

LOCALISM ACT 2011

EXPLANATORY NOTES

COMMENTARY

Part 5: Community Empowerment

Chapter 2: Community Right to Challenge

Section 81: Duty to consider expression of interest

219. **Section 81** requires a relevant authority, defined as including a county council, a district council or a London borough council, to consider an expression of interest submitted by a voluntary or community body, charity, parish council, or employees of the authority in relation to providing or assisting in providing a service provided by or on behalf of the local authority. This section also defines terms used in the rest of this Chapter. The Secretary of State may specify what an expression of interest should contain and which services may be excluded from the Right. The Secretary of State may specify other persons as relevant authorities or relevant bodies and make changes to defined terms and other amendments to Chapter 2 as a consequence.

Section 82: Timing of expressions of interest

220. **Section 82** enables a relevant authority to set out periods when an expression of interest may be submitted. Any such period must be published. Where no period is specified, an expression of interest may be submitted at any time.

Sections 83 and 84: Consideration of expressions of interest

221. **Sections 83 and 84** require a relevant authority that has received an expression of interest to consider it and respond by either accepting it, with or without modification, and running a procurement exercise for the service; or rejecting it on grounds specified by the Secretary of State. Any modification can only be made where the expression of interest would otherwise be rejected and must be agreed by the body submitting it. An authority must notify the body that submitted an expression of interest of their decision, including the reasons where it decides to reject or modify, and publish the notification. The relevant authority must specify minimum and maximum periods between an expression of interest being accepted and it starting a procurement exercise; and the maximum period between an expression of interest being accepted and the relevant body being notified of the decision. The relevant authority must consider how both the expression of interest and the procurement exercise might promote or improve the social, economic or environmental well-being of the authority's area. An expression of interest can be withdrawn by the submitting body at any time.

Section 85: Supplementary

222. **Section 85** allows the Secretary of State to make further provision in regulations about the process to be followed by a relevant authority receiving an expression of interest.

*These notes refer to the Localism Act 2011 (c.20)
which received Royal Assent on 15 November 2011*

A relevant authority exercising functions in relation to Chapter 2 must also have regard to any guidance issued by the Secretary of State.

Section 86: Provision of advice and assistance

223. **Section 86** authorises the Secretary of State to provide advice and assistance in relation to the community right to challenge, either directly or through others. This could include financial assistance to a relevant body, such as a grant or loan, or education and training.