

REPORT TO CABINET

REPORT OF: Head of Legal and Democratic Services

REPORT NO: LDS087

DATE: 18 February 2013

TITLE:	COMMUNITY RIGHT TO CHALLENGE	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter - Portfolio Holder for Governance and Communication	
CONTACT OFFICER:	Lucy Youles – Head of Legal and Democratic Services – Tel: 01476 40 61 05 l.youles@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph 7 below	Full impact assessment Required: No
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Localism Act 2011 http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/2 Statutory Guidance https://www.gov.uk/government/publications/community-right-to-challenge-statutory-guidance Stage 1 Equality Analysis - http://moderngov.southkesteven.gov.uk/ieListDocuments.aspx?CId=164&MId=2802&Ver=4	

1. RECOMMENDATIONS

- 1.1 It is recommended that Cabinet adopt the Community Right to Challenge Scheme as attached at the Appendix to this report.

2. PURPOSE OF THE REPORT

- 2.1 The purpose of the report is to inform the Cabinet of the provisions relating to the community right to challenge sufficient for Members to consider and adopt the scheme as proposed.

3. DETAILS OF REPORT

- 3.1 The Community Right to Challenge is one of a number of new rights for communities introduced by the Localism Act 2011. Regulations and Statutory Guidance have been introduced. The community right to challenge provides a way for communities to help shape and run local services. This might include making services more responsive to local needs, offering additional social value outcomes, or delivering better value for money. It may act as a means of re-shaping services. The Regulations:

- specify information required in an expression of interest
- specify grounds whereby an expression of interest may be rejected
- state which kinds of services are excluded from the right

- 3.2 To assist the management of expressions of interests received in accordance with this right, a draft scheme has been drawn up in association with Procurement Lincolnshire. The District Council works in partnership with Procurement Lincolnshire to carry out efficient and effective procurement of goods and services. It would be considered prudent to adopt a scheme in line with any Procurement Lincolnshire scheme. The proposed scheme has been developed to reflect the provisions of the legislation relating to the right.

- 3.3 The scheme sets out the bodies from which an expression of interest can be received, the time periods when an expression can be received, what must be included in an expression of interest and what happens when an expression of interest is received.

- 3.4 The draft scheme has been considered by the Communities Policy Development Group at its meeting on the 10th January 2013. No changes to the draft scheme were proposed.

4. OTHER OPTIONS CONSIDERED

- 4.1 The Council has no other alternative but to make provision for the management and administration of the process to consider expression of interests received for the provision of services.

5. RESOURCE IMPLICATIONS

- 5.1 It is proposed that the management and administration of the process relating to this right is provided within existing budget provision.

6. RISK AND MITIGATION

6.1 Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
None	None

7. ISSUES ARISING FROM IMPACT ANALYSIS

7.1 No issues arising

8. CRIME AND DISORDER IMPLICATIONS

8.1 None

9. COMMENTS OF FINANCIAL SERVICES

9.1 The management and administration of the right should be carried out with existing resource and within existing budgets.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 The Council must put in place robust processes to consider applications made in respect of this right. Consideration of applications will involve technical application of strict criteria determined by the legislation and guidance. The legislation permits each authority to set its own scheme for receipt and determination of expressions of interest.

11. COMMENTS OF OTHER RELEVANT SERVICES

11.1 None

12. APPENDIX:

Draft Scheme for the consideration of expressions of interest relating to the Community Right to Challenge.