

**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 13<sup>th</sup> April 2015 at 2.00 p.m.**

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

In attendance: Mr. D. McInerney, Acting Chief Executive  
Ms. B. O'Brien, Director of Service – Corporate, Planning,  
Economic Development, Health and Safety  
Transportation, Environment & Water Services  
Mr S. O'Connor, Director of Services – Housing, Community,  
Recreation & Amenity, Building Control & Emergency Services  
Mr. R. Fitzgerald, Financial Accountant  
Mr. K. Cullinane, Senior Engineer, Roads  
Ms. S. Dowling, Arts Officer  
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.

## **VOTES OF SYMPATHY**

- Bernie O'Brien, Director of Services on the death of her father-in-law Tom O'Brien, 'Emerald Lodge', Green Lane, Carlow.
- Noel Dillon, Executive Engineer on the death of his father Laurence Dillon, Rutland, Palatine, Carlow
- The Dempsey Family 'Beechlawn', Browneshill Road, Carlow on the death of their mother Kathleen
- Patrick O'Leary and Family 15, Mount Leinster Park, Carlow on the death of his wife Eileen
- Ellen Bolger and Family, 12 The Numbers, Graiguecullen, Carlow on the death of her husband Patsy.
- Rose Brennan and Family, 28 Avondale Drive, Hanover, Carlow on the death of her husband Seanie.
- Ron Reddy and Family, Conway Park, Bagenalstown on the death of her husband Joe.
- Mary Hennessy and Family, Pasmarr, Browneshill, Carlow on the death of her husband Paschal.
- The Charwood Family, 61 Askea Lawns, Tullow Road on the death of their mother Frances.

## **VOTES OF CONGRATULATIONS**

- Ann O'Sullivan, Senior Staff Officer on her recent retirement.
- St Mary's Academy on winning the Post Primary Schools Senior B Football final defeating Abbey CBS Tipperary Town. The Members paid warm tributes to the players, mentors and staff of Carlow CBS on their wonderful success. A Reception is to be held to honour the occasion.
- The Mayor and Executive of Carlow County Council and the Deputy First Minister Martin McGuinness on their attendance at unveiling of plaque at Croppy Graves Memorial Ceremony.
- Willie Mullins Horse Trainer on his success at Cheltenham 2015 and Jockey Ruby Walsh on being the most successful jockey at Cheltenham.

- Carlow Soccer Academy on their success winning the Barcelona Football Cup 2015.
- Sean O'Brien for his excellent performance in the RBS 6 Nations Rugby tournament
- The Murphy Family, Tinryland on the success of the Andy Murphy Memorial Events with all proceeds going to County Carlow Hospice.
- All involved with the launch of 'Darkness into Light' in aid of Pieta House.

## **CONFIRMATION OF MINUTES**

**Proposed by Councillor A. Ahern**

**Seconded by Councillor W. Lacey**

**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 9<sup>th</sup> March 2015, at 2.00p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.

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

### **(a) Construction of 24 No. dwellings at Moneybeg, Bagenalstown.**

Members welcomed report from B. O'Brien, Deputy Chief Executive and S. O'Connor, Director of Services on the proposed construction of 24 dwellings at Moneybeg, Bagenalstown.

Following the public consultation period no submissions were received.

The proposed scheme complies with the requirements of the Planning and Development Regulations and is in compliance with Carlow County Development Plan.

Members' approval was sought to progress the Scheme.

**Proposed by Councillor D. Foley**

**Seconded by Councillor W. Quinn**

**AND**

Following a showing of hands it was unanimously resolved:-

*‘That we, the Members of Carlow County Council hereby approve the proposed construction of 24 dwellings to include 20 no. 3 Bedroom Dwellings and 4 no. 2 Bedroom Dwellings at Moneybeg, Bagenalstown, Co. Carlow in accordance with section 4 and 179 of the Planning & Development Act 2000-2010 and Part V111 of the Planning & Development Regulations 2001 as amended.*

**(b) To approve Draft Annual Report 2014**

The Members had for their consideration 2014 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 30<sup>th</sup> April, 2015.

**Proposed by Councillor M. Doran**  
**Seconded by Councillor B.O’Donoghue**  
**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 2014 in accordance with Section 221 (1) (a) of the Local Government Act 2001.”*

**3. DEPARTMENTAL PROGRESS REPORTS**

**(a) Transportation, Environment, & Water Services Progress Report**

Members had Progress Report for the Transportation, Environment and Water Services Section for the period to the end of March 2015.

The following issues were raised by Members.

Members expressed concerns in relation to Irish Water and the lack of response to members’ queries and clarity on issues. Members expressed dissatisfaction with requests from Irish Water for names and addresses of Local Authority tenants. The Chief Executive advised that the Local Authority as landlords is legally obliged to furnish this information but that PPS numbers were not submitted. The names and addresses were requested by Irish Water to enable them to contact the tenants inviting them to register with Irish Water. The PPS numbers are being requested by the Department of Social Protection to facilitate the payment of grant. Members requested that this Council write to Irish Water seeking clarification as to

tenant/landlord responsibility for payment of water charges in local authority dwellings and clarification on Irish Water 'first fix free' in relation to water leaks. Members also expressed dissatisfaction with Irish Water Customer Service being only available Monday to Friday with weekend calls being diverted to Local Authorities 'out of hours' service. E. Brophy advised of operation of weekend 'out of hours' customer service protocol.

Councillor Foley advised of sewerage problem in house in Bagenalstown over Easter weekend with Irish Water not responding to issue for three days resulting in a private contractor being hired in.

Councillor McDonald raised issue of lack of support from Irish Water in relation to damage to home owners' properties as a result of repair works by Irish Water.

Councillors Paton, Phelan and Browne raised issue of clinics being held by Irish Water on the mornings of Council meetings and called for the clinics to be held between 1-2pm to facilitate members' attendance or that Irish Water be requested to address a special meeting of Council.

Councillor Phelan expressed dismay at lack of response from Irish Water to query he raised four weeks ago. Councillor Phelan also queried if payment for the use of office accommodation in County Buildings to hold clinics and administration work can be included as part of the Service Level Agreement with Irish Water.

Councillor Browne raised issue of Transfer of Assets and projects to hand. K. Cullinane advised that the Transfer of Assets was done by Ministerial Order and lists of projects including priority lists have been submitted to Irish Water.

Councillor Paton queried the cost differential for water connections paid before 1<sup>st</sup> January 2014 as part of planning conditions and that charged by Irish Water from 1<sup>st</sup> January 2014.

Councillor Cassin raised issue of Bring Centre, Hacketstown Road and flooding Burrin Road,  
Councillor Murnane-O'Connor raised issue of quality of water from housing estate Tinryland and well grants.

Councillors Deane and Murnane-O'Connor raised issue of proposals for Powerstown Landfill post 2016. The Chief Executive advised that the closure of

the landfill is part of the South East Waste Management Plan and is an executive decision. It is proposed that the bring centre be retained.

Councillor Foley, McDonald and Gladney raised issue of €4 daily parking charge at Bagenalstown railway station and requested that this Council write to Iarnród Éireann to rescind these charges.

Councillor Paton raised issue of drains at Beechwood Park, Pollerton and queried if there was an update on development works at Penney's site.

Councillor Lacey raised issue of overcrowding on the Waterford –Dublin train on Tuesday following Easter weekend resulting in Health and Safety issue and requested that this Council write to Iarnród Éireann expressing their concerns on the matter.

Councillor Gladney raised issue of requirement of ramps in Ashfield Housing Estate, Bagenalstown currently under NAMA.

Councillor Pender raised issue of raw sewage entering stream at The Shroughaun Tullow causing a health hazard.

All queries raised by Members were addressed by the Chief Executive and K. Cullinane.

#### **4. TRANSPORTATION, ENVIRONMENT AND WATER SERVICES**

##### **(a) Section 85 Agreement with Kildare County Council for the design of the widening of Whitemills Bridge.**

Members had report from K Cullinane on Section 85 Agreement with Kildare County Council for proposed widening and rehabilitation of the Whitemills Bridge on the N80 CWN80003.

As part of the bridge rehabilitation programme in the Leinster area the NRA have chosen Kildare County Council as the lead authority. To this end Members approval was sought to enter a Section 85 agreement with Kildare County Council.

**Proposed by Councillor C. Murphy**  
**Seconded by Councillor J. Murphy**  
**AND**

Following a showing of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council hereby approve Section 85 Agreement with Kildare County Council for the design of the widening of Whitemills Bridge in accordance with the provisions of Section 85 of the Local Government Act 2001 for Offaly, Carlow, Kilkenny and Laois Bridges Rehabilitation Contract.*

Councillor C. Murphy raised issue of drainage problem close to Whitemills Bridge and queried if the issue could be addressed with the commencement of these works.

Members queried if Kildare County Council has reviewed speed limit on R448 as requested by Carlow County Council to increase speed limit from 80km to 100 km. K. Cullinane advised that the By-laws have been reviewed and sanctioned by Kildare County Council but the speed limit signs have yet to be changed.

Councillor Deane raised issue in relation to costing for proposed roundabout at Ballinacarrig.

Councillor McDonald raised issue of 30km speed limit Tullow Road and the presence of speed van in the area.

## **5. COMMUNITY, HOUSING, RECREATION AND AMENITY, BUILDING CONTROL AND EMERGENCY SERVICE**

### **(a) Carlow Local Community Development Committee Annual Report 2014.**

Members noted Carlow Local Community Development Committee (LCDC) Annual Report for 2014.

### **(b) Fire and Emergency Operations (Section 26) Plan Revisions Fire Services Act 1981 and 2003.**

Members had correspondence from G. Guerin, Chief Fire Officer in relation to Fire and Emergency Operations (Section 26) Plan revision under Fire Services Act 1981 and 2003. S. O'Connor advised that the Fire Authority is currently in the process of updating the Fire and Emergency Operations Plan as the current Plan was last updated eight years ago.

The Draft Plan will go to Strategic Policy Committee and then to full Council for debate and approval.

Members welcomed the review and reiterated the importance of maintaining six personnel response numbers per call out and Station Officer at each Fire Station.

The following Notice of Motion was proposed by Councillor Murnane O'Connor and seconded by Councillor J. Pender and unanimously agreed following a showing of hands.

Standing in the name of Cllrs J. M O'Connor, Arthur McDonald,  
Fintan Phelan & Ann Ahern

“That this Council, regarding its 'section 26' Fire Service changes, preparations and implementation:

- Recognises that the International Standards Organisation Insurance Industry Risk Assessment, calls for a Six-Person response on initial fire attack;

And furthermore accepts:

- That such 'Section 26' plans should not be passed until all the relevant concerns of Carlow's Fire-fighters and SIPTU are properly addressed; particularly with regard to minimum personnel response numbers, and coordination of Fire Service and HSE or Ambulance Services; and

- That no related changes will be made to the Fire Service in County Carlow, until the current related National Dispute over the "Keeping Communities Safe" document issued by Phil Hogan is resolved.”

S. O'Connor acknowledged Members concerns and advised that international and national standards are being applied and that the Draft Plan will come before Council for approval.

## **6. FINANCE, INFORMATION TECHNOLOGY & CULTURE (LIBRARIES AND COUNTY MUSEUM)**

### **(a) Arts Act Grant Scheme for Individual Artists and Groups**

Members had for their consideration and approval Arts Act Grant Scheme for Individual Artists and Groups for 2015

**Proposed by Councillor W. Lacey**

**Seconded by Councillor A. Ahern**

**AND**

Following a showing of hands it was unanimously resolved:-

*‘We, the Members of Carlow County Council hereby approve the Arts Act Grant Scheme 2015 as set out in the attached schedule’.*



Councillor Murnane O'Connor queried the criteria to qualify for grant as she is aware of 5 unsuccessful applications and requested that all applications receive some funding. The Arts Officer will review these applications and revert to Councillor Murnane.

Councillor Paton noted that arts grants groups were not representative of all of County Carlow and requested that groups be targeted to submit applications from all of County Carlow.

Councillor Phelan referred to Carlow Museum website in relation to Michael O'Hanrahan from Carlow Town executed during the 1916 Rising. Councillor Phelan said it is important for Carlow County Council to commemorate his life and to remember the O'Hanrahan family who made contributions to life in Carlow and nationally. Councillor Gladney said the erection of a memorial in Carlow would be a fitting tribute to Michael O'Hanrahan.

## **7. CORPORATE, PLANNING, ECONOMIC DEVELOPMENT AND HEALTH AND SAFETY**

### **(a) Health**

Councillor Murnane-O'Connor welcomed free GP care for u/6's and requested that this Council write to the Minister for Health to grant medical cards to people with long term medical conditions. Councillor Browne said list of chronic long term illnesses needs to be updated by the Department of Health.

Councillor Foley advised of HSE commitment to maintain Kilcreene Hospital, Kilkenny. Members requested that this Council write to the Minister for Health requesting that all health services available in Kilcreene be maintained to current standards.

Councillor McDonald raised issue of parking at St. Lukes Hospital, Kilkenny with patients having to walk a considerable distance to hospital entrance.

Councillor Deane raised issue of funding not being available to maintain medical facility at Shamrock Plaza to an acceptable standard causing concern for staff and patients. Councillor Deane also raised issue of 4 year waiting period for child to receive eye examination.

Councillor Cassin welcomed free GP care for u/6's and called for scheme to be extended to the 0/6's,

Councillor Ahern highlighted the importance and effectiveness of the Breast Check System and encouraged women to avail of the service.

Councillor Pender advised of upcoming meeting with the Health Services Executive where issues raised by Members may be addressed.

**(b) Tenders for opening if any**

Members noted tenders opened since the last Council meeting.

**(c) Conference Attendance Approvals**

Members unanimously agreed following a showing of hands to the attendance at the following Conferences.

**Forthcoming Conferences**

Chambers Of Commerce  
Building Business  
Four Seasons Hotel  
Carlingford  
Co Louth  
24<sup>th</sup> – 26<sup>th</sup> April 2015  
Equal Status Rights Explained  
The Connacht Hotel  
Dublin Road  
Galway  
17<sup>th</sup> – 18<sup>th</sup> April 2015

Animation in Volunteerism  
The Connacht Hotel  
Dublin Road  
Galway  
1<sup>st</sup> – 2<sup>nd</sup> May 2015

Crime Prevention and  
Community Safety  
The Connacht Hotel  
Dublin Road  
Galway  
8<sup>th</sup> – 9<sup>th</sup> May 2015

West Cork Tourism Conference On  
Internet Marketing  
The Clonakilty Hotel  
Clonakilty  
Co Cork  
8<sup>th</sup> – 10<sup>th</sup> May 2015

Reserved and Executive Functions at  
Local Government Level

The Institute of Professional Training  
Whites Hotel  
Wexford  
8<sup>th</sup> – 10<sup>th</sup> May 2015

The New Companies Act 2014  
Horse & Jockey Hotel  
Horse & Jockey  
Co Tipperary  
15<sup>th</sup> - 17<sup>th</sup> May 2015

## **8. Chief Executives Monthly Management Report**

Members had Chief Executive's Monthly Management Report for the period 1<sup>st</sup> January to 31<sup>st</sup> March, 2015. The report outlined the main activities of Carlow County Council across the various service areas.

A discussion took place in relation to recent announcement by the Minister of funding for house construction and leasing for the years 2015 – 2017. Carlow County Council is to receive €20,159,000 for 435 units. While Members welcomed this announcement they said a breakdown of projects is awaited. Members said the focus should be on building houses and buying properties to cater for social housing needs. Leasing should not be an option as it does not make economic sense.

Councillor Quinn set out for Members housing construction programme for County Carlow.

24- Bagenalstown; 26- Sleaty, Graiguecullen, 14 -Tullow, and 4- Borris.

S.O'Connor advised that these construction proposals are in the region of €7million of the €20million funding, the biggest contribution in 15 years.

Members requested that a breakdown of the €20million funding projects be sought from the Department and to revert to Members at the May meeting of Council.

Councillor Quinn raised issue of vacant industrial units being turned into housing stock. Members expressed the view that this proposal would not be viable.

Councillor Phelan expressed dissatisfaction with press release welcoming the announcement that Carlow is to receive funding of €6.4million for Rural Development Programme (Leader) 2014 – 2020. Councillor Phelan said this

funding represents a €1.2 million reduction on previous allocation and requested clarification from Community on the issue.

Councillor Cassin raised issue of footpaths at Laurel Park. The Chief Executive advised that the issue will be brought to the attention of the Area Engineer.

Councillor Doran advised of Leighlinbridge Improvement Group being nominated for the best kept towns competition and of proposals to have the village free of campaign posters in the run up to the Carlow-Kilkenny by-election.

Councillor Deane advised in respect of nomination of Tinryland Village Community to represent Carlow in National Co-operation Ireland Pride of Place Awards 2015.

Councillor Paton suggested that a meeting of 1916 Commemoration Committee take place before the end of April. The Chief Executive advised that submissions received from interested parties with suitable ideas and suggestions need to be brought to Members. Councillor Paton requested that the 1916 Commemoration be placed on the agenda each month in order to progress events.

## **9. CORRESPONDENCE**

**Members noted correspondence from Rosalind Murray of Carlow Barrow Users Group** requesting the opportunity to address the Council regarding research into the River Barrow track and to provide technical information.

Following discussion it was agreed that the Council write to Carlow Barrow Users Groups advising that as a presentation has already been made to Council they may if they so wish submit details of technical information or any other information deemed necessary to the meetings administrator. The information will be passed by the meetings administrator to the Members.

**Members noted Notice of Motion from The Municipal District of Carrickmacross-Castleblaney.**

*‘That this District calls on the Minister for Jobs, Richard Bruton, the IDA and Enterprise Ireland that any new factories that are opened are not sold to private commercial groups but are kept in the ownership of the State Agencies.’*

**Members noted Notice of Motion from Monaghan County Council.**

*‘That Monaghan County Council request the Department of the Environment, Community and Local Government to create a newly funded co-ordinator post for the Public Participation Networks throughout each local authority, to enhance its potential for optimum outreach and success in building relations between local authorities and the communities they serve.’*

**Members noted Notice of Motion from Offaly County Council.**

*‘At present Parking Fines issues by the Council’s traffic wardens and subsequently not paid and which go to court and upheld the money accruing from those is retained by the State. Offaly County Council calls for a change to allow councils to benefit from this revenue as all the work and expense are born by the council.’*

**Members noted correspondence from Department of Communications, Energy and Natural Resources** in response to Members correspondence regarding the PSO levy and energy prices.

**Members noted Minister Coveney’s Announcement** regarding Legislation on Compulsory Dog Microchipping.

**10. Fógraí Rúin/Notices of Motion.**

Standing in the names of Cllrs. William Quinn and William Paton

**Proposed by Councillor Paton**

**Seconded by Councillor Ahern**

**And**

Following a showing of hands it was unanimously agreed

“That Carlow County Council supports the workers in Dunnes Stores who are seeking:

- The implementation of banded hour contracts which would give workers security of hours and earnings.
- A review of excessive use of temporary contracts of employment.

- Individual and collective representational rights for Dunnes workers.

Carlow County Council welcomes the commitment to legislate for an improved framework for workers who seek to better their terms and conditions where collective bargaining is not recognised by their employer.

Further this Council welcomes Government commitment to legislate so that workers can have confidence that they have an effective system that protects and promotes their rights. This legislation ensures they can advance claims about remuneration, terms and conditions and have these determined based on comparisons with similar companies – and not be victimised for doing so.”

Standing in the name of Cllr. John Cassin

“Irish Water have requested the PPS numbers and data details of tenants and employees of Carlow County Council. In light of this information Carlow County Council propose taking into account :

1. There is no legal basis for the scale and detail of the data requested.
2. That this matter is subject to agreement of Carlow County Council
3. That the information requested by Irish Water, or any other outside body, should only be passed on, when the following conditions have been met, that Carlow County Council consults with its employees and tenants before handing over their personal information and will only do so with their full knowledge and consent.”

A discussion took place in relation to this Notice of Motion. The Chief Executive advised that names and addresses of local authority tenants were passed on to Irish Water as the local authority was legally obliged to furnish this information. PPS numbers was not passed on to Irish Water nor was names of employees. Councillor Doran and Paton said the Notice of Motion was illegal and requested an amendment to the Motion that the Council seek legal advice before any further action.

It was proposed by Councillor Paton and seconded by Councillor Kinsella to seek legal advice.

A vote was taken as follows;-

<i>Member of Carlow County Council</i>	<i>For</i>	<i>Against</i>	<i>Abstain</i>	<i>Absent</i>
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Ann Ahern nee Long		√		
Fergal Browne	√			
John Cassin		√		
Jim Deane		√		
Michael Doran	√			
Denis Foley	√			
Andy Gladney		√		
Thomas Kinsella	√			
Walter Lacey				√
Arthur McDonald		√		
Jennifer Murnane O'Connor		√		
Charlie Murphy			√	
John Murphy	√			
Brian O'Donoghue	√			
William Paton	√			
John Pender		√		
Fintan Phelan		√		
William Quinn	√			

8 for ; 8 against; 1 abstention; 1 absent

The Cathaoirleach exercised his casting vote and voted in favour of the amendment to seek legal advice.

#### **11. Any Other Business with the consent of the Cathaoirleach.**

Councillor McDonald raised issue of funding for playground in Fenagh.

Councillor Cassin requested that Barrow Valley Community Church be requested to remove Youtube video as it depicts Carlow in a very poor light.

Councillor Foley raised issue of sugar industry returning to Carlow.

Councillor Murnane-O'Connor raised issue of rates in Carlow town being higher than Waterford and requested information on reduction, under rates harmonisation for next year, for May meeting of Council.

Councillor Phelan said as Carlow Town rate is one of the highest in the country it would be beneficial if rates harmonisation was achieved over a shorter period.

Councillor Kinsella queried if the payment of grants to Community Groups can be made through Post Offices as Community Groups use the services of Post Offices.

This concluded the business of the meeting.