

**Minutes of Athy Municipal District held at 10.00 am on Monday, 12  
December 2016 in Aras Chill Dara, Devoy Park, Naas, Co Kildare**

Members Present: Councillor A Breslin (Cathaoirleach), Councillors M Dalton, I Keatley, M Miley, T Redmond and M Wall

Officials Present: Mr J Boland (District Manager), Mr J Coppinger (Senior Engineer), Mr D O'Flaherty (District Engineer), Ms C Lyons (Senior Executive Engineer), Ms S Kavanagh (Director of Service), Ms J McNabb (Head of Enterprise), Ms A Aspell and E Wright (Senior Executive Officers), Ms P Berry (County Enterprise Board), Ms A M Gough (Meetings Administrator) and Ms O Mooney (Secretary)

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**AY01/1612**

**Minutes and Progress Report**

The members considered the minutes of the monthly meeting of 21 November 2016.

**Resolved** on the proposal of Councillor Wall, seconded by Councillor Keatley, that the minutes of the monthly meeting of Athy Municipal District held on 21 November 2016 be confirmed and taken as read. The progress report was noted.

**AY02/1612**

**Matters Arising**

**Waste Disposal Facilities near Kildangan and Kill (AY20/1611)**

Councillor Redmond noted that the members were circulated with an update on this matter but he asked whether a second legal opinion could be sought for this ongoing dumping issue while the appeal process was ongoing. The District Manager stated that he had no further update at the moment. The members to be kept updated.

**Safety Measures - Kildangan Bridge, Kildangan (AY08/1606, AY03/1609, AY02/1610 and AY03/1611)**

Councillor Miley asked for an update on this matter. The District Engineer stated that the council were still waiting on Telecom to move the pole before works can commence. Mr Coppinger stated that he would push Telecom on this matter as the issue was a traffic hazard at present. He stated that he hoped to secure funding in 2017. The members to be kept updated on this issue.

**Four-way road stop - Old Grange Cross - R415 meets L8017**

The members were informed that the design already completed for this cross in 2016 will now require review and re-design. Councillor Miley asked what measures will take place here before an accident occurs. The members to be update for the next meeting.

**Rural Light Policy (AY23/1609, AY02/1610 and AY03/1611)**

Councillor Wall asked that this policy be applicable to people who are under 66. Mr Coppinger stated that discretion would be used. He stated that he would enquire as to the possibility of reducing the years to 60 years and over. The matter would then be forwarded to the Transportation Strategic Policy Committee and formal policy drawn up. The members to be kept informed.

**Meeting Lane, Athy (AY10/1609)**

Councillor Wall noted that the survey had been completed, design was being finalised and that funding was still to be identified. He asked that the members be shown the survey and drawings. The District Engineer stated that the design had started and works would partly be a one-way and two-way system. He hoped that drawings would be ready to be shown at the January meeting.

**Provision of Ramps and Traffic Calming in Housing Estates in the Municipal District (AY10/1606)**

Councillor Wall asked for an update on this matter. Mr Coppinger stated that a full review of all speed limits in housing estates would be carried out shortly and Jake's Law would be applied. He stated that funding still had to be identified.

**Provision of Improved Directional Signage at Sheriff Hill, Moone (AY16/1605)**

Councillor Dalton asked for an update on this matter. The District Engineer stated that there was no design as yet but hoped to be ready early in the New Year. The members to be kept updated.

**Removal of Obsolete Phone Boxes in Municipal District (AY14/1504)**

Councillor Dalton asked for an update on this issue. The District Engineer stated that he had made contact with the public payphone providers and most obsolete telephone boxes had been removed in the municipal district. He stated some of the providers were no longer in business but the council were doing their best to have any remaining boxes removed. The members to be kept updated.

**Safety Measures at Bolger's Cross, Grangebeg, Old Grange Cross and Pike Cross, Carrigeen (AY12/1611)**

Councillor Keatley noted that Bolger's Cross had been included in the application for funding for 2017 under the Low Cost Safety Improvement Scheme and that Old Grange Cross secured funding under the 2016 Low Cost Safety Improvement Scheme. However, he was concerned that Pike Cross would be left behind and he asked for an update on Pike Cross and asked that an application for funding also be sought under the 2017 Low Cost Safety Improvement Scheme. The members to be kept updated.

**Repair of Minor Roads and cul de sacs in the Athy Municipal District (AY17/1606 and AY06/1611)**

Councillor Keatley asked for an update on this issue. The District Engineer stated that some works were being under under the schedule of municipal district works. Works will continue until the end of the year. The members to be kept updated.

**National Transport Authority Funding (AY08/1611)**

Councillor Redmond asked whether a date had been arranged for the next National Transport Authority meeting. Mr Coppinger stated that no date had been arranged as yet. The members to be kept informed.

**AY03/1612**

**Athy Distributor Road: Traffic Model demonstrating the impact of the Athy Distributor Road on Traffic flow in and around Athy**

Mr Coppinger introduced Mr Jim Thorpe, Project Director, Jonathan Hennessy and Shane Doney to the meeting and stated that this presentation would allow the council to display information and show how it would work. He stated that the project was on target and he intended to seek approval from the Department of Transport before Christmas.

A presentation was given on this scheme by Mr Hennessy setting out the objectives of the scheme such as reducing journey times and improving journey time reliability. It would also improve road safety along the N78. There were two levels of traffic modelling and they are strategic macro modelling and town centre modelling which would focus on the town centre and the team undertook a data collection programme in May 2015. They also carried out journey time surveys, origin and destination surveys, junction turning movements counts and traffic counts over a two week period which showed levels of traffic in Athy and the main problems and issues at the moment. He clarified that most of the traffic goes through the town centre. He stated that the potential opening of the Athy Distributor Road was 2020 and it would alleviate all the problems in the town centre. He stated there was a route selection process and the route selected was Route C2 which would be 3 kilometres in length and would have a speed limit of 60 mph and a new bridge would be built over the River Barrow.

Councillor Miley stated the presentation was very exciting for the town. He noted there were two signal junctions at Fortbarrington and he suggested that maybe a roundabout would work better here. In regard to services, he asked whether sewerage, water, broadband and ducting would be in place. Mr Thorpe stated that he would have to look at the space available around the junctions and way up the alternatives if any, but he stated that signal junctions would work better for all users. In regard to services, Mr Thorpe stated that there would be a three-metre grass verge provided along the new road and that would be available for ducting.

Councillor Keatley stated that the visualisation of this project was great. He asked whether any work had been done on a business plan for this venture. Mr Hennessy stated that any cost benefit in excess of 1 was very positive.

Councillor Wall stated that it was important to relay that a cost benefit analysis had to go to the Department of Transport and then An Bord Pleanala. He stated that some people in Corran Ard Estate were still not aware that the new road was going through their estate. He asked that this presentation be shown to the people of Athy as the project was showing a 45% reduction of traffic going through the town and 2.3 cost benefit plan which was great. He asked whether there was any contact with Tegral with regard to HGVs and did the team expect that HGVs would use this new road.

Mr Coppinger stated that the situation was that approval would be sought from the Department of Transport, the Engineer would look at this project and see if it is an economic runner and then the business plan would be looked at. He stated that the Department had been very co-operative so far and the project will take its course. The Department would then give technical approval, approve the business plan, the project would then be sent to An Bord Pleanala to get approval and Environment Impact Statement would be looked at to see if it is suitable for its environs. In regard to putting the model on public display, he stated that it was a good idea. He stated he would arrange an informal display for the public in due course. In regard to HGVs, he stated that eastwest traffic would use the new road.

Councillor Redmond stated there were ten destination points and he asked how many cars go through the town at the moment and he asked whether we were likely to see less traffic using the centre of the town. Mr Hennessy stated that the main street would still be used to gain entry to schools on the Monasterevin Road. He stated that approximately 15,000 traffic users go through the town centre. Mr Thorpe stated that half the traffic wants to go around Athy and the other half needs to go into the town.

Councillor Redmond asked that Mr Frank Corr be contacted as he had some concerns that he would like addressed.

Mr Coppinger stated that he would speak with Mr Frank Corr with regard to issues about his new road.

The members thanked the project team for their attendance and the cathaoirleach stated that the presentation was very informative.

**AY04/1612**

**Athy Municipal District Promotional Video**

Ms Sonya Kavanagh stated that the video was produced by Trilogy Media and the quality was very good. The video was shown to the members.

Councillor Keatley complimented Ms Kavanagh and her staff and he stated that this video would help greatly from a marketing point of view. Councillor Miley stated that the video was very positive. Councillor Wall stated that it was important to get the image of Athy up and this video would be very beneficial.

**AY05/1612**

**Introduction of the new Head of Enterprise, Ms Jacqui McNabb**

The cathaoirleach welcomed Ms McNabb and stated that Athy Municipal District was a very special area in that there was a problem with employment focus in Athy.

Ms McNabb stated that she lives in Carlow and understands the traffic gridlock and she stated that it was important to keep people in Athy and that business focus was needed. She stated that she would be meeting with existing businesses and members early in the New Year.

Councillor Redmond congratulated her on her new role and he asked whether she had any close ties with the Chamber of Commerce. She stated she was with the Chamber of Commerce and Head of Chamber in Carlow. She stated she would look at all offices and warehouses and an audit would be carried out.

Councillor Wall asked whether her focus would help out with planning and environmental issues in rural areas. He asked that a promotional leaflet be drawn up for Athy Municipal District. Ms McNabb stated that she had no mandate in the Planning department but she would take on board any issues raised. She stated that the LEO's aim is to be a one-stop shop and they would facilitate those who come looking for assistance. Her door would be open for any business to contact her. She stated she would need a couple of weeks to look at rural issues as she had no plan in place yet.

**AY06/1612**

**Presentation from Virgin Media Broadband**

Mr Don Davern, Virgin Media gave a presentation to the members and the following is a summary of his presentation.

- Virgin Media is ready to invest in Athy
- Virgin Media is seeking a transparent and long term relationship with the Athy Municipal District and key stakeholders.
- Virgin Media Ireland is Ireland's and Europe's leading cable operator offering highly competitive quad play services: television, broadband, telephony and mobile services.
- 44% of Irish homes today can avail of our 360Mb broadband product, nationally. When completed all homes and businesses in Athy will have access to these speeds and products.
- Virgin Media build and manage their own network, thereby ensuring great value, cutting edge broadband and access to new products to customers at all times.
- Established and vastly experienced in constructing networks in Ireland, while working successfully with local authorities all around the country.
- This network deployment will only enhance the attractiveness of Athy as a location of FDI or indigenous company investment.
- Construction and network build is expected to completed by late Q4, 2017

He stated that Virgin Media wanted to build a comprehensive broadband in Athy and hoped to start by Quarter 2 of next year. He stated that Virgin would look at overhead solutions in the town and would work with management and officials and others to have minimum disruption to the town and its environs. He stated he would be happy to work with the Tidy Towns and all local communities and Innovation Centre as they want to be part of the community. He stated that building a network is very expensive and they need to generate support and cannot afford to annoy people. He stated he would liaise with the District Engineer before works commence.

Councillor Redmond thanked Mr Davern for his presentation and stated that Virgin Media was one of the first companies to come into Athy without being invited first. He was anxious that the infrastructural network would work in parallel with the new road.

Councillor Miley stated that he did not want all the roads in Athy torn up to facilitate this network. Mr Davern stated that they would be avoiding damaging existing and new roads as

other options would be looked at. Councillor Miley stated that rural areas also need a network but he stated that companies seem only to be looking for areas of larger populations. He asked whether there were any plans to bring this service to rural areas.

Councillor Keatley stated this was good news for Athy. However, he stated that the current broadband was good in most areas but terrible in rural areas, and he stated that Virgin Media or any other companies have any interest in going out to rural areas. He stated that rural areas should be looked after first and then larger towns.

Mr Davern stated that the national broadband plan was available for areas outside key towns and that Virgin Media compete with the UK. He stated they want to work with the council to ensure that the network can grow outside the larger towns.

The members thanked Mr Davern for his presentation.

#### **AY07/1612**

##### **Schedule of Municipal District Works**

The District Engineer gave a comprehensive report of the works being carried out as part of the restoration maintenance works for Athy Municipal District. He added that some were ongoing, some almost complete and some fully completed. The report was noted by the members.

#### **AY08/1612**

##### **Traffic Calming Measures - Athy/Monasterevin Road before the entrance to Rathstewart Crescent and St Joseph's Terrace, Athy**

The members considered the following motion in the name of Councillor Wall:

That the council develop a traffic island as a pilot scheme to include flashing speed warning sign on the Athy/Monasterevin road before the entrance to Rathstewart Crescent and St. Joseph's Terrace in Athy.

The motion was proposed by Councillor Wall and seconded by Councillor Redmond.

A report was received from the Roads Transportation and Public Safety Section informing the members that this matter would require examination by the Road Design Section in consultation with the Traffic Management Unit and District Engineer.



Councillor Wall stated that he had spoken with the District Engineer in this regard. He thanked the District Engineer on the resurfacing work carried out on this road. He stated that speeding traffic was an issue on this road early in the mornings and evening time. He asked that a pilot scheme be put in place and install traffic signalling at St Joseph's Terrace and also look at the Carlow Road to slow down traffic there also.

Councillor Redmond stated that a speed audit was carried out on this road two years ago. The District Engineer stated that the matter would have to go through the Traffic Management Section. The issue would be looked at and he would come back to the members with an update.

**Resolved** on the proposal of Councillor Wall, seconded by Councillor Redmond that this issue would have to go through the Traffic Management Section and would come back to the members.

#### **AY09/1612**

##### **Provision of Carpark at the High Cross Monument in Moone**

The members considered the following motion in the name of Councillor Miley:  
That the council investigate making a car park at the High Cross monument in Moone.

The motion was proposed by Councillor Miley and seconded by Councillor Redmond.

The District Manager stated that this matter was on the agenda many years ago. He stated he would discuss the issue further with Councillor Miley on site and he would then decide what department would deal with it.

Councillor Miley stated that this was originally raised by former Councillor Hendy. He stated the High Cross Monument was a magnet for international tourism and facilities need to be in place.

Councillor Dalton stated there was a design done a long time ago and he supported the other members in getting facilities in place.

Councillor Keatley stated that the hard shoulder was also gone into bad repair and needed some attention.

**Resolved** on the proposal of Councillor Miley, seconded by Councillor Redmond that the District Manager would meet with Councillor Miley on site and would then be decided who would deal with the provision of such facilities at this monument.

**AY10/1612**

**Provision of Left Turning Lane at the junction of the Monasterevin Road and Mount Hawkins Place, Athy**

The members considered the following motion in the name of Councillor Breslin:

That a left turning filter lane be provided at the junction of the Monasterevin Road and Mount Hawkins Place, Athy.

The motion was proposed by Councillor Breslin and seconded by Councillor Wall.

A report was received from the Roads Transportation and Public Safety Section informing the members that this matter would require examination by the Road Design in consultation with the Traffic Management Section.

The cathaoirleach stated that there was a high volume of traffic on this road and the provision of a right turning filter lane at his junction should be considered.

Councillor Wall stated that a right turning filter lane would help with the management of traffic on this road.

Councillor Dalton asked for this provision be included in the current works.

The District Engineer stated that trying to put three lanes on a narrow road was difficult. He stated that a safety audit would have to be carried out. He stated that the two lane situation would be reinstated and will look at option of three lane. He stated that work was in progress and the new surface was down. He stated that bye-laws would also need to be changed for this road. However, it needs to be more fine tuned and he would come back to the members with plans.

**Resolved** on the proposal of Councillor Breslin, seconded by Councillor Wall that the District Engineer would come back to the members with an update plan for this road.

**AY11/1612**

**Provision of Public Lighting from Behan's Garage to Skenagun on the R448**

The members considered the following motion in the name of Councillor Breslin:

That public lighting be provided from Behan's Garage, to Skenagun on the R448.

The motion was proposed by Councillor Breslin and seconded by Councillor Wall.

A report was received from the Roads Transportation and Public Safety Section informing the members that there are currently some lights on this section of the R448. There are no proposals to install any additional lights or infill lighting at this location at this time independent of any future footpath or road improvement works.

The cathaoirleach stated that public lighting at this location is very poor and needs to be addressed.

Councillor Wall stated that there were many elderly people living in this area and the entrance to the town needs to be addressed. The council needs to help those volunteering like the Tidy Town Groups.

The District Engineer stated that the Public Lighting Section would need to look at this under Local Property Tax funding. He stated he would get a costing and design drawn up and he would come back to the members.

Councillor Miley appealed to the council to put funding in place. He stated maybe €10,000 could be provided.

**Resolved** on the proposal of Councillor Breslin, seconded by Councillor Wall that the District Engineer would get a costing and design drawn up and come back to the members.

**AY12/1612**

**Kildangan Car Park, Kildangan Bridge, Edmund Rice Car Park, Athy - Commencement of Part 8 Process**

The members considered the following question in the name of Councillor Breslin:

What progress has been made on the commencement of the Part 8 process for Kildangan Car Park, Kildangan Bridge, Edmund Rice Car Park, Athy?

The members were informed that preparatory works were underway. The District Engineer stated that in regard to Kildangan Carpark, the design had been drawn up but there were a few issues as the land was privately owned. Some matters have to be clarified. Kildangan Stud stated they would give the land to the council but it has not yet been taken in charge by the council.

Councillor Wall stated he could provide a name and contact for Kildangan Stud as they were waiting on the council to make the first move.

The District Engineer stated that in regard to Edmund Rice Car Park in Athy, a consultant had been engaged to continue to enhance the area and Pettit's were also looking to improve their carpark. The report was noted.

**AY13/1612**

**Proposed New Section of Road at Castlemitchell, Athy**

The members considered the following question in the name of Councillor Wall:

Can the council confirm the up to date position with the proposed new section of road at Castlemitchell, Athy, where they have purchased land?

The District Engineer confirmed that land had been purchased and they had carried out an interim arrangement. An application for funding was sought from the DTIS. Councillor Wall complimented the council for purchasing this land but was worried that the Part 8 would not be place when the money becomes available.

The District Engineer stated that the Part 8 process would be fast tracked to make sure that it was ready when money becomes available. The report was noted.

**AY14/1612**

**Update on Improvements on the sewerage network planned for Narraghmore and Kilmead and taking in charge of water services at Oak Park, Narraghmore**

The members agreed to take items 13 and 15 on the agenda together:

Item 13 - Update on the improvements on the sewerage network planned for Narraghmore and Kilmead

Item 15 - Motion - Councillor Miley

That the council take in charge the water services of Oak Park in Narraghmore.

The motion was proposed by Councillor Miley and seconded by Councillor Keatley.

A report was received from the Water Services Section informing the members that correspondence had issued to Irish Water and a response was awaited.

The District Manager stated that Irish Water were well aware of this issue. He stated he was waiting on the response to his letter and was currently working on the financial aspect of this project.

Councillor Miley stated that the Planning Section need to give a report on the taking in charge of water services at Oak Park as this needs to happen.

Councillor Keatley thanked the District Manager for his ongoing work on this project but he was concerned about the amount of money being spent on tankering. The District Manager noted his concerns but stated that the tankering would continue for health and safety reasons.

The report was noted.

**AY15/1612**

**Proposed Part 8 Project - Crookstown Cemetery Extension**

The District Manager informed the members that the council were not in a position to deal with this issue today. He stated that the matter would be commencing and was gone to tender. The matter was then adjourned.

**AY16/1612**

**The Tanyard Development Committee - Progress project in Ballitore**

The members considered the following motion in the name of Councillor Keatley:  
That the council, in light of recent funding developments, work with The Tanyard Development Committee to progress the project in Ballitore.

The motion was proposed by Councillor Keatley and seconded by Councillor Miley.

A report was received from the Community and Cultural Services Section informing the members that Mr Joe Boland was Director of Service for the area and was leading on the project. He had met with the group on site to look at progressing both Town and Village Renewal and the Redz application for the Tanyard in Ballitore.

Councillor Keatley thanked the Department for approving the funding and asked that the members be kept informed of progress.

Councillor Miley stated he was a member of the Tanyard Committee and he thanked the District Manager, Ms Helen Dowling and Patricia Berry for work done and the committee were grateful to the commitment by the council.

Councillor Wall stated that this project was in the centre of Ballitore and needs the members support. He welcomed that the District Manager was taking the lead and stated that the council should be pushing this and looking for more funding.

**Resolved** on the proposal of Councillor Keatley, seconded by Councillor Miley that the members be kept updated on this project.

**AY17/1612**

**Master Plan for the Dominican Site, Athy**

The members considered the following question in the name of Councillor Breslin:  
Can an update be provided regarding progress on the drawing up of a master-plan for the Dominican Site, Athy.

A report was received from the District Manager informing the members that an update was given at the last two meetings of the municipal district. A draft should be available before

year end and a presentation would be given to the members probably very early in the new year.

The cathaoirleach noted the reply and stated it was a great news story for Athy. She stated that the council and members need to keep the momentum going on this project and the project needs to start. The report was noted.

**AY18/1612**

**Tenant Purchase Scheme**

The members considered the following motion in the name of Councillor Wall:

That the council confirm the amount of take up on its tenant purchase scheme in the Athy area, have the council spoken to the Department on concerns raised about the inability of older persons to take out the scheme.

The motion was proposed by Councillor Wall and seconded by Councillor Breslin.

A report was received from the Housing Section informing the members that the new Tenant (Incremental) Purchase Scheme came into operation on 1 January 2016. To be eligible for the scheme, tenants must meet certain criteria, including having a minimum reckonable income of €15,000 per annum. Reckonable income is income from wages or salaries, some social welfare payments can be included but only where they are additional to employment income. The Minister has committed to undertaking a review of the scheme in January 2017 following the first twelve months of operation and will bring forward any changes to the terms and conditions of the scheme which are considered necessary based on the evidence gathered at that stage. In relation to Athy Municipal District, ten applications for the tenant purchase scheme have been received. All applications have been valued and a discounted purchase price offered. Of these, three have replied to date to confirm that they are accepting the offer.

Councillor Wall stated he was waiting on the scheme to be reviewed in 2017. He was worried about the inability of older people to buy into this scheme as under the new scheme, they cannot purchase their houses after thirty years. He states this scheme discriminates against older people. Ms Aspell stated that this scheme was a national scheme not a council scheme.

The cathaoirleach stated that many of these people had improvement works done to their homes and deserved to be able to buy them out under this new scheme.

Councillor Redmond asked whether people were advised to get legal advice. He asked whether the council expect full mortgages to be paid by retirement age.

Ms Aspell stated that a national review would be carried out by the Minister and improvement works would be looked at too. All persons are instructed to get legal advice and the mortgage has to be paid by retirement age and have to meet the criteria of the mortgage. She stated she would raise all the members concerns with the Minister and ask them to review the situation where those living in their homes can purchase them under this scheme.

**Resolved** on the proposal of Councillor Wall, seconded by Councillor Breslin that the Housing Officer go back to the Department with the members concerns and ask them to review the situation where those living in their homes can purchase them under this scheme.

### **AY19/1612**

#### **Proposed Respond Houses at Flinter's Place, Athy**

The members considered the following question in the name of Councillor Wall:

Can the council confirm the up to date position with the proposed Respond houses at Flinter's Place, Athy?

A report was received from the Housing Section informing the members that Respond Housing Association was currently preparing drawings for launch of the Part VIII and it was anticipated that the drawings would be on public display at the end of January or early February 2017. The members would be kept up to date with progress.

Councillor Wall asked whether the project was on target to be built by end of 2017. He stated that he was promised that consultation would take place with residents associations and this had not happened yet.

Ms Aspell stated she would bring the members queries back to the Capital Team and would come back to the members with an update. The report was noted



**AY20/1612**

**To Agree the Spend of Retained Local Property Tax for 2017**

**Resolved** on the proposal of Councillor Dalton, seconded by Councillor Wall and agreed by the members that this be discussed at the January meeting.

**AY21/1612**

**Development of Primary Care Centre - Athy**

The members considered the following motion in the name of Councillor Keatley:

That the council contact the HSE to insist that a primary care centre is developed for the town of Athy and surrounding areas.

The motion was proposed by Councillor Keatley and seconded by Councillor Redmond.

Councillor Keatley stated that this matter had been on the agenda of the HSE for many years. He asked that the council issue a letter to the HSE asking that a primary care centre be developed in the town of Athy and surrounding areas. He stated they had acknowledged the need for this in Athy.

Councillor Redmond stated that this matter was raised at the Regional Health Forum before and they will be having a meeting on 20 December 2016 and it will be raised again. He stated that we need to get general practitioners into a primary care centre in Athy.

Councillor Wall stated that he heard it was a planning issue not a general practitioners' issue.

Councillor Dalton stated he was a member of the Health Forum and he advised that a letter issue to the HSE.

**Resolved** on the proposal of Councillor Keatley, seconded by Councillor Redmond that a letter issue to the HSE asking that a primary care centre be developed in the town of Athy and surrounding areas.

**AY22/1612**

**Proposed Bye-Laws for Market Day in Athy on a Tuesday**

The members considered the following question in the name of Councillor Miley:

Can Athy Municipal District set out bye-laws for market day in Athy on a Tuesday?

A report was received from the Corporate Services Section informing the members that the following legislation covers the introduction of casual trading bye-laws.

- Casual Trading Act 1995
- Casual Trading Act 1995 (Section 2(3)) Regulations 2004 [additional exemptions, for example, some fruits and potatoes].
- Guidelines issued by Minister for Enterprise, Trade and Employment for local authorities for the carrying out of their functions under the Casual Trading Act 1995 [July 2006].

Athy Town Market is an “ancient market” – confirmed by Charter dated 7 October 515. The Attorney General expressed reservations as to a Council’s right to restrict or control trading where a “market right” exists. This emanated from a High Court case. Inadvisable to introduce bye-laws, in any format, pending the outcome of the High Court [subsequently went to Supreme Court] case. Supreme Court Case – Simmonds –v- Kilkenny Borough Council. High court judgment 15/06/2007. Supreme Court judgment 08/06/2011. Did not address the issue of whether bye-laws could be introduced into an ancient market.

High Court Case – Simmonds –v- Ennis Town Council [10/02/2012]. This case dealt with the issue of whether a market right could be regulated by bye-law. Judge determined that it could.

High Court Judgment:

- Can regulate a traditional franchise market by means of bye-law.
- If no bye-laws in place cannot prevent trading [market right]

The Council cannot alter the area of market as set out in the charter. Should the members decide to pursue the setting out of Bye-Laws for market day in Athy, it would be necessary to seek legal advice on the process. Consultation with the traders prior to any official consultation would form an integral part of such a process.

Councillor Miley welcomed the market in Athy and hoped it would long continue but he stated that the traders would welcome the bye-laws in order to make sure that the market runs correctly and of benefit to the town.

Ms Gough stated that she would have to seek legal advice on this matter and would need to put the following item on the January agenda -"To consider the process of Bye-Laws for Athy Market". The report was noted.

**AY23/1612**

**Development of the Village Centre in Narraghmore**

The members considered the following question in the name of Councillor Keatley:  
Can the council assist the Narraghmore Development Association in developing the village centre?

Councillor Keatley stated that this matter was for the District Engineer to look at. He requested that funding be sought in 2017 for this project.

The District Engineer stated that there was a serious amount of history at this location. He stated that the residents had developed their own design and the council would need to work with them. He stated there were no resources at the moment but maybe it could be considered under Local Property Tax allocation. He stated he would come back to the members with an update. The report was noted.

**AY24/1612**

**Next Meeting**

The members were informed that the January meeting of the municipal district would be held in the Community Centre in Monasterevin.

The meeting then concluded.