

**MINUTES OF MAY MEETING OF LAOIS COUNTY COUNCIL HELD ON THE
29TH OF MAY 2006 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00 A.M.**

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

APOLOGIES:	Councillors:	Larry Kavanagh
		John Bonham
		Michael Rice

IN ATTENDANCE:

Messers: Peter Carey, County Manager, John Daly, Director of Services, Declan Byrne, Director of Services, Martin Daly, Acting Director of Services, Gerry Murphy, Head of Finance. Ian McCormack, Acting Director of Services, Gerry Gillen, Senior Executive Officer, Corporate Affairs Michael O'Hora, Senior Engineer. Mary White, Senior Engineer, Carmel McNicholl, Senior Executive Officer Housing, Breda Creed, A/Assistant Staff Officer, Corporate Affairs.

An Leas-Cathaoirleach, Councillor James Daly welcomed teacher Ms. Catherine Lorigan and pupils from the National School in Pike of Rushall to the Meeting. The students were congratulated on having achieved the Green Flag Status for their school.

64. BEST WISHES

On the proposition of the Leas-Cathaoirleach, Councillor James Daly, it was unanimously agreed that best wishes for a full and speedy recovery to full health be extended to the Cathaoirleach, Councillor Larry Kavanagh, who was unable to attend the meeting due to illness.

65. VOTE OF SYMPATHY

The Members unanimously agreed that a vote of sympathy be extended to the following:

The Byrne Family, Stradbally on the death of Paddy Byrne, the O'Connor Family, Mountrath, on the death of Orry O' Connor, the Hyland Family, Farren, Ballacolla, on the death of Agnes Hyland.

66. CONFIRMATION OF MINUTES

On the proposition of Councillor Michael Lalor, seconded by Councillor James Deegan, it was unanimously agreed that the Minutes of the Meeting of Laois County Council held on the 24th of April, 2006 as circulated be adopted and signed.

67. FIX DATE FOR ANNUAL GENERAL MEETING - 26TH JUNE AT 3.00 P.M.

On the proposition of Councillor Mary Sweeney seconded by Councillor John Moran, the Members unanimously agreed that the A.G.M. would be held on the 26th June 2006 at 3.00 p.m.

68. NOMINATION OF TWO MEMBERS TO SIT ON EACH OF THE FOLLOWING BODIES

(a) Laois Advocacy Against Domestic Abuse Limited -

On the proposition of Councillor Jerry Lodge seconded by Councillor Paddy Bracken Councillor Catherine Fitzgerald was nominated to the Board of Laois Advocacy Against Domestic Abuse Limited. On the proposition of Councillor James Deegan seconded by Councillor John Moran, Councillor Mary Sweeney was nominated to the Board of Laois Advocacy Against Domestic Abuse Limited.

(b) Laois County Council In-house Anti Poverty Committee -

On the proposition of Councillor Tom Jacob seconded by Councillor Paul Mitchell, Councillor Brian Stanley was nominated as a member of the Laois County Council In-house Anti Poverty Committee. On the proposition of Councillor Seamus McDonald seconded by Councillor Brendan Phelan, Councillor Jerry Lodge was nominated as a member of the Laois County Council In-house Anti Poverty Committee.

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

(a) Disposal of .42 acres (0.17 hectares) and derelict cottage at Rathmore, Stradbally, Co. Laois. to Jacqueline Fenlon, 4 Hazelwood, Oak Park Road, Carlow. for a consideration of €106,056.

On the proposal of Councillor James Deegan, seconded by Councillor Mary Sweeney the Members unanimously agreed to the disposal of .42 acres (0.17 hectares) and derelict cottage at Rathmore, Stradbally, Co. Laois. to Jacqueline Fenlon, 4 Hazelwood, Oak Park Road, Carlow. for a consideration of €106,056.

(b) Disposal of 42 sq. m at Pound Street, Rathdowney, to Mary Kennedy, Kilcoran, Rathdowney, Co. Laois for a consideration of €200.

On the proposal of Councillor Martin Phelan, seconded by Councillor Brendan Phelan the Members unanimously agreed to the disposal of 42 sq. m at Pound Street, Rathdowney, to Mary Kennedy, Kilcoran, Rathdowney, Co. Laois for a consideration of €200.

- (c) Disposal of Freehold of property at 30 Beladd, Portlaoise to Michael Calt for the sum of €127.00.

On the proposal of Councillor Catherine Fitzgerald, seconded by Councillor Brian Stanley the Members unanimously agreed to the disposal of Freehold of property at 30 Beladd, Portlaoise to Michael Calt for the sum of €127.00.

- (d) Disposal of Freehold of property at 15 Twomey Park, Mountmellick to Darren Bennett and Carol Coss for the sum of €127.00.

On the proposal of Councillor Michael Moloney, seconded by Councillor Paddy Bracken the Members unanimously agreed to the disposal of Freehold of property at 15 Twomey Park, Mountmellick to Darren Bennett and Carol Coss for the sum of €127.00.

- (e) Disposal of Equity Part of Shared Ownership Loans under Section 183 of Local Government Act 2001 in respect of the following:

The Members circulated with a number of Section 183 notices as outlined hereunder. The Members were advised that it is a requirement of the Land Registry Office that such notices be formally passed by Resolution of the Council prior to the registration of the property in question in the sole ownership of the occupiers following the redemption of Council's Equity Part of the Shared Ownership Loans.

Disposal of Equity Part of shared Ownership Loan No: 610202/F

On the proposal of Councillor Brian Stanley, seconded by Councillor Tom Jacob, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610202/F - Property at 81 Woodgrove, Portlaoise, to Bernadette Salmon and Barry Lawless.

Disposal of Equity Part of shared Ownership Loan No: 610073/F

On the proposal of Councillor Brian Stanley, seconded by Councillor Tom Jacob, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No:610073/F - Property at 114 St. Brigid's Place, Portlaoise to Stella O'Neill.

Disposal of Equity Part of shared Ownership Loan No: 610095/F

On the proposal of Councillor Brian Stanley, seconded by Councillor Mary Sweeney, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610095/F - Property at 6 Fieldbrook Drive, Dublin Road, Portlaoise, to Anne Fanning.

Disposal of Equity Part of shared Ownership Loan No: 610086/F

On the proposal of Councillor Tom Jacob, seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610086/F - Property at 17 Castle Mews, Kilminchy, Portlaoise, to Carmel Dunne.

Disposal of Equity Part of shared Ownership Loan No: 610144/F

On the proposal of Councillor Brian Stanley, seconded by Councillor Tom Jacob, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610144/F - Property at 99 St Brigid's Place, Portlaoise, to Grainne Boland.

Disposal of Equity Part of shared Ownership Loan No: 610137/F

On the proposal of Councillor Paul Mitchell, seconded by Councillor Jerry Lodge, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610137/F - Property at 12 Railway Mews, Seskin Lane, Portarlinton, Co. Laois. to Hazel Ryan.

70. APPROVAL OF THE ELECTED COUNCIL TO THE COMPLETION OF MORTGAGE AGREEMENTS BETWEEN LAOIS COUNTY COUNCIL AND RESPOND! HOUSING ASSOCIATION, DOMINICK PLACE, AIRMOUNT, WATERFORD.

- (a) On the proposal of Councillor John Moran, seconded by Councillor Dick Miller, the Members unanimously agreed to the completion of a mortgage between Laois County Council and Respond! Housing Association for an amount not exceeding €1,133,450 in accordance with Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 for the construction of 10 Accommodation Units (all 1-bed apartments) at Graiguecullen, Co. Laois under the provisions of the Capital Assistance Scheme (CAS).

(b) On the proposal of Councillor Dick Miller, seconded by Councillor John Moran, the Members unanimously agreed to the completion of a mortgage between Laois County Council and Respond! for an amount not exceeding €1,776,702 in accordance with Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 for the construction of 11 Accommodation Units (all 3-bed two storey houses) at Graiguecullen, Co. Laois under the provisions of the Capital Loan and Subsidy Scheme (LSS)

(a) APPROVAL OF ELECTED COUNCIL TO THE RAISING OF A LOAN NOT EXCEEDING €1,776,702 FROM THE HOUSING FINANCE AGENCY PLC.

On the proposal of Councillor John Moran, seconded by Councillor Dick Miller, the Members unanimously approved the raising of a loan not exceeding €1,776,702 from the Housing Finance Agency Plc for the construction of 11 housing units at Graiguecullen, Co. Laois by Respond! Housing Association, Airmount, Dominick Place, Waterford in accordance with the provisions of the Capital Loan and Subsidy Scheme.

71. APPROVAL OF ELECTED COUNCIL TO THE RAISING OF A LOAN NOT EXCEEDING €13,000,000 FROM THE HOUSING FINANCE AGENCY PLC.

On the proposal of Councillor Tom Jacob, seconded by Councillor James Deegan, the Members unanimously agreed to the raising of a loan not exceeding €13,000,000 from the Housing Finance Agency Plc. in respect of the issuing of mortgage finance under the Affordable Housing and Shared Ownership Schemes.

72. APPROVAL OF ELECTED COUNCIL TO OVERDRAFT ACCOMMODATION IN THE SUM OF €6,000,000. FOR THE HALF YEAR ENDED 31ST DECEMBER 2006.

On the proposal of Councillor Tom Jacob, seconded by Councillor Jerry Lodge, the Members unanimously agreed to the seeking of Overdraft Accommodation in the sum of €6,000,000 for the half year ended 31ST December 2006.

73. PROGRESS REPORT IN RELATION TO THE ACTIVITIES OF THE COUNTY DEVELOPMENT BOARD.

The Members welcomed the report which had been prepared by Mr Declan Byrne, Director of Services. In the report reference was made to the 2005 Review of the County Development Board's ten year strategy "Realising our Potential" 2002-2012. The Review sets out priorities under each of the six strategic themes, together with actions to be taken in addressing these priorities. The Board has also reorganised its implementation structures. As a result of this all actions now come under the remit of one of the substructures or Task Groups that have been established by the Board.

Substructures - Social Inclusion Measures Working Group (SIM)
- Laois Community Forum
- Laois Rural Regeneration Partnership.

Task Groups:

- Economic Development Task Group
- Safe Environment Task Group
- Training and Education Task Group
- Children and Young Persons Task Group
- Sustainability Task Group
- Quality of Life Task Group
- Older Persons Task Group
- Transportation Task Group

The Director of Services, stressed the potential of the CDB process in the overall development of the county and acknowledged the support and Participation of the County Manager, Directors of Services, and the members of the Strategic Policy Committees. On the proposal of Councillor Mary Sweeney, seconded by Councillor Brian Stanley, the Members unanimously agreed to nominate a Member from each Electoral Area to the Cohesion Committee. Mr Peter Carey, County Manager, complimented everyone involved in the process to date and highlighted the need for an integrated approach in order to ensure the successful delivery of services at local level.

74. TAKING IN CHARGE OF ESKER GATE, MOUNTMELICK, CO. LAOIS.

On the proposition of Councillor Michael Moloney, seconded by Councillor David Goodwin, the Members unanimously agreed to the Taking in Charge of Esker Gate, Mountmellick, Co. Laois.

75. LOCAL IMPROVEMENTS SCHEMES 2006.

The Members were circulated with draft proposals for the carrying out of Local Improvement Schemes in 2006. On the proposition of Councillor John Joe Fennelly, seconded by Councillor Mary Sweeney, the Members unanimously agreed to adopt the proposals for the carrying out of the Local Improvements Schemes for 2006 as circulated. Mr. Declan Byrne, Director of Services advised the Members that the "CLÁR" areas listed were selected by the Department of the Environment, Heritage and Local Government, on the basis of population decline over a specific period.

76. WATER SERVICES PRICING POLICY

The Members were circulated with a Progress Report on the Implementation of the Water Services Pricing Policy. Mr John Daly, Director of Services briefed the Members on the various aspects of the report. A discussion followed that dealt with many areas and concerns that Members had including:

Recovery of Capital Costs from the Non-Domestic Sector.
Information on Services.
Operational Costs.
Non-Domestic Metering.
Water Conservation.
Consultation Process.
Budget 2007.

The concerns that Members raised were noted. Clarifications were given by Mr. John Daly and the County Manager. Mr Peter Carey, County Manager in his reply referred to the Water Framework Directive, and stressed the need to manage water resources in an integrated and sustainable manner.

77. CORRESPONDENCE

Mr. Gerry Gillen, Senior Executive Officer, Corporate Affairs, indicated that that there were no items of correspondence for consideration.

78. NOTICE OF MOTIONS:

Notice of Motion No: 18/06 - Councillor Michael Moloney

"That Laois County Council call on the Health Service Executive to use a more humane and personal approach in their inspections of small enterprises"

The motion was seconded by Councillor John Moran. It was agreed that a letter should be issued to the HSE that would outline the background in relation to this matter.

Notice of Motion No: 19/06 - Councillor Michael Moloney

"That Laois County Council request the Department of Environment, Heritage and Local Government, as a matter of urgency, to make arrangements to incorporate a claw back provision as an integral Part of the awarding of Disabled Persons Grants which can be activated if deemed necessary by local authorities".

The motion was seconded by Councillor Tom Jacob. Following a full discussion the Members agreed that this Notice of Motion should be referred to the Housing SPC for their consideration. Councillor Michael Moloney agreed that this might be a better way in which to address the serious concerns that he had in relation to a small number of cases where grant assistance had been provided to improve homes that were subsequently sold.

Notice of Motion No: 20/06 - Councillor Jerry Lodge

"That this Council now ensures that all appropriate construction projects draw down the Government's % for Art as a matter of policy".

The motion was seconded by Councillor Brian Stanley. The Members were advised that the Council is already ensuring that all funding that can be availed of is drawn down. On a related matter Mr Declan Byrne advised the Members that Laois County Council have had an input into the decision making process relating to how the % for Art has been spent on N.R.A. Projects.

Notice of Motion No: 21/06 - Councillor Jerry Lodge

"That this Council reviews the designation allocated to County roads insofar as the sight distances required for planning permission on such roads are practically unattainable".

The motion was seconded by Councillor Brendan Phelan. Councillor Jerry Lodge expressed concern that current sight distances were being determined by the Speed Limits that apply in particular areas. Mr Peter Carey, County Manager, suggested that the Speed Limit Review might provide an opportunity to address the concerns that Councillor Lodge had highlighted. It was agreed that this matter would be revisited following the Review of the Speed Limits.

Notice of Motion No: 22/06 - Councillor Mary Sweeney

"That this Council adopt a policy whereby all relevant infrastructural aspects of a proposed planning application are fully investigated and discussed at pre-planning meetings".

The notice of motion was seconded by Councillor Tom Jacob. Mr Martin Daly, Acting Director of Services, advised the Members of the procedures currently in place in the Planning Department relating to the holding of Pre-Planning Meetings. Mr. Peter Carey, County Manager referred to the appeals system which is available to clients. He also advised the Members that a review will be undertaken which will include a review of the procedures that relate to the holding of Pre-Planning Meetings and the staffing structures in the Planning Department.

Notice of Motion No 23/06 - Councillor Michael Moloney

"That the Elected Members of Laois County Council write to President Fox of Mexico outlining that as Public Representatives we are extremely concerned that justice is being denied to the families of the many hundreds of girls who have been tortured and murdered in the city of Chihuahua, with no effort being made by the authorities to bring the perpetrators to justice. With heartfelt sympathy for these people we call on the President and his Government to have these heinous murders investigated".

The motion was seconded by Councillor Jerry Lodge. The Members agreed unanimously agreed that a letter should be issued to the President of Mexico. It was further agreed that a copy of the Notion of Motion should be forwarded to The General Council of County Councils and the Department of Foreign Affairs and that a letter should be issued to the Mexican Ambassador in Ireland.

Notice of Motion No 24/06 - Councillor Michael Lalor

"That this Council contact Bus Éireann to request them to erect a bus stop outside O'Moore Park in Portlaoise in order to facilitate their customers who wish to attend matches there"

The motion was seconded by Councillor Jerry Lodge. It was agreed that a letter should be issued to Bus Éireann setting out the concerns that had been expressed by the Members at the Meeting.

This concluded the business of the meeting;

Signed: 
Cathaoirleach


Director of Corporate Affairs