

**MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD
ON 16TH DECEMBER, 2022 IN THE COUNTY HOUSE, LIFFORD**

C/463/22

MEMBERS PRESENT

Cllrs L. Blaney, Cathaoirleach, K Bradley, P. Canning, T. Conaghan, D. Coyle, G. Crawford, N. Crossan, T. Crossan, A. Doherty, D. M Kelly, F Mc Brearty, M. McBride, G. Mc Monagle, and J. O'Donnell.

Online: C Brogan, R. Donaghey, M Farren, M Harley, N Jordan, J Kavanagh, M C Mac Giolla Easbuig, M Mc Clafferty, M Mc Dermott, N Mc Garvey, J Mc Guinness, A Molloy, J Murray, M Naughton, J O' Fearraigh, and B Sweeny

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OFFICIALS IN ATTENDANCE

John Mc Laughlin, Chief Executive, Patsy Lafferty, Director of Housing, Corporate and Cultural Services, Meetings Administrator, Liam Ward, Director of Community Development & Planning Services, , Bryan Cannon, A/Director of Roads & Transportation, Garry Martin, Director of Economic Development, Information Systems & Emergency Services, Michael Mc Garvey, Director of Water & Environment, Richard Gibson, Head of Finance, Frances Friel, Communications Officer, William Colvin, Assistant Communications Officer, Seán Ó Daimhín, Rannóg na Gaeilge, Róise Ní Laifeartaigh, Rannóg na Gaeilge, Anne Marie Crawford, Staff Officer

C/465/22

VOTE OF SYMPATHY

Sympathy was extended to the family of the late Private Sean Rooney, who had been tragically killed whilst on active duty in the Lebanon. A minute's silence was observed by all present.

C/466/22

**STEPS TO BE TAKEN IMMEDIATELY TO HELP THOSE FAMILIES
WHOSE HOMES ARE WORST AFFECTED BY DEFECTIVE
CONCRETE BLOCKS**

The Cathaoirleach informed members that the meeting had been called to discuss the steps, which the Council could take immediately to help those families whose homes were worst affected by Defective Concrete Blocks in their quest for urgent alternative accommodation and also to seek an update on the request for a meeting with the Minister.

Mr Patsy Lafferty, Director, Housing, Corporate & Cultural Services provided an update in respect of the processing of defective concrete block applications. He informed members that just over a month ago, the Council had got updated parameters from the Department which had allowed for the recommencement of the processing of Stage 1 applications. It was acknowledged that of over 1000 applications received, 478 had been approved with 106 processed in the last 3 to 4 weeks. He confirmed that a concerted effort would be made over the next week and into the New Year to continue with this task and catch up with the backlog.

Members were advised that webinars had also taken place with the Geologists and the Chartered Engineers regarding the new parameters in an effort to get applications over the line. It was confirmed that any applications unable to be approved after the new parameters were applied would be forwarded to the Housing Agency.

With regard to the funding for alternative accommodation for those homeowners most in need (nine referenced in meetings over the last week or two), he said that an email had been received from the Department this morning advising that the Department was working to complete a legal application/declaration form to allow the release of emergency funding (€15,000k for alternative accommodation & €5k for storage costs) on an administrative basis to the cohort of homeowners whose homes were now uninhabitable. This, it was understood would be applicable to no more than twenty homeowners.

Mr Lafferty said that a circular letter was expected to issue to confirm same and that it was hoped that the template agreement letter would be with the Council later in the day. Separately, he said, a circular would also be issuing to confirm the signing of the new amended regulations by the Minister which would allow for the early recoupment of engineer's fees. This, he said, would allow the release of fees to applicants who had applied since the 24th February, 2022.

The Cathaoirleach opened the meeting to the floor and a lengthy debate took place with members raising a wide range of issues. These included:

- Council and the Executive must work together towards a long-term solution to what is a humanitarian crisis.
- Over a week since the delegation had met with the Minister and issues still not clarified regarding the 9 homeowners most in need.
- Proactive plan needed going forward based on established timelines and this must be evidence based taking into consideration the wide range of information that is currently available to the Council through the application process. This was proposed by Cllr Mc Monagle and seconded by Cllr A Doherty.
- Modular Homes and their use should be explored given that the capacity of the private rental market to assist is little or non-existent at this stage. Engagement must take place with those companies who provide this type of accommodation. Highlighted the fact that any further communication with the Department must press for answers on the modular home issue.
- Query as to whether Donegal County Council was in a position to build Modular Homes in the immediate future and whether or not families would have to find their own accommodation. Clarification sought as to whether the Council would be able to provide any housing stock in this instance to assist.

- Clarity sought on the criteria for drawing down the emergency funding for storage and accommodation, and the implications for those who had bought containers in which to store their possessions.
- Query as to how those who moved out of their houses a few months ago would now be compensated.

At this juncture Cllr Mc Brearty asked for clarification in relation to a motion that he had submitted, and which had been passed earlier in the year regarding the Defective Concrete Blocks situation. A number of questions, he advised, had been raised and he still had not received any clarification from the Council or the Defective Concrete Block Section. He proceeded to refer to the questions and was informed in by the Cathaoirleach that these were not in keeping with the agenda item.

Cllr Mc Brearty said that he was entitled to get answers and insisted that these be provided. The Cathaoirleach said that he would get the replies but that the agenda for this meeting was clearly defined and that there could be no deviation.

A heated debate ensued resulting in the Cathaoirleach asking Cllr Mc Brearty to leave the meeting. As he failed to do so the meeting was adjourned for a short recess.

C/467/22

STEPS TO BE TAKEN IMMEDIATELY TO HELP THOSE FAMILIES WHOSE HOMES ARE WORST AFFECTED BY DEFECTIVE CONCRETE BLOCKS

On resumption the Cathaoirleach said that it was imperative that the discussion continued in line with the agenda.

Cllr Mc Brearty advised that he was withdrawing from the meeting as he was not allowed to ask questions in the public interest.

The meeting continued with members expressing concern that the relevant paperwork had still not been received with a number contending that this was down to the Government dragging its feet again.

The debate continued and the following issues were raised:

- Details in relation to the new Housing Agency requested.
- Imperative that public representatives both locally and nationally worked to highlight and resolve the issues for homeowners who needed help urgently.
- Acknowledgement of the staff in the Defective Concrete Block section who were working to get applications over the line and dealing with individual homeowners.
- Full Plenary Council is the proper forum for this to be debated and the Mica Action Group and other interested parties should be allowed to participate in the interest of transparency.

- Query as to the number of homeowners in the higher range of the safety spectrum, including those currently on the scheme and how these might be accommodated going forward.
- Clarity needs to be provided so as not to add to the confusion that already exists and to highlight the fact that the Council is limited in what it can do.
- Planning Authority, Environmental Health Officers etc need be geared up and a template in place to deal with the issues that arise in terms of septic tanks, percolation areas etc.

The Cathaoirleach at this juncture said it was important that the public were given the proper information. He said that he hoped that when the letters of formality arrived from the Department that they would be simple and allow the homeowners who needed it a way out of their predicament.

- Highlighted need for ongoing consultation with the Department until the new regulations are in place.
- Back log of 378 applications needs to be cleared in January. Engineering fees must be reimbursed as quickly as possible.
- Highlighted the fact that there should be no more vacuums and that communication between the Council, the Department, and the applicants must be clear going forward.
- Noted that many staff including those in the Defective Concrete Block Section had been impacted by the crisis.
- Dangerous to put a boundary on the numbers who find themselves in uninhabitable accommodation as this is an ongoing and revolving crisis.

Mr Patsy Lafferty, Director, Housing, Corporate & Cultural Services welcomed the discussion to date and noted that the current scheme and the enhanced scheme were engineer and homeowner led and thus totally different to the Pyrite Remediation Scheme which had a Programme Manager in the form of the Housing Agency/Pyrite Remediation Board in which a provision was also included for alternative accommodation.

The Council pending final clarification from the Department was, he said, ready to move in terms of providing the available monetary assistance to the 9 families in need of urgent accommodation. The refunding of engineer's fees would, he advised, be addressed in the New Year.

He informed members that an agency had been engaged by the Department to look at the possibility of providing modular homes in another context and that the results of this exercise were awaited. An appropriate approach was needed, he said, going forward if modular homes were to be part of the solution.

He said that he hoped to have more details later in the day in relation to emergency funding, but that the Council had been engaging with the affected families to get their bank details etc so as to ensure that the process moved speedily along.

Continuing, he stated, that there had been a heavy burden on staff and that a massive effort was being made to clear the backlog of applications.

Members were also informed that the Housing Agency had been set up and that a number of staff had been recruited and trained with regard to Standard IS465. The Council, he confirmed, would have no engineering involvement but would administer the enhanced scheme.

The Chief Executive said that all needed to be clear as to what was within the power of the Council and what lay with others so that the best possible outcome could be achieved. Huge empathy, he confirmed, existed in respect of the homeowners and the Council was fully aware of the frustrations that were out there.

He alluded to the fact that there were three primary bodies involved namely, the Department of Housing, Local Government & Heritage, the Housing Agency, and the Council. From most of the contributions to date, he said, it was apparent that the role of the Council was not fully understood. It was important, he said, to clarify what its actual role was as misunderstanding of this role was hindering progress.

Members, staff, and homeowners all needed to see a united Council in action and there had to be a recognition of the powers held by the Council and those over which it had no role or authority.

It was anticipated, he said, that the enhanced scheme would be up and running by May of next year but that was out of the Council's control and there would have been no need for a letter today in respect of emergency funding, if the enhanced scheme had been delivered in a timely fashion. The result was a rushed initiative heading into the Christmas Holidays. He said all had been done to get the necessary bank details, yet the Council had to wait on the Department to formally authorise the payment. It was all, he advised, an indication of a system that did not work very well.

The Council, he confirmed, a few years ago to be helpful had agreed to administer the defective concrete blocks grants and for that reason people had been misled into assuming that Councillors and the Council had a definitive role in the process. It needed, to be made clear, he said, that the Council was not the Programme Manager for rebuilding houses in what might be a €3 to €4 billion capital project and one which necessitated the involvement of an extended management team.

The scheme, he stated, had been rolled out as a homeowner engineer led scheme and was very different to the Pyrite scheme which had a resolution board in place.

The Council, he said, were not the writers of the scheme as this lay primarily with the Department, yet a gap existed in that there was no one specifically in charge of the management of the project. All in all, the resources did not exist at present to allow the Council take on the Programme Manager role.

The Council's power, he emphasised, again was limited in what it could do and that while it did have great strength as an elected body, this required cohesion going forward.

With regards the payment of the monies, the Council was willing to pay the emergency monies and be reimbursed, but this all necessitated Departmental authority to pay monies outside of the normal budgetary structures.

The Council, he contended, had nothing to be afraid or ashamed of and it would be necessary to get further clarity out there as to where its powers actually lay. People needed to know the role and the limitations of the Council, he added, and reiterated the fact that the body was fully aware of the suffering being experienced by many families out there.

Continuing, he alluded to the fact that the Council had around 1000 social houses affected by mica and that these also had been impacted by the delay in finalising the enhanced scheme. Progress had been hindered, he said, as the Council had been informed that these needed to progress at the same pace as those in the private sector.

With regards the use of modular homes there were a range of issues that arose, he stated, regardless of whether it was social housing or a private development and that there would have to be further consultation with the Department. There was no plan at this stage, he confirmed, to put modular homes in place but that could change in the future.

Mr Mc Laughlin alluded to the fact that the new Scheme would be operated by the Housing Agency and that there may be an opportunity under the regulations for the Council to feed in at the tail end of the process. No one, he advised wanted to plan something and then have to go back and fix it again.

Many Council staff, he said, had been impacted themselves and had been working under undue stress referring in particular to the Carndonagh Public Services Centre a number of days ago. This, he said, was not a good working environment and something that had to change otherwise the Council would have to stand up as a body collective. Staff had been lost to the Housing Agency and several others had indicated that they did not want to work in this particular section. All in all the Council, he advised, wanted to be helpful and referred to the fact that Mr John Gallagher, Senior Engineer had

flagged up many of the issues raised today well over 12 months ago, yet the goalposts continued to change. The Council, he noted, had stepped up in terms of the new rules and would continue to do so.

Clarification was provided that the Council could build modular homes for social housing but was not the case for private housing. That, he said, could change but would need to be fully funded nationally as the Council was not in a position to carry this burden.

Under the Enhanced Scheme, it was acknowledged that private families would be expected to find their own accommodation options. It was noted also that the Council did not have stock sitting around and that a huge policy shift was required if social housing was to be utilised for this purpose.

The Chief Executive confirmed that the structures for participation in meetings had been in place for years in terms of the reception of delegations both at Plenary and District level and that options existed also at sub-committee level.

With regards the two families who hadn't yet applied under the scheme, he said, the Minister had confirmed that he would ask the Housing Agency to look at and follow up in relation to same. This, it was acknowledged, had arisen because of the delay in the implementation of the enhanced scheme. He asked members to encourage any others in a similar position to come forward but to be aware that it was the Housing Agency who were responsible going forward.

Concluding he said that the Council needed the authority to pay any emergency monies and that this was subject to normal auditory requirements. It was essential, he said, that pressure was maintained on those who had the authority so that the situation could be managed in a proper way.

The Cathaoirleach at this juncture said that he had informed Cllr Mc Brearty that any of his questions that could be answered would be replied to before the Christmas break and a copy distributed to all members. He thanked the Chief Executive for the honest explanation as to what the Council's role was in the process.

Responding to a query from Cllr Mc Bride, Mr Patsy Lafferty, Director Housing, Corporate & Cultural Services said that pending receipt of the letter from the Department, it was anticipated that the way forward in terms of the relevant costs for the families involved was to fill out a self-declaration form initially and that this would be followed by the submission of the relevant receipts in due course.

Cllr N Crossan welcomed the clarification that there were no plans to build modular homes for private homeowners, but that it was

something that may be looked at in the future in terms of social housing occupants. The meeting today, he said, would help dispel much of the misleading and false information that was circulating particularly with regard to the role of the Council.

Cllr Mc Monagle said it was very clear that the scheme was not fit for purpose and did not address the issues, but that the Council did need to communicate effectively what was within its remit to do, whilst maintaining ongoing levels of communication. What was needed, he said, was a united, planned and costed strategy to take to the Department, which outlined the real needs of the homeowners and identified clearly where the gaps were.

Mr Patsy Lafferty, Director Housing, Corporate & Cultural Services informed Cllr T Crossan that the Housing Agency had been asked to prepare a building condition assessment on the houses concerned and have core samples taken and sent away for assessment in relation to the two families who had not been in a position financially to join the scheme. This, he said, would kickstart the process and allow the homeowners concerned access emergency funding for alternative accommodation.

The Chief Executive said that the families in question would also be paid if clearance was received from the Department, and that it was his belief that the Housing Agency had already made contact. He said that further reflection was needed in terms of the request by Cllr Mc Monagle.

Cllr Mc Monagle said that all the information needed to be looked at and a proposal as to what was needed put to the Minister. He called on the Chief Executive and the Senior Management Team to look at all possible options and to come up with a costing for the provision of modular homes.

The Cathaoirleach said that he hoped the new regulations would be available in January as promised and noted that members had only been marginally involved in the new enhanced scheme.

Cllr Mc Dermott welcomed the clarification provided in relation to the Council's role and cited the need for ongoing and honest communication. From here on in, he said, the Council needed to have an input into the regulations and use the experience gained over the past few years to assist with this. These needed to be gone through and an assessment made prior to the new enhanced scheme coming into force.

Cllr Mc Guinness said the meeting had helped clear the air and had spelt out the parameters. Meetings, he contended, needed to be more inclusive and transparent with a dedicated platform in place to allow all stakeholders have an input into the process. There needed, he

confirmed, to be more of an input from the Housing Agency and a commitment to actually deliver on same. He alluded to his motion as submitted to the November Plenary Meeting calling for the introduction of an emergency funding mechanism and said that this was still a necessity.

The Chief Executive said that there was a need to reflect on the many issues discussed today and that it would be possible to come together in the New Year to see what could be done collectively. This would, he contended, have to be in the spirit of working together for the good of the homeowners concerned. An open and honest discussion was needed, he added, and that included looking also at how to influence matters that were outside of the Council's remit.

He was hopeful, he said, that a corner could be turned in the New Year and that all the strands could be joined together, as the overall solution was a long-term one, and one which would impact on the county for many years ahead.

Concluding the Cathaoirleach thanked members and staff for their contributions and said that he was fully committed to ensuring that the issue was dealt with in an open and honest manner going forward. He advised that a cross-party group would meet in the New Year and that good communications had opened up with the housing group and homeowner representatives over the past few weeks. The aim, he advised, was to keep everybody involved and this would be progressed in the coming weeks.

This concluded the business of the meeting.



12th December, 2022

To: Each Member of Donegal County Council

I hereby give notice under Paragraph 7 of Schedule 10 of the Local Government Act 2001, having received a requisition from the Cathaoirleach pursuant to Paragraph 6(1)(a) of said schedule, that a Special Meeting of Donegal County Council shall be held at 11.00am on Friday 16th December, 2022 in the County House, Lifford to transact the following business.

AGENDA

- To discuss the steps, we as a Council can take to immediately help those families whose homes are worst affected by Defective Concrete Blocks to get alternative accommodation urgently, and to seek an update on meeting with the Minister.

A copy of the requisition is attached, and an online link will be available.

Patsy Lafferty
Meetings Administrator



**Comhairle Contae
Dhún na nGall**
Donegal County Council

Cllr Liam Blaney
Cathaoirleach Comhairle Contae Dhún na nGall
Chairperson of Donegal County Council



12th December, 2022

Mr Patsy Lafferty
Meetings Administrator

Dear Patsy,

I am hereby requisitioning you in accordance with Paragraph 6(1)(a) of Schedule 10 of the Local Government Act 2001, to convene a Special Meeting of Donegal County Council at 11.00am on Friday 16th December, 2022 to transact the following business:

AGENDA

- To discuss the steps, we as a Council can take to immediately help those families whose homes are worst affected by Defective Concrete Blocks to get alternative accommodation urgently, and to seek an update on meeting with the Minister.


Cllr. Liam Blaney
Cathaoirleach

Ballina, Tamney, Letterkenny, Co. Donegal.