

**MINUTES OF THE SEPTEMBER MEETING OF LAOIS COUNTY COUNCIL HELD IN ÁRAS AN  
CHONTAE ON THE 30<sup>TH</sup> OF SEPTEMBER 2013**

**PRESENT:** Councillors Mary Sweeney In the Chair

**APOLOGIES:** Councillor Rotimi Adebari William Aird  
John Bonham Patrick Bracken  
Ben Brennan Ray 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 Moran  
Tom Mulhall Kathleen O' Brien  
Brendan Phelan Martin Phelan  
Lisa Delaney

**IN ATTENDANCE:**

Messers Peter Carey, County Manager, Kieran Kehoe, Director of Services, Gerry Murphy, Head of Finance, Ms. Anna Marie Delaney, Director of Services, & Ms. Michelle McCormack, Executive Secretary.

**81. VOTE OF CONGRATULATIONS**

On the proposition of Councillor Mary Sweeney, Cathaoirleach, a vote of congratulations was extended to Ms. Anna May McHugh, Managing Director of the National Ploughing Association and her team on the recent successful National Ploughing Championships in Ratheniska which attracted a record number of 275,000 visitors. The Cathaoirleach also complimented the Ratheniska Band, The Laois School of Music & Ms. Aideen Morrin on their performances during the Championships.

The Members conveyed thanks and congratulations to Mr. Peter Carey, County Manager, Mr. Kieran Kehoe, Director of Services and all staff of Laois County Council together with An Garda Síochána on the excellent traffic management plan and the provision of services which contributed to the success of the event.

Congratulations was also extended to Mr. John Moran, M.C.C. on his participation in the event. The County Manager, Mr. Peter Carey indicated that the National Ploughing Championships was a very proud moment for Laois and was a hugely successful event. The County Manger thanked the community of Ratheniska and the broader area including the landowners and also complimented Mr. Kieran Kehoe, Director of Service & his team including Ms. Orla Barrett, Senior Executive Engineer & all the outdoor staff involved.

Councillor Michael Lalor highlighted the recent success of The James Fintan Lalor Inaugural School 2013 which was held in the Dunamais Theatre & Centre for the Arts held on the 20<sup>th</sup> & 21<sup>st</sup> of September 2013. Councillor Lalor expressed thanks to the

County Manager, Mr. Peter Carey and Mr. Ian McCormack, Senior Executive Officer and all the staff involved with the organisation of the event.

The County Manager also complimented the staff and committee involved and the Lalor Clan and indicated that this will be supported into the future

Councillor John Joe Fennelly extended a vote of congratulations to the Abbeyleix Team on recently winning the Senior B Hurling title and to their Manager, Mr. Anthony Coffey.

Councillor Seamus McDonald extended a vote of congratulations to the Kilcavan Football team on recently winning the County Football Final.

### **QUEUES OUTSIDE MOTOR TAXATION OFFICE**

The Cathaoirleach, Councillor Mary Sweeney raised concern in relation to the queue outside the Motor Tax Office in view of the recent regulations and the deadline of the 30<sup>th</sup> of September 2013. Mr. Gerry Murphy, Head of Finance indicated that the queues were being dealt with as efficiently as possible to facilitate everyone and that staff were dedicated to going through the queue to help minimise unnecessary delays. He also indicated that there had been a three month transition for the new procedures for declaring a vehicle off the road. The Head of Finance also indicated that anyone who is in the queue before 3.30 p.m. would be accommodated.

It was also noted that these queues were not particular to Laois and that it is an issue nationally.

### **82. CONFIRMATION OF THE MINUTES OF THE JULY MEETING OF LAOIS COUNTY COUNCIL HELD ON THE 29<sup>th</sup> of July 2013**

On the proposition of Councillor James Deegan seconded by Councillor Paul Mitchell, the Minutes of the July Meeting held on the 29<sup>th</sup> of July 2013 were confirmed as circulated.

### **83. FIX DATE FOR MEETINGS**

- (i) On the proposition of Councillor James Deegan seconded by Councillor Ray Cribbin, it was unanimously agreed that the October monthly meeting of Laois County Council would be held on the 21<sup>st</sup> of October 2013 at 11.00 a.m.
- (ii) On the proposition of Councillor Ray Cribbin seconded by Councillor John King, it was unanimously agreed that the December monthly meeting of Laois County Council would be held on the 9<sup>th</sup> of December at 11.00 a.m.
- (iii) On the proposition of Councillor Patrick Bracken seconded by Councillor John Bonham, it was unanimously agreed that the Budget meeting, in committee, would be held on the 9<sup>th</sup> of December 2013 at 2.00 p.m.

- (iv) On the proposition of Councillor Patrick Bracken seconded by Councillor John Bonham, it was unanimously agreed that the Budget meeting would be held on the 16<sup>th</sup> of December 2013 at 11.00 a.m.

**84. DISPSOAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001**

**(I) DISPSOAL OF 2.387 HECTARES OF LAND AT BUSHFIELD, BORRIS-IN-OSSORY, CO. LAOIS**

On the proposition of Councillor John King seconded by Councillor Brendan Phelan, the Members unanimously agreed to the disposal of 2.387 hectares of land at Bushfield, Borris-in-Ossory, Co. Laois in the townland of Bushfield or Maghernaskeagh, Borris-in-Ossory, Co. Laois for a consideration of €2,500.00

**(ii) DISPOSAL OF 0.522 HECTARES OF LAND AT SHANAUAUGHEY, BALLACOLLA, CO. LAOIS**

On the proposition of Councillor Martin Phelan seconded by Councillor David Goodwin, the Members unanimously agreed to the disposal of 0.522 hectares of land at Shanavaughey, Ballacolla, Co. Laois in the townland of Curragh, Ballacolla, Co. Laois for a consideration of €1,250.00

**(iii) DISPOSAL OF 0.084 HECTARES OF LAND AT CLONARD, MOUNTRATH, CO. LAOIS**

On the proposition of Councillor John Joe Fennelly seconded by Councillor Michael Lalor, the Members unanimously agreed to the disposal of 0.084 hectares of land at Clonard, Mountrath, Co. Laois in the townland of Clonard or Cappaloughlin, Mountrath, Co. Laois for a consideration of €950.00

**(iv) DISPOSAL OF PROPERTY AT NO. 6 STATION ROAD, PORTARLINGTON, CO. LAOIS**

On the proposition of Councillor Ray Cribbin seconded by Councillor Paul Mitchell, the Members unanimously agreed to the disposal of property at No. 6 Station Road, Portarlinton, Co. Laois in the townland of Cooltederry for a consideration of €36,000

**(v) DISPOSAL OF 0.4648 HECTARES OF LAND AT CORBALLY, BALLYLINAN, CO. LAOIS**

On the proposition of Councillor James Daly seconded by Councillor James Deegan, the Members unanimously agreed to the disposal of 0.4648 hectares of land at Corbally, Ballylinan, Co. Laois in the townland of Corbally for a consideration of €100

**(vi) DISPOSAL OF PROPERTY AT 35 CASTLEGATE, PORTARLINGTON, CO. LAOIS**

On the proposition of Councillor Paul Mitchell seconded by Councillor Tom Mulhall, the Members unanimously agreed to the disposal of property at 35 Castlegate, Portarlington, Co. Laois in the townland of Droughill for a consideration of €71,000

**(vii) DISPOSAL OF PROPERTY AT 410 MARKET MEWS, MARYBOROUGH VILLAGE, MOUNTRATH ROAD, PORTLAOISE, CO. LAOIS.**

On the proposition of Councillor Rotimi Adebari seconded by Councillor Kathleen O' Brien, the Members unanimously agreed to the disposal of property at 410 Market Mews, Maryborough Village, Mountrath Road, Portlaoise, Co. Laois in the townland of Clonroosk Little for a consideration of €65,000

**85. TAKING IN CHARGE**

**(i) TAKING IN CHARGE OF BROTHERTON, GRAIGUECULLEN**

On the proposition of Councillor Padraig Fleming seconded by Councillor James Daly, the Members unanimously agreed to the taking in charge of Brotherton, Graiguecullen

**(ii) TAKING IN CHARGE OF KILNACOURT WOODS (PHASE I AND II)**

On the proposition of Councillor Ray Cribbin seconded by Councillor Tom Mulhall, the Members unanimously agreed to the taking in charge of Kilnacourt Woods (Phase I & II)

**86. UPDATE ON LOCAL GOVERNMENT SHARED SERVICES CENTRE – PAYROLL & SUPERANNUATION**

The Members were advised that following a competitive bidding process and the decision of the Local Authority Shared Services Payroll & Superannuation Evaluation Committee, Laois County Council have been awarded the operation of the Shared Payroll and Superannuation Services on behalf of all Local Authorities.

The County Manager, Mr. Peter Carey advised the Members that the Public Sector Reform Oversight Group approved the appointment of Laois County Council to run and operate the Payroll Superannuation Shared Services Centre and the project will be based on the top floor of Laois County Council which was recently refurbished.

It was noted that the annual savings under the project have been estimated at €4.43 million realising significant efficiencies for the sector.

The County Manager advised that the vacancies for the project will be filled from our own internal staff together with redeployments from other Local Authorities. However, expressions of interest will be sought from suitably qualified employees also.

The Members welcomed the project and complimented Laois County Council on securing the project. The County Manager extended thanks to all staff and in particular thanked Mr. John Forde, Head of Information Systems & Mr. Dermot O' Loughlin, Project Manager, Core for their expertise and commitment to the project.

#### **87. DRAFT MIDLANDS REGION HOMELESSNESS ACTION PLAN 2013-2017**

The Members were circulated with a copy of the draft Midlands Region Homelessness Action Plan 2013 – 2017. The Members were advised that the first Midlands Regional Homelessness Action Plan was adopted in 2010. In accordance with Section 40(10) of the Housing (Miscellaneous Provisions) Act, a new plan was adopted in March 2013.

It is a requirement that the plans should be informed by available data, the costs of measures and likely financial resources as well as Government policies and objectives and in this regard Section 37(3) of the Housing (Miscellaneous Provisions) Act, 2009 refers. It is essential that plans reflect the housing-led approach advocated in the recently published Homelessness Policy Statement and that the plans incorporate provisions for meeting the target of ending long term homelessness by the end of 2016. The Plans should also take account of the development and rollout of PASS to the region and the provision of information on the set of homelessness indicators published as part of the Homelessness Policy Statement.

The devolved allocation – based system for homeless funding as highlighted in 'Putting People First – Action Programme for Effective Local Government should also be reflected in the plans. The amendments to the Draft Midlands Region Homelessness Action Plan 2013 – 2016 presented takes account of all of the above requirements. On the proposition of Councillor Tom Mulhall seconded by Councillor Catherine Fitzgerald, the Members unanimously adopted the Draft Midlands Region Homelessness Action Plan 2013 – 2017 and the amendments.

#### **88. PRESENTATION BY MR. AIDAN CORCORAN, ISPCA**

The Members welcomed Mr. Aidan Corcoran from the ISPCA who gave a very comprehensive presentation on the Laois Dog Warden Service and the Stray Dog & Sheep Worrying issue. The presentation also dealt with the following Notice of Motion which was passed at the May meeting of Laois County Council tabled by Councillor Martin Phelan:-

“That this Council request the ISPCA to address a future meeting of Laois County Council to discuss the issue of stray dogs which kill and worry sheep flocks”.

The Members thanked Mr. Aidan Corcoran for his very informative presentation.

## **89. PRESENTATION BY MS. BERNIE FORAN, A/COUNTY LIBRARIAN ON THE DRAFT PUBLIC LIBRARIES STRATEGY 2013 – 2017**

Ms. Berne Foran, A/County Librarian delivered a very comprehensive presentation on the Draft Public Libraries Strategy 2013 – 2017 and advised the Members that the Public Consultation would take place until mid October 2013.

The Members together with the County Manager paid tribute to Ms. Bernie Foran, A/County Librarian on the excellent service which is currently being provided.

## **90. CORRESPONDENCE**

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

- (i) Correspondence received from the Office of the Minister for Housing & Planning dated the 29<sup>th</sup> of August 2013 in relation to Notice of Motion No: 06/2013
- (ii) Correspondence received from the Office of the Minister for Housing & Planning dated the 6<sup>th</sup> of September 2013 in relation to Notice of Motion No: 11/2013
- (iii) Correspondence received from the Office of the Minister for the Environment, Community & Local Government dated the 8<sup>th</sup> of August 2013 in relation to Notice of Motion No: 14/2013

## **91. NOTICE OF MOTIONS**

It was agreed to deal with Notice of Motion No: 24/2013, 25/2013, 26/2013 & 28/2013 as follows:-

### **Notice of Motion No: 24/2013**

Councillors Paul Mitchell, Ben Brennan, David Goodwin, Tom Mulhall, James Deegan, Michael Lalor, John King, Martin Phelan, John Bonham, James Daly, John Moran, William Aird, Mary Sweeney & Kathleen O' Brien proposed the following Notice of Motion:-

***“That this Council supports the campaign of the Restaurants Association of Ireland to keep the V.A.T. rate for tourism and hospitality at 9% into 2014 and beyond”***

### **Notice of Motion No: 25/2013**

Councillor Lisa Delaney proposed the following Notice of Motion

***“That Laois County Council support the campaign of the Restaurants Association of Ireland to keep the V.A.T rate for tourism and hospitality at 9% into 2014 and beyond”***

**Notice of Motion No: 26/2013**

Councillor Ray Cribbin proposed the following Notice of Motion

***“That Laois County Council supports the campaign of the Restaurants Association of Ireland to keep the VAT rate for tourism and hospitality at 9% into 2014 and beyond”***

**Notice of Motion No: 28/2013**

Councillor Padraig Fleming proposed the following Notice of Motion

***“That Laois County Council support the campaign of the Restaurants Association of Ireland to keep the VAT rate for tourism and hospitality at 9% into 2014 and beyond”***

The above Notices of Motion were seconded by Councillor John King.

It was agreed that correspondence issue to the Restaurants Association of Ireland in this regard.

**Notice of Motion No: 27/2013**

Councillor Mary Sweeney proposed the following Notice of Motion

***“That this Planning Authority pursuant to Section 13 of the Planning and Development Act (2000) resolves to vary the Laois County Development Plan as follows:  
That the County Manager change areas referenced as appropriate and suitable for wind farms by adding the following:-***

***“That no planning permission shall issue for a wind farm in County Laois until after such time as the revised National Planning Guidelines are reviewed and revised”***

This Notice of Motion was seconded by Councillor Lisa Delaney.

The Members were advised that it is premature at this time to vary the County Laois Wind Strategy as contained within the Laois County Development Plan 2011-2017. The Department of the Environment, Community & Local Government have advised that the indicative timetable for the publication of the draft guidelines is Quarter 4 2013. The draft guidelines will go out for extensive public consultation for a period of 6 weeks to 2 months to allow for publication of the final guidelines in 2014. Once the consultation period is closed, the submissions received on the draft guidelines are considered and taken into account in the final form of the guidelines.

They have also advised that in the meantime all applications for wind energy development must be rigorously assessed in the light of the detailed advice in the 2006 guidelines. The Laois County Wind Energy Strategy was prepared having due consideration for the 2006 guidelines so therefore any variation currently would be contrary to Department guidance in this respect.

Furthermore, the Department of Communications, Energy & Natural Resources are currently preparing a policy framework for renewable energy export. A Draft Strategy will be put on public display for public consultation. It is anticipated that this will be in place in late 2014. Following the consideration and direction of the new guidelines from both the DOECLG and DCENR, Laois County Council will review the County Wind Strategy within the Laois County Development Plan 2011 – 2017 and propose to amend accordingly by way of a variation or otherwise.

The County Manager indicated that he fully accepts the concerns of the residents. However, he can only act on the current County Development Plan and Wind Energy Strategy. The County Manager again reiterated that there is no legal basis for a moratorium. The new guidelines are imminent as outlined. He stated that he could not act as a result of a motion being passed unless the legal requirements of the Planning & Development Act, 2000 as amended were met in full.

Ms. Angela McEvoy, Senior Planner responded to the various concerns of the Members.

### **Notice of Motion No: 30/2013**

Councillor Pdraig Fleming & Councillor Catherine Fitzgerald proposed the following Notice of Motion:-

***“That Laois County Council commence the midterm review of the current County Development Plan in October 2013 and that this review would specifically examine the wind energy strategy for County Laois with a view to making appropriate amendments of variations to the Development Plan to take account of proposed developments that we are now aware of that were not possible to have been taken into account when the current Development Plan was being drafted and approved”***

This motion was seconded by Councillor Catherine Fitzgerald.

The Members were advised that Laois County Council will present a Managers Report on the 2 year review of the objectives of the Laois County Development Plan 2011 – 2017 at the October Council Meeting.

Laois County Council have been advised by the Department of the Environment, Community & Local Government that Draft Wind Energy Guidelines are imminent and Laois County Council will have an opportunity to make a submission to these guidelines prior to their final completion. Furthermore, the Department of Communications, Energy & Natural Resources are currently preparing a policy framework for renewable energy



export. A draft strategy will be put on public display for public consultation. It is anticipated that this will be in place in late 2014.

Following the consideration and direction of the new guidelines from both the DOECLG and DCENR, Laois County Council will review the County Wind Strategy within the Laois County Development Plan 2011 – 2017 and propose to amend accordingly by way of variation or otherwise.

The County Manager, Mr. Peter Carey stated that he could not act as a result of a motion being passed unless the legal requirements of the Planning & Development Act, 2000 as amended were met in full.

The County Manager again re-iterated that this is a legal process and accordingly there was an obligation on the Council to comply.

#### **Notice of Motion No: 29/2013**

Councillor Padraig Fleming proposed the following Notice of Motion:-

***“That Laois County Council adopt a bye-law for all housing estates in County Laois to reduce the speed limits to 30km per hour”***

This motion was seconded by Councillor Ben Brennan. The Members were advised that Laois County Council will be undertaking a review of the Speed Limits for the County in the coming months. A consideration of the appropriate speed limits for housing estates will be included, as part of this review.

#### **Notice of Motion No: 31/2013**

Councillor Rotimi Adebari proposed the following Notice of Motion:

***“That this Council calls on the Minister for the Environment, Community & Local Government, Mr. Phil Hogan, T.D., to see that unemployed people are given every opportunity to apply for polling station and count centre positions in the forthcoming referendum and future elections”***

This motion was seconded by Councillor Brendan Phelan. It was agreed that correspondence issue to the Minister for the Environment, Community & Local Government in this regard.

#### **Notice of Motion No: 32/2013**

Councillor Catherine Fitzgerald proposed the following Notice of Motion:-

***“That this Council request the Department of Environment, Community & Local Government to bring in a scheme to allow people in social housing to change from gas/oil to stove solid fuel heating”***

This motion was seconded by Councillor Brendan Phelan. It was agreed that correspondence issue to the Minister for the Environment, Community & Local Government in this regard.

**SIGNED:** \_\_\_\_\_

\_\_\_\_\_  
**CATHAOIRLEACH**

**CERTIFIED:**

**DIRECTOR OF CORPORATE  
AFFAIRS**