

**MINUTES OF THE MAY MEETING OF LAOIS COUNTY COUNCIL HELD IN ARAS  
AN CHONTAE ON THE 30<sup>TH</sup> OF MAY 2011**

<b>PRESENT:</b>	<b>Councillors</b>	James Deegan	In the Chair
		Rotimi Adebari	William Aird
		John Bonham	Pat Bowe
		Patrick Bracken	Ben Brennan
		Ray Cribbin	James Daly
		John Joe Fennelly	Catherine Fitzgerald
		Padraig Fleming	David Goodwin
		Alan Hand	John King
		Michael Lalor	Jerry Lodge
		Seamus McDonald	Paul Mitchell
		John Moran	Tom Mulhall
		Kathleen O' Brien	Brendan Phelan
		Martin Phelan	Mary Sweeney

**IN ATTENDANCE:**

Messers Peter Carey, County Manager, Gerry Gibson, Director of Services, Declan Byrne, Director of Services, Brendan Clarke, A/Director of Services, Gerry Murphy, Head of Finance, Ms. Anna Marie Delaney, Director of Services, Ms. Carmel McNicholl, Senior Executive Officer & Ms. Michelle McCormack, Executive Secretary

**63. CONFIRMATION OF MINUTES OF THE APRIL MEETING HELD ON THE  
18<sup>th</sup> OF APRIL 2011**

On the proposition of Councillor Patrick Bracken seconded by Councillor William Aird, the Minutes of the April Meeting of Laois County Council held on the 18<sup>th</sup> of April 2011 were confirmed as circulated.

**64. VOTE OF SYMPAHTY**

On the proposition of Councillor Michael Lalor and unanimously agreed, a vote of sympathy was extended to the Dunne family on the death of John Dunne, Cloncully, Camross, Co. Laois.

On the proposition of Councillor Michael Lalor and unanimously agreed, a vote of sympathy was extended to the Higgins family on the death of Padraic Higgins, Windsor, Coolrain, Portlaoise, Co. Laois.

On the proposition of Councillor Tom Mulhall and unanimously agreed, a vote of sympathy was extended to the Slevin family on the death of Julie Slevin, Garryvacum, Ballybrittas, Co. Laois.

On the proposition of Councillor Tom Mulhall and unanimously agreed, a vote of sympathy was extended to the Boland family on the death of Mrs. Boland, Garryvacum, Ballybrittas, Co. Laois.

On the proposition of Councillor Tom Mulhall and unanimously agreed, a vote of sympathy was extended to the Furlong family on the death of Vera Furlong, Corrigan, Stradbally, Co. Laois.

On the proposition of Councillor William Aird and unanimously agreed, a vote of sympathy was extended to the Brennan family on the death of Ned Brennan, Dunbre, Roselawn, Portlaoise who was a former employee of Laois County Council

On the proposition of Councillor William Aird and unanimously agreed, a vote of sympathy was extended to the Ging family on the death of Rosie Ging, 29 O' Moore Place, Portlaoise.

On the proposition of Councillor John Bonham and unanimously agreed, a vote of sympathy was extended to the Delaney family, Ballinakill on the tragic death of John Delaney who died on Mount Everest

On the proposition of Councillor Ray Cribbin and unanimously agreed, a vote of sympathy was extended to the Fenlon family on the death of Nicholas Fenlon, Lea, Portarlinton.

#### **65. REPORTS ON SPC MEETINGS HELD IN MARCH/APRIL/MAY 2011**

The Members were circulated with the reports on SPC Meetings held in march, April & May 2011 and were on the proposition of Councillor John Joe Fennelly seconded by Councillor William Aird, same were noted.

#### **66. CONFIRM DATE FOR MEETINGS OF LAOIS COUNTY COUNCIL**

It was unanimously agreed that the following proposed meetings of Laois County Council take place:-

- (i) In Committee Meeting to discuss the 2<sup>nd</sup> Manager's Report on the Draft County Development Plan 2012 – 2018 to take place on the 20<sup>th</sup> of June 2011 at 11.00 a.m.
- (ii) Statutory Meeting of Laois County Council to discuss the 2<sup>nd</sup> Manager's Report on the Draft County Development Plan 2012 – 2018 to take place on the 23<sup>rd</sup> of June 2011 at 11.00 a.m.
- (iii) Annual General Meeting of Laois County Council to take place on Monday, 27<sup>th</sup> of June 2011 at 2.30 p.m. (in accordance with Section 3(Schedule 10) of the Local Government Act, 2001

**67. PART VIII OF THE LOCAL PLANNING & DEVELOPMENT REGULATIONS, 2011 IN RESPECT OF PROPOSED SCHEME IN ABBEYLEIX FOR THE UPGRADE OF THE I5731 BALLYMYLLEN ROAD – N77 JUNCTION AND FOR THE IMPROVEMENT OF BALLYMYLLEN ROAD OVER A DISTANCE OF APPROXIMATELY 250 METRES**

The Members were circulated with the planning report on the above proposed development to upgrade a portion of County Road L5731 on the southern outskirts of Abbeyleix, hereinafter referred to as Ballymullen Road. The project also provides for various roadside drainage works, the installation of public lighting and the laying of a section of footpath.

On the proposition of Councillor John Bonham seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the proposed development.

**68. SECTION 85 AGREEMENT BETWEEN OFFALY COUNTY COUNCIL & LAOIS COUNTY COUNCIL FOR THE PORTARLINGTON LUTS ROUTE 2**

The Members were advised that Laois County Council propose to proceed with the preparation of designs and supporting and statutory studies for the proposed Portarlington LUTS (Land Use & Transportation Study) Route 2 in accordance with the Portarlington Local Area Plan 2007-2013.

On the proposition of Councillor Paul Mitchell seconded by Councillor Ray Cribbin, the Members unanimously agreed to the Section 85 Agreement between Offaly County Council & Laois County Council for the Portarlington LUTS Route 2

**69. DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001 - LEASE OF 2.44 ACRES AT BALLYMORRIS, PORTARLINGTON**

On the proposition of Councillor Ray Cribbin seconded by Councillor Tom Mulhall, the Members unanimously agreed to the lease of 2.44 acres at Ballymorris, Portarlington in the townland of Cooltederry for a period of three years for a consideration of 500.00 per annum.

**70. NOMINATION OF MEMBER TO THE PORTLAOISE LEISURE CENTRE**

On the proposition of Councillor William Aird seconded by Councillor Mary Sweeney, the members unanimously agreed that Councillor Kathleen O' Brien be nominated to the board of the Portlaoise Leisure Centre following Councillor Mary Sweeney's resignation.

**71. NOMINATION OF MS. CAROLINE GOUCHER (ENVIRONMENT PILLAR) TO THE PLANNING DEVELOPMENT & ENVIRONMENT STRATEGIC POLICY COMMITTEE**

On the proposition of Councillor John Joe Fennelly seconded by Councillor Mary Sweeney, the Members unanimously agreed that Ms. Caroline Goucher, 38 Rockview, Mountrath Road, Portlaoise be nominated to the Planning, Development and Environment SPC of Laois County Council following the resignation of Mr. Senan Gardiner.

**72. TAKING IN CHARGE OF BELLINGHAM (PHASE 1), MOUNTRATH ROAD, PORTLAOISE**

Councillor Kathleen O' Brien proposed the deferral of this item to the June meeting and this proposal was seconded by Councillor William Aird. It was agreed that this item be tabled on the agenda for the July meeting.

**73. AUDIT COMMITTEE ANNUAL REPORT 2010**

The Annual Report for 2010 of the Audit Committee as circulated to the Members was noted and Ms. Anna Marie Delaney, Director of Services outlined the progress made by the Audit Committee in 2010.

**74. LAOIS COUNTY COUNCIL HOUSING ALLOCATION SCHEME**

The Members were circulated with a copy of the Laois County Council Housing Allocation Scheme. Councillor John Moran, Chairperson of the Housing & Social Strategic Policy Committee proposed that the scheme be adopted. This proposal was seconded by Councillor Tom Mulhall.

A lengthy discussion ensued during which the County Manager, Mr. Peter Carey & the Director of Services, Ms. Anna Marie Delaney responded to the various queries raised.

Ms. Anna Marie Delaney, Director of Services advised the Members that Laois County Council is required under Section 22 of the Housing (Miscellaneous Provisions) Act, 2009 and the Social Housing Allocation Regulations 2011, to adopt an Allocation Scheme by the 13<sup>th</sup> of June 2011. She also indicated that this is a reserved function of the Council and recommended that the scheme be adopted.

The Members expressed concern in relation to the requirement of applications being certified by a medical consultant. The Members were informed that the application form is standard for each local authority. The Members requested that a letter issue to Minister Penrose outlining the Member's concerns with the new application form.

Mr. Peter Carey, County Manager re-iterated to the Members that these are an interim set of regulations to take into account legislative changes. It is expected that the Department of Environment, Community & Local Government will issue further guidance regarding the Housing Allocation Scheme in the next few months.

There was a counter proposal by Councillor Seamus McDonald and seconded by Councillor Jerry Lodge that the Scheme be returned to the Department of Environment, Community & Local Government and the current scheme remain in place. A roll call vote was taken on Councillor Seamus McDonald's proposal which resulted as follows:-

COUNCILLOR		FOR	AGAINST	ABSTENTION/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		✓	
Alan	HAND	✓		
John	KING		✓	
Michael	LALOR		✓	
Jerry	LODGE	✓		
Seamus	MCDONALD	✓		
Paul	MITCHELL		✓	
John Robert	MORAN		✓	
Tom	MULHALL		✓	
Kathleen	O'BRIEN		✓	
Brendan	PHELAN	✓		
Martin	PHELAN		✓	
Mary	SWEENEY		✓	

The result of the Roll Call Vote was 7 votes in favour of Councillor McDonald's proposal, 16 votes against and 2 Members absent.

Therefore, it was agreed that the Housing Allocation Scheme, as presented, and proposed by Councillor John Moran be adopted. It was agreed, however, that all the issues and concerns of the Members be forwarded to the Minister.

#### **75. PRESENTATION BY MR. MARK MACAULAY, EXECUTIVE ENGINEER & MS. LINDA PARKINSON, EXECUTIVE ENGINEER ON THE MIDLANDS ENERGY AGENCY'S 3 YEAR PLAN FOR THE MIDLANDS REGION**

A presentation was made on the Midlands Energy Agency 3 Year Plan for the Midlands Region to the Members of Laois County Council. Targets and savings to date for the Midlands Region were outlined to the Members and the goals for savings in energy use by 2020. The Midlands Energy Agency Work Plan for 2011 was also outlined.

#### **76. PROGRESS REPORT ON THE CROKE PARK AGREEMENT**

The Members were circulated with a progress report on the Croke Park Agreement. Mr. Peter Carey, County Manager indicated that in line with paragraph 1.16 of the Public Service Agreement 2010 – 2014, a review of progress in the implementation of the agreement and sustainable savings achieved in each part of the public sector was required to be undertaken by Spring 2011.

The County Manager informed Members that Laois County Council achieved savings of over €3 million which equated to pay savings of €1.2 million. The County Manager advised that this performance compares very favourably against other local authorities and reflects the considerable commitment in Laois County Council to the implementation of the Croke Park Agreement from all stakeholders involved, staff, management and elected members. The County Manager indicated that these savings would not have been achieved without the co-operation and flexibility of the staff of Laois County Council. The County Manager acknowledged the co-operation of the Elected Members also and responded to the various queries raised.

The Members complimented the Management and Staff of Laois County Council on the achievements in the savings.

## 77. CORRESPONDENCE

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

- (i) Correspondence dated the 10<sup>th</sup> of May 2011 from the Department of the Environment, Community & Local Government in relation to the nomination of candidates for president
- (ii) Correspondence dated the 11<sup>th</sup> of May 2011 from the Department of Agriculture, Fisheries and Food in response to a Notice of Motion regarding the closure of the Portlaoise District Veterinary Office

## 78. NOTICE OF MOTIONS

### Notice of Motion No: 11/11

Councillor Alan Hand proposed the following Notice of Motion:-

***“That this Council call on the Government to increase the budget for services to the victims of domestic abuse in County Laois”***

This motion was seconded by Councillor Mary Sweeney. It was agreed that a letter issue to Dr. James Reilly seeking an assurance that the budget is not reduced any further and that we receive additional monies. Councillor Mary Sweeney requested that Ms. Marna Hatton be invited to a future meeting of Laois County Council . It was agreed that this would be arranged.

### Notice of Motion No: 12/11

Councillor Alan Hand proposed the following Notice of Motion:-

***“That this Council examine the way rates are calculated for commercial business and retail units in Laois in view of some businesses facing closure”***

This motion was seconded by Councillor William Aird. The Members were advised that commercial rates are an annual charge on commercial property to pay for the general provision of services of local authorities.

The valuation used in the calculation of rates is determined by the Valuation Office and the annual rate on valuation is determined by the Elected Members at their budget meetings. The rates payable is calculated by multiplying the valuation of the property by the annual rate on valuation.

There is no facility within existing legislation to reduce the rates payable by certain businesses such as retail, hotel, licensed premises, etc. This Council would, therefore, not be in a position to give reduction to certain sectors without giving similar reductions to all of their rate payers.

A discussion ensued during which Mr. Peter Carey, County Manager & Mr. Gerry Murphy, Head of Finance responded to the various queries raised.

This concluded the business of the meeting.

SIGNED:

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CATHAOIRLEACH

CERTIFIED:

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DIRECTOR OF CORPORATE  
AFFAIRS