**Minutes of Meeting of Cavan County Council held on 11 April 2016 in the Council Chamber**

Councillor P. Smith, Cathaoirleach Presiding

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

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

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

In Attendance: T. Ryan, Chief Executive

D. Maguire, Head of Finance

J. McLoughlin, Director of Service

G. Finn, Director of Service

E. Doyle, Director of Service

E. McGinn, Meetings Administrator

Councillor P. Smith welcomed Councillor Sarah O’Reilly to her first Council meeting.

**1. To confirm Minutes of Monthly Meeting of Cavan County Council held on 7 March & Minutes of Special Meeting held on 15 March 2016. Miontuairisci cruinnithe 7 Marta & 15 Marta 2016 a dhearbhu.**

It was:

Proposed by Councillor S.P. O’Reilly

Seconded by Councillor P. McVitty

And

Resolved:

“that minutes of monthly meeting of Cavan County Council held on 7 March 2016 & Minutes of Special Meeting held on 15 March 2016 be hereby approved”.

**2. To note Minutes of Corporate Policy Group meeting held on 3 March 2016.**

Noted.

**3. To hear presentations from Mr. Joe Gillespie, Waterways Ireland and Dr. Ciaran Byrne, Inland Fisheries Ireland regarding flooding issues.**

Councillor P. Smith welcomed Mr. Joe Gillespie, Waterways Ireland and Dr. Ciaran Byrne, Inland Fisheries Ireland to the meeting. Dr. Byrne stated that the role of Inland Fisheries Ireland is to protect and conserve inland fisheries and even though Inland Fisheries Ireland worked closely with other agencies on the flooding that hit the country it had no remit on either flooding management or risk assessment. He stated that there had been a savage amount of rain across the country in recent months and that yearly doubles were recorded in the midlands, south and south-east in just a few months. He stated that if an eight by eight metre ditch was dug from Athlone to Galway it would still not have alleviated flooding levels. He stated that Cavan’s drumlin topography meant a lot of road closures and land saturation in the recent wet spells. Dr. Byrne stated that he had no doubt that the climate had changed radically and this severe flooding that might have happened every twenty years would now happen every five years. He stated that Inland Fisheries Ireland had an advisory role in flooding but it is the Office of Public Works that is responsible for arterial drainage. He stated that there are emergency measures for local authorities to act in floods but that it takes a ministerial derogation to grant it. He stated that this would depend on the definition of an emergency.

Mr. Joe Gillespie, Waterways Ireland stated that their role was to maintain and develop approximately one thousand kilometres plus of waterways mainly for recreational purposes. Mr. Gillespie stated that extreme weather conditions were becoming the norm and that recent water levels were phenomenal. He stated that Waterways Ireland work closely with Inland Fisheries Ireland. He stated that Waterways Ireland are responsible for 7 waterways in 2 jurisdictions namely East–Royal Canal, Grand Canal and Barrow, West–Shannon Navigation, North–Lower Bann Navigation, Erne System and Shannon-Erne Waterways. He noted that Waterways Ireland had an office in Ballyconnell. He stated that in terms of Woodford Canal and Upper Lough Erne there was nothing Waterways Ireland could do in letting water off.

Councillor P. Smith thanked Dr. Ciaran and Joe for their presentation but stated that neither agency was responsible for dredging or slowing down the flow of water. He stated that he was disappointed that the Office of Public Works did not attend the meeting.

Councillor S. Smith proposed that the Council write to the OPW and the ESB asking them to attend a meeting of Cavan County Council. Councillor S. Smith noted that Cavan is known for its rivers and lakes but the local authority has no funding to maintain the rivers and lakes. He stated that when money is invested in drainage then you will have success.

Councillor W. Bennett stated that in both presentations nothing was mentioned to help people coming out of their homes on the back of tractors. He stated that waterways needed to be relieved of debris and rubbish in order to improve water flow and help locals.

Councillor S.P. O’Reilly thanked both men for their presentations. He stated that he was disappointed and frustrated with the Office of Public Works. He asked both Dr. Byrne and Mr. Gillespie to try and engage with the OPW and ESB and ask them to come and meet with the members of Cavan County Council be it in-committee or public. He noted that the presentations given had said nothing to lessen people’s fears in relation to flooding.

Councillor J.P .Feeley stated that Cavan had been mentioned once on national airwaves in relation to flooding and there was a definite sense of abandonment among locals. He urged that the OPW and ESB meet with the Council.

It was agreed to write to the OPW, ESB and Bord na Mona asking them to attend a meeting of Cavan County Council.

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

Noted.

Councillor P. McVitty asked why planning permission had been refused for the construction of a new external ramp and associated works at the Ulster Bank building in Ballyconnell.

Mr. G. Finn, Director of Services informed Councillor McVitty that the proposal would endanger public safety as it would interfere with the movement and accessibility of the public footpath. Mr. G. Finn informed the meeting that it is possible a revised planning application will be submitted in relation to the ramp.

**5. To note Chief Executive’s monthly report.**

Noted.

**6. Nomination of Leas Cathaoirleach.**

It was:

Proposed by Councillor F. Curtin

Seconded by Councillor C. Kelly

“that Councillor Sarah O’Reilly be elected Leas Cathaoirleach.

**7. To consider Annual Financial Statement for year ending 31/12/2015.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor P. O’Reilly

And

Resolved:

“that the Annual Financial Statement for year ending 31/12/2015 be hereby approved”.

Mr. Des Maguire, Head of Finance outlined in detail the annual financial statement of financial year ended 31st December, 2015. He stated that the document which had been circulated to members outlined the Council’s out turn for the year revealing an overall surplus of €107.

The members in turn thanked Mr. Maguire for his thorough description of the financial situation of Cavan County Council for year ended 31/12/2015.

**8. To approve additional expenditure for year ending 31/12/2015.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor P. O’Reilly

And

Resolved:

“that the additional expenditure for year ending 31/12/2015 be hereby approved”.

**9. To approve transfer to reserves for year ending 31/12/2015**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor P. O’Reilly

And

Resolved:

“that the transfer of reserves for year ending 31/12/2015 be hereby approved”.

**10. Statement of Rate Collection for year ending 2015.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor P. O’Reilly

And

Resolved:

“that the statement of rate collection for year ending 2015 be hereby approved”.

**11. Approval of 3 year Capital Programme 2016-2018.**

It was:

Proposed by Councillor S.P. O’Reilly

Seconded by Councillor W. Bennett

And

Resolved:

“that the 3 year Capital Programme 2016-2018 be hereby approved”

**12. To nominate 1 No. elected member to the Cavan Age Friendly Alliance.**

It was:

Proposed by Councillor C. Brady

Seconded by Councillor W. Bennett

And

Resolved:

“that the nomination of Councillor M. Argue to the Cavan Age Friendly Alliance be hereby approved”.

**13. To approve revised Policy for the Taking in Charge of Housing Developments.**

It was:

Proposed by Councillor D. Brady

Seconded by Councillor S.P. O’Reilly

And

Resolved:

“that the revised Policy for the Taking in Charge of Housing Developments be hereby approved”.

Councillor D. Brady, Chairperson of the Environmental & Planning Strategic Policy Committee welcomed the document. He stated that the policy had been discussed at length at the last SPC meeting and it is a step in the right direction. Councillor D. Brady recommended that full Council approval be given to the document.

Mr. G. Finn, Director of Services stated that a lot of work was put into the drafting of the Policy in particular by Mr. Pat Gaynor, Senior Executive Engineer and his staff. He stated that the Local Authority and Irish Water will work together to advance Taking in Charge of an estate with reference to the Planning permission, existing Taking in Charge Policies and Department guidelines as applicable.

Councillor S.P. O’Reilly thanked Pat Gaynor for the work he had done in the village of Mullagh. He stated that small things make such a difference to people living in these estates.

The members in turn welcomed the document.

**14. To approve the lease of Ashvale House, Swellan, Cavan to Post 15 Cavan, Irish United Nations Veterans’ Association (IUNVA) for the sum of €840 per annum, pursuant to Section 183 of the Local Government Act 2001 and Section 90 of the Housing Act 1966, and Section 26 of the Housing (Miscellaneous Provisions) Act 1992, and notices circulated.**

It was:

Proposed by Councillor M. Argue

Seconded by Councillor J.P. Feeley

And

Resolved:

“that the lease of Ashvale House, Swellan, Cavan to Post 15 Cavan, Irish United Nations Veterans’ Association (IUNVA) for the sum of €840 per annum, pursuant to Section 183 of the Local Government Act 2001 and Section 90 of the Housing Act 1966, and Section 26 of the Housing (Miscellaneous Provisions) Act 1992 be hereby approved”.

**15. To approve report in accordance with Part VIII of the Local Government (Planning & Development) Regulations 2001-2008 (Article 81) in respect of the works at Largan, Carrickaboy, Co. Cavan.**

It was:

Proposed by Councillor S.P. O’Reilly

Seconded by Councillor W. Bennett

And

Resolved:

“that the report in accordance with Part VIII of the Local Government (Planning & Development) Regulations 2001-2008 (Article 81) in respect of the works at Largan, Carrickaboy, Co. Cavan be hereby approved”.

**16(a) To approve attendance of members at National Planning Conference 2016 to be held in the Sheraton Hotel, Athlone on 14 & 15 April.**

It was:

Proposed by Councillor S.P. O’Reilly

Seconded by Councillor M. Argue

And

Resolved:

“that the attendance of Councillors P. Brady, F. Curtin, S.P. O’Reilly at National Planning Conference 2016 to be held in the Sheraton Hotel, Athlone on 14 & 15 April be hereby approved”.

**16(b) To approve attendance of members at AILG Annual Conference to be held in the Inishowen Gateway Hotel, Buncrana on 5-6 May.**

It was:

Proposed by Councillor S.P. O’Reilly

Seconded by Councillor M. Argue

And

Resolved:

“that the attendance of Councillors P. Brady, F. Curtin, S.P. O’Reilly, J.P. Feeley, S. Smith, C. Kelly, S. O’Reilly, C. Brady, V. Smith, M. Argue, P. McVitty, P. O’Reilly and P. Smith at AILG Annual Conference to be held in the Inishowen Gateway Hotel, Buncrana on 5-6 May be hereby approved”.

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

Noted. Councillor S. Smith proposed that Commissioner Hogan’s letter be forwarded to the Minister for Agriculture requesting that the first part of the Single Farm Payment be paid to farmers early in the year and any differentials be taken out of the second payment. Councillor W. Bennett seconded the proposal.

**(b) To note reply from Commission for Communications Regulation in relation to mobile phone coverage in the Cavan area.**

Noted. Councillor C. Kelly stated that the reply was of no benefit to the people as mobile phone coverage has not improved in County Cavan.

**(c) To note reply from Minister Alex White, T.D. regarding homeowners selling excess energy back to the grid.**

Noted. Councillor P. O’Reilly expressed his disappointment with the reply from the Minister. He asked that a letter be sent to Electric Ireland asking them to consider re-opening the facility for homeowners to sell excess energy back to the grid.

**(d) To note reply from Arlene Foster MLA, First Minister regarding invitation to attend a meeting of the Council.**

Noted.

**(e) To note reply from Association of Irish Local Government (AILG) regarding web-based training for elected members.**

Noted.

**(f) To note reply from Comptroller and Auditor General regarding value for money of public funds expended by Eirgrid on proposed North South Interconnector.**

Noted. Councillor C. Kelly thanked the Comptroller and Auditor General for his prompt reply. He proposed that the Council write to Acting Taoiseach Mr. Enda Kenny and Deputy Micheal Martin, Leader of Fianna Fail asking them to stop Eirgrid installing overhead power lines and that the cables be placed underground. Councillor C. Kelly complimented Monaghan County Council and their Senior Management on the case they put forward and felt Cavan County Council should do the same.

Councillor P. McDonald seconded Councillor Kelly’s proposal.

**Votes of Sympathy:**

* The McGovern family on the death of Mr. Peter (Third) McGovern, Creea, Glangevlin.
* The Walsh family, Doon, Ballyconnell on the sudden death of Declan Walsh in England.
* The Kiernan family on the tragic death of Gerald Kiernan, Loughduff following a farm accident.
* Cathal Conaty, Revenue Collector, Cavan County Council on the death of his mother Mrs. Kathleen Conaty, Carriga, Crosskeys.

A minutes silence was held in memory of the deceased.

**Members’ Items**

**1. That Cavan County Council ask Irish Water what the up to date position is on the upgrading of the Kingscourt Water Scheme.**

Councillor C. Kelly stated that people in Kingscourt town are annoyed at the fact that they were left without water for quite a substantial length of time over the Easter period. Councillor Kelly stated that there was an onus on Irish Water to provide tankers until the water was back on stream. Councillor Kelly proposed that the Council write to Irish Water asking what the up to date position is on the upgrading of the Kingscourt Water Scheme and reservoir. He noted that Cavan County Council was involved in upgrading and developing the Kingscourt Reservoir but since Irish Water took it over little or nothing seems to have happened.

Councillor P. McDonald seconded the proposal.

Mr. G. Finn, Director of Services stated that the tendering process for the contract to upgrade Kingscourt Water Supply is complete and it now at contract award stage. He stated that it is expected that a contractor will be on site in September of this year. He stated that a hydrant left open pumping out seven cubic metres of water an hour had since been repaired and the level returned to normal. He stated that there was an added demand on the system when caretakers discovered another hydrant left open at a later stage.

**2. The Main Street, Kingscourt.**

Councillor C. Kelly stated that he had spoken with Mr. McLoughlin, Director of Services in relation to markings on Main Street which the Council are currently working on.

Mr. Joe McLoughlin, Director of Services stated that the lining of the streets in Kingscourt have been dealt with from a technical point of view and the next step is to make the plan available for public inspection.

**3. The amount of revenue per annum from the rates on businesses and industry in the Kingscourt area.**

Councillor C. Kelly asked Mr. Maguire, Head of Finance for the amount of revenue per annum received from the rates on businesses and industry in the Kingscourt area. He was of the opinion that given the amount collected in rates in Kingscourt, very little was coming back into the area.

Mr. D. Maguire, Head of Finance informed the meeting that the rates collected in Kingscourt town for 2016 to date is €277,398 and from Kingscourt environs €222,368 which is approximately €500,000 in total. Mr. Maguire noted that rates are a county wide charge and what is raised in any one area does not go back to it. He stated that in order to provide the 75 services of the Council revenue from rates must be spread throughout the County.

**4. That Cavan County Council prohibit the use of its lands for animal circuses.**

Councillor E. Greenan stated that he put this motion on the agenda on behalf of the Animal Rights Action Network which campaigns against all forms of animal abuse. He stated that Cavan SPCA asked people not to support Circus Belly which is a wild animal circus. Councillor Greenan stated ARAN called on their supporters to come together and contact their local councillors in order to ban animal act circuses using public land in the town, in line with other towns across Ireland that have done the same thing. He stated that he attended the protests in Virginia and had seen separate evidence of the treatments of animals who were in transport for nine months of the year and said that there was also a public safety element to his motion. He stated that he did not want to ban circuses totally just the use of animals in the circus. He proposed that Cavan County Council prohibit the use of its lands for animal circuses.

Councillor S.P. O’Reilly seconded the motion.

Councillor W. Bennett proposed that Cavan County Council do not prohibit the use of its lands for animal circuses. He stated that banning animal circuses would have an impact on our live exports. He stated that while he does not support cruelty to animals he felt animals should still be used in circuses. Councillor W. Bennett was of the opinion that there are enough Department Officials to ensure animals are treated well.

Councillor P. McVitty seconded Councillor W. Bennett’s proposal.

Councillor P. Brady stated that he did not support cruelty to animals but felt circuses with animals in them should not be stopped.

A vote was taken on the counter proposal by Councillor W. Bennett with 9 voting for the proposal and 4 voting against. 5 Councillors were absent from the Chamber for the vote.

A vote was taken on Councillor Greenan’s proposal with 4 voting for and 9 voting against. 5 Councillors were absent from the Chamber for the vote.

It was agreed that Cavan County Council would not prohibit the use of its lands for animal circuses.

**5. The need for the Government to implement measures to stop the huge increase in motor insurance costs with particular reference to the totally unacceptable costs for young drivers.**

**6. The need for the Department of Jobs, Enterprise & Innovation & the Financial Regulator to implement measures to deal with the widespread fraudulent motor insurance claims which are impacting on the costs of insurance cover.**

Councillor P. Brady stated that insurance companies are charging unacceptable prices for vehicle insurance. He stated that young drivers are being quoted insurance prices four times the value of their car. He stated that the reasons behind the hikes in insurance claims are many and varied which include an increase in the cost of settling claims, lack of consistency in court awards and a lack of transparency around out of court settlements involving insurance companies and claimants. He stated that measures need to be implemented to deal with the widespread fraudulent motor insurance claims which are impacting on the costs of insurance cover. He stated that if the penalties for fraudulence was higher insurance cover would decrease. Councillor P. Brady proposed that the Council call on the Government to implement measures to stop the huge increase in motor insurance costs with particular reference to the totally unacceptable costs for young driver. Councillor P. Brady also proposed that the Council write to the Minister Richard Bruton and the Financial Regulator asking that measures be implemented to deal with the widespread fraudulent motor insurance claims which are impacting on the costs of insurance cover.

Councillor P. McVitty seconded the proposal.

Councillor S.P. O’Reilly supported the motion. He stated that it was unacceptable that young drivers are being asked for thousands to insure their car. He noted that house insurance had also increased in recent times.

Councillor J.P. Feeley supported the motion. He stated that insurance companies are blaming everyone except themselves. He stated that the reality is that there is less competition in the insurance market and insurance companies are putting up premiums.

It was proposed by Councillor S.P. O’Reilly and seconded by Councillor P. McVitty that the meeting continue until 5.30p.m.

**7. The need for the HSE to provide additional staff resources, without further delay, for Cavan General Hospital.**

Councillor P. Brady stated that there is a fantastic hospital in Cavan but the nurses are stressed due to lack of staff. He stated that nurses cannot give the amount of time they would like to patients because of staff shortages. He stated that currently nurses are emotionally, physically and mentally stressed in Cavan hospital. He stated that a nurse’s job is difficult at the best of times but the current lack of support is making it worse. Councillor P. Brady proposed that the Council write to the HSE asking that they provide additional staff resources without further delay for Cavan General Hospital.

Councillor P. McVitty seconded the proposal. Councillor McVitty stated that Cavan has a marvellous hospital and staff but there is a big shortage of nurses within the hospital presently.

Councillor F. Curtin supported the motion. He stated that a starting wage of €25-€27,000 for nurses could lead to emigration for Irish nurses and their salary should be looked at.

Councillor N. Connell supported the motion.

**8. To ask the members of Cavan County Council to fully support siting of the new National Children’s Hospital at Connolly Memorial Hospital, Blanchardstown.**

Councillor S.P. O’Reilly stated that Donegal, Monaghan and Meath County Councils had passed a motion asking that the new National Children’s Hospital be sited at Connolly Memorial Hospital, Blanchardstown. Councillor O’Reilly stated that currently planning permission is with An Bord Pleanala to have the National Children’s Hospital situated at St. James’ Hospital in Dublin City Centre. He stated that the road network to Blanchardstown makes the hospital accessible to all parts of the Country and away from congested traffic in the City Centre. Councillor S.P. O’Reilly proposed that the Council write to the Minister for Health calling on him to reverse the decision to locate the new National Children’s Hospital at Connolly Memorial Hospital, Blanchardstown instead of St. James’ in the City Centre.

Councillor C. Kelly seconded the proposal. He stated that the location of the hospital in Blanchardstown in very important to the people of Cavan as well as the rest of the Country. He stated that if the hospital was built in Blanchardstown it would have access to both a general and maternity hospital.

Councillor P. O’Reilly stated that this is the second time the siting of the National Children’s Hospital has been changed. It was first proposed for the Mater and now St. James. He stated that vested interest has put the hospital where it is. Councillor P. O’Reilly feared that the new time scale for Blanchardstown would put the project back years noting that St. James’ site only suited Dublin people even though it was a National Children’s Hospital.

Councillor P. McVitty stated that he has seen the plans for the new hospital at St. James’ and there seemed to be ample parking provided at the hospital but questioned the huge amount of money already spent on the hospital.

Councillor F. Curtin supported the motion. Councillor Curtin raised concerns over serious traffic congestion at the St. James’ site.

Councillor M. Argue supported the motion.

It was unanimously agreed that the Council write to the Minister for Health stating that Cavan County Council fully support the siting of the new National Children’s Hospital at Connolly Memorial Hospital, Blanchardstown.

Item Nos. 9, 10, 11 and 12 were deferred.

The meeting concluded at 5.30p.m.

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

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