

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 21 July, 2008.

*MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 21 IÚIL, 2008.*

**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	M. Gleeson
D. Healy-Rae	M. Healy-Rae	D. Kiely
P. Leahy	B. MacGearailt	P. McCarthy
A. McEllistrim	C. Miller	T. O'Brien
B. O'Connell	J. O'Connor	P. O'Donoghue
M. O'Shea	L. Purtill	J. Sheahan

**IN ATTENDANCE/I LÁTHAIR**

Mr. J. O'Connor, Deputy Co. Manager	Mr. J.D. Flynn, Director of Corp. Servs.
Mr. O. Ring, Director of Water Services	Mr. J. Breen, Director of Hsg. and C&E
Ms. A. Haugh, Dir. of Environment	Mr. G. MacNamara, A/Dir. of Roads
Mr. P. Stack, A/ Dir. of Planning	Mr. G. O'Brien, A/SEO Corp. Affairs
Mr. L. Quinlan, SEO Housing	Mr. P. Corkery, Press & Comm. Officer
Ms. D. Griffin, SO Corporate Affairs	Ms. M. Galvin, CO Corporate Affairs
Mr. J. Sheppard, SEE Housing	Mr. E. Scanlan, SEE Roads
Ms. S. Ronan, AO Housing	Mr. P. Teahan, A/SEE Roads
Mr. K. Parrott, A/SEE Corporate Affairs	Ms. B. Walsh, SSO Housing
Ms. M. Moriarty, SSO Corporate Affairs	Mr. P. O'Sullivan, A/SO Corp. Affairs
Ms. N. Pollard, ASO Housing	Ms. J. O'Connor, CO Housing
Ms. M. O'Connell, CO Housing	

The meeting commenced at 10.30 a.m.

Mayor T. Fleming took the Chair.

**Mayoral Reception for The Irish Credit Union Movement**

Mayor Fleming said Kerry County Council have received a request from Rathmore Credit Union to host a Mayoral Reception on 13<sup>th</sup> September, 2008, to celebrate the 50<sup>th</sup> Anniversary of the Irish Credit Union Movement and to acknowledge the work done by the Irish League of Credit Unions over the past 50 years. He PROPOSED that the Mayoral Reception would be held and he requested members to attend the celebration.

Cllr. M. Gleeson SECONDED this proposal.

**Olympic Games 2008**

Cllr. M. Gleeson referred to the Olympic Games 2008 to be held in August in Beijing. He informed the meeting that three rowers from the greater Killarney area will be

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representing Ireland. Mr. Sean Casey, Mr. Paul Griffin and Mr. Cathal Moynihan, from Muckross Rowing Club in Killarney have been selected to row in Irish crews at the Olympics Games. He requested that Kerry County Council extend good wishes to the athletes on the attainment of their dream and to wish them well in Beijing.

All elected members supported the motion.

Cllr. P. McCarthy requested that a letter issue to Mr. Roy Guerin, Clerical Officer, Housing Department of Kerry County Council, on his selection to participate in the Beijing 2008 Paralympics.

All elected members supported the motion.

#### **Vote of Sympathy**

- (a) Cllr. T. Ferris proposed a vote of sympathy to the family of the late Mr. Jerome Daly.

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

- (b) Cllr. M. Connor-Scarteen proposed a vote of sympathy to Mrs. Mary Randles, Killowen Road, Kenmare, on the death of her husband, Mr. Michael Randles.

Cllr. M. Healy Rae supported this vote of sympathy.

- (c) Cllr M. Healy Rae proposed a vote of sympathy to Mrs. Anne Brennan and the Brennan family on the death of Minister Seamus Brennan. Minister Brennan was an excellent Minister for many years and was always a close friend of the Kerry people.

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

- (d) Cllr. R. Beasley proposed a vote of sympathy to the Carmody family on the death of Mr. Jeremiah Carmody, Athea.

- (e) Cllr. R. Beasley proposed a vote of sympathy to the Nolan family on the death of Mr. Jeremiah Nolan.

Cllr. D. Kiely said he wished to be associated with this expression of sympathy.

- (f) Cllr. D. Kiely proposed a vote of sympathy to the Holly family on the death of Mr. Aidan Holly.

Cllr. R. Beasley said he wished to be associated with this expression of sympathy.

- (g) Cllr. D. Healy-Rae proposed a vote of sympathy to the Slattery family on the death of Mr. DD Slattery, Headford, Killarney.

Cllr. M. Healy-Rae said he wished to be associated with this expression of sympathy.

- (h) Cllr. D. Healy-Rae proposed a vote of sympathy to the Leader family on the death of Mr. John Leader.

Cllr. M. Healy-Rae said he wished to be associated with this vote of sympathy.

**Watermarque Hotel, Caherciveen**

Cllr. M. Healy-Rae said the Watermarque Hotel in Caherciveen has been built and a large number of contractors have been left without payment. One builder is owed €150,000. This situation will put some of these contractors out of business. The contractors have asked elected members to help highlight their situation. Killorglin Area meetings are held in the Watermarque Hotel when they are held in Caherciveen. Given the current situation this Local Authority should not support the Watermarque Hotel. He requested are paid. This is not an issue against the individual running the hotel, but the monies being paid by the leaser should be used to pay the contractors.

Cllr. R. Beasley supported this proposal.

**Muckross Rowing Club**

Cllr. B. Cronin referred to Cllr. Michael Gleeson's proposal to support the Muckross Rowing Club Members at the Beijing Olympics and said that Kerry County Council has supported the Muckross Rowing Club over the years. The Rowing Club have huge costs involved in their training and are competing against professionals. He referred to a letter he received from the Rowing Club expressing thanks to Kerry County Council and acknowledging the good work and support received from the Head of Finance of Kerry County Council. He requested that the Head of Finance would continue to provide funding for the Muckross Rowing Club.

**Aghadoe Cemetery**

Cllr. B. Cronin thanked Kerry County Council staff for works carried out at Aghadoe Cemetery when they liaised with the Graveyard Committee at Aghadoe. Families now have access to their plots. Excellent work has been carried out and everyone associated with these works should be complimented.

**Blennerville School**

Cllr. T. Fitzgerald referred to Blennerville School which has been removed from the Department of Education and Science priority list. It is not known when the project will go ahead. He requested that a letter issue to the Department of Education and Science seeking clarification on when Blennerville School would again be put on the priority list and what schools are getting priority over Blennerville School.

**Tralee By-Pass**

Cllr. T. Fitzgerald welcomed the CPO for Tralee By-Pass and said it is important for Tralee that the By-Pass proceeds.

**Hawley Park**

Cllr. T. Fitzgerald referred to an application for a Voluntary Housing Development at Hawley Park, Tralee, which is currently with the Department of the Environment. He requested that a letter issue to the Department asking that this application be given priority. This development is within a RAPID area and is urgently required.

**Higher Education Grants**

Cllr. T. Ferris said Kerry County Council elected members consider the Higher Education Grants Scheme each year. However, the elected members have no power to change the provisions of the Scheme. There is a situation in Co. Kerry regarding an applicant whose course is not recognised in order to qualify for a grant. The applicant is unable to furnish details of utility bills. This issue is ongoing for two years. The Department of Education are indicating that Kerry County Council should not approve the application. She requested that elected members support this applicant and that the County Manager intervenes in an attempt to resolve this issue.

Cllr. R. Beasley SECONDED this proposal.

Mr. G. O'Brien, A/SEO Corporate Affairs, said the Department of Education guidelines are clear on this issue and state that Kerry County Council has discretion within the guidelines laid down. This case has been reviewed but Kerry County Council does not have flexibility in this case.

Cllr. T. Ferris said this applicant is receiving a rent allowance from FÁS. A staff member from FÁS can provide a letter to confirm that she has visited the applicant at this address. She said if this rent allowance was received from the Department of Social, Community and Family Affairs and a HSE staff member had visited the applicant there would not be a problem.

Mr. G. O'Brien said the Department Guidelines do not state that a letter will be accepted as proof of permanent residence.

Mr. J.D. Flynn, Director of Corporate Services, said Kerry County Council has to operate in accordance with Department guidelines as the Department refunds monies paid by Kerry County Council through this Grant Scheme.

Mayor Fleming requested that the case be referred to the Department of Education and Science as an exceptional case.

Cllr. T. Ferris asked that a review of this case be carried out within Kerry County Council. The Department Guidelines say grant of an application is at the discretion of the Local Authority.

All elected members supported the applicant in this case.

Mr. G. O'Brien confirmed that a letter will issue to the Department outlining that the elected members have requested the Department of Education and Science to review this case.

**Small Firms Association**

Cllr. R. Beasley referred to recent comments made by Ms. Patricia Callen of the Small Firms Association whereby she suggested reducing the minimum wage by €1 per hour. He said that the vulnerable in the community should not have to suffer this proposal. He requested that a letter issue to the Small Firms Association asking for the removal of Ms. Patricia Callen from her position within the Small Firm Association.

**Emergency Motion – Sheltered Housing Project in Kenmare**

Cllr. M. Connor-Scarteen said he wished to propose the following Emergency Motion:

*“That we the Members of Kerry County Council urgently request that Minister for the Environment, Mr. John Gormley, and the Minister for Housing, Mr. Michael Finneran, release funding from their Departments to complete the Sheltered Housing Project in Kenmare, Co. Kerry which is at an advanced stage.”*

Cllr. M. Connor-Scarteen said the Sheltered Housing project in Kenmare involves the development of 38 units. The project is nearing completion and funding is required to finalise the project. He requested that letters issue to the Minister for the Environment and the Minister for Housing regarding this matter.

Cllr. M. Healy-Rae supported this proposal and said that there is a particular need for these units in Kenmare. He added that the community is anxious to see the sheltered housing project completed and have requested that the remaining funding be released.

**Jobs Forum**

Cllr. P. McCarthy said the current economic situation warrants consideration of the establishment of a Jobs Forum in Kerry. He PROPOSED that Kerry County Council consider establishing a Jobs Forum. Due to the economic climate, the county is facing employment challenges and he proposed that an all party working group be established to work with officials on a Jobs Forum between July and September.

Cllr. J. O'Connor SECONDED this proposal.

Cllr. D. Kiely PROPOSED that this issue be considered by the County Development Board. As Chairman of the County Development Board he undertook to raise the matter with the County Development Board. He added that a submission could be made by the elected members to the County Development Board.

Cllr. M. Healy-Rae SECONDED this proposal.

Mr. J. O'Connor, Deputy County Manager, said a Committee cannot be set up as suggested by Cllr. McCarthy. While this is an important topic, the purpose of reforming Local Government 2001 was to establish the Corporate Policy Group, Strategic Policy Committees and the County Development Board. The County Development Board has a broad representation of elected membership of this Council. He advised members that the issue should be referred to the County Development Board for consideration. He requested the elected members to structure a motion to be passed to the County Development Board for consideration. The issue can then revert to Council through the CPG Report.

Mayor Fleming asked Cllr. P. McCarthy to review the motion proposed.

Cllr. P. McCarthy asked if reviewing the motion would be in order that a proposal would be referred to the County Development Board.

Mr. J. O'Connor, Deputy County Manager, said his understanding of Cllr. McCarthy's proposal was that it referred to the employment situation which is difficult in the current climate and that Cllr. McCarthy wanted consideration to be given to actions which might alleviate the current employment situation. The County

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Development Board is an important forum as Development Agencies involved in job creation are represented on the Board. Kerry County Council, as an authority, cannot create jobs.

Cllr. P. McCarthy said he was agreeable to making a proposal that the issue be referred to the County Development Board. He PROPOSED *“That we the members of Kerry County Council request the County Development Board to form a specific targeted Jobs Forum from the County Development Board with all party representation on that forum.”*

Mayor Fleming SECONDED this proposal.

Cllr. J. O'Connor said agencies (CEB, IDA, etc.) previously made presentations to Council meetings. He suggested that these agencies be requested to attend again and formulate a plan, to develop employment within the county, which could be presented to the County Development Board for consideration. Elected members could have an input into the plan.

Cllr. T. Fitzgerald said the County Development Board is represented by all parties and is the correct forum for this issue to be considered. Cllr. McCarthy's motion should be referred to the County Development Board.

Mr. G. O'Brien, A/SEO Corporate Affairs, said the following resolution would be referred to the County Development Board for consideration:

*“That we the Members of Kerry County Council request the County Development Board to form a specific targeted Jobs Forum from the County Development Board with all party representation on that forum.”*

Mr. J. O'Connor, Deputy County Manager, said the resolution would be referred to the County Development Board. In turn a response will be presented to the elected members through the Corporate Policy Group.

### **Cronin's Ready-mix, Rathmore**

Cllr. D. Healy-Rae said an issue was raised at the Killarney Area meeting held on 3<sup>rd</sup> July, 2008, regarding Mr. Michael Cronin, Mike Cronin Ready-mix, Rathmore. Following this Electoral Area meeting it was suggested in the Press that Mr. Cronin had ignored the planning conditions on his planning permission for the development of warehousing in Coolcaslagh. This portrayal of Mr. Cronin is incorrect and the reply given to the Notice of Motion in the Town Hall was not complete. Condition No. 31 of Planning Reg. No. 05/1724 requests sums of money, but it also states that *“Alternatively the applicant may wish to undertake a portion of these works following the receipt of an appropriate road opening licence and permissions from Roads, Transportation and Safety.”* A programme of works was to be drawn up with the Roads Section of Kerry County Council. This was not highlighted at the Area Meeting. Residents in Coolcaslagh have concerns, but Mr. Cronin is prepared to comply with his planning conditions and Kerry County Council in carrying out the works. Mr. Cronin has written to the ESB several times regarding the removal of a wire line from a ditch, which must be removed or changed in order for the works to proceed. Levies of €171,000.00 will be due which will provide for the roundabout. Mr. Cronin got permission for a development in Rathmore and paid €75,000 for the construction of a roundabout at Shinnagh. Mr. Cronin and residents in Rathmore have asked how these monies have been used. Kerry County Council

was also holding a bond. In the last seven years Mr. Cronin provided two jobs every month and he is now employing 140 people. Last month alone he created five jobs. Cllr. D. Healy-Rae said he saluted Mr. Cronin for the business he has developed and his name must be cleared.

Cllr. B. Cronin said this issue relates to a Notice of Motion he had proposed at the Killarney Area Meeting. He moved the motion having been contacted by residents in Coolcaslagh. There is an amount of HGV activity in the area. A new road was to be provided with HGVs exiting onto the By-Pass in Lissyvigeen. The residents raised concerns and sought information on the conditions of this planning permission. This Notice of Motion was moved to seek clarification on these issues. Kerry County Council Planning Department responded at the Area Meeting and outlined that development levies of approximately €850,000 were due on this particular application. €500,000 was earmarked for the road from Coolcaslagh junction to the development site. These works are necessary for the last twenty years. Cllr. Cronin said he had a right to seek this information on behalf of the residents. As of the day of the Area Meeting no development levies had been paid to Kerry County Council. Mr. Cronin has planning permission and although he is an employer in the area development levies are due and road improvements are due to be carried out. Residents in the area are entitled to request that the conditions of planning are adhered to. Cllr. Cronin asked Cllr. D. Healy-Rae if it is true that that the Deputy Jackie Healy-Rae election campaign benefited from a €2,000 donation from Mr. Cronin as published by the Standards in Public Office. The levies imposed by the Planning Authority must be collected and works carried out. The information on the day of the Area Meeting was correct. He said at the Electoral Area Meeting he had insisted and proposed that the Planning Department would pursue the collection of the levies imposed for the benefit of the people in Coolcaslagh.

Cllr. D. Healy-Rae said any monies received by Deputy Jackie Healy-Rae for election campaigns were recorded by the Director of Elections. He asked how the development levies of €75,000 paid by Mr. Cronin have been used.

Mr. J. O'Connor, Deputy County Manager, said Planning Reg. No. 05/1724 refers. This planning decision has 47 conditions including a number dealing with development contributions. Normal criteria apply regarding the development contributions, i.e. before commencement of the development that the development contributions be paid or arrangements entered into with the Local Authority. A series of commencement notices have been lodged relating to this case dating back to 29<sup>th</sup> January, 2007. Kerry County Council has a legitimate concern that once a commencement notice is lodged that development contributions should be paid or that a substantial programme of payments is agreed. Preliminary discussions were held with the Roads Department regarding roads issues. However, neither a programme of payment nor a programme of works had been agreed at the date of the Killarney Electoral Area Meeting when the reply to the Notice of Motion was issued. Last week a substantial letter was received from the developer in this case and the Revenue Department will meet the developer with a view to reaching a satisfactory programme of payments and any roads issues will be resolved. With regard to any development contributions paid they will be used for the purpose for which they were collected. All works for which development contributions are paid will be delivered in accordance with a programme of works that the County Council delivers across the county.

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Cllr. B. Cronin asked if any levies on Planning Reg. No. 05/1724 have been paid to date.

Mr. J. O'Connor, Deputy County Manager, said no development levies have been paid to date.

Cllr. M. Gleeson said Mr. Michael Cronin had not been portrayed in a poor light at the Area Meeting and his integrity was not questioned. Mr. Cronin is running a vibrant and important business in the area. It was hoped that the development levies would be paid as soon as possible. The concern was in the context of developers who have not paid previously.

Mr. J. O'Connor, Deputy County Manager, said a detailed letter has been received from the developer. On the basis of the letter received he said that he was satisfied that a programme of works and a programme of payments can be agreed with the developer. He acknowledged the sincerity of the letter.

Cllr. D. Healy-Rae asked if a programme of works for the road has been prepared by the Roads Department and if the Roads Department have met with Mr. Cronin regarding works he will be required to undertake. He said it is his understanding that this has not happened and this is where the misinterpretation is arising.

Mr. G. MacNamara, Acting Director of Roads and Transportation, said the Roads Department had not yet met with Mr. Cronin. The Roads Department will be meeting with Mr. Cronin to outline the programme of works required to be carried out.

Cllr. D. Healy-Rae thanked Mr. MacNamara for clarifying this matter.

Cllr. M. Healy-Rae said it is not appropriate that this matter is debated at the Killarney Electoral Area Meeting and then at a full Council Meeting. Mr. Cronin is of a high standing and any development levies demanded of him were always paid. Mr. Cronin is providing much needed employment in the area.

### **Standing Orders**

Mayor Fleming requested that a copy of Standing Orders be issued to each Member of Kerry County Council. A lot of debate had taken place that morning before dealing with any Agenda items. Council meetings cannot commence in this manner. Votes of Sympathy, Votes of Congratulations and Emergency Motions are acceptable as items to be dealt with before addressing agenda items. However, raising issues as has been done this morning does not allow management time to prepare a report. The Agenda circulated must be respected.

### **08.07.21.01 Mayor's Report on CPG Meeting held on 15<sup>th</sup> July 2008**

Mayor Fleming read the following report into the record of the meeting.

#### **Item 1 *Present position regarding Local Authority Housing***

*Mr. J. Breen, Director of Housing and Community & Enterprise, briefed members on this item and said that it would be considered in detail under Item No. 8 on the agenda for the full council meeting. The meeting noted that due to the present funding position the Housing Authority will be proceeding to implement financial management measures in relation to allocation of housing grants.*



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### **Item 2 Agenda for the July Council Meeting**

*Mr. G. O'Brien briefed members on the agenda for the June Council meeting.*

*In response to a query on Item No. 15(d), Tender for Tralee Transportation Study, Mr. J. O'Connor, Deputy County Manager, said further details would be available for the full council meeting.*

### **Item 3 County Development Board**

*Mr. J. Breen, Director of Housing and Community & Enterprise, informed the meeting that no meeting of the County Development Board was held since the last CPG meeting. He advised the members that the County Development Board has been requested to give consideration to prioritising actions for 2009-2012. The Hub Social Strategy will be considered at the September meeting of the County Development Board.*

*He further advised that a National County/City Development Board Co-ordinating Group has been established. The establishment of this group was one of the key recommendations of the Indecon Report on Review and Strengthening/Developing the County/City Development Boards. This Group is chaired by Mr. Michael Kitt, T.D., Minister of State, Department of the Environment, Heritage & Local Government, and includes senior representatives from a range of Government Departments as well as the Health Service Executive.*

### **Item 4 Update from Chairs of SPCs**

*The meeting noted that no SPC meetings have been held since the last CPG meeting.*

## **08.07.21.02 Confirmation of Minutes**

- (a) Cllr. B. Cronin said he could not accept the minutes of the June Ordinary Meeting of Kerry County Council held on 16<sup>th</sup> June, 2008 as presented. He referred to Page 16 of the minutes and the record of the declaration made by Cllr. D. Healy-Rae. He said what Cllr. D. Healy-Rae had said at the June Council Meeting was *"I am leaving this meeting because of the bunkum laws we have. I am leaving under protest."* This is a serious omission from the minutes. The minutes are not accurate if this is not included. He asked that the minutes of the June meeting be amended accordingly.

Cllr. D. Healy-Rae said he is under personal attack from Cllr. Cronin at every Council Meeting.

Mr. J. O'Connor, Deputy County Manager, said it is a matter for the elected members to decide what the minutes record. He clarified that the secretariat recording a meeting capture the flavour of any meeting as best possible. A verbatim account of meetings is not provided.

Cllr. B. Cronin said this issue relates to a declaration under Ethics legislation. He said that he is certain of what was said. It is a serious omission when it relates to an Ethics Declaration. He requested that the omission be rectified and the accurate statement of Cllr. D. Healy-Rae before he left the Council Chamber be recorded.

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Cllr. N. Foley said the general understanding is that minutes of a meeting are decisions of a meeting and actions taken.

Cllr. B. Cronin said a Declaration must be clear. This could have very serious implications.

Cllr. M. Healy-Rae said the people of Kerry will not be happy with this situation where everything must be worded correctly. Even wording will lead to investigations.

Cllr. J. Brassil said this behaviour must stop or he would have to ask that the meeting be adjourned for five minutes. He said the Fianna Fáil party asked him to speak on this issue. The Chamber must respect Cllr. Fleming as Chair and as Mayor. Two elected members are debating issues which are between themselves while there is an agenda to be dealt with.

Mr. J. O'Connor, Deputy County Manager, said management have no objection to the amendment of the minutes as set out by Cllr. Cronin. It is a matter for the Mayor and elected member to confirm or amend the minutes as presented.

Cllr. B. Cronin PROPOSED that the minutes of the June Ordinary Meeting of Kerry County Council held on 16<sup>th</sup> June, 2008, be amended as he had requested.

Cllr. D. Healy-Rae PROPOSED that the elected members decide whether or not the minutes be amended.

Cllr. J. O'Connor SECONDED Cllr. B. Cronin's proposal.

Mayor Fleming said the notes of the meeting can be verified.

Mr. G. O'Brien said it is impossible to record everything said at the Council Meeting verbatim.

Mayor Fleming said the notes of the meeting may not be recorded as outlined by Cllr. Cronin.

Mr. J. O'Connor, Deputy County Manager, said as proposed by Cllr. Cronin and seconded by Cllr. J. O'Connor, the minutes of the June Ordinary Meeting of Kerry County Council would be amended as requested by Cllr. Cronin.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. O'Connor, it was resolved that the minutes of the June Ordinary Meeting of Kerry County Council held on 16<sup>th</sup> June, 2008, be confirmed subject to the following amendment. That item 08.06.16.18 "Report on issue raised by Cllr. Brendan Cronin at April meeting concerning Notice of Motion No. 7 at the March meeting held on 10<sup>th</sup> of March 2008" on Page 16 of the June minutes be amended to reflect that Cllr. D. Healy-Rae said he was leaving the Council Meeting because of the bunkum laws relating to ethics and that he was leaving the Chamber under protest.

Cllr. D. Kiely referred to his request at the June Meeting for clarification on "how many houses constitute density in a rural area".

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Mr. G. O'Brien, A/SEO Corporate Affairs, said as was agreed at the June Meeting a report on this matter is included under the Agenda Item General Correspondence for today's meeting.

- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley, it was resolved that the minutes of the Annual Meeting of Kerry County Council held on 25<sup>th</sup> June, 2008, be confirmed.

#### **08.07.21.03 Reports in accordance with Section 179(3) of the Planning & Development Act, 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning & Development Regulations 2006**

##### **(a) Brandon Sewerage Scheme**

Mr. O. Ring, Director of Water Services, said three submissions were received on the proposed development of Brandon Sewerage Scheme. No objections have been received. It is recommended to proceed with the development of Brandon Sewerage Scheme.

On the PROPOSAL of C. Miller, SECONDED by Cllr. P. O'Donoghue, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179 (3) of the Planning & Development Act, 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning & Development Regulations 2006 in respect of Brandon Sewerage Scheme - construction of a wastewater treatment plant and a pumping station in the townland of Lisnaheelwee, Brandon, Co. Kerry.

##### **(b) Caherciveen Area Offices/Library/Art Theatre**

Mr. J.D. Flynn, Director of Corporate Services, referred members to his report which was circulated and said that it is recommended to proceed with the development of the Caherciveen Area Offices/Library/Art Theatre.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. C. Miller, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179 (3) of the Planning and Development Act, 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning & Development Regulations 2006 in respect of Caherciveen Area Offices/Library/Art Theatre.

#### **08.07.21.07 Approval to the raising of a Term Loan to fund the Local Contribution for the Caherciveen Area Offices/Library/Art Theatre**

Mr. J. O'Connor, Deputy County Manager, referred members to report dated 15<sup>th</sup> July, 2008 on this item which was circulated. This report requests the approval of elected members to seek Departmental sanction to raise a term loan to fund the local contribution for the Caherciveen Area Offices, Branch Library and Art Theatre in the sum of €4.4 m.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. C. Miller, it was agreed to approve the raising of a term loan of €4.4 m to fund the local contribution for the Caherciveen Area Offices/Library/Art Theatre.

**08.07.21.03 Reports in accordance with Section 179(3) of the Planning & Development Act, 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning & Development Regulations 2006, *Continued***

**(c) Construction of 3 No. Single Rural Cottages**

- (i) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED, by Cllr. P. O'Donoghue, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning and Developments Regulations 2006 in respect of the construction of a Single Rural Cottage with appropriate effluent treatment facilities at Ballyvirranne, Milltown.
- (ii) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. O'Donoghue, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning and Developments Regulations 2006 in respect of the construction of a Single Rural Cottage with appropriate effluent treatment facilities at Ballintleave, Glenbeigh.
- (iii) On the PROPOSAL of Cllr. T. Fitzgerald and SECONDED by Cllr. P. O'Donoghue, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Article 17 to 19 of the Planning and Developments Regulations 2006 in respect of the construction of a Single Rural Cottage with appropriate effluent treatment facilities at Callanafercy, Milltown.

**(d) Roundabout at the Junction of the N22 National Primary Route and the N72 National Secondary Route at Lissyviggeen, Killarney**

On the PROPOSAL of Cllr. M. Gleeson SECONDED by Cllr. D. Healy -Rae, it was agreed to note the report on the proposed development and the Manager's report thereon in accordance with Section 179(3) of the Planning & Development Act, 2000, Part VIII of the Local Government (Planning & Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations, 2006 in respect of the proposed construction of a roundabout at the junction of the N22 National Primary Route and the N72 National Secondary Route at Lissyviggeen, Killarney, Co. Kerry. The proposed roundabout will replace the existing priority junction.

**08.07.21.04 Disposal of Property**

**(a) Cois Chnoic, An Daingean**

- (i) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Healy-Rae, it was agreed to approve the disposal of Affordable House No. 21 Cois Chnoic, An Daingean, together with its plot of land, situate in the townland of Monacappa, to David O'Connor and Shelley Getkate, 34 John Street, An Daingean, Co. Kerry, in

accordance with the terms of notice issued 23<sup>rd</sup> June, 2008 pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

- (ii) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the disposal of Affordable House No. 28 Cois Chnoic, An Daingean, together with its plot of land, situate in the townland of Monacappa, to Fallon Clifford and Michael Moore, 9 Frontfield, Oakview, Tralee, Co. Kerry, in accordance with the terms of notice issued 23<sup>rd</sup> June, 2008 pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.
- (iii) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the disposal of Affordable House No. 29 Cois Chnoic, An Daingean, together with its plot of land, situate in the townland of Monacappa, to Judy O'Shea, 1 Cluain Ard, An Daingean, Co. Kerry, in accordance with the terms of notice issued 23<sup>rd</sup> June, 2008, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.
- (iv) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the disposal of Affordable House No. 30 Cois Chnoic, An Daingean, together with its plot of land, situate in the townland of Monacappa, to Adrian and Sandra Cremin, Lochaduín, Cahirbuilig, Co. Kerry, in accordance with the terms of notice issued 23<sup>rd</sup> June, 2008, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

**(b) The Sands, Ballybunion**

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the disposal of Affordable House No. 2 The Sands, Ballybunion, together with its plot of land at Ballybunion to Christy O'Donoghue, Doon Road, Ballybunion, Co. Kerry, in accordance with the terms of notice issued 1<sup>st</sup> July, 2008, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

**(c) Land at Feaghmaan East, Valentia**

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the disposal of a plot of land at Feaghmaan East, Valentia, Co. Kerry, measuring 0.097 acres approximately, to Mr. Ted Kennedy, Valentia Island, Co. Kerry, in accordance with the terms of notice issued 9<sup>th</sup> July, 2008, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

**(d) Land at Marian Park, John Street, An Daingean**

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the disposal of a plot of land at Marian Park, John Street, An Daingean, Co. Kerry, measuring 0.038 acres approximately, to Mr. & Mrs. Nicholas and Marie Galvin, 36 Marian Terrace, An Daingean Co. Kerry, in

accordance with the terms of notice issued 9<sup>th</sup> July, 2008, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

**(e) Land at Abbeydorney**

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the disposal of a plot of land at Abbeydorney, Co. Kerry, measuring 0.207 acres approximately, to Mr. Tom Fitzgerald, Banna Road, Ardfert, and Mr. Ger O'Sullivan, Marina Lodge, Clogherbrien, Tralee, in accordance with the terms of notice issued 9<sup>th</sup> July, 2008, pursuant to Section 183 of the Local Government Act, 2001.

**08.07.21.05 Declaration of the Carrahan Road, Banna to be a Public Road**

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. J. Brassil, it was agreed to make an order declaring the Carrahan Road, Banna (being an extension to the L-6095 from current terminus at Rahoneen to its junction with the L-10481 at Banna Mountain) to be a public road pursuant to Section 11(2)(i) of the Roads Act, 1993.

**08.07.21.06 Extinguishment of Public Rights-of-Way at Tubrid More, Ardfert**

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. C. Miller, it was agreed to extinguish the public rights-of-way, in the townland of Tubrid More, as part of the L-6093 Road Realignment at Tubrid More, Ardfert, Co. Kerry, in accordance with Section 73 of the Roads Act, 1993.

**08.07.21.08 Present Position Regarding Local Authority Housing**

Mr. J. Breen outlined the following report which was circulated:

*“The report hereunder sets out details of the Capital Housing Allocation for Kerry County Council and the detail of its application to present and future work programmes.*

*A similar report was presented to the members of the Housing SPC in May, 2008.*

*The Housing Department has recently been notified of our Social Housing Allocation for 2008 which is set out as follows:-*

<b>Social Housing Investment Programme: Housing Supply</b>					
<i>Allocations</i>			<i>Total</i>	<i>Own Resources</i>	<i>Total</i>
<i>Local Authority construction or acquisition</i>	<i>Voluntary CLSS</i>	<i>Travellers</i>		<i>Part V / Clawback<sup>1</sup></i>	
€	€	€	€	€	€
<b>15,500,000</b>	<b>3,700,000</b>	<b>250,000</b>	<b>19,450,000</b>	<b>442,761</b>	<b>19,892,761</b>

<sup>1</sup> This figure represents the total amount available from Part V/Affordable Clawback for use under the social housing and affordable housing programmes

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<b>Social Housing Investment Programme : Improvement Works</b>				
<i>Allocations</i>		<i>Total</i>	<i>Own Resources</i>	<i>Total</i>
<i>Remedial works on Single Rural dwellings</i>	<i>Central Heating Programme</i>		<i>Internal Capital Receipts</i>	
<b>€200,000</b>	<b>€70,000</b>	<b>€270,000</b>	<b>€4,745,000</b>	<b>€5,015,000</b>

As can be seen the total 2008 allocation for Housing Supply is €19,892,761. While this figure is comparable with the capital allocation received in 2007, it is important to note that the Voluntary Capital Loan Subsidy Scheme allocation amounting to €3.7 million is included in the overall capital allocation for the first time. Prior to this year voluntary housing funding was not included in the capital allocation. Accordingly, the net effect is that our capital allocation specifically for local authority housing construction or acquisition is reduced by **€3.5 million** i.e. €15.5m in 2008 compared to €19m in 2007.

#### Impact on Social Housing Programme

The present situation with regard to the current construction programme is set out in the table hereunder

<b>ITEM</b>	<b>ANTICIPATED EXPENDITURE 2008 €</b>
<i>Construction Programme Existing Commitments i.e. to fund the construction of 119 units currently under construction</i>	12,709,706
<i>Construction Programme Proposed i.e. to fund the commencement of an additional 76 group housing units in '08</i>	2,139,227
<i>Proposed purchase commitments under Part V (21 Social Housing Units)</i>	3,695,538
<b>Total</b>	<b>18,544,471</b>
<b>Shortfall</b>	<b>3,044,471</b>

As can be seen from the above table, with the present Capital Allocation as received and comparing it to a detailed analysis of existing commitments entered into in addition to proposed housing starts in the current year there is a shortfall of over €3 million

We will continue to plan for the scheduled commencement of the 76 proposed group housing 'starts' in '08. However in the event of committed expenditure being incurred as anticipated and in the absence of additional funding being made available from the DoEHLG to meet this projected shortfall we will need to delay the commencement of these 'starts' until the beginning of '09 which can be funded instead out of next year's

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allocation. The financial position will be kept under careful review throughout the coming months and we will update the Council should the position change.

### Voluntary Housing

As outlined, the Capital Loan Subsidy Scheme (CLSS) funding is now being made available for voluntary housing directly through the Local Authority with some €3.7 million provided in the allocation. The Capital Assistance Scheme which is provided generally for elderly or special needs housing will continue to be funded directly by the DoEHLG and should not impact on the Local Authority Capital Allocation. Given the present National financial position it is prudent to assume that there will be an impact on the direct funding of these schemes and that many will not be in a position to be advanced in the present constrained economic environment. However, an analysis of the CLSS Scheme shows that present commitments to the 5 Schemes under way in the County will account for some €2.3 million in expenditure to the end of 2008. With regard to future Voluntary CLSS Schemes, the Council presently has on hand proposed schemes to the value of €6.3 million which are with the DoEHLG for approval. Funding for these projects is allocated to Kerry County Council by DoEHLG. Advancement of these schemes is directly related to the Local Authority receiving the funding.

Accordingly, the Council's capacity to take on any new voluntary housing scheme is extremely limited given the Capital Allocation received.

It is our intention given the shortfall in funding received for schemes presently under construction to correspond with all voluntary housing bodies involved advising of our limited capacity to fund schemes in the current year. We will also appraise them of the need to prudently manage the financial commitments of their projects. Presently, the Council has a balance of some €400,000 available with projected capital payments of over €2m anticipated between now and the end of the year. It is clear from these figures that we will not be in a position to meet projected capital expenditure claims in this area.

### Social Housing Investment Programme: Improvement Works

Also as indicated above the DoEHLG has approved the expenditure of €4.745m to be spent on improvement works in existing estates and single rural cottages to be funded out of internal capital receipts (proceeds from sale of local authority housing to existing tenants). This is a continuation of the works carried out in 2007 which were received very positively by both tenants and local representatives. This programme includes painting, landscaping, upgrading of roads and footpaths and other improvement measures in conjunction with Residents Associations as well as remedial works to single rural cottages. This funding is being supplemented by €270,000 being made available directly by the DoEHLG. It is intended to continue this programme in the current year.

### Housing Grants

The level of funding made available to Kerry County Council for our Housing Grants Schemes is also under severe pressure in the current year. Allied to this we have experienced a 240% increase in the number of grant applications in the first 6 months of 2008 compared to the same period in 2007.



*This level of activity places severe strains on the Council's ability to respond to the demands and the expectations from those applying.*

*In the current year, we received an allocation of €2,590,770 for the various grant schemes which is applied to finalise the applications under the old scheme and to be allocated to new applications. The allocation of funds to this scheme is provided by a combination of DoEHLG funding and a local contribution by Kerry County Council.*

*The allocation falls short of the funds required to deal with the projected number of grant applications. An application for a larger allocation had been made to the DoEHLG but was not approved. To date, as at 30<sup>th</sup> June 2008, we have paid out over €1.5m of this allocation. Presently, we have also processed and allocated grants to the value of €2.11m. It is clearly unsustainable to continue to process and pay out grants where the level of applications far outweighs the available resources. We will, therefore, be proceeding to:*

- 1. Prioritise the allocation of grants approved to those with severe medical need.*
- 2. Close off all allocated grants not taken up to date.*
- 3. Defer all allocations of grant monies for remainder of 2008 pending additional funding being made available.*

*Each of the above proposals are being taken as prudent financial management measures in response to the present funding position and application levels presented to us as a Housing Authority. It is important that we adopt a professional, prudent and realistic approach now to ensure we do not create longer term financial difficulties for Kerry County Council.*

*Kerry County Council, as Housing Authority, acts as an agent to the Department of the Environment, Heritage & Local Government in the disbursement of capital funds for housing development and improvement grants. If funds, as required and as notified to the DoEHLG, are not forthcoming the Council cannot progress its programmes as desired. This is the situation presently and adjustments to the projected expenditure profile must be made. We are only in a position to distribute those funds which are provided to us.*

*This report is provided to keep Councillors fully apprised of the present position. Should this position change in any way an update report will be presented to you."*

Cllr. M. Healy-Rae thanked the Director of Housing for bringing this report to the attention of the elected members. In the current financial situation the shortfall of €3.5m will affect people on the Housing List. It is a cause of great concern to see the Housing Construction Programme virtually stopped. Every effort must be made to acquire additional funding to address the allocation shortfall. The inclusion of the Voluntary Housing Capital Loan Subsidy Scheme with the capital allocation has had a bad effect on the Housing finances. He welcomed the fact that improvement works will continue on existing housing estates. People seeking grant aid from various schemes, e.g. DPGs and Housing Aid for the Elderly, will have concerns. These schemes have been administered wisely by Kerry County Council and he thanked the staff of the Housing Department for their excellent work.

Cllr. T. O'Brien thanked the Director of Housing for the report circulated. This is a hard hitting report which will be of concern to people on the Housing List. While it is being suggested that additional funding be sought from the Department it will be a matter for the Director of Service and the Head of Finance to be prudent with the allocation received. It will be a challenge for the staff of the Housing Department to manage this situation. He asked how many grants have not been taken up to date and requested that such grants be withdrawn. Kerry County Council must be prudent in dealing with this situation.

Cllr. D. Healy-Rae thanked the Director of Service for his detailed report and said that it raises concerns for the most vulnerable sector of our community. He thanked the staff of the Housing Department for their work. He expressed concern regarding applications for Single Rural Cottages. He asked if SRC applications will be processed and if developments will proceed in 2008. He expressed concern for people applying for grants for improvement of houses for the elderly and people who have medical conditions and require house adaptations. Tenants with teak windows in their houses have sought replacement windows and their applications have been refused. While teak does not rot it does warp resulting in draughts through the gaps in the frames. Insulation is required for these houses. Rather than refusing all such applications each case should be dealt with individually. He asked that these cases be investigated and that houses be draught-proofed. With such draughts more fuel will be required to heat the house. This is an extra cost on the person, particularly with the current cost of fuel. While house prices have taken a downturn, a person who applied to buy their house in 2007, and did not complete the application, is now facing an increase in the valuation of their house in 2008. Local Authority houses are rising in value while other house prices are reducing. This matter must be addressed and Local Authority house prices brought into line with the housing market.

Cllr. J. O'Connor said the poor management of the economy over the last number of years will affect the vulnerable in our society. He asked how many people are on the housing waiting list. He PROPOSED that an emergency fund be set aside for cases where an emergency arises for essential repairs and housing adaptations. It is disappointing that Kerry County Council is in a position where it cannot allocate grants. People that need these grants and houses are the most vulnerable in our society. He thanked the staff of the Housing Department for their good work. The Housing Department staff has always been very understanding and has done everything possible to help people.

Cllr. B. Cronin SECONDED the proposal to establish an emergency fund. This is a hard hitting report and is the first sign of cutbacks which are evident and coming from Central Government. It is a concern for people on the Housing Waiting List as during the boom they were hoping to be allocated a house. There will be pressure on the elected members and the Housing Department staff. The Housing Aid for the Elderly and DPG grants schemes have been very successful to date. Provisions made under these schemes have changed people's lives. It is devastating for applicants that applications must be prioritised based on severe medical need. He asked what will define the severity of medical need. It is of great concern that the building programme will not proceed. He asked how this will affect houses becoming available and the Local Authority purchasing them. He asked how many housing applications are pending. He complimented the staff of the Housing Department and said they have done tremendous work and excellent administration at every level.

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Cllr. P. O'Donoghue thanked the Director of Service for the report presented. It is best that these issues are brought before the elected members in order that members understand the situation. The most important function of the Local Authority is Housing. This is the area where the Local Authority strives to assist the vulnerable. Funding for the housing function should not be cut back. Kerry County Council must assist the less well off. The building of 76 houses should not be stopped. He PROPOSED that Kerry County Council seek Department sanction to borrow €3.5m to fund the shortfall in the Housing Capital Allocation.

Cllr. M. O'Shea SECONDED this proposal.

Cllr. P. O'Donoghue said in the current economic circumstances, when house prices and construction costs are falling, it should be possible to negotiate group houses at a better rate. He asked that the Council continue to engage with voluntary housing groups. In Caherciveen a voluntary housing group have recently completed a scheme of 12 houses and apartments for the elderly and disabled. He thanked the Housing Department for their assistance in administering that scheme. The voluntary housing group completed the scheme on time and under budget by €80,000. Voluntary housing groups have a huge part to play in this county and Kerry County Council must continue to engage with them. Voluntary housing groups must be allowed to continue to prepare projects which can be funding when monies are available.

Cllr. M. Connor-Scarteen expressed his thanks to the Director of Housing and the staff of the Housing Department. He referred to the Emergency Motion he moved at the start of the meeting regarding a 38 unit project in Kenmare. He asked that this matter be referred to the Minister. It is hoped that this project in Kenmare would be finished by December. If the Department are not forthcoming with funding for the Housing Capital Programme Kerry County Council should raise a loan for €3.5m to fund the shortfall in the Housing Capital Allocation. He sought clarification regarding monies sanctioned for Essential Repair Grants and Disabled Persons Grants.

Cllr. T. Ferris said there must be an imaginative response to today's report on the position regarding Local Authority housing. A review of applications should be undertaken to determine how many people are in receipt of rent allowance and in order to calculate how much the rent allowance scheme is costing the Government per year. This Local Authority is being deprived because of this cost. Figures could also be calculated for the RAS Scheme to show how money could be saved for the Government. She disagreed with the withdrawal of grants not taken up and said that tradesmen were not available up to now. There is also a difficulty in that only large developers can tender for housing schemes. A scheme should be developed where contractors with C2 Certificates or by deducting 35% Contracts Tax could be facilitated with a Kerry County Council Engineer overseeing the development. The Housing SPC should consider ways of achieving value of money. Regarding housing grants, Kerry County Council has had a 240% increase in applications following the transfer of the Special Housing Aid for the Elderly Scheme from the HSE. If applications to Kerry County Council have increased then applications to the HSE must have decreased. She asked why funds were not transferred from the HSE to the Local Authorities along with this scheme. If Kerry County Council cannot provide an elderly person with monies to insulate their house then this will create a medical need in the future, particularly for people with disabilities who are vulnerable to illness. She expressed gratitude and appreciation to the staff of all sections of the Housing Department for their work.

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Cllr. J. Brassil said Kerry County Council should be proactive in dealing with the present housing situation. He disagreed with the decision to stop the commencement of 76 houses because of the shortfall in funding. Given the downturn in the building sector value for money could be achieved. He PROPOSED that Kerry County Council continue with the building programme and deal with the financial situation as part of the 2009 Budget. A large number of houses available on the market are newly built and not selling and in some areas entire developments are available. He asked if rental income from Local Authority tenants would be sufficient to repay borrowing for the purchase of such houses. He said an allocation of €2.59m has been allocated for housing grants. He PROPOSED that Kerry County Council would not close off grants for 2008. The allocation of €2.59m must be spent. While grants to the value of €2.11 m have been processed and allocated, €480,000 remains to be allocated. The Housing Authority must continue processing applications and allocate the entire sum available to them. If the Department has made a commitment he was confident that the funds will be allocated. He said the cut off of grants allocated and not taken up is a fair and prudent step for the Housing Authority to take. However, in doing so the Housing Authority must write to everyone who has not taken up a grant and outline the situation to them.

Cllr. A. McEllistrim referred to the Special Housing Aid for the Elderly Scheme. A number of applicants who were eligible for a grant under the old scheme and who were written to by the Housing Department advising they could be switched to the new scheme, have re-applied under the new scheme to find they may not be eligible for a grant. She asked that such applicants be allocated a grant under the old scheme. There are 1,271 applicants for housing with 997 of these qualified. She agreed with the proposal that a loan of €3.5m should be sought to continue the Housing Programme in 2008.

Cllr. M. O'Shea thanked the Director of Housing for the report presented and complimented the Housing staff who are always courteous and helpful. A recent article regarding unoccupied Local Authority Housing reported that Kerry County Council has 170 unoccupied houses. He asked for clarification of this figure. He disagreed with not progressing with the building programme in 2008. Kerry County Council paid €5m in 2007 for consultancy services. He asked if cuts could be made in this area. The Local Authority must find scope in-house to save money. He suggested that the list of Housing Grant Schemes be advertised at the start of the year, similar to the Local Improvement Schemes, and a priority list set up. Applications could be assessed on a four monthly basis. A fund to finance hardship cases could be retained. It would be prudent for the Housing Department to have a cut off point for applicants. It is a cause of great concern to cut off funding from the most vulnerable in our society.

Cllr. N. Foley acknowledged the report and commended the work of the Director of Housing and the staff of the Housing Department. This report is a cause of great concern as the provision of social housing is the most important function of the Local Authority. Kerry County Council has been progressive, but such innovation now appears to be penalised. Tralee Town Council's regeneration programme, which was ahead of its time, is being penalised by way of the reduced allocation in 2008. Kerry County Council has 76 houses which should be progressed but the Department is reducing funding. She SECONDED Cllr. O'Donoghue's proposal that Kerry County Council borrow €3.5m to progress the Housing Programme in 2008. Local Authorities must progress with their duty to provide social housing by borrowing and progressing

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the Housing Programme. She added that the Local Authority has an obligation to those on the housing list. She said that the report presented will have a huge impact on those on the Housing List. Elected members must be aware of the financial situation and take a stand to progress the Housing Programme.

Cllr. R. Beasley referred to an announcement made by the Minister for Finance regarding funding last week and welcomed the fact that the Minister did not reduce funding for education and the health services. Equally the Minister should not have reduced funding for housing. The elderly, disabled and vulnerable are affected by this decision. He supported the proposal to raise a loan of €3.5m to address the shortfall in funding. He complimented the Director of Housing and the staff of the Housing Department on their excellent work and said that the Housing Department will now have limited resources.

Cllr. S. Fitzgerald said he agreed that funding for the Housing function should not be cut back as the most vulnerable people in our society will suffer. The current economic climate allows for cheaper rents and house prices to be negotiated. The Local Authority will always need housing to address the housing waiting list and borrowing should be sought. Allocations committed by the Department will be forthcoming. He asked how active Kerry County Council is in selling houses to tenants. House prices for sales to tenants can be very high. He suggested that Local Authority house prices be reduced. Kerry County Council should pursue a system of approaching tenants regarding the purchase of their house. Kerry County Council should write to people who have been offered grants, regarding the completion of works, before withdrawing grants.

Cllr. L. Purtill complimented the Director of Housing and the staff of the Housing Department and said that the report presented does not present welcome news. The vulnerable in society should not suffer because of the reduced allocation.

Cllr. D. Kiely complimented the staff of the Housing Department. He said he agreed with the elected members who suggested that construction of the 76 houses should start in 2008. People must be encouraged to avail of the Affordable Housing Scheme in order to buy their own house. He supported the proposal to raise a loan to fund the shortfall in the housing allocation. He said funding which had been allocated to the HSE for the Special Housing Aid for the Elderly Scheme should be transferred to the Local Authority so repairs can be provided for the elderly and disabled. He referred to Cllr. D. Healy-Rae's comments regarding teak windows in Local Authority houses and said that many of these windows are 45 years old and warped. If the windows are in disrepair tenants should qualify for a grant.

Cllr. P. Leahy complimented the Director of Housing and staff in the Housing Department and said that the Local Authority is facing a huge challenge to address the waiting list for housing and to provide grants. Every effort must be made to progress these grants. The most vulnerable in society, the elderly and disabled will be affected by the present situation.

Cllr. B. MacGearailt asked why 170 Local Authority houses are not occupied. The main concern following this report is for the vulnerable and elderly in society. A loan of €3.5 m could be obtained by Kerry County Council. Department sanction for borrowing should be sought to raise a loan to fund the shortfall. For many years

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Kerry County Council has provided good quality housing and in purchasing houses it must continue to ensure houses are high quality.

Cllr. M. Cahill commended the Director of Housing and staff of the Housing Department for their excellent work. He opposed any cutbacks in the housing Programme. Kerry County Council should proceed with the 2008 programme of works as there are many people throughout the county waiting for Local Authority housing. Availability of additional resources could be achieved with good management of our services.

Cllr. C. Miller paid tribute to the Director of Housing and staff of the Housing Department. He supported the proposal to borrow in the short term to progress the housing programme.

Cllr. J. Sheahan commended the Director of Housing and the staff of the Housing Department and said that the cutbacks proposed are a cause of concern as there is a large housing list to be addressed. There is also concern for the elderly. Applications for grants for windows and doors are not being approved. He appealed to Kerry County Council to do their utmost to help housing applicants.

Mayor T. Fleming complimented members on their contributions on this issue. Kerry County Council is facing a challenge in providing the housing function. He complimented the staff of the Housing Department for their work. He informed the meeting that the most vulnerable in society must be accommodated. Given the market and value of properties at the moment he suggested that the Property Manager carry out an investigation of the market and revert with a report to management. With regard to suggestions to raise a loan, all options and alternatives must be considered. He stated that funding to be allocated to the HSE Special Housing Aid for the Elderly Scheme has been retained by the Department.

Mr. J. Breen, Director of Housing and Community & Enterprise, thanked members for their detailed consideration of the report presented regarding the Housing Capital Allocation 2008 and responded to issues raised as follows:

- It has been suggested that Kerry County Council seek borrowing to fund the shortfall in the allocation. Any proposal to seek borrowing must be approved by the elected members and Departmental sanction received. The Department are not forthcoming with borrowing sanction. In this context it is not a realistic proposal to seek borrowing approval.
- This report must be considered in context. 750 families have been housed in the past 4 years. 209 families will be housed in 2008. Given the report presented Kerry County Council will have 140 new units available in 2008. The target for 2008 was to provide 150 units.
- With regard to the Rental Accommodation Scheme, 211 people have transferred to this Scheme. Kerry County Council has the 4<sup>th</sup> highest number of people availing of this scheme in the country.
- The report referred to by Cllr. M. O'Shea regarding vacant properties deals with figures dating back to 2005. The figures relate to vacant housing for the four Kerry Local Authorities. Vacant property is property which is being refurbished

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or has been allocated but not yet taken up. 21 houses are vacant at present: 10 are under repair, 5 have been repaired and allocated and 6 have been refurbished and are awaiting allocation.

- Regarding grants allocated and not taken up, there was a four month period for take up on the old scheme while there is a six month period on the new scheme. Kerry County Council will be corresponding with all applicants on this matter.
- There is no change to the Single Rural Cottage process. The planning process takes time, but Kerry County Council will continue to process applications.
- The value of Local Authority properties is high because they are better built, better insulated and better located houses. Local Authority properties are valued based on market value.
- 1,211 people are on the housing list at present.
- If Kerry County Council continues to process grant applications, funds will not be available to deal with emergency cases. It is proposed that grant applications on hand be prioritised.
- Prioritising medical need is a matter of relativity.
- Houses available for purchase by the Local Authority: The market is favourable to the purchaser at present and developers are approaching the Local Authority with proposals but the Local Authority cannot proceed without funding.
- Voluntary Housing: good proposals are being submitted, but the Local Authority cannot proceed without funding. Voluntary housing projects will be considered but will not be commenced. The Local Authority has received assurances that the Caragh Housing Project in Kenmare will be funded.
- €2.59m grants allocation: Kerry County Council has applications on hand to the value of over €4m. This amount is more than the 2008 allocation.
- Close off of grants not taken up: Kerry County Council will correspond with everyone who has been allocated a grant that has not been taken up.
- He agreed with Cllr. Foley that a stand must be taken on the situation arising from the reduced allocation for 2008. It would be imprudent not to make changes now to address the situation.
- Selling houses to tenants: Since February last year, the credit crunch is affecting everybody. Tenants do not have funds available to them to purchase their house.
- Kerry County Council has been in contact with the HSE regarding the Housing Aid for the Elderly Scheme. The HSE has limited funds available to it. It is not an option that the HSE take up the grants that Kerry County Council cannot pay.

Mr. Breen thanked the elected members for considering the Report and for their compliments to the staff of the Housing Department. These comments are very much appreciated. There will be pressure on staff of the Housing Department to manage the

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proposals and queries from customers. The Housing Department will consider imaginative responses to the situation and the matter will be raised at national level. Mr. Breen informed the meeting that the housing function is about people and this is always to the fore. The staff of the Housing Department will deliver this customer service.

Cllr. D. Healy-Rae sought clarification on his queries regarding the situation with Single Rural Cottages and reducing prices of Local Authority Houses.

Mr. J. Breen said the procedure for Single Rural Cottages will continue as at present and Local Authority Houses are sold at market value. Applicants can appeal the valuation of the house to the Valuation Tribunal if they are not satisfied with the valuation they receive from the Housing Department.

Cllr. D. Kiely said people seeking affordable housing cannot get a mortgage. He asked if Kerry County Council still provide loans.

Mr. J. Breen said Kerry County Council is lending but it must be borne in mind that for affordable housing the individual must obtain private finance. The Local Authority is not the lender for affordable housing. The Local Authority is providing the property at cost and the applicant should be able to get the finance. It was never the intention of the Scheme that the Local Authority would be the lender.

Cllr. D. Kiely said it was the policy that if a person was turned down by two financial institutions they could apply to the Local Authority.

Mr. J. Breen said this still applies.

Cllr. P. O'Donoghue said because of the shortfall of €3.5 m in the Housing Capital Allocation 76 houses cannot proceed in 2008.

Mr. J. Breen said Kerry County Council has commitments under the Housing Programme and Part V which are meeting the capital allocation for 2008. If housing starts proceed Kerry County Council will not have finance available to fund the works.

Cllr. P. O'Donoghue asked if the shortfall of €3.5m could be funded by way of a loan or from own finances could the 76 housing starts proceed.

Mr. J. Breen said the commencement of the 76 housing starts will be delayed until January 2009. Kerry County Council will deliver 140 properties in 2008.

Cllr. P. O'Donoghue said Kerry County Council should pursue borrowing or reconsider the 2008 Budget to meet the shortfall of funding.

Mr. J. Breen said construction has not ceased, rather the 76 starts are deferred to January, 2009. The indication is that borrowing sanction will not be approved by the Department.

Cllr. M. O'Shea asked if there is an embargo on the Rental Accommodation Scheme. He also asked if plans for County Buildings are being deferred or going ahead.



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Mr. J. Breen said no embargo is in place on the Rental Accommodation Scheme.

Cllr. T. Ferris said people in receipt of rent allowance are costing the Government €7m - €8m per annum. There is a long term cost to the taxpayer through RAS. A plan of action should be prepared on the cost of purchasing houses.

Mr. J. Breen said the RAS scheme has been successful for Kerry County Council which has a very active RAS unit and ranks fourth highest in the country. Regarding purchasing properties, purchases will be made under Part V in 2008. He accepted and appreciated that the market is more favourable to purchasing at the present time. It has been made known at national level that now is the time to purchase houses and funds should be released to proceed with purchases. Kerry County Council has not been given approval to purchase houses. Kerry County Council does not have funds to pay for house purchases and cannot guarantee the funding of house purchases until early 2009.

Cllr. J. Brassil asked if rental income from Local Authority tenants would be sufficient to repay borrowing for the purchase of houses.

Mr. J. Breen said the inability of the Local Authority to borrow to fund the purchase of houses is the first issue. Kerry County Council does not charge an economic rent. The rent scheme is based on the income of the tenants. The Housing SPC can give consideration to this proposal.

Cllr. B. MacGearailt sought clarification on the qualification of persons on the housing list to reside in the country.

Mr. J. Breen said everyone qualified on the housing list has approval to reside in the country.

### **Suspension of Standing Orders**

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

On the PROPOSAL of Mayor T. Fleming, SECONDED by Cllr. T. Ferris, it was unanimously agreed to suspend Standing Orders in order to finalise consideration of the report on the present position regarding Local Authority Housing.

### **08.07.21.09 Present Position Regarding Local Authority Housing (Cont'd)**

Cllr. B. MacGearailt asked what was the level of refusal of rented accommodation and what was the main reason for refusal.

Mr. J. Breen said the refusal rate is relatively low. Applicants can refuse a property that has been offered for rented accommodation. The main reasons for refusal of rented accommodation relate to the location of the accommodation and lack of family support in the area.

Cllr. J. O'Connor asked what is the position where an applicant is separated and there is a dispute over the house they were occupying.

Mr. J. Breen said this matter has been considered by the Housing SPC. Each application will be considered individually.

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Mr. J. O'Connor, Deputy County Manager, said ambitious housing programmes have been delivered over recent years. There is a programme for the delivery of 140 houses in 2008. Between 400 and 500 people will benefit from the delivery of these houses. 22 Affordable Houses will also be delivered in 2008. The Kerry County Council executive will pursue additional funding. A programme of works is ready to deliver 76 starts at the earliest opportunity should funding become available at the end of 2008. In 2008 the 76 starts will be progressed to the stage where they are ready to go to construction. While an application for loan sanction can be pursued, the Government has rigorous borrowing limits in place at the moment. These limits are being operated because of an EU Directive on general stability and growth pact. This is a matter for the Government and Kerry County Council must operate within national policies. Kerry County Council is negotiating the best position possible. With regard to housing grants Kerry County Council has contributed significant local contributions over the years. Significant Department grant aid is also being received. At budget time elected members committed €1m local contributions to housing grants. In conclusion Mr. O'Connor said that Kerry County Council must prudently manage the current situation.

Cllr. P. O'Donoghue acknowledged the Department aid which has been received for housing grants. The Housing Programme should not be decelerated, it should be accelerated. He requested that Kerry County Council pursue borrowing for the construction programme.

The meeting adjourned for lunch at 1.45 p.m.

The meeting resumed at 2.45 p.m.

### **08.07.21.09 National Service Indicators 2007**

Mr. J.D. Flynn, Director of Corporate Services, said Local Authorities are the only public sector group which has service indicator measures. He highlighted the main areas of the Service Indicators and the comparisons over three years as outlined in the report which was circulated.

Cllr. J. O'Connor referred to the Area Services Centre in Killorglin and he asked if the Motor Tax service could be provided in these offices. A PC could be installed where people could be shown how to use the motor tax on-line system.

Cllr. M. Healy-Rae supported Cllr. O'Connor's suggestion and said it was always the intention that the Killorglin Area Services Centre would have enhanced services available. The more facilities offered from all area offices the better. Regarding the Service Indicators for Kerry, great work is being done by each Department of Kerry County Council. The County Manager, Directors of Services and staff are to be complimented for that.

Cllr. M. Gleeson said it is great that this degree of accountability is being provided by the Local Authority and it shows an adherence to the high standards required. He said he had called on Kerry County Council to co-operate with the Town Councils regarding improving approach roads to the towns. He now complimented the County Council for their commitment to this. He said he, and Cllr. Cronin, had allocated monies to upgrade a facility on the approach road to Killarney. The withdrawal of €100,000 which was available to Kerry County Council to progress the provision of

playgrounds in the county is regrettable. Rathmore has been working to provide a playground for some time. Government should re-introduce this funding. Health and fitness is of vital importance and with regard to recycling, a readily accessible facility where asbestos pipes could be disposed of should be provided.

#### **08.07.21.10 Higher Education Grants Scheme 2008**

Mr. J.D. Flynn, Director of Corporate Services, said the report circulated to elected members dated 2<sup>nd</sup> July, 2008, has been superseded in that on Friday, 18<sup>th</sup> July, 2008, notification of the Higher Education Grants Scheme for 2008 was received from the Department. A copy of the Scheme was circulated to members that morning. He sought approval for the Higher Education Grants Scheme 2008.

Cllr. B. Cronin referred to his Notice of Motion, No. 24 on the Agenda, and said he wished to move it.

#### **24. Earnings Exemption Limits for Students applying for College Grants**

##### **Pursuant to Notice duly given, Cllr. B. Cronin PROPOSED:-**

“That this Council call on the Ministers for Education and Finance to raise the current earnings exemption limits applying for college grants from €3,800 to €5,000. The state should not penalise young students who are prepared to work to fund their college Education.”

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

Cllr. B. Cronin said students seek summer employment and work during the winter to fund the costs of their education. He asked elected members to support all third level students who have secured summer employment in difficult circumstances and who have maintained that employment over the winter period and who are prepared to work as well as studying. The earnings exemption limit should be raised. Students who are prepared to work should not be penalised. He requested that the motion be forwarded to the Minister for Education and Minister for Finance.

Cllr. J. O’Connor **SECONDED** the motion.

Cllr. M. Gleeson supported the motion and said it is a high tribute that a student supports themselves through college. To penalise them for being industrious is not acceptable.

Cllr. T. Fitzgerald supported the motion and said that our greatest asset is our young people. It is a great investment to spend money on the youth of our country.

Cllr. D. Healy-Rae said it is a worthy Motion. Many students have to work to fund their third level education. We should urgently seek to have the earnings exemption limit raised.

Cllr. T. Ferris said elected members have no power to change the Higher Education Grants Scheme. It should be flagged to the Department that from September there will be cases where students and parents will be upset because they will not qualify for the grant.

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On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. O'Connor, it was unanimously agreed to approve the Higher Education Grant Scheme 2008.

#### **08.07.21.11 Electoral Area Meeting Dates**

Dates for the next round of Electoral Area Meetings were agreed as follows:

<b>Area</b>	<b>Date</b>	<b>Venue</b>	<b>Time</b>
Killarney	Wednesday 17 <sup>th</sup> September, 2008	Town Hall Killarney	10.00 a.m.
Tralee	Monday 22 <sup>nd</sup> September, 2008	Council Chambers	10.40 a.m.
An Daingean	Wednesday 24 <sup>th</sup> September, 2008	Tigh Fearann na Cille, An Daingean	10.30 a.m.
Listowel	Monday 29 <sup>th</sup> September, 2008	Áras an Phiarsaigh, Listowel	10.00 a.m.
Killorglin	Friday 3 <sup>rd</sup> October, 2008	Kenmare Carnegie Arts Centre	10.00 a.m.

#### **08.07.21.12 Report on meeting of County Kerry Joint Policing Committee**

It was agreed to note the written report on this item which was circulated.

#### **08.07.21.13 Summary of Proceedings at Conferences**

##### ***Synge Summer School***

It was unanimously agreed to note Cllr. D. Kiely's written report on this item which was circulated.

#### **08.07.21.14 Reception of Deputations**

The reception of the following Deputations at the next round of Electoral Area Meetings was approved.

- (a) Residents of Fenit Island Cllr. T. Fitzgerald
- (b) Group representing Business People Cllr. T. Ferris  
To attend Killarney & Tralee Electoral Area Meetings
- (c) Residents of Ballydunlea, Ballyhar Cllr. B. Cronin  
Regarding Road Junction
- (d) Residents of Scarteen Park Cllr. M. Connor-Scarteen  
Regarding Roads and Footpaths
- (e) Waterville Tidy Town Committee Cllr. P. O'Donoghue

### **Ireland's Best Kept Town Award**

Mayor T. Fleming congratulated Kenmare on achieving the overall award in the Ireland's Best Kept Town competition. It was a wonderful occasion for Kenmare.

### **Munster Fleadh Cheoil**

Cllr. M. Healy-Rae complimented the organisers of the Munster Fleadh Cheoil which was held recently in Kenmare which was a great success.

### **Presentations to Kerry County Council**

On the PROPOSAL of Mayor T. Fleming, SECONDED by Cllr. J. O'Connor, it was agreed that a presentation would be made to the September Council Meeting by Kerry Community Transport Ltd.

On the PROPOSAL of Mayor T. Fleming, SECONDED by Cllr. Michael Healy- Rae, it was agreed that a presentation would be made to the October Council Meeting by the Carer's Association of Ireland.

### **08.07.21.15 Opening of Tenders**

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of Tenders for 1 No. Panel Van for Electrician.
- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Cahill, it was agreed to approve the opening of Tenders for Collection and Recycling of paper and plastics from Bring Bank Network.
- (c) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of Tenders for the Collection and Recycling of glass and cans from Bring Bank Network.
- (d) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. Cahill, it was agreed to approve the opening of Tenders for Tralee Transportation Study.
- (e) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Cahill, it was agreed to approve the opening of Tenders for National Roads Fixed Price Overlay Contracts – N86 Lispole Village and N69 Tarbert to Dooncaha.
- (f) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of any Tenders that may arise up to the September Meeting.

### **08.07.21.16 Notices of Motion**

#### **1. Funding for Coastal Protection Works**

##### **Pursuant to Notice duly given, Cllr. P. O'Donoghue PROPOSED:-**

"That Kerry County Council furnish details of all funding received from Central Government in the years 2007 and 2008 for coastal protection work and in particular to furnish details of the various projects in those two years for which funding was sought."

The following report was issued

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The Council submitted funding requests for the following projects, under the Coastal Protection programme, to the Department of Communications, Marine and Natural Resources in 2007 and 2008.

<u>Year</u>	<u>Project</u>	<u>Funding Request</u>
2007	Inch	€4m
2007	Kerry Head - Ballyheigue	€850,000
2007	Glanlead	€60,000
2007	Cooscrome	€50,000
2008	Inch	€3m

In view of the serious threat posed to the R561 Castlemaine – Annascaul Road, and taking into consideration that the proposed measures at Inch would facilitate future re-alignment and improvements of this tourist route, a request was also submitted to the Department of Transport (formerly the Department of the Environment Heritage and Local Government) towards the cost of the coastal protection works at Inch. The Department approved an allocation of €250,000 in 2007 and €750,000 in 2008, under the Specific Improvement Grant scheme for roads. This allocation has now been fully drawn down.

The Council only received approval of €25,000 for coastal protection works at Cooscrome in 2007, with grant aid of €9,375 each from the Department of Communications, Marine and Natural Resources and the Department of Community, Rural and Gaeltacht Affairs.

On the basis of the shortfall in funding for the works at Inch, the Council submitted a request for the balance of the cost of these works only for 2008. €900,000 was allocated by the Department of Agriculture, Fisheries and Food, who now have responsibility for coastal protection works, this year. This funding has now been received.

It is a standard condition of the grant aid allocation for coastal protection works that 25% of the cost is borne by the local authority and loan approval for €1million was given by the Council at the June Ordinary Meeting to fund our contribution for the works at Inch. However, this leaves a shortfall of almost €1.1 million to be carried by the Council until further grant aid is received from the Department of Agriculture, Fisheries and Food.

Substantial funding is still required for further coastal protection works between Inch Strand and Bunaneer. These works cannot be undertaken until the outstanding funding for the existing works is recouped and a firm commitment of funding for the additional works is provided by Central Government.

Cllr. P. O'Donoghue expressed disappointment that funding for McCarthy's Castle was not drawn down. This funding was provided for essential coastal protection works. €250,000 was offered by the Department. He asked why this funding was not referred to in the reply to the Notice of Motion and why it was not drawn down.

Mr. G. MacNamara, Acting Director of Roads and Transportation, undertook to consult with Mr. Eamon Scanlon, SEE Roads and Transportation, to clarify the situation regarding these funds. He undertook to revert to Cllr. O'Donoghue with a

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written explanation. The reply to the Notice of Motion outlines the funding that was received by Kerry County Council.

Cllr. P. O'Donoghue said Kerry County Council was notified of the fact that €250,000 was available for works. It was not drawn down and an explanation should be provided. McCarthy's Castle was to benefit from the funding. It is not appropriate that the report does not refer to the €250,000.

Cllr. M. Cahill supported the motion. If the money was returned to the Department it is outrageous at a time when the Local Authority has been bidding for extra funding for coastal protection works along the coastline. All possible monies available should be spent on protecting the coastline.

Cllr. M. Healy-Rae supported the motion. The group seeking this funding are shocked and disappointed with this. Structures like McCarthy's Castle should be protected.

Cllr. P. O'Donoghue sought a commitment that an application for funding will be re-submitted to the Department.

Mr. G. MacNamara said that Kerry County Council spends all allocations received.

Mayor Fleming asked that Mr. MacNamara the situation regarding this allocation before the end of today's Council Meeting and notify the elected members.

Mr. G. MacNamara clarified that the allocation of €255,000 related to McCarthy's Castle in Caherciveen. This refers to an allocation from the Department of the Environment which was made to the Department of the Marine to carry out coastal erosion protective works. Kerry County Council had no involvement with this allocation or these works.

Cllr. P. O'Donoghue said he would revert to the Department on the matter.

### **3. Tourism Officer**

#### **Pursuant to Notice duly given, Cllr. J. Brassil PROPOSED:-**

"That Kerry County Council would provide a full time Tourism Officer to deal exclusively with tourism promotion in the county."

The following report was issued:

**This matter was raised by the members during the recent discussion on the review of the County Development Plan. Members were at the time assured that consideration would be given to such a post in the context of the 2009 Budget and having regard to possible staffing redeployment and available funds. However, it should be borne in mind that Fáilte Ireland is the primary tourism marketing and promotion agent for County Kerry.**

Cllr. J. Brassil said the reply to the Notice of Motion says the provision of a full time Tourism Officer will be considered in the 2009 budget. While he acknowledged this he asked that the elected members would support this call for a full time Tourism Officer and that Budget 2009 would have specific funding for a person dealing specifically with tourism known as the Kerry Tourism Officer. The head government department for tourism is the Department of Arts, Sports and Tourism. In line with

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national government departments the Tourism Officer in Kerry County Council should be within the remit of the same department. Having a Tourism Officer would allow somebody within tourism interests in Kerry to have a name and contact should they have any queries regarding grant applications or new products. The role of the Tourism Officer would include being a liaison officer between tourist facility providers and Fáilte Ireland.

Cllr. R. Beasley **SECONDED** the motion. There is a drop in tourism this year compared to 2006 and 2007. There has been a major decline in the numbers of overseas golfers, walkers and fishermen. The Tourism Officer would liaise with Fáilte Ireland. This must be given consideration by Kerry County Council.

Cllr. T. Fitzgerald supported the appointment of a Tourism Officer. The Tourism Officer should be under the remit of the Arts Office. It is important that there is a designated person to deal with tourism in Kerry County Council. Tourism is a big industry in the county. It is an area of growth and employment. We must ensure that Kerry remains at the forefront.

Cllr. D. Kiely said the Tourism Officer should also consider prices of fishing and other activities as well as the costs of meals in restaurants.

Cllr. S. Fitzgerald said it is important that the role of the Tourism Officer is specified. The role of many Tourism Officers within Fáilte Ireland cross each other. Hill Walking is an area of potential growth. He supported the development of a Tourism Officer for Kerry County Council.

Cllr. J. Brassil said the Culture SPC could develop the terms of reference for the Tourism Officer.

Cllr. T. Ferris asked what Kerry County Council intends to do regarding the situation which has arisen because one business is allegedly flouting conditions of planning. It is adversely affecting other businesses. She asked what Kerry County Council will do specifically about Development Levies not being paid.

Mr. J. O'Connor, Deputy County Manager, undertook to speak with Cllr. Ferris directly regarding this specific case after the Council meeting.

Mr. J. Breen, Director of Housing and Community & Enterprise, said he would take on board the views of the elected members expressed today and at the County Development Plan meeting where this is also discussed. The matter can be considered by the Culture SPC. He referred to the 70% decrease in tourism referred to by Cllr. Beasley. It appears that the decrease is 30%. Tourism must be promoted. He acknowledged that there are issues regarding prices. However, there is also excellent value available.

Cllr. R. Beasley said the tourist office which was in Ballybunion has been removed and there has been a major decline in tourism in Ballybunion.

Mayor Fleming said this is a countywide matter. As Fáilte Ireland has remit for the county, and there is improved access, it would be justified that Kerry would be seconded a person to devote time to the promotion of Kerry. He requested that a letter issue to Fáilte Ireland in this regard.



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Cllr. M. O'Shea said tourism is the county's only solid industry but it is starting to disintegrate. Fáilte Ireland should be invited to attend a meeting to debate the future of tourism in the county. Apart from the main towns in the county tourism has never been as bad as it is now.

Mayor Fleming said Fáilte Ireland will be invited to attend a future meeting of Kerry County Council.

Mr. J. O'Connor, Deputy County Manager, said the provision of a full time Tourism Officer will be considered in the context of the 2009 budget and staff re-deployment.

### **4. Kerbs of Traffic Islands**

**Pursuant to Notice duly given, Cllr. M. Gleeson PROPOSED:-**

"That, in the interest of safety, the kerbs of traffic islands would be sloped. Their present vertical alignment presents as an unnecessary traffic hazard."

The following report was issued:

**The construction details relating to kerbs at traffic islands depends on the use of the particular island, such as pedestrian or disabled access use. The main priority from a safety point of view is to prevent vehicles mounting such islands and causing damage to pedestrians, who might be seeking refuge on the island, or causing damage to road infrastructure which might be sited there. Equally the kerb height is chosen as a deterrent to people parking vehicles at these locations, thus hindering sight distance, or leading to a nuisance.**

**If the Councillor has a particular location in mind where the kerbs appear to be excessive in height, the Roads Department will investigate the location.**

Cllr. M. Gleeson referred to the kerbs of traffic islands in the Lissyvigeen area. A traffic management measure should, itself, not be a traffic hazard. The vertical alignment of kerbs of traffic islands should be reduced.

Mr. G. MacNamara, Acting Director of Roads and Transportation, said this kerbs are in place as a traffic management measure to reduce the speed of the traffic.

Mayor Fleming seconded the motion.

### **5. Removal of Eircom Poles from Boundary Fences**

**Pursuant to Notice duly given, Cllr. S. Fitzgerald PROPOSED:-**

"That Kerry County Council call on Eircom to take full responsibility in the removal of poles on roads where boundary fences have been set back due to conditions which are imposed on individuals when planning permission was granted."

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

Cllr. S. Fitzgerald said this issue arises when a boundary wall is set back and the telephone pole is left on the side of the road. It is also a health and safety issue. Eircom charge €300 to assess the situation and they charge between €3,500 and €5,000 to move the pole. Eircom placed the pole with the goodwill of the Council or landowner. He asked if Eircom have a statutory right to place these poles. He asked who is responsible if an accident were to occur involving one of these poles.

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Cllr. M. Gleeson seconded the motion. He said he is aware of similar cases in the Killarney area.

Cllr. D. Healy-Rae said he had an Emergency Motion on this issue some time ago. He was aware of a case where Eircom sought €20,000 to remove a pole. He said he had sought assistance from the Roads Department to consult with Eircom on this issue. When elected members allocate County Councillor's allocations to move ditches Eircom will not move the pole.

Cllr. D. Kiely said Eircom should have to go through the planning process for permission to erect these poles.

Mayor Fleming said this matter will be referred to Eircom for consideration.

Cllr. S. Fitzgerald asked the County Manager to meet with the CEO of Eircom to address this matter.

Mr. G. MacNamara, A/Director of Roads & Transportation, said historically there was a good relationship between the local Eircom offices and Kerry County Council regarding the removal of poles. Since Eircom became a publicly quoted company, all costs are being dealt with through offices in Dublin.

Mr. J. O'Connor, Deputy County Manager, said Eircom are statutory undertakers and have a right to erect these poles.

Cllr. B. Cronin asked who is responsible if a ditch has been removed and a car hits an exposed pole. Would responsibility lie with Eircom, Kerry County Council or the landowner?

Mr. J. O'Connor, Deputy County Manager, said liability is a matter for the courts. It is a matter for the driver to drive carefully.

Cllr. T. Fitzgerald said a letter should issue to Eircom on this matter.

Mr. J. O'Connor, Deputy County Manager, said the concerns of the elected members, will be conveyed to Eircom.

Cllr. M. Gleeson said reflective marks should be placed on poles which are exposed once the ditch has been removed.

### **6. Anti-social Behaviour in An Daingean Town Park**

#### **Pursuant to Notice duly given, Cllr. M. Healy-Rae PROPOSED:-**

“What steps can Kerry County Council take to counteract the anti-social behaviour that is occurring in the town park in Dingle. If proper Bye-Laws are in place, why can they not be implemented.”

The following report was issued:

**Kerry County Council adopted An Daingean Town Park Bye-Laws in April 2007. These Bye-Laws provide Kerry County Council and An Garda Síochána with a tool to properly manage the Town Park.**

Kerry County Council has upgraded the fencing around the Park in recent times. The provision of a second access point to the Park has been pursued by Council staff, but this has not been achieved to date. Local Enquiries have indicated that since the adoption of the Bye-Laws, there has been a major reduction in anti-social behaviour in the Park, and there has also been a marked increase in visits by the Gardaí to the Park.

Following representations by a Dingle Area Councillor to the Dingle Area Manager, steps are in hand to set up a consultative group consisting of the Local Authority, the Gardaí and the Town Park Steering Group to further discuss all matters relating to the Park.

Cllr. M. Healy-Rae said anti-social behaviour has been on-going in the Town Park in An Daingean. The Town Park is an excellent facility but it has been misused. There has been an increase of visits by the Gardaí to the park by day and in the evening. The Gardaí visits, in conjunction with stricter implementation of the Bye-Laws, has seen a improvement. He asked that the situation be continually monitored by the Gardaí and that the Bye-Laws be implemented.

Cllr. S. Fitzgerald supported the motion. Requests have been made to provide a second access to the Town Park. There has been very little progress identifying a second access. He asked the Director of Housing and Community & Enterprise to initiate a proposal to bring forward a CCTV System for the Town Park in An Daingean at this evening's JPC meeting.

Cllr. B. MacGearailt said the main problem is access to the Town Park. Kerry County Council must be commended as efforts have been made to gain extra access points to the Town Park. If more access points were available it would solve the problem because there would be more movement of people through the park.

Mr. G. MacNamara, A/Director of Roads and Transportation, said the Area Engineer in An Daingean has tried to get further access points to the Town Park. Efforts have been unsuccessful to date.

## **7. Deadline for completion of Farm Waste Management Scheme**

### **Pursuant to Notice duly given, Cllr. B. Cronin PROPOSED:-**

“That Kerry County Council request the Minister for Agriculture and all our MEPs to immediately lobby the EU Agricultural Commissioner to seek an extension of the deadline for the completion of farm waste management schemes to allow farmers the opportunity to finish the major investment works they have on hand.”

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

Cllr. B. Cronin said he has been made aware from people involved in this scheme that a large number of farmers have only recently received approval to proceed with works under this scheme. This is a very important scheme as it provides farmers the opportunity to protect the environment, allows for the proper control of farm waste and allows farm yard improvements for better management. This scheme provides for financial investment in building and construction work. With the difficulties in the construction sector it is important that works under this scheme proceed. Quarries, suppliers of slats and other industries are benefiting. An extension of three months to the current deadline for completion of works is being sought.

Cllr. M. Gleeson seconded the motion. This scheme is of vital importance and is essential to the wellbeing of the environment and good management of farms. This matter should also be referred to the Minister for the Environment for consideration.

All elected members supported the motion.

## **8. Density in Rural Areas**

### **Pursuant to Notice duly given, Cllr. D. Kiely PROPOSED:-**

“Would the Council please clarify Objective ZL-11-1 of the County Development Plan. Does this exclude family members? Please explain what density in rural areas is in connection with this for a family member.”

The following report was issued:

**Objective ZL 11-1 states that “it is an objective of the Council to protect the landscape of the County as a major economic asset as well as for its invaluable amenity value”.**

**This is a general objective which is one of the issues considered when assessing a planning application in the rural countryside.**

**In relation to family members, a landholding map is usually requested at either pre-planning stage or during the Planning process and in consultation between the Applicant, Agent and Planner a site which addresses the above objective along with issues such as effluent disposal and traffic can usually be identified.**

**It has been the experience of Planning Staff that in general applicants support this particular objective and do not wish to spoil the precious landscape of the County.**

**Density or overdevelopment of an area does not usually apply to a family member as they will generally have access to a number of possible sites within the landholding. However, where only one site is available to a family member, every effort is made to accommodate this person except where traffic hazard and effluent disposal issues cannot be addressed.**

Cllr. D. Kiely expressed concern regarding the definition of density in rural areas. Planners are putting obstacles in the way of people getting planning, e.g. percolation issues or another reference from the County Development Plan, in rural areas. The Department of the Environment have been accused of being opposed to rural housing. He asked the County Manager if a directive has been received to stop development in rural Ireland. Planning applicants are customers of the Local Authority and they should be given assistance in getting planning permission. He said objective ZL11-1 of the County Development Plan now arises as a problem regarding rural density. Obtrusiveness in a rural area has been used previously. Elected members were told that sons and daughters of the landowner would be facilitated. This is not the case. He asked if Single Rural Cottages are no longer being provided. He referred to report which was circulated under Item No. 4 of General Correspondence for today's meeting (Report from Mr. P. Stack, A/Director of Planning, regarding Cllr. Kiely's Notice of Motion No. 16 at the June 2008 Council Meeting regarding rural density). He asked if there is a new policy stopping development. If this is the case, people must be advised. Objective ZL-11-1 is provided to protect the landscape of the

county as a major economic asset as well as for its invaluable amenity value. The provisions of the County Development Plan are working against planning in rural areas. People who cannot afford a site and are getting a site from their parents are not getting planning permission. There are many obstacles facing planning applicants. Reasons being used by Planners relate to providing an unspoiled area or rural density. The planners are doing a good job for many people but making it hard for themselves in other areas. It is hard to explain it to constituents. Regarding percolation, a lot of focus is being put on engineers and agents making applications for the applicants. He asked if all planners are conversant in all relevant courses regarding percolation.

Cllr. M. Cahill supported the motion. He said it seems that every obstacle is being put in the way of applicants. Combining the percentage of refusals and withdrawals, one-third of applications are being turned down. In the current climate as much as possible should be done to accommodate planning applications for our constituents and the Kerry people.

Cllr. B. MacGearailt supported the motion and said the importance of tourism and the environment has been talked about today. The EU wants to retain an unspoiled countryside without development. The countryside should be re-energised, but we are refusing to do so. Industry starting in an area should be welcomed and people working within this industry should have the facility to build their own home.

Cllr. B. Cronin said a very important issue has been raised through this Notice of Motion. Clarity is required regarding percolation tests and requirements of the EPA. Clarification is also required regarding Agents carrying out tests accurately. He asked if planners are qualified to read the test results submitted. He said that he disagreed that this matter does not relate to votes. Applicants in the Killarney area are being canvassed on their planning application.

Cllr. J. Brassil said Fianna Fáil will be proposing that one Councillor represent the applicant regarding issues on their planning application.

Mayor Fleming said Cllr. D. Kiely's motion No. 21 relates to percolation issues.

## **21. Percolation Tests**

### **Pursuant to Notice duly given, Cllr. D. Kiely PROPOSED:-**

"Percolation tests are being passed by imminent qualified people with proper qualifications and their planning submissions are made by agents and planning is being refused on percolation grounds. Is this not bringing the integrity of the agents and qualified experts in the EPA into disrepute?"

The following report was issued:

**In general the Planning Department has a very good relation with the agents submitting Planning Applications and Site Assessment Reports and accepts that some agents are well qualified and thorough, particularly in relation to Site Assessment.**

**As the Councillors are aware, we are in the process of setting up a list of approved persons for conducting site suitability assessments. Allied to this, Kerry County Council are also setting up an in-house specialist unit to assess and**

review the reports on percolation tests submitted to support Planning applications.

However, Kerry County Council also has staff imminently qualified in adjudicating on Site Assessment Reports who in their planning role are obliged to adjudicate fairly and objectively on both the tests submitted and the evidence they observe on-site in relation to trial holes. It is a matter for the Planning Authority to satisfy itself as to the suitability of any site to sustain the safe treatment of any effluent arising in order to safeguard public health.

It should be noted that the EPA do not carry out site assessments in the County but do issue guidelines in relation to the standards and specifications in which the site assessments are based.

The Planning Authority is satisfied that all site assessment submissions are professionally assessed in an objective fashion based on the information and details submitted and decisions made accordingly.

Cllr. D. Kiely said the list of approved persons for conducting site suitability assessments must be set up as a priority. Qualified people have passed sites for percolation and then received a letter from Planning stating the assessment was not satisfactory to the Planner. The percolation test results being submitted by Agents are being brought into refute.

Mr. P. Stack, A/Director of Planning, said the reply to Notice of Motion No. 21 is clearly outlined. He said he undertook to address the issue regarding site assessments when he was assigned as SE Planning. Site assessment submissions being received were not satisfactory to the Planning Authority. Planners have been trained on reading site assessments. Three Planners have completed a FÁS Course. Some very good assessments are being submitted but assessments that are not satisfactory continue to be submitted. The site assessor is working for a client and trying to put the best situation forward. The Planning Authority must assess the site assessment submission. The Planning Authority is satisfied site assessments submitted are being assessed by Planners in a fair manner.

Cllr. D. Kiely asked if the list of approved persons for conducting site suitability assessments will be comprised of people with the proper qualifications.

Mr. P. Stack, A/Director of Planning, said expressions of interest have been sought from persons who wish to be on the panel of approved persons for conducting site suitability assessments. 81 applications have been received. These applicants will be interviewed and their competency assessed. Some of these applicants have completed the FÁS course. It is hoped the panel will be set up by September. A team will be set up within the Environment Department to manage this area. Kerry County Council is working on the experiences of other counties.

Cllr. D. Kiely said there is inconsistency in dealing with percolation tests.

Cllr. D. Healy-Rae asked if the list of agents which will be set up can be added to after September.

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Mr. P. Stack, A/Director of Planning, said people who have completed the FÁS course and want to get on the list after September will be added to the list.

Mr. J. O'Connor, Deputy County Manager, said Kerry County Council, as a Planning Authority, cannot blindly accept a submission for an individual no matter how qualified that individual is. The Planning Authority must form its own opinion based on the evidence available to it. It must form this opinion in a fair and reasonable manner, which it is doing. In all decision making whether at Elected or Executive level regard must be had for the proper planning and sustainable development of the county. It is clear from the statistics available that there is no shortage of planning permissions.

Cllr. D. Kiely said there may have been planning permissions available but rules appeared regarding clusters, etc. He said today he is speaking on behalf of the sons and daughters of landowners.

Mr. J. O'Connor, Deputy County Manager, said the impression cannot be created that favourable planning permissions are not being given.

Cllr. B. MacGearailt said a reasonable effort has been made by Management to address the problems.

#### **9. Provisional Driving Licence Holders**

##### **Pursuant to Notice duly given, Cllr. P. Leahy PROPOSED:-**

"I am asking this Council to call on the Minister to review the decision taken by the Government, not allowing "L" drivers with a Provisional Licence to drive without a qualified driver who has a full licence."

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

Cllr. P. Leahy said people are facing hardship and problems, especially in rural areas, because of recent legislation regarding provisional licence drivers. Parents are in a dilemma because students are trying to go to college and work. Middle aged people are affected too. He asked for the support of the Council.

Cllr. M. O'Shea supported the motion. This legislation has imposed hardship on young people of the country and people trying to hold down jobs. Government should have imposed a time-span on provision licence holders, e.g. that they be off the road by 9.00 p.m. in the evening. This legislation should be amended by Government.

#### **10. Castlemaine Harbour**

##### **Pursuant to Notice duly given, Cllr. M. Cahill PROPOSED:-**

"That Kerry County Council request the Taoiseach, Minister for the Environment, Mr. John Gormley, and Minister for Agriculture, Fisheries and Food, Mr. Brendan Smyth, to immediately take Castlemaine Harbour out of the SACs (Special Areas of Conservation) and the SPAs (Special Protection Areas) and safeguard the mussel industry and an entire fishing community."

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

Cllr. M. Cahill said Castlemaine Harbour was recently closed for fishing. This will desecrate the community of Cromane. This area should not be closed to fishing while collecting data. Data should have been collected last year. Until recently Cromane was the third largest exporter of mussels with 80 people employed. With draft netting and quotas, etc, fishermen have been hit hard. The fisherman won their case in the High Court to allow them to fish this season but it is being challenged by Minister Ryan. Fishing is the only source of income for many people in Cromane. The fishermen have invested largely in upgrading trawlers due to health and safety requirements. A pier is to be built in Cromane. There is no point in developing a pier if the fishing business is gone. The Ministers and senior civil servants involved have no understanding of the implications this will have on the community. There are no scientific reasons to close Castlemaine Harbour to fishing. He called on the relevant Government Minister to reverse the decision to close Castlemaine Harbour to fishing.

## **11. Cancer Surgical Services in Kerry General Hospital**

### **Pursuant to Notice duly given, Cllr. M. O'Shea PROPOSED:-**

“That we the Members of Kerry County Council invite Prof. Tom Keane, Interim Director of the National Cancer Control Programme, before Kerry County Council to explain to us why the cancer surgical service in Kerry General Hospital is being moved. What facilities will be put in place to cater for Kerry patients?”

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

Cllr. M. O'Shea said all members speak on behalf of the population of the county on this issue. Debates have been held recently regarding proposals to move surgical services from Kerry General Hospital. The HSE are not advising what the future of health care in this county will be. Prof. Drumm was invited previously to attend the Council Chamber. Prof. Tom Keane should be invited to attend and advise us what changes are to take place regarding cancer services for people in this county. The medical profession seem to believe that surgical services of Kerry Hospital will close during the year and move to Cork. They have no answers regarding what services will be put in place for Kerry patients, what number of bed spaces will be available and what the speed of delivery of services will be. GPs in the county have a hot-line to consultants regarding cases who need urgent surgery. It appears under new proposals a GP will have to define critical, urgent and routine cases. It is not right that a person who needs surgery may be waiting for up to three months. The HSE must be requested for information. People are frustrated and not getting information.

Cllr. B. Cronin supported the sentiments expressed by Cllr. O'Shea, as a Health Forum Member. Prof. Tom Keane attended the HSE Forum recently. Cllr. Cronin said he submitted a list of detailed questions to Prof. Keane regarding what services will be left in Tralee and why services are being reduced. Replies were given verbally at that meeting. He circulated a copy of a letter outlining Prof. Keane's responses to his queries. He read the reply into the minutes of the meeting.

*“Further to the meeting of the Regional Health Forum South on the 26<sup>th</sup> June, 2008, I am happy to provide you with answers in writing to the questions you raised prior to the meeting.*

*As you are aware the decision to concentrate initial diagnosis and surgical management of breast cancer in eight specialist cancer centres is based on strong international evidence and the recommendation s of a panel of 23 experts. This group*



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*recommended these changes prior to my arrival in Ireland in November 2007. I understand that the decision to reduce the number of specialist cancer centres for breast cancer from 13 to 9 was based on an evolving body of evidence linking a critical volume of cases to best outcomes. Prof. Niall O'Higgins has supported this change. As I noted at the meeting this decision to proceed to 8 cancer centres is in no way a criticism of the excellent work done by Surgeon McCormack and his staff.*

*In relation to breast cancer, the number of women having to travel to seek an expert opinion at the symptomatic breast service in Cork University Hospital (CUH) will be in the region of 900 annually from Tralee. Of these, it is anticipated that approximately 7% of these women will actually be diagnosed with cancer and will be required to have a second visit to Cork University Hospital for their surgical procedure. All of the remaining women, i.e. 93% of the total will be able to return to Tralee or Kerry after the initial assessment with a diagnosis that they do not have breast cancer.*

*In relation to the issue of travel, I have acknowledged that travel is a significant inconvenience for patients, particularly patients in Kerry and other remote counties. However, I will put arrangements in place to ensure that the needs of patients who provided supplementary funds to the Irish Cancer Society to augment some special travel services that they provide. I will again point out that many patients from Kerry currently travel for cancer treatment and diagnosis as well as for a range of other medical and surgical services which are not provided in Tralee.*

*In relation to the resource issue at CUH, I have been assured that the resources will be in place to accommodate the Tralee patients when the transfer of services occurs in the autumn of 2008. The actual number of beds required to support this service is no more than 2 beds and it is anticipated that the majority of the surgery will be carried out in a day surgical unit.*

*I am cognisant of the concerns expressed by you and fellow Councillors in relation to the transfer of surgical services from Tralee Hospital. However, I am convinced that this is the correct course of action based on the best international evidence and international best practise. In every country there is a trade off between the need to travel for expert services balanced against the benefits of such travel may or may not provide. As such the decision to transfer breast cancer services from Tralee Hospital to CUH is based on sound medical evidence which I hope will translate to better cancer outcomes for the people of Kerry."*

Cllr. Cronin expressed concern that a dedicated unit should be provided within Kerry General Hospital. Further to this he contacted Cork University Hospital management regarding what services are ready for Kerry patients. A response is awaited from Cork University Hospital. There is huge concern that Kerry could end up with waiting list for breast cancer assessments.

Mayor Fleming supported the motion. He acknowledged the comprehensive reply from Prof. Tom Keane. The meeting Prof. Keane attended was held a few weeks ago. These facilities must be provided in Cork and must be in place before there is disruption to services in Tralee. Credit is due to organisations promoting and furthering the cause of retention of services in Tralee. Prof. Keane has given assurances regarding minimisation of upset and providing after-care services.

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Everybody involved will progress and pursue the matter. He said that an invitation should be issued to Prof. Keane to attend a Council Meeting.

Cllr. M. Gleeson said that there are many other cancer types aside from breast cancer which are not mentioned. The provision of two beds is not enough. There must also be readily available accommodation for relatives who wish to be near the sufferer. Elected members on the Health Forum should raise these two matters

Cllr. M. Cahill said at the meeting in Cork all types of cancer services were spoken on. Certain chemotherapies will be continued in Tralee and enhanced. In Galway there will be a "Mayo clinic". A similar model is proposed for a "Kerry clinic" in Cork.

### **12. Student Summer Job Scheme**

**Pursuant to Notice duly given, Cllr. J. O'Connor PROPOSED:-**

"That we call on the Minister for Education and Science to carry out an audit on the employment of leaving certificate and university students over the summer period. If it is found that a large proportion are leaving the country to find jobs and the ones that are staying at home cannot find jobs, then the excellent "Student Summer Job Scheme" which paid out €770 at the time for 200 hours work, that existed five years ago should be re-introduced."

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

Cllr. J. O'Connor said there was a scheme in 2002 where €770 was paid to students. In recent years jobs were available for students over the summer so there was no need for this type of scheme. This year many students found it difficult to get jobs and have gone abroad. He called on the Minister for Education to engage students to carry out an audit on the benefits of the scheme in the past and benefits of re-introducing the scheme in 2009.

Cllr. J. Brassil supported the motion. He said students should be paid the minimum wage per hour should the scheme be re-introduced.

Cllr. J. O'Connor said students should be paid an amount decided by the Department suitable to the type of work carried out.

### **13. Transfer of KCC lands or houses to Killarney Town Council**

**Pursuant to Notice duly given, Cllr. D. Healy-Rae PROPOSED:-**

"That Kerry County Council opposes any proposal to transfer lands or houses into the ownership of Killarney Town Council."

The following report was issued:

**The Housing Department have been asked to examine the possibility of transferring houses in their ownership, within the functional area of the Town Councils, to the respective Town Council. This request was to address the anomaly in services available to tenants of Kerry County Council, as compared with the tenants of the Town Councils. The process is still in the very early stages and issues such as the financial implications of such a move have to be fully considered. Any transfer of property in the ownership of Kerry County**

**Council will be subject to a Section 183 notice and will be a matter for consideration by the members. We will bring a comprehensive report, initially to the Housing SPC, and then for consideration by a full meeting of the Council, when we have completed an analysis of the legal and financial implications of such a proposal.**

Cllr. D. Healy-Rae opposed the transfer of any lands or houses in the ownership of Kerry County Council to Killarney Town Council. Elected members of Kerry County Council are requested to help people get housing in the town of Killarney. It will not be possible to help people with such a request if Kerry County Council housing stock to Killarney Town Council. He referred to the newly built leisure centre in the ownership of Killarney Town Council. A grant was provided to build the leisure centre, but the maintenance of the swimming pool will be a burden on Killarney Town Council.

Cllr. M. Gleeson said he had moved a motion at a number of Killarney area meetings that all houses in Killarney town area would be under the remit of Killarney Town Council. Tenants have asked why Kerry County Council maintains some houses and Killarney Town Council others. The two Councils are in consultation regarding the matter. The leisure centre is not a burden on Killarney Town Council. It is being run by an independent group which must generate funds to run it for the next five years. The company running the leisure centre are a very successful company and running leisure centres in many other towns in the country.

Mr. J. Breen referred to the transfer of houses. This proposal is being considered in terms of the delivery of customer service. Tenants living side by side were getting different services within estates in Killarney.

#### **14. Cork/Swansea Car Ferry**

##### **Pursuant to Notice duly given, Cllr. M. Connor-Scarteen PROPOSED:-**

“That the Mayor, Mr. Tom Fleming, contact his fellow Mayors in Cork County Council, Mr. Noel Harrington, Mayor Brian Birmingham of Cork City Council and the Mayor of Swansea, Wales, and set up a Working Group of officials and Councillors from the four Councils to forward the setting up of the return of the Cork/Swansea Car Ferry for 2009 tourist season.”

The following report was issued:

**As Members are aware, Kerry County Council has previously been involved in joint initiatives supporting this ferry route. The Cork/Swansea Car Ferry is a commercial enterprise. Accordingly, it is open to a commercial operator to enter the market with a view to re-establishing the route. Cork Port Authority is actively working on attracting a carrier. Fáilte Ireland has confirmed they will market the route when it is re-established.**

Cllr. M. Connor-Scarteen requested that a committee be set up to re-establish the ferry route for operation in 2009. Tourism in Kerry has been affected by the absence of the ferry.

Cllr. D. Kiely supported the motion. He said when he was Chair of Kerry County Council in 1992 the four authorities put a pool of money together to get the Cork/Swansea ferry operating. With the price of fuel people will revert to using the ferry.

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Cllr. M. Healy-Rae said caravan parks and guesthouses benefited from the ferry service. It is of vital importance to get the Cork/Swansea service up and running for the 2009 season. Unfortunately it did not happen for 2008.

Mayor Fleming thanked Cllr. Connor-Scarteen for this motion. Cork County and City Mayors are visiting Kerry tomorrow. He said he would outline the situation to them. The matter will be progress by setting up a meeting with the Mayor of Swansea.

Cllr. M. Cahill supported the motion. The absence of the Cork/Swansea ferry is a huge loss to the Cork/Kerry region. It would be worthwhile to re-establish this ferry service.

#### **15. Addition of Fluorine to Public Water Supply**

**Pursuant to Notice duly given, Cllr. B. MacGearailt PROPOSED:-**

“That Kerry County Council ask the relevant authorities is it safe (health wise) to have fluorine added to the public water supply.”

The following report was issued:

**The question of health and fluoridation of water supplies was one of the issues addressed by the Forum on Fluoridation which reported to the Minister for Health and Children in 2002. The Forum was comprised of some 25 people with expert knowledge from the areas of Medicine, Law, Public Health, Food Safety, Environmental Protection, Dental Health, Water Quality and included representatives from the consumer and environmental areas. The aim of the Forum was to inform members of the public, legislators and health professionals about the benefits and risks of water fluoridation for human health and to address issues of concern about water fluoridation to the Irish public.**

**The Forum concluded that *“The best available and most reliable scientific evidence indicates that at the maximum permitted level of fluoride in drinking water at 1 part per million, human health is not adversely affected.”***

**The Forum also recommended that:**

- **The fluoridation of piped public water supplies should continue as a public health measure.**
- **The fluoride level in drinking water be lowered to a range of 0.6 to 0.8 parts per million**

**New Regulations were made in 2007 to give effect to the recommendation on lowering the fluoride level.**

Cllr. B MacGearailt referred to information he had received regarding the fluoridation of drinking water. In March, 2007, the Green Party said if elected to Government it would stop the fluoridation of Irish public water supplies and it is hoped that they will deliver on this commitment. In 2003 a group of experts came together in Ireland and decided to continue fluoridation of the water supply. It is difficult to understand the continued use of fluoride when many European countries have chosen to remove fluoride from the water supply. Fluoride is the only chemical added to drinking water for the purpose of medication (to prevent tooth decay). All other treatment chemicals are added to treat the water (to improve the water quality and safety - which fluoride

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does not do). According to the “Centre for Disease Control” in the U.S.A. any benefits that accrue from the use of fluoride come from the direct application of fluoride to the outside of the teeth and not from ingestion. There is no need therefore to expose all other tissues to fluoride by swallowing it. It has been shown that babies exposed to fluoride are at high risk of developing dental fluorosis (a permanent tooth defect). According to a recent review published in the medical journal, The Lancet, fluoride may damage the developing brain, causing learning defects and other problems. Adverse effects from fluoride ingestion have been associated with dosages attainable by people living in fluoridated areas for example risk to the brain, risk to the bones and risk to the thyroid glands. A connection has been found between fluoride and a serious form of bone cancer (osteosarcoma) in males under the age of twenty. He asked that the Ministers for Environment and Health take these recommendations on board. In light of the new information regarding fluoride the Ministers should be requested to discontinue the use of fluoride in the Irish public water supply.

Cllr. M. Gleeson supported the motion and asked that the Ministers would examine if the use of fluoride in the water supply is safe.

Mr. O. Ring, Director of Water Services, said following concerns raised in the 1990’s the Minister for Health set up a forum in 2001 which reported in 2002. A lot of material was put before the forum. The forum said fluoride is not a risk to public health if used at correct proportions. Fluoride levels in many sources can be reduced from 0.8 to 0.6. He said the motion can be referred to the national task force.

Cllr. J. Sheahan supported the motion.

Mayor Fleming said the motion will be referred to the task force and the Ministers.

### **16. Planning Applications for 2007-2008**

#### **Pursuant to Notice duly given, Cllr. A. McEllistrim PROPOSED:-**

“For the planning applications for the year 2007-2008, could we have the number of applications that were granted, the number that were refused and the number of applications that were withdrawn.”

The following report was issued:

**The statistics for 2007 (01/01/2007 to 31/12/2007) and for 2008 for the period 01/01/2008 to 30/06/08 are as follows:**

<i>Year</i>	<i>Applications granted</i>	<i>Applications refused</i>	<i>Applications withdrawn</i>
<i>2007 (01/01/2007 - 31/12/2007)</i>	<i>3206</i>	<i>1008</i>	<i>671</i>
<i>2008 (01/01/2008 - 30/06/2008)</i>	<i>1037</i>	<i>301</i>	<i>275</i>

Cllr. A. McEllistrim said there is a growing trend whereby when an planning application is going to be refused it will be withdrawn. The figures in the reply to the Notice of Motion put in perspective how difficult it is to get planning. 1,679 applicants (applications refused + applications withdrawn) did not get planning in 2007. The majority of these cases are family members. There is a refusal rate of 34% in 2007-2008. Family members are not being facilitated as much as possible. 576 applications have been refused/withdrawn so far this year. She asked the Planning Authority to consider what steps can be taken to accommodate people that are deserving of planning, especially family members.

Mr. P. Stack, Acting Director of Planning, said in 2007 Kerry County Council granted over 1,000 one-off houses in the county. This figure does not include houses granted in villages and is equivalent to a 3,000 population growth. In one-off houses the Local Authority provided for three times the population growth. Regarding family members, the Planning Authority works with applicants where the case is genuine in the context of their landholding to find the correct site within that holding. There is a high percentage of withdrawal of applications. The application should be left progress through the system as this the applicant/elected member to see the planner's report for three days after the decision issues. If the issues in the decision are addressed there may be a grant in the next application.

Cllr. A. McEllistrim said there should be a process whereby if family members are refused planning that the application can be reviewed to see how the applicant can be accommodated in the next application.

## **17. Water Charges for Community Centres**

### **Pursuant to Notice duly given, Cllr. P. O'Donoghue PROPOSED:-**

“That Kerry County Council reinstate the policy where a 50% reduction in water charges was given to community centres and sports centres throughout the county and which policy was changed without reference to the Members when meters were installed in the community centres throughout the county.”

The following report was issued:

**The National Water Pricing Policy Framework requires the charging of non-domestic customers of water and waste water services according to usage and the recovery of the full costs of providing such services to their customers. The Department of Environment, Heritage and Local Government has set out that, in accordance with the EU Water Framework Directive, all non-domestic users must pay for water used.**

**Having regard to the nationally determined position, it is no longer valid for the Council to continue its past approach in this matter and henceforth, the council must charge according to metered usage. The Council is open to consider settlement in individual community centre instances where particularly difficult financial circumstances can be demonstrated.**

**In the past, it has been indicated to the Elected Council that our then existing arrangements applied pending clarification of National Policy and that clarification was issued earlier this year. It will be recalled that the Government made a specific decision earlier this year granting specified transitional**

**arrangements for fixed charges on water services to schools pending the changeover to metered charging.**

Cllr. P. O'Donoghue the Local Authority had committed to make a gesture to these groups, i.e. 50% reduction in water charges. This commitment has been withdrawn. The elected members did not make this decision. He said he has been made aware of letters issued from Kerry County Council on this matter. He requested that Kerry County Council re-instate the policy of a 50% reduction in water charges for Sports Clubs and Community Centres.

Mr. J. O'Connor, Deputy County Manager, said that Kerry County Council will consider cases where particular difficulties are being experienced. Such cases will be considered on an individual basis.

## **18. Cleaning of Public Toilets**

**Pursuant to Notice duly given, Cllr. J. Sheahan PROPOSED:-**

**"That Kerry County Council ensure that public toilets in our Town Parks and Beaches are modernised to current day standards and that hygiene levels are maintained to the highest standards."**

The following report was issued:

**There are 20 'permanent' public conveniences in the care of the Council. These are located at An Daingean, Ballinskelligs, Ballybunion North and South, Ballyheigue, Banna, Caherciveen, Castleisland (new), Fenit, Gap of Dunloe, Kenmare, Killorglin (new), Knightstown, Portmagee, Rossbeigh, Scraggane Pier, Sneem, Tarbert, Waterville and White Strand Caherciveen.**

**There are 9 'mobile' public conveniences in the care of the Council. These are sited at An Daingean, Ceann Trá, Inch, Castlegregory, Cromane (replaced in 2007), Kells, Maharees (replaced in 2007), Rossbeigh, and Staigue Fort (replaced in 2006).**

**The majority of these facilities are of a reasonably good standard, and others such as Kenmare and An Daingean are listed for replacement.**

**The acquisition of a suitable site can often be extremely difficult.**

**There is also a list of 13 other locations for which it is an objective to provide public toilets, subject to the availability of finance, in the County Development Plan.**

**Provision to meet loan charges, associated with the ongoing improvement works/development works of existing and proposed public toilets, is annually made in the Council's budget.**

**There is also an annual budget of circa €500,000 allocated to meet the cost of Caretakers' wages, community organisations' caretaking and general maintenance of the public conveniences.**

**It is the aim of the Council that hygiene levels are kept to the highest standards by the Caretakers with the co-operation of the public in these facilities**

Cllr. J. Sheahan complimented the Council on the public toilet facilities in Killarney Town. Similar facilities should be provided in other town and villages. He referred to concerns from parents about the standard of hygiene in public toilets. People were blocking up drains with toilet paper and letting the taps running in the public toilets. He called on the Council to put measures in place where the hygiene levels at public toilets would be raised and maintained.

**19. Dedicated Stroke Unit in Kerry General Hospital**

**Pursuant to Notice duly given, Cllr. M. Gleeson PROPOSED:-**

“That this Council would re-affirm its previous call to the HSE to establish a dedicated Stroke Treatment Unit, with appropriate medical personnel, in Kerry General Hospital.”

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

Cllr. M. Gleeson said a stroke can have devastating effects on a person. Paralysis of one side and speech problems can occur. A stroke can be fatal. Specialist stroke units would save between 350-500 lives. These units would minimise the level of long term damage if a person is treated within three hours of the attack.

Cllr. J. Sheahan supported the motion.

Mayor Fleming supported the motion.

Cllr. P. O’Donoghue supported motion and said it should be referred to the relevant Ministers and the HSE in Cork.

**20. Local Driving Licence**

**Pursuant to Notice duly given, Cllr. S. Fitzgerald PROPOSED:-**

“To ask the Minister for the Environment to introduce a local licence for young people or indeed mature drivers of motor cars whose only intent is to drive locally?”

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

Cllr. S. Fitzgerald said the Irish licence is based on driving on EU Roads. A local licence would be for use by people who want to drive locally only. Drivers would be familiar with their own roads. The system which has been introduced excludes many people. The local licence could be limited to people driving within a certain mile radius.

Mayor Fleming seconded this motion.

Cllr. B. MacGearailt said if a person is on a provisional licence for 5 to 10 years and is accident free, they should be automatically upgraded to a full licence.

Cllr. D. Healy-Rae supported the motion. Young people and elderly drivers are affected by the new legislation. It is unfair to confine these people to home. There independence is being taken away.

Mayor Fleming asked that the motions be referred to the relevant Ministerial Departments.



**23. Play Areas within Council Housing Estates**

**Pursuant to Notice duly given, Cllr. M. O'Shea PROPOSED:-**

"To ask Kerry County Council Housing Department what their Policy is in relation to creating play areas within Council Housing Estates."

The following report was issued:

**The Housing Department provide the normal green areas within local authority estates which are used by children as a play area. The new Local Area Plans have identified areas suitable for the provision of community playgrounds. Kerry County Council has a play policy "Developing Play in Kerry" and providing a project complies with the criteria set out in the Play Policy, a community can apply to the Local Authority for insurance cover. If they are successful, the playground area will be operated directly under the control and management of Kerry County Council. A guideline booklet called "Ag Spraoi" has also been produced to help community groups develop playground areas.**

**25. District Electoral Division (DED) System**

**Pursuant to Notice duly given, Cllr. J. O'Connor PROPOSED:-**

"That the System that exists at present of town lands being grouped to make up a DED which is based on the old barony system of the old feudalistic landlord ownership be reviewed and changed where necessary. This would ensure that the data collected in the census is more appropriate and relevant to individual towns and to policy makers in the future."

The following report was issued:

**There is at this stage in the country extensive census records based on the DED system which are extremely important for tracking current and future population changes and trends. It is unlikely that the existing system will be changed. This is ultimately an issue for the Department of Environment, Heritage and Local Government and any Electoral Commission setup under the remit of the Minister.**

Cllr. J. O'Connor said the present census records are based on the old feudalistic landlord ownership. To extrapolate figures from the census this must be taken into account. This system should be reconsidered. The Electoral Commission only had the DED figures for consideration. He asked the members to support a review of the DED figures.

Mr. J.D. Flynn, Director of Corporate Services, said extensive data, based on the current system of DEDs, is available. He urged Cllr. O'Connor to make a submission to the Government Green Paper on this issue.

**26. Climate Change**

**Pursuant to Notice duly given, Cllr. D. Healy-Rae PROPOSED:-**

"That we the members of Kerry County Council inform our Minister for the Environment, Mr. John Gormley, that climate change and rising sea levels could not be affected by modern living as patterns and cycles of climate change occurred long before combustible engines and mechanical ways of creating energy."

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

Cllr. D. Healy-Rae said air pollution must be minimised for people to have a healthy existence. He disagreed with the belief that global warming has an effect on the weather. Over the centuries there have been many different patterns of climate change. While change can be made for the betterment of addressing air pollution in the larger towns it will not have an influence on the weather.

Cllr. M. Gleeson said Cllr. D. Healy-Rae was correct to say climate change has happened historically. Natural events are still happening, e.g. volcanoes. The last 50 years has seen dramatic climatic happenings. The growing season in Germany has grown by weeks. The New York Water Commissioner said water services are experiencing very real effects of climate change. The elderly and immobile face difficulties because of changes in the climate. While people may question that these events are happening naturally, people in science are convinced that the burning of fossil fuels and excess CO<sub>2</sub> emissions are a problem for our world. There is a need to take corrective action.

Cllr. B. MacGearailt agreed with the sentiments expressed by Cllr. M. Gleeson.

**28. Road from Fossa Cross to the Gap Cross, Beaufort**

**Pursuant to Notice duly given, Cllr. M. Connor-Scarteen PROPOSED:-**

“That the Council urgently request the Department of Transport to give priority in funding the road from Fossa Cross to the Gap Cross, Beaufort, Co. Kerry, in 2009 as this road is very narrow and has many dangerous bends.”

The following report was issued:

**This road between Fossa Cross and the Gap Cross is a Local Primary Route (L-4040). Significant funding would be required to undertake widening works along this road and the grant heading applicable would be the EU Co-Financed Specific Improvement Grant. The Department of Transport has indicated that the improvement of Regional Roads will remain a priority under this grant for the foreseeable future. This proposal will however be discussed with the Department Inspectorate in due course.**

**29. Burial Ground for Cromane**

**Pursuant to Notice duly given, Cllr. M. Cahill and Cllr. P. O'Donoghue PROPOSED:-**

“When will the people of Cromane get a burial ground of their own?”

The following report was issued:

**Two possible sites have been identified and pursued. One of these has recently been withdrawn from the market for family reasons. A second two-acre site is the subject of negotiation between the landowner and the Council.**

**Auctioneers in the district have also been informed of the Council's search for a suitable site.**

**30. Dicksgrove Central Creamery Store**

**Pursuant to Notice duly given, Cllr. B. Cronin and Cllr. T. Fleming PROPOSED:-**

“That this Council acknowledge the importance of Dicksgrove Central Creamery

Store and its immense value to the local farming community and Currow Village over many generations and that now as a result of Kerry Group's relocation that they reciprocate the years of goodwill and support, and reinvest in the community of Currow and its milk suppliers who were a crucial part of Kerry Group's original success.”

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

Mayor Fleming requested that this matter be referred to Kerry Group for consideration.

**31. Applications for Replacement Teak Windows**

**Pursuant to Notice duly given, Cllr. D. Healy-Rae and Cllr. M. Healy-Rae PROPOSED:-**

“That Kerry County Council Housing Section change their current policy of refusing point blank any applications for replacing teak windows under the Grants for the Elderly Scheme.”

The following report was issued:

**The Scheme of Housing Aid for Older People is to assist older people living in poor housing conditions to have necessary repairs carried out. All properties are inspected by the council's technical staff and an estimate of the cost of the necessary works is completed and an allocation is based on that estimate. Due to funding constraints, we are not in a position to replace single glazed windows with double glazed unless the original windows are in absolute need of replacement and the person can be considered as living in poor housing conditions.**

**32. Rose of Tralee Festival 2008**

**Pursuant to Notice duly given, Cllr. J. Brassil and Cllr. T. O'Brien PROPOSED:-**

“That Kerry County Council and the people of Kerry would give their full support to the Rose of Tralee Festival 2008.”

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

Cllr. J. Brassil said over the last number of years the Rose of Tralee festival has reformed itself under the stewardship of Mr. Anthony O'Gara. There is a perception that the festival is about the Rose of Tralee competition but there are a number of other activities in Tralee. Many family events and entertainments are organised. The people of Kerry must actively promote the festival. The Rose of Tralee festival will be celebrating 50 years in 2009. Work must be done to bring the festival back to being a premier festival of the county.

Cllr. T. O'Brien said three or four festivals have died in the county already this year. The Rose of Tralee festival must be supported. The festival is about more than the TV programme. The Irish Wheelchair Association is involved in fundraising events over the festival.

**08.07.21.17 Correspondence – Conferences and Seminars**

***Retrospective Approval for Conferences held in 2007***

- a) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. P. O'Donoghue, it was agreed to authorise the attendance of Cllr. M. Connor-Scarteen at the 'Kerry Let's Do Business' Conference held in Dublin on 23<sup>rd</sup> January, 2007.
- b) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Cllr. M. Connor-Scarteen at the Parnell Summer School held in Rathdrum in August, 2007.
- c) On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Cllr. M. Connor-Scarteen at the Humbert Summer School held in Ballina in August, 2007.
- d) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. B. MacGearailt, it was agreed to authorise the attendance of Cllr. M. Connor-Scarteen at the Department of Health Alcohol Abuse Conference held in Croke Park on 3<sup>rd</sup> December, 2007.
- e) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. B. MacGearailt, it was agreed to authorise the attendance of Cllr. J. O'Connor at the LAMA Conference held in Killarney in April, 2007.
- f) On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Cllr. S. Fitzgerald at the "Last Call for Rural Planning" Conference held in Killarney in April, 2007.
- g) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Cllr. B. MacGearailt at the Association of Irish Regions 10<sup>th</sup> Annual Conference on the theme "The Challenge of Climate Change for the Island of Ireland" held on 19<sup>th</sup> October, 2007.

***Approval for Conferences - 2008***

- a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. O'Shea, it was agreed to authorise the attendance of Cllrs. B. O'Connell, C. Miller, T. Buckley, B. Cronin, L. Purtill, N. Foley, P. McCarthy, T. Fitzgerald, A. McEllistrim, T. O'Brien, D. Healy-Rae, T. Fleming, P. O'Donoghue and M. Connor-Scarteen at the Parnell Summer School to be held in Co. Wicklow from 10<sup>th</sup>-15<sup>th</sup> August, 2008.

Cllr. C. Miller was nominated to report to Council on this conference.

- b) On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. M. O'Shea, it was agreed to authorise the attendance of Cllrs. B. O'Connell, C. Miller, B. Cronin, T. Ferris, J. Brassil, N. Foley, P. McCarthy, T. O'Brien, D. Healy-Rae, T. Fleming and M. Connor-Scarteen at the Humbert Summer School to be held in Co. Mayo from 21<sup>st</sup>-24<sup>th</sup> August, 2008.

Cllr. T. Ferris was nominated to report to Council on this conference.

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- c) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. O'Shea, it was agreed to authorise the attendance of Cllrs. C. Miller, B. Cronin, J. Brassil, P. McCarthy, T. O'Brien, D. Healy-Rae, T. Fleming and P. O'Donoghue at the AMAI Annual Conference to be held in Co. Sligo from 10<sup>th</sup>-13<sup>th</sup> September, 2008.

Cllr. J. Brassil was nominated to report to Council on this conference.

- d) On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Cllrs. A. McEllistrim, D. Healy-Rae, T. Fleming, B. MacGearailt, M. O'Shea and P. McCarthy at the Annual Conference of the Society for Folklore Studies to be held in Killarney from 18<sup>th</sup>-21<sup>st</sup> September, 2008.

Cllr. A. McEllistrim was nominated to report to Council on this conference.

- e) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. M. O'Shea, it was agreed to authorise the attendance of Cllrs. C. Miller, T. Fitzgerald, T. Fleming and B. MacGearailt at the National Advisory Council Conference on the theme "Valuing our Waters" to be held in Kilkenny on 18<sup>th</sup> September, 2008.

Cllr. T. Fitzgerald was nominated to report to Council on this conference.

- f) On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. P. O'Donoghue, it was agreed to authorise the attendance of Mayor T. Fleming at the tenth anniversary of the inauguration of the Island of Ireland Peace Park to be held in Belgium from 9<sup>th</sup>-13<sup>th</sup> November, 2008.

- g) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. B. MacGearailt, it was agreed to authorise the attendance of Mayor T. Fleming at the launch of the O<sub>2</sub> Ability Awards - The Story So Far held in Dublin on 26<sup>th</sup> June, 2008.

- h) On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Mayor T. Fleming at the Awards Ceremony for Ireland's Best Kept Town Competition held in Belfast on Tuesday, 1<sup>st</sup> July, 2008.

- i) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. B. MacGearailt, it was agreed to authorise the attendance of Mayor T. Fleming at the John Hewitt International Summer School to be held in Armagh from 28<sup>th</sup> July-1<sup>st</sup> August, 2008.

- h) On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Mayor T. Fleming at the Magill Summer School held in Glenties, Donegal, from 12<sup>th</sup>-14<sup>th</sup> July, 2008.

### **08.07.21.18 Correspondence General**

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

1. Letter dated 17<sup>th</sup> June, 2008 from Health Service Executive - South regarding the staggering of appointments in Kerry General Hospital.

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2. Letter dated 24<sup>th</sup> June, 2008, from the Department of Environment, Heritage and Local Government regarding grants for the upgrade of existing septic tanks.
3. Letter dated 25<sup>th</sup> June, 2008 from Cllr. Michael Healy-Rae regarding courtesy visit by Ambassador of India to Ireland.
4. Report from Mr. Paul Stack, A/Director of Planning, regarding Cllr. D. Kiely's Notice of Motion No. 16 at June, 2008, Council Meeting "*How many houses constitute density in a rural area.*"
5. Letter dated 4<sup>th</sup> June, 2008 from Listowel Town Council regarding a resolution adopted by that authority to fit "peep holes" in the front door of all future housing stock for elderly and people living alone.
6. Letter dated 6<sup>th</sup> June, 2008 from Dún Laoghaire-Rathdown County Council regarding a resolution adopted by that authority regarding the introduction of "Fixed Odds Betting Terminals" in bookmaker's shops.
7. Letter dated 10<sup>th</sup> June, 2008, from Laois County Council regarding a resolution adopted by that authority calling on the Minister for Environment, Heritage and Local Government to consider a deposit on all bottles and cans which contain beer, wine and spirits and refund the deposit when the bottles and cans are presented to any store which sell them.
8. Letter dated 16<sup>th</sup> June, 2008 from Limerick County Council regarding a resolution adopted by that authority calling on the Minister for Environment, Heritage and Local Government to review the operation of Voluntary Housing Schemes by reducing the level of administration required.
9. Letter dated 23<sup>rd</sup> June, 2008 from Sligo County Council regarding a resolution adopted by that authority to fully support the continuation of the cancer campaign and call on the Government and the HSE to support the proposal that Sligo General Hospital would extend its catchment area.
10. Letter dated 27<sup>th</sup> June, 2008 from Limerick County Council regarding a resolution adopted by that authority calling on the Taoiseach and the Minister for Social and Family Affairs to further increase the fuel allowance to help alleviate the effects of recent and future price increases on the elderly.
11. Letter dated 27<sup>th</sup> June, 2008 from Offaly County Council regarding a resolution adopted by that authority calling on the Minister for Health and Children to increase the subvention payment for people in private nursing homes to reflect the current costs of patient care.
12. Letter dated 27<sup>th</sup> June 2008 from Offaly County Council regarding a resolution adopted by that authority calling on the Minister for Justice, Equality and Law Reform to disseminate the text of the UN Convention on the Rights of People with Disability and request the speedy ratification of the Convention and the optional protocols.

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13. Letter dated 1<sup>st</sup> July, 2008 from Westmeath County Council regarding a resolution adopted by that authority regarding the severe implications that the EU Directive on the Protection of Habitat Species is causing to communities by the ban on turf cutting and also requests the Minister for the Environment, Heritage and Local Government to accommodate the domestic turf cutters in these areas.
14. Letter dated 1<sup>st</sup> July, 2008, from Balbriggan Town Council regarding a motion passed to call on the Minister for the Environment, Heritage and Local Government to introduce tougher penalties for anyone caught graffiting public property.
15. Letter dated 3<sup>rd</sup> July, 2008, from Balbriggan Town Council regarding a motion passed to call on all major retailers operating in the Republic of Ireland to ensure that all goods sold in their outlets are manufactured from sources that do not abuse children.
16. Letter dated 8<sup>th</sup> July , 2008 from Sligo County Council regarding a resolution adopted by that authority rejecting the calls from Europe to re-run the Lisbon Treaty Referendum.

The meeting concluded at 4.50 p.m.

**Gerard O'Brien**  
**Acting SEO**  
**Corporate Affairs**

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**Mayor of Kerry**