

**MINUTES OF DECEMBER MEETING OF LAOIS COUNTY COUNCIL HELD ON  
THE 12<sup>TH</sup> OF DECEMBER 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, Jerry Lodge, Seamus McDonald, Michael Moloney, Dick Miller, Paul Mitchell, John Moran, Brendan Phelan, Martin Phelan, Michael Rice, Brian Stanley, Mary Sweeney

**APOLOGIES:** Councillors John D. Turley

**IN ATTENDANCE:**

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

**189. VOTE OF SYMPATHY**

On the proposal of Councillor William Aird, the Members unanimously agreed that a vote of sympathy be extended to the Harris family on the tragic death of their two sons in a road traffic accident at the weekend. This proposal was seconded by Councillor Mary Sweeney.

On the proposal of Councillor James Daly, the Members unanimously agreed that a vote of sympathy be extended to the Lalor family on the tragic death of their son in a road traffic accident at the weekend.

On the proposal of Councillor John Bonham, the Members unanimously agreed that a vote of sympathy be extended to the O' Leary family, Tinweir, Durrow on the recent death of Joe O' Leary, a former employee of Laois County Council .

**190. CONFIRMATION OF MINUTES**

On the proposition of Councillor Seamus McDonald seconded by Councillor Michael Lalor, it was unanimously agreed that the Minutes of the November Meeting of Laois County Council held on the 28<sup>th</sup> of November 2005 as circulated be adopted and signed.

**191. IMPROVEMENT WORKS AT MONEYCROSS**

Councillor William Aird enquired as to the up to date position in relation to the carrying out of improvement works at Moneycross. Mr. Gerry Gibson, Director of

Services indicated that further correspondence has issued to the Department of the Environment, Heritage & Local Government in this regard. Mr. Gibson indicated that he would advise the Members with regard to any response that is received.

**192. ELECTION OF A COMMITTEE OF EIGHT MEMBERS TO LIAISE WITH THE N.R.A. DURING THE CONSTRUCTION PHASE OF THE M7/M8 MOTORWAY**

Councillor John Bonham proposed that the committee comprise of the following members:-

- Councillor Martin Phelan
- Councillor Michael Lalor
- Councillor Larry Kavanagh
- Councillor Brian Stanley
- Councillor William Aird
- Councillor Bill Delaney
- Councillor Brendan Phelan
- Councillor Catherine Fitzgerald.

This proposal was seconded by Councillor William Aird and unanimously agreed.

**193. POLICY DOCUMENTS AS RECOMMENDED BY THE PLANNING & TRANSPORTATION S.P.C.**

The Members had been circulated with the following four policy documents. Mr. Gerry Gibson, Director of Services briefed the Members on the documents which had been prepared by the S.P.C. and that form part of the Issues Paper.

- (i) Draft policy on Graiguecullen Local Area Plan
- (ii) Draft policy on Portarlinton Local Area Plan
- (iii) Draft policy on Portlaoise Local Area Plan
- (iv) Draft policy on Mountmellick Local Area Plan

Mr. Gerry Gibson, Director of Services responded to various queries that arose and indicated that the Local Area Plans will be going out to public consultation. Following the public consultation phase they will be considered further by the Council. The Member's views would be taken into account before the plans are finalised.

On the proposal of Councillor James Daly seconded by Councillor John Moran, the draft policy on Graiguecullen Local Area Plan was agreed with amendments.

On the proposal of Councillor Ray Cribbin seconded by Councillor James Deegan, the draft policy on Portarlinton Local Area Plan was agreed with amendments.

On the proposal of Councillor William Aird seconded by Councillor Mary Sweeney, the draft policy on Portlaoise Local Area Plan was agreed with amendments.

On the proposal of Councillor Seamus McDonald seconded by Councillor Patrick Bracken, the draft policy on Mountmellick Local Area Plan was agreed with amendments.

The Members had been circulated with the draft policy on Wireless Broadband for Rural Areas. Councillor John Joe Fennelly, Chairperson of the Planning & Transportation S.P.C. briefed members on the contents of this policy. On the proposal of Councillor John Joe Fennelly seconded by Councillor James Daly, the draft policy on Wireless Broadband for rural areas was agreed with amendments.

The Members had been circulated with the draft policy on Integral Public Transport for Laois. Councillor John Joe Fennelly, Chairperson of the Planning & Transportation S.P.C. briefed members on the contents of this policy. On the proposal of Councillor John Joe Fennelly seconded by Councillor Bill Delaney, the draft policy on Integral Public Transport for Laois was agreed with amendments. The members of the Planning & Transportation S.P.C. were complimented on their efforts with regard to the formulation of these policy documents.

#### **194. POLICY DOCUMENT AS RECOMMENDED BY THE ECONOMIC DEVELOPMENT & COUNTY PROMOTION S.P.C. - DEVELOPMENT OF THE NATIONAL ACADEMY FOR LANGUAGES, OCCUPATIONAL AND CITIZEN SKILLS IN PORTLAOISE**

The Members had been circulated with the draft policy on Development of the National Academy for Languages, Occupational and Citizen Skills in Portlaoise. This policy was formulated by the Economic Development & County Promotion S.P.C.

Councillor Brian Stanley proposed that responsibility training be included on page 2 of the document. On the proposal of Councillor James Deegan seconded by Councillor John Bonham, the draft policy on the Development of the National Academy for Languages, Occupational and Citizen Skills in Portlaoise was agreed with this amendment. The staff of the Economic Development Section and the members of the Economic Development & County Promotion S.P.C. were complimented with regard to their effort and involvement in the production of this policy document.

#### **195. TAKING IN CHARGE**

On the proposal of Councillor John Joe Fennelly seconded by Councillor John Bonham, the Members unanimously agreed to the Taking In Charge of the Ralish Group Water Scheme

On the proposal of Councillor James Daly seconded by Councillor Dick Miller, the Members unanimously agreed to the Taking In Charge of Ballygormill Group Water Scheme

On the proposal of Councillor Martin Phelan seconded by Councillor Bill Delaney, the Members unanimously agreed to the Taking In Charge of Beledy Group Water Scheme

On the proposal of Councillor Brian Stanley seconded by Councillor William Aird, the Members unanimously agreed to the Taking In Charge of Forest Park, Borris Road. The Members requested that the S.P.C. formulate a policy to provide for the Taking In Charge of housing estates within a couple of months of the estate being completed. Mr. Gerry Gibson, Director of Services indicated that this matter had been discussed at the last S.P.C. meeting and that consideration of this matter would continue in 2006.

#### **196. COUNCIL RESPONSE ON TAXIMETER AREAS AND TAXI FARES**

The Members had previously been circulated with a copy of a consultation paper on taximeter areas and taxi fares. Mr. Gerry Gibson, Director of Services indicated that the Commission for Taxi regulation has been established. The Commission is consulting with Laois County Council, Portlaoise Town Council & Mountmellick Town Council and is seeking submissions before the 19<sup>th</sup> of December 2005 with regard to a variety of matters. Mr. Gibson requested that the Members consider this matter and submit their views to him as soon as possible in order to afford him an opportunity to submit the Council's response before the December 19<sup>th</sup> 2005 deadline.

#### **197. MULTI-ANNUAL ROADS PROGRAMME 2006 - 2008**

The Members had been circulated with a copy of the Multi-Annual Roads Programme 2006 - 2008. On the proposal of Councillor James Deegan seconded by Councillor John Bonham, the Members unanimously agreed to the Multi-Annual Roads Programme 2006 - 2008 as presented.

It was agreed that application forms for inclusion under the provisions of the Local Improvement Scheme would be accepted but that new applications would not be funded until the presently approved applications have been funded.

#### **198. DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001**

- (i) On the proposal of Councillor Patrick Bracken seconded by Councillor Seamus McDonald, the Members unanimously agreed to the disposal of 14 sq. yds at Wolfe Tone Street, Mountmellick in the townland of Townsparks to John O' Carroll, Carroll O' Keefe & Co Ltd., The Green, Clonaslee for a consideration of €1,000
  
- (ii) On the proposal of Councillor Catherine Fitzgerald seconded by Councillor William Aird, the Members unanimously agreed that this item be adjourned until the February meeting of Laois County Council

- (iii) On the proposal of Councillor Michael Lalor seconded by Councillor Martin Phelan, the Members unanimously agreed to the disposal of 0.021 acres at 3 St. Patrick's Terrace, Borris-in-Ossory in the townland of Borris-in-Ossory to Ann & Declan Barry, 3 St. Patrick's Terrace, Borris-in-Ossory for a consideration of €127
- (iv) On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of equity part of shared ownership loan no. 610106/F at 93 The Hermitage, Portlaoise to Denis Oxley & Sandra Cotter
- (v) On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of equity part of shared ownership loan no. 610050/F at 107 St. Brigid's Place, Portlaoise to James Gleeson & Majella McEvoy
- (vi) On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of equity part of shared ownership loan no. 610097/F at 39 the Hermitage, Portlaoise to Breda Grumley
- (vii) On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of equity part of shared ownership loan no. 610061/F at 23 Lakeglen, Portlaoise to Anthony Moore & Christine O' Gorman
- (viii) On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of equity part of shared ownership loan no. 610058/F at 14 Foxcroft Avenue, Portarlinton to Margaret Hearty
- (ix) On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of equity part of shared ownership loan no. 610013/F at 134 St. Brigid's Place, Portlaoise to Dermot & Margaret Walsh

**199. APPROVAL OF THE ELECTED COUNCIL TO THE RAISING OF LOANS FROM THE HOUSING FINANCE AGENCY PLC.**

- (i) On the proposal of Councillor David Goodwin seconded by Councillor Seamus McDonald, the Members unanimously agreed to the raising of a loan not exceeding €1.2 million from the Housing Finance Agency Plc., in respect of 10 Affordable Housing Units at Corbally, Rosenallis
- (ii) On the proposal of Councillor Michael Lalor seconded by Councillor Bill Delaney, the Members unanimously agreed to the raising of a loan not exceeding €1.2 million from the Housing Finance Agency Plc., in respect of 10 Affordable Housing Units at Woodbrook, Mountrath
- (iii) On the proposal of Councillor Michael Rice seconded by Councillor Dick Miller, the Members unanimously agreed to the raising of a loan not exceeding €101,000 from the Housing Finance Agency Plc., in respect of 1.8 acres of land at Doonane, Crettyard

**200. PERMISSION TO USE THE LAOIS COUNTY COUNCIL CREST ON THE UNITED NATIONS VETERANS ASSOCIATION PORTLAOISE FLAG**

Mr. Gerry Gillen, Senior Executive Officer informed members of correspondence which had been received from the Secretary of the Laois Veterans Association, Portlaoise seeking permission to use the Laois County Council crest on a flag for their post in Portlaoise. On the proposal of Councillor Tom Jacob seconded by Councillor Brian Stanley it was unanimously agreed to grant permission to the Laois Veterans Association to use of the Laois County Council crest on a flag for the post in Portlaoise.

## 201. CORRESPONDENCE

There was no correspondence for noting.

## 202. NOTICE OF MOTIONS

### Notice of Motion No: 43/05

Councillor James Daly proposed the following Notice of Motion

***"That Laois County Council clarify their policy with regard to building relief roads around town centres and then granting planning permission for developers to construct roundabouts and traffic lights on these same roads to facilitate developments. This in turn leads to traffic congestion on the outer roads which were originally built for the purpose of relieving congestion"***

This motion was seconded by Councillor Michael Rice.

The members were advised that the key roles of relief roads are as follows:-

- (i) to ensure varying amounts of traffic can be accommodated at any one time
- (ii) to alleviate traffic congestion from the main routes and roadways
- (iii) to act as support infrastructure in order to strengthen and support the existing network

It is the Council policy to protect the carrying capacity of these roads while at the same time facilitating development. This policy may be reviewed in the course of the Graiguecullen Local Area Plan.

### Notice of Motion No: 44/05

Councillors Bill Delaney, John Joe Fennelly, Brendan Phelan, Ray Cribbin, Michael Rice, Dick Miller, Catherine Fitzgerald, Jerry Lodge, Michael Moloney, Seamus McDonald & Paddy Bracken

***"That this Council reaffirms it's well known policy in relation to Waste Management in that no refuse from outside the County of Laois is to be taken at Kyletelisha"***

This motion was seconded by Councillor Patrick Bracken. The Members were then read the following response that had been prepared in reply to the motion.

"It is an objective of Laois County Council that Kyletelisha Landfill is primarily available for the disposal of waste from County Laois. However, the opening of a number of private landfills in recent years has led to a substantial change in the traditional patterns of waste disposal.

These landfills are now competing for waste, which up to recently was only being disposed of in local authority landfills.

Private sector waste collectors are prepared to move waste across counties and regions in order to obtain the best value for money available.

These trends were recognised in the Government Policy document 'Taking Stock and Moving Forward' issued in 2004. This document called for flexibility in relation to the movement of waste between regions, while recognising that facilities provided in a region should deal primarily with waste from that region.

This approach was repeated in a direction issued by the Minister for the Environment on 3<sup>rd</sup> May 2005 to local authorities under Section 60 of the Waste Management Act, 1996 (as amended). The Minister directed that a more flexible approach be adopted by local authorities towards the movement of waste in preparing waste management plans and in carrying out their other waste management functions.

The new Waste Management Plan for the Midlands Region has taken account of the Ministers direction by the inclusion of the following policy objective:-

"The proximity principle should be taken into account, however, it is recognized that there should be flexibility with respect to the movement of waste across regional boundaries and within the region. The capacity of waste facilities in the Region should as far as possible satisfy the needs of the Region whilst allowing some element of flexibility for movement of waste into and out of the Region in line with the policy direction issued by the Minister in May 2005 under Section 60 of the Waste Management Act, 1996 (as amended)"

In relation to Kyletelisha landfill, the intake of all waste is monitored to ensure that it complies fully with the conditions of the licence received from the Environmental Protection Agency.

It should also be noted that there are serious financial implications for the Council arising from this issue."

Mr. John Daly, Director of Services responded to various questions that were posed by Members.

Councillor Martin Phelan proposed that a deputation visit the Minister in this regard. This motion was seconded by Councillor Tom Jacob

**Notice of Motion No. 45/05**

Councillor Jerry Lodge proposed the following Notice of Motion:-

***"That this Council requests that the Director of the BMW Region would attend our next meeting to account for the low level of regional spending in Laois"***

This motion was seconded by Councillor Mary Sweeney. It was agreed that a letter issue to the BMW Regional Director in this regard.

**Notice of Motion No: 46/06**

Councillor Catherine Fitzgerald proposed that following Notice of Motion:-

**"That this Council provide emergency accommodation for victims of domestic violence"**

This motion was seconded by Councillor Mary Sweeney. The Members were advised that the County Laois Homeless Forum has identified victims of domestic violence as a specific category of homeless. The services and facilities required to deal with homelessness in Laois include the provision of emergency accommodation and each case is dealt with on it's own merits.

Some Members expressed concern in relation to this issue. Mr. Declan Byrne, Director of Services indicated that he would investigate the options early in 2006 and that he would be bringing the matter to the attention of the Housing SPC.

This concluded the business of the meeting.

**Signed:**

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**Cathaoirleach**

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**Director of Corporate Affairs**