

**MINUTES OF THE OCTOBER MEETING OF LAOIS COUNTY COUNCIL HELD IN  
ÁRAS AN CHONTAE, PORTLAOISE ON 19<sup>TH</sup> OF OCTOBER 2009**

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

**APOLOGIES:** Councillors                      Rotimi Adebari                      James Deegan

**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. Josephine Kavanagh, A/Senior Executive Officer & Ms. Michelle McCormack, Executive Secretary

**165. CONFIRMATION OF THE MINUTES OF THE SEPTEMBER MEETING HELD ON  
THE 28<sup>TH</sup> OF SEPTEMBER 2009**

On the proposal of Councillor William Aird seconded by Councillor Mary Sweeney, it was agreed that the Minutes of the September meeting held on the 28<sup>th</sup> of September 2009, as circulated be adopted and signed.

**166. VOTE OF CONGRATULATIONS**

On the proposal of Councillor Martin Phelan, the members unanimously agreed to extend congratulations to Clough Ballacolla on winning the Laois Senior Hurling Championship.

**167. PROPOSED MATERIAL CONTRAVENTION OF THE PORTARLINGTON LOCAL AREA PLAN 2007 – 2013 – PLANNING REF: 09/357 – APPLICATION BY THE BOOTH FAMILY**

The Members were circulated with the planning report on the proposed material contravention of the Portarlington Local Area Plan 2007 – 2013. The application is by the Booth Family for the construction of

- (1) The following development previously approved under Planning Ref: 03/1684:
  - (a) New road between Portlaoise Road and Ballymorris Road including new junctions to the existing roads and bus stop laybys and a new dropping off layby opposite the existing primary school in Sandy Lane
  - (b) Supermarket providing retail space of 2215 sq m with service yard and storage accommodation
  - (c) 10 lock up retail units providing a gross retail space of 1.006 sq m
  - (d) Building with a gross area of 538 sq m for use as wine bar/restaurant and bank
  - (e) Building with a total gross area of 163 sq m for use as a fast food outlet
  - (f) Kiosk with 57 sq m retail space
- (2) Comparison goods store (previously approved under Planning Ref: 07/2382 as a household goods store) with a building of 2010 sq m to provide a retail sales area of 1608 sq m together with ancillary basement parking of 1937 sq m for 76 cars and 8 motorcycles, a covered link to the supermarket and ramped pedestrian access.
- (3) First and second floor offices with a gross area of 2402 sq m
- (4) Petrol filling station including shop with retail sales area of 100 sq m
- (5) Surface car parking for 337 cars with covered walkway together with all necessary roads, service yards foul and surface water drainage (including a balancing lake), bus shelters and all associated works

The Members welcomed this development for Portarlington. A roll call 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		Abstain	
Kathleen	O'BRIEN	✓		
Brendan	PHELAN	✓		
Martin	PHELAN	✓		
Brian	STANLEY	✓		
Mary	SWEENEY	✓		

Total Number of Votes – 22 votes in favour of the proposed material contravention, 1 abstention and two Members absent. Therefore, it was unanimously agreed that the Portarlington Local Area Plan 2007 – 2013 be contravened to facilitate the proposed material contravention.

**168. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS, 2001 – 2007 IN RESPECT OF UPGRADE OF EXISTING MEELICK ROAD**

The Members were circulated with the planning report on the proposed scheme to carry out improvement works to the Meelick Road between the Abbeyleix Road (R922) and the Timahoe Road (R426) and to the Timahoe Road (R426) for a distance of 1.2 kms northwards from a proposed roundabout with the Meelick Road, Portlaoise, Co. Laois.

Councillor William Aird proposed that this item be deferred until the concerns of the residents have been dealt with. This proposal was seconded by Councillor Brian Stanley and agreed.

**169. DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001 IN RESPECT OF DISPOSAL OF 3 ACRES AT PORTLAOISE ROAD, ABBEYLEIX TO GLANBIA ESTATES**

Councillor Pdraig Fleming declared an interest in this item and excused himself from the meeting for the duration of the discussion of this item under Part 15 of the Local Government Act, 2001.

On the proposition of Councillor Martin Phelan seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the disposal of 3 acres at Portlaoise Road, Abbeyleix for a consideration of €400,000 plus the exchange of seven acres of land and buildings at Donaghmore to Laois County Council.

**170. TAKING IN CHARGE OF ESKER HILLS, RIDGE ROAD, PORTLAOISE**

On the proposition of Councillor Kathleen O' Brien seconded by Councillor Michael Lalor, the Members unanimously agreed that this item be deferred.

**171. ADOPTION OF DRAFT S.P.C. SCHEME**

The above draft scheme was adopted at the special meeting of Laois County Council by the Members on the 14<sup>th</sup> of September 2009. The notice of making the draft scheme was subsequently published in the Leinster Express on the 16<sup>th</sup> of September 2009 and two submissions were received and were fully considered by the Corporate Policy Group. As recommended by the CPG it was unanimously agreed that the S.P.C. Scheme be adopted with one amendment to Clause 8.2, Availability of Information.

**172. N.P.P.R. (NON PRIVATE PRINCIPAL RESIDENCE) UPDATE REPORT**

The Members were circulated with an update on the N.P.P.R. which was introduced under the Local Government (Charges) Act, 2009 wherein owners of residential properties which are not their primary residences must register their properties and pay the €200 charge within a two month period from the 31<sup>st</sup> of July 2009. The charge is attached to properties at a single date each year and in subsequent years, any person who owns a Non Principal Private Residence on March 31<sup>st</sup> will be liable to pay the charge.

The N.P.P.R. is a self declaration charge and the onus is on the individual to comply. Non-payment of the charge will incur penalties, i.e. if a charge is not paid within a month a late payment fee of €20 will apply for every month or part of the month that the €200 charge remains unpaid. Court fines of up to €2,000 can also be imposed. The County Manager indicated that €280,600 has been received to date by Laois County Council representing 1,403 properties.

The Members welcomed the information circulated. The County Manager indicated that all income streams are under pressure and acknowledged the work of the Finance Department.

#### **173. 12.00 NOON – FOOTBALL IN THE COMMUNITY – PRESENTATION BY MS. NICOLE DUNPHY, F.A.I. DEVELOPMENT OFFICER**

Ms. Nicole Dunphy, F.A.I. Development Officer for Laois gave the Members a very comprehensive presentation on the current programmes being carried out across the County. The Cathaoirleach & Members complimented Ms. Dunphy on the presentation and on the progress to date. They also paid tribute to the Laois County Council Sports Officer, Ms. Anne Marie Maher and her staff in the Sports Office.

The County Manager also joined with the Members in acknowledging the excellent work being done in this area and that Laois should be very proud of its multi-functional facilities.

#### **174. LAOIS SCHOOL OF MUSIC UPDATE**

The Members were circulated with a written update on the Laois School of Music. The Members and the County Manager acknowledged the work being done by the Laois School of Music and paid tribute to the Arts Officer, Ms. Muireann Ní Chonail and Ms. Nuala Kelly, Music School Co-Ordinator on progress to date.

The Members were informed that the School of Music is administered by a Musical School Co-Ordinator based in the Arts Office of the Council and the administrative staff of Laois V.E.C. The Corporate Governance of the School of Music is managed by a

steering committee comprising of representatives of Laois County Council, Laois V.E.C. and the Dunamase Arts Centre and private music educators. While the administration and management has been very successful over the years, for accounting, legal and corporate reasons and for it to achieve it's optimum potential it needs to become a separate entity with a core purpose of music development.

In order to achieve this it is recommended that the Council and the V.E.C. make arrangements for the establishment of a Company limited by guarantee and in the format required by the Revenue commissioners to qualify for charitable status. The incorporation of the Company and the running of same under this new entity will necessitate a transfer of undertakings. This, effectively, transfers all employments, assets and liabilities to the new Company.

It is suggested that the composition of the Directors of the Company be as follows:-

- (1) Nominated by the Elected Members of the Council
- (2) Nominated by the County Manager
- (3) Nominated by the VEC
- (4) Nominated by the above 6 Directors

On the proposal of Councillor Mary Sweeney seconded by Councillor Jerry Lodge, the Members unanimously agreed to proceed with the establishment of the new Company as outlined above.

## **175. LAUNCH OF WORK IN LAOIS WEBSITE**

Mr. Oliver Dempsey, Barrowvale Technology was welcomed by the Cathaoirleach & members to the Meeting to launch the 'Work in Laois Website'. Mr. Ian McCormack, Senior Executive Officer informed the Members that this initiative will establish a skills base register where people can provide us with information about themselves so that their skills can be promoted to both employers already present or prospective employers who wish to locate in Laois. He also acknowledged the input of I.D.A. Ireland & Enterprise Ireland

The Members welcomed the initiative and complimented the Economic Development Section & Barrowvale Developments.

This concluded the business of the meeting.

**SIGNED:** \_\_\_\_\_ **CERTIFIED:** \_\_\_\_\_  
**CATHAOIRLEACH** **DIRECTOR OF CORPORATE AFFAIRS**

