

**MINUTES OF THE APRIL MEETING OF LAOIS COUNTY COUNCIL HELD IN
ARAS AN CHONTAE, PORTLAOISE, ON THE 29TH OF APRIL 2019**

<u>PRESENT:</u>	Councillor	John King	In the Chair
	Councillors	Willie Aird	Paddy Bracken
		Ben Brennan	Caroline Dwane Stanley
		John Joe Fennelly	Padraig Fleming
		David Goodwin	James Kelly
		Paschal McEvoy	John Moran
		Tom Mulhall	Aidan Mullins
		Brendan Phelan	Mary Sweeney
		Noel Tuohy	Seamus McDonald
		Pauline Madigan	Catherine Fitzgerald

IN ATTENDANCE:

Messers John Mulholland, Chief Executive, Gerry Murphy, Head of Finance, Mr. Donal Brennan, Director of Services, Mr. Michael Rainey, A/Director of Services, Ms. Irene Delaney, Administrative Officer & Ms. Michelle McCormack, Executive Secretary.

73. CONFIRMATION OF THE MINUTES OF THE MARCH MEETING OF LAOIS COUNTY COUNCIL HELD ON THE 25TH OF MARCH 2019

On the proposition of Councillor Willie Aird seconded by Councillor Paddy Bracken, the Minutes of the March meeting held on the 25th of March 2019 were confirmed as circulated.

74. REPORT ON CPG MEETING HELD ON THE 20TH OF MARCH 2019

On the proposition of Councillor Paddy Bracken seconded by Councillor John Joe Fennelly, the report on the CPG meeting held on the 20th of March 2019 was confirmed as circulated.

75. REPORT ON MUNICIPAL DISTRICT MEETINGS HELD IN MARCH 2019

On the proposition of Councillor Brendan Phelan seconded by Councillor Mary Sweeney, the Members unanimously agreed the reports on Municipal District Meetings held in March 2019.

76. REPORT ON SPC MEETINGS HELD IN FEBRUARY/MARCH 2019

On the proposition of Councillor Mary Sweeney seconded by Councillor Brendan Phelan, the Members unanimously agreed the reports on SPC meetings held in February/March 2019

77. DISPOSAL OF 0.03871 HECTARES OF LAND AT 3 BRACKLONE STREET, PORTARLINGTON

On the proposition of Councillor Tom Mulhall seconded by Councillor Paschal McEvoy, the Members unanimously agreed to the disposal of 0.03871 hectares of land at 3 Bracklone Street, Portarlington in the townland of Cooltederry for a consideration of €96,000

78. DISPOSAL OF 0.0230 HECTARES OF LAND AT BALLYBUGGY, RATHDOWNEY

On the proposition of Councillor John King seconded by Councillor Brendan Phelan, the Members unanimously agreed to the disposal of 0.0230 hectares of land at Ballybuggy, Rathdowney in the townland of Ballybuggy for a consideration of €300.00

79. DISPOSAL OF FREEHOLD INTEREST AT 45 ROSSDARAGH GLEN, RATHEVAN

On the proposition of Councillor Willie Aird seconded by Councillor Mary Sweeney, the Members unanimously agreed to the disposal of freehold interest at 45 Rossdarragh Glen, Rathevan, Portlaoise, Co. Laois in the townland of Rathevan for a consideration of €300.00

80. ANNUAL FINANCIAL STATEMENT 2018 INCLUDING APPROVAL OF OVER-EXPENDITURE AND TRANSFERS TO CAPITAL

Mr. Gerry Murphy, Head of Finance briefed the Members on the Annual Financial Statement 2018 including the approval of over-expenditure and transfers to capital. On the proposition of Councillor Pádraig Fleming seconded by Councillor Mary Sweeney, the Members unanimously agreed the Annual Financial Statement 2018 including approval of over-expenditure and transfers to capital as presented.

81. REPORT ON DEVELOPMENT CONTRIBUTIONS

Mr. Gerry Murphy, Head of Finance briefed the Members on the report on Development Contributions. On the proposition of Councillor Willie Aird seconded by Councillor Pádraig Fleming, the Members unanimously agreed the report on Development Contributions as presented.

82. ADOPTION OF DRAFT GUIDE TO OPEN SPACE

On the proposition of Councillor Mary Sweeney seconded by Councillor John Joe Fennely, the Members unanimously adopted the Draft Guide to Open Space as presented.

83. ADOPTION OF DRAFT SHOP FRONT POLICY

On the proposition of Councillor Mary Sweeney seconded by Councillor John Joe Fennelly, the Members unanimously adopted the Draft Shop Front Policy as presented.

84. TAKING IN CHARGE OF DAVITT COURT, MOUNTMELLICK

On the proposition of Councillor Paddy Bracken seconded by Councillor David Goodwin, the Members unanimously agreed to the taking in charge of Davitt Court, Mountmellick.

85. ADOPTION OF DRAFT ANNUAL REPORT 2018

The Members were circulated with a copy of the draft Annual Report 2018. Mr. Donal Brennan, Director advised that under Section 221 of the Local Government Act, 2001, as amended provides that a draft of the Annual Report be submitted to the Elected Members no later than April 30th each year. On the proposition of Councillor Brendan Phelan seconded by Councillor John Joe Fennelly the Members unanimously agreed to the draft Annual Report for 2018. It was noted that the final report will be listed for consideration at the June meeting of the Council.

86. NOMINATION OF MS. ANN SHEERIN, COMMUNITY SERVICES MANAGER, LAOIS/OFFALY H.S.E. AS THE REPRESENTATIVE ON THE LCDC/LAG

On the proposition of Councillor Mary Sweeney seconded by Councillor Pauline Madigan, the Members unanimously agreed to the nomination of Ms. Ann Sheerin, Community Services Manager, Laois/Offaly as the H.S.E. representative on the LCDC/LAG.

87. CONFIRM DATE FOR ANNUAL GENERAL MEETING OF LAOIS COUNTY COUNCIL

On the proposition of Councillor Noel Tuohy seconded by Councillor Pauline Madigan, the Members unanimously agreed that the Annual General Meeting of Laois County Council would take place on the 7th of June 2019 at 2.30 p.m. (in accordance with Section 3 (Schedule 10) of the Local Government Act, 2001, as amended)

88. LAOIS COUNTY COUNCIL MONTHLY MANAGEMENT REPORT FOR APRIL 2019

Mr. John Mulholland, Chief Executive briefed the meeting on this matter and the report for April 2019 was circulated. The report was unanimously agreed and noted. A number of queries were raised on the report and the Directors of Services responded to the various queries raised.

89. RATIFICATION OF CONFERENCES/ATTENDANCE AT TRAINING

The Members were circulated with the list of conferences/training for ratification and forthcoming conferences/training which was ratified on the proposal of Councillor John Joe Fennelly and seconded by Councillor Paddy Bracken.

90. PRESENTATION OF CERTIFICATES OF ACHIEVEMENT TO THE LAOIS FIRE & RESCUE TEAM

Mr. John King, Cathaoirleach of Laois County Council welcomed the members of the Laois County Fire & Rescue Service to the Chamber. The Laois team competed very successfully once again at the Rescue Organisation Ireland National RTC & Trauma Challenge 2019 in Sligo on Saturday, April 6th 2019.

It was noted that the training for the event took place over the last couple of months on the crew's own time, supported by RTC instructors and crew members from HQ and other stations. Despite very tough competition the team won the Best Overall RTC team, Best Incident Commander and Best Medic titles for second year running.

Tribute was also paid to Chief Fire Officer, Mr. Declan Power, the SACFO Mr. Anthony Tynan & the SACFO Mr. Shea Brennan for their leadership and co-ordination of the event and also their commitment to the Fire Services in Laois.

The Members congratulated all of the team members involved and to honour their commitment and success in the competition each were presented with a Certificate of Achievement.

- Station Officer James Brown
- D/M Jonathan Whelan
- D/M Paul Quail
- D/M Philip Kelly
- D/M Bosco Lawlor
- F/F Mark Dunne
- F/F Keith Lewis
- F/F Ed Gallagher
- D/M Eamon Mansworth
- ACFO Padraic Keely
- SACFO Shea Brennan
- SACFO Anthony Tynan

Mr. John Mulholland, Chief Executive congratulated our excellent Retained Fire Officers & Crew for representing Laois County Council so successfully on the national stage. This is an excellent accolade to have achieved and the Chief Executive also assured Mr. Declan Power, C.F.O. and all of the team of the continued support of the Council and in particular for the next stage of the competition in France.

91. CORRESPONDENCE

The following items of correspondence were circulated to the Members which had been received since the last meeting of Laois County Council:-

- (i) Correspondence received from the Department of Children & Youth Affairs dated the 26th of March 2019 in relation to Motion No: 11/2019
- (ii) Correspondence received from Respond dated the 10th of April 2019 in relation to Notice of Motion No: 15/2019
- (iii) Correspondence received from Minister Jim Daly, T.D., dated the 29th of March 2019 in relation to Notice of Motion No: 24/2019
- (iv) Correspondence received from the Office of the Minister for Education and Skills dated the 29th of March 2019 in relation to Notice of Motion No: 24/2019
- (v) Correspondence received from the Department of Housing, Planning & Local Government dated the 3rd of April 2019 in relation to Notice of Motion No: 16/2019
- (vi) Correspondence received from the Department of Finance dated the 1st of April 2019 in relation to Notice of Motion No: 19/2019
- (vii) Correspondence received from the Department of Finance dated the 11th of April 2019 in relation to Notice of Motion No: 20/2019
- (viii) Correspondence received from the Department of Housing, Planning & Local Government dated the 16th of April in relation to Notice of Motion No: 13/2019
- (ix) A copy of the Press Release in relation to the Town & Village Renewal Scheme

92. NOTICE OF MOTIONS

Notice of Motion No: 27/2019

Councillor Pauline Madigan proposed the following Notice of Motion:

“That Laois County Council provide reassurance to the Chamber in relation to procurement procedures in Laois, following on from the crisis with the National Children’s Hospital”

This Notice of Motion was seconded by Councillor Brendan Phelan. The Members were advised that a Department of Health Briefing Note on the National Children's Hospital Project, dated the 30th January 2019 indicated that the site, complexity and specialist nature of the project informed the decision by the National Paediatric Hospital Development Board (NPHDB) to adopt a two-stage procurement process comprised of:

Stage 1: A full tender and contract for phase A (below ground including basement works) on the basis of a detailed design with the tendering of Phase B (the main above ground works) on a Preliminary 1st stage design with an approximate and remeasurable bill of quantities reflecting the Preliminary 1st stage design.

Stage 2: While the basement Phase A works were under construction, the 2nd stage detailed design for the above ground Phase B works were completed with a full bill of quantities priced at the 1st stage Preliminary design tendered rates. The contract becomes in effect a lump sum contract.

The procurement strategy was developed and finalised over the period 2014 to 2016. The Government Contracts Committee, a cross-government consultative committee for construction matters, accepted the particular circumstances at the St James Hospital site were such as to warrant a deviation from the standard form of Government contract and agreed a derogation from its use. The members will be aware of the cost escalation of the project from its original cost of €983 million and that an independent external review of the project has been initiated to examine in detail how the cost escalation took place and to identify any changes required for the effective delivery of the project.

This Council has no such similar contracts planned or in place and does not envisage any circumstance where the use of a similar tender process would ever arise. The procedures for the procurement of supplies, services and contracts are set out in Chief Executive Order Number 8/2019, of the 29th January 2019 and include requirements to abide by EU Directives and Guidelines and Irish Government Procurement Regulations, Policies and Guidelines pursuant to the Construction Procurement Reform process of 2010. The Council is required to ensure that the supplies, services and works that are procured are fit for the purpose intended and that they are delivered, supplied and constructed in accordance with the requirements, standards and specifications expressed in documentation issued for quotation or tender and as incorporated in the final supply agreement. A primary duty of Laois County Council is to ensure that the best Value for Money is obtained for all contracted services.

Notice of Motion No: 28/2019

Councillor Pauline Madigan proposed the following Notice of Motion:

“That this Council consider ways in which Laois can maximise opportunities in relation to higher education in Ireland”

This Notice of Motion was seconded by Councillor Mary Sweeney. The Members were advised that the Council is open to considering any opportunities for the development of higher education in County Laois.

Councillor Catherine Fitzgerald indicated that the statistics in relation to Laois are not included in the prospectus for the amalgamation of Carlow & Waterford I.T.

Notice of Motion No: 29/2019

Councillor Pauline Madigan proposed the following Notice of Motion:

“That this Council examine the feasibility of introducing a quarterly grants booklet providing information for communities throughout Laois”

This Notice of Motion was seconded by Councillor John King. The Members were advised that a digital booklet of the various grant schemes operated by and through the local authority will be created within the Council’s website, thus making the details available online and keeping information current.

Notice of Motion No: 30/2019

Councillor Mary Sweeney proposed the following Notice of Motion:

“That Laois County Council request the Minister for Housing, Planning & Local Government , Mr. Eoghan Murphy, T.D., to designate towns in County Laois as Rent Pressure Zones on the basis that rents in Laois increased on average by 10% in 2018”

This Notice of Motion was seconded by Councillor John Moran. It was agreed that a letter issue to the Minister for Housing, Planning & Local Government in this regard.

Notice of Motion No: 31/2019

Councillor Mary Sweeney proposed the following Notice of Motion:

“That Laois County Council carry out health checks in towns in Laois similar to the one carried out in Portlaoise and to provide an update on same”

This Notice of Motion was seconded by Councillor Brendan Phelan. The Members were advised that health checks are normally carried during the review of the Retail Strategy for the County. However recent health checks were carried out in 2017 by the Planning section to support the TVR scheme funding requirements. The towns included in 2017 were Ballyroan, Abbeyleix and Ballinakill. The Council will review these and present to SPC in preparation for the review to the County Retail Strategy.

Notice of Motion No: 32/2019

Councillor John King proposed the following Notice of Motion:

“That this Council in co-operation with the Joint Policing Committee considers favourably the purchase of marking identification equipment that can be availed of and utilised through Community Alert Groups in order to protect personal property and as relevant to help recover stolen property”

This Notice of Motion was seconded by Councillor Mary Sweeney. The Members were advised that Laois County Council under the auspices of the Joint Policing Committee, engages with Community Alert Groups and the An Garda Síochána Crime Prevention Office in respect of a number of crime prevention initiatives. Current projects include Community Alert networking, the ‘Lock Up, Light Up’ campaign and Community CCTV. The introduction of a property marking initiative will be considered favourably by Laois Co Council in collaboration with the JPC.

Notice of Motion No: 33/2019

Councillor John King proposed the following Notice of Motion:

“That this Council give support to community groups who find themselves in a limbo situation when applying to Irish Water for a sewerage or water connection where they are neither domestic or commercial as there is no consideration given to them who are providing essential community services”

This Notice of Motion was seconded by Councillor Mary Sweeney. The Members were advised that at the outset, any community group wishing to make an application to IW for a wastewater or water connection should contact the Water Services Section of Laois County prior to making such an application. Staff in Water Services will advise and assist such community groups in making their application.

In relation to charges for water and wastewater, the Irish Water Charging Policy was approved by the Commission for Regulation of Utilities (CRU) in December 2018. Local Authorities are aware that the costs for connections which require the extension of the public network are excessively high and this matter is being examined at a National Level under the aegis of the City and County Management Association. It was also agreed that a letter issue to Irish Water in this regard.

Notice of Motion No: 34/2019

Councillor Noel Tuohy proposed the following Notice of Motion:

“In keeping with its progressive policy based on Connect 2 Laois, that Laois County Council engage with the ESB, Sustainable Energy Authority of Ireland

(SEAI), the AA and any other stakeholders as required to establish Laois as the best connected and most e-vehicle friendly location and hub in the Country”

This Notice of Motion was seconded by Councillor Catherine Fitzgerald. The Members were advised that Laois County has applied for funding for the installation of 30 electric vehicle charging points in Portlaoise Town. The Council is currently engaging with both the ESB and the SEAI on this project. These electric vehicle charging points are to be installed by next year subject to the final funding being approved.

Notice of Motion No: 35/2019

Councillor Noel Tuohy proposed the following Notice of Motion:

“That this Council revisit the provision of a dog park for all dog owners and in tandem with this motion that this Council make available whatever resources are required to ensure that dogs which are supposed to be muzzled are actually muzzled in a public area”

This Notice of Motion was seconded by Councillor Willie Aird. The Members were advised that the Council through the dog warden service currently enforces the law in relation to muzzling of restricted breeds. The matter of a dog park will be kept under review. The current draft of the parks byelaws does include a permissive section in relation to dog parks. This will be considered further at the next SPC.

Notice of Motion No: 36/2019

Councillor Catherine Fitzgerald proposed the following Notice of Motion:

“That this Council request the Minister for Finance, Mr. Paschal Donohoe, T.D. and the Minister for Employment Affairs & Social Protection, Ms. Regina Doherty, T.D., to implement a pension scheme for CE supervisors”

This Notice of Motion was seconded by Councillor Pauline Madigan. It was agreed that a letter issue to the Minister for Finance in this regard.

Notice of Motion No: 37/2019

Councillor Catherine Fitzgerald proposed the following Notice of Motion:

“That this Council contact the Minister for Health, Mr. Simon Harris, T.D., to immediately stop the practice of only allowing private patients access to certain cancer drugs”

This Notice of Motion was seconded by Councillor Willie Aird. It was agreed that a letter issue to the Minister for Health, Mr. Simon Harris, T.D., in this regard.

Notice of Motion No: 38/2019

Councillor Catherine Fitzgerald proposed the following Notice of Motion:

“That this Council request the Minister for Education & Skills, Mr. Joe McHugh, T.D. to provide ASD units for second level schools in Laois”

This Notice of Motion was seconded by Councillor John King. It was agreed that a letter issue to the Minister for Education & Skills in this regard.

Notice of Motion No: 39/2019

Councillor Willie Aird proposed the following Notice of Motion:

“That Laois County Council call on the Taoiseach, Mr. Leo Varadkar & the Minister for Agriculture, Food & Marine, Mr. Michael Creed and the Government to put supports in place for Irish beef farmers in this unprecedented crisis”

This Notice of Motion was seconded by Councillor Brendan Phelan. It was agreed that a letter issue to An Taoiseach & the Minister for Agriculture, Food & Marine in this regard. It was agreed that a letter issue to the I.F.A. President also in this regard.

This concluded the business of the meeting.

SIGNED: _____
CATHAOIRLEACH

CERTIFIED: _____
DIRECTOR OF SERVICES
CORPORATE AFFAIRS