

**MINUTES OF THE SEPTEMBER MEETING OF LAOIS COUNTY COUNCIL HELD IN ÁRAS AN
CHONTAE, PORTLAOISE ON 28TH OF SEPTEMBER 2009**

PRESENT: Councillors

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

APOLOGIES: Councillors

Paul Mitchell	John Moran
Brian Stanley	

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. Carmel McNicholl, Senior Executive Officer & Ms. Michelle McCormack, Executive Secretary

**148. CONFIRMATION OF THE MINUTES OF THE JULY MEETING HELD ON THE 27TH
OF JULY 2009**

On the proposal of Councillor James Deegan seconded by Councillor John Joe Fennelly, it was agreed that the Minutes of the July meeting held on the 27th of July 2009, as circulated be adopted and signed.

**149. CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING HELD ON THE 14TH
OF SEPTEMBER 2009**

On the proposal of Councillor Ray Cribbin seconded by Councillor John Joe Fennelly, it was agreed that the Minutes of the Special meeting held on the 14th of September 2009, as circulated be adopted and signed.

150. VOTE OF CONGRATULATIONS

Councillor James Deegan proposed that tribute be paid to all involved in the recent Ploughing Championships and in particular he highlighted the excellent traffic management. He also paid tribute to the staff of Laois County Council involved with the recent Electric Picnic Festival. Councillor Martin Phelan proposed that a letter be sent to Ms. Anna May McHugh to congratulate her on a successful event and also that we write to the National Ploughing Association to thank them and offer them our assistance for next year's event.

151. REPORT OF AREA MEETINGS HELD IN SEPTEMBER 2009

The reports on the area meetings held in September 2009 had been circulated to the Members

Councillor Michael Lalor expressed concern regarding the condition of the road at Rock Cross in Mountrath. He enquired as to the situation regarding funding .

Councillor James Deegan raised a query on the report of the Emo Area Meeting. He expressed concern at the removal of the Members powers in relation to the block road grant from the Department of the Environment & Local Government and the recent changes whereby this responsibility had now been assigned to the National Roads Authority. He indicated that the Minister should be requested to reverse this decision and that a question be put down in the Dáil and that the remit should revert back to the Members. It was also agreed that correspondence issue to the General County Councils, Local Authority Members Association & Association of Municipal Authorities in this regard and that a meeting be sought with the Minister. Councillor Padriag Fleming stated that every effort should be made by all the Local Authorities in this regard.

152. NOMINATIONS TO PORTLAOISE COMMUNITY ACTION PROJECT

The Members were advised that at the A.G.M. of Laois County Council held on the 19th of June 2009, two Members were appointed to the Laois Partnership Company Limited. However, Laois Partnership indicated that Portlaoise Community Action Project Board is separate to the new board formed by Laois Partnership Company.

On the proposal of Councillor Martin Phelan seconded by Councillor John Joe Fennelly, it was unanimously agreed that the following elected representatives that are currently on the board remain on the board:

Councillor Jerry Lodge
Councillor Mary Sweeney

Councillor Brian Stanely

153. FIX DATE FOR MEETINGS

It was unanimously agreed that the October Meeting of Laois County Council take place on the 19th of October 2009.

It was unanimously agreed that the December Meeting of Laois County Council take place on the 14th of December 2009.

It was unanimously agreed that the Budget Meeting in Committee take place on the 14th of December 2009 following the Monthly Meeting, if possible and that the Statutory Budget Meeting take place on the 18th of December 2009.

154. PART VIII OF THE LOCAL GOVERNMENT ACT, 2001 IN RESPECT OF PORTLAOISE MOUNTMELICK WATER SUPPLY IMPROVEMENT SCHEME

The Members were circulated with the planning report on the Part VIII. The works associated with the proposed development are

- Raw Water Storage and Blending Station at Straboe
- Reservoir at Acragar
- Reservoir at Coolbanagher
- Booster Station at Derryguile
- Upgrade and Expansion of the existing Kilminchy Water Treatment Plant

On the proposition of Councillor Patrick Bracken seconded by Councillor Seamus McDonald, the Members unanimously agreed to proceed with the proposed works. Mr. Gerry Gibson, Director of Services responded to the queries raised.

155. DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001 IN RESPECT OF EQUITY PART OF SHARED OWNERSHIP LOANS

The Members were circulated with a copy of Section 183 Notices in relation to Shared Ownership Loans.

On the proposition of Councillor Ray Cribbin seconded by Councillor Jerry Lodge, the members unanimously agreed to the following:

- (a) Disposal of equity interest in the property at 16 Marian Hill, Portarlinton, Co. Laois with the consideration for the transfer of the equity interest being €38,345.30
- (b) Disposal of equity interest in the property at Swan Road, Durrow, Co. Laois with the consideration for the transfer of the equity interest being €155,813.15

- (c) Disposal of equity interest in the property at 31 The Showgrounds, Rathdowney, Co. Laois with the consideration for the transfer of the equity interest in the property being €50,553.98
- (d) Disposal of equity interest in the property at Rathsaran, Glebe, Rathdowney, Co. Laois with the consideration for the transfer of the equity interest being €59,090.59

156. APPROVAL TO THE RAISING OF A LOAN NOT EXCEEDING €232,203 FROM THE HOUSING FINANCE AGENCY

Councillor William Aird proposed that the four local area Councillors meet separately to have a more detailed discussion on this item and that consideration of the item be deferred pending same.

157. LAOIS COUNTY COUNCIL CORPORATE PLAN 2009 – 2014

The Members were informed that work has now commenced on the preparation of the Laois County Council Corporate Plan for the period 2009 – 2014 and that Members would be provided with regular updates throughout the process. The County Manager indicated that this plan is a statutory requirement and will be a brief document outlining the aims of the organization for the next five years. The County Manager indicated that submissions are welcome from the Members prior to the 16th of October if possible and acknowledged input from Ms. Carmel McNicholl, Senior Executive Officer and the staff in the Corporate Affairs Department

158. NATIONAL TIDY TOWNS RESULTS 2009

The Members were circulated with the results of the 2009 National Tidy Towns Competition. It was noted that there was a substantial increase in marks awarded to towns and villages across the County and all the voluntary Tidy Towns Committees were complimented. The County Manager joined with the Members in complimenting the Tidy Towns Committees on their contribution and paid tribute to the Area Engineers & the Outdoor Staff and also to the Members for their support.

158. MIDLANDS ENERGY AGENCY – PRESENTATION BY MR. MARK MACAULAY, MANAGER

Mr. Mark Macaulay, Manager of the Midlands Energy Agency gave an update to the Members on the work of the Midlands Energy Agency to date.

Mr. Macaulay indicated that a 40% saving in energy costs for Laois County Council is envisaged overall but that significant investment may be required to achieve this.

A discussion ensued regarding the erection of wind turbines and Mr. Macaulay responded to the various queries raised.

The Cathaoirleach thanked Mr. Macaulay for a very comprehensive presentation. Mr. Peter Carey, County Manager indicated that Laois was instrumental in the establishment of the Midlands Energy Agency and that there has been excellent efficiency savings achieved to date.

159. RIVER BASIN MANAGEMENT PLAN

The Members were advised that the draft plans were published in December 2008. Work has commenced on the examination of submissions received and the completion of the plans.

Consultants have now been re-appointed at national level. County Laois is involved in two of the eight regions nationally. The Plan will be brought back to the Council in November with a full report and the financial implications will also be reflected in the new Plan.

The County Manager advised that there is a legal obligation on the Members to adopt the new plan and failing this, the County Manager is empowered to adopt it. There are onerous financial implications within the plan, the implementation will be challenging and the Members need to take cognisance of this.

160. APPROVAL TO THE RAISING OF A LOAN NOT EXCEEDING €232,203 FROM THE HOUSING FINANCE AGENCY

Members had a discussion with the Director of Services, Ms. Anna Marie Delaney who responded to the various queries. Upon clarification on a number of items, Councillor Ray Cribbin proposed the raising of a loan not exceeding €232,203 from the Housing Finance Agency Plc., for land acquisition at Bracklone Street, Portarlinton for housing purposes. This proposal was seconded by Councillor James Deegan.

161. ADOPTION OF CLIMATE CHANGE STRATEGY

The Members were presented with the draft Climate Change Strategy for 2009 – 2012. The draft was approved by Laois County Council in June 2009. No submissions were received during the public display period.

Mr. John Daly, Director of Services briefed the Members on the Strategy. He indicated that Members will be provided with a progress report next year. On the proposition of Councillor James Deegan seconded by Councillor Jerry Lodge, the Members unanimously agreed to adopt the Climate Change Strategy 2009-2012.

162. REPORT ON DEVELOPMENT CONTRIBUTIONS IN ACCORDANCE WITH SECTION 48 (14B) OF THE PLANNING & DEVELOPMENT ACT, 2000

Members were circulated with a report in relation to Development Contributions and Mr. Gerry Murphy informed the Members that there is a requirement under Section 48 of the Planning & Development Act 2000 to prepare a report which contains details of monies received in respect of development contributions and indicates how such monies have been expended. The report set out details of :

- (a) Contributions available at the 31/12/2007 collected and spent in 2008 under the adopted scheme
- (b) Special levies available at the 31/12/2007 collected and spent in 2008
- (c) Contributions available at the 31/12/2007 collected and spent under the 1963 Planning & Development Act and
- (d) Proposals in relation to the disbursement of contributions

The County Manager indicated that this Council has been hugely proactive in the provision of social infrastructure, e.g. libraries, leisure centres, playgrounds etc. However, currently there is a significant reduction in the amount of levies which will impact on the timescale for certain projects and this is unavoidable.

163. CORRESPONDENCE

The following items of correspondence which had been received since the last meeting were circulated:-

- (i) Response from the Department of the Environment, Heritage & Local Government dated the 13th of August 2009 in response to Notice of Motion No: 22/09 with regard to litter fines and the identification of household waste and packaging waste
- (ii) Response from the Office of the Minister for Agriculture, Fisheries and Food dated the 26th of August 2009 in response to Notice of Motion No: 23/09 with regard to REPS 4. Councillor Martin Phelan requested that a further letter issue to the Department in this regard.
- (iii) Response from the Office of Public Works received on the 10th of September 2009 in response to Notice of Motion No: 24/09 with regard to the maintenance of the River Nore

- (iv) Response from the Department of the Environment, Heritage & Local Government dated the 20th of August 2009 with regard to the Register of Electors and the use of PPS Numbers

164. NOTICE OF MOTIONS

Notice of Motion No: 26/09 – Councillor William Aird

Councillor William Aird proposed the following Notice of Motion:

“That this meeting is informed about the procedure for viewing of houses by potential tenants on the social housing list who have been made provisional offers of tenancy”

This motion was seconded by Councillor Martin Phelan. The Members were informed that it is not the policy of Laois County Council to permit viewing of houses following provisional offers of tenancy. However, in exceptional circumstances, viewing is permitted for persons with special needs/disabilities. Councillor Aird requested that people who request a viewing should be facilitated. Ms. Anna Marie Delaney, Director of Services indicated that the Members comments would be taken into consideration.

Notice of Motion No: 27/09 – Councillor William Aird

Councillor William Aird proposed the following Notice of Motion:

“That Laois County Council request the Ceann Comhairle, Mr. John O’ Donoghue to re-imburse the Irish people with the excessive expenses he has received during his term as Minsiter for Sport”

This motion was seconded by Councillor Martin Phelan

Notice of Motion No: 28/09 – Councillors Ray Cribbin, Paul Mitchell, Tom Mulhall & James Deegan

“That Laois County Council should cease farm inspection because the Department of Agriculture is carrying out these same inspections on farms”

This motion was seconded by Councillor Brendan Phelan. The Members were advised that the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 place particular duties on public authorities. The Department of Agriculture, Fisheries and Food is charged with the responsibility for making action plans and carrying out monitoring and evaluation programmes to ensure the effectiveness of these action plans. The E.P.A. has the responsibility of reporting on the effectiveness of these regulations to the Minister for Environment, Heritage and Local Government. The duties of

the local authorities include carrying out monitoring programmes to evaluate the extent of water pollution, carrying out of farm inspections and reporting of non-compliances to the Department of Agriculture, Fisheries and Food.

It is Section 30 of these regulations that specifically requires Laois County Council to carry out or to cause to carry out inspections of farm holdings as is necessary to see that these regulations are being complied with. Section 26 of these regulations also places the responsibility of enforcing these regulations on the local authorities and the E.P.A. The duties of prosecution have not been given to the Department of Agriculture, Fisheries and Food. It is clear, therefore, that the inspections being carried out by the Department of Agriculture, Fisheries and Food are different from those required under these regulations.

Laois County Council have been carrying out farm inspections for a number of years and is grateful to the farming community for their co-operation in the past and their continued co-operation in assisting the Council to carry out it's statutory duties.

There was some discussion on this issue and the Members requested further clarification.

Notice of Motion No: 29/09 – Councillor Kathleen O' Brien

Councillor Kathleen O' Brien proposed the following Notice of Motion:-

“That Laois County Council put in place a policy that all local authority houses are re-allocated within three months of vacancy”

This motion was seconded by Councillor Jerry Lodge. The Members were advised that Laois County Council is committed to managing voids effectively to maximise rental income and minimise housing waiting times. Laois County Council recognises that carrying out essential void repairs quickly and prompt allocation will reduce the period for which dwellings are unoccupied and consequently lowers the risk of vandalism.

Laois County Council is working towards a target of re-letting a vacant dwelling within three months of vacancy within the limit of available resources.

Notice of Motion No: 30/09 – Councillor Kathleen O' Brien

Councillor Kathleen O' Brien proposed the following Notice of Motion:-

“That Laois County Council call on the H.S.E. not to suspend admission to St. Vincent's Hospital, Mountmellick and calls on the Government to lift the embargo on staff recruitment in hospitals for the elderly people in need of care”

This motion was seconded by Councillor William Aird. Councillor O' Brien requested that a letter issue to the H.S.E. in this regard.

SIGNED:

CATHAOIRLEACH

CERTIFIED:

DIRECTOR OF CORPORATE AFFAIRS