

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
23 Samhain 2010

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain, 29 Samhain, 2010, ag **11.00 r.n. in Áras an Chontae, Leifear**

DO GACH BHALL DEN CHOMHAIRLE

A Chara

Iarrtar ort a bheith i láthair ag an chruinniú seo den Chomhairle. Ta Clár an chruinnithe leis seo.

Beidh Clár Orduithe an Bhainisteora Contae le feiceáil ag an gcruinniú.

Mise, le meas

A. MacSuibhne

Riarthóir Cruinnithe(RÚNAI CHONTAE)

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
23rd November, 2010

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 29th November, 2010, at **11.00 a.m. in the County House, Lifford.**

TO EACH MEMBER OF DONEGAL COUNTY COUNCIL

Dear Councillor

You are summoned to attend this meeting of the Council. The Agenda is attached.

The Register of County Manager's Orders will be available for inspection at the meeting.

Yours sincerely

E. Sweeney

Meetings Administrator (County Secretary)

AGENDA

1. Confirmation of Minutes

- a) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on the 11th October, 2010.
- b) Confirmation of Minutes of Meeting of Donegal County Council held on the 26th October, 2010.

2. Disposal of Land – Section 211 Planning and Development Act, 2000

- a) Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Ballyraine, Letterkenny, Co. Donegal to Zeus Industrial Products (Ireland) Ltd.
- b) Notice under Section 183 of the Local Government Act, 2001 to dispose of land and part of roadside by way of lease at Main Street, Convoy, to Convoy Community & Environmental Committee.

MOTIONS

LETTERKENNY ELECTORAL AREA

Corporate

3. Clr. Quinn

"Donegal County Council calls on the Government to recognise the unique and vital role of the postal service in Ireland particularly rural Ireland, as a means of communication, a vital economic tool, an intrinsic part of the fabric of the community, and thus demands that as the Government drafts legislation to open the postal market to full competition, it ensures that the priceless social service provided by An Post, the Universal Service Obligation, and the jobs of An Post staff are protected."

4. Clr. McGarvey

"That this Council request tenders for our legal advice service."

Community, Culture and Enterprise

5. Clr. Larkin

"That this Council support in everyway possible the work being done by Boston Donegal GAA in providing key support to new immigrants from Donegal to the USA."

DONEGAL ELECTORAL AREA

STRANORLAR ELECTORAL AREA

Corporate

6. Clr. Crawford

"That this council calls on the government to maximise in forthcoming legislation the protection of An Post from the liberalisation of postal services."

Roads and Transportation

7. Clr. McGowan

"That Donegal County Council follow Co Leitrim in erecting white crosses at any location where there has been a fatality following a road accident."

GLENTIES ELECTORAL AREA

Corporate

8. Clr. Alcorn

"That this Council debate the €200.00 second home levy, and in particular when arrears notices are sent by Donegal County Council and the method of payment of same."

Planning and Economic Development

9. Clr. Slowey

"That Donegal County Council work to make this county the Renewable Energy Capital of Ireland and use the review of the County Development Plan to progress this in a balanced way that attracts the support of the people of Donegal."

Community, Culture and Enterprise

10. Clr. Gallagher

"That Donegal County Council contact all relevant authorities and raise the need for addressing the serious issues facing the undocumented Irish in America including many Donegal people taking into account the following:-

1. The problems encountered in obtaining visas.
2. The need to reinstate the 245 (i), which would benefit a large majority of the undocumented Irish.
3. Necessity of reducing detention times for Irish Citizens detained on an overstay of their waiver, together with the assurance that there would be no associated criminal conviction."

INISHOWEN ELECTORAL AREA

Community, Culture and Enterprise

11. Clr. McGuinness

"That this Council support the funding required to subvent the Greencastle/Magilligan and Buncrana/Rathmullan ferries."

Roads and Transportation

12. Clr. Farren

"That Donegal County Council reaffirm its commitment to the Greencastle Breakwater project in light of the changed financial circumstances."

13. Finance

To authorise overdraft accommodation of Twenty Million Euro for year ending 31st December, 2011.

14. Housing and Building

Approval of the raising of the following loans:-

- Borrowing for the purpose of Shared Ownership Loans (Mortgage Equity) of €2,000,000.00.
- Borrowing for the purpose of payment of Annuity Loans of €4,000,000.00.
- Borrowing for the purpose of payment of Housing Reconstruction Loans of €250,000.00.

15. Roads and Transportation

Authorisation of representation under Section 142 (5) of Local Government Act, 2001, SI No 668 of 2006, Local Government (Expenses of Local Authority Members) Regulations 2006, S.I. No 37 of 2010, Guidelines given by the Minister for the Environment, Heritage and Local Government in relation to the Local Government Act, 2001 (Section 142) Regulations 2010:-

- Delegation from Donegal County Council to meet with NRA to take place Wednesday 8th December, 2010.

16. Planning and Economic Development

To consider the Manager's Report on the initial Public Consultation on review of the County Donegal Development Plan 2006 – 2012 (as varied) and to also consider the issue of

directions, if any to the Manager regarding the preparation of the Draft Development Plan.

17. Corporate

- a) To approve Schedule of Meetings for 2011.
- b) To fill casual vacancy on the Donegal Local Travellers Accommodation Consultative Committee.
- c) To note status report on membership of SPC's.

18. Community, Culture and Enterprise

- a) To note report on activity levels of the Foyle Ferry Service for the period 14th June, 2009 to 13th June, 2010.
- b) To note report on activity levels of the Swilly Ferry Service for the summer season 2010.

19. Endorsement of Minutes

- a) Endorsement of the Confirmed Minutes of Meeting of the Inishowen Electoral Area Committee held on the 27th May, 2010.
- b) Endorsement of the Confirmed Minutes of Meeting of the Inishowen Electoral Area Committee held on the 20th July, 2010.
- c) Endorsement of the Confirmed Minutes of Meeting of the Letterkenny Electoral Area Committee held on the 2nd June, 2010.
- d) Endorsement of the Confirmed Minutes of Meeting of the Glenties Electoral Area Committee held on the 14th September, 2010.
- e) To note the Confirmed Minutes of Meeting of the Corporate Policy Group held on the 20th September, 2010.

20. Conference Reports

- Clr. John Ryan – A.M.A.I. held Thursday 9th to Saturday 11th September, 2010.
- Clr. Seamus O'Domhnaill – L.A.M.A. Autumn Seminar held Friday 8th to Saturday 9th October, 2010.
- Clr. Brendan Byrne – L.A.M.A. Autumn Seminar held Friday 8th to Saturday 9th October, 2010.
- Clr. Mickey Doherty – L.A.M.A. Autumn Seminar held Friday 8th and Saturday 9th October, 2010.
- Clr. John Ryan – L.A.M.A. Autumn Seminar held Friday 8th and Saturday 9th October, 2010.

- Clr. John Ryan – Planning and Development Amendment Act 2010 held Friday 15th to Sunday 17th October, 2010.
- Clr. Mickey Doherty – Planning and Development Amendment Act 2010 held Friday 15th to Sunday 17th October, 2010.
- Clr. Mickey Doherty – Alternative Energy Competing with Europe held Friday 22nd to Sunday 24th October, 2010.
- Clr. John Ryan – Alternative Energy Competing with Europe held Friday 22nd to Sunday 24th October, 2010.
- Clr. Jimmy Harte – Flood Relief Infrastructure Conference 2010 held Thursday 28th October, 2010.

21. Authorisation of representation at a Seminar, Meeting or Event

Authorisation of representation at a seminar, meeting or event under Section 142 (5) of Local Government Act, 2001, S.I. No 668 of 2006, Local Government (Expenses of Local Authority Members) Regulations 2006, S.I. No 37 of 2010, Guidelines given by the Minister for the Environment, Heritage and Local Government in relation to the Local Government Act, 2001 (Section 142) Regulations 2010:-

- Elected Member’s Training Seminar – Waste Management (Food Waste) Regulations 2009 to be held from Friday 3rd to Sunday 5th December, 2010 to be held from Friday 3rd to Sunday 5th December, 2010.
- Central Border Region Working Together – “Mental Health and Cross-Border Social Exclusion” Irish Central Border Area Network Ltd Network Seminar to be held Friday 10th December, 2010 at the Sligo Park Hotel, Sligo.
- CBM together with NUI Galway – The Key Role of Local Government in Promoting Disability Inclusion – Ireland and the World to be held Monday 6th December, 2010 at the G Hotel, Galway.
- Councillor’s Training Seminar – The Local Government Budget 2011 to be held Friday 10th to Sunday 12th December, 2010 at The Carlton Millrace Hotel, Bunclody, Co. Wexford

- Elected Member's Training Seminar – Building Regulations, Renewable Energy Requirement, Home Insurance to be held Friday 17th to Sunday 19th December, 2010 at the Manor West Hotel Spa and Leisure Club, Killarney Road, Tralee, Co. Kerry.
- Irish Renewable Energy Summit 2011 to be held Thursday 20th January, 2011 at the Fairways Hotel Conference Centre, Dundalk.

22. Mayor's Business

23. Manager's Report

QUESTIONS

LETTERKENNY ELECTORAL AREA

Roads and Transportation

24. Clr. Quinn

"What advice has the Council received from the Department regarding the distribution of salt/sand at various locations throughout the county which can be accessed by local communities?"

25. Clr. Blaney

"Has Donegal County Council completed the infill of public lighting in the towns that have been prioritised in early 2010?"

26. Clr. McGarvey

"When will all outstanding lights on order be installed and by whom?"

Planning and Economic Development

27. Clr. Blaney

"When does Donegal County Council intend to have the EIS in Milford completed and what was the total cost of the works?"

Housing and Building

28. Clr. Larkin

"Will the Council set about investigating the possibility of providing in partnership with key stakeholders respite housing in close proximity to LGH for families of patients attending Letterkenny General Hospital?"

29. Clr. McGarvey

"Is the Council now offering its entire Housing Stock to existing Tenants, if so will they put a loan Policy in place?"

Corporate

30. Clr. Larkin

"Will the Manager put in place the proper personnel/structure to plan for the centenary of the 1916 rising in 2016?"

DONEGAL ELECTORAL AREA

STRANORLAR ELECTORAL AREA

Roads and Transportation

31. Clr. Crawford

"What is the delay in having public lighting which was erected in Croaghan Heights Lifford 12 months ago powered on?"

32. Clr. McGowan

"Please can a full report be given on the traffic lights operation at Castlefin Bridge as there is ongoing problems with vehicles not being able to pass each other safely resulting in damage to both bridge walls and vehicles?"

Corporate

33. Clr. Crawford

"Has the Council finalised plans to provide a more local help line response for those who may need Council support over the Christmas_holiday season?"

Water and Environment

34. Clr. McGowan

"Can a report be given on providing public toilets for Ballybofey so that funding can be included in this years allocation as after all this area of Ballybofey and Stranorlar would have an all year round demand with thousands of persons passing through every day.

GLENTIES ELECTORAL AREA

Roads and Transportation

35. Clr. Alcorn

"What is the update regarding the new lights proposed for piers and slipways on our small islands, and has any progress been made in securing funding for this work?"

Finance

36. Clr. Slowey

"How much money is owed to Donegal County Council by Government at this time to each of the Council Service Area's for work already completed on their behalf by this Local Authority?"

Water and Environment

37. Clr. Slowey

"What is the present status of the Dungloe and Glenties Sewerage Schemes, where contract documents were submitted to the Department of Environment and Local Government on the 9th April 2009 and 19 months later no permission has been given to this County Council to go to tender on these vital projects for the towns of Glenties and Dungloe?"

38. Clr. Alcorn

"What was the overall cost on Donegal County Council in disposing of the 33 Whales that were washed up on Rutland Island, Burtonport and will Donegal County Council get reimbursed for this expenditure?"

INISHOWEN ELECTORAL AREA

Corporate

39. Clr. McGuinness

"When will the minutes of all council committee meetings, including SPCs be circulated to all councillors?"

Roads and Transportation

40. Clr. McGuinness

"How many public lights were erected this year?"

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD
IN THE COUNTY HOUSE, LIFFORD ON 29TH NOVEMBER, 2010

C/592/10 MEMBERS PRESENT

Clrs. Cora Harvey, Mayor, D. Alcorn, L. Blaney, J. Boyle, C. Brogan, B. Byrne, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, J. Harte, D. Larkin, P. Mac Lochlainn, F. McBrearty, N. McBride, C. Mc Conalogue, I. McGarvey, P. McGowan, B. Mc Guinness, B. O'Neill, T. Pringle, M. Quinn, J. Ryan and T. Slowey.

C/593/10 APOLOGIES

Apologies were received from Clr. O'Domhnaill who was unable to attend the meeting.

C/594/10 OFFICIALS IN ATTENDANCE

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

C/595/10 ADJOURNMENT OF MEETING.

The Mayor advised that it was intended to adjourn the meeting at 1.30pm to facilitate the holding of the wreath laying ceremony in memory of deceased employees and members of Donegal Local Authorities and the scheduled Budget Workshop. On the proposal of Clr. Harte, seconded by Clr. Mc Bride it was resolved that any remaining business before the Council at 1.30pm be adjourned to 10.00am on Monday 6th December, 2010.

C/596/10 VARIATION IN THE ORDER OF BUSINESS

On the proposal of Clr. Brogan, seconded by Clr. McGowan, it was resolved to vary the order of business on completion of items 1 & 2 and deal with items 13, 14 and 15.

- C/597/10 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 11TH OCTOBER, 2010
On the proposal of Clr. Larkin, seconded by Clr. McBride, the Minutes of the Meeting of Donegal County Council held on 11th October, 2010 were adopted.
- C/598/10 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 26TH OCTOBER, 2010
On the proposal of Clr. Crawford, seconded by Clr. Brogan, the Minutes of the Meeting of Donegal County Council held on 26th October, 2010 were adopted.
- C/599/10 DISPOSAL OF LAND AT BALLYRAINE, LETTERKENNY, CO. DONEGAL TO ZEUS INDUSTRIAL PRODUCTS (IRELAND) LTD
Members considered the report, circulated with the agenda, in relation to the above.
On the proposal of Clr. Larkin, seconded by Clr. Brogan, it was resolved to dispose of land at Ballyraine, Letterkenny, Co. Donegal to Zeus Industrial Products (Ireland) Ltd, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.
- C/600/10 DISPOSAL OF LAND AND PART OF ROADSIDE BY WAY OF LEASE AT MAIN STREET, CONVOY TO CONVOY COMMUNITY AND ENVIRONMENTAL COMMITTEE
Members considered the report, circulated with the agenda, in relation to the above.
On the proposal of Clr. McGowan, seconded by Clr. Crawford, it was resolved to dispose of land and part of roadside by way of lease at Main Street, Convooy, to Convooy Community and Environmental Committee in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.
- C/601/10 AUTHORISATION OF OVERDRAFT ACCOMMODATION OF TWENTY MILLION EURO FOR YEAR ENDING 31ST DECEMBER, 2011

Members considered the report circulated with the agenda in relation to the above, noting that the resolution was required to avail of overdraft facilities from Ulster Bank Ltd.

After due consideration, it was resolved, on the proposal of Clr. Brogan, seconded by Clr. Byrne, in accordance with Section 106 of the Local Government Act 2001 and subject to the sanction of the Minister for the Environment, Heritage and Local Government, **THAT:**

It is in the best interests of the Council and in line with its statutory rights and obligations to avail of the Facility and provide the Guarantee up to an amount of twenty million euro (€20,000,000) for the full year ending 31st December, 2011;

- a) Accordingly, the Council agrees to avail of the Facility and provide the Guarantee;
- b) Each of the persons undertaking the roles of Donegal County Manager and the Head of Finance from time to time be authorised, together and separately, to negotiate the terms of each of the facility letters put, and to be put, in place to document the Facility (each, a “**Facility Letter**” and together, the “**Facility Letters**”), together with any amendments or variations to the Guarantee or replacement Guarantee, and to sign each such Facility Letter and Guarantee by way of acceptance of the terms of such document (including, without limitation, all terms and conditions referred to in each such Facility Letter) and that each such signed Facility Letter and Guarantee shall be fully binding on, and enforceable against, the Council; and
- c) The Council ratifies the availing of the Facility by the Council, within the limits specified, and confirms the execution of all Facility Letters together with the Guarantee.

C/602/10 APPROVAL OF LOAN OF €2,000,000.00 FOR THE PURPOSE OF SHARED OWNERSHIP LOANS (MORTGAGE EQUITY)

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

On the proposal of Clr. Larkin, seconded by Clr. Mc Gowan, it was resolved in accordance with the provisions of the Local Government (No 2) Act, 1960 and Section 27 of the Housing (Miscellaneous Provisions) Act, 1992, to authorise the borrowing of a loan in the sum of €2,000,000 from the Housing Finance Agency for the purpose of payment of Shared Ownership Loans (Mortgage Equity)

C/603/10 APPROVAL OF LOAN OF €4,000,000.00 FOR THE PURPOSE OF PAYMENT OF ANNUITY LOANS

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

On the proposal of Clr Larkin, seconded by Clr. Mc Gowan, it was resolved in accordance with the provisions of the Local Government (No 2) Act, 1960 and Section 27 of the Housing (Miscellaneous Provisions) Act, 1992 to authorise the borrowing of a loan in the sum of €4,000,000 from the Housing Finance Agency for the purpose of payment of Annuity Loans.

C/604/10 APPROVAL OF LOAN OF €250,000.00 FOR THE PURPOSE OF PAYMENT OF HOUSING RECONSTRUCTION LOANS

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

On the proposal of Clr. Larkin, seconded by Clr. Mc Gowan, it was resolved in accordance with the provisions of the Housing Act, 1979 and Housing Regulations, 1980 to authorise the borrowing of a loan in the sum of €250,000 from the Housing Finance Agency for the purpose of payment of Reconstruction Loans.

C/605/10 DELEGATION TO MEET WITH THE NRA ON WEDNESDAY 8TH DECEMBER

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, on the proposal of Clr. Mac Lochlainn, seconded by Clr. Larkin, it was resolved that a delegation from Donegal County Council meet with the

National Roads Authority on Wednesday 8th December, 2010, and that the elected members attending be formally authorised for the purpose of payment of expenses under the foregoing, subject to the usual conditions.

C/606/10

PROTECTION OF THE POSTAL SERVICE AND AN
POST JOBS AS PREPARATIONS ARE MADE TO OPEN
UP THE POSTAL MARKET

Given the similarity of their content, it was agreed to consider Motions 3 & 6 together.

On the proposal of Clr. Quinn, seconded by Clr. Mac Lochlainn, the following motion was adopted:-

Motion 3

"Donegal County Council calls on the Government to recognise the unique and vital role of the postal service in Ireland particularly rural Ireland, as a means of communication, a vital economic tool, an intrinsic part of the fabric of the community, and thus demands that as the Government drafts legislation to open the postal market to full competition, it ensures that the priceless social service provided by An Post, the Universal Service Obligation, and the jobs of An Post staff are protected."

Motion 6

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

"That this Council calls on the government to maximise in forthcoming legislation the protection of An Post from the liberalisation of postal services."

A lengthy debate ensued with members expressing concern that the liberalisation of the postal service would lead to the decimation of rural communities. The result, they suggested, would be diminished social contact for elder members of the community, and reduced service delivery in more outlying rural areas. Many were of the opinion that the introduction of private companies would ultimately lead to cherry picking of the more profitable services. The need to maintain a consistent level of service was acknowledged together with the necessity of communicating to the Department the

importance of continuing to provide a high quality customer centred service.

Clr. Crawford proposed, seconded by Clr. Mc Gowan, and it was resolved that the motions adopted be circulated to all Local Authorities.

C/607/10 SEEKING OF TENDERS FOR COUNCIL'S LEGAL ADVICE SERVICE

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

"That this Council request tenders for our legal advice service."

Members were informed that:-

“The supply of legal services has been under examination for some time on two fronts. Work is ongoing with the Council Solicitor and our own services, reviewing our systems and procedures to improve how legal services are procured, and complaints about delays, quality of service and costs charged dealt with. Addressing how the service is managed internally by services is an imperative irrespective of whatever decisions the Council takes going forward.

On the procurement aspect, a survey conducted among local authorities and a number of other public sector organisations has revealed that there is no consistent approach across the sector. A number of local authorities have tendered for the service. Most local authorities are in a similar position to Donegal and of these some are examining the option to go to tender, others have, or are in the process, of negotiating scales of charges for specific services or elements of work and the remainder have no plans to change the status quo. This may change in light of Department of the Environment, Heritage & Local Government Circular FD 01/2010 dated 28th September 2010, which states, inter alia, that:

While non-priority services (such as legal service) are a matter for each local authority and are outside the scope of EU Procurement directives, the award of such contracts remains nonetheless subject to the principles of transparency, equivalence, effectiveness and equal treatment.

The Department recommends, in accordance with National and EU procurement rules, that:

Procurement of legal services in respect of significant capital projects should be carried out on a project by project basis in accordance with procurement principles, outlined earlier

Procurement of legal services for ad hoc purposes (retainer type work) should be carried out at frequent intervals as determined by the local authority, but in any event, at intervals of no longer than 3 years

An indication of the economic situation is that those who sought tenders 2/3 years ago received a small number of tenders whereas those who tendered more recently received a large number illustrating the importance of accurate tender documentation and pre qualification criteria.

As stated, we are exploring a number of options on the best arrangement(s) for the Council going forward and plan to conclude our deliberations in the next few months and agree an implementation plan based on the decisions reached”.

Clr. Mc Garvey advised that tenders could be requested for specific aspects of the Council’s legal advice service, noting that it might be more advantageous to allocate same on an electoral area basis.

Clr. Larkin said that it would be prudent to await the service review, and warned that the distribution of the service on an electoral area basis would lead to the receipt of conflicting advices.

A number of members warned against making any hasty decision at this juncture. They noted that every effort was being made to obtain value for money on a service by service basis. It was acknowledged that there was a high level of legal expertise available, and that this could be complimented with a senior officer reviewing all requests for legal advice.

The County Manager confirmed that issues such as cost reductions and value for money would be further reviewed and considered within the context of Budget 2011.

Clr. Mc Garvey taking note of the general consensus among members agreed that it would be prudent to await the review.

C/608/10 CALL FOR DONEGAL COUNTY COUNCIL TO SUPPORT THE BOSTON DONEGAL GAA IN PROVIDING KEY SUPPORT TO NEW IMMIGRANTS FROM DONEGAL TO THE USA

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

"That this Council support in everyway possible the work been done by Boston Donegal GAA and in providing key support to new immigrants from Donegal to the USA."

Members were informed that:-

“The Boston Donegal GAA Club is a key resource for the Donegal Community in New England. It provides a key community network and is of special importance to more recent immigrants to the U.S. It involves some 100 active Mayors over its various teams. This year it’s Senior Team are New England Senior Champions. The club is a sporting, a community and a social resource for Donegal people in the US and carries out invaluable support work for this community.”

Clr. Larkin called on the Director of Community, Culture and Planning to examine all possible resources with the aim of providing guidance and assistance to the Boston GAA. Responding to members comments, he agreed to amend the motion to include all Donegal GAA Clubs in the USA working with the Donegal Diaspora. The motion was amended as follows:

"That this Council support in everyway possible the work been done by Boston Donegal GAA and all other Donegal GAA Clubs in the USA, working with the Donegal Diaspora in providing key support to new immigrants from Donegal to the USA."

Members suggested a number of ways in which assistance could be provided, including the development of a Bursary Scheme and the provision of monetary and moral assistance.

They asked that the matter be followed up in tandem with the budgetary process.

C/609/10 THAT DONEGAL COUNTY COUNCIL FOLLOW CO LEITRIM IN ERECTING WHITE CROSSES AT ANY LOCATION WHERE THERE HAS BEEN A FATALITY FOLLOWING A ROAD ACCIDENT

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

"That Donegal County Council follow Co Leitrim in erecting white crosses at any location where there has been a fatality following a road accident."

Members were informed that:-

“White crosses have been recently erected along the N4 National Primary Route between Sligo and Dublin (near Castlebaldwin). White crosses have also been erected on the N2 Route on the north side of Slane Bridge. There may be other locations. It is understood that these crosses were erected by members of the public and not the local County Councils.

This matter has been discussed with a cross-section of the Council engineers, engineering staff from Leitrim County Council and with engineers from the NRA. It is understood that Leitrim County Council do not have a policy of erecting white crosses along the roadside.

It is important to note that there may be Planning issues involved here, in that these crosses or memorials may be subject to the Planning Laws.

The NRA Engineers have indicated that, whereas the NRA understands the desire to memorialise the loss of a loved one along a roadside, it will not encourage or passively suggest that a local authority can allow such a practice to continue or to develop.

The primary reason behind the NRA position is that any location along a roadside which is not properly designed to separate passing traffic from stationary objects or persons

can result in additional crashes that may cause harm to other persons along that same roadside. They can also serve as a distraction for motorists as well as being one other object to hit on the roadside if a motorist loses control of their vehicle.

The Council share the NRA's sympathy for the families of the people that have been killed and a local solution may be offered by selecting a safer location - off the roadway itself - for the erection of a memorial. This should be debated at SPC and a Donegal County Council Policy could be developed jointly between the Planning and Roads sections."

Clr. Mc Gowan advised that his intention had been to create an awareness of road safety rather than a series of commemorative gestures.

The Director of Roads and Transportation outlined the complexities of the situation and advised that a specific policy would be required for the implementation of the proposal.

Clr. Mc Gowan called on the Roads & Transportation SPC and the Road Safety Working Group to consider the proposal with a view to creating a heightened awareness of road safety in the county.

C/610/10

DEBATE ON THE SECOND HOME LEVY

On the proposal of Clr. Alcorn, seconded by Clr. Donaghey, the following motion was adopted.

"That this Council debate the €200.00 second home levy, and in particular when arrears notices are sent by Donegal County Council and the method of payment of same."

Members were informed that:-

"Liability to the annual NPPR charge is based on self-assessment and self-declaration. The Local Government (Charges) Act 2009 places the responsibility of discharging liability on any individual owning relevant property at the liability date.

There is no legal requirement on local authorities to issue invoices or reminder notices to those liable to the charge. However, the NPPR Central Bureau has been responsible for

conducting press releases in the national media (print and radio) with a view to notifying and reminding individuals of their obligations. Donegal County Council has added to this by conducting media campaigns locally in Donegal and across Northern Ireland, in the press and on radio, during the periods July to November 2009 and March to July 2010. In late October 2009, 75,000 leaflets were delivered to residences across Donegal with a view to reaching every household in the county. These leaflets advised of the liability date for 2010 and future years. Online FAQ documents, both on the Council website and on the NPPR website, detailed the individual's responsibilities in this regard.

In April of 2010, the Central NPPR Bureau issued reminder emails to all those who had registered an email address with their registration and payment for 2009. Donegal County Council has issued several email reminders leading up to and after the deadline date for payment.

The vast majority of those who paid for 2009 had discharged their liability for 2010 on foot of these reminders. A further written notification was issued in September 2010 to the remaining few who had not paid.

Donegal County Council will coordinate with central agencies in the lead up to the liability date for the 2011 NPPR charge and will consider the appropriate actions to be taken at a local level to ensure that individuals are aware of their liability and with a view to maximising the net revenue stream for the local authority.”

A lengthy debate ensued with members expressing a number of concerns in relation to the operation of the levy.

Issues raised included,

1. The necessity of issuing reminders in a timely fashion coupled with an extensive advertising campaign.
2. That representation be made to the NPPR Bureau in relation to the severe penalties being imposed on those who fail to meet the statutory deadlines.
3. The need to resolve underlying issues particularly in relation to late fees, a matter that they acknowledged needed to be addressed with specific legislative changes.

4. Concern that persons attempting to make part payment were being turned away. Request that Finance address this issue immediately.
5. Need for an instalment based system and consideration given to a possible amnesty for those who missed payment deadlines.
6. Disappointment that the deadline for paying the charge had been changed in from June in 2009 to March in 2010.

The Head of Finance reminded members that the NPPR Charge was an important element of revenue buoyancy, and that administrative decisions were the responsibility of the National Bureau and not the Local Authority.

He called on persons who had not paid charges to date to make contact with Donegal County Council. The obligation to pay, he noted, rested with the individual and that Donegal County Council would endeavour to send reminder e-mails and publish payment details in a timely manner.

He could, he noted, make enquiries to the National Bureau in relation to late payment charges, but was not optimistic of a positive response. It was intended, he added, to intensify enforcement measures.

The County Manager advised that as the charge was self assessed and not accrued income, the Council was not obliged to send reminders. There was, he confirmed, no leeway to waiver penalties on the basis that an individual did not receive a reminder.

The ultimate responsibility, he added, lay with the house owner and it was their responsibility to declare the property.

Responding to Clr. Larkin's query that the Housing and Corporate SPC had taken a decision to issue reminders, he alluded to the fact that it would be impossible to waiver payment simply because a reminder had not been received. There was, he added, no local discretion to write off penalties but that he could write to the National Bureau re the issue of a general amnesty.

It was agreed that the recommendation from the Housing & Corporate SPC to issue reminders would be further examined.

C/611/10 MAKING DONEGAL THE RENEWABLE ENERGY CAPITAL OF IRELAND AND ACHIEVEMENT OF SAME UNDER THE REVIEW OF THE COUNTY DEVELOPMENT PLAN

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

"That Donegal County Council work to make this county the Renewable Energy Capital of Ireland and use the review of the County Development Plan to progress this in a balanced way that attracts the support of the people of Donegal."

Members were informed that:-

“The process of reviewing the County Donegal Development Plan will examine the whole question of the future of renewable energy in a balanced manner, throughout the County. The Managers Report, which is on the agenda for consideration by Members, deals with the issue in the themed responses on both Economic Development and Renewable Energy. In terms of Economic Development, the report recommends that the Development Plan develops all aspects of the green economy, reflecting the strategic goals of both the County Council and the County Development Board. In regard to the themed response on Renewable Energy, the report recommends that a comprehensive sustainable strategy for the green economy in the county is developed. This will involve a sustainable wind energy strategy, a strategy for offshore renewable energy, a strategy to encourage promotion of alternative energy resources and new technologies, as well as development of Killybegs as a centre of excellence for the offshore renewable sector and other emerging innovative technologies.”

Clr. Slowey noted the excellent potential in the county for wind energy, a feature which, he confirmed, could be harnessed and fed into the national grid at peak times. The importance of a cross border initiative was considered, together with the need to actively promote biomass, wind and wave energy, backed by effective maintenance services. It was imperative, they advised, that maximum energy potentials were tapped and the benefits accrued to the local indigenous communities.

Clr. Larkin referred to the land use study being carried out by the County Development Board and advocated that it be utilised in any future development.

On the proposal of Clr. Brogan, seconded by Clr. Slowey, it was resolved that Dr. John Doran, LYIT, be invited to address the Council in relation the benefits of wind energy and current development in wind farm technology.

The Director of Community, Culture and Planning indicated that renewable energy would be a key element of the review, and noted that it was also a priority goal for the County Development Board. He said that he was hoping to update members shortly in relation to an upcoming biomass project that would inject over half a million euro into the local economy.

Clr. Slowey thanked members for their support and advised that the development of sustainable renewable energy would lead to increased economic growth and job creation in the region.

C/612/10

MAYOR'S BUSINESS

The Mayor advised that a photo call in relation to the launch of the new Road Safety Plan would take place at 1.00pm on Monday 6th December, 2010.

The meeting adjourned at this juncture as per decision taken earlier.