

18<sup>th</sup> February, 2014

TO ALL MEMBERS OF DONEGAL COUNTY COUNCIL
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The Adjourned January Meeting of Donegal County Council, will be held on Monday 24<sup>th</sup> February, 2014, at 9.30am, in the County House, Lifford to consider the unfinished business listed at Items:-

8, 9, 10, 11, 13, 14, 25 – 50.

Please ensure that you bring the agenda previously distributed to the meeting.

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Meetings Administrator

MINUTES OF ADJOURNED JANUARY MEETING OF DONEGAL  
COUNTY COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 24<sup>TH</sup>  
FEBRUARY, 2014.

C/90/14      MEMBERS PRESENT

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

C/91/14      OFFICIALS IN ATTENDANCE

Mr Seamus Neely, County Manager, Mr Liam Ward, Director of Housing and Corporate, Meetings Administrator, Mr. John Mc Laughlin, Director Roads & Transportation, Mr Joe Peoples A/Director of Water and Environment, Mr Michael Heaney, Director of Community, Culture and Planning, Mr Garry Martin, Head of Finance and Director of Emergency Services, Mr Eunan Quinn, A/Senior Planner, Ms Anne Marie Conlon, Communications Officer, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

C/92/14      ADJOURNMENT OF MEETING

The Mayor in the absence of a quorum and awaiting the imminent arrival of a number of Members adjourned the meeting until 10.30am.

C/93/14      APOLOGIES

Apologies were received from Clr M Doherty and Clr B Mc Guinness who were unable to attend the meeting.

C/94/14      BEST WISHES

Best wishes for a speedy recovery were extended to Clr Mickey Doherty.

C/95/14      CALL FOR UPDATES AT THE FULL SITTING OF THE COUNCIL AS TO HOW IT IS REACHING ITS NEW FINANCIAL TARGETS AS ADOPTED IN THE AMENDMENT TO THE DRAFT 2014 BUDGET

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

"That Donegal County Council provides monthly updates, at the full sitting of the Council, as to how it is reaching its new financial targets as adopted in the amendment to the draft 2014 budget."

Members were informed that:-

"The amendments to the Draft Revenue Budget as circulated saw additional expenditure totalling €1,080,715 being adopted for expenditure as part of the 2014 Revenue Budget for Donegal County Council.

A range of targeted areas to meet this expenditure will be pursued during the year. These areas include:-

- Increased income from external chargeabilities.
- Adjustment in Payroll/Non Payroll associated with Irish Water Transfer.
- Additional targeted income from property entry levies associated with Irish Water property assets effective during 2014.
- Maximisation of Income Accruals across a range of minor account areas.
- Further targeting of procurement and purchasing efficiencies.
- Financial Management efficiencies in areas including Overdraft interest and /or interest earned.

Actions have commenced in the respective directorates with a view to contributing towards the achievement of these targets. This will be an incremental process during 2014 and does not lend itself to equal amounts of income being achieved on a monthly basis between now and the end of the year (e.g. in the context of property entry levies these will only be generated subsequent to the Valuation Office confirming the respective valuations for Irish Water related Assets and subsequent to the transfer of such Assets to Irish Water and subsequent to the completion of the relevant Council Audit). Similarly, in the context of Payroll Savings achieved, procurement and purchasing efficiencies or treasury management savings or gains, these will only be apparent as we close out at year end given ongoing adjustments that can take place in this area."

Clr Murray outlined the need for clarity, transparency and accountability. In light of the recent budget amendments it was

appropriate, he added, that Members were updated in relation to any changes in targeted expenditure.

Concern was expressed regarding the allocation available under the Development Fund Initiative in the Letterkenny Electoral Area.

They highlighted also the need for an update in relation to the Council's obligations under the new national Oversight and Audit Commission.

It was suggested that a summary sheet with relevant details from the Agresso System could be presented to Members on a regular basis.

Mr. Garry Martin, Head of Finance & Emergency Services advised that it was difficult to provide a comprehensive report on a monthly basis. There were specific implications here also, he noted, regarding the work programme for the Water Services Section.

Plans were also afoot, he added, to progress further procurement and purchasing efficiencies in pursuit of value for money. Much of this work, it was acknowledged could not be clearly measured until year end.

C/96/14

CALL ON THE GOVERNMENT TO REVIEW THE  
COMMERCIAL RATES SYSTEM

The following motion, submitted by Clr Mc Guinness was proposed by Clr Boyle and seconded by Clr Slowey and subsequently adopted;-

"Donegal County Council calls on the Government to review the Commercial Rates System and seeks exemptions for small and start up businesses."

Members were informed that:-

"As part of the budget 2014 considerations, the Elected Members expressed a strong desire to support small and start up businesses by providing an exemption to commercial rates for a period.

Under the Valuation Act 2001, Local Authorities have to issue rate demands in respect of all properties which have been valued by the Valuation Office. Consideration is then given at the end of each

financial year to write off rates which are not due in certain circumstances, such as, if the property has been vacant and was advertised for lease or rent; if the property has been occupied by a community and voluntary body, etc. At present, there is no provision under current rating law to permit rates not to be levied on small or start up businesses or for consideration to be given to write off the rates on these small or start up businesses at year end.

However, in 2012 the Government published the Valuation (Amendment) Bill 2012. This Bill proposed, amongst others, that if a hardship can be demonstrated, this would be grounds for a Local Authority to consider that the rates would not be payable for the period of the hardship.

The Bill has not yet been enacted but if it is enacted as proposed, it may provide a mechanism by which businesses, including small and start up businesses can be supported during difficult trading periods.

In practical terms, Donegal County Council is applying a similar approach with individual payment plans, reflecting individual business capacity to pay at any given time.

As the Members are aware, a proposal was made at the budget 2012 meeting for the establishment of a Rates initiative to acknowledge the many challenges facing new businesses and in recognising the trend of many town centre business premises being vacated reflecting a general lack of buoyancy in the economy.

The Members were anxious that the Council, while recognising the need to collect Commercial Rates to continue to provide the range of Council services, be seen to proactively support the establishment of new businesses in such areas, which would have the dual effect of encouraging small business start up while also addressing potential town centre dereliction and vacancy issues.

On foot of this an analysis was carried out on how such an initiative might be brought to bear, including a review of whether there were any legal impediments to such a proposal.

While the Local Government (Rates) Act 1970 empowers a rating authority to make and carry out a scheme providing for the waiver of all or portion of rates due by rate payers, it was noted that this

legislation was passed at a different time when rates were still due on private dwellings and that the scheme at that stage was largely, it is understood, targeted at this area.

It should also be noted that within that same Act the consent of the Minister is required for any such schemes. Legal advice obtained is that no such scheme can be brought to bear without such approval of the Minister.

Further advice was also received in 2012 that during the tenure of the last Government in 2009 a Local Government (Rates) (Amendment) Bill 2009 was raised with a view to enacting legislation to allow Elected Members of a rating authority to pass a scheme to waive rates in certain instances.

However, the bill was not passed during the lifetime of the previous Government and as with all such bills withered on the dissolution of that Dáil. It is also noted that there have been no ministerial approvals for any such schemes in recent years.

During a subsequent meeting with the Department of the Environment, Community and Local Government the Council executive took the opportunity of reviewing with the Department the possibility of any such scheme being approved at the present time.

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

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

of providing incentives and initiatives for new businesses in certain instances.”

The Mayor welcomed a number of Members from the Donegal Women’s Network to the Meeting.

C/97/14 REQUEST FOR THE HSE MANAGER IN CHARGE OF ORTHODONTIST SERVICE IN DONEGAL TO MEET WITH MEMBERS TO DISCUSS ISSUES PERTAINING TO THE SERVICE

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

"That this Council request the presence of the HSE Manager in Charge of Orthodontist service in Donegal to meet with members to discuss issues pertaining to the service."

Members were informed that:-

“Subject to the Motion being considered and adopted by Donegal County Council, the Council will issue an invitation to the HSE Manager in Charge of Orthodontist Service in Donegal to meet with members to discuss issues pertaining to the service.”

Clr Larkin advised that the public in Donegal were finding it considerably difficult to access this service, a factor which was creating considerable frustration and anger at the level of hidden costs involved.

He thus raised the following questions and called for an immediate response from the Health Service Executive:-

1. How many patients with braces are currently under treatment?
2. How many Orthodontists in Letterkenny General Hospital?  
(What number of patients do they see a day/week?).
3. How many patients have started treatment in 2010 – 2014 and how many patients have finished orthodontic treatment in the same period?
4. How many on the following waiting lists?
  - Grade 5
  - Grade 4
5. How many orthodontic assessments are done each year and how many are not processed?

6. How long is the waiting list for the following treatment categories including the timescales involved:-
  - Grade 5
  - Grade 4
7. How many patients do they see for treatment (not assessment) yearly?

It was imperative, he said, that a response was provided and called on the HSE Manager in charge to update Members at the March Council Meeting. Concern was raised in relation to the fact that no provision existed to assist with expenses or to assist those who had to travel to Dublin to avail of the service. A further anomaly existed, he noted, in that many young people were being brought into the dental service but not assessed by an Orthodontist.

Issues relating to the overall accountability and the fact that many aspects of the service were not available in the public forum were also highlighted.

Mr. Liam Ward, Director Corporate & Housing advised that it would be possible to issue the invite as requested to the HSE Manage together with a list of the issues raised by Members.

Clr Larkin concluding the debate asked the DCC representatives on the HSE Forum to progress the matter through all relevant channels.

C/98/14

#### REOPENING OF THE SALMON FISHING RIVERS

On the proposal of Clr M Mc Bride, seconded by, Clr Campbell the following motion was adopted:-

"That Donegal County Council contact the Fisheries Board to ask when they plan to reopen salmon fishing rivers currently closed as this hobby is a massive source of tourism revenue to County Donegal?"

Members were informed that:-

“The IFI will be requested to clarify the position of closed salmon rivers in relation to the opening of salmon rivers in the County.

It is recognised that this is a key resource for Donegal and one that will be promoted under the Malin Waters Marine/Water based Tourism Marketing Initiative in 2014 and beyond as appropriate.”

Clr M Mc Bride advised of the need to obtain a report from Inland Fisheries detailing the effects of the 7 year closure programme and whether or not this had resulted in improved stocks in our rivers.

He contended that the policy had created a lost generation of anglers.

It was noted that for every salmon caught at least €1200 was generated within the local economy.

Members urged the Inland Fisheries Board to liaise further with local angling clubs keeping all concerned updated in relation to any future plans.

It was suggested that the Fisheries Board be invited to an SPC or full Council Meeting so that Members could be updated in relation to plans for fishing in the County.

On the proposal of Clr Larkin, seconded by, Clr M Mc Bride it was resolved to amend the motion as follows:-

"That Donegal County Council contact the Fisheries Board to ask when they plan to reopen salmon fishing rivers currently closed as this hobby is a massive source of tourism revenue to County Donegal and that the response to the various questions raised under the auspices of the County Development Board be made available to Members.”

C/99/14

CALL FOR DONGAL COUNTY COUNCIL TO INVESTIGATE THE COASTAL EROSION AT BALLYHIERNAN BEACH (WHITE SHORE), FANAD

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

"That Donegal County Council investigate the coastal erosion at Ballyhiernan Beach (white shore), Fanad, to come up with a strategy to deal with the loss of dunes which has occurred, particularly after the recent storms."

Members were informed that:-

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

The beach dunes at Ballyhiernan, Fanad have suffered erosion following the latest storm event in early January. This is in common with a number of other locations around the county which in some cases have resulted in damage to public, private or community built infrastructure.

It is a policy of Donegal County Council to seek to implement beach management projects based on the Rosstown Beach Management Project.

Ballyhiernan may be appropriate site for this. Past experience at Rosstown, Five Finger Strand and other sites has shown that the existing natural processes that are occurring at the site must be carefully considered in the development of any strategy to manage the site.

Working with rather than against the natural processes which tend toward equilibrium is preferable to forcing a “hard” engineering solution which can be expensive and potentially ineffective.

Previous strategies for management of beaches have tended to have been funded from one off project based funding sources, for example, Interreg. Any new project would therefore require a funding source or the diversion of funds or resources from some other funded activity. This can be explored dependant on the resolution of members and reported back on at a future meeting. It would be expected that the specialised study would cost in the region of €15,000 to €20,000 and this would represent the initial funding level to be identified.

Separately, the provisions of the Coastal Protection Act 1963 provide that the Council may carry out an investigation of proposed coast protection works and make a declaration for promotion of coast protection scheme.

Such a scheme may be partially funded by the OPW and by the Council and affected landowners. It is understood that the Act has

seen limited application with the OPW offering alternative minor flood alleviation schemes.”

Clr Blaney asked that the matter be dealt with as a matter of urgency given that up to a quarter of acre of land had already been eroded and thousands of tonnes of sand removed.

Mr. John Mc Laughlin, Director Roads & Transportation confirmed that the best that could be done at this juncture was to agree to proceed with the commissioning of a specialised study so as to ascertain the nature and level of works required. This, he added would have to be done at Electoral Area level and a specific funding source located.

Clr Blaney expressed concern as to the specific funding source noting that there was none available within the designated roads budgets.

Responding the Director of Service advised that he would look again at the Letterkenny EA Budgets and examine available funding options.

C/100/14 ADJOURNMENT OF MEETING

On the proposal of Clr Larkin, seconded by, Clr M Mc Bride it was resolved to adjourn the meeting to facilitate the commencement of the February Council Meeting

C/101/14 CALL FOR A DISCUSSION OF THE LETTERKENNY TO STRABANE AND THE A5 PROJECT

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

"I propose that this Council discuss the Letterkenny to Strabane and the A5 Project."

Members were informed that:-

“Work was carried out on the N14 Letterkenny to Lifford project in 2013 to update the Project Appraisal. Draft appraisal reports are currently with the NRA for approval. A significant piece of work is required to update the design and environmental assessment prior to submitting the scheme to An Bord Pleanála. At the moment, there is no indication that funding for this work will be available in

2014. However, the NRA have indicated that they want this Scheme to be ready and in a position to advance as soon as funds become available.

It is understood that officials in Northern Ireland and their consultants are actively working on addressing the issues raised by the High Court in Belfast when quashing the previous statutory Orders for the A5 project. It is expected that the statutory approvals process will be restarted early in 2014.

The statutory approvals process for the N14/N15 to A5 Link project, which links the A5 project and N14 Letterkenny to Lifford schemes, has been completed in Donegal and the Council is currently awaiting a decision from Northern Ireland. This decision is unlikely to be made before the statutory approvals process for the A5 project has been completed.”

Clr Brogan said that it was imperative that the Government provided clarification in relation to its ongoing commitment to the A5 Project. He reiterated the need for a meeting with the Taoiseach and the Minister for Transport, Tourism & Sport to discuss same and progress at this juncture the Letterkenny to Strabane link, which could proceed within the designated funding mechanisms.

On the proposal of Clr Brogan, seconded by, Clr Blaney it was thus resolved that a delegation from Donegal County Council meet with the Taoiseach and the Minister for Transport to discuss the possibility of obtaining funding to progress the Letterkenny to Strabane Link.

Members raised a number of issues including:-

- The status of the Bonagee Link.
- Concern that there could be a return to the old 2 plus 1 System instead of the designated 4 Lane System
- Whether or not the “Gateway Status” of Letterkenny was being taken into consideration.
- The need for an update from the North South Ministerial Council in relation to the NW Gateway Initiative and associated links with the A5 Project regarding access to the County.
- Overall implication for the tourist industry and the need to reduce travel times into the County.

- Need for cross-party co-operation outlined to progress this critical piece of infrastructure.
- Clarification requested regarding the Northern Executive's plans for the East/West Link .
- Necessity of lobbying local Oireachtas Members so that the concerns identified could be progressed at national level.

Mr John Mc Laughlin, Director Roads & Transportation acknowledged that there was unanimous support for the motion and confirmed that he would follow-up with regard to the following:-

- 1) Seeking of a delegation to meet with An Taoiseach, Mr Enda Kenny, T.D.
- 2) Seeking of a delegation to meet with the Minister for Tourism, Transport and Sport, Mr Leo Varadakar, T.D.
- 3) The acquisition of an update from the North South Ministerial Council.

He informed Members that the Bonagee Link was not part of the original scheme but a more recent initiative and thus was subject to specific financial requirements.

**Members noted the following questions:-**

C/102/14

**COUNCIL POLICY ON EMPTYING OF SEWERAGE HOLDING TANKS IN UNFINISHED HOUSING ESTATES**

The following question was submitted by Clr G Doherty:-

"What is the Council's policy regarding the emptying of sewerage holding tanks in unfinished housing estates and has this policy changed since the handover to Irish Water?"

Clr G Doherty was informed that:-

“In situations where there is a risk of environmental pollution or where a public health issue may arise as a result of effluent discharging as a consequence of wastewater infrastructure not functioning satisfactorily at unfinished housing estates the Council has taken measures to prevent these risks by de-sludging tanks from time to time. The Council will continue with this policy in the interim pending the provision of site resolution plans for unfinished estates where a combination of funding options can be applied to

provide the requisite wastewater infrastructure to eliminate the need for these interventions. The Council has secured funding under the Public Safety Initiative for such works and will be making application for further funding under the special resolution fund which was announced recently by the DECLG.

In parallel with this the Council is continuing to engage with developers and residents in individual cases to develop solutions that include the application of bonds already secured for such purposes.”

C/103/14 PROVISION OF EXISTING PLANS FOR THE RENEWAL/STRENGTHENING OF CASTLEFINN BRIDGE  
Clr G Doherty submitted the following question:-

"Can this Council provide me with all existing plans for the renewal/strengthening of Castlefinn Bridge?"

Clr G Doherty was informed that:-

“Castlefinn bridge benefited from strengthening works in 2008 along with having traffic signals installed to regulate traffic flow across the bridge. It has been the subject of a design process involving route selection and a constraints study. This information shall be forwarded to the Councillor.”

C/104/14 REQUEST FOR AN AUDIT OUTSIDE SCHOOLS IN THE COUNTY AS SOME SAFETY MEASURES ARE NO LONGER WORKING

The following question was submitted by Clr McGowan:-

"Please can an audit be carried out outside all Schools in the County as some safety measures are no longer working?"

Clr McGowan was informed that:-

“As far as the Council is concerned the vast majority of the School Flashing Lights are working successfully. However there are a small number of known sites where the technology operating the lights is now obsolete and said schools have been advised that they should reapply to the School Flashing Lights Programme for replacement lights. There are also a number of lights due for repair which will be carried out in the next week or so as the parts have

now arrived. We will carry out audit when time and resources allow but in the meantime submissions on locally known faulty lights can be submitted to Road Design for consideration.”

C/105/14 OUTLINING OF A CLEAR PLAN TO WIDEN AND MAKE SAFE THE APPROACH ROADS TO CASTLEFINN BRIDGE

The following question was submitted by Clr McGowan:-

"Please can the Council outline a clear plan to widen and make safe the Approach Roads to Castlefinn Bridge?"

Clr McGowan was informed that:-

“Castlefinn Bridge has been the subject of a number of questions by councillors since the mid 2000's. The Bridge benefited from strengthening works in 2008 along with the installation of traffic lights to regulate flow across the bridge.

A constraints study was also completed in 2009 for the bridge setting out options. Throughout the period the difficulty has been sourcing funding to deliver these options within the competing demands of Stranorlar Electoral Area and the County as a whole. Cost estimates in the order of €6.5m were previously identified for a realignment and new bridge.

I refer the Councillor to his question 2788 from the September 2013 meeting of the Council. The answer to that question sets out a possible mechanism and constraints for members to consider and agree at Electoral Area. An initial estimate of the cost widening the causeway to the existing bridge is approximately €250,000 including resurfacing and providing vehicle restraint and culverts.

The widening of the causeway will also require public consultation along with statutory bodies. It is suggested that if the Electoral Area Committee wish to peruse this option then a design and public consultation process can be commenced. For information question 2788 is reproduced below:

"Can Donegal County Council agree a funding mechanism to finish widening the approach road to Castlefinn Bridge, in light of the ongoing demand in the Castlefinn area to have this project completed?"

In the past the widening of the approaches to Castlefin Bridge would have been appropriately funded from the Specific Improvement State Grants (formerly EU Co-Finance Projects) subject to it being prioritised high enough on the list. However, that allocation of State Grants is now suspended in accordance with a letter from the Department earlier this year.

In light of these circumstances, the following would seem to be the best way of assembling a package to fund the work subject to the Local Area prioritising this work among the many competing activities in the Stranorlar Area and is also based on the assumption that the Department will continue to allow similar flexibility for the spending of Strengthening Monies that they allowed in 2013:

1. Prepare a realistic Cost Estimate for the Total Project
2. Examine how much of the Strengthening Monies can be transferred locally into the Discretionary Grant in accordance with the Department rules (perhaps €200,000)
3. Consider how much of the monies generated in Number 2 above could be put towards Castlefin Bridge Approach (perhaps €50,000 to €100,000)
4. Determine over how many years the above would need to continue to complete the Works and agree this locally.

Separately, Own Resources and Development Charges would be allowed to fund this work but the scale of the works versus the monies available would not be adequate on their own. However, they might be able to supplement in a given year to help accomplish a particular item.

Lastly, it is understood that the Electoral Area Workshop last week agreed a method to provide up to €100,000 in 2014 to get the work underway and a similar amount will be provided in 2015. This will be formally adopted at the next Electoral Area Meeting.”

C/106/14 CREATION OF A PLAN TO MAXIMISE THE TOURISM POTENTIAL OF RAY CHURCH FALCARRAGH

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

"Can this Council create a plan to maximise the Tourism Potential of Ray Church in Falcarragh?"

Clr O'Domhnaill was informed that:-

"The Community & Enterprise Division of Donegal County Council will arrange to meet with the relevant stakeholders in relation to this site to examine its potential and how it may be realised as a resource for the community."

C/107/14 RESURFACING OF BALLINA ESTATE IN FALCARRAGH

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

"Can this Council price and provide funding for the re surfacing of Ballina Estate in Falcarragh which is in an urgent state of repair?"

Clr O'Domhnaill was informed that:-

"The full re-surfacing of Ballina Estate would cost several hundred thousand euros. Repair of the worst sections would cost €50,000.

It is understood that this issue is being examined at Electoral Area level and both the Housing and Roads Sections will work together on the matter. At this point, no funding has been identified for the resurfacing work."

C/108/14 OUTCOME OF THE COUNCILS INVESTIGATION INTO THE WHOLE SYSTEM OF WORK INITIATIVE UNDERTAKEN BY THIS COUNCIL THROUGH CONSULTANTS ONE SIGMA

Clr M T Gallagher submitted the following question:-

"What was the outcome of Donegal County Councils investigation into the "Whole System of Work" initiative undertaken by this Council through Consultants One Sigma?"

Clr Gallagher was informed that:-

"The Council considered the attached report presented at the adjourned May 2012 meeting of Council which took place on 25th June, 2012.

The report was the subject of considerable discussion on the day as the minutes of the meeting of 25th June, 2012 reflects. Minutes C/291/12, C/293/12 and C/302/12 refers.

The decision made by Donegal County Council on the day was that the County Manager's recommendation be accepted and that a report be brought to Council when the procurement process for the test evaluation was concluded so that the Council could consider the commitment of further expenditure on the project, should it wish to do so.

It is confirmed at this time that the procurement process for the test evaluation has not been initiated. No further expenditure has been or is committed on this project at this time, and there is no work ongoing relating to the project.

#### AGENDA ITEM NO. 19

#### REPORT TO MEETING OF DONEGAL COUNCIL HELD ON 28TH MAY 2012 ON THE WHOLE SYSTEM OF WORK (WSW) FRAMEWORK

At a meeting of Donegal County Council in June 2010 it was decided to test the WSW Framework in six services of the Council namely Housing Assessment, Procurement, Purchasing, Payroll, Income Collection and Planning. In effect, the decision of the Council approved the testing of WSW in six services at a fee of €15,000 per month for six months.

In order to bring clarity and to avoid the potential for the Council to incur costs over and above the €90,000 approved by Council, I met with One Sigma Ltd to agree the scope of work to be undertaken in respect of each service and the key deliverables. In effect, payment for service was productivity related. As it turned out, the engagement of One Sigma Ltd extended beyond six months, but the Council was not committed beyond the €90,000. Payment was also limited to pre-set milestones for delivering on agreed targets in respect of each service being tested.

Progress of the test was reviewed regularly by myself and the Senior Management Team. In addition, I had a series of project review meetings with the company. Staff who were centrally involved in supporting the test processes were also engaged to

inform the review of the test phase as it developed. As already confirmed at the April meeting of Council, the test process has concluded.

Members will recall that I provided a report to the Council on the test of the WSW at the Special Meeting held on 26th September 2011. The report on the day provided an update on the status of each of the test processes. The report also provided an overview of the evaluation process intended. In particular, it confirmed that preliminary data gathering to inform the evaluation was underway and that stakeholder feedback was underway (i.e. progress reviews by management and feedback and input from staff involved). It was also confirmed that a formal evaluation was planned post test completion and that this evaluation would involve an external dimension.

The WSW test, as alluded to earlier in this report, was raised and considered at some length at the April monthly meeting of the Council. An adjournment of the said meeting took place to facilitate additional deliberation on the matter. Having confirmed that the test was complete, I again advised that I intended to have an independent evaluation of the system in test carried out and that this would entail an additional expenditure by the Council.

In deciding that I should present an update report to the May meeting of the Council, the following proposals were made during the debate at the April meeting:

- 1) That the system be referred to the Department of Public Expenditure and Reform for assessment and that no further expenditure should be incurred at this time by the Council in the matter.
- 2) That an evaluation is carried out so that the Council can best position itself to make a return on the (overall) investment made, particularly if the system has wider application in the public service.

In the circumstances, and having regard in particular to the investment on the development of the WSW to date, I consider that a formal external and independent evaluation of the system as tested should be carried out. In arriving at this conclusion, I am mindful of the concerns of the Members about incurring additional

costs, but I also have to ensure that no stone is left unturned in order to establish if the system has the potential to deliver a return on the investment made to date and whether it could have the potential to deliver productivity gains. It is also important, given that the decision to test the system was taken almost two years ago, that the matter is brought to a conclusion as soon as possible.

It is my intention to report to the Council when the procurement process for the test evaluation is concluded, so that Council can consider the commitment of further expenditure on the project.

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Seamus Neely  
County Manager”

C/109/14

NUMBER OF MANS SYSTEMS INSTALLED ACROSS  
COUNTY DONEGAL

Clr Slowey submitted the following question:-

"How many MANS systems were installed across County Donegal. Please state the location of each, the year of installation, the total capital cost, the amount contributed by this Council and the number of customers using each system today?"

Clr Slowey was informed that:-

“The Donegal Metropolitan Area Networks Programme

The Metropolitan Area Networks Programme was a national telecommunications initiative led by the Department of Communications Energy & Natural Resources under the National Development Plan 2000–2006. The scheme was designed to provide fibre-optic, high-speed, open access telecommunications networks in all towns in the Country with a population in excess of 1500 people. The networks were designed and constructed and are owned by Local Authorities who contributed 10% of the capital cost. Majority funding was provided by the Department through EU structural funds.

The networks are managed by a Management Services Entity on behalf of the Department and the Local Authorities. The role of the Management Services Entity is to manage, market and promote the networks and provide open access to registered telecommunications providers at agreed national rates on a

wholesale basis. E-Net a Limerick based company was appointed by Government to manage the networks following competitive tender.

These networks are regarded as vitally important in attracting ICT based inward investment particularly projects with a substantial telecommunications dependence into a particular region or town. This issue is particularly relevant in Donegal which historically did not have a competitive telecommunications market.

In phase 1 of the MAN's programme networks were constructed in Letterkenny and on the Gweedore Industrial Estate during 2003.

The Letterkenny MAN cost €4.4m of which 10% (€440,000) was provided by Donegal County Council. Udaras na Gaeltachta is responsible for the Gweedore MAN.

In phase 2 of the MAN's programme networks were constructed in Bundoran, Ballyshannon, Donegal Town, Ballybofey/Stranorlar, Buncrana and Carndonagh as a single project. Construction was finalised in 2008 at a total cost of €10.36m of which the Donegal County Council contribution was €1.036m.

The networks in Donegal are connected to ESBT backhaul. The Letterkenny MAN is also connected to Hibernia Trans-Atlantic fibre giving direct connectivity to North America as part of the Project Kelvin initiative. The MAN's play an important role in providing high speed backhaul facilities to telecoms operators allowing them to expand their range of services within a particular area.

E-Net continues to market and promote the networks in Donegal as do IDA and the other development agencies who have primary responsibility for attracting inward investment to the County.

As at January 2014 E-Net have confirmed the total number of connections on each network as follows:

Ballybofey / Stranorlar – 4  
Ballyshannon – 7  
Buncrana – 5  
Bundoran – 2  
Carndonagh – 3

Donegal Town – 6  
Gweedore – 4  
Letterkenny – 55”

C/110/14 REQUEST FOR NUMBERS OF LITTER FINES ISSUED AND  
NUMBER TAKEN TO PROSECUTION

Clr Slowey submitted the following question:-

"How many litter fines were issued by Donegal County Council in 2013 how many were paid and how many were advanced to prosecution? Please give breakdown by Electoral Area."

Clr Slowey was informed that:-

“The level of illegal dumping/littering has resulted in 317 litter fines (fixed penalty notices) being issued by the Council in 2013.

The number of fixed penalty notices issuing year on year is increasing as a result of innovative surveillance techniques being deployed by the Council and with the support of the general public who are reporting incidents which the Council follow up.

122 fines have been paid to date and the Council is in the process of following up with regard to those that have not been paid.

Reasonable opportunity is afforded to those responsible to pay the fines including through instalments, but in some cases through lack of engagement the Council is left with no option but to refer cases for prosecution.

There are currently 20 cases where the Council has been left with no option but to initiate a prosecution and it is keeping under review the need for further cases to be referred.

It is disappointing to be reporting an increase in the number of fines issued at a time when the Council is promoting the County as a tourist/visitor destination. The Council is committed to applying all the resources at its disposal and would encourage the public to continue to report these incidents so that the Council can apply the rigour of the law to eliminate the unacceptable levels of indiscriminate dumping in the County.

Without the support of local communities which routinely engage in clean-ups the County would not be as well presented and the Council will continue to actively support these initiatives.”

C/111/14 DATE FOR THE COMMENCEMENT OF CONSTRUCTION ON DUNGLOE/GLENTIES SEWAGE SCHEMES

The following question was submitted by Clr M T Gallagher:-

"What date will construction begin on Dungloe/Glenties sewage schemes?"

Clr Gallagher was informed that:-

“The construction contract for Dungloe Genties SS DBO contract was signed in December 2013 and work is expected to start in February 2014.”

C/112/14 AMOUNT SPENT ON THE NEW SIGNAGE FOR THE ‘WILD ATLANTIC WAY’ IN DONEGAL

Clr Canning submitted the following question:-

"How much has been spent on the new signage for the 'Wild Atlantic Way' in Donegal?"

Clr Canning was informed that:-

“The Wild Atlantic Way will be a key tourism resource and asset for Ireland and for Donegal. Donegal County Council is working closely with Fáilte Ireland and other relevant stakeholders to advance this project in terms of route signage, “Discovery Points” and also the three strategic projects relating to Co. Donegal – Sliabh Liag, Fanad Head Lighthouse and Malin Head.

The Wild Atlantic Way is set to be Ireland's first long-distance touring route, stretching along the Atlantic coast from Donegal to West Cork. The overall aim of the project is to develop a long-distance driving route that will achieve greater visibility for the west coast of Ireland in overseas tourist markets.

The Wild Atlantic Way is one of Fáilte Ireland's signature projects to rejuvenate Irish tourism. Once fully-realised, the project will:

- assist in increasing visitor numbers, dwell time, spend and satisfaction along all parts of the route

- re-package the Atlantic seaboard as a destination to overseas and domestic visitors
- improve linkages between, and add value to, a range of attractions and activities
- improve on-road and on-trail interpretation, infrastructure and signage along and around the route
- direct visitors to less-visited areas
- build on the work completed in these areas already and
- assist businesses, agencies, local groups and other stakeholders along the area to work together reinforce the particular strengths and characteristics of all of the areas located along the west coast, while offering the visitor one compelling reason to visit

In addition the project provides cross border linkages to the Causeway Coast in Northern Ireland.

Donegal County Council is working closely with Failte Ireland to develop the route and the discovery points of which Donegal has 37 of the total of 159 including Ionad Sliabh Liag, Narin-Portnoo Strand, Inis Bo Finne, Malin and Fanad Head.

As part of this signage for the route will be provided across over 240 junctions on the National Regional and Local Road networks.

The signage will also supplement and renew the Inishowen 100 as well as parts of the Fanad and Atlantic Drives.

The costing and tendering of this work is currently ongoing but is expected to exceed €400,000 which shall be funded by grant aid from Failte Ireland.”

C/113/14 CLARIFICATION ON THE AFFECT OF THE CHANGES IN BUILDING CONTROL LEGISLATION ON PLANNING APPLICATIONS RECEIVED AFTER THAT DATE

Clr Canning submitted the following question:-

"Will the changes that are coming in on the 1st of March re the Building Control have an affect on planning applications received after that date?"

Clr Canning was informed that:-

“The commencement of new building control regulations are unlikely to have any direct effect on planning applications. Planning applications will continue to be assessed under the provisions of the Planning and Development Act 2000 (as varied).”

C/114/14 CLARIFICATION ON PLANS THAT DONEGAL COUNTY COUNCIL MAY HAVE TO TAKE ON PERSONNEL THROUGH THE JOBBRIDGE AND OTHER SIMILAR SCHEMES

Clr Murray submitted the following question:-

"Has Donegal County Council any plans to take on new personnel through JobBridge or any similar scheme in which labour is carried out for less than the minimum wage?"

Clr Murray was informed that:-

“Job-bridge is the National Internship Scheme that provides work experience placements for interns for a 6 or 9 month period.

The aim of the Scheme is to assist in breaking the cycle where jobseekers are unable to get a job without experience, either as new entrants to the labour market after education or training or as unemployed workers wishing to learn new skills.

The Scheme also gives people a real opportunity to gain valuable experience to bridge the gap between study and the beginning of their working lives. Interns receive an allowance of €50 per week on top of their existing social welfare entitlement. This is payable for the period of their internship.

The Local Government Sector is a participant in the Scheme. To date, the Council has taken on 67 people under the Scheme, and the Scheme is still open with opportunities for more internships.”

C/115/14 BREAKDOWN OF THE COST TO THE COUNCIL OF THE BUDGET 2014 COUNCIL MEETINGS

The following question was submitted by Clr McGuinness:-

"What is the breakdown of the cost to the Council of the Budget 2014 Council Meetings (including workshops)?"

Clr McGuinness was informed that:-

“There were a total of 6 meetings/ workshops held with Elected Members in relation to the consideration and adoption of Budget 2014:

4th November, 2013	Workshop	1/2 Day
18th November, 2013	Workshop	1/2 day
18th December, 2013	Budget Meeting	Full day
6th January, 2014	Budget Meeting (adjourned)	Full day:
7th January, 2014	Budget Meeting (adjourned)	Full day
13th January, 2014:	Budget Meeting (adjourned)	Full day

Total number of days: 5.

While it is difficult to attribute an exact costing to the holding of a Council meeting, the costs involved can be categorised as follows:

Daily Representational Payment to 29 Members:	E 1316.00
Travel & Subsistence Payment to Members:	E 2794.00
Management & Support Staff Salary Costs	E 3113.00
Total:	E 7223.00

It should be noted that Elected Members do not receive daily travel & subsistence payment for attendance at statutory meetings of Council.

This cost is included in their annual allowance, which is paid on a monthly basis and is determined on the basis of return distance from County House, Lifford and associated subsistence payment.

The Management and Staffing costs includes for the attendance of the full Senior Management Team and support staff.

As the question refers to the Budget meeting process, costs associated with Senior Finance staff has also been included in this amount.

In addition, the total costs associated with provision of lunch & other light refreshments during the budget meetings were of the order of E 800.00.

Other fixed costs including heating and lighting have not been included.”

C/116/14 LIST OF THE RECENT STORM DAMAGE IN THE COUNTY AND THE OVERALL COST OF REPAIRS

The following question was submitted by Clr McGuinness:-

"Can I have a listing of the recent storm damage in the County and the overall estimated costing for carrying out these repairs?"

Clr McGuinness was informed that:-

“See attached file: jan 2014 flood costs.xls which lists damage to a total of €1.5 million.

The Council is still assessing capital damage to public infrastructure. The attached document is therefore a sample of damage recorded to date based on accessible visual inspections without any specialist checks.

There are also a significant number of areas where minor repairs and clean ups have taken place the total cost of these have been estimated at €200,000 to date however some areas have not yet been addressed.

Additionally a number of locations have suffered coastal erosion and have not been included as they have not resulted in specific structural damage to public infrastructure.”

( Vide Appendix 1)

C/117/14 CLARIFICATION ON THE POTENTIAL OF FINANCIAL ADJUSTMENTS BY THE COUNCIL IN 2014

The following question was submitted by Clr Murray:-

"Does the Council foresee any potential circumstances throughout 2014 in which adjustments to the Council's financial plans will be necessary?"

Clr Murray was informed that:-

“Subsequent to each years Annual Revenue Budget being adopted, the respective subsidiary budgets are loaded within each Directorates areas of Income and Expenditure and these are

subsequently managed and monitored by the respective Line Managers in line with the service or project being delivered within that area.

This practice will continue as part of the 2014 Revenue Budget implementation and should adjustments prove necessary where, for example, grants manifest at a lesser or greater level than that envisaged in the Revenue Budget as adopted then corresponding expenditure will be adjusted accordingly in line with service provisions.

These are areas of contra expenditure and are normal on a year to year basis, particularly in the context where best estimates are used when the budget itself is adopted.

Should circumstances present that require adjustments beyond this, then consideration can and will be given to dealing with these in the most appropriate manner in line with the considerations of the Council.

At this juncture and given that the Revenue Budget itself was only adopted on the 13th January, 2014 there is no current foresight as to any required adjustments.”

C/118/14 UPDATE ON THE STEPS TAKEN TO INTRODUCE A LEO OFFICE FOR DONEGAL

The following question was submitted by Clr Larkin:-

"What steps have this Council taken for the introduction of a LEO office for Donegal?"

Clr Larkin was informed that:-

“It is expected that we will receive notification on the establishment of the Donegal Local Enterprise Office (LEO) in the first quarter of 2014.

Once this is received all relevant stakeholders will be engaged with to ensure the prompt establishment of the LEO.

This will then form an integral part of Donegal County Council’s overall efforts with regard to Economic Development/Enterprise.

In this context it is envisaged that the Donegal LEO will be in place early in the second quarter of 2014.

Members will be updated on progress on this and also on implementation of Council actions with regard to economic development and the Donegal County Council's Jobs Action Plan.”

C/119/14 CLARIFICATION ON THE COUNCILS INTENTIONS TO AVAIL OF THE SCHEME FOR THE UN-EMPLOYED ANNOUNCED BY MINISTER HOGAN

The following question was submitted by Clr Quinn:-

"Has Donegal County Council any plans to avail of the recently announced Scheme by Minister Hogan, which is to the disadvantage of the Long Term Un-Employed?"

Clr Quinn was informed that:-

“The Local Authority Labour Activation Scheme, entitled ‘Gateway’, is a local authority work placement scheme for unemployed people, who have been unemployed for at least 24 months.

The Scheme is intended to assist the personal and social development of participants by providing short-term work opportunities with the objective of bridging the gap between unemployment and re-entering the workforce.

The Council is a participant in the Scheme, and the intention is that placements will commence under the Scheme shortly.”

C/120/14 REQUEST FOR UPDATE OF THE SCHEDULE OF WORKS TAKING PLACE AT COUNTY HOUSE LIFFORD

The following question was submitted by Clr Larkin:-

"Can the members be furnished with a works schedule and costing of all the works that are taking place in the County House, showing the amendments that have taken place during this time to the original schedule?"

Clr Larkin was informed that:-

“County House – Phase 2 has been operational for over 30 years and over that period no co-ordinated refurbishment works have been undertaken.

Any works carried out have been piecemeal and reactive to changing accommodation requirements, advances in technology, changes in standards etc. Phase 1 of the County House was extensively refurbished circa 1999/2000.

Recent in-house Health & Safety audits raised concerns in relation to the adequacy of the fire detection and alarm system, the extent of the emergency lighting system and the capacity of the general electrical installation to cope with the greatly increased demands placed on it compared to that originally designed for.

A Mechanical & Electrical Consulting Engineer was procured to carry out a full audit and assessment of the existing mechanical and electrical services within County House and where shortcomings were identified to make recommendations necessary to improve the services commensurate to existing standards for such an operational building.

The audit identified a list of 29 separate items that required attention and prioritised these using a risk matrix comprising risks relating to Health & Safety, System Failure, Failure to meet Legislative Requirements, Security Risks, Risk of Unsustainable Maintenance Requirements.

The priority 1 & 2 works identified related to the fire alarm and detection system and the emergency lighting, general lighting and wiring systems. The recommendations in relation to these works are:

- Installation of a complete new fire alarm system within the entire building and interlinked with access controlled doors, lifts, mechanical ventilation systems and plant control panels to shut these down in the event of a fire activation.
- Increase the extent of the existing emergency lighting system to provide uniformity and provide additional emergency lighting in larger offices which provide parts of escape routes and toilets.

- To improve the general lighting levels throughout to comply with best practice design guides for office accommodation, complete with controls to minimise the use of artificial lighting when sufficient day lighting levels are available and when spaces are unoccupied.
- Given the age of the building and the extent of the above recommendations a complete rewiring of the building is required.

Given the potential risks involved to the Health, Safety & Welfare of the staff working in the building and visitors coupled with the overall corporate risk in deferring these works it was decided to procure a contractor to carry out the work.

Contractors were invited, via e-tenders, to compete in a pre-qualification process to be assessed as to their suitability to be invited to submit a tender for the General Power, Fire Alarm, Lighting and Emergency Lighting Upgrade at County House, Lifford.

Seven contractors were shortlisted and were invited to submit their priced tender based on the Drawings and Specifications.

The most economically advantageous tender was submitted by MFE Limited in the amount of €199,473 (exclusive of VAT) and they were appointed to carry out the works.

Works started during the week ending Sept 9th 2013 and the works were expected to last 32 weeks with a projected end date of week ending 18th April 2014.

On each floor the works are classified as follows:

Removal of Existing Electrical Installation,

Removal of Ceilings and Stud Walling

Containment Installation,

1st Fix Electrical Installation

1st Fix Mechanical Installation

Fire Stopping

Suspended Ceilings

1st Fix Joinery

Painting and Carpet Installation (where required)

2nd Fix Mechanical Installation

1st Fix Electrical Installation

2nd Fix Joinery  
Testing & Commissioning  
Cleaning & handover.

Also included is the upgrade of the Fire Alarm within County House Phase 1 which is being carried out over the course of the 32 week programme.

Works are ahead of programme and it is envisaged that they will be substantially complete by mid March.

Alterations to the original contract are minimal, but include a new Intruder Alarm installation on the ground floor (€930) insulation of existing pipework (€2000), toilet ventilation, some new carpets, additional painting and some new shelving and file storage facilities.

It is expected that the additional works ordered will, once finalised at Final Account stage, increase the overall cost by about 4 to 5%.

The funding for this electrical and associated works is from the Capital Fund for the County House Improvements which was established some years ago.”

C/121/14 PLANS FOR THE SPENDING OF THE EXTRA €250,000 FOR TOURISM PROMOTION N BUDGET 2014

The following question was submitted by Clr M McBride:-

"How do Donegal County Council plan to spend the 250,000 euros extra included for Tourism Promotion in Budget 2014?"

Clr M McBride was informed that:-

“The funding allocated in the 2014 budget towards Tourism will be utilised in those programmes and initiatives relating to tourism marketing, promotion of flagship attractions and activities such as the Donegal Gathering and the Diasopra project.

Further promotion of walking trails/greenways throughout the County along with the development of promotional material will also be incorporated into this additional investment in tourism.

A full programme is in the process of being drawn up and members will be updated in the near future.”

C/122/14 CLARIFICATION ON THE STATUS OF TAKEOVER OF UNFINISHED ESTATES

The following question was submitted by Clr Quinn:-

"In early July 2013 Sinn Fein Councillors Gerry McMonagle, Jack Murray and myself met with the County Manager to discuss the issue of un-finished Estates.

At this meeting we were assured that a substantial number of estates would be taken over by the Council prior to 31/12/13. It has now transpired that no estate was taken over and I want to know Why? I also want to know why my party was not afforded the courtesy of being informed that the Council's target would not be met."

Clr Quinn was informed that:-

“The Council applied for funding from the DECLG to assist in addressing the legacy of unfinished housing developments. The fund was targeted at priority public safety initiatives and a grant of €481,095.87 was received in respect of a number of schemes for specific works.

An additional fund has recently been announced by the DECLG targeted at those developments not likely to be resolved in the normal way through the developer/owner/funder actions because of the existence of specific financial constraints. Many of the remaining unfinished developments are proving difficult to resolve because of difficulties with bonds or planning securities, either in the form that such securities are not sufficient for their original purpose or that they may have expired. The objective of the additional funding measure (€10m in 2014) is to continue to encourage developers/owners/receivers to collaborate to find long-term solutions.

The Council had considerable work done in relation to the preparation of site resolution plans including costings for the funding bid under the initial PSI Scheme.

A further review has been initiated to identify priority schemes that will be submitted for funding under the new scheme.

At the Council Meeting in July 2013, the members considered a report on a proposal to revise the policy on taking in charge of services in housing estates. The Council adopted the following policy:

A. All applications will be made and processed under and in accordance with Section 180 of the Planning and Development Act 2000 as amended (“Section 180”). All current applications on hand will now be treated and finalised as if they were applications under Section 180.

B. “Estates” mean those described in Section 180(1) being developments granted under Section 34 of the 2000 Act or under Part IV of the Local Government (Planning and Development) Act 1963 for the construction of two or more houses and associated services.

C. Applications for taking in charge under Section 180 can be made from developments in 3 categories as follows (corresponding to the same Sub-Sections of Section 180–

(1) An application is made here where the development has been completed to the satisfaction of the Council in accordance with the relevant planning permission and the conditions to which it was subject. The application can be made by the developer or a majority of the owners of the houses (subject to compliance with Sub-Section (3)).

(2) An application is made here where the development has not been carried out to the satisfaction of the Council but enforcement proceedings have not been commenced within the statutory limitation period. Such application can be made by the majority of the house owners only and the Council is precluded from considering the financial implications of the proposed taking in charge.

(3) Applies where the development has not been completed to the satisfaction of the Council and either enforcement proceedings have been commenced within the appropriate period or the Council considers such proceedings will not result in the satisfactory

completion of the development. The Council may in its absolute discretion then take in charge the services after expiration of the permission. The request made under this provision must be by the majority of the owners.

D.For applications in categories 1 and 2 the financial implications to the Council will not be a bar to such taking in charge.

E.Applications for developments in category 3 will be considered on a case by case basis and if they can be brought up to standard in compliance with the conditions of the relevant Planning Permission(s) either under the unfinished housing estate (PSI initiative) or otherwise, through the use of security bonds and contributions from developers/residents they will be considered as fit for takeover and will move in that regard from category 3 to category 1.

F.Applications for developments which have mechanical/electrical plant included in the water or wastewater services will be considered in the same way as applications for developments without such plant. This policy is being introduced for all Donegal Local Authorities. For developments in Town Council areas, applications for takeover have to be made to the relevant Town Council. As this Council is the Water Services Authority for the entire County in any case where an Order for taking in charge is made by the Town Council and an application is then made by the Town Council to this Council in accordance with Section 180(4)(c), the Council will take the water/wastewater services in charge in the same manner as if the Order was made by this Council for a development in its area.

Section E of the policy provides a mechanism for dealing with unfinished housing estates, where they can be dealt with on a case by case basis under the policy if they can be brought into compliance using a combination of measures to address any infrastructure deficits.

The procedures for taking in charge are governed by Section 180 of the Planning and Development Act 2000 as amended and the Roads Act 1993. The procedure involves firstly a taking in charge of the roads within the estate. This is done under the provisions of Section 11 of the 1993 Act which requires the Council to publish

notice and to allow for a period of public consultation in respect of each such proposal for take over. Where an Order is made under the Roads Act to take the roads in charge the Council is then obliged under Section 180(4) of the Act of 2000 to take in charge all sewers, watermains, service connections and public open spaces within the development.

The most efficient mechanisms for processing applications through the statutory procedures, particularly the requirement for public consultation on the taking in charge of roads within developments is currently being considered as there are a number of applications at this stage in the process.

Since the adoption of the policy last August substantial work has been undertaken in relation to the consideration of taking in charge of housing developments. A comprehensive register for those estates that have submitted a request to be taken in charge has been set up to chart and manage the different actions involved in the overall process for each estate. Housing estates listed in the register have been categorised in terms of their overall finish and there are 178 estates on the register at present.

The Council will continue to deal with applications under the existing legislation. Work is ongoing with regard to the process of S. 180 of the Planning & Development Act and ultimately under S. 11 of the Roads Act. This work is being carried out in parallel to seeking solutions to the issues arising from the range of estates e.g., “unfinished estates” and other estates with legacy issues before their consideration under S. 180. However, with the transfer of water service functions to the new national utility from 1st January 2014, it is expected that the law in relation to the taking in charge of water/wastewater infrastructure will be reviewed to reflect this.”

C/123/14 TIMEFRAME FOR THE REPLACEMENT OF PIPES AT CARLAND, KERRYKEEL, CORRY, PORTSALON AND DOAGHMORE, FANAD

The following question was submitted by Clr Blaney:-

"When does this Council hope to have the pipes replaced at Carland, Kerrykeel, Corry Portsalon and Doaghmore Fanad?"

Clr Blaney was informed that:-

“In 2013 the Council made a submission to the Department in respect of the implementation of the works at these locations under the Water Conservation Pipe Replacement Programme.

Since Irish Water has taken over responsibility as the water services authority from Jan 1st 2014 decisions in relation to the provision and upgrading of water service infrastructure is a matter for the new company.

The Council will continue to liaise with Irish Water with a view to having these and other works in the County prioritised.”

C/124/14 COUNCIL CLARIFICATION ON THE OPERATIONS OF IRISH WATER

The following question was submitted by Clr Brogan:-

"Can this Council inform us if they have any more clarity on the operations of Irish Water?"

Clr Brogan was informed that:-

“The Water Services (No. 2) Act 2013 was signed into law in December 2013. This is the second legislative step to implement the Government decision to establish a new national water utility as a state owned subsidiary within BGE.

The Act provides for the transfer of water services functions from the 34 local authorities to Irish Water. It also provides for the transfer of the water services infrastructure assets to Irish Water.

Irish Water and each local authority have now entered into a Service Level Agreement (SLA) for the delivery of water services. The first such SLA shall run for a period of 12 years.

Irish Water is given the power to charge all domestic customers who are in receipt of public water and waste water services from 1st October 2014 with the first bills to issue in early 2015. Irish Water has to submit a plan for the charging of customers for the provision of water services to the Commission for Energy Regulation (CER) for approval.

The Council has signed a Service Level Agreement with Irish Water. The position in relation to service delivery and the Council's role are set out below:

Consumers will not see any material changes from 1st January 2014 under the new agreement. The Council will continue to deal with customer queries/contacts through the usual channels of communication and applications for connections to the watermain and sewer will continue to be processed by the Council.

During 2014 the Council will continue to read meters for the purpose of billing non-domestic consumers and will continue to collect the charges. The price will be unchanged for 2014.

The Council will work closely with Irish Water during 2014 to ensure that the transition is carried out effectively and efficiently and that services are not adversely affected.

It is the Council's intention to keep all stakeholders fully briefed in advance of any change that is proposed and to continue to maintain and improve service levels in partnership with Irish Water."

C/125/14 TIMEFRAME FOR THE REINSTATEMENT OF THE SEA WALL AT KEADUE BRIDGE

The following question was submitted by Clr Blaney:-

"When does this council intend to have the sea wall beside Keadue Bridge reinstated?"

Clr Blaney was informed that:-

"The Council are in the process of applying to the OPW for funding for reinstatement of the Keadue Bridge sea wall. In the meantime, the Council have commenced design of the reinstatement, and are due to tender soon for the procurement of precast retaining wall modular blocks similar to the adjacent seawall.

Programme will depend on the availability of the precast units and funding from the OPW, but it is anticipated that works should be completed in 6 weeks after it gets started."

C/126/14 UPDATE ON THE CURRENT STATUS OF THE WOODLANDS ROADWORKS

The following question was submitted by Clr Brogan:-

"Can this Council give us an update on the current status of the Woodlands Roadworks?"

Clr Brogan was informed that:-

"In 2013, CPO land agreements were settled and payments made to 9 out of the 10 affected landowners. A date for settlement of the outstanding owner through Arbitration is set for April 2014.

Works were carried out in 2013 consisting of the removal of the ditch between the old road and the widened section, the placement of capping, and ducting, and the extension of the existing culvert on the stream crossing. There is no specific improvement grant allocated to this scheme this year."

C/127/14 MOTIONS FROM OTHER COUNCILS/BODIES

Members noted the following motions from other Councils:-

KERRY COUNTY COUNCIL

"That this Council, in conjunction with other Local Authorities, would have a direct representative dealing with all EU Funding."

CLONES TOWN COUNCIL

"That Clones Town Council calls on the Minister for Health Dr. James Reilly, TD to confirm that discretionary medical cards will not be withdrawn from cancer patients who are not considered terminally ill.

I would ask that the Minister make a clear unambiguous statement on this matter. Is the criteria being changed or is it not? Are the rules on the discretion by which medical cards will be issued being changed or are they not? The fact that we are getting mixed messages is causing cancer patients further distress.

In recent days I have listened to the genuine and extreme distress of people suffering from cancer and this situation needs to be clarified immediately so that patients can concentrate on getting better and not have to worry about how they are going to afford treatment.

I propose that this Motion be forwarded to the Minister for Health and circulated to each Town and County Council.”

#### CLARE COUNTY COUNCIL

“That Clare County Council calls on the Minister for Transport to extend the derogation period to allow adequate time to resolve the height restriction of 4.65 metres for vehicles using the country’s road network”

#### MACROOM TOWN COUNCIL

“That Macroom Town Council calls on the Minister for the Environment, Community and Local Government, members of Dail Eireann and Seanad Eireann that in the light of recommendations published on Wednesday October 30<sup>th</sup> 2013 by the Congress of Local and Regional Authorities, part of the Council of Europe which states that Ireland needs greater Constitutional Protection for Local Government and it is failing to protect Local Democracy and the Continued centralisation of power and decision making at National Level, instead of greater devolution to local communities”

#### LEITRIM COUNTY COUNCIL

“That Leitrim County Council call on the Government and Minister Phil Hogan to withdraw their proposal to introduce a levy on all vacant commercial premises. The pending Local Government legislation, which is due to come into effect in 2014, refers to changing the current process of waiving 100% of the commercial rates on business properties that are vacant and proposes to introduce a levy of 50% of the full rates payable on all properties that are vacant. This new proposal is referred to in “Part 5, Section 31” of the pending legislation. This proposal, to bill all vacant commercial properties in Leitrim and all over the country at 50% of the full rates payable, is unacceptable and unthinkable.”

#### OFFALY COUNTY COUNCIL

“That Offaly County Council writes to the Minister for Health requesting that he lift the ban on Nurse Recruitment”

#### WATERFORD CITY COUNCIL

“Waterford City Council urgently requests the Government to have a total review of legislation in the area of Anti-Social Behaviour with the objective of strengthening the powers of the Gardai and Local Authorities to tackle this issue in an effective manner”

SOUTH TIPPERARY COUNTY COUNCIL

“I call on the Ministers for Finance, Education and Social Welfare to immediately review the flat fee of €333.00 introduced in the October Budget for apprentices attending Institutes of Technology. This fee is a barrier to training. To support the development of a skilled technical workforce in County Tipperary, I call for the fee to be waived.”

This concluded the business of the Meeting.