



Miontuairscí / Meeting Minutes

Ordinary Meeting

3rd April 2017, Council Chamber

Presiding

Cathaoirleach, Councillor Maria Murphy

Councillors Present:

Councillors Joe Bonner, Sinéad Burke, Eugene Cassidy, Francis Deane, Seán Drew, Eimear Ferguson, Brian Fitzgerald, Pdraig Fitzsimons, Enda Flynn, Joe Fox, Noel French, Michael Gallagher, David Gilroy, Trevor Golden, Johnny Guirke, Wayne Harding, Jim Holloway, Suzanne Jamal, Tom Kelly, Sharon Keogan, Nick Killian, Caroline Lynch, Stephen McKee, Ronan McKenna, Paddy Meade, Gerry O'Connor, Claire O'Driscoll, Maria O' Kane, Damien O' Reilly, Darren O'Rourke, Bryan Reilly, Joe Reilly, Sarah Reilly, Tommy Reilly, Seán Smith, Alan Tobin, Sharon Tolan, Gillian Toole.

Apologies: Councillor Wayne Forde

Officials in attendance:

Chief Executive: Jackie Maguire

Directors of Service: Kevin Stewart, Des Foley, Fiona Lawless, Barry Lynch

Meetings' Administrator: Olive Falsey

Senior Executive Officers: Dara McGowan, Larry Whelan, Fiona Fallon

Finance Staff: Paul Timoney, Financial Accountant, Sheila Harkin, Management Accountant, Eamon Lynch, Internal Auditor, Ger Soady, Administrative Officer

1 Confirmation of Minutes

1.1 Confirmation of minutes of Ordinary meeting held on 6th March 2017.

The minutes of the Ordinary meeting held on 6th March 2017 were confirmed on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Nick Killian**.



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2 Matters arising from the Minutes

The Chief Executive provided an update to Councillors on the attempted cyber enabled offence which took place on 28th October, 2016.

3 Expressions of Sympathy and Congratulations

Sympathy was extended to:

- Cllr. Maria Murphy, Cathaoirleach, on the death of her uncle Rev. John Foster SDB.
- Marguerite Kelly, Library Service, on the death of her father Paddy Clarke.
- The family of the late Dave MacGowan, former Engineer, Meath County Council.
- Gillian Doyle, Transportation, on the death of her mother Doreen Bracken.
- The family of the late, Michael Carroll, Johnstown, Navan, former Councillor, Meath County Council.
- The family of the late Chris Glennon, Tullamore, former employee.
- The family of the late Martin McGuinness former Deputy First Minister, Northern Ireland.
- The missing crew members of Coast Guard crew members of Rescue R116.
- The family of the late Sergeant Pat Muldowney, Laytown.
- The family of the late Sarah Bardon, Collinstown, Co. Westmeath, and student at St. Oliver's Post Primary School, Oldcastle.

Congratulations were extended to:

- Housing Department on the successful application in relation to LIHAF funding.
- Meath Civil Defence on winning the recent regional competition in Kildare.
- Gordon Elliot (Horse trainer) and Robbie Power (Gold Cup Winner) on their success at the Cheltenham festival.
- Navan Shamrock Festival and Slane St. Patrick's Day committees on the organisation of their recent St. Patrick's Day parades.
- The Meath Associations of London and New York on hosting the Meath delegations for the St. Patrick's Day parades.
- St. Colmcille's GAA Club on receiving a civic recognition from Meath County Council.
- All involved in the recent launch of the Francis Ledwidge Centenary Programme.
- Rathkenny Musical Society on their recent production of Rathkenny Revels.
- Jack Kavanagh on 'Breaking Boundaries' Documentary.
- Meath GAA Hurlers on their recent promotion to Division 1B.



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4 Disposal of Land in accordance with Statutory Notices circulated pursuant to the provisions of Section 183 of the Local Government Act, 2001

5 Statutory Business

5.1 Corporate Services

5.1.1 To receive the Audit Committee's Annual Report, 2016.

Frank McLoughlin, Chair of the Council's Audit Committee, provided an overview of the report and informed the meeting of the committee's objectives for 2017.

The Chair responded to a number of issues raised by Councillors. The Cathaoirleach thanked Frank McLoughlin for attending the meeting. The report was noted by the Councillors.

5.2 Finance

5.2.1 To receive Draft Annual Financial Statement 2016.

Paul Timoney, Financial Accountant made a presentation to the meeting which included the details of:

- The Revenue Account 2016 - 2015
- Reduction of cumulative deficit 2005 to 2016
- Analysis of Annual Expenditure and Income
- Summary of Major Revenue Collections for 2016
- Unfunded Capital Balances 2005-2016

It was noted that the cumulative loss as of 31/12/2016 was down to €2.5m. from €10.8m. in 2005. It was also noted that the cumulative unfunded balances as of 31/12/2016 were down to €12.9m. from €43m. in 2005.

Following the presentation, Councillors had an opportunity to ask questions and responses were provided by the Head of Finance.



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The Annual Financial Statement was received and noted on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Eugene Cassidy**.

- 5.2.2 To approve (i) revised expenditure for the financial year ended 31st December, 2016 as set out in Table A in accordance with S104 of the Local Government Act 2001 and (ii) transfers to and from Capital as set out in Table B.

- (i) revised expenditure for the financial year ended 31st December, 2016 as set out in Table A in accordance with S104 of the Local Government Act 2001

Approved on the proposal of **Councillor Sarah Reilly** and seconded by **Councillor Ronan McKenna**.

- (ii) transfers to and from Capital as set out in Table B.

Approved on the proposal of **Councillor Eugene Cassidy** and seconded by **Councillor Gerry O' Connor**.

- 5.2.3 To receive and consider the Draft 3 -Year Capital Programme 2017, under S.135 of the Local Government Act 2001.

Fiona Lawless, Head of Finance, made the presentation which included detailed information on:

- Sources of funding for all Capital Spend
- Service Division A – Housing & Building
- Service Division B – Transportation & Safety
- Service Division D – Development Incentives & Controls
- Service Division E –Environmental Services
- Service Division F – Recreation & Amenity
- Service Division H – Miscellaneous Services

It was noted that the actual Capital spend between 2015 – 2016 was €55m. and that the proposed Capital spend between 2017-2020 would be €261m.

Following the presentation Councillors raised a number of issues and sought clarification on some particulars of the presentation. The Councillors welcomed many elements of the Plan and the main issues raised included:

- The proposed expenditure on housing.
- The need to maximise development levies and deliver the necessary infrastructure in the county.



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- More initiatives required to develop and rejuvenate the villages and graigs in the county.
- More investment in playgrounds and an update of Council's Play Policy.
- Traffic management in Julianstown and a need for a bypass of Duleek.
- Traffic management at the Hill of Tara site.
- Capital programme needs to reflect an equitable spend across the county – some areas in North Meath not mentioned in the plan.
- Need for recycling facilities in Ashbourne.

Responses to the issues raised were provided by the Chief Executive, the Head of Finance and the Management Team.

5.3 Community

- 5.3.1 To approve the new member of the LCDC representing the Social Inclusion pillar of the Public Participation Network (PPN).

Jacinta O' Sullivan, South Meath Social Economy, was approved as the Social Inclusion College Representative for the current vacancy on the LCDC on the proposal of **Councillor Sharon Keogan** and seconded by **Councillor Sinéad Burke**.

6 Reports

6.1 Chief Executive's Report

The Chief Executive's report was noted by the Councillors.

6.2 Report from the Corporate Policy Group

- The Meetings Administrator advised that the Corporate Policy Group reviewed the agenda for the full Council meeting and received information on the particulars of some items. The report from the Planning Economic Development and Enterprise SPC meeting held on the 13th March was noted.

6.2.1 To consider recommendations from meetings of the SPC's.

No recommendations.



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6.3 Report and recommendations from the Protocol Committee.

The Meetings Administrator advised the meeting that the Protocol Committee considered the following:

- Received and noted reports on conferences submitted by Councillors, and a list of conferences relevant to the business of the Council was approved.
- The committee recommended that draft documents issued in advance of Council meetings should be treated as confidential until considered by the full Council.

7 Correspondence

7.1 Correspondence from the Department of Communications, Climate Action & Environment in response to Notice of Motion 9.5 adopted at the February 2017 meeting of the Full Council re. North-South Interconnector project.

Noted by the Councillors. **Councillor Michael Gallagher and Tommy Reilly** noted their disappointment with the response received.

7.2 Public Consultation on the draft River Basin Management Plans for Ireland 2018-2021.

Noted by the Councillors.

7.3 Public Consultation on Ireland's first National Mitigation Plan.

Noted by the Councillors.

7.4 Public Consultation on Ireland's Nitrates Action Programme.

Noted by the Councillors.

7.5 Communications Campaign for Brown Bin and Food Waste.

Noted by the Councillors.

7.6 Revaluation under Valuation Act 2001, as amended by the Valuation (Amendment) Act, 2015

Noted by the Councillors. Ger Soady, Administrative Officer, advised that over 5,000



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properties would be re-valued as part of the process and that the new rates would come into effect in 2020.

- 7.7 Department of Housing, Planning, Community and Local Government - Report of the Drogheda Boundary Committee.

Noted by the Councillors. The Chief Executive advised that in regard to matters A-F in the report, the Department has requested that an initial report would be provided by the 31st May. It was noted that a meeting with Louth County Council would be arranged to agree a response and that the Laytown Bettystown Councillors would be briefed on the matter.

8 Notice of Question

8.1 Submitted by Councillor Darren O'Rourke

"To ask the Chief Executive what the total cost of the Meath County Council St. Patrick's Day delegation to 1) New York and 2) London was, and to outline the process by which it is decided the number of delegates to travel each year / Ceist a chur ar an bPríomhfheidhmeannach an costas iomlán a bhain le toscaireacht Lá Fhéile Phádraig Chomhairle Chontae na Mí go 1) Nua Eabhrac agus 2) Londain agus breac-chuntas a thabhairt ar an bpróiseas le toscairí a ainmniú le taistil gach bliain.

Response

Every year, Councillors and senior Council officials travel on the invitation of the Meath Associations of New York and London to participate in their St. Patrick's Day parades. One delegate is nominated by each political party, and the independent group, to accompany the Cathaoirleach to New York, and to attend the London parade. Those who travelled represented all the elected Councillors of Meath County Council. Councillors work throughout the year representing the people of Meath and St. Patrick's Day is an ideal opportunity for them to support Meath people living abroad and to recognise the work of the Meath Associations.

2017 Costs: **New York:** €15,667 **London:** €4,127

Noted by the Councillors.

8.2 Submitted by Councillor Eimear Ferguson

*"Would the CE inform the members of the following:
The number of large illegal dump sites méid of interest to MCC?"*



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The accessibility of these illegal dump site by MCC or the EPA? If the Gardaí are involved in investigating the illegal dumping of waste? How the recently announced anti dumping initiative using smart technology will be implemented in the county? / Ar mhiste leis an bPF eolas a thabhairt do na baill faoi: An méid carn fuílligh mídhleatacha a bhfuil suim ag CCM iontu? Inrochtaineacht na gcarn fuílligh mídhleatacha seo ag CCM nó an GGC? An bhfuil baint ag na gardaí imscrúdú a dhéanamh ar dhumpáil mhídhleatach dramhaíola? Conas mar a chuirtear an tionscnamh frith-dhumpála le leas a bhaint as teicneolaíocht chliste i bhfeidhm sa chontae?"

Response

The cost of remediation of illegal dumping sites dictates which Court has jurisdiction in hearing cases where statutory notices requiring such remediation are not complied with, and while most cases go through the District or Circuit Court, cases in respect of the larger illegal sites are heard by the High Court.

Meath County Council commenced enforcement proceedings in 62 cases in 2016 and, while thorough investigations are still ongoing in many of these cases due to the high levels of proof required in illegal dumping cases, none is initially regarded as of such significance that will involve High Court proceedings. The Council is, however, involved in 4 High Court cases from previous years where illegal dumping took place or where there are serious compliance issues associated with a Waste Facility Permit – a further two cases are the subject of Civil High Court proceedings which the Council are Notice parties to.

The Waste Management Acts provide the statutory backing for Local Authorities to go on sites where illegal dumping is thought to have taken place. Where access is prevented or where it is considered that the personal safety of the investigating officers is at risk then the support of the Gardaí can be called on.

While such Garda support has been called upon on a small number of occasions in respect of cases in Meath, the issue of accessibility has not been a major issue with regard to the aforementioned cases. While the Gardaí do carry out investigations in respect of the illegal dumping of waste, and especially where such activity forms part of organised crime, in the vast majority of cases they rely on the Local Authorities to initiate the proceedings, power for which is provided for in the Waste Management Acts.

It is pointed out that the Waste Enforcement Regional Authority (WERLA) has, as one of the National waste priorities for 2017, targeted the problem of illegal dumping, and their programme of works provides for coordinated action involving multi agencies including the Gardaí. The increase in the illegal deposition of construction and



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demolition waste arising from enhanced economic activity in the Greater Dublin area will be a particular focus of the programme.

Meath County Council uses “Smart” technology for the monitoring and surveillance of dumping black spots. With over 400 incidents of dumping caught on CCTV in 2016, there is a number of considerations to be taken into account with regard to the use of CCTV, including value for money, availability of a power supply, privacy and data protection etc. Satellite imaging and aerial photography have also been used and the Council proposes to take advantage of enhanced imagery now being provided by Drones and subject to the staff being trained and the necessary licences being in place.

The recent announcement of a National Anti Dumping Initiative, in addition to the provision of a funding stream to allow Local Authorities work in partnership with local community organisations in tackling the problem of illegal dumping, also strongly promotes the use of Smart Technology in this area.

Meath County Council has, in partnership with local community groups, submitted three applications for funding under this initiative. While the main priority will be in having the black spots cleared of illegally dumped waste, it is hoped, subject to approval of these applications, that the funding allocation will also enable other measures to be taken to prevent re-occurrences of the dumping, including the installation of monitoring equipment, fencing, signage etc.

Noted by the Councillors.

9 Notice of Motion

9.1 Submitted by Councillor Alan Tobin

“That Meath County Council stipulates that native hedgerows are preserved, where practical, around property boundaries in new planning applications.”

Supporting Information subject to the motion being proposed, seconded and considered.

It is the policy of Meath County Council, as stated in the Meath County Development Plan 2013-2019 under NH POL 13, to encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the type of boundary will be required.



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The motion, proposed by **Councillor Alan Tobin** and seconded by **Councillor Gerry O' Connor**, was unanimously adopted.

9.2 Submitted by Councillor Damien O'Reilly

"I call on Meath County Council to implement a new policy of removing social housing applicants from the county housing list if the applicant breaks into/squats in Meath County Council void houses and/or damages Meath County Council property."

Supporting Information subject to the motion being proposed, seconded and considered.

The matter of illegal occupation of housing authority units by social housing applicants, and the consequences of such action, is specifically referred to in Meath County Council's Allocation Scheme, adopted by full Council in December 2016, as outlined below.

Where an illegal occupant has made an application for housing, the date of application will be adjusted by the period of illegal occupation, and the housing application will not be considered for that period. Any person who breaks this rule on a second occasion will be permanently removed from the Housing List. Such applicants will not be reinstated on to the Council's Social Housing waiting list unless they vacate the property and return same in good condition. Furthermore, any damage or costs arising from such illegal occupation shall be held against the applicant in accordance with the Social Regulations 2011, as amended.

The motion was proposed by **Councillor Damien O' Reilly** and seconded by **Councillor Claire O' Driscoll**. Following a debate on the matter the motion was noted and referred to the Housing Community and cultural SPC for consideration.

9.3 Submitted by Councillor Joe Reilly

"To call on the Chief Executive to ascertain from Connect Ireland and the IDA if jobs or potential jobs have been lost to Meath County Council due to difficulties between IDA and Connect Ireland, as suggested by some media reports/ Go n-éilíonn an bPríomhfheidhmeannach ar Connect Ireland, i ndiaidh tuairisc ar na meáin, an méid postanna a chailledh, nó a d'fhéadfadh a bheith cailte do Chontae na Mí mar gheall ar na deacrachtaí leanúnach idir Connect Ireland agus an UFT?"

Supporting Information subject to the motion being proposed, seconded and considered.



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The Council is not aware that any potential investments have been lost or could be lost as a result of the decision taken by IDA not to renew their contract with Connect Ireland.

It should be noted that this Council would not generally be part of, or privy to, any discussions between I.D.A. or Connect Ireland and potential investors, as such contacts and discussions would be considered to be highly confidential.

Contact has been made with both agencies to establish if, within their confidentiality requirements, there is any information they can give and we are awaiting a response.

The motion was noted based on the supporting information.

9.4 Submitted by the Ashbourne MD Councillors

“That the Minister for Housing, Planning, Community and Local Government updates the Dog Control Act 1986 to include a licence exemption for the owners of all disability assistance dogs.”

The motion, proposed by **Councillor Claire O’ Driscoll** and seconded by **Councillor Alan Tobin**, was unanimously adopted.

9.5 Submitted by Councillor Tommy Reilly

“To write to the Minister for Housing, Planning and Local Government, Simon Coveney T.D requesting him to urgently update the "Water Service Act 2014" legislation to take in charge all public sewage pipes crossing private properties, so the relevant local authority can maintain this network to halt the current health and safety and environmental hazards from over spilling of raw sewage in residential back gardens which is very evident in estates in Meath and across Ireland.”

The motion, proposed by **Councillor Tommy Reilly** and seconded by **Councillor Joe Bonner**, was unanimously adopted.

9.6 Submitted by Councillor Sinéad Burke

“That this Council supports Vera Twomey in her call to Minister for Health, Simon Harris TD, to expedite the further stages of the Cannibas for Medicinal Use Regulation Bill, allowing medicinal cannabis to be used for medical purposes. And subject to approval, a copy of this motion to be sent to Minister Harris / Go dtacódh Comhairle Chontae na Mí le Vera Twomey agus í ag impí ar an Aire Sláinte, Simon Harris TD tapú leis na céimeanna níos faide den Bhille um Rialáil Cannabais atá lena Úsáid chun críocha



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Íocshláinte, 2016 a cheadaíonn d'úsáid cannabais leigheasach ar bhonn míochaine. Agus má ghlacfar leis an rún seo go seolfar cóip chuig an Aire Harris."

The motion was proposed by **Councillor Sinéad Burke** and seconded by **Councillor Eimear Ferguson**.

Councillor Burke proposed an amendment to the motion, seconded by **Councillor Eimear Ferguson** as follows:

"That this Council calls on the Minister for Health, Simon Harris TD, to expedite the further stages of the Cannibas for Medicinal Use Regulation Bill. / Go scríobhfadh Comhairle Chontae na Mí chuig an Aire Sláinte, Simon Harris TD tapú leis na céimeanna níos faide den Bhille um Rialáil Cannabais atá lena Úsáid chun críocha Íocshláinte, 2016.

Following a debate on the matter, the amended motion was adopted.

9.7 Submitted by Councillor Johnny Guirke

"As the economy slowly improves and the Government actively encourages Irish emigrants to return to this country, that this Council supports the Irish Lobby for Immigration Reform in the USA's call for greater support to be given to those returning to Ireland to secure farm grants, car insurance, drivers' licences, bank loans, continuing education and school places for their children / Mar a thagann feabhas mall ar an ngeilleagar agus go spreagann an Rialtas go gníomhach do imircigh Éireannacha teacht abhaile, go dtaceofar an Chomhairle le héileamh anBhrúghrúpa Éireannach ar Athchóiriú Inimirce sna SA go dtabharfar níos mó tacaíochta dóibh siúd atá ag filleadh go hÉirinn ar dheontais feirm, árachas cairr, ceadúnais tiomána,iasachtaí bainc, oideachas leanúnach agus áiteanna I scoileanna dá bpáistí a fháil."

The motion, proposed by **Councillor Johnny Guirke** and seconded by **Councillor Sinéad Burke**, was unanimously adopted.

9.8 Submitted by Councillor Caroline Lynch

"That Meath County Councillors write to the Minister for Education expressing their dissatisfaction with the review of the school transport scheme and the negative impact the current operation of the scheme is having on some students in Co. Meath / Go scríobhfadh Comhairleoirí Chontae na Mí chuig an Aire Oideachais ag cur in iúl a míshástacht leis an athbhreithniú ar an scéim um iompar scoile agus an drochthionchar atá ag an scéim mar atá sé faoi láthair ar dhaltaí áirithe i gContae na Mí."

It was agreed that this motion would be deferred to the May meeting of the full Council.



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10 Schedule of Chief Executive & Approved Orders (For Information Only)

10.1 Schedule of Chief Executive's Orders – Transportation

10.2 Schedule of Chief Executive's Orders – Environment

10.3 Schedule of Chief Executive's Orders – Housing Construction

10.4 Schedule of Chief Executive's Orders – Community & Enterprise

Noted by the Councillors.

11 Any Other Business