

5th April, 2019

To: Each Member of Donegal County Council

I hereby give notice under Paragraph 7 of Schedule 10 of the Local Government Act 2001, having received a requisition from the Cathaoirleach pursuant to Paragraph 6(1) (a) of said schedule, that a Special Meeting of Donegal County Council shall be held at 10am on Thursday 18th April, 2019 in the County House, Lifford, County Donegal to transact the following business, as set out in agenda and contained within the aforementioned requisition. A copy of the requisition is attached.

AGENDA

Standards in Public Office Report – Cllr John O’ Donnell

To consider the report dated the 25th March, 2019 of the Standards in Public Office Commission in relation to alleged contraventions of the Ethics in Public Office Acts 1995 and 2001 and Part 15 of the Local Government Act, 2001 – Cllr John O’ Donnell.

Joe Peoples
Meetings Administrator

MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL
HELD IN THE COUNTY HOUSE, LIFFORD
ON 18TH APRIL, 2019

C/137/19 MEMBERS PRESENT

Cllrs S Ó'Domhnaill (Cathaoirleach), L Blaney, E Bonner, C Brogan, P Canning, G Crawford, N. Crossan, A Doherty, L Doherty, M Farren, E Gallagher, M. T. Gallagher, M Harley, S Maguire, M C Mac Giolla Easbuig, F McBrearty Jnr, M Mc Bride, M Mc Dermott, P McGowan, G McMonagle, J Murray, M Naughton, and T Slowey,

C/138/19 OFFICIALS IN ATTENDANCE

Seamus Neely, Chief Executive, Joe Peoples, Director of Housing, Corporate and Cultural Services / Meetings Administrator, Liam Ward, Director of Community & Planning Services, Richard Gibson, A/Head of Finance, Anne Marie Conlon, Communications Officer, Sean O'Daimhin, Oifigeach na Gaeilge, Anne Marie Crawford, Staff Officer.

C/139/19 STANDARDS IN PUBLIC OFFICE REPORT- CLLR JOHN O' DONNELL

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

The Cathaoirleach proceeded to read into the record legal advice as provided by the Council Solicitor and a copy was circulated to the members for their information.

It was then unanimously agreed to adjourn the meeting for a brief period to allow for consideration of this advice.

Cllr Mc Brearty welcomed the fact that a meeting had been called and alluded to the fact that he had back in 2015 called for Cllr O' Donnell to be removed from all Council Committee membership.

He was, he said, disappointed that Cllr O' Donnell had decided not to attend the meeting as it would have afforded him an opportunity to respond to the various claims made against him. S.I.PO had, he said, in the report highlighted a number of serious contraventions of the ethics code and in light of this it was imperative that he be censured in some way. He had, he confirmed, taken his own

appropriate action and sent a solicitor's letter to Cllr O' Donnell requesting an apology in writing for claims made in the programme. The accusations, made in the programme, were very serious, he said, and impacted indirectly on all of Cllr O' Donnell's fellow councillors.

He called for Cllr O' Donnell to be censured as follows:-

1. That he be removed from all committee membership with the exception of the Strategic Policy Committee.
2. That he write to the Council Executive, Staff and each individual planner apologising for his actions and his commentary in the programme in question.
3. Apologise to the elected members and in doing so make it clear that he had no particular influence over any individual member of Council.

He called for a review of Cllr O' Donnell's expense claims over the past number of years and checks made to ensure that all relevant business interests were declared. A full investigation, he said, was needed in relation to the issues highlighted in the S.I.P.O report.

Cllr Mc Brearty said it was imperative that the message went out to the electorate that members were accountable and that politics was about helping people and not abusing power.

Cllr Gallagher said it was clear that Cllr O' Donnell had brought the Council into disrepute and that there was no ambiguity in that he had clearly contravened ethics legislation. There was a need to review the legislation, she added, so that public representatives could be censured when they contravened the standards of public office. She thus seconded Cllr Mc Brearty's proposal as outlined above.

A lengthy discussion took place with members in agreement that Cllr O' Donnell had brought the Council into disrepute and had treated the Planning Department in a despicable way. There was general disappointment that he had failed to provide any type of explanation for his actions something which reflected unfavourably on all the members. They contended that opinions expressed in the Primetime programme were no way reflective of the members of the Council.

It was clear they advised on the basis of the legal advice presented, that the Council could not remove Cllr O' Donnell from office.

Cllr Mc Monagle reassured the public that he was not one of the 20 or so members referred to in the report and said that S.I.P.O should be asked to explain why they did not furnish the findings to the D.P.P. S.I.P.O it was suggested in such instances should be able to make any necessary decisions and administer the associated penalties.

Cllr Mc Brearty concluding the debate noted that there was some provision for S.I.P.O to send the file to the D.P.P. It was appalling, he said, that all members were in the dock because of the actions of one councillor, and that the message needed to go out that this type of behaviour would not be tolerated.

The Cathaoirleach reiterated the fact that the Council did not have the mandate to remove Cllr O' Donnell from office and that this responsibility lay with the electorate who would make their decision at the Local Elections on the 24th May.

This concluded the business of the meeting.

Cathaoirleach

Dated