

COMHAIRLE CHONTAE UÍBH FHAILÍ

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

**HELD IN ÁRAS AN CHONTAE, TULLAMORE
ON MONDAY, 21ST JUNE 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, H.O.F., Mr. T. Mawe, Financial Management Accountant., Mr. E. O’Ceilleachair, C.F.O., Mr. A. Murray, S.P., Mr. Tom Shanahan, S.E., Mr. Dermot Mahon, S.E.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:-

The Flaherty Family, Kinnitty, Birr, Co. Offaly on the death of their nephew, Robert.

Linda Young, Lismooney, Kinnitty, Birr, Co. Offaly on the death of her sister, Barbara McCabe.

Margaret Connolly, Castletown, Kinnitty, Birr, Co. Offaly on the death of her brother, Tom O’Neill.

Dan Rigney, Lismooney, Kinnitty, Birr, Co. Offaly on the death of his brother, Denny.

Maurice O’Toole, St. Joseph’s Tce., Moneygall, Birr, Co. Offaly on the death of his brother, Cormac.

Michael O’Donoghue, Ballyshane, Kinnitty, Birr, Co. Offaly on the death of his sister, Sr. Imelda.

Patrick Maher, Gracefield, Portarlinton, Co. Offaly on the death of his sister, Moira Walsh.

Pauric Gallagher, Ballinagar, Tullamore, Co. Offaly on the death of his cousin, Greta.

Connie & Vicky Walton, No 6 Hillview, Killeigh, Co. Offaly on the death of their mother, Greta.

VOTES OF SYMPATHY(cont'd):

James Bray, Clondallow, Birr, Co. Offaly on the death of his mother, Adelaide.

Margaret Corrigan, Castle St., Birr, Co. Offaly on the death of her husband, Paddy.

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. D. Owens, seconded by Cllr. M. Buckley, the minutes of Offaly County Council's May Monthly Meeting, held 17th May 2010, were confirmed and signed.

MINUTES FOR NOTING:

The following minutes were noted:

- Corporate Policy Group Meeting held Monday 19th April 2010
- Housing, Social & Cultural SPC held 7th January 2010
- Housing, Social & Cultural SPC held 11th February 2010
- Transportation & Emergency Services SPC held 12th February 2010

HIGHER EDUCATION GRANT SCHEME 2010:

On the proposal of Cllr. M. Buckley, seconded by Cllr. J. Leahy, the members agreed to adopt the Higher Education Grant Scheme 2010.

ANNUAL REPORT 2009:

While introducing the Annual Report 2009 Mr. S. Murray, D.O.S., noted that the performance indicators would be circulated at a later date.

On proposal of Cllr. M. Buckley, seconded by Cllr. J. Leahy, the members adopted the Annual Report for year ending 31st December, 2009.

ELECTION/ APPOINTMENT/ NOMINATION TO THE BARROW DRAINAGE BOARD:

Ms. M. Cleary, Meetings Administrator, advised that the Barrow Drainage Act, 1927 required that of the four members appointed to the Barrow Drainage Board by each of the county councils two shall be members of the appointing council and two shall not be members of any of the county councils. Accordingly, the nomination of Mr. Tom Nolan as agreed by the members in May 2010 was not in order.

On the proposal of Cllr. E. Fitzpatrick, seconded by Cllr. B. Cowen, it was agreed to appoint Cllr. G. Plunkett to the Barrow Drainage Board.

PART VIII – ARDAN BOREHOLE FOR TULLAMORE WATER SUPPLY SCHEME:

Mr. S. Murray, DOS, informed the meeting that the proposal conforms to the County Development Plan. He advised that the one submission received, relating to water hardness, does not impact on the proposed Part VIII.

**PART VIII – ARDAN
BOREHOLE FOR
TULLAMORE WATER
SUPPLY SCHEME
(cont'd):**

On the proposal Cllr. J. Butterfield, seconded by Cllr. M. Buckley, the Council approved the proposed Part VIII – Ardan Borehole for Tullamore Water Supply Scheme.

**REVIEW OF CRITERIA
FOR SALE OF
PRIVATE SITES:**

Cllr. M. Buckley, Chairperson of the Housing, Social and Cultural SPC, advised that the SPC had carried out a Review of the Criteria for the Sale of Private Sites in an effort to progress the sale of the sites. Mr. S. Murray, D.O.S., informed the members that the Council currently has fifty-three (53) sites for sale in six (6) schemes throughout the county and that there is a debit balance of €2.236m. The revised criterion proposes the removal of many of the restrictive conditions, including the income eligibility test, and will result in the effective disposal of the sites on the open market.

In responding to questions raised Mr. S. Murray, D.O.S., advised that: from 1st July 2010 V.A.T. will be charged on the sale of sites; the requirement to have the house constructed within a period of eighteen (18) months was to prevent speculation; and, that failure to build within the prescribed timeframe could be addressed through other legislative means e.g. Derelict Sites legislation.

On the proposal of Cllr. M. Buckley, seconded by Cllr. G. Plunkett the members agreed the adoption of the Review of the Criteria for the Sale of Private Sites, as circulated.

**SECTION 183 OF
LOCAL GOVERNMENT
ACT 2001 – DISPOSAL
OF LANDS AT
CURRAGHAVARNA &
PORTAVOLLA:**

On the proposal of Cllr. S. Moylan-Ryan, seconded by Cllr. E. Dooley, the Council approved the disposal of lands at Curraghavarna and Portavolla, in accordance with the terms of the Section 183 notice dated 28th May 2010.

**SPEED LIMIT BYE-
LAWS 2010:
HORSELEAP:**

It was agreed to defer the Road Traffic (Speed Limits) (County of Offaly) Bye Laws 2010 to the July meeting.

**TAKING IN CHARGE
OF PRIVATE
HOUSING ESTATE AT
CASTLE COURT,
CASTLETOWN,
KINNITTY:**

Mr. F. Heslin, D.O.S., advised that no objections were received to the advertised proposal to taking in charge of the private housing estate at Castle Court, Castletown, Kinnitty.

On the proposal of Cllr. P. Clendennen, seconded by Cllr. J. Carroll, the members agreed to the taking in charge of the housing estate at Castle Court, Castletown, Kinnitty.

**DRAFT MIDLANDS
REGION
HOMELESSNESS
ACTION PLAN 2010-
2013:**

Mr. S. Murray, D.O.S., advised that the *Draft Midlands Regional Homelessness Action Plan* was prepared in accordance with the Housing Act, 2009. It is a framework plan which defines homelessness, outlines the national context, sets out the regional implementation structures and

**DRAFT MIDLANDS
REGION
HOMELESSNESS
ACTION PLAN 2010-
2013(cont'd):**

services, and details the visions and strategic aims for addressing homelessness in the region.

On the proposal of Cllr. M. Buckley, seconded by Cllr. C. Hanniffy, the members agreed to adopt of the *Midlands Regional Homelessness Action Plan*.

Mr. S. Murray, D.O.S., advised that the Midland Homeless Consultative Forum will now prepare a more detailed implementation blueprint for homeless services in the midlands region. This will be placed before each of the four midland counties, by 31st January 2011, for their consideration and adoption.

**DRAFT HOUSING
RENT ARREARS
POLICY:**

Cllr. M. Buckley, Chairperson of the Housing, Social and Cultural SPC, advised that the SPC had approved the *Housing Rent Arrears Policy*. Mr. S. Murray, D.O.S., stated that the policy formularises the approach to be taken with regard to the collection of rent arrears. It was agreed to include in the policy that 'the Council will be particularly sensitive in dealing with customers with mental health issues'.

On the proposal of Cllr. M. Buckley, seconded by Cllr. J. Butterfield, the members agreed the adoption of the *Housing Rent Arrears Policy*.

**DRAFT HOUSING
LOAN ARREARS
POLICY:**

Cllr. M. Buckley, Chairperson of the Housing, Social and Cultural SPC, advised that the SPC had approved the *Housing Loan Arrears Policy* which formularises the approach that will be taken with regard to the collection of loan arrears.

On the proposal of Cllr. M. Buckley, seconded by Cllr. J. Butterfield, the members agreed the adoption of the *Housing Loan Arrears Policy*.

**DISPOSAL OF
BIODEGRADABLE
WASTE POLICY:**

Mr. S. Murray, D.O.S., drew the members' attention to the information note circulated with the Agenda on the introduction of a domestic three-bin service, under the Waste Management (Storage, Presentation, Segregation and Collection of Household Waste) Bye Laws 2009, in Tullamore and Birr from 1st July 2010 and in all towns with a population greater than 1,500 with effect from 1st January 2011.

**FUNDING FOR ANTI-
LITTER AND ANTI-
GRAFFITI PROJECTS:**

Mr. S. Murray, D.O.S., informed the members that the Department of Environment, Heritage and Local Government had allocated twenty two thousand euro (€22,000) for anti-littering and anti-graffiti projects in Offaly. He drew the members' attention to the circulated criteria and requested that proposals be submitted to the Environment Section by 29th June 2010.

**WATER INCOME
REPORT:**

Mr. D. Conlon, H.O.F., drew the members' attention to the Non Domestic Water Charges memo which was circulated at the meeting. He noted that the introduction of the metered water charges had been advertised widely throughout the county.

On the proposal of Cllr. T. McKeigue the meeting agreed to address the Fine Gael notice of motion (Agenda Item 18 (a)) at this point. Cllr. T. McKeigue advised that not all business, and in particular, the publicans and hoteliers had budgeted sufficiently for the charges. In seconding the motion Cllr. C. Hanniffy requested that the cost per cubic meter be reduced.

In the ensuing discussion members requested that metered water charges be introduced from 2010 only and that the water element of commercial rates be withdrawn.

In responding Mr. S. Murray, D.O.S., advised that the unit charge for water is based on the actual cost of treating and providing water. The apportionment of water charges in rate demands, he advised, was towards the water network's infrastructure. He noted that the Water Framework Directive provided for water to be metered and charged on that basis from 2006. However, due to contractual difficulties in Offaly the metered billing was delayed until 2009. Mr. S. Murray advised that no further postponements could be considered.

Mr. D. Conlon, H.O.F., informed the meeting that the Council are prepared to extended payment terms on 2009 invoices. Customers experiencing difficulties with payments should contact the Finance Section to agree payment terms.

**SUSPENSION OF
STANDING ORDERS:**

On the proposal of Cllr. M. Buckley, seconded by Cllr. D. Owens, it was agreed to suspend the commencement of the Annual Meeting until after the conclusion of the June monthly meeting.

**REPORT ON FIRE
SERVICES:**

Mr. F. Heslin, D.O.S., drew the members' attention to his report and the correspondence with SIPTU, the fire-fighters' Union, which was circulated with the Agenda. He informed the meeting that he had, since the issuing of the Agenda, received a further email from SIPTU on 18th June 2010. Mr. F. Heslin commented that this letter was, in his opinion, misleading, inaccurate and flawed.

Cllr. N. Bourke, Cathaoirleach, advised that, at the fire-fighters request, he had met fire-fighters from the Daingean brigade the previous week. Cllr. N. Bourke felt their willingness to enter meaningful negotiations was genuine. The fire-fighters advised that in their opinion significant savings could be made in the fire services. Cllr. N. Bourke informed the fire-fighters that a decision on the

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

Fire and Emergency Operations Plan was required urgently. Accordingly, he requested them to outline where the proposed savings could be made.

Cllr. E. Dooley proposed that the members' move to adopt the *Fire and Emergency Operations Plan* as presented to the members in September 2009 subject to: the €250,000 allocated from other services remain in place until October; that none of the other stations be 'stood down' in the meantime; that the Manager/Executive enter into further negotiations with the trade union (SIPTU) in an effort to make the necessary changes and savings to ensure the survival of these stations; and, if after a period of four (4) weeks, an agreement cannot be reached an independent facilitator be appointed, possibly using the expertise of the LRC. He continued that if an agreement is reached by October these stations can then be incorporated into the *Fire and Emergency Operations Plan*. The proposal was seconded by Cllr J. Foley.

On the proposal of Cllr. T. McKeigue, seconded by Cllr. C. Hanniffy, it was agreed to adjourn the meeting for fifteen (15) minutes to allow the members the opportunity to discuss the proposal.

Following the break, Cllr. E. Dooley proposed that a decision on the adoption of the *Fire and Emergency Operations Plan* be postponed until the September meeting and that an independent facilitator be appointed immediately to assist in resolving the issue. The proposal was seconded by Cllr. L. Quinn and agreed by the members.

In responding to the agreed motion Mr. P. Gallagher, County Manager, advised that it is not a function of the elected members to advise the Manager to avail of the services of the Labour Relations Commission in an industrial relations issue. He expressed disappointment that the Union's email, dated 18th June 2010, stated that they were 'now' willing to enter '*meaningful and in-depth discussions*'. The executive, the Manager advised, had been conducting their negotiations in good faith since August 2009. These negotiations, he advised, concluded on receipt of the Union's email on 28th May 2010 advising that they were not going to ballot their members. The Manager advised that he was not opposed to the appointment of a facilitator/mediator if there were genuine difficulties; this however, he stated is a decision for the executive. He urged SIPTU to ballot their members on the introduction of rostering and other cost saving measures.

The Manager again drew the members' attention to the advice received from the County Solicitor, dated 8th October 2009, and Senior Counsel's advice, dated 14th December 2009. He cautioned that the elected members

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

have health and safety responsibilities. He noted that criminal prosecutions had resulted in a retired official from Clare County Council receiving a suspended sentence and that a criminal investigation is on-going in Wicklow County Council. Should a similar investigation be carried out to a fire-fighting incident in Offaly the failure to adopt the *Fire and Emergency Operations Plan* may be used as a defence by staff.

Cllr. E. Dooley noted the Manager's advice on the members' health and safety responsibilities. The Union's commitment to enter meaningful negotiations and their confidence in achieving real savings was, he suggested, justification for postponing a decision on the Plan until September.

Cllr. J. Leahy requested that the retained fire-fighters in Kilcormac, who are currently stood down, be allowed to participate in training and drills.

In responding to a query from Cllr. S. Moylan-Ryan the County Manager advised that in the absence of the Plan he would keep the operations of the Daingean and Banagher fire brigades under review with regard to health and safety and finances.

In concluding the discussion the County Manager advised that he would resume negotiations with SIPTU in an effort to achieve the required savings and that, if required, the national industrial relations machinery could be used.

NOTICES OF MOTION:

(b) Cllr. M. Buckley proposed the following motion, which was seconded by Cllr. P. Clendennen, and agreed by the members:

"That Offaly Co. Council write to the HSE regarding the fact that there are no treatment places, for drug users in the region".

(c) *"That Offaly Co. Council contact the Department of the Environment & Local Government regarding the need to address the situation whereby people are having their homes repossessed".*

The Department, Cllr M. Buckley noted, had advised at a recent Housing Practitioners Conference that they would address situations where people are having their homes repossessed. In the absence of any further direction from the Department Cllr. M. Buckley proposed that the Council now write to the DEHLG. The motion was seconded by Cllr. N. Bourke and agreed by the members.

COMHDHÁLACHA:

The following conferences were proposed by Cllr. M. Buckley and seconded by Cllr. T. McKeigue:

**The George Bernard Shaw Summer School & Festival
2nd-3rd July 2010.**

No members expressed an interest in attending.

**Dublin Outreach Conference 2010 – Dublin – 17th July
2010**

No members expressed an interest in attending.

**Housing Miscellaneous Provisions Act 2009 – The
Glenroyal Hotel, Maynooth 16th – 18th July 2010**

It was agreed that Cllr. Eddie Fitzpatrick and Connie Hanniffy would attend.

**AMAI 97th Annual Conference Inishowen Gateway
Hotel, Buncrana 9th – 11th September 2010**

It was agreed that Cllrs. Eddie Fitzpatrick and John Carroll would attend.

**8th National Tourism Conference, Tullow Carlow, 24th –
26th June 2010**

No member expressed an interest in attending.

COMHFREAGRAS:

The correspondences received were noted.

On the proposal of Cllr. N. Bourke, seconded by Cllr. J. Foley, the members agreed to write to the H.S.E. in support of the motion received from Edenderry Town Council, dated 10th June 2010.

Cllr. S. Dooley noted the correspondence received from Co. Offaly Vocational Education Committee, dated 20th May 2010, outlining the timeframe for the rebuilding of Tullamore College.

On the proposal of Cllr. M. Buckley, seconded by Cllr. N. Bourke, the members agreed to write to the Minister of Finance in support of the motion received from Limerick County Council with regard to the liability for the payment of rates.

ANY OTHER BUSINESS:

This concluded the business of the meeting.

MINUTES CONFIRMED:

CATHAOIRLEACH

RUNAÍ

19th JULY 2010