

### 1. Membership

Membership of Scotland Excel will be open to all local authorities in Scotland. In addition non-local government organisations to whom a local authority can provide goods and services will also be able to participate in Scotland Excel as associate members. This grouping includes organisations prescribed by the Scottish Executive, public authorities or bodies, and bodies discharging functions of a public nature, such as valuation boards, police and fire authorities, colleges, community councils, housing associations, local authority trusts, the voluntary sector.

### 2. Powers of Scotland Excel

The member authorities will require to delegate to the joint committee all the necessary powers to enable it to exercise the functions for which it is established. Non-local authority organisations joining Scotland Excel as associate members must ensure that they have the authority to do so.

### 3. Representation on the Joint Committee

Each authority that joins Scotland Excel will be represented on the Joint Committee. It is proposed that, given that the joint committee has the to involve all 32 local authorities, authorities with a population of less than 200,000 would be represented by 1 member and authorities with a population of over 200,000 would be represented by 2 members. Based on a full 32 council membership this would give a joint committee size of 40 members. There will be provisions in the Standing Orders of the joint committee for special meetings of it to be requisitioned by the Chair or by a quarter of its members. In view of the size of the joint committee it is envisaged that it will meet no more than four times a year to deal with its budget, annual report, governance issues and any major strategic items of business such as its procurement strategy and business plan.

In order to ensure proper governance, and given the size of the full joint committee, a representative executive sub-committee will be set up which will meet on a regular basis between the quarterly meetings of the full joint committee. This sub-committee will consist of one quarter in number of the total membership of the full joint committee drawn from the full joint committee's membership.

Further, to ensure more detailed oversight of the operation of the new body, a management group of six Chief Executives drawn from the member authorities will be set up. This will meet on a monthly basis and will be chaired by the Chief Executive of the lead authority.

A formal scheme of delegation will be agreed by the joint committee regulating the powers of the executive sub-committee and the role of the Chief Executive Officers Management Group.

#### **4. Executive Sub-Committee**

The executive sub-committee will receive reports from the Chief Executive Officers Management Group on the range of products and services to be provided and on the performance of the consortium including its financial performance. It will also act as appointment committee in relation to the appointment to the post of the Director and deal with any employment appeals arising from the terms and conditions of employment relating to grievance, discipline or appeals arising from termination of service or on grounds of ill health or lack of capability.

#### **5. Role of the Chief Executive Officers Management Group**

This group will be made up of a representative group of six Chief Executives from the members participating in Scotland Excel or their nominees who should at least be of a chief officer grade. The group will provide management oversight of Scotland Excel and be responsible for advising Scotland Excel and the executive sub-committee on strategic procurement issues. As part of its oversight role it will set performance targets for Scotland Excel and review authorities participation in contracts.

The Director of Scotland Excel will be accountable to the Chief Executive Officers Management Group for the performance of the Scotland Excel and the delivery of the business plan.

In cases of emergency or urgency the Chief Executive of the lead authority (or his nominee) will be empowered to award contracts following such consultation as is reasonably possible with the representatives on the Chief Executive Officers Management Group, and the Convener and/or Depute Convener of the joint committee.

#### **6. Support for Scotland Excel**

Renfrewshire Council is currently the employer of the existing Authorities Buying Consortium's staff and provides administrative and other support to it. It will continue in its role as lead authority for Scotland Excel. Members will agree to pay all costs, expenses and outgoing incurred by the lead authority, each member's share being calculated in accordance with the agreed contribution rate.

## **7. The Work of Scotland Excel**

Members will be obliged to use the product and services range as agreed from time to time by the Chief Executive Officers Management Group and reported to the joint committee or the executive sub-committee. They may make arrangements to access products and services other than through the consortium where the product and/or service provided by Scotland Excel is not available or is not available within a timescale deemed reasonable by the member or it does not represent best value. When members do not use Scotland Excel organised contracts they must provide the Director with reasons for not doing so. A member authority will not be required to breach or replicate an existing contract for the supply of a product and/or service it has already entered into. The range of products and services can be changed from time to time.

## **8. Budget and Payment**

The cost of Scotland Excel will be recovered by requisition as determined by the joint committee. In the event of Scotland Excel carrying out agreed additional procurement activities for a member or a group of members then they will be charged for that work at an agreed rate. Scotland Excel can agree to provide procurement activities to non local authority associate members on payment of an agreed fee.

## **9. Standard Terms and Conditions**

Each member wishing to participate in Scotland Excel will do so on the terms and conditions which are attached at Appendix 5.