**Minutes of Meeting of Cavan County Council held in The Council Chamber, Courthouse, Cavan on Monday 14th November, 2022 at 2.00p.m.**

Councillor J.P. Feeley, Cathaoirleach presiding

Present; Councillors M. Argue, W. Bennett, P. Brady, C. Brady, B. Fay,

A. Fitzpatrick, C. Kelly, C. Lovett, P. McDonald, P. McVitty, S. O’Reilly,

S.P. O’Reilly, T.P. O’Reilly, T. Smith, V. Smith, P. Walsh.

In Attendance; T. Ryan, Chief Executive

B. Jennings, Director of Service

P. Connaughton, Director of Service

E. Doyle, Director of Service

M. McNally, A/Head of Finance

L. McGavigan, Senior Executive Officer

E. McGinn, Senior Staff Officer

An apology was received from Councillor S. Smith.

Councillor J.P. Feeley welcomed all to the meeting.

1. **To confirm Minutes of Monthly Meeting held on 10th October 2022.**

**Miontuaririsci cruinnithe 10 Deireadh Fomhair a dhearbhu.**

It was

Proposed by Councillor P. McVitty

Seconded by Councillor C. Kelly

And

Resolved;

“that minutes of meeting of Cavan County Council held on 10 October 2022 be hereby approved”

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

Noted**.**

1. **To note Minutes of Corporate Policy Group meeting held on 8 September 2022**

Noted.

**Note Members’ Reports from Conferences/Training Events.**

1. **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**

1. **(a) To note reply from HSE regarding central location of Cavan Covid Vaccination Centre for the Elderly.**

Noted.

**(b) To note correspondence from Chief Executive, Fermanagh & Omagh District Council regarding motion on Justice for Noah Donohoe**

Noted. Councillor S. O’Reilly proposed that Cavan County Council support the justice for Noah Campaign and that the Council demand a rigorous, open and transparent police investigation into his death and called on the Northern Ireland Secretary of State to withdraw the Public Interest Immunity Certificate in this case. Councillor S.P. O’Reilly seconded Councillor S. O’Reilly’s proposal.

**(c) To note reply from Office of the Minister of State Ossian Smyth, T.D., regarding reverse vending machines.**

Noted.

**(d) To note reply from Darragh O’Brien, T.D., Minister for Housing, Local Government and Heritage regarding An Bord Pleanala.**

Noted. Councillor S. O’Reilly welcomed that the Court may accept applications for leave to seek judicial review beyond the eight week time frame where the court believes that there are good and proper reasons for doing so or where it can be proved that there are circumstances beyond the control of the applicant that prevented them from making this application within the timeframe, however it is unclear who the cost of this burden would be taken by, the costs should be undertaken by the State and Councillor O’Reilly proposed that Cavan County Council write to Minister Darragh O’Brien T.D. asking for clarification on this matter. Councillor C. Kelly seconded Councillor S. O’Reilly’s proposal.

**(e) To note reply from Office of Minister Roderic O’Gorman, T.D., regarding the Work Life Balance and Miscellaneous Provisions Bill 2022.**

Noted.

**(f) To note reply from Chief Executive Officer, Allied Irish Bank regarding withdrawal of cash services from businesses and organisations and its effects on our rural and older population.**

Noted.

Councillor S. O’Reilly noted that she had received a phone call from a member of Cavan County Board telling her that the County Board are not answerable to the Council only to GAA clubs in the County. Councillor O’Reilly expressed her disappointment with the County Board’s reaction as she was speaking on behalf of people who cannot access games with cash.

Councillor P. McDonald supported Councillor S. O’Reilly and stated that Bailieborough Shamrocks Club intended to raise the matter as a motion at a future County Board meeting with regards to securing a cash operating facility on match days.

Councillor J.P. Feeley noted that Council members were entitled to raise matters for discussion as they wish so long as it was not libellous.

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

**Training**

**AILG Module 6 training to be held in the Newgrange Hotel, Navan on 26th November, 2022.**

It was

Proposed by Councillor P. McVitty

Seconded by Councillor C. Brady

And

Resolved;

“that the attendance of Councillors B. Fay, S.P. O’Reilly, S. O’Reilly, W. Bennett, T. Smith, V. Smith, T.P. O’Reilly, M. Argue, C. Kelly, P. Walsh, A. Fitzpatrick and J.P. Feeley at AILG Module 6 training event to be held in the Newgrange Hotel, Navan on 26th November, 2022 be hereby approved”

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

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

Noted.

1. **To approve disposal of plot of land containing 0.0131 hectares at Tonagh, Mountnugent, Co. Cavan to the Management Board of the Cavan Centre for the nominal fee of €100.00 per year for 20 years, 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 T. Smith

Seconded by Councillor C. Lovett

And

Resolved;

“that the disposal of plot of land containing 0.0131 hectares at Tonagh, Mountnugent, Co. Cavan to the Management Board of the Cavan Centre for the nominal fee of €100.00 per year for 20 years, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Local Government (Planning & Development) Act 2000 be hereby approved.”

1. **To note Audit Committee Report pursuant to Section 121 of the Local Government Act, as amended by Section 60 of the Local Government Act 2014.**

Noted.

**Votes of Sympathy:**

* The Phelan Family on the death of Vicky Phelan, Irish Healthcare Campaigner best known for her campaigning in the Cervical Check cancer scandal.
* The Reilly Family, Drumalee on the death of Angela Reilly former staff member Cavan County Council.
* Councillor V. Smith and the Smith Family on the death of their brother Tony Smith.
* Councillor W. Bennett on the death of his mother Mrs. Martha Jean Bennett.
* The Tiernan Family, Killeshandra on the death of Pat Tiernan, former community worker in Killeshandra.
* The Clarke Family on the death of Lucy Clarke, retired librarian Bailieborough Library.
* The Cole Family, Maghera on the death of Eamon Cole.
* The Donohoe Family, Mullagh on the death of Dermot Donohoe, USA.
* Jackie Maloney, Solicitor on the death of her brother Patrick Maloney in Monaco.
* The Mooney Family on the tragic death of Vincent Mooney at the Coolrite site in Bailieborough. Councillor S. O’Reilly commended the emergency services for the good work they do and thanked them for doing so.

A minutes silence was held in memory of the deceased.

Councillors W. Bennett and V. Smith thanked their fellow colleagues and staff of Cavan County Council for attending the funerals of Mrs. Martha Jean Bennett and Mr. Tony Smith.

**Votes of Congratulations:**

* Minister Heather Humphreys and the Staff of Cavan County Council for securing almost €7million in rural development funding for the Percy French Hotel in Ballyjamesduff.
* Ballyjamesduff Musical Society on the production of their Platinum Frolics.
* The organisers of Cavan and Monaghan Science Fest for a job well done.

**Electric Car Charging Points in Kingscourt**

Councillor C. Kelly asked the executive for an update on electric car charging points in Kingscourt. Councillor Kelly noted that electric vehicles motorists drive into Kingscourt town thinking there is an electric charger available to them but then have to get the local garage to open in order to access the charging point.

Mr. Paddy Connaughton, Director of Services stated that the Council is waiting on utility provider ESB to provide a roadmap of where and when charging infrastructure will be put in place to deal with the increased demand for electric cars. Mr. Connaughton stated that there is a gap in Kingscourt and other towns in the County also.

**Flooding at Meadow View Housing Estate, Kingscourt.**

Councillor C. Kelly asked the Director of Service to look at the flooding issue at Meadow View Housing Estate in Kingscourt and see if something could be done to alleviate the problem.

Councillor P. Connaughton stated that work has been carried out at this estate over the years and flooding is a problem throughout the County with the heavy rainfall over the last few weeks. He stated that the Council are looking for additional funding under climate change.

Councillor P. McVitty asked the executive if it is possible to clear gullies along the roads and towns where grass has grown in them and this might help to prevent flooding.

Mr. Paddy Connaughton, Director of Services noted the comments and stated that the Council will look into same.

**MEMBERS’ ITEMS DEFERRED FROM OCTOBER MEETING**

**10.2 Proposed reduction of carbon emissions and its effects on Cavan agricultural and domestic buildings.**

Councillor S.P. O’Reilly stated that he accepted climate change is genuine and we all need to do our best but noted that he is worried at how the green agenda is being employed to the detriment of people living and working in places such as Cavan. Councillor O’Reilly noted that Irish agriculture accounts for 0.009% of global carbon emissions yet the demand is for farmers to reduce the national herd by 25%. Councillor O’Reilly noted that without agriculture this Country would have nothing. Councillor O’Reilly stated that our farm representative organisations need to do something to defend the interests of the farming sector. Councillor O’Reilly stated that the Minister for the Environment, Minister Eamon Ryan T.D. is failing to see the cost of living crisis facing families across Ireland. He stated that there are data centres in Ireland requiring large amounts of water to remain cool and energy enough to power 40,000 homes to stay operable. He stated that impractical changes were not the way forward and would not help the thousands of families already living under extreme cost pressures. He stated that it is so wrong to have two power stations decommissioned and yet continue to plan to open more data centres. Councillor S.P. O’Reilly proposed that Cavan County Council write to the Minister for the Environment asking him on behalf of the people of Cavan as to why two power stations are decommissioned and more data stations are opening. He proposed that we ask the Minister what the alternatives are and how can we help those in domestic and agricultural difficulty.

Councillor W. Bennett supported the motion. Councillor Bennett stated that Irish agriculture was among the lowest carbon emitters because the national herd was primarily reared on grass. Councillor W. Bennett seconded Councillor S.P. O’Reilly’s proposal.

Councillor S. O’Reilly supported the motion and noted that the agricultural sector was not gaining the benefit of carbon offsets, and until such time as this happens it will prove difficult to implement methods driving decarbonisation.

Councillors B. Fay and P. McDonald supported the motion.

**10.3 Driving tests and licence applications delays and returning emigrants.**

Councillor S.P. O’Reilly noted that returning emigrants are taking between six and eight months to get a drivers licence. He stated that currently drivers holding a full foreign licence, not exchangeable for an Irish permit, must complete the full process to do a driving test. Councillor S.P. O’Reilly stated that while the National Driver Learning Service do great work, the delay for returning emigrants to get a new licence is disgraceful. He stated that this is an ongoing problem and resources need to be put in place to help deal with the backlog in the system. Councillor S.P. O’Reilly proposed that Cavan County Council write to the NDLS asking that they carry out a full review of the procedure on obtaining licences for returning emigrants.

Councillor T.P. O’Reilly supported the motion.

**10.4 The need for a review of a provision of car parking spaces in many local authority housing estates.**

Councillor S.P. O’Reilly called for a review of a provision of car parking spaces in many local authority housing estates on the basis that many households now have more than one car and this is leading to bottle necks in some estates. Councillor O’Reilly noted that cars are being parked on footpaths and this is causing an issue for wheelchairs and buggies. Councillor O’Reilly stated that in some cases emergency services cannot enter an estate due to cars parked on both sides of the road. He stated that the situation needs to be looked at and is aware that it will cost the Council money.

Councillor C. Kelly supported the motion and noted that there are the same problems in housing estates in Kingscourt.

Councillor A Fitzpatrick supported the motion and stated that Cootehill housing estates also have parking problems.

Councillor C. Lovett suggested that a survey be carried out on all housing estates by the Council.

Councillors P. McDonald, T.P. O’Reilly, P. Walsh, T. Smith and S. O’Reilly supported the motion.

Mr. Paddy Connaughton, Director of Services stated that it is the policy of the Council to promote a reduction in car dependency. Mr. Connaughton stated that it might be possible to examine some local authority estates as a pilot scheme.

Mr. Brendan Jennings, Director of Services stated that under the measures of the development plan each house is allocated two spaces and not one per person living in the property.

Mr. Eoin Doyle, Director of Service stated that the ability to carry out a survey would need to be seen in the context of difficult budgetary constraints and stated that the Smarter Travel programme was there to encourage more sustainable modes of transport.

**MEMBERS’ ITEMS – NOVEMBER**

**10.6 That Cavan County Council provide an update on the North South Interconnector**

Councillor C. Kelly asked the executive of Cavan County Council if there had been any

recent updates on the North South Interconnector.

Mr. Brendan Jennings, Director of Service informed the members that there had been no

meetings with Eirgrid or ESB Networks since the last Council Meeting.

**10.7 To ask Cavan County Council to erect road signs for “Passing Cyclists at 1.5m” throughout the region so as to provide safer routes for cyclists in County Cavan.**

Councillor A. Fitzpatrick proposed that Cavan County Council erect road signs for “Passing Cyclists at 1.5m” throughout the region so as to provide safer routes for cyclists in County Cavan. Councillor Fitzpatrick noted that he was in Clogherhead of late and counted ten signs in relation to passing cyclists. Councillor Fitzpatrick noted that there are a number of cycling clubs in County Cavan and signs could be erected where these groups meet.

Councillor J.P. Feeley supported the motion.

Councillor C. Lovett supported the motion and asked if a road sweeper could be put in place to clear the cycle lanes of stones and pebbles which are tossed on them by cars.

Mr. Paddy Connaughton, Director of Services stated that it is a timely motion as funding will be made available to erect signs. He stated that the Council will be looking for submissions from cycling clubs regarding location of signs. Mr. Connaughton stated that signs will only be erected where it is safe to pass. He informed Councillor Lovett that the issue in relation to cycle lane cleaning should be discussed at a Municipal District meeting.

**10.8 To ask Cavan County Council what the current Regulations are regarding the use of e-scooters and e-bicycles on Irish roads.**

Councillor P. McVitty asked the executive of Cavan County Council what the current regulations are in relation to the use of e-scooters and e-bicycles on Irish Roads. Councillor McVitty stated that he witnessed an accident involving an e-scooter user who subsequently suffered serious injuries and noted that their use on footpaths in towns and villages is a further accident waiting to happen. Councillor McVitty stated that members of the public need to be encouraged through local media to wear hi-vis clothing especially in these darkened winter months.

Councillor T.P. O’Reilly supported the motion and stated that e-scooter and e-bike riders not wearing safety gear was very dangerous.

Councillor B. Fay supported the motion stating that legislation needs to be put in place with regards to e-scooters.

Councillor M. Argue supported the motion and questioned who was responsible if an accident occurred while a person was riding a device on a footpath.

Councillor S. O’Reilly stated that it was important not to belittle people who cannot afford to run a car and use e-scooters and e-bikes as transport to work. Councillor O’Reilly stated that whatever scheme is put in place it must not impede on those who use these methods as affordable transport.

Councillor A. Fitzpatrick agreed with Councillor O’Reilly stating that e-scooters and e-bikes were the way to go in the future.

Councillor P. McDonald stated that e-scooters and e-bikes should have a siren or artificial noise added so pedestrians can hear them coming.

Councillor P. McVitty reiterated that he was not against e-scooters or e-bikes, he just wants them used in a safe way so as not to put other people’s lives in danger.

Councillor P. Connaughton noted the points made by the elected members and stated that e-scooters and e-bikes are very much part of the overall jigsaw and the approach to climate sustainability and reduction on car dependency. He stated that the Council see them as an essential element to the Active Travel programme. Mr. Connaughton stated that the Council has already contacted a number of providers who have, in turn, expressed an interest in supporting a roll out of an e-scooter and e-bike scheme in the County. Mr. Connaughton stated that the legislation is currently with the Seanad for approval and noted that the noise issue will be dealt with in legislation.

**10.9 To ask Cavan County Council to write to Eamon Ryan, T.D., Minister for Environment, Climate, Communications and Transport to ask that he meet a delegation of Councillors from Cavan to discuss the need for more funding for our rural roads throughout the County.**

Councillor A. Fitzpatrick noted that in respect of the Bailieborough Cootehill Municipal District that the roads were ripped to shreds and that drainage is not able to take the flow of water. He stated that the downpours experienced of late was indicative of climate change and he proposed that Cavan County Council write to Eamon Ryan T.D., Minister for Environment, Climate, Communications and Transport asking that he meet with a delegation from Cavan County Council to discuss the need for more funding for our rural roads throughout the County. Councillor Fitzpatrick noted that funding is needed to pay for damage caused at local level for drastic weather events.

Councillor C. Kelly stated that it is very important to get a meeting with Minister Ryan to discuss funding for rural roads or otherwise the condition of the roads will slip back to that of the 1980s when Cavan had a reputation for potholes. Councillor C. Kelly seconded Councillor A. Fitzpatrick’s proposal.

Councillor C. Brady supported the motion and stated that lorries travelling to several of the large manufacturing firms based in the Municipal District required reinforcement due to the weight being carried and the excess pressure caused by the conditions of the roads.

Councillor S. O’Reilly noted that last April the increased cost of materials caused Councillors in the Bailieborough Cootehill Municipal District to drop the L7543 from their road works programme for 2022 which she knew was the wrong thing to do because now this road has to be surveyed again to be considered in the 2023 road works programme and it is now in very poor condition.

Councillors B. Fay, T.P. O’Reilly and J.P. Feeley supported the motion.

Mr. Paddy Connaughton, Director of Services stated that the Council would welcome additional funding for roads. Mr. Connaughton stated that all funding for roads is allocated in a fair and transparent manner. Mr. Connaughton stated that he could not comment on Councillor O’Reilly’s question in relation to the L7543 without seeing the correspondence in relation to same. He stated that any cutbacks occurred as a result of a shortage of funds in light of rising costs.

Councillor S.P. O’Reilly asked the executive that any Council delegation to the Minister be representative.

Councillor J.P. Feeley stated that it will be a representative of the whole Council.

**10.10 I am asking that this Council calls on the Minister for Housing to review and update the Housing Adaptation, Mobility and Older Persons’ Grants. In light of rising construction costs, the grant amounts need to be increased and the income thresholds also require updating. The range of works permissible should also be reviewed, particularly for the Older Persons’ Grants, taking account of the need to promote renewable energy and new technologies.**

Councillor B. Fay proposed that Cavan County Council write to the Minister for Housing to review and update the Housing Adaptation, Mobility and Older Persons’ Grants. Councillor Fay stated that in light of the rising construction costs, the grant amounts need to be increased and the income thresholds also require updating. Councillor Fay stated that the range of works permissible should also be reviewed, particularly for the Older Persons’ grants, taking account of the need to promote renewable energy and new technologies. Councillor Fay noted that currently the maximum grant is €6,000 which may cover 100% of the cost of the works such as installing an accessible shower. Councillor Fay stated that the scheme should be made cost effective for everyone so that they can live in their own homes.

Councillor S.P. O’Reilly seconded Councillor B. Fay’s proposal and stated that an increase in funding is needed and a closing date should be put in place each year for submission of application forms in order to give the Council an opportunity to deal with the current backlog. Councillor S.P. O’Reilly suggested that the matter be referred to the Strategic Policy Committee for further discussion.

Councillor T.P. O’Reilly supported the motion and stated that it is important to keep people in their homes as long as possible.

Councillor J.P. Feeley supported the motion and noted that if funding is increased, the Council must still provide 20% matching funding. He stated that a cap on local authority contribution also needs to be put in place.

Mr. Eoin Doyle, Director of Service stated that a national review of housing grants is ongoing as well as income thresholds. Mr. Doyle stated that a fundamental fix would be a change to a requirement for co-funding applications with the Council’s own money. Mr. Doyle informed the meeting that, post pandemic, a total of 238 projects had been fully approved, and that the Council will spend its allocation of monies.

**10.11 To call on Cavan County Council to write to Eamon Ryan, T.D., Minister for Environment, Climate, Communications and Transport and also to the Competition and Consumer Protection Commission to ask that charges for telephone directory enquiries are regulated and more transparent especially as the older generation use them more frequently.**

Councillor B. Fay proposed that Cavan County Council write to Mr. Eamon Ryan, T.D., Minister for Environment, Climate, Communications and Transport and also the Competition and Consumer Protection Commission asking that charges for telephone directory enquiries are regulated and more transparent especially as the older generation use them more frequently. Councillor Fay stated that that some of these numbers are costing up to 4 cent per second.

Councillor S.P. O’Reilly seconded Councillor B. Fay’s proposal.

**10.14 That Cavan County Council write to the Competition and Consumer Protection Commission (CCPC) asking them to open an investigation into all major Oil Companies excessive pricing as an abuse of a dominant position in the Irish market under Section 5 of the Competition Act 2002.**

Councillor S. O’Reilly proposed that Cavan County Council write to the Competition and Consumer Protection Commission (CCPC) asking them to open an investigation into all major Oil Companies excessive pricing as an abuse of a dominant position in the Irish market under Section 5 of the Competition Act 2002. Councillor O’Reilly stated that Oil Companies and Petrol Station owners engaging in price fixing needs to be taken more seriously by the State’s competition watchdog, the Competition Protection Commission. Councillor O’Reilly stated that in March the CCPC was forced to send a stern warning on price fixing to the Irish Petrol Retailers Association and noted that reports of petrol and diesel retailers engaging in anti-competitive behaviour as fuel prices were rising almost every day. Councillor O’Reilly stated that in one County there were reports where four times in the space of a few hours the price of diesel changed between two competing stations across the road from each other. Councillor O’Reilly stated that Section 5 of the Competition Act 2002 stated that if a dominant company is suspected of charging excessively high prices, the Irish Competition Authority, The Competition and Consumer Protection may open an investigation into excessive pricing as an abuse of a dominant position under Section 5 of the Competition Act 2002. She stated that competition authorities in a number of EU member states have reportedly opened investigations into excessive pricing practices in the wake of the Covid-19 outbreak, such as in Italy relating to the marketing of hand sanitizers and disposable masks and in Poland regarding the supply of personal protective equipment to hospitals.

Councillor P. McVitty seconded Councillor S. O’Reilly’s proposal.

Councillor P. McDonald supported the motion.

Councillor J.P. Feeley reminded members that a Civic reception is being held at 5.30pm for Cavan County Camogie Players and a Civic reception will be held to mark the Centenary Celebrations of An Garda Siochána on Monday 21st November.

**To fix date and time of December Meeting.**

It was

Proposed by Councillor C. Kelly

Seconded by Councillor P. McVitty

And

Resolved;

that the December meeting be held on Monday 12th December 2022 at 2.00p.m.

Councillor C. Brady asked the Council to light the Courthouse orange on Friday 25th November to mark international Day for the elimination of violence against women.

Item Nos 1,12,13 and 15 were deferred. Item No 5 was withdrawn.

The meeting concluded at 16.10p.m.