

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
21 Meitheamh 2011

FOGRA CRUINNITHE

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain, 27 Meitheamh 2011, 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
21st June, 2011

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 27th June, 2011, at **11.00am 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

Confirmation of Minutes of Meeting of Donegal County Council held on the 30th May, 2011.

MOTIONS

- (L) Local
- (C) County
- (O) Other

GLENTIES ELECTORAL AREA

Corporate

2. Clr. Slowey

"That this Council discuss the sale of Alcohol Nationally and in Donegal and what powers this Local Authority has regarding this matter." (O)

Housing and Building

3. Clr. Gallagher

"That this Council resolve to amend Council housing policy regarding housing loans, to differentiate between loans less than €15,000 and loans above this amount?" (C)

INISHOWEN ELECTORAL AREA

Water and Environment

4. Clr. McGuinness

"That this Council carry out an assessment of the sewerage treatments that are at present servicing the village of Culdaff and its environs; all treatment plants, private and public, plus individual septic tanks and puraflo plants, with the possibility of one upgraded treatment plant servicing all and also a report on pollution levels presently in the area." (L)

5. Clr. Murray

"That this Council

Affirms that access to water and sewerage services for domestic use is a universally recognised and basic human right.

-Affirms that public authorities must take effective management decisions to protect and improve water quality, and to promote and ensure water conservation and sustainability in an equitable manner consistent with the principle of progressivity.

-Condemns the chronic and on-going lack of investment in our water infrastructure, especially during the time of budget surpluses, with the result that up to 58% of treated water is lost by the distribution network before it even reaches households.

-Rejects the creeping privatization of our most vital resource evidenced by the preferred option status of Design, Build and Operate contracts with private companies in the area of water production and treatment services.

Promotes the establishment of an All-Ireland Water and Sewerage Authority the purpose of which would be only to ensure that water quality and environmental standards are met and to facilitate co-operation between local authorities on the island, reduce costs and maximize efficiency, leaving the operational responsibility with local authorities

-Rejects the use of stealth taxes and other forms of regressive double-taxation as a funding mechanism for domestic water whether said stealth taxes consist of a flat charge under any name or a flat rate charge with a meter, and

Affirms that the central taxation system is the only appropriate funding mechanism for domestic water.” (O)

Finance

6. **Clr. Canning**

"That this Council puts in place a system that will look after our commercial rate payers insofar as helping them achieve maximum support to stay in business, by way of working with the proprietors in helping them achieve Planning, prioritising their roads, giving them

breathing space with their rates and allow them time to become compliant with all the regulations." (C)

Roads and Transportation

7. **Clr. Farren**

"That Donegal County Council have sufficient amounts of salt in store early on in the year for our roads during the winter months." (C)

Corporate

8. **Clr. Donaghey**

"That this Council appoints a Women's Officer from within the Council, replicating and learning from a similar post in Derry City Council." (C)

LETTERKENNY ELECTORAL AREA

Planning and Economic Development

9. **Clr. McGarvey**

"That this Council act to protect Right of Ways in our county." (C)

Corporate

10. **Clr. Blaney**

"This Council calls on the Minister for Environment to engage with the other relevant Ministers to ensure that the embargo on recruitment of Local Authority Outdoor Workers is removed and that the monies allocated under the Job Creation Initiative can be spent efficiently and effectively and therefore act a stimulus for further Job Creation in the Local Community." (O)

11. **Clr. Larkin**

"That this Council calls on the Minister of Health and Children to put all necessary resources in place to open the much needed A&E in Letterkenny General Hospital immediately" (O)

DONEGAL ELECTORAL AREA

STRANORLAR ELECTORAL AREA

Community and Enterprise

12. **Clr. McBreaty**

"Calling on Donegal County Council to ensure that the Balor Theatre receives the €30,000 funding which they would have received from the new Strategic Development Fund this year if monies had not been redirected to other projects and that the Balor is given priority for funding each year similar to the funding received by other groups such as An Grianan Theatre and the Culture Centre in Letterkenny." (C)

Planning and Economic Development

13. Clr. McGowan

"That the Council give an outline on plans to deal with unfinished estates across the County such as "Ard Tomaire" at the rear of Townsparks, Convoy, unfinished footpaths, sewerage treatment plants/pumps, and buildings left in a dangerous condition, there is a case for a scheme utilizing unemployed architects, engineers, skilled tradespersons and labourers to be coordinated by this local Authority under the Dept. of Environment, Community and Local Government." (C)

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

Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Maghery, Dungloe, Co Donegal by way of lease to An Mhacháire le Chéile Teo, Quay Road, Dungloe.

15. Taking of decision pursuant to Planning & Development Act, 2000 (Part XI), and Planning & Development Regulations, 2001 (Part 8).

- a) To approve carrying out of works with regard to the construction of a wastewater treatment works and effluent outfall pipeline in the town land of Ballyness, Falcarragh, Co. Donegal.

16. Corporate

To note procedure for nomination by County Councils of persons to be candidates at a Presidential Election.

17. Community, Culture and Enterprise

To consider report in relation to the operation of the Donegal County Joint Policing Committee.

18. Planning and Economic Development

To agree Workshop Schedule in respect of the Draft County Development Plan.

19. 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:-

1. Celtic Conferences – Time Management, Media and IT Skills Conference to be held Friday 8th to Sunday 10th July, 2011 at the Celtic Ross Hotel, Rosscarbery, West Cork.
2. The Institute of Professional Training – Local Governance Training Seminar “Effective Representations through Radio, TV, Press, Facebook, Twitter” to be held Friday 8th to Sunday 10th July, 2011 at the Silver Tassie Hotel, Letterkenny.
3. Professional Development for Councillors – Leadership Skills Development How the Best Leaders Lead to be held Friday 15th to Sunday 17th July, 2011 at the Bunratty Castle Hotel and Luxury Spa, Bunratty, Co. Clare.
4. Elected Member’s Training Seminar – “A briefing for Local Authority Members Current Issues in Education to be held Monday 25th to Wednesday 27th July, 2011 at the The Kingsvalley Hotel, Merlin Park, Dublin Road, Galway City.

20. Conference Reports

Clr. John Boyle

AMAI Spring Seminar from 10th to 12th February, 2011 in Bantry, County Cork.

Clr. David Alcorn

AMAI Spring Seminar from 11th to 12th February, 2011 in Bantry, County Cork.

Clr. David Alcorn

L.A.M.A. Spring Seminar from 29th to 30th April, 2011 in the Fairways Hotel, Dundalk, Co. Louth

Clr. Dessie Larkin

Launch of Errigal Arts Festival and Meetings with EU Funders from Tuesday 24th to Thursday 26th May, 2011 in Brussels.

Clr. Brendan Byrne

CPMR Political Bureau Meeting from 1st to 4th June, 2011 in Terceira Island, Portugal.

21. Mayor's Business

22. Manager's Report

QUESTIONS

- (L) Local
- (C) County
- (O) Other

GLENTIES ELECTORAL AREA

Roads and Transportation

23. Clr. Slowey

"When is it expected that work will begin on upgrading the N56 at the Front Street Ardara by the National Roads Authority and will the NRA ensure that the €300,00 allocated to the project is spent in 2011?" (L)

Finance

24. Clr. Slowey

"What has been the cost of Legal Services to Donegal County Council in each Service Area during the past five years. Please outline the costs per Service Area and what monies were recoupable and the net cost of the Legal Services per Service Area in each year?" (C)

INISHOWEN ELECTORAL AREA

Housing and Building

25. Clr. McGuinness

"What action has the Council taken to seek funding for S.I. houses and demountable dwellings?" (C)

Roads and Transportation

26. Clr. Canning

"Is there a reason other than financial, why Donegal County Council are reluctant to construct ramps within Housing Estates, Towns and Villages?" (C)

27. Clr. Canning

"Can Donegal County Council confirm that the amount of money allocated per sq metre to do surface dressing on our local roads is adequate to do a proper job or is it a case that these roads will have to be revisited sooner rather than later?" (C)

28. Clr. Farren

"Can Donegal County Council include the road from Greencastle to Shroove in its winter programme to be salted?" (L)

29. Clr. Murray

"Can you please provide an update on the progression of the Cockhill Bridge?" (L)

Community and Enterprise

30. Clr. Murray

"Can you please provide an update as to what work that the Council has done in order to attract tourists to Donegal during Derry's term as City of Culture?"

LETTERKENNY ELECTORAL AREA

Housing and Building

31. Clr. McGarvey

"Can this Council address the Qualification for Student Grant owing to change in family income?" (C)

32. Clr. McGarvey

"If Donegal County Council takes over Rockhill and Lifford Army Buildings will they get additional funding for developing them to create employment?" (C)

33. Clr. Larkin

"What response has the Council received from the two requests to meet with Minister Penrose?" (O)

Community and Enterprise

34. Clr. Larkin

"When will we see the establishment of a management committee for the RCC in Letterkenny?" (L)

DONEGAL ELECTORAL AREA
STRANORLAR ELECTORAL AREA

Corporate

35. Clr. McBrearty

"Has the recommendations made in point 7 by the Internal Audit Final report ref no CS/344/2 been made, if not what are the reasons?" (C)

36. Clr. McGowan

"Please outline what if any Apprentice Schemes, Community Employment Schemes, or other Jobs Initiative Schemes that this Council is operating or has plans to do so?" (C)

Water and Environment

37. Clr. McBrearty

"Has there been any progress from my motion passed on the sewage problems in St Johnston and can you outline them in detail?" (L)

Roads and Transportation

38. Clr. McGowan

"Has the Council wrote to the Department of Environment, Community and Local Government, also Minister Phil Hogan TD outlining the serious condition of the roads in the Stranorlar Electoral Area as discussed/Agreed at the last Full Council Meeting? (Please include reports). (L)

**MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD
IN THE COUNTY HOUSE, LIFFORD ON 27TH JUNE, 2011**

C/251/11 **MEMBERS PRESENT**

Clrs. Cora Harvey, Mayor, D. Alcorn, L. Blaney, J. Boyle, 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, F. McBrearty, M. McBride, N. McBride, I. McGarvey, P. McGowan, B. Mc Guinness, J. Murray, S. Ó Domhnaill, B. O'Neill, M. Quinn, J. Ryan, T. Slowey.

C/252/11 **APOLOGIES**

Apologies were received from Clr. McEniff who was unable to attend the meeting.

C/253/11 **OFFICIALS IN ATTENDANCE**

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

C/254/11 **CONFIRMATION OF MINUTES OF MEETING OF
DONEGAL COUNTY COUNCIL HELD ON THE 30th MAY,
2011**

On the proposal of Clr. Mc Guinness, seconded by Clr. Mc Garvey, the Minutes of the Meeting of Donegal County Council, held on 30th May, 2011, were adopted.

C/255/11 **CALL FOR A DISCUSSION BY THE COUNCIL ON THE
SALE OF ALCOHOL NATIONALLY AND IN DONEGAL
AND WHAT POWERS THE LOCAL AUTHORITY HAS IN
THIS MATTER**

The following Motion was proposed by Clr. Slowey and seconded, by Clr. McGowan:-

"That this Council discuss the sale of Alcohol Nationally and in Donegal and what powers this Local Authority has regarding this matter."

Members were informed that:-

“While Local Authorities have under relevant legislation, powers in certain circumstances, to implement bye-laws controlling on-street drinking, they do not have any powers or role in relation to the sale of Alcohol.

In addition, as part of the annual licencing process, Donegal Co. Council is required to carry out inspections of premises with particular regard to Fire Safety etc.

That being said, the Council has, as a result of an initiative of Mayor Cora Harvey, engaged with the North West Alcohol Forum to explore the role the Council may have in relation to providing Civic Leadership in this area.

Background

Nationally Alcohol provides

- €2 Billion in Excise & VAT
- 50,000 jobs
- €3.5 Billion to our tourism product

To threaten this would be damaging to economy and unfair to those who drink sensibly. However, the 2006 Census suggests 1.5 million people in Ireland aged 18 or over drink harmfully 250,000 of the population are estimated to be alcohol dependent.

Related Cost

- Government spends €2.3 billion per year managing the social costs of alcohol
- The health service spends over €1.2 Billion on alcohol response and treatment
- In 2007 lost economic output due to alcohol absence & injury cost €427 million.

Related Crime

- An Garda Síochána deals nationally with over 60,000 alcohol related offences
- The related cost to policing, judicial process & rehabilitation is at least €1.19 Billion.

Related Harm

- There are 3 deaths every day due to an alcohol related condition.
- Alcohol is causally related to more than 60 different medical conditions
- ¼ of all injuries presenting to emergency departments are alcohol-related
- There is evidence of alcohol consumption in 41% of all episodes of deliberate self-harm.

This significant alcohol impact relates very much to the cultural connection between alcohol and Irish life. Alcohol has become a key ingredient in virtually every social occasion and whilst this in itself is not just an Irish phenomenon it does become a problem due to the volume and frequency with which alcohol is consumed.

Civic Leadership to Reduce Alcohol Related Harm

Donegal County Council, through the office of Mayor, has been asked by NWAFLtd to consider the possibility of Civic Leadership as a catalyst to shape a positive, collective commitment to a balanced role for alcohol in the County that leads to a reduction in alcohol related harm.

The Mayor has indicated an interest in exploring a possible strategic role for Council in this matter and has asked that the Council management team consider how such a role might look within Donegal.

To enable discussion in this matter, NWAFF has offered to conduct a short series of consultation workshops with relevant stakeholders in the County, eg Community/Voluntary Sector, Public Agencies, Elected members, Clergy, Employers and Vintners. These workshops will seek to elicit;

- The experience of alcohol in Donegal – positive and negative
- The impact of alcohol on the allocation of resources and delivery of services in the County
- Key issues of public concern that may be improved through collective action
- What needs to happen and who needs to be involved
- Connectivity with existing agency action
- Public interest in the development of a Civic Response
- How can the work move forward
- A possible vision for alcohol harm reduction in Donegal

Anticipated Outcomes

- Understanding of a role for Civic Leadership in pursuit of a County Alcohol Vision
- Creation of an action oriented discussion space that will drive change where it is needed
- Informed awareness at county and neighbourhood level regarding alcohol-related harm
- Alcohol awareness integrated into planning and delivery of services and event
- Creation of a climate of responsibility and partnership between all stakeholders working to address alcohol culture

While the engagement with North West Alcohol Forum is at an early stage, it is hoped that this will be progressed over the coming months.

Members debated the need for the responsible retailing of alcohol, outlining their support for RRAI Guidelines and the necessity of making them mandatory for all involved in the sale of alcohol. It was acknowledged that Donegal County Council had a key role to play in terms of supporting the North West Alcohol Forum in its aims and objectives. This could be

progressed through a series of consultation workshops in order to determine what needs to happen and who needs to be involved.

A range of issues were debated including:

- The fact that the low cost selling of alcohol had decimated the entertainment industry in Ireland.
- There was significant loss to the local economy in terms of cross-border trading.
- That parental control and responsibility were key factors in dealing with underage drinking.
- Need for dedicated education programme focusing on the dangers of underage and prolonged drinking habits.
- That intense focus was required at Government level to deal with the problem.
- Whether there was some merit in segregating alcohol from other food/drink items and making it available only at designated outlets.

Clr. Brogan asked that the motion be amended to address the issue of the low cost selling of alcohol .

Thus on the proposal of Clr. Slowey, seconded by Clr Brogan it was resolved that the motion be amended to read as follows:

“That this Council discuss the sale of Alcohol nationally and in Donegal and what powers this Local Authority has regarding this matter, and thus calls on the Government to address the issue of the low cost selling of alcohol.”

The motion was duly adopted and it was agreed that a copy be circulated to all Local Authorities for consideration.

C/256/11 AMENDMENT OF HOUSING POLICY REGARDING HOUSING LOANS TO DIFFERENTIATE BETWEEN LOANS LESS THAN €15,000 AND LOANS ABOVE THIS AMOUNT

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

"That this Council resolve to amend Council housing policy regarding housing loans, to differentiate between loans less than €15,000 and loans above this amount?"

Members were informed that:-

“In the past, the Council made provision for the issue of unsecured reconstruction loans to a maximum value of €15,000 repayable over 5 years.

Under revised loan regulations introduced in 2009, each local authority providing house purchase loans was required to set up a credit committee. The role of the committee, in addition to overseeing Council policy and procedures on loans generally is to review all non-standard applications and make a determination on behalf of the LA on whether to offer/refuse an application. In the case of Donegal, like most counties, the committee considers all loans.

In the current economic climate, the Credit Committee has now decided that this practice should cease and that a charge should be secured on a property to the value of any housing related loan advanced. Such an approach, while still facilitating the granting of lower value loans, safeguards the financial position of the Local Authority and is considered prudent practice.”

Cllr Gallagher, referring to one particular case, advised that the policy was targeting the most vulnerable in the community and warranted urgent review. It would in the long run, she noted, prohibit people from staying in their own homes and result in the Council having to provide alternative accommodation.

The Director of Housing and Corporate, referring to the specific case outlined by Cllr Gallagher, said that he was confident that the fees in question would be significantly lower than originally estimated. He stated that it was the view of the Credit Committee that Donegal County Council should not grant unsecured loans.

Responding to a query from Clr O'Neill as to whether some form of Guarantor System might be applicable, he agreed to bring the matter to the attention of the Credit Committee

C/257/11 REQUEST THAT THE COUNCIL CARRY OUT AN ASSESSMENT OF THE SEWERAGE TREATMENTS THAT AT PRESENT SERVICE THE VILLAGE OF CULDAFF AND ITS ENVIRONS WITH A VIEW TO ONE TREATMENT PLANT SERVICING ALL.

Clr. Mc Guinness declared at the outset that he had a personal interest in property and land serviced by this plant.

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

"That this Council carry out an assessment of the sewerage treatments that are at present servicing the village of Culdaff and its environs; all treatment plants, private and public, plus individual septic tanks and puraflo plants, with the possibility of one upgraded treatment plant servicing all and also a report on pollution levels presently in the area."

Members were informed that:-

"Culdaff Sewerage Scheme is currently not listed on any externally funded programme and in that context preparation of a preliminary report for the strategic servicing of the area is not planned. The Council could however examine the possibility of linking the catchments currently served by individual public and private wastewater treatment plants to determine if there is merit in the provision of centralised treatment and discharge infrastructure."

Clr. Mc Guinness said that there was potential for the works in question to become a model for the entire county. He asked also that consideration be given to some form of Public Private Partnership Collaboration.

It was widely acknowledged that Towns and Villages across the county were experiencing similar problems with a number of members calling for a similar survey to be carried out at these

locations. This, they advised, would require discussion at workshop level.

The Director of Water and Environment stated that his Directorate was willing to carry out an assessment and, on completion of same, would consider all viable options. He was not in a position to do the same for other towns and villages.

C/258/11

AFFIRMATION BY DONEGAL COUNTY COUNCIL
THAT ACCESS TO WATER AND SEWERAGE SERVICES
FOR DOMESTIC USE IS A UNIVERSALLY RECOGNISED
AND BASIC HUMAN RIGHT

On the proposal of Clr. Murray, seconded, by Clr. McGowan, the following motion was adopted:-

"That this Council

Affirms that access to water and sewerage services for domestic use is a universally recognised and basic human right.

-Affirms that public authorities must take effective management decisions to protect and improve water quality, and to promote and ensure water conservation and sustainability in an equitable manner consistent with the principle of progressivity.

-Condemns the chronic and on-going lack of investment in our water infrastructure, especially during the time of budget surpluses, with the result that up to 58% of treated water is lost by the distribution network before it even reaches households.

-Rejects the creeping privatization of our most vital resource evidenced by the preferred option status of Design, Build and Operate contracts with private companies in the area of water production and treatment services.

-Promotes the establishment of an All-Ireland Water and Sewerage Authority the purpose of which would be only to ensure that water quality and environmental standards are met and to facilitate co-operation between local authorities on the

island, reduce costs and maximize efficiency, leaving the operational responsibility with local authorities

-Rejects the use of stealth taxes and other forms of regressive double-taxation as a funding mechanism for domestic water, whether said stealth taxes consist of a flat charge under any name or a flat rate charge with a meter, and

-Affirms that the central taxation system is the only appropriate funding mechanism for domestic water.”

Members were informed that:-

“The Council produced 24 million cubic metres of water in 2010 from 88 separate water sources throughout the county. The Council’s supply network extends to over 4000kms. The EPA publishes a report annually on the quality of drinking water based on the results of the county monitoring programme. Details for 2009 are set out in the attachment.

In 2010, the Council reported Unaccounted for Water at 53% (45% in 2009). The increase can be attributed to the prolonged severe weather events in the spring and the autumn. Significant staff time was invested in identifying and remedying private side losses which were a significant contributory factor.

The Council has already provided significant infrastructure and systems under the water conservation programme to monitor outputs remotely on a real time basis and to narrow down the search areas when bursts are identified to improve response times. A dedicated water conservation team was put in place earlier in the year and is currently targeting high priority areas to minimise leakage.

A countywide survey of the network will be completed shortly which will identify the priority areas for further investment under the Water Conservation Programme. The members will be aware of the allocation of €1.7m earlier in the year under this programme and the Council is hopeful of further significant funding.

The Programme for Government provides for the establishment of a national water authority. A report on the proposed establishment, role and function of a national authority is currently being prepared. It is anticipated that the authority will have a significant remit in relation to funding and cost recovery. It is premature at this stage to comment on how the role of such an agency would impact on the existing role and responsibility of local authorities.”

A number of Members were of the opinion that there could be a problem with an All Ireland Water Authority given that Northern Ireland consumers pay water rates and that there had been supply difficulties for cross-border suppliers over the last severe weather period.

It was widely accepted that there were many challenges ahead for consumers in terms of the current proposals to introduce:

1. Property Tax.
2. Septic Tank Charges
3. Water Charges.

Concern was also expressed that there was no provision in the County Development Plan for a landfill charge. A number of areas were identified as requiring specific attention including:-

- The efforts being made to deal with illegal water connections?
- Serious need to address the loss of treated water.

A number of Members were of the opinion that water metering was necessary given the valuable nature of the commodity. The fact that 53% of the water being lost was treated potable water generated much concern with members calling on the Executive to deal immediately with the source of the problem.

They outlined the need to write to the Minister for the Environment, Community and Local Government requesting additional investment for water and sewerage infrastructure.

Following a lengthy and protracted debate, Clr. Campbell called for Standing Order 63d to be invoked and a vote taken on the motion.

A show of hand in accordance with Standing Order 63d, was taken by the Meetings Administrator and resulted in 16 voting for and none against.

The motion was then put and duly adopted, unanimously.

C/259/11 ADJOURNMENT FOR LUNCH

Clr. Gallagher proposed, seconded by Clr. Brogan and it was resolved that the meeting be adjourned at 1.30pm for a one - hour lunch break.

C/260/11 VARIATION IN THE ORDER OF BUSINESS

On the proposal of Clr. Byrne, seconded by Clr. Alcorn, it was resolved to vary the order of business and deal with Item 16 at this juncture.

C/261/11 TO NOTE PROCEDURE FOR NOMINATION BY COUNTY COUNCILS OF PERSONS TO BE CANDIDATES AT A PRESIDENTIAL ELECTION

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

The Meetings Administrator drew Members attention to his correspondence dated 23rd June, 2011 and circulated to all Members outlining the procedure for nomination of candidates at a presidential election.

A County Council may, by resolution, resolve to nominate one named person to be a candidate at a Presidential Election.

Four valid nominations, each nominating the same persons, by Councils of a different county or corporation of a county

borough would be necessary to constitute a nomination of a candidate.

The legislation he advised clearly indicated that a resolution under Section 16 of the Presidential Elections Act 1993 could not be passed until the Presidential Election Order had been made and the Council should not fetter in advance its decision making role on nominating a candidate for the Presidency.

Any resolution which sought to make a decision of the signing of the Order or to bind the Council or give a statement of intent as to how the Council might vote after the making of the Order was irregular and of no legal standing.

He said it was his opinion, which was supported by legal advice, that a nomination made at this stage in the proceedings would therefore, be highly irregular.

Clr. Brogan welcoming the advice, stated that some indication of support would be required as a courtesy to candidates who had contacted the Council to date. He accepted, however, that such an indication of support would have no legal standing.

Members noted that that Senator David Norris, Mr. Sean Gallagher and Ms Mary Davis had already made representations to Donegal County Council.

Thus, on the proposal of Clr. Brogan, seconded by Clr. Mc Gowan, it was resolved that Donegal County Council proceed to offer support to one of the named candidates being mindful of the fact that this offer of support had no legal standing.

Concern was expressed by a number of members that such a declaration of support was unfair to any undeclared candidates and they queried the validity of same.

The County Manager reiterated the advice provided by the Meetings Administrator.

Responding to a request from Clr. Campbell for further clarity on the matter, he advised that the Council could pass a resolution arising out of an item on the agenda.

A show of hands was taken by the Meetings Administrator to decide whether or not to proceed with a motion offering support to a candidate. This resulted in 16 voting for with none against.

Clr. Brogan then proposed, seconded by Clr. Mc Gowan, that the names of Senator David Norris, Sean Gallagher and Mary Davis be put to the meeting in order to determine the level of support for the named candidates.

A recorded vote was taken by the Meetings Administrator, who informed Members that they should indicate their support for one of the named candidates only.

This resulted in :-

Senator David Norris	0 Votes
Sean Gallagher	13 Votes
Mary Davis	1 Vote

There were twelve abstentions.

Those voting in favour of Sean Gallagher were:-
Clrs. Alcorn, Blaney, Brogan, Byrne, Canning, Crawford, P. Doherty, Donaghey, Farren, Mc Brearty, M. Mc Bride, Mc Gowan, and O' Domhnaill. (13)

Those voting in favour of Mary Davis were:-
Clr. Boyle.

There were no votes for Senator David Norris.

Clrs. Campbell, M. Doherty, Gallagher, Harley, Harvey, N. Mc Bride, Mc Garvey, Mc Guinness, Murray, O' Neill, Quinn and Ryan abstained. (12)

Members thus outlined, without prejudice, their support for Mr. Sean Gallagher in seeking a nomination to contest the upcoming presidential election.

Mr. Eunan Sweeney advised that it would most likely be mid September before the Presidential Order was made and that he would include an item on the agenda of the July Council Meeting to fix a date for a Special Meeting in September for the nomination process.

C/262/11 CALL FOR A SYSTEM TO BE PUT IN PLACE THAT WILL LOOK AFTER THE COMMERCIAL RATEPAYERS IN ORDER TO HELP THEM ACHIEVE MAXIMUM SUPPORT TO STAY IN BUSINESS

The following motion was moved by Clr. Canning and seconded by Clr. Donaghey:-

"That this Council puts in place a system that will look after our commercial rate payers insofar as helping them achieve maximum support to stay in business, by way of working with the proprietors in helping them achieve Planning, prioritising their roads, giving them breathing space with their rates and allow them time to become compliant with all the regulations."

Members were informed that:-

"It is recognised that businesses are experiencing the ill effects of the national and global economic downturn. It is acknowledged that in many cases, despite a willingness to pay, the financial wherewithal to do so, in full and on time, is not there.

In view of this, Donegal County Council is willing, where a bona fide need exists, to engage with any business in the County with a view to agreeing mutually acceptable payment terms that will support businesses through the downturn, while at the same time maximising Commercial Rates revenue for the Council. Debtor Management Staff, under the recently appointed Central Area Manager for Income Collection, are available to discuss

payment options that are commensurate with the customer's ability to pay at any given time.

Priorities for spending of available monies on roads each year is normally developed based on the condition of roads, long term improvement plans and the need to tackle specific items from time to time. Priority lists are discussed and agreed at electoral area meetings with the local elected members. The need to support ratepayers and their customers and suppliers is well recognised.

The Council works closely with the economic development agencies in supporting strategic initiatives, both directly and in conjunction with the County Development Board, with a view to developing infrastructure, developing initiatives and supporting an environment that assists local business to grow and develop. A Business Support Unit is in place to assist specific actions in that regard.”

Clr. Canning referred to one particular case and outlined the dangers associated with over regularisation; a feature which he advised had major implications for small businesses. Members cited the need for Local Authorities to have some leverage on rate exemption, acknowledging the need for a moratorium for new businesses together with a fairer property evaluation system.

Clr. Gallagher proposed, seconded by Clr. Harvey, and it was agreed that the motion be amended to include the following text.:-

“Calls on the Government to address anomalies in the current system through the provision of a more equitable system based on profit and loss”

Mr. Garry Martin, Head of Finance and Emergency Services advised that his Directorate was trying to work through this difficult trading period and would invoke legal proceedings only as a last resort.

Thus, on the proposal of Clr. Canning, seconded by Clr. Donaghey the following motion, incorporating the amendment was adopted:-

“That this Council puts in place a system that will look after our commercial rate payers insofar as helping them achieve maximum support to stay in business, by way of working with the proprietors in helping them achieve Planning, prioritising their roads, giving them breathing space with their rates and allow them time to become compliant with all the regulations and calls on the Government to address anomalies in the current system through the provision of a more equitable system based on profit and loss ”

C/263/11 MOTIONS UNDER URGENT BUSINESS

A request in the names of Clrs Blaney, Canning, Donaghey, M. Doherty, N. Mc Bride, Ryan, Mc Brearty, Farren, M. Mc Bride, Gallagher, Murray, Quinn, Mc Gowan, Crawford, Campbell, Mc Garvey, P. Doherty, Harley and Boyle to have the following motion discussed under Standing Order 28 as Urgent Business was placed before the Council:-

"That Donegal County Council write to Minister Ciaran Cannon who is in charge of the Primary School Transport Scheme requesting him to reverse the changes which are to come into effect from the beginning of the 2011/2012 school year:

- 1.Introduction of charges.
- 2.Changes to school transport provision under the central/closed school rule.
- 3.Changes in minimum numbers required for the establishment and retention of a service.”

On the proposal of Clr. Blaney, seconded by Clr. Mc Garvey, it was unanimously resolved to accept the motion and, also, as no debate was necessary, to adopt the motion at this juncture.

Clr. Gallagher took the chair in the absence of the Mayor who left the chamber to attend to other business.

C/264/11 THAT DONEGAL COUNTY COUNCIL HAVE SUFFICIENT AMOUNTS OF SALT IN STORE EARLY ON IN THE YEAR FOR OUR ROADS DURING THE WINTER MONTHS

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

"That Donegal County Council have sufficient amounts of salt in store early on in the year for our roads during the winter months."

Members were informed that:-

“Donegal County Council continue to receive salt through the NRA's national system. We have 5,000 tons of storage in our salt barns. Currently the salt barns have 4000 tons of salt in them and they will be completely full by the end of July.

We are in negotiations with the NRA and the Department of Transport for the construction of a regional salt barn for 12,000 to 15,000 tons in the Stranorlar vicinity. In addition, a new salt barn in Carndonagh is currently being advertised for tender and is subject to funding and other items.

We are also considering renting extra storage if deemed necessary.

Based on recent meetings with the NRA, it would appear that there should not be a problem with salt supplies for this forthcoming winter. It is planned that there will be 200,000 tonnes of salt available in the country at the onset of winter 2011 as compared with 30,000 tonnes in the winter of 2010.”

Clr. Farren outlined the need to have the matter dealt with early in the year so as to ensure that there was an adequate supply of salt in the county for the coming winter.

Members outlined the need to write to the NRA nationally, together with the Department of Transport, and make them aware of our salt requirements for the incoming winter.

The need for a specific plan to keep the main arteries in the county open during severe weather periods augmented by a local call service was also acknowledged.

Mr. John Mc Laughlin, Director of Roads and Transportation stated that he would look at other accommodation needs if the additional salt barns were not ready.

C/265/11 CALL FOR THE APPOINTMENT OF A WOMEN'S OFFICER FROM WITHIN THE COUNCIL

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

"That this Council appoints a Women's Officer from within the Council, replicating and learning from a similar post in Derry City Council."

Members were informed that:-

“Donegal Co. Council has been very proactive in the area of developing opportunities for the advancement of Women over the past number of years.

Donegal Co. Council in partnership with Derry City Council initiated a project a number of years ago under the title 'Women's Development Project' aimed at creating opportunities for marginalised women in both areas. This project proved very successful and culminated in a very well attended seminar in Letterkenny.

Presently, the Council is involved in the 'Women in Public Life' project and recently held the mock Council Meeting to highlight the under representation of Women in Public Life. Again this initiative was very successful and was very well attended on the day.

In terms of an appointment of a Women's Officer, Donegal Co. Council will engage with Derry City Council to find out the nature, extent and role of the person involved.

The Council is restricted in terms of appointments as a consequence of the current Public Sector Moratorium but options to facilitate the role will be explored within the very limited staffing resources currently available.”

Members welcomed Noirin Clancy, Betty Holmes and Sarah Hargadon from the Women in Public Life project to the Meeting.

Clr. Donaghey welcoming the reply, noted that women were considerably underrepresented in politics both at national and local level. She drew attention to the fact that there was no female representation on the Senior Management Team within Donegal County Council, but acknowledged that considerable effort had been made within the organisation to address such issues.

The appointment of an Equality Officer together with initiatives such as the CDP Gender Focus Group and the CDP Social Inclusion Unit were, she advised, of considerable benefit.

Donegal County Council as lead partner in the Women in Public Life Group in tandem with various projects undertaken by the Social Inclusion Section of the Community and Enterprise Department had it was established, been considerably proactive in promoting the issue.

The need to identify specific barriers and deal effectively with confidence issues were clearly articulated, with Members calling on the Social Inclusion Unit to put in place an effective support mechanism to deal with such under representation.

C/266/11 CALL THAT THIS COUNCIL ACT TO PROTECT RIGHT OF WAYS IN OUR COUNTY

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

"That this Council act to protect Right of Ways in our County."

Members were informed that:-

“Existing public rights of way are identified in the draft County Development Plan 2012-2018 that is currently on public display. In order to augment and update the existing list of public rights of way the Council intends to carry out a detailed review and assessment of existing and proposed rights of way before the end of 2011 with subsequent recommendations being presented to the Council for consideration.”

Clr. Mc Garvey outlined the need to ensure that all Rights of Way in the County were registered correctly and asked for an explanation as to how the executive intended to proceed with same.

It was noted that there was an opportunity now with the new Draft County Development Plan to take submissions from the general public in relation to general areas of interest in their communities, a feature which would allow a revisable chart to be drawn up for the county.

Additional resources it was agreed were essential for the carrying out of a comprehensive assessment.

Clr. Harvey returned to the Chair at this juncture.

Mr. Michael Heaney, Director of Community, Culture and Planning agreed to keep members informed in relation to the ongoing review and assessment of existing and proposed rights of way.

It was agreed to circulate the motion to other Local Authorities for consideration.

C/267/11

CALL FOR THE MINISTER FOR ENVIRONMENT TO ENGAGE WITH OTHER MINISTERS TO ENSURE THE EMBARGO ON RECRUITMENT OF LOCAL AUTHORITY OUTDOOR WORKERS IS REMOVED AND THAT THE MONIES ALLOCATED UNDER THE JOB CREATION INITIATIVE CAN BE SPENT EFFICIENTLY AND EFFECTIVELY AND THEREFORE ACT AS A STIMULUS FOR FURTHER JOB CREATION IN THE LOCAL COMMUNITY

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

"This Council calls on the Minister for Environment to engage with the other relevant Ministers to ensure that the embargo on recruitment of Local Authority Outdoor workers is removed and that the monies allocated under the Job Creation Initiative can be spent efficiently and effectively and therefore act a stimulus for further Job Creation in the Local Community."

Members were informed that:-

The Council has been examining the need to recruit seasonal workers in Roads and Marine. The main consideration is the need to ensure that our available monies are spent effectively and in a cost efficient manner and that we have sufficient monies available to cover the cost of the existing workforce over the course of the full year. As a result of our analysis to date, we have made contact with the Department of Environment and last week they have verbally indicated that they would look favourably on granting approval for a number of short-term seasonal employees and a formal exemption request is currently being prepared”.

Clr. Blaney noted that €4.2 million had been allocated to Donegal County Council under the Strategic Jobs Initiative Scheme.

Members advised that a specific allocation should also be sought for the Town Council Areas, and monies allocated should also be used for the maintenance of open and green spaces.

Members welcomed the fact that a request for approval re the employment of short-term seasonal workers had been forwarded to the Department of the Environment. They asked that a response when available be forwarded to each Local Electoral Area Committee.

C/268/11 DATE FOR ADJOURNED MEETING
On the proposal of Clr. Larkin , seconded by Clr. Quinn, it was resolved to adjourn any remaining business at the close of the meeting to 10.00am on Monday 25th July, 2011.

C/269/11 CALL FOR THE MINISTER OF HEALTH AND CHILDREN TO PUT ALL NECESSARY RESOURCES IN PLACE TO OPEN THE MUCH NEEDED A&E IN LETTERKENNY GENERAL HOSPITAL

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

"That this Council calls on the Minister of Health and Children to put all necessary resources in place to open the much needed A&E in Letterkenny General Hospital immediately"

Clr Larkin outlined the urgency of opening the facility as soon as possible and asked his colleagues on the Regional Health Forum to raise the matter on a monthly basis at Forum Meetings. He asked also that correspondence be forwarded to the Bondsperson, the Capital Section of the HSE in Dublin and the Minister for Health outlining the urgency of the situation. The County Manager advised that this could be accommodated but that it would not be prudent at this stage to make contact with the Bondsperson.

A number of members were of the opinion that the original subcontractors should be brought back to complete the remaining works.

Members were in agreement that pressure needed to be maintained on all relevant personnel to ensure the speedy opening of the facility.

C/270/11 VARIATION IN THE ORDER OF BUSINESS
It was agreed at this juncture to vary the order of business to deal with Mayor's Business.

C/271/11 MAYOR'S BUSINESS
Votes of Sympathy

Votes of sympathy were proposed to the following:-

- Mr. Colm Mc Ginley, retired staff member of Donegal County Council on the death of his daughter Alison Mc Ginley.
- Bernard Mc Daid , Housing Maintenance on the death of his sister Yvonne Mc Daid.
- Mary Quinn, Revenue Collector, Letterkenny on the death of her mother Maura O' Doherty.
- The family of the late Stephen Malseed, Housing, Maintenance, Stranorlar.
- Laurence Nash, Water & Environment on the death of his mother, Christina Nash.
- The family of the late Frank Gallagher.
- The family of the late Garret Fitzgerald.
- The family of the late Declan Costello.
- The family of the late Brian Lenihan.

Workshop – Audit Report

The Mayor informed Members that she had received a request from Clr. Mc Brearty in relation to the holding of a workshop to deal with the contents of the Internal Auditor's Report dated October, 2009 in relation to the Whole System of Work.

The County Manager acknowledging the request advised that he was happy to facilitate a meeting in relation to the Testing Phase of W.S.W. as approved by Council and was happy for the meeting to be held in public forum.

Clr. Mc Brearty said that he believed that the matter should be discussed initially in a workshop forum as a number of issues, which he wished to raise, had potential legal implications.

The Meetings Administrator reminded members that both the June Council Meeting and the Annual General Meeting had to finish by 6.00pm. He duly advised that the formal election of the Mayor and Deputy Mayor needed to be completed within the specified timeframe.

Following a number of heated exchanges, the Mayor adjourned the remaining business on the agenda to the Adjourned Council

meeting on the 25th July, 2011.(as agreed earlier in the meeting).

END