



## **Miontuairiscí / Meeting Minutes**

### **Ordinary Meeting 10<sup>th</sup> June 2013, Council Chamber**

An Cathaoirleach, Councillor Niamh McGowan presided.

#### **Members Present:**

Councillors Joe Bonner, Sirena Campbell, William Carey, Shane Cassells, Eugene Cassidy, Jimmy Cudden, Francis Deane, Ann Dillon-Gallagher, John V. Farrelly, Jimmy Fegan, Brian Fitzgerald, Joe Fox, Oliver Fox, Wayne Harding, Jim Holloway, Eoin Holmes, Suzanne Jamal, Arian Keogan, Nick Killian, Noel Leonard, Tracy McElhinney, Jenny McHugh, Maria Murphy, Gerry O'Connor, Bryan Reilly, Joe Reilly, Tommy Reilly, Catherine Yore.

#### **Apologies:**

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

**County Manager:** Jackie Maguire

**Directors of Service:** Tadhg McDonnell, Kevin Stewart, Fiona Lawless, Des Foley. Joe Fahy (Acting)

**Meetings Administrator:** Shane Donnelly

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

**Planning Staff:** Bernard Greene, Senior Executive Planner,

**Administrative Officers:** Olive Falsey

### **1.0 Confirmation of Minutes**

- 1.1 Confirmation of minutes of Ordinary meeting held on 13<sup>th</sup> May, 2013.  
The minutes of Ordinary meeting held on 13<sup>th</sup> May, 2013 were confirmed on the proposal of **Councillor Francis Deane** and seconded by **Councillor John V. Farrelly**.

### **2.0 Matters arising from the Minutes**

No matters arising.

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

Sympathy was extended to:

- Rosie Ryan, Motor Tax Section, on the death of her mother Ellen Ryan.
- Audrey Norris, Navan Town Council, on the death of her mother-in-law Kathleen Norris
- The family of the late Noel Curran, who was a member of the All Ireland winning Meath team in 1967.
- The family of Sean Kellegher, former Council employee.

Congratulations were extended:



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- Councillor John V. Farrelly, Chair of East Border Region, on his work in relation to the recently announced plan to construct the Narrowwater bridge.
- The organisers of 'gathering events' that took place in the Enfield area.
- Dunshaughlin GAA teams (U 14 and U 12) on their recent success and the athletes from the Dunshaughlin Athletic Club on their competition success in community games.
- The Cathaoirleach and all those involved in the naming of the Mary McAleese Boyne Valley Bridge.
- Summerhill GAA club on recent successes.
- All those involved in the organisation of the Ballivor Horse Show.
- Councillor Jimmy Fegan on the publication of his novel, which will be launched on 26<sup>th</sup> June.

The Cathaoirleach welcomed the new County Manager, Jackie Maguire and, on behalf of the Councillors, offered congratulations on her appointment. The party whips and Councillor Brian Fitzgerald, on behalf of the independent group, also welcomed the new County Manager and wished her every success in her new position.

The County Manager thanked the Cathaoirleach and the Councillors for their good wishes. She stated that she looked forward to the challenge of the position and to working, for the benefit of County Meath, with all the members of the elected Council.

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

### **5.0 Statutory Business**

#### **5.1 Corporate Services**

- 5.1.1 To receive the Local Electoral Area Boundary Committee Report 2013 and a short presentation in relation to the effect of the Report on County Meath.

Des Foley, Director of Services, made the presentation which included:

- The Terms of Reference of the Boundary Committee
- The recommendations for Meath county Council
- The recommended Local Electoral Areas that will apply for 2014 Local Elections.

It was noted that the Minister had accepted the recommendations of the Boundary Committee and that it will be legal effect by Ministerial Order. The presentation was noted by the Councillors.

#### **5.2 Planning**

- 5.2.1 To consider the Manager's Report in accordance with Part VIII of the Planning & Development Acts 2000-2012 and the Planning & Development Regulations 2001-2012 - To construct a pedestrian and cycle greenway facility from Drogheda Ramparts to the entrance of Oldbridge Estate as recommended by the Slane Electoral Area Committee and if thought fit, to approve the said report.



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Bernard Green, Senior Executive Planner, gave an update to the Council and outlined the amendments to the scheme following the consultation period. It was indicated to the Councillors that the Manager was proposing to amend the scheme from that which was placed on public display, primarily in relation to the retention of two-way traffic flows adjacent to the scheme and additional pedestrian facilities being provided adjacent to the entrance to Oldbridge House. The report was accompanied by the revised drawings and a revised Habitats Directive Appropriate Assessment.

Approved on the proposal of **Councillor Eoin Holmes** and seconded by **Councillor Wayne Harding**.

- 5.2.2 To consider the taking in charge of Race Hill Lodge, Ashbourne and the making of a declaration that the roads within the estate shall be public roads in accordance with Section 11 Roads Act 1993 and the Planning & Development Act 2000-2012 as recommended by the Dunshaughlin Area Members at the May monthly committee meeting on Monday 20<sup>th</sup> May 2013.

Approved on the proposal of **Cathaoirleach, Councillor Niamh McGowan** and seconded by **Councillor Joe Bonner**.

### **5.3 Transportation**

- 5.3.1 To consider the Extinguishment of the Public Right of Way on the L-62143-O Ardrum's Great, Agher, Rathmolyon, Co Meath.

Approved on the proposal of **Councillor Maria Murphy** and seconded by **Councillor Joe Fox**.

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

- 6.1 To consider amendment(s) to Standing Orders in accordance with Schedule 10.16 Local Government Act 2001 (as recommended by the Protocol Committee), ( report to be circulated ).

The Meetings' Administrator advised that the Protocol Committee had been considering amending Standing order, No.88 (in respect of the filling of a casual vacancy of an elected non-party councillor) for some time and these proposed amendment to Order No.88 had been circulated to all councillors for their consideration.

The Meetings Administrator further advised that in considering the standing order in respect of the matter, consideration was given to a number of matters including (a) the manner in which other local authorities had dealt with the issue within their standing orders and (b) case law precedent, including a case involving Donegal County Council and the judgement delivered on the 7<sup>th</sup> November 2012.



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The Protocol Committee recommended the amendment to standing order no.88 as circulated subject to the following further amendment,

That the following sentence under paragraph( f) be deleted “In the event of more than two valid nominees being proposed and seconded the selection of the person to be co-opted shall be by way of secret ballot on the basis of a single transferrable vote” and replaced with the following “ In the event of two or more valid nominees being proposed and seconded, the selection of the person to be co-opted shall be in the same manner as the method used for the election of Cathaoirleach as set out in Section 37 Local Government Act 2001”

This amendment was proposed by Cllr Brian Fitzgerald and seconded by Cllr John v Farrelly and unanimously resolved by the Council.

On the proposal of Cllr Brian Fitzgerald, seconded by Cllr Francis Deane, it was further resolved that in the interest of clarity, a template form would be prepared and tabled for agreement of the Protocol Committee.

A further amendment was proposed by Cllr Brian Fitzgerald and seconded by Cllr Francis Deane, as follows;

“That the following words **be deleted** from paragraphs a,b and c”

Paragraph (a) “sworn before A Commissioner for Oaths/Practising Solicitor”  
“sworn”

Paragraph (b) “sworn”

Paragraph (c) “sworn before a Commissioner for Oaths/Practising Solicitor”

Following a discussion on the proposed amendment, the Cathaoirleach called for a show of hands vote which resulted as follows;

23 for, 3 Against, -- that amendment was carried.

The agreed amendments to Standing Order No.88 in accordance with Schedule 10.16 Local Government Act 2001 were approved.

### **7.0 Correspondence**

- 7.1 Correspondence from Office of the Minister for Social and Family Affairs re Local Authority Social Employment Scheme.

The correspondence was noted and it was asked if the Council had begun to implement the scheme. The County Manager and the Director of Services, HR, responded and explained that it is a national scheme and that it must be managed carefully and sensitively. It was noted that the Council is committed to fully implementing it.



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- 7.2 Correspondence from Office of Public Works re future of Kilmessan Garda Station  
( *In response to Notice of Motion passed at the April Monthly Meeting* ).

Noted

- 7.3 Circular Letter: PL 7/13 – Ministerial Directions Issued under Section 31 since  
Enactment of the Planning and Development (Amendment) Act 2010.

Noted

- 7.4 Correspondence from Department of Transport, Tourism and Sport Re. Community  
Involvement Schemes.

Noted (see Items 8.2 and 8.3 (Notices of Question submitted by Cllrs. Bryan Reilly  
and John V. Farrelly)

- 7.5 Correspondence from Valuation Office re commercial rating of Sporting Clubs.  
(*In response to Notice of Motion passed at the March Monthly Meeting*)

The correspondence was noted but questions were raised regarding the rating of  
entire premises and if sporting clubs opted for an occasional licence, would the  
rating be different. Fiona Lawless, Head of Finance, reiterated the contents of the  
correspondence from the Valuation Office and informed that even if an occasional  
licence was sought, the premises would be rated.

- 7.6 Note of Meeting with Minister of Transport held on the 21<sup>st</sup> May 2013.

Noted and agreed.

- 7.7 Student Grant Scheme 2013 – Academic Year 2013/2014.

Noted

- 7.8 Correspondence from Department of Environment, Community and Local  
Government – Local Property Tax. (*In response to Notice of Motion passed at the  
March Monthly Meeting.*)

Noted.

### **8.0 Notice of Question**

- 8.1 Submitted by Councillor Francis Deane

*“Regarding plans to introduce brown bins to residents of Navan in July making it  
necessary for households to segregate food waste from biodegradable waste, I’d  
like to ask:*

*a) if this will impose an additional cost to householders?*



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*b) where will the waste permit holders dispose of the contents of the brown bins?"*

A response was provided by Larry Whelan, Senior Executive Officer, Environment and Water Services. Councillor Deane sought clarification regarding the frequency of the brown bin collection. It was clarified that under the Food Regulations, it is a requirement to collect the brown bin not less than every two weeks.

8.2 Submitted by Councillor Bryan Reilly

*"Can the manager clarify the very specific conditions under which the Community Involvement Scheme will operate and whether monetary payments will be required from householders on roads listed for the scheme."*

A response was provided by Joe Fahy, A/Director of Services, as follows:

The Community Involvement Scheme (CIS) is a national pilot scheme devised by the Dept of Transport Tourism and Sport and its implementation by each Local Authority is governed by the conditions set out in Circular RW 3/2013.

The CIS Scheme is based on community contributions within the range 20% to 50%. A 20% community contribution must be monetary only - no works are undertaken by the community. A 50% community contribution, on the other hand, applies where all the work are undertaken by the local community. Local Authority contributes by way of materials or plant.

The other two rates of 30% and 40% provides for a division of the works between community and LA. In the case of Meath County Council a total of 11 locations were successful in their application. All 11 applications provided for a local community contribution of 20%. Therefore, in accordance with Circular 3/2013, **this contribution can only be monetary**. A copy of the Circular RW 3/2013 was issued to all Councillors at the March Council meeting.

Furthermore, the successful applications received by Meath County Council included the signatures of all participating residents and landowners within the local community who, by so signing, indicated their willingness to participate in the scheme in accordance with the terms and conditions attaching to it.

8.3 Submitted by Councillor John V. Farrelly

*"To ask the County Manager to confirm that the residents on the roads approved under the Community Involvement Scheme will be given the time to consider their contribution based on the estimate they will receive from the Council. Will the residents be allowed to give labour hours in lieu of the full monetary contribution? Can you also clarify that the Council's insurance will cover the residents while they are involved and that the work will be supervised. Subject to Department approval, can the full scheme be implemented this year with the balance of funding recouped from the Department in 2014?"*

A response was provided by Joe Fahy, A/Director of Services, as follows:

The nominated spokesperson for each of the 11 successful Communities who were approved under the CIS was written to on the 7th June. The letter confirmed that the Dept has approved their application and granted funding on the basis of the 20 % contribution the community committed to paying. The letter further, detailed the nature of the work to be carried out and the estimated cost of the works. The letter also confirmed what the 20% contribution amounted to.



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The Community were given 2 weeks to confirm if they intended to avail of the scheme. They were given a further 3 weeks to submit a single payment for the full amount of the contribution (bank draft only) or alternatively confirm if they wished to withdraw from the scheme.

The terms and conditions of the CIS, as set out in Dept Circular, only permits a monetary contribution at the 20% rate. As Meath Co. Co. will be carrying out the work, insurance is not applicable in this instance. Meath Co. Co. is willing, subject to Dept approval and community participation, to implement the full scheme in 2013 with the balance of funding being recouped in 2014.

### **8.4 Submitted by Councillor Oliver Fox**

*“Can the County Manager give an update on the implementation of Bye Laws regarding anti social behaviour in and around playgrounds as per Notice of Motion passed at Full Council Meeting Oct 2011.”*

A response was provided by Shane Donnelly, Meetings’ Administrator, who informed that initial work is being carried out by the Community Section of the Council in the context of the manner in which such a Bye-Law is being operated in other counties. It is the Council’s intention to advance matters further over the coming months.

## **9.0 Notice of Motion**

### **9.1 Submitted by Councillor Shane Cassells**

*“In light of the new Small Hospital Report, which has stated that Navan will become a Model 2 Hospital and so lose its 24/7 emergency service, that this Council pass a resolution requesting an immediate meeting with all of the Meath Oireachtas members to establish where the commitment, given by Fine Gael TDs and Councillor Catherine Yore in February 2011 for the construction of a new Regional Hospital in Navan within five years, now stands and an update on the discussions with private investors to build this facility as indicated to this chamber in January, 2013 by Fine Gael Councillors.”*

Councillor Cassells proposed an amended motion, which was seconded by Councillor Tommy Reilly as follows:

*“In light of the new hospital report and its implications for Navan hospital, that this Council requests a meeting, as soon as possible, with Oireachtas members regarding the construction of a regional hospital in Navan.”*

Following a lengthy debate, the motion was unanimously adopted.

### **9.2 Submitted by Cllrs. Shane Cassells, Noel Leonard, Nick Killian, Wayne Harding, Oliver Fox, Jimmy Fegan, Bryan Reilly:**



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*“That Meath County Council make an application to Government in respect of our roads funding allocation seeking the creation of a special five year rolling fund – above and beyond the normal county allocation - for the purpose of tackling the deteriorating road network in the Kells electoral area and that this application is based on the needs analysis of the conditions of the roads and the extensive network in this particular region of the county as compared to others.”*

Following a lengthy debate an amendment was proposed by **Councillor Eugene Cassidy** and seconded by **Councillor Maria Murphy**. **The amended motion:**

*That Meath County Council make an application to Government in respect of our roads funding allocation seeking the creation of a special five year rolling fund – above and beyond the normal county allocation - for the purpose of tackling the deteriorating road network in the Kells electoral area and the Slane section of the Slane electoral area and that this application is based on the needs analysis of the conditions of the roads and the extensive network in this particular region of the county as compared to others.”* was adopted following a show of hands vote.

Result: 19 For – 5 Against.

### 9.3 Submitted by Councillor Joe Reilly

*“Members of Meath Co. Council note the recommendation at the recent inquest into the death of Isaac Agaba-Adeyefa by the Meath Coroner and the adoption of the jury of the coroner’s recommendation that the Government changes the laws to allow the Health and Safety Authority (HAS,) a statutory agency, be part of the investigation of such tragic incidents.*

*Meath Co Council therefore calls on the Minister for jobs, Enterprise and Innovation to introduce ministerial regulations, or if necessary legislation, to allow ministers to call on the Health and Safety Authority (HSA) to help investigate a death or injury where their technical expertise could be of benefit to the investigation.”*

An amended motion

*“Members of Meath Co. Council note the recommendation at the recent inquest into the death, that occurred at the Aura Leisure Centre, by the Meath Coroner and the adoption of the jury of the coroner’s recommendation that the Government changes the laws to allow the Health and Safety Authority (HSA), a statutory agency, be part of the investigation of such tragic incidents.*

*Meath Co Council therefore calls on the Minister for jobs, Enterprise and Innovation to introduce ministerial regulations, or if necessary legislation, to allow ministers to call on the Health and Safety Authority (HSA) to help investigate a death or injury where their technical expertise could be of benefit to the investigation.”*

Proposed by **Councillor Jenny McHugh** and seconded by **Councillor Joe Reilly** was unanimously adopted.



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- 9.4 Submitted by Councillor Joe Reilly

*“That Meath Co Council, alarmed at the steady rise in suicide rates in Ireland in recent year, calls on the Government to increase funding to organisations & services active in suicide prevention and support for families affected by suicide. Council calls for an All Ireland National Suicide Authority to be set up with the aim of synchronising the efforts of all anti-suicide organisations and creating clarity and unity in suicide prevention.”*

The motion was proposed by Councillor Joe Reilly and seconded by Councillor Nick Killian. Following a discussion an amended motion was proposed by **Councillor Sirena Campbell** and seconded by **Councillor Tommy Reilly**.

The amended motion:

*“That Meath Co Council, alarmed at the steady rise in suicide rates in Ireland in recent year, calls on the Government to increase funding to organisations & services active in suicide prevention and support for families affected by suicide. Council calls for an All Ireland National Suicide Authority to be set up with the aim of synchronising the efforts of all suicide prevention organisations and creating clarity and unity in suicide prevention.”*

was unanimously adopted.

- 9.5 Submitted by Cllrs. John V. Farrelly, W. Carey, M. Murphy, A. Dillon-Gallagher.

*“I call on the members of Meath County Council to congratulate Minister Brendan Howlin, Kieran Mulvey CEO of LRC, The Trade Union leaders and especially the members and staff of the public service for their continuing commitment to the national recovery by agreeing the Haddington Road agreement under very difficult circumstances for themselves and their families.”*

The motion was proposed by **Councillor John V. Farrelly** and seconded by **Councillor Ann Dillon-Gallagher**. Following a debate, it was agreed, on the proposal of **Councillor Jenny McHugh** seconded by **Councillor Brian Fitzgerald**, to defer the motion and await the outcome of the Haddington Road proposals.

- 9.6 Submitted by Cllrs. John V Farrelly, C. Yore, E. Cassidy and W. Carey

*“That Meath County Council welcomes the 70 jobs announcement for Kells and to congratulate Hugh Morris, Connect Ireland and the Council’s Economic Development Section for encouraging Mafic Ltd. to establish their European Head Quarters in Co. Meath and to encourage others to register with Connect Ireland.”*

The motion was proposed by **Councillor John V. Farrelly** and seconded by **Councillor Willie Carey**.

Following a discussion, the motion was unanimously adopted.

- 9.7 Submitted by Councillor Tommy Reilly

*“I am requesting this Council to have a full and open debate regarding the use of fluoridation of water in County Meath.”*

The motion was proposed by **Councillor Tommy Reilly** and seconded by **Councillor Ann Dillon-Gallagher**.

A comprehensive information document was circulated to the Councillors. The motion was debated at length. **Councillor John V. Farrelly** proposed that Councillors should be informed on the matter. Tadhg McDonnell, Director of



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Services, advised that the Local Authority has no role in fluoridation of water and that it is a mandatory requirement of the HSE to have fluoride in water. It was noted that a Private Members' Bill is being prepared and that the matter will be discussed at National level. **Councillor Tommy Reilly** seconded Councillor Farrelly's proposal.

It was agreed that the Council would receive a presentation, at the September meeting, from Council Officials on the manner in which water is treated and that the HSE would be invited to provide a presentation on the fluoridation of water.

### 9.8 Submitted by Councillor Tommy Reilly

*"That this Council calls on the new Economic Forum to prioritise the building of the Regional Hospital to create jobs in County Meath."*

The motion was proposed by **Councillor Tommy Reilly** and seconded by **Councillor Shane Cassells**.

A response to the Motion was provided by Kevin Stewart, Director of Services as follows:

The Meath Economic Forum is a high level advisory body with a remit to advise the Council and the County Manager and to act as a sounding board for economic policy and on the development of an economic strategy for the county. It also has a general remit to provide advice and guidance, where appropriate, on business related matters. The Forum members act as ambassadors for Meath at home and abroad. The Forum does not have a specific role in assessing or promoting individual development proposals.

Councillors will be aware of numerous previous reports and discussions on the matter where this Council's role in the development of the hospital was set out by the County Manager. The Council strongly advocated Navan as a location for the new facility and made a strong case to the HSE consultants, (The Health Partnership), when they were assessing various locations in the North East Region. The Council was very pleased when the consultant's report of April 2008 recommended Navan. Councillors will further be aware that following the publication of the report the Council commissioned RPS to identify and assess potentially suitable sites in Navan. This report completed in early 2009 and forwarded to the HSE, identified 3 preferred site options at Nevinstown, Balreask Old and Limekilnhill. The current Navan Development Plan 2009-2015 makes provision for the development. In summary, while this Council is not the body responsible for the development of hospital facilities, all the necessary steps have been taken to date to assist the HSE and the Department of Health in assessing suitable locations and the Council is available at all times to assist anyone seeking to advance this important project.

Notwithstanding the advisory nature of the Economic Forum the matter can be included on the agenda for the next meeting to be held in September and the views of Forum members sought as to any additional steps the Council might consider to further assist the process.

An amendment was proposed by the Cathaoirleach, Councillor Niamh McGowan and Councillor Jenny McHugh as follows:

*"That this Council calls on the new Economic Forum to include on the agenda of their next meeting the prioritisation of the building of the Regional Hospital to create jobs in County Meath."*

The amended motion was unanimously adopted.



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### **10.0 Schedule of Manager's & Approved 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 by other Bodies/Statutory Agencies (None)**

### **12.0 Any Other Business**

- The Cathaoirleach welcomed members of the organisation Cultúr, who distributed information leaflets on their work and activities. All agreed that the work of Cultúr should be supported and that it was of great benefit to the community. It was agreed that a letter would be issued to Minister Alan Shatter in support of the work of culture and the importance of maintaining this service in the community.
- Councillor Gerry O' Connor requested that the Retailers Against Smugglers Group would be invited to make a presentation to the Council. It was agreed that this matter would be brought before the next meeting of the Protocol Committee for consideration.
- Kevin Stewart, Director of Services, reminded Councillors of forthcoming conferences being organised by Enterprise Ireland and the East Border Region.