

## **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 12th May 2014 at 2.00 p.m.**

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Present: Councillor D Hurley, Cathaoirleach  
Councillor A. Ahern (Nee Long)  
Councillor E. Brophy  
Councillor F. Browne  
Councillor M. Doran  
Councillor W. Fennell,  
Councillor D. Foley  
Councillor F. Hunter  
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 J. Townsend.  
Councillor C. 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. S. O'Connor, Director of Services, Housing, Recreation  
& Amenity & Special Projects.  
Mr. D. McInerney, Director of Services  
Transportation & Safety & Emergency Services.  
Mr. P. Delaney, Head of Finance  
Mr. R. Fitzgerald, Financial Accountant  
Mr. P. Scully, Chairman Audit Committee

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:-

- Patricia Roche, Staff Officer on the death of her mother Mary Roche, Rathoe, Carlow.
- Frank Monaghan, General Operative on the death of his father John Monaghan, Pairc Mhuire, Bagenalstown.
- The Stronge Family, Mount Leinster Park, Carlow on the death of their mother Ann Stronge, former pensioner with Carlow County Council.
- Margaret Collins, School Warden on the death of her brother Patrick Kehoe, 83, New Oak Estate, Carlow.
- The Family of the late Brigid Egars, Rathanna, Borris, Co. Carlow.
- The Family of the late Sean Byrne, Burrin View, Bennekerry, Carlow.

Members complimented the Emergency Services for their prompt response to recent traffic accident in Bagenalstown and expressed sympathy to the family of those who lost their lives in the tragedy while on holidays from the United States.

The Chairman paid tribute to Councillors P. O'Toole, E. Brophy and F. Hunter as they will not be contesting the upcoming local elections. He said the Members of Carlow County Council took pride in their work and promoted Carlow at every opportunity. Under Local Government Reform there will be only 18 Members on Carlow County Council going forward and the Chairman wished his fellow members well in the local elections on 23<sup>rd</sup> May. He thanked the County Manager, Directors of Services and staff for their hard work and commitment to County Carlow. He hoped that democracy would be stronger under the new reform and had a positive view for the future.

Councillors O'Toole, Brophy and Hunter thanked the Cathaoirleach, fellow Members, Management and staff for their help and support spanning a number of years while Members of Carlow County Council and wished everyone well in the forthcoming elections.

The County Manager paid tribute to the three Members and thanked the outgoing Council for their work on behalf of the County over the past five years. He praised the co-operation Management and staff received from the Members during the implementation of difficult austerity measures while maintaining services to a high level.

### **VOTES OF CONGRATULATIONS**

The Members expressed votes of congratulations to:-

- Bennekerry/Tinryland on winning the Ladies Football Minor A Final.
- Gaelscoil Ceatharlach, Tinryland National School and Scoil Mhuire Gan Smal on their success at the Junior Entrepreneur Awards.
- Director of Services Dan McInerney on becoming a grandfather.
- All involved with the success of the Darkness into Light walk in aid of Pieta House, the suicide prevention charity. Members paid tribute to the Carlow Scouts and Civil Defense team for their help supporting the smooth running of the event.
- Rathanna Group on staging an excellent variety show in Rathanna hall.  
Councillor Quinn encouraged the opening of VISUAL and George Bernard Shaw Theatre to small community groups for staging such shows.
- Kevin Nolan, Bennekerry, Carlow on scooping top prize in the Farming Independent 'Farmer of the Year' competition.

### **1. CONFIRMATION OF MINUTES**

**Proposed by Councillor W. Lacey**  
**Seconded by Councillor A. Ahern**  
**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 14<sup>th</sup> April 2014, at 2.00p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.

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

**(a) Disposal of 0.00036 acres (1.45sq meters) at Pound Lane, Borris, to Dalma Stanley**

**Proposed by Councillor A. McDonald**

**Seconded by Councillor T. Kinsella**

**AND**

Following a showing of hands it was unanimously resolved:-

*“that we, the Members of Carlow County Council hereby approve in accordance with Local Government Act 2001 Section 183 (1), Planning & Development Act 2000 Section 211, the disposal of 0.00036 acres (1.45 sq meters) at Pound Lane, Borris, to Dalma Stanley, Cullen Upper, Wicklow, Legal Personal Representative of Norma Stanley, deceased by way of rectification for nominal sum of €1.00 in accordance with the terms of the statutory notice already circulated.*

**(b) Disposal of 0.0126 ha of land to Ballinkillen/Lorum Community Centre**

**Proposed by Councillor T. Kinsella**

**Seconded by Councillor A. McDonald**

**AND**

Following a showing of hands it was unanimously resolved:-

*“that we, the Members of Carlow County Council hereby approve the disposal of 0.0126 ha of land to Ballinkillen/Lorum Community Centre, Ballinkillen in the sum of €830 and associated conveying costs in accordance with the terms of the statutory notice already circulated and in accordance with the Local Government Act 2001 Section 183 (1), Planning & Development Act 2000 Section 211.*

**(c) Annual Financial Statement 2013**

Members had for their consideration Annual Financial Statement 2013. Mr. P. Delaney advised that the closing balance on the Revenue account at the

31<sup>st</sup> December 2013 was €22,514 (adverse) with a minor surplus of €34,100 recorded within the year.

Members raised the following issues;

- Landfill charges and the future of the landfill post closure 2016.
- Collection of outstanding Development Charges
- Servicing of part of €8 million loan associated with Carlow Eastern Relief Road and Pembroke by Irish Water.
- Rate arrears
- Members welcomed funding to complete Ballyknockan Manor.
- Members raise issue of rates and how Carlow compares with other counties. Mr. Delaney advised that Carlow is mid range across the country. The County Manager advised of Carlow's success in attracting multinationals over the last number of years. This was evident at the recent Chamber of Commerce Awards. The retail section is experiencing difficulties but this is a national issue.
- Members expressed dissatisfaction with the RAS scheme and said the Scheme was unsustainable.

All queries raised by Members were addressed by County Manager and Mr. Delaney.

### **Expenditure in Excess of Annual Budget**

Mr. Delaney advised that in 2013 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.

**Proposed by Councillor A. Ahern**

**Seconded by Councillor W. Paton**

**AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council, approve in accordance with Section 104 of the Local Government Act 2001 expenditure in excess of the 2013 Budget per the schedule below and note that the expenditure was funded by additional receipts, grants/recoupments or savings in other Service Divisions.”*

SERVICE		ADOPTED BUDGET 2013	OUTTURN N 2013	BUDGET V OUTTURN N 2013	DETAILS	
A07	RAS PROGRAMME	4,241,231	4,496,346	255,116	ADDITIONAL OFFSET	INCOME
B02	NS ROAD - MTCE. AND IMP.	530,113	842,214	312,101	ADDITIONAL OFFSET	INCOME
B03	REGIONAL ROAD - MTCE. AND IMP.	1,220,413	1,559,102	338,689	ADDITIONAL OFFSET	INCOME
B04	LOCAL ROAD - MTCE. AND IMP	4,180,917	4,809,356	628,439	ADDITIONAL OFFSET	INCOME
B10	SUPPORT TO ROADS CAPITAL PROG	176,882	207,206	30,324	ADDITIONAL OFFSET	INCOME
C02	WASTE WATER TREATMENT	3,315,479	3,376,412	60,933	ADDITIONAL OFFSET	INCOME
C04	PUBLIC CONVENIENCES	51,381	52,061	681	ADDITIONAL OFFSET	INCOME
C07	AGENCY & RECOUPABLE SERVICES	70,700	94,276	23,576	ADDITIONAL OFFSET	INCOME
D01	FORWARD PLANNING	125,890	138,613	12,723	ADDITIONAL EXPENDITURE	
D03	ENFORCEMENT	193,255	284,862	91,607	ADDITIONAL EXPENDITURE	
E09	MAINTENANCE OF BURIAL GROUNDS	81,125	83,406	2,281	ADDITIONAL EXPENDITURE	
E11	OPERATION OF FIRE SERVICE	2,476,777	2,579,083	102,306	ADDITIONAL OFFSET	INCOME
G04	VETERINARY SERVICE	168,540	233,192	64,652	ADDITIONAL OFFSET	INCOME
H05	MORGUE AND CORONER EXPENSES	89,533	106,113	16,580	ADDITIONAL EXPENDITURE	
H07	MARKETS AND CASUAL TRADING	19,889	22,149	2,260	ADDITIONAL OFFSET	INCOME
H11	AGENCY & RECOUPABLE SERVICES	1,452,985	1,479,775	26,790	ADDITIONAL OFFSET	INCOME

**(d) Audit Committee Report 2013**

Mr. Peter Scully, Chairman of Audit Committee presented Annual Report 2013 to Members.

Mr. Scully thanked committee members and staff for their help and support and wished Members well in Local Elections. A new Audit Committee will be selected following the Local Elections 2014.

**Proposed by Councillor J. Pender**  
**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 Audit Committee Annual Report 2013 in accordance with Section 5 of the Local Government (Business Improvement Districts) Act 2005 and Circular Fin 11/07.*

**(e) Taking-in-charge Woodglade, Fenagh, Co. Carlow**

**Proposed by Councillor J. Townsend**

**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 commencement of the public consultation process for taking-in-charge of Woodglade, Fenagh, 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.*

**(f) Taking-in-charge Mountain View, Myshall, Co. Carlow**

**Proposed by Councillor C. Murphy**

**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 commencement of the public consultation process for taking-in-charge of Mountain View, Myshall, 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.*

**(g) Taking-in-charge Lodge Court, Borris, Co. Carlow**

**Proposed by Councillor W. Quinn**

**Seconded by Councillor T. Kinsella**

**AND**

Following a showing of hands it was unanimously resolved:-

*“that we, the Members of Carlow County Council hereby approve the commencement of the public consultation process for taking-in-charge of Lodge Court, Borris, 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.*

## **(h) Taking-in-charge 4 House Scheme at Carrickduff, Co. Carlow**

Following a showing of hands it was unanimously resolved:-

*“that we, the Members of Carlow County Council hereby approve the commencement of the public consultation process for taking-in-charge of 4 house Scheme at Carrickduff, 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.*

### **5(a) Music Generation Carlow (MGC)**

Members welcomed Marian Duffy, Adult Education Officer at Kilkenny & Carlow Education & Training Board, Mr. David Forde, Chairperson and Ms. Paula Phelan Co-Ordinator Music Generation Carlow and Ms. Sinead Dowling, County Arts Officer

The purpose of the presentation was to seek funding up to €150,000 from Carlow Local Authorities to establish an instrument bank for the County. The funding approved by Council will be matched by Music Generation nationally.

Lengthy discussion took place on the issue, with some Members expressing reservations due to budgetary constraints, requesting that the matter be deferred for the incoming Members of Council in June and for the 2015 Budget meeting.

Following a recess, the County Manager put forward the proposal that Carlow County Council approve the allocation of a sum of €75,000 capital towards the Instrument Bank, to be paid up front – this sum to be funded by annual provision of €15,000 in the Council’s Annual Budget, over a five year period, commencing in 2015. In the context of governance and responsibility for the asset, Music Generation Carlow, under the lead partner Kilkenny & Carlow Education & Training Board, will take full responsibility for management and maintenance of the Instrument Bank. This allocation will cease if funding becomes available from another source.



**Proposed by Councillor A. McDonald**  
**Seconded by Councillor J. Murnane O'Connor**

*“That we, the Members of Carlow County Council, hereby approve the allocation of €75,000 capital towards an Instrument Bank for the county, to be paid up front – this sum to be funded by annual provision of €15,000 in the Council’s Annual Revenue Budget, over a five year period, commencing in 2015. The allocation is subject to match funding being achieved by Music Generation nationally. This allocation is also subject to Music Generation Carlow being unable to source funding from other local sources in the county for the establishment of an Instrument Bank.”*

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>
Ann Ahern nee Long	✓			
Eileen Brophy	✓			
Fergal Browne		✓		
Michael Doran	✓			
Wayne Fennell		✓		
Denis Foley	✓			
Fred Hunter				✓
Des Hurley	✓			
Thomas Kinsella				✓
Walter Lacey	✓			
Arthur McDonald	✓			
Jennifer Murnane -O'Connor	✓			
Charlie Murphy	✓			
John Murphy	✓			
Tom O'Neill		✓		
Pat O'Toole	✓			

William Paton	✓			
John Pender	✓			
William Quinn	✓			
Caroline Townsend	✓			
Jim Townsend	✓			

The vote resulted as follows: 16 for, 3 against, 2 absent

**The motion was carried**

**And Resolved:**

*“That we, the Members of Carlow County Council, hereby approve the allocation of €75,000 capital towards an Instrument Bank for the county, to be paid up front – this sum to be funded by annual provision of €15,000 in the Council’s Annual Revenue Budget, over a five year period, commencing in 2015. The allocation is subject to match funding being achieved by Music Generation nationally. This allocation is also subject to Music Generation Carlow being unable to source funding from other local sources in the county for the establishment of an Instrument Bank.”*

**7. Fógraí Rúin/Notices of Motion.**

**Standing in the name of Cllrs. William Paton, William Quinn, Caroline Townsend, Jim Townsend and Des Hurley**

“That Carlow County Council calls on the Government to exempt all educational and childcare facilities from commercial rates.”

**Proposed by Councillor W. Paton**

**Seconded by Councillor W. Quinn**

**AND**

Following a showing of hands it was unanimously resolved:-

*“that we, the Members of Carlow County Council calls on the Government to exempt all educational and childcare facilities from commercial rates.”*

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

In response to request from crèche owners to be afforded the opportunity to address the Members Mr. Brophy advised of Standing Order number 45 in relation to deputations. The issue will be considered at the June meeting of Council and a decision made.

**Standing in the name of Cllr. Des Hurley**

“That Carlow County Council supports the objectives outlined in the report ‘Unlocking the Barrow’, in particular the development of the potential of the river and greenways and will work with Government Departments, adjoining local authorities, development agencies and with community organisations to secure the necessary funding to achieve these objectives.”

**Proposed by Councillor D. Hurley**

**Seconded by Councillor M. Doran**

**AND**

Following a showing of hands it was unanimously resolved:-

*“That Carlow County Council supports the objectives outlined in the report ‘Unlocking the Barrow’, in particular the development of the potential of the river and greenways and will work with Government Departments, adjoining local authorities, development agencies and with community organisations to secure the necessary funding to achieve these objectives.*”

**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 6.15p.m

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

**(a) Returning Vacant Social Housing Properties to Productive Use**

Members welcomed report from S. O’Connor on funding allocation of €168,300 for the restoration works to 12 vacant Local Authority dwellings throughout Carlow. The purpose of this special measure is

to return vacant and boarded-up social housing units to productive use.

Members raised the following issues:

- RAS Scheme being unsustainable
- Lack of 2-bedroomed units
- Housing Applicants on Rent supplement being rejected by landlords

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

**(b) Establishment of Interim Local Community Development Committee (LCDC)**

Mr. O'Connor advised Members in relation to the establishment of Interim Local Community Development Committee (LCDC) under the Local Government Reform Act 2014. Statutory ministerial regulations and general policy guidelines will formally issue to Local Authorities in June after the Local Elections. In the interim Local Authorities are obliged to agree membership and convene their first meeting.

Members' approval was sought to the nomination of four elected Members to the interim committee.

The Corporate Policy Group in conjunction with the County Manager agreed that the following persons be appointed at this time to the LCDC – Councillor D. Hurley, J. Murnane-O'Connor, P. O'Toole and W. Quinn.

**Proposed by Councillor W. Quinn**

**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 appointments of Councillors D. Hurley, J. Murnane O'Connor, P. O'Toole, W. Quinn to the Interim Local Community Development Committee (LCDC).*

**(c) Public Area Enhancement Scheme**

Members had for their consideration from Mr. O'Connor Draft Schedule of proposals received from all of the County towns and villages under the Public Area Enhancement Scheme.

Members' approval was sought to the allocations as set out in Draft schedule.

The schedule is still in draft form until confirmation by the Department of the Environment, Community and Local Government.

**Proposed by Councillor T. O'Neill  
Seconded by Councillor D. Hurley  
AND**

Following a showing of hands it was unanimously resolved:-  
*“that we, the Members of Carlow County Council hereby approve the proposed allocations as set out in the Draft Schedule under the Public Area Enhancement Scheme”.*

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

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

Members noted tenders opened since last Council meeting.

## **6. CORRESPONDENCE**

**Members noted correspondence from the Minister of Finance** in response to Members letter regarding the Single Person Child Carer Credit.

**Members noted correspondence from the Minister of Education and Skills** in response to Members letter regarding litter management education in schools.

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

#### **Approval of Over Expenditure – Community Tourism Diaspora Project**

The County Manager brought to Members attention a new initiative announced in April 2014 called the Community Tourism Diaspora Project. This initiative is a partnership between Fáilte Ireland, Irish Public Bodies (IPB) and Local Authorities under the auspices of the County and City Managers' Association. Its purpose is to provide support in the form of small-scale funding incentives for community-based tourism events that have the capacity to carry through the legacy of The Gathering in 2014 and beyond.

Each partner is contributing €330,000 per annum for 3 years towards community events i.e. a sum of €10,741 per annum in every county by each partner. Carlow County Council is required to provide €10,741 per annum in 2014, 2015 & 2016. As there is no provision in the 2014 Annual Budget, the Members' approval was sought for over expenditure in the sum of €10,741 for 2014.

**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 over expenditure, in the sum of €10,741 in the Annual Budget 2014 in respect of Carlow County Council's contribution to new initiative announced 15<sup>th</sup> April 2014 called 'Community Tourism Diaspora Project'.*

*It was further agreed that contributions of €10,741 be provided for in Carlow County Council's Annual Budgets in 2015 and 2016.*

Councillor Ahern requested public notice in relation to the closure of polling station at Bishop Foley National School. The polling station at St. Joseph's National School will now serve the area previously served by polling station at Bishop Foley National School.

The Members congratulated the outgoing Cathaoirleach Councillor Hurley on a very successful year as Cathaoirleach of Carlow County Council. Councillor Hurley thanked the Members for their help and support during the year and wished everyone well in Local Elections 2014.

This concluded the business of the meeting.