

**MINUTES OF OCTOBER MEETING OF THE COUNCIL HELD ON THE 18th
OCTOBER 2004 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00 A.M.**

PRESENT:	Councillor	William Aird	In the Chair
ALSO PRESENT:	Councillors	John Bonham Ray Cribbin James Deegan John Joe Fennelly David Goodwin Larry Kavanagh Jerry Lodge Dick Miller Michael Moloney Martin Phelan Brian Stanley Michael Turley	Paddy Bracken James Daly Bill Delaney Catherine Fitzgerald Thomas Jacob Michael Lalor Seamus McDonald Paul Mitchell Brendan Phelan Michael Rice Mary Sweeney

Apologies: Councillor John Moran

IN ATTENDANCE:

Messrs Gerry Gibson County Manager, Martin Daly, A/Director of Services, John Daly, Director of Services, Louis Brennan, Director of Services, Gerry Murphy, A/Head of Finance, Gerry Gillen, Senior Executive Officer, Corporate Affairs, Ms. Marie O'Hora, A/Assistant Staff Officer.

1030. CONFIRMATION OF MINUTES

On the proposition of Councillor Larry Kavanagh, seconded by Councillor Tom Jacob the minutes of the September Monthly meeting held on 27th September were confirmed and signed.

1031. CONFIRMATION OF MINUTES OF SPECIAL MEETING

On the proposition of Councillor John Joe Fennelly, seconded by Councillor Brendan Phelan the minutes of the Special Meeting held on 30th September 2004 were confirmed and signed.

1032. APPOINT MEMBER TO THE BOARD OF LAOIS LEADER LTD

Councillor Michael Rice proposed that Councillor Dick Miller be appointed to the Board of Laois Leader Ltd. to replace Councillor Bill Delaney who resigned. This was seconded by Councillor Ray Cribbin and agreed.

1033. APPOINT NINE MEMBERS TO BOARD OF VOCATIONAL EDUCATION COMMITTEE

The following members formed three groups:-

Group 1:

Councillor Michael Moloney, Councillor Paddy Bracken, Councillor Bill Delaney;

This group nominated Councillor Paddy Bracken to be appointed to the Board of the Vocational Education Committee.

Group 2:

Councillor Michael Rice, Councillor Dick Miller ,Councillor Brendan Phelan;

This group nominated Councillor Bill Delaney to be appointed to the Board of the Vocational Education Committee.

Group 3:

Councillor Ray Cribbin, Councillor John Joe Fennelly, Councillor Jerry Lodge, Councillor Seamus McDonald;

This group nominated Councillor Michael Moloney to be appointed to the Board of the Vocational Education Committee.

On the proposition of Councillor John Bonham, seconded by Councillor Larry Kavanagh the following Councillors were appointed to the Board of the Vocational Education Committee;

Councillor Mary Sweeney, Councillor Marty Phelan, Councillor John Bonham, Councillor Paul Mitchell, Councillor Brian Stanley and Councillor Tom Jacob.

1034.

APPOINTMENT OF MEMBERS TO STRATEGIC POLICY COMMITTEES

Economic Development & County Promotion Strategic Policy Committee

The following members formed a group:

Group 1:

Councillor Michael Moloney, Councillor Paddy Bracken, Councillor Bill Delaney, Councillor Michael Rice. This group nominated Councillor Michael Moloney to be appointed.

Group 2:

Councillor Dick Miller, Councillor Brendan Phelan, Councillor Ray Cribbin. This group nominated Councillor Brendan Phelan to be appointed.

On the proposition of Councillor John Bonham, seconded by Councillor Michael Lalor the following Councillors were appointed to the Economic Development and County Promotion Strategic Policy Committee: Councillor John Bonham, Councillor Martin Phelan, Councillor Paul Mitchell, Councillor Tom Jacob.

The following sectoral representatives were appointed to the Economic Development & County Promotion Policy Committee:

Agriculture/Farming	- Mr. John Finlay
Business/Commercial	- Ms. Margaret Ryan
Comm./Vol./Disadv.	- Mr. Eddie Phelan
Trade Union	- Mr. William Moylan

Environment and Water Services

The following members formed a group:

Group 1:

Councillor Michael Moloney, Councillor Paddy Bracken, Councillor Bill Delaney, Councillor Michael Rice. This group nominated Councillor Ray Cribbin to be appointed.

Group 2:

Councillor Dick Miller, Councillor Brendan Phelan, Councillor Ray Cribbin. This group nominated Councillor Bill Delaney to be appointed.

Group 3:

Councillor John Joe Fennelly, Councillor Jerry Lodge, Councillor Seamus McDonald. This group nominated Councillor Dick Miller to be appointed.

On the proposition of Councillor John Bonham, seconded by Councillor Michael Lalor the following Councillors were appointed to the Environment and Water Services Strategic Policy Committee:

Councillor James Daly, Councillor John Moran.

The following sectoral representatives were appointed to Environment & Water Services Policy:

Agriculture/Farming	- Mr. Donald Scully
Env./Consv./Cultural	- Mr. Ger Lynch
Trade Union	- Mr. Christy Mooney
Business & Commercial	- Mr. John Cummins

Planning & Transportation Strategic Policy Committee

Group 1:

Councillor Michael Moloney, Councillor Paddy Bracken, Councillor Bill Delaney, Councillor Michael Rice. This group nominated Councillor Michael Rice to be appointed.

Group 2:

Councillor Dick Miller, Councillor Brendan Phelan, Councillor Ray Cribbin, Councillor John Joe Fennelly. This group nominated Councillor Jerry Lodge to be appointed.

On the proposition of Councillor John Bonham, seconded by Councillor Michael Lalor the following Councillors were appointed to the Planning & Transportation Strategic Policy Committee:

Councillor David Goodwin, Councillor Michael Lalor, Councillor Michael Turley.

The following sectoral representatives were appointed to Planning & Transportation Policy Committee:

Agriculture/Farming	- Mr. Martin Keane
Business & Commercial	- Mr John Keyes
Comm./Vol./Disadv.	- Mr. Brian Bonham
Trade Union	- Mr. John Kelly

Housing, Social & Cultural Policy

Group 1:

Councillor Michael Moloney, Councillor Paddy Bracken, Councillor Bill Delaney, Councillor Michael Rice. This group nominated Councillor Paddy Bracken to be appointed.

Group 2:

Councillor Dick Miller, Councillor Brendan Phelan, Councillor Ray Cribbin. This group nominated Councillor Catherine Fitzgerald to be appointed.

Group 3:

Councillor John Joe Fennelly, Councillor Jerry Lodge, Councillor Seamus McDonald. This group nominated Councillor Seamus McDonald to be appointed.

On the proposition of Councillor John Bonham, seconded by Councillor Michael Lalor the following Councillors were appointed to Housing, Social and Cultural Strategic Policy Committee:

Councillor William Aird, and Councillor Larry Kavanagh.

The following sectoral representatives were appointed to Housing, Social & Cultural Policy Committee:

Business/Commercial	- Mr. John Grace
Env./Vol./Cultural	- Mr. Mick Dowling
Comm./Vol./Disadv.	- Ms. Mary Wheatley
Dev./Construction	- Mr. Pat Culleton

1035. (a) REPORT OF THE SEPTEMBER AREA COMMITTEE MEETINGS OF LAOIS COUNTY COUNCIL

On the proposition of Councillor James Deegan, seconded by Councillor Ray Cribbin the Report of the September Area Committee meeting of Laois County Council was noted.

(b) ANNUAL REPORT/AUDITED ACCOUNTS OF THE GENERAL COUNCIL OF COUNTY COUNCILS

On the proposition of Councillor Seamus McDonald, seconded by Councillor James Daly the Annual Report/Audited Accounts of the General Council of County Councils were noted.

1036. UPDATE OF LAOIS COUNTY COUNCIL CORPORATE PLAN 2004 -2009

Director of Services, Louis Brennan advised that an intensive workshop for Members of Laois County Council and Members of SPC's representing sectoral interests would be held on 15th November 2004 to enable their participation in the preparation of the new Corporate Plan.

It was agreed that the Corporate Plan would be on the Agenda for the December Meeting of the Council for adoption.

1037. FINANCING OF PROPOSED ENTERPRISE UNITS IN PORTARLINGTON

Members had been circulated with a report dated 12th October 2004. The project would be financed as follows:

P.C.D.A. Ltd Community)	€500,000.00 (E.S.B. Contribution to Portarlington
P.C.D.A. Loan	€200,000.00
Laois LEADER Grant	€100,000.00
Private Sector Involvement	€ 10,000.00
Laois County Council Grant	€250,000.00
Laois County Council Soft Loan	€240,000.00

On the proposition of Councillor James Deegan, seconded by Councillor Paul Mitchell the members unanimously agreed to the financing of the proposed Enterprise Units in Portarlington.

1038. REVIEW OF MIDLANDS REGION WASTE MANAGEMENT PLAN

A presentation was given by Larry O'Toole of MCO'S Consultants.

Members discussed at length the issues raised in the presentation. Mr. John Daly, Director of Services advised the Council that it was proposed to proceed with the review.

1039. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS 2001 IN RESPECT OF:

(a) CONSTRUCTION OF NEW PLAYGROUND FOR CHILDREN (AGED 1-14) IN THE PEOPLE'S PARK, PORTARLINGTON.

On the proposition of Councillor Ray Cribbin, seconded by Councillor James Deegan the members unanimously agreed to the construction of new Playground for Children (aged 1-14) in the People's Park, Portarlington.

(b) CONSTRUCTION OF THREE-STOREY APARTMENT BUILDING CONSISTING OF 18 SOCIAL TWO-BEDROOMED APARTMENT UNITS INCLUDING DEMOLITION OF TWO EXISTING DWELLING HOUSES AT JUNCTION OF RAILWAY ROAD AND CANAL ROAD, PORTARLINGTON IN THE TOWNLAND OF COOLTEDERRY.

In relation to this item, Members had been circulated with the County Manager's Report dated 11th October 2004 and A/Director of Services, Mr. Martin Daly outlined the position in relation to Planning. Mr. Declan Byrne, Director of Services, Housing outlined the need for the provision for Social Housing Units for elderly and single housing applicants. The County Manager, Mr. Gerry Gibson indicated that the development was in accordance with the provisions of the County Development Plan, subject to the requirements outlined in this report.

Councillor James Deegan proposed that the development as outlined not be proceeded with. This proposal "That the density be reduced on the site at the Junction of Railway Road and Canal Road, Portarlinton in the Townland of Cooltederry to a Two Storey Apartment Building consisting of 12 Social Two Bedroomed Apartment Units" was seconded by Councillor Paul Mitchell. Following further discussion the proposal was put to the meeting. The proposal was adopted following the taking of a roll call vote as follows:-

COUNCILLOR	FOR	Against	Absent
Name			
William Aird	√		
John Bonham	√		
Patrick Bracken		√	
Raymond Cribbin		√	
James Daly	√		
James Deegan	√		
Bill Delaney		√	
John Joe Fennelly		√	
Catherine Fitzgerald		√	
David Goodwin	√		
Thomas Jacob	√		
Larry Kavanagh	√		
Michael Lalor	√		

Jeremiah Lodge		√	
Seamus McDonald		√	
Michael Moloney		√	
Dick Miller		√	
Paul Mitchell	√		
John Moran			
Brendan Phelan		√	
Martin Phelan	√		
Michael Rice		√	
Brian Stanley	√		
Mary Sweeney	√		
Michael Turley	√		
TOTAL	13	11	1

1040. DEVELOPMENT OF INLAND PORT/TRANSPORT NODE AT PORTLAOISE INTERCHANGE, TOGHER

A detailed report was presented to the Members outlining progress on the project and a Draft Master Plan put on display.

Members noted the progress.

1041. CONSIDERATION OF REPORT IN RELATION TO THE IMPLICATIONS OF ALTERING CURRENT POLICY OF ONLY ALLOWING ONE PERCOLATION TEST IN RESPECT OF ANY SITE.

A lengthy discussion took place in relation to the implications of the current policy in relation to Percolation Tests.

A number of possible alternatives was discussed. The County Manager indicated that there would be associated economic and Human Resource issues which would have to be taken into account by him when considering the proposal. The County Manager undertook to examine the matter further and to keep the members advised.

1042. DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001 IN RESPECT OF:

(a) Disposal of 0.05 acres of land, 5 St. Fintan's Terrace, Mountrath.

On the proposition of Councillor Bill Delaney, seconded by Councillor Larry Kavanagh, the members unanimously agreed to the disposal of 0.05 acres of Land for the sum of €1,000.

(b) Amendment to the Disposal Resolution passed on 31st May 2004

On the proposition of Councillor Paul Mitchell, seconded by Councillor John Bonham the members unanimously agreed to the Amendment to the Disposal Resolution passed on 31st May 2004. The amendment gives effect to the transfer of the property involved into the name of subject to the same conditions.

(c) Disposal of land at Cooltederry, Portarlinton.

Councillor Ray Cribbin left the Chamber as he had a vested interest.

On the proposition of Councillor Paddy Bracken, seconded by Councillor Paul Mitchell the members unanimously agreed to the disposal of .004 acres/14.96Msq. for the sum of €127.00, plus legal costs.

1043. STATUTORY AUDIT REPORT ON THE STATEMENT OF ACCOUNTS FOR YEAR ENDING 31ST DECEMBER 2002

On the proposition of Councillor Jerry Lodge, seconded by Councillor James Daly the Statutory Audit Report on the Statement of Accounts for year ending 31st December 2002 was noted.

1044. UP TO DATE PROGRESS REPORT ON HEATH/MAYFIELD MOTORWAY SCHEME

Members were informed that the Motorway would be officially opened on 8th November 2004.

Concerns were expressed regarding the Bridge at Jamestown. Councillor Michael Moloney expressed disappointment that Emo was not mentioned on signage on the Motorway. It was agreed that signage on the Motorway would be re-examined.

1045. UPDATE IN RELATION TO THE IMPLEMENTATION OF THE WORKPLAN DEvised IN RELATION TO IMPROVING THE IMPACT OF THE SERVICES OF LAOIS COUNTY COUNCIL ON SOCIALLY EXCLUDED GROUPS.

Members were circulated with report dated 21st September 2004 on the matter. The report was noted.

1046. CORRESPONDENCE

Gerry Gillen, Senior Executive Officer, Corporate Affairs indicated that three items of correspondence had been received.

- (a) A reply from the NRA in relation to Notice of Motion number 104/04 proposed by Councillor Martin Phelan at the May Meeting of Laois County Council regarding the M7/M8 Motorway Scheme was read into the records.
- (b) A reply from Mr. Pat O'Dowd, Assistant Chief Executive Officer of Midland Health Board, in relation to Notice of Motion number 194/04 proposed by Councillor Willie Aird at the June Meeting of Laois County Council regarding securing a full time consultant and a cat scan at the A & E Department of the County Hospital was read into the records. Councillor Willie Aird requested that the matter be referred to Ms. Mary Harney T.D., Minister for Health for further clarification.
- (c) Circular Letter LG 19/04 referring to Induction Courses for Newly Elected Members was brought to the attention of the Members.

1047. NOTICES OF MOTION

Notice of Motion 225/04

Councillor James Daly proposed the following Notice of Motion:-

"That this Council drop the stipulation of providing valid insurance details from Community Groups in order to qualify for the Community Grant and Community Project Fund administered by the Environment Department".

The motion was seconded by Councillor Michael Lalor.

The members were advised that the matter of proof of adequate insurance from Community Groups applying for financial assistance by way of grants had been investigated. This requirement would be removed and replaced by a strong recommendation for groups to arrange public liability insurance. The members agreed.

Notice of Motion 290/04

Councillor Jerry Lodge proposed the following Notice of Motion:-

"That this Council discuss in detail the findings of the mid-term review of the NDP by the Border Midland and Western Regional Authority".

This motion was seconded by Councillor Brian Stanley and agreed.

Notice of Motion 318/04

Councillor Bill Delaney proposed the following Notice of Motion:-

"That the Council install speed ramps outside all schools in the County within speed limit areas and erect flashing lights outside all schools outside of speed limit areas".

This motion was seconded by Councillor Brian Stanley.

The Members were advised that it was proposed to forward this matter for consideration to the Strategic Policy Committee for Transport. Consultees to the drafting of a policy statement would include:-

- 1) Department of Education and Science. (D.E.S.)
- 2) An Garda Siochana
- 3) Irish Road Safety Council
- 4) Laois County Council Road Safety Officer
- 5) Road Design Section, Laois County Council

Terms of reference for this matter to be approved by the Corporate Policy Group in advance of consideration by the Strategic Policy Committee.

Notice of Motion 319/04

Councillor Paul Mitchell proposed the following Notice of Motion:-

"That schools should not have to look for planning permission for prefabs or temporary accommodation".

This motion was seconded by Councillor Ray Cribbin.

The members were advised that the erection of prefabs and temporary accommodation for education purposes was not covered under the exempted development regulations and therefore required planning permission in accordance with Planning & Development Act, 2000. An amendment to this

legislation would be a matter for the Department of Environment, Heritage and Local Government, Planning Policy Section.

It was not recommended that the Council support the Motion as the implementation of same would deprive third parties/adjoining property owners of their rights.

Notice of Motion 320/04

Councillor Martin Phelan proposed the following Notice of Motion:-

"That elected members of this Council may attend meetings between planners and persons who may wish to discuss any planning problems".

This motion was seconded by Councillor Jerry Lodge.

The Members were advised that Laois County Council elected members adopted a policy of not attending pre-planning appointments, but rather facilitating the setting up of such meetings. The system to date was working well, with technical advisors supporting clients when required. Elected members for their part made representations independently of the pre-planning process.

The report was agreed.

Notice of Motion 321/04

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council call on An Post to explain why so many Post Offices closed in the County of Laois over the last few years".

This motion was seconded by Councillor Michael Lalor and agreed.

Notice of Motion 322/04

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council make plans to have the services of a Conservation Officer in the County".

This motion was seconded by Councillor Mary Sweeney.

The Members were advised that the following were aspects of the remit of a Conservation Officer:

- Compiling and maintaining the Record of Protected Structures (listed buildings)
 - Dealing with individual planning applications regarding renovation etc. of protected structures
 - Writing declarations for developers on aspects of Protected Structures
 - Dealing with Conservation Grants and other queries
- They may also carry out survey work, and make recommendations on architectural conservation areas. Qualifications of a Conservation Officer will typically be architectural conservation, or planning , with conservation focus.

It was agreed that the matter be further examined in the context of financial support from the Department of Environment, Heritage and Local Government and own resources.

Notice of Motion 323/04

Councillor Jerry Lodge and Councillor Mary Sweeney proposed the following Notice of Motion:-

"That this Council, take in charge the road known as Cullenagh Lane recently improved under a LIS."

This motion was seconded by Councillor Mary Sweeney.

The members were advised that it was the policy of Laois County Council not to take in charge lanes that had been upgraded by means of a Local Improvement Scheme.

The terms of Local Improvement schemes were such that on entering into an agreement, there was a clear understanding that the applicants would maintain the work in good order and repair it at their own charge and expense, and that no liability would rest on the Council for subsequent maintenance.

It was not recommended that Cullenagh Lane be taken in charge.

Notice of Motion 325/04

Councillor Brian Stanley proposed the following Notice of Motion:-

"That this Council use the ongoing review of the County Development Plan or any other means available to us, to introduce a variation to the scheme of development charges so as to reduce the cost for those building smaller dwellings"

This motion was seconded by Councillor Tom Jacob.

The members were advised that the Development Contribution Scheme was adopted on the 8th of March 2004 and had a duration of 5 years from the date of commencement. However the scheme would be reviewed after the adoption of the next County Development Plan and may be reviewed from time to time if material changes occur to the circumstances underpinning the scheme.

This concluded the business of the meeting.

SIGNED: _____
CATHAOIRLEACH

CERTIFIED: _____
DIRECTOR
CORPORATE AFFAIRS

