

**MINUTES OF NOVEMBER MONTHLY MEETING OF LAOIS
COUNTY COUNCIL HELD IN ARAS AN CHONTAE, PORTLAOISE
ON 26th OF NOVEMBER 2007**

PRESENT: Councillors John Moran In the Chair

William Aird	John Bonham
Patrick Bracken	Ray Cribbin
James Daly	James Deegan
David Goodwin	Geraldine Delaney
Thomas Jacob	John Joe Fennelly
Michael Lalor	Catherine Fitzgerald
Jerry Lodge	Laurence Kavanagh
Dick Miller	Michael Moloney
Paul Mitchell	Seamus McDonlad
Martin Phelan	Brendan Phelan
Michael Rice	Brian Stanley
Mary Sweeney	John D. Turley

IN ATTENDANCE:

Messers Peter Carey, County Manager, Gerry Gibson, Director of Services, Declan Byrne, 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

132. SUSPENSION OF STANDING ORDERS

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to suspend Standing Orders to have a discussion on the current crisis regarding cancer services in the HSE.

The Members individually and collectively expressed concerns for the families of the women who had been recently mis-diagnosed and also expressed thanks to the staff of the General Hospital, Portlaoise and

the Cuisle Centre who have worked tirelessly this week in reviewing the cases of the patients involved.

133. CONFIRMATION OF MINUTES

On the proposal of Councillor Michael Lalor seconded by Councillor Ray Cribbin, it was unanimously agreed that the Minutes of the October meeting held on the 22nd of October 2007, as circulated, be adopted and signed.

134. VOTE OF SYMPATHY

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed that a vote of sympathy be extended to the Breen family on the recent death of Billy Breen.

On the proposal of Councillor Brian Stanley seconded by Councillor William Aird, the Members unanimously agreed that a vote of sympathy be extended to the Hyland family on the recent tragic death of Mr. Jim Hyland, a former employee of Laois County Council.

On the proposal of Councillor Patrick Bracken seconded by Councillor Martin Phelan, the Members unanimously agreed that a vote of sympathy be extended to the Cussen family on the recent death of Mrs. Kathleen Cussen.

On the proposal of Councillor James Daly, the Members unanimously agreed that a vote of sympathy be extended to Mr. Martin Parkinson on the recent death of his mother.

135. VOTE OF CONGRATULATIONS

On the proposal of Councillor John Joe Fennelly it was unanimously agreed that a vote of congratulations be extended to the Harps Junior Camogie Team who won the recent Camogie Final and extended congratulations to Ms. Mary Donohue who is involved with this team.

136. APPOINTMENT OR NOMINATION OF A MEMBER TO

- (a) Laois Vocational Education Committee
- (b) Environment & Water Services Strategic Policy Committee
- (c) Dungar Joint Burial Board

It was noted that there was a vacancy on the above three committees due to the recent death of Councillor Bill Delaney, R.I.P.

On the proposition of Councillor Dick Miller seconded by Councillor Ray Cribbin, the Members unanimously agreed that Councillor Geraldine Delaney would be nominated to the above committees.

137. PROPOSED MATERIAL CONTRAVENTION OF THE COUNTY DEVELOPMENT PLAN 2006 – 2012 – APPLICATION TO ERECT 2 NO. HOUSES AT MARION AVENUE, CLONMINAM, PORTLAOISE, CO. LAOIS – PLANNING REF: 07/1691 – MS. MARGARET DOUGLAS

Councillor Brian Stanley proposed that this material contravention be rejected. This proposal was seconded by Councillor Mary Sweeney.

138. NOMINATION OF THREE MEMBERS OF LAOIS COUNTY COUNCIL TO NEW UNIFIED COUNTY STRUCTURE (COHESION)

Councillor John Bonham proposed the names of Councillor James Deegan & James Daly

Councillor Tom Jacob proposed the name of Councillor Brian Stanley.

Councillor Dick Miller proposed the name of Councillor Jerry Lodge

Following the formation of groups for the purposes of making the appointments, the Members unanimously agreed that Councillors James Deegan, Brian Stanley & Jerry Lodge be nominated to the new County Structure.

139. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS, 2001 – 2007

The Members were advised that this Part VIII is for a proposed housing development consisting of 33 no. houses including associated site development works made up of 1 no. 4 bed units, 7 no. 2 bed units, 22 no. 3 bed units and also 3 no. single storey 2 bed units in the townland of Knockmay off the Old Knockmay Road and to the South of Marian Avenue, Portlaoise.

The Members were also advised that the proposed development would be proceeded with subject to six additional measures as outlined in the Part VIII report.

Councillor Dick Miller proposed that the development proceed and this proposal was seconded by Councillor Seamus McDonald.

Councillor Catherine Fitzgerald proposed that this development not proceed.

A roll call vote was taken on Councillor's Millers proposal which resulted as follows:-

COUNCILLOR	FOR	Against	Absent
Name			
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			Abstain
John Moran	√		
Brendan Phelan	√		
Martin Phelan	√		
Michael Rice	√		
Brian Stanley		√	
Mary Sweeney		√	
John D. Turley	√		
TOTAL	17	6	2

The result of the Roll Call was 17 votes for the proposal and 6 against.

140. ADOPTION OF PARKING AREAS AND CAR PARK BYE-LAWS 2007 FOR MOUNTMELICK

The Members were circulated with the draft Parking Areas and Car Park Bye-Laws 2007 for Mountmellick. On the proposal of Councillor Michael Moloney seconded by Councillor Patrick Bracken, the Members unanimously agreed to the draft bye-laws

141. ADOPTION OF MOUNTMELICK APPOINTED STANDS BYE-LAWS 2007 (TAXI RANKS)

The Members were circulated with the Mountmellick Appointed Stands Bye-Laws 2007 (Taxi Ranks). On the proposal of Councillor Michael Moloney seconded by Councillor Patrick Bracken, the Members unanimously agreed to the bye-laws.

142. ADOPTION OF MULTI-ANNUAL ROADWORKS PROGRAMME

The Members were circulated with a copy of the Multi-Annual Roadworks Programme 2008 – 2010 as submitted to the DOEHLG. The Programme was discussed and agreed at area meetings.

On the proposition of Councillor John Bonham seconded by Councillor Geraldine Delaney, the Multi-Annual Roadworks Programme was agreed

143. LOCAL IMPROVEMENT SCHEMES

The members were informed that there are currently 5 Local Improvement Schemes to be completed under the Local Improvement Scheme - total cost in excess of €480,000. Laois County Council have also received applications for 46 schemes since the decision to close the LIS Scheme was made in June 2005. A decision must now be made either to complete these 5 schemes or re-open the Local Improvement Scheme and deal with all applications on hand at the date of notification of allocation.

A lengthy discussion took place in relation to this item. On the proposition of Councillor James Deegan seconded by Councillor Ray Cribbin, the Members unanimously agreed to complete the remaining 5 LIS Schemes and the 46 schemes would then be dealt with subject to funding from the Department.

144. DRAFT POLICY ON THE DISPOSAL OF INDUSTRIAL SITES AS RECOMMENDED BY THE ECONOMIC DEVELOPMENT & COUNTY PROMOTION S.P.C.

The members were circulated with the draft policy on the disposal of industrial sites as recommended by the Economic Development & County Promotion S.P.C.

On the proposal of Councillor Brendan Phelan seconded by Councillor Ray Cribbin, the Members unanimously agreed to adopt the draft policy on the disposal of industrial sites as recommended by the Economic Development & County Promotion S.P.C.

145. NOTICE OF MOTIONS

Notice of Motion No: 40/07

Councillors Jerry Lodge, Patrick Bracken & Seamus McDonald proposed the following Notice of Motion:-

“That this Council calls on the Government and the Health Services Executive to ensure that scheme of grants known as ‘housing aid for the elderly’ will continue to be administered by the Health Services Executive and not have the scheme subsumed into the County Council’s grant schemes with a subsequent loss of revenue to the County”

This motion was seconded by Councillor Ray Cribbin.

A lengthy discussion ensued on this matter during which Mr. Declan Byrne, Director of Services responded to the various queries raised in relation to Disabled Persons Grants and Essential Repairs Grants.

It was agreed that a letter would issue to the Government and the Health Services Executive in this regard.

Notice of Motion No: 41/07

Councillor Jerry Lodge proposed the following Notice of Motion:-

“That this Council requests that it be furnished with a detailed response as to the management’s interpretation of our County Development Plan in so far as it relates to the granting of planning permission where applicants are family members, working in the locality and living on National Primary and National Secondary routes”

This motion was seconded by Councillor John Joe Fennelly. Ms. Carmel McNicholl, Senior Executive Officer advised the Members of the following policy of Laois County Council:

- (1) To restrict development requiring access onto National Primary or National Secondary routes in areas where the maximum speed limit applies. This prohibition will not necessarily apply to full time farmers, and in the case of national secondary routes to farmers who derive a substantial proportion of their income from farming and sons and daughters of farmers
- (2) Permission may be granted in these cases, subject to the following provisions:
 - An alternative site with access onto a minor road is not available
 - The proposed development can be accommodated without the creation of a specific traffic hazard
 - Where possible an existing entrance is used
 - That developments concerning established farm activity along national roads or extensions to commercial or industrial development outside the speed limits on such roads shall be subject to the requirement that no increased road safety hazard is created

- That all proposed developments in urban and rural areas accessing the road networks will comply with the road standards of Laois County Council

Notice of Motion No: 42/07

Councillor Jerry Lodge proposed the following Notice of Motion:-

“That this Council, in accordance with Section 180 of the Planning & Development Act, 2000 hereby agrees to take in charge the following estates:

- (1) Kylebrook Estate Portlaoise, and furthermore that all monies necessary to upgrade this estate to the acceptable level be provided for in the upcoming estimates*
- (2) A portion of Broomville Gardens, Portlaoise*
- (3) The Hermitage, Borris Road, Portlaoise*

This motion was seconded by Councillor Seamus McDonald. The Members were advised that the matter of taking estates in charge can only be dealt with through the normal statutory channel as follows:-

- (1) a request is received from the Developer to take the estate in charge
- (2) The Building Control Officer initiates a report to the Roads Department to take the estate in charge
- (3) A Public Consultation process must be followed allowing the public (generally the residents of the estates involved) the opportunity to make submissions/objections
- (4) Having followed the statutory process the matter is then placed on the agenda of the Council meeting for approval/rejection

Notice of Motion No: 43/07

Councillor Brian Stanley proposed the following Notice of Motion:-

“That this Council contacts the Office of the Minister for Children to request that the proposed Child Care Subvention Scheme not be implemented in it’s present format as it will have a detrimental effect on low income workers and their families”

This motion was seconded by Councillor William Aird. It was agreed that this matter be referred to the Minister for Children.

146. EMERGENCY ACCOMMODATION AT THE MONTAGUE HOTEL

Councillor Michael Moloney updated the members on the situation at the Montague Hotel and spoke on behalf of the families involved. He read a letter of thanks and appreciation to the Council and the wider community of County Laois from the families concerned, who are currently availing of temporary accommodation at the Montague Hotel.

This concluded the business of the meeting.

Signed:

_____ **Cathaoirleach**

_____ **Director of Corporate Affairs**

