

COMHAIRLE CHONTAE UÍBH FHAILÍ

MINUTES OF MAY MONTHLY MEETING OF OFFALY COUNTY COUNCIL HELD IN ÁRAS AN CHONTAE, TULLAMORE ON MONDAY, 19TH MAY 2008 AT 2.00P.M.

PRESENT: Cllr's. E. Dooley (Presiding), N. Bourke, M. Buckley, J. Butterfield, J. Carroll, M. Corcoran-Kennedy, B. Cowen, D. Dolan, E. Fitzpatrick, M. Fox, C. Hanniffy, G. Killally, F. McDonnell, T. McKeigue, T. McLoughlin, S. Moylan Ryan, P. Ormond, D. Owens.

IN ATTENDANCE: Mr. Pat Gallagher, County Manager, Mr. Michael Roche, D.O.S., Mr. Declan Kirrane, D.O.S., Mr. Sean Murray D.O.S., Ms. Frank Heslin, D.O.S., Mr. G. Daly, S.P., Ms. R. McKenna, S.E.A., Ms. Ann Dillon, A/S.E.O., (Meetings Administrator), Ms. A. Walsh, E.P. & Ms. Natasha Troy, C.O.

APOLOGIES: Cllr.'s P. Clendennen, J. Foran and T. Feighery

VOTES OF CONGRATULATIONS: The members passed a vote of congratulations to Mr. Brian Cowen, on his appointment as Taoiseach and extended their best wishes to him in his role.

The County Manager on his own behalf and on behalf of the staff of the Council wished to be associated with the members in this regard.

The members also expressed their compliments to the management and staff of Offaly County Council on the organisation of the Civic Reception held in his honour.

VOTES OF SYMPATHY: The members extended Votes of sympathy to families of the following: -

Frankie Fitzgerald, Cuba Avenue, Banagher on the death of his wife, Regina.

Shirley Feighery, Clonony, Shannon Harbour, Birr on the death of her husband, Kieran who died tragically.

Mrs. Nancy McDermott, Charleville View, Tullamore on the death of her mother, Mrs Brehoney.

Ms. Julie Smyth & Mr. Jack Keyes, County Manager, Lakeview Lodge, Carlisbratten, Arva, Cavan on the death of Julie's mother, Agnes Smith.

Mrs. Judy Cussack & Family, Ballyfore, Edenderry on the death of her husband, Eamon.

**VOTES OF SYMPATHY
(cont'd):**

Mr. Billy Kenny, Mountlucas, Daingean on the death of his mother, Mrs. Kenny.

Ms. Fiona Carter, Burkes Hill, Birr on the death of her mother, Patricia Corboy.

Ms. Mary Hogan, Sandymount Ave, Birr on the death of her brother, Willie Mitchell.

Mrs. Sadie Roche, Lumcloon, Cloghan, on the death of her brother, Christy Heffernan.

Mr. Hugh Mannion Snr, Ferbane Road, Belmont on the death of his brother, Ned.

Mr. Raymond Hoare, Cemetry Road, Crinkle on the death of his sister, Trish Corboy.

Mrs. Geraldine Kelly, Skehanagh, Belmont on the death of her parents, James and Annie Clancy.

The County Manager on his own behalf and on behalf of the staff of the Council joined with the members in these votes of sympathy.

**CONFIRMATION OF
MINUTES:**

On the proposal of Cllr. J. Butterfield, seconded by Cllr. T. McKeigue the minutes of Offaly County Council's April monthly meeting held on 21st April 2008 were confirmed and signed.

NOTING OF MINUTES:

The following minutes were noted:

- Transportation & Infrastructure SPC meeting held on Friday 8th February 2008

**SECTION 183 OF LOCAL
GOVERNMENT ACT 2001
– DISCHARGE OF
FREEHOLD INTEREST
AT: SITE NO. 1, “CLUNY”,
GALLEN, FERBANE:**

On the proposal of Cllr. M. Corcoran-Kennedy, seconded by Cllr. P. Ormond the council approved of the discharge of freehold interest at Site No. 1, “Cluny”, Gallen, Ferbane in accordance with the terms of the Section 183 notice dated 1st May 2008.

**HOUSING CAPITAL
PROGRAMME 2008:**

Mr. S. Murray, DOS, directed the members' attention to the Offaly Council Housing Activity Report, which had been circulated. He informed them that the Capital Allocation for Social Housing for 2008 is €7.5 million and Voluntary Housing (CLSS) is €2 million. He stated that full details of proposals for 2008 are included in the report.

In responding to queries raised he advised the following:

- A meeting was held last week with the Department of Environment, Heritage & Local Government who are actively working on the issue of reducing the number on the housing list in general across the country.

**HOUSING CAPITAL
PROGRAMME 2008
(cont'd):**

- Needs analysis was carried out and as a result the housing list was reduced from approximately 900 to 555.
- Applicants were advised in writing if they were removed from the housing list.
- Total allocation for 2007 is €8.25 million.
- Department currently developing a 3 year roll out programme and working on indicative allocation.
- There are a number of solutions for people on the housing list which can be availed of. Social Housing is not the only option.
- With regard to concerns over the high number of applicants on the housing list in Edenderry he said that some are directly related to houses being made available in that area.
- This year €5 million has been spent to date.
- Rural Cottages: there are 3 factors involved
 - 1) Need
 - 2) Suitable site
 - 3) Must be on housing list
- Crinkle: looking at overall estate management. Some clients unwilling to take houses.
- Repairs & maintenance: have advertised for contractors to carry out planned maintenance.
- Part V: figures are as we envisage, may change.
- Houses for the elderly & single persons: multiple solutions; maybe catered under RAS scheme.
- Serviced sites: demand driven.
- Central heating programme: windows and doors have been worked on
- Still meeting with voluntary organisations and he gave an assurance that O.C.C. will provide them with any assistance they can.
- Birr Town Council has an agreement with Cluid housing Association. Offaly County Council are managing the development on their behalf.
- Kylebeg: he confirmed will be sorted out soon
- Don't have numbers specific to Clara. They are included in the Tullamore numbers.
- Clawback issue: Department are aware of and are currently discussing with the banks.
- Housing for disabled persons: demand driven.
- He confirmed that Offaly Local Authorities follow National Policy.
- R.A.S.: National Policy. The figures in the report are for this year to date. It is not as unpopular a scheme as one might think. There are strict standards involved. Inspections are being carried out. A representative from R.A.S. will address at next meeting. In relation to a query with regard to some applicants having trouble gaining possession of the title deeds for their homes, Mr. Murray extended an invitation for the Councillors to bring these cases to his attention so as to try and resolve them.

**REVIEW OF EXISTING
AND PREPARATION OF
NEW BIRR TOWN &
ENVIRONS
DEVELOPMENT PLAN
2010-2016:**

Mr. M. Roche, DOS, in referring the members to the report which was circulated with the agenda stated that a single plan for Birr & Environs was adopted in 2004 to provide a strategic plan for the proper planning and sustainable development to be put in place for the town and hinterland.

He advise that legislation requires that *“where decisions are reserved to the members of the planning authorities concerned, the decisions must be made by the members of each authority concerned subject to any agreement which those authorities may make for the resolution of differences between any such reserved decisions”*.

He suggested that in the unlikely event of there being a difference in relation to reserved decisions, a committee similar to the one that existed for the 2004 plan be put in place to recommend and facilitate a solution to both Councils. He proposed that the committee consist of the Chairperson of Birr Town Council, Chairperson of the Planning & Economic Development SPC and the Director of Planning. The recommendation is that a joint plan be prepared by both Councils and the Committee as outlined above established, if required.

It was agreed to proceed as proposed.

**RURAL DESIGN
GUIDELINES:**

Mr. Declan Kirrane, DOS, advised that a lot of work had been done on the Rural Design Guidelines in the past few months. He emphasised that the guidelines are not a statutory document and stated that were prepared in-house by G. Daly, Senior Planner and R. McKenna, Senior Executive Architect covering a wide variety of issues. He informed the members that any changes which have been made as a result of the Public Consultation period have been highlighted in yellow. He stated that he hoped they would be of assistance to all and recommended adoption of same.

On the proposal of Cllr. D. Dolan, seconded by Cllr. M. Fox the members approved the Rural Design Guidelines as circulated.

Mr. G. Daly, Senior Planner, in responding to a query advised that the guidelines only suggest certain materials and are not prescriptive. The purpose being to ensure better standards and best practise around the county. It is not intended to put obstacles in the way of the applicants.

The Cathaoirleach thanked G. Daly & R. McKenna and asked that the guidelines be made available to agents as well as applicants.

**ELECTRONIC
COMMUNICATIONS
POLICY:**

Mr. Sean Murray, DOS, in referring to Offaly Local Authorities Electronic Communications Policy which had been circulated stated that the policy was in accordance with best practice and covers the appropriate use of all Electronic Communications. He advised that the policy was adopted by the Management Team and approved by the Corporate Policy Group. He advised the members to read, sign and return the attached form as soon as possible.

Cllr. D. Dolan spoke briefly about the issue of security, enquiring as to whether a password system could be established to ensure correspondence received by/from the members is authentic. He informed the meeting of an incident which occurred previously where an email was received by the Planning Dept. under the pretence that it was issued from Cllr. Dolan, which transpired to be a fraudulent email.

Mr. D. Kirrane, DOS, stressed that any person reporting to misrepresent the Council is a very serious issue and emphasises the need for safeguarding/encoding.

In responding Mr. Murray confirmed that it would not be possible to prevent a system entirely from “hackers” but it does reinforce the need for precautions and policy. He suggested providing the members with an electronic signature to enhance security but no system can be 100% safe. Any issue of misrepresentation will be reported to the appropriate authorities.

Mr. P. Gallagher, County Manager, advised that whether communications is electronic or otherwise a degree of caution must be exercised. He gave his assurance that any case of misrepresentation will be investigated.

**DEVELOPMENT
CONTRIBUTION LEVIES
REPORT:**

Mr. Declan Conlon, Head of Finance, referred the members to the documentation on Development Contribution Levies which had been previously circulated which included the following:

- Report 1: a report which analyses the opening balance receipt and disbursement of development contributions since last reporting to members in June 2007. He stated that this report shows that we currently have a balance of €10.25million in development levies to fund upcoming projects.
- Report 2: a report which analyses the €10.25million balance over the various development contributions headings.
- Report 3: a summary report of projected capital expenditure and income/development levy funding requirement, by Division for the period 2008-2010.
- Report 4: a schedule which details the projects in each division that are scheduled to be undertaken in 2008-2010.

**DEVELOPMENT
CONTRIBUTION LEVIES
REPORT (cont'd):**

Mr. Conlon followed on by saying that Report 3 highlights the substantial funding amount (€6.4 million) that will be required from the development contributions income to fund projects. He confirmed that we are currently receiving average total development contributions of approximately €4.5 million per annum under the various headings. He stated that we would have expected this to increase due to the recent approved increases in development contributions, however, a substantial fall off in planning applications this year means that we will be doing well to maintain existing average development contribution income.

He advised that over that three year period our current balance of €10.25 m (which does not include outstanding fees) plus 3 year projected income of €3.5m (€4.5 x 3) will give us a total available for disbursement of €23.75 against a projected requirement of €6.4m, a shortfall of €22.65m. This anticipated shortfall, he said, will restrict our ability to undertake many projects and will also mean we will have to consider deferring/prioritising projects taking account of available funds.

In answering queries raised, Mr. Conlon advised the following:

- Development Funds are ring-fenced for specific purposes.
- Major projects where matched funding is available will be prioritised.
- We are currently owed €3.5 mill in development contributions. These are actively being followed up We only project on the basis of cash in hand. We are taking a conservative approach.

Mr. P. Gallagher, County Manager, in responding stated that the programme extends past 3 years. He agreed that it was an ambitious programme but stated that we are only delivering on what has already been agreed by the members and stressed the importance of monitoring the situation. He advised that common practise would be to have a summary of 3 year programme and a summary of development contributions, both have been combined here. He informed the meeting that it was intended to bring the next report to members with the revenue budget at the end of 2008.

**GREEN PAPER ON
LOCAL GOVERNMENT -
“STRONGER LOCAL
DEMOCRACY – OPTIONS
FOR CHANGE”:**

Mr. S. Murray, DOS, informed the members that the Minister for Environment, Heritage & Local Government had recently published a green paper on Local Government “Stronger Local Democracy – Options for Change” and was seeking all views on the subject. He advised that the consultation had been extended until 31st July 2008.

Cllr. C. Hanniffy offered to make available a submission by members of Local Authorities to the Commission on Taxation regarding Local Government Finance

NOTICES OF MOTION:

The following motion was proposed by Cllr's S. Moylan-Ryan, P. Ormond, N. Bourke, G. Killally, E. Dooley, T. Feighery, B. Cowen & D. Owens.

“That Offaly County Council recognises that in adopting the EU Lisbon Reform Treaty the best economic and social interests of Ireland and the EU will be served.

Acknowledging the benefits accruing from 35 years of EU membership, and accepting the need to reform a structure originally designed for six member states, this Council supports the content and provisions of the Treaty. In creating an EU that is more effective and efficient, this Council supports the view that the EU Lisbon Reform Treaty will enable the EU to speak with greater clarity and a louder voice on the international stage in combating climate change, international terrorism and cross border crime. We move that this Council should resolve to support the adoption of the EU Lisbon Reform Treaty.”

A discussion ensued with a number of the members opposing the motion, expressing their concerns regarding the impact of the Lisbon Treaty if it is adopted.

Following this discussion the Cathaoirleach, Cllr. E. Dooley called for a vote. The results were as follows:

16 supported the motion.

2 opposed the motion.

The motion was carried.

The following motion was proposed by Cllr. M. Buckley and seconded by Cllr. T. McKeigue.

“That Offaly County Council contacts the Minister for Transport & Energy regarding the viability of an Airport in the Tubber area to serve the Midlands”.

Mr. P. Gallagher, County Manager, in responding advised that it was indicated to the party concerned sometime ago that a pre-planning meeting could be facilitated to discuss the issue and confirmed that to date nothing has been received from them. He advised that plans would be required to be submitted prior to any meeting with Management.

The Cathaoirleach, E. Dooley, suggested the Midland Airport Development Company contact the Executive to progress the issue further.

**NOTICES OF MOTION
(cont'd):**

The following motion was proposed by Cllr. M. Buckley.

“That Offaly County Council write to the Minister for Health and Children regarding the impending Chemists action”.

Due to recent developments, Cllr. Buckley proposed amending the motion to read:

“That Offaly County Council write to the Minister for Health & Children to request compliance with the statement which was issued to the Chemists”.

Cllr. T. McKeigue seconded the motion and it was agreed by the Council.

Cllr. M. Corcoran-Kennedy proposed the following motion, which was seconded by Cllr. T. McLoughlin and agreed:

“That Offaly County Council call on the Government to immediately put measures in place to allow turf cutting to continue (due to be banned in certain bogs from February 2009)”.

The following motion was proposed by Cllr. T. McKeigue, seconded by Cllr. M. Corcoran-Kennedy and agreed.

“In view of the serious downturn in the construction industry and the knock on effect on new and existing apprenticeships that Offaly County Council calls on the Government to provide funding and other back up services to Semi State Bodies, County Councils etc to provide training places for young people”.

Cllr. T. McKeigue proposed the following motion, which was seconded by Cllr M. Corcoran and agreed.

“Some years ago many women were forced to retire from their employment under what was known as the marriage band and ceased to pay P.R.S.I. contributions. Many of those women have now reached O.A.P. age and for reasons outside their control they do not have enough credits to receive a pension. Offaly County Council therefore calls on the Minister for Social Welfare to show compassion and bring a Bill before the Oireachtas that will assist those women with pension rights”.

COMHDHÁLACHA:

On the proposal of Cllr. N. Bourke, seconded by Cllr. B. Cowan the Council approved of the members attendance at conferences as follows:

**COMHDHÁLACHA
(cont'd):**

Conference 'Planning & Developing a centre for the North East'

Tuesday 10th June 2008, Park Inn Dundalk

Noone expressed an interest in this conference

14th Byrne / Perry Summer School

June 27th – 29th 2008 – Christian Brothers School, Gorey, Co. Wexford

Noone expressed an interest in this summer school

Integrated Area Planning Conference

Tipperary Institute, Thurles, Co. Tipperary

It was agreed to send Cllr. Sinead Moylan-Ryan, Cllr.

Marcella Corcoran-Kennedy and Cllr. Peter Ormond

Trevor Bowen Summer School – Middleton, Co. Cork

23rd – 25th May 2008 – Middleton, Co. Cork

Noone expressed an interest in this conference

Literacy and the Local Authority

21st May 2008 – Galway Bay Hotel, Galway

Noone expressed an interest in this conference

Training Seminar for Councillors - The Local Government Housing Service

Bellingham Castle Hotel, Castlebellingham, Co. Louth – 6th to 8th June 08

It was agreed to Cllr. Eddie Fitzpatrick

Synge Summer School

Rathdrum, Co. Wicklow – 29th June – 5th July 2008

Noone expressed an interest in this conference

COMHFHREAGRAS:

St. Colman's National School, Mucklagh

Cllr. D. Dolan in referring to correspondence received from the Principal of St. Coleman's expressed his concerns with regard overcrowding at the School. He requested we write to the Department of Education in support of their application for a new school. It was agreed.

South Tipperary County Council

Cllr. M. Buckley requested we write to the Department of Environment, Heritage & Local Government in support of the motion received from South Tipperary County Council. It was agreed.

ANY OTHER BUSINESS:

Tullamore Variation No 4.: Environmental Report

Mr. D. Kirrane, DOS directed the members' attention to the Manager's Report on the above which was previously circulated. He informed them that as part of the review of the Tullamore Town & Environs Plan 2004-2010, we are obliged to consult with the statutory bodies for their observations and he advised that the report sets out any issues which were raised by them and the executive's recommendations to same. He stated that if agreed he would advise Tullamore Town Council to proceed.

Emergency Services

Cllr. F. McDonnell enquired as to whether the policy had recently changed on how the emergency services are dispatched to an accident.

Mr. F. Heslin, DOS, in responding confirmed that when a call is received by the 999 services an assessment is carried out to establish the nature of the call. He advised that in the case of a traffic accident, the fire service will be dispatched only if entrapment or the possibility of entrapment is evident. The ambulance services are dispatched automatically and following their arrival on the scene can request the assistance of the Fire services if necessary.

Mr. S. Murray, DOS, advised that the current policy is in place for the past 5 years and confirmed that there has been no change in the delivery of services.

Durrow Abbey

Cllr. T. McKeigue informed the meeting it that restoration works appear to have ceased on Durrow Abbey. He advised that First Communion will be taking place on 9th June and traditionally the children would walk to the Holy Well which will not be possible if the gates are locked.

Cathaoirleach, Cllr. E. Dooley confirmed that we would write to the Office of Public Works expressing our concerns and requesting an update on the project. It was agreed.

Unofficial Halting Site, Kilmucklin Clara

Cllr. Dolan requested an update on the above.

Mr. S. Murray, DOS, acknowledged the issue and advised that we are actively pursuing a legal remedy.

A.G.M.

Cathaoirleach, Cllr. Eamon Dooley advised that the Annual General Meeting will be held on 16th June in Ferbane

Shannon Broadband

Mr. D. Conlon, Head of Finance, advised that OCC are a member of the above group and stated that it requires an overdraft facility to fund.... (something about 31st March 2009)

It was proposed by Cllr. T. McLoughlin, seconded by Cllr. D. Owens.

This concluded the business of the meeting.

MINUTES CONFIRMED: -

CATHAOIRLEACH

MEETINGS ADMINISTATOR

16TH JUNE 2008