

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
22 Meán Fomhair, 2015

FOGRA CRUINNITHE

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 28 Meán Fomhair, 2015, 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
22nd September, 2015

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 28th September, 2015, 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 July, 2015.

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

Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of by way of lease property at Letterkenny Public Services Centre to Pobal.

3. Corporate

- a) To note membership of the Letterkenny Theatre Management Company.

4. Finance

- a) That Members consider whether they wish to pass a resolution to vary the Local Property Tax in Co Donegal in respect of 2016 by up to 15%.
- b) To agree date for Statutory Budget Meeting

5. Authorisation of attendance at Seminar, Training or Event **Training**

- LAMA Autumn Training Seminar - The Lobbying Act (Implications for Councillors) to be held Friday 9th and Saturday 10th October, 2015 at the Hotel Kilkenny, College Road, Kilkenny.
- AILG – Autumn Seminar to take place Thursday 1st and Friday 2nd October, 2015 in the Inchydoney Island Lodge and Spa Hotel, Clonakilty, Co Cork.
- Institute of Public Administration – Attendance of Cllr Murray on Stage 3 of the Bachelor of Arts in Public Management subject to successful completion of the Bridging Studies Programme and in accordance with the Local Government Expenses of Local Authority Members Regulations 2014.

Conferences

- Celtic Conferences – A Practical Guide to Budget 2016 to be held from Friday 23rd to Sunday 25th October, 2015 in the Clonakilty Hotel, Clonakilty, Co Cork.

- Domestic Abuse Awareness – part of the Man Up Campaign Donegal, to be held Friday 16th October, 2015 in the Chamber Room, Public Services Centre, Letterkenny.
- Connecting the Wild Atlantic Way to be held Friday 9th October 2015 in the Clanree Hotel, Letterkenny.

Abroad

- a) Conference of Peripheral Maritime Regions of Europe to be held from Wednesday 4th to Friday 6th November, 2015 Firenze Fiera (Congress and Exhibition Centre) Piazza Adua 1, 50123 Florence (Tuscany, Italy).
- b) Participation and representation at the Golden Bridges Events in Boston - October 2015.

6. Conference Reports

Clr Patrick McGowan

AILG Training held 26th February 2015 in the Welcome Inn Castlebar.

Clr Patrick McGowan

AILG Training held the 12th and 13th March 2015 in the Nuremore Hotel Carrickmacross Monaghan.

Clr Enda Bonner

Minutes of Meeting of the CPMR held on 12th June 2015 in L. Hersonissos-Heraklion, Crete, Greece.

Clr James Pat McDaid

AILG Training held 25th June 2015 in the Hodson Bay Hotel, Athlone.

Clr Gerry McMonagle

AILG Training held 25th June 2015 in the Hodson Bay Hotel, Athlone.

Clr Gary Doherty

AILG Training held 25th June 2015 in the Hodson Bay Hotel, Athlone.

7. Presentation

To receive presentation from our Local Enterprise Office (12.30pm)

8. Reception of Deputation

Reception of Deputation from the families of the Undocumented Irish in the United States. (12.00 noon).

MOTIONS

LETTERKENNY MUNICIPAL DISTRICT

Corporate

9. Cllr Shiels

"That this Council will not make any future purchases of land for development purposes unless:

(1) such purchase contracts by the Council are accompanied by a statutory declaration sworn under oath from the relevant vendor(s) declaring that no elected member either past or present has (or has had any prior beneficial or legal interest) in the property being sold or in any company owning such property (if held by a limited company) and declaring that the vendor(s) are not connected to elected representatives either past or present by family relationship or formal business relationship; and

(2) such purchase contracts by the Council are made conditional at contract signing stage upon any such purchase contract being brought before a full council meeting for approval and scrutiny by the elected members (as is already the case for disposals of land under the Local Government Acts).

Community and Enterprise

10. Cllr McBride

"That Donegal County Council put a fixed sum into our next budget of approximately €25,000 specifically for the development of our railway tracks as walkways and cycle -ways to enhance our public amenities and help fast track our opportunities of major European funding, so we can finish these tracks to the same standards we find when we visit our European neighbours."

11. Cllr McMonagle

"That this Council supports the Demands of the Donegal Centre for Independent Living for the Government to finally Ratify the UN Convention on the Rights of Persons with Disabilities and that this Council also supports their call for a €300 million investment into Disability Services in the upcoming budget in order to redress the Cuts suffered by Organisations and People who have Disabilities in recent years."

Housing

12. Cllr Quinn

"That Donegal County Council immediately commence a series of information gathering and information sharing meetings in the Letterkenny and Inishowen Municipal Districts on the issue of MICA. These public meetings must be attended by Council engineers and officers from the Housing Section."

Roads and Transportation

13. Clr McDaid

"That this Council call on the Minister to reinstate Strategic Road monies and also reinstate LIS monies to address the current need for urgent improvements. If there is no response from the Minister within 28 days that we seek to meet him with a cross party delegation of this Council."

DONEGAL MUNICIPAL DISTRICT

Finance

14. Clr O'Neill

"That this Council discuss the situation regarding the high number of vacant commercial premises in towns across the County and put in place a rates incentive scheme to encourage business activity so as to revitalise many towns in County Donegal that seek this local authority's assistance."

Roads

15. Clr Jordan

"That this Council seek to secure a meeting with the Mid East Antrim Council to investigate options for securing funding for the development of Strategic Bridges in both jurisdictions."

STRANORLAR MUNICIPAL DISTRICT

Corporate

16. Clr Harley

"I am calling on this Council to ask the Government to issue a bus pass to all cancer and all other patients travelling to Galway or Dublin during the period of their treatment regardless of their age."

17. Clr McGowan

"That this Council being a consultee and Member of Citizens Information services in Donegal discuss and agree on issues relating to the Citizen Information and MABS services in the County as previously discussed by this Council."

Housing

18. Clr Gary Doherty

"That this Council calls on the Government to make provisions in the upcoming budget for the immediate insulation of all local authority housing stock."

GLENTIES MUNICIPAL DISTRICT

Corporate

19. Cllr O'Domhnaill

"That Donegal County Council fully support the full retention of the NowDoc/CareDoc service across Donegal and that the Ambulance service within the County is made fit for purpose to ensure that response times are adequate and minimised in all parts of the County."

20. Cllr MacGiolla Easbuig

"Go dtacóidh Comhairle Contae Dhún na nGall le 'Ceart agus Cóir do Ráth Miontáin' agus go gcáinfidh sí an phóilíneacht pholaitiúil ar léir a bheith ann ón dóigh a phléigh an stát leis an agóid shíochánta in Jobstown, Tamhlacht, Co Átha Cliath."

"That Donegal County Council supports 'Justice for Jobstown' and condemns the political policing which is evident in the way the state has responded to the peaceful protest at Jobstown, Tallaght, Co Dublin."

Finance

21. Cllr MT Gallagher

"That this Council adopt a seasonal rates policy, to ensure that small seasonal businesses are in a position to continue to operate, and encourage opening of closed premises in town centres."

Water & Environment

22. Cllr O'Fearraigh

"Go n-iarrfaidh Comhairle Contae Dhún na nGall ar Roinn na Mara scrúdú a dhéanamh ar an ábhar a dumpáladh amach ó chósta, agus cóngarach dár gcuid oileán amach ó chósta, atá ina ábhar inní dár bpobail áitiúla ó thaobh na sláinte agus fiadhúlra de."

"That Donegal County Council call on the Department of the Marine to investigate the contents of materials dumped off the coast and in proximity to our off-shore islands, which local communities have concerns on health and wildlife."

INISHOWEN MUNICIPAL DISTRICT

Housing and Building

23. Cllr Crossan

"That Donegal County Council purchase more houses to add to our current rental stock, and deliver a quicker, more cost effective service."

24. Cllr Canning

"I would ask that this Council revisit the method of approval and recommendations for Disabled Grants insofar as certain houses that meet the Part M disability criteria within the Building Regulations but do not meet the Occupational Therapists recommendations."

25. Cllr McGuinness

"That the Council discuss the Housing situation in the County."

Corporate

26. Cllr Albert Doherty

"Given that in Donegal the NDLS (National Driver Licence Service) is not delivering from Letterkenny an adequate and acceptable service to 95% of the people within 50km of the centre, that this Council tender to deliver the NDLS Service from its electoral areas at the first and earliest opportunity and in the interim direct the appropriate Minister to at least ensure NDLS establish and deliver a part time centre to venues outside the 50km recommended distance deadline. (Similar to Galway and Mayo)

Community & Enterprise

27. Cllr. Murray

"That Donegal County Council, in conjunction with the OPW, Failte Ireland and all other relevant agencies commits to flagship tourist projects in Co. Donegal by working to develop all necessary tourist amenities."

28. *Cathaoirleach's Business*

29. *Chief Executive's Monthly Management Report*

QUESTIONS

LETTERKENNY MUNICIPAL DISTRICT

Housing and Building

30. Cllr Kavanagh

"Can the council review its policies with regard to the allocation of housing adaption grants for people with a disability and for elderly people, as currently too many successful applicants are not in a

position to take up the offered grant as they cannot afford the balance to meet the quotation for the work, and the grant therefore does not get drawn down, this has implications for the ability of elderly and disabled people to remain in their own home?"

Planning Control

31. Cllr Kavanagh

"I was recently given photographic evidence of an industrial level of illegal sand removal from one the of the county's most scenic beaches, are the Council happy that enough is being done in terms of monitoring and in terms of enforcement in order to protect our beaches from this activity, given the huge importance and central part that our beaches play in attracting tourists to the county?"

Finance

32. Cllr Shiels

"Can the Council confirm why for a number of years now the Local Government Auditors annual repetitive recommendations as to regularising tender irregularities have been ignored and nothing substantive has ever been done to remedy those issues?"

Corporate

33. Cllr Quinn

"Has this Council given up on the prospect of ever realising a financial dividend from the extremely expensive Whole System of Work?"

34. Cllr Quinn

"What role does the Council have in order to ensure the accuracy of the Register of Electors?"

35. Cllr Shiels

"Can the Council confirm how many of its Public Services Centres are presently partially occupied by staff of Irish Water and give details of what Council office space is actually presently occupied by Irish Water."

Roads and Transportation

36. Cllr Brogan

"Can this Council confirm the number of specific Improvement Projects that it is progressing county-wide in 2015 and set out the timescale to complete these jobs?"

37. Cllr Brogan

"Can Donegal County Council outline what new road alignment projects county-wide that the NRA have approved in Donegal in 2015. I'm aware of the N15 at Blackburn Bridge job, the Gweebarra Bends on the N56 and I believe the Council has been informed that the Unifi/Kiltoy Roundabout and Road Improvements are being given the go ahead for design and construction. Can the Council confirm the details of the programme of works and the timescale involved for these projects?"

STRANORLAR MUNICIPAL DISTRICT

Roads and Transportation

38. Cllr Gary Doherty

"Can this Council provide me, in tabular form, the results of the road conditioning survey from each of the five Municipal Districts?"

39. Cllr Gary Doherty

"Will this Council seek to secure a cross-party delegation meeting with An Taoiseach and the First and Deputy First Ministers to outline our support for the A5 Project and the absolute need for this project to progress?"

40. Cllr McGowan

"Can the Council outline what progress there has been lately with the A5 the Ballybofey/Stranorlar By-pass and the Lifford to Manor NP major projects and outline any meeting with Government Officials North or South including any plans or funding for the N13, N14, and N15?"

Community and Enterprise

41. Cllr McGowan

"Please can the Council outline the benefits this County acquired from the Peace Programmes and other EU funding and show in clear terms what plans there are to avail of these benefits in the future, this will also mean supporting the EU funding office within the Council which was developed and strengthened approximately 10 years ago?"

GLENTIES MUNICIPAL DISTRICT

Roads and Transportation

42. Cllr O'Domhnaill

"Can this Council support and implement a programme whereby rivers which the Council have responsibility for are assessed and dredging

works carried out to alleviate flooding in these areas and where necessary?"

43. Cllr Gallagher

Can this Council give a detailed timeline and supply all correspondence within Council and with outside bodies regarding coastal erosion at various locations throughout the County?"

Community and Enterprise

44. Cllr O'Domhnaill

"Can this Council advise when the next tranche of Leader funding will be available in Donegal, When will applications be accepted, when will the first grants approvals be made in regards to these applications and what level of funding will be available to Donegal per year over the lifetime of the Programme?"

Housing

45. Cllr MacGiolla Easbuig

“Cá mhéad cás de thurnamh talún a tharla ar fhorbairtí tithíochta de chuid na Comhairle le cúig bliana déag anuas, cad iad na heastáit, cad é mar a réitíodh iad agus cén costas a bhí ar achan cheann acu?”

“How many instances of subsidence in council housing developments have taken place in the last fifteen years, which estates, how were they resolved and how much did each cost?”

Emergency Services

46. Cllr MacGiolla Easbuig

“An dtig le Comhairle Contae Dhún na nGall briseadh síos a thabhairt de líon na dtinteoirí (comhraiceoirí dóiteáin) coinnithe atá in achan limistéar stáisiún dóiteáin sa chontae, liosta de na seirbhísí deonacha dóiteáin atá sa chontae, agus na ceantracha ina bhfuil gá le stáisiún úra dóiteáin.”

"Can Donegal County Council provide a breakdown of the number of retained firemen in each of the fire station areas in the county, a list of the voluntary fire services in the county and the areas where new fire stations are required?"

Planning

47. Cllr Gallagher

"Can this Council provide a detailed timeline for the delivery of Tier Two Town Plans?"

INISHOWEN MUNICIPAL DISTRICT

Housing

48. Cllr Albert Doherty

"Has the Council and the Director of Housing conducted and or instigated an investigation for existence of Mica/Defective block in all Electoral Areas Council Housing Stock to ensure a comprehensive report is compiled for presentation by Cross Party Council Delegation to Minister Alan Kelly?"

49. Cllr Albert Doherty

"How many houses county-wide have been secured by lease and as a consequence, in how many cases are the Council shareholders in management companies, how much is council contributing to what number of housing management companies?"

Planning

50. Cllr Murray

"Do the Special Charges that are being levied on wind farms only cover the specific costs of work needed to build the wind farms or is there a contribution on top of that, that is for other community infrastructure and facilities, and if so, how is it calculated and how can councillors monitor it?"

51. Cllr Murray

"In the light of the huge profits being made by wind turbine owners and given that other Councils are charging up to €18,000 a turbine in development levies, will the planning department do a comparative study between the Donegal Council Special Charges and other Councils Development Contribution Schemes to identify if the council is getting the best deal for the people of Donegal?"

52. Motions from Other Councils/Bodies

CLARE COUNTY COUNCIL

"In view of the extreme shortage of housing in County Clare and the difficulties elected members have in fully engaging with the process, I am asking the CEO of Clare County Council, the Commissioner for Data Protection, the Minister for Justice and the Minister for Housing – what specific legal provisions are there to prevent members of this Council from accessing information held by the local authority with regard to housing policy, housing provision, housing allocation and any other housing matters, and to address any such legislative

anomalies so as to remove restrictions on local authority members fully exercising their mandated role as public representatives.”

LIMERICK CITY AND COUNTY COUNCIL

“That, the relevant Ministers for Agriculture and Arts, Heritage and the Gaeltacht are contacted about the unsatisfactory situation regarding the marketability of lands designated for the hen harrier; in particular, where a farmer wants to upgrade his/her farm by purchasing non-designated agricultural lands from the sale proceeds of the designated land, that we call on the state to either purchase the relevant land at forestry value or remove the designation so the forestry companies can purchase and plant same.”

LEITRIM COUNTY COUNCIL

“That Leitrim County Council write to the Minister for Agriculture, Mr Simon Coveney not to implement the new regulations in regard to farmers having to get Planning Permission to replace existing fencing or when erecting new fences on their lands.”

LEITRIM COUNTY COUNCIL

“That Leitrim County Council call on the Department of Agriculture and Minister Simon Coveney to reverse, the unjust Single Farm Payment cuts and penalties imposed on farmers, in marginal and disadvantaged areas across rural Ireland. Many farmers are struggling to survive, with loss of income and penalties imposed on farm land which had been actively farmed and properly maintained for generations but was deemed ineligible and not fit for farming in 2013. I also call on the Minister to cease all Land eligibility, ground and aerial satellite inspections, until this unfair situation is resolved.”

SLIGO COUNTY COUNCIL

“Sligo County Council calls on the Minister for Finance to return to the Dail with an open mind and listen to the very real concerns of T.D.s before he signs new Regulations into law on the remaining Section s of the 2012 Credit Union Act.”

MINUTES OF SEPTEMBER MEETING OF DONEGAL COUNTY
COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 28TH
SEPTEMBER, 2015

C/398/15 MEMBERS PRESENT

Cllrs C Brogan (Cathaoirleach), L Blaney, J Campbell, P Canning, T Conaghan, N. Crossan, A Doherty, G Doherty, L Doherty, R Donaghey, M Farren, M. T. Gallagher, M Harley, N Jordan, J Kavanagh, N Kennedy, M C Mac Giolla Easbuig, F McBrearty, M Mc Bride, J P Mc Daid, M McDermott, S Mc Eniff, I Mc Garvey, P McGowan, B McGuinness, G McMonagle, J Murray, S O' Domhnaill, J O'Donnell, J S O'Fearraigh, B O'Neill, M Quinn, J Ryan, D Shiels & T Slowey.

C/399/15 OFFICIALS IN ATTENDANCE

Mr Seamus Neely, Chief Executive, Mr Liam Ward, Director of Housing, Corporate & Planning Control, 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 Eunan Quinn, Senior Executive Planner, Ms Eileen Burgess, County Librarian, Mr Sean O' Daimhin, Oifigeach na Gaeilge, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

C/400/15 APOLOGIES

Apologies were received from Cllr Crawford who was unable to attend the meeting.

C/401/15 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 27TH JULY 2015

On the proposal of Cllr McBride, seconded by, Cllr Harley the minutes of the meeting of Donegal County Council held on the 27th July 2015 were approved.

Clr Campbell referring to Minute C/284/15 enquired as to when the information requested would be circulated, and asked that an update be provided when applicable.

C/402/15 DISPOSAL BY WAY OF LEASE OF PROPERTY AT LETTERKENNY PUBLIC SERVICES CENTRE TO POBAL

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

On the proposal of Cllr Blaney, seconded by, Cllr McBride it was

resolved to dispose by way of lease property at Letterkenny Public Services Centre to Pobal in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and Section 183 of the Local Government Act, 2001.

C/403/15 TO NOTE MEMBERSHIP OF THE LETTERKENNY THEATRE MANAGEMENT COMPANY

Members considered the report circulated with the agenda in relation to the above. On the proposal of Cllr Blaney seconded by Cllr Kavanagh it was noted that the membership of the Letterkenny Theatre Management Company was comprised of the following:-

- Cllr Gerry Mc Monagle.
- Ms Anne Mc Gowan
- Cllr Jimmy Kavanagh
- Ms Lisa Culbert

C/404/15 CONSIDERATION OF RESOLUTION TO VARY THE LOCAL PROPERTY TAX IN CO DONEGAL

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

Cllr Gary Doherty said that Sinn Fein grouping were opposed to the property tax as it was unfair and an unacceptable imposition on many families. There was, he advised, no recognition of a person's means or ability to pay.

He thus proposed that the Local Property Tax in Donegal be reduced by 15% for 2016 thus putting €1.6m into the pockets of the citizens of Donegal. Cllr Quinn seconded the proposal and urged all those opposed to the property tax to support the motion. This was essential, he said, in order to reduce the stress under which many families were living at present.

Cllr Mac Giolla Easbuig said that he was against the LPT and would not accept any attempt to produce a reduced version of same. He said that he would be abstaining from the vote.

Cllr Shiels also outlined his intention to abstain. Elected Members, he said, were merely players in a game and proposals to reduce the tax by 15% would generate minimal savings of between 26c and 60c per week.

Cllr Crossan proposed, seconded by Cllr Mc Bride that the Local Property Tax for 2016 be retained at its current level.

Cllr Mc Brearty said that legal clarification was required in order to ascertain whether or not the Council had the power to increase or decrease the Local Property Tax.

A lengthy debate ensued with Members raising a number of issues, namely:

- The fact that the tax was a source of income which was realistic and easily calculated.
- Waiver system needed for those who are unable to pay and vulnerable groups such as the elderly.
- Noted that reduction would lead ultimately to reduced services county-wide.
- Concern that the proposal to reduce the LPT would send out the wrong message and create an impression at national level that money was not needed in Donegal.
- Issue at hand was really the manner in which Local Government was funded.
- Donegal needed to be funded properly by central government and on par with other Counties.
- Noted that a 15% reduction would cost the County in the region of €1.6m and would impact considerably on service provision.
- Local fundraising deemed a priority.

Mr Seamus Neely, Chief Executive outlined for Members the potential implications of increasing or decreasing the Local Property Tax for 2016. A 15% decrease, he advised would result in €1.588m less LPT income to the Revenue Budget. To increase the rate by 15% would, he confirmed, result in additional income of €1.588m being available to the Revenue Budget. This, he said, was a definitive step in the 2016 Budget process and if the decision of Council was to leave the LPT in its current state then it would allow the Executive retain the same capacity as in the 2015 Budget document. A reduction in the tax would, he noted, equate to a reduction in spending in 2016. This, it was confirmed, would have particular implications for areas in which the Council had some discretion i.e. the Strategic Development Fund and Tourism

funding.

A recorded vote was then taken by the Meetings Administrator in relation to the counter proposal by Cllr Crossan, seconded by Cllr Mc Bride that the Local Property Tax in Donegal for 2016 remain at its current rate.

This resulted in 20 voting for with 9 against and 4 abstentions.

Those voting for included:-

Cllr Blaney, Brogan, Canning, Conaghan, Crossan, Donaghey, Farren, Harley, Kavanagh, Kennedy, Mc Bride, Mc Daid, Mc Dermott, Mc Eniff, Mc Garvey, Mc Gowan, Mc Guinness, O' Domhnaill, O' Neill, and Slowey. (20)

Those voting against included:-

Cllrs A Doherty, G Doherty, L Doherty, Gallagher, Jordan, Mc Monagle, Murray, O Fearraigh, and Quinn. (9)

Cllrs Campbell, Mac Giolla Easbuig, Mc Brearty and Shiels abstained.

Thus it was resolved not to vary the Local Property Tax in Donegal for 2016.

C/405/15 AGREEMENT OF DATE FOR THE STATUTORY BUDGET MEETING

On the proposal of Cllr McBrearty, seconded by, Cllr Blaney, it was resolved to hold the Annual Budget Meeting at 10am on Wednesday 18th November.

C/406/15 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 -2014 as amended and directives issued by the Minister in that regard, on the proposal of Cllr Blaney, seconded by Cllr Kavanagh, it was resolved to authorise any member, if he/she so wished, to attend the following conferences, subject to the normal procedures:-

- i. Individual members not exceeding their annual budget for attendance at conferences.
- ii. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
- iii. Submission of a Conference Report.

Training

- LAMA Autumn Training Seminar - The Lobbying Act (Implications for Councillors) to be held Friday 9th and Saturday 10th October, 2015 at the Hotel Kilkenny, College Road, Kilkenny.
- AILG – Autumn Seminar to take place Thursday 1st and Friday 2nd October, 2015 in the Inchydoney Island Lodge and Spa Hotel, Clonakilty, Co Cork.
- Institute of Public Administration – Attendance of Cllr Murray on Stage 3 of the Bachelor of Arts in Public Management subject to successful completion of the Bridging Studies Programme and in accordance with the Local Government Expenses of Local Authority Members Regulations 2014.

Conferences

- Celtic Conferences – A Practical Guide to Budget 2016 to be held from Friday 23rd to Sunday 25th October, 2015 in the Clonakilty Hotel, Clonakilty, Co Cork.
- Domestic Abuse Awareness – part of the Man Up Campaign Donegal, to be held Friday 16th October, 2015 in the Chamber Room, Public Services Centre, Letterkenny.
- Connecting the Wild Atlantic Way to be held Friday 9th October 2015 in the Clanree Hotel, Letterkenny.

Abroad

- c) Conference of Peripheral Maritime Regions of Europe to be held from Wednesday 4th to Friday 6th November, 2015 Firenze Fiera (Congress and Exhibition Centre) Piazza Adua 1, 50123 Florence (Tuscany, Italy).
- d) Participation and representation at the Golden Bridges Events in Boston - October 2015.

Members alluded to the requirement that notification of attendance at specific events, conferences, training seminars etc be provided on an individual basis on the day of the meeting.
Mr Liam Ward, Director Housing, Corporate and Planning

Control informed the meeting that the matter had been debated by the Housing and Corporate SPC and subsequently referred to full Council. The Council, he noted, had decided to retain the existing practice of approving all Members who wished to attend with bookings made through the Council Secretariat. It would, he said, be possible to review the matter again.

C/407/15 CONFERENCE REPORTS

On the proposal of Clr Kavanagh, seconded by, Clr McMonagle the members noted the following conference reports:-

Clr Patrick McGowan

AILG Training held 26th February 2015 in the Welcome Inn Castlebar.

Clr Patrick McGowan

AILG Training held the 12th and 13th March 2015 in the Nuremore Hotel Carrickmacross Monaghan.

Clr Enda Bonner

Minutes of Meeting of the CPMR held on 12th June 2015 in L. Hersonissos-Heraklion, Crete, Greece.

Clr James Pat McDaid

AILG Training held 25th June 2015 in the Hodson Bay Hotel, Athlone.

Clr Gerry McMonagle

AILG Training held 25th June 2015 in the Hodson Bay Hotel, Athlone.

Clr Gary Doherty

AILG Training held 25th June 2015 in the Hodson Bay Hotel, Athlone.

C/408/15 RECEPTION OF DEPUTATION FROM THE FAMILIES OF THE UNDOCUMENTED IRISH IN THE UNITED STATES

The Cathaoirleach welcomed Mr Michael Mc Mahon, Chairman, Families of the Undocumented Irish in the USA to the meeting. He alluded to the fact that the plight of the undocumented was one that was close to the heart of many Donegal people and needed to be addressed at national level.

Mr Mc Mahon informed members that the issue was one that had been ongoing for more than twenty years and had now reached a crossroads in terms of its progression. There were, he said, in the region of 50,000 to 70,000 undocumented Irish in the USA all of whom had no statutory or legal status. The recent immigration bill

introduced by President Obama was, he stated, currently languishing in the US Supreme Court and offered little hope in the short-term.

He noted however that there was a mechanism whereby the Irish Government could assist the undocumented. This, he said involved the visa waiver scheme which removed the three and ten year unlawful presence bars for undocumented citizens and was granted by the Embassy in the host country.

Countries such as Mexico, New Zealand, the Dominican Republic and the UK had to date availed of this scheme. He called on the Irish Government to open negotiations with the US Ambassador and request visa waivers for eligible citizens.

It was imperative, he added, that something was done for those Irish people abandoned in the USA and unable to return home. He alluded to the plight of many families who were unable to return home for family events or visit elderly parents. These people, it was acknowledged were valid members of the community contributing to life in the USA. He called on the Taoiseach's Office, the Department of Foreign Affairs, the Tanaiste's Office and the Minister for the Diaspora to get involved with the project and formally request the waivers.

It was imperative, he said, that all political parties north and south came on board to progress the matter.

Concluding, Mr Mc Mahon called on Donegal County Council to lead out in the campaign and explore all possible avenues for assisting the undocumented Irish in America.

The Cathaoirleach thanked Mr Mc Mahon for his informative and passionate presentation, advising that Members would do their utmost to support the campaign.

Cllr Brogan proposed, seconded by Cllr Mc Garvey the following:-

“That a letter outlining Members support for the campaign and the necessity of formally asking the US Ambassador for visa waivers be forwarded to the Minister for Foreign Affairs and the United States Ambassador in Ireland.”

Members outlined their support for campaign and noted the importance of keeping the Donegal Associations in the USA up to

speed on the matter. The need for all political groupings to get involved was identified together with the importance of lobbying the Republican Party in the United States.

Cllr O' Neill said that the Council should demand a meeting with the Minister for Foreign Affairs and the Taoiseach's Office. He called for a one day conference to be organised locally to highlight the situation and focus attention on the need for visa waivers.

The Cathaoirleach suggested that Cllr O' Neill progress the matter at national level and enquire as to the possibility of a delegation from Donegal County Council meeting with both the Taoiseach's Office and the Minister for Foreign Affairs.

It was noted that this was also an opportune time to raise awareness as a new leader of the opposition was due to be selected in the United States and could be lobbied in relation to the plight of the undocumented.

Cllr Mc Monagle said he was supportive of Cllr O' Neill's proposal to hold a national conference in Bundoran and suggested that invites be extended to the US Ambassador and personnel from the Department of Foreign Affairs.

Reference was made also to the fact that lobbying was needed in every state in the USA.

Cllr Kennedy advised that she had tabled a motion at the July Meeting in relation to the topic and asked if there had been any response from either the Taoiseach's Office or the US Ambassador. She asked also if it had been circulated to other Local Authorities.

Concern was raised that there were inconsistencies in the US Authorities treatment of the three and ten year unlawful presence bars for undocumented citizens.

Mr Mc Mahon responding said he was heartened with the Member's response, but the crux of the matter, was that the Government needed to do more. The issue was, he noted, more urgent than ever given the changing nature of politics in the USA and the impending 2016 Irish General Election. He was supportive of the idea to hold a national conference on the plight of the

undocumented and urged Members to demand that the Government open negotiations on the visa waiver scheme.

C/409/15 LETTERKENNY TIDY TOWNS COMMITTEE

The Cathaoirleach informed Members that he had just received confirmation that Letterkenny had been named Ireland's Tidiest Town for 2015 in the annual Supervalu National Tidy Towns Awards competition. He congratulated Ms Anne Mc Gowan, Chairperson, Letterkenny Tidy Towns Committee, and all associated with the group on this marvellous achievement.

C/410/15 ADJOURNMENT OF MEETING

Members unanimously agreed to adjourn the meeting until 2.30pm.

C/411/15 PRESENTATION BY THE LOCAL ENTERPRISE OFFICE

Members welcomed a delegation from the Donegal Local Enterprise Office comprising the following:-

- Michael Tunney
Head of Enterprise
- Ursula Donnelly
Assistant Head of Enterprise
- Danny Mc Eleney
Business Advisor
- Eve Anne Mc Carron
Business Executive

Mr Michael Tunney, Head of Enterprise delivered a comprehensive and informative presentation detailing the structure and objective focus of the Local Enterprise Office. An overview of the service provided by the Office was also presented. (Vide Appendix 1)

Members were appreciative of the update provided and a number of issues were raised during the ensuing debate. These included:

- Concern regarding project participation levels from 2013 to 2015.
- Query as to whether the organisation's focus was more urban than county-wide.
- Whether Business Representative Groups were engaging with LEO.
- Was there visible promotion of "land Banks"?

- Whether there was active promotion of Donegal County Council land banks?
- Outlined need to facilitate enterprise development in the east of the County. Concern that there was no Outreach Centre in this region. Suggested that Enterprise Workshop be held in the Finn Valley area.
- With regard to the food strategy noted that there was no mention of craft beers.
- Query as to how the LEOs were fitting into the new enterprise structure and whether this revised format was proving to be effective.
- Whether jobs had been lost in the transfer process.
- Need to strengthen and promote message that LEOs are open for business.
- Issue of broadband coverage highlighted and whether there was sufficient capacity to allow for development.
- What attempts had been made to co-operate with the business sector.

Mr Tunney responding to a number of queries informed Members of the following;-

1. That a change in the criteria applicable for grant aid had made it more difficult to provide employment support particularly in the cross-over process.
2. General lack of confidence and the harsh economic climate over the past few years had seen a significant increase in the number of existing businesses looking for grant aid.
3. The remit of the LEO was a county-wide one and that there was engagement with local Chambers of Commerce.
4. That historically Enterprise Ireland had kept a quarterly review of available land banks in the County but that this was not something that was presently maintained .
5. Every effort had been made to hold workshops on a county-wide basis with specific focus on the creative industries. Noted that greater use could be made of the Community Enterprise Centres.
6. It was intended to raise awareness and develop a more artisan type focus into the future.
7. Noted that a clear memorandum of understanding had existed previously in relation to the County Enterprise

and Board and the Leader Programme and that it was intended to develop same within the new structure. This was essential, he added, in order to avoid duplication and ensure that all concerned were clear in relation to their role and function.

8. With regard to the amalgamation into the DCC structure, it was noted that some minor adjustment was needed in respect of the Service Level Agreement between the Local Authority and Enterprise Ireland. He advised that it was intended to build on the good relationship which had been established previously with the Enterprise Development Section of the Council so as to ensure that the enterprise focus of the LEO is maintained.
9. That there had been no loss of jobs as a result of the change in the Leader process.
10. Broadband issues were something that could be looked at in terms of the Council's own Draft Digital Strategy.

This concluded the discussion and the Cathaoirleach thanked Mr Tunney and his team for the presentation.

C/412/15 MOTION ON LAND PURCHASED BY DONEGAL COUNTY COUNCIL

Cllr Shiels proposed, seconded by, Cllr Campbell, that the following motion be adopted :-

"That this Council will not make any future purchases of land for development purposes unless:

- (1) such purchase contracts by the Council are accompanied by a statutory declaration sworn under oath from the relevant vendor(s) declaring that no elected member either past or present has (or has had any prior beneficial or legal interest) in the property being sold or in any company owning such property (if held by a limited company) and declaring that the vendor(s) are not connected to elected representatives either past or present by family relationship or formal business relationship; and
- (2) such purchase contracts by the Council are made conditional at contract signing stage upon any such purchase contract being brought before a full council meeting for approval and scrutiny by the elected members (as is already the case for disposals of land under the Local Government Acts).

Cllr Shiels said that he wished to amend the motion to include immediate family members including spouses, civil partners, co-habitants, siblings and relatives of Councillors together with all those who engaged in formal business arrangements with Elected Members.

The motion was amended as outlined below and seconded by Cllr Campbell:-

That this Council will not make any future purchases of land for building development purposes unless:

- (1) such purchase contracts by the Council are accompanied by a statutory declaration sworn under oath from the relevant vendor(s) or in any company owning such property (if held by a limited company) and declaring that the vendor(s) are not connected to elected representatives either past or present by family relationship or formal business relationship; and
- (2) such purchase contracts by the Council are made conditional at contract signing stage upon any such purchase contract being brought before a full council meeting for approval and scrutiny by the elected members (as is already the case for disposals of land under the Local Government Acts).

And for the purposes of this motion the definition of “connected person” as defined in section 166(1) of the Local Government Act 2001 be added to by the addition of a “cohabitant or civil partner”.

The motion, he said, was good ethical practice and reflected the type of Council which members wanted to be part of. He noted that on any occasion land was to be disposed of, Member’s approval was required. It would he said, put to bed the perception that politically connected persons were involved with land purchases involving Donegal County Council. He alluded to the fact that there had been talks in Letterkenny regarding land purchases prior to the matter being advertised publically.

Donegal County Council, he said, needed to send out a strong message that this was not the case. He asked that the motion if adopted be circulated to all other Councils.

Members were informed that:-

The purchase of land by the Council is an executive function and hence it is not considered that the motion as drafted would be lawful or binding on the Chief Executive of the Council. That aside even if it were a view endorsed by the members and the Council was being urged to introduce such a practice, it would give rise to major concerns about same, namely –

(a) It would debar the Council from purchasing any particular piece of land for development purposes unless both pre conditions could be met. As the Council would generally be buying land with some form of development purpose in mind be it housing, roads etc., this would apply to virtually all purchases.

(b) In relation to pre-condition (1) –

(1) It would completely outrule any purchase of land –

- Where the Vendor concerned is a present or past member of the Council.
- Where the lands were owned at some earlier time by a present or past member.
- Where a present or past member had some beneficial or legal interest either now or in the past which did not amount to full ownership.
- Where a present or past member holds or previously held shares in a company if the Vendor is such company.
- Where the Vendor is connected to a present or past member by any form of family relationship or formal business relationship.

(2) In some cases the only land the Council will want or need to purchase is owned by someone coming within the outruled categories above meaning that the Council would be precluded from buying land which is perhaps needed urgently for say road realignment, extension to a housing estate etc.

(3) Even if the development purpose for which the Council needs the land can be met by different tracts of land in a particular area, it may be that the most suitable and cost effective option could be ruled out simply because this pre-condition could not be met.

- (4) In a case where particular lands are required and no agreement with the Vendor is possible, the Council would usually have to proceed by way of compulsory purchase order and this would undoubtedly cause problems in that process if the Council had committed itself to a practice of not buying lands where this pre-condition could not be met.
- (5) Further if land was available on the open market at any particular time and could be bought for a reasonable price for some anticipated future need the Council would have for same but this pre-condition could not be met, it could mean the Council having to pay much more for less suitable land in the future when the need was current and pressing.
- (6) The obligations of members to declare particular interests in land and/or to disclose the nature of interests material to matters under discussion by the Council members and to withdraw from same are covered in Part 15 of the Local Government Act 2001 (as amended) – Ethical Framework for the Local Government Service. If any additional obligations were to be imposed on members of a type which seem to be envisaged by this Motion, same would be best achieved by amendments to this legislation which would apply nationally. It is also the case that the legislation (as it must be) has to be very specific in defining the type of interests involved and the connections and relationships covered. The motion as it stands does not do so and is open to very wide interpretation. A further general point that might be made here is that any possible change should only be in relation to the obligations of members to declare particular interest etc. as opposed to debarring certain purchases altogether which this motion provides for.
- (7) Finally and on a related point to the last one above if instead of amending legislation the Council were to attempt to deal with this by insistence on particular conditions in a contract for sale then even if a statutory declaration of the nature sought could be given in the circumstances of a particular case, the Vendor might not agree to such a condition and runs the risk of introducing added delay and cost to the process.
- (c) In relation to pre-condition 2 –

(1) As the motion states most disposals of land by the Council require the members approval under Section 183 of the Local Government Act 2001 after notice is given under that provision. There are obviously different considerations which apply to disposals of land and the legislators clearly considered that the Council members' approval should be given where Council owned land is proposed to be sold. If there was to be a change to require similar approval to be given for Council purchases, I would suggest again that this would be more appropriate for national legislation than this Council seeking to introduce a requirement that would not apply elsewhere. It also runs the same risk that the Vendor may not agree to such provision which may at best result in delays and added cost and at worst force the Council to acquire lands compulsorily that could otherwise be done by agreement. It could also potentially complicate any compulsory purchase process because the Council members' approval to any such purchase is not required".

Cllr Shiels outlined his disappointment with the reply and asked who exactly was running Donegal County Council. The motion, he contended, was about taking power into the Member's own hands and creating a situation whereby the ethics of individual Members could not be called into question.

Cllr Shiels added that in the past Members were critical of replies given to motions, but on this occasion a very detailed reply had been provided which, he described, as 'creative'.

Cllr Mc Garvey said that he had difficulty with the motion and the fact that it would interfere with the general running of Council. It would, he noted, have significant implications for Members both past and present and result in unnecessary legal activity which could go on for years. It would also, he added, infringe unnecessarily on the electorate.

Cllr Canning said that he was opposed to the motion. The fact that it had been changed in the middle of the meeting, he said, prevented the Executive from providing a more comprehensive response.

The amendment, he contended, changed the dimension of the motion significantly, and particularly the assertion that the scope be extended to include co-habitants. Cllr Shiels, he noted, had been

supportive previously of the proposal that city status be awarded to Letterkenny. The motion now before Members would, he said make this nigh on impossible.

Cllr O' Domhnaill outlining his opposition said that it would make the purchase of land for Council housing impossible. He had he confirmed, every confidence in the Council Executive and a motion such as this would, he advised, would only serve to tie the hands of the Executive. The integrity of Members, he said, had been called into question.

Cllr Campbell queried as to whether Standing Order No 30 was being properly adhered to.

After some consideration on the proposal of Cllr Campbell, seconded by Cllr Mc Garvey it was resolved to suspend Standing Order No 30 to allow all Members contribute to the debate.

Cllr O' Neill said that the motion if passed could give rise to a situation whereby certain persons were excluded and the result would be a challenge through the Courts. Members, he said, had always obeyed and been guided by the fact, that this was an executive function. He said that if Cllr Shiels had an issue with a particular transaction then it should be reported through the proper channels

Cllr O' Donnell said that the motion was an affront to the integrity of the Elected Members and nothing more than a time wasting exercise which if passed would not be in any way beneficial to the development of the County.

Cllr Mc Dermott alluded to the fact that many Councillors had by necessity other employments and that these often involved interaction with private companies, something which the motion was attempting to stifle.

Cllr Quinn asked whether the response reflected the opinion of the Executive or that of the Council Solicitor. Sinn Fein, he said, supported the spirit of the motion in terms of attaining overall transparency. The wording, however, he contended, did not offer a practical solution towards addressing the public's concerns and thus, he said, the party could not support the motion.

The Chief Executive responding said the response had outlined the factual position and as to how land procurement was provided for in law. He was, he said, tasked with the responsibility of leading the Executive and ensuring the efficient operation of services within the relevant laws and guidelines.

It was, he said, clear from a legal point of view that the purchase of land was a function assigned to the Executive. The reply, he confirmed, had been based on the advice of the Council's Law Agent and it was, somewhat disappointing, he said, to have the reply described as a creative. There were risks, he contended, when exceptional conditions were added to land purchases and also the risk of denying a small group of citizens their legal rights.

He was, he said, of the opinion that the amendment of the motion was not significant enough to require an amendment of the answer.

Concluding, he said that the changes proposed would not be workable on a practical level and that the Ethics Code was already there to ensure a reasonable approach was taken. The proposals as outlined by Cllr Shiels were something, he said, that needed to be legislated for at national level or indeed dealt with under the Ethics Code.

A show of hands was then taken by the Meetings Administrator with 25 voting against the motion and 2 voting for.

As a result the motion fell.

Cllr Shiels in conclusion said that a number of hard questions had been asked and it was clear that a number of Members had deliberately not understood the motion.

The Cathaoirleach following a number of heated exchanges adjourned the meeting for a ten minute recess.

On resumption the Cathaoirleach warned Members against making personalised remarks in the Chamber.

Cllr Shiels said an opportunity had been missed to get the message out to the public that Donegal County Council had a clear position in relation to transactions involving state monies.

A number of Members took umbrage with Cllr Shields in relation to his contention that there had been deliberate misunderstanding of the motion.

Cllr O' Neill proposed, seconded by Cllr O' Donnell that the remark be withdrawn.

A number of Members said that they had the utmost confidence in the ability of the Executive to deal with such matters and called for any evidence of wrongdoing to be reported to the relevant authorities.

Cllr Conaghan said he was extremely disappointed with the tone of the debate contending that the matter had been used as a platform for self promotion.

C/413/15 RINGFENCING OF FUNDING IN THE COUNCIL BUDGET IN ORDER TO ENHANCE WALKWAYS AND CYCLE WAYS

It was agreed to defer this item to later in the meeting.

C/414/15 COUNCIL SUPPORT FOR THE DEMANDS OF DONEGAL CENTRE FOR INDEPENDENT LIVING FOR THE GOVERNMENT TO RATIFY THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

On the proposal of Cllr McMonagle, seconded by, Cllr A Doherty, the following motion was adopted:-

"That this Council supports the Demands of the Donegal Centre for Independent Living for the Government to finally Ratify the UN Convention on the Rights of Persons with Disabilities and that this Council also supports their call for a €300 million investment into Disability Services in the upcoming budget in order to redress the Cuts suffered by Organisations and People who have Disabilities in recent years."

Cllr Mc Monagle advised of the need for greater investment in disability services. He said that there were serious legacy issues arising from years of government cuts. At local level it was acknowledged that the DCIL had been subjected to budget cuts of €182,000 per annum which had severely affected service delivery. Concern was expressed also that the HSE had not met with the DCIL to look at the service level agreement or address funding

issues. This, he confirmed, had led to the overall exclusion of people with disabilities.

The Government's failure to ratify the UN Convention on the Rights of persons with disabilities was he contended, merely a monetary decision.

He asked that the motion be forwarded to the Taoiseach's Office and the Minister for Finance for consideration

Cllr Doherty said that he was honoured to second the motion. He said that there was no impediment to Ireland ratifying the CRPD and that the 1871 Lunacy Act needed to be repealed immediately as there was an urgent need for reform in the area of capacity law.

He alluded to the fact that under Article 1 - the purpose of the present Convention was to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

There was no opposition to the motion.

Cllr Mc Monagle welcomed the support and reiterated his call for the Taoiseach's Office and the Minister for Finance to be informed in relation to the adoption of the motion, and of the need to significantly enhance all aspects of disability funding.

C/415/15 CALL FOR THE COMMENCEMENT OF MEETINGS IN LETTERKENNY AND INISHOWEN MUNICIPAL DISTRICTS ON MICA PROBLEMS

On the proposal of Cllr Quinn, seconded by, Cllr A Doherty, the following motion was adopted:-

"That Donegal County Council immediately commence a series of information gathering and information sharing meetings in the Letterkenny and Inishowen Municipal Districts on the issue of MICA. These public meetings must be attended by Council engineers and officers from the Housing Section."

Members were informed that:-

“Concerns in relation to the presence of Muscovite Mica in the

Housing Stock generally in the County have been raised for some time. Donegal County Council has at all times adopted the position that its main priority was in relation to its own Housing Stock and to the tenants that are living in our houses. The current position in relation to our own Housing Stock is set out hereunder and in the appended extract from the July 2015 report to Council from the Chief Executive.

As outlined in the appended report, the Minister for Housing, Planning and Construction, Paudie Coffey TD, has announced the establishment of an independent panel of experts to examine the defective blocks issue. The Council will engage with this process as appropriate. Members of the public who have concerns in this regard in relation to their private houses, should also be advised to engage with this panel of experts as further details of same become available.

There are very serious concerns in relation to the Council facilitating public meetings as suggested in this motion. The Council has confirmed the presence of Muscovite MICA in its own stock at the July meeting and are in the process of examining the scale, extent and potential costs associated with any remedial programme of works that will be necessary to address same. The resources available to the Council are focused in this area and there is little doubt, these resources will be stretched when the full scale of this issue in our own stock becomes clear.

In relation to the Presence of Muscovite MICA in Council Housing Stock, as stated above, the Chief Executive provided an update in his Monthly Management Report to Council at the July 2015 meeting. This extract is appended to this reply.

Since the July 2015 meeting, as indicated in the Chief Executive's report, arrangements have been made to carry out the detailed testing to the sub-floor blocks in the three locations previously identified. The Council is seeking to have the results of these tests available at the earliest possible opportunity but indications are that it will be late September / early October.

On receipt of same, the Council will be in a position to determine the level and extent of remedial works that will be necessary.

Arrangements have also been made to engage with Housing

Maintenance staff in the other Electoral Areas in the County with a view to establishing the extent of the presence of Muscovite MICA in our Housing Stock across the County. As previously noted, the presence of some cracking in external walls is common place and does not in itself indicate the presence of MICA or defective blocks. The initial findings are that at this time, the presence of Muscovite MICA in our Housing Stock in the Glenties, Donegal and Stranorlar Municipal Districts is not presenting as a cause for concern. A number of potential cases have been reported in the Letterkenny Municipal District and these cases are subject to further examination at present.

It is accepted that a comprehensive report is required and it will be evident to all that the tests already carried out, together with the current testing being conducted will inform this report together with the assessment from each Municipal District.”

Cllr Quinn said it was imperative that the Council as a Housing Authority acted responsibly to what was a potential crisis situation for Donegal County Council. The Authority, he said, could not afford to sit back and wait for for an expert group at national level to do their work whilst families in Donegal lived in abject fear.

Cllr Doherty seconding the motion alluded to the reference in paragraph three of the reply that available resources would be stretched when the full extent of Mica in Council Housing was determined. This, he said, was something that needed to be addressed in the 2016 Budget preparations. He also queried what information if any had been shared with the Council’s insurers and whether the independent panel of experts as alluded to in a previous Chief Executive’s Report had met and shared all relevant information.

He informed Members that Deputy Pádraig Mac Lochlainn had been informed some time ago by Minister of State, Mr Paudie Coffey, T.D, in a parliamentary reply that a technical report was being prepared and due to be made made available shortly. He queried exactly when this was expected to be available and asked that every effort to be made to seek a cross –party meeting with the Minister,

Mr Liam Ward, Director of Housing , Corporate and Planning Control said that the issue had been addressed by Council on a

number of occasions over the past few months . The Council, he stated, was the owner of over 4800 housing units in Donegal.

The Executive, he said, held the view that the holding of public meetings would create an expectation that the Council would be centre stage to any solution in relation to private houses. This was something, he contended, that that the Council was not in a position to do.

Every effort would be made, he said, to expedite the report on the testing of the sub-floor structures.

It was noted that the report when completed would have to be made available to the Council's own insurers and to the Elected Members.

Cllr Quinn alluding to the fact that the motion had been agreed said there was an onus on the Council to take on board the request and commence the meetings. It was possible, he added, that some of the private homeowners affected could into the future become Council tenants.

The Director of Service, responding, agreed to liaise with the Department seeking clarification as to the role and operational timeframe for the independent body set up to examine the defective block issue. An update would, he added, be provided as soon as practical.

C/416/15 CALL FOR THE MINISTER TO REINSTATE STRATEGIC ROAD AND LIS MONIES

The following motion was proposed by Cllr Mc Daid:-

"That this Council call on the Minister to reinstate Strategic Road monies and also reinstate LIS monies to address the current need for urgent improvements. If there is no response from the Minister within 28 days that we seek to meet him with a cross party delegation of this Council."

Cllr Mc Daid said that the lack of funding over the past few years had a massive impact on roads infrastructure. Projects such as the Ramelton to Letterkenny Road, the Glenties to Letterkenny route and the Back of Errigal Road, he added, warranted immediate attention and upgrading. He acknowledged also the impact on transport services county-wide. LIS and CIS Schemes were, he

contended a necessity in rural Ireland and warranted dedicated allocations.

Cllr Mc Dermott said it was imperative that a special allocation was sought for LIS and CIS schemes. Thus it was resolved on the proposal of Cllr Mc Daid, seconded, by Cllr Mc Dermott to amend the motion and adopt the following resolution-

"That this Council call on the Minister to reinstate Strategic Road monies and also reinstate LIS and CIS monies to address the current need for urgent improvements. If there is no response from the Minister within 28 days that we seek to meet him with a cross party delegation of this Council."

Members were informed that:-

“The Strategic/Specific Improvement Grants have been suspended by the Department of Transport for the past few years since the economic downturn. We understand that this was done to allow as much money as possible to be allocated to maintaining the existing road network under the headings of Surface Dressing, Pavement Strengthening and Discretionary Maintenance rather than spend the money on new road jobs. While it has been suspended, Donegal has been successful in obtaining some monies under the Specific Grant headings in the past couple of years for projects such as Elactagh Bridge, Mulantyboyle Bridge and Cockhill Bridge among others.

The Local Improvement Scheme grants for private laneways and the like have not been allocated separate monies for the past couple of years. Instead the Department have allowed Councils to top-slice other grant headings to create a fund for LIS roads. It has been acknowledged that this is difficult to do when it results in removing monies allocated for public roads and transferring those monies to private laneways. The Council has written to the Department a few times at the request of the Elected Members and generally the response has been along the lines that the LIS Scheme has not been granted separate monie but the option exists for Council to create a fund from top slicing other grants.

The Council Executive is happy to write to the Minister after this motion is adopted.”

The Cathaoirleach noted that the Corporate Policy was scheduled to meet with the Oireachtas Members in the coming weeks to identify and prioritise a number of county –wide issues. He suggested that any proposed meeting with the Minister be postponed until this had taken place.

Mr John Mc Laughlin, Director of Roads & Transportation advised that correspondence had been forwarded on a number of occasions in relation to separate funding for LIS schemes. This had not been forthcoming, he added and the advice had been to create a fund through top slicing other grants.

He agreed to write again to the Minister in relation to this issues raised and to include also a request for the reinstatement of LIS and CIS monies.

There was no opposition to the motion.

Cllr Mc Daid, concluding the debate said that top slicing was unacceptable and not a viable option in Donegal where roads had been historically underfunded . The reinstatement of strategic roads grants and LIS and CIS monies, was, he confirmed, a major priority.

C/417/15 CALL FOR A DISCUSSION AROUND THE NUMBER OF VACANT PREMISES IN THE COUNTY AND A POSSIBLE RATES INCENTIVE FOR BUSINESS

On the proposal of Cllr O’Neill, seconded by, Cllr Mc Gowan , the following motion was adopted:-

"That this Council discuss the situation regarding the high number of vacant commercial premises in towns across the County and put in place a rates incentive scheme to encourage business activity so as to revitalise many towns in County Donegal that seek this local authority's assistance."

Members were informed that:-

“The high number of vacant commercial premises in towns across the County is a concern to the Council. In 2014, an amount of €3,458,508 was written off at the end of the year as being irrecoverable as the property was vacant and for rent/lease. This equated to over 44% of the total write offs in the sum of

€7,821,181

At present, there is no provision under current rating law to permit rates not to be levied on small or start up businesses or for consideration to be given to write off the rates on these small or start up businesses at year end. As the Members are aware, a proposal was made at the budget 2012 meeting for the establishment of a Rates initiative to acknowledge the many challenges facing new businesses and in recognising the trend of many town centre business premises being vacated reflecting a general lack of buoyancy in the economy.

The Members were anxious that the Council, while recognising the need to collect Commercial Rates to continue to provide the range of Council services, be seen to proactively support the establishment of new businesses in such areas, which would have the dual effect of encouraging small business start up while also addressing potential town centre dereliction and vacancy issues. On foot of this an analysis was carried out on how such an initiative might be brought to bear, including a review of whether there were any legal impediments to such a proposal.

While the Local Government (Rates) Act 1970 empowers a rating authority to make and carry out a scheme providing for the waiver of all or portion of rates due by rate payers, it was noted that this legislation was passed at a different time when rates were still due on private dwellings and that the scheme at that stage was largely, it is understood, targeted at this area. It should also be noted that within that same Act the consent of the Minister is required for any such schemes. Legal advice obtained is that no such scheme can be brought to bear without such approval of the Minister.

Further advice was also received in 2012 that during the tenure of the last Government in 2009 a Local Government (Rates) (Amendment) Bill 2009 was raised with a view to enacting legislation to allow Elected Members of a rating authority to pass a scheme to waive rates in certain instances. However, the bill was not passed during the lifetime of the previous Government and as with all such bills withered on the dissolution of that Dáil. It is also noted that there have been no ministerial approvals for any such schemes in recent years.

During a subsequent meeting with the Department of the

Environment, Community and Local Government the Council executive took the opportunity of reviewing with the Department the possibility of any such scheme being approved at the present time. The Department noted the validity of such a proposal and its noble intent and reflected that the Minister was continuing to review options on how best to facilitate businesses and rate payers but that pending the conclusion of this and a national response to local authorities with regard to rates, that it was unlikely that any such request for a specific waiver for any part of the country would be looked upon favourably. In essence, pending a national conclusion to such an issue no individual rating authorities request was likely to find favour.

In this regard, unfortunately, at this time it appears that the desire to establish a local rates initiative to exempt small and start up business from paying commercial rates is not attainable. However, the Council executive will continue to request that the matter be reviewed and addressed at a national level with a view to putting in place an equitable scheme taking into account the needs of both existing businesses who are already rate payers and the desirability of providing incentives and initiatives for new businesses in certain instances.

The Council will be aware, that as part of the 2015 Revenue Budget considerations, that a small business grant scheme was adopted and which allows business', which have their Rates paid by year end, to avail of a grant of 5%, up to a maximum of €250. This is a means to directly assist business' within legislative capacity and a report on this schemes effectiveness will be presented to the members as part of the 2016 Revenue Budget considerations, where, inter alia, the members may wish to consider the full range of available options to the Council in addressing revitalisation of urban areas and on how best, in the round, small business in particular may be assisted to establish, survive and thrive in such areas."

Cllr O' Neill said that the Council as a single rating authority needed to put in place a rates incentive scheme to assist towns such as Ballyshannon which had suffered enormously due to a lack of investment over the past number of years. He called for the introduction of a pilot scheme in Donegal or along the border counties which could in the long-term be rolled out nationally. He acknowledged that the small business grant scheme adopted as

part of the 2015 Revenue Budget had produced considerable benefits. He said that more needed to be done to help towns which were struggling and called for car-parking charges to be waived in these towns so as to encourage enhanced economic growth.

Cllr Mc Gowan supporting the motion cited the need for a dedicated formula to get town centres up and running again with particular emphasis on planning issues.

There was no opposition to the motion.

Mr Garry Martin, Head of Finance said that indications were that the small business grant scheme had worked well with up to 70% of all businesses in the County benefitting from same. There was, he advised a necessity to deal with the problem on an ongoing basis and he alluded to the fact that up to €3m had been written off in respect of vacant properties for 2014. Options to deal with same could, he confirmed, be looked at by the Municipal District Committees, but options were limited given the current legislative position. Every single premises occupied, he added, benefitted the capacity of the Council.

He said he was fully committed to looking at all the options available and that this could be done as part of the 2016 Budget preparations.

Cllr O' Neill concluding the debate said that all towns needed to be looked at in terms of what could be done to revitalise them with all economic , social and historical options explored as part of the process.

C/418/15 CALL BY THE COUNCIL ON THE DEPARTMENT OF THE MARINE TO INVESTIGATE MATERIALS DUMPED OFF THE COAST AND IN PROXIMITY TO THE OFF SHORE ISLANDS
On the proposal of Cllr O'Fearraigh, seconded by, Cllr Gallagher, the following motion was adopted:-

“Go n-iarrfaidh Comhairle Contae Dhún na nGall ar Roinn na Mara scrúdú a dhéanamh ar an ábhar a dumpáladh amach ó chósta, agus cóngarach dár gcuid oileán amach ó chósta, atá ina ábhar inní dár bpobail áitiúla ó thaobh na sláinte agus fiadhúlra de.”

"That Donegal County Council call on the Department of the Marine to investigate the contents of materials dumped off the

coast and in proximity to our off shore Islands, which local communities have concerns on health and wildlife"

Members were informed that:-

Má ghlacann an Chomhairle leis an rún, go scríobhfaidh an Chomhairle chuig Roinn na Mara agus iarraidh orthu fiosrúcháin a dhéanamh i dtaca le hábhar atá á dhumpáil amach ón chósta, agus eolas a fháil faoin chineál ábhair atá i gceist agus na himpleachtaí a d'fhéadfadh a bheith ann don tsláinte agus don timpeallacht.

"If the motion is passed by the Council, the Council will write to the Department of the Marine and request that they investigate the dumping of material off the coast and establish the nature of the material and the potential implications for public health and the environment."

C/419/15 COUNCIL SUPPORT FOR JUSTICE FOR JOBSTOWN

On the proposal of Cllr MacGiolla Easbuig, seconded by, Cllr Campbell , the following motion was adopted:-

"Go dtacóidh Comhairle Contae Dhún na nGall le 'Ceart agus Cóir do Ráth Miontáin' agus go gcáinfidh sí an phóilíneacht pholaitiúil ar léir a bheith ann ón dóigh a phléigh an stát leis an agóid shíochánta in Jobstown, Tamhlacht, Co Átha Cliath"

"That Donegal County Council supports 'Justice for Jobstown' and condemns the political policing which is evident in the way the state has responded to the peaceful protest at Jobstown, Tallaght, Co Dublin."

C/420/15 ADJOURNED COUNCIL MEETING

It was unanimously agreed to adjourn the remainder of the business to 11am on Wednesday 6th October, 2015.

Certified: _____
Cathaoirleach.

Date: _____