

## **CARLOW COUNTY COUNCIL**

**Minutes of the January Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday, 16th January 2012 at 2.00 p.m**

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Present: Councillor T. Kinsella, 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 D. Hurley  
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,

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

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

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

### **OPENING PRAYER**

The opening prayer was recited by the Members.

### **VOTES OF SYMPATHY**

The Members expressed votes of sympathy to:-

- Marie McGrath and Family, 4 Maple Lawn, Ballon on the death of her husband Michael.
- Sylvester Coote and Family on the death of his mother Bridget (Feeney) Coote, Ennis, Co. Clare
- The Maher Family on the death of Jim Maher, 14 Pairc Mhuire, Tullow, former employee of Carlow County Council.
- Joe McDonald, Pinewood Ave., Carlow on the death of his sister Mary Murphy, Donn'Or, Browneshill and Tinryland, Carlow.
- James Doyle, Water and Sewerage Caretaker on the death of his brother Michael Doyle, 5 Templeowen, Tullow, Co. Carlow.
- Martin Guidera, General Operative on the death of his mother Anne Guidera, Ballyknockan, Fenagh, Co. Carlow

### **VOTES OF CONGRATULATIONS**

The Members expressed votes of congratulations to:

- County Carlow Sports Partnership on the success of Operation Transformation Walk 2012.
- Students Keane Nolan and D.J Hanley from St. Mary's Academy on their success at the Young Scientists and Technology Exhibition.
- Carlow Institute of Technology on the opening of its new Student Services Centre.
- Dr. Ruaidhrí Neavyn on being appointed as the new president of Waterford Institute of Technology.
- Four projects of excellence nominated for LAMA awards – Family Resource Centre, Bagenalstown, Beam Building and McGrath Park Sports Complex, Bagenalstown and Leap Building, Delta Centre.

- Mount Leinster Rangers on reaching the All-Ireland Intermediate Hurling semi final.
- Borris Vocational School on winning the Leinster Schools Camogie Final.

## **CONFIRMATION OF MINUTES**

- (a) Proposed by Councillor J. Murnane-O'Connor  
Seconded by Councillor T. O'Neill  
AND RESOLVED:**

*“That the Minutes of the December Monthly Meeting of Carlow County Council, held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday, 12th December 2011 at 2.00p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.*

## **2. CIRCULARS**

Members had for their consideration Circular Letter LGS 13/11 – Commencement of Dog Breeding Establishments Act, 2010.

The Act came into force on 1st January 2012.

Mr. Brophy advised there were 2,456 dogs licences issued in Carlow in 2011. Under the new legislation Dog breeding establishments will be required to be included on the Local Authority register of dog breeding establishments. The registration fee and annual fee starts at €400. The Act increases the fee for an annual dog license to €20 and a general dog license to €400. It also introduces the lifetime of dog license at a cost of €140. Both general and lifetime of dog licences will be issued by Local Authorities.

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

### **(a) Speed Limits Review**

Members welcomed report from Mr. D. McInerney on the Review of Speed Limits under the Roads Traffic Act 2004, Part 2.

Mr. McInerney advised that the Road Traffic Act 2010 amends Section 9 (2) of the Road Traffic Act 2004 by introducing a 40km/hr special speed limit in respect of a road or roads in accordance with

guidelines issued by the Minister. These guidelines replace the Guidelines for the application of Special Speed Limits 2005.

The report outlined some of the main points of the Guidelines associated with the 2010 amendments.

Mr. McInerney advised that in May 2010 the Council publicly advertised its intention to undertake a review of speed limits for the entire county and invited submissions from Members of the public. Members had submissions received and responses to submissions. Members also had a schedule of proposed speed limits amendments which were drawn up following consideration of the submissions received and following discussion at Transportation SPC meetings. Consultation regarding the speed limit review has also taken place with An Garda Síochana who agree with the proposed amendments. Mr. McInerney advised that subject to the agreement of Council, it is now proposed to commence the prescribed consultation phase under Part 2 of the Road Traffic Act, 2004. The period for consultation must not be less than one month (30 days) from the date that the notice issues to An Garda Síochana and the Town Council.

A detailed discussion took place in relation to the proposed speed limits. Councillor Paton welcomed the proposed speed limit review but requested a deferral of the decision to go to public consultation. Councillor Paton requested that the proposed speed limits be brought to local area meetings giving Members more time and the opportunity to address any issues they may have regarding the proposed speed limits in their own areas. He also requested maps to accompany the proposals.

Mr. McInerney advised that in light of the issues raised that the matter be brought to area meetings and be dealt with as soon as possible. He also advised that no extra funding will be required.

The Speed limit review was passed at the January meeting of Carlow Town Council and it was agreed that both go to public consultation at the same time.

Following discussion Councillor Paton's proposal to defer the decision was seconded by Councillor Pender and following a showing of hands agreed by Members.

#### **4. HOUSING RECREATION & AMENITY & SPECIAL PROJECTS**

##### **(a) Grant Aid Carlow Tourism Christmas Market**

Members noted correspondence from Carlow Tourism seeking financial assistance with costs towards Christmas at Duckett's Grove 2011.

Member's approval was sought for grant payment of €1,700 to Carlow Tourism towards the staging of the annual Christmas Market. Members supported the grant payment but queried how the payment will be funded. The County Manager advised that it will come out of 2011 Budget for Recreation and Amenity.

**Proposed by Councillor W. Fennell**

**Seconded by Councillor M. Doran**

**And**

Following a showing of hands it was unanimously resolved:-

*"That we, the Members of Carlow County Council, hereby approve financial assistance of €1,700 towards Carlow Tourism towards costs incurred for Christmas at Duckett's Grove 2011.*

A discussion took place in relation to Ducketts Grove, the towers and gatelodge. The County Manager is to prepare a report updating Members on Ducketts Grove.

#### **5. LOCAL GOVERNMENT HOUSEHOLD CHARGE - PRESENTATION**

Mr. Ronan Fitzgerald, Acting Head of Finance gave a presentation to Members on the new household charge. The €100 charge is payable by owners of residential property on a self declaration basis and payable by 31st March 2012.

Mr. Fitzgerald advised that this charge is not income related and set out exemptions and waivers. Members noted the list of unfinished estates that may apply for waivers and noted a number of unfinished estates in County Carlow not listed. The onus is on property owners to check with Department, Planning and Housing Section if their estate qualifies for a waiver as an unfinished estate.

Mr. Fitzgerald advised that payment by cash can only be made at County Buildings, Athy Road and Carlow Town Council. Members expressed dissatisfaction with this arrangement. The County Manager advised that due to staff shortages and security it is not

possible to accept cash in Tullow or Bagenalstown. However, registration forms and information will be available at these offices and cheques and postal orders will be accepted and referred to County Buildings cash office for receipting.

This issue will be reviewed at a later date.

Councillor Lacey raised the issue of payment by instalments which applies to Direct Debits only and proposed that the following Notice of Motion be sent to the Minister for the Environment and circulated to all Local Authorities for their support.

This proposal was seconded by Councillor O'Toole and following a showing of hands was unanimously agreed by Members.

*“That we, the Members of Carlow County Council call on the Minister for the Environment to extend equal status to householders wishing to pay the new household tax by cash and allow them to pay by four instalments as is the case with those paying by direct debit”.*

Queries raised by Members were answered by County Manager and Mr. Fitzgerald.

## **6. COMMUNITY & ENTERPRISE & ECONOMIC DEVELOPMENT & CORPORATE SERVICES**

### **(a) Quarterly Progress Reports**

#### **(i) Library**

Ms B. O'Brien presented progress report on Carlow County Library Service for the period June – December 2011.

The report covered the role the Library plays in the lives of the public and the community.

The main issues covered included:-

- 7,900 new people registered to use the library service in 2011. Over 31,000 internet services sessions were availed of in 2011.
- Information Communication Technology and online resources
- Library Collection and information – purchase of daily newspapers, magazines, alternative formats, reading and literacy initiatives, lifelong learning and back to education initiatives, local history and archival material, reference material and adult, teenage and children's material.

- Muinebheag Library Refurbishment Project – nearing completion
- Central Library - Accessibility under Health and Safety legislation.
- Other Initiatives:- Children’s Services and Reading programmes, The Big Read Project, Pen Fest, ENFOpoints competition, Local, National Events and Festivals, Annual Children’s Book Festival, National Science Week 2011, Men’s Shed Exhibition & Launch, Barrow Valley Art Group and other broad range of library services.
- Staff Development and Training

Members raised issues relating to the opening hours of Bagenalstown Library, provision of Library for Hacketstown and the rationalisation of An Chomhairle Leabharlanna.

Ms. O’Brien advised that the opening hours of Bagenalstown Library will be reviewed but a moratorium on recruitment was an issue. In relation to provision of Library for Hacketstown Ms. O’Brien advised that this matter will be examined.

## **(ii) Community & Enterprise**

Members welcomed progress report from Ms. B. O’Brien on Community and Enterprise and Economic Development for period June 2011 to December 2011.

The report covered the following areas

1. Arts
2. Economic Development / Business Support Unit
3. Carlow County Development Board
4. Community Initiatives
5. County Carlow Sports Partnership
6. Carlow RAPID
7. Other Initiatives / Areas of Responsibility

Ms O’Brien advised of Carlow Local Authorities International Leadership Award for commitment and support to Carlow African Film Festival.

Members thanked Ms. O’Brien for her excellent report and praised the work and projects of the Department of Community and Enterprise and Economic Development.

Members raised the following issues:-

- Community Employment Schemes – cut in funding for materials and training.
- Tús Scheme – no provision for materials and equipment.

Ms. O'Brien advised a report will be prepared on Community Employment Schemes and Tús Scheme.

- Ducketts Grove – update.

The County Manager advised a report will be prepared on Duckett's Grove.

- RAPID funding

Ms O'Brien advised that funding for the RAPID Programme has been cut by 50% and will be reviewed.

- Special rates for local communities for the use of VISUAL/George Bernard Shaw Theatre

Ms. O'Brien welcomed Members suggestion and advised that rates for community groups for the use of VISUAL/Theatre will be examined.

- Carlow Men's Health Project – funding for further projects
- Carlow Youth Services – cut in funding
- Use of storage facilities for community games

- Sports Inclusion Disability Programme - funding

Ms. O'Brien advised of €7,000 HSE funding to July 2012 for the Sports Inclusion Disability Programme.

- McGrath Hall, Bagenalstown – funding for stage and toilet facilities.

Ms. O'Brien advised that there is no capital funding available for this work but the matter will be examined and prioritised when funding becomes available.

All queries raised by Members were answered by Ms. O'Brien.



### **(iii) Corporate**

Members welcomed progress report on Corporate Services and Human Resources to 31/12/2011.

The report covered the following

#### Corporate Services

- Management of Council and Corporate Policy Meetings, Attendance of Councillors at Conferences, Payment of Councillors Allowances and Expenses, Civic Receptions, Twinning, Linkage with National Bodies such as LAMA and ACCC, Burrin Drainage Committee, Joint Policing Committees
- Register of Electors
- Local Elections
- Higher Education Grants
- Customer Service
- Co-Ordination of Customer Service Performance Indicators
- Control of Dogs
- Coroners Court
- Management of Council Property
- Preparation of Annual Report
- Preparation of Corporate Plans
- Ethics Register
- Freedom of Information
- Ombudsman
- Data Protection
- Public Relations
- Irish Language Scheme
- Disability Plan – Towards Universal Access for All 2008 – 2015
- Schools Business Programme Partnership

#### Human Resources

Employees: 377 as at 31/12/2011 (including 48 Retained Fire Fighters)

- Manpower Planning, Recruitment & Selection
- The deployment of staff to all service areas
- Training, Learning & Development

- Performance Management (PMDS)
- Industrial Relations
- Staff Wellbeing and Employee Assistance Programme
- Equality & Diversity
- Work Life Balance
- Creating a Positive & Safe Working Environment
- Workplace Partnership
- Superannuation
- Continuing Professional Development (CPD)
- Implementation of Core HR/Payroll/Superannuation System

The Corporate Services/HR Department also provides coordination and leads on the implementation of the Public Service Agreement Local Sectoral Action Plan on the Croke Park Agreement. This includes actions required under the following categories:

- Restructuring
- Shared Services
- Procurement
- E – Government
- Redeployment

Ms. O'Brien outlined targets and aims of the Local Sectoral Action Plan.

Members raised the following issues:-

- Request sanction from Minister for recruitment of outdoor staff particularly for the Bagenalstown and Central Areas.
- Redeployment of staff to the Planning Department to address planning issues.  
Ms. O'Brien advised that staff are being redeployed to the Planning Department.
- An SPC meeting to be arranged to address planning issues with all members invited to attend.  
The County Manager advised that an SPC meeting will be arranged to discuss planning issues.
- Tender – Operation of Call Centre  
Mr Brophy advised that the Operation of the Call Centre currently based in Kildare was put to tender to achieve the best value for money for the Local Authority.

**(b) Statute Law Revision Bill 2011**

Members had report from Mr. E. Brophy on the Statute Law Revision Bill 2011. The revision requires the repeal of a number of old Acts of Parliament from 1851 to 1922 and from 1751 to 1922 in the case of Private Acts.

The Statute Law Revision Project has identified five Acts which may be of relevance to Carlow and is not therefore now recommending the repeal of these Acts.

The matter has been referred to the Council's Solicitors and he advised that the proposal is in order.

**Proposed by Councillor W. Paton**

**Seconded by Councillor W. Lacey**

**And**

Following a showing of hands it was unanimously resolved:-

*That we, the Members of Carlow County Council hereby approve the repeal proposal and Acts proposed for retention as set out by the Office of the Attorney General.*

**(c) Interim Report of the Local Government/Local Development Alignment Steering Group**

Members had for their information and consideration Interim Report of the Local Government /Local Development Alignment Steering Group.

Ms. O' Brien advised of the steering Group's Terms of Reference:-

- Review the role of Local Government in Local and Community Development;
- Review the role and contribution of the Local and Community Development programmes in order to determine the scope for greater synergy with Local Government; and
- Make recommendations on how the alignment of Local Government and Local and Community Development should be progressed with a view to: –
  - a. improving delivery of services for the citizen at a local level;
  - b. achieving greater efficiency and effectiveness; and
  - c. enhancing the role of local authorities in the delivery of Local and Community Development programmes and functions.

**(d) Health**

Councillor Fennell advised of HSE Service Plan announcement. The Service Plan for HSE South covering Carlow/Kilkenny will be examined to determine if services in Carlow will be affected. Early retirements and staff moratorium is impacting greatly on the health services and especially with front line staff.

Councillor Ahern requested that Carlow County Council write to the Minister requesting the lifting of moratorium on staff recruitment for a period until staff issues have been addressed following early retirements of public servants on or before 29<sup>th</sup> February 2012.

Councillor McDonald raised the issue of health and safety checks of apartments following a recent accident where a storage heater fell from a wall and injured a child. The County Manager advised that the responsibility for the storage heater rests with the owner of the apartment.

Councillor Lacey requested that Members of the HSE Forum get clarification on the proposed closure of unit at Waterford General Hospital which deals with chronic pain.

Councillor Murnane-O'Connor raised the issue of ambulance service in Carlow. An ambulance at St. Dymphna's Hospital could not be used to transport a patient to hospital resulting in the patient waiting a considerable time for the service.

**(e) Agriculture**

Councillor McDonald advised that as agriculture is Ireland's biggest export farmers are being prevented from expanding due to current legislation and EU Regulations.

**(f) Tenders for opening, if any**

Members noted tenders opened since the last Council Meeting.

**7. FINANCE AND INFORMATION TECHNOLOGY**

**(a) Local Government Audit Report for year ended 31/12/2010.**

Members had for consideration and approval the audited Annual Financial Statement for 2010 and the Auditor's Report.

**Proposed by Councillor W. Paton**

**Seconded by Councillor M. Doran**

**And**

Following a showing of hands it was unanimously resolved:-  
*That we, the Members of Carlow County Council hereby approve the Local Government Audit Report for year ended 31/12/2010 in accordance with Section 120 of the Local Government Act, 2001.*

## **8. CORRESPONDENCE**

### **Members noted Resolutions from Kilkenny County Council**

*“That this Council calls on the Department of Environment, Community and Local Government to be more flexible with the Housing Adaptation Grant Scheme to include funding for L.A. houses.”*

### **Members noted Resolutions from Monaghan Town Council**

(a) *“That this Council deplores the withdrawal by this Government of the 6 week winter fuel allowance for those who most need it.”*

(b) *“That this Council condemns the proposed cuts in funding for CE Scheme participants.*

(c) *“That this Council, in the interests of members of the public who are finding it difficult to make ends meet at this time, would support and promote a move to accept payments by direct debit spread over 12 months for motor tax with no additional cost to the fixed annual fee.”*

**Members noted correspondence from the Jordan Family, Milltown, Kilbride, Carlow** thanking Members for their expression of sympathy on the death of Peadar Jordan.

### **Members noted Resolutions from Clare County Council**

*“That this Council call on the Minister for the Environment and Social Welfare for the option to transfer people on unemployment assistance to Local Authorities to enable them to work a 3 day week for their benefits plus possible incentives.*

### **Members noted Resolutions from Limerick County Council**

*“That, Limerick County Council calls on the Minister for Foreign Affairs and the Government to restore the Irish Ambassador to the Holy See. Ireland has had an 80 year old diplomatic association with the Vatican.”*

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

Members raised the following issues:-

- Audit Report 2010 – Bond Register, unfinished housing estates and outstanding development charges.  
The County Manager advised that the Bond Register is an important issue and additional resources are being assigned to the Planning Department to assist with the updating of the Bond Register and other issues.
- Members raised the issue of housing applications review where people have been removed from housing list who do not return application forms. These people are unaware they are no longer on the housing list. Members were advised that the onus is on the applicant to notify the Local Authority of change of address.
- Three pot holes at Rathoe that need urgent attention.
- Members called on the County Manager to revisit the issue of removal of Bring Centres for paper recycling at Bagenalstown and Tullow with a proposal that will enable them to be continued in use.

This concluded the business of the meeting.