

CARLOW COUNTY COUNCIL

Minutes of the June Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 12th June 2017 at 2.30 p.m.

Present: Councillor J. Murphy (Cathaoirleach)
Councillor A. Ahern (Nee Long)
Councillor F. Browne
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 K. Murnane
Councillor C. Murphy
Councillor B. O'Donoghue
Councillor W. Paton
Councillor J. Pender
Councillor F. Phelan
Councillor W. Quinn.

In attendance: Mr. D. McInerney, Deputy Chief Executive
Ms. B. O'Brien, Director of Service – Corporate, Planning, Economic Development, Health and Safety
Mr S. O'Connor, Director of Services, Housing, Community, Building Control & Emergency Services
Mr. P Delaney, Head of Finance
Mr. E. Brophy, Senior Executive Officer, Corporate Services
Ms. B. Whelan, Assistant Staff Officer, Corporate Services

In commemorating the 1916 Rising the National Anthem was played.

OPENING PRAYER

The opening prayer was recited in Irish by the Members.

VOTES OF SYMPATHY

- The Minchin Family, Kilcarrig, Bagenalstown, Co. Carlow on the death of Una Minchin

- The Lennon Family, Fr. Cummins Park, Bagenalstown, Co. Carlow on the death of Darren Lennon
- Kathleen Travers and Family, 20 Springfield Drive, Rathnash, Carlow on the death of her husband Paddy
- The Haughney Family, St Lazerian's Terrace, Leighlinbridge, Co. Carlow on the death of Margaret Haughney.
- The Devereux Family on the death of their brother Liam Devereux, 35, Castlewood Gardens, Pollerton Road, Carlow.

VOTES OF CONGRATULATIONS

- Carlow Hurling Team on winning The Christy Ring Cup
- Carlow Footballers on beating Wexford in the first round of the Leinster Senior Football Championship
- Carlow County Fire & Rescue Service's Technical Rescue Team on their success in the annual Rescue Organisation Ireland (ROI) RTC Trauma & Extrication Challenge in Navan Fire station, Co Meath.
- Mens Shed on promoting positive physical and mental health in the communities with Mens Health Week from 12th to 18th June.
- Carlow Arts Festival on their wonderful exhibitions, theatre performances, comedy shows and music taking place from 7th to 13th June.
- Nurney Villa Youths Soccer on winning the Leinster Youth Cup Final
- Members expressed a vote of thanks to the following people for their attendance, participation and support for the pilgrimage to Echternach, Luxembourg to participate in the UNESCO World Heritage Status 'Hopping Procession':-
 - Right Reverend Michael Burrows, Bishop of Cashel, Waterford, Lismore, Ossory, Ferns and Leighlin
 - Most Reverend Denis Nulty, Bishop of Kildare and Leighlin
 - The Presentation Band and Ms Edwina Hayden, Music Teacher
 - His Excellency Mr. Peadar Carpenter, Ambassador of Ireland to Luxembourg
 - Most Reverend Jean-Claude Hollerich, Archbishop of Luxembourg
 - Francis Erasmy, Dean of the Basilica
 - The Mayor Yves Wengler, Echternach Council

Marc Diederich, of the Willibrord Foundation and his colleagues Pierre Kauthen and Alain Muller

- Athlete Marcus Lawlor on setting a new Irish U/23 100m record in Germany.
- Councillor Deane on his election as Mayor of Carlow Municipal District

Councillor Paton thanked the staff involved with organising the successful Civic Reception for Tullow Rugby Club.

The Cathaoirleach welcomed Town Twinning delegation of Alderman Rita Rawson, representing the City of Davenport, our Sister City, together with Sana Harb and Rachel Steiner to the Chamber. The Cathaoirleach spoke of Carlow being twinned with Davenport in 2005 and of the established partnership between Carlow College and St. Ambrose University in Davenport. Alderman Rita Rawson thanked the Cathaoirleach for his kind welcome and said the Sister City of Davenport looked forward to determining joint projects with Carlow.

The Deputy Chief Executive also welcomed the delegation and wished them an enjoyable and fruitful visit to County Carlow.

Alderman Rawson presented the Cathaoirleach with a gift to mark the occasion. The Cathaoirleach presented the delegation with gifts to commemorate their visit to Carlow.

1. CONFIRMATION OF MINUTES

The minutes of the May Council Meeting held on 8th May 2017 were

Proposed by Councillor D. Foley
Seconded by Councillor W. Lacey
AND

Following a show of hands it was unanimously resolved:-

'That the Minutes of the May Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 8th May at 2.30 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.'

2. CIRCULARS

- (a) Circular PL 1/2017 Implementation of Directive 2014/52/EU on the effects of certain public and private projects on the Environment (EIA Directive)**

Members noted Circular PL 1/2017 Implementation of Directive 2014/52/EU on the key changes to the environmental impact assessment (EIA) procedures set out in the Directive. The laws, regulations and administrative provisions necessary to comply with the Directive shall come into force by 16th May 2017.

(b) Circular Letter PL 2/2017 Sustainable Rural Housing Guidelines for Planning Authorities 2005 – Local Needs Criteria in Development Plans

Members noted Circular Letter PL 2/2017 in relation to review of ‘local needs criteria’ in the 2005 Guidelines for Planning Authorities in consideration of planning applications for houses in rural areas and in the context of future variations or revisions of Development Plans.

Councillors Paton and McDonald expressed the view that any future decisions must have due regard to the European Commission ruling.

B. O’Brien advised that the advice from the Department is that existing 2005 Guidelines remain in place pending the conclusion of two national policy review processes.

The Deputy Chief Executive advised that going forward due regard to the ruling will be considered and referred to the Department for decisions.

Councillor McDonald requested that the Council write to the Department to indemnify the Council against any future claims.

The Cathaoirleach adjourned the meeting at 2.30p.m to facilitate the holding of the Annual Meeting. The order of business resumed at 3.30 p.m.

The newly elected Cathaoirleach Councillor William Paton presided in the Chair.

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

(a) Filling of vacancy on the Joint Policing Committee

Members’ approval was sought to the filling of casual vacancy on the Joint Policing Committee following the resignation of Councillor William Quinn.

Before the close of business Councillor Kinsella expressed an interest in filling this casual vacancy.

It was

Proposed by Councillor F. Browne

Seconded by Councillor W. Quinn

AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the appointment of Councillor T. Kinsella to fill the vacancy on the Joint Policing Committee created by the resignation of Councillor William Quinn.

(b) Proposed Housing Developments

4 Houses at Borris, Co. Carlow

6 Houses at Ardattin, Co. Carlow

1 House at Kildavin, Co. Carlow

1 House at Ballymoon, Bagenalstown, Co. Carlow

Members welcomed report from S. O'Connor on proposed Housing Developments.

Members' approval was sought to proceed with the projects.

Proposed by Councillor A. McDonald

Seconded by Councillor M. Doran

AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve that the following proposed developments at

4 Houses at Borris, Co. Carlow

6 Houses at Ardattin, Co. Carlow

1 House at Kildavin, Co. Carlow

1 House at Ballymoon, Bagenalstown, Co. Carlow

proceed in accordance with the Planning and Development Acts, 2000 (as amended), Planning and Development Regulations 2001-2016, Planning and Development Acts, 2000-2013 Planning and Development Regulations 2001-2013 Part V111.

S. O'Connor responded to queries raised by the Members on various housing matters.

B. O'Brien responded to Members query regarding derelict property at 162, St. Mary's Park, Carlow and unfinished housing developments at Tullow Road and Kilkenny Road.

Councillor Browne requested that a breakdown of landbank be brought to the next meeting of Carlow Municipal District.

(c) Disposal of Council's Rented Equity portion of Shared Ownership Loan (Freehold Interest) in dwelling situated at St. Joseph's Strawhall, Carlow to Ms. Mary O'Reilly.

Members approval was sought to the disposal of Council's Rented Equity portion of Shared Ownership Loan (Freehold Interest) in dwelling situated at St. Joseph's, Strawhall to Ms. Mary O'Reilly in consideration of the sum of €8,557.45 in accordance with the terms of the statutory notice already circulated.

Proposed by Councillor F. Phelan

Seconded by Councillor A. Ahern

AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the disposal of Council's Rented Equity portion of Shared Ownership Loan (Freehold Interest) in dwelling situated at St. Joseph's, Strawhall, Carlow to Ms. Mary O'Reilly in consideration of the sum of €8,557.45, in accordance with the terms of the statutory notice already circulated and in accordance with Planning & Development Act 2000 – Section 211, Local Government Act, 2001– Section 183 (1). The consent of the Minister for Housing, Planning, Community and Local Government is not required'.

(d) Disposal of Plot of ground 0.284 acres at The Harrow Cross, Oldtown, Nurney, Co. Carlow to Patrick & Kathleen Dermody.

Members approval was sought to the disposal of 0.284 acres at The Harrow Cross, Oldtown, Nurney, Co. Carlow to Patrick and Kathleen Dermody in consideration of the sum of €1,000.

Councillor McDonald said the sum of €1,000 appeared excessive and queried if a reduced sum could be considered.

Councillor Doran agreed with Councillor McDonald and said the area in question was well maintained.

S. O'Connor advised that he will examine the valuation of the site and see if a reduced sum can be considered.

It was proposed by Councillor McDonald and seconded by Councillor Doran that the item be deferred to the July meeting of Council to allow S. O'Connor to re-examine the amount for consideration.

4. DEPARTMENTAL PROGRESS REPORTS

Transportation, Environment & Water Services Progress Report

Members welcomed progress report for the Transportation, Environment, and Water Services Section for the period to 31st May 2017 from L. Fitzgerald, Acting Director of Services.

Councillor Phelan welcomed the successful application for project to be carried out in St. Killians Crescent under WERLA Funding and the Green Schools in Carlow that were awarded their next Green Flag.

Councillors Quinn and Kinsella raised issue of shortage of outdoor workers in rural Carlow with the ending of participants on community employment scheme and Tús Scheme being discriminated against by not being extended beyond a year. Councillor Paton suggested that this issue be raised at a Leader meeting.

Members also raised issue of works at Acaun Bridge, and the bridge between Fenagh and Myshall. L. Fitzgerald advised in respect of same.

Councillor Lacey welcomed the Dog Fouling initiative and suggested that more dog waste reciprocals be strategically placed in areas to accommodate dog owners.

Councillor Browne raised issue of cleaning up along river at Hanover Bus Park. L. Fitzgerald advised of resource issue to maintain it. The Deputy Chief Executive advised of the need to work on a joint basis with the owners.

5. Notice of Motion.

Standing in the name of Cllrs. K. Murnane and A. McDonald

“Pedestrian crossing at Ballon School and the necessary works to be carried out urgently as it is a health & safety issue.”

Members welcomed representatives from Ballon community to the meeting.

Members agreed that there is a major safety issue at Ballon School and suggested permanent speed cameras on a pilot basis or radar control speed signs and reduced speed limits. Councillors McDonald and Pender suggested that Ballon be by-passed. Councillor J. Murphy said to by-pass Ballon would be detrimental to the town from an economic point of view.

L. Fitzgerald advised of feasibility report that was sent to Transport Infrastructure Ireland (TII) relating to this matter. It was agreed that the report be circulated to the Members of Muinebheag Municipal District for consideration.

Following a show of hands Members unanimously agreed in favour of the Notice of Motion.

Councillor Quinn raised issue of BAM Ireland road construction contractor procuring tar from Northern Ireland and tar contractors in Carlow/Kilkenny unable to compete in the procurement process. L. Fitzgerald advised that BAM are within their rights having followed procurement policy regulations. Councillor Quinn requested that a letter issue to the Minister for Transport on the issue.

6. CORPORATE, PLANNING, ECONOMIC DEVELOPMENT AND HEALTH AND SAFETY

(a) Agriculture

Councillor McDonald raised issue of Common Agriculture Policy (CAP) payments and said the current structure needs to be changed as some high profile individuals are receiving payments of up to €500,000.

He expressed the view that the current payment ceiling should be reduced to €60,000. Members expressed mixed views on the issue.

The Cathaoirleach suggested that Councillor McDonald bring a Notice of Motion to the July meeting of Council on the matter.

(b) Health

- Councillor Quinn expressed concern at current issues within the HSE and referred to high salaries of senior officials. He referred to cost of public nursing home care versus private nursing home care noting that the public care costs four times more than the private care costs.
- Councillor McDonald expressed his dissatisfaction at the cut in mileage rates for Councillors from 0.59cents to 0.36cents.
- Councillor Cassin advised that Councillor McDonald has submitted the Notice of Motion in relation to Kelvin Grove Site to the HSE and also requested that the HSE be asked to confirm the number of vacant posts within the HSE in Carlow/Kilkenny that are not being filled.
- Councillor Phelan raised issue of overnight respite care for children with special needs and again requested that a letter issue to the HSE to attend meeting of Carlow County Council to address members on respite care.
- Councillor Paton requested an update on Primary Care Centre, Tullow.

These issues are also to be raised by the Members' representatives at the upcoming meeting of the Regional Health Forum.

(c) Conference Attendance Approvals

There was no Conference Attendance for approval.

7. CHIEF EXECUTIVE REPORT

Members had Chief Executive's Monthly Management Report for period 1st to 31st May, 2017 for consideration.

Councillor Phelan raised issue of ransomware attack and if Carlow County Council has been subject to an attack.

The Deputy Chief Executive advised that all necessary precautions were taken to protect the County Council data.

Councillor Cassin requested that the purchase of 38 no. dwellings, currently ongoing, be notified to the Members when completed.

8. CORRESPONDENCE

Members noted correspondence from the Department of Health in response to Members letter issued in March.

9. Notices of Motion.

Standing in the name of Cllrs. J. Cassin, A. Gladney & J. Deane

"That Carlow City Council calls upon the Minister for Health Simon Harris to support the legalisation of the use of cannabis for medical purposes. The benefits of medicinal cannabis have been demonstrated by independent medical experts such as a Prof. Mike Barnes (author of the Barnes report on medical cannabis) and Prof. David Finn (professor of pharmacology and cannabinoid research). Medical cannabis is available in other EU states. We salute the courage and determination of campaigners such as Vera Twomey, who has campaigned tirelessly on behalf of her daughter Ava."

Councillor Doran said he had an issue with the Notice of Motion and queried what 'medical purposes' stands for.

Following discussion it was agreed that the Notice of Motion be amended to include the words *County* and *defined medical purposes administered by a medical practitioner*.

Following a show of hands the Notice of Motion was agreed with Councillors Doran and Pender abstaining.

"That Carlow County Council calls upon the Minister for Health Simon Harris to support the legalisation of the use of cannabis for defined medical purposes administered by a medical practitioner. The benefits of medicinal cannabis have been demonstrated by independent medical experts such as a Prof. Mike Barnes (author of the Barnes report on medical cannabis) and

Prof. David Finn (professor of pharmacology and cannabinoid research). Medical cannabis is available in other EU states. We salute the courage and determination of campaigners such as Vera Twomey, who has campaigned tirelessly on behalf of her daughter Ava.”

Standing in the name of Cllr. F. Phelan,

“Given the allocation of €187m by Irish Public Bodies to county councils across Ireland under the "retained earnings distribution fund (2017-2019)" for the purpose of investing this money in the infrastructure of towns and villages in order to prevent accidents on footpaths, Carlow County Council will ensure that this payment is ring-fenced explicitly for this purpose and not subsumed into general income.”

The Deputy Chief Executive advised that Carlow County Council has not yet concluded discussion with IPB in relation to the retained earnings dividend (RED). He advised that insurance premiums have risen significantly due to the increase in the number of people pursuing claims and costs of defending those claims. IPB is also changing its pricing structure which will result in further premium increases.

Following a discussion Members agreed that when discussions are completed with IPB a report is to be prepared for the Corporate Policy Group on amount of RED fund available to Carlow. The report is to be brought back to full Council for agreement from the CPG.

Standing in the name of Cllr. F. Phelan

“Given the National crisis in housing provision it is agreed that Carlow County Council will receive a monthly update on the implementation of 'Rebuilding Ireland the Action Plan on Housing and Homelessness' and how it is being delivered in our Council area. “

Members agreed following a show of hands that this item on the implementation of 'Rebuilding Ireland the Action Plan on Housing and Homelessness' and how it is being delivered in our Council area “ will be specifically listed in the Housing Progress Report as part of the monthly Chief Executive Report.

The Deputy Chief Executive is to bring this issue to the attention of the Director of Service for Housing.

Standing in the name of Cllr. F. Phelan,

“Given the National crisis in housing provision it is agreed that Carlow County Council will ensure that it has the specialist and technical posts and where there are vacancies urgent priority will be given to employ and recruit these specialised staff to give the critical attention required to deliver and

implement 'Rebuilding Ireland the Action Plan on Housing and Homelessness' in our Council area.”

The Deputy Chief Executive advised that additional staff have been recruited.

Standing in the name of Cllr. William Paton

“The Irish Human Rights and Equality Commission Act 2014 introduced a duty on the public sector that brings a focus on non-discrimination, equality and human rights centre-stage in planning, policy-making and service provision. It is a legal requirement on public bodies to take proactive steps to promote equality, protect human rights and prohibit discrimination (for employees and people accessing public services) in carrying out their functions. That the local authority commit to meeting its obligations under section 42 of the Irish Human Rights and Equality Commission Act (2014) by:

- (i) As a matter of urgency, develop a plan for a implementing the Public Sector Duty
- (ii) Embed a values-based approach to integrating human rights and equality objectives in its approach to implementing the Public Sector Duty
- (ii) Commit to ensuring participation by organisations representing groups experiencing inequality and human rights violations in developing and implementing the plan.”

The Deputy Chief Executive advised that the Local Authority will commit to meeting its obligations under the Irish Human Rights and Equality Commission Act 2014.

9. Any other business with the consent of the Cathaoirleach

Councillor Quinn raised issue of non- attendance of staff at Muinebheag Municipal District Meetings.

The Deputy Chief Executive advised that he has raised this issue at CPG meeting.

Councillor Lacey suggested that following on from the 1916 commemorations that Carlow people who died in World War 1 1914-1918 be commemorated in a suitable manner at St. Mary’s Cemetery, Carlow.

This concluded the business of the meeting.