

SCOTTISH BORDERS COUNCIL

2 APRIL 2015

APPENDIX I

Question from Councillor Gillespie

To the Executive Member for HR & Corporate Improvement

Has the introduction of fees for Employment Tribunal applications reduced the number of claims against Scottish Borders Council? Have any claims against Scottish Borders Council been lodged at Employment Tribunals in the last 2 years and what was the outcome?

Reply from Councillor Cook

Fees were introduced on 29/07/13, and it isn't obvious that has had an effect on the level of claims. There is an initial fee of £250 and if the claim proceeds to hearing there is a further charge of £950.

Eight of the following claims were lodged in the last two years. Three of the claims were lodged outwith the last two years but did not conclude until after 1 April 2013. This reflects the substantial time lag that exists between a case being lodged and the judgement being issued.

For clarity, claim dismissed is a decision of the Tribunal and withdrawn the Claimant's decision.

Name	Date Lodged	Type of Claim	Outcome
Iain Fitzpatrick	26.09.12	Unfair Dismissal	Claim Dismissed
Lesley Riseam	20.12.12	Disability Discrimination	Claim Dismissed
Jackie Wemyss	25.02.13	Unfair Dismissal	Claim Withdrawn
Patsy Smith	13.11.13	Unlawful Deduction from Earnings	Claim Dismissed
Jim Gill	28.11.13	Unfair Dismissal/Whistleblowing	Claim Dismissed
Hugh Kinsella	10.01.14	Unfair Dismissal	Claim Dismissed
John Heatlie	15.04.14	Breach of Contract	Claim Withdrawn
Gary Dodds	26.06.14	Unfair Dismissal/ Disability Discrimination	Awaiting Judgement
Jackie Robertson	30.07.14	Unfair Dismissal	Claim Dismissed
David Mackenzie	11.08.14	Breach of Contract/Unlawful Deduction	Claim Dismissed
Catherine McLeod	20.11.14	Unfair Dismissal	Claim Withdrawn

Questions from Councillor Logan

1. To the Executive Member for Roads and Infrastructure

Can you tell us if BAM Nuttal has made any financial contributions towards repairing the damage to our roads, walls and bridges as a result of work associated with the Borders Railway Project? If there have been some contributions can you tell us the total to date?

Reply from Councillor Edgar

Following completion of the main civil engineering works for the Borders railway, Council officers have completed detailed survey work to ascertain the extent of extraordinary roads damage arising from the works. The damage has been costed and a detailed claim is being put together with the aim of recovering the full cost from BAM Nuttall. At present the extent and details of the claim remain commercially sensitive until agreement has been reached with them.

2 To the Leader

Can you tell us why there was not a public consultation, prior to the debate in Council, to consider the appropriateness of Tweedbank as a suitable site for the Great Tapestry of Scotland?

Reply from Councillor Parker

For clarity, The Great Tapestry of Scotland is owned and managed by the Tapestry Trustees. It is up to the Trustees to determine its future and Scottish Borders Council, at all times, has been guided by the Trustees' requirements. It is not within the gift of the Council to determine the location of the Tapestry on its own, and any location that we put forward must meet the Trustees' requirements and be agreed by them.

Over a year ago the Council was made aware that a number of bids from around Scotland had been made to offer the Great Tapestry a permanent home.

Scottish Borders Council spoke with the Trustees to see if there was any possibility that the Tapestry could be located in the Scottish Borders. The Trustees advised us that they were willing to give consideration to this and that they had a number of requirements which had to be met.

These requirements were:-

1. Whether it be a new build, or existing building, the proposed Tapestry home should be capable of properly displaying and meeting the full requirements of the Tapestry. The Tapestry is a unique work in its size and scale and the chosen home for the Tapestry must compliment the unique nature of the Tapestry.
2. The Tapestry had to be located close to a major public transport link
3. The Tapestry had to have good road access
4. The chosen site should maximise visitor numbers
5. The Trustees would provide the Tapestry, but would expect the winning bidder to develop the permanent home for the Tapestry and play a part in managing the Tapestry on an ongoing basis.

When those working on the project met with the Tapestry Trustees to discuss locations the Trustees were strongly of the view that the only suitable location that they would consider would be in the central Borders in the Galashiels-Melrose area. Other options were discussed, including Peebles, Selkirk and Hawick, but the Trustees were not persuaded that these locations had sufficient public transport links, nor that they would generate the type of visitor numbers that the Trustees sought. The Trustees had previously held discussions in Hawick in 2013 that had not led to a suitable site in Hawick being identified.

The Trustees were not against Selkirk, Hawick or other towns in the Borders but they were not convinced that the Tapestry would perform as well there as it might do in a location nearer the new Borders railway.

The Council commissioned Jura Consultancy to do some initial work on our behalf to look at possible sites and to consider whether there was a viable central Borders solution. Officers working with Jura quickly concluded that there were no Council or privately owned sites in Melrose that were suitable.

In terms of Galashiels, again, after careful consideration, no public or private sector site was identified. Although the former post office site in Galashiels would have presented an excellent opportunity for a town centre location, the anticipated costs of that project ruled its development out.

The Council also looked at the possibility of co-locating the Tapestry at the Abbotsford Visitor Centre but the Trustees felt that the Tapestry was an attraction in its own right and that it should be displayed as such. It would also have been necessary to construct a new build at Abbotsford to house the Tapestry, which in itself would have brought challenges.

A number of Council owned sites in Tweedbank were identified, located near the terminus to the Borders Railway. The Tweedbank sites met the Trustees' criteria of being next to a significant

public transport link and having good road access. It is also the case that there are good and improving bus links to Tweedbank.

Working with Jura Consultants the Council developed a proposal for the Trustees to consider that would allow there to be a purpose built building to house the Tapestry on one of the sites at Tweedbank.

The Council anticipates developing a railway and textile exhibition alongside the Tapestry as well as providing space for temporary and visiting exhibitions from a variety of other museums. The site will also offer a shop, café and education space. Jura Consultancy advised that the Tweedbank location in the central Borders offered the best opportunity to meet the Trustees' criteria and maximise visitor numbers.

The Trustees approved the Tweedbank proposal and felt that taking the 'Train to the Tapestry' was a very strong marketing point. It was also felt that a Tapestry centre in Tweedbank would be an ideal complement to attract visitors to the Borders and to use the new railway. The consultants considered that the visitor numbers that would be generated at Tweedbank would be more significant than those at other Borders locations.

If I could sum up the Trustees views, they simply feel that the Tapestry would be best placed in Tweedbank. It is also the very strong view of the Trustees that a purpose built centre is the best way forward to ensure that the Tapestry is properly displayed and managed for the future.

The Trustees feel that the building should be developed around the Tapestry's requirements and that the Tapestry should not be made to fit around the building. This, therefore, significantly limits the potential suitable sites.

At our meeting in May 2014 Council considered a report that set out the work completed and invited Members to agree to take forward the development of a detailed business case to situate the Tapestry at Tweedbank. Representatives of the Trustees attended a private session of the Council before the public Council meeting; they outlined their vision to Members and answered questions. The Trustees were very clear that if their preferred location of Tweedbank was not taken forward, then the Tapestry would not come to the Scottish Borders and they would simply accept one of the other offers that they have available.

There are occasions when consulting the public is without doubt the right and proper thing to do. In coming to a decision about the future home for the Tapestry it was consultation and agreement with the Tapestry Trustees that was the critical issue to be addressed. As I have explained the process followed was detailed and logical in its approach.

3. To the Executive Member for Social Work

In light of the recent announcement could the Executive Member for Social Work confirm that four fifths of SB Cares Managing Director's salary will be paid by SB Cares?

Reply from Councillor Renton

SB Cares budget does include the cost of Philip Barr being employed in the Managing Director position for 80% of his time.

Question from Councillor Cockburn

To the Leader

Could the Leader update us on the current situation with COSLA membership? Will this Council be discussing, at some point, whether or not Scottish Borders Council should remain as a member of COSLA, in the light of other Councils withdrawing?

Reply from Councillor Parker

It is the settled view of the Council's Administration that Scottish Borders Council should remain a member of COSLA.

The local authorities who have recently left COSLA are all Labour led and previously supported a change in the local government financial distribution formula that, if agreed, would be seriously detrimental to Scottish Borders Council.

Scottish Borders Council has played an active role in COSLA and Cllr Michael Cook is the current Vice President of the organisation.

There are no plans to debate this issue in Council at present, but if Conservative Members wish to debate the matter, they can activate the appropriate mechanisms that would allow this issue to come before Council for debate.