

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na gCruinnithe
Aras an Chontae
LEIFEAR
20 Eanáir 2015

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 26 Eanáir, 2015, ag **11.00 r.n. in Áras an Chontae, Leifear**

DO GACH BHALL DEN CHOMHAIRLE

A Chara

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

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

Mise, le meas

Liam Mac a'Bhaird
Riarthóir Cruinnithe

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
20th January, 2015

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 26th January, 2015, at **11.00 am in the County House, Lifford.**

TO EACH MEMBER OF DONEGAL COUNTY COUNCIL

Dear Councillor

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

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

Yours sincerely

Liam Ward
Meetings Administrator

AGENDA

1. Confirmation of Minutes

- a) Confirmation of Minutes of Special Meeting of Donegal County Council held on the 14th November, 2014.
- b) Confirmation of Minutes of Budget Meeting of Donegal County Council held on the 18th December, 2014.
- c) Confirmation of Minutes of Meeting of Donegal County Council held on the 24th November, 2014.
- d) Confirmation of Minutes of Adjourned November Meeting of Donegal County Council held on the 2nd December, 2014.
- e) Confirmation of Minutes of Special Meeting of Donegal County Council held on the 5th January, 2015.

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

- a) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of land at Marmaleen, Dungloe, to Mary Teresa Glackin.
- b) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of land at Meenacahan, Inver to Karen Carr, Sallows, Letterbarrow.

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

- a) To approve carrying out of construction work for the erection of 1 No. Special Needs Dwelling at Ard Connell, Ardara.
- b) To approve carrying out of construction work for the erection of 2 No. Special Needs Dwellings at Manorcunningham.

4. Finance

- a) To note report from the Council's Audit Committee in relation to the Audited AFS for 2013.
- b) To note proposals for the preparation of the Schedule of Municipal District Works.

5. Water and Environment

Presentation by the Mr Kevin Swift, Regional Waste Co-ordinator on Waste Management Plan for the Connaught-Ulster Region (12 noon).

6. Corporate

- a) To confirm membership of the Strategic Policy Committee for the period 2014-2019. (Update Report to be circulated on the day).
- b) To agree revised arrangements for the distribution of Motions and Questions.
- c) To Consider and Adopt Anti-Fraud and Corruption Policy for Donegal County Council.
- d) To consider request for Civic Receptions in honour of:-
 - 1) Termon Ladies GAA Team.
 - 2) Hugh Gallagher, Carrigart.
- e) To approve representation on the Colmcille Heritage Trust.
- f) To fill Casual Vacancy on Donegal County Council's Value for Money Committee arising from the resignation of Cllr Jack Murray.
- g) To fill Casual Vacancy on Donegal County Council's Value for Money Committee arising from the resignation of Cllr Micheál Cholm MacGiolla Easbuig.
- h) To fill the Casual Vacancy arising from the resignation of Cllr Micheál Cholm MacGiolla Easbuig as the Donegal County Council representative to Irish Public Bodies Mutual Insurances Ltd.
- i) To note CPMR Activity Report 2013 – 2014.
- j) To consider authorisation of Council Representation at the St Patrick's Day Events in the following locations:-
 - USA
 - Nottingham, England.
- k) To note obligations on Members under (Part 15) Local Government Act, 2001 Ethics Framework to submit Declaration of Interest by the 28th February, 2015.
- l) To note obligation on Members under the Local Elections (Disclosure of Donations and Expenditure) Act, 1999 as amended, to submit a Donation Statement by 31st January, 2015.

7. Authorisation of Attendance at Seminar, Training or Event

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

Conferences:-

- The Institute of Professional Training – 'Govt's Construction 2020 Strategy' Local Govt. Housing Supply

to be held Friday 6th to Sunday 8th February, 2015 at White's Hotel, Wexford.

- "Sustainable Tourism Development" to be held Friday 20th to Saturday 21st February, 2015 in The Connacht Hotel, Dublin Road, Galway.
- Co-operation Ireland – "Regenerating Local Spaces through Effective Community Planning" to be held Thursday 26th February, 2015 in Dublin Castle.
- 26th Colmcille Winter School, The Future of Local Government in Ireland under the New System, to be held Thursday 26th and Friday 27th February, 2015 at the Colmcille Heritage Centre, Gartan.
- EU Support Programmes for Irish Regions to be held from Friday 27th to Sunday 1st February, 2015 at the Four Seasons Hotel, Carlingford, Co Louth.

Abroad:-

- Attendance of the CPMR Representative at the Atlantic Arc Commission Aquaculture Seminar on Fisheries and Aquaculture on the 26th February, 2015 followed by a Meeting of the CPMR Political Bureau in Nantes on the 27th February, 2015.

8. Conference Reports

Cllr Gerry McMonagle

AEBR Conference held from Wednesday 10th to Sunday 14th September, 2014 in Rzeszow, Poland.

Cllr Enda Bonner

CPMR 42nd General Assembly held in Umeå, Västerbotten, Sweden from the 24th to 26th September, 2014.

Cllr Nicholas Crossan

A.I.L.G. Training held Tuesday 21st October, 2014 in the Kilmore Hotel, Cavan.

Cllr Terence Slowey

A.I.L.G. Housing Training, held Thursday 23rd October, 2014 in the Hodson Bay, Athlone.

Cllr Terence Slowey

A.I.L.G. Inaugural Conference held Wednesday 29th and Thursday 30th October, 2014 in the Kilmore Hotel, Cavan.

Cllr Nicholas Crossan

A.I.L.G. Annual Conference held Wednesday 29th and Thursday 30th October, 2014 in the Kilmore Hotel, Cavan.

Cllr Nicholas Crossan

Irish Water Regional Briefing held Wednesday 29th October, 2014 in Carrick On Shannon.

Cllr Gerry McMonagle

Meeting with Irish Water, held Wednesday 29th October, 2014 in Carrick On Shannon.

Cllr Noel Jordan

Meeting with Irish Water held Wednesday 29th October, 2014 in Carrick On Shannon.

Cllr James Pat McDaid

A.I.L.G. Inaugural Conference held Wednesday 29th and Thursday 30th October, 2014 in the Kilmore Hotel, Cavan.

Cllr Gerry McMonagle

A.I.L.G. Training Conference held Thursday 30th October, 2014 in the Kilmore Hotel, Cavan.

Cllr Terence Slowey

Training Workshop Planning held Tuesday 11th November, 2014 in the Great Northern Hotel, Bundoran.

Cllr Nicholas Crossan

A.I.L.G. Training held Tuesday 11th November, 2014 in the Great Northern Hotel, Bundoran.

Cllr Noel Jordan

A.I.L.G. Training Day held Tuesday 11th November, 2014 in the Great Northern Hotel, Bundoran.

Cllr Noel Jordan

Gobbins and Sliabh Liag Project Board Meeting held Thursday 27th November, 2014 in Larne Borough Council Smiley Buildings.

MOTIONS

DONEGAL MUNICIPAL DISTRICT

Community and Enterprise

9. Cllr McEniff

"That the Council organise a promotion in Glasgow Scotland to promote County Donegal as a holiday destination inviting all the trade involved in tourism, Irish Hotels Federation, Town and Country Homes, Self Catering, Caravan and Camping, Visitor Attractions etc."

STRANORLAR MUNICIPAL DISTRICT

Information Systems

10. Cllr G Doherty

"That this Council demands immediate consultation with Eircom to discuss the lack of a sufficient broadband facility in many areas of our County which is stifling any prospect of economic growth."

Community and Enterprise

11. **Cllr Liam Doherty**

"That this Council support the preservation of the section of Moore Street for the 2016 anniversary, where the last battle of the 1916 rising took place."

Roads and Transportation

12. **Cllr McGowan**

"That this Council invoke Standing Order No 28 to allow for a full and frank debate on local flooding across the County and agree a plan to start dealing with the numerous problems affecting dwellings and other properties as was outlined by me and others over the last number of years, but without any concrete remedies or visible solutions."

GLENTIES MUNICIPAL DISTRICT

Planning and Economic Development

13. **Cllr M.T. Gallagher**

"That this Council develop a specific policy for developments in peat/bog lands, and use examples of good and bad policy from developments in existence."

14. **Cllr O'Fearraigh**

"That this Council endorse the recommendations within the Joint Committee on Fisheries Report "Report on promoting Sustainable Rural Coastal and Island Communities", and that this Council fully incorporate recommendations within this report within the review of the County Development Plan, and that this Council would include this report for discussion on the agenda of the next full Council Meeting of Donegal County Council."

Roads and Transportation

15. **Cllr Bonner**

"That Donegal County Council re-introduce Members Public Lighting Funding."

Finance

16. **Cllr O'Domhnaill**

"That this Council call on the Government to introduce a Commercial Rates structure which is based on Profits rather than area required to

run a business in light of the difficulties which business's are experiencing across our County."

INISHOWEN MUNICIPAL DISTRICT

Corporate

17. Cllr Canning

"As a matter of urgency and in keeping with our economic policy to support our SME's, I would ask that this Council meets with the Environmental Health Officers to seek clarification from them as to why they are using a different set of enforcement rules to that of the rest of the country insofar as their reading of the regulation within Section 47 of the Public Health (Tobacco) Act 2002 as amended by Section 16 of the Public Health (Tobacco) (Amendment) Act 2004."

18. Cllr Donaghey

"To ask the Minister for Health to reinstate the 'Dedicated Drugs Unit' back to the various areas in Donegal to help combat the scourge of drug use in our communities."

19. Cllr McDermott

"That this Council within the next 4 weeks organize a meeting with the HSE and the Department of Health to try and find some solution to the serious situation with the waiting list in our orthodontics department where children have to wait for over 2 years to be seen by a orthodontics dentist."

Roads and Transportation

20. Cllr A. Doherty

"That this Council submit an immediate priority list to the Department of Agriculture, Food and Marine seeking funding for projects at Council owned Ports and Harbours to (re) commence. This would enhance employment opportunities for workers in the fishing industries, increase safety and berthing facilities for boats and serve to promote the tourism industry potential that the Marine offers to the county's local economy."

LETTERKENNY MUNICIPAL DISTRICT

Community and Enterprise

21. Cllr Kavanagh

"That this Council endorses the work of the Donegal "Pro Social Drivers" programme."

22. Cllr McMonagle

"That this Council as part of its tourist strategy this year invests money and resources into delivering on the Greenway Initiatives identified around the County to enhance and grow our tourist potential and to help create jobs in the tourist industry."

23. Cllr McDaid

"That this Council discusses the urgent need for a Rural Affairs committee in Donegal to include, farming, essential services and communications, as the lack of an official voice politically on rural affairs has added to the lack of debate and is also leading to population decline."

Roads and Transportation

24. Cllr McBride

"That Donegal County Council write to the Department of the Environment asking them in co-junction with the Department of Agriculture to consider the introduction of a drainage grant along roads to be rolled out nationally."

25. Cllr O'Donnell

"That the Council hold a meeting where we look at the Road Gritting Plan as I have a number of roads that need to be addressed."

26. Cllr Brogan

"I propose that this Council carry out a review of all speed limits within built housing developments with a view to reducing speed and providing proper traffic calming measures in line with national proposals and clarify what role if any we have in private estates."

27. Cllr McGarvey

"That Donegal County Council vigorously seek (at all levels) the necessary funding for repair or replacement of all Bridges that are listed by our Engineers of high priority in County Donegal for work."

Corporate

28. Cllr Quinn

"That the Elected Members of Donegal County Council unequivocally support the I.N.M.O. in it's campaign to have the crisis in all A and E Hospital Departments resolved."

29. **Cathaoirleach's Business**

30. Chief Executive's Monthly Management Report

QUESTIONS

DONEGAL MUNICIPAL DISTRICT

Planning Control

31. Cllr Jordan

"Can this Council provide a breakdown of every Unfinished Estate in the County setting out the status of the development and identifying which body is responsible for its completion?"

STRANORLAR MUNICIPAL DISTRICT

Housing and Building

32. Cllr Gary Doherty

"Can I have a breakdown of the spend on housing maintenance across each of the five Municipal Districts in 2014?"

Water and Environment

33. Cllr Gary Doherty

"How much was spent by this Council on the emptying of sewerage holding tanks in unfinished/problematic estates in 2014?"

34. Cllr Crawford

"Has any progress been made in relation to Irish Water Staff attending MD meetings in relation to ongoing water problems?"

35. Cllr Liam Doherty

"In a development which has not been taken over by the Council is it necessary for Irish Water to obtain permission not only from the Donegal-Domain County Council but also from the Residents Management Company before carrying out meter installations?"

36. Cllr Liam Doherty

"Does Donegal County Council have any idea what main Sewerage Treatment Plants Irish Water will be upgrading in 2015 and when these works will commence?"

Roads and Transportation

37. Cllr Crawford

"What input does this Council have in relation to the NRA identifying, Accident-Black Spots county-wide?"

38. Cllr McGowan

"Has the Council requested the NRA and the Department of Transport to consider bringing in standardised safety measures such as a special speed limits for outside all schools in the Country and can I have copies of all relevant correspondences and responses to date?"

39. Cllr McGowan

"Can the Council top slice all roads funding in the County for a county-wide bridge upgrade/replacement programme, considering the urgent needs of Logues Bridge Ballybofey, Mullantyboyle Bridge Glenties, Castlefin Bridge, Cockhill Bridge Buncrana etc. while continuing to seek funding from the Department?"

Corporate

40. Cllr Crawford

"How many calls were made to the Emergency Call Centre for DCC aid over the Christmas-New Year period?"

GLENTIES MUNICIPAL DISTRICT

Housing and Building

41. Cllr Slowey

"Regarding the registration of householders with Irish Water, have Donegal County Council been requested by Irish Water to supply details of their rental properties, and if so have the Council provided this information to Irish Water to date?"

Planning Development

42. Cllr Slowey

"Have Donegal County Council made any commitment to support the Cathaoirleach's High Court Judicial Review against the Minister for the Environment, regarding the current Donegal County Development Plan?"

Corporate

43. Cllr Slowey

"How much of the €3.5 to €4+ million spent by Donegal County Council, during the tenure of the former County Manager Michael McLoone on the Whole System of Work Project has been recovered to date from its use by other State Agencies or other bodies?"

44. Cllr O'Domhnaill

"Has this Council been given any indication from Government regarding how many people they will be permitted to employ during

2015 and in what positions do this Council require extra staff to be employed?"

Community and Enterprise

45. Cllr M.T. Gallagher

"Will this Council establish a fishing committee, to ensure this industries needs are met, and to further enhance the development of inshore fishermen?"

46. Cllr O'Fearraigh

"Do Donegal County Council in conjunction with the Heritage Society have any future investment earmarked for Doe Castle, as a potential tourist attraction in Donegal, which is located in Cresslough and is on the route of the Wild Atlantic Way?"

Roads and Transportation

47. Cllr M.T. Gallagher

"Will this Council apply for funding to deal with Coastal Erosion, on a longterm basis, and would it be possible to apply for an annual budget from funding agencies to deal with this serious issue?"

48. Cllr Bonner

"Can funding be sought from the Department of the Environment or Transport to improve and repair two bridges that are in dangerous state on the Strategic Regional Road between Fintown and New Mills as that road goes through two Municipal District Area?"

49. Cllr Bonner

"Can public lighting inside speed limits (including council housing estates) be repaired or more modern bulbs installed from Council funding?"

50. Cllr O'Domhnaill

"Can this Council put together a Team to address the massive erosion problems which this County is facing as a matter of urgency and bring about a system where the Public are informed and asked to work with the Local Authority to reduce the negative effects of this problem?"

INISHOWEN MUNICIPAL DISTRICT

Corporate

51. Cllr Canning

"Does this Council have a record of their performance per Municipal Area?"

Housing and Building

52. Cllr Canning

"How many full time maintenance men does this Council have working 35hrs per week within the Housing Dept in each Municipal Area?"

53. Cllr A. Doherty

"How advanced is the Donegal County Council investigation into the Muscovite Mica assessment of its Council Housing Stock? Are the Long Term Leasing Council Housing included and when will the Council present it's findings to all Members?"

54. Cllr A. Doherty

"What County Council housing insulation, heat retention schemes, windows replacement assistance is available to elderly council tenants, and to private tenants in Donegal?"

55. Cllr McDermott

"To ask the Council to make money available to upgrade back lanes of council housing estates and what department is responsible for the upgrades e.g. housing or roads?"

Water and Environment

56. Cllr Murray

"Is Irish Water legally obliged to give each individual household prior notice stating that they intend to install a water meter at that home, and if so, how much time must they give and how is this notice to be delivered?"

57. Cllr Murray

"What is the procedure for granting permits to dig to Irish Water and how often is the utility obliged to apply to Donegal County Council for a permit to dig during the ongoing installation of water meters, what stipulations apply to these permits and which areas are covered by their current applications?"

Community and Enterprise

58. Cllr Donaghey

"What efforts are being made to reinstate the Buncrana to Rathmullan ferry for this summer, 2015?"

Roads and Transportation

59. Cllr McDermott

"To ask the Council what provisions are available for fitting lights at dangerous junctions?"

LETTERKENNY MUNICIPAL DISTRICT

Roads and Transportation

60. Cllr Kavanagh

"What specific plans have the Council to deal with recurring flooding problems around the County?"

61. Cllr Quinn

"Is Donegal County Council confident that it has sufficient ability to cope with any weather eventuality this Winter?"

62. Cllr O'Donnell

"Can the Council call on the Government to give much needed funding to the Council in order to address the large number of Bridges which are falling under categories 3, 4, and 5 in need of urgent remedial work?"

63. Cllr Brogan

"Would this Council confirm the current status of the Letterkenny to Lifford Strabane Road/A5 and if any money was allocated to this project or if we had any response from this Council's request to meet with the Taoiseach?"

Corporate

64. Cllr Kavanagh

"Can the Council estimate the potential savings from having Paperless Meetings?"

65. Cllr O'Donnell

"Can the Council look into giving part-time council workers who have worked for many years for the council full time contracts?"

66. Cllr McGarvey

"Is the Local Government Reform an attempt to restrict the role of Elected Councillors in carrying out their obligations to their constituents?"

Planning Control

67. Cllr McMonagle

"Has this Council requested any safety checks to be carried out by the operators of the many wind Turbines we have across the county in the aftermath of the latest collapse of one in Tyrone?"

68. Cllr McGarvey

"What is the update on my motion submitted to our last Council Meeting where I agreed a deferment to reach a solution by discussion to replace access and other rights that had been removed by the development at Aghadahor, Carrigart to the detriment of residents and others?"

Community and Enterprise

69. Cllr McMonagle

"Can we get a presentation from Donegal Tourism in relation to their strategy for promoting Tourism in Donegal?"

Water and Environment

70. Cllr Quinn

"As Donegal County Council granted permission for Irish Water works, how are we ensuring that they are communicating with the affected public in a timely manner prior to commencing with the works and ensuring that work is managed in a safe and appropriate manner?"

Finance

71. Cllr Brogan

"When will this Council have our Donegal Plan finalised so that 1) our main infrastructure is prioritised, 2) meetings are held with all of our Oireachtas Members and 3) the plan sent Government to be included in any future stimulus package that may be happening?"

72. Motions from Other Councils/Bodies

KERRY COUNTY COUNCIL

"That we the members of Killarney Municipal District support The Carers Association in their call to the Minister for Social *Protection* to amend the Social Welfare Bill to make provision for the restoration of the Respite Care Grant."

CARLOW COUNTY COUNCIL

"That Carlow County Council calls on the Minister for Justice and Equality to bring forward much needed legislation in order to regulate shops that give Cash for Gold."

TIPPERARY COUNTY COUNCIL

“That Tipperary County Council support the upcoming Referendum on marriage equality to be held in the Spring of 2015.”

SOUTH DUBLIN COUNTY COUNCIL

“That this Council calls on the Minister for the Environment, Community and Local Government, Minister Alan Kelly, to act in accordance with Article 9.4 of the EU Water Framework Directive which provides a specific exemption to Ireland from domestic water charging and which is embedded in Ireland’s 208 river Basin Management Plan. This plan is due for its 7 year renewal on the 1st January 2015 and we are calling on the Minister, as is within his power and responsibility, to retain the exemption when he submits Ireland’s River Basin Management Plan and strategy. Further, we ask that the contents of this motion be forwarded to the Minister as a matter of urgency and that it be copied to all other county and city councils.”

MINUTES OF JANUARY MEETING OF DONEGAL COUNTY COUNCIL,
HELD IN THE COUNTY HOUSE, LIFFORD ON 26TH JANUARY, 2015

C/6/15 MEMBERS PRESENT

Cllrs J Campbell (Cathaoirleach), L Blaney, E Bonner, C Brogan, P Canning, T Conaghan, G Crawford, N Crossan, A Doherty, G Doherty, L Doherty, R Donaghey, M Farren, M T Gallagher, M Harley, N Jordan, J Kavanagh, N Kennedy, M C Mac Giolla Easbuig, F Mc Brearty, M Mc Bride, J P Mc Daid, M McDermott, S McEniff, I Mc Garvey, P McGowan, B McGuinness, G McMonagle, J Murray, S O'Domhnaill, J O' Donnell, J S O'Fearraigh, M Quinn, J Ryan, D Shiels, & T Slowey.

C/7/15 OFFICIALS IN ATTENDANCE

Mr Seamus Neely, Chief Executive, Mr Liam Ward, Director of Housing and Corporate, Meetings Administrator, Mr John McLaughlin, Director of Roads & Transportation, Mr Garry Martin, Head of Finance & Director of Emergency Services, Mr Joe Peoples, A/Director of Water & Environment, Mr Bartley McGlynn, Senior Executive Officer, Ms Eileen Burgess, County Librarian, Ms Ann Marie Conlon, Communications Officer, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

C/8/15 IRISH WATER

Cllr Quinn enquired as to why Irish Water Officials were holding clinics in the County House, when it had been the express wish of the Members to meet with them in public session. Irish Water, he said, was an unelected quango, centrally imposed and a blight on local democracy. He requested further clarification and an explanation as to why the clinics had been arranged with little or no consultation.

Cllr Gallagher proposed, seconded by Cllr Mc Garvey and in accordance with Standing Order No 28 to suspend Standing Order No 8 so that a comprehensive debate on the matter could take place.

Members thus unanimously agreed to suspend Standing Order s and in accordance with Standing Order No 38 to allow any Member who wished, the opportunity to speak for two minutes on the subject.

Mr Joe Peoples, A/Director Water & Environment, acknowledged that Members had sought meetings with both the Minister and Irish Water on a number of occasions. The Council, he confirmed, had been contacted by Irish Water regarding the availability of accommodation so as to initiate engagement with the Elected Members. This, he confirmed, was similar to request and contacts made to other Local Authorities.

This request had been facilitated, he added, on the basis that the Elected Members would be in one specific location for the day and was a practical arrangement for both parties involved. It was up to Irish Water, he said, to clarify their own position as to how they had engaged with the Elected Members. The Executive, he noted, had facilitated Irish Water with regard to rooms and accommodation so as to enable constructive engagement going forward.

Cllr Quinn noted that repeated requests had been made to Irish Water for engagement in a public forum. What was happening now, he contended, amounted to back room engagement and thus he reiterated his call for a full public meeting.

A lengthy debate ensued with Members alluding to the following:-

- That bullying tactics had been used by those installing Water Meters.
- A ten minute slot to meet with Irish Water was unacceptable to the Members.
- The need for public accountability and not the holding of clinics behind closed doors.
- Members needed to be able to meet with the people who actually made the decisions.
- The lack of funding over the years had contributed to the current situation.
- There was lack of clarity in relation to infrastructure and unfinished estates in particular.
- Noted need for forum to discuss and raise issues relevant at local level.
- Questions needed to be asked as to why the EPA issued the EPA Drinking Water Report 2013 prior to the registration deadline for Irish Water.

At this juncture the Cathaoirleach reminded those in the public gallery that photography and recording in the public gallery was forbidden unless sanctioned by Council.

- C/9/15 MOTION RE AGHADACHOR BEACH
Cllr Mc Garvey enquired as to the position of his motion relating to Aghadachor Beach which had been considered at the September Council Meeting and which he contended had not been formally addressed.

The Cathaoirleach advised that the matter had been dealt with.

- C/10/15 CONFIRMATION OF THE MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 14TH NOVEMBER 2014
On the proposal of Cllr McDermott, seconded by, Cllr L Doherty the Minutes of the Special Meeting of Donegal County Council held on the 14th November, 2014 were confirmed.

- C/11/15 CONFIRMATION OF THE MINUTES OF BUDGET MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 18TH DECEMBER 2014
On the proposal of Cllr Ryan, seconded by, Cllr McGarvey the Minutes of the Budget Meeting of Donegal County Council held on the 18th December, 2014 were confirmed.

- C/12/15 CONFIRMATION OF THE MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 24TH NOVEMBER 2014
On the proposal of Cllr O'Donnell, seconded by, Cllr McBride the Minutes of Meeting of Donegal County Council held on the 24th November, 2014 were confirmed.

- C/13/15 CONFIRMATION OF MINUTES OF ADJOURNED NOVEMBER MEETING OF DONEGAL COUNTY COUNCIL HELD ON 2ND DECEMBER 2014
On the proposal of Cllr Jordan, seconded by, Cllr Kavanagh the Minutes of Meeting of the Adjourned November Meeting of Donegal County Council held on the 2nd December, 2014 were confirmed.

C/14/15 CONFIRMATION OF THE MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 5TH JANUARY 2015

On the proposal of Cllr A Doherty, seconded by, Cllr McDermott the Minutes of the Special Meeting of Donegal County Council held on the 5th January, 2015 were confirmed.

C/15/15 DISPOSAL OF LAND AT MARMALEEN, DUNGLOE TO MARY TERESA GLACKIN

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

On the proposal of Cllr Gallagher, seconded by, Cllr Crawford, it was resolved to formally dispose of land at Marmaleen, Dungloe to Mary Teresa Glackin in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and Section 183 of the Local Government Act, 2001.

C/16/15 DISPOSAL OF LAND AT MEENACAHAN, INVER TO KAREN CARR, SALLOWS, LETTERBARROW

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

Cllr Kennedy proposed, seconded by, Cllr Jordan to dispose of a Specific Instance Cottage at Meenacahan, Binbane , Inver to Ms Karen Carr.

Cllr Shiels expressed concern that the valuation for this property had been carried out in 2013, and said it was unacceptable that Donegal County Council was now going to dispose of the property for half the valuation obtained. He was, he said, opposed to the disposal.

It was his understanding, he said, that ministerial consent was required when a property was being disposed of for less than market value. He alluded to the fact that a revised offer of €16,000 had been received in writing in January, 2015, enquiring as to what tendering process had been utilised in this regard.

He also called on anyone present to declare any beneficial interest they may have on this matter to the meeting.

Cllr Shiels said he was concerned in relation to the fact that no households had been approved for social housing in the area. He enquired as to how this determination had been made.

The Cathaoirleach, responding, advised that the applicant in question lived 4km from him and the property in question was 10km away. He said, that he did not have any relationship with Ms Carr or her family and had no pecuniary or beneficial interest in the property concerned.

Cllr Gallagher called for additional background to be provided declaring that she also had no interest in the property.

Cllr Ryan advised that he had no interest in the property concerned, but noted that the valuation in question had been provided by a professional person and that the offers for the house clearly fell short of the valuation obtained.

Cllr O' Donnell said he was in agreement with Cllr Shiels that an up to date valuation was required and that the matter should be deferred to the Adjourned Meeting.

Cllr Kennedy, also declaring no beneficial interest in the matter, said that, the issue had been considered by the Donegal Municipal District Committee who had been told that the property was a small SI Cottage which was landlocked and could now be released for sale.

Cllr Shiels contended however that the property was not landlocked and that there was an access road with two other properties. There was, he advised, an agenda to push the matter through at half the market value.

Refusing to withdraw his previous comment as requested by the Cathaoirleach, he again asked for clarity in relation to the public tendering process and whether ministerial consent had been sought to dispose of the property.

Mr Liam Ward, Director of Housing, Corporate & Planning Control advised that it was his understanding that there was no need to seek ministerial consent in this case as this was the price that the market was prepared to pay for it.

The third offer was, he confirmed, the best achievable price and had been received in writing in January 2015. With regard to the Social Housing aspect, he clarified, that social housing applicants are asked to indicate their location preferences and that no-one had indicated that they wanted to live in this area.

Cllr Shiels proposed, seconded by, Cllr O' Donnell, that the matter be deferred pending receipt of an up to date market valuation.

Cllr Brogan urged caution advising Members that they were entering dangerous territory. The Executive, he said, had made a recommendation and any proposal to defer the matter would send out the wrong message to the public. A number of Members outlined their support advising that the disposal was a prudent decision and that the monies raised could be ploughed back into local housing.

Cllr Quinn said he was concerned that the independent valuation had been so far off the mark.

Cllr Mc Gowan declaring no interest in the property at Meenacahan said that there was an onus on Cllr Shiels to spell out any knowledge or detail that he had in relation to the disposal process.

The Cathaoirleach advised that there were now two proposals, one to proceed with the disposal and the other to defer the matter pending receipt of an up to date valuation. He noted that the Donegal Municipal District Committee had already endorsed the disposal.

Cllr Jordan, declaring no interest in the property advised that the €16,000 being offered was a good price for the property given its current state and condition.

A show of hands was taken by the Meetings Administrator firstly in relation to the amendment.

This resulted in 3 voting for with 20 against

A show of hands was then taken in relation to the proposal

This resulted in 25 voting for with 3 against.

Thus it was resolved on the proposal of Cllr Kennedy, seconded by Cllr Jordan, to formally dispose of land at Meenacahan, Inver to Karen Carr, Sallows, Letterbarrow in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and Section 183 of the Local Government Act, 2001.

Cllr Shiels advised that he would write to the Minister and ask that the situation be reviewed in full.

C/17/15 PRESENTATION BY MR KEVIN SWIFT, REGIONAL WASTE CO-ORDINATOR ON WASTE MANAGEMENT PLAN FOR THE CONNAUGHT-ULSTER REGION

Mr Joe Peoples, A/Director, Water & Environment welcomed Mr Kevin Swift, Regional Waste Coordinator to the meeting. Mayo County Council, he advised, were the lead authority for the Connacht Ulster Waste Region and thus leading out on the preparation of the Regional Waste Management Plan. This was the first opportunity, he added, for real engagement in relation to the plan. The Environment and Emergency SPC would, he confirmed, focus intently on funding issues and the implementation proposals in the weeks and months ahead.

Mr Kevin Swift, Regional Waste Coordinator updated Members in relation to the Draft Regional Waste Management Plan 2015-2021 as applicable to the Connacht – Ulster Waste Region. (Vide Appendix 1)

Members welcomed the informative presentation and highlighted a number of issues which they advised warranted consideration. These included :-

- The need to keep the costs associated with household waste to a minimum and that the overall plan needed to address affordability issues.
- Waste matter should be used to produce other energy resources.
- The introduction of a three tier bin system could prove difficult in some areas of the County, particularly when implemented in conjunction with a weighing system.

- Greater emphasis needed in relation to enforcement and whether Donegal County Council would be fined if there was low levels of recycling.
- The traceability if any in relation to recycled steel and metals.
- Need to re-examine education programmes and their overall impact in terms of recycling.
- Stronger sanctions and more severe penalties needed to deal with incidences of illegal and unauthorised dumping.
- Legislation needed to regulate “Scrap for Cash” Schemes.
- Query as to the whether there were any byelaws regulating the placing and retention of bins on kerbs, footpaths etc.
- Service issues a problem in the west of the County.
- Need for CCC TV at Civic Amenity Sites.
- The plans going forward for non-recyclable waste and the use of incineration.
- Whether there are cross-border linkages and sharing of information in relation to waste disposal.
- Outlined the need for a survey to determine participation levels in waste disposal for both the household and commercial sectors
- Main flaw in domestic waste management is the fact that those who do not participate suffer little or no penalties.
- Concern expressed that 61% of the population in Donegal do not have a waste collection service.

Mr Swift addressed Members, and said that from the 1st July, 2015 the Department for Environment, Community and Local Government will be introducing new regulations for all household waste collection on the basis of “pay-by-weight. Households, he confirmed producing food waste would then be obliged to segregate such waste and keep it separate from other non-biodegradable waste, and have it separately collected by an authorized waste collector. This it was acknowledged would see the introduction of a brown bin for household waste, a feature which would lead ultimately to greater accountability and enhance route viability in certain areas.

There would, he advised, be an onus on Waste Collectors to provide information to the Local Authority and particularly in relation to those who were not availing of the service.

It was noted that at present there were no thermal facilities for disposing of waste in Ireland.

He acknowledged that there had been an improvement in the collection of household waste in the County since the last validated data had been published in 2012 and that the then 39% collection rate had been improved on.

He concurred with the view that enforcement of waste management regulations needed to be more effective, but acknowledged however that it was a small section of the population who were causing most of the problems. The introduction of penalties would, he added, provide greater accountability. With an incentivised brown bin, he said, the percentage kilo charge would ultimately be lower for the customer.

Significant challenges still existed, he confirmed in terms of landfill remediation and noted that Anerobic Digestion was an option which needed to be looked at on an individual case basis.

Members were informed that the most favourable option going forward was to collect glass separately and not have it included with the contents of the blue bins.

Civic Amenity Sites in Donegal, it was confirmed, did accept grass cuttings as required under the Waste Management Plan.

Mr Swift confirmed that a district heat system was proposed for Poolbeg and that the level of energy to be extracted from the waste would be dictated by overall performance and targets.

He noted also that there had been cross-border collaboration in relation to the various options for waste management.

The Cathaoirleach thanked Mr Swift for the informative presentation.

C/18/15 ADJOURNMENT FOR LUNCH

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

C/19/15 TAKING OF A DECISION WITH REGARD TO THE CARRYING OUT OF CONSTRUCTION WORK FOR THE

ERECTION OF 1 NO SPECIAL NEEDS DWELLING AT ARD CONNELL, ARDARA

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

On the proposal, of Cllr Gallagher, seconded by, Cllr Slowey, the carrying out of works under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) with regard to the carrying of construction work for the erection of 1 No Special Needs Dwelling at Ard Connell, Ardara, was approved.

Cllr Shiels said he was of the opinion that planning conditions for Part 8 developments should be made available at the public consultation phase of the process.

Cllr O' Domhnaill warned that any attempt to do so was pre-empting a decision prior to public consultation.

It was suggested that further discussion take place at the Housing and Planning SPCs.

C/20/15

TAKING OF A DECISION WITH REGARD TO THE CARRYING OUT OF CONSTRUCTION WORK FOR THE ERECTION OF 2 NO SPECIAL NEEDS DWELLINGS AT MANORCUNNINGHAM

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

On the proposal, of Cllr Canning, seconded by Cllr Ryan, the carrying out of works under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) with regard to the carrying out of construction work for the erection of 2 No Special Needs Dwellings at Manorcunningham, was approved subject to a minor amendment to the Layout Map and proposed works insofar as a 1.5m (5ft) setback shall be provided and fenced along the Northern Side between the existing hedgerow belonging to Mrs May Mc Laughlin and the proposed development, with right of access being given to the Mc Laughlin family along the rear of the proposed site to allow maintenance of hedgerow etc , and that this agreement is given in writing to the Mc Laughlin family prior to the commencement of this development.

Mr John Mc Laughlin, Director Roads & Transportation said he was happy with the amendment and asked that a copy of same be provided in writing to the Council Secretariat.

C/21/15

TO NOTE REPORT FROM THE COUNCIL'S AUDIT COMMITTEE IN RELATION TO THE AUDITED AFS FOR 2013

Members considered the report circulated with the agenda together with a report circulated during the meeting from Mr Paul Carr, Chairperson Donegal County Council Audit Committee dated 20th January, 2014

Mr Garry Martin, Head of Finance , Director Emergency & Information Systems informed Members that the Audit Committee was obliged to report to the relevant authority on its consideration of the audited financial statement, auditor's report or auditor's special report at the next practicable meeting of the relevant authority following the Audit Committee's consideration, in accordance with Section 121 (3) of the Local Government Act, 2001 as amended by Section 60 of the Local Government Reform Act, 2014.

He drew Member's attention to the responses provided by the Chief Executive's regarding a range of items contained in the Auditor's Report

A number of queries were raised by Members and the following responses provided:-

- Donegal County Council had been reimbursed in full as part of the recoupment process for all loans relating to water infrastructure in 2014.
- The Council was still awaiting confirmation from the Department with regard to the final transfer of assets associated with Water and Waste Water. This information it was acknowledged would be provided to Members when available.
- That currently no over ground assets had been transferred to Irish Water.

- Group Schemes not taken charge by Donegal County Council would be taken over by Irish Water in due course
- The current overdraft facility amounted to €12m with no element of this being used at present. Noted that this capacity would be retained going forward as a matter of good business practice.
- The “Donegal Rate” it was confirmed had come into existence in the late 1990s early 2000 with the advent of decentralised services across the County. These rates it was acknowledged had been provided to outdoor workers to support the delivery of services on an electoral area basis and resulted in these employees being paid a different rate to their colleagues in other Counties.

These rates had been negotiated and presented to the Council and approved. It was noted however that there had been issues with regard to the application of parallel benchmarking pay awards in Donegal.

The matter had been the subject of conciliation with the Labour Relations Commission and ultimately referred to the Labour Court for determination.

The determination of the Labour Court was subsequently accepted by all parties concerned and forwarded to the Department for approval. It was noted that rate applied to outdoor workers employed at that time and was not relevant for new recruits from 2005/2006 onwards who were paid in accordance with national pay scales.

C/22/15 TO NOTE PROPOSALS FOR THE PREPARATION OF THE SCHEDULE OF MUNICIPAL DISTRICT WORKS

Members considered the report circulated with the agenda in relation to the above. They welcomed the fact that this work was to be scheduled on a multi-annual- basis.

Mr Garry Martin, Head of Finance, Director Emergency and Information Systems responding to Members, confirmed that, it was intended into the future to get Municipal District Budgets allocated as soon as possible in the year to facilitate the various works programmes. For the present year an extension of time to

March 2015, had he noted, provided some leeway to get to grips with the overall initiation process.

C/23/15

CONFIRMATION OF THE MEMBERSHIP OF THE STRATEGIC POLICY COMMITTEE FOR THE PERIOD 2014 – 2019

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

On the proposal of Cllr Mc Dermott, seconded by, Cllr A Doherty the following additional nominations to the Strategic Policy Committees were approved:-

Economic ,Enterprise& Planning Policy

| Sectoral Reps | Nominee | Alternate |
|-------------------------------------|--------------------|------------------|
| Environmental Conservation | Dermot Mc Laughlin | |
| Trade Union | Charlie F Kelly | |
| Community Voluntary Social Incusion | Annette Patton | James Trearty |
| Fishing/ Aqua Culture | Vacant | |

Roads & Transportation

| Sectoral Reps | Nominee | Alternate |
|-------------------------------------|------------------|------------------|
| Community Voluntary Social Incusion | Karen Mc Cormick | Louise Breslin |
| Fishing/ Aqua Culture | Vacant | |

Housing & Corporate

| Sectoral Reps | Nominee | Alternate |
|---------------------------|----------------|------------------|
| Development /Construction | Dessie Dorrian | |
| Trade Union | Anne Wilkinson | |
| Community Voluntary | Finola Brennan | Anne Mc Gowan |

| | | |
|-----------------|--|--|
| Social Incusion | | |
|-----------------|--|--|

Community, Social & Cultural

| Sectoral Reps | Nominee | Alternate |
|-------------------------------------|---------------------------|--------------------------------|
| Environmental Conservation | Ethna Diver | |
| Trade Union | | |
| Community Voluntary Social Incusion | Paul Kernan Joe Boland | Kate Morgan Martin Mc Bride |

Environment & Emergency Services

| Sectoral Reps | Nominee | Alternate |
|----------------------------|----------------|------------------|
| Environmental Conservation | Trish Murphy | |
| Trade Union | John Watson | |
| Fishing/ Aqua Culture | Vacant | |

Mr Liam Ward, Director Housing & Corporate confirmed that there was national agreement as to which sectors provided nominees for the various Strategic Policy Committees, for example the Irish Congress of Trade Unions were responsible for nominating the Trade Union Reps. Nominees from the Environmental/ Conservation and the Community/ Voluntary Sector it was acknowledged had been put forward by the Public Participation Network as interim nominees for a period of one calendar year.

Cllr Gallagher proposed, seconded by, Cllr Canning that induction training be provided with regard to the work and role of the various SPCs and that this be included as the first item on the agenda at the inaugural meetings of the committees.

C/24/15

TO AGREE REVISED ARRANGMENTS FOR THE DISTRIBUTION OF MOTION AND QUESTIONS

Members considered the report circulated with the agenda in relation to the above and options as recommended by the Corporate Policy Group.

On the proposal of Cllr Murray, seconded by, Cllr Mc Guinness it was resolved to approve Option 2 in relation to the distribution of the replies for motions and questions.

It was thus agreed to circulate replies to all Elected Members, the Cathaoirleach, and Senior Management by email at 12 noon on the day of the meeting with replies to go to the media by email following circulation to the Elected Members.

Cllr Murray proposed, seconded by, Cllr O' Domhnaill that Members be allowed to submit local questions to plenary meetings of Council. It was agreed to refer the matter to the Corporate Policy Group for further consideration.

C/25/15 TO NOTE REPORT FROM THE COUNCIL'S AUDIT COMMITTEE IN RELATION TO THE AUDITED AFS FOR 2013- UPDATE FROM CHIEF EXECUTIVE

The Chief Executive referred to the earlier discussion and the reference to income collection performance in the Local Government Auditor's Report. It was imperative, he said, that the message went out that the Council's debtors were making every effort to pay across all income streams. Donegal County Council, he said, had a 25% rate warrant which was uncollectable in terms of unoccupied properties. The vast majority of trading businesses, he added, were actively engaging with the Council with collection rates in 2014 up on 2013. He was he said satisfied with the level of engagement at present.

C/26/15 TO CONSIDER AND ADOPT ANTI-FRAUD AND CORRUPTION POLICY FOR DONEGAL COUNTY COUNCIL

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

On the proposal of Cllr G Doherty, seconded by, Cllr Kavanagh, the Anti-Fraud and Corruption Policy for Donegal County Council was approved.

Cllr Shiels advised that a number of other Councils had implemented a policy of this nature at least five or six years ago. He contended that there was need to incorporate more specific examples and make the policy open ended. The document, he said, offered no protection for persons in the organisation who wished to raise specific issues.

Mr Liam Ward, Director Housing, Corporate & Planning Control advised that the matter had been extensively considered at both SPC and CPG level. In terms of addressing the point raised by Cllr Shiels, Mr Ward, confirmed that the Council had a policy and procedures in place in accordance with the requirements of the Protected Disclosures Act.

C/27/15

CONSIDERATION OF REQUESTS FOR CIVIC RECEPTIONS
IN HONOUR OF TERMON LADIES GAA TEAM AND HUGH
GALLAGHER CARRIGART

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

Cllr Mc Garvey proposed, seconded by, Cllr O' Donnell that a Civic Reception be afforded to Hugh Gallagher, Carrigart.

Cllr Mc Bride proposed, seconded by, Cllr O' Donnell that a Civic Reception be afforded to Termon Ladies GAA Team.

Members noted that there were two Civic Receptions outstanding namely Lifford Players and Jason Quigley, and that no more requests would be considered until these four receptions had taken place.

Cllr Crossan suggested that they all be held on the same occasion. Queries were raised also in relation to the status of the reception approved by the former Letterkenny Town Council in respect of the Ulster Senior League Team.

Responding to a query from Cllr Bonner, Mr Liam Ward, Director Housing & Corporate advised that there were three different ways in which recipients could be honoured:-

1. Freedom of the County which was the highest honour and was recommended by the Cathaoirleach of the day.
2. Civic Reception held at Council Headquarters.
3. Local Receptions held at Municipal District Level.

Requests, he said, should be made in the first instance to the Corporate Policy Group who would then make recommendations to

the Council as appropriate. He noted that all four receptions as recommended above were Civic Receptions and would be held at Council Headquarters.

C/28/15 APPROVAL OF REPRESENTATION ON THE COLMCILLE HERITATE TRUST

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

On the proposal of Cllr Mc Bride, seconded by, Cllr Brogan it was resolved to approve the following representation on Colmcille Heritage Trust:-

Mr Danny Nelis, Mr. Brian Mc Dermott, Ms Helena Glackin, Mr Don Gallagher, and Ms Laura Duddy

C/29/15 FILLING OF CASUAL VACANCY ON DONEGAL COUNTY COUNCILS VALUE FOR MONEY COMMITTEE ARISING FROM THE RESIGNATION OF CLLR JACK MURRAY

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

On the proposal of Cllr Murray, seconded by, Cllr Quinn it was resolved that Cllr Jordan fill the casual vacancy on the Value for Money Committee arising from the resignation of Cllr Murray.

C/30/15 FILLING OF CASUAL VACANCY ON DONEGAL COUNTY COUNCILS VALUE FOR MONEY COMMITTEE ARISING FROM THE RESIGNATION OF CLLR MICHEAL CHOLM MACGIOLLA EASBUIG

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

On the proposal of Cllr Mc Bride, seconded by Cllr MacGiolla Easbuig it was resolved that Cllr Mc Garvey fill the casual vacancy on the Value for Money Committee arising from the resignation of Cllr MacGiolla Easbuig.

C/31/15 FILLING OF CASUAL VACANCY ARISING FROM THE RESIGNATION OF CLLR MICEAL CHOLM MACGIOLLA EASBUIG AS THE DONEGAL COUNTY COUNCIL REPRESENTATIVE TO IRISH PUBLIC BODIES MUTUAL INSURANCES LTD

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

On the proposal of Cllr Mc Bride, seconded by, Cllr Kennedy it was resolved that Cllr Crossan replace Cllr MacGiolla Easbuig as the Donegal County Council Representative to Irish Public Bodies Insurances Ltd.

C/32/15 NOTING CPMR ACTIVITY REPORT 2013 – 2014
Members noted the report circulated with the agenda in relation to the above.

C/33/15 TO CONSIDER AUTHORISATION OF COUNCIL REPRESENTATION AT THE ST PATRICK'S DAY EVENTS IN THE USA AND NOTTINGHAM ENGLAND
Cllr Quinn advised that he was of the opinion that such trips were of no value to Donegal County Council.

Cllr Shiels said it would be more appropriate to send invites out to various groupings and ask them to come to Donegal for the St Patrick's Day Events here, something which would showcase the wide range of events taking place across the County.

Cllr Brogan alluded to the fact that there was already considerable interaction and noted that the Mayor of Boston had only recently visited the County.

He proceeded to outline the benefits of sending the First Citizen and a small delegation to the US for these events.

They provided an opportunity for networking, he added, and maintained a necessary link with the Donegal Diaspora. He noted that in Letterkenny alone there were 3000 people employed by US Companies, something which had arisen out of the links created by successive Donegal County Council Deputations.

It was acknowledged that considerable opportunity for collaboration had arisen as a result of such linkages with the LYIT in particular benefitting significantly. He outlined the need to be proactive, and said that the monies spent were not wasted.

Cllr Brogan proposed, seconded by, Cllr Mc Garvey the Cathaoirleach, the Leas Chathaoirleach and the Chief Executive or his nominee attend the events in the USA.

A number of Members commented on the need to support our own Diaspora and alluded to the disappointment amongst these communities when there had been no official representation from the County.

The Cathaoirleach apologised for the fact that there was no official itinerary, advising that it was difficult to compile a full itinerary without full authorisation.

Mindful of the focus on creating linkages, he said, that he had already made enquiries with regard to Drew University and meeting with Brendan Boyle, Democratic Member of the US House of Representatives who had strong family links with Donegal. It was also prudent, he said, to wait for an invite from the respective organisations.

Cllr Crossan informed the meeting that he was not in a position to travel to the USA. Cllr Campbell proposed, seconded by, Cllr O' Donnell that the Mayor of Letterkenny, Cllr Michael Mc Bride attend on his behalf.

Cllr G Doherty said he could not see the benefits of the US visit and cited the need to think outside the box with regard to such trips. There was a benefit, he added in creating linkages closer to home.

Cllr Brogan proposed, seconded by, Cllr Mc Garvey that two Members attend the Nottingham Parade accompanied by the Chief Executive or his nominee.

Cllr Quinn again reiterated the need for a clear itinerary, advising that this could be provided for the Adjourned Meeting thus providing Members with a more comprehensive analysis of what the visit entailed. The value for money aspect needed to be considered, he added, as many people across the County were at present struggling to provide, heating and clothing for their families.

Cllr O' Domhnaill noted that there was a value for money aspect involved if the decision was left to the next meeting.

On the proposal of Cllr Quinn, seconded by, Cllr Gallagher it was resolved that the decision to send Members to the events in the USA be deferred until the Adjourned January Meeting.

The Cathaoirleach informed Members that he had already made his own arrangements to travel to the USA. The question now, he said, was whether he travelled as a representative of the Council or in a personal capacity.

After some deliberation and a suggestion that the meeting be adjourned it was decided to take a vote on the matter.

A show of hands taken by the Meetings Administrator firstly in relation to the amendment to defer approval for the trip resulted in 10 voting for with 22 voting against.

The Meetings Administrator declared the amendment lost and thus proceeded to take a vote in relation to the substantive motion to approve the attendance of representatives from Donegal County Council at the events in the USA and Nottingham.

This resulted in 22 voting for with 10 against.

Thus it was resolved that the Cathaoirleach and the Leas Chathaoirleach plus the Chief Executive or his nominee attend the events in the USA and that 2 No Members and the Chief Executive or his nominee attend the events in Nottingham.

C/34/15 NOTING OF OBLIGATIONS ON THE MEMBERS UNDER (PART 15) LOCAL GOVERNMENT ACT, 2001 ETHICS FRAMEWORK TO SUBMIT DECLARATION OF INTEREST BY THE 28th FEBRUARY 2015

Mr. Liam Ward, Meetings Administrator reminded Members of their obligation to submit a declaration of interest under Part 15 of the Local Government Act, 2001 (Ethics Framework), and to return same by the 28th February, 2015.

C/35/15 NOTING OF OBLIGATIONS ON THE MEMBERS UNDER THE LOCAL ELECTIONS (DISCLOSURE OF DONATIONS AND EXPENDITURE) ACT, 1999 AS AMENDED TO SUBMIT DONATION STATEMENT BY 31ST JANUARY 2015

Mr. Liam Ward, Meetings Administrator reminded Members of their obligation to submit a donation statement under the Local Elections (Disclosure of Donations and Expenditure) Act, 1999 as amended, by the 31st January, 2015.

C/36/15

CONFERENCES

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

1. Individual members not exceeding their annual budget for attendance at conferences.
2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
3. Submission of a Conference Report

Conferences:-

- The Institute of Professional Training – ‘Govt’s Construction 2020 Strategy’ Local Govt. Housing Supply to be held Friday 6th to Sunday 8th February, 2015 at White’s Hotel, Wexford.
- “Sustainable Tourism Development” to be held Friday 20th to Saturday 21st February, 2015 in The Connacht Hotel, Dublin Road, Galway.
- Co-operation Ireland – “Regenerating Local Spaces through Effective Community Planning” to be held Thursday 26th February, 2015 in Dublin Castle.
- 26th Colmcille Winter School, The Future of Local Government in Ireland under the New System, to be held Thursday 26th and Friday 27th February, 2015 at the Colmcille Heritage Centre, Gartan.
- EU Support Programmes for Irish Regions to be held from Friday 27th to Sunday 1st February, 2015 at the Four Seasons Hotel, Carlingford, Co Louth.

Abroad:-

- Attendance of the CPMR Representative at the Atlantic Arc Commission Aquaculture Seminar on Fisheries and Aquaculture on the 26th February, 2015 followed by a Meeting of the CPMR Political Bureau in Nantes on the 27th February, 2015.

C/37/15 CONFERENCE REPORTS

On the proposal of Cllr Harley, seconded by, Cllr M Doherty, the following Conference Reports were noted:-

Cllr Gerry McMonagle

AEBR Conference held from Wednesday 10th to Sunday 14th September, 2014 in Rzeszow, Poland.

Cllr Enda Bonner

CPMR 42nd General Assembly held in Umeå, Västerbotten, Sweden from the 24th to 26th September, 2014.

Cllr Nicholas Crossan

A.I.L.G. Training held Tuesday 21st October, 2014 in the Kilmore Hotel, Cavan.

Cllr Terence Slowey

A.I.L.G. Housing Training, held Thursday 23rd October, 2014 in the Hodson Bay, Athlone.

Cllr Terence Slowey

A.I.L.G. Inaugural Conference held Wednesday 29th and Thursday 30th October, 2014 in the Kilmore Hotel, Cavan.

Cllr Nicholas Crossan

A.I.L.G. Annual Conference held Wednesday 29th and Thursday 30th October, 2014 in the Kilmore Hotel, Cavan.

Cllr Nicholas Crossan

Irish Water Regional Briefing held Wednesday 29th October, 2014 in Carrick On Shannon.

Cllr Gerry McMonagle

Meeting with Irish Water, held Wednesday 29th October, 2014 in Carrick On Shannon.

Cllr Noel Jordan

Meeting with Irish Water held Wednesday 29th October, 2014 in Carrick On Shannon.

Cllr James Pat McDaid

A.I.L.G. Inaugural Conference held Wednesday 29th and Thursday 30th October, 2014 in the Kilmore Hotel, Cavan.

Cllr Gerry McMonagle

A.I.L.G. Training Conference held Thursday 30th October, 2014 in the Kilmore Hotel, Cavan.

Cllr Terence Slowey

Training Workshop Planning held Tuesday 11th November, 2014 in the Great Northern Hotel, Bundoran.

Cllr Nicholas Crossan

A.I.L.G. Training held Tuesday 11th November, 2014 in the Great Northern Hotel, Bundoran.

Cllr Noel Jordan

A.I.L.G. Training Day held Tuesday 11th November, 2014 in the Great Northern Hotel, Bundoran.

Cllr Noel Jordan

Gobbins and Sliabh Liag Project Board Meeting held Thursday 27th November, 2014 in Larne Borough Council Smiley Buildings.

C/38/15

COUNCIL LED TOURISM PROMOTION IN GLASGOW

SCOTLAND TO PROMOTE COUNTY DONEGAL

On the proposal of Cllr McEniff, seconded by, Cllr Brogan the following motion was adopted:-

"That the Council organise a promotion in Glasgow, Scotland to promote County Donegal as a holiday destination inviting all the trade involved in tourism, Irish Hotels Federation, Town and Country Homes, Self Catering, Caravan and Camping, Visitor Attractions etc."

Members were informed that:-

“It is proposed to organise a promotional event in Glasgow in March as a part of Donegal Tourism's overall marketing and promotion programme for 2015. It is recognised that Glasgow and Scotland in general is a valuable market for Donegal with many connections and links. It is also proposed to organise the Scottish launch of the new Donegal Tourism promotional brochure and Tourism App at this time.

Cllr Mc Eniff, advised that, the abolishment of North West Tourism had been a disaster for the tourism industry in Donegal. This he said was not recognised centrally. Tour operators were now, he confirmed being encouraged to go to Northern Ireland thus impacting on the number of visitors to Donegal. He called for a Regional Tourism Body to be set up in the North West and asked that the Chief Executive contact Failte Ireland with regard to obtaining funding for tourism promotion in the North West.

Cllr Brogan outlined the necessity of supporting the entire tourism sector and suggested that the Cathaoirleach lead an all inclusive delegation to meet with the Minister of State at the Department of Transport, Tourism and Sport, Mr Michael Ring T.D.

He called also for the “Donegal Live” initiative be reignited in the interest of tourism development.

There was no opposition to the motion.”

C/39/15 LACK OF A SUFFICIENT BROADBAND FACILITY IN MANY AREAS OF OUR COUNTY

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

"That this Council demands immediate consultation with Eircom to discuss the lack of a sufficient broadband facility in many areas of our County which is stifling any prospect of economic growth."

Members were informed that:-

“The Council previously passed a motion requesting Eircom to attend a meeting of Council to give an update of their broadband plans for Donegal.

Eircom agreed to attend the November 2014 meeting of the Council to give the update. However, it was not possible to accommodate the presentation on the November agenda due to pressure of business.

The Council Secretariat are now arranging a revised date for this presentation”

Cllr Doherty noted that vast areas of the County had no access to broadband, citing the importance of fast tracking the issue with Eircom. Business owners in the County it was acknowledged were being placed at a huge disadvantage.

He cited the need to improve the service in areas such as St Johnston and Aranmore Island. It was noted that Eircom had the facility to upgrade the Telephone Exchange in St Johnston but so far had failed to do so. It was imperative, he added that Donegal County Council meet with Eircom to discuss same.

Cllr Doherty said there could not be economic prosperity without adequate broadband investment in the County and that Eircom needed to step up to the mark and provide broadband for rural areas in Donegal.

C/40/15 CALL FOR DONEGAL COUNTY COUNCIL TO SUPPORT THE PRESERVATION OF MOORE STREET FOR 2016 ANNIVERSARY OF THE 1916 RISING

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

"That this Council support the preservation of the section of Moore Street for the 2016 anniversary, where the last battle of the 1916 rising took place."

Cllr Doherty advised that this was an issue of national importance and that there was an opportunity here to create a living memorial which could become a major tourist attraction in its own right. Many of the buildings associated with 1916, he noted, had been destroyed and that as this was the last site of significance, it needed to be maintained.

He asked that the motion as adopted be forwarded to the Minister for the Environment, Community & Local Government for consideration.

There was no opposition to the Motion.

C/41/15 CALL TO INVOKE STANDING ORDER NO 28 TO ALLOW FOR FULL DEBATE ON FLOODING ISSUES AND REMEDIES FOR SAME ACROSS THE COUNTY

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

That this Council invoke Standing Order No 28 to allow for a full and frank debate on local flooding across the County and agree a plan to start dealing with the numerous problems affecting dwellings and other properties as was outlined by me and others over the last number of years, but without any concrete remedies or visible solutions."

Members were informed that:-

“The following advice is provided to members to assist in their deliberation of the underlying theme of the motion and is broken down into the following three areas:

- 1) Local Drainage along Roads (by Council)
- 2) Minor Flooding Works by OPW (less that €500,000)
- 3) Large Scale Regional Flooding (by OPW)

The Council budget provides resources for maintenance associated with drainage on roads. For 2015 the Council’s adopted budget provides for over €10.6m worth of general maintenance works on local and regional roads along with over €0.7m for national roads assuming grant levels are maintained. In practical terms when disbursed at Municipal District level this equates to between €1.5M and €2.5M for road maintenance per Municipal District.

In previous years Members of the Council have resolved to spend a proportion of the roads maintenance monies on different activities including Drainage Works on Roads, Road Surface Repairs, Verge Maintenance, Sign Maintenance, Bridge Inspections, and Emergency RTC and Flooding response. This figure has been set at between 40% and 50% for drainage over the last number of years. It is strongly recommended that this is maintained and implemented at Municipal District level.

Members have also adopted a policy including proportionate incremental actions to be taken against landowners who allow water to discharge onto roads. These include:

- 1) Advertising re need for drainage twice a year.
- 2) Initiating local verbal contact in relation to particular issues with land or property owners.
- 3) Where matters are not dealt with verbally issuing follow up letters
- 4) Following up with landowner in relation the issues raised
- 5) If required formal legal notice to issue.
- 6) Legal action to be taken as required.

It is again strongly recommended that at a Municipal District level members agree with the executive locally locations where issues are arising that either relate to the policy or to general roads maintenance issues. It is recommended that this be tracked in the

same way as the remainder of the road works programme where solutions lie within the capacity of the available budgets.

Beyond this there are a significant number of areas where flooding occurs due to inundation of the existing drainage network whether natural or man made. These issues are generally beyond the scope and capacity of the Council's revenue budget. The OPW as the lead authority for flooding have provided funding for non coastal minor flooding works to address localised river and groundwater related flood problems where works cost less than €0.5million. The proposed schemes are required to achieve a cost benefit ratio based on properties where risk is mitigated by the works. It is recommended that in the process of agreeing with the executive locations that are arising, that where these locations could be addressed under the OPW scheme that these be highlighted and funding be sought.

Finally considerable work is ongoing at a regional level by the OPW who are completing a Catchment-based Flood Risk Assessment and Management (CFRAM) Study, in line with the European Directive on the Assessment and Management of Flood Risks The study includes three principal milestones

- 1) Preliminary Flood Risk Assessment (Completed 2011)
- 2) Preparation of Flood Maps (2013 - 2014)
- 3) Preparation of Flood Risk Management Plans (2015)

For Donegal public consultation has been ongoing over 2014 in various areas. The next public consultation day is scheduled for Carndonagh PSC on the 5th February for the Carndonagh, Malin, Moville, Clonmany areas. These Flood Maps will in turn inform future planning and development for areas within the framework of the County Development Plan.

It might be worthwhile inviting OPW into a Roads SPC meeting to discuss the approach to the CFRAMS and how the Council fit into the overall process".

Cllr Mc Gowan responding to the Cathaoirleach's query as to which Standing Order he wished to suspend, said that, he was looking to suspend Standing Orders so that the discussion could be opened up to all Councillors in relation to issues at local level.

Thus on the proposal of Cllr Mc Gowan, seconded by, Cllr Campbell, it was resolved in accordance with Standing Order 28, to suspend Standing Orders 18-30 to allow all Members debate the Motion as submitted.

After some discussion on the matter it was agreed on the proposal of Cllr Gallagher, seconded by, Cllr Mc Garvey not to proceed with the suspension of Standing Orders.

Cllr Mc Gowan enquired as to what actual authority an overseer had to deal with incidences of flooding and asked that clarity be provided in as to who is actually responsible for dealing with the problem, the Local Authority or the OPW.

Cllr Mc Garvey advised that there was an onus to deal with the problem once and for all.

Mr John Mc Laughlin, Director Roads & Transportation noted that there was some confusion in relation to the matter but that Donegal County Council often facilitated works that were not actually within its remit.

He drew attention to the fact that 40%-50% of Roads Maintenance Monies had been directed into drainage over the past number of years. This, he advocated, should continue. He called on Members to identify the locations in question so that monies could be allocated as soon as possible thus forming part of the Schedule of Municipal District Works.

He drew attention also to the CFRAM Study being conducted by the OPW in relation to Flood Risk Assessment and Management.

Roads Overseers, he advised, carried out their duties in accordance with the Roads Acts, and whilst not giving full blown authority, they are able to open drains and let water off the roads when required.

Cllr Mc Gowan concluding the debate noted that lack of manpower was the biggest problem and that this needed to be addressed. He suggested that the OPW and the Loughs Agency be invited to Municipal District Meetings

C/42/15 DEVELOPMENT OF COUNCIL POLICY IN RELATION TO DEVELOPMENTS IN PEAT/BOG LANDS

On the proposal of Cllr M.T. Gallagher, seconded by, Cllr O'Fearraigh the following motion was adopted:-

"That this Council develop a specific policy for developments in peat/bog lands, and use examples of good and bad policy from developments in existence."

Members were informed that:-

“There is significant environmental and planning legislation in respect of the necessary assessment of the environmental impact that a development may have upon a peat/bog habitat that is protected. Where a development is on peat then the design options available to the developer needs to be considered at project level, having regard to the specific site constraints and the nature and scale/extent of the development. It is acknowledged that construction over peat can lead to ground settlement which can require regular remedial treatment or expensive soil remediation or piling. The need to consider project designs having regard to experience of similar developments and best practice is also acknowledged.

Cllr Gallagher outlined specific examples and called for the inclusion of a dedicated policy in the County Development Plan to deal with the matter. It had been shown, she added, that piling and floating founds had not worked. She outlined the need for a policy developed around good and bad practices for developments in peat land. She asked that the matter be referred to the Economic Enterprise and Planning Policy SPC.

Cllr O' Fearraigh outlined his support for the Motion .

There was no opposition to the Motion.

Mr Michael Heaney, Director of Service advised that he would arrange to have the item included on the agenda of the next Economic Enterprise and Planning Policy SPC Meeting.

C/43/15 DATE OF ADJOURNED MEETING

On the proposal of Cllr Crossan, seconded by, Cllr Mc Bride, it was resolved to defer the remainder of business to the Adjourned

Meeting on Monday 9th February, 2015 in the County House,
Lifford.

Certified: _____
Cathaoirleach.

Date: _____