

**MINUTES OF PROCEEDINGS OF MONTHLY MEETING  
OF NORTH TIPPERARY COUNTY COUNCIL HELD IN  
THE COUNCIL CHAMBER, CIVIC OFFICES, LIMERICK  
ROAD, NENAGH ON MONDAY 15TH MAY 2006 AT 2.00  
P.M.**

**Present** Cllr. John Carroll, Mayor - Presided

Cllrs Tom Berkery; Jim Casey; Ger Darcy; Joe Hennessy; John Hogan; John Egan; Willie Kennedy; Denis Ryan; Mattie Ryan; Sean Creamer; Pauline Coonan; Seamus Hanafin; John Sheehy; Michael O'Meara; Micheál Lowry; Michael Smith; Jim Ryan; John Kennedy; Dr. Phyll Bugler

**Apologies** Cllr. Tom Harrington.

**Also Present** Terry Ó'Niadh, County Manager; Karl Cashen, Director of Services; Paddy Heffernan, Director of Services; Tom Barry, Director of Services; Liam McCarthy, Head of Finance; Ger Lynch, Head of I.S.; Rosemary Joyce, Senior Executive Officer; Pat Slattery, Senior Planner; Gerry McGarry, Financial/Management Accountant; Brian Clancy, Administrative Officer; Marion Carey, A/Graduate Planner; Adrian Ormsby, T/Assistant Planner; Mary Quigley, Assistant Staff Officer.

**Votes of Sympathy:** Votes of Sympathy were passed to the following:

- John Kelly, Shean, Moanfin, Nenagh on the death of Margaret (Peg) Kelly,
- Councillor Tom Harrington on the death of Margaret(Peg) Harrington,
- The Nolan Family, Portroe on the death of Jim Nolan.
- Michael Hough on the death of Sarah Hough

Mr. T. Ó'Niadh wished to be associated with the Votes of Sympathy.

**Votes of Congratulations:** Votes of Congratulations were passed to the following:

- Presentation Secondary School Debating Team, Thurles on their achievement in the All Ireland Final.
- Durlas Óg, Thurles U 14 Hurling Team on winning the County Féile.
- St. Annes Special School Roscrea on receiving their 3<sup>rd</sup> Green Flag.

Mr. T. Ó'Niadh wished to be associated with the Votes of Congratulations.

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**Item 1.1** It was proposed by Cllr. J. Hogan, seconded by Cllr. M. Smith and unanimously  
**Adoption of** agreed that the minutes of the April 2006 Monthly Meeting be adopted.  
**Minutes of**  
**Previous Meeting**

**Item 1.2** Members noted the Action Plan Progress Report, copy of which had been sent to  
**Action Plan** them via email.  
**Progress Report**

**Item 2.1**  
**Finance Quarterly**  
**Report**

Members noted the contents of the Finance Quarterly Report, copy of which was circulated via email. Members raised concerns in relation to changes in policy in charging for water where a leak had occurred. Mr. T. Ó' Niadh advised that charging was in line with the Government's Water Pricing Policy and that hardship cases could be examined on their individual merits.

A discussion took place on the response from the Minister for Education and Science to previous concerns voiced by members in relation to the provision of adequate funding for schools to cover charges levied by local authorities. It was agreed to write to the Minister requesting that the anomalies that apply resulting from allocation of funding on a capitation basis be addressed as smaller schools may be subject to the same fixed costs as larger schools or have additional costs because of their location and method of sewerage disposal.

Other queries raised by members were responded to by staff present.

**Item 2.2**  
**Audited AFS**  
**Statement for**  
**2004**

Members noted the audited Annual Financial Statement for the year ended 31<sup>st</sup> December, 2004.

**Item 2.3**  
**Draft Annual**  
**Financial**  
**Statement for**  
**2005**

It was proposed by Cllr. Jim Ryan, seconded by Cllr. Denis Ryan and agreed to approve the Draft Annual Financial Statement for the year ended 31<sup>st</sup> December, 2005.

**Item 2.4**  
**Expenditure in**  
**Excess of the**  
**Amount Adopted**  
**in Estimates**

It was proposed by Cllr. S. Hanafin, seconded by Cllr. J. Hogan and resolved – That, pursuant to the provisions of section 104 of the Local Government Act, 2001, this Council hereby authorises expenditure in excess of the expenditure figure adopted in the Council's Estimate of Expenses 2005 under the following headings :

**PROGRAMME 2:**

**ROAD TRANSPORTATION & SAFETY**

**Sub-Programme 2.2**

**Road Improvements:**

Estimate €8,761,827

Actual €9,013,698

**PROGRAMME 3**

**WATER SUPPLY & SEWERAGE**

**Sub-Programme 3.2**

**Public Sewerage Schemes**

Estimate €1,691,747

Actual €1,725,532

**PROGRAMME 4**

**DEVELOPMENT INCENTIVES AND**  
**CONTROLS**

**Sub-Programme 4.1**

**Land Use Planning**

Estimate €235,000

Actual €324,166

**Sub-Programme 4.3**                      **Other Development and Promotion**  
 Estimate €141,493  
 Actual    €166,430

**Sub-Programme 4.5**                      **Community and Enterprise**  
 Estimate € 769,750  
 Actual    €1,066,707

**Sub-Programme 4.8**                      **Administration & Miscellaneous**  
 Estimate € 1,513,868  
 Actual    € 1,582,151

**PROGRAMME 5**

**ENVIRONMENTAL PROTECTION**

**Sub-Programme 5.4**                      **Fire Protection**  
 Estimate €2,911,043  
 Actual    €2,969,747

**PROGRAMME 6**

**RECREATION AND AMENITY**

**Sub-Programme 6.1**                      **Swimming Pools**  
 Estimate €61,600  
 Actual    €63,356

**Sub-Programme 6.3**                      **Parks, Recreation Centres and Open Spaces.**  
 Estimate €278,658  
 Actual    €301,225

**Sub-Programme 6.4**                      **Other Recreational & Amenities**  
 Estimate €499,161  
 Actual    €515,355

**PROGRAMME 7**

**AGRICULTURE, EDUCATION, HEALTH & WELFARE**

**Sub-Programme 7.2**                      **Education**  
 Estimate €3,778,064  
 Actual    €4,727,486

**Sub-Programme 7.8**                      **Administration & Miscellaneous**  
 Estimate €696,757  
 Actual    €788,366

**PROGRAMME 8**

**MISCELLANEOUS SERVICES**

**Sub-Programme 8.2**                      **Plant & Materials**  
 Estimate €        0  
 Actual    €140,524

|                           |  |
|---------------------------|--|
| <b>Sub-Programme 8.8</b>  | <b>Administration &amp; Miscellaneous</b>      |
|                           | Estimate €1,611,366                            |
|                           | Actual €2,659,150                              |
| <b>Sub-Programme 8.10</b> | <b>Entertainment &amp; Associated Expenses</b> |
|                           | Estimate €10,000                               |
|                           | Actual €10,767                                 |

**Item 2.5**  
**Proposed capital**  
**transfers**  
**/provisions**

It was proposed by Cllr. S. Hanafin, seconded Cllr. J. Ryan and resolved that this Council hereby authorises the making of provisions for future costs in the 2005 Annual Financial Statements, under the following headings:

**PROGRAMME 5**      **ENVIRONMENTAL PROTECTION & CONTROL**

|  |                       |
|--|-----------------------|
| <b>Sub-Programme 5.1</b>                           | <b>Waste Disposal</b> |
| Provision towards refurbishment of Woodville House | €53,000               |

**PROGRAMME 6**      **RECREATION & AMENITY**

|                               |                                       |
|-------------------------------|---------------------------------------|
| <b>Sub-Programme 6.4</b>      | <b>Other Recreation &amp; Amenity</b> |
| Provision towards Nenagh Gaol | €70,000                               |

**PROGRAMME 8**      **MISCELLANEOUS SERVICES**

|   |   |
|---|---|
| <b>Sub-Programme 8.8</b>                                      | <b>Administration &amp; Miscellaneous</b> |
| Provision for HR Pay & Superannuation System                  | €300,000                                  |
| Provision towards future costs of Area Offices/Machinery Yard | €582,000                                  |
| Provision for future Lump Sum Pension Costs                   | €200,000                                  |

**Item 2.6**  
**Schedule of**  
**Uncollected Rates**

Members noted the Schedule of Uncollected Rates which was circulated at the Meeting. It was noted that the names of those in arrears would be published at a later date.

**Item 3.1**  
**Planning &**  
**Development**  
**Register**

Members noted the Planning and Development Register for the month of April 2006.

**Item 3.2**  
**Planning &**  
**Development**  
**Quarterly Report**

Members noted the contents of the Planning & Development Quarterly Report, copy of which was circulated via email. Mr. T. Barry and Mr. P. Slattery replied to queries raised by the Members.

**Item 3.3**  
**Report on**  
**Submissions on**  
**Proposed Draft**  
**Roscrea Local**  
**Area Plan**

The County Manager's Report on Submissions on the Proposed Roscrea Local Area Plan was circulated at the meeting. Following discussion it was agreed that this be considered by the Members for the Roscrea Area at an area meeting to be held on Wednesday, 31<sup>st</sup> May at the Roscrea Training Centre.

**Item 4.1**  
**Community &**  
**Enterprise**  
**Quarterly Report**

Members noted the contents of the Community & Enterprise Quarterly Report, copy of which was circulated via email. Mr. T. Barry outlined details of the projects which were being submitted under the Social & Community Facilities Capital Scheme 2006. The projects were as follows:

1. Thurles Area: Community Resource Centre, Littleton
2. Nenagh Area: Young Nenagh Project, John's Place, Nenagh
3. Borrisokane Area: Cloughjordan Village Enhancement
4. Roscrea Area: Glebe Park enhancement works

Members agreed that it would be appropriate to honour the memory of the late Councillor Harry Ryan in some way through the Littleton Project.

Members expressed concern in relation to beds in corridors at Nenagh Hospital and it was agreed that the members who were represented on the Regional Health Forum (West) should relay this concern to the Forum.

**Item 5.1**  
**Strategic Policy**  
**Committees**

Summaries of the following meetings were noted:

- Planning & Development/Community & Enterprise

Mr. T. Ó' Niadh advised members that the Corporate Policy Group had agreed that the Chairs of the Strategic Policy Committees would report on Strategic Policy Committee Meetings at future Council Meetings.

**Item 6.1**  
**Area Committees**

Summaries of the following meetings were noted:

- Nenagh Electoral Area Committee
- Templemore Electoral Area Committee

**Item 7.1**  
**Date for**  
**convening of**  
**Annual Meeting**

It was proposed by Cllr. S. Hanafin, seconded by Cllr. John Hogan and agreed that the Annual Meeting of the Council will take place on Monday, 19<sup>th</sup> June, 2006 **at 12 o'clock noon** prior to the Monthly Meeting which will be held **at 2.00 o'clock**.

**Item 8.1**  
**Conferences**

It was proposed by Cllr. M. Ryan seconded by Cllr. G. Darcy and resolved "That pursuant to Section 142 (5) of the Local Government Act 2001 and having regard to (i) the benefits likely to accrue, (ii) the general interest of this administrative area and of the local community (iii) the estimated cost of the proposed attendance and the provision made for such purposes in the annual estimates, hereby nominate those listed hereunder to attend the following Conferences/Seminars"

| Seminar/Conference /Similar event | Dates  | Venue                          | Nominees           | Estimated Cost |
|-----------------------------------|--|--------------------------------|--------------------|----------------|
| Annual Partnership Conference     | 18 <sup>th</sup> -20 <sup>th</sup> May 2006    | Hibernian Hotel Mallow Co Cork | Cllr Jim Ryan      | €500           |
| Colaiste Uladh                    | 20 <sup>th</sup> – 23 <sup>rd</sup> April 2006 | Gortahork, Donegal             | Cllr. John Carroll | €500           |
| LAMA                              | 20 <sup>th</sup> – 21 <sup>st</sup> April 2006 | Newpark Hotel, Kilkenny        | Cllr. Jim Ryan     | €500           |

**Item 8.2**  
**Reports on**  
**Conferences**

Members noted the following Reports on Conferences: -

| Conference/ Seminar Title             | Date Of Conference           | Reports Received from:                                      |
|---------------------------------------|------------------------------|---|
| Opinion Polls Seminar                 | 31st March to 1st April 2006 | Cllr. Sean Creamer<br>Cllr. Mattie Ryan<br>Cllr. Denis Ryan |
| LAMA                                  | 20th – 21st April 2006       | Cllr. Jim Ryan  |
| Annual Kerry Environmental Conference | 26th – 29th April 2006       | Cllr. Jim Ryan  |
| The Cost of Waste Disposal            | 4th – 5th May 2006           | Cllr. Jim Ryan  |

**Item 9.1**  
**Mayor's Business**

Mr. J. Carroll expressed his disappointment at the poor turnout at the Open Drug and Alcohol Awareness Seminar which was organised by the North Tipperary Community and Voluntary Association and was held in Nenagh recently. Members again expressed their concern at the lack of addiction counsellors in North Tipperary and it was agreed that the members who were represented on the Regional Health Forum (West) would raise this concern through the Forum.

**Item 10.1**  
**County**  
**Managers/Directors**  
**/Heads of Functions**  
**Business**

Mr. P. Heffernan outlined the current proposals which are being considered at national level in relation to preparation of the Draft Register of Electors. Recommendations being considered include a door to door check and deletion of persons whose details are not confirmed or who do not return forms left.

Mr. K. Cashen advised members of a Seminar for the Business Community entitled Race Against Waste Action At Work, being held in the Abbey Court Hotel, organised by the Environmental Awareness Officer, Ms. L. Power, and the County Development Board in relation to good business practice in waste management.

**Item 11.1**  
**County**  
**Managers/Directors**  
**Orders**

The members noted the County Managers/Directors Orders for the month of April 2006.

**Item 12.1**  
**Tenders**

There were no tenders for noting.

**Item 13.1**  
**Deferred Notices of Motion**

The following Notice of Motion was proposed by Cllr. J. Ryan, seconded by Cllr. W. Kennedy and agreed:

**Notice of Motion No. 12,936:**

“That North Tipperary County Council calls on the Minister for Finance to remove the 13.5% VAT rate on greyhound food in order to allow this industry to remain in a competitive position”

The following Notice of Motion was proposed by Cllr. M. O’Meara, seconded by Cllr. M. Lowry:

**Notice of Motion No. 12,937:**

“That North Tipperary County Council invites representatives of the major Broadband providers operating in the County and the North Tipperary Broadband Coordinator to the next available Council Meeting in order to update the Council on Broadband Roll-out across the County”.

The following Reply was read out: -

**Broadband Service Providers**

*The major Broadband Service Providers in Ireland are:*

- Eircom
- BT Ireland
- Chorus
- Smart Telecom and
- DigiWeb.

*The Broadband Service Providers involved in the Group Broadband Scheme are:*

- Fast Wireless Internet (FWI)
- Premier Broadband
- Westnet Broadband and
- Irish Broadband.

**Broadband in North Tipperary**

*Currently a broadband service called DSL is available in the towns of Thurles, Nenagh, Templemore, Roscrea, Newport and Ballina. Recently, Eircom announced that it is now available in Holycross and Littleton. The Service Providers who provide broadband in these towns are as follows:*

- Eircom, BT Ireland and Chorus - Thurles
- Eircom - Nenagh, Templemore, Roscrea, Newport, Ballina, Holycross and Littleton.

**Broadband Rollout**

*There are two elements to the strategy for the further roll out of broadband to North Tipperary namely; Group Broadband Schemes and Metropolitan Area Networks (MANs).*

**Group Broadband Schemes**

*The Group Broadband Scheme is a national programme and is managed and funded by the Department of Communications Marine and Natural Resources (DCMNR). The purpose of this scheme is to enable communities who do not have access to broadband to pool together and to get a Service Provider to provide them with broadband.*

*These schemes are grant funded up to 30%.*

*North Tipperary County Council, in conjunction with North Tipperary County Enterprise Board, North Tipperary VEC, Shannon Development, and Tipperary Institute have come together in a partnership arrangement to form the North Tipperary Broadband Group. The chair of this group is Gerard Lynch, North Tipperary County Council. This group has as its objectives the raising of awareness of broadband, stimulating demand and assisting communities in their application for, and the implementation of group broadband schemes. This group has engaged Anthony O'Reilly on a contract basis, as the Broadband Coordinator for North Tipperary to implement these objectives. Five community groups have been successful in their applications to the DCMNR in 2005.*

*The Groups and Service Providers are:*

- |                                 |                              |
|---------------------------------|------------------------------|
| • Monsea & Knigh -              | Fast Wireless Internet (FWI) |
| • Borrisoleigh, Drom and Inch - | Premier Broadband            |
| • Lower Ormond -                | Fast Wireless Internet (FWI) |
| • Newport-                      | Westnet Broadband            |
| • Ballina and Killaloe -        | Irish Broadband.             |

*These groups are at various stages in the implementation of their schemes.*

#### Metropolitan Area Networks (MAN)

*The MAN projects are part of a national programme, and North Tipperary County Council (through the framework of Shannon Broadband Limited) is progressing the rollout of MANs for Nenagh, Roscrea and Templemore. The programmes are jointly funded by the Department of Communications Marine and Natural Resources (DCMNR), North Tipperary County Council and Shannon Development. The purpose of these MANs is to provide neutral carrier infrastructure to Service Providers at a reasonable price and thereby enable them to offer a competitive and reasonably priced broadband service to the end consumer.*

*Shannon Broadband Ltd is currently in the process of selecting Consultants to Project Manage, Design and Supervise the construction of the MANs. It is expected to commence construction in Quarter2/Quarter3 of 2006 and to complete the construction in 2007.*

*Details of broadband developments in North Tipperary are posted on to the web site [www.tipperary.com](http://www.tipperary.com) on a regular basis.*

*If further details are required on the status of the Group Broadband schemes, then it is suggested that Anthony O'Reilly be invited to the next available Council meeting.*

The members noted the Report.

On the proposal of Cllr. J. Ryan seconded by Cllr. M. Lowry it was agreed to the take the following Notices of Motion together:

#### **Notice of Motion No. 12,939:**

“That North Tipperary County Council calls on the Government to end the means testing for the Carer’s Allowance and that increased funding should be made available in order to increase the number of respite beds and home helpers”.

#### **Notice of Motion No. 12,940:**

“That North Tipperary County Council calls on the Minister for Social Welfare to honour commitments given in the Programme for Government regarding Carers; and to take immediate steps towards the elimination of a means test for social welfare payments to carers; and to enhance the respite and residential care facilities in North Tipperary”.

**Notice of Motion No. 12,941:**

“That the means test for Carer’s Allowance be abolished, as promised by the Government before the last General Election, and that Carers come under the remit of the Department of Health and Children and not, as currently is the case, under the Department of Social and Family Affairs”.

A discussion took place and it was agreed to write to the Department of Health and Children requesting that commitments given in relation to provision of respite and residential care be honoured, that the means test for Carer’s Allowance be abolished and that Carers should come under the remit of the Department of Health and Children and not under the Department of Social and Family Affairs. It was also agreed that these Motions be circulated to all other County/City Councils.

**Suspension of Standing Orders**

On the proposal of Cllr. J. Ryan, seconded by Cllr. T. Berkery, it was agreed to suspend Standing Orders in order to allow for the remaining items on the agenda to be considered.

**Item 14.1  
New Notices of Motion**

The following Notice of Motion was proposed by Cllr. M. Lowry, seconded by Cllr. P. Coonan :

**Notice of Motion No. 12,942**

“Having consideration for the huge financial burdens being placed on farmers in order to comply with various EU Directives and Regulations (both current and future), that North Tipperary County Council abolishes the development charges imposed on farm buildings where no intensification of farm activity occurs”.

The following response was read to the Meeting:

*In reply to the Notice of Motion (No 12,942) – the North Tipperary Development Contributions Scheme 2004-2008 was prepared in compliance with the requirements imposed by Section 48 of the Planning and Development Act 2000. Particular care was taken in the process to ensure that the Scheme is reasonable and fair and that there would be no double charging.*

*The Development Contributions Scheme was adopted by North Tipperary County Council on 16<sup>th</sup> February 2004. The total applicable contribution in respect of agricultural developments is €19.58 per square metre and is in respect of Roads, Public Water and Community infrastructure. The scheme as adopted provides that the contribution will apply only to buildings in excess of 600 sq.m with the charge only applying to the area in excess of 600 sq.m. Buildings exceeding this size are extremely rare. Horticulture buildings and mushroom tunnels were exempt under the scheme.*

*A review of all applications for agricultural slatted sheds submitted within a three month period between 1/1/06 and the 1/4/06 reveals that of a total of*

*twenty four applications only six exceeded the 600 sq.m floor area thus being liable for contributions. Of the six planning applications where buildings exceeded the 600 sq.m floor area, two exceeded the 600 sq.m limit by a marginal amount.*

*The application of the scheme only applies to farm buildings and does not apply to concrete yards or aprons.*

*The Scheme adopted by the Council covers the period 10<sup>th</sup> March,2004 to 31<sup>st</sup> Dec.2008.It is considered that the application of the scheme to agricultural buildings is reasonable in that a charge is only applied to buildings in excess of 600 sq m., whereby this would involve an intensive farming business. Accordingly, it is recommended that no amendment of the Scheme be made.*

Following disagreement in relation to this Notice of Motion the Mayor adjourned the meeting for five minutes.

On resumption it was agreed to adjourn the remaining items on the Agenda to the June Meeting of the Council.

**Notice of Motion**  
**No. 12,943**

This item was adjourned to the June Meeting on Monday 19<sup>th</sup> June at 2.00 pm.

**Notice of Motion**  
**No. 12,944**

This item was adjourned to the June Meeting on Monday 19<sup>th</sup> June at 2.00 pm.

**Item 15.1**  
**Correspondence**

This item was adjourned to the June Meeting on Monday 19<sup>th</sup> June at 2.00 pm.

**Item 16.1**  
**Any Other Business**

This Concluded the Business of the Meeting, a true copy of which we hereby certify.

Signed: \_\_\_\_\_  
Mayor.

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

Signed : \_\_\_\_\_  
Ms. Rosemary Joyce  
Senior Executive Officer

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