

**COMHAIRLE CHONTAE UÍBH FHAILÍ**

**MINUTES OF JULY MONTHLY MEETING  
OF OFFALY COUNTY COUNCIL**

**HELD IN ÁRAS AN CHONTAE, TULLAMORE  
ON MONDAY, 20<sup>TH</sup> JULY 2009 AT 2.00 P.M.**

**PRESENT:**

Cllr. N. Bourke (Presiding), Cllrs. M. Buckley, J. Butterfield, J. Carroll, P. Clendennen, B. Cowen, D. Dolan, E. Dooley, S. Dooley, E. Fitzpatrick, J. Foley, C. Hanniffy, N. Hogan, T. McKeigue, J. Leahy, T. McLoughlin, S. Moylan Ryan, P. Ormond, D. Owens, G. Plunkett and L. Quinn

**IN ATTENDANCE:**

Mr. Pat Gallagher, County Manager, Mr. F. Heslin, Director of Services, Mr. D. Kirrane, Director of Services, Mr. Declan Conlon, Head of Finance, Ms. Ann Dillon, Acting Director of Services, Mr. D. Hogan, Acting Director of Services, Mr. C. McCarthy, Senior Engineer, Mr. A. Murray, Senior Planner, Mr. Paul McLoughlin, Executive Engineer, Mr. J. Mitchell, Acting Senior Executive Engineer, Mr. D. Mahon, Senior Executive Officer, Ms. M. Stuart, Co. Librarian, Mr. T. Mawe, Financial Management Accountant, Ms. M. Cleary, Meetings Administrator, Ms. N. Troy, Clerical Officer.

**VOTES OF  
SYMPATHY:**

Votes of sympathy were unanimously extended to the following:-

Ms. Breda Glennon, staff member of O.C.C. on the death of her mother, Mary.

Cllr. Sinead Dooley, Rahan Road, Sragh, Tullamore on the death of her aunt, Frances Gilligan.

Christina McEvoy, Presentation Place, Birr on the death of her husband, Peter.

Brendan Heffernan, Newbridge Street, Birr on the death of his brother-in-law, Gerry Fitzpatrick.

Michael Moore & Family, Garryhinch, Portarlinton on the death of his wife, Jenny.

Brian Walsh, Kilbride, Portarlinton on the death of his mother, Eileen.

Patrick & Phyllis Dillon, Gorteen, Killegh, Tullamore on the death of their son, Niall.

The Cronley Family, Gortocon, Mountbolus on the death of their mother, Margaret.

Teresa Coonan, Main Street, Moneygall on the death of her son, Noel.

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

P.J. Mahon, Arden View, Tullamore on the death of his brother, Tom.

Jack Gilligan, Lumcloon, Cloghan on the death of his wife, Frances.

Teresa Blake, Lismooney, Kinnity on the death of her partner, Seamus Butler.

**VOTES OF CONGRATULATIONS:**

Patrice Delaney on winning the Roscommon 36 hole Scratch Cup on Saturday, 30th May 2009.

**CONFIRMATION OF MINUTES:**

i. On the proposal of Cllr. D. Dolan seconded by Cllr. J. Butterfield the amended minutes of Offaly County Council's February Monthly Meeting, held in Áras an Chontae, Tullamore on Monday, 16<sup>th</sup> February 2009 at 2.00 p.m., were confirmed and signed.

ii. On the proposal of Cllr. E. Fitzpatrick seconded by Cllr. D. Dolan the minutes of Offaly County Council's May Monthly Meeting, held in Áras an Chontae, Tullamore on Monday, 23<sup>rd</sup> May 2009 at 2.00 p.m., were confirmed and signed.

iii. On the proposal of Cllr. D. Dolan seconded by Cllr. P. Clendennen the minutes of Offaly County Council's Annual Meeting, held in Áras an Chontae, Tullamore on Friday, 19<sup>th</sup> June 2009 at 2.00 p.m., were confirmed and signed.

iv. On the proposal of Cllr. D. Dolan seconded by Cllr. P. Clendennen the minutes of the Special Meeting of Offaly County Council to discuss the Tullamore Town and Environs Development Plan 2010-2016 held in Áras an Chontae, Tullamore on Friday 26<sup>th</sup> June 2009 at 2.00 p.m., were confirmed and signed.

**MINUTES FOR NOTING:**

There were no minutes for noting.

**LOCAL IMPROVEMENT SCHEME – 2009 PRIORITY LIST:**

On the proposal of Cllr. C. Hanniffy and seconded by Cllr. E. Dooley the Local Improvement Scheme Priority List was adopted.

The members agreed to refer the Local Improvement Scheme to the Transportation and Emergency Services SPC for review.

**PART VIII OF THE PLANNING AND DEVELOPMENT REGULATIONS, 2001 - BANAGHER RELIEF ROAD:**

Mr. F. Heslin, DOS, gave a detailed presentation outlining the Part VIII report and recommendation for the Banagher Relief Road. He briefed the meeting on the Council's response to the objections raised to the proposal during the consultation process. Mr. Heslin advised that the Council had acquired lands on the proposed route and had a budget of €600,000 for the road works.

During the course of the ensuing discussion a number of issues were raised by members and addressed by Mr. Heslin. In summary:

- the suggested alternative routes were not feasible: in one case there were planning issues in a Special Area of Conservation; in another there would be a requirement to build a second bridge over the River Shannon; and in yet another there would be health and safety risks attached to building a road through Banagher

- Concrete lands;
- the Council would ensure that the road was built with material that would reduce noise levels and examine the road's impact on residences;
  - the proposed route fulfilled the objectives of the County Development Plan, linked phase 1 and 3 of the Banagher relief road and would result in better traffic management of the town and its environs;
  - a delay in approving the Part VIII resolution may result in the DEHLG funding being withdrawn.

Cllr. E. Dooley proposed that the meeting be adjourned for ten minutes to allow the members consider their position having regard to the information provided by Mr. Heslin. Cllr. C. Hanniffy seconded the proposal. This was agreed.

Following the adjournment Cllr. B. Cowen withdrew from the meeting until this Part VIII item was dispensed with. He advised the Cathaoirleach that as the issue before the Council was a planning matter and as he had, in a professional capacity, offered advice in relation to land in the area under discussion there may be a perceived conflict of interest.

Mr. Frank Heslin responded to further requests for clarification and advised that the proposal before the members referred solely to the Part VIII planning issue.

Cllr. E. Dooley proposed that the Part VIII Banagher Relief Road, as circulated, be approved. Cllr. C. Hanniffy seconded the proposal. The proposal was not agreed by all members. In accordance with the Standing Orders the proposed Part VIII Banagher Relief Road, as circulated, was balloted on.

For the proposal: Cllrs. N. Bourke, M. Buckley, J. Carroll, P. Clendennen, D. Dolan, E. Dooley, S. Dooley, E. Fitzpatrick, C. Hanniffy, N. Hogan, T. McKeigue, T. McLoughlin, P. Ormond, G. Plunkett and L. Quinn

Against the proposal: Cllr. J. Butterfield, J. Foley, J. Leahy, S. Moylan Ryan, D. Owens.

The Cathaoirleach declared the motion adopted.

**PART VIII OF THE  
PLANNING AND  
DEVELOPMENT  
REGULATIONS, 2001-  
BANAGHER CAR  
PARK:**

Mr. F. Heslin advised that eight submissions had been received and that the matter had been discussed at the Area Committee meeting. The additional parking spaces and other works were welcomed by the members. On the proposal of Cllr. S. Moylan-Ryan, seconded by Cllr. E. Dooley, the Part VIII was approved subject to the amendments agreed at the Area Committee meeting.

**TAKING IN CHARGE  
OF PRIVATE  
HOUSING ESTATE -  
CHANCERY PARK,  
TULLAMORE:**

On the proposal of Cllr. S. Dooley, seconded by Cllr. M. Buckley, the Council approved the Taking in Charge of Chancery Park, Tullamore.

**RAISING OF LOAN:  
SECTION 5, HOUSING  
ACT 1988  
VOLUNTARY  
HOUSING – CAPITAL  
LOAN AND SUBSIDY  
SCHEME PROJECT  
AT 31 GROVE  
STREET, CRINKLE -  
CLUID HOUSING  
ASSOCIATION:**

On the proposal of Cllr. T. McLoughlin, seconded by Cllr. P. Ormond, the Council approved the raising of a loan in the sum of €181,724 for the purchase of No. 31 Grove Street, Crinkle.

**RAISING OF LOAN:  
SECTION 5, HOUSING  
ACT 1988  
VOLUNTARY  
HOUSING –CAPITAL  
LOAN AND SUBSIDY  
SCHEME PROJECT  
AT DAINGEAN ROAD,  
TULLAMORE -  
OAKLE HOUSING  
TRUST:**

On the proposal of Cllr. S. Dooley, seconded by Cllr. M. Buckley, the Council approved the raising of a supplementary loan in the sum of €716,569 in relation to Capital Loan and Subsidy Scheme Project at Daingean Road, Tullamore for Oaklee Housing Trust.

**SECTION 183, LOCAL  
GOVERNMENT ACT,  
2001; DISPOSAL OF  
LAND –  
MONEYGALL, CO.  
OFFALY:**

On the proposal of Cllr. P. Ormond, seconded by Cllr. P. Clendennen, the Council approved the disposal of land at Moneygall in accordance with the terms of Section 183 Notice dated 15<sup>th</sup> June 2009.

**SECTION 183, LOCAL  
GOVERNMENT ACT,  
2001;DISPOSAL OF  
LAND – RACHRA,  
SHANNONBRIDGE:**

On the proposal of Cllr. S. Moylan-Ryan, seconded by Cllr. C. Hanniffy, the Council approved the disposal of land at Rachra, Shannonbridge in accordance with the terms of Section 183 Notice dated 9<sup>th</sup> June 2009.

**DRAFT STRATEGIC  
POLICY COMMITTEE  
(SPC) SCHEME:**

Ms. A. Dillon, Acting DOS, referred the members to the draft scheme which proposed the re-alignment of the SPCs with the revised directorates as follows:

Planning, Economic and Local Development;  
Transportation and Emergency Services;  
Environment and Water Services; and  
Housing, Corporate and Cultural Services.

**DRAFT STRATEGIC  
POLICY COMMITTEE  
(SPC) SCHEME  
(cont'd):**

She informed the members that the nomination for the Environment Pillar will be carried out in accordance with the provisions of Circular LG 12/09. A public consultation process would now commence and the scheme would come back to the members for their approval in September, at which time nominations to the SPCs could be appointed. Ms. Dillon advised that Offaly County Council's Standing Orders would require an amendment to take account of the SPC name changes outlined in the scheme. The draft scheme and amendment to the Standing Orders was proposed by Cllr. C. Hanniffy and seconded by Cllr. E. Dooley, and agreed.

**CORPORATE PLAN  
2009-2014 SECTION  
134, LOCAL  
GOVERNMENT ACT:**

Ms. A. Dillon, Acting DOS, informed the meeting that during an election year, in accordance with Section 134, Local Government Act, 2001, the Council was required to adopt a Corporate Plan within six months of the date of the annual meeting. She advised that the CPG had nominated Cllr. N. Bourke to be the members' nominee on the Corporate Plan Planning Team.

**APPOINTMENT TO  
AUDIT COMMITTEE:**

Mr. P. Gallagher, County Manager, referred the members to his letter dated 15<sup>th</sup> July 2009 detailing the functions and structure of the Audit Committee and recommending the re-appointment of the external members: Mr. P. Scully, Mr. P. Hughes and Mr. B. Gunning. Cllr. D. Owens proposed that they be approved along with Cllr. C. Hanniffy and former councillor Mr. T. Feighery. P. Clendennen seconded the proposal. The appointments were agreed.

**HFA LOAN FOR  
UNSOLD PART V  
AFFORDABLE  
HOUSING:**

Ms. A. Dillon, Acting DOS, informed the members that Offaly County Council had eleven unsold affordable houses acquired under various Part V agreements and a debit balance, in the sum of €1,677,563, is currently being funded by an overdraft. A further commitment in the sum of €1.5m on an additional nine affordable houses at Ard na Carraige, Edenderry will be owing in the coming months. She further noted that the Executive had recommended the approval of a loan in the sum of €3.5m from the Housing Finance Agency for the purpose of converting unsold affordable homes into social stock through the leasing scheme. On the proposal of Cllr. E. Dooley, seconded by Cllr. D. Dolan the Council approved the raising of the loan.

**HOUSING (LOCAL  
AUTHORITY LOANS)  
REGULATIONS 2009  
HOUSE PURCHASE  
LOANS CREDIT  
POLICY:**

On the proposal of Cllr. E. Fitzpatrick, seconded by Cllr. G. Plunkett, the Council adopted the House Purchase Loans Credit Policy. The County Manager advised that a full report from the Housing Section would be included on the September Agenda.

**TAKING IN CHARGE  
OF PRIVATE  
HOUSING  
DEVELOPMENTS:**

Mr. D. Kirrane, DOS, advised that the members had adopted a scheme in accordance with Section 11 of the Roads Act, 1993 and Section 180 of the Planning and Development Act, 2000 to address the issues surrounding the Taking in Charge of private housing developments. He referred to the report circulated and informed the members that he anticipated an increase in the number of estates taken in charge by the Council in the coming months. Mr. Kirrane agreed to revert to individual members with regard to clarifications sought.

**REPORT ON WASTE  
MANAGEMENT PLAN  
IMPLEMENTATION:**

Mr. David Hogan, Acting DOS, informed the meeting that the circulated report was the third review of the current Waste Management Plan. He outlined the progress achieved in meeting the stated targets and outlined the Council's focus for the coming twelve months. The members noted the report.

**FINANCE REPORT:**

Mr. P. Gallagher, County Manager, advised the meeting that due to the current difficult financial times he had agreed with the CPG to present a financial report bi-monthly. He informed the members that any deficit incurred in 2009 would become a first charge on the

**FINANCE REPORT  
(cont'd):**

2010 budget and that the reduction in resources is impacting on the Council's capacity to deliver services. He advised that a range of costs were non-discretionary and that the Council had limited capacity to raise income. Accordingly, he had made adjustments to departments' operating budgets with the aim of balancing income and expenditure in 2009.

Mr. Declan Conlon, HoF, in briefing the meeting on the finance report stated that expenditure was in accordance with the adopted Budget. He indicated, however, that receipts from planning and landfill fees were lower than estimated in the Budget. He also noted that the DEHLG had advised in correspondence, dated 24<sup>th</sup> June 2009, that the Council's Local Government Fund was being reduced by 3.2% i.e. €22,200. The circulated Schedule of Savings/Adjustments, €4,098,022, did not address this reduction and that a further report to address this reduction in income would be presented to the CPG. Mr. Conlon outlined the main elements of the Non- Principle Private Residences Act, 2009.

The Cathaoirleach advised that the Manager had agreed with the CPG's request to withdraw from the list of savings/adjustments the €4,000 reduction in the mobility grant aids.

In responding to members' queries Mr. Conlon advised that: consultancy fees were reduced by 50% during the compilation of the 2009 Budget and that an additional 8% was now being sought; the Council is anticipating a 10% saving on plant hire; the Midland Energy Agency are currently tendering for savings on ESB supply; the Council, after the transfer of funds, will have €1.5m in Capital Reserves; the 33% reduction in the tourism budget is from within the overall tourism budget; development charges did not affect the revenue budget; a separate report on the library services reductions was being presented by the Co. Librarian; the Council had decided to distribute over the 5 year period the water licence fee costs rather than absorbing the full cost in the year of purchase.

Mr. Conlon further advised that a national moratorium on staff recruitment was now in place, which measures included: the non-replacement of staff on leave; the termination of temporary contracts of employment; the withdrawal of summer student schemes. Reductions in staff travel allowances, acting-up payments etc. accounted for the savings listed under staff and associated costs action.

**SUSPENSION OF  
STANDING ORDERS:**

At 6.00p.m., the normal time for conclusion of meetings, the members, on the proposal of Cllr. E. Dooley, seconded by Cllr. J. Butterfield, agreed to extend the meeting to deal with the remaining business.

**PRESENTATION ON  
LIBRARY SERVICES:**

Ms. M. Stuart, Co. Librarian, gave a presentation on the provision of library services within the county and outlined the Council's intentions for addressing the reduction in resources. She advised that following a review of the service the hours were being extended in Clara and Birr. However, it would be necessary to close the branch libraries during the periods of leave and it would be

**PRESENTATION ON  
LIBRARY SERVICES  
(cont'd):**

necessary to close Shinrone library for July and August. She advised that the Library Development Plan 2009-2014 would be presented to the SPC in the Autumn.

The members thanked Ms. Stuart for the very informative presentation and paid tribute to the library staff for the service they provided to the public. The members expressed concern over reducing library resources at this time and in particular at reducing services in rural areas. Ms. A. Dillon, Acting DOS, replying to a query concerning the Shinrone library advised that the Council was not in a position to give a commitment that Shinrone library would re-open in September. She advised that the structural condition of the Shinrone library and the moratorium on recruitment were impacting on the delivery of services. She highlighted the Council's commitment to continuing the delivery of library services to its Shinrone members in the interim period. She advised that it would be premature to state that the library was closing permanently and that a report would be presented to the SPC in October. This issue, she said, would come before the Council again. She also noted the suggestion that the relocation of the library could be considered.

**NOTICE OF MOTION:**

- a) The following motion was proposed by Cllr. T. McKeigue and seconded by Cllr. L. Quinn and approved:

*“That Offaly County Council open a ‘Book of Solidarity for the Victims of Child Abuse’.”*

- b) The following motion was proposed by Cllr. M. Buckley and seconded by Cllr. L. Quinn:

*“That Offaly County Council write to the Minister for Health and Children, regarding the urgent need for the Vision for Change document relating to Mental Health Services be implemented”.*

It was agreed by the members to write to the Minister and to circulate this motion to other Councils.

- c) The following motion was proposed by Cllr. T. McKeigue and seconded by Cllr. P. Clendennen:

*“That Offaly County Council highlight the need for an Out of Hours social work service”*

Members agreed to extend the motion to include *‘GP and other essential health services.’*

- d) The following motion was proposed by Cllr. M. Buckley and seconded by Cllr. L. Quinn:

*“That Offaly County Council ensures that an Offaly Drugs Task Force is set up.”*

**NOTICE OF MOTION  
(Cont'd):**

It was agreed by the members to write to the Minister.

e) The following motion was proposed by Cllr. J. Carroll and seconded by Cllr. P. Ormond:

*“That this Council recognise the tremendous work being done by Mid-Ireland Tourism in promoting the Shannon region, especially the areas in Offaly identified in the McIvor Report as key attractions i.e. Clonmacnoise, Slieve Blooms and Lough Boora Parklands etc. To assist in this promotion I propose that this Council grant them a similar subvention as granted in 2008 and provided for in our estimates”.*

Mr. D. Kirrane, DOS, advised that FÁILTE Ireland and Shannon Development have statutory functions for promoting tourism in Offaly and due to the limited resources available to the tourism programme the Council are not in a position to provide grant assistance to Mid-Ireland, a limited company whose annual accounts showed that they were working in an operating surplus. Cllrs. Ormond and Carroll outlined the value for money provided to small business by Mid-Ireland tourism and agreed to explore if other Local Authorities in the region were providing grant aid to them.

f) The following motion was proposed by Cllr. J. Carroll and seconded by Cllr. G. Plunkett:

*“That this Council make provision for an in-depth discussion on recent local elections and count with specific emphasis on*

- Preparation and accuracy of Register*
- Suitability and convenience of Polling Stations*
- Suitability of count centre*
- Allocation of passes for count*
- Duration of count.*

Cathaoirleach, acknowledged and complimented all the staff involved in the local election. He noted, in particular, that Offaly was the only count centre making results available on the website as they happened and that the website had received over 20,000 visits during the count. The County Manager advised that the conduct of elections and the Register of Electors are subject to national regulations. Ms. M. Cleary advised that she would conduct a full review of the proceedings and report to the CPG on her findings and recommendations. She encouraged the members to forward their comments to her. She advised that where the motion referred to issues under the remit of the County Registrar, she would convey the members' concerns to the County Registrar.

**COMHDHÁLACHA:**

The members approved attendance at conferences as follows:

**Traveller Enterprise and Employment Seminar - 22<sup>nd</sup> July 2009**  
No member expressed an interest in this conference.

**William Carleton Summer School 3<sup>rd</sup> – 7<sup>th</sup> August, 2009**  
It was agreed to send Cllrs. E. Fitzpatrick and C. Hanniffy.



**COMHDHÁLACHA**  
(cont'd):

**Councillors Training Seminar - Days Hotel, Waterford – 4<sup>th</sup> – 6<sup>th</sup> September 2009.**

No member expressed an interest in this conference.

**AMAI 96<sup>th</sup> Annual Conference 10<sup>th</sup> – 12<sup>th</sup> September 2009**

It was agreed to send Cllrs. J. Carroll, B. Cowen, G. Plunkett, N. Hogan, M. Buckley, P. Clendennen and N. Bourke.

**Councillors Training Seminar – Voluntary Housing & Sheltered Housing for the Elderly 11<sup>th</sup> – 13<sup>th</sup> September 2009.**

It was agreed to send Cllr. J. Butterfield.

**COMHFHREAGRAS:**

There were no discussions under this item.

**ANY OTHER BUSINESS:**

**Boston Scientific**

Cllr. T. McKeigue noted that two hundred and sixty redundancies were imminent at Boston Scientific, which was scheduled to close in the coming months. He expressed his dissatisfaction with the interventions from state bodies aimed at saving these jobs. He proposed that the Council write to the Minister for Trade and Enterprise to impress on state bodies the need to be proactive in attracting investment to Tullamore. The proposal was seconded by Cllr. L. Quinn. Cllr. S. Dooley requested that the Council also correspond with the IDA and outline the facilities available in Tullamore.

The County Manager acknowledged the leadership and commitment of Boston Scientific's local management team. He advised the meeting that he had contacted the IDA and had outlined the strategic advantages to businesses locating in Offaly. He assured members that the Council would continue to play a proactive role in this area.

This concluded the business of the meeting.

**MINUTES CONFIRMED:**

\_\_\_\_\_

**CATHAOIRLEACH**

\_\_\_\_\_

**RUNAÍ**

**21<sup>ST</sup> SEPTEMBER 2009**