

# **MINUTES OF PROCEEDINGS AT MEETING OF LIMERICK CITY AND COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, DOORADOYLE, LIMERICK, ON TUESDAY, 21<sup>ST</sup> JULY, 2015, AT 3.00 P.M.**

## **PRESENT IN THE CHAIR:**

Councillor L. Galvin, Mayor.

## **MEMBERS PRESENT:**

Councillors Browne, Butler, Byrne, Clifford, Collins (J), Collins (M), Crowley, Daly, Donegan, Foley, Gilligan, Gleeson, Hourigan, Hurley, Keary, Keller, Leddin, Loftus, Lynch, McCreesh, McMahon, Mitchell, Neville, O'Brien, Ó Ceallaigh, O'Donnell, O'Donoghue, O'Hanlon, Quinlivan, Ryan, Scanlan, Secas, Sheahan (J), Sheahan (K), Sheahan (M), Sheehy, Teefy.

## **OFFICIALS IN ATTENDANCE:**

Chief Executive (Mr. C. Murray), Deputy Chief Executive (Mr. P. Dowling), Director, Community, Leisure and Emergency Services (Ms. J. Cotter Coughlan), Director, Economic Development and Planning (Mr. P. Daly), A/Director, Environment and Water (Mr. G. Dillon), Head of Finance, Motor Tax and ICT (Mr. T. Gilligan), Director, Home and Social Development (Ms. C. Curley), A/Director, Travel and Transportation (Mr. V. Murray), Meetings Administrator (Mr. C. O'Connor), Senior Engineer, Environment and Water (Mr. T. Tarpey), Senior Planner (Mr. L. Conneally), Senior Executive Engineer, Environmental Protection (Mr. G. Doherty), Regional Waste Plan Coordinator (Ms. P. King), City and County Librarian (Mr. D. Brady), Senior Executive Librarian (Mr. D. Dullaghan), Heritage Officer (Mr. T. O'Neill), Administrative Officer, Corporate Services (Mr. T. O'Callaghan).

### **1. Adoption of Minutes**

Circulated, copies of draft Minutes of the following Meetings:

- (a) Ordinary Meeting of the Council held on 25<sup>th</sup> May, 2015.

Proposed by Councillor Sheahan (J);  
Seconded by Councillor Hourigan;  
And Resolved:

“That, the draft Minutes, as circulated, be taken as read and adopted and signed.”

- (b) Annual Meeting of the Council held on 26<sup>th</sup> June, 2015.

Proposed by Councillor Leddin;  
Seconded by Councillor Daly;  
And Resolved:

“That, the draft Minutes, as circulated, be taken as read and adopted and signed.”

**Emergency Motion – Proposed Development at Gortadroma**

With the permission of the Mayor, on the proposal of Councillor O'Donoghue, seconded by Councillor Sheahan (J), it was agreed that Standing Orders would be suspended to consider an Emergency Notice of Motion brought forward by the Members of the Municipal District of Adare-Rathkeale.

The following Motion was proposed by Councillor O'Donoghue, seconded by Councillor Keary and agreed by Members:

**“In recognition of public concern, the Councillors of the Adare-Rathkeale Municipal District have resolved that, in relation to the proposed development at Gortadroma, we call on the Executive to conduct an immediate, comprehensive review of the provisions of the agreement to lease entered into between Limerick City and County Council and Cadence Enviropower Limited with a view to establishing the options, if any, available to the Council including the question of the termination of this agreement to lease.”**

**Signed: Councillors Sheahan (K), Keary, McMahon, Neville, O'Brien and O'Donoghue.**

The Chief Executive indicated that he would seek legal advice and revert to the Members in relation to same.

**2. Disposal of Land**

- (a) Circulated, copy of Statutory Notice dated 5<sup>th</sup> June, 2015, concerning disposal of land at Carrigatogher (Ryan), Nenagh, Co. Tipperary.

Councillor O'Donnell disclosed an interest in this item and, in accordance with Section 177 of the Local Government Act, 2001 (as amended), he withdrew from the Meeting for the duration of the discussion on the item.

Proposed by Councillor Collins (M);  
Seconded by Councillor Sheahan (J);  
And Resolved:

“That, the approval of the Council be and is hereby given to the disposal of 0.021 Ha. at Carrigatogher (Ryan), Nenagh, Co. Tipperary, to Declan Murphy, Traverstown, Dolla, Nenagh, Co. Tipperary, subject to Limerick City and County Council retaining a wayleave over the full area of land proposed for disposal to any services located therein, particulars of which were contained in Statutory Notice dated 5<sup>th</sup> June, 2015.”

- (b) Circulated, copy of Statutory Notice dated 12<sup>th</sup> June, 2015, concerning disposal of the leasehold interest in 20, Maigne Way, Carew Park, Limerick.

Proposed by Councillor O'Hanlon;  
Seconded by Councillor Sheahan (J);  
And Resolved:

“That, the approval of the Council be and is hereby given to the disposal of the leasehold interest in 20, Mague Way, Carew Park, Limerick, to Breda Slattery, for the sum of €20,721.19, the disposal to be by way of Deed of Conveyance of the interest of Limerick City and County Council in the property, particulars of which were contained in Statutory Notice dated 12<sup>th</sup> June, 2015.”

- (c) Circulated, copy of Statutory Notice dated 16<sup>th</sup> June, 2015, concerning disposal of land at Dooradoyle, Co. Limerick.

Proposed by Councillor Collins (M);  
Seconded by Councillor Sheahan (J);  
And Resolved:

“That, the approval of the Council be and is hereby given to the disposal of 0.008 Ha. at Dooradoyle, Co. Limerick, to Stapleyside Company, 1 Stokes Place, St. Stephen’s Green, Dublin 2, subject to Limerick City and County Council retaining a wayleave over the full area of land proposed for disposal to any services located therein, particulars of which were contained in Statutory Notice dated 16<sup>th</sup> June, 2015.”

- (d) Circulated, copy of Statutory Notice dated 30<sup>th</sup> June, 2015, concerning disposal of land at Ballymacave, Croagh, Co. Limerick.

Proposed by Councillor Keary;  
Seconded by Councillor Sheahan (J);  
And Resolved:

“That, the approval of the Council be and is hereby given to the disposal of 0.09 hectares at Ballymacave, Croagh, Co. Limerick, to Mr. John Collins, Ballymacave, Croagh, Co. Limerick, for the sum of €1,000, with all costs associated with the disposal to be borne by Mr. Collins, particulars of which were contained in Statutory Notice dated 30<sup>th</sup> June, 2015.”

- (e) Circulated, copy of Statutory Notice dated 10<sup>th</sup> July, 2015, concerning disposal of land at Emly Road, Hospital, Co. Limerick.

Proposed by Councillor Collins (M);  
Seconded by Councillor Teefy;  
And Resolved:

“That, the approval of the Council be and is hereby given to the disposal of 12,528 sq. feet of warehouse/office accommodation located at Emly Road, Hospital, Co. Limerick, to Harry Lawlor, HL Commodity Foods Limited, the disposal to be by way of Deed of Transfer of the Council’s freehold interest in the property, particulars of which were contained in Statutory Notice dated 10<sup>th</sup> July, 2015.”

### **3. Corporate Services**

#### **(a) Chief Executive’s Report**

Circulated, Chief Executive’s Reports for the months of May and June.

The Chief Executive's Reports for the months of May and June were noted by the Members.

**(b) Annual Report**

Circulated, Limerick City and County Council 2014 Annual Report.

Proposed by Councillor Sheahan (J);  
Seconded by Councillor Collins (M);  
And Resolved:

"That, the Annual Report 2014 for Limerick City and County Council be and is hereby adopted."

**(c) Representation on Board of Paul Partnership**

The Meetings Administrator stated that the Council was required to consider the nomination of 1 Member to the Board of Paul Partnership consequent on the resignation of Councillor Daniel Butler from the Board.

Proposed by Councillor Sheahan (J);  
Seconded by Councillor Collins (M);

"That, Councillor Sheahan (M) be appointed to the Board of Paul Partnership."

As there were no other nominations, the Mayor declared Councillor Sheahan (M) appointed to the Board of Paul Partnership consequent on the resignation of Councillor Butler from the Board.

**(d) Representation on Board of Governors, St. John's Hospital**

The Meetings Administrator stated that the Council was required to consider the nomination of 1 Member to the Board of Governors of St. John's Hospital consequent on the election of Councillor Jerry O'Dea as Mayor of the Metropolitan District of Limerick, for the duration of Councillor O'Dea's term as Mayor.

Proposed by Councillor Collins (M);  
Seconded by Councillor Sheahan (J);

"That, Councillor O'Hanlon be appointed to the Board of Governors of St. John's Hospital for the duration of Councillor O'Dea's term as Mayor of the Metropolitan District of Limerick."

As there were no other nominations, the Mayor declared Councillor O'Hanlon appointed to the Board of Governors of St. John's Hospital for the duration of Councillor O'Dea's term as Mayor of the Metropolitan District of Limerick.

**(e) Limerick 2020 European Capital of Culture Bid**

Circulated, report of the Director, Limerick 2020 European Capital of Culture Bid, dated 14<sup>th</sup> July, 2015, seeking the nomination of Members to the Steering Group and Stakeholder Group of the Limerick 2020 Bid.

- (i) The Meetings Administrator stated that the Council was required to consider the nomination of 2 Members to the Steering Group of Limerick 2020.

Proposed by Councillor Collins (M);  
Seconded by Councillor O'Hanlon;

"That, Councillor Collins (J) be appointed to the Steering Group of Limerick 2020."

Proposed by Councillor Sheahan (J);  
Seconded by Councillor Collins (M);

"That, Councillor Hurley be appointed to the Steering Group of Limerick 2020."

As there were no other nominations, the Mayor declared Councillors Collins (J) and Hurley appointed to the Steering Group of Limerick 2020.

- (ii) The Meetings Administrator stated that the Council was required to consider the nomination of 4 Members to the Stakeholder Group of Limerick 2020.

Proposed by Councillor Collins (M);  
Seconded by Councillor O'Hanlon;

"That, Councillors Neville, Byrne, Clifford and O'Dea be appointed to the Stakeholder Group of Limerick 2020."

As there were no other nominations, the Mayor declared Councillors Neville, Byrne, Clifford and O'Dea appointed to the Stakeholder Group of Limerick 2020.

**(f) Proposed Visit to Birmingham**

Circulated, report of the Senior Executive Officer, Corporate Services, dated 13<sup>th</sup> July, 2015, in relation to proposed visit to Birmingham in September 2015.

The report stated that the Limerick Association Birmingham had, for many years, provided valuable assistance to hundreds of immigrants from Limerick in finding their feet once they arrived in Birmingham. There had been an exchange of visits between Limerick County Council and Birmingham since the early 1990s. The Mayor, Councillor Galvin, had now received an invitation to attend a function being hosted by the Limerick Association Birmingham which was scheduled for 19<sup>th</sup> September, 2015. The estimated cost of the trip for the Mayor and 1 official was €1,259 and the approval of the Council was being sought to this visit.

In response to queries raised by Members, the Mayor indicated that the purpose of the visit was set out in the report circulated.

Proposed by Councillor Sheahan (J);  
Seconded by Councillor Collins (M);  
And Resolved:

“That, the approval of the Council be and is hereby given to proposed visit to Birmingham, in accordance with Section 142(5) of the Local Government Act, 2001 (as amended).”

#### **4. Community, Leisure and Emergency Services**

##### **1916/2016 Commemoration Programme**

The City and County Librarian, with the aid of a PowerPoint presentation, outlined details of the consultation, linkage and structures involved in drawing up the Commemoration Programme which had events planned under the seven strands of State Ceremonial, Historical Reflection, An Teanga Beo, Youth and Imagination, Cultural Expression, Community Participation and Global and Diaspora. Other events to be managed by the Library Service, Limerick Museum and Archives and the Arts Service were also presented.

Members commended all who had been involved in drawing up the Commemoration Programme and the following points were made by Members in relation to same:

- That the commemoration should not be politicised and should acknowledge the Irish on both sides of the conflict.
- That Kathleen Clarke (nee Daly), Cumann na mBan, Óglaigh na hÉireann, Con Colbert, Conor O’Brien and Mary Spring Rice be acknowledged as part of the commemoration.

In response to issues raised by Members, the City and County Librarian clarified the following:

- With regard to suggestions that the Tunnel under the River Shannon be named in memory of Kathleen Clarke (nee Daly) and Cumann na mBan, the Tunnel was not owned by the Council.
- A copy of the Proclamation, to be sent to all schools, would be in both English and Irish language.
- The allocated budget of €100,000 should be sufficient as there were no high costs associated with any of the planned events and people in various sectors were anxious to be involved.

## **5. Economic Development and Planning**

### **Proposed Variation No. 4 to Limerick County Development Plan 2010-2016 to incorporate the preferred route corridor for the Limerick Northern Distributor Road (LNDR)**

Circulated, report of the Director, Economic Development and Planning, dated 19<sup>th</sup> June, 2015, enclosing Chief Executive's Report to Members dated 19<sup>th</sup> June, 2015, in relation to Proposed Variation No. 4 to the Limerick County Development Plan 2010-2016. The Proposed Variation comprised of the incorporation of the preferred route corridor for the Limerick Northern Distributor Road (LNDR) into the County Development Plan.

In discussing the proposed variation, Members raised concerns that the docking point for the preferred route was too close to the M7 motorway. Members also highlighted the concerns of residents and issues with regard to the process used to arrive at a preferred route.

The Chief Executive informed Members that while this was critically important infrastructure and decisions in relation to same should not be rushed into, the Proposed Variation No. 4 to the Limerick County Development Plan 2010-2016 formed part of a statutory process and a decision in relation to same had to be made by 31<sup>st</sup> July, 2015. He assured Members that they would receive all necessary assistance to facilitate the process.

The A/Director, Travel and Transportation, informed Members that the route selection process had been carried out in accordance with national guidelines. He outlined the various stages of the process to date which had commenced in October 2010 and had involved considerable consultation with Members and the public. He stressed that he would be available over the coming days to discuss any issues of concern to Members.

On the proposal of Councillor Sheahan (M), seconded by Councillor Clifford, it was agreed that this item would be deferred to allow time for it to be examined in greater detail. It was also agreed that the Meetings Administrator would arrange a date for a Special Meeting of the Council to discuss this item.

Councillor Keary informed the Meeting that a Special Meeting may also be required in relation to a sale of land at Rathkeale to allow the purchaser to meet a deadline to avail of funding.

## **6. Finance, Motor Tax and ICT**

### **(a) Annual Financial Statement 2014 Limerick City and County Council**

- (i) Circulated, Annual Financial Statement for year ended 31<sup>st</sup> December, 2014, together with report from the Head of Finance dated 6<sup>th</sup> July, 2015.

The Head of Finance reviewed the Annual Financial Statement for the financial year ended 31<sup>st</sup> December, 2014, which was prepared in accordance with the statutory requirements governing the accounts of Local Authorities and in compliance with the Accounting Code of Practice for Local Authorities. He noted that this was the first merged set of accounts for the new Local Authority which showed total revenue expenditure of €171m, which included a transfer to reserves of €8.3m, and capital expenditure of €61m.

Proposed by Councillor Sheahan (J);  
 Seconded by Councillor Collins (J);  
 And Resolved:

“That, the Annual Financial Statement for year ended 31<sup>st</sup> December, 2014, for Limerick City and County Council, be and is hereby adopted.”

Arising from queries raised by Members, the Head of Finance clarified the following:

- Bad debt provision was reviewed on an annual basis in the context of what was collectable. A prudent approach was adopted but every effort was made to collect outstanding debts.
  - Expenditure over income at Grove Island related to loan repayments. A management firm was in place to operate the facility which was now expected to break even.
  - The variation in contributions to other Local Authorities, which showed a decrease in both income and expenditure, arose as transfers which previously occurred between Limerick City Council and Limerick County Council no longer took place. These transfers had related primarily to Fire and Waste Management.
  - In relation to City of Culture transactions, €1.1m of an additional €1.5m in funding had been received by year-end and a debtor of €400,000 was reflected in the accounts in relation to the outstanding amount.
  - The Annual Financial Statement reflected the accounts from January 2014 to the end of December 2014.
- (ii) Circulated, report from the Head of Finance dated 6<sup>th</sup> July, 2015 setting out details of additional expenditure incurred in excess of that provided for in the Annual Budget for the year ended 31<sup>st</sup> December, 2014, including capital transfers.

It was noted that the additional expenditure was in the main met from a contribution of other income sources, such as increased grant funding, NPPR and savings / efficiencies across the various services. The authorisation of the Council to the incurring of the additional expenditure of €16,529,637 was sought.

Proposed by Councillor Sheahan (J);  
 Seconded by Councillor Collins (J);  
 And Resolved:

“That, authorisation is hereby given, in accordance with Section 104(2) of the Local Government Act, 2001 (as amended), to the additional expenditure of €16,529,637 incurred in excess of that provided for in the annual budget for the year ended 31<sup>st</sup> December, 2014, including transfers to reserves, as set out in the report from the Head of Finance dated 6<sup>th</sup> July, 2015.”

**(b) Tourism Sector Support Scheme 2015**

Circulated, report of the Head of Finance dated 9<sup>th</sup> July, 2015, together with Tourism Sector Support Scheme 2015.

The report set out the terms and conditions attached to the proposed Tourism Sector Support Scheme 2015 which was the first of its kind in the Limerick area and was intended as a financial support to tourist related occupiers of commercial properties with a total annual commercial rate demand in 2015 greater than €10,000. It was noted that 92 businesses were eligible for the scheme and the financial support payable per successful application was 4.5% of the total amount due, subject to terms and conditions.

Members welcomed the scheme as an important support for the tourism sector and discussed the importance of working with Fáilte Ireland, Tourism Ireland and Shannon Airport to build the Limerick tourism brand and encourage a greater number of overnight stays by tourists in Limerick. Members also discussed the potential of establishing a tourism board in Limerick, the need for a tourism officer in the Council and the need for a marketing strategy to be developed in association with upcoming events in Limerick such as the World Title Fight in Thomond Park and the World 7's Rugby Tournament. The issue of the tourism sector maintaining standard pricing during these events was also raised by Members.

The Director, Economic Development and Planning, indicated that the appointment of a tourism officer was under consideration. He undertook to connect with Fáilte Ireland and Tourism Ireland to discuss the issues raised by Members and to revert to Members subsequent to these discussions.

The Chief Executive noted that the Council was fully behind the major events that had been discussed by Members and would support same within existing resources or, if necessary, revert to Members should additional resources be required.

Proposed by Councillor Collins (J);  
 Seconded by Councillor Byrne;  
 And Resolved:

“That, the Tourism Sector Support Scheme 2015, as circulated, be and is hereby adopted, in accordance with Section 66 (2) of the Local Government Act, 2001 (as amended).”

## **7. Conferences**

### **(i) Participation by Members at Conferences**

Details of the following Conferences had been circulated electronically to the Members: (a) Tourism Towns Seminar “Learn from the Best,” held in Tralee, Co Kerry, on 11<sup>th</sup> June, 2015; (b) Seminar “Local Government & Economic Development” held in Edgeworthstown, Co. Longford, on 12<sup>th</sup>/13<sup>th</sup> June, 2015; (c) Seán Mac Diarmada Summer School “The Relevance of the 1916 Proclamation in the Ireland of Today,” held in Kiltyclogher, Co. Leitrim, on 12<sup>th</sup>/13<sup>th</sup> June, 2015; (d) TASC 6<sup>th</sup> Annual Conference “Economic Inequality - What can be done” held in Dublin on 19<sup>th</sup> June, 2015; (e) Seminar “The Councillors’ Development Plan – A Reserved Function?” held in Wexford from 26<sup>th</sup> to 28<sup>th</sup> June, 2015; (f) 21<sup>st</sup> Byrne Perry Summer School “Glorious Forever? - Regional Perspectives on the 1916 Rising,” held in Gorey, Co. Wexford, from 26<sup>th</sup> to 28<sup>th</sup> June, 2015; (g) Teagasc Seminar “Supporting the Future Development of Rural Irish Business,” held in Limerick on 8<sup>th</sup> July, 2015; (h) Seminar “Local Economic & Community Plans,” held in Clonakilty, Co. Cork, from 10<sup>th</sup> to 12<sup>th</sup> July, 2015; (i) Douglas Hyde Conference 2015 “Saving the notes of Nationality: A Celebration of the Protectors of Irish Heritage,” to be held in Ballaghaderreen, Co. Roscommon, on 16<sup>th</sup> July, 2015; (j) 35<sup>th</sup> Annual MacGill Summer School to be held in Glenties, Co. Donegal, from 19<sup>th</sup> to 24<sup>th</sup> July, 2015; (k) Seminar “Planning and Building Regulations,” to be held in Galway on 27<sup>th</sup>/28<sup>th</sup> July, 2015; (l) Seminar “Changes to Community Development,” to be held in Galway on 31<sup>st</sup> July /1<sup>st</sup> August, 2015; (m) Seminar “Planning; Planning & Development (No.2) Bill 2014,” to be held in Letterkenny, Co. Donegal, from 7<sup>th</sup> to 9<sup>th</sup> August, 2015; (n) Conference “Regulation of Lobbying Act, 2015,” to be held in Clonakilty, Co. Cork, from 7<sup>th</sup> to 9<sup>th</sup> August, 2015; (o) ICLRD Seminar “The Housing Debate: What Role for Local Government in Rebuilding our Communities?” to be held in Maynooth, Co. Kildare, on 10<sup>th</sup> September 2015; (p) 14<sup>th</sup> Benedict Kiely Weekend “A Raid into Dark Corners,” to be held in Omagh, Co. Tyrone, from 11<sup>th</sup> to 13<sup>th</sup> September, 2015; (q) La Touche Legacy Seminar “2<sup>nd</sup> Festival of History: Reflections on Great War and Easter Rising 1916,” to be held in Greystones, Co. Wicklow, from 25<sup>th</sup> to 27<sup>th</sup> September, 2015.

On the proposal of Councillor Sheahan (J), seconded by Councillor Collins (M), it was agreed that the following Members would attend:

**Edgeworthstown, Co. Longford:** Councillor Scanlan.

**Limerick:** Councillors Hurley, Clifford.

**Galway (27<sup>th</sup>/28<sup>th</sup> July):** Cllr. Ryan.

**Galway (31<sup>st</sup> July/1<sup>st</sup> August):** Councillors Ryan, Hurley.

**Clonakilty (7<sup>th</sup>/9<sup>th</sup> August):** Councillor Teefy.

**(ii) Reports on Conference/Seminar/Meeting/Event**

Circulated, reports by Members who had participated at Conference/ Seminar/ Meeting/Event.

The reports were noted by the Members.

**QUESTIONS**

Replies to the following Questions on the Agenda were circulated to all Members prior to the Meeting and the Questions were therefore considered as having been dealt with:

**8. Question submitted by Councillor J. Scanlan**

*I will ask at the next Meeting (a) what Dividend was paid to Limerick City and County Council from the IPB Insurance Fund in the last two financial years; where relevant, I would like these figures broken down between City and County, and (b) how much is expected in terms of Dividend from the said Body in the current year.*

**REPLY:** The following dividend was paid by IPB in the last two financial years:

2013 Limerick City Council	€ 69,244.30
2013 Limerick County Council	€234,921.01
2014 Limerick City and County Council	€481,772.42

The following dividend is expected to be paid by IPB in the current year:

2015 Limerick City and County Council (Budget )	€350,000.00
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**9. Question submitted by Councillor T. Neville**

*I will ask at the next Meeting for the number of Council houses currently vacant with specific numbers given on each electoral area.*

**REPLY:** As at 1<sup>st</sup> July 2015  
There are currently 32 vacancies (10 of which are voids)

Metropolitan District  
15 Total  
2 Voids  
13 Casual Vacancies

Adare-Rathkeale  
5 Total  
2 Voids  
3 Casual Vacancies

Cappamore-Kilmallock

10 Total

6 Voids

4 Casual Vacancies

Newcastle West

2 Total – Both Casual Vacancies

**10. Question submitted by Councillor J. Collins**

*I will ask at the next meeting if the contract for Mungret Neighbourhood Park has gone out to tender, what is the tender period, construction programme and estimated opening date.*

**REPLY:** Contract Documents for Mungret Neighbourhood Park are currently being finalised and should be available on e-tenders at the end of week ending 24<sup>th</sup> July, 2015. The tender period will be 4 weeks and the tender assessment period will also be 4 weeks.

The detail of the construction programme will be agreed with the successful tenderer. The construction period for the Park is estimated to be 5-6 months.

The Members will be advised in due course of the anticipated opening date as the development of the Park progresses.

**11. Question submitted by Councillor J. Collins**

*I will ask at the next meeting if planning permission has been applied for two new primary schools at Mungret and if any request has come from the Department of Education to reserve a site for a new secondary school.*

**REPLY:** The planning application for two primary schools was lodged on 10th July. The Department of Education has not formally requested the reservation of land for a secondary school. However, the proposed amendment to the Southern Environs Local Area Plan 2011, which will be placed on public display at the end of September 2015, will propose re-zoning of land from residential to educational use to facilitate the provision of a possible secondary school in the future.

**12. Question submitted by Councillor J. Sheahan**

*I will ask at the next meeting if a Section 183 decision can be revoked and, if so, what the procedure is.*

**REPLY:** Legal advice was sought in relation to this Question and I set out details of the advice received hereunder for your attention:

***“To deal with this Question, one has to consider Section 183 of the Local Government Act, 2001, and also paragraph 56 of the Standing Orders of Limerick City & County Council which, collectively, provide as follows:-***

- 1) Section 183 deals with the requirements for the proposed disposal of land held by a Local Authority and notes that a disposal for a term of years not exceeding one year does not come under the provisions of this section.***
- 2) Section 183 further sets out certain procedural matters connected with the disposal of property, including the giving notice to the Members. The purpose of this notice is to provide the Members with certain information including, inter alia:-***
  - (I) The property being disposed.***
  - (II) The person from whom the property was acquired.***
  - (III) The person to whom the property is to be disposed.***
  - (IV) Any covenants or conditions that are to attach to the disposal.***
  - (V) The purchase price.***
- 3) The Members, having been supplied with the above information, have the opportunity of considering the matter and making a decision as to whether they agree or disagree with the disposal. Naturally, it is open to the Members to raise any issues in respect of which they may need clarification at that meeting and before a decision is reached. The Members then decide whether to pass the resolution to dispose of the property, or to decide that the disposal shall not be carried out.***
- 4) Turning now specifically to paragraph 56 of the Standing Orders, it is important to note that this is worded in such a manner as to afford an opportunity to the Members in certain circumstances to rescind a resolution. If the rescission is to take place within six months of the resolution being passed, the Councillors have to carry out the procedures that are set out in paragraph 56. Notice has to be given of the intention of the Members to rescind a resolution passed within the previous six months and that notice has to have the name of the Member who proposes the Motion, together with the names of five other Members who are supporting the Motion to rescind.***

***It is important to bear in mind that Standing Orders cannot overrule the existing common law or statutory law. Standing Orders are brought in for the purpose of regulating meetings. There is no doubt that the Council, in the Standing Orders which it has adopted, has given itself a general power to revoke a resolution. However, I must reiterate that such a revocation must not result in any breach of statutory law or common law.***

*Further, where the Council is exercising a quasi-judicial power, such as revoking a Section 183 Resolution, this cannot, in my view, be done where there is a binding contract in place. The Members will be acquainted with the number of resolutions that come before it for the disposal of dwellinghouses and other properties. The contracts in respect of those properties typically contain a provision that the contract is subject to the passing of a resolution under Section 183 of the 2001 Act.*

*When that resolution is passed, the sale of the property is then completed. There is no question of waiting to see if the resolution is going to be rescinded under the provisions of the Standing Orders. If a binding contract exists, as it would where there is a disposal of houses or other property, then once the resolution is passed, that binding contract becomes enforceable. In those circumstances, it would be very wrong for the Members to rescind a resolution when the purchaser of the property has been advised of the passing of the resolution and a contract exists.*

*One must also be very much aware of the fact that the Councillors have an opportunity, when considering a Section 183 resolution, of either approving of the disposal or rejecting the disposal. That is very significant, because it could be very strongly argued that the Councillors had an opportunity of rejecting the resolution at that particular time. Once that resolution was passed, then the likelihood is that a binding legal contract comes into existence. If that is so, in my view, the resolution under Section 183 of the Local Government Act, 2001, could not be revoked or rescinded on foot of the Standing Orders.*

*Of course, the question may be asked as to why the Members seem to have a revocation power at paragraph 56 of the Standing Orders but are now being advised by me that this cannot apply to decisions made with regards the transfer of property where there is a binding contract. The answer to this is quite simply that, in my view, the power the Councillors have given themselves to revoke is not absolute and must be conditional on the decision not affecting a third party who has acquired a contractual interest.*

*This would differ, for example, where the Members wish to revoke a resolution passed with regards to an item fully within the control of the Local Authority – traffic control, signage etc. In such an instance, it is of course open to the Council to revisit the decision. However, where a third party has, on foot of the passing of a resolution, acquired a contractual interest, I believe that the Councillors do not have the same leeway to revoke. I trust the above clarifies the position.”*

**13. Question submitted by Councillor J. Sheahan**

*I will ask at the next meeting, following the signing of the lease with Cadence Enviropower Limited for a gasification plant at Gortadroma, will the planning process be a direct application to Limerick City and County Council, a direct application to An Bord Pleanála or a Part V111 application by the Council.*

**REPLY:** This application will be considered in accordance with the relevant legislation in relation to Strategic Infrastructure Development.

It is a mandatory requirement for a prospective applicant for planning permission for development listed in the 7<sup>th</sup> Schedule (see below) to enter into pre-application consultations with the Board and obtain notice from the Board stating whether or not the proposed development is regarded as strategic infrastructure development.

For the purposes of these consultations, the prospective applicant must supply sufficient information to the Board to enable it to assess the proposed development in the light of the criteria set out for strategic infrastructure development.

**Definition of Strategic Infrastructure Development**

The 7<sup>th</sup> Schedule to the 2000 Act lists the classes of infrastructure development which, if considered by the Board to be strategic infrastructure development, require direct application for permission to the Board instead of the local Planning Authority.

To qualify as strategic infrastructure development, a proposed development must first come within the scope of one or more of the classes and comply with the thresholds contained in the 7<sup>th</sup> Schedule.

In addition, the Board must come to the opinion that the proposed development, if carried out, would fall within one or more of the following:-

- is of strategic economic or social importance to the State or the region in which it would be situate,
- would contribute substantially to the fulfilment of any of the objectives of the National Spatial Strategy or any regional planning guidelines in respect of the area or areas in which the development would be situate,
- would have a significant effect on the area of more than one planning authority.

The opinion is formed by the Board at the conclusion of the pre-application stage.

## **NOTICES OF MOTION**

**14. Notice of Motion submitted by Councillor D. Butler (to be referred to Economic Development, Enterprise and Planning SPC)**

*I will move at the next Meeting that Limerick City and County Council will support small and medium-sized businesses in their procurement of Council tenders so they can come forward with more confidence in bidding for local government business.*

It was agreed to refer this Motion to the Economic Development, Enterprise and Planning Strategic Policy Committee.

**15. Notice of Motion submitted by Councillor E. O'Brien (to be referred to Economic Development, Enterprise and Planning SPC)**

*I will move at the next meeting that Limerick City and County Council develops, promotes or assists in the development of local Limerick food and beverages brands.*

It was agreed to refer this Motion to the Economic Development, Enterprise and Planning Strategic Policy Committee.

Members queried as to when they could expect replies in relation to Notices of Motion forwarded to Strategic Policy Committees as Strategic Policy Committee meetings were not being held in conjunction with Council Meetings.

The Meetings Administrator informed Members that this requirement had been brought to the attention of the Strategic Policy Committees and he undertook to remind the Strategic Policy Committees of this requirement.

**16. Notice of Motion submitted by Councillor L.M. Sheehy (to be referred to Community, Leisure and Emergency Services SPC)**

*I move at the next meeting that this Council provide a Suicide Prevention Officer for the full area of Limerick City and County and, furthermore, put in place a fully funded policy that incorporates working with the different agencies that are active in this area on the ground currently.*

It was agreed to refer this Motion to the Community, Leisure and Emergency Services Strategic Policy Committee.

**17. Notice of Motion submitted by Councillor J. Scanlan**

*I will move at the next Meeting that any Bonus payable to Limerick City and County Council in 2015 from the IPB be divided equally between each of the Municipal and the Metropolitan Areas for allocation as agreed at Local Level in the forthcoming years Budgets.*

In proposing the Motion, Councillor Scanlan noted that a dividend of €350,000 was expected in respect of 2015 and this income could be timely in light of the 2016 commemoration events or be of general benefit.

The Motion was seconded by Councillor Sheahan (J).

**REPLY:** IPB does not issue a bonus. A dividend is paid by the organisation to its members which is calculated proportionate to premiums paid. Although not guaranteed, the Council has provided an income budget in its book for 2015 for receipt of an annual dividend. The income is part of the overall income which the Council needs in order to achieve a balanced outturn at year-end.

To ensure that the Council has a balanced revenue and capital account, it is not possible at this time to redistribute any funding.

Councillor Scanlan indicated that he was unhappy with the response and the Head of Finance stressed that this income was part of total income to provide services and the outturn would have to be balanced at the end of the twelve months.

**18. Notice of Motion submitted by Councillor M. Byrne** (to be referred to Environment SPC)

*I will move at the next meeting that, as Limerick City has adopted a Fairtrade policy and is acknowledged as a Fairtrade City, this Council adopts a Fairtrade policy in Limerick City and County and apply to be a Fairtrade City and County.*

It was agreed to refer this Motion to the Environment Strategic Policy Committee.

**19. Notice of Motion submitted by Councillor J. Collins** (to be referred to Economic Development, Enterprise and Planning SPC)

*I will move at the next meeting that a new Development Contribution Scheme be devised to replace the current separate City and County Development Contribution Schemes.*

It was agreed to refer this Motion to the Economic Development, Enterprise and Planning Strategic Policy Committee.

**20. Notice of Motion submitted by Councillor J. Sheahan**

*I will move at the next meeting that a Quantitative Risk Assessment be immediately carried out so as to assess the risks or none of the operation of a Gasification Plant at Gortadroma.*

Councillor Sheahan (J) requested that this Motion be deferred to the next Meeting in light of the Emergency Motion that had been agreed earlier in relation to Gortadroma and this was agreed.

**21. Notice of Motion submitted by Councillor M. Donegan (to be referred to Economic Development, Enterprise and Planning SPC)**

*I will move at the next meeting that Limerick City and County Council call on Fáilte Ireland to include Lough Gur as one of the flagship heritage sites and also include the Ballyhoura area in the "Ireland's Ancient East" tourism promotion commencing in 2016.*

It was agreed to refer this Motion to the Economic Development, Enterprise and Planning Strategic Policy Committee.

**22. Notice of Motion submitted by Councillor R. O'Donoghue (to be referred to Travel and Transportation SPC)**

*I will move at the next meeting that hedgerow-cutting machinery be purchased by Limerick City and County Council for the year-round maintenance of roadside hedgerows, in the interest of public health and safety.*

It was agreed to refer this Motion to the Travel and Transportation Strategic Policy Committee.

**23. Correspondence**

The Correspondence circulated with the Agenda was taken as read.

Councillor Donegan referred to the letter in the Correspondence dated 10<sup>th</sup> June, 2015, received from the Minister for the Environment, Community and Local Government in response to a resolution of the Council requesting the Minister to establish an external independent investigation into the actions of Limerick County Council in relation to its handling of Planning Application Ref. Nos. 06/3641 and 08/1288. He stated that a new Ombudsman had now reported on this case and he proposed that the Chief Executive arrange for an independent external review of the matter. The proposal was seconded by Councillor O'Donoghue.

The Chief Executive noted that he did not have a copy of a further Ombudsman report referred to and that any external investigation set up by him would not be seen as independent. He requested that Councillor Donegan provide him with a copy of the Ombudsman's report under discussion and undertook to review same and revert to Councillor Donegan on the matter of an internal review of the case.

• **Additional Grant Funding for Roads**

At the conclusion of the agenda and with the permission of the Mayor, the Meetings Administrator informed the Members that Limerick City and County Council was notified on Friday, 17<sup>th</sup> July, that the Department of Transport, Tourism and Sport (DTTAS) had allocated an additional €1,008,750 in grant funding under the category of Road Restoration Improvement. This grant was part of an additional €24,000,000 in funding being made available nationally this year for road improvements.

It was intended that the additional funding would be used to carry out additional road improvement throughout the City and County with schemes being picked from the Multi-Annual Road Works Plan. Funding would be allocated across the Districts approximately as per the Grant allocations earlier in the year.

€1,000,000 would deliver approx. between eight to nine kilometres of road restoration schemes based on an average rural road width of six metres.

The Meetings Administrator noted that this additional grant allocation for road improvement was being received at a time when grant funding had been limited, and that a list of the schemes to be funded would be circulated to all Councillors over the next week. He also undertook to circulate the correspondence that had been received from the Department of Transport, Tourism and Sport in relation to same, together with a report from the A/Director, Travel and Transportation, dated 21<sup>st</sup> July, 2015.

Members welcomed the allocation of additional funding to the Council.

**CHIEF EXECUTIVE'S ORDERS:**

The Register of Orders made by the Chief Executive up to the date of the Meeting was available for inspection by the Members.

**PLANNING AND DEVELOPMENT:**

The Register of Decisions on applications under the Planning and Development Acts, 2000-2014, was also available for inspection by the Members.

Signed:

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**Mayor**

Date:

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