

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na gCruinnithe
Aras an Chontae
LEIFEAR
18 Feabhra 2014

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 24 Feabhra, 2014, 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 le 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 February, 2014

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 24th February, 2014, at **11.00 am 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 January Meeting of Donegal County Council held on the 27th January, 2014.

2. Disposal of Land – Section 211 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 land at Lurganboy, Donegal Town, to Moll Industries Ireland Ltd, Lurganboy, Donegal Town, Co Donegal.

3. Roads and Transportation

“That Donegal County Council approves entering into an agreement under Section 85 of the Local Government Act 2001, with Cavan County Council in respect of improvement works to the N87 Cranaghan Bridge whereby Donegal County Council will be enabled to carry out all work, including preparation of Contract Tender Documents, Supervision of Contract, etc as may be necessary in the Administrative Area of Cavan County Council”.

4. Corporate

- a) To consider Report in relation to the Review of Procedures for the submission of “Motions under Urgent Business” at Meetings of Donegal County Council.
- b) To fill Casual Vacancy in the membership of Donegal Education and Training Board arising from the resignation of Clr Barry O’Neill.
- c) To consider report on potential acquisition of Lifford and Rockhill Barracks (as circulated with Managers Report at Meeting of 27th January, 2014).

5. Finance

To resolve to provide for inter authority borrowing/lending between Donegal County Council, Letterkenny, Buncrana, Bundoran and Ballyshannon Town Councils for period up to 31st May 2014 as provided for in Section 106 of the Local Government Act 2001.

6. Planning and Building Control

To note report on the Changes to the Building Control Regulations due to take effect from 1st March, 2014 under the Building Control (Amendment) Regulations 2014.

7. Endorsement of Minutes

- a) Endorsement of the Confirmed Minutes of Island Committee held on the 16th July, 2013.
- b) Endorsement of the Confirmed Minutes of Meeting of Inishowen Electoral Area Committee Meeting held on the 17th September, 2013.
- c) Endorsement of the Confirmed Minutes of Meeting of Inishowen Electoral Area Committee Meeting held on the 12th November, 2013.
- d) Endorsement of the Confirmed Minutes of Meeting of Glenties Electoral Area Committee held on the 26th November, 2013.
- e) To note Confirmed Minutes of the Meeting of the Corporate Policy Group held on the 18th November, 2013.
- f) To note Confirmed Minutes of the Meeting of the Corporate Policy Group held on the 27th January, 2014.

8. 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:-

Rural Revitalization Conference:-

- Training Seminar for Councillors – Fund Raising Event for the Simon Community Local Elections 2014 Process: Count: Proportional Representation System, to be held from Thursday 27th to Friday 28th February, 2014 in the Carlton Hotel, Church Road, Tyrrelstown, Blanchardstown, Dublin 15.
- Ace Training – Managing Diversity in the Community to be held from Friday 28th to Sunday 2nd March, 2014 in the Celtic Ross Hotel, Rosscarbery, Co Cork.
- Association of County and City Councils – Annual Conference 2014 to be held Thursday 6th and Friday 7th March, 2014 in the Slieve Russell Hotel, Ballyconnell, Co Cavan.
- Ace Training – Dignity at Work, A Guide to Bullying and Harassment in the Workplace from Friday 7th to Sunday 9th March, 2014 in the Four Seasons Hotel, Carlingford, Co Louth.

- Training Seminar for Councillors – Media Skills for Councillors to be held Tuesday 11th and Wednesday 12th March, 2014 in the Great Northern Hotel, Bundoran, Co Donegal.
- Elected Member’s Training Seminar – Rural Development Programme (RDP) 2014 – 2020 to be held Friday 14th to Saturday 15th March, 2014 in the Westport Plaza Hotel, Westport, Co. Mayo.
- BG Seminarz – Training Seminar – Value For Money in Local Government to be held from Friday 14th to Sunday 16th March, 2014 in the Clanree Hotel, Letterkenny, Co Donegal.
- Ace Training – European Governance and Local Authorities to be held Friday 14th to Sunday 16th March, 2014 in the Four Seasons Hotel, Carlingford, Co Louth.
- The Institute of Professional Training – The Councillor Post 2014 (A Ballot Box to Council Chamber Module) to be held from Friday 14th to Sunday 16th March, 2014 in the Mount Errigal Hotel, Letterkenny, Co Donegal.
- TJK Conferences Ltd – Role of Ombudsman Conference to be held from Friday 21st to Sunday 23rd March, 2014 in the Scotts, Limerick, Ashbourne Avenue, South Circular Road, Limerick.

9. Conference Reports

Clr Terence Slowey

SIPO and Councillors Obligations held from Friday 29th November to Sunday 1st December, 2013 at the Louis Fitzgerald Hotel.

Clr Dessie Larkin

Tutorial IPA BA (Hons) Public Management held from Saturday 30th to Sunday 1st December, 2013 at the IPA Headquarters, Landsdowne Road, Dublin.

Clr John Ryan

Tourism Technology and Competitive Strategies for 2014 held from Friday 13th to Sunday 15th December, 2013 at the Celtic Ross Hotel, Roscarbery, West Cork.

Clr Terence Slowey

Tourism Technology and Competitive Strategies for 2014 held from Friday 13th to Sunday 15th December, 2013 at Rosscarbery, Co Cork.

Clr Dessie Larkin

Peace III Consortium Meeting held Tuesday 24th December, 2013 at Temple Patrick.

Clr Martin Harley

LAMA Spring Seminar 2014 held Friday 31st and Saturday 1st February, 2014 at the Four Seasons Hotel, Monaghan.

10. Mayor's Business

11. Manager's Report

MINUTES OF FEBRUARY MEETING OF DONEGAL COUNTY
COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 24TH
FEBRUARY, 2014

C/128/14 MEMBERS PRESENT

Clrs I Mc Garvey, Mayor, D Alcorn, L Blaney, J Boyle, C Brogan, B Byrne, J Campbell, P Canning, G Crawford, G Doherty, M Farren, M T Gallagher, M Harley, D Larkin, F Mc Brearty, M McBride, N Mc Bride, S McEniff, P McGowan, J Murray, S O'Domhnaill, B O'Neill, M Quinn, J Ryan, and T Slowey.

C/129/14 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 Eunan Quinn, A/Senior Planner, Mr Denis Kelly, Senior Executive Planner, Ms Ann Marie Conlon, Communications Officer, Mr Michael G McFadden, Executive Engineer, Planning and Economic Development, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

C/130/14 APOLOGIES

Apologies were received from Clr Mickey Doherty and Clr Bernard McGuinness who were unable to attend the meeting.

C/131/14 ADJOURNMENT OF MEETING

On the proposal of Clr Slowey, seconded by, Clr M Mc Bride it was resolved to adjourn the February Meeting of the Council to complete the remaining business for the Adjourned January Meeting.

C/132/14 CONFIRMATION OF THE MINUTES OF THE JANUARY MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 27TH JANUARY, 2014

On the proposal of Clr Campbell, seconded by, Clr N McBride, the Minutes of the January Meeting of Donegal County Council held on the 27th January, 2014 were confirmed, subject to clarification from Clr Mc Brearty that Minute C/55/14 be amended to read "summoned" instead of "requested".

Responding to a query from Clr Blaney, the Meetings Administrator confirmed that Item C/89/14 had been circulated to other Local Authorities for consideration.

C/133/14 DISPOSAL OF LAND AT LURGANBOY, DONEGAL TOWN, TO MOLL INDUSTRIES IRELAND LTD, LURGANBOY, DONEGAL TOWN, CO DONEGAL

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

On the proposal of Clr Campbell, seconded by, Clr Boyle , it was resolved to formally dispose of land at Lurganboy, Donegal Town, to Moll Industries Ireland Ltd, Lurganboy, Donegal Town, Co Donegal, 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/134/14 SECTION 85 AGREEMENT WITH CAVAN COUNTY COUNCIL

On the proposal of Clr Campbell, seconded by, Clr N McBride, it was resolved that Donegal County Council enter into an agreement with Cavan County Council under Section 85 of the local Government Act, 2001, with Cavan County Council, in respect of improvement works to the N87 Cranaghan Bridge whereby Donegal County Council will be enabled to carry out all work, including preparation of Contract Tender Documents Supervision of Contract etc, as may be necessary in the Administrative Area of Cavan County Council.

C/135/14 CONSIDERATION OF REPORT IN RELATION TO THE REVIEW OF PROCEDURES FOR THE SUBMISSION OF MOTIONS UNDER URGENT BUSINESS AT MEETINGS OF DONEGAL COUNTY COUNCIL

The Director of Housing & Corporate, Mr Liam Ward alluded to his report citing a number of reasons as to the need for amending the existing arrangements.

Members themselves, he noted, had requested a review of the arrangements and on this basis after consultation with the Housing & Corporate SPC and the Corporate Policy Group, a number of recommendations had been endorsed to proceed to the full Council for approval. These included:-

1. Where a Member proposes to submit a motion under Urgent Business, a typed copy of the motion must be provided to the Mayor and every member before 12 noon on the day of the meeting. Members would then have a period up to 3 pm to decide if they wish to put their name to the motion for submission in accordance with Standing Order 28 (a).
2. A motion under Urgent Business should be accepted in situations only where the subject matter has arisen in the period after the normal deadline for submission of motions has passed.
3. Motions under 'Urgent Business' shall be limited to the Proposer, the Secunder and one Speaker from each political Grouping.
4. In the event that a motion is passed to suspend Standing Orders to complete the remaining items on the agenda, motions under 'Urgent Business' already accepted by the Council will be dealt with at the end of the meeting subject to a maximum time of 20 minutes per motion.

A number of issues were raised including

- The fact that there were two types of meeting with one specifically dedicated to motions & questions.
- That a facility needed to be in place to deal with issues of local and national importance which arose in the period after the motions and questions deadline.
- Specific mechanism needs to be put in place for those meetings in which Member's own motions and questions are submitted.
- Concern that Motions submitted under Urgent Business are taking precedence over Member's own business.
- Cited need also to review Standing Orders in the context of the suggested changes.

The Meetings Administrator clarified that any decision taken would not impact on the 6 Motions Under Urgent Business currently submitted for the February Meeting.

Thus Members queried the overall methodology and the necessity of amending Standing Orders to accommodate same. They agreed to defer a decision on the matter pending the election of the new Council.

C/136/14 FILLING OF CASUAL VACANCY IN THE MEMBERSHIP OF
DONEGAL EDUCATION AND TRAINING BOARD ARISING
FROM THE RESIGNATION OF CLR BARRY O'NEILL

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

On the proposal of Clr N Mc Bride, seconded by, Clr. Mc Brearty it was proposed that Clr Harley fill the casual vacancy on the Education & Training Board occasioned by the resignation of Clr Barry O' Neill.

Clr Brogan then proposed, seconded by, Clr Crawford that Clr Seamus O' Domhnaill fill the casual vacancy on the Education & Training Board occasioned by the resignation of Clr Barry O' Neill.

A lengthy debate ensued during which Members expressed disappointment that the nomination of Clr O' Domhnaill was a deviation from normal protocol, given that such vacancies were traditionally filled by a representative of the original nominating party or grouping.

A lengthy debate ensued with a number questioning the democratic nature of the process. Calls were made for a common sense approach to be taken.

Reference was made also to the fact that the Fianna Fail grouping had been excluded from the current pact.

Clr Brogan contended that there was a wider issue involved and affirmed that Councillors who could not meet particular commitments should not take up positions on committees of this nature. He asked that a record of Member's attendances at Committee and Forum Meetings for the past five years be provided.

He claimed also that Clr Mc Brearty had not attended meetings of the Regional Health Forum West since January 2013.

Responding Clr Mc Brearty said that his non-attendance had been directly related to the performance of his mayoral duties,

Following a number of heated exchanges the Mayor adjourned the meeting to 2pm.

C/137/14 MOTIONS SUBMITTED UNDER URGENT BUSINESS

Motion No 1

A request signed by Clrs F Mc Brearty, M Mc Bride, T Slowey, J Boyle, J Campbell, G Doherty, J Murray, M Quinn, L Blaney, P Canning, D Larkin, C Brogan, G Crawford & M Farren to have the following motion discussed as urgent business in accordance with Standing Order No 28 was submitted to the Meetings Administrator:-

“We the Undersigned members of Donegal County Council call on the Government to hold an Independent Judicial Public inquiry into Policing in the past, Policing in the present and Policing in the future with a proper set of terms of reference. We also call on Government to Establish a Police Authority, Policing boards in each Garda District throughout the Country and that GSOC be given the independence it needs for citizens to make complaints against the force which will give them the confidence that their complaint will be independently investigated”.

It was unanimously agreed to consider same prior to the close of business.

Motion No 2

A request signed by Clrs F Mc Brearty, G Doherty, J Murray, M Quinn, L Blaney, P Canning, D Larkin, S McEniff, G Crawford, C Brogan, B Byrne & M Farren to have the following motion discussed as urgent business in accordance with Standing Order No 28 was submitted to the Meetings Administrator:-

“We the Undersigned members of Donegal County Council call on our Government to lobby the British Parliament and the Northern assembly to ensure that Northern Ireland is exempt from the HGV road user levy, which will have a detrimental affect on livelihoods for all concerned especially when crossing the border into Northern Ireland on a daily basis. If implemented by the British Government it flies in the face of the Good Friday agreement which was supported by 90% of the people in the South and 70% of the people in the North which should be honoured by all on this Island of Ireland. By supporting the Good Friday agreement Irish citizens in the South should have the same rights as Irish citizens

living in the North. Please support our call for equal rights and our call for the British Government to abandon their unfair tax being introduced on the 1st April 2014”.

It was unanimously agreed to consider same prior to the close of business.

Motion No 3

A request signed by Clrs C Brogan, S McEniff, G Crawford, D Alcorn, P McGowan, P Canning, D Larkin & S O’Domhnaill to have the following motion discussed as urgent business in accordance with Standing Order No 28 was submitted to the Meetings Administrator:-

“I propose that this council support the postmasters union in getting a commitment from this government to ensure that all welfare benefits are paid through our post office network and not taken away and given to banks that don’t serve rural Ireland.

It was unanimously agreed to consider same prior to the close of business.

Motion No 4

A request signed by Clrs P Canning, D Larkin, C Brogan, S McEniff, G Crawford, S O’Domhnaill, L Blaney, M Quinn, G Doherty, J Murray, D Alcorn, M T Gallagher, M Farren, F McBrearty, M McBride, J Campbell, N McBride, J Boyle & T Slowey to have the following motion discussed as urgent business in accordance with Standing Order No 28 was submitted to the Meetings Administrator:-

“I would ask that this council calls an emergency workshop to be held within the next fortnight to include all the planners that are making the decisions on applications from each area along with all of the roads engineers from each area in order to clarify a number of items that received an undertaking at our Development Plan workshop from the Senior officials, along with clarification as to what fee and what procedure does a new applicant have to go through in relation to Irish Water.”

It was unanimously agreed to consider same prior to the close of business.

Motion No 5

A request signed by Clrs M Quinn, J Murray, G Doherty, M Farren, F McBrearty, J Campbell, M McBride, T Slowey, J Boyle, L Blaney, P Canning, M T Gallagher, P McGowan & S O'Domhnaill to have the following motion discussed as urgent business in accordance with Standing Order No 28 was submitted to the Meetings Administrator:-

“The Elected Members of Donegal County Council request that the executive do not partake in the recently announced “Gateway Scheme”

It was unanimously agreed to consider same prior to the close of business.

Motion No 6

A request signed by Clrs S O'Domhnaill, P McGowan, G Crawford, D Alcorn, C Brogan, P Canning, L Blaney, M Quinn, M McBride, N McBride, J Boyle, T Slowey, J Campbell & M T Gallagher to have the following motion discussed as urgent business in accordance with Standing Order No 28 was submitted to the Meetings Administrator:-

“That Donegal County Council requests that the Department of Agriculture fully consider the inherent constraints (soil types & annual rainfall) on small upland and wet grassland farms (*The new and more sustainable landscape management approach is adopted in disadvantaged areas, which maximises the vital tourism, environmental, social and economic benefits of an Equitable Rural Development Programme and rewards cost effective targeted actions of small farmers that benefit the wider rural community*) and that they acknowledge the worrying population declines, and its social consequences in upland areas and respond by harnessing the crucial green image of less intensive farming, married with increasing Agri-Food production, to achieve its ambitious harvest 2020 goals”.

It was unanimously agreed to consider same prior to the close of business.

Motion No 7

A request signed by Clrs B O'Neill, J Boyle, M Harley, M McBride, F McBearty, M T Gallagher, M Quinn, L Blaney & I

McGarvey to have the following motion discussed as urgent business in accordance with Standing Order No 28 was submitted to the Meetings Administrator:-

“That Donegal County Council supports the owners of the iconic Town Clock Building in Ballyshannon Town Centre that was recently badly affected owing to storm damage. That funding is sought for the clock repair and installation and that storm relief funding be sought for recent emergency works”.

It was unanimously agreed to consider same prior to the close of business.

C/138/14 CASUAL VACANCY ON THE EDUCATION & TRAINING BOARD ARISING FROM THE RESIGNATION OF CLR BARRY O’ NEILL

On resumption Clr Mc Brearty called on Clr Brogan to apologise for his earlier comments and said he would be forced to take appropriate action if this was not forthcoming.

Another heated debate took place during which it was suggested by Clr N Mc Bride that the meeting be deferred for a period of one week to allow all concerned reflect on the issues raised. A number of Members called however for the meeting to continue.

Thus on the proposal of Clr Gallagher, seconded by, Clr Mc Gowan it was resolved to further adjourn the meeting for a 25 minute period until 3.00pm.

C/139/14 CASUAL VACANCY ON THE EDUCATION & TRAINING BOARD ARISING FROM THE RESIGNATION OF CLR BARRY O’ NEILL

The Mayor advised that there was considerable support at this juncture for adjourning the meeting, but acknowledged that there was also quite a number of Members who wished to continue with the proceedings.

Clr O’ Domhnaill at this juncture advised of his intention to withdraw his name from the selection process. Thus it was resolved that Clr Harley be selected to fill the casual vacancy on the Education & Training Board arising from the resignation of Clr O’ Neill.

C/140/14 CONSIDERATION OF REPORT ON POTENTIAL
ACQUISITION OF LIFFORD AND ROCKHILL BARRACKS
(AS CIRCULATED WITH MANAGERS REPORT AT
MEETING OF 27TH JANUARY, 2014)

Members were informed that the situation remained the same as outlined in the County Manager's report issued for the January Meeting of the Council.

The County Manager recapping the main aspects of his report advised that the following needed to be taken into consideration:-

1. The fact that there was unanimous support for the acquisition of Lifford Barracks and that the €600,000 price was manageable within the resources currently available.
2. Acknowledgement also of the fact that a number of Members were in favour of acquiring Rockhill.

He was he confirmed recommending the purchase of Lifford Barracks and was now in a position to negotiate with the Department of Defence regarding same. He would, he said, keep options open regarding Rockhill and that the provision existed for any interested bodies or groups to engage with the Council in the development of the facility.

Some Members whilst acknowledging the rationale for acquiring Lifford Barracks, alluded to the fact that it would also make good business sense to purchase Rockhill given that the long term gain would far outweigh initial expenditure.

They outlined the need for further negotiation with the Department of Defence in the interests of value for money. The long term investment potential of acquiring 25 acres of land within the jurisdiction of a Gateway Town was acknowledged.

Clr Larkin proposed, seconded by, Clr McBrearty that the Council revert to the original plan and negotiate with the Department of Defence to acquire both Barracks. It was suggested that the deferred payment period be extended from 6 to 20 years.

Clr Crawford outlined the importance of the Lifford facility for the community as a whole. He proposed that the County Manager

proceed with the purchase of the Lifford Barracks, though noted that this was without casting any judgement on Rockhill element of the package. This was seconded by Clr Mc Gowan.

Members proceeded to debate the pros and cons of acquiring both properties. The value for money aspect was further debated with Clr O' Domhnaill contending that this was entirely dependent on whether the Rockhill property was actually needed and the long term costs associated with retaining such a property.

It was generally acknowledged that there was room for further negotiation and that a better deal could be thrashed out encompassing both properties. Clr O' Neill proposed, seconded by, Clr Gallagher that an all party working group be set up to look at the options available to facilitate the acquisition of these two facilities.

It was further suggested that Minister Mc Ginley be approached with regard to the findings of the group and a new submission forwarded to the Department of Defence.

The County Manager noted that the discussion had been informative and useful. He was, he said, satisfied that the purchase of Lifford was both affordable and manageable, but indicated that he was not in a position at present to confirm whether it was possible to purchase Rockhill. He confirmed that in the absence of a private sector investor or benefactor, Rockhill was a relatively challenging project to develop on a cost related basis. He noted that there were specific obligations arising also from the fact that it was a Protected Structure. He informed Members that the cost of acquiring same would have to come down considerably to make it affordable and outlined his intention to work with the aforementioned working Group.

Recognising that Members were supportive of the proposal to acquire Lifford Barracks, the County Manager advised that it would be possible to re-engage with the Department of Defence. In response to a call for a vote on the matter, the Manager said that the Council would pursue Lifford and seek to keep options for acquiring Rockhill open for further consideration and did not wish to divide the Council by putting the question to a vote.

C/141/14 TO RESOLVE TO PROVIDE FOR INTER AUTHORITY BORROWING/LENDING BETWEEN DONEGAL COUNTY COUNCIL, LETTERKENNY, BUNCRANA, BUNDORAN AND BALLYSHANNON TOWN COUNCILS FOR THE PERIOD UP TO 31ST MAY 2014 AS PROVIDED FOR IN SECTION 106 OF THE LOCAL GOVERNMENT ACT 2001

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

On the proposal of Clr Brogan, seconded by, Clr Larkin, it is resolved that the Council approve of an agreement to provide for the Inter-Authority borrowing/lending between Donegal County Council, Letterkenny, Bunrana, Bundoran and Ballyshannon Town Councils for the period up to 31st May, 2014 in accordance with the Local Government Act, 2001, Section 106, Sub –section 6 which updates Part II of the Local Government (No.2) Act, 1960.

Such Inter-Authority borrowing/lending to be subject to:-

1. A Maximum of €2m for any one loan.
2. Interest to be paid by the borrowing Authority at the prevailing Bank Overdraft Rate.
3. Repayment on three days notice.

C/142/14 TO NOTE REPORT ON THE CHANGES TO THE BUILDING CONTROL REGULATIONS DUE TO TAKE EFFECT FROM 1ST MARCH 2014 UNDER THE BUILDING CONTROL (AMENDMENT) REGULATIONS 2014

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

During a lengthy debate members noted that:-

- The introduction of the regulations would effectively prevent people from building their own homes.
- Give rise to serious consequences for one off housing developments and lead to the decimation of rural areas.
- The need for working drawings at the various stages of development and the use of approved materials only, was simply a ploy to keep Architects in work.
- Small contractors would suffer in the long-term.

- Such over regulation would lead to a 25% increase in the cost of building a dwelling.
- That there was now no incentive to come back to Donegal to build a house.
- There was a need to reduce building costs and the associated development charges.
- Proper debate essential including the holding of a workshop to discuss same.
- Clarification necessary regarding what constituted a competent builder.
- That it would be better for the Council to oversee the whole process at a viable cost rather than inspect 12% to 15% of the commencement notices received.
- That the introduction of the regulations would lead to Financial Institutions introducing more rigorous rules in relation to the drawdown of monies.
- The necessity of having specific regulations in place to monitor Architects involved with the process.

Queries were raised with regard to the following:-

1. Whether applicants should submit commencement notices before the 1st March before the new Regulations came into operation.
2. The input required from the Construction Industry Federation.
3. How many individuals were qualified to certify buildings under the new legislation in Donegal.

Mr Michael Mc Fadden, Executive Engineer, informed the meeting that the regulations were effective from March 1st and had been introduced to strengthen the arrangements in place for the control of building activity.

This legislation it was acknowledged placed the onus on the applicant to appoint a competent builder.

He informed Members that Planning permission would not be affected by the new regulations and that Building Control would only become involved when construction started. The new inspection system, he noted, provided for specific risk factors.

Commencement Notices received before March 1st would, it was confirmed, be dealt with under the old regulations. It was acknowledged also that the CIF were involved in the creation of non mandatory regulations for competent builders with these becoming mandatory by 2015/2016.

Mr Mc Fadden alluded to the fact that the certification aspect was not new and that the old system had provision for the engineer concerned to sign off on specific works.

The most important document now, he confirmed, was the completion certificate as a development could not be sold or rented without this documentation.

The County Manager reminded members that what was being talked about was the formalisation of a system that should have operated efficiently in the first place.

Clr Mc Gowan proposed, seconded by, Clr O' Domhnaill that proposals be submitted to the Department regarding the necessity of making acceptable provision for one off housing developments.

C/143/14 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF THE ISLAND COMMITTEE HELD ON THE 16TH JULY, 2013

On the proposal of Clr Gallagher, seconded by, Clr Alcorn, the confirmed minutes of the Island Committee Meeting held on the 16th July, 2013 were endorsed.

C/144/14 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF INISHOWEN ELECTORAL AREA COMMITTEE HELD ON THE 17TH SEPTEMBER, 2013

On the proposal of Clr Canning, seconded by, Clr Ryan, the confirmed minutes of Inishowen Electoral Area Committee Meeting held on the 17th September, 2013 were endorsed.

C/145/14 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF INISHOWEN ELECTORAL AREA COMMITTEE HELD ON THE 12TH NOVEMBER, 2013

On the proposal of Clr Canning, seconded by, Clr Ryan, the confirmed minutes of the Inishowen Electoral Area Committee Meeting held on the 12th November, 2013 were endorsed.

- C/146/14 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF GLENTIES ELECTORAL AREA COMMITTEE HELD ON THE 26TH NOVEMBER, 2013
On the proposal of Clr Alcorn, seconded by, Clr Gallagher, the minutes of the Glenties Electoral Area Committee Meeting held on the 26th November, 2013 were endorsed.
- C/147/14 TO NOTE THE CONFIRMED MINUTES OF MEETING OF THE CORPORATE POLICY GROUP HELD ON THE 18TH NOVEMBER, 2013
Members noted the Confirmed Minutes of Meeting of the Corporate Policy Group held on the 18th November, 2013.
- C/148/14 TO NOTE THE CONFIRMED MINUTES OF MEETING OF THE CORPORATE POLICY GROUP HELD ON THE 27TH JANUARY, 2014
Members noted the Confirmed Minutes of Meeting of the Corporate Policy Group held on the 27th January, 2014.
- C/149/14 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 Alcorn, seconded by, Clr Harley, 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 – Fund Raising Event for the Simon Community Local Elections 2014 Process: Count: Proportional Representation System, to be held from Thursday 27th to Friday 28th February, 2014 in the Carlton Hotel, Church Road, Tyrrelstown, Blanchardstown, Dublin 15.
 - Ace Training – Managing Diversity in the Community to be held from Friday 28th to Sunday 2nd March, 2014 in the Celtic Ross Hotel, Rosscarbery, Co Cork.

- Association of County and City Councils – Annual Conference 2014 to be held Thursday 6th and Friday 7th March, 2014 in the Slieve Russell Hotel, Ballyconnell, Co Cavan.
- Ace Training – Dignity at Work, A Guide to Bullying and Harassment in the Workplace from Friday 7th to Sunday 9th March, 2014 in the Four Seasons Hotel, Carlingford, Co Louth.
- Training Seminar for Councillors – Media Skills for Councillors to be held Tuesday 11th and Wednesday 12th March, 2014 in the Great Northern Hotel, Bundoran, Co Donegal.
- Elected Member’s Training Seminar – Rural Development Programme (RDP) 2014 – 2020 to be held Friday 14th to Saturday 15th March, 2014 in the Westport Plaza Hotel, Westport, Co. Mayo.
- BG Seminarz – Training Seminar – Value For Money in Local Government to be held from Friday 14th to Sunday 16th March, 2014 in the Clanree Hotel, Letterkenny, Co Donegal.
- Ace Training – European Governance and Local Authorities to be held Friday 14th to Sunday 16th March, 2014 in the Four Seasons Hotel, Carlingford, Co Louth.
- The Institute of Professional Training – The Councillor Post 2014 (A Ballot Box to Council Chamber Module) to be held from Friday 14th to Sunday 16th March, 2014 in the Mount Errigal Hotel, Letterkenny, Co Donegal.
- TJK Conferences Ltd – Role of Ombudsman Conference to be held from Friday 21st to Sunday 23rd March, 2014 in the Scotts, Limerick, Ashbourne Avenue, South Circular Road, Limerick.

C/150/14 CONFERENCE REPORTS

On the proposal of Clr Alcorn, seconded by, Clr Harley, the following Conference Reports were noted:-

Clr Terence Slowey

SIPO and Councillors Obligations held from Friday 29th November to Sunday 1st December, 2013 at the Louis Fitzgerald Hotel.

Clr Dessie Larkin

Tutorial IPA BA (Hons) Public Management held from Saturday 30th to Sunday 1st December, 2013 at the IPA Headquarters, Landsdowne Road, Dublin.

Clr John Ryan

Tourism Technology and Competitive Strategies for 2014 held from Friday 13th to Sunday 15th December, 2013 at the Celtic Ross Hotel, Roscarbery, West Cork.

Clr Terence Slowey

Tourism Technology and Competitive Strategies for 2014 held from Friday 13th to Sunday 15th December, 2013 at Rosscarbery, Co Cork.

Clr Dessie Larkin

Peace III Consortium Meeting held Tuesday 24th December, 2013 at Temple Patrick.

It was noted that the Peace III Consortium Meeting was held on the 14th December and not 24th as indicated on the Agenda.

Clr Martin Harley

LAMA Spring Seminar 2014 held Friday 31st and Saturday 1st February, 2014 at the Four Seasons Hotel, Monaghan.

C/151/14 MAYORS BUSINESS

Votes of Sympathy

Sympathy was extended to the following:-

- Frank O' Connor, Water & Environment, Stranorlar on the death of his mother, Betty O'Connor.
- Gerry Rushe, formerly Facilities Maintenance on the death of his sister, Josephine Byrne.
- The family of the late John Mc Gettigan, Meenreagh, Kilmacrennan.
- Anne Marie Crawford, Corporate Services on the death of her sister, Elizabeth Mc Grory.
- Paddy Doherty, Town Clerk, Letterkenny Town Council on the death of his Niece.

Planning Workshop

It was unanimously agreed to hold a Workshop to discuss the ongoing Review of the Donegal County Development Contribution Scheme on Monday 3rd March, 2014 at 2pm in the County House, Lifford.

Donegal County Council Motions noted by other Councils.

The Mayor informed Members that the following motions agreed by Donegal County Council had been noted as follows:-

“Regarding the recent suggestion that Vehicle Motor Tax may be decentralised (Similar to Driving Licence Applications) I ask that Donegal County Council to support a proposal that Motor Tax should be left with Local Authorities who have excellent records as

far as this work is concerned”.(Clr Alcorn - November 2013 Council)

Noted by Clones Town Council

“That Donegal County Council acknowledges the vital work of the Credit Union Movement within the County and understands that a Credit Union’s main strength is that it is local. Further Donegal County Council supports the Irish League of Credit Unions in their fight against the over zealous regulatory regime and moves towards consolidation being imposed on them by the Government and the Central Bank. In pursuit of this Donegal County Council resolves to write to the Minister of Finance in this regard and will circulate this motion to other Councils”. (Clr Campbell – November 2013 Council)

Noted by Clones Town Council

Congratulations

Congratulations were extended to Katie Barr, Inishowen Independent on her forthcoming marriage.

C/152/14 MANAGER REPORT

Members considered the report circulated during the meeting in relation to the following:-

Corporate Matters

- (a) Local Government Reform Process
- (b) Changes to Functional Alignment within Directorates
- (c) Local and Community Development Alignment Process
- (d) Establishment of Donegal Local Enterprise Office

Housing & Corporate Services

- (a) Social Housing Investment Programme 2014
- (b) Energy Efficiency – Fabric Upgrade Programme for Social Housing Stock

Water & Environment

- (a) Veterinary Shared Service

Community, Culture & Planning

- (a) Renewable Energy in Action at the Ren Net Open Day
- (b) Town Councils
- (c) Museums and Memory – Challenging Histories

- (d) Most read book in Donegal Libraries 2013
- (e) Contemporary Art For Children
- (f) Donegal Library Fines Amnesty

C/153/14 MOTIONS UNDER URGENT BUSINESS

Motion No 1- Independent Judicial Enquiry into Policing

On the proposal of Clr Mc Brearty, seconded by, Clr Quinn, the following motion submitted earlier in the Meeting in accordance with Standing Order No 28 was moved:-

“We the Undersigned members of Donegal County Council call on the Government to hold an Independent Judicial Public inquiry into Policing in the past, Policing in the present and Policing in the future with a proper set of terms of reference. We also call on Government to Establish a Police Authority, Policing boards in each Garda District throughout the Country and that GSOC be given the independence it needs for citizens to make complaints against the force which will give them the confidence that their complaint will be independently investigated”.

Clr McBrearty informed the meeting that one of the recommendations of the Morris Report had been the setting up of an independent judicial enquiry something which had never come to fruition.

Alluding to a number of allegations of police corruption, he cited, the need for immediate reform of the justice system affirming that an injustice anywhere is a threat to justice everywhere.

As the time available to complete the business of the meeting had elapsed, there was no vote taken on the motion.

Motion No 2 – HGV Road User Levy

On the proposal of Clr Mc Brearty, seconded by, Clr Brogan, the following motion submitted earlier in the Meeting in accordance with Standing Order No 28 was moved:-

“We the Undersigned members of Donegal County Council call on our Government to lobby the British Parliament and the Northern Assembly to ensure that Northern Ireland is exempt from the HGV road user levy, which will have a detrimental affect on livelihoods for all concerned especially when crossing the border into Northern

Ireland on a daily basis. If implemented by the British Government it flies in the face of the Good Friday agreement which was supported by 90% of the people in the South and 70% of the people in the North which should be honoured by all on this Island of Ireland. By supporting the Good Friday agreement Irish citizens in the South should have the same rights as Irish citizens living in the North. Please support our call for equal rights and our call for the British Government to abandon their unfair tax being introduced on the 1st April 2014”.

As the time available to complete the business of the meeting had elapsed, there was time available to debate or vote on the motion.

Motion No 3 – Payment of Benefits through Post Offices

On the proposal of Clr Brogan, seconded by, Clr O’ Domhnaill the following motion submitted earlier in the Meeting in accordance with Standing Order No 28 was moved:-

“I propose that this Council support the Postmasters Union in getting a commitment from this Government to ensure that all welfare benefits are paid through our Post Office network and not taken away and given to banks that don’t serve rural Ireland.

As the time available to complete the business of the meeting had elapsed, there was no time available to debate or vote on the motion.

Motion No 4 - Emergency Workshop (Planning & Irish Water)

On the proposal of Clr Canning, seconded by, Clr Quinn the following motion submitted earlier in the Meeting in accordance with Standing Order No 28 was moved:-

“I would ask that this Council calls an emergency workshop to be held within the next fortnight to include all the planners that are making the decisions on applications from each area along with all of the roads engineers from each area in order to clarify a number of items that received an undertaking at our Development Plan workshop from the Senior officials, along with clarification as to what fee and what procedure does a new applicant have to go through in relation to Irish Water.”

As the time available to complete the business of the meeting had elapsed, there was no time available to debate or vote on the motion.

Motion No 5 – Gateway Scheme

On the proposal of Clr Quinn, seconded by, Clr Gallagher, the following motion submitted earlier in the Meeting in accordance with Standing Order No 28 was moved:-

“The Elected Members of Donegal County Council request that the Executive do not partake in the recently announced “Gateway Scheme”

The County Manager informed Members that such an instruction would create unreasonable conflict for the Council, as it was contrary to the policies of both the Department of the Environment, Community & Local Government and also the Department of Social Protection. This Scheme, he added, was also subject to the agreement of Trade Unions at national level.

Clr Quinn advised that the scheme was abusive and exploitative of young people and called for non-co-operation with the Department.

As the time available to complete the business had elapsed there was no time available to further debate or vote on the motion.

Motion No 6 – Constraints Upland and Wet Grassland Farms

On the proposal of Clr O’ Domhnaill, seconded by, Clr Blaney, the following motion submitted earlier in the Meeting in accordance with Standing Order No 28 was moved:-

“That Donegal County Council requests that the Department of Agriculture fully consider the inherent constraints (soil types & annual rainfall) on small upland and wet grassland farms (*The new and more sustainable landscape management approach is adopted in disadvantaged areas, which maximises the vital tourism, environmental, social and economic benefits of an Equitable Rural Development Programme and rewards cost effective targeted actions of small farmers that benefit the wider rural community*) and that they acknowledge the worrying population declines, and its social consequences in upland areas and respond by harnessing the crucial green image of less intensive farming, married with

increasing Agri-Food production, to achieve its ambitious harvest 2020 goals”.

As the time available to complete the business had elapsed there was no time available to further debate or vote on the motion.

Motion No 7 – Clock Repair and Storm relief in Ballyshannon

On the proposal of Clr O’ Neill, seconded by, Clr Gallagher, the following motion submitted earlier in the Meeting in accordance with Standing Order No 28 was moved:-

“That Donegal County Council supports the owners of the iconic Town Clock Building in Ballyshannon Town Centre that was recently badly affected owing to storm damage. That funding is sought for the clock repair and installation and that storm relief funding be sought for recent emergency works”.

As the time available to complete the business had elapsed there was no time available to further debate or vote on the motion.

This concluded the business of the meeting.