



## *Miontuairiscí / Meeting Minutes*

### *Ordinary Meeting 1<sup>st</sup> February 2010, Council Chamber*

An Cathaoirleach, Councillor William Carey presided.

#### **Members Present:**

Councillors Joseph Bonner, Shane Cassells, Eugene Cassidy, Sirena Campbell, Francis Deane, Anne Dillon Gallagher, Regina Doherty, John V Farrelly Jimmy Fegan, Brian Fitzgerald, Oliver Fox, Wayne Harding, Jim Holloway, Eoin Holmes, Nick Killian, Noel Leonard, Suzanne Jamal, Jimmy Cudden, Tracy McElhinney, Niamh McGowan, Jenny McHugh, Maria Murphy, Seamus O'Neill, Bryan Reilly, Joe Reilly, Tommy Reilly, Catherine Yore.

#### **Officials in Attendance:**

**County Manager** Tom Dowling

**Directors of Service:** Tadhg McDonnell, Fiona Lawless, Kevin Stewart, Eugene Cummins, Brendan McGrath, Liam Henry, Michael Killeen.

**Meetings Administrator** Bill Sweeney

**Senior Planners:** Pat Gallagher

**Senior Executive Officers:** Martin Rogers, Michael Griffin, Larry Whelan

**Administrative Officer:** Olive Falsey

**Apologies:** Ray Butler

**Councillor Ann Dillon- Gallagher** proposed a suspension of **Standing Orders**, seconded by **Councillor Wayne Harding** to discuss the recent meeting in Slane with regard to the proposed Slane bypass. The Members expressed concern at the amount of misinformation in the media and agreed that the right messages need to be communicated. It was agreed that the risk of Newgrange losing its World Heritage status must be removed by communicating the correct information to UNESCO. Eugene Cummins, DOS, stated that the NRA and Meath Co. Council are committed to a fully transparent process and all information will be communicated to UNESCO. Some information has already been sent and more will be communicated following this meeting.

#### **1.0 Confirmation of Minutes**

1.1 Confirmation of Minutes of Monthly Meeting held on 11<sup>th</sup> January 2010.

Minutes confirmed on the proposal of **Councillor J.V. Farrelly** and seconded by **Councillor Noel Leonard**.

#### **2.0 Matters arising from the minutes**

**Councillor Murphy** requested, and it was agreed, that the Minutes of 11<sup>th</sup> January would be amended to reflect that the suspension of standing orders was proposed by **Councillor Noel Leonard** and seconded by **Councillor Maria Murphy**.



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### **3.0 Expressions of Sympathy and Congratulations**

Sympathy was extended:

- Mary Courtney Kellett, Motor Tax Section on the death of her mother Margaret Courtney.

Congratulations were extended to:

- Award winners at LAMA Awards i.e. Affordable Housing Estate in Navan and Navan Credit Union.

### **4.0 Correspondence**

4.1 Correspondence from DoEHLG re staffing levels in Meath County Council. Councillor Farrelly asked if there had been a formal reply to the original motions. The Co. Manager explained that follow-up to the motions was by way of a meeting with Paul Lemass with the Council's position being conveyed in an oral presentation and that he was confident that consideration will be given to Meath County Council during the review.

4.2 Circular LG 01/2010 from DoEHLG re Nomination of the Irish Delegation of the Committee of the Regions.

4.3 Correspondence from Dublin Regional Authority re Regional Planning Guidelines for the Greater Dublin Area.

4.4 Correspondence from Department of Transport re Interim Spending in respect of Regional and Local Roads.  
Eugene Cummins, DOS advised the Members that due to the additional costs (€4.4m non-national network & €1m. national network) associated with the recent severe weather, it will be necessary to revise the multi-annual programme. He invited Councillors to provide information on roads that are very badly damaged before the roads programme is finalised.

4.5 Correspondence from Dublin Regional Authority re Regional Planning Guidelines for the Greater Dublin Area 2004-2016.

It was agreed that on the proposal of **Councillor J.V. Farrelly** seconded by **Councillor Noel Leonard** that a presentation would be made to the Council on 1<sup>st</sup> March and that a special meeting of the Council would take place on 9<sup>th</sup> March.

4.6 Correspondence from DoEHLG re provisional allocations and expenditure projections under the Social Housing Investment Programme (SHIP) for 2010.

4.7 Correspondence from DoEHLG re Landfill Levy Increase on 1 February 2010.

### **5.0 E.U. Correspondence**

### **6.0 Report from Protocol Committee**

The Meetings' Administrator acknowledged the receipt of returns re Political donations and reminded Councillors that Ethics Declarations are due to be submitted by 28/2/2010.

The following report from the Protocol Committee was unanimously adopted on the proposal of **Councillor Noel Leonard** seconded by **Councillor J.V. Farrelly**:

Following on the decision of the Council to allocate €10,000 for Foreign Travel that a delegation of 4 Councillors travel to New York, in response to an invitation from The Meath Association of New York, to attend St. Patrick's Day celebrations;



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That a delegation of 4 Councillors travel to London, in response to an invitation from The Meath Association of London, to attend St. Patrick's Day celebrations;  
The Councillors travelling to be nominated by the whips.

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

### **8.0 Other Statutory Business**

#### **8.1 Corporate Services**

8.1.1 To nominate one Member to the Board of Meath Local Sports Partnership Ltd.

**Councillor Sirena Campbell** was nominated on the proposal of **Councillor J.V. Farrelly** and seconded by **Councillor Catherine Yore**.

8.1.2 To nominate four Members to the Disability Advisory Committee.

**Councillors Ann Dillon-Gallagher, Maria Murphy and Niamh McGowan** were nominated on the proposal of **Councillor J.V. Farrelly** and seconded by **Councillor Ann Dillon-Gallagher**. **Councillor Nick Killian** was nominated on the proposal of **Councillor Shane Cassells** and seconded by **Councillor Noel Leonard**.

8.1.3 To nominate two Members to the Eastern River Basin District Advisory Council.

This item was deferred to the next meeting of the Slane Area Committee.

8.1.4 To consider Mazar's Report.

The Cathaoirleach called on the Co. Manager who addressed the Council as follows:

Cathaoirleach/ Members

"I welcome this opportunity to address you on the Mazars report to Meath County Council which I commissioned following comments made at the October Monthly Council Meeting when a Notice of Question submitted by Cllr. Campbell was answered. This report was initiated on the 7<sup>th</sup> October 2009. Subsequently the statutory Audit Committee was informed at its meeting of the 15<sup>th</sup> October 2009 that Mazars had been asked to conduct an investigation, the terms of reference to be as follows:

1. In the first instance to meet with Cllr Campbell to expand and probe the allegation above.
2. To assess and review all the information held by the Planning Department which formed the basis for the reply to the above Notice of Question.



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3. To investigate if there is any evidence of a systematic delay in cashing payments for development contributions and planning fees and if so the reason for such delays.

4. Having regard to the outcome of the review above, propose an extended examination which will ensure that the Notice of Question can be answered satisfactorily.

The Audit Committee agreed that the terms of reference were satisfactory. It was agreed that the Audit Committee would receive the report before it was presented to the full Council. I subsequently briefed the members at the Special Finance Meeting held on 19<sup>th</sup> October 2009. I read out the terms of reference at that meeting.

In December, the Mazars report was received and forwarded to the Chairman of the Audit Committee.

A special meeting of the Audit Committee was held on 21st December 2009 at which the full report was circulated. The Audit Committee noted the conclusions of the report that there was no evidence of wrong doing, and no evidence of loss of money to the Council, and also that there was a need for improvement in internal control.

The full Mazars Report was also circulated to the members at the January Council Meeting. It was agreed by the members that the report would again be tabled for the February meeting.

A meeting of the Audit Committee was held on 21<sup>st</sup> January 2010 where it was agreed to acknowledge and accept the response of management to the report. There were six key points arising from the report.

### **1.Meeting with Councillor Sirena Campbell and discussion about the Notice of Question.**

Cllr. Campbell confirmed she had no additional information that would assist Mazars in their work.

### **2.Assessment and review of all the information held by the Planning Department which formed the basis for the formal reply to the Notice of Question.**

There were 8 developments where cheques remained on hand totalling €1,040,301. In relation to seven developments totalling €1,037,029, the report concurs with the Planning Department's formal response and that there were adequate explanations for the cheques on file. In relation to the remaining development with cheques totalling €3,272, the formal response inadvertently described the cheques as post dated. This was clarified publicly the following day. The report says it is not practicable to determine if any party other than the developer benefited from the above.

### **3.Evidence of systematic delay in cashing payments for development contributions and planning fees and if so the reason for such delays.**

The report says there is no evidence that cheques have systematically remained uncashed for a considerable period of time.

### **4.Commentary on the internal control processes which inform the receipting and lodging of planning fees and development based on the information reviewed furthermore make recommendations necessary to improve the internal controls investigated.**

I asked Mazars when they were doing the investigation to comment on internal control processes and the report states as follows:

- There is a need to improve the internal controls surrounding the receipting and collection of planning contributions to ensure the accurate quantification and pursuit of outstanding balances.



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- Staff have significant discretion when negotiating the terms of phased payments with developers and a system of approval should be implemented.
- Documentation supporting amendment to specified payment terms is not adequate not is there any evidence of independent sign off of variations.

In relation to the above a management response has been brought to the Audit Committee's attention and in particular the following has occurred:

- Strict controls have been implemented reconciling all payments received on a daily basis.
- Staff compliments have been strengthened to ensure structured division of responsibilities and controls.
- The need for a bespoke IT interface between Agresso and Iplan has long been identified at national level and I am pleased to confirm local implementation is well advanced with a view to going live in February 2010.
- Staff have been appraised of the absolute requirement for best practice in documenting financial transactions so as to provide a clear and transparent audit trail.

### **5. Our opinion if an extended examination is necessary to ensure that the Notice of Question can be answered satisfactorily.**

Mazars extended their review of planning contribution payments and found no evidence of uncashed payments. In their opinion, a further extended examination is not necessary.

### **6. Extension of work**

As part of their work Mazars expanded their review to a sample of other developers/applicants. As with the payments reviewed above they found no evidence of uncashed payments.

They also reviewed 12 cheques totalling €53,809 identified in October 2009 by the Planning Department. These cheques did not relate to planning contributions but to planning fees. It is clear that during centralisation of planning services in the five local areas to the Navan office in early 2008 a number of cheques were not cashed. Based on Mazars review of the relevant files this was due to a failure in internal controls and processes.

It is clear to me in summary therefore that no evidence of wrong doing took place in the Planning Department of Meath County Council in relation to planning contributions and fees. I am not surprised at that. Improvements in internal controls were identified and these have been implemented.

I wish to reiterate my continued confidence in the management and staff of the Planning Department who in the last five years achieved the following:

1. Assessed over 12,500 planning applications (with a total fee income of over €10,000,000) plus appeals, additional information, enforcement, etc.
2. Reviewed the County Development Plan.
3. Processed in excess of €120,000,000 in development levies.
4. Developed and implemented a taking in charge protocol.
5. Completed over 30 Local Area Plans and 3 Town Development Plans.
6. Implemented the Quarry Inspection Programme.
7. Centralised the administration of Planning.
8. Input into Regional Planning Guideline Review.

I also wish to confirm my confidence in the staff who dealt with planning in the area offices. It is also important that I state that the staff of Meath County Council / public sector value their reputation and it is grossly unfair to cast doubt on the reputations of the extremely



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conscientious and hardworking staff of the Planning Department of the Council, or indeed anybody, without solid evidence. It is impossible to quantify the damage that innuendo and suggestions can do to the morale of any organisation and I would urge the Members to finish this matter once and for all and let all of us get on with our respective responsibilities. I believe it would now be appropriate for the Members to express clear and unambiguous confidence in the work of the Planning Department”.

Following the Manager’s address there was time allotted for questions and comment. It was agreed that the Report highlighted internal issues that are now being addressed and monitored by the Audit Committee.

Members expressed concerns on the effect of the findings on the staff in the Dunshaughlin Office, the failure of systems and the apparent disconnect between the Finance and Planning Departments.

In response, the Co. Manager made the following comments:

It was not a total systems failure considering the scale of development and the work done by the Planning Department and there is no reason for any staff member in the Dunshaughlin office to feel uncomfortable. There is no disconnect between departments, Meath County Council operates as one strong organisation.

Liam Henry, DOS, Planning addressed the Council, and outlined that a procedure in relation to the cashing of planning fees was not sufficiently robust and has been investigated. No evidence of improper behaviour was found. Process improvements were identified, have been implemented and are being monitored.

Media reporting and its effect on staff was acknowledged and he thanked the Councillors who provided support to planning staff and withheld comment until in the possession of the facts and in the proper forum i.e. the Council Chamber. He also thanked the Cathaoirleach for his commitment to the real issues facing Co. Meath. He stressed that Co. Meath needs and has a strong and competent Planning department.

### 8.2 **Planning**

- 8.2.1 To receive the Members’ views on Eirgrid’s SID application for Meath Tyrone 400 KV Interconnector and if appropriate to resolve to make a submission to An Bord Pleanála in respect of this proposal. In the event that such a submission is made it shall reflect the views of the Members on the proposed development as recorded by the Meetings Administrator.

Following an invitation by An Bord Pleanála to consult with the members of Meath County Council in respect of the above application, the members passed the following resolution .

**“The members of the Council acknowledge the need for the provision and delivery of strategic energy infrastructure but strongly oppose the use of overhead lines and respectfully request An Bord Pleanála to refuse the application in its current format.**

The following concerns were raised by the members of Meath County Council:

- That the proposal to erect 164 pylons will have a negative visual impact on Co Meath.



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- That the members of Meath County Council call on Eirgrid to bring forward proposals to underground this interconnector.
- That the construction of the proposed Meath Tyrone Interconnector will compound the existing negative visual impact of a number of 110 and 220 KV overhead lines which already cross the county.
- That parts of south Meath are already subject to a proliferation of overhead lines and radio masts.
- That the Planning Authority should be consistent in its protection of sensitive upland areas in the County from the negative visual impact of development.
- That the methodology used to facilitate the underground East West Interconnector should also be used in respect of the Meath/Tyrone link.
- That the overhead lines will have a negative impact on the health of populations living close to the line of the interconnector.
- That Meath County Council supports the delivery of strategic energy infrastructure.
- That the opposition to this development, voiced by this and previous Councils should be reflected in the submission.
- That the proposed development will have a negative impact on the Heritage and aesthetic beauty of Co. Meath.
- That the proposed development will impact on the tourism potential of Co. Meath.
- That the Council are not opposed to the interconnector in principle but are strongly opposed to its provision by overhead lines.

- 8.2.2 To consider and if thought fit the taking in charge of the following estates as recommended by the Members of Dunshaughlin Electoral Area at their meeting of 18<sup>th</sup> January 2010.

The Meadows, Dunshaughlin, Co Meath
Woodlands Park, Ratoath, Co Meath
Moatlands, Ratoath, Co Meath
Fairyhouse Grove, Ratoath, Co Meath
Clonkeen, Ratoath, Co Meath
Baldara Court, Ashbourne, Co Meath
Deerpark, Ashbourne, Co Meath

Approved on the proposal of **Councillor Niamh McGowan** and seconded by **Councillor Eoin Holmes**.

### 8.3 Finance





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8.3.1 To receive Audit Report for 2008.  
Received on the proposal of **Councillor Nick Killian** and seconded by  
**Councillor Regina Doherty**.

8.3.2 To receive audited Annual Financial Statement for 2008.

Received on the proposal of **Councillor Seamus O' Neill** and seconded by  
**Councillor Noel Leonard**.

### **9.0 Notice of Motion**

### **10.0 Schedule of Manager's Orders (For Information Only)**

- 10.1 Schedule of Manager's Orders - Infrastructure
- 10.2 Schedule of Manager's Orders – Environment
- 10.3 Schedule of Manager's Orders – Housing Construction
- 10.4 Schedule of Manager's Orders – Community & Enterprise

Noted.

### **11.0 Presentations from Other Bodies**

11.1 To receive a presentation from WSP Consultants on the feasibility study of providing a cycleway linking Trim, Navan and Drogheda.

A presentation was made on above followed by question and answer session. There was unanimous approval for the findings of feasibility study and its recommendations.

### **12.0 Any Other Business**

12.1 **Councillor Yore** raised the issue of litter and monitoring the problem by rotating cameras and erecting signage.

12.2 **Councillor Joe Reilly** raised the issue of the Townsparks estate and was informed that the money was ring-fenced.

This concluded the business of the meeting.