

CARLOW COUNTY COUNCIL

Minutes of the April Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 8th April 2013 at 2.00 p.m

Present: Councillor M. Abbey, Cathaoirleach
Councillor A. Ahern (Nee Long)
Councillor F. Browne
Councillor W. Fennell
Councillor D. Foley
Councillor F. Hunter
Councillor D. Hurley
Councillor T. Kinsella
Councillor W. Lacey
Councillor A. McDonald,
Councillor J. Murnane-O'Connor
Councillor C. Murphy
Councillor J. Murphy
Councillor T. O'Neill
Councillor P. O'Toole
Councillor W. Paton
Councillor J. Pender
Councillor W. Quinn
Councillor C. Townsend
Councillor J. Townsend

Apologies: Councillor M. Doran

In attendance: Mr. T. Barry, County Manager
Ms. B. O'Brien, Director of Service - Community and Enterprise, Economic Development & Corporate Services.
Mr. J. Carley, Director of Service - Environment, Water Services & Health and Safety.
Mr. D. McInerney, Director of Services Transportation & Safety & Emergency Services.
Mr. P. Delaney, Head of Finance
Mr. S. O'Connor, Director of Services, Housing, Recreation & Amenity & Special Projects.
Mr. T. Butler, Senior Executive Officer, Housing

Mr. E. Brophy, Senior Executive Officer,
Corporate Services.

Ms. B. Whelan, Assistant Staff Officer,
Corporate Services.

OPENING PRAYER

The opening prayer was recited in Irish by the Members.

The Chairman advised of Carlow Tourism National Conference 2013 being held in Lord Bagenal Hotel, Leighlinbridge, 18th – 20th April 2013 and urged Members support.

The Chairman advised that the minutes of the Corporate Policy Group (CPG) meeting of 8th April are to be circulated and he thanked Councillor C. Townsend for chairing the CPG meeting.

The Chairman brought to Members attention number 54 of Standing Orders 'the use of mobile phones shall not be permitted at meetings of the Council'.

VOTES OF SYMPATHY

The Members expressed votes of sympathy to:

- Elizabeth Wynne, The Courthouse, Carlow on the death of her husband John
- Carmel Flahavan, Assistant Librarian on the death of her mother Ellen Flahavan, Clonakilty, Co. Cork
- Thomas and Georgina Kealy & Family, Tullow Hill, Tullow on the death of their daughter Katie
- The Family of the late Frances(Frankie) Aughney, Kilcarrig Mills, Bagenalstown
- Len Roche & Family, Rathellen House, Leighlinbridge on the death of his wife Hilary
- Niall Carroll & Family, Highfield House, Tankardstown, Tullow on the death of his wife Teresa
- Carmel Nolan & Family, Ballaghmore, Ballon on the death of her husband James
- Jeannette Lakes, Clerical Officer, on the death of her mother, Elizabeth DeLacey, Conway Park, Bagenalstown.
- The O'Neill Family on the death of Kathleen Brooks, 4 Staplestown Road, Carlow

- Paddy O’Keeffe & Family, Hotel Street, Bagenalstown on the death of his wife Mary (Maisie)
- Bernard Duff, Administrative Officer on the death of his mother-in-law Pat Hodnett, Cork
- Ann McKeown & Family, 11 Mountain View, Pollerton, on the death of her husband Desmond.

VOTES OF CONGRATULATIONS

The Members expressed votes of congratulations to:-

- Brid de Róiste and her team on the success of the Pan Celtic Festival 2013. Members also expressed their gratitude to the staff of Carlow Town Council for their help with preparations for the festival.

1. CONFIRMATION OF MINUTES

- (a) 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 Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 11th March at 2.00 p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.

Members raised issue in relation to impact of flooding in areas along the River Burrin and other rivers. A report is to be prepared for the May meeting and the item is to be put on the agenda for discussion.

2. CIRCULARS

Members noted correspondence from the Minister for Environment, Community and Local Government on policy decision that from next year 80% of all Local Government Property Tax receipts should be retained within the local authority areas where the properties are based and that these receipts should be utilised by those authorities in their local budgets.

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

(a) Approval of Draft Annual Report 2012

The Members had for their consideration 2012 Draft Annual Report of the Carlow Local Authorities, in accordance with Section 221 (1) (a) of the Local Government Act, 2001. E. Brophy advised that observations or comments relating thereto must be submitted to him by 30th April, 2013.

Proposed by Councillor D. Foley
Seconded by Councillor F. Browne
AND

Following a showing of hands it was unanimously resolved:-

“that we, the Members of Carlow County Council hereby approve the adoption of the Draft Annual Report 2012 in accordance with Section 221 (1) (a) of the Local Government Act 2001.”

(b) Filling of Vacancy on Carlow Arts Centre Limited

Members' approval was sought to the filling of the vacancy on the Board of Carlow Arts Centre Limited following the resignation of Councillor William Paton.

Proposed by Councillor F. Hunter
Seconded by Councillor W. Paton
AND

Following a showing of hands it was resolved:-

“That we, the Members of Carlow County Council hereby approve the appointment of Councillor D.Foley to the Board of Carlow Arts Centre Ltd. following the resignation of Councillor W. Paton.

(c) Proposed Speed Limit Bye-Laws (amendments 2013)

Members had report from Mr. D. McInerney on the proposed speed limit bye-laws amendments 2013 together with a schedule of the proposed amendments.

Mr. McInerney advised that the public consultation process is complete and statutory bodies have been consulted. Members' approval was now sought to the adoption of the bye-laws.

**Proposed by Councillor W. Paton
Seconded by Councillor F. Browne
AND**

Following a showing of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council hereby approve the proposed Speed Limit Bye-Laws (amendments) 2013 as set out, in accordance with Section 46 of the Road Traffic Act, 1961 (No. 24 of 1961), as inserted by Section 33 of the Road Traffic Act, 1994 (No. 7 of 1994), Sections 4 and 9 of the Road Traffic Act, 2004 (No. 44 of 2004) and subsequently amended by section 86 of the Road Traffic Act 2010.

These Speed Limit Bye-Laws will come into operation one month from date of adoption.

Councillor Browne expressed concerns in relation to speed limits on the Wexford Road, Ballinacarrig and old Dublin/ Kilkenny Road.

Councillor Fennell raised issue in relation to recent controversy where speed fines were quashed for a number of Oireachtas Members and condemned these actions.

4 HOUSING, RECREATION & AMENITY & SPECIAL PROJECTS

(a) Housing Progress Report

Members welcomed Housing Progress Report to 31st March 2013 from Mr. S. O'Connor, Director of Services.

The report covered the following areas of responsibility:-

- 1. Housing Capital Programme (incl. Voluntary and Extensions)**
- 2. Part V**
- 3. Housing Needs Assessment**
- 4. Affordable Housing**
- 5. Housing Grants**
- 6. Housing Loans and Tenant Purchase**
- 7. RAS (Rental Accommodation Scheme)**
- 8. Traveller Accommodation**
- 9. Casual Vacancies**
- 10. Housing Maintenance**
- 11. Strategic Policy Committee**

Members noted that in the capital allocation for 2013 no funding is allowed for new schemes.

A detailed discussion took place in relation to social housing.

Members discussed the RAS/HSE rental Scheme and National housing policy – replacement of construction and purchase programme with leasing of private houses. Members said the current policy of RAS lease only arrangements for long-term social housing is economically unsound and is contrary to the principles of affordable home ownership. This policy is more expensive than loan repayments for the outright purchase and leaves the State, the Housing body and the tenant with no asset at the end of any period.

The County Manager advised that a cap on state borrowing was an issue for Government hence the leasing rather than construction/purchasing policy.

Councillor Hurley proposed that the Council again raise the issue with the Minister for Housing in relation to low income families, who live in inadequate accommodation and are working but on low incomes. These families do not qualify for housing loans and are disqualified from RAS and HSE rent subsidy.

Members also raised issue of households in private rented accommodation not in receipt of rent supplement, while they meet the eligibility criteria, they are deemed not in need and cannot be included on housing list.

Councillor Paton raised issue of the need for arbitrary income limits to be looked at on a regional instead of county basis.

It was agreed that these issues and all other issues raised in 2011 Housing SPC submission to the Minister be again brought to the Minister's attention.

Members also raised the follow issues:-

- Housing Needs Assessment Update – confusing for applicants.
- Slow turn around for re-letting of houses
- Inability to house people in their own areas due to non availability of houses for leasing in certain areas.
- Members welcomed the Energy Efficiency Programme and looked forward to extension of the Scheme for 2013.
- Solar Panels for social housing. Mr. O'Connor advised of expensive costs to install.

- A business being carried out in a housing estate in south Carlow. This issue to be dealt with under Planning.
- Removal of travellers from O'Brien Road and clean up operation being carried out by Carlow County Council with no penalties being incurred by the travellers.
- Difference between Housing Adaptation Grants and Mobility Aid Grants. The provision of chairlifts was also raised and registering with a supplier for provision and service agreement.
- Members welcomed Radon testing in social housing homes
- Oakley Wood Housing Estate, Tullow. Mr O'Connor advised in respect of same.
- Development Contribution Scheme. The County Manager advised in respect of same.

All issues raised were addressed by the County Manager, Mr. O'Connor and Mr. Butler.

(b) Recreation and Amenity Progress Report

Members noted recently launched report 'Unlocking the Barrow'. The report was prepared on behalf of Kilkenny Leader Partnership. The report addressed promotion of boating and navigation on the river Barrow at St. Mullins and Graiguecullen. Members were very complimentary of report especially with respect to issues at Graiguecullen Bridge and islands close to Boat Club.

Members also welcomed the reports recognition of St. Mullins importance as an essential gateway in the national inland waterways system.

Members expressed their disappointment at remarks in report in relation to vandalism at Vicarstown and Bagenalstown. Mr. O'Connor advised that these remarks were part of a list of submissions made during the process and did not form part of the report.

Councillor Fennel raised issue of cycle tracks and signs along the Barrow Track.

Members welcomed developments at Oak Park Forest Park with the new universally accessible playground and exercise areas.

Councillor Paton welcomed works at Tullow Town Park.

Councillor Browne raised issue of children's play area in Ducketts Grove. Mr. O'Connor advised that Carlow County Development Partnership is advancing facilities at Duckett's Grove and plans have been prepared for playground facility.

Councillor J. Townsend raised issue of tree planting by Members at Ducketts Grove.

All Issues raised by Members were addressed by Mr. O'Connor.

PRESENTATION BY I.S.P.C.A. RE DOG WARDEN SERVICE

The Cathaoirleach welcomed Noel Griffin CEO of ISPCA, Aiden Corcoran, Dog Warden Service Supervisor and Aisling Byrne, Dog Warden to the Chamber.

Mr. Aiden Corcoran advised that Carlow/Kilkenny Dog Shelter situated at Paulstown, Co. Kilkenny is funded by both Kilkenny County Council and Carlow County Council and is operated by the I.S.P.C.A. Revenue from Dog Licences go to Kilkenny and Carlow County Councils to fund the Dog Warden Service .The Dog Warden Service is totally dependent on the public to rehome dogs.

Dog owners are legally obliged to have a Dog Licence for each dog they own. The fee for the licence is €20.00 and it can be purchased at any Post Office. A General Dog Licence is also available for any unspecified number of dogs at a specific address and the fee in this case is €400.00.

Members expressed concern at the number of dogs in Carlow that are not licensed.

Mr. Corcoran also spoke of the Dog Breeding Establishment Act 2010 and micro- chipping of dogs.

The most pressing issues for the Dog Warden Service are:-

- Dogs not under control. Dogs roaming freely which can cause problems for the public such as nuisance and sheep worrying. If a dog is loose or straying in any public area it can be seized by the Dog Warden.
- Restricted breeds should be leashed and muzzled in public.
- Dog fouling. It is the owner's responsibility to clean up if a dog fouls in a public place and comes under anti littering.

Mr. Noel Griffin complimented Ms. Aisling Byrne, Dog Warden for her excellent work and commitment to the service. Ms Byrne outlined her role as Dog Warden seizing and rehoming unwanted dogs. Ms Byrne also carries out licence checks and investigates complaints.

Members thanked Mr. Griffin, Mr. Corcoran and Ms. Byrne for their presentation and queries raised by Members were addressed by Mr. Corcoran.

Councillor Murphy raised issue in relation to responsibility for stray horse in the Myshall area.

Retirement - Brendan Doyle

Members paid tribute to retiring Senior Clerk of Works Brendan Doyle. Members expressed their gratitude to Mr. Doyle for his excellent service and dedication to Carlow County Council over the past 37½ years and wished him health and happiness in his retirement. The County Manager also wished to be associated with these good wishes and paid tribute to Mr. Doyle.

5. FINANCE & INFORMATION TECHNOLOGY

(a) Report on Rate Collection 2012

Members had report from Mr. P. Delaney on the collection of Commercial Rates year ended 31/12/2012.

Members raised issue of global revision of valuations in Carlow and responsibility of rate payer for inherited rate debt. Mr. Delaney advised that legislation states that the subsequent occupier is responsible for that year's rates and the two previous years.

6. COMMUNITY & ENTERPRISE & ECONOMIC DEVELOPMENT & CORPORATE SERVICES

(a) Agriculture

There were no matters arising.

(b) Health

There were no matters arising

(c) Community Environmental Grants Scheme

Members had for consideration schedule of grants under the Community Environmental Grant Scheme 2013. A total of 89 applications were received from Community/Residents Associations and 14 applications from schools throughout the county.

Proposed by Councillor A. Ahern
Seconded by Councillor J. Murnane-O'Connor
AND

Following a showing of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council hereby approve the Schedule of Community Environmental Grants Scheme 2013 as set out”.

(d) Tenders for opening, if any

Members noted tenders opened since last Council Meeting.

7. ENVIRONMENT, WASTE SERVICES & HEALTH & SAFETY

(a) Hydrometric Station (Flow Measurement) at Rathvilly on the River Slaney.

Members had report from Mr. J. Carley on the proposed construction of a new Hydrometric Station at Rathvilly on the river Slaney in order to be in compliance with the Court Order for Abstraction for the Rathvilly WTP. It is now intended to commence the public consultation process for the Part 8 process under the Planning & Development Regulations 2001-2011 to facilitate this project.

(b) Rural Water Programme: 2013 Block Grant Allocations for Carlow

Members had from Mr. J. Carley details of Rural Water Programme – Block Grant allocations for 2013. The allocation for 2013 is €646,803 compared to €544,000 in 2012.

Mr. Carley advised of funding from the Department to a number of pilot Group Sewerage Schemes in Ireland. As Carlow is not included in the pilot scheme any new applications for County Carlow can not be considered until the pilot schemes are completed and assessed. Queries raised by Members were addressed by Mr. Carley.

Extension of time

Suspension of Standing Orders

It was unanimously agreed to suspend that part of Standing Orders of Carlow County Council to facilitate the Meeting to 5.45pm.

8. CORRESPONDENCE

Members supported resolution from Leitrim County Council

'That Leitrim County Council contact the Minister for Finance and the Minister with responsibility for People with Disabilities to ask them to review the policy whereby a community organisation who is carrying out works to make a facility disabled friendly would be able to avail of a VAT exemption in respect of these works.'

Members supported resolution from Offaly County Council

'Offaly County Council calls on the government to immediately reinstate the payment of the minor works grant to all primary schools.'

Members noted resolution from South Tipperary County Council

'That South Tipperary County Council call on the Government to take action to tackle criminal gangs involved in the laundering of fuel, smuggling of cigarettes and other counterfeit goods, which is estimated to be costing almost 861million per year to the taxpayer according to the recent Retail Ireland report.'

Members had email sent by Eamonn Moore, Chairman of Carlow, Kilkenny and South Tipperary Transport Company Ltd (trading as Ring-a-Link) to E. Brophy requesting that Carlow County Council writes to the Minister for Public & Commuter Transport and to the National Transport Authority to urge them to retain the services of Ring-a-Link.

Members unanimously supported this request.

Councillor McDonald raised issue in relation to the withdrawal of transport service currently provided by the HSE from Carlow to outpatient clinics in Dublin & Waterford. Mr. Brophy advised that the notice of motion sent to the Minister in relation to this issue was returned from the Minister's office for forwarding to the HSE.

(9) Any other business with the consent of the Cathaoirleach.

Members attendance at the following conferences were approved:-

Carlow Tourism Conference,
Lord Bagenal Hotel,
Leighlinbridge,
Co. Carlow.
18th to 20th April 2013

Cllrs. J. Murphy, P. O'Toole,
W. Paton, F. Hunter. M. Doran
J. Townsend, C. Townsend
D. Hurley & T. O'Neill

Nuclear Free Local Authorities,
Fingal County Hall,
Main Street,
Swords, Co. Dublin.
3rd May 2013

Cllr. J. Pender

Teagasc Lecture "Europes Role
in Food & Nutrition Security",
RDS Concert Hall,
Anglesea Road,
Ballsbridge, Dublin 4
11th April 2013

Cllr. J. Pender

Procurement, Expenditure & Revenues
in Local Government,
Galway Bay Hotel,
Salthill, Co. Galway.
12th to 14th April 2013

Cllrs. A. McDonald, W. Quinn
J. Townsend & C. Townsend

Future of Local Government in Ireland,
Kingsvalley Hotel,
Dublin Road, Galway.
12th to 13th April 2013

Cllr. D. Foley, P. O'Toole &
J. Murnane O'Connor

This concluded the business of the meeting.