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| **Approved Landlord/Agency List for Temporary Housing Accommodation** |
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| **Reference AT1087 Temporary Housing Accommodation** |
|  |
| **Application Form – 2024 Version** |

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| **Approved Landlord/Agency List for Temporary Housing Accommodation** |
| **Reference AT1087 Temporary Housing Accommodation** |
| **Application Form – 2024 Version** |

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| Introduction |

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| Preliminary information |  |
| The Approved Landlord/Agency List | **Luton Borough Council** (**‘Council’**) has established an approved list relating to the provision of residential accommodation to certain individuals to whom the Council has certain duties (**‘Approved Landlord/Agency List’**).  |
| Rules in relating to the operation of the Approved Landlord/Agency List (**‘Rules’**) | As published by the Council from time to time in connection with the Approved Landlord/Agency List. |
| How the Approved Landlord/Agency List is to operate  | * The Council may from time to time do either of the following:
* Introduce a Member Landlord/Agency to certain tenants for the purpose of the Member Landlord/Agency entering into a tenancy agreement with the relevant tenants.
* Enter into leases directly with a Member Landlord/Agency which allow the Council to enter into sub-leases from time to time with relevant tenants who require accommodation.

Each of these is described in the Rules as a ‘**Lease Arrangement’**. * See the Rules of the Approved Landlord/Agency List for further information, particularly in relation to:
* The types of Lease Arrangements which the Council may enter under the Lease Arrangement.
* How Lease Arrangements are to be introduced or entered under the Approved Landlord/Agency List.
 |
| Other documents accompanying this Application Form  | * The current Rules of the Approved Landlord/Agency List.
* The current General Specification.
 |
| Public bodies who are entitled to introduce and/or enter into Lease Arrangements from time to time with Member Landlord/Agencies under the Approved Landlord/Agency List | Only the Council and/or its successor bodies.  |
| Whether there is a maximum number of Applicants who may become Member Landlord/Agencies on the Approved Landlord List  | No maximum. |
| How this Application Procedure is to be conducted  | * As indicated in this Application Form.
* Given there will be no contracts for goods, services or works entered under the Approved Landlord List, no public procurement is required, so it is not necessary for the Council to comply with procurement-related Law in relation to the Application Procedure.
 |
| From when the Council expects the Approved Landlord/Agency List be open for the Council to introduce or enter into Lease Arrangements under the Approved Landlord ListThis is an indicative date only  | 12 January 2024. |
| When the Council will accept further Applications | As indicated in the Rules of the Approved Provider List. |

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| Minimum requirements |

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| Summary of mandatory requirements |  |
| Minimum requirements which the Applicant must meet before the Council can award it a place as a Member Landlord/Agency on the Approved Landlord List The Council **must** reject an Application if the Applicant does not confirm that it meets all of these minimum requirements at the date it submits its Application. |  |
| Minimum insurance requirements | Minimum £5m Landlords’ insurance cover.  |
| Required Accreditations | Only those which the Member Landlord/Agency must hold by Law from time to time to be able to enter any Lease Arrangement under the Approved Landlord/Agency List. |
| Grounds for exclusion | The Council has the right to exclude or reject the Applicant’s Application if any of the grounds for exclusion below have a positive result;* Bankruptcy
* Member of the Sexual Offences Register
* Conviction of Fraud
* Local Authority Conviction for not being a fit and proper Landlord or Agent

If a positive result is confirmed you will need to provide an explanation as to the action that has been taken. If the Local Authority will then decide if they are satisfied or dissatisfied with the explanation.This question applies to the applicant and if the applicant is a company, the question extends to any individual with power of control over the company.  |

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| The Application Procedure |

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| Introduction to the Application Procedure |  |
| How an Applicant becomes a Member Landlord/Agency of the Approved Landlord/Agency List | If all of these apply * The Applicant submits a properly completed Application to the Council (according to the requirements of this Application Form).
* The Council assesses the Applicant’s Application as ‘satisfactory’ on a ‘pass-fail’ basis according to this Application Form.
* The Council does not reject the Applicant’s Application where the Council has a right or obligation to do so according to this Application Form.
 |
| How the Council is to determine whether the Applicant’s submission is ‘satisfactory’ | According to Its professional judgement, subject to the evaluation criteria indicated in this Application Form, and subject to any specific right or obligation the Council has to reject an Application. |

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| Submitting an Application |  |
| General instructions in relation to this Application Form and the submission of an Application | Please see the Application Instructions for details.Any Applicant submitting an Application is deemed to have read and understood this Application Form, including * The Application Instructions and
* Any attachments and schedules accompanying and forming part of this Application Form.
 |
| **Submission and communication:** how the Applicant must * Submit its Application; and
* Communicate with the Council in relation to the Application
 | * Only through the Council’s electronic procurement system.
* The Council will not engage in any communications with any Applicants in any other way, except in relation to any communications regarding technical difficulties with using the Council’s electronic procurement system as permitted in section 14 in the Application Instructions.
 |
| Deadline for the Applicant submitting queries to the Council before the submission deadline This is only relevant for the **first intake** of Applicants, and is not relevant to later intakes according to paragraph 1.9 | N/A |
| **Deadline for submitting the Application**This is only relevant for the **first intake** of Applicants, and is not relevant to later intakes according to paragraph 1.9 | Anytime until 31 October 2033 – Please submit via Message Facility on portal. |
| **Late, incomplete:** rules regarding late or incomplete Applications by the deadline indicated in paragraph 4.4This is only relevant for the **first intake** of Applicants, and is not relevant to later intakes according to paragraph 1.9 | * The Council must not evaluate it within the first intake.
* It must evaluate it at the next opportunity for later intakes according to paragraph 1.9.
 |
| **Changes to the Applicant:** obligation of the Applicant to keep the Council informed of significant changes in its circumstances after its Application is submitted | As indicated in the Application Declaration. |
| **Applicant queries:** what an Applicant is to do if it has queries in relation to this Application Procedure  | See section 19 in the Application Instructions. |
| **Council clarifications:** arrangements if the Council requires any clarification from any Applicant  | See section 20 in the Application Instructions. |

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| Evaluation of Applications |

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| Evaluation procedure, criteria |  |
| How the Council is to evaluate each Application  | On a pass-fail basis according to the Council’s professional judgement and the requirements of this Application Form (e.g. any discretion or obligation on the Council to reject the Application, evaluation criteria in respect of technical questions described in section 11).  |
| Arrangements regarding the Council’s provision of feedback to each Applicant after completion of this Application Procedure | See section 22 in the Application Instructions. |

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| About the Applicant |

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| Applicant details |  |
| Name of the Applicant including any company number or the like  |  |
| Indicate the type of entity of the Applicant i.e. * public limited company
* private limited company
* limited liability partnership
* other partnership
* sole trader
* third sector
* other (please specify the Applicant’s trading status)
 |  |
| If the Applicant is a Consortium, indicate * The name of the current lead member
* The name of each other member

See section 17 in the Application Instructions regarding Consortia |  |
| If the Applicant is a Special Purpose Vehicle, indicate * The name of the current lead shareholder, member or the like
* The name of each other shareholder, member or the like

See section 18 in the Application Instructions regarding Special Purpose Vehicles |  |
| Current address from where the Applicant would administer its membership of the Approved Landlord/Agency List  |  |
| If a charity, indicate charity number |  |
| VAT number if relevant |  |

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| Applicant’s contact details |  |
| Please complete the following in relation to the Applicant’s main contact person for the purpose of this Application Procedure* If the Applicant is a Consortium, indicate this information for the current lead member of the Consortium only
* Applicants must ensure communications from the Council to the relevant e-mail address are regularly checked during the course of this Application Procedure
* Applicants must update the Council in a timely manner if this changes
 |  |
| Name of the contact person |  |
| Role/job title |  |
| Address |  |
| Telephone number (landline and mobile if relevant)  |  |
| E-mail address |  |
| Other contact person if the above person is unavailable |  |

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| Insurance requirements |

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| Insurance requirements |  |
| Indicate with a ‘Y’ or a ‘yes’ to confirm that the Applicant expects to have **the following minimum level in respect of ALL of the following types of insurance cover** in place when it is first admitted as a Member Landlord/Agency of the Approved Landlord/Agency List  |  |
|  |  |
|   |  |
| £5m Landlord insurance Indicate with a ‘Y’ or a ‘yes’ if the Applicant can confirm it will have that insurance by the date indicated in paragraph 1.8 |  |
| If the Applicant does not confirm that it expects to have **the following minimum level in respect of ALL of the following types of insurance cover** in place when it is first admitted as a Member Landlord/Agency of the Approved Landlord/Agency List, indicate whether it has in place any suitable alternative arrangements for the Council’s consideration (e.g. self-insurance arrangements)  |  |
| If the Applicant either* Does not confirm that it will have the relevant insurance cover in place as indicated in paragraph 8.1; or
* Does not have suitable alternative insurance that the Council (acting reasonably) considers satisfactory
 | The Council must reject the Applicant’s Application. |

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| Exclusion  |

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| Exclusion Grounds |  |
| Please answer the following questions in full. The Applicant must answer this section for every organisation that forms part of the Applicant’s group/consortium, as well as every organisation that is being relied on (including subcontractors being relied on) to meet the selection criteria under this Application  | Has the Applicant and/or any person is management or supervisory body been convicted of;* Bankruptcy
* Sexual offender register
* Conviction of Fraud
* LA conviction for not being a fit and proper Landlord/Agent

YES / NO(Please circle relevant response) If a YES response is received you will be disqualified. |
| Grounds for mandatory exclusion |  |
| Within the past five years, anywhere in the world, has the Applicant and/or any person who:* is a member of the supplier’s administrative, management or supervisory body or
* has powers of representation, decision or control in the supplier ,

been convicted of any of the offences within the summary below and listed in full on in the following webpage [Annex\_C\_Exclusion\_Grounds.pdf (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956764/Annex_C_Exclusion_Grounds.pdf)  |  |
| Participation in a criminal organisation |  |
| Corruption |  |
| Terrorist offences or offences linked to terrorist activities |  |
| Money laundering or terrorist financing |  |
| Child labour and other forms of trafficking in human beings |  |
| Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales or Northern Ireland |  |
| Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland |  |
| Bankruptcy |  |
| Member of Sexual Offender Register |  |
| Conviction relating to fraud |  |
| Local Authority conviction for not being a fit and proper Landlord/Agent |  |
| If the Applicant has answered yes to any part of paragraph 9.1, please provide further details, including:* the date of conviction and the jurisdiction,
* which of the grounds listed the conviction was for,
* the reasons for conviction,
* the identity of who has been convicted.

If the relevant documentation is available electronically please provide:* the web address,
* issuing authority,
* precise reference of the documents.
 |  |
| If the Applicant has answered yes to any part of paragraph 9.1, please explain what measures have been taken to demonstrate the Applicant’s reliability despite the existence of relevant grounds for exclusion. (Self cleaning) |  |
| Mandatory and discretionary grounds relating to the payment of taxes and social security contributions |  |
| The detailed grounds for mandatory and discretionary exclusion of a supplier for non-payment of taxes and social security contributions, are set out on this webpage [Annex\_C\_Exclusion\_Grounds.pdf (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956764/Annex_C_Exclusion_Grounds.pdf) and should be referred to before completing these questions. |  |
| Please confirm that the Applicant has met all of its obligations relating to the payment of taxes and social security contributions, both in the country in which the Applicant is established and in the UK.Indicate yes or noIf documentation is available electronically please provide:* the web address,
* issuing authority,
* precise reference of the documents
 |  |
| If the Applicant has answered no to paragraph 9.4, please provide further details including the following:* Country concerned,
* what is the amount concerned
* how the breach was established, i.e. through a judicial or administrative decision or by other means.
* if the breach has been established through a judicial or administrative decision please provide the date of the decision,
* if the breach has been established by other means please specify the means.
 |  |
| Please also confirm whether the Applicant has paid, or has entered into a binding arrangement with a view to paying, the outstanding sum including, where applicable, any accrued interest and/or finesIndicate yes or no |  |
| Further rights of the Council | The Council reserves its right to use our discretion to exclude the Applicant’s Application where it can demonstrate by any appropriate means that the Applicant is in breach of its obligations relating to the payment of taxes or social security contributions. |
| Grounds for Discretionary Exclusion |  |
| The detailed grounds for discretionary exclusion of an organisation are set out on this webpage [Annex\_C\_Exclusion\_Grounds.pdf (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956764/Annex_C_Exclusion_Grounds.pdf) and should be referred to before completing these questions. |  |
| Within the past three years, anywhere in the world, have any of the situations summarised below and listed in full on the webpage [Annex\_C\_Exclusion\_Grounds.pdf (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956764/Annex_C_Exclusion_Grounds.pdf) applied to the Applicant? |  |
| Breach of environmental obligations?To note that environmental law obligations include Health and Safety obligations. See this webpage [Annex\_C\_Exclusion\_Grounds.pdf (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956764/Annex_C_Exclusion_Grounds.pdf) |  |
| Breach of social law obligations? |  |
| Breach of labour law obligations? |  |
| Bankruptcy or subject of insolvency? |  |
| Guilty of grave professional misconduct? |  |
| Distortion of competition? |  |
| Conflict of interest? |  |
| Been involved in the preparation of the procurement procedure? |  |
| Prior performance issues? |  |
| The Applicant has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria. |  |
| The Applicant has withheld such information. |  |
| The Applicant is not able, without delay, to submit documents if/when required. |  |
| The Applicant has undertaken to unduly influence the decision-making process of the contracting authority to obtain confidential information that may confer upon the Applicant undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions relating to the Approved Landlord List |  |
| Please complete this question * If the Applicant is a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015
* If the Applicant carries on its business, or part of its business in the UK, supplying goods or services and the Applicant has an annual turnover of at least £36 million.
 |  |
| Confirm that the Applicant has published a statement as required by Section 54 of the Modern Slavery Act. |  |
| Confirm that the statement described in paragraph (a) complies with the requirements of Section 54 and any guidance issued under Section 54.  |  |
| If the Applicant’s latest published statement is available electronically | Please provide:* the web address,
* precise reference of the documents.
 |
| If the Applicant has answered YES to any of the questions in paragraph 9.8 or NO in paragraph 9.9, please explain what measures have been taken to demonstrate the Applicant’s reliability despite the existence of a relevant ground for exclusion. (Self cleaning) |  |

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| Certain events etc. in relation to the Applicant |  |
| Contract termination, claims |  |
| Please indicate whether any of the following has occurred in relation to the Applicant and/or any of its EEA-based Affiliates at any time since **1st November 2018** in relation to any contract the Applicant and/or its EEA-based Affiliate has had as a landlord or equivalent * Whether or not the goods, services or works are similar to those to which the Approved Landlord/Agency List relates
* Attach further pages if there is insufficient space
 |  |
| **Contract termination:** the relevant contract was terminated by the relevant tenant due to a default by the Applicant and/or its EEA-based AffiliateAnswer yes or no, and if yes, please give brief details of* The circumstances resulting in the termination
* Steps which the Applicant and/or the Affiliate has subsequently taken to address the issue
 |  |
| **Claims for compensation:** the other party to a contract claimed compensation for breach of contract by the Applicant and/or its EEA-based Affiliate, regardless of whether the claim was successfulAnswer yes or no, and if yes, please give brief details of * The circumstances leading to the claim
* The outcome of the claim
* Steps which the Applicant and/or the Affiliate has subsequently taken to address the issue if the claim were successful
 |  |
| Instructions in answering the questions in paragraph 10.1 and paragraph 10.2 |  |
| If the Applicant has any UK based Affiliates | Please also indicate whether any such termination or claim applies to any EEA-based Affiliate of the Applicant |
| If the Applicant is a Consortium | Please also indicate whether any such termination or claim applies to any Consortium member and/or to any of its respective EEA-based Affiliates.  |
| If the Applicant is a Special Purpose Vehicle | Please also indicate whether any such termination or claim applies to any shareholder, member or the like of the Special Purpose Vehicle and/or to any of its respective EEA-based Affiliates.  |
| Consequences if the Applicant’s response to questions in paragraph 10.1 and paragraph 10.2 indicates (in the Council’s professional judgement)* Serious issues of contract default; and
* The Applicant (or other relevant person) has not taken appropriate steps to address the issue
 | The Council may reject the Applicant’s Application. |
| Health and safety |  |
| Indicate whether any one or more of the following applies to the Applicant and/or any EEA-based Affiliate at any time since **1st November 2018** |  |
| Any convictions for breach of the law relating to health and safety against the Applicant and/or any of its Affiliates within an EEA country (maximum: 500 words per event or circumstance; please attach further pages if insufficient space) |  |
| Any complaint issued by any person to the Health and Safety Executive (or equivalent bodies in other EEA countries) for health and safety issues involving the Applicant and/or any of its Affiliates within an EEA country (maximum: 500 words per event or circumstance; please attach further pages if insufficient space)  |  |
| Any investigation carried out by the Health and Safety Executive (or equivalent bodies in other EEA countries) for health and safety issues involving the Applicant against the Applicant or its Affiliate where the Health and Safety Executive (or equivalent body in another EEA country) suspects wrong-doing (i.e. not a routine investigation) (maximum: 500 words per event or circumstance; please attach further pages if insufficient space) |  |
| If any of the above applies to the Applicant and/or its EEA-based Affiliate, indicate steps which the Applicant and/or the Affiliate has taken to remedy the matter(maximum: 500 words) |  |
| Instructions in answering the questions in paragraph 10.5 if the Applicant **is a Consortium** | The Applicant must answer those questions **in respect of each Consortium member** and their respective EEA-based Affiliates**.**  |
| Instructions in answering the questions in paragraph 10.5 if the Applicant **is a Special Purpose Vehicle** | The Applicant must answer those questions **in respect of each shareholder, member or the like** and their respective EEA-based Affiliates**.** |
| How the Council will evaluate the Applicant’s response to the questions in paragraph 10.5  | An Applicant’s Application may be rejected if the Applicant’s response gives the Council’s evaluation team (exercising its professional judgement) insufficient grounds to believe the Applicant would supply services under this Approved Landlord/Agency List in compliance with UK health and safety law. |
| Equalities |  |
| Indicate whether any one or more of the following applies to the Applicant and/or any EEA-based Affiliate at any time since **1st November 2018** |  |
| Any convictions for breach of the law relating to equalities and discrimination issues against the Applicant and/or any of its Affiliates within an EEA country (maximum: 500 words per event or circumstance; please attach further pages if insufficient space) |  |
| Any complaint issued by any person to the Equality and Human Rights Commission (or equivalent bodies in other EEA countries) for equalities and discrimination issues involving the Applicant and/or any of its Affiliates within an EEA country(maximum: 500 words per event or circumstance; please attach further pages if insufficient space)  |  |
| Any investigation carried out by the Equality and Human Rights Commission (or equivalent bodies in other EEA countries) for equalities and discrimination issues involving the Applicant against the Applicant or its Affiliate where the Equality and Human Rights Commission (or equivalent body in another EEA country) suspects wrong-doing (i.e. not a routine investigation) (maximum: 500 words per event or circumstance; please attach further pages if insufficient space) |  |
| If any of the above applies to the Applicant and/or its EEA-based Affiliate, indicate steps which the Applicant and/or the Affiliate has taken to remedy the matter (maximum: 500 words) |  |
| Instructions in answering the questions in paragraph 10.9 if the Applicant **is a Consortium** | The Applicant must answer those questions **in respect of each Consortium member** and their respective EEA-based Affiliates**.**  |
| Instructions in answering the questions in paragraph 10.9 if the Applicant **is a Special Purpose Vehicle** | The Applicant must answer those questions **in respect of each shareholder, member or the like** and their respective EEA-based Affiliates**.** |
| How the Council will evaluate the Applicant’s response to the questions in paragraph 10.9 | An Applicant’s Application may be rejected if the Applicant’s response gives the Council’s evaluation team (exercising its professional judgement) insufficient grounds to believe the Applicant would supply services under this Approved Landlord/Agency List in compliance with relevant UK equalities law. |
| Data protection |  |
| Please self-certify whether the Applicant has a data protection policy (indicate yes or no) |  |
| Indicate whether any one or more of the following applies to the Applicant and/or any EEA-based Affiliate at any time since **1st November 2018** |  |
| Any convictions for breach of the law relating to personal data issues against the Applicant and/or any of its EEA-based Affiliates within an EEA country (maximum: 500 words per event or circumstance; please attach further pages if insufficient space) |  |
| Any complaint issued by any person to the Information Commissioner’s Office (or equivalent bodies in other EEA countries) for personal data issues involving the Applicant and/or any of its EEA-based Affiliates within an EEA country (maximum: 500 words per event or circumstance; please attach further pages if insufficient space)  |  |
| Any investigation carried out by the Information Commissioner’s Office (or equivalent bodies in other EEA countries) for personal data issues involving the Applicant against the Applicant or its EEA-based Affiliate where the Information Commissioner’s Office (or equivalent body in another EEA country) suspects wrong-doing (i.e. not a routine investigation) (maximum: 500 words per event or circumstance; please attach further pages if insufficient space) |  |
| If any of the above applies to the Applicant and/or its EEA-based Affiliate, indicate steps which the Applicant and/or the Affiliate has taken to remedy the matter (maximum: 500 words) |  |
| Instructions in answering the questions in paragraph 10.14 if the Applicant **is a Consortium** | The Applicant must answer those questions **in respect of each Consortium member** and their respective EEA-based Affiliates**.**  |
| Instructions in answering the questions in paragraph 10.14 if the Applicant **is a Special Purpose Vehicle** | The Applicant must answer those questions **in respect of each shareholder, member or the like** and their respective EEA-based Affiliates**.** |
| How the Council will evaluate the Applicant’s response to the questions in paragraph 10.14  | An Applicant’s Application may be rejected if the Applicant’s response gives the Council’s evaluation team (exercising its professional judgement) insufficient grounds to believe the Applicant would supply services under this Approved Landlord/Agency List in compliance with relevant UK data protection law.  |

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| Identification |

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| Identification requirements  |  |
| Whose ID of the kind described in paragraph 11.2 is required | **If the Applicant is an agency:** not required. **If the Applicant is a corporate landlord:** ID of at least one director. **If the Applicant is a landlord as one or more individuals:** ID of each individual named at Land Registry or equivalent. |
| ID required for the purposes of paragraph 11.1 | Passport/Drivers licence photo ID or (if the individual does not have either of these) any suitable alternative accepted by the Council.Proof of current home address (e.g. Council tax, utility bill, bank statement, none of these more than 3 months old, land registry records) |

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| Application Declaration |
| Application Declaration instructions |
| * The Applicant must read this Application Declaration and sign it (or where relevant, arrange for it to be signed below by a suitably authorised representative) before submitting its Application.
 |
| * The Council will not regard the Applicant’s response to this Application Form to have been properly submitted without this Application Declaration having been properly signed, completed and submitted.
 |
| * Any amendments made by or on behalf of the Applicant (e.g. or qualifications, deletions, additions or conditions to any of the statements below, whether handwritten or otherwise) will result in the Council rejecting the Applicant’s Application.
 |
| * This declaration is addressed to the Council
 |
| The Application Declaration |
| 1. The person signing this Application Declaration (below) hereby does so as follows
 |
| 1. **If the Applicant is a sole trader:** as the Applicant
 |
| 1. **In all other cases:** on behalf of the Applicant, as its properly authorised representative
 |
| 1. **Rules:** the Applicant accepts and agrees to be bound by the Rules in relation to the Approved Landlord/Agency List as amended from time to time:
 |
| 1. While the Council is evaluating the Applicant’s Application; and
 |
| 1. For as long as the Applicant remains a Member Landlord/Agency of the Approved Landlord/Agency List.
 |
| 1. **Have requirements in place:** if the Applicant’s Application is successful, the Applicant
 |
| * Will have in place at all times while applying for and carrying out its obligations under any Lease Arrangement with the Council under the Approved Landlord List;
 |
| * Will provide evidence to the Council (promptly on request) of the Applicant’s compliance
 |
| All insurance, accreditations, policies, (or the like of any of these) which the Applicant must have in place at all times under the contract when supplying the relevant services under a Lease Arrangement.  |
| 1. **Warranties and representations:** the Applicant warrants and represents to the Council
 |
| 1. That any facts contained in the Applicant’s Application
 |
| * Are materially true and correct; and
 |
| * Are not reasonably likely to seriously mislead the Council in evaluating the Application
 |
| To the best of the knowledge of the Applicant, having made reasonable checks. |
| 1. That the Applicant has prepared its Application honestly, and with necessary skill, care and diligence.
 |
| 1. **Obligation to keep informed:** the Applicant agrees to inform the Council (through the Council’s electronic procurement system) if any of the following applies before either
* The Council introduces or enters into any Lease Arrangement with the Applicant (as a Member Landlord/Agency) under the Approved Landlord/Agency List; or
* The Council abandons this Application Procedure

(the Applicant must do so promptly on becoming aware of the matter) |
| 1. **Disclosures becoming untrue etc.:** any significant matter disclosed in the Applicant’s Application being (or becoming) materially untrue, incorrect, or reasonably likely to significantly mislead the Council.
 |
| 1. **Affecting ability to enter contract, carry out obligations:** any event or circumstance materially and adversely affecting the Applicant’s ability to enter and/or to properly carry out its obligations under any Lease Arrangement.
 |
| 1. Any event or circumstance which would give the Council grounds to reject the Applicant’s Application according to this Application Form.
 |
| 1. **If the Applicant is a Consortium:** any changes to the composition of the Consortium.
 |
| 1. **If the Applicant is a Special Purpose Vehicle:** any changes to the shareholding, membership or the like of the Special Purpose Vehicle.
 |
| 1. **Statements relating to non-canvassing:** all of the following
 |
| 1. The Applicant represents to the Council that (to the best of the Applicant’s knowledge, having made reasonable checks) no person purporting to act on behalf of the Applicant has canvassed any Personnel of the Council (or any other person acting or purporting to act on behalf of the Council) in relation to the Applicant’s Application.
 |
| 1. The Applicant shall not canvas (or direct or knowingly permit any other person acting on its behalf to canvas) any Personnel of the Council in relation to the Applicant’s Application.
 |
| 1. **Statements relating to non-collusion:** the Applicant’s Application is a genuine application. Without limiting this, no person purporting to act on behalf of the Applicant has done or attempted or agreed to do any of the following on behalf of the Applicant
* In relation to this Application Procedure
* To the best of the Applicant’s knowledge, having made reasonable checks.
 |
| 1. Fixed the Applicant’s Application (in full or part) to comply with any formal or informal agreement or arrangement with any other person. **Exception:** with any other member of any Consortium or Special Purpose Vehicle in connection with this Application Procedure, if relevant to the Applicant.
 |
| 1. Directly or indirectly given or offered any inducement or benefit of any kind
* To any other person (other than any genuine member or shareholder or the like of any Consortium or Special Purpose Vehicle to which the Applicant relates)
* Whether in the form of money or otherwise
* Regardless of whether the Applicant gets anything in return
* Under which that other person has agreed or has been encouraged to do either of the following
* Not to submit an Application to the Approved Landlord/Agency List, or
* To submit an Application in a particular way (e.g. a particular price) in return for that inducement or other benefit.
 |
| 1. Disclosed or made available any part of the Applicant’s Application (other than those parts included in this Application Form) to a person other than
* The Council or its authorised agents.
* Anyone genuinely connected with the Applicant (or, if the Applicant is a Consortium or Special Purpose Vehicle, any shareholder, member or the like of it) who needs to know in relation to the preparation of the Application and this Application Procedure generally, This may include any of its officers, employees, contractors, advisors, banks or insurers to whom the Applicant has made relevant disclosures on a need-to-know basis.
* Any other person to whom the Applicant was obliged by Law to disclose the relevant information.
 |
| 1. **Acknowledgements regarding canvassing and collusion:** the Applicant understands that any such canvassing and/or collusive conduct referred to in paragraph 5 and paragraph 6 shall be regarded as a serious matter by the Council. The Council does not exclude any right or remedy in relation to such conduct, including rejection of the Applicant’s Application.
 |
| 1. **Reliance on Application:** the Applicant understands that the Council will rely on information disclosed by the Applicant in its Application. As a result (and without limiting the implications of this):
* The Council is likely to use that information to assess the Applicant’s suitability to be awarded a place on the Approved Landlord List.
* The Council is likely to incur losses if any such information is inaccurate, incomplete, or otherwise reasonably likely to mislead.
 |
| 1. **Application Instructions:** the Applicant has read and understood this Application Form, including the Application Instructions. In particular, the Applicant acknowledges:
* The Council’s right to abandon, delay or change all or any part of this Application Procedure.
* The limits and exclusions on the Council’s liability to the Applicant under this Application Procedure.
 |
| 1. **Data protection:** if the Applicant has disclosed or otherwise made available any personal data of any individual in its Application, the Applicant has a lawful basis for making that disclosure (e.g. consents of the relevant individual, or other basis) according to the Data Protection Legislation.
 |
| 1. **Consideration:** the Applicant agrees that its invitation to submit an Application in connection with this Application Procedure is adequate consideration for the warranties, representations, obligations and the like of the Applicant indicated in this Application Form, particularly this Application Declaration.
 |
| 1. **If the Applicant is a Consortium:** the lead member has sufficient authority to bind each member of the Consortium
* For the purposes of submitting the Application and this Application Procedure generally.
* For the purposes of any contract which the Applicant enters with the Council as a result of this Application Procedure.
 |
| 1. **Statement by the signatory of this Application Declaration on behalf of the relevant Applicant:** the relevant individual is authorised to sign this Application Declaration to legally bind the Applicant.
 |

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| Signature Ink signature or digital signature is acceptable, typing the name is not acceptable |  |
| Name of signatory (please print) |  |
| Role/title of signatory (please print) |  |
| Applicant which the signatory represents (please print) |  |
| If a Consortium, name of the lead member (please print) |  |
| Date (please print) |  |

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| Summary of required submissions |

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| Submission of Applications |  |

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| Document checklist |
| * This Application Form properly completed with all questions properly answered
 |
| * Any supplementary pages required to answer any questions, any accounts etc.
 |
| * Signed Application Declaration
 |
| * ID if required according to section 11
 |

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| How the Council may treat missing documents | * The Council may (but shall not be obliged to) seek missing documents from an Applicant via the clarification process.
* The Council must not do so in a way that breaches relevant Law on procurement.
* See section 20 in the Application Instructions.
 |
| How the Applicant must submit its Application | Electronically on the Council’s electronic procurement system, according to accompanying directions. |
| When submission is to be made | * **For the first intake:** see paragraph 4.4.
* **For the later intakes:** see paragraph 1.9.
* See paragraph 4.5 regarding late and/or incomplete submissions.
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| Application Instructions |

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| Completing Applications |  |
| Language for all responses | English only. |
| How the Council will regard any attachments accompanying its Application **Examples:** any supplementary material, marketing materials (e.g. brochures), graphics which the Applicant includes with its Application | * The Council will ignore them.
* **Exception:** to the extent the Council has clearly requested or permitted them in this Application Form.
 |
| If this Application Form indicates any requirement to use a particular template (e.g. to complete answers in a particular box) in submitting a response to a question in this Application Form; andAn Applicant’s response does not strictly comply with that requirement | The Council may ignore responses which do not comply with that requirement. |
| In relation to any ‘yes-no’ questions | Insert a ‘Yes’ or ‘Y’ or a ‘No’ or ‘N’ (in lower or upper case).within the box or in a suitable space nearby to clearly indicate the response, except as otherwise instructed. |
| How to respond to any multiple-choice questions  | Do any of the following to indicate the Applicant’s response (within the box or in a suitable place nearby to clearly indicate the response) except to the extent otherwise instructed:Copy and paste the ✓ symbol.Type in an ‘x’ (upper or lower case).  |
| Rights of the Council if an Applicant’s Application fails to meet any part of these Application Instructions | The Council may (but shall not be obliged to) seek resubmission by the Applicant as a clarification, subject to the following * These Application Instructions, particularly those relating to clarifications.
* Any specific obligation of the Council to ignore any part of the Application, as indicated in these Application Instructions.
* Requirements of public procurement law.
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| Problems with the Council’s electronic procurement system |  |
| Instructions to each Applicant if it has technical problems with the Council’s electronic procurement system(e.g. in communicating with the Council, in submitting documents)  | If Applicants experience technical difficulties with the Council’s electronic procurement system, please contact ProContractSuppliers@proactis.com or call 0330 0050352.  |

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| Abandoning, delaying or changing the Application Procedure |  |
| The Council reserves the right to do any of the following for any reason in relation to this Application Procedure |  |
| Abandon | Abandon this Application Procedure in full or in part. |
| Delay | Delay this Application Procedure. |
| Changes | Make any changes to this Application Procedure including without limitation: * Changes to the minimum requirements
* Changes to the timetable (subject to any minimum periods required in the Public Contracts Regulations 2015)
* Changes to the quality (technical) questions including addition or removal of questions, and including changes to any evaluation criteria applicable to any of them
* Changes to the General Specification
* Changes to the Council’s Lease Arrangement terms and conditions.
 |
| Liability of the Council for taking any of the action described in paragraph 15.1 | See section 23 of these Application Instructions.  |

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| Change of an Applicant’s circumstances |  |
| Matters on which each Applicant must keep the Council informedThe Applicant must do so After the Applicant has submitted its Application but;Before the Council informs the Applicant of the outcome of the Application | * The Applicant must keep the Council informed
* About events or circumstances that **significantly affect** the Applicant’s Application.
* Doing so promptly on becoming aware of the matter
* Doing so through the Council’s electronic procurement system
* See paragraph 16.2 for examples (not an exhaustive list).
 |
| Examples of events or circumstances that **significantly affect** the Applicant’s Application for the purposes of paragraph 16.1(not an exhaustive list of examples)  |  |
| Rejection events | Any event or circumstance indicated in in section 28 affecting the Applicant. |
| If the Applicant is a Consortium | * Changes to the membership of the Consortium; and/or
* Any event or circumstance indicated in in section 17 affecting the Applicant.
 |
| If the Applicant is a Special Purpose Vehicle | * Changes to the shareholding or membership of the special purpose vehicle, and/or
* Any event or circumstance indicated in in section 18 affecting the Applicant.
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| If the Applicant is a Consortium |  |
| Whether a Consortium may take part in this Application Procedure  | * It may do so.
* The Applicant’s status as a Consortium shall not in itself be regarded by the Council as a particular advantage or disadvantage.
 |
| Liability of the Consortium members under any Lease Arrangement it enters under the Approved Landlord/Agency List  | * They shall have joint and several liability.
* This means one, or some, or all Consortium members may (as the Council chooses) be held liable for the Consortium’s debts and other liabilities arising in connection with that Lease Arrangement.
 |
| Rules in relation to replacement of Consortium members from time to time | A new Application is required to take account of the replacement (whether before or after the Council awards the Consortium a place as a Member Landlord/Agency of the Approved Landlord/Agency List.  |

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| Use of a Special Purpose Vehicle |  |
| Whether a Special Purpose Vehicle may take part in this Application Procedure  | * Yes.
* The Applicant’s status as a Special Purpose Vehicle shall not in itself be regarded by the Council as a disadvantage or advantage.
 |
| Liability of the shareholders or members under any under any Lease Arrangement it enters under the Approved Landlord/Agency List  | Only to the extent they have entered any guarantee in relation to the debts or other liabilities of the Special Purpose Vehicle arising under the contract. |
| If any question in the Application Form relates to a shareholder, member or the like of the Special Purpose Vehicle  | That shareholder or member of the Special Purpose Vehicle would be regarded as a subcontractor of the Special Purpose Vehicle. |

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| Queries raised by the Applicant |  |
| Purposes for which an Applicant **may raise queries** with the Council in relation to this Application Procedure | Any and all of the following, as relevant * To enable the Applicant to have a better understanding of any aspect of this Application Procedure, whether relating to the process (e.g. the questions, timetable, these Application Instructions, the General Specification, accompanying Lease Arrangement terms and conditions etc.).
* To enable the Council to make such changes to any aspect of this Application Form (as it deems appropriate at its absolute discretion) in light of queries that are raised.

Such changes may (for example) be to correct errors, clarify ambiguities, to make the Application Form more coherent and/or to better align the General Specification and/or any accompanying Lease Arrangement terms and conditions with market expectations. |
| Purposes for which an Applicant **may not raise queries** with the Council in relation to this Application Procedure | To negotiate specific changes to any aspect of this Application Form. |
| How an Applicant must raise any queries which it has  | * Only through the Council’s electronic procurement system (and in no other way).
* **Exception:** see section 14 of these Application Instructions for arrangements if there are difficulties in relation to the use of that system.
 |
| How the Council will respond to queries | * Only through the Council’s electronic procurement system (and in no other way).
* **Exception:** to respond to any difficulties with that system which the Applicant has raised under section 14 of these Application Instructions.
 |
| Whether the Council may request further information from an Applicant before answering the Applicant’s query | * The Council may do so, acting reasonably.
* The Council may delay responding until that information is properly provided. It may refuse to respond if that information is provided after any deadline for Applicants to raise queries (see the process timetable).
 |
| **Confidentiality arrangements** in relation to an Applicant’s query and the Council’s response to it |  |
| Whether the query and the Council’s response to it is to be considered confidential | * No.
* **Exceptions:** where all of the following apply
* The Applicant has requested the query and/or the response to it to be treated confidentially by the Council; and
* The Council has consented in writing at its discretion to accept confidentiality obligations. In this case, section 25 shall apply to the Council’s confidentiality obligations.
 |
| If the Council refuses the Applicant’s request for confidentiality in relation to the query and/or the Council’s response  | * The Council shall give the Applicant **2 business days** to withdraw its query from the Council’s electronic procurement system.
* If the Applicant fails to withdraw its query in this manner after the end of that deadline, the Council may treat the query and the Council’s response to it as non-confidential.
 |
| If an Applicant’s query (and/or the Council’s response to it) is disclosed publicly by the Council (e.g. on its electronic procurement system)Regardless of whether the Applicant has requested confidentiality | The Council may (but shall not be obliged to) take further steps to amend the query to avoid that Applicant being identified by name or by inference. |

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| Clarifications by the Council |  |
| Purposes of any clarification sought by the Council from an Applicant  | To enable the Council to be better informed on that Applicant’s Application. To enable the Council to adjust its evaluation of the Application (if as a result of the Applicant’s response to the Council’s clarification questions).  |
| Examples of purposes for paragraph 20.1(not an exhaustive list) | * To clarify any ambiguity and/or incompleteness in any part of the Applicant’s Application.
* To confirm the Applicant’s compliance with relevant requirements of the Council in this Application Form.
 |
| Restrictions on the Council’s right to seek clarifications and to use information obtained from the Applicant | The Council must not do so in a way that breaches the Law. |
| How the Council may use further information obtained from an Applicant as a result of a clarification which the Council has sought from the Applicant | To pass the Applicant on a particular question where it would have otherwise failed, or vice versa, as relevant according to the professional judgement of the Council’s evaluators.  |
| Duty of the Council to seek clarification from an Applicant | * No duty to do so.
* This applies even if the Applicant becomes aware of an error in its Application after submission and requests a clarification from the Council.
* Without limiting this, the fact the Council has a negative opinion on any aspect of the Applicant’s Application does not in itself impose any duty on the Council to seek clarifications from the Applicant on that matter.
 |
| Consequence if the Council does not seek clarification from an Applicant on a particular issue | This shall not in itself imply that the Council regards the Applicant’s response on the issue to be satisfactory and/or clear. |
| How the Council will make contact with the Applicant if the Council wishes to raise a clarification | * Only through the Council’s electronic procurement system.
* It may be followed up with a telephone call or face-to-face meeting, as appropriate.
 |
| Applicant’s responsibilities regarding clarifications which the Council may seeks | * To ensure its contact information is correct and up-to-date on the Council’s electronic procurement system; and
* To regularly check the Council’s electronic procurement system to check for requests clarifications.

The Council is not responsible for any failure by the Applicant to respond to the Council’s request for a clarification by the relevant deadline. |
| How the Applicant is to respond to the Council’s request for clarification | Only through the Council’s electronic procurement system. |
| Deadline for an Applicant to respond to the Council’s request for clarifications | As communicated by the Council, acting reasonably. |
| Consequences if the Applicant fails to respond to the Council’s request for clarification by the deadline in paragraph 20.10  | The Council may (but shall not be obliged to) draw conclusions in relation to the issue on which it seeks clarification which are least advantageous to the Applicant for the purpose of evaluating the Application. |
| Confidentiality arrangements in relation to * The Council’s request for clarification; and
* The Applicant’s response to that request
 | As indicated in section 25.  |
| Character of an Applicant’s response to a request for clarification by the Council according to this section 20  | * It shall be deemed to amend the relevant part of the Applicant’s Application.
* The response to the request shall override any other part of the Application to the extent of any inconsistency.
 |

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| Evaluation of Applications |  |
| Whether any member of the Council’s evaluation team is to be any individual who is not an employee of the Council | * The Council may from time to time appoint individuals who are not employees of the Council.
* This is subject (where relevant) to the relevant individuals meeting normal requirements for appointment to this activity (e.g. sufficient subject matter expertise, accepting obligations to observe confidentiality, impartiality and objectivity).
 |
| Whether the Council can disclose the names of individuals on its team appointed to evaluate the Applicant’s Application | It cannot do so. |
| Consequences if an Applicant contacts a member of the evaluation team to discuss matters relevant to this Application Procedure | * It is likely to be regarded as an act of serious misconduct by the Applicant for the purposes of paragraph 28.5.
* Therefore, it is likely to result in the rejection of the Applicant’s Application.
 |
| If an Applicant is directly contacted by a person claiming to be a member of the evaluation team other than through the Council’s electronic procurement system  | * The Council does not expect any Applicant to be contacted in this way.
* Please report the incident promptly via the Council’s electronic procurement system.
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| Feedback |  |
| Provision of feedback to Applicants | * The Council will provide feedback to an Applicant (whether successful or unsuccessful) but only to the extent required by Law.
* The Council shall only provide any other feedback which is not specifically required by Law at the Council’s discretion. The Council is does not recognise any further obligation to do so.
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| Liability of the Council |  |
| The liability of the Council and its Personnel (whether arising in tort, contract, statute or otherwise) to an Applicant **is excluded to the fullest extent permitted by Law** for all of the following |  |
| Abandonment | The Council’s abandonment of this Application Procedure or the Approved Landlord/Agency List in full or part before the Council introduces and/or enters into any Lease Arrangement, even if the Council has communicated its intention to award any operator a place on the Approved Landlord/Agency List, or even if the Council has indicated its intention to introduce or enter any Lease Arrangement to or with any Member Landlord/Agency.  |
| Delay | Any delay in this Application Procedure by the Council, including evaluation delays, regardless of whether caused by the Council. |
| Changes to the Application Procedure | The Council communicating to operators any lawful change to change any aspect of this Application Procedure before completion of the Application Procedure.  |
| Inaccuracy | * Any error or inaccuracy contained in this Application Form.
* This does not limit the Council’s liability for fraudulent misrepresentation.
 |
| Failure by the Applicant to do any of the following |  |
| Due diligence | To exercise its own due diligence in relation to this Application Procedure, including the preparation and submission of its Application. |
| Study Application Form | To carefully study all aspects of the Application Form.  |
| Response | To satisfy itself of the accuracy and completeness of its Application. |
| Copy | To keep a copy of its Application. |
| Raising uncertainties | To raise any uncertainties, complaints or the like (including any suggestion that any aspect of the Council’s conduct has been unlawful) in a prompt manner when it first knew (or had reasonable grounds to know) of that conduct. |

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| Costs |  |
| Costs in relation to this Application Procedure | The Council and each Applicant shall bear its own respective costs in relation to this Application Procedure. |

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| Confidentiality, freedom of information |  |
| Confidentiality obligations **of the Applicant** to the Council in relation to this Application Form  | None. |
| What information is Confidential Information of the Applicant for the purposes of this section 25 | All information of the Applicant and/or their respective Affiliates* In the Applicant’s Application; and/or
* In any clarification information supplied by the Applicant in response to a request by the Council under section 20
* In any query
* Described in section 19 which the Applicant raises
* To the extent the Council has agreed to accept confidentiality obligations in relation to those queries according to paragraph 19.6(b)

Other than information described in paragraph 25.5. |
| If the Applicant is a Consortium | Reference to the Confidential Information of an Applicant includes that of each Consortium member and/or its respective Affiliates.  |
| If the Applicant is a Special Purpose Vehicle | Reference to the Confidential Information of an Applicant includes that of each shareholder, member or similar of the Special Purpose Vehicle and/or its respective Affiliates. |
| What information of the Applicant **is not Confidential Information of the Applicant** for the purposes of this section 25 | Information to which any of the following applies* It is in the public domain at the time, other than as a result of the Council’s breach of this section 25.
* Information which the Council obtains from a third party where the Council does not know or have reasonable grounds to believe that per third party is breaching confidentiality obligations owed to the Applicant.
* It is of a trivial nature.
 |
| Confidentiality obligations of the Council in relation to the Applicant’s Confidential Information  | All of the following:* The Council must not disclose the Confidential Information to any third party, except to the extent permitted in paragraph 25.8.
* The Council must not use the Confidential Information for any other purposes unconnected with:
* This Application Procedure; and/or
* Any contract which the Council or anyone else enters with the Applicant as a result of the Application Procedure.
 |
| Duration of the Council’s obligations in paragraph 25.6 in relation to any piece of Confidential Information  | * For **3 years** from the date that piece of Confidential Information was first disclosed by the Applicant to the Council in connection with the Application Procedure; or
* For such longer or shorter period required by Law applying to that information.
* In any case, confidentiality obligations shall end in relation to that piece of Confidential Information immediately if and when that piece of Confidential Information enters the public domain other than due to breach by the Council.
 |
| Exceptions to the Council’s obligations in paragraph 25.6 not to disclose the Applicant’s Confidential Information The Applicant may disclose that Confidential Information in any of the following circumstances |  |
| Applicant’s permission | Disclosure is made to a third party with the written permission of the Applicant. |
| Personnel etc. | Disclosure is made to any Personnel, advisor, contractor or other agent of the Council but only on a strict need-to-know basis.  |
| Other public body | Disclosure is made to any public body authorised to review any aspect of this Application Procedure, including any Application. |
| Required by Law | The Council is required by Law to disclose the Confidential Information, including under any FOI Act. |
| The extent to which the Applicant regards any information connected with its Application as ‘commercially sensitive’ for the purposes of any FOI Act  | * As disclosed by the Applicant in its Application.
* This indicative only. It is not legally binding on the Council.
 |
| Consequences if the Council receives a request for information under any FOI Act involving information of the Applicant(all of the following) |  |
| Rights of the Council | The Council may make its own determination according to Law as to whether or not to provide that information to the person making the request. |
| Extent to which the Council is required to consult etc. | The Council is not obliged under this Application Form to consult the Applicant or anyone else in relation to that request for information. |
| Consequence if the Council does consult the Applicant and/or anyone else | The Council is not obliged under this Application Form to have regard to the views of the Applicant and/or that other person. |
| To what this paragraph 25.10 is subject | It is subject to compliance by the Council with the Department of Constitutional Affairs’ Code of Practice on the Discharge of Functions of Public Authorities under Part I of the Freedom of Information Act 2000 to the extent that compliance is permissible and reasonably possible. |

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| Data protection |  |
| Consequence for the purposes of the Data Protection Legislation if the Applicant discloses any personal data to the Council in its Application or otherwise in the course of this Application Procedure generally  | * The Council shall be data controller in its own right in relation to that personal data.
* This is on the understanding that the Council will determine the use of that personal data. It will not be processing that personal data on behalf of the Applicant or anyone else.
 |
| Disclosures of personal data in the Application | If the Applicant has made available any personal data of any individual in its Application, the Applicant warrants to the Council that the Applicant has a lawful basis to make such personal data available in such circumstances, particularly under Data Protection Legislation. |
| Purposes for which the Council will use any personal data contained in the Applicant’s Application | * Only for purposes of evaluating the Application and to enable it to introduce or enter into Lease Arrangements under the Approved Landlord/Agency List; and
* For such other purposes as permitted by Law, particularly the Data Protection Legislation.
 |

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| Copyright |  |
| Copyright in this Application Form  | Copyright and other intellectual property rights in this Application Form belong to the Council and/or its third party licensors. |
| Rights of use by the Applicant | * The Applicant may copy or otherwise use the copyright and other intellectual property rights in this Application Form only for purposes connected with its preparation (including its consideration and decision whether or not to prepare) of its Application.
* Except as indicated above, the Applicant obtains no property right or right to copy, modify or otherwise use the copyright or other intellectual property rights in this Application Form.
 |
| Copyright in the Applicant’s Application | * Copyright and other intellectual property rights in the Applicant’s Application belongs to the Applicant and/or its third-party licensors.
* On submission of its Application (including any responses to any request for clarification made under section 20), the Applicant grants (and shall cause its third party licensors to grant, where relevant) a licence in relation to the copyright and other intellectual property rights in the Applicant’s Application (including such responses) as follows
* The licence is granted to the Council.
* It shall be a non-exclusive, royalty-free, perpetual and worldwide licence.
* This licence shall allow the relevant licensee to use the relevant copyright and other intellectual property rights only for purposes genuinely connected with this Application Procedure and any Lease Arrangement entered (or proposed) in connection with the Approved Landlord/Agency List, and for no other purposes. Without limiting this, the licensee may not use the copyright and other intellectual property rights to compete with the Applicant and/or its Affiliates.
* The licensee may assign or sublicense this licence with the Applicant’s prior written consent, not to be unreasonably withheld.)
 |
| If the Applicant is a Consortium | Reference in this section 27 to the Applicant includes each Consortium member. |
| If the Applicant is a Special Purpose Vehicle | Reference in this section 27 to the Applicant includes each shareholder, member or similar in the Special Purpose Vehicle.  |

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| Rejection of Application |  |
| The Council **must reject** or **may reject** (as indicated) an Applicant’s Application if any of the following events or circumstances applies to the Applicant and/or its Application* **If the Applicant is a Consortium:** reference in this section 28 to the Applicant includes each Consortium member.
* **If the Applicant is a Special Purpose Vehicle:** reference in this section 28 to the Applicant includes each shareholder, member or similar in the Special Purpose Vehicle.
* Rejection of the Application does not in itself limit the Council’s rights and remedies against the Applicant
 |  |
| Grounds for exclusion, requirements or permissions of the Law | * The Council **must** reject the Application if **required by Law** to do so, particularly in relation to the grounds for exclusion in section 9 and/or section 10.
* The Council **may** reject the Application if **permitted by Law** to do so, particularly in relation to the grounds for exclusion in section 9 and/or section 10..
 |
| Pass/fail | The Council **must** reject the Application if the Applicant fails in any pass-fail question in this Application Form. |
| Insurance requirements | The Council **must** reject the Application in the circumstances described in paragraph 8.3 in relation to insurance matters.  |
| Misconduct  | The Council **must** reject the Application if the Council has reasonable grounds to believe that the Applicant has been involved in serious misconduct in connection with this Application Procedure. Serious misconduct includes without limitation: * Collusion with other Applicants.
* Canvassing and/or offering gifts to Personnel of the Council which are unlawful or contrary to any policy of the Council.
 |
| Scandal | The Council **may** reject the Application if the Applicant or its Affiliate or any member of their respective senior management has been involved in a serious public scandal (whether in connection with this Application Procedure or otherwise) in circumstances where a reasonable person would not expect the Council to accept the Applicant as a Member Landlord/Agency on the Approved Landlord/Agency List. |
| Discontinuation of business activities | The Council **may** reject the Application if the Applicant publicly announces its intention to discontinue its current business activities which are relevant to this Application Procedure. |
| Misrepresentation, withheld information | The Council **may** reject the Application if the Applicant has made a misrepresentation in its Application that would materially affect the decision of a reasonable person in the Council’s position in relation to this Application.  |
| The Council is permitted to reject the Application (and is not required to do so unless indicated) if any of the following applies to the Applicant during the Application Procedure  |  |
| If the Applicant is an individual operating as a sole trader | The Council **must** reject the Application if any of the following applies to the Applicant: * He/she dies.
* He/she becomes bankrupt.

The Council **may** reject the Application if: * He/she is convicted of any crime of violence or dishonesty, any crime relevant to safeguarding (where the activities in connection with the supply of the relevant goods, services and/or works involve safeguarding issues) or any other offence resulting in a prison sentence (whether suspended or served).
* He/she suffers total and permanent disability.
* He/she becomes a patient within the meanings of section 145(1) of the Mental Health Act 1983 or equivalent meanings in other similar replacement legislation or in equivalent legislation applying to the Applicant in his/her relevant jurisdiction.
 |
| If the Applicant is operating as a company  | The Council **must** reject the Application if any of the following applies: * There are reasonable grounds for the Council to believe that the Applicant is not properly incorporated or otherwise constituted in its relevant jurisdiction.
* The Supplier is subject to
* A court order (or equivalent) or
* A resolution or similar decision

Requiring the Supplier to be dissolved and/or wound up. |
| If the Applicant is operating as a company | The Council **may** reject the Application if the Applicant is subject to an order or resolution requiring the appointment of an administrator, controller, receiver or receiver and manager (or any equivalent of any of these in another relevant jurisdiction) in relation to the Applicant and/or its assets. |
| Unable to pay debts | The Council **may** reject the Application if the Applicant is unable to pay his/her or its debts (taking into account its contingent and prospective liabilities) as defined in any applicable Law (whether such debts individually or in aggregate equal any minimum required under relevant bankruptcy or similar legislation from time to time) as they fall due and has no reasonable prospect of doing so. |
| Composition | The Council **may** reject the Application if the Applicant enters into a composition or other arrangement with his/her or its creditors. |
| Right to operate | The Council **must** reject the Application if the Applicant is not permitted to operate in the UK for any reason. |
| Other | * Any other reason indicated elsewhere in this Application Form.
* Whether the Council **may or must** reject the Application is as indicated elsewhere in this Application Form.
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| --- | --- |
| Interpretation of this Application Form |  |
| Order of priority | These Application Instructions override any other part of this Application Form to the extent of any inconsistency. |
| How this Application Form (including these Application Instructions) are to be read | At all times subject to Law, which shall override anything in this Application Form to the extent of any inconsistency. |

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| Definitions  |
| Except to the extent the context otherwise requires (and except to the extent otherwise indicated elsewhere in this Application Form), the following words and expressions shall have the following meaning when used in this Application Form |

| **Definition** | **Defined term** |
| --- | --- |
| **Affiliate** | * In relation to a person, any other entity which controls that person, is controlled by that person or is under the same common underlying control as of that person.
* A person (**‘X’**) will be regarded as having ‘control’ over another person (**‘Y’**) if X alone (and without being subject to the further direction of any other person) directly or indirectly possesses the power (whether by the direct or indirect holding of voting shares or otherwise) to direct the management and policies of Y on all matters.
 |
| **Applicant** | An economic operator or Consortium which submits a is invited to submit a response to this Application Form. |
| **Application** | The response of an Applicant to this Application Form, including: * The Applicant’s completed Application Form.
* The Applicant’s response to any clarification question raised by the Council in connection with this exercise.
 |
| **Application Declaration** | The part of this Application Form headed ‘Application Declaration’. |
| **Application Form** | This Application Form and accompanying documents (e.g. the General Specification, the Lease Arrangement terms and conditions).  |
| **Application Instructions** | The instructions contained in this Application Form, as amended. |
| **Application Procedure** | The exercise conducted by the Council to decide whether or not to admit Applicants to the Approved Landlord/Agency List. |
| **Approved Landlord/Agency List** | An approved list * Established by the Council
* Described in section 1 of this Application Form.
 |
| **Consortium** | A candidate which is a consortium, partnership, joint venture or the like. |
| **Data Protection Legislation** | Each of the following to the extent relevant* The Data Protection Act 2018
* The UK GDPR.
* Any additional or replacement Law from time to time relating to the processing and protection of personal data or the like of individuals and privacy.
 |
| **Directive** | The Public Contract Directives 2014/24/EU or any successor on substantially similar subject matter. |
| **FOI Act** | Either or both of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. |
| **General Specification** | The specification applying to the Approved Landlord/Agency List generally.  |
| **Law** | Any of the following applicable to a party from time to time (to be read independently)* Any statute, regulation, bye-law, order, subordinate legislation or the like of any of these.
* Any directive or other European instrument (to the extent it is binding on the party)
* Any treaty
* Any judgement, rule of common law or equity
* Any stock exchange rule
* Any order of a competent court, tribunal, arbitrator or the like of any of these
* Any permit, permission (e.g. planning permission) consent, licence, statutory agreement and authorisation (or the like of any of these) required by law and affecting the relevant person and its activities in connection with this Application Form from time to time.
* Any guidance or the like issued by authorised government bodies (whether legally binding or not)
* Anything else imposed by any governmental body (in its capacity as such) having a legally binding effect on the respective activities of any party in connection with this Application Form from time to time.
 |
| **Lease Arrangement**  | * A contract from time to time introduced by the Council to a Member Landlord/Agency or entered between the Council and a Member Landlord/Agency under the Approved Landlord/Agency List.
* See the Rules for more information.
 |
| **Member Landlord/Agency** | An operator which from time to time is a member service provider of any Lot in connection with the Approved Landlord/Agency List. |
| **Personnel** | In relation to an entity, any individual genuinely appointed or otherwise engaged by that entity as an officer, employee, worker, consultant, trustee, elected member, member of any partnership, agent, intern, seconded person, volunteer, adviser or contractor. |
| **Rules** | The rules of the Approved Landlord/Agency List at the relevant time. |
| **Special Purpose Vehicle** | Any Special Purpose Vehicle * Which is an Applicant; and
* Which has (or will be) established by 2 or more economic operators (as shareholders, members or the like) to enter into any contract with the Council as a result of this Application Procedure.
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