

**MINUTES OF THE SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD  
ON 11<sup>th</sup> JULY 2022 IN THE AURA LEISURE CENTRE LETTERKENNY**

C/249/22

**MEMBERS PRESENT**

Cllrs L. Blaney, Cathaoirleach, K. Bradley, C. Brogan, P. Canning, T. Conaghan, D. Coyle, G. Crawford, N. Crossan, T Crossan, A. Doherty, G. Doherty, R. Donaghey, M. Farren, M. T. Gallagher, M. Harley, N. Jordan, D. M. Kelly, N. Kennedy, Micheál. C Mac Giolla Easbuig, F. Mc Brearty Jnr, M. Mc Clafferty, M. McDermott, I. McGarvey, P. Mc Gowan, J. Mc Guinness, M. Mc Mahon, G. Mc Monagle, A. Molloy, J. Murray, J. O Donnell, J. S O' Fearraigh and B. Sweeny.  
*Online:* J. Kavanagh, N. Mc Garvey, M. Naughton.

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**OFFICIALS IN ATTENDANCE**

John Mc Laughlin, Chief Executive, Patsy Lafferty, Director of Housing, Corporate and Cultural Services/Meetings Administrator, Garry Martin, Director of Economic Development, Information Systems & Emergency Services, Richard Gibson, Head of Finance, Paddy Doherty A/Director Community Development & Planning Services, Bryan Cannon, A/Director of Roads & Transportation, Michael Mc Garvey, Director of Water & Environment, Frances Friel, Communications Officer, William Colvin, Assistant Communications Officer, Seán O' Daimhin, Rannóg na Gaeltachta, Róise Ní Laifeartaigh, Rannóg na Gaeilge, Anne Marie Crawford, Staff Officer.

C/251/22

**DISCUSSION ON THE FINDINGS OF THE EXTERNAL REVIEW – 5  
HOUSE AT AN CRANLA, BUNCRANA**

Members considered the note to Council dated 11<sup>th</sup> July, 2022 together with the Process Review summary which had been circulated in advance of the meeting together with the BDO Report dated 24<sup>th</sup> June, 2022, also circulated prior to the meeting.

The Cathaoirleach commencing the meeting said that the Chief Executive would initially provide an overview of the report as circulated to members and that contributions would then be taken in the following order:

- The Chair of the Inishowen Municipal District.
- The remaining members of the Inishowen Municipal District.
- The Party Whips
- Remainder of the Members.

On the proposal of Cllr Mc Gowan, seconded by Cllr Gallagher it was resolved that the allocated speaking time be confined to 4 minutes per member. This was unanimously agreed.

The Chief Executive read into the record the contents of his briefing report as circulated. He said the Council was satisfied with the external review carried out by BDO and their Consulting Engineer. The Council was pleased, he added, that BDO who were a competent and reputable firm in this area of work, had clearly and unequivocally stated

that they had found no evidence of corruption or wrongdoing. Council staff, he said, had been fully vindicated and their good name and reputation upheld. It was noted that the five homes continued to be lived in by the families concerned and it had been clearly established that these houses had been purchased in line with normal procedures.

Cllr Mc Brearty on a point of clarification requested that the Chief Executive read out the entire BDO report so that the public could fully understand what was in the report, given that in his opinion the overview provided was not an accurate depiction of the contents of the overall report.

The Cathaoirleach stated that the report had been adequately summarised by the Chief Executive and was also available in its entirety on the Council website.

Cllr Canning as Chair of the Inishowen Municipal District apologised to staff for the hurt and pain that they had to endure because of what had proved to be false and unfounded accusations. The whole process he noted, had been uncalled for as everybody knew that there was no corruption or evidence of systemic corruption. It was unfortunate, he said, that such innuendo had impacted on staff and on their personal lives, with hurtful and false claims being made via a number of social media channels. The allegations, he added, had cast a cloud over the Council and made it particularly difficult for staff working in the Housing Section especially in the Inishowen Municipal District.

The Inishowen members were, he stated, fully behind and supportive of staff should they wish to take the matter further.

The remaining members of the Inishowen Municipal District at this juncture concurred with this assessment and advised of the following:

- That there was 100% support for staff and their families whose lives had been impacted and disrupted by unfounded allegations of corruption, both at work and in the communities that they lived.
- The reputations and good name of the staff involved had been fully upheld.
- Natural justice needs to prevail, and the good name of the staff and their families must be protected.
- Welcomed the fact that the report clearly exonerated all concerned.
- Need to stop immediately the innuendo that is being bandied around in relation to both staff and members.
- Concern expressed in relation to the impact on the five families who lived in An Crannla.
- Request that the cost of the report be made available as a matter of public interest.
- Apology needed for all those targeted by the allegations.

- Right decision made at the time in respect of the five families involved.
- Vindication for the Inishowen Members who had been specifically singled out for being complicit in these allegations.
- Recommendations in the BDO report should be analysed and taken on board.
- Noted that the mica issue was an ongoing and emotional issue heightened by the fact that the Government had decided not to incorporate the 80 or so suggested amendments into the new Enhanced Defective Concrete Blocks Scheme.
- Vindication of the fact that it was a good decision to buy these houses.

Cllr Murray proposed that the people named, and staff concerned be provided with the full backing of the legal services of the Council so that they could clear their names in entirety.

Cllr N. Crossan in his capacity as Chair of the Association of Irish & Local Government called on the Councillors who had made the allegations of corruption to withdraw their remarks and said that failure to do so should be subject to the full rigour of the law.

Cllr Brogan acknowledged that it had been a difficult and challenging time for all concerned, especially staff and members in the Inishowen Municipal District. A proactive approach was now needed, he said, to deal with the ongoing mica issue and to resolve the many issues that existed. One thing that had been made clear in the report, he noted was that the purchase of the houses was an executive function. It was an important day, he said, for Donegal County Council as a body employing over 1000 people in that efforts could now be concentrated on the issues at hand, namely dealing with the mica crisis. He welcomed the fact that there had been clear vindication of the decision to buy the houses in the first instance.

Cllr G. Doherty welcomed the report and said that when the allegations of corruption had been made at plenary level there was a specific onus on members to deal with same in an open and transparent manner as both staff and members needed to be held to the highest levels of accountability. The public, he added, needed to be able to trust in the fact that Donegal County Council operated with honesty and integrity and the allegations levied had undermined that trust. It was right and proper, he said, that a review was carried out and an external report commissioned to allay the wider allegations of corruption and systemic corruption made by Cllrs Mc Brearty and Mac Giolla Easbuig. BDO in their report, he confirmed, acknowledged the public comments made in an open letter dated 4<sup>th</sup> February 2022 to the Ministers for Justice and Housing from Cllr Mc Brearty alleging corruption and systemic corruption in Donegal County Council.

Cllr Doherty referred also to a published recording from October 2021, in which it was alleged that elected members had used their position to pressurise council staff and that either the staff concerned were not aware of the rules of the Long Term Leasing Scheme or were intent on helping the vendor with the purchase of the five houses.

He welcomed the fact that the report had not identified any evidence of corruption, systemic corruption, or corruptive behaviour. It was noted that there had also been acknowledgement in the report that the situation in An Crannla was unique and that the decision had been made in order that the families concerned remained in their homes. There was recognition also of the shortage of houses in Donegal.

It was noted that the matter had been particularly stressful for the five families concerned as images and details of their homes had been plastered over social media, Facebook etc.

Cllr Doherty said that today was about justice for DCC staff who had been named and shamed on social media networks without any right to reply or access to natural justice. Cllr Mc Brearty, he contended, had taken on the role of judge, jury and executioner depriving all concerned of the right to due process and that basic tenet of the right to innocence until proven guilty.

He said that Cllr Mc Brearty often referred to the right for natural justice and this was noticeably absent in this case. The allegations thrown out, he said, had damaged the reputations of the staff members who were publicly named. These, he noted, were good ordinary decent people who do their jobs to the best of their ability and in a professional manner. The decisions taken it was noted had saved homes for the five families concerned and prevented them from being left homeless. This was a day, he said, for all those staff members and natural justice had been served. He extended best wishes to the staff concerned who he said had been fully exonerated from any wrongdoing and said that he hoped they could move on knowing that their good name had been cleared both in the internal review and by the BDO report.

He called for the body corporate to fully support them in any legal proceedings that they were minded to take to clear their names in the eyes of the law and said that the full repercussions of the law should be brought down on those who had pedalled the allegations of wrongdoing, and where necessary face the financial implications of accusing people in the wrong.

Donegal County Council it was noted had a duty of care to its staff who were entitled to dignity at work and to be treated in a respectful and dignified manner by fellow staff members and the elected members.

Concluding he extended his support to his colleagues in the Inishowen Municipal District, whose names had been sullied because of the allegations. Over the last year staff and members, he stated, had to

endure a sustained period of bullying, threatening behaviour, and harassment which was unbecoming of any office holder whether a public servant or elected member.

He said that he had in the past week written to the Minister for Housing, Local Government & Heritage asking that there be specific repercussions up to and including suspension for members who breach the code of conduct and are found guilty of actions which contravenes their code. He said that real and meaningful change in the legislation was needed to ensure that those who engaged in wrongful behaviour were rightly sanctioned.

Cllr Harley thanked the CE for instigating the review process and ensuring that the BDO report was made freely available. It was a sad day, he said, when staff and members were classed as guilty until proven innocent. He sympathised with all concerned and said that he had to endure similar treatment over the past three years.

He welcomed the staff members who were in attendance and said that there had never been any doubt in his mind as to their innocence. He thanked all concerned for their hard work and diligence. Alluding to the role played by social media in the matter, he noted that the sustained campaign of bullying had impacted on the mental health of staff and elected members. This was ironic, he added, given that the individual making the allegations had dedicated considerable energy in the past to mental health issues.

The Cathaoirleach informed Cllr Mc Brearty at this juncture that he could not deal with a point of order until Cllr Harley had concluded his contribution.

Cllr Harley noted the impact on the families who resided in the five houses. He said that he was delighted that Cllr Johnny Mc Guinness was in attendance as the allegations had also sullied the good name of the late Cllr Bernard Mc Guinness. The report, he contended, fully exonerated the late Cllr Mc Guinness.

Cllr Mc Brearty on a point of order called on Cllr Harley to withdraw his remarks on the mental health issue.

The Cathaoirleach ruled that this was not a point of order and moved on with the meeting.

Cllr Kennedy welcomed the report and said that it was clear that there had been no cover up. People, she advised, were nothing without their good name. It was important at this juncture, she said, that everybody moved on and that a collaborative approach was taken in dealing with the mica issue going forward.

She endorsed the previous calls for the Council to legally support any staff members or elected members who wished to pursue the matter in a legal manner.

The Cathaoirleach then opened the meeting to the floor.

A lengthy debate took place with members advising of the following:

- Concern expressed as to the cost to the Council and to the people of Donegal.
- Congratulations extended to all who had made the decision to keep the families concerned in their own homes.
- Apology needed from those who instigated these false, unwarranted, and damaging allegations and accusations.
- Time had been wasted on this matter and other issues have been pushed into the background.
- Today an opportunity for the media to report on the real feelings being experienced and expressed today.

The Cathaoirleach asked Cllr Mc Brearty on several occasions to desist from interrupting the meeting.

Cllr Mc Brearty said that what was going on today was political filibustering and the circling of political wagons. He alluded to the Pt No 21 of the BDO Executive Summary and the fact that BDO believed that the written notification to the Department on the condition of the five houses on the 18<sup>th</sup> March 2021 could have been qualified and/or could have included the details of the geological tests the Council carried out in 2019. He said that BDO also noted that in respect of new build houses purchased by the Council in 2021, the relevant geological tests were being provided.

Reference to an FOI application made by Cllr Mc Brearty in September 2021 was also alluded to. He said that the file as obtained under the FOI legislation was incomplete. The fact that it was incomplete was mentioned in the BDO report, he stated, because the information contained clearly postdates IS465 which was created on the 13<sup>th</sup> November 2018. The Council, he added had been engaging with the vendor almost three years prior to the eventual purchase.

Cllr Mc Brearty said that there was no lease file and no full legal file, and that phone, bank and electronic records and minutes of Inishowen Municipal District meetings were missing.

He queried what had happened in relation to the material handed to the Chair of the Day and as to why there was no mention of an investigation by An Garda Síochána.

Members were informed by Cllr Mc Brearty that he had spent hours with An Garda Síochána going through the file and that there would be

a full Garda investigation into systemic corruption in Donegal based on the failure of the Local Authority as an organisation and its organisational processes.

Referring to earlier allegations and accusations made by members during the meeting, he said, that members would get an opportunity in another forum to deal with these issues.

He proceeded to read into the record copy of a letter received from VP Mc Mullin Solicitors on the 8<sup>th</sup> July 2022 in relation to High Court Record 563P regarding his conduct and suspension from meetings.

The Cathaoirleach ruled that this was not relevant to the discussion and asked him to stick to the matter on the agenda. As he failed to comply with this direction the Cathaoirleach adjourned the meeting for a five-minute recess. This was unanimously agreed.

C/252/22

**RECOMMENCEMENT OF THE DISCUSSION ON THE FINDINGS OF THE EXTERNAL REVIEW – 5 HOUSE AT AN CRANLTA, BUNCRANA**

Recommencing the meeting the Cathaoirleach asked that the position of the Chair be respected and called on Cllr Mc Brearty to conclude his deliberations.

Cllr Mc Brearty at this juncture called on the Chief Executive and senior staff involved in the purchase and acquisition of the five properties to resign. They would, he contended, have plenty of opportunity in the forthcoming proceedings taken against him to engage with the might of his own legal team.

This whole issue, he said, was a misappropriation of public funds to exonerate the Council from what was a litany of systemic corruption and the failure of the organisation to follow due process. He was, he confirmed going to move the matter forward in terms of criminal prosecution.

Following further interruption from Cllr Mc Brearty and on the proposal of Cllr Blaney seconded by Cllr Mc Mahon the meeting was adjourned for a further five-minute recess.

On resumption the Cathaoirleach invited Cllr Mc Mahon to speak. Cllr Mc Brearty continued to interrupt the proceedings and was asked again to obey the ruling of the chair.

The Cathaoirleach at this juncture said that he had no option but to adjourn what was a very important meeting for a third time. This was unanimously agreed. Prior to vacating the Chair, he apologised to those in attendance and all participating online for the disruption.

**RECOMMENCEMENT OF THE DISCUSSION ON THE FINDINGS OF THE EXTERNAL REVIEW – 5 HOUSE AT AN CRANLNA, BUNCRANA**

Cllr G. Doherty referred to the fact that there had been an incident in the interim and that Cllr Mc Brearty was now in possession of his mobile phone. He asked that this be returned, and the meeting be adjourned until the matter was resolved.

The Cathaoirleach said that it was unfortunate that the adjournments had taken place but that they were due to the continuous and persistent interruption of Cllr Frank Mc Brearty who had persistently disregarded the rule of the Chair. He then in accordance with Standing Order No 46 read into the record the provisions of Paragraph 13 of Schedule 10 of the Local Government Act 2001 as amended by Section 57 of the Local Government Reform Act. 2014:

*13.(1) If—*

*(a) in the opinion of the person chairing a meeting (in this paragraph referred to as the “chair”), any member has been or is disorderly by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by otherwise obstructing the business of the meeting, and*

*(b) the chair has conveyed his or her opinion to the members present by naming the member concerned,*

*then the chair or any member may move “that the member named leave the meeting” and the motion, if seconded, shall be put and determined without discussion.*

*(2) Where a local authority decides in accordance with subparagraph (1) that a member leave a meeting, that member shall immediately leave the meeting and shall not be entitled to speak or to take any further part in that meeting on that day.*

*(3) Where in the opinion of the chair—*

*(a) there is general disorder which impedes the orderly transaction of business, or*

*(b) where a member against whom it was resolved that he or she leave the meeting by virtue of this paragraph refuses to do so, the chair may adjourn the meeting for such period as he or she considers necessary in the interests of order.*

He thus recommended that Cllr Mc Brearty leave the meeting and proceeded to put the resolution to the floor.

Cllr Mc Brearty indicated at this point that he was leaving the meeting.

Cllr Murray proposed, seconded by Cllr Mc Monagle that Cllr Mc Brearty remove himself from the meeting.

The Cathaoirleach called on the member concerned to leave behind any items belonging to another councillor before he departed from the meeting and adjourned the meeting for a short recess.



C/254/22

**RECOMMENCEMENT OF THE DISCUSSION ON THE FINDINGS OF  
THE EXTERNAL REVIEW – 5 HOUSE AT AN CRANLNA,  
BUNCRANA**

The Cathaoirleach apologised to all attending the meeting regarding the scenes that had taken place. He said that unfortunately the Gardai had to be called and that he had no option but to adjourn the meeting.

Cllr Brogan proposed, seconded by Cllr Farren that the meeting be adjourned until 10am on Monday 18<sup>th</sup> July 2022.



5<sup>th</sup> July 2022

**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 2.00pm on Monday 11<sup>th</sup> July, 2022 in the Aura Leisure Centre, Sallaghagrane, Letterkenny to transact the following business.

#### **AGENDA**

- To discuss the findings of the External Review of the acquisition of five houses at An Crannla, Buncrana.

A copy of the requisition is attached, and an online link will be available.

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Patsy Lafferty  
Meetings Administrator



**Comhairle Contae  
Dhún na nGall  
Donegal County Council**

**Cllr Liam Blaney**

Cathaoirleach Comhairle Contae Dhún na nGall  
Chairperson of Donegal County Council

**5<sup>th</sup> July, 2022**

**Mr Patsy Lafferty  
Meetings Administrator**

Dear Patsy,

I am hereby requisitioning you in accordance with Paragraph 6(1)(a) of Schedule 10 of the Local Government Act 2001, to convene a Special Meeting of Donegal County Council at 2.00pm on Monday 11<sup>th</sup> July, 2022 to transact the following business:

- To discuss the findings of the External Review of the acquisition of five houses at An Crannla, Bunrana.

  
**Cllr. Liam Blaney  
Cathaoirleach**

Ballina, Tamney, Letterkenny, Co. Donegal.