

COMHAIRLE CHONTAE UÍBH FHAILÍ

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

**HELD IN ÁRAS AN CHONTAE, CHARLEVILLE ROAD, TULLAMORE
ON MONDAY, 20TH OCTOBER 2014 AT 2.00 P.M.**

PRESENT:	Cllr. S. Dooley, Cathaoirleach (Presiding), Cllrs. N. Bourke, J. Carroll, J. Clendennen, N. Cribbin, D. Dolan, E. Dooley, E. Fitzpatrick, J. Foley, D. Harvey, B. Killeavy, J. Leahy, T. McKeigue, F. Moran, C. Nolan, M. O'Reilly, P. Ormond, D. Owens, and L. Quinn.
APOLOGIES:	Cllr. E. Dooley
IN ATTENDANCE:	Ms. C. Byrne, Chief Executive, Mr. D. Conlon, H.O.F, Mr. F. Heslin, D.O.S., Mr. D. Kirrane, D.O.S, Ms. M. Cleary, Meetings Administrator, Ms. F. Flaherty C.O.
VOTES OF CONGRATULATIONS:	The members joined with the Cathaoirleach in congratulating: <ul style="list-style-type: none">- Kilcormac/Killoughey Senior Hurling Team and their manager Cllr. D. Owens on their third successive win of the Offaly Senior Hurling Championship- all the finalists and the winners of hurling, football and camogie County Finals; and- Caroline Keeley, St. Brendans Community School student on coming first in Ireland in her Home Economics Leaving Cert Results.
VOTES OF SYMPATHY:	Votes of sympathy were unanimously extended to the following:- Mr. Gary & Majella O' Connor, Monasteroris, Edenderry on the death of their son, Seán; Mrs. Mary Breen & Family, 12 Patricks Road, Edenderry on the death of her husband, Tommy; Mrs. Doyle & Family 85 the Green, Clara on the death of her husband, Jimmy; Mr. James Fleming, 21 Marion Square, Clara on the death of his wife, Esther; Mr. Sonny Lynam, 9 Derrynagun, Ballycumber on the death of his mother, Essie; Mr. John Kelly & Family, No. 1 Avondale, Gracefield, Portarlinton on the death of his wife, Breda; Mrs. Bridie Wyer, Market Square, Tullamore on the death of her brother, Pat;

	<p>Mrs. Mary Cunningham, O' Brien Street, Tullamore on the death of her brother, Billy.</p> <p>The Chief Executive, on her own behalf and on behalf of the staff of the Council joined with the members in these votes of sympathy.</p>
<p>CONFIRMATION OF MINUTES:</p>	<p>Ms. Monica Cleary, Meetings Administrator, drew the member attention to the minutes of the September Monthly Meeting held on 15th September 2014. She advised that the minutes should be corrected to read that Cllr. T. McKeigue was appointed to the Midland Energy Agency Steering Committee. On the proposal of Cllr. L. Quinn, seconded by Cllr. J. Carroll, the minutes of the September monthly meeting held in Áras an Chontae, Tullamore, Co. Offaly on 15th September 2014, as amended, were agreed and adopted.</p> <p>On the proposal of Cllr. L. Quinn, seconded by Cllr. J. Carroll, the minutes of In-Committee Meeting held in Áras an Chontae, Tullamore, Co. Offaly on 8th September 2014 were agreed and adopted.</p> <p>On the proposal of Cllr. D. Harvey, seconded by Cllr. F. Moran, the minutes of Housing Information Meeting held in Áras an Chontae, Tullamore, Co. Offaly on 22nd September 2014 were agreed and adopted.</p>
<p>MINUTES FOR NOTING:</p>	<p>The minutes of the following meetings were noted:</p> <ul style="list-style-type: none"> - Minutes of Corporate Policy Group Meeting held in Áras an Chontae, Tullamore, Co. Offaly on 7th July 2014; - Minutes of Corporate Policy Group Meeting held in Áras an Chontae, Tullamore, Co. Offaly on 21st July 2014; and - Minutes of Corporate Policy Group Meeting held in Áras an Chontae, Tullamore, Co. Offaly on 8th September 2014.
<p>ELECTION /APPOINTMENT/ NOMINATION TO</p> <p>(i) STRATEGIC POLICY COMMITTEES</p> <p>a. Economic Development, Enterprise and Planning SPC B. Environment, Water and Drainage Services SPC C. Transportation and Emergency Services SPC D. Housing Policy, Social and Cultural SPC</p> <p>(ii) AUDIT COMMITTEE</p>	<p><u>(i) Strategic Policy Committees</u></p> <p>Ms. M. Cleary, Meetings Administrator, noted that the members had adopted the Strategic Policy Committee Policy at the September Council meeting.</p> <p>Ms. M. Cleary, Meetings Administrator, advised that Chambers Ireland had forwarded nominations for participation on the SPCs as follows:</p> <ul style="list-style-type: none"> - Mr. Dominic Doheny to the Planning, Economic Development and Enterprise SPC; - Mr. Peter Lyons to the Transportation and Emergency Services SPC; - Mr. Tony McCormack and Mr. Niall Mulligan to the Environment, Water and Drainage Services SPC; and - Ms. Mary Hensey to the Housing Policy, Social and Cultural Services SPC. <p>On the proposal of Cllr. F. Moran, seconded by Cllr. D. Harvey, the Chambers nominees were agreed.</p>

	<p>Ms. M. Cleary, Meetings Administrator, advised that the Farming Pillar had forwarded nominations for participation on the SPCs as follows:</p> <ul style="list-style-type: none"> - Mr. Michael Guinan to the Planning, Economic Development and Enterprise SPC; - Mr. Richard Scally to the Transportation and Emergency Services SPC; and - Mr. Joseph Deverall to the Environment, Water and Drainage Services SPC. <p>On the proposal of Cllr. J. Leahy, seconded by Cllr. J. Carroll, the above nominations were agreed by the members.</p> <p>On the proposal of Cllr. D. Harvey, seconded by Cllr. D. Owens, the Irish Congress of Trade Unions nominee Mr. Jason Lee was nominated to the Transportation and Emergency Services.</p> <p><u>(ii) Audit Committee</u></p> <p>Mr. D. Conlon, H.O.F outlined the functions of the Audit Committee. He advised that Ms. Connie Hanniffy, Mr. Tom Feighery, Mr. Peter Scully, Mr. Brian Gunning and Mr. Eugene Mulligan had been nominated to the committee. Mr. D. Conlon, H.O.F., advised that the nominees' period of appointment would be for the life of the current council.</p> <p>On the proposal of Cllr. D. Dolan, seconded by Cllr. J. Leahy, the members agreed the nominations.</p>
<p>STATUTORY BUDGET MEETING ARRANGEMENTS</p>	<p>The members agreed to meet, as follows, to consider the draft Budget 2015:</p> <ul style="list-style-type: none"> - 11am Monday, 10th November: In Committee Budget meeting to consider Base Year Adjustment and harmonisation of Rates; - 2pm Monday, 10th November: In Committee Budget meeting; - 2pm Monday, 17th November: Statutory Budget meeting
<p>LOCAL GOVERNMENT AUDIT SERVICE: STATUTORY AUDIT REPORT TO THE MEMBERS OF OFFALY COUNTY COUNCIL FOR THE YEAR ENDED 31 DECEMBER 2013</p>	<p>Mr. D. Conlon, H.O.F., drew the members' attention to the <i>Local Government Statutory Audit Report 2013</i>. He outlined to the meeting some of the main issues raised therein and noted the Chief Executive's Response.</p> <p>Mr. D. Conlon, H.O.F., drew the members' attention to the <i>Annual Financial Statement for the year ended 31st December 2013</i>, which was circulated at the meeting.</p>
<p>LOCAL COMMUNITY DEVELOPMENT COMMITTEE (LCDC) AND PUBLIC PARTICIPATION NETWORK (PPN)</p>	<p>Mr. D. Kirrane, D.O.S. reminded the members that at the February meeting of Offaly County Council it was agreed to establish the Local Community Development Committee (LCDC) and that a final resolution would be adopted once final guidance issued from the Department of Environment, Community and Local Government. Accordingly, the following resolution was proposed: "In accordance with Section 36 of the Local Government Act 2001, as amended</p>

	<p>by Section 49A(1), Chapter 2 of Part 6 of the Local Government Reform Act 2014 and Article 4(1) of the Local Community Development Committee (Section 128E) Regulations 2014, that Offaly County Council establish a Local Community Development Committee (LCDC)”</p> <p>On the proposal of Cllr. D. Dolan, seconded by Cllr. N. Cribbin, members resolved to establish an LCDC.</p> <p>Mr. D. Kirrane provided an update for the members on the establishment of Public Participation Network (PPN) and advised that elections will be held in November and it is anticipated that the PPN will then be in a position to appoint nominees to the SPC’s, LCDC, Joint Policing Committee (JPC) and Midlands Drug Task Force.</p>
SEEKING, RECEPTION AND OPENING OF TENDERS POLICY	<p>On the proposal of Cllr. D. Dolan, seconded by Cllr. J. Leahy, the members adopted the Seeking, Reception and Opening of Tenders Policy as previously circulated.</p>
PROTOCOL FOR CONFERRAL OF CIVIC HONOURS AND REPRESENTATION AT OFFICIAL EVENTS	<p>On the proposal of Cllr. D. Dolan, seconded by Cllr. N. Cribbin, the Protocol for Conferral of Civic Honours and Representation at Official Events was agreed and adopted by the members.</p>
MONTHLY MANAGEMENT REPORT	<p>Ms. C. Byrne, Chief Executive informed the members that the <i>Local Government Act 2001, as amended</i> requires that a monthly Management Report must be prepared by the Chief Executive and presented to the members.</p> <p>She drew the members’ attention to the Management Report that had circulated with the Agenda. She advised that a Draft Cycling/Walkway Strategy was being developed and would be considered by the members at a future meeting.</p> <p>The members thanked the Chief Executive for her comprehensive report.</p> <p>During the ensuing discussion, a number of issues including derelict sites and unfinished housing estates were discussed. The members acknowledged that some of these concerns may be addressed by the SPCs.</p>
CORPORATE POLICY GROUP REPORT:	<p>Cllr. S. Dooley, Cathaoirleach advised that the Corporate Policy Group (CPG) had met to discuss the October Monthly Council Agenda, agree a recommendation in relation to Budget meetings and approve the list of conferences and training courses for circulation.</p>
NOTICES OF MOTION: NOTICES OF MOTION: (cont’d)	<p>i. The following motion was proposed by Cllrs. B. Killeavy and M. O’ Reilly, seconded by Cllr. T. McKeigue and agreed by the members:</p> <p><i>“We call on Waterways Ireland and Offaly County Council to work and plan together to improve roads and walkways along the Grand Canal.”</i></p>

The members agreed to request a meeting with Waterways Ireland.

- ii. The following motion was proposed by Cllr. B. Killeavy, seconded by Cllr. M. O' Reilly and agreed by the members:

“Offaly County Council calls on the government to start building social and affordable housing for the people of Offaly.”

- iii. The following motion was proposed by Cllr. T. McKeigue, seconded by Cllr. L. Quinn, and agreed by the members:

“That this Council established a policy regards the taking in charge of the Public Lighting in housing Estates that are in existence for a number of years”

- iv. Cllr. T. McKeigue requested that his motion be amended to include ‘*and in Housing Estates*’. The motion was seconded by Cllr. J. Clendennen, and agreed by the members:

“That Offaly County Council examines the possibility of lowering the speed limits on the small roads in the county.”

The members agreed that this matter be reviewed by the Transportation and Emergency Services SPC.

- v. The following motion was proposed by Cllr. C. Nolan, seconded by Cllr. B. Killeavy:

“That Offaly County Council supports the establishment of a Gaelcholáiste in Offaly and calls on the Minister for Education, Jan O'Sullivan to support this initiative.”

In supporting the motion Cllr. D. Owens requested if the motion could be extended to include ‘*the delivery of the curriculum through aonead lán Gaeilge*’. Cllr. C. Nolan agreed to the inclusion stating that it would represent a viable option. The members agreed to write to the Minister for Education and Skills.

- vi. Cllr. P. Ormond motion:

“I wish to submit motion under Section 139 of the Local Government Act 2001 to direct that the enhancement works at Emmet Square shall not proceed.”

Ms. C. Byrne, Chief Executive, advised that the Senior Counsel's opinion, which was received earlier that morning, advised that S.179(5), Planning and Development Act 2000, as amended precludes the application of ‘*Sections 138, 139 and 140 of the Local*

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

Government Act 2001 to Part VIII developments.

Cllr. P. Ormond acknowledged that due to the legal advice received the motion was not in order and expressed his disappointment in relation to the delay in receiving the legal advice. He advised that all the businesses in Birr wish to see the Emmet Square enhanced. However, he understood that fifty one (51) businesses did not agree with the proposed works. He proposed that the executive engage in further consultation to ensure that all parties' objectives are met.

Cllr. J. Clendennen suggested that proposed development was progressive acknowledging that there were businesses for and against it. He drew the meetings attention to advertisements that were placed in local and national papers and requested clarification on the issues raised therein.

Mr. F. Heslin, D.O.S. provided a PowerPoint presentation addressing each of the issues raised in the press advertisements, including the issues in relation to reduced car parking spaces, traffic flow and financial issues. He outlined the consultation process that had taken place to date.

Cllr. S. Dooley, Cathaoirleach invited the members to discuss the matter stressing, however, that there was no decision to be made by the members at the meeting as the decision had previously been made by Birr Town Council.

A number of members contributed to the discussion. Cllr. J. Carroll noted that Birr Town Council had engaged in extensive consultation and did address concerns raised by the Birr Chamber. Cllr. J. Leahy expressed his disappointment in the late receipt of the legal opinion and proposed that the Council enter further negotiations with the Chamber.

The Chief Executive advised that she would arrange to have the legal opinion circulated to the members, stating that the Part VIII process was in order and accordingly the Council proposed to proceed with the works.

Cllr. J. Leahy proposed that the Council seek further legal advice in respect of the Part VIII process. This was seconded by Cllr. P. Ormond. Cllrs. J. Carroll, C. Nolan and D. Dolan suggested that it was not in order for the Council to seek further legal advice on the matter and suggested that it is the prerogative of any individual member to seek their own advice if they so wish.

Cllr. S. Dooley requested a show of hands in support of Cllr. J. Leahy's proposal. Cllrs. N. Cribben, J. Leahy, J. Foley and P. Ormond supported the motion. As the majority of members present, on a show of hands, did not

	<p>support the motion Cllr. S. Dooley, Cathaoirleach declared the motion defeated.</p> <p>vii. The following motion was proposed by Cllr. M. O' Reilly, seconded by Cllr. C. Nolan, and agreed by the members:</p> <p><i>“We call on the Government to initiate the full roll out of broadband in all parts of Offaly, with this council supporting, in full, the National Broadband Mapping Programme.”</i></p> <p>It was agreed to write to the Department of Communications, Energy and Natural Resources.</p>
<p>COMHDHÁLACHA:</p>	<p>On the proposal of Cllr. B. Killeavy, seconded by Cllr. F. Moran, the conferences and training seminars were approved as follows:</p> <p><u>CONFERENCES:</u></p> <p>Councillors Conferences – Conferences for County & City Councillors <i>“Fracking”</i> 24th – 26th October 2014 Bewley’s Hotel, Newland’s Cross, Clondalkin, Dublin 22 It was agreed that no Councillor would attend.</p> <p>ACE Management & Training – Irish Institute of Training & Development <i>“Productivity and Time Management”</i> Saturday 18th October 2014 It was agreed that no Councillor would attend.</p> <p>ACE Management & Training – Irish Institute of Training & Development <i>Microsoft Excel Workshop for Councillors</i> 31st October – 1st November 2014 Clonakilty Hotel, Clonakilty, Co. Cork It was agreed that no Councillor would attend.</p> <p>ACE Management & Training – Irish Institute of Training & Development <i>Budget 2015 Review</i> 7th -8th November 2014 Clonakilty Hotel, Clonakilty, Co. Cork It was agreed that no Councillor would attend.</p> <p><u>TRAINING:</u></p> <p>Local Authority Members Association (LAMA) Autumn Training Seminar <i>“Putting people first – is it a reality?”</i> Inishowen Gateway Hotel, Buncrana 17th – 18th October 2014 It was agreed that no Councillor would attend.</p> <p>Association of Irish Local Government (AILG) <i>Inaugural Annual Conference 2014</i> Hotel Kilmore, Cavan 29th – 30th October 2014</p>

	It was agreed that Cllrs. E. Fitzpatrick and N. Cribbin would attend.
COMHFHREAGRAS:	The correspondences that issued with the Agenda were noted.
ANY OTHER BUSINESS:	Easter Rising 1916 Commemoration Committee Cllr. S. Dooley, Cathaoirleach advised that a meeting of the committee would be convened in the coming weeks.

This concluded the business of the meeting.

MINUTES CONFIRMED: _____
 CATHAOIRLEACH **RUNAÍ**

17th November 2014