

## **Southend-on-Sea Borough Council process for making an Expression of Interest under the Community Right to Challenge provisions in the Localism Act 2011 (Part 5, Chapter 2):**

### **Process:**

#### **1. Expressions of Interest should be sent to:**

**Head of Procurement  
Southend-on-Sea Borough Council  
Civic Centre  
Victoria Avenue  
Southend on Sea  
SS2 6ER**

Or via: [procurement@southend.gov.uk](mailto:procurement@southend.gov.uk)

**2. Expressions of interest can only be made during the months of October and November of each year (this is so that they can be considered alongside the Council's annual business planning, procurement and budget processes).**

**3. Only relevant bodies that are deemed eligible by the Localism Act are able to submit an Expressions of Interest. Relevant bodies listed by the act as:**

- i) A voluntary or community body;
- ii) A body of persons or a trust which is established for charitable purposes only;
- iii) A parish council;
- iv) Two or more employees of the relevant authority; or
- v) Any other person or body specified by the Secretary of State by regulations.

#### **4. Expressions of interest will need to include:**

4.1 Where the relevant body proposes to deliver the relevant service as part of a consortium or to use a sub-contractor for delivery of any part of the relevant service. The information in paragraphs 2 and 3 must be given in respect of each member of the consortium and each sub-contractor as appropriate.

4.2 Information about the financial resources of the relevant body submitting the expression of interest.

4.3 Evidence that demonstrates that by the time of any procurement exercise the relevant body submitting the expression of interest will be capable of providing or assisting in providing the relevant service.

4.4 Information identifying the relevant service and the geographical area to which the expression of interest relates.

4.5 Information about the outcomes to be achieved by the relevant body or, where appropriate, the consortium of which it is a part, in providing or assisting in the provision of the relevant service, in particular:

- (a) How the provision or assistance will promote or improve the social, economic or environmental well-being of the relevant authority's area; and
- (b) How it will meet the needs of the users of the relevant service.

4.6 Where the relevant body consists of employees of the relevant authority, details of how that relevant body proposes to engage other employees of the relevant authority who are affected by the expression of interest.

**5. The Council will notify bodies submitting an expression of interest of the decision time-table within 30 days of the closing date of submissions (30 November).**

**6. The Council will consider an Expression of Interest to determine whether it fulfils the criteria outlined in the Act, the related statutory guidance and the Community Right to Challenge Regulations. These are available at:**

- **Localism Act (Part 5, Chapter 2):**  
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- **The Statutory Guidance issued by the Government:**  
[Community Right to Challenge - Statutory Guidance - Communities and neighbourhoods - Department for Communities and Local Government](http://www.communities.gov.uk/communitiesandlocalgovernment/communitiesandneighbourhoods)
- **The Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012 and explanatory memorandum:**  
<http://www.legislation.gov.uk/ukdsi/2012/9780111523872/contents>
- **The Community Right to Challenge (Expressions of Interest and Excluded Services) (England) Regulations 2012 and explanatory memorandum:**  
<http://www.legislation.gov.uk/uksi/2012/1313/made>

**7. Bodies making a submission should note that there are certain grounds on which an Expression of Interest may be rejected by the Council. These are:**

7.1 The expression of interest does not comply with any of the requirements specified in the Act or in regulations.

7.2 The relevant body provides information in the expression of interest which, in the opinion of the relevant authority, is inadequate or inaccurate.

7.3 The relevant authority considers, based on the information in the expression of interest, 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 expression of interest  
is not suitable to provide or assist in providing the relevant service.

7.4 The expression of interest relates to a relevant service where a decision, evidenced in writing, has been taken by the relevant authority to stop providing that service.

7.5 The expression of interest relates to a relevant service -  
(a) provided, in whole or in part, by or on behalf of the relevant authority to persons who are 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 services is, in the opinion of the relevant authority, critical to the well-being of those persons.

7.6 The relevant service is already the subject of a procurement exercise.

7.7 The relevant authority and a third party have entered into negotiations for provision of the service, which negotiations are at least in part conducted in writing.

7.8 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.

7.9 The relevant authority considers that the expression of interest is frivolous or vexatious.

7.10 The relevant authority considers that acceptance of the expression of interest is likely to lead to contravention of an enactment or other rule of law or a breach of statutory duty.

- 8. Bodies who make an expression of interest will be notified of the decision of the Council and the process and timetable for any subsequent procurement exercise or, if an expression of interest has not been accepted, the reasons why.**