

Procedure for Community Right to Challenge (Services)

1.0 Background

- 1.1 The Localism Act 2011 introduces the concept of the Community Right to Challenge, which gives community groups, voluntary sector organisations and council staff the right to apply to take over the running of a council service.
- 1.2 A successful application may result in a procurement exercise in which the applicant would be able to take part along with other interested organisations.
- 1.3 The Act does not give an automatic right to the organisation expressing an interest to deliver the service, nor is it guaranteed that the organisation will be successful in any procurement exercise.

2.0 General Guidance

- 2.1 An eligible organisation applies by submitting an Expressions of Interest for the Council to assess.
- 2.2 Before submitting an Expression of Interest, applicants are strongly advised to read the information provided on the Borough of Poole [website](#), including the statutory guidance published by the Government.
- 2.3 Under the Localism Act, the Council has the right to publish a Submission period for expressions of interest.
- 2.4 The Borough of Poole Council has set a submission period for all expressions of interest from 12:00 on 1st May to 12:00 on 31st July, starting from 2013. Expressions of Interest received outside of this submission period will not be considered.

3.0 Application Procedure

- 3.1 Expressions of Interest must be made in writing using the EOI form supplied (on our website) and submitted to the address/email stated on the form.
- 3.2 A form must be completed for each council service being applied for.
- 3.3 The Council will contact the applicant within 30 days of the submission period end date, informing them of when their application will be assessed.
- 3.4 All Expressions of Interest will be assessed by the Council's Corporate Change Board, following the guidance set out in the Act.
- 3.5 Based on the assessment, the Council will reject, accept or ask for changes to be made (to avoid it being rejected).
- 3.6 If accepted, an impact assessment and service based costing will be carried out to define the service and the contract value being put through procurement.

3.7 The Council will inform the successful applicant of the time table of the procurement and they will be invited to bid for the service alongside all other interested parties.

3.8 The procurement will be carried out in line with the Councils standard practice.

4.0 Acceptance Criteria

4.1 As stated in Part 5 Chapter 2 of the Localism Act, the Council may reject an expression of interest only on one or more grounds specified by the Secretary of State by regulations. These are set out in section 6 of the Statutory Guidance and are detailed below.

1. The EOI does not comply with any of the requirements specified in the Act or in regulations.
2. The relevant body provides information in the EOI which in the opinion of the relevant authority is in a material particular inadequate or inaccurate.
3. The relevant authority considers, based on the information in the EOI, that the relevant body, or where applicable a) any member of the consortium of which it is a part, or b) any sub-contractor referred to in the EOI, is not suitable to provide or assist in providing the relevant service.
4. The EOI relates to a relevant service where a decision, evidenced in writing, has been taken by the relevant authority to stop providing that service.
5. The EOI relates to a relevant service a) provided, in whole or in part, by or on behalf of the relevant authority to a person who is also in receipt of a service provided or arranged by an NHS body which is integrated with the relevant service; and b) the continued integration of such a service is, in the opinion of the relevant authority, critical to the well-being of those persons.
6. The relevant procurement is already the subject of a procurement exercise.
7. The relevant authority and a third party have entered into negotiations for the provision of the service, which negotiations are at least in part conducted in writing.
8. The relevant authority has published its intention to consider the provision of the relevant service by a body that 2 or more specified employees of that authority propose to establish.
9. The relevant authority considers that the EOI is frivolous or vexatious.
10. The relevant authority considers that acceptance of the EOI is likely to lead to contravention of an enactment or rule of law or a breach of statutory duty.