

**MINUTES OF PROCEEDINGS OF MONTHLY MEETING OF
NORTH TIPPERARY COUNTY COUNCIL HELD IN THE
COUNCIL CHAMBER, CIVIC OFFICES, LIMERICK ROAD,
NENAGH ON MONDAY, 17th NOVEMBER, 2008 AT 2.00 P.M.**

Present Cllr. Joe Hennessy, Mayor - Presided

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

Also Present Terry Ó Niadh, County Manager; Karl Cashen, Director of Services; Matt Shortt, Director of Services; Paddy Heffernan, Director of Services; Jim McGuire, A/Director of Services; Liam McCarthy, Head of Finance; Gerard Lynch, Head of IS; Rosemary Joyce, Senior Executive Officer; Eamonn Brennan, Senior Executive Officer, Brian Beck, Senior Planner, Nuala O'Connell, Senior Executive Planner, Brian Clancy, Administrative Officer, Annette Daly, Staff Officer, Teresa Kiely, Staff Officer and Mary Quigley, Acting Senior Staff Officer.

Suspension of Standing Orders On the proposal of Cllr. J. Hogan, seconded by Cllr. J. Hennessy, it was agreed to defer commencement of Council Meeting for 5 minutes.

Section 140 The following Motion under Section 140 of the Local Government Act 2001 was proposed by Cllr. J. Ryan and seconded by Cllr. J. Kennedy.

55 & 56 Mitchell Street, Thurles.

“We the members of North Tipperary County Council require the County Manager to withdraw this Council’s support for the proposed Homeless Shelter at 55 and 56 Mitchell Street, Thurles and to inform the Department of Health and the Department of the Environment of this withdrawal of support”.

Signed by: Cllrs. J. Ryan, J. Sheehy, J. Hennessy, S. Hanafin, M. Lowry, M. Smith, W. Kennedy, J. Egan, M O' Meara, J. Kennedy, J. Casey, P. Coonan, J. Hogan, G. Darcy, P. Bugler, T. Berkery, M. Ryan.

Ms. R. Joyce read the County Manager’s response to the motion as follows:

“Following receipt of this motion I sought legal advice on the following issues:

- 1. Whether the resolution is sufficiently precise to be effective.*
- 2. Can the County Manager be required to withdraw support for the homeless project?*
- 3. If the Council does not pay the grant for refurbishment of No. 56 Mitchell Street, what consequences may flow for the Council?*
- 4. If the Council refuses to make provision in the 2009 budget for the management of the unit, what would the consequences of such action be?*

I attach herewith, for your information, the full text of the advice received.

The advice sets out a number of difficulties with the motion for the following reasons:-

*“In my opinion, the form of wording in the resolution is not sufficiently precise to amount to a valid direction to the Manager for the purposes of **Section 140(2)** of the 2001 Act. The motion does not make clear what type of support is to be withdrawn and/or for what aspects of the project. Any direction relating to financial matters would, of necessity, have to be very specific.”*

*“Considerable doubt surrounds the validity of any resolution pursuant to **Section 140** of the Local Government Act, 2001 which purports to direct a County Manager to refrain from doing some act. The wording of **sub-section (2)** of that section suggests that a resolution cannot restrain the Manager from doing a particular act.”*

*“Having regard to the decision of the Supreme Court in **McDonald .v. Dublin County Council**, and more recent decisions of the Courts in relation to the provision of traveller accommodation, I am of the opinion that the Council is under an obligation under **Section 56** of the Housing Act, 1966 to provide for the needs of homeless persons within its functional area and to follow through on its commitments to date in relation to the provision of housing for the homeless at this location. In circumstances where very significant monies have been advanced and expended on this project to date, the Council would be acting in contravention of its housing obligations to obstruct the provision of further funding needed to ensure that this particular project can be implemented, if this is what is implied by the reference to “withdrawal of support”. The breach of statutory duty is particularly striking in circumstances where the “withdrawal of support” cannot be justified by any material change of circumstances, reasoned judgment or expert opinion. **Section 140(10)** provides that a resolution under this section does not apply or extend –*

“(d) so as to prevent the performance of any function of a local authority in which the authority or the manager is required by law or by order of a Court to perform, and any resolution claimed to be passed under this section which contravenes the subsection is void.”

*“It seems to me very likely that Arlington Novas has acquired a legitimate expectation that the homeless project would be proceeded with at this stage in circumstances where it has incurred costs in making applications for a grant approval to the DOE, having located the relevant premises itself, having been granted such approval and, presumably, having taken further steps in reliance upon this approval and the intention expressed by the Council to implement the homeless project. Arlington Novas has acted to its detriment in relying on these representations whether expressed or implied by the DOE and the Council, in purchasing No. 56 Mitchell Street. Whether the expectation of Arlington Novas to obtain continuing funding for the project at 56 Mitchell Street amounts to a “legitimate” expectation would appear to depend on the terms of the scheme itself and the precise representations made. It appears from the background to the Voluntary Housing Capital Assistance Scheme that in the normal course, Arlington Novas would secure the necessary funding for the day to day management costs of the premises. **Section 6(6)(f)** of the Housing (Miscellaneous Provisions) Act, 1992 provides that the Housing Authority may not amend the terms of or withdraw an approval of a body granted by the Minister.”*

*“For the reasons indicated above, I am of the opinion that the intended **Section 140** resolution is invalid and, if passed, the Manager would not be under any legal obligation to implement it. Furthermore, the Council would be in breach of its statutory duty under **Section 56** of the Housing Act, 1966, if it were to seek to implement such a resolution.”*

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In view of the above advice and having carefully considered all of the issues surrounding this proposal I must advise you that the resolution is invalid and that, if passed, I could not consider myself bound by it. I therefore strongly recommend that the Motion be withdrawn.

Terry Ó Niadh, County Manager.”

Cllr. J. Ryan stated that the decision to submit this Section 140 was not taken lightly. This matter had been dragging on since March 2007. The residents feel that there has been a lack of communication between themselves, Arlington Novas and the Council. Despite numerous requests for further information there had been no response. A meeting had been held in March 2007. At the meeting it was said that the local representatives and the residents would be kept fully informed. This had been breached. He stated that this project was at the wrong location. As Mayor in 2007 he was proud to sign the current Homeless Action Plan however he could not support this project as the location was wrong. He queried if the correct procedures were followed and stated that Arlington Novas were not tax compliant when funding was drawn down. He was not happy with the project and considered that the Council should go back to the drawing board. He was supporting the residents in this matter.

Cllr. J. Hogan stated that the legal opinion received by the Residents differs to that received by the Council. 17 members had signed the motion. Most of the members believed that Mitchel St. was not a suitable location. He asked what would happen if they passed the resolution under Section 140. What would the County Manager do if the resolution was passed in view of the different legal opinions?

Cllr. J. Kennedy stated that he was one of the signatories. He agreed with Cllr. J. Hogan and would like to know what would happen. He stated that dialogue between all parties was non-existent and that the location was wrong. He had no problem with the provision of facilities for the homeless but in the right location.

Cllr. S. Hanafin stated that he did not want to go back over what had already been said. This issue had already taken up a lot of time and concerns and fears had not been abated. He indicated that he would be supporting the Motion.

Cllr. T. Harrington stated that he would be voting with Cllr. S. Hanafin. He had been unavoidably absent when the Motion was being signed but would have signed it if he had been present.

Cllr. M. Lowry said that he was not in favour of withdrawing the Motion. He supported the thrust of the Motion. He realised that there was an obligation on the Council under the Homeless Strategy however there was also an obligation to the residents of Mitchel St. The members were there to represent their concerns. They felt constantly ignored and left out of the loop. It was very hard going forward to see how it was going to happen. He could not see how the project could be successful at this location. What would happen to the buildings going forward if Arlington Novas withdrew?

Cllr. J. Casey said that when he was Mayor last year no issue had been given the same amount of debate. He respected the Manager's position. The Manager had a responsibility to see that the direction given was legal. He had given a commitment to his colleagues that he would support the Motion however there were reservations as to its legality. He referred to Section 132 (2) (a) of the Local Government Act 2001 which appeared to indicate that they were entitled to seek a second legal opinion. He would be

voting for the Motion however they were entitled as members to get a second legal opinion.

Cllr. J. Egan stated that there were conflicting views on all sides. Tom Barry had thought a successful compromise had been identified however this was not to the satisfaction of the residents. What they were hearing from the top table was very hard for an ordinary layman to comprehend. This was nobody's fault. There were conflicting views. He had signed the Motion. They would have to consider that down the line would the Council be open to an action for damages.

Cllr. T. Berkery agreed that this issue had been debated on a number of occasions. The views of the residents were well known to the Manager. He wondered if a different form of words would have made a difference if the current wording is not explicit enough. He considered that a common sense approach should be taken. The County Manager should take the wishes of the Council on board. He appealed to the Manager to adhere to the wishes of the people on the ground.

Cllr. W. Kennedy stated that he was disappointed that there was a problem with the wording of the Section 140. It was not put down lightly.

Cllr. P. Bugler felt that the whole housing issue needs to be looked at. She asked if the project was meeting the needs of the people concerned anyway. There was a need to review the formula. Tipperary is a rural county and what suits Dublin does not necessarily suit us.

Cllr. J. Hennessy stated that he supported the Motion. It had been debated long and hard. There was a second legal opinion. He asked if this could be obtained. There was a need to exhaust all avenues locally. He agreed with Cllr. Bugler that there was a need to look at the type of solution which was appropriate. The Town Council in Thurles should find a location to suit the majority of the people. There were elderly and young people living on Mitchel Street and the location was not suitable. The residents should be given a timeframe to find an alternative and be informed that if they did not do so the executive would have to find one.

Mr. T. Ó Niadh replied to the various points raised.

He stated that this was not the first time having this debate. There had been comprehensive debate previously and there was nothing other than the Section 140 that had not been said before. He repeated for the record:

1. The Council are legally obliged to provide for the needs of the homeless. They had a Constitutional and a legal right to be housed and the Council was given the responsibility to do so. This was part of what is being done through the Homeless Forum and the Homeless Strategy. The members adopted the policy and it was a matter for the executive to implement policy.
2. The process was dragging on. He did not accept that people did not know what was happening. He had previously advised that he and the Planning Section were of the view that planning permission was not required for the project however a submission had been made to An Bord Pleanála. An Bord Pleanála had made a determination in August 2008 that the development was exempt and did not require planning permission. Nothing had happened in between.

He had received phone calls from Councillors and Town Councillors as to whether a

Section 140 could validly be put down. He had given general guidance that he did not think it could but would need to see the wording. This was on the basis of 41 years local government experience and having studied local government law. He had sought legal advice on the Section 140 as received. He had no doubt that the legal advice received was correct. There was no need for a second legal opinion. It was his view that no Section 140 that could be put down in relation to this matter that would be legally valid. He had come to this conclusion based on the opinion that had been received, case law on Section 140 resolutions and the legitimate expectation that applied. The formula of words was not the issue. He recommended strongly that the Motion should not be passed. He stated that he could not honour it even if it was passed by the Council and that it could not be implemented.

The County Manager further stated that it was important that an organisation like the County Council, which is involved in law making, should not ignore legal advice given. It would be wrong and would undermine the Members role as law makers. He strongly recommended that the members not vote on the Notice of Motion. He re-iterated that, if the members did vote and passed a resolution under Section 140 he would not be able to honour it.

Mr. Ó Niadh advised that he was the legal advisor to members. He had circulated the legal opinion received. He had heard that there was a second legal opinion but he had not seen it and had not spoken to anyone who had seen it. It should have been submitted so that it could be considered. He believed that the legal opinion received by him was correct – he had anticipated what it would say however out of respect for the Councillors who had signed the Motion he had sought a written opinion. He further advised that he could not implement the Section 140 if passed. If, as a result of passing the Section 140, there was a loss to the Council the members who voted in favour could be personally liable if there was a surcharge.

Cllr. P. Coonan referred to a previous legal opinion obtained in relation to planning refusal meetings. She stated that the Homeless Strategy had never come before an SPC Meeting. The members were there to do the job people had elected them to.

Cllr. D. Ryan said that thankfully Section 140 resolutions were very rare. They had been given legal advice that the motion, if passed, would be an illegal motion. They would have to treat this very seriously. There was a potential of having damages awarded against the Council. He was not a legal person but, as the Chair of the Housing Strategic Policy Committee and the Homeless Forum responsible for implementing the Homeless Strategy, he considered it would be morally wrong for him to support the motion and then try to implement the Strategy somewhere else. It would make it very difficult to implement policy. He could not in conscience support the motion.

Cllr. J. Ryan stated that the Motion had not been just “slapped up”. There was very definite legal advice from a very experienced well established barrister that the Section 140 was legal. In the Report given there was no mention in relation to No. 55 Mitchel Street. He asked what was proposed in relation to No. 55. The Report also refers to funding being provided in the budget. This was the first time they had been made aware of this. He asked what would happen if the funding was not provided in the budget.

Cllr. J. Casey stated that the residents had said they had a legal opinion. Cllr. J. Ryan had referred to a barrister. This would have cost the residents a lot of money. There were two conflicting legal opinions. The two should be put on the table for

consideration.

Mr. T. Ó Niadh advised that the County Manager is responsible for seeking legal opinion for the Council. Section 132 of the Local Government Act 2001 relates to reserved functions. The Section 140 Motion relates to an executive function therefore Section 132 does not apply.

On the proposal of Cllr. J. Hogan seconded by Cllr. W. Kennedy it was agreed to adjourn the meeting to allow the Members to discuss the matter further.

On the resumption, Cllr. J. Hennessy advised that it was proposed to withdraw the Section 140 Motion until the legal opinion received by the residents could be obtained. He asked for clarification on a number of points:

1. The position in relation to Number 55 Mitchel St.
2. The Committee should be informed when work will start.
3. Did the Council have to put money in the Budget for running the house?

Cllr. J. Ryan stated that the residents had asked that no work should be carried out.

In response, Mr. T. Ó Niadh stated that it had been said that the Homeless Strategy had not been brought before the SPC. This was not correct – it had been. The Council was not in control of the works and therefore could not give a commitment to advise when work would commence. He advised that the Notice of Motion needed to be dealt with in accordance with the Local Government Act 2001. It could not be adjourned. It should be withdrawn however there would not be a problem with re-submitting it should the Councillors wish to do so. Money had already been provided in the current year's Budget and was provided every year for projects of this nature. Money will be provided in the 2009 Budget.

Mr. P. Heffernan stated that the residents had been informed by letter in 2007 of the compromise proposals. No. 55 was not going to be used for the purposes of the project being developed by Arlington Novas and it was proposed that No. 55 should be purchased by Thurles Town Council into its normal housing stock.

Cllr. J. Ryan asked what would happen if Thurles Town Council could not come up with the money for No. 55.

Mr. T. Ó Niadh advised that the compromise proposal had been outlined. The current proposal on the table was that No. 55 should be taken into housing stock. If this did not happen it would be necessary to take up the matter with Arlington Novas and to look at other options.

On the proposal of Cllr. J. Egan, seconded by Cllr. S. Hanafin it was agreed to withdraw the Section 140.

In response to a question from the Co. Manager Cllr. J. Hennessy advised that the legal opinion which the residents had was verbal only and would be sought in writing for production to Councillors.

Suspension of Standing Orders

On the proposal of Cllr. T. Berkery, seconded by Cllr. J. Carroll it was agreed to suspend Standing Orders to allow Cllr. S. Creamer to make a statement to the Council.

Cllr. S. Creamer informed the Meeting that he will not be seeking re-election in the forthcoming Local Elections. This was a decision he had not made lightly and it was made on personal grounds following consultation with his family and close friends. He said it was an honour and privilege for him to serve the Nenagh/Newport Area over the last number of years and hopefully the area and his own parish of Portroe had benefitted from his involvement. He thanked the Manager and all members of staff including the staff in the Area Office and the outdoor staff for the courtesy and co-operation shown to him. He also thanked his fellow colleagues especially those in the Nenagh-Newport Area. He thanked his fellow Labour colleague John Kennedy and wished all the members well for the forthcoming elections. He also thanked the members of the Press who had a very important job to do.

Cllr. J. Hennessy said he was very sorry to hear that Cllr. Creamer was not going forward for election. It was a pleasure to have worked with Cllr. Creamer. He always had a tremendous contribution to make to any debate and was always polite and civil. He wished him, his wife Lily and family all good wishes for the future.

All Members of the Council spoke of their sadness and regret at Cllr. Creamer's decision and paid tribute to him for his honesty and integrity and the way in which he represented his local community. They all wished him and his family good luck for the future.

Mr. T. Ó Niadh wished to be associated with the tribute to Sean. He thanked and congratulated him on the commitment and passion shown in his service on the Council.

Votes of Sympathy

Votes of sympathy were passed to the following:

- Tony O'Mara on the death of his mother Helen.
- Michael Ryan (Environment) on the death of his sister Maureen Doyle.
- P J & Anne Martin, Clonmore, Templemore on the death of their son Christian.
- The Delaney Family, Richmond, Nenagh on the death of their daughter Anne.
- Ml. McNamara, Kiltillane, Templemore on the death of his brother Fr. Conor McNamara.

D'aontaigh an Bainisteoir le gach cuid de na votai.

Vote of Congratulations/ Best Wishes

A vote of congratulations was passed to the following: -

- Shannon Rovers Hurling Club on winning the Minor B County Final
- Drom Camogie Club on their successful season.
- Patricia O'Halloran, Portroe on receiving a Camogie All Star Award.
- A speedy recovery and best wishes to former Councillor Sean Fogarty, Moyneard, Moyne, Thurles.

D'aontaigh an Bainisteoir le gach cuid de na vótaí.

Item 2.1
Adoption of
Minutes of
Previous Meeting

It was proposed by Cllr. T. Harrington, seconded by Cllr. S. Hanafin and unanimously agreed that the minutes of the October 2008 Monthly Meeting be adopted.

Item 2.2
Action Plan
Progress Report

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

Item 3.1
Draft
Development
Contribution
Scheme

Mr. T. Ó Niadh advised members that the only submission received on the Draft Development Contribution Scheme was from the Department of the Environment, Heritage & Local Government and this outlined the need to ensure that the County Development Board was briefed on the proposed scheme. This had been done.

Mr. Ó Niadh stated that the members had decided to put the existing Development Contribution Scheme on public display. He had advised at that meeting that a minimum increase of 10% should apply for all charges but that water and wastewater charges only would be increased to reflect the totality of the receipt. The current level of contributions was not adequate to provide the minimum level of water and wastewater facilities required to facilitate the current level of construction. He was therefore advising the members that they should adopt a 10% increase across the board with the additional income to be applied to water services. He outlined the implications in terms of funding of proposed schemes including Thurles Regional Water Supply Scheme and Newport Regional Water Supply Scheme if the charges were not increased. Mr. M. Shortt advised that the scheme had been put on public display for 6 weeks. He drew members attention specifically to charges for masts and turbines.

Members expressed concern that increased charges would be a disincentive to development and felt that, in the current climate, charges should be kept to a minimum. They referred to the slow down in construction generally and the reduction in applications for planning permission. Cllr. P. Coonan raised issues in relation to the charges which apply for car park spaces. Mr. M. Shortt responded to queries raised.

Mr. T. Ó Niadh advised that there were a number of existing commitments where contracts have been entered into. Letters of intent had also been issued. The minimum amount needed to meet the contractual commitments is the current scheme. There were two issues facing developers – the recession and the credit crunch. There was a need for investment during a recession when house prices were coming down in order to have the infrastructure in place to facilitate future development.

Following debate it was proposed by Cllr. S. Hanafin, seconded by Cllr. T. Harrington that, in accordance with Section 48(8)(a) of the Planning and Development Act 2000 the North Tipperary County Council Draft Development Contribution Scheme 2009 shall be modified otherwise than as recommended in the County Manager's Report to the Council and as set out in the details attached on the attached schedule and the modified Scheme shall be made with effect from 1st January 2009. The proposed modifications were that the charge applicable in respect of masts and turbines should be increased to €20,000 per apparatus.

The proposal was passed on a show of hands with a number of members abstaining. Cllr. P. Coonan voted against the proposal.

Item 4.1
Increase in Loan
Amount for
Voluntary
Housing Scheme
at Tyone, Nenagh

It was proposed by Cllr. J. Casey, seconded by Cllr. J. Carroll and resolved that pursuant to the Local Government Act 2001 and subject to the sanction of the Minister of Environment, Heritage and Local Government, North Tipperary County Council approves an increase in the amount of loan raised with the Housing Finance Agency (HFA) in the sum of €73,787 (six hundred and seventy three thousand, seven hundred and eighty seven euro) for the purpose of a Capital loan and subsidy voluntary housing scheme at Tyone, Nenagh. (Previous resolution of 19th June, 2006 for loan in the sum of €5,477,387 refers, new loan amount proposed will bring total loan to €6,151,174).

Item 4.2
Finance Quarterly
Report

Members noted the contents of the Finance Quarterly Report, copy of which was circulated via email.

Item 4.3
Statutory Audit
Report on
Accounts for Y/E
31.12.07

Members noted the Statutory Audit Report on the Accounts for the year ended 31st December 2007.

Item 4.4
Decrease of
Interest Rates for
Variable Rate
Housing Loans

Members noted decrease of interest rate for Variable Rate Housing loans of 0.50% from 1st December 2008 as per circular HFA 208, copy of which was circulated via email.

Item 5.1
Disposal of Land

It was proposed by Cllr. J. Hogan, seconded by Cllr. M. Lowry and resolved that pursuant to Section 211 of the Planning & Development Act, 2000, the disposal of 0.0084 hectares at Mountgeorge, Borrisoleigh to Aileen Óg Groome, Upper Main Street, Borrisoleigh be carried out in accordance with the terms of the Notice dated 4th November, 2008 sent to each Member, and in accordance with the provisions of Section 183 of the Local Government Act, 2001.

Item 6.1
Planning &
Development
Quarterly Report

Members noted the contents of the Planning & Development Quarterly Report, copy of which was circulated via email.

Item 6.2
Planning &
Development
Register

Members noted the Planning & Development Register for the month of October, 2008.

Item 7.1
Community &
Enterprise
Quarterly Report

Members noted the contents of the Planning & Development Quarterly Report, copy of which was circulated via email.

Item 7.2
Allocation of
Grants under the
Community, Sport
& Cultural Grants
Scheme

It was proposed by Cllr. J. Carroll, seconded by Cllr. M. O'Meara and agreed to approve Grants under the Community, Sport & Cultural Grants Scheme as outlined hereunder: -

Group	Total Eligible Costs €	Grant €
Templederry Kenyons GAA Club	95,000.00	24,500.00
Portroe GAA Club	131,000.00	28,800.00
Newport Development Association	196,189.29	117,713.57
Ballymackey Football Club	176,000.00	61,600.00
Toomevara GAA Club	438,522.26	82,800.00
Nenagh Ormond Rugby Club	180,481.14	24,096.22
Nenagh AFC Brickfields Ltd.	450,000.00	10,073.00
Newport Town AFC	251,233.39	45,369.90

Item 8.1
Establishment of
Joint Policing
Committees

It was agreed to defer consideration of this item to the December Meeting.

Item 8.2
Election of
Members to Joint
Policing
Committee

It was agreed to defer consideration of this item to the December Meeting.

Item 9.1
Tuarascáil ar
Fheidhmiú den
Scéim faoi Acht
na dTeangacha
Oifigiúla

Thug na comhairleoirí faoi deara an Tuarascáil ar Fheidhmiú den Scéim faoi Acht na dTeangacha Oifigiúla.

Item 10.1
Reports on
Strategic Policy
Committee
Meetings

It was noted that no Strategic Policy Committee Meetings were held since the October Monthly Meeting.

Item 11.1
Reports on Area
Committee
Meetings

Members noted reports on the following Area Committee Meetings:

- Nenagh Electoral Area Committee
- Templemore Electoral Area Committee
- Borrisokane Electoral Area Committee

Members raised a number of issues arising from meeting with the N.R.A. at which area priorities were discussed.

Item 12.1
Reports on
Conferences

It was proposed by Cllr. D. Ryan, seconded by Cllr. P. Coonan 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 budget, hereby nominate those listed hereunder to attend the following Conference/Seminar"

Seminar/Conference /Similar event	Dates	Venue	Nominees	Estimated Cost
L.A.M.A Winter Conference	26 th – 27 th November	TF Royal Hotel, Old Westport Road, Castlebar, Co. Mayo	Cllr. John Sheehy Cllr. Michael Smith Cllr. Michéal Lowry	€500
The Good Friday Agreement – 10 Years On	24 th – 25 th October	Clifden Station House Hotel, Clifden, Co. Galway	Cllr. John Sheehy Cllr. John Kennedy Cllr. Sean Creamer	€500
A National Tourism Conference – Co-Operation and Integration	27 th – 29 th November	Falls Hotel, Ennistymon, Co. Clare	Cllr. John Sheehy Cllr. Michael Smith	€500
National Village Design Conference 2008	31 st October	Slane Castle, Co. Meath	Cllr. Sean Creamer Cllr. Mattie Ryan	€500
The Local Government Budget 2009	31 st October – 1 st November	The Carlton Millrace Hotel, Bunclody, Co. Wexford	Cllr. Mattie Ryan Cllr. Jim Casey Cllr. Willie Kennedy	€500
Anti-Social Behaviour and Associated Health & Safety Issues Conference	31 st October – 1 st November	Carraig Hotel, Main Street, Carrick-on-Suir, Co. Tipperary	Cllr. Sean Creamer	€500
Roscrea Autumn Conference 2008	31 st October – 2 nd November	Mount St. Joseph Abbey, Roscrea, Co. Tipperary	Cllr. John Kennedy	€500
Why Equality Matters	10 th November	Royal Hospital Kilmainham, Dublin	Cllr. John Carroll	€500
Carers' Health and Wellbeing	13 th November	Davenport Hotel, Merrion Square, Dublin 2	Cllr. John Carroll Cllr. Pauline Coonan	€500
Information & Communication Technologies for Councillors	21 st – 23 rd November	The Carlton Millrace Hotel, Bunclody, Co. Wexford	Cllr. Gerard Darcy	€500
Help Put the World to Rights	19 th November	Hotel Kilkenny, Kilkenny	Cllr. Dr. Phyll Bugler	€500
Public Relations and Communication Skills for Councillors	14 th – 16 th November	Silver Tassie Hotel, Milford Road, Letterkenny, Co. Donegal	Cllr. Michael Smith Cllr. Michéal Lowry	€500
Homelessness in Ireland	5 th – 6 th December	The City West Hotel, Dublin	Cllr. Michael Smith Cllr. Michéal Lowry	€500

Planning, Proposals & Pitfalls	12 th – 13 th November	Dungarvan, Co. Waterford	Cllr. John Carroll Cllr. Willie Kennedy	€500
All Island Public Consultation Conference	13 th November	Croke Park Conference Centre, Dublin	Cllr. John Egan	€500

Item 12.2

Members noted the following Reports on Conferences: -

Conference/Seminar Title	Date Of Conference	Reports Received from:
Another Way to Mental Health Recovery Conference	18 th April 08	Cllr. Denis Ryan Cllr. Pauline Coonan
Rural Water Conference	18 th September 08	Cllr. Denis Ryan
Local Authority Financing Seminar	16 th – 18 th October 08	Cllr. Denis Ryan
Mid West Regional Authority Conference	8 th February 08	Cllr. Pauline Coonan
Your Business & Corporate Social Responsibility Conference	30 th January 08	Cllr. Pauline Coonan
Energy Efficiency Conference	19 th – 21 st September 08	Cllr. Pauline Coonan Cllr. John Hogan Cllr. John Egan
Irish Language Course for Councillors	13 th – 16 th August 08	Cllr. Pauline Coonan Cllr. John Hogan
Local Authority Financing	16 th – 18 th October 08	Cllr. Michael Smith
La Touche Legacy Seminar 08	3 rd – 5 th October 08	Cllr. Michael Smith
MacGill Summer School	12 th – 19 th July 08	Cllr. John Carroll
Cohesion – The Next Steps	16 th September 08	Cllr. John Carroll
Challenge of Change Towards an Active, Equal & Intercultural Society	18 th September 08	Cllr. John Carroll
The Credit Crunch Conference	9 th October 08	Cllr. John Carroll
Sustaining Rural Development Conference	6 th March 08	Cllr. John Carroll
BIM Fish Ireland Conference	26 th June 08	Cllr. John Carroll
The Feasta Seminar on Climate Change	24 th July 08	Cllr. John Carroll
The Lammas Fair	23 rd – 25 th August 08	Cllr. John Carroll
Human Rights, Human Dignity – Health & Housing in Ireland	20 th – 21 st October 08	Cllr. Tom Harrington
Douglas Hyde Conference – Lost in Translation	17 th – 19 th October 08	Cllr. Dr. Phyll Bugler
Irish Language Course for Councillors	26 th – 29 th October 08	Cllr. Dr. Phyll Bugler
Councillor's Training Seminar – Alternative Enterprise, the key to sustaining the Rural Economy	9 th – 12 th July 08	Cllr. Dr. Phyll Bugler
Kerry Environmental Recognition Conference	2 nd – 6 th April 08	Cllr. Michéal Lowry
The Local Government Budget 2009	31 st October – 1 st November 08	Cllr. Mattie Ryan Cllr. Willie Kennedy
National Village Design Conference	31 st October 08	Cllr. Mattie Ryan
Féile Frank McGann	9 th – 12 th October 08	Cllr. Willie Kennedy

Item 13.1
Mavor's Business

None

Item 14.1
County
Managers/Directors/
Heads of Functions
Business

Mr. T. Ó Niadh informed the Meeting of the revised schedule of dates which had been modified because of the opening of the M8 as follows:

- 1st December at 10 a.m. - CPG Meeting to discuss the Draft Budget
- 5th December at 10 a.m. - Budget Workshop
- 8th December at 6 p.m. - Civic Reception for Rose of Tralee
- 15th December at 10 a.m. - Budget meeting followed by December County Council Meeting
- No CPG Meeting on 15th December

Broadband Update

Mr. Gerard Lynch, Head of IS, provided an update on the current status of Broadband in North Tipperary - the position in relation to the Metropolitan Area Networks (MANs) in Nenagh, Roscrea and Templemore, the submission in relation to Thurles, backhaul for the MANs and the DCENR's National Broadband Scheme. Following discussion it was agreed to write again to the Minister for Communications, Enterprise and Natural Resources, outlining the Council's concerns about the lack of backhaul for Nenagh and Roscrea.

Item 14.2
County
Managers/Directors
Orders

Members noted County Managers/Directors of Services/Heads of Functions for the months of September and October 2008.

Item 15.1
Tenders

Members noted the Schedule of tenders accepted as follows:		
October 2008		
<i>Scheme</i>	<i>Contractor</i>	<i>Contract Sum Including VAT</i>
Site preparation for a temporary demountable dwelling at Benamore, Roscrea	Ballinafad Construction Ltd., Dromard, Clonmore, Co. Tipperary	€6,469.00
Provision of Central Heating to 3 No. Houses at Clohessy Place, Bouladuff, Thurles	Heatway Plumbing & Heating Services Ltd, 4 Sarsfield St., Mountmellick	€24,243.62
Provision of Central Heating to 12 No. Houses at Derryaflan, Littleton, Thurles	Heatway Plumbing & Heating Services Ltd, 4 Sarsfield St., Mountmellick	€71,595.86
Specialist Solar Energy Consultants for Housing Development at Borrisokane	Casey Mechanical & Electrical Engineers, St. Martins, Carmody Street, Ennis	€15,5000 plus VAT at 21%
November 2008		
<i>Scheme</i>	<i>Contractor</i>	<i>Contract Sum Including VAT</i>
N7 Interim Pavement Repairs – Lismore to Toomevara	Kelly's of Fantane (Concrete) Ltd., Borrisoleigh, Thurles	€262,778.37
Contract for Gortmore TMF – Phase 1 at Silvermines.	Priority Construction Ltd., 162 Clontarf Road, Dublin 3	€1,767,595.66

Item 16.1
Notices of Motion

There were no notices of motion submitted for this meeting.

Item 17.1
Correspondence

Members noted the following Correspondence

October 2008

1.	Letter from Ballinasloe Town Council outlining motion passed by them regarding children from Belarus travelling to Ireland.
2.	Letter from Bantry Town Council outlining motion passed by them regarding return of the Cork Swansea Ferry Service for the 2009 season.
3.	Letter from Monaghan Town Council outlining motion which was adopted by them regarding the issuing of display discs for those involved in the distribution of Meals on Wheels.
4.	Copy of Letter from Waterford City Council which was sent to the Minister outlining their concerns with the HEG Scheme.
5	Email from Waterford City Council outlining Motion which was passed by them calling on the Minister for Transport to transfer the license issuing authority in respect of Urban Bus Routes.
6.	Email from Waterford City Council outlining Motion which was passed by them calling on the Minister for the Environment, Heritage & Local Government to increase funding to Local Authorities for Grants: Housing Aid for the Elderly, Mobility Aids Grant and Housing Adaptation Grant for people with a Disability.
7.	Letter from Office of Minister for Environment, Heritage & Local Government in reply to our letter regarding the cessation of turf cutting on certain bogs.

November 2008

1	Letter from Clones Town Council outlining motion adopted by them regarding Fuel Allowance Scheme.
2.	Acknowledgement from Office of the Minister for Social and Family Affairs to our letter regarding medical cards for the over 70's.
3.	Acknowledgement from Office of An Taoiseach to our letter regarding medical cards for the over 70's.
4.	Letter from Clones Town Council outlining motions passed by them supporting two objectives of the Irish Lobby for immigration reform in the U.S.
5	Email from Waterford City Council outlining motion which was adopted by them calling on the Minister/HSE to implement a Stroke Strategy.
6	Email from Waterford City Council outlining motion which was adopted by them regarding the oversupply of taxis in the Waterford Area.
7	Email from Kilkenny County Council outlining motion which was adopted by them regarding the establishment of a Statutory Compensation Tribunal for Coalminers.

Item 21.1
Any Other Business

Members expressed concern in relation to the future of Nenagh Hospital. Cllr. J. Kennedy outlined various matters that had been discussed at a meeting of the Regional Health Forum West that morning. Members expressed disappointment that the HSE had not been in a position to send a representative to meet with them. Mr. T. Ó Niadh advised that the HSE was a statutory organisation in its own right and it was not their responsibility to come and formally report to the Council on health matters. They had previously agreed to meet members in a Committee format however the dates had not suited. The Council had representatives on the Health Forum. Members who represent the Council on various bodies have a responsibility to report back to the Council on matters relating to those bodies.

Following discussion it was agreed to write again to HSE to request a meeting to discuss health issues in relation to North Tipperary.

Mr. J. McGuire, A/Director of Services, in response to queries from members, read out a report from Limerick County Council in relation to payments to subcontractors and suppliers in respect of the N7 Nenagh to Limerick High Quality Dual Carriageway Project. Members expressed their grave concerns in relation to the position. Following discussion it was agreed to ask an Engineer from Limerick County Council to attend a future meeting of the Nenagh/Newport Area Committee.

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

Signed: _____
Cllr. J. Hennessy
Mayor

Date: _____

Signed: _____
Ms. Rosemary Joyce
Senior Executive Officer

Date: _____