

Minutes of Ordinary Meeting of Louth County Council held in the County Louth Golf Club, Baltray, Co. Louth at 10.00am on Monday 16th February 2015

In attendance:

Cathaoirleach: Cllr. Oliver Tully

Members: Councillors: P. Bell, D. Breathnach, M. Butler, T. Byrne, A. Cassidy, E. Corrigan, R. Culhane, T. Cunningham, M. Dearey, M. Doyle, K. Flood, F. Godfrey, J. Green, C. Keelan, J. Loughran, C. Markey, 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
B. Woods, Head of Finance
J. McGuinness, Director of Services
M. T. Daly, A/Director of Services
D. Storey, Senior Executive Officer
P. Finn, Senior Engineer
B. Lynch, Financial Accountant
P. Donnelly, A/DoS, Meetings Administrator

Apologies: Cllr. K. Callan

Minute No. 31 /15

Welcome

The Cathaoirleach Cllr. Oliver Tully welcomed the Members and the Chief Executive and her team to The County Louth Golf Club and introduced the Club Captain Mr. Michael Kennedy. Mr. Kennedy in welcoming the Cathaoirleach who is also President of the Golf Club, and the Members thanked them for choosing the Baltray venue for the Council meeting.

Minute No. 32/15

Confirmation of Minutes

Proposed by Cllr. F. Godfrey
Seconded by Cllr. R. Culhane
And resolved:-

That the minutes of the ordinary meeting of Council held on 16th January 2015 be confirmed.

The following none material alterations were recorded –
05/15 Reverse order of proposer & seconded (Cllrs. Corrigan & Sharkey)
11/15 to read Gerard Collier, Clogherhead

Minute No. 33/15

Legal Opinion –re Decision of Council

Arising from a decision at the December 2014 meeting, to seek legal advice on the matter of a decision of Council to amend the budget in the manner that they did, the Chief Executive advised that the advice was now to hand and she delivered the following statement.

“I was requested by the Council before Christmas to get a legal opinion in relation to the decision taken by the Council at the Budget Meeting to remove the sum provided to pay allowances to the Cathaoirleach, Leas Cathaoirleach, chairs of the SPCs and Chairs of the Districts. I was asked my own opinion at the time and said that I felt the Council had in essence subverted a reserved function of the Districts by failing to provide the allowances for the Chairs in accordance with the decisions already made by the three districts. I felt therefore that there was a serious question mark over the legality of the decision.

I have in the last few days received news of the opinion from Carol O'Farrell, Barrister-at-Law, which has confirmed the opinion I expressed myself at the December Meeting. It was not correct for the Council to consider or adopt a resolution that had the effect of overturning the reserved function decision of the three districts to award an allowance to their respective chairs. The opinion is based on the rules and provisions as set out in the Local Government (Performance of Reserved Functions in Respect of Municipal District Members) Regulations 2014. These regulations govern the exercise of the reserved functions and clearly differentiate between the powers of the two tiers of local government as established in the Local Government Reform Act 2014.

In the light of this opinion, which as I said confirmed my own personal view, I am setting aside the decision made by the Council at the Budget Meeting and

restoring the amount proposed for the various allowances in the Draft Budget as presented to Council.”

Following a discussion of the matter members were advised that a copy of the advice would be circulated.

Minute No. 34/15

Minutes for Information

The members noted the following minutes

- CPG 09/01/15
- Borough District of Drogheda 12/01/15
- Municipal District of Ardee 15/01/15
- Municipal District of Dundalk 13/01/15
- SPC - Housing 01/12/14

Minute No. 35/15

Committee Reports

Corporate Policy Group

The Cathaoirleach Cllr. Oliver Tully presented a report on the Corporate Policy Group meeting held on Friday 6th February 2015.

Housing Community & Emergency Services SPC

Cllr. Imelda Munster Chair of the Housing Community & Emergency Services SPC presented a report of the meeting of the SPC held on 19th January 2015.

Cllr. Dearey requested that the members of the SPC consider the matter of housing for the older single men on the housing waiting list. This was agreed.

Minute No. 36/15

Chief Executives Report

The Chief Executives report dated 6th February 2015 was noted by the members.

Minute No. 37/15

**Section 183 Notice – Proposed disposal of premises at No. 2
Slieve Roe, Crescent, Muirhevnamor, Dundalk**

Proposed by Cllr. K. Meenan

Seconded by Cllr. M. Butler

And resolved:-

Having considered the matter as per the notice dated 30th January 2015 to confirm the sale of No. 2 Slieve Roe Crescent, Muirhevnamor, Dundalk to Cluid Housing Association, for a consideration of €1.00

Minute No. 38/15

**Section 183 Notice – lands at Muirhevna Mór District Park,
Dundalk**

Proposed by Cllr. M. Butler

Seconded by Cllr. D. Breathnach

And resolved:-

Having considered the matter as per the notice dated 6th February 2015 to confirm the lease of 2.929 Ha (7.23 Acres) of lands at Muirhevna Mór District Park, Dundalk, to the Cuchulainn Cycling Club Ltd. for a period of 150 years at an annual rent of €1,900.00 subject to specific terms and conditions.

There followed a roll call vote on the matter:

For: Cllrs: P. Bell, D. Breathnach, M. Butler, T. Byrne, , R. Culhane, M. Dearey, M. Doyle, F. Godfrey, C. Keelan, C. Markey, J. McGahon, D. Minogue, L. Reilly, P. Savage, , P. Smith, J. Tenanty, O. Tully, M. Yore

Total: Eighteen (18)

Against: Cllrs. A. Cassidy, E. Corrigan, T. Cunningham, K. Flood, J. Green, J. Loughran, P. McGeough, I. Munster, K. Meenan, T. Sharkey.

Total: Ten (10)

Absent: Cllr. K. Callan

Total: One (1)

Minute No. 39/15

**Dundalk Joint Burial Board -
Approval of Over-expenditure for 2013**

**Proposed by Cllr. M. Dearey
Seconded by Cllr. J. Tenanty
And resolved:-**

To approve the over expenditure of €9,919.00 as set out by Mr. Patrick Guiney, Principal Auditor in correspondence dated 22nd. December 2014

Minute No. 40/15

**Dundalk Unaudited AFS 2013
- Approval of under / over expenditure**

**Proposed by: Cllr. P. Savage
Seconded by: Cllr. D. Breathnach
And resolved:**

To confirm the unaudited accounts for the former Dundalk Town Council dated 31st December 2014.

Minute No. 41/15

Votes of Sympathy

The following votes of sympathy were recorded:-

- To Paul Owens, Dundalk Town Council on the death of his Mother Mrs. May Owens, Mother-in-law to Karen Owens, Corporate Services.
- To Keith Hanratty, Water Services on the death of his Father-in-law Mr. Martin Duffy.
- To Mr. Tom Casey formally of Dundalk Town Council, on the death of his Son Kieran.

Minute No. 42/15

Housing Monthly Progress Report

The Members noted the Housing Progress Report dated 9th February 2015 and the Members queries were addressed by the Director of Services and Senior Executive Officer.

These included repairs policy, refusal rates, short term leasing, HAP's, Anti Social Behaviour, Rent arrears, Voluntary agency voids.

Minute No. 43/15

Planning & Environmental Progress Reports

The Members noted the suite of reports circulated with the agenda in respect of Environmental Compliance 5th February, Forward Planning 5th February, and Planning Enforcement 2nd. February and Planning progress report 5th February.

Minute No. 44/15

Conference and Events

Proposed by: Cllr. F. Godfrey

Seconded by: Cllr. P. Smith

And resolved:

To confirm the member's attendance at the conferences recommended by the Corporate Policy Group and recorded in the Conference & events register.

Minute No. 45/15

Suspension of Standing Orders

Proposed by Cllr. D. Breathnach

Seconded by Cllr. P. Smith

And resolved:-

That standing orders be suspended as per Standing Order number 24 to permit the business of the meeting continue until 1.45 pm.

Minute No. 46 /15

Notice of Question

From Cllr M. Yore

"How much has it cost Louth County Council in total in personal accident claims in relation to lack of footpath repairs etc in our County"?

REPLY:

IPB are the insurer used by Irish Local Authorities , including Louth County Council and formerly Dundalk Town Council and Drogheda Borough Council, to provide cover against personal accident claims and they keep detailed records of claim amounts and types. IPB's response to this question is as follows:

'The cost of personal accident claims in relation to lack of footpath repairs in Louth and nationally is negligible. Where a footpath has deteriorated in the course of normal wear and tear and has not been subject to repair, the lack of footpath repair does not give rise to a claim or right to compensation in all but a very few incidents. The number of these claims is so small that as insurers, we have not identified a requirement to flag these on our systems, and only a thorough examination of all individual files, would determine that total cost.

Response was noted by the members

Minute No. 47/15

Notice of Question

From Cllr. D. Breathnach

To ask Louth County Council the kilometres of roads in Louth Catchment area under each category of road as laid down by the Department of environment together with the kilometres of road that were completed under the old LIS scheme but not taken in charge by Louth County Council?

REPLY:

Between 2005 and 2011, 43 private lanes were surfaced under the LIS scheme. These lanes did not have a road classification or category as they are not on the Roads Schedule. The total distance of lanes involved is 17.632 km and none of the lanes were taken in charge by the County Council.

Response was noted by the members

Minute No. 48/15

Notice of Motion

**Proposed by Cllr. M. Yore
Seconded by Cllr. P. Smith**

"That Louth County Council introduce a text alert / helpline number system for public to report illegal parking in disabled bays throughout our County so that Traffic Wardens can be alerted and issue tickets and warnings to eliminate "repeat offenders"

Reply:

The practice at present is that staff in the Traffic Section respond to reports of alleged parking in a disabled bay by alerting the duty Traffic Warden to the reported incident who issue where appropriate a fixed penalty notice. Resources at present could not accommodate the introduction of a text alert scheme but the matter will be reviewed at a future date.

The Chief Executive agreed to have the matter reviewed.

Minute No. 49/15

Notice of Motion

**Proposed by Cllr. I. Munster
Seconded by Cllr. E. Corrigan**

This motion is calling on Louth County Council not to hand over the names of tenants to Irish Water without the consent of tenants and that Louth County Council do not add outstanding water charges to the rent account of tenants.

Reply:

The Housing Authority will comply with any applicable legislation

Amendment

**Proposed by Cllr. C. Markey
Seconded by Cllr. P. Savage**

That the matter be deferred for a month until further clarification is received from the Department of Environment and Local Government.

There followed a roll call vote:
on the amendment

For: Cllrs: D. Breathnach, R. Culhane, M. Doyle, C. Markey, J. McGahon, D. Minogue, L. Reilly, P. Savage, P. Smith, O. Tully, M. Yore
Total: Eleven (11)

Against: Cllrs. P. Bell, M. Butler, T. Byrne, A. Cassidy, E. Corrigan, T. Cunningham, M. Dearey, K. Flood, F. Godfrey, J. Green, C. Keelan, J. Loughran, P. McGeough, K. Meenan I. Munster, T. Sharkey, J. Tenanty
Total: Seventeen (17)

Absent: Cllr. K. Callan
Total: One (1)

on the original Motion

For: Cllrs. P. Bell, M. Butler, T. Byrne, A. Cassidy, E. Corrigan, T. Cunningham, M.

Dearey, K. Flood, F. Godfrey, J. Green, C. Keelan, J. Loughran, P. McGeough, K. Meenan I. Munster, L. Reilly, T. Sharkey, J. Tenanty

Total: Eighteen (18)

Against:

Cllrs: R. Culhane, M. Doyle, C. Markey, J. McGahon, D. Minogue, P. Savage, P. Smith, O. Tully

Total: Eight (8)

Abstain:

Cllr. D. Breathnach, Cllr. M. Yore

Total: Two (2)

Absent:

Cllr. K. Callan

Total One (1)

The motion was affirmed.

Minute No. 50/14

Notice of Motion

Proposed by Cllr. P. Bell

Seconded by Cllr. M. Butler

That this council calls for an End to Direct Provision and notes that the Government's policies are not in line with the Common European Asylum System, and in particular, that the Government has failed to implement EU Directive 2011/95/EU on qualifications for becoming a refugee or a beneficiary of subsidiary protection status, in addition to aspects of Directive 2003/9/EC, on laying down minimum standards for the reception of asylum seekers.

- That the average time spent in the asylum process, is 52 Months, the median time is 54 Months, and that 56.3% are in the system for in excess of four years
- Considers that the system of Direct Provision is an unsatisfactory manner of accommodating Asylum Seekers, which is detrimental to family life, in particular to the welfare and development of

Children, and that the extended periods of time in which residents are required to reside there, while their cases are being processed, is entirely unjustifiable.

and further Calls on the Minister of Justice to:

Review in its entirety the Direct Provision System, and to examine alternative forms of support and accommodation i.e. reception which could be adopted which are more suitable for families and particularly children for those who are newly arrived for no longer than 6 months and those currently in the system for a longer period than this should reside in the local community independently

- on foot of that review expedite the proposed Immigration, Residency and Protection Bill, and the reform of the Accommodation Policies for Asylum Seekers

- and to establish in the interim an independent complaints mechanism and independent inspections of Direct Provision centres and give consideration to these being undertaken through the Health Information and Quality Authority (HIQA) (inspections) or the Ombudsman for Children (complaints).

Reply:

This is a matter for the Members

Agreed by all on a show of hands. – (all in favour).

Minute No. 51/15

Notice of Motion

Proposed by Cllr. F. Godfrey

Seconded by Cllr. D. Breathnach

That Louth County Council set up a special policy committee to commemorate the centenary of 1916 in County Louth. I would envisage public involvement across the County with community groups and associations becoming active in this historic commemoration. How much money can we expect to be made available to support this venture?

Reply:

An initial internal steering committee has already been established and will be expanded over the coming weeks to include other stakeholders. The Chief Executive will bring a report to the March meeting of Council.

The matter to be considered for the March Agenda.

Minute No. 52/15

Notice of Motion

**Proposed by Cllr. F. Godfrey
Seconded by Cllr C. Markey**

That Louth County Council calls on the Minister for Transport, Pascal O' Donoghue TD to re-open the Dunleer Railway Station as a matter of urgency to facilitate the large number of commuters in the area, and that Louth County Council becomes proactive progressing the re-opening of the Station.

Reply:

This is a matter for the members

**Proposed by Cllr. D. Breathnach
Seconded by Cllr. D. Minogue**

That Irish Rail representatives are invited to present to the members of Council in regard to the Station in Dunleer.

Minute No. 53/15

Notice of Motion

**Proposed by Cllr. E. Corrigan
Seconded by Cllr. I. Munster**

That the local LGBT support group Dundalk Outcomers women's group be invited to make a presentation to a future meeting of Louth County Council

Reply:

This is a matter for the members

Minute No. 54/15

Notice of Motion

**Proposed by Cllr. E. Corrigan
Seconded by Cllr. J. Green**

That Louth County Council Engineering department carry out a disability accessibility audit of public footpaths, road crossings, parking facilities and public buildings.

Reply:

A disability audit was carried out in 2008 and an Action Matrix was proposed to address the issues raised. However, due to inadequate resources all of these works have not been completed. Funding is not available to carry out another audit at this time and Louth County Council still has to address some of the issues raised in the 2008 audit.

Minute No. 55/15

Chief Executives Register

The register was available for the members' inspection.

Minute No. 56/15

The time being 1.45pm the Cathaoirleach concluded the business of the meeting.

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

Date: _____

Cathaoirleach: _____

Meetings Administrator: _____