

Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 20th of September, 2010 at 3.00p.m. in the Council Chamber, County Hall, John Street, Kilkenny.

Cathaoirleach: Cllr. Catherine Connery

Present: Cllrs. M.H. Cavanagh, M. Shortall, J. Brennan, M. Fitzpatrick, J. Coonan, M. Brett, B. Manning, P. Cuddihy, M. Noonan, M. Doran, W. Ireland, P. Crowley, T. Maher, S. Treacy, P. O' Neill, A. Phelan, M. O' Brien, E. Aylward, A.M. Irish, C. Long, T. Breathnach, P. Dunphy.

Apologies: Cllrs. A. McGuinness, P. Millea & F. Doherty.

Also Present: Joe Crockett County Manager, John McCormack, John Mulholland and Philip O' Neill Directors of Services, J. Dempsey Head of Finance, Denis Malone, Catriona Reilly, Martin Mullally, Anne Marie Robinson, Jim Ryan, David Shortall and Anne Maria Walsh Meetings Administrator.

At the outset of the meeting the Cathaoirleach asked that in accordance with standing orders that all members would turn off their mobile phones during the course of the Council Meeting.

Votes of sympathy were passed to the following:-

- Eamon Kilkenny, High Street, Ballyragget on the death of his mother Katherine Kilkenny.
- Monica Rice, Lisamine, Jenkinstown, Co. Kilkenny on the death of her father Thomas White.
- Mrs. Margaret Neill, 6 Ashurst, College Road, Kilkenny on the death of her husband Michael Neill.
- Jean Foskin, Polerone, Mooncoin on the death of her husband Seamus Foskin.
- Seamus Foskin & family, Upper Village, Kilmacow on the death of his mother Hanora Foskin.
- Patrick Quinlan, Greenville Lower, Kilmacow on the death of his wife Maura Quinlan.
- Brigid Aylward & Family, Coppemagh, Graignamanagh on the death of William Aylward.
- Joan Townsend, Carrick Road, Kilmoganny, Co. Kilkenny on the death of Ted Townsend.
- Eddie Guinan, Windgap, Co. Kilkenny on the death of John Guinan.

On behalf of the management and staff of Kilkenny County Council the County Manager joined with votes of sympathy and offered his condolences to the family of the late Michael Neill.

The Chairman congratulated Kilkenny City on winning the category for the large urban area in the tidy town's competition. She also congratulated the villages and towns throughout the county for their wonderful endeavours throughout the competition. She congratulated the hurling teams on their recent successes.

She took the opportunity to advise the Council that she had received a letter from the National Roads Authority in relation to the lack of signage for Kilkenny at the M9 motorway and also referred to the recent opening of the M9 motorway from Paulstown to Knocktopher.

1. Confirmation of Minutes

- (a)** Minutes of Ordinary Meeting of Kilkenny County Council held on 19th July, 2010. Proposed by Cllr. B. Manning, Seconded by Cllr. M. Brett and resolved:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on 19th July, 2010 copy of which had been circulated be and are hereby approved".
- (b)** Minutes of Kilkenny Electoral Area Meeting held on 14th June, 2010. Proposed by Cllr. John Coonan, Seconded by Cllr. Marie Fitzpatrick and resolved:- "That the minutes of the Kilkenny Electoral Area Meeting held on 14th June, 2010 copy of which had been circulated be and are hereby approved".
- (c)** Minutes of Ballyragget Electoral Area Meeting held on 25th June, 2010. Proposed by Cllr. Maurice Shortall, Seconded by Cllr. John Brennan and resolved:- "That the minutes of the Ballyragget Electoral Area Meeting held on 25th June, 2010 copy of which had been circulated be and are hereby approved".
- (d)** Minutes of Kilkenny Electoral Area Meeting held on the 1st of September, 2010. Proposed by Cllr. John Coonan, Seconded by Cllr. Martin Brett and resolved:- "That the minutes of the Kilkenny Electoral Area Meeting held on 1st of September, 2010 copy of which had been circulated be and are hereby approved".
- (e)** Minutes of SPC Environmental Policy Committee Meeting held on 8th September, 2010. Proposed by Cllr. Paul Cuddihy, Seconded by Cllr. Tom Maher and resolved:- "That the minutes of the SPC Environmental Policy Committee held on 8th September, 2010 copy of which had been circulated be and are hereby approved".

2. Business prescribed by Statute, Standing Orders or Resolutions of the Council. - Gnó forordaithe do réir Reachtaíochta, Orduithe Seasta, nó Rúin an Chomhairle.

(a) Other Disposal - Díuscairt Eile

- (i) Proposed by Cllr. Sean Treacy, Seconded by Cllr. Tom Maher and agreed “That Kilkenny County Council hereby approves of the disposal of its interest in land at Clifden, Clara, Co. Kilkenny to Coleman Ryan in accordance with details contained in the Notice served under Section 183 of the Local Government Act, 2001”.
- (ii) Proposed by Cllr. Martin Brett, Seconded by Cllr. Marie Fitzpatrick and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in land at County Hall, John Street, Kilkenny to Eamon Langton in accordance with details contained in the Notice served under Section 183 of the Local Government Act, 2001”.

(b) Corporate - Gnóthaí Corparáideacha

- (i) Local Government Act, 2001 – Section 32(4) Schedule 8 Alternative titles to Cathaoirleach and Leas Cathaoirleach.

Proposed by Cllr. Michael O’ Brien, Seconded by Cllr. Sean Treacy: “That Kilkenny County Council hereby approve the use of alternative titles to Cathaoirleach and Leas Cathaoirleach.

A discussion took place in relation to the use of the titles and contributions were made by Cllrs. M. O’ Brien, M. H. Cavanagh, J. Coonan, M. Noonan, M. Fitzpatrick, T. Breathnach, S. Treacy and C. Connery.

A number of issues were raised in relation to the proposal to use the alternative title and members expressed their views in relation to this. Some members stated that the title of Mayor created a distinct role for the post and there was valid reasons for the use of the title of Mayor.

It was suggested that the protocol committee should meet in relation to this. Members agreed that there is a need for respect to be given to the position of Cathaoirleach in the County. A vote was taken in relation to this proposal the members voting in favour of the resolution were as follows:- M. Shortall, M. Doran, A. Phelan, M. O’ Brien, S. Treacy, E. Aylward, C. Long.

The number voting for = 7

Members voting against were as follows:- M. H. Cavanagh, J. Brennan, C. Connery, J. Coonan, M. Fitzpatrick, M. Brett, B. Manning, P. Cuddihy, M. Noonan, W. Ireland, T. Maher, P. Crowley, P. O’ Neill, A.M. Irish, T. Breathnach.

The number voting against = 15

Absent:- Cllrs. P. Millea, A. McGuinness, F. Doherty, P. Dunphy.

Therefore the proposal was not carried. The Manager advised members that the CPG Meeting had taken on the role of the protocol committee and the matter could be raised in that forum.

(ii) Making of Bye Laws under Local Government Act 2001 on prohibition of consumption of alcohol in public places (previously circulated at June 2010 meeting.

Proposed by Cllr. John Coonan, Seconded by Cllr. Ann Phelan "That Kilkenny County Council hereby approves the making of byelaws under the Local Government Act 2001 on prohibition of consumption of alcohol in public places"

John McCormack Director of Services advised the members that the byelaws had been on public display for a number of weeks and had been forwarded to the various bodies. The bye laws were being made in respect of the 4 scheduled towns and for the Environs of Kilkenny City and that legal advice had also been sought.

Contributions were made by the following: - Cllrs. J. Brennan, J. Coonan, A. Phelan, T. Breathnach, M. Noonan and M. Brett.

Members raised a number of issues in relation to the implementation of these bye laws across the County. It was requested that this matter would be listed for consideration at the Joint Policing Committee in order to foster a closer working arrangement with the Gardai and public representatives. The members also requested that consideration be given to drafting byelaws for all villages across the County.

Cllr. Noonan asked that a letter be sent to the Minister for Enterprise, Trade and Innovation in relation to low cost selling of alcohol in off licences. This was seconded by Cllr M Brett and agreed.

Cllr. Brett requested that the area meetings be updated on a continuous basis in relation to implementation of these bye laws.

A vote was taken on the adoption of the Bye Laws as follows:- All councillors present voted for on the adoption of the Byelaws **For**:- Cllrs. C. Connery, M.H. Cavanagh, M. Shortall, J. Brennan, M. Fitzpatrick, J. Coonan, M. Brett, B. Manning, P. Cuddihy, M. Noonan, M. Doran, W. Ireland, P. Crowley, T. Maher, S. Treacy, P. O' Neill, A. Phelan, M. O' Brien, E. Aylward, A.M. Irish, C. Long, T. Breathnach, P. Dunphy.

Against: 0

(iii) Proposed Chairman's reception for Freshford Intermediate Hurling Team

Proposed by Cllr. Martin Brett, Seconded by Cllr. Mary Hilda Cavanagh "That a Chairman's reception be afforded to the Freshford Intermediate hurling team" The chairman advised members that the reception would probably take place either at the October or November monthly meeting.

(c) Roads – Bóithre

(i) 3 Year Roads Restoration Programme

Proposed by Cllr. John Brennan, Seconded by Cllr. Betty Manning "That the 3 Year Roads Restoration Programme as circulated to members be adopted" Contributions were made from Cllr. J. Brennan, P. O' Neill, T. Maher and A. Phelan in relation to the availability of funding to complete the works included in this programme.

Queries were raised in relation to the reduction of funding over the last number of years. Mr. Mulholland Director of Services outlined that there was €15million available over the 3 years to implement the programme as outlined today and that there was a reduction of 10% in the allocation for 2010 over previous years.

(ii) Review of Fire Services

Mr. Mulholland Director of Services advised the members that it would take 3 months to carry out an operational and management review of the fire services and that a report would be brought back to the Council when this was completed. Cllr. Mary Hilda Cavanagh asked that a review of the buildings would also be included in this report.

(iii) Taking in Charge of Estates, Section 11 of the Roads Act 1993, Section 180 of the Planning & Development Act 2000 – 10 houses at Leonard's Court, Dunnamaggin, Co. Kilkenny and 16 houses at Abhainn Ri, West Street, Callan, Co. Kilkenny.

Proposed by Cllr. Tom Maher, Seconded by Cllr. Pat Crowley and resolved "That Kilkenny County Council recommend the procedure required in accordance with Section 11 of the Roads Act, 1993 in order to facilitate the taking in charge of the following estates and in accordance with Section 180 of the Planning & Development Act, 2000, be commenced:

10 houses at Leonards Court, Dunnamaggin, Co. Kilkenny .

16 houses at Abhainn Rí, West Street, Callan, Co. Kilkenny. "

Contributions in relation to the taking in charge of estates were made by Cllr. M. Shortall, T. Breathnach, M. O' Brien, P. Cuddihy, P. Crowley, A. Phelan and M. Doran. Issues were raised in relation to bonds being available in the event of developers not being in a position to complete works in estates. It was noted that under the recent Planning Act 2010 that the owners of units can only apply to have estates taken in charge and not residents of units.

Queries were raised in relation to extensions of durations of planning permission and also in relation to the national team which is being set up in relation to unfinished estates. Mr. John McCormack Director of Services advised members that a national team had been set up and that Kilkenny County Council will be reporting to them on a regular basis. He also advised members that bonds are monitored on a regular basis and that an interdepartmental team has been set up to deal with the unfinished estates. Kilkenny County Council will be dealing with them on a priority basis depending on availability of human and financial resources.

Martin Mullally Senior Executive Officer advised the members that a number of applications had been received in relation to the extension of duration in order to complete housing estates and that Kilkenny County Council were working with the national group in relation to this and it was the developer's primary responsibility to complete the estates.

2(d) Planning – Pleanail

(i) Manager's Report on submission to the Draft Gowran Local Area Plan

Proposed by Cllr. Sean Treacy seconded by Cllr. Pat O' Neill and resolved:-
"We the members of Kilkenny County Council having considered the proposal to make a Local Area Plan for Gowran under Section 18-20 of the Planning & Development Act 2000 as amended and having considered the County Manager's Report as circulated on the 6th August 2010 on the written submissions made during the formal consultation period do hereby consider that the proposed Local Area Plan should be varied and modified in accordance with the procedures under Section 20(3) of the Planning & Development Act 2000 as amended by Section 9(e) – (f) of the Planning & Development (Amendment) Act 2002 and with our decision made at a meeting of Kilkenny County Council held on the 20th September 2010".

Caitriona Reilly Planner outlined the process involved in the preparation of the draft Gowran Local Area Plan and pointed out that there was one correction to the Manager's Report as already circulated, which was in relation to Submission DG5 and the zoning of the Castle stable yard.

Contributions were made by Cllrs. P. O' Neill, A. Phelan, M. O' Brien, T. Breathnach in relation to a number of issues. A query was raised in relation to Gowran Castle and other derelict sites in Gowran. Caitriona Reilly advised the members in relation to Gowran Castle that a Section 59 notice had been served and that the Council were looking at the possibility

of carrying out some works to prevent unauthorised access and to prevent further endangerment. Legal advice has been requested from our solicitor as the owners of the property reside outside our jurisdiction. Denis Malone advised members that the Integrated Tourism and Leisure zone covering the Demesne was intended to encourage redevelopment of the Castle and he did not see a need to change this. He also answered a query in relation to the flood plain.

- (ii)** Resolution under Section 85 of the Local Government Act 2001 with Waterford City Council in order to remove the site of the former Ard Ri Hotel, Ferrybank, Waterford from dereliction

Proposed by Cllr. T. Breathnach, Seconded by Cllr. AM. Irish and resolved:- “That Kilkenny County Council hereby enter into an agreement with Waterford City Council in respect of functions under the Derelict Sites Act 1990 as they relate to the site of the former Ard Ri Hotel, Ferrybank, Waterford under Section 85 of the Local Government Act 2001. This agreement enables Waterford City Council to undertake, in the administrative area of Kilkenny County Council, all necessary functions under the Derelict Sites Act 1990 as they relate to the site of the former Ard Ri Hotel, in order to remove the property from dereliction”.

John McCormack Director of Services advised members that Waterford City would be the lead authority in relation to issuing of proceedings under the Derelict Sites Act. He outlined that the estimated cost of the works would be approximately €200,000 and Kilkenny County Council would be required to make a contribution to this cost.

Members expressed satisfaction with this process and said that the building was on a prominent site overlooking Waterford City and queries were raised in relation to what type of works would be involved. Mr. John McCormack outlined that works would be required to render the building safe.

- (e)** **Housing – Tithíocht**
Draft Anti Social Behaviour Policy

At the outset Mr. John McCormack Director of Services outlined to the members the legal requirements to bring forward a policy document in relation to anti social behaviour. He outlined that the draft document had been prepared and was presented to the Corporate Policy Group and also to the Joint Policing Committee. The policy document was advertised and was forwarded to a number of organisations involved in housing. A power point presentation was made by Ms. Anne Maria Robinson Tenant Estate Management Officer. The presentation outlined the following:-

- The legislation governing the preparation and adoption of the Anti Social Behaviour policy
- The reasons why the policy document is required
- The extension of the powers to the local authority to cover houses in other areas
- The procedure involved in dealing with the complaint, and the possible outcome.

A full debate followed on this issue to which most members contributed. Queries were raised by members in relation to anonymous complaints being received by the local authority and also in relation to dealing with complaints from housing estates which are managed by the voluntary housing bodies. Questions were also raised in relation to the management of the complaints by members of the public and if there was adequate resources to deal with the increased functions that the Act has brought. John McCormack Director of Services and Anne Marie Robinson answered the queries raised by the members and informed the members that the local authority had received approval to the filling of the post Tenant Investigations Officer in 2011. They advised the meeting that the housing department would be assessing all applicants for all types of social housing into the future and that the applicants would be nominated to voluntary bodies for tenancies. The adoption of the draft anti social behaviour policy was proposed by Cllr. Marie Fitzpatrick and Seconded by Cllr. Cora Long and agreed by all members: “That Kilkenny County Council approves the adoption of the Anti Social Behaviour Policy as presented to the members”

(a) Finance – Airgeadas

Economic Development Policy Update

The County Manager advised the members that the Economic Development Policy had been published and that no submissions were received. There was a small amendment required to the current draft policy. The Manager outlined that there would be a launch of the website and brochure in November 2010 and that there would be a supplement with the Kilkenny People on the M9 motorway this week. A number of initiatives were also being undertaken in relation to transport, tourism, the food sector and third level education.

Contributions were made by Cllrs. M. Noonan, P. O’ Neill, A. Phelan, T. Maher, T. Breathnach, M. O’ Brien, S. Treacy, Mary Hilda Cavanagh, and M. Shortall in relation to the Economic Development Policy.

The members outlined that the growth area in Kilkenny is in Tourism and Agri food. They also raised issues in relation to the availability of third level courses throughout the County and reference was made to the easy accessibility to Kilkenny since the opening of the M9 motorway in recent weeks. It was requested that landscaping would be undertaken on the main roundabout accessing the City from the M9.

The County Manager and staff were complimented on the policy as presented. Members requested that the policy would be implemented and expressed a view that it was important that local people create jobs for other local people and there is a need to drive this initiative throughout the County. County Manager responded to the members and stated that he would be working with all the relevant bodies including the IDA, Enterprise Ireland, County Enterprise Board, Leader and Rural Development groups and advised that a member of staff has been assigned to work full time in this area.

3. Urgent Correspondence - Comhfhreagras Práinneach

The chairman drew attention to members that the letters received from the Department and other relevant agencies had been circulated. It was also confirmed that the invitation had been issued to Dr. Colm Quigley HSE and he has responded that he would be in a position to attend the October meeting of Kilkenny County Council

4. Business adjourned from a previous Meeting - Gnó ar athló ó chruinniú roimhe seo:

None

5. Fix Dates and Times of Meetings - Dátaí agus Amanta do chruinnithe a shocrú:

(a) Schedule of meetings from September – November 2010 – The schedule as circulated was agreed.

(b) Agree date for Joint Meeting of Kilkenny County Council and Kilkenny Borough Council to discuss the Kilkenny Central Access Scheme revised proposals.

The Chairman proposed that the joint meeting of Kilkenny County Council and Kilkenny Borough Council to discuss the Kilkenny Central Access Scheme design proposals would be held on Wednesday 13th of October at 4.00p.m. in the Council Chamber. This was agreed by all members.

6. Consideration of Reports and Recommendations of Committees of the Council

- Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:

(a) Report on Kilkenny Electoral Area Meeting held on 14th June, 2010

It was proposed by Cllr. John Coonan, Seconded by Cllr. Martin Brett “That the report of Kilkenny Electoral Area Meeting held on 14th June, 2010 be and is hereby agreed. The chair of the committee outlined to the meeting the issues discussed at the meeting.

(b) Report on Kilkenny Electoral Area Meeting held on 1st September, 2010
Proposed by Cllr. John Coonan, Seconded by Cllr. Martin Brett and resolved: -
“That the report on Kilkenny Electoral Area Meeting held on 1st September, 2010
be and is hereby agreed”.

(c) Report on Ballyragget Electoral Area Meeting held on 25th June, 2010
Proposed by Cllr. Mary Hilda Cavanagh, Seconded by Cllr. John Brennan and
resolved: - “That the report on Ballyragget Electoral Area Meeting held on 25th
June, 2010 be and is hereby agreed”.

(d) Report on SPC 3 Environmental Policy, Fire Services and Emergency Planning
Meeting held on 8th September, 2010

Deferred to the October Meeting.

7. Other Business set forth in the Notice convening the Meeting -

Gnó Eile romhainn i bhFógra reachtála an Chruinnithe

None

8. Education & Training

Conferences – Request for approval to attend as per circulated list. Proposed by Cllr.
Mary Hilda Cavanagh, Seconded by Cllr. Malcolm Noonan.

9. Matters Arising from Minutes - Gnótha ag éirí as Miontuairiscí

None

10. Any Other Business - Aon Ghnó Eile

None

11. Notices of Motion - Fógraí Rúin:

7(10) Mary Hilda Cavanagh

Proposed by Cllr. Mary Hilda Cavanagh, Seconded by Cllr. Pat O’ Neill and resolved:-
“That Kilkenny County Council requests a meeting with the National Roads Authority
with a view to securing agreement to construct an exit from the M8 Motorway to
facilitate trucks (and other road users) travelling on the Cork-Ballyragget route via
Durrow. Since the Cullohill exit was closed, Glanbia trucks have to exit at Urlingford
and travel on the N8 from Urlingford to Durrow due to the absence of such an exit;
and further, to discuss the merits of introducing an special annual rate for companies
whose commercial vehicles pass through the toll frequently on a daily basis”.

In proposing the motion Cllr. Mary Hilda Cavanagh requested that urgent discussions take place with the National Roads Authority.

12. Notices of Motion from other local authorities seeking support of Kilkenny County Council County Council - Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh:

43(10) Cork County Council – 26th July 2010

Proposed by Cllr. Catherine Connery, Seconded by Cllr. Mary Hilda Cavanagh and resolved:- “That Cork County Council calls on the Government and the Catholic Church to (a) issue formal apologies for the abuse inflicted on women and young girls in the Magdalene Laundries and (b) establish a distinct redress scheme for all survivors.

Noted.

Meeting concluded at 6.00 p.m.

CATHAOIRLEACH

DATE