

Pennyghael Development Association Limited
Meeting with Councillors Mary-Jean Devon & Duncan MacIntyre
Pennyghael Community Hall
Tuesday 31st March 2009

The meeting was chaired by Fiona Brown, who initiated the proceedings with a note of regret, upon the death of Mr. Neil MacGillivray, on the 30th March 2009.

Introducing Councillors Mary-Jean Devon & Duncan MacIntyre, she outlined the background of the dispute that exists between the PDA Ltd. and the Directors of Argyll & Bute Council and its Legal Department, over the issue of asbestos at the Community Hall. It was as a consequence of a PDA commissioned Quantity Surveyors report in April 2008, that the presence of asbestos was identified in the more recent, 1960's extension. This was contrary to the council statement in the missives of transfer, which stated the council was unaware of any such issue. At the request of our solicitors, the Council then produced a copy of an Asbestos report that they had commissioned some three years beforehand but which had not been declared at the time of sale.

At the time of sale, our offer included an obligation upon the council to indemnify us against all loss, damage and expense, in the event that any statements proved untrue.

The council argued that it fell to us, to satisfy ourselves beforehand that the building was, as described in the missives.

Since that time, we have obtained assistance from Highlands and Islands Enterprise and more recently still, gained the support of Councillors Duncan MacIntyre, Roddy McCuish and Mary-Jean Devon, who find themselves unsatisfied that the council position in the matter is correct.

We have sought thus far to avoid negative publicity upon the matter and are reluctant to embark upon legal proceedings until other avenues have been examined.

Councillor MacIntyre explained to the meeting, he was concerned that the council position was delicate upon a point of law but that whilst expressions of legal opinion might find favour one way or another, in his view the council were morally bound to help us find a resolution to the asbestos. He stated that there was a great concern that the matter had dragged on for some time and without progress towards the benefit of a community enterprise. Thus, he explained, it was their wish as Councillors to hear dialogue from all parties, in order that a resolution would be found. He stated that such a meeting as this would allow the community to present its wishes, and in which, he and Mary Jean Devon, might assist. In so doing, he felt that there was every possibility of a positive outcome. He stressed that it was their objective to be helpful to the community.

The meeting discussed the problem and agreed that they would wish the council to pay for the cost of the asbestos survey; pay for the removal of the same and to make good such damage as was incurred in the process, that the building would, to all practical purposes, be restored to a proper condition.

It was moved that the first requirement would be the commissioning of a Section 3 Asbestos report, which would cost in the region of £700-00 plus VAT and it would be hoped that this would pave the way towards the bigger project of making good the hall.

The meeting explored the possibility of the council, further assisting the community, were the community to agree to a £200,000 redevelopment project. Fiona Brown stated that through the Rural Direct scheme, SRDP funding could produce up to 50% of the costing if matched from other sources and wondered if the council would prove willing to assist. Councillor MacIntyre explained that it was an unlikely scenario but stressed that it was possible that some assistance might be given. It seemed more realistic at this stage to deal with asbestos, sooner than a long-term goal, for such was why they were in attendance at the meeting.

Sue Morgan and Joy Roberts sought qualification that the hall would be restored, post asbestos removal and in a manner that would allow its continued use. This was confirmed as being part of the plan. Douglas Carslaw asked if the matter would prove to be time limited. It was suggested that time was of importance, for the matter had been the subject of many months of discussion. Reg Morgan asked for qualification, whether the council would fund the survey. Councillor MacIntyre expressed the hope that it would.

Councillor MacIntyre, when pressed by Councillor Devon, expressed the hope that he would be able to report favourably to the PDA within ten days.

The meeting agreed by a unanimous vote, to the proposition placed by Fiona Brown, at the request of Eileen Goll, that the council would be asked to pay for the survey and attend to the removal of the asbestos, before restoring the building to a satisfactory state.

Fiona Brown thanked the councillors for their support and for having given of their time to listen to the subjects so discussed. The Councillors then left the meeting.

The meeting then moved to the AGM. 8-00pm

Pennyghael Development Association Limited

Annual General Meeting Pennyghael Community Hall Tuesday 31st March 2009

Present: Roger & Sarah Blackwell, Norman Salkeld, Eileen Goll, Alan & Joanna Gardner, Trevor & Peggy Roche, Douglas & Veronica Carslaw, Gren & Joy Roberts, Bryan Rains, Joy Hardy, Tommy Donaldson, John & Sheila Rodgers, Reg & Sue Morgan, Trevor Owen, Wendy Thomas, Paul Chauvet, Fiona Brown, Charles E G Pease, Alan Jordan, Sue Murdoch, Brian Thomas, Ron & Sheila Hutchison.

Apologies: Carl Roberts, Emma Morgan, Ronnie Campbell.

Chairman's Statement: We have spent another frustrating year trying to get things moving regarding the refurbishment of our building mostly caused by the asbestos problem reported earlier. In September 2008, we called a very well attended public meeting to seek guidance on how the community viewed the way forward. Mr James Hilder gave a very good presentation and assured us of the support of MICT. We went away all buoyed up, anticipating getting funding and with lots of ideas and options to consider. The most favoured of these was an option to demolish the extension of the building and rebuild. However as the estimated cost for this is £415,000 we feel that in light of the current financial situation and taking into account the feeling in the community that this is a step too far. We now feel that our best option is to have the asbestos removed and restore our building, seeking funding from wherever possible. Even at this, it is a major undertaking as the building needs to be insulated, rewired and have a new heating system, toilets, kitchen and windows installed. The provision of disabled access and toilet is also desirable. The estimated cost for this is in the region of £200,000.

In October, on the advice of the Council Directors, we applied to the Council for match funding for a grant from the Leader Project. This was turned down because at that time the Councillors had not been advised of the problem we were having and match funding could not be delivered through the fund they were disbursing. The Council did award us a grant of £5,000 for immediate repairs.

We have requested estimates for replacing the windows and repairing the roof of the old school room. This area is unaffected by the asbestos and the work should commence shortly.

Charles Pease was contacted by Mrs Mary Brunton regarding the room above the schoolroom cupboard which she owns. She wishes to have this transferred to our deed and we are in negotiations regarding this.

During all this time the PCA have continued to hold successful fund raising events and we congratulate them for this.

We thank you all for attending and look forward to your continued support.

Minutes of the last AGM: The minutes of the previous Annual General Meeting were read. Eileen Goll proposed that they be accepted, seconded by Sue Morgan. The meeting carried the proposal without dissent.

Matters Arising: Sue Murdoch asked that the Minutes of the previous AGM were presented to the membership prior to the meeting. This was noted for future policy.

Financial Report: Paul Chauvet presented the audited accounts to the meeting and felt that they were largely self-explanatory. Alan Jordan asked about our liability for VAT. It was explained that we could claim back VAT on any new building project. Alan Jordan, in the absence of other questions, proposed that the accounts be accepted, seconded by Sarah Blackwell. The meeting carried the proposal without dissent.

Appointment of Directors: Alan Jordan asked to stand down as a Director and was thanked for his hard work. Joy Roberts and Joy Hardy, both originally being co-opted Directors, stood down from office but allowed their names to go forward for re-election by the meeting. There were no other nominations. Douglas Carslaw proposed that they be returned as Directors, seconded by Gren Roberts. The meeting carried the proposal without dissent.

It was noted that there are vacancies for three Directors.

Any Other Business: There being no further business, the meeting closed at 8-40pm