

Wandsworth Borough Council
Community Right to Challenge

GUIDANCE ON SUBMITTING AN EXPRESSION OF INTEREST

Guidance for Relevant Bodies

1. General information

The Expression of Interest form has been prepared by Wandsworth Borough Council ('the Council') for the purpose of providing an application procedure for relevant bodies to submit expressions of interest in delivering relevant services on behalf of the Council as defined within Chapter 2 of the Localism Act 2011 - Community Right to Challenge (the Act).

For the purposes of the Act, **Relevant Bodies** are defined as:

- a) A voluntary or community body;
- b) A body of persons or a trust which is established for charitable purposes only;
- c) A parish council;
- d) In relation to a council, two or more employees of that authority, or;
- e) Such other person or body as may be specified by the Secretary of State by regulations.

"Voluntary body" means a body, other than a public or local authority, the activities of which are not carried out for profit.

"Community body" means a body, other than a public or local authority, that carries on activities primarily for the benefit of the community.

The fact that a body's activities generate a cash surplus does not prevent it from being a voluntary body for the purposes of the Expression of Interest so long as that surplus is used for the purposes of those activities or invested in the community.

"Relevant Services" means a service provided by or on behalf of Wandsworth Borough Council in the exercise of its functions.

2. Procedure for submitting an Expression of Interest

Wandsworth Council has welcomed the community right to challenge as another way in which the council can seek out best value for residents and provide the best services possible. The council therefore plans to accept expressions of interest from the groups listed above at any time.

The council is keen to hear your ideas about how to improve services, and would encourage you to discuss your proposals with us before submitting a formal expression of interest. You can submit any ideas or suggestions you have for improving services to the council at any time by emailing procurement@wandsworth.gov.uk.

Expressions of interest must be submitted on the Expression of Interest form provided on the Council's website. The completed form can be submitted at any time by email to procurement@wandsworth.gov.uk.

The Council will consider each Expression of Interest as detailed within the following indicative timetable. This timetable in relation to the procurement element is subject to change dependent on the size and scope of the procurement and the procurement procedure being used.

Action	Indicative Timetable
1. Expression of Interest form received and acknowledged	Acknowledgement to be sent within 5 working days
2. Report prepared on Expression of Interest and recommendations drafted for consideration by council's Procurement Advisory Group	Consideration by the PAG within 1 – 3 months from receipt of Expression of Interest form
3. Decision on whether to accept or reject expression of interest by Executive, following consideration by the relevant overview and scrutiny committee.	3 – 6 months or as soon as practicable thereafter.
4. Communication of outcome of Expression of Interest	Within 10 working days of decision of outcome.
5. If Expression of Interest accepted, commence procurement process	Up to 12 months from receipt of Expression of Interest form

3. Consideration of an Expression of Interest

After your expression of interest has been submitted, it will be considered by a panel of council officers who will make a recommendation to accept, reject or accept it with modifications. If the proposal is to accept your expression of interest with modifications you will be consulted and asked for your agreement to modify the expression of interest.

The final decision on whether to accept or reject your expression of interest will be made by the council's Executive within 6 months of your submission. You will be notified of the outcome within 10 working days of the council's decision.

The Council may reject an expression of interest on one or more of the grounds set out by the Secretary of State:

1. The expression of interest does not comply with any of the requirements specified in the Act or in the Regulations.
2. The relevant body provides information in the expression of interest which in the opinion of the Council, is in a material particular inadequate or inaccurate.
3. The Council considers, based on the information in the expression of interest, that the relevant body or, where applicable;
 - any member of the consortium of which it is a part, or
 - any sub-contractor referred to in the expression of interest is not suitable to provide or assist in providing the relevant service.
4. The expression of interest relates to a relevant service where a decision, evidenced in writing, has been taken by the Council to stop providing that service.
5. The expression of interest relates to a relevant service:
 - provided, in whole or in part, by or on behalf of the Council 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
 - the continued integration of such services is, in the opinion of the Council, critical to the well-being of those persons.
6. The relevant service is already the subject of a procurement exercise.
7. The Council and a third party have entered into negotiations for provision of the service, which negotiations are at least in part conducted in writing.

8. The Council 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.
9. The Council considers that the expression of interest is frivolous or vexatious.
10. The Council 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.

4. Guide to completing the Expression of Interest form

Please complete all sections of the form fully and provide any the necessary supplementary information.

The form and any supporting information and / or documents submitted in support of the Expression of Interest must relate to the Relevant Body only and shall be in English.

Please be aware that the Council can only evaluate and make decisions based on the information you supply within the Expression of Interest form. It is the relevant body's responsibility to provide all the information requested in a clear, concise and logical manner and at the appropriate points within the document.

5. Questions about the form

Any questions about the Expression of Interest form should be submitted by email to procurement@wandsworth.gov.uk.

6. More information on the community right to challenge

You can find more information on the community right to challenge by following the links below:

Localism Act 2011:

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

Community Right to Challenge - Statutory Guidance:

<http://www.communities.gov.uk/publications/communities/righttochallenge/guide>

Plain English guide to the Localism Act:

<http://www.communities.gov.uk/publications/localgovernment/localism/plainenglishupdate>

7. More information on the Council's current contracts

The council publishes all current contracts on its [contracts register](#).

8. Freedom of Information

The Council is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and any related subordinate legislation and guidance. Relevant bodies are required to specify (with reasons) those aspects (if any) of their expression of interest which they regard as falling within any of the exemptions from disclosure specified under the Act/Regulations including (without limitation) information provided in confidence; and state which provisions of the Act/Regulations apply to the information identified in accordance with the bullet point above. The Council, however, shall be responsible for determining, at its absolute discretion, whether such exemption(s) should apply.