**Minutes of Meeting of Cavan County Council held on Monday 10th September 2018 in the Council Chamber at 2.00p.m.**

Councillor M. Argue, Cathaoirleach Presiding

Present: Councillors W. Bennett, C. Brady, D. Brady, P. Brady, N. Connell,

F. Curtin, D. Downey, J.P. Feeley, C. Kelly, P. McDonald, P. McVitty,

P. O’Reilly, S. O’Reilly, S.P. O’Reilly, P. Smith, S. Smith, V. Smith

In Attendance: T. Ryan, Chief Executive

D. Maguire, Head of Finance

E. Doyle, Director of Service

J. McLoughlin, Director of Service

B. Jennings, Director of Service

L. McGavigan, Senior Administrative Officer

E. McGinn, Meetings Administrator

Councillor S.P. O’Reilly congratulated the village of Mullagh on setting a new World Record for the largest gathering of people called Killian or Cillian in the one place. He stated that 327 Killians were in Mullagh on the day and all had valid ID to prove their name. Councillor S.P. O’Reilly thanked the Cathaoirleach and Cavan County Council for endorsing the event.

**1. To confirm Minutes of Meetings held on 9 July, 2018. Miontuairiscí cruinnithe 9 Iúil 2018 a dhearbhu.**

It was:

Proposed by Councillor P. McVitty

Seconded by Councillor V. Smith

And

Resolved:

“that minutes of meetings of Cavan County Council held on 9 July, 2018 be hereby approved”.

**2. Disclosure of Interests** (Section 177 Local Government Act 2001)

Noted.

**Note Minutes of Committee Meetings**

**3. To note Minutes of Corporate Policy Group meeting held on 7 June 2018.**

Noted.

**To note Members’ Reports from Conferences/Training Events**

**4. To note members’ reports from conferences and training events (Section 142 and Section 143 of the Local Government Act 2001; Local Government (Expenses of Local Authority Members) Regulations 2014 Part V Section 5(1)** Noted.

**Correspondence:**

**5(a). To note reply from the Department of Health regarding organ donation.**

Noted. Councillor N. Connell expressed his disappointment to the reply received.

**(b). To note reply from Department of Finance regarding the increase in stamp duty on non-residential property transactions announced in Budget 2018.**

Noted. Councillor J.P. Feeley expressed his disappointment to the reply received.

**(c) To note reply from Minister for Foreign Affairs & Trade regarding Irish**

**neutrality.**

Noted. Councillor D. Downey expressed his disappointment to the reply received.

**(d) To note reply from Office of the Minister for Agriculture, Food and the Marine concerning the need to protect CAP funding post 2020.**

Noted. Councillor S. Smith proposed that a letter be sent back to the Minister for Agriculture, Food & the Marine asking him to keep the pressure on in Europe to protect CAP funding post 2020. This proposal was seconded by Councillor W. Bennett.

**6. To approve attendance of members at:**

**(a) Association of Irish Local Government (AILG) Training Programme to be held in the Bush Hotel, Carrick on Shannon on 11th September 2018 & Birr on 21 September**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor S.P. O’Reilly

And

Resolved:

“that the attendance of Councillors P. McVitty, V. Smith, C. Brady, W. Bennett, P. Smith, M. Argue, S. Smith, C. Kelly, J.P. Feeley and S. O’Reilly at AILG Training Programme be hereby approved”.

**(b) LAMA Autumn Training Seminar to be held in Castleisland, Co. Kerry on 28 & 29 September 2018.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor S.P. O’Reilly

And

Resolved:

“that the attendance of Councillors V. Smith, C. Brady, W. Bennett, P. Smith, M. Argue, S. Smith, C. Kelly, J.P. Feeley, S. O’Reilly, P. Brady, F. Curtin and S.P. O’Reilly at NAMA Autumn Training Seminar be hereby approved”.

**(c) Irish Planning Institute Autumn Conference to be held in the Gibson Hotel, Dublin 1 on 5th October.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor S.P. O’Reilly

And

Resolved:

“that the attendance of Councillors J.P. Feeley, S. O’Reilly, P. Brady and S.P. O’Reilly at the Irish Planning Institute Autumn Conference be hereby approved”.

**(d) Celtic Conferences “EU Cohesion Policy 2014-2020” to be held in the Clonakilty Hotel, Co. Cork from 5-7 October 2018**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor S.P. O’Reilly

And

Resolved:

“that the attendance of Councillors C. Brady, W. Bennett, M. Argue and S. O’Reilly, at Celtic Conferences “EU Cohesion Policy 2014-2020” be hereby approved”.

**Business prescribed by Statute, Standing Orders or Resolutions of the Council.**

**7. Nominations for Office of President of Ireland (Section 16(1) Presidential Elections Act 1993) – Circular F11/18 attached.**

Mr. Eoin Doyle, Director of Service noted that members had received a copy of Circular F11/18. Mr. Doyle stated that members should be aware that only one candidate can be nominated and this must be done by 26th September, 2018. Mr. Doyle noted that Councillor J.P. Feeley has an item on the agenda asking “that Cavan County Council do hereby nominate Mr. Seán Gallagher of Eden Gate, Delgany, Greystones, Co. Wicklow as a candidate for the Election of the Office of President of Ireland pursuant to Article 12 of Bunreacht na hEireann and the Presidential Election Act 1993 as amended”. Mr. Doyle informed the members that a request had been received from ten other individuals seeking to make a presentation to the members. Mr. Doyle noted that Ms. Goretti Marie Moylan had already addressed the members at the July meeting. He stated that a decision will need to be made at today’s meeting to either invite the candidates to a special meeting or propose and second Councillor Feeley’s motion to nominate Mr. Sean Gallagher.

**8. Local Property Tax 2019 – Consideration of Setting of Local Adjustment Factor *(Local Property Tax (Local Adjustment Factor Regulations 2014)*.**

Mr. Des Maguire, Head of Finance circulated to the members a report on Local Property Rate Adjustment for 2019. Mr. Maguire outlined in detail the financial position of Cavan County Council at 30/6/2018. Mr. Maguire advised that the provisional local property tax allocation to Cavan County Council for 2019 is €9,480,501 which is the same as the 2018 allocation meaning that the Council has received no increase in income from local property tax and pension related deduction income since 2014. Mr. Maguire stated that Cavan County Council is a net beneficiary of €5,035,626 from the Equalisation fund in 2019. Mr. Maguire stated that no submissions were received by the Council following the public consultation process. Mr. Maguire stated that the impact of no increase in local adjustment factor in respect of local property tax for 2019 would mean that the Council would be forced to reduce expenditure in order to produce a balanced budget. Mr. Maguire stated that the main budgetary areas to come under pressure if this should happen would be discretionary expenditure. Mr. Maguire stated that he was recommending that the Council increase local adjustment factor in respect of local property tax for 2019 by 7.5%. Mr. Maguire stated that the impact of a 7.5% increase of €6.75 per annum for 52% of property owners and an increase of €16.88 per annum for 38% of property owners would result in additional income of €333,368 for the Council. Mr. Maguire stated that the additional income for 2019 would enable the Council to meet the challenges of achieving a balanced budget in 2019 and maintaining current level of services.

Councillor P. O’Reilly thanked Mr. Maguire for his report and noted that it is not outlined to the members where the monies from the increase will be spent and if any additional funding will be spent on encouraging job creation and enterprise development. Councillor P. O’Reilly proposed that the Council defer making a decision on the LPT for another meeting. This proposal was seconded by Councillor W. Bennett.

Councillor P. McDonald stated that the Sinn Finn group want LPT to remain unchanged.

Councillor J.P. Feeley proposed that the rate be maintained as it is, no increase or decrease to the LPT. He stated that the rate should be maintained in light of the high return on NPPR.

Mr. D. Maguire, Head of Finance stated that the NPPR would run out in 2025 and the financial statements drawn up are being done so to remain prudent of what is coming down the tracks.

Councillor S.P. O’Reilly seconded Councillor Feeley’s proposal to leave the LPT as it is.

Councillor P. McVitty expressed his concern that if the LPT remained the same then an increase would instead be burdened on the rate of valuation paid by local business owners.

Mr. Tommy Ryan, Chief Executive stated that Cavan County Council actively encourages economic development through its various policies and strategies.

A vote by show of hands was taken on Councillor P. O’Reilly’s proposal, seconded by Councillor W. Bennett to defer the adjudication of local adjustment factor to another date. The result was 7 for and 11 against.

A vote by show of hands was taken on Councillor J.P. Feeley’s proposal, seconded by Councillor S.P. O’Reilly to leave the adjustment factor unchanged. The result was 11 for and 7 against.

The motion to leave the local adjustment fact unchanged was carried.

**9. To fix date and time of Budget Meeting 2019 *(Section 103 Local Government Act 2001).***

It was agreed that the Budget Meeting 2019 (Section 103 Local Government Act 2001) will be held on Friday 23rd November at 11.00 a.m. in the Council Chamber.

**10. To note Financial Report for period ending 30 June 2018.**

Noted.

**11. Update on Regional Spatial & Economic Strategy.**

Mr. Brendan Jennings, Director of Service gave an update to the members on the Regional Spatial & Economic Strategy. Mr. Jennings noted that Mr. David Minton and Mr. Denis Kelly from the Northern & Western Regional Assembly already made a presentation to the members on the Regional Spatial and Economic Strategy. Mr. Jennings stated that the Council has been working hard to highlight Cavan’s role in the development of education, infrastructure, population growth, job creation and tourism in the region. Mr. Jennings stated that it is hoped a draft strategy will be ready by the end of October which will then go for public consultation.

**12(a) To approve the replacement nominee from Chamber of Commerce, Mr. Eugene Greenan to Cavan Local Community and Development Committee under Section 128C(3)(b) of the Local Government Reform Act 2014.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor D. Downey

And

Resolved:

“that thereplacement nominee from Chamber of Commerce, Mr. Eugene Greenan to Cavan Local Community and Development Committee under Section 128C(3)(b) of the Local Government Reform Act 2014 be hereby approved”.

**(b) To approve the replacement nominee from Public Participation Network, Ms. Ciara McMahon to Cavan Local Community and Development Committee under Section 128C(3)(b) of the Local Government Reform Act 2014.**

It was:

Proposed by Councillor D. Brady

Seconded by Councillor J.P. Feeley

And

Resolved:

“that thereplacement nominee from Public Participation Network, Ms. Ciara McMahon to Cavan Local Community and Development Committee under Section 128C(3)(b) of the Local Government Reform Act 2014 be hereby approved”.

**13. To note Chief Executive’s Orders (Section 151 (4) Local Government Act 2001)**

Noted.

**14. To note Chief Executive’s monthly report (Section 51 Local Government Act 2014).**

Noted.

**Votes of Congratulations:**

* Lurgan Ladies Football team and their Management Team on winning their fourth County Senior title.
* Virginia Fire Station on the signing of contracts for a new fire station
* All those involved in the World War 1 memorial celebrations in Cavan Town.
* Virginia Show Committee on organising an excellent Agricultural Show and the hospitality shown by them to the visiting group from the German municipality of Kurnach and the city of Wurzburg.
* Crosserlough Senior Ladies football team on reaching the County Final against Lurgan.
* Barry John Crowe Sausages, Cavan on entering the Guinness Book of Records for making the most sausages in one minute.
* All those involved in organising the Healthy Cavan Triathlon
* Leanne Kiernan on scoring two international goals against Northern Ireland
* Bailieboro Ladies on reaching the Intermediate Football County Final for the first time in the history of the Club.
* Killeshandra/Arva Ladies on winning the Intermediate County Football Final.
* Savina Donohoe, Curator of the Museum on her history of Camogie exhibition in the County Museum.
* Crosserlough Junior Camogie Team on winning the County Final.

**Votes of Sympathy:**

* The Cosgrove Family, Killeshandra on the death of Eva, sister of Ashling Cosgrove, Machinery Yard, Cavan County Council.
* The Rudden Family on the death of Pete Rudden, Ballyjamesduff.
* The Doonan Family on the death of Hughie Doonan, Cavan Town.
* The Heery Family, Mullagh on the tragic death of their son Brendan Heery.

A minutes silence was held in memory of the deceased.

**Ballyjamesduff Fire Station:**

Councillor P. Smith asked the Executive for an update on Ballyjamesduff Fire Station noting that previously he was informed that it would be developed within one year of the Virginia project getting the go ahead.

Mr. Des Maguire, Head of Finance informed the members that contracts for the development of a new fire station in Ballyjamesduff are close to being finalised for Department approval. He stated that the project has been expedited as a matter of priority and will proceed without delay once Departmental approval is given.

**Visit of Pope Francis**

Councillor P. Smith stated that he was very disappointed at the way national media reported of a steel ring around Dublin weeks in advance of the Pope’s visit and the over dramatising of the distances people would have to walk to see the Pope. He stated as far as he was concerned the media were trying to encourage people to stay at home. Councillor S.P. O’Reilly supported Councillor P. Smith asking that national media respect him and his decisions on how he chooses to bring up his children.

. **MEMBERS’ ITEMS – DEFERRED FROM JULY MEETING**

**1. That with regard to the extent of planned works and the need for greater efficiencies, Cavan County Council provide Patcher Units for the exclusive use of each Municipal District.**

Councillor P. Brady noted that it was the time of year again for roads to deteriorate due to bad weather. Councillor Brady stated that last year in the Ballyjamesduff Municipal District there were between three and four weeks of a delay in getting a Patcher Unit into the area. He asked that the Council attack the problem before it gets worse and felt that there is a need for a Patcher Unit to be used exclusively by each of the three Municipal Districts.

Councillor V. Smith asked how many Patcher Units the Council currently have working in the County. Councillor V. Smith also stated that it would be useful to inform Councillors when the machine is in the area so they could help out.

Councillor P. Smith supported the motion and was of the opinion that it was time to have more drivers trained to use the Patcher Units.

Councillors N. Connell, W. Bennett, C. Kelly, P. O’Reilly and F. Curtin supported the motion.

Mr. Joe McLoughlin, Director of Service stated that there are two Patcher Units in the County and from time to time the Council hires Patchers if the need arises. He stated that at one time this year the Council had six Patchers on the road. Mr. McLoughlin stated that presently given the financial situation the Council is not is a position to purchase a new Patcher Unit.

**2. That Cavan County Council advise on the current situation regarding Community CCTV Scheme and the need to comply with GDPR and the requirements of the Department of Justice.**

Councillor S. O’Reilly stated that this scheme was announced by the Government providing a total of €1m over three years to provide community CCTV schemes around the Country but unfortunately the scheme has failed. Councillor O’Reilly stated that the scheme is unworkable and the new General Data Protection Regulations has rendered the scheme a total disaster. Councillor O’Reilly stated that she made contact with Deputy Brendan Smith who placed a parliamentary question to the Minister on the scheme. Councillor O’Reilly stated that the reply from Minister Flanagan noted that only one application had gone to the Department from County Cavan and it had been referred back for further information. She stated that in total only four applications amounting to €120,000 funding had been approved nationally under the Scheme. Councillor O’Reilly asked what Cavan County Council’s position is on the scheme and are there issues with it.

Councillor J.P. Feeley supported the motion and noted that the Chief Superintendent also had issues with the Scheme. Councillor Feeley stated that this scheme can only operate in urban areas as local authorities do not have buildings in every community to store data equipment. Councillor Feeley stated that the scheme needs to be reformed. He stated that in reality while community involvement is welcome the policing of the State is a matter for the Gardai and the Department of Justice and as such this funding should be administered and implemented by the Gardai with appropriate consultation from local authorities and communities.

Councillor S.P. O’Reilly supported the motion stating that local communities cannot be asked to serve as data controllers. Councillor S.P. O’Reilly asked that a letter be sent to the Minister asking him to reform the scheme and also a letter be sent to the Oireachtas members asking that they raise the concerns of the members with Minister Flanagan.

Councillor D. Downey seconded Councillor S.P. O’Reilly’s proposal.

Councillors C. Kelly and W. Bennett supported the motion.

Mr. Brendan Jennings agreed that a letter be sent to the Minister and Oireachtas Members outlining the view of the members. He stated that the scheme was intended for community groups but it is placing a lot of responsibility on them and since May data protection has only added to the complication of the scheme.

**3. That this Council present comparative figures with other local authorities regarding State funding as presented in our Estimates.**

Councillor P. O’Reilly thanked Mr. Des Maguire for the presentation comparing figures with other local authorities regarding State funding as presented in our Estimates.

Mr. Des Maguire, Head of Finance informed the members that in respect of the analysis given to them Cavan County Council is ranked number 22 out of 31 local authorities in relation to budgeted grant income. Mr. Maguire stated that in respect of grant income per head of population Cavan is ranked at number 8 at €407.01 per head of population. Mr. Maguire noted that in respect of grant income as a percentage of total income Cavan is ranked 6th with a percentage of 53.56%. Mr. Maguire stated that in respect of balanced on Revenue Account Cavan is ranked at 9th out of 31 local authorities with a Revenue Credit balance of €1,743,072 at 31st December 2017.

While welcoming the document Councillor P. O’Reilly stated that all the information he required was available and wondered if funding for beaches, rail, port and air services were available would Cavan then be placed further down the ladder. Councillor O’Reilly suggested taking into the account the information provided by Mr. Maguire that a pre-budget submission be prepared to state Cavan County Council’s case for more funding in light of other counties receiving support for rail, air, port and other locational services.

Councillors C. Kelly, D. Downey, J.P. Feeley and P. Smith supported Councillor O’Reilly.

Mr. Tommy Ryan, Chief Executive informed the members that the Executive had made presentations in regard to how Local Property Tax is used to help funding local authorities. Mr. Ryan stated that it was the Council’s submission to the Department that the amount paid out to Counties like Cavan should be increased significantly and pointed also to the submission made under the National Development Plan that included focus on waterway development, the East-West link road and third level education. Mr. Ryan stated that the Executive would support any submission backed by the elected members. Mr. Ryan also stated that it would be very difficult to capture what monies are spent on railways, ports etc as Local Government does not have control of this spending.

**It was proposed by Councillor J.P. Feeley and seconded by Councillor F. Curtin that members’ item No. 16 be brought forward.**

**MEMBERS’ ITEMS SEPTEMBER**

**16. “That Cavan County Council do hereby nominate Seán Gallagher of Eden Gate, Delgany, Greystones, Co. Wicklow as a candidate for the Election for the Office of President of Ireland pursuant to Article 12 of Bunreacht na nEireann and the Presidential Election Act 1993 as amended.**

Councillor J.P. Feeley stated that Mr. Seán Gallagher ran an excellent campaign in 2011 for President of Ireland and felt that Cavan County Council should give Mr. Gallagher the opportunity to contest the 2018 Presidential Election. Councillor J.P. Feeley asked that Cavan County Council consider Mr. Gallagher for President.

Councillor C. Kelly proposed that Cavan County Council nominate Mr. Seán Gallagher of Eden Gate, Delgany, Greystones, Co. Wicklow as a candidate for the forthcoming Presidential Elections. Councillor C. Kelly stated that Mr. Gallagher was a young, energetic and successful businessman and he would do an excellent job if elected President of Ireland.

Councillor F. Curtin seconded Councillor C. Kelly’s proposal.

Councillor P. McDonald stated that the Sinn Fein party would be abstaining from the vote as they would be supporting the Sinn Fein candidate who will be announced later in September.

Councillor P. O’Reilly stated that the Fine Gael Party would be backing the re-election of Michael D. Higgins.

A vote by show of hands was taken on the motion to nominate Mr. Gallagher as a candidate for the Presidential Election. Seven members voted for the motion while 11 members abstained.

The motion “that Cavan County Council nominates Seán Gallagher as a candidate for the Election for the Office of President” was carried.

**6. To call on Cavan County Council to write to the Government to investigate a strategy of supplementing or making it more attractive for rural post offices to remain in business.**

Councillor P. McDonald condemned the current plan by An Post to close post office branches at Killeshandra, Kilnaleck, Corraneary, Swaninbar, Tullyvin and Mountnugent stating that this is another attack on rural Ireland. Councillor McDonald noted that rural Ireland has already suffered bank closures and reductions in bus services. Councillor P. McDonald proposed that the Council write to the Minister asking him to investigate a strategy of supplementing or making it more attractive for rural post offices to remain in business. Councillor McDonald suggested that the country look at the successful community banking models adopted in both Germany and New Zealand as a way of boosting the viability of the network.

**8. That Cavan County Council call on An Post not to proceed with the closure of any Post Office.**

Councillor J.P. Feeley supported the motion. Councillor Feeley stated that there were 159 post offices scheduled for closure throughout the country. Councillor Feeley stated that there is a need for people to use post offices in rural communities and therefore we need to ensure these post offices are retained. Councillor Feeley noted that many extra services could also be provided through our local post offices. Councillor J.P. Feeley wondered how the Government could promote Town and Village Renewal Schemes and yet close 159 post offices throughout the Country which are a vital part of rural life. Councillor J.P. Feeley proposed that Cavan County Council call on An Post not to proceed with the closure of any Post Office.

**10. Proposed closure of Post Offices.**

Councillor S. Smith concurred with the previous speakers noting that Swanlinbar Post Office had already closed. Councillor Smith stated that he attended a public meeting in Killeshandra where the people of Killeshandra are going to fight vigorously for the retention of a post office facility in their community. He stated that figures published by An Post in relation to population figures in Killeshandra were wrong and therefore the post office should remain open. The population is far greater than that published by An Post. Councillor S. Smith accepted that the rise in technology had played a part but this means that elderly people now have to travel to Ballyconnell and Ballinamore to collect their pensions. Councillor Smith proposed that the Council write to the Minister and the Chief Executive of An Post asking that the Post Offices remain open. He also suggested writing to the Oireachtas members in Cavan Monaghan looking for their support.

**12. Closure of Post Offices.**

Councillor P. McVitty seconded Councillor S. Smith’s proposal. Councillor P. McVitty stated that he also attended the public meeting in Killeshandra stating that the local people are very upset that this is happening along with the closure of the bank and credit union previously.

Councillor D. Downey supported the motion stating that not only will these towns and villages lose their post offices but they will also lose its spend and daily revenue from people having to leave the area.

Councillor D. Brady supported the motion stating that we need to retain local services across rural Ireland. Councillor Brady stated that more services should be delivered through An Post.

Councillor P. Smith supported the motion stating that he cannot understand where An Post got their population figures from as there are surely more than 500 people living in the Kilnaleck area. Councillor Smith stated that it appeared that the aim is to get people moved out of rural Ireland and into the bigger towns.

Councillor S.P. O’Reilly stated that there will be a demonstration by locals in Kilnaleck outside their local post office on Saturday morning at 11am where people will sign a post card and send it to the Chief Executive of An Post asking that the post office remain open.

Councillors F. Curtin, N. Connell, W. Bennett and M. Argue supported the motion.

**Items 4,5,7,9,11,13,14,15,17 and 18 were deferred. The meeting concluded at 5.30p.m.**

Chairman: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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