

**MINUTES OF THE MAY MEETING OF LAOIS COUNTY COUNCIL HELD IN ÁRAS AN
CHONTAE, PORTLAOISE ON 31st OF MAY 2010**

PRESENT: Councillors

James Daly	In the Chair
Rotimi Adebari	William Aird
Pat Bowe	John Bonham
Paddy Bracken	Ray Cribbin
Catherine Fitzgerald	John Joe Fennelly
Padraig Fleming	David Goodwin
John King	Michael Lalor
Jerry Lodge	Seamus McDonald
John Moran	Tom Mulhall
Kathleen O' Brien	Martin Phelan
Brian Stanley	Mary Sweeney

Apologies: Councillors

Brendan Phelan	Ben Brennan
James Deegan	Paul Mitchell

IN ATTENDANCE:

Messers Peter Carey, County Manager, Gerry Gibson, Director of Services, Declan Byrne, Director of Services, Gerry Murphy, Head of Finance, John Daly, Director of Services, Ms. Anna Marie Delaney, Director of Services, & Ms. Michelle McCormack, Executive Secretary.

51. VOTE OF SYMPATHY

On the proposition of Councillor Jerry Lodge seconded by Councillor John Joe Fennelly, the Members unanimously agreed that a vote of sympathy be passed onto the Phelan family, his mother, wife Mary and his children, Fiona, Martina, Brenda, Aisling & Patrick. on the recent sudden death of Senator Kieran Phelan and former Member & Chairman of Laois County Council. Councillor John King and Councillor Brian Stanley also joined with the vote of sympathy on behalf of their groups.

The County Manager, Mr. Peter Carey, on behalf of Management & Staff of Laois County Council extended sympathies to the Phelan Family on the death of Senator Phelan who will be a great loss to County Laois and indeed the community of Donaghmore.

It was unanimously agreed that the meeting be adjourned for a period of fifteen minutes as a mark of respect to Senator Phelan.

52. OPENING OF THE M7/M8 PORTLAOISE TO CULLAHILL/CASTLETOWN

Councillor James Daly, Cathaoirleach thanked everyone involved in the delivery of the M7/M8 Portlaoise to Cullahill/Castletown Scheme which was officially opened on the 25th of May 2010.

The County Manager indicated that it was a tremendous day for Laois and Ireland and paid tribute to the Elected Members and also thanked the local residents for their forbearance and co-operation during the construction phase. He paid tribute to their positive response to the scheme. The County Manager assured the local community that Laois County Council would work closely with them into the future.

53. CONFIRMATION OF THE MINUTES OF THE MARCH MEETING HELD ON THE 26th OF APRIL 2010

On the proposition of Councillor William Aird seconded by Councillor Rotimi Adebari, the Minutes of the April meeting held on the 26th of April 2010 were confirmed as circulated.

54. PROPOSED MATERIAL CONTRAVENTION OF MOUNTMELICK LOCAL AREA PLAN 2007 – 2013 – APPLICATION BY PHILIP WHITE TO ERECT AN 8 NO. PUMP FILLING STATION, 100 M2 RETAIL UNIT (INCLUDING STORAGE AND ANCILLARY AREA), CANOPY, SIGNAGE INCLUDING MAIN IDENTIFICATION SIGN, CARWASH, JET-WASH, 4 NO. 40,000L UNDERGROUND TANKS, WASTEWATER TREATMENT SYSTEM, PERCOLATION AREA, CAR PARKING AND ALL ASSOCIATED LANDSCAPING AND SITE WORKS AT TULLAMORE ROAD, MOUNTMELICK, CO. LAOIS.

The Members were circulated with the planning report on the proposed material contravention of the Mountmellick Local Area Plan 2007 – 2013.

On the proposition of Councillor Seamus McDonald seconded by Councillor Paddy Bracken, a vote was taken which resulted as follows

COUNCILLOR		FOR	AGAINST	ABSENT
FIRST NAME	SURNAME			
Rotimi	ADEBARI	✓		
Willie	AIRD	✓		
John	BONHAM	✓		
Pat	BOWE	✓		
Paddy	BRACKEN	✓		
Ben	BRENNAN			✓

Raymond	CRIBBIN	✓		
James	DALY	✓		
James	DEEGAN			✓
John Joe	FENNELLY	✓		
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	✓		
Brian	STANLEY	✓		
Mary	SWEENEY	✓		

As the result of the Roll Call Vote was 21 votes in favour, the members unanimously agreed that the Mountmellick Local Area Plan 2007 – 2013 be contravened to accommodate the proposed development of an 8 no. pump filling station, 100 m2 retail unit (including storage and ancillary area), canopy, signage including main identification sign, carwash, jet-wash, 4 no. 40,000L underground tanks, wastewater treatment system, percolation area, car parking and all associated landscaping and site works at Tullamore Road, Mountmellick, Co. Laois.

55. PART VIII OF THE PLANNING & DEVELOPMENT REGULATIONS 2001 IN RESPECT OF PORTARLINGTON LIBRARY

The Members were circulated with the planning report on the proposed Part VIII of the Planning & Development Regulations 2001 in respect of Portarlington Library. It was noted that the proposed scheme provides for a new build two-storey library facility with accommodation for Laois County Council and the re-location of and extension to associated car parking at Portarlington Town Park, East Link Road, Portarlington.

On the proposition of Councillor Ray Cribbin seconded by Councillor Tom Mulhall, the Members unanimously agreed to Part VIII of the Planning & Development Regulations, 2001 to accommodate this development.

The Cathaoirleach, Councillor James Daly congratulated all involved with the new Mountmellick library facility which was officially opened on the 20th of May 2010

56. STRATEGIC POLICY COMMITTEE – NOMINATION OF MR. FINTAN PHELAN (FARM ORGANISATION NOMINEE) TO THE COMMUNITY, ECONOMIC DEVELOPMENT, CULTURAL HERITAGE & SPORT S.P.C.

The Members were advised that Mr. Harry Vanston tendered his resignation from the Community, Economic Development, Cultural, Heritage & Sport Strategic Policy Committee. The I.F.A. have nominated Mr. Fintan Phelan, Castlequarter, Ballybrophy as Mr. Vanston's replacement.

On the proposition of Councillor William Aird seconded by Councillor John King, the Members unanimously agreed to Mr. Fintan Phelan's nomination to the Community, Economic Development, Cultural, Heritage & Sport Strategic Policy Committee.

57. CONFIRM DATE FOR ANNUAL GENERAL MEETING OF LAOIS COUNTY COUNCIL – MONDAY, 28TH JUNE 2010 AT 2.30 P.M. – IN ACCORDANCE WITH SECTION 3 (SCHEDULE 10) OF THE LOCAL GOVERNMENT, ACT 2001

On the proposition of Councillor Mary Sweeney seconded by Councillor John Bonham, the Members unanimously agreed that the Annual General Meeting of Laois County Council would take place on Monday, June 28th 2010 in accordance with Section 3 (Schedule 10) of the Local Government Act, 2001.

58. APPROVAL OF OVERDRAFT ACCOMMODATION IN THE SUM OF €9,000,000 FOR THE HALF YEAR ENDING 31ST DECEMBER 2010

On the proposition of Councillor Ray Cribbin seconded by Councillor Michael Lalor, the Members unanimously approved overdraft accommodation in the sum of €9,000,000 for the half year ending 31st of December 2010.

59. REPORT ON DEVELOPMENT CONTRIBUTIONS IN ACCORDANCE WITH SECTION 48 OF THE PLANNING & DEVELOPMENT, ACT 2000

The Members were circulated with the County Manager's Report on development contributions which contains details of monies received in respect of development contributions and which indicates how such monies have been expended.

The Members queried what levies are outstanding at the moment. The County Manager, Mr. Peter Carey indicated that there is €5 to €6 million outstanding in development levies at present. Mr. Kieran Kehoe, Senior Executive Officer advised that the Council will be taking legal action, where necessary. However, this figure is down from €20 million. Agreements have been reached and phased payments will be agreed with developers. Laois County Council will spend the monies on a priority basis.

Members expressed concern in relation to the proper infrastructure being provided at the new school site on the Borris Road. Mr. Michael O' Hora responded to the various concerns raised. He indicated that Laois County Council are committed to the building of Phase 1 and this will be completed in advance of the two schools being opened in September.

At the junction of Dublin Road and Colliers Lane a mini-roundabout will be installed with a pedestrian crossing and a footpath will be provided at Devoy's connecting the urban centre with the new schools. It is hoped that these two pieces of infrastructure would be in place before the opening of the schools in September.

60. V.A.T. ON LOCAL AUTHORITY SERVICES

Mr. Gerry Murphy, Head of Finance indicated that the European Court of Justice (ECJ) in July 2009 delivered its judgement in a case against Ireland in respect of the charging of V.A.T. by public bodies on certain economic activities.

Following a review of the judgement, the Revenue Commissioners are of the view that V.A.T. must be applied to all local authority services where competition with private sector providers could occur. Every service provided could be liable to competition other than those provided as part of our regulatory or statutory function. Waste and waste water charges will, however, continue to be exempt from V.A.T. Mr. Gerry Murphy, Head of Finance indicated that the exact details would be notified over the next few weeks when further clarification will be received from the Revenue Commissioners.

The Members expressed concern in relation to this charge and it was suggested that we write to the Minister for Finance and seek an exemption on this prior to our budget process in October. Laois County Council should also seek the support of L.A.M.A. & A.C.C.C. Councillor William Aird proposed that a deputation go to the Minister in this regard also. It was also agreed that Councillor Michael Lalor would raise the issue at the next meeting of L.A.M.A. The County Manager indicated that a letter would issue to the Minister outlining the concerns of the Members and also to L.A.M.A. & A.C.C.C indicating our opposition. In the interim, we will endeavour to deal with it as effectively as possible.

61. TAKING IN CHARGE OF LAKE PLACE, LAKE DRIVE (PART OF) & THE GREEN, KILMINCHY, PORTLAOISE

On the proposition of Councillor William Aird seconded by Councillor Jerry Lodge, the Members unanimously agreed to the taking in charge of Lake Place, Lake Drive (Part of) & The Green, Kilminky, Portlaoise.

62. TAKING IN CHARGE OF DUN MASC, DUBLIN ROAD, PORTLAOISE, CO. LAOIS.

On the proposition of Councillor Catherine Fitzgerald seconded by Councillor Brian Stanley, the Members unanimously agreed to the taking in charge of Dun Masc, Dublin Road, Portlaoise, Co. Laois.

63. TAKING IN CHARGE OF RATH GAILINE, DUBLIN ROAD, PORTLAOISE

On the proposition of Councillor Brian Stanley seconded by Councillor Jerry Lodge, the Members unanimously agreed to the taking in charge of Rath Gailine, Dublin Road, Portlaoise

64. EXTINGUISHMENT OF PUBLIC RIGHT OF WAY AT LEA ROAD, PORTARLINGTON

On the proposition of Councillor Ray Cribbin seconded by Councillor Tom Mulhall, the Members unanimously agreed to extinguish the right of way at Lea, Portarlington – Local Road L – 31582 between the points X: 256747 Y: 211320 and X: 256944 and Y: 211476.

65. APPROVAL OF SPECIAL SPEED LIMITS ON THE M7/M8 MOTORWAY

The Members were circulated with the Road Traffic (Special Speed Limit) Bye-Laws 2010. On the proposition of Councillor John Joe Fennelly seconded by Councillor William Aird, the Members unanimously agreed to the adoption of the special speed limits on the M7/M8 Motorway as circulated.

66. COUNTY DEVELOPMENT BOARD UPDATE – PRESENTATION BY MR. DECLAN BYRNE, DIRECTOR OF SERVICES

Mr. Declan Byrne, Director of Services gave an update to the Members including an overview of the work of the County Development Board for the past twelve months.

The Cathaoirleach, Mr. James Daly complimented Mr. Declan Byrne, Director of Services and all his staff on the progress of the County Development Board to date. Mr. John Moran, as Chairman of the County Development Board also expressed thanks to the agencies involved.

67. BIODEGRADABLE MUNICIPAL WASTE – BRIEFING BY MR. JOHN DALY, DIRECTOR OF SERVICES

Mr. John Daly, Director of Services briefed the Members on the above directive which imposes strict limits on the quantity of biodegradable waste which can be accepted to landfills, with effect from the 1st of July 2010.

The initiatives being introduced to achieve the diversion of BMW from landfill consist of:

- (1) EPA Landfill licences – new conditions which limit the BMW fraction of waste being landfilled from the 1st of July 2010
- (2) Waste Management (Food Waste) Regulations 2009 – impose obligations on commercial producers of food to segregate and keep separate all food waste from other waste prior to it's being sent for disposal/recovery
- (3) Waste Management (Storage, Presentation, Segregation and Collection of Household Waste) Bye-Laws 2009

Mr. John Daly, Director of Services advised that arrangements are currently being made for the acceptance of biodegradable waste at the landfill. The Waste Collectors in the region have been requested to arrange for the provision of a brown bin collection service to householders. Both of these initiatives will be in place from the 1st of July 2010.

68. HIGHER EDUCATION GRANT SCHEME

The Members were circulated with a briefing note outlining the main changes in the 2010 Higher Education Scheme for 2010. On the proposal of Councillor John Moran seconded by Councillor William Aird, the Members unanimously agreed to the adoption of the Higher Education Grant Scheme for 2010.

Councillor William Aird suggested that Laois County Council should ensure that a person is available to come to reception and deal with Higher Education Grant queries.

69. PROPOSED TWINNING ARRANGEMENT BETWEEN COUNTY LAOIS AND MONTEBELLUNA MUNICIPALITY, ITALY IN ACCORDANCE WITH SECTION 75 OF THE LOCAL GOVERNMENT ACT, 2001

Ms. Anna Marie Delaney, Director of Services briefed the Members on the proposed twinning arrangement between County Laois and Montebelluna Municipality, Italy.

The concept of twinning is to generate networks of international relations, as provided for in Section 75 of the Local Government Act, 2001. The aims of the twinning between County Laois and Montebelluna are to explore opportunities to promote tourism, trade and commerce, develop educational links and to promote awareness of culture and heritage between both parties.

Currently, opportunities are being explored to develop golf tourism which will link into Laois County Council's Annual International Golf Challenge and further expand this competition. Student exchange programmes are also currently being considered and business opportunities are being explored. Laois County Council's policy document for County & Town sets out the guidelines which Laois County Council will utilise for all current and future exchanges.

On the proposal of Councillor Martin Phelan seconded by Councillor Seamus McDonald, the Members unanimously agreed to formally ratify the proposed twinning arrangement between County Laois and Montebelluna Municipality, Italy in accordance with Section 75 of the Local Government Act, 2001.

70. CORRESPONDENCE

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

- (1) Correspondence dated the 22nd of April 2010 from the Minister for the Environment, Heritage and Local Government in relation to the boundaries in the Graigue area of County Laois
- (2) Correspondence dated the 28th of April 2010 from the Minister for the Environment, Heritage and Local Government in relation to the adoption of the South Eastern and Shannon River Basin Management Plans
- (3) Correspondence dated the 10th of May 2010 from Mr. Tom Brown in relation to a Missing Children's Helpline

71. ANY OTHER BUSINESS

The County Manager, Mr. Peter Carey advised the Members of the upcoming events over the June Bank Holiday Weekend in Portlaoise, i.e. The International Sheep Shearing Championships, The Rose of Tralee Regional Finals & The Gordon Bennett Irish Classic Car Run. There will be family fun all weekend, entertainment together with carnivals and markets on the Civic Plaza.

The Cathaoirleach, Councillor James Daly complimented the County Manager, Mr. Peter Carey & Mr. Honor Deevy, Tourism Office and her staff who have been very proactive in securing these events for Portlaoise and County Laois.

71. NOTICE OF MOTIONS

Notice of Motion No: 08/10

Councillor Rotimi Adebari proposed the following Notice of Motion:-

“That this Council should avail of the ongoing funding opportunity made available by the Government to support both new and existing youth cafes throughout the Country”

This Motion was seconded by Councillor Brian Stanley. A number of groups are being encouraged to put applications together which will be assessed by the County Development Board at its meeting next week, for formal submission to Pobal.

Notice of Motion No: 09/10

Councillor Rotimi Adebari proposed the following Notice of Motion:-

“That this Council should facilitate the setting up of a volunteer centre for the County”

This motion was seconded by Councillor Brian Stanley. A joint application between Laois County Council and Laois Partnership Company (Laois Leader) was made to the Department of Community, Rural & Gaeltacht Affairs for funding to establish a volunteer bureau for County Laois, however to date we have not received any official indication of the application being successful.

The Community & Enterprise Section of Laois County Council will continue to pursue funding for the above purpose.

Notice of Motion No: 10/10

Councillor Rotimi Adebari proposed the following Notice of Motion:-

“That this Council should provide estate name signage for its affordable and social housing estate around the County”

Ms. Anna Marie Delaney advised the Members that Laois County Council provides signage at their own estates.

Notice of Motion No: 11/10

Councillor William Aird proposed the following Notice of Motion:

“That this Council request the Minister for the Environment, Heritage & Local Government to review the process for the chargeability of rates”

This motion was seconded by Councillor Ray Cribbin. It was agreed that a letter issue to the Minister for the Environment, Heritage & Local Government in this regard.

Notice of Motion No: 12/10

Councillor William Aird proposed the following Notice of Motion:-

“That all of the outdoor employees be supplied with identification as a matter of urgency so as they can be clearly identified”

This motion was seconded by Councillor John Joe Fennelly. The Members were advise that heretofore certain outdoor employees were furnished with ID cards. The proposal to issue ID cards to all outdoor employees is currently under consideration by the Safety Committee of Laois County Council and will be addressed at their next meting, scheduled for the 10th of June 2010.

Notice of Motion No: 13/10

Councillor Ray Cribbin proposed the following Notice of Motion:-

“That Laois County Council notes the increasing level of popular support being expressed for the RISE (Rural Ireland Says Enough) Campaign and shares the concerns it is highlighting over legislation in respect of stag hunting currently being proposed by the Minister for the Environment, Heritage & Local Government, Mr. John Gormley, T.D. This Council calls on the Government to listen to the concerns expressed, involve stakeholders in full consultation and respond appropriately”

This motion was seconded by Councillor William Aird.

This concluded the business of the meeting.

SIGNED: _____
CATHAOIRLEACH

CERTIFIED: _____
DIRECTOR OF CORPORATE AFFAIRS

