

**MINUTES OF JULY MEETING OF LAOIS COUNTY COUNCIL HELD ON THE
31ST OF JULY 2006 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00 A.M.**

PRESENT:	Councillor	Michael Lalor	In the Chair
	Councillors	William Aird	John Bonham
		Patrick Bracken	Ray Cribbin
		James Daly	James Deegan
		Bill Delaney	Thomas Jacob
		Larry Kavanagh	Jerry Lodge
		Michael Moloney	Dick Miller
		John Moran	Brendan Phelan
		Martin Phelan	Michael Rice
		Brian Stanley	Mary Sweeney
		John D. Turley	

APOLOGIES:	Councillors	John Joe Fennelly	Catherine Fitzgerald
		Paul Mitchell	Seamus McDonald
		David Goodwin	

IN ATTENDANCE:

Peter Carey, County Manager, Anna Marie Delaney, Director of Services, Mary White, 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. Georgina Ireland, Town Clerk & Ms. Michelle McCormack, Assistant Staff Officer, Corporate Affairs.

98. VOTE OF SYMPATHY

On the proposal of Councillor Michael Lalor, the Members unanimously agreed that a vote of sympathy be extended to Councillor Seamus McDonald on the death of his wife, Patricia. Councillor Jerry Lodge formally seconded this proposal and the meeting was adjourned for fifteen minutes as a mark of respect.

On the proposal of Councillor Michael Lalor, the Members unanimously agreed that a vote of sympathy be extended to Councillor David Goodwin, on the recent death of his brother Billy.

On the proposal of Councillor John Bonham, the Members unanimously agreed that a vote of sympathy be extended to the O' Shea family on the recent death of Peter O' Shea, a former employee of Laois County Council.

On the proposal of Councillor John Bonham, the Members unanimously agreed that a vote of sympathy be extended to the Cullen family on the death of Peter Cullen.

On the proposal of Councillor Michael Lalor, the Members unanimously agreed that a vote of sympathy be extended to Mr. Des Byrne, Assistant Engineer on the recent death of his father.

99. CONFIRMATION OF MINUTES

On the proposition of Councillor William Aird seconded by Councillor Tom Jacob, it was unanimously agreed that the Minutes of the June Meeting of Laois County Council held on the 26th of June 2006 as circulated be adopted and signed.

On the proposition of Councillor William Aird seconded by Councillor Tom Jacob, it was unanimously agreed that the Minutes of the Annual General Meeting held on the 26th of June 2006 as circulated be adopted and signed.

It was agreed that Item 96 would be amended to reflect Larry Kavanagh's nomination to the Local Authority Members Association.

100. REPORT ON SPC MEETINGS HELD IN JUNE 2006

The report on SPC Meetings held in June 2006 as circulated were noted. Councillor James Daly queried an item on the Environment & Water Services SPC in relation to the Draft Assessment of Needs (Water Services Investment Programme). It was agreed that this matter would be discussed at Number 9 on the agenda.

The report on the Borris in Ossory Electoral Area meeting held on the 14th of June 2006 was noted by the Members.

101. PORTLAOISE LOCAL AREA PLAN - AGREE A DATE FOR THE HOLDING OF SPECIAL MEETINGS

It was agreed that a meeting in committee would be held at 11.00 a.m. on Monday, September 4th 2006 and that the formal meeting would be held at 11.00 a.m. on Wednesday, September 6th 2006.

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

(i) 1 No. Rural Dwelling at Kilmurray, Stradbally

The members had been circulated with the Planning Report in relation to the proposed housing development. This is a Part VIII proposal for a residential development at Kilmurray townland, Stradbally which is to consist of 1 single storey rural dwelling .

On the proposition of Councillor James Deegan seconded by Councillor Raymond Cribbin, the Members unanimously agreed to proceed with the proposed development.

(ii) 1 No. Rural Dwelling at Boley Lower, Abbyeliex

The members had been circulated with the Planning Report in relation to the proposed housing development. This is a Part VIII proposal for a residential development at Boley Lower Townlands, Abbeyleix which is to consist of 1 single storey rural dwelling.

On the proposition of Councillor Martin Phelan seconded by Councillor John Bonham, the Members unanimously agreed to proceed with the proposed development.

(iii) Portarlinton Water Improvement Scheme at Carrickwood, Portarlinton

The members had been circulated with the Planning Report in relation to the proposed scheme. This is a Part VIII proposal for a new 5,000m³ storage reservoir, control building, chlorine and fluoride storage and dosing facility, iron and manganese removal facility housed in a separate water treatment building, development of 10 production wells, and rising mains and distribution mains.

On the proposition of Councillor Raymond Cribbin seconded by Councillor James Deegan, the Members unanimously agreed to proceed with the proposed development.

(iv) Civic Plaza adjacent to Áras an Chontae

The members had been circulated with the Planning Report in relation to the proposed development. This is a Part VIII proposal which envisages the creation of a new Civic Plaza adjacent to Áras an Chontae with a two deck split level car park on half of the site. The car park structure is sunk approximately one metre below ground level to minimize the visual impact. The public space is divided between a green park and an open hard paved civic square with seating, lighting etc.,

On the proposition of Councillor Michael Moloney seconded by Councillor William Aird, the Members unanimously agreed to proceed with the proposed development.

Members requested that the existing trees be retained at this location. It was also suggested that a sculpture of James Fintan Lalor also be included in the proposals.

103. SECTION 85 AGREEMENT WITH OFFALY COUNTY COUNCIL AND WESTMEATH COUNTY COUNCIL IN RELATION TO THE PROVISION OF THE SECOND PHASE OF THE ROLLOUT OF BROADBAND

On the proposal of Councillor James Daly seconded by Councillor Brian Stanley, the members unanimously agreed to the Section 85 agreement with Offaly County Council and Westmeath County Council in relation to the provision of the second phase of the rollout of Broadband.

104. NOMINATION OF ONE MEMBER FOR THE MIDLAND REGIONAL DRUGS TASK FORCE

Members were circulated with correspondence from the Midland Regional Drugs Task Force. Councillor Brian Stanley proposed that Councillor Tom Jacob be nominated to the Midland Regional Drugs Task Force. This proposal was seconded by Councillor Larry Kavanagh. Councillor Tom Jacob thanked his proposer and seconder for his nomination.

105. DRAFT POLICY ON BRING BANKS AS RECOMMENDED BY THE ENVIRONMENT & WATER SERVICES STRATEGIC POLICY COMMITTEE

Members were circulated with the draft policy on Bring Banks as recommended by the Environment & Water Services Strategic Policy Committee. On the proposal of Councillor Mary Sweeney seconded by Councillor James Daly, the draft policy on bring banks was agreed.

Members complimented the staff in the environment section on their work in this area. Members expressed concern regarding the disposal of farm plastics. It was agreed that correspondence issue to the Department of the Environment, Heritage & Local Government in this regard. Mr. Kieran Kehoe, A/Senior Engineer indicated that arrangements were being put in place for the collection of farm plastics over a five day period.

106. DRAFT PARKS AND OPEN SPACES BYE-LAWS AS RECOMMENDED BY THE ENVIRONMENT & WATER SERVICES STRATEGIC POLICY COMMITTEES

Members were circulated with the draft policy on Draft Parks and Open Spaces Bye-Laws as recommended by the Environment & Water Services Strategic Policy Committee. On the proposal of Councillor Mary Sweeney seconded by Councillor James Daly, the draft parks and open spaces bye-laws were agreed.

107. WATER SERVICES INVESTMENT PROGRAMME

Members were circulated with the draft assessment of needs 2007-2014. Ms. Mary White, A/Director of Services responded to the various queries raised. In relation to Timahoe members were advised that approval is awaited from the Department of the Environment, Heritage & Local Government. On the proposition of Councillor Martin Phelan seconded by Councillor Michael Lalor, it was agreed that Shanboe be included also. In relation to Mountmellick Sewerage, Ms. Mary White indicated that the contract documents will be submitted to the Department of the Environment, Heritage & Local Government and it is proposed that the scheme will commence in 2007.

On the proposition of Councillor William Aird seconded by Councillor John Bonham, the members unanimously agreed the Water Services Investment Programme.

108. REVISED SCHEME OF LETTING PRIORITIES AS RECOMMENDED BY THE HOUSING, SOCIAL & CULTURAL STRATEGIC POLICY COMMITTEE IN JULY 2006

The Members were circulated with the revised Scheme of Letting Priorities as recommended by the Housing, Social & Cultural Strategic Policy Committee in July 2006. Mr. Declan Byrne, Director of Services responded to the various queries raised.

On the proposition of Councillor William Aird seconded by Councillor Michael Moloney, the members unanimously agreed the revised scheme of Letting Priorities as recommended by the Housing, Social & Cultural Strategic Policy Committee in July 2006.

109. HIGHER EDUCATION GRANT SCHEME FOR 2006/2007

Members were circulated with the details in relation to the 2006 Higher Education Grant Scheme.

On the proposition of Councillor James Daly seconded by Councillor Jerry Lodge, the Members unanimously endorsed the Higher Education Grants Scheme 2006. Councillor Larry Kavanagh raised a query as to why Farm Income Supplement payments are not excluded in the calculation of reckonable income. It was agreed that a letter would issue to the Department of Education & Science seeking clarification in this regard. This was seconded by Councillor William Aird.

110. MANAGEMENT OF PORTLAOISE LEISURE CENTRE AND PROPOSED COMPOSITION OF THE BOARD OF DIRECTORS

On the proposition of Councillor William Aird, it was unanimously agreed that Councillor James Deegan and Councillor Mary Sweeney be nominated onto the Board of Directors of Portlaoise Leisure Centre.

Councillor Jerry Lodge was also nominated.

111. APPROVAL TO THE COMPLETION OF A MORTGAGE AGREEMENT BETWEEN LAOIS COUNTY COUNCIL AND CLUID HOUSING ASSOCIATION, CONFEDERATION HOUSE, WATERFORD BUSINESS PARK, CORK ROAD, WATERFORD

On the proposal of Councillor Brian Stanley seconded by Councillor Larry Kavanagh, the members unanimously agreed to the completion of a mortgage agreement between Laois County Council and Cluid Housing Association, Confederation House, Waterford Business Park, Cork Road, Waterford for an amount not exceeding €7,979,643 in accordance with Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 for the construction of 25 No. 3 or more bedroom houses, 17 No. 2 bedroom houses and 5 No. 1 bedroom apartments and a communal facility at Colliers Lane, Portlaoise, Co. Laois under the Capital Loan and Subsidy Scheme.

112. APPROVAL TO THE RAISING OF A LOAN NOT EXCEEDING €7,979,643 FROM THE HOUSING FINANCE AGENCY PLC

On the proposal of Councillor Tom Jacob seconded by Councillor Jerry Lodge, the members unanimously agreed to the raising of a loan not exceeding €7,979,643 from the Housing Finance Agency Plc., for the construction of 47 housing units and communal facility at Colliers Lane, Portlaoise, Co. Laois by Cluid Housing Association, Confederation House, Waterford Business Park, Cork Road, Waterford in accordance with the Capital Loan and Subsidy Scheme.

113. APPROVAL TO THE RAISING OF A LOAN NOT EXCEEDING €3,312,000.36 FROM THE HOUSING FINANCE AGENCY PLC

On the proposition of Councillor Ray Cribbin seconded by Councillor John D Turley, the Members unanimously agreed to the raising of a loan not exceeding €3,312,000.36 from the Housing Finance Agency Plc., for the construction of 36 affordable housing units at Cooltederry, Portarlinton.

114. DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001

On the proposal of Ray Cribbin seconded by Councillor John D Turley, the Members unanimously agreed to the disposal of 0.7 acres at Link Road, Portarlinton in the townland of Cooltederry to Portarlinton Community Development Association Ltd., Link Road, Portarlinton, Co. Laois. The sale is by way of a 99 year lease subject to conditions.

On the proposal of Councillor Brian Stanley seconded by Councillor Tom Jacob, the Members unanimously agreed to the disposal of 0.028 acres at Marian Avenue, Portlaoise in the townland of Knockmay to Brendan & Eilish Bowe, 77 Marian Avenue, Portlaoise for a consideration of €8,500

On the proposal of Councillor Paddy Bracken seconded by Councillor Michael Moloney, the Members unanimously agreed to the disposal of 0.18 acres at Chapel Street, Mountmellick in the townland of Townsparks to Thomas Lawlor, Chapel Street for a consideration of €200.

115. TAKING IN CHARGE OF AGHAFIN GROUP WATER SCHEME AND DRIMATERRIL GROUP WATER SCHEME

On the proposition of Councillor Bill Delaney seconded by Councillor Martin Phelan, the Members unanimously agreed to the taking in charge of Aghafin Group Water Scheme.

On the proposition of Councillor John Bonham seconded by Councillor Bill Delaney, the Members unanimously agreed to the taking in charge of Drimaterril Group Water Scheme.

116. DRAFT LIBRARY DEVELOPMENT PLAN 2007-2011

The Members had been circulated with the Draft Library Development Plan 2007-2011. On the proposition of Councillor Michael Moloney seconded by Councillor Paddy Bracken, the Members unanimously agreed to adopt the Draft Library Development Plan 2007-2011 as circulated. Mr. Declan Byrne, Director of Services outlined the programme of work that it was hoped would be undertaken in the period covered by the plan. On the proposition of Councillor Mary Sweeney seconded by Councillor William Aird, the Members agreed that the possibility of providing a mobile library service should be investigated. The Members complimented the employees who work in the Library Service who had been involved in the preparation of the plan and who are involved in the provision of the service. The County Manager also paid tribute to Mr. Gerry Maher, the County Librarian and the employees for their efforts in producing the plan and their work in providing the library service throughout the county.

117. NOTICE OF MOTIONS

Notice of Motion No: 34/06

Councillor William Aird proposed the following Notice of Motion:-

"That Laois County Council reject totally the beet compensation package allocated to formers by the Minister for Agriculture"

This motion was seconded by Councillor Brian Stanley. It was agreed that a letter should be issued to the Department of Agriculture in this regard.

Notice of Motion No : 35/06

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council call on the N.R.A. to appeal to An Bord Pleanala to re-consider the full graded junction and the half graded junction on road no. 434 so as to give access to the new proposed N7/N8 from this very busy road R434"

This motion was seconded by Councillor Brendan Phelan. It was agreed that further letters should be issued to the Department of Environment, Heritage & Local Government and the N.R.A. seeking the re-instatement of these junctions.

Notice of Motion No: 36/06

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council consider not granting a licence for any concert or function which keeps running all night"

This motion was seconded by Councillor Michael Moloney. It was pointed to the Members by Mr. Gerry Gibson that any licences that the Council issue for the holding of concerts or other functions of a similar nature are conditioned with regard to the duration of the events.

Notice of Motion No: 37/06

Councillor Michael Moloney proposed the following Notice of Motion:-

“That Laois County Council call on the Minister for the Environment, Heritage & Local Government to put in place arrangements that will enable persons who are registered to vote and who are out of the Country on the date of the holding of an election or referendum to exercise their franchise”

This motion was seconded by Councillor William Aird. Ms. Anna-Marie Delaney informed the Members that a letter would be issued to the Franchise Section in the Department of the Environment in relation to the matters highlighted by Councillor Moloney's Notice of Motion.

Notice of Motion No: 38/06

Councillor Brian Stanley proposed the following Notice of Motion:-

“That this Council ensures that developers are unable to deviate from the conditions of planning permissions relating to their development and that all conditions as stated on the notice to grant planning permission are implemented in full”

This motion was seconded by Councillor William Aird. The Members were advised that in order for a development to be deemed to be in compliance with the Planning Permission granted in respect of it all of the conditions must be implemented in full. In the absence of a subsequent grant of Planning Permission to amend or alter or omit any of the said conditions, the Planning Authority can initiate enforcement proceedings on receipt of a complaint. It should be borne in mind that there are no time scales in relation to the taking of enforcement action for non compliance with a planning condition.

This concluded the business of the meeting.

Signed:

Michael Lalor

Anna Marie DeLong

Director of Corporate Affairs