

MINUTES OF OCTOBER MEETING OF LAOIS COUNTY COUNCIL HELD ON THE 24TH OF OCTOBER 2005 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00 A.M.

PRESENT: Councillor Larry Kavanagh In the Chair

Councillors William Aird, John Bonham, Patrick Bracken, Ray Cribbin, James Daly, James Deegan, Bill Delaney, John Joe Fennelly, David Goodwin, Catherine Fitzgerald, Tom Jacob, Michael Lalor, John D Turley, Seamus McDonald, Michael Moloney, Dick Miller, Paul Mitchell, Brendan Phelan, Martin Phelan, Michael Rice, Brian Stanley, Mary Sweeney

APOLOGIES: Councillors Jerry Lodge John Moran

IN ATTENDANCE:

Messers Peter Carey, County Manager, Louis Brennan, Director of Services, John Daly, Director of Services, Gerry Gibson, Director of Services, Anne McLoughlin, Administrative Officer, Gerry Murphy, Head of Finance, Gerry Gillen, Senior Executive Officer, Corporate Affairs & Ms. Michelle McCormack, Assistant Staff Officer, Corporate Affairs

160. CONFIRMATION OF MINUTES

On the proposition of Councillor Michael Lalor seconded by Councillor William Aird, it was unanimously agreed that the Minutes of the September Meeting of Laois County Council held on the 26th of September 2005 as circulated be adopted and signed.

161. DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001

- (i) On the proposal of Councillor Michael Lalor seconded by Councillor John Joe Fennelly, the members unanimously agreed to the disposal of 3.52 acres at Kiln Lane, Mountrath to Respond! Housing Association, Airmount, Dominick Place, Waterford for a consideration of €2,667

Councillor James Deegan stated that he had concerns regarding the workings of Respond with particular reference to a site that the association had acquired in the town of Stradbally. The County Manager, Mr. Peter Carey indicated that officials of the Council would be having discussions with Respond in relation to the issues that need to be addressed and clarified. Councillor William Aird proposed that the Respond Housing Association be requested to attend a future meeting of the Council. This proposal was seconded by Councillor James Deegan.

- (ii) On the proposal of Councillor James Deegan seconded by Councillor Ray Cribbin, the Members unanimously agreed to the disposal of land at

Courtwood, Vicarstown to Thomas Scully, legal rep of Patrick Dobbyn, deceased, for a consideration of €127

- (iii) On the proposal of Councillor William Aird seconded by Councillor Mary Sweeney, the members unanimously agreed to the disposal of 6 Beladd, Portlaoise to Kathleen Whelan (formally Kathleen Crossan) for a consideration of €127
- (iv) On the proposal of Councillor William Aird seconded by Councillor Tom Jacob, the members unanimously agreed that the consideration of an item relating to the disposal of lands to Iarnród Eireann be deferred until later in the meeting.

162. APPROVAL TO THE RAISING OF A BRIDGING LOAN FOR AFFORDABLE HOUSING AT BALLACOLLIG, MOUNTMELICK

On the proposal of Councillor David Goodwin seconded by Councillor Seamus McDonald, the Members unanimously agreed to the raising of a bridging loan not exceeding €1,403,360 from the Housing Finance Agency Plc., in respect of the acquisition of 11 No. Affordable Housing Units at Ballacollig, Mountmellick

163. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS 2001

The Members were circulated with the Planning Report in relation to the proposed development. The proposed development comprises of the construction of 36 No. semi-detached two storey Affordable Dwellings with associated site development works in the townland of Cooltederry, Portarlinton (located between Railway Road and Ballymorris Road).

Queries raised by the members were replied to. On the proposition of Councillor James Deegan seconded by Councillor Ray Cribbin, the Members unanimously agreed to proceed with the proposed development.

164. MATERIAL CONTRAVENTION OF THE COUNTY DEVELOPMENT PLAN 2000

On the proposal of Councillor David Goodwin seconded by Councillor Seamus McDonald, the Members unanimously agreed that the County Development Plan 2000 be contravened to facilitate an application for permission to erect one no. dwelling house, also outline permission for four no. dwelling houses and all associated site works at Acragar, Mountmellick

165. ADOPTION OF THE CASUAL TRADING BYE-LAWS FOR FITZMAURICE PLACE, PORTLAOISE, MARKET SQUARE, ABBEYLEIX AND THE SQUARE, BALLINAKILL

It was noted that the Casual Trading Bye-laws for Market Square, Abbeyleix and the Square, Ballinakill had been adopted at the September Meeting of Laois County Council.

Councillor William Aird proposed that further discussions in relation to the proposed adoption of the Casual Trading Bye-Laws for Portlaoise be deferred to the December Meeting of Laois County Council in order to allow further consultations to take place with the Portlaoise Area Members. This proposal was seconded by Councillor Brian Stanley and agreed.

166. DRAFT POLICY ON THE PROVISION OF LITTER BINS

Councillor Mary Sweeney, Chairperson of the S.P.Cc presented the proposed policy to the members. The Members were circulated with a copy of the draft Policy on the Provision of Litter Bins. The policy document had been prepared and discussed in an attempt to address difficulties that were being experienced in relation to the provision and maintenance of Litter Bins. It had been proposed and agreed by the Environment & Water Services SPC at its September meeting. The Members complimented the members of the SPC, Mr. John Daly, Director of Services & Mr. John McGowan, Senior Engineer with regard to the preparation of the policy.

On the proposition of Councillor Mary Sweeney seconded by Councillor James Daly, the Members unanimously agreed to adopt the draft Policy on the Provision of Litter Bins. The Members requested that a letter issue to the Department of the Environment, Heritage & Local Government seeking a contribution from the 'plastic bag' levies towards the cost of providing the schedule of new and replacement Litter Bins that was contained in the proposed Program of Work.

167. DRAFT BYE-LAWS FOR THE MANAGEMENT OF WATER SUPPLIES AND THE CONSERVATION OF DRINKING WATER 2005

The Members were circulated with a copy of the draft Bye-laws for the Management of Water Supplies and the conservation of Drinking Water 2005. The draft Bye-laws had been endorsed by the Environment & Water Services SPC at its September meeting. Councillor Mary Sweeney, Chairperson of the S.P.C. presented the bye-laws at the meeting.

Councillor William Aird indicated that he had concerns with regard to the responsibility that was being placed on certain groups of consumers. He proposed that the draft Bye-laws be amended by the exclusion of the following paragraphs:-

4.2.1 The maximum permitted use of water in premises shall be an average of 5,000 litres per day, or such other quantity as may be determined from time to time by the Council. The occupier of premises, which uses in excess of that amount of water per day, shall be required to obtain the written approval of the Council in advance for the use of the excess volume.

4.2.2 A Water Conservation Policy Statement shall be submitted for approval to the Council by the occupier of any premises, which uses in excess of 5,000 litres per day, or such other quantity as may be determined from time to time

by the Council. Failure to submit such a statement within nine months of these bye-laws coming into effect shall be an offence. A new statement shall be submitted every three years or at such other times as determined by the Council or at any change of use or ownership

- 4.2.3 The occupier of a premises to which a Water Conservation Policy Statement applies shall carry out a Water Audit at least once every year and shall submit the Audit Report to the Council for approval. Failure to submit such an Audit within the time specified by the Council shall be an offence.

A Roll Call Vote was taken on Councillor Aird's proposal which resulted as follows:-

The result of the Roll Call was 18 votes for the proposal and 5 against.

Mr. Kieran Kehoe, Senior Executive Engineer responded to the various queries raised by the Members. The Members were advised that the Bye-laws would need to be put on further public display to reflect the change that had been agreed. The draft Bye-laws would be listed for further consideration by the Members in the future.

168. PRESENTATION BY MR. CARL PAGE, PROJECT MANAGER, IARNRÓD EIREANN ON THE PROPOSED TRAINCARE DEPOT AT THE PORTLAOISE INTERCHANGE

The following officials from Iarnród Eireann were in attendance to give a presentation to the Members on the proposed Traincare Depot at the Portlaoise Interchange:

- Mr. Carl Page, Project Manager, Iarnród Eireann
- Mr. Bob O' Donnell, Director of Engineering, Jacobs
- Mr. Jerry Loughrey, Director of Architecture

Mr. Page indicated that the proposed new facility will be provided primarily to service the new Intercity railcar fleet, for servicing rolling stock and to facilitate the centralisation of the general management and administration of the rail service. It would also enable the company to meet the demands for more frequent intercity services and increased rail usage.

The Members thanked Mr. Page and his associates for their very comprehensive presentation and also expressed thanks to Mr. Louis Brennan, Director of Economic Development for his ongoing involvement in attempting to bring this enterprise to Portlaoise. It was noted that a planning application for the project would be submitted in December 2005

169. PRESENTATION BY MS. LOUISE DONLON, DIRECTOR, DUNAMAISE ARTS CENTRE ON 'THE DUNAMAISE ARTS CENTRE' - A REGIONAL CENTRE OF EXCELLENCE IN LAOIS

Ms. Louise Donlon, Director of the Dunamaisé Arts Centre gave a presentation on the Dunamaisé Arts Centre. Ms. Donlon indicated how the annual contribution of

€130,000 from Laois County Council is utilised. Louise was complimented on the efficient manner in which she manages the Dunamaise Arts Centre. Gratitude was expressed to Mr. Louis Brennan, Director of Services and the employees of Laois County Council for their efforts and commitment particularly during the start up phase of the Theatre's operation. Mr. Louis Brennan, Director of Services complimented Louise in relation to the manner in which she performs her duties.

170. DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001 - ROADS

On the proposal of Councillor Brian Stanley seconded by Councillor James Daly, the Members unanimously agreed to the disposal of 0.2 acres of land at Clonminam Industrial Estate, Knockmay, Portlaoise to Coras Iompar Eireann/Iarnroid Eireann for a consideration of €82,500

171. EU CO-FINANCED SCHEME OF GRANTS - PROPOSALS FOR FUNDING IN 2006

The Members were circulated with details of the proposals that had been submitted to the Department of the Environment, Heritage and Local Government for funding for E.U. Co-Financed Specific Improvement Grants Scheme.

On the proposal of Councillor Paul Mitchell seconded by Councillor Tom Jacob, the members unanimously agreed the EU Co-Financed Scheme of Grants for 2006.

172. MULTI-ANNUAL ROADS PROGRAMME 2006-2008

The Members were circulated with a copy of the Multi-Annual Roads Programme for 2006 - 2008. Following a debate on various projects which appeared to be omitted from the programme, Councillor James Deegan proposed that consideration of this item be referred to the Area Meetings for further discussion. This proposal was seconded by Councillor Seamus McDonald. It was agreed that meetings to consider the matter would take place as follows on Monday, November 7th 2005:-

- | | | |
|-----------------|---|------------|
| a. Western Area | - | 9.00 a.m. |
| b. Central Area | - | 11.30 a.m. |
| c. Eastern Area | - | 3.00 p.m. |

173. CORRESPONDENCE

Mr. Gerry Gillen, Senior Executive Officer indicated that there were no items of correspondence for consideration.

174. MEMBERS ATTENDANCE AT CONFERENCES

Mr. Gerry Gillen, Senior Executive Officer indicated that there is a requirement that the attendance of Members of a Local Authority at conferences be ratified at a meeting of that Local Authority. The agreement of the members was sought for the ratification of the attendance of members of Laois County Council at various conferences that had taken place from the date of the last meeting at which such attendances were so ratified. The attendances being ratified had been detailed in a document circulated to the Members.

On the proposal of Councillor Ray Cribbin seconded by Councillor Seamus McDonald the attendance of the Members at the conferences as outlined were ratified.

175. REPORT ON S.P.C. MEETINGS & AREA MEETINGS HELD IN SEPTEMBER 2005

The members noted the reports circulated relating to the S.P.C. Meetings & Area Meetings which had taken place in September 2005.

176. NOTICE OF MOTIONS

Notice of Motion No: 38B/05

Councillor Paul Mitchell proposed the following Notice of Motion:-

"That this County Council ask the Department of Agriculture to ensure that all beef imported into this Country is traceable or at least marked to show the Country of origin"

This Notice of Motion was seconded by Councillor William Aird. It was agreed that a letter would issue to the Department of Agriculture in this regard.

This concluded the business of the meeting.

Signed:

Cathaoirleach

Director of Corporate Affairs