

Scotland Excel

To: Executive Sub Committee

On: 13 May 2016

**Report
by
Director Scotland Excel**

Request for Associate Membership of Scotland Excel by Live Borders

1 Introduction

In addition to the 32 local authorities who are full members of Scotland Excel applications can be made for Associate Membership by organisations such as council arms 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.

Organisations apply to Scotland Excel for Associate Membership to allow them to access the frameworks for goods and services which we have in place for our full members. Associates do not have the opportunity to influence the future contract delivery schedule which is reserved for the full local authority members.

2 Application

Live Borders was established in 2003 to manage the sport and leisure facilities of the Scottish Borders Council. Today, as a charitable “arms length organisation” of the council it delivers a wide range of services from various locations in the community. These services meet a a diverse range of needs and expectations from improving health, sporting performance with the aim of delivering improved lives through physical activity, sport and leisure.

To ensure the efficient and cost effective delivery of these services the trust has approached Scotland Excel and requested approval to become an associate member with access to our contracts under Scottish Borders Council’s annual requisition fee.

3 Legislative Position

Before any application is submitted to committee for consideration checks are made into the organisation including scrutiny of the Memorandum & Articles of Association, finances and the type of contracts that the organisation wishes to

access. Membership commences once committee has approved the application and a Membership Agreement between Scotland Excel and the organisation is signed. The Membership Agreement protects Scotland Excel and Renfrewshire Council in the event of default by the Associate Member in any contract.

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 Live Borders 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 and the purpose of accessing Scotland Excel's services is to facilitate the discharge of those functions and activities.

4 Recommendation

It is recommended to committee that the Live Borders application to join Scotland Excel as an associate member be approved, at no fee, subject to completion and signing of the agreement document.