

**MINUTES OF PROCEEDINGS OF MONTHLY MEETING OF
TIPPERARY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES,
CLONMEL, AND REMOTELY VIA ZOOM
AT 10.00 AM ON MONDAY 9TH DECEMBER, 2024.**

Present

Cllr. D. Burgess, Cathaoirleach

Cllrs: Ambrose, S; Anglim, M; Brennan, M; Cahill Skehan, K; Carroll, J; Dennehy, N; English P; FitzGerald J; Goldsboro, I; Kennedy, R; Kennedy, W; Lee, S; McGrath, M; Moran, E.; Murphy, Marie; Quirke O'Meara, P; Ryan S;

Remote

Cllrs: Bonfield; F; Browne, L; Bugler, P; Crosse, J; Dunne, D; Fitzgerald, M; Hannigan J; Hourigan, Mary Hanna, Lowry, MI; Molloy, R; Moloney, A; Morgan Walsh, L; Morris, S; O'Heney, J; O'Meara, MI; Ryan (Shiner), AM; Ryan, J; Ryan, P, Smith, MI;

Apologies

Cllrs: Bourke, K;

Also Present

Ms Sinéad Carr, Chief Executive, Mr. Ger Walsh, Meetings Administrator, Mr. B. Beck, Mr E. Lonergan, Directors of Services. Mr J. Cooney A/Director of Services. Mr. Denis Holland S.E. Mr. MI. Moroney, Shane O'Dwyer SEO's, Robert Johnston, S.E.E. Mr. Jonathan Flood, A/O

Item 1.1

**Welcome &
Introduction/
Meetings
Protocol**

The Cathaoirleach welcomed all to the December Meeting of the Council, advising members present in the Chamber that their microphone had to be turned on when they spoke and referred members attending remotely of the protocol for remote meetings circulated with the agenda and asked members to observe the rules contained therein with regard to remote meetings. He checked with each councillor attending remotely that they could see and hear clearly.

The Meetings Administrator then took a roll call and commenced the meeting with the opening prayer.

On the proposal of The Cathaoirleach, seconded by Cllr. John Carroll it was agreed to stand adjourned for five minutes as a mark of respect to the late Tom Kelly, father of Deputy Alan Kelly who passed away on Sunday, December 8th.

**Item 2.1
Disclosure/or
Conflicts of
Interest**

There were no disclosures or conflicts of interest advised to the Meetings Administrator in advance of the meeting.

Item 3.1
Minutes of
Council Meeting
held on 14th
October, 2024

The Minutes of the October Monthly Meeting held on 14th October, 2024 were proposed by **Cllr. N. Dennehy**, and seconded by **Cllr. J. Crosse** and adopted.

Matters Arising

Cllr. N Dennehy requested that the minutes be amended to note that Notice of Motion Ref. 2861 had been adopted unanimously by the Council however Sinead Carr, Chief Executive noted, while acknowledging that the motion had been supported by the Council, that it was agreed to seek legal advice on the matter. She questioned whether a motion passed at plenary level would supersede national legislation and therefore it was agreed to refer the matter to the Council's legal advisor for clarification.

It was agreed to amend the minutes to reflect this clarification and it was noted that that the matter would be before them again at the January Meeting, once the legal advice was obtained.

The Minutes of the Special Housing Meeting held on 11th November, 2024 were proposed by **Cllr. P. English**, and seconded by **Cllr. M. Brennan** and adopted.

Item 3.2
Minutes of
Special Housing
Meeting held on
the 11th
November

The Cathaoirleach advised that J. Cooney A/Director of Housing would circulate a draft letter for issue to the new minister in Department of Housing, Local Government & Heritage to the Cathaoirleach and then to all elected members for their review and comment before the letter is finalised and issued to the Department. This was noted and agreed by the Council.

Matters Arising

There were no further matters arising.

Item 4.1
Approval to
Attendance

It was proposed by **Cllr. Seán Ryan** and seconded by **Cllr. Shane Lee** 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 Conferences/Seminars/Trainings: -

Seminars/ Conferences/ Similar Events	Dates	Venue	Nominees
Health Service Entitlements	13 th – 15 th December, 2024	O'Donovans Hotel, Clonakilty, Co. Cork	Cllr. John Crosse Cllr. Phyll Bugler

Item 4 .2

Reports on Conferences

Noted.

Item 5.1

Disposal of property at No. 3 Lisheen Terrace, Mitchell Street, Thurles to Michael, Siobhan & Francis Butler

It was proposed by **Cllr S. Ryan**, seconded by **Cllr I. Goldsboro** and resolved: -

"that in accordance with the provision of Section 183 of the Local Government Act, 2001, Tipperary County Council hereby approves of the disposal of circa 0.001ha of land at Lisheen Terrace Thurles to Michael, Siobhan and Francis Butler, for a consideration of €1,000 plus Council's legal fees in accordance with the terms of the Notice under the above section as circulated on Thursday, 28th November".

The disposal was required to facilitate a boundary rectification.

Item 5.2

Section 183 Notice - Disposal of property at Coleraine, Cashel, Co. Tipperary to Melissa Frankovich & Michael Frankovich

It was proposed by **Cllr R. Kennedy**, seconded by **Cllr D. Burgess** and resolved: -

"that in accordance with the provision of Section 183 of the Local Government Act, 2001, Tipperary County Council hereby approves of the disposal of circa 0.239ha at Coleraine, Cashel, Co. Tipperary to Melissa Frankovich & Michael Frankovich for a consideration of €20,000.00 in accordance with the terms of the Notice under the above section, as circulated on Thursday 28th November 2024".

The disposal of property was required to facilitate registering the property to the joint names of the purchasers, Melissa & Michael Frankovich. Previous Section 183 Notice passed on 8th July 2024 is hereby revoked.

Item 5.3

Consideration of Audit Committee Reports in accordance with Local Government Act 2001

The Cathaoirleach advised the members that the Audit Committee Charter has been updated to reflect the names of the new Audit Committee Members. The members who are Elected Members were nominated at the Annual meeting in June and the external members were ratified at the September Plenary Meeting. The Charter has been updated accordingly and was approved by the Audit Committee at their meeting held in October 2024.

The updated Audit Committee Charter was proposed by **Cllr Marie Murphy**, seconded by **Cllr J. Carroll**.

Item 5.4

Consideration of Draft Corporate Plan 2024-2029

The Cathaoirleach referred to Ger Walsh, Meetings Administrator, who advised the members that the Draft Corporate Plan as circulated - 'Reshaping Our Future Together' is the Council's strategic framework for future action over the next 5 years, acting as the driver for economic development, social inclusiveness, and environmental sustainability.

He stated that it is a high-level document that presents the Council's vision and mission statement, core values, strategic themes and objectives which will guide the Council from now until June 2029.

He noted that the Plan was prepared on an inclusive basis with an organisational-wide strategic approach involving consultation with internal stakeholders within the local authority, including the Corporate Policy Group and external stakeholders, such as the Public Participation Network (PPN), representative groups, and social partners at local level, community, voluntary and environmental interests and other public bodies operating locally.

He outlined to the members that the Corporate Plan provides specific statements of intent concerning the Council's Mission and our shared Vision for Tipperary County Council and County Tipperary. The Council's mission and purpose are centred around the provision of civic leadership and the delivery of Local Authority services in Tipperary that maximises the social, economic, cultural, physical, and sustainable development of County Tipperary to the benefit of all communities and individuals throughout the county. The Plan is presented in a clear structured format based around 5 Strategic Themes, namely;

- Communities & Culture,
- Rural & Urban Places,
- Organisation & People,
- Environment & Climate and
- Economic & Enterprise.

These Strategic Themes inform and support twenty-five Strategic Objectives of the Council for the next five years and will be the primary influence for the development of Annual Service Delivery Plans and Annual Budgets.

He stated that the adoption of the Statements of Strategy (Corporate Plan) is a reserved function of the Council. The plan has been endorsed by the CPG at its meeting and it is recommended for approval to the full Council. He advised members that subject to adoption of the plan, it will then be worked up into a full document with photos and graphics and published to the website, a copy of which will be circulated to each member.

Following consideration, it was proposed by **Cllr. J. Carroll**, seconded by **Cllr. S. Lee** and resolved: -

"that in accordance with the provisions of Section 134 of the Local Government Act 2001, Tipperary County Council hereby approves the Draft Corporate Plan and Statements of Strategy for the period 2024-2029 as presented.

Item 5.5 **Allocation of** **Arts Acts Grants** **2024**

The members were advised that two grants approved under the Arts Act Grant Scheme 2024 last April will not now be taken up fully due to changes to events/projects during 2024. An amount of €1,255 was now available for re-allocation under the 2024 scheme. The guidelines for the scheme allow for re-allocation and the applications before the members were received after the closing date for the scheme and kept on file in the event of non-take up of grants per the guidelines.

The reallocation of an amount of €1,255 under Arts Act Grant Scheme due to changes in events/projects during 2024 was proposed by **Cllr. Marie Murphy** and seconded by **Cllr. Mairín McGrath**.

Item 6.1

Appointment of members to the Strategic Policy Committees

Nomination of Councillors

Economic Development & Enterprise SPC

It was proposed by **Cllr. Marie Murphy** and seconded by **Cllr. John Carroll** that the two councillor nominations to the Economic Development and Enterprise SPC be deferred to the January Meeting.

Social Inclusion, Community & Rural Development SPC

It was proposed by **Cllr. Pat English** and seconded by **Cllr. Shane Lee** that the four councillor nominations to the Social Inclusion, Community & Rural Development SPC be deferred to the January Meeting.

Nomination of Sectoral Representatives

Economic Development & Enterprise SPC

It was proposed by **Cllr. R. Kennedy** and seconded by **Cllr. S. Ambrose** and resolved: -

"That Seamus Hoyne, Technology University of the Shannon (TUS) be and is hereby appointed as a sectoral representative member of Economic Development & Enterprise SPC".

Library Services, Culture & Biodiversity SPC

It was proposed by **Cllr. S. Lee** and seconded by **Cllr. S. Ryan** and resolved: -

"That John Connors of Borrisoleigh Cultural & Heritage Society and Brendan Keogh of North Tipperary Artists Collective are hereby appointed as sectoral representative (PPN) members of Library Services, Culture & Biodiversity SPC".

Housing SPC

It was proposed by **Cllr. P. English** and seconded by **Cllr. M. McGrath** and resolved: -

"That Kate Somerville of Clonmel Studio Arts Group is hereby appointed as sectoral representative (PPN) member of Housing SPC".

Infrastructure SPC

It was proposed by **Cllr. P. English** and seconded by **Cllr. Wm. Kennedy** and resolved: -

"That Con Murphy of Digicontainer CLG replace Marie Collison who has resigned as the sectoral representative on the Infrastructure (to include Roads & Transportation) SPC and is hereby appointed as sectoral representative (PPN) member of Infrastructure (to include Roads & Transportation) SPC.

6.2 Appointment of member to the Tipperary Local Community & Development Committee (TLCDC)

It was proposed by **Cllr. S. Lee** and seconded by **J. Carroll** that Ms Sarah Fogarty, representing the Business Pillar Inclusion (as an alternate), having been nominated by County Tipperary Chamber be ratified a member (Public) of The Tipperary Local Community & Development Committee (TLCDC)

Item 6.1
Consideration of
the Management
Report

The Cathaoirleach referred to the Management Report as circulated with the Agenda noting that the reports related to the Directorates based in Clonmel and any queries/clarifications would be dealt with by the relevant Director of Services.

- Economic, Community and Rural Development
- Environment & Climate Action
- Housing, Ukrainian Refugee Accommodation Response
- Corporate Services

Economic, Community and Rural Development

Community Recognition Fund

Mr. Brian Beck Director of Services informed the members there was €400,000 for allocation under the Community Recognition Fund in the first Quarter of 2025. He noted that the closing date is the 10th of January and noted that priority has been given to projects from the towns of Clonmel, Roscrea, Thurles, Carrick on Suir, Dundrum, Nenagh, Borrisokane and Cahir. The plan would be to allocate €50,000/€60,000 per project. The target is villages and towns with highest number of new arrivals in last six months. It was noted that there was nothing preventing an unsuccessful applicant relodging an application and previous successful applicants could also lodge an application if there have had further arrivals and have different or expanded projects. The Council have developed specific criteria on which projects are marked. Unsuccessful applicants should contact Valerie Kavanagh with a view to identify where the application fell down on the marking scheme and work to improve the weaker criteria.

Biocscale Funding

He brought members attention to the BioscaleUp funding announcement for Lisheen mines. Five million was allocated under the EU Just Transition Fund from the Department of Agriculture Fisheries and Food for two projects. The importance of this allocation was noted as was the significance of the partnership between the academic, private and governmental organisations to drive the bio-economy in Lisheen.

Mr. Beck also noted it is intended to lodge the application for the ABS building in Ballingarrane on the 10th of December. Members will be kept up to date of developments.

Mr. Brian Beck, Director of Services, responded to queries raised as follows:

Phase 2 Littleton Labyrinth (Just Transition Scheme)

Feasibility work is ongoing with Tipperary County Council and Bord Failte on the Littleton Labyrinth project and this is evolving. There are two projects, Bushcraft and Pathways. Phase 2 of pathways are being progressed by Bord na Mona.

National Broadband

It was noted that rollout of fibre broadband in Tipperary was ahead of target. Households should be encouraged to connect to the Fibre Broadband network when the infrastructure becomes available in their area. It was noted that Senior officials from National Broadband Ireland were available to provide an update on the current NBI rollout in Tipperary and it was agreed that the Council's Broadband Officer, Mr Simon Howe would liaise with NBI to agree a suitable date to attend a meeting of the Council.

Environment & Climate Action

Mr. Eamon Lonergan, Director of Services and Mr. Denis Holland S.E., responded to queries raised as follows:

Ash Die Back

It was noted that the Council were engaging with IFA on the matter and the Roads Section had written to the Minister for Transport and the response received was included as correspondence on the agenda under Item 12.1. The members were advised that under Section 70 of the Road Act the management of roadside boundaries including trees is the responsibility of the landowner. It was noted that TII, with Tipperary County Council's Roads Section are undertaking a trial project on national roads. The extent of the Ash Die Back problem was noted and confirmation that a meeting was held with the IFA. The Council would not have the resources or the funding to undertake works to assist with the removal of trees on private roadside boundaries. It was noted, based on biodiversity advice, some trees were showing some signs of resilience and attention is being paid to research in other countries. Caution was advised to landowners when working with and adjacent to affected trees and landowners should be encouraged to check roadside trees.

Covert Cameras

A code of practice for covert CCTV cameras has been introduced under new legislation. Standard operating procedures are now required. The importance of cameras for dealing with illegal dumping was noted and it was anticipated that the implementation of the cameras would occur in early 2025.

Hogweed in Cappawhite

This is a LAWPRO national project. An update will be provided to Cllr. R Kennedy at the January District meeting.

Japanese Knotweed

Matter to be referred to the Director Roads to liaise with Cllr. Roger Kennedy on Japanese knotweed on private land and the possibility of contractors procured by the local authority engaging with the landowners.

Litter Management Act v Waste Management Act

It is onerous to get a case under the Waste Management Act. The on the spot fine of a €150 under the Litter Management Act is often easier to implement. Details of current cases in progress under the Waste Management Act were detailed in the management report and the costs of taking cases to court was also noted.

Climate Action.

Workshop is scheduled with members in February 2025 to discuss the Councils decarbonisation plans and investment needs. Five facilities/buildings have been identified and design works on same are expected to advance in early 2025.

Household Waste/Solid Fuel Inspections

A detailed briefing to be provided at January District meetings. Suggestions from elected members on locations to undertake household surveys would be welcomed.

Timoney Graveyard

Update to be provided to Cllr. Shane Lee on queries raised on this issue.

Abattoirs

It was noted that the Councils two Veterinary Inspectors are moving to the Department of Agriculture. Their service to the Council was noted and acknowledged by Eamon Lonergan, Director of Services. He noted that there will be a transition period and provision has been made in Budget 2025 to procure external services.

Tenant Litter Management

Environment will continue to liaise with the Housing Section on any issues arising.

Housing, Ukrainian Refugee Accommodation Response

Item 10.1

Notice of Motion **Ref. 2896** **Housing Policy**

It was agreed on the proposal of the Cathaoirleach to take Item 10.1 - Notice of Motion Ref. 2896 in relation to Housing Policy as part of the Housing Report.

The Motion Reference No. 2896 was proposed by **Cllr. Anne Marie Ryan (Shiner) & Cllr. David Dunne** and seconded by **Cllr. Pat English**.

"That the Housing Commission report recommended a radical reset of housing policy, including the delivery of an average of 60,000 new build homes a year over the next five years

The Housing Commission also recommended that 20% of all housing stock should be social and affordable, which would require a doubling of public housing output on current levels".

The reply to the motion was noted and it was agreed that a letter would issue to the relevant Minister for Housing calling on him/her to double the direct capital funding for social and affordable housing in order to deliver at least 25,000 social and affordable homes on average over the next five years and to introduce the necessary reforms to enable Councils to increase and accelerate the delivery of public housing and to ensure that affordable homes to rent and buy are delivered at prices that working people can actually afford".

Cllr. Anne Marie Ryan (Shiner) in proposing the motion, asked that the notice of motion be amended to detail the incoming housing minister that

will be appointed under the new government. This was agreed by the Council.

Item 7.1
Consideration of
the Management
Report contd.

Mr. Jonathan Cooney, A/Director of Services, responded to queries raised as follows:

Clogheen Development

It was clarified that Section 161 of the new Planning Bill would be replacing the current Section 179A procedure but the Council were awaiting the Regulations on same. Clarification has been sought from the Department on the matter.

Farrinlahassery

17 units completed this year and keys will be issued in Quarter 1, 2025

Mountain Road, Cahir

Expect project to go to tender before the end of December 2024.

New Housing Grants Procedure

New application forms are imminent. Communication will issue to all members in due course.

Midlands Scheme

74 houses approved in 2024. 100 houses expected to be approved under the energy efficiency scheme in 2025. Important to spread the works across the county with additional funding required for decarbonisation zone to achieve its targets

Croí Conaithe.

This is administered by the Planning Section. Where progress on construction and active engagement has happened there is scope to extend the 13-month period.

Homeless Services

Significant progress was noted. Special Meeting highlighted this. A letter has been drafted from the Special meeting for circulation to elected members for comments and views and subsequent issue to the Department of Housing.

Figures for homeless beds were provided to members. Homeless must present to Homeless team in Clonmel or Nenagh or via the homeless Clinics. The Housing team are conscious of the number of presentations to the homeless team from Tipperary Town and are reviewing the situation. At present the 9 to 9 scheme operates in Clonmel. Social Housing Assessment was noted as a twelve-week process. Assessment for homeless accommodation commences when the client presents to the homeless offices or clinics.

It was noted by the Chief Executive that where a person becomes homeless but do not qualify for social housing on income grounds, they need to present themselves to the homeless section. They will be supported and facilitated where possible through the housing agency. It was noted that this is not done through council housing services.

It was noted that it was appropriate to wait until after the General Election to issue correspondence on proposed actions arising from the Special Housing Meeting.

Grove Street

Bat survey was completed. Further information was submitted last week and an update is imminent.

N62 – Templemore Road, Roscrea

Contract clause re traffic management was noted. Traffic movements to and from site under this clause will be reiterated to contractors at an upcoming site meeting.

Friary Walk

ESB is on site. Issue with cable being resolved. Intention is to allocate housing in Q1 2025

AHB

Target of 1125 dwellings under Housing for All Programme was noted. Delivery under the CALF model is significant in 2024-2026 due to initial issues with CALF model. 538 units delivered to date with 280 planned for 2025 and 400 in 2026.

RAS Voluntary and RAS Private

RAS private is where a private landlord enters into an arrangement with the Council and the council makes a payment to the landlord towards the rent. For RAS voluntary the Approved Housing Bodies (AHB's) are required to charge an economically viable rent, this includes maintaining a sink fund to support the property maintenance etc. This can result in the rent charged to the tenant being noticeably higher. To assist the tenant and minimise the impact to AHB tenants, these tenants may apply for the RAS Voluntary supplement. The AHB's advise all of their tenants of this facility.

Housing Provision

Progress on one and two bed houses was noted. Over 50% of delivery is in this area. It was noted that the number of four beds will increase and the Housing Section will remain conscious of this requirement well beyond Housing for All.

Affordable Housing

There was engagement with developers in the Clonmel area who had been approved for planning permission. Contractors were invited to a workshop. Tipperary County Council re-advertised and currently there are two contractors who have expressed an interest. It was noted that some contractors are choosing to go down the route of the First Homes Scheme. It was noted that there is little income differential between the affordable housing scheme and the first home scheme. The engagement of developers with the first home scheme was also noted as positive.

Notice to Quits

It is paramount that immediate engagement with the Housing Section commences once the tenant receives the notice to quit. It is the responsibility of the tenant to inform the council of the notice to quit. The council are not informed otherwise.

Home for Life/Mortgage for Life

It was agreed to revert to Cllr. David Dunne on particulars of schemes. Home for Life was noted as a private entity and is treated similar to a long-term lease property. Any rent differential is recoupable from the department.

Corporate Services

It was agreed on the proposal of the Cathaoirleach to take Item 10.2 - Notice of Motion Ref. 2909 in relation to Section 183's as part of the Corporate Services Report.

Item 10.2

Notice of Motion

Ref. 2909

Section 183's

Clonmel

Borough District

The following Motion Ref No. 2909 was proposed by **Cllr. N. Dennehy.**

"That No Further Section 183 Notices / Disposals be presented to Plenary Council Meetings relating to Clonmel Borough District (CBD) unless the County Council provides, in advance, Independent Legal Advice to the Elected Members on Any such Proposals / Disposals."

The motion was seconded by **Cllr. Pat English.**

In moving the motion, Cllr. N Dennehy outlined the background to his motion. He referred to a Section 183 recently presented to the council regarding the disposal of 160 acres of land at Ballingarrane and a Section 183 Notice presented to the council and proposed by Cllr. Dennehy, in December 2019. He said as a result of issues within these motions he may now find himself as a party to litigation. He stated on this basis he considered his motion for independent legal advice fair and reasonable.

In support of the motion Cllr. P English stated that the elected members are rubber stamping Section 183's without any legal advice.

Cllr. Marie Murphy queried as to whether it is possible to propose this motion for one district only. She also raised a query on the cost implications of seeking legal advice on proposed Section 183's.

The reply to the motion was noted as follows:

The Legislation that governs land disposals is contained in the following Acts and Regulations:

- Local Government Act 2001 – Section 151 & 183 & Schedule 15
- Planning & Development Act 2000 – Section 211
- Housing (Miscellaneous Provisions) Act 1992 – Section 26
- Planning and Development Regulations 2001
- Land and Conveyancing Law Reform Act 2009

The above legislation applies to the disposal of land through any means which shall include but not be limited to:

- Sale
- Lease
- License
- Exchange (Land Swop)
- Adverse Possession
- Rectification of Title

- Transfer or Share with another state organisation

Section 183 of the Local Government Act 2001 details the procedures that the Local Authority must adhere to concerning the disposal of land. In summary, the disposal of land by a Local Authority is provided for by Section 151 of the Local Government Act, 2001, and Schedule 15 of the Act, which specifically mentions that the disposal of land is a function to be carried out by Manager's Order, which is an executive function. In addition, Section 183 of the Local Government Act 2001 provides that proposals for the disposal of land belonging to a local authority must be notified to the Elected Members, and the relevant procedures must then be followed, whereby a notice must be sent to the Elected Members 10 days in advance of the Council Meeting, giving particulars of the land, the name of the person from whom the land was acquired, the person to whom the land is to be disposed of, the consideration proposed in respect of the disposal and any covenants, conditions or agreements to be imposed in connection with the disposal. Planning compliance is not a specified consideration when considering Section 183 resolutions.

According to subsection 1(f), disposal of land below the market rate requires the consent of the Minister for the Environment and Local Government under Section 211 (2) of the Planning and Development, Act 2000. Section 211(2) of the Planning and Development Act 2000 states the consent of the Minister is required for any sale, lease, or exchange of land where the price or rent, or what is obtained by the local authority on the exchange, "is not the best reasonably obtainable". Article 206 of the Planning and Development Regulations 2006, provides an exception to this requirement whereby the consent of the Minister is not required where the local authority is of the opinion that, for economic or social reasons, it is reasonable that the disposal of land be carried out under the terms specified by the authority in the notice which is given to the members of the authority concerning the proposed disposal of land in accordance with Section 183 of the Local Government Act 2001 and subject to the following conditions:

- The Manager shall prepare a report setting out the economic or social reasons that apply to the disposal of land;
- The report shall be incorporated in or accompany the notice and
- The notice and the report shall be available for public inspection at the offices of the local authority for a period of one year.

In addition, the Council has robust procedures and protocols in place to ensure that statutory requirements are complied with when disposing of property. A Delegated Employees (Manager's Order) Order together with a business case is prepared setting out the economic or social reasons that apply concerning any disposal of land. This report is prepared by the Controlling Directorate and signed by the relevant authorised delegated Officer. In general, a summary report is included in the Section 183 notice under Schedule 2. In practice, the Elected Members of a Borough/Municipal District are briefed in advance of a Section 183 notice being issued to them concerning any proposals to dispose of large parcels of Council land. The decision to dispose of land is a matter for the Executive and the elected members and the members may decide by resolution that the disposal shall not be carried out or that it be carried out according to

specific terms. Where no such resolution is passed by the members, the disposal of land may be carried out. Where it is agreed to proceed with a disposal, the matter is then referred to the Council's legal advisers to prepare the relevant deed of transfer/conveyance.

There is no requirement for the Council to seek independent legal advice in advance or consider planning matters as part of their consideration of a Section 183 Notice.

Mr. Ger Walsh, Meetings Administrator assured Cllr. Dennehy that there was nothing flawed in the subject matter of the motion. He stated that there would a cost involved in obtaining legal advice on every Section 183, noting that an average of 35 Section 183s are presented to the council on an annual basis.

Sinead Carr, Chief Executive, while acknowledging Cllr. Dennehy's reason for presenting the motion pertaining to a specific Section 183, stated that responsibility for passing a motion does not rest with one councillor, it is a matter for the council to decide whether to dispose or not to dispose of land having regard to the executive's recommendation.

Ger Walsh, Meetings Administrator advised the Council that there is no requirement to seek legal advice in advance of all Section 183's presented to the council.

Cllr. R Kennedy stated, having regard to the response to the motion, that it should not be adopted as such a decision would impinge on those disposals who for example are seeking map rectifications or the lease of properties. This was seconded by by **Cllr. Marie Murphy.**

Ger Walsh, Meetings Administrator noted that Cllr. Roger Kennedys proposal was a direct negative of Cllr. Dennehy's motion and therefore a vote would be required on Cllr Dennehy's motion in accordance with standing orders.

Cllr. S. Lee proposed that the meeting be adjourned for ten minutes to allow members to discuss. This was seconded by **Cllr. M. McGrath and agreed by the Council.**

Following resumption of the meeting, Cllr. N. Dennehy stated that given the gravity of the situation that he finds himself in as a consequence of his proposition in 2019 and the fact that there are members that feel that they don't know enough about the matter, he was happy to defer motion to January meeting to avoid members voting on something they don't understand.

Cllr. Dunne in seconding the proposal to defer to January, stated that he was not fully au fait with section 183s and it would be no harm for elected members to brush up on the Section 183 procedure. He said 183s are just proposed and seconded and councillors don't do due diligence.

It was noted by the Executive that no one councillor is held accountable for a Section 183 decision.

Cllr. Marie Murphy further proposed, that the motion be deferred to the February meeting to allow sufficient time for the members to be briefed on the legal elements of Section 183 and also proposed that the Section 183 procedure be clarified at a workshop to be held in committee in advance of the February meeting and that the Council's legal advisor be requested to attend to explain and clarify the members role in the Section 183 procedure.

The Cathaoirleach stated that there is a workshop scheduled for Feb 4th and proposed that time could be allocated there to discuss Section 183s in advance of the February plenary meeting.

He enquired if the mover and seconder of the original proposal would be in agreement to defer the motion to the February meeting and both Cllr. Dennehy & Cllr Dunne agreed to this deferral.

On the proposal of the Cathaoirleach, the members agreed to proceed with a workshop in advance of the February meeting to allow elected members to have an open discussion and to be well briefed on legal requirements around Section 183's by the Council's legal advisor.

Item 7.1
Consideration of
the Management
Report contd.

Corporate Services

Mr. Eamon Lonergan, Director of Services, responded to queries raised as follows:

CCTV

The number of schemes approved by An Garda Síochána in the last year were noted. The new Council CCTV policy established the mechanism to allow for decisions on the schemes that will progress. Budget 2025 provides some funding for consideration by Districts in their proposals.

Item 8.1 Agree
Date of Special
Meeting – Co-
options to
replace
Councillors
elected as
Teachta Dála

It was proposed by **Cllr. Siobhan Ambrose** and seconded by **Cllr. Marie Murphy** that the Special Meeting be held on Thursday, 19th December at 11 am in the Clonmel Civic Offices. This was agreed by the Council.

Item 8.2
Agree Date for
Councillor
Workshops

The following workshops were proposed by **Cllr. S. Ryan**, seconded by **Cllr. S. Lee and agreed by the Council.**

- 2024 LACAP Progress Report and Capital Investment required for Decarbonisation of Fleet & Facilities Workshop
- HSE Mid-West Briefing
 - 10 am Tuesday 4th February 2025 - Clonmel Civic Offices and remotely via Zoom

Item 9.1
Consideration of
Orders for the
period to the

The delegated orders for the period to the end of November 2024 were noted.

30th November
2024

Item 11.1

Notice of Motion
Ref. 2896 Uisce
Eireann

The following Notice of Motion Ref No. 2896 was proposed by **Cllr. David Dunne**, seconded by **Cllr. Anne Marie Ryan (Shiner)**

"That the water and sewage systems be brought back under the control of Tipperary County Council and that there is an orderly wind down of the Utility Company known as Irish Water/Uisce Eireann".

A number of members spoke in support of the motion and it was agreed that the motion would be referred to the relevant Minister for consideration. It was also agreed that the lack of adequate communications between Uisce Éireann and Councils would be highlighted in the correspondence to issue to the Minister.

Item No's.

12.1, 12.2 &
12.3

Correspondence

Correspondence as circulated was noted as follows: -

- Reply from the Office of the Minister for Transport, Eamon Ryan T.D. dated 8th October, 2024
- Reply from the Office of the Minister for Justice, Helen McEntee T.D. dated 14th October 2024
- Correspondence from Cllr. Aengus O'Rourke, Westmeath County Council dated 12th November 2024

13.1 Motions
from other
Councils

The following Resolutions from other Local Authorities were considered and noted: -

Waterford City and County Council

"That Waterford City & County Council supports United Against Gender Apartheid and their campaign to have the crime of 'gender apartheid' incorporated into Article 2 of the draft Crimes Against Humanity Convention".

Donegal County Council

"This Council condemns and rejects the selective use of the extradition procedure against residents of this county and any other part of the 26-counties, proceedings invoked by British officials in the occupied 6 counties based on so-called evidence supposedly collected and collated many decades ago by the long-discredited Royal Ulster Constabulary.

A force notorious for its partnership, sectarianism, criminal collusion, and brutal maltreatment of countless people in its custody. A force, moreover, that failed so often to retain crucial evidence in relation to loyalist actions yet apparently has now produced evidence in relation to these individuals.

What is happening here with these extradition proceedings is not the due process of law but is instead the misuse of power for crass political purpose in order to distract from British state violence.

We as elected representatives to Comhairle Contae Dhún nan Gall therefore call upon the government in Baile Atha Cliath to order a halt to these outrageous proceedings immediately”.

Donegal County Council

“That the hedge cutting policy currently in place be reviewed as it is not working for farmers, bus operators or contractors at present”.

It was suggested that the hedge cutting season be extended to include the last two weeks of August to accommodate the new school term and ensure sufficient visibility for the increased volume of traffic on the road network.

Roscommon County Council

“The existing system, characterized by inadequacies and flaws, has resulted in significant stress and concern for parents and students, leaving crucial matters like school bus placements and ticket allocations uncertain well beyond the commencement of the school year. It is imperative that a comprehensive overhaul of the entire system is undertaken to guarantee that allocations are finalised a minimum of four weeks prior to students returning to school”.

Roscommon County Council

“It was agreed that Roscommon County Council write to the Department seeking funding for a Roadside Tree Survey to identify dead, dangerous and infected trees, and that Roscommon be put forward as a pilot for a national scheme”.

The following Votes of Sympathy were passed: -

Item 14.1 **Expressions of** **Votes of** **Sympathy /** **Congratulations**

- Noel Griffin (Environment Section) on the death of his father Martin
- Brid O'Dwyer, Housing, Clonmel on the death of her sister Marie Wilkinson
- Greg MacDonald, Clonmel Library on the death of his father in law PJ Shanahan
- Former GSS Pa Fitzell and Staff Officer, Arthur Fitzell, Cashel Fire Station on the death of their mother Sheila Fitzell
- Deputy Alan Kelly on the death of his father Tom

The following Votes of Congratulations were passed: -

-
- Cashel King Cormac's Camogie Club on winning the County Junior B Final
- Donagh Davern, John Street, Cashel on being appointed to Failte Ireland, Board of Directors
- Boherlahan National School on winning the school award for the South East at the National Tidy Towns Awards
- Knockmealdown Active, Clogheen on winning 1st place at the Pride of Place nominations in the Community Wellbeing Initiative Category
- Sounds of Semple, Templemore on achieving runners up at the Pride of Place nominations in the Creative Communities Category
- Africa Day-Bridgewater House, Carrick on Suir for their Pride of Place nomination for Inclusive Communities
- Loughtagalla Resident's Association, Thurles for their Pride of Place nomination for Urban Neighbourhood & Housing Estates

- To successful candidates in the General Election 2024
- To unsuccessful candidates that contested the General Election 2024
- To former Oireachtas members not successful in the general Election 2024

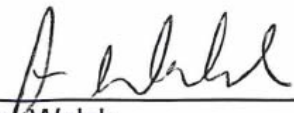
Item 15.1

**Any Other
Business**

There being no other business, the Meeting concluded.

Signed/ _____
Cathaoirleach.

Date: _____

Signed/  _____
Ger Walsh,
Meetings Administrator.

Date: _____