

Minutes of Meeting of Cavan County Council held on Monday 14th September 2020 in The Sports Hall, Leisure Centre, Cavan at 2.00p.m.

Councillor S. O'Reilly, Cathaoirleach presiding

Present; Councillors M. Argue, W. Bennett, C. Brady, P. Brady, B. Fay, A. Fitzpatrick, J. P. Feeley, C. Kelly, C. Lovett, P. McDonald, P. McVitty, S.P. O'Reilly, T.P. O'Reilly, S. Smith, T. Smith, V. Smith, P. Walsh.

In Attendance; T. Ryan, Chief Executive
E. Doyle, Director of Service
P. Connaughton, Director of Service
B. Jennings, Director of Service
M. McNally, A/Head of Finance
L. McGavigan, Senior Executive Officer
E. McGinn, Senior Staff Officer

1. To confirm Minutes of Monthly Meeting held on 13 July 2020.

Miontuaririsci cruinnithe 13 Iúil 2020 a dhearbhu.

It was

Proposed by Councillor C. Brady

Seconded by Councillor P. McVitty

And

Resolved;

“that minutes of meeting of Cavan County Council held on 13 July 2020 be hereby approved”

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

Noted.

Note Minutes of Committee Meetings

3. To note Minutes of Corporate Policy Group meetings held on 11 June 2020.

Noted

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 Department of Employment Affairs and Social Protection regarding stillbirth registrations.

Noted.

(b) To note reply from Department of Communications, Climate Action and Environment regarding meeting request regarding the North-South Interconnector.

Noted.

(c) To note reply from reply from Department of Health regarding the Midwifery Led Unit at Cavan General Hospital.

Noted.

(d) To note correspondence from Derry City & Strabane District Council and Fermanagh & Omagh District Council regarding Care Homes.

Noted.

(e) To note reply from Department of Employment Affairs and Social Protection regarding the COVID 19 Pandemic Unemployment Payment.

Noted. Councillor S.P. O'Reilly proposed that the Council write to Minister Heather Humphreys T.D. in relation to Aer Lingus workers not being able to receive COVID 19 Pandemic Unemployment Payment. This was seconded by Councillor S. O'Reilly.

(f) To note reply from Minister for Health regarding waiting times in Cavan General Hospital and Home Care Packages and other community resources.

Noted.

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

6. Presentation on Cavan Day 26th September 2020 – Ms. Emma Clancy, County Librarian.

Ms. Emma Clancy, County Librarian stated that Cavan Day which will be celebrated on Saturday 26th September 2020 is an online celebration of the global Cavan Family, its people, its diaspora and everyone who shared an affinity with the County. Ms. Clancy urged all members to spread the word and encourage Cavan people, their descendants and friends to wear the blue and white and share using the #CavanDay hashtag messages and photos of their favourite local places or treasured memories of trips to Cavan. She stated that Cavan Day came about as a result of the Cavan County Council having to cancel the "Cavan Calling" Festival arranged for August due to COVID 19. Ms. Clancy stated that the highlight will be a special "Cavan Day" live show broadcast on Cavan TV at 5pm Irish time featuring interviews with some of the best known local figures across the world of sport, arts, food and business. Ms. Clancy stated that stars such as actor Chris Noth, chef Nevan Maguire, golfer Leona Maguire, comedian Kevin McGahern to name but a few will all feature in this magazine style show.

Mr. Tommy Ryan, Chief Executive thanked Ms. Clancy for her presentation and stated that Cavan Day is about building a network of people, promoting the County and hopefully building it as something bigger in years to come.

8. Extension of Smoky Coal Ban to Cavan town – Mr. Colm O’Callaghan

Mr. Colm O’Callaghan, A/Senior Engineer made a detailed presentation to the members on the extension of Smoky Coal Ban to Cavan Town. Mr. O’Callaghan stated that the key objective of the ban is to enhance and protect public health and the environment. He stated that the ban of smoky coal is cleaner and better for homeowners, for their neighbours and for the environment. He stated that enhancing the environment will have positive economic benefits for tourism, recreation, agricultural and food producing sectors. Mr. O’Callaghan stated that Cavan County Council have an Awareness Campaign currently up and running through local newspapers, local radio, social media, information with zoning maps to all coal suppliers in specified area. Mr. O’Callaghan stated that the implementation and enforcement of the smoky coal ban is the responsibility of the Local Council. He stated that it involves inspection of suppliers of coal including petrol stations, hardwares, coal merchants and shops. Mr. O’Callaghan stated that vehicles selling coal and distributing coal in a ban area will also be inspected. Mr. O’Callaghan stated that on receipt of a complaint an inspector will visit homes and businesses to make occupants and operators aware of the ban. He stated that suppliers will be monitored to ensure all bags are labeled correctly and are “Smokeless Fuel”. Mr. O’Callaghan stated that actions of non-compliance included verbal warning, written warning, on the spot fines and court summary proceedings. Mr. O’Callaghan stated that as well as oil and gas, there is a range of innovative smokeless solid fuel products, including smokeless coals products which are cleaner as well as more carbon and heat-efficient which can deliver climate benefits as well as improved air quality and human health benefits.

The members in turn thanked Mr. O’Callaghan for his presentation. Concerns were raised over the fact that some elderly people may already have fuel purchased in bulk for the winter and also how aware of people in Cavan town of the smoky coal ban. Mr. O’Callaghan stated that he is aware elderly people may have fuel purchased in advance and assured the members that they would be given time before action would be taken. He also informed the members that Cavan County Council currently have an awareness campaign going to inform people of the smoky coal ban.

7. To note Chief Executive's monthly report (Section 51 Local Government Reform Act 2014).

Noted.

9. To approve the Local Property Rate Adjustment for 2021.

Ms. Margaret McNally, A/Head of Finance stated that in accordance with Section 20 of the Finance (Local Property) Tax Act 2012 as amended by Section 5 of the Finance (Local Property Tax) Act 2013 a Local Authority may as a reserved function resolve to vary the basic rate of the local property tax within its functional area by a maximum +/- 15%. Ms. McNally stated that the statutory deadline for passing a resolution to set a local adjustment factor is 30 September 2020. Ms. McNally stated that the Council have been notified by the Department based on preliminary statistics provided to them by the Revenue Commissioners that the latest estimate of annual income from LPT in 2020 in County Cavan is €4,539,973. She stated that the Council have been further notified by the Department of a provision LPT allocation of €9,480,501 for 2021, the same allocation as 2020 and the Council has received no increase in income from the Local Property tax and pension related deduction income since 2014. Ms. McNally noted that as 80% of LPT income generated in Cavan amounts to €3,631,978, we receive a subsidy of €5,848,522 from the Equalisation Fund to address the funding gap and stated that the corresponding figure for 2020 was €5,908,977. Ms. McNally stated that it is important to note that if Cavan County Council decides to reduce the basic rate of LPT it will lose 100% of any such variation i.e. no additional funding will be provided from the Equalisation Fund in the event of a Council decision to vary the basic rate of LPT downwards. Likewise the Council will retain 100% of the additional income which would arise from a decision to increase the basic rate. Ms. McNally stated that for 97.8% of properties/households, the annual increase of 15% represents less than €4 per month or €1 per week. Ms. McNally stated that in considering the impact of a local adjustment factor the members should have regard to previously stated concerns regarding the sustainability of the Council's annual budget strategy. Ms. McNally stated that NPPR and Landfill are temporary and unsustainable and as noted in the Budget 2020 document, reliance on such income that is once off or temporary in nature to balance the books is unsustainable and therefore leaves a significant gap in finances to be bridged. Ms. McNally also noted that the Council incurred Covid related expenditure to date of €300,000 but this figure could increase to €430,000 by the end of the year. She stated that a reduction in bad debts is no longer an option to balance a budget, given the current economic circumstances. Ms. McNally stated that the impact of no increase in local adjustment factor in respect of local property tax in 2021 would be significant and

represents an immediate loss of revenue Income of €680,996 to Cavan County Council. She stated that this money would significantly assist the Council to draw down the necessary funds to enable Cavan County Council to deliver on projects and also to assist Cavan County Council to maintain the expenditure levels in Housing Maintenance, Local Roads, Community Grants, Disabled Persons' Grants and provide match funding and resources to develop capital projects. Ms. McNally stated that the executive of Cavan County Council are recommending that the Council increase the Local Adjustment Factor in respect of Local Property Tax by 15% for 2021.

Councillor T.P. O'Reilly as whip of the Fine Gael Party stated that his party fully supports the 15% increase in LPT but will not be supporting any rise in rates later in the year. It was proposed by Councillor S.P. O'Reilly and seconded by Councillor B. Fay that the meeting be adjourned for five minutes to allow the Independent Councillors speak with the Chief Executive.

Following the adjournment, Mr. Tommy Ryan, Chief Executive reiterated what was said at the in-committee on the previous Thursday that the Council could not be relying on the NPPR and Landfill to balance the books. He stated that a loss in income will greatly impact negatively on Cavan County Council's services. Mr. Ryan stated that if the members agree increase the Local Adjustment factor by 15% the €680,996 will enable the Council to maintain the level of expenditure it already has.

It was

Proposed by Councillor S.P. O'Reilly

Seconded by Councillor B. Fay

And

Resolved;

“that an increase in the Local Adjustment factor in respect of Local Property Tax by 15% for 2021 be hereby approved”.

10. To approve Cavan Local Authority Audit Committee Annual Report 2019 (Local Government (Audit Committee) Regulations 2014).

It was

Proposed by Councillor J.P. Feeley

Seconded by Councillor S.P. O'Reilly

And

Resolved;

“that Cavan Local Authority Audit Committee Annual Report 2019 (Local Government (Audit Committee) Regulations 2014) be hereby approved”

Votes of Sympathy

- Councillor Shane P. O'Reilly on the death of his Aunt Charlotte Oates, Sligo.
- The Ellis Family, Arva on the death of Kathleen Ellis.
- The Cullen Family, Finea on the death of Pat Cullen.
- The Cusack Family, Lavey on the death of Johnny Cusack.
- The Cobey Family, Crosskeys on the tragic death of Jason.
- The Hume Family on the death of John P. Hume. Councillor J.P. Feeley proposed that the meeting be adjourned as a mark of respect to the Hume Family. This was seconded by Councillor W. Bennett.

A minute's silence was held in memory of the deceased. The meeting was adjourned for five minutes as a mark of respect to Mr. Hume.

Vote of Congratulations

- Mr. Ronan Patterson on his recent article on Mental Health in the Anglo Celt and the launch of his new clothing brand "Need to Talk". Councillor S.P. O'Reilly proposed that Cavan County Council liaise with Mr. Patterson for Cavan Day which takes place on 26th September 2020 and carry his crest "Need to Talk" on Cavan County Council clothing.
- The Gardai Siochana on securing a conviction in the murder case of Garda Adrian Donohoe formerly of Kilnaleck.
- Councillor J.P. Feeley proposed that the Council write to Chief Superintendent John O'Reilly wishing him well in his retirement. Councillor Feeley noted that this is the last Chief Superintendent in the Cavan Monaghan District with the revised changes.

MEMBERS' ITEMS – SEPTEMBER

1. North South Interconnector

Councillor C. Kelly asked the Director of Service, Mr. Brendan Jennings if there had been any communication or discussions between Cavan County Council and Eirgrid or ESB in relation to the North South Interconnector. Councillor C. Kelly also expressed his disappointment with the SDLP Deputy Leader and Stormont's Minister for Infrastructure, Nichola Mallon who was after signing off on planning permission for the project in the North. Councillor C. Kelly also expressed his disappointment with the new Minister for the Environment, Mr. Eamonn Ryan T.D. from the Green Party who ruled out a further review of the interconnector project. Councillor Kelly stated that the people of East Cavan, Monaghan and Meath would not be forced into allowing either Eirgrid or the ESB to enter their lands to erect pylons.

Councillor P. McDonald supported the motion stating that the public have no problem with placing the cables underground.

Councillor S. O'Reilly supported the motion and called on local TDs to lobby the Government on behalf of locals living in the project pathway.

Mr. Brendan Jennings, Director of Service informed the members that since the last Council meeting, a meeting was held on the 8th September 2020 with Eirgrid officials and executive members of Cavan, Monaghan and Meath local authorities to review mapping of the scheme. Mr. Jennings noted that since the interconnector plan was approved in 2016 things had changed with Meath and Monaghan having gone through variances in their County Development Plans, a process with which Cavan is currently engaged. Mr. Jennings stated that the purpose of the meeting was to ensure that all local authorities were operating on the same footing with regards to planning.

2. Procurement Procedures by local authorities regarding government funding announcements.

Councillor S. P. O'Reilly proposed that Cavan County Council write to the Minister for Public Expenditure, Mr. Michael McGrath T.D. stating that the procurement procedure in place by Central Government for local authorities regarding funding announcements is unworkable. While Councillor O'Reilly welcomed the announcement of funding under different headings, he stated that the time frame to draw down the monies is not long enough for local authorities and there is a shortage of registered and available contractors. Councillor S.P. O'Reilly stated that this is an issue with local authorities nationwide not just Cavan County Council. Councillor O'Reilly stated that he is concerned money will go back to the Department if not spent within the specified timeframe.

Councillor T.P. O'Reilly seconded the proposal. Councillor S. O'Reilly supported the motion.

4. Calling on the Government to review guidelines on the opening of non-food serving public houses with regard to rural isolation and mental health concerns and to also withdraw proposed Fáilte Ireland guidelines regarding same.

Councillor S.P. O'Reilly proposed that Cavan County Council call on the Government to review new guidelines on the opening of non-food serving public houses with regard to rural isolation and mental health concerns and to also withdraw proposed Fáilte Ireland guidelines regarding same. Councillor S.P. O'Reilly described the label of "wet pubs" as demeaning. Councillor O'Reilly stated that we are a country of rural pubs, where the pub is a social centre often of an entire parish, where people sit down and have a conversation and it adds something to people's lives. Councillor O'Reilly asked that the Government also reassess the level of supports being paid to publicans.

Councillor P. McDonald supported the motion stating that for far too long mental health was the “Cinderella” of the health service and he supported the role of local pubs in helping combat rural isolation.

Councillor T.P. O’Reilly supported the motion stating that it was imperative that schools were reopened first and he too took umbrage with the term “wet pubs”.

Councillor S. O’Reilly supported the motion and described the regulations as “draconian”.

Councillor S. O’Reilly stated that her partner as a publican welcomed the effectiveness of Garda checks which made people ensure restrictions were maintained.

Councillor B. Fay seconded Councillor S P O’Reilly’s proposal and commended the Council for the role they had played in rolling out the Restart Grants which he said were vital for many not trying to buy back stock.

Councillors C. Kelly, A. Fitzpatrick and P. Walsh also supported the motion.

5. Support for Bailieborough Swimming Pool.

Councillor S. O’Reilly called on Cavan County Council to actively look for a workable solution to support Bailieborough Swimming and Leisure Centre to help them re-open their doors. Councillor O’Reilly stated that the pool is only weeks away from being drained and the plug pulled on the community. She stated that it is a far cry from twelve months ago when members and management celebrated the facility’s twentieth anniversary. She stated that the swimming pool is operating as a non-profit organisation and therefore does not receive government subsidies like most other local authority operated facilities.

Councillor O’Reilly noted that it provides swimming lessons, lifesaving lessons, yoga, gym facilities, personal trainers and exercise classes and is home to both the East Cavan and Silver Fins swim clubs. Councillor O’Reilly stated that she has been working with the centre’s Board of Management to apply for grant funding but most applications have been refused so far. Councillor O’Reilly thanked Cavan County Council for their support to date through Municipal District discretionary grants. Councillor O’Reilly welcomed the initiative by Director of Services Brendan Jennings and John Donohoe, Community and Enterprise, Cavan County Council to meet with the centre’s Board of Management recently to discuss the present difficulties facing the centre.

Councillor P. McDonald supported the motion and stated that he had also engaged with the centre’s Board of Management. Councillor P. McDonald stated that the funds are now depleted and the centre has no means to continue to finance the cost of running the facility. He stated that the Board of Management as well as the management have been working tirelessly since the announcement of the HSE guidelines relating to COVID 19 to try and find a way to reopen the centre.

Councillor C. Kelly supported the motion stating that the Centre offers a wonder service to the people of East Cavan.

Councillor A. Fitzpatrick stated that action needs to be taken immediately and asked if the Council could take in charge the facility for a period, until the worst of the present restrictions had passed.

Councillors C. Brady, M. Argue, V. Smith, T.P. O'Reilly, P. Walsh, P. McVitty, S.P. O'Reilly and B. Fay also supported the motion.

Mr. Brendan Jennings, Director of Services stated that the local authority would continue to work with the centre's Board of Management to try and find solutions to their present financial predicament.

6. To request permission/support from Cavan County Council to turn the Courthouse pink or blue in support of "Wave of Light" campaign lighting up for Baby Loss Awareness Day on 15 October 2020 from 7-8pm at locations with a candle lighting ceremony.

Councillor S. O'Reilly proposed that Cavan County Council turn the Courthouse pink or blue in support of "Wave of Light" campaign lighting up for Baby Loss Awareness Day on 15 October 2020 from 7-8pm at locations with a candle lighting ceremony.

This proposal was seconded by Councillor M. Argue.

The motion was supported unanimously by all members.

Mr. Eoin Doyle, Director of Services stated that the Council would look into same.

Local Authority costs in relation to COVID 19

Councillor C. Kelly proposed that Cavan County Council write to the Minister for Local Government asking that funding be made available to local authorities in order to cover the costs arising from COVID 19. Councillor C. Kelly noted that the figure spent by Cavan County Council to date amounted to approximately €300,000 which could increase to approximately €450,000 by the end of the year. Councillor Kelly stated that local authorities should not be asked to fund this from their own resources. Councillor C. Kelly stated that other State Agencies had received funding for COVID measures and so too should local authorities.

Councillor J.P. Feeley seconded the proposal stating that Central Government should treat local authorities on a equal basis to other agencies receiving COVID funding. Councillor J.P. Feeley noted that funding from Central Government has remained static since 2014.

Councillor T.P. O'Reilly stated that if the €300,000 is recoupable it would go a long way in bringing Cavan County Council's finances back into the black.

Councillors P. McDonald and P. McVitty supported the motion. Councillor P. McVitty thanked Minister Heather Humphreys T.D. for funding made available to help local businesses during COVID 19.

Kingscourt Library

Councillor C. Kelly noted that an announcement was made last week in relation to funding for small libraries and asked if Kingscourt library was included in this funding. Councillor C. Kelly stated that with a new secondary school in the town, the present situation is that many students are availing of library services in nearby Carrickmacross and Nobber. Councillor C. Kelly stated that Kingscourt is in a prime position to benefit but had somehow slipped in the pecking order in favour of other projects.

Mr. Eoin Doyle, Director of Services stated Cavan County Council is searching for a suitably located building in Kingscourt, one that could be used to develop a new library and provide additional parking for the town. Mr. Doyle agreed that investment was needed in library services in Kingscourt and stated that a full replacement of the library was needed rather than an upgrade. Mr. Doyle stated that the Council is currently looking to meet with the Library Council on that and other matters in the near future.

The meeting concluded at 5.10p.m.