

CARLOW COUNTY COUNCIL

Minutes of the December Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 9th December at 2.00 p.m 2013

Present: Councillor D Hurley, Cathaoirleach
Councillor M. Abbey
Councillor A. Ahern (Nee Long)
Councillor F. Browne
Councillor M. Doran
Councillor W. Fennell,
Councillor D. Foley,
Councillor F. Hunter
Councillor T. Kinsella
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 W. Lacey

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

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

The Members expressed votes of sympathy to:-

- Noel Kenny, General Operative on the death of his father Michael Kenny, 10 Lr Pollerton Road, Carlow
- Hughie Walker, Driver and Brendan Walker, Amenity Trust on the death of their brother Eddie Walker, 10, Hanover Cresc., Burrin Road, Carlow
- Martin Guidera, General Operative on the death of his brother Connie Guidera, Fenagh, Co. Carlow
- Elizabeth Lee, Carlow Nationalist on the death of her father Billy Lee, Baltinglass
- Ger Monaghan, Technician on the death of his uncle John Monaghan, St. Lazerian's Terrace, Leighlinbridge.
- The Rossiter Family on the death of Seamus Rossiter, 11, Springdale, Tullow Road, Carlow
- The Doran Family on the death of Harry Doran, Myshall, Co. Carlow
- The McDonnell Family on the death of Ann McDonnell, Ratheadon, Bagenalstown, Co. Carlow
- The Kirwan Family on the death of Pat Kirwan, Slyguff, Bagenalstown, Co. Carlow
- South African Embassy on the death of Nelson Mandela
- The Byrne Family, Courtnellan, Borris on the death of Mick Byrne, Carlow Town.

VOTES OF CONGRATULATIONS

The Members expressed votes of congratulations to:-

- Mount Leinster Rangers on their magnificent triumph winning the Leinster Club Hurling Final.
- Myshall on winning the All Ireland Junior Camogie Club Final

- Bennekerry/Tinryland Community Games on receiving 'The County Involvement Award' at the Community Games National Area Awards in Derry.
- Brendan Hennessy Presenter and Broadcaster on KCLR on his excellent commentary of Mount Leinster Rangers historic hurling victory.
- Carlow Town on winning the County Intermediate Hurling Championship 2013
- All involved with Team Carlow Initiative to revamp Town Centre and also all involved with the success of Taste of Carlow and Ducketts Grove Christmas Craft and Food Fair.
- McGrath Park Integrated Community Sports Facility on receiving the Excellence in Local Government Awards 2013.
- Members complimented all involved with the provision of Christmas Lighting in Carlow Towns bringing a festive atmosphere to towns.
- Carlow Fire and Rescue Service on their success at the World Championships 2013 held in Florida.

Members urged the people of Carlow to shop local this Christmas.

Members wished a speedy recovery to the Club Members of Mount Leinster Rangers Hurling Club who were involved in a recent road traffic accident. Members complimented Carlow Fire and Rescue Services for their speedy response to the accident.

1. CONFIRMATION OF MINUTES

- (a) Proposed by Councillor T. O'Neill
Seconded by Councillor J. Murphy
AND**

Following a showing of hands it was unanimously resolved:-

"That the Minutes of the Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 11th November 2013, at 2.00p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.

**(b) Proposed by Councillor W. Quinn
Seconded by Councillor W. Paton
AND**

Following a showing of hands it was unanimously resolved:-
“That the Minutes of the Monthly Adjourned Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 18th November 2013, at 2.00p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.

2. CIRCULARS

There were no circulars

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

**(a) Taking- in- charge Roads and Services Barrowlough
Leighlinbridge, Co. Carlow**

Mr. McInerney in his report dated 3rd December 2013 advised that following the public consultation process no submissions were received. Members’ approval was sought to the taking-in-charge of roads and services at Barrowlough, Leighlinbridge, Co. Carlow.

**Proposed by Councillor M. Doran
Seconded by Councillor D. Foley
AND**

Following a showing of hands it was unanimously resolved:-
“That we, the Members of Carlow County Council hereby approve the taking- in- charge of Barrowlough, Leighlinbridge. Co. Carlow in accordance with Section 11 of the Roads Act, 1993, and Section 180 of the Planning and Development Act, 2000 as amended; and Section 59 of the Planning and Development Act, 2010”.

**(b) Taking-in-Charge Roads and Services The Paddocks, Browneshill
Road, Carlow.**

Mr. McInerney in his report dated 4th December 2013 advised that following the public consultation process three submissions were received. The issues raised in the submissions related to insulation of the individual houses and

are issues not related to the taking-in-charge process. No other submissions were made.

Members' approval was sought to the taking-in-charge of roads and services at the Paddocks, Browneshill Road, Carlow.

Proposed by Councillor T. O'Neill

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 taking-in-charge of The Paddocks, Browneshill Road, Carlow in accordance with Section 11 of the Roads Act, 1993, and Section 180 of the Planning and Development Act, 2000 as amended; and Section 59 of the Planning and Development Act, 2010".

4. COMMUNITY & ENTERPRISE & ECONOMIC DEVELOPMENT & CORPORATE SERVICES

(a) Resignation of Member of Carlow County Council

Mr. E. Brophy advised of resignation of Councillor Michael Abbey with effect from 12th December 2013. Accordingly a casual vacancy will occur on 12th December 2013.

This vacancy shall be filled by the co-option by the local authority of a person to fill the vacancy in accordance with Section 19 of the Local Government Act 2001. This matter will be placed on the January agenda.

Councillor Abbey spoke of his time as a Member of Carlow County Council and complimented the Council for the manner in which it carries out its business by always doing the right thing for the betterment of Carlow. He made particular reference to the Community and Enterprise Department and all who work extremely hard with communities showing great vision for the County in promoting Pride of Place, Tidy Towns etc.

He thanked the County Manager, Directors of Services and staff. He said he will miss the debates in the Council Chamber but the good thing about his leaving was that it was by personal choice. He thanked the Chairman and wished everyone well in the Local Elections 2014.

The Chairman paid tribute to Councillor Abbey saying it was a pleasure working with him close on twenty years. He said he was a great ambassador for Carlow and as a well established Councillor was respected by colleagues and the public and a great leader of the community.

The Chairman wished Councillor Abbey and his family a long and happy retirement.

The County Manager joined in tributes to Councillor Abbey on his own behalf and on behalf of staff. He said Councillor Abbey set very high standards in how he conducted everyday business. He complimented his leadership role and how at public events he always showcased Carlow in a very positive light. The County Manager wished Councillor Abbey well in his retirement. The Members paid warm tributes to Councillor Abbey saying he was always a gentleman, a great ambassador for Carlow, served the community with honour and dignity and was a great mentor. The Members wished him and his family a long and happy retirement.

(b) Agree dates for 2014 Budget Meetings

It was agreed that the 2014 Budget Meeting be held on 10th January at 2p.m with the Pre Budget Meeting at 11.00a.m unless advised otherwise.

In response to query from Councillor Kinsella the County Manager advised that the Landscape Character Assessment report should be on schedule to be completed by 31st January 2014.

(c) Agriculture

There were no matter arising.

(d) Health

Members raised the following issues

- HSE South Service Plan 2014 to be published in February
- Standard of service given by GP's -a child sent to A&E for one stitch to his finger.
- Patient kept overnight in hospital for observation only because the patient had health insurance cover.
- Capital investment St. Lukes Hospital, Kilkenny welcomed.
- X-Ray department St Dymphna's hospital, Carlow only opened part time and appointments have to be approved by Kilkenny with long waiting periods. Write to Minister to have this issue addressed.
- Primary Care Centre, Tullow

- Medical cards being taken from qualified persons and people having to reapply for medical cards.
- Prescriptions charges €2.50 resulting in extra burden on the elderly.

(d) Tenders for opening, if any

Members noted tenders opened since last Council meeting.

5. PLANNING

(a) Planning Progress Report

Members had for their consideration Planning and Development Activity Report for the period 1st January 2013 to 30th November 2013.

The report covered the following areas of responsibility:-

- (a)** *Development Management*
- (b)** *Enforcement Activities under the Planning and Development Act*
- (c)** *Taking of Estates In Charge*
- (d)** *Unfinished Estates*
- (e)** *Economic Development, Planning and Cultural Strategic Policy Committee*
- (f)** *Review of Development Contribution Scheme*
- (g)** *Forward Planning*

Members raised the following issues:-

- Members expressed concern at the proposed erection of twenty wind turbines in the Old Leighlin area. The County Manager advised that the general guidelines in the Development Plan determine approach to the identification of suitable locations for wind energy development. Maps showing preferred areas and areas open for consideration are available with County Development Plan.
In response to Members query Mr. Walsh advised that no planning application has been lodged with Carlow County Council for the construction of windmills but that a pre-planning meeting has taken place.
- High percentage of invalid planning applications stressing the importance of pre-planning meetings.

- Unfinished Housing Estates. A detailed discussion ensued on unfinished estates. Ms O'Neill outlined the current position in relation to unfinished housing developments and proposed course of action. She said it was a slow process especially in relation to making a claim on security bonds but that progress is being made. A discussion took place in relation to bonds. In response to Members query the County Manager advised that bonds are discretionary as legislation does not require bonds as part of planning conditions. Bonds are short term and must be drawn down before expiry date. He advised that Local Authorities are requested to inspect unfinished estates under Health and Safety. A €10million fund has been introduced in budget 2014 for the resolution of issues in unfinished estates where no development bond exists. Carlow County Council will be making submissions for funding under this scheme.

All queries raised by Members were addressed by County Manger, Mr. Walsh and Ms. O'Neill.

6. ENVIRONMENT, WATER SERVICES & HEALTH & SAFETY

(a) Draft Policy on Bring Bank Site Operations and Improvements

Members welcomed Draft Policy prepared by Water and Environment Strategic Policy Committee for Bring Bank Site Operations and Improvement. There are 25 bring sites across the county-Local Authority, Community and Private.

The policy proposes the improvement of six bring centres, Bagenalstown (McGrath Hall), Borris, Hacketstown, Rathvilly, Tullow and Kernanstown. Funding investment will be sourced from a variety of sources including public/private sources. It is proposed to charge a fee of €500 per receptacle for Council sites. A local Pay to Use Contractor has also approached the Council to site a PTU receptacle on Council sites. The promotion of clothing/textile collection will be supported at local authority operated bring sites subject to certain criteria. In the case of community or privately owned sites the owners of the sites shall require compliance with certain criteria which is

essential to ensure compliance with the provisions of waste management legislation.

Members raised the following issues:-

- Removal of some paper recycling facilities from Local Authority sites due to high levels of contamination. Paper recycling facilities required for the Clonegal, Kildavin area
- Public confusion in relation to Tullow Amenity site not being a public site
- Responsibility for the regulation of clothing banks on private sites and responsibility for maintaining site. Can best be dealt with under Litter Management Act by the Local Authority.
- Recycling of hard plastics
- The need for educational awareness, monitoring systems and emptying of clothing banks on a regular basis
- Abuse of dog fouling dispensers
- Powerstown Landfill closed on Mondays and Tuesdays

All queries raised by Members were addressed by Mr. Carley and Ms Mulholland.

It was

Proposed by Councillor McDonald

Seconded by Councillor Murnane-O'Connor

AND

Following a showing of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council, hereby approve the Draft Policy Document on Bring Bank Site Operations and Improvement”.

Members wished Ms. Mulholland well in her new role as the Council’s Liaison Officer for the transition to Irish Water.

7. CORRESPONDENCE

Members noted correspondence from Department of Environment, Community and Local Government acknowledging receipt of letter in connection with the recent motion regarding the Working Group on Citizen Engagement.

Members noted correspondence from Department of Health in response to letter sent in relation to prescription charges and means testing of medical cards.

Members noted resolution from South Tipperary County Council.

'This Council recognises that the trafficking exploitation and abuse of women and girls is taking place throughout the country as a direct result of prostitution. The Council believes human rights abuses can be ended by targeting the demand for prostitution by introducing laws which make it an offence to pay for sex and is seeking such laws. We note the success of similar laws in other European countries. The Council will convey its views to the Minister for Justice.'

Members noted resolution from Nenagh Town Council.

'That this Council recognizes that the trafficking, exploitation and abuse of women and girls is taking place in County Tipperary and throughout the country as a direct result of prostitution. The Council believes human rights abuses can be ended by targeting the demand for prostitution by introducing laws that make it an offence to pay for sex and is calling for such laws. This Council notes the success of similar laws in other European countries.'

Members noted resolution from Clare County Council.

'That Clare County Council calls on the Minister for Transport to extend the derogation period to allow adequate time to resolve the height restriction of 4.65 metres for vehicles using the country's road network.'

Members noted resolution from Macroom Town Council.

'That Macroom Town Council calls on the Minister for the Environment, Community and Local Government, members of Dáil Eireann and Seanad Eireann that in the light of recommendations published on Wednesday October 30th 2013 by the congress of Local and Regional Authorities, part of the Council of Europe which states that Ireland needs greater Constitutional Protection for Local Government and it is failing to protect Local Democracy and the continued centralisation of power and decision making at National level, instead of greater devolution to local communities.'

That the draft Local Government Reform bill issued on the 17th October 2013 should be referred to the Constitutional Convention so that a discussion can take place on the issues raised by the Council of Europe which runs entirely contrary to the key principals of the European Charter for Local Self Government which was ratified by Ireland on the 14th May 2002.

Members noted resolution from Offaly County Council.

'That Offaly County Council writes to the Minister for Health requesting that he lift the ban on Nurse recruitment.'

Members noted correspondence from Managing Director of Irish Water to each County and City Manager regarding Irish Water engagement with Local Elected Representatives.

Members noted correspondence sent by Email to Eamonn Brophy from Eoin Duffy, Tullow on being shortlisted for the Oscars.

Members noted correspondence from Bishop Nulty thanking Members for their support and good wishes on his Ordination as Bishop of Kildare & Leighlin.

Members noted resolutions from Donegal County Council

'Regarding the recent suggestion that Vehicle Motor Tax may be decentralised (Similar to Driving Licence Applications) I ask Donegal County Council to support a proposal that Motor Tax should be left with Local Authorities who have excellent records as far as this work is concerned.'

'That Donegal County Council acknowledges the vital work of the Credit Union movement within the County and understands that a credit union's main strength is that it is local. Further Donegal County Council supports the Irish League of Credit Unions in their fight against the over zealous regulatory regime and moves towards consolidation being imposed on them by the Government and the Central Bank.'

8. Notices of Motion.

Fógraí Rúin/Notices of Motion.

Standing in the Name of Councillor William Paton

Proposed by Councillor Paton

Seconded by Councillor Murnane-O'Connor

AND

Following a showing of hands it was resolved:-

"That Carlow County Council condemns the proposed closures of the Community Welfare Offices in Tullow and Bagenalstown and the centralisation of Community Welfare Services in Carlow Town (without any regard for the total lack of public transport in many parts of the county) and this Council calls on the Minister for Social Protection to give assurances that both offices will remain open into the long term."

Standing in the Names of Councillors William Paton & Jennifer Murnane O'Connor

"That Carlow County Council condemns the centralisation of Rent Supplement applications in Dublin in light of the long delays being experienced by those urgently needing housing. The members note that the 1890 phone help line is not being answered and that applicants cannot receive assistance with deposits and rent supplement until they produce a valid signed tenancy agreement (this requirement essentially means that most rent supplement applicants are being barred from receiving desperately needed assistance with housing). This Council calls on the Minister for Social Protection to allow local Community Welfare Officers to decide on rent supplement applications with immediate effect."

A vote was taken on the Proposed Motion as follows:-

| <i>Members of Carlow County Council</i> | <i>For</i> | <i>Against</i> | <i>Abstain</i> | <i>Absent</i> |
|---|------------|----------------|----------------|---------------|
| <i>Cllr. Michael Abbey</i> | | ✓ | | |
| <i>Cllr. Anne Aherne(Nee Long)</i> | ✓ | | | |
| <i>Cllr. Fergal Browne</i> | | ✓ | | |
| <i>Cllr. Michael Doran</i> | ✓ | | | |

| | | | | |
|--|---|---|--|---|
| <i>Cllr. Wayne Fennell</i> | ✓ | | | |
| <i>Cllr. Denis Foley</i> | ✓ | | | |
| <i>Cllr. Fred Hunter</i> | | ✓ | | |
| <i>Cllr. Des Hurley</i> | ✓ | | | |
| <i>Cllr. Thomas Kinsella</i> | | ✓ | | |
| <i>Cllr. Walter Lacey</i> | | | | ✓ |
| <i>Cllr. Arthur McDonald</i> | ✓ | | | |
| <i>Cllr. Jennifer Murnane-O'Connor</i> | ✓ | | | |
| <i>Cllr. Charlie Murphy</i> | ✓ | | | |
| <i>Cllr. John Murphy</i> | | ✓ | | |
| <i>Cllr. Tom O'Neill</i> | | ✓ | | |
| <i>Cllr. Pat O'Toole</i> | | ✓ | | |
| <i>Cllr. William Paton</i> | ✓ | | | |
| <i>Cllr. John Pender</i> | ✓ | | | |
| <i>Cllr. William Quinn</i> | ✓ | | | |
| <i>Cllr. Caroline Townsend</i> | ✓ | | | |
| <i>Cllr. Jim Townsend</i> | ✓ | | | |

*The vote resulted as follows: 13 for, 7 against, 1 absent
The resolution was carried.*

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

Members raised the following issues:-

- RAS Scheme update for January meeting.
- IPB insurance allocation of €1m funding through their Corporate Social Engagement (CSE) Framework initiative IPB Youth and Community Fund.
- Concern at recent change in government policy where a non elected member can chair a Corporate Policy Group.

The County Manager advised of item to be held in committee.

Carlow Local Authorities: Local Government Reform Process 2013/2014 – Action for Effective Local Government – Transition/Unification/Reorganisation.

The County Manager briefed Members on the Draft Proposals.

This concluded the business of the meeting.

