

Appendix A

Policy for the transfer of assets for Community Use

September 2012

Policy for the transfer of assets for Community Use

Key Principles

A1 Public assets owned by the Council are one of its major strengths. However, the council must balance the requirement to dispose of surplus or under utilised assets to provide funding to support the capital programme with the need to regenerate local communities and encourage social enterprise through the alternative use of its buildings and land assets.

A2 The Council recognises the opportunities offered by community management of assets. It also recognises there are risks to be considered as part of the process, not least the possible loss or reduction in capital receipts which could be realised should properties not be sold on the open market. It must also ensure schemes are properly scrutinised to ensure commercial viability, that there is local ongoing support, and the organisation proposing to run the project is properly constituted and has sufficient competent people willing and available to ensure its effective and sustained operation. As part of any assessment or interest received in a Council asset the identification of any alternative community/public facilities will form part of the process where premises could be deemed suitable to provide a solution to their interest and/or ensure there are no conflicts with existing Council facilities by the proposed end use for example the additional provision or creation of a community centre when the area already is over provided.

A3 Public assets managed by the community should be open and accessible to all. They should meet the Council's standards in respect of equality and diversity and have direct community involvement.

A4 It is accepted that different methods of transfer may be appropriate depending on individual circumstances. These can range between short-term leases, long-term leases, and freehold transfer. Generally, a long-term lease will be considered most appropriate to allow the Council to retain some control and assist in monitoring the success of the proposed venture, but where the transfer of a freehold is considered appropriate, covenants protecting the Council's interests will be need to be secured in the transfer documentation such transfer will be considered on a case by case basis.

A5 Service level agreements may be necessary in some instances where the Council wishes to ensure and safeguard the future provision of community facilities and council services. These will be particularly important in circumstances where, for instance, community centres are considered for transfer to community organisations. Assets can be transferred to allow direct community provision and access to alternative sources of funding, but based on an agreement to provide a certain level of continued community provision.

A6 In most cases the council's power of disposal is contained in Sec 123 of the Local Government Act 1972, which provides that the consideration secured should not be less than the best that can reasonably be obtained. Some

concession to that principle is contained in the Local Government Act 1972 General Disposal Consent 2003, which provides discretion to dispose of property at less than best consideration, subject to Member approval. In preparing its Business Case the community organisation should formulate a financial offer for the property which reflects the inherent affordability of its proposals, and the council will take this into consideration in evaluating the submission.

How it will Work

A7 The Corporate Asset Management Group will consider the potential future use of the asset or site and will determine whether the building should be made available for possible transfer. This will include assessing local needs within the area, the type of activity or use that a building or site might be suitable for and then to make a clear recommendation as regards disposal / sale or availability for potential transfer making reference to the capital programme wider corporate objectives, community benefit and enable as a stimulator of community/social enterprise.

A8 Property asset categories that are appropriate for community asset transfer include (but are not limited to):-

- Community centres
- Youth Clubs
- Children's playgrounds
- Visitors / tourist attractions
- Public toilets
- Street lighting
- Former civic buildings
- Former schools

A9 There are three key factors to be considered within the criteria:

- Benefits to the local community by transferring the asset to well organized and supported groups and assessed against the potential loss or reduction of a capital receipt through not disposing on the open market.
- Benefits to the local economy through the development and support for community/social enterprise initiatives.
- Ability of the voluntary or community organisation to sustain the use of the asset over a leased period (assuming the means of transfer is by way of a lease).

A10 Therefore, the Community Asset Transfer Policy would require proposals to meet the following, before being considered against alternative disposal options:

Key Criteria for the Applicant Organisation

A11 The CAT applicant must:-

- a. Be community-led, i.e. its governance arrangements must ensure that it has strong links with the local community and that members of the community are able to influence its operation and decision-making processes.
- b. Be a voluntary third sector organisation – that is, a legal entity that:-
 - Is non-governmental (i.e. not part of the statutory sector)
 - Exists for community / social / environmental benefit
 - Has community benefit objectives (e.g. a Community Interest Company)
 - Is non-profit distributing (i.e. must re-invest any surplus funds to further its social aims and community benefits)
- c. Be appropriately constituted (e.g. a registered charity; a community interest company; a charitable incorporated organisation; a not-for-profit company; a co-operative). Such constitution allows the ownership and management of buildings and / or the provision of services.
- d. Demonstrate good governance by operating through open and account-able cooperative processes, with adequate systems for monitoring, evaluation, and financial management.
- e. Demonstrate it has the skills and capacity within, or available to, its managing body to effectively manage the property asset and deliver its services.
- f. Demonstrate a policy of diversity and also work to improve community cohesion and reduce inequalities (including Health & Safety issues).
- g. Be engaged in economic, environmental or social activity or provide a service of community benefit that aligns with the Council's core priorities.
- h. Demonstrate management experience and / or expertise.
- i. Have a proven track record (e.g. accounting records).

A12 Under the second key factor, the County Council would need to analyse the risks carefully to ensure that proposed organisations and future community management of the assets are appropriate, and sustainable, in the long term.

A13 As it is likely that many of the community and voluntary groups, applying to the council for the transfer of assets, would have limited financial history, or facilities management experience, it is important that a robust business case is put forward in support of any proposal/organisation. The policy, therefore, sets out the following requirements that need to be addressed in the Business Case by organisations for them to be able to be considered 'fit for purpose' to lease council assets:

- Financial viability of the transfer – the organisation would need to show at least a five year cash flow and budget forecast including proposed funding and other sources of income that demonstrated that the project is sustainable, and that the asset would be maintained adequately and a financial offer.
- Experience of, and/or commitment to, partnership working – demonstrating that the asset would be put to a variety of uses to benefit the community.
- The organisation and key individuals, managing the asset and associated project, have appropriate skills, knowledge and expertise to sustain the project in the long term.
- Clearly defined structures, roles and responsibilities within the organisation appropriate to deliver the project, whether voluntary and/or paid. It is recommended that a council representative be included in any management committees associated with the assets.
- Clarity of decision making processes – adequate constitution, governance arrangements and management controls, are in place.
- Clarity of aims and objectives, and that these meet the key Community Strategy objectives.
- All legislation and regulatory controls are in place – meeting equality standards, child protection, health and safety and licensing requirements.
- The project has the support of the local community – can demonstrate local need, community support through consultation, and that the project is not aligned only with a single interest group.
- Monitoring and evaluation processes are in place to demonstrate the successful delivery of objectives and targets over the life of the project.

Process for Assessing Proposals

A14 The property asset transfer process can be driven externally when a third sector organisation approaches the Council directly with a CAT proposal or the process can be driven internally. Directors and their Heads of Service or the ? should consider if property assets within their area of responsibility contain buildings or land parcels that can be managed more sustainably by local voluntary organisations to the benefit of both the community and the Council.

Submitting and Reviewing a CAT Application

A15 If a CAT possibility is noted by a Director or Head of Service they should notify the Assets and Valuation Team so it can investigate and evaluate the opportunity.

A16 Alternatively, an external proposal or expression of interest from a third sector organisation should be supported initially by a written proposal or outline business case.

A17 An asset transfer proposal or Outline Business Case received by the Valuation Team via either of these two methods will be reviewed by:-

- The Assets and Valuation Team (who will prepare an initial market valuation of the property)
- Legal Services (who will investigate the legal title and any restrictions affecting the asset)
- Finance
- Regeneration & Development
- The Head of Service in whose portfolio the property asset is located (where applicable)
- The relevant local Member(s)
- Cabinet Member for Environment
- Cabinet Member for Regeneration and Development
- Cabinet Member for the Service Area(s) in question

A18 If the CAT proposal or Outline Business Case is considered viable by the reviewing Cabinet Members and Officers designated above, then the applicant will be advised of the initial support for their proposal and requested to submit a timescale, and inviting the applicant to submit a detailed 5-year Business Case explaining:-

What the Business Case needs to include

A19 In developing a Business Case for consideration by the Council, a CAT applicant needs to clearly identify:-

- a. A proven local need for the project.
- b. Planned outcomes and benefits to result from the property asset transfer.
- c. 5-year plans for revenue and capital funding, plus cost projections for managing and operating the property asset.
- d. Any financial resources that the asset transfer will release or attract.
- e. Financial sustainability and forward planning.

- f. How the CAT applicant will invest in and maintain the property asset, including a specific plan for meeting Health & Safety responsibilities.
- g. A community governance / management structure with the capability to sustain the property asset.
- h. A track record for delivering services and / or managing property.
- i. A plan for how much space is required and its potential usage.
- j. If the CAT applicant requests that the property asset be transferred for an amount equal to or less than its existing use value (either freehold or leasehold), the Business Case must quantify the benefits to the community and Council in order to justify this subsidy.

Risk Assessment and Options Appraisal

A20 Deciding to transfer Council property assets to a local community organisation involves assessing various risks and benefits, including:-

- The benefits generated for the local community, third sector organisation and Council
- The Council's need for capital receipts to invest in future service delivery
- Retention of Council property assets for service delivery
- Loss of any current Council income
- Potential loss-of-opportunity costs for the Council
- Reduced revenue liability of the asset to benefit the Council

Reviewing the Business Case

A21 This completed Business Case will then be reviewed by the Officers and following this review submit a detailed briefing note for consideration and comment by the following Cabinet Members:-

- Cabinet Member for Environment
- Cabinet Member for Regeneration and Development
- Cabinet Member for Finance
- Cabinet Member for the Service Area(s) in question

A22 The review will determine:-

- a. If the applicant has the capacity / skills to take over and manage the asset.
- b. If the applicant can raise the money needed to purchase and / or refurbish the asset.
- c. If the applicant has the ability to manage the asset effectively.

- d. That the property asset will be used in the public interest and not be taken over by a previously unknown minority, and that access to the asset is inclusive.
- e. The reliance by the applicant on volunteers.
- f. If there are any landlord-tenant issues (especially the need or desire to sub-let).
- g. Council support for project development (i.e. resources).

Transferring a Property Asset at Market Value or Below

A23 If the CAT applicant's Business Case is considered viable by the reviewing Officers in their briefing note and the reviewing Members agree, and if the proposed asset transfer will be at its market value, then the transfer will be recommended for acceptance and a report will be prepared and submitted to Cabinet

A24 If there are concerns over the proposed use of the asset, then the CAT applicant's proposal will be held pending clarification and necessary assurances being forwarded by the CAT applicant.

A25 If the CAT applicant's Business Case is considered viable by the reviewing Officers in their briefing note and the reviewing Members agree but the Business Case requires the transfer of an asset at less than market value, or if (following review) the Officers and Members deem it necessary for other reasons a report will be prepared and submitted to Cabinet on the basis of a less than best case (**see A6**).

A26 If the applicants business Case is considered to be wholly unworkable then it shall be rejected. The applicants' right of appeal on whether the decision is fair would be undertaken a Cabinet Member who has not been involved in the initial decision making process and in conjunction with the Director of Environment, who will either reject the appeal or recommend further consideration. Reasons for the decision would be provided to the applicant(s) in writing.

Implementing an Approved CAT Project

A27 If the CAT proposal is approved, the following actions will be taken to begin implementing the project:-

- a. A project officer(s) will be designated by the third sector applicant.
- b. A project officer(s) will be designated by the Council (normally from the Service Area where the property asset is currently located).
- c. The above project officers will develop a schedule / action plan for the project.
- d. The Corporate Asset Management Team will review the schedule / action plan.

A28 The schedule / action plan for implementing the CAT project will depend on various factors (e.g. date of interest, funding cycles, etc.) and will be monitored by the project officers designated as detailed above. Regular updates and changes will be reported to the Corporate Asset Management Group.

A29 Major delays or changes to a project timetable or viability will be referred back to the Corporate Asset Management Group for consideration and an update will be provided to the Cabinet Members as set out in para A21. At the discretion of the Cabinet Members, the property/land under consideration may at any time be with-drawn and the CAT project cancelled.

Completing an External Community Asset Transfer

A30 If the property asset transfer is approved, the Valuation Team will notify all parties and instruct the Head of Legal Services to proceed with officially transferring the property asset(s) (freehold or leasehold) to the third sector organisation whose CAT application was approved.

A31 In all circumstances should a group/body cease to operate for whatever reason mechanisms will be included, as part of any terms for an occupation agreement, whereby the premises will revert back to the Council by way of termination of a lease or be offered back to the Council for a nominal sum in terms of any freehold disposal dependant on the terms of the original sale/transfer.

Expression of Interest Information Pack

Sample - Guidance Notes

Thank you for your request for further information in relation to xxx. The information you need to submit in your expression of interest is set out in the notes below and site specific information about the building or asset you are interested in are enclosed.

Rationale:

Explanation of the rationale behind the decision to declare the asset available for transfer

“These are premises that”

What to include in your Expression of Interest:

After considering the enclosed information, should you wish to express a formal interest in xxx you are requested to provide the following information for consideration by the Council:

- Name and address
- Contact details including telephone and email (if you have one)
- Outline your proposal for the building or asset you are interested in
- Indicate whether you are proposing to lease or purchase the building or asset
- Explain how you intend to finance your proposals
- Declare any existing relationship or commercial interest with Flintshire County Council

And if applicable the following information:

- Provide the name / description of your group or organisation
- Explain how your proposal will provide community benefit
- Outline management structure with summary of relevant experience
- Indicate the length of lease you would require if this is your preferred option

We may need to contact you to discuss your ideas further – this could take the form of a telephone discussion or personal meeting.

At this stage there is no commitment of any kind by the Council or the submitting organisations. The information you provide will be used by the Council to help form an assessment and decision. Where there are competing proposals of equal merit the Council may invite formal offers under a closed tender exercise. In other circumstances it may be appropriate to engage in direct negotiations with a selected operator.

Sample Application Form

Application to manage or operate xxx

You must answer all sections of this questionnaire and all questions that apply to your organisation (with a clear explanation where you are unable to do so).

The questionnaire is divided into three sections.

Section 1:

Focuses on the key elements that any management organisation or business needs to be able to demonstrate.

Section 2:

Asks you to detail how your proposal will help to deliver local priorities - and support well being

Section 3:

Asks for more information about how you will operate xxx. (If you are bidding for more than one centre they you will need to complete just one version of sections 1 and 2 – together with a separate section 3 for each individual centre you are interested in).

Section 4:

Includes some specific formal questions about your organisation

Failure to meet the requirements of one or more of the questions included in this questionnaire will not automatically exclude your proposal but you are expected to explain fully how you will address and satisfy any relevant requirements within a stated timeframe. The Council will select the preferred operator on the basis of the information you provide.

When completing this form “Authority” means Flintshire County Council and “You”/ “Your” means the Community Group, Social Enterprise, Business or Company completing this questionnaire

Please return 2 copies of this questionnaire with supporting documents to:

Valuations and Estates Service

Flintshire County Council

County Offices

Flint

Flintshire

CH6 5BD

To arrive not later than: xx

We will contact you again by xxx

Section 1: Core information

Contact Details	
Name	
Address	
Post code	
Telephone number	
Email	
If acting on behalf of an organisation :	
Full name of the organisation you are completing this questionnaire on behalf of.	
Is your organisation submitting this proposal in its own right or jointly with any other organisation or company? If yes please specify.	
Your position/role in the organisation	
Organisation Details	
What type of organisation are you representing?	<ul style="list-style-type: none">i) a public limited companyii) a company limited by sharesiii) a limited liability partnershipiv) a registered charityv) a company limited by guaranteevi) a community interest companyvii) an unincorporated community organisationviii) other (please specify)

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If you are a company please complete this section

Registered office address	
Company registration number	
VAT registration number	
Name of any intermediate or parent company	

If you are a charity or community organisation please complete this section

Charity number if relevant	
Please provide a short description of your governance arrangements	
Please list all your Trustees or governing board members	

Relationship with Flintshire County Council

Please detail any relationship or dealings you, your company or organisation has with Flintshire County Council, local Councillors or xxx

Are you or is your company or organisation currently providing any services to Flintshire County Council or xxx? If yes please provide a description of the service and the contact details of the manager who deals with this service.

Section 2 Helping to deliver local priorities

In considering proposals from prospective new managers or operators the Council will take into account the extent to which proposals help to deliver the 5 visions expressed in the Flintshire Community Strategy 2009-2019.

Each of the buildings or assets has the potential to deliver a wide range of benefits for the local community and County Council. This section invites you to explain the full range of benefits that your proposal might deliver.

Please provide a short description (200 words) of your vision for how you plan to manage or operate the building or asset

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Please explain how your proposal will support the delivery of one or more of the 5 community visions. Please use a maximum of 200 words for each goal.

Vision 1 (Economic prosperity) : Economic prosperity is fundamental to well-being in Flintshire. We want Flintshire to be a prosperous County where a strong local economy with a sound knowledge and skills base provides the foundation for success.
We want Flintshire to be a County of innovation and excellence that fulfils its potential for economic development and prosperity at the regional, national and international levels. Across the public, private and voluntary sectors, Flintshire

will have a strong reputation for high quality and innovative service delivery and collaborative partnership working. (Community Strategy 2009-2019 pg 10 para 1+2)

Goal 1: Opportunities exist that allow people to fulfil their ambitions within a local and regional economy that provides ease of access to jobs and services. People will have increased income levels and will be able to access better quality, affordable homes in safe neighbourhoods. Our communities will look to the future and protect our environment for future generations.

Vision 2 (Health improvement through everything we do): We want Flintshire to be a County in which people are able to achieve the best possible physical and mental health and well-being. We will achieve this through providing accessible and relevant information, high quality services and opportunities for all individuals to live, work and spend their leisure time in ways that enable and encourage people to look after their own health, and that of others. A healthy Flintshire will mean improved health for all. We need to focus action on people whose choices or circumstances put them at increased risk of poor health. (Community Strategy 2009-2019 pg 28 para 2+3)

Goal 2: Providing opportunities that help support people to make choices that improve quality of life and enable people to live longer particularly for those from disadvantaged backgrounds.

Vision 3 (Learning and skills for life) : Quality learning, cultural and leisure experiences accessible to all have the potential to enhance and change the

quality of life of people in Flintshire. We want Flintshire to be a County in which all people are able to reach their potential throughout their life through access to opportunities where they can learn and develop in line with their needs.

High quality education and training opportunities make a vital contribution to improving the communities of Flintshire. They are a key part of securing social and economic wellbeing. Children and adults learn in many settings, and an environment must be established where individuals, businesses and organisations including the voluntary sector support and promote both informal and formal learning. (Community Strategy 2009-2019 pg 36 para 2+3)

Goal 3: The people of the County have raised aspirations they as individuals can achieve, particularly young people and people from disadvantaged communities. People of all ages are equipped with the right life skills and the qualifications employers need to achieve their ambitions and which enable them to participate.

Vision 4 (Living Sustainably): We want Flintshire and its communities to thrive and prosper in a sustainable way, where an understanding of the impact of how we treat our environment leads us to live within acceptable limits. We will strive to value Flintshire's built and natural environment as assets to be protected, regenerated and enhanced for their own sake, for the sake of our health and well-being, and for the economic and other opportunities that the environment serves to support. (Community Strategy 2009-2019 pg 18 para 2+3)

Goal 4: Communities are at the heart of all we do, where people support and care for the wellbeing of others and the future. A community with a strong sense of what it is capable of achieving and where there are opportunities to get involved, particularly for young people, in shaping the future.

Vision 5 (Safe and Supportive Communities) : We want Flintshire to be a County where people of all ages and from all backgrounds and abilities feel safe, confident, supported and protected from harm, including abuse and neglect.

We want all people to feel that they are a part of a community in which they can actively participate and can both give and receive help and support, where public services in Flintshire work alongside individuals, families, neighbourhood, voluntary and community groups to support vulnerable people and to tackle the problems and challenges which face them. (Community Strategy 2009-2019 pg 45 para 1+4)

The assessment process will consider in detail the benefits offered by different proposals – and take into account financial, social, economic and environmental elements within each of the proposals including its long term prospects for sustainability.

3. The Business Case

Please complete a separate section 3 for each building or asset you are bidding for.

General

Please note that the Council is obliged to obtain value for money on the disposal of its assets. Where your proposal involves the Council receiving less than the market value in monetary terms , it will be necessary to show that the social, economic or environmental benefits to the Council of the proposed offer are equal to or exceed the reduction in market value

Which building or asset are you bidding for?	
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Are you intending to occupy the building or asset by way of a lease or purchase or other arrangement?	
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If you are intending to purchase a building or asset please answer the questions below

What amount are you proposing to pay?	
Is your offer based on any conditions? If yes please list them.	
What evidence can you provide to confirm that you can afford the purchase price?	
If you are intending to lease a building or asset please answer the questions below	
What lease period are you proposing?	
What annual rent are you proposing to pay?	
If you have an alternative arrangement in mind, please outline what you are proposing.	
Financial information	
Please note the Council will not be providing any subsidy for the future running or maintenance of the building or asset	
Do you or does your company or organisation have any audited accounts for the last financial year? If yes please enclose them with this completed questionnaire.	
If you do not have audited accounts please provide information about: <ul style="list-style-type: none"> • Reserves • Trading capital 	

<ul style="list-style-type: none"> • Current operating balances 	
<p>Please provide an outline plan for the financial management of the building or asset. Your plan should be self-sustaining and should be based on the condition that the Council will not provide any funding</p>	<p><i>Please enclose a 3 year cash flow Forecast.</i> Your plan should include details for management of activities and premises. You should also fully explain your plans for income generation.</p>
<p>Community benefit</p>	
<p>Explain how your proposal will maintain and promote wide community use.</p> <p>This should include references to any charging policy and arrangements for community use</p> <p>If you are able to please give details of the financial value of the community benefits that you are proposing</p>	
<p>Management arrangements</p>	
<p>Outline any partnership or collaborative arrangements you have in place or would propose to develop</p>	

<p>Outline the management structure you would adopt to operate xxx</p> <p>This refers to the staffing and operational management of the building or asset itself rather than your organisation's structure</p>	
<p>Provide a summary of relevant experience, if any, you or your organisation has in managing a community building or equivalent business</p>	
<p>What staff would you employ? Please be aware that in some circumstances TUPE legislation may apply to existing staff.</p>	

Section 4: Formal information about your organisation

Important Notice: Grounds for mandatory rejection

In some circumstances the Authority will be required by law to exclude you from participating further in this process. If you cannot answer 'no' to every question in this section it is very unlikely that your application will be accepted, and you should contact us for advice before completing this form.

Please state 'Yes' or 'No' to each question.

<p>Has your organisation or any directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?</p>	<p>Answer</p>
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(a)	conspiracy within the meaning of section 1 of the Criminal Law Act 1977 where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Joint Action 98/733/JHA (as amended);	
(b)	corruption within the meaning of section 1 of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906 (as amended);	
(c)	the offence of bribery;	
(d)	fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning of:	
(i)	the offence of cheating the Revenue;	
(ii)	the offence of conspiracy to defraud;	
(iii)	fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978;	
(iv)	fraudulent trading within the meaning of section 458 of the Companies Act 1985 or section 993 of the Companies Act 2006;	
(v)	defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994;	
(vi)	an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; or	
(vii)	destroying, defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968;	
(e)	money laundering within the meaning of the Money Laundering Regulations 2003 or Money Laundering Regulations 2007; or	
(f)	any other offence within the meaning of Article 45(1) of Directive 2004/18/EC as defined by the national law of any relevant State.	

Grounds for discretionary rejection

Important Notice.

The Authority is entitled to exclude you from consideration if any of the following apply but may decide to allow you to proceed further. If you cannot answer 'no' to every question it is possible that your application might not be accepted. In the event that any of the following do apply, please set out (in a separate Annex) full details of the relevant incident and any remedial action taken subsequently. The information provided will be taken into account by the Authority in considering whether or not you will be able to proceed any further in respect of this procurement exercise.

Please state 'Yes' or 'No' to each question.

Is any of the following true of your organisation?	
(a) <u>being an individual</u> , is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has not made any conveyance or assignment for the benefit of his creditors or appears unable to pay or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state;	
(b) <u>being a partnership constituted under Scots law</u> , has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate; or	
(c) <u>being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002</u> has passed a resolution or is the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is the subject of similar procedures under the law of any other state?	
Has your organisation	
(a) been convicted of a criminal offence relating to the conduct of your business or profession;	
(b) committed an act of grave misconduct in the course of your business or profession;	
(c) failed to fulfil obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which you are established;	

(d) failed to fulfil obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which you are established; or	
e) been guilty of serious misrepresentation in providing any information required of you under Regulation 23 of the Public Contracts Regulations 2006?	

Please provide the names and addresses of 2 individuals who can provide us with a reference on the suitability of your organisation to manage this asset / building

Name

.....

Address.....

...

Name

.....

Address.....

....

I declare that to the best of my knowledge the answers submitted in this questionnaire are correct. I understand that the information will be used in the process to assess my organisation's suitability to operate one or more building or assets and I am signing on behalf of my organisation. I understand that the Contracting Authority may reject this proposal if there is a failure to answer all relevant questions fully or if I provide false/misleading information	
FORM COMPLETED BY	
Name:	
Date:	
Signature:	