

**MINUTES OF JUNE MONTHLY MEETING OF LAOIS COUNTY COUNCIL
HELD AT ÁRAS AN CHONTAE, PORTLAOISE ON THE 28TH OF JULY 2008**

PRESENT:	Councillors	Thomas Jacob	In the Chair
		Willie Aird	John Bonham
		Patrick Bracken	Ray Cribbin
		James Deegan	Paul Mitchell
		David Goodwin	Geraldine Delaney
		J.J. Fennelly	James Daly
		John Moran	Laurence Kavanagh
		Michael Lalor	Jerry Lodge
		Dick Miller	Seamus McDonald
		Michael Moloney	Brendan Phelan
		Martin Phelan	Michael Rice
		Brian Stanley	Mary Sweeney
		John D. Turley	Catherine Fitzgerald

IN ATTENDANCE:

Messers Peter Carey, County Manager, Gerry Gibson, Director of Services, Gerry Murphy, Head of Finance, John Daly, Director of Services, Ms. Anna Marie Delaney, Director of Services, Mr. Ian McCormack, A/Director of Services, Mr. Michael O’Hora, Senior Engineer, Mr. John O’Donoghue, Senior Engineer, Mr. Martin Daly, S.E.O., Ms. Angela McEvoy, A/Senior Planner, Mr. Kieran Kehoe, S.E.O., Ms. Carmel McNicholl, Senior Executive Officer, , Ms. Georgina Ireland, Administrative Officer, & Ms. Catherine Gorman, A/Executive Secretary.

84. CONFIRMATION OF MINUTES

- (a) On the proposal of Councillor John Bonham seconded by Councillor Ray Cribbin, it was agreed by the Members that the Minutes of the June meeting held on the 30th June 2008 as circulated be adopted and signed.
- (b) On the proposal of Councillor John Joe Fennelly seconded by Councillor James Daly, it was agreed by the Members that the Minutes of the Annual General Meeting of Laois County Council held on the 30th June 2008 as circulated by adopted and signed.

85. AMENDMENTS AND ADDITIONS TO ROAD TRAFFIC (SPEED LIMITS) (COUNTY OF LAOIS) BYE-LAWS 2007

The members were circulated with Amendments and Additions to Road Traffic (Speed Limits) (County of Laois) Bye-Laws 2007 relating to the N80 at Mountmellick - Part of First Schedule (Proposed Amended Bye-Laws for 50kph Speed Zones) of the June Meeting deferred.

On the proposition of Councillor David Goodwin seconded by Councillor Paddy Bracken, the Members unanimously agreed to the Amendments and Additions to Road Traffic (Speed Limits) (County of Laois) Bye-Laws 2007.

86. DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001 – DISPOSAL OF COUNCIL’S EQUITY (SHARED OWNERSHIP SCHEME) – PROPERTY AT 67 THE VILLAGE, BALLYLINAN AND 58 ROSSDARRAGH GLEN, RATHEVAN, PORTLAOISE.

Disposal of Equity Part of Shared Ownership Loan No: 610207/F

- (a) On the proposition of Councillor James Daly seconded by Councillor Dick Miller, the Members unanimously agreed to the disposal of the Council’s equity interest in 67 The Village, Ballylinan, Co. Laois to Clem & Patricia O’Brien.

Disposal of Equity Part of Shared Ownership Loan No: 610248/F

- (b) On the proposition of Councillor William Aird seconded by Councillor Mary Sweeney, the Members unanimously agreed to the disposal of the Council’s equity interest in 58 Rossdarragh Glen, Rathevan, Portlaoise, Co. Laois to Louise Gillen.

87. APPROVAL TO THE RAISING OF A LOAN NOT EXCEEDING €491,210 FROM THE HOUSING FINANCE AGENCY PLC FOR LAND ACQUISITION AT STRADBALLY AND CAMROSS FOR HOUSING PURPOSES

On the proposition of Councillor James Deegan seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the raising of a loan from the Housing Finance Agency Plc., not exceeding €491,210 for land acquisition purposes at Stradbally and Camross.

88. Proposed Material Contravention of the County Development Plan 2006 – 2012 in accordance with Section 36 (6) of the Planning & Development Act, 2000 in relation to the following:-

Demolish existing residential dwellings and partial removal of existing boundary wall on side and the construction of a mixed used development comprising the following elements:-

1 no. convenience/comparison anchor unit of 2538m² gross floor area; 1 no. comparison anchor unit comprising of 2095ms gross floor area; 6 no. retail units (total floor area 975m²) including ancillary storage (total area 48m²); 3 no. office units (total floor area 1286m²); 1 no. café (149m²) including ancillary storage (total floor 12m²); 1 no. kiosk (14m²). In addition, it is proposed to provide 8 no. residential units with 11 no. ancillary parking spaces. The application also includes parking for 366 no. vehicles at basement level; ESB substation; bus shelter, set down areas; pump room, sprinkler tank, vehicular and pedestrian access from the N8 Portlaoise Road; ancillary hard and soft landscaping and site development works and services at Upper Main St./Portlaoise Road., Abbeyleix, Co. Laois

Councillor John Bonham proposed the approval of the Proposed Material Contravention of the County Development Plan 2006 – 2012 in accordance with Section 36 (6) of the Planning & Development Act, 2000. This was seconded by Councillor John Joe Fennelly.

A roll call vote was taken which resulted as follows:

COUNCILLOR	FOR	Against	Absent
William Aird	√		
John Bonham	√		
Patrick Bracken	√		
Raymond Cribbin	√		
James Daly	√		
James Deegan	√		
Geraldine Delaney			√

John Joe Fennelly	√		
Catherine Fitzgerald	√		
David Goodwin	√		
Thomas Jacob	√		
Laurence Kavanagh	√		
Michael Lalor	√		
Jeremiah Lodge	√		
Seamus McDonald	√		
Dick Miller	√		
Paul Mitchell	√		
Michael Moloney	√		
John Moran	√		
Brendan Phelan	√		
Martin Phelan	√		
Michael Rice	√		
Brian Stanley	√		
Mary Sweeney	√		
John D. Turley	√		
TOTAL	24		1

The result of the Roll Call was 24 votes for the proposal, 1 absent.
 The Cathaoirleach declared the proposal of Councillor John Bonham seconded by Councillor John Joe Fennelly to be approved.

89. Proposed Material Contravention of the Portarlinton Local Area Plan in accordance with Section 36 (6) of the Planning & Development Act, 2000 in relation to the following:-

Amend planning permission 03/1684, to replace offices, semi basement carpark with a building of 2010sqm to provide 1608sqm of retail sales area for household goods together with ancillary semi basement parking of 1937sqm for 76 cars and 8 motorcycles, minor alterations to the service road, a covered link to supermarket, a ramped pedestrian access and landscaping at Cooltederry, Portarlinton, Co. Laois

Councillor James Deegan proposed the approval of the Proposed Material Contravention of the County Development Plan 2006 – 2012 in accordance with Section 36 (6) of the Planning & Development Act, 2000. This was seconded by Councillor Ray Cribbin.

A roll call vote was taken which resulted as follows:

COUNCILLOR	FOR	Against	Absent
William Aird	√		
John Bonham	√		
Patrick Bracken			√
Raymond Cribbin	√		
James Daly	√		
James Deegan	√		
Geraldine Delaney			√
John Joe Fennelly	√		
Catherine Fitzgerald	√		

David Goodwin	√		
Thomas Jacob	√		
Laurence Kavanagh	√		
Michael Lalor	√		
Jeremiah Lodge	√		
Seamus McDonald	√		
Dick Miller	√		
Paul Mitchell	√		
Michael Moloney	√		
John Moran	√		
Brendan Phelan	√		
Martin Phelan	√		
Michael Rice	√		
Brian Stanley	√		
Mary Sweeney	√		
John D. Turley	√		
TOTAL	24		2

The result of the Roll Call was 23 votes for the proposal, 2 absent.
The Cathaoirleach declared the proposal of Councillor James Deegan seconded by Councillor Ray Cribbin to be approved.

90. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS, 2001 – 2007 IN RESPECT OF:
(a) LAOIS TOWNS & VILLAGES WASTEWATER IMPROVEMENT SCHEME – RATHDOWNEY PUMPING STATION

Members were circulated with the planning report on Rathdowney Pumping Station. On the proposal of Councillor Brendan Phelan seconded by Councillor John Joe Fennelly, the Members unanimously agreed to proceed with the proposed development.

(b) KNOCKMAY COMMUNITY CENTRE

The members were briefed on the proposed new neighbourhood centre at Harpurs Lane, Knockmay, Portlaoise. The development will comprise of the following:-

- A community centre/workshop facilities, drop in facilities, multi-agency offices and meeting rooms.
- An attached, single-storey, childcare centre.
- An after-school/homework club
- A new convenience retail unit with on-site car-parking

On the proposal of Councillor Brian Stanley seconded by Councillor William Aird, the Members unanimously agreed to proceed with the proposed development.

The members paid tribute to all housing employees involved in the proposed new neighbourhood centre at Knockmay. The County Manager welcomed the proposal and acknowledged the work of the housing employees who were associated with the project.

Councillor William Aird requested that arrangements be made when the project is established for all elected members to view the new centre.

91. (a) TAKING IN CHARGE OF ‘GRENVILLE ESTATE’, DUBLIN ROAD, PORTLAOISE, CO. LAOIS.

On the proposition of Councillor Catherine Fitzgerald seconded by Councillor Mary Sweeney, the Members unanimously agreed to the taking in charge of ‘Grenville Estate’, Dublin Road, Portlaoise, Co. Laois.

(b) TAKING IN CHARGE OF 'DERRYWOOD ESTATE', KILKENNY ROAD (N77) DURROW, CO. LAOIS.

On the proposition of Councillor John Joe Fennelly seconded by Councillor Brendan Phelan, the Members unanimously agreed to the taking in charge of 'Derrywood Estate', Kilkenny Road (N77), Durrow, Co. Laois.

Councillor Paul Mitchell raised a query regarding when residents can apply to have an estate taken in charge. Mr. John Daly, Director of Services, responded and advised that, as set out in Planning Legislation, if the Council have not taken enforcement proceedings within 7 years of the expiry of the planning permission, the majority of residents can then apply to have the said estate taken in charge.

A number of elected members requested that the Council exercise its discretion to refuse planning permission to developers who have substantially failed to comply with a previous planning permission.

92. POLICIES FROM THE ENVIRONMENT AND WATER SERVICES STRATEGIC POLICY COMMITTEE:-

(a) DRAFT LITTER MANAGEMENT PLAN 2008-2011

The Members were circulated with the draft Litter Management Plan 2008-2011 which has been approved by the Environmental and Water Services Strategic Policy Committee.

Concerns were expressed in relation to illegal dumping in forests and O.P.W. land banks in the County.

It was also noted that residents on the Mountmellick Road, Portlaoise, Kyle and Rossleighan are experiencing problems with fallen rubbish from uncovered trailers going to the Landfill.

Councillor John Joe Fennelly asked that consideration be given to the introduction of a pilot scheme with regard to dog fouling in major towns in the County. Councillor Martin Phelan asked that the introduction of a pilot scheme 'Tidy Parish' be considered.

Councillor Paul Mitchell raised a query regarding the necessity for planning permission to erect certain festival signage.

Compliments were paid to Mr. John Daly, Director of Services and his staff on the tremendous amount of work that is ongoing in this area. Compliments were also paid to all Tidy Town Committees in the County.

On the proposition of Councillor John Bonham seconded by Councillor Ray Cribbin, the Members unanimously adopted the Litter Management Plan 2008-2011.

(b) DRAFT POLICY ON BURNING OF WASTE

The members were circulated and briefed on the draft Policy on Burning of Waste which has been approved by the Environmental and Water Services Strategic Policy Committee.

Councillor William Aird asked that the following be minuted:

‘That we as farmers are allowed to burn bushes’

This was seconded by Councillor Dick Miller.

On the proposition of Councillor John Bonham seconded by Councillor William Aird, the Members unanimously adopted the Policy on Burning of Waste.

(c) DRAFT SEPTIC TANK AND WASTEWATER TREATMENT SYSTEMS FOR SINGLE HOUSES BYE LAWS 2008.

The Members were circulated and briefed on the draft Septic Tank and Wastewater Treatment Systems for Single Houses Bye-Laws 2008

A lengthy discussion ensued and on the proposition of Councillor Dick Miller and seconded by Councillor Jerry Lodge it was agreed that the policy should be further discussed by the S.P.C at their September Meeting, taking into account the members’ comments.

93. (A) DRAFT POLICY ON MANAGEMENT OF TRANSITIONAL ACCOMMODATION UNITS

The Members were circulated and briefed on the draft Policy on Management of Transitional Accommodation Units. It was noted that Laois County Council proposes to set aside 2 units of accommodation for the purposes of providing transitional accommodation for eligible applicants. The location of the units has yet to be decided but it is anticipated that they will be based in a population centre. Anna Marie Delaney, Director of Services advised that the H.S.E. are providing funding for furniture and the units will be maintained by Laois County Council.

On the proposition of Councillor Paddy Bracken seconded by Councillor Seamus McDonald, the Members unanimously adopted the Policy For Management of Transitional Accommodation Units.

(B) DRAFT HOUSING ADAPTATION GRANT SCHEME FOR PEOPLE WITH A DISABILITY

The Members were circulated and briefed on the draft Housing Adaptation Grant Scheme for People with a Disability. It was noted that the grant is available to assist in the carrying out of works that are reasonably necessary for the purposes of rendering a house more suitable for the accommodation of a person with a disability who is a member of the household

On the proposition of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously adopted the Housing Adaptation Grant Scheme for People with a Disability.

(C) DRAFT MOBILITY AIDS GRANTS SCHEME

The Members were circulated and briefed on the draft Mobility Aids Grants Scheme. It was noted that the Scheme is available to fast track grant aid to cover a basic suite of works to address mobility problems, primarily, but not exclusively, associated with ageing, in order that recipients are not subject to delays in accessing works.

On the proposition of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously adopted the Mobility Aids Grants Scheme.

(D) DRAFT HOUSING AID FOR OLDER PEOPLE SCHEME

The Members were circulated and briefed on the draft Housing Aid for Older People Scheme. It was noted that the scheme is available to assist people living in poor housing conditions to have necessary repairs or improvements carried out.

A discussion ensued and it was noted that the Council has already sought €1.718 million under this Scheme, however €1.678 million had been received to date. The members unanimously agreed that the additional €40,000 be sought from the D.o.E.H.L.G. under this Scheme.

The Cathaoirleach asked that priority works be carried out to disabled persons housing at Harpur's Lane, Portlaoise.

On the proposition of Councillor Brian Stanley seconded by Councillor William Aird, the Members endorsed the Housing Aid for Older People Scheme.

94. HIGHER EDUCATION GRANTS SCHEME 2008

Members were circulated with the details in relation to the 2008 Higher Education Grant Scheme. The following information was issued by the Department of Education and Science:

- The income limits are being increased in line with movements in the average industrial wage for students in receipt of the standard rates of grant. The maximum limit for grant eligibility where there are less than four dependent children has been increased from €48,335 to €49,690.
- The annual income threshold for the special rate is being substantially increased from €18,055 to €20,147.
- Increases in student grants will be considered as part of the Annual Budget process in December and rates will become effective on a financial year rather than an academic year basis.

On the proposition of Councillor Mary Sweeney seconded by Councillor John Bonham, the Members unanimously endorsed the Higher Education Grants Scheme 2008.

Councillor Jerry Lodge proposed that a letter would issue to the Department of Education & Science requesting that the income limits in relation to Higher Education Grants be reviewed with a view to increasing the limits by 10% to reflect the current financial climate. This was seconded by Councillor James Daly.

95. DRAFT SUBMISSION ON GREEN PAPER FOR LOCAL GOVERNMENT REFORM

The County Manager advised that the draft Submission on Local Government Reform was circulated to all members for their information and the closing date for submissions was 31/07/2008.

Several members made various suggestions:-

Councillor Brian Stanley requested that a request for review of the existing town boundaries be included in the submission and was advised that this would be accommodated.

Councillor James Daly stressed the importance of regular meetings with Carlow County Council/Town Council in relation to (Graiguecullen) Luggacurren Electoral Area.

Councillor Michael Lalor enquired as to whether a reply had been received in relation to the Borris-in-Ossory Electoral Area. He was advised that a letter had issued to Minister John Gormley on 15th July 2008 in relation to same and an acknowledgement received on 17th July.

It was unanimously agreed that a strong submission should be submitted on this paper.

96. CORRESPONDENCE

The Members were circulated with and noted the following items of correspondence:-

- (i) Letter received from Minister John Moloney, dated 4th July, 2008, regarding Civic Reception.
- (ii) Acknowledgement dated 23rd July 2008 from Mr. Brian Cowen, T.D., Taoiseach, in relation to WTO.
- (iii) Acknowledgement dated 23rd July 2008 from Margaret McCarthy on behalf of Mr. Batt O’Keeffe, T.D., Minister for Education & Science in relation to the Student Support Scheme.
- (iv) Acknowledgement dated 16th July 2008 from Mr. Noel Dempsey, T.D., Minister for Transport, regarding Notice of Motion passed on 30th June, 2008.
- (v) Acknowledgement dated 14th July 2008 from Eddie Kiernan, Private Secretary on behalf of Mr. John Gormley, T.D., Minister for the Environment, Heritage and Local Government, in relation to Notice of Motion passed by Laois County Council on the 25th February, 2008.
- (vi) Acknowledgement dated 17th July 2008 from Eddie Kiernan, Private Secretary on behalf of Mr. John Gormley, T.D., Minister for the Environment, Heritage and Local Government, in relation to Electoral Area Boundary Committee Report 2008 Recommendation 1.1 – County Laois.
- (vii) Acknowledgement dated 11th July 2008 from Eddie Kiernan, Private Secretary on behalf of Mr. John Gormley, T.D., Minister for the Environment, Heritage and Local Government, in relation to Notice of Motion passed by Laois County Council on 30th June 2008.

97. ANY OTHER BUSINESS

Kyletalesha Landfill

The County Manager briefed the members on the background to this issue.

National Issues:

- The unregulated market for waste in Ireland has led to a substantial increase in private sector involvement in landfill – this has resulted in serious competition for waste, with a consequent major reduction in landfill charges and income to local authorities.
- Local authorities are obliged by their EPA licences to operate landfills to the highest standards and to fully remediate filled cells, including lining, gas extraction, leachate treatment, etc.

Local Issues:

- The lack of market regulation at national level has resulted in much of the waste collected in Laois being disposed of in landfills outside the County.
- The competition for waste across the country has led to a substantial reduction in the rates charged by the Council and a consequent serious loss of income.
- There is an accumulated Capital Debit Balance of €8.3 million (at 31/12/07) on the landfill – this has been increasing in recent years due to expenditure on remediation and other works required to comply with the EPA licence.

The County Manager indicated that it is proposed to test the market and revert to the members outlining the position, including all the various options open to the Council.

On the proposition of Councillor Jerry Lodge, seconded by Councillor Catherine Fitzgerald it was agreed that the meeting be adjourned for a short period to enable members to have a more detailed discussion on this matter.

A lengthy discussion took place and the members expressed concern in relation to any proposed disposal of a valuable Council asset.

The County Manager advised that he would come back to the members with a full and comprehensive report on the landfill for their consideration.

98. NOTICES OF MOTION

Notice of Motion No. 19/08 – Councillor Brian Stanley

“That Laois County Council contact the Minister for the Environment, Heritage and Local Government to impress on him the need to put in place a scheme of grants to assist low income households to improve energy efficiency of their homes”.

This motion was seconded by Councillor Jerry Lodge. It was agreed that a letter should be issued to the Minister for the Environment, Heritage and Local Government in this regard.

Notice of Motion No. 20/08 – Councillor Brian Stanley

“That this Council contact the C.E.O. of the Health Services Executive to demand that the C.T. scanner at Portlaoise Regional Hospital be available out of hours for those patients who are in a critical condition”.

This motion was seconded by Councillor William Aird. It was agreed that a letter should issue to the C.E.O. of the Health Services Executive in this regard.

Notice of Motion No. 21/08 – Councillor Martin Phelan

“That this Council make provision in next years (2009) estimates to have €500,000 available to maintain and repair the River Nore and its bridges and tributaries and for the next 10 years”.

This motion was seconded by Councillor Michael Lalor. It was noted that this matter will be considered when estimates are being prepared for 2009 and will be dependant on additional funding being made available.

Councillor Michael Lalor proposed that provision be also made for maintenance to the White Horse River in Mountrath. This was seconded by Councillor Brendan Phelan.

Notice of Motion No. 22/08 – Councillor Martin Phelan

“That this Council give an update of progress on bus shelters in this county”.

This motion was seconded by Councillor Brian Stanley. It was noted that Bus shelters have been provided by bus companies in the past such as CIE etc. and would need to go through the correct planning procedure. The Council will consider any applications received from bus companies for the erection of bus shelters.

The members stressed the need for bus shelters in the County with winter approaching and also seating to be provided where possible.

Notice of Motion No. 23/08 – Councillor Martin Phelan

“That this Council give an update of progress on new motorway M7/M8 and if any changes are planned”.

This motion was seconded by Councillor Michael Lalor. It was noted that and update on the progress of the M7/M8 Motorway Scheme would be sought from the Contractors - Portlaoise Joint Venture and will be circulated to the members.

The Cathaoirleach advised the members that a delegation from Williamson County Tennessee had presented the Council with the Flag of Tennessee which had been flown by request on the 3rd July, 2008.

Councillor Michael Moloney raised a concern regarding Burial Ground Bye-Laws and the conditions relating to buying of plots i.e. the next plot must be purchased. He advised that this is causing major problems for grave diggers. Gerry Gibson, Director of Services advised that this matter will be examined.

This concluded the business of the meeting.

Signed:

Cathaoirleach

Director of Corporate Affairs