



Miontuairiscí / Meeting Minutes

Ordinary Meeting

13th May 2019, Council Chamber

Presiding

Cathaoirleach, Councillor Tom Kelly

Councillors Present:

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

Apologies: Cllr. Eimear Ferguson

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, David Jones

1 Confirmation of Minutes

1.1 Confirmation of minutes of Ordinary meeting held on 1st April 2019

The minutes of the Ordinary meeting held on 1st April 2019 were confirmed on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Wayne Harding**.

2 Matters arising from the Minutes

No matters arising.

3 Presentations to Councillors not seeking re-election to Meath County Council



Miontuairiscí / Meeting Minutes

A presentation was made by the Cathaoirleach to the five Councillors who had decided not to seek re-election to Meath County Council, namely, Councillors Brian Reilly, Jim Holloway, Ronan McKenna, Claire O' Driscoll and Enda Flynn.

Tributes were paid to the retiring Councillors and they were acknowledged for their dedication and commitment to serving the people of county Meath.

Tributes were also paid to the Cathaoirleach Cllr. Tom Kelly for his service and, particularly, his efficiency and effectiveness as Cathaoirleach of the Council.

4 Expressions of Sympathy and Congratulations

Sympathy was extended to:

- Frank Murray, Unity Centre Manager, on the death of his brother, Christopher (Christy) Dunphy
- Daniel Madden, G.O., Ashbourne Municipal District, on the death of his father, Dominic Madden
- Michael Rafferty, G.O. Navan Municipal District, on the death of his sister, Martina (Tina) Rafferty
- Jim Colwell, Corporate Services, and Richard Colwell, Water Services, on the death of their mother, Hilda Colwell
- The family of Seán Lynch (cyclist) who died tragically while participating in a recent cycling event.

Congratulations were extended to:

All those involved in the organisation of the following events:

- The Dot Tubridy exhibition and concert in Trim
- Bellewstown Heritage Group's recent Bealtaine festival
- Slane NS Parents' Association on 5k. run in grounds of Slane Castle
- The Navan Choral Festival
- 'Darkness into Light' walks across the county
- Recent 10k. run in Duleek.
- Dunboyne Motor Club on the launch of the Spirit of Dunboyne
- Meath Beo series of concerts
- The development of the Kells Tech Hub in Kells
- The opening of the Open Library project in Trim
- Slane Spinners on recent cycle for SOSAD
- ASAP for lighting up Ashbourne in green for mental health awareness
- Dunshaughlin Community College U/14 girls on winning the Leinster championship

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



Miontuairiscí / Meeting Minutes

6 Statutory Business

6.1 Corporate Services

- 6.1.1 To receive the 2018 progress report in respect of Meath County Council's Corporate Plan 2015-2019.

Received and noted by the Councillors.

- 6.1.2 To note the report on the 2019 Municipal District Allocation.

Noted by the Councillors.

6.2 Finance

- 6.2.1 To approve the raising of a loan of €5,000,000 from the Housing Finance Agency to provide finance for approved house purchase applications, loan restructuring and other housing loan related activities, as authorised by the Housing Acts 1966-1992.

Approved on the proposal of **Councillor Gerry O' Connor** and seconded by **Councillor Wayne Harding**.

6.3 Community

- 6.3.1 To approve a replacement member of the Meath LCDC & LAG, Paul Carroll, representing the Department of Employment Affairs and Social Protection.

Approved on the proposal of **Councillor Gerry O' Connor** and seconded by **Councillor Maria Murphy**.

- 6.3.2 To consider Arts Grants, Bursaries & Awards 2019 recommendations.

Approved on the proposal of **Councillor Wayne Harding** and seconded by **Councillor Gerry O' Connor**.

- 6.3.3 To adopt the Draft County Arts Development Plan 2019 – 2024.



Miontuairiscí / Meeting Minutes

Gerardette Bailey, Arts Officer, provided a brief overview of the plan which was noted by the Councillors.

The Draft County Arts Development Plan 2019 – 2024 was duly approved on the proposal of **Councillor Sarah Reilly** and seconded by **Councillor Noel French**.

6.4 Housing

6.4.1 To adopt the Draft Scheme of Priority for Affordable Dwelling Purchase Arrangements.

The Chief Executive noted that the adoption of the scheme had been recommended by the Housing Community and Cultural Development SPC. The concerns of the Councillors, who are members of the SPC, in relation to the document were outlined. Following a debate on the matter, the scheme was duly adopted on the proposal of **Councillor Sarah Reilly** and seconded by **Councillor Maria Murphy**.

7 Reports

7.1 Chief Executive's Report

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

Housing:

- The work of the Housing Department over the past five years was acknowledged, especially in the delivery of housing targets and in dealing with difficult situations arising from the housing crisis.
- It was noted that stronger links should be built with the HSE and LMETB to address the issues in relation to emergency accommodation.

Transportation

- Confirmation of the CPO from An Bord Pleanála for the R150 Laytown to Bettystown Spine Road was welcomed.
- It was noted that public consultation re the Boyne Greenway – Drogheda to Mornington should be expedited.

Finance

- Update requested on mortgages under Rebuilding Ireland Scheme.



Miontuairiscí / Meeting Minutes

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

7.2 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 following SPC meetings:

- Transportation SPC held on 16th April
- Housing, Community and Cultural SPC held on 25th April
- Planning Economic Development and Enterprise SPC held on the 3rd May.

7.3 Report from the Protocol Committee

The Meetings Administrator advised that as this was the last Protocol Committee meeting of the current Council, there was no list of conferences to be considered for approval.

The Committee noted the arrangements re the Local Election Count and the first meeting of the new Council scheduled to take place on 7th June.

8 Correspondence

- 8.1 Correspondence from the Department of Children and Youth Affairs in response to Notice of Motion 9.7 adopted at the February 2019 meeting of the full Council re. School Age Childcare Regulations.

Noted by the Councillors.

- 8.2 Circular PL 03/2019 – Department of Housing, Planning and Local Government re. Establishment of the Office of the Planning Regulator.

Noted by the Councillors.

- 8.3 Correspondence from the Residential Tenancies Board (RTB) re. Designation of Navan Local Electoral Area as a rent pressure zone.

Noted by the Councillors.

- 8.4 Correspondence from Department of Rural and Community Development re. Outdoor



Miontuairiscí / Meeting Minutes

Recreation Infrastructure Scheme.

Noted by the Councillors.

- 8.5 Correspondence from Department of Rural and Community Development re. Town and Village Renewal Scheme.

Noted by the Councillors.

9 Notice of Question

9.1 Submitted by Councillor Trevor Golden

“Would Meath County Council facilitate a Local Authority Structure/Building to be used to determine the feasibility of community driven solutions to Rural Broadband?”

Response:

Meath County Council will consider facilitating the use of a building, if a feasible community-driven solution to improve rural broadband is identified. The Council is positively disposed to engaging with any community group to assess suitable structures and locations to improve connectivity.

Noted by the Councillors.

9.2 Submitted by Councillor Caroline Lynch

“Is homeless HAP available to existing HAP tenants with notices to quit and unable to find alternative accommodation at existing threshold / An bhfuil HAP do dhaoine gan dídean ar fáil do thionóntaí reatha HAP le fógraí fágála nach féidir leo lóistín malartach a fháil ag an tairseach reatha?”

Response:

The additional supports provided under the Homeless HAP Place finder Service include:

- Provision of a deposit up to the value of one month’s HAP payment; and
- Payment of up to two months HAP payment in advance in order to secure a tenancy



Miontuairiscí / Meeting Minutes

The above supports are available, if they are deemed necessary, to assist transition from emergency accommodation or prevent homelessness, including potential homeless situations that may result from the termination of an existing HAP tenancy.

The discretion to exceed the prescribed HAP rent limits by up to 20%, if deemed necessary to secure a tenancy, applies to HAP generally, and is not exclusive to the Homeless HAP Place Finder Service.

Noted by the Councillors.

9.3 Submitted by Councillors Eimear Ferguson & Maria Uí Ruairc

“Will Meath County Council provide a list of all Meath-based companies that have been successfully included in its panels to carry out works that include plant hire for each year in the period 2009-2018 and a tabular break-down of the total sums paid to each company for each respective year / An gcuirfidh Comhairle Chontae na Mí liosta ar fáil de gach comhlacht lonnaithe i gContae na Mí a bhí san áireamh ar na painéil de chomhlachtaí roghnaithe oibriúcháin a dhéanamh gléasra ar cíos san áireamh do gach bliain ó 2009-2018 agus tábla de na méid a íocadh do gach comhlacht i gcóir gach bliain a chur ar fáil leis?”

Response:

The notice of question contains information that is not readily available, and retrieval of such information would entail the use of many different systems across the organisation, including the Financial Management System and Departmental paper based records. Throughout the period 2009-2018, Meath County Council has sought competitive quotations and tenders for goods, services and works using appropriate open and transparent procurement processes. This ranges from local quotes in line with national and local procurement guidelines, using SupplyGov frameworks (Dynamic Purchasing Systems) and E-Tender portals for national and EU level tendering. In line with procurement rules, the Council must accept submissions from all suppliers registered with SupplyGov on the DPS, regardless of their geographical location. However, where possible, the Council endeavours to support local companies.

It should be noted that **Circular Fin 07/2012**, issued from the Department of Environment, Community and Local Government in 2012, states that all Purchase Orders greater than €20k. must be published on the Local Authority's website on a quarterly basis. The Council fully complies with this requirement.

Notwithstanding the above, the Council's procurement officer is available to discuss the matter further, and provide clarification on the detail of the information which may be retrieved.



Miontuairiscí / Meeting Minutes

Noted by the Councillors.

10 Notice of Motion

10.1 Submitted by Councillor Tommy Reilly (deferred from April meeting)

"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

10.2 Submitted by Councillor Edward Fennessy

"I call on this Council to acknowledge that the lack of private, social and affordable housing, as well as the homelessness that it leads to, amounts to a housing crisis and that new approaches must be rolled out immediately to include:-

- A dramatic increase in supply of local authority-led public and affordable housing by increasing capital spending on housing and prioritising the delivery of housing on public lands.*
- An increase in the provision of Part V social housing to 20% in standard developments and 30% in strategic development zones*
- An acceleration in the efforts to return housing voids into use in county Meath.*
- Making it illegal for landlords and mortgagees to evict tenants and homeowners into homelessness which is compounding existing problems.*
- Securing tenure and rent certainty by linking rent reviews to Consumer Price Index (CPI).*
- Establishing a constitutional right to housing.*
- Encouraging and engaging with other campaigns including the Raise the Roof campaign supported by the trade union movement, women and student organisations, advocacy groups and housing and homeless charities to arrive at a multi-faceted approach to solving housing problems in Meath and across the country / Éilím ar an gComhairle seo aird a thabhairt ar an easpa tithíocht príobháideach, sóisialta agus inachmhainne chomh maith leis an easpa dídine atá mar thoradh uirthi agus impím uirthi chur chuige nua a chur i bhfeidhm láithreach, agus go raibh an méad a leanas san áireamh:-*
- Méadú ar an soláthar tithíocht poiblí agus inachmainne curtha ar fáil ag an rialtas áitiúil.*
- Méadú ar an méid tithíocht Cuid V go 20% i ngnáthfhorbriúcháin 20% agus 30% i gcriosanna forbartha straitéisí.*
- Luasghéarú a chur ar na hiarrachtaí tithíocht folamh a chur in úsáid arís I gContae na Mí*



Miontuairiscí / Meeting Minutes

- *É a bheith in aghaidh an dlí gur féidir le tiarnaí talúin tionóntai a chur ón tí agus amuigh ar na sráideanna a chuireann le fadhbanna reatha.*
- *Tionacht a chinntiú le imscrúduithe ar chíos a nascú leis an CPI.*
- *Cearta tithíochta a reachtaíl.*
- *Teaghmáil a dhéanamh le feachtais cósuil le Raise the Roof tacaithe ag na comharchumainn."*

Motion withdrawn.

10.3 Submitted by Councillor Trevor Golden

"We call for Meath County Council to make Data that is currently publicly accessible online (Meath.ie) also available in Open Data formats as detailed at <https://data.gov.ie/pages/formats>"

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

In line with Action 7.4 under Theme 7 of the National Open Data Strategy 2017-2022 (https://data.gov.ie/uploads/page_images/2018-03-07-114306.063816Final-Strategy-online-version1.pdf) which was published in July 2017, Meath County Council has now designated a member of staff to act as a liaison with the Department of Public Expenditure and Reform's Open Data Team, to engage on their planned initiatives.

There has also been a Local Government Open Data Working Group put in place, with which Meath County Council are currently participating on the development of a protocol for the publishing of Open Data datasets by all 31 Local Authorities to the <https://data.gov.ie/> site, and which will be made available from www.meath.ie also.

Meath County Council has also engaged with the Department of Housing, Planning and Local Government, on their Myplan.ie project, and are currently publishing data to the National Planning Application Database portal, (<https://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=9cf2a09799d74d8e9316a3d3a4d3a8de>)

The motion, proposed by **Councillor Trevor Golden** and seconded by **Councillor Sharon Keogan**, was noted, subject to the supporting information provided.

10.4 Submitted by the Laytown-Bettystown Municipal District Councillors

"We call on Meath County Council to ask the relevant government departments to put all community organizations on the same status as GAA clubs and others in relation to



Miontuairiscí / Meeting Minutes

charitable status and compliance issues, as there is an anomaly at the present time in relation to many organizations.”

The motion, proposed by **Councillor Wayne Harding** and seconded by **Councillor Sharon Keogan**, was unanimously adopted.

It was agreed that the adopted motion would be circulated to all Local Authorities.

10.5 Submitted by the Sinn Féin Councillors

“That Meath County Council calls on the Minister for Justice to resolve the problems with Data protection which is holding up the rollout of the CCTV System across the State. /Éilíonn Comhairle Chontae na Mí ar an Aire Dlí agus Cirt, Comhionannais agus Cosanta na fadhbanna a baineann le Cosaint Sonraí a réiteach.chun nach mbeidh aon constaic ar chur chun cinn an Córas CCTV ar fud an stáit.”

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

A distinction needs to be made between: (a) the use of CCTV in public places by bodies such as local authorities; and (b) the Community CCTV scheme. The latter is a Government initiative intended to support local communities with the capital costs of installing and maintaining CCTV systems in their areas to increase public safety and deter illegal or anti-social behaviour.

The Office of the Data Protection Commission (ODPC) is conducting an on-going national audit on the use of CCTV and other technologies such as drones and body-worn cameras by local authorities. Meath County Council has not yet been notified as to when it will be audited and is awaiting the recommendations from the ODPC visits to other local authorities, with a view to reviewing its practices and procedures. The audit is also reviewing Community CCTV schemes that operate in a local authority's administrative area.

The ODPC issued a short guidance note in December 2018 on data protection considerations and Community CCTV schemes. All CCTV cameras capture the images of individuals and accordingly they process personal data. Under data protection law, the processing of personal data requires a legal basis. The legal basis for Community CCTV is Section 38 of the Garda Síochána Act 2005. This section provides that the Garda Commissioner may authorise the installation and operation of CCTV for the sole or primary purpose of securing public order and safety in public places. The criteria to be met for Community CCTV scheme is set down in a statutory instrument (S.I. No. 289 of 2006). The Department of Justice and Equality and An Garda Síochána has also published a 'Code of Practice for Community Based CCTV Systems'.



Miontuairiscí / Meeting Minutes

Amongst the conditions to be met in order to obtain authorisation of the Garda Commissioner for the installation and operation of a Community based CCTV scheme are the following:

- The CCTV scheme has been approved by the local authority after consultation with the joint policing committee for that administrative area;
- The CCTV scheme will comply with technical specifications issued by the Garda Commissioner and will be operated in accordance with the Code of Practice;
- Members of An Garda Síochána will be given access at all times to the CCTV system for the purposes of supervising and controlling its operation and retrieving information or data recorded by it; and
- The local authority gives an undertaking that it will act as a data controller in respect of the CCTV system.

A legal basis for processing personal data using Community CCTV does exist. However, although the purpose of Community CCTV systems is to assist An Garda Síochána in the performance of their statutory functions, this legal basis requires a local authority to act as Data Controller, and take on responsibilities for safeguarding the data and data rights of individuals. This includes but is not limited to: preparation of a risk assessment and specific policies and procedures on the processing of data; the enforcement of retention periods for recorded footage; ensuring the security of systems; providing access to systems and the logging of requests and cooperation with requests by An Garda Síochána and the erection and display of appropriate public signage. In effect, to be a Data Controller would require the local authority to take control and operate the system, in order to comply with its responsibilities.

The present legal framework exposes a local authority to the risk of sanctions and compensation claims, as provided for under GDPR, should personal data be breached or the rights of data subjects be infringed. Further, once a local authority agrees to act as Data Controller, there will be some expectation that it should maintain, up-grade and resource the scheme once the grant assistance has been utilised. This will require ongoing budgetary provision by the Council.

Based on the supporting information, the motion, proposed by **Councillor Darren O' Rourke** and seconded by **Councillor Caroline Lynch**, was noted.

10.6 Submitted by Councillor Alan Tobin

“Meath County Councillors call on the Minister for Justice to review the legislation governing Community CCTV and to rectify the situation that currently requires local authorities to be the data controllers for such CCTV schemes. These schemes are



Miontuairiscí / Meeting Minutes

established for the purposes of law and order, crime prevention and detection, which are key functions of An Garda Síochána and not local authorities.”

Based on the supporting information, the motion, proposed by **Councillor Alan Tobin** and seconded by **Councillor Gerry O’ Connor**, was adopted.

It was agreed that the adopted motion would be circulated to all Local Authorities.

10.7 Submitted by Councillor Caroline Lynch

“Meath County Councillors request that the Department of Finance and the Minister for Housing sanction a budget and mechanism for local authorities to purchase by compulsory order state owned buildings and lands, which are unused for over five years in order to provide land and buildings much needed for housing and community facilities / Éilíonn Comhairle Chontae na Mí ar an Roinn Airgeadais agus an Aire Tithíochta buiséad agus straitéis a bhunú chun gur féidir le rialtais aitiúla foirgnimh i sealbh an stáit nár bhaineadh úsáid astu ar feadh 5 bliana a cheannach tríd an gcóras ordú ceannaigh éigeantaigh chun talamh agus forignimh a bhfuil géarghá orthu a chur ar fáil do thithíocht agus áiseanna pobail.”

The motion was proposed by **Councillor Caroline Lynch** and seconded by **Councillor Darren O’ Rourke**. Following a debate on the motion and advice from the Chief Executive, **Councillor Ronan McKenna** proposed an amendment to the motion. The amended motion was unanimously adopted as follows:

“Meath County Councillors request that the Department of Finance and the Minister for Housing amend the legislation to allow local authorities to purchase by compulsory order state owned buildings and lands, which are unused for over five years in order to provide land and buildings much needed for housing and community facilities”

11 Schedule of Chief Executive & Approved Orders (For information only)

11.1 Schedule of Chief Executive’s Orders - Transportation

11.2 Schedule of Chief Executive’s Orders – Environment

11.3 Schedule of Chief Executive’s Orders – Housing

11.4 Schedule of Chief Executive’s Orders – Community

Noted by the Councillors.



Miontuairiscí / Meeting Minutes

12 Any Other Business