

Minutes of Monthly Meeting of Offaly County Council
Held on 25 March 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. Eddie Fitzpatrick, Cathaoirleach

Cllr. John Carroll	Cllr. John Leahy
Cllr. John Clendennen	Cllr. T. McCormack
Cllr. Noel Cribbin	Cllr. R. McDermott
Cllr. Eamon Dooley	Cllr. F. Moran
Cllr. N. Feighery	Cllr. S. O'Brien
Cllr. J. Foley	Cllr. Peter Ormond
Cllr. Mark Hackett	Cllr. D. Owens
Cllr. Declan Harvey	Cllr. L. Quinn

Apologies

Cllrs. C. Claffey, S. Feehan Smollen

Officials in Attendance

Ms. A. Delaney, Chief Executive; Mr. T. Shanahan, D.O.S.; Ms. A. Dillon, D.O.S.; Mr. T. Mawe, A/H.O.F.; Ms. J. Ryan, A/D.O.S.; Ms. C. Dempsey, A/D.O.S.; Mr. B. Lennon, S.E.; Ms. S. O'Leary, A.O.; Mr. J. O'Brien, Consultant, Better Outcomes by Design; Mr. R. Whelan, B.O.; Ms. L. Giles, A/S.E.O.; Mr. G. Bruton, Meetings Administrator, Ms. L. Carbery, C.O.

Suspension of Standing Orders

On the proposal of Cllr. L. Quinn, seconded by Cllr. N. Feighery, the members resolved to suspend Standing Orders.

Cllr. J. Foley, announced that he is stepping down and will not run in the local elections in June. He noted it is not a decision made lightly but after 25 years in public life he felt it is the perfect opportunity to call time on his political career and pass the baton on to someone else. He entered politics because he wanted to serve his community and noted his pride in what he has achieved. He thanked the people that had voted and supported him, his family, his fellow council members and the Executive of Offaly County Council.

The members thanked him for his representation and service on behalf of people of Edenderry and Offaly. They acknowledged his achievement in being elected to Offaly County Council and his involvement in various projects over his term in office. They wished him and his family best wishes in his future endeavours.

Ms. A. Delaney, Chief Executive thanked him for his robust debate at meetings and his work across the Municipal District, she wished him and his family well in the future.

1. Confirmation of Minutes

On the proposal of Cllr. L. Quinn, seconded by Cllr. E. Dooley, the members resolved to adopt the Minutes of the Ordinary meeting of Offaly County Council held on Monday 19 February 2024.

2. Minutes for Noting

The members noted the minutes of the meetings listed below:

- Minutes of the Land Use, Planning and Economic Development Strategic Policy Committee meeting held on 5 December 2023
- Minutes of the meeting of the Corporate Policy Group held on Monday 8 January 2024

3. Road Traffic (Special Speed Limits) (County of Offaly) Bye-Laws 2023, under Section 9 of the Road Traffic Act, 2004

Mr. T. Shanahan advised the members the review of the Traffic (Special Speed Limits) (County of Offaly) Bye-Laws is a reserved function for the Council. Following public consultation, discussion at Municipal Districts, consultation with an Gardai & TII and in line with all relevant guidelines the Traffic (Special Speed Limits) (County of Offaly) Bye-Laws 2023 are presented now to the members for their adoption.

He provided an overview of some of the elements of the Bye Laws. He noted that TII agreed a reduction to 80km/hr at the Durrow junction on the N52 and a reduction to 60km/hr at Riverstown, Birr. He highlighted some of the changes on the non-national roads.

The members thanked him and raised queries on the speed limit at Cappancur, enforcement of speed limit in housing estates and the possibility of installing ramps to slow traffic down in certain areas, in particular schools. They expressed their disappointment at TII's decision for a reduction to 80km/hr rather than the 60km/hr requested by OCC at Durrow Junction on the N52 and on the lack of discretionary funding available at Municipal District level.

On the proposal of Cllr. N. Feighery, seconded by Cllr. F. Moran, the members resolved to invite a delegation from Transport Infrastructure Ireland to meet with members.

In response to the members queries Mr. T. Shanahan highlighted that they had adopted the Road Safety Strategy the previous month and speed limits alone do not address road safety issues. He informed the members that a specific Road Safety Engineer has been recruited and is funded by the TII. He advised that Cappancur is still considered a rural area, even though there are a number of houses and the current speed limit there is in line with the guidelines. He informed the members that

the reclassification of speed limit at the Durrow junction was discussed at length and was agreed by TII. He further noted that while the adoption of the Bye Laws is a reserved function, the TII must approve the national roads speed limits. There are proposed changes in legislation regarding default speed limits that are currently going through the Dail. The use of ramps, along with other measures are considered in the traffic calming policy. He agreed to review the school at Ballyfore Cross and will investigate all traffic calming solutions on case by case basis.

On proposal of Cllr. N. Feighery, seconded by Cllr. J. Carroll, the members resolved to adopt the Road Traffic (Special Speed Limits) (County of Offaly) Bye-Laws 2023, under Section 9 of the Road Traffic Act, 2004.

4. Roads Programme 2024

Mr. T. Shanahan provided the members with a brief introduction on the Roads Programme 2024 highlighting that funding has more than doubled since 2019 to almost €27.6m for 2024. This includes an increase from Offaly County Council own resources of €1.75m. He noted the TII funding includes allocation for Greenways. He advised the members that the roads team continue to request funding for the N52 link from Kilbeggan. While overall funding is improving it is more focussed on capital investment. He informed the members that results from the peat pilot programme have highlighted that peat excavation is not always the most cost effective method and rehabilitation by using other methods such as geotextile may be more affordable in the view of the National Funding Agencies. He noted that Offaly in comparison to other Counties receives relatively good allocations

Mr. B. Lennon outlined the 2024 Roads Programme, that is aiming to strengthen and build on the outputs of the 2023 program. Works included the completion of the Edenderry Inner Relief Road Stage 2, commencement of works on the Birr North Distributor Road, completion of the Mainline section of the Grand Canal and appointment of a consultant for the Birr South-eastern Distributor Road. Other works covered include the pathfinder linking Edenderry harbour to Grand Canal Greenway, Durrow Road Safety Improvement works and expansion the purchase of another Velocity Patcher. He noted the various climate actions for Roads, including EV charging and de-carbonisation of Offaly County Council fleet.

He provided the members with a breakdown of the various funding streams and highlighted projects that have been completed. He noted that Public Lighting stock continues to increase in line with our Taking in Charge Process and the Public Lighting is maintained under the Public Lighting system in collaboration with the specialist contractor. He informed the members that currently there are 203 actionable faults across the public lighting network, equating to a failure rate of 2.18% and he provided the members with a breakdown across the Municipal Districts. He thanked the members and staff and in particular Ms. Phylliss Hughes for her service following 52 years of service with Offaly County Council.

The members thanked him for his presentation and sent their best wishes to Ms. P. Hughes on her retirement. They welcomed the extra funding that has been allocated and the appointment of a Road Safety Officer. They raised concerns with maintenance of the public lighting system, the peat pilot programme and the lack of funding for the N52 link between Kilbeggan and Tullamore. They highlighted the need for bus shelters and more discretionary funding for Municipal Districts for maintenance of rural roads. They queried timelines for the Birr Distributor Road, completion of LED public lighting project and the opening of applications for the Local Improvement Scheme.

They acknowledged the adverse effects of the high levels of rainfall over the winter on the roads and welcomed the works that have been carried out in relation to Active Travel. They expressed concern about the maintenance of roads in areas that are experiencing a high level of renewable energy development projects.

In response Mr. T. Shanahan informed the members that Offaly is the only county that has been granted funding for the peat pilot project and results show that excavation of some peat roads is cost prohibitive, further funding has been allocated for this project to investigate different engineering solutions and to carry out cost beneficial rehabilitation works.

Mr. B. Lennon advised that they are working with the National Transport Authority on the bus stops and shelters and the road safety improvements for Durrow should go to Part 8 by the end of 2024. In relation to public lighting there is on-going work with the contractor and once a report is logged on the Dead Sure App system it will be actioned for repair. It is not advisable to contact ESB directly, as engagement with them is through Offaly County Council. He confirmed the tender documents for the North Birr Distributor road are being assessed. Consultants will be engaged to identify the optimum route for the Birr Distributor South Road. The Local Improvement Scheme allocation is expected during the year.

Mr. T. Shanahan agreed the poor weather has negatively affected the condition of the roads and that investment in 2 velocity patchers has been very worthwhile. He advised the members that a third velocity patcher is hired and a permanent one will be purchased.

Ms. A. Delaney joined with the members on wishing Ms. P. Hughes well in her retirement. She acknowledged her 52 years of service with Offaly County Council, working her way up through the system across all Departments.

On the proposal of Cllr. E. Dooley, seconded by Cllr. J. Carroll, the members resolved to adopt the Roads Programme 2024.

5. Section 6 of the Casual Trading Act, 1995 and the Local Government Reform Act 2014 - Draft Casual Trading Bye-Laws 2024

Ms. A. Dillon informed the members on the public consultation carried out for the Casual Trading Bye-Laws in relation to various areas in Tullamore, Edenderry, Kilcormac and Birr. She noted these are the first County Bye-Laws covering trading hours, licence fees, application process, statutory exemptions and health and safety requirements. She highlighted that one submission was received from Birr 2020 suggesting additional casual trading locations in Birr and this may be considered in subsequent reviews.

The members welcomed the new Bye-Laws noting casual trading brings life into town centres and Cllr. J. Leahy suggested the income from the licences could be used to improve facilities in the relevant areas. They enquired if an Authorised Officer dealing will be assigned to each area. Cllr. J. Carroll brought up a query in relation to rates and vegetable suppliers.

Ms. A. Dillon agreed ringfencing of income could be considered and she confirmed that the authorised officer will be designated by the Chief Executive and may be the district engineer in each area. She agreed to investigate the rating issue with other Local Authorities.

Mr. T. Mawe, A/H.O.F. noted that activity on large scale is deemed commercial and mobile stalls are not rateable.

On proposal of Cllr. J. Leahy, seconded by Cllr. J. Carroll, the members resolved to adopt Section 6 of the Casual Trading Act, 1995 and the Local Government Reform Act 2014 - Draft Casual Trading Bye-Laws 2024.

Ms. A. Dillon read resolution into record:

“It is hereby resolved to make the proposed Offaly County Council Casual Trading Bye-Laws, 2024 in accordance with Section 6 (9) of the Casual Trading Act, 1995 and that these Bye-Laws shall come into operation on the 1st day of May 2024. The new Bye-Laws shall come into force and effect on the 1st day of May, 2024, being not less than 30 days after the Council meeting adopting and making these Bye-Laws, in accordance with the provisions of Section 200(5)(a) of the Local Government Act, 2001.”

6. Draft Offaly Arts Strategy 2024 - 2028

Cllr. J. Clendennen welcomed Ms. S. O’Leary, Arts Officer and Mr. John O’Brien, Better Outcomes by Design to the meeting and he acknowledged their extensive engagement and work on the Draft Offaly Arts Strategy 2024 – 2028. He highlighted the great strides in the arts area and wished all the team well on implementation of the strategy.

Mr. J. O’Brien brought the members through the process on drafting the strategy. He noted the importance of ensuring the strategy aligns with a wide range of policies across the county and country and takes into account the resources available. He highlighted the need to build relationships with increasing numbers of stakeholders and to be aware of gaps in supports. He outlined the public consultation meetings and the series of workshops that took place, all providing a number of common themes. He highlighted Offaly County Council’s overarching vision is for a County with a vibrant, valuable arts sector, integrated into people’s lives throughout the county. The Arts Office will be instrumental in the ongoing development of the arts in the county, collaborating with artists and arts organisations to create and present valuable work, and supporting all sectors of society to celebrate their communities through the arts. The core values of the strategy are Diversity, Co-Operation, Innovation, Sustainability, Pride and Transparency.

Ms. S. O’Leary highlighted that the Arts Office currently has a team of three, an Arts Officer, an Assistant Arts Officer and an Administrator and that goals are aspirational and dependent on the availability of funding resources. The overall implementation of this strategy will depend on increasing staffing resources for the Arts Office. Resources are required to manage and deliver specific areas of need such as FilmOffaly and the % for Art Programme and for an additional staff member to take responsibility for programming the arts space in the new Edenderry Library.

She advised that the role of the strategy is to work with its partners within the local authority, with national and international agencies, and with artists, arts organisations and festivals to build capacity and foster ambition across the county in the creation, programming, and management of artists, programmes, festivals and community engagement practices. The key to developing capacity is collaboration and networking between artists and arts organisations, and between the wider arts sector and the business, educational, youth services, health, heritage and tourism, and local communities.

On proposal of Cllr. J. Clendennen, seconded by Cllr. D. Harvey, the members resolved to adopt the Offaly Arts Strategy 2024 – 2028.

Ms. A. Delaney acknowledged Ms. O’Leary, Mr. J. O’Brien and the Arts team on their work in providing a blueprint for Arts in Offaly.

7. Review of Standing Orders

Ms. A. Dillon brought the members attention to proposal to review Standing Orders for the Council meetings.

Ms. L. Giles, S.E.O. outlined the proposed changes as listed:

Attendance of Public and Media - Current Standing Order No. 52

Members of the public and representatives of the media will occupy the parts of the Meeting Room allotted to their use. The public shall be admitted subject to the following arrangements:

Attendance of the public at meetings shall be by prior application, in person or writing, to the meetings administrator. Attendance shall be restricted to nineteen (19) members of the public and tickets will be distributed on a first come basis.

Proposed: Standing Order No. 52

“Each Elected Member will be permitted to invite up to one (1) member of the public to attend a Monthly meeting of Offaly County Council, subject to a maximum of nineteen (19) members of the public in attendance at any one time. Applications to attend shall be by written application to the Meetings Administrator at least one full working day prior to the date of the Council meeting. Admission will be by way of ticket and tickets will issue on a first come first served basis”. Members of the public and representatives of the media will occupy the parts of the Meeting Room allotted to their use”.

ORDER OF BUSINESS – Current Standing Order No. 13.

Any member wishing to raise an issue under “Any Other Business” should indicate to the Cathaoirleach in advance of the meeting commencing, what the “other business” refers to.

Any member shall not raise more than two items under “Any Other Business”.

Proposed: Standing Order No. 13

Any member wishing to raise an issue under “Any Other Business” should indicate in writing to the Cathaoirleach 48 hours in advance of the meeting commencing, what the “other business” refers to. Any member shall not raise more than two items under “Any Other Business”. Inclusion of Any Other Business issues is at the discretion of the Cathaoirleach.

(Urgent Business SO 21 Page 8)

ADJOURNMENT OF COUNCIL - Current Standing Order 22

A motion for adjournment of the Council may be made at any time and shall be determined without amendment and without debate, except that the mover of the Motion of adjournment and the mover of the Motion immediately affected by it, may each address the Council for not more than five minutes on the question of the adjournment; and when the Motion for adjournment is adopted, the meeting will stand adjourned to a day then named or in the event of no such date being named, to the next

occurring ordinary meeting. A Special Meeting may be adjourned from time to time until its business is concluded.

Proposed Addition to SO 22 Adjournment of Council

Where a Member of the Council or a group of Members wishes to have the sympathy of the Council extended in accordance with the Council's bereavement Protocol the Member or Members must discuss the matter with the Cathaoirleach of the Council and the Director of Services with responsibility for Corporate Services in advance of the meeting. The member(s) must then submit a written request to the Cathaoirleach prior to the commencement of the Council meeting.

Summoning of Meeting – Current Standing Order No 7

A notification shall include or be accompanied by an Agenda listing the business to be transacted at the meeting. Subject to Standing Order 20 no business shall be transacted at a meeting other than that specified in the Agenda which relates to the meeting or business required by the Act, or otherwise by law to be transacted at the meeting.

Proposed change Subject to Standing Order 20 - this should read Standing Order No. 21

MOTION FOR PURPOSE OF DEALING WITH URGENT BUSINESS.

21. Notwithstanding any other provisions of these Standing Orders a motion may be proposed without notice for the purpose of dealing with urgent business related to a function of the local authority, subject to the requirement that not less than 10 members (being at least one-half of the total number of members of the authority) vote in favour.

Cllr. J. Carroll queried if broadcasting the meetings live is a possibility in the future. In response Ms. A. Dillon advised this may be considered in a later review.

On the proposal of Cllr. J. Leahy, seconded by Cllr. E. Dooley, the members resolved to amend the Standing Orders for the Council meetings.

8. Draft Biodiversity County Plan 2024-2028 - Discussion Paper

Ms. C. Dempsey, A/D.O.S. advised the members that Mr. R. Whelan, Biodiversity Officer, will provide an update on the Draft Biodiversity County Plan 2024 - 2028 for their information.

Mr. R. Whelan advised the members that various public consultation events, internal Offaly County Council meetings and workshops have been provided for information on the Biodiversity County Plan and the deadline for submissions is 24/04/24. He noted that to date 11 submissions have been received and the next biodiversity working group meeting on 01/05/24. The next draft of the plan including actions, will presented to the members in the Summer. The members thanked him for his update.

9. Monthly Management Report

Ms. A. Delaney brought the members attention to the monthly management report. She acknowledged Offaly County Council's win at the LAMA awards for Best Communications / Innovations Award. She highlighted the unveiling of the Lloyd Park Bandstand with public art performance by local Tuallamore group Donlon Dance Company. She welcomed the recognition for Clara Town Team at the National Town Centre First launch in February. She highlighted the success of the Local Enterprise Week, with many well attended events. She advised the members the date for local elections has been

confirmed at 07/06/2024 and the Returning Officer is Ms. Monica Cleary. She brought their attention to a new initiative called the Local Community Safety Partnership and that it will be discussed at the next Joint Policing Committee on 08/04/2024.

10. Corporate Policy Group Report

Cllr. E. Fitzpatrick informed the members that at the Corporate Policy Group meeting the Council meeting agenda was discussed. He updated the members on the recent trip to New York to attend the St. Patricks Day parade. Prior to the parades the Chief Executive and Cathaoirleach met with senior officials of the IDA, Tourism and Enterprise Ireland. He advised the members that Tourism Ireland are very interested in what Offaly are promoting and in encouraging people to travel to midlands. He noted there was a good discussion with IDA in relation to the Green Energy Park in Rhode and Enterprise Ireland are interested in assisting small start-up businesses. They were very well received by Paddy Hogan and Martin Furlong, Offaly Association New York and were delighted to be joined by Cllr. Danny Owens, the Chief Fire Officer and other Fire services staff from Offaly County Council. He thanked the members and the Chief Executive for the opportunity.

11. Notices of Motion

On the proposal of Cllr. M. Hackett, seconded by Cllr. D. Harvey, the members resolved that Offaly County Council in collaboration with ODEN and other stakeholders prepares a Disability Inclusion Strategy.

Ms. A. Dillon noted that ODEN is sub group of Offaly PPN and there is on going engaging with them as a channel for the network of disability groups to feed into Offaly County Council policies. She also advised the Offaly County Council Housing Strategy for People with a Disability 2022-2027 is available on our website. She agreed to keep the members updated on further ODEN/disability developments.

On the proposal of Cllr. L. Quinn, seconded by Cllr. J. Clendennen, the members resolved that this council is briefed on the potential for amendments to the current/future RESS Guidelines. Particular attention should be made to the following, but not exclusive to:

- The need for "Near Neighbour Payments" not to be subject to Tax (Or affect Social Welfare supports)
- The Provision of "Near Neighbour Payments" for households adjoining Solar Farms/Other Energy Infrastructure.
- The Provision for a portion of various funds to be consolidated into one fund to promote Jobs/Enterprise.
- The recommendation that a Multi-Annual funding model be considered for Community Projects of Scale.

Cllr. L. Quinn expressed concerns that the current RESS guidelines were not designed for multiple wind farms, all with their own community benefit funds and he highlighted the difficulty for community groups to draw down funding. He noted the deadline for submissions and requested that Offaly County Council put together a submission. Cllr. J. Leahy requested that index linking be included in the submission.

Ms. C. Dempsey acknowledged the members concerns and noted this has been discussed at SPC and there has been engagement with SEAI. She advised there is work on going on a position paper and Mr. A. Murray has drafted a proposal.

A Dillon noted that they have been invited to take part in a technical support project to review the guidelines.

12. Comhdhálacha / Conferences

The conferences/Training were noted.

13. Comhfhreagras / Correspondence

Cllr. J. Clendennen called on support for the resolution from Clare County Council in relation to Community Employment Scheme and for the Cork County Council resolution calling to revert the hospitality VAT rate to 9%.

The members noted the correspondence on the agenda.

14. Any Other Business

Cllr. M. Hackett requested that Offaly County Council invite Sergeant Graham Kavanagh to a meeting to update the members, following his recent qualification in Design Out Crime.

Ms. A. Dillon confirmed Sergeant Kavanagh will be at the next meeting of the JPC in April.

MINUTES CONFIRMED

CATHAOIRLEACH

RUNAÍ

15 April 2024

