

# SCOTTISH BORDERS COUNCIL GIBSON TRUST

MINUTES of Meeting of the GIBSON TRUST  
held by Microsoft Teams on Monday, 15 May  
2023 at 11.00 am

Present:- Councillors J. Linehan, D. Parker and J. PatonDay.  
In Attendance:- Chief Legal Officer, Interim Estates Strategy Manager, Estates Surveyor (A. Watson), and Democratic Services Officer (D. Hall),

1. **CHAIRMAN.**

Councillor Parker, seconded by Councillor PatonDay proposed that Councillor Linehan be appointed as Chair of the Gibson Trust. This was unanimously agreed, and Councillor Linehan assumed the Chair.

**DECISION**

**AGREED to appoint Councillor Linehan as Chair of the Gibson Trust.**

2. **MELROSE FOOTBALL CLUB PROPOSED EXTENSION TO PREMISES AT OLD FIRE STATION, GIBSON PARK.**

There had been circulated copies of a report by the Director – Infrastructure and Environment which proposed that Melrose Football Club were permitted to extend the leased premises at the Old Fire Station and were granted a longer lease with a larger site area. The report explained that permission would be conditional on the successful outcome of a community consultation, grant of planning and conservation area consent and proof of funding. The Interim Estates Strategy Manager, Ms Jo Stewart, provided an overview of the premises in their current condition, and what changes were proposed by the Club. It was hoped that the proposed extension and improvements made to the building would enable wider community use. All of the trees which had been marked for removal would be replanted. The Chair highlighted that there was concern amongst the wider community that the occupier of the policeman's cottage, and parts of the wider community, had not been notified. The Chief Legal Officer explained that in terms of the trust deed, the trustees were entitled to permit the temporary erections on the land in question for usage in conjunction with sports such as football, tennis and other athletic and leisure pursuits. Mrs McKinlay confirmed that the land which would be part of a new lease was owned by the Gibson Trust. Members explained that they had no objections to the proposals and highlighted that any issues which had arisen as part of the planning application would be best dealt with by the planning department. Ms Stewart confirmed that the planning application had been submitted, but there was no final report. Regarding a proposed community consultation, Mrs McKinlay explained that whilst it was not required by the trust deed, in the interests of transparency and governance it would be prudent that one took place. Mr Greg Simpson of Melrose Football Club was in attendance at the meeting, and explained that the plans to extend the building would allow a greater degree of utilisation by the wider community. It was expected that the social space would be hireable for meetings, and that the local primary School would be able to access the full facility. Mr Simpson highlighted that the School had provided favourable comments on the planning application. In response to a question regarding the length of time that any consultation would be active, Mrs McKinlay explained that 4-6 weeks would be sufficient for a single, specific subject. Mrs McKinlay advised that it would be sensible for the Club to carry out the consultation, and that direction could be provided by SBC if necessary. Mr Simpson confirmed that Melrose Football Club had been granted charitable status, which was expected to assist with grant funding. Regarding the ownership of the completed building, Mrs McKinlay explained that under Scots property law anything built on land belonged to the owner of the land, and that the building would be owned by the Trust. Members discussed what duration of lease would be appropriate, and on the advice of Mrs McKinlay agreed that a lease of 40 years would

be sufficient to allow the club demonstrate the security of their tenancy as part of grant and funding applications. Mrs McKinlay agreed to provide a letter of comfort which would set out that the Trust was happy for the Club to proceed with development, subject to the conditions of the decision.

#### **DECISION**

##### **AGREED:-**

- (a) to grant approval in principle for the extension of the “old fire station” subject to community consultation, planning and conservation area consent and proof of adequate funding
- (b) to grant approval in principle to lease MFC a larger area of land to include the footprint of the building extension and external works, subject to community consultation, planning and conservation area consent and proof of adequate funding;
- (c) to grant approval in principle to extend the lease by 25+ years lease so that MFC are able to apply for grant funding for the proposed extension, subject to planning and conservation area consent and proof of adequate funding; and
- (d) that the Legal Department would issue a letter of comfort to Melrose Football Club outlining that the Trust was contented with the proposed development.

#### **3. MELROSE TENNIS CLUB.**

The Estates Surveyor, Mr Alasdair Watson, provided an overview of a proposal to place solar panels on the roof of the Waverly Tennis Club. Approval from the Trust, as landlord, was required prior to the installation. The necessary planning permissions had been granted. The proposal involved the installation of 15 solar panels on the south facing elevation of the roof of the tennis pavilion. The cost of the installation would be met by the Club. Members discussed the proposals and considered whether a community consultation would be appropriate prior to the installation. It was agreed that because planning approval had been granted it would not be appropriate to place further quasi-planning conditions on the Club prior to installation. Members unanimously agreed to approve the installation. The Chief Legal Officer advised that as part of planning process careful consideration would have been paid to a range of matters, including local amenity, and highlighted that because the building was located in a conservation area a greater degree of deliberation would have taken place by planners. It was not necessary to consult publicly on all matters, and the Trust as landlord should be focused primarily on the prudent management of the property and land it held where it was evident that appropriate regulatory steps were being undertaken.

#### **DECISION**

**AGREED to approve the installation of solar panels at Melrose Tennis Club.**

#### **4. PRIVATE BUSINESS**

##### **DECISION**

**AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 7A to the Act.**

#### **SUMMARY OF PRIVATE BUSINESS**

#### **5. CARAVAN PARK.**

Members considered an update on matters relating to Melrose Caravan Club.

*The meeting concluded at 11.55 am*