

Minutes of Monthly Meeting of Offaly County Council
Held on 16 September 2024 at 2.00pm, in Áras an Chontae, Charleville Road,
Tullamore and via Zoom

The Meetings Administrator carried out a roll call to confirm attendance.

Present

Cllr. Tony McCormack, Cathaoirleach

Bryant, Ollie	Maher, Sean
Clendennen, John	Masterson, Aoife
Cribbin, Noel	McDonnell, Fergus
Egan, Hugh	Moran, Frank
Feighery, Neil	Murray, Claire (SF)
Fitzpatrick, Eddie	Murray-Smale, Claire (FF)
Harvey, Declan	O'Brien, Sean
Hennessy-Kennedy, Audrey	Ormond, Peter
Leahy, John	Quinn, Liam

Apologies

None

Officials in Attendance

Ms. A. Delaney, Chief Executive; Ms. A. Dillon, D.O.S.; Mr. T. Shanahan, D.O.S.; Ms. F. Millane, D.O.F.; Ms. J. Ryan, A/D.O.S.; Mr. A. Murray, A/D.O.S.; Ms. L. Giles, A/S.E.O. Meetings Administrator; Mr. G. Bruton, A.O; Ms. L. Carbery, C.O.

Votes of Sympathy

Votes of sympathy were unanimously extended to the following:

The Nee Family, 39 St. Cormac's Park, Kilcormac, on the death of their sister Bridget;

Mrs. Marie MacCarthy, Charleville View, Tullamore, on the death of her husband Sean P;

Mr. Willie Kelly and family, Ballinakill, Eyrecourt, Co. Galway, on the death of his wife Pauline.

The Chief Executive, on her own behalf and on behalf of the staff of Offaly County Council, joined with the Members in these votes of sympathy.

1. Confirmation of Minutes

On the proposal of Cllr. F. Moran, seconded by Cllr. J. Clendennen, the members resolved to adopt the minutes of the Ordinary meeting of Offaly County Council held on Monday 15 July 2024.

2. Minutes for Noting

The Members noted the minutes of the Corporate Policy Group meeting held on Monday 13 May 2024.

3. Section 183 of the Local Government Act 2001

On the proposal of Cllr. E. Fitzpatrick, seconded by Cllr. F. McDonnell, the Members resolved to adopt Section 183, Local Government Act 2001, to dispose of a rural cottage on 0.743-acre site at Enaghan, Walsh Island, Co Offaly to Mr. Tony Ortega and Ms. Anne Marie Ortega, 56 Silverwood, Mountmellick, Co. Laois for a consideration of €147,000.

4. Draft Strategic Policy Committee Scheme 2024 - 2029 - Section 48 of the Local Government Act 2001 as amended by Section 41 of the Local Government reform Act 2014

Ms. L. Giles advised the members the Draft Offaly County Council SPC Scheme 2024 to 2029 was made available for Public Consultation from 16th July to 14th August in accordance with the SPC Guidelines 2024. Three submissions were received and discussed at the Corporate Policy Group meeting of September 9th. The following are the recommendations to Council.

Submissions received were from

- the Irish Congress of Trade Unions
- Conradh na Gaeilge
- the Irish Environmental Network

1. Irish Congress of Trade Unions

The submission from ICTU welcomed the opportunity for the organisation's ongoing involvement in the policy development work of Strategic Policy Committees at local level.

This submission was noted and No change to the draft scheme was recommended arising from this submission.

2. Conradh na Gaeilge (CnG)

The submission from CnG sought changes to the structure of SPCs to include either an SPC or an SPC subcommittee dedicated to the Irish language.

No change to the SPC structure as set out in the draft Scheme was recommended to Council but a change is recommended with the insertion of the statement 'Offaly County Council will promote as best as possible the use of the Irish Language in the work of the SPCs'.

3. Irish Environmental Network (IEN)

(a) The submission from the IEN had two elements. One sought specific commitments regarding the operation of SPC meetings. No change to the draft was recommended arising from this part of the submission as the draft scheme states;

‘ Each committee will arrange its own business and proceedings (including the fixing of dates and times of meetings) subject to any, if necessary, amendment of the Council’s Standing Orders’.

And it also states

‘Meetings shall be conducted in an informal but efficient manner at venues and times to be decided annually in advance by the committee. Hybrid meetings can also be held’.

(b) The submission from IEN also requested that each SPC would consider climate action as part of its work programme.

In accordance with section 5.3 of the SPC Guidelines 2024, the following statement was recommended to be added to the policy consideration listing of each SPC in the final draft of the scheme as follows ‘Each SPC is required to consider climate action and climate impacts as part of any and all policies that form part of its work programme’.

Based on responses from Elected Members and discussion at the CPG Meeting the number of Members for the Economic Development Planning and Regeneration SPC will be a total of 10. The Chairperson, 4 Elected Members and 5 sectoral representatives.

Ms. A. Dillon, D.O.S. read the resolution “That Offaly County Council resolves to establish four Strategic Policy Committees for the 2024 to 2029 Council term as set out in its Draft SPC Scheme, with amendments arising from public submissions received where applicable and as agreed by members at their meeting of 16th September 2024”

On the proposal of Cllr. E. Fitzpatrick, seconded by Cllr. N. Cribbin, the members resolved to adopt the Draft Strategic Policy Committee Scheme 2024 - 2029 - Section 48 of the Local Government Act 2001 as amended by Section 41 of the Local Government reform Act 2014.

5. Election / Appointment / Nomination of Members to the Strategic Policy Committees - Section 48 of the Local Government Act 2001 as amended by Section 41 of the Local Government reform Act 2014.

On the proposal of Cllr. F. Moran, seconded by Cllr. P. Ormond, the members resolved to the election/appointment/nomination of the members below to the following committees:

- Housing and Integration Strategic Policy Committee - Cllrs. A. Masterson, F. McDonnell, C. Murray Smale and P. Ormond (Chair Cllr. N. Cribbin)
- Economic Development, Planning and Regeneration Strategic Policy Committee - Cllrs. E. Fitzpatrick, J. Leahy, T. McCormack and L. Quinn (Chair Cllr. F. Moran)
- Climate Action, Transport and Environment Strategic Policy Committee – Cllrs. H. Egan, N. Feighery, C. Murray SF and J. Clendennen (Chair Cllr. O. Bryant)
- Community, Culture and Emergency Services Strategic Policy Committee – Cllrs. A. Hennessy Kennedy, S. Maher, D. Harvey and J. Clendennen (Chair Cllr. S. O’Brien)

6. Election / Appointment / Nomination of member to the Regional Health Forum Dublin Mid Leinster - Schedule 10 of the Local Government Act 2001 S.4 P.4 (deferred/amended from Annual Meeting 2024)

Cllr. S. Maher nominated Cllr. A. Masterson, to the Regional Health Forum Dublin Mid Leinster, seconded by Cllr. F. McDonnell.

Cllr. C. Murray Smale nominated Cllr. E. Fitzpatrick to the Regional Health Forum Dublin Mid Leinster, seconded by Cllr. S. O'Brien.

There being two nominees, the Meeting Administrator called a vote.

Voting in favour of Cllr. A. Masterson were:

Cllrs. S. Maher, A. Masterson, F. McDonnell, C. Murray SF.

Voting against Cllr. A. Masterson were:

Cllr. O. Bryant, J. Clendennen, N. Cribbin, H. Egan, N. Feighery, E. Fitzpatrick, D. Harvey, A. Hennessy Kennedy, J. Leahy, T. McCormack, F. Moran, C. Murray Smale FF, S. O'Brien, P. Ormond, L. Quinn.

Voting in favour of Cllr. E. Fitzpatrick were:

Cllr. O. Bryant, J. Clendennen, N. Cribbin, H. Egan, N. Feighery, E. Fitzpatrick, D. Harvey, A. Hennessy Kennedy, J. Leahy, T. McCormack, F. Moran, C. Murray Smale FF, S. O'Brien, P. Ormond, L. Quinn.

Voting against Cllr. E. Fitzpatrick were:

Cllrs. S. Maher, A. Masterson, F. McDonnell, C. Murray SF.

The Meeting Administrator declared that Cllr. E. Fitzpatrick was elected to the Regional Health Forum Dublin Mid Leinster.

7. Section 128C of the Local Government Reform Act 2014 Local Community Development Committee: Change of Membership

Ms. A. Dillon, D.O.S. informed the members that vacancies have arisen on the 'Statutory Interests' sector on the LCDC as below:

- Mr. Tom Kellegher will replace Mr. Con Feighery and represent TEAGASC
- Ms. Eillen Dunne will replace Ms. Anne Marie Keane and represent Laois and Offaly Education and Training Board (LOETB)

Also, a vacancy has arisen on the 'Non-Statutory Interests' PPN Environment Sector on the LCDC:

- Mr. Brian Flynn is to replace Ms. Rebekah Keaveney as PPN Environmental Sector representative on Offaly LCDC following PPN nominations and ratification by Secretariat.

She thanked the outgoing members for their significant contribution and commitment to the LCDC and extended good wishes to the new members.

On the proposal of Cllr. J. Leahy, seconded by Cllr. D. Harvey, the members resolved that in accordance with the provisions of Section 128C of the Local Government Reform Act 2014 Local Community Development Committee change of membership:

- Mr. Tom Kellegher will replace Mr. Con Feighery and represent TEAGASC
- Ms. Eillen Dunne will replace Ms. Anne Marie Keane and represent Laois and Offaly Education and Training Board (LOETB)
- Mr. Brian Flynn is to replace Ms. Rebekah Keaveney as PPN Environmental Sector representative on Offaly LCDC.

8. Section 11 of the Roads Act 1993 and Section 180 of the Planning and Development Act 2000 as amended - Taking in Charge of Estates

Mr. T. Shanahan, D.O.S. advised the members that in accordance with Section 11 of the Roads Act 1993 and Section 180 of the Planning and Development Act 2000 as amended, the proposal to take in charge three estates was advertised in the local papers and no representations or objections were received from any person or body.

The members welcomed the taking in charge of the estates. They raised concerns that there are older estates still waiting to be taken in charge, in particular Hophill, Tullamore and Clonmullin Hall, Edenderry. They acknowledged there may be significant issues and other agencies involved.

In response to the members queries Mr. T. Shanahan informed the members that two staff members are working almost full time on taking in charge of estates and a comprehensive database has been compiled. He advised the backlog is reducing and more estates will be presented to the council for taking in charge, in the coming year. He agreed there are a range of issues to deal with and that older estates can be more difficult to take in charge. He advised that more funding will be required to maintain the estates, and this will become a financial liability for the council. He informed the members that developers or residents can apply to get an estate in taken in charge and a report will be brought to each Municipal District to keep the members updated.

On the proposal of Cllr. S. O'Brien, seconded by Cllr. D. Harvey, the members resolved to adopt Section 11 of the Roads Act 1993 and Section 180 of the Planning and Development Act 2000 as amended - Taking in Charge of Estates:

- Castleview, Mucklagh
- Heather Drive, Daingean
- Jacksons Hill, Tullamore

9. Material Contravention - Proposed Material Contravention of the Offaly County Development Plan 2021-2027 relating to lands adjoining the Clonbullogue development boundary, under section 34(6) of the Planning and Development Act 2000 as amended

Mr. A. Murray, A/D.O.S. advised the members that a material contravention is recommended for a residential development consisting of 6no. units and connection to mains sewer, landscaping, car parking and all associated site development works at land adjoining the Clonbullogue Development

boundary, Planning reference 24/60106. As required by legislation, the meeting Administrator called a vote as below:

For: Cllrs. O. Bryant, J. Clendennen, N. Cribbin, H. Egan, N. Feighery, E. Fitzpatrick, D. Harvey, A. Hennessy Kennedy, J. Leahy, S. Maher, A. Masterson, T. McCormack, F. McDonnell, F. Moran, C. Murray S.F., C. Murray-Smale (FF), S. O'Brien, P. Ormond and L. Quinn.

The Meeting Administrator declared the vote was unanimous in favour of Proposed Material Contravention of the Offaly County Development Plan 2021-2027 relating to lands adjoining the Clonbullogue development boundary, under section 34(6) of the Planning and Development Act 2000 as amended. Planning reference 24/60106.

10. Local Property Tax

Ms. F. Millane, D.O.F. advised the members that in accordance with the Local Property Tax (Local Adjustment Factor) Regulations 2022 (SI 358 of 2022) the Members are required to make a decision on whether to vary the Local Property Tax (LPT) by a maximum of +/-15%. Under the LPT Regulations 2022, when considering whether to vary the LPT rate, Members are required to have regard to:

- An estimate of the council's current income and expenditure.
- The financial position of the Local Authority
- The financial effect of any variation in the LPT local adjustment factor
- Any submissions made as part of the Public Consultation Process on LPT.

A 30-day Public Consultation on LPT was advertised in the press, on the Offaly Co. Co. website and through social media and one written submission was received. She updated the members on the estimation of the income and the expenditure in the period for which the varied rate is to have effect.

She outlined the effect of any LPT variation on a liable person and properties declared for LPT in Offaly is approximately 28,000. Of this 81.5% of properties are valued at €262,500 or less in 2024. She further outlined the financial effect of any Local Property Tax Variation on LPT Revenue for Offaly County Council and some of the projects that were supported since 2020.

She recommended maintaining the 2025 LPT unchanged from 2024, over the remaining years of this council. At the current rates, this would generate income of c. **€3.74m (€748k x 5)** over the remaining lifetime of the Council for capital infrastructural projects. Using this funding to leverage central funds at a rate of 20% would generate a new funding stream of **circa €18.7m**, for the full term of this council. She highlighted that most government funding initiatives are now on a 'matched funding' model. This additional funding could be used for capital infrastructure projects, Urban and Rural Regeneration projects etc. which are critical to the future development of towns and villages. She cautioned that without maintaining current LPT levels, there is little or no scope in the expenditure budget to fund additional local projects without additional external funding or a reduction in services in another area.

She advised the members that the decision to vary the LPT rate is a reserved function required before 15 October 2024. She noted the additional LPT income generated from maintaining property tax rates in Offaly, will continue to be 100% retained in the county and ring-fenced for match funding purposes with the unspent balance carried forward from year to year. Progress Reports will continue to form part of the budget process, outlining the progress and funding of all schemes.

She recommended that Council maintain the variation of 15% on the base rate (no changes to the current rate) for the full 5- year term of this Council.

Cllr. P. Ormond proposed to maintain the 15% variation for the next 5 years, seconded by Cllr. C. Murray Smale.

Cllr. A. Masterson proposed to reduce the base level by 5%, seconded by Cllr. S. Maher.

On the proposal of Cllr. F. McDonnell, seconded by Cllr. F. Moran, the members agreed to adjourn the meeting for 5 minutes to discuss the proposals.

The Meeting Administrator called a vote on the counter proposal to reduce the base rate by 5%.

For: Cllrs. S. Maher, A. Masterson, F. McDonell, C. Murray SF

Against: Cllrs. O. Bryant, J. Clendennen, N. Cribbin, H. Egan, N. Feighery, E. Fitzpatrick, D. Harvey, A. Hennessy Kennedy, J. Leahy, T. McCormack, F. Moran, C. Murray-Smale (FF), S. O'Brien, P. Ormond and L. Quinn.

The Meeting Administrator called a vote for the proposal to maintain 15% variation for next 5 years:

For: Cllrs. O. Bryant, J. Clendennen, N. Cribbin, H. Egan, N. Feighery, E. Fitzpatrick, D. Harvey, A. Hennessy Kennedy, J. Leahy, T. McCormack, F. Moran, C. Murray-Smale (FF), S. O'Brien, P. Ormond and L. Quinn.

Against: Cllrs. S. Maher, A. Masterson, F. McDonell, C. Murray SF

The Meetings Administrator advised that by 15 to 4 vote it was agreed to maintain the 15% variation on Local Property Tax for 5 years.

11. Monthly Management Report

Ms. A. Delaney brought the Members attention to the monthly management report. She highlighted that judging for two entries of the National Age Friendly Recognition and Achievement Awards will be held in Offaly on Thursday 19th September 2024. The Felting project, competing in the Community Innovation category, uses craft to connect past and present. Judging for this project will be in the Esker Arts Centre, from 12.00 pm until 1.30pm. In the Age Friendly Housing category is Ashfield, Clonminch, judging from 2.30 pm until 4.00pm.

She noted the closing date for Part 8 Birr Court House is Thursday 19 September and Culture night is Friday 20 September. She provided the members with an update on the Climate Action fund consisting of 19 community groups approved for 100% funding under such themes as community & energy, travel, biodiversity, food & waste.

She advised that applications for capital funding for the Multi-Annual Rural Water Programme 2024 to 2026 were submitted to the Rural Water Unit (RWU), Dept of Housing, in April, and all projects have been reviewed and passed stage 1 of the application process. Stage 2 of the application process involves consideration by the RWU's Expert Panel for consideration. A total of 37 projects were submitted, seeking funding to the value of €3,000,213.

She noted that works are now complete on the mainline of the Grand Canal Greenway from Edenderry to Shannon Harbour, tenders for the construction of the Birr North Distributor Road were received in late August 2024 and the Roads Department will issue a request to the Department of Transport to award the contract in early October. The Peat Pilot Road R400 works are being funded 50% or €1,000,000 from the Department of Transport and €1,000,000 from planning development contributions for the R400 specifically. The final output of the scheme is intended to provide a longer-lasting road surface which is safer and more easily trafficked.

She advised the members that a full housing report will be brought to the October council meeting. She noted updates on Just Transition, Heritage and Regeneration are set out in the report. She acknowledged the success of tourism in the Tullamore show and on-going marketing such as Tracks and Trails programming.

She highlighted the winners of the 2024 Offaly Enterprise Awards are the Network & Infrastructure Support (NIS) Ltd., supported by Local Enterprise Office Offaly. She welcomed the allocation of €1,002,543 under the Community Recognition Fund 2024. The scheme aims to promote the development of facilities that will be used by all members of the community. A total of 31 submissions were received during the first window in May 2024, and 11 of these projects were approved for funding by the Department on 2 August 2024. Works under these projects are to be completed in 2025 and 2026. The library, community and finance details are all set out for members information in the report.

12. Corporate Policy Group Report

Cllr. T. McCormack informed the Members that at the Corporate Policy Group meeting the Council meeting agenda was discussed. Civic receptions for the Offaly Under 20 and the Olympic and Para Olympic teams are being organised and details will be sent to members when finalised.

13. Notices of Motion

No notices of motion.

14. Comhdhálacha / Conferences

The training and conferences were approved at Corporate Policy Group meeting.

15. Comhfhreagras / Correspondence

The Members noted the correspondence that issued with the agenda.

16. Any Other Business

None

MINUTES CONFIRMED

CATHAOIRLEACH

RUNAÍ

21 October 2024

