

CARLOW COUNTY COUNCIL

**Minutes of the March Meeting of Carlow County Council, held in
The Council Chamber, County Offices, Athy Road, Carlow, on
Monday 11th March 2019 at 2.00 p.m.**

Present: Councillor B. O'Donoghue (Cathaoirleach)
Councillor F. Browne
Councillor J. Cassin
Councillor A. Dalton
Councillor J. Deane
Councillor M. Doran
Councillor D. Foley
Councillor A. Gladney
Councillor T. Kinsella
Councillor W. Lacey
Councillor A. McDonald
Councillor K. Murnane
Councillor C. Murphy
Councillor J. Murphy
Councillor W. Paton
Councillor J. Pender
Councillor F. Phelan
Councillor W. Quinn

In attendance: Ms. K. Holohan, Chief Executive
Ms. B. O'Brien, Director of Service – Corporate, Planning,
Economic Development, Health and Safety,
Mr D. McInerney, Director of Services, Transportation,
Environment & Water Services
Mr. P. Delaney, Head of Finance
Mr. M. Brennan, Acting Director of Services, Housing,
Ms J. Kavanagh, Senior Executive Officer, Housing
Ms M. Moore, Acting Senior Executive Officer, Community
Mr. F. O'Neill, Senior Executive Officer, Planning
Ms. S. Dowling, Arts Officer
Mr. R. Wickham, Acting Senior Engineer, Transportation
Mr. K. Comerford, Head of LEO
Mr. P.J. Leonard, Financial Accountant
Ms. K. Farrell, Internal Auditor
Mr. B. O'Donovan, Acting Senior Engineer, Environment
Mr. E. Brophy, Senior Executive Officer, Corporate
Services

Ms. B. Whelan, Assistant Staff Officer, Corporate Services.

OPENING PRAYER

The opening prayer was recited in Irish by the Members.

VOTES OF SYMPATHY

- Councillor Walter Lacey and staff members Margaret Quinlan, Brenda Lacey, Julie Brophy and the Lacey Family on the death of their mother Mary Lacey, Graiguecullen, Carlow.
- Teresa Hunt & Family, 22 Springfield Drive, Rathnaphish, Carlow on the death of her husband Dominic.
- The Brennan Family, 61, Highfield, Dublin Road, Carlow on the death of their father Eddie Brennan.
- Jim and Jenny Kavanagh, Raheenleigh, Myshall, Co. Carlow on the death of their son Eamonn.
- Anne Whitney & Family, 'Cluainín' Killeshin Road, Carlow on the death of her husband Tom.
- Pauline Keane, 'Aisling', Tullow Road, Carlow on the death of her aunt Kate Turner, formerly of The Elms, Athy Road, Carlow.
- Elizabeth Edwards & Family, Castlemore Haven, Tullow, Co. Carlow on the death of her husband Pat.

VOTES OF CONGRATULATIONS

- Carlow Hurling Team on retaining their division 1 status for 2020 following their defeat of Offaly in the National Hurling League playoff.
- Gaelcholáiste Cheatharlach on the success of their recent fundraiser 'The Chase'.
- Pádraig Amond, soccer player on being called into the Republic of Ireland squad for the Euro 2020 qualifiers.
- St Laurence O'Toole on their Annual Fit4Life run raising much needed funds for Éist Cancer Support Centre, Carlow.
- Marcus Lawler and Molly Scott of St. Laurence O'Toole Athletic Club on their success.

1(a) CONFIRMATION OF MINUTES

Proposed by Councillor D. Foley

Seconded by Councillor W. Quinn

Following a show of hands it was unanimously resolved:-

‘That the Minutes of the February Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 11th February 2019 at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.

2. BUSINESS PRESCRIBED BY STATUE, STANDING ORDERS OR RESOLUTIONS OF THE COUNCIL.

(a) Audit Committee Charter 2019

P. Delaney, Head of Finance welcomed Mr. Peter Scully, Audit Committee Chairperson to the meeting.

P. Delaney updated the Members in relation to Audit Committee Charter as prescribed by section 59 of the Local Government Reform Act 2014.

Proposed by Councillor M. Doran

Seconded by Councillor F. Browne

Following a show of hands it was unanimously resolved:-

‘That we, the Members of Carlow County Council approve the Audit Committee Charter as prescribed by section 59 of the Local Government Reform Act 2014.

(b) Audit Committee Work Programme 2019

P. Delaney briefed Members on the Audit Committee Draft Work Programme 2019.

Proposed by Councillor W. Lacey

Seconded by Councillor K. Murnane

Following a show of hands it was unanimously resolved:-

‘that we, the Members of Carlow County Council approve the Audit Committee Work Programme 2019 in accordance with Section 59 of the Local Government Act Reform Act 2014 and Local Government (Audit Committee) Regulations 2014.’

(c) Audit Committee Annual Report 2018

Mr. P. Scully presented the Audit Committee Annual Report 2018 to the Members. The report set out the number of meetings held during 2018 and the items considered.

Queries raised by the Members were answered by P. Delaney and P. Scully.

Councillor Cassin requested that the Audit Committee review the redemption of the €8m loan associated with the Carlow Eastern Relief Road.

It was

Proposed by Councillor W. Quinn

Seconded by Councillor A. Dalton

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the Audit Committee Annual Report 2018.

(d) Approval of Arts Acts Grants

Members approval was sought to the Arts Act Grants – Individual Artists Scheme 2019. A total of 15 Artists with total funding of €14,500 was recommended for approval.

Members approval was sought to the Arts Act Grants – Group/Community Scheme 2019. A total of 18 Group/Community Artists with total funding of €24,700 was recommended for approval.

Proposed by Councillor D. Foley

Seconded by Councillor M. Doran

AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council, approve the Arts Act Grant – Individual Artists Scheme 2019 and Arts Act Grants Group/Community Scheme 2019 as set out in reports dated 4th March 2019.

(e) (i) Take in Charge Presentation Place, Barrett Street, Muinebheag, Co. Carlow.

D. McInerney advised in his report to Council, dated 4th March, that following the public consultation period no submissions were received in response to the public notice.

Members' approval was sought to the taking in charge of Presentation Place Housing Development, Barrett Street, Bagenalstown, Co. Carlow.

Proposed by Councillor W. Paton

Seconded by Councillor D. Foley

Following a show of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council, hereby approve the taking in charge of Presentation Place Housing Development, Barrett Street, Bagenalstown, Co. Carlow in accordance with Roads Act 1993 & Planning & Development Act 2000-2010.

(ii) Take in Charge Browneshill Crescent, Chapelstown, Co. Carlow

D. McInerney advised in his report to Council, dated 4th March, that following the public consultation period no submissions were received in response to the public notice.

Members’ approval was sought to the taking in charge of Browneshill Crescent Housing Development, Chapelstown, Co. Carlow.

Proposed by Councillor F. Browne

Seconded by Councillor A. Dalton

Following a show of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council, hereby approve the taking in charge of Browneshill Crescent Housing Development, Chapelstown, Co. Carlow in accordance with Section 11 of the Roads Act 1993, Section 180 of the Planning and Development Act 2000 as amended and Section 59 of the Planning and Development Act 2010’.

(f) To commence Taking in Charge Process

(i) Pottersway, Carrigduff, Co. Carlow

D. McInerney advised, in his report dated 4th March, that Pottersway Housing Development has been surveyed for defects and that the estate is deemed to be in a condition suitable for taking in charge.

Members’ approval was sought to advertise the Council’s intentions to take the estate in charge.

Proposed by Councillor C. Murphy

Seconded by Councillor J. Murphy

Following a show of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council, hereby approve the advertising of the Council’s intentions to take in charge Pottersway Housing Development, Carrigduff, Co. Carlow in accordance with Section 11 of the

Roads Act 1993, Section 180 of the Planning and Development Act 2000 as amended and Section 59 of the Planning and Development Act 2010'.

(ii) Dun na Ri, Carrigduff, Co. Carlow

D. McInerney advised, in his report dated 4th March, that Dun Na Rí Housing Development, Carrigduff, Co. Carlow has been surveyed for defects and that the estate is deemed to be in a condition suitable for taking in charge.

Members' approval was sought to advertise the Council's intentions to take the estate in charge.

Proposed by Councillor J. Murphy
Seconded by Councillor C. Murphy

Following a show of hands it was unanimously resolved:-

"That we, the Members of Carlow County Council, hereby approve the advertising of the Council's intentions to take in charge Dun Na Rí Housing Development, Carrigduff, Co. Carlow in accordance with Section 11 of the Roads Act 1993, Section 180 of the Planning and Development Act 2000 as amended and Section 59 of the Planning and Development Act 2010'.

(iii) Inis Gardens, Leighlinbridge, Co. Carlow

D. McInerney advised, in his report dated 4th March, that Inis Gardens Housing Development, Leighlinbridge, Co. Carlow has been surveyed for defects and that the estate is deemed to be in a condition suitable for taking in charge.

Members' approval was sought to advertise the Council's intentions to take the estate in charge.

Proposed by Councillor M. Doran
Seconded by Councillor D. Foley

Following a show of hands it was unanimously resolved:-

"That we, the Members of Carlow County Council, hereby approve the advertising of the Council's intentions to take in charge Inis Gardens Housing Development, Leighlinbridge, Co. Carlow in accordance with Section 11 of the Roads Act 1993, Section 180 of the Planning and Development Act 2000 as amended and Section 59 of the Planning and Development Act 2010'.

**(g) Proposed Development housing units at Pound Lane, Borris,
Co. Carlow – Part 8**

M. Brennan, Acting Director of Services, Housing advised in his report dated 6th March 2019 of Carlow County Council's proposals to carry out Housing Developments at Pound Lane, Borris, Co. Carlow

- 4 No. 3 bed bungalows
- 4 No. 2 bed bungalows
- 1 No. 5 bed bungalow

The proposed development has been discussed and considered by the members of Muinebheag Municipal District.

Members' approval was sought to commence the Part 8 process in respect of this development subject to receipt of Appropriate Screening Report and Landscaping plan.

Proposed by Councillor W. Quinn
Seconded by Councillor D. Foley

Following a show of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council, hereby approve the commencement of the Part 8 process for proposed housing development at Pound Lane, Borris, Co. Carlow comprising of the following:-

- *4 No. 3 bed bungalows*
- *4 No. 2 bed bungalows*
- *1 No. 5 bed bungalow*

subject to receipt of Appropriate Assessment Screening Report and Landscaping plan and in accordance with Planning and Development Act 2000-2018 and Planning and Development Regulations 2001-2018

3. DEPARTMENTAL PROGRESS REPORTS

(a) Housing Progress Report

Members welcomed Housing Progress Report to 28th February, 2018. The following issues were raised by the Members:-

- Rebuilding Ireland Home Loans and if Carlow County continues to accept applications under the Scheme.
- Social welfare recipients and persons who have received lump sum payments e.g redundancy payments or insurance claims not being eligible to apply for mortgages.
- People with occupancy clause in a house they no longer live in, due to circumstances, not eligible to apply to go on housing list.

- Housing repairs – copy of eligible/ineligible repair list would be helpful for tenants. M. Brennan advised of Tenant Handbook.
- Action needed in relation to CPO of vacant properties.
- 4 houses Limegrove. M. Brennan advised that negotiations have commenced with the receiver's representatives.
- Carlow Traveller Accommodation Programme – provision of community stables. M. Brennan advised of submissions received in relation to Control of Horses draft bye laws which will be considered. The draft bye laws will be presented to the Strategic Policy Committee prior to consideration by Council. M. Brennan further advised that contrary to media reports €826,000 funding was drawn down last year for Traveller Accommodation.
- Proposals for land in Tinryland village. M. Brennan advised that 1.81 acres of land in Tinryland Village is under the Housing Agency Land Aggregation Scheme and any proposals for the site will be subject to proper planning and sustainable development of the area.
- Proposed 57 Housing Scheme Ballickmoyler Road, Graiguecullen. M. Brennan advised that the proposed scheme is for 77 houses with 57 Carlow and 20 Laois.

The following notice of motion Standing in the name of Councillor W. Quinn was brought forward.

Proposed by Councillor W. Quinn
Seconded by Councillor W. Paton

Following a show of hands it was unanimously resolved:-

'I am calling on Carlow County Council that they would make contact with all other Local authorities that are in band 3 appendix 2 for assessing eligibility based on income for social housing, and request their support in removing band 3 completely from the housing regulations which was brought in by former Minister Michael Finneran in 2010, this would leave just 2 bands it would be a much fairer system and give young couples just outside of the social housing income limits in band 3 a chance to get on the housing list.'

All queries raised by the Members were addressed by M. Brennan and J. Kavanagh.

(b) Community/Recreation & Amenity/Sports Partnership Progress Report

Members had for consideration Community, Recreation/Amenity and Local Sports Partnership Progress Report to February, 2019.

Members noted funding allocations under the Community Enhancement Programme 2018 with 24 grants allocated in the Carlow Municipal District and 32 grants in the Muinebheag Municipal District.

Members called for grace period with no parking charges in the Town Hall car park for the duration of the Town ParkRun.

D. McInerney advised of previous initiatives brought in for park runs with alternate parking arrangements that were not availed of. He said, while he accepted the Members' sentiments, he did not wish to set a precedent in relation to parking charges in public car parks.

Members complimented Colin Jones, gardener at Ducketts Grove on his work and wished him well in his new position.

4. CORPORATE, PLANNING, ECONOMIC DEVELOPMENT AND HEALTH AND SAFETY

(a) Community Tourism Festival & Event Grant Scheme 2019 & Community Tourism Venue Funding 2019

B. O'Brien in her report dated 5th March advised that following evaluation 22 projects are recommended for funding. The total funding available in 2019 is €94,500 (75,000 from Carlow County Council and €19,500 from Fáilte Ireland).

Members' approval was sought to grants recommended, under the Festivals and Events Scheme 2019.

Proposed by Councillor W. Quinn

Seconded by Councillor J. Deane

AND

Following a show of hands it was unanimously resolved:-

'that we the Members of Carlow County Council hereby approve the projects selected under the 2019 Community Tourism Festival, Event and Community Tourism Venue Funding as detailed in report dated 5th March, 2019'.

(b) Health

- (c)** Members raised issue of report on unsatisfactory conditions at the Department of Psychiatry in St Luke's General Hospital, Kilkenny.

A Notice of Motion standing in the name of Cllr. Fergal Browne was brought forward.

Proposed by Councillor F. Browne

Seconded by Councillor M. Doran

Following a show of hands it was unanimously resolved:-

“That Carlow County Council noting the recent Cervical Check Scandal, calls upon the Minister for Health and the Taoiseach to acknowledge, support and respond in detail to the demands of the Standing 4 Women Campaign. These include:- Legislation and policy on mandatory open disclosure independent of the patient safety bill, Provision of a start and end date and full disclosure on the 1800 smears yet to be audited, Breakdown of the new packages being negotiated laboratories carrying out smear slide analysis including mandatory site audits.”*

Councillor Doran requested that a letter issue to the Health Service Executive seeking clarity on the appeals process in relation to the CervicalCheck and if the process is fair, dealt with by an independent body and that those affected do not have to endure lengthy court action.

Councillor Dalton urged that all CervicalCheck screening be carried out in Ireland and not outsourced to laboratories abroad.

Councillor Dalton to bring a Notice of Motion to Council on this issue.

Councillor Dalton also called on the Government and the Revenue Commissioners not to impose **23%** VAT on health food supplements and that the decision to defer be overturned.

(c) Conference Attendance Approvals

Proposed by Councillor J. Pender

Seconded by Councillor F. Browne

Following a show of hands it was unanimously resolved:-

We, the Members of Carlow County Council approve the following Conference attendance for March, 2019.

Annual Planning Conference 2019
The Landmark Hotel,
Carrick on Shannon
Co. Leitrim.
4th to 5th April 2019

Fee: €330

Changing Trends and Approaches
to Drug and Alcohol Abuse,
Casey's Hotel,
Baltimore,
West Cork.
12th to 14th April 2019

Fee: €145

5. COMMUNITY, HOUSING, RECREATION & AMENITY

(a) Local Community Development Committee (LCDC) Annual Report 2018.

Members had for consideration Carlow LCDC Annual Report for 2018. Issues raised by the Members were addressed by M. Brennan

6. CHIEF EXECUTIVE REPORT

Members had for consideration Chief Executive Monthly Management Report for the period 1st to 28th February, 2019.

The following issues were raised by the Members:-

- Clamping in Carlow Town car parks, including Woodies car park, having a negative effect on the town. E. Brophy advised that the owners of car parks must comply with rules and regulations in relation to clamping. Members urged that the Council use social media to promote car parking in Carlow Town.
- CPO of property at the former Dooley Motors as it is an eyesore.
- Request to take in charge Gort na Greine, Housing Development, Ballinabranna. B. O'Brien advised that there is a receiver involved and the issue is being pursued.
- Members welcomed road allocation funding for 2019 and funding for Local Improvement Schemes (LIS) and Community Involvement Scheme (CIS) and complimented area engineers for their work with the CIS and LIS schemes.
- Leader Funding €6.4m. M. Brennan advised that 25% relates to administration and that 40% of target of €4.9m has been spent and

remaining will be spent by 2020. LCDC are the decision makers with the Local Development Committee the implementation body.

Issues raised by the Members were addressed by M. Brennan and B. O'Brien.

Deputation from Home for Life

The Cathaoirleach welcomed Stephen Curtis and Paul Cunningham from 'Home for Life' to the Chamber.

Home For Life is authorised by the Minister for Housing, Planning and Local Government to operate the Mortgage to Rent Scheme (MTR).

Home for Life aims to keep distressed mortgage holders in their current homes, mortgage debt free. Under Mortgage to Rent the homeowner would voluntarily surrender ownership of their home and become a tenant, in their home, of their Local Authority. Subject to prior agreement with their lender, the homeowner would no longer have responsibility for mortgage debts or arrears associated with their home.

Home for Life will assist homeowners throughout the process, including engagement with the Local Authority. On completion of the process Home for Life will be responsible for the routine maintenance and upgrading of the property as set out in the tenancy agreement.

The Cathaoirleach thanked Mr. Curtis and Mr. Cunningham for their presentation.

Mr. Curtis and Mr. Cunningham addressed issues raised by the Members.

7. CORRESPONDENCE

Member noted correspondence from Department of Transport, Tourism and Sport in response to Members' correspondence regarding Dublin to Waterford train services.

Member noted correspondence from Waterways Ireland in response to Members' correspondence regarding cleaning of the River Barrow.

Members requested that a letter issue to Waterways Ireland requesting them to attend a meeting of Carlow County Council to address issues in relation to works carried out on the track way and navigation channel of the River Barrow.

Member noted correspondence from Iarnród Éireann in response to Members' correspondence regarding Dublin to Waterford train services.

Member noted correspondence from An Garda Síochána in response to Members' correspondence regarding parking on footpaths.

Member noted correspondence from the Office of the Minister for Housing, Planning and Local Government in response to Members' correspondence regarding homelessness in County Carlow.

Members noted email from Raymond Valentine requesting the opportunity to attend the April Monthly Meeting of the Council to speak on the launch of a mobile application called SafeDrive.

Following a show of hands it was agreed that Raymond Valentine attend the April meeting of Council.

8. NOTICES OF MOTION

Standing in the name of Cllr. Brian O'Donoghue

"That Carlow County Council in anticipation of the next county development plan commits to the following changes (text in bold) in policy in relation to energy:

Energy – Policy 10

It is the policy of Carlow County Council to:

- Require all new building developments to meet **THE LOWEST** energy performance targets **in the country**. Each building's energy performance, as calculated by the Building Energy Rating (BER), will have a minimum energy efficiency that meets the requirements of Part L of the Building Regulations. New buildings **MUST** incorporate renewable energy technologies in order to help achieve the rating required.
- Promote innovative building design and layout that demonstrates a high level of energy conservation, energy efficiency and use of renewable energy sources.
- Encourage the integration of micro renewable energy sources into the design and construction of single and multiple housing developments."

It was suggested that the sitting Council members cannot commit to changes in policy in the next county development plan, in relation to

proposals put forward in the Notice of Motion, as a new Council will be in place.

The Notice of Motion was noted.

Standing in the name of Cllr Willie Quinn

Proposed by Councillor W. Quinn

Seconded by Councillor W. Paton

‘I am calling on Carlow County Council that any future negotiations with the Department regarding the rates in county carlow, I am requesting that an amendment be put in place that takes into account that small business and part time business that are not open on a full time basis i.e. rural pubs and shops that a special rate be put in place to help these business stay open, at present we give out start up grants for new business while on the other hand we are shutting down business that have provided a very much needed service for many generations for rural carlow, this does not make sense to have a rates hike of between 5 and 10 times previous valuations.

It was suggested that wording be changed to read ‘*between 5 and 10 points previous valuations*’.

The Chief Executive advised of two issues to be taken into consideration. The effects of rates harmonisation resulting in a decrease in town rate and an increase in county rate and the national rates revaluation programme. Both issues are legislative changes and are outside the control of the Council.

The Chief Executive advised that the proposal put forward requires amendment to legislation.

Members queried rate increases in the county over previous years.

9. ANY OTHER BUSINESS WITH THE CONSENT OF THE CATHAOIRLEACH

There was no further business to be transacted.

This concluded the business of the meeting