

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY 15th OCTOBER, 2007.

MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 15 DEIREADH FÓMHAIR, 2007.

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M Cahill	M. Connor-Scarteen	B. Cronin
T. Ferris	S. Fitzgerald	T. Fitzgerald
T. Fleming	N. Foley	D. Healy-Rae
M. Healy-Rae	D. Kiely	P. Leahy
B. MacGearailt	P. McCarthy	A. McEllistrim
C. Miller	T. O'Brien	J. O'Connor
P. O'Donoghue	M. O'Shea	L. Purtill
J. Sheahan		

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, Co. Manager	Mr. J. O'Connor, Head of Finance
Mr. J.D. Flynn, Director of Corp. Serv.	Mr. O. Ring, Director of Water Services
Mr. C O'Sullivan, A/Dir. Roads & Transp.	Ms. A. Haugh, Dir. Of Environment
Mr. M. McMahon, Director of Planning	Mr. J. Breen, Director Housing
Mr. G. O'Brien, A/SEO	Mr. P. Corkery, Press & Comm. Officer
Mr. G. MacNamara, SE Roads	Ms. B. Reidy, S.S.O. Corp. Affairs
Ms. K. Sheehy, CO Corporate Affairs	Ms. K. Felle, CO Corporate Affairs

The meeting commenced at 10.45am.

The Mayor, Cllr. M. Healy Rae, took the Chair.

The Mayor commenced the meeting with a prayer

Votes of sympathy

Cllr. D Healy-Rae extended a vote of sympathy to Mrs. Deborah Devane and her family from Aghadoe, Killarney on the death of her husband Michael. Michael was a young psychiatric nurse who underwent simple surgery and subsequently died. His children are very young and he extended his sincere sympathy to Mrs. Devane.

Cllr. B Cronin seconded this proposal.

Cllr. B Cronin extended a vote of sympathy to Fiona Carroll and her family on the death of her husband Sean of Mill Rd., Killarney. All Members said they wished to be associated with this expression of sympathy.

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Cllr. M O'Shea extended a vote of sympathy to the family of the late Dan Keating of Ballygamboon, Castlemaine.

Cllr. R Beasley seconded this proposal and said that Mr. Keating was a great republican.

Cllr. M Cahill extended a vote of sympathy to the Family of the late Kitty Carey, Tullig Cross, Killorglin.

All Members said they wished to be associated with this expression of sympathy.

Cllr. P Leahy extended a vote of sympathy to Liam Dennehy and his Family from Duagh on the death of his wife, Noreen.

Death of Irish Citizen serving with the US Army in Afghanistan

Cllr. R Beasley requested that a letter be sent to an Taoiseach and the Minister for Foreign Affairs requesting that the Irish Government call on the US Authorities to investigate the circumstances surrounding the killing of Ciara Durkin, an Irish Citizen who was a member of the US Army, who was killed in mysterious circumstances in a US Military Base in Afghanistan.

Cllr. T Ferris seconded this proposal.

Allegations of corruption in the Planning Process.

Cllr B Cronin said that there are very serious allegations and evidence that money has changed hands so that objectors would withdraw their objections to planning applications. He called on the Mayor to clarify if he was aware of any such instances and he asked him to inform the meeting of the details relating to any particular instances that he was aware of. He asked if it was a form of blackmail used to extort money and what consequences would it have for the Planning Dept. He stated that all evidence should be brought to the attention of the Gardaí.

The Mayor informed the meeting that a number of years previously he was contacted by an individual who was asked for money by an objector. There was a Killorglin Electoral Area Meeting the following day and while he did not name the individual he stated at that meeting that he wanted it noted that he was aware of the situation and he also gave the reference number. The applicant was asked for €10,000 and he wanted to ensure that it was recorded that he had brought this to the attention of the Members. Following recent media reports he was contacted by a reporter from the Kerryman Newspaper and he gave them all the details he had. Since this media report more people have approached him and one individual told him that he was asked for €100,000 by an objector which he subsequently paid. The developer had informed him that he was going public with the information.

Cllr. B Cronin asked what responsibility or consequences does all this have for the Planning Authority.

Cllr. P O'Donoghue stated that this is not an issue to be investigated by the County Manager. It is a criminal investigation and the Manager, Mayor and anyone else with information should make it available to the Gardaí as this type of extortion is a crime and should be investigated by the appropriate Authorities.

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Cllr. R Beasley informed the meeting that both he and former Cllr. Tom Sheahan had mentioned a case that he was aware of in his own town where there was a treat of extortion. He understands that the individual who informed him of this threat of extortion can prove it.

Cllr. P McCarthy indicated his agreement with the sentiments expressed by previous speakers, in particular by Cllr. Paul O'Donoghue. He suggested that a letter should be forwarded to An Bord Pleanala requesting them to consider the Planning and Development Act in the light of these allegations and suggesting that legislation should be amended to ensure that there is a large fine imposed on anyone trying to extort money before they would withdraw a planning objection.

Mayor M Healy-Rae said that any newspaper that has information regarding the payment of money with a view to having a planning objection withdrawn should give this information to An Bord Pleanala. He stated that he did not want any misunderstanding as he had the utmost confidence in the integrity and honesty of the planners in Kerry County Council. This matter has nothing to do with the elected members or the staff of the Council.

Cllr. M Cahill said that over the years he had heard a few rumors about the extortion of money for the withdrawal of planning objections yet he had never seen any evidence of this. He agreed that this was a matter for the Gardaí and anyone holding information should pass it on to the Gardaí. He also suggested that this could have worked in reverse in that an objector may have been offered money to withdraw an objection to a development. All this should not detract members from the real issue which is the difficulty that planning applicants are experiencing in getting planning permission for one off houses in rural areas.

Cllr. D Healy-Rae referred to two serial objectors and said in the recent past he had moved a notice of motion calling for the introduction of a fee for objections of €2,000. He asked that in the case of serial objectors where planners find that their objections are withdrawn that this be brought to management's attention and also that of the elected members so that an investigation can be carried out.

Cllr. M Cahill pointed out that many objections are genuine and it is important to uphold the right to lodge an objection to a planning application.

Mr. T Curran, County Manager, stated that planning is a most open and transparent process and the full file is available for inspection at all times. When a planner makes a decision the basis for that decision must be clear. He stressed that the integrity of the staff of the Planning Department was not in question. He pointed out that any member of the public is entitled to object to any planning application and this right must be safeguarded as there are many genuine cases where people lodge an objection. The planning applicant or a third party may be entitled to appeal to An Bord Pleanala or subsequently apply for a Judicial Review on a planning decision. An Bord Pleanala can determine if they consider an objection to be vexatious and can deal with it accordingly. He stated that there have been rumors that objectors were paid to withdraw their objections but that is a matter for the Gardaí. The staff from the Planning Department cannot pass on details of rumors to the Gardaí. If the planning authority has any evidence of such practice it would be handed over to the Garda Authorities.

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Mayor M Healy-Rae informed the meeting that any information given to him on this issue has been passed on to the Garda Authorities.

Cllr. P O'Donoghue proposed that Kerry County Council would write to the Chief Superintendent requesting him to appoint one officer in the County to deal with these allegations of corruption.

Cllr. T Fitzgerald seconded this proposal and it was agreed.

Civic Reception for the Kerry Team

Mayor M Healy-Rae reminded members that a Civic Reception would be held to honor the Kerry Team on Monday evening next and he requested as many members as possible to attend. He added that unfortunately he would not be in a position to attend but the Deputy Mayor would host the Reception in his absence.

07.10.15.01 Mayors Report on the CPG Meeting held on the 11th October, 2007.

In the Mayor's absence Cllr. D. Kiely chaired the CPG meeting held on the 11th October and he read the following report into the record of the meeting.

Item 1 – Agenda for the October Council Meeting

Mr. G. O'Brien briefed members on the agenda for the October Ordinary Meeting.

Item 2 – Nomination for the Chair of the County Development Board

Cllr. D. Kiely was nominated to the position of Chair of the County Development Board.

Item 3 – County Development Board

Ms. C. Brosnan informed the meeting that the various member organisations in the CDB were being encouraged to have a greater input into the work of the CDB and not to be too reliant on Kerry County Council.

The National Development Plan would be included on the agenda for all future meetings.

Work is underway on the drafting of strategies for the 13 priority actions agreed by the Board. Final strategies would be completed by the end of the year and the emphasis would then be on the implementation of these actions.

In relation to the cohesion process the Department has directed that all Boards must be formed prior to Christmas.

It has been agreed that with the assistance of a contribution from Kerry Education Service efforts would be made to employ a Development worker to assist the Education and Training Forum.

The Board is preparing a strategy in accordance with the Department's Smoke Alarms Scheme.

The Board noted the timetable for the review of the County Development Plan and the County Manager asked all member organisations to get involved in the process.

Item 4 – Review of CPG Agenda

Mr. J. Flynn informed the meeting that the agenda for CPG meetings was compiled incorporating items requested by former members of the CPG. As there are a number of new members it maybe appropriate to review the agenda. There are many countywide issues such as water and sewage infrastructure, finance etc. which members may wish to include.

Members agreed to inform Mr. Flynn of any new items they wish to included on the agenda and it was agreed that certain items would be removed from the agenda.

Item 5 – Local Traveller Accommodation Consultative Committee

Mr. L. Quinlan informed the meeting that the Department has requested local authorities to review their Traveller Accommodation Programme. For this reason it is intended to reconstitute the Local Traveller Accommodation Consultative Committee and members would be advised of a meeting which is scheduled to take place on the 24th October. All members were encouraged to attend this meeting.

Item 7 – Update from the Chairs of the SPC's

Cllr. B. O'Connell briefed the meeting on the issues considered by the Environment SPC at its meeting held on the 5th October.

Cllr. R. Beasley informed the meeting that the Community, Cultural and Tourism SPC had not met since the last council meeting.

Cllrs. T. O'Brien and D. Kiely informed the meeting that there had not been a meeting of their SPC's since they were appointed Chair.

Item 9 – Update on the acquisition of land

Mr. L. Quinlan informed the meeting that no additional land was acquired since the last meeting but 28 acres have been acquired in the last 12 months.

Item 10 – Retrospective approval for attendance at conference

The CPG stressed to members that it is vitally important to make their interest in attending conferences known to council so they can be approved in advance of the holding of a conference.

07.10.15.02 Confirmation of Minutes

- (a) On the proposal of Cllr. B Cronin seconded by Cllr. R Beasley it was resolved that the minutes of the Ordinary Meeting of Kerry County Council held on the 24th of September, 2007 be confirmed.
- (b) On the proposal of Cllr. S Fitzgerald seconded by Cllr. P Leahy it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on the 10th of September, 2007 be confirmed.

07.10.15.03 Nominee to the Regional Health Forum

At the outset the Mayor thanked Cllr. T Ferris for her work on the Regional Health Forum.

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Cllr. D Healy-Rae proposed Cllr. M Healy-Rae as Kerry County Council's nominee to the Regional Health Forum following the resignation of Cllr. T Ferris.

Cllr. P O'Donoghue seconded this proposal and it was unanimously agreed.

07.10.15.04 Nominations to the Joint Policing Committee

Cllr. P O'Donoghue suggested that this item would be dealt with in the afternoon and this would allow members from each of the Electoral Areas the opportunity to agree on the nominees from their area.

This was agreed.

07.10.15.05 Disposal of Property

On the proposal of Cllr. R Beasley seconded by Cllr. P Leahy it was unanimously agreed to lease a plot of ground, 2.74 acres, at Curraghatoosane, Listowel and Listowel to the Lartigue Monorail Restoration Limited, Railway Rd., Listowel in accordance with the terms of notice issued 2nd October, 2007, pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

07.10.15.06 Proposed Development & Managers Report in accordance with Section 179(3) of the Planning and Development Act 2000.

Mr. O Ring, Director of Water Services referred members to his report on this item which was circulated and he briefed them in detail on the report.

On the proposal of Cllr. P O'Donoghue seconded by Cllr C Miller it was agreed to note the report circulated on the proposed development and the Managers Report thereon in accordance with Section 179(3) of the Planning and Development Act 2000 and Part VIII of the Local Government Planning and Development Regulations 2001 in respect of the construction of a River Intake and Pumping Station at Gortnadullagh, Kenmare.

07.10.15.07 Establishment of an Audit Committee and approval of its Membership

Mr. J O'Connor, Head of Finance, referred Members to his report dated 8th October, 2007 on this item which was circulated. He informed Members that they three decisions had to be taken on this item as follows:-

1. To agree in principal to the setting up of an Audit Committee. This is in line with good practice and is recommended.
2. To agree its Charter which are the ground rules for its operation He advised Members that the draft charter was attached to the report at appendix B.
3. The third decision to be made to Members is on the membership of the Audit Committee.

Mr. O'Connor informed the meeting that the role of the Audit Committee is to foster internal Audit arrangements, to promote the value for money culture. The Committee has the power of making an Annual Report to the Members and the Manager. The Minister prescribes that there should be five members, two of which should either be sitting or former councillors with the remaining three nominated by the Manager following consultation with the Mayor. The Managers nominees are:

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- Mr. Aidan Horan, Director in the Consultancy Training and Development Directorate at the Institute of Public Administration.
- Dr. Clare Rigg, Senior Lecturer with the Institute of Technology Tralee and Director of the Colleges MBA Programme.
- Mr Gene Boyd, Management Consultant and former Managing Director of Klinge Pharma Ltd/Fugisawa Ireland Ltd., Killorglin.

He added that both Mr Horan and Mr Boyd have relevant management/audit experience. He stated that the Council was required to select two councillor nominees and to approve the Managers nominees. He added that at the September Ordinary Council meeting the Mayor, Cllr M Healy-Rae, reported that *the CPG noted the position regarding the establishment of an Audit Committee and recommended that one member would be from North Kerry and the other from South Kerry and that Councillor Michael Healy-Rae would be the nominee for South Kerry.* In conclusion he stated that it is now a matter for the Members to agree on the two nominees to the Audit Committee.

Cllr. T Buckley proposed that Cllr L Purtill be one of the nominees to the Audit Committee.

Cllr P Leahy seconded this proposal.

Cllr P O'Donoghue proposed that Cllr M O'Shea be the second nominee to the Audit Committee.

Cllr M Healy-Rae seconded this proposal.

Cllr T Ferris proposed Cllr R Beasley as a nominee to the Audit Committee.

There was no seconder for this proposal.

Mr J Flynn, Director of Corporate Services informed the meeting that as there were only two valid nominees to the Audit Committee they were duly elected. These are Cllrs L Purtill and M O'Shea.

On the proposal of Cllr M Healy-Rae seconded by Cllr P O'Donoghue the Managers nominees as outlined by Mr O'Connor were approved.

On the proposal of Cllr M Healy-Rae seconded by Cllr B Cronin the Charter for the Audit Committee as circulated was unanimously adopted.

07.10.15.08 Change of date for the November Ordinary Meeting

Mr. J. D. Flynn, Director of Corporate Affairs informed the meeting that Item Nos. 8 and 9 would be taken together. He informed members that it would be necessary to change the date of the November meeting to allow additional time to prepare the Manager's Report on the proposed LNG Project at Ballylongford under the Planning and Development (Strategic Infrastructure) Act 2006.

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Mr M McMahon, Director of Planning referred members to his report on this item which was circulated and he informed the meeting that Shannon LNG made an application to An Bord Pleanála for consent under the Planning and Development (Strategic Infrastructure) Act 2006 on the 24th of September, 2007. This application for consent is in connection with the erection of a Liquid Natural Gas Terminal at Ballylongford and a copy of the application is available for inspection in the offices of the planning authority. While the Act provides that the application will be determined by the Bord, Kerry County Council has a key consultative role. Within ten weeks of an application being submitted, ie before the 3rd of December, 2007 the Council is required to prepare and submit to the Bord a report setting out the views of the planning authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the area. Prior to submitting the report the Manager is required to submit the report to the members of the Council and to seek the views of the members on the proposed development. The members may, by resolution, decide to attach recommendations specified in the resolution to the Report and these recommendations shall be attached to the report submitted to the Bord.

As the timescale for dealing with this large and complex development is very tight it is proposed to reschedule the November Meeting to Monday 26th of November, 2007. This would enable the Manager's Report to be circulated to the members in good time before that date and he stated that the Manager's Report could not be altered. Because of the nature and scale of the project, members are advised to prepare in advance of that meeting a clear and concise written statement of the views they will be expressing at the meeting in order that they can be incorporated into the Meetings Administrator's record. This is to ensure that detailed technical or otherwise substantive points can be incorporated accurately for transmission to the Bord. If Members do not choose to submit such a statement, a concise and brief summary of their views as expressed at the meeting and recorded by the Meetings Administrator will be submitted to the Bord. Three levels of information will be forwarded to the Bord:

1. The views of the Authority – Managers Report
2. The views of the Council – The resolution and any recommendations
3. The views of individual Members.

In conclusion he reminded members of their entitlement as individuals to make detailed submissions or observations in relation to the proposed development to the Bord.

Cllr D Kiely and Cllr T Buckley welcomed the proposed Shannon LNG project for the Ballylongford land bank.

Cllr P McCarthy proposed that the date for the November Ordinary Meeting be changed to Monday the 26th November, 2007.

Cllr R Beasley seconded this proposal.

A vote was taken on this resolution which resulted as follows:

For: Cllr Beasley, Cllr Buckley, Cahill, Ferris, S Fitzgerald, T Fitzgerald, Foley, D Healy-Rae, Kiely, Leahy, McCarthy, McEllistram, Miller, O'Brien, O'Connor, O'Shea, Sheahan, M Healy-Rae (18)

Against : None (0)

Not Voting: Cllr Brassil (1)

The Mayor declared the resolution carried.

07.10.15.10 Dates for Meetings

(a) On the proposal of Cllr D Healy-Rae seconded by Cllr T Fitzgerald it was unanimously agreed to fix the date of Monday the 7th January, 2008 for the Councils 2008 Budget Meeting.

(b) Cllr D Healy-Rae proposed that the Budget Briefing be held following completion of the November Ordinary Meeting.

Cllr J Brassil seconded this proposal and it was unanimously agreed.

Mr J O'Connor, Head of Finance, said that subject to the turnout of councillors for the Budget Briefing he would agree to this as the Budget would be in a new format for 2008 and it would take approximately two hours for the Budget Briefing.

07.10.15.11 Dates for the next round of Electoral Area Meetings

(a) On the proposal of Cllr T Fitzgerald seconded by Cllr. A McEllistrim it was agreed that the next Tralee Electoral Area Meeting would be held on Monday 5th November, 2007 in the Council Chambers commencing at 10.40 a.m.

(b) On the proposal of Cllr S Fitzgerald seconded by Cllr M Healy-Rae it was agreed that the next An Daingean Electoral Area Meeting would be held on Wednesday 14th November, 2007 in Milltown commencing at 10.30 a.m.

(c) On the proposal of Cllr J O'Connor seconded by Cllr M Healy-Rae it was agreed that the next Killorglin Electoral Area Meeting would be held on Friday 30th November, 2007 in Killorglin commencing at 10 a.m.

(d) On the proposal of Cllr B Cronin seconded by Cllr C Miller it was agreed that the next Killarney Electoral Area Meeting would be held on Wednesday 21st November, 2007 in the Town Hall, Killarney commencing at 10 a.m.

(e) On the proposal of Cllr T Buckely seconded by Cllr R Beasley it was agreed that the next Listowel Electoral Area Meeting would be held on Monday 3rd December, 2007 at Aras an Phiarsiagh, Listowel commencing at 10 a.m.

07.10.15.12 Making of a Traffic Management Plan for Ballybunion

Cllr R Beasley proposed that the Draft Proposed Traffic Management Plan for Ballybunion be adopted. He stated that this was a great opportunity for Ballybunion and the Plan was very acceptable. It would introduce a one way system which was needed to regulate traffic and he called on the Council to commence remedial works as soon as possible. He requested that a footpath be provided from the Lower Sandhill Rd to the Car Park and also that benches would be provided on the Main St.

Cllr T Buckley seconded this proposal and said that the local Community are very supportive of it.

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Mr C O'Sullivan, Director of Roads, Transportation and Safety referred members to his report on this item which was circulated. He stated that the report outlines the three submissions received and these were fully supportive of the Plan. He stated that there was extensive consultation with the public with regard to the Draft Plan and he outlined a range of measures that would be carried out in Ballybunion.

Cllr D Kiely requested that additional off-street car parking be provided as a matter of urgency. He requested that the footpath at the end of Sandhill Rd be extended to the Golf Course.

Cllr R Beasley suggested that a car-park be opened up at the Tintean Theatre. He added that a portion of the land could be acquired in Doon Rd for a car-park and he called on the Council to approach the landowner with a view to acquiring land in this area. He believed that if these car-parks were provided it would eliminate a lot of traffic problems in Doon Rd.

A vote was taken on this resolution which resulted as follows:

For: Cllr Beasley, Brassil, Buckley, Cahill, Cronin, Ferris, S Fitzgerald, T Fitzgerald, D Healy-Rae, Kiely, Leahy, McCarthy, McEllistram, Miller, O'Brien, O'Connor, M Healy-Rae (17)

Against: None (0)

Not Voting: None (0)

The Mayor declared the resolution carried.

07.10.15.13 Consideration of the 2008-2010 Multi-Annual Roadworks Restoration Programme

Mr C O'Sullivan, Director of Roads, Transportation and Safety informed the meeting that the Council has been requested by the Department of the Environment, Heritage and Local Government to submit a three year programme under the Restoration Improvement Grant Scheme for 2008-2010. The total length of the non-national road network in Co Kerry is 4281km comprised of 455km of Regional Roads and 3826 of Local Roads. This three year programme is based on the 2007 grant allocation of €10.936m and approximately 300km will be improved. As a result of additional funding provided by the Department of the Environment, Heritage and Local Government in 2006 and 2007 and with increased competitiveness in the local market for material supplies almost 60% of the works proposed for 2008 in the previous 3 year programme will be completed by the end of this year.

In 2007 the Restoration Improvement Grant was over 49% of the annual grant allocation for non-national roads. It is reasonable to expect that a further 300km will be improved in the 3 year period 2008 to 2010 under the other grant programmes. He informed the meeting that there are roads not included in this Restoration Improvement Programme which are in need of improvement and he said that many of these roads can be considered for inclusion in the annual Roadworks Programme under the other grant categories. In conclusion he stated that the Programme was considered by each of the electoral areas and he thanked the members for their input in preparing the programme. He asked members to approve the programme as circulated.

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All members welcomed the 2008 -2010 Multi Annual Road Restoration Programme. They asked if the new Health and Safety Regulations would result in a cost increase of a minimum of 15% over the next 3 years which would mean that fewer roads would be improved. Members also stated that the significant increase in oil prices in recent times would have a bearing on the Road Works Programme. Members asked that if necessary a deputation would meet with the Minister to seek additional funding as Kerry is a premier tourist county. A number of members expressed concern that cul-de-sac roads are excluded from the programme together with a number of link roads and they asked that these be included in another programme. Members also expressed concern that a new route for the Tralee Ring Road is being proposed and that this option is being put on public display. They added that this Ring Road is of paramount importance to the future development of the town. Members asked that every effort be made to ensure that this road progresses without further delay and also that construction would commence on the Castleisland By-Pass as soon as possible. Members requested that roads improved under the Community Involvement Scheme be included in some Roads Programme from 2008. Members requested a one week extension to the closing date for applications under the Local Improvement Scheme.

Mr. C. O'Sullivan, Director of Road, Transportation and Safety, agreed to this and he urged members to ensure that initial applications are submitted immediately and that clarifications could be forwarded later.

Cllr. P. McCarthy stated that the Council should recognize that in the proposed realignment of the Northern Ring Road one roundabout included in the original route would be excluded. This would adversely affect a number of proposed developments which are in accordance with the Tralee Environs Local Area Plan which was adopted by the members of the Council. He requested that the concerns of the members regarding the exclusion of this roundabout be forwarded to the NRA.

Members asked that particular attention be paid to drainage and hedge cutting in order to safeguard the investment in our roads in recent years. They asked what was the position with regard to the implementation of Chapter 8 for 2008 and would it be possible to carry out the Roadworks Programme if it is to be implemented. Members also asked if funding could be secured for cul-de-sac roads through the CLÁR Programme and they requested that a programme be drawn up for the improvement of these roads. They requested that a multi annual programme be drawn up to include roads improved under the Community Involvement Scheme to ensure that they are attended to in a seven or eight year cycle.

Cllr. J. Brassil requested an update on the Dale Road and said that following the completion of works on this road last year he had requested that this road be surfaced with bound material. He also asked that priority be given to continuation of improvement works on this road. He added that works have been carried out by the OPW at Ladies Walk, Ballyduff and he requested assurances that the OPW would repair the road or pay Kerry County Council to do so as this road is being damaged as a result of the works being carried out by them. He stated that he understood that this was the first year of a five year programme and they did not consult with Kerry County Council prior to undertaking the works.

Cllr. B. Cronin requested that where roadworks are carried out near junctions that the white lines be reinstated in particular at Ballybrack Cross. He referred to the applications now being submitted under the Local Improvement Scheme and requested that those who applied pre 2005 and who must now reapply that the maps previously submitted suffice for new applications provided that they refer to the same road. He asked that this be accommodated. He noted that there was a change in the criteria for this scheme and that the road must serve two landowners. He requested that this criteria be amended to allow the road to serve one landowner and one householder. He referred to the footpath and bollards provided in Farranfore and said that one of these bollards was removed and as a result large vehicles are parking on the footpath and blocking a private entrance. He called on the Roads Department to rectify this problem. He also requested that the footpath which was constructed from the Cleeney Roundabout to the bottom of Madam's Hill be extended up Madam's Hill and to Coolgarrive as the residents have requested this.

Cllr. R. Beasley requested that priority be given to the restoration of Ballingare Bridge and added that a lot of distress is being caused to local families following the collapse of this bridge. Some people must make a 30 mile round trip and this is very inconvenient. He requested that the works on the Dale Road be continued in 2008. He called for immediate action on improvements to bridges in the county.

Mr. C. O'Sullivan, Director of Roads, Transportation and Safety, thanked members for their positive comments on the Programme and he said that some provision is made in the programme to allow for inflation and health and safety provisions. The implementation of Chapter 8 is under review at present as a result of concerns highlighted by a number of local authorities in particular Kerry County Council. The new proposed Northern Link Road is out for public consultation. The Department requested that this road be reviewed and also the access off it and the exclusion of a roundabout included in the original proposals can be raised with the NRA. It is now proposed that the Northern Link Road, which was originally to exit by the IT, would now exit further up the Listowel Road. He informed members that full details of the proposed new route would be presented to them at the next Tralee Electoral Area Meeting. He referred to Cul-de-Sac roads and said that it is the policy of his Department to include these roads in the resurfacing programme.

Cllr. J. Brassil proposed that this be done in the form of a multi-annual programme so that the general public can identify exactly when their road will be improved.

Mr. C. O'Sullivan referred to the road at Ladies Walk and the works being carried out by the OPW. He informed members that his Department has written to the OPW asking for a meeting with them and they are awaiting a reply. He undertook to ensure that the road lining is reinstated at Ballybrack Cross and other junctions also where roadworks are carried out. He informed members that maps submitted with previous applications under the Local Improvement Scheme could be attached to the new applications and his Department would facilitate this. He undertook to revert to the Department regarding the criteria for qualification for the Local Improvement Schemes and he also undertook to follow up on the bollard which was removed in Farranfore. He informed members that the Road Design Office in Castleisland is progressing plans for the Blennerville to Mounthawk Road. In conclusion he informed members that an application for funding for Ballinagar Bridge for 2008 has been submitted.

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Cllr. J. O'Connor suggested that it would be appropriate that a deputation would meet with the Department seeking additional funding to cover the costs required to meet Chapter 8, otherwise the Council will be at a loss.

Mr. T. Curran, County Manager, informed the meeting that any deputation going to the Department would be premature at that time on the basis that the programme is not approved and it would undermine the Council. He stated that the allocation from Central Government has increased year on year and it must be acknowledged that there has been substantial improvements carried out to the road network in the County over the past 10 years. Normally grant allocations are notified to local authorities prior to Christmas and he expected the same would apply in the current year.

Cllr. J. O'Connor stated that he understood that the allocation under CLÁR funding was not yet received for 2007 and he was concerned that there could be cutbacks in this area.

Mr. T. Curran, County Manager, stated that this is a matter for the Government and that over the last 2 years grants were received by local authorities prior to Christmas.

Cllr. O'Connor then agreed not to pursue his request for a deputation to meet with the Department concerning funding for roads.

On the proposal of Cllr. M. Healy-Rae, seconded by Cllr. R. Beasley, it was unanimously agreed to adopt the 2008-2010 Multi Annual Roadworks Restoration Programme.

People in Need

The Mayor said that he wished to invite members, staff and members of the Press present in the Chamber to contribute to the People in Need collection being made at that time in the Chamber. He stated that last time People in Need raised €200,000 in Kerry and all of this money was allocated to good causes in the county.

Road Markings at Roundabouts

Cllr. P. McCarthy requested that road markings at Roundabouts be extended to allow motorists more time to get into the proper lane.

07.10.15.14 Adoption of the Library Development Plan 2007-2012

Cllr. R. Beasley, Chairperson of the Community, Culture & Tourism SPC, said that under the Local Government Act 2001 all County Libraries are required to prepare and adopt programmes for operation and development. The first Kerry Library Development Plan was approved in 1969 and the most recent plan terminated at the end of 2006. For this plan a wide consultation process was carried out involving the general public, senior Kerry County Council personnel, library staff and a range of external stakeholders. The Library Development Plan sets out provision for the ongoing capital development of the library service which has seen new libraries at Killorglin, which opened in 2006, at Castleisland which will open later this year, and at Caherciveen, which is about to go to tender. In addition 2 Mobile Libraries stop at over 70 rural and urban locations countywide. Service to the public has been equally enhanced. All libraries are now open a full day each Saturday with a range of lunch-time and evening openings countywide. The level and quality of book provision has improved significantly with technology aiding speed of delivery. The internet is available at all libraries and a new library and marketing plan has recently been launched. The Library Development Plan was considered by the Community, Culture & Tourism SPC on a number of occasions as it

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developed and at this stage as it is put before the elected members he recommended the adoption of the plan. In conclusion he congratulated the County Librarian, Mr. Tommy O'Connor, and his staff on producing the plan and he proposed that it be adopted.

Cllr. T. Fitzgerald seconded this proposal. He stated that Kerry County Council has always been very supportive of the library service. He expressed concern that Kerry has only half the national average of young readers from 17-24 years, and he suggested it may be appropriate to stock more of their type of books etc. which would appeal to them. He welcomed the close working relationship between the Arts Section and the Library Service. He stated that Kerry should have a County Museum and he understood that the Courts Service in Ashe Street may be moving to an alternative location and if this is so the existing Court House in Ashe Street would be an ideal location for a County Museum. He requested that consideration be given to the provision of a County Museum in conjunction with Tralee Town Council.

All members welcomed the plan and thanked Mr. Tommy O'Connor, County Librarian and his staff on the excellent service they provide to the people of Kerry.

Cllr. P. O'Donoghue asked when would the Caherciveen Library be going to tender, and when would construction commence. He suggested that all future projects could take a lead from the Caherciveen project which will also provide a centre for the Arts and a theatre etc. He asked how was the large non-national population in the county being facilitated by the Library Service.

Cllr. J. Brassil said that he believed that the Library Service is a very underappreciated service. He added that the benefit of the reading sessions for young children cannot be underestimated and should be continued. There is also an excellent service provided to students and internet access is widely available.

Cllr. T. O'Brien informed the meeting that the Mobile Library Service provides an excellent service throughout the county to those who may not be able to access the library otherwise. He asked would existing staff numbers be sufficient to provide the programme outlined in the Development Plan. He also asked if audits had been carried out of various libraries throughout the county under the Barcelona Declaration Implementation Plan. He added that the Courthouse in Ashe Street is a lovely building but it is inaccessible to those with disabilities.

Cllr. R. Beasley informed the meeting that foreign nationals are being facilitated very well in Tralee Library in particular where books are provided in many languages and many newspapers from various countries throughout the world are available online.

Cllr. P. McCarthy welcomed the Library Development Plan and supported its adoption and suggested that the Book Fund should be increased again in 2008.

Cllr. S. Fitzgerald complimented the staff of the Dingle Library who have tremendous knowledge and are very helpful to those using the service. He pointed however that this library is not wheelchair accessible.

Mr. J. Breen, Director of Housing, Community & Enterprise informed the meeting that the County Library recently launched their new logo together with a brief advertisement which would be used in cinemas entitled 'Changing Lifestyle Patterns'. He informed the

meeting that there are 9 libraries throughout the County and the nature of the customer is changing and the Council must respond to these changes. The Library Service is trying to expand to a community based library and there is a pilot in Shanakill and this is very successful. The mobile libraries are being used to bring the services to the people throughout the county. He referred members to Page 50 of the Library Development Plan where details of the 9 strategic objectives are set out and these are measurable annually. He said that he wished to record his thanks to Cllr. R. Beasley, Chair of the Community, Culture & Tourism SPC, and to the County Librarian and his staff, and the general public for their involvement in the public consultation process in the preparation of the Plan. He informed the meeting that last month Kerry County Council adopted the Biodiversity Plan and it is an objective of that plan to provide a County Museum. In relation to Caherciveen Library he informed members that it is intended that the Part VIII planning process would commence as soon as possible, and it would then go to tender. He added that anyone who was a member of the library can access the website and from there access 200 newspapers worldwide. In conclusion he said that staff would be flexible in the implementation of this plan and we must work within our limited resources.

Cllr. N. Foley suggested that students be employed in the Library Service for the summer.

Mr. J. Breen stated that in the past summer the library employed two second level traveller students. He undertook to consider employing students during the summer months in the future. He informed the meeting that an extensive audit was carried out under the Barcelona Declaration of all the libraries in the county and any shortcomings will be addressed as funding becomes available. He then referred to access for the disabled to the Dingle Library and said that every effort was made to address this, but these efforts were constrained by the fact that this is a listed building. There has been a huge commitment in the Library Service in addressing the difficulty of literacy, and there is an excellent stock of literacy aids available in the library. In conclusion he pointed out that the library also provides DVD, internet and audio facilities.

07.10.15.15 Summary of proceedings at following conferences

The Mayor suggested that in an effort to streamline this item members should submit written reports on conferences in time to allow it to be circulated with the Agenda. This would then save time at the Council Meetings.

(b) Leitrim County Development Board Conference.

Cllr. A. McEllistrim informed the meeting that the Leitrim County Development Board Conference was held in the Croke Park Conference Centre in Dublin on 21st June. The first session was given by Professor Jim Phelan, Agriculture & Science Centre, UCD. He spoke on 'Urbanization – Is it Diluting our link to Place or is our link to Place still strong?' He spoke on a sense of place with regard to rural people living and working in rural areas, indigenous people living in rural areas and commuting, indigenous urban people living in urban areas and migrants. Mr. Michael Tobin, Head of Business and Humanities in the IT in Blanchardstown also addressed the conference. He stated that the reality of economic and social development has been that an investment decision can be influenced by the fact that a key decision maker has a link to a particular area or that social development investment is more likely to happen if there is a strong sense of community or there is sponsorship/investment by a person who had previous links to a particular area.

Mr. Philip Martin, Managing Director, Cora Systems, Carrick-on-Shannon, also addressed the conference. He outlined the reasons why Cora Systems set up there. He said he was originally from there, and he had family and friends there, and affordable housing was available in an attractive location. The quality of life both for himself and his staff was also attractive. The cost of establishing business there was much lower and schools and other facilities were available. This location was also central to the customer base and there was excellent infrastructure – hotels, housing, roads, rail and broadband. There was also an available pool of staff. His company is doing very well and it is anticipated that there will be 40-50 staff employed in 2 years time. Its markets are in Europe, Australia, the middle-East and the U.S. and it is the number 1 supplier of Project Management software in Ireland and the UK. Mr. Liam Nicholl, Managing Director of Compufast Software Company and Golfcourse Developer said that Leitrim was his home place. He was involved in the Dromod Golf Project and this was located 80 miles from Dublin on the banks of the River Shannon. It is on 100 metres from the mainline station to Dublin. The project scope was the provision of a hotel, an 18 hole golf course, 2 business centres and holiday suites. The budget is €45-€50 million, with €15 million being spent to date. Ms. Jackie Maguire, County Manager, Leitrim County Council, also addressed the Conference on the Carrig-on-Suir Local Area Plan which incorporates the new street scapes and the Marine development. She also spoke on many projects such as the Mohill Project and Ballinamore Project.

(c) AMAI 94th Annual Conference 2007.

Cllr. C. Miller stated that he attended this conference which was held to the 13-15 September 2007 in New Ross. The Conference was opened by Minister John Gormley, T.D. and there were a variety of speakers and also a number of workshops. This was a very interesting conference.

(d) Local Government Planning Service Seminar.

Cllr. B. Cronin said the theme of this conference was a training seminar for councillors on the Local Government Planning Service. The Seminar was held in the Baltimore Harbour Hotel, West Cork from Thursday 5th to Saturday 7th July. The Conference was officially opened by Risteard O'Domhnaill, former County Secretary with North Tipperary County Council. A number of excellent speakers made presentations on all aspects of the planning process. Mr. Gus McCarthy who runs a planning consultancy company in Galway made a presentation on what he saw as the current issues in the planning process. Mr. Tom Haugh, who is a Chartered Engineer, gave the most interesting presentation under the heading 'Common sense in Planning'. A practical man who identified many issues which face applicants and Councillors in this county on a daily basis. Mr. Haugh stated that in 1982 the Department of the Environment issued a document called 'Planning Control Advice and Guidelines' It said "*the elected members of planning authorities are entitled to become involved in the planning control process*". It went on "*the members knowledge of local conditions and planning and development needs could in some cases assist in ironing out problems and difficulties and, consequently, reduce the number of decisions which cause dissatisfaction at local level and which lead to appeals*". He added that Cllr. Alan Mitchell from Longford who is a solicitor gave an overview of the Planning Service and The Law. He was followed by Mr. James Collins who is Head of the Department of the Built Environment who made a presentation on The Financial Implications of the Planning Service.

On Saturday Cllr. Tom Kelliher from Fingal County Council spoke on 'The Planning Service – A Councillors Perspective' which was interesting. The final speaker was Ms.

Mena Francis who spoke on the topic of 'The Marine Environment and The Implications for the Planning Service'.

(e) Parnell Summer School

Cllr. A. McEllistrim informed the meeting that she attend this Summer School in Rathdrum, Co. Wicklow from the 12th – 17th August. The theme of the Summer School was 'Continuity and Change in Irish Culture, Society and Politics'. Dr. Matthew Kelly of the University of Southampton spoke on 'Advanced nationalism from the rise of Parnell to the end of Parnellism'. There was also a presentation and debate on 'The Labour Movement'. Anne Hodge, Curator of Prints and Drawings at the National Gallery of Ireland spoke on 'Reflecting or distorting life? Paintings and popular imagery in late-nineteenth-century Ireland'. Prof. Maria Luddy, University of Warwick spoke on 'Magdalen Asylums in Ireland: A Misunderstood History'. In conclusion Cllr. McEllistrim said that this was a very interesting Summer School.

(f) General Humbert School

Cllr. C. Miller informed the meeting that he attended this Summer School which was held in Ballina, Co. Mayo from 23rd – 26th August, 2007. The Summer School was officially opened by Mr. Terry Nolan, Shell E&P Ireland. The topics covered in the Summer School included 'A new Constitution for a New Ireland', John Healy Debate, Election 2007'. This was a well attended Summer School.

(e) Chartered Institute of Waste Management Conference

Mayor M. Healy-Rae informed the meeting that he attended this conference which was held in Dublin on the 27th September, 2007. The theme of the conference was 'Street Cleansing in Ireland – A Clean Sweep'. The Chairman for the day was Mr. Mark Heesom. Dr. Tom Kavanagh gave a presentation as he is the Chairperson of the Irish Business Against Litter. He controversially stated that a lot of the awareness campaigns with regard to litter prevention and pollution prevention, not only in his opinion but also in the opinion of the IBAL was that they were a waste of time and that money spent on promoting them was not very fruitful.

He went on to say that the League System for assessing litter pollution throughout Ireland was effective and fruitful and achieved a lot over the years. He praised the private businesses such as Kerry Group who paid for ads at the beginning of the League Table System to create awareness of their existence.

Dr. Kavanagh also stated that the IBAL are in favour of a 20c tax on chewing gum and the money would go straight to the local authorities. €20m a year is the cost that it would take to get the gum off the streets. At present, over a 3 year period, €6m has been put forward by the chewing gum companies and this is inadequate. In relation to litter prevention he said that if you can't measure a problem you can't manage it.

The Minister for Environment, Heritage and Local Government praised the work of the IBAL and he quoted the fact that it is obvious throughout the country that wherever there is a concentration of take-aways there is a concentration of litter pollution and he wants those individual take aways to take up their personal responsibility in ensuring that outside their own premises is cleaned every night. He also stated that he is in favour of a levy or contribution system by the chewing gum companies and he stated that he is very omitted to making an impression during his term as Minister. The Mayor added that he

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had previously asked him to review the laws in relation to the abandonment of motor cars and he gave a very positive response.

07.10.15.16 Report on the operations and activities of North Kerry Together Ltd.

Cllr. R. Beasley requested that this item be deferred to the November meeting.

This was agreed.

07.10.15.17 Report from the Chair of the Transport SPC

Cllr. A. McEllistrim informed the meeting that the following issues were considered at the following meeting of the Transport SPC:-

1. Road Safety

Road Safety is a priority for the SPC and forms a major part of the committee's work programme. A report on Fatal Road Traffic Accidents in Kerry was circulated and discussed. It was noted that interviews have been arranged for the recruitment of a Road Safety (Education) Officer.

2. Road Works Programme 2007

Members were briefed on the 2007 Road Works Programme. It was noted that the Road Works Programme is prepared based on the level of funding provided by means of Grants from the Department of the Environment, Heritage and Local Government and from the National Roads Authority and also from the Council's own resources.

3. Operational Plan 2007

Members were briefed on the 2007 Operational Plan. The Plan outlines how the Roads, Transportation and Safety Department intend achieving its objectives as set out in the Corporate Plan.

4. Car Parking Policy

Members were updated on the proposed Car Parking Policy. The Council is reviewing the current status of towns, identifying possible sites, identifying costs, the only source of funding in providing car parking being through pay parking. It was acknowledged that there are currently approx. 60,000 cars registered in Kerry with a further 7,000 rented during the tourist season each year. This causes major problems with car parking. It was noted that a Draft Policy will be presented to the full Council in the future.

07.10.15.18 Report by the Chairman of the Housing & Social Support SPC

Cllr. C. Miller, Chairman of the Housing & Social Support SPC informed the meeting that the last meeting of the SPC was held in the Day Care Centre, Rathmore. The members were pleased to be received by Mr. Ger O'Donovan, President & Marie O'Leary, Manager of the Rathmore Social Action Group who prior to the commencement of the meeting showed members around their excellent facilities in Rathmore. This is a local voluntary group who provide sheltered housing for older persons in the general area. In addition to meeting their accommodation needs, health related and communal facilities are also provided. He stated that great credit is due to this Group for their excellent work, who, similar to other local voluntary groups throughout the county, has availed of capital funding from the Department of Heritage & Local Government, operated through Kerry County Council to construct this voluntary housing scheme for the elderly.

At the SPC meeting which followed, tributes were paid to Cllr Danny Healy-Rae for his role as chairman over the last three years during which time some very important housing issues were discussed and policies agreed. Among the more major items discussed at the meeting was a draft policy on the implementation of Low Cost Sites Scheme which was circulated following discussion on the matter at our previous meeting. It is accepted that there are more limited opportunities to develop low cost sites in the county. However where there is a demand and land outside our immediate requirements is available, the Housing Department will continue to develop low cost sites where feasible. It was agreed that a maximum floor area of 2000 sq ft will be allowed on the basis that it was not the intention of the low cost sites scheme to facilitate the construction of larger than average family type dwellings. Other important elements of the policy agreed related to measures to be introduced to ensure the timely commencement by successful applicants and that dwellings within individual schemes must be constructed in conformity with each other and with other dwellings in the area.

The role of the voluntary housing sector in relation to meeting Part V Requirements under the Planning & Development act 2000 (as amended) was also discussed following the circulation of a report setting out a proposed policy detailing the role of Voluntary Housing Associations in meeting Part V obligations. The policy agreed will ensure that all developers will be required in the first instance to enter an agreement with the Council. It is only after the actual number of units and costs are agreed with the Housing Department will it be appropriate to agree ultimately if the units will be managed & maintained by any particular voluntary group. In response to a query as to whether land acquired under part V could be used for more general community facilities, we were advised that the legislation as it is currently drafted requires that this land must be used for residential purposes.

A discussion also took place on the various heating options in local authority housing schemes following consideration of a report by Deirdre Sullivan, Senior Executive Architect on this matter. Following a discussion about the suitability of electric underfloor heating in homes for the elderly Ms Sullivan advised that the difficulty occurred mainly from tenants not availing of the more economic night saver rate. A survey carried out by the Housing Department identified the need to assist tenants in operating the system and despite this assistance being forthcoming from the Housing Department difficulty with its operation remains in a small number of cases. We were advised that where appropriate multi-fuel stoves will be fitted through funding available out of internal housing capital receipts.

Other matters discussed were the recently prepared Interagency Traveller Strategy for Kerry, the review to the Government's National Homeless strategy and developing a best practice model of integrated accommodation and services for the older person. Updates and further consideration of each of these important policy areas will take place at future meetings of this SPC.

07.10.15.19 Opening of Tenders

- (a) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. C. Miller it was agreed to approve the opening of tenders for Water Conservation Project Tender No. 7; Pressure Reducing Valves.

- (b) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. C. Miller it was agreed to approve the opening of tenders for Water Conservation Project Tender No. 6; Water Meter Boundary Boxes.
- (c) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. C. Miller it was agreed to approve the opening of tenders for 1 No. Bitumen Sprayer.

07.10.15.20 Notices of Motion

1. Provision of Broadband in rural areas in the county.

Pursuant to notice duly given Cllr. Johnny P. O'Connor PROPOSED:

There are many small businesses, people working from home, rural dwellers and communities in Kerry who for various reasons cannot connect to existing Broadband Networks at an affordable rate. This is a serious disadvantage to those who live, work and operate businesses in these areas and is discouraging new businesses from establishing in these areas. In addition, if we want to encourage people with IT skills to work and live in Kerry where they could work from home, the absence of affordable broadband service is presently a major barrier. Kerry County Council should initiate a project to investigate the problems with broadband in these areas and to propose solutions, which would provide broadband at an affordable rate in these areas.

Mr. G. O'Brien, A/SEO read the following report:

Kerry County Council are involved with two telecommunications infrastructure intervention initiatives currently being undertaken by the DCMNR, the Metropolitan Area Networks (MANs) Programme and the National Broadband Scheme (NBS).

Phase II of the MANs programme is now well underway and includes Tralee, Listowel and Killarney with include Wireless Local Access solutions to be provided for Kenmare, Dingle and Castleisland. To facilitate backhaul for these MANs, the Department's Backhaul Working Group is currently advancing the planning and procurement of an alternative backhaul infrastructure based on masts so that such a solution may be implemented without delay, should it become necessary. Kerry County Council have lobbied the DCMNR on this issue and should an alternative mast infrastructure be sanctioned it is planned to ensure that these masts are strategically placed to provide as much coverage as possible to rural areas of South and West Kerry.

National Broadband Scheme

The procurement process for the National Broadband Scheme was commenced by the Minister on May 2nd. The successful candidate chosen by the Department for the NBS will be required to provide broadband services to residential and business locations in specified areas within a defined timeframe. The winning Service Provider or consortium of Service Providers will be required to ensure that the services it provides are affordable, sustainable and scaleable with a view to ensuring that retail subscribers are provided with a broadband service to a specification, which is closely analogous to broadband service typically enjoyed by users in urban areas. There will be a requirement for the Service Provider to provide a wholesale product, at an appropriate wholesale price, which will be available to other operators in the market. It is envisaged that the contract with the successful candidate, will be signed at the end of 2007.

Kerry County Council are also working with local service providers to facilitate broadband rollout and to ensure that coverage is as extensive as possible throughout the county.

Cllr. J. O'Connor said that Broadband is not available in many rural areas in the county and it must be provided in order to encourage the creation of jobs in these areas. He added that there is an excellent project on this in Milltown Malbay. Many people may wish to relocate to rural areas to carry out their business but the lack of IT and Broadband in particular prevents them from doing this. He suggested that a Task Force be established to keep the general public up to date on the provision of Broadband throughout the county.

Mr. J. Breen, Director of Housing, Community and Enterprise, stated that the reply to the Notice of Motion outlines the constraints on the Council. It is necessary to get the Department on side on the ideal solution to this problem but there have been difficulties in convincing them that wireless Broadband is the most appropriate for rural Kerry.

2. Carrying out of Safety Audits on Bridges in the County

Pursuant to notice duly given Cllr. P. O'Donoghue PROPOSED:

That Kerry County Council furnish a report in relation to Safety Audits that are carried out on bridges in the county and advise as to what application for funding, if any, has been made in relation to bridges which are deemed to be in need of urgent repair.

Mr. G. O'Brien, A/SEO read the following report.

There are approximately 250 bridges on the National Road network and approximately 3,000 on the Non-national Road network.

A country wide assessment, maintenance and repair programme, funded by the National Roads Authority commenced in 2003 in relation to bridges on the National Roads.

Up to and including 2006, €3.53m was spent on remedial works to National Road Bridges and in 2007 a further allocation of €1.38 million was received, giving a total expenditure of €4.91 million on National Road Bridges over the past 5 years.

Audits have been carried out on approximately 190 bridges on the Non-National Road network by Kerry County Council and this will continue into the future. The funding mechanism presently in place to carry out repairs to or replacement of Non-National Road bridges is by means of the Discretionary Improvement Grant and the Specific Improvement Grant (totalling €5.4 million in 2007). These are annual grants to be expended at the local authorities discretion in consultation with the Department of Transport.

In 2007, Specific Improvement Grants were received for the Owroe Bridge (€700,000), Lissatinnig Bridge (€200,000), Meanus Bridge (€350,000) and Gaddagh Bridge (€505,000).

Cllr. P. O'Donoghue said that three bridges were severely damaged in his area in the past 12 months and there should be an audit carried out of all bridges in the county. He

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requested the Director of Roads to survey the Fertha Bridge as many people have expressed concern regarding the condition of this bridge. He requested that a report be presented to members on it at an Electoral Area Meeting.

The Mayor informed the meeting that he wished to defer Notice of Motion No. 3.

This was agreed.

5. Decentralisation of a Government Department to Killorglin

Pursuant to notice duly given Cllr. Michael Cahill PROPOSED:

"In view of the recent huge vote of confidence in Killorglin by Bord Gais and the excellent facilities available in the town I propose that KCC call on the government to de-centralise a government department/agency/semi-state body to the town as a successor to an already successful act of de-centralisation move, i.e. prizebonds."

Mr. G. O'Brien, A/SEO, stated that this is a matter for consideration by the members.

Cllr. M. Cahill said that Killorglin has excellent facilities including housing, sporting facilities, schools, office accommodation etc. and he called on the Government to make every effort to ensure that a Government Department is decentralised to Killorglin. He PROPOSED that the Minister for Finance be requested to meet with a deputation from Kerry County Council to discuss this issue.

Cllr. M. Healy-Rae SECONDED this proposal and it was agreed that a letter would be forwarded to the Minister for Finance requesting a meeting with him.

7. Cut backs on home helps for the elderly in the county.

Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:

"I am calling on Mr. Brendan Drumm and Mr. Tom Leonard of the HSE to immediately clarify have they ordered cut backs on home help to the 2300 elderly people living along in Kerry."

Mr. G. O'Brien, A/SEO said that this is a matter for consideration by the members.

Cllr. B.Cronin said that this situation has become progressively worse in the county in recent weeks. He understood that the HSE were ordered to do a review of all those benefiting from home help with a view to reducing their hours. This is an appalling attack on the 2,300 people who benefit from this service in the county. Many of these people live in rural isolated areas and they provide assistance to the elderly people in maintaining their homes, providing meals and most importantly providing companionship for them. It was immoral of the HSE to make that attack on the elderly of the county as winter approaches and at a time when Professor Drumm got a huge bonus. He requested Professor Drumm and Mr. Tom Leonard to immediately cease these cut backs as this is a most valuable service. He was concerned that the reduction in home help hours could result in many elderly people ending up in hospitals or nursing homes. He called for the support of the members for this motion.

Cllr. P. Leahy SECONDED the motion.

9. Compliance with the 25mph signs at roadworks

Pursuant to notice duly given Cllr. Danny Healy-Rae PROPOSED:

“To ask Kerry County Council with regard to Health & Safety when 25mph signs are put up on either side of a roadwork job- Is there any legal obligation on motorists to obey this signage?.”

Mr. G. O'Brien, A/SEO read the following report:-

There are 2 types of speed limit which apply in the case of roadworks:

- 1. Under Section 10 of the Road Traffic Act, the County Manager may apply a special speed limit of not less than 30 kilometres per hour for a period up to 12 months. These speed limits are generally used for long duration works and are fully enforceable by the Gardaí. The process requires notification and a consultation period to consider or accommodate, where possible, any objections made by the public or any other bodies. These special Road Works Speed Limits must be one from the range of speed limits set out in the Road Traffic Act, 2004 (30,50,60,80,100 km/hr) (Multiples of 10).**
- 2. Where it is not appropriate or practicable to impose a mandatory special roadworks speed limit, a CAUTIONARY SPEED LIMIT may be used. These are used on short duration works and are NON REGULATORY i.e. they are NOT ENFORCEABLE. They instead represent the speed at which a private car could drive through the road works with reasonable safety. The Cautionary Speed limit will be a multiple of 5 i.e. 25, 35, 45, 55 etc.**

All speed limits must be indicated in kilometres per hour. Any speed limit shown in miles per hour has no basis in law.

Notwithstanding that speed limits are indications of safe driving speed; all drivers should bear in mind road conditions when driving and should adjust their driving and speed accordingly.

Cllr. D. Healy-Rae stated that he submitted the motion to protect the staff of Kerry County Council who is faced with a serious problem of traffic speeding through road works on a daily basis. It seems that many motorists do not pay attention to these speed limits and he was concerned for the road workers. He emphasised the need to protect staff that carry out the Road Works Programme. This is a very serious and urgent matter from a health and safety point of view.

Cllr. M. Healy-Rae supported the motion.

In response Mr. C. O'Sullivan, Director of Roads, Transportation and Safety said that his Department had major concerns regarding this issue and they would be discussing it with the Gardaí in terms of enforcement.

Suspension of Standing Orders

The Mayor informed the meeting that it was 1.30pm and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Healy-Rae it was agreed to suspend Standing Orders to allow the meeting to continue.

11. Reinstatement of Ballingare Bridge, Lixnaw.

Pursuant to notice duly given Cllr. Liam Purtill PROPOSED:

“That Kerry County Council would prioritise Ballingare Bridge Lixnaw under 2008 Specific Improvement Grants Scheme operated by the Department of Environment.”

Mr. G. O'Brien, A/SEO read the following report:-

In July of this year, the Roads Inspector was brought to this bridge location and the circumstances of the failure, and the economic and social importance of a replacement bridge was emphasised to him.

Kerry County Council have included the re-construction of Ballynagare Bridge in our submission for funding in 2008 to the Department of Transport, under the Scheme of Grants for Specific Improvement Works. It would be hoped to receive approval and to start in 2008.

Cllr. L. Purtill said that it was almost 8 months since Ballingare Bridge collapsed. The bridge had a load bearing capacity of 12 tons, however, a truck transporting pigs and transporting 43 tons attempted to cross the bridge last February which resulted in the bridge buckling in the centre due to the pressure caused by the excess weight. As a result of the bridge collapsing commuters between Lixnaw and Ballyduff now have to take a much longer route via Ballincrossig adding at least 5 miles to their journey. A number of farmers with land on both sides of the river Brick have to make a round trip of 10 miles to farmland at a huge inconvenience in terms of time lost and farm management. A number of Ballyduff families depend on Ballingare bog for their fuel requirements. During the summer tourists use this route to visit Rattoo Round Tower which is an important tourist attraction. The bridge provided the most accessible route from the south and east side of the river. He PROPOSED that Ballinagare Bridge be the number one priority for the Council under the Specific Improvement Grants Scheme for 2008. He was confident that he would have the unanimous support of the Council in restoring normality to all the people affected by the collapse of the bridge over the past 8 months. In conclusion he asked that the members be informed if court proceedings have been issued in this case and if any insurance claims are pending.

Cllr. T. Buckley SECONDED the motion.

12. Payment to landowners for land acquired by the Council for road widening.

Pursuant to notice duly given Cllr. P. O'Donoghue PROPOSED:

That Kerry County Council furnish a report on the average time it takes from the completion of a Road Widening Agreement to when the landowner is actually paid for the lands and that the Council give a firm assurance that procedures will be put in place so as to ensure that payment is not left outstanding for a very lengthy period of time.

Mr. G. O'Brien, A/SEO read the following report:-

The Roads Department have procedures in place for processing the purchase and transfer of land from third parties as speedily as possible and a database has been developed to monitor the process.

In 2005 & 2006, the Roads Department processed 229 land agreements for road widening projects. 213 of these agreements were processed on average within 17

weeks, (some of the smaller “deeds of dedication” were processed within a 4 week period on average). Sixteen agreements (approx 7.5% of the total) are outstanding for completion with delays, primarily due to legal difficulties with title.

The purchase and transfer of land from third parties to the Local Authority and payment for same is a complicated matter and no two transfers are similar. In all cases, there is a formal Land Acquisition Procedure that has to be gone through before payment can be made. This entails mapping, land search, obtaining Folio/File plans, checking and rectification of Title, approvals and drafting of Managers Orders. Each of these processes can give rise to delays and some of them are outside the control of the Council.

A review of the procedures will be undertaken, to examine if any amendments are necessary to ascertain if payments can be processed more efficiently.

Cllr. P. O'Donoghue stated that he was aware of one landowner who was awaiting payment for over 7 years and he said that this was unacceptable. He undertook to provide the name of the landowner involved to the Legal Department to allow them to pursue the matter.

Cllr. D. Healy-Rae SECONDED the motion.

13. Procedures for dealing with planning applications.

Pursuant to notice duly given Cllr. Michael Healy-Rae PROPOSED:

“That this Council, by means of a resolution, call on our planners to use a more common sense approach when dealing with files which are deferred. It is totally ridiculous to have an agent sitting down with a planner who will not discuss cases with him. Planners who behave in this fashion are doing the Planning Department of this Local Authority no service and are in effect choking up the planning system and denying people an opportunity to have their planning difficulties sorted out”

Mr. G. O'Brien, A/SEO read the following report:-

Section 34(9) of the Planning & Development Act 2000 deals with the extension of “the period for making a (planning) decision” which is commonly referred to as a deferral. The intention of this provision is to allow Planning Authorities to request the applicant to give his/her consent to an extension of the period to deal with the application where the Planning Authority feels this would be of benefit to the resolution of a problem with the application.

Clearly, however, this provision is being abused and deferrals are being requested by applicants & agents in many cases where there is no prospect of the problems being resolved and to prevent the issue of a refusal.

Planners and Senior Management are then being put under pressure to meet applicants/agents etc to discuss issues where it is clear that the grant of permission on the site would be inappropriate.

This is clogging up the work of the Planning Section, giving false expectations to applicants and using up valuable resources which could be used more productively to give a better pre-planning service etc.

It is, therefore, intended that in accordance with the legislation, that in future extensions of time(deferrals) will only be requested by the Planning Authority where it is satisfied that such an extension is likely to facilitate a resolution of problems. Where such deferrals are requested the Planning Authority will engage with the applicant/agent to resolve the issues if possible.

Cllr. M. Healy-Rae expressed his dissatisfaction with the reply and stated that when an agent is in discussions with a planner and wants to discuss a planning application it is reasonable that the planner would agree to discuss it with him in an effort to sort out any outstanding difficulties. He was calling for a common sense approach from planners who are obstructing members.

Cllr. D. Healy-Rae said that it was very petty of planners not to deal with an applicant or an agent when a planning application is deferred. He understood that the facility was there to defer a planning application for a reason i.e. to resolve any outstanding issues.

Cllr. A. McEllistrim said that this proved to be very difficult for all members and there must be more contact between the planners and the agents. She added that elected members are very anxious to facilitate family members where possible. Applications are deferred in an effort to resolve the difficulties with a particular application and also to cut down on expense for the applicant. It would be more satisfactory to try to resolve planning difficulties at the initial stages of the planning application rather than at the time when the decision is due.

Mr. T. Curran, County Manager, said that this is a very important issue and the Planning Acts specify the methodology to be used in dealing with a planning application. The Planning Department must operate within the law at all times. Officials from the Planning Department advise members of the public to engage more in the pre-planning process. Sometimes the applicant is informed at a pre-planning meeting that the site is totally unsuitable yet they insist on submitting the application. When it becomes evident that a planning application maybe refused the agent refers the applicant to the elected members in a bid to resolve the difficulties. He had no difficulty with the planners engaging in dialogue with the applicant or the agent where it is possible to resolve the outstanding issues, however, some issues cannot be resolved. Many planning applications submitted have not gone through the pre-planning process because they fear that they will be told that the site is unsuitable. They then expect the elected members to sort out their difficulties and this is unfair. The real solution to the problem is for applicants to engage in the pre-planning process. If an alternative site is identified by a planner this is a completely new application because once it goes outside the site boundary the applicant must reapply. He added that there are too many planning applications being deferred at present and planners are trying to work with family members in an effort to facilitate them. Deferrals are not the way forward and are not within the law. There is no point in deferring a planning application if there is no hope that permission will be granted as this only creates an expectation that the outstanding issues can be resolved. This is also wasting planners time which is clogging up the planning system. He requested members to work with him on this issue as he believed there are solutions. Some applicants state that they did not engage in pre-planning meetings but it subsequently emerges that they were advised not to apply for planning permission on that particular site.

The Mayor stated that he felt that more thought and consideration should have been put into the reply.

15. Identification of a suitable site for an all-weather horse racing track in the county.

Pursuant to notice duly given Cllr. Michael Cahill PROPOSED:

“That Kerry County Council in conjunction with Horse Racing Ireland and all other relative Authorities identify a suitable site for an all-weather Track in the county.”

Mr. G. O'Brien, A/SEO, read the following report:-

Horse Racing Ireland has been contacted with a view to establishing the criteria for and feasibility of developing an all-weather track, and a reply is awaited.

Cllr. M. Cahill said that the first all weather track was established in Dundalk and there will be one in the South. It is important that Kerry would put forward a case to have it located within the county. There are excellent facilities in Kerry including good hotels, Kerry Airport and a good train service. This would be a huge vote of confidence in the tourism industry going forward. Horse racing is a huge business which is growing. He requested that the Secretaries of the Killarney and Listowel Race Courses be consulted and he suggested that a committee be established to pursue this further.

Cllr. M. Healy-Rae supported the motion.

16. Improvements to the Currow/Firies junction in Farranfore Village

Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:

“Has the NRA formulated a progress report regarding improving the Currow/Firies junction in Farranfore Village.”

Mr. G. O'Brien, A/SEO, read the following report:-

This location on the N22 National Primary Route at Farranfore has been discussed with the National Roads Authority inspectorate and they have indicated that they are not in favour of the proposal to introduce Traffic Signals at this junction at present. The Roads Department also commissioned a Safety Review of the junction which was undertaken by experienced Road Safety Auditors. The Audit team reported that no further major safety measures could be identified for implementation at the junction. The auditors also recommended that two further warning signs on the Regional Road approach from Firies be erected to complement the existing bar markings and statutory lining and signing; these signs have been ordered and will be erected in the coming weeks.

Cllr. B. Cronin stated that he was shocked at the findings of the NRA whose only proposal was the erection of two additional signs at this junction. Dr. Moira Culhane recently highlighted the danger of this junction at an inquest where she clearly stated that it was highly dangerous and needed attention. Since 1999 he had raised this junction at almost every Killarney Electoral Area Meeting and at many full Council meetings. He rejected the findings of the NRA which he thought were unbelievable. Tralee/Killarney, which incorporates Farranfore, has been identified as the Hub in Kerry yet this very dangerous junction remains in the village. The NRA's unwillingness to consider the use of traffic lights on a trial basis at this location shows contempt for the members of Kerry County Council. He requested that the recommendation of Dr. Moira Culhane be

forwarded to the Audit Team in the NRA with a view to persuading them to try out temporary traffic lights at this location.

18. Housing of single and separated applicants.

Pursuant to notice duly given Cllr. Danny Healy-Rae PROPOSED:

“That Kerry County Council recognise that many single and separated applicants for housing accommodation aged between 30 and 50 yrs are desperate because they are only considered after single parents and couples and families are housed.”

Mr. G. O'Brien, A/SEO, read the following report:-

It is acknowledged that there is a significant number of single person households within this age category who have been assessed as having a housing need. However in considering the allocation of any dwelling the Housing Department would need to be satisfied that a long term housing need exists before making an offer of what effectively is a life long tenancy. Subject to that provision and the need to cater for other household categories on our waiting lists, Kerry County Council will continue to meet the needs of single person households within these age categories through the provision suitably sized dwellings as part of our ongoing construction programme and as suitable casual vacancies arise. Indeed, from the start of 2006 to date Kerry County Council housed 36 single person households between the ages of 30 and 50. It should also be noted that many of these applicants are in receipt of social welfare and therefore would qualify for rent allowance through the community welfare service having satisfied the Housing Authority that a housing need currently exists. It is proposed that all households in receipt of rent allowance for a period greater than 18 months will qualify for accommodation under the Rental Accommodation Scheme which is being rolled out nationally by all housing authorities on behalf of the Department of Environment Heritage & Local Government on a gradual basis.

Cllr. D. Healy-Rae said that this category of housing applicant is being forgotten. He acknowledged the work of the Hosing Department but stated that single girls between 30 and 50 years who are in full time employment cannot afford current rent in the private sector. At 30 years of age most people want their own home. If a person works 39 hours per week they are not entitled to a Rent Supplement, however, if work under 29 hours they can be considered. He called on the Department to change this criteria and to base it on income rather than hours worked. He added that separated fathers are under immense pressure to find suitable accommodation which would allow them to have their children come to visit. Usually the wife and children remain in the family home and the man has to rent accommodation. Normally he can only afford a bedroom for himself and he has no place to facilitate the children for a weekend.

Cllr. M. Healy-Rae supported the motion.

20. Use of foam mix or stabilized wet mix.

Pursuant to notice duly given Cllrs. Michael Healy-Rae & Danny Healy-Rae PROPOSED:

“To ask the County Engineer to forget about using the new system of foam mix or stabilized wet mix anymore as the roads where it was used this year are in a worse condition now, what can be done now to rectify these roads?.”

Mr. G. O'Brien, A/SEO, read the following report:

The system of foamix or stabilised wet mix has been in use in Kerry for road reconstruction for 10 years. Generally the results achieved with this type of material have been very satisfactory. Two roads completed in the Kenmare area this year as well as one road in the Killarney area last year were not satisfactory. This was due primarily to operational reasons rather than an inherent problem with the materials used. Kerry County Council will continue to use the materials best suited to individual locations to achieve the improvement in standards that are required.

Cllr. D. Healy-Rae said that this road making material is not suitable for the weather conditions in Ireland as dry road conditions are needed for it to be successful. He added that sandstone is not suitable as the liquid limit is too high. If this foam mix is to be used limestone is the better option.

Mr. C. O'Sullivan, Director of Roads, Transportation and Safety informed the meeting that foam mix has been used in Kerry for the last 10 years. He acknowledged that there were difficulties with it at 2 or 3 locations this year and these will be taken into consideration for the future.

**21. Re-establishment of a Fisheries Committee
Pursuant to notice duly given Cllrs. Michael Cahill & Paul O'Donoghue
PROPOSED:**

"That Kerry County Council re-establish a Fisheries Committee to tackle very important issues facing the County such as the Fishing industry and its survival, piers, harbours, marina's and costal erosion etc."

Mr. G. O'Brien, A/SEO, read the following report:

In considering the establishment of the Strategic Policy Committees in 1999, the Council considered the role and functions of previous committees. Issues in relation to the development of piers and harbours and the protection of our coastline from erosion can be considered by the Roads and Transportation SPC. The broader issues of the economic development of the Fisheries industry is best considered through the formulation of economic and planning development policies through the Planning SPC.

The County Development Board has established, in accordance with its priority action plan, an agricultural and aquaculture task group which has examined the requirements of these industries for their future development in Kerry. Given the large number of agencies involved in the fishing industry in the county it may be more appropriate for further engagement by the industry with this committee. Through the Council's representatives on the Board the relevant SPC's can be advised of areas of policy within its remit to be developed by Council.

Cllr. M. Cahill expressed his disappointment with the reply as Kerry is a coastal county. In the past there was a Fisheries Committee and this industry is under threat. Efforts are being made to secure funding for Piers and Harbours in the county and also for coastal protection works. He stated that a Fisheries Committee is required to pursue these issues.

Cllr. L. Purtill **SECONDED** the motion.

Cllr. J. O'Connor informed the meeting that the fishermen in Cromane gave a lifetime to fishing and if the factory there closes a committee would have to be established to try to replace the jobs. Fishing was a way of life in Kerry but it is being eroded. He PROPOSED that a Fisheries Committee be established.

Mr. T. Curran, County Manager, informed members that this could not legally be done.

Mr. J. D. Flynn, Director of Corporate Services informed the meeting that Strategic Policy Committees only are provided for in legislation.

Cllr. M. Cahill suggested that a sub-committee of an SPC could be established to consider these issues.

Cllr. T. Fitzgerald suggested that it would be more appropriate to refer this issue to the County Development Board who could establish a sub-committee to deal with these issues.

Mr. T. Curran, County Manager, informed the meeting that the motion would be referred to the County Development Board for consideration.

07.10.15.22 Correspondence – Conferences and Seminars

- (b) On the PROPOSAL of Mayor M. Healy-Rae, SECONDED by Cllr. C. Miller it was agreed to authorise the attendance of Cllrs. C. Miller, M. Healy-Rae and M. O'Shea at the Confederation of European Councillors Seminar on the theme "Tackling Poverty and Social Need in Ireland, North and South" to be held in Enniskillen, Co. Fermanagh on the 7th December, 2007. Cllr. M. O'Shea was nominated to report back to the Council on this Seminar.
- (c) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. L. Purtill it was agreed to authorise the attendance of Cllrs. C. Miller, M. Healy-Rae, J. Brassil, P. O'Donoghue, B. Cronin, M. O'Shea and T. O'Brien at the Clare Tourist Council and Clare County Council National Tourism Conference on the theme "Tourism for Changing Lifestyles" to be held in Ennistymon, Co. Clare from 22nd to 24th November, 2007. Cllr. J. Brassil was nominated to report back to the Council on this Conference.
- (d) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. L. Purtill it was agreed to authorise the attendance of Cllrs. P. O'Donoghue and T. O'Brien at the Shannon Development National Conference on the theme E-Towns – Beyond 2007 – The Live/Work Economic Development Solution in Action " to be held in Tarbert on the 14th November, 2007. Cllr. P. O'Donoghue was nominated to report back to the council on the Conference.
- (f) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. L. Purtill it was agreed to authorize the attendance of Cllrs. A. McEllistrim, M. O'Shea, P. Leahy, R. Beasley and B. MacGearailt at the Douglas Hyde Conference on the theme "From Hand to Hand" to be held in Ballaghaderreen, Co. Roscommon from 26th – 28th October, 2007.
- (g) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. L. Purtill it was agreed to authorize the attendance of Cllrs. M. Healy-Rae, P. O'Donoghue, J.

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Brassil, M. O'Shea, B. Cronin and T. O'Brine at the Céifin Conference on the theme "Tracking the Tiger – A Decade of Change" to be held in Ennis, Co. Clare on the 6th & 7th November, 2007.

- (h) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. L. Purtill it was agreed to authorize the attendance of Deputy Mayor Cllr. D. Healy-Rae at the Annual London Kerry Association Dinner & Dance to be held in London on the 26th October, 2007.
- (i) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Healy-Rae it was agreed to approve the attendance of Cllr. P. Leahy at the ACCC Conference held in Dungarvan, Co. Waterford from 8th – 10th March, 2007.
- (j) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Healy-Rae it was agreed to approve the attendance of Cllr. P. Leahy at the Kadenza Housing Conference held in Letterkenny, Co. Donegal from 27th – 29th April, 2007.
- (k) On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. J. O'Connor it was agreed to approve the attendance of Cllrs. P. Leahy, T. Buckley and R. Beasley at the Synge Summer School held in Rathdrum, Co. Wicklow from 2nd – 7th July, 2007.
- (l) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. O'Shea it was agreed to approve the attendance of Cllrs. R. Beasley and P. Leahy at the Parnell Summer School held in Rathdrum, Co. Wicklow from 12th – 17th August, 2007.
- (m) On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. M. O'Shea it was agreed to approve the attendance of Cllrs. J. Brassil, J. Sheahan and A. McEllistrim at the Merriman Summer School held in Lisdoonvarna, Co. Clare from 19th – 22nd August, 2007.
- (n) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. O'Shea it was agreed to approve the attendance of Cllr. J. O'Connor at the Carlow Tourism Conference held in Carlow on the 29th & 30th March, 2007.
- (o) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. J. O'Connor at the Northern Tourism Conference held in Dunadry, Co. Antrim on the 2nd & 3rd February, 2007.
- (p) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. T. Fitzgerald at the National Planning Conference held in Kilkenny from 18th – 20th April, 2007.
- (q) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllr. T. Fitzgerald at the South West Regional Authority Seminar held in Ballincollig, Co. Cork on the 15th May, 2007.
- (r) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. L. Purtill it was agreed to approve the attendance of Cllr. T. Fitzgerald at the launch of "Water Matters" held in Cork on the 22nd June, 2007.

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- (s) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cllrs. P. McCarthy and L. Purtill at the Humbert Summer School held in Ballina, Co. Mayo from 23rd – 26th August, 2007.
- (t) On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. J. Sheahan it was agreed to approve the attendance of T. Sheahan at the Douglas Hyde Conference held in Co. Roscommon from 20th – 22nd October, 2006.
- (u) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. L. Purtill it was agreed to approve the attendance of N. O'Sullivan at the Planning Seminar held in Baltimore from 5th – 7th July, 2007.
- (v) On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. P. Leahy it was agreed to approve the attendance of N. O'Sullivan at the Environment Conference held in Ballybunion from 28th March – 1st April, 2007.
- (w) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. M. Healy-Rae it was agreed to approve the attendance of N. O'Sullivan at the Carlow Chamber of Commerce Conference held in Carlow from 29th – 31st March, 2007.
- (x) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. P. Leahy it was agreed to approve the attendance of N. O'Sullivan at the South & Eastern Assembly Conference held in Naas, Co. Kildare on the 19th & 20th April, 2007.
- (y) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. P. Leahy it was agreed to approve the attendance of Cllr. T. Fitzgerald at a meeting of the O2 Ability Awards Judging Panel held in Dublin on the 24th April, 2007.
- (z) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. P. Leahy it was agreed to approve the attendance of Cllr. M. Healy-Rae at the launch of the Disability Federation of Ireland Pre-Budget Submission held in Dublin on the 3rd October, 2007.
- (aa) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. P. Leahy it was agreed to approve the attendance of Cllr. M. Healy-Rae at the Chartered Institute of Waste Management Conference held in Dublin on the 27th September, 2007.
- (bb) On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. B. Cronin it was agreed to approve the attendance of Cllr. M. Healy-Rae at the Volvo Car Environmental Conference held in Cork on the 18th October, 2007.
- (cc) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. L. Purtill it was agreed to approve the attendance of Cllr. M. Healy-Rae at the launch of the Women's Aid National Freephone Helpline and Support Services Statistics Report for 2006 held in Dublin on the 11th October, 2007.

07.10.15.23 Correspondence General

It was agreed to note the following items of correspondence which were circulated.

1. Press release from RTE on the commencement of a new radio programme entitled 'Local Government on the Air'.
2. Letter dated 22nd September, 2007 from the Office of the Minister for Arts, Sport and Tourism regarding a resolution concerning the allocation of grant aid to sporting/recreational clubs to allow clubs to use the grant aid to purchase land.
3. Letter dated 27th September, 2007 from the Department of Social and Family Affairs regarding anomalies in the social welfare system.
4. Letter dated 24th September, 2007 from the Office of the Minister for Environment, Heritage and Local Government regarding the removal of abandoned or burnt out cars by local authorities.
5. Letter dated 17th September, 2007 from the OPW regarding the carrying out of repairs to the bridge at Rose Cottage, Kenmare.
6. Letter dated 18th September, 2007 from Limerick County Council regarding a resolution adopted by that authority requesting the Minister for Agriculture and Food to provide a Well Grant to applicants involved in organic production.
7. E-mail dated 18th September, 2007 from Leitrim County Council regarding a resolution adopted by that authority concerning the new Subvention Scheme for Childcare.
8. E-mail dated 27th September, 2007 from Fingal County Council regarding a resolution adopted by that authority calling on the Minister for Environment, Heritage and Local Government to pass legislation for chemical/petrographic analysis of all backfill materials used in excavations, floors, road bases etc.

Cllr. B. Cronin stated that he had moved a motion in the past few months calling on Minister Gormley to introduce a grant system to allow old septic tanks to be replaced. He asked if a reply was received to this motion.

In response Mr. G. O'Brien stated that no response was received to date.

Cllr. Cronin requested that Minister Gormley's office be again contacted in an effort to get a reply.

Membership of Joint Policing Committee

Cllr. J. O'Connor then informed the meeting that the members of the Killorglin Electoral Area had agreed that Cllrs. M. Cahill, M. Connor Scarteen and J. O'Connor would be the nominees from their electoral area.

Mr. J.D. Flynn, Director of Corporate Services informed the meeting that this item would be dealt with at the November meeting.

Water Rents for Ardmoniel Burial Ground

Cllr. M. Cahill stated that the Ardmoniel Burial Ground Committee in Killorglin received a bill for water charges and as a voluntary committee this was unfair as they are maintaining the burial ground.

Mr. J. O'Connor, Head of Finance, stated that there was no question of this charge having to be paid.

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The meeting concluded at 2.30pm.

G. O'Brien

A/SEO Corporate Affairs

Mayor of Kerry