

KILDARE COUNTY COUNCIL

Minutes of Meeting of Council held at 2.00p.m on Monday 26 January 2015 at Áras Chill Dara, Devoy Park, Naas, Co Kildare

Members Present: Councillor F O'Loughlin (Mayor), Councillors A Breslin, A Breen, F Brett, K Byrne, B Caldwell, R Cronin, W Crowley, I Cussen, M Dalton, S Doyle, T Durkan, D Fitzpatrick, B Hillis, I Keatley, P Kennedy, A Larkin, J Lawless, M Lynch, P McEvoy, J McGinley, F McLoughlin Healy, M. Miley, S Moore, T Murray, J Neville, N O'Cearúil, S O'Neill, F O'Rourke, J Pender, R Power, S Power, T Redmond, D Scully, M Stafford, M Wall, P Ward, B Weld, B Young and Councillor D Callaghan following co-option.

Also Present: Mr P Carey, Chief Executive, Messrs E O'Sullivan and P Minnock, (Directors of Services), Ms E Hanlon (Head of Finance), Ms S Kavanagh and Mr M Kenny (A/Directors of Services), Ms. A. Aspell (Meetings Administrator) and other officials.

Vote of Sympathy

The Mayor recalled the tragic road traffic accident where four young girls, Chermaine Carroll, Gemma Nolan, Niamh Doyle and Ashling Middleton were killed in County Kildare on Tuesday 6th January 2015.

A minutes silence was observed as a mark of respect.

01/0115 Adoption of minutes

Mr Kenny, A/Director of Services, Planning and Economic Development presented a report to members informing them that there was a lack of clarity in the October minutes regarding the final resolution in relation to Variation No. 3 of the Kildare County Development Plan 2011-2017.

Resolved on the proposal of Councillor Keatley, seconded by Councillor Moore that item 09/1014, page 28, of the minutes of 20 October 2014 is amended to include the following statement:

Resolved on the proposal of Councillor Keatley, seconded by Councillor Miley, that the members of Kildare County Council accept the Chief Executive's recommendations with the exception of the Chief Executive's recommendation in relation to policy HT 11. HT 11 to remain as per the published material alteration HT 11.

The council considered the minutes of the 26 November 2014 and 22 December 2014, together with the progress report.

Councillor O'Cearuil referred to the response from the Department of Social Protection in relation to addressing homelessness,

Resolved on the proposal of Councillor O'Cearuil, seconded by Councillor O'Rourke, that the protocols in place in Dublin for the purpose of preventing homelessness, in particular the cap on rent supplement limits, be extended to Kildare.

Resolved on the proposal of Councillor Wall, seconded by Councillor Caldwell that the minutes of 26 November 2014 and 22 December 2014 be adopted and the progress report was noted.

02/0115

Disposal of Land

0.0568 ha of land at Blackwood, Robertstown, Co. Kildare

The council considered statutory notice dated 12 January 2015 which had been circulated to the members pursuant to Section 183 of the Local Government Act 2001 signifying intent to dispose of 0.0568 ha of land at Blackwood, Robertstown, Co. Kildare.

Resolved on the proposal of Councillor Brett, seconded by Councillor Hillis, that pursuant to Section 183 of the Local Government Act 2001, that the council consent to disposal of the land in accordance with the terms set out in the statutory notice.

Lease a building at Basin Street, Naas, Co. Kildare

The council considered statutory notice dated 12 January 2015 which had been circulated to the members pursuant to Section 183 of the Local Government Act 2001 signifying intent to lease a building at Basin Street, Naas, Co. Kildare as outlined on drawing No. L/1232.

Resolved on the proposal of Councillor Brett, seconded by Councillor Hillis, that pursuant to Section 183 of the Local Government Act 2001, that the council consent to disposal of the land in accordance with the terms set out in the statutory notice.

03/0115

Filling of Casual Vacancy

The Mayor remembered the late Councillor Willie Callaghan and said that his family and colleagues still found his passing difficult to accept. However, she said that it was fitting that his work and legacy would continue. The Meetings Administrator informed the members that all statutory requirements in regard to filling of the vacancy in the membership of the council have been fulfilled. She added that Ms Deborah Callaghan of 26 Esmondale Naas has given her consent in writing to her name being put forward for co-option to the Council.

Resolved on the proposal of Councillor Doyle, seconded by Councillor Moore, that Ms Deborah Callaghan be co-opted to the Council.

The Mayor welcomed the Callaghan family to the chamber on this sad, but proud day for them. Councillor Callaghan took her seat at the invitation of the Mayor. She thanked the Mayor and members and remembered her father, in particular his love for Naas and said that while she was sad today, she was also proud of the fact that she would be the third generation of the Callaghan family to serve the people of Naas. She too has a great love for the county and she looked forward to the challenges ahead. She thanked her family for their support in her new role.

The Mayor, members and Chief Executive congratulated Councillor Callaghan on her appointment.

04/0115

Appointment to Committees

The Mayor informed members that there was a vacancy on the following committees and external bodies and nominations were requested:

- Protocol Committee
- Association of Irish Local Government (AILG)
- Kildare Sports and Leisure Facilities Ltd
- Strategic Policy Committee

Resolved on the proposal of Councillor Doyle, seconded by Councillor Fitzpatrick, that Councillor Callaghan be appointed to fill the vacancies above.

05/0115
Audit Committee

The Mayor informed members that, as Councillor McEvoy is a member of the Eastern and Midland Regional Assembly he is, therefore, precluded from membership of the Audit Committee under Regulation 4 (4)(v) of the Local Government (Audit Committee) Regulations 2014 and has tendered his resignation to that committee. The vacancy on the Audit Committee must therefore be filled.

Councillor McEvoy proposed Councillor Murray and Councillor Kennedy seconded this proposal. Councillor Cronin proposed Councillor Redmond and Councillor Cussen seconded this proposal. 30 members voted for Councillor Murray, 0 member voted against and 3 members abstained.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Kennedy, with 30 members voting in favour, 0 members voting against, and 3 members abstaining, that Councillor Murray be appointed to the Audit Committee.

06/0115
Material Contravention of the Kildare County Development Plan 2011–2017

The council noted that a planning application from Brendan Carroll (register no 14/605) would, if successful, result in a material contravention of the Kildare County Development Plan 2011-2017

The proposed development, if permitted, will consist of the erection of a regional school of excellence for the training of hygienists and embalmers catering for the Funeral Directors Association together with staff offices and Chapel of Rest style funeral parlour for all types of funeral services totalling 220.0m² including car-parking, landscaping, connection to main foul sewer, and new site access as permitted under light industrial planning reference number 10/643 and all associated site development works at Allenwood, Naas.

The proposed development would contravene materially the zoning objective for the site, outlined in the Kildare County Development Plan 2011-2017. The subject site is an area zoned 'Q: Enterprise & Employment' under the plan, where it is an objective – to promote the development of employment generating uses. Under the land use zoning matrix a funeral home is indicated as 'not permitted' under the plan. A regional school of excellence is also proposed. It is noted from the land use zoning matrix that a 'school' is listed as 'Not Permitted' on lands zoned Q – Enterprise and Employment.

Mr Kenny, A/Director of Services outlined the background to the development and referred to a report circulated to members last week. He said that the file had been referred to various departments of the council and to Irish Water and they had no objection to permission being granted. The proposal was on display for public comment between 12 December 2014 and 19 January 2015. One submission was received from Mr. Michael Crowley, President of the Irish Association of Funeral Directors and the comments raised in the submission were noted by the Planning Authority. The proposed material contravention of the Kildare County Development Plan 2011 – 2017 to facilitate the above development is recommended to the Mayor and members.

Resolved on the proposal of Councillor Doyle, seconded by Councillor Fitzpatrick, with 38 members voting in favour, no member voting against and no member abstaining, that a decision to grant planning permission is made in this case and that for that purpose the council consent to a Material Contravention of the County Development Plan 2011 – 2017.

07/0115

Strategic Policy Committees

The Mayor and members considered report circulated to members dated 23 January 2015. The Meetings Administrator informed members that Mr Tony McEvoy has requested that his nomination to the Environmental Services and Water Strategic Policy Committee be withdrawn.

Councillor Doyle requested clarification on the appointment of an additional member to specifically represent the SME sector. The Meetings Administrator outlined the guidelines and the scheme adopted by the members. The Mayor asked would the committees be allowed to invite experts in particular fields if this were appropriate and the Meetings Administrator confirmed that this is permitted under the guidelines.

In response to a query from Councillor Weld, the Meetings Administrator advised that the Historic Monuments Committee will be a sub-committee of the Economic Development, Enterprise and Planning Strategic Policy Committee. This SPC must meet and recommend the nominees to the Historic Monuments Committee for the approval of Council.

Resolved on the proposal of Councillor Doyle, seconded by Councillor Kennedy, that the external nominees to the Strategic Policy Committees be appointed as follows:

Economic Development, Enterprise and Planning

Brendan Allen, Gerry Prendergast, Fiona Tutty and Noel Archbold.

Transportation, Safety and Emergency Services

Peter Kenny, Sean Lawler, Cormac Browne and James Earle

Environmental Services and Water

Gerry O'Hagan, Tom Malone, and David Walsh

Housing

Denis Buckley, Anthony Egan and Ramon O'Reilly

Local Community and Cultural

Frieda O'Connell, Dermot O'Donnell, John Hayden, and P J Fagan

08/0115

Management Report

The members considered the monthly management report before them.

Resolved that the Monthly Management Report be noted.

09/0115

Audit Report for Year Ended 31 December 2013

The members considered the Statutory Audit Report for year ended 31 December 2013.

Councillor McEvoy queried section 3.2 and asked what percentage Commercial Rate collection is considered satisfactory. The Head of Finance said that the Executive is satisfied with the 75% collection rate as there are payment plans in place. Councillor Stafford referred to section 3.3 noting the fact that there were 254 loan accounts in the Mortgage Arrears Resolution Process. He asked why the remaining arrears accounts were not in this process. The Head of Finance stated that customers must engage to become part of the MARP and that all account holders in arrears are encouraged to engage.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Caldwell, that the report of the Local Government Auditor of the council's accounts for the year ended 31 December 2013, be noted.

10/0115
Votes of Sympathy

The Mayor and members expressed sympathy with the following:

Mrs Esther Lynch, mother of Eoghan Lynch, Naas Library
Mr Thomas Hennessy, father of Deirdre Kemmy, Planning Department
Mr Aidan Whelan, brother of Mary Foley, Local Enterprise Office
Mrs Mary Pender, mother of Pamela Pender, Planning Department
Aisling Middleton, Gemma Nolan, Niamh Doyle and Chermaine Carroll
Mr. Tommy Orford, Retired Foreman, Machinery Yard

11/0115
Mayors Business

The Mayor extended congratulations to

- Councillor R Power and Laura Egar Power on their recent wedding.
- To the Basketball team from Ard Scoil Rathangan who won the u/19's All Ireland Schools Cup at the National Basketball Arena
- To those involved in the Food Forum organised by Kildare Failte
- To the Arthurs Way team on the recent travel writing documentary

The Mayor noted that La le Bhride, the feast of St. Brigid's, the patron saint of Kildare, was on February 1st and that a St Brigids Cross will be placed in the chamber on that day.

12/0115
Correspondence

Letter from Carlow County Council noted

Resolved That this correspondence be referred to the Economic Development, Enterprise and Planning Strategic Policy Committee.

13/0115

Conferences and Training

The Meetings Administrator informed the members that one conference, Regenerating Local Spaces through Effective Community Planning hosted by Cooperation Ireland was scheduled for 26 February in Dublin Castle

Resolved: on the proposal of Councillor McEvoy, seconded by Councillor Brett, that the members approve of the attendance of:

Councillors O'Loughlin, McEvoy, Kennedy, Crowley, Brett, Stafford and Breen

14/0115

Water Charges

The following motion from the Celbridge-Leixlip Municipal District was considered by the members
That the Celbridge-Leixlip Municipal District call on the council to tell the Government to listen to the people of Kildare and scrap the water charges.

The motion was proposed by Councilor Larkin and seconded by Councillor Neville.

The Mayor stated that this motion cannot be dealt with because a similar motion had already been considered by the members at the November council meeting and a resolution passed. While it was appreciated that this is a deferred motion it would now be in contravention of standing order number 13 to revisit this matter.

15/0115

Energy Committee

The following motion from the Energy Committee was considered by the members
That the council provide an update on the progress for a County Kildare Wind Energy Strategy along with an outline of the steps to be taken to vary the County Development Plan.

The Mayor and members noted the report circulated. Councillor McEvoy stated that a County Wind Energy Strategy remains a priority for the members, particularly as a planning application is expected in February. Councillor Keatley thanked Mr Kenny for the report and looked forward to the guidelines from the Department of the Environment, Community and Local Government, so

that work could continue on the Kildare policy. Councillor Miley agreed with his colleagues and said that developers were moving ahead of policy and that it is imperative to have it in place.

Resolved that the report be noted and the guidelines from the Department of the Environment, Community and Local Government awaited.

16/0115
Broadband Service

The following motion in the name of Councillor O'Loughlin was considered

That the council explore all options and work with central government to ensure all areas of Kildare (and particularly areas of North West Kildare which is particularly badly served) have a good and efficient broadband service.

The Mayor noted the report and proposed that the council should invite a representative from the Department of Communications, Energy and Natural Resources to address the members on this issue. She said that it was a huge problem which was having a serious impact on our competitiveness. Councillor Miley seconded this proposal and stated that the problem was as bad in the south of the county and needed to be addressed urgently. Councillor Fitzpatrick said that the issue of the phone service in areas such as Robertstown and Allenwood also needed to be examined. Councillor Young said that the service was poor in areas just outside Celbridge also. Councillor Redmond said that the poor broadband and phone networks were a barrier to business in all parts of the county.

Resolved on the proposal of Councillor O'Loughlin, seconded by Councillor Miley, that a representative from the Department of Communications, Energy and Natural Resources is requested to make a presentation to members concerning the broadband and telephone network services in the county.

17/0115
Kildare Integration Strategy

Ms Sinead Fitzpatrick from the Housing, Community and Cultural Department and Mr Pat Leogue from the County Kildare Leader Partnership presented the County Kildare Integration Strategy 2014–2019.

Arising from the success of the Naas UN Settlement Programme in 2011, which saw eight families from Libya, of Sudanese and Eritrean origin, resettled in Naas resettlement programme it was agreed that it was timely to look at an Integration Strategy for the county. This plan has been developed in partnership with the County Kildare LEADER Partnership, with reference to the national document on Planning for Diversity – The National Action Plan Against Racism (2005). The key findings for Co Kildare are outlined in the strategy under four thematic headings; Education and Employment, Social Inclusion, Active Participation, Recognition of Diversity. An interagency implementation group is currently being convened to oversee the delivery of the strategy at local level, subject to the adoption of the strategy by full council.

The Mayor and members thanked Ms Fitzpatrick and Mr Leogue for their presentation. Members raised issues around direct provision, education, the diverse nature of our county, housing policy, ethnic minority groups, intercultural diversity and places of worship for minority groups. Councillor S Power recalled a play written and performed by a man from the Travelling community which gave an insight into the difficulties involved in accessing education and services.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Breslin, that the County Kildare Integration Strategy 2014–2019 be adopted

Resolved on the proposal of Councillor S Power, seconded by Councillor Fitzpatrick, that the actor involved in the one man play be invited to make a presentation to the members.

18/0115

Presentation from Dr Philip Nolan, President, Maynooth University

Dr Nolan delivered a presentation to the members regarding the development plan for Maynooth University. He outlined the regional impact of the University in providing a highly skilled labour force, foreign direct investment and indigenous economic development. Members were informed of the plans for capital investment in providing state of the art facilities for teaching and research, enhanced relationship with town and region and expansion of regional facilities such as theatre, music, film, culture, sport and recreation.

The Mayor thanked Dr Nolan for his informative presentation. Members contributed to a discussion around the benefits of the All Ireland Research Observatory, the dynamic progressive leadership in the college, and the possibilities around foreign direct investment. Several recalled the fact that Maynooth having its own University was a deciding factor for companies such as Intel and Hewlett Packard to base in Kildare. While it was inevitable that 10,000 students had an impact on the town, the positive action taken by the college in initiatives such as students visiting the

elderly, involvement in local sporting teams and becoming involved in cleaning the town was commended.

The members asked Dr Nolan to consider how Kilcock as the nearest town could become more involved in the development, how accommodation for students was being supported and developed in the plan and the importance of development of the ring road around Maynooth to facilitate future development.

The Chief Executive welcomed the President of Maynooth College to Kildare County Council stating that the college was a facility of national and international significance.

Dr Nolan thanked the Mayor, the Chief Executive and the members. He said there are plans to provide 296 student beds within the next two years. He addressed grade inflation and the misuse of statistics around this issue. He said that the development plan presented to the members should leave Maynooth in a strong position when capital funding becomes available and he welcomed the strong collaborative approach.

19/0115

Kildare Library Service Plan 2015-2019

The Mayor welcomed the working group from the earlier presentation on the Kildare Integration Strategy to the chamber and thanked them for their contribution to the strategy.

Ms Higgins, A/County Librarian, gave a presentation to members regarding the Kildare Library Service Development Plan 2015-2019. This is the second development plan to be prepared for the library service entitled "Ideas Realised: Spreading the Word ...". The plan charts the next five years and delivers on eight key strategy areas. In presenting the plan Ms Higgins set out some statistics for the group with regard to the use of the library service in the county, which identifies that Kildare Library Service is one of the busiest nationally. She confirmed to the group that wi-fi is now available in all branch libraries. Ms Higgins set out the eight strategy areas making reference to key aims for each.

The Mayor thanked Ms Higgins for her presentation stating that the service provided is exceptional and reaches the heart of the community. The members thanked Ms Higgins for all her work and that of her staff in the excellent service that is provided. The on-line language service, the marketing of a huge variety of events, Rua, the social service provided were all commended by the members. The barriers around staffing issues in Athy and the Mobile Library service were raised.

The Chief Executive thanked Ms Higgins for the presentation and for her tremendous work, particularly taking into consideration the challenges faced by the moratorium on recruitment. He assured the members that these challenges will be addressed through the workforce planning document.

Resolved on the proposal of Councillor Miley, seconded by Councillor Keatley, that the Kildare Library Service Development Plan 2015–2019 be adopted.

20/0115

Public Conveniences

The following motion in the name of Councillor Doyle was considered
That this council terminate contracts for public conveniences in the county and negotiate the most favourable penalties possible and that the residue of budget allocated for this service be invested with local business organisations in exchange for accommodation by local business for public use of their conveniences, supported by a marketed campaign.

Councillor Doyle noted the report that had been circulated to the members and the fact that the issue will be discussed in detail at the Kildare/Newbridge, Naas and Athy Municipal District meetings in February.

The members raised concerns about the cost of the service, the 20 year contracts, the cost of buying out the contracts and the overall value for money of the service.

Ms Kavanagh, A/Director of Service, said that more information will be gathered and presented to the relevant Municipal Districts for discussion.

Resolved that this issue be referred to the relevant Municipal Districts.

21/0115

Social Housing Capital Allocation

The following motion in the name of Councillor Byrne was considered
Given the decision by the Government to provide €3.8 billion for the provision of social housing over the next number of years and in particular in 2015, that the housing director advise the council of what urgent actions have been taken to ensure County Kildare gets it's fair share of the funding for the areas that are in very urgent need, in particular the Celbridge area.

Councillor Byrne noted the report and spoke of the huge dearth of housing in the county at present. He asked about the land owned by the council and its readiness and availability for a construction programme. Members contributed to the debate stating that they have been told that it is up to Local Authorities to make the pitch for the funding announced by the Minister for the Environment Community and Local Government before Christmas. It was stated that this is the single biggest issue for members. The report was considered too vague and specifics, timelines and plans were required. The members expressed fear that Kildare was not ready for this programme and that they would be passed by because there were no shovel ready projects.

Mr Minnock, Director of Service, referred to the six year programme in accordance with the Housing Strategy 2015-2020. The plan states that 2,409 units will be provided in Kildare over the next six years. He envisages bringing a report to Council by the end of March to match the Government target. The direct build housing construction programme was stood down in 2008. There was now a return to this programme but staff such as Architects, Civil Engineers, Project Managers were required to deliver such a programme. He gave a commitment to revert to the members by the end of March with a measured programme outlining the delivery of units through a variety of supply lines.

The Mayor thanked Mr Minnock and said that the members will look forward to receiving further details on Kildare County Council's Housing Strategy.

Resolved that the report be noted and await the Kildare Housing Strategy.

22/0115

Speed limits in Housing estates

The following motion in the name of Councillor Neville was considered

That this council submit proposals for the increased use of 30 kilometres per hour speed limits and other measures in existing housing estates aimed at improving safety for the most vulnerable road users such as pedestrians, cyclists and especially children.

Councillor Neville noted the report informing members of Circular RSD 01/2014 which set out the Department's suggestions regarding controlling vehicle speeds in housing estates and seeking the Council's input. The Roads Department had responded suggesting that a survey be carried out of all housing estates in the county so that a list can be compiled of all areas where a special speed limit and additional warning signage would be warranted.

Members contributed to a debate on the damage that can be done at 30km and whether a 20 km limit would be more appropriate. Road safety must be encouraged and it must be noted that not all drivers were reckless and that speed is a matter for the Gardai.

Ms Kavanagh, A/Director of Service, said that the survey is the starting point, followed by the statutory process. She said that the issue of resourcing had also been raised with the Department of Transport as the start of this process will raise public expectations regarding the council's intention to erect warning signage and perhaps additional traffic calming measures. A response is awaited from the Department.

Resolved That the report be noted and await a response form the Department.

23/0115

Voluntary Housing Associations

The following motion in the name of Councillor Lynch was considered

This council calls on all voluntary housing associations within the county to nominate people to voluntary housing association homes solely on a linked basis, pro rata to funding (5% funding = 5% nomination rights) and that this council only works with voluntary housing associations that have signed up to or are in the process of signing up to the code of good governance as recommended by the Irish Council for Social Housing. We also call on the Minister of the Environment, Community and Local Government to draw up legislation linking nomination rights pro rata to funding.

Councillor Lynch spoke on the motion stating that houses should be allocated on a needs basis and that no political parties or members should be involved in that process. He referred to Voluntary Housing Associations delivering units using Government funding and these units being allocated by the association when in fact the allocation should be made by the Local Authority. Councillor McLoughlin Healy supported Councillor Lynch on this motion and noted the report from Mr Minnock.

Several members responded that it was regrettable that there was political opportunism on this issue. It was agreed that it was certainly an area to be looked at and perhaps the Housing Strategic Policy Committee would be an appropriate forum to begin such a process. The members discussed issues around the parameters of the audit, the code of good governance and the allocations scheme as outlined in the report circulated.

Mr Minnock, Director of Service said that houses were allocated using the Allocations Scheme adopted by the members. The Capital Loan and Subsidy Scheme which was used to fund the construction of the units referred to is now closed. Any future funding for Voluntary Housing Associations will be on a different basis.

Councillor Lynch asked for clarification on the allocations policy and it was agreed that a copy of the scheme would be circulated to the members.

As it was 6.00pm, the Mayor called for a proposal to suspend standing orders. On the proposal of Councillor McEvoy, seconded by Councillor Wall standing orders were suspended until 7.00pm to allow the meeting to continue.

In accordance with standing orders, six members called for a roll call vote on this motion.

The following members voted in favour of the motion

Councillors Breen, Breslin, Cronin, Crowley, Cussen, Lynch, McLoughlin-Healy, Moore, O'Neill, Pender, Redmond, Wall and Young.

The following members voted against the motion

Councillors Doyle, Durkan, Keatley, Larkin, Lawless, McEvoy, Murray, Neville, O'Cearuil, R Power, S Power, Ward and Weld

The following members abstained

Councillors Brett, Caldwell, Callaghan, Hillis, Miley, O'Loughlin, and Stafford

The Mayor had the casting vote as there were an equal number for and against the motion (13)
The Mayor abstained as in the roll call and the motion was defeated.

Resolved With 13 members voting in favour, 13 members voting against and 7 members abstaining, the Mayor had the casting vote, abstained and the motion was defeated.

24/0115

Freedom of Information

The following motion in the name of Councillor McLoughlin-Healy was considered
That the council outline its protocol and role with respect to freedom of information requests made officially by councillors both in general and in particular as it relates to the ongoing attempt to get information previously available to contractors or in the public domain (ie not commercially sensitive) regarding pay-parking contracts in Newbridge.

Councillor McLoughlin-Healy took the report from the Freedom of Information Officer as read.

Resolved that the report be noted.

25/0115
Planning Levies

The following motion in the name of Councillor Moore was considered

That the council introduce a two year 50% reduction of planning levies for houses that are roof completed before 31 December 2016 in existing zoned areas to;

- help immediately bring badly needed new housing to the market
- assist with stabilising and managing house costs after years of austerity
- allow people to have options on expensive renting or buying a new house.

Councillor Moore proposed the motion but as there was no member seconding it, the motion fell.

26/0115
Income from Development Levies

The following motion in the name of Councillor McLoughlin-Healy was considered

That the council give an update on the situation with regard to development levies over the last three years. This should include levies outstanding and levies due/raised but not spent in the same year.

Councillor McLoughlin-Healy proposed this motion and it was seconded by Councillor Neville. Councillor McLoughlin-Healy noted the report circulated by the Head of Finance but expressed concern that the levies may be lost or locked away and not used for the purpose that was intended.

Mr Kavanagh, Senior Executive Officer, assured Councillor McLoughlin-Healy that this was not the case and said that he would explain the processes involved further if this would be helpful. Councillor McLoughlin-Healy thanked Mr Kavanagh and said that she would contact him with a view to arranging a meeting.

Resolved that the report be noted.

27/0115

Audit of Service Level Agreements

The following motion in the name of Councillor Crowley was considered

That the council conducts through an appropriate forum which would include elected representatives an audit and examination of Service Level agreements with a view to establishing if the council is achieving efficiencies, value for money and maintaining mutually agreed standards with the selected partners.

The motion was proposed by Councillor Crowley and seconded by Councillor Redmond.

Councillor Crowley spoke on the motion stating that some members have concerns regarding performance and value for money achieved. Mr O'Sullivan, Director of Service, informed the members that an audit entitled 'Compliance with Service Level Agreements' has been approved by the Management Team and will be included in the Internal Audit Plan 2015. When completed, the Internal Audit review and report will be considered by the Audit committee, which comprises external and councillor representation.

He stated that when contracts are entered into they are binding. It is not possible to go back on a contract and renegotiate during the term of that contract. Public procurement rules are very strict. He advised the members that any pertinent issues will be brought before Council, but this will not extend to forms of contract which have gone through a public procurement process.

Councillor Crowley cited examples of the public lighting contract, the refuse collection service and said that members had a right to question if we could do better ourselves. Mr O'Sullivan said that there was a performance criterion with every contract and if any member had any issue, he/she should relay their concerns to the relevant departments. The waste service is now private and is not procured by the council.

The Chief Executive stated that the Local Government Auditor, the Value for Money Unit, the Audit Committee, EU audits and the office of Government Procurement all play a role in evaluating the services provided by the council. There is a huge amount of work in adhering to the requirements of all of these bodies and that he considered that there is a huge focus on value for money and efficiencies within the service.

Resolved on the proposal of Councillor Crowley, seconded by Councillor Redmond, that this motion be referred to the Audit Committee.

28/0115
RAS Tenancies

The following motion in the name of Councillor Young was considered

In light of letters from Meath and Wicklow County Councils to RAS tenants saying that failure to pay water charges could put a tenancy in jeopardy, that the council resolves to publicly declare that they will not evict, threaten to evict, or otherwise put council tenants in fear of losing a tenancy should they choose to exercise their democratic right to civil disobedience in refusing to pay the water charge and resolves to request of the private landlords involved in the RAS scheme that they act in like manner. A report from Mr Minnock, Director of Services was circulated to the members indicating that the Rental Accommodation Scheme is a contractual arrangement between the local authority, landlord and tenant whereby the landlord makes the property available to the local authority nominated tenant for an agreed sum while the tenant has a contractual arrangement with the local authority to pay a differential rent. The tenancy agreement is directly between the landlord and tenant and comes under the auspices of the Private Rented Tenancies Board. Accordingly, any utility bills, (ie electricity, gas and water come within the scope of the tenancy agreement and are not a matter for the local authority.

Councillor Young spoke on the motion and said that it was in the public domain that if tenants decide not to pay, they were at risk of eviction. He said that his motion was a request, it would not compel. Councillor Pender seconded the motion. Several members contributed to a discussion around the charge being imposed without regard to ability to pay while others questioned the members' role in this motion

In accordance with standing orders, six members called for a roll call vote.

The following members voted in favour of the motion

Councillors Cronin, Cussen, Lynch, O'Neill, Pender, Redmond and Young.

The following members voted against the motion

Councillors Brett, Crowley, Durkan, Hillis, McEvoy, McLoughlin-Healy, Neville, Stafford and Weld

The following members abstained

Councillors Breen, Breslin, Callaghan, Doyle, Keatley, Larkin, Miley, Murray, O'Cearuil, O'Loughlin, O'Rourke, S Power, Wall and Ward

Resolved With 7 members voting in favour, 9 members voting against, and 14 members abstaining, the motion was defeated.

29/0115
Housing Crisis

The following motion from Councillor Pender was considered:

This council welcomes the decision in Budget 2015 to end the recruitment embargo in the public sector. That the council reports on what provisions are being made to meet staffing requirements to effectively deal with the housing crisis giving particular consideration to homelessness, HAP and the proposed social housing build programme

A report prepared by Mr Perry, Senior Executive Officer, Housing Department informed the members that the delivery of the housing service will be of housing support rather than housing provision going forward.

Councillor Pender proposed the motion. She said that she understood that staffing issues were outside the remit of the members but she found the report confusing and contradictory. She said that people who present as homeless cannot get an appointment and asked that this situation be examined. If the Housing Assistance Payment is being introduced, are the staff in place to deal with this? Councillor Redmond seconded the motion.

The members contributed to a debate and expressed concern about sending people out to the market. It was stated that it is in our interest to do prevention work, that repossessions were a reality, that the policy must be consistent and permanent and a reminder to the Executive that there was a commitment given at budget time. Members agreed that this was not a criticism of the housing staff, but recognition that it appeared that more resources were required.

Resolved that the report be noted.

30/0115
Sale of Council Land

The following motion in the name of Councillor Lynch was considered by members

That this council calls for a freeze on all council land disposals and the sale of council land and a review be carried out to ensure that the council are receiving the best deal possible on all land disposals. In conjunction we call for increased information on each land disposal as current information provided does not detail circumstances, reasons or explanations as to why the land is being disposed or handed over and further details on who is receiving it.

A report prepared by Mr O'Sullivan, Director of Service, outlined the procedure for the Section 183 process relating to the disposal of land and informed members that the procedures are under review.

Councillor Lynch proposed the motion and said that while the details of the land, maps etc. were attached to the notices, there was no information on the background, the reason for the disposal or the method for determining the charge. Councillor Cronin seconded this motion.

As it was now 7.00pm, standing orders were extended for 15 minutes on the proposal of Councillor Miley, seconded by Councillor Young.

Members agreed that it was reasonable to ask for relevant information but expressed concern regarding the freeze proposed.

The Chief Executive urged members to ask the relevant departments for further information where they had any concerns. There was no attempt to mislead members and the review will be carried out very quickly.

Councillor Lynch submitted an amendment to the motion as follows

We call for increased information on each land disposal as current information provided does not detail circumstances, reasons or explanations as to why land is being disposed of or handed over and further details on who is receiving it. The amendment was seconded by Councillor Cronin.

Resolved on the proposal of Councillor Lynch, seconded by Councillor Cronin, with all members present in agreement, that the amended motion be passed.

31/0115

Social Housing Needs Analysis

The following motion in the name of Councillor O'Cearuil was considered

That this council carries out a comprehensive study on current social housing needs in the county. This will prepare the council for future funding from the Department of Environment, Community and Local Government. Most of this information is available in-house at present. As a housing authority, it is our duty to begin building substantial social housing units once again.

The motion was proposed by Councillor O’Cearuil and seconded by Councillor Miley. Councillor O’Cearuil thanked the Housing Department for the report and said that there had been a good discussion on the issue in the motion tabled by Councillor Byrne earlier and he looked forward to receiving the strategy.

Resolved that the report be noted.

32/0115
Out of Hours Emergency Service

The following motion in the name of Councillor Miley was considered
That this council approve that in times of extreme weather that the council give a commitment that we will have an out of hours service to deal with emergencies such as flooding, fallen trees and other road related issues.

The motion was proposed by Councillor Miley and seconded by Councillor Redmond.

A report was circulated to the members indicating that the council is anxious to ensure that it has the necessary protocols and procedures in place so that it can assist the emergency services, in a safe manner, when they seek assistance. Work is being finalised on these protocols and procedures and it is expected that this will lead to a phased return to assisting the emergency services outside of normal working hours. It should be noted that stall will only be called out following a dynamic risk assessment and a judgement that it is appropriate for them to attend.

Resolved that the report be noted.

The Mayor asked for a proposal to suspend standing orders to conclude the meeting. Councillor Cronin proposed the suspension of standing orders for 30 minutes. This was seconded by Councillor Cussen. A counter proposal from Councillor McEvoy proposed that the meeting conclude at this point and this was seconded by Councillor Weld.

A show of hands indicated 13 members in favour, and 6 members against concluding the meeting at this stage.

The meeting concluded.