

**MINUTES OF JULY MEETING OF THE COUNCIL HELD ON THE 26th OF JULY
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 Brendan Phelan Michael Rice Mary Sweeney	Paddy Bracken James Daly Bill Delaney Catherine Fitzgerald Thomas Jacob Michael Lalor Seamus McDonald Paul Mitchell John Moran Martin Phelan Brian Stanley Michael Turley

IN ATTENDANCE:

Messers Louis Brennan, Deputy County Manager, Ian McCormack, A/Director of Services, John Daly, Director of Services, Peter Scully, Head of Finance, Declan Byrne, Director of Services, Carmel McNicholl, A/Senior Executive Officer, Corporate Affairs, Ms. Michelle McCormack, Assistant Staff Officer, Corporate Affairs & Ms. Marie O'Hora, Clerical Officer, Corporate Affairs.

1001. CONFIRMATION OF MINUTES

(a) On the proposition of Councillor James Deegan seconded by Councillor Michael Lalor, the minutes of the Annual Meeting of Laois County Council held on 25th June 2004 were confirmed and signed.

(b) On the proposition of Councillor Mary Sweeney seconded by Councillor James Daly, the minutes of June Monthly Meeting of Laois County Council held on 28th June 2004 were confirmed and signed.

1002. VOTE OF CONGRATULATIONS

On the proposition of the Cathaoirleach, William Aird, the members unanimously passed a vote of congratulations to the Laois Senior Football Team on their performance this year and in doing so wished the team every success in the future.

1003. (a) APPOINT TWO MEMBERS TO THE HOMELESS FORUM

Councillor John Bonham proposed that Councillor Mary Sweeney be appointed. This was seconded by Councillor Michael Lalor.

Councillor Jerry Lodge proposed that Councillor Michael Moloney be appointed, This was seconded by Councillor Bill Delaney.

Councillor Larry Kavanagh proposed that Councillor Brian Stanley be appointed. This was seconded by Councillor Tom Jacob.

A roll call was taken which resulted as follows:-

COUNCILLOR	FOR	FOR	FOR
Name	Stanley	Sweeney	Moloney
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	14	13	12

Councillors Mary Sweeney and Brian Stanley having been elected, thanked their proposers and seconders .

Councillor Michael Moloney also thanked his proposer and seconder.

Councillor Jerry Lodge requested that the seating arrangements in the Chamber be examined.

(b) APPOINT ONE MEMBER TO THE BOARD OF MOUNTMELICK DEVELOPMENT ASSOCIATION SOCIAL INCLUSION

Councillor Paddy Bracken proposed that Councillor Michael Moloney be appointed. This was seconded by Councillor John Joe Fennelly.

Councillor James Daly proposed that Councillor David Goodwin be appointed. This was seconded by Councillor Mary Sweeney.

A roll call was taken which resulted as follows:

COUNCILLOR	FOR	FOR	FOR
Name	Michael Moloney	David Goodwin	
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	12	13	

Councillor David Goodwin, having being elected thanked his proposer and seconder. Councillor Michael Moloney also thanked his proposer and seconder.

1004.(a) Parallel Benchmarking Phase 2 and Sustaining Progress - application of increases of 3% from 1 January 2004 and 2% from 1 July 2004 - Circular Letter EL 7/2004 Local Authority Staff

On the proposition of Councillor Larry Kavanagh seconded by Councillor James Daly the members unanimously agreed under the Craftworkers Parallel Benchmarking Phase 2 and Sustaining Progress to the application of increases of 3% from 1 January 2004 and 2% from 1 July 2004 in accordance with Circular with Circular EL 7/2004 dated June 15th 2004.

(b) Representational Payment for Councillors in accordance with Circular LG 18/04 dated July 12th 2004

On the proposition of Councillor John Moran seconded by Councillor James Daly the members unanimously agreed to the payment of the Representational Payment (RP) for Councillors in accordance with Circular Letter LG 18/04 dated June 12th 2004

1005. Part VIII of the Local Government (Planning & Development) Regulations, 2001 in respect of:

(a) Housing Development at Woodbrook, Mountrath

On the proposition of Councillor Michael Lalor seconded by Councillor Larry Kavanagh the members unanimously agreed to the construction of 20 No. three bedroomed, two-storey semi-detached affordable dwellings; 26 No. three-bedroom two-storey semi-detached social dwellings; 4 No. four bedroomed two-storey semi-detached social dwellings at Woodbrook, Mountrath, in the townland of Mountrath

Members expressed concern regarding the fencing. It was agreed that a 2m concrete fence would be provided in place of a timber fence and that the Council would responsible for the maintenance of same for two years.

(b) Housing Development at Rosenallis

On the proposition of Councillor David Goodwin seconded by Councillor Seamus McDonald the members unanimously agreed to the construction of 10 No. three bedroomed semi-detached two-storey affordable dwellings; 2

No. four bedroomed semi-detached two-storey social dwellings; 10 No. three bedroomed semi-detached two storey social dwellings; 4 No. two-bedroomed semi-detached single storey social dwellings, including sewerage treatment system at Corbally Rd., Rosenallis in the townland of Corbally.

(c) Housing Development at Durrow

On the proposition of Councillor Martin Phelan seconded by Councillor Larry Kavanagh the members unanimously agreed to the construction of 10 No. affordable dwellings consisting of 8 No. three bedroomed semi-detached two storey dwellings and 2 No. semi-detached single storey dwellings at Seandoire, Cork Road, Durrow in the townland of Durrow Townparks

(d) Housing Development at Ballyroan

On the proposition of Councillor Mary Sweeney seconded by Councillor Brian Stanley the members unanimously agreed to The construction of 10 No. private sites; 8 No. three bedroomed semi-detached two-storey affordable dwellings; 4 No. two-bedroomed semi-detached two-storey affordable dwellings; 16 No. three bedroomed semi-detached two-storey social dwellings; 4 No. two bedroomed semi-detached two-storey social dwellings; 2 No. four bedroomed semi-detached two storey social dwellings at Glenbrook, Ballyroan Village in the townland of Ballyroan.

(e) Abbeyleix Fire Station

On the proposition of Councillor John Bonham seconded by Councillor John Joe Fennelly the members unanimously agreed to the construction of a new Fire Station at Abbeyleix.

1006. Material Contravention of the County Development Plan 2000 in relation to Planning Ref: 03/1684 for permission to construct a retail development on land south of Sandy Lane, Cooltederry known as the Commons or Derrymore Close, Portarlinton, Co. Laois.

Members were presented with the following planning report on this item. "This planning application refers to permission to construct a retail development on land south of Sandy Lane, Cooltederry, knows as the Commons or Derrymore Close, Portarlinton. The development includes a supermarket, offices, crèche and individual residential and retail units and ancillary works to include the construction of part of the orbital route for Portarlinton between the Portlaoise road and the Ballymorris Road".

The area of the site is 5.013ha. and sufficient car parking has also been provided.

Ms. Carmel McNicholl, A/Senior Executive Officer reminded the members of their obligation with regard to disclosure of interests in the matter under discussion and in this regard the relevant extract - Section 3.3. of the Code of Conduct for Councillors was read to the meeting.

On the proposition of Councillor James Deegan seconded by Councillor Michael Moloney, members unanimously agreed to the Material Contravention of the Development Plan in respect of this development.

1007. Review of County Development Plan - Deputy County Manager's Report on Submissions

The members were presented with the Deputy County Managers Report outlining, inter alia, a summary of the various issues raised through the consultation process. This report also contained the Deputy County Manager's response to the issues, together with the policies to be included in the plan.

The members were advised that they had a period of 10 weeks within which to consider this report. In order to facilitate this process it is proposed to hold a seminar in early September details of which will be available in due course.

It was agreed to review the matter at the September Meeting of the Council.

1008. (a) Taking in Charge of Mell Street, Kilminchy, Portlaoise

It was agreed to postpone this item until September Meeting

(b) Taking in Charge of Beechfield, Mountmellick Road, Portlaoise

On the proposition of Councillor Tom Jacob, seconded by Councillor Brian Stanley, members unanimously agreed to the taking in charge of Beechfield, Mountmellick Road, Portlaoise.

(c) Taking in Charge of The Pines, Crossneen, Carlow

On the proposition of Councillor James Daly, seconded by Councillor John Moran, members unanimously agreed to the taking in charge of The Pines, Crossneen, Carlow.

(d) Taking in Charge of Station Court, Station Road, Portarlington.

On the proposition of Councillor Paul Mitchell seconded by Councillor Michael Turley, members unanimously agreed to the taking in charge of Station Court, Station Road, Portarlington.

Councillor Lodge indicated that the residents be consulted prior to estates being taken in charge.

1009. Approval to the Raising of a loan not exceeding €200,000 for Burial Ground Capital Works

Members were advised that a survey had been carried out of all the Laois County Council cemeteries in order to establish requirements and to formulate and prioritise a works programme. Priority is being given to those cemeteries where extra grave spaces are urgently required.

If the members approve of the raising of the loan, sanction will then have to be obtained from the Department of the Environment, Heritage & Local Government.

When Departmental sanction has been received, a priority list of improvement works with estimated costs will be brought before the Council for approval.

On the proposition of Councillor John Bonham, seconded by Councillor Tom Jacob, members unanimously agreed to the raising of a loan of €200,000 for Burial Ground Capital Works.

1010. Approval of overdraft accommodation in the sum of €10m for the half year ended 31st December 2004.

On the proposition of Councillor Larry Kavanagh seconded by Councillor John Joe Fennelly, the members unanimously agreed to overdraft accommodation in the sum of €10m for the half year ended 31st December 2004.

1011. Adoption of Strategic Policy Committees - Draft Scheme 2004

The members were advised that the draft scheme as circulated was prepared by the Laois County Manager, in consultation with the Cathaoirleach of Laois County Council and the Chairs designate of the SPCs, taking into account the guidelines issued by the Department of the Environment, Heritage and Local Government dated August 1999 and Circular Letters LG 08/04 and LG 16/04. Regard was also had to the recommendations contained in Review of the Operation of Strategic Policy Committees carried out by the Institute of Public Administration.

Once the draft scheme is approved, nominations will be sought from the sectoral interests.

A further report will be presented to the members in September.

On the proposition of Councillor John Joe Fennelly seconded by Councillor Seamus McDonald members agreed to the adoption of Strategic Policy Committees Scheme.

1012. Higher Education Grant Scheme 2004/2005

On the proposition of Councillor James Daly seconded by Councillor Larry Kavanagh the Higher Education Grant Scheme 2004/2005 was approved. Councillor James Daly expressed thanks to the staff of Corporate Affairs for the early payments of the Higher Education Grants.

Both Councillors Larry Kavanagh and Mary Sweeney raised particular concerns with regard to the criteria used in assessing incomes in application for Higher Education Grants and requested that the Council write to the Department regarding these issues.

1013. (a) Portarlinton Town Priorities

Members were circulated with a report outlining the proposed work programme for the area.

On the proposition of Councillor Ray Cribbin seconded by Councillor James Deegan, the members agreed to the adoption of the work programme.

(b) Portlaoise Town Priorities

Members were circulated with a report which prioritised issues for Portlaoise.

On the proposition of Councillor Brian Stanley seconded by Councillor Jerry Lodge the Portlaoise Town Priorities were approved.

1014. Disposal of land under Section 183 of the Local Government Act, 2001

(a) Industrial Estate Portarlington

On the proposition of Councillor Ray Cribbin seconded by Councillor Paul Mitchell, the members unanimously agreed to the disposal of 0.53 acres approx (Site No. 16) at Portarlington Industrial Estate in the townland of Cooltederry by way of a 500 year lease with a site fine of €60,000.

(b) Kea-Lew Park, Portlaoise

On the proposition of Councillor Tom Jacob seconded by Councillor Mary Sweeney, members unanimously agreed to the disposal of 980 sq. ft. unit at Kea Lew Industrial Estate/Business Park, Portlaoise, subjected to conditions and a site fine of €85,000.

1015. CORRESPONDENCE

(a) Councillor James Deegan congratulated Councillor James Daly on his appointment as Chairperson of the Midland Regional Authority.

(b) The members were advised that Laois County Council have made application for Broadband. Mr. Louis Brennan indicated that the Council are in consultation with the Department in this regard.

Notice of Motion No. 216/04

Couoncillor John Joe Fennelly proposed the following Notice of Motion:-

“That this Council adopt a policy on dog fouling and put in place measures to ensure clean footpaths on leisure areas in the County”

This motion was seconded by Councillor Michael Lalor.

The Members were advised that Laois County is presently reviewing the Litter Management Plan. It is intended to include a policy on dog fouling in the plan. The draft plan will go on display for a period during which time

submissions will be invited. After consideration of all submissions, the draft plan will go before the members of Laois County Council for adoption.

Notice of Motion No. 218/04

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council call on the Minister for the Environment to increase the private water grant from present level to a maximum of €10,000 or 75% of cost of development".

This Motion was agreed.

Notcie of Motion No. 219/04

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council have a safety audit carried out on all road junctions on the N7/N8 outside speed limits from motorway to Kilkenny border N8 and Offaly on N7 and present the result to this Council".

This motion was seconded by Councillor Brian Stanley.

The following report was read:

"This matter has been discussed with the NRA's Road Safety Engineer, who advised that it is not practice to conduct road safety audits on existing junction layouts.

However, every year the road Design Office review safety of junctions on the national primary and secondary road network throughout the county. Submissions are made annually to the National Roads Authority for funding under the Road Safety Remedial Measures Schemes (RSRMs) to treat junctions that have accident history or significant accident potential. Each location is thoroughly assessed and inspected by the NRA's Road Safety Engineer. Each scheme must receive both technical and financial approval from the NRA.

Last year the Road Design Office are currently compiling submissions for 2005 RSRM schemes to submit to the NRA for approval".

The meeting then concluded.

SIGNED: _____
CATHAOIRLEACH

CERTIFIED: _____
DIRECTOR
CORPORATE AFFAIRS