

**Report of Chief Officer Public Private Partnerships and Procurement Units**

**Report to Scrutiny Board (Resources and Council Services)**

**Date: 30 September 2013**

**Subject: Community Right to Challenge**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

- 1 Scrutiny Board (Resources and Council Services) considered a proposed approach to community right to challenge expressions of interest at its meeting on 23 July 2012.
- 2 Executive Board approved the council's approach to community right to challenge expressions of interest at its meeting on 17 October 2012.
- 3 The opportunity to further strengthen engagement with third sector organisations is key to the council's approach to the community right to challenge. The council welcomes dialogue with organisations where they feel services can be improved or re-designed to best meet the needs of service users.
- 4 Leeds City Council has received no formal expressions of interest since the community right to challenge came into force in June 2012.

**Recommendations**

- 5 Members are asked to note the contents of this report.

## **1 Purpose of this report**

- 1.1 To report back to Scrutiny Board (Resources and Council Services) on how the community right to challenge processes have been put into place locally.

## **2 Background information**

### **Community right to challenge provisions**

- 2.1 The community right to challenge allows voluntary or community bodies, charities, parish councils and two or more local authority employees to express an interest in running a local authority service. Any authority receiving a challenge must consider it, and if accepted, must run a procurement exercise. The community right to challenge came into force on 27 June 2012.

### **Reports**

- 2.2 On 23 July 2012 a report on the community right to challenge went to Scrutiny Board (Resources and Council Services) outlining the proposed process for decisions on any expressions of interest received by the council. The Board endorsed the proposed approach but recommended that Executive Board take the decision on whether or not to accept an individual expression of interest.
- 2.3 On 17 October 2012 a report on the community right to challenge went to Executive Board. Executive Board resolved that it will make a decision on an expression of interest where the expression has been referred to it by an Executive Board Member who is responsible for the service. In other circumstances, the director of the relevant service area would be the decision maker.

### **Procedures in place**

- 2.4 Information on the community right to challenge is published on the council's website. The information includes contact details, a link to guidance and an expression of interest application form.
- 2.5 Potential interest in the community right to challenge is logged by the Public Private Partnerships and Procurement Units (PPPU & PU) and an update is reported quarterly to Corporate Commissioning Group (CCG).

## **3 Main issues**

- 3.1 Links with third sector representatives regarding the community right to challenge is maintained. A low level of interest in the process is acknowledged and it is noted by the third sector as not generally being the first option for providing the best outcome for Leeds.
- 3.2 Leeds City Council has not received any formal expressions of interest since the community right to challenge came into force. Nationally, recent reports have indicated a similarly low impact of the community right to challenge.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 In compiling this report, and as part of ongoing liaison between PPPU & PU and the third sector, consultation has been undertaken with third sector representatives. No issues have been raised regarding the local implementation.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 An Equality, Diversity, Cohesion and Integration (EDCI) screening was undertaken and published alongside the 17 October 2012 Executive Board report. The identified actions have been completed and in compiling this report we have reviewed the EDCI and confirm that there is no change required to it.

### **4.3 Council policies and City Priorities**

4.3.1 The local processes for community right to challenge support a range of council policies and ambitions for working with the third sector including the Compact for Leeds, recommendations of the Transform Leeds Commission, directorate commissioning strategies, the council's procurement strategy, promotion of civic enterprise, the Leeds Growth Strategy and emerging state of the city report.

### **4.4 Resources and value for money**

4.4.1 There are no resource implications at this time.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 There are no legal, access to information or call in implications.

### **4.6 Risk Management**

4.6.1 Risk assessments have been undertaken at CCG and in Area Support and are considered quarterly at CCG. The risk assessment shows that all identified risks are low and that controls are in place to manage these risks.

## **5 Conclusions**

5.1 The processes have been put into place to inform potential applicants, to manage any expressions of interest and to ensure that engagement with the third sector in relation to service improvement or re-design is a key focus.

5.2 Leeds City Council has received no formal expressions of interest.

## **6 Recommendations**

6.1 Members are asked to note the contents of this report.

## **7 Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.