**Minutes of Meeting of Cavan County Council held on 7 March 2016 in the Council Chamber**

Councillor P. Smith, Cathaoirleach Presiding

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

J.P. Feeley, E. Greenan, C. Kelly, P. McDonald, P. McVitty, P. O’Reilly,

S.P.O’Reilly, V. Smith.

In Attendance: T. Ryan, Chief Executive

J. McLoughlin, Director of Service

G. Finn, Director of Service

K. Reilly, A/Director of Service

B. Jennings, A/Senior Engineer

E. McGinn, Meetings Administrator

An apology was received from Councillor S. Smith and Councillor F. Curtin.

**1. To confirm Minutes of Monthly Meeting of Cavan County Council held on 8 February 2016. Miontuairisci cruinnithe 8 Feabhra 2016 a dhearbhu.**

It was:

Proposed by Councillor D. Brady

Seconded by Councillor W. Bennett

And

Resolved:

“that minutes of monthly meeting of Cavan County Council held on 8 February 2016 be hereby approved”.

**2. To note Minutes of Corporate Policy Group meeting held on 4 February 2016.**

Noted.

**3. To hear presentation from Irish Congress of Trade Unions (ICTU) re. Congress Charter for Fair Conditions at Work.**

Councillor P. Smith introduced Mr. Liam Berney from the Irish Congress of Trade Unions to the meeting. Councillor Smith informed the members that Mr. Berney would address the members on Congress Charter for Fair Conditions at Work. Mr. Berney thanked the Council for the opportunity to address them. He stated that his purpose was to speak on the Congress for Fair Conditions at Work for all employees and to gain the members’ support for the Five Principle Charter which they had developed. He added that it was the aim of the ICTU to build a national consensus for the Charter. He stated that ICTU had also met with every TD and Senator looking for their support. Mr. Berney stated that the Congress Charter comprised of five principles all about developing fairness in employment for all employees. He listed the principles as follows:

**Living Wage-** He stated that there is a difference between the minimum wage of €9.15 and the amount of money which is required to sustain a decent standard of living which is estimated to be approximately €11.50 per hour.

**Fair hours of work** – He noted that the Charter was launched at the time of the Dunne’s dispute and stated that there must be an end to low and zero hour contracts and precarious work practices.

**Right to representation and collective bargaining** – He stated that every worker has the right to be represented without fear of victimisation and to have a union represent them in collective bargaining negotiations with their employer.

**Respect, Equality & Ethics at Work** – Mr. Berney stated that every worker is entitled to be treated with respect and dignity as they go about their work. He stated that no one at work should be subjected to discrimination, harassment, bullying or any other form of abusive behaviour.

**Fair Public Procurement** – Mr. Berney stated that every worker employed under a publicly-tendered contract is entitled to enjoy all the rights and protections outlined in the Charter.

Mr. Berney asked Cavan County Council to support the Charter.

Councillor E. Greenan thanked Mr. Berney for his presentation and informed him that he placed the motion on the November Agenda in relation to the Charter and it was passed by the members at the November meeting.

Councillor J.P. Feeley stated that the motion had been passed unanimously by Cavan County Council. He noted that the presentation confirmed a balanced and reasonable approach to fair working conditions. He stated that the public procurement principle was very important as contract people were not approached from a level playing field.

Councillor P. O’Reilly congratulated Mr. Berney on his presentation and noted that it has been passed by the members of Cavan County Council.

Councillor P. Smith thanked Mr. Berney for his detailed presentation.

**4. To note Chief Executive’s Orders.**

Noted.

Councillor P. McVitty asked the executive to clarify the Chief Executive’s Order approving a contractor as Project Supervisor for tree cutting, maintenance works and hedge cutting.

Mr. G. Finn, Director of Services informed Councillor McVitty that if these services are required by the Waste Management Section then this contractor is approved to carry out the services.

Councillor W. Bennett noted that the hedge cutting season now starts on 1st August until 1st March.

**5. To approve Road Works Scheme 2016.**

Mr. Joe McLoughlin, Director of Services outlined briefly the roadworks programme. He stated that it was important to note that 88% of road funding comes from the State and the remaining 12% from the Council. He stated that Cavan County Council has been notified of the total allocation of €19.6m for the improvement and maintenance of National, Regional and Local Roads for 2016. He stated that the grant allocation for the County for 2016 is €8,894,570 and this allocation will support ongoing improvements to the national road network in the county. He stated that the overall grant for Regional and Local roads is €8.450m and with this level of funding Cavan County Council will be concentrating on trying to keep as much of the road network intact as possible. Mr. McLoughlin noted that Cavan County Council has allocated €2,326,379 from its own resources towards the improvement and maintenance of the non-national road network in 2016. Mr. McLoughlin stated that the Council had to increase the allocation for public lighting in excess of €100,000 to meet the 2016 maintenance cost of public lights. He stated that this has implications for the resources left to maintain and improve the network of roads. He stated that there is an overall increase in Cavan County Council’s contribution to non national roads of €38,317 compared to 2015. Mr. McLoughlin was of the opinion that this level of funding would remain until 2018 and the only resource available to the County in the light of County rateable valuations being set until 2019 is for members to exercise the option of increasing property tax to 15%. Mr. McLoughlin noted that in the context of the downturn in finances, the Council started off 2009 with a total allocation to our regional and local roads of €21.6m. Mr. McLoughlin stated that if the Council had continued to receive the figure given in 2009 for the next eight years including this year, you could have anticipated an investment of €194m into our regional and local roads. He noted that the actual figure inclusive of this year is €107m with a deficit in roads of €87m over the eight year period.

Councillor P. O’Reilly thanked Mr. McLoughlin for his presentation. He stated that the sum of 19.6m was a sizeable figure to be spent in the County. While welcoming the scheme to widen the bridge in Virginia he stated that the Fine Gael Party expressed their disappointment that money could not have been diverted from the discretionary maintenance grant to cater for local improvement schemes. Councillor O’Reilly was of the opinion that the executive had taken it upon themselves not to spend money from the discretionary maintenance grant on the local improvement scheme. Councillor P. O’Reilly stated that while the Local Improvement Scheme remains in place, there is no separate allocation for this grant category, instead local authorities may use up to 15% of their initial discretionary grant should they wish to do so. Councillor O’Reilly stated that if Cavan County Council does not use their allocation on lanes the Department will remove the funding. He noted that laneways have deteriorated greatly throughout the County over the years and the people living on these lanes should not be treated as second class citizens. Councillor P. O’Reilly proposed that at the Councillors’ discretion, 15% of the discretionary budget be spent on the Local Improvement Scheme.

Councillor J.P. Feeley stated that the members appreciated the engagement with the area engineers in terms of the road works programme. He stated that it is plain to see that the entire road network in the County is deteriorating, despite the best efforts of Council staff. He stated that the shortfall in funding is becoming very evident on the ground. He stated that the councillors should unite in demanding a specific allocation from central government to cater for the local improvement scheme. Councillors Feely agreed that the road works programme was disappointing but based on the clear advice of the executive and the reality that there is not enough money being allocated, he proposed that the road works programme 2016 be adopted as presented.

Councillor W. Bennett seconded Councillor P. O’Reilly’s proposal. Councillor Bennett stated that it is the Council’s prerogative to take 15% of the discretionary grant and use it towards the local improvement scheme.

Councillor P. McDonald thanked Mr. McLoughlin for presenting the road works programme to the members. He stated that it is not an easy job to prepare a road works programme when finance is restricted. Councillor P. McDonald agreed that a separate allocation should be sought from central government in relation to local improvement schemes.

Councillor C. Kelly seconded Councillor Feeley’s proposal. Councillor Kelly stated that nobody wants to see the standard of roads in County Cavan go back to what they were like during the eighties. He noted that there was huge investment put in over a number of years by the staff of Cavan County Council in strengthening and draining the roads.

Councillors P. McVitty, M. Argue, V. Smith and C. Brady supported Councillor P. O’Reilly’s proposal to take 15% from the discretionary grants and put it towards the local improvement scheme.

Councillor P. Smith congratulated the executive on the road works programme 2016. He stated that after talking to two Ministers they are adamant that no extra funding will be allocated for the local improvement scheme as it is now under the heading of discretionary grants. He stated that he hoped the roads earmarked in the programme are strictly adhered to over the three year work programme.

Mr. Joe McLoughlin, Director of Services stated that the reason the executive did not make provision for local improvement grants is that the Council is in a position where its level of investment is so far behind what is needed to maintain the public network. Mr. McLoughlin stated that there are 156 applications with the Council under the local improvement scheme of which 102 had been previously repaired and brought up to public standard. Mr. McLoughlin noted that if we spent money on the local improvement schemes we may see a situation where the Department of Transport would allocate no extra funding to us as they have done in the past.

As there were two proposals put before the meeting, a vote was taken.

It was proposed by Councillor P. O’Reilly and seconded by Councillor W. Bennett that at the Councillors’ discretion, 15% of the discretionary budget be spent on the Local Improvement Scheme.

Seven members voted for the proposal. Eight members voted against. Three members were absent.

It was proposed by Councillor J.P. Feeley and seconded by Councillor C. Kelly that the road works programme 2016 be adopted as presented.

Eight members voted for the proposal. Seven members voted against. Three members were absent.

The road works programme 2016 as presented was approved.

**6. To note Audit Committee Annual Report 2015.**

Noted.

**7. To note Severe Weather Allocation, 1st tranche of €2.64m from Department of Transport, Tourism & Sport.**

Noted.

Mr. Joe McLoughlin, Director of Services informed the members that Cavan County Council wrote to the Department seeking funding for flood relief damage to the value of €4.9m and have now received the first tranche of €2.64m in respect of that funding. He noted that it is a combination of repair work in respect of roads and bridges and preventative work in respect of flooding on roads, particularly those that are the subject to repeat flooding. He stated that the Council in the context of funding received, is now identifying the priority works on those eighty three roads. He noted that five of those roads should benefit under the national heading and there is always the possibility that additional funding will be granted when this allocation is fully dispersed in May of this year. He stated that the members will be notified of the roads to be repaired at Municipal District level.

Councillor P. Smith welcomed the funding and stated that he is hopeful a further allocation will be received in May.

Councillor J.P. Feeley welcomed the funding. He stated that the Council now needs to turn its focus on acquiring the second allocation needed. He stated that the Council also need to get in contact with the Office of Public Works in relation to other funding.

Councillor D. Brady stated that people are anxious to see damaged roads repaired and asked when the works might commence. He relayed the gratitude of the people in these flooded areas to Council staff during the recent flooding.

Councillor P. McVitty queried if the houses that were flooded in areas would also be looked at under this funding.

Councillor P. O’Reilly stated that he would like to see the money being dispersed countywide and asked who would be making the decisions in relation to the allocation of the money.

Mr. Brendan Jennings, A/Senior Engineer stated that the application was submitted in relation to roads affected by the flooding throughout the County with the main impact being from the river Erne and also from the Annalee areas. He noted that the funding received was from the Department of Transport for roads and some of the houses flooded will be addressed as they were flooded due to run off from roads. He stated that some roads and lanes will have to be raised and widened. He stated that additional land will be required to do this and the Council will have to work with landowners to avail of these lands. Mr. Jennings noted that the level of investment required to dredge the River Erne is quite substantial but that the Office of Public Works is looking at the matter.

**8. To approve attendance of members at LAMA Spring Training Seminar to be held in the Sligo Park Hotel on 1-2 April.**

It was:

Proposed by Councillor W. Bennett

Seconded by Councillor J.P. Feeley

And

Resolved:

“that the attendance of Councillors V. Smith, P. O’Reilly, P. McVitty, M. Argue, C. Brady, W. Bennett, P. Smith, J.P. Feeley, P. Brady, C. Kelly, S.P. O’Reilly, F. Curtin and S. Smith at the LAMA Spring Training Seminar to be held in the Sligo Park Hotel on 1-2 April be hereby approved”.

**9.(a) To note reply from AILG regarding the EPA regulations in relation to septic tanks.**

Noted. Councillor J.P. Feeley asked that this item be placed on the Agenda for the next AILG meeting.

**(b) To note reply from Phil Hogan, Member of the European Commission regarding Single Farm Payment.**

It was agreed to hold correspondence regarding Single Farm Payment to the April meeting.

**(c) To note replies from HSE and Department of Health in relation to the provision of transport for members of the public who are accessing hospital appointments.**

Noted.

**Votes of Congratulations:**

* Mr. Alo Mohan and the staff of Community & Enterprise, Cavan County Council on bringing the Nuffield International Agriculture Conference to the Cavan Crystal Hotel for a period of eight days which will be attended by eighty international agriculture experts.
* Deputies Heather Humphreys, Caoimghin O’Caolan, Brendan Smith and Niamh Smyth on their election to the 32nd Dail.
* All who participated in the count for the general election and in particular local media.

The members commiserated with Deputies Joe O’Reilly and Sean Conlon who were not re-elected to the Dail.

**Vote of Sympathy:**

* The Carty and Judd families on the tragic death of Sophie Carty.

A minutes silence was held in memory of the deceased.

**Members’ Items – March**

**1. Poor Vodafone service in Kingscourt.**

Councillor C. Kelly noted that members from various phone companies made a presentation to Cavan County Council in November 2015 in relation to poor mobile phone coverage and lack of broadband in the County. Councillor Kelly stated that to date nothing has changed except that the coverage has deteriorated further. He stated that in areas like Kingscourt, Cootehill and Bailieborough there is little or no coverage. He stated that there is an onus on the regulator to provide a proper service to those who are paying for it. He proposed that the Council write to Vodafone in relation to the poor service and also a follow up letter be sent to ComReg asking that a member attend a meeting of Cavan County Council.

**2. That this Council calls on the Comptroller and Auditor General to fully investigate the waste of public funds by Eirgrid on the North South Interconnector.**

Councillor C. Kelly stated that Councillor P. McDonald and he had attended numerous meetings supporting local communities in their bid to prevent the installation of overhead power lines by Eirgrid on the North South Interconnector. He stated that huge amounts of tax payers’ money is being squandered by Eirgrid with another public hearing by An Bord Pleanala about to commence. He stated that this situation happened a few years ago and the case collapsed at a huge cost to people objecting to overhead power lines. He noted that the money already squandered would have been sufficient to place the cables underground. He noted that 99% of farmers will not allow Eirgrid access to their properties in order to install overhead power lines. He emphasised that the local community has no objection to placing the cables underground. Councillor Kelly proposed that the Council write to the Comptroller and Auditor General to fully investigate the waste of public funds by Eirgrid on the North South Interconnector.

Councillor P. McDonald seconded Councillor Kelly’s proposal.

Councillor P. O’Reilly supported the motion.

**3. To request an up to date report on lighting in unfinished housing estates.**

Councillor P. McVitty stated that he had received quite a number of complaints in relation to housing estates with no lighting. He noted that the Council are not responsible for lighting until such time as the estate is taken over but wondered if there was anything that could be done. He asked the executive for an up to date report on lighting in unfinished housing estates.

Councillor D. Brady supported the motion. He noted that a lot of pumping stations in housing estates are in poor condition and very dangerous.

Councillor C. Brady supported the motion. She asked if a housing estate is partially finished is there a time limit on the developer to fully complete the estate.

Councillor N. Connell stated that people are of the opinion when they paid their property tax that a percentage was going towards public lighting.

Councillor C. Kelly noted that a number of housing estates in Kingscourt have no lights and this is extremely dangerous where there are children. He asked the executive for a breakdown on what bonds are out there with developers.

Councillor M. Argue asked that estates where Residents’ Associations are formed, can they finish the estate if the money is there.

Mr. G. Finn, Director of Services stated that no housing estates have been taken over by the Council for a number of years due to insufficient funding. He stated that the lighting is paid for initially by the developer and maintained in some cases by Residents’ Committees. He noted that if bills are not kept up to date the energy supplier will cut off the supply very quickly. He stated that it would cost in excess of €100,000 for the Council to maintain lighting in estates yearly. He stated that the Council is working with developers and bond holders with regard to finishing estates. He stated that within the next month it is hoped to take over between eight and ten estates. He noted that there are a number of estates where developers are now coming back to finish the estate. Mr. Finn stated that property tax money does not go directly to public lighting.

**4. That this Council calls upon the Department of the Environment, Community & Local Government that County Cavan should be reunified for future General Elections.**

Councillor E. Greenan congratulated the four elected deputies for Cavan/Monaghan and commiserated with those who lost their seats. He noted that the changes made to the boundary divisions in advance of the election created huge confusion for the electorate and candidates. He stated that people arrived at Polling Stations on polling day not knowing who they were voting for. He stated that the plan drawn up to split boundaries segregated communities. He stated that the constituency stretches from Bruskey in Co. Cavan to Ballyshannon in Co. Donegal which covers huge land mass. Councillor Greenan proposed that the Council write to the Department of the Environment, Community & Local Government asking that County Cavan be reunified for future General Elections.

Councillor P. Brady supported the motion and noted that his new local TD is over 120km away from him. He agreed that the majority of people went into polling stations not knowing who they were voting for.

Councillor J.P. Feeley agreed that we need a unified County for the next General Election. He stated that while canvassing he had a huge amount of explaining to do in relation to boundary changes. He stated that politicians represent communities and a divide is not acceptable. He noted that Cavan and Donegal are not even mentioned in the constituency name - it was all Sligo Leitrim. He stated that the document needs to be looked at in a non political manner. He noted that a Commission will be put together after the census is established. He stated that the success of Leitrim’s campaign is the reason behind Cavan’s downfall. He asked, with the permission of Councillor Greenan, to include in his proposal that the establishment of the Commission be brought forward and the report dealt with as soon as possible after the census is carried out.

Mr. Kevin Reilly, A/Director of Service stated that the Council will write to the Department of Environment, Community & Local Government reflecting the views of the elected members. He stated that when a draft letter has been compiled he will consult with the elected members so that the parties can feed into it. Mr. Reilly stated that the Electoral Amendment Act 2009 requires the Minister to set up a Commission within three months of a census being carried out. He stated that the Commission work within the parameters set out by the legislators. He stated that a report cannot be done until the census is finalised which took 12 months to finalise after the last census in 2011. He stated that the likelihood is that there won’t be a finalised report before June 2017.

Councillor E. Greenan thanked his fellow Councillors for their support.

Councillor P. Smith informed the members that a Cathaoirleach’s reception will take place at 5.30p.m. for Cavan Drama Festival who are celebrating 70 years this year.

The meeting ended at 5.00p.m.

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

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