



Miontuairiscí/Meeting Minutes

Ordinary Meeting 5th October 2009, Council Chamber

An Cathaoirleach, Councillor William Carey, presided.

Members Present:

Councillors Joseph Bonner, Ray Butler, 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, Suzanne Jamal, Nick Killian, Noel Leonard, 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

Head of Finance: Fiona Lawless,

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

Meetings Administrator Bill Sweeney

Senior Planners: Wendy Bagnall

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

Administrative Officers: Ger Murphy

Apologies: Cllr Jimmy Cudden

1.0 Confirmation of Minutes

- 1.1 Minutes of Monthly Meeting held on 7th September, 2009 were confirmed on the proposal of Cllr Farrelly seconded by Cllr T Reilly.

2.0 Matters arising from the minutes

There were no matters arising.

3.0 Expressions of Sympathy and Congratulations

4.0 Correspondence

- 4.1 Correspondence from Monaghan County Council re medical services from hospitals in the North East (Dundalk, Navan and Monaghan).
Agreed that Meath Health Forum members should offer to meet immediately before next meeting of Forum. Agreed on the proposal of Cllr Fitzgerald seconded by Cllr Farrelly
- 4.2 Correspondence from Association of County and City Councils - copy of the Association's Annual Audited Accounts for the financial year 2008.



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- 4.3 Correspondence re Non Principal Private Residence Charge.
- 4.4 Correspondence re Biomass Combined Heat and Power (CHP) Plant and Associated Ash Landfill at College Road, Nobber Co Meath.

5.0 E.U. Correspondence

Noted

6.0 Report from Protocol Committee

The Meetings Administrator reported as follows:

1. An invitation from Boliden Tara Mines to be declined as there is a live planning application by the company under consideration. Agreed to visit at a future date.
2. Meetings Administrator to meet with Non party Councillors to discuss provision in Standing Orders re co-options.

The report and recommendations of the committee were adopted on the proposal of Cllr Leonard seconded by Cllr Farrelly

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 Planning and Economic Development

- 8.1.1 To receive the Managers report on submissions and observations received as a result of the display of proposed amendments to the Draft Navan Development Plan 2009-2015 in accordance with Section 12 (8) (a) of the Planning & Development Act 2000 as amended.

The above report was received on the proposal of Cllr **John V Farrelly**, seconded by Cllr **Shane Cassells**.

- 8.1.2 To consider the making of a declaration , as recommended by the Slane Area Members at the September Area meeting held Wednesday, 9th September 2009, that the roads within the estates listed hereunder be public roads:

Estate	Location
Brabazon	Bettystown, Co. Meath
Larrix Court	Duleek, Co. Meath
Mornington Manor	Mornington, Co. Meath
Ballygarth Demesne	Julianstown, Co. Meath
Wellesley Manor	Bettystown, Co. Meath



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Kings Hill	Duleek, Co. Meath
Draycott Lodge	Bettystown, Co. Meath

Approved on the proposal of Cllr **Anne Dillon-Gallagher**, seconded by Cllr **Tommy Reilly**.

- 8.1.3 To receive presentation on Economic Development & Innovation.

K Stewart Director of Service delivered the presentation updating members on current issues and replied to a number of questions raised by Councillors.

8.2 Infrastructure

- 8.2.1 To consider and, if thought fit, to approve for public display the “Draft Road Traffic (Special Speed Limits) (Slane) County of Meath Bye-Laws (No.2) 2009”.

Approved on the proposal of Cllr **Ann Dillon Gallagher** seconded by Cllr **Wayne Harding**

- 8.2.2 To agree a date for the holding of a Special Infrastructure Meeting of the Council.

Agreed to hold this meeting on Nov 16th at 3pm on the proposal of Cllr **John V Farrelly** seconded by Cllr **Ann Dillon Gallagher**

8.3 Environment

- 8.3.1 To consider and if thought fit to approve for public display the Draft Foreshore Bye-Laws as recommended by the Slane Area Members at the September Area Meeting held Wednesday, 9th September 2009.

Adopted on the proposal of Cllr **Wayne Harding** seconded by Cllr **Ann Dillon Gallagher**

- 8.3.2 To consider, and if thought fit, resolve to adopt the ‘Eastern River Basin District Management Plan’ (incorporating ‘Strategic Environmental Assessment and Appropriate Assessment under the Habitats Directive’) for the first six (6) year cycle from 22nd December 2009 to 22nd December 2015, and to establish the associated Water Body Objectives and Programme of Measures for the said period to comply fully with the requirements of the E.U. Water Framework Directive.

G Murphy AO Environment gave a brief presentation summarising the information presented at the briefing held for Councillors on the Plan.

B McGrath emphasised the resources both financial and staffing required to implement the Plan in full.



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The Plan was adopted on the proposal of Cllr **John V Farrelly** seconded by Cllr **Noel Leonard** with the proviso that adequate financial and staffing resources must be made available to the Council by the DoEHLG

8.4 Corporate Services

- 8.4.1 To consider and if thought fit to adopt the draft SPC Scheme.
The Meetings Administrator presented the Draft Scheme to the Council highlighting the main provisions.
The scheme was adopted on the proposal of Cllr **John V Farrelly**, seconded by Cllr **Noel Leonard**.

9.0 Notice of Question

9.1 Submitted by Councillor Sirena Campbell:

“To ask the County Manager if he or any of his officials are aware of any occasion or occasions in the past 5 years when payments by cheque for planning fees or service fees, related to planning and made out to this Council from persons or companies involved in planning applications, have remained un-cashed for any considerable period of time and to ask you Manager, to assure the Council (a) that you are willing to have this matter investigated if you have not already had an opportunity to do so (b) that following such an investigation to assure our Council that no such activity has occurred and (c) in the event of any indication of such practice to inform this Council immediately so that the matter can receive due consideration by the Council Members.”

The following written reply was presented to the meeting.

The Council is pleased to have an opportunity to clarify its practices , controls and review procedures in this regard.

The Planning Department receipts payments for Planning Applications , Commencement Notices and Cash deposits or Bonds in the course of its daily administrative function.

Application and Commencement Notice fee's are by their very nature paid in full at the date of submission of an application. Cheques so receipted are batched and lodged with the Council treasurer within 2 working days.

Conditions of planning permissions set out the terms of payment for cash securities and development contributions. The standard condition will require payment in full “ prior to the commencement of development” or in accordance with an agreed schedule of payments approved by the Planning Authority. In the latter case it would not be unusual for an agreement to recognise the convenience of phased payments and in such instances “post dated cheques” may be lodged with the Planning Authority who will present them for payment in due course.

Meath Co Co can confirm that the acceptance of post dated cheques is an ongoing facility granted to applicants and it has proven to be a useful and pragmatic tool in the management of Development Contribution payments.

In relation to the specific question raised the Council is aware of 8 developments where cheques remained on hands for specific reasons .Those cheques totalled €1,040,301.

The following is the situation in relation to those developments.



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	<i>Category</i>	<i>Number of developments</i>	<i>Value of cheques</i>	<i>Balance outstanding 5/10/09</i>
1	<i>Developer agreed alternative payment schedule</i>	4	€993,125	€11,020
2	<i>Cheques "referred to Drawer"</i>	3	€43,904	€43,904
3	<i>Post dated cheques</i>	1	€3,272	nil

It should be noted that the original cheques were retained on file for record purposes even where subsequent payment has been received.

- *Category 1 alternative payment schedules were agreed however in 1 case the developer has defaulted on his undertaking and the balance is being pursued in the normal manner.*
- *Category 2 the developers have already been contacted and the debt is being pursued.*
- *Category 3 payment has been received.*

In conclusion while the Council is satisfied that development contributions are being pursued effectively , further staff have been redeployed to enhance and broaden the capacity of the Development Contribution collection team . The Council can be assured that all there will be a continued focus on the collection of all outstanding levies due to this Authority

Responding to the reply Cllr Campbell stated that she had been approached by a senior political journalist on the matter and had submitted the question to raise the issue in the elected forum. She assured the meeting that she was not impugning the reputation of the County Manager or any other official. However she felt it necessary to raise the question as to whether or not any official benefited from the practice outlined in the reply from the Planning Dept.

Cllr Cassells intervened at this point to challenge Cllr Campbell and when both Councillors failed to yield to the Cathaoirleach he adjourned the meeting.

On resumption the Meetings Administrator clarified the procedures for dealing with questions on the agenda, reminded Councillors of the role of the Cathaoirleach and advised Councillors that there was no privilege, qualified or otherwise , in the Council Chamber.

The County Manager expressed his disappointment at Cllr Campbell's comments and the suggestion that any official may have benefited from the issues addressed in the reply. He invited any councillor who had concerns of this nature to contact him immediately

Cllr Campbell apologised sincerely and stated that she had no intention of suggesting any impropriety and wished to withdraw her comments.

Addressing the Council the County Manager welcomed Cllr Campbell's apology and again advised that any Councillor who had any concerns on such matters should bring them to his attention.

Cllr Cassells welcomed the withdrawal of her remarks by Cllr Campbell and emphasised that when a reply was given to a question no further statement should be allowed in accordance with Standing Orders.



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9.2 Submitted by Councillor Nick Killian:

“Can the Manager give an up to date and accurate account of the amount of building levy monies owed to Meath County Council, through granting of full planning permissions, and outstanding from developers and/or construction companies, on a year by year basis since 2001 to June 2009.”

The following written reply was presented to the meeting.

The net amount due for payment under the Development Contribution scheme is a constantly evolving figure, impacted by the following criteria:

- *The percentage of the developments activated under each commencement notice.*
- *Compliance payments schedules*
- *The rate of sale of the dwellings*
- *Offsets due to the developer for infrastructure provided by the developer benefiting other developments.*
- *Multiple Revisions to an original permission*
- *Withered permissions.*

As previously advised , the current economic climate has significantly impacted on a large number of development projects . Construction has ceased on many estates thereby reducing the quantum of levies currently due. It is important to note that contributions are only payable on lodgement of a commencement notice for a particular phase of a development or number of houses therein . That number defines the amount of contributions currently due as distinct from those potentially due when a full permission is built out.

In the past 5 years Meath County Council has collected over €130m in development contributions and is refining the net amount currently due to the Authority with reference to the variables mentioned above. Meath Co Co has enhanced the debt collection team , increased the number of staff in this area and a comprehensive programme of interaction with every account holder is in progress. The teams remit will include contacts with each account holder, the negotiation , review and updating of payment agreements , site visits and where necessary initiation of legal steps to recover outstanding contributions. Tenders have been received from a number of solicitors in this regard and I intend to award a contract for this service shortly.

The Council remains available to further update members at the special Finance meeting on 19th October .

Cllr Killian expressed disappointment at the reply and asked that detailed figures be made available at the Special Finance meeting.

10.0 Notice of Motion

10.1 Submitted by Councillor Seamus O’Neill:

“That this Council re-open the Motor Tax Office at the Duleek One Stop Shop with immediate effect.”

Proposed by Cllr Seamus O’Neill, seconded by Cllr Anne Dillon-Gallagher.



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Fiona Lawless advised that there would be significant costs associated with implementing the motion and it was agreed to consider in the context of the 2010 budget.

10.2 Submitted by Councillor William Carey:

“That Meath County Council condemn the proposal for a Windfall/Capital Gains Tax of 80%, and instead call for the introduction of commercial rates on land zoned residential, commercial, and derelict buildings.”

Cllr Carey, with the agreement of the Council, referred the motion to Planning & Economic Development SPC.

10.3 Submitted by Councillor Joe Reilly:

“That Meath County Council in its 2009-2010 Annual Budget ring-fence 60% of all income derived from the renting of its housing stock for the purpose of:

- *Implementing a program of maintenance and upgrading of its housing stock in the county.*
- *Ensuring MCC fulfils its legal responsibilities as landlords.*
- *Creating employment in the construction industry.*
- *Having necessary works completed at a time when it is competitive to do so.*
- *Maintaining the value of council housing stock.*

B McGrath advised that the Budget process would determine the spending of housing income. It was agreed to consider the matter further at the Special Housing meeting on October 22nd.

11.0 Schedule of Manager’s Orders (For Information Only)

11.1 Schedule of Manager’s Orders - Infrastructure

11.2 Schedule of Manager’s Orders - Environment

11.3 Schedule of Manager’s Orders – Housing Construction

11.4 Schedule of Manager’s Orders – Community & Enterprise

12.0 Presentations from Other Bodies

12.1 Presentation from FAI re “The Football in the Community Partnership Initiative”.

Packy Bonner and Mark Scanlon made the representation to the meeting and were complimented on the presentation and the work the Association are doing in partnership with the Council.



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13.0 Any Other Business

1. Cllr Fitzgerald queried the figure of €3209 in the written reply to the Notice of Question at item 9.1. He advised that this figure was exactly the same amount as the total of 8 cheques which had to be reissued to the Planning Dept in July of this year.
2. Cllr O'Neill raised the issue of non availability of the Citrix server at weekends
3. Cllr McElhinney raised the withdrawal of Dental Clinics in the Trim area.

NB Please ensure Mobile phones are switched off during council meeting.