

7th June, 2016

TO: Each Member of Donegal County Council

I hereby give notice under Paragraph 7 of Schedule 10 of the Local Government Act 2001, having received a requisition from the Cathaoirleach pursuant to Paragraph 6(1)(a) of said schedule, that a Special Meeting of Donegal County Council shall be held at 3.00pm on Friday 10th June, 2016 in the Council Chamber, County House, Lifford, County Donegal to transact the following business, as set out in agenda contained within the aforementioned requisition. A copy of the requisition is attached.

AGENDA

“To discuss the presence of Muscovite Mica/Defective blockwork in certain dwellings in Donegal and the respective remits of Donegal County Council and the Expert Panel established to investigate the problems that have emerged.”

Joe Peoples
Meetings Administrator

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Joe Peoples
Meetings Administrator

MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL
HELD IN THE COUNTY HOUSE LIFFORD ON 10th JUNE, 2016

C/179/16 MEMBERS PRESENT

Cllrs Ciaran Brogan, Cathaoirleach, L Blaney, E Bonner, P Canning, T Conaghan, G Crawford, N. Crossan, A Doherty, G Doherty, L Doherty, M Farren, N Jordan, J Kavanagh, N Kennedy, F. McBrearty, M McBride, J P Mc Daid, M McDermott, P Mc Gowan, B McGuinness, G McMonagle, J Murray, S O'Domhnaill, M Quinn, T Slowey.

C/180/16 APOLOGIES

Apologies were received from the following who were unable to attend the meeting:-

Cllrs Mac Giolla Easbuig, McEniff, and O'Donnell.

C/181/16 OFFICIALS IN ATTENDANCE

Seamus Neely, Chief Executive, Joe Peoples, Director of Housing, Corporate and Cultural Services and Meetings Administrator, John McLaughlin, Director of Roads and Transportation, Michael Mc Garvey, Director of Water and Environment, Garry Martin, Director of Finance, Head of Information Systems, and Director of Emergency Services, Anne Marie Conlon, Communications Officer, Anne Marie Crawford, Staff Officer, Corporate Services.

C/182/16 TO DISCUSS THE PRESENCE OF MUSCOVITE MICA/DEFECTIVE BLOCKWORK IN CERTAIN DWELLINGS IN DONEGAL AND THE RESPECTIVE REMITS OF DONEGAL COUNTY COUNCIL AND THE EXPERT PANEL ESTABLISHED TO INVESTIGATE THE PROBLEMS THAT HAVE EMERGED

Members considered the report on the presence of muscovite mica /defective block work in certain dwellings in Donegal from Mr Seamus Neely, Chief Executive dated the 10th June, 2016.

C/183/16 ADJOURNMENT OF THE MEETING

On the proposal of Cllr Quinn, seconded by Cllr Mc Brearty it was resolved to adjourn the meeting for short period to allow Members consider the Chief Executive's report.

C/184/16 DISCUSSION ON PRESENCE OF MUSCOVITE MICA DEFECTIVE BLOCKWORK IN DONEGAL

On resumption of the meeting, the Chief Executive read into the

record his report dated 10th June, 2016.

A lengthy debate ensued during which Members raised a number of queries including:-

- When did Donegal County Council become aware of the presence of mica in its housing stock ?
- Whether Members had been updated in a timely fashion in relation to events as they unfolded. It was suggested that there had been reluctance on the Council's behalf to accept that such a blight existed in the County.
- Was a copy of the Consulting Engineer's Report made available to the Housing & Corporate SPC?
- Query as to why checks were not carried out on the materials used in the properties concerned under the relevant building regulations.
- What checks if any were carried out in relation to the quality of the blocks used as Donegal County Council had specific responsibilities in terms of Housing standards?
- Clarification sought as to where the 70 houses allegedly affected in Letterkenny were located and how the overall figures presented had been arrived at.
- Whether or not Council Tenants had been informed in relation to the contents of the 2015 report.
- Whether there were any plans in place to accommodate Council Tenants who had to vacate their homes as a result of the mica issue.
- What were the consequences for Estate Takeover and the programme going forward?
- The overall costs involved in the implementation of a comprehensive remedial programme.

Concerns were raised in relation to the fact that the figures

presented were estimates only and that overall the Council was not in a position to bear the financial cost of any remediation programme now or in the future. There was general consensus that the reporting timeframe allocated to the Expert Panel was unduly lengthy given the seriousness of the situation and the fact that many of the properties in question now needed immediate action. Health and safety issues were also deemed to be an immediate priority and there was some concern that there would be specific implications for those who had bought houses under the Council's Tenant Purchase Scheme.

Cllr Quinn said he had specific concerns in relation to the overall number of Council properties affected and queried whether or not the methodology for arriving at this total would be accepted by the Minister's office.

A number of Members were of the opinion that the Chief Executive had done everything within his remit to highlight the issues concerned, and alluded to the fact that the Mica Action Group had been given the opportunity to address the plenary Council.

The need for a specific route map was identified, and it was suggested that the best plan of action would be to wait for the report from the Expert Panel after which a range of technical options for remediation would be available.

Funding from central government was identified as one of the key issues going forward and there was general agreement that the Council was not in a financial position to deal with the many issues arising. The need for a redress scheme was generally acknowledged. Members were in agreement that the terms of reference for the Expert Panel needed to be expanded to take cognisance of the financial costs involved. Issues such as the payment of mortgages, lack of insurance cover, repair costs and temporary accommodation costs it was established all needed to be taken into consideration by any proposed redress scheme.

There were calls for each Municipal District be provided with a report in relation to its own housing stock. It was suggested also that contact be made with the Minister for Housing, Planning & Local Government in relation to the possibility of exempting the properties concerned from the property tax levy.

It was suggested at this juncture that the Council carry out an inventory of blocks used in Council Housing Stock over the past 25 years so as to pre-empt any underlying mica issues.

A number of Members outlined the necessity of having Council properties and Community based properties included within the terms of reference of the Expert Panel.

There was a call also for a full public enquiry into the matter and it was suggested that the private homeowners concerned take a class action against the state in order to secure any meaningful compensation.

A number of Members said that additional clarity was needed in relation to the State's view on recompense for the private homeowners concerned and as to whether or not this would include the cost of repairing and rebuilding the properties concerned.

They asked also that additional information be sought in relation to the extent of the testing carried out to date and the associated results.

Cllr Brogan proposed, seconded by Cllr Canning that a request be forwarded to the Minister of State for Housing and Urban Renewal, Mr Damien English T.D to meet with Members regarding the situation, on the occasion of his forthcoming visit to the County on the 20th June, 2016. General delegation protocols, he advised would apply.

Members highlighted also the necessity of meeting with the Minister for Housing, Planning and Local Government, Mr Simon Coveney, T. D to discuss the situation.

Cllr Mc Guinness proposed, seconded by Cllr Quinn that the mica issue become a permanent item on the Housing & Corporate SPC agenda.

Mr Seamus Neely, Chief Executive, said that, he had responded to Member's concerns back in July 2015, and had updated the Council in relation to muscovite mica/ defective blockwork in Council Housing Stock. The Executive of Donegal County Council, he firmly asserted, had stated that there was no willful

intent not to provide the information concerned to the Elected Members. His approach, he added, had always been an open and straight forward one, and had involved sharing all relevant information with the Elected Members.

Outlining the chronology of events to date, he said, that the Council had been aware that there was an issue with regard to mica as it had been spoken about generally and highlighted by the private homeowners concerned. It was noted that the Mica Action Group had been invited to address Members at the earliest opportunity and following that presentation, communication had taken place with the Department with a view to finding a possible solution.

The Council, it was noted, had been anxious to support the private homeowners concerned, but was also acutely aware of the fact that that it did not have the capacity to deal with the cost issues involved.

Responding to a number of other queries, he said that the Council as the owner of specific properties had an obligation to respond to the tenants concerned and proceed with the management and carrying out of works as appropriate. The Council, he added, with regard to its representational role needed to be clear as to what the redress terms were. It was not, he confirmed, in the gift of the Council to extend the terms of reference of the Expert Panel, but it could send a message to the Department outlining the necessity for same.

Mr Joe Peoples, Director Housing, Corporate & Cultural Services, confirmed that the figures as presented represented the situation as it existed at a given point in time, and was based on the detail of the houses surveyed. The Council, he confirmed, had written to the Minister seeking representation on the Expert Panel early in 2016 , and confirmed also in April, 2016 that they would share the results of any DCC investigations to date with the panel. Subsequently the panel, he noted had met with Members and Officials providing an opportunity for the sharing of data and access to independent external expertise. He said that the Council was keen to prepare a comprehensive report for consideration by Minister English when he visited the County on the 20th June and that this could be further strengthened by the presence of a cross-party delegation as requested earlier in the meeting.

The Chief Executive advised of the need to avoid scare mongering given that Donegal currently had in the region of 65,000 residential properties. The figure of 470 alluded to was, he said, the best estimate based on the findings of the specific tests on materials and walk through examinations, but as yet there was no definitive information as to how the situation would develop in a number of the properties concerned. The Expert Panel, he said, was tasked to deliberate on what was the most appropriate remedial intervention. Certain actions could, he added, mitigate against the Council if there was intervention at this stage. It was acknowledged that there would be huge variances with regard to remediation costs and that the views of the Expert Panel would be beneficial here.

With regard to insurance issues, he noted that matters were being closed out on an ongoing basis by the Council as manager of the Council properties concerned.

Mr Neely said that there would be a reliance on funding from central government and that this was where the focus needed to be going forward.

Houses purchased under the Tenant Purchase Scheme were, he advised sold in the condition at the time of purchase and the Council did not have to provide any certification.

Mr John Mc Laughlin, Director Roads & Transportation said it was imperative that both Members and staff worked together in relation to what was an emotive issue for many homeowners.

C/185/16 ADJOURNMENT OF THE MEETING

The Cathaoirleach adjourned the meeting for a brief recess.

C/186/16 DISCUSSION ON PRESENCE OF MUSCOVITE MICA
DEFECTIVE BLOCKWORK IN DONEGAL

On resumption the Chief Executive, said that the meeting had provided an opportunity for all concerned to be kept up to date in relation to the problem. The Council, he noted, had been a victim in all of this and it was important to ensure that there was no expectation out there that Donegal County Council had any monetary solution to the problem. It was imperative, he added, that the costs were properly evaluated and this was something that could only be done when the Expert Panel had determined the

optimum solution with regard to the appropriate remedial works.

The Cathaoirleach advised that the delegation to meet with Minister English would follow the traditional format and comprise the following:-

2 No Representatives – Fianna Fail
2 No Representatives – Fine Gael
2 No Representatives – Sinn Fein
2 No Representatives – Independents
1 No Representative – Labour
Cathaoirleach of the Day.

This concluded the business of the meeting.