

14th February, 2013

TO ALL MEMBERS OF DONEGAL COUNTY COUNCIL
--

The Adjourned January Meeting of Donegal County Council, will be held on Wednesday 20th February, 2013, at 9.30am, in the County House, Lifford to consider the unfinished business listed at Items:-

1(a), 6, 7, 8, 9, 10, 11, 12, 15, 17, 19 22, 23, 24 – 50.

Please ensure that you bring the agenda previously distributed to the meeting.

Meetings Administrator

MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY
COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 20TH
FEBRUARY, 2013.

C/66/13 MEMBERS PRESENT

Clrs. F. McBrearty, Mayor, D. Alcorn, L. Blaney, C. Brogan, B. Byrne, J. Campbell, P. Canning, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M. T. Gallagher, M. Harley, D. Larkin, M. McBride, N. McBride, I. Mc Garvey, P. Mc Gowan, B. Mc Guinness, J. Murray, S. O' Domhnaill, J. Ryan, and T. Slowey.

C/67/13 OFFICIALS IN ATTENDANCE

Mr Seamus Neely, County Manager, Mr Liam Ward, Director of Housing and Corporate, Meetings Administrator, Mr Joe Peoples A/Director of Water and Environment, Mr John McLaughlin, Director of Roads and Transportation, Mr Michael Heaney, Director of Community, Culture and Planning, Mr Garry Martin, Head of Finance and Director of Emergency Services, Ms Anne Marie Conlon, Communications Officer, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

C/68/13 APOLOGIES

Apologies were received from Clr. S. McEniff and Clr. B. O'Neill who were unable to attend the meeting.

C/69/13 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 26TH NOVEMBER, 2012

The Mayor informed Members that it had been agreed at the Meeting held on the 28th January, 2013 to seek legal advice in relation to Clr. Byrne's request to have Minute C/559/12 amended. Consideration of the advice provided by the County Solicitor would, he advised, be considered in committee as resolved by Members on the 28th January and in accordance with Section 45 of the Local Government Act, 2001.

At this juncture he asked those in the public gallery, and Members of the Media in attendance to vacate the chamber.

C/70/13 ADJOURNMENT OF THE MEETING

On the proposal of Clr. N. Bride, seconded by Clr. M. Mc Bride it was resolved to adjourn the meeting until 10.15am.

On resumption, a further adjournment until 11.00am was proposed by Clr. Ryan and seconded by Clr. Farren.

CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 26TH NOVEMBER, 2012

The Mayor asked the Members of the Media to return to the Chamber. He apologised for the lengthy delay and advised that he now wished to proceed with Item 1a, the adoption of the Minutes of the Meeting of Donegal County Council held on the 26th November, 2012.

Members were advised that they now needed to consider the following issues as raised at the January Council Meeting:-

- 1) The proposal by Clr. Mc Garvey, seconded by Clr. Farren to adopt the minutes as presented.
- 2) A counter proposal by Clr. Byrne, seconded by Clr. Mc Eniff to amend the minutes with the insertion of the following text:-

“A prima facie case was established regarding myself and I respect that Cllr. Byrne and the former County Manager had to involve SIPO. Where I have a problem is that at every stage of the process, information was leaked to the press from this local authority”

Clr. Byrne welcomed the comprehensive legal advice obtained from the Council Solicitor, noting that reference had been made to Paragraph 14 2(g) of the Local Government Act, 2001 which contended that the minutes should include “*such other matters as considered appropriate*”

He said that the two newspaper articles referred to in the legal advice confirmed the events as he recalled them.

The County Manager at this juncture informed all present that correspondence had been received the previous evening from Patrick J. Mc Ellin & Son representing the former County Manager, Mr. Michael Mc Loone together with correspondence received by them from Dunlevy & Barry Solicitors.

Members, he noted, had already received a copy of the correspondence and it was now within the public domain.

Clr. Brogan asked for clarity on behalf of the media present and enquired as to why his party grouping had been excluded from a

number of meetings which had taken place during the adjournments. Events outside of the Council Chamber, he affirmed could not be permitted to interfere with the working of Donegal County Council as a body. He expressed concern that statutory Council Business was not being progressed.

The Mayor stated that he had been contacted the previous evening by Council Management and updated in relation to the correspondence from Mr. Mc Loone's Solicitors. Cllrs Byrne and Slowey were, he advised also informed of the developments. There had, he confirmed, been no any attempt to exclude anyone and the documentation in question had now been widely circulated.

Donegal County Council, he added, had no role in legal matters outside of the Council.

Clr. Mc Guinness urged Members to be aware of the implications particularly in relation to subjudice.

The County Manager advised that that as the matter had not yet been entered in court the issue of subjudice did not arise, but that it could become a problem if preparations were underway to seek legal redress.

The former County Manager, Mr. Michael Mc Loone, he advised, had indicated that he did not have any objection to the documentation in question being circulated at the meeting. It was, he noted, a matter for Members to draw their own conclusions in relation to the documentation circulated.

Clr. Gallagher acknowledged that there were serious legal implications and enquired as to role of the Council in the matter. She said, she was of the opinion, that politics were at play here and that an inordinate amount of time had already been wasted on this matter. She called on the Executive to advise in relation to all possible implications.

Clr. O' Domhnaill advised that the legal entanglements before Members were complicating the issue and that the primary issue that needed to be considered was the confirmation of the Minutes of the Meeting of Donegal County Council held on the 26th November, 2012, the facts relevant to the minutes, and what in effect was actually correct and factual.

Clr. Byrne's account, he noted, concurred with the media reports, and the information circulated in respect of the former County Manager, Mr. Michael Mc Loone, was he acknowledged, not directly related to the minutes in question.

He asked that Clr. Byrne's motion be dealt with at this juncture.

Clr. Farren proposed, seconded by Clr. Ryan that the legal correspondence received from Patrick J. Mc Ellin & Son representing the former County Manager, Mr. Michael Mc Loone together with correspondence received by them from Dunlevy & Barry Solicitors be read into the record of the meeting.

Clr. Mc Guinness noted that the correspondence did have serious implications for the Council as a whole and as a result affected all Members of the Authority.

C/72/13 ADJOURNMENT OF THE MEETING

It was resolved on the proposal of Clr. Byrne, seconded by Clr. Brogan to adjourn the meeting for a ten minute recess.

C/73/13 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 26TH NOVEMBER, 2012

On resumption Clr. Farren proposed, seconded by Clr. Campbell to adjourn the meeting to 2pm and at that juncture to proceed with the next item on the agenda i.e. No 6 and return to item No. 1(a) at 3.00pm

C/74/13 CALL FOR REVIEW OF HOUSING POLICIES UNDER THE HEADINGS HOUSING GRANTS FOR REFURBISHMENTS AND TENANT HANDBOOK

On the proposal of Clr. Gallagher, seconded by Clr. Murray it was resolved to amend the motion as follows:

“That this Council undertake to review the housing policies below to ensure tenants/applicants and Donegal County Council have fair and adequate housing policy:-

- (a) Housing Grants for refurbishments.
- (b) Tenant Handbook.
- (c) Inequitable Policy for obtaining housing assistance.

This was subsequently agreed.

Members were informed:-

“In relation to Housing Adaption Grants, a detailed review was carried out at the beginning of last year which concluded that the existing policy was primarily meeting the objectives which were set, and had restored certainty to the grants process in terms of funding. Furthermore, it was believed that the grants were now more targeted at meeting the needs of those most in need and it was the essential works which were getting carried out.

As confirmed during the Budget 2013 meetings, the Council’s contribution will be funded from the ring fenced funds in previous years, which includes transfers from the Council's Internal Capital Receipts Account. Sufficient monies are in place to meet the Council's contribution (up to €450,000 if required) in respect of grants in 2013 and will enable the Council to continue to process grants in line with existing policy.

The Council is happy to review the policy again through the Strategic Policy Committee, should Members deem it appropriate to do so.

In relation to the Tenants Handbook, it is proposed that a draft revised Handbook will be presented to the February meeting of the Housing & Corporate Services Strategic Policy committee for consideration.”

Clr. Gallagher highlighted a range of issues which she acknowledged were causing problems for Members in general. These included:-

- Lack of money to open up vacant houses and cover essential repair work.
- Inadequate funds available re Housing Grant Refurbishment for the Elderly.
- Inequitable stance taken by the Government with regard to those eligible for Housing Assistance, and in particular single adults who are not permitted to be included on the Housing List.
- Lack of assistance available for families in mortgage difficulties.

- Regulation criteria for housing applicants too strict and often discriminatory.

Clr. Gallagher advised that Sinn Fein had clearly indicated during the budgetary process, that the current Housing Maintenance Budget was inadequate. It was imperative, she added, that this issue was addressed and a thorough review of housing policies carried out.

A number of Members expressed their support for the motion and outlined in detail a range of issues which they felt needed to be addressed. These included:-

- Need to look at a simple refurbishment of the heating systems in Local Authority Housing .
- A request that engagement take place with Contractors to carry out work to vacant properties in lieu of Part V obligations.
- SI Housing - Concern expressed re the non acceptance of applications.
- Suggested that consideration be given to buying houses rather than building in the current market conditions.
- Asked that discussion take place in relation to this at the next Housing SPC.
- Suggested that all Elected Members be permitted to attend one Housing SPC Meeting/Workshop per year.
- Review needed with regard to the assistance available to single applicants and current inadequacies satisfactorily addressed.
- Look at possibility of installing back boilers as many tenants are now unable to afford home heating oil.
- Need for inspection process to ensure houses are being adequately maintained.
- Review needed re the provision of Roofing Grants.

Clr. Larkin , Chair of the Housing SPC, outlined the work carried out to date by this committee and noted that it had been particularly active in reviewing many of the issues raised. It was, he said, simply down to finance at the end of the day.

It was imperative; he advised, that a case for financial assistance was made to central government.

He reminded Members that housing policies in general were governed by national criteria and that whilst the SPC could review same, it was unlikely that there would be any great change at national level.

Clr. Farren took the Chair for a brief period in the absence of the Mayor.

Mr. Liam Ward, Director Housing & Corporate informed Members that it would be possible to look at some of the policies mentioned though many of the more radical changes, he noted, would involve an overall change in national criteria.

He took on board comments made in relation to the Tenants Handbook, but noted, that there was an obligation on both the tenant and the Council to be mindful of their responsibilities. With regard to the overall SI Programme, he confirmed, that he would continue to liaise with the Department re the programme and the Housing Section would engage with those on the SI Housing List to review all other options.

Members were reminded that the Council had a responsibility to deal with Part V Housing obligations in relation to Social Housing. In instances where the tenant was prepared to do the work themselves, it was important, he advised, to be mindful of the fact that works needed to be carried out to the highest standard and should not lead to any additional cost in the longterm. He advised that the holding of a Housing SPC Meeting/Workshop for all members of the Council could be facilitated.

Clr. Gallagher thanked all who had supported the motion, noting that much of the Housing Miscellaneous legislation could be described as discriminatory, illegal, and served only to ensure that a particular section of society was prevented from getting on the Housing List.

It was, she added particularly discriminatory towards rural dwellers.

C/75/13

COMPLIANCE WITH REGULATIONS UPON ISSUING OF FUTURE ARREARS NOTICES IN GAELTACHT AREAS

On the proposal of Clr. Alcorn, seconded by Clr. P. Doherty, the following motion was adopted:-

"That Donegal County Council comply with the regulations in the future when the likes of arrears notices which were sent out in 2012 on "the Household Charge" in the Gaeltacht Areas in Donegal."

Members were informed that:-

“The findings and recommendations of the report carried out by An Coimisineir Teanga, in relation to individual letters associated with the Household Charge 2012 and issued by Donegal County Council in October 2012, have been reviewed by the Council, and in line with Article 26(4) of the Official Languages Act 2003, the Council is in the process of responding to An Coimisineir Teanga in this regard.

Donegal County Council notes the findings of the investigation. The Council will not, under Section 28 of the Official Languages Act, be making an appeal to the High Court on a point of law against the decision.

The Council further confirms that it is serious and earnest in its endeavours to comply with all its obligations under the Official Languages Act 2003, and to implement the statutory commitments freely agreed and entered into in Donegal Local Authorities Language Scheme 2010-2013. At times, as happened in this case, there may be a genuine difference of interpretation in relation to what a particular piece of statutory legislation requires us to do. This matter arose from the requirement to issue letters to persons who had been identified as not having paid the Household Charge. The Council relied on information derived at through a data matching exercise using data provided through the Property Registration Authority. Given the importance of maximising the collection of income, in conjunction with the interpretation of the legislation as outlined above, letters were issued to in excess of 30,000 people.

The Council engages in daily work, and through the work of Coiste na Gaeilge, to ensure a continuing and improving level of service in Irish for our customers, including the areas of correspondence, press-releases, use of Irish on phone, staff training, support for Irish language festivals such as Oireachtas na Gaeilge and Seachtain na Gaeilge, the continuation of an annual Gaeltacht Scholarship Scheme, use of Irish on our websites, providing

contact details for staff with Irish, and current work to ensure an Irish language service from our Customer Contact Centre when it opens fully to the public.

The Council is committed to implementing the recommendations in the report of An Coimisineir Teanga, in this matter.”

Clr. Alcorn acknowledged that a mistake had been made in this instance ,but indicated however that he was happy that the Council had dealt with the situation in a professional manner.

Clr. Farren took the Chair for a brief period in the absence of the Mayor.

Members advised that Donegal County Council had over the years established an excellent record with regard to the promotion of the Irish language and the excellent work carried out to date by Coiste na Gaeilge was also acknowledged.

The need to ensure that all correspondence issued in both languages was highlighted.

Mr. Liam Ward, Meetings Administrator informed Members that swift action had been taken to implement the recommendations in the report of An Comisineir Teanga.

He advised that work was ongoing at present in relation to the review of the Donegal Local Authorities Language Scheme He acknowledged the positive comments expressed by a number of Members in relation to the promotion of the Irish Language within Donegal County Council.

C/76/13

CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 26TH NOVEMBER, 2012

Members were informed that there was a proposal before the Council to have the legal correspondence received from Patrick J. Mc Ellin & Son representing the former County Manager, Mr. Michael Mc Loone together with correspondence received by them from Dunlevy & Barry Solicitors into the record.

Clr. Brogan called on the Executive to clarify the position as as he was of the opinion that the Fianna Fail Grouping had not been privy to the same information as the Mayor and other Members of the Council. He questioned the need to read the documentation in

question into the record when the matter being discussed was the Minutes of the November 2012 Council Meeting.

A lengthy debate ensued with Clr. Ryan reiterating the call for the correspondence to be read into the record followed by the clarification from the Executive as requested by Clr. Brogan.

On a point of order Clr. O' Domhnaill enquired as to why the proposal and counter proposal put forward at the January Council Meeting had not been addressed.

The Mayor, advised, that he intended to proceed with the proposal to read the legal documentation received on the 19th February, 2013 into the record.

After a number of heated exchanges the Mayor asked the Meetings Administrator to read the legal correspondence received from Patrick J. Mc Ellin & Son representing the former County Manager, Mr. Michael Mc Loone together with correspondence received by them from Dunlevy & Barry Solicitors into the record.

A copy of same was circulated for Member's consideration. (Vide Appendix 1)

Mr. Liam Ward, Meetings Administrator read the correspondence outlined above into the record.

The County Manager advised that the initial segment of the meeting had been carried out in committee as resolved at the January Council Meeting. The proposal and counter proposal made at that meeting, he confirmed, remained, and over the course of the meeting had generated considerable discussion as to the precise rules for the adoption of the minutes and the course open to the Council as a body.

During that discussion, he noted, a number of questions had arisen which necessitated the advice of the Council Solicitor.

He confirmed that the advice in question had been received late in the day and as a number of Members had already left the meeting it had been unanimously agreed to circulate same the following day. It was, he affirmed, normal for such deliberations to be considered in committee and therein lay the reason for commencing the initial segment of the meeting in committee.

He recommended that this advice be taken.

The correspondence read into the record by the Meetings Administrator had, he noted, been received by email on the evening of the 19th February, 2013. In consultation with the Meetings Administrator, legal advice had been sought from the Council Solicitor with regard to the actions required.

The outcome of this consideration, he advised, was that the documentation in question was considered to be materially significant to the Item under consideration. He was, he said, obliged to ensure that the information was circulated to Members prior to the consideration of the Minutes of the Meeting of Donegal County Council held on the 26th November, 2012.

The Council Solicitor had, he confirmed, at his request made himself available for consultation over the course of the morning in the event that particular legal issues arose.

Clr. Byrne at this juncture addressed the meeting and advised of the following:-

1. That he wished to withdraw the motion to amend Minutes of the Meeting of Donegal County Council held on the 26th November, 2012.
2. That Michael Mc Loone had never authorised him to send any letter or instruct any Solicitor on his behalf.
3. The letter issued to Clr. Slowey on behalf of Michael Mc Loone had issued in error.
4. Mr. Mc Loone had never called Clr. Slowey's good name into question.
5. He had no intention of petitioning any court in relation to the matter.

Concluding he thanked the Mayor and Members for facilitating him in this matter, advising that he did not wish to make any further comment, other than to attest to the fact that he deserved the right to maintain his good name.

A lengthy debate ensued during which a number of Members called on Clr. Byrne to apologise for the distress and anxiety caused to Clr. Slowey. Concern was expressed also that there had been a concerted effort to obstruct the meeting.

It was acknowledged however that it was now time to close the chapter on what had been a trying time for the Council and that every effort needed to be made to get on with the business of representing the people of Donegal.

Concern was expressed as to the value for money aspect of spending an inordinate amount of time on matters such as these.

Calls were made for tolerance and respect within the Council Chamber.

Clr. Brogan clarifying his own position, said that any Member who wished had the right to question the accuracy of the minutes. What had been introduced today was, he confirmed, a legal issue and one which neither he nor his party colleagues had been familiar with until this morning.

He advised that Donegal County Council as a body had not been implicated and as such had no role in the matter. This, he affirmed, had been the reason for questioning the validity of reading the legal correspondence into the record of the meeting. Fianna Fail, he said should have been privy to the discussions which took place outside of the meetings process.

The issue, he said, was a matter for the Councillors concerned and not the Council, hence the need to be cautious of making comments which could be considered subjudice.

He acknowledged that there had been many difficult days since the formation of the present Council in 2009, and that Clrs Byrne and Slowey had to deal with major difficulties and challenges in that period.

It was, he confirmed, time to move on and get on with the business of representing the people of Donegal.

Clr. O' Domhnaill said that the matter had not been properly dealt with on the 28th January and should have been put to a vote on that occasion. Whilst no minute could be altered, it was possible, he advised, to log a record of dissent in the Minutes of the later meeting dealing with the confirmation.

The earlier motion to have the relevant legal correspondence read into the record was, he confirmed, ill advised given that Clr.

Farren's motion did not meet any of the criteria outlined in Standing Order 63.

After a heated exchange with the Mayor, he cited, the need for all Councillors to move forward and work together in the interests of mutual co-operation.

It was time, he acknowledged, to wear the County Jersey and draw a line in the sand on a number of controversial issues which had dominated the day to day working of this Council.

The Mayor concluding the debate, said that it was his right to seek legal advice, and that he had done his best to protect all individuals in the Chamber. Responding to further requests for an apology, he confirmed, that this was a matter for the individuals concerned, namely, Clr Byrne, Clr. Slowey and Mr. Michael Mc Loone.

Thus on the proposal of Clr. Farren, seconded by Clr. Mc Garvey, it was resolved to adopt the Minutes of the Meeting of Donegal County Council held on the 26th November, 2012.

C/77/13 ADJOURNMENT OF MEETING

It was unanimously agreed to adjourn the meeting for a ten minute recess at this juncture.

C/78/13 PROVISION IN THE LETTING PROCESS FOR PEOPLE WHO ARE WILLING TO FIX OR TIDY UP VACANT DWELLINGS WHEN ALLOCATING HOUSES

On the proposal of Clr. Canning, seconded by Clr. Mc Garvey, the following motion was adopted:-

"I would ask that this Council when allocating houses from their list, that they make provision for people that are willing to fix or tidy up the vacant dwelling in order to get off the waiting list."

Members were informed that:-

"Council Policy in relation to the allocation of dwellings is set out in the allocation scheme as adopted on the 30th May 2011. This sets out the basis upon which dwellings are to be allocated, which is primarily on a needs basis. Provision is also made for the allocation of dwellings under Choice Based Letting, where successful applicants can "bid" for dwellings which are made available under the Scheme.

As owners of the property, the Council have a responsibility to ensure that dwellings are in a fit state for occupation prior to allocation. This not only applies from a good housing management perspective, but also from a Health & Safety and Insurance perspective.

The Council can however and do facilitate instances where Tenants wish to carry out some cosmetic improvements to a dwelling such as painting. In such cases, arrangements are made with the Tenant where paint is made available to them to enable them to paint the dwelling themselves, with a a colour of their own choice.

However, as will be noted, this arrangement is only entered into when a housing applicant has been allocated a dwelling. The thrust of the motion would appear to suggest that the willingness and or capacity of housing applicants to carry out minor repairs / improvements to a dwelling should in some way be factored into the allocation policy and process. This would represent a significant departure from the agreed 'needs' based approach which is provided for in relevant legislation and supporting regulations.”

Clr. Canning clarified his position on the matter confirming that the motion was not in any way seeking to alter the applicant’s position on the housing list.

He informed Members of impending RECI legislation which effectively required houses vacant for three months or more to be rewired.

It was essential, he advised, that all opportunities were explored to ensure the most efficient use of housing stock.

A number of Members whilst supportive of the motion expressed concern that it would lead to the Housing Authority letting inadequate housing stock. There was concern also that a concerted effort was being made at national level to make Social Housing substandard thus paving the way for the privatisation of the entire Housing System.

Clr. Larkin acknowledged that less than 5 % of the overall housing stock in Donegal was vacant and that this could be further reduced should retrofit monies be made available by the Department.

He noted that there were ongoing issues particularly with regards applicants who refused to accept accommodation offered in particular locations.

It was suggested that consideration be given where practical to offering vacant properties of this nature to local groups for community based initiatives.

Ongoing resource implications were seen as detrimental to the problem with members noting that a high level of vacancies currently existed in the Finn Valley Area.

Mr. Liam Ward, Director of Housing and Corporate noted that there was an onus on the Housing Authority to let dwellings fit for occupation. Works carried out to such properties, he confirmed, needed to be carried out to a proper standard. He acknowledged that the proposal did present difficulties but confirmed that he was happy to explore the sentiment of the motion.

It was envisaged, he added, that the Local Authority would continue to play a leading role in the maintenance of housing stock. The role of the Rent Supplement Scheme and the Labour Activation Scheme was also acknowledged.

C/79/13 VARIATION IN THE ORDER OF BUSINESS

On the proposal of Clr. Mc Garvey, seconded by Clr. M. Mc Bride it was resolved to vary the order of business and deal with the County Manager's Report at this juncture.

C/80/13 COUNTY MANAGER'S REPORT

Members considered the report and addendum circulated during the meeting.

On the proposal of Clr. Gallagher, seconded by Clr. Crawford it was resolved that Members be afforded the opportunity of commenting in relation to the report.

The County Manager indicated that he was happy to accommodate this proposal.

Unfinished Estates- Waivers.

Clr. Mc Gowan was informed that staff would be available during the course of the day to deal with any issues that needed clarification.

House at Parkhill, Ballyshannon.

Clr. Gallagher welcomed the opportunity to comment, and condemned the actions of those responsible for destroying the property at Parkhill. She said that she was of the opinion that the emergency motion submitted to the January Council Meeting had been misguided and noted that neither Clr. Mc Eniff nor Clr. O' Neill were present today to comment on the matter.

Clr. Brogan advised that the matter should never have been discussed in such a public forum and that the LTACC was a more appropriate body to deal with the sensitivities involved. He referred to the excellent work carried out over the years by the LTACC and the element of trust that had been established between the Executive and the Travelling Community. There were, he advised many challenges ahead, and it was regrettable, he added, that the Fine Gael and Sinn Fein Members of the LTACC did not turn up for the meeting on the 8th February.

C/81/13 SUSPENSION OF STANDING ORDERS

On the proposal of Clr. Mc Garvey, seconded by Clr. Campbell, it was resolved in accordance with Standing Order No. 29 to suspend Standing Order No. 3 to continue the meeting beyond 6pm so as to complete the remaining business on the agenda.

C/82/13 COUNTY MANAGER'S REPORT

Clr. Larkin applauded the excellent work carried out by the LTACC and noted that DCC Staff and Members of the Travellers Project often worked in extremely stressful conditions to provide and assist with traveller accommodation. It was imperative, he added, that this issue did not derail the excellent work carried out since 2001.

Clr. Campbell expressed concern that comments made by local Councillors had in some way inflamed the situation.

The County Manager and the Planning Department had, he confirmed, dealt adequately with the planning issues raised.

Clr. Farren took the chair for a brief period in the absence of the Mayor.

It was essential now, he affirmed, that all Councillors actively supported the policies as adopted under the auspices of the Traveller Accommodation Programme.

The Mayor advised that it was sad situation for the people of Ballyshannon and that the community as a whole had been affected. He acknowledged that it had resulted in adverse publicity for the Town which had gained considerable attention through its designation as a Heritage Town.

Two families had, he noted been seriously discriminated against. He called on the media to give the individuals in question space to deal with the situation.

Much of the excellent work carried out by the LTACC would, he stated, have to be reinforced. He said he was confident that the Council would do its utmost to assist the family in question.

C/83/13

CALL FOR COUNCIL SUPPORT TO EXHIBIT THE SPINA BIFIDA PHOTOGRAPHIC EXHIBITION RECENTLY DISPLAYED IN STRASBOURG

On the proposal of Clr. Larkin, seconded by Clr. Brogan, the following motion was adopted:-

"That this Council support in the strongest possible way the call to exhibit the Spina Bifida Photographic Exhibition that was recently displayed in Strasbourg as part of an event on Spina Bifida and Aging."

Members were informed that:-

“Donegal County Council has made contact with the Communication Officer of IF - International Federation For Spina Bifida & Hydrocephalus, the European Commission and Spina Bifida Hydrocephalus Ireland (SBHI) to explore bringing this exhibition to Donegal.”

Clr. Larkin welcomed the positive response provided, advising of the need to raise awareness in relation to the condition. Mr. Michael Heaney, Director Community, Culture and Planning agreed to keep Members updated in relation to the matter.

Clr. Larkin asked that if the arrangements for bring the exhibition to Donegal could not be facilitated then consideration should be given to holding some form of generic event.

C/84/13

CALL FOR THE COMMENCEMENT OF THE PROCESS OF VARYING THE COUNTY DEVELOPMENT PLAN TO DEAL WITH THE “STRATEGIC ROAD STATUS”

On the proposal of Clr. Brogan, seconded by Clr. Larkin , the following motion was adopted:-

"I propose that this Council commence the process of varying the County Development Plan to deal with the Strategic Road Status as soon as possible as agreed at a recent Planning SPC."

Members were informed that:-

“The process of varying the County Donegal Development Plan 2012-2018, to deal with Strategic Road issues, has been commenced and it is anticipated that the wording for the draft Variation will be presented for consideration at the March Monthly Council Meeting. (Furthermore, it is proposed to hold a Workshop with Members on the Implementation/Operation of the County Donegal Development Plan 2012- 2018, the date to be agreed at this Council Meeting under “Mayor’s Business”. This will give Members an opportunity to be further updated on progress on the wording for the draft Variation, in advance of consideration at the March Council Meeting).”

Clr. Brogan outlined the need to have the matter dealt with as a matter of urgency given the ongoing implications for those seeking to live along regional roads.

A number of Members outlined their support for the motion and advised of the need to look also at the implication for access roads on these routes.

Mr. Michael Heaney, Director Community, Culture and Planning noted that the planning workshop scheduled for later in the day had intended to cover this and related issues.

As this was now going to be rescheduled it would, he advised, be possible to consider the implications of same at the reconvened workshop.

It was intended, he advised to bring the wording for the Draft Variation to the March Council Meeting.

C/85/13 DATE FOR ADJOURNED PLANNING WORKSHOP

It was unanimously resolved to reschedule the Planning Workshop on the operation/implementation of the County Donegal Development Plan 2012-2018 to 2pm on Monday 11th March, 2013.

C/86/13 DONEGAL COUNTY COUNCIL CALLS ON THE GOVERNMENT NOT TO PROCEED WITH THE WATER SERVICES BILL 2013

The following motion submitted by Clr. Quinn was proposed by Clr. Gallagher and seconded by Clr. Murray:-

"Donegal County Council views with grave concern the publication on 11th January, the Water Services Bill 2013, which removes water services from democratic accountability as a function of Local Government and ultimately, from Public control, through the process of Privatisation and thus deplors plans to impose water meters on households which will further squeeze hard hit and struggling families. Donegal County Council calls on the Government not to proceed with this Bill but instead to focus positively on Water Conservation and equitable Local Government Funding."

Members were informed that:-

"The Water Services Bill 2013 provides for the establishment of Irish Water/Uisce Éireann as a subsidiary of Bord Gáis Éireann under the Companies Acts. The shareholding provisions in the Bill provide that the subsidiary will be fully owned by the State and that the Board will have operational control, subject to Ministerial consents in a number of areas. Some of the key provisions in the Bill are set out below.

The subsidiary company will be responsible for the installation of water meters for domestic households connected to a public water supply. The Bill provides the Board and the subsidiary with the authority to install meters in all domestic properties and provides any of the necessary powers, available to a water services authority under the 2007 Act, that are necessary to meet this objective. Such powers would include matters incidental to the metering programme such as the power to install pipes and the power to interrupt a water supply.

As the installation of water meters is related to the Government's commitments to introduce water charges for households based on usage, the Bill removes the statutory prohibition on such charges. The Bill also amends section 105 of the Water Services Act 2007 to provide the Board and its subsidiary with the power to charge households for water services. Section 105 has not been commenced and will not be commenced prior to the introduction of charges, which will not be before 1 January 2014. Irish Water/Uisce Éireann will be responsible for billing and collecting revenue from households when the Government introduces domestic charges.

In this regard, the Bill provides the Board and the subsidiary with the necessary powers to obtain information from households in receipt of water services and other third parties for the purpose of creating a customer database.

The Bill also provides the Commission for Energy Regulation (the Commission) with a function to advise the Government in relation to the development of policy regarding the regulation of the provision of water services.

The Bill provides that the Commission may do all things necessary in preparation for the performance of water regulatory functions. The Bill also provides that the Commission may undertake the necessary consultations with the Board and its subsidiary, water services authorities, or any other person."

C/87/13

THAT DONEGAL COUNTY COUNCIL WILL CONSIDER THE INCLUSION OF GROUPS OF HOUSING ADJACENT TO SEWERAGE MAINS AROUND TOWNS TO ALLEVIATE ANY POLLUTION THAT MAY EXIST

On the proposal of Clr. McGarvey, seconded by Clr. N. Mc Bride the following motion was adopted:-

"That Donegal County Council will consider the inclusion of groups of Housing adjacent to Sewerage Mains around Towns to alleviate any pollution that may exist."

Members were informed:-

“At preliminary report stage of a sewerage scheme assessments are carried on a catchment by catchment basis on the viability of connecting residential and commercial properties to sewerage scheme networks. The assessments include looking at environmental, economic, and planning issues. In general those properties that can be reasonably connected to the networks are connected in partnership with property owners. Outside of major schemes the only other mechanism for part funding connection of groups of properties to networks is via Group Sewerage Schemes. A small number of such schemes have been completed in Donegal over the last number of years but these have typically had low unit costs in line with the low level of grant available and which resulted in a modest and affordable contribution from the property owner. Under the Rural Water Group Scheme Sector Bid for 2013 the Council have requested funding for the advancement of pilot Group Scheme works in response to the Departments invitation and it is possible that an increased level of grant may apply should funding be available. If granted however the overall level of funding is likely to be small in the context of higher priorities on the Rural Water Programme.”

Clr. Mc Garvey welcomed the fact that properties which could be reasonably connected to networks are connected in partnership with the property owners.

He called on the Council to support and assist any group willing to get involved in this type of scheme, which could be run along the lines of Group Water/Sewerage Schemes.

Members supported the motion and raised a number of issues namely:-

- That consideration be given to the utilisation of LIS type schemes in order to secure additional funding.
- Need to identify specific areas in the County that could benefit from such schemes.
- Call for specific case to be made to the Department re estates where there is a public health threat.
- Request that a workshop be held to clarify any issues arising including the overall implications associated with the changeover to Irish Water.
-

It was acknowledged that WEE staff in the Letterkenny Electoral Area had already reacted positively to initiatives of this kind.

Mr. Joe Peoples, Director Water & Environment Director of Service advised that it would be possible to deal with specific issues raised by Members in the workshop format. He acknowledged that there would be specific financial implications to be considered should this type of activity be progressed and that the overall level of funding was likely to be small in the context of other more need worthy projects

C/88/13 TO NOTE OBLIGATION ON MEMBERS UNDER THE LOCAL ELECTIONS (DISCLOSURE OF DONATIONS AND EXPENDITURE) ACT 1999 AS AMENDED, TO SUBMIT A DONATION STATEMENT BY THE 31ST JANUARY, 2013

Mr. Liam Ward, Meetings Administrator reminded Members of their obligation to submit a donation statement under the Local Elections (Disclosure of Donations and Expenditure) Act, 1999 as amended, by the 31st January, 2013.

He noted that the timeframe for submission of same had elapsed and acknowledged the high level of declarations received.

C/89/13 TO NOTE OBLIGATION ON MEMBERS UNDER (PART 15) OF THE LOCAL GOVERNMENT ACT, 2001 ETHICS FRAMEWORK TO SUBMIT DECLARATION OF INTEREST BY THE 28TH FEBRUARY, 2013

Mr. Liam Ward, Meetings Administrator reminded Members of their obligation to submit a declaration of interest under Part 15 of the Local Government Act, 2001 (Ethics Framework), and to return same by the 28th February, 2013.

C/90/13 TO APPROVE THE DONEGAL COUNTY COUNCIL CORPORATE PLAN 2014

Members considered the report circulated with the agenda in relation to the above.

Mr. Liam Ward, Meetings Administrator informed Members that the Housing & Corporate SPC and the Corporate Policy Group had already had the opportunity to review the draft plan and make amendments where necessary.

It was acknowledged that there had been a wide level of consultation and that the document set out clearly a number of strategies and goals for the Council up until June 2014.

Clr. Larkin acknowledged the input from Mr. Liam Ward, Director Housing & Corporate and Ms Anne Marie Conlon, Communications Officer.

On the proposal of Clr. Mc Guinness, seconded by Clr. Donaghey it was resolved to approve the Donegal County Council Corporate Plan to 2014.

C/91/13 ADJOURNMENT OF MEETING

On the proposal of Clr. Brogan, seconded by Clr. O' Domhnaill it was resolved to adjourn the meeting for a five minute recess.

C/92/13 TO APPROVE ATTENDANCE AT THE ANNUAL ST PATRICKS DAY CELEBRATIONS IN THE USA

Clr. Crawford queried whether or not an invitation had been received with regards to attendance at the St Patrick's Day celebrations, and asked that details of same be presented to the meeting.

Clr. Brogan noted that there had been considerable discussion in relation to this matter over the past number of years, giving rise to huge challenges for the individuals concerned and the various political groupings in general. The decision taken in 2010, not to allow the Mayor of the Day, Clr. Brendan Byrne and the Deputy Mayor, Clr. Charlie Mc Conalogue attend the celebrations was, he affirmed, misjudged.

It was, he said fitting that the Mayor and Deputy Mayor attend the St Patrick's Day celebrations in New York.

Fianna Fail, he advised, was prepared to move on and would be prepared to support the attendance of the Mayor and Deputy Mayor providing there was an acknowledgement that the decision taken in 2010 was wrong.

Clr. Gallagher stated however that she could not support the request on the basis that that no clear itinerary existed. The general public, she advised, deserved to adequately informed as to the value for money aspect of the trip. A clear itinerary was necessary, she confirmed so that a qualified decision could be made, and the benefits for the Council as a whole fully clarified.

A number of Members attested to the value of the visit, outlining the need to actively promote the County and strengthen established links with the Diaspora.

Clr. P. Doherty referred to the controversy surrounding the 2010 trip, and acknowledged that the decision not to approve the attendance of the Mayor/Deputy Mayor had been incorrect. He offered his apologies to the Fianna Fail Grouping. He said he was of the opinion at this juncture that it would be appropriate to send the Mayor/Deputy Mayor, the County Manager, and a Member of the opposition.

Clr. Mc Guinness said that the decision taken in 2010, in hindsight, was regrettable and one which had been taken in the heat of the moment arising from the difficulties encountered during consideration of the 2010 Budget.

It was fitting, he advised, that the Mayor, Deputy Mayor and the County Manager represent the people of Donegal. To say that there was no proper itinerary or invitation was, he affirmed doing this Council no service.

The delegation, he said were going out to meet the Donegal Diaspora, and represent the County at the highest level. He thus proposed that the Mayor, Deputy Mayor and the County Manager attend the St Patrick's Day celebrations in the USA.

Clr. Gallagher referring to her earlier comments proposed, seconded by Clr. Campbell that an itinerary be provided so that the benefits and value of the trip could be assessed, and an informed decision taken in relation to the matter.

Clr. N. Mc Bride alluded also to the 2010 decision, advising that it was indeed regrettable. Trips to Boston taken by both Clr. Harvey and himself during their terms as Mayor had, he advised been most valuable from a promotional point of view. It was essential, he added, that every effort be made to promote Donegal in the year of "The Gathering"

Clr. Larkin outlined the many benefits that had accrued from his own visit in 2006. The Local Government Act, 2001, he advised, required that a full report be given in relation to the trip. This he acknowledged would provide an opportunity to elaborate on the benefits and validity of the trip. He noted that the MANS System

put in place in Letterkenny was just one of the benefits that had accrued over the years.

Clr. Slowey said it was regrettable that the Mayor did not attend in 2010, that the decision taken was wrong, and should not have happened.

The Mayor advised that on becoming a Member of Donegal County Council, he had initially been sceptical about the value of such trips, something which he now wished to apologise for. He said he hoped that today was the start of a healing process, expressing regret for what had happened to Clr. Byrne in 2010.

Trips taken to Boston in 2012 had, he acknowledged, heightened his awareness of the fact that much could be done to promote Donegal both economically and socially.

He endorsed Clr. P. Doherty's proposal to send the Mayor, Deputy mayor, County Manager and a Member of the opposition to the St Patrick's Day celebrations. Clr. Mc Guinness agreed to amend his proposal to accommodate same

Clr. Brogan acknowledged that there was a genuine effort to make amends and move forward, expressing appreciation on behalf of the Fianna Fail grouping.

Clr. Gallagher said her proposal was in effect a counter proposal as there was no clear itinerary had been provided.

The County Manager said that he had listened with optimism to Member's comments and took solace in the heartfelt discussion that had taken place. He advised that a significant person from the Irish Community in the US had extended an invite to Donegal County Council to travel to the America for the St Patrick's Day Celebrations and that there was significant interest in producing a comprehensive itinerary. The invite, he confirmed, did exist in a wholesome way.

A show of hand was then taken by the Meetings Administrator in relation to the request to approve the attendance of the Mayor, Deputy Mayor, County Manager and a Member of the opposition at the 2013 St Patrick's Day Celebrations in the USA.

Members by majority agreed to the approval of same.

C/93/13

MAYORS' BUSINESS

Votes of Sympathy

Votes of sympathy were extended to the following:-

- Gerry Gallagher, Station Officer, Gweedore Fire Brigade on the death of his mother, Sarah Gallagher.
- The family of the late Frank Mc Kay, former staff member, Donegal County Council.
- Martina Mc Collum, Corporate Services, Letterkenny Public Services Centre on the death of her brother, Gabriel Crawford.
- Clr. Dessie Larkin on the death of his aunt, Annette Gallagher.
- The nephew, wife and family of former Clr. Breid Bonner, Buncrana Town Council.
- Francie Mc Govern, former employee, Donegal County Council on the death of his sister, Celine Mc Govern.
- Clr. Seamus O' Domhnaill on the death of his uncle, Patrick O' Domhnaill.

DCC Motions acknowledged by other Councils

Members were informed that the following Local Authorities had considered Donegal County Council Motions as outlined below:-

“That this Council call on the Minister for finance to put some measures in place in the 2013 Budget what will be delivered in early December to help the people in our community who are finding it extremely difficult to pay their mortgage.”

Clr. Harley

November 2012 Council

“That this Council discuss and agree a response to the Government’s decision to shut down County Enterprises Boards in every County at a time when there’s never been more need for a locally based response to the job crisis in every County.”

Clr. McGowan
November 2012 Council

“That this Council requests the Minister for Agriculture, Food and the Marine and his Department to subsidise the cost associated with the price of registration of ponies, horses and donkeys.”

Clr Blaney
November 2012 Council

Noted by:
Monaghan Town Council
Dublin City Council

Boston Trip –December 2012

The Mayor advised that he had attended the Tip O’ Neill Centenary celebrations in Boston on the 8th December, 2012. He thanked the O’ Neill family for the kind invite and advised that he would be making a report to the Council in relation to the trip.

Irish Amateur Boxing Association

Best wishes were extended to William Mc Laughlin and Jason Quigley on their forthcoming bouts at the National Elite Boxing Championships on the 22nd February.

Attendance at the Donegal Person of the Year Award in Dublin.

The Mayor advised that it had been a honour to attend the ceremony presenting the Donegal Person of the Year Award for 2012 to Donegal Senior Football Manager, Mr. Jim Mc Guinness.

Magdalane Laundries Report

The Mayor acknowledged the publication of Magdalene Laundries Report and the apology offered on behalf of the State by An Taoiseach, Mr. Enda Kenny, T.D .
A number of Members advised that they wished to be associated with these remarks.

C/94/13 CHANGE IN OFFICE OF THE CHAIRPERSON/VICE CHAIRPERSON OF THE COUNTY DONEGAL JOINT POLICING COMMITTEE

Members considered the revised report circulated during the meeting.

On the proposal of Clr. P. Doherty, seconded by Clr. Mc Garvey, Members noted that Clr. N. Mc Bride would assume the role of the Chair of the Joint Policing Committee and Clr. Patrick Mc Gowan the role of Vice-Chairperson with effect from the next meeting of the committee.

C/95/13 ECONOMIC DEVELOPMENT IN THE COUNTY – TO NOTE REPORT OUTLINING AREAS OF WORK BEING UNDERTAKEN BY DONEGAL COUNTY COUNCIL AND AN INDICATION OF WORK TO BE CARRIED OUT IN THE FUTURE

On the proposal of Clr. P. Doherty, seconded by Clr. Mc Garvey the report circulated with the agenda in relation to the above was noted.

C/96/13 CONFERENCES

Members were informed that a query had arisen at the January Council Meeting in relation to the current method of approving conference attendance. It was acknowledged that a report had been presented to the Housing & Corporate SPC and that further consideration would be given to the matter by the Corporate Policy Group. Current arrangement to remain until this took place.

Having noted the revised arrangements under Section 142 5(d) of the Local Government Act, 2001, introduced by the Local Government (Expenses of Local Authority Members) Regulations 2006 and 2010 and directives issued by the Minister in that regard, it was unanimously resolved to authorise any member, if he/she so wished, to attend the following conference, subject to the normal procedures:-

1. Individual members not exceeding their annual budget for attendance at conferences.
2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
3. Submission of a Conference Report

- 24th Colmcille Winter School “ Will the Euro – The Single European Currency Survive?” to be held from Friday 22nd to Sunday 24th February, 2013 at the Colmcille Heritage Centre.

It was noted that the timeframe had elapsed for the following conferences:-

- The Institute of Professional Training – ‘Local Govt. impacts of major flooding and freezing spells’ to be held Friday 1st to Sunday 3rd February, 2013 at the Gold Coast Hotel, Ballinacourty, Dungarvan, Co Waterford.
- Professional Development for Councillors – Domestic Water Meters for Ireland to be held from Friday 1st to Sunday 3rd February, 2013 at the Bunratty Castle Hotel, Bunratty, Co Clare.
- ACE Training – Tourism Seminar Making The Difference to be held from Friday 8th to Sunday 10th February, 2013 at the Four Seasons Hotel, Carlingford, Co. Louth.
- AMAI Spring Seminar 2013 to be held Friday 15th and Saturday 16th February, 2013 at Brandon House Hotel, New Ross, Co. Wexford.

The Mayor thanked Members for their co-operation and support over what had been a difficult day and said that he hoped that this was a new beginning for all concerned.

The following questions were noted by the members:-

C/97/13 IMPROVEMENT TO ROAD SURFACES ON THE N56 AT DRIMARK, DONEGAL TOWN AND BETWEEN INVER BRIDGE AND DUNKINEELY

The following question was submitted by Clr. Byrne:-

"Can this Council make an application to the NRA to improve the road surface on the N56 both at Drimark Donegal Town and between Inver Bridge and Dunkineely?"

Clr. Byrne was informed that:-

“The NRA undertake measurements of pavement condition on the National Road Network annually across the country. These surveys identifying sections with poorer surface conditions relative to other

sections. Within the increasingly limited budget available to the Authority they prioritise sections in poorer condition having regard to their traffic volume and strategic importance.

Separately in recent years the NRRDO and the Council have carried out joint surveys of the network and highlighted areas of concern to the Authority. This survey in 2012 did identify a section of relative concern on the N56 in Donegal EA between Dunkineely and Bruckless but not in the areas identified by the question. These shall be re-examined and discussed with NRA to determine if they can be maintained from the Authority's block maintenance grant or if they require additional works."

C/98/13 TIMEFRAME FOR OBTAINING PART 8 AND DESIGNS FOR THE FINTRA BRIDGE ON THE R263 IN KILLYBEGS

The following question was submitted by Clr. Byrne:-

"Can this Council give me a time frame for obtaining Part 8 and designs for Fintra Bridge (Fintra) on the R263 in Killybegs?"

Clr. Byrne was informed that:-

"A preliminary route options report was prepared by the Non National Roads Design Office in September 2012 and presented to the Donegal Electoral Area Members at a Workshop on 1st of October 2012. The members expressed a preference for the offline option and the project was included in the application for funding in 2013 by the DOTTS under the specific grants scheme, the sum applied for is approximately €50,000.

The Road Design Office will develop this option in more detail including detailed design of the road alignment associated with same and develop proposals for the crossing of the deep ravine that this option entails. It is probable that this crossing will involve the procurement of specialist consultants. Upon conclusion of the preliminary development of this option a report will be presented to the Donegal Electoral Area Committee for its consideration prior to any Statutory Procedures such as Part 8 planning being initiated. It is intended that this report will be available in June 2013."

C/99/13 UPDATE AND PROGRESS ON THE PIPE REPLACEMENT PROGRAMME FOR WATER SERVICES

The following question was submitted by Clr. Byrne:-

"Can this Council give me an update and progress report on the pipe replacement programme from the water services section especially on works completed to date, works ongoing, and applications made to the Department awaiting decision?"

Clr. Byrne was informed that:-

"In 2011 the Council applied for and were successful in securing over €2.0m of funding for pipe replacement works for the Frosses, Rosses, Magheraroarty, and Lough Mourne water supply Networks. Works have been completed on Magheraroarty and Frosses, and works are underway in the Rosses and the Lough Mourne Networks. Under the Water Services Investment Programme 2010-2013 the Council has an indicative budget of €2.7m to advance the next phase of works and these works will be advanced in line with the Priority Schedule of Works already agreed with the Department and the priorities emerging from the West Donegal Regional Water Supply Study."

C/100/13

CONFIRMATION ON WHAT UNFINISHED ESTATES IN THE STRANORLAR ELECTORAL AREA ARE INCLUDED ON THE LIST BY DONEGAL COUNTY COUNCIL FOR THE PURPOSES OF OBTAINING FUNDING FROM THE DEPARTMENT OF ENVIRONMENT, COMMUNITY AND LOCAL GOVERNMENT

The following question was submitted by Clr. Harvey:-

"What unfinished estates in the Stranorlar Electoral Area have been put on the list by this Council for the purposes of obtaining funding from the Department of Environment, Community and Local Government?"

Clr. Harvey was informed that:-

"The applications for funding under the Public Safety Initiative are being considered by the DoECLG at present. At this stage of the process it is not possible to publish details of the estates that are under consideration by the DoECLG. Any Elected Member who requires further information or wishes to discuss this matter can contact Paul Kelly, A/Senior Executive Planner, directly. Members will be informed of the outcome with regards to these applications at the earliest possible time."

C/101/13 PROGRESSION OF DESIGN AND COSTS FOR THE CASTLEFIN BRIDGE FOR INCLUSION IN THE 2014 STRATEGIC ROADS GRANTS

The following question was submitted by Clr. McGowan:-

"Will this Council progress design works and costs for continued road widening works at Castlefin Bridge for inclusion in the 2014 Strategic Roads Grants as this regional access road from Northern Ireland provides vital access to Donegal?"

Clr. McGowan was informed that:-

"Our Road Design Department has been requested to carry out a design and statutory procedures for this section of roadway. Progress to final design and construction will be subject to prioritisation for funding in conjunction the Electoral Area Members."

C/102/13 POWERING ON OF LIGHTING AT THE CONEYBURROW ROAD LIFFORD

The following question was submitted by Clr. Crawford:-

"What is the cause for the delay in having lighting powered "on" at Coneyburrow Road (N15) Lifford, as these lights were put in place months ago?"

Clr. Crawford was informed that:-

"The connection to the ESB network connection is needed. It has been applied for with a likely commissioning by March 2013."

C/103/13 PROGRESS ON THE FLOOD PREVENTION IN RAPHOE AND UPDATE ON THE CONTACT WITH THE OPW

The following question was submitted by Clr. Crawford:-

"Has this Council had any recent contact with the OPW in relation to flood prevention in Raphoe and at what stage is the programme now at?"

Clr. Crawford was informed that:-

"Following on from the Preliminary Report, on the 10th January the OPW in conjunction with Donegal County Council opened Tender Submissions for a Detailed Flood Study for Raphoe. The

OPW have recently sought clarification in respect of a submission. This is currently being evaluated.”

C/104/13 PROGRESS IN RELATION TO THE SEWERAGE TREATMENT PROBLEM IN ST JOHNSTON

The following question was submitted by Clr. Crawford:-

"What progress has been made in resolving the Sewerage Treatment Problem in St Johnston?"

Clr. Crawford was informed that:-

“The St. Johnston Sewerage Scheme is on the Rural Water Small Schemes Programme. Donegal County Council has appointed Engineering Consultants to carry out preliminary design, to prepare tender documents, and advance tendering. Status of the 2 envisaged contracts as follows:-

Contract 1 Enabling Works Contract - Tenders have been returned for Contract 1 is and a tender report will be available towards the end of January 2013. Construction is expected to follow shortly thereafter. This contract consists of fencing, control building and site roads. This contract is funded under the Rural Water Small Schemes Programme.

Contract 2 Main Wastewater Treatment Plant

This contract consists of main network pumping station and secondary Wastewater Treatment Plant. The consultants are currently working on tender documents for Contract 2 with completion expected in February 2013. In parallel, Donegal County Council has commenced a prequalification procedure for tenderers with submissions to be returned in mid February 2013. Tenders could be invited from shortlisted contractors by April 2013.

Funding allocations for the construction of the enabling works contract and the main Wastewater Treatment Plant contract are being sought from the Department under the Rural Water Small Schemes Programme in 2013 and 2014.”

C/105/13 THIRD MAJOR FESTIVAL IN THE COUNTY BASED IN THE BALLYBOFEY/STRANORLAR AREA SIMILAR TO THE

ERRIGAL ARTS FESTIVAL AND THE DONEGAL BAY AND BLUESTACKS FESTIVAL

The following question was submitted by Clr. McGowan:-

"Can the C&E unit draw up plans for a third major county wide festival in the County based in and around Ballybofey and Stranorlar, similar to the very successful Errigal Arts Festival, Donegal Bay and Bluestacks Festival?"

Clr. McGowan was informed that:-

“Donegal County Council activity promotes arts and culture as an economic and quality of life resource in this county. The possibilities and resource requirements with regard to a project relating to the Ballybofey/Stranorlar area will be examined and a report prepared.”

C/106/13 DLDC AND THEIR ROLE HAVING TAKEN OVER FROM MEITHEAL FORBATHA

The following question was submitted by Clr. Ó Domhnaill:-

"Can this Council investigate the position in regards to DLDC and the role which they have taken over from Meitheal Forbatha na Gaeltachta (MFG) especially in light of the fact that this Authority had a board member on the Board of MFG and enquire as to the fact, will another Gaeltacht member be admitted onto the new DLDC board?"

Clr. Ó Domhnaill was informed that:-

“It is understood that this matter has been discussed by the Board of DLDC. The Council will now write to the Chairman of DLDC to seek clarity on the company's position and a formal response to this question.”

C/107/13 CURRENT SITUATION REGARDING A LIBRARY SERVICE IN DONEGAL TOWN

The following question was submitted by Clr. Alcorn:-

"What is the current situation regarding a Donegal County Council Library Service in Donegal Town?"

Clr. Alcorn was informed that:-

“The Donegal Town Library is open on Tuesdays and Thursdays providing quality reading materials, public internet access, an

events programme and all library services. The Library is located in the Old Technical School on the Mountcharles Road.”

C/108/13 PLANS TO ADD GAELTACHT NOMINEES TO THE BOARD OF DLDC

The following question was submitted by Clr. Alcorn:-

"Now that D.L.D.C. have taken over the affairs of M.F.G. in the Gaeltacht Regions in Donegal, what plans are on hand to add some Gaeltacht Nominees to the Board of D.L.D.C.?"

Clr. Alcorn was informed that:-

“It is understood that this matter has been discussed by the Board of DLDC. The Council will now write to the Chairman of DLDC to seek clarity on the company's position and a formal response to this question.”

C/109/13 SPECIFIC GRANTS APPLICATION

The following question was submitted by Clr. Ó Domhnaill:-

"Can the Council Executive explain why and how the Specific Grants Application was made to the Department without prior discussion with the Elected Members given the fact that the list had been changed following our September workshop, and why only figures for 24 months were taken into account, why the Derrybeg to Gortahork Coastal road was not included and how the County Executive can justify seeking only 3% of the Countywide budget for the Donegal EA and 6% for the Glenties EA whilst dispersing the remaining 91% amongst the remaining 3 Electoral Areas?"

Clr. Ó Domhnaill was informed that:-

"Can the Council Executive explain why and how the Specific Grants Application was made to the Department without prior discussion with the Elected Members given the fact that the list had been changed following our September workshop, and why only figures for 24 months were taken into account, why the Derrybeg to Gortahork Coastal road was not included and how the County Executive can justify seeking only 3% of the Countywide budget for the Donegal EA and 6% for the Glenties EA whilst dispersing the remaining 91% amongst the remaining 3 Electoral Areas?"

The Council Members met in workshop in September 2012 to discuss the proposed application by the Council to the DOTTS under the Specific Grants Scheme. Members were informed of

some of the various constraints that the DOTTS placed on this grant and why the proposed application was developed in the context of the Council's financial position. The salient points are summarised below:

- The application was not to exceed €1,490,100 (for comparison the figure in 2006 was €7,425,000).
- Applications for improvement of roads in Rural Areas were to be at least €250,000 and urban areas €100,000 unless the funding was to complete an existing project or a bridge.
- Apart from completing existing projects which were underway or completing the purchase of land where a CPO has been confirmed, local authorities were, where possible to avoid embarking on high cost Specific Grant projects.

It had been the Council's practice in recent years to divide the application between projects on the basis of the average of population and non national road length in each Electoral Area. On this basis projects per area would be split as follows:

Donegal	Glenties	Inishowen	Letterkenny	Stranorlar
Breakdown of application				
18.27%	17.62%	25.54%	23.14%	15.42%

Having completed over €70,000,000 since 2002 under the scheme there remained a significant number of commitments which the Council was obliged to make provision for. These are principally associated with land purchases and agreements reached regarding accommodation works over the last number of years, but are also related to contractual commitments for works carried out. These commitments fall into two categories.

- a. Commitments that the Council have paid but for which there is now no grant allocation.
- b. Commitments that will to fall due in 2013 for which provision must be made.

In line with this the application made to the Department in September 2012 broken down by Electoral Area was:

Donegal	Glenties	Inishowen	Letterkenny	Stranorlar
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Breakdown of the application

15.37% 14.43% 25.50% 32.95% 11.74%

Subsequent to the September workshop the Department reduced the Council's allocation for 2012 by €100,000. They also permitted transfers between projects where original allocations were unlikely to be spent and understood that if further work was done in 2012 on a scheme which was part of the 2013 application, it might be funded in late 2012 or it might be funded as a "first call" on 2013 monies. Following further discussions in December once national out turns were determined the Department agreed to provide additional funding to projects in the county to eliminate balances that might otherwise have to be paid from the 2013 allocation. Thus the final expenditure breakdown by electoral area for 2012 was:

Area Breakdown of Funded Expenditure 2012

Donegal	Glenties	Inishowen	Letterkenny	Stranorlar
35.88%	24.58%	0.00%	22.07%	17.47%

The additional funding had the effect that a number of projects where funding was applied for in 2013 were completed and fully funded in 2012 including some in Letterkenny, Donegal and Glenties Electoral Areas.

In order to provide the Department with an application to the correct value of €1.49 million, two applications for funding made in 2012 for the Inishowen area for urban areas to the value of €100,000 each which were not funded in 2012 were added to the list while the balance was added to Mulantyboyle Bridge the R252 Dooish to Letterbrick project in order to commence works to replace Elatagh Bridge. At our workshop in September, Elatagh Bridge was discussed and identified as a bridge in poor condition. Since the workshop the Council carried out structural checks on the bridge and found it to be structurally unsafe. Given this the Council closed the bridge and installed a temporary structure.

The result of these changes is that the application for 2012 breaks down between electoral areas as follows:

Area Breakdown of Expenditure

Donegal	Glenties	Inishowen	Letterkenny	Stranorlar
3.30%	6.71%	38.92%	24.23%	26.84%

Figures were provided to councillors at recent workshop which indicate the affect of these changes when taken over two years.

This is shown below:

Donegal	Glenties	Inishowen	Letterkenny	Stranorlar
Allocation based on Road Length and Population Average 2012				
€72,307.40	€62,596.00	€80,632.19	€44,752.10	€29,812.30

Allocation based on Road Length and Population Average 2013				
€72,307.40	€62,596.00	€80,632.19	€44,752.10	€29,812.30

Total for two years				
€44,614.80	€25,192.00	€61,264.38	€89,504.20	€59,624.60

Actual Allocation 2012 and 2013 assuming 2013 application provided in full				
€52,388.00	€44,731.00	€80,000.00	€63,465.00	€98,212.00

Variance				
€107,773.20	€19,539.00	-€181,264.38	€173,960.8	€238,587.40

Variance in %	20%	4%	-24%	25%	52%
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Percent of Total Allocation for 2012 and 2013 Combined				
19.5%	16.3%	17.4%	25.6%	20.9%
Expected Percent based on Mileage and Population				
18.3%	17.6%	25.5%	23.1%	15.4%

At our recent workshop further figures were to be provided for Members information:

The actual expenditure outturn since 2007 is shown below in each electoral (allowing for the revised electoral area boundaries). It should be noted that allocations for Letterkenny EA reflect the old Milford EA and the old Letterkenny EA excluding the Lifford RSS area which transferred to Stranorlar EA)

Breakdown of funding to each electoral area 2008= 2012

Donegal	Glenties	Inishowen	Letterkenny	Stranorlar	Value
€3,593,544.16	€2,993,394.83	€2,993,421.42	€3,933,190.59		
€1,681,224.63					

Percentage

23.65%	19.70%	19.70%	25.89%	11.06%
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The Derrybeg to Gortahork Coast Road was not added as a project as it was not submitted to the DOTTS during 2012.

As noted above the projects selected for new or additional funding in 2013 were those that were already on hand with the DOTTS in Inishowen and that were not funded and the R252 Dooish to Letterbrick project where a temporary bridge was in place on a strategic regional road.

The net affect of this is increase the funding to the Stranorlar and Inishowen Electoral Areas bringing them more in line with the previous practice of the Council of funding by reference to population and road length whether taken over two years or five.

The allocation to the Letterkenny area remains large but is associated with commitments to an existing CPO.

In summary:

The application discussed with members in September was partially completed in 2012. Additional projects not funded in 2012 which the Council applied for in 2011 were added to the application and the allocation to the R252 was increased to commence reconstruction of Elatagh Bridge in 2013.

The financial affect of these additions and changes would be to help restore a disbursement of funding between electoral areas that reflects the Council's policy.

In addition, all projects prioritised by Members in September 2012 and listed on the original application have been fully provided for.

There were no reductions on any of those projects. It is true that some were provided for sooner than originally anticipated and the Council took advantage of the gap created by securing additional monies in late 2012 to ad"

C/110/13 COST TO DONEGAL COUNTY COUNCIL OF TAKING OUR VACAN HOUSING STOCK TO LETABLE PRODUCT

The following question was submitted by Clr. Gallagher:-

"What is the estimated cost to this Council to take our vacant housing stock to a letable product?"

Clr. Gallagher was informed that:-

“Based on a similar spend to that incurred on the repair of vacant dwellings under the Retrofit Programme in 2012, it would cost an estimated 1.5 million to refurbish all dwellings which were vacant at the end of 2012 to a similar standard. Should the energy efficiency works be excluded,, the estimated costs would be in the order of approximately 50% of this sum.”

C/111/13 AMOUNT OF 2013 HOUSING MAINTENANCE BUDGET THAT WILL BE SPENT ON DOING ESSENTIAL REPAIRS ON DONEGAL COUNTY COUNCIL HOUSING STOCK

The following question was submitted by Clr. Gallagher:-

"What is the actual budget 2013 for housing maintenance, that will be spent on doing essential repairs (goods/services) on Donegal County Councils housing stock?"

Clr. Gallagher was informed that:-

“The provision under this heading in the draft Budget Book presented to the Elected Members on 19th December, 2013 was €1,917,436. As a consequence of the amendments to the draft Budget finally agreed by the Elected Members on 7th January, 2013, the provision was increased by €30,000 to bring the adopted figure under this heading to €1,947,436.

This figure includes the provision required for Insurances on our Council Housing Stock, and Loan Repayments in relation to monies borrowed in the past for Refurbishment programmes under the Housing Maintenance heading.

From the adopted provision by the Elected Members, the actual amount available to carry out essential repairs (goods/services and wages) on the Council's Housing Stock including repairs required to our Vacant Houses is €1,469,348. The Council is hopeful that further grant assistance may become available from the Department of the Environment, Community & Local Government

under the Retrofit Heading (Energy Efficiency) in 2013. The amount received in 2012 was just in excess of €0.5M but indications are that this is likely to be severely reduced in 2013.”

C/112/13 COUNCIL POLICY IN RELATION TO S.I. HOUSES THAT HAVE SEPTIC TANKS AND PERCOLATION AREAS THAT DO NOT MEET THE EPA REGULATION

The following question was submitted by Clr. Canning:-

Has this Council any policy in place in relation to S.I. houses that have septic tanks and percolation areas that do not meet the EPA regulation?"

Clr. Canning was informed that:-

“Donegal Co. Council made arrangements to register all septic tanks in relation to S.I. houses in advance of the 28th September, 2012 deadline in order to qualify for the 5 euro registration fee. It is understood that the EPA is developing a National Inspection Plan. It is also understood that guidance will issue from the EPA in terms of standards to be met and regulations to be adhered to. When this information is to hand, the Council will review its position with regard to the septic tanks and percolation areas serving S.I. Houses.

It should be noted however that existing Council Policy in relation to the maintenance of septic tanks servicing S.I. houses is set out in the Tenants Handbook, which states that the maintenance and service thereof is the Tenants responsibility.”

C/113/13 TIMEFRAME FOR OCCUPATION OF THE COUNCIL HOUSES IN NEWTOWNCUNNINGHAM

The following question was submitted by Clr. Canning:-

"When will the Council houses in Newtowncunningham be ready for occupation?"

Clr. Canning was informed that:-

“Following the termination of this contract by Donegal County Council in September 2012, there are still a number of contractual and legal matters to be addressed. However the Housing Construction section (including the Area Housing supervision team) are completing the preparation of contract documents for a completion contract for this project which will facilitate its

completion and enable the houses to be let. It is intended to commence the procurement of the Contractor through E Tenders on 28th January. The appointment of the successful contractor should take place by early March with a 10 week contract period. The award of a completion contract will be subject to the approval of the department.”

C/114/13 PROGRESS ON THE PROPOSED REFURBISHMENT WORKS AT BUNCRANA LEISURE CENTRE

The following question was submitted by Clr. Donaghey:-

"What progress has been made regarding the proposed refurbishment works to Buncrana Leisure Centre to bring it to Planning Stage and when do we expect to be at that stage?"

Clr. Donaghey was informed that:-

“Work has been ongoing in recent months on advancing the scheme design for the refurbishment of Buncrana Community Leisure Centre and the design is at a stage where planning documentation can now be prepared. The documentation is expected to be completed by March 2013.”

C/115/13 PROGRESS REGARDING THE SERIOUS EROSION PROBLEM AT LUDDEN AND LISFANNON OUTSIDE BUNCRANA

The following question was submitted by Clr. Donaghey:-

"What progress has been made regarding the serious erosion problem at Ludden and Lisfannon outside Buncrana?"

Clr. Donaghey was informed that:-

“The Centre for Coastal and Marine Research at The University of Ulster have previously prepared a fee proposal to carry out studies on the site and prepare proposals to enable an application for a Foreshore Lease/Licence to be lodged with the Dept of the Environment, Community and Local Government. This is required under the Foreshore Acts 1933 to 1998 as the site lies within foreshore. The University have indicated that they would be in a position to commence these studies in early March and can have their proposals available in five weeks from the date of the commencement of the works.”

C/116/13 MAKING OF COUNCIL SUBMISSION TO THE DEPARTMENT ON THEIR STRATEGY FOR RADON GAS CONTROL

The following question was submitted by Clr. Larkin:-

"Will the Council make a submission to the Department on their strategy for Radon (gas) control, referencing the debates that took place in this chamber?"

Clr. Larkin was informed that:-

"The content of the recently published draft National Radon Control Strategy will be examined with the view to making any appropriate submission in due course."

C/117/13 UPDATE BY ROAD DESIGN ON THEIR ABSOLUTE SOLUTION/DESIGN FOR THE BEND THAT HAS BEEN THE SCENE OF SEVERAL ACCIDENTS ON THE GLENCAR ROAD (LOCALLY KNOWN AS BLACKS BRIDGE)

The following question was submitted by Clr. Larkin:-

"Will Road Design please update me on their absolute solution/design for the bend that has been the scene of several accidents on the Glencar Road (locally known as Black's Bridge)?"

Clr. Larkin was informed that:-

"The Road Design Office was requested to advise on this situation on the 15 January 2013. Investigations commenced immediately and a review is ongoing into the factors which may be influencing the accident history at the location known as Black's Bridge on the Glencar Road, Letterkenny. A report, once finalised, will be issued to the Letterkenny Town Engineer /Letterkenny Area Roads Manager for consideration and discussion with the local Elected Members."

C/118/13 RESPONSE FROM THE TAOISEACH'S OFFICE TO THE REQUEST FROM DONEGAL COUNTY COUNCIL TO MEET A CROSS PARTY DEPUTATION IN RELATION TO THE A5/TO DONEGAL AND ON TO LETTERKENNY

The following question was submitted by Clr. Brogan:-

"Has there been any response from the Taoiseach's Office to the request from Donegal County Council to meet a cross party deputation in relation to the A5/ to Donegal and on to Letterkenny?"

Clr. Brogan was informed that:-

“During 2012, Donegal County Council requested that a delegation meet with An Taoiseach to discuss the development of the A5 Roadway Project from Aughnacloy to Derry and had it followed up a few times. This meeting was intended to supplement previous meeting with Ministers from both sides of the border. To date we have not received a response from the Toaiseach's office regarding this request.”

C/119/13 EVALUATION OF STAFF MORALE

The following question was submitted by Clr. Quinn:-

"Will Donegal County Council consider carrying out an evaluation of Staff Morale as a result of the impact of increased workloads and reduced wages?"

Clr. Quinn was informed that:-

“Donegal Co Council engage with Staff and Staff Representative bodies on a regular basis through direct meetings with the various Unions and also through regular meetings of the Partnership Committee. Staff and Unions have been centrally involved in developing and implementing proposals to reorganise the management and delivery of front line services to take account of reductions in overall staffing numbers, volumes of activity and workloads, while at the same time seeking to minimise the impact on the citizens in the County.

To date, there has been very positive engagement by staff at all levels within the organisation, and while it is a fact that wages and salaries within the public sector have been subject to reductions, this has not been reflected in a negative way in terms of employees applying themselves to their work on a daily basis.

That being said, the Council is happy to explore with staff and staff representative bodies the option of carrying out an evaluation of Staff Morale across the organisation.”

C/120/13 NETT COST OF THE 2 MEETINGS WHICH WAS HELD TO DEBATE THE 2013 BUDGET BOOK

The following question was submitted by Clr. Quinn:-

"What was the Nett cost to Donegal County Council of the 2 meetings which were held to debate the 2013 Budget Book?"

Clr. Quinn was informed that:-

"The nett cost (excluding fixed costs) relating to the Budget Meetings held on 19th December, 2012 and 7th January, 2013 is 1,433.60 euro."

C/121/13 COUNCIL PLAN OF ACTION FOR 2013 IN THE AREA OF ENTERPRISE AND ECONOMIC DEVELOPMENT

The following question was submitted by Clr. Brogan:-

"What plan of action has this Council now got for 2013 in the area of enterprise and economic development following my motion as agreed by Council to have forums/discussions at each of the Electoral Area Offices to hear concerns and have a roadmap going forward?"

Clr. Brogan was informed that:-

"Economic Development is a key role for Donegal County Council. A report presented to Council today sets out the activities of Donegal Council in this area. Work will be carried out in all parts of the County through our area offices and proposed development centres. This will be done on an integrated basis involving all sectors and stakeholders. Donegal County Council will work closely with agencies as appropriate e.g. Enterprise Ireland, the CEB, Udaras na Gaeltachta and with sectoral and community interests. It is expected to have more clarity on the issue of micro-enterprise support on receipt of direction with regard to the establishment of Local Enterprise Offices (LEOs) in local authorities in the near future. Members will be kept updated on progress."

C/122/13 DISCUSSIONS AND SUBMISSIONS TO THE COMPANY TAKING OVER WATER SERVICES

The following question was submitted by Clr. McGarvey:-

"Has any discussion taken place with the Company who are proposing to take over Water Services or can submissions be made?"

Clr. McGarvey was informed that:-

“The Water Services Bill 2013 which has been published recently provides for the establishment of Irish Water/Uisce Eireann as a subsidiary of Bord Gais Eireann under the Companies Act. The Bill provides for the transfer of certain water service functions to the proposed new company. The Council continues to engage with the various stakeholders at local and national level. This will continue and will subject to the enactment of the proposed legislation include Irish Water/Uisce Eireann to ensure the best outcome under the proposed Water sector reform programme for the people of Donegal and for Donegal County Council.”

C/123/13 HOUSING APPLICATIONS – THE NECESSITY FOR THE NUMBER OF QUESTIONS ASK

The following question was submitted by Clr. Byrne:-

"Housing Applications - Is it of necessity that Donegal County Council must ask for 17 - 20 details of an individual's circumstances on initial application form?"

Clr. Byrne was informed that:-

“The level of detail required in relation to the application form and associated supporting documentation in applications for social Housing Support is prescribed under the Social Housing Assessment Regulations. Donegal County Council must implement these requirements in line with all other Housing Authorities in the state.”

This concluded the business of the meeting.