

**MINUTES OF NOVEMBER MEETING OF LAOIS COUNTY COUNCIL HELD ON THE 27<sup>TH</sup> NOVEMBER 2006 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00 A.M.**

<b>PRESENT:</b>	<b>Councillor</b>	<b>Michael Lalor</b>	<b>In the Chair</b>
	<b>Councillors</b>	<b>John Bonham</b>	<b>Paddy Bracken</b>
		<b>Ray Cribbin</b>	<b>James Daly</b>
		<b>James Deegan</b>	<b>William Aird</b>
		<b>John Joe Fennelly</b>	<b>Mary Sweeney</b>
		<b>David Goodwin</b>	<b>John D Turley</b>
		<b>Jerry Lodge</b>	<b>Bill Delaney</b>
		<b>Seamus McDonald</b>	<b>Michael Moloney</b>
		<b>Dick Miller</b>	<b>Paul Mitchell</b>
		<b>John Moran</b>	<b>Brendan Phelan</b>
		<b>Martin Phelan</b>	<b>Michael Rice</b>
		<b>Brian Stanley</b>	<b>Thomas Jacob</b>

**APOLOGIES:** Councillors                      Larry Kavanagh                      Catherine Fitzgerald

**IN ATTENDANCE:**

**Mr. Peter Carey, County Manager; Mr. Gerry Gibson, Director of Services; Mr. Declan Byrne, Director of Services; Mr. Gerry Murphy, Head of Finance; Mr. Michael O'Hora, Senior Engineer; Mr. Gerry Gillen, Senior Executive Officer Corporate Affairs; Ms. Anna-Marie Delaney, Director of Services; Ms. Mary White, Senior Engineer; Ms. Breda Creed, Acting Assistant Staff Officer.**

**152. URGENT BUSINESS**

**At the commencement of the meeting, Councillor Martin Phelan who is a member of the Kyletalesha Monitoring Committee proposed that the Council consider issues pertaining to the landfill site at Kyletalesha. The proposal was seconded by Councillor Paddy Bracken and the Cathaoirleach allowed a discussion to take place. The Cathaoirleach indicated that the discussion was being allowed in light of the fact that concerns had emerged in relation to odours that were emanating from the Landfill at Kyletalesha. Various concerns were raised by Members on behalf of the local community. Mr. John Daly, Director of Services, replied to Members questions and outlined details of the work that had been undertaken and further proposed works that would be undertaken at the facility.**

The County Manager, Mr. Peter Carey, stated that the landfill at Kyletalesha is operated under a licence that is issued by the Environmental Protection Agency. He assured the Members of his commitment to working with the Monitoring Committee and the Residents Association to address their concerns relating to the recent difficulties at the site.

#### 153. VOTE OF CONGRATULATIONS

Councillor John Joe Fennelly proposed that the congratulations of the Council be extended to the Harps Camogie Club with regard to the recent achievement of the club in winning the All Ireland Junior Camogie Title. This proposal was seconded by Councillor Bill Delaney. The Members agreed unanimously to extend the congratulations of the Council to the club.

#### 154. CONFIRMATION OF MINUTES

On the proposition of Councillor William Aird which was seconded by Councillor Paddy Bracken, it was unanimously agreed that the Minutes of the Meeting of Laois County Council held on the 23<sup>rd</sup> October, 2006 as circulated be adopted and signed.

#### 155. MATERIAL CONTRAVENTION OF THE COUNTY DEVELOPMENT PLAN 2000 IN ACCORDANCE WITH SECTION 34 (6) OF THE PLANNING & DEVELOPMENT ACT, 2000 IN RELATION TO:- PLANNING REF: 05/1098 - TO GRANT PERMISSION TO CONSTRUCT A 75 BEDROOM HOTEL, 76 DWELLING UNITS, CRÈCHE, CAR PARKING AND ASSOCIATED SITE WORKS AT IRISHTOWN MOUNTMELICK, CO. LAOIS.

A proposal was made by Councillor Paddy Bracken that the County Development Plan be contravened to facilitate this development.

This proposal was seconded by Councillor Michael Moloney and as there were no dissenting voices the resolution was deemed to have been adopted by the Cathaoirleach.

**156. PART V111 OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS 2001.**

**(a) Laois Towns and Villages Wastewater Improvement Scheme - Abbeyleix Wastewater Treatment Plant as follows:**

The Members had been circulated with the Planning Report in relation the proposed development which is to consist of:

A wastewater treatment works with a design population equivalent of 4,000. The proposed wastewater treatment works is to be constructed on a new site approximately 0.5km west of the existing wastewater treatment works in Abbeyleix.

Mr John Daly, Director of Services, replied to Members queries regarding proposed Wastewater Improvement Schemes at Rathdowney and Timahoe. On the proposition of Councillor John Bonham which was seconded by Councillor Michael Moloney, the Members unanimously agreed to proceed with the proposed development.

**(b) Section of Road, Stradbally By-Pass between the N80 Portlaoise and Regional Road R427 Vicarstown road.**

On the proposal of Councillor James Deegan which was seconded by Councillor Ray Cribbin the Members unanimously agreed to defer the consideration of this item and to revisit the issue at a future date.

As there were no dissenting voices this proposal was deemed to have been adopted by the Cathaoirleach.

**157. STATUTORY AUDIT REPORT ON THE STATEMENT OF ACCOUNTS FOR YEAR ENDING 31<sup>ST</sup> DECEMBER 2005.**

Mr. Gerry Murphy, Head of Finance, gave a summary of the contents of the report which had been issued by the Local Government Auditor. The Members noted that the contents of the Auditor's Report were of a positive nature. Mr. Peter Carey, County Manager, welcomed the fact that the report was positive in general and paid tribute to the work of the employees in the Finance Department and the Head of Finance.

**158. UPDATE WITH REGARD TO THE PROPOSED DEVELOPMENT OF STRADBALLY COURTHOUSE.**

Mr. Declan Byrne, Director of Services, gave an account of the progress that was being made with regard to seeking funding for proposed re-development works at Stradbally Courthouse. He advised that following consultation with the Area Members and the local community he had made an application for funding to refurbish and develop Stradbally Courthouse.

The Members welcomed the proposal to undertake the re-development work. Mr. Peter Carey, County Manager, welcomed the Members support and stressed the importance of protecting the built heritage within the county. He added that the proposed uses that would be undertaken in the Courthouse if it is re-developed would enhance the social infrastructure available in the Stradbally area.

**159. APPROVAL OF OVERDRAFT ACCOMMODATION IN THE SUM OF €6,000,000 FOR THE HALF YEAR ENDED 30<sup>TH</sup> JUNE, 2007.**

On the proposition of Councillor James Daly which was seconded by Councillor John Joe Fennelly, the Members unanimously granted approval to the raising of overdraft accommodation in the sum of €6,000,000 for the half year ended 30<sup>th</sup> June, 2007.

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

On the proposition of Councillor Michael Moloney which was seconded by Councillor Paddy Bracken, the Member unanimously agreed to the Disposal of 0.0065 Hectares (65m<sup>2</sup>) at 7 Emmet Street, Mountmellick to Nicholas & Sarah Henihan, 7 Emmet Street, Mountmellick for the sum of €127.00.

**161. TAKING IN CHARGE OF TRIOGUE MANOR, GREEN MILL LANE, PORTLAOISE, CO. LAOIS.**

Mr. Gerry Gibson responded to questions that were posed by Members with regard to the Taking in Charge of this development. The Members welcomed the fact that it was proposed to Take in Charge the development and acknowledged the work of the employees in the Planning Department that had led to the current proposal being brought forward. On the proposal of

Councillor William Aird which was seconded by Councillor Tom Jacob, the Members unanimously agreed to the Taking in Charge of Triogue Manor, Green Mill Lane, Portlaoise, Co. Laois.

162. LAOIS COUNTY DEVELOPMENT PLAN 2006-2012.

MINISTERIAL DIRECTION TO THE COUNCIL UNDER SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)

Councillor James Deegan proposed that that discussion on this item be adjourned. This proposal was seconded by Councillor Brian Stanley.

Councillor William Aird proposed that a Special Meeting of the Council be convened on Monday 22<sup>nd</sup> January, 2007 at 2.00 p.m. to discuss the implications of the Ministerial Directive. This proposal was seconded by Councillor James Daly.

In reply to issues that were raised the County Manager stated that the Members had been fully informed by him in relation to the legal position and the legal process. The Manager made reference to the information briefing sessions that had been held prior to the Council Meeting to inform the Members fully of the position. A written report was also circulated to each Member at the Meeting.

He stated that, as he had outlined at the briefing sessions, independent legal advice had been obtained on behalf of the Council. This advice was available for viewing by any Member.

In reply to a further query the Manager said it was a matter for any individual Councillor or group of Councillors, if they so wished, to get their own legal advice.

The Manager confirmed that all information pertaining to the County Development Plan that was in the possession of the Planning Authority was available for inspection by any Councillor. In conclusion he said that while he respected the wishes of the Council to adjourn any discussion on the matter the legal position and process had been clearly outlined and there should be no misunderstanding in relation to this process which has commenced. He reiterated that the Act did not confer any discretionary power whatsoever in relation to the implementation of the Ministerial Directive.

Councillor Gerry Lodge then expressed the view that the convening of a Special Meeting to consider the matter would not serve any useful purpose. He stated that the legal advice that had been received was clear.

Councillor William Aird then called on the Cathaoirleach to conduct a Roll Call vote in relation to the proposal that he had made earlier which had been seconded. The Roll Call vote was then taken.

(a) The result of the vote was taken was as follows:-

COUNCILLOR	FOR	Against	Absent
Name			
William Aird	√		
John Bonham	√		
Patrick Bracken	√		
Raymond Cribbin	√		
James Daly	√		
James Deegan	√		
Bill Delaney	√		
John Joe Fennelly	√		
Catherine Fitzgerald			√
David Goodwin	√		
Thomas Jacob	√		
Larry Kavanagh			√
Michael Lalor	√		
Jeremiah Lodge	√		
Seamus McDonald			√
Michael Moloney	√		
Dick Miller	√		
Paul Mitchell	√		
John Moran	√		
Brendan Phelan	√		
Martin Phelan	√		
Michael Rice	√		
Brian Stanley	√		

Mary Sweeney	√		
John D Turley	√		
<b>TOTAL</b>	22		3

The Cathaoirleach deemed the proposal to have been carried.

**163. CONSIDERATION AND ADOPTION OF POLICY ON THE "TAKING-IN-CHARGE HOUSING ESTATES" AS RECOMMENDED BY THE PLANNING & TRANSPORTATION STRATEGIC POLICY COMMITTEE.**

The Policy Document, which had been circulated to the Members, was presented by Councillor John Joe Fennelly, Chairperson of the Planning & Transportation Strategic Policy Committee. Mr Gerry Gibson explained that this Policy relates exclusively to the Taking in Charge of infrastructural services and those issues such as the minimum distance between E.S.B. columns and boundaries are addressed through the planning process. In a related issue Councillor William Aird, suggested that the Planning and Transportation Strategic Policy Committee should explore how pre-planning meetings might better address amendments to Planning Applications. Councillor John Joe Fennelly undertook to have this matter included on the agenda of a future meeting of the Strategic Policy Committee.

**164. CORRESPONDENCE.**

The following items of correspondence were read by Mr. Gerry Gillen, Senior Executive Officer, Corporate Affairs.

- (1) Circular F. 19/06 Register of Electors 2007/2008
- (2) Correspondence received from the Health Service Executive in reply to a letter issued as a result of Notice of Motion 50/06, regarding the provision of hostel accommodation to persons who find themselves homeless as a result of crisis situations.

- (3) **Matters arising from Portlaoise Area meeting 20<sup>th</sup> November, 2006  
Notice of Motion P110/06- Councillor William Aird.**

**"That we the Members of Portlaoise Area request a meeting with the IDA to discuss possible strategies for attracting employment to the IDA Business Park on the Mountrath Road, Portlaoise"**

**This Notice of Motion had been considered at the most recent meeting of Portlaoise Area Council. Councillor Willie Aird sought support for the proposal to invite representatives of the IDA to address a Council Meeting. The Members supported Councillor Aird and it was agreed that a letter should be issued to the I.D.A. in that regard.**

**165. ANY OTHER BUSINESS**

**Councillor Dick Miller expressed concerns regarding the implementation of the EU Directive specifying dates for the spreading of slurry. The Members agreed that a letter should be issued to the Minister for Agriculture requesting that farmers be allowed to use their own discretion in this regard.**

**166. NOTICES OF MOTION:**

**Notice of Motion No 56/06 - Councillor William Aird**

**"That Laois County Council call on the Minister for Social and Family Affairs to alter the term "Deserted Wives Allowance" and to replace it with a less demeaning title".**

**The Motion was seconded by Councillor Brian Stanley. The Members unanimously agreed to support the motion and also agreed that a letter regarding the above should be forwarded to the Local Authority Members Association seeking support for this Notice of Motion.**

**Notice of Motion No 57/06 - Councillor William Aird**



**"That Laois County Council call on the Minister for Finance to provide assistance for first time buyers by way of a Mortgage Subsidy for a minimum period of five years".**

**The motion was seconded by Councillor Michael Moloney. The Members unanimously agreed to support the motion.**

**Notice of Motion 58/06 - Councillor William Aird.**

**"That Laois County Council call on the Minister for the Environment to liaise with the NRA, with a view to ensuring that Ghost Islands are provided at junctions where they are required, without the necessity for the junction to be firstly designated as being accident prone".**

**This motion was seconded by Councillor Martin Phelan. The Members unanimously agreed to support the motion and it was agreed that a letter should be issued to the NRA requesting that a representative attend a meeting of the Council to address the concerns that had been raised by the Members.**

**Notice of Motion 59/06 Councillor Michael Moloney**

**"That Laois County Council cease summoning property owners for litter under the Litter Pollution Act, 1997 to 2003 in respect to third party litter, and that a request be forwarded to the Minister of the Environment to amend the legislation and rescind the relevant section of the Act which is both arbitrary and unjust".**

**The motion was seconded by Councillor Jerry Lodge.**

**Mr Gerry Gillen, read the reply to the Notice of Motion which was as follows:**

**In accordance with the provisions of the Litter Pollution Act, 1997 to 2003, property owners are obliged to keep the area in the vicinity of their premises free of litter.**

**Because of the seriousness of the litter problem in our villages/towns, it is essential that traders fulfil their obligations in keeping the areas around their premise clear and litter free. It is only with the combined and concerted efforts of traders, members of the public, the street cleansing crews, employees in the Environment Department and various other groups such as Tidy Towns Groups and Voluntary Committees that litter problems can be addressed.**

The Council intends to continue its current co-ordinated approach towards the elimination of litter from the streets. This will include the use of litter fines where property owners fail to meet their obligations under the Litter Act.

Following a discussion on the matter the County Manager reminded the Members that Laois County Council has a statutory obligation to enforce the law in this regard.

Notice of Motion 60/06 Councillor Michael Moloney

"That Laois County Council establish a Traffic Management Committee to be comprised of personnel from the Roads and Planning Departments and Elected Members together with representatives from an Garda Síochána. The brief of the Committee will be to identify points of traffic congestion within the County and to ensure that:

(a) A concerted and joined up effort is made to alleviate the identified problem locations.

(b) To seek to ensure that situations will not be allowed to arise that will allow points of traffic congestion to deteriorate further".

The motion was seconded by Councillor Jerry Lodge.

Mr Gerry Gillen read the following reply:

This Notice of Motion will be discussed at the next meeting of Laois County Council /Garda Síochána Joint Committee on Road Safety, and a recommendation will be made on this proposal following that meeting.

Notice of Motion 61/06 Councillor Michael Moloney

"That Laois County Council promote the conservation of natural resources by minimising paper consumption through the increased use of e-mail and doubled sided printing and copying when corresponding internally and with the Elected Members"

The motion was seconded by Councillor William Aird.

Mr Gerry Gillen, read the reply to the Notice of Motion which was as follows:

The Council has devised a specific Local Agenda 21 Strategy and efforts are being made by each department to reduce the consumption of paper and other resources. Training has been provided to the Elected Members in relation to the use of e-mail. In addition each Member has been provided with a laptop computer in an attempt to enable them to conduct their business in a manner that will reduce the need to use paper. Employees have been instructed where possible to use the two sided function when copying documents that must be circulated to the Members. Suggestions are regularly received with regard to how further efficiencies can be achieved. These suggestions are examined and where possible work practices are modified in order to implement them. If suggestions are received that might lead to a further reduction in the level of paper consumption they will be examined and implemented if they are practical.

In relation to the promotion of environmentally friendly measures there is an in-house Greening Committee. This committee acts as a watchdog within the organisation and makes recommendations where inefficiencies are identified. This committee performs a very worthwhile function and will examine any suggestions that are made by Members with regard to increasing the efficient use of resources.

#### Notice of Motion 62/06 Councillor Michael Moloney

"That Laois County Council, as a matter of urgency, request the contractor for the Heath Mayfield Motorway to carry out remedial works at locations where defective workmanship has resulted in damage being caused to both public and private property"

This motion was seconded by Councillor Martin Phelan.

Mr Gerry Gillen, read the reply to the Notice of Motion as follows:

The National Roads Design Office has no knowledge of any defective work and has not received any reports of damage having being caused to property.

#### Notice of Motion 63/06 Councillor Paul Mitchell

"That all payments for essential repairs and disabled persons grants be made directly to builder or person carrying out the work"

The motion was seconded by Councillor James Daly.

Mr Gerry Gillen, read the reply to the Notice of Motion which was as follows: While there is nothing in the DPG and ERG Scheme to preclude us from paying the Contractor, it is normal and established practice for the grant to be paid to the applicant (except in the case of Council- owned houses). Where the contractor submits a request for direct payment this can be arranged on receipt of a signed declaration from the applicant authorising the making of the payment.

Notice of Motion 64/06 Councillor Paul Mitchell

"That Laois County Council make a concerted effort and lead a campaign to eliminate ragwort from all fields and roadsides in Laois in 2007"

The motion was seconded by Councillor Brian Stanley.

It was agreed that a letter should be issued to the Minister of Agriculture in this regard.

Notice of Motion 65/06 Councillor Martin Phelan

"That this Council call on the Minister of Environment, Heritage and Local Government to introduce grants to allow farmers to drill their own water wells, so as to supply water for livestock, and also to build water holding tanks for the purpose of supplying water for farm use."

This motion was seconded by Councillor Jerry Lodge.

It was agreed that a letter should be issued to the Minister of Environment, Heritage and Local Government in this regard.

This concluded the business of the meeting.

Signed:

Michael Lalor

Anna Marie De J  
Director of Corporate Affairs