

8th April, 2014

TO ALL MEMBERS OF DONEGAL COUNTY COUNCIL
--

The Council made arrangements at the end of the March Council meeting to hold a number of meetings / workshops in the month of April, 2014. It has become necessary to review this schedule of meetings and workshops and following consultation with the Mayor, the following revised Schedule is now set out:

1. The Adjourned March Meeting of Donegal County Council, will be held on Monday 14th April, 2014, at 10.00am, in the County House, Lifford to consider the unfinished business listed at Items:-

7, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 30, 31, 32 -63.

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

2. Monday 14th April, 2014 at 2.00 pm in County House, Lifford – Workshop on Implementation of CDP Policy on Sightlines / Distances.
3. Tuesday 22nd April, 2014 at 10.00 am in County House, Lifford – Meeting of Corporate Policy Group
4. Monday 28th April, 2014 at 9.30 am in County House, Lifford – Workshop on Local Government Reform Process
5. Monday 28th April, 2014 at 11.00 am in County House, Lifford – April Meeting of Donegal County Council

I trust you will find the above in order.

Meetings Administrator.

MINUTES OF ADJOURNED MARCH MEETING OF DONEGAL COUNTY
COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 14TH APRIL,
2014.

C/201/14 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 Doherty, P. Doherty, R Donaghey, M Farren, M T Gallagher, M Harley , F Mc Brearty, M McBride, N Mc Bride, S McEniff, P Mc Gowan, B Mc Guinness, J Murray, S O' Domhnaill, B O' Neill, and M Quinn.

C/202/14 OFFICIALS IN ATTENDANCE

Mr. John Mc Laughlin, Director Roads & Transportation, Deputy County Manager, Mr Liam Ward, Director of Housing, Corporate & Planning Control/ Meetings Administrator, 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 Charles Sweeney, Administrative Officer, Community, Culture & Enterprise, Ms Anne Marie Conlon, Communications Officer, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

C/203/14 PERMISSION FROM THE DEPARTMENT AND THE MINISTER FOR THE ENVIRONMENT FOR DONEGAL COUNTY COUNCIL TO PURCHASE AND BUILD HOUSES IN DONEGAL

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

"That this Council seek permission from the Department and the Minister of Environment to purchase and build houses in the County."

Members were informed that:-

On the 12th of February 2014, the Council received notification of an allocation of €208,915 under the Social Housing Investment Programme 2014 to cover existing contractual commitments only. This notification was brought to the attention of Elected Members at the February Council meeting.

This allocation provided for the completion of two S.I. houses currently under construction, and further monies in relation to the housing development in Newtowncunningham and a small balance relating to a previous acquisition.

On the 11th of March 2014, as part of an Infrastructure Stimulus Package that would achieve high economic impact in the medium term and provide significant employment opportunities in the construction sector, the Council received a further allocation of €1,410,853.00.

This allocation provided for the advancement of a small scale Scheme of six units at Glendale Drive, Letterkenny, and the construction of four single rural dwellings (S.I.'s).

Indicators are that these are the only monies which will be made available for new projects in 2014 – 2015”.

Clr Mc Guinness advised that housing was a basic need for any family and queried as to why the Council was not in position to buy properties at a time when there was value for money to be had in the local housing market.

He aid that it was imperative that all Voluntary Housing Agencies were brought together and in co-operation with Donegal County Council, a combined application made for funding at Department and European level.

Concern was expressed that the RAS and Long Term Leasing Schemes had not been a successful as anticipated , though both had, had some impact on the housing waiting list.

Members outlined the necessity of obtaining adequate funding so that vacant houses within the Council’s own housing stock could be made available for letting.

It was suggested that legal opinion be sought with regard to the rights of Councillors and the distribution of data in relation to those on the housing waiting list.

Concern was expressed regarding the difficulties being experienced by those Council Tenants who wished to purchase their own homes. Members acknowledged the fact that in some areas there

were problems with the Rent Allowance Scheme and that people were refusing to go into Council Housing.

A number suggested that the way forward was the provision of S.I Housing.

A query was raised with regard to the lengthy delay in taking ownership of two houses at Ardban , Muff .

Mr Liam Ward, Director of Housing, Corporate & Planning Control said it was evident that the level of funding to the Housing Authority had declined significantly in the past number of years. He noted that the introduction of the RAS and Long-Term Leasing Schemes had made some inroad into reducing the current waiting list.

The Housing Directorate, he confirmed, was engaging with the Voluntary Housing Bodies and would continue to work with them in a wholly positive manner.

With regard to S. I. Housing, he confirmed, that a meeting was scheduled to take place with the Department on the 29th April. He would , he confirmed, use the opportunity to convey Members sentiments and their support for the SI Programme.

He drew attention also to the fact that the €1,410,853 Infrastructure Stimulus Package for construction projects represented funding for both 2014 and 2015.

It was further acknowledged that a submission had been made in July 2013 with regard to developments in each of the five Electoral Areas, however the small scale development at Glendale Drive in Letterkenny had been the only one to receive funding. Approval for this scheme, it was understood, had been received on the basis of the greatest need.

Mr Ward responded also to concerns raised regarding the provision of information in respect of those currently on the Housing Waiting List. He reminded Members of the need to comply with Data Protection legislation, advising that a specific protocol had been agreed in relation to the release of such information.

With regard to monies applied for under the “Voids Retro-fitting Programme” it was noted that every effort had been made to maximise the potential allocation so as to return vacant Council Houses to productive use.

The Director of Service informed Members that departmental approval was required when income from the sale of properties was to be used for refurbishment purposes.

It was noted that the launch of a new Tenant Purchase Scheme was in the offing and that notification was currently awaited.

The Director informed Members that there were difficulties in certain areas regarding the letting of houses and in particular with the number of refusals being received. He agreed to follow-up in relation to the delay in obtaining the two houses at Ardban, Muff.

Responding to a query from Clr Mc Guinness, it was noted, that there were over 3000 on the housing waiting list including those receiving rent supplement.

C/204/14 CALL FOR THE MINISTER RESPONSIBLE FOR TELECOMMUNICATIONS TO EXPLAIN THE ALLOCATION OF ESB RELATED FIBRE BROADBAND WITHIN AREAS OF THE COUNTY

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

"That the Minister responsible for the Telecommunications explain why any ESB-related fibre broadband will most likely simply be in areas that already have - or are scheduled for - high-speed broadband and nothing is being done for rural areas where it is crucial to ensure that rural communities, business and schools survive."

Members were informed that:-

“It is taken that this motion refers to recent publicity in the media concerning the potential use of ESB Networks to deliver fibre optic high speed broadband to rural areas.

The Council have not been officially notified about potential projects in this area and are relying solely on media reports.

If the situation as reported is correct in that only population centres with a minimum of 4000 premises will be served, then it would appear that this initiative will not present an option to deliver high speed broadband to rural areas in the County.

Donegal County Council through ERNACT is working with a number of European partners on the ENGAGE project which is studying deployment models for high speed broadband to rural areas.

In Finland, Slovenia and Germany for example, various state sponsored schemes are being implemented which brings fibre optic cable directly to the premises thus facilitating High Speed Broadband to rural homes and businesses.

It would be extremely advantageous if National Broadband planning in Ireland was similarly ambitious, and that Fibre to the Premises was seen as the preferred option to solve the broadband deficit between urban and rural areas.”

Clr Donaghey said that she was extremely disappointed that the roll out of the ESB Fibre related Broadband would focus on urban and semi-urban conurbations. The National Programme for Government, she advised, needed to be more strategic and recognise the divide between urban and rural areas. High speed broadband was, she added, a necessity, not a luxury.

Members advised that the provision of high speed broadband was essential for the economic and educational development of the County, especially in terms of job creation and the attraction of new businesses to the County.

There were calls for the County Development Board to put their full weight behind the project and the establishment of a dedicated Council Team to progress same.

Mr Liam Ward, Director Housing, Corporate & Planning Control noted Members comments, advising that Donegal County Council in conjunction with ERNACT had looked at a number of options regarding the delivery of high speed broadband for rural areas.

Clr Mc Guinness proposed, seconded by Clr Farren that a delegation meet with the Minister for Communications, Energy and Natural Resources, Mr Pat Rabbitte, TD regarding the provision of High Speed Broadband to Donegal.

C/205/14 CALL FOR THE MABS RESOURCE RECENTLY ALLOCATED TO BE EXTENDED FOR THE WAITING LIST TO CLEAR

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

"Donegal County Council welcomes the additional resource recently allocated to North Donegal MABS, however we believe that the temporary appointment of an additional MABS Officer for 6 months will not be sufficient to address the waiting lists along with the ever increasing number of people availing of the service. Accordingly we request that Minister Burton approves the continued resource until the waiting list has been cleared."

Clr Quinn advised that given the level of hardship in the County it was imperative that the additional resource was not withdrawn until the backlog of cases were cleared.

Members cited a number of examples of where assistance of this nature was required. There was recognition also that the repossession of family homes would be a major issue in the coming months.

Members noted the excellent work carried out by MABS, and acknowledged that the staff concerned worked in a very pressurized environment.

Calls were made for the Government to adequately resource the MABS Service.

It was noted that middle Ireland had been most disadvantaged by the economic downturn and that there was need at this juncture for some level of support.

Clr Quinn concluding the debate proposed that a copy of the motion be forwarded to the Minister for Social Protection, Ms Joan Burton, TD and to all Oireachtas Members in the County. This was seconded by Clr Brogan.

C/206/14

CALL FOR DISCUSSIONS WITH FERRY OPERATORS IN DONEGAL TO ASCERTAIN INTEREST IN OPERATING THE ROLL ON/ROLL OFF FERRY SERVICE FOR 2014 SEASON BETWEEN RATHMULLAN AND BUNCRANA

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

"Considering that Donegal County Council have failed to obtain applications for a licence to operate the roll on/ roll off ferry service for the 2014 Season between the harbours of Rathmullan and Buncrana, I call on this Council to open discussions with all roll on/roll off ferry operators in Donegal and elsewhere to ascertain what interest exists to take on this route."

Members were informed that:-

“In 2013, Donegal County Council sought applications for a licence to operate a roll on / roll off ferry service between the harbours of Rathmullan and Buncrana, Co. Donegal. The contract on offer was for an initial one season period with the option to extend the contract on a year by year basis to a maximum of five years based on a review after each year and agreement being reached between both parties. The Lough Foyle Ferry Company was selected to provide a ferry service on the Swilly for the period 1st July to 31st August 2013.

On the 5th February 2014, Lough Foyle Ferry Company confirmed by email that due to the sale of the Foyle Rambler that the company would not be in a position to provide a ferry service on Lough Swilly in 2014. On the 10th February 2014, the Council placed notices on the e-tenders and e-sourcingni websites requesting applications for a licence to operate a proposed roll on / roll off ferry service for the 2014 season between the harbours of Rathmullan and Buncrana, Co. Donegal. No applications were received by the closing date of 12th March 2014.

As the Council must operate within Public Procurement Guidelines it is proposed to re-advertise this week on the e-tenders and e-sourcingni websites for applications for a licence to operate a proposed roll on / roll off ferry service for the 2014 season between the harbours of Rathmullan and Buncrana, Co. Donegal. It is further proposed to place notices regarding this call for applications in the local papers and on the Council’s website.”

Clr Mc Bride raised a number of issues regarding the provision of the service for the 2014 season and asked for an update in relation to the re-advertising of the tender.

The importance of the ferry in terms of tourism development was widely recognised including its importance in linking various aspects of the Wild Atlantic Way..

He asked that figures be provided in relation to the number of days that the ferry had operated since 2004.

The need for a 5 year contract was highlighted and it was suggested that the North West MEPs be contacted with regard to the sourcing of EU Funding opportunities.

Clr Mc Guinness alluded to the fact that ferry services in Northern Ireland came under Roads Services and thus suggested that responsibility for ferry services in the County be transferred to the Roads Service where there was the possibility of tapping into a more definitive funding mechanism. He then proposed, seconded by Clr N. Mc Bride that responsibility for the ferry service be delegated to the Roads Directorate.

Mr Michael, Heaney, Director Community, Culture & Development Planning responding to an earlier query confirmed that the tender for the operation of the Rathmullan to Buncrana Ferry Service had been re-advertised with a closing date of the 25TH April, 2014. It was encouraging, he noted, that there had been some expression of interest to date. He agreed to provide as requested the operational data for the service from 2004 onwards.

He agreed to update Members as soon as possible, and confirmed that everything possible would be done to ensure the provision of the service in 2014.

Clr Blaney concluding the debate said he could foresee difficulties in transferring responsibility to the Roads Service, as there were funding difficulties there also. It was something, he noted, which warranted additional consideration.

RECOGNITION BE GIVEN TO THE STRONG DONEGAL PARENTAL LINKS OF THE 15TH PRESIDENT OF THE UNITED STATES JAMES BUCHANAN

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

"That this Council make contact with the United States Embassy and formally request that recognition be given to the fact that James Buchanan the 15th President of the United States of America had strong parental links with Donegal."

Members were informed that:-

“The Council is in contact with the United States Embassy in relation to a range of aspects relating to the Donegal Diaspora. In this context, the Council will make further contact with the United States Embassy in relation to President Buchanan. The most effective way to do this will be for Donegal County Council to specify how it intends to recognise the links and what project it may wish to undertake in this regard e.g. plaque, booklet, etc. The Community & Enterprise Division will follow up on this in the context of the Donegal Diaspora Project.”

Clr Mc Bride outlined James Buchanan’s strong family connections with the Ramelton area and the fact that his father James Senior was born there. It was essential, he affirmed that every effort was made to capitalise on this extremely strong connection. He said that it would link in nicely with the Diaspora Project and, he was, he said, hopeful that lasting links could be established.

The Mayor advised that there were familial links with Omagh also and that this too presented an opportunity for cross co-operation and tourism development.

Mr Michael Heaney, Director Community, Culture & Enterprise, advised that, work was already underway in relation to some form of commemoration, and that a decision would be made as to what was the most effective way to progress same.

C/208/14 NEED FOR A DISCUSSION ON THE CRITERIA FOR WHERE SPEED CAMERAS ARE PARKED IN DONEGL

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

"I propose that this Council discuss the criteria for where speed cameras are parked in Co Donegal and if and what input our road safety team have had into this process."

Members were informed that:-

“Our understanding is that the Garda determine locations of the Go Safe Speed Vans with regard to accident history data. The sites that are chosen are those areas that have a history of speed related death and injury collisions but also where there is an appropriate location at that site for the Go Safe vehicle to position itself safely to carry out the speed survey.

There is an established forum for consultation between the DCC Safety Advisor/Engineer, DCC Area Roads Engineers, the Gardai and the NRA. These Collision Prevention Meetings are held bi-annually. The next meetings are scheduled for June and this could be raised at the those meetings.

In addition to the Go Safe locations determined, if there are other sites that Council speed surveys identify as having high percentages of vehicles exceeding the speed limit the Council does at times, liaise with the Garda to request enforcement action be taken. “

Clr Brogan said that the general public had raised many concerns in relation to the location of speed vans across the County. He raised a number of issues namely:-

- The level of consultation that took place with regard to their overall location.
- Whether decisions were made on the basis of an accident history report.
- Concern expressed that the issue was more of a revenue generating exercise than one of road safety.
- That increased signage was required to show that speed cameras were in operation.

Members cited a number of examples of speed cameras operating in locations with no particular accident history. There was concern

also at the fact that a van had operated from a lay by which had been created to provide better vision lines. Calls were made for an audit of speed van locations.

Clarification was requested as regards the legal position in allowing speed vans operate from dedicated set backs which had been created to comply with the relevant planning conditions. This it was acknowledged meant that the vans were operating from private property and decisions made could be open to challenge.

Clarification was also sought in relation to the following:-

- The legal position when no warning signs were displayed.
- The status of the website which advertises the location of speed vans.
- The position regarding the Back of Errigal Road as assurance had been given that there would be no speed camera at this location.
- The practice of having speed vans located in the immediate vicinity of 50km speed limits in our Towns and Villages and in particular at night time .
- The number of multi-disciplinary consultations that had taken place.

Mr John Mc Laughlin, Director Roads & Transportation advised that it was the Gardaí who determined the locations of speed vans based on accident history data. This data, he noted, was received from the Road Safety Authority.

He informed Members that he was not in a position to volunteer an opinion on the legality of using lay –bys and set backs.

Responding to concerns regarding the Back of Errigal Road, he confirmed, that efforts to raise the speed limit there had not successful and that the criteria to amend same were extremely difficult to attain.

He said, he was meeting with the Garda Traffic Branch on the 15th April, 2014 and would convey the sentiments expressed by the Members. The JPC, he added, was also an appropriate forum to further debate the matter.

Clr Brogan said he hoped the meeting with the Garda Traffic Branch would provide some clarity and awaited a positive response. It was imperative, he said, that the opinions of the Elected Members were taken on board.

C/209/14 CALL FOR THE COUNCIL TO TAKE OVER THE REPAIR AND MAINTENANCE OF THE TOWN CLOCK IN BALLYSHANNON

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

"That the Council investigate the possibility of taking over the repair and maintenance of the Town Clock in Ballyshannon."

Members were informed that:-

"In the context of considering this motion, it is important to note that the building upon which the Town Clock is fixed is private property. It is also important therefore that any discussion in relation to this matter is sensitive to this fact.

Donegal Co. Council moved a motion at its February 2014 meeting in relation to the Town Clock. This motion read "That Donegal County Council supports the owners of the iconic Town Clock Building in Ballyshannon Town Centre that was recently badly affected owing to storm damage. That funding is sought for the clock repair and installation and that storm relief funding be sought for recent emergency works."

Clr Mc Eniff asked that every effort be made to seek funds for the repair of the clock under the Storm Damage Allocation.

C/210/14 PUTTING IN PLACE OF A ONE WAY TRAFFIC SYSTEM IN LIFFORD

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

"That this Council put in place a much needed one way traffic system in Lifford."

Members were informed that:-

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

The Council resolved in 2012 to complete an Environmental Improvement Scheme in Lifford which included the retention of the existing two way traffic system. This followed a previous debate by members in 2011 in relation to provision of a one-way system in the town where it was ultimately not resolved to provide one. This was a decision reached by Council after lengthy debate and public consultation.

The recently constructed street and footpath improvements have resulted in significant improvement in the condition and appearance of the road in the town and it was built along the old road width to match the decision to maintain a two-way traffic system. Had a decision been made to install a one-way traffic system, then in some locations, wider footpaths could have been considered.

A one way system can be provided should members so wish. This will require replacement of existing regulatory lines, consultation with the Gardai and new lines and signs to indicate the route proposed. Some kerb returns may require reconstruction to help prevent wrong way manoeuvres.

In the absence of any other funding source the cost of these works will have to be found from the existing Electoral Area Budgets.”

Clr Crawford advised that he had introduced the motion on the basis of representations received. Whilst recognising that recent street works had significantly enhanced the town there was, he said, still a body of opinion which favoured a one-way system. He himself, he added, had no particular opinion as to what way the system should run. He was, he said, mindful of the fact that there was opposition to the introduction of such a system. Alluding to the reply, he advised that the public consultation process had nothing to do with Donegal County Council not enforcing the system.

Clr Mc Brearty advised that he could not support the motion as Lifford Town had been decimated enough over the years with the closure of the Army Barracks, various local businesses and the loss of two major banking institutions. There were, he added, two new

car-parks in the Town and the majority of people he had spoken to were not in favour of a one-way system. He outlined the need to stand up for local businesses and thus called on Clr Crawford to withdraw his motion.

Clr G Doherty indicated also that he was not in favour of the motion.

Mr John Mc Laughlin, Director Roads & Transportation alluded to his reply and the fact that a one-way system could be provided if Members so wished, noting however that there were specific funding implications.

The Meetings Administrator informed Members that the motion had been proposed by Clr Crawford and seconded by Clr Mc Gowan with Clrs Mc Brearty and G Doherty opposing the introduction of a one-way system in Lifford.

In accordance with Standing Orders a recorded vote was then taken by the Meetings Administrator.

This resulted in 10 voting for with 11 against.
There was one abstention.

Those voting in favour included:-
Clrs Alcorn, Blaney, Brogan, Byrne, Canning, Crawford, Donaghey, Mc Eniff, Mc Gowan, and O' Domhnaill. (10)

Those voting against included:-
Clrs Boyle, Campbell, G Doherty, M Doherty, Gallagher, Harley, Mc Brearty, M Mc Bride, Mc Guinness, Murray, and Quinn. (11)

Clr Mc Garvey abstained.

The motion was thus defeated.

Clr Crawford advised again that he had not introduced the motion out of any sense of personal pride, but rather at the request of the people he represented. The matter was something, he contended, that would raise its head again at some point in the future.

On the proposal of Clr Brogan, seconded by Clr M Doherty it was resolved to adjourn the meeting for lunch.

C/212/14 VARIATION IN THE ORDER OF BUSINESS

It was resolved to vary the order of business and deal with Motions No 19 and 18 at this juncture.

C/213/14 CALL ON EIRCOM TO UPGRADE THE TELEPHONE EXCHANGE IN ST JOHNSTON TO FACILITATE AN EFFECTIVE BROADBAND SERVICE FOR THE VILLAGE

On the proposal of Clr G Doherty, seconded by, Clr Crawford, the following motion was adopted:-

"That this Council calls on Eircom to immediately upgrade the telephone exchange in St Johnston to facilitate an effective broadband service for the village."

Members were informed that:-

“Donegal County Council strongly supports the provision of high speed broadband capabilities throughout the County, and takes every opportunity to encourage Telecommunication Operators to invest in service improvements”.

Clr Doherty advised that high speed broadband was essential in this day and age for a town such as St Johnston and that the Mobile Service Provider operating there at present was over subscribed.

Clr Crawford proposed, seconded by Clr Doherty that a representative from Eircom be invited to the next appropriate meeting and an update provided in relation to the situation in St Johnston.

Concluding the debate Clr Doherty said it was apparent that there was no political will to put in the necessary infrastructure in place, thus making it impossible to get out of the doldrums with regards to development of unemployment initiatives.

Mr Liam Ward, Director Housing, Corporate and Planning Control advised that the reply set out the Council’s position and that every opportunity is taken to engage with service providers and fully support the upgrading of facilities.

C/214/14 CALL ON THE GOVERNMENT TO ABOLISH JOINT POLICING COMMITTEES AND ESTABLISH POLICING BOARDS

On the proposal of Clr McBrearty, seconded by, Clr Farren, the following motion was adopted:-

"I am calling on the Government to abolish Joint Policing Committee and replace them with Policing Boards with the same powers as Policing Boards in Northern Ireland."

Members were informed that:-

"The Donegal Joint Policing Committee was established in May 2010.

The Garda Síochána Act 2005 makes provision for the establishment of Joint Policing Committees. Committees are now rolled out in 114 local authority areas.

The joint policing committee's function is to serve as a forum for consultations, discussions and recommendations on matters affecting the policing of the local authority's administrative area.

Joint Policing Committees (JPCs) aim to develop greater consultation, cooperation and synergy on policing and crime issues between An Garda Síochána, Local Authorities and elected local representatives. JPCs also facilitate the participation of the community and voluntary sectors in this regard.

Section 36(4) of the Garda Síochána Act provides:

"Neither the Joint Policing committee nor any of its subcommittees may consider matters relating to a specific criminal investigation or prosecution or matters relating to the security of the state".

Joint Policing Committees (JPCs) are intended to be a forum for discussion and a means of building confidence and trust, thereby bringing communities together through a process with which all participants feel comfortable. A JPC should engage with local community groups to the greatest degree possible. Such groups are an important resource in tackling the issues addressed by the JPC."

Clr Mc Brearty stated that the terms of reference for the Morris Tribunal did not get to the bottom of the a number of issues regarding the Policing Service and to this end Policing Boards similar to those created in Northern Ireland were required. With regard to the current system, Joint Policing Committees, he noted, were not operating at an acceptable level

He expressed concern at the lack of accountability within the JPC format and the fact that there was no provision to deal with policing plans for local communities.

Policing Boards would, he advised, allow for local community input and make Senior Garda Management more accountable for policing.

There was, he said, a certain political responsibility to ensure that the “rights of the citizen” were protected.

He acknowledged the need to return to community policing and the provision of an independent mechanism to investigate corruption allegations.

Clr Mc Guinness said he had major concerns with regard to a number of issues and was unsure as to whether the Policing Board Model would bring anything different to the table. Issues such as the closure of Garda Barracks, the introduction of community policing and the implementation of additional resources still, he affirmed, remained to be addressed.

Clr Quinn advised that Sinn Fein had made a number of proposals to the Department regarding the reformation of Joint Policing Committees based on the Policing Board Model.

Concluding the debate, Clr Mc Brearty acknowledged that Members did not have the legislative powers to change the JPC System, but said, he was hopeful that there was genuine commitment within Government to bring about reform. He welcomed the four public enquiries that were ongoing at present and hoped that the new Commission of Enquiry would resolve the telephone calls issue. Despite a number of controversies, it was still significant, he added, that this country retained an unarmed Police Force.

C/215/14 RE-ESTABLISHMENT OF LAND DRAINAGE COMMITTEE

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

"That Donegal County Council re-establish "Land Drainage Committees" with representation from land owners etc following the Council elections in May 2014 as flooding is causing serious damage to public and private roads as well as other property and no one takes responsibility when drains are not maintained or are diverted onto someone else's property resulting in damage to property."

Members were informed that:-

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

The Local Government Acts provide that the Council shall establish by resolution committees to be known as Strategic Policy Committees to consider matters connected with the formulation, development, monitoring and review of policy which relate to the functions of the local authority and to advise the authority on those matters. The guidelines for these committees include provision for representation from sectional interests. The Council has a number of Strategic policy committees which have tended to be aligned with Directorates. In addition the Council has a number of other committees which while not referred to as Strategic Policy Committees but which perform some of the functions of an SPC. The general guidelines for the configuration of SPCs by the Department of the Environment Community and Local Government suggests four policy headings including:

- Economic Development and Planning Policy,
- Environmental Policy,
- Transportation and Infrastructure Policy and
- Housing and Social and Cultural Development Policy.

It may be that the current alignment of SPCs (Housing, Roads and Transportation, Planning and Economic Development, Water, Environment and Emergency, Community, Culture and Corporate) could be reconsidered by the Council with a realignment to address activities that are in effect cross cutting. This would have to take some account of the organisational structure that will exist after the

local election and the abolition of the Town Council's but should not be driven by it. The Council may wish to re consider the current scheme for SPC's adopted by it in this context.

The area of drainage and flooding is a technically complex with a number of different statutory stakeholders including the Office of Public Works, the Department of the Environment Community and Local Government, Department of Agriculture Food and Marine, The National Parks and Wildlife Service as well a sectoral interest groups and private landowners.

The Council has however a pivotal role in flood risk management in its role as a planning authority, roads authority and in its work with the OPW in flood alleviation measures. In these roles it is empowered to maintain drains and provide flood alleviation measures within its budget and to take enforcement action on those who commit an offence under certain legislation. There are a number of developments ongoing nationally which will help shape future policy in this area. These include the Catchment Flood Risk Assessment and Management Programme and the Irish Coastal Protection Strategy Study. These along with the serious and threatening problem of climate change provide an impetus for the Council to prioritise this area of policy development.”

Clr Mc Gowan advised that the issue had been compounded by the lack of investment in Roads, the reduction in staff numbers and failure by a number of landowners to comply with successive directives. He alluded also to specific problems regarding the build up of silt and sandbanks in the River Finn.

It was suggested that the Road Improvement Budget be taken for at least one year and diverted to drainage works.

Members acknowledged the need for serious investment from central Government to assist with this and other serious flooding issues in the County.

There was particular concern with regard to the drainage policy in the Finn Valley area. A query was raised in relation to the number of landowners who had been written out to regarding drainage issues and the number of cases that had actually been resolved.

Calls were made for the Council to be local and proactive in dealing with such matters. There was clear recognition that Roads staff were doing their best, but concern was expressed that little was being done to protect landowners who had water diverted from the public roads on to their properties.

Clr Mc Guinness suggested that the Agriculture Committee be resurrected with a special remit for drainage and engagement with the OPW.

The Director of Roads & Transportation advised that the establishment of the committee would be matter for the new Council.

C/216/14 GATEWAY PROJECT

Clr Quinn expressed concern at the reply received from the Minister for Social Protection , Joan Burton TD in response to the recent motion on the “Gateway Project”

On the proposal of Clr Quinn, seconded by Clr Gallagher clarification was requested in relation to the following:-

- i. The reference to service gaps.
- ii. An explanation as to why the Department believed that it had the right to interfere in the democratic process.

C/217/14 ESTABLISHMENT OF DONEGAL LOCAL AND COMMUNITY DEVELOPMENT COMMITTEE AND SEEKING THE NOMINATION OF 3 MEMBERS OF DONEGAL COUNTY COUNCIL

Mr Liam Ward, Meetings Administrator informed Members that the matter had been deferred from the March Council Meeting and that the issue before Members today was to establish the Local and Community and Development Committee and select three representatives from Donegal County Council to sit on the committee.

Mr Michael Heaney, Director Community, Culture & Planning confirmed that agreement had been reached in relation to the Community/Social Inclusion/Environment , Local Development and State Agency membership.

The Meetings Administrator advised that the election of Members to this committee was governed by Paragraph 18, Schedule 10 of the Local Government Act, 2001 and that grouping applied.

He advised of the following:-

- 1) Where 2 or more persons are to be appointed by a local authority to a body to which this paragraph applies, then
 - (a) any group of members who are present at the meeting at the time when the business of making the appointments is reached and comprising the number of members necessary for the purposes of this paragraph may nominate a person to be a member of that body and the person shall be so appointed on that nomination without any vote being taken, and
 - (b) the members of the body then remaining to be appointed shall be appointed successively by the members of the local authority who are not members of any group referred to in *clause (a)* and who were present at the meeting at the time when the business of making the appointments was reached.
- 2)(a) Subject to *clause (b)* the number of members necessary to form a group for the purposes of this paragraph shall be obtained by dividing the total number of members present at the meeting of the authority at the time when the business of making the relevant appointments is reached by the number of the appointments to be so made, or, where the number so obtained is not a whole number, the whole number next above the number so obtained.
- (b) No member of a local authority shall be a member of more than one group for the purposes of this paragraph

Clr Quinn expressed concern that the Council was now tendering for works previously carried out by the DLDC and Inishowen Partnership.

Mr Michael Heaney, Director of Community Culture & Planning advised that the LCDC when established would be responsible for the preparation of a Community Development Plan for the County. This plan, he confirmed, when agreed would form the basis for bids for social inclusion monies. He advised that the first meeting of the LCDC was scheduled to take place in May and at the latest

early June. Nominations, he confirmed, would again be sought at the Annual General Meeting in June following the Local Government Elections.

C/218/14 ADJOURNMENT OF MEETING

On the proposal of Clr Mc Brearty, seconded by Clr Mc Gowan it was resolved to adjourn the meeting for short period to consider same.

C/219/14 ESTABLISHMENT OF DONEGAL LOCAL AND COMMUNITY DEVELOPMENT COMMITTEE AND SEEKING THE NOMINATION OF 3 MEMBERS OF DONEGAL COUNTY COUNCIL

On resumption the Meetings Administrator informed Members that the first matter for consideration was the formal establishment of the Committee.

Clr Mc Brearty proposed, seconded by Clr. O' Neill that the Donegal Local and Community Development Committee be established in accordance with Section 51 of the Local Government Act, 2001.

No groups were formed.

On the proposal of Clr G Doherty, seconded by Clr Murray it was resolved to elect Clr Gallagher to the Donegal Local and Community Development Committee

On the proposal of Clr Mc Guinness, seconded by Clr Mc Brearty it was resolved to elect Clr Harley to the Donegal Local and Community Development Committee.

On the proposal of Clr Brogan, seconded by Clr Crawford it was resolved to elect Clr Larkin to the Donegal Local and Community Development Committee.

C/220/14 MAYOR'S BUSINESS
US TRIP 2014

The Mayor complimented all involved in the organisation of the USA Trip 2014. He was, he said, overwhelmed by the hospitality shown to both himself and the Deputy Mayor, Clr Michael Mc Bride. He thanked both the Donegal Association of Philadelphia and the Donegal Association New York for the warm welcome

afford to the Donegal County Council Delegation. It had been, he said, an excellent opportunity to connect with the Donegal Diaspora.

The downside, he advised, was that on his return to Ireland there was evidence of some negativity in relation to the trip. He had, he confirmed represented Donegal to the best of his ability, noting that the trip had enabled the County to be promoted in a positive and useful manner.

He alluded to the substantial funding provided by the International Fund for Ireland for a variety of projects across the Country, and for this reason the need to maintain ongoing contact with Irish and in particular Donegal Emigrants in the United States.

The communities in question had, he said, expressed disappointment at the non attendance of representatives from the County a number of years ago.

The Mayor advised that he had met with Ms Siobhan Lyons, Irish Immigration Centre in Philadelphia and hoped through that meeting to arrange for the distribution of data on the various Immigration Centres in the United States.

Clr M Mc Bride acknowledged the commitment and enthusiasm of the Members of the New York and Philadelphia Donegal Associations. They were, he said, extremely proud of their Donegal Heritage. Monies spent on the trip were, he acknowledged small in comparison to the overall benefits accrued. He alluded to the fact there were 4 major multi national companies from the USA operating in Letterkenny and after tax contributed €1.5 million to the local economy.

Clr Mc Guinness thanked the Mayor and the Deputy Mayor for being excellent ambassadors for Donegal, advising that those who criticised the trip were being small minded. He acknowledged the need to establish and maintain ongoing connections with the Donegal Diaspora. It was important, he said to send out the message that Donegal was alive and open for business.

Clr Murray said that whilst not doubting the excellent manner in which the Mayor and Deputy Mayor had represented the County, he had opposed the trip initially on the basis that an adequate costing had not been provided. It was misleading to say that such trips generated investment, he added, given that businesses were

attracted initially to the County because it was a good place to do business.

Clr Brogan said that trips such as this helped maintain links with the undocumented Irish. He alluded also to the fact that considerable investment had come into the County because of links with the Donegal Diaspora and cited the example of Bill Friel and Prumerica.

The result had been, he confirmed, considerable investment from other sources and ongoing collaboration with FAS and the LYIT.

Clr Mc Brearty advised that the role of the Mayor was to promote Donegal, something which the current Mayor had done extremely well. He was he said sceptical initially about the benefits of such trips, but had experienced himself at first hand, the positive impact of maintaining links with Donegal Communities abroad.

Concluding the report, the Mayor said that he had not gone on radio to respond to criticism of the trip as he felt the best place to address the issue was under Mayor's Business.

Votes of Sympathy

A vote of sympathy was extended to the following:-

- The family of the late Charlie Ayton.
- The family of the late Eddie Mc Causland.
- The family of the late Paddy (Bid) O' Donnell retired Supervisor, Water and Environment.
- The family of the late Neil Mc Laughlin, Inishowen Roads Division.

C/221/14 MANAGER'S REPORT

Members considered the report circulated on the 31st March 2014 and noted the following items:-

Corporate Services

- (a) Interim Arrangements for 37 Member Council Chamber.
- (b) Update on Lifford and Rockhill Barracks
- (c) Scéim Teanga Chomhairle Contae Dhún na nGall/Donegal County Council Language Scheme 2014-2017

Housing & Corporate Services

- (a) 2014-2015 Construction Programme to deliver new permanent

Social Housing

- (b) Returning Vacant Properties to Productive Use

Finance & Emergency Services

- (a) Keeping Communities Safe

Community Culture and Planning

- (a) Ren Net Project
(b) Donegal Youth Council
(c) Bealtaine 2014
(d) READ DL 2014
(e) Wellness Week April 21 – 27
(f) Donegal County Museum – World War I Exhibition on display during British Irish Parliamentary Assembly in Dublin
(g) Donegal Age-Friendly County Alliance

Members noted the following questions:-

C/222/14 SURVEYING OF THE NEW CARPARK IN NARIN BLUE FLAG BEACH TO MAXIMISE CAR PARKING, PROVIDE MARKING S AND SIGNAGE

The following question was submitted by Clr Slowey:-

"Will this Council survey the newly surfaced carpark in Narin Blue Flag Beach to maximize parking, carry out the necessary markings and provide signage to ensure proper safe traffic flow to and from the Narin/Portnoo Golf Club?"

Clr Slowey was informed that:-

"This Car Park received a black top surface towards the end of 2013. It is intended to carry out a design prior to lining to maximise the usage and also allow safe passage through the carpark."

C/223/14 OUTLINE OF THE TIMESCALE FOR PROCESSING CLAIMS BY THE PUBLIC WHO HAVE HAD VEHICLES DAMAGED ON DONEGAL ROADS

The following question was submitted by Clr Alcorn:-

"What is the prescribed timescale for Donegal County Council to reply to claim forms submitted by members of the public, who

have unfortunately had major damages done to their Vehicles on Donegal Roads?"

Clr Alcorn was informed that:-

“The length of time to resolve public liability claims from members of the public regarding vehicle damage is dependant on the nature of the claim and the complexity of the particular circumstances. Claims are acknowledged within a few days of a claim being made. Material damage claims are generally prioritised lower than other public liability claims which involve personal injury. In 2013 there were 45 material damage claims of which 20 are resolved. The remained may be delayed for a variety of reasons including awaiting further information or other priorities.

In summary, there is no particular prescribed time-scale for processing claims, but as mentioned above, claims are usually acknowledged within a few days and the handling of individual claims follow their own course depending on their nature and complexity.”

C/224/14 CONSTRUCTION OF A FOOTPATH FROM THE JUNCTION IN GORTAHORK VILLAGE TO THE PARISH HALL ON THE BELTONY ROAD

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

"Can this Council arrange to have a footpath constructed from the junction in Gortahork Village to the Parish Hall(approx 250 metres) on the Baltony Road?"

Clr O’Domhanill was informed that:-

“It is possible to construct a footpath from the junction in Gortahork to the Parish Hall on the Baltony Road. The construction of the footpath would require a combination of:

- 1) Land Acquisition
- 2) Retaining Wall or Earth Embankment to support the new footpath
- 3) Footpath Construction
- 4) Public Lighting

The first section of footpath for about 50m would require land, rebuilding new wall at the new boundary and standard construction of the footpath. The next section of footpath would be along a section of narrow roadway with 3 to 4m high retaining wall with little or no road verge. This would require the acquisition of land and the construction of a new 3 to 4m high retaining wall or else purchase of a wider land take and an earthen embankment.

The cost of such a footpath would be quite significant and there is no budget for this footpath. If it is to proceed, a suitable funding source will need to be identified.”

C/225/14 MEASURES TO BE INCLUDED IN THE NEW SEWERAGE TREATMENT PLANT AT GLENTIES TO RESOLVE SMELL ISSUES IN GLENTIES TOWN

The following question was submitted by Clr Slowey:-

"Will the work starting in April on the new Sewerage Treatment Plant at Glenties include whatever measures are necessary to solve the sewerage smells on the Glenties Main Street at the Bridge and Community Centre?"

Clr Slowey was informed that:-

“The works in Glenties are primarily to provide a new sewage treatment plant along with certain specific engineering upgrading works to the sewerage network. The ongoing issues with odours was raised at the recent public information sessions and this has been brought to the attention of Irish Water in the context of having the issue fully investigated and addressed during the construction of the scheme.”

C/226/14 CLARIFICATIONS ON THE QUALITY MEASURES AROUND POTABLE WATER QUALITY IN DONEGAL

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

"In regards to our Potable Water Quality within Donegal can I have the following points answered:

What measures are in place at the water treatment plants, to ensure correct procedures are adhered to? Log sheets, dates, times, amounts, who administered it etc?

How many (qualified) people are employed at these sites (Pump Houses) and who else is there to oversee the procedures, regarding the amount of chemicals being used are correct?

Are there any audits conducted (how often) at the pump houses in relation to how many chemicals are being used and ordered, to what is actually being placed in the water system i.e. too much or too little?

What is the servicability of our pump houses, how up to date are they in comparison with for example Northern Ireland?

What amount of chemicals are being used added to our water? In comparison to Northern Ireland for example?

Could we have an independent water survey carried out to confirm or deny the quality of our water, for the people a

Clr O'Domhnaill was informed that:-

“1. What measures are in place at the water treatment plants, to ensure correct procedures are adhered to? Log sheets, dates, times, amounts, who administered it etc?

Donegal Co. Council has a robust system in place to manage and record operations at drinking water treatment plants, (WTP's). The various operations in the day-to-day running of these plants are set out in Standard Operating Procedures, (SOP's), which are maintained & reviewed routinely.

2. How many (qualified) people are employed at these sites (Pump Houses) and who else is there to oversee the procedures, regarding the amount of chemicals being used are correct?

All water service staff have received the requisite training to nationally accredited standards and the requisite oversight and management arrangements are in place.

3. Are there any audits conducted (how often) at the pump houses in relation to how many chemicals are being used and ordered, to what is actually being placed in the water system i.e. too much or too little?

Routine checks on raw & final water, as well as general operating conditions, are conducted, while the dosing of most chemicals is determined & managed largely by automated systems, (eg-

chlorine dosing, pH), along with routine Operator cross-checks. In-depth audits are conducted from time to time by the EPA at selected water treatment plants

4. What is the servicability of our pump houses, how up to date are they in comparison with for example Norther Ireland?
Donegal's WTP's are wide ranging in terms of their age, capacity & degree of sophistication of treatment. The newer plants have been developed to the highest standards. Like many counties of a similar size & population spread, there is a large number of small to medium sized plants ,but in the light of the need for significant investment it is expected that future developments will rationalise the number of schemes across the County.

5. What amount of chemicals are being used added to our water? In comparison to Northern Ireland for example?

The addition of chemicals varies from scheme to scheme and is dependant on the quality of the raw water & the degree of treatment needed to produce a potable water which meets the requirements of the current legislation, EUROPEAN UNION (DRINKING WATER) REGULATIONS 2014, S.I. No. 122 of 2014. As this has been transposed from the EU into Irish law, all member states are governed by the same legislation.

6. Could we have an independent water survey carried out to confirm or deny the quality of our water, for the people and re-assurance.

The monitoring of drinking water quality in Donegal is carried out on an agency basis by the Health Service Executive. This monitoring covers routine and investigative sampling & analysis and the scale & frequency is determined by the above legislation. The benefit of the service procured by Donegal Co. Council, which is continuing under Irish Water is that the HSE can provide an independent, impartial service to the consumer in terms of compliance monitoring, and they can also provide professional advice on matters relating to human health.”

C/227/14

SEEKING OF GUARANTEE ON INCLUSION OF
BURTONPORT SEWERAGE SCHEME IN THE SMALL
CAPITAL SCHEMES FOR 2014

The following question was submitted by Clr Alcorn:-

"Re: Burtonport Sewerage Scheme:-

Due to several correspondence received from E.P.A, Can I get an assurance that the proposed Burtonport Sewerage Scheme will be included on the Small Capital Schemes for 2014, as I have been raising this matter continuously since 1999?"

Clr Alcorn was informed that:-

“From January 2014 responsibility for the maintenance and provision of water service infrastructure transferred to Irish Water. This includes decisions in relation to investments on upgrading existing infrastructure and the provision of new infrastructure to comply with water quality standards.

The inclusion of a Sewerage Scheme for Burtonport in a capital programme will be a matter for Irish Water with regard to the following key considerations; environmental compliance, asset condition, and asset performance.

It is anticipated that Irish Water will be announcing the investment programme for 2014/2015 shortly.”

C/228/14 BRIEFING ON THE CHANGES TO TAKE EFFECT IN COUNCILS FROM JUNE

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

"Considering the changes to the running of this Council in June, will this Council get a full briefing on how these changes will be enacted to this Council?"

Clr Gallagher was informed that:-

It is intended to hold a 'Workshop' with Elected Members in relation to the Local Government Reform Process, which includes the merger of Town Councils. It is envisaged that a date for the Workshop will be agreed at the March meeting of Donegal Co. Council and is likely to take place in the latter part of April, 2014.

C/229/14 REQUEST FOR PUBLIC DISCUSSION ON THE WSW PRIOR TO THE ENDING OF THIS COUNCIL

The following question was submitted by Clr MT Gallagher:-

"Will this Council discuss publicly the WSW prior to the ending of this Council so as to finalise this debacle?"

Clr Gallagher was informed that:-

“The reply as set out hereunder was presented at the January 2014 meeting of Donegal Co. Council. There is no further update on this matter in the interim, It is again confirmed that no further expenditure has been or is committed on this project at this time, and there is no work ongoing relating to the project

Reply January 2014:

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 Co. 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.

Seamus Neely
County Manager”

C/230/14 UPDATE ON CLR CANNINGS PREVIOUS MOTION
REGARDING MANOR ROUNDABOUT

The following question was submitted by Clr Canning:-

"Has there been any further developments in relation to the Manor Roundabout, further to a motion which I had passed previously?"

Clr Canning was informed that:-

“Members of the Inishowen roads team, Letterkenny roads team and the Letterkenny Town Gardiner met with the local tidy towns in Manor. As agreed at that meeting:

- > the grass has been cut (including the overgrown sections) on 2 occasions since
- > The chevron signs have been replaced
- > The approaches have been treated with weed killer
- > The council have sought expressions of interest for sponsorship. The closing date is Friday 28/03/14, and award will be made shortly
- > The Town Gardiner is awaiting contact/ proposal from tidy town committee so that a revised planting layout for the roundabout can be finalised.”

C/231/14 CLARIFICATION ON THE PROBLEMS WITH THE ROAD SURFACE MATERIAL ON THE DUAL CARRIAGEWAY JOINING LETTERKENNY WITH THE MANOR ROUNDABOUT

The following question was submitted by Clr Canning:-

"Is there a problem with the road surface material on the dual carriageway joining Letterkenny with the Manor Roundabout?"

Clr Canning was informed that:-

“The road surface on the inward bound lanes has deteriorated rapidly in recent years. The cause or causes have not been determined. The matter is currently under investigation to determine both cause and appropriate remedial measures.”

C/232/14 COUNCIL ENGAGEMENT WITH THOSE WHO CARRIED OUT THE (LIFE PROJECT) IN RELATION TO COASTAL EROSION IN THE COUNTY

The following question was submitted by Clr McGuinness:-

"Will the Council engage with those who carried out the (Life Project) in relation to coastal erosion in the County?"

Clr McGuinness was informed that:-

2The Life+ funding programme is the financial instrument for the Environment, administered directly under the auspices of the EU

Commission. The Department of Environment Life+ Unit invited expressions of interests from interested parties in March 2014. In response to this invitation, the European Policy and Funding Unit of Donegal County Council in conjunction with a number of cross directorate staff and state agencies submitted a number of expressions of interest (concept forms) for potential project ideas. Such projects included areas of Measurement of the impact of climate change on Coastal habitats, Cross border integrated catchment management, Cross border management of freshwater pearl mussel catchments, Environmental resource and ecosystem services in Cross-Border Natura Catchments and Farming for Natura 2000 Habitats.

Having lodged the concept forms Donegal county council will now await a reponse from the department and hope to be involved in an information day in April and a workshop on application writing in July in advance of the close of the Life+ funding call in October 2014. Donegal County Council is also liaising with the Irish Regions Office in Brussels in relation to maximising any opportunities for the Council to participate in the Life+ programme for the period 2014 – 2020.”

C/233/14 FULL DETAILS OF HOUSING NEEDS IN EACH ELECTORAL AREA

The following question was submitted by Clr McGuinness:-

"Give full details of the housing needs in each electoral area?"

Clr McGuinness:-

“There are presently 2,104 applicants who have applied for and are deemed to be qualified for Social Housing Support.

The table below gives a breakdown of the applicants by Electoral Area: -

Inishowen	511
Donegal	218
Glenties	246
Letterkenny	798
Stranorlar	331
Total	2,104

In addition to those applicants who have applied for and are deemed to be qualified for Social Housing Support, there are a total of 932 persons in receipt of income support to meet their accommodation requirements i.e. receiving rent supplement for eighteen months or more who have not made an application for long term Social Housing Support.”

C/234/14 PROVISION OF COSTS ASSOCIATED WITH THE 3 DELEGATIONS WHICH TRAVELLED TO AMERICA FOR ST PATRICKS DAY 2014

The following question was submitted by Clr Murray:-

"Can this council provide a breakdown of all costs associated with the 3 delegations (from Donegal County Council, Letterkenny Town Council and Buncrana Town Council) which travelled to America for St Patrick's Day 2014 ie travel, accommodation and subsistence?"

Clr Murray was informed that:-

“Donegal Co. Council approved the attendance of a delegation from the Council at the St. Patrick Day Celebrations in the United States in March 2014, at its January meeting. The delegation consisted of the Mayor, Deputy Mayor and one Official.

The costs associated with the delegation from Donegal Co. Council is as follows:

Flights	€2,288.00
Accommodation	€3,396.00
Taxi / Buses	€ 370.00
Travel / Sub	€1,218.00
Presentation Items	€ 658.30

The costs associated with the delegations representing Letterkenny and Buncrana Town Councils are held by the respective Town Councils.”

C/235/14 PROVISION OF AN EMERGENCY STRATEGY BY THE COUNCIL IN ORDER TO ASSIST RESIDENTS IN ESTATES WHOSE WASTEWATER TREATMENT SYSTEM IS FAILING

The following question was submitted by Clr Murray:-

“Can this Council provide an emergency strategy in order to assist residents in estates whose wastewater treatment system is failing and is creating an environmental hazard?”

Clr Murray 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. Each case is examined to establish where the discharge is from the treatment plant/holding tank or, as can be the case, is storm water, in which case the Council does not intervene. 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/236/14 REQUEST BY THE MEMBERS TO BE SHOWN THE PROPOSED PEDESTRIAN CROSSING AT THE AURA LEISURE CENTRE

The following question was submitted by Clr Larkin:-

"Could the Members see the design and spec for the proposed pedestrian crossing at the Aura Leisure Centre.?"

Clr Larkin was informed that:-

“The existing 'uncontrolled' crossing at the Aura is to be upgraded, by:

1. Making the existing build-out more prominent;
 2. Improving the localised lighting over the crossing;
 3. Erecting signage and advance signage advising of the crossing;
- and,

4. Upgrading of lining in the immediate vicinity.”

C/237/14 UPDATE ON THE COUNCIL’S REQUEST FOR A CROSS PARTY DELEGATION TO MEET WITH THE TAOISEACH AND MINISTER FOR TRANSPORT TO CLARIFY THE GOVERNMENTS POSITION ON THE A5 PROJECT

The following question was submitted by Clr Brogan:-

"What response have this Council received from the Taoiseach's Office and the Minister for Transport regarding a meeting with a cross-party delegation from our Council to clarify the Government position on the A5 and Letterkenny to Strabane Road?"

Clr Brogan was informed that:-

“There have been a few requests made to the Taoiseach's Office to meet on this matter as a result of Council motions. The last reply received in 2013 indicated that since the matter was before the Courts in Northern Ireland, it would not be appropriate to convene a meeting on this matter at this time. On foot of the request at the 24 February Council Meeting, a further request was sent last week to the Taoiseach's Office.

A Regional Group comprising Donegal and adjacent Councils along the A5 met the Minister for Transport in 2013. A request for the Minister to meet a delegation from Donegal was sent last week on foot of the Council decision to do so at its 24 February 2014 meeting.”

C/238/14 REQUEST THAT THE COUNCIL TAKEOVER THE LIGHTS AT THE SLIPWAY IN DOWNINGS AND THOSE SURROUNDING THE LAURENTIC GUN

The following question was submitted by Clr N McBride:-

"Can Donegal County Council take over the lights at the slipway in Downings and those surrounding the Laurentic Gun?"

Clr N McBride was informed that:-

“The lights at the Laurentic Gun and Downings Slipway will be assessed to determine if they meet the Council Policy and are in general of public utility. Thereafter the standard and condition will be examined to ensure that they are suitable for take-over. The

matter of how the energy and maintenance bills for these lights are paid for now versus converting them to Council to pay will be taken into account.”

C/239/14 PROVISION OF TRAFFIC CALMING MEASURES OUTSIDE BOTH NATIONAL SCHOOLS IN RAMELTON

The following question was submitted by Clr N McBride:-

"Can traffic calming measures be installed outside both national schools in Ramelton?"

Clr McBride was informed that:-

“The appropriateness of traffic calming measures outside both schools and the cost for the implementation of any findings will be looked at and findings brought to a Local Electoral Area Meeting.”

C/240/14 ACTIONS BY THE COUNCIL TO STOP THE OVERFLOW OF WASTE AND EFFLUENT FROM THE PUMPING STATION ON BROOKFIELD HEIGHTS IN LETTERKENNY

The following question was submitted by Clr Quinn:-

"Please advise me on what actions the Council has taken to stop the overflow of waste/effluent from the pumping station on Brookfield Heights, Letterkenny?"

Clr Quinn was informed that:-

“Brookfield Heights is a private estate, which has not been taken in charge by the Council. The pumping station is not being maintained and it would appear that the electrical supply has been disconnected.

The Council had included works within the proposed Letterkenny Sewerage Improvement Scheme, which would render the pumping station obsolete and resolve this issue. The construction of this sewer extension will be a matter for Irish Water.”

C/241/14 TIMEFRAME FOR THE DECOMMISSIONING OF THE WATER SOURCE AT GORTLOUGH, RATHMULLAN AND THE CONNECTION OF THE RATHMULLAN, DRUMHALLA, OUGHTERLIN AND WHITE STRAND AREAS TO THE SUPPLY FROM MILFORD

The following question was submitted by Clr Blaney:-

"When does Donegal County Council intend to decommission the water source at Gortlough, Rathmullan and have the Rathmullan, Drumhalla, Oughterlin and White Strand areas connected to the water supply from Milford?"

Clr Blaney was informed that:-

"Donegal County Council's Water Services Capital Division had prepared proposals for the elimination of the Gort Lough source. With the transfer of the water service function the Council has advised Irish Water of these proposals. Considerations in relation to the carrying out of this work are now a matter for Irish Water."

C/242/14 TIMEFRAME FOR THE MEETING OF THE MEMBERS OF DONEGAL COUNTY COUNCIL WITH IRISH WATER

The following question was submitted by Clr Brogan:-

"When is it expected that we as Members of Donegal County Council will meet with Members of Irish Water as they said in January, they would meet in March, but this didn't happen?"

Clr Brogan was informed that:-

"Irish Water had indicated in correspondence to the Council in November 2013 that it was considering a number of options for engagement with the elected members and following consideration of same Council decided to formally request a meeting with Irish Water. This request was subsequently made to Irish Water and during the process of considering the 2014 Budget when an up date was sought by Council Irish Water indicated that it may be scheduling meetings/briefing sessions for elected members during March 2014. No further communication has been received from Irish Water in relation to arrangements for a meeting with the Council."

C/243/14 DISCUSSIONS BETWEEN THE COUNCIL AND THE TRADE UNIONS REGARDING THE GATEWAY INITIATIVE

The following question was submitted by Clr Quinn:-

"Has there been any discussions between the Council and the Trade Unions regarding the Gateway Initiative?"

Clr Quinn was informed that:-

“The Gateway Scheme was initiated after consultation and discussion at national level between the Local Authority sector, Trade Unions, Department of Social Protection and the Department of the Environment, Community & Local Government. As part of the rollout of the scheme there are ongoing consultations between unions and management in relation to its practical implementation at local level.”

C/244/14 REQUEST FOR A BREAKDOWN OF SUBSIDIES, TRAFFIC VOLUME AND LENGTH OF SERVICE SINCE INCEPTION IN RELATION TO THE RATHMULLAN-BUNCRANA CAR FERRY SERVICE

The following question was submitted by Clr Blaney:-

"Will Donegal County Council furnish me with an annual breakdown of subsidies provided, traffic volume and length of service since inception in relation to the Rathmullan-Buncrana car ferry service, all of which I have requested on various occasions recently?"

Clr Blaney was informed that:-

Donegal County Council Contributions to the Swilly Ferry Service (2004-2013).

Year	DCC Payments (€)
2004	147,667
2005	120,875
2006	97,380
2007	130,000
2008	136,500
2009	85,000
2010	85,000
2011	80,000
2012	55,000
2013	45,000
Total:	982,422

Swilly Ferry Traffic Figures (2004-2013).

See attached excel spreadsheet. (Appendix 1)

C/245/14 PROVISION OF TRAFFIC CONTROL LIGHTS ON THE N14 AT THE BOTTOM OF CROAGHAN HEIGHTS

The following question was submitted by Clr Crawford:-

"Will this Council initiate the provision of traffic control lights on the N14 at the bottom of Croaghan Heights in the interest of Road Safety?"

Clr Crawford was informed that:-

"The NRO Safety Section will be requested to consider the safety record and any proposed safety measures at the junction of the N14 and Croaghan Heights. This examination will consider the situation and if there is justification for the provision of such lights."

C/246/14 PROVISION OF PARENT AND CHILD PARKING BAYS IN PUBLIC CAR PARKS

The following question was submitted by Clr G Doherty:-

"Has this Council explored the possibility of introducing 'Parent & Child' parking bays in public car parks?"

Clr G Doherty was informed that:-

"The Council has not explored the introduction of Parent and Child parking bays in public car parks. Such bays are usually wider than normal parking bays, with the parent and child bay being 3.6m wide versus 2.4m for general spaces. A disabled space is also 3.6m wide. Naturally, there would be fewer parking spaces in a given car park if the wider bays were to be provided.

The Traffic Signs Manual does not have a National Standard for the symbol for Parent and Child Parking although we are aware of their use elsewhere."

C/247/14 POSSIBLE COSTS AND FUNDING ISSUES ON SEEKING A FOOTPATH INSTALLATION ON THE STRETCH OF ROAD R236-6 STARTING AT THE L-2374-4 KNOWN AS THE RACECOURSE ROAD

The following question was submitted by Clr McBrearty:-

"Can the Council outline what the cost would be on a CPO for a footpath on lands at the R-236-6 starting at the L-2374-4, known locally as the Race Course Road up to the Royal School, as the land would need a CPO on the right hand side to join up with the footpath at Beechwood Ave, and what funding could be applied for on the building of a footpath at the R-236-6, and how does the town boundary and speed limit sign affect such funding as this section of road is just inside the speed limit of the town boundary (50km per hour)?"

Clr McBrearty was informed that:-

"Compulsory Purchase Orders are not normally the first choice of the Council when carrying out minor improvements to the road network. The Council prefers where possible to reach agreement with landowners regarding the transfer or use of their land as part of the public road. Where this is not possible (for example in large schemes or where it is not possible to reach agreement) the Council may utilise the various statutory powers granted to it to obtain land for the public good. The process of Compulsory Purchase is complex and expensive as it involves the taking of a person's property potentially without their consent. Landowners have an entitlement to object to the acquisition, and to negotiate the amount of compensation they receive. They also have entitlements to representation in the negotiation of that compensation along with any accommodation works that may be required. The costs associated with this may have to be borne in part or full by the Council. It is a matter for the members of the Council to agree with the executive what priorities are in relation to footpaths and roads however in principle the priority would normally be given to providing footpaths within town boundaries as opposed to outside them unless there are specific circumstances which warrant otherwise (for example an accident history). The funding sources for this work are either the Development Contribution Scheme (DCS) of the Council or the Improvement Grant from the DTTAS. The Council is currently fully dependant on the Improvement Grant to supplement our own resources for general maintenance while also providing funding for non-national roads winter service and repairing bridges in very poor condition. It is therefore not recommended that the DTTAS allocation be used for expenditure on new footpaths. The DCS could be used for this work however the allocation for 2012 in Stranorlar EA was approximately €16,000 which was used for footpaths and to address road safety

issues in the area. The Area Staff will make an estimate of the Construction Costs and revert directly to Cllr. Mc Brearty”

C/248/14 PRESENT POSITION WITH REGARD TO THE PROVISION OF SEWERAGE TREATMENT WORKS IN ST JOHNSTON

The following question was submitted by Clr Crawford:-

“What is the present position in relation to the provision of Sewerage Treatment Works in St Johnston?”

Clr Crawford was informed that:-

“Tenders for the construction of a new secondary Wastewater Treatment Plant for St. Johnston are due to be returned in April 2014. The development of the scheme will be a matter for Irish Water in the context of their capital investment programme.”

C/249/14 REQUEST BY CLR MCGOWAN FOR AN UPDATE TO HIS MOTIONS OVER THE LAST 24 MONTHS

The following question was submitted by Clr McGowan:-

"Please can I have an update on my motions over the last 24 months?"

Clr McGowan was informed that:-

“Arrangements are being made to provide an update in relation to all the motions submitted by you in the past two years. This update will be issued to you when complete. It is intended to have this done within the next two weeks.”

C/250/14 DEMAND FOR A PROPER SERVICE FROM MABS AND CITIZEN INFORMATION SERVICE IN THE BALLYBOFEY AND STRANOLAR AREA

The following question was submitted by Clr McGowan:-

"Will Donegal County Council through its membership of the Citizens Information Board and the MABS Boards in Donegal demand a proper Information service be opened in Ballybofey to service the Stranorlar Area which is without a service between Buncrana and Donegal Town despite there being a dozen offices in the County?"

Clr McGowan was informed that:-

“Donegal County Council is represented on the Board of Donegal Citizens Information Service, through the nomination of a senior official of the Council on an annual basis by the County Manager. The organisation of MABS services in the County are the responsibility of three separate MABS companies and at this time, the Council is not represented on any of these Boards.

Citizens Information Services currently operate seven full-time outlets around the County, with a significant number of additional locations served through outreach services. This compares very favourably with the level of service available in comparable Counties.

The growth in the number and distribution of centres in County Donegal was greatly facilitated and influenced by the availability of accommodation and proximity to other service providers in the Public Service Centres developed by Donegal County Council. In terms of services available in proximity of the Stranorlar area, there are full-time centres in Letterkenny and Donegal Town, as well as an outreach service in Ballybofey. Staff are also available to handle telephone queries from any part of the County.

It is the case that this represents a very good level of service when compared to other counties. However, the Council, through its representation on the Board of Donegal Citizens Information Services will support the continual evaluation of opportunities to enhance the quality and availability of services, depending on the patterns of demand and availability of resources.”

C/251/14 LEGAL ADVICE PROVIDED IN RELATION TO THE
TRANSFER OF FUNDING FROM MEMBERS CONFERENCES
TO THE MEMBERS DEVELOPMENT FUND

The following question was submitted by Clr McBrearty:-

"Can legal advice be given on the passing of a resolution by full Council on un-used funding from a members conference allocation being redirected to their members development fund. If passed by resolution of full council, does this have a legal standing?"

Clr McBrearty was informed that:-

“This matter has been raised on a number of occasions by members in the past. The position in this regard as previously noted is as follows:

The Local Government Act 2001, Section 142 (5), and regulations made and directions given by the Minister for the Environment, Community & Local Government thereunder, govern the payment of allowances and expenses to local authority members in relation to attendance at conferences, seminars et al.

The following provisions apply to an authorisation for the purpose of section 142(5) of the Act. -

- (a) The resolution in relation to an authorisation shall specify by name the member or members of the local authority, which it is proposed to authorise and these shall be recorded in the minutes of the meeting at which the authorisation was given.
- (b) Before a decision is taken to give an authorisation, the Manager shall inform the members of the estimated total cost which is likely to result from the proposed attendance at or participation in the matter to which the proposed authorisation relates and the members shall have regard to this and to the provision made for such purposes in the annual estimate of expenses, for the purposes of section 142(5) of the Act.
- (c) In deciding the number of persons to be authorised, the members shall have regard to the need to minimise the costs which are likely to result from attending or participating in the matter to which the proposed authorisation relates and to ensure that the number authorised does not exceed a reasonable proportion of the total numbers of members of the authority.

The Council may decide at budget time to reduce the provision for Members Expenses, including Conferences, and increase the provision for the Members Development Fund; however, there is no basis for individual members assigning part of their individual allowance for attendance at conferences to other purposes.

In the context of the question raised at this time, legal advice in this regard can be obtained and made available at the earliest possible juncture.”

C/252/14 UPDATE ON THE PERCENTAGE OF DONEGAL COUNTY COUNCIL HOUSING TENANTS ARE CURRENTLY IN RENT ARREARS

The following question was submitted by Clr G Doherty:-

"What percentage of Donegal County Council's housing tenants are currently in rent arrears?"

Clr G Doherty was informed that:-

“There are currently 4,766 housing rent accounts. Of these accounts and as at 28th March 2014, 1,571 are showing an outstanding balance in excess of €100. This equates to approximately 33% of the accounts.

The outstanding balance figure of greater than €100 has been used to take account of the timing difference between when the rent is charged on the account and when payment is made and subsequently allocated to the account. However, some other factors that may contribute to an outstanding balance are as follows:

- The rent accrual for this week is included in these figures but payment may not be received until next week.
- Any payments made through the bank in the last few days may not yet be reflected on the accounts.
- A number of customers pay monthly or fortnightly and until payment is made, their account will show an arrears amount as the rent is charged each week on the account.
- Any payments made through the Post Office on a Friday or Saturday, will not be reflected on the account until 8/9 days later.

It should be noted that the vast majority of the accounts which have actual arrears are in ongoing and consistent payment plans to reduce the arrears. These customers continue to pay their rent each week in addition to an extra agreed amount to reduce the arrears.

It should be further noted that there are a number of accounts which have an arrears only balance in the case where former tenants vacated a property but still had outstanding arrears on the account. The arrears could relate to their occupancy of the dwelling or the fact that they did not terminate their tenancy agreement as soon as they left the property. In these cases, the rent will continue to be

charged until the tenancy is terminated or the key returned. If the tenancy is not terminated nor the key returned, the Council have to serve an abandonment notice to terminate the tenancy.

All outstanding balances are proactively and systematically followed up by staff in the Income Collection Unit.”

C/253/14 MOTIONS FROM OTHER COUNCILS

Members noted the following motions from other Councils:-

EDENDERRY TOWN COUNCIL

“That Edenderry Town Council calls on the Government to overturn the decision to impose a Student Service Charge on apprentices while undergoing the education module of their apprenticeship training in Institutes of Technologies.”

CLONES TOWN COUNCIL

“We call on the minister for the Environment, community and Local Government, Dept. Phil Hogan, T.D. to abolish the extra charge people are forced to pay, as a result of taxing their car for a three-month period as opposed to a twelve-month period.”

LIMERICK COUNTY COUNCIL

“That, Limerick County Council would call upon the Government to immediately take steps to legislate against all types of top-ups and bonuses where tax payers’ money is involved and, furthermore, that the support of all local authorities be sought for this Motion.”

NORTH TIPPEARARY COUNTY COUNCIL

“Calling on the Minister for Jobs, Enterprise and Innovation to introduce legislation on low cost selling as soon as possible to protect small retailers.”

LIMERICK COUNTY COUNCIL

“That, Limerick County Council would call on the Government to introduce the necessary legislation that will ensure the retention of the post office network throughout Ireland and further that support for this Motion would be requested from all local authorities.”

This concluded the business of the meeting.