

**MINUTES OF THE SEPTEMBER MEETING OF LAOIS COUNTY COUNCIL HELD
IN ARAS AN CHONTAE, PORTLAOISE, ON THE 24TH OF SEPTEMBER**

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

APOLOGIES: Councillor Brendan Phelan John Joe Fennelly

IN ATTENDANCE:

Messrs John Mulholland, Chief Executive, Gerry Murphy, Head of Finance, Mr. Donal Brennan, Director of Services, Mr. Kieran Kehoe, Director of Services, Ms. Irene Delaney, Administrative Officer & Ms. Michelle McCormack, Executive Secretary.

**149. CONFIRMATION OF THE MINUTES OF THE JULY MEETING OF
LAOIS COUNTY COUNCIL HELD ON THE 30TH OF JULY 2018**

On the proposition of Councillor William Aird seconded by Councillor Noel Tuohy, the Minutes of the July meeting held on the 30th of July 2018 were confirmed as circulated.

**150. CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING OF
LAOIS COUNTY COUNCIL HELD ON THE 10TH OF SEPTEMBER 2018**

On the proposition of Councillor James Kelly seconded by Councillor Catherine Fitzgerald, the Minutes of the Special Meeting held on the 10th of September 2018 were confirmed as circulated.

**151. CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING OF
LAOIS COUNTY COUNCIL HELD ON THE 17TH OF SEPTEMBER 2018**

On the proposition of Councillor Catherine Fitzgerald seconded by Councillor Paschal McEvoy, the Minutes of the Special Meeting held on the 17th of September 2018 were confirmed as circulated.

152. REPORT ON CPG MEETING HELD ON THE 23RD OF JULY 2018

On the proposition of Councillor James Kelly seconded by Councillor William Aird, the report on the CPG meeting held on the 23rd of July 2018 was confirmed as circulated.

153. REPORT ON MUNICIPAL DISTRICT MEETINGS HELD IN JUNE 2018

On the proposition of Councillor Paschal McEvoy seconded by Councillor Seamus McDonald, the Members unanimously agreed the reports on Municipal District Meetings held in June 2018.

154. REPORT ON S.P.C. MEETINGS HELD IN SEPTEMBER 2018

On the proposition of Councillor Paschal McEvoy seconded by Councillor Seamus McDonald, the Members unanimously agreed the reports on S.P.C. Meetings held in September 2018.

155. PROPOSED MATERIAL CONTRAVENTION OF THE COUNTY DEVELOPMENT PLAN 2017 – 2023 AND PORTLAOISE LOCAL AREA PLAN 2012 – 2018 – PLANNING REF: 17/571

The Members were circulated with the planning report on the proposed development. On the proposition of Councillor William Aird seconded by Councillor Caroline Dwane Stanley, the Members agreed to the proposed Material Contravention of the Laois County Development Plan 2017- 2023 and Portlaoise Local Area Plan 2012-2018 – Planning Ref 17/571 – permission to construct a new dwelling house, garage, waste water treatment system and all associated site works at Ridge Road, Ballytegan, Portlaoise, Co. Laois

156. DISPOSAL OF FREEHOLD INTEREST AT 23, ST. JOHN'S SQUARE

On the proposition of Councillor Catherine Fitzgerald seconded by Councillor Carloine Dwane Stanley, the Members unanimously agreed to the disposal of freehold interest at 23 St. John's Square, Portlaoise in the townland of Maryborough East for a consideration of €300.00.

157. DISPOSAL OF FREEHOLD INTEREST AT 4 EMMETT TERRACE, MOUNTMELICK

On the proposition of Counillor David Goodwin seconded by Councillor Seamus McDonald, the Members unanimously agreed to the disposal of freehold interest at 4 Emmett Terrace, Mountmellick, Co. Laois in the townland of Townparks for a consideration of €300.00.

158. DISPOSAL OF FREEHOLD INTEREST AT 26 LAKESIDE GARDENS, KILMINCHY

On the proposition of Councillor Noel Tuohy seconded by Councillor Catherine Fitzgerald, the Members unanimously agreed to the disposal of freehold interest at 26 Lakeside Gardens, Kilminchy, Portlaoise, Co. Laois, in the townland of Kilminchy for a consideration of €1.00

**159. DISPOSAL OF FREEHOLD INTEREST AT 19 ASHBROOK GARDENS,
MOUNTRATH ROAD, PORTLAOISE**

On the proposition of Councillor Caroline Dwane Stanley seconded by Councillor Noel Tuohy, the Members unanimously agreed to the disposal of freehold interest at 19 Ashbrook Gardens, Mountrath Road, Portlaoise, Co. Laois in the townland of Knockmay for a consideration of €1.00.

**160. DISPOSAL OF FREEHOLD INTEREST AT 422 THE SYCAMORES,
KILNACOURT WOODS, PORTARLINGTON**

On the proposition of Councillor Aidan Mullins seconded by Councillor Paschal McEvoy, the Members unanimously agreed to the disposal of freehold interest at 422 The Sycamores, Kilnacourt Woods, Portarlington, Co. Laois in the townland of Cooltederry for a consideration of €1.00

161. DISPOSAL OF FREEHOLD INTEREST AT THE OLD POUND, KILLENARD

On The proposition of Councillor Aidan Mullins seconded by Councillor Paschal McEvoy, the Members unanimously agreed to the disposal of freehold interest at the Old Pound, Killenard, Co. Laois., in the townland of Ballybrittas for a consideration of €1.00

**162. DISPOSAL OF FREEHOLD INTEREST AT 429 MARKET MEWS,
MARYBOROUGH VILLAGE, PORTLAOISE**

On the proposition of Councillor Caroline Dwane Stanley seconded by Councillor Noel Tuohy, the Members unanimously agreed to the disposal of freehold interest at 429 Market Mews, Maryborough Village, Portlaoise, Co. Laois in the townland of Clonroosk Little for a consideration of €1.00

**163. DISPOSAL OF FREEHOLD INTEREST AT PORTLAOISE ROAD,
MOUNTRATH**

On the proposition of Councillor William Aird seconded by Councillor James Kelly, the Members unanimously agreed to the disposal of freehold interest at Portlaoise Road, Mountrath, Co. Laois in the townland of Mountrath for a consideration of €1.00

164. DISPOSAL OF FREEHOLD INTEREST AT 17 DERRYWOOD, DURROW

On the proposition of Councillor James Kelly seconded by Councillor John King, the Members unanimously agreed to the disposal of freehold interest at 17 Derrywood, Durrow, Co. Laois in the townland of Durrow Townparks for a consideration of €1.00

**165. DISPOSAL OF FREEHOLD INTEREST AT 22 CLONROOSK ABBEY,
PORTLAOISE**

On the proposition of Councillor Caroline Dwane Stanley seconded by Councillor Noel Tuohy, the Members unanimously agreed to the disposal of freehold interest at 22 Clonroosk Abbey, Portlaoise, Co. Laois in the townland of Clonroosk for a consideration of €1.00

**166. DISPOSAL OF FREEHOLD INTEREST AT 22 ROSSVALE COURT,
PORTLAOISE**

On the proposition of Councillor Willie Aird seconded by Councillor Mary Sweeney, the Members unanimously agreed to the disposal of freehold interest at 22 Rossvale Court, Portlaoise, Co. Laois in the townland of Maryborough, Barony of Maryborough East for a consideration of €1.00

**167. MEMORANDUM OF AGREEMENT BETWEEN LAOIS COUNTY COUNCIL
AND SOPHIA HOUSING ASSOCIATION FOR THE DEVELOPMENT OF
THE CONVENT SITE IN PORTLAOISE**

On the proposition of Councillor Seamus McDonald seconded by Councillor Paschal McEvoy, the Members unanimously agreed to the Memorandum of Agreement between Laois County Council and SOPHIA Housing Association for the development of the Convent Site in Portlaoise

**168. APPROVAL OF THE RAISING OF A LOAN NOT EXCEEDING €15,000,000
FROM THE HOUSING AGENCY PLC., FOR HOUSING PURPOSES**

On the proposition of Councillor Patrick Bracken seconded by Councillor Aidan Mullins, the Members unanimously agreed to the raising of a loan not exceeding €15,000,000 from the Housing Finance Agency Plc., for housing purposes.

**169. NOMINATION OF MS. VALERIE HAND, COMMUNITY SERVICES
MANAGER, LAOIS AS THE HEALTH SERVICES EXECUTIVE'S
REPRESENTATIVE ON THE LAOIS L.C.D.C.**

On the proposition of Councillor David Goodwin seconded by Councillor William Aird, the Members unanimously agreed to the nomination of Ms. Valerie Hand, Community Services Manager, Laois as the Health Services Executive's representative on the Laois LCDC

**170. NOMINATION OF MR. NOEL MAGUIRE, INDUSTRIAL OFFICER, SIPTU
TO THE ECONOMIC DEVELOPMENT, ENTERPRISE & PLANNING SPC**

On the proposition of Councillor Caroline Dwane Stanley seconded by Councillor Noel Tuohy, the Members unanimously agreed to the nomination of Mr. Noel Maguire, Industrial Officer, SIPTU to the Economic Development, Enterprise & Planning SPC.

171. NOMINATION OF MR. NOEL MAGUIRE, INDUSTRIAL OFFICER, SIPTU TO THE TRANSPORTATION, ENVIRONMENT & EMERGENCY SERVICES SPC

On the proposition of Councillor Caroline Dwane Stanley seconded by Councillor Noel Tuohy, the Members unanimously agreed to the nomination of Mr. Noel Maguire, Industrial Officer, SIPTU to the Transportation, Environment & Emergency Services SPC

172. RATIFICATION OF MR. MICHAEL GORMAN, PPN REPRESENTATIVE (SOCIAL INCLUSION) ON THE COMMUNITY, SOCIAL, CULTURAL & HERITAGE SPC

On the proposition of Councillor James Kelly seconded by Councillor Tom Mulhall, the Members unanimously agreed to the ratification of Mr. Michael Gorman, PPN Representative (Social Inclusion) on the Community, Social, Cultural & Heritage SPC

173. PRESENTATION BY MS. MICHELLE DE FORGE, DIRECTOR, DUNAMAISE ARTS CENTRE ON THE WORK PROGRAMME OF THE DUNAMAISE ARTS CENTRE

It was noted that this presentation was deferred to the October meeting of Laois County Council

174. DRAFT WASTE MANAGEMENT (STORAGE, PRESENTATION AND SEGREGATION OF HOUSEHOLD AND COMMERCIAL WASTE) BYE-LAWS 2018 AND ADOPTION OF THE BYE-LAWS AS RECOMMENDED BY THE STRATEGIC POLICY COMMITTEE

On the proposition of Councillor James Kelly seconded by Councillor Caroline Dwane Stanley, the Members unanimously agreed to the draft Waste Management (Storage, Presentation and Segregation of Household and Commercial Waste) Bye-Laws 2018 and adoption of the bye-laws as recommended by the Strategic Policy Committee.

Ms. Orla Barrett, S.E.E. responded to the various queries raised by the Members.

175. TO CONSIDER THE ADOPTION OF DRAFT LITTER MANAGEMENT PLAN 2018-2020

On the proposition of Councillor Seamus McDonald seconded by Councillor Pauline Madigan, the Members unanimously agreed to the draft Litter Management Plan 2018-2020.

176. LAOIS COUNTY COUNCIL MONTHLY MANAGEMENT REPORT FOR AUGUST/SEPTEMBER 2018

Mr. John Mulholland, Chief Executive briefed the meeting on this matter and the report for August/September 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.

177. 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 James Kelly and seconded by Councillor Noel Tuohy.

178. CORRESPONDENCE

It was noted that no correspondence had been received since the last meeting of Laois County Council.

It was noted that the Super Value Tidy Towns Awards results were announced today – results for County Laois were as follows.

- Mountmellick – Endeavour Award
- Abbeyleix – retained their Gold Medal Status
- Portlaoise – retained their Silver Medal scoring

179. NOTICE OF MOTIONS

Notice of Motion No: 18/2018

Councillor William Aird proposed the following Notice of Motion:-

“That this Council call on the Minister for Housing to allow insulation works to private homes to be administered through the Local Authorities”

This Notice of Motion was seconded by Councillor Mary Sweeney. The Members were advised that It is not a funding issue. Under the current housing adaptation schemes, attic insulation is not eligible. Private homeowners are advised to apply to SEAI for a grant to carry out attic insulation works. SEAI also cover other energy upgrade works that can be viewed on their website.

It was agreed that a letter issue to the Minister in this regard.

Notice of Motion No: 19/2018

Councillor William Aird proposed the following Notice of Motion:-

“That this Council give consideration to a discussion on the taking in charge of green areas in estates when the estate is being taken in charge”

This Notice of Motion was seconded by Councillor Noel Tuohy. The Members were advised that this matter will be considered at Planning and Economic Development SPC in the context of the Taking in Charge Policy and the SPC will revert on the matter thereafter.

Notice of Motion No: 20/2018

Councillor William Aid proposed the following Notice of Motion:-

“That this Council be informed as to what is the up to date position with regard to communities that want to install CCTV cameras”

This Notice of Motion was seconded by Councillor John King. The Members were advised that the objective of the current grant scheme, funded by the Department of Justice and Equality, is to support local communities who wish to install and maintain CCTV security systems in their area, with the aim of increasing public safety and to deter illegal or anti-social behaviour. There is no specific enforcement role for local authorities but their authority to process the data is permitted under General Data Protection Regulations where data is processed in the ‘public interest’, ‘legitimate interest’ of the controller, or ‘vital interest’ of the data subject.

Under the current funding stream, key conditions of funding are that:

- The application is made with community involvement;
- The application must have been approved by the local joint policing committee;
- The local authority has agreed to act as Data Controller
- The applicant must have received an authorisation from the Garda Commissioner under section 38 of the Garda Síochána Act 2005.

As Data Controllers, the local authority must comply with GDPR and Data Protection legislation which allows it to grant limited access to CCTV footage in line with procedures set out under data protection legislation.

It is unclear whether live feeds into Garda stations can be permitted with new schemes or whether existing schemes will need to be revised accordingly. In addition, there is also a belief that existing Community CCTV schemes that operate independently of local authorities will no longer be able to continue to operate unless Local Authorities assume the role of Data Controllers for these projects. Whether assuming responsibility for new projects or updating older schemes, there are a range of operational difficulties that local authorities have identified to the Department of Justice and Equality relating to changes that may need to be made to the existing scheme and to older schemes.

Of particular concern to Local Authorities is the additional resources that will be required, for example,

- personnel to monitor and facilitate access to data, to process and edit data,

- the provision of secure facilities to host equipment,
- the availability of broadband to operate equipment remotely ,and
- financial support for ongoing maintenance and updating of equipment.

Engagement between the Department of Justice and Equality and the City and County Management Association relating to these issues is currently taking place. To date there has been agreement that the Code of Practice for funding would be updated to address some of these issues. The Department has also notified the CCMA that current funding could be used to upgrade existing projects so that they could become compliant with all data protection requirements. The Office of the Data Protection Commissioner is at present visiting local authorities as a follow up to the audit it conducted in July 2018 and it is expected that guidance will emerge from these inspections which may inform the revised Code of Practice.

Notice of Motion No: 21/2018

Councillor John King proposed the following Notice of Motion:-

“That this Council write to the Department of Housing, Planning & Local Government to review the current income threshold for social housing applicants”

This Notice of Motion was seconded by Councillor Caroline Dwane Stanley. The Members were advised that a letter would issue to the Department of Housing, Planning & Local Government in this regard.

This concluded the business of the meeting.

SIGNED: _____
CATHAOIRLEACH

CERTIFIED: _____
DIRECTOR OF SERVICES
CORPORATE AFFAIRS