

Scotland Excel

To: Executive Sub-Committee

On: 22 October 2021

**Report by:
Chief Executive of Scotland Excel**

Request for Associate Membership of Scotland Excel by Zero Waste Scotland Ltd

1. Background

- 1.1 Scotland Excel operates an Associate programme to allow access to its frameworks and services to a wide range of other public service orientated bodies. Applications can be made for Associate Membership by organisations such as council arm's length organisations, community groups, charities, housing associations and voluntary organisations which are a public body or a body that engages in activities of a public nature.

Although associate members have access to frameworks, they do not have the opportunity to influence the future contract delivery schedule which is reserved for the full local authority members.

Associate membership supports the wider aims of Scotland Excel by increasing overall spend against frameworks, providing additional income and supporting the goals of promoting excellent public procurement across Scottish organisations.

2. Organisation Background

- 2.1 Zero Waste Scotland Ltd exists to lead Scotland to use products and resources responsibly, focusing on where they can have the greatest impact on climate change. Using evidence and insight, their goal is to inform policy, and motivate individuals and businesses to embrace the environmental, economic, and social benefits of a circular economy.
- 2.2 Zero Waste Scotland Ltd is an accredited real living wage employer.
- 2.3 Zero Waste Scotland Ltd is a private company limited by guarantee without share capital and a registered Scottish charity. Zero Waste Scotland Ltd is wholly owned by the Scottish Government and report to Ministers.

3. Associate Membership Process

- 3.1 Before any application is submitted for approval, a number of validation checks on the organisation are carried out. These include a review of the Memorandum & Articles of Association, the financial position and the type of contracts that the organisation is likely to access. It is confirmed that satisfactory validation checks have been completed in relation to this application.
- 3.2 Scotland Excel monitors all requests from applicants to become associate members to ensure that any legal requirements are met. In this case, Zero Waste Scotland Ltd can be recommended for associate membership access in accordance with the Local Authorities (Goods and Services) Act 1970 section 1 (1B)(c). Namely, that it has functions that are public in nature or engages in activities of that nature so long as the purpose or effect of access to Scotland Excel's services is to facilitate its discharge of those functions or activities.
- 3.3 Fees are determined in a number of ways:
- Arm's-Length External Organisations (ALEOs) related to local authority members pay no fee as this is covered within requisition fees.
- National Health Service (NHS) bodies, Colleges and Universities, and Non departmental bodies of the Scottish Government pay no fee under a reciprocal agreement that allows local authorities to utilise contracts created by the relevant procurement centres of expertise.
- All other associate fees are calculated on a standard methodology agreed by committee. e.g. Housing Associations pay based on the number of houses within their portfolio.

4. Recommendations

- 4.1 It is recommended to committee that Zero Waste Scotland Ltd application to join Scotland Excel as an associate member be approved, with no annual fee as part of the reciprocal agreement and subject to the agreement document.