



Swale
BOROUGH COUNCIL

Local First

A Local Prospectus of Services





Foreword – Our Commitment to Localism

Central government is committed to passing new powers and freedoms to local councils. We in Swale believe that power should be exercised at the lowest practical level – close to the people who are affected by decisions, rather than distant from them. Local councils can do their job best when they have genuine freedom to respond to what local people want, not what they are told to do by central government. In challenging financial times, this freedom is more important than ever, enabling local authorities to innovate and deliver better value for taxpayers' money.

For too long, central government has hoarded and concentrated power. Trying to improve people's lives by imposing decisions, setting targets and demanding inspections from Whitehall simply does not work very well: it creates bureaucracy; it leaves little room for adaptation to reflect local circumstances or innovation to deliver services more effectively and at lower cost; and it leaves people feeling 'done to' and imposed upon – the very opposite of the sense of participation and involvement on which a healthy democracy thrives.

We think that the best means of strengthening society is not for central government to try to seize all the power and responsibility for itself. We want to see a huge shift in power – not just from Whitehall to local councils, but from local councils to communities and individuals. This will help local people and their locally elected representatives to achieve their own ambitions for their communities. This is the essence of the Big Society.

We want to help
you achieve your
own ambitions

This prospectus is one way of making the Big Society happen in Swale. We want to encourage people to think local first, with more localised decision-making and more local people having a say in how services are commissioned. But we also know that our aspirations for the future will not happen overnight – there will be challenges both for the council in managing what will be a significant programme of change, and for local communities in preparing to take on these roles. The active involvement of our many town and parish councils and hundreds of community and voluntary sector organisations will be essential.

For these reasons we do not anticipate a 'big bang' approach, covering all services in all communities in the Borough – rather, we expect to evolve and mature our approach over time, regularly issuing a fresh prospectus that learns from and builds upon the successes, and no doubt some failures, of previous years. The mistake would be not to forge ahead because we are wary of such failures and the attention they may bring. In our view this would be wrong – we want to show leadership on this agenda, building on our already strong foundations, and working hand in hand with our communities to forge a better future for all.

Councillor Andrew Bowles
Leader of the Council



Our policy position

We have a long and successful history of working closely with local town and parish councils and community and voluntary sector groups, including for example:

- ✓ Local Engagement Forums
- ✓ Devolved budgets to members
- ✓ Community asset transfers
- ✓ A Rural Forum
- ✓ Cooperatives for local markets
- ✓ Sports Trusts
- ✓ Trusts to run community halls
- ✓ Local sports clubs
- ✓ Friends of Parks
- ✓ Friends of Beaches
- ✓ Allotment Management Associations
- ✓ Swale In Bloom Groups
- ✓ Tourism Associations

The Localism Act 2011 enables local authorities to devolve powers previously exercised by the various tiers of local government to communities, making it easier for local people to take over amenities they value and keep them part of local life to achieve their ambitions.

As a result, we want to work with town and parish councils, social enterprises, volunteers, and community groups who are full of bright ideas for improving local services.

Specifically, we aim to:

- make it easier for local people to take over the amenities they value, and keep them part of local life;
- ensure that social enterprises, volunteers, and community groups with a bright idea for improving local services get a chance to change how things are done; and
- give people a new way to voice their opinions on any local issue close to their heart.

We therefore welcome any interest from such groups in the services contained within this prospectus. These are set out below as the Swale Borough Council (SBC) Offer.

Of course, under the legislation, we are open to challenge on the delivery of any SBC services and we will respond appropriately to all Expressions of Interest that are received. However, we are clear that this initial list of service areas are the areas where the most progress can be made quickly.

Over time we plan to do regular updates to this Prospectus, expanding the list of services included in the SBC Offer as both we and community groups and town and parish councils build their capacity and capabilities to take on greater responsibilities and risks.

It is really important to understand that the Community Right to Challenge in the Localism Act, which this Prospectus is built upon, is specifically only the power to submit an Expression of Interest to trigger a procurement process, relating to the provision of relevant authority services on the authority's behalf, rather than to immediately bid to take over the service.

This means that it is a right for civil society organisations to *challenge* the provision of services by local authorities, but does not confer on a successful challenger the right to deliver those services.

Where an Expression of Interest is accepted, this will trigger a formal procurement exercise (see www.swale.gov.uk/council-procurement) in line with statutory duties (such as EU requirements) and our own Contract Standing Orders.

Queenborough Harbour: the mooring service was transferred to the Queenborough Harbour Trust who have been running it since April 2012.

The Swale Borough Council Offer – priority services areas

We welcome Expressions of Interest from not-for-profit voluntary or community bodies, charitable organisations, parishes and town councils, social enterprises and public sector mutuals (consisting of two or more employees of a local authority) wishing to take on the responsibility for providing local public services which have traditionally been provided by Swale Borough Council.

This is the initial list of the SBC services where we would welcome expressions of interest in taking over the running of the service.

- ✓ Allotments
- ✓ Cemeteries
- ✓ Community Halls
- ✓ Community Woodland
- ✓ Country Sites
- ✓ General Open Space
- ✓ Heritage Buildings
- ✓ Play Areas
- ✓ Sports Pitches
- ✓ Urban Parks

We remain open to all Expressions of Interest and recognise that such groups have the right to challenge on the delivery of any SBC services.

How to get involved

Any not-for-profit voluntary or community bodies, charitable organisations, parish and town councils, social enterprises and public sector mutuals are welcome to submit an Expression of Interest.



Swale Borough Council will be clear about any restrictions on time periods for bids, for example where a service is already under contractual or partnership arrangements. In these cases, the time period would be set for when that arrangement was due for review. Details of any restrictions on time periods will be set out clearly on our website at www.swale.gov.uk/council-procurement



In order to be valid an Expression of Interest needs to include the following information:

- ✓ details of the relevant body submitting it;
- ✓ details of the relevant body's⁺ financial resources;
- ✓ evidence of how the body meets the definition of a relevant body*;
- ✓ evidence that the relevant body⁺ will be capable of providing or assisting in providing the relevant service(s) by the time of any procurement exercise;

- ✓ details of the outcomes to be achieved by the relevant body⁺ in providing the service(s) including how it will offer social, economic or environmental benefits to the area and how it will meet the needs of users of the service(s); and
- ✓ details of how the relevant body⁺ proposes to engage other employees of SBC, where the relevant body⁺ consists of employees of SBC

A template for Expressions of Interest is available on our website at www.swale.gov.uk/council-procurement

Expressions of Interest should be sent to:

Head of Commissioning and Customer Contact,
Swale Borough Council, Swale House, East Street,
Sittingbourne, Kent ME10 3HT.

The process

Expressions of Interest that are received will be responded to within 30 working days. Where we receive all the information necessary for a decision, we will inform you of our decision. Where information is missing or unclear, we will contact you to request that information.

Acceptance of an Expression of Interest triggers a procurement exercise which is appropriate to the value and nature of the contract that may be awarded as a result of the exercise – it does not result in the simple handing over of a service.

We are also open to exploratory discussions prior to the Expression of Interest stage.

⁺ plus details of each member of any consortium and any subcontractor likely to be involved in the delivery of any part of the service(s)

* as set out in section 81(6) of the Localism Act 2011

Whatever our decision there will be a right of appeal via our normal complaints process in the way that suits you best:

- ✓ online at www.swale.gov.uk/doitonline
- ✓ by email to csc@swale.gov.uk
- ✓ by phone (01795) 417850
- ✓ in person at any of our offices
- ✓ by letter to **Customer Service Centre**, Swale House, East Street, Sittingbourne, Kent ME10 3HT.

In the interests of openness and transparency, and as an opportunity for all groups to learn and mature their approach, we will publish all decisions on our website at www.swale.gov.uk/council-procurement and produce an annual report on all Right to Challenge activity.

Factors for success

It is not in anyone's interest, least of all the Council's to devolve services to groups that are not fully ready to take them on and deliver them over the longer term, as the likelihood is that the group may fold and the Council may incur further costs in running a further procurement exercise or bringing the service back in house.

Therefore, in order to be successful in making a bid, interested groups will want to demonstrate that they are well placed to deliver the service(s) in question. Although it is entirely optional whether or not a group chooses to provide further detail at the Expression of Interest stage, we will be looking for reassurances in a number of areas before devolving services:

- ✓ the benefits of the relevant body's (or consortium's) proposal, i.e. why the alternative approach should be considered;
- ✓ suitable governance arrangements are in place, e.g. the body is properly constituted;

- ✓ effective consultation mechanisms are in place (or could be put in place) with the community that will receive the service(s);
- ✓ access to expertise in managing and delivering the relevant service(s);
- ✓ access to finance to cover all risks associated with the relevant service(s);
- ✓ ability to meet the statutory Best Value duty;
- ✓ ability to demonstrate value for money;
- ✓ good and sustainable human resources, financial, performance, project and risk management arrangements are in place (or could be put in place);
- ✓ ability to comply with equality legislation, i.e. the public sector equality duty;
- ✓ support from the local community;
- ✓ ability to develop a sustainable business plan and financial forecast for the relevant service(s);
- ✓ ability to provide high quality service(s); and
- ✓ a desire to work with a diverse range of organisations.



This is not intended to be an exhaustive list. In particular, there may be specific expectations and requirements for each service under challenge and these will be set out as part of any procurement exercise. We fully recognise that it is not always easy to demonstrate compliance with all these criteria, especially for groups looking to take on a service for the first time. That is why we are putting support arrangements in place to help any interested groups in preparing to submit an Expression of Interest.

In times of austerity this support is unlikely to be in the form of direct financial assistance. Instead we will:

- ✓ develop templates, checklists and toolkits for potential bidders to use;
- ✓ signpost to specific advice and guidance e.g. through national groups and studies on making successful Community Right to Challenge Expressions of Interest;
- ✓ offer training for interested groups in what it takes to make a successful Expression of Interest;
- ✓ circulate successful and exemplar Expressions of Interest;
- ✓ offer training for community groups on how to navigate procurement exercises (NB this will be generic training and not specific to any particular procurement exercise);
- ✓ signpost to potential sources of funding, professional expertise, consultation resources etc;
- ✓ offer advice and guidance on the requirements relating to being a 'properly constituted body';
- ✓ provide links to appropriate service information and customer feedback to help inform future delivery plans; and
- ✓ assist with networking opportunities with similar groups locally and nationally.

In addition, we will fully consider and respond to requests for the likes of:

- ✓ guidance and signposting to relevant procurement procedures;
- ✓ provision of free pre-application advice, guidance and training, for example, on how to develop a sustainable business plan;
- ✓ feedback on 'draft' Expressions of Interest on what further detail may be needed;
- ✓ feedback on 'draft' Expressions of Interest on what would be likely to happen were it submitted;
- ✓ allocating some staff time to the relevant body on a 'placement' basis to help develop capacity and capability, for example, one day a week for a limited period;
- ✓ meeting with groups to share general information relating to the service which might help inform the submission of an Expression of Interest;
- ✓ secondment of staff on a more full time basis, to help develop capacity and capability, for a fixed period of time;
- ✓ links to established groups and trusts who may be able to demonstrate their own proven approach; and
- ✓ links to regional and national bodies relevant to the Expression of Interest.



For further information or to make a submission
visit our website at

www.swale.gov.uk/council-procurement

Expressions of Interest should be sent to:

Head of Commissioning and Customer Contact
Swale Borough Council, Swale House, East Street
Sittingbourne, Kent ME10 3HT

Copies of this Swale Borough Council document
are available on the Council website

www.swale.gov.uk If you would like further hard
copies or alternative versions (i.e. large print,
audio, different language) we will do our best to
accommodate your request please contact the
Council at:

Swale Borough Council
Swale House, East Street
Sittingbourne
Kent, ME10 3HT

Customer Service Centre 01795 417850

