

**MINUTES OF THE MARCH MEETING OF LAOIS COUNTY COUNCIL HELD IN  
ÁRAS AN CHONTAE, PORTLAOISE ON 31<sup>ST</sup> OF MARCH 2009**

<b>PRESENT:</b>	Councillors	<b>Tom Jacob</b>	In the Chair
		William Aird	John Bonham
		Patrick Bracken	Raymond Cribbin
		James Daly	James Deegan
		Geraldine Delaney	John Joe Fennelly
		David Goodwin	Catherine Fitzgerald
		Laurence Kavanagh	Michael Lalor
		Jerry Lodge	Seamus McDonald
		Michael Moloney	Dick Miller
		Paul Mitchell	John Moran
		Brendan Phelan	Martin Phelan
		Michael Rice	Brian Stanley
		Mary Sweeney	John D. Turley

**IN ATTENDANCE:**

Messers Peter Carey, County Manager, Gerry Gibson, Director of Services, Declan Byrne, Director of Services, Gerry Murphy, Head of Finance, John Daly, Director of Services, Ms. Anna Marie Delaney, Director of Services, Ms. Carmel McNicholl, Senior Executive Officer & Ms. Michelle McCormack, Executive Secretary

**30. CONFIRMATION OF MINUTES**

On the proposition of Councillor William Aird seconded by Councillor Michael Lalor, it was agreed that the Minutes of the February meeting held on the 23<sup>rd</sup> of February 2009 as circulated be adopted and signed.

On the proposition of Councillor John Bonham seconded by Councillor Brian Stanley, it was agreed that the Minutes of the Special Meeting held on the 16<sup>th</sup> of March 2009 as circulated be adopted and signed.

Councillor James Deegan raised concerns in relation to how much money is on deposit for Laois County Council in the banks and what documentation has been received from the Department of the Environment & Local Government regarding this.

The County Manager indicated that in terms of the overall borrowing, Laois County Council have received correspondence regarding the restrictions being put on capital and revenue expenditure – Laois County Council have been asked to prepare a comprehensive report. This report will be prepared following the budget on the 7<sup>th</sup> of April 2009 and will report on the implications to the members.

### **31. VOTE OF SYMPATHY**

It was proposed by Councillor Michael Rice, seconded by Councillor Catherine Fitzgerald and unanimously agreed that a vote of sympathy be extended to Councillor Dick Miller on the recent death of his sister, Sr. Julie Miller. Councillor Aird, on behalf of the people of Portlaoise commended Sr. Julie on the tremendous work she did while teaching in Portlaoise.

It was proposed by Councillor Martin Phelan, seconded by Councillor John Joe Fennelly, it was unanimously agreed that a vote of sympathy be extended to the Bennett family on the recent death of Ossie Bennett.

### **32. REPORTS ON AREA MEETINGS**

On the proposition of Councillor Laurence Kavanagh, seconded by Councillor John D. Turley, the reports on area meetings held in March 2009 as circulated were noted.

On the proposition of Councillor John Joe Fennelly, seconded by Councillor Paul Mitchell, the reports on S.P.C. meetings held in March 2009 as circulated were noted.

### **33. MATERIAL CONTRAVENTION OF THE PORTLAOISE LOCAL AREA PLAN 2006 – 2012 – LISMARD PROPERTIES LTD.**

The Members were circulated with the planning report on the proposed material contravention of the Portlaoise Local Area Plan 2006 – 2012. This application has been received from Lismard Properties Ltd., to erect a family restaurant with drive thru lane, car park and associated landscaping at Lismard Business Park, Timahoe Road, Portlaoise.

A lengthy discussed ensued on the matter and the County Manager responded to the various concerns of the Members and indicated that he is satisfied that this constitutes proper planning and recommended that this be approved. The Members were also reminded that we are in a legal timeframe and the statutory deadline must be adhered to .

Councillor William Aird proposed that the Portlaoise Local Area Plan 2006 – 2012 be contravened to accommodate this development. This proposal was seconded by Councillor Jerry Lodge.

A roll call vote was taken on Councillor Aird's proposal which resulted as follows:

<b>COUNCILLOR</b>	<b>FOR</b>	<b>Against</b>	<b>Absent</b>
Name			
William Aird	√		
John Bonham	√		
Patrick Bracken			√
Raymond Cribbin	√		
James Daly	√		
James Deegan	√		
Geraldine Delaney			√
John Joe Fennelly	√		
Catherine Fitzgerald	√		
David Goodwin	√		
Thomas Jacob	√		
Laurence Kavanagh	√		
Michael Lalor	√		
Jeremiah Lodge	√		
Seamus McDonald	√		
Dick Miller	√		
Paul Mitchell	√		
Michael Moloney	<b>Abstain</b>		
John Moran	√		
Brendan Phelan	√		
Martin Phelan	√		
Michael Rice	√		
Brian Stanley	√		
Mary Sweeney	√		
John D. Turley	√		
<b>TOTAL</b>	<b>22</b>		<b>2</b>

The result of the Roll Call was 22 votes for the proposal, 1 abstention with two Members absent. Councillor Aird's proposal was carried.

**34. MATERIAL CONTRAVENTION OF THE PORTARLINGTON LOCAL AREA PLAN 2007 – 2013 – ARASTRA CONSTRUCTION LTD.**

The Members were circulated with the planning report on the proposed material contravention of the Portarlington Local Area Plan 2007 – 2013. This application has been received from Arastra Construction Ltd., for temporary permission for 10 years for a concrete batching plant, single storey office, mechanical truck/wheel wash, weighbridge, truck and car parking areas, refueling area, stock piles, bored well and 2 metre high security fence and permanent permission for new access road from Lea Road, foul sewer pumping station, connection to existing foul sewer, surface water drainage works connecting to the River Barrow at Lea Road Business Park, Lea Road, Portarlington.

Councillor James Deegan proposed that the Portarlington Local Area Plan 2007 – 2013 be contravened to accommodate this development. This proposal was seconded by Councillor Ray Cribbin.

A roll call vote was taken on Councillor Deegan’s proposal which resulted as follows:

COUNCILLOR	FOR	Against	Absent
Name			
William Aird	✓		
John Bonham	✓		
Patrick Bracken			✓
Raymond Cribbin	✓		
James Daly	✓		
James Deegan	✓		
Geraldine Delaney			✓
John Joe Fennelly	✓		
Catherine Fitzgerald	✓		
David Goodwin	✓		
Thomas Jacob	✓		
Laurence Kavanagh	✓		
Michael Lalor	✓		
Jeremiah Lodge	✓		
Seamus McDonald	✓		
Dick Miller	✓		
Paul Mitchell	✓		

Michael Moloney	√		
John Moran	√		
Brendan Phelan	√		
Martin Phelan	√		
Michael Rice	√		
Brian Stanley	√		
Mary Sweeney	√		
John D. Turley	√		
<b>TOTAL</b>	<b>23</b>		<b>2</b>

The result of the Roll Call was 23 votes for the proposal. Councillor Deegan's proposal was carried.

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

#### **(i) Disposal of 5.01 sq. metres of land at St. Patrick's Terrace, Borris-in-Ossory**

On the proposal of Councillor John Joe Fennelly seconded by Councillor Larry Kavanagh, the members unanimously agreed to the disposal of 5.01 sq. metres of land at St. Patrick's Terrace, Borris-in-Ossory in the townland of Townsparks to the E.S.B., for a consideration of €1.00

#### **(ii) Disposal of freehold at Grange Beg, Borris-in-Ossory**

On the proposal of Councillor Martin Phelan seconded by Councillor John Joe Fennelly, the members unanimously agreed to the disposal of freehold at Grange Beg, Borris-in-Ossory in the townland of Grange Beg to Martin Delaney for a consideration of €127

#### **(iii) Disposal of land at Rockview, Ballydavis, Portlaoise**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the members unanimously agreed to the disposal of land at Rockview, Ballydavis, Portlaoise in the townland of Ballydavis to David & Jeanette Brown for a consideration of €127

#### **(iv) Disposal of land at Paddock, Mountrath**

On the proposal of Councillor Michael Lalor seconded by Councillor John Joe Fennelly, the members unanimously agreed to the disposal of land at Paddock, Mountrath in the townland of Paddock, to Gerard Phelan, legal representative of Denis Phelan, deceased for a consideration of €127.00

**(v) Disposal of One Serviced Residential Site at Ballyroan, Co. Laois. (No. 1)**

On the proposal of Councillor Mary Sweeney seconded by Councillor William Aird, the members unanimously agreed to the disposal of one serviced residential site (No. 1) at Ballyroan, Co. Laois in the townland of Ballyroan to Emmett O' Brien, for a consideration of €57,000

**(vi) Disposal of One Serviced Residential Site at Ballyroan, Co. Laois.**

This Section 183 was withdrawn

**(vii) Disposal of One Serviced Residential Site at Ballyroan, Co. Laois.**

This Section 183 was withdrawn

**(viii) Disposal of One Serviced Residential Site at Ballyroan, Co. Laois. (No. 4)**

On the proposal of Councillor Brian Stanley seconded by Councillor William Aird, the members unanimously agreed to the disposal of one serviced residential site (No. 4) at Ballyroan, Co. Laois in the townland of Ballyroan to Phyllis Galvin, for a consideration of €57,000

**(ix) Disposal of One Serviced Residential Site at Ballyroan, Co. Laois. (No. 5)**

On the proposal of Councillor John Joe Fennelly seconded by Councillor Mary Sweeney, the members unanimously agreed to the disposal of one serviced residential site (No. 5) at Ballyroan, Co. Laois in the townland of Ballyroan to Brendan Rogers & Sinead Kelly, for a consideration of €57,000

**(x) Disposal of One Serviced Residential Site at Ballyroan, Co. Laois. (No. 9)**

On the proposal of Councillor Mary Sweeney seconded by Councillor James Daly, the members unanimously agreed to the disposal of one serviced residential site (No. 9) at Ballyroan, Co. Laois in the townland of Ballyroan to Anne O' Rourke, for a consideration of €25,200, the site subsidy being €31,800

**(xi) Disposal of One Serviced Residential Site at Ballyroan, Co. Laois. (No. 10)**

On the proposal of Councillor John Joe Fennelly seconded by Councillor John Bonham, the members unanimously agreed to the disposal of one serviced residential site (No. 10) at Ballyroan, Co. Laois in the townland of Ballyroan to Michael Burke & Tracy Burke, for a consideration of €25,200, the site subsidy being €31,800

**36. ANNUAL REPORT OF THE AUDIT COMMITTEE FOR NOTING**

The Members were circulated with a copy of the Annual Report of the Audit committee. This is the first report of the committee and reports on the activities for the period 21<sup>st</sup> of November 2007 to the 31<sup>st</sup> of December 2008. The County Manager indicated that this

committee is an independent statutory committee established by the Council – the remit of the committee is to look at good accounting and value for money issues.

Councillor William Aird referred to Page 9 & 10 of the report and enquired as to what is the further action that was identified in relation to the operation of the keyfob system at the landfill. Councillor John Bonham, as member of the Audit Committee indicated that the Committee will be having this issue at Kyletelisha examined.

### **37. ELECTION POSTERS**

Members were circulated with details on the options outlined by the Department of the Environment, Heritage & Local Government in relation to the control of posterage for elections. The various options were discussed by the Members.

The County Manager indicated that a guidance document will be prepared for each candidate, to include road safety issues.

### **38. LOCAL ELECTIONS 2009 – ISSUE OF POLLING CARDS**

The Members were advised that in accordance with Article 55 of the Local Elections Regulations 1995, as amended, a Local Authority may decide by way of reserved function to issue polling cards to those electors with the letter 'L' opposite their name on the Register of Electors, i.e. those electors who will not receive a polling card from the European Local Returning Officer.

On the proposal of Councillor James Daly seconded by Councillor James Deegan, the members unanimously agreed that polling cards be issued at election time.

A discussion ensued regarding the Register of Electors. Councillor Mary Sweeney requested that a letter issue to the Department of the Environment, Heritage & Local Government regarding the difficulties encountered by some people in relation to the requirement, per the regulations, to present at the local Garda Station when registering for the supplement.

### **39. TAKING IN CHARGE OF BROOMVILLE, DUBLIN ROAD, PORTLAOISE**

On the proposal of Councillor Brian Stanley seconded by Councillor Mary Sweeney, the members unanimously agreed to the taking in charge of Broomville, Dublin Road, Portlaoise. Councillor Deegan expressed concern in relation to the cost of maintaining this estate which will be in the region of €50,000. Mr. John Daly, Director of Services indicated that there was a large amount of work to be done in this estate. This is not covered by bonds. Mr. Kieran Kehoe, S.E.O., Planning and his staff were complimented on the manner on which this was dealt with.

**40. TAKING IN CHARGE OF MILLBROOK MANOR, CANAL ROAD, PORTARLINGTON**

On the proposal of Councillor Ray Cribbin seconded by Councillor John Turley, the members unanimously agreed to the taking in charge of Millbrook Manor, Canal Road, Portarlington.

**41. TAKING IN CHARGE OF WOLFE TONE COURT, WOLFE TONE STREET, MOUNTMELICK**

On the proposal of Councillor Patrick Bracken seconded by Councillor David Goodwin, the members unanimously agreed to the taking in charge of Wolfe Tone Street, Mountmellick

**42. PROGRESS REPORT ON IMPLEMENTATION OF LITTER MANAGEMENT PLAN 2008 - 2011**

The Members were circulated with a copy of the Progress Report on the implementation of the Litter Management Plan 2008 – 2011. Ms. Colette O' Rourke, Senior Staff, Environment and her team were congratulated on the report. The County Manager and the Director of Services, Mr. John Daly also acknowledged the work being done in the Environment Section.

**43. WASTE MANAGEMENT (STORAGE, PRESENTATION, SEGREGATION AND COLLECTION OF HOUSEHOLD WASTE) BYE-LAWS 2009**

The Members were circulated with a copy of the report on proposed Waste Management Bye-Laws 2009. Mr. John Daly, Director of Services indicated that this is a new directive set down by the Department of the Environment, Heritage & Local Government and refers to the introduction of a Brown Bin for collection of bio waste and home composting. Councillor James Deegan proposed that the discussion on this item be deferred so that further clarification could be sought on the matter. This proposal was seconded by Councillor Mary Sweeney.

**44. REVISED SCHEME OF LETTING PRIORITIES AS AGREED BY THE HOUSING, SOCIAL & CULTURAL STRATEGIC POLICY COMMITTEE**

The Revised Scheme of Letting priorities as agreed by the Housing, Social & Cultural Strategic Policy Committee at its meeting held on the 2<sup>nd</sup> of March 2009 was circulated to the Members. Mr. Brian Stanley as Chairperson of the Strategic Policy Committee introduced this item. The Strategic Policy Committee were complimented on the scheme. Councillor Deegan requested that a further condition should be added to the scheme that where a person is facing re-possession of their home, that they should be allowed onto the housing waiting list.

Mr. Martin Daly, Senior Executive Officer, Housing and his staff were complimented on the scheme.

On the proposition of Councillor Brian Stanley seconded by Councillor Laurence Kavanagh, the revised scheme of letting priorities was adopted.

#### **45. CORRESPONDENCE**

The Members were circulated with 3 items of correspondence as follows:-

- (i) Correspondence from the Department of the Environment, Heritage & Local Government dated the 3<sup>rd</sup> of March 2009 in relation to illegal parking by travelers
- (ii) Correspondence from the Tánaiste and Office of the Minister for Enterprise, Trade & Employment in relation to Notice of Motion No. 04/09
- (iii) Correspondence from the Tánaiste and Office of the Minister for Enterprise, Trade & Employment in relation to Notice of Motion No: 05/09

#### **46. ANY OTHER BUSINESS**

The Cathaoirleach accepted a letter from the Taxi Drivers of Portlaoise in relation to insufficient rank space in Laois.

The Cathaoirleach, Mr. Tom Jacob proposed that Laois County Council would write to the Taxi Regulator and also write to each County Council for their support on the matter. This proposal was seconded by Councillor Brian Stanley.

Councillor Paul Mitchell raised the issue of landbanks in the County. He indicated that there are a large number of landbanks and in particular there are two in Portarlinton that could be used as allotments to grow vegetables. The County Manager indicated that the matter would be considered

#### **47. NOTICE OF MOTIONS**

##### **Notice of Motion No: 06/09**

Councillor James Deegan proposed the following Notice of Motion:-

*“That Laois County Council give a full written account of the housing application made to the Department of the Environment (Housing Section) for 2009 and the subsequent allocation made regarding Social Housing, DPG grants, Mobility grants and Housing aid grants for the elderly”*

This Notice of Motion was seconded by Councillor Michael Lalor. The Members were informed that Housing Senior Management staff met with officials of The Department of

the Environment, Heritage and Local Government on 6<sup>th</sup> March 2009 to discuss the Action Plan and funding for 2009, 2010 and 2011.

Laois County Council made a comprehensive submission in relation to our funding requirement for the 2009 Social Housing Programme. The Department's indicative allocation was €12,500,000 and they indicated at the meeting that due to budgetary constraints it will be reduced. The final allocation is due in April. The Department stated that no new schemes could be funded in the period 2009-2010.

With regard to money for grants, the Department indicated that that they would not be in a position to confirm the amount of funding until the supplementary budget process has been completed. It is anticipated that there will be an announcement in this regard in the first weeks of April.

### **Notice of Motion No: 07/09**

Councillor James Deegan proposed the following Notice of Motion:-

*“That Laois County Council outlines the measures they propose to take to dispose of the 114 affordable housing units they now own”*

This motion was seconded by Councillor Brian Stanley. The Members were informed that a range of measures are employed in an effort to actively promote the affordable housing scheme and dispose of units, namely:

1. The Internet – all available units are advertised on [www.laois.ie](http://www.laois.ie), [www.daft.ie](http://www.daft.ie) and on [www.affordablehome.ie](http://www.affordablehome.ie).
2. A series of advertisements were placed in the local papers during the summer promoting the scheme and giving details of units for sale.
3. Posters were distributed to Post Offices, Credit Units, the Department of Agriculture, H.S.E offices, schools, Midlands Prison and Health Centres.
4. Available houses were and continue to be advertised in local parish newsletters.
5. An advertising campaign was undertaken on Midlands Radio 3.
6. A show house was opened in respect of the scheme of 50 houses at Colliers Lane, Portlaoise.
7. The Affordable Housing Scheme is regularly circulated to all employees of the Council through our payroll system.
8. The Area Partnership Committees were circulated with details of the scheme as a means of informing employees who were not based in headquarters.
9. Employees working in the Section are available to meet with clients outside office hours.

Laois County Council has appraised the Department of the significant amount of housing stock on hand and have sought approval to transfer units to Social Housing, RAS and Voluntary Bodies. The Department has advised us that a Circular which will outline measures to deal with unsold Affordable Homes will issue in the near future.

It is anticipated that subject to Departmental approval the measures will include the following options:

- Selling Affordable Houses on the open market
- Transferring Affordable Homes to RAS
- Entering into long term lease arrangements

Prices have been reduced on properties in several locations throughout the County and there has never been a better time to buy a new home as can be seen from the following price list:

- 3 Bed Semi-D Clodiagh Way Clonaslee €152,000
- 3 Bed Semi-D Canal Court, Portarlinton €159,900
- 2 Bed Semi-D Maryborough Village Portlaoise €150,000
- 2 Bed Semi D Gleann na Glaise Ballyroan €145,000
- 3 Bed Semi D Moanbaun Woodbrook Mountrath €155,000
- 3 Bed Semi D St. Kieran's Errill €148,000
- 3 Bed Semi D Sli na Noir Balladine Abbeyleix €150,000

In summary, the Council has and continues to seek ways of promoting the Affordable Housing Scheme to interested parties which are cost effective and provides value for money.

It was agreed that the staff in the affordable housing section be complimented.

#### **Notice of Motion No: 08/09**

Councillor Brian Stanley proposed the following Notice of Motion:-

*“That this Council commits to seeking the assistance of the Community Welfare Section of the Health Services Executive and to working with the house purchasers, to ensure that everything possible is done to avoid the re-possession of homes being purchased under the affordable housing, shared ownership and annuity schemes”*

This motion was seconded by Councillor Laurence Kavanagh. It was agreed that a letter would issue to the Health Services Executive in this regard.

It was also agreed that Laois County Council through the Director of Services and Senior Executive Officer would work with the Health Services Executive in this regard to facilitate people in difficulty.

#### **Notice of Motion No: 09/09**

Councillor Paul Mitchell proposed the following Notice of Motion:-

*“That Laois County Council put pressure on Department of Agriculture to set a minimum price for all farm produce especially beef”*

This motion was seconded by Councillor Michael Moloney. It was agreed that a letter issued to the Department of Agriculture in this regard

### **Notice of Motion No: 10/09**

Councillor Paul Mitchell proposed the following Notice of Motion:-

*“That in the present circumstances, Laois County Council relax all laws and regulations in relation to businesses putting up signs to promote themselves”*

This motion was seconded by Councillor James Daly. The Members were informed that Laois County Council Planning & Environment Sections take a proactive approach in relation to advertising signage. All stakeholders are worked with to ensure that businesses can promote themselves as required while adhering to the National regulations in respect of signage. Laois County Council will be advancing an issues paper at the forthcoming Planning & Transportation Strategic Policy Meeting in this regard.

### **Notice of Motion No: 11/09**

Councillor William Aird proposed the following Notice of Motion:-

*“That this Council request the County Manager to ensure that the ‘Fires School Programme’ that is at present in operation is not affected by any cut backs”*

This motion was seconded by Councillor Michael Moloney. The Members were informed that in the preparation of the 2009 budget limitations in expenditure were placed on all areas including the Fire Service. In the situation, no funding has been allocated to the Schools Programme. The situation will be reviewed, with the view of restoring the programme if possible, in the preparation of the 2010 budget.

### **Notice of Motion No: 12/09**

Councillor William Aird proposed the following Notice of Motion:-

*“That this Council call on the Minister for Finance, Mr. Brian Lenihan, in his up and coming budget to ensure that people on the lower income bracket be least affected”*

This motion was seconded by Councillor Jerry Lodge. Notice of Motion No: 14/09 was taken in conjunction with this motion as follows:-

*“That, we the Members of Laois County Council call on the Government that in next week’s budget eliminate the pension levy on all Civil Servants earning below €65,000 as this combined with the expected additional taxes will create great hardship, especially for those with young, school going families”*

It was agreed that a letter to the Minister for Finance in this regard.

**Notice of Motion No: 13/09**

Councillor Michael Moloney proposed the following Notice of Motion:-

*“That, we as Members of Laois County Council, demand that the H.S.E. carry out the required Special Needs Assessments on the 53 infants across the County that are due to begin Primary School in September”*

This motion was seconded by Councillor Laurence Kavanagh. It was agreed that the H.S.E. be written to in this regard.

This concluded the business of the meeting.

Signed:

\_\_\_\_\_ **Cathaoirleach**

\_\_\_\_\_ **Director of Corporate Affairs**