

COMHAIRLE CHONTAE UÍBH FHAILÍ

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

**HELD IN ÁRAS AN CHONTAE, TULLAMORE
ON MONDAY, 19TH APRIL 2010 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, Cllr. P. Ormond, D. Owens, G. Plunkett and L. Quinn

IN ATTENDANCE:

Mr. P. Gallagher, County Manager, Mr. S. Murray, D.O.S., Mr. F. Heslin, D.O.S., Mr. D. Kirrane, D.O.S., Mr. D. Conlon, Head of Finance, Mr. E. O’Ceilleachair, C.F.O., Ms. M. Cleary, Meetings Administrator and Ms. N. Troy, Clerical Officer.

APOLOGIES:

**VOTES OF
SYMPATHY:**

Votes of sympathy were unanimously extended to the following:-

To all the members of the Polish community who are living in Ireland, on the tragic death of their President.

Judy Bryant, & Family Rathrobin, Blueball, Tullamore on the death of her husband, Ronnie Bryant,

The Family of Peter Moore, Screggan Cross, Tullamore

The Family of Paddy Byrne, Lackaroe, Cadamstown, Birr

Daniel & Kathleen Shortt, 12 Fairview, Birr on the death of their son, Mark.

Joan Kennedy, Tullamore Road, Birr on the death of her husband, Joe.

John O’Reilly, Avondale Est., Portarlinton on the death of his mother, Kathleen.

Michael Slattery, St. Patrick’s Tce., Portarlinton on the death of his aunt, Molly.

Sean Michael McCann, Garrymona, Walsh Island on the death of his uncle, Joe.

Annette Mahon, Ballincanty, Blueball on the death of her father John Joseph Lambe.

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

Frank Feery, Murrough, Ballycumber on the death of his mother, Elizabeth.

Betty Byrne & Family, Lackaroe, Cadamstown, Birr on the death of her husband, Paddy.

Declan Phelan, The Pass, Kinnity, Birr on the death of husband, Roisin Kendrick-Phelan.

Mrs. M. Coyne & Family, Railway View, Clara on the death of her son, Kieran.

Renee Egan & Family, Woodbank, Shannonbridge on the death of her mother,

Margaret Mannion, Charleville view, Tullamore on the death of her husband, Martin.

Kitty Mac Cann, 7 The Elms, Spollinstown, Tullamore on the death of her brother, Willie.

Mary Vickers, Arden Vale, Tullamore on the death of her husband, Peadar.

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.

**VOTE OF
CONGRATULATIONS:**

To Banagher College, Colaiste na Sionna on winning the All Ireland Senior "A" Schools Final.

COMMISERATIONS:

The members also expressed their commiserations to Tullamore Rugby Club on loosing the Provincial Towns Cup Final.

**CONFIRMATION OF
MINUTES:**

On the proposal of Cllr. M. Buckley, seconded by Cllr. D. Owens, the minutes of Offaly County Council's March Monthly Meeting, held 22nd March 2010, were confirmed and signed.

**MINUTES FOR
NOTING:**

The following minutes were noted:

- Corporate Policy Group Minutes held in Áras an Chontae, Tullamore on Monday, 15th February 2009.

**SECTION 183 OF
LOCAL GOVERNMENT
ACT 2001 – DISPOSAL
OF FREEHOLD
INTEREST IN
PROPERTY AT NO, 18
CLONMEEN RISE,
EDENDERRY:**

On the proposal of Cllr. N. Bourke, seconded by Cllr. N. Hogan, the Council approved the disposal of freehold interest in property at No. 18 Clonmeen Rise, Edenderry in accordance with the terms of the Section 183 notice dated 30th March 2010.

**SECTION 183 OF
LOCAL GOVERNMENT
ACT 2001 – DISPOSAL
OF LEASEHOLD
INTEREST IN
PROPERTY AT
CLONIFFEEN,
GARRYCASTLE,
SHANNONBRIDGE:**

On the proposal of Cllr. S. Moylan-Ryan, seconded by Cllr. C. Hanniffy, the Council approved the disposal of leasehold interest in property at Cloniffeen, Garrycastle, Shannonbridge in accordance with the terms of the Section 183 notice dated 22nd March 2010.

**EASTERN RIVER BASIN,
SOUTH EASTERN RIVER
BASIN AND SHANNON
INTERNATIONAL RIVER
BASIN MANAGEMENT
PLANS:**

Cllr. N. Bourke, Cathaoirleach, thanked the members who attended the Information Briefing Session, held on Tuesday 13th April 2010, on the River Basin Management Plans. He complimented the staff who, he said, had presented a comprehensive overview of the Plans. He requested Mr. S. Murray, D.O.S., to give an update with regard to the issues raised by the members.

Mr. S. Murray, D.O.S., recommended the motion below to the members advising that it addressed the issues raised by the members with regard to the Water Framework Directive:

‘That Offaly County Council in accordance with the requirements of the European Communities (Water Policy) Regulations 2003 to 2010 make a River Basin Management Plan for:

- i. The Shannon River Basin District
- ii. The South Eastern River Basin District
- iii. The Eastern River Basin District

subject to Offaly County Council making the following recommendations to the Minister for Environment, Heritage and Local Government:

1. Following adoption of this plan, local authorities will develop implementation programmes and identify all resource implications and funding requirements. It is likely that the resource requirements will exceed the current capacity of local authorities. Meeting the commitments contained in the plan will depend on the Department of Environment, Heritage and Local Government together with other Government Departments making provision for the required resources and funding.
2. That the sentence in section 5.2.3 of the Shannon River Basin District Management Plan and the South Eastern River Basin District Management Plan which reads “ Despite the improvements in agricultural pollution control in recent years, surveys carried out by local authorities indicate that on average 31% of farms nationally may be non-

**EASTERN RIVER BASIN,
SOUTH EASTERN RIVER
BASIN AND SHANNON
INTERNATIONAL RIVER
BASIN MANAGEMENT
PLANS (cont'd):**

compliant with the Nitrates Regulations” be replaced by the following: “Despite the improvements in agricultural pollution control in recent years, surveys carried out by local authorities indicate that a number of farms nationally may be non-compliant with the Nitrates Regulations”.

3. Drainage works should be considered as part of best practice in river basin management.
4. Research indicates that a substantial number of on-site waste water treatment systems in the country are inadequate and do not conform to the current EPA Code of Practice.
The Council calls on the Minister to put in place an appropriate grant system to assist home-owners to upgrade their effluent treatment systems to meet current standards.’

On the proposal of Cllr. B. Cowen, seconded by Cllr. E. Fitzpatrick, the Council agreed the motion.

**AUDIT COMMITTEE
ANNUAL REPORT:**

On the invitation of Cllr. N. Bourke, Cathaoirleach, Mr. P. Scully, Chairperson of the Audit Committee, gave a brief overview of the Audit Report that was circulated in advance of the meeting to the members.

The members noted the contents of the Audit Report, thanked Mr. P. Scully for his comments and acknowledged the work of the Audit Committee.

**ELECTION/
APPOINTMENT/
NOMINATION TO THE
BARROW DRAINAGE
BOARD:**

Barrow Drainage Board

On the proposal of Cllr. G. Plunkett seconded by Cllr. E. Fitzpatrick, it was agreed to appoint Mr. Tom Nolan, Garryhinch, Portarlinton to the Barrow Drainage Board to fill the vacancy resulting from the resignation of Cllr. G. Plunkett from the Board.

Rural Water Monitoring Committee

Ms. M. Cleary, Meetings Administrator, advised that the IFA had nominated Mr. George Grant, Knockarlon, Clareen, Birr as their representative on the Committee to fill the vacancy resulting from the retirement of Mr. James Kane. The nomination of Mr. G. Grant was proposed by Cllr. E. Fitzpatrick and seconded by Cllr. P. Clendennen and agreed.

**OFFALY LOCAL
AUTHORITIES
MEMBERS’ TRAINING
AND DEVELOPMENT
POLICY FRAMEWORK:**

Ms. M. Cleary, Meetings Administrator advised that the Policy Framework had been developed in accordance with Circular LG 2/2010, Local Government Act 2001 (Section 142) Regulations 2010 and supporting Departmental Guidelines. On the proposal of Cllr. C. Hanniffy, seconded by Cllr. M. Buckley, the members adopted the *Offaly Local Authorities Members’ Training and Development Policy Framework*.

QUARTERLY FINANCIAL REPORT:

Mr. D. Conlon, Head of Finance, provided a financial report to the members for the first three (3) months of 2010. He advised that in the absence of corrective actions the Council may have a potential deficit of €1million at the end of 2010. He stressed that this estimation does not include the Fire Services as the final outturn against its budget cannot be quantified until the *Plan for the Fire and Emergency Services* is adopted. He noted that there may be a €900,000 shortfall in the budget provided for the landfill and that the outcome of appeals to rate valuations may further exacerbate the Council's financial situation. He advised that confirmation had been received that the NPPR income, estimated at €400,000, was available to the Council and that this will alleviate some of the deficit. He further advised that the executive are reviewing actions to address the situation and that these measures will affect services and service delivery.

In responding to questions Mr. D. Conlon advised that the Management Team will continue to review the financial position and corrective actions required will be advised to members at the end of end of the next quarter.

Mr. S. Murray, D.O.S., advised that a number of areas outside the control of the Authority e.g. reduced gate fees, increased regulations etc. were factors with regard to the estimated landfill budget deficit. He advised that a decision on the EPA licence, lodged two (2) years previously, was still awaited. The continuation of the facility may have to be considered having regard to the licence received and possible future government policies.

In concluding the discussion Mr. D. Conlon agreed that he would continue to inform the Corporate Policy Group of the financial situation and details of corrective adjustments would be advised to the members at the end of the second quarter.

FIRE SERVICES PROGRESS REPORT:

Mr. F. Heslin, D.O.S., read the Fire Services Progress Report dated and emailed to the members on 16th April 2010. He drew the members' attention to the attached appendices, i.e., Operational and Capital Costs for Fire Stations in Daingean, Banagher and Kilcormac and Performance Indicators for 2008 and 2009.

A lengthy discussion on the Fire Services ensued. Clarification and information was sought from a number of members including Cllrs. E. Dooley, G. Plunkett, J. Leahy, S. Moylan-Ryan, L. Quinn, J. Foley, M. Buckley, J. Butterfield, D. Owens, B. Cowen and N. Bourke.

In responding to the questions raised the County Manager advised that:

- The adoption of the *Plan for Fire and Emergency Services* under s.26 of the Fire Services Act 1981 is a

**FIRE SERVICES
PROGRESS REPORT
(cont'd):**

reserved function. The draft Plan was presented to the members in September 2009. A decision on it was deferred to the October meeting, wherein it was deferred further to the December Budget meeting and again deferred to the Statutory Budget meeting on 11th January 2010. At that meeting the members agreed to defer a decision on the Plan until June 2010. The approval of the budget to implement the plan is also a reserved function. Members had been advised previously that an additional €700,000 would be required, over and above the existing budget, in order to maintain 8 stations. Members had decided to provide an additional €250,000 on condition that operational efficiencies were achieved. The report under discussion is an interim progress report.

- The Fire Services, after three (3) months, is overspent by €30,000.
- To date no efficiencies have been agreed with the Unions and in an effort to curtail over-expenditure and for health and safety reasons Kilcormac Fire Brigade was stood down on Thursday, 15th April 2010.
- Legal opinion regarding the executives' and the members' health and safety responsibilities were circulated in October and December 2009.
- It is a matter for the executive to negotiate work practices and efficiencies with staff and their union representatives. The detail of on-going negotiations is a matter for the parties, i.e., the executive and the Union. The negotiations are on-going and the executive are providing the members with an update of these negotiations. The outcome of these discussions will be informed to the members in due course.
- All information provided to the members is provided in good faith and is intended to assist the members in making decisions.
- As advised at previous meetings a moratorium with regard to staff recruitment is in place. Approval from the DEHLG was received in March 2010 to recruit to fill six (6) firefighter posts in Birr, Tullamore, Edenderry and Ferbane Brigades.
- The Council had not sought additional funding from the Department as the executive are of the opinion that the Department's response would be that it is a matter for the Fire Authority to fund the service as part of the council's budget, to which the DoEHLG contributes through the Local Government Fund.
- The executive had previously advised that eight (8) firefighters was the minimum number of firefighters required in each station.

Mr. F. Heslin, D.O.S., advised that:

- The minimum number required for a one (1) pump station is eight (8) firefighters and twelve (12) firefighters for a two (2) pump station.
- Birr Fire Station is a two (2) pump station. It is

**FIRE SERVICES
PROGRESS REPORT
(cont'd):**

- operating as a one (1) pump station while the recruitment process to fill vacancies is being completed.
- The Fire Services Act, 1981 is available on <http://www.irishstatutebook.ie>
 - He was not in a position to comment in detail on on-going Union negotiations.
 - Efficiency measures in the order of €50,000 and the introduction of rostering arrangements that would result in savings in the order of €100,000 were sought from the union in January 2010.
 - Having regard to the financial situation that the service is in, i.e., current over-expenditure in the sum of €30,000, and conscious of health and safety risks the executive had stood down the Kilcormac Brigade.
 - It had been decided to stand down the Kilcormac Brigade as it is not a first responder to any incident, there is no command structure in place in the brigade and it was the 'least worst' option. The firefighters, he advised, continue to be paid their retainer fee.
 - Additional measures, i.e., the standing down of the other two (2) stations, namely Banagher and Daingean, may be required to address further budgetary overruns.
 - The Fire Service is collating data requested by Cllr. J. Leahy, mindful of data protection issues, on mobilisation times and that this information would be furnished to all members in the coming weeks.
 - Daingean Fire Station capital costs in the sum of €140,000 were required to provide a jeep and accommodation for it.
 - The most significant cost for the fire service is the on-going cost of wages.
 - The Budget 2010 provided for fifty two (52) firefighters. There are currently fifty seven (57) employed and that an addition six (6) firefighters will be on the payroll by July 2010. Accordingly, he stressed, a decision on the *Plan for Fire and Emergency Services* is required by June 2010 and cost efficiencies must be implemented by 1st July 2010.

Cllr. J. Leahy expressed his extreme dissatisfaction with the responses received. A number of councillors, including Cllrs. J. Leahy, J. Butterfield, E. Dooley, J. Carroll, T. McLoughlin, G. Plunkett, P. Clendennen, B. Cowen, N. Bourke, D. Dolan, sought clarification on the responses.

Clarification on the following issues was sought:

- The number of Fire Stations that are required to provide an adequate and safe service.
- An update on the Fianna Fail led Group Fire Service proposal submitted in November 2009. The proposal included changed rostering arrangements, reduced training, reduced callout numbers to certain incidents and reduced firefighter numbers in certain brigades.
- That the Fianna Fail led Group Fire Service proposal had been forwarded to the unions.

**FIRE SERVICES
PROGRESS REPORT
(cont'd):**

- Whether the Fianna Fail led Group Fire Service proposal was acceptable to the executive.
- The reasons for the increased budget between 2003 and 2009.

The County Manager reiterated that:

- The adoption of the *Plan for Fire and Emergency Services* was a matter for the members but in accordance with the legislation they are required to provide adequate finance to allow the executive to implement the Plan.
- Details of on-going Union negotiations are not appropriate to public discussion.
- The Chief Fire Officer had advised in the Plan that five (5) fire stations are adequate for the county and had outlined the level and standard of fire service that could be provided with five (5) fire stations.

Mr. F. Heslin, D.O.S., confirmed that:

- The Fianna Fail led Group Fire Service proposal of late November 2009 was forwarded to the Union. The Union response was circulated to members on 18th December 2009.
- The Chief Fire Officer had provided statistics to an earlier meeting which showed that when manning levels were reduced to less than eight (8) the likelihood of achieving the minimum turnout of firefighters was substantially reduced. The executive had previously advised the members that eight (8) should be the minimum crew.

On the proposal of Cllr. B. Cowen, seconded by Cllr. G. Plunkett, the meeting was adjourned for ten minutes to allow the political groupings to review the situation.

When the meeting resumed Cllr. E. Dooley requested that the executive use the next six (6) weeks to review the Fianna Fail led Group Fire Service proposal with the union and to use that proposal as a basis to try and build a solution. This was agreed by the members.

It was agreed to include an update on the Fire Services on the May Council Agenda.

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

- (a) *“Offaly County Council writes to the proprietors that are leasing their facilities for the use of Head Shops, outline O.C.C. dissatisfaction with the stigma that is associated with such shops. Bearing in mind the effect it is having on youngest and the indirect effect it is having on concerned parents and communities. Everybody has the right to make money but earning money on the back of vulnerable youths been exposed to such unknown substances does not make moral sense. The proprietors will have the option in the short, medium or long term to cease leasing their facilities to such shops when their current leases expire.”*

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

The motion was proposed by Cllr. J. Leahy and seconded by Cllr. S. Dooley. During the ensuing discussion the members expressed their concerns and opposition to the operation of Head Shops, which they noted are increasing in number. It was agreed that the problem should be tackled at national level and that a change in legislation was required. It was agreed that the wording of the motion may not be in order but that the Council should write to the Department of Justice, Equality and Law Reform to highlight the urgency in enacting the required legislation and to outline the effect of the head shops on communities.

The County Manager advised that the executive are consulting with other agencies on this issue. He agreed with the members that robust legislation was required to address the issue. He stated that the Council does not have access to a list of proprietors or a list of leasers' occupying premises.

- b) *“That Offaly County Council request information from the Minister for Enterprise Trade and Employment why the services provided by FAS Employment Services have decreased and in some cases been withdrawn in the County and Region.”*

Cllr. T. McKeigue proposed the motion, which was seconded by Cllr. C. Hanniffy, and agreed.

- c) *“That Offaly County Council write to the Minister for Education regarding the delay in the provision of a new school for Tullamore College and that we would get a timeframe for the works to be undertaken.”*

Cllr. M. Buckley proposed the above motion, which was seconded by Cllr. T. McKeigue. Following a discussion on the matter the members agreed to write to County Offaly VEC requesting written clarification of the information requested in the motion. This was agreed by the members.

- d) *“That Offaly County Council calls on the Government to rescind its decision to impose a carbon tax on Agriculture diesel, which will add an additional 4.6 cent per litre in excise duty”.*

Cllr. T. McKeigue, in proposing the above motion, requested that 'commercial diesel' be added to the motion. The amended motion was seconded by Cllr. J. Butterfield and agreed by the members. It was also agreed to circulate the motion to other Councils.

**COMHDHÁLACHA
(cont'd):**

The following conferences were proposed by Cllr. P. Clendennen and seconded by Cllr. D. Owens.

Inclusion Ireland – AGM & Annual Conference, Killarney,

**COMHDHÁLACHA
(cont'd):**

23rd – 24th April 2010.

It was agreed to send Cllr. D. Owens to this conference.

Impact of EU Environmental Policy in Ireland, BMW
Regional Assembly Chambers Ballaghderreen, 27th April
2010.

It was agreed to send Cllr. J. Butterfield to this conference.

Housing Practitioners Conference 2010, Tullamore Court
Hotel, 27th-28th April 2010.

It was agreed to send Cllr. M. Buckley to this conference.

“Head Shops – Legal Highs”, Bellingham Castle Hotel,
Castlebellingham – 7th – 8th May 2010.

It was agreed to send Cllr. M. Buckley to this conference.

BIDS Conference, Ballmascanlon Hotel, Dundalk, Co.
Louth. 11th May 2010

It was agreed to send Cllr. J. Leahy to this conference.

The Cost of Insurance & Claims to your Local Authority, Th
Kingsvalley Hotel, Galway
21st – 23rd May 2010

No member expressed an interest in attending this seminar.

Being Positive in a Negative Climate, Castlecourt Hotel, We
Co Mayo

21st – 23rd May 2010.

No members expressed an interest in attending this seminar.

New EPA Guidelines for Single Houses – There implications
to Local Government

23rd – 25th April 2010.

No members expressed an interest in attending this seminar.

Defamation Seminar for Councillors, Patrick Punch Hotel,
Limerick, 28th – 29th May 2010.

No member expressed interest in attending this seminar.

Tarbert Community Care Conference, Lanterns Hotel, Tarbe.
June 2010

No member expressed an interest in attending this seminar.

COMHFREAGRAS:

The correspondences received were noted.

On the proposal of Cllr. M. Buckley, seconded by Cllr. N.
Bourke, the members' agreed to write in support of the
motion received from Clonmel Borough Council with
regard to Special Needs Assistants.

ANY OTHER BUSINESS:

Cathaoirleach's Awards

Mr. D. Kirrane, D. O. S., outlined the five categories
included in the awards and advised that a budget of
€10,000 was provided for the initiative.

**ANY OTHER BUSINESS
(cont'd):**

Accident and Emergency Department, Tullamore General Hospital

On the proposal of Cllr. M. Buckley, seconded by Cllr. T. McKeigue, the members agreed to write to the Minister of Health and the Health Services Executive advising that as a result of inappropriate staffing levels and the closure of hospital beds acute situations were arising in the Accident and Emergency Department in Tullamore General Hospital.

Broadband Facilities in Kinnitty

Cllr. J. Carroll requested that Offaly County Council seek to assist and promote the provision of broadband in the Kinnitty area. It was agreed to write to the Department of Communications on the matter.

Vote of Congratulations

On the proposal of Cllr. L. Quinn, seconded by Cllr. J. Carroll, the members agreed to forward a letter of congratulations to Mr. Noel Murphy, Rhode acknowledging his success in winning the All Ireland Handball Championship.

Labour Relations Dispute

Cllr. T. McKeigue advised that councillors are being impeded by the current industrial relations dispute in their efforts to assist constituents. Cllr. N. Bourke, Cathaoirleach advised that he had written, in his capacity as Secretary to L.A.M.A., to the Unions, at a national level, advising them of the Councillors' responsibility to represent constituents and requested that they review the situation. He noted that no response to his correspondence had been received to date.

Percolation Tests

Mr. P. Gallagher, County Manager, in responding to a query from Cllr. L. Quinn, advised that the DEHLG had approved the temporary appointment of a technician for the Environment Section and that interviews are currently being arranged.

This concluded the business of the meeting.

MINUTES CONFIRMED:

CATHAOIRLEACH

RUNAÍ

17th MAY 2010