

**MINUTES OF THE ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL,
HELD ON 6th DECEMBER, 2021 (ONLINE)**

C/283/21

MEMBERS PRESENT

Cllrs J Murray, Cathaoirleach, L Blaney, K Bradley, C Brogan, P Canning, T Conaghan, D Coyle, G Crawford, N Crossan, T Crossan, A Doherty, G Doherty, L Doherty, R Donaghey, M Farren, M T Gallagher, M Harley, N Jordan, J Kavanagh, D M Kelly, N Kennedy, M C Mac Giolla Easbuig, F Mc Brearty Jnr, M Mc Bride, M Mc Clafferty, M McDermott, I Mc Garvey, N Mc Garvey, P Mc Gowan, M Mc Mahon, G Mc Monagle, A Molloy, J O Donnell, J S Ó'Fearraigh, and B Sweeny.

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OFFICIALS IN ATTENDANCE

John Mc Laughlin, Chief Executive, Patsy Lafferty, A/Director of Housing, Corporate and Cultural Services / Meetings Administrator, Richard Gibson, Head of Finance, Stephen Flynn, A/Director of Roads & Transportation, Liam Ward, Director of Community Development & Planning Services, Michael Mc Garvey, A/Director of Water & Environment, Garry Martin, Director of Economic Development, Information Systems & Emergency Services, Eunan Quinn, Senior Executive Planner, Frances Friel, Communications Officer, Seán O' Daimhin, Rannóg na Gaeltachta, Róise Ní Laifearaigh, Rannóg na Gaeilge, Anne Marie Crawford, Staff Officer.

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SUSPENSION OF STANDING ORDERS

The Cathaoirleach referred to the notification circulated to members on the 3rd December, 2021 advising of his intention to suspend Standing Orders in order to facilitate discussion on the Defective Concrete Block Grant Scheme announcement made by Government on Tuesday 30th November, 2021.

He paid tribute to the Mica Action Group and thanked all involved who had articulated magnificently the worries and concerns of mica affected homeowners. They were, he advised, most deserving of our gratitude and respect. He commended Michael Doherty, PRO of the Mica Action Group for the positive and well informed way in which he had dealt with the countless media queries that had come his way. He condemned the recent personal online attack which had been directed at Mr Doherty. A number of members concurred with this assessment and said that such scurrilous behaviour could not be condoned.

The revisions to the scheme whilst offering many positives clearly were not enough, he added and the sliding scale element of the scheme was something that needed to be disposed of going forward.

On the proposal of Cllr Jordan, seconded by Cllr Mc Gowan it was resolved in accordance with Standing Order No 28 to suspend Standing Order No 8 so as to provide members with an opportunity to discuss the recommendations made by Government in relation to changes in the Defective Concrete Block Grant Scheme. This was unanimously agreed.

DISCUSSION IN RELATION TO THE ENHANCEMENTS TO THE DEFECTIVE CONCRETE BLOCKS SCHEME

The Cathaoirleach opened the meeting to the floor and a lengthy debate took place during which members alluded to the following:-

- United and collaborative approach needed at this juncture and noted that members had a duty of care to ensure that they represented the electorate in a fair and equitable manner.
- Noted that there was an onus on the Oireachtas members and MEPs to fight for the people of Donegal and to ensure that the scheme was fit for all. Further collaborative effort needed on their part. Further assertion that it was unfair to put blame on all of our Oireachtas members as those in power in Government were in a better position to effect positive change.
- 100% redress was required and nothing less would be acceptable.
- Time was of the essence and that a working scheme representative of all elements needed to be put in place with immediate effect.
- Scheme needs to be inclusive of all properties including rental accommodation and commercial and public buildings.
- Sliding scale element must be removed from the scheme.
- Foundations must be included in cost of the repairs.
- IS465 needs to be amended to include all deleterious materials.
- Alternative accommodation needs have not been addressed to date and must be kept on the agenda in any further discussions with the Minister.
- Clarity needed as to the role of the Chartered Surveyors of Ireland and as to how the new per square foot rates in the amended scheme would be set and by whom. Noted that independent validation of same was necessary.
- Any remediation package needs to be index linked and reflect the market reality at any given time.
- Respect must be shown to those who want to pursue alternative routes for securing redress.
- Disappointment that the Council's own Mica Redress Committee had not been kept fully briefed in relation to developments.
- Collaborative effort needed at this juncture and the message needs to go out that Donegal is united in its call for fair and equitable redress for all mica affected properties.
- This long drawn out process had impacted on the mental health of the families concerned and their children.

Cllr Mc Brearty advised that he had on foot of the recent enhancements to the Defective Concrete Blocks Scheme created a position paper

highlighting numerous inconsistencies and raising specific queries with regard to the old and the new enhanced DCBS. He outlined in detail specific responses to issues raised in the document and said that his own report when completed would be circulated to all homeowners for free. He alluded to the fact that a change in legislation was needed to allow the homeowners concerned sue the state for redress. He contended that the aforementioned sliding scale had been created by the working group and the homeowners themselves. He queried why an inflated price had not been used initially as the basis for discussion. The Mica Action Group, he said, were not expert lawyers or forensic accountants and did not represent him or his family. Alluding to the fact that legal action was pending in relation to his own family interests, he vowed to get comprehensive advice for all mica affected owners.

Cllr T Crossan spoke out against a number of unsubstantiated allegations that had been made against himself and the other Inishowen Municipal District Committee members and said that there was no place in this Council for bullyboy tactics.

C/287/21 **ADJOURNMENT OF THE MEETING**

On the proposal of Cllr Farren, seconded by Cllr Gallagher it was resolved to adjourn the meeting for a short recess.

C/288/21 **DISCUSSION IN RELATION TO THE ENHANCEMENTS TO THE DEFECTIVE CONCRETE BLOCKS SCHEME**

On resumption members alluded to the following;-

- That independent certification was a must going forward.
- Disappointment expressed that the Council had not been able to impress on the Government or the Department the significant role that the Donegal County Council Mica Redress Committee could have played in the process.
- Suggested that an amnesty be provided for those outside the registration parameter for the Residential Tenancies Board so that they can access and affiliate to the scheme.

Cllr Mac Giolla Easbuig said he was of the opinion that the Minister for Agriculture, Mr Charlie Mc Conalogue T.D had let the people of Donegal down and said that he wanted to submit an emergency motion calling for his resignation. He asked members for their support and indicated that Cllr Mc Brearty would be supporting same..

He asked that the motion be put to a vote.

The Cathaoirleach advised that there were specific protocols with regard to the submission of a motion under urgent business and that it needed to be signed by the requisite number of members. He noted that Cllr Mc Brearty had made no reference to the motion in his address.

Cllr Mac Giolla Easbuig contended that was down to a translation issue.

Cllr Mc Brearty said that it was unfair the manner in which Cllr Mac Giolla Easbuig had been treated.

Responding the Cathaoirleach said that it had been agreed to suspend Standing Orders to facilitate discussion on the mica issue and that as such there was no provision for an emergency motion at this time.

Conclusions

- Cllr Harley proposed, seconded by Cllr Sweeny that a meeting be arranged as soon as possible with the Minister to discuss the enhancements to the Defective Concrete Blocks Scheme as there is contained within the enhanced document a basis for agreement that could be progressed with the removal of the sliding scale and a comprehensive analysis of the finer details of the scheme.
- Executive need to get a clear indication from the Department as to what the Council's role is going forward especially for those who have applied to the 90/10 scheme and are sitting at application stage together with clarity on the relevant transfer options.
- Meeting of the Mica Redress Committee needed to determine how the scheme fits the needs of the people.
- Residential Tenancies Board necessity needs to be clarified.

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DATE FOR THE ADJOURNED MEETING

Cllr Mc Gowan expressed disappointment at the continued use of the mute function during meetings and said that this was something that needed to be stopped as it prevented effective communication between members.

The Cathaoirleach said that it was the only effective way of dealing with the ongoing disruption to the meetings. He said that he appreciated the frustrations involved and would be delighted to dispense with this option if all members respected Standing Orders and the ruling of the Chair.

On the proposal of Cllr Brogan, seconded by Cllr Mc Monagle it was resolved to adjourn the remaining business for consideration at an adjourned meeting on Monday 13th December, 2021 at 9.30am.