

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
19 Eanáir, 2016

FOGRA CRUINNITHE

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 25 Eanáir, 2016, 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 Phríomh-Fheidhmeannaigh le feiceáil ag an gcruinniú.

Mise, le meas

**Seosamh O’Piobla
Riarthóir Cruinnithe**

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
19th January 2016

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 25th January 2016, 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 Chief Executive’s Orders will be available for inspection at the meeting.

Yours sincerely

**Joe Peoples
Meetings Administrator**

AGENDA

1. Confirmation of Minutes

- a) Confirmation of the Minutes of Budget Meeting of Donegal County Council held on the 18th November 2015.
- b) Confirmation of the Minutes of November Meeting of Donegal County Council held on the 30th November, 2015.
- c) Confirmation of the Minutes of Special Meeting of Donegal County Council held at 3pm on the 11th December, 2015.
- d) Confirmation of the Minutes of Special Meeting of Donegal County Council held at 4 pm on the 11th December, 2015.

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

- a) 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 transfer, 11 no single storey one bedroom dwellings at Erne Dale Heights, Ballyshannon to Cluid Housing.
- b) 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 Industrial Building at IDA Business Park, Portnason, Ballyshannon, to Mr John Fenton.
- c) 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 by way of lease at Port Road, Letterkenny to Letterkenny Tennis Club.

3. Planning and Development

To agree date for workshop to consider the publication of a Draft County Development Contribution Scheme 2016 – 2021.

4. Community and Enterprise

- a) That Donegal County Council make The Donegal Local Economic and Community Plan 2016 -2022 with or without amendment, in accordance with Section 66(4) of the Local Government Act 2001, as amended by the Local Government Reform Act 2014.
- b) To consider and adopt draft policy changes for the operation of the Development Fund Initiative for 2016 and beyond.

5. Roads & Transportation

To consider and adopt Draft Policy on the creation of Public Roads.

6. Corporate

- a. To approve the nomination of the Fishing and Aquaculture Representatives on the following Strategic Policy Committees:-
 - Economic Enterprise and Planning Policy
 - Roads and Transportation
 - Environment and Emergency Services.
- b. To note obligation on Members under the Local Elections (Disclosure of Donations and Expenditure) Act, 1999 as amended, to submit a Donation Statement by 31st January, 2016.
- c. To note obligations on Members under (Part 15) Local Government Act, 2001 Ethics Framework to submit Declaration of Interest by the 29th February, 2016.
- d. To consider report on the Whole System of Work as requested at the November 2015 Council Meeting.
- e. To afford a Civic Reception to Finn Harps in recognition of their contribution to Soccer in the County.
- f. To consider authorisation of Council Representation at the St Patrick's Day Events in the USA.

7. Endorsement of Minutes

- a) To note the Minutes of the Meeting of County Donegal Heritage Forum held on the 9th July, 2015.
- b) To note the Minutes of the Meeting of the Corporate Policy Group held on the 2nd November, 2015.

8. Authorisation of attendance at Seminar, Training or Event Conferences

- Celtic Conferences – EU Cohesion Policy 2014 – 2020 to be held Friday 5th to Sunday 7th February 2016 in the Clonakilty Hotel, Clonakilty, Co Cork.
- Elected Members Seminar–Housing (Miscellaneous Provisions) Act 2014 Purchase of Local Authority Houses by Tenants to be held Friday 5th and Saturday 6th February, 2016 in the Connacht Hotel, Dublin Road, Galway.

- Elected Members Seminar – Integrated Roads and Planning Policy to be held Friday 12th and Saturday 13th February, 2016 in the Connacht Hotel, Dublin Road, Galway.
- The Institute of Professional Training – Regulation of Lobbying Act 2015 to be held from Friday 12th to Sunday 14th February 2016 in the Mount Errigal Hotel, Letterkenny.
- Co-operation Ireland “Local Authorities Building Stronger Communities – the Role of Philanthropy and Alternative Funding Initiatives” to be held Thursday 25th February, 2016 in Dublin Castle.
- 27th Colmcille Winter School – Democratic Government – and its survival? to be held Friday 26th and Saturday 27th February, 2016 at the Colmcille Heritage Centre.

Abroad

- Attendance of the CPMR Representative at the CPMR Political Bureau Meetings on Thursday 18th and Friday 19th February, 2016 in Haarlem (Noord – Holland, NL)

9. Conference Reports

Cllr Albert Doherty

The Lobbying Act (Implication for Councillors) held Friday 9th and Saturday 10th October, 2015 in the Hotel Kilkenny, College Road,

Cllr Enda Bonner

Conference of Peripheral Maritime Regions of Europe held Thursday 5th and Friday 6th November, 2015 in Florence, Italy.

MOTIONS

STRANORLAR MUNICIPAL DISTRICT

Finance & Information Services

10. Cllr Gary Doherty

"That Donegal County Council invest in the creation of a mobile phone app which would provide an interactive map of the County with real-time updates on road closures, road works, flooding, water interruptions etc."

Roads and Transportation

11. Cllr McGowan

"That a review of all road types be carried out across the County with all roads types being reclassified (Regional/Local) according to traffic

volume and their strategic importance as the present list of Regional and other roads are badly outdated."

Corporate

12. **Cllr McBrearty**

"I am calling on the members of Donegal County Council to expel Cllr John O'Donnell from all the committees given to him under the all inclusive agreement agreed by all the political groupings on the Council after the May 2014 Local Elections, with immediate effect."

GLENTIES MUNICIPAL DISTRICT

Housing

13. **Cllr O'Domhnaill**

"That this Council discuss the massive housing need which is within our County, what plans Donegal County Council have to address this problem and arrange a deputation to meet with the Minister so as to tackle the need for more Council Housing Stock within Donegal as a matter of urgency."

Roads and Transportation

14. **Cllr O'Fearraigh**

That this Council carry out inspection on all bridges in Donegal, particularly in rural areas, in relation to weight restrictions for hauliers, and that signage be erected to indicate such weight restrictions."

INISHOWEN MUNICIPAL DISTRICT

Community and Enterprise

15. **Cllr Murray**

"That, in conjunction with Derry City and Strabane District Council, this Council assesses all possible funding options for a cross-border greenway tourist initiative and provides a presentation to full Council on same."

16. **Cllr Albert Doherty**

"That this Council conduct a thorough review of facilities and access to and at Public Parks and Playgrounds to allow and ensure full use and benefits are present for people with disabilities and children with special educational needs. Furthermore that Donegal County Council ensure play facilities for toddlers, pre school children and their families are accessible and available at Council Parks and Playgrounds"

LETTERKENNY MUNICIPAL DISTRICT

Housing

17. Cllr Quinn

"That Donegal County Council discusses the Tenant Purchase Scheme."

Roads and Transportation

18. Cllr McDaid

"That this Council write to the Minister for Transport asking for additional monies for this years current Roads Programme for each Electoral Area. There is a huge shortfall in each Electoral Area with roads crumbling in both Urban and Rural areas and the current Roads Programme is only covering a small percentage of the overall kilometres of roads in this County. If nothing is done about this, starting with this year and giving the horrendous weather, we are receiving there is going to be a crisis in Donegal if the situation is not properly addressed."

Finance

19. Cllr McMonagle

"That this Council condemn the cold calling and texting currently being pursued by Irish Water which is nothing short of harassment of those citizens who are withholding their water charges from Irish Water as a matter of principle."

DONEGAL MUNICIPAL DISTRICT

Planning

20. Cllr Jordan

"That this Council clarify the position in relation to Irish Water's role regarding planning permissions."

21. Cathaoirleach's Business

22. Chief Executive's Monthly Management Report

QUESTIONS

STRANORLAR MUNICIPAL DISTRICT

Corporate

23. Cllr Gary Doherty

"Can I have a monthly breakdown in tabular form of calls made to this Council's Emergency Contact Centre in 2015 and the service areas the calls related to?"

Roads and Transportation

24. Cllr McBrearty

"What is the total cost to the Council for the clear up due to the recent flooding? What effect will this have on the budget for year ahead? Will the Council be compensated by the Government for this clear up as other Councils have?"

25. Cllr McBrearty

"Has the council any intentions of reviewing the unfair local roads funding policy. Replacing the old policy from money for amount of mileage to money for most needed?"

26. Cllr McGowan

"Please can I have update on Street Lighting by MD and can a County-wide Street Lighting Programme be started as soon as possible?"

Water and Environment

27. Cllr McGowan

"Please give a detailed report on the Septic Tank Grant Scheme, pointing out the difference between the information that was first published by Government, and the way the scheme is now actually operating, and what if any decision the Council has in its operation?"

28. Cllr Gary Doherty

"How much was spent by this Council emptying sewerage holding tanks in unfinished estates in 2015?"

GLENTIES MUNICIPAL DISTRICT

Community and Enterprise

29. Cllr O'Domhnaill

"Can this Council advise as to the funding streams which will or may be available for the Railway Walks within the County in 2016 and specify routes which will or are proposed to be funded in 2016?"

30. Cllr O'Domhnaill

"Can this Council put in place a funding stream which will allow for the provision of Children's Play Areas in each of the Municipal Districts within County Donegal?"

INISHOWEN MUNICIPAL DISTRICT

Community and Enterprise

31. Cllr Murray

"Further to the passing of my motion and subsequent proposal which called for a meeting with the OPW and all relevant stakeholders to discuss how best to develop Grianan of Aileach, what steps have been taken to arrange this meeting and when is it expected to take place?"

Housing

32. Cllr Murray

"In light of the recent change in policy to reduce Part V social housing in new developments from 20% to 10%, how will this affect the Council's plans to build more social housing in the county?"

33. Cllr Albert Doherty

"Has the personnel for the expert group (Mica) announced by the Minister been confirmed, does it include Donegal County Council personnel/staff, has the group been in contact with Donegal County Council housing officials and is the study of Council housing stock complete and ready for presentation?"

Planning

34. Cllr Albert Doherty

Derelict Sites Act and Urban Regeneration and Housing Act Implementation

"How active are the Council at implementing and levying transgressors, especially with properties likely to a material degree to detract from the amenity, character or appearance of a town area? How many property owners have been identified and pursued and what has been the financial returns to the County Council over the last five financial years?"

LETTERKENNY MUNICIPAL DISTRICT

Planning

35. Cllr Shiels

"Can the Council confirm to me on a county-wide basis how many (1) housing estates on its takeover lists have either (a) no security bond in place; or (b) an insufficient security bond in place, to fully cover the costs of the Council completing any works necessary to allow the Council to take over the relevant estate?"

Roads and Transportation

36. Cllr Shiels

"When will there be a rollout of reduced speed measures for all housing estates in the County?"

37. Cllr Shiels

"Is Donegal County Council going to pursue the Office of Public Works for compensation for any damage caused to County Roads by recent incidents of flooding where inadequate steps have been taken by the Office of Public Works to prevent such flooding?"

38. Cllr Kavanagh

"Can the County Council look into providing additional parking facilities at the foot of Mount Errigal and at the entrance to Altan Farm for hikers and tourists to the area, and also review parking facilities at other important scenic areas in the county and along the Wild Atlantic Way?"

39. Cllr McDaid

"How many kilometres of road is owned by Donegal County Council in the whole of Donegal, and under the current roads programme including each Electoral Area and how many kilometres of road will be either surface dressed or avail of restoration and resurfacing this year?"

40. Cllr McDaid

"Under current budgets, how many years would it take approximately to cover all these roads (outlined in Question 39) without going back to the start?"

Housing

41. Cllr Kavanagh

"Have all eligible applicants for the revised rate of grants for housing adaption, mobility etc, now been informed of the revised rates of grant available?"

42. Cllr Kavanagh

"Are grants available from Donegal County Council to assist elderly people with roof replacements for their homes?"

Corporate

43. Cllr McMonagle

"Can I be furnished with the list of Gaming Arcades/Casinos currently registered and operating in Donegal and can I also be furnished with the criteria for operating a Casino/Arcade and the number of them that are compliant and have current Gaming Licences enabling them to operate legally and those that don't have current licences?"

44. Cllr O'Donnell

"What costs has been incurred to date regarding the unsuccessful case that Dessie Shiels now Councillor Dessie Shiels took against DCC over the co-option of Michael McBride, now Cllr Michael McBride to the council seat of the then Cllr Jimmy Harte and also, was the legal cost paid by Dessie Sheils that DCC incurred defending this and if not is interest also being charged on these fees until the appeal is heard?"

MINUTES OF JANUARY MEETING OF DONEGAL COUNTY COUNCIL,
HELD IN THE COUNTY HOUSE, LIFFORD ON 25TH JANUARY, 2016

C/1/16 MEMBERS PRESENT

Cllrs Ciaran Brogan, Cathaoirleach, L Blaney, E Bonner, J Campbell, P Canning, T Conaghan, G Crawford, 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 Mc Brearty, M Mc Bride, J P Mc Daid, M McDermott, S McEniff, 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, & T Slowey.

C/2/16 OFFICIALS IN ATTENDANCE

Seamus Neely, Chief Executive, Joe Peoples, Director of Corporate, Housing and Cultural Services and Meetings Administrator, Liam Ward, Director of Community, Enterprise and Planning, John McLaughlin, Director of Roads and Transportation, Garry Martin, Head of Finance and Director of Emergency and Information Systems, Michael McGarvey, Director of Water and Environment, Eunan Quinn, Senior Planner, Anne Marie Conlon, Communications Officer, Sean O'Daimhin, Oifigeach na Gaeilge, Anne Marie Crawford, Staff Officer.

C/3/16 VOTE OF SYMPATHY

A vote of sympathy was extended to the family of former Cllr James Mc Brearty. Cllr Mc Eniff proposed, seconded by Cllr Mc Garvey that the meeting be adjourned for a short period as a mark of respect.

C/4/16 CONFIRMATION OF THE MINUTES OF THE BUDGET MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 18TH NOVEMBER, 2015

On the proposal of Cllr McEniff, seconded by, Cllr McBride, the minutes of the Budget Meeting of Donegal County Council held on the 18th November, 2015 were confirmed.

C/5/16 CONFIRMATION OF THE MINUTES OF THE NOVEMBER MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 30TH NOVEMBER, 2015

On the proposal of Cllr Crawford, seconded by, Cllr McEniff, the Minutes of the November Meeting of Donegal County Council held on the 30th November, 2015 were confirmed.

C/6/16 CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 11TH DECEMBER, 2015 AT 3PM

On the proposal of Cllr McEniff, seconded by, Cllr McGarvey, the Minutes of the Special Meeting of Donegal County Council held on the 11th December, 2015 at 3pm were confirmed.

C/7/16 CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 11TH DECEMBER, 2015 AT 4PM

Cllr Mc Brearty contended that the minutes were not accurate and did not reflect his contribution on the day. He noted that there were lengthy contributions from other Members yet he had spoken for a considerable period of time at the meeting. A number of issues raised by him on the day, he stated, had not been included. Thus he said it was imperative that all meetings of Council were streamed for the benefit of the public in general.

He further expressed concern that there had been no disclosure on the day in relation to the fact that LAMA had called a meeting in Tralee to discuss the issues raised in the Primetime Programme.

On the proposal of Cllr Mc Gowan, seconded by Cllr Mc Eniff the Minutes of the Special Meeting of Donegal County Council held on 11th December, 2015 were adopted.

The Meetings Administrator said that it was not possible to record verbatim the contributions made by each Member and on occasion Members read from pre-prepared statements which are provided for the record. He asked Cllr Mc Brearty to submit details of his contribution to the meeting so that it could be considered for inclusion in the minutes.

The Cathaoirleach alluded to the fact that minutes generally reflect decisions taken and did not have to contain the verbatim contribution from each Member.

Cllr Mc Brearty proposed, seconded by Cllr Mac Giolla Easbuig that arrangements be put in place to facilitate the live streaming of Council Meetings.

Cllr Campbell noted that the next item on the agenda was the disposal of land, an important reserved function for the Elected Members. He was, he said, of the opinion that such matters could not be dealt with in the presence of Cllr O' Donnell, as he had not as yet provided a satisfactory explanation or apology for comments he made on the Primetime Investigates Programme. He called for Standing Orders No 46 and 48 to be invoked.

Cllr Campbell proposed, seconded by Cllr Mc Brearty that the Cathaoirleach invoke Standing Orders No 46 and 48 and that in accordance with the powers granted to the Cathaoirleach by the Members that Cllr O' Donnell be instructed to withdraw from the meeting.

The Cathaoirleach advised that he was moving on to Item No 2 and that there would be an opportunity to deal with the issues highlighted under Item No 12.

Cllr Gallagher proposed, seconded by Cllr Campbell and in accordance with Standing Order No 28 that Standing Order No 8 be suspended to allow for the consideration of Item No 12 - Motion as submitted by Cllr Mc Brearty.

This was duly agreed.

Mr Joe Peoples, Meetings Administrator withdrew from the meeting at this juncture in light of his role as Ethics Registrar. The cathaoirleach advised that Mr Liam Ward would be assuming the role of Meetings Administrator.

The Cathaoirleach also drew attention to the fact that no cameras of any kind or sound recording equipment could be used at meetings of the Council without the prior consent of the Council.

C/8/16

CALL FOR THE MEMBERS OF DONEGAL COUNTY COUNCIL TO EXPEL CLLR JOHN O DONNELL FROM COMMITTEES

On proposal of Cllr Mc Brearty, seconded by, Cllr Campbell, the following motion was considered:-

"I am calling on the members of Donegal County Council to expel Cllr John O'Donnell from all the committees given to him under the all inclusive agreement agreed by all the political groupings on

the Council after the May 2014, Local Elections, with immediate effect."

Members were informed that:-

"The circumstances in which a Local Authority member ceases to be a member during the term of office of the Council are set out in Sections 16 and 18 of the Local Government Act 2001. Section 16 deals with the situation of cesser arising from disqualification and Section 18 from resignation. In both instances the legislation provides that on the person ceasing to be a member of the Council, he/she also ceases to be a member of a body to which he/she:

*(a)was elected, nominated or appointed by [the] Local Authority, or
(b)is a member by virtue of being a member of [the] Local Authority.*

Subject to the above, there is no specific provision within Local Government Legislation to provide for the removal of a member from committees to which he/she was appointed.

However, the basis for the current Motion is clearly related to the issues that have arisen following the "RTE Investigates" programme on the 7th December. Those issues are currently being studied by the Council's Ethics Registrar. As members are aware, there are various stages through which an ethics process under Part 15 of the 2001 Act (Ethical framework for the Local Government Service), may have to go through -the last of which could be an investigation and report by the Standards in Public Office Commission. Where such an ethics process is ongoing, there is no provision in the legislation for suspension of a sitting councillor and he/she is entitled to continue to perform his/her normal function and role as a councillor, including participation on the committees to which the Council has previously appointed him/her.

For both that reason and normal due process rules alone, the position being taken is that the Motion as proposed is not permissible and, as a consequence, any resolution passed on foot of it would have no legal effect. The current process under the ethical framework should be allowed to continue until conclusion

when the matter may come back before the members in one form or another.”

Cllr Mc Brearty said that on the basis of the legal opinion, he had received, the Council did have the power to expel Cllr O’ Donnell from committee membership. Cllr O’ Donnell’s membership of Council Committees, he stated, had been allocated to him by the Members and drawn up as part of the all inclusive deal in 2014.

Acknowledging that the reply to his motion outlined how the Council proposed to proceed in this matter, Cllr Mc Brearty confirmed that he would have no option but to consult his lawyers to take an injunction against Donegal County Council and proceed along the lines of judicial review.

Cllr Mc Garvey stated that the response confirmed the fact that there was no specific provision within Local Government legislation to remove a Member from Committees to which he/she had been appointed, and that due process should be allowed to continue to a conclusion.

Cllr Mc Brearty asked that the legal advisor be invited to attend the meeting to confirm the advice as presented in the reply, as he was of the opinion, that it would not be appropriate to frustrate the wishes of the Members. The meeting on the 11th December, 2015, to discuss the Primetime Programme, he added, should never have happened and the Cathaoirleach and the Chief Executive, he contended, should have removed themselves from the meeting, given their role was integral in any investigation. An independent investigation, he said, was warranted at this juncture and he himself was not prepared to work with Cllr O’ Donnell.

Cllr O’ Donnell, he stated, had not apologised to him or any other Member. Cllr Mc Brearty also stated that Cllr O’ Donnell had not responded to the solicitor’s letter sent on Cllr Mc Brearty’s behalf, nor to his legal team.

He called on the Cathaoirleach and the Chief Executive to seek additional legal advice given that the reply as presented merely outlined the role of Donegal County Council and that of the Ethics Registrar.

Cllr Mc Brearty called for the matter to be discussed by the Members, in advance of the Meetings Administrators response.

Mr Liam Ward, Meetings Administrator said that Standing Order No 30 clearly outlined the Executive's role in responding to motions and prior to such matters being put to the floor.

He proceeded to read into the record, the response outlined above.

Cllr Mc Brearty contended that his motion was not seeking to expel Cllr O' Donnell but rather remove him from the committees that he was appointed to by the Members of Donegal County Council. The Council, he said, gave Cllr O' Donnell a mandate and could take it away. Cllr Mc Brearty stated that the Meetings Administrator, Liam Ward was misleading the Council. Cllr Mc Brearty demanded that the legal advice relied on by Mr Ward be made available to him. The legal advice received, he added, was one opinion only and misleading to the general public. He called for additional legal advice to be sought and said he was of the belief that the Council had compromised themselves by holding a public meeting.

He asked that additional legal advice be sought and that his motion be interpreted correctly.

The Cathaoirleach cautioned against making personalised remarks in the Chamber.

Responding , the Meetings Administrator said he could not concur with Cllr Mc Brearty's suggestion that the reply had been misleading. The thrust of the motion had been very clearly dealt with, he added, with the advice stating that the ethics process was ongoing and that there was no provision in the legislation for the suspension of Cllr O' Donnell.

The Chief Executive alluded to the competency of the Meetings Administrator, whom, he advised, had a full understanding of the the Local Government Act. He was, he said, satisfied that the advice provided was reflective of what the legislation provided for.

A heated debate ensued.

Cllr Mc Garvey proposed, seconded by Cllr Crossan that the current process under the ethical framework be allowed to continue until such time as a final conclusion was reached.

C/9/16 ADJOURNMENT OF MEETING

On the proposal of Cllr O'Domhnaill, seconded by Cllr Mc Gowan it was resolved to adjourn the meeting for a brief period

C/10/16 CALL FOR THE MEMBERS OF DONEGAL COUNTY COUNCIL TO EXPEL CLLR JOHN O DONNELL FROM COMMITTEES

On resumption Cllr Quinn stated that the theme of the motion was clear and that it was apparent that it related to the power sharing agreement in place since 2014. He suggested that the party whips reconvene and revisit this agreement as it was the only methodology for dealing with the motion.

Cllr Mc Brearty advised of his right to seek his own legal advice and said that that the motion could be revisited at other meetings or at full Council. He asked that a copy of the legal advice received together with all handwritten notes be made available to him.

Cllr Campbell referring to paragraph 4 of the response said that if the motion had not been permissible in the first place then it should never have been included on the agenda. He contended that Part 7 of the Local Government Act, 2001 effectively allowed for the members of any committee to be discharged.

The Cathaoirleach confirmed that a vote would be taken initially on the proposal from Cllr Mc Garvey, seconded by Cllr Crossan, that due process be allowed to continue.

A recorded vote was then taken by the Meetings Administrator. This resulted in 20 voting for with 12 against. There were two abstentions.

Those voting in favour included:-

Cllrs Blaney, Bonner, Conaghan, Crawford, Crossan, Donaghey, Farren, Harley, Kavanagh, Kennedy, Mc Daid, Mc Dermott, Mc Eniff, Mc Garvey, Mc Gowan , Mc Guinness, O' Domhnaill, O' Donnell, Ryan and Slowey. (20)

Those voting against included:-

Campbell, A Doherty, G Doherty, L Doherty, Gallagher, Jordan, Mac Giolla Easbuig, Mc Brearty, Mc Monagle, Murray, O' Fearraigh and Quinn (12)

Cllr s Brogan and Mc Bride abstained.

Cllr Mc Brearty said it was a sad day for the people of Donegal as Members were not now able to stand up for the people who elected them. He was he said extremely disappointed in the Executive and in those who had dismissed his motion.

He asked that the minutes of the meeting be supplied as soon as practical to his legal team.

His motion, he contended, did have legal standing and he queried as to why it had not been ruled out of order by the CPG in the initial stages.

Concluding he thanked the Sinn Fein Grouping for standing up for democracy and acknowledged all who had supported him.

The Cathaoirleach reminded members that the Directors response was the Donegal County Council response and in line with that provided by the Council's legal team.

C/11/16 DISPOSAL BY WAY OF TRANSFER, 11 NO SINGLE STOREY ONE BEDROOM DWELLINGS AT ERNE DALE HEIGHTS, BALLYSHANNON, CO DONEGAL TO CLUID HOUSING

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

Cllr Campbell again called on Cllr O' Donnell to absent himself from the meeting. He declined to do so.

Cllrs Campbell and Mac Giolla Easbuig left the meeting at this point.

On the proposal of Cllr McEniff, seconded by, Cllr McGowan it was resolved to dispose by way of transfer, 11 No single storey one bedroom dwellings at Erne Dale Heights, Ballyshannon to

Cluid Housing 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/12/16 DISPOSAL OF INDUSTRIAL BUILDING AT IDA BUSINESS PARK, PORTNASON, BALLYSHANNON TO MR JOHN FENTON

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

On the proposal of Cllr McEniff, seconded by, Cllr Harley, it was resolved to dispose of Industrial Building at IDA Business Park, Portnason, Ballyshannon to Mr John Fenton, 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/13/16 DISPOSAL OF LAND BY WAY OF LEASE AT PORT ROAD, LETTERKENNY TO LETTERKENNY TENNIS CLUB

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

On the proposal of Cllr Kavanagh , seconded by, Cllr Blaney, it was resolved to dispose of land by way of lease at Port Road, Letterkenny to Letterkenny Tennis Club, 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/14/16 ADJOURNMENT OF MEETING

On the proposal of Cllr Mc Eniff, seconded by Cllr Blaney it was resolved to adjourn the meeting for lunch.

The Cathaoirleach reminded those in the public gallery that sound recording was not permitted without the prior authorisation of the Council.

C/15/16 TO AGREE DATE FOR WORKSHOP TO CONSIDER THE PUBLICATION OF A DRAFT COUNTY DEVELOPMENT CONTRIBUTION SCHEME 2016 – 2021

It was unanimously agreed that the workshop would be held on Monday 29th February, 2016 at 2pm in the County House, Lifford.

Members also at this juncture agreed to hold a Roads Workshop on Monday 15th February, 2016 at 10.am in the County House, Lifford.

C/16/16 TO MAKE THE DONEGAL LOCAL ECONOMIC AND COMMUNITY PLAN 2016 – 2022 WITH OR WITHOUT AMENDMENT, IN ACCORDANCE WITH SECTION 66(4) OF THE LOCAL GOVERNMENT ACT 2001, AS AMENDED BY THE LOCAL GOVERNMENT REFORM ACT 2014

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

On the proposal of Cllr Mc Gowan, seconded by Cllr Mc Dermott it was resolved in accordance with Section 66(4) of the Local Government Reform Act, 2014, to make the Donegal County Council Local Economic & Community Plan 2016-2022 with a reference included in relation to the needs of the Border Regions of the County.

C/17/16 CONSIDERATION AND ADOPTION OF THE DRAFT POLICY CHANGES FOR THE OPERATION OF THE DEVELOPMENT FUND INITIATIVE FOR 2016 AND BEYOND

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

On the proposal of Cllr Mc Brearty, seconded by Cllr Crawford it was resolved to adopt the Draft Policy Changes for the operation of the Development Fund Initiative for 2016 and beyond as endorsed by the Community, Social and Cultural SPC and the Corporate Policy Group.

Cllr Mc Brearty expressed disappointment in relation to the minimum grant allocation figure and said he was of the opinion that it should be much higher.

C/18/16 CONSIDERATION AND ADOPTION OF THE DRAFT POLICY ON THE CREATION OF PUBLIC ROADS

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

On the proposal of Cllr O' Domhnaill, seconded by Cllr Crossan it was resolved to adopt the policy on the creation of public roads subject to the removal of the following:-

C/21/16 TO NOTE OBLIGATIONS ON MEMBERS UNDER (PART 15) LOCAL GOVERNMENT ACT, 2001 EHTICS FRAMEWORK TO SUBMIT DECLARATION OF INTEREST BY THE 29TH FEBRUARY, 2016

Members were reminded of their obligation to submit a declaration of interest under Part 15 of the Local Government Act, 2001 (Ethics Framework), and to return same by the 29th February, 2016.

C/22/16 CONSIDERATION OF REPORT ON THE WHOLE SYSTEM OF WORK AS REQUESTED AT THE NOVEMBER 2015 COUNCIL MEETINTG

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

Cllr Quinn contended that he was not much wiser for having read the report and was still in the dark with regard to a number of issues.

He enquired as to:

1. Who had made the decision, not to carry out the procurement process for the evaluation as approved by Council in June 2012 and
2. Whether or not service areas now being managed by a number of other Local Authorities had been developed on the back of WSW.

He was, he confirmed, surprised that One Sigma Ltd in the short timeframe involved had offered to deliver a presentation to the Elected Members.

Cllr Slowey was of the opinion that the response offered nothing of substance. He proposed, seconded by Cllr Mc Brearty that the Internal Auditors Report be circulated again for the benefit of new Members. He had, he stated, documented a total of 195 tranactions totalling €3.2m out the €4m total spent to date on WSW. He expressed particular concern in relation to two payments of €90k which were paid at a time when the company was believed to be in financial difficulty.

He expressed concern that the two Directors of One Sigma had been paid dividends of €89,000 each in 2008 around the same time that the €180,000 advance payments were made. He alluded also to

the fact that the evaluation report sanctioned in 2010, had never materialised.

This report, he contended, should have been carried out by an outside body, given that there was an expectation at that time, that Donegal County Council was in a position to benefit from its investment . He asked that the Value For Money Committee look at the two €90,000k advance payments and revert as appropriate to the plenary Council.

Cllr Mc Brearty asked that new Members be brought up to speed in relation to the Whole System of Work, and that the Local Government Auditors Report be supplied to new Members as soon as possible. He was critical of former Council Management and the fact that former Mayors had not been sufficiently briefed in relation to dealings with One Sigma.

He cited the need for an external independent investigation and called on the Cathaoirleach to use his influence to ensure that this take place.

Cllr Bonner noted that the project had been presented to Members as one that could potentially benefit the Council, but that costs associated with the project had spiralled substantially over the years. He was, he said, not in favour of bringing One Sigma back to address the Council.

Mr Joe Peoples, Meetings Administrator, said that the report as presented was a synopsis of considerations around the WSW since the decision of Council in 2010. There was, he confirmed, no ongoing work involving One Sigma at present. The report set out the requirement on the Local Government Sector to achieve significant cost savings/efficiencies of the order of €500,000,000 identified in the Local Government Efficiency Review Report and included proposals for delivering Local Authority Services through a National/ Regional Shared Service Model. The changes introduced included the transfer of some functions to other agencies e.g. Higher Education Grants, Driver Licensing. The Council had also taken a number of parallel initiatives to achieve efficiencies in terms of process improvement to complement national shared service delivery arrangements.

Mr Seamus Neely, Chief Executive, said that, he could only speak in relation to his own direct experience of the matter during the period since his appointment.

He would, he said, liaise with Cllr Slowey in relation to specific queries raised.

He provided a brief summary of the meetings and events associated with the WSW Project from 2010 onwards and acknowledging that the Local Government Sector had to adapt to a number of efficiencies over that period. Most of the services tested under WSW, he noted, were subsequently looked at as services that could be shared at national level. He said that there had been plans to have an external evaluation of the system carried out, but that this had never materialised. It was possible, he added, for an evaluation to proceed if that was the will of the Council. It was essential, he said, that this was carried out by an external body.

He said that his own personal view was that he would prefer the Council to move into a space where it was using additional revenue to recommence and advance existing services.

The Chief Executive stated that he was not aware of the system being deployed elsewhere. There had been, he confirmed, communication from One Sigma, who mindful of the discussion that had taken place at the November Council Meeting, had offered to address the Council in relation to the status of the Whole System of Work Project.

He said that he was anxious to facilitate the Members and find a way of addressing the matter that was satisfactory to all.

Cllr Quinn said that he was disappointed with the response as no real clarification had been provided. There were, he confirmed, a number of areas that warranted consideration, namely copyright issues and whether or not the €4m investment was in the long run a waste of money. He asked if there was any possibility at this juncture of recouping any of the monies invested.

Cllrs Mc Guinness and Ryan expressed concern regarding the copyright issues and highlighted the necessity of having the matter reviewed by the Value For Money Committee so that a determination could be made in relation to the investment.

Cllr Slowey concluding noted that the Chief Executive and the Head of Finance had done their utmost in difficult circumstances, to improve the Council's financial position. For this reason, he said, it was imperative that this issue was sorted once and for all.

On the proposal of Cllr Slowey, seconded by Cllr Quinn it was agreed to refer the matter to the Value for Money Committee for consideration followed by the presentation of a report to Members at plenary level.

Cllr Mc Brearty objected strongly to the proposal and called again for a full independent external inquiry in relation to the matter.

C/23/16 TO AFFORD A CIVIC RECEPTION TO FINN HARPS IN RECOGNITION OF THEIR CONTRIBUTION TO SOCCER IN THE COUNTY

On the proposal of Cllr McBrearty, seconded by Cllr Mc Garvey it was resolved to hold a Civic Reception in honour of Finn Harps Football Team in recognition of their contribution to soccer in the County.

C/24/16 CONSIDERATION OF AUTHORISATION OF COUNCIL REPRESENTATION AT THE ST PATRICK'S DAY EVENTS IN THE USA

Cllr Canning proposed, seconded by Cllr Harley that Donegal County be represented at the St Patrick's Day Events in the USA.

The Sinn Fein Grouping advised that they were opposed to the trip as they were of the opinion that it did not generate any material benefit.

A show of hands was taken by the Meetings Administrator resulting in 14 voting in favour of the trip with 9 voting against.

Attendance at the St Patrick's Day Events in the USA was therefore approved.

C25/16 TO NOTE MINUTES OF THE MEETING OF COUNTY DONEGAL HERITAGE FORUM HELD ON THE 9TH JULY, 2015

Members noted the minutes of the Meeting of County Donegal Heritage Forum held on the 9th July, 2015.

C/26/16 TO NOTE THE MINUTES OF THE MEETING OF THE CORPORATE POLICY GROUP HELD ON THE 2ND NOVEMBER, 2015

Members noted the minutes of the meeting of the Corporate Policy Group held on the 2nd November, 2015.

C/27/16 CONFERENCES

Members were informed that late notification had been received from the Association of Irish Local Government in relation to the “Councils & Public Safety Seminar” to be held on Thursday 11th February, 2016 in the Hillgrove Hotel, Monaghan, for the Border & Western Region Counties.

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 Donaghey, seconded by, Cllr McEniff, 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.

Conferences

- Celtic Conferences – EU Cohesion Policy 2014 – 2020 to be held Friday 5th to Sunday 7th February 2016 in the Clonakilty Hotel, Clonakilty, Co Cork.
- Elected Members Seminar–Housing (Miscellaneous Provisions) Act 2014 Purchase of Local Authority Houses by Tenants to be held Friday 5th and Saturday 6th February, 2016 in the Connacht Hotel, Dublin Road, Galway.
- Elected Members Seminar – Integrated Roads and Planning Policy to be held Friday 12th and Saturday 13th February, 2016 in the Connacht Hotel, Dublin Road, Galway.
- The Institute of Professional Training – Regulation of Lobbying Act 2015 to be held from Friday 12th to Sunday 14th February 2016 in the Mount Errigal Hotel, Letterkenny.

- Co-operation Ireland “Local Authorities Building Stronger Communities – the Role of Philanthropy and Alternative Funding Initiatives” to be held Thursday 25th February, 2016 in Dublin Castle.
- 27th Colmcille Winter School – Democratic Government – and its survival? to be held Friday 26th and Saturday 27th February, 2016 at the Colmcille Heritage Centre.

Training

- AILG Training Programme - Councils & Public Safety to be held on Thursday 11th February, 2016 in the Hillgrove Hotel, Monaghan, for the Border & Western Region Counties.

Abroad

- Attendance of the CPMR Representative at the CPMR Political Bureau Meetings on Thursday 18th and Friday 19th February, 2016 in Haarlem (Noord – Holland, NL)

Cllr Garry Doherty queried the situation with regard to Members absenting themselves from meetings. He was informed that once a Member signed the attendance sheet then he was recorded as having attended the meeting.

C/28/16

CONFERENCE REPORTS

On the proposal of Cllr Donaghey, seconded by, Cllr McEniff, the Members noted the following conference reports:-

Cllr Albert Doherty

The Lobbying Act (Implication for Councillors) held Friday 9th and Saturday 10th October, 2015 in the Hotel Kilkenny, College Road,

Cllr Enda Bonner

Conference of Peripheral Maritime Regions of Europe held Thursday 5th and Friday 6th November, 2015 in Florence, Italy.

C/29/16

COUNCIL DEVELOPMENT OF ITS OWN MOBILE PHONE APP

On the proposal of Cllr Gary Doherty, seconded by, Cllr Murray, the following motion was adopted:-

"That Donegal County Council invest in the creation of a mobile phone app which would provide an interactive map of the County with real-time updates on road closures, road works, flooding, water interruptions etc."

Members were informed that:-

Recent severe weather events have highlighted the importance of up to date communications with citizens in relation to various matters which impinge on their lives including transportation, weather and public services generally.

Current Communication Platforms

Donegal County Council has a very strong Social Media presence on both Twitter and Facebook, and has provided these avenues of communication for a number of years since the creation of a dedicated Communications Office working alongside the Information Systems Department.

DCC Social Media accounts:	Followers	Tweets
@DonegalCouncil	4602	5879
@RoadsDCC	1313	1337
@DonegalMaps	620	3354
DCC Facebook	6907	

Communications on Social Media channels in relation to weather events are posted by the Communications Officer on facebook and twitter (@DonegalCouncil), and the Roads Section on twitter (@RoadsDCC). Mapping communications are tweeted from @DonegalMaps by Information Systems. All 3 accounts are very active and work together to increase the reach of communications via tagging, liking and re-tweeting.

During the weekend of Storm Desmond, Donegal County Council communications through twitter alone reached 119,000 impressions (Impressions are an indicator of the potential audience).

Online Mapping

The Information Systems Department produces a number of maps relating to emergency management, winter weather and weather alerts through the mapping portal at <http://donegal.maps.arcgis.com>. These maps provide hourly weather forecasts for 62 locations countywide, giving 12 hour weather alert forecasts, maps of windspeed/direction, temperatures/wind chill, traffic camera images, and nightly maps of gritted roads.

Alerts are automatically tweeted relating to gale & storm force winds, wintry showers, heavy rain, fog and freezing temperatures on a regional basis throughout County Donegal.

Another scheduled task captures a snapshot image from all the traffic cameras around the county so that the viewer can get a very quick snapshot of current road conditions around the county. This is updated every 30 minutes. A Facebook post in relation to snow on January 14th 2016 reached 21,000 people and was shared 83 times.

<http://arc.donegal.ie/flexviewers/images/currentroads/currentroads2.jpg>

Links to these maps are generated and communicated through the @Donegalmaps, @RoadsDCC and @Donegalcouncil twitter account during times of severe weather, gritting callouts and emergency situations.

Mobile Alert App Solution

The Information Systems Department is currently evaluating a mobile app system designed to enhance, compliment and integrate with the Councils' current communications platforms. The desired functionality includes;

- Targeting communications with the public, based on their location.
- The ability to register for different types of alerts: road closures, severe weather, flooding, planning lists and community notifications.
- Alerts with map locations.
- Multi channel delivery of alerts - sms, email, mobile app and voice message.
- Push alerts through Corporate twitter account.
- Alerts from official MetEireann/OPW warnings.
- Alerts along commuting routes.
- Auto alerts of scheduled events.
- Include local media, national agencies in alerts.

In parallel with the evaluation of the mobile app, standard operating procedures will be developed setting out how the various Council Departments will manage the communications relating to their particular services”.

Cllr G Doherty commended all staff who had been involved in dealing with flooding issues prior to Christmas. Welcoming the

response, he said, it was essential that a Mobile App was developed to inform the public of road closures within the earliest possible timeframes.

Cllr Murray noted that live updates could be provided at a relatively low cost.

There was no opposition to the motion.

Mr Garry Martin, Director of Information Systems, alluding to the reply, confirmed that plans were in place to develop such an App and that a number of different options could be investigated.

Cllr Doherty concluding, said that this development would be of enormous benefit to the general public, and could easily be developed for €500 approximately.

Cllr Gallagher on a point of order raised the issue of attendance at meetings and the fact that a number of Members had departed prior to the completion of the business on the agenda.

She asked that the management of same be reviewed by the Corporate Policy Group.

C/30/16

REVIEW OF ALL THE ROAD TYPES IN THE COUNTY

On the proposal of Cllr McGowan, seconded by, Cllr Crawford, the following motion was adopted:-

"That a review of all road types be carried out across the County with all roads types being reclassified (Regional/Local) according to traffic volume and their strategic importance as the present list of regional and other roads are badly outdated."

Members were informed that:-

"The Council itself does not have the authority to reclassify Regional Roads. Under Section 10 of the Roads Act, 1993 that authority rests with the Minister for Transport. The Minister's power under Section 10 has been exercised infrequently in the past 20 years (12 times since the act came into effect) with the majority of these relating to specific national roads. Prior to commencing any review of the county's road classifications, it is suggested that the Council should firstly confirm with DTTaS that the Minister is

open to reclassification of roads and thereafter what criteria the Minister would consider appropriate for the review.

In addition, it is suggested that if a review is to be carried out, then it should be done only on the group of roads that are likely to meet the criteria. Separately, the Council has lobbied the TII (formerly NRA) to reclassify some roads as National Roads in the past few years.”

Cllr Mc Gowan said that the classification process had become outdated and asked that a review be initiated in accordance with the guidelines outlined in the reply.

He advised that there were a number of locations that warranted review including:

- L3044-4 to L3044-11
- Stranorlar Back Road through Crosstoads Village to Ringsend, Castlefin to Clady.
- L2324-1 to L2324-5 Castlefin to Convoy

There was no opposition to the motion.

Mr John Mc Laughlin, Director Roads & Transportation confirmed that it would be necessary in the first instance to clarify the criteria required with the Department of Transport, Tourism and Sport.

C/31/16

SOCIAL HOUSING NEED WITHIN THE COUNTY

On the proposal of Cllr O’Domhnaill, seconded by, Cllr McDermott the following motion was adopted:-

"That this Council discuss the massive housing need which is within our County, what plans Donegal County Council have to address this problem and arrange a deputation to meet with the Minister so as to tackle the need for more Council Housing Stock within Donegal as a matter of urgency."

Members were informed that:-

As part of the implementation of the Social Housing Strategy 2015-2020, Donegal County Council is looking at a number of options in terms of meeting the targets provided by the Department of the Environment, Community & Local Government and projects

which will be approved / funded by them. The principal aim of this approach is the provision of social housing in areas where the greatest need exists.

A detailed report was circulated to Members in relation to current and capital targets for the period 2015-2017 which included new build/construction proposals and acquisitions. Details were also set out in relation to returning vacant houses to productive use and projects under the Capital Assistance Scheme (CAS). The report also set out details in relation to the Housing Assistance Payment Scheme and the eligibility criteria associated therewith.

The Council considered the Infrastructure Development Report at the November Meeting and agreed subject to some amendments/revisions to arrange meetings with the appropriate Government Departments and funding agencies.

Section 7 of the report sets out the requirement under the Housing Capital Programme for an investment of €80m in the period up to 2020. Arrangements will be made, therefore, to seek an early meeting with the Department of the Environment, Community and Local Government in that regard”.

Cllr O’ Domhnaill expressed concern that only 51 new Housing Units were being progressed at a time when there was in the region of 2500 applications for housing with the Council.

Donegal County Council, he added, was not proactive in this field and had made no effort to develop a satisfactory land bank or source additional funding from the Department.

Cllr Mc Dermott said that nothing was being done to develop or provide S.I Housing even though it was clearly within the Council’s remit.

There was no opposition to the Motion.

Mr Joe Peoples, Director Housing, Corporate & Cultural Services confirmed that arrangements would be made to seek an early meeting with the Department of the Environment, Community and Local Government to discuss the issues raised. It was confirmed that the issue of S. I Housing could be tabled for discussion at the next Housing Strategic Policy Committee Meeting.

Mr Liam Ward, former Director of Housing responding to a query regarding the eligibility of those on the Long Term Leasing Scheme, said that he was not aware of any obstacle preventing them from transferring to the Council's Housing List.

Cllr O' Domhnaill in conclusion asked why Donegal County Council was shirking its responsibilities in relation to housing provision. He reiterated the need to look at acquiring potential land banks for housing development and exploring all available funding avenues. He asked that the matter be reviewed by the Housing & Corporate Strategic Policy Committee.

Failure to provide adequate housing would, he confirmed, allow the Voluntary Housing Voluntary Sector to move into this territory.

C/32/16 CARRYING OUT OF INSPECTIONS ON BRIDGES IN DONEGAL IN REGARD TO WEIGHT RESTRICTIONS

On the proposal of Cllr O'Fearraigh, seconded by, Cllr Liam Doherty, the following motion was adopted:-

"That this Council carry out inspection on all bridges in Donegal, particularly in rural areas, in relation to weight restrictions for hauliers, and that signage be erected to indicate such weight restrictions."

Members were informed that:-

"Donegal County Council have over 5000 bridges of which 3500 have had a conditional assessment complete, with 1500 remaining to be assessed. Grants approved and received annually by DTAS allow works to be carried out a set number of these assessed bridges each year, as agreed by the elected members.

Structural assessment is a detailed, time consuming and costly exercise leading to a very lengthy programme for the council to undertake on all 5000 bridges countywide. If there is a bridge known to be of particular concern on a heavy haulage route this could be considered on a case by case basis for review subject to funding and approval by Municipal District.

There is a balance to be achieved between allowing and restricting heavy lorries on routes while still allowing the haulage business to operate and serve their business needs. For example, oil lorries and

such delivery vehicles require access to most roads to serve their customers. However, it is important that if bridges are known to be weak or unable to take the larger weights, that they are strengthened or restricted.”

Cllr O’ Fearraigh said, that in his opinion, the provision of adequate signage would have helped prevent accidents at a number of bridges in the County. He alluded to Mullantieboyle Bridge in particular and welcomed the fact that bridges causing particular concern would now be considered on a case by case basis.

Cllr L Doherty advised of the need for bridge strengthening and outlined the necessity of providing railings at a number of locations including Meenaroy, Carrigans and St Johnston.

There was general agreement that Coillte should make some provision for road maintenance especially when planning permission was being granted for forestry roads.

There was no opposition to the motion.

Mr John Mc Laughlin, Director Roads & Transportation confirmed that issues regarding particular bridges could be reviewed at MD level, subject to funds being available.

Cllr Mc Brearty highlighted the need for remedial works at St Johnston, Castlefin, Ballindrait and Clady.

Cllr O’ Fearraigh noted that considerable work had been carried out to date, but said that, he was firmly of the opinion that signage regarding weight restrictions needed to be erected on bridges throughout the County.

C/33/16 FUNDING FOR CROSS BORDER GREENWAY TOURIST INITIATIVE

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

"That, in conjunction with Derry City and Strabane District Council, this Council assesses all possible funding options for a cross-border greenway tourist initiative and provides a presentation to full Council on same."

Members were informed that:-

“Donegal County Council and Derry City and Strabane District Council have recently contributed to the North West Greenway Plan which aims to provide the basis of a strategic and co-ordinated plan for the development of a number of greenways throughout the North West. It is proposed that this plan be presented to the next meeting of the Community, Social and Cultural S.P.C.. The Council will be exploring all potential funding sources in respect of the development of greenways throughout the County and currently are working with Derry and Strabane District Council with regard to the submission of a funding application for a cross border greenway development under the INTERREG VA Programme. The criteria laid down in the operational programme is focusing on the cross border greenway development, identifying modal shift and an emphasis on reduction in high Carbon transport to more environmentally friendly forms such as cycling and walking. The application will have to bear in mind the strong emphasis on this criteria as sustainable transport and projects submitted will need to match this criteria and demonstrate a high number of daily cross-border commuters.”

Cllr Murray cited the importance of developing a Greenway Tourism Initiative and outlined in particular the benefits for the Inishowen Area. It would also, he noted, fit comfortably into the ongoing development of the Wild Atlantic Way Project.

Cllr A Doherty alluded to the immediate tourism and environmental benefits together with the overall regeneration impact of such a project. It would also, he added, provide a safe high quality transport corridor. He referred also to the possibility of using old railway line tracks for this type of development.

There was no opposition to the motion.

Mr Liam Ward, Director Community, Enterprise & Planning Services confirmed that the proposals could be considered at the next Community, Social and Cultural Strategic Policy Committee.

He said that there was ongoing collaboration with Derry City & Strabane District Council under the INTERREG IVA Programme and that the matter would be referenced also through the North West Development Group.

Cllr Murray concluding said that the development of a Greenway would be of huge benefit and would impact positively on the North West Region as a whole.

C/34/16 REVIEW OF FACILITIES AND ACCESS TO PUBLIC PARKS AND PLAYGROUNDS

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

"That this Council conduct a thorough review of facilities and access to and at Public Parks and Playgrounds to allow and ensure full use and benefits are present for people with disabilities and children with special educational needs. Furthermore that Donegal County Council ensure play facilities for toddlers, pre-school children and their families are accessible and available at Council Parks and Playgrounds"

Members were informed that:-

“Donegal County Council are continuously assessing and auditing all 46 playgrounds that we are responsible for managing, insuring and maintaining throughout the County. We are constantly looking at options to install more inclusive equipment in the playgrounds by utilising external funding.

DCC have secured small amounts of funding from the Department of Children & Youth Affairs in the last two years, which has assisted the Council in installing 2 wheelchair accessible roundabouts in two playgrounds within the County. A large number of the playgrounds within the County contain equipment, which can be enjoyed by all children with various disabilities and include equipment such as: springers, roundabouts, play panels, swings, etc.

Donegal County Council has also included a proposal in the 3 Year Capital Budget 2016 – 2018 to refurbish 8 playgrounds within that period and will not doubt include the installation of various pieces of equipment that will cater for children regardless of their ability. All playgrounds installed in the County by Donegal County Council over the last 8 – 10 years are accessible to all and include equipment suitable for children between the ages of 2 and 12.”

Cllr A Doherty welcomed the reply and asked that every effort be made to accommodate the following:-

- That the Community, Social & Cultural SPC meet with the various local Disability Groups to assess the level of activity needed to make playgrounds more user friendly for children with disabilities .
- Information be provided in relation to the 2016 Programme for Playgrounds.
- Funding efforts be continued and enhanced.

Cllr Mc Monagle said that there was a need also to liaise with the various Disability and Learning Groups . He highlighted also the necessity of ensuring that repair works were carried out in a timely fashion.

Mr Liam Ward, Director of Community, Enterprise and Planning agreed to follow up in relation to the repair issues. He noted that there was adequate insurance in place for all of the 46 Playgrounds within the Council's remit. Efforts would be made, he added, to deal with the older playgrounds initially. It was also confirmed that it would be possible to facilitate a presentation from representatives of the various Disability/Learning Groups .

C/35/16

CALL FOR DONEGAL COUNTY COUNCIL TO DISCUSS
THE TENANT PURCHASE SCHEME

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

"That Donegal County Council discusses the Tenant Purchase Scheme."

Members were informed that:-

On the 1st January 2016, a new tenant purchase scheme came into operation for existing local authority houses, modeled along similar lines to the incremental tenant purchase schemes currently in operation for certain newly-built or acquired local authority houses.

Under the scheme, the tenant of a local authority house pays the authority a discounted price related to his or her income in order to purchase the fee simple in the house and, on completion of the sale, the authority places an incremental purchase charge on the house of the proportion of its value equal to the discount. This charge withers away to nothing in equal annual proportions over the

charged period, provided that the tenant purchaser complies during that period with the terms and conditions of the sale, notably use of the house as the household's normal residence. If the tenant purchaser breaches a condition of the sale during the charged period, the authority may suspend the reduction on the charge for the year concerned, in which case the purchaser must, on expiry of the charged period, make a payment to the authority to clear the outstanding charge on the property. Provision is made for the tenant purchaser to pay off one or more annual releases of the incremental purchase charge during the charged period, if he or she so wishes.

If the tenant purchaser wishes to resell the house during the charged period, the housing authority has first option on buying it back at its current market value, less the value of the outstanding incremental purchase charge. Where the authority does not buy back the house, the tenant purchaser must, on sale of the house in the market, pay to the authority the value of the outstanding incremental purchase charge on the property, with the amount of the payment being reduced, where necessary, to avoid a net loss for the purchaser on the resale of the property.

There are nine different classes of dwellings which may not be sold under the Scheme and these are set out hereunder.

a separate and self-contained dwelling in a building that—

- (i) *is divided into a dwelling and one or more dwellings or other properties or both, and*
- (ii) *requires arrangements for the regular upkeep and management of all or any part of the common areas, structures, works or services other than by a person who could, but for this subsection, be the purchaser,*

a house that may be sold under Part 3 of the Act of 2009 during the period of 5 years commencing on the date of allocation of the dwelling under an allocation scheme to an eligible household within the meaning of that Part.

a house that has been specifically designed for occupation by one or more than one elderly person,
a house that has been provided to facilitate the transition from institutional care to community-based living of persons with an

enduring physical, sensory, mental health or intellectual impairment,

a house that has been specifically designed for occupation by travellers, where more than one such house or dwelling is provided on the land concerned,

a house that is a caravan, mobile home or a structure or a thing (whether on wheels or not) that is capable of being moved from one place to another (whether by towing, transport on a vehicle or trailer, or otherwise),

a house that has been transferred to a planning authority in accordance with an agreement under section 96 of the Planning and Development Act 2000 (No. 30 of 2000), including a house provided on land or on a site so transferred, where the transfer is made for the purpose of providing housing referred to in section 94(4)(a)(i) of the said Act and the house is on the land the subject of the Planning application to which the agreement relates,

a house that in the opinion of the authority, should not be sold for reasons of proper management of the authority's stock of housing accommodation or on account of the house's structural condition

a house that in the opinion of the authority should not be sold for the time being on account of proposals the authority has to carry out reconstruction or improvement works under section 12 of the Housing Act 1988 or for the regeneration of the area in which the house is located.

A tenant(s) is eligible to apply under the Scheme provided they:

- have been in receipt of social housing support for at least one year
- have a minimum gross annual income of €15,000 (at least one of the tenants must be in employment)
- have not been in arrears of rent or local authority charges for an accumulated period of 12 weeks or more in the 3 years prior to application under the scheme, or, where they have been in such arrears, have entered into and are complying with a payment arrangement with the Council
- have not previously purchased a house under a tenant purchase scheme

Application forms and explanatory leaflets are presently being developed by the Department for circulation by Local Authorities to tenants and it is expected that this will be done in early February, following which, tenants may proceed to apply to their local Public Services Centre to purchase their dwelling”.

Cllr Quinn welcomed the response, advising that it was essential that as much information as possible was made available in order to encourage people to buy their own homes. He said that he had however concerns in relation to specific eligibility criteria namely:

- That an applicant needed to have an annual income of €15,000 to apply.
- The stipulation that one of the applicants needed to be in employment.

It was imperative, he said, that a satisfactory explanation of the Tenant Purchase Scheme was made available to tenants who wished to avail of the new Tenant Purchase Scheme.

Cllr Mc Monagle also outlined the need for adequate clarification in relation to the Scheme

Members asked that the Department be contacted and clarification sought with regard to the eligibility criteria, namely the €15k income ceiling and the employment stipulation. They advocated the inclusion of the Voluntary Housing Sector in the Scheme and expressed concern that those on the Mortgage to Rent Scheme had been excluded.

There was no opposition to the motion.

Mr Joe Peoples, Director of Housing, Corporate and Cultural Services agreed to raise the issues highlighted with the Department. He said it was hoped that the Explanatory Leaflet when published would bring additional clarity for those interested in availing of the Scheme.

C/36/16

REQUEST THAT THE COUNCIL WRITE TO THE MINISTER FOR TRANSPORT SEEKING ADDITIONAL MONIES FOR THE ROADS PROGRAMME

On the proposal of Cllr McDaid, seconded by, Cllr Crawford, the following motion was adopted:-

"That this Council write to the Minister for Transport asking for additional monies for this years current roads programme for each electoral area. There is a huge shortfall in each Electoral area with roads crumbling in both Urban and Rural areas and the current

roads programme is only covering a small percentage of the overall kilometres of roads in this County. If nothing is done about this, starting with this year and giving the horrendous weather we are receiving, there is going to be a crisis in Donegal if the situation is not properly addressed."

Members were informed that:-

"The Non-National Roads Grants for 2016 have yet to be announced however it is expected that funding levels will be similar to 2015 levels. The Council can request additional funding from DTTaS after this motion is approved by Council. It is understood that DTTaS have a limited amount of government funding available and this year they have to make an adjustment to deal with the damage done to roads recently by the severe flooding and storms. Generally, road allocations for Regional and Local Roads are roughly half of what they were at the peak a number of years ago.

The Council is happy to write to the Department after the Council agree the motion but would suggest that we wait until the grants for 2016 are notified and we also have clarity on what funding will be made available to Donegal for the road repairs relating to the recent flooding. The grants are expected to be notified within the next number of days."

Cllr Mc Daid said that the system was weighted in favour of the larger urban centres and that ultimately the funding issue was the key to solving the problem. Members were collectively, he noted, more than willing to take part in any delegation which would help deliver a satisfactory outcome to the problem.

Cllr Crawford seconding the motion contended that the main issue here was the fact that we did not have an adequate Road Repair System. Despite paying road taxes, the people of Donegal were not, he confirmed, getting adequate services in return and there was no way of improving infrastructure with the present funding system. Filling, he stated, would not bed a road.

There was no opposition to the Motion.

Mr John Mc Laughlin, Director of Roads & Transportation confirmed that, he would, following the announcement of the 2016 Road Grants contact the Department as requested.

C/37/16

CALL FOR THIS COUNCIL TO CONDEMN THE COLD CALLING BY IRISH WATER

On the proposal of Cllr McMonagle, seconded by, Cllr M.T. Gallagher, the following motion was adopted:-

"That this Council condemn the cold calling and texting currently being pursued by Irish Water, which is nothing short of harassment of those citizens who are withholding their water charges from Irish Water as a matter of principle."

Members were informed that:-

“This motion appears to relate to the collection of domestic water charges, which are billed and collected directly by Irish Water. The Council has no role in this area.

As the Members are aware, Donegal County Council remains acting as an agent for Irish Water in the collection of non domestic water charges. This also includes the issuing of bills to non domestic customers.”

Cllr Mc Monagle asked if contact telephone numbers relating to Council Tenants had been handed over at any stage to Irish Water. He was, he added, disappointed at the manner in which customers were being treated when they contacted Irish Water. Concern was expressed also that there was no independent body with the authority to investigate such complaints. It was imperative, he added, that Irish Water was brought under the remit of the Office of the Ombudsman.

Cllr Gallagher concurred with these comments. It was agreed that the motion would be forwarded to the Office of the Minister for the Environment, Community & Local Government and Irish Water.

There was no opposition to the motion.

Mr Joe Peoples, Director Housing, Corporate & Cultural Services confirmed that Donegal County Council had not forwarded any telephone contact details in respect of Council Tenants to Irish

Water. He said that it would be possible to convey Members concerns to the Minister's Office and also highlight the fact that Irish Water needed to be brought under the remit of the Office of the Ombudsman.

C/38/16

CLARIFICATION ON THE ROLE OF IRISH WATER WITH REGARD TO PLANNING PERMISSIONS

On the proposal of Cllr Jordan, seconded by, Cllr Gary Doherty, the following motion was adopted:-

"That this Council clarify the position in relation to Irish Water's role regarding planning permissions."

Members were informed that:-

“While Irish Water remain as consultees in relation to the assessment of new planning applications, their role in relation to the planning application process is limited. Water and waste water infrastructural issues are, since the 1st January 2014, solely matters for Irish Water to address through direct consultation by the proposer and through any New Connection application to Irish Water that may be required. Irish water are the decision makers in relation to the separate application process relation to new water and waste water applications. Furthermore, the planning authority are precluded from attaching conditions to a planning permission arising from water and waster water issues. Notwithstanding this, where the planning authority are advised that there is a serious deficiency in existing infrastructure that renders a proposal premature this issue would, in the interests of orderly development, have a bearing on the assessment of any proposal being considered.”

Cllr Jordan said he was concerned that Irish Water now had an input into planning permissions. He cited the example of a multiple planning application for three houses which had been rejected in October 2015 due to fears that the extra dwellings would overload the sewage system. The body, he said, had too much power and should be abolished.

Cllr Doherty supporting the motion said that Irish Water to date had been nothing short of a disaster.

There was no opposition to the Motion.

Mr Liam Ward, Director Community, Enterprise & Planning Services said that his reply set out the present process. Irish Water's role in relation to the planning process was limited, he confirmed, but there were instances in which it was appropriate that there would be liaison with the Authority.

Cllr Jordan said he was unhappy with the reply and concerned that Irish Water's intervention would hamper development in the long run.

C/39/16 UPDATE ON ETHICAL DECLARATION

Cllr Quinn enquired as to whether there was any update in relation to the production of a voluntary ethical contract/ declaration as agreed at the Special Meeting of Council held on the 11th January, 2015.

Mr Joe Peoples, Meetings Administrator confirmed that he had spoken to the Council's legal Advisor and would be in communication with Members by the end of next week.

C/40/16 CATHAOIRLEACH'S BUSINESS

Votes of Sympathy

Sympathy was extended to the following:

- Martin O' Donnell, Water & Environment on the death of his father Paddy O' Donnell.
- The family of the late Cora O' Donnell, Stranorlar and wife of Sean O' Donnell (former staff member Donegal County Council).
- Maria Ferguson, Community & Enterprise, Donegal on the death of her father, Anthony Ferguson.
- Gerry Keeney, Water & Environment, Letterkenny on the death of his brother, Malachy Keeney.
- The family of former Councillor James Mc Brearty.
- Charlie Cannon, Roads, Letterkenny on the death of his mother, Kathleen Cannon.
- The family of the late Declan Holian, Barack, Ramelton.
- The family of the late Donal Monaghan.
- The family of the late Jim O' Hea.
- The family of the late Paddy Marley.
- The family of the late Eddie Mc Laughlin.

- The family of the late Ernan Mc Gettigan.

Change of Meeting Date

It was unanimously agreed to amend the date for the March Council Meeting to Tuesday 5th April, 2016 at 11.00am.

Former Senator Jimmy Harte

It was agreed that the best wishes of the Members would be conveyed to Jimmy Harte and family wishing him well with his continued recovery.

C/41/16 CHIEF EXECUTIVE'S MONTHLY MANAGEMENT REPROT
Members considered the report circulated with the agenda and addendum circulated during the meeting.

The following questions were noted.

C/42/16 BREAKDOWN OF THE CALLS MADE TO THIS COUNCIL'S EMERGENCY CONTACT CENTRE IN 2015

The following question was submitted by Cllr Gary Doherty:-

"Can I have a monthly breakdown in tabular form of calls made to this Council's Emergency Contact Centre in 2015 and the service areas the calls related to?"

Clr Doherty was informed that:-

The Council's Emergency Contact number was setup initially to deal with emergency contacts in both roads and water services. New arrangements are in place for water services with the establishment of Irish Water. The contact number also permits the reporting of emergencies in our housing section. The contact centre has access to contacts for key personnel where an emergency response is required. The Council Roads section received 771 calls to the Roads Emergency Number during the course of 2015 broken down as per the attached spreadsheet. Emergency out of hours calls for housing services are very infrequent in comparison.

C/43/16 COST OF THE CLEARUP TO THIS COUNCIL OF THE RECENT FLOODS

The following question was submitted by Cllr McBrearty:-

"What is the total cost to the Council for the clear up due to the recent flooding? What effect will this have on the budget for year ahead? Will the Council be compensated by the Government for this clear up as other Councils have?"

Cllr McBrearty was informed that:-

“The Council has experienced substantial immediate response costs associated with the flooding which commenced, in Donegal’s case, in mid-November with Storm Abigail on the weekend of the 15th & 16th November and subsequently with Storm Desmond during the weekend of the 4th & 5th December 2015.

Response requirements revolved around Roads Services, Fire Services, Civil Defence and Environmental Services, and reflected a substantial number of man hours, equipment and consumable materials in respect of both events at numerous locations throughout the county.

The response costs associated with the earlier storm Abigail in November are currently being collated but it is estimated at present that the costs associated with the response in relation to that will represent a figure well in excess of €100,000 and a request will be made to Central Government to reimburse the Council for these costs which relate primarily to Roads Services, Fire Services and Environmental Services response costs.

A specific allocation of funding was made available nationally by DECLG in respect of the December and January storms and total calculated costs amounting to €773,000 in respect of response costs across, primarily, Roads & Fire Services, were calculated, claimed and paid in late December 2015.

None of the response costs involved will have a cost implication for the Council in 2016 and, subject to reimbursement for the Storm Abigail costs indicated above, neither will they have a cost implication for the 2015 revenue budget.”

C/44/16

COUNCIL INTENTIONS ON REVIEWING OF THE LOCAL ROADS FUNDING POLICY

The following question was submitted by Cllr McBrearty:-

"Has the Council any intentions of reviewing the unfair local roads funding policy. Replacing the old policy from money for amount of mileage to money for most needed?"

Cllr McBrearty was informed that:-

“The distribution of non-national roads funding to Municipal Districts is done on a mileage basis in line with long standing arrangements with Elected Members. A proposal to review this approach was discussed in the context of the Roads & Transportation SPC during 2015 but was not accepted by the majority of SPC Members. Roads management are happy to review the distribution methodology if requested to do so by Elected Members.”

C/45/16 STREET LIGHTING PROGRAMME FOR THE COUNTY

The following question was submitted by Cllr McGowan:-

"Please can I have update on Street Lighting by MD and can a county-wide Street Lighting Programme be started as soon as possible?"

Cllr McGowan was informed that:-

“There has been no new street lighting programme across the county for the past number of years. While funding was sought in the Annual Council Budgets, the constraints on the budget monies meant that no funds were provided for new street lights. Last year some savings in the order of €40,000 per Municipal District from the previous year were spent on upgrading of existing street lights.

Budget 2016 has provided an amount for funding a €500,000 loan to start upgrading some street lights to replace lights that are rusting and generate energy savings.”

C/46/16 DETAILED REPORT ON THE SEPTIC TANK GRANT SCHEME

The following question was submitted by Cllr McGowan:-

"Please give a detailed report on the Septic Tank Grant Scheme, pointing out the difference between the information that was first published by Government and the way the scheme is now actually

operating and what if any decision the Council has in its operation?"

Cllr McGowan was informed that:-

Report on Septic Tank Inspections Scheme

Date: 18th January 2016

Report on Septic Tank Inspection Scheme

The Minister for the Environment, Community and Local Government, Mr. Phil Hogan T.D., announced the grant scheme on the 1st July 2013, through the attached press-release. The date of release coincided with the commencement of the National Inspection Plan, as described in the EPA's *National Inspection Plan, Domestic Waste Water Treatment Systems*, 2013.

The legislation covering this grant scheme is the DOMESTIC WASTE WATER TREATMENT SYSTEMS (FINANCIAL ASSISTANCE) REGULATIONS 2013, **S.I. No. 222 of 2013**, in which the Minister is exercising the powers conferred on him by Section 17 of the Water Services Act 2007 (No. 30 of 2007).

Financial assistance towards remediation, repair, upgrading or replacement of domestic waste water treatment systems

3. (1) A water services authority may pay a grant to a person for the carrying out of remediation, repair or upgrading works to, or replacement of, a domestic waste water treatment system, where such remediation, repair, upgrading or replacement arises directly from an inspection carried out and subsequent issue of an advisory notice by a water services authority under Section 70H of the Act.

Arising from this legislation, the Department of Environment, Community and Local Government issued guidance notes and an application form entitled:

<p style="text-align: center;">DWWTS 1 - Application Form - Remediation of Domestic Waste Water Treatment Systems</p>
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The Septic Tank grant scheme is set down in legislation and has not changed in any way since its introduction.

The local authorities were instructed through the following documentation regarding the selection of sites and the handling of complaints:

- *National Inspection Plan, Domestic Waste Water Treatment Systems, 2013*
- *The Guidance Manual for the Inspection of Domestic Wastewater Treatment Systems, provided by the Local Authority Service National Training Group*
- *National Inspection Plan, Domestic Waste Water Treatment Systems, 2015-2017.*

These documents emphasised the following:

- (1) The risk based methodology is to be used for the selection of sites, with a number of inspections assigned to each risk category. A greater number of inspections will be targeted in high risk areas as compared to low risk areas.
- (2) The 2013 plan emphasised that priority should be given to the selection of un-registered properties for inspection in the first instance and the 2015-17 plan stated that this should continue
- (3) Local authorities should adhere to the risk-based allocation
- (4) Inspections under the National Inspection Plan are separate from other inspections carried out for purposes of fulfilling obligations under other legislations, such as the Water Pollution Act
- (5) Local authorities must maintain a register of all complaints and other inspections, such as water pollution incident investigations, that relate to domestic waste water treatment systems. The Water Pollution Act and regulations are used where necessary for complaint investigations.
- (6) The 2013 plan stated “To date, WSAs have undertaken reactive inspections in certain circumstances such as following complaints, incidents or accidents where the operation of DWWTSs may give rise to an impact on human health or the environment. These inspections are undertaken under the *Local Government (Water Pollution) Acts 1977-1990*. Complaints relating to DWWTSs are dealt with under the national environmental complaints procedure”.

Donegal Co. Council has carried out the following inspections, as per the National Inspection Plan allocation:

Period	No. Inspections
1 st July 2013 – 30 th June 2014	80
1 st July 2014 – 31 December 2014	40
1 st January 2015 – 31 st December 2015	95
Total	215

The selection of sites was based on the priorities identified in the National Inspection Plans, as follows:

- Drinking Water Supplies
- Bathing Waters
- High Status Sites (Riversand lakes)
- Freshwater Pearl Mussel catchments
- Shellfish catchments (emphasised in 2015-17 plan)

An overall local site selection plan is developed at the start of the year identifying priority areas for inspection, taking into account national (EPA) priorities, which are linked to achieving the Water Framework Directive objectives. The selection of individual sites within the selected areas is random as the Inspector visits the area 10 days in advance and, as the owners are not known prior to this visit, does not take into account whether the system is (a) registered, (b) defective, (c) privately owned or otherwise. Normally, within selected areas, inspections are grouped in clusters of 4 or 5, so that, as far as possible, homeowners do not feel targeted while their neighbours are not. As the final site selection is random, the availability of a grant for remedial works is dependent on meeting the legislative criteria alone, i.e. – registered prior to the cut-off date, inspection completed and Advisory Notice issued due to failure and income criteria are met.

Public Awareness and Engagement

The first strand of the National Inspection Plan was a national public awareness campaign to promote best practice relating to the operation and maintenance of DWWTS's, (septic tanks). The campaign was rolled out by local authorities prior to the initiation of targeted risk based inspections and the EPA communicated key messages via a series of channels such as web based videos and animations, FAQ's, workshops, presentations, TV (EcoEye) and

local radio interviews by Agency staff. Locally, Donegal Co. Council distributed 3 information leaflets to libraries, public service centres and other public buildings. A number of local radio adverts have also been run covering both ends of the county and these will be repeated in 2016.

This campaign informed DWWTS owners of the role they can play to protect their health, that of their neighbours and the environment. Owners were made aware of the simple steps they can take to properly operate and maintain their system as well as raising awareness as to the health implications where a DWWTS isn't working properly. Council Inspectors have noted that awareness of the need to properly maintain their systems is raised in an area once septic tank inspections are notified and that this awareness spreads beyond those inspected.

Co-operation received from homeowners, who have had an inspection, has been very good and remedial works have been carried out to a high standard regardless of whether grant aid is available or not, as the majority are keen to ensure their systems do not pose a risk to public health or the environment. Every effort should be made to encourage responsible attitudes among the general public with regard to these inspections.

Summary of Inspections to Date

The tables below summarise the outcome of the inspections to date:

Total Inspected	215
% Compliant	64.7%
% Non-Compliant	35.3%
% Registered	74%

No. Failed	77	
No. closed out	42	
No. Open files	35	
Septic tank Grants	No.	Amount Pd
No. Grants issued 2014	4	€10,113.56
No. Grants issued 2015	6	€13,662.04

Reasons for failed Inspection	No.	%
Leakage from the system	27	35.1%
Unlicensed discharge to Surface Water	50	64.9%
Surface Ponding	23	29.9%
Roof water or SW entering the system	18	23.4%
Operation and Maintenance	45	58.4%
De-sludging	18	23.4%
Risk to human health or the environment	58	75.3%

It is worth noting that over 75% of all tanks which failed the inspections to date pose a risk to human health and to the environment.

C/47/16 COUNCIL SPEND ON EMPTYING SEWERAGE HOLDING TANKS IN UNFINISHED ESTATES IN 2015

The following question was submitted by Cllr Gary Doherty:-

"How much was spent by this Council emptying sewerage holding tanks in unfinished estates in 2015?"

Cllr Doherty was informed that:-

It is the general practice of Donegal County Council not to intervene in multiple housing schemes which have not been taken in charge.

However, there have been exceptional cases in recent years where, for a number of reasons, localised waste water discharge posed a public health and, or, environmental risk of such a scale to merit intervention by Donegal County Council. These interventions included carrying out of localised maintenance or de-sludging of tanks. The cost to Donegal County Council of this type of intervention in 2015 was in the region of €20,000.

Other interventions have involved Bond monies being used to address the source of the problem. Donegal County Council applied for and secured €1.1million in 2014 and 2015 from the Department of Environment, Community and Local Government, via the Public Safety Initiative and Special Resolution Fund, to

address problems at a number of unfinished estates throughout the County. The works carried out have included measures to address waste water treatment systems in a number of cases.

The Department of Environment, Community and Local Government have recently invited applications to be made for funding under the Rural Water Programme to include improvement works to waste water treatment systems in multiple housing schemes. Donegal County Council are in the process of considering candidate projects for this programme.

Where works are completed to acceptable standards, the estates can be considered for a formal Taking-in-charge by Donegal County Council.

C/48/16 FUNDING STREAMS FOR RAILWAY WALKS WITHIN COUNTY DONEGAL IN 2016

The following question was submitted by Cllr O'Domhnaill:-

"Can this Council advise as to the funding streams which will or may be available for the Railway Walks within the County in 2016 and specify routes which will or are proposed to be funded in 2016?"

Cllr O'Domhnaill was informed that:-

Donegal County Council is working closely with other agencies and local community groups to develop and maintain walking and cycling routes throughout the county. We currently maintain a number of routes in partnership with other agencies and sponsor the public liability insurance on a number of these through the National Trails Office. The developmental work to be carried out will focus to a large extent (but not exclusively) on the routes of the old railway lines in the county and as far as possible will work in close collaboration and in partnership with local communities and other relevant stakeholders.

An example of this is the network of community – led initiatives developing along the route of the old Letterkenny / Burtonport Railway line, with groups working in collaboration with agencies to develop sections of the route into a walking and cycling route.

Areas currently involved include: Termon, Creeslough, Falcaragh, Dunlewey, Gweedore, Crolly, Loughanure, Meenbanad and Burtonport.

Burtonport was completed earlier this year and work has already commenced at Termon and the section from Muckish to Falcaragh is complete. An action plan and delivery mechanism is being developed in consultation with the local groups to look at the whole line and this consultation will be complete by Spring 2016. We are currently working closely with these and other groups and individuals to progress this important stretch of old railway line as a walking and cycling route in the county.

At present, this collaborative model which involves close working between the Council and local communities / landowners, is seeing good progress on an incremental basis and has seen the development of excellent local routes which are and will be part of an overall countywide greenway in time.

The preparatory work being undertaken by Donegal County Council and its partners at present is opportune in light of the funding cycle now being entered into. In this context, Donegal County Council will be seeking to access and utilise funding from sources such as listed below for the best benefit to the county:

- Peace IV
- Interreg V
- LEADER / RDP
- Donegal County Council
- Dept Environment Community & Local Govt (Rural Recreation)
- Dept Arts Heritage and the Gaeltacht
- Udaras na Gaeltachta

Donegal County Council.

The Elected Members recently adopted Donegal County Council's budget 2016 which includes a small increase in the allocation for the ongoing maintenance of our existing walks & trails. Elected Members have also chosen to make allocations from the Strategic Development funds to match other funds in the past and this approach may also be required in 2016.

Recreation Fund 2015

In September 2015 the Council were invited to submit expressions of interest applications to the Department of Environment, Community & Local Government for the Recreational Fund 2015. We submitted 17 applications across the county and are awaiting a decision on these.

These applications were for enhancement or maintenance works on existing or proposed new walks including: -

Seven Bealacht na Gaeltachta walks at Glencolmcille, Rosses, Fintown, Errigal, Aran Mor, Tory and Gola.

Churchill, Dunlewey, Termon to Falcaragh section of Old Burtonport Railway,

Butler's Glen, Urris Loops & Glenevin, Carndonagh Woodland Walk, Inishowen Head , Inch Causeway Footpath and Glenagivney at Kinnegoe

NW Cycle Trail and Kingfisher Route including the Ballyshannon Loops.

Should any of these applications be successful, work will be carried out during 2016.

INTERREG V has just opened a call for applications on 4th December 2015 under the Sustainable Transport Measure. Donegal County Council will be joining with Derry / Strabane District Council to submit an application for cross border Greenway fund

C/49/16 PUTTING IN PLACE OF A FUNDING STREAM FOR THE PROVISION OF CHILDREN'S PLAY AREAS IN EACH MUNICIPAL DISTRICT

The following question was submitted by Cllr O'Domhnaill:-

"Can this Council put in place a funding stream which will allow for the provision of Children's Play Areas in each of the Municipal Districts within County Donegal?"

Cllr O'Domhnaill was informed that:-

Donegal County Council is continuously looking for funding sources to develop and install new facilities within the County including Playgrounds.

Donegal County Council are responsible for managing, maintaining and insuring 46 playgrounds throughout the County, spending approximately €75,000 per annum on ensuring that they are maintained to comply with current standards. The maintenance includes the replacement of damaged worn swings, seats, panels, and signage and on the odd occasion where vandalism has occurred removal of equipment.

In 2006 Donegal County Council set a goal for itself that no child in the County would have to travel any further than 10km from their home to a playground. This has been achieved in the main except for a number of isolated areas within the County.

A large majority of the playgrounds installed in the County are in excess of 8 years of age and are in need of refurbishment. For this reason, Donegal County Council has included in the 3 Year Capital Budget 2016 – 2018 the provision for refurbishment of 8 playgrounds within that period. (Subject to securing external funding) The refurbishment will no doubt include the installation of more all inclusive equipment to ensure that all children regardless of disability can play together

C/50/16 UPDATE ON STAKEHOLDER MEETING TO DISCUSS THE DEVELOPMENT OF GRIANAN OF AILEACH

The following question was submitted by Cllr Murray:-

"Further to the passing of my motion and subsequent proposal which called for a meeting with the OPW and all relevant stakeholders to discuss how best to develop Grianan of Aileach, what steps have been taken to arrange this meeting and when is it expected to take place?"

Cllr Mrurray was informed that:-

The Council have made contact with the Office of Public Works seeking a meeting to discuss a number of sites within the County including Grianan of Aileach. Following this discussion it is expected that a meeting date can be arranged with all the relevant stakeholders regarding Grianan of Aileach

C/51/16 AFFECTS ON THE TOTAL SOCIAL HOUSING BUILDS IN THE COUNTY DUE TO THE REDUCTIONS IN THE PART V SOCIAL HOUSING

The following question was submitted by Cllr Murray:-

"In light of the recent change in policy to reduce Part V social housing in new developments from 20% to 10%, how will this affect the Council's plans to build more social housing in the County?"

Cllr Murray was informed that:-

The 2015 amendments to Part V of the Planning and Development Act are unlikely to materially affect the supply of opportunities for social and affordable housing in the short to medium term. The significant changes introduced relate principally to the nature and scope of agreements that are entered into on multiple housing proposals. These changes remove the previous potential option of a financial contribution in lieu of lands or sites. Future agreements will therefore focus on the supply of land or units for social and affordable housing and consequently this has the potential to increase the supply of social housing options to the Council as the housing market recovers and new proposals for multiple housing schemes are submitted for consideration.

C/52/16 MAKEUP OF THE MEMBERSHIP OF THE MICA EXPERT GROUP

The following question was submitted by Cllr Albert Doherty:-

"Has the personnel for the Expert Group announced by the Minister been confirmed, does it include Donegal County Council personnel/staff, has the Group been in contact with Donegal County Council Housing Officials and is the study of Council Housing Stock complete and ready for presentation?"

Cllr Doherty was informed that:-

The Council has received no further formal communication from the Department following the Ministers announcement on the 27th November of the establishment of an expert group to investigate the problems that have emerged in concrete blocks in Donegal and Mayo.

The Council has indicated its interest in being represented on the group and work is ongoing in the context of seeking to ensure that a comprehensive picture is built up of the potential presence of muscovite mica in the two areas presently showing cause for concern and this work will continue.

C/53/16

DERELICT SITES ACT AND URBAN REGENERATION AND HOUSING ACT IMPLEMENTATION

The following question was submitted by Cllr Albert Doherty:-

Derelict Sites Act and Urban Regeneration and Housing Act Implementation

"How active are the Council at implementing and levying transgressors, especially with properties likely to a material degree to detract from the amenity, character or appearance of a town area? How many property owners have been identified and pursued and what has been the financial returns to the County Council over the last five financial years?"

Cllr Doherty was informed that:-

“The Derelict Sites Register for Donegal is now maintained and updated through the Central Planning Unit, on an ongoing basis. In the event of a complaint being received by the council that a site is derelict, it is inspected initially by the Housing Engineer for the area to confirm if it is a “derelict site” within the meaning of the Derelict Sites Act 1990 (as amended). If it is deemed to be a derelict site then the property owner is contacted, by the Central Planning Unit, to seek resolution through negotiation, in the first instance. Fifty four sites were deemed to be derelict during 2011 and 2012 and this increased to sixty four during 2013 and 2014. The number of sites deemed to be derelict at the end of 2015 has been reduced to twenty. A further ten complaints were received last year, two of which have been resolved through negotiation. Whilst the Council seeks to resolve cases through negotiation, it is empowered to place the site on the Derelict Sites Register and then take enforcement action, should a property owner fail to remedy the dereliction.

The Urban Regeneration and Housing Act 2015 has introduced a vacant site levy to incentivise the development of vacant sites in urban areas for housing and regeneration purposes. The measure is intended to create a site activation mechanism as an integral part of

the development planning process with a view to bringing underutilised vacant sites and buildings in urban areas into beneficial use, ensuring more sustainable urban development and an efficient return on state investment in enabling infrastructure. Levy liability will not arise until January 2019. In order to apply the levy it will be necessary to engage in preparatory work in advance of this date including the appropriate zoning of target areas in the development plan and local area plans in which the levy may be applied. Within this context the implication of this Act is one of the issues being considered as part of the ongoing work on the Tier 2 Local Area Plans in respect of Ballybofey-Stranorlar, Ballyshannon, Bridgend, Carndonagh, Donegal Town, Dungloe and Killybegs. It will also be considered within the context of the County Development Plan review that is to commence mid year.”

C/54/16 CLARIFICATION ON THE NUMBER OF HOUSING ESTATES ON THE TAKEOVER LIST THAT HAVE NO OR INSUFFICIENT SECURITY BONDS

The following question was submitted by Cllr Shiels:-

"Can the Council confirm to me on a county-wide basis how many (1) housing estates on its takeover lists have either (a) no security bond in place; or (b) an insufficient security bond in place, to fully cover the costs of the Council completing any works necessary to allow the Council to take over the relevant estate?"

Cllr Shiels was informed that:-

“Within the County there has been 247 no. applications submitted to the planning authority for the taking in charge of housing developments. Planning records indicate there are security bonds for 108 no. of estates and no security bonds available for 131 no. of estates. The 131 no estates without bonds include 65 no. estates where bonds were released or expired, 10 no. estates were for social housing, 5 no. of the estates have already been taken in charge, and 25 no. estates where bonds were not submitted.

Although in many instances housing developments appear to be finished to a high standard, the planning authority is currently not in a position to confirm that the bond in place is adequate. This is due to the fact that the necessary in-depth assessment on the estates

services has not been carried out which would inform the level of remedial works required.

Section 180 (2) of the Planning & Development Act makes it clear that where a development has not been completed to the satisfaction of the Council and enforcement proceedings have not been commenced within the statutory period then the Council will take in charge the estate. The financial implications to the Council can not be a bar to such taking in charge.

Furthermore Circular Letter PL5/2014 is clear on those instances where no securities bonds or cash deposits are available and enforcement action has failed or would be highly unlikely to achieve the actions necessary to rectify defects, the planning authority and Irish Water should consult one another on the best course of action to adopt, including the apportionment of remediation costs between IW and the planning authority. Circular Letter PL5/2014 states that "remediation costs in relation to water services will be addressed by IW and remediation costs for roads, footpaths, public lighting and open space will be addressed by the local authority".

C/55/16 TIMEFRAME FOR THE ROLLOUT OF REDUCED SPEED MEASURES FOR ALL HOUSING ESTATES IN DONEGAL

The following question was submitted by Cllr Shiels:-

"When will there be a rollout of reduced speed measures for all housing estates in the County?"

Cllr Shiels was informed that:-

"Following on from the 30 Pilot Housing estates, Donegal County Council Road Design commenced and are currently reviewing speeds on all the remaining approximately 415 Council owned estates to establish signage and engineering requirements.

The Council have submitted a funding application to the Department in Oct 2015 seeking €215,000 to allow procurement and erection of 30km/h signs (including slow zone signs) in these remaining 415 housing estates. The application also included €32,000 for engineering/traffic calming measures within certain housing estates.

Our draft programme is to have the proposed by-laws for the housing estates out for Public Consultation in July 2016 and present draft bye-laws to the Members for adoption in the last quarter of 2016 along with the full county wide review. Erection of the signage and engineering measures will then be installed following adoption and funding approval.”

C/56/16

COMPENSATION FROM THE OFFICE OF PUBLIC WORKS
IN RELATION TO DAMAGE FROM RECENT FLOODING

The following question was submitted by Cllr Shiels:-

"Is Donegal County Council going to pursue the Office of Public Works for compensation for any damage caused to County Roads by recent incidents of flooding where inadequate steps have been taken by the Office of Public Works to prevent such flooding?"

Cllr Shiels was informed that:-

“The Office of Public Works (OPW) is the lead State body for the coordination and implementation of Government policy on the management of flood risk in Ireland. The OPW is also the national authority for the implementation of the EU Directive on the Assessment and Management of Flood Risks [2007/60/EC]. The Office of Public Works is the body through which Central Government exercises its statutory responsibilities in respect of river drainage and flood relief. It derives its statutory authority from the Arterial Drainage Acts, 1945 and 1995 and the European Communities (Assessments and Management of Flood Risk) Regulations 2010.

The OPW has very defined areas where they are responsible for the maintenance of rivers catchments, estuarine embankment and flood relief schemes in Donegal. Under Section 37 of the Arterial Drainage Act 1945, the OPW is statutorily obliged to maintain all rivers, embankments and urban flood defences on which it has executed works since the 1945 Act in “proper repair and effective condition”.

All that said, our understanding is that the role of the OPW in relation to flood prevention and maintenance of watercourses is limited to a small number of drainage districts established under the 1945 Arterial Drainage Act. In general the OPW do not have responsibility for introducing flood mitigation measures and as

such it would be inappropriate to pursue the OPW in this regard. The OPW do administer a Minor Flood Mitigation Works & Coastal Protection Scheme. The purpose of the scheme is to provide funding to Local Authorities to undertake minor flood mitigation works or studies to address localised flooding and coastal protection problems within their administrative areas. The scheme generally applies where a solution can be readily identified and achieved in a short time frame.”

C/57/16 PROVISION OF EXTRA PARKING FACILITIES AT THE FOOT OF MOUNT ERRIGAL AND ALTAN FARM

The following question was submitted by Cllr Kavanagh:-

"Can the County Council look into providing additional parking facilities at the foot of Mount Errigal and at the entrance to Altan Farm for hikers and tourists to the area, and also review parking facilities at other important scenic areas in the County and along the Wild Atlantic Way?"

Cllr Kavanagh was informed that:-

“It is important that adequate parking facilities are available at tourist attractions and that they are appropriately presentable to visitors and local people who wish to use them. The Council have been making efforts to improve such facilities over the years and will continue to do so. The locations mentioned can be reviewed jointly between our Roads Department and our Tourism Section. Quite often it is the provision of funding that becomes the critical component in providing and maintaining such facilities.”

C/58/16 TOTAL KMS OF ROAD NETWORK OWNED BY DONEGAL COUNTY COUNCIL

The following question was submitted by Cllr McDaid:-

"How many kilometres of road is owned by Donegal County Council in the whole of Donegal and under the current Roads Programme including each Electoral Area, and how many kilometres of road will be either surface dressed or avail of restoration and resurfacing this year?"

Cllr McDaid was informed that:-

“Currently there is 6,137 km of non-national public roads on the County Donegal Roads Schedule. DTTaS grants for 2016 have not been allocated yet however it is expected that the grants will be similar to 2015 levels. On that basis it is expected that a similar amount of roads will be surfaced in 2016 as was done in 2015, i.e. 308km.”

C/59/16 TIMEFRAME FOR THE RESURFACING OF ALL ROADS IN THE COUNTY

The following question was submitted by Cllr McDaid:-

"Under current budgets, how many years would it take approximately to cover all these roads without going back to the start?" (Roads outlined in Question 39)

Cllr McDaid was informed that:-

“As noted, there is 6,137 km of non-national and at current budget levels it is likely that on average approx. 300 km could be surfaced each year. On this basis it would take approx 20 years to surface dress the entire non-national roads network.”

C/60/16 REVISED RATE OF GRANT FOR HOUSING ADAPTION AND MOBILITY

The following question was submitted by Cllr Kavanagh:-

"Have all eligible applicants for the revised rate of grants for housing adaption, mobility etc, now been informed of the revised rates of grant available?"

Cllr Kavanagh was informed that:-

“At its meeting on the 30th November, the Council approved revised standard costings for the various elements of works under the grant schemes and the revised levels are to apply to all new approvals going forward from the 1st December. Furthermore, in the case of grants already approved but not started by the 1st of December, they are also eligible to apply for the increased levels.

On the 1st December, arrangements were put in place to ensure that any approvals issued on or after that date were done on the basis of the revised levels. In the case of previous grants already approved, where an application is made for the increased level, if

the works commenced on or after 1st December 2015, updated approvals are done for the revised grant amount.”

C/61/16 ROOF REPLACEMENT GRANTS FROM DONEGAL COUNTY COUNCIL

The following question was submitted by Cllr Kavanagh:-

Are grants available from Donegal County Council to assist elderly people with roof replacements for their homes?

Cllr Kavanagh was informed that:-

“Under the Housing Aid for Older People Grant Scheme, assistance is available to older people living in poor housing conditions to have necessary repairs or improvements carried out to their homes. Eligible works under the scheme include both roofs and chimneys and where an item can be repaired instead of replaced the grant aid will reflect the repair cost as opposed to the replacement cost.”

C/62/16 CLARIFICATION ON THE NUMBERS OF CASINO/ARCADES OPERATING IN COUNTY DONEGAL AND THE STATUS OF LICENCING OF SAME

The following question was submitted by Cllr McMonagle:-

"Can I be furnished with the list of Gaming Arcades/Casinos currently registered and operating in Donegal and can I also be furnished with the criteria for operating a Casino/Arcade and the number of them that are compliant and have current Gaming Licences enabling them to operate legally and those that don't have current licences?"

Cllr McMonagle was informed that:-

"The licensing of this activity is primarily provided for in the provisions in the 1956 Gaming and Lotteries Act. Prior to any business applying for a licence a local authority must first adopt Part III of the above Act for its functional area. At present this section is not applicable in the County of Donegal except for an area within the former administrative area of Bundoran Town Council. The granting of a licence is a matter for the District Court. A Gambling Control Bill 2013 has been drafted to legislate for

much of this sector including all current forms of gambling, however there has been no enactment to date."

C/63/16 COSTS INCURRED IN THE CASE OF DESSIE SHIELS V DONEGAL COUNTY COUNCIL IN REPECT OF THE CO-OPTION OF MICHAEL MCBRIDE

The following question was submitted by Cllr O'Donnell:-

"What costs have been incurred to date regarding the unsuccessful case that Dessie Shiels now Councillor Dessie Shiels took against DCC over the Co-option of Michael McBride now Cllr Michael McBride to the Council seat of the then Cllr Jimmy Harte and also, was the legal cost paid by Dessie Sheils that DCC incurred defending this and if not is interest also being charged on these fees until the appeal is heard?"

Cllr O'Donnell was informed that:-

"The appeal by Clr Shiels against the High Court Judgement dismissing his challenge by way of Judicial Review to the co-option of Clr Michael Mc Bride to the last Council did not come on for hearing before the term of office of that Council expired in June 2014. It is now agreed between the parties that the substantive issue in the appeal is moot. The only remaining issue is that of liability for the Council's costs and same is fixed for Hearing before the Court of Appeal on 25th April 2016. The issue is therefore sub-judicae and it would not be appropriate to comment further at this stage nor to have any public discussion pending the outcome of that Costs Hearing."

This concluded the business of the meeting.