

**APPENDIX E**



## **Community Right to Challenge**

### **Application form for submission by a relevant body**

**When completing this form the relevant body may find it useful to refer to the 'Guidance for Completing the Community Right to Challenge Expression Interest Form' at annex 1 of this document.**

## Community Right to Challenge

### Expression of Interest

Please complete all parts of this application form as fully as possible. You are permitted to provide additional information to the form where you feel necessary.

Your form should be submitted to the Council between 1<sup>st</sup> March and 30<sup>th</sup> April each year.

Completed forms should be returned to [simon.sowerby@newcastle-staffs.gov.uk](mailto:simon.sowerby@newcastle-staffs.gov.uk)

#### PART A: ABOUT YOUR ORGANISATION

<p><b>Name of organisation or group submitting the expression of interest*</b></p> <p><small>*If your organisation has not as yet selected a name or chose to formally constitute, please complete this section with details of the individuals who are submitting this expression of interest and organisation type you will use.</small></p>	
<p><b>Company and/or charity or CIC registration number (if applicable):</b></p>	
<p><b>VAT registration number (if applicable):</b></p>	
<p><b>Date of incorporation/creation of organisation in question:</b></p>	
<p><b>Name of lead person (and relationship to the organisation submitting the expression of interest):</b></p>	
<p><b>Registered &amp; Contact address:</b></p>	<p>Registered:</p>
	<p>Contact:</p>
<p><b>Telephone number:</b></p>	
<p><b>Mobile number:</b></p>	
<p><b>Email address:</b></p>	
<p><b>Website:</b></p>	

<p><b>Which category of relevant body (that meets the statutory guidance) is your organisation? Please provide details if your organisation is:</b></p>	
<p><b>A voluntary or community body (if so how are you constituted):</b></p>	
<p><b>A body of persons or a trust which is established for charitable purposes only (if so how are you constituted):</b></p>	
<p><b>A parish council</b></p>	
<p><b>Two or more employees of the Borough Council of Newcastle-under-Lyme:</b></p> <p><b>If so are you already constituted as a company? If so which type;</b></p> <p><b>If not, please explain here and in part 'D' how you plan to constitute to deliver the Relevant Service:</b></p>	
<p><b>Any other person or body specified by the Secretary of State in regulations (e.g. a Co-Operative Society or a limited company whose work is primarily for the benefit of the local community.</b></p>	

**Part B: Tell us about other parties involved**

(a) Your organisation is bidding to provide the services required by itself?	Yes	No
(b) Your organisation is bidding in the role of lead and intends to use partners and/or sub-contractors to deliver some of the service?	Yes	No
(c) Your organisation is part of a consortium or a joint venture (whether incorporated or otherwise)?	Yes	No

If you have answered yes to question (b) or (c) above, please provide details of any members of a consortium, partners or sub-contractors likely to deliver a significant proportion of any contract (if more than one, please list on a separate sheet):

<b>Name of organisation</b>	
<b>Company or charity registration number (if applicable):</b>	
<b>VAT registration number (if applicable):</b>	
<b>Date of incorporation/creation of organisation in question:</b>	
<b>Name of lead person (and relationship to the organisation submitting the expression of interest):</b>	
<b>Registered &amp; Contact address:</b>	Registered:
	Contact:
<b>Telephone number:</b>	
<b>Mobile number:</b>	
<b>Email address:</b>	
<b>Website:</b>	

Briefly explain how you intend to work, with any consortia or partnership model, and also how you plan to operate. Further information can be

provided in Part 'D' and 'E' of this form on why your organisational structure is necessary to deliver the Relevant Service.

Your Response:

**PART C: Tell us about the Council service being challenged**

**Which Newcastle-under-Lyme Borough Council service does your challenge relate to?**

NOTE: This section is for you to include all information you would like to share on the relevant service you wish to provide or assist in providing. Please provide as much detail here as possible. If you are unsure of what a relevant service could be please see the Community Right to Challenge Statutory Guidance for further advice.  
<http://www.communities.gov.uk/documents/localgovernment/pdf/2168126.pdf>

Is this a relevant service	Yes	No
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**What geographical area does your expression relate to?**

All of Newcastle-under-Lyme?	Yes	No
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A specific area/locality of Newcastle-under-Lyme (please provide details)		
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Does the Borough Council of Newcastle-under-Lyme currently contract out the relevant service?	Yes	No
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Please note that the council may reject your expression of interest based on defined grounds for rejection in the Localism Act 2011 with regard to the council having existing contracts or other service agreements in place.

**PART D: Proposal for relevant service or services**

**Instructions:** Please provide as much information as possible to explain your proposal to either provide or assist in providing one of the council’s relevant services and the outcomes you expect to achieve in providing the service.

Wherever possible please refer to key aspects of your organisation (e.g. type, category, approach, partners or consortia) to show how your proposal could better deliver the relevant service, how you feel the current service could change (e.g. staffing implication, transfers) and how it will meet the needs of its users.

Please append any further information necessary to support your expression of interest.

Further information on eligible relevant services can be found in the Community Right to Challenge Statutory Guidance.

(<http://www.communities.gov.uk/documents/localgovernment/pdf/2168126.pdf>).

<b>Please only tick one of the boxes below – making it clear if your organisation is seeking to deliver the relevant service or only assist in delivering a relevant service:</b>		
Is your expression of interest to provide the relevant service: (please tick)	<input type="checkbox"/>	Is your expression of interest to assist in providing the relevant service: (please tick)
Your Proposal:		
Is your organisation made up of two or more current employees of Newcastle-under-Lyme Council	Yes	No
If YES, please also explain fully how you have done or will engage with other employees of the Council who may be affected by your expression of interest.		

**Social Benefits**

**Instructions:** Please provide as much information as possible to confirm how your organisation and your proposal for the relevant service would increase social, economic or environmental well-being in Newcastle-under-Lyme over and above the needs of the users of the relevant service.  
Please append any further information necessary to support your expression of interest.

Description of the social, economic and environmental benefits that will be provided as a result of your approach to the relevant service:

Your Response:

Evidence of how activities will primarily be for the benefit of the community\*

\*Please provide any further information that supports your organisation's approach to providing social benefits. If your organisation is incorporated please also provide information on how your Memorandum and/or Articles of Association support your intent.



**PART E: Capability statement and experience:**

**Capability:**

**Instructions:** Please provide as much information as possible to confirm how your organisation (and any partners) is able to either provide or assist in providing the relevant service or services. This should include information on any plans you may have to develop your organisation in preparation for a procurement exercise (e.g. if you have not chosen to constitute your organisation at the point of submitting an expression of interest). Please provide information to the council regarding your governance and decision making approaches, which may relate to your current or proposed Memorandum and/or Articles of Association. Please append any further information necessary to support your expression of interest.

Explanation of why your organisation is capable of providing the relevant service in the way you describe in Part C:

Your Response:

**Organisation experience and expertise:**

**Instructions:** Please provide as much information as possible to confirm how your organisation (and any partners) can use its experience or expertise to provide or assist in providing the relevant service or services. You can provide information here on any projects or contracts that your organisation or individuals in your organisation have been involved in.

Explanation of why your organisation has experience or expertise for the relevant service or services:

Your Response:

Key contract or project experience	1)
	2)
	3)

**Staff Experience and Expertise:**

**Instructions:** Please provide as much information as possible how staff employed to deliver your proposal are experienced or have expertise or qualifications to provide or assist in providing the relevant service or services. You can provide information here on any projects or contracts that your staff or individuals in your organisation have been involved in.

Please append any further information necessary to support your expression of interest, and please note that you are not restricted to providing three key contracts or project experiences.

Explanation of why your staff has experience or expertise for the relevant service or services:

Your Response:

Key contract or project experience	1)
	2)
	3)

**Any relationship with the council:**

**Instructions:** Please provide as much information to explain where your organisation, its staff, partners or your consortia may have a relationship with the council.

In this context, we ask that you confirm here if:

- you are an employee of the council, which directorate and in what role and such information for all those named as part of the organisation you propose to deliver relevant services, or
- if any person connected with your organisation (or any partners or staff) have an associated person who is employed by Newcastle-under-Lyme Borough Council or has been employed by us in the last three years.

For the purposes of this question an 'associated person' is any person who is employed by, works for, or otherwise provides services on a full-time or part-time basis to or on behalf of the council (or associated body) whether under a permanent or fixed contract of employment with the council, through an agency contract with an employment agency or as a consultant or contractor through a contract for services with the council.

Please append any further information necessary to support your expression of interest.

Explanation of how your organisation relates to the Council currently:

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**Financial Information**

**Instructions:** Please provide as much information as possible to confirm how your organisation plans to support the provision of the relevant service through its own financial status and resources, and any business planning that may be required to support your approach.

Please append any further information necessary to support your expression of interest, for example a business plan.

Description and detail of your organisations financial status, and approach to the financing of your organisation for providing the relevant service including how the organisation could offer value for money with added social benefits. If you are planning to deliver the service as part of a consortium, joint venture or with a partner, please provide information about the financial resources of all consortium members and all sub-contractors.

Your response:

Accounts:	1) Are you able to provide a copy of your organisations audited accounts for the last two years?	Yes	No
	2) Please attach or include a blank letter, or equivalent, outlining the cash and credit position on the last month end date before submission of this expression of interest.	Yes	No
	3) OR - Do you have an alternative means to show your organisations financial status and resources, if for example you have not traded for longer than a year or as yet? Please append if this is available.	Yes	No
Insurance:	Are you able to or willing to take any insurance to provide or assist to provide the relevant service? You will need to decide whether your approach requires insurances.	Yes	No
	If Yes, confirm which and why this may be important for the service in question. If No, please confirm why this is not possible:		
Business Planning:	It could help your application if you are able to provide a business plan for the period you wish to provide or support to provide the relevant service? If yes, please append (including any additional information:	Yes	No
	If No, please confirm why this is not possible using evidence and explanation referencing your proposals in this expression of interest:		

Surplus:	<p>Please confirm that your organisation is not for profit in the sense that all surpluses are reinvested in the organisation or the community and state how you would demonstrate this in practice. You may wish to refer or provide your proposed Memorandum and/or Articles of Association.</p> <p>Your Response:</p>

**Part F: Declaration:**

I declare that to the best of my knowledge the answers submitted in this form and the associated documents are correct. I understand that the information will be used in the process to assess my organisation's approach to provide or assist in providing a relevant service, in the form of an expression of interest as described in s81 of the Localism Act 2011.

I am signing on behalf of my organisation. I understand that the Borough Council of Newcastle-under-Lyme as a Relevant Authority may reject this expression of interest if there is a failure to satisfactorily respond to information requests qualified as required for compliance, or if I provide false/misleading information.

My organisation understands that if our Expression of Interest is accepted by the Borough Council of Newcastle-under-Lyme, the Council will run a procurement exercise and invite tenders for the contract to deliver the service. This procurement exercise may also include additional services within that function. All qualified organisations from the private, public and voluntary sectors will be able to tender. The organisation that submits an EOI may not win the contract.

Form completed by:

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Sign: \_\_\_\_\_  
(an electronic signature is acceptable)

Thank you for your expression of interest. The Borough Council of Newcastle-under-Lyme will notify you if any further information is required to support your expression.

The Borough Council of Newcastle-under-Lyme will tell you, by 30<sup>th</sup> May the maximum period that we will take to let you know whether your expression of interest has been accepted or rejected.

Annex 1



## Guidance for the Completion of the Community Right to Challenge Expression of Interest Form

If you have any queries about the guidance, or the application form itself, please email:

[simon.sowerby@newcastle-staffs.gov.uk](mailto:simon.sowerby@newcastle-staffs.gov.uk)

We recommend that you use the Community Right to Challenge application form to submit your expression of interest although you are not obliged to do so. However, the application form will ensure that you are asked to think about all of the information you need to provide in your expression of interest to enable the Borough Council of Newcastle-under-Lyme to assess your expression of interest.

Please attach or include any further information to your application form that is necessary to support your application, e.g. audited accounts, or a business plan for the period you wish to provide all or part of a relevant service.

Please see the government's Community Right to Challenge Statutory Guidance: <http://www.gov.uk/government/publications/community-right-to-challenge-statutory-guidance> for further advice about all of the requirements placed upon an expression of interest and the information contained on our website <https://www.newcastle-staffs.gov.uk/all-services/business/doing-business-council/submitting-expression-interest> before completing the EOI form. The Council will only consider EOI's submitted between 1 March and 30 April each year.

## **Part A: about your organisation**

### **Type of organisation:**

This section is for you to use to provide us with key details about your organisation, plus contact details. If applicable, please provide details of registration at Companies House, the Charities Commission, or the Financial Services Authority.

### **Is your organisation constituted, please provide details:**

This section is a chance for you to tell us why you consider that your organisation is a Relevant Body and so can submit an expression of interest. This means that your organisation will need to be:

- A voluntary or community body
- A body of persons or a trust which is established for charitable purposes only;
- A parish council
- Two or more employees of the relevant authority; or
- Any other person or body specified by the Secretary of State by regulations.

The government has issued guidance about the Community Right to Challenge and some of this discusses in some more detail the type of organisation that can be considered to be a Relevant Body. The guidance mentions co-operative societies and community benefit societies, companies limited by guarantee or shares that can demonstrate a “community benefit”, and unincorporated bodies that plan to become incorporated with limited liability before they would start delivering a contract for a local authority.

If your organisation has not yet selected a name or chosen to formally constitute, please complete this section with details of the individuals who are submitting this expression of interest and organisation type you will use.

If the expression of interest is to be submitted by a type of organisation that would not be registered as a limited company, charity or with the Financial Services Authority, please provide as much supporting evidence as you can about your organisation, and in particular how your organisation’s work is primarily for the benefit of the local community. The council will need to be able to check the documents that you send to us about how your work is primarily for the benefit of the local community.



### **Partnership working:**

It is acceptable to submit an expression of interest in partnership with another body. If this is the case you will be asked to provide details in Part B for each organisation in the partnership, and also how you wish the partnership to operate. Moreover, you will be able in Part D to describe how this configuration of organisations will deliver on your proposal, including the necessary social, economic and environmental benefits, and in Part E of the application form you will be asked to provide details in respect of the capabilities and experience of all partners and/or sub-contractors.

If the expression of interest is made by more than one organisation; there will need to be a lead organisation and that organisation must be a relevant body. Please note that if the council considers that, based on the information in the expression of interest, that the relevant body or members of the consortium or any sub-contractor, is not suitable to provide or assist in providing the relevant service, it can be refused on that ground.

### **Part C: Details of expression of interest – relevant service:**

#### **Details of the Borough Council of Newcastle-under-Lyme service.**

Please include all relevant information you may have on the Relevant Service you wish to express an interest in either providing or assisting in providing.

The community right to challenge applies to all Relevant Services. A Relevant Service is a service provided by or on behalf of a Relevant Authority (such as the Borough Council of Newcastle-under-Lyme) in the exercise of its functions in relation to England, except services which are excluded from the right in secondary legislation.

There is a distinction to be made between a local authority function and a local authority service. An example of a function/service distinction is given in the Statutory Guidance, whereby a local planning authority can grant or refuse planning permission, which is referred to as a “function”. A function cannot be lawfully delegated. However, the processing of planning applications up to the decision stage is a “service”, which may be carried out by a third party on behalf of the authority.

There are services that are excluded permanently from the Community Right to Challenge. For example services that relate to named individuals with complex needs, and a Community Right to Challenge, in such instances, could disrupt the package of care provided.

Please note that the council may reject your expression of interest based on defined grounds for rejection in the Localism Act 2011 with regard to the council having existing contracts or other service agreements in place.

**Part D: Proposal for relevant service or services:**

**Outline of your organisation's proposals for the relevant service or services.**

Please provide as much information in Part D as possible to explain your proposal to either provide or assist in providing one of the council's relevant services.

Wherever possible please refer to key aspects of your organisation (e.g. type, category, approach, partners or consortia) to show how your proposal could better deliver the relevant service, how you feel the current service could change (e.g. staffing implication, transfers) and how it will meet the needs of its users.

Please note that the Localism Act and regulations say that an expression of interest can be refused if a decision, evidenced in writing, has been taken by the relevant authority to stop providing that service, or if the relevant service is already the subject of a procurement exercise, or if the relevant authority and a third party have entered into written negotiations for provision of the service, or if the relevant authority has published its intention to consider the provision of the relevant service by a body that 2 or more specified employees of that authority propose to establish. Please attach or include any further information necessary to support your expression of interest.

**Is your organisation made up of two or more current Newcastle-under-Lyme employees?**

The Community Right to Challenge allows two or more employees of the Borough Council of Newcastle-under-Lyme to submit an expression of interest. In this case you must provide details of how you propose to engage other employees of the council who are affected by the expression of interest.

**Description of the social, economic and environmental benefits that will be provided as a result of your approach to the relevant service.**

Here you must explain in as much detail as possible how the proposals will promote or improve the social, economic or environmental well-being of the relevant authority's area; and how it will meet the needs of the users of the relevant service.

Please provide as much information as possible to confirm how your organisation and your proposal for the relevant service would increase social, economic or environmental well-being in Newcastle-under-Lyme over and above the provision of the relevant service.

**Part E - Capability statement and experience:**

**Explanation of why your organisation is capable of providing the relevant service in the way you describe in Part D.**

In Part E you must provide full details of the financial resources to be used to deliver the service(s), and you must explain how and why your organisation or partnership will be capable of providing or assisting in providing the relevant service.

In Part E, please provide as much information as possible to confirm how your organisation (and any partners or sub-contractors) is able to either provide or assist in providing the relevant service or services. This should include information on any plans you may have to develop your organisation in

preparation for a procurement exercise (e.g. if you have not chosen to constitute your organisation at the point of submitting an expression of interest). Please provide information to the council regarding your governance and decision making approaches, which may relate to your current or proposed Memorandum and/or Articles of Association. Please explain the exact work inputs needed to produce a list of specified outcomes. Please explain the geographical area of the relevant service, and include a map if you can.

**Explanation of why your organisation has experience or expertise for the relevant service or services.**

Please provide as much information as possible to confirm how your organisation (and any partners or sub-contractors) can use its experience or expertise to provide or assist in providing the relevant service or services. You can provide information here on any projects or contracts that your organisation or individuals in your organisation have been involved in. You are not restricted to only three examples.

**Explanation of why your staff team has the experience or expertise for the relevant service or services.**

Please provide as much information as possible to confirm how staff employed to deliver your proposals are experienced, and have the expertise and qualifications to provide or assist in providing the relevant service or services. You can provide information here on any projects or contracts that your staff or individuals in your organisation have been involved in.

**Explanation of how your organisation relates to the Council currently.**

Please provide as much information to explain where your organisation, its staff, partners or your consortia may have a relationship with the council. In this context, we ask that you confirm here if you are an employee of the council, which directorate and in what role; and such information for all those named as part of the organisation you propose to deliver relevant services, or if any person connected with you organisation (or any partners or staff) have an associated person who is employed by the Borough Council of Newcastle-under-Lyme or has been employed by the Council in the last three years.

For the purposes of this question an 'associated person' is any person who is

employed by, works for, or otherwise provides services on a full-time or part-time basis to or on behalf of the council (or associated body) whether under a permanent or fixed contract of employment with the council, through an agency contract with an employment agency, or as a consultant or contractor through a contract for services with the council.

**Description and detail of your organisation's financial status, and approach to the financing of your organisation for providing the relevant service including how the organisation could offer value for money with added social benefits:**

Please provide as much information as possible to confirm how your organisation plans to support the provision of the Relevant Service through its own financial status and resources, and any business planning that may be required to support your approach. Here is an opportunity to explain the value for money that your proposal will offer the council.

If you have a copy of your organisation's audited accounts for the last two years available, please attach these. We also ask for a bank letter, or equivalent, outlining the cash and credit position for your organisation. This is because the council needs to be assured that your organisation has the financial capability needed to safeguard the interests of the local community, if you were to be contracted to provide the Relevant Service.

Many organisations will have a business plan in place which explains how the provision of the relevant service is placed within your managerial and organisational plans, if this is available please attach or include, as it would assist our assessment of your expression of interest. Not providing a business plan is not a reason to refuse your expression of interest.

**Part F – Declaration.**

Finally please conclude your application form by filling in your name and date. An electronic signature is acceptable.