

**MINUTES OF MARCH MEETING OF THE COUNCIL HELD ON THE 30TH OF
MARCH 2005 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00 A.M.**

PRESENT: Councillor William Aird In the Chair

ALSO PRESENT: Councillors John Bonham, Patrick Bracken, Ray Cribbin, James Daly, James Deegan, Bill Delaney, John Joe Fennelly, Catherine Fitzgerald, David Goodwin, Tom Jacob, Larry 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

IN ATTENDANCE:

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

40. BEST WISHES

On the proposition of the Cathaoirleach, Councillor William Aird, it was unanimously agreed that best wishes be extended to Councillor Jerry Lodge following his stay in hospital.

41. CONFIRMATION OF MINUTES

On the proposition of Councillor Larry Kavanagh seconded by Councillor James Deegan, the minutes of the February meeting of Laois County Council as circulated be adopted and signed.

42. VOTE OF CONGRATULATIONS

On the proposition of the Cathaoirleach, it was unanimously agreed that a vote of congratulations be extended to the Portlaoise Senior Football Team on reaching the All-Ireland Club Senior Football Championship Final.

It was unanimously agreed also that a vote of congratulations be extended to Mr. Charles McDonald, K.C.S.G., who was recently confirmed as a Knight Commander of St. Gregory by his Holiness, Pope John Paul II.

43. REVISION OF REMUNERATION - APPLICATION OF PHASE 3 OF PAY INCREASES UNDER SUSTAINING PROGRESS, REF: CIVIL DEFENCE CIRCULAR 03/05

On the proposition of Councillor John Bonham seconded by Councillor Michael Lalor, the Members unanimously agreed to the payment of an increase of 2% due under Sustaining Progress with effect from 1st of December 2004 in accordance with Civil Defence Circular 03/05.

44. FILLING OF CASUAL VACANCY CAUSED BY THE DEATH OF COUNCILLOR MICHAEL TURLEY (R.I.P.)

The Members were advised that a letter had been received from Mr. John D. Turley indicating his willingness to take up office if the proposal to co-opt him onto Laois County Council was passed.

Councillor Tom Jacob proposed that Mr. John Turley fill the casual vacancy caused by the death of Councillor Michael Turley (R.I.P). This proposal was seconded by Councillor Larry Kavanagh.

On behalf of the Fianna Fail Group Councillor Jerry Lodge supported the proposal for the co-option of Mr. John Turley. On behalf of the Fine Gael Group, Councillor John Bonham supported the proposal for the co-option of Mr. John Turley.

The proposal was carried unanimously.

45. REPORT ON AREA MEETINGS & STRATEGIC POLICY COMMITTEE MEETINGS OF LAOIS COUNTY COUNCIL FOR NOTING

The Members noted the reports on Area Meetings & Strategic Policy Committee Meetings of Laois County Council.

46. MATERIAL CONTRAVENTION OF THE COUNTY DEVELOPMENT PLAN IN ACCORDANCE WITH SECTION 34 (b) OF THE PLANNING & DEVELOPMENT ACT, 2000 IN RELATION TO PLANNING REF: 04/1549

The Members were presented with a planning report on this item. This proposal was carried unanimously.

A roll call was taken which resulted as follows:-
24 for, 0 against

This proposal was carried unanimously. It was proposed by Councillor Catherine Fitzgerald seconded by Councillor Tom Jacob that the County Development Plan be contravened to facilitate the following development:-

Construction of a four storey, 90 bedroom hotel, consisting of approx 4226,2 of accommodation with meeting room facilities and bar, single storey (double height) Food Court, comprising of 5 no. individual units (total area 1457 m²), 2 storey leisure facility (including swimming pool) of total area 1063 m², general signage, 1 no. landmark sign, ancillary site works including provision of 300 car and 6 bus parking spaces at surface level, ESB Substation, Underground effluent pumping chamber and rising main, hard and soft landscaping and all other site development works above and below ground on a site of some 2.97 hectares at Togher interchange, Abbeyleix Road, Meelick, Portlaoise

47. CLARIFICATION OF PLANNING CHARGES IN RELATION TO PLASTIC TUNNELS

Mr. Gerry Gibson, Director of Services indicated that Plastic Tunnels in general are governed by the Planning & Development Regulations.

A discussion took place in relation to the requirements to levy Development Charges in respect of such developments. It was agreed that each individual application would have to be assessed on its own merits. The Members highlighted concerns regarding the requirement to seek planning permission for tunnels and also in relation to the necessity to seek planning permission in instances where tunnels were being moved short distances on a number of occasions. Mr. Gerry Gibson, Director of Services responded to the various queries raised.

It was agreed that each application would be considered on its own merits.

48. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS 2001 IN RESPECT OF REFURBISHMENT OF ABBEYLEIX LIBRARY, MARKET HOUSE, ABBEYLEIX

The Members were circulated with the relevant planning report in relation to the proposed development. The proposed development relates to the refurbishment of the Market House for use as a public library. The Market House is a protected structure under the Planning and Development Act, 2000. The development consists of the renovation of Market House to include a library on the ground floor and first floor and the renovation will re-instate the character of the 1906 building. The last renovation of the building was in 1950 and involved a change of use to a Fire Station and Library.

On the proposition of Councillor John Joe Fennelly seconded by Councillor John Bonham, the members unanimously agreed to proceed with the proposed development.

The Members were advised that it was anticipated that the construction phase of the project would be in the region of 12 months.

49. RURAL WATER PROGRAMME

The Members were circulated with a copy of the Rural Water Programme and were advised that the total allocations for 2005 was €2,815,000. The Members were also circulated with the draft works programme for group schemes and small water and sewerage schemes.

Mr. John Daly, Director of Services & Mr. Sean Mullins, Senior Engineer responded to the various queries raised by the Members.

The Members requested that the Department be contacted with a view to making a special allocation for the specific purpose of providing small sewerage schemes in small villages. It was agreed that a letter should be issued to the Department in this regard.

50. EXTINGUISHMENT OF PUBLIC RIGHTS OF WAY AT HIGGS LANE (R425), BALLYCLIDER ROAD, PORTLAOISE

On the proposition of Councillor Paul Mitchell seconded by Councillor Tom Jacob, the members unanimously agreed that the public right of way at Higgs Lane, Ballyclider Road, Portlaoise be extinguished

51. CONSIDERATION AND ADOPTION OF POLICY ON INDUSTRIAL SITES

The Members were circulated with the draft policy document on Industrial Sites & Enterprise Units which was presented by Councillor James Deegan, Chairperson of the Economic Development & County Promotion Strategic Policy Committee.

On the proposition of Councillor Paul Mitchell seconded by Councillor Tom Jacob, the Members unanimously agreed to adopt the draft policy document.

Mr. Louis Brennan, Director of Economic Development responded to the various queries raised by the members. Mr. Brennan indicated that there is now a formal policy document in place and Laois County Council will now attempt to acquire land for these purposes. Laois County Council must have regard to the normal procurement procedures when disposing or acquiring land or buildings for such purposes. There is already in existence a stipulation that the purchaser of sites must apply for planning permission within 12 months of the date of purchase and start up business relatively soon thereafter.

Interchange at Portlaoise (Togher)

Mr. Louis Brennan, Director of Services gave a detailed update to the Council on all matters relating to the inland port and transport node.

52. CONSIDERATION AND ADOPTION OF POLICY ON TOURISM & COUNTY PROMOTION

The Members were circulated with the draft policy document on Tourism & County Promotion. The document was presented by Councillor James Deegan, Chairperson of the Economic Development & County Promotion Strategic Policy Committee.

On the proposition of Councillor Tom Jacob seconded by Councillor Mary Sweeney, the Members unanimously agreed to adopt the draft policy document.

Some Members expressed concern regarding the Tourist Office in Lyster Square. It was requested that clarification be sought from M.E.R.T.A. regarding the opening hours and services provided etc. at the Tourist Office. Mr. Louis Brennan, Director of Services advised that he was in contact with M.E.R.T.A. on all issues with a view to improving the service.

Mr. Louis Brennan, Director of Services circulated correspondence to the Members in relation to the O'Moore Park Event Licence.

The Members were informed that the process in relation to applying for a licence to enable the staging an event in O' Moore Park is now underway. The licence application process involves the giving of public notice and also involves a public consultation element which will allow for consultation with communities and other agencies in the area. Should the licence application be successful the Council and the committee will endeavour to attract a suitable event to Portlaoise. Ms. Honor Deevy, Tourism Officer was complimented on the work that she has done both in Ireland and abroad with regard to the promotion of County Laois.

53. PERFORMANCE MANAGEMENT DEVELOPMENT SYSTEM (P.M.D.S.)

The Members were advised by the County Manager that a Performance Management & Development System was being introduced into Laois County Council. It is anticipated that the system would be piloted in the Environment Section. The County Manager indicated that it is anticipated that the introduction of PMDS will result in employees having greater clarity in relation to their roles etc. in the future.

54. NATIONAL SERVICE INDICATORS - BRIEFING BY COUNTY MANAGER

The County Manager indicated that the Local Authority must now complete annual returns in relation to 42 National Service Indicators. This initiative was launched by the Minister for the Environment, Heritage & Local Government in 2004. The Corporate Policy Group will have an important role to play in evaluating the performance of Laois County Council in relation to the areas of activity covered by the Service Indicators.

55. ARTS ACT GRANTS 2005

The Members were circulated with the proposed list of Arts Act Grant allocations for 2005. On the proposition of Councillor Michael Moloney seconded by Councillor Mary Sweeney, the Arts Act Grants allocations for 2005 were unanimously agreed.

Ms. Muireann Ní Chonail was in attendance and she extended thanks to the Members for their continued support of the arts. The Members in turn complimented Muireann and all of the employees in the Arts Office for the tremendous work which was being done for the arts in Laois. On behalf of the Mountrath St. Patrick's Day Parade, a vote of thanks was extended to Muireann and members of the Laois School of Music for their attendance.

The following grants were approved:-

NAME	ADDRESS	PURPOSE	AWARD
Ballyroan I.C.A	Peggy Drennan, Ballyknocken, Co Laois	Literature Workshops	200
Comhaltas Ceoltoiri Eireann	Shirley Conway, "The Laurels" , 49 Avondale, Portarlinton, Co Laois	Artists Fees	300
Rathdowney Panto Group	Dr Nial O'Doherty, Fairy Hill House, Rathdowney, Co Laois	Artists Fees	250
St. Joseph's Mountmellick Embroidery Group	Carmel Croke, Pallas, Portlaoise, Co Laois	Workshops venue rental fees	150
Irish Wheelchair Association	Carmel O'Connor, C/o St Fintan's Hospital, Dublin Road, Portlaoise, Co Laois	Artists Fees	300
Portlaoise Literature Studies Group	Ann Hannify, Stradbally Rd. Portlaoise, Co Laois	Hosting guest writers	200
Mountmellick Comhaltas Ceoltoiri Eireann	Mary Bridget Culleton, Cloncannon, Mountmellick, Co Laois	Purchase of instruments	300
Errill Dramatic Society	Marian O'Dea, Clonmeen Cross, Errill, Co Laois	Production of play	200
Mountmellick Pioneer Drama Group	Paula Dempsey, Davitt Rd., Mountmellick, Co Laois	Promotion of Drama Festival	500
I.C.A. Laois Federation Choir	Vivienne Rigley, Farnans, Ballickmoyler, Co Laois	Funding towards concert in Dunamais Arts Centre	300
The White Lady Drama Group	Anne Conroy, Mary St, Durrow, Co Laois	Production of Play	300
Mountmellick	Valerie Hovendon, 16 Lyndon Court,	Room hire & equipment	250

Photography Society	Ballyfin Rd, Portlaoise, Co Laois		
Shake the Speare Theatre Co. Ltd.	Cabrini Cahill, The fit-up, Morette, Emo, Portlaoise, Co Laois	Production of Plays	450
Portlaoise Musical Society	Martina O'Byrne, 4 Castle Close, Kilminchy, Portlaoise, Co Laois	Musical Production & workshops	300
Camross Comhaltas Ceoltoiri Eireann	Mrs C. Phelan, Cavansheath, Mountrath, Co Laois	Advanced tuition workshops	300
Arles Art Group	Peggy Byrne, Ballycorman (via Athy), Ballylinan, Co Laois	Tutors fees	200
Birchgrove After Schools Programme	Martina Marum, Birchgrove Afterschools Prog. Birchgrove Community Centre, Portlaoise, Co Laois	Courses, Music, Arts & Drama	300
Passion Play Group	Mary Brennan, Altona, Fallaghmore, Athy, Co Kildare	Present Passion Play	250
Mountmellick Macra Capers Group	Anne Marie Hourigan, Harbour St., Mountmellick, Co Laois	Drama, Dance & Comedy Training	300
		Sub-total	€5,350

Part 2 ***Individuals***

NAME	ADDRESS	PURPOSE	GRANT
Michael Gerard Creagh	Harristown, Rathdowney, Co. Laois	Publication and Launch of new collection of Poetry	€500
Marley Burns	9 Parnell Crescent, Portlaoise	Art materials assistance	€250
Kathleen Garrett	Pallas, Portlaoise	Art materials assistance	€350
Shay Flannery	21 Brockview, Mountmellick, Co. Laois	Continued promotion of Play	€250
Bernie Keating	Debbycott, Mountmellick, Co. Laois	Completion of new body of photographic work.	€500
Mary Marshall	Bracklyn, Ballytegan, Portlaoise	Assistance to study abroad	€300

The Members requested that the allocations be increased for next year.

56. VOTE OF SYMPATHY

On the proposition of Councillor Mary Sweeney seconded by Councillor James Deegan, the Members unanimously agreed to pass a vote of sympathy with the family of Catherine O' Dwyer on the death of Catherine, former Principal of

Ballyroan School and former secretary of the Laois Heritage Society. All of the Members present associated themselves with the vote of sympathy.

On the proposition of Councillor Ray Cribbin seconded by Councillor James Deegan it was unanimously agreed to pass a vote of sympathy with Mr. Jim Gorry, an employee of Laois County Council on the recent death of his father.

57. CORRESPONDENCE

The following items of correspondence were read to the members by Mr. Gerry Gillen, Senior Executive Officer, Corporate Affairs

- (1) Correspondence received from the Health Service Executive dated the 23rd of March 2004 in response to a letter of the 9th of March regarding land at St. Fintan's, Portlaoise. On the proposition of Councillor William Aird seconded by Councillor Catherine Fitzgerald, it was unanimously agreed that Mr. Pat Gaughan, Chief Executive Officer of the Health Service Executive be requested to attend the next meeting of Laois County Council to discuss the matter further.
- (2) Correspondence received from the Office of the Minister for Transport dated the 18th of March 2005 in response to a letter regarding the length of waiting times for driving tests
- (3) Correspondence received from Greencore dated the 10th of March 2005 in response to a letter regarding the possibility of providing a depot in County Laois to facilitate the transport of the sugar beet crop from the region to Mallow.

Mr. William Aird, Cathaoirleach, requested all of the Members to carry a Donor Card. He stated that he had been contacted in this regard and that a request had been received seeking the support of the Members for Donor Awareness Week which would soon be taking place.

58. NOTICE OF MOTIONS

Notice of Motion No. 10/05

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council inform the people of Laois under what legislation the Department of the Environment are enforcing on the burning of bushes which most farmers have been doing for many years"

This motion was seconded by Councillor Michael Lalor.

The Members were informed that the Section 32 of the Waste Management Act of 1996 places a general duty of responsibility on a holder of waste. The section states 'A person shall not hold, transport, recover or dispose of waste in a manner that causes or is likely to cause environmental pollution'. Laois County Council has to date interpreted this section to mean that the burning of bushes was not permitted. Clarification has been sought in relation to the burning of bushes from the Department of the Environment, Heritage and Local Government. No reply has been received to date.

Notice of Motion No: 11/05

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council suspend any further participation on activity in relation to Draft Toll Scheme M7-M8 because of a judicial review of An Bord Pleanala decision"

This motion was seconded by Councillor Michael Lalor.

Members were informed that the Draft Toll Scheme for the M7/M8 has been prepared by the National Roads Authority in accordance with the statutory provisions of the Roads Act, 1993 and the Planning & Development Act, 2000. The statutory basis for the adoption of the scheme rests with the N.R.A. A statutory notice has been served on the Council who have until the 3rd of May 2005 to make a formal response.

Mr. Gerry Gibson, Director of Services indicated that if the Members wish a letter will be issued to the National Roads Authority regarding Laois County Council's objections to the Toll Scheme. It was agreed that a draft letter outlining the objections of Laois County Council to the Toll Scheme should be prepared and circulated to members prior the April Council Meeting. If its contents are acceptable to the Members it can then be sent to the N.R.A.

Notice of Motion No: 12/05

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council make plans to have adequate and safe road crossings at all schools"

This motion was seconded by Councillor Seamus McDonald

The Members were advised that safety at schools is being improved under the 'Flashing Lights Programme'. Erection of special speed limits will also increase safety at such locations. Any additional measures will be site specific and will require a significant input from the Road Design Section. A provision for this has not been included in Roads Programme 2005. Its inclusion for the 2006 programme can be considered when the 2006 budget is being prepared.

Notice of Motion No: 13/05

Councillor Paul Mitchell proposed the following Notice of Motion:-

"That this Council ask the Minister for Arts, Sport & Tourism to immediately publish the list of swimming pools for grant aid this year"

This motion was seconded by Councillor William Aird. It was agreed that a letter should be issued to the Minister for Arts, Sport & Tourism in this regard.

This concluded the business of the meeting.

Signed:

Cathaoirleach

Director of Corporate Affairs

