

Minutes of September Ordinary Council Meeting 2014

Minutes of Ordinary Meeting of Louth County Council held in County Hall, Dundalk at 10.00 a.m. on Monday 15th September, 2014.

In attendance:

Cathaoirleach: Cllr. O. Tully.

Members: Councillors: D. Breathnach M. Butler, T. Byrne, K. Callan, A. Cassidy, E. Corrigan, R. Culhane, T. Cunningham, M. Dearey, M. Doyle, K. Flood, F. Godfrey, J. Green, C. Keelan, J. Loughran, J. McGahon, P. McGeough, K. Meenan, D. Minogue, I. Munster, L. Reilly, P. Savage, T. Sharkey, P. Smith, J. Tenanty, M. Yore

Officials
J. Martin, Chief Executive
F. Pentony, Director of Services
J. McGuinness Director of Services
B. Woods, Head of Finance
P. Finn, Senior Engineer
C. Moss, Senior Executive Officer
G. Kelly, Senior Engineer
P. Donnelly, Meetings Administrator

Apologies Councillors: P. Bell, C. Markey
M. T. Daly, A/Director of Services

Minute No. 156 /14

Confirmation of Minutes

Proposed by Cllr. K. Callan
Seconded by Cllr. R. Culhane
And resolved:-

That the minutes of the Monthly Meeting held on 21st July 2014 be confirmed.
Typo at 152/14 to be amended to read – 3 instead of 2

Minute No. 157/14

Minutes – For Information

The minutes of the following meetings were noted.

- Municipal District of Dundalk 01/07/2014
- Municipal District of Ardee 03/07/2014
- Borough District of Drogheda 07/07/2014
- Corporate Policy Group 10/07/2014

Minute No. 158/14

Committee Reports

The following verbal report was delivered to the meeting.

- Corporate Policy Group – An Cathaoirleach Cllr. O. Tully reported on the meeting of 5th September 2014

Minute No. 159 /14

Appointment of County Manager

To consider recommendation of the Public Appointments Service to appoint Mrs. Joan Martin as County Manager Louth County Council in accordance with Section 145 of the Local Government Act, 2001

Proposed by An Cathaoirleach, Cllr. O. Tully

Seconded by Cllr. M. Butler

And resolved

To confirm Mrs. Joan Martin as County Manager, Louth County Council

The Cathaoirleach was joined by a number of members who congratulated Mrs. Martin on her appointment. F. Pentony, Director of Services congratulated Mrs. Martin on behalf of the Management and Staff. Mrs. Martin thanked the Members for their confirmation of her appointment and spoke of how the situation was unusual as she was already working in the Local Authority and she looked forward to working with the Members in these challenging times.

Minute No. 160/14

Chief Executives Report

The Chief Executives reports for August and September were noted by the members. The Chief Executive responded to members queries in regard to the presentation of future housing reports and she agreed to explore the options of a revised report format for future meeting and to examine if there was an opportunity to present same at the Municipal District level and the County Council meeting.

Minute No. 161/14

Strategic Policy Committee Scheme

Proposed by Cllr. M. Dearey
Seconded by Cllr. D. Breathnach
And resolved:-

That having considered the Chief Executives report on the draft Strategic Policy Committee Scheme to confirm same as recommended in the report.

Minute No. 162/14

Section 183 Notice

Proposed Disposal of Land at Rathmore, Kilkierley, Dundalk.

Proposed by Cllr. M. Dearey
Seconded by Cllr. D. Breathnach
And resolved:-

To dispose of the lands equating to 1.46 hectares at Rathmore, Kilkierley, Dundalk County Louth to Tateetra Livestock Ltd. as set out in the notice dated 3rd September 2014.

The matter was determined following a roll call vote.

For: Cllrs. Breathnach, Byrne, Callan, Culhane, Dearey, Doyle, Godfrey, Keelan, McGahon, Minogue, Reilly, Savage, Smith, Tenanty, Tully. – **Total 15**

Against: Cllrs. Cassidy, Corrigan, Cunningham, Flood, Green, Loughran, McGeough, Meenan, Munster, Sharkey – **Total 10**

Abstain: Cllrs. Butler, Yore – **Total 2**

Absent: Cllrs. Bell, Markey – **Total 2**

Minute No. 163/14

Section 183 Notice

Proposed Disposal of Land at Kierans Corner, Drogheda.

Proposed by Cllr. K. Callan

Seconded by Cllr. R. Culhane

And resolved:-

To dispose of the lands equating to 0.05 hectares at Kierans Corner, Drogheda, Co. Louth to The Trustees of St. Oliver's Scouts as set out in the notice dated 27th August 2014.

Minute No. 164/14

Votes of Sympathy

The following votes of sympathy were recorded to the families of:-

- Margaret Markey (née McGlew), Mother of Cllr. Colm Markey
- Ann McGeeney, (Peace Programme facilitator)
- Derek Joyce, who died following a road traffic accident
- Alison McNabb, who died following a road traffic accident
- Rev Ian Paisley, Former 1st Minister Northern Ireland

Minute No. 165/14

Votes of Congratulatory

Congratulations were extended to Cllr. Jennifer Green and Cllr. Alan Cassidy who are due to get married in the coming weeks.

Minute No. 166/14

Local Property Tax Local Adjustment Factor for 2015

To consider by resolution the setting of a local adjustment factor in accordance with The Finance (Local Property Tax) Act 2012 as amended.

The Chief Executive Mrs. Joan Martin presented her report as circulated to the members in the matter of the Local Property Tax –Local Adjustment Factor. In the presentation members were advised of the need to maintain the property tax at the set rate and to make no adjustment in order for the Chief Executive to be in a position to present a balanced budget and maintain service levels. The Chief Executive went on to emphasise that a reduction of 15% in the LPT would equate to a reduction in the budget of €1.5 million. The impact on households in Louth of such a reduction would only be in the order of between 26c and 96c per household per week.

There followed a discussion on the matter; Cllr. Callan proposed and Cllr Doyle seconded that time be taken to identify the 15% cut in the LPT and proposed that an initial saving of 2.4% could be achieved by not renewing the lease on the Councils facilities at the Boyne Centre, Drogheda.

Cllr. P. Smith proposed that the LPT rate remain as it is and it was seconded by Cllr. M. Dearey.

Cllr. Munster proposed, seconded by Cllr. Corrigan that her motion on the matter be taken – The Cathaoirleach agreed to facilitate discussion on the motion –

“Louth County Council calls upon the Minister for the Environment to publish immediately the regulations regarding the local adjustment factor as per the Local Property Tax Act and notwithstanding those regulations and the restrictions in the Act, declares its intention to begin the process of reducing, by the maximum possible level, the rate of LPT payable by households.” On that basis Cllr. Munster confirmed her proposal was for a 15% reduction in the LPT this was seconded by Cllr. Corrigan.

The discussion continued with members raising queries as to how improvements in revenue collection might facilitate some reduction in the LPT. The Chief Executive advised that as the budget being prepared in accordance with accrual practices, any revenues collected are already provided for in achieving a balanced budget.

The Head of Finance Ms. Bernie Woods confirmed for the members that the Council was required to notify the Department of Environment and Local Government together with Revenue Service of a decision on the matter no later than 30th September.

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There followed a proposal by Cllr P. Smith seconded by Cllr. Godfrey and agreed by all that the matter stand adjourned and members reconvene to conclude the matter on Friday 19th September at 3.00pm. This was confirmed by the Cathaoirleach.

Minute No. 167/14

Local Traveller Accommodation Consultative Committee (LTACC)

Proposed by Cllr. L. Reilly
Seconded by Cllr. M. Dearey
And resolved:-

To confirm the appointment of Ms. Arja Cullen, Social Worker and Ms. Bridie Hickey, Social Worker as replacement members to LTACC as per the Director of Services report on the matter dated 4th September 2014

Minute No. 168 /14

Additional Nominations to Local Community Development Committee (LCDC)

Proposed by Cllr. L. Reilly
Seconded by Cllr. D. Minogue
And Resolved:-

To confirm the appointment of Mr. John Cotterell as the additional nomination to the LCDC as set out in the Director of Services report on the matter dated 4th September 2014.

Minute No. 169/14

Suspension of Standing Orders

Proposed by Cllr. O. Tully
Seconded by Cllr. A. Cassidy
And Resolved:-

To suspend Standing Orders in accordance with Standing Order 24 to permit the business of the meeting continue until 2.00 pm.

Minute No. 170/14

Schedule of Meetings in respect of the County Development Plan Review

Members noted that a Special meeting to deal with the Draft County Development Plan would be held on this evening of 15th September 2014 and that the matter would be adjourned to an agreed date - possibly Thursday 18th September and possible other dates until the business was concluded.

Minute No. 171/14

Rural Water Programme

Proposed by Cllr. D. Breathnach

Seconded by Cllr. P. Savage

And Resolved:-

To confirm the Provisional proposals for Year 2014 in respect of the Rural Water Programme as set out in the Director of Services report on the matter dated 2nd September 2014 and to note the Year Review 2013.

Minute No. 172/14

Planning Progress Report

The Members noted the Planning Progress report including the Enforcement and Forward Planning reports dated and 2nd September 2014.

Minute No. 173/14

Environmental Compliance Progress Report

The Members noted the Environmental Compliance report dated and 5th September 2014.

Minute No. 174/14

Arts Service Quarterly Report

The Members noted the Arts Service Quarterly report for the period April to June 2014.

Minute No. 175/14

Allocation of Members Community Grants

Proposed by Cllr. F. Godfrey

Seconded by Cllr. K. Flood

And Resolved:-

To approve the payment of allocations to the twenty (20) community groups listed on the report circulated with the agenda.

Minute No. 176/14

Conference and Events

Proposed by Cllr. F. Godfrey

Seconded by Cllr. J. McGahon

And Resolved:-

To approve the attendance of members at the Conferences circulated with the agenda who have indicated an intention to attend in the register.

Minute No. 177/14

MOTION: J. Loughran

That Louth County Council install 5 grids and proper signage on the approach roads to the Long Woman's Grave to give proper warning to motorists that they are entering a commonage and to take due care."

Reply:

We have received various representations in recent months in relation to the possibility of providing and installing cattle grids on public roads approaching the Long Woman's Grave area of the Cooley Mountains.

The Council has already put in place the required statutory road signage for sheep commonages on the approach roads to the Long Woman's grave and we do not feel that any additional measures are justified at the current time

Agreed to consider motion dealt with without debate

Minute No. 178/14

MOTION: O. Tully

'That Louth County Council installs traffic calming / road safety measures in the vicinity of the entrance to Orchard Villas Termonfeckin'

Reply:

The Council will carry out a survey to determine if traffic calming measures are warranted at this location.

Agreed to consider motion dealt with without debate

Minute No. 179/14

MOTION: O. Tully

'That Louth County Council constructs a footpath from Drogheda to Baltray'.

Reply:

The distance from Baltray Bridge to the outskirts of Drogheda is approximately 3.8 km. Land acquisition would be required as the existing road is not sufficiently wide to install a footpath and maintain two way traffic. Additionally up to 95 lighting columns would be required to upgrade public lighting. Currently there is no funding available to embark on project of this magnitude.

Agreed to consider motion dealt with without debate

Minute No. 180/14

MOTION: M. Dearey

That the delivery of the necessary upgrades to roads, footpaths, and cycle lanes envisaged and committed to in the current County Development Plan, pending the installation of the sewage and water infrastructure, begin at once.

Reply:

Development Plans always contain many objectives and a lesser number of strategic objectives. Their inclusion in a plan does not any way guarantee that any or all of these objectives will actually be delivered during the life of a particular plan and in some cases objectives, particularly strategic objectives, can appear in plans for many decades. The fact that a particular objective might not yet be delivered is often more a factor of availability of funding and does not mean that the objective is not considered highly desirable or important.

Agreed to consider motion dealt with without debate

Minute No. 181/14

MOTION: Proposed by Cllr P. Smith / Seconded by Cllr. P. Savage

That this Council agree to appoint an Architect with a remit to specifically work on the development of The Drogheda Borough Municipal District. This approach was adopted with great success in Westport and Kilkenny with both Towns seeing great improvements over the past number of years"

Repy:

The appointment of staff is the responsibility of the Chief Executive and is not a reserved function of the Council. Staffing requirements were reviewed recently as part of the re organisation process. This process did not identify the need for in house Architects anywhere throughout the organization.

Agreed to consider motion dealt with without debate

Minute No. 182/14

MOTION: Proposed by Cllr. T. Sharkey, seconded by Cllr I. Munster

Louth County Council is concerned at the level of Ambulance cover across the county and seek an urgent report from the National Ambulance Service detailing the number of Ambulance vehicles service the county, the arrangements in place to staff these Ambulances to full capacity and the deployment of any Rapid Response Vehicles in the county."

Reply:

This is a matter for the members

It was agreed by the members to forward this motion to the Minister for Health

Minute No. 183/14

Motion

Proposed by Cllr. D. Breathnach

Seconded by Cllr. K. Callan

And Resolved:-

In view of the Council's curtailment in the provision of public lighting due to the escalating energy costs, I propose that where feasible, we provide energy efficient public lighting which is powered by alternative sources. These lights could be provided at little or no costs if community groups are prepared to fund the lighting column.

Reply:

Louth County Council is committed to reducing its overall energy costs and has set up a Sustainable Energy Team to manage this. As Public lighting costs accounts for a substantial percentage of total energy costs incurred, measures to manage public lighting costs are being prioritised by the Council. The Sustainable Energy Authority of Ireland (SEAI) has recently produced a technical specification for LED lighting and local authorities across the State have been directed to employ

this technology. There are substantial energy savings (40% on average) to be had by using LED lighting but there is a capital cost associated with installing and maintaining this technology which from a financial perspective must be taken into account.

PV Solar powered lighting is an emerging technology and is useful, for example for School flashing lights. However this technology is currently not sufficiently developed for use in road lighting. In relation to Wind powered lighting the additional load placed on the lighting column requires a specially designed column at significant extra cost. The power produced by a wind turbine would also be of limited value at such a low mounting height.

As technology improves there will no doubt be further advances in relation to energy efficiency and the use of alternative power sources. However the current strategy, as directed by SEAI is to use LED technology in public lighting. Should Community Groups be willing to fund same it would be possible by converting existing lanterns to LED technology, to provide new public lighting with no net increase in energy costs to the Council.

It was agreed that the matter be tabled at the appropriate SPC

Minute No. 184/14

Motion

Proposed by Cllr. A Cassidy, Seconded by Cllr. E. Corrigan

And Resolved:-

"That Louth County Council design a comprehensive Action Plan to deal with illegal dumping in Louth and that this Council liaise with Kerry County Council in order to learn from that Council's success in implementing overt and covert surveillance in relation to dumping."

Reply:

Louth County Council has a comprehensive Litter Management Plan, which is currently under review. Louth County Council litter wardens already use covert surveillance with their own CCTV cameras and issued 90 fines last year through evidence obtained using covert CCTV. Louth County Council is also currently employing a private company to

carry out covert surveillance with CCTV at additional locations and are currently issuing fines through the evidence obtained.

Foot patrols by Litter Wardens and clearly marked Litter Wardens vans are part of the overt surveillance.

Minute No. 185/14

Motion

Proposed by Cllr. F. Godfrey, Seconded by Cllr. K. Callan
And Resolved:-

That Louth County Council condemns the introduction of Water Charges and calls for an end to austerity measures imposed on our people.

- ***Agreed by members to forward motion to Minister for the Environment, Community and Local Government***

Minute No. 186/14

QUESTION: T. Byrne

"Can Louth County Council or Irish Water confirm that there was no leakage or obnoxious foul odour from the Drogheda Treatment Plant on the Mornington Road on 19th June last or the days previously?"

REPLY:

There were no reported odours on the preceding days prior to the 19th June. The complaint received on the 19th June was investigated. Boundary checks at the treatment plant were carried out as well as monitoring. All locations were negative for odours. As part of the investigation inspections were carried out at the Marsh Road, Wheaton Hall and Glanbia on the 19/6/14 between 13:00 and 14:30. No malodours in the vicinity of these sites on this date were detected.

In relation to discharges from the treatment plant the monitoring results were within compliance on the 19th June and the preceding days.

Response was noted by the member

Minute No. 187/14

QUESTION: T. Sharkey

"What progress has been made in the drawing up of procedures into house allocations, maintenance requests, purchase of units, RAS, LTL and Housing Assistance Payments as detailed in the County Manager's Report to the council after an internal investigation and audit?"

REPLY:

A consultant has been employed to carry out the independent review referred to by the County Manager in April. She has asked for initial work to be done by our Housing Section before she arrives to carry out the audit. This work is underway at present and I expect the consultant to undertake the actual review during the month of September. The review will involve some 54 procedures which have been identified.

Response was noted by the member

Minute No. 188/14

QUESTION: P. Smith

Can this Council outline the steps that have been taken to date in relation to the setting up of Public Participation Networks at County level in Louth and will the Council consider hosting public seminars on this policy?

REPLY:

The commencement of Section 46 of the Local Government Reform Act, 2014 on June 1st last has now given the above network statutory effect. Again guidance has been issued by the Department of Environment on this structure and the Council will now be putting in place arrangements to create this network.

This Public Participation Network (PPN) will be organised at both County and Municipal District Level and will among other

things be the nominating forum for community representatives for Strategic Policy Committees and Joint Policing Committees.

All registered voluntary groups are being contacted to confirm their registration and also to ensure that they are established in the most appropriate 'college' and Municipal District. The three colleges are Social Inclusion, Environment and Voluntary

Louth Community and Voluntary Forum in preparation for the new structure and following the guidelines set out on the dissolution of previous Community & Voluntary Fora has reviewed the membership. Arising from this, those members who had completed their 3 year term of office retired leaving those who had yet to complete their term.

This body for the next 6 months will be designated interim Louth PPN and has as its main objective to activate the PPN guidelines to establish the new structure in its entirety.

The key actions of this group will be as follows:

- Advise and agree the registration and mapping process needed to establish the Municipal District PPNs and the County PPN.**
- Design and support elections to Strategic Policy Committees, Local Community Development Committees etc**
- Develop and present a public awareness campaign which will allow for a greater understanding of how citizens can take part in the new structure.**
- Provide interim representation on SPCs LCDCs etc until such time as the complete PPN structure is in place i.e. end of 2014**

Response was noted by the member

Minute No. 189/14

QUESTION: E. Corrigan

"In relation to Long Term Lettings and Rental Accommodation Scheme properties, is it the practice that Louth County Council approach landlords with a request to enter properties into these schemes and what procedures are used to select, inspect and approve properties for inclusion in these schemes?"

REPLY:

The initial implementation of leasing and RAS was commended with national campaigns launched by the DOECLG. As part of this campaign each local authority was asked to place advertisements in local newspapers to encourage prospective landlords to submit applications. The council also held information sessions with the letting agents explaining the process involved. All current information relating to RAS & Long Term Leasing is available on the Louth County Council website.

This council is also actively engaged with a number of Voluntary Housing Association's on an ongoing basis for the delivery of long term leasing units across various locations in County Louth.

Louth County Council currently has 524 units in long term leasing & RAS.

	RAS	Long Term Leasing
Private	102	205
VHB	93	124
Total	195	329

As current RAS contracts are expiring the possibility of entering into a Long Term Lease is being offered to the landlord. A long-term lease is for a period of 20 years but there is an opt-out at any stage after 10 years giving 6 months notice.

When a member of the public makes an enquiry about the possibility of leasing their property to the Council, the opinion of the Allocations Team regarding the Council's requirement for such a property is sought. If it is deemed that the Council would have a requirement for such a property in that particular area, the applicant is informed and an application form, brochure and step by step guide is issued to them. For the matter to proceed, the following must be submitted:

- 1. Application Form;**
- 2. BER Cert (minimum of D1);**
- 3. ETCI Cert of electrical compliance; and**
- 4. Certificates of conformity regarding the heating systems (gas or oil).**

Upon receipt of the above, the Housing Engineer is requested to carry out an inspection of the property (in accordance with PRTB standards). The inspection report will then recommend (or not as the case may be) the leasing of the house subject to a list of works being carried out. If the property is not deemed suitable for leasing (for example, if there are substantial works to be carried out), the applicant will be advised and the application will be closed. However, if the property is deemed suitable for leasing, the applicant will be advised of the works to be carried out and the following documents will also be requested at this stage:

- a. Confirmation that the applicant has adequate housing in the event of the property being leased to the Council;**

- b. Evidence of entitlement to the property;**
- c. Certificate of compliance in respect of planning permission;**
- d. Certificate of compliance in respect of building regulations;**
- e. Up-to-date insurance in respect of the buildings;**
- f. Up-to-date Tax Clearance Cert for the potential landlord;**
- g. Consent from the management company (if applicable); and**
- h. Consent from the lender if the property is mortgaged**

When the snag list has been completed, the applicant then informs the Council and a 2nd inspection is carried out to verify that the works have been completed. When all of the above documentation (a to h) has been submitted and a report from our Engineer confirming that all the works have been carried out has been received, the lease is sent out to the applicant for signing. Throughout the process, 'Subject to Lease / Lease Denied' is noted on all correspondence and it is also pointed out that no contract exists until both parties have signed the lease. When the signed lease is returned to the Council, the Leasing

Unit finally gets approval from the SEO and Director of Services before the lease is signed and sealed by the Council

Response was noted by the member

Minute No. 190/14

QUESTION: J. Loughran

"What provision is in the 2014 Louth County Council Budget to carry out roadside grass cutting considering that overgrown road verges cause a danger to pedestrians, motorists and cyclists?"

REPLY:

There is not a separate provision within the Roads budget for grass cutting. Grass cutting is included under general maintenance which has a budget within the Road Works Programme of €117,319 for national roads and €1,254,721 for regional and local roads. General maintenance covers the cost of pot-hole repairs, drainage, signs, sign replacement, emergency call outs and works and verge trimming.

Response was noted by the member

Minute No. 191/14

QUESTION: E. Corrigan

"What roles have McGreal and Associates carried out for Louth Local Authorities, and what fees were paid to this firm for each role carried out by them?"

REPLY:

McGreal and Associates were engaged by the Business Support Unit for specific specialised support in regard to Tourism and promotion work in 2011 and 2012.

This support included preparation for and attendance at the Dublin and Belfast Holiday World shows 2011 €1420 - LAMA Conference April 2011 €440

National Ploughing Championships Athy September 2011 - €450 - Dublin and Belfast Holiday World shows 2012 €1440 and the National Ploughing Championships September 2012 €425

Response was noted by the member

Minute No. 192/14

QUESTION: I. Munster

"Does the management of Louth County Council have a list of all developments in the county where a bond has been required as a condition of planning permission? Does that list detail if the bond is in cash or paper form and will management give a breakdown to the Council?"

REPLY:

Work is ongoing in the Planning Dept as in all other Depts in facilitating the amalgamation of functions from the now dissolved town and borough authorities. This work includes the amalgamation of information in respect of bonds. We expect this work to be completed in early Q.4, 2014.

Response was noted by the member

Minute No. 193/14

QUESTION: M. Bulter

Has road signage been changed to reflect the new speed limits that came into effect on 3rd June 2014, as per road traffic speed limits, County of Louth Bye Laws 2009, 2nd revision?

REPLY:

There is a requirement to publish notification of speed limit changes in Iris Ofigiúil and the local press. Publication of the notice in tandem with the erection of the revised signage will be programmed shortly.

Response was noted by the member

Minute No. 194/14

Correspondence

The Members noted the following Correspondence

- Dept of Environment, Community and Local Government x 2 dated 20.6.2014 and 30.6.2014
- Dept of Health 01.07.2014
- Dept of Transport, Tourism and Sport 24th July 2014
- Letter from Men's Shed Drogheda
- OPW dated 19th August 2014

Minute No. 195/14

Chief Executives Register

The register was available for the members' inspection.

Minute No. 196/14

The time being 2.00pm the Cathaoirleach adjourned the meeting to 3.00pm on Friday 19th September 2014 to consider unfinished business in respect of Local Property Tax Local Adjustment Factor for 2015.

The Minutes were confirmed at a meeting of Council held on:-

Date: _____

Cathaoirleach: _____

Meetings Administrator: _____