

CARLOW COUNTY COUNCIL

Minutes of the November Meeting of Carlow County Council, held in G.B. Shaw Theatre, Visual, Old Dublin Road, Carlow on Monday 09th November 2020 at 2.00 p.m.

Present: Councillor T. O'Neill (Cathaoirleach)
Councillor F. Browne
Councillor J. Cassin
Councillor A. Dalton
Councillor M. Doran
Councillor T. Kinsella
Councillor A. McDonald
Councillor J. McDonald
Councillor K. Murnane
Councillor C. Murphy
Councillor J. Murphy (Virtual)
Councillor B. O'Donoghue
Councillor W. Paton
Councillor J. Pender
Councillor F. Phelan
Councillor W. Quinn
Councillor A. Wallace

Apologies: Councillor A. Gladney

In Attendance: Ms. K. Holohan, Chief Executive
Mr. M. Rainey, Director of Service, Corporate, HR, Planning, Health & Safety, Security & Economic Development
Mr. P. O'Gorman, Director of Service, Transportation, Environment & Water Services, Building Control & Emergency Services
Mr. M. Brennan, Director of Services, Housing, Community, Recreation & Amenity
Mr. K. Comerford, Head of Local Enterprise Office
Mr. E. Brophy, Senior Executive Officer, Corporate Services
Ms. Anita Sweeney, Senior Planner
Mr. Pierce Kavanagh, Economic Development Officer
Mr. P. Curran, Administrative Officer, Corporate Services
Ms. Lorna O'Callaghan, Administrative Officer, Corporate Services
Ms. Marian Hand, Assistant Staff Officer, Human Resources

OPENING PRAYER

The opening prayer was recited in Irish by the Members.

VOTES OF SYMPATHY

- Death of Mary (Mollie) Condrón, "Clonuan" Kilmeaney, Carlow Town, Carlow, mother of Deirdre Condrón, Library Services.

VOTES OF CONGRATULATIONS

- Joe Biden, President elect of the United States of America.
- Kamala Harris, Vice President elect of the United States of America.

1.0 Confirmation of Minutes /Dearbhú Miontuairiscí

1.1 'Approval of Minutes of Monthly Meeting of Carlow County Council held on Monday 12th October 2020 at 2pm.'

Proposed by Councillor **A. Dalton**
Seconded by Councillor **F. Phelan**
And

Following a show of hands, it was resolved: -

'That the Minutes of the Monthly Meeting of Carlow County Council held in the George Bernard Shaw Theatre, Visual, Old Dublin Road, Carlow, on Monday 12th October 2020 at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.'

2.0 Business prescribed by Statute, Standing Orders or Resolutions of Council/Gnó forordaithe do réir reachtaíochta, orduithe seasta, nó rúin an Chomhairle

2.1 Official Launch of Project Carlow 2040

M. Rainey, Director of Service presented this report. Project Carlow 2040 is an ambitious regeneration strategy for Carlow Town with transformational and aspiring ideas for the economic, social and environmental benefit of Carlow. The aim is to enhance the town centre as the heart of Carlow town by providing attractive and accessible public spaces with new pedestrian linkages. A thriving town centre will boost the local economy and community life and attract tourists to the area for the unique architectural, cultural and heritage townscape.

The draft Strategy went on public display from 24th September to 5pm on Monday 26th October 2020 where submissions were invited. Consultations also took place with local stakeholders. A total of 26 submissions were received and collated into a submission report which was considered by the Carlow Municipal District on Monday 2nd November 2020. Amendments to the draft were agreed and members gave their approval for Project Carlow 2040 to be listed for formal approval at the November Council meeting.

Members welcomed this plan and complimented all involved in making the plan and all those who took the time to make submissions. Cllr. F. Phelan advised that a relative of his, who is not a connected party under the Act, owns lands in the Pembroke area, which is in the plan area and that Councillor Phelan would therefore not be commenting on the

plan as it relates to Pembroke and asked that this be noted in the minutes. M. Rainey responded to all questions raised by members.

Approval of the Project Carlow 2040 report and approval for the launch of Project Carlow 2040 was;

Proposed by Councillor **F. Phelan**
Seconded by Councillor **F. Browne**
And

Following a show of hands, it was unanimously resolved: -

‘That we, the Members of Carlow County Council approve the Project Carlow 2040 report and give approval for the launch of Project Carlow 2040.’

2.2 Supplementary Standing Orders

E. Brophy, Senior Executive Officer presented this report. Following the designation of Local Authorities in the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020, it is now possible to effect statutory business at remote, or partially remote meetings.

The Department recommended that supplementary Standing Orders be adopted by Local Authorities and issued guidelines in this regard. Draft supplementary Standing Orders have been prepared in accordance with the guidelines. E. Brophy responded to questions raised by members.

Supplementary Standing Orders prepared in accordance with departmental guidelines for regulating the proceedings of the Council in holding remote meetings were;

Proposed by Councillor **F. Browne**
Seconded by Councillor **J. Pender**
And

Following a show of hands, it was resolved: -

‘That we, the Members of Carlow County Council approve the Supplementary Standing Orders, prepared in accordance with departmental guidelines, for regulating the proceedings of the Council in holding remote meetings.’

2.3 Standing Order (17) Amendment – Proposal from Corporate Policy Group

E. Brophy, Senior Executive Officer advised members, that at a meeting held on Monday 2nd November last, the Corporate Policy Group agreed to recommend to Council, that the Standing Orders be amended to limit the number of Notices of Motion from three to one per member for each Council Meeting, from 10th November 2020 to 30th June 2021, unless a further resolution is passed by council before 30th June 2021, this order 17 will lapse and the original order 17 of the Standing Orders version adopted 8th June 2020 will automatically be restored.

Proposed by Councillor T. Kinsella
Seconded by Councillor A. McDonald
And

Following a request from members;

A roll call vote was taken

<i>Member of Carlow County Council</i>	<i>For</i>	<i>Against</i>	<i>Abstain</i>	<i>Absent</i>
Fergal Browne	√			
John Cassin		√		
Andrea Dalton	√			
Michael Doran	√			
Andy Gladney				√
Thomas Kinsella	√			
Arthur McDonald	√			
John McDonald	√			
Ken Murnane	√			
Charlie Murphy		√		
John Murphy	√			
Brian O' Donoghue	√			
Tom O'Neill	√			
William Paton		√		
John Pender	√			
Fintan Phelan	√			
William Quinn		√		
Adrienne Wallace		√		

This resulted in twelve members voting in favour for, five members voting against and one member absent. As the number of members voting for was greater than those voting against or absent, the amendment was carried.

E. Brophy responded to questions raised by members.

2.4 Local Government Act 2001 – Section 183 (1), Planning & Development Act 2000 – Section 211 – disposal of Rented Equity (Freehold Interest) 55 St. Killian's Crescent, Carlow

To approve in accordance with Local Government Act 2001 – Section 183 (1), Planning & Development Act 2000 – Section 211 the disposal of Rented Equity

(Freehold interest) in property situated at 55 St. Killian's Crescent Carlow to David Conry and Annette Conry in consideration of the sum of €1.00 in accordance with the terms of the statutory notice already circulated.

Proposed by Councillor F. Browne

Seconded by Councillor A. Dalton

And

Following a show of hands, it was resolved: -

'That we, the Members of Carlow County Council hereby approve in accordance with Local Government Act 2001 – Section 183 (1), Planning & Development Act 2000 – Section 211 the disposal of Rented Equity (Freehold interest) in property situated at 55 St. Killian's Crescent Carlow to David Conry and Annette Conry in consideration of the sum of €1.00 in accordance with the terms of the statutory notice already circulated. '

2.5 To consider the Chief Executive's Report prepared under Section 34 (6) (a) (iii) of the Planning and Development Act 2000 (as amended) which recommends, the proposed Material Contravention of the Tullow Local Area Plan 2017-2023 to the Elected Members of Carlow County Council

M. Rainey, Director of Service presented this report and responded to all questions raised by members.

Material Contravention file Ref 20/130: (a) Use of existing right turning lane and entrance point for access purposes (as previously developed pursuant to permission reference 07544), (b) Provision of a proposed new two storey creche and Montessori childcare facility, (c) Provision of associated site works to include hard and soft landscaping works to include for pedestrian footpath connections and associated car parking, (d) Provision of associated site works to facilitate site drainage along with connection to the existing foul and public water networks at Templeowen, Bunclody Road, Tullow, Co. Carlow.

Proposed by Councillor W. Paton

Seconded by Councillor B. O'Donoghue

And

Following a show of hands, it was unanimously resolved: -

'That we, the Members of Carlow County Council, hereby approve Material Contravention file Ref 20/130: (a) Use of existing right turning lane and entrance point for access purposes (as previously developed pursuant to permission reference 07544), (b) Provision of a proposed new two storey creche and Montessori childcare facility, (c) Provision of associated site works to include hard and soft landscaping works to include for pedestrian footpath connections and associated car parking, (d) Provision of associated site works to facilitate site drainage along with connection to the existing foul and public water networks at Templeowen, Bunclody Road, Tullow, Co. Carlow.'

2.6 Lands at Castlemore, Tullow – Issue of sporting lease to Tullow Rugby Club

E. Brophy, Senior Executive Officer presented this report. The Council previously granted a lease to Castlemore United for lands at Castlemore, Tullow. Castlemore United have now returned the lands to the Council and signed a deed of surrender for their lease. Tullow Rugby Club have expressed an interest in taking out a lease for one year on the said lands while works are ongoing at their own grounds. At a meeting held on Friday 23rd October, the Tullow Municipal District agreed to recommend the granting of a lease to Tullow Ruby Club. If the lease is granted, it is expected the lands will return to The Council after one year and the matter of granting a lease to any other parties will be considered at that time. E. Brophy responded to questions raised by members.

Approval of a one-year lease to Tullow Rugby Club for lands at Castlemore, Tullow was;

Proposed by Councillor **J. Pender**
Seconded by Councillor **J. McDonald**
And

Following a show of hands, it was resolved: -

‘That we the members of Carlow County Council approve the granting of a one-year lease to Tullow Rugby Club for lands at Castlemore, Tullow.’

3.0 Chief Executives Report/Tuarascáil an Phríomhfheidhmeannaigh

Members discussed Chief Executive’s Monthly Management Report for the period to 01st October to 31st October 2020.

Issues raised by members included;

- 3rd December 2020 – International day of people with a disability – request to turn county buildings purple.
- Irish Water business rates – members requested that an update be given by Irish Water on the new Irish Water business rates at a future SPC.
- Safety Bollards – request for bollards to be installed at Askea Boys School.
- Clár Funding – members welcomed funding received.
- Abandoned Cars.
- Carlow Sports Partnership – members welcomed funding secured by Carlow Sports Partnership for local clubs across the county.
- Kevin Barry Commemoration – well received by members.
- Covid 19 – Funding received from central government.
- Retirement of Marie Murphy – all members wished Marie a long, happy, healthy retirement and thanked her for all her help during her forty-year service with Carlow County Council.
- Funding received by the Local Enterprise Office from central government to support local businesses.
- Electricity faults in Borris.
- Road Improvement works at Bagenal’s Arm Cross – members welcomed works carried out.
- Housing inspections and re-inspections – to be included in the monthly housing report.
- Leaf Sweeping/Gullies Cleaning.

The Chief Executive and Directors answered questions raised by members.

4.0 Correspondence/Comhfhreagras

Members noted resolution from Wexford County Council – to amend the remit of Irish Water to fund County Councils to allow them to deal with, increase capacity in and manage rural waste water systems in our rural villages with a population of less than 3,000, to protect the survival and growth of rural Ireland.

Members noted correspondence from Department of Finance – acknowledging correspondence from Carlow County Council.

Members noted correspondence from Senator Robbie Gallagher – regarding the closure of the Restart Grant Scheme.

Members noted correspondence from Office of the Minister for Social Protection – acknowledging correspondence from Carlow County Council, in relation to pensions for CE Supervisors.

Members noted correspondence from Department of Finance – acknowledging correspondence from Carlow County Council dated 12th October 2020.

Members noted correspondence from Waterways Ireland – regarding Barrow navigation and trackway in County Carlow.

Members requested that Carlow County Council write to Waterways Ireland and invite them to attend a physical or virtual meeting, where members can raise queries directly, regarding the Barrow track.

Members noted correspondence from Department of Health – acknowledging correspondence from Carlow County Council regarding the increase in fuel allowance.

Members noted correspondence from Department of Housing, Local Government and Heritage – acknowledging correspondence from Cllr. T. O’Neill dated 7th September 2020, regarding balancing the 2021 budget and the likely shortfall in 2021 rates.

5.0 Notices of Motion/Fógraí Rúin

5.1 Standing in the name of Cllr. William Quinn

Proposed by Councillor **W. Quinn**

Seconded by Councillor **J. Cassin**

And

Following a show of hands, it was resolved: -

“I am calling on The Executive to clarify the procedures involved in the Part VIII planning process, the input from the various sections and the decision-making process to

determine whether or not to proceed to Part VIII and particularly how from elected members input into this process.”

M. Rainey, Director of Service and A. Sweeney, Senior Planner, responded to questions raised by members and advised that a report had been circulated to members via Decision Time.

5.2 Standing in the name of Cllr. William Quinn

Proposed by Councillor W. Quinn

Seconded by Councillor J. Cassin

And

Following a show of hands, it was resolved: -

“I am calling on the Government to ensure that no frontline workers will have to cover the cost of a private Covid 19 test in order to travel home within Ireland to spend time with their families at Christmas if restrictions have been lifted.”

5.3 Standing in the name of Cllrs. Adrienne Wallace and John Cassin

“That this council immediately write to the Government to demand that they unseal the files from the Mother and Baby Homes commission. This council should also outline in its correspondence that such a blanket denial of access to personal data undermines the purpose of this Commission, which was to respond to complaints of unlawful interference with private and family life, denial of personal and family identity, and denial of information about loved ones who have disappeared or deceased. Furthermore, this council should note that the Commission’s denial of GDPR rights for the past two years does not mean that further denial of them by the Government is justified: it means that rectifying the situation is all the more urgent. This should be dealt with in accordance with the GDPR which provides a plethora of rights giving a person control over how their personal data is used. A copy of this motion should also be sent to every local authority in Ireland, north and south, as correspondence.”

Amendment

Cllr. F. Phelan proposed an amendment to the above motion.

Proposed by Councillor F. Phelan

Seconded by Councillor B. O’Donoghue

And

Following a show of hands, the amendment below was agreed.

“That Carlow County Council recognises that

- *The Mother and Baby Homes represent a very dark part of our State’s history.*
- *That survivors of Mother and Baby Homes have legitimate concerns regarding access to their personal information.*

Therefore, the Council will write to the Taoiseach and Minister for Children, Disability, Equality, and Integration requesting the following:

- *That the Final Report of the Mother and Baby Homes Commission of Investigation be published as soon as possible and include the details of the experiences of survivors in each institution.*
- *That the Government provide a full State response to the findings and recommendations of the Final Report.*
- *That the Government publish new statutory information and tracing legislation without delay.*
- *That survivors of Mother and Baby Homes are given access to their personal records in a manner consistent with GDPR.*
- *That the Department of Children and Túsła work with the Office of the DPC to ensure that the rights of survivors to personal information about themselves under data protection legislation and the DGPR are fully respected.*
- *That the Government urgently put in place a range of supports for survivors and adoptees.*
- *That the Government continues to engage in consultation with survivors and their representative organisations as they establish a national archive of records related to institutional trauma during the 20th century.*
- *That a copy of this motion should also be sent to every local authority in Ireland, north and south, as correspondence. “*

The amended motion was;

Proposed by Councillor **F. Phelan**
Seconded by Councillor **B. O’Donoghue**
And

Passed following a show of hands.

Cllr. J. Cassin left the meeting at this point.

5.4 Standing in the name of Cllr. Adrienne Wallace

Proposed by Councillor **A. Wallace**
Seconded by Councillor **W. Paton**
And

Following a show of hands, it was unanimously resolved: -

“This council will write to Túsła to call for Túsła representatives to attend a meeting with the elected members of Carlow Council to discuss plans for a women’s refuge here. Noting the huge surge in Domestic Violence during the last lockdown we must act now to ensure women and children experiencing domestic violence have the resources they need in their community. This meeting can take place online or in person.”

Cllrs W. Paton and A. Wallace left the meeting at this point.

5.5 Standing in the name of Cllr. Fintan Phelan

Proposed by Councillor **F. Phelan**
Seconded by Councillor **F. Browne**
And

Following a show of hands, it was resolved: -

"That Carlow County Council promote and advance the awarding of the recommended 5 Military Medals for Gallantry and the 27 Distinguished Service Medals for the Irish Soldiers of A company 35th Infantry Battalion who so bravely defended the Siege of Jadotville, serving under a UN mandate in the DRC. Although they were recognised in 2017 by the Government with a block Jadotville Medal, the Gallantry and Distinguished Service medals continue to be denied. A letter from Carlow County Council to the Minister of Defence and our Commander in Chief, the President, be drafted accordingly and dispatched forthwith."

6.0 Any other business with the consent of the Cathaoirleach/Aon gnó eile le haontú an Chathaoirligh

The Cathaoirleach read out a proposal to members inviting them to attend a meeting on 30th November 2020 from 2.00p.m-4.00p.m., to consider the Chief Executive's Report on the Pre-Draft Consultation for the Preparation of the Carlow County Development Plan 2022-2028 and to make Directions regarding the preparation of the Draft Plan. This meeting would be a physical meeting in the Visual, but with an option to attend virtually.

Proposed by Councillor **K. Murnane**
Seconded by Councillor **B. O'Donoghue**
AND
Agreed following a show of hands.

Matters also discussed;

- Dog and Deer Signage
- Blocking access Signage
- Court Railings
- Footpath Widening
- Community Response Helpline
- Cleaning in Bagenalstown
- National Broadband Ireland – webinar agreed for Monday 23rd November 2020 at 2.30p.m. (remote meeting).

This concluded the business of the meeting.