

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
16 Iúil 2013

FOGRA CRUINNITHE

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain, 22 Iúil 2013, ag **11.00 r.n. in Áras an Chontae, Leifear**

DO GACH BHALL DEN CHOMHAIRLE

A Chara

Iarrtar ort a bheith i láthair ag an chruinniú seo den Chomhairle. Ta Clár an chruinnithe leis seo.

Beidh Clár Orduithe an Bhainisteora Contae le feiceáil ag an gcruinniú.

Mise, le meas

**Liam Mac a'Bhaird
Riarthóir Cruinnithe**

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
16th July, 2013

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 22nd July, 2013, at **11.00am in the County House, Lifford.**

TO EACH MEMBER OF DONEGAL COUNTY COUNCIL

Dear Councillor

You are summoned to attend this meeting of the Council. The Agenda is attached.

The Register of County Manager's Orders will be available for inspection at the meeting.

Yours sincerely

**Liam Ward
Meetings Administrator**

AGENDA

1. Confirmation of Minutes

- a) Confirmation of the Minutes of the Adjourned May Meeting of Donegal County Council held on the 6th June, 2013.
- b) Confirmation of the Minutes of the June Meeting of Donegal County Council held on the 24th June, 2013.
- c) Confirmation of the Minutes of the Annual General Meeting of Donegal County Council held on the 24th June, 2013.

MOTIONS

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

INISHOWEN ELECTORAL AREA

Corporate

2. Clr. McGuinness

"That this Council discuss Staffing Levels in each Electoral Area and the implications arising there from". (C)

Community and Enterprise

3. Clr. Murray

"That Donegal County Council in consultation with all relevant bodies, establishes an online facility which would allow local people in Donegal advertise accommodation during the All-Ireland Fleadh and other major events which will take place in the North West of Ireland." (C)

Planning and Economic Development

4. Clr. Canning

"In light of the Councils Takeover of Housing Estates Policy, I would ask that this Council puts together a team of in-house engineers to look at the mechanical plants and the hydraulics of the estates to see if gravity flow can replace pumps or if alternative non-mechanical treatment systems can be used." (C)

LETTERKENNY ELECTORAL AREA

Housing

5. Clr. Larkin

"That this Council commits to not passing on the Local Property Tax to our Council Tenants." (C)

6. Clr. N. McBride

"That this Council support and promote a Cross Border 'Greenway' in the North West and that the Council work in conjunction with existing Community Groups on route selection and development." (C)

7. Clr. Brogan

"That this Council discuss our resources and priorities for the Council going forward and focus on additional manpower for Housing Maintenance and Roads Maintenance." (C)

Roads and Transportation

8. Clr. Quinn

"That Donegal County Council agree as a matter of urgency to repair the dangerous footpaths in St Mary's Terrace, Ramelton and Mount Marion, Milford." (L)

DONEGAL ELECTORAL AREA

Water and Environment

9. Clr. McEniff

"That the Council discuss the County Councils measures re the car parking on Rosstown Beach." (L)

STRANOLAR ELECTORAL AREA

Corporate

10. Clr. Harley

"That this Council discuss the availability of Temporary Seasonal Staff on an Electoral Area Basis to facilitate getting work done during the Summer Months." (C)

Roads and Transportation

11. Clr. McGowan

"That the Council put the Woodland Dooish to Cappry, Ballybofey Path Way out to tender without further delay now that funding is in place as Residents are anxious that this project proceed." (L)

GLENTIES ELECTORAL AREA

Community and Enterprise

12. Clr. O'Domhnaill

"That this Council set up a working Task Force with a view of compiling a template for Small Towns and how they can cope with the Economic Downturn both financially and socially, and work with the Donegal County Enterprise Board, Udaras na Gaeltachta, Leader and other statutory bodies to ensure that infrastructural and social needs are met and that Falcarragh be used as a Pilot Town for such a scheme." (C)

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

- a) Notice under Section 211 of the Planning and Development Act 2000 and under Section 183 of the Local Government Act 2001 – to dispose of derelict Specific Instance Cottage at Trummon, Laghey to Mr Raymond McGrory, Trummon, Laghey Co Donegal.
- b) Notice under Section 211 of the Planning and Development Act 2000 and under Section 183 of the Local Government Act 2001 – to dispose of two plots of land at Gortleck, Desertegney to the Legal Personal Reps of George Anthony Jackson deceased.

14. Taking of decision pursuant to Planning & Development Act, 2000 (Part XI), and Planning & Development Regulations, 2001 (Part 8).

- a) To approve carrying out of works with regard to the construction of a Water Storage Reservoir at Fintown, Co Donegal.
- b) To approve carrying out of works with regard to the construction of a new concrete footbridge which carries a 3m footway for a span of 21.5 m over the Bredagh River, together with associated works and appropriate tie ins to the existing pedestrian network at Ballynally and Glencrow, Moville.

15. Corporate

- a) To fill Casual Vacancy on the Value for Money Committee arising from the resignation of Clr. B. Byrne.
- b) To consider Report on Proposed Civic Receptions.
- c) To receive Report on engagement with Jilin Province, China.

16. Planning and Economic Development

- a) Consideration of the Managers Report on submissions received in respect of the Draft Variation to the County Development Plan 2012 – 2018 so that Members by resolution may:-

- i. Decide to make the Variation with or without modifications (as set out in Managers Report) or
 - ii. Decide to materially alter the proposed Variation (subject to further steps, including SEA or Appropriate Assessment or both), followed by further period of public consultation;
 - iii. Decide not to make the Variation.

- b) Consideration of the proposed Draft Buncrana & Environs Development Plan 2014 – 2020 and Environmental Report together with an ‘Addendum’ and that the Members, by resolution, decide to
 - I. To make the Draft Buncrana and Environs Development Plan 2014 – 2020 with the amendment contained within the attached ‘Addendum’.
 - II. To make the Draft Buncrana and Environs Development Plan 2014 – 2020 without any amendment.
 - III. To make the Draft Buncrana and Environs Development Plan 2014 – 2020 with an alternative or additional amendment as Members so decide.

So that the public consultation process can be formally commenced.

- c) To consider report on proposed revised policy on “Taking in Charge of Services in Housing Estates”.(Report to be circulated)

- d) To approve the nomination of one Elected Member from each Electoral Area to the County Donegal Heritage Forum. (Report to be circulated)

17. Finance

- a) To consider ‘Audited Annual Financial Statement for 2012’ including commentary by the County Manager and Head of Finance.
- b) To note Local Government Audit Report, including, where appropriate, County Manager’s Response, on Audited Accounts of Donegal County Council for year ending 31st December 2012.
- c) Consideration of Council Finances (Report to be circulated).

18. Water and Environment

Approval to the raising of a loan in the sum of €900,000 for the purpose of carrying out works on the Rehabilitation of Ballynacarrick Landfill.

19. Roads and Transportation

To approve the list of Schemes in respect of Donegal County Councils 2013 applications to the NRA and DoT for 2014 Low Cost Safety remedial work funding on National and Non-National Roads.

20. Endorsement of Minutes

- a) Endorsement of the Confirmed Minutes of Meeting of Letterkenny Electoral Area Committee held on the 5th March, 2013.
- b) Endorsement of the Confirmed Minutes of Meeting of Stranorlar Electoral Area Committee held on the 13th May, 2013.
- c) Endorsement of the Confirmed Minutes of Meeting of Letterkenny Electoral Area Committee held on the 14th May, 2013.
- d) To note Minutes of Corporate Policy Group Meeting held on the 24th June, 2013.

21. Authorisation of representation at a Seminar, Meeting or Event

Authorisation of representation at a seminar, meeting or event under Section 142 (5) of Local Government Act, 2001, S.I. No 668 of 2006, Local Government (Expenses of Local Authority Members) Regulations 2006, S.I. No 37 of 2010, Guidelines given by the Minister for the Environment, Heritage and Local Government in relation to the Local Government Act, 2001 (Section 142) Regulations 2010:-

- Tgr Seminars – Councillor Seminar and Professional Development Day – How to access funding for Community Programmes relevant to Councillors to be held Friday 26th and Saturday 27th July, 2013 at the Bunratty Castle Hotel, Bunratty, Co Clare.
- 33rd Annual MacGill Summer School to be held from Sunday 28th July to Friday 2nd August, 2013 in Glenties, Co Donegal
- BG Seminarz – Training Seminar Rural Crime Prevention & Detection to be held from Friday 2nd to Sunday 4th August, 2013 in the Clanree Hotel, Letterkenny, Co. Donegal.

- AMAI 101 Annual Conference to be held from Thursday 12th to Saturday 14th September, 2013 at the Inchydoney Lodge and SPA, Clonakilty, Co Cork
- Greystones Town Council in association with Ards Borough Council 2013 La Touche Legacy Seminar 25th and Final Year Incorporating the La Touche Family Gathering 2013 – Local Government - A New Dawn? To be held from Friday 27th to Sunday 29th September, 2013 at the Charlesland Golf & Country Club Hotel, Greystones, Co Wicklow
- LAMA Autumn Seminar to be held Friday 11th and Saturday 12th October, 2013 at the The Falls Hotel, Ennistymon, Co. Clare. (Preliminary Notice Only).
- To approve the attendance of Cllr Jack Murray on the IPA Diploma in Local Government Studies.

22. Conference Reports

Clr David Alcorn

Clare Tourist Council Tourism in Recessionary Times held Friday 18th and Saturday 19th January, 2013 at the Falls Hotel, Ennistymon, Co Clare.

Clr David Alcorn

ACCC Conference held Thursday 7th and Friday 8th March, 2013 at the Tower Hotel, Waterford.

Clr Patrick McGowan

TJK Conference Limerick held from Friday 22nd to Sunday 24th March, 2013 at the Woodfield House Hotel, Ennis Road, Limerick.

Clr David Alcorn

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

Clr Terence Slowey

West Cork Tourism Conference held Friday 24th to Sunday 26th May, 2013 at Rosscarbery, Co Cork.

Clr Terence Slowey

Sport Aiding Mental Health held Friday 31st May, 2013 at Jacksons Hotel, Ballybofey.

23. Manager's Report

24. Mayor's Business

QUESTIONS

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

INISHOWEN ELECTORAL AREA

Roads and Transportation

25. Clr. McGuinness

"Why are the lights on Malin Bridge not repaired?" (L)

Corporate

26. Clr. Murray

"How many people have been taken on by Donegal County Council through the Job-bridge Scheme, and how many more are currently being sought, and of those recruited how many have been taken on on a full-time basis with a full salary?" (C)

Water and Environment

27. Clr. Murray

"Can the Council provide rubbish and dog litter bins on the actual beach bathing locations in addition to the car parks of our most popular beaches?" (C)

28. Clr. Canning

"What happens to the EPA Discharge License approval to Donegal County Council if and when Irish Water take over?" (C)

29. Clr. Canning

"How many people from the Council are receiving training for the tank inspections and at what cost to this Council?" (C)

LETTERKENNY ELECTORAL AREA

Corporate

30. Clr. Larkin

"Will the Council explain the costs involved in registering a commercial vehicle?" (O)

31. Clr. Quinn

"Is Donegal County Council satisfied that adequate resources are in place in order to speedily process payments of Student Grants for the 2013/2014 Academic Year?" (C)

Roads and Transportation

32. Clr. N. McBride

"What is the annual cost of maintaining and repairing our lorry, van and pickup fleet and how much cost is involved in hire of such vehicles." (C)

33. Clr. N. McBride

"What was the cost of the gritting programme 2012/2013 as opposed to 2011/2012?" (C)

34. Clr. Brogan

"Has there been any response from the Taoiseach's Office to the request from Donegal County Council to meet a cross party deputation in relation to the very important A5 Road - Monaghan to Donegal and the Lifford to Letterkenny Link?" (C)

35. Clr. Brogan

"Will this Council cut the grass on the Dual-Carriageway into Letterkenny and at the Junction at the top of the Cullion Road, and possibly seek Expressions of Interest with regards to grass cutting on National/Secondary and Primary Roads?" (C)

Housing

36. Clr. Larkin

"Can the Council outline its submission to the Department for funding under the Minister's announcement of €10 million for homes for people with disability?" (C)

Finance and Emergency Services

37. Clr. Quinn

"What role and responsibility does Donegal County Council have in the awarding of Gaming Licences?" (O)

DONEGAL ELECTORAL AREA

Community and Enterprise

38. Clr. McEniff

"What is the up to date situation re the New Donegal Brand?"

STRANOLAR ELECTORAL AREA

Community and Enterprise

39. Clr. McGowan

"Please can I have a update on my earlier motion regarding establishing a third county wide festival in Ballybofey for East Donegal Area?" (L)

Water and Environment

40. Clr. Crawford

"Does this Council have plans to carry out works to the waste water plant in Lifford and what were the latest water quality readings for this location?" (L)

41. Clr. Crawford

"Has there been any correspondence positive or otherwise from the Department in relation to funding for the Sewerage Scheme in St Johnston?" (L)

Roads and Transportation

42. Clr. Crawford

"Will this Council produce all reports concerning the road safety aspect of the old Quarry in Porthall and the dangers existing?" (L)

43. Clr. Harley

"Can this Council in conjunction with NRA and the OPW find a solution with the ongoing problem with flooding to a house in the townland of Corcam, Killygordon on N15-32 as this has been happening for over 20 years?" (Name Available). (L)

44. Clr. Harley

"Can the Roads Section of the Council review speed signs on the R252 between Ballybofey to Glenties looking particularly at the possibility of moving the 50km speed sign out past Blue Cedars Housing Estate?" (L)

Planning and Economic Development

45. Clr. McGowan

"Please give a detailed update on works agreed at Blue Cedars Ballybofey with details of which houses are not subject to the household charge and the rational behind their selection?" (L)

GLENTIES ELECTORAL AREA

Water and Environment

46. Clr. O'Domhnaill

"Can this Council work with the Old Plan for Magheroarty Beach Car Park and incorporate into that Plan a full and conclusive plan including beach and amenities as well as the pier and harbour, carry out a public consultation and urgently seek monies to remedy, Erosion of the dunes, create a proper Beach Management Plan in conjunction with Roads and Transportation and Water and Environment as well as provide funding to fully utilise this fabulous untapped tourism resource.?" (L)

Planning and Economic Development

47. Clr. O'Domhnaill

"Of all of the Planning Commencement Notices received by this Council how many Development Charges have not been paid at all, part paid but ceased payment and actual applications where the amount has been paid in full, also can I receive information as to what was the total amount of applications since 2006 which were levied with a development charge?" (C)

48. *Motions from Other Councils/Bodies*

WATERFORD CITY COUNCIL

"This Council supports: The families of all the missing and their rights to have their loved ones returned to them. That all human remains be given a dignified burial after all scientific investigations have been carried out. The establishment of a web page, with particulars of unidentified remains/bodies that can be accessed by the public."

LEITRIM COUNTY COUNCIL

"That Leitrim County Council call on the Health and Safety Authority to deliver the ASSIST Suicide Prevention Programme as part of the mandatory training programme in the workforce."

SOUTH TIPPERARY COUNTY COUNCIL

"That this Council calls on the Minister for Communications, Energy and Natural Resources, Mr Pat Rabbitte, T.D., to prioritise the introduction of postcodes to assist the emergency services reach people in need. Fire, ambulance and Garda personnel are being delayed in reaching the destination of callouts as addresses in some cases are so vague. In certain instances, there are several locations

with the same townland address thus causing unnecessary confusion which could be avoided by the introduction of postcodes.”

ENNIS TOWN COUNCIL

“That this Council supports Clare County Council’s and other County Council’s prohibition of hydraulic fracking for the extraction of shale gas (otherwise known as unconventional hydrocarbons) and if passed, this motion will be circulated to all other Town Councils in Clare and beyond.”

MONAGHAN TOWN COUNCIL

“Monaghan Town Council calls on the Minister for Education and Skills, Ruairi Quinn T.D. to reverse his decision relating to the reduction in support hours to children with special educational needs.”

MONAGHAN TOWN COUNCIL

“That the Minister would look at EU Directive Regulation 56, Sub-Section 7 of the European Communities Regulations 2007 to insert a clause that any company that has gone into receivership or liquidation cannot tender for public contracts for a period of 5 years under a new company name when that new company is relying on technical or professional abilities of the old company.”

DUNDALK TOWN COUNCIL

“”That this Town Council calls for the expedition of the passage through Dail Eireann of the Poor Relief Ireland (Amendment) Bill 2013, in an effort to boost commerce and regeneration.”

“That this call is made upon the Ministers for Finance: for Public Expenditure and Reform, for Jobs, Enterprise and Innovation: and for Environment, Community and Local Government.”

“And should this motion be passed, that a copy thereof be forwarded to the above mentioned.”

DUNDALK TOWN COUNCIL

“That this Council calls on the Government to implement the National Epilepsy Care Programme in full, in particular the critically needed Epilepsy Monitoring Units as a matter of urgency, and that this motion be sent as a resolution to other Local Authorities?”

KERRY COUNTY COUNCIL

“That the Minister for Education and Skills be requested to consider the abolition of Student Universal Support Ireland (SUSI) and the

return of the administration of the Higher Education Grant Scheme to Education and Training Boards (ETBs) and Local Authorities.”

**MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD IN
THE COUNTY HOUSE, LIFFORD ON 22ND JULY, 2013**

C/374/13 **MEMBERS PRESENT**

Clrs. Ian Mc Garvey, Mayor, D. Alcorn, L. Blaney, J. Boyle, J. Campbell, P. Canning, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M.T. Gallagher, M. Harley, C. Harvey, D. Larkin, F. Mc Brearty, M. McBride, N. Mc Bride, S. Mc Eniff, P. McGowan, B. Mc Guinness, S. O'Domhnaill, M. Quinn, J. Ryan, and T. Slowey.

C/375/13 **OFFICIALS IN ATTENDANCE**

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

C/376/13 **ADJOURNMENT OF MEETING**

On the proposal of Clr. McBrearty , Seconded by Clr. Boyle, it was resolved to adjourn the meeting for a 45 minute period.

C/377/13 **ADJOURNMENT OF MEETING**

On the proposal of Clr. Mc Eniff, seconded by, Clr. Mc Guinness it was resolved on resumption to adjourn the meeting for a further period.

C/378/13 **VARIATION IN THE ORDER OF BUSINESS**

It was unanimously agreed to vary the order of business and deal with items in the following order:-

Items 1, 15(b), 16(a), 16(b), 16(d), 13(a), 13(b), 15(a), 14(a), 14(b), 17(a), 17(b), 17(c), 18, 19, 20, 21, 4 and 16 (c)

C/379/13 **CONFIRMATION OF THE MINUTES OF ADJOURNED MAY
MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE
6TH JUNE, 2013**

On the proposal of Clr. Crawford, seconded by, Clr. Harley, the Minutes of the Adjourned May Meeting of Donegal County Council held on the 6th June, 2013 were approved.

C/380/13 CONFIRMATION OF THE MINUTES OF JUNE MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 24TH JUNE, 2013

On the proposal of Clr. Crawford, seconded by, Clr. Harley, the Minutes of the June Meeting of Donegal County Council held on the 24th June, 2013 were approved.

C/381/13 CONFIRMATION OF THE MINUTES OF ANNUAL GENERAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 24TH JUNE, 2013

On the proposal of Clr. Crawford, seconded by, Clr. Harley, the Minutes of the Annual General Meeting of Donegal County Council held on the 24th June, 2013 were approved.

C/382/13 CONSIDERATION OF REPORT ON PROPOSED CIVIC RECEPTIONS

Members considered the report circulated in relation to the above. On the proposal of Clr. Crawford, seconded by, Clr. McGowan it was resolved to approve the proposal from the Corporate Policy Group to confer Civic Receptions on the following:-

- 1) Lifford Players to mark their 60th Year in existence.
- 2) Jason Quigley for his remarkable achievement in winning a European Gold Medal in Boxing (Middleweight Division)

C/383/13 CONSIDERATION OF THE MANAGERS REPORT ON SUBMISSIONS RECEIVED IN RESPECT OF THE DRAFT VARIATION TO THE COUNTY DEVELOPMENT PLAN 2012 – 2018

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

On the proposal of Clr. Larkin, seconded by, Clr. M. Mc Bride, it was resolved in accordance with Section 13(6) of the Planning and Development Act 2000 (as amended) to vary the County Donegal Development Plan 2012-2018 subject to the modifications as recommended in the County Manager's report circulated on the 12th June, 2013.

C/384/13 CONSIDERATION OF THE PROPOSED DRAFT BUNCRANA AND ENVIRONS DEVELOPMENT PLAN 2014 – 2020 AND ENVIRONMENTAL REPORT TOGETHER WITH AN ADDENDUM

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

On the proposal of Clr. Donaghey, seconded by, Clr. Canning, it was resolved in accordance with Section 11(5) of the Planning & Development Act 2000 (as amended) to make the Buncrana & Environs Development Plan, 2014- 2020 with the amendment as contained in the attached addendum.

C/385/13 APPROVAL OF THE NOMINATION OF ONE ELECTED MEMBER FROM EACH ELECTORAL AREA TO THE COUNTY DONEGAL HERITAGE FORUM

Members were informed that representation had been agreed at Electoral Area Level. It was noted however that Ms Anne Mc Gowan had been selected as the representative from the Letterkenny Electoral Area.

Given that the representation in question had to come specifically from the membership of the Letterkenny Electoral Area Committee, it was resolved on the proposal of Clr. Blaney, seconded by, Clr. Larkin to nominate Clr Ian Mc Garvey as the Letterkenny Electoral Area representative on the County Donegal Heritage Forum.

On the proposal of Clr. Farren, seconded by, Clr. M. Doherty, Clr. Mc Guinness was selected as the Inishowen Electoral Area representative on the County Donegal Heritage Forum.

On the proposal of Clr. Alcorn, seconded by, Clr. Slowey, Clr. O' Domhnaill was selected as the Glenties Electoral Area representative on the County Donegal Heritage Forum.

On the proposal of Clr. Crawford, seconded by, Clr. Harley, Clr. Mc Gowan was selected as the Stranorlar Electoral Area representative on the County Donegal Heritage Forum.

On the proposal of Clr. Mc Eniff, seconded by, Clr. Boyle, Clr. Campbell was selected as the Glenties Electoral Area representative on the County Donegal Heritage Forum.

Thus representation on the County Donegal Heritage Forum was agreed as follows:-

Clrs Mc Garvey, Mc Guinness, O' Domhnaill, Mc Gowan, and Campbell.

C/386/13 DISPOSAL OF DERELICT SPECIFIC INSTANCE COTTAGE AT TRUMMON, LAGHEY TO MR RAYMOND MCGRORY, TRUMMON, LAGHEY, CO DONEGAL

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

On the proposal of Clr. Campbell, seconded by, Clr. Boyle, it was resolved to formally dispose of Derelict Specific Instance Cottage at Trummon, Laghey to Mr Raymond McGrory, 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/387/13 DISPOSAL OF TWO PLOTS OF LANDS AT GORTLECK, DESERTEGNEY TO THE LEGAL PERSONAL REPS OF GEORGE ANTHONY JACKSON DECEASED

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

On the proposal of Clr. Donaghey, seconded by, Clr. Mc Guinness, it was resolved to formally dispose of two plots of land at Gortleck, Desertegney to the legal Personal Reps of George Anthony Jackson, (deceased) 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/388/13 FILLING OF CASUAL VACANCY ON THE VALUE FOR MONEY COMMITTEE ARISING FROM THE RESIGNATION OF CLR. BRENDAN BYRNE

On the proposal of Clr. McGowan, seconded by, Clr. Alcorn, it was resolved that Clr. Dessie Larkin fill the Casual Vacancy on the Value for Money Committee arising from the resignation of Clr. Brendan Byrne.

C/389/13 TAKING OF DECISION WITH REGARD TO THE CARRYING OUT OF WORKS WITH REGARD TO THE CONSTRUCTION OF A WATER STORAGE RESERVOIR AT FINTOWN, CO DONEGAL

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

On the proposal, of Clr. Alcorn, seconded by, Clr. Slowey the carrying out of works under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) with regard to the construction of a Water Storage Reservoir at Fintown, Co Donegal was approved.

C/390/13 TAKING OF DECISION WITH REGARD TO THE CARRYING OUT OF WORKS WITH REGARD TO THE CONSTRUCTION OF A NEW CONCRETE FOOTBRIDGE WHICH CARRIES A 3M FOOTWAY FOR A SPAN OF 21.5M OVER THE BREDAGH RIVER, TOGETHER WITH ASSOCIATED WORKS AND APPROPRIATE TIE INS TO THE EXISTING PEDESTRIAN NETWORK AT BALLYNALLY AND GLENCROW MOVILLE

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

On the proposal, of Clr. Farren, seconded by, Clr. Mc Guinness, the carrying out of works under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001 (as amended), with regard to carrying out of works with regard to the construction of a new concrete footbridge which carries a 3m footway for a span of 21.5m over the Bredagh River, together with associated works and appropriate tie ins to the existing pedestrian network at Ballynally and Glencrow, Merville was approved.

C/391/13 (1) CONSIDERATION OF 'AUDITED ANNUAL FINANCIAL STATEMENT' FOR 2012 INCLUDING COMMENTARY BY THE COUNTY MANAGER AND HEAD OF FINANCE
(2) NOTING OF LOCAL GOVERNMENT AUDIT REPORT, INCLUDING WHERE APPROPRIATE COUNTY MANAGER'S RESPONSE ON AUDITED ACCOUNTS OF DONEGAL

COUNTY COUNCIL FOR YEAR ENDING 31ST DECEMBER
2012

(3) CONSIDERATION OF COUNCIL FINANCES

A report from the County Manager outlining the current position in relation to the Council's Finances was circulated, (vide appendix 1) and the Members agreed to take items 17(a), (b) and (c).

Consideration, of the 2013 budget position, it was noted, had together also been debated at a workshop before the Meeting.

The Head of Finance outlined the main points in the Audited AFS for 2012 and the Report of the Local Government Auditor.

Reports circulated to the April Council Meeting had, he affirmed, highlighted the financial challenges facing the Council and outlined the fact that there had been a disimprovement in 2012 of €4.8m in the revenue deficit (€17m) with approximately €6m in irrecoverable rates being written off for a variety of reasons. It was noted that in excess of €10m rates arrears were carried forward in 2012.

A number of reasons were cited as being instrumental for the general disimprovement in Council finances. These included:-

- Under-realisation of commercial water charges accrued in the sum of €1.292m
- Under-realisation of Local Government Fund in the sum of €1.016m
- Rates net write offs of €1.792 in excess of the provision
- Payroll chargeability to external income sources under – realised to the value of €0.59m
- Under-realisation of targeted revenue expenditure approximately chargeable to capital for payroll and minor contract works to the value of €2.265m
- Under expenditure in Water Services Division of €1.155m

It was acknowledged that significant efforts had been made to reduce fixed costs and that a number of prudent decisions taken by the Members, including their approval to the raising of a capital loan of €48m had generated positive results to date. The challenge now, it was established, was to bridge the gap between sustainable income and sustainable expenditure at a time when there was continuing uncertainty as to the specifics of the funding model for the Local Government Sector, a feature clearly evidenced by

planned changes in a number of areas, including the transition to Irish Water, introduction of the Local Property Tax and the Reform of Local Government.

Members were informed that a mid-year analysis of the financial situation had indicated that intervention was necessary at this juncture to avoid continued disimprovement in 2013, and that all indicators pointing to a deficit of between €4 and €6 m at year end.

The County Manager said that the overall aim was to maintain the ability to perform as an organisation and in doing so to keep expenditure at a manageable level in order to achieve long-term sustainability.

It was his intention, he said, to implement expenditure adjustments of between €2.3 and €3.3m across the various Directorates. He acknowledged also the need to keep the matter under constant review in order to achieve further savings and maximise the potential to charge costs to any external funding sources that materialised. Projections from the Budgetary Review Process would be used, he added, to maximise savings and increase collection levels. He would, he confirmed revert to the Elected Members if and when proposals of this nature impacted on the 2013 Budget Programme.

Clr. Campbell said that this proposal would involve a significant deviation from the 2013 Budget as adopted, and asked that a detailed analysis of expenditure to date across all Directorates be provided.

Clr. Gallagher proposed, seconded by, Clr. Murray that the meeting be adjourned for a period so as to allow Members discuss the implications of the report on Council Finances, and the proposals outlined therein, as they had serious consequences for the County.

Clr. Mc Guinness said that he had every confidence in the Council Executive and welcomed the County Manager's proposal to review the matter. There was, he affirmed no need for any further debate and thus proposed seconded, by Clr. Farren to accept the County Manager's recommendation to begin the process of implementing expenditure adjustments across the Directorates of the Council to a total value in the range of €2.3m to €3.3m.

A number of Members alluded to the fact that rate payers in the County were now facing serious difficulties, compounded by unsustainable rate levels, high rents and ongoing difficulties in obtaining credit.

Clr. Quinn advised that there was an obligation on Members to ascertain exactly what the cuts were and where exactly they would materialise. The need for ongoing consultation with the business sector was also noted.

The County Manager acknowledged the comprehensive feedback provided and reiterated the point that he was not at this juncture asking the Council to adopt a range of proposals or to deviate from agreed work programmes.

The Council Management Team, he confirmed, had between €4 and €6m less to spend in 2013, and that this needed to be factored into the Budget before year end. A number of issues it was acknowledged needed to be clarified with the Department and other organisations over the coming weeks. He said it was not his intention to cease programmed works or projects initiated under the DFI etc, without prior engagement with the Council. The aim at present, it was acknowledged, was to pursue expenditure reduction measures and assess the Council's general competitiveness.

Members, he confirmed again were not being asked to approve the cessation of programmes but rather to participate in a planned approach to deal with the situation.

Members thus noted the Annual Financial Statement for 2012 together with the Local Government Auditor's Report for 2012 and enclosed the Managers Report proposing the expenditure adjustments set out therein.

C/392/13 ADJOURNMENT FOR LUNCH

Members resolved to adjourn the meeting for lunch.

C/393/13 TO APPROVE THE RAISING OF A LOAN IN THE SUM OF €900,000 FOR THE PURPOSE OF CARRYING OUT WORKS ON THE REHABILITATION OF BALLYNACARRICK LANDFILL

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

On the proposal of Clr. Mc Eniff, seconded by, Clr. Mc Guinness, it was resolved subject to the sanction of the Minister for the Environment, Community and Local Government to approve the raising of a loan in the amount of €900,000 for the purpose of carrying out capital works associated with the implementation of the Council's Waste Management Plan as outlined in the Council's Capital Programmes, and in particular, the closure, capping and rehabilitation of Ballynacarrick Landfill.

C/394/13 APPROVAL OF THE LIST OF SCHEMES IN RESPECT OF DONEGAL COUNTY COUNCILS 2013 APPLICATIONS TO THE NRA AND DoT FOR 2014 LOW COST SAFETY REMEDIAL WORK FUNDING ON NATIONAL AND NON-NATIONAL ROADS

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

On the proposal of Clr. Farren, seconded by, Clr. Mc Eniff, it was resolved to approve the 2013 applications (as contained in the report outlined above) to the NRA and DoT for Low Cost Safety Remedial Work funding on National and Non-National Roads in 2014.

C/395/13 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF LETTERKENNY ELECTORAL AREA COMMITTEE HELD ON THE 5TH MARCH, 2013

On the proposal of Clr. M. McBride, seconded by, Clr. I. McGarvey, the Minutes of the Meeting of the Letterkenny Electoral Area Committee held on the 5th March, 2013 were endorsed.

C/396/13 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON THE 13TH MAY, 2013

On the proposal of Clr. Crawford, seconded by, Clr. M. Harley, the Minutes of the Meeting of the Stranorlar Electoral Area Committee held on the 13th May, 2013 were endorsed.

C/397/13 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF LETTERKENNY ELECTORAL AREA COMMITTEE HELD ON THE 14TH MAY, 2013

On the proposal of Clr. M. McBride, seconded by, Clr. I. McGarvey, the Minutes of the Meeting of the Letterkenny Electoral Area Committee held on the 14th May, 2013 were endorsed.

C/398/13 TO NOTE THE CONFIRMED MINUTES OF THE CORPORATE POLICY GROUP HELD ON THE 24TH JUNE, 2013

Members noted the Confirmed Minutes of Meeting of the Corporate Policy Group held on the 24th June, 2013.

C/399/13 CONFERENCES

Having noted the revised arrangements under Section 142 5(d) of the Local Government Act, 2001, introduced by the Local Government (Expenses of Local Authority Members) Regulations 2006 and 2010 and directives issued by the Minister in that regard, on the proposal of Clr. M. McBride, seconded by, Clr. M. Doherty, it was resolved to authorise any member, if he/she so wished, to attend the following conferences, subject to the normal procedures:-

1. Individual members not exceeding their annual budget for attendance at conferences.
2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
3. Submission of a Conference Report
 - Tgr Seminars – Councillor Seminar and Professional Development Day – How to access funding for Community Programmes relevant to Councillors to be held Friday 26th and Saturday 27th July, 2013 at the Bunratty Castle Hotel, Bunratty, Co Clare.
 - 33rd Annual MacGill Summer School to be held from Sunday 28th July to Friday 2nd August, 2013 in Glenties, Co Donegal
 - BG Seminarz – Training Seminar Rural Crime Prevention & Detection to be held from Friday 2nd to Sunday 4th August, 2013 in the Clanree Hotel, Letterkenny, Co. Donegal.
 - AMAI 101 Annual Conference to be held from Thursday 12th to Saturday 14th September, 2013 at the Inchydoney Lodge and SPA, Clonakilty, Co Cork
 - Greystones Town Council in association with Ards Borough Council 2013 La Touche Legacy Seminar 25th and Final Year Incorporating the La Touche Family Gathering 2013 – Local

Government - A New Dawn? To be held from Friday 27th to Sunday 29th September, 2013 at the Charlesland Golf & Country Club Hotel, Greystones, Co Wicklow

- LAMA Autumn Seminar to be held Friday 11th and Saturday 12th October, 2013 at the The Falls Hotel, Ennistymon, Co. Clare. (Preliminary Notice Only).
- To approve the attendance of Cllr Jack Murray on the IPA Diploma in Local Government Studies.

C/400/13 TO NOTE CONFERENCE REPORTS

On the proposal of Clr. M. Doherty, seconded by, Clr. M. McBride, the following conference report was noted:-

Clr David Alcorn

Clare Tourist Council Tourism in Recessionary Times held Friday 18th and Saturday 19th January, 2013 at the Falls Hotel, Ennistymon, Co Clare.

Clr David Alcorn

ACCC Conference held Thursday 7th and Friday 8th March, 2013 at the Tower Hotel, Waterford.

Clr Patrick McGowan

TJK Conference Limerick held from Friday 22nd to Sunday 24th March, 2013 at the Woodfield House Hotel, Ennis Road, Limerick.

Clr David Alcorn

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

Clr Terence Slowey

West Cork Tourism Conference held Friday 24th to Sunday 26th May, 2013 at Rosscarbery, Co Cork.

Clr Terence Slowey

Sport Aiding Mental Health held Friday 31st May, 2013 at Jacksons Hotel, Ballybofey.

C/401/13 MAYOR'S BUSINESS

Votes of Sympathy

A vote of sympathy was extended to the following:-

Patricia Gallagher, Letterkenny Town Council on the death of her sister, Regina Morris.

Frances Friel, Letterkenny Town Council on the death of her grandmother, Annie Mc Intyre.

The family of the late Hugh Haughey, formerly Water & Environment.

The family of the late John Friel, former Clerk of Works, Water & Environment.

The family of the late Jimmy Doherty, Quay Road, Dungloe, former employee, Donegal County Council.

The family of the late Colman Tourish, former employee, Donegal County Council.

Margaretta Callaghan, Corporate Services on the death of her mother, Annie Doherty.

C/402/13

(1)CALL FOR DONEGAL COUNTY COUNCIL TO ESTABLISH AN INHOUSE TEAM OF ENGINEERS TO LOOK AT THE REPLACEMENT OF PUMPS WITH GRAVITY FLOW TREATMENT SYSTEMS

(2)CONSIDERATION OF THE REPORT ON PROPOSED REVISED POLICY ON “TAKING IN CHARGE OF SERVICES IN HOUSING ESTATES”

On the proposal of Clr. Canning, seconded by Clr. Mc Gowan, the following motion was adopted:-

"In light of the Councils Takeover of Housing Estates Policy, I would ask that this Council puts together a team of in-house engineers to look at the mechanical plants and the hydraulics of the estates to see if gravity flow can replace pumps or if alternative non mechanical treatment systems can be used."

Members were informed that:-

“All possible solutions to providing sustainable and appropriate methods for effluent treatment will be considered, particularly in those cases where there are existing deficiencies and manageable long-term solutions are necessary.”

Clr. Canning highlighted the need to adequately inform those living in Unfinished Estates of the new policy changes.

Members cited the need to have all mechanical plant taken over prior to the changeover to Irish Water, so that sufficient clarification existed as to where the various liabilities lay. The need to ensure that developers complied with all the conditions of planning was also deemed to be crucial. It was suggested that Public Private Partnerships could be used to progress remedial works in estates of this nature.

Mr. Michael Heaney, Director Community Culture and Planning thanked Members for their input, advising that 108 unfinished estates had been recognised by the Department with 91 of these deemed problematic. The Draft Takeover Policy before the Council today, he added, sought to address the many issues raised, and included reference to various types of Housing Estate.

It was agreed at this juncture to consider Item 16(C) in conjunction with Clr. Canning's motion.

Members proceeded to consider the report from Mr Michael Heaney, Director of Community Culture and Planning together with the Draft Policy on the Taking in Charge of Estates circulated prior to the debate. Mr. Heaney proceeded to read the contents of his report into the record of the meeting. (Vide Appendix 2)

Members asked for clarity in relation to a number of issues namely:

- The discretionary powers available under Sub Section 2(a) of the Statutory Scheme (Section 180).
- Confirmation as to the definition of the majority of owners.
- Entitlements for those renting accommodation as opposed to those who owned their own house.
- Summary of the differences that existed between the old and the new scheme.

The County Manager addressing the meeting, advised that the Council had absolute discretion with regard to the taking in charge of services, following the expiration of the relevant permission. This it was acknowledged was a reserved function.

The Director of Community, Culture and Planning, confirmed that Section 180 of the Statutory Scheme provided clear guidelines going forward, and that the issue of mechanical and electrical plant

would now be dealt with in a systematic way. There was, he acknowledged, no clear definition as to what constituted a majority and thus it could be taken that the requirement in general was 50 plus 1. He advised also that no specific legal advice had been received in relation to Holiday Homes, and that Department Circulars received to date had indicated that they were not to be included in the policy.

The County Manager reminded all present that it was not possible to have a process at local level, which was not provided for in law, and that the policy before Members today was in accordance with the statutory Section 180 Scheme. Where Housing Estates were in good order and capable of being taken over, the process would, he confirmed be progressed in a speedy manner. It was noted that the new policy offered considerable clarity with regard to the overall situation and identified a clear path of consultation. The Council, he said would work with residents to achieve the best outcome possible.

Clr. Mc Guinness expressed concern in relation to the exclusion of holiday homes, given that many were now becoming permanent homes. There was some concern also as to the overall financial implications for the Council.

Responding the County Manager advised that Holiday Home applications would retain their status until such time as a change of use was applied for.

On the proposal of Clr. Larkin, seconded by Clr. Canning it was resolved to adopt the Revised Policy on the Taking in Charge of Housing Estates.

C/403/13 SUBMISSION OF MOTIONS UNDER URGENT BUSINESS

Motion No 1

A request signed by Clrs Gallagher, Murray, Mc Brearty, Campbell, Slowey and Alcorn to have the following motion discussed as urgent business in accordance with Standing Order No. 28 was read into the record;-

"That this Council give a full update on the DBO Dungloe/Glenties Sewage Scheme, taking into consideration it is now almost nine months since tenders were received by Donegal County Council, and the unacceptable pollution of Donegal Bay which has been posted publicly this past week, and that this Council take steps to

ensure that unacceptable time delays like this do not happen in other capital projects".

Motion No 2

A request signed by Clrs Murray, Harvey, Gallagher, Farren, Ryan, M. Doherty, Mc Guinness, M. McBride, Canning and Blaney to have the following motion discussed as urgent business in accordance with Standing Order No. 28 was read into the record;-

"That this Council expresses concern over the lack of consultation it received regarding the proposed Gasification Plant in Maydown, Derry and resolves to investigate any possible impacts that such a development could have on the Environment in Donegal".

Motion No 3

A request signed by Clrs Harvey, Murray, Quinn, Gallagher, Blaney, Canning, Larkin, Farren, Ryan, N. Mc Bride, M. Doherty, Boyle, Harley, M. McBride, Mc Gowan, Alcorn and Crawford to have the following motion discussed as urgent business in accordance with Standing Order No. 28 was read into the record;-

"Call on Donegal County Council to support the Lobby Group for Irish Immigration Reform and commit to writing to the House of Representatives- namely the Speaker of the House, Mr. John Boehner, appealing for their support for the Immigration Bill that is currently being debated in the House of Representatives".
This motion to form part of a national campaign lobbying for immigration reform.

Members agreed to consider the motions outlined above prior to the close of business.

C/404/13

ELECTORAL AREA STAFFING LEVELS AND THE IMPLICATIONS ARISING FROM SAME
AVAILABILITY OF TEMPORARY SEASONAL STAFF TO FACILITATE WORKS DURING THE SUMMER MONTHS.

Members agreed to consider also at this juncture Motion No. 10 as submitted by Clr. Harley.

On the proposal of Clr. Mc Guinness, seconded by, Clr. Harley, the following motion was adopted:-

"That this Council discuss Staffing Levels in each Electoral Area and the implications arising there from".

On the proposal of Clr. Harley, seconded by, Clr. Mc Guinness, the following motion was adopted

"That this Council discuss the availability of Temporary Seasonal Staff on an Electoral Area Basis to facilitate getting work done during the Summer Months."

Donegal Co. Council has a Staffing Complement of 861 Whole Time Employees as at 30th June, 2013. This figure does not include our Retained Firefighters (150 in total).

The breakdown of employees by Electoral Area and HQ is set out in the attached report: (Vide Appendix 3)

The embargo on Recruitment in the Public Service as announced by the Department of Finance in March, 2009 remains in place. However, the Council has sought and obtained sanction to recruit a limited number of seasonal workers on a contract basis to assist in the delivery of work programmes in the Electoral Areas. A recruitment process was established to set up a panel for the temporary seasonal positions and the recruitment process was completed by mid-June 2013. The appointment of employees from this temporary panel is subject to funding being in place.

It is noted that in accordance with the Local Government Act, 2001, all matters relating to employees, including recruitment, appointment, assignment and any disciplinary matters arising there from are Executive Functions. Section 158 (3) and Section 159 (1) refer in particular:

Section 158 (3)

The functions conferred on an elected council or a Cathaoirleach by this Part, other than those referred to in sections 145(1) and 148, do not apply or extend to employees of a local authority or to the performance of any executive function in relation to such employees or their direction, supervision, service, remuneration or discipline and any resolution which claims to so apply or extend is invalid.

Section 159. (1)

The manager shall for the purposes of discharging the responsibilities set out under section 149 make such staffing and organisational arrangements as may be necessary for the purposes of carrying out the functions of the local authorities for which he or she is responsible.

Management is currently examining the staffing implications arising from the significant change programme underway in the Local Government sector, which includes the following:

1. 'Putting People First'
2. The output from the Local Electoral Area Boundary Committee, with particular reference to the number and functions of Municipal Districts in the County.
3. The abolition of Town Councils with effect from June 2014.
4. The advent of Irish Water with effect from 1st January, 2014
5. The implications arising from the implementation of the Shared Services agenda in the Local Government Sector.

In addition, regard must be had to the overall finances of the organisation and also the implications arising from the recently announced Voluntary Redundancy Scheme for Local Authorities.

Arising from this review, it is proposed to develop revised Delivery Structures for Donegal Co Council to meet the needs of the organisation for the current and post 'Putting People First' Implementation periods. The Executive will be engaging with all stakeholders as part of this process, including Elected Members as appropriate, and will present proposals to Council in due course.

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Clr. Mc Guinness said that whilst he accepted that staffing issues were an executive function, he did have a number of concerns regarding the current selection methods, particularly where the candidates concerned appeared to tick all the right boxes. He proceeded to outline his dissatisfaction with the current selection process for temporary seasonal workers and called for the reinstatement of the old Electoral Area Panel System, which, he contended, was much fairer and acknowledged those with the relevant experience. A number of Members outlined their support for the reinstatement of same.

Others issues raised included:-

- Concerns in relation to the online application process.
- The need for contact details for all EA based staff.
- Assertion that the panels created in 2009 prior to the introduction of the Staff Moratorium should have been retained and utilised.
- Understaffing of Stranorlar Electoral Area Roads Staff with compliments being paid to outdoor staff who continued to provide a quick and effective response when called upon.
- Deterioration of services in the Stranorlar Roads area and the apparent duplication of work.
- Query as to the provisions made for those who had upskilled over the years.

Mr. Joe Peoples, Acting Meetings Administrator responded to the issues raised by Members.

The organisation, it was acknowledged, had an obligation to recruit a competent workforce and as such consideration had to be given to the practicalities of running one competition instead of five. It was noted that there was an appeals mechanism for those with specific concerns and that that Members accepted that the internal appeals processes was functioning well. He confirmed that all those who had responded to employment advertisements would be dealt with in a fair and impartial manner and any concerns applicants had about the assessment process could be dealt with through an internal appeals mechanism with rights of external appeal available to any applicant who wished to pursue such a course of action.

Responding to a query from Clr. Crawford in relation to the low level of outdoor workers in the Stranorlar Electoral Area, and the overall capacity to carry out certain works, he confirmed that staffing allocations were dependent on a number of factors including,

- Roads mileage.
- The range of works involved.
- Number of water/sewage treatment plants in an area etc.

Clr Crawford raised a number of issues relating to same and asked that an update be provided to the Stranorlar Electoral Area Committee.

Clr. Mc Guinness acknowledged that there were specific administrative advantages in having a County Panel. Concluding the debate, he reiterated, his call for the reinstatement of the Electoral Area Panel System.

Mr. John Mc Laughlin, Director Roads & Transportation advised that the 54 outdoor staff assigned to the Stranorlar Electoral Area were representative of a number of Directorates and not specifically roads employees. There was, he noted, a requirement to comply with employment legislation and it was not possible to move personnel from area to area without specific negotiation.

He called on any Members with specific concerns, to contact the Directors Office as appropriate. The decision to set up a County panel, it was acknowledged was based on the fact that a considerable number of people across all areas had expressed an

interest in this type of employment. Thus it was deemed at this point in time the most effective and practical method of selection.

C/405/13 ESTABLISHMENT OF AN ONLINE FACILITY TO ADVERTISE ACCOMMODATION DURING THE ALL IRELAND FLEADH AND OTHER MAJOR EVENTS WHICH WILL TAKE PLACE IN THE NORTH WEST OF IRELAND

The following motion submitted by Clr. Murray was withdrawn:-

"That Donegal County Council in consultation with all relevant bodies, establishes an online facility which would allow local people in Donegal advertise accommodation during the All-Ireland Fleadh and other major events which will take place in the North West of Ireland."

C/406/13 CALL FOR THE COUNCIL TO COMMIT TO NOT PASSING ON THE LOCAL PROPERTY TAX TO COUNCIL TENANTS

On the proposal of Clr. Larkin, seconded by, Clr. Harvey, the following motion was adopted:-

"That this Council commits to not passing on the Local Property Tax to Council Tenants".

Members were informed that:-

"Local Property Tax is payable on all Local Authority Houses, with the limited exception of 'special needs accommodation' i.e. specifically built/designated units or where substantial adaptation works were carried out to accommodate a tenant with special needs or disability. As with private dwellings, the Local Property Tax has been levied for a six month period in 2013 i.e. with effect from 1st July, 2013 and will be levied on a full year basis in 2014 and subsequent years.

Donegal Local Authorities had to make returns to the Revenue Commissioners by the end of June 2013 confirming the total number of Housing Units that were liable for LPT and the value of LPT due. The total number of applicable units in Donegal (including the Town Councils) is 4717 with the total Local Property Tax due for 2013 on these Units being €208,305. Payment of this will fall to be made to the Revenue Commissioners in January, 2014.

The consideration of whether the Local Property Tax will be passed onto Council tenants is one that is being considered at national level. A national sub-group has been established with representation from the Department of the Environment, Community & Local Government, Housing Agency and Local Authorities to examine this issue and to bring forward proposals in this regard. Local Authorities are expecting to receive guidance in this matter over the coming months.

It is noted that a national review of the Differential Rents Scheme is underway with a view to bringing greater levels of consistency to the rents applied across all Housing Authorities. It is likely that the revised scheme will be implemented during 2014.”

Clr. Larkin said there was considerable confusion as to what was happening at both national and local level. It was imperative, he added, that the charge was not passed on to Local Authority Tenants, and that clarity was provided as to the overall funding liability. He called for a commitment at national level that the charge would not be passed on to LA Tenants as the absence of any clear directive was creating difficulties on the ground for the Elected Members.

Clr. O’ Domhnaill called on the Executive to send out a clear message that they would not pass on the charge to Local Authority Tenants, given that there was no obligation on those who did not own their own home to pay the Local Property Tax.

Mr. Garry Martin, Head of Finance, advised, that it was clear that the liability rested with Donegal County Council. He noted that a national sub-group had been established to examine the issue and provide guidance to local authorities on the matter

Clr. Larkin reiterated his plea that local authority tenants be exempted from any liability and called on the expert group to provide clarification as soon as possible. He asked also that an update be provided on the proposed changes to the Differential Rent Scheme.

C/407/13

CALL ON DONEGAL COUNTY COUNCIL TO SUPPORT AND PROMOTE A CROSS BORDER ‘GREENWAY’ IN THE NORTHWEST

On the proposal of Clr. N. McBride, seconded by, Clr. Mc Gowan, the following motion was adopted:-

"That this Council support and promote a Cross Border 'Greenway' in the North West and that the Council work in conjunction with existing Community Groups on route selection and development."

Members were informed that:-

“The Council through the Riverlinks project and at the request of the Foyle Finn community network is at present commencing mapping of railway lines as a potential route for development as a cross border greenway, this project will be carried out over the coming months. Members will be updated on progress.

It is recognised that the development of walks/trails is a key resource for Donegal and a number of initiatives have been supported in the past and a number are being planned for at present. This is part of the county's overall effort to develop tourism products based on the county's natural resources, walking and trails being a key element of this.”

Clr. Mc Bride suggested that the old railway line system could be used to link a number of tourism hubs throughout the County, and that such an initiative could be progressed in conjunction with local community groups, assisted by the relevant tourism bodies. There was an opportunity also, he noted to link into the “Electric Bike Initiative”.

He outlined the need to carry out a feasibility study in relation to the matter and cited the need for cross-party support.

Members acknowledged the potential of the proposal, highlighting possible links with the Riverlinks Project and the utilisation of walking trails along river banks in the County. The need to progress the “Electric Bike Scheme” was acknowledged with cognisance being taken of the successful implementation of the scheme in the Craoibhín Community Enterprise Centre in Termon.

The importance of cross-border linkages together with the sourcing of funding at European level was also considered. It was recognised also that there could be some difficulty in establishing the ownership of lands along the disused railway lines.

The need to progress the matter in conjunction with the various community groups involved was widely welcomed together with the possible utilisation of resources such as many of the old aqueducts in the County. It was suggested also that a dedicated person be assigned to explore the concept of developing a "Donegal Marathon"

Members requested an update in relation to the "Walking Trails Mapping Exercise" as carried out by the Forward Planning Section, together with confirmation that the "Errigal Boardwalk Project" would be moved forward.

Access to the County was highlighted as being one of the key issues involved.

Mr. Michael Heaney, Director Community, Culture & Planning, acknowledged the constructive comments and agreed to provide an update in respect of the mapping exercise carried out by Forward Planning. He noted that some areas were more accessible than others, and pledged to update Members on the progress of the matter over the coming months.

C/408/13 SUSPENSION OF STANDING ORDERS

On the proposal of Clr. Gallagher, seconded by, Clr. N. McBride, it was resolved in accordance with Standing Order No. 29 to suspend Standing Order No. 3, so as to allow the meeting continue beyond 6pm, in order to facilitate the completion of the remaining business on the agenda.

C/409/13 MOTION UNDER URGENT BUSINESS – DBO DUNGLOE/GLENTIES SEWAGE SCHEME

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

"That this Council give a full update on the DBO Dungloe/Glenties Sewage Scheme, taking into consideration it is now almost nine months since tenders were received by Donegal County Council, and the unacceptable pollution of Donegal Bay which has been posted publicly this past week, and that this Council take steps to ensure that unacceptable time delays like this do not happen in other capital projects".

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

C/410/13 MOTION UNDER URGENT BUSINESS – PROPOSED GASIFICATION PLANT, MAYDOWN, DERRY

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

“That this Council expresses concern over the lack of consultation it received regarding the proposed Gasification Plant in Maydown, Derry and resolves to investigate any possible impacts that such a development could have on the Environment in Donegal”.

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

C/411/13 MOTION UNDER URGENT BUSINESS – SUPPORT FOR LOBBY GROUP FOR IRISH IMMIGRATION AND THE IMMIGRATION BILL CURRENTLY BEFORE THE HOUSE OF REPRESENTATIVES

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

"Call on Donegal County Council to support the Lobby Group for Irish Immigration Reform and commit to writing to the House of Representatives- namely the Speaker of the House, Mr. John Boehner, appealing for their support for the Immigration Bill that is currently being debated in the House of Representatives".

This motion to form part of a national campaign lobbying for immigration reform.

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

C/412/13 REPAIR OF DANGEROUS FOOTPATHS IN ST MARY’S TERRACE RAMELTON AND MOUNT MARION MILFORD

On the proposal of Clr. Quinn, seconded by, Clr. Blaney, the following motion was adopted:-

"That Donegal County Council agree as a matter of urgency to repair the dangerous footpaths in St Mary's Terrace, Ramelton and Mount Marion, Milford."

Members were informed that:-

“The following information is provided to Members to assist in their consideration of this motion:

As part of its adopted budget the Council allocates between 35-45% of its non national roads maintenance budget towards road surface maintenance including footpaths. The exact amount per electoral area for spending under this activity is determined in consultation with members at electoral area level based on the allocation for discretionary maintenance from the DATTS; the Councils own resources contribution; the overall road length in each electoral areas and maintenance priorities. Further adjustments were made following consultation with members when transfers were made between the Restoration Improvement grant and the Discretionary Maintenance Grant in April. Overall the budget allowed for €6,934,761 for all maintenance including expenditure that is ineligible to be charged to state grants on restoration grants for road. This figure is provided to fund all maintenance activities.

This budget is divided amongst Electoral Areas and subdivided into RSS areas based on road length, classification, etc. As noted between 35-45% is used for road maintenance. For the Letterkenny EA the budget is approximately €140,000 per RSS area for local road surface maintenance including footpaths. This money is used for pothole and minor surface repairs etc on approximately 300km of local road per RSS area or an average of €467 per km.

It is a matter for members and management locally to determine the best way of spending the limited funding available.

Separately €248,000 has been made available to Roads and Housing Capital from the Development Contribution Fund. The funding may be used (in priority order) to:

1. Assist in the reconciliation of unfunded capital balances
2. Provide funding to complete specific DCS projects

3. Fund completed capital projects charged to own resources in 2013 but appropriate to DCS on the basis that revenue budget is reduced accordingly
4. Fund new capital projects in 2013 under the DCS on the basis that revenue budget is reduced accordingly.

Proposals will be made to Members at Electoral Area Level for their agreement based on the above priorities and the available funding per electoral area. The overall cost of replacement of the approximately 300m of footpath at Mount Marian and 200m at St. Marys would be of the order of €75,000. It may be possible to replace the worst section of the footpaths at St Marys Terrace Ramelton, and Mount Marion Milford from this funding”.

Clr. Quinn cited the urgency of dealing with the matter, and expressed disappointment that there had been little action at Electoral Area level to remedy the matter. He outlined the need for a special allocation to repair the footpaths in question, citing the need for specific benchmark criteria, taking into consideration the age profile of the residents in these particular locations.

The long-term benefit of investing in infrastructure of this nature was widely acknowledged.

Mr. John Mc Laughlin, Director Roads & Transportation said that his reply had set out clear parameters going forward, and confirmed that there was some capacity under the Development Contribution Scheme to complete elements of the work sections in question.

Clr. Quinn concluding the debate reiterated his call for the creation of some form of bench mark based on the age profile of the residents living in this particular area.

C/413/13 TENDERING OF THE WOODLAND DOOISH TO CAPPRY
BALLYBOFEY PATHWAY

On the proposal of Clr. Mc Gowan , seconded by, Clr. Crawford , the following motion was adopted:-

That the Council put the Woodland Dooish to Cappry, Ballybofey Path Way out to tender without further delay now that funding is in place as Residents are anxious that this project will proceed."

Members were informed that:-

“The scheme has progressed fully in accordance with expectations and programme. Contract Documents are complete. As with all schemes for construction the budget for that construction has to be confirmed and approved by the NRA. Currently there is an allocation of €42,000 and the total estimated cost is €100,000. We have sought an additional €58,000 from the NRA and a response is awaited.

Preparation works were undertaken by Contract earlier this year and are complete.

On approval of the NRA extra funding, Stranorlar Local Area Roads Staff will carry out the works over the next couple of months and they have confirmed that they are in a position to do this work.

Please note that the scheme will run from the Kilcroghery Junction to the Road House Bar junction. The section towards Ballybofey will not proceed at this time due to funding constraints and also due to the presence of an invasive plant species (Japanese Knotweed) which is being dealt with in accordance with strict national guidelines.”

Clr. Mc Gowan outlined the urgency of proceeding with the project, including the need to ensure that it was delivered on time and in budget.

Responding to a number of queries raised, Mr. John Mc Laughlin, Director Roads & Transportation, said he was hopeful that the NRA would provide the extra funding required, and confirmed that the Stranorlar Local Area Roads Staff were in a position to carry out the works in question.

He would, he advised, keep Members updated at local area level. Concern was raised however that that this could not be progressed based on current staffing levels in the Stranorlar area.

Clr. Mc Gowan said that the carrying out of the works in question would be a small token towards safety measures in the area and would involve nothing more than the removal of hedgerows and the creation of a hard shoulder, remedial works which, he affirmed, would cost in the region of €58,000.

He expressed concern also in relation to road markings at Blackburn Bridge, advising that they were a health and safety issue, and warranted immediate attention.

The Director of Roads & Transportation agreed to come back to Members with an update pending a response from the NRA.

C/414/13

REQUEST FOR THE COUNCIL TO SETUP A TASKFORCE TO LOOK AT PROVIDING A TEMPLATE TO HELP SMALL TOWNS THAT HAVE BEEN SUFFERING FROM THE EFFECTS OF THE ECONOMIC DOWNTURN

On the proposal of Clr. O'Domhnaill, seconded by, Clr. Gallagher, the following motion was adopted:-

"That this Council set up a working Task Force with a view of compiling a template for Small Towns and how they can cope with the Economic Downturn both Financially and Socially, and work with the Donegal County Enterprise Board, Udaras na Gaeltachta, Leader and other statutory bodies to ensure that infrastructural and social needs are met and that Falcarragh be used as a Pilot Town for such a scheme."

Members were informed that:-

“Donegal County Council is active in promoting economic and enterprise development as is evidenced by the DCC Economic Development Activity Report launched earlier this year. The Putting People First document envisages an expanded role for the local authority in relation to economic development and enterprise support.

At present, work is being carried out to set out how best the council can carry out this work and also at sub-county / area levels. This includes future activity under the review of examining its approach to economic and enterprise development at county and at area levels. The Council is continuously seeking to engage with communities and individuals as appropriate in order to develop initiatives based on needs and opportunities in various areas throughout the county. This work is often carried out in conjunction with our CDB partners (DCC works in close partnership with IDA, Enterprise Ireland, Donegal CEB, Udaras na Gaeltachta, LYIT and Local Development Companies in a CDB context). Examples of such activity as the NPP Retail in Rural

Regions project (which centred on Falcarragh and Ballybofey and Stranorlar), along with the present Interreg funded Business Bootcamp programme which is supporting 16 up 35year olds across the county in both start and grow tailored support programmes with mentoring support linked with some of our major employers in the county.

The Council also assists local groups in a variety of ways - funding, advice, access to grant aid, animation and capacity building - in developing e.g. enterprise space, tourism projects, etc. In addition to this, the Council, at its adjourned meeting in February, agreed to promote development in areas such as the Letterkenny Gateway and on a number of development centre hubs in the county identified as having potential in Tourism, Sports & Economic development.

The establishment of LEOs (Local Enterprise Offices) in the local authority will enable further support to be provided for enterprise in all parts of the county. Donegal County Council recognises its central role with regard to development. It will continue to work with groups as and when the opportunity arises.”

Clr. O’ Domhnaill advised that he was disappointed with the reply and expressed concern that a number of replies relating to various issues had not been satisfactorily addressed in the past.

Businesses were struggling, he added, and an increasing burden was being placed on local communities throughout the County. as they struggled to combat deficits in their social and infrastructural needs.

The County Manager responding advised that there was no intent to short shift the replies to Members Questions and Motions and drew attention to the reply from the Director of Community, Culture & Enterprise, which, he affirmed, clearly outlined the commitment of the Local Authority.

He noted that much time was taken up in the Council Chamber with the pursuit of local issues and that it would be more prudent to deal with issues such as this initially at local area level given the resource and funding issues involved. The matter was also being looked at, he added, in the context of the “Putting People First

Document” which clearly envisaged an enhanced role for local authorities and provided stronger guidelines going forward.

Mr. Michael Heaney, Director Community, Culture and Planning said that Clr. O’ Domhnaill’s request was compatible with recent proposals for the establishment of Economic Fora across the County. Clr. O’ Domhnaill contended that a more definitive answer was required and reiterated his call for the initiation of a pilot project in Falcarragh.

He was informed that this could possibly be facilitated within the proposals for the establishment of Economic Fora throughout the County.

C/415/13 COUNTY MANAGER’S REPORT

Members considered the following report circulated during the meeting in relation to the above. Updates were provided in respect of the following:-

Water & Environment

a) Update on Irish Water.

Housing & Corporate

a) Voluntary Redundancy Scheme for Local Authorities.

Community, Culture & Planning

a) (Submission on behalf of Donegal County Council To Cedra on the Invitation to submit evidence for the Economic Development of Rural Areas.

b) (Submission to the Department of the Environment, Community & Local Government (DECLG) in response to stakeholder input into Action 225 of the Action Plan for Jobs – 2013.

c) (County Museum exhibitions on tour around Donegal.

Members noted the following questions:-

C/416/13 REPAIR OF LIGHTS ON MALIN BRIDGE

The following question was submitted by Clr. McGuinness:-

"Why are the lights on Malin Bridge not repaired?"

Clr. McGuinness was informed that:-

“Initially, there was some confusion over who maintained these decorative bridge lights. That has been cleared up and Airtricity will repair them. They have to order a stock of spare parts as they are not the standard type route lighting. The matter is being followed up by the Local Area Team and progress will be reported directly by the Local Area.”

C/417/13 POTENTIAL RECRUITMENT OF JOB BRIDGE SCHEME PARTICIPANTS BY DONEGAL COUNTY COUNCIL

The following question was submitted by Clr. Murray:-

"How many people have been taken on by Donegal County Council through the Job-bridge Scheme, and how many more are currently being sought, and of those recruited how many have been taken on on a full time basis with a full salary?"

Clr. Murray was informed that:-

“To date the Council has taken on 67 people under the Job Bridge Scheme, with 20 in place currently. While the Council has not been in a position to offer full time paid employment to any of the 67 people, the Council is aware that a number have obtained full time work elsewhere. The Council currently has 3 posts advertised, and hope to advertise 3 more in the coming weeks.”

C/418/13 PROVISION OF BINS FOR RUBBISH AND DOG LITTER AT OUR MOST POPULAR BEACHES

The following question was submitted by Clr. Murray:-

"Can the Council provide rubbish and dog litter bins on the actual beach bathing locations in addition to the car parks of our most popular beaches?"

Clr. Murray was informed that:-

“The good weather has seen large numbers of people flocking to our coastline to enjoy our many wonderful beaches over the last couple of weeks. Although the Council provides litterbins at many of its beaches it appeals to the public to act responsibly when visiting Donegal's beaches during this spell of good weather.

As part of Council's support for the Leave No Trace ethos, the Pack It in Pack It Out method of litter management is being promoted at Shroove, Marblehill, Carrickfinn and Murvagh. Litter bins or recycling facilities are not provided at these beaches. The Leave No Trace ethos aims to minimise the impact of human activity on public areas and places of environmental significance and scenic beauty. This action is being piloted in association with An Taisce under the Blue Flag Beach programme.

Over the recent hot spell Donegal County Council has increased the cleaning service provided at beaches. Clean-ups have taken place on a daily basis and at weekends through a combination of the Council's own resources and in many cases with the support of the local community. The Council would like to acknowledge the continued support and assistance received from local communities at this busy time.

In order for everyone to be able to enjoy the beaches we ask that the public,

- take their litter home,
- if packing a picnic or bringing food etc to the beach to pack bags for rubbish too and bring it home,
- never leave litter on the beach, place it into bins, where provided,

- if bins are not available or they are full, please take litter home,

- when using facilities at the beach please ensure they are left clean and tidy and treat facilities with respect,

- always clean up after dogs and use a bag or a "pooper scoop",

- Free "poop scoops" are available from the lifeguard huts at all Blue Flag beaches and from all Donegal County Council offices while stocks last.

With the hot weather set to continue the Council is calling on everyone visiting the county's beaches to play their part."

C/419/13

CLARIFICATION ON THE STATUS OF THE EPA
DISCHARGE LICENCE HELD BY DONEGAL COUNTY
COUNCIL WHEN IRISH WATER TAKE OVER

The following question was submitted by Clr. Canning:-

"What happens to the EPA Discharge License approval to Donegal County Council if and when Irish Water take over?"

Clr. Canning was informed that:-

“It is expected that Irish Water will have statutory responsibility for the provision of water services from the 1st January 2014. While the precise detail has yet to be worked out in terms of how the transfer of responsibility for compliance with discharge licences granted to Donegal County Council will be implemented Irish Water will be responsible from January 2014 for compliance with the conditions of licences granted as the Council will no longer have responsibility as the water services authority. The Council will continue to operate the plants on an agency basis for Irish Water under a service level agreement.”

C/420/13 TANK INSPECTION TRAINING FOR DONEGAL COUNTY COUNCIL STAFF

The following question was submitted by Clr. Canning:-

"How many people from the Council are receiving training for the tank inspections and at what cost to this Council?"

Clr. Canning was informed that:-

“Training on septic tank inspections took place at the Stranorlar Regional Training Centre on the 29th & 30th May 2013. A total of 14 staff from the Council attended the course. The cost of the training, course fees etc is covered under the National Water Services Training Programme so there was no specific training cost to the Council. It is expected that inspections will commence in September 2013 with the Council required to carry out 80 such inspections between now and mid 2014.”

C/421/13 EXPLANATION BY THE COUNCIL OF THE COSTS INVOLVED IN REGISTERING A COMMERCIAL VEHICLE

The following question was submitted by Clr. Larkin:-

"Will the Council explain the costs involved in registering a commercial vehicle?"

Clr. Larkin was informed that:-

“The local authorities, Motor Taxation Offices, have no functions in relation to the registration of motor vehicles.

The Road Vehicles (Registration and Licensing) (Amendment) Regulations, 2004 introduced a document for registration and licensing purposes in compliance with the requirements of EU Directive 1999/37/EC. The Registration Certificate constitutes the registration or ‘log’ book for a vehicle and is generated by the National Vehicle and Driver File (NVDF) maintained and supported by the Driver and Vehicle Computer Services Division of the Department of Transport Tourism and Sport, located in Shannon, Co. Clare.

Matters relating to the first registration of new vehicles are dealt with by the Revenue Commissioners. Further details can be got on www.revenue.ie.

Matters relating to the registration of imported vehicles (vehicles registered since 1 September 2010) are now dealt with by the NCTS. Anyone importing a vehicle into the Republic will have seven days to make an appointment for the pre-registration inspection and 30 days to complete the registration process.”

C/422/13 PROVISION OF RESOURCES FOR THE PROCESSING OF THE 2013/14 STUDENT GRANTS

The following question was submitted by Clr. Quinn:-

"Is Donegal County Council satisfied that adequate resources are in place in order to speedily process payments of Student Grants for the 2013/2014 Academic Year?"

Clr. Quinn was informed that:-

“New arrangements were implemented nationally for the processing of Higher Education Grant Applications for the academic year 2012 / 2013. The Student Universal Support Ireland (SUSI) system was responsible for all first time applicants in 2012, with the existing grant awarding bodies such as Donegal Co. Council remaining responsible for processing renewal applications for returning students who were initially awarded their grant through the Council.

In the coming academic year, 2013 / 2014, SUSI will be responsible for 1st and 2nd year students for Undergraduate and Postgraduate Courses.

The administration of the Higher Education Grants through SUSI has received extensive coverage in the media in terms of delays experienced by students in having their applications processed. It is understood that arrangements have been made to ensure that such delays will not be repeated in the coming academic year.

In relation to the renewal applications which Donegal County Council retains responsibility for, the Council has issued 600 renewal/reassessment forms in early May. The Council has rolled over to the new academic year following completion of final recoupment and statistical return for the 2012 / 2013 academic year. The Council is already updating renewal students and are currently working on forms received in the first week of July. The Council is confident that any student who has submitted a fully completed renewal/reassessment form with the required supporting documentation will be updated and included in the first payment run to students which will be paid out in early October 2013. The Council is satisfied that sufficient resources are in place locally to meet these targets.”

C/423/13 ANNUAL COSTS ASSOCIATED WITH THE UPKEEP OF THE COUNCIL FLEET

The following question was submitted by Clr. N. McBride:-

"What is the annual cost of maintaining and repairing our lorry, van and pickup fleet and how much cost is involved in hire of such vehicles."

Clr. N. McBride was informed that:-

“The Council owns a fleet of 24 large lorries, 2 small lorries, 19 pickups, 6 large vans and 14 small vans. The cost of maintaining and repairing this fleet in 2013 is estimated to be €272,657.00, exclusive of fuel, plant replacement fund and tax/Insurance costs.

In addition the Council has a hired in fleet of 16 small lorries, 2 litter lorries, 20 pickups, 16 large vans and 15 small vans. The estimated hire cost of this fleet in 2013 is €59,509.00 again exclusive of fuel and Insurance costs.”

C/424/13 COST OF THE GRITTING PROGRAMME FOR 2012/2013 COMPARED TO 2011/2012

The following question was submitted by Clr. N. McBride:-

"What was the cost of the gritting programme 2012/2013 as opposed to 2011/2012?"

Clr. N. McBride was informed that:-

“Total expenditure in the year July 2011- June 2012 was €67,583.57. Total expenditure in the year July 2012- June 2013 €1,404,953.27.”

C/425/13 UPDATE ON REQUEST TO MEET THE TAOISEACH RE THE A5 ROAD PROJECT

The following question was submitted by Clr. Brogan:-

"Has there been any response from the Taoiseach's Office to the request from Donegal County Council to meet a cross-party deputation in relation to the very important A5 Road - Monaghan to Donegal and the Lifford to Letterkenny Link?"

Clr. Brogan was informed that:-

“At the time of writing, the Taoiseach's Office have not yet agreed to meet a cross-party deputation in relation to the A5 Road or the Lifford to Letterkenny link.

The Taoiseach's Office has acknowledged our previous request for a delegation.”

C/426/13 GRASS CUTTING ON THE DUAL CARRIAGEWAY AND THE NATIONAL/SECONDARY AND PRIMARY ROADS

The following question was submitted by Clr. Brogan:-

"Will this Council cut the grass on the Dual-Carriageway into Letterkenny and at the Junction at the top of the Cullion Road, and possibly seek Expressions of Interest with regards to grass cutting on National/Secondary and Primary Roads?"

Clr. Brogan was informed that:-

“As part of its adopted budget the Council allocated between 10-20% of its national roads maintenance budget towards verge maintenance including boundary maintenance. The exact amount per electoral area for spending under this activity is determined in

consultation with members at electoral area level based on the allocation for national roads maintenance from the NRA, the overall national road length in each electoral area and maintenance priorities.

Overall the County received €111,000 for National Primary Maintenance and €289,000 for National Secondary Maintenance. Letterkenny EA received a further €43,000 for maintenance on the Dual Carriageway under the motorway maintenance heading. In the Letterkenny EA there is therefore between €5000-€10000 N14, N13 between the Bullock Park and Drumoghill and between €4000-€8000 for the N56 between the Dry Arch Roundabout and the Log Cabin. A further €4000-€8000 is available for verge maintenance for the dual carriageway.

It is a matter for members and management locally to determine the best way of spending this having regard to safety at certain junctions where land is owned by the Council, landowners obligations under legislation, the Council's adopted policy and the other priorities including drainage / surface maintenance etc.

The Council are currently (in the past week or so) cutting the grass at the junctions on the dual Carriageway, and also at the junction at the top of the Cullion Road to improve sight lines and are seeking tender prices for cutting the grass on the Dual Carriageway median. The extent of the grass cutting on the median will be determined by the prices returned from tenders.

In relation to whether elements of work are outsourced some of the Council's activities including hedge and grass cutting are outsourced using tenders from competent suppliers which are advertised from time to time on the governments website e-tenders and frameworks including LA quotes. Suppliers of goods and services are encouraged to register with these services a www.etenders.gov.ie and www.laquotes.ie .”

C/427/13 COUNCIL SUBMISSION REGARDING THE €10MILLION
MADE AVAILABLE BY THE DEPARTMENT FOR HOMES
FOR PEOPLE WITH DISABILITY

The following question was submitted by Cllr. Larkin:-

"Can the Council outline its submission to the Department for funding under the Ministers announcement of 10 million for homes for people with disability?"

Clr. Larkin was informed that:-

“Circular Letter Housing 20 / 2013 was issued by the Department of the Environment, Community & Local Government on 28th June, 2013 with a Focus on provision of accommodation for People with a Disability. The Circular was issued as a follow on from Minister Jan O'Sullivan's announcement of an additional €10 M in Housing Capital Funding for accommodation for people with a disability.

Donegal Co. Council has ongoing engagements with Approved Housing Bodies (AHB) and the Health Services Executive (HSE) in terms of meeting the accommodation needs of people with a disability. As a consequence of this announcement, the Council engaged again with the AHB sector and the HSE to consider and prioritise projects based on the criteria set out in the Circular which were as follows:

- (i) Address the specific local housing need of people with a disability
- (ii) be completed, with funding fully drawn or substantially drawn down, by the end of November 2013, and
- (iii) demonstrate Value for Money relative to market prices in the area.

Each Housing Authority was requested to make its submission by 16th July, 2013 and to limit its submission to no more than four projects.

As a consequence of the engagement with the AHB sector and the HSE, a submission was made by 16th July which included projects in Inishowen, Letterkenny, Stranorlar and Glenties Electoral Areas with a combined funding demand of €1.66 M. The Council is now awaiting confirmation from the DoECLG in terms of approval to proceed with the projects.”

C/428/13

COUNCILS ROLE IN GRANTING A GAMING LICENCES

The following question was submitted by Clr. Quinn:-

"What role and responsibility does Donegal County Council have in the awarding of Gaming Licences?"

Clr. Quinn was informed that:-

The Gaming & Lotteries Act, 1956 is, currently, the relevant legislation associated with this matter. The relevant Part (Part 3), incorporating Sections 12 - 20, is detailed below.

PART III.

Licensing of Amusement Halls and Funfairs.

Application of this Part.

12.—This Part shall not have effect in any area unless there is for the time being in force a resolution under section 13 adopting it for that area.

Adoption of this Part by local authority.

13.—(1) A local authority may by resolution adopt this Part in respect of the whole or a specified part of its administrative area and may by resolution rescind such adoption.

(2) For the purpose of this section the administrative area of the council of a county shall not include any borough, urban district or town.

(3) A resolution shall not have effect unless not less than one month's notice of the intention to propose it has been given in writing to every member of the local authority and has been published by advertisement in at least two newspapers circulating in the area to which the proposal relates.

(4) A local authority on passing a resolution shall cause notice of the fact to be published in at least two newspapers circulating in the area to which the resolution relates and shall as soon as may be send a copy of the resolution to the Minister.

(5) Evidence of the passing of a resolution may be given by the production of a copy of a newspaper containing the notice or by the production of a certificate to that effect purporting to be under the seal of the local authority.

Licensed amusement hall and funfair.

14.—Gaming carried on at an amusement hall or funfair shall not be unlawful gaming if—

- (a) it is carried on in accordance with a licence, and
- (b) the stake in each game is not more than sixpence for each player, and
- (c) no person under sixteen years of age is permitted to play, and
- (d) no player may win more than the value of ten shillings in each game, and
- (e) neither taking part in nor the result of a game entitles the player to take part in any other game or lottery or otherwise to receive or be eligible to compete for any money or money's worth.

Certificate for gaming licence.

15.—(1) The District Court may grant a certificate authorising the issue of a licence permitting gaming at an amusement hall or funfair.

(2) A certificate shall not be granted unless forms of entertainment other than gaming are also provided.

(3) A certificate shall not be granted unless the applicant shows that he is not disqualified by section 8 from the promotion of gaming under section 6 or section 7.

(4) The Court may attach to the certificate conditions limiting the hours during which gaming may be carried on, restricting the kinds of gaming and the extent to which particular kinds of gaming may be carried on, limiting the amount of the stakes and of prizes and prohibiting or restricting gaming by persons under specified ages.

(5) The certificate shall specify the period in the particular year to which it relates for which the licence is to be issued.

(6) A certificate granted under this section shall not be invalidated by the subsequent rescission of a resolution under section 13.

Notice of application for certificate.

16.—(1) (a) The intending applicant for a certificate shall give twenty-eight days' notice in writing of his intention to each local authority within whose administrative area the premises to which the application relates are situate and to the Superintendent of the Garda Síochána for the locality.

(b) The notice shall state the number and kinds of games proposed to be carried on and the other forms of amusement to be provided.

(2) The applicant shall also cause a notice of his intention to be published at least fourteen days before the hearing in a newspaper circulating in the locality.

Hearing of application.

17.—(1) In considering an application for a certificate the Court shall have regard to—

(a) the character of the applicant or, in the case of a body corporate, of the persons exercising control and management thereof,

(b) the number of gaming licences already in force in the locality,

(c) the suitability of the premises or place proposed to be used,

(d) the class of persons likely to resort to it, and, if the applicant held a gaming licence for that or any other premises or place in the previous year, the manner in which he conducted it, and

(e) the kinds of gaming proposed to be carried on.

(2) At the hearing, the local authority, the Superintendent of the Garda Síochána and any other person who appears to the Court to be interested may appear and may adduce evidence in relation to the application.

Appeal in respect of application for certificate.

18.—(1) Without prejudice to any right of appeal given by any other Act, an appeal shall lie to the Circuit Court—

(a) by the applicant for a certificate—from an order of the District Court refusing the application,

(b) by the applicant—from any particular part of an order of the District Court granting a certificate, and

(c) by any person who at the hearing opposed the application—from an order or any particular part of an order of the District Court granting the certificate.

(2) A certificate granted by the District Court shall remain in full force until altered or revoked on appeal.

(3) Where, in the case of the refusal of a certificate by the District Court, the applicant is the holder of a subsisting licence the licence shall continue in force pending the determination of an appeal against such refusal.

Issue of licence.

19.—The Revenue Commissioners shall, on the application of a person to whom a certificate for a gaming licence has been granted and on payment by him of any excise duty provided for by law, issue to the applicant a licence in such form as they may direct which shall be and be expressed to be subject to the conditions attached to the certificate.

Display of notice by licensee.

20.—The licensee of a licensed amusement hall or funfair shall cause to be displayed at all times, in a conspicuous position near the entrance, a notice giving the name and address of the licensee and the conditions of the licence.

However, the recently published (15th July 2013) "Gambling Control Bill 2013" has, as one of its stated objectives following enactment, the replacing of the 1956 Act and the Betting Act 1931.

The primary proposals included in the bill are detailed on the attached appendix.

The full bill is available on
<http://www.justice.ie/en/JELR/Pages/PB13000296>

C/429/13

UPDATE ON THE NEW DONEGAL BRAND

The following question was submitted by Clr. McEniff:-

"What is the up to date situation re the New Donegal Brand?"

Clr. McEniff was informed that:-

“The CDB Tourism Sectoral Fora will consult with tourism trade membership and also with participants of the Food trail on how the New Brand proposals could be adopted for future marketing of the county, their feedback will be reported back to the CDB for their consideration and future action.

At present an intensive tourism marketing campaign is underway led by Donegal Tourism Ltd, supported by Donegal County Council and Failte Ireland. This campaign is based on the existing Donegal Brand and is achieving good results. The Donegal Gathering and Donegal Diaspora Brands are assisting in this effort.

It is recognised that Donegal is a strong brand with good recognition and all future CDB work will take this into account.”

C/430/13 UPDATE ON THE EARLIER MOTION BY CLR MCGOWAN REGARDING A THIRD COUNTYWIDE FESTIVAL IN BALLYBOFEY FOR EAST DONEGAL

The following question was submitted by Clr. McGowan:-

"Please can I have a update on my earlier motion regarding establishing a third county wide festival in Ballybofey for East Donegal Area?"

Clr. McGowan was informed that:-

“It is planned that this will be reviewed post the Earagail and Donegal Bay and Bluestacks Festivals and the evaluation to be carried out on these, including their impact in the Finn Valley. There are currently three concerts and an Opera in the Balor Arts Centre organised as part of Earagail festival. The Balor Rep Theatre Co are being supported in touring their production of the Country Boy in venues in South Donegal as part of the Festival.”

C/431/13 COUNCILS PLANS TO CARRY OUT WORK TO THE WASTE WATER PLANT IN LIFFORD

The following question was submitted by Clr. Crawford:-

"Does this Council have plans to carry out works to the Waste Water Plant in Lifford and what where the latest water quality readings for this location?"

Clr. Crawford was informed that:-

“Tenders are currently being evaluated for upgrade works at the Lifford Treatment Plant including ESB supply, installation of automated screen, improvements to inlet works and other site works. It is envisaged that a contractor will be appointed by the end of the month. The scheme has also been added to the Donegal Towns and Villages Sewerage Scheme Network Survey Contract. Works will include CCTV surveys, Flow and Load and Impermeable Area Surveys of the existing sewer network.”

C/432/13 FUNDING BY THE DEPARTMENT OF THE SEWERAGE SCHEME IN ST JOHNSTON

The following question was submitted by Clr. Crawford:-

"Has there been any correspondence positive or otherwise from the Department in relation to funding for the sewerage scheme in St Johnston?"

Clr. Crawford was informed that:-

“The Wastewater Treatment Plant Enabling Works Contract has just commenced, with a contract period of three months. These works are funded by the DECLG under the small schemes capital programme.

Tender documents are being finalised for the Wastewater Treatment Plant and Main Pumping Station, and will be ready to issue to the prequalified tenderers in August 2013. The Council is continuing engagement with the Department to secure the requisite funding to carry out this work. Responsibility for funding the provision of new water services infrastructure is likely to transfer to Irish Water from January 2014 when it becomes the national water services authority.”

C/433/13 REPORTS REGARDING THE ROAD SAFETY ASPECTS OF THE OLD QUARRY IN PORTHALL

The following question was submitted by Clr. Crawford:-

"Will this Council produce all reports concerning the road safety aspect of the old Quarry in Porthall and the dangers existing?"

Clr. Crawford was informed that:-

“In reply to a similar question on this topic submitted by yourself in September 2012 the following reply was drafted 'Following investigations into possible road safety improvements at Porthall, a Road Safety Report was prepared and issued to the Area Team in May 2011. The report recommended traffic calming measures (gateway type signage), speed limit repeater signs, cutting away of overhanging trees and bushes, advanced warning signs. While the Area Team has removed/cut away the overhanging trees/bushes. Funding will be required to progress with any of the remaining recommendations. The scheme/location does not meet the criteria for DOT LCA funding and any works would need to be prioritised within the monies made available in the Local Area budgets. This would need to be discussed and agreed at Electoral Area level.' A copy of this road safety report will be circulated to the Stranorlar Electoral Area Members prior to the next electoral Area Meeting.”

C/434/13 ONGOING FLOODING PROBLEM AT A HOUSE IN THE TOWNLAND OF CORCAM KILLYGORDON

The following question was submitted by Clr. Harley:-

"Can this Council in conjunction with NRA and the OPW find a solution with the ongoing problem with flooding to a house in the townland of Corcam Killygordon on N15-32 as this has been happening for over 20 years?" (Name Available).

Clr. Harley was informed that:-

“The Local Area Team will examine this matter, give it consideration and determine if it is a matter for the Council. After that they will determine if a joint arrangement as suggested can be put in place to deal with the matter. The Local Area Team will revert to the next Local Area Meeting to provide an update.”

C/435/13 NEED FOR A REVIEW OF THE SPEED LIMIT SIGNS ON THE R252

The following question was submitted by Clr. Harley:-

"Can the Roads Section of the Council review speed signs on the R252 between Ballybofey to Glenties looking particularly at the possibility of moving the 50km speed sign out past Blue Cedars Housing Estate?"

Clr. Harley was informed that:-

"This request will now be added to the Roads Section Database/Record of speed limits requested for consideration for review and will be re-assessed as part of the next Speed Limit Review Process.

The Department of Transport is working on a national approach to the setting of speed limits presently and it is expected that the outcome of that report will require a county-wide review by the Council in due course."

C/436/13 UPDATE ON THE WORKS AT THE BLUE CEDARS BALLYBOFEY

The following question was submitted by Clr. McGowan:-

"Please give a detailed update on works agreed at Blue Cedars Ballybofey with details of which houses are not subject to the household charge and the rationale behind their selection?"

Clr. McGowan was informed that:-

"There are five (5no.) dwellings within "The Park" , Blue Cedars, Ballybofey which are eligible for a waiver from the Local Property Tax 2013-2016. The said dwellings are eligible for a waiver because they do not have the benefit of commissioned public lighting and according to DoECLG criteria are therefore deemed to be in a Seriously Problematic Condition. This particular public lighting deficiency affects five (5no.) dwellings only and does not apply to the wider extent of the development. The five (5no.) dwellings which are eligible for a waiver from the Property Tax are identified by a red line boundary on maps available to view both on the Council's website at www.donegalcoco.ie or in hard copy at County House or any of the Public Service Centres.

Nama has carried out public safety works in a former construction compound which adjoins the site in order to restrict access to a building which contains a swimming pool. The Council is

otherwise continuing to work with the bond provider (Bank of Ireland) to secure the satisfactory completion of the development. The works which are currently the subject of ongoing discussions include the completion of public lighting, the completion of the wearing course, open space and drainage works. It is anticipated that this process will reach a satisfactory conclusion in the short term.”

C/437/13 BEACH MANAGEMENT PLAN FOR THE MAHGERORARTY BEACH AND PIER AMENITIES

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

"Can this Council work with the Old Plan for Magheroarty Beach Car Park and incorporate into that Plan a full and conclusive plan including beach and amenities as well as the Pier and Harbour, carry out a public consultation and urgently seek monies to remedy, Erosion of the Dunes, create a proper beach management Plan in conjunction with Roads and Transportation and Water and Environment as well as provide funding to fully utilise this fabulous untapped tourism resource.?"

Clr. O’Domhnaill was informed that:-

“The Council's Water and Environment, Roads and Transportation and Community, Culture and Planning Directorates will continue to work collaboratively in order to maximise the potential to secure funding for improvement works at Magheraroarty. The following sets out the position in relation to how the Directorates have collaborated to date:

1. Preliminary designs were prepared in 2006 for the enhancement of the car parking area at the pier by way of a traffic management plan and received Part VIII approval by the Council in July 2006:
2. The estimated cost (including VAT) in 2006 was €337,627.84 which did not include the boat park.
3. Magheraroarty EIS was included on the Urban and Rural Development Programme 2000 -2006 Sub Programme 2: Villages, but due to funding constraints, the project did not go ahead.
4. The said project would ultimately be a Roads and Transportation Project but Community, Development and Enterprise works closely

with all Directorates in sourcing external funding opportunities for their priority projects

5. Funding secured to date is;

An Roinnn Gnothai Pobail Turaithe agus Gaeltacht allocated €7,500 for the provision of a preliminary design for the pier area

A number of funding opportunities have been explored since 2006 to allow the works in Magheraroarty to proceed include an Roinn, LEADER but unfortunately no monies are available at this time to fund this type of work.

The community in Magheraroarty recently applied under the Community Involvement Scheme for funding for drainage pavement and ancillary footpath works to the road from the pier to the Regional Road and have been granted €9,000 towards €35,000 of works. These shall be progressed with the community over the coming months.

The Council has also engaged with the National Parks and Wildlife Service recently as part of a preliminary assessment of the beach in advance of the potential preparation of a plan to maximise the amenity given the bays SPA and SAC designations.”

C/438/13 UPDATE ON THE COLLECTION OF DEVELOPMENT CHARGES

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

"Of all of the Planning Commencement Notices received by this Council how many Development Charges have not been paid at all, part paid but ceased payment and actual applications where the amount has been paid in full also can I receive information as to what was the total amount of applications since 2006 which were levied with a development charge?"

Clr. O’Domhnaill was informed that:-

“The intensive nature of the work involved coupled with the necessity for significant manual checking of the records will take time to produce accurate information that the Members can rely on. This work continues to form part of the essential background information required for the ongoing review of the Development

Contribution Scheme. The members will be provided with the requested information as soon as practically possible.”

C/439/13 MOTIONS FROM OTHER COUNCILS/BODIES

The following motions from other councils were noted:-

WATERFORD CITY COUNCIL

“This Council supports: The families of all the missing and their rights to have their loved ones returned to them. That all human remains be given a dignified burial after all scientific investigations have been carried out. The establishment of a web page, with particulars of unidentified remains/bodies that can be accessed by the public.”

LEITRIM COUNTY COUNCIL

“That Leitrim County Council call on the Health and Safety Authority to deliver the ASSIST Suicide Prevention Programme as part of the mandatory training programme in the workforce.”

SOUTH TIPPERARY COUNTY COUNCIL

“That this Council calls on the Minister for Communications, Energy and Natural Resources, Mr Pat Rabbitte, T.D., to prioritise the introduction of postcodes to assist the emergency services reach people in need. Fire, Ambulance and Garda personnel are being delayed in reaching the destination of callouts as addresses in some cases are so vague. In certain instances, there are several locations with the same townland address thus causing unnecessary confusion which could be avoided by the introduction of postcodes.”

ENNIS TOWN COUNCIL

“That this Council supports Clare County Council’s and other County Council’s prohibition of hydraulic fracking for the extraction of shale gas (otherwise known as unconventional hydrocarbons) and if passed, this motion will be circulated to all other Town Councils in Clare and beyond.”

MONAGHAN TOWN COUNCIL

“Monaghan Town Council calls on the Minister for Education and Skills, Ruairi Quinn T.D. to reverse his decision relating to the reduction in support hours to children with special educational needs.”

MONAGHAN TOWN COUNCIL

“That the Minister would look at EU Directive Regulation 56, Sub-Section 7 of the European Communities Regulations 2007 to insert a clause that any company that has gone into receivership or liquidation cannot tender for public contracts for a period of 5 years under a new company name when that new company is relying on technical or professional abilities of the old company.”

DUNDALK TOWN COUNCIL

“”That this Town Council calls for the expedition of the passage through Dail Eireann of the Poor Relief Ireland (Amendment) Bill 2013, in an effort to boost commerce and regeneration.”

“That this call is made upon the Ministers for Finance: for Public Expenditure and Reform, for Jobs, Enterprise and Innovation: and for Environment, Community and Local Government.”

“And should this motion be passed, that a copy thereof be forwarded to the above mentioned.”

DUNDALK TOWN COUNCIL

“That this Council calls on the Government to implement the National Epilepsy Care Programme in full, in particular the critically needed Epilepsy Monitoring Units as a matter of urgency, and that this motion be sent as a resolution to other Local Authorities?”

KERRY COUNTY COUNCIL

“That the Minister for Education and Skills be requested to consider the abolition of Student Universal Support Ireland (SUSI) and the return of the administration of the Higher Education Grant Scheme to Education and Training Boards (ETBs) and Local Authorities.”

