

SCOTTISH BORDERS COUNCIL
26 OCTOBER 2023
APPENDIX I

OPEN QUESTIONS

Question from Councillor Anderson

To the Executive Member for Estate Management and Planning

Cockburnspath Community council have been trying for many years to get an agreement in place to allow them to repair the Merket Cross. After extensive attempts by Elected members to bring this issue to a satisfactory conclusion we are still no further forward. The Merket Cross stands on SBC ground but has no owner which has made the issue difficult. Can SBC give written assurance to Cockburnspath CC that, repairs paid for by Cockburnspath CC will not result in them being liable for the Merket Cross in the future?

Reply from Councillor Mountford

The Merket Cross is a grade A listed historic monument, the ownership of the Cross is not yet established. It is not recorded on the Council's asset register and legal services are trying to establish the ownership of the land on which the cross sits because under Scots Law, if the Council own the land then the ownership of the Cross on which it sits also rests with SBC.

The Community Council has also been in extensive correspondence with the Heritage Planning Team at SBC and once ownership of the cross is established the easiest way to ensure repairs to the Cross are conducted to an appropriate standard would be for the Community Council to pass funding to SBC under a legal agreement and for the Council to undertake the necessary works. Once ownership is established there will be no risk of any future liability for the works resting with the Community Council.

Supplementary

Councillor Anderson asked if there was a timescale. Councillor Mountford advised that while he could not provide a timescale, legal services would proceed as quickly as possible to resolve ownership.

Question from Councillor Thomson

To the Executive Member for Communities and Equalities

Following the approval of the motion put forward by Cllr Tatler at the previous full council meeting, does the Administration support the promotion of the joint Trussell Trust and Joseph Rowntree Foundation Campaign calling on the UK Government for an 'essentials guarantee' to make sure the basic rate of Universal Credit is sufficient to afford the basics each of us needs to live?

Reply from Councillor Tatler

Council agreed at it's last meeting to call on all UK political party leaders to support the introduction of an Essential Guarantee within Universal Credit to ensure that the basic rate at least covers life's essentials, such as food and bills, and can never be pulled below that level. I put forward the motion in support of the joint Trussell Trust and Joseph Rowntree Campaign and I will speak to officers about how the Council can best promote it.

Supplementary

Councillor Thomson advised that the Joseph Rowntree Foundation was calling for a £22m investment by the UK Government and can we ask for a commitment for this. Councillor Tatler advised that the Council had done as asked by their Campaign.

Question from Councillor Sinclair

To the Convener

How and why was the decision taken to light up Council Headquarters blue and white on October 10th?

Reply from Councillor McAteer

First of all Councillor Sinclair can I thank you for the question that is entirely relevant and appropriate.

On the 7th October 2023 many were shocked at the despicable terrorist attack on the state of Israel, by Hamas, a 'proscribed' terrorist organisation in the UK and elsewhere across the world. In its entirety, following Parliament's approval of an Order which was laid in Parliament on Friday.

That 2012 decision of the UK government makes it unlawful to support Hamas.

On the evening of Sunday 8th October as Convener of Scottish Borders Council I was contacted by elected members of this council who advised me that the UK Government were asking for public buildings to 'fly an Israeli flag' as a 'mark of respect' in condoning the terrorist action that had resulted in the loss of more than 1000 innocent men, women and children.

This was not an 'instruction' and devolved authorities, including Scotland, were able to offer their own advice or recommendations.

After being requested to consider flying the Israeli flag I referred to the council's 2015 'The Flying of Flags from Council Buildings' protocol. The current protocol only refers to flags and makes no provision for the recent trend of 'lighting' council or public building with coloured lighting generally aligned to the event being respected. In the absence of any clarity I considered the lighting of a public building could reasonably follow the flag flying policy to ensure consistency in the council's approach.

The protocol is predicated on Scottish Government procedures and while the content is heavily focussed on scheduled annual events e.g. birthday of the monarch, international day against homophobia, armistice day and Remembrance Sunday it also makes reference to actions resulting from acts of terrorism, natural disaster and 'any other appropriate action'.

The protocol is explicit in stating that the decision (to fly a flag) will be made by the Convenor in consultation with the Chief Executive.

In following the protocol I discussed the request to fly the Israeli flag with the acting Chief Executive. We were very aware of the sensitivities and concerns that any action we undertook may have in our communities.

We jointly agreed that the specific targeted and heinous criminal attack on so many defenceless people, including young children, the deliberate taking of hostages and the direct impact on UK and other nationals justified our support to 'all' who unfortunately were victims of the Hamas terrorists.

This approach was I believe consistent with previous such decisions made by this council.

It was also established that Scottish Borders Council were not in possession with an Israeli flag and the alternative of lighting the Headquarters Tower in Blue and White was proposed.

This decision was communicated to the political groups of the council with a proposal to light the Headquarters Tower over three nights (until the weekend) with supporting media that explained why the council had taken this decision.

Subsequently I received confirmation that the Conservative group (while still preferring an Israeli flag) were totally supportive. I also received representation from the SNP and Green group who expressed their concern regarding the action. They were supportive of showing solidarity with those impacted by war and violence while making the point that hundreds of Israeli and Palestinian civilian lives had been lost.

I personally did not receive representations or expressed concerns from the Independent or Liberal Democrats groups.

In view of the divergent views of the two groups the acting Chief Executive and I discussed what a considered and proportionate response might be. Doing nothing given the horrendous circumstances and the public outrage was not considered a realistic option and failed the 'consistency' test. Ignoring one or other of the groups that had expressed support or concern was undemocratic and inappropriate. Moderating the proposal to limit the time the Tower would be lighted to one night and ensuring the accompanying public commentary made it clear that this council was recognising 'all' victims without prejudging one state or the other was preferred.

The acting Chief Executive and I agreed the latter approach.

In making this decision I was acutely aware of perfectly legitimate sensitivities and historical context between Israel and Palestine and the Middle East in general.

I was at pains to emphasise that I had no wish to become involved in the politics of this difficult and challenging relationship.

Condoning the illegal, heinous, and utterly deprived actions of a proscribed terrorist organisation in line with the UK and Scottish Governments and internationally was a reason why our Headquarters Tower was lighted for one night in blue and white. Recognising and supporting 'all' victims of such violence more than complimented that decision.

I'm sure you all join me in hoping that lasting peace returns to Israel, Palestine and the Middle East very soon.

Supplementary

Councillor Sinclair agreed that the actions of Hamas could not be condoned but that the situation had escalated since then resulting in a humanitarian crisis with the UN calling for a ceasefire. On that basis she asked if the Convener would agree to light the tower in white to recognise all casualties. Councillor McAteer advised that there were learning in all that we did and advised that having reviewed the Council's Policy there was a need to involve others in the decision making. He confirmed that it was likely that white would be the colour used in future for any similar such events.

Question from Councillor Tatler

To the Executive Member for Service Delivery and Transformation

At the Council's Executive on 18th April it was agreed that a Lessons Learned Report in relation to the Peebles Swimming Pool debacle would be brought back to Executive for their consideration. It is now 6 months since that meeting, when will the Report come to Executive?

Reply from Councillor Rowley

An initial lessons learned discussion has taken place and a formal workshop is currently being arranged with the Council's insurers Zurich. This is expected to take place once the final insurance settlement has been agreed, this Autumn. A report will be prepared for consideration by Executive Committee following the formal lessons learned workshop. At present, the expected timescale for a report is December 2023.