

**MINUTES OF MONTHLY MEETING OF ROSCOMMON COUNTY COUNCIL
IN COUNCIL CHAMBER, ÁRAS AN CHONTAE, ROSCOMMON
ON MONDAY, 28th November, 2022 AT 2.15 PM.**

PRESENT: Councillor Tom Crosby **PRESIDED**

MEMBERS: Cllr L. Fallon, Cllr E. Kelly, Cllr P. Fitzmaurice, Cllr M. McDermott, Cllr A. Waldron, Cllr O. Leyden, Cllr T. Ward, Cllr N. Dineen, Cllr J. Cummins, Cllr J. Keogh, Cllr J. Murphy, Cllr J. Naughten, Cllr K. Shanagher and Cllr L. Callaghan.

OFFICIALS: Shane Tieman, Chief Executive
Majella Hunt, Director of Services
Caitlín Conneely, A/Director of Services
Sean Mullarkey, Acting Head of Finance
Fiona Ni Chuinn, A/Director of Services
Greg O'Donnell, A/Director of Services
Patricia Bohan, Meetings Administrator
Claudette Collins, Asst. Staff Officer
Darragh Kelly, Communications Officer

Apologies: Cllr D. Kilduff, Cllr V. Byrne and Cllr M. Mulligan

179.22 DISCLOSURE OF CONFLICT OF INTEREST (SECTION 177 OF THE LOCAL GOVERNMENT ACT 2001 AS AMENDED)

The Cathaoirleach stated that he would be vacating the chair while the Casual Trading Byelaws 2022 are discussed and asking the Leas Cathaoirleach Cllr. Fallon to chair the meeting.

180.22 ADOPTION OF MINUTES

On the **PROPOSAL** of Cllr. Fallon

SECONDED by Cllr. Naughten

It was **AGREED** to adopt the minutes of the Plenary Meeting of 24.10.2022

181.22 MATTERS ARISING

There were no matters arising.

182.22 MANAGEMENT REPORT

- Management Report for October 2022 noted.
- Cllr. Shanagher welcomed the announcement of funding this morning for County Roscommon in respect of Outdoor Recreation Amenities in the sum of €845,100– Mote Park, Lough key/Doon Shore & Boyle Canal River and Cruachain-Rathcroghan Looped Trails.

183.22 LEASE OF PROPERTY- ASSETS & ENERGY

On the **PROPOSAL** of Cllr. Cummins

SECONDED by Cllr. Dineen

It was **AGREED** that the Council consent to the lease of property pursuant to the provisions of Article 206 of the Planning and Development Regulations 2001, Section 211 of the Planning and Development Act, 2000 (as amended) and Section 183 of the Local Government Act, 2001 of particulars of property which it is proposed to lease at the location in County Roscommon and to the persons set out in the schedule

hereunder. Particulars of the property which the County Council proposes to lease:

The Property: Portion of the Ground Floor and entire First and Second Floors of Dillon House, The Square, Ballaghaderreen, Co. Roscommon

The person(s) to whom the property is to be leased to: Western Development Commission (WDC) and Northern and Western Regional Assembly (NWRA), The Square, Ballaghaderreen, Co. Roscommon

The consideration proposed in respect of the lease: €12,000 per annum plus service charges

Term of Lease: 3 years

184.22 CASUAL TRADING BYE LAWS REVIEW 2022

The Cathaoirleach Cllr. Tom Crosby left the meeting due to a potential conflict of interest and the Leas Cathaoirleach Cllr. Laurence Fallon took over the chair.

The Chairperson of the Planning, Environment, Climate Change and Corporate Governance SPC Cllr. John Naughten presented a report to the meeting on the review of the Casual Trading Bye Laws:

- The Casual Trading Bye-laws were adopted on July 26th 2019 to become effective on January 1st 2020.
- Currently, there are seven designated trading areas in the county, comprising 36 individual casual trading bays.
- A review of the bye-laws was initiated in November last year.
- Eighteen submissions were received during the public consultation period which closed on January 13th 2022.
- The changes addressed enforcement of the bye-laws and there are some amendments to some locations due to health and safety concerns
- The Draft Bye-Laws were subject to public consultation for the period 1st September 2022 to 9th November 2022 and four submissions were received.
- The Bye-Laws were agreed at meeting of the SPC on November 9th 2022 subject to a change to Section 13. No other amendments were made. It was recommended at this meeting to bring the Draft Bye-Laws to the plenary Meeting for approval.

The members raised some queries on the enforcement of the Bye Laws

A/Director of Services Caitlín Conneely said the new laws would come into force on January 1st 2023. The amendment to the existing bye-laws would enable better enforcement. On the question of counterfeit goods being sold, the Director of Services said this would be a matter for Gardaí.

On the **PROPOSAL** of Cllr. Naughten

SECONDED by Cllr. McDermott

It was **AGREED** to adopt the Casual Trading Bye-Laws

Cllr. Naughten thanked the Council staff from the Environment section and the SPC members for their work on the review of the byelaws which will address the issues raised following their initial adoption.

The Cathaoirleach, Cllr. Crosby returned to chair the remainder of the meeting.

185.22 APPOINTMENT OF ELECTED MEMBER TO THE LCDC FOLLOWING THE RESIGNATION OF CLLR. D. KILDUFF

On the **PROPOSAL** of Cllr. Ward

SECONDED by Cllr. Shanagher

It was **AGREED** to appoint Cllr. Nigel Dineen to the Local Community Development Committee to replace Cllr. Donal Kilduff.

186.22 APPOINTMENT OF ELECTED MEMBER TO THE JPC FOLLOWING THE RESIGNATION OF CLLR. D. KILDUFF

On the **PROPOSAL** of Cllr. Ward

SECONDED by Cllr. Fallon

It was **AGREED** to appoint Cllr. Emer Kelly to the Joint Policing Committee to replace Cllr. Donal Kilduff.

187.22 CORRESPONDENCE

Acknowledgments to Resolutions from Roscommon County Council:

- **03rd November 2022** – Acknowledgement of correspondence dated 28th October 2022 regarding reopening of power stations from Minister Eamon Ryan.

Resolutions from other Local Authorities:

- **20th October, 2022 – Resolution, Longford County Council**

That Longford County Council write to the Minister for Housing, Local Government and Heritage Darragh O'Brien to move Longford from Band 3 to Band 2 to raise the basic income threshold from €25,000 to €30,000.

- **25th October, 2022 – Resolution, Donegal County Council**

That Donegal County Council call on Minister Ryan to abandon his criminalisation policy of our turf cutting population.

- **26th October, 2022 – Resolution, Offaly County Council**

That Offaly County Council pass a resolution highlighting the difficulties faced by emergency medical technicians including low salary and poor working conditions & further highlighting the issue of the ambulances covering countrywide, often leaving none available for Offaly and surrounding areas.

- **2nd November, 2022 - Resolution, Cork County Council**

That Cork County Council calls on the EPA to put in place a full suite of end of waste criteria to support the circular economy and climate action.

- **9th November, 2022 - Resolution, Wicklow County Council**

That Wicklow County Council asks the Government to recognise the European Commission's confirmation that the Government could exceptionally address the case of C.J. Gaffney and MV Mary Kate through the European Maritime Fisheries Fund (EMFF).

- **14th November, 2022-Resolution, Monaghan County Council**

That Monaghan County Council call on the Government to defer the introduction of a 'concrete/ block' levy for the foreseeable future.

- **14th November, 2022 - Resolution, Monaghan County Council**

That Monaghan County Council call on the Ministers for Environment and Finance to initiate a scheme, similar to the 'Fair Deal' scheme, whereby pensioners and retired people's homes would have solar panels fitted to their homes, thereby greatly reducing their energy costs.

- **14th November, 2022 - Resolution, Sligo County Council**

That Sligo County Council calls on the Minister for health to undertake a review of the numbers of doctors and nurses being trained annually with a view of doubling capacity within the system as is required.

- **14th November, 2022 - Resolution, Sligo County Council**

That Sligo County Council ensure that all new buildings have a changing place facility for people with Disability.

- **14th November, 2022 - Resolution, Sligo County Council**

That Sligo County Council write to the Minister for Social Protection to ask for a complete review of the criteria for individuals to qualify for a Social Employment Scheme.

Other Correspondence:

- **28th October 2022** – Minister Humphreys announces details of new €180 million LEADER funding Programme

188.22 NOTICE OF MOTION

189.22 14.22 EXEMPTION OF CARERS ALLOWANCE - CLLR. WARD

“I am calling on the Government, the Minister for Finance Mr. Paschal Donohoe T.D. and the Minister for Social Protection and Rural and Community Development Ms. Heather Humphreys, T.D. to bring forward legislation in the Dáil which will exempt Carers Allowance from a means assessment if the person who is being cared for has a full detailed medical report in support of their condition.”

ClIr. Ward asked for the support of the Members support for this motion, which was a cause of concern especially in light of the closure of a number of nursing homes recently:

- A number of people have had to cease their employment to provide care to a loved one.
- Funding is in place to provide home help and has been advertised by HSE but it is difficult to get people.
- Carers allowance is €218pw and this should not be means assessed.

ClIr. Ward received support from the members on the motion, referring to the fact that there needs to be more flexibility with the scheme, it can relate to a sudden illness, or may not be needed on a long term basis. It is important to provide an alternative to overcrowded nursing homes and there is a significant savings to the State. Caring can also be for both older and younger people and some people require 24/7 care.

On the **PROPOSAL** of ClIr. Ward

SECONDED by ClIr. Callaghan

It was **AGREED** to write to the Government, the Minister for Finance Mr. Paschal Donohoe T.D. and the Minister for Social Protection and Rural and Community Development Ms. Heather Humphreys, T.D. to bring forward legislation in the Dáil which will exempt Carers Allowance from a means assessment if the person who is being cared for has a full detailed medical report in support of their condition.

190.22 15.22 SUSTAINABILITY OF POST OFFICES - CLLR. WALDRON

“Roscommon County Council immediately call upon Minister for Communications, Minister of Finance and Minister for Public Expenditure to urgently enact private member motion previously passed November 2016 by our last Government as a matter of urgency ensuring the Sustainability of our existing Community Post Office Network”

ClIr Waldron stated that recently the post office in Frenchpark was to close but this did not go ahead. We can no longer pay lip service to the sustainability plan for the post office network and the 5 year plan must be implemented immediately. He proposed that Mr. Tom Callaghan is invited to the next plenary meeting to give a presentation to the members.

The members supported the motion and stated that there is a need to keep financial services in all towns and villages, however people should support the services when they are made available.

On the **PROPOSAL** of ClIr. Waldron

SECONDED by ClIr. Murphy

It was **AGREED** to call upon Minister for Communications, Minister of Finance and Minister for Public Expenditure to urgently enact private member motion previously passed November 2016 by our last Government as a matter of urgency ensuring the sustainability of our existing Community Post Office Network.

On the **PROPOSAL** of Cllr. Waldron

SECONDED by Cllr. Dineen

It was **AGREED** to invite Mr. Tom Callaghan, Chairperson of the Independent Postmasters Group, to give a presentation at the next Plenary meeting of Roscommon County Council.

191.22 CHIEF EXECUTIVE BUSINESS

The Chief Executive gave an update to the Members on Lough Funshinagh as follows:

- The Council is committed to finding a resolution to the flooding problem and the local authority are continuing to liaise with the OPW, National Parks and Wildlife.
- He referenced a letter sent from the Council to Minister O'Donovan's Department in May but the letter in itself would not alleviate the current issues affecting landowners and residents.
- Finding a solution to the flooding issue will be slow and difficult process and take up to five years.
- There are no measures in place to de-designate the SAC and legislation change will have to go through a process.
- The OPW are determined in their view that Roscommon County Council are the agents of change on the issue. The OPW is currently conducting a detailed analysis of historical information and there is also a need to fill in any gaps in this information.
- The Council have established two committees:
 - A Steering Group chaired by the Chief Executive, Mr. Tiernan
 - A Working Group chaired by A/Director of Services Mr. Greg O'Donnell - to meet in New Year.
- The OPW, GSI, EPA, University experts will sit on the group. It will consider ecological considerations of the lake and review knowledge based on research and studies. The work is complex and detailed and needs to be thoroughly completed to provide the best chance of securing planning. The OPW will fund to get to the stage of planning.
- The OPW have committed to replace existing pumps at the site with two higher power pumps to remove water. The Council can only carry out localised works the did previously should the need arise.

The Cathaoirleach Cllr. T. Crosby welcomed the establishment of the two working groups and appealed for the Minister to look at a judicial review process, whereby court applicants were forced to pay for costs incurred.

Cllr. L. Fallon said both the OPW and NPWS needed to be part of a solution to Lough Funshinagh. He said the level of the lake had risen 528mm in recent months. Based on average rainfall in the next two to three years, he feared the neighbouring village of Ballagh would be lost. Local knowledge regarding the lake could be utilised in any ecological studies, particularly the rate at which the SAC will be destroyed.

Cllr. J. Naughten said finding a resolution would be expensive. He asked if the Friends of the Irish Environment (FIE) withdrew their objection, would this allow work to recommence?

Cllr. T. Ward said 45 families had been affected by flooding over the past seven years and he proposed a letter be sent again to the Minister for Agriculture seeking compensation for affected landowners.

A/Director of Services Mr. Greg O'Donnell advised that the status of the SAC is very important and the Council have to demonstrate that a solution will be in the best interests of the turlough otherwise it will be hard to make a case.

On the **PROPOSAL** of Cllr. Ward
SECONDED by Cllr. Kelly

It was **AGREED** to write again to the Minister for Agriculture seeking compensation for farmers affected by flooding at Lough Funshinagh.

192.22 COUNCILLORS CONFERENCES - PAYMENT/ATTENDANCE

On the **PROPOSAL** of Cllr. Keogh
SECONDED by Cllr. Shanagher

It was **AGREED** to adopt the list of payments for training and conferences as circulated.

193.22 VOTES OF CONGRATULATIONS AND SYMPATHY

Cllr. Leyden paid tribute to the late Brian O'Doherty who died in New York on November 7th last. The late Mr. O'Doherty was an internationally acclaimed artist who was born in Ballaghaderreen in 1928. Throughout his life, the late Mr. O'Doherty maintained links with his native county and in 2018, received the Freedom of County Roscommon at the Irish Museum of Modern Art in Dublin to coincide with an exhibition of his work. Cllr. Leyden requested a letter of sympathy be sent to his wife Barbara Novak on behalf of Roscommon County Council.

194.22 ANY OTHER BUSINESS

- The Cathaoirleach reminded members that the Ceremony for the Award of the Honorary Freedom of the County of Roscommon to Lisa O'Rourke and Aoife O'Rourke will take place on Thursday 8th December at 5.30pm
- The annual mass for the deceased members of Roscommon County Council will take place at 6.00pm this evening

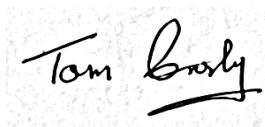
NEXT MEETING

The next meeting will be on Monday, 19th December, 2022.

This concluded the business of the meeting.

The foregoing Minutes are
Confirmed and Signed:

Petrizio Bohan
Meetings Administrator

A handwritten signature in black ink that reads "Tom Barry". The signature is written in a cursive style with a long horizontal stroke at the end.

Cathaoirleach

Petrizio Bohan
Countersigned