

**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on THURSDAY, 12 FEBRUARY 2015**

Present:

Provost Len Scoullar (Chair)

Councillor John Armour	Councillor Neil MacIntyre
Councillor Gordon Blair	Councillor Robert E Macintyre
Councillor Michael Breslin	Councillor Robert G MacIntyre
Councillor Rory Colville	Councillor Donald MacMillan
Councillor Maurice Corry	Councillor Alex McNaughton
Councillor Robin Currie	Councillor Jimmy McQueen
Councillor Vivien Dance	Councillor Bruce Marshall
Councillor George Freeman	Councillor Aileen Morton
Councillor Anne Horn	Councillor Ellen Morton
Councillor Donald Kelly	Councillor Gary Mulvaney
Councillor David Kinniburgh	Councillor Dougie Philand
Councillor John McAlpine	Councillor Elaine Robertson
Councillor Roderick McCuish	Councillor Isobel Strong
Councillor Iain Angus MacDonald	Councillor Sandy Taylor
Councillor Alistair MacDougall	Councillor Richard Trail
Councillor Iain Stewart MacLean	Councillor Dick Walsh

Attending:

Sally Loudon, Chief Executive
Douglas Hendry, Executive Director of Customer Services
Cleland Sneddon, Executive Director of Community Services
Pippa Milne, Executive Director of Development and Infrastructure Services
Bruce West, Head of Strategic Finance
Charles Reppke, Head of Governance and Law
Donald Kelly, Legal Manager

The Provost adjourned the meeting at 2.00pm and re-convened at 2.15pm.

The Council received a petition of 10,500 signatures on behalf of 38 Degrees with regard to the sale of Castle Toward.

The Provost considered Standing Order 16 which addressed the question if a decision of the Council can be changed within a period of 6 months of the original decision. The Provost advised that whilst he had some concerns about the competence in the interest of fairness he ruled that the Council proceed to consider the item and therefore ruled on consideration of the matter as being competent.

The Executive Director of Customer Services intimated that a late request for a deputation to be heard by the Council had been received from South Cowal Community Development Trust. The Provost noted the lateness of the deputation and ruled that as the matter had been before two Council Meetings, he ruled that he would not allow the request to be considered as due notice had not been given in accordance with Standing Order 18.3.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated by Councillors Mary-Jean Devon, Duncan MacIntyre and James Robb.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CASTLE TOWARD

The Provost advised that this was a requisitioned meeting in terms of Council Standing Order 1.3.2 which had been called for by sufficient Members of the Council.

The Council were asked to reflect on the new information received on the Castle Toward Estate, in particular the RICS Red Book valuation by Savills and the matching revised offer from South Cowal Community Development Company and to reflect on the ongoing costs of £22k per month to keep the property empty. The Council were also asked to consider selling the property to SCCDC for the new valuation and offer, ie £850k.

The Provost invited Members to move a motion or amendment in support of the business before the Council.

Motion

The Council notes:

1. That the valuation by Savills is not a material change of circumstance; in terms of the Community Right To Buy process the District Valuer's valuation provides an independent valuation of the asset. The advice from the Council's external specialist advisers is that the report from Savills does not alter their view as to the open market value of the estate. They also specifically caution members against placing any reliance on the valuation by Savills, for the reasons set out in the briefing note circulated. This means that the principles of Best Value which the Council should adhere to and the State Aid issues remain exactly as they were on 18 December 2014 when a substantive decision was first made on this matter by the Policy and Resources Committee.
2. The extension granted by the Council to 13 February 2015 to allow officers to negotiate with SCCDC has to date resulted in no material change of position by SCCDC. In particular they appear to have been unable to develop their business plan to allow them to fund the purchase price set by the District Valuer and as accepted by the Council.
3. That the Executive Director of Customer Services received a request on 4 February 2015 for a Special Council meeting to consider an offer from South Cowal Community Development Company (SCCDC) for £850,000 but that a formal offer was not received by officers of the Council until this morning – 12 February 2015.

The Council therefore agrees:

1. To note with regret the ongoing attempts to undermine the democratic decisions of the Council, and the attempts to denigrate officers in the execution of their duties.
2. To note the efforts made by the current administration to secure Best Value in the disposal of Council assets, and in that regard also note the information briefing circulated which provides advice from external consultants on the Savills valuation report commissioned by SCCDC.
3. To yet again endorse the decision taken by the Policy and Resources Committee on December 18 and affirmed by the Council on 22 January and to;
 - a) Withdraw the delegation to officers in regard to any further negotiations with SCCDC;

- b) Withdraw the delegation for any further extension in the Right To Buy deadline; and
 - c) Reaffirm the delegation to the Executive Directors of Community and Customer Services to market the property.
4. To instruct the Executive Director of Customer Services, in his role as Monitoring Officer, to review the behaviour of elected members in relation to this whole matter and, having regard to the advice contained in the Best Value Audit, take appropriate action as deemed necessary.

Moved by Councillor Mulvaney, seconded by Councillor McAlpine.

Councillor Breslin read out an amendment which was seconded by Councillor Dance.

The Provost advised that he would be adjourning the meeting for 10 minutes to receive Officer advice on the legalities of the amendment.

The Provost adjourned the meeting at 2.35pm and re-convened at 2.45pm

Having heard from Council Officers in respect of the matter, the Provost ruled that the amendment was not competent and would therefore not be considered by the Council. The Provost then ascertained that there were no other amendments.

Decision

The Council notes:

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 - e) Withdraw the delegation for any further extension in the Right To Buy deadline; and
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(Ref: Briefing Note by the Executive Director of Customer Services and Rural Property Valuation Report, tabled)