

CARLOW COUNTY COUNCIL

Minutes of the May Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 9th May 2016 at 2.00 p.m.

Present: Councillor C. Murphy (Cathaoirleach)
Councillor A. Ahern (Nee Long)
Councillor F. Browne
Councillor J. Cassin
Councillor J. Deane
Councillor D. Foley
Councillor A. Gladney
Councillor T. Kinsella
Councillor W. Lacey
Councillor A. McDonald
Councillor J. Murphy
Councillor B. O'Donoghue
Councillor W. Paton
Councillor J. Pender
Councillor F. Phelan
Councillor W. Quinn,

Apologies: Councillor M. Doran

In attendance: Ms. Kathleen Holohan, Chief Executive
Ms. B. O'Brien, Director of Service – Corporate, Planning, Economic Development, Health and Safety
Mr. Dan McInerney, Director of Services, Transportation, Environment and Water Services
Mr. P. Delaney, Head of Finance
Mr. M. Brennan, Senior Executive Officer, Community
Mr. T. Butler, Senior Executive Officer, Housing,
Mr. J. Kinsella, Administrative Officer, Finance
Mr. M. Byrne, Administrative Officer, Finance
Mr. E. Brophy, Senior Executive Officer, Corporate Services.
Ms. B. Whelan, Assistant Staff Officer, Corporate Services.

In commemorating the 1916 Rising, the National Anthem was played.

OPENING PRAYER

The opening prayer was recited in Irish by the Members.

VOTES OF CONGRATULATIONS

- To the organisers, participants and all involved with the success of Darkness into Light in aid of Pieta House.
- To all involved with the success of the 1916 Commemoration Event in Bagenalstown.
- To all involved with the success of the 1916 Commemoration Event in Tullow.
- Dr Shay Kinsella on his talk and unveiling of plaque remembering James Connor and 1916 at Clody graveyard, Ballinabranna.
- To all involved with O’Hanrahan’s Gaelic Football Club 1916 Commemoration Event.
- To Olivia O’Leary, Journalist on speaking out on mental health issues.

Members paid warm tributes to former Councillor Jennifer Murnane-O’Connor on her election to Seanad Éireann. Members thanked Councillor Murnane O’Connor for her hard work and dedication to the people of Carlow and wished her continued success in new role as Senator.

Senator Murnane-O’Connor thanked the Members for their kind words and support and said she will continue to represent Carlow to the utmost of her ability.

VOTES OF SYMPATHY

- The Family of the later Maureen Desmond, Green Road, Carlow, pensioner Carlow County Council.
- Willie Hayes and Family, Kilcoltrim, Borris on the death of his wife Maura
- The Doyle Family, Kilcoltrim, Borris on the death of their brother William
- John Lyons & Family on the death of his brother Patrick Lyons, Bauck, St. Mullins, Co. Carlow.
- Councillor Doran, his wife Ann and Family on the death of Ann’s mother Patsy Dunphy, Dunmore, Durrow, Co. Laois

- The Fennelly Family on the death of their mother Margaret Fennelly, 185, Pollerton Road, Carlow
- The Walker Family, 22, Burrin Manor and 22, Mount Leinster Park on the death of Thomas Walker
- John & Catherine Delaney, Ballinacarrig Road, Quinagh, on the death of their daughter Kayleigh
- Kathleen Tierney & Family, Oak Park, Carlow on the death of her husband Liam.
- The McCartney Family, Raheendoran, Carlow on the death of their father Michael
- The O'Brien Family, 20 St. Patrick's Ave., Carlow on the death of their brother John
- Sue Kelly, 7, Green Road, Carlow on the death of her mother Pauline Purple, U.K
- Clare Ryan, on the death of her sister, Sister Madeleine, Maryfield Convent, Roehampton, London.
- Anna Mary Murphy & Family, St. Oliver's, Myshall, Co. Carlow on the death of her daughter Elizabeth.
- Nicholas Hynes & Family, 9 Fr. Cummins Park, Bagenalstown on the death of his wife Elizabeth Hynes.
- The McEvoy Family, Barrett Street, Bagenalstown on the death of their mother Ellen.

1. CONFIRMATION OF MINUTES

The minutes of the Council Meeting held on 11th April, 2016 was:-

Proposed by Councillor D. Foley

Seconded by Councillor F. Browne

AND

Following a showing of hands it was unanimously resolved:-

'That the Minutes of the March Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday, 11th April, 2016, at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.'

Councillor Quinn queried development levies for expansion at Merck Sharp and Dohme. P. Delaney is to provide this information.

Members raised issue of new roundabout at ETB site on the Kilkenny Road and expressed concern in relation to cycle lane being poorly lit. Members also expressed concern in relation to safety at bus bays located at the site. Mr. McNerney advised that he has been in contact with design engineers and works are in accordance with standards. He will bring the issues raised by the Members to the attention of the design engineers.

2. BUSINESS PRESCRIBED BY STATUE, STANDING ORDERS OR RESOLUTIONS OF THE COUNCIL

- (a) The disposal of Council's rented equity portion (Freehold Interest) of shared Ownership Loan in dwelling situated 126 JKL Avenue, Carlow to Mr. Arnold McEvoy in consideration of the sum of €10.00 (nominal sum) in accordance with the terms of the statutory notice already circulated.**

**Proposed by Councillor A. Ahern
Seconded by Councillor W. Lacey
AND**

Following a showing of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the disposal of Council's rented equity portion (Freehold Interest) of Shared Ownership Loan in dwelling situated 126 JKL Avenue, Carlow to Mr. Arnold McEvoy in consideration of the sum of €10.00 (nominal sum) in accordance with the terms of the statutory notice already circulated and in accordance with Local Government Act 2001 – Section 183(1), Planning & Development Act 2000 – Section 211. The Consent of the Minister for the Environment, Community & Local Government is not necessary for disposal of the said Council's rented equity portion (Freehold Interest).'

- (b) To consider the taking in charge of Oakley Wood Housing Scheme, Tullow, Co. Carlow**

Mr. L Fitzgerald, Senior Engineer advised in his report dated 25th April, 2016 that following the public consultation period no submissions were received. Members' approval was sought to the taking in charge of Oakley Wood Housing Scheme, Tullow.

**Proposed by Councillor J. Pender
Seconded by Councillor W. Paton
AND**

Following a showing of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the taking in charge of Oakley Wood Housing Scheme, Tullow, Co. Carlow in accordance with Section 11 of the Roads Act 1993, Section 180 of the Planning and Development Act 2000 as amended and Section 59 of the Planning and Development Act 2010'.

A discussion took place on the taking in charge of unfinished housing estates where public lighting is a major health and safety issue. Ms B. O'Brien advised that the Council is actively pursuing developers and banks on the issue and is nearing completion with regard to some estates. She advised caution on the taking in charge of unfinished estates as it would have major financial implications for the Council. The issue is to be brought to the SPC meeting and a report prepared for Council.

Councillor Browne requested that Meadowbank Estate be put on the June Agenda to commence the process of taking in charge.

(c) Speed Limit Review

Members were advised of the Council's intention to commence a speed limit review by next month. To this end a notice will be placed in the local paper of May 24th

Proposed by Councillor D. Foley

Seconded by Councillor A. Ahern

AND

Following a showing of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council hereby approve the commencement of a speed limit review as proposed.'

Councillors Pender and McDonald raised issue of safety at Grange School and Newtown School, Bagenalstown and requested speed signs be installed on a pilot scheme basis. Mr. McInerney advised he would examine the financial costs of these radar signs.

Councillor Phelan advised that the pedestrian crossing lights at Askea School and Gaelcholaiste have not been turned on by the ESB.

(d) Annual Financial Statement for year ending 31st December 2015

P Delaney presented a financial overview on the 2015 Annual Financial Statement and addressed queries raised by the members.

Annual Financial Statement 2015 – to approve expenditure pursuant to Section 104 of the Local Government Act 2001 – as circulated (as circulated 19th April 2016)

Expenditure in Excess of Annual Budget

P. Delaney advised that in 2015 expenditure in excess of the Annual Budget occurred on a number of individual services, which was offset by additional receipts, grants/recoupments or savings in other areas. Members' approval was sought to this expenditure as per the schedule as set out below.

**Proposed by Councillor W. Paton
Seconded by Councillor J. Deane
AND**

Following a show of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council, hereby approve in accordance with Section 104 of the Local Government Act 2001 and Local Government Reform Act 2014 expenditure in excess of the 2015 Budget per the schedule below and note that the expenditure was funded by additional receipts, grants/recoupments or savings in other services

	SERVICE	BUDGET 2015	OUTTURN 2015	BUDGET V OUTTURN 2015	DETAILS
A01	MTCE & IMP OF LA HOUSING UNITS	1,800,497	2,215,235	414,737	ADDITIONAL FUNDING / INCOME
A05	ADMIN OF HOMELESS SERVICE	157,771	199,816	42,045	ADDITIONAL FUNDING / INCOME
B02	NS ROAD - MATCE AND IMP	481,031	717,409	236,378	ADDITIONAL FUNDING / INCOME
B03	REGIONAL ROAD - MTCE AND IMP	1,676,371	1,800,322	123,952	ADDITIONAL FUNDING / INCOME
B05	PUBLIC LIGHTING	897,324	903,674	6,350	ADDITIONAL FUNDING / INCOME
B07	ROAD SAFETY ENG AND IMP	159,445	231,809	72,365	ADDITIONAL FUNDING / INCOME
C04	PUBLIC CONVENIENCES	76,110	91,963	15,853	OFFSET - SAVINGS IN OTHER SERVS
C05	ADMIN OF GROUP AND PRIVATE INST	22,606	23,151	545	OFFSET - SAVINGS IN OTHER SERVS
D02	DEVELOPMENT MANAGEMENT	872,910	872,990	80	OFFSET - SAVINGS IN OTHER SERVS
D09	ECONOMIC DEV AND PROMOTION	1,015,717	1,102,102	86,385	ADDITIONAL FUNDING / INCOME
E01	LANDFILL OPERATIONS & AFTERCARE	5,763,383	5,954,848	191,465	ADDITIONAL FUNDING / INCOME
E02	RECYCLING FACILITIES	267,670	277,704	10,033	OFFSET - SAVINGS IN OTHER SERVS
E05	LITTER MANAGEMENT	209,418	216,415	6,997	OFFSET - SAVINGS IN OTHER SERVS
E06	STREET CLEANING	584,377	599,347	14,970	OFFSET - SAVINGS IN OTHER SERVS
E08	WASTE MANAGEMENT PLANNING	82,233	90,186	7,953	OFFSET - SAVINGS IN OTHER SERVS
E09	MAINTENANCE OF BURIAL GROUNDS	200,328	217,558	17,230	OFFSET - SAVINGS IN OTHER SERVS
E11	OPERATION OF FIRE SERVICE	2,627,257	2,726,160	98,904	ADDITIONAL FUNDING / INCOME
F02	LIBRARY AND ARCHIVAL SERVICE	1,586,366	1,599,846	13,481	ADDITIONAL FUNDING / INCOME
F04	SPORT AND RECREATIONAL DEV	34,496	38,854	4,359	OFFSET - SAVINGS IN OTHER SERVS
F05	ARTS PROGRAMME	1,131,128	1,131,873	746	ADDITIONAL FUNDING / INCOME
G01	LAND DRAINAGE COSTS	55,062	58,987	3,925	OFFSET - SAVINGS IN OTHER SERVS
G04	VETERINARY SERVICE	159,584	191,760	32,176	OFFSET - SAVINGS IN OTHER SERVS
G05	EDUCATIONAL SUPPORT SERVICES	287,427	310,011	22,583	ADDITIONAL FUNDING / INCOME
H05	MORGUE AND CORONER EXPENSES	88,013	91,973	3,960	OFFSET - SAVINGS IN OTHER SERVS
H07	MARKETS AND CASUAL TRADING	18,753	30,504	11,752	OFFSET - SAVINGS IN OTHER SERVS
H10	MOTOR TAXATION	663,310	678,334	15,024	ADDITIONAL FUNDING / INCOME

A discussion took place in relation to recent shop closures in Carlow Town. Councillor Browne suggested that Carlow's unique position in relation to

rates income, as Carlow Town's largest employer is exempt from rates, be brought to the attention of the new Minister for the Environment.

Councillor Ahern suggested the setting up of a task force comprising of shopkeepers, representatives from the Local Enterprise Office and Carlow County Council to examine the situation.

(e) Report on Collection of Commercial Rates Year Ended 31/12/2015

Members had report from P. Delaney on Commercial Rates for year ended 31st December, 2015.

P. Delaney addressed queries raised by the Members.

Councillor Deane called for a retail strategy to be formed similar to model set up by Clare County Council. Councillor Cassin supported this proposal. The Chief Executive advised that it is the Council's priority to invest in Carlow Town but the economic downturn and on-line shopping has impacted greatly. She said she will investigate County Clare's model and the Terms of Reference, as Carlow has a Town Team in place, and revert back to Council.

(f) Membership of Carlow Local Community Development Committee

Mr. M Brennan, Chief Officer Carlow LCDC advised of increase in membership of the LCDC from 17 to 19 members in accordance with guidelines and nominees as detailed in report.

Members' approval was sought to increase the membership of the Carlow Local Community Development Committee from 17 to 19 and nominees.

**Proposed by Councillor T. Kinsella
Seconded by Councillor B. O'Donohoe
AND**

Following a showing of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council, approve the increase in the Membership of the Carlow Local Community Development Committee from 17 to 19 and nominees, in accordance with Section 128C (3)(b) of the Local Government Act 2001 as inserted by section 36 of the Local Government Reform Act 2014.

3. CORPORATE, PLANNING, ECONOMIC DEVELOPMENT AND HEALTH AND SAFETY

Notification of Casual Vacancy

E. Brophy, Senior Executive Officer advised of Casual Vacancy arising on the election of Councillor Jennifer Murnane-O'Connor to Seanad Éireann. A co-option shall be made at the June Council meeting.

As Senator Murnane-O'Connor served on other entities nominations were proposed to fill those vacancies as follows.

(a) Chair of Community, Housing & Amenity Strategic Policy Committee.

Proposed by Councillor A. McDonald

Seconded by Councillor F. Phelan

AND

Following a showing of hands it was unanimously resolved:-

*'That we the Members of Carlow Council approve the election of **Councillor J. Pender** to the Chair of Community, Housing, & Amenity Strategic Policy Committee following the election of Councillor Jennifer Murnane-O'Connor to Seanad Éireann.'*

(b) Transportation, Environmental & Infrastructure Strategic Policy Committee

This item was deferred.

(c) Joint Policing Committee

This item was deferred.

(d) Local Community Development Committee (LCDC)

Councillor Phelan proposed Councillor McDonald to the Board of LCDC. Councillor Paton proposed that a member of Carlow Municipal District be nominated to the Board of LCDC. Following discussion it was proposed by Councillor Paton seconded by Councillor Ahern that a vote be taken on the nomination of Councillor McDonald to the board of LCDC.

A vote was taken as follows:

Member of Carlow County Council	For	Against	Abstain	Absent

Ann Ahern nee Long	√			
Fergal Browne	√			
John Cassin			√	
Jim Deane	√			
Michael Doran				√
Denis Foley	√			
Andy Gladney	√			
Thomas Kinsella	√			
Walter Lacey	√			
Arthur McDonald	√			
Charlie Murphy			√	
John Murphy	√			
Brian O'Donoghue		√		
William Paton		√		
John Pender	√			
Fintan Phelan	√			
William Quinn			√	

The vote resulted in: 11 for, 2 against, 3 abstentions and 1 absent
It was resolved:-

*'That we, the Members of Carlow County Council, approve the appointment of **Councillor A. McDonald** to the Local Community Development Committee (LCDC) following the election of Councillor Jennifer Murnane-O'Connor to Seanad Éireann.'*

(e) Carlow Rural Water Monitoring Committee

This item was deferred.

(f) Kilkenny and Carlow Education Training Board

Proposed by Councillor A. McDonald

Seconded by Councillor A. Ahern

AND

Following a showing of hands it was unanimously resolved:-

*'That we the Members of Carlow Council approve the election of **Councillor J. Pender** to Kilkenny and Carlow Education Training Board; following the election of Councillor Jennifer Murnane-O'Connor to Seanad Éireann.'*

(g) New Oak Community Centre Steering Group

Proposed by Councillor A. McDonald

Seconded by Councillor A. Ahern

AND

Following a showing of hands it was unanimously resolved:-

*'That we the Members of Carlow Council approve the election of **Councillor F. Phelan** to New Oak Community Centre Steering Group following the election of Councillor Jennifer Murnane-O'Connor to Seanad Éireann.'*

(h) 1916 Commemoration Committee

This item was deferred

(b) Health

Councillor Cassin raised issue of €12m cut to mental health services. A letter is to be issued to the new Minister for Health on the matter. Councillor Paton queried update on St. Patrick's Cheshire Home, Tullow.

(c) Agriculture

Councillor Foley congratulated Joe Healy newly elected IFA President. Councillor McDonald raised issue of 'burn notices' for hedge cuttings.

(d) Tenders for opening, if any

Members noted tenders opened since the last meeting.

(e) Conference Attendance Approvals

The forthcoming conferences were proposed by Councillor McDonald and seconded by Councillor Pender and approved following a showing of hands.

Forthcoming Conferences:

2014 FOI Act & W.R.C.,
The Silver Tassie Hotel,
Letterkenny,
Co. Donegal.
15th to 17th April 2016

Fee: €145

A Programme for Govt. (local),
White's Hotel,
Co. Wexford.
27th to 29th May 2016

Fee: €145

Auditing & Governance in Local Government,
The Clonakilty Hotel,
Clonakilty,
Co. Cork.
10th to 12th June 2016

Fee: €100

Housing Grants & Schemes,
The Clonakilty Hotel,
Clonakilty,
Co. Cork.
24th to 26th June 2016

Fee: €100

(f) Conference Attendance Reports

There were no Conference Attendance Reports.

4. **Chief Executive's Report**

Members noted Chief Executive's Report to 30th April 2016.

5. **Comhfhreagras/Correspondence**

Members noted Notice of Motion from Sligo County Council

'Call on the Department of Health and the Minister for Health to consider the introduction of a sugar awareness day as part of a national health promotion campaign to inform the public of the high sugar content in many process foods and the possible negative health effects of a high sugar diet.'

Members noted Notice of Motion from Offaly County Council

'I call on the incoming Minister with responsibility for Housing to review the criteria with regard to eligibility to qualify for Local Authority Housing or Rent Assistance and to revise the Rent Allowance Allocations as a first step in dealing with our current housing crisis.'

Members noted Notices of Motion from Donegal County Council

'We the Members of Donegal County Council call on the Minister for Health to reverse the decision to locate the National Children's Hospital at St. James's Hospital and locate the new Children's Hospital for all the children of Ireland at Connolly Hospital, Blanchardstown. The Connolly site offers 145 acres, vast space for expansion, easier access for the children of Donegal and extensive parking. The co-location with Connolly Hospital and the new Rotunda Maternity Hospital will result in better clinical outcomes. It will be cheaper and faster to build than on the St. James's site.'

'As the Brexit poll of June 23rd nears with its possible economic consequences for Donegal, border communities and the Island's economy, that Donegal County Council recommend to the incoming Government, the adoption and implementation of the recommendations of the all party Oireachtas Committee on Jobs, Enterprise and Innovation Report on the "All Island Economy" (Jan. 2016) and welcome the recent International Report "Modelling Irish Unification" (2016 March) by Dr. Kurt Hubner which highlights the economic benefits to the island of Ireland in the event of unification.'

It was further resolved that the motion be forwarded to the incoming Government for their consideration.

Members noted correspondence from the Department of Health *in response to Member's letter concerning the location of the new National Children's Hospital which is receiving attention.*

Members noted email from Kerry County Council with documentation on the Charter of Independent Living compiled by Cumann Iosaef, Tralee.

Members noted Notice of Motion from Laois County Council

"That this Council request Tesco to extend the deadline for the redundancy proposal to allow the matter be dealt with by the Workplace Relation Committee."

6. Notices of Motion.

Standing in the names of Cllr. Andy Gladney

“That Carlow County Council address the rates issue in relation to the Saint Vincent De Paul shop's, which is a non-profitable organisation where the money made goes back into helping the community overall. This money that they make helps people in need and in unfortunate circumstances.”

Following discussion it was agreed to defer this motion until the June meeting of Council to enable the issue to be examined in more detail.

Standing in the name of Cllrs. J. Pender, A. McDonald and A. Ahern

“That Carlow County Council address the rates issue in relation to charity shops and non-profit making organisations and regularise same in line with other county councils”.

A discussion took place in relation to charity shops and their liability for rates. Members suggested an enhanced discount system or grant system to support genuine charity shops.

The issue is to be referred to the Corporate Policy Group for discussion and report back to Council.

Standing in the name of Cllrs. J. Pender, A. McDonald and A. Ahern

“That the terms of qualification for the new Tenant Purchase Scheme be amended so that people on social welfare are not excluded for inclusion on same.”

T. Butler advised that the Council will make representations to the Minister to amend the scheme.

The Chief Executive advised that the Notice of Motion be amended to read as follows:-

‘That Carlow County Council calls on the Minister for the Environment, Community & Local Government to amend the terms of qualification for the new Tenant Purchase Scheme so that people on social welfare are not excluded for inclusion on same.’

Proposed by Councillor J. Pender

Seconded by Councillor A. Ahern

AND

Following a showing of hands it was unanimously resolved:-

‘That Carlow County Council calls on the Minister for the Environment, Community & Local Government to amend the terms of qualification for the new Tenant Purchase Scheme so that people on social welfare are not excluded for inclusion on same.’

This Notice of Motion is to be circulated to all Local Authorities for support.

Standing in the name of Cllr. Denis Foley

“In light of the completely inappropriate nature of a mass trial, the length of the delay before his trial and the lack of evidence provided against him, this council calls on Egypt to immediately release Irish citizen Ibrahim Halawa and asks An Taoiseach Enda Kenny to write to the Egyptian embassy to convey our views”

On the proposition of Councillor D. Foley this Notice of Motion was agreed following a showing of hands:-

“In light of the completely inappropriate nature of a mass trial, the length of the delay before his trial and the lack of evidence provided against him, this council calls on Egypt to immediately release Irish citizen Ibrahim Halawa and asks An Taoiseach Enda Kenny to write to the Egyptian embassy to convey our views”

Standing in the name of Cllr. William Paton

“That Carlow County Council calls on the Minister for the Environment, Community & Local Government, for an increase in the maximum net income limits for social housing applicants households from €25,000 (band 3) to €30,000 per annum (band 2) for a single person and from €30,000 (band 3) to €35,000 ((band 2) for 3 adults and 4 children family applicants.

Proposed by Councillor W. Paton

Seconded by Councillor W. Quinn

AND

Following a showing of hands it was unanimously resolved:-

“That Carlow County Council calls on the Minister for the Environment, Community & Local Government, for an increase in the maximum net income limits for social housing applicants households from €25,000 (band 3) to €30,000 per annum (band 2) for a single person and from €30,000 (band 3) to €35,000 ((band 2) for 3 adults and 4 children family applicants’.

7. Any other business with the consent of the Cathaoirleach.

- Councillor McDonald raised issue of high insurance premiums and inconsistency of quotes. He queried the existence of an Insurance Regulator to oversee the industry. E. Brophy advised of role of Insurance Ombudsman.

- Councillor Browne queried update on Fruithill Housing Estate. T. Butler advised of proposed allocation of houses between Carlow and Laois. The scheme is expected to be handed over in two phases July and September.
- Councillor Gladney requested that the Council make representations to Irish Water on the quality of drinking water in Ballinkillen.
- Councillor Cassin raised issue of Kelvin Grove, Athy Road, Carlow. The building is subject to a preservation order and was recently set on fire. Councillor Cassin requested that the Council write to the HSE to transfer the premises into the ownership of Carlow County Council. He also advised that people in need of respite care facility are being referred to A&E. He referred to the proposed closure of voluntary operated premises 'Talk it Over' due to high rent costs.
- Councillor McDonald queried what constitutes a refusal of an offer for social housing. T. Butler advised in respect of same.

This concluded the business of the meeting.