

**Minutes of September Meeting of Carlow County Council, held in the
Council Chamber, County Offices, Athy Road, Carlow,
on Monday 11th September 2023 at 2.00 p.m.**

Present: Councillor A. Dalton (Cathaoirleach)
Councillor F. Browne
Councillor J. Cahill
Councillor J. Cassin (Remotely)
Councillor M. Doran
Councillor A. Gladney
Councillor T. Kinsella
Councillor A. McDonald
Councillor J. McDonald
Councillor K. Murnane
Councillor C. Murphy
Councillor B. O'Donoghue
Councillor T. O'Neill
Councillor W. Paton
Councillor J. Pender
Councillor F. Phelan
Councillor W. Quinn

Apologies: Councillor J. Murphy

In attendance: Mr. C. O'Reilly, Chief Executive
Mr. P. O'Gorman, Director of Service
Mr. P. Delaney, Head of Finance
Mr. Rainey, Director of Service
Mr. M. Brennan, Director of Service
Ms. F. O'Neill, Acting Director of Services
Mr. B. O'Donovan, Senior Executive Officer
Mr. K. Cullinane, Senior Engineer (Remotely)
Mr. E. Sullivan, Heritage Officer (Remotely)
Mr. K. Comerford, Head of Economic Development & Enterprise
Ms. S. Dowling, Arts Officer (Remotely)
Ms. J. O'Brien, Climate Action Co-Ordinator
Ms. O. Barrett, Senior Engineer
Ms. M. Ahearne, Senior Staff Officer
Mr. Shane Casey, Environmental Awareness Officer
Ms. Aine Byrne, Environment
Ms. Kayleigh Byrne, Environment
Mr. Jake Lawlor, Environment
Mr. Ray Wickham, A/Senior Engineer
Mr. J. Shortall, County Librarian
Ms. D. Condrón, Senior Executive Librarian

Mr P. J. Leonard, Financial Accountant
Mr. S. Aylward, Environment
Ms. Emma Lucy O'Brien, Visual
Mr. Niall Scully, Visual
Mr. E. Brophy, Senior Executive Officer
Mr. J. Woods, Administrative Officer
Ms. C. Healy, Staff Officer

Cathaoirleach A. Dalton welcomed Coilín O'Reilly to Carlow County Council and wished him every success in his position as Chief Executive and she thanked Michael Rainey for his work as Interim Chief Executive.

Votes of Sympathy

Hogan Family on the death of Eilish Hogan, Rathrush, Rathoe.
Hickey Family on the death of Margaret Hickey, Rathercan, Fenagh.
Coady Family on the death of Teresa Coady, Main Street, Borris.
Byrne Family on the death of Marian Byrne, Woodlawn Park, Borris.
Power Family on the death of William Power, Kilbranish.
Doran Family on the death of John Doran, Nurney Lodge, Nurney.
Adrian Townsend & Family on the death of Mary Townsend, Knocknatubrid, Tullow, Co. Carlow.
Ciaran Brennan & Family on the death of Therese Brennan, Johnstown, Bennekerry.
Tom McDonald & Family on the death of Mary McDonald, Church Street, Leighlinbridge.
Murnane Family on the death of Mary Murnane, Graiguecullen, Carlow.
Doyle Family on the death of Imelda Doyle, Coolrain, Ballickmoyler. PC & PD
Murphy Family on the death of Hughie Murphy, Grange, Tullow.

Votes of Congratulations

Kildavin/Clonegal GAA Club on winning the County Junior Hurling Championship
Mount Leinster Rangers GAA on winning their eleventh County Senior Hurling Final
St. Mullins GAA Club on winning the Intermediate Hurling County Final
Derek Ryan on the release of his new single – "The Kickham Inn"
Carlow Community Games on hosting a very successful National Community Games in Carlow
National Transport Authority on the success of the Carlow Town and the New Ross/Carlow bus services
Caoimhe Deering on representing Carlow in the Rose of Tralee Competition

Carlow Basketball Club on celebrating their 8th Anniversary and on the installation of a new basketball floor in St. Leo's Gym.

1.0 Confirmation of Minutes/Dearbhú Miontuairiscí

1.1 Approval of Minutes of Monthly Meeting of Carlow County Council held on Monday 10th July 2023 at 2.00 p.m.

Proposed by Councillor B. O'Donoghue,

Seconded by Councillor J. McDonald

Following a show of hands, it was unanimously resolved:-

'That the Minutes of the July Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 10th July 2023 at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed"

1.2 Approval of Minutes of In Committee Meeting of Carlow County Council held on Thursday 10th August 2023 at 10.00 a.m.

Proposed by Councillor T. O'Neill,

Seconded by Councillor M. Doran,

Following a show of hands, it was unanimously resolved:-

'That the Minutes of In Committee Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Thursday 10th August 2023 at 10.00 a.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed"

2.0 Business prescribed by Statute, Standing Orders or Resolutions of Council/Gnó forordaithe do réir reachtaíochta, orduithe seasta, nó rúin an Chomhairle

2.1 Section 11 of Roads Act 1993, Section 180 of Planning & Development Act 2000 as amended, Section 59 of Planning & Development Act 2010 - Commencement of the public consultation process for taking-in-charge of roads at Ard Bhaile, Rathvilly, Co. Carlow.

Proposed by Councillor J. Pender,

Seconded by Councillor B. O'Donoghue,

And following a show of hands, it was resolved:-

“To approve in accordance with Section 11 of the Roads Act 1993, Section 180 of the planning & Development Act 2000 as amended, Section 59 of Planning & Development Act 2010, the commencement of the public consultation process for taking-in-charge of roads at Ard Bhaile, Rathvilly, Co. Carlow”.

2.2 Planning & Development Act 2000 Section 211, Local Government Act 2001 Section 183 (1) – Disposal of freehold on land as per Folio No. CW1371L 0.286 acres of land at Strawhall Industrial Estate Carlow

**Proposed by Councillor T. O’Neill,
Seconded by Councillor K. Murnane,**

And following a show of hands, it was resolved:-

“That we the members of Carlow County Council approve in accordance with Planning & Development Act 2000 Section 211, Local Government Act 2001 Section 183 (1), the disposal of freehold on land CW1371L 0.286 acres at Strawhall Industrial Estate, Carlow, to Barry Duggan and Aileen Duggan in consideration of the sum of €2,000 plus all associated costs in accordance with the terms of the statutory notice already circulated. The consent of the Minister for Housing, Local Government and Heritage is not required.”

2.3 Planning & Development Act 2000 Section 211, Local Government Act 2001 Section 183 (1) – Disposal of freehold on land as per Folio No. CW21188F 0.087 acres of lands at Ardattin

**Proposed by Councillor J. Pender,
Seconded by Councillor C. Murphy,**

And following a show of hands, it was resolved:-

“That we the members of Carlow County Council approve in accordance with Planning & Development Act 2000 Section 211, Local Government Act 2001 Section 183 (1), the disposal of freehold on land Folio No. CW21188F 0.087 acres at Ardattin, Co. Carlow, to Ardattin National School, in consideration of the sum of €1,750 plus all associated costs in accordance with the terms of the statutory notice already circulated. The consent of the Minister for Housing, Local Government and Heritage is not required.”

2.4 Planning & Development Act 2000 Section 211, Local Government Act 2001 Section 183 (1) – Disposal of freehold on land as The Downs/Oakhill, Pollerton Big, Carlow.

**Proposed by Councillor K. Murnane,
Seconded by Councillor F. Browne,**

And following a show of hands, it was resolved:-

“That we the members of Carlow County Council approve in accordance with Planning & Development Act 2000 (as amended) Section 211, Local Government Act 2001 Section 183 (1), the disposal of freehold on lands Plot A 0.038 acres, Plot B 0.043 acres and Plot C 0.443 acres – total 0.525 acres at The Downs/Oakhill, Pollerton Big, Carlow, to James Kennedy Legal Personal Representative of Seamus Kennedy, in consideration of the sum of €500 plus all associated costs in accordance with the terms of the statutory notice already circulated. The consent of the Minister for Housing, Local Government and Heritage is not required.”

2.5 Planning & Development Act 2000 Section 211, Local Government Act 2001 Section 183 (1) – Grant of 35 year leases on lands at Sports Fields at McGrath Park, Bagenalstown, Co. Carlow.

**Proposed by Councillor A. McDonald,
Seconded by Councillor M. Doran,**

And following a show of hands, it was resolved:-

“That we the members of Carlow County Council approve in accordance with Planning & Development Act 2000 (as amended) Section 211, Local Government Act 2001 Section 183 (1), the grant of 35 year leases on lands at Sports Fields at McGrath Park to Bagenalstown Soccer Club, Bagenalstown Pitch & Putt Club and Bagenalstown Cricket Club, in consideration of the sum of €100 per annum per lease plus all associated costs in accordance with the terms of the statutory notice already circulated. The consent of the Minister for Housing, Local Government and Heritage is not required.”

2.6 To approve overdraft accommodation for year ended 31st December 2024

P. Delaney briefed the members and answered questions raised.

**Proposed by Councillor B. O’Donoghue,
Seconded by Councillor A. McDonald**

And following a show of hand, it was resolved:-

“That we, the Members of Carlow County Council hereby approve Overdraft Accommodation in the sum of €7 million for the year ended 31st December 2024 in accordance with Section 106 of the Local Government Act 2001.

2.7 Part VIII of the Planning & Development Regulations 2001 (as amended), Part XI of the Planning & Development Act 2000 (as amended) and Section 138 of the Local Government Act 2001 (as amended) – Proposed Refurbishment of Former Fire Station Hacketstown

**Proposed by Councillor J. Pender,
Seconded by Councillor J. McDonald,**

And following a show of hands, it was resolved:-

“In accordance with Part VIII of the Planning & Development Regulations 2001 (as amended), Part XI of the Planning & Development Act 2000 (as amended) and Section 138 of the Local Government Act 2001 (as amended) Proposed Refurbishment of Former Fire Station, Hacketstown – the proposed development be proceeded with in accordance with the plans and particulars placed on public display and to any such minor and immaterial alterations to these plans and particulars, and subject to the conditions as set out”

2.8 Approval of Council Delegation to Tempe

**Proposed by Councillor J. Pender,
Seconded by Councillor A. McDonald**

And following a show of hands,

“It was agreed to approve the attendance of F. Phelan, Leas Cathaoirleach and T. O’Neill, Mayor to Tempe”.

3.0 Consideration of Reports and Recommendations/Breithniú ar Thuarascálacha agus ar Mholtaí

3.1 Presentation – Local Authority Climate Action Plan 2024 – 2029

The Cathaoirleach welcomed J. O’Brien, Climate Action Co-Ordinator who gave a presentation on the Local Authority Climate Action Plan 2024 – 2029. Questions raised by the members were answered by J. O’Brien, P. O’Gorman and C. O’Reilly.

3.2 Review of Litter Management Plan

The Cathaoirleach welcomed S. Casey, Environmental Awareness Officer who gave a presentation to the members on the Review of the Litter Management Plan. Queries raised by members were answered by S. Casey and C. O’Reilly.

3.3 Further Funding under the Local Improvement Scheme 2023

P. O’Gorman briefed the members on further funding under the Local Improvement Scheme 2023

3.4 Further Additional Restoration Improvement Funding

P. O’Gorman briefed the member on further additional Restoration Improvement Funding.

3.5 Presentation by Visual

The Cathaoirleach welcomed Ms. Emma Lucy O’Brien and Mr. Niall Scully who gave a comprehensive and informative presentation on Visual and they answered questions raised by the members.

3.6 Training & Conference Approvals

Proposed by Councillor J. Pender,

Seconded by Councillor F. Phelan

And following a show of hands it was unanimously approved:

“That we the members approve the following training/conferences.

Celtic Conferences

The First Home Scheme – Helping Homeowners get onto the property Ladder

Date: 20th, 21st and 22nd October 2023

Venue: O’Donovan’s Hotel, Clonakilty, Co. Cork

Time: Conference Opening 21st 6pm, Conference Close Sunday 22nd

Conference Fee: €125

ALLG Elected Members September 2023 (In-Person) Autumn Training Seminar

“The Future of Local Government in Ireland - Time for an Honest Conversation”

Date: 13th and 14th September

Venue: Sligo Park Hotel, Pearse Road, Cornageeha, co. Sligo

Time: 5pm Wednesday 13th September - 1pm Thursday 14th September

Conference Fee: €165

3.7 Approval for Teagasc to present on Signpost Advisory Programme

Proposed by Councillor T. O’Neill,

Seconded by Councillor F. Phelan

And following a show of hands it was unanimously approved

“That Teagasc present on Signpost Advisory Programme to Council”.

4.0 Chief Executives Report/Tuarascáil an Phríomhfheidhmeannaigh

Noted and questions raised by the members were answered by the Management Team.

5.0 Correspondence/Comhfhreagras

Members noted correspondence from South Dublin County Council calling the Irish government to support the initiative for fossil fuel non-proliferation Treaty.

Members noted correspondence from Leitrim County Council where members passed a resolution calling for Bus Éireann to employ more school bus drivers.

Members noted correspondence from Cork County Council where members resolved to write to HSE and Coillte to request a campaign to raise awareness of the possibility of contracting Lyme disease at parks and walkways.

Members noted correspondence from Cork County Council where members resolved to request the RSA and Department of Transport to use every means possible to reduce the totally unacceptable waiting times for driving tests.

Members noted correspondence from Waterford City and County Council requesting the Department of Transport to provide ringfenced funding (separate from roads funds and also distinct from Active Travel funding) to local authorities to assist with cost of maintaining and repairing existing footpaths. Further call upon Minister Ryan and the Department of Transport to ensure that local authorities would have discretion and autonomy to use such dedicated footpaths funding.

6.0 Notices of Motion/Fógraí Rúin

6.1 Standing in the name of Cllr. John Cassin

"Carlow County Council calls on the Minister for Transport to intervene immediately to oppose Appplus who are operating the National Car Testing service on behalf of the Road Safety Authority with plans to go cashless in the "next few months". Cash is crucial, especially for the inclusion of all citizens. Cash is the most inclusive way to pay for items. It means that people, many who have no access to the internet or smartphones have the ability to participate fully in society."

Proposed by Councillor J. Cassin
Seconded by Councillor W. Paton
Following a show of hands, it was agreed.

6.2 Standing in the name of Cllr. John Cassin

Carlow County Council support the reintroduction of the 9% Vat rate for food related businesses and we are calling on the Minister for Finance to extend the 9% vat rate to the end of 2024."

Proposed by Councillor J. Cassin
Seconded by Councillor W. Quinn,
Following a show of hands, it was agreed.

6.3 Standing in the name of Cllr. John Cahill

"That Carlow County Council will write to Túsla to ask if they can inform the members on the next steps, and timeline for the development of the Carlow domestic violence refuge."

Proposed by Councillor J. Cahill,
Seconded by Councillor A. Gladney
Following a show of hands, it was agreed.

6.4 Standing in the name of Cllr. John Cahill

"In the wake of intimidation and threats to library workers in Cork, Kerry, Leitrim, Limerick and Swords by protestors, that this Council

- 1 Acknowledges the role played by libraries as central hubs of our community.
- 2 Recognises the fantastic work of staff at Carlow County Library.
- 3 Endeavors to support Carlow library workers when faced with censorship, harassment or intimidation."

Proposed by Councillor J. Cahill,
Seconded by Councillor A. Gladney
Following a show of hands, it was agreed.

6.5 Standing in the names of Cllr. W. Paton

"That Carlow County Council calls on The Health Service Executive to set up a PrEP Clinic in Carlow Town."

PrEP stands for pre-exposure prophylaxis. PrEP is taken by HIV negative people before having sex (pre-exposure) and after sex, to prevent HIV (this is called prophylaxis).

PrEP has been shown in many studies to be safe, and when taken correctly, highly effective at preventing HIV.

PrEP is the newest HIV prevention tool available and is best used in combination with other HIV prevention measures.

While PrEP does not protect against STIs such as syphilis, chlamydia, gonorrhoea and hepatitis C, PrEP users can combine condoms and PrEP to reduce the risk of contracting other STIs.

The nearest PrEP clinic to Carlow is Portlaoise and the clinic has a waiting list of over 125 clients who cannot gain access to PrEP. In Ireland it remains illegal to purchase prescription medication online without a prescription.”

Proposed by Councillor W. Paton,

Seconded by Councillor W. Quinn

Following a show of hands, it was agreed.

6.6 Standing on the name of Cllr. F. Browne

"That Carlow County Council clarify and enforce the responsibilities of landowners to cut back hedging and trees to ensure the safety of all road users."

Response to this Notice of Motion was read out by E. Brophy.

Proposed by Councillor F. Browne

Seconded by Councillor T. O'Neill

Following a show of hands, it was agreed.

The Cathaoirleach advised that she had received two emergency Notices of Motion.

Standing in the name of Cllr. W. Paton

“That Carlow County Council stands in solidarity with FORSA members in Carlow County Council and other local authorities across the state as they commence industrial action to address issues around job evaluation and pay.

Furthermore, this Council supports the FORSA call for a formal job evaluation process to ensure that workers in jobs are properly graded and enumerated.

We further call on the Minister for Housing, Daragh O’Brien, the Local Government Management Association and the Executive of Carlow County Council to return to negotiations with FORSA and to agree a mechanism for progressing the job evaluation process”.

A roll call vote was taken to secure nine members agreement (as per Standing Order No. 20) to allow the Motion to be listed.

Member of Carlow County Council	For	Against	Abstain	Absent
Fergal Browne		√		
John Cahill	√			
John Cassin	√			
Andrea Dalton		√		
Michael Doran		√		
Andy Gladney	√			
Thomas Kinsella		√		
Arthur McDonald		√		
John McDonald		√		
Ken Murnane		√		
Charlie Murphy	√			
John Murphy				√
Brian O’ Donoghue		√		
Tom O’Neill		√		
William Paton	√			
John Pender		√		
Fintan Phelan		√		
William Quinn	√			

The vote resulted in six members voting for and eleven against. Accordingly, the motion was not listed.

Standing in the name of Cllr. F. Phelan

“That Carlow County Council supports all Local Authority members in their quest for greater employment rights. The proposed industrial action of an indefinite ban on engagement on all political representations at local authority level including verbal, email and written will have serious repercussions for the work of our Elected Members particularly on behalf of their communities and constituents. While recognising the right of local authority staff members to further their employment rights, it is disappointing that the work of Councillors making representations on behalf of the public are being targeted.

We are asking management in Carlow to request the Local Government Management Agency to re-engage in talks to bring a successful resolution to this industrial dispute.”

A roll call vote was taken to secure nine members agreement (as per Standing Order No. 20) to allow the Motion to be listed.

Member of Carlow County Council	For	Against	Abstain	Absent
Fergal Browne	√			
John Cahill	√			
John Cassin	√			
Andrea Dalton	√			
Michael Doran	√			
Andy Gladney	√			
Thomas Kinsella	√			
Arthur McDonald	√			
John McDonald	√			
Ken Murnane	√			
Charlie Murphy	√			
John Murphy				√
Brian O' Donoghue	√			
Tom O'Neill	√			
William Paton	√			
John Pender	√			
Fintan Phelan	√			
William Quinn	√			

The vote resulted in seventeen members voting for. Accordingly, the motion was listed on agenda.

A discussion took place on this Motion and a proposal to change the word “members” on the first line to “staff” was

Proposed by Cllr. A. McDonald

Seconded by Cllr. M. Doran

Following a show of hands, the amendment was agreed.

Standing in the name of Cllr. F. Phelan

“That Carlow County Council supports all Local Authority staff in their quest for greater employment rights. The proposed industrial action of an indefinite ban on engagement on all political representations at local authority level including verbal, email and written will have serious repercussions for the work of our Elected Members particularly on behalf of their communities and constituents. While recognising the right of local

authority staff members to further their employment rights, it is disappointing that the work of Councillors making representations on behalf of the public are being targeted.

We are asking management in Carlow to request the Local Government Management Agency to re-engage in talks to bring a successful resolution to this industrial dispute.”

The motion as amended was

Proposed by Cllr. F. Phelan,

Seconded by Cllr. M. Doran

And agreed, following a show of hands.

This concluded the business of the meeting.