

**MINUTES OF SEPTEMBER MEETING OF LAOIS COUNTY COUNCIL HELD ON  
THE 26<sup>th</sup> OF SEPTEMBER 2005 IN ÁRAS AN CHONTAE, PORTLAOISE AT  
11.00 A.M.**

**PRESENT:** Councillor Larry Kavanagh In the Chair

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

**APOLOGIES:** Councillor Tom Jacob

**IN ATTENDANCE:**

Messers Peter Carey, County Manager, Louis Brennan, Director of Services, John McGowan, A/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

**144. CONFIRMATION OF MINUTES**

On the proposition of Councillor Michael Lalor seconded by Councillor James Deegan, it was unanimously agreed that the minutes of the July meeting of Laois County Council held on the 25<sup>th</sup> of July 2005 as circulated be adopted and signed.

Councilor James Deegan requested an update in relation to the provision of signage on the motorway and the provision of signage and services at roundabouts which was discussed at the July Meeting. Mr. Gerry Gibson, Director of Services indicated that he had been in contact with Mr. Gerry O' Brien from the National Roads Authority who has confirmed that the order has been placed with the Contractor for the provision of the relevant signs. In relation to services at roundabouts, Mr. Gerry Gibson, Director of Services indicated that an audit was currently being carried out by the National Roads Authority and that when the results are available an update will be given to the Members.

**145. FIXING OF THE DATE FOR THE OCTOBER MONTHLY MEETING OF  
LAOIS COUNTY COUNCIL**

It was unanimously agreed by all members that the October Monthly Meeting of Laois County Council should take place on the 24<sup>th</sup> of October 2005.

#### **146. NOMINATION OF TWO MEMBERS TO THE SOUTH EAST RIVER BASIN DISTRICT ADVISORY COUNCIL**

It was proposed by Councillor James Deegan that Councillor John Bonham and Councillor Martin Phelan be nominated to the Board of the South East River Basin District Advisory Council. This proposal was seconded by Councillor Mary Sweeney.

It was proposed by Councillor Michael Rice that Councillor Mary Sweeney and Mr. Ger Lynch be nominated to the Board of the South East River Basin District Advisory Council. This proposal was seconded by Councillor Ray Cribbin.

A Roll Call Vote was taken on the three nominations which resulted as follows:  
The result of the Roll Call was 12 votes for Mr. Ger Lynch, 13 votes for Councillor Bonham and 12 votes for Councillor Phelan. As a result Councillor John Bonham was deemed to be nominated to the Board. As there was an equality of votes for Mr. Ger Lynch and Councillor Martin Phelan, a further Roll Call was taken which resulted as follows:-

The result of the Roll Call was 12 votes for Mr. Ger Lynch and 12 votes for Councillor Phelan. The outcome of the vote was determined when the Cathaoirleach indicated that he was using his Casting Vote in favour of Councillor Martin Phelan.

Councillor John Bonham and Councillor Martin Phelan were both deemed to have been nominated to the Board of the South East River Basin District Advisory Council.

#### **147. NOMINATION OF TWO MEMBERS TO THE SHANNON RIVER BASIN DISTRICT ADVISORY COUNCIL**

It was proposed by Councillor John Bonham that Councillor Michael Lalor and Councillor Mary Sweeney be nominated to the Shannon River Basin District Advisory Council. This proposal was seconded by Councillor James Deegan.

It was proposed by Councillor Catherine Fitzgerald that Councillor Dick Miller and Mr. John Cummins be nominated to the Shannon River Basin District Advisory Council. This proposal was seconded by Councillor Catherine Fitzgerald.

Councillor Dick Miller and Councillor Catherine Fitzgerald indicated that they no longer wished to be considered for nomination. As a result of this Councillor Michael Lalor and Councillor Mary Sweeney were deemed to have been nominated to the Shannon River Basin District Advisory Council.

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

On the proposal of Councillor Martin Phelan seconded by Councillor John Bonham, the members unanimously agreed to the disposal of .505 acres at Ballacolla to Hawthorn Development Association for a consideration of €5,000

#### **149. MATERIAL CONTRAVENTION OF THE COUNTY DEVELOPMENT PLAN 2000 IN RELATION TO PLANNING REF: 05/753**

On the proposition of Councillor William Aird seconded by Councillor Brian Stanley the Members agreed that the County Development Plan should be materially contravened in order to facilitate the following development:-

Planning Ref: 05/753 - Owenass Developments Ltd., for permission to alter the scheme as follows, reposition the petrol station to accommodate change to Laois County Council road layout. Redesign the forecourt canopy and elevation changes to shop. Extend the footprint of building for public house and takeaway at ground floor and restaurant at 1<sup>st</sup> Floor to increase the gross area by 73 sq.mt and consequential alterations to service yard. The addition of an electrical sub-station and a maintenance workshop adjacent to Portlaoise Western Circular Relief Road. Change of use of three appts to three commercial units totalling 237 sq. mt at 1<sup>st</sup> Floor over retail units giving an amended total of 253 houses. Addition of terraces to 6 appts and 3 commercial offices at 1<sup>st</sup> floor level over retail units. Addition of 2 bin enclosures for use of the appts above the retail units and alterations to bin store location for apt buildings. Internal replanning of supermarket and retail units to reduce retail units from 11 to 9 and incr. supermarket floor area. Further alterations, rotations etc., to house units, appts and residential units at Rossleaghan/Clonreher, Mountmellick Road, Portlaoise

## **150. REVIEW OF THE HOUSING STRATEGY**

The Members were circulated with a copy of the draft Housing Strategy 2006 - 2011. The Strategy had been considered at the Housing, Social & Cultural SPC Meeting and following discussion it had been endorsed by it. It had been agreed to recommend its adoption to the County Council.

Various Members made enquiries regarding the Assessment of Needs. Mr. Declan Byrne, Director of Services indicated that the Assessment of Needs had recently been completed.

A suggestion that 10% of housing should be allocated to the elderly was made by Councillor Brian Stanley. The Director of Services indicated that the allocation to the elderly is in actual fact greater than 10%.

Concern was expressed regarding the design of housing for the elderly. The view was expressed that houses should be designed in a way that more specifically meets the needs of the elderly.

Councillor Paul Mitchell enquired about the time limit on the Housing List and enquired if it is possible for this to period to be reduced to two/three years.

The adoption of the Housing Strategy was proposed by Councillor Brian Stanley and seconded by Councillor Michael Lalor and was deemed to have been adopted by the Cathaoirleach in the absence of any objections.

## **151. APPROVAL TO THE RAISING OF A LOAN FROM THE HOUSING FINANCE AGENCY**

- (a) On the proposition of Councillor Patrick Bracken seconded by Councillor David Goodwin, the Members unanimously agreed to the raising of a loan not exceeding €3,465,000 from the Housing Finance Agency Plc., in respect of construction of 22 Affordable Housing Units (Part V) at the Fairgreen, Mountmellick Road, Portlaoise
- (b) On the proposition of Councillor William Aird seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the raising of a loan not exceeding €567,200 from the Housing Finance Agency Plc., in

respect of construction of 4 Affordable Housing Units (Part V) at Maryborough Crescent, Dublin Road, Portlaoise.

#### **151. TAKING IN CHARGE OF ROADS AND SERVICES AT PORTLAOISE**

On the proposition of Councillor Jerry Lodge seconded by Councillor William Aird, the Members unanimously agreed to the Taking in Charge of roads and services at the following locations:-

Kilminchy Place  
Kilminchy Avenue  
Kilminchy Close  
Lime Tree Avenue  
Castle Avenue  
Castle Close  
Castle Way  
Castle Mews  
Castle Drive  
Lake Drive  
Lake Avenue  
Lake Way  
Colliers Way  
Colliers Lane Lower

#### **152. MOUNTMELICK TOWN DRAFT PARKING PLACES BYE-LAWS AND MOUNTMELICK TOWN DRAFT CAR PARK BYE-LAWS 2005**

Councillor David Goodwin proposed that the consideration of this item be deferred to the October Monthly Meeting of Laois County Council. This proposal was seconded by Councillor Michael Moloney

Councillor Michael Lalor proposed that the issue of parking in Mountrath be investigated. This proposal was seconded by Councillor John Joe Fennelly.

It was agreed to list these matters for consideration on the Agenda for the October Monthly Meeting.

#### **153. DRAFT CASUAL TRADING BYE-LAWS FOR FITZMAURICE PLACE, PORTLAOISE, MARKET SQUARE, ABBEYLEIX AND THE SQUARE, BALLINAKILL**

Councillor Dick Miller indicated his objection to the designation of Fitzmaurice Place as the Casual trading Area in Portlaoise.. He indicated that the farming community was very unhappy with the proposals. Councillors Fitzgerald and Aird indicated that they agreed with the concerns that Councillor Miller had expressed.

Councillor James Deegan proposed that Laois County Council adopt the Bye-Laws for a period of one year. This proposal was seconded by Councillor Michael Moloney. Councillor Dick Miller proposed that further consultation take place with the traders before the Bye-Laws were adopted.

Councillor Brian Stanley proposed that the Bye-Laws for Abbeyleix and Ballinakill be adopted and suggested that the adoption of the Bye-Laws for Portlaoise be deferred for one month. This proposal was seconded by Councillor Michael Lalor.

Councillor James Deegan withdrew his proposal. It was agreed that this matter should be considered further following the holding of further discussions.

#### **154. INTRODUCTION OF CHARGES FOR THE USE OF THE CIVIC AMENITY FACILITIES AT KYLETALISHA**

It was proposed by Councillor Mary Sweeney that consideration of this item be deferred to the October Meeting of Laois County Council. This proposal was seconded by Councillor John Bonham.

It was proposed by Councillor Patrick Bracken that these charges should not be introduced at all. This proposal was seconded by Councillor Catherine Fitzgerald.

It was agreed that a show of hands be taken on Councillor Mary Sweeney's proposal. This show of hands resulted in 14 votes being in favour of Councillor Mary Sweeney's proposal and as a consequence it was agreed to have the item listed for further consideration at the October Meeting of Laois County Council

#### **155. LAOIS COUNTY COUNCIL DRAFT POLICY ON MUSEUMS**

The Members were circulated with a copy of the Laois County Council Draft Policy on Museums which had been prepared by Ms. Catherine Casey, Heritage Officer following consultations with a variety of stakeholders. It had been endorsed by the Housing, Social & Cultural SPC at its September meeting.

On the proposition of Councillor Paul Mitchell seconded by Councillor Brian Stanley, the Members unanimously agreed to adopt the draft Policy on Museums.

#### **156. LAOIS COUNTY COUNCIL DRAFT POLICY ON SUSTAINABLE RURAL ECONOMIC DEVELOPMENT**

The Members were circulated with a copy of the Laois County Council Draft Policy on Sustainable Rural Economic Development which had been prepared by Mr. Ian McCormack, Senior Executive Officer, Economic Development following consultations with a variety of stakeholders. It had been endorsed by the Economic Development & County Promotion SPC at its September meeting.

On the proposition of Councillor James Deegan seconded by Councillor Michael Moloney, the Members unanimously agreed to adopt the draft Policy on Sustainable Rural Economic Development.

#### **157. VOTE OF SYMPATHY**

On the proposal of Councillor John D Turley seconded by Councillor Mary Sweeney, the Members unanimously agreed to extend a vote of sympathy to the Hynes Family on the recent death of Jerome Hynes, Chief Executive of the Arts Council.

#### **158. DRAFT LAOIS ARTS PLAN 2006 - 2011**

The Members were circulated with a copy of the Draft Laois Arts Plan 2006 - 2011 which had been prepared by Ms. Muireann Ní Chonaill, Arts Officer following consultation with a variety of stakeholders. It had been endorsed by the Housing, Social & Cultural SPC at its September meeting.

On the proposition of Councillor Brian Stanley seconded by Councillor William Aird, the Members unanimously agreed to adopt the draft Laois Arts Plan 2006 - 2011.

Ms. Muireann Ní Chonaill briefed members on the proposals contained in the Arts Plan and thanked Management and the Members for their continued support of the arts in Laois.

#### **158. CORRESPONDENCE**

Mr. Gerry Gillen, Senior Executive Officer indicated that the following items of correspondence had been received since the last meeting:-

- (1) Correspondence received from the Department of the Environment, Heritage & Local Government regarding funding for the provision of a pedestrian crossing at Clonaslee

- (2) Correspondence received from the Department of Health & Children regarding proposals for engaging local elected members with the new Health Service Executive
- (3) Correspondence received from the Department of the Environment, Heritage & Local Government regarding Notice of Motion No. 30/05 regarding the Tenant Purchase Scheme
- (4) Correspondence received from the Office of the Secretary General regarding Notice of Motion No. 33/05 regarding the maximum use of electronic communications technology relating to housing applicants
- (5) Correspondence received from the Department of the Environment, Heritage & Local Government regarding Notice of Motion No. 3/05 regarding the production of evidence of refusal of a loan from a bank or building society
- (6) Correspondence received from the Department of the Environment, Heritage & Local Government regarding Notice of Motion No. 35/05 regarding refunds of motor tax
- (7) Correspondence received from the Department of the Environment, Heritage & Local Government regarding Local Improvement Schemes 2005.

## 159. NOTICE OF MOTIONS

### Notice of Motion No: 36/05

Councillor Brian Stanley proposed the following Notice of Motion:

*"That the members of this Council be given a comprehensive breakdown of the figures for projected income and spending in advance of this year's Budget Meeting. Figures from 2004 or 2005 would assist members in deciding on the Budget for 2006.*

This motion was seconded by Councillor William Aird.

Mr. Gerry Murphy, Head of Finance indicated that he would be giving the Members a comprehensive breakdown of projected income and expenditure in advance of the statutory period for the consideration of the Budget for 2006. The documentation will include estimated out-turn figures for 2005 for expenditure and income and a breakdown in respect of the various budget headings for 2006 where this is needed. Additional written information will be made available for 2006 in order to meet the requirements of the Members.

### Notice of Motion No: 37/05

Councillor Brian Stanley proposed the following Notice of Motion:

***"That the rent scheme for local authority housing be altered so as to increase the deduction for each dependent child in a household. The current figure of €1 per child is inadequate"***

This motion was seconded by Councillor Jerry Lodge

The members were informed that the method of rent calculation presently used is in line with that used by most other housing authorities. However, in order to ensure equity there is a cap of €4 maximum increase in rent and a maximum rent also applies. There are in-built provisions in the scheme whereby individual cases of hardship can be given special consideration.

#### **Notice of Motion No: 38/05**

Councillor Michael Moloney proposed the following Notice of Motion:

***"That in view of the continued fiasco on the M7 Motorway due to misleading and poor signage as highlighted once again on the letters page in the Irish Times edition of August 7<sup>th</sup> last that Laois County Council call on the Minister for Transport to force the N.R.A. to deliver on their commitment to Laois County Council regarding the signage and to account for their mishandling of the signage issue from the outset"***

This motion was seconded by Councillor Paul Mitchell. It was agreed that a letter would issue to the Minister in this regard.

#### **Notice of Motion No: 39/05**

Councillor Michael Moloney proposed the following Notice of Motion:

***"That in light of the proposal at the July meeting to having the Notice of Motions postponed that Laois County Council adopt the following:***

- (a) That Notices of Motions be taken directly after the confirmation of the previous meeting minutes and any official business***
- (b) That the slot for any presentation by outside agencies be agreed with the Councillors beforehand***

This motion was seconded by Councillor Catherine Fitzgerald. The Members were informed that the business of the meetings and order of such business is determined in accordance with the Council's Standing Orders. These Standing Orders had been prepared and adopted in accordance with the provisions of the Local Government Act, 2001. Consideration will be given to examining the merits of revising the Standing Orders. Proposals for changes to them will be brought before the members for their consideration in due course.

This concluded the business of the meeting.

**Signed:**

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**Cathaoirleach**

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**Director of Corporate Affairs**