH NOTTINGHAMSHIRE
What is the Community Right to Challenge?
The Community Right to Challenge was introduced by the Localism Act 2011. The Act and supporting regulations and guidance can be found on the Council’s website www.bassetlaw.gov.uk on the procurement pages. The Act gives various groups and organisations the right to challenge to take over a local service run by the Council.

The Community Right to Challenge will let communities challenge to take over local council services that they think they could run differently and perhaps with more benefits for their communities.

What kind of services does this apply to?
The Community Right to Challenge could be used to run a wide range of local council services.

Examples can be found on http://community rights.communities.gov.uk

Who can use this new Community Right?
To make use of the Community Right to Challenge you must be a ‘relevant body’. Relevant bodies are: -

- Voluntary and community groups
- Parish Councils
- Groups of two or more employees from a ‘relevant authority’ (local councils and fire and rescue authorities)
- Organisations set up for charitable purposes

How does it work?

Step 1- Express an interest

If you want to take over the running of a local service, the first thing to do is submit a proposal to the Council. This is called an Expression of Interest. An Expression of Interest Form can be found on the District Council’s website – www.bassetlaw.gov.uk on the procurement pages.

Ideally forms should be completed on line but you can download a hard copy and send this in to the Council’s Procurement Team.

The form requires enough detail for us to know that you are capable of delivering the service or the part of service you are interested in and that standards of service will be maintained or even improved. We are also interested in the wider benefits you may be able to offer that the Council can’t. Some people call this “social value” but all this really means is that your service users
and your community will benefit from a relevant body delivering the service. The information required within the Expression of Interest will include: -

Details of your group or organisation

The service or part of service you want to challenge

Other information that will demonstrate you have the finance, skills and expertise to deliver the service

**Time periods when we will receive Expressions of Interest**

We will receive Expressions of Interest annually between January and March.

*We strongly encourage anyone thinking of using this Community Right to Challenge to have an informal discussion about their ideas as early as possible – even though it may be outside of this period when the Council will receive Expressions of Interest.*

For an informal discussion please speak to a member of the Procurement Team on 01909 533449 or 01909 533256. Alternatively you can email your query to the Procurement Team at procurement@bassetlaw.gov.uk

**Step 2 - The Council Considers your Proposal**

The Council will consider your Expression of Interest. It can then: -

- Accept it
- Reject it
- Ask you to provide additional information before accepting it

If the Council *accepts your proposal* it must start a procurement exercise. This means inviting interested bodies to bid for the contract to run the service.

If the Council *rejects your proposal* it must publish the reasons why. The Council can only reject the Expression of Interest on grounds specified in law e.g.: -

- Failure to comply with the statutory requirements
- Inaccurate or inadequate information provided
- Unsuitability of the organisation or any of its partners or sub-contractors
- A decision to stop providing the service has already been made
- A procurement exercise is already underway
- Negotiations to provide the service are already underway, in writing, with a third party
Notice has already been given that the Council is considering a proposal for the service from its employees.
The expressions of interest is not serious – it is frivolous or vexatious.
Acceptance by the Council of the Expression of Interest would mean the Council breaks another legal commitment.

**Step 3 - The Council holds a procurement exercise**

If your expression of interest is accepted, the Council must carry out a procurement exercise. This will allow you and other interested parties to bid for the contact to run the service.

Any procurement process will have to follow procurement rules set out in national and European Community Procurement Legislation.

**Step 4 - Results of the Procurement Exercise**

If your bid is successful, your group will become responsible for delivering the service.

You will agree with the Council exactly when and how you will take over the service.

**IMPORTANT**

Please be clear that a Community Right to Challenge is not an automatic right to deliver a service. As you can see the process ensures that only groups and organisations that have the skills, finance, resources and expertise will be in a position to run a Council service. This is important so that we protect service users.

**Support and advice**

National Government has made funding available to support groups and organisations that want to bid for and potentially take over Council run services.

This can involve help to write an Expression of Interest, Compete in a Procurement Exercise, to help to get the delivery of a service started.

**To access this support use the website** mycommunityrights.org.uk