

**MINUTES OF THE MARCH MONTHLY MEETING OF LAOIS COUNTY COUNCIL  
HELD IN ÁRAS AN CHONTAE ON THE 30<sup>TH</sup> OF MARCH 2015**

<b>PRESENT:</b>	<b>Councillor</b>	John Joe Fennelly	In the Chair
	<b>Councillors</b>	William Aird	Ben Brennan
		Paddy Bracken	Catherine Fitzgerald
		Padraig Fleming	David Goodwin
		John King	James Kelly
		Jerry Lodge	Seamus McDonald
		Paschal McEvoy	John Moran
		Tom Mulhall	Aidan Mullins
		Brendan Phelan	Mary Sweeney
		Noel Tuohy	Caroline Dwane Stanley

Messers Gerry Murphy, Chief Executive, Kieran Kehoe, Director of Services, Ms. Anna Marie Delaney, Director of Services, Ms. Julie Bergin, A/Head of Finance, Ms. Irene Delaney, Administrative Officer & Ms. Michelle McCormack, Executive Secretary.

**23. VOTE OF SYMPATHIES**

On the proposition of Councillor John Joe Fennelly seconded by Councillor William Aird, the following Votes of Sympathies were extended:-

- The Tuohy Family on the recent death of Mrs. Hannah Tuohy, 10 Marian Avenue, Portlaoise, Co. Laois, mother of Councillor Noel Tuohy.
- The Barrett Family on the recent death of Mrs. Barrett, mother of Mr. Joe Barrett, Laois Nationalist
- The Kelly family on the recent death of Mrs. Josephine Kelly, Luggacurren, Stradbally, Co. Laois, mother of Laois County Council's Water Services Caretaker, Mr. Eddie Kelly.
- The Flanagan family on the recent death of Mrs. Mai Flanagan, Mountmellick, Co. Laois, mother of Minister Charles Flanagan, T.D., Minister for Foreign Affairs.

One Minute's silence was observed and the meeting was adjourned for fifteen minutes as a mark of respect to the deceased.

**24. CONFIRMATION OF THE MINUTES OF THE FEBRUARY MEETING OF LAOIS COUNTY COUNCIL HELD ON THE 23<sup>RD</sup> OF FEBRUARY 2015**

On the proposition of Councillor Paschal McEvoy seconded by Councillor John Moran, the Minutes of the February meeting of Laois County Council held on the 23<sup>rd</sup> of February 2015 were confirmed as circulated.

**25. MONTHLY MANAGEMENT REPORT FOR FEBRUARY 2015 (IN ACCORDANCE WITH CIRCULAR LETTER LG 18/2014)**

Mr. Gerry Murphy, Chief Executive briefed the meeting on this matter and the report for February was circulated. The report for February 2015 was unanimously agreed and noted. A number of queries were raised on the report and the Directors of Services responded to the queries raised.

**26. REPORTS ON MUNICIPAL DISTRICT MEETINGS HELD IN DECEMBER 2014, JANUARY & FEBRUARY 2015**

The Members noted the reports on Municipal District meetings held in December 2014, January & February 2015 as circulated.

**27. PROPOSED MATERIAL CONTRAVENTION OF THE (1) LAOIS COUNTY DEVELOPMENT PLAN 2011-2017 & THE (2) PORTLAOISE LOCAL AREA PLAN 2012 - 2018 - PLANNING REF: 14/356 FOR THE CONSTRUCTION OF DORMER BUNGALOW AND NEW VEHICULAR ACCESS TO SIDE OF CONNABERRY HOUSE, OLD KNOCKMAY ROAD, PORTLAOISE, CO. LAOIS.**

The Members were circulated with a planning report on the proposed material contravention of the (1) Laois County Development Plan 2011-2017 & the (2) Portlaoise Local Area Plan 2012-2018. It was noted that the proposed development is for the construction of a detached dormer-type dwelling unit on a 0.068 hectares (0.17 acres), rectangular shaped site located in the side garden curtilage of an existing two-storey dwelling named Connaberry House on the Old Knockmay Road, Portlaoise, Co. Laois.

On the proposition of Councillor Willie Aird seconded by Councillor Noel Tuohy, the Members unanimously agreed to the proposed material contravention.

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

**DISPOSAL OF SITE NO. 16 COMPRISING 0.0841 HECTARES AT ARD EDMOND, CASTLETOWN, CO. LAOIS.**

On the proposition of Councillor James Kelly seconded by Councillor Brendan Phelan, the Members unanimously agreed to the disposal of Site No. 16, comprising 0.0841 hectares at Ard Edmond, Castletown, Co. Laois in the townland of Churchfield for a consideration of €30,000

**DISPOSAL OF 1516M<sup>2</sup> OF LAND AT MIDDLEMOUNT, RATHDOWNEY**

On the proposition of Councillor John King seconded by Councillor Brendan Phelan, the Members unanimously agreed to the disposal of 1516m<sup>2</sup> of land at Middlemount, Rathdowney in the townland of Middlemount or Ballyvoghlaun for a consideration of €2,000.

## **29. SCHEDULE OF MUNICIPAL DISTRICT WORKS 2015**

The Members were circulated with a copy of the Schedule of Municipal District Works for 2015 for the Borris-in-Ossory/Mountmellick Municipal District & the Graiguecullen/Portarlinton Municipal District as agreed at their recent meetings.

## **30. APPOINTMENT OF MEMBER TO THE BOARD OF TREO NUA LTD**

On the proposition of Councillor William Aird seconded by Councillor Mary Sweeney, the Members unanimously agreed that Councillor Noel Tuohy be appointed to the Board of Treo Nua Ltd.

## **31. NOMINATION OF MR. JOHN JOE FENNELLY, CATHAOIRLEACH TO THE 1916 COMMEMORATIONS COMMITTEE**

On the proposition of Councillor Catherine Fitzgerald seconded by Councillor Paschal McEvoy, the Members unanimously agreed that the Cathaoirleach of Laois County Council, Councillor John Joe Fennelly be nominated to the 1916 Commemorations Committee.

Councillor Caroline Dwane Stanley proposed that there be cross party representation on this Committee. Ms. Anna Marie Delaney, Director of Services informed the Members that a representative from each Municipal District has been elected to the Commemorations Committee. However, this did not represent all the political parties on the Council.

Councillor Caroline Dwane proposed that Councillor Aidan Mullins be nominated to the Commemorations Committee. This proposal was seconded by Councillor Brendan Phelan.

Councillor William Aird proposed that Councillor John King be nominated to the Commemorations Committee. This proposal was seconded by Councillor John Moran.

Councillor Caroline Dwane proposed that Councillor Noel Tuohy be nominated to the Commemorations Committee. This proposal was seconded by Councillor Brendan Phelan.

It was noted that the Commemorations Committee would comprise of the following Members:

- Councillor John Joe Fennelly
- Councillor Catherine Fitzgerald
- Councillor Padraig Fleming
- Councillor James Kelly
- Councillor Aidan Mullins
- Councillor John King
- Councillor Noel Tuohy

### **32. TAKING IN CHARGE OF ROCHFORD MANOR, CROSSNEEN, CARLOW**

The Members were advised that an advertisement was placed in the Leinster Express on the 6<sup>th</sup> of January 2015 giving notice of intention to consider the making of a declaration regarding the taking in charge of 'Rochfort Manor', Crossneen, Carlow. The closing date for submissions was January 21<sup>st</sup> 2015 and no submissions were received. The estimated cost to Laois County Council is as follows:-

- Public Lighting approximately €4,720.00 per annum
- Ongoing maintenance and repair of roads and services €5,000.00 per annum
- Ongoing maintenance and running costs of Pumping Station €6,500.00 per annum

On the proposition of Councillor Padraig Fleming seconded by Councillor Ben Brennan, the Members unanimously agreed to the taking in charge of Rochfort Manor, Crossneen, Carlow.

### **33. ANNUAL FINANCIAL STATEMENT 2014 INCLUDING APPROVAL OF OVER-EXPENDITURE AND TRANSFERS TO CAPITAL**

The summary of capital expenditure and income shows a debit balance of €3,140,260 at the 31<sup>st</sup> of December 2014 compared to a debit balance of €4,388,777 at the beginning of 2014. There has been a substantial improvement in Laois County Council's revenue account at 31/12/2014 as a result of the surplus of €99,741 income over expenditure. The percentage yield from loans indicates the difficult situation that mortgagees continue to find themselves in. An additional amount of €211,161 was collected in rates in 2014 compared to 2013. There has been an increase in the collection of rent and annuities from 94% in 2013 to 95% in 2014. Every effort continues to be made to collect all monies owed.

The Chief Executive extended thanks to Ms. J Bergin, A/Head of Finance and all the staff in the Finance Department for the significant work carried out in the preparation of the A.F.S. He, also, thanked the Cathaoirleach, Members and Directors for their support in ensuring a balanced budget for 2014. The Members welcomed the report and complimented the Chief Executive, A/Head of Finance and all staff in the Council for achieving this result. The various queries raised by the Members were responded to.

On the proposition of Councillor Catherine Fitzgerald seconded by Councillor Paschal McEvoy, the Members unanimously adopted the Annual Financial Statement 2014 including approval of over-expenditure and transfers to capital.

### **34. REPORT ON DEVELOPMENT CONTRIBUTIONS**

The Members were circulated with a report containing details of monies received in respect of development contributions and how such monies have been expended in accordance with Section 48 of the Planning & Development Act, 2000.

On the proposition of Councillor John King seconded by Councillor Jerry Lodge, the Members unanimously agreed to the report on Development Contributions as circulated.

**35. AUDIT COMMITTEE ANNUAL REPORT 2014**

The Members were circulated with a copy of the Annual Report of the Audit Committee of Laois County Council for the year ended 31<sup>st</sup> December 2014. On the proposition of Councillor Paschal McEvoy seconded by Councillor William Aird, the Members unanimously agreed to the Audit Committee's Annual Report for 2014.

**36. REPORT ON THE AUDIT COMMITTEE'S FINDINGS IN RELATION TO THE AUDITED FINANCIAL STATEMENT AND STATUTORY AUDIT REPORT 2013**

The Members were circulated with a copy of the report on the Audit Committee's findings in relation to the Audited Financial Statement and Statutory Audit Report 2013. The Members noted that the Auditor's opinion is that the Annual Financial Statement presents fairly, in accordance with the Code of Practice and Accounting Regulations, the financial position of the Council at 31<sup>st</sup> December 2013 and its income and expenditure for the year then ended.

On the proposition of Councillor John Moran seconded by Councillor John King, the Members unanimously agreed to the report on the Audit Committee's findings in relation to the Audited Financial Statement and Statutory Audit Report 2013.

**37. APPROVAL OF ARTS ACTS GRANTS AWARDS**

The Members were circulated with a list of the successful applicants for funding under the Arts Act Grants for 2015. On the proposition of Councillor Padraig Fleming seconded by Councillor Paddy Bracken, the Members unanimously approved the Arts Acts Grants Awards as circulated. The Cathaoirleach, Councillor John Joe Fennelly & the Members congratulated all the recipients of the awards and complimented Ms. Muireann Ní Chonaill, Arts Officer and all her staff for their work in the Arts Section.

**38. UPDATE ON PLANS FOR COMMEMORATION OF 1916 RISING IN LAOIS – PRESENTATION BY MS. CATHERINE CASEY, HERITAGE**

## OFFICER/IRELAND 2016 CO-ORDINATOR FOR LAOIS COUNTY COUNCIL

Ms. Catherine Casey gave a presentation to the Members on plans for the commemoration of the 1916 Rising which included the themes and objectives of the programme. Ms. Casey also outlined the plans, projects and initiatives for Laois. The Members were advised that the Working Group will comprise of Elected Members, Laois County Council staff, Community Representatives, Laois Heritage Society, Laois Partnership, Laois Education Centre and Ms. Casey as County Project Co-Ordinator. A draft plan will be prepared in April which will go out to public consultation in May/June 2015. It is hoped that the Plan will be published in October 2015.

The Cathaoirleach & Members extended thanks to Ms. Casey for her very comprehensive presentation.

### 39. RATIFICATION OF CONFERENCES & ATTENDANCE AT TRAINING

On the proposition of Councillor Brendan Phelan seconded by Councillor James Kelly, the Members unanimously agreed to the ratification of conferences/attendance at training as circulated.

### 40. CORRESPONDENCE

The following items of correspondence were circulated which had been received since the last meeting:-

- (i) Correspondence dated the 4<sup>th</sup> of February 2015 received from the Department of Social Protection in relation to Notice of Motion No: 06/2015. The Members expressed concern regarding this matter which was in response to the following Notice of Motion which was passed at the January meeting:

#### **Notice of Motion No: 06/2015 – Councillor Caroline Dwane Stanley**

“That this Council calls on the Minister for Social Protection, Ms. Joan Burton, T.D., to increase the rent ceilings and introduce rent controls as a matter of urgency to help alleviate the current housing crisis”

It was agreed that an update be given to the Members on housing matters at the April meeting of Laois County Council

- (ii) Correspondence dated the 26<sup>th</sup> of February 2015 received from the Office of the Minister for Justice & Equality in relation to Notice of Motion No: 17/2015

- (iii) Correspondence dated the 26<sup>th</sup> of February 2015 received from the Office of the Minister for Social Protection in relation to Notice of Motion No: 14/2015
- (iv) Correspondence dated the 27<sup>th</sup> of March 2015 with details of Emergency Contact Numbers for emergency situations over the Easter period.

#### **41. NOTICE OF MOTIONS**

##### **Notice of Motion No: 18/2015**

Councillor Catherine Fitzgerald proposed the following Notice of Motion:-

***“That this Council call on the HSE to clarify the position regarding Discretionary Medical Cards”***

This Notice of Motion was seconded by Councillor Brendan Phelan. It was agreed that a letter issue to the HSE in this regard.

##### **Notice of Motion No: 19/2015**

Councillor Catherine Fitzgerald proposed the following Notice of Motion:-

***“That this Council be given an up to date position regarding the out of hours services for Irish Water”***

This Notice of Motion was seconded by Councillor Paschal McEvoy. The Members were advised that since the 1<sup>st</sup> of January 2014, the date when certain functions of the Local Authority as a Water Services Authority were transferred to Irish Water, the contact number for all public water services related issues is 1890 278 278. While Laois County Council Water Services has no formal out of hours arrangement with Irish Water under the Service Level Agreement. Laois County Council Water services do respond in the case of emergency situations. Discussions are ongoing between Irish Water and Laois County Council in relation to a formal out of hours service being provided.

##### **Notice of Motion No: 20/2015**

Councillor Catherine Fitzgerald proposed the following Notice of Motion:-

***“That this Council request Portlaoise Leisure Centre to re-install the dividing nets on pitches”***

This Notice of Motion was seconded by Councillor Jerry Lodge. The Members were advised that that this Notice of Motion was previously discussed at the January meeting of Laois County Council. The previous astro pitch nets cannot be re-installed

as they are damaged beyond repair. The board of Portlaoise Leisure Centre are continuing to discuss the nets issues as there are significant Health & Safety /commercial concerns involved. It is hoped to conclude discussions as soon as possible. It was agreed that an update be sought for the May meeting of the Council.

#### **Notice of Motion No: 21/2015**

Councillor Jerry Lodge proposed the following Notice of Motion:-

***“That this meeting be given an up to date report on progress with the speed limit review with particular reference to speeds in housing estates”***

This Notice of Motion was seconded by Councillor Caroline Dwane Stanley.

The Members were advised that Road Design has been collating full details of all existing speed limit data and all sign locations across the County on our MapRoad GIS app. Included in this is the location of all traffic calming measures. This exercise is nearly complete and Road Design will then be bringing forward a methodology and developing a strategy for consideration and implementation. The Department of Transport is also planning to issue further guidance on the matter in the near future.

Members expressed their concern in relation to this matter. It was noted that the matter is listed for consideration on the agenda for the SPC meeting scheduled for this week and that a 20 km/h limit is proposed. Full details of same will issue to the full Council once adopted by the S.P.C.

On the proposition of Councillor Caroline Dwane Stanley, it was agreed by the Members that a letter issue to Minister for Transport, Mr. Paschal Donohue regarding the implementation of ‘Jake’s Law’ in new legislation for a mandatory 20 km/h limit in residential areas.

#### **Notice of Motion No: 22/2015**

Councillor Jerry Lodge proposed the following Notice of Motion:-

***“That this Council ensures that when estates are being taken in charge by the Local Authority, the ownership of all piping and all public green areas are vested in Laois County Council”***

This Notice of Motion was seconded by Councillor Paddy Bracken. The Members were advised that when a request is lodged for the taking in charge of an estate, the Council undertakes an inspection to ensure there is compliance with planning conditions and that all services are completed to the required standard. Once these requirements are met and the formal resolution adopted by Council, all roads and footpaths and services therein which includes ducting, cabling and piping for public lighting , drainage, sewerage and water supply, are taken in charge by the Council,



with subsequent transfer of water services assets to Irish Water. Public green areas are not included.

**Notice of Motion No: 23/2015**

Councillor Padraig Fleming proposed the following Notice of Motion:-

***“That Laois County Council outline proposals to commemorate the centenary of the 1916 Rising”.***

This Notice of Motion was seconded by Councillor James Kelly. The proposals to commemorate the centenary of the 1916 Rising were outlined in Ms. Catherine Casey’s presentation.

**Notice of Motion No: 24/2015**

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

***“That Laois County Council install a Garden of Remembrance to celebrate the 1916 Rising”***

This Notice of Motion was seconded by Councillor Brendan Phelan. This matter was discussed as part of Ms. Catherine Casey’s presentation on the 1916 Commemoration Plans.

**Notice of Motion No: 25/2015**

Councillor Mary Sweeney proposed the following Notice of Motion:-

***“That Laois County Council call on Minister Kelly to introduce a scheme to provide relief to borrowers with Shared Ownership loans”***

This Notice of Motion was seconded by Councillor Catherine Fitzgerald. It was agreed that a letter issue to the Minister in this regard.

Mr. G Murphy, Chief Executive advised that the Council deals both sympathetically and constructively with borrowers in arrears with their mortgages, e.g. reduced monthly instalments, interest only payments, combination of interest and capital, extending the term of the loan and mortgage to rent. He indicated that a number of options are being considered nationally, i.e. incentivising the early payment of the rental equity balances, split loans, percentage write-offs, reduction in interest rates on rental equity and the elimination of the annual indexation. These options will be costed over the next couple of months. He further indicated that a significant amount of information had been obtained from the local authority sector and that this was being analysed and checked at present. The Members will be updated on this issue in due course.

### **Notice of Motion No: 26/2015**

Councillor Mary Sweeney proposed the following Notice of Motion:-

***“That Laois County Council contact Tusla to seek additional funding for Laois Domestic Abuse Services”***

This Notice of Motion was seconded by Councillor Caroline Dwane Stanley. It was agreed that a letter issue to Tusla in this regard as a matter of urgency as this is a vital service for the County.

### **Notice of Motion No: 27/2015**

Councillor Noel Tuohy proposed the following Notice of Motion:-

***“That Laois County Council notify, encourage and support local sports clubs to apply and benefit from the latest capital sports grant 2015 from Government as recently announced by Minister Michael Ring”***

This Notice of Motion was seconded by Councillor Tom Mulhall. The Members were advised that Laois County Council Sport & Leisure Section have been successfully assisting clubs & community groups in their applications for & drawdown of Sports Capital Funding for the past 13 years. Each year Laois County Council contact all groups in advance of the announcement of the Grants Scheme and again on announcement of the Grant Scheme to invite them to an information session which in 2015 was held on Thursday 19<sup>th</sup> March in Aras an Chontae. Groups can also make individual appointments to discuss & get advice in relation to their applications. Laois has developed an excellent track record in relation to the allocation of Sports Capital Funding – In 2014 Laois was allocated the 2<sup>nd</sup> highest/capita amount of funding in the country.

### **Notice of Motion No: 28/2015**

Councillor Noel Tuohy proposed the following Notice of Motion:-

***“That Laois County Council supports the idea of a County Museum being incorporated in the present Courthouse on Main Street in the event of it’s re-location”***

This Notice of Motion was seconded by Councillor Caroline Dwane Stanley and was unanimously supported by all the Members present.

### **Notice of Motion No: 29/2015**

Councillor Noel Tuohy proposed the following Notice of Motion:-

***“That Laois County Council condemns the continued illegal dumping of rubbish around the County, an example is the use of the old graveyard at the back of the Dunamaise Theatre”***

This Notice of Motion was seconded by Councillor Catherine Fitzgerald. The Members were advised that Environment Section staff will continue to take all necessary measures to deter littering offences in all areas throughout the County by rigorous enforcement of relevant legislation while actively promoting anti-litter and awareness initiatives and use of the free phone litter hotline – 1800 323230 and/or use the ‘say it see it app’. We would also encourage locals to remain vigilant and report any incidents to the Environment Section

This concluded the business of the meeting.

**Signed:** \_\_\_\_\_  
**CATHAOIRLEACH**

**Certified:** \_\_\_\_\_  
**DIRECTOR OF CORPORATE  
AFFAIRS**