

**Minutes of the Corporate Policy Group Meeting held
on Wednesday 13th September 2017 in the Board Room, Áras an Chontae, Mullingar at 8.30am**

Present

Cllr John Shaw (Cathaoirleach)
Cllr Ken Glynn
Cllr Tom Farrell
Cllr Aengus O'Rourke
Cllr Paul Hogan

In Attendance

Mr. Pat Gallagher, Chief Executive
Mr. Jimmy Dalton, Head of Finance
Ms. Martina Slevin, Assistant Staff Officer

Apologies

Mr. Billy Coughlan, Meetings Administrator

Minutes of Previous Meetings

The minutes of previous meeting held on Wednesday 19th July 2017 at 8.30am were approved as proposed by Cllr Tom Farrell, and seconded by Cllr John Shaw.

Local Property Tax (Local Adjustment Factor) Regulations 2014

Jimmy Dalton, Head of Finance circulated a draft copy of the **Chief Executive's Report to the Members of Westmeath County Council on the variation in Basic Rate of Local Property Tax for 2018 under the Local Property Tax (Local Adjustment Factor) Regulations 2014**, and outlined the key issues. He advised and we have been notified by the DHPLG of a provisional LPT allocation of €11.2m for 2018. This is made up of €5.1m which is 80% of the LPT income generated in Westmeath, and €6.1m from the Equalisation Fund to address the funding gap.

Jimmy Dalton advised that if Westmeath County Council decides to reduce the basic rate of LPT, it will lose 100% of any such variation, i.e. no additional funding will be provided from the Equalisation Fund. Likewise, the Council will retain 100% of the additional income which would arise from a decision to increase the basic rate.

Jimmy Dalton also highlighted the comparison between the impact of a reduction on the house owner, as against the impact on the income of Westmeath County Council, i.e. reduction of 3% in basic rate would result in a maximum reduction of €9.45 per annum on 93% of property owners, as against €192,000 per annum reduction of income for Westmeath County Council.

To conclude, Jimmy Dalton advised that the Chief Executive's report will be recommending the following to the Council:

- In order to maintain the current funding available to the Municipal Districts via the General Municipal Allocation (GMA) it is recommended that the basic rate of LPT is not subjected to any reduction in 2018.
- In addition to the General Municipal Allocation (GMA) there are a growing number of local initiatives and opportunities which are subject to the discretion of members e.g. CLÁR, Town & Village Renewal and Outdoor Recreation Infrastructure. The scope for growing these initiatives, both in terms of their number and size, is greatly enhanced by increasing the amount of local funding available.
- It is important that the Council is in a position to maximise the opportunities available to it at a local level. It is therefore recommended the basic rate of LPT is increased by 10% for 2018. This increase will generate estimated additional income of €639,000 in 2018.

In response to Members questions, Jimmy Dalton advised as follows:

A Valuation List for all properties revalued in Westmeath was received on 11 September, and he will have his report and analysis on the impact of the revaluation of properties in Westmeath ready to present to the Members at the October Council Meeting. He further advised that property owners have the right of appeal to the

Valuation Tribunal by 12 October 2017, if they are not satisfied with their final Valuation Certificate. He further advised there is a financial risk associated with this appeals process and particularly so in the light of all properties being revalued en bloc for the first time. Jimmy Dalton also advised that other urban counties who have completed the revaluation process have experienced a negative impact financially, although no rural county has completed the revaluation process yet. He also advised that he will seek to establish how many appeals will be received in due course. He also advised that he intends publishing a revised indicative ARV on the Council's website in the coming days. He further advised that this revised indicative ARV would be approximately 10% less than that indicated last January i.e. change from 0.20 to 0.18 approximately.

In response to Cllr Paul Hogan who asked if the estimated additional income of €639,000 from the recommended increase of 10% in the LPT will be included in the 2018 budget, Jimmy Dalton advised that if the increase is approved by the Members, it will be included.

He further advised that it is important for the Members to be aware that if the decision is made to increase the LPT by 10% that it can be clearly shown within the Budget where it is proposed to spend the estimated €639,000.

Further to above, Cllr Aengus O'Rourke expressed the view that 10% is a significant increase, and will need to be discussed among the groups. This view was echoed by all the Members.

Budget 2017 Meetings

Budget meeting dates were considered by the Members. Jimmy Dalton advised that it was not obligatory to hold a Preliminary Budget Meeting. However there was general consensus among the Members that the Preliminary Budget meeting was helpful in terms of teasing out issues, and having a "dry-run" before the Statutory Budget Meeting.

The following Budget Meeting dates were agreed:

- Monday 6th November 2017 GMA – Athlone Municipal District at 3pm
- Monday 13th November 2017 GMA – Mullingar Municipal District at 2pm
- Monday 20th November 2017 Preliminary Budget Meeting at 10am
- Monday 27th November 2017 Statutory Budget Meeting at 10am

It was also noted that the November Monthly Meeting will take place at 3pm on Monday 27th November 2017.

Jimmy Dalton advised that the Council will need to complete deliberations in the second half of October, and have the budget finalised by Friday 27 October 2017.

Update on Calendar of Official Openings / Sod Turnings

No new events listed since July CPG Meeting.

Motions

Deferred Motions:

(i) Cllr. John Shaw and Cllr. Paddy Hill:

That Westmeath County Council make the following variations to the County Development Plan 2014-2020

11.8 Local Housing Need Policy P-LHN1

It is a policy of Westmeath Co Council to permit residential development in areas outside of the development boundaries of the settlement hierarchy subject to the following circumstances

1. Persons who are actively engaged in Agriculture, horticulture, forestry, bloodstock and peat industry. No change
2. Members of farm families seeking to build on the family farm. No change
3. *Landowners for this purpose being defined as persons who own the land 5 years prior to the date of planning application.*
4. Persons employed locally whose employment would provide a service to the local community. No change
5. Persons who have personal, family or economic ties within the area including returning emigrants. No Change
6. Persons who wish to return to farming and who buy or inherit a substantial farm holding which is kept intact as an established farm unit, will be considered by the council to be farmers and will be open to consideration for a rural house as farmers. Where there is already a house on the holding refurbishment or replacement of this house is the preferred option. No Change

The local area for the purpose of this policy is defined as the area generally within a 10km radius of the applicant's family home.

11.20 Areas of High Amenity

P-AHA2

To restrict development not related to farm practices and tourism in all high amenity areas with the exception of housing for the immediate family (son/daughter) of established residents living on landholdings, who demonstrate a housing need and have long term intrinsic links with the area. *The entire landholding will be demonstrated to have been in the resident's ownership 5 years prior to the date of application.*

(ii) Cllr. Tom Farrell:

"That Westmeath County Council would set out in detail its policy "on local needs" for adjudicating on "one off" planning applications together with a view from the Executive on inconsistencies with adjoining counties".

Pat Gallagher, Chief Executive, referred to the above motions deferred from the July CPG Meeting when it was agreed by the Members that legal advice be sought as to whether variations to County Development Plans are an executive or reserved function.

The Chief Executive reminded the members of Dept Circular PL02/2017 discussed at the June CPG Meeting. This circular advised that national policy is currently being reviewed to ensure that rural housing policies and objectives contained in local authority development plans comply with the EU Treaty on the freedom of movement of citizens. He further advised that the Dept has advised the Council not to amend its policy on rural housing until further guidance is received from the Dept.

The Chief Executive advised, that since the July CPG Meeting, he has become aware that other local authorities have been lobbied on the issue of the initiation of variations by Members. He referred in particular to Dun Laoghaire-Rathdown County Council who sought legal advice from Senior Counsel in regard to a recent motion to initiate a variation to their County Development Plan. The legal advice given is that the initiation of a variation to a County Development Plan is an executive function, and that the Members role in this regard is to consider the Chief Executive's Report on a proposed variation. After receiving this advice, the members of Dun Laoghaire-Rathdown County Council sought a second legal opinion, and the second opinion confirms the first opinion, that the initiation of a variation to a County Development Plan is an executive function. The Chief Executive further stated that as it is clear from the legal opinions given by two Senior Counsel that this is a matter of law, the Members will be acting outside their powers if they proceed to approve the two motions at the Council Meeting, and it would be unlawful for the Council to give effect to it.

Notwithstanding the above, the Chief Executive advised that he is awaiting legal advice on this matter from Regan McEntee Solicitors, who are very experienced in local government law. He has discussed the issue with McEntees, and has forwarded them copies of the two senior counsel opinions, and they will have regard to both in preparation of their legal advice. He will have a written report from Regan McEntee to present to the Members at the September monthly meeting.

Further to the above, the Chief Executive stated that the advice given to him with regard to the status of Variations 1 and 2 adopted by Westmeath County Council, is that both were adopted in good faith, and that the time limit has lapsed for carrying out a judicial review.

In response to Cllr Paul Hogan, the Chief Executive advised that he will set out in his report to the Members what part of the Local Government Reform Act states that variations are an executive function. The Chief Executive also advised that the Members no longer have power to instruct the Chief Executive on any planning function, and this is set out in the Local Government Reform Act.

The Chief Executive advised the Members that they have two options available to them:

- Forward the issue re rural housing and local need for discussion by the Rural Housing Committee, which is a sub-committee of the S.P.C. He also stated that if the Members were seeking to change the Rural Housing policy, then a process of examination is needed to see what needs to be done to make changes. (It was noted that the Rural Housing Committee meetings have been poorly attended).
- Deal with the issue during the course of the review of the County Development Plan which will be commencing in 2018.

In response, An Cathaoirleach, Cllr John Shaw expressed his dissatisfaction that there has been no progress with the rural housing and local need issue, despite several discussions over the last couple of years. He also stated that in his opinion, the Members and the Executive have different views on rural housing. He also expressed the view that people who want to build houses out the country are being refused for spurious reasons. He asked that a clear definition be set out in the rural housing policy.

Cllr Tom Farrell asked that his motion remain on the September Agenda for discussion, as he feels there is a lot of unease re rural housing policy.

Cllr Tom Farrell left the meeting at this point.

To conclude, Cllr John Shaw also requested that his motion remain on the September Agenda, as he of the view that the rural housing issue needs to be discussed in detail by the full Council. This was agreed to.

September Agenda

Pat Gallagher outlined the contents of the September Council Meeting Agenda, and the following items were highlighted.

Item 5: To fill casual vacancy in the membership of Westmeath County Council arising from the resignation of Cllr Avril Whitney

It was agreed to fill the consequential vacancies arising from the resignation of Cllr Avril Whitney on the following committees:

- Mullingar Integrated Arts Centre Ltd.
- Transportation and Planning SPC
- Longford and Westmeath Education and Training Board

In response to Cllr Ken Glynn, the Chief Executive undertook to contact the ETB to establish if the Council's nominee should be female in order to comply with the Board's gender balance requirements.

Item 8 – To consider the Chief Executive’s Report on Local Improvement Scheme

The Chief Executive advised that Minister Ring is considering reinstating financial support to Local Improvement Scheme, although an official announcement is awaited in this regard. He also advised that a list of schemes has been prepared by the Council and he wishes to appraise the Members on this. Guidance has been received on the order of priority. An Cathaoirleach, Cllr John Shaw expressed a desire to revisit this list, due to changing priorities since the last list was prepared. The Chief Executive also advised that there is an indication from the Minister’s Office that the schemes will be 90% grant aided, with 10% local contribution. It was further noted that LISs will only go ahead if funding is made available.

Item 12 – To receive update on Civil Defence

The Chief Executive requested a deferral on this item until October due to the absence of Martin Murray, Director of Services on annual leave. At the request of Cllr Ken Glynn, it was agreed to leave this item on the Agenda for mention and to advise that it will be deferred until October.

Assessment of upcoming Conferences

	Date	Con Length	Conference	Location	Conference Cost	Overnight Cost (133.73 euro)	Travel	Total Estimate Cost	Distance x return Mgr .4479
1	5 to 6 September 2017 (Tuesday and Wednesday)	2 DAYS	National Tourism Conference (Working on the Wild Atlantic Way)	Listowel, Co. Kerry	€ 90.00	€ 133.73	€198.87	€422.60	444km - 2 hours and 56 minutes
2	14 September 2017 (Thursday)	1 DAY	AILG: Wellbeing for Councillors	City North Hotel (on the M1), Gormanstown, Co. Meath	€ 50.00	€ -	€ 98.54	€148.54	220Km1 - hour and 11 minutes
3	27 to 28 September 2017 (Wednesday to Thursday)	2 DAYS	ICSH Biennial National Social Housing Conference	Strand Hotel, Limerick	€ 295.00	€ 133.73	€138.85	€567.58	310km - 2 hours and 9 minutes
4	13 to 15 October 2017 (Friday to Sunday)	3 DAYS	The Institute of Professional Training: Local Authority Budgets 2018	Silver Tassie Hotel, Letterkenny, Co. Donegal	€ 145.00	€ 267.46	€173.79	€586.25	388km - 3 hours and 1 minute
5	13 to 15 October 2017 (Friday to Sunday)	3 DAYS	Celtic Conferences: A practical guide to Budget 2018	The Four Seasons, Carlingford, Co. Louth	€ 100.00	€ 267.46	€114.66	€482.12	256km - 1 hour 55 minutes
6	20 to 22 October 2017 (Friday to Sunday)	3 DAYS	Celtic Conferences: What does a HARD BREXIT mean for Ireland	Clonakilty Hotel, Clonakilty, Co. Cork	€ 100.00	€ 267.46	€259.78	€627.24	580km - 3 hours 20 minutes

Following an assessment of the conference schedule the following conferences were approved by the CPG for the Members of Westmeath County Council to attend:

- 1. National Tourism Conference (Working on the Wild Atlantic Way) – 5th – 6th September 2017 – to be approved retrospectively.**
- 2. AILG : Well Being for Councillors - 14th September 2017**

Billy Coughlan to advise the Members accordingly requesting that they confirm if they wish to attend in order that their attendance may be approved by the full Council at the September 2017 Meeting. Details of above approved conferences to be forwarded to the Members.

CPG Recommendations

- That the Mayor of Athlone Municipal District confer an address of recognition to the local delegates of the European People's Festival for winning the prestigious Fair Play Award, at the Luan Gallery, Athlone on 30th September 2017. (as requested by Cllr Paul Hogan).
- That a Civic Reception be granted to the Members and Management of Westmeath Camogie Team on winning the All Ireland Premier Junior Camogie Championship (requested by Cllr John Shaw).
- That the following Budget Meeting dates be agreed:
 - Preliminary Budget Meeting Monday 20th November at 10am
 - Statutory Budget Meeting Monday 27th November at 10am.

Correspondence

Pat Gallagher advised of the following items of correspondence:

Resolution from Limerick City and County Council re allowing Sky TV exclusive rights to screen particular Gaelic Games fixtures. **Noted by the CPG**

Invitation to The Mayor of Athlone Municipal District to attend the 2018 St. Patrick's Day Parade in Providence, USA. **Agreed to refer to Athlone Municipal District for consideration.**

AOB

Cllr Ken Glynn requested an update on Mullingar Integrated Arts Centre. In response, Jimmy Dalton advised that there is a delay in finalising matters, as he is depending on the two professional advisors involved to tease out the issues, some of which are significant. An Cathaoirleach, Cllr John Shaw also expressed his concerns with the delay in getting matters resolved, and requested that a meeting be called with the Arts Centre Board, and this was agreed to by the Members.

This concluded the business of the Meeting

Cllr John Shaw
Cathaoirleach

Date