

MINUTES OF THE FEBRUARY MEETING OF LAOIS COUNTY COUNCIL HELD ON THE  
24<sup>TH</sup> OF FEBRUARY 2020

PRESENT:	Councillor	William Aird	In The Chair
	Councillors	Conor Bergin	Paddy Bracken
		Ben Brennan	Ollie Clooney
		Thomasina Connell	Caroline Dwane Stanley
		John Joe Fennelly	Padraig Fleming
		John King	Seamus McDonald
		Paschal McEvoy	Aisling Moran
		Tom Mulhall	Aidan Mullins
		Mary Sweeney	James Kelly
		Catherine Fitzgerald	Noel Tuohy

**IN ATTENDANCE:**

Messers John Mulholland, Chief Executive, Gerry Murphy, Head of Finance, Donal Brennan, Director of Services, Simon Walton, Director of Services, Joe Delaney, Director of Services, Ms. Irene Delaney, A.O., & Ms. Michelle McCormack, S.O.

**22. VOTES OF SYMPATHY**

On the proposition of Councillor Willie Aird, Cathaoirleach, the Members unanimously agreed to extend a vote of sympathy to the Hiney Family on the recent death of Mr. Owen Hiney, Killaney, Mountrath, Co. Laois and brother of Ms. Brigid Dunne, Local Enterprise Office

On the proposition of Councillor Willie Aird, Cathaoirleach, the Members unanimously agreed to extend a vote of sympathy to the Delaney Family on the recent death of Mr. Edward Delaney, Esker, Timahoe and former employee of Laois County Council.

On the proposition of Councillor Noel Touhy, the Members unanimously agreed to extend a vote of sympathy to the Larkin Family on the recent death of Mr. Brian Larkin, Marian Avenue, Portlaoise, Co. Laois.

On the proposition of Councillor John King, the Members unanimously agreed to extend a vote of sympathy to the community of Rath, Ballybrittas on the recent death of Fr. Jack Walsh.

On the proposition of Councillor Tom Mulhall, the Members unanimously agreed to extend a vote of sympathy to the Knowles family on the recent death of Ms. Mary Knowles, Crossard, Wolfhill, Co. Laois.

On the proposition of Councillor Ollie Clooney, the Members unanimously agreed to extend a vote of sympathy to the Monnelly family on the recent death of Mr. Peter Monnelly, Barnhill, Durrrow, Co. Laois and retired Garda Sergeant.

On the proposition of Councillor Tom Mulhall, the Members unanimously agreed to extend a vote of sympathy to the Deegan family on the recent death of Ms. Jane Deegan, The Heath, Portlaoise, Co. Laois

On the proposition of Councillor John King, the Members unanimously agreed to extend a vote of sympathy to the community of Camross on the recent death of Fr. John Lalor, P.P., Camross, Co. Laois.

**23. CONFIRMATION OF THE MINUTES OF THE JANUARY MEETING OF LAOIS COUNTY COUNCIL HELD ON THE 27<sup>TH</sup> OF JANUARY 2020**

On the proposition of Councillor Paddy Bracken seconded by Councillor John King, the Members unanimously agreed to the minutes of the January meeting of Laois County Council held on the 27<sup>th</sup> of January 2020.

**24. REPORT ON CPG MEETING HELD ON THE 20<sup>TH</sup> OF JANUARY 2020**

On the proposition of Councillor John King seconded by Councillor Paddy Bracken the Members unanimously agreed to the report on the CPG meeting held on the 20<sup>th</sup> of January 2020.

**25. REPORT ON MUNICIPAL DISTRICT MEETINGS HELD IN JANUARY 2020**

On the proposition of Councillor Mary Sweeney seconded by Councillor John King, the Members unanimously agreed to the report on the municipal district meetings held in January 2020

**26. DISPOSAL OF FREEHOLD COMPRISING 0.024 HECTARES AT 13 COLLIERS VIEW, KILMINCHY, PORTLAOISE**

On the proposition of Councillor Thomasina Connell seconded by Councillor Willie Aird, the Members unanimously agreed to the disposal of freehold comprising 0.024 hectares at 13 Colliers View, Kilminchy, Portlaoise, Co. Laois in the townland of Ballyroan for a consideration of €1.00

**27. DISPOSAL OF FREEHOLD COMPRISING 0.013 HECTARES AT 26 BALLYMORRIS COURT, PORTARLINGTON**

On the proposition of Councillor Tom Mulhall seconded by Councillor Aidan Mullins, the Members unanimously agreed to the disposal of freehold comprising 0.013 hectares at Ballymorris Court, Portarlington, Co. Laois in the townland of Cooltederry for a consideration of €1.00.

**28. LEASE OF 0.245 HECTARES OF LAND AT CLONMINAM BUSINESS PARK, PORTLAOISE**

On the proposition of Councillor John Joe Fennelly seconded by Councillor Mary Sweeney, the Members unanimously agreed to the lease of 0.245 hectares of land at Clonminam Business Park, Portlaoise in the townland of Knockmay for a period of 4 years and 11 months for a consideration of €12,000.

**29. PART VIII OF THE LOCAL GOVERNMENT PLANNING & DEVELOPMENT REGULATIONS 2001 IN RESPECT OF THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT WITH ADDITIONAL COMMUNITY AND SOCIAL ENTERPRISE SPACES OF A TOTAL OF 52 DWELLING UNITS AT CHURCH AVENUE, PORTLAOISE**

On the proposition of Councillor Thomasina Connell seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the proposal under the Part VIII of the Local Government Planning & Development Regulations 2001 in respect of the construction of a residential development with additional community and social enterprise spaces of a total of 52 dwelling units consisting of 4 houses and 48 apartments over 6 blocks all at a site of 1.35 hectares at Church Avenue, Portlaoise, Co. Laois with a new access road from Church Avenue at the existing school entrance. The development will include the conservation and redevelopment of the existing Presentation Convent building, a protected structure (RPS no. 475) and the existing Sacred Heart school buildings.

**30. NOMINATION OF LAOIS PARTNERSHIP COMPANY REPRESENTATIVE TO THE LOCAL COMMUNITY DEVELOPMENT COMMITTEE**

On the proposition of Councillor Tom Mulhall seconded by Councillor Paddy Bracken, the Members unanimously ratified the nomination of Laois Partnership Company, Ms. Catherine Cowap to the Local Community Development Committee.

**31. PRESENTATION BY MR. PAT O' TOOLE, NATIONAL BROADBAND IRELAND ON THE NATIONAL BROADBAND PLAN**

Mr. Pat O' Toole, Development Director of National Broadband Ireland delivered a very comprehensive presentation to the Members on the National Broadband Plan. Mr. O' Toole responded to the various queries raised by the Members.

**32. OFFICIAL INVITATION TO WILLIAMSON COUNTY, TENNESSEE**

The Cathaoirleach advised the Members that an invitation had been received from Williamson County Tennessee inviting the Cathaoirleach and other officials of Laois County Council to Franklin, Tennessee to renew the sister cities arrangement. It was noted that Laois and Franklin were twinned in 2008. On the proposition of Councillor John King seconded by Councillor Tom Mulhall, approval was given to same.

**33. CONSIDERATION OF CIVIC RECEPTION (AS RECOMMENDED BY THE CORPORATE POLICY GROUP ON THE 17TH OF FEBRUARY 2020 TO PORTLAOISE PANTHERS**

On the proposition of Councillor John King seconded by Councillor Mary Sweeney, the members unanimously agreed to the according of a Civic Reception to the Portlaoise Panthers (as recommended by the Corporate Policy Group on the 17<sup>th</sup> of February 2020)

**34. REPORT ON LOCAL COMMUNITY DEVELOPMENT COMMITTEE**

Mr. Donal Brennan, Director of Services and Chief Officer of the LCDC delivered a very comprehensive report on the activities of the Local Community Development Committee.

**35. AUDIT COMMITTEE REPORT ON THE ANNUAL FINANCIAL STATEMENT AND STATUTORY AUDIT REPORT 2018**

On the proposition of Councillor Pdraig Fleming seconded by Councillor Noel Tuohy, the Members unanimously agreed the Audit Committee Report on the Annual Financial Statement and Statutory Audit Report 2018

**36. AUDIT COMMITTEE ANNUAL REPORT 2019**

On the proposition of Councillor Pdraig Fleming seconded by Councillor Noel Tuohy, the Members unanimously agreed the Audit Committee Annual Report for 2019.

**37. ADOPTION OF DRAFT TRAINING & DEVELOPMENT PROGRAMME 2020**

On the proposition of Councillor Noel Tuohy seconded by Councillor Mary Sweeney, the Members unanimously agreed the adoption of the draft Training & Development Programme 2020.

**38. LAOIS COUNTY COUNCIL MONTHLY MANAGEMENT REPORT FOR FEBRUARY 2020**

The Members were circulated with the Monthly Management Report for February 2020 and same was noted.

Councillor Caroline Dwane Stanley raised the matter of voids and housing repairs and requested that a report in relation to same be made available to the next meeting.

The Members raised a number of issues in relation to the new public counter in Block 2. Mr. John Mulholland, Chief Executive indicated that the issues would be addressed.

Councillor Fennelly raised the matter of the requirement for clear signage for the new housing department.

### **39. RATIFICATION OF CONFERENCES/ATTENDANCES AT TRAINING**

On the proposition of Councillor Paschal McEvoy seconded by Councillor Ollie Clooney, the Members unanimously agreed to the ratification of conferences/training as circulated.

### **40. CORRESPONDENCE**

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

- (i) Correspondence received from the Office of the Minister for Education & Skills dated the 29<sup>th</sup> of January 2020 in relation to Notice of Motion No: 72/2019
- (ii) Correspondence received from the Department of Employment Affairs & Social Protection dated the 29<sup>th</sup> of January 2020 in relation to Notice of Motion No: 73/2019
- (iii) Correspondence received from the Department of Justice & Equality dated the 5<sup>th</sup> of February 2020 in relation to Notice of Motion No: 67/2019
- (iv) Correspondence received from the Department of Housing, Planning & Local Government dated the 11<sup>th</sup> of February 2020 in relation to Notice of Motion 05/2020
- (v) Correspondence received from the Department of Transport, Tourism & Sport dated the 11<sup>th</sup> of February 2020 in relation to Notice of Motion No: 60/2019
- (vi) Correspondence received from the Department of Employment Affairs & Social Protection dated the 18<sup>th</sup> of February 2020 in relation to Notice of Motion No: 02/2020
- (vii) Correspondence received from the Minister for Finance & Public Expenditure and Reform dated the 24<sup>th</sup> of February 2020 in relation to Notice of Motion No: 05/2020

### **NOTICE OF MOTIONS**

#### **Notice of Motion No: 08/2020**

Councillor Noel Tuohy proposed the following Notice of Motion:

*“That this Council support the ICTU campaign to prevent the pensionable retirement age being increased to 67 years of age”*

This Notice of Motion was seconded by Councillor Aidan Mullins. The Members were advised that a letter would issue to the ICTU in this regard.

#### **Notice of Motion No: 09/2020**

Councillor Noel Tuohy proposed the following Notice of Motion:-

*“That this Council set out and explain the criteria applied by the Planning Department to establish ‘local need’ for planning permission applications in rural areas”*

This Notice of Motion was seconded by Councillor Tom Mulhall. The Members were advised that as outlined in the Laois County Development Plan 2017-2023, County Laois has the following three rural housing area designations which apply:

- Areas under Strong Urban Influence,
- Stronger Rural Areas and
- Structurally Weak Areas.

The policy in relation to rural housing is, in certain areas, based on the local need factor which required applicants to demonstrate that they are functionally or socially related to the rural community in which the proposed site was located. Other areas, where population stagnation or decline has been occurring, are not subject to housing need to the same extent or at all as outlined on the Local Rural Area Designation Map.

While the Council acknowledges the role of rural housing in sustaining rural communities, it also recognises that uncontrolled and excessive one-off urban generated housing in the countryside is not sustainable in the long-term and measures need to be put in place to regulate this form of development.

The approach to Rural Housing and “Local Need” seeks to accommodate within rural areas, people who are functionally or socially part of the rural community and to resist demand for urban generated housing in the countryside.

Rural Area Types are as follows

- Rural Areas Under Strong Urban Influence
- Strong Rural Areas
- Structurally weak areas

In accordance with the NSS and *Sustainable Rural Housing: Guidelines for Planning Authorities (DEHLG, 2005)* document, the county has been defined into different rural area types (outlined above) based on different development demands and needs.

These areas and the extent of each can be seen on the Rural Settlement Strategy Map.

The Council recognises the needs of local rural people who wish to live or work in the area in which they grew up. The following three criteria arise in assessing applicants under this category:

- The applicant must come within the definition of a ‘Local Rural Person’

- The proposed site must be situated within their ‘Local Rural Area’
- The applicant must have a ‘Local Rural Housing Need’

#### Notice of Motion No: 10/20

Councillor Mary Sweeney proposed the following Notice of Motion:-

***“That Laois County Council provide an update on the Rural Serviced Sites Scheme and the availability of same in Laois”***

This Notice of Motion was seconded by Councillor Tom Mulhall. The Members were advised that there are currently 10 serviced sites available to purchase in Castletown. The cost of the sites varies according to the size of the site and these details are available from the Housing Department. An Estate Agent has been engaged to market the sale of these sites which has generated some interest.

#### Notice of Motion No: 11/2020

Councillor Aisling Moran proposed the following Notice of Motion:-

***“That this Council following on from Notice of Motion No: 05/2020 revisit the issue of rental accommodation for students – since last month several universities and colleges have increased campus accommodation rent by up to 4% on last year’s cost – this would have a knock on effect on private landlords which will now also increase their rent making third level education out of reach for many already struggling families – if we do not address this worsening issues we are complaisant in making our society more uneven where only the wealthy can afford third level education and further widening the gap”***

This Notice of Motion was seconded by Councillor Ollie Clooney. It was agreed that a further letter issue to the Department in this regard.

#### Notice of Motion No: 12/2020

Councillor Aisling Moran proposed the following Notice of Motion:-

***“That this Council proposes the removal of rates for crèches and other childcare providers – in this day and age it is not a luxury but an essential part of living in Ireland – parents should have access to affordable childcare but unfortunately due to rising cost of rates, rent and insurance people providing this service find it impossible to provide an affordable service”***

This Notice of Motion was seconded by Councillor Paschal McEvoy. The Members were advised that Rates are a statutory charge on business, the income of which is used to part-fund the annual revenue (day to day) expenditure of the local authority. Rates are

the financial contribution business owners and occupiers make to the upkeep and quality of life of the local community.

The Valuation Office is the Country's property valuation body and it values commercial and industrial property for commercial rate purposes. A crèche is a business premises dedicated to the provision of childcare and is similar to shops, public houses, hairdressers, doctors, etc. The valuation of crèches is therefore determined by the Valuation Office. A rate of value is applied on a per square metre basis.

Under current valuation policy, governed by Schedule 4 of the Valuation Acts 2001 – 2005 the following are deemed to be exempt from the payment of rates:

- childcare services exclusively devoted to the Early Childhood Care and Education programme with all children registered and no other services provided
- any building or part of a building used exclusively for the provision of early childhood care and education and occupied by a body which is not established and the affairs of which are not conducted for the purpose of making a private profit

All other services are deemed to be rateable.

The total number of crèches rated in Laois is 21 and the amount levied is €48,104.47. One crèche, funded under the Early Childhood Care & Education System is exempt from rates.

There has been no increase in rates in Laois for small businesses since 2008. The removal of rates on crèches would result in this local authority cross- subsidising the rents and insurance sectors. It would, also, result in a loss of income and services to the County.

The removal of rates for crèches and other childcare providers is a matter for the legislators and not for this Council. A request could issue to the relevant Minister.

This concluded the business of the meeting.

**SIGNED:** \_\_\_\_\_  
**CATHAOIRLEACH**

**CERTIFIED:** \_\_\_\_\_  
**DIRECTOR OF SERVICES**  
**CORPORATE AFFAIRS**