

**MINUTES OF THE MARCH MONTHLY MEETING OF LAOIS COUNTY COUNCIL
HELD IN ÁRAS AN CHONTAE ON THE 31st OF MARCH 2014**

PRESENT:	Councillors	Mary Sweeney	In the Chair
		Rotimi Adebari	William Aird
		John Bonham	Paddy Bracken
		Ben Brennan	Ray Cribbin
		James Daly	James Deegan
		Lisa Delaney	John Joe Fennelly
		Catherine Fitzgerald	Padraig Fleming
		David Goodwin	John King
		Michael Lalor	Jerry Lodge
		Seamus McDonald	Paul Mitchell
		John Moran	Tom Mulhall
		Kathleen O' Brien	Brendan Phelan
		Martin Phelan	Caroline Dwane Stanley
		Caroline Dwane Stanley	

IN ATTENDANCE:

Messers Peter Carey, County Manager, Kieran Kehoe, Director of Services, Gerry Murphy, Head of Finance, Ms. Anna Marie Delaney, Director of Services, Ms. Josephine Kavanagh, Administrative Officer & Ms. Michelle McCormack, Executive Secretary.

20. VOTE OF SYMPATHY

On the proposition of the Cathaoirleach, Councillor Mary Sweeney seconded by Councillor Catherine Fitzgerald, the Members unanimously agreed to pass a Vote of Sympathy to the Norton Family on the recent death of Ms. Patricia Norton, Sheffield Cross, Portlaoise & Senior Library Assistant with Laois County Council. A minutes silence was observed as a mark of respect to the late Patricia.

On the proposal of Councillor William Aird, it was unanimously agreed that a Vote of Sympathy be passed to the Kiernan family on the recent death of Mr. Bryan Kiernan, St. Joseph's Terrace, Mountmellick & former Waterworks Caretaker with Laois County Council.

On the proposal of Councillor William Aird, it was unanimously agreed that a Vote of Sympathy be passed to Ms. Siobhan Donoher, Assistant Staff Officer, Environment, on the recent death of her father, Mr. Tom Donoher, The Rock, Mountmellick, Co. Laois.

The County Manager on behalf of the Management & Staff of Laois County Council associated himself with the Vote of Sympathies.

21. CONFIRMATION OF THE MINUTES OF THE FEBRUARY MEETING OF LAOIS COUNTY COUNCIL HELD ON THE 24TH OF FEBRUARY 2014

On the proposition of Councillor Patrick Bracken seconded by Councillor John King , the Minutes of the February Meeting of Laois County Council held on the 24th of February 2014 were confirmed as circulated.

22. REPORTS ON AREA MEETINGS HELD IN MARCH 2014

On the proposition of Councillor Brendan Phelan seconded by Councillor Paul Mitchell, the reports on the Area Meetings held in March 2014 were confirmed with the following amendment:

“That Councillor Caroline Dwane Stanley be marked as present at the Portlaoise Electoral Area Committee Meeting held on Wednesday, March 12th 2014 and that Councillor Caroline Spollen be marked as absent”

23. FIX DATE FOR MAY 2014 MEETING

It was agreed that the May Monthly Meeting would be held on the 12th of May 2014. It was noted that this would be the last meeting of the current Council prior to the Local Elections which are scheduled for the 23rd of May 2014.

24. LOCAL AUTHORITY MORTGAGE TO RENT (LAMTR) SCHEME

Mr. Gerry Murphy, Head of Finance circulated details on the above scheme. The Members were advised that the Department of the Environment, Community & Local Government has introduced a Local Authority Mortgage to Rent (LAMTR) Scheme, similar to that introduced for private mortgage holders. It is a government initiative to help homeowners who are at risk of losing their homes due to mortgage arrears. The scheme is available for those who have been involved in the Mortgage Arrears Resolution Process (MARP) and whose mortgage has been determined as unsustainable. The Head of Finance set out the criteria which must be met for consideration for the scheme.

The following Notice of Motion proposed by Councillor Mary Sweeney was also discussed

Notice of Motion No: 10/2014

“That Laois County Council ensure that the newly introduced mortgage to rent scheme is made available to local authority mortgage holders in County Laois”

Councillor John King seconded this Notice of Motion.

The Members welcomed the scheme and Mr. Gerry Murphy, Head of Finance responded to the queries raised. The Members thanked the Head of Finance for his input in the introduction of the scheme.

25. DRAFT TRAVELLER ACCOMMODATION PROGRAMME 2014 - 2018

On the proposition of Councillor Tom Mulhall seconded by Councillor Kathleen O’ Brien, the Members unanimously agreed to adopt the Draft Traveller Accommodation Programme as circulated.

26. I.D.A. IRELAND - PRESENTATION BY MS. BREDA O' TOOLE, HEAD OF REGIONAL BUSINESS DEVELOPMENT AT I.D.A. IRELAND

Ms. Breda O' Toole, Head of Regional Business Development at I.D.A. Ireland was in attendance following a Notice of Motion passed at the February Meeting of Laois County Council as follows:-

"That this Council fully debates the lack of interest shown and the nil investment made by the IDA in Laois in 2013"

Ms. O' Toole gave an overview of the role and structure of the I.D.A. and indicated that the IDA brought three firms to Laois over the past year which is an increase in previous years and are currently in talks with one of three prospective investors. She also advised that Laois is not sold as a County but rather as part of the midlands.

The Members again expressed their dissatisfaction with the lack of investment by the IDA in County Laois and Ms. O' Toole responded to the various queries raised.

27. TAKING IN CHARGE OF 'BAYVIEW', MOUNTMELICK

On the proposition of Councillor Patrick Bracken seconded by Councillor Lisa Delaney, the Members unanimously agreed to the taking in charge of 'Bayview', Mountmellick.

28. APPROVAL OF ARTS ACTS GRANTS AWARDS

The Members were circulated with a listing of the successful applicants for funding under the Arts Act Grants 2014. On the proposition of Councillor Mary Sweeney seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the approval of Arts Acts Grants Awards.

The Members complimented Ms. Muireann Ní Chonail, Arts Officer and her staff on an excellent service being provided by the Arts Section.

29. LOCAL ELECTIONS 2014 - ISSUE OF POLLING CARDS

The Members were advised that regulations are required to be made under Section 165 of the Electoral Act, 1992 in order to facilitate the taking of the European Parliament Elections and the Local Elections together on the 23rd of May 2014 and that these will be made shortly. In accordance with Article 55 of the Local Elections Regulations 1995, as amended, a Local Authority may decide by way of reserved function, to issue polling cards to those electors with the letter 'L' opposite their name on the Register of Electors, i.e. those electors who will not receive a polling card from the European Returning Officer.

There are approximately 1,169 such electors on the Register at present and it is recommended, subject to the Members approval and subject to the making of the Regulations referred to in first paragraph, to proceed to issue polling cards to those electors at the appropriate time.

On the proposal of Councillor Mary Sweeney seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the issue the Polling Cards as outlined.

The Members were also advised of the following:-

- The closing date for receipt of applications for inclusion on the Postal or Special Votes List is the 26th of April 2014
- The closing date for receipt of applications for inclusion in the Supplement is the 6th of May 2014
- Polling Date – 23rd of May 2014 – Period for Receipt of Nominations is from **10.00 am on Saturday 26th April 2014 to 12 noon on Saturday 3rd May, 2014**
- **Election Posters for Local Elections** - Date from which posters can be erected is **23rd April 2014** (i.e. 30 days before the polling day). All posters and associated cables etc. must be removed within 7 days of the poll.

30. APPROVAL OF ANNUAL ROADWORKS PROGRAMME 2014

The Members were circulated with a copy of the Annual Roadworks Programme 2014.

Mr. Kieran Kehoe, Director of Services briefed the Members on the Programme and indicated that works would be commencing this month. Mr. Kehoe responded to the various queries raised.

The following Notice of Motions were discussed in conjunction with this item also:-

Notice of Motion No: 18/2014 – Councillor Jerry Lodge

“That this Council be given a detailed report on how the Central Area was given less than 22% of the Council’s allocation in respect of the Roadworks Programme for 2014”

Notice of Motion No: 19/2014 – Councillor Mary Sweeney

“That this Council, as a matter of urgency, provide a detailed breakdown of the Roads Allocations for 2014 for the Central Area and the criteria used to determine the allocation of same”

The Members expressed concern in relation to the reduction in the allocation for the Central Area. The Members were advised that the allocation of the Roads Grants for 2014 has been done in the same way as the last number of years. The allocations are down based upon the length of road in each area. As the Members are aware, the Boundary Committee Report 2013 altered the Electoral Area Boundaries in Laois. Prior to this year the roads split across the areas was as follows:-

Western Area 35%
Eastern Area 36%
Central Area 29%

The grant allocations were split as follows in 2013

Western Area 35%
Eastern Area 34%
Central Area 31%

The Roads split in 2014 in accordance with the new Electoral Boundaries is

Western Area 47%
Eastern Area 33%
Central Area 20%

The grant allocations for 2014 are split as follows:

Western Area 46%
Eastern Area 32%
Central Area 22%

It must also be noted that 32% of the National Secondary Maintenance Grant has been apportioned to the Central Area as 32% of the National Secondary Roads are in the new Central Area. Also 91% of the Specific Improvement Grant funding or €1,572,972 is allocated to the Central Area and almost 50% of the street cleaning budget is allocated to the Central Area.

On the proposition of Councillor Brendan Phelan seconded by Councillor James Deegan, the Members agreed to adopt the Annual Roadworks Programme for 2014.

31. CORRESPONDENCE

The following items of correspondence which had been received since the last meeting of Laois County Council was circulated to the Members:-

- (1) Correspondence from the Office of the Minister for Housing & Planning dated the 4th of March 2014 in relation to Notice of Motion No: 04/2014
- (2) Correspondence from the Health Services Executive dated the 4th of March 2014 in relation to Notice of Motion No: 07/2014
- (3) Correspondence from the Office of the Minister for Justice & Equality dated the 10th of March 2014 in relation to Notice of Motion No: 08/2014
- (4) Correspondence from the Office of the Minister for Health dated the 10th of March 2014 in relation to Notice of Motion No: 08/2014
- (5) Correspondence from the Office of the Minister for Health dated the 19th of March 2014 in relation to Notice of Motion No: 09/2014

32. NOTICE OF MOTIONS

Notice of Motion No: 11/2014

Councillor Martin Phelan proposed the following Notice of Motion:-

“That this Council give careful consideration to any applications for wind turbine developments”

This motion was seconded by Councillor James Daly.

Notice of Motion No: 14/2014

Councillor Padraig Fleming proposed the following Notice of Motion:-

“That no new Wind Turbines be erected in County Laois from now on”

This motion was seconded by Councillor Catherine Fitzgerald.

A lengthy discussion ensued on this matter. The County Manager, Mr. Peter Carey advised the Members that the planning process is set down in law and Laois County Council must give consideration to any planning application submitted. Laois County Council cannot prohibit any application or pre-empt any application. It is the constitutional right of any individual to submit a planning application.

The Manager advised that the motion was pointless and meaningless from a legal perspective and that he could not take cognisance of it.

The County Manager confirmed that Laois County Council does not have any applications at present in relation to wind turbines. There had been two previous applications, one of which was refused and one which was withdrawn.

A roll call vote was taken on Councillor Fleming’s re-drafted motion/proposal as follows:

“That no new wind turbines in excess of ½ mw be erected in County Laois from now on”

COUNCILLOR		FOR	AGAINST	ABSENT	ABSTENTION
FIRST NAME	SURNAME				
Rotimi	ADEBARI			✓	
Willie	AIRD	✓			
John	BONHAM			✓	
Paddy	BRACKEN	✓			
Ben	BRENNAN	✓			
Raymond	CRIBBIN			✓	
James	DALY	✓			
James	DEEGAN	✓			
Lisa	DELANEY	✓			

John Joe	FENNELLY	✓			
Caroline	DWANE STANLEY	✓			
Catherine	FITZGERALD	✓			
Padraig	FLEMING	✓			
David	GOODWIN			✓	
John	KING			✓	
Michael	LALOR	✓			
Jerry	LODGE	✓			
Seamus	MCDONALD			✓	
Paul	MITCHELL			✓	
John Robert	MORAN	✓			
Tom	MULHALL	✓			
Kathleen	O'BRIEN	✓			
Brendan	PHELAN	✓			
Martin	PHELAN	✓			
Mary	SWEENEY	✓			
		18		7	

As a result of the Roll Call Vote, there was 18 votes in favour of Councillor Fleming's proposal, with 7 absent.

The County Manager again informed the Members that he could not take cognisance of the resolution as it has no legal basis and that no action would be taken as a result of the vote.

Notice of Motion No: 12/2014

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council address the timeframe in relation to seeking approval for works on our waterways/rivers"

The Members were advised that this Council will write to the National Parks & Wildlife Service section of the Department of the Environment, Community & Local Government and seek to find mechanisms to speed up the approval of drainage works on our waterways.

Notice of Motion No: 13/2014

Councillor Martin Phelan proposed the following Notice of Motion:-

"That all roadside trees be evaluated for damage"

This motion was seconded by Councillor Catherine Fitzgerald. The Members were advised that any trees on Council owned lands which appear to be damaged will be removed. Trees on private property are the responsibility of the landowner themselves.

Notice of Motion No: 15/2014

Councillor John Joe Fennelly proposed the following Notice of Motion:-

“As a result of the new Electoral Boundaries that this Council increase the number of outdoor staff to cater for Raheen/Shanahoe, Abbeyleix, Ballinakill, Ballypickas and Spink areas”

This Notice of Motion was seconded by Councillor Mary Sweeney.

The Members were advised that due to staff retirements there are vacancies for General Operatives. Laois County Council have held interviews for General Operatives and the initial vacancies will be filled into the new Central Area.

Notice of Motion No: 16/2014

Councillor Caroline Dwane Stanley proposed the following Notice of Motion:-

“That this Council re-instate the discretionary funding for public lights”

This Notice of Motion was seconded by Councillor Catherine Fitzgerald.

The Members were advised that no provision was made in the adopted Estimates for 2014 for this funding.

Notice of Motion No: 17/2014

Councillor Caroline Dwane Stanley proposed the following Notice of Motion:-

“That this Council make provision for Vincent de Paul and Charities alike to dispose free of charge at the landfill site, items they receive as donations that cannot be used or brought into use”

This Notice of Motion was seconded by Councillor Jerry Lodge.

The Members were advised that Laois County Council does not provide any waste collection service or waste acceptance service itself. Therefore, it is not in a position to agree any such proposal. The Charities should liaise directly with the waste collectors on such an issue.

This concludes the business of the meeting.

SIGNED: _____
CATHAOIRLEACH

CERTIFIED: _____
DIRECTOR OF CORPORATE
AFFAIRS

