**Minutes of Meeting of Cavan County Council held on 9 May 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

O. Smith, Senior Staff Officer

Councillor P. Smith welcomed Mr. Adrian Hogan to the meeting.

**1. To confirm Minutes of Monthly Meeting of Cavan County Council held on 11 April 2016. Miontuairisci cruinnithe 11 Aibrean a dhearbhu.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor P. McVitty

And

Resolved:

“that minutes of monthly meeting of Cavan County Council held on 11 April 2016 be hereby approved”.

**2. To note Minutes of Corporate Policy Group meeting held on 7 April 2016.**

Noted.

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

Noted.

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

Noted.

**5. To note minutes of Strategic Policy Committee Meeting on Housing, Community, Social & Cultural Development held on 12 January 2016.**

Noted

**6. To note and adopt Annual Report by Cavan Local Community Development Committee in relation to the performance of its functions in 2015.**

Noted.

**7. To approve transfer from Provision for Doubtful Debts to Reserves Annual Financial Statement 2015.**

It was:

Proposed by Councillor W. Bennett

Seconded by Councillor J.P. Feeley

And

Resolved:

“that the transfer from Provision for Doubtful Debts to Reserves Annual Financial Statement 2015 be hereby approved”.

Mr. Des Maguire, Head of Finance informed the meeting that the figure of €804,408.69 was transferred from the provision of doubtful debts to reserves annual financial statement 2015.

**8. To approve the disability sector nomination to Cavan Local Community Development Committee – John Hancox & Cootehill Chamber of Commerce nomination – Gerry McDonagh.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor M. Argue

And

Resolved:

“that the disability sector nomination to Cavan Local Community Development Committee of John Hancox & Cootehill Chamber of Commerce nomination Gerry McDonagh be hereby approved ”.

**9. To approve the appointment of Councillor Sarah O’Reilly to the following Committees due to the election of Deputy Niamh Smyth to Dail Eireann –**

* **Economic Development Strategic Policy Committee**
* **Cavan County Council Heritage Forum**
* **Joint Policing Committee**
* **Cavan & Monaghan Education Board**

Proposed by Councillor J.P. Feeley

Seconded by Councillor C. Kelly

And

Resolved:

“that the appointment of Councillor Sarah O’Reilly to the Economic Development Strategic Policy Committee, Cavan County Council Heritage Forum, Joint Policing Committee and Cavan & Monaghan Education Board be hereby approved”

**10(a). To approve the disposal of site with existing Enterprise Centre at Portaliff or Townspark, Killeshandra, Co. Cavan to Cavan County Enterprise Fund for the sum of €100, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Local Government (Planning & Development) Act 2000 and notices circulated.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor P. McVitty

And

Resolved:

“that the disposal of site with existing Enterprise Centre at Portaliff or Townspark, Killeshandra, Co. Cavan to Cavan County Enterprise Fund for the sum of €100, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Local Government (Planning & Development) Act 2000 be hereby approved”.

**10(b). To approve the disposal of land at Portaliff or Townspark, Killeshandra, Co. Cavan to Cavan County Enterprise Fund at the offices of Cavan Innovation and Technology Centre, Dublin Road, Cavan for the sum of €2,000, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Local Government (Planning & Development) Act 2000, and notices circulated.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor P. McVitty

And

Resolved:

“that the disposal of land at Portaliff or Townspark, Killeshandra, Co. Cavan to Cavan County Enterprise Fund at the offices of Cavan Innovation and Technology Centre, Dublin Road, Cavan for the sum of €2,000, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Local Government (Planning & Development) Act 2000 be hereby approved”.

**10(c). To approve the right of way at Kevit, Crossdoney, Co. Cavan to Mr. Damien McCormack, 32 Meadow Park, Pullamore, Co. Cavan pursuant to Section 183 of Local Government Act 2001 and Section 211 of the Local Government (Planning & Development) Act 2000 and notices circulated.**

It was:

Proposed by Councillor W. Bennett

Seconded by Councillor M. Argue

And

Resolved:

“that the right of way at Kevit, Crossdoney, Co. Cavan to Mr. Damien McCormack, 32 Meadow Park, Pullamore, Co. Cavan pursuant to Section 183 of Local Government Act 2001 and Section 211 of the Local Government (Planning & Development) Act 2000 be hereby approved”.

**11(a) To approve attendance of members at AILG Training Day to be held in Letterkenny on 14 May 2016.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor W. Bennett

And

Resolved:

“that the attendance of Councillors P. O’Reilly, P. McVitty, V. Smith, C. Brady, W. Bennett, M. Argue, P. Smith, J.P. Feeley, C. Kelly and S.P. O’Reilly at AILG Training Day to be held in Letterkenny on 14 May, 2016 be hereby approved”.

**11(b) To approve attendance of members at Celtic Conferences “Registration and Inspection of Septic Tanks” to be held in Clonakilty, Co. Cork from 13-15 May, 2016.**

It was:

Proposed by Councillor J.P. Feeley

Seconded by Councillor W. Bennett

And

Resolved:

“that the attendance of Councillor Philip Brady at Celtic Conferences “Registration and Inspection of Septic Tanks” to be held in Clonakilty Co. Cork from 13-15 May 2016 be hereby approved”.

**11(c) To approve attendance of members at Association of Irish Regions (AIR) “Regional & Local Economic Development – New Roles for Regional Government” Conference to be held in Tower Hotel, Waterford on 20 May, 2016.**

No nominations.

**Votes of Congratulations:**

* + Enda Kenny, T.D. on his re-election as Taoiseach
  + Heather Humphreys, T.D. on her reappointment to the post of Minster for Arts, Heritage and Gaeltacht and her remit will include the Rural Affairs portfolio.
  + Joe O’Reilly, Diarmuid Wilson & Robbie Gallagher on their election to the Seanad.
  + All who helped organise the recent 1916 commemorations in County Cavan in particular, Eoin Doyle, Director of Service, Savina Donohoe, Tom Sullivan and Kevin Sexton.

**Votes of Sympathy:**

* + The Tansey family on the death of Brian Tansey, Cavan
  + Mr. Ger Finn, Director of Service on the death of his brother-in-law James Downey, Leitrim

Cllr. C. Kelly welcomed €3 million to be invested by Irish Water in the Water Supply Scheme in Kingscourt. The contract has just been signed and work is to commence in July, 2016. He thanked the executive of Cavan County Council for their work.

**Members’ Items – Deferred from April Meeting**

1. **Following on from the Council’s actions that have seen some social housing tenants rent increase by 100% in recent weeks, I call on the Director of Service to provide a detailed overview on how this has happened and will it be rolled out to other towns in the County.**

Councillor E. Greenan thanked Philip Coleman, Senior Engineer for his report and for meeting with him in relation to rent adjustments primarily in Cavan Town. He stated that charging of housing rents is an executive function and councillors have no input into it and noted that the tenants only received two weeks notice of the increase. Councillor Greenan asked that the net increase for rent in Cavan be put towards the upkeep of Cavan Town. He called on the Council, Executive and the Strategic Policy Committee to review the way the current rent scheme is calculated for old age pensioners.

Mr. Joe McLoughlin, Director of Service stated that any reduction in total housing income would have implications for Disabled Persons’ Grants & Housing Aid for Older Persons.

**2. This Council calls on the Government to provide for rent certainty.**

Councillor N. Connell stated that the rise in homelessness locally prompted him to raise this motion seeking for rent certainties to be introduced in order to avoid people being forced from their homes. Councillor Connell stated that in the past year, rents in Virginia and Bailieborough had risen by approximately €39 and €36 respectively, representing the sharpest increase in rents in the County. Councillor O’Connell stated that it is unacceptable to raise rents further in this climate of severe housing need and homelessness. Councillor O’Connell proposed that the Council write to the Minister for Housing calling for support from the new government to provide rent certainty.

**3. To request that support measures be put in place for the farming sector.**

Councillor Sean Smith asked that the government put support measures in place in relation to the price of milk for dairy farmers. He stated that the E.U. must set a price that meets the cost of production for farmers. He also called for the super levy fees which are now due to be deferred until milk prices increase. Councillor S. Smith proposed that the Council write to the Minister for Agriculture asking that support measures be put in place for the farming sector.

Councillors W. Bennett, D. Brady, P. Reilly, F. Curtain and P. Smith supported the motion.

**4. To ask the Department of Agriculture to put regulations in place regarding the deer herd.**

Councillor S. Smith proposed that the Council write to the Department of Agriculture to put regulations in place regarding the deer herd. He stated that the growing deer population is damaging crops, farm infrastructure and posing a hazard to motorists. He stated that there is also an argument by some that mingling of deer with livestock is helping the spread of T.B.

Councillor S.P. O’Reilly was of the opinion that the deer herd in Ireland is not an endangered species like the pine martin.

Councillors W. Bennett, J.P. Feely, P. McVitty and P. Brady supported the motion.

**Members Items - May**

**5. Proper planning regulation of forestry.**

Councillor J.P. Feely stated that the planning regulation of forestry and financial supports needs to be reviewed. He stated that there is little or no regard for the impact of forestry on visually sensitive areas especially those important to the tourism sector. He stated that the Department have an obligation to follow up with companies who leave forests unsightly after trees are felled. He stated that currently the system seems to give preference to forestry to the detriment of active farmers and with a generally negative impact on local communities. He proposed that a letter be sent to the Department of Agriculture requesting the need for proper planning regulation of forestry. Councillor S. Smith proposed that a letter be sent to Coillte asking that a member attend a meeting of Cavan County Council.

Councillors P McVitty, P. McDonald and P Reilly supported the motion.

**6. Use of National Reserve reductions on Basic Payments Entitlements Scheme as operated by the Department of Agriculture, Food & the Marine.**

Councillor J.P. Feely noted that the Basic Payments Scheme (BPS) operated by the Department of Agriculture, Food and Marine provided that where a farmer disposed of entitlements under the BPS Scheme 50% of the entitlements sold reverted to the national reserve. He stated that these entitlements had been built up over the years through the hard work of the farmer and use on 50% levy to the national reserve is a very severe imposition on farmers. Many of these disposals rules in situations where the farmer died and his Personal Representatives were in the process of dealing with his/her Estate. Councillor J.P. Feeley called for a reduced penalty on disposals of entitlements. Councillor Feeley also raised the very serious situation of the lack of certainty as to whether Entitlements attach to land or form part of the residuary of the Estate of a deceased farmer. Councillor Feeley stated that with only days left to the deadline for lodging applications under BPS scheme for 2015 the Department could not give clear guidance in respect of this matter. Councillor J.P. Feeley proposed that the Council write to the Minister seeking clarification in respect of these matters.

**7. Ambulance Service.**

Councillor J.P. Feely highlighted alleged failings and circumstances where ambulances were delayed when a closer vehicle was perhaps available. He noted that the Health Information and Quality Authority (HIQA) recommend an ‘eight-minute’ goal for serious calls and this was regularly missed with rural counties faring worse. 80% of Echo (life threatening) calls for emergency assistance are supposed to be dealt with by a first responder within eight minutes. In 2014, just 26% of Echo calls were met within this time, while in rural areas this was 6.6%. Councillor J.P. Feeley stated that he was not criticising the people who do their job as they are doing their best in a very difficult situation.

Councillor S. P. O’Reilly cited a recent HSE report which suggested the service needs 750 additional staff and 250 vehicles to improve performance in responding within specified times. Cllr. P. O’Reilly asked that the Virginia Ambulance Service by put back on call 24/7.

Councillor J.P. Feely proposed that the Council write to the Minister for Health in relation to the ambulance service and he also asked that the above be raised by The elected members of the North-Eastern Health Forum.

**8. That Cavan County Council call on the incoming Public Accounts Committee to request Eirgrid to explain the complete waste of tax payers’ money on the public hearings that they have held to date on the North South Interconnector.**

Councillors C. Kelly and P. McDonald called on the oral hearings for Eirgrid North South Interconnector to be stopped and that the local authority use its influence to pressure the Public Accounts Committee to request Eirgrid to explain the complete waste of tax payers money on the public hearings that they have held to date. Councillor Kelly stated that this is the second time in five years that this pretence has taken place and since the initial application Eirgrid have made 43 changes to rights of access over local land. Councillor Kelly proposed that the Council write to the incoming Public Accounts Committee to request Eirgrid to explain the complete waste of tax payers’ money on the public hearings that have been held to date on the North South Interconnector. This was seconded by Councillor P. McDonald. Councillor Kelly noted that letters had already been sent to An Taoiseach Enda Kenny and leader of Fianna Fail Micheál Martin to which no responses have been received. Councillor Kelly proposed that the Council write again to An Taoiseach and Deputy Micheál Martin.

**9. That Cavan County Council expresses their support to the Tesco workers.**

Councillor E Greenan voiced his support for the Tesco staff in Cavan affected by Tesco’s plans to reduce their terms and conditions. He stated that around 25 long service staff have now accepted terms of redundancy rather than accept pay cuts of between 15-35%. The dispute centres on proposals by Tesco to move staff employed before 1996 to a different contract introduced for personnel taken on after that date. He stated that the offer to accept redundancy was Tesco’s only offer and this is truly worrying when companies can change an employee’s terms of employment.

Councillor S.P. O’Reilly stated that Tesco’s move to change conditions for staff, some of whom had worked more than two decades was disgraceful.

Councillors C. Kelly, J.P. Feely and P. McDonald supported the motion.

**10. That Cavan County Council calls on the Minister for Finance to amend legislation to allow all vehicles registered prior to 2008 to have road tax calculated at the same level as vehicles registered post 2008.**

Councillor V Smith explained how the current system for calculating road tax for each vehicle discriminates against those who are not in a financial position to purchase a vehicle which is registered from 2008 onwards. He stated that all car owners deserve equal treatment and the same system for calculating road tax. He stated that financial discrimination against those who are driving vehicles seven years or older needs to be stopped. Councillor V. Smith proposed that the Council write to the Minister for Finance asking this Government to amend legislation to allow all vehicles registered prior to 2008 to have road tax calculated at the same level as vehicles registered post 2008.

Councillor E. Greenan stated the government’s imposition of the rule has drastically reduced the value of many people’s pre-2008 registered vehicles.

Councillors W. Bennett, S.P. O’Reilly, M. Agrue, S. Smith, P. Reilly, F. Curtin, C. Kelly and P. Smith supported the motion.

**11. That the possibility of controlling cage boxing be examined in the light of the recent fatality.**

Councillor P. McVitty called for tougher regulations on Mixed Martial Arts (MMA) following the death of Portuguese fighter Joa Carvalho in Dublin last month at a ‘Total Extreme’ cage fighting event. Councillor McVitty stated that apprehension over safety and lack of an overall governing body here in Ireland made the current state of affairs for the sport all the more worrying. Councillor McVitty proposed that the Council write to the Minister for Sports asking that tougher regulations be put in place on Mixed Martial Arts.

Councillors W. Bennett, S. Smith and P. Smith supported the motion.

**12. “The need for an overall overview of the free legal aid system”.**

Councillor P McVitty called for an urgent review of the current support system for Free Legal Aid. Councillor P McVitty stated that Ant-Austerity Alliance TD Paul Murphy is to receive free legal aid in his forthcoming criminal trial. He stated that it is outrageous that someone getting a salary in the order of €87,258 would qualify for this assistance. Councillor Mc Vitty agreed that free legal aid should be granted to those in need at least one but took exception to repeat offenders with numerous previous convictions accessing free legal aid. He asked that the Council write to the Minster for Justice asking for an overall overview of the free legal aid system. He also stated on a separate note that there were cases of drivers with no insurance published in the Anglo Celt in the last number of weeks, who were granted Free Legal Aid, and he asked the Council to ascertain cost to the taxpayer of those specific court proceedings.

Councillor P. O’Reilly was of the opinion that a reason for the delay in reform is that there are too many members of the legal profession currently sitting as TDs or serving in the role as Minister for Justice in the past.

Councillor J.P. Feeley stated that while there remained a need for free legal aid there is also a need for reform and the system needs to go back to its founding principles.

Meeting concluded at 4.30p.m.

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

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