

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
18 Meitheamh 2013

FOGRA CRUINNITHE

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain, 24 Meitheamh 2013, 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

**Liam Mac a'Bhaird
Riarthóir Cruinnithe**

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
18th June, 2013

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 24th June, 2013, 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

**Liam Ward
Meetings Administrator**

AGENDA

1. Confirmation of Minutes

Confirmation of the Minutes of Meeting of Donegal County Council held on the 27th May, 2013.

2. Finance

- a) Update on implication for 2012 Financial Outturn and Current Projection for 2013.

- b) To agree date for workshop in the above matter.

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

Notice under Section 211 of the Planning and Development Act 2000 and under Section 183 of the Local Government Act 2001 – to dispose of land at Ardeskin, Donegal Town, to Ms Marian Coughlan, Ardeskin, Donegal Town.

4. Community, Culture and Planning

Establishment of the County Donegal Heritage Forum

- a) To endorse the existing terms of reference and membership structure of the County Donegal Heritage Forum in order to allow it to continue its work implementing the County Donegal Heritage Plan.

- b) Each Electoral Area Committee to nominate one Elected Member from each Electoral Area to serve on the County Donegal Heritage Forum.

- c) To consider report on the implications of the High Court decision in relation to the taking in charge of Housing Estates. (Report to be circulated)

5. Planning and Economic Development

- a) To consider the Variation to the Letterkenny and Environs Development Plan 2009 – 2015 (as varied) and the Managers Report (together with Addendum to Managers Report) and therein:
 - I. Decide to make the Variation with or without modifications (as set out in Managers Report and addendum) or
 - II. Decide to materially alter the proposed Variation (subject to further steps, including SEA or Appropriate

Assessment or both), followed by further period of public consultation or;

III. Decide not to make the Variation.

b) To consider the Variation to the Buncrana and Environs Development Plan 2008 – 2014 and the Managers Report and that the Members may

I. Decide to make the Variation with or without modifications (as set out in Managers Report) or

II. Decide to materially alter the proposed Variation (subject to further steps, including SEA or appropriate assessment or both, followed by further period of public consultation) or;

III. Decide not to make the Variation.

c) To consider the Variation to the Bundoran and Environs Development Plan 2009 – 2015 and the Managers Report (together with Addendum to Managers Report) and therein:

I. Decide to make the Variation with or without modifications (as set out in Managers Report and addendum) or

II. Decide to materially alter the proposed Variation (subject to further steps, including SEA or Appropriate Assessment or both), followed by further period of public consultation or;

III. Decide not to make the Variation.

6. Endorsement of Minutes

a) Endorsement of the Confirmed Minutes of Meeting of Glenties Electoral Area Committee held on the 19th March, 2013.

b) To note the Confirmed Minutes of the Corporate Policy Group held on 22nd April, 2013.

7. 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:-

- Training Seminar for Councillors – Aiding Local Communities in Job Creation to be held Wednesday 26th and Thursday 27th

June, 2013 at the Institute of Public Administration, Lansdowne Road, Dublin.

- Donegal Sports Partnership – Sport Can Conference to be held Saturday 29th June, 2013 at the Mount Errigal Hotel, Letterkenny.
- Training Seminar – Mental Health and Well Being Coping Skills for Elected Members to be held from Friday 5th to Sunday 7th July, 2013 in the Kenmare Bay Hotel, Kenmare, Co. Kerry.
- Training Seminar for Councillors – Local Elections 2014 to be held from Friday 12th to Saturday 13th July, 2013 at the West Cork Hotel, Skibbereen, Co. Cork.
- ACE Training – Seminar on Drug and Alcohol Abuse for Local Authorities to be held from Friday 12th to Sunday 14th July, 2013 at the Four Seasons Hotel, Carlingford, Co. Louth.
- Celtic Conferences – Future is Food Seminar on Employment Opportunities in Artisan Foods to be held from Friday 26th to Sunday 28th July, 2013 at the Celtic Ross Hotel, Rosscarbery, West Cork.

8. Conference Reports

Clr Noel McBride

Association of County and City Councils held Thursday 7th and Friday 8th March, 2013 at the Tower Hotel, Waterford.

Clr Noel McBride

LAMA Spring Seminar 2013 held Friday 5th and Saturday 6th April, 2013 at the Ashdown Park Hotel, Gorey, Wexford.

Clr John Boyle

LAMA Spring Seminar 2013 held Friday 5th and Saturday 6th April, 2013 at the Ashdown Park Hotel, Gorey, Wexford.

9. Mayor's Business

10. Manager's Report

QUESTIONS

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

DONEGAL ELECTORAL AREA

Water and Environment

11. Clr. McEniff

"Can the Council tell the Members what they propose to do re cars parking on Rossnowlagh Beach?" (L)

Community and Enterprise

12. Clr. Campbell

"Can you provide me the following information on Members Development Fund grants for each Electoral Area for each year 2009 - 2013 inclusive in tabular form:

- 1) Name Group granted funding
- 2) Amount Granted
- 3) Whether grant was successfully drawn down
- 4) Date on which grant was drawn down
- 5) Project for which funding was granted
- 6) Name of Councillor that allocated the funding?" (C)

13. Clr. Campbell

"Can you provide me the following information on DFI grants for each Electoral Area for each year 2009 - 2013 inclusive in tabular form:

- 1) Name Group granted funding
- 2) Amount Granted
- 3) Whether grant was successfully drawn down
- 4) Date on which grant was drawn down
- 5) Project for which funding was granted?" (C)

STRANORLAR ELECTORAL AREA

Corporate

14. Clr. Crawford

"What is the delay or does Donegal County Council have possession of the vacant Military Barracks in Lifford?" (L)

15. Clr. Crawford

"What plans does Donegal County Council have to cater for the increased number of Elected Councillors after the 2014 Local Elections?" (C)

Roads and Transportation

16. Clr. Harley

"When will the two street lights that I granted money for two years ago on the L-3044 at Navenny Junction with McFeelys Brae be erected?" (L)

17. Clr. Harley

"Could this Council give me a start date for the works on Elactagh Bridge and an approximate date for completion of this project?" (L)

18. Clr. McGowan

Please can an update be given on the replacement of Elachta Bridge, Cloghan including detailed works plan? (L)

19. Clr. McGowan

With regard to the announcement by the Minister for Transport, Tourism and Sport Leo Varadkar TD of an allocation of €3.027m to Donegal County Council for additional funding to be directed primarily to surface restoration works in 2013, from a total budget of €50m nationally.

Can you outline the following:-

- The flexibility for some of the additional funding to be allocated to particular safety schemes, should the Council consider that those particular safety schemes need to be progressed urgently, including
- How much of the original 2013 Surface Restoration Program as adopted in 2012 is in fact being delivered as it was pointed out a recent Electoral Area Meeting that the Roads Program was cut 3 times so far this year?
- Is it possible to add additional roads as the public on foot of the press release are now demanding the inclusion of same?
- Whether the general cuts agreed at Council Meetings will be reversed?
- Whether the Residents living on the original 2013 Roads List can be informed that their Roads will be reinstated and that the most recent 10% cut in length to all listed roads will also be reinstated? (C)

GLENTIES ELECTORAL AREA

Roads and Transportation

20. Clr. Alcorn

"Could I have an update on the Motion that I got passed at the County Council Meeting in 2012, asking that Donegal County Council support a request that materials should be provided for Non County Roads for people who are prepared to collect same at County Council Depots, because of the abolition of LIS Schemes and Gaeltacht Road

Grants given that the repair of Community Roads has become a major problem." (C)

21. Clr. Alcorn

"Why has there been such a long delay, (which is very unacceptable to the residents) on the carrying out of the 2013 Restoration Grant on the Glen Road - Annagry and The White Cross Road - Ranafast?" (L)

Community and Enterprise

22. Clr. O'Domhnaill

"Can this Council create a plan to maximise potential of the Killult Pier Amenity and so as to be in a position to seek funding to create a Leisure Facility and Amenity for the people and tourists who visit?" (L)

23. Clr. O'Domhnaill

"Can this Council look at the tourism potential of Drumnatinney Beach, bring a water source to the Beach and create a design by way of application so as to apply for funding for a development in the near term?" (L)

INISHOWEN ELECTORAL AREA

Corporate

24. Clr. Canning

"How much does a Civic Reception cost this Council?" (C)

25. Clr. Canning

"After attending a recent JPC in Lifford, a County Council Official stated that they do not react or take on board an anonymous complaint from the public in relation to anti social behaviour etc, I would like to ask this Council if they have a different policy when it comes to complaints about Public Representatives and if so, what is this policy?" (C)

LETTERKENNY ELECTORAL AREA

Water and Environment

26. Clr. McGarvey

"What is the present position between the Council and the Dept. with regard to Sewerage Treatment for the Towns of Ramelton, Rathmullan, Kilmacrennan and Milford?" (L)

27. Clr. McGarvey

"Will Donegal County Council include the Dromore area, Letterkenny in future plans for sewerage connection to main sewer due to the density of Housing over a short distance?" (L)

Finance

28. **Clr. Brogan**

"As agreed at Budget Meeting in 2012 and 2013, when could we as a Council have a full list of Council Assets, so we can review how we get best value and return on all Council Assets either through, sale, lease or possible PPP on council lands?" (C)

29. **Clr. Brogan**

"With regard to the additional funding received by Donegal County Council, please confirm the following:-

- a) The amount of dividend received from IPB this year and how we propose to spend this money, and
- b) The proposals if any to spend additional funding from the Department in light of reaching target on the Household Charge?" (C)

30. **Motions from Other Councils/Bodies**

BUNDORAN TOWN COUNCIL

"That this Council call on Donegal County Council to replace the life buoys at Tullan Strand as they all appear to have been covered in sand or washed away."

BUNDORAN TOWN COUNCIL

"That this Council calls on Donegal County Council to tar and repair the road outside McGloin's Ease End and the Bridge at the West End."

BUNDORAN TOWN COUNCIL

"That this Council calls for the refurbishing and a full maintenance programme for Bundoran Fire Station."

MONAGHAN TOWN COUNCIL

"That this Council calls on the relevant Departments and agencies to consider how best to regulate the quantity, quality and labelling of packaging materials used on smaller items for sale in Ireland with a view to reducing the amount of packaging used."

MONAGHAN TOWN COUNCIL

“That we write to the Minister for Justice, Alan Shatter calling for a maximum 10 year sentence and a minimum of 5 years for any person involved in a fatal motor accident who leaves the scene.”

MONAGHAN TOWN COUNCIL

“That this Council write to the Minister for Social Protection, Joan Burton to rescind her intention to make people of retirement age (65) sign on at the dole office for one year in order to obtain their State pension which will be reduced by €42.30 per week.”

MONAGHAN TOWN COUNCIL

“That this Council calls on the Minister for Justice to review the criteria involved in assessing applicants wishing to enter the State to live to ensure that they do not have a criminal record in the country of origin or any other country.”

OFFALY COUNTY COUNCIL

“That Offaly County Council write to the Minister for Justice & Equality and to the Garda Commissioner Martin Callinan requesting that Garda recruitment be resumed as soon as possible.”

LEITRIM COUNTY COUNCIL

“That Leitrim County Council call on the Minister for Arts, Heritage and Gaeltacht Affairs, Mr Jimmy Deenihan, TD, whose Department has responsibility for the National Heritage Areas (N.H.A. areas), to revisit the issue of a blanket ban on turf cutting in those affected areas with a view to amending the legislation so as to allow bog owners and turf cutters the right to continue to harvest turf as their main source of fuel. There are 4 NHAs in Leitrim which will be directly affected by the ban – the areas are Cashel Bog, Corracramph Bog, Cloonageeher Bog and the bogs along the Rinn River – there are a further 2 NHAs which straddle the Leitrim/Longford border – Aghnamona Bog and Wooddown Bog – which will also be affected by the ban. The ban, which is due to come into effect at the end of 2013, would result in an almost total cessation of turf cutting in the South Leitrim area and will cause a lot of anger within communities who have been harvesting turf on their bogs for generations.”

CLARE COUNTY COUNCIL

“That Clare County Council call on the Minister for Justice, Mr Alan Shatter TD, to undertake a review of accommodation arrangements for refugees and asylum seekers.”

LIMERICK COUNTY COUNCIL

“That, the Minister for Finance and the Government would be called upon to reimburse the Irish Credit Unions who lost their investments in the purchase of Investment Bonds from Anglo Irish Bank as a result of the recent liquidation of IBRC. We further propose that this Motion be circulated to all Local Authorities.”

NENAGH TOWN COUNCIL

“That Nenagh Town Council ask that any State board positions that come up and are advertised through Public Jobs.ie are assessed by an independent panel and the relevant Minister should be bound by the recommendations of the panel.”

LOUTH COUNTY COUNCIL

“This Council calls on the Minister for Environment, Community and Local Government Phil Hogan to empower and resource Local Authorities to effectively assess persons, on a case to case basis, who have left what was the family home owing to relationship breakdown, to clearly set out policy to deal with such applicants, and to set out mechanisms within this policy to allow for compassionate and psychological factors of persons to be part of the assessment processes.”

KERRY COUNTY COUNCIL

“That this Council request the Minister for Agriculture, Simon Coveney, T.D., to make an application for E.U. Solidarity Fund (EUSF) to help address the serious fodder crisis in Kerry as farmers are in a serious crisis and need urgent assistance.”

KERRY COUNTY COUNCIL

“That Kerry County Council requests the Department of Agriculture to address the current fodder crisis and put in place measures to counter act any future fodder crisis the country may face again.”

Members of Kerry County Council asked that the resolutions be forwarded to the Minister for Agriculture for consideration and are seeking the support all the Local Authorities on the western seaboard of the country in this matter.

MONAGHAN COUNTY COUNCIL

“That Monaghan County Council notes the publication of the Regional Quality of Life report from the Central Statistics Office last month. We further note that this report highlights in stark terms the

neglect of the Border Region which includes Monaghan. The report shows that this region has the highest rates of unemployment, empty homes, medical card holders, voter apathy and emigration and lower rates of investment than anywhere else in this state. This is further evidence of the negative impact of partition, conflict and the neglect of successive governments on this region.

That Monaghan County Council hereby calls for:

A specific targeted job creation strategy for the Border Region.

That full development of all-Ireland economic policies including the planning for the harmonisation of tax rates, currency and financial services.

Investment in vital infrastructural projects within the border region and on a cross border basis.

That a copy of this motion be forwarded to An Taoiseach and to the Minister's for Finance and Enterprise, Trade and Employment. That we also forward to each County Council in the Border Region.”

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD IN
THE COUNTY HOUSE, LIFFORD ON 24TH JUNE, 2013

C/321/13 MEMBERS PRESENT

Clrs. Frank McBrearty, Mayor, D. Alcorn, 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, D. Larkin, M. McBride, N. Mc Bride, S. Mc Eniff, I. McGarvey, P. McGowan, B. Mc Guinness, S. O'Domhnaill, M. Quinn, B. O'Neill, J. Ryan, and T. Slowey.

C/322/13 APOLOGIES

Apologies were received from Clr. Liam Blaney, who was unable to attend the meeting.

C/323/13 OFFICIALS IN ATTENDANCE

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

C/324/13 VARIATION IN THE ORDER OF BUSINESS

On the proposal of Clr. Harley, seconded by, Clr. Farren, it was resolved to vary the order of business and deal with Items 6, 7 and 8 immediately after Item No. 1.

C/325/13 CONFIRMATION OF THE MINUTES OF MEETING OF
DONEGAL COUNTY COUNCIL HELD ON THE 27TH MAY,
2013

On the proposal of Clr. M. Harley, seconded by, Clr. P. Canning, the Minutes of the Meeting of Donegal County Council held on the 27th May, 2013 were approved.

C/326/13 ENDORSEMENT OF THE MINUTES OF THE MEEING OF
GLENTIES ELECTORAL AREA COMMITTEE HELD ON THE
19TH MARCH, 2013

On the proposal of Clr. T. Slowey, seconded by, Clr. M. T. Gallagher, the Minutes of the Meeting of the Glenties Electoral Area Committee held on the 19th March, 2013 were endorsed.

C/327/13 TO NOTE THE CONFIRMED MINUTES OF THE CORPORATE POLICY GROUP HELD ON THE 22ND APRIL, 2013

Members noted the Confirmed Minutes of Meeting of the Corporate Policy Group held on the 22nd April, 2013.

C/328/13 CONFERENCES

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. M. Harley, seconded by, Clr. M. McBride, it was resolved to authorise any member, if he/she so wished, to attend 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.
 3. Submission of a Conference Report
- Training Seminar for Councillors – Aiding Local Communities in Job Creation to be held Wednesday 26th and Thursday 27th June, 2013 at the Institute of Public Administration, Lansdowne Road, Dublin.
 - Donegal Sports Partnership – Sport Can Conference to be held Saturday 29th June, 2013 at the Mount Errigal Hotel, Letterkenny.
 - Training Seminar – Mental Health and Well Being Coping Skills for Elected Members to be held from Friday 5th to Sunday 7th July, 2013 in the Kenmare Bay Hotel, Kenmare, Co. Kerry.
 - Training Seminar for Councillors – Local Elections 2014 to be held from Friday 12th to Saturday 13th July, 2013 at the West Cork Hotel, Skibbereen, Co. Cork.
 - ACE Training – Seminar on Drug and Alcohol Abuse for Local Authorities to be held from Friday 12th to Sunday 14th July, 2013 at the Four Seasons Hotel, Carlingford, Co. Louth.
 - Celtic Conferences – Future is Food Seminar on Employment Opportunities in Artisan Foods to be held from Friday 26th to

Sunday 28th July, 2013 at the Celtic Ross Hotel, Rosscarbery, West Cork.

C/329/13 TO NOTE CONFERENCE REPORTS

On the proposal of Clr. M. Harley, seconded by, Clr. S. McEniff, the following conference report was noted:-

Clr Noel McBride

Association of County and City Councils held Thursday 7th and Friday 8th March, 2013 at the Tower Hotel, Waterford.

Clr Noel McBride

LAMA Spring Seminar 2013 held Friday 5th and Saturday 6th April, 2013 at the Ashdown Park Hotel, Gorey, Wexford.

Clr John Boyle

LAMA Spring Seminar 2013 held Friday 5th and Saturday 6th April, 2013 at the Ashdown Park Hotel, Gorey, Wexford.

C/330/13 UPDATE ON IMPLICATION FOR 2012 FINANCIAL OUTTURN AND CURRENT PROJECTION FOR 2013

The County Manager informed Members that there was some work underway in relation to carrying forward implications from the 2012 Outturn as they might affect the 2013 Finances. Other factors to be taken into consideration, he advised, included the overall implications of the “Putting People First” document encompassing the stand down of the Town Councils, and the set up of Irish Water.

He informed the meeting that the Department had organised a briefing session on the formal implications of the “Putting People First” document and that an update would be brought to the Council as soon as this had taken place.

A lengthy debate ensued during which Members highlighted a number of issues warranting further consideration in the context of the 2013/2014 financial projections. These included:-

- Need to prioritise and provide for the delivery of basic services
 - Overall implications for commercial rates and analysis of the public perception that these should be reduced on foot of the the introduction of the property tax etc.
 - Identified the need for discretion on the basis that the majority of businesses in Donegal were located in urban

areas, yet small rural businesses were being asked to contribute more in rate payments.

- Income generation with housing income in particular identified as a major priority going forward.
- Implications of the Stand down of the Town Councils in 2014 and the associated staffing implications.
- Transfer of water functions to Irish Water
- Lack of funding for Roads Projects and the need to look again at the distribution of funding at local level.
- Lack of Capital Investment in Water & Environment Sector
- Listing requested in respect of all Council Assets.
- Challenges facing Local Authority Tenants if and when the property charge is passed on.
- Need for continuing consultation with the Department in relation to the distribution of the aggregate funding, emanating from the collection of the property tax nationally.
- Identified need to maximise income from Housing rents etc.

The County Manager said it was imperative that the Council placed itself in a position to take advantage of the impending changes, and advised that it would be possible to examine the position in more detail within the workshop format. It was clear, he advised, that some income lines would not materialise as anticipated, based on the known variations, and as such required further debate.

Responding to queries raised by Members, he confirmed that the IPB dividend in the region of €305,000 to €308,000 had been received thus providing €8k more in income than anticipated. The €309,000 balance due in respect of the Local Government Fund and received in recognition of Donegal County Council's rate of compliance with the collection of the Household Charge had, he confirmed, been received and accrued into the closing balance for 2012.

The workshop it was suggested, could be held as soon as possible after the Department Briefing Session on the 5th July, 2013.

Members asked specifically that they be provided with all relevant information prior to the workshop taking place. There was, they affirmed, an onus on the Council to ensure that the priorities of Donegal County Council were addressed in the first instance.

Clarification was sought also in relation to the publication of a quarterly financial report as agreed during the 2013 budgetary process.

C/331/13 TO AGREE A DATE FOR WORKSHOP ARISING FROM THE UPDATE ON IMPLICATION FOR 2012 FINANCIAL OUTTURN AND CURRENT PROJECTION FOR 2013

On the proposal of Clr. Mc Guinness, seconded by, Clr. Larkin it was resolved to hold a workshop to discuss the implications of the 2012 financial outturn and current projections for 2013 on Thursday 11th July, 2013 at 10.30am in the County House, Lifford.

C/332/13 DISPOSAL OF LAND AT ARDESKIN, DONEGAL TOWN, TO MS MARIAN COUGHLAN, ARDESKIN, DONEGAL TOWN,

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

On the proposal of Clr. McEniff, seconded by, Clr. Byrne, it was resolved to dispose of land at Ardeskin, Donegal Town, to Ms Marian Coughlan, Ardeskin, Donegal Town, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/333/13 ENDORSEMENT OF THE TERMS OF REFERENCE AND THE MEMBERSHIP OF THE COUNTY HERITAGE FORUM

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

On the proposal of Clr. Larkin, seconded by, Clr. Mc Garvey it was resolved to endorse the existing membership and terms of reference of the County Donegal Heritage Forum in order to allow it continue its work implementing the County Donegal Heritage Plan subject to reference being made in the terms of reference to “Heritage Tourism” and a support structure put in place to allow Heritage Staff report back to the appropriate Strategic Policy Committee.

C/334/13 NOMINATION OF ONE ELECTED MEMBER FROM EACH ELECTORAL AREA TO SERVE ON THE COUNTY DONEGAL HERITAGE FORUM

On the proposal of Clr. Larkin , seconded by, Clr. Mc Garvey it was resolved that one Member from each Electoral Area be selected to serve on the County Donegal Heritage Forum.

Representation to be selected at the next round of Electoral Area Meetings and confirmation of same presented to the full Council for formal ratification.

C/335/13 CONSIDERATION OF THE REPORT ON THE IMPLICATIONS OF THE HIGH COURT DECISION IN RELATION TO TAKING IN CHARGE OF HOUSING ESTATES

Members advised of the need for clarity in relation to the issue.

The County Manager confirmed that a number of steps had to happen prior to the relevant clarification being provided. It had initially to go before Bundoran Town Council and this had been dependent on receipt of the appropriate legal advice. There were elements of this advice, he confirmed, that warranted further explanation before Members could properly consider the Takeover of Estates. The workshop on the 11th July would, he advised provide an opportunity to do this. At this juncture, he advised, that he did not foresee anything that would prevent the matter from being dealt with in a conclusive manner.

Clr. Quinn proposed, seconded by Clr. Brogan that all relevant information be circulated prior to the holding of the workshop.

C/336/13 CONSIDERATION OF THE VARIATION TO THE LETTERKENNY AND ENVIRONS DEVELOPMENT PLAN 2009 – 2015

Members considered the Managers Report and Addendum circulated with the agenda in relation to the above.

Clr. Larkin noted that the response from the public consultation process had been disappointing and cited the need to look at the associated public engagement process. Clr. Mc Guinness was informed that there were no specific recommendations dealing with the foreshore as the entire geographical area had been covered.

On the proposal of Clr. Larkin, seconded by, Clr. Brogan, Members having considered the variation to the Letterkenny & Environs Development Plan 2009-2015(as varied) and the Manager's Report together with addendum to the Manager's Report resolved to make the variation with the modifications as recommended in the Manager's Report and Addendum in accordance with the Planning and Development Act 2000 (as amended).

C/337/13

CONSIDERATION OF THE VARIATION TO THE
BUNCRANA AND ENVIRONS DEVELOPMENT PLAN 2008 -
2014

Members considered the Manager's Report circulated with the agenda in relation to the above.

On the proposal of Clr. Donaghey, seconded by, Clr. Mc Guinness, Members having considered the variation to the Buncrana & Environs Development Plan 2008-2014 and the Manager's Report, resolved to make the variation with the modifications as recommended in the Manager's Report, in accordance with the Planning and Development Act, 2000 (as amended).

Clr. Donaghey advised of the need to go back and look at the implications for the foreshore and the environs of Buncrana as a Special Protection Area and Special Area of Conservation.

Mr. Denis Kelly, Senior Executive Planner informed Members that a review of the Buncrana & Environs Development Plan was taking place concurrent to the variation process. It was, he noted, intended also to proceed with the review of the Letterkenny and Bundoran Plans towards year end. The review process, he added, would offer a more appropriate forum for the discussion of the above matters.

Mr. Michael Heaney responding to a query on the status of the proposed Ballybofey/Stranorlar Area Plan advised that the intention was to commence the process before year end.

Questions were raised as to the cost of carrying out such plans and whether or not it would be appropriate to defer same for a five year period.

The County Manager informed Members that the issue before Members today was the variation to introduce a core Strategy into the Three Town Development Plans. Discussions, he affirmed, had taken place with the Department regarding the deferral of same but the necessary consent had not been forthcoming and the matter had thus proceeded in accordance with current planning law.

He said he did not have the specific costings at hand but confirmed that all of the work outlined had been done in house.

C/338/13 CONSIDERATION OF THE VARIATION TO THE BUNDORAN AND ENVIRONS DEVELOPMENT PLAN 2009 - 2015

Members considered the Manager's Report and Addendum circulated with the agenda in relation to the above

On the proposal of Clr. Mc Eniff, seconded by, Clr. Byrne, Members having considered the variation to the Bundoran & Environs Development Plan 2009-2015 and the Manager's Report, together with addendum to the Manager's Report resolved to make the variation with the modifications as recommended in the Manager's Report and Addendum, in accordance with the Planning and Development Act 2000 (as amended).

C/339/13 MOTION UNDER URGENT BUSINESS

A request signed by Clrs Harvey, Mc Gowan, Crawford, Harley, Quinn, Gallagher, Campbell, Mc Brearty, Donaghey, Brogan, Alcorn, O' Domhnaill, Byrne, Boyle, Farren, M. Mc Bride, Ryan, Canning, M. Doherty, Mc Guinness, Mc Garvey, P. Doherty, and N. Mc Bride to have the following motion discussed as urgent business in accordance with Standing Order No. 28 was read into the record:-

“That this Council calls for the Moratorium on recruitment to be lifted immediately and additional resources allocated to our Community Hospitals in light of the recent HIQUA Reports”

Having considered a number of reasons as to why this should fall under urgent business, the Members agreed unanimously to consider same prior to the close of business.

C/340/13 WORKSHOP WIND ENERGY

Clrs. O' Domhnaill and Gallagher enquired as to the status of the plans to hold a workshop on the issue of wind energy and relevant set back distances as agreed at the Planning SPC and on foot of a motion submitted to Council earlier in the year.

On the proposal of Clr. O' Domhnaill, seconded by, Clr. Campbell, it was resolved that a workshop to discuss a number of issues in relation to wind energy would be held on Thursday 18th July, 2013 at 11am in the County House, Lifford.

Further concerns were raised at this juncture in relation to role of the Corporate Policy Group and its interaction with the relevant SPCS.

On the proposal of Clr. Crawford, seconded by, Clr. Mc Gowan, it was resolved that a report detailing the role of the CPG and its functions, including the implications for Members be presented to the Council either in a meeting or workshop format.

C/341/13 ADJOURNMENT FOR LUNCH

On the proposal of Clr. Farren, seconded by, Clr. M. Doherty, it was resolved to adjourn the meeting for lunch.

C/342/13 MAYOR'S BUSINESS

USA TRIP 2013

The Mayor provided a detailed and comprehensive report in respect of his trip to the USA in March 2013. This was accompanied by a slideshow depicting the various engagements undertaken by the Mayor and the Deputy Mayor.

Delivering the lengthy report, he confirmed, that it had been a great honour to represent the County as first citizen and that the trip had served to demonstrate the necessity of maintaining and developing links with the diaspora.

Meeting with Don Hugo O' Neill

The Mayor stated that he had met with Don Hugo O' Neill, Head of the O' Neill Clan on the 22nd June, 2013

Scouts Presentation –Lifford

It was noted that a successful gathering of scout troops from Derry Tyrone and Donegal had taken place in Lifford recently. Congratulations were extended to all involved in the organisation of the event and to Joe Boland who presented a number of the trophies.

Visit by St Mary's NS, Stranorlar to the County House

The Mayor thanked Ms Anne Marie Conlon, Communications Officer who delivered a presentation on the workings of the Council to the 4th Class from St Mary's National School, Stranorlar on their recent visit to the County House.

Donegal Senior Football Team

Congratulations was extended to the Donegal Senior Football Team on winning their Ulster Semi-final Game in Breda Park At the weekend.

C/343/13 MANAGER'S REPORT

Members considered the report circulated during the Meeting in relation to the above. Mr. Liam Ward, Meetings Administrator outlined the main aspects of the County Manager's Report including updates in relation to the following:-

Roads & Housing Capital

(a) Additional Road Grant Allocation.

Community, Culture and Planning

(a) Donegal Tourism Promotion and Networking Event in Paris.

(b) Donegal Tourism Marketing Initiative.

(c) The Gathering Family History Roadshows

(d) Evaluation of Summer Reading Programmes in Donegal Libraries

(e) Heritage Week in County Donegal

(f) Launch of Heritage Guides

C/344/13 MOTION UNDER URGENT BUSINESS

The Meetings Administrator read into the record the following motion submitted earlier in the meeting in accordance with Standing Order No. 28:-

“That this Council calls for the Moratorium on recruitment to be lifted immediately and additional resources allocated to our Community Hospitals in light of the recent HIQUA Reports”

It was noted that the moratorium on staff recruitment was adversely affecting the quality of care currently available in Community Hospitals and that the standard of care required clearly necessitated a fuller staffing complement.

The HSE it was acknowledged would be forced to reduce services in order to maintain standards should the moratorium continue.

Members advised that this would be detrimental for service provision and availability. Thus it was confirmed that the motion was part of an ongoing campaign to save Community Hospitals,

given the imminent proposals regarding bed closures in a number of institutions across the County.

On the proposal of Clr. Harvey, seconded by, Clr, Mc Gowan, it was resolved to adopt the motion as outlined above.

Clr. Harvey introducing the motion advised that the public service moratorium was adversely affecting the provision of services and that the continuance of this policy would result in even more bed closures. Cuts in other areas of the Health Service, it was acknowledged, were also contributing to the problem. The reality was, she confirmed, that the facilities concerned did not have the staffing resources to meet the HIQUA requirements. It was essential, she added, that the moratorium was lifted immediately and additional monies invested in Community Hospitals.

Clr. Mc Gowan said that it was important that local communities took the lead in the campaign to save the aforementioned services. It was essential, he added that this was done with the assistance of Members from all political groupings.

Members noted that a number of motions dealing with this and associated issues had already been before the Council. It was imperative, they said, that representations were directed to those who actually made the decisions.

Clr. M. Mc Bride said that the matter had been raised at the last HSE West Forum Meeting and assurance had been given that there would be no more bed closures in Community Hospitals in Donegal.

With regard to the situation in Dungloe, this he noted, was a management problem and the lifting of the moratorium would allow management there plan for any emerging gaps with the workers concerned. He cited also the need to have a comprehensive plan for the future given that the demand for beds in community hospitals was due to double over the next 8 years.

Clr. Brogan affirmed that representations needed to be made immediately to the Minister for Health outlining the need to review the moratorium as matter of urgency and seeking also additional capital investment for community hospitals in Donegal.

It was generally acknowledged that the level of investment to date was insufficient to meet the standards demanded by HIQUA.

Concern was expressed also that HSE Management had not sought a derogation of the embargo given the seriousness of the situation. There was general consensus that layers of bureaucracy had been introduced into the health service much to the detriment of local service provision.

Clr. Farren took the Chair for a brief period in the absence of the Mayor.

It was acknowledged also that it was important for HIQUA standards to be maintained in the best interests of those using all community medical services.

The need to work collectively to address the problem was widely welcomed with Members affirming that it was not possible to do more with less when people's lives were at risk.

The Mayor on his return expressed concern also in relation to the closure of the "Voice of Older People Project" in Raphoe.

C/345/13 MAYORS BUSINESS CONTINUED

Mac Cumhaill Park, Ballybofey

On the proposal of Clr. Mc Brearty, seconded by, Clr. Mc Gowan, it was resolved that €6250 be allocated from Council Finances to tarmacadam the entry into Mac Cumhaill Park in Ballybofey.

It was important, he added, that the Council support in some way the excellent work done by the GAA in the County.

The Mayor at this juncture extended thanks to the County Manager, the Members of the Senior Management Team and all staff who had assisted him during his term in office.

The following Questions were submitted:-

C/346/13 PARKING OF CARS ON THE ROSSNOWLAGH BEACH

The following question was submitted by Clr. McEniff:-

"Can the Council tell the Members what they propose to do re cars parking on Rosstown Beach?"

Clr. McEniff was informed that:-

“There was an exceptional number of visitors to the beach at Rosstown on the 8th and 9th June 2013. With the designated off beach car park full to capacity visitors began to park on the beach. There is a designated car free zone which is a safe area for use by visitors particularly children. Council staff monitored this area on both Saturday and Sunday to keep it free from traffic. Staff also monitored the beach for litter on an ongoing basis.

Traffic congestion occurred when the tide started to come in and a large number of vehicles tried to leave at the same time. Drivers adhered to the one-way system for exiting the beach but the large numbers attempting to leave at the same time led to congestion. The Council has reviewed traffic arrangements and in conjunction with An Garda Síochána will ensure that the following measures are taken in future.

1. Ensure that entry and exit points for traffic are kept clear at all times.
2. The entire southern end of the beach will be available for parking and when full traffic will be diverted to the northern end. Traffic would enter at the Surf Club and exit at the Ardeelan Slipway (one-way system).
3. Cars entering at the northern approach will be directed to the Council off beach car park as a first option and when this is full onto the beach at the northern side.
4. An area will be coned off at the southern end for vendor parking.

It is anticipated that these measures will allow for more orderly use of the beach and address the issues that arose primarily as a result of the unprecedented visitor numbers and the understandable reaction of car owners when it was evident that the tide was coming in.”

C/347/13

REQUEST FOR DETAILED INFORMATION ON THE DEVELOPMENT FUNDS GRANTS FOR THE PERIOD 2009 – 2013 INCLUSIVE PER ELECTORAL AREA

The following question was submitted by Clr. Campbell:-

"Can you provide me the following information on Members Development Fund grants for each Electoral Area for each year 2009 - 2013 inclusive in tabular form:

- 1) Name Group granted funding
- 2) Amount Granted
- 3) Whether grant was successfully drawn down
- 4) Date on which grant was drawn down
- 5) Project for which funding was granted
- 6) Name of Councillor that allocated the funding?"

Clr. Campbell was informed that:-

"The information requested in relation to the Members Development Fund grants for each Electoral Area for the years 2009-2013 inclusive is currently being collated and will be made available when this process has been completed subject to any limitations imposed by the Data Protection Act."

C/348/13

REQUEST FOR DETAILED INFORMATION ON THE DFI GRANTS FOR THE PERIOD 2009 – 2013 INCLUSIVE PER ELECTORAL AREA

The following question was submitted by Clr. Campbell:-

"Can you provide me the following information on DFI grants for each Electoral Area for each year 2009 - 2013 inclusive in tabular form:

- 1) Name Group granted funding
- 2) Amount Granted
- 3) Whether grant was successfully drawn down
- 4) Date on which grant was drawn down
- 5) Project for which funding was granted?"

Clr. Campbell was informed that:-

"In the limited time available since the submission of the question it has been possible to compile a list of the organisations who have been allocated DFI grants in the years 2009-2013 and the amount allocated per organisation (see attached table).

The Council is assessing whether release of all the information in the format requested might be contrary to limitations imposed by the Data Protection Act." Vide Appendix 1.

C/349/13 CLARIFICATION ON THE OWNERSHIP OF THE MILITARY BARRACKS LIFFORD

The following question was submitted by Clr. Crawford:-

"What is the delay or does Donegal County Council have possession of the vacant Military Barracks in Lifford?"

Clr. Crawford was informed that:-

“Donegal County Council have been in discussions with the Department of Defence over the past couple of years regarding the Council acquiring the Lifford Barracks. The Council do not currently have possession of the Barracks. Agreement in principle had been reached and the Department were to make some repairs to the plumbing and heating systems. The majority of that work has now been completed. It is expected that the Council will conclude all discussions with the Department on the Lifford Barracks before the end of 2013.”

C/350/13 FUTURE PLANS TO DEAL WITH THE INCREASE IN THE NUMBER OF ELECTED MEMBERS POST 2014 LOCAL ELECTIONS

The following question was submitted by Clr. Crawford:-

"What plans does Donegal County Council have to cater for increased number of Elected Councillors after the 2014 Local Elections?"

Clr. Crawford was informed that:-

“The implications arising from the implementation of the recommendations in the Local Electoral Area Boundary Committee Report 2013 and the 'Putting People First' proposals are currently being considered. As the members will be aware, these recommendations and proposals give rise to a very significant range of issues to be considered, one of which will be the physical accommodation of the increased number of Elected Councillors at meetings of the Council etc.

Arrangements will be made to bring proposals to the Council in these matters at the earliest possible date.”

C/351/13 TIMEFRAME FOR THE ERECTION OF TWO STREET LIGHTS ON L-3044 AT NAVENNY JUNCTION WITH MCFEELYS BRAE AS ALLOCATED BY CLR. HARLEY

The following question was submitted by Clr. Harley:-

"When will the two street lights that I granted money for two years ago on the L-3044 at Navenny Junction with McFeelys Brae be erected?"

Clr. Harley was informed that:-

“Part of this job involves relocating an Existing Overhead ESB Wire and the installation of two street lights. The ESB work needs to be completed prior to the Street Lights being erected.

Eircom are aiming to install a new Fibre Powered Broadband service in Ballybofey/ Stranorlar Town. This scheme will upgrade the Broadband Speeds for the towns of Ballybofey & Stranorlar. Part of the Eircom scheme involves the relocation of the ESB wire referred to above.

We have met with Eircom last week and they are submitting a wayleave application over the coming weeks for the entire project and are very anxious to proceed with the project as soon as possible.

We will keep members up to date in relation to the ESB Line alterations now being undertaken by Eircom and will process the Street Lighting application when this has been done.”

C/352/13 START DATE FOR THE ELACTAGH BRIDGE PROJECT

The following question was submitted by Clr. Harley:-

"Could this Council give me a start date for the works on Elactagh Bridge and an approximate date for completion of this project?"

Clr. Harley was informed that:-

“The tender is currently planned for July 2013 with start on site aimed for in mid August. This is all subject to all land purchase and statutory and contract formalities and completion within the contracted 6 month contract period. Based on the foregoing the aim is to complete mid to late February 2014.”

C/353/13 UPDATE ON THE REPLACEMENT OF THE ELACHTA BRIDGE

The following question was submitted by Clr. McGowan:-

"Please can an update be given on the replacement of Elactagh Bridge, Cloghan including a detailed works plan?"

Clr. McGowan was informed that:-

"The tender is currently planned for July 2013 with start on site aimed for mid August. This is all subject to all land purchase and statutory and contract formalities and completion within the contracted 6 months contract period. Based on the foregoing the aim is to complete mid to late Feb 2014."

C/354/13 REQUEST FOR AN OUTLINE OF THE ROADS RESTORATION WORKS IN 2013 IN LIGHT OF THE ANNOUNCEMENT OF ADDITIONAL FUNDING OF €3.027M

The following question was submitted by Clr. McGowan:-

With regard to the announcement by the Minister for Transport, Tourism and Sport Leo Varadkar TD of an allocation of €3.027m to Donegal County Council for additional funding to be directed primarily to surface restoration works in 2013, from a total budget of €50m nationally.

Can you outline the following:-

- The flexibility for some of the additional funding to be allocated to particular safety schemes, should the Council consider that those particular safety schemes need to be progressed urgently, including
- How much of the original 2013 Surface Restoration Program as adopted in 2012 is in fact being delivered as it was pointed out a recent Electoral Area Meeting that the Roads Program was cut 3 times so far this year?
- Is it possible to add additional roads as the public on foot of the press release are now demanding the inclusion of same?
- Whether the general cuts agreed at Council Meetings will be reversed?

- Whether the Residents living on the original 2013 Roads List can be informed that their Roads will be reinstated and that the most recent 10% cut in length to all listed roads will also be reinstated? (C)

Clr. McGowan was informed that:-

“The Department of Transport Tourism and Sport have notified the Council of a further €3.027m of funding as part of the restoration improvement grant (the grant used for reconstructing and strengthening roads) as part of the Government’s Infrastructure investment plan. The allocation reflects in part the Council’s record in respect of funding repairs from our own resources and brings the total figure under this grant heading to €12.631m, and increase of approximately €1.3m on the 2012 grant. The circular that accompanies the notification of the grant notes allocation is to be directed primarily to surface restoration works but that if the Council considers that there are particular safety schemes that need to be progressed urgently and that some of the additional funding should be allocated to such schemes then the Council may submit details of these safety schemes to the Department for approval.

Members will be aware that a prioritised list of roads for the period 2013- 2016 was prepared following consultation with members in September 2012. This additional allocation will permit other roads to be completed. The Road works programme was not cut three times this year. The Department by circular in April permitted the Council to transfer up to 30% of its restoration improvement grant into discretionary maintenance. Following consultation with members an average of 8.5% per EA or a total of €804,000 was transferred from the restoration improvement grant to the discretionary maintenance grant and is now available for general maintenance. The net effect of this transfer was to reduce the length of roads restored from 159km to 155km. As discussed with members at the time this has been achieved largely by savings and general efficiencies made under a number of headings.

The Department have requested a returned list of roads by the 28th of June and it would be expected to reflect the priorities agreed by members in September 2012. Notwithstanding this the exact extent and location of roads to be selected for completion will be based on

a number factors including an unforeseen road collapse, the Council's staff resource to complete the works and the Council's overall need for flexibility in its funding sources and the disbursement of these. This will be a matter for members to agree to."

C/355/13 UPDATE ON CLR ALCORN'S MOTION REGARDING THE REQUEST FOR THE PROVISION OF MATERIALS FOR NON COUNTY ROADS IN LIGHT OF THE ABOLITION OF THE LIS AND GAELTACHT ROAD GRANTS

The following question was submitted by Clr. Alcorn:-

"Could I have an update on the Motion that I got passed at the County Council Meeting in 2012, asking that Donegal County Council support a request that materials should be provided for Non County Roads for people who are prepared to collect same at County Council Depots, because of the abolition of LIS Schemes and Gaeltacht Road Grants the repair of Community Roads has become a major problem".

Clr. Alcorn was informed that:-

"While the difficulties were acknowledged at the Council Meeting in January 2012, it was not agreed that the Council would provide such materials. It was agreed that this matter would be raised with the Minister of Transport. This was done at the end of February 2012 where a Council Delegation met the Minister. While the Minister acknowledged the situation, the position on providing a LIS Grant remained unchanged for 2012. In addition, it was agreed that the matter would be brought to the Roads & Transportation Strategic Policy Committee for consideration of developing a policy around the provision of materials for non-county roads. Again, while the position was well acknowledged, the issue of available monies has meant it was difficult to formulate a new policy that would cover the work and provide a budget for non-county roads.

In 2013, an option was made available by the Department of Transport to transfer some Discretionary Maintenance Grant Monies to LIS Schemes on a limited basis. While this was considered, Council ultimately decided to not make such transfers."

C/356/13 DEMAND FOR EXPLANATION ON THE DELAY IN CARRYING OUT 2013 RESTORATION GRANT ON THE GLEN ROAD – ANNAGRY AND THE WHITE CROSS ROAD – RANAFAST

The following question was submitted by Clr. Alcorn:-

"Why has there been so such a long delay, (which is very unacceptable to the residents) on the carrying out of the 2013 Restoration Grant on the Glen Road - Annagry and The White Cross Road - Ranafast?"

Clr. Alcorn was informed that:-

“Both these Roads are on the 2013 Restoration Improvement Programme. Documentation has been prepared with the intention to seek Tenders for the overlay Works. Tenders are scheduled to be sought on a countywide basis over the next few weeks. When receipted Local Staff will prioritise the delivery of these Projects in conjunction with the successful Contractor. It should be noted that it is envisaged that the 'bundling' of Contracts that is being done will result in Donegal County Council receiving better Value for Money.”

C/357/13 NEED FOR THE CREATION OF A PLAN TO MAXIMISE THE POTENTIAL OF THE KILLULT PIER AMENITY

The following question was submitted by Clr. O’Domhnaill:-

"Can this Council create a plan to maximise potential of the Killult Pier Amenity and so as to be in a position to seek funding to create a Leisure Facility and Amenity for the people and tourists who visit?"

Clr. O’Domhnaill was informed that:-

The Council will seek that the Local Area Team carry out an initial assessment and present their report for consideration of support for future funding.

C/358/13 EXPORLATION OF THE TOURISM POTENTIAL OF DRUMNATINNEY BEACH AND THE POSSIBILITY OF SECURING DEVELOPMENT FUNDING

The following question was submitted by Clr. O’Domhnaill:-

"Can this Council look at the Tourism Potential of Drumnatinney Beach, bring a water source to the Beach and create a design by way of application so as to apply for funding for a development in the near term?"

Clr. O'Domhnaill was informed that:-

"The Local Area Team be asked to carry out an assessment and costings for the provision of water to the beach and determine if viable to make a case for future funding as it becomes available."

C/359/13 COST TO THE COUNCIL IN HOSTING A CIVIC RECEPTION

The following question was submitted by Clr. Canning:-

"How much does a Civic Reception cost this Council?"

Clr. Canning was informed that:-

The cost of each Civic Reception varies dependant on the numbers attending and the numbers receiving an award at the reception. That being the case, the average cost per civic reception would be approx €750 - €800.

Where a Civic Reception is held to confer the Freedom of the County on an individual, the costs on average is higher and likely to be in the region of €800 to €1,000.

These costs do not include the cost of staff time.

The authority to confer Civic Honours by a local authority is provided for in Section 74 of the Local Government Act, 2001 and is a Reserved Function.

C/360/13 DONEGAL COUNTY COUNCIL POLICY IN RELATION TO DEALING WITH COMPLAINTS RECEIVED ABOUT PUBLIC REPRESENTATIVES

The following question was submitted by Clr. Canning:-

"After attending a recent JPC in Lifford, a County Council Official stated that they do not react or take on board an anonymous complaint from the public in relation to anti social behaviour etc, I would like to ask this Council if they have a different policy when

it comes to complaints about Public Representatives and if so, what is this policy?"

Clr. Canning was informed that:-

“It is assumed that the reference to complaints made about Public Representatives relate to possible contraventions of Part 15 of the Local Government Act, 2001 and or the Code of Conduct for Councillors.

That being the case, complaints received in relation to Anti-Social behaviour are dealt with in accordance with the Anti-Social Behaviour Strategy as adopted by the members in Donegal Co. Council on 26th Oct., 2010.

On Page 11 under the section 'Complaints Procedure' there are a number of sub-sections.

First is Fairness and Impartiality - The Council will investigate every complaint in a fair, impartial and objective manner.

Secondly - Making The Complaint - Complaints will be accepted by telephone or in writing. Written complaints would be preferable. Some complaints may not fall within the definition of the 1997 Housing (Misc. Provs.) Act, but may relate to breaches of the Tenancy Agreement. In cases where legal action is anticipated, complainants will be requested to attend Council offices and provide a full statement of the complaint.

Thirdly - Complaints That Will Not Be Accepted Or Investigated - The following complaints will not be accepted or investigated - Individual anonymous complaints. Complaints against unidentified persons.

With reference to complaints made about Public Representatives relating to possible contraventions of Part 15 of the Local Government Act, 2001 and or the Code of Conduct for Councillors, the following procedures apply:

Such complaints are normally brought to the attention of the Ethics Registrar. Part 15 - Section 174 (7) of the Local Government Act, 2001 sets out the Duties of the Ethics Registrar in dealing with matters that come to his/ her attention - as set out below:

Duty of ethics registrar, etc.

174.— (7) Where the ethics registrar, or the manager in relation to paragraph (c), becomes aware of a possible contravention of this Part it is his or her duty to bring the matter to the attention of—

(a) the manager for the local authority, in case the matter relates to any other employee,

(b) the Cathaoirleach of the local authority, in case the matter relates to the manager,

(c) the Cathaoirleach of the local authority, in case the matter relates to the ethics registrar,

(d) the manager for the local authority, in case the matter relates to the Cathaoirleach,

(e) the Cathaoirleach and the manager for the local authority in case the matter relates to a member of the local authority other than the Cathaoirleach, and

(f) in any other case, the manager for the local authority.

Therefore the Ethics Registrar is obliged to act irrespective of how he / she became aware of a possible contravention. The Ethics Registrar must satisfy himself / herself that a possible contravention may have occurred and then to bring the matter to the attention of the relevant party / parties as detailed above.”

C/361/13

RELATIONSHIP BETWEEN DONEGAL COUNTY COUNCIL AND THE DEPARTMENT REGARDING PROVISION OF SEWAGE TREATMENT FOR THE TOWNS OF RAMELTON, RATHMULLAN, KILMACRENNAN AND MILFORD

The following question was submitted by Clr. McGarvey:-

"What is the present position between the Council and the Dept. with regard to Sewerage Treatment for the Towns of Ramelton, Rathmullan, Kilmacrennan and Milford?"

Clr. McGarvey was informed that:-

“Ramelton, Kilmacrennan, and Milford Sewerage schemes are schemes that are included under the Donegal Towns & Villages project which is a project approved for planning under the Water Services Investment Programme 2010-2013. Preliminary Reports for all three towns are currently being prepared which will pave the way for network improvements and new wastewater treatment facilities to be advanced. The preliminary reports are expected to be completed and submitted to the Department before the end of 2013. The Preliminary Report for Rathmullan Sewerage scheme is already complete and the Council and the Department are looking at possible bundling options for the advancement of the scheme through the procurement and construction stages.”

C/362/13 FUTURE PLANS FOR SEWERAGE CONNECTION TO MAIN SEWER TO INCLUDE THE DROMORE AREA OF LETTERKENNY

The following question was submitted by Clr. McGarvey:-

"Will Donegal County Council include the Dromore area, Letterkenny in future Plans for Sewerage connection to main Sewer due to the density of Housing over a short distance?"

Clr. McGarvey was informed that:-

“There are no plans to connect the Dromore area of Letterkenny to the public sewer network. While the proposal has considerable merit the Council will be concentrating on advancing proposals for the servicing of more densely developed areas of Letterkenny that are currently unserved.”

C/363/13 PROVISION TO COUNCIL OF THE FULL LIST OF COUNCIL ASSETS

The following question was submitted by Clr. Brogan:-

"As agreed at Budget Meeting in 2012 and 2013, when could we as a Council have a full list of Council Assets, so we can review how we get best value and return on all Council Assets either through, sale, lease or possible PPP on Council lands?"

Clr. Brogan was informed that:-

“The Council has a proactive approach to the maximisation of income that can be realised through the disposal (either short term

let/lease or full disposal) of any assets that are no longer actively required for the carrying out of the Council's functions at any given time. This is determined following a review by the lead Directorate with responsibility for the asset and, subsequent to the lead directorate determining that it does not have a use for the asset, other Directorates are requested to advise of any potential demand that their service may have for the asset. In the event that no use is determined, then an economic assessment is made as to what the best approach is to maximising the value of the asset to the Council, with the objective of balancing the generation of income with the economic demand for such an asset from the private or other public sector at that time.

An approach is therefore taken that, in some instances, will determine that a disposal is appropriate whilst in other instances, the value offered is not sufficient, in the view of the executive, to dispose of the asset with the result being that a decision is taken to retain the asset with the ultimate objective of re-visiting the market at a more appropriate time whilst, in the interim, maximising short term rent or lease income, if appropriate. In some instances, it is not practical to let an asset on a short term basis as the cost of remediating the asset to a disposable standard would far outweigh any income to be realised and, in such instances, an approach to safeguard the asset is taken. This approach is ongoing in a number of instances at present, including at some of the Council's former fire stations.

It should be noted that the disposal of certain assets can only be reflected with the income being used for limited, specific purposes, e.g. income from the disposal of S.I. houses is limited to use as Internal Capital Receipts for Housing purposes only (some 6 houses are currently and actively in the process of being disposed of in this manner)

Similarly, the disposal of houses surrendered to the Council or re-possessed for non-payment of Housing Loans will result in income contributing to paying off the respective loans that the Council has itself drawn down for that purpose.

A number of such properties fall into this category at present. The market has been tested in a number of instances in this regard this year and, unfortunately, the price offered to the Council is not sufficient to consider the sale of such properties at this time as it

would result in a substantial deficit accruing as a result of the gap between the loan originally drawn down and the price offered. The approach now being taken with such properties (we would estimate some half dozen or so this year) is to have them taken into rental stock with the loan re-payments from the original lender to the Council being re-negotiated to match the new form and level of income, pending normalisation of Housing market prices and/or other form of MARP (Mortgage Arrears Resolution Process) approach being brought to bear Nationally which would best protect the Council's financial interests in this area.

The Council has recently had two properties on the open market, one by offer and one by auction. The old fire station in Moville sold at the pre-estimated acceptable value while a parcel of land at Glentogher did not reach a value deemed acceptable and this will now be offered for short term lease, pending an upswing in the market. There are a further number of assets under the Water, Waste Water, and CCP Directorates that are at an advanced stage of discussion for disposal, the likely realisable value of these are, at present, cumulatively in excess of €200,000. The position of the asset in each case (whether it has a debit balance requiring coverage) will ultimately determine the use to which each income line, as realised, can be applied to.

As there are ongoing negotiations with interested parties in various cases, the Members will appreciate the commercial sensitivity of disclosing any detail pending concluding discussions in relation to any such case. However, once an acceptable agreement is reached all such transactions are brought to both Local EA and subsequently to full Council with proposal to dispose of lands presented for the consideration of the members under Section 183 of the Local Government Act 2001.

Some 40 assets representing both land and buildings are the subject of let/ lease arrangements at time of writing. These reflect an income of approx. €3,000 for 2013 at time of writing, with many being of a long term and nominal nature, given the manner of their use and the beneficiary body. A detailed schedule of these is being compiled and will be forwarded to the members in the coming days.

A further specific piece of work is ongoing within the Council in identifying assets currently tied onto water and waste water

infrastructure but which might not be required to be transferred as any transfer of functions and assets to Irish Water, the objective being that the Council would retain such excess assets for future use or sale. It is expected that this work will be concluded before year end.

It should also be noted that there are continuing ad-hoc disposals of minor assets, (e.g. small portions of ground etc.) to the public, most often following a request from the public themselves.”

C/364/13

CONFIRMATION OF THE PROPOSAL ON THE SPEND OF
ADDITIONAL FUNDING RECEIVED AS A RESULT OF THE
IPB DIVIDEND AND THE REACHING OF THE TARGET ON
THE HOUSEHOLD CHARGE

The following question was submitted by Clr. Brogan:-

"With regard to the additional funding received by Donegal County Council, please confirm the following:-

The amount of dividend received from IPB this year and how we propose to spend this money, and

The proposals if any to spend additional funding from the Department in light of reaching target on the Household Charge?"

Clr. Brogan was informed that:-

“The Council's insurers, Irish Public Bodies, have confirmed the payment of a dividend back to their member Local Authorities during 2013, based upon trading/claims performance in 2012. While no formal notification has yet been received of the specific amount to be paid, the Council had estimated an income of €250,000 for this heading when preparing the 2013 Revenue Budget. As such, the dividend is already accounted for in planned income for 2013 and as a general contribution to overall Revenue costs for this year.

Approximately 46,000 have now registered for the Household Charge in Donegal. This represents a compliance figure in excess of 70% with registrations continuing up to 30th June when responsibility for this area will pass to Revenue and when the charge will increase to €200 from the current €145. The Council would again encourage anyone not yet registered to do so before the end of June and to avoid unnecessary penalties and charges.

When estimating income outturns for 2012, as part of the preparation of the 2012 Annual Financial Statement, the Council executive in February of this year projected that the 65% threshold of compliance would be achieved before the end of June and accrued the additional income that would result to the Council to the 2012 trading period on foot of that. On that basis the income derived as a result of this, some €309,000, is reflected in the 2012 Annual Financial Statement and is not available in 2013. The cash impact of this accrual will be reflected in the Q2 and Q3 payments of the Local Government Fund, paid proportionately in April and July of this year.”

C/365/13

MOTIONS FROM OTHER COUNCILS/BODIES

The following motions from other councils were noted:-

BUNDORAN TOWN COUNCIL

“That this Council call on Donegal County Council to replace the life buoys at Tullan Strand as they all appear to have been covered in sand or washed away.”

BUNDORAN TOWN COUNCIL

“That this Council calls on Donegal County Council to tar and repair the road outside McGloin’s Ease End and the Bridge at the West End.”

BUNDORAN TOWN COUNCIL

“That this Council calls for the refurbishing and a full maintenance programme for Bundoran Fire Station.”

MONAGHAN TOWN COUNCIL

“That this Council calls on the relevant Departments and agencies to consider how best to regulate the quantity, quality and labelling of packaging materials used on smaller items for sale in Ireland with a view to reducing the amount of packaging used.”

MONAGHAN TOWN COUNCIL

“That we write to the Minister for Justice, Alan Shatter calling for a maximum 10 year sentence and a minimum of 5 years for any person involved in a fatal motor accident who leaves the scene.”

MONAGHAN TOWN COUNCIL

“That this Council write to the Minister for Social Protection, Joan Burton to rescind her intention to make people of retirement age

(65) sign on at the dole office for one year in order to obtain their State pension which will be reduced by €42.30 per week.”

MONAGHAN TOWN COUNCIL

“That this Council calls on the Minister for Justice to review the criteria involved in assessing applicants wishing to enter the State to live to ensure that they do not have a criminal record in the country of origin or any other country.”

OFFALY COUNTY COUNCIL

“That Offaly County Council write to the Minister for Justice & Equality and to the Garda Commissioner Martin Callinan requesting that Garda recruitment be resumed as soon as possible.”

LEITRIM COUNTY COUNCIL

“That Leitrim County Council call on the Minister for Arts, heritage and Gaeltacht Affairs, Mr Jimmy Deenihan, TD, who’s Department has responsibility for the National Heritage Areas (N.H.A. areas), to revisit the issue of a blanket ban on turf cutting in those affected areas with a view to amending the legislation so as to allow bog owners and turf cutters the right to continue to harvest turf as their main source of Fuel. There are 4 NHAs in Leitrim which will be directly affected by the ban – the areas are Cashel Bog, Corracramph Bog, Cloonageeher Bog and the bogs along the Rinn River – there are a further 2 NHAs which straddle the Leitrim/Longford border – Aghnamona Bog and Wooddown Bog – which will also be affected by the ban. The ban, which is due to come into effect at the end of 2013, would result in an almost total cessation of turf cutting in the South Leitrim area and will cause a lot of anger within communities who have been harvesting turf on their bogs for generations.”

CLARE COUNTY COUNCIL

“That Clare County Council calls on the Minister for Justice, Mr Alan Shatter TD, to undertake a review of accommodation arrangements for refugees and asylum seekers.”

LIMERICK COUNTY COUNCIL

“That, the Minister for Finance and the Government would be called upon to reimburse the Irish Credit Unions who lost their investments in the purchase of Investment Bonds from Anglo Irish Bank as a result of the recent liquidation of IBRC. We further propose that this Motion be circulated to all Local Authorities.”

NENAGH TOWN COUNCIL

“That Nenagh Town Council ask that any State board positions that come up and are advertised through Public Jobs.ie are assessed by an independent panel and the relevant Minister should be bound by the recommendations of the panel.”

LOUTH COUNTY COUNCIL

“This Council calls on the Minister for Environment, Community and Local Government Phil Hogan to empower and resource Local Authorities to effectively assess persons, on a case to case basis, who have left what was the family home owing to relationship breakdown, to clearly set out policy to deal with such applicants, and to set out mechanisms within this policy to allow for compassionate and psychological factors of persons to be part of the assessment processes.”

KERRY COUNTY COUNCIL

“That this Council request the Minister for Agriculture, Simon Coveney, T.D., to make an application for E.U. Solidarity Fund (EUSF) to help address the serious fodder crisis in Kerry as farmers are in a serious crisis and need urgent assistance.”

KERRY COUNTY COUNCIL

“That Kerry County Council requests the Department of Agriculture to address the current fodder crisis and put in place measures to counter act any future fodder crisis the country may face again.”

Members of Kerry County Council asked that the resolutions be forwarded to the Minister for Agriculture for consideration and are seeking the support all the Local Authorities on the western seaboard of the country in this matter.

MONAGHAN COUNTY COUNCIL

“That Monaghan County Council notes the publication of the Regional Quality of Life report from the Central Statistics Office last month. We further note that this report highlights in stark terms the neglect of the Border Region which includes Monaghan. The report shows that this region has the highest rates of unemployment, empty homes, medical card holders, voter apathy and emigration and lower rates of investment than anywhere else in this state. This is further evidence of the negative impact of

partition, conflict and the neglect of successive governments on this region.

That Monghan County Council hereby calls for:

A specific targeted job creation strategy for the Border Region.

That full development of all-Ireland economic policies including the planning for the harmonisation of tax rates, currency and financial services.

Investment in vital infrastructural projects within the border region and on a cross border basis.

That a copy of this motion be forwarded to An Taoiseach and to the Minister's for Finance and Enterprise, Trade and Employment.

That we also forward to each County Council in the Border Region.”

This concluded the business of the meeting.