

## **Scotland Excel**

**To: Executive Sub Committee**

**On: 17 June 2016**

**Report  
by  
Director Scotland Excel**

### **Request for Associate Membership of Scotland Excel by CultureNL**

#### **1 Introduction**

On 1 April 2013, operational responsibility for North Lanarkshire Council's cultural services and related services transferred to CultureNL, a specially created Scottish charity and company limited by guarantee.

CultureNL assumed responsibility for the management and operation of performance venues such as Motherwell Concert Hall and Theatre, arts activity and arts development, community facilities (including the letting of school halls and sports pitches), museums, archives and local studies, libraries and information services and play services. CultureNL also manages the catering, cleaning and caretaking functions associated with these services.

Based on the foregoing CultureNL have approached Scotland Excel and requested approval to become an associate member with continued access to our contracts under the council's annual requisition fee.

#### **2 Legislative Position**

Under the Local Government in Scotland Act 2003 local authorities can supply goods and services to a range of organisations and public bodies and Scotland Excel facilitates this by managing a number of "associate members" along with the 32 "full member" Councils. Associate members do not receive the full range of services which full members have and subsequently are asked to sign a Service Level Agreement (SLA) rather than a full governance document.

Scotland Excel monitors all requests from arms length organisations to become associate members to ensure that any legal requirements are met as not all such organisations are fully funded from their local authority, in this case CultureNL qualify for

membership as they in accordance with the Local Authorities (Goods and Services) Act 1970, section 1B, namely that the organisation is not a public body, but it has functions of a public nature or engages in activities of that nature. This SLA is necessary to ensure Renfrewshire Council as the contracting authority responsible for acceptance of contracts is not liable for any default by an associate member against a Scotland Excel contract.

### **3 Recommendation**

It is recommended to committee that CultureNL application to join Scotland Excel as an associate member accepted subject to completion and signing of the SLA.