

REPORT TO: Cabinet

DATE: 14 April 2011

SUBJECT: Consultation on proposals to introduce a
Community Right to Buy and Community Right to
Challenge

WARDS AFFECTED: All

REPORT OF: Assistant Chief Executive

CONTACT OFFICER: Peter Cowley, Principal Solicitor
(0151 934 2250)
Sue Holden, Head of Corporate Improvement
(0151 934 4722)

EXEMPT/CONFIDENTIAL: No

PURPOSE/SUMMARY:

To advise the Cabinet Member of a consultation by the Department for Communities and Local Government on proposals to introduce a Community Right to Buy and Community Right to Challenge and to set out the draft responses to the consultation paper.

REASON WHY DECISION REQUIRED:

To bring the consultation paper to the attention of the Cabinet Member and Cabinet.

RECOMMENDATION(S):

That the report be noted.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Following the expiry of the "call-in" period for the minutes of the meeting.

ALTERNATIVE OPTIONS:

Not applicable.

IMPLICATIONS:

Budget/Policy Framework: None at this stage

Financial: None at this stage

Legal: None at this stage

Risk Assessment: Not applicable

Asset Management: None at this stage

CONSULTATION UNDERTAKEN/VIEWS

The Interim Head of Corporate Finance & Information Services has been consulted and has no comments on this report. **FD675 /2011**

CORPORATE OBJECTIVE MONITORING:

| <u>Corporate Objective</u> | | <u>Positive Impact</u> | <u>Neutral Impact</u> | <u>Negative Impact</u> |
|----------------------------|---|------------------------|-----------------------|------------------------|
| 1 | Creating a Learning Community | | √ | |
| 2 | Creating Safe Communities | | √ | |
| 3 | Jobs and Prosperity | | √ | |
| 4 | Improving Health and Well-Being | | √ | |
| 5 | Environmental Sustainability | | √ | |
| 6 | Creating Inclusive Communities | | √ | |
| 7 | Improving the Quality of Council Services and Strengthening Local Democracy | | √ | |
| 8 | Children and Young People | | √ | |

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

None under the meaning of the Act

1.0 BACKGROUND

- 1.1 The Department for Communities and Local Government is currently consulting on proposals to introduce a Community Right to Buy alongside the consultation on the Community Right to Challenge.
- 1.2 The consultation runs from 4 February 2011 to 3 May 2011. Following the consultation, the responses will be published on the DCLG's website within three months of the closing date.

2.0 PROCESS FOR RESPONDING TO THE CONSULTATION PAPER

- 2.1 At its meeting on 22nd March 2011, the Overview and Scrutiny Management Board requested an opportunity to comment on the consultation responses. Any comments received by 6th April 2011 will be circulated at the meeting.

3.0 RECOMMENDATION

- 3.1 That the consultation responses be approved for submission.



Community Right to Challenge

Consultation response form

We are seeking your views on the following questions on the Government's proposals to introduce a Community Right to Challenge.¹ **If possible, we would be grateful if you could please respond by email.**

Please email: crtchallenge@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post. Please write to:

Community Right to Challenge Consultation Team
Department for Communities and Local Government
5/A3 Eland House
Bressenden Place
London SW1E 5DU

The deadline for submissions is 5pm on Tuesday 3 May 2011.

(a) About you

(i) Your details

| | |
|---------------------------------------|--------------------------------------|
| Name: | Samantha Tunney |
| Position: | Assistant Chief Executive |
| Name of organisation (if applicable): | Sefton MBC |
| Address: | Bootle Town Hall, Oreil Road, Bootle |
| Email: | sue.holden@sefton.gov.uk |
| Telephone number: | 01519344722 |

¹ DCLG (2011) Proposals to introduce a Community Right to Challenge: Consultation paper. see: www.communities.gov.uk/corporate/publications/consultations

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

(iii) Please tick the *one* box which best describes you or your organisation:

Voluntary sector or charitable organisation

Relevant authority (i.e. district, London borough, county council)

Parish council

Business

Other public body (please state)

Other (please state)

(iv) Do your views or experiences mainly relate to a particular type of geographical location?

City

London

Urban

Suburban

Rural

Other (please comment) Suburban
and
Rural

(vi) Would you be happy for us to contact you again in relation to this consultation?

Yes

No

(b) Consultation questions

Section 2 – Which services should not be subject to challenge?

Q1. Are there specific services that should be exempted from the Community Right to Challenge?

Yes

No

If Yes, why?

Local Authority Services that respond to emergencies such as collapsing buildings, chemical or oil spills and the planning service which provides impartial and consistent advice to the public.

Q2. Are there any general principles that should apply in considering which services should be exempt?

Explanation/comment:

Section 3 - Relevant bodies and relevant authorities

Q3. We are minded to extend the Community Right to Challenge to apply to all Fire and Rescue Authorities. Do you agree?

Yes

No

Explanation/comment:

Under the Fire and Rescue Services Act, firefighters who attend fires and road accidents are required to be employees of the Fire and Rescue Authority under the Fire and Resue Services Act 2004.

Q4. Should the current definition of relevant authority under the Community Right to Challenge be enlarged in future to apply to other bodies carrying out a function of a public nature? If yes, which bodies?

Yes

No

Explanation/comment:

Other public bodies to ensure that those services that can be delivered by employees or voluntary groups are challenged thereby creating a level playing field across the local public sector.

Section 4 - When a relevant authority will consider Expressions of Interest

Q5. Should regulations specify a minimum period during which relevant authorities must consider Expressions of Interest?

Yes

No

Explanation/comment:

This is important to ensure openness and transparency with regard to equity across potential providers. The minimum period needs to take into consideration the commissioning cycles for services and enable local authorities to manage the expressions of interest appropriately.

Q6. If a minimum period is to be specified, what should this be?

Explanation/comment:

Eight weeks

Section 5 - Information to be included in an Expression of Interest

Q7. Do you agree with the proposed information to be included in Expressions of Interest?

Yes

No

Explanation/comment:

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Q8. Is there further information you believe should be provided as part of Expressions of Interest?

Explanation/comment:

We would like to also see in the expression of interest a declaration regarding to any legal proceedings the relevant body may be involved in and / or have been involved in. We would also like to see the addition of a requirement to disclose any " disputes or grievances".

Section 6 - Period for a relevant authority to reach a decision on an Expression of Interest

Q9. Should regulations specify a minimum period during which a relevant authority must reach a decision on an Expression of Interest?

Yes

No

If yes, what should this be?

Eight weeks

Q10. Should regulations specify a maximum period during which a relevant authority must reach a decision on an Expression of Interest?

If yes, what should this be?

Twelve weeks

Section 7 – When an Expression of Interest may be modified or rejected

Q11. Do you agree with the above listed grounds whereby an Expression of Interest may be rejected?

Yes

No

Explanation/comment:

Q12. Are there any other grounds whereby relevant authorities should be able to reject an Expression of Interest?

Explanation/comment:

No

Section 8 – Period between accepting an Expression of Interest and initiating an exercise for the provision of a contract for that service

Q13. Should minimum periods between an Expression of Interest being accepted and a relevant authority initiating a procurement exercise be specified in regulations?

Yes

No

If yes, what should the minimum period be?

The delay in procurement the periods should follow the Alcatel European timeframe and have a minimum of 10 days as per Alcatel and a maximum of 15 days so as not to delay the procurement.

Q14. Should maximum periods between an Expression of Interest being accepted and a relevant authority initiating a procurement exercise be specified in regulations?

Yes

No

If yes, what should the maximum period be?

see above

Section 9 – Support and guidance

Q15. What support would be most helpful?

Explanation/comment:

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Q16. Are there issues on which DCLG should provide guidance in relation to the Community Right to Challenge?

Explanation/comment:

(c) Additional questions

Do you have any other comments you wish to make?

END