

Background

1. The Localism Act (November 2011) sets out a number of community rights, including the Community Right to Challenge (CRtC) (part 5 chapter 2). The right was commenced on 27 June.
2. The CRtC enables 'relevant bodies' (voluntary and community bodies, parish councils and employee groups) to express an interest (EOI) in the running of services the council currently provides. When a 'relevant authority' accepts one or more EOI, they will have the responsibility to carry out a procurement exercise for that service.
3. As is already the case, authorities will need to comply with procurement rules and regulations.
4. Based on statutory guidance provided by the Department for Communities and Local Government, the Hastings Borough Council scheme is detailed in this document. As the use of this power evolves, and as we gain experience of responding to any local challenges, the scheme may need to be reviewed and amended in the future.
5. Detailed guidance about definitions and regulations, scheme criteria and procurement is included on the Council's CRtC web-page as a separate document.

Timetable and activity

6. The timetable below sets out the timescales and steps that will be taken once an EOI is submitted. The timetable is designed to appropriately allocate resources to deal with unknown numbers of expressions of interest and align to our budget setting cycle. This will form the basis of an annual cycle of possible challenge, response and procurement.

Timetable

Activity	Timescale	Dates	Responsibility
Submission of Expressions of Interest (EOI) 'specified period'	2 months	Annually 1 st April up to and including 31 st May	Relevant body, i.e. voluntary and community bodies, parish councils or employee groups
Period between date of EOI submission and decision	Maximum 6 months	If EOI on 1 April and decision on 30 September	N/A
Notification sent to relevant body outlining timescale for notifications of decision	Within 30 days after close of specified period	By 30 th June	Continuous Improvement and Democratic Services Manager
Assessment and validation of EOI	Maximum 3 months	June to August	Continuous Improvement and Democratic Services Manager
Decision to accept, amend or reject the EOI	Within maximum of 4 months	June to September	Cabinet
Notification of decision sent to relevant body	Within 10 working days of decision	Refer to the relevant decision date	Continuous Improvement and Democratic Services Manager
Period between decision and the start of procurement process (including time for preparation for procurement)	Minimum 3 months – maximum 6 months. NB different periods may be specified for different cases.	October to March (Minimum October to December)	Relevant HBC department
Procurement period	Unspecified	Start between January and April	Relevant HBC department
Preparation for new service if awarded contract.	Unspecified	Unspecified	Relevant HBC department and support services

3. Process

7. The process we will follow on receipt of an Expression of Interest is as follows:
 - **Expression of Interest received by Continuous Improvement and Democratic Services Manager**
 - a. The CIDSMS validates the EOI by ensuring that it has been submitted by a 'relevant body' and is related to a 'relevant' service, and either:
 - i. Rejects the EOI following consultation with the Leader of the Council and the Chair of relevant Scrutiny Committee; or
 - ii. Notifies relevant body of maximum decision period and timescale for notifications of decision
 - b. CIDSMS notifies Chairs of Cabinet and Overview and Scrutiny, and includes item on Forward Plan for Cabinet decision whether to accept/reject the EOI.
 - **Continuous Improvement and Democratic Services Manager conducts review of EOI**
 - Assessment undertaken against scheme criteria and legality issues
 - Request further information from relevant bodies if appropriate
 - Consultation undertaken with relevant Director and Head of Service responsible for service provision
 - Discussion with relevant body regarding modifying of EOI, if rejection is likely
 - **Cabinet considers report and recommendation of Continuous Improvement and Democratic Services Manager**
 - Cabinet agrees to accept or reject Expression of Interest
 - d. **Procurement process commences (if agreed)**
 - Within a maximum of 6months