



## *Miontuairicí / Meeting Minutes*

### *Ordinary Meeting*

*1<sup>st</sup> April 2019, Council Chamber*

#### **Presiding**

Cathaoirleach, Councillor Tom Kelly and Leas Chathaoirleach, Councillor Suzanne Jamal

#### **Councillors Present:**

Councillors Joe Bonner, Eugene Cassidy, Francis Deane, Seán Drew, Edward Fennessy, Eimear Ferguson, Brian Fitzgerald, Pdraig Fitzsimons, Enda Flynn, Wayne Forde, Joe Fox, Noel French, Michael Gallagher, David Gilroy, Trevor Golden, Johnny Guirke, Wayne Harding, Jim Holloway, Sharon Keogan, Nick Killian, Caroline Lynch, Stephen McKee, Ronan McKenna, Paddy Meade, Maria Murphy, Gerry O' Connor, Damien O' Reilly, Darren O'Rourke, Bryan Reilly, Sarah Reilly, Tommy Reilly, Maria Uí Ruairc, Alan Tobin, Sharon Tolan, Gillian Toole, Conor Tormey.

**Apologies:** Councillor Sinead Burke, Claire O' Driscoll

#### **Officials in attendance:**

**Chief Executive:** Jackie Maguire

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

**Meetings' Administrator:** Olive Falsey

**Senior Executive Officers:** Robert Collins, Larry Whelan, Dara McGowan

**Planning Staff:** Pdraig Maguire, SEP, Fergal O'Bric, Executive Planner, Seán Clarke, SEO

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

#### **1 Confirmation of Minutes**

1.1 Confirmation of minutes of Ordinary meeting held on 4<sup>th</sup> March 2019

The minutes of the Ordinary meeting held on 4<sup>th</sup> March 2019 were confirmed on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Joe Fox**.

#### **2 Matters arising from the Minutes**

#### **3 Expressions of Sympathy and Congratulations**



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Sympathy was extended to:

- The family of the late Paddy Bennett, former employee.
- Christopher O'Brien-Lynch, Environment Department, on the death of his brother, William O'Brien-Lynch.
- Adrian Santry, Transportation Department, and Diane Santry, Finance Department, on the death of their father/father-in-law, Jeremiah (Jerry) Santry.
- Councillor Johnny Guirke on the death of his mother, Anna Guirke.
- The family of the late Pat Laffan (Actor) formerly of Beauparc whose father served as a Councillor for the county of Meath.

Congratulations were extended to:

- Horse trainers and jockeys from Meath on their success at the recent Cheltenham festival.
- Dunboyne Athletic Club on recent 10k race.
- Slane N.S. 6<sup>th</sup> class pupils on their success in the recent talent competition held in Drogheda.
- East Meath United u/14 Galaxy team on winning the North Leinster Sketches Cup.
- Meath senior football team on being promoted to Division 1.
- All involved in the organisation of St. Patrick's Day Parades across the county.
- All involved in the opening of the outer relief road in Ratoath.

#### **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, 2018.**

Frank McLoughlin, Chair of the Council's Audit Committee, provided an overview of the report and informed the meeting of the Audit Committee's objectives for 2019. It was noted that Mr. McLoughlin would be retiring from his position on the audit committee following the local elections in May.

Responses were provided on a number of issues raised by Councillors. The Cathaoirleach thanked Frank McLoughlin for his service to Meath County Council on the audit committee and wished him well in the future.

The Audit Committee's Annual Report, 2018, was noted by the Councillors.



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### 5.2 Planning

- 5.2.1 To receive the Members' views in respect of a proposed development by SSE Generation Ireland Ltd. (PL17.303678), for development described as air insulated switchgear 110kV transmission substation at Carranstown and Caulstown, Platin, Duleek, the subject of the Chief Executive's Report to An Bord Pleanála of March 2019 (as circulated) and, if thought fit, to resolve to attach recommendations to that report.

Padraig Maguire, Senior Executive Planner, made a presentation to the Council detailing the main points set out in the Chief Executive's Report relating to the above application and advised that the Chief Executive had recommended further information in relation to this application.

Following the presentation, Councillors had an opportunity to comment, ask questions, and seek clarification on a number of issues.

A summary of the comments and views expressed included:

- Impact of such applications in the local community
- Impact of traffic on Slane, Laytown and Duleek
- Concerns about the actual emissions coming from the power plant
- Use of diesel should be phased out
- Concern re noise and vibrations
- Impact on the World Heritage site
- Conservation of the Boyne Valley is of utmost importance
- A strategic infrastructure plan for road infrastructure should be completed in tandem with such applications
- No capacity for additional water demand
- No air monitoring units

- 5.2.2 To receive the Members' views in respect of a proposed development by Lighthouse Renewable Energy Ireland Ltd. (PL17.303878), for development described as 110kV substation and associated compound, ancillary equipment, and connection to facilitate the connection of a consented solar farm at Harlockstown, Polleban and Vesingstown, Dunboyne, the subject of the Chief Executive's Report to An Bord Pleanála of March 2019 (as circulated) and if thought fit, to resolve to attach recommendations to that report.

Fergal O'Bric, Executive Planner, made a presentation detailing the main points set out in the Chief Executive's Report relating to the above application.

Following the presentation, Councillors had an opportunity to comment, ask questions, and seek clarification on a number of issues.



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The application was supported by the Councillors, and it was noted that it was linked to the concept of solar farms, which was deemed a more positive way of providing renewable energy.

### **5.3 Finance**

#### 5.3.1 To receive Draft Annual Financial Statement 2018.

Paul Timoney, Financial Accountant, made the presentation which included information on:

- Cumulative Revenue Deficit 2005- 2018
- Analysis of Annual Expenditure and Income
- Summary of Major Revenue Collections for 2018
- Unfunded Capital balances
- Cumulative Revenue Deficit and Unfunded Capital balances

Head of Finance, Fiona Lawless, noted the following:

- Cumulative loss is now below €1m. from a peak of €10.8m. in 2005
- Cumulative unfunded balances are down to €6.8m. from €43m. in 2005
- Income and collections continue to improve
- Regular budgetary review of income and costs across all service divisions
- A strong financial position which continues support service delivery

Following the presentation, Councillors commended the performance in relation to the management of the Council's finances, and the Head of Finance provided responses on any issues raised.

#### 5.3.2 To approve (i) revised expenditure for the financial year ended 31st December, 2018 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) Approved on the proposal of **Councillor Gerry O' Connor** and seconded by **Councillor Wayne Harding**.
- (ii) Approved on the proposal of **Councillor Ronan McKenna** and seconded by **Councillor Wayne Harding**.

#### 5.3.3 To receive and note the 3 Year Capital Programme 2019-2021, under S.135 of the Local Government Act 2001.

Fiona Lawless, Head of Finance, made the presentation and noted that priority would be given to projects of strategic importance to Meath, that there would be an emphasis on projects where external funding sources can be leveraged,



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and that there would be a focus on projects giving rise to job creation. The presentation also included information on:

- Sources of funding
- Levy collections and projections
- Levy reconciliation
- Details of Expenditure/Income –
  - Service Division A – Housing and Building
  - Service Division B – Road Transportation and Safety
  - Service Division D – Development Incentives and Controls
  - Service Division E – Environmental Services
  - Proposed capital spend 2019 – 2021 - €454m.
  - Actual Capital Spend 2014-2018 -€209m.

Following the presentation, Councillors welcomed many elements of the programme and the Head of Finance and Management Team provided clarification on any points/issues raised by the Councillors.

### **5.4 Community**

- 5.4.1 To receive details and approve the allocations under the Carranstown Environmental Projects Grants Scheme 2018, as recommended by the Indaver Community Liaison Committee, and endorsed by the Laytown/Bettystown Municipal District Councillors on 12<sup>th</sup> March 2019.

Approved on the proposal of **Councillor Wayne Harding**, and seconded by **Councillor Sharon Keogan**.

- 5.4.2 To receive details and approve the allocations under the Community Grants Scheme 2019, as recommended by the Housing, Community & Cultural Development SPC on 28<sup>th</sup> March 2019.

Approved on the proposal of **Councillor Sharon Keogan**, and seconded by **Councillor Pdraig Fitzsimons**.

- 5.4.3 To receive details and approve the allocations under the Regional Festivals and Participative Events – Small Grants Scheme in Co. Meath as recommended by the Housing, Community & Cultural Development SPC on 28<sup>th</sup> March 2019.

Approved on the proposal of **Councillor Wayne Harding**, and seconded by **Councillor Michael Gallagher**.



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- 5.4.4 To resolve to enter into an agreement with Westmeath County Council pursuant to Section 85 of the Local Government Act 2001, whereby Westmeath County Council will exercise the statutory powers, functions and duties of Meath County Council in relation to the facility known as Kinnegad Community playground in the functional area of Meath County Council, as described in the terms of the Agreement.

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

## **6 Reports**

### 6.1 Chief Executive's Report

Councillors sought clarification on a number of matters in the Chief Executive's report. The main issues discussed included:

#### **Housing:**

- Concern expressed in regard to housing acquisitions, and it was noted that the Council should be purchasing more houses.

#### **Transportation**

- Update requested in regard to the completion of the inner relief road in Ratoath, and the timeframe for completion of snags.

#### **Finance**

- Update requested on mortgages under Rebuilding Ireland Scheme

Responses were provided by the Chief Executive and management team on the issues raised.

### 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 CPG also noted the reports from the Environmental SPC meeting held on 22<sup>nd</sup> March, and from the Housing, Community and Cultural SPC meeting held on 28<sup>th</sup> March.

### 6.3 Report from the Protocol Committee

The Meetings Administrator advised as follows:

- A list of conferences relevant to the business of the Council was approved and



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reports from Councillors who attended recent conferences were noted.

- A briefing was provided on the plans in regard to the celebration of 120 years of local government in Meath, taking place on the 18<sup>th</sup> April in the Courthouse, Trim.

### **7 Correspondence**

7.1 Department of Rural and Community Development re. CLÁR 2019.

Noted by the Councillors.

7.2 Department of Housing, Planning & Local Government re. Social Housing Delivery 2019 – Targets

Noted by the Councillors. Councillor Lynch raised issues in regard to the Affordable Homes Scheme, vacant sites and targets re acquisitions.

7.3 Department of Housing, Planning & Local Government re. Polling Day Orders – European and Local Elections – 24<sup>th</sup> May 2019.

Noted by the Councillors.

7.4 National Transport Authority: Sustainable Transport Measures Grants (STMG) Programme 2019.

Noted by the Councillors.

### **8 Notice of Question**

#### **8.1 Submitted by Councillor Darren O' Rourke**

*“In the interests of transparency, and to reassure the public that a similar incident could not reoccur, can the Council publish all reports (internal and external) it has on file and outline new practices implemented arising from the incident whereby an attempt to illegally transfer €4.3 million from Council funds was averted in 2019.”*

**Response:**



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Following the attempted cyber fraud in October 2016, the Council put in place a number of additional controls and procedures, in particular with regard to ICT infrastructure and financial controls. Some of the additional measures that have been undertaken include a Sender Framework Policy and additional checks on incoming email. A full review of ICT infrastructure was carried out by an independent IT consultant in order to identify additional measures to combat the threat of cyber related fraud. In addition, PWC were engaged to conduct a high level review of financial controls and their recommendations have been accepted and implemented in full. The publication of internal reports in relation to the controls and procedures in place would undermine their effectiveness and would be counter-productive. The controls in place are considered robust and effective and are continually reviewed in terms of new or emerging risks facing the organisation. It is noted that all staff continue to receive training in relation to potential cyber attacks and regular alerts are issued to staff to remain vigilant at all times and to immediately report anything of a suspicious nature.

Noted by the Councillors.

### **8.2 Submitted by Councillor Sinéad Burke**

*“Will Meath Council provide an account of procedures in place to ensure that there are no conflicts of interest in respect of staff responsible for awarding tenders on behalf of the Council and further an account of procedures that deal with the awarding of 'small works' contractors to companies on Council panels?”*

#### **Response:**

The Local Government Act 2001 (the Act) sets out the ethical framework for the local government service and Meath County Council meets all its obligation, as set by the legislation and Departmental guidance.

In summary, the procedures in place to ensure there are no conflicts of interest in respect of staff include:

- The appointment of an Ethics Registrar, (Section 174 (of the Act));
- The completion of Annual Declarations by Employees, (Section 167);
- The use of the Code of Conduct for Local Authority Employees, (Section 169).

The Council has an Ethics Registrar, as nominated by the Chief Executive. The holder of this position is rotated every two years, as recommended by Departmental Guidance.

The Ethics Registrar is responsible for informing all relevant employees of their obligations to complete and sign an Annual Declaration of interests. Relevant employees are prescribed by Regulation (S.I. No 29, 2015) and in Meath by a Chief Executive Order (1219/2017). The list of 'declarable interests' required by the Act is set





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out in guidance notes, which are made available to all relevant employees when completing their Annual Declarations.

The Code of Conduct has been in place since 2007. Employees are informed that it is deemed to be included, in the terms and conditions of their employment, an undertaking that they have regard to, and be guided by, the Code in the exercise of their functions. New employees are informed of the Code of Conduct as part of their induction process.

Meath County Council has a number of other related policies which support good corporate governance. Most recently, the Council adopted its revised Anti-Fraud and Corruption Policy which includes a section on conflict of interest, as follows:

*“Elected members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with the external provision of services, tendering, planning and land issues, etc. Elected members and staff are advised to familiarise themselves with the relevant Codes of Conduct and the provisions of the Criminal Justice (Corruption Offices) Act 2018 and must never seek to use their official position to improperly benefit themselves or others with whom they have personal, family or other ties. Similarly members and staff must not use or disclose confidential information acquired during their term of office or employment to their advantage or for the advantage of third parties”.*

(Section 4.17, Anti-Fraud and Corruption Policy and Contingency Plan (CS001/2019), Adopted on March 4, 2019)

The Council has a comprehensive procurement procedure in place to:

- ensure compliance with all relevant European and National legislation, Government, regulations and local and national public procurement guidelines
- ensure that the Council operates in a fair, open and non-discriminatory manner in all its purchasing transactions
- ensure that all dealings are carried out with best practice and ethical codes of conduct
- ensure that optimum quality, service and Value for Money (VFM) are achieved across all purchasing expenditure
- To align procurement to a more centralised function and develop robust procedures and processes, taking account of best procurement practices.

Examples of award criteria applicable to the Most Economically Advantageous Tender (MEAT) include: ultimate cost (acquisition, operational and disposal costs); period of completion / programme for works; reliability and continuity of supply; quality, quantity and balance of resources offered; technical merit; environmental characteristics; after sales service; technical assistance; and sustainability.



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In November 2018, Meath County Council Procurement Unit completed a full review of the procurement policy and procedures. The approval limits set out the threshold per grade that a staff member can approve. These approval limits are also reflected in Agresso MS4. The Procurement Unit reviews all payments going through Agresso at requisition stage to ensure that the procurement process is fully adhered to.

Meath County Council is bound by the Public Sector Directive on Public Procurement and the National Legislation that was introduced from the directive. Any spends greater than €221k for goods/services and €5.58m for works must be tendered at EU level via e-Tenders.

Spend on goods/services between €25k and €221k and works between €50k and €5.58m are tendered nationally on e-Tenders. A minimum of 3 quotes must be obtained for spend between €2.5k and €25k/€50k. Spends less than €2.5k require 1 written quote. All tenders are reviewed prior to uploading on e-Tenders to ensure adherence to the procurement policy and procedures.

Noted by the Councillors.

### **9 Notice of Motion**

#### **9.1 Submitted by Councillor Wayne Forde**

*“I call on the Executive to ensure that all signs entering and leaving Meath, and all signs on approach roads to towns and villages throughout Meath are cleaned on a regular basis, and signs that are in poor condition are replaced.”*

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

The cleaning and maintenance of signs on national roads is managed by TII, and these works are carried out by contractors. On regional and local roads, signs are cleaned and maintained by the Municipal District Transportation teams to the extent that resources allow. The Transportation Department will continue to seek ways of achieving more regular cleaning of signs, for example, by the allocation of a dedicated crew for these works if and when this becomes feasible. Signage at the county borders on national and regional roads were all replaced in 2016 and 2017, involving the erection of 30 new signs which incorporate the “Ireland Ancient’s East” branding.

The motion, proposed by **Councillor Wayne Forde** and seconded by **Councillor Alan Tobin**, was unanimously adopted.



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### **9.2 Submitted by Councillor Edward Fennessy**

*“That Meath County Council recognises the importance of pollination and agrees to help protect the county's ecology by planting 'Bee-friendly' flower-beds and installing 'Insect Hotels' on all public recreational spaces. /Go n-aithneodh Comhairle Chontae na Mí an tabhacht a bhaineann le pailniú agus go ndéanfar iarracht éiceolaíocht an chontae a chosaint le ceapacha bláthanna "Forbheacha" agus "Óstáin Feithidí" i ngach limistéar aeraíochta poiblí.”*

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

The Council, in recognising the important service that pollinators provide, will develop and support pollinator friendly actions in towns and villages throughout the County, and particularly with regard to measures which serve to reverse the decline in the amount of food such as wildlife flowers, and safe nesting sites in our landscapes. Such actions include:

- A number of Local Authorities have recently signed up as partners of the All Ireland Pollinator Plan 2015-2020 which is a strategy designed to address the decline of our pollinators. Meath County Council is currently considering signing up to this partnership
- Pollinator training for staff of Meath County Council was provided in April 2018 by Bio Diversity Ireland, arising from which a pollinator friendly area was developed at Buvinda House. A further pollinator area is proposed at the rear of the building, including a herb garden
- A biodiversity workshop for Community Groups was held in Buvinda House in 2018 and a separate bumble bee monitoring workshop was also held
- Community Biodiversity Action plans have been developed for seven Town /Villages in the County and they contain many actions which support pollinators
- Meath recently hosted the All Ireland Tidy Town Forum and a specific presentation was made on the National Pollinator Plan
- An area within the recently developed Derrockstown Burial Garden near Dunshaughlin is to be reserved as a pollinator friendly area
- The Council's recently developed draft Climate Action Strategy also strongly supports biodiversity including pollinator friendly actions in public recreational spaces
- The Council is giving away 1,000 native saplings to community groups and individuals as part of National Tree Week, which runs from the 31st March to 7th April. This initiative promotes the growth of trees and encourages pollinating insects in private gardens throughout County.



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- The Council, in 2018, in association with the National Tree Council of Ireland, distributed Mountain Ash and native woodland trees to 65 Schools in the county and created a video on tree planting techniques, which was distributed to each school.

The motion, proposed by **Councillor Edward Fennessy** and seconded by **Councillor Caroline Lynch**, was unanimously adopted.

### **9.3 Submitted by Councillor Caroline Lynch**

*“Meath County Councillors call on the Council’s Housing Department to identify all the vacant sites in the ownership of state bodies, and fast track the purchase of same where appropriate in order to add to our landbank for house building /Glaonn Comhairleoirí Chontae na Mí ar an Roinn Tithíochta gach láithreán folamh i sealbh comhlachtaí stáit a aithint agus a gceannach a thapú le chur leis an méid talamhaíocht ar fáil do thógáil tithe.”*

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

A key objective of the Land Development Agency is to make more land available for development, including the optimal and productive use of state owned lands. In the advancement of this objective, the Land Development Agency is to assemble a state land database. Accordingly, Meath County Council will liaise with the Agency on this exercise, and request the relevant data currently collated pertaining to County Meath for review.

The motion was proposed by **Councillor Caroline Lynch** and seconded by **Councillor Michael Gallagher**.

**Councillor Lynch** requested that a letter would be written to the Land Development Agency seeking an up to date database of state owned lands.

The motion was unanimously adopted.

### **9.4 Submitted by Councillor Michael Gallagher**

*“That Meath County Council calls on the Minister for Transport to fast track learner drivers’ applications that are depending on the use of a vehicle to go to work. This could be achieved by an increase in testers being hired to the department. /Go nglaofadh Comhairle Chontae na Mí ar an Aire Iompair le iarratais tiománaithe faoi oiliúint a thapú*



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*má tá siad ag braith ar fheithicil don obair. D'fhéadfadh a thuilleadh scrúdaitheoirí a fhostú chun é sin a bhaint amach."*

The motion, proposed by **Councillor Michael Gallagher** and seconded by **Councillor Stephen McKee**, was unanimously adopted.

### **9.5 Submitted by Councillor Tommy Reilly**

*"I am asking Meath Co. Council to write to Irish Water calling on them to remove the legal barrier that prevents them from entering private property where there are sanitary problems."*

Motion deferred.

## **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

10.4 Schedule of Chief Executive's Orders – Community

Noted by the Councillors.

## **11 Any Other Business**