

**MINUTES OF NOVEMBER MONTHLY MEETING OF LAOIS
COUNTY COUNCIL HELD AT ÁRAS AN CHONTAE, PORTLAOISE
ON THE 24TH NOVEMBER 2008**

PRESENT:	Councillors	Thomas Jacob	In the Chair
		Willie Aird	Mary Sweeney
		Patrick Bracken	Ray Cribbin
		James Deegan	David Goodwin
		Geraldine Delaney	John D. Turley
		J.J. Fennelly	James Daly
		Laurence Kavanagh	Michael Moloney
		Michael Lalor	Jerry Lodge
		Dick Miller	Seamus McDonald
		Brendan Phelan	Catherine Fitzgerald
		Martin Phelan	Michael Rice
		Paul Mitchell	John Bonham
		Brian Stanley	John Moran

IN ATTENDANCE:

Messers Peter Carey, County Manager, Gerry Gibson, Director of Services, John Daly, Director of Services, Declan Byrne, Director of Services, Gerry Murphy, Head of Finance Ms. Anna Marie Delaney, Director of Services, Mr. John O'Donoghue, Senior Engineer, Mr. John Gavin, Senior Executive Engineer, Ms. Josephine Kavanagh, A/Senior Executive Officer, Ms. Ann Marie Kirrane, A/Administrative Officer, & Ms. Catherine Gorman, A/Executive Secretary.

132. VOTE OF CONGRATULATIONS

The Cathaoirleach Tom Jacob proposed a vote of congratulations to Portlaoise Parish Centre who represented Laois in the Pride of Place competition on the 8th November, 2008, in Cappoquin, Co. Waterford, in the Community Facility category and won 1st prize and Mountmellick Voluntary Housing Association who represented Laois in the Services for the Elderly category and won 2nd prize.

Mr Peter Carey, County Manager complimented all involved and the employees of the Council who had worked with the communities concerned and whose efforts had contributed to both successes.

On the proposal of Councillor William Aird it was unanimously agreed that a vote of congratulations be extended to all involved on winning the Best Recreational Facility in respect of Portlaoise Leisure Centre and Athletic Track.

The County Manager wished to be associated with these congratulations and advised that the provision of both Portlaoise and Portarlington Leisure Centres was a fantastic achievement for any County. He thanked the Managers and staff of both centres for their hard work and dedication.

The Cathaoirleach thanked the County Manager for his valuable contribution in the successful delivery of both of these projects.

Councillor John Bonham proposed a vote of congratulations to the Harps Junior Camogie Team on winning the Junior All Ireland Club Championship for the third year in a row. This was seconded by Councillor John Joe Fennelly.

133. VOTE OF SYMPATHY

On the proposition of the Councillor William Aird, seconded by Councillor Mary Sweeney, the Members unanimously agreed that a vote of sympathy be passed and be extended to the O'Brien Family, Portlaoise on the recent death of Michael O'Brien.

On the proposition of Councillor John D. Turley, the Members unanimously agreed that a vote of sympathy be passed and be extended to the family of the victim in the drowning incident in Vicarstown over the weekend.

134. POLLING SCHEME

On the proposal of Councillor Catherine Fitzgerald, seconded by Councillor William Aird, it was agreed that an amendment to the Minutes of the October Meeting of Laois County Council held on the 20th October be made in relation to the Polling Scheme as follows:- “On the proposition of Councillor Michael Moloney, seconded by Councillor Paddy Bracken, the members unanimously agreed to the adoption of the Polling Scheme, 2008, as circulated, including the new Polling Place of Shaen, with Polling Station at The Rock National School”.

135. CONFIRMATION OF MINUTES

On the proposal of Councillor James Deegan, seconded by Councillor William Aird, it was agreed by the Members that the Minutes of the October meeting held on the 20th October 2008 as circulated be adopted and signed.

136. (i) FIX DATE FOR ANNUAL BUDGET MEETING

It was agreed that the Annual Budget Meeting would take place on Friday 19th December, 2008, at 11.00 and the In-Committee meeting on the Friday 12th December, 2008, at 11.00.

(ii) FIX DATE FOR DECEMBER COUNCIL MEETING

It was agreed that the December Meeting of Laois County Council would take place at 11.00 on Monday 15th December, 2008.

137. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS, 2001 – 2007 IN RESPECT OF:

(a) PORTLAOISE & MOUNTMELICK WATER SUPPLY IMPROVEMENT SCHEME – RESERVOIR AT KILMINCHY

The Members were circulated with the Planning Report in respect of Portlaoise & Mountmellick Water Supply Improvement Scheme – 8,000m³ Reservoir at Kilminchy. The overall development will ensure a more robust water supply for the Portlaoise area.

On the proposal of Councillor William Aird, seconded by Councillor Brian Stanley, the Members unanimously agreed to proceed with the proposed development.

138. APPROVAL OF OVERDRAFT ACCOMMODATION IN THE SUM OF €6,000,000 FOR THE HALF-YEAR ENDING 30/06/2009

On the proposition of Councillor James Deegan which was seconded by Councillor Michael Lalor, the Members unanimously granted approval to the raising of overdraft accommodation in the sum of €6,000,000 for the half year ended 30th June, 2009.

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

Disposal of Equity Part of Shared Ownership Loan No: 610076/F

- (a) On the proposition of Councillor Michael Moloney seconded by Councillor Jerry Lodge, the Members unanimously agreed to the disposal of the Council's equity interest in 61, Ashgrove, Mountmellick, Co. Laois to Thomas & Danielle O'Brien.

Disposal of Equity Part of Shared Ownership Loan No: 610166/F

- (b) On the proposition of Councillor Brian Stanley seconded by Councillor William Aird, the Members unanimously agreed to the disposal of the Council's equity interest in 5, Bianconi Way, Ridge Road, Portlaoise, Co. Laois to Peter & Rowena O'Halloran.

Disposal of Equity Part of Shared Ownership Loan No: 610096/F

- (c) On the proposition of Councillor William Aird seconded by Councillor Mary Sweeney, the Members unanimously agreed to the disposal of the Council's equity interest in 53 Woodgrove, Portlaoise, Co. Laois to Andrew Newell & Mary Walsh.

Disposal of Equity Part of Shared Ownership Loan No: 610222/F

- (d) On the proposition of Councillor James Deegan seconded by Councillor Paul Mitchell, the Members unanimously agreed to the disposal of the Council's equity interest in Apt. 48, The Birches, Kilnacourt Woods, Portarlinton, Co. Laois to Shane Murphy. Councillor Ray Cribbin declared an interest and removed himself from this proposal.

Disposal of Equity Part of Shared Ownership Loan No: 610225/F

- (e) On the proposition of Councillor William Aird seconded by Councillor Mary Sweeney, the Members unanimously agreed to the disposal of the Council's equity interest in 83 Carmody Way, The Fairgreen, Portlaoise, Co. Laois to Sharon Heavey.

Councillor William Aird asked that Anna Marie Delaney, Director of Services, contact the Department of the Environment with regard to the removal of names from minutes in respect of disposal of Interest. This was seconded by Councillor Mary Sweeney.

- (f) Disposal of land (E.S.B. sub station site) at Kiln Lane, Mountrath, Co. Laois to the E.S.B.

It was unanimously agreed that this item be deferred until the December Meeting of Laois County Council.

140. WELCOME TO PORTLAOISE ACTIVE RETIREMENT GROUP

The Cathaoirleach welcomed to the November Council Meeting of Laois County Council the members of Portlaoise Active Retirement Group. He advised that Laois County Council were delighted that they have chosen to visit Áras an Chontae and wished their group well.

141. POLICIES FROM THE HOUSING, SOCIAL AND CULTURAL STRATEGIC POLICY COMMITTEE:-

(a) Proposed designation of open spaces as amenity areas

The Members were circulated with a proposal to designate open spaces as amenity areas. The Members noted that it is proposed to designate all open spaces taken in charge by Laois County Council as amenity areas in order that temporary dwellings can be removed quickly and within legal limitations.

Councillor John Joe Fennelly asked that consideration be given to drafting a policy on 'Bonfires' in green areas and that this policy be finalised before next Halloween. This was seconded by Councillor Martin Phelan.

On the proposition of Councillor Brian Stanley, seconded by Councillor William Aird, the Members unanimously adopted the Policy on Proposed designation of open spaces as amenity areas.

(b) Control of Horses Bye-Laws

The Members were circulated with Control of Horses Bye-Laws.

Councillor William Aird suggested that a clause be dropped from the Bye-Laws which would ban anyone riding horses on roads aged 16 and under, seconded by Councillor Laurence Kavanagh.

Councillor James Deegan proposed an amendment to Section 5 (a) iii – The Council take legal advice on whether the horse bye-laws can be extended to lands in the care of the Office of Public Works such as The Heath and Emo Court. This was seconded by Councillor Seamus McDonald.

Councillor Jerry Lodge asked that the word 'seashore' be removed from Part 1 Preliminary 3. "Public Place".

On the proposition of Councillor Brian Stanley, seconded by Councillor William Aird, the Members unanimously adopted the Policy on Control of Horses Bye-Laws.

**142. POLICY FROM THE ENVIRONMENT & WATER SERVICES STRATEGIC POLICY COMMITTEE:
(A) WATER POLLUTION (REGULATION OF LAND APPLICATION OF INDUSTRIAL ORGANIC WASTE)(AMENDED) BYE-LAWS 2008**

The Members were circulated with the Policy on Water Pollution (regulation of land application of industrial organic waste)(amended) Bye-Laws 2008.

The Members were advised that the Water Pollution (Regulation of Land Application of Industrial Organic Waste) Bye-Laws 2002 were adopted by Laois County Council in 2004. It is considered that these Bye-Laws are now in need of updating and amendment to reflect the current legislative situation and procedural practises. These amendments should also remove some of the restrictions allowing farmers, local authorities and industries within Laois to use industrial organic waste and sewerage sludge as a fertiliser for agricultural purposes while also affording residents in the areas affected information on what is being spread, for what purpose and the quantities involved.

The Draft Bye-Laws were approved by the Environment & Water Services SPC and they will now be placed on public display.

Councillor Paul Mitchell raised a concern regarding an incident over the last few weeks, where lands at Inchacooley were heavily polluted by land spreading. It was agreed that this would be investigated by the Environment Department.

Councillor Brian Stanley advised that no reply has issued from Minister Gormley in relation to Notice of Motion No. 03/08 "That this Council calls on the Ministers for Agriculture Mary Coughlan and Local Government and the Environment, John Gormley to take whatever steps are necessary to change the current regulations regarding the spreading of slurry according to unrealistic dates on the calendar"

It was agreed that a reminder should issue to Minister Gormley in this regard.

On the proposition of Councillor John Bonham, seconded by Councillor William Aird, the Members unanimously adopted the Policy on Water Pollution (Regulation of Land Application of Industrial Organic Waste) (Amended) Bye-Laws 2008.

143. DRAFT STORAGE, PRESENTATION, SEGREGATION AND COLLECTION OF HOUSEHOLD WASTE BYE-LAWS, 2008.

The Members were circulated with the Draft Storage, presentation, segregation and collection of household waste Bye-Laws, 2008.

The Members noted that the Draft Bye-Laws have been prepared by each of the 5 counties in the Midlands Region. They deal with all issues in relation to Household Waste but their main purpose is to provide for the separate collection of organic waste in certain designed areas. The Bye-Laws oblige waste collectors to provide a 3-bin system in the towns of Portlaoise, Portarlinton, Mountmellick, Graiguecullen, Mountrath and Abbeyleix. In accordance with the EU Landfill Directive, Ireland will have to achieve a recycling rate of 59% by July, 2010 (and 73% by July 2013) for biodegradable waste.

On the proposition of Councillor Michael Moloney, seconded by Councillor John Joe Fennelly, the Members unanimously adopted the Draft Storage, Presentation, Segregation and Collection of Household Waste Bye-Laws, 2008.

144. PRESENTATION BY CHIEF SUPERINTENDENT ON JOINT POLICING COMMITTEES

This item was deferred as it was noted that Chief Superintendent David Sheahan has since left the Laois/Offaly District.

145. PRESENTATION BY RAY SPAIN, PROJECT CO-ORDINATOR, SOUTH EASTERN RIVER BASIN DISTRICT ON THE DRAFT RIVER BASIN MANAGEMENT PLAN.

Mr. Ray Spain, Project Co-ordinator, South Eastern River Basin District gave the Elected Members a presentation on the Draft River Basin Management Plan and responded to the various queries raised.

Mr. Spain was complimented on his presentation.

146. TAKING IN CHARGE OF CLONROOSKE LINK ROAD

On the proposition of Councillor Brian Stanley, seconded by Councillor Mary Sweeney, the Members unanimously agreed to the taking in charge of Clonrooske Link Road.

Gerry Gibson, Director of Services, advised that repairs will be carried out to damaged boundary walls and screening between the Clonroosk Link and Woodgrove Housing Estate early in 2009.

147. CORRESPONDENCE

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

- (i) Letter received from Killarney Town Council dated 14th November, 2008, regarding notice of motion:- “That Killarney Town Council call on the Minister for Rural and Gaeltacht Affairs to introduce the Leader Programme as soon as possible to help to boost rural communities suffering from recent Job Losses”.
- (ii) Letter received from South Dublin County Council dated 13th November, 2008, regarding notice of motion:- “That this Council discusses the mapping of the SDCC (a) Roads Mapping – new alignments; new road layouts; new speed limits; new lanes etc. in order to assist GPS mobile communications updating. There is currently over an 18 month delay on this information as there is no centralized facility in Ireland on changing infrastructure – and that this recommendation be forwarded to each Council”.
- (iii) Letter of congratulations from Chambers Ireland dated 3rd October, 2008 regarding Excellence in Local Government Awards 2008.
- (iv) Letter from the Barrow Heritage & Development Association, enclosing preliminary documentation into the return of the Tall Ships and the 220th Anniversary of the Barrow Navigation which takes place in the same year 2011.
- (v) Response letter from the Department of Health & Children dated 30th October, 2008, regarding the provision of Home Help Services.
- (vi) Letter received from Clones Town Council dated 28th October, 2008, regarding notice of motion:- “That Clones Town Council supports the two objectives of the Irish Lobby for Immigration Reform in the U.S.: 1 a path to legal status for the undocumented Irish in the U.S., and 2. a path to legal status for further Irish Immigrants”. “That Clones Town Council calls on the Minister for Social & Family Affairs to relax the ‘Habitual Residence conditions’, for Irish citizens returning from the USA and other countries. These conditions can cause hardship for returning Immigrants some of whom can be sick or injured or even deported, these people can not avail of social welfare until they are back for two years”.
- (vii) Letter received from Wexford Borough Council dated 14th October, 2008, supporting Notice of Motion 15/08.

148 ANY OTHER BUSINESS

Councillor John Bonham enquired regarding the current position on the 6 Town Sewerage Schemes. Mr. Gerry Gibson, Director of Services, advised that this proposal is presently with the Department and awaiting approval.

149. NOTICES OF MOTION

Notice of Motion No. 30/08 – Councillor Brian Stanley

“That as a consequence of the sharp fall in house prices and difficulties obtaining credit, the members of this Council are calling on the Minister for the Environment and Local Government to bring forward a new scheme of affordable housing. The present scheme is no longer affordable for many people who should be able to use it to purchase a home”.

This motion was seconded by Councillor Mary Sweeney. It was agreed that a letter issue to Minister Gormley and all other local authorities in this regard.

Notice of Motion No. 31/08 – Councillor Mary Sweeney

“That Laois County Council write to the Minister for Health asking her to rescind her decision to postpone cervical vaccinations for 12 year old girls”.

This motion was seconded by Councillor John Bonham. It was agreed that a letter issue to Minister Harney in this regard.

Councillor James Deegan suggested that contact be made with Junior Minister John Moloney asking that the Lotto be suspended to look after expenditure regarding this very important issue. Councillor John D. Turley seconded same.

Notice of Motion No. 32/08 – Councillor Mary Sweeney

“That Laois County Council asks the Department of Education to rescind their recent budget decision affecting funding of the Schools Book Scheme to Libraries”.

This motion was seconded by Councillor Brian Stanley. It was agreed that a letter issue to the Department of Education in this regard.

Notice of Motion No. 33/08 – Councillor Mary Sweeney

“That Laois County Council request the Department of Education to standardise books on the school syllabus, to prevent the huge cost of school books yearly”.

This motion was seconded by Councillor Brian Stanley. It was agreed that a letter issue to the Department of Education in this regard.

This concluded the business of the meeting.

Signed:

Cathaoirleach

Director of Corporate Affairs