



Miontuairiscí / Meeting Minutes

Ordinary Meeting 5th September 2011, Council Chamber

An Cathaoirleach, Councillor Eoin Holmes presided.

Members Present:

Councillors Joseph 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, 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.

Apologies: Councillors Jimmy Cudden, Gerry O' Connor

Officials in Attendance:

County Manager Tom Dowling

Directors of Service: Tadhg McDonnell, Kevin Stewart, Brendan McGrath, Fiona Lawless, Larry Whelan (A)

Meetings Administrator Martin Rogers

Senior Executive Officers: Ger Murphy (A), Michael Griffin, Brendan Fulham (Acting)

Administrative Officer: Olive Falsey

1.0 Confirmation of Minutes

- 1.1 Confirmation of minutes of monthly meeting held on 4th July 2011.
The minutes of monthly meeting held on 4th July 2011 were confirmed on the proposal of **Councillor John V. Farrelly** and **Councillor Eugene Cassidy**
- 1.2 Confirmation of minutes of Annual meeting held on 4th July 2011.
The minutes of Annual meeting held on 4th July 2011 were confirmed on the proposal of **Councillor Shane Cassells** and **Councillor Maria Murphy**
- 1.3 Confirmation of minutes of Special Water Services & Environmental meeting held on 27th June 2011.
The minutes of Special Water Services & Environmental meeting held on 27th June 2011 were confirmed on the proposal of **Councillor John V. Farrelly** and **Councillor Eugene Cassidy**.

2.0 Matters arising from the Minutes

Councillor John V Farrelly referred to the very pleasant trip to the Scarva Sham Fight and indicated that this was an opportunity to develop closer links and also promote the North East. He further advised that a letter in this regard had been sent to Banbridge District Council and he would be proposing that an event would take place in 2012.



Miontuairiscí / Meeting Minutes

3.0 Expressions of Sympathy and Congratulations

Sympathy was extended to:

- Helen McCabe and Joan Murray, Finance Department on the death of their father.

Congratulations were extended to:

- Trim Tidy Towns on winning a bronze award in National Tidy Towns Competition.
- Moynalty Tidy Towns
- Meath Minor Hurlers
- Meath Civil Defence
- Councillor Sirena Campbell on her recent marriage

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 Transport

- 5.1.1 To consider the objections/representations (and the report from Paul McNulty, Senior Executive Engineer) and to resolve to make an Order extinguishing the Public Rights of Way on the R158 Phase 2 Summerhill to Kilcock, as detailed 1 to 30 on the Schedule.

Members noted the reports from Paul McNulty SEE and also from Larry Whelan Acting Director Of Services which indicated that (a) two objections had been received to rights of way in the Dunshaughlin Area and (b) this matter had been considered by both the Trim and Dunshaughlin Areas and both were recommending the making of the Order to the full Council.

On the proposal of Councillor Noel Leonard seconded by Councillor Nick Killian it was resolved to make the Order extinguishing the public rights of way on the R158 Phase 2 Summerhill to Kilcock road as detailed 1 to 30 on the Schedule.

5.2 Nomination of Candidate for Forthcoming Presidential Election

- 5.2.1 Submitted by Councillor Jimmy Cudden:

“I wish to give notice of my intention to propose a resolution at the monthly meeting of Meath County Council on Monday the 5th September 2011 to nominate Mr Sean Gallagher to be a candidate at the forthcoming presidential election to be held on the 27th October 2011”.

The motion was proposed by Councillor Wayne Harding and was seconded by Councillor Noel Leonard.

The Meetings Administrator advised that the statutory requirements had been met in relation to the motion and the following was noted

- The relevant statutory provision is Section 16 of the Presidential Elections Act 1993
- three clear days notice of intention to propose the motion had been given to Councillors as required



Miontuairiscí / Meeting Minutes

- The Council can only nominate one named person to be a candidate
- Councillor Wayne Harding had been authorised in writing by Councillor Cudden in his absence to put forward the motion
- Sean Gallagher had consented in writing to his nomination by the Council and had also provided evidence in writing of his eligibility.

It was agreed to take a roll call vote on the motion:

Councillor	Vote
Cllr. Joseph Bonner	Absent
Cllr Sirena Campbell	Abstain
Cllr. Willie Carey	Abstain
Cllr. Shane Cassells	For
Cllr. Eugene Cassidy	Abstain
Cllr. Jimmy Cudden	Absent
Cllr. Francis Deane	For
Cllr. Ann Dillon Gallagher	Abstain
Cllr. John V. Farrelly	Abstain
Cllr. Jimmy Fegan	For
Cllr. Brian Fitzgerald	For
Cllr. Joe Fox	Abstain
Cllr Oliver Fox	For
Cllr. Wayne Harding	For
Cllr. Jim Holloway	Abstain
Cllr. Eoin Holmes	Abstain
Cllr. Suzanne Jamal	Abstain
Cllr. Nick Killian	For
Cllr. Noel Leonard	For
Cllr. Tracy McElhinney	For
Cllr. Niamh McGowan	Abstain
Cllr Jenny Mc Hugh	Absent
Cllr. Maria Murphy	Abstain
Cllr. Gerry O'Connor	Absent
Cllr. Seamus O'Neill	For
Cllr. Bryan Reilly	For
Cllr. Joe Reilly	For
Cllr. Tommy Reilly	For
Cllr. Catherine Yore	Abstain



Miontuairiscí / Meeting Minutes

The Meetings Administrator confirmed the result as 13 For, 0 Against, 12 Abstain and 4 Absent. The motion was declared passed.

6.0 Report from Protocol Committee

The Meetings administrator advised that the following matters had been considered by the Protocol Committee

- (1) A request from Moutiers sous Chantemerle a village in France to twin with Slane.
Recommendation from Protocol: Refer to Slane Area Committee for consideration
Approved on the proposal of Councillor John V. Farrelly seconded by Councillor Wayne Harding.
- (2) A request from the FAI “Football in the Community” to make a presentation to the Council.
Recommendation from Protocol: Invite FAI to October Meeting.
Approved on the proposal of Councillor John V. Farrelly seconded by Councillor Tommy Reilly.
- (3) Attendance of Councillor John V. Farrelly at EU Conference for Eastern Border Regions to be held in Brussels.
Recommendation from Protocol: Attendance recommended.
Approved on the proposal of Councillor Ann Dillon Gallagher seconded by Councillor Tommy Reilly.
- (4) The proposed itinerary for the visit of the delegation from Cary coinciding with the Solheim Cup was advised to Protocol. **This was noted by the Council.**
- (5) Correspondence from three prospective candidates had been received seeking the support of the Council to their nomination for President.
Recommendation from Protocol: As only one candidate can be nominated Council should await the outcome of the resolution proposed for today’s meeting.
This was noted and accepted.

7.0 Correspondence

- 7.1 Circular Letter WP 10.11 – Anti-Litter & Anti-Graffiti Awareness Grant Scheme.
It was agreed to circulate Council response to Councillors before the end of the meeting.
- 7.2 Circular Letter WP 11.11 – Tourist Season Anti-Litter Grant Scheme.
Noted.
- 7.3 New National Waste Policy Discussion Document.
It was noted that this matter would be brought through the SPC.
- 7.4 To receive update on recent data protection issue concerning the online planning facility (report to follow).
Report was noted
- 7.5 Correspondence from An Bord Pleanála re Increase In The Rate of Waste Acceptance, Extension Of The Operational Footprint And New Waste Treatment Infrastructure At Residual Landfill, Knockharley, Co Meath.



Miontuairiscí / Meeting Minutes

It was noted that the applicant had sought a deferral of the Oral Hearing and it was agreed that this would be clarified for the Councillors.

- 7.6 Correspondence from Arts Office re Going Solo Award recipient.
Noted.
- 7.7 Correspondence from An Bord Pleanála re New Fees Payable to the Board with effect from 5th September, 2011.
Noted.
- 7.8 Correspondence from OPW re EU Floods Directive.
Noted.
- 7.9 Circular F08/11 – Notice of Making of Presidential Election Order.
Noted
- 7.10 Email from Eircom re Phase 1 roll out of high speed Broadband Services- Clonee
A number of Councillors raised the issue of difficulties with the service in the county and in particular referred to problems with the rural broadband service. It was agreed that the Council would seek information on the service and report back to the Council.

8.0 Notice of Question

- 8.1 Submitted by Councillor Francis Deane:

“With regard to proposals for inspections of septic tanks and treatment systems in rural areas can the County Manager please advise(a) by whom(private operators or local authority staff)and how often such inspections will be carried out and (b)whether such inspections will incur a cost for farmers and other rural householders”.

A written response was circulated which indicated that (a) the Council has not been advised of procedures in relation to proposals for the inspection of septic tanks and treatment systems and (b) the Councillors would be notified of any instructions/directions issued by the DoECLG in relation to this matter when same are received.

9.0 Notice of Motion

- 9.1 Submitted by Councillor Jim Holloway:

“Meath County Council calls for a review of Derelict Sites Legislation/Regulations to ensure efficiency and effectiveness in delivering on the objectives for which the legislation was originally designed”.

A number of points were raised on this issue including the following:



Miontuairiscí / Meeting Minutes

- Need to simplify the legislation as too complex and time consuming
- Need for proper sanction on owners/occupier
- Public buildings also cause for concern
- The difficulty in using CPO powers and the associated risks and costs.

The motion was agreed on the proposal of Councillor Jim Holloway seconded by Councillor Willie Carey.

9.2 Submitted by Councillor Catherine Yore:

“I call upon Meath County Council to facilitate a new rate base for businesses that is based upon a percentage of their gross turn-over”.

The motion was proposed by Councillor Yore and seconded by Councillor Sirena Campbell.

It was noted that the motion as put was not within the remit or responsibility of the Council and was a national matter covered by legislation.

Following a discussion Councillor Yore withdrew the motion and indicated she would submit a revised motion at a later time.

9.3 Submitted by Councillor Shane Cassells:

“That Meath County Council by resolution request the HSE to reinstate the respite care services at the Owl’s Nest facility (Kells) which provides county wide care for persons with intellectual disabilities”.

Councillors expressed their concern at the affect the withdrawal of this service was having on families across the county. Reference was also made to the HSE proposal for a new respite service at Proudstown Road, Navan which was not yet open.

Following the discussion the motion was passed on the proposal of Councillor Shane Cassells seconded by Councillor Nick Killian and it was also agreed to write immediately to Meath Disability Services HSE to seek an urgent meeting to discuss the position with a small delegation of Councillors (to include the Cathaoirleach and the Health Forum Members).

9.4 Submitted by Councillor Nick Killian:

“Following on from recent concerns expressed by the Data Commissioner in relation to personal sensitive information being placed on public display in planning application files under consideration for one off rural housing. That the Members of this council will support the motion that private sensitive information i.e. Financial, Medical, Legal or other such information deemed to be personal to the applicant for planning and sought by the planning department for inclusion in the planning file. That this private sensitive information will not be put on public display in the planning file, but held in a file privately, only for the benefit of the planning officials dealing with the file and who will ultimately make a decision on the planning application”.

Motion was proposed by Councillor Nick Killian seconded by Councillor Shane Cassells.



Miontuairiscí / Meeting Minutes

A written response was provided by Michael Griffin SEO Planning to the motion which set out the following:

- The Planning Authority must carry out its statutory functions in an open and transparent manner and planning files are open for public inspection
- The recent data protection issue related to a new online facility which was closed down immediately when concerns were raised about the availability of personal information
- Development Management Guidelines issued in 2007 and these acknowledged the competing requirements of the planning and data protection legislation
- Cognisant of these competing obligations the Council prepared a Guidance Note for applicants (documents supporting local needs) through the Planning SPC which was approved by the full Council. This Guidance Note was in line with DOE Guidelines and sought to limit the type of information to be provided.
- Applicants in many cases volunteer personal information
- The Existing Guidance Note will be reviewed and strengthened where necessary and the matter will be revisited through the SPC
- The Council will engage with other local authorities, the CCMA and relevant stakeholders to clarify and refine an approach to protect the planning process while also having full regard to data protection requirements
- The Council will retain a single planning file for each application and has put an additional screening process in place to deal with requests to view files. The measures will remain in place until completion of a sector wide review and determination of relevant findings from the Data Protection Commissioner.

Councillors raised a number of points including the following:

- Information of a personal nature should not be available for public inspection but should be available to the planners in making their assessment and recommendation
- The need for a protocol to be put in place to ensure that personal information is not publicly viewed.
- Suggestion that personal information be separated from the main file and Council operate a two file system. Checklist also suggested for each file.
- The need to be able to show how a planning application was granted
- The need for a filtering system of the information on planning files
- The issue should be referred back to the SPC
- Clarification required as to whether Councillors in their role as public representatives had rights to view personal information submitted by applicants.

In response officials advised that the competing legislative requirements of the two codes do not sit easily together and the Guidance Note prepared through the SPC was attempting to offer assistance to applicants on the type of information to be submitted. It was also pointed out that the operating of a two file system for each application was fraught with difficulty. It was noted that the additional screening process would continue to be used in the planning department and this issue would be referred back to the SPC to relook at.

In relation to the viewing of personal information by Councillors it was agreed



Miontuairiscí / Meeting Minutes

that this issue would be clarified for the Councillors.

10.0 Schedule of Manager's & Approved Orders (For Information Only)

10.1 Schedule of Manager's Orders – Infrastructure

Noted

10.2 Schedule of Manager's Orders – Environment

Noted.

10.3 Schedule of Manager's Orders – Housing Construction

Noted

10.4 Schedule of Manager's Orders – Community & Enterprise

Noted

11.0 Presentations

Noted.

12.0 Any Other Business

- The matter of the saying of the prayer/blessing at the start of the meeting was raised by Councillor Jimmy Fegan. Following a short discussion it was agreed by the Cathaoirleach that this matter would be put before the Protocol Committee for consideration at their next meeting.
- The Meetings Administrator advised that the report from the Review Group on the Darlington case was imminent.
- Councillor Killian raised the issue of a Special Housing meeting which had been agreed previously. It was agreed that arrangements should be put in place for such a meeting.
- Councillors were reminded of the Special Planning meeting scheduled for Tuesday next 13th September 2011 at 2pm.

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