

Minutes of Council Meeting September 2018

Minutes of Ordinary Meeting of Louth County Council held in County Hall, Dundalk on Monday 17th September 2018

In attendance:

Cathaoirleach: Cllr. L. Reilly

Members: Councillors: P. Bell, M. Butler, T. Byrne, K. Callan, A. Campbell, E. Coffey, E. Corrigan, R. Culhane T. Cunningham, M. Dearey, M. Doyle, K. Flood, F. Godfrey, C. Keelan, C. Markey J. McGahon, P. McGeough, D. Minogue, R. O'Murchu, , D. Saurin, P. Savage, T. Sharkey, P. Smith, J. Tenanty O. Tully, A. Watters, M. Yore.

Officials: J. Martin, Chief Executive
F. Pentony, Director of Services
J. McGuinness, Director of Services
E. O'Gorman, Director of Services
P. Donnelly, Director of Services
B. Woods, Head of Finance
W. Walsh, A/Director of Services
T. McEvoy, Head of LEO
M. Johnston, Senior Engineer
C. Duff, Senior Engineer
John O'Hagan, Senior Engineer
C. Moss, Senior Executive Officer
J. Lawrence, Senior Executive Officer
A. Lawler, Senior Executive Officer
B. Lynch, Financial Accountant
A. Sherry, Meetings Administrator
C. Mullen, Administrative Officer

Apologies Cllrs. J. Byrne

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Minute No. 137/18

Confirmation of Minutes

Proposed by: Cllr. P. Bell
Seconded by: Cllr. M. Yore
And resolved:

That the minutes of the Monthly Meeting held on 16th July 2018 be confirmed

Minute No. 138/18

Confirmation of Minutes

Proposed by: Cllr. M. Yore
Seconded by: Cllr. M. Doyle
And resolved:

That the minutes of the Special Meeting held on 5th September 2018 be confirmed

Minute No. 139/18

Matters Arising

Costings were requested in relation to the Buttergate update circulated to the members. Updates were requested in relation to the Bellurgan embankment, the speed bye-laws and actions taken under planning legislation in relation to residential properties being let as holiday homes.

Minute No. 140/18

Minutes for noting

Corporate Policy Group 5th July 2018

Borough District of Drogheda 2nd July 2018

Municipal District of Dundalk 3rd July 2018

Municipal District of Ardee 5th July 2018

Housing, Community Planning & Emergency Services SPC 23rd April 2018

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Joint Policing Steering Group 17th January 2018

Joint Meeting of Dundalk / Drogheda / Ardee Local Policing Forums 30th April 2018

Joint Committee Newry, Mourne & Down & Louth County Council 18th April 2018

Minute No. 141/18

Report on CPG Meeting

The Cathaoirleach reported that the members reviewed and considered the draft agenda for the September monthly meeting. The CE outlined the financial position of the Council in advance of the discussion of the local property tax for 2019. In considering the agenda, the members noted the members' allocations of which there were 28. The members of CPG also considered and agreed to recommend the conferences listed with the agenda. The Mayor of Drogheda has received an invitation to visit to Turkey. It was agreed that one member of staff should accompany him.

Minute No. 142/18

Monthly Management Report

Members were informed that the management team was looking at a means of providing funding for emergency maintenance works to Council houses in light of the maintenance budget for 2018 being fully spent.

It was agreed to raise the issue of the erection of a gate to prevent dumping at Carrickarnon with the Customs officials at the next meeting with them.

The annual cost of dealing with illegal dumping was requested.

It was suggested that a stakeholders forum be established to encourage more cycling in the county.

The need for a tyre disposal amnesty was raised.

A report on river pollution and odours from treatment plants was sought.

Data in relation to the uptake of choice based letting, such as demographic data, was requested and it was suggested that it might be something for the Housing SPC to investigate.

Minute No. 143/18

Audit Committee Report 2017

The Audit Committee Report as circulated with the Agenda was noted by the members

Minute No. 144/18

Section 183 Notice – Disposal of plot of ground at rear of 31 O’Hanlon Park

Proposed by: Cllr. M. Yore
Seconded by: Cllr. C. Keelan
And resolved:

That having considered the notice on the matter dated 22nd August to confirm the Disposal of Land 79.9 sq.m. at rear of 31 O’Hanlon Park to Mark McCann for a consideration €2,000 (two thousand euro) plus legal costs and expenses.

Minute No. 145/18

Section 183 Notice – Disposal of land at Bishops Court, Dundalk

Proposed by: Cllr. M. Doyle
Seconded by: Cllr. M. Yore
And resolved:

That having considered the notice on the matter dated 30th August to confirm the Disposal of Land 0.042 hectares at Bishops Court to Tuath Housing Association for a consideration €127 x 2 Units (two hundred and fifty-four euro). Development must commence within 12 months of the disposal of the land.

Minute No. 146/18

Allocation of Community Grants

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

To approve Members Community Grant Allocations (No. 28) as listed on the report circulated with the agenda

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Minute No. 147/18

Conferences and Events

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

To approve attendance of members recorded in the Conference & Events Register at such Conferences and Events listed within the agenda & endorsed by the Corporate Policy Group on 5th September 2018

Minute No. 148/18

Votes of Congratulations

Congratulations were extended to:

Gavin Duffy on securing the necessary local authority nominations to contest the presidential election
All pride of place winners
All involved in Fleadh Cheoil na hEireann
The LEO for organising the Brexit Breakfast meeting
Louth Ladies Gaelic football team on reaching the All-Ireland final
Newtown Blues GAA Club

Minute No. 149/18

Votes of Sympathy

Votes of sympathy were extended to the families of the following:-

Seamus McParland
Marie Keelan, mother of Cllr. Conor Keelan who acknowledged the support shown to him and his family
Ger De Loughrey
May Flanagan
All people recently bereaved in the county

Minute No. 150/18

Nomination of Presidential Candidate

The proposal to nominate Gavin Duffy was withdrawn as he already had enough local authority nominations to contest the presidential election. Members were informed that any proposal to nominate another candidate would have to be circulated to the members in writing at least 3 days before a meeting.

It was proposed by Cllr. J McGahon and seconded by Cllr. K. Callan that the Council would not nominate a candidate to contest the 2018 presidential election.

A roll call vote followed

For: Cllrs. P. Bell, M. Butler, K. Callan, E. Coffey, R. Culhane, M. Dearey, M. Doyle, C. Keelan, C. Markey, J. McGahon, L. Reilly, P. Savage, P. Smith, J. Tenanty, O. Tully, M. Yore
Total: **Sixteen (16)**

Against: Cllrs. T. Byrne, F. Godfrey, D. Minogue,
Total: **Three (3)**

Abstain: Cllrs. A. Campbell, E. Corrigan, T. Cunningham, K. Flood, P. McGeough, R. O'Murchu, D. Saurin, T. Sharkey, A. Watters
Total: **Nine (9)**

Absent: Cllr. J. Byrne
Total: **One (1)**

Minute No. 151/18

Local Property Tax for 2019 – Consideration of the rate

The Chief Executive outlined the Council's financial position and asked for a 15% increase in the LPT rate in order to maintain current service levels. In the course of the discussion several members expressed their dissatisfaction with the level of funding for local government from central government.

It was proposed by Cllr. R. O Murchu and seconded by Cllr. A. Campbell to reduce the LPT rate by 15%

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A roll call vote followed

For: Cllrs. A. Campbell, E. Corrigan, T. Cunningham, K. Flood, P. McGeough, R. O'Murchu, D. Saurin, T. Sharkey, A. Watters

Total: **Nine (9)**

Against: Cllrs. P. Bell, M. Butler, T. Byrne, E. Coffey, 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)**

Absent: Cllrs. J. Byrne, & Cllr. K. Callan

Total: **Two (2)**

It was proposed by Cllr. F. Godfrey and seconded by Cllr. T. Byrne not to increase the LPT rate and to maintain it at the current rate

For: Cllrs. P. Bell, M. Butler, T. Byrne, A. Campbell, E. Coffey, E. Corrigan, T. Cunningham, M. Dearey, M. Doyle, K. Flood, F. Godfrey, C. Keelan, P. McGeough, D. Minogue, R. O'Murchu, D. Saurin, T. Sharkey, P. Smith, J. Tenanty, A. Watters

Total: **Twenty (20)**

Against: Cllrs. R. Culhane, C. Markey, J. McGahon, L. Reilly, P. Savage, O. Tully M. Yore

Total: **Seven (7)**

Absent: Cllrs. J. Byrne, & Cllr. K. Callan

Total: **Two (2)**

The motion was carried that having considered the Chief Executive's Report that the Local Property Tax be maintained at the current rate

It was proposed by Cllr. R. Culhane and seconded by Cllr. J. McGahon to increase the LPT rate by 5%. **This proposal was subsequently withdrawn.**

It was proposed by Cllr. P. Savage and seconded by Cllr. M. Yore to increase the LPT rate by 15%. – **No vote taken on this proposal as the proposal to maintain the LPT at the current rate had been approved.**

It was proposed by Cllr. C. Markey and seconded by Cllr. O. Tully to increase the LPT rate by 5% and ring fence the increase for housing and roads maintenance.

No vote taken on this proposal as the proposal to maintain the LPT at the current rate had been approved.

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Minute No. 152/18

Suspension of Standing Orders

It was proposed by Cllr. P. Bell, seconded by O. Tully and agreed by the members to suspend standing orders in order to allow the meeting to continue until 2.00 pm.

Minute No. 153/18

To set a date for the Statutory Budget Meeting

Proposed by: Cllr. M. Butler
Seconded by: Cllr. E. Corrigan
And resolved:

It was agreed that the statutory budget meeting would take place on Monday, 19th November 2018 directly after the monthly Council meeting.

Minute No. 154/18

Update on Urban & Rural Development Fund Applications

The presentation on Urban & Rural Development Fund Applications was noted by the members

Minute No. 155/18

Business Improvement District Scheme (BIDS)

Proposed by: Cllr. M. Butler
Seconded by: Cllr. A. Campbell
And resolved:

To approve the scheme as presented to the members

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Minute No. 156/18

Suspension of Standing Orders

It was proposed by Cllr. M. Yore and seconded by L. Reilly to suspend standing orders to allow the meeting to continue until 2.20 pm.

A roll call vote followed

For: Cllrs. T. Byrne, A. Campbell, E. Coffey, M. Dearey,, F. Godfrey, C. Keelan, P. McGeough, R. O'Murchu, L. Reilly, D. Saurin , J. Tenanty, A. Watters, M. Yore
Total: **Thirteen (13)**

Against: Cllrs. E. Corrigan, R. Culhane, T. Cunningham, M. Doyle, C. Markey, D. Minogue, P. Savage, T. Sharkey, O. Tully
Total: **Nine (9)**

Absent: Cllrs. P. Bell, M. Butler, J. Byrne, K. Callan, K. Flood, J. McGahon, P. Smith
Total: **Seven (7)**

Minute No. 157/18

It was proposed by Cllr. P. McGeough and seconded by Cllr. R. O Murchu to allow the following emergency motion to be debated:

“Following last November’s Budget, all Councillors engaged in a 6 week process with facilitator Ms. Anne O’ Keeffe which commenced in January 2018. This Council notes that the findings of this process has been neither published nor furnished to the members.

We are calling for this report to be published immediately”

For: Cllrs. A. Campbell, E. Corrigan, T. Cunningham, P. McGeough, R. O'Murchu, D. Saurin, T. Sharkey, J. Tenanty, A. Watters
Total: **Nine (9)**

Against: Cllrs. T. Byrne, E. Coffey, R. Culhane, M. Dearey, F. Godfrey, C. Keelan, C. Markey, D. Minogue, L. Reilly, P. Savage, O. Tully, M. Yore
Total: **Twelve (12)**

Absent: Cllrs. P. Bell, M. Butler, J. Byrne, K. Callan, M. Doyle, K. Flood, J. McGahon, P. Smith
Total: **Eight (8)**

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Minute No. 158/18

Notice of Motion

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

"That LCC write to Dept Housing Planning & Local Government and Dept of Justice asking that a Planning Court be set up to deal with judicial reviews in a more expedient manner to avoid delays in completing projects "

The motion was agreed by the members

Minute No. 159/18

Notice of Motion

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

"That LCC request the Dept of Housing Planning & Local Government to change Planning Legislation to include specific time frame for developers to get estate/development taken over and to reject planning permissions on new developments if previous developments are not completed to standard"

The motion was agreed by the members

Minute No. 160/18

Notice of Motion

Proposed by: Cllr. A. Watters
Seconded by: Cllr. D. Saurin
And resolved:

"Sinn Féin as an All Ireland Party have observed the increased and relentless fly tipping in the Louth County Council and Newry Mourne and Down District Council Areas. We call on Louth County Council to increase co-operation between both Councils to tackle this scourge. Firmer action needs to be taken on Enforcement of

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Illegal Dumping. Fines and penalties must reflect the crippling costs to Council and Government. A full and comprehensive review needs to be carried and we must spread a message of zero tolerance. We request that Louth County Council write to Minister Naughten to raise our concerns and request prompt action".

Reply

This matter will be raised firstly at the next Joint Management Team Meeting of Louth County Council and Newry, Mourne & Down District Council for discussion

It was agreed to write to the Minister in relation to the motion. The reply was noted by the members

Minute No. 161/18

Notice of Motion

Proposed by: Cllr. T. Byrne
Seconded by: Cllr. C. Keelan
And resolved:

"That Louth County Council calls on the government to freeze existing Property Valuation Bands to avoid a "bombshell" increase of up to 250% in the property tax for 2019, until a more equitable system is introduced".

The reply was noted by the members

Cllr. M. Dearey requested that his opposition to the motion be noted

Minute No. 162/18

Notice of Motion

Proposed by: Cllr. R. Culhane
Seconded by: Cllr. C. Markey
And resolved:

"Calling on Louth County Council to consider drafting bye laws that would require householders to produce written proof of using an authorised waste disposal service provider, with appropriate fines attached for non compliance. This initiative is imperative in the interest of good waste management and would act as a

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deterrent to a minority of householders disposing of waste material by illegal means".

Reply:

Both at a national and at a regional level it was recognized that Draft Bye-laws on waste presentation would be beneficial to our enforcement activities. The three regional waste authorities have drafted template draft Bye-laws which have been circulated to each LA to progress.

The reply was noted by the members

Minute No. 163/18

Notice of Motion

**Proposed by: Cllr. A. Watters
Seconded by: Cllr. T. Cunningham
And resolved:**

'Calling on Louth County Council to use billboards to advertise / highlight the problem of illegal dumping and the danger to the public of using unlicensed waste collectors, similar to the scheme that was implemented by Meath County Council.

Waste Collectors must have the appropriate permits to operate. The public need to be ensure their rubbish goes to a regulated waste collector. "Remember, your rubbish your responsibility.'

Reply:

The Council's Environmental Awareness section will liaise with colleagues in Meath County Council to ascertain the effectiveness of their billboard campaign and seek to replicate same if this has proven to have been a successful initiative.

The reply was noted by the members

Minute No. 164/18

Notice of Motion

**Proposed by: Cllr. F. Godfrey
Seconded by: Cllr. E. Coffey
And resolved:**

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"That Louth County Council appoints a Director of Services with unique responsibility for administering Drogheda and South Louth and to be located in the Drogheda offices".

Reply:

The appointment and assignment of staff is an executive function

The reply was noted by the members

Minute No. 165/18

Notice of Motion

Proposed by: Cllr. A. Campbell

Seconded by: Cllr. D. Saurin

And resolved:

"This Council calls on the BAI to extend the broadcast watershed from 6pm to 9pm for HFSS food and drink advertisements on television and radio to protect children from exposure to junk food marketing"

The motion was agreed by the members

Minute No. 166/18

Notice of Motion

Proposed by: Cllr. C. Keelan

Seconded by: Cllr. E. Coffey

And resolved:

Regarding the reply given to my recent notice of question ((ID:3032 (7/2018)) on the housing needs assessment I propose the following:

If an individual is removed from the list without returning a form to LCC but then subsequently re-appears on the list later that year or next demonstrating an obvious housing need that their previous years built up should not be lost and that they can retain their previous position on the list and their years credited.

Reply:

The Scheme of Allocations which was adopted by the Council and became effective from 3rd July, 2017 states that where, after making an application for social housing support, the circumstances of the applicant changes (e.g. change of address, birth of a child, change in medical circumstances,

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changes in the number of persons residing or to reside with the applicant), it is the household's responsibility to inform the Council of any such change.

In the event an applicant household fails to complete and return a Change of Details Form or a Housing Need Assessment Form within a period of 3 months, the Council will close the application for social housing support of that household and remove the household from the register of qualified households.

Any applicant household notified of a decision to close an application for social housing support may request the Council to review that decision.

The reply was noted by the members

Minute No. 167/18

Notices of Motion from other councils

Notices of Motion from other councils as listed with the Agenda were noted by the members

Minute No.168/18

Notice of Question

Submitted by: Cllr. M. Dearey

To ask the Chief Executive how many planning permissions for housing were extended for five years on the basis for S.42A(1)(ii) of the Planning & Development Act (considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against the commencement of development) in each of 2016, 2017 and 2018 and how many housing units were impacted and could this information be provided in tabular form broken down across each local area

Reply:

Electoral Area	2016		2017		2018	
	Applics.	Units	Applics.	Units	Applics.	Units
Ardee	5	5	3	5	1	1
Drogheda	3	14	0	0	1	1
Dundalk/Carlingford	3	8	8	8	1	1
Dundalk South	4	5	4	4	3	4
Total	15	32	15	17	6	7

Minute No. 169/18

Notice of Question

Submitted by: Cllr. C. Keelan

'Can the members be informed in each of the last 5 years how many individuals have faced the ultimate sanction of eviction under the Council's Anti-Social behaviour policy and how many exclusion orders and tenancy warnings have also been issued?'

REPLY:

In the last 5 years Seventeen tenants were put on a final warning, one went on to subsequently lose their tenancy. 6 exclusion orders were also secured in the same time period

One order for repossession was also recently confirmed in the Circuit Court in relation to an application made, based on a conviction of supply of drugs from our property, which is contrary to the provisions of our Strategy

Minute No. 170/18

Notice of Question

Submitted by: Cllr. A. Campbell

Who are the contractors appointed for the Halliday's Mill project in Dundalk, and what is the estimated start date for construction and the planned finishing date?'

REPLY:

The refurbishment of the now known "Halliday's Mill" is a CALF funded projected promoted and managed by TUATH AHB. The units are funded on their delivery and the project and contract management of the works is a matter for TUATH"

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Minute No. 171/18

Correspondence

Correspondence as listed with the Agenda was noted by the members

That concluded the business of the meeting

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

Date: _____

Cathaoirleach: _____

Meetings Administrator: _____