

4th October, 2011

TO ALL MEMBERS OF DONEGAL COUNTY COUNCIL
--

The Adjourned September Meeting of Donegal County Council, will be held on Monday 10th October, 2011 at 10.00am, in the County House, Lifford.

Items 7, 13, 14, 15, 16, 17, 18, 19, 21, 22(d), 23(a) and 23(b), 24, 25, 26, 27, 28, 29, 30 – 58

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

A/Meetings Administrator

MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY
COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 10th
OCTOBER, 2011

C/356/11 MEMBERS PRESENT

Clrs. Noel McBride, 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, C. Harvey, Dessie Larkin, F. McBrearty, M. McBride, S. Mc Eniff, I. McGarvey, J. Murray, S. Ó Domhnaill, B. O'Neill, M. Quinn, T. Slowey.

C/357/11 OFFICIALS IN ATTENDANCE

Mr Seamus Neely, County Manager, Mr Liam Ward, Director of Housing and Corporate, A/Meetings Administrator, Mr John McLaughlin, Director of Roads and Transportation, Mr Joe Peoples, A/Director of Water and Environment, Mr Michael Heaney, Director Community Culture & Planning, Mr Vincent Lynn, Senior Engineer, Mr Bartley Mc Glynn, A/Head of Finance, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

C/358/11 APOLOGIES

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

C/359/11 WINTER SERVICE REPORT 2011

Members considered the report dated 7th October, 2011 from Mr. Vincent Lynn, Senior Engineer circulated during the meeting.

A lengthy debate ensued with Members again highlighting a number of routes in their respective electoral areas which they advised required specific attention.

Mr. John Mc Laughlin, Director Roads & Transportation noted that the NRA had called on all Local Authorities to prioritise routes for winter in line with the NRA Draft Winter Service Plan.

Priority 1 routes he confirmed, would be kept serviceable in all weather conditions, as far as reasonably practical, with Priority

2 routes treated as part of the normal winter service, though subject to interruptions in certain severe weather events. Priority 3 routes he stated would be treated only after Routes 1 & 2 had been attended to. They would he indicated, be subject to intermittent service during certain weather events.

It was acknowledged also that there was a plan in place should exceptional circumstances arise.

With regard to salt supplies he noted that there would be 10,000 tonnes of salt in stock at the end of October, double the amount for the same period last year. The N.R.A he confirmed anticipated having 200,000 tonnes in stock at the end of the month with 140,000 tonnes of this earmarked for distribution to the various Local Authorities. It was acknowledged that this would leave a reserve stock of 60,000 tonnes for distribution nationally.

The Director of Services further advised that up to 13,500 tonnes of salt had been used during the winter of 2010/2011. The salt/grit mix he noted was fine in certain conditions but treatment with a 6mm rock salt was the preferable option. Responding to enquiries regarding the provision of sand and grit at locations not included in the Winter Service Plan, he advised, that it was intended to have details in relation to specific locations included on the DCC Website at the appropriate time.

He agreed also to provide a listing of the Blue Routes as identified within the Stranorlar Electoral Area.

It was thus agreed to defer consideration of the matter until after lunch and allow members meet with the Mr. John Mc Laughlin Director of Roads & Transportation, Mr. Vincent Lynn, Senior Engineer and Roads Area Managers to discuss individual concerns and priorities.

C/360/11

VARIATION IN THE ORDER OF BUSINESS

It was unanimously agreed to vary the order of business and deal with item 22(d) at this juncture.

C/361/11 ONE WAY TRAFFIC SYSTEM LIFFORD

The Mayor accepted a petition on behalf of the staff of Gallaghers Newsagents and Foodstore, Lifford, calling for the One Way Traffic System be shelved in order to protect their jobs and livelihoods. Clr. Crawford advised that the issue whilst emotive was being pursued in the best interests of the town itself.

Clr. Mc Brearty noted however that the introduction of a One-Way System would cut off the main artery to the business in question, inevitably leading to its closure and certain job losses.

A number of members advised that they could not support anything which would lead to the closure of local businesses, at a time when rate payers in the county were struggling to make ends meet.

Clr. Harvey said that she had originally supported the introduction of the system as she believed it would ease traffic congestion in the town, but was now of the opinion that the introduction of same would be detrimental to the business, and employees concerned.

It was acknowledged that an alternative solution needed to be found, and that this could only be brought about through positive engagement with local business people.

A proposal by Clr. Crawford, seconded by, Clr. Mc Eniff that the matter revert to the Stranorlar Electoral Area Committee was opposed by a number of members.

Mr. John Mc Laughlin, Director Roads & Transportation advised that Design Works for the Environmental Improvement Scheme could progress with or without the initiation of the one-way traffic system, but it would need to be decided which way traffic would be flowing.

An amendment proposed by Clr. Harley, seconded by, Clr. Mc Brearty called on the Council to go forward with the

Environmental Scheme in Lifford leaving the two-way traffic system in place”.

Clr. Crawford said he was of the opinion that a one-way system was the best possible solution for Lifford at this juncture, but accepted that there were two sides involved in the process. He was he said willing to accept the democratic decision of the Council.

Clr. Crawford proposed, seconded by, Clr. Mc Eniff, that the Council proceed with the recommendation contained in the report from Ms Clíodhna Campbell Senior Executive Engineer dated September, 2011 and

“That this Council resolve that the One-Way Traffic System in Lifford be implemented to allow the Environmental Improvement Scheme to proceed on that basis”.

The Director of Roads & Transportation noted that the E.I.S could be designed in such a way as to accommodate a one-way or two-way traffic system. He advised that he would liaise with the Road Design Section in relation to the various design issues. It was acknowledged that the initiation of a two-way system would not in any way pose a threat to the Environmental Improvement Works.

Mr. Liam Ward, A/Meetings Administrator advised that a vote would be taken initially in relation to the amendment proposed by Clr. Harley and seconded by, Clr. Mc Brearty.

Clr. Crawford stated that he could not support the proposed Environmental Improvement works in conjunction with a two-way system and that the issue was effectively whether or not to proceed with a one-way system. He called for a recorded vote .

The County Manager responded to Members queries and stated that in accordance with Standing Order 52 an amendment had to be submitted in writing, with clear indication as to the proposed alteration, and handed to the Mayor of the Day.

It was agreed on the proposal of Clr. Brogan, seconded by, Clr. Mc Eniff to defer the item until later in the meeting.

C/362/11 ESTABLISHMENT OF A BUSINESS FORUM IN
RELATION TO THE FUTURE DEVELOPMENT OF THE
COUNTY

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

“That this council through the Office of County Manager establish a business forum comprising of business leaders to formulate a strategy with regard to future development of the county particularly from a job creation perspective outlining current barriers which exist and recommendations to eliminate same. The forum could be used as a vehicle to advise start up business and offer ongoing advice to existing business.”

Members were informed that:-

“The formation of a forum such as is proposed here can be pursued with a view towards focusing on the issues raised and also to act as an added resource in advancing the Donegal CDB priority goals relating to Enterprise and Skills, Green Economy, Tourism, Access to Services, Culture as a Resource, and the development of a Donegal Brand. CDB members and other stakeholders can be engaged with in this forum in order to identify the most effective means of working collaboratively to address challenges facing business and to make best use of the opportunities in terms of resources available to the county. The county has access to people with the knowledge, skills, experience and networks who can assist in this work if mobilised. This includes people who live in the county and also the substantial Donegal Diaspora that can be drawn on”

The need for an open door policy was acknowledged with Members in agreement that both the Community & Enterprise Division and the County Enterprise Board had a major role to play in terms of the support and mentoring of new businesses. Clr. Larkin advised that the County Development Board was also ideally placed to support such a development.

Concern was expressed however that the initiation of such a forum would lead to the duplication of services, with a number of Members enquiring as to the relevant criteria for appointing persons to such a body.

It was widely recognised that reform within local government was essential and that Local Authorities needed more collective powers if they were to assist with job creation.

Clr. M. Mc Bride proposed, seconded by, Clr. Mc Brearty that each councillor be provided with the facility to nominate one nominee to the Forum should it be established.

Mr. Michael Heaney, Director of Community Culture and Planning confirmed that Donegal County Council were ideally placed to take the lead in any such initiative. He stated that existing personnel and resources could be utilised to assist with the work if mobilised.

The County Manager advised that he did not see the need for an appointed forum but envisaged that the body would operate as a discussion platform re the barriers to job creation and the various strategies required to combat same.

There was an opportunity here he noted to focus specifically on the initiatives required, rather than dwelling on past failures.

Clr. Brogan thanked Members for their support. He said that he did not envisage any great expense in setting up the forum, and that its main focus would be to give something back to the community.

C/363/11 ADJOURNMENT FOR LUNCH

On the proposal of Clr. Mc Bride, seconded by Clr. Alcorn it was resolved to break for lunch at 1.30pm.

C/364/11 AMENDMENT OF REDUNDANCY PAYMENT ACTS 1967 -2007 TO ENSURE THAT AN EMPLOYER IS LEGALLY OBLIGED TO SIGN THE RP50 UPON DISMISSAL

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

"That Donegal County Council call on this Government to immediately amend the Redundancy Payment Acts 1967-2007 so as to ensure that an employer is legally obliged to sign the RP50 upon dismissal and if he/she fails to do so that an increased penalty should be enforced and also recognise that the current waiting time for the employment appeal tribunal is excessive and call for the hearings to be expedited."

Clr. Harvey noted that the present system was outdated and required a major overhaul. She asked that the motion be circulated to all other Local Authorities for consideration.

C/365/11 FAMILY HOME BILL

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

"That this Council discuss the Family Home Bill on Families facing severe mortgage difficulties that was supported by all opposition parties and Independent Senators, and had the full backing of the Free Legal Aid Centre (FLAC) and the New Beginning Group, as there is widespread recognition from interest groups and politicians alike that this Bill would give strong legal protection to families facing the prospect of losing their homes because of mortgage difficulties."

A copy of the Family Home Bill 2011 was circulated for Member's information. Vide Appendix 1

It was generally agreed that the Family Home Bill 2011 was a key piece of legislation which aimed to promote debt restructuring rather than debt forgiveness.

Members noted the necessity of keeping the general public informed of the progress of the bill, and in particular those struggling with excessive mortgage repayments.

It was unanimously agreed that the motion be circulated to the Department of Environment, Community and Local Government and the Department of Finance for consideration.

C/366/11 ADJOURNMENT FOR LUNCH

Members adjourned for lunch at 1.30pm as agreed earlier in the meeting.

C/367/11 INCLUSION OF OLD DERRYBEG CHAPEL IN THE RECORD OF PROTECTED STRUCTURES

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

"That the Old Derrybeg Chapel, Derrybeg, Co Donegal be listed as a protected structure in the records of Donegal County Council."

Members were informed that:-

"It is a reserved function of the Council to add a building to the Record of Protected Structures (RPS). Therefore, subject to approval of the Council, the necessary legislative steps shall be undertaken in due course and in accordance with Section 55 of the Planning & Development Acts 2000- 2010 to add Derrybeg Chapel, Derrybeg to the RPS as a Draft Protected Structure".

Clr. P. Doherty noted that the building in question was used extensively by the local community and for that reason was of the opinion that there should be some form of consultation/ briefing in relation to the repercussions arising from the inclusion of the property on the Record of Protected Structures.

Clr. Doherty proposed, seconded by, Clr. Gallagher that adequate notification be given to the people of the area in relation to the procedure and consequences of adding the Old Derrybeg Chapel to the Record of Protected Structures.

The County Manager clarified that the addition of the chapel to the RPS was a reserved function of the Council. Designation as a protected structure would be advised, open up specific

funding opportunities, though this could also generate particular limitations.

The proposal he noted would come before the Glenties Electoral Area Committee initially, at which point there would be an opportunity to address many of the concerns raised.

C/368/11 ACKNOWLEDGEMENT OF REPRESENTATIONS FROM ELECTED MEMBERS

On the proposal of Clr. Ó Domhnaill, seconded by Clr. Harvey the following motion was adopted:-

“That this Council enforce a policy whereby all representations received from elected Councillors are replied to or acknowledged within 10 working days of being received.”

Members were informed that:-

“It is understood that the making of written representations on behalf of constituents or local communities forms a significant part of the workload of each Elected Member in Donegal. These representations are generally in the form of a query seeking information on the progress of a particular case / project or seeking clarification on a particular decision / application.

Previous Policy Documents and protocols have set targets to be met by members of staff in responding to representations from elected Councillors.

The following is an extract from our Customer Action Plan 2006 – 2009 in relation to correspondence generally:

- An acknowledgement to be issued within 5 working days and, excluding exceptional cases, a full reply within 15 working days;
- All letters and e-mails from us will carry a contact name, telephone number and a reference number.

In addition, the following is an extract from a draft protocol that was previously developed:

1.1 All representations received will be formally recorded, acknowledged and tracked;

1.2 Responses will generally issue within 15 working days. If it is not possible to have a complete response ready within that timeframe, the Area Manager will advise the relevant member as to when he / she can expect the reply.

Notwithstanding the above, Management within the Council is anxious to work with the Elected Members to ensure that they receive a timely response to their queries and representations. Instances where this is not happening, should in the first case be highlighted to the person to whom the query / representation was submitted. Should this not result in an appropriate response, the Elected Member should raise their concerns through the Management Structure and allow due process to take effect.

In addition, the Council is in the process of implementing a comprehensive Customer Relations Management (CRM) system which will enable contacts from the Elected Members and the public to be recorded, monitored and tracked. It will provide for the immediate issue of an acknowledgement of the query / representation and will also record the follow up responses that issue. The system will have the capacity to deal with all forms of communications including telephone, text messaging, e-mail, correspondence and the social media.

The CRM system is initially being implemented in the Public Service Centres to deal with queries relating to Water Charges and Billing and will be implemented throughout the organisation thereafter”.

Clr. Ó Domhnaill advised that it was the responsibility of each Member to ensure that they represented the people of Donegal to the best of their ability. To this end he asked that a copy of the motion be circulated to all staff.

Members acknowledged the excellent assistance provided by staff, but outlined the necessity of putting a formal mechanism in place

Mr. Liam Ward, Director Housing & Corporate welcomed the many constructive comments. He noted that there were particular issues in some areas, but affirmed that he was happy to work within the 10 working day target outlined.

The implementation of the Customer Relations Management System would he indicated bring further clarity to the matter.

He agreed to brief staff in relation to the outcome of the debate, and encouraged any Elected Member who had a query re specific representations to contact the local Area Manager concerned.

C/369/11

BROADBAND AREA NETWORKS IN DONEGAL

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

“That this Council discuss the Broadband Metropolitan Area Networks put in place in Donegal, this to include the individual cost of each network, when it was put in place, the cost to the Council of each project, its present status and what are the plans for each of these networks for the future.”

Members were informed that:-

The Donegal Metropolitan Area Networks Programme

The Metropolitan Area Networks Programme was a national telecommunications initiative led by the Department of Communications Energy & Natural Resources under the National Development Plan 2000–2006. The scheme was designed to provide fibre-optic, high-speed, open access telecommunications networks in all towns in the Country with a population in excess of 1500 people. The networks were designed and constructed and are owned by Local Authorities who contributed 10% of the capital cost. Majority funding was provided by the Department through EU structural funds.

The networks are managed by a Management Services Entity on behalf of the Department and the Local Authorities. The role

of the Management Services Entity is to manage, market and promote the networks and provide open access to registered telecommunications providers at agreed national rates on a wholesale basis. E-Net a Limerick based company was appointed by Government to manage the networks following competitive tender.

These networks are regarded as vitally important in attracting ICT based inward investment particularly projects with a substantial telecommunications dependence into a particular region or town. This issue is particularly relevant in Donegal which historically did not have a competitive telecommunications market.

In phase 1 of the MAN's programme networks were constructed in Letterkenny and on the Gweedore industrial Estate during 2003. The Letterkenny MAN cost €4.4m of which 10% (€440,000) was provided by Donegal County Council. Udaras na Gaeltachta is responsible for the Gweedore MAN.

In phase 2 of the MAN's programme networks were constructed in Bundoran, Ballyshannon, Donegal Town, Ballybofey/Stranorlar, Buncrana and Carndonagh as a single project. Construction was finalised in 2008 at a total cost of €10.36m of which the Donegal County Council contribution was €1.036m. The individual network costs were as follows:-

Buncrana	€1.97m
Carndonagh	€0.95m
Ballyshannon	€1.48m
Bundoran	€0.96m
Donegal Town	€2.87m
Ballybofey / Stranorlar	€2.13m

All of the Metropolitan Area Networks constructed by the Council are now operational with the exception of Carndonagh which does not as yet have a backhaul connection. The operational networks in Donegal are connected to ESBT backhaul. The Letterkenny MAN is also connected to Hibernia

Trans-Atlantic fibre giving direct connectivity to North America due to the Project Kelvin initiative.

E-Net continues to market and promote the networks in Donegal as do IDA and the other development agencies who have primary responsibility for attracting inward investment to the County.

Clr. Slowey welcomed the reply and outlined the necessity at this juncture of including Buncrana, Ballybofey and Stranorlar in Project Kelvin.

It was imperative he advised that some form of mechanism was devised to ensure the connection of small business enterprises and individual customers to the network.

C/370/11 BUDGET ALLOCATION FOR ISLAND COMMUNITIES.
On the proposal of Clr. Gallagher, seconded by Clr. Alcorn, the following motion was adopted:-

"That this Council include an allocation for the island communities in the annual budget on a yearly basis."

Members were informed that:-

The Council is not permitted by statute to make any decisions publicly on proposals for Income or Expenditure in respect of the 2012 Draft Revenue Budget prior to commencement of the prescribed period and also having given the required notice publicly and to the Members of the Council".

Clr. Gallagher outlined the particular difficulties facing Island communities and called for a unified approach in relation to the funding issue.

The overall economic potential of island communities for the county as a whole, particularly in relation to tourism development was widely acknowledged.

It was acknowledged that Donegal County Council needed to be in a position to provide match funding, should monies

become available nationally. There was recognition also that there were many other outstanding issues within each Electoral Area and that these warranted consideration for funding also.

C/371/11 WINTER SERVICE REPORT CONTINUED

Mr. John Mc Laughlin, Director Roads & Transportation having consulted with Members regarding amendments to the Winter Service Report, 2011 addressed the meeting in relation to the proposed amendments to the Plan.

On the proposal of Clr. Slowey, seconded by Clr. Harley, it was resolved to adopt the Winter Service Plan 2011, including revisions contained in the Senior Engineer's report dated 7th October, 2011 together with the following amendments agreed in consultation with the Elected Members:-

Additional Priority 3 Routes to be included

- Kilmacrennan to Churchill
- Castlefin to Raphoe (via Beltony)
- Ballindrait to Raphoe (via Argerly)
- Portnoo-Maas-Ardara

Specific Sections to be Reviewed (Mid Dec)

- Carrickfinn to Burtonport
- Gortahork to Luinnagh (via Brinaleck)
- Glencolmcille to Carrick

It was agreed that a copy of the revised maps and drawings would be circulated to Members for their information.

C/372/11 ONE WAY TRAFFIC SYSTEM LIFFORD CONTINUED

Mr. Liam Ward, A/ Meetings Administrator advised that Members were now being asked to consider the proposal from Clr. Crawford, seconded by, Clr. Mc Eniff that the One-Way Traffic System Lifford be implemented to allow the Environmental Scheme to proceed, together with the amendment proposed by Clr. Harley and seconded by Clr. Mc Brearty that the Council move forward with the Environmental Scheme in Lifford leaving the Two –Way System in place.

On the proposal of Clr. Harley, seconded by Clr. Mc Brearty, the following motion was put to the Meeting and a recorded vote taken by the A/Meetings Administrator.

“That the Council move forward with the Environmental Scheme in Lifford leaving the two-way traffic system in place”.

This resulted in 10 voting for with 11 against:-

Those voting in favour included:

Clrs Boyle, Farren, Harley, Harvey, Mc Brearty, M. Mc Bride, N. Mc Bride, O’ Neill, Quinn, and Slowey. (10)

Those voting against included:-

Clrs Alcorn, Blaney, Brogan, Byrne, Campbell, Canning, Crawford, Donaghey, Larkin, Mc Eniff, and O’Domhnaill. (11)

The Mayor declared the amendment lost.

A recorded vote was then taken by the A/Meetings Administrator in relation to the following motion proposed by, Clr. Crawford and seconded by Clr. Mc Eniff,

“That this Council resolve that the One-Way Traffic System in Lifford be implemented to allow the Environmental Improvement Scheme to proceed on that basis”.

A recorded vote taken by the Meetings Administrator resulted in 11 voting for the motion with 11 voting against.

Those voting for included:-

Clrs Alcorn, Blaney, Brogan, Byrne, Campbell, Canning, Crawford, Donaghey, Larkin, Mc Eniff, O’Domhnaill. (11)

Those voting against included:-

Clrs Boyle, Farren, Harley, Harvey, Mc Brearty, M. Mc Bride, N. Mc Bride, Murray, O’ Neill, Quinn, and Slowey. (11)

As there was an equality of votes the Mayor exercised his casting vote outlining his opposition to the motion.

The motion was declared lost.

C/373/11 DISPOSAL OF PREFABRICATED STRUCTURE AT MEENASHAMMER, TRUSK, BALLYBOFEY TO MS BRIDGET MC KELVEY AND MR PATRICK MC MENAMIN

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

On the proposal of Clr. Harley, seconded by Clr. Boyle, it was resolved to dispose of Prefabricated Structure at Meenashammer, Trusk, Ballybofey to Ms Bridget Mc Kelvey and Mr. Patrick Mc Memamin, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/374/11 TO CONSIDER “AUDITED ANNUAL FINANCIAL STATEMENT FOR 2010

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

Mr. Bartley Mc Glynn, A/Head of Finance gave an overview of both the Audited Financial Statement 2010 and the Local Government Audit Service Statutory Audit Report for year ended 31st December, 2010.

The County Manager informed members that the Annual Financial Statement was an accurate barometer of whether we were living within our means or not. The revenue account he affirmed had improved by €188,000 in 2010, a significant achievement in the current economic climate.

He further updated Members in relation to a range of issues highlighted in the report.

Moving forward he said that it was essential that a balance was struck in terms of keeping debt balances under control whilst stepping up income collection methods.

Two key elements of work it was acknowledged had been moved forward in 2011, namely that the Council was on target to achieve €4m of efficiencies and that income collection had been stepped up with increasing emphasis on Customers who had failed to engage previously.

On the proposal of Clr. Larkin, seconded by Clr. O' Neill, the "Audited Annual Financial Statement for 2010" was noted.

C/375/11 TO NOTE LOCAL GOVERNMENT AUDIT REPORT ON AUDITED ACCOUNTS OF DONEGAL COUNTY COUNCIL FOR YEAR ENDING 31ST DECEMBER, 2010

Members considered the report circulated with the agenda in relation to the above. The County Manager provided further clarification in relation to the following items:-

Item 4.1

The €48.6m loan approved by the Department of the Environment, Community and Local Government in 2010 to address unfunded capital balances would be drawn down in full in 2011.

Item 4.2

Members to be further updated in relation to the ongoing work of the Asset Management Group together with an assessment of the best possible use of Council assets.

Item 5.3

Exchanges had taken place with the Department in relation to the three Donegal Bay Projects. Further exchange was due to take place with the Department after which it was hoped to come to a mutually agreeable conclusion. It was anticipated that the liabilities involved would be less than anticipated.

Item 5.4

That the establishment of a central invoice matching system would significantly improve the way Donegal County Council does its business.

It was acknowledged also that the introduction of the Legal Services Bill at national level would set out general principles for the tendering of legal services.

Item 5.5

Members were informed that a further report in relation to the Whole System of Work would issue to Council following the conclusion of the “Test” and the “Evaluation “ process.

With regard to the Turnkey Development at Meenmore, Dungloe, it was noted that the Local Government Auditor had based his report on the first Internal Audit Report. Given that a revised report had issued by Internal Audit it was acknowledged that a comprehensive conclusion could not be reached until all aspects of the matter had been considered. The matter it was established would be revisited by the local Government Auditor in his 2011 Report.

Item 7.1

The County Manager advised in relation to development contribution debtors that the figure was not in effect €5.388m but €2.154m when pay agreements and works in lieu were taken into consideration.

Item 7.2

Members were informed that the Labour Court determination with regard to the “Donegal Deal” rates of pay had been sent to the Department for approval. Overall it was noted that the introduction of the Donegal rates had lead to increased efficiency overall, and that wages for new recruits were now aligned to the prevailing national rates.

Items 7.3 & 7.4

Both it was acknowledged required consideration in the 2012 budget preparations.

A lengthy debate ensued with Members welcoming the progress to date in reducing the revenue deficit and clarification received in relation to the €48.6m loan re unfunded project balances.

Members raised a variety of issues namely:-

- That every effort be made to ensure that the retrospective approval of purchasing order does not occur again. The need to expedite the introduction of the new central invoicing matching system was highlighted.
- The need for a Value for Money Committee to oversee such matters together with a general tightening of procurement procedures.
- Tendering for legal services needed to proceed in 2012.
- The need to reach a successful conclusion in relation to the WSW Project with at all times being mindful of the value for money aspect of the project.
- There were a number of unanswered questions in relation to the proposed Turnkey Development at Meenmore, Dungloe and that further clarification was required on a number of issues.
- Whether a response had been received from the Department in relation to the Labour Court determination on the “Donegal Rates”. Clarification sought re background issues that lead to the initiation of these pay scales.
- The necessity of having a plan of action to progress rate collections.
- There was a need to review the process for dealing with Public Lighting and that this could possibly be done through the workshop process.

On the proposal of Clr. Mc Brearty, seconded by Clr. Boyle, it was resolved to vary the order of business and deal with Item 26 at this juncture.

C/377/11 AUTHORISATION OF REPRESENTATION AT SEMINAR, MEETING OR EVENT

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 & 2010 and directives issued by the Minister in that regard, on the proposal of Clr. Alcorn, seconded by Clr. Brogan, it was resolved to authorise the attendance of members at the following conferences, subject to the normal procedures:-

1. Individual members not exceeding their annual budget for attendance at conferences.
 2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance and complying with the legal requirements.
 3. The submission of a Conference Report by any Member attending a conference
- Building the Who Global Network 2011 1st International Conference on Age-Friendly Cities to be held from Wednesday 28th to Friday 30th September, 2011 in the Burlington Hotel, Dublin.
 - Greystones Town Council in association with Ards Borough Council and the La Touche Legacy Committee 2011 Autumn Seminar “Local Democracy – A Vision for the Future” to be held from Friday 30th September to 2nd October, 2011 in the Charlesland Golf and Country Club Hotel, Greystones, Co. Wicklow.
 - Elected Members Training Seminar – European Waste Water Laws Irish Governments decision to Licence Septic Tanks to be held from Friday 30th September to Sunday 2nd October, 2011 in the Mill Park Hotel, The Mullins, Donegal Town.
 - Kerry Life Education Ltd In Partnership With The Southern Regional Drugs Task Force ”Substance Misuse – A Health or Criminal Justice Issue” to be held

Thursday 6th and Friday 7th October, 2011 in the Europe Hotel and Resort, Killarney, Co. Kerry.

- TJK Conferences Ltd – Local Government and Planning Seminar for Councillors to be held from Friday 7th to Sunday 9th October, 2011 at the Patrick Punch Hotel, Limerick.
- Elected Member’s Training Seminar – New Government Regulations and how they affect the Domestic Home to be held from Friday 7th to Sunday 9th October, 2011 in the Kingsvalley Hotel, Merlin Park, Dublin Road, Galway City.

(Note: Approval Time for above conferences had elapsed as Adjourned Meeting was scheduled for 10th November, 2011).

- Elected Member’s Training Seminar – Social Housing Assessment Regulations 2011 to be held from Friday 14th to Sunday 16th October, 2011 at the Carlton Atlantic Coast Hotel Westport, The Quay, Westport, Co. Mayo.
- Professional Development for Councillors – Developing Leadership – 21 Ways to Win With People to be held from Friday 14th to Sunday 16th October, 2011 in the Westport Plaza Hotel, Westport, Co. Mayo.
- Local Government Housing Conference 2011 – Ghost Estates – The Role Of Local Authorities? to held Thursday 20th October, 2011 in the Royal Marine Hotel, Dun Laoghaire, Co Dublin.
- Elected Member’s Training Seminar – The Role of the Regional Authority in the operation of and policy making in Local Government to be held Friday 21st to Sunday 23rd October, 2011 in the Kingsvalley Hotel, Merlin Park, Dublin Road, Galway City.
- Celtic Conferences Professional Event Organisers – Optimising Taxation Allowances & Benefits and Revenue On-Line Service Workshop to be held from Saturday 22nd to Monday 24th October, 2011 in Glendine, Tawnies Upper, Clonakilty, West Cork.

C/378/11 TO FILL CASUAL VACANCY ON THE DONEGAL LOCAL TRAVELLERS ACCOMMODATION CONSULTATIVE COMMITTEE

On the proposal of Clr. Larkin, seconded by Clr. Brogan, it was resolved that Clr. Paul Canning fill the casual vacancy on the Donegal Local Travellers Accommodation Consultative Committee occasioned by the resignation of Clr. Dessie Larkin.

C/379/11 TO FILL CASUAL VACANCY ON THE ISLANDS COMMITTEE

Clr. Larkin proposed, seconded by Clr. Slowey, that the casual vacancy on the Islands Committee be filled by the appointment of Clr. Frank Mc Brearty. It was noted however that membership was confined to the Members of the Glenties and Letterkenny Electoral Areas.

Thus it was agreed to defer the item and seek further clarification in relation the established membership of the Islands Committee.

C/380/11 TO NOTE LOCAL GOVERNMENT AUDIT REPORT ON AUDITED ACCOUNTS OF DONEGAL COUNTY COUNCIL FOR YEAR ENDING 31ST DECEMBER, 2010 CONTINUED

Clr. O' Neill at this juncture called on any Member with an interest in the proposed development at Meenmore to declare their interest and vacate the Chamber immediately.

Clr. Brogan responding, acknowledged his relationship with the company concerned but said that he did not believe there was any reason for him to absent himself from the meeting.

Clr. Mc Brearty called for legal clarification and enquired as to whether or not any person with an interest in the development at Meenmore, should be allowed to participate in the ongoing debate.

Mr. Liam Ward, A/Meetings Administrator drew Members attention to Section 177 of the Local Government Act, 2001 and advised members of the following;-

“Where at a meeting of a local authority or of any committee, joint committee or joint body of a local authority, a resolution, motion, question or other matter is proposed or otherwise arises either—

- (a) as a result of any of its functions under this or any other enactment, or
- (b) as regards the performance by the authority, committee, joint committee or joint body of any of its functions under this or any other enactment,

then, a member of the authority, committee, joint committee or joint body present at such meeting shall, where he or she has actual knowledge that he or she or a connected person has a pecuniary or other beneficial interest in, or which is material to, the matter—

- (i) disclose the nature of his or her interest, or the fact of a connected person's interest at the meeting, and before discussion or consideration of the matter commences, and
- (ii) withdraw from the meeting for so long as the matter is being discussed or considered.

and, accordingly, he or she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.

Clr. Mc Brearty again requested that legal opinion be sought.

Clr. Brogan responding affirmed that as a Company Director he had declared all relevant interests. He would be advised, withdraw from the meeting, so as not to embarrass the company concerned, but would be monitoring any allegations made.

The County Manager reminded members that the 23,000 post purchase approvals were not dealt with outside of normal purchasing procedures but rather reflected a situation whereby orders had been raised manually and were not reflected in the

system on time. It was intended he confirmed to move forward with the tendering of legal services, a process which he hoped would be completed by year end.

Commenting on the Tender Assessment Process for Dungloe, the County Manager advised that an internal audit preliminary report was reviewed by the Local Government Auditor who raised the issues in his report. As a follow on to this, a further report was prepared by Internal Audit and this he indicated was currently being considered by Senior Management.

The Assessment Panel referred to in the report, he affirmed comprised representatives from external agencies, and as the tender assessment process involved external participants, the persons concerned required an opportunity to respond to the detailed issues raised in the reports.

Overall he said he was satisfied that the tendering process in this case had been robust. Legal advice, had he noted, been sought during the process and acted upon. The Council had at all stages he advised consulted with the Department who funded the project.

It was intended he advised to come back to the Members in due course and deal with the relevant concerns at that juncture.

With regard to the WSW Project he confirmed that expenses were less than €4000 at this point and related to essential expenses only.

Overall he noted that the Council was on target to deliver €4m in efficiencies and that the €48.6m loan approved by the Department to address unfunded and debit balances would benefit the Council in the long run as it would be paying less for the loan than previously expended on the servicing of the annual overdraft.

On the proposal of Clr. Larkin, seconded by Clr. O' Neill, the Local Government Audit Service Statutory Audit Report for 2010 was noted.

C/381/11 ADJOURNMENT OF MEETING

It was unanimously agreed to adjourn the remaining business until 10.00am on Monday 24th October, 2011.

This concluded the business of the meeting.