

Minutes of Ordinary meeting of Council June 2017

Minutes of Ordinary Meeting of Louth County Council held in County Hall, Dundalk on Monday 19th June 2017

In attendance:

Cathaoirleach: Cllr. C. Markey

Members: Councillors: P. Bell, M. Butler, J. Byrne, T. Byrne, K. Callan, E. Corrigan, T. Cunningham, M. Dearey, M. Doyle, K. Flood, F. Godfrey, J. Green, C. Keelan, J. McGahon, P. McGeough, K. Meenan, D. Minogue, L. Reilly, P. Savage, P. Smith, J. Tenanty, O. Tully, A. Watters, M. Yore

Officials: J. Martin, Chief Executive
P. Donnelly, Director of Services
J. McGuinness Director of Services
F. Pentony, Director of Services
B. Woods, Head of Finance
Mary T. Daly, Senior Executive Officer
A. Lawler, Senior Executive Officer
Anthony Abbott King, Senior Planner
F. Downes, Meetings Administrator

Apologies: Councillors: E. Coffey, R. Culhane, D. Saurin, T. Sharkey
E. O’Gorman, Director of Services

Minute No.105/17

Confirmation of Minutes

Proposed by: Cllr. F. Godfrey

Seconded by: Cllr. P. Savage

And resolved:

That the minutes of the Meeting held on Monday 15th May 2017 be confirmed.

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Minute No.106/17

Matters arising

Joe McGuinness, Director of Services advised that anybody can make submissions to the Homeless Fora Meetings.

Minute No.107/17

Minutes for noting

The following minutes were noted by the members.

Corporate Policy Group 5th May 2017

Borough District of Drogheda 8th May 2017 & Special Meeting 17th May 2017

Municipal District of Dundalk 2nd May 2017

Municipal District of Ardee 4th May 2017

Nth East Regional Homeless Forum 29th November 2016 & 28th February 2017

Local Community Development Committee (LCDC) 10th April 2017

Minute No.108/17

Monthly Management Report

Members considered the Management Report dated 31st May 2017.

Queries in regard to the report were addressed by the Chief Executive, Members of the Management Team, and Senior Staff.

- The Chief Executive outlined the following:
 - Peace IV Programme – the letter of offer is still at draft stage. Once finalised projects can be agreed.
 - Water Framework Directive – she will ask E. O’Gorman for more detail when she is back in the office.
 - The Fleadh Cheoil will be a huge benefit to the county – will put Drogheda and the county on the map. The financial benefits will go mainly to the hospitality sector and business sector.
 - The potential of the Port and new pier will benefit the town going forward. Congratulation to Mary T Daly and all those involved.
 - The landscaping at Lawrence’s gate hasn’t been finalised. It will be brought to the Borough District.
 - Louth’s position re arrears has improved substantially in the past

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three years. It's a balancing act as people who fail to notify council of change in circumstance suffer increased rents and arrears. Louth is fully on top of arrears across a number of income areas.

- J McGuinness confirmed that:
 - he is quite satisfied that allocations are made in accordance with the scheme. Cllrs. to make contact re any concerns they may have re same. The Chief Executive advised that the internal audit work programme has been agreed and that a lot of work has been done on policy and procedures in housing. The implementation of policy and procedures was subsequently reviewed and the internal auditors were happy with same.
 - the figure for refusal rate were pre Choice Based Letting
 - there is a very good tenant payment culture and the average weekly rent is €58.50.
 - he would bring back report outlining the percentage of rent arrears that relate to those who were wrongly assessed.
 - there has been an unanticipated number of applications for Disability Adaptation Grants. He is happy to make a submission to the Dept for additional funding but advised that Louth County Council must provide 20% match funding.
- P. Donnelly advised that
 - staff are aware of the litter hot spots but would welcome the Cllrs. to submit a list of areas of concern to the SEO in Operations. The council is open to various methods of surveillance but that the overt CCTV have been stolen in the past.
 - work is to commence on the toilets in Qyles Quay next week.
 - anti social behavior in public toilets in Carlingford has led to unexpected maintenance costs.
 - all queries must be addressed to Irish Water as the responsibility for same is no longer with the council.
- Mary T Daly advised that the cost of entrance to the Maritime Festival is low compared to other events throughout the country. The council has no power over the site and has to charge an entrance fee as the infrastructural costs are substantial. It was a huge success with no complaints re entrance fees.
- F. Pentony agreed to provide information on the National Rural Broadband Scheme.

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Minute No.109/17

Votes of Sympathy

Votes of sympathy were extended to:

- To the Family and Friends of Paddy Doyle who died in Canada.
- To the Family and Friends of Willy Duffy, chairman of Dundalk Tidy Towns Committee and long term member of Louth Tidy Towns.
- To the Family and Friends of all the victims of the recent terrorist attacks.
- To the Family and Friends of / and Victims of the fire in London. Cllr. M. Dearey proposed writing to the Mayor of London to express our sorrow and this was seconded by Cllr. M. Doyle.

Minute No.110/17

Appointment of Chair of the Planning and Environment Strategic Policy Committee in accordance with Section 48 of the Local Government Act, 2001.

Proposed by Cllr. J. McGahon

Seconded by Cllr. D. Minogue

And resolved

Cllr. M. Doyle for the position of Chair

P. Donnelly explained the voting arrangement that was agreed at meeting on 6th June 2014 – the scheme was adopted in 2014 and the grouping remains in place. The Sinn Fein members opted to be part of a grouping and the Chair designated to Cllr. I. Munster is now Cllr. J. Byrne's Chair. How chairs become vacant is not an issue

Minute No.111/17

Appointment of Chair of the Infrastructure, European and Cross Border Affairs Strategic Policy Committee in accordance with Section 48 of the Local Government Act, 2001

Proposed by Cllr. C. Keelan

Seconded by Cllr. L. Reilly

And resolved

Cllr. E. Coffey for the position of Chair

Minute No.112/17

Arts Act Grants - Round 1

Proposed by: Cllr. F. Godfrey
Seconded by: Cllr. P. Savage
And Resolved:

To approve the granting of Round 1 Arts Act Grants.

F. Pentony advised Members that the arts grants will be advertised around September / October and that Members should promote same in order to have a better distribution of grant monies across the county. Round 1 - 15 applications for Dundalk, 1 for Ardee and 4 for Drogheda.

Minute No.113/17

Presentation of Report on Draft Allocation Scheme for Housing

J McGuinness advised that the new scheme is more detailed. It deals with issues such as:

- Process for transfers – previous scheme was ‘light’.
- Reservation of dwellings – different percentages of allocations given to different categories such as elderly, homeless persons, Travellers, etc.
- How the Choice Based Letting (CBL) Scheme works.
- Successions – no two applications are the same – you must be on the housing list, lived in the house for two years and subsequently paying rent for two years.

The Members were delighted to see this scheme on the agenda. The members on the SPC were commended for their hard work and level of input into scheme.

Proposed by: Cllr. J. Byrne
Seconded by: Cllr. M. Dearey
And Resolved:

To approve the Allocation Scheme for Housing.

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Minute No. 114/17

Sector Policing Initiative – A briefing by Chief Superintendent Sean Ward, Louth Division, An Garda Siochana

Due to other commitments of Chief Superintendent Sean Ward the briefing has been cancelled and will be rescheduled at a future date.

Minute No. 115/17

Allocation of Members Community Grants

Proposed by: Cllr. M. Yore
Seconded by: Cllr. F. Godfrey
And resolved:

To approve Members Community Grant Allocations (No. 25) as listed on the report circulated with the agenda

Minute No.116/17

Conferences and Events

Proposed by: Cllr. F. Godfrey
Seconded by: Cllr. O. Tully
And resolved:

To approve members attendance of members recorded in the Conference & Events Register at such Conferences and Events listed within the agenda.

Minute No. 117/17

Notice of Motion

Proposed by: Cllr. M. Dearey
Seconded by: Cllr. M. Butler

That Louth County Council calls on the National Parks and Wildlife Service to appoint a County Ranger for Louth as a matter of urgency.

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Reply:

The members agreed to write to the National Parks and Wildlife Services to express their wish to have this appointment considered.

Minute No. 118/17

Item ID 2324 Notice of Motion submitted by E. Coffey postponed

Minute No. 119/17

Notice of Motion

Proposed by: Cllr. A. Watters

Seconded by: Cllr. J. Byrne

"In light of recent events in Palestine, where there is currently 1,500 prisoners on Hunger Strike, I call on Louth County Council to show our solidarity with them and fly the Palestine Flag at County Hall for one month".

Reply:

This is a matter for the members

Cllr. Watters happy to withdraw his notice of motion as the hunger strike has ceased.

Minute No.120/17

Item ID 2326 Notice of Motion submitted by T. Sharkey postponed

Minute No. 121/17

Notice of Motion

Proposed by: Cllr. F. Godfrey

Seconded by: Cllr. T. Byrne

That Louth County Council provides a list of the historic artifacts they have in their possession, including in the museums and galleries in Drogheda, as well as items relating to Drogheda in the Council's own strongroom. This list of artifacts should

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include objects, books, coins, documents, deeds, trophies, etc. I am calling for an Open Day where these would be put on display for the public to view at Highlanes Gallery

Reply:

The County Museum, Dundalk is the Council's sole artefact-collecting institution. Under the auspices of the National Monuments Act it is deemed as having 'Designated' status. As such the Museum is the only venue in the county which can borrow, collect, store and display items from the National Collection. As part of its service the Museum displays items from its collection via permanent and temporary exhibition. In maintaining such exhibits interpretations may be bolstered through the updating and rotating of artefacts.

Items are collected by the Museum through a variety of stakeholders (donors, lenders and vendors); these may be institutional, individual or indeed, familial. Each interaction may be bound by a variety of different agreements including privacy, time-delay for use or other conditions. It is for this reason, allied to the obvious security concerns that exist, that it is not be advisable to publish a list of items in our possession.

The Chief Executive advised that works on the upstairs in the Tholsel is on the agenda and the intention is to have a Drogheda exhibition.

She also advised that she would ask the County Archivist for a list of artifacts in the County.

Minute No. 122/17

Notice of Motion

Proposed by: Cllr. D. Minogue

Seconded by: Cllr. M. Yore

Proposal to include a variation to the Louth County Council Development plan for :-

- the inclusion of an objective to ensure that wind energy developments do not adversely impact upon the existing residential amenities of residential properties, and other centres of human habitation (centre of human habitation to include schools, hospitals, churches, residential buildings or buildings used for public assembly) and

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-the establishment of a setback distance of 10 times the tip height of proposed turbines from residential properties and other centres of human habitation.

Reply:

The situation has not changed since December 2016.

The Dept of the Environment, Community and Local Government issued a Circular Letter PL20-13 to all Planning Authorities stating that a number of policy initiatives were under review including:

- **Focused Review of the wind energy development guidelines**
- **Renewable energy export policy and development framework**

In this regard the DECLG advised that the preparation or variation of local authority development plans must take account of all relevant and up to date national policies. Local Authorities should defer amending the existing development plan policies and should operate existing policies until the completion of this review process or as otherwise advised by the DECLG.

On the proposal of the Cllr. T. Cunningham, seconded by Cllr. K. Flood, a vote was taken on whether the notice of motion should be amended as below:

'Proposal to include a variation to the Louth County Council Development plan for :-

- the inclusion of an objective to ensure that wind energy developments do not adversely impact upon the existing residential amenities of residential properties, and other centres of human habitation (centre of human habitation to include schools, hospitals, churches, residential buildings or buildings used for public assembly) and

-the establishment of a setback distance of 10 times the tip height of proposed turbines, which have a height of greater than 25 metres, from residential properties and other centres of human habitation'.

There followed a roll call vote to make the amendment, the result of which is as follows:

For:	Cllrs: T. Byrne, Corrigan, Cunningham, Flood, Green, Keelan, McGeough, Meenan, Tenanty and Watters. Total ten (10)
Against:	Cllrs: Butler, Dearey, Doyle, Godfrey, Markey, McGahon, Minogue, Reilly, Savage, Tully and Yore. Total eleven (11)

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Absent: Cllrs: Bell, J. Byrne, Callan, Coffey, Culhane, Saurin, Sharkey and Smith. **Total eight (8)**
Abstain: None **(0)**

There followed a roll call vote to retain the original notice of motion, the result of which is as follows:

For: Cllrs: J. Byrne, T. Byrne, Corrigan, Cunningham, Doyle, Flood, Godfrey, Keelan, Markey, McGahon, McGeough, Meenan, Minogue, Reilly, Savage, Tenanty Tully and Yore. **Total eighteen (18)**
Against: Cllrs: Butler and Dearey. **Total two (2)**
Absent: Cllrs: Bell, Callan, Coffey, Culhane, Green, Saurin, Sharkey, Smith and Watters. **Total nine (9)**
Abstain: None **(0)**

Outcome: The original motion stands.

The Chief Executive advised that she can't act in contravention of a Circular that is currently in place. She will bring the notice of motion to the Department for information and keep the members informed when the Departmental review is complete.

Minute No. 123/17

Item ID 2330 Notice of Motion submitted by T. Sharkey postponed

Minute No. 124/17

Notice of Motion

Proposed by: Cllr. M. Doyle
Seconded by: Cllr. J. McGahon

That Louth County Council take cognisance of the strength of feeling in Blackrock and devise an achievable plan for providing footpath infrastructure along the Rock Road and both ends of the Old Golf Links Road. I ask that this plan then be costed and the necessary funding provided for in the annual budget for 2018.

Reply:

' A scheme to upgrade the road and footpaths in this area received Part 8 Planning permission a number of years ago but the scheme has not proceeded due to funding constraints. The Council will conduct a survey to establish the feasibility of improving footpath provision here for consideration in the 2018 roadwork's programme.'

The Chief Executive advised that it will be reviewed again ahead of 2018 budget and stated that this was not a small project and would require a large amount of monies.

Minute No.125/17

Notice of Motion

Proposed by: Cllr. K. Flood

Seconded by: Cllr. J. Byrne

'Louth County Council calls on the Minister for Health, Simon Harris TD, to introduce legislation that will legalise the use of medicinal Cannabis in the treatment of patients with specified medical conditions which have failed to respond to all other previous treatments.'

Reply:

The members agreed to write to the Minister for Health in this regard.

Minute No.126/17

Notice of Motion

Proposed by: Cllr. P. Savage

Seconded by: Cllr. J. McGahon

I propose the deletion from the record of Protected Structures – The dilapidated detached two-bay single –storey former gate lodge built c 1850 and now in private ownership. The owner who is well versed in architectural restoration, recognizes the age etc of this building but cannot afford to carry out repairs demanded by 'listed building status' and the financial assistance available even if one was to be successful in an application is minimal and does not at all reflect even ten per cent of restoration costs.

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The building is referenced in the Development Plan as Lhs004-006D- Anaverna Gate Lodge.

Reply:

The procedure that allows the Planning Authority to propose a deletion from its Record of Protected Structures at a time other than in the course of making the development plan is done through Section 55 (Planning and Development Act 2000 (as amended)).

Simply, the steps involved are as follows:

- **Serve notice on owner & occupier notice of deletion including particulars**
- **Send particulars to Minister & others**
- **Publish notice in paper circulating in functional area**

The notice states:

- **Particulars of deletion can be inspected at specified place, for not less than 6 weeks**
- **Any person can make written submission which will be taken into consideration**
- **Whether the deletion was recommended by Minister**
- **If recommended by Minister, submissions will be forwarded to same for observation**

Before making deletion the PA shall:

- **Consider submissions received**
- **Have regard to observation by Minister concerning submissions received**
- **Within 12 weeks after end of 6 week inspection period PA decide if deletion should be made**
- **Within 2 weeks after making deletion the PA serve on the owner & occupier notice of deletion including particulars.**

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With reference to 'Architectural Heritage Protection: Guidelines for Planning Authorities', the following is noted:

- Deletions take place where the PA considers the protection is no longer warranted.
- Generally this only takes place when it has lost its special interest value through major accident or where new information has come to light proving that its protection is not warranted
- Or where it is considered that it would be better protected through inclusion in ACA (but only where interior is not of special interest)

The Chief Executive advised that the protected structures list was approved by the members. If the members wished the process could be commenced or wait until 2020, the next Development Plan.

The members agreed to commence the process by way of a show of hands - all in favour with the exception of Cllr. Markey.

Minute No. 127/17

Notice of Motion

Proposed by: Cllr. K. Flood
Seconded by: Cllr. E. Corrigan

In the interest of transparency and following best practice set other councils in the state, Louth County Council will allow the broadcast of public council meetings live on the internet.

Reply:

In the interest of transparency and following best practice set by other councils in the state, Louth County Council will allow the broadcast of public council meetings live on the internet

The Council does not have a budgetary provision in place this year for the implementation of such a proposal. Research can be carried out into the likely cost and consideration given to providing the necessary funding for 2018.

The Chief Executive advised that this would be referred to the CPG.

Minute No.128/17

Notice of Motion

Proposed by: Cllr. O. Tully
Seconded by: Cllr. J. McGahon

That Louth County Council follow up with litter fines on the owners of shopping trolleys abandoned on streets, in watercourses / rivers or elsewhere in the county.

Reply:

Louth County Council actively pursues the owners of abandoned shopping trolleys. The proprietors of supermarkets are liable for these items. Since the 1st April 2016 Louth County Council has issued 32 fixed penalty notices in respect of abandoned shopping trolleys.

Cllr. Flood asked that the Litter Wardens liaise with Boyne River Rescue so that the relevant supermarkets can be fined for the dumping of their trolleys.

Minute No. 129/17

Notice of Motion

Proposed by: Cllr. F. Godfrey
Seconded by: Cllr. M. Yore

That Louth County Council implements a scheme of bungalows/smaller dwellings throughout the county for older people who wish to downsize their property. With an aging population and a variety of needs, a scheme like this could contribute positively to care of the elderly as Louth is a designated Age Friendly County.

This could include those eligible for social housing, and also those who would sell their private home to the council in return for being accommodated in a council bungalow which could better suit their needs, and make more efficient use of the existing housing stock.

Reply:

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"Louth County Council do not operate a downsizing programme for private property owners"

Minute No.130/17

Item ID 2343 Notice of Motion submitted by P. Smith postponed

Minute No. 131/17

Notice of Question

Proposed by: Cllr. M. Dearey

Could the Chief Executive provide an update to Council on progress to populate the Register of Vacant Sites in County Louth?

REPLY:

On 21st December 2016, we provided information on our website about the register and published a 'register' which has to be populated. A housing need has been established in our Settlements having regard to the Housing Strategy, Core Strategy, house prices and rentals in the Area, no. of households on social housing list and the no. of habitable houses for sale/rent (<5% of total stock). The next stage is to compile a preliminary list and map potential sites. It is proposed to focus on Dundalk, Drogheda, Dunleer and Ardee initially.

Minute No. 132/17

Correspondence

Correspondence as circulated with the Agenda was noted by the members.

Any other Business

The members were advised that the Valuation Office will make a presentation on the revaluation process after the July meeting.

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That concluded the business of the meeting.

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

Date: _____

Cathaoirleach: _____

Meetings Administrator: _____