

COMHAIRLE CHONTAE UÍBH FHAILÍ

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

**HELD IN ÁRAS AN CHONTAE, TULLAMORE
ON MONDAY, 18TH OCTOBER 2010 AT 2.00 P.M.**

PRESENT:

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

APOLOGIES:

S. Moylan-Ryan

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. C. McCarthy, S.E., Ms. R. McKenna, S.E.A., Ms. M. Cleary, Meetings Administrator and Ms. N. Troy, C.O.

**VOTES OF
SYMPATHY:**

Votes of sympathy were unanimously extended to the following:-

Eoin Lynch, staff member of Offaly County Council on the death of his mother.

Willie Boland & Family, Killyon, Birr on the death of his wife, Mary.

Kathleen Jaffrey, Spollanstown, Tullamore on the death of her brother Sean Gilson.

John & Ann Foran, Clonbullogue, Edenderry on the death of her father, Joe Walsh.

Mary Scully, Charlestown, Clara on the death of her sister, Catherine.

Fr. Pat Gilbert, The Presbytery, John's Mall, Birr on the death of his mother, Maura.

Anne Keane & Family, Kilbride, Portarlinton on the death of her husband, Moss.

Digan Family, 8 St. Cormac's Park, Kilcormac on the death of Mary.

Louise Lawless & Family, Old Court, Carbury on the death of her husband, John.

Mary McKelvey & Family, Main Street, Shinrone on the death of her husband, George.

VOTES OF SYMPATHY:

The Doorley Family, Keraun, Ballybritt, Roscrea on the death of their sister, Jean.

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.

VOTES OF CONGRATULATIONS:

The members passed a vote of congratulations to the following:

Cllr. Connie Hanniffy on her appointment as President of the City & County Councillors Association.

Rhode Senior and Junior Football teams on winning the County Football Finals.

Clonmore Harps, Drumcullen and Coolderry on winning the County Hurling Finals.

Mr. Patrick Quigley on his retirement after approximately 37 years service with Offaly Local Authorities.

CONFIRMATION OF MINUTES:

- Cllr. John Foley requested that the minutes of the September Monthly Meeting held on 20th September 2010, regarding the Plan for Fire and Emergency Operations, Section 26, Fire Services Act 1981, be amended as follow:

“A further proposal by Cllr. J. Foley to reinstate the Fire Stations while negotiations with the unions were on-going was ruled out of order by the Cathaoirleach as it did not include or provide the funding to the Manager.”

The meeting agreed to the amendment and on the proposal of Cllr. C. Hanniffy, seconded by Cllr. J. Carroll, the minutes Offaly County Council’s meeting of the 20th September 2010 were adopted.

- On the proposal of Cllr. C. Hanniffy, seconded by Cllr. J. Carroll, the minutes of Offaly County Council’s Special Meeting held on 4th October 2010 were agreed and adopted.

MINUTES FOR NOTING:

The following minutes were noted:

- Corporate Policy Group Meeting held 19th July 2010

HOUSING ACT, 1988 SN. 5: RAISING OF A LOAN VOLUNTARY HOUSING DEVELOPMENT AT CARRICK ROAD, EDENDERRY – CLUID HOUSING ASSOCIATION:

On the proposal of Cllr. C. Hanniffy, seconded by Cllr. L. Quinn, the members agreed to raise a loan in the sum of €745,967 for the Voluntary Housing Development at Carrick Road, Edenderry.

The members agreed that a report would be prepared for the next Council meeting outlining the Council’s housing proposal for each of the electoral areas.

**ANTI SOCIAL
BEHAVIOUR STRATEGY:**

Mr. S. Murray, D.O.S informed the meeting that the Anti Social Behaviour Strategy was developed in accordance with Section 35, Housing Miscellaneous Provisions Act, 2009. He advised that an extensive consultation process had taken place. The members welcomed the preventative measures outlined in the Strategy and the partnership approach adopted with the Garda and other agencies in addressing issues. They noted the various stages of the complaints procedure. On the proposal of Cllr. M. Buckley, seconded by Cllr. T. McKeigue, the Council adopted the Anti Social Behaviour Strategy.

**PROPOSAL TO TAKE-
OVER GROUP WATER
SCHEMES:**

On the proposal of Cllr. T. McKeigue, seconded by Cllr. L. Quinn, the members agreed the takeover of the Ballinamona, Ballycosney, Ballydaly/Wood of O and Kilcrow Group Water Schemes.

**RECOMMENDATION
FROM
TRANSPORTATION AND
EMERGENCY SERVICES
S.P.C. - UNAUTHORISED
SALE OF VEHICLES ON
PUBLIC ROADS:**

Mr. C. McCarthy, Senior Engineer outlined the proposed procedure for addressing the unauthorised sale of vehicles on public roads. In responding to questions raised he advised that the fee will be determined by the actual costs incurred by the Council. On the proposal of Cllr. T. McLoughlin, seconded by Cllr. C. Hanniffy, the members adopted the *Policy For Dealing With Vehicles Offered For Sale On The Public Road (in contravention of Section 71 of the Roads Act, 1993)*.

**RECOMMENDATION
FROM
TRANSPORTATION AND
EMERGENCY SERVICES
S.P.C. - TRAFFIC
CALMING POLICY:**

Mr. C. McCarthy, Senior Engineer referred the members to the report which was circulated with the Agenda. A lengthy discussion on the appropriateness of the various traffic calming measures ensued. On the proposal of Cllr. T. McLoughlin, seconded by Cllr. C. Hanniffy, the members adopted the *Proposed Traffic Calming Policy for Offaly Local Authorities*.

**ANNUAL FINANCIAL
STATEMENT 2009/AUDIT
REPORT:**

Cllr. B. Cowen, Cathaoirleach informed the meeting that the Annual Financial Statement 2009 had been discussed at an earlier meeting of the Council.

At the request of the Cathaoirleach, Mr. D. Conlon, H.O.F., commented on the various issues raised by the Local Government Auditor in the Statutory Audit Report to the Members of Offaly County Council for the Year Ended 31 December 2009. The members noted the 2009 Statutory Audit Report.

**UPDATE ON THE
PROPOSED TULLAMORE
ARTS CENTRE:**

Mr. S. Murray, D.O.S., informed the meeting that Kilbride Plaza had been selected as a possible location for the proposed Tullamore Arts Centre. The members welcomed the progress and congratulated all those involved in the project to date.

**LOCAL GOVERNMENT
(PLANNING AND
DEVELOPMENT)
REGULATION 2001 (PART
8): PROPOSED
REPLACEMENT OF
CULVERT AT
BALLYSHANE,
KINNITTY, CO. OFFALY:**

On the proposal of Cllr. P. Clendennen, seconded by Cllr. J. Carroll, the members agreed the proposed replacement of the culvert at Ballyshane, Kinnitty, Co. Offaly.

**CONSERVATION GRANT
SCHEME 2010:
REALLOCATION OF
UNCLAIMED GRANTS:**

On the proposal of Cllr. P. Ormond, seconded by Cllr. J. Butterfield, the members agreed the reallocation of €1,400 unclaimed conservation grants.

NOTICES OF MOTION:

(a) Cllr S. Dooley proposed the following motion, which was seconded by Cllr. D. Owens and agreed unanimously by the members:

"That this Council write to the Minister for the Environment, Heritage and Local Government requesting the introduction of a rain water harvesting grants scheme for Domestic, Commercial and Agricultural Users in the upcoming Budget."

It was agreed to circulate the motion to other Councils.

(b) The following motion was proposed by Cllr. S. Dooley, seconded by Cllr. N. Bourke and agreed:

"That this Council write to the Minister for Health and the Minister for Finance requesting the implementation of a new scheme of Medical Card for people who are diagnosed with cancer. Upon written diagnosis by a Consultant, a person should automatically receive a full medical card for a minimum one year period or such time as treatment is completed and should not be subjected to means assessment."

It was proposed and agreed to amend the motion to include the following:

"That action should be taken to streamline the processing and issuing of medical cards."

It was agreed to circulate the motion to other Councils.

(c) Cllr. M. Buckley proposed this motion, which was seconded by Cllr. T. McKeigue:

"That Offaly Co. Council contact Minister John Gormley regarding the tax on commercial vehicles"

Mr. D. Conlon, H.O.F., in responding advised that there

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

was no increase in the cost of commercial tax on vehicles. The change, he advised, involves the requirement for a person to supply an income tax registration number on the Goods Only Declaration Form.

It was agreed that Mr. Conlon would circulate the appropriate information to the Councillors.

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

“That Offaly Co. Council contact the ESB regarding the proposed increases.”

(e) Cllr. J. Leahy proposed the following motion, which was seconded by Cllr. J. Carroll and agreed:

“That Offaly County Council writes to the Motor Tax Policy Unit Department of Heritage and Local Government requesting the department to explore the possibilities of introducing a flat rate of motor tax on all vehicles and to introduce a tax levy on fuel consumption. This would create a more balanced “pay for what you use” approach.”

(f) Cllr. B. Cowen, Cathaoirleach, advised that Cllr. J. Butterfield had left the meeting and in accordance with the Standing Orders the motion was therefore dropped.

(g) The following motion was proposed by Cllr. T. McKeigue, seconded by Cllr. M. Buckley and agreed:

“That Offaly County Council call on the Minister for Justice to introduce a scheme where by young and first time offenders would carry out works that would benefit their communities. Local authorities working together with the Court Services and the H.S.E. could provide an initial pilot project and if successful other programmes of special works could be looked at.”

It was agreed to circulate the motion to other Councils and to the appropriate representative organisations.

(h) Cllr. T. McKeigue proposed the following, which was seconded by Cllr. C. Hanniffy and agreed:

“That Offaly County Council undertake to work together with the people compiling the new National Census in order to provide an up-to-date and accurate Register of Electors.”

COMHDHÁLACHA:

The following conferences were agreed by the members:

Waterford Chamber, National Conference
Regeneration “Opportunities for Growth”
Theatre Royal, The Mall, Waterford City
23rd September 2010

No-one expressed an interest in attending this conference.

Greystones Town Council

Ards Borough Council

LaTouche Legacy

2010 Autumn Seminar

“Local Democracy – in Changing Times”

Charleland Golf & Country Club Hotel, Greystones

1st – 3rd October 2010

It was agreed to send Cllrs. P. Ormond, P. Clendennen and
S. Dooley.

National Youth Employment Conference

Croke Park, Jones Road, Drumcondra, Dublin 3.

5th October 2010

It was agreed to send Cllr. J. Butterfield.

Getting a Grip 2010

The Europe Hotel & Resort, Killarney.

7th – 8th October 2010

It was agreed to send Cllrs. P. Clendennen and J. Carroll.

Dr. Douglas Hyde Conference 2010

Abbeyfield Hotel, Ballaghaderreen, Co. Roscommon

15th - 16th October 2010

It was agreed to send Cllrs. P Ormond and N. Bourke.

Planning & Development Amendment Act 2010

Hannon’s Hotel, Athlone Road, Roscommon

15th – 17th October 2010.

No-one expressed an interest in this conference.

Criminal Law (Defence & the Dwelling) Bill 2010

Maldron Hotel, Oranmore, Galway

29th – 31st October 2010.

It was agreed to send Cllr. Peter Ormond.

Retrospective approval was agreed in respect of the
following Councillors attending the LAMA Conference:

Cllrs. P. Ormond, B. Cowen, G. Plunkett, D. Owens and
E. Dooley.

ANY OTHER BUSINESS:

Update on Fire Services

Mr. F. Heslin, D.O.S., in responding to a request from Cllr.
E. Dooley, advised that the Council wrote to SIPTU, the
fire-fighters’ union, two weeks ago requesting clarification
on the matter being balloted upon and proposing the joint
referral of the matter to the Labour Relations Commission
(LRC). Mr. Heslin advised that the Council wrote again

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

one week ago, requesting clarification on the outcome of the ballot upon seeing press reports about it. He informed the meeting that he had requested SIPTU to confirm that they would comply with the sector's Voluntary Code of Practice and ensure that essential services would be maintained should any form of industrial unrest arise. Mr. Heslin informed the members that the Council had received no response from SIPTU to date to any of these correspondences.

Mr. Heslin advised that the Council had issued a press release clarifying the executive and reserved functions with regard to the fire service.

Cllr. B. Cowen, Cathaoirleach, summed up the members' disappointment at the lack of communication from SIPTU with the executive and of the union's failure to respond to date following the members' recommendation to jointly refer the fire services issues to the LRC.

Proposed Road Works at Cox's Bridge

On the proposal of Cllr. T. McKeigue, seconded by Cllr. M. Buckley, it was agreed to discuss this item in committee.

The negative impact of closing Cox's bridge from 10th November to 22nd December 2010 was raised by a number of members. Mr. D. Kirrane, D.O.S., in responding advised that Mr. C. McCarthy, Senior Engineer Roads Section had extensive discussions with the National Roads Authority (NRA) requesting that the €300,000 grant be deferred until 2011. Mr. Kirrane advised that the NRA had informed the Council that they were not in a position to defer the grant and that the Council risked losing the grant if the works were not completed in 2010. Mr. Kirrane agreed that he would keep the members informed of any further developments with regard to the proposed works.

This concluded the business of the meeting.

MINUTES CONFIRMED: _____

CATHAOIRLEACH

RUNAÍ

15th NOVEMBER 2010