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**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN  
THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY,  
20 JULY, 2009**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE  
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN  
CHONTAE, TRÁ LÍ, AR AN LUAN, 20 IÚIL, 2009**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

<b>R. Beasley</b>	<b>J. Brassil</b>	<b>T. Buckley</b>
<b>M. Cahill</b>	<b>P. Connor-Scarteen</b>	<b>B. Cronin</b>
<b>P.J. Donovan</b>	<b>T. Ferris</b>	<b>J. Finucane</b>
<b>S. Fitzgerald</b>	<b>T. Fleming</b>	<b>N. Foley</b>
<b>M. Gleeson</b>	<b>B. Griffin</b>	<b>D. Healy-Rae</b>
<b>M. Healy-Rae</b>	<b>P. Leahy</b>	<b>P. McCarthy</b>
<b>A. McEllistrim</b>	<b>M. Moloney</b>	<b>B. O'Connell</b>
<b>M. O'Shea</b>	<b>L. Purtill</b>	<b>J. Sheahan</b>
<b>A.J. Spring</b>		

**IN ATTENDANCE/I LÁTHAIR**

<b>Mr. J. O'Connor, Deputy Co. Manager</b>	<b>Mr. J.D. Flynn, Director of Corp. Servs.</b>
<b>Mr. O. Ring, Director of Water Servs</b>	<b>Mr. J. Breen, Dir. Housing &amp; Comm &amp; Ent</b>
<b>Mr. P. Stack, A/Director of Planning</b>	<b>Mr. G. MacNamara, A/Director of Roads</b>
<b>Mr. M. Boyce, A/Dir. of Env'l Servs.</b>	<b>Ms. B. Reidy, SSO Corp. Affairs</b>
<b>Mr. P. Corkery, Press &amp; Comm.</b>	<b>Mr. F. Dillon, SE Water Services</b>
<b>Ms. D. Griffin, SO Corporate Affairs</b>	<b>Ms. M. Galvin, CO Corporate Affairs</b>
<b>Ms. O. O'Shea, CO Corporate Affairs</b>	<b>Ms. K. Lynch, AO Finance</b>
<b>Ms. M. West, AO Roads</b>	<b>Mr. T. Sheehy, SE Planning</b>
<b>Mr. B. O'Connor, AO Comm &amp; Ent</b>	<b>Mr. T. O'Connor, County Librarian</b>

The meeting commenced at 10.30 a.m.

Mayor B. O'Connell took the Chair.

**09.07.20.01 Mayor's Report on CPG Meeting held on 14<sup>th</sup> July, 2009**

Mayor B. O'Connell read the following report into the record of the meeting.

**Item 1 Agenda for the July Council Meeting**

Ms. B. Reidy, SSO Corporate Services, briefed members on the agenda for the July Council meeting.

In relation to Item 3(b), Part 8s for Water Supply Schemes, Mr. O. Ring, Director of Water Services, outlined that in July, 2008, the Department of the Environment, Heritage & Local Government announced a works programme of almost €20m for RAL Schemes under the Small Schemes Programme. Kerry received approval for €9.863m of works. The DoEHLG will fund 75% of works under the RAL Works Programme, with a local contribution of €2.47m required from Kerry County Council. The construction of the Water Supply Schemes listed on the agenda is proposed as part of the RAL Works Programme.

## **July Ordinary Meeting 2009**

Mr. J. O'Connor, Deputy County Manager, said the local contribution will be funded from Development Contributions on hand.

In relation to Item 6, Design Guidelines "Building a House in Rural Kerry", Mr. P. Stack, A/Director of Planning, said this is a guidance document which was developed in house as an aid for agents, planners and the public regarding design of houses. This guidance document was produced taking particular cognisance of the terrain and landscape of Kerry and focuses on the integration of the dwelling into the site.

In relation to Item 7, Higher Education Grants Scheme 2009, Mr. J.D. Flynn, Director of Corporate Services, said approval in principle is sought from elected members to process applications for Higher Education Grants and he will revert to Council when the final Higher Education Grants scheme is received from the Department of Education.

Mr. J. O'Connor, Deputy County Manager, said the Department of Education funds the majority of the Higher Education Grants Scheme with Kerry County Council funding administration and overhead costs.

### **Item 2 To Agree Chair of the County Development Board**

The Chair of the County Development Board for the Council term 2009-2014 was agreed by the CPG members as follows:

<b>Term</b>	<b>Councillor</b>
2009 – 2010	Cllr. Arthur J. Spring
2010 – 2013	Cllr. Patrick Connor-Scarteen
2013 – 2014	Cllr. Marie Moloney

### **Item 3 Draft Revised SPC Scheme**

Mr. J.D. Flynn, Director of Corporate Services, outlined the Draft Revised SPC Scheme. He highlighted the main changes being:

- Nominations from the Environmental Sector will be sought from the Environmental Pillar through its Social Partnership co-ordinator.
- Nominations from the Community/Voluntary/Disadvantaged Sector will be obtained through the Kerry Community & Voluntary Forum in accordance with the rules of the County Register of Community & Voluntary Groups.

Following the public consultation process the Revised SPC Scheme will be considered for adoption at the September 2009 Council Meeting.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. Arthur J. Spring, it was agreed by the CPG members to commence the public consultation process for the Draft Revised SPC Scheme.

### **Item 4 Assignment of SPC Chairs**

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. P. McCarthy, the assignment of the Chairs of the Strategic Policy Committees was agreed by the CPG members as follows:

### **July Ordinary Meeting 2009**

<b>SPC Title</b>	<b>Chairperson</b>	<b>Period</b>
Environment & Water Services	Cllr. Brendan Cronin Cllr. Michael Gleeson	July, 2009 – June, 2012 June, 2012 – June, 2014
Housing & Social Support	Cllr. Arthur J. Spring Cllr. Marie Moloney	July, 2009 – June, 2012 June, 2012 – June, 2014
Economic, Planning & Development (Archaeology & Heritage)	Cllr. Pat McCarthy	July, 2009 – June, 2014
Transport SPC	Cllr. Patrick Connor-Scarteen	July, 2009 – June, 2014
Tourism, Community & Culture	Cllr. Michael Cahill Cllr. Danny Healy-Rae	July, 2009 – June, 2012 June, 2012 – June, 2014

### **Item 5 Draft Corporate Plan 2009-2014**

Mr. J.D. Flynn, Director of Corporate Services, said that in accordance with the provisions of Section 134 of the Local Government Act, 2001, Kerry County Council is obliged to prepare a Corporate Plan in consultation with the CPG. As the Corporate Plan must be adopted by Council within six months, in a local election year, from the date of the annual meeting and the SPCs will not be constituted until October, the Directors of Service will work with the Chairs of the SPCs on the preparation of the Directorate objectives. A message from the Town Mayors and details on the Town Councils will be included as appendices to the Corporate Plan. It is proposed that the Draft Corporate Plan will be considered for adoption at the November 2009 Council meeting.

### **Item 6 Update on Financial Position**

Mr. J. O'Connor, Deputy County Manager, outlined that Kerry County Council has been notified by the Department of the Environment, Heritage & Local Government of a reduction of €879,752 (3.22%) in the provisional 2009 General-Purpose Grant allocation from the Local Government Fund. The Senior Management Team has conducted a review of the financial position and the challenges facing Kerry County Council. A reduction of approximately €6m in Roads Grants was notified earlier in 2009 which is affecting the Road Works Programme and Kerry County Council will be challenged to keep its permanent road workers in full-time productive employment to year end. However, there are some carry over projects from previous years which should help with the retention of permanent road workers to year end – the situation will be kept under regular review.

Notwithstanding the reserved position taken on income for Budget 2009, Kerry County Council's income streams are under pressure. Allowing for the reduction in the Local Government Fund and reductions in income projected from other services, an adjustment of approximately €1.5m must be made across the entire range of Council expenditure for the remainder of 2009. Each Directorate has been asked to draft plans to effect this adjustment. The main driver in this adjustment will be to improve further the cost effectiveness of delivery of services rather than a reduction of core essential services. All services are being examined and all efforts will be

made to maintain standards and quality of core services. In determining the adjustment of €1.5m, income from the Non-Principal Private Residence charge has been taken into account. However, it is not possible to accurately estimate this income at this time.

**Item 7 Review of Killarney One Stop Shop**

Mr. J. O'Connor, Deputy County Manager, referred to a review which has been undertaken of the services provided in the Killarney One Stop Shop. Following this review it was concluded that there was a need to streamline services provided at the One Stop Shop in view of the changes in technology and work processes in the past 10 years since the present arrangements were introduced and greater cost-effectiveness required at this time. In this regard the following will be implemented:

**Planning Service**

- Planning service at the Killarney One Stop Shop to be discontinued with effect from early August, 2009, with appropriate notice given to the relevant agents/architects and the general public.

**Motor Taxation Service**

- A self service "motor tax on-line" kiosk will be provided in the One Stop Shop as a pilot.
- Staff in the One Stop Shop will process renewal of motor tax on-line for customers who have the necessary on-line details and their own laser/credit cards.
- Applicants with applications for drivers licences and applications which cannot be processed on-line (goods vehicles, change of ownership, new registrations, no pin number available for renewal) will be advised that their applications should be posted to HQ directly by themselves. This will provide a more timely service than is available through the present arrangements.
- Receipting of normal income streams, e.g. water charges, housing rents, rates, refuse, etc., will continue at the Killarney One Stop Shop and Killarney Area Office.

The new County Council area office for Killarney, as discussed during the Budget meetings, will come into use later this year.

**Item 8 Any Other Business**

The meeting discussed the use of mobile phones while the Council meetings are in progress and decided to recommend that the Mayor should vigorously enforce the requirement that mobile phones should be either turned off or turned to silent and that no phone calls be taken or made in the Council Chamber while meetings are in progress. This requirement is in the interests of timely and effective meetings.

**09.07.20.02 Confirmation of Minutes**

- (a) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J. Finucane, it was resolved that the Minutes of the May Ordinary Meeting of Kerry County Council held on 18<sup>th</sup> May, 2009, be confirmed.
- (b) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. N. Foley, it was resolved that the Minutes of the First Annual Meeting of Kerry County Council held on 19<sup>th</sup> June, 2009, be confirmed.

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

- (a) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. McCarthy, 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 construction of a Single Rural Cottage with the appropriate effluent treatment facilities at Garrahadoo, Killorglin.
- (b)(i) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. M. Gleeson, 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 construction of a Water Treatment Plant, associated site works and an access road for Baile Móir Water Supply Scheme.
- (ii) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. McCarthy, 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 construction of a Water Treatment Plant, associated site works and an access road for An Fheothanach Water Supply Scheme.
- (iii) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P. McCarthy, 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 construction of a Water Treatment Plant, associated site works and an access road for Aughacaslá Water Supply Scheme.
- (iv) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Foley, 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 construction of a Water Treatment Plant, associated site works and an access road for Ceann Trá Water Supply Scheme.
- (v) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. McCarthy, 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 construction of a Water Treatment Plant, associated site works and an access road for Kilgarvan Water Supply Scheme.

- (vi) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Foley, 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 construction of a Water Treatment Plant and associated site works for Annascaul Water Supply Scheme.
- (vii) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. M. 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 construction of a Water Treatment Plant and associated site works for Baile An Sceilg Water Supply Scheme.
- (viii) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. McCarthy, 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 construction of a Water Treatment Plant and associated site works for Baile Breac Water Supply Scheme.
- (ix) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. N. Foley, 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 construction of a Water Treatment Plant and associated site works for Sneem Water Supply Scheme.

#### **09.07.20.04 Takeover of Group Water Supply Schemes**

- (i) Report dated 29<sup>th</sup> June, 2009, confirming that all requirements regarding the takeover of the Mastergeeha Group Water Supply Scheme have been met was noted.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. J. Finucane, it was unanimously agreed to approve the takeover of the Mastergeeha Group Water Supply Scheme in accordance with Section 95 of the Water Services Act, 2007.

- (ii) Report dated 3<sup>rd</sup> July, 2009, confirming that all requirements regarding the takeover of the Coolbane Group Water Supply Scheme have been met was noted.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. T. Buckley, it was unanimously agreed to approve the takeover of the Coolbane Group Water Supply Scheme in accordance with Section 95 of the Water Services Act, 2007.

- (iii) Report dated 3<sup>rd</sup> July, 2009, confirming that all requirements regarding the takeover of the Carhoonahone Group Water Supply Scheme have been met was noted.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. M. Gleeson, it was unanimously agreed to approve the takeover of the Carhoonahone Group Water Supply Scheme in accordance with Section 95 of the Water Services Act, 2007.

#### **09.07.20.05 Castleisland Functional Area Local Area Plan**

Mr. J. O'Connor, Deputy County Manager, referred elected members to Draft Castleisland Functional Area Local Area Plan Volume 1 (Written Statement & Maps), Volume 2 (Strategic Environmental Assessment – Environmental Report) and Volume 3 (Habitat Directive Assessment) dated 22<sup>nd</sup> July, 2009, which had been circulated. The Draft Castleisland Functional Area Local Area Plan will be on public display from 22<sup>nd</sup> July, 2009, and the period for submissions will run from 22<sup>nd</sup> July to 23<sup>rd</sup> September, 2009. As the Manager's Report on submissions must be presented to Council before 14<sup>th</sup> October, 2009, it is proposed to hold a Special Planning meeting in October. The fixing of a date for the Special Planning meeting will be considered at the September Council Meeting.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. N. Foley, it was agreed to note the Draft Castleisland Functional Area Local Area Plan.

#### **09.07.20.06 Design Guidelines “Building a House in Rural Kerry”**

Design Guidelines “Building a House in Rural Kerry” which had been circulated were noted. The main purpose of these Design Guidelines is to guide and assist Planning Applicants, Agents and Planning officials involved in the design, location and orientation of new houses in the rural countryside of County Kerry.

Cllr. M. Healy-Rae thanked Mr. P. Stack, A/Director of Planning and the staff of the Planning Department for producing the Design Guidelines, the content of which is very useful. It should be compulsory that applicants for planning permission consult these Guidelines so there will be no time wasting for a development in a rural location when it does not comply with this document. He said he appreciated the work that went into the production of the document and it is a money saving device for young couples who want to build a house in the countryside. This document will enhance the applicant's hope of getting planning permission. This document should be promoted and Planners should refer applicants to this document. He asked if there will be charge for this document.

Mr. P. Stack, A/Director of Planning, said there will be a charge for the document to cover in-house printing costs. The document will also be available for consultation at the desk in the planning office.

Cllr. M. Healy-Rae said it would be money well spent for applicants to purchase this document. He welcomed the document and commended the staff responsible for its production and said he very much appreciated the production of this document.

Cllr. M. Gleeson welcomed the publication and provision of this document. It is a wonderful document which will guide applicants and also save money for people. It is a county-saving book also as it will help protect and enhance County Kerry.

Cllr. J. Finucane said this document will save applicants a lot of time. Agents and applicants should refer to this document before submitting plans. The production of this document is a great achievement and its circulation should be promoted. Prior to any planning application being submitted people should be aware that this document is available.

Cllr. D. Healy-Rae said he hoped that Planners will take this document into account when considering applications.

Cllr. P. McCarthy said this document is extremely informative and provides good advice on how to approach a planning application with the Planner. He appreciated the production of the document and congratulated the staff involved in its preparation.

Cllr. P. Leahy welcomed the document and complimented the staff involved in its production. He said all agents should be notified of the availability of this document.

Cllr. B. Griffin said he agreed with the comments of previous speakers and said this document is a welcome step forward. It is not the solution to all problems that exist but it is a step in the right direction. The design and layout of the document is very user-friendly. He congratulated all staff involved in the publication of the document which will be the start of further progress in resolving problems with planning in the county.

Cllr. R. Beasley welcomed the Design Guidelines document and congratulated the staff involved in its production. The Design Guidelines will help applicants seeking planning permission and Planners.

Cllr. L. Purtill also welcomed the document and congratulated the staff involved in its production. He said it is a wonderful document which will be very useful.

Cllr. A. McEllistram welcomed the Design Guidelines and she recommended that applicants discuss the design of the house at pre-planning stage and resolving any issues at that stage.

Cllr. M. Moloney said as a newly elected councillor this document is very helpful. She suggested that when people request a planning application pack a note be attached advising that this document is available and the cost of same.

Cllr. A.J. Spring said the planning application form should have a box to be ticked to indicate that applicants are aware of the Design Guidelines document. He said the start of the document highlights difficulties but does not give solutions. This area should be reconsidered.



### **09.07.20.07 Higher Education Grants Scheme 2009**

Mr. J.D. Flynn, Director of Corporate Services, referred elected members to report dated 13<sup>th</sup> July, 2009, regarding the Higher Education Grant Scheme 2009. The Higher Education Grant Scheme for 2009 has not yet been received from the Department of Education and Science, even though the application forms are available. The approval of elected members is sought to allow grant applications to be assessed based on the Higher Education Grants Scheme 2009 once the scheme is received and for the scheme to be circulated to applicants on request. When the scheme is received a copy will be forwarded to elected members for information. The Higher Education Grant Scheme 2009 will be included on the Agenda for the September Meeting for formal approval.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr .M. Moloney approval was granted to allow for Higher Education Grant Applications to be assessed based on the Higher Education Grant Scheme 2009 once the scheme is received and for the scheme to be circulated to applicants on request.

### **09.07.20.08 Nomination to the Board of Kerry Airport plc.**

Ms. B. Reidy, SSO Corporate Affairs, said the nomination of an elected member to the board of Kerry Airport plc is arising from the resignation of Cllr. B. Cronin from the board of Kerry Airport plc.

On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. J. Finucane, it was unanimously agreed that Cllr. B. Griffin be Kerry County Council's nominee to the Board of Kerry Airport plc.

Mayor O'Connell declared Cllr. B. Griffin to be Kerry County Council's nominee to the Board of Kerry Airport plc.<sup>1</sup>

### **09.07.20.09 Appointment of external members to the Audit Committee**

Mr. J. O'Connor, Deputy County Manager, referred elected members to report dated 13<sup>th</sup> July, 2009, regarding the Kerry County Council Audit Committee and attached Audit Committee Charter. In accordance with the Charter the Audit Committee is to consist of:

- (1) 2 (at most) serving or retired councillors (i.e. a former councillor no longer holding an elected position at national or local level) and
- (2) 3 external members approved by the Council on the nomination of the Manager following consultation with the Mayor, one of whom, at least, must have relevant financial management/audit expertise.

Cllr. L. Purtill and Cllr. A.J. Spring were appointed by Council at the Annual Meeting of Kerry County Council held on 19<sup>th</sup> June, 2009, to fill the membership at (1) above. Following consultation with the Mayor, Cllr. Bobby O'Connell, the Manager's nominees for the membership mentioned at (2) above are:

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<sup>1</sup> Refer to Page 37 for amendment to resolution regarding nomination to the Board of Kerry Airport plc.

(Membership withheld for Data Protection purposes)

Both (Name withheld for Data Protection purposes) and (Name withheld for Data Protection purposes) have relevant financial management/audit experience. The three persons nominated were members of the 2007-2009 Audit Committee and are agreeable to continue for a further term. The approval of Council is sought to the Manager's nominees as set out.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. L. Purtill, the Manager's nominees - (Membership withheld for Data Protection purposes) - were approved.

#### **09.07.20.10 Kerry Local Authority Report for 2008 on National Service Indicators**

Mr. J.D. Flynn, Director of Corporate Services, referred elected members to report dated 9<sup>th</sup> July, 2009, which was circulated. He outlined that Service Indicators, as a wide ranging measurement of performance in Local Authorities, have been in place since 2004. It is important to note that the Service Indicators only form part of the evaluation of Local Authority activities and services. The Annual Report and the Budget Report also form an important part of the Local Authority's reporting on activities, services and performance.

Due to an increase in the number of Service Indicators (42 no. to 46 no.) and changes in some of the methodology for 2008 it does not allow for a comparison to be made with some of the Service Indicators which were reported on during 2005 – 2007. These changes (both inclusions and exclusions) took place mainly in: Arts and Culture, Environment, Housing, Library Service, Motor Taxation, Planning and Revenue Collection. The Service Indicators in general reflect well on the Kerry Local Authorities ongoing efforts to improve their performance. However, the Service Indicators Return has highlighted a number of areas where closer examination of the trends developing in 2008 will need careful monitoring, e.g. Litter Prevention and Environmental Enforcement, Planning and Building Control, Planning Enforcement and Revenue Collection.

#### **09.07.20.11 Dates for the next round of Electoral Area Meetings**

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>
Tralee	Monday, 14 <sup>th</sup> September 2009	Council Chambers	10.40 a.m.
Killarney	Tuesday, 15 <sup>th</sup> September 2009	Town Hall, Killarney	10.00 a.m.
An Daingean	Wednesday, 23 <sup>rd</sup> September 2009	Killorglin Golf Club	10.30 a.m.

<b>Area</b>	<b>Date</b>	<b>Venue</b>	<b>Time</b>
Listowel	Monday, 28 <sup>th</sup> September 2009	Áras an Phiarsaigh	10.00 a.m.
Killorglin	Friday, 2 <sup>nd</sup> October 2009	Kenmare	10.00 a.m.

#### **09.07.20.12 Opening of Tenders**

- (a) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P. McCarthy, it was agreed to approve the opening of tenders for Supply of Chlorine Analysers & Alarms for Water Services – Closing date: 22<sup>nd</sup> July, 2009, at 4.00 p.m.
- (b) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P. McCarthy, it was agreed to approve the opening of tenders for Upgrading of Water Treatment Facilities on the Mid-Kerry Water Supply Scheme – Closing date: 29<sup>th</sup> July, 2009, at 4.00 p.m.
- (c) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. J. Finucane, it was agreed to approve the opening of tenders for Supply Engineering and Clay bricks for Water Services – Closing Date: 5<sup>th</sup> August, 2009, at 4.00 p.m.
- (d) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of tenders for Supply of Filter Sand for Water Services – Closing Date: 5<sup>th</sup> August, 2009, at 4.00 p.m.
- (e) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the opening of tenders for Supply Water Treatment & Storage Tanks for Water Services – Closing Date: 26<sup>th</sup> August, 2009, at 4.00 p.m.
- (f) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. D. Healy-Rae, it was agreed to approve the opening of tenders for Ballingar Bridge Replacement, Lixnaw, Co. Kerry – Closing date: 17<sup>th</sup> July, 2009, at 4.00 p.m.
- (g) On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. P. McCarthy, it was agreed to approve the opening of tenders for any Tenders that may arise up to the September, 2009, Council meeting.

#### **09.07.20.13 Opening of Tenders approved at the May, 2009, Council Meeting**

- (a) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. J. Finucane, it was agreed to note the opening of tenders for Tralee Traffic & Transportation Study – Brief for Engagement of Consulting Engineer – Closing date: 26<sup>th</sup> June, 2009 at 12.00 noon.
- (b) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. M. Healy-Rae, it was agreed to note the opening of tenders for Removal of Leachate from North Kerry Landfill to Tralee Wastewater Treatment Plant – Closing date: 3<sup>rd</sup> July, 2009, at 3.00 p.m.

#### **09.07.20.14 Reception of Deputations**

##### **Residents of Mountain View, Kilcummin**

Cllr. M. Moloney requested that a deputation be received from the Residents of Mountain View, Kilcummin, regarding completion of the estate. On the PROPOSAL

of Cllr. M. Moloney, SECONDED by Cllr. M. Gleeson, it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

**Residents of Fenit Island**

Cllr. J. Finucane requested that a deputation be received from the Residents of Fenit Island regarding issues relating to the Island. On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Foley, it was agreed that this deputation would be received at the next Tralee Electoral Area Meeting.

**Residents of Scarteen Park, Kenmare**

Cllr. M. Healy-Rae requested that a deputation be received from the Residents of Scarteen Park, Kenmare, regarding issues concerning the estate. On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen, it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

**Chomharthaí Ilteangacha/Multilingual Signs**

Tugadh amach tuairisc ó 20 Iúil, 2009, ó Roibeard Ó hEartáin, Oifigeach Gaeilge, mar seo leanas: Crochfar 2 chomhartha ilteangach **‘Fáilte go dtí an Ghaeltacht – Slán Abhaile’** ar na bóithre go Gaeltacht Chorca Dhuibhne, Abhainn a’ Scáil agus An Chonair, sna seachtainí romhainn. Táid ar an stíl céanna le comharthaí ‘Fáilte go Ciarraí’ ach maoinithe ag Oifig na Gaeilge (Seirbhísí Corparáideacha) agus Údarás na Gaeltachta, le Roinn na mBóithre ag clúdach an chostais chun iad a chrochadh. Cabhraíonn an obair seo le cuspóirí SG 9-3, SG-54 agus SG-55 de Phlean Forbartha an Chontae a chomhlíonadh, sé sin...

**SG 9-3 Oidhreacht theangeolaíoch agus chultúrtha na gceantar Gaeltachta a chosaint agus an Ghaeilge a chur chun cinn mar theanga pobail.**

**SG 9-54 Comhoibriú le hÚdarás na Gaeltachta.**

**SG 9-55 Gníomhaíochtaí turasóireachta sa Ghaeltacht a fhorbairt.**

Report dated 20<sup>th</sup> July, 2009, from Roibeard Ó hEartáin, Oifigeach Gaeilge, was circulated which outlined that two new **‘Fáilte go dtí an Ghaeltacht - Slán Abhaile’** multilingual signs will be erected on the Annascaul and Conor Pass roads into the West Kerry Gaeltacht in the coming weeks. Based on the same style as our ‘Welcome to Kerry’ signs, these new signs have been co-funded by Oifig na Gaeilge (Corporate Services) and Údarás na Gaeltachta, with the Roads Department funding the erection of the signs. This work will help to fulfil objectives SG 9-3, SG-54 and SG-55 of the County Development Plan, i.e.

**SG 9-3 Protect the linguistic and cultural heritage of the Gaeltacht areas and promote Irish as the community language.**

**SG 9-54 Co-operate with Údarás na Gaeltachta.**

**SG 9-55 Promote the development of tourism activities in the Gaeltacht.**

**09.07.20.15 Notices of Motion**

**1 Child Benefit Payments**

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

"That this Council calls on the Government to stop the absolutely ridiculous system of our taxpayers paying out at present over €20m a year in child benefit

payments for children who don't or have never lived in our State. The bill for 2009 is expected to reach €40m."

**Ms. B. Reidy, SSO, said this is a matter for consideration by the members.**

Cllr. M. Healy-Rae said a situation cannot arise where people who have a genuine need cannot be facilitated. He said it does not make sense that child benefit payments are being made for children who do not live and have never lived in the state especially taking into consideration the current economic climate. It is incomprehensible that people living here are claiming child benefit payments for children who are not living in this country. Payment of child benefits is acceptable if the children are living in this country. Paying benefits for children living in another country is an example of the wasteful practices which have grown in Ireland's society over the last number of years. This is a means of spending that is spiralling out of control and at a time when costs must be kept down, this situation cannot be allowed to continue. Conservative estimates indicate that these payments could total €40m this year. The payment of this type of benefit should be followed up. He questioned how much miss-use of other benefits is occurring.

Cllr. D. Healy-Rae **SECONDED** this motion. If children are living in another country there must be another parent with them in that country. They may be claiming children's allowance in that country also and receiving double payment.

## **2 Dental Treatment for Medical Card Holders**

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

"That this Council calls on the HSE/Department of Health and the Irish Dental Association to resolve the long-standing impasse which has resulted in many dentists declining to treat Medical Card holders who have legal entitlement to dental care."

**Ms. B. Reidy, SSO, said this is a matter for consideration by the members.**

Cllr. M. Gleeson declared that in terms of Ethics Legislation he wished to state that he has a brother who is a dentist. The Dental Treatment Scheme covers 30% of adults. For the last 3 years this scheme has been a source of conflict between dentists and the Department of Health. The Department of Health is an arm of Government and acts and speaks on behalf of Government. The Department has been using the Competitions Act not to negotiate with the dentists. There is a scheme in existence by the HSE but it cannot be made universally functional because the Government says the Competitions Act precludes the scheme. An Act introduced by Government for the benefit of people should be implemented as people who have a legal entitlement to dental care cannot avail of it because of Government miss-use of the Competitions Act. As a result, those most in need are suffering hardship. Common sense should prevail and the HSE and Government should work together.

Cllr. T. Buckley **SECONDED** this motion.

**3 Medical Card Centre**

**Pursuant to Notice duly given, Cllr. R. Beasley PROPOSED:-**

"That we the Members of Kerry County Council do everything in our power to ensure that the Medical Card Centre for the County remains in the County."

**The following report issued:**

**A similar motion was moved by Cllr. J. O'Connor at the April, 2009, Council Meeting. The following reply has been received from the HSE regarding this matter:**



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

PCCC Directorate North Cork  
Local Health Office  
Gouldshill House  
Mallow  
Co. Cork  
Tel. 022-30248  
Fax. 022-30201

RDR/09/0437

Your Ref: DG/ APR 09/05

09 June 2009

Mr. Gerard O'Brien,  
A/ Senior Executive Officer,  
Corporate Affairs,  
Kerry County Council,  
County Buildings,  
Tralee,  
Co. Kerry.

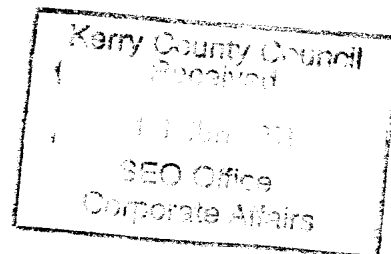
**Re: Resolution regarding centralisation of HSE Schemes**

Dear Mr. O'Brien,

I refer to your letter of representation to Mr. Ger Crowley, Director of the Regional Health Office South and the resolution requested by Kerry County Council Members:-

**"That Kerry County Council expresses its strong opposition to the centralisation of the various HSE schemes and their relocation outside the County. Not only will this development lose jobs in the County but most importantly it will increase the distance between Health Service Officials and member of the public thereby making it easier for health officials to view people as numbers only and treat them accordingly in a stultifying bureaucracy"**

In the context of the HSE's approach to ensuring value for money and greater efficiency in the delivery of services, certain services have been prioritized with respect to administering them, where appropriate, on a national basis.



### **1.0 Schemes transferring to Primary Care Reimbursement Schemes (PCRS)**

The yearly expenditure on Demand Led Schemes (DLS) needs to be managed more effectively and consistently from a national perspective. The core business of Primary Care, as a national shared service, is the processing and payment of claims, verification of the accuracy and reasonableness of these claims and the publication of statistical information in relation to all claims paid. The decision to centralise certain schemes has been taken in the context of achieving efficiencies in business practices that can realise savings in the current challenging economic environment. The national approach will ensure a structure that is practical, consistent with application of eligibility criteria across the 32 LHO areas.

#### **Medical Card Scheme**

Under the HSE 2009 Service Plan it has been agreed that the processing of medical card applications will be centralised and will transfer to the Primary Care Reimbursement Service (PCRS). This will optimize the efficiency and effectiveness of the scheme, ensuring economies of scale through the provision of high volume transactional services to clients and contractors in a consistent and repeatable way.

Medical cards are presently processed in the 32 local health areas. There are no plans to close any of the local offices that currently process medical card applications, however, the process will involve a reassignment of existing human resources within the Health Service Executive. The HSE is working through a formal process with the Unions and at this stage we are not in a position to confirm either timescales or number of staff for the centralized or local service.

As outlined the decision to centralize all medical card processing is in the context of the requirement to make efficiencies in business practices, that can realize savings in this challenging economic environment and, to provide a modern service with the ability to deliver services for the public within sustainable levels of expenditure. While the applications for medical cards in the over 70 age group have been centralised it is not possible to confirm timescales for the centralization of the under 70 medical card applications.

The proposed changes will enhance service delivery to the client population. There will be no negative impact on patient care or the quality of service provided. At all times a person will be able to seek advice from his/her Local Health Office, who will also deal with queries of a general nature about the medical card scheme. Local Health Offices will continue to provide any necessary supports to any person making an application and, will handle enquiries from clients in respect of their medical card entitlements, including assisting them in the completion of their application and advising them of their entitlements.

Other schemes such as **Long Term Illness, Drug Payment Scheme and Hardship Medicines** may transfer to PCRS at a later date, however no details on their transfer has been decided.



**2.0 Schemes Transferring to Department of Social & Family Affairs.**

The government made a decision to transfer responsibility for certain schemes currently administered by the HSE to the Department of Social & Family Affairs (DSFA).

**Domiciliary Care Allowance**

Since the 1<sup>st</sup> April 2009 all new applications for the Domiciliary Care Allowance Scheme have been transferred to the DSFA. From the 1<sup>st</sup> September 2009 the DSFA will also assume responsibility for the eligible cohort of recipients in payment at that date.

Both the DSFA website and the HSE website have now been altered so that members of the public can access the most up to date information directly from either or both.

Forms for DCA can be obtained by:

- a. calling Lo-call number 1 890 500 000
- b. texting "Form DCA" followed by the applicants name and address to 51909 (Republic of Ireland, only). Standard text rates apply
- c. contacting local social welfare offices or citizens information centres.
- d. logging onto the DSFA website [www.welfare.ie](http://www.welfare.ie)

**Infectious Diseases Maintenance Allowance**

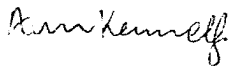
The Infectious Diseases Maintenance Allowance (IDMA) is a means tested payment currently made by the Health Service Executive (HSE) to people over the age of 16 who are suffering from tuberculosis or certain other infectious diseases. Only a small number of clients are in receipt of the IDMA. As the majority of clients are already awaiting a DSFA payment, these Infectious Disease Maintenance Allowance claims will be transferred to the DSFA. Timelines to be decided following discussions with staff and trade union officials.

Other allowances such as **Mobility Allowance, Blind Welfare Allowance** and **Respite Care Grants** will be reviewed in time and I am not aware of any current plans for their transfer. I am aware that Legislation contained in the Social Welfare and Pensions Act 2008 does provide for their transfer.

All proposals to centralise services will follow detailed discussions with staff, trade unions and relevant representative organisations.

Thank you for your interest in this matter.

Yours sincerely,



**Ann Kennelly,  
Local Health Manager  
North Cork PCCC Directorate  
[Ann.Kennelly1@hse.ie](mailto:Ann.Kennelly1@hse.ie)**

Cllr. R. Beasley said if the Medical Card Centre is moved from Tralee to a central location it will create difficulties for applicants. There may be a need to do a u-turn on this proposal. He called for the Medical Card service to be maintained in Kerry.

Cllr. J. Finucane SECONDED this motion. It is proposed that the administration of the new applications will be centralised to Dublin and this service could be out-sourced to a private company. There was a Government policy to decentralise and now they are talking about centralising. Administration issues for this service must be addressed.

#### **4 Rezoning of lands at Moanmore, Castleisland**

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

"That the Elected Members of this Council change the current industrial zoning of 3.2 acres of lands outlined in red on the attached map at Moanmore, Castleisland to retail in order to facilitate the development of a retail outlet at this location. Kerry County Council Planning Department have set a precedent for retail development on two sites directly across from this proposed site in Castleisland".

(Map withheld for Data Protection purposes)

**The following report issued:**

**The Planning Policy Section of Kerry County Council are currently reviewing the Castleisland Functional Area Local Area Plan which includes the town of Castleisland. This plan will address the land use and zoning policies for the settlement and outline the long-term strategy for the development of the town. It is not appropriate to consider individual rezoning proposals in isolation from the overall strategy for the town. It is intended that the plan will go on public display in July 2009 and the public will have the opportunity to make submissions for a six week period.**

Cllr. B. Cronin PROPOSED the changing of the existing industrial zoning of 3.2 acres of lands at Moanmore, Castleisland (on map submitted with Notice of Motion) to retail zoning. This site was the subject of a recent planning application, 08/2151 for a 1,358 sq.m. ground floor retail unit with 546 sq.m. first floor office space, 168 no. car park, lighting, signage, recycling area, delivery area, landscaping and boundary treatments, access provisions and associated ancillary site works which was refused planning by Kerry County Council as it would materially contravene the County Development Plan. He said his proposal is made on the best possible planning grounds:-

1. Road network is ideal - Castleisland to Tralee Road. The site is just inside the access to the new Castleisland By-Pass. The existing road is in good condition – dead straight – inside 30 mph limit and location is very close to the town centre.
2. Visibility – two-storey development similar to existing development – no objection to existing development. 08-2151 planning application refers.
3. Need – Castleisland and the area in general is in need of this type of retail development in a proper location. The development has huge employment potential both in construction and when operational with 80 to 90 jobs.

4. Precedent – this proposal is directly in line and following the two recent material contraventions brought before elected members for Ahern's Car Sales and Garage and Kerry Agri-business and Kerry Foods which is directly opposite and Kerry Argri is further out the Tralee Road.
5. Similar to the Randles Court development this development would create employment.

Cllr. Cronin called on all members to take this important stand for the future of Castleisland to help to develop this important proposal and to send a clear message that elected members are prepared to stand-up and be counted.

Cllr. M. Gleeson SECONDED this proposal and said this site is adjacent to an urban area. Four motions are listed on today's agenda regarding the enhancement of employment in the county.

Mayor B. O'Connell said Castleisland, like any other town in Kerry, has a lot of unemployment and a development to create employment is needed. The developer has a proven record with employment in the town. Castleisland has not benefited from the IDA or Government and all businesses have been self-generated. This would be a very important development for the town. 60% of shoppers shop in Tralee. Jobs and finance are being lost from Castleisland. He supported the motion.

Cllr. T. Fleming supported the motion and said this developer has a track record in the town in employing a number of people. A material change to the County Development Plan is required to change zoning from industrial to retail.

Cllr. M. Healy-Rae said this developer has been in the process to progress this development for a while. If this development would create sustainable jobs and this individual is a person with a strong track record in business and providing gainful employment the progression of this development should be assisted. Kerry County Council must try and help any such development at this critical time. He supported the proposal.

Cllr. J. Sheahan said this is a very important development for Castleisland in order to progress and provide jobs in Castleisland and in surrounding areas and provide many badly needed services. Castleisland needs these services. He supported the proposal.

Cllr. M. Moloney said getting money into small businesses was discussed earlier this morning. Kerry County Council can help this small business without spending finance. She supported the rezoning proposed.

Mr. T. Sheehy, SE Planning, said the Draft Castleisland Functional Area Local Area Plan will be on display from 22<sup>nd</sup> July, 2009. It is proposed that the draft plan and submissions/amendments will be considered at a Special Planning Meeting during the week commencing 14<sup>th</sup> December, 2009, for adoption by the elected members. If Council proceeds with a variation of the current Castleisland Local Area Plan that process could run for 18 weeks. In effect there would be two processes running concurrently - one process to propose a variation to the existing Castleisland Local Area Plan and another process to make a new Castleisland Functional Area Local Area Plan. A situation could arise where one Council meeting could be considering the variation to the Castleisland LAP and 3-4 weeks later there would be a Council meeting to consider the adoption of the new plan. The thrust of the notice of motion can be dealt with through the adoption of the new Castleisland Functional Local Area Plan. The specifics of retail provision in the new plan shows three alternative sites which are more appropriate for retail development in Castleisland. The viability of the town must be considered. There are a number of sites available which would make the town more competitive for businesses to locate in Castleisland. It is possible through the Castleisland Functional Area Local Area Plan Process, having considered all the sites, that the site proposed by Cllr. Cronin may proceed but it is more appropriate to deal with it through the review of the Local Area Plan process. The Planning Authority must consider what is best for Castleisland. During the process to review the Castleisland Local Area Plan the elected members can consider zoning the area in question. Running two processes would be very confusing for the public as well as dealing with it in the Council Chamber. The Planning Authority considers that the proposal for this site should be considered under the process to revise the Local Area Plan rather than by way of a variation to the current Castleisland Local Area Plan.

Cllr. B. Cronin said it is unfortunate when the draft Castleisland LAP was being compiled and there was a submission from the developer that it was not included in the draft. He asked that elected members consider this proposal in light of

Kerry County Council's own proposals regarding material contraventions across the road from the site. He PROPOSED that a vote be taken on this proposal.

Mr. J. O'Connor, Deputy County Manager, said elected members must be mindful that there is a review process in place for the Castleisland Local Area Plan. Cllr. Cronin provided reasons as to why the site should be rezoned. The same reasons would apply to a submission under the review process. There will be a period for submissions from 22<sup>nd</sup> July until 3<sup>rd</sup> September, 2009. This is a procedural issue and the site should be dealt with under the Local Area Plan review process and considered on its own merits.

Cllr. N. Foley acknowledged that time is of the essence to this proposal. This elected members want to find the quickest method possible for dealing with this proposal. Past mistakes regarding zoning must be borne in mind. This proposal is an opportunity to support development in Castleisland.

Cllr. B. Cronin said the Planning Authority could have zoned this site through a Material Contravention of the County Development Plan but chose not to do so. He said we as elected members must send a message to Castleisland that we are prepared to stand up for Castleisland. Elected members are not granting planning permission but altering a zoning to accommodate retail development. This development can be accommodated in a satisfactory manner. The developer asked for this zoning to be included in the draft Castleisland Functional Area Local Area Plan but it was ignored by the Planning Authority.

Mr. J. O'Connor, Deputy County Manager, said while he was taking the comments of the members on board he was anxious that the executive properly advise the Council. He cautioned that in trying to speed up the process for the developer initiating a counter-process to the review of the Local Area Plan could create its own problems. He said he is obliged to advise Council on the procedure and how it can be dealt with properly and formally.

Cllr. T. Ferris sought clarification on the procedure as she was concerned that supporting the proposal for a variation may hinder the development.

Mr. T. Sheehy, SE Planning, said the Castleisland Functional Area Local Area Plan, is presented in 3 volumes: Volume 1 – Written Statement and Maps; Volume 2 – Strategic Environmental Assessment – Environmental Report and Volume 3 – Habitat Directive Assessment. Any variation of the Local Area Plan requires the preparation of each of these documents. The preparation of these documents takes a number of weeks. He said he considered that the process of the variation of the Local Area Plan could take longer than the review of the Local Area Plan. It could take months to get the variation advertised and 18 weeks to get through the process. With regard to expediting the project, the variation process could prove counter-productive and in the meantime a Castleisland Functional Area Local Area Plan would be adopted. As the time-scales are practically the same he recommended that one process proceed, i.e. the review of the Castleisland Local Area Plan. The proposals in the draft Castleisland Functional Area Local Area Plan do not compromise Cllr. Cronin's proposal.

Mr. J. O'Connor, Deputy County Manager, said in advising Council he was taking cognisance of a recent High Court decision regarding the rescinding of a rezoning motion passed by Councillors. While it is the wish of the Council to assist the developer the process must be undertaken procedurally.

Mr. J.D. Flynn, Director of Corporate Services, expressed concern regarding running two processes concurrently and the legal implications of same. He advised Council that there is a hierarchy of plans in place.

Cllr. M. Healy-Rae asked if proceeding with the variation to the Local Area Plan would hinder the development as opposed to progress it.

Mr. T. Sheehy, SE Planning, said there are complications to running the two processes concurrently and the legal implications of how the timescales would work together could cause difficulties rather than solve the problem. While a positive indication on the rezoning has been sought by elected members, the same debate will be held in considering the draft Castleisland Functional Area Local Area Plan. There will be no restriction of debate on this issue. The zoning will be debated fully and openly. It is a matter for the elected members to decide the zoning on this site.

Mr. J. O'Connor, Deputy County Manager, said running concurrent processes would put a major risk on what the members are trying to achieve for the applicant.

Cllr. B. Cronin said he has a proposal before Council on this matter. This portion of land is already zoned. A request was made by the developer to accommodate this zoning as retail in the draft Castleisland Functional Area Local Area Plan but it was not taken on board by the Planning Authority.

Mayor B. O'Connell said a vote would now be taken on this proposal.

Cllr. T. Ferris said being conscious of cutbacks in funding, and following the advice from the executive it would be highly irresponsible to waste time and money on running a second process concurrent to the review of the Castleisland Local Area Plan.

Cllr. B. Griffin asked if there is any other way that under the current zoning an application could be processed and progressed for the developer. He said no matter which option is taken it will take time to progress this issue.

Cllr. P. McCarthy asked if the variation process is run concurrently with the review of the Castleisland Local Area Plan, is it possible that if an objection is submitted and is carried to the High Court, this could effectively mean the wishes of the Council could be delayed well beyond the time process for the review of the Castleisland Functional Area Local Area Plan.

Mr. T. Sheehy said this is a possibility. There are difficulties with the review process alone for the Local Area Plan for Castleisland, e.g. submissions being received on the pre-consultation phase. Two processes running concurrently would cause confusion for the public and people could be disenfranchised and make a submission for the wrong plan. Two processes running concurrently

raises the possibility of this happening. With regard to the material contravention for two businesses across the road from the site in question, one business is a car showroom and the other business is a bulk storeroom. These applications were recommended for material contravention in order to relocate them from the town centre and they are development issues. Retail shopping will provide more benefit in the town centre.

Cllr. J. Finucane asked if the Council could put forward this motion as a submission to the Castleisland Local Area Plan review process. He PROPOSED that the spirit of the motion be supported and forward it as a submission from this Council to the draft Castleisland Functional Area Local Area Plan.

Cllr. B. Cronin said he appreciated Cllr. Finucane's suggestion. He referred to Mr. Sheehy's comments regarding the types of businesses in the area in question and said there are mixed businesses in the Manor West Business Park. There was no difficulty with planning for those businesses. He said Kerry Foods business in Castleisland is a farm shop which is not bulk products. The proposal is to alter the zoning from industrial to retail. A request for this rezoning was submitted to Kerry County Council by the developer and was not included in the draft Castleisland Functional Area Local Area Plan even though there was a major planning application for this development only last year. Every obstacle is being put up by the Planning Department. He asked if the variation to the Local Area Plan proceeds will the public be entitled to make submissions.

Cllr. M. Cahill said the draft Castleisland Functional Area Local Area Plan was introduced to Council this morning along with the anticipated timescales for the process. Submissions are invited on the plan from 22<sup>nd</sup> July until 3<sup>rd</sup> September, 2009. It is proposed that a Council Meeting be held on 12<sup>th</sup> October to consider the Manager's Report on submissions and that the Manager's Report on submissions on amendments be considered at a Special Planning Meeting on 14<sup>th</sup> December, 2009. The adoption of this plan will be resolved before the end of the year. He supported the proposal for rezoning.

Cllr. N. Foley asked if the timescales outlined for the Castleisland Functional Area Local Area Plan will be as quick as a variation of the current Castleisland Local Area Plan.

Mr. T. Sheehy, said the variation process will take 18 weeks and 3-4 weeks must also be allocated for the preparation of the documents, i.e. Strategic Environmental Assessment and Habitat Directive Assessment. That will be over 20 weeks in total.

Cllr. B. Cronin said he has made a proposal and requested a vote.

Cllr. J. Finucane PROPOSED an amendment to the proposal. He said if the timescales are almost identical he would suggest that this Council formally includes this Notice of Motion as a submission on the draft Castleisland Functional Area Local Area Plan.

Cllr. T. Ferris SECONDED this proposal.

Cllr. D. Healy-Rae expressed concern that the development would be hindered if the variation process was undertaken along with the review of the Castleisland Local Area Plan. He supported the rezoning proposal.

Ms. B. Reidy, SSO Corporate Affairs, said there has been an amendment to the original proposal from Cllr. J. Finucane, seconded by Cllr. T. Ferris. A vote will first be required on the amendment. The amendment is as follows:-

“That this motion would be agreed by elected members to be a submission on the Castleisland Functional Area Local Area Plan”.

Mr. J. O'Connor, Deputy County Manager, said despite the outcome of this vote the applicant will be required to make a submission to the public consultation process on the draft Castleisland Functional Area Local Area Plan. He expressed concern that no one be disenfranchised on this matter. Cllr. Finucane's suggestion can be noted from the meeting. This matter does not need to go to a vote unless there is an objection to the amendment.

Cllr. J. Finucane said his amendment is that this submit a proposal to the Castleisland Functional Area Local Area Plan that this site be designated retail. This amendment is proposed so two processes will not be running simultaneously.

Cllr. M. Healy-Rae said while he supports Cllr. Cronin's motion he does have concerns regarding the process for rezoning.

Cllr. B. Cronin said planning could have been granted for this development. A recommendation to rezone the site could have been included in the draft Castleisland Functional Area Local Area Plan but it was not. He said his proposal stands.

Cllr. A. McEllistrim suggested that Cllr. Cronin discuss this matter with the developer and revert to Council.

Cllr. B. Griffin said voting on the motion now would be wrong because of the information that has been provided by the executive.

Mayor B. O'Connell asked Cllr. B. Cronin to speak with the developer and revert to Council in ten minutes.

Cllr. B. Cronin agreed to this request and left the Council Chamber to discuss the matter with the developer.

When Cllr. Cronin returned to the Council Chamber he said that following discussions with the developer a compromise motion is being proposed.

Cllr. J. Finucane PROPOSED “That, in accepting the spirit of Notice of Motion submitted by Cllr. B. Cronin for the July 2009 Ordinary Meeting of Kerry County Council in respect of proposal to rezone lands at Moanmore, Castleisland, (NoM No. 4 on the agenda), this Council recommends that the area outlined in red on the attached map would be zoned as retail in the Draft Castleisland Functional Area Local Area Plan.”

Cllr. B. Cronin SECONDED this proposal.



**5 Postal Voters added to the Register of Electors due to Medical Conditions**

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

"That Kerry County Council would leave all postal voters added due to medical condition to the Register for the 2009 Election on the Register as postal voters for future elections."

**The following report issued:**

It is necessary to re-apply each year for Special/Postal Voter status. Electors published on the Live Register as Special/Postal Voters are effectively no longer entitled to hold Special/Postal status on the Draft Register. It is the practice at Kerry County Council to unassign the Special/Postal Voters on the next Draft following the publication of the Live Register and to assign special/postal voter status again only on application. Application forms are issued to all existing special/postal voters.

Staff in the Franchise office base the practice of the unassignment of these votes on guidance from the Department.

**The categories that fall within the Postal/Special voter's unassignment are:**

- **Members of the Gardaí**
- **Whole-time members of the Defence Forces**
- **Irish diplomats serving abroad and their spouses**
- **Electors living at home who are unable to vote because of a physical illness or disability**
- **Electors whose occupation, service or employment makes it likely that they will be unable to vote in person**
- **Full-time students registered at their home who are living elsewhere while attending an education institution in the State**
- **Elector in prison as a result of an order of a court and unable to vote at his/her polling station.**
- **Electors ordinarily resident at a hospital, nursing home or similar institution who are unable to go in person to vote at a polling station by reason of a physical illness or physical disability**

**It is proposed to change practice for the 2009/2010 Draft Register to ensure that the following categories of electors remain on the Register by Kerry County Council as Postal/Special Voters thus not needing to re-apply:**

- 1. Electors living at home who are unable to vote because of a physical illness or disability**
- 2. Electors resident at a hospital/nursing home**

Cllr. J. Brassil welcomed the report particularly on behalf of those who do not have the physical ability to attend a polling station. This is a very practical step and it will also reduce the workload of the staff within the Register of Electors Office.

**6 Extension to the current timeframe for the completion of developments**

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

"Following on from my call for an extension to the current timeframe for the completion of developments and in view of the fact that the Minister for the

Environment, Heritage and Local Government has now acted on it, I propose that Kerry County Council play its part by giving applicants an opportunity to reorganise their finances so that they have additional space and time at hand to build their homes".

**The following report issued:**

**The 2009 Planning & Development (Amendment) Bill proposes that the lifetime of Planning Permissions can be extended by up to 5 years in the context of Commercial, Economic or Technical Considerations, even though substantial works have not been carried out.**

**The present situation is that substantial works must have been carried out and the Extension Application must be made not earlier than one year before the expiry of the permission (Section 42 of the Planning & Development Regulations 2001).**

**However the 2009 Bill has not yet been passed into law and so extensions of time are presently assessed in the context of the 2001 Regulations as outlined above.**

Cllr. M. Cahill said he had previously called for the current timeframe for the completion of developments to be extended. He said it is his understanding that the Minister has acted on this and it is matter for each Local Authority to act upon the Minister's announcement. An extension of the current timeframe for the completion of developments must be pursued. He said he is calling for the extension on current applications so people will get an opportunity to re-organise their finances. This proposal would not cost the applicant or the Council and would generate employment for local contractors. This relates specifically to one-off houses. When this law is enacted Kerry County Council should immediately pursue a timeframe of 2-3 years for extensions. Development Levies will have to be reconsidered in the context of the current economic climate.

Cllr. P.J. Donovan SECONDED this motion. He said applicants used to be able to defer applications. Now, just days before the application is due to be decided, applicants are told there is something wrong with the application and must re-apply. This is costing the applicants money.

Mr. P. Stack, A/Director of Planning, said the Planning & Development (Amendment) Bill 2009 was published on 3<sup>rd</sup> June, 2009. Until it is enacted, the Planning Authority will be operating on the basis of current legislation. When the Bill is enacted Kerry County Council will implement its provisions. With regard to deferrals, the Law is very clear with regard to the Planning Authority's position and the Planning Authority has legal guidance on this matter. It is not a matter for the applicant to defer an application. A change to legislation would be required to amend this provision.

Cllr. P. McCarthy said where there are problems with planning applications the planners are seeking further information. A lot of the problems on the planning file are sorted by way of further information which is very helpful. That particular route of seeking the applicant to clarify issues should be encouraged.

Cllr. N. Foley requested that a letter issue to the Minister for the Environment, Heritage and Local Government to enact the Planning & Development (Amendment) Bill 2009 as a matter of urgency.

## **7 Public Private Partnerships**

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

"That Kerry County Council initiate a process where sanction would be sought for a more streamlined public private partnership mechanism to fund major public works in the County. If this process is adopted critical infrastructural projects could be completed creating significant jobs and so creating an economic stimulus in the County."

### **The following report issued:**

**The Public Private Partnership arrangement as operated in the public sector is strictly governed by guidelines issued by the Department of Finance and overseen by the Department of the Environment, Heritage and Local Government for the local authority sector. While an economic stimulus initiative to improve our infrastructure would be desirable on a number of grounds, funding such a proposal either through public private partnerships or otherwise requires a stream of funding whether from the private sector and/or public sector. Unfortunately, funds in both sectors are extremely scarce at present. In addition, funding the maintenance of capital projects when completed and, indeed, any local capital contribution required, challenges the Council's revenue budget, as well, for example, water and waste water schemes, amenity schemes, etc. If, following discussion in the Council Chamber, some innovative suggestions with identified funding streams emerge, a submission can be made to the Department of the Environment, Heritage and Local Government, for further consideration.**

Cllr. J. Finucane said there is an mistaken perception that money is available for Public Private Partnerships and the PPP procedure is unwieldy. At present the Government own spending on capital projects is €400m behind allocation, i.e. €400m has not been spent. Ireland is the only country which has not adopted a stimulus package to get employment going and sustain jobs we have. Government should be focused on building infrastructure. There is no mechanism in place to respond to the economic situation with Public Private Partnerships even if the stimulus package was in place. He PROPOSED that a streamline process for PPPs be put in place for projects such as Kerry Airport and major works County Councils want to progress and requested that a meeting be sought with the Minister for the Environment on this matter. Major contractors are willing to get involved with Government incentives.

Cllr. M. Cahill supported the motion. There are many projects throughout Kerry which could be progressed, such as Kerry Airport, to sustain jobs and promote tourism. Initiatives must be put in for this to happen. He requested that a letter issue to the Minister for Finance seeking a meeting on this matter.

Mr. J. O'Connor, Deputy County Manager, suggested that a discussion take place at the next CPG Meeting regarding this matter. A submission could then be made to the Minister on this matter.

Cllr. J. Finucane welcomed this suggestion.

Cllr. T. Ferris said she did not want to be associated with this motion. She said she considered that PPPs have not proven to be of benefit to the public. Employment could be better created than through the PPP process.

## **8 Smoke Alarms in Kerry County Council Housing Stock**

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

"That Kerry County Council ensures that all houses under their remit are fitted with smoke alarms. We have seen, in recent times, what detriment can be done to human life and property".

**The following report issued:**

**At this point in time 95% of Kerry County Council's rented stock have hard wired smoke alarms, which are connected to the electricity supply, with an integrated back up battery to ensure the unit has a constant power supply.**

**Additionally the Community and Enterprise department have a program of fire alarm installation for private properties supported by funds from the Department of Community Rural and Gaeltacht Affairs.**

Cllr. J. Sheahan said house fires have a devastating effect on families and recently throughout the country there have been examples of that with loss of life. All buildings should be fitted with fire alarms. Safety is paramount in eliminating the danger of house fires. With the aid of fire alarms loss of life would be prevented.

Cllr. M. Gleeson SECONDED this motion.

## **10 Driving Licences**

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

"That Kerry County Council would introduce credit card style Driving Licences for the convenience of the people who are required to have their Driving Licence with them at all times when driving".

**The following report issued:**

**The format of Driving Licences is determined by EU and National Legislation/Regulations. Kerry County Council must comply with these requirements. The National Road Safety Strategy 2007 - 2012 states that "the EU requires Member States to introduce a system of plastic card licences by 2013 at the latest".**

**The Department of Transport, in association with the Road Safety Authority, will have responsibility for implementing the changeover of the necessary statutory provision and the Kerry County Council Motor Tax Department will implement the revised arrangements, when so required, in accordance with the National timetable.**

Cllr. M. Moloney thanked management for the report on this issue. She said a number of years ago legislation was introduced to put a credit card style driving licence in place. The National Roads Safety Strategy 2007-2012 now requires that member states introduce a system of plastic card licences by 2013 at the latest as required by the EU. She requested that a letter issue to the Minister for Transport outlining that the implementation of this legislation is awaited.

Cllr. M. Gleeson SECONDED this motion.

## **11 Register of Electors**

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

"To ask the Director of Corporate Affairs to carry out a detailed study with a view to finding a correct solution in dealing with the Voting Register so that the information contained is correct".

**The following report issued:**

A "Study on the Establishment of an Electoral Commission in Ireland" was undertaken in November, 2008 by UCD and submitted to the Department of the Environment, Heritage & Local Government. It was recommended that an Electoral Commission be established which would assume responsibility for the electoral register, with a view to introducing a rolling, individual register. A rolling register can be updated at any time during the year, and not just during certain weeks as is currently the practice.

**Current Practice at Kerry County Council:**

The Register of Electors is updated every year by Kerry County Council, with a team of 38 enumerators calling from door to door around the county, recording any changes for inclusion/deletion on the Register. However, if an individual's details change, the onus is on the individual to inform the Franchise office or the Enumerator of the change of details to ensure that the Register is accurate.

Kerry County Council receive regular listings of deaths within the county from the Death Event Publication Service (DEPS), these are issued to the Enumerators for verification and then the Register is updated to reflect these.

Kerry County Council has also undertaken Audits of the Milltown, Castleisland and Listowel areas during 2008 in a measure to improve the accuracy of the Register.

To ensure that strict identity standards for the individual seeking to be put on the register are in place the "Joint Oireachtas Committee's Report on the future of the Electoral Register in Ireland of April 2008" recommended the use of PPS numbers as identifiers for entries on the register, citing their potential value in reducing both voter errors and voter fraud. The Department of Social and Family Affairs reported to the Joint Oireachtas Committee that privacy issues must be overcome ... information given by individuals to different State Agencies cannot be pooled or shared ... and a common PPS number may not be used to extract personal information without consent.

A centralised system with a Rolling Register using PPS numbers would help to simplify and greatly enhance the accuracy of the Register of Electors. Each person within the State has a single, unique PPS number. This would remove the possibility that someone is registered to vote in more than one area, while a person moving from one county to another would see their vote automatically move with them.

Cllr. M. O'Shea thanked management for the report. He said in the most recent election he found discrepancies in a lot of polling booths. The Register of Electors system has not been working for a long time. People on the 2006

census were not included on the Register of Electors even though they were of voting age. There were also instances of double votes in houses and issues arose where people had the same name. Generally the system is not working. The state agencies must come together to compile the Register. There is also a role for An Post. Kerry County Council staff work very hard at maintaining the register and while information has been sought from schools only one or two schools replied. He called on the schools to respond to requests issued by Kerry County Council. It is unfair on people who are entitled to a vote not to be on the Register of Electors.

Cllr. A. McEllistrim said the Register for the rural areas is good but the Register for the town of Tralee was poor. She complimented the staff in the Register of Electors office on their work prior to the election. She said people that are going abroad for a period of time should not be removed from the Register. The forms for registration should be forwarded to School Principals for circulation to students. The use of the PPS number would make the Register of Electors more accurate.

## **12 Non-National Roads in the Killarney Area**

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

"To ask Kerry County Council and the Department of Transport that the Non-National Roads in the Killarney area which have been dropped off the Programme for 2009 be prioritised to be first to be done in the next Programme; whether later this year or early next year:

L2033 Dicksgrove Cross - Curracity Cross  
L4040 Gap Cross - Tomies Cross  
L3012 Annaghilymore Cross - Lisbabe Cross  
L7844 Barraduff Upper Cross - Meentoges Cross  
L11082 Cummenavrick  
L11115 Knockrower - Knockreagh."

### **The following report issued:**

**The Department of Transport grant to Kerry County Council for Non-National Roads was reduced by €6.05 million. As a result of this reduction, numerous roads in the roads programme as well as Specific Improvement Schemes will not be completed in the current year. This reduction is County-wide and each Electoral Area has suffered as a result.**

**We do not know at this stage of the year what level of funding will be received next year from the various funding agencies. As such, it is not possible to confirm at this stage what roads will be included in the roads programme, as we have to balance the funding we receive with the requirement to keep all road workers in employment across the entire County in so far as we possibly can. If, however, sufficient funding is received, roads that were removed from this year's programme will be prioritised next year.**

Cllr. D. Healy-Rae said it is unfortunate the roads listed have been dropped off the Roads Programme as the people on these roads were expecting improvements. All these roads are in desperate need of repair and the potholes cannot be maintained. He requested that in the Roads Programme for 2010 these roads would be listed first. He requested that every effort be made to have the potholes on these roads maintained.

Cllr. T. Fleming **SECONDED** this motion. These roads are gone beyond ordinary maintenance repair. They need to be fully upgraded and tarred over. It is unfortunate these roads were taken off the 2009 Roads Programme. He **PROPOSED** that the Ballydesmond-Castleisland Road also be included on the 2010 Roads Programme as this road carries large volumes of traffic and is a strategic road into the county.

Cllr. D. Healy-Rae **SECONDED** the proposal to include the Ballydesmond-Castleisland Road on the 2010 Roads Programme.

Cllr. M. Cahill referred to the L4040 Gap Cross - Tomies Cross Road and said work was carried out on that road in 2008, however, there was some problem with the material used which is why it was included again for 2009. He said a Roads Programme was adopted for 2009 and unfortunately, cut-backs had to be made to that programme. He asked that all roads cut-off the 2009 Roads Programme be given priority in the 2010 Roads Programme.

Cllr. R. Beasley **SECONDED** Cllr. Cahill's proposal.

### **13 Job Protection and Creation Strategy for County Kerry**

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

"That Kerry County Council would establish a dedicated job protection and creation strategy for County Kerry."

**The following report issued:**

**This matter is being dealt with by KEAT (Kerry Enterprise Action Team) a Sub-Committee of the County Development Board. This Committee is Chaired by the County Manager.**

Cllr. B. Griffin said while he acknowledged the work of the County Development Board and KEAT these mechanisms were in place before the current escalation in unemployment in the county. A response must issue to a problem that has presented itself more acutely. Existing employment must be protected and new employment created. While the rest of the country had employment, there was a problem with unemployment in this county. In 2005 Kerry had extremely high unemployment figures. A policy must be established that will identify a number of key objectives to create employment and sustain existing employment. A road map must then be set to achieve to those objectives. The example of Kerry Airport referred to earlier and a plan to advance its development must be progressed. Kerry cannot wait for the national/international response. We need to help ourselves first. The onus falls on elected members to do something to address this issue. Employment is required to generate services and revenue for infrastructure. The public must have confidence that something is being done at local level by Kerry County Council to address the jobs situation.

Cllr. J. Finucane **SECONDED** this motion. A major achievement is the location of Enterprise Ireland in this county. Enterprise Ireland should be requested to draw up an employment strategy for the county and present this strategy for the protection and creation of jobs to Kerry County Council.

Cllr. P. McCarthy said he agreed with the sentiments expressed by previous speakers. A forum was held in Killarney earlier this year which was extremely helpful in discussing this issue. That forum was not about creating jobs but it

offered an opportunity for elected members and others to hear from the employment agencies. It was agreed that forum would meet every six months with a suggestion that the next meeting be held in September, 2009. While that forum will not create jobs it will monitor the situation. He said he proposed two or three years ago that there would be a Jobs Forum created in Kerry. He said the Mayor should ensure that the second meeting of that forum is held.

**14 European Social Fund to assist enterprise and small businesses**

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

"That Kerry County Council request the Government to allow Local Authorities draw down the €375m European Social Fund available to Ireland to assist enterprise and small businesses. This will ensure the funding is readily accessible for these small firms who are at present endeavouring against the odds to retain and maintain their existing staff. At present the funding is not reaching these enterprises."

**Ms. B. Reidy, SSO, said this is a matter for consideration by the members.**

Cllr. T. Fleming said the European Social Fund of €375m is available to Ireland for funding for training and education and to assist people who are out of the jobs market and seeking re-employment. No matching funding is required from the state. Ireland has drawn down only €25m of this funding which is available from 2007 to 2013. This money is getting to the banks but no further. Recently, ISME said it is harder to get credit from the banks now than it was at the start of the year. There is a huge impact on small businesses in the current economic climate. Small businesses should have a simple method of accessing these funds. There is an urgent need to overhaul this scheme. At present these funds are not getting to the people who need them. This Council should send a request to the Department of Finance and the EU Commission outlining the difficulties small firms and businesses are experiencing and requesting that the method of dispensing these funds be amended to be dispensed through the Local Authorities.

Cllr. D. Healy-Rae SECONDED this motion.

Cllr. N. Foley supported this motion and said it is appalling to think there is a fund of €350m which is not being drawn down and made available to businesses who need it. Businesses are experiencing difficulties accessing these funds. She said she would support a new mechanism of dispensing these funds. She acknowledged the work of the County Enterprise Board in mentoring businesses and suggested that these funds could be administered through the County Enterprise Board.

Cllr. T. Fleming said when people are up-skilling and on training courses they should retain their welfare entitlements.

Cllr. T. Ferris called on Government to draw down the money in the European Social Fund and request that the criteria for this scheme would be amended to allow for the retention of jobs and subsidising wages when staff are being upskilled or trained.

Cllr. M. Cahill suggested that a timeframe be placed on this request.

Cllr. J. Finucane said up-skilling does not apply to high end jobs.



## **15 Signage for Townlands**

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

"That the Council would state if it has abandoned the implementation of its commitment to put in place appropriate signage identifying each Townland".

**The following report issued:**

**CLÁR and Foras na Gaeilge jointly operate a Bilingual Townland Signage Scheme on the basis of a three-way equal funding split between CLÁR, Foras Na Gaeilge and the local community, which is subject to a maximum of €6,000 per Parish/Area. This scheme is co-ordinated through the County Development Board.**

**In 2008, only one application was received for funding under the scheme from Comharchuman Forbartha Chorca Dhuibhne Teo. Correspondence with the Department of Community Rural & Gaeltacht Affairs indicates that this scheme is currently under review.**

**The Council has no funding under its Roads budget to erect signage in each of the townlands.**

Cllr. M. Gleeson said as a tourist county signage for townlands is very important. Locations and how to get to them must be accessible for tourists. He said it was his belief that Kerry County Council gave a commitment that a scheme of signage for townlands would be put in place gradually over a 5-6 year term. This signage has been provided in Moynish over a period of time. He said people in Gaeltacht areas are provided with many things that are not provided in non-Gaeltacht areas. All areas should have equal entitlement to this signage.

Cllr. D. Healy-Rae supported this motion. In some engineering areas signs are being erected. He said he previously had a motion regarding signage in the Killarney Electoral Area. It is unfair that signage is not provided throughout the county and the Killarney Electoral Area is neglected. The whole county should get the same treatment regarding the provision of signage.

## **16 Bus Éireann Routes**

**Pursuant to Notice duly given, Cllr. R. Beasley PROPOSED:-**

"That we the Members of Kerry County Council call on Bus Éireann not to eliminate the routes where they have cuts planned as these routes are necessary to the less well off in our society who use the buses to attend clinics, hospitals, doctors, schools and other important services in our major towns.

**Ms. B. Reidy, SSO, said this is a matter for consideration by the members.**

Cllr. R. Beasley said Kerry is a rural county and Bus Éireann provides a very important service to all parts of the county. Bus Éireann is proposing to eliminate a number of routes. Not everybody has a car and the people that use these bus services need them. It is very important to retain these services for these people. He called for support for this motion and for the services to be retained. He also referred to the School Bus service the fee for which has been increased from €300 to €600 per year and is now payable twice per year.

Cllr. P. Leahy SECONDED this motion.

## **17 Plant Hire**

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

"That the Elected Members of this Council direct that the maximum amount any individual and/or family run plant hire firms engaged by Kerry County Council can earn be capped at €120,000 per 12 month period to maintain value for money, competitiveness and importantly, to ensure that the many excellent plant hire contractors who have tendered to Kerry County Council for years but can't get work will be given employment".

### **The following report issued:**

**Procurement of goods and services by the Council is subject to guidelines issued by the Department of Finance and, subject to certain limits, to EU Procurement Directives. Neither the National nor the EU legislation/rules allow the capping of contract values. In so far as the hire of plant and machinery is concerned, the following principal factors are considered:-**

- 1. Suitability of plant item for the job - contractors with a big selection of plant have greater opportunities for hiring, quite obviously.**
- 2. Compliance with health and safety standards.**
- 3. Reliability of plant item.**
- 4. Plant Operator skill (where driver is required with machine)**
- 5. Available back-up service.**
- 6. Hire Rate.**

**Council Management, at all levels, continues to give particular attention to the outputs achieved by each machine/plant item hired and its reliability, and to the overall cost-effectiveness of our hireage arrangements. The Council welcomes the greatest possible extent of competitiveness in the plant hire sector and, within the National and EU procurement requirements, supports that objective in its hire policies.**

**As mentioned on previous occasions, the annual Plant Hire List is formed following public advertisement inviting quotations. Plant Hire Contractors are selected on the basis of the criteria outlined above, must satisfy the Council on insurances and the safety of their machines and must produce a current C2 Tax Clearance Certificate or other relevant tax clearance certification.**

Cllr. B. Cronin said on a yearly basis payment made by Kerry County Council for plant hire varies between €8.5m and €10m. The capping of the amount paid to any individual and/or family run plant hire firms engaged by Kerry County Council is proposed in order to maintain value for money and competitiveness. Many excellent plant hire firms have been tendering with new machines, the best drivers, appropriate insurances and health & safety qualifications and they have tender low rates and cannot get employment with Kerry County Council. He said in March, 2009, under the Freedom of Information Act he sought the name and tender details and amount paid for four specific items in 2006/2007/2008. The first reply to this request provided only the names of the tenderers and stated that the tender rate amounts would not be provided because it is financially sensitive information. He said he appealed the decision and the names and total amounts paid to the tenderers was provided. The tendered rate was still not provided. The tendered rate for 2006/2007/2008 is all monies paid out and paid

with public money. He said his request for the tender rate amounts for the items is being refused and he is concerned about that. He said he has been told he will have to appeal the Freedom of Information request to the Office of the Information Commissioner and he will be appealing that decision. This Freedom of Information request has been made to ensure the process to engage plant hire firms is being done properly. He PROPOSED the capping of amounts paid to plant hire firms engaged by Kerry County Council. He said he is in favour of and wants to see small plant hire firms with machinery and insurance and drivers accommodated and working to full capacity. Less than 10 operators are paid up to €4m for machinery hired. This work should be accessible to small firms. Capping the amount paid for machinery hire will make it more competitive. He said he may question this matter further when considering Budget 2010.

Cllr. P.J. Donovan SECONDED this proposal. There are small operators who get little or no work. If there is work locally, the local contractor should get that work. Plant hire work should be distributed evenly throughout the county and the Area Engineers should be instructed to employ local contractors.

Mr. J. O'Connor, Deputy County Manager, said neither the national nor the EU legislation/rules allow the capping of the contract values as proposed. Kerry County Council goes to public tender per EU directives. There is no law that allows capping. On the list circulated with the reply to a Notice of Motion in February, 2009, there were approximately 100 individual names of various plant and equipment hire services. The criteria to be considered in the hire of plant and machinery have been outlined in the notice of motion reply. While contractors' insurances and safety certificates may be in order the work is not available. The hirage rate is not the only consideration. A poor operator on a good machine can become very expensive. With regard to the budget process he said whatever information is required, in consideration of the budget, is provided to this Council and in the past Kerry County Council has taken up to three days to consider the budget.

Cllr. B. Cronin asked how his proposal will proceed.

Mayor B. O'Connell said legislation does not allow the proposal to be enacted as it is not legal.

Cllr. B. Cronin asked if this proposal can be accepted as the spirit of the Council in considering quotations.

Mr. J. O'Connor, Deputy County Manager, said Kerry County Council welcomes the greatest possible extent of competitiveness in machinery hire.

Cllr. B. Cronin said he is aware of individuals who fit the criteria for plant hire but cannot get employment. There are excellent drivers who cannot get employment with Kerry County Council. He said with regard to tender rates, Area Engineers have the Tender List and check it but it is being refused to him. He said he will appeal the Freedom of Information request and bring this matter before the budget meeting in due course.

Cllr. T. Ferris asked what Standing Orders say regarding how often a specific issue can be revisited.

Ms. B. Reidy, SSO Corporate Affairs, said Standing Orders state that where a resolution is passed on an issue it cannot be revisited within six months unless the motion is signed by a number of members.

Cllr. P.J. Donovan asked if when local work is available it will be given to local contractors and Area Engineers notified accordingly.

Mr. G. McNamara, A/Director of Roads & Transportation, said there is a tendering process in place which must be complied with. Roads Programmes are being delivered effectively under difficult circumstances.

**09.07.20.08 Nomination to the Board of Kerry Airport plc.**

Cllr. B. Cronin referred to Item No. 8 on the Agenda regarding Nomination to the Board of Kerry Airport plc.

Mayor B. O'Connell said this item was dealt with earlier in today's meeting.

Cllr. B. Cronin said an agreement was reached before the annual meeting that Cllr. T. O'Brien was to take his place on the Board. He asked if this could be rectified.

Cllr. B. Griffin said when he was proposed for the position he was not aware of any agreement in place. He said he would like to facilitate a way forward with this matter.

Mr. J.D. Flynn, Director of Corporate Services, said from a procedural point of view Cllr. Griffin should withdraw from the nomination thereby creating a vacancy which the members would fill. A formal proposal will then be required.

Cllr. B. Griffin said he wished to withdraw from the nomination to the Board of Kerry Airport Plc.

Cllr. B. Cronin PROPOSED that Cllr. T. O'Brien be nominated as Kerry County Council's representative on the Board of Kerry Airport Plc.

Cllr. B. Griffin SECONDED this proposal.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. B. Griffin, it was unanimously agreed that Cllr. T. O'Brien be Kerry County Council's nominee to the Board of Kerry Airport Plc.

Mayor O'Connell declared Cllr. T. O'Brien to be Kerry County Council's nominee to the Board of Kerry Airport Plc.

**18 Extension of timeframe for planning permission**

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

"That Kerry County Council would support the proposal from the Department of Environment to extend planning permission from 5 years to a minimum of 7 years and make every effort to get this enacted as quickly as possible".

**The following report issued:**

**The 2009 Planning & Development (Amendment) Bill proposes that the lifetime of Planning Permissions can be extended by up to 5 years in the**

context of Commercial, Economic or Technical Considerations, even though substantial works have not been carried out.

The present situation is that substantial works must have been carried out and the Extension Application must be made not earlier than one year before the expiry of the permission (Section 42 of the Planning & Development Regulations 2001).

However the 2009 Bill has not yet been passed into law and so extensions of time are presently assessed in the context of the 2001 Regulations as outlined above.

Cllr. J. Brassil said at present a certain amount of the building must be complete before an extension of time can be granted on planning permissions. The proposal in the Planning & Development (Amendment) Bill 2009 will greatly assist people who have planning permission at present. He asked that Kerry County Council support this motion and that a letter issue to the Minister of the Environment to extend the lifetime of planning permissions by up to 5 years.

Cllr. D. Healy-Rae supported this motion. He asked that a letter issue to the Minister to ask that planning permission that will expire between now and the enactment of the Planning & Development (Amendment) Bill 2009 would also be accommodated.

## **19 An Bhainseach Estate, Killorglin**

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

"That Kerry County Council (a) immediately provides traffic calming measures in the vicinity of the entrance/exit to An Bhainseach Estate, Killorglin and (b) immediately provides a house to the Residents' Association for the purpose of a Community Centre".

**The following report issued:**

- (a) The Roads Section looked at this vicinity to see if a turning lane could be incorporated here following the receipt of safety measures funding from the National Roads Authority in 2006. The geometry of the location did not allow this. However, bar markings, signage and directional arrows were provided. The 60 km/h speed limit was also extended beyond the entrance to the estate in 2006. A recent inspection of the location indicated that all traffic calming was in place. However, we will liaise with the Safety Advisor of the NRA to see if any additional requirements are necessary.**
- (b) It is intended to present the Members with a Section 183 Notice for the September meeting proposing the allocation of a house within An Bhainseach Estate to the Residents' Association for use as a Community Centre. This follows extensive discussions with the Residents' Association on the most suitable location and type of community centre as presently required.**

Cllr. M. Cahill welcomed the response regarding the provision of a house for the purpose of providing a Community Centre in An Bháinseach Estate. He said he had been pursuing this matter for some time and the benefits of a similar

centre have been seen in Iveragh Park where there is now a state of the art Family Resource Centre which has been recommended by Kerry County Council for the national Pride of Place Competition. He wished the Iveragh Park Family Resource Centre well in that competition.

With regarding to traffic calming measures Cllr. Cahill said the road outside this estate is a national secondary route. There are 130 children under the age of 16 living in this estate. He said he is fearful that a serious accident or fatality will occur in this area as the footpath is on the opposite side of the road and cars travel at high speed on this road. It is particularly dangerous with regard to cars travelling from the Killorglin side. Additional traffic calming measures are required and a footpath is required on the estate side of the road. This must be acted upon. If this was a private housing estate, it would be a condition of planning that a footpath be provided on that side of the road into Killorglin town. If there is a serious accident or fatality, this Local Authority will be brought into legal proceedings and held accountable. It is particularly dangerous for children and older people to cross the road to get to the footpath. The residents deserve every safety measure that can be put in place and a footpath provided on the estate side of road. There have been a number of accidents at this location already and safety measures must be put in place at this location as a matter of urgency.

Cllr. M. Healy-Rae supported this motion and said he raised these issues previously on behalf of the residents in the estate. The road is extremely busy and young children are trying to cross the road or are walking on the side of the road where there is no footpath. Traffic safety measures must be put in place as a matter of urgency. He welcomed the provision of a house for the purpose of providing a Community Centre in the estate.

## **20 Roadway through Barraduff Village**

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

"That Kerry County Council resurfaces the roadway through Barraduff Village on the N72 as it is in a dangerous condition at the current time. It needs works immediately."

### **The following report issued:**

**The permanent reinstatement of the road through Barraduff cannot be undertaken until all works connected with the Sewerage Scheme are fully completed and usually will not be carried out until after a maintenance period of the temporary reinstatement. The proper maintenance of the temporary reinstatement is a matter for the contractor undertaking the works.**

**While there have been some unfortunate difficulties experienced in the progress of the contract, it is hoped that all outstanding works can be completed in the coming weeks on the pipeline work, and that trench restoration on the road can take place shortly thereafter.**

Cllr. J. Sheahan said this roadway is in desperate need of repair and asked the that reinstatement works be undertaken as soon as work has finished on the sewerage scheme.

## **22 Use of loudspeakers during Election Campaigns**

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

"That Kerry County Council would consider adopting a policy banning the use of loudspeakers blaring music during election campaigns as this is causing a public nuisance".

**The following report issued:**

**The use of loudspeakers on the public road is governed by the "Road Traffic (Construction, Equipment and Use of Vehicles) Regulations, 1963. In general, loudspeakers should not be used on vehicles using the public road, however there are some exceptions. Section 35(2)(c) of these Regulations allows a vehicle with a loudspeaker to be used for the purpose of an address relating to a Presidential, Dáil or Local Election or a Referendum. If a person wishes to extend the use of the loudspeaker, one can apply to a local authority for a special permit authorising the use, which would be subject to conditions. One would hope that candidates would have respect for the areas in which loudspeakers are used and would not cause a nuisance.**

Cllr. M. Moloney said while canvassing for the elections people had complained about the use of loudspeakers during the election campaign. The use of loudspeakers was a nuisance to the elderly, the sick, students studying at home and people who work on night duty and sleep by day. This happens during every election and it is unfair. She said the reply states that the loudspeaker can be used "for the purpose of an address relating to a Presidential, Dáil or Local Election or a Referendum" and asked how many election candidates applied for a permit to play music over the loudspeakers.

Mr. G. MacNamara, A/Director of Roads & Transportation, said there was an issue with a loudspeaker in one particular Electoral Area. This matter was brought to the attention of the Town Clerk and dealt with.

## **23 Killarney/Milltown Road (R563)**

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

"To ask the Director of Roads & Transportation as to the exact starting time when the works will commence on the Killarney/Milltown Road (R563) and also to ask how many tenders did Kerry County Council receive in relation to this contract and who was successful".

**The following report issued:**

**There is a total sum of €357,000 allocated by the Department of Transport this year for Specific Improvement Works on the R563 Regional Road between Fossa and Milltown. A sum of €157,000 has been assigned to complete a bituminous pavement overlay on the Killarney Road in Milltown. A total of four tenders for this work have been received and these are being assessed at present. There is some further work associated with Milltown Sewerage Scheme which needs to be completed prior to commencing the overlay; the provisional start date for the pavement overlay works is mid September 2009.**

**A sum of €200,000 has also been provided to continue the vertical road realignment works at Crohane in Fossa. These works are scheduled to re-commence within the next three weeks.**

Cllr. M. O'Shea said there has been difficulties with this project since it began. There is a breakdown in communications between all parties involved. He asked if when awarding contracts research is done on previous works by the contractor to determine that their work is satisfactory or if there were any difficulties experienced. He asked that in awarding future contracts that a full investigation is carried out regarding the contractor's previous work and any issues that arose. Kerry County Council cannot afford to be rectifying mistakes. He welcomed the commencement of pavement overlay work in September.

Cllr. A. McEllistrim **SECONDED** this motion. In trying to save money Kerry County Council must ensure that work is done properly and the contractor's work record should be investigated so that Kerry County Council does not have to rectify mistakes.

Cllr. B. Cronin asked if Kerry County Council would be able to accommodate houses on the Crohane side of the road when this work begins with regard to water pooling at their entrances.

Mr. G. MacNamara, A/Director of Roads & Transportation said he would follow up this issue with the Road Design staff.

Mayor B. O'Connell said motion Nos. 24 and 28 would be considered together.

**24 Cllr. D. Healy-Rae**

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

"To ask the Planning Authority of Kerry County Council that as jobs are so precious at the present time, to deal with each planning application as speedily as possible and to use common sense - each permission granted will create jobs for people who otherwise would be out of work".

**The following report issued:**

**The assessment of a Planning Application, as a result of National legislation, EU legislation, National Guidelines and Circulars has now become a complex process with reports required from various sections of the Local Authority along with other State Agencies prior to the issue of a decision.**

**This obviously impacts on the timescale associated with each Application and while every effort is made, to issue decisions well within the statutory maximum period allowed, it is proving more and more difficult to do so.**

**28 Cllrs. R. Beasley/T. Ferris**

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

"That the Planning Department of Kerry County Council look more favourably at applicants from the Northern part of North Kerry because if we have to abide by the present regulations nobody would be allowed build on their own land."

**The following report issued:**

**All Planning Applications are assessed in the context of the County Development Plan, Local Area Plans, National and European legislation, Guidelines and Circulars and primarily in accordance with the Proper Planning and Sustainable Development of the area.**



**In relation to the Listowel Electoral Area, the refusal rate for the first quarter of 2009 was 27% as compared to 34% in the same period of 2008.**

**One of the issues impacting on the refusal rate, particularly in relation to one-off houses in North Kerry, is the poor ground conditions encountered on sites in that area.**

**This can vary from a high water table to impermeable subsoil to bog, thus making the site unsuitable for the treatment of domestic effluent irrespective of the treatment process proposed.**

**It is critical that groundwater and surface water is protected from polluting matter and the procedures and policies now in place (which are National Guidelines) will help to protect this valuable resource.**

Cllr. D. Healy-Rae said planning applications can be delayed because of small things, e.g. a Planner says "remove bay windows because it does not comply" for one house yet bay windows are granted for another house in the area. Planners must work with other sections within Kerry County Council. There does not seem to be real importance stressed on granting planning applications. Over the past number of years planning permission was for speculators, however, now genuine planning applications are being submitted. Jobs will be generated through the grant of planning permissions.

Cllr. R. Beasley said there are problems in North Kerry with boggy land. He asked that more consideration be given to the use of bio-units to overcome these issues. He said it is not acceptable that applicants are told to go into a village for planning permission if their land is not suitable.

Cllr. T. Ferris said the Environment Section are suggesting that no planning permission be granted out to Banna Cross, however, there is a contradiction in that holiday homes have been granted planning in this area. There is a lack of consistency in areas of North Kerry with a blanket ban on one-off houses. This needs to be addressed otherwise consideration will have to be given to other ways of assisting local people with planning permission.

Cllr. P. Leahy **SECONDED** this motion and said there are major problems in North Kerry. The Design Guidelines for building a houses in Rural Kerry will assist but there is a need for relaxation regarding planning permission in North Kerry.

## **25 Golf Course at Inch**

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

"That Kerry County Council reaffirms its commitment to the development of a golf course at Inch, Co. Kerry."

**The following report issued:**

**A strong business case exists for the provision of a golf course at Inch, which would act as a catalyst for development in this area and the broader Dingle Peninsula.**

**Kerry County Council strongly supports any proposal that would create jobs and sustain employment.**

**However, there is an issue with the current site, in so far as it is located in an SAC area where there are major restrictions to any development.**

Cllr. B. Griffin said the issues with Inch Golf Course have been ongoing for a long time. There is huge potential for job creation associated with the development of Inch Golf Course. It is frustrating for the developers and local people who would benefit from the development. With a need for sources of new employment in the county Kerry County Council should affirm its commitment to this project. Up to 100 new jobs could be created immediately in the construction and preparatory process and up to 40 jobs could be sustained going forward. Kerry County Council should lend its support to this project as it is very important for the entire Dingle Peninsula which could become a great golfing destination with development of this course. He said there have been expressions of environmental concern and if he thought this development would jeopardise the area he would not support this project. This project must be supported as it has huge potential for employment.

Cllr. P. McCarthy supported this motion. The area in question is in an SAC. Anywhere a golf course is built the area is being enhanced by way of the maintenance of the course. Jobs would also be created with the development of Inch Golf Course. While the Government of the day says SACs must be protected, the Department would have no problem sanctioning wind generators in the area. It is not sustainable to say a golf course would harm an area.

Cllr. M. Cahill supported this motion and said this matter has been discussed on a number of occasions and a presentation was made to Council on this development. Inch has the potential to become a world-class golf course. SACs are proving detrimental to Kerry and job creation in the county. Last year the SAC in Castlemaine Harbour cost the fishermen in Cromane and this designation will put them out of business. This golf course should proceed. He called on the Minister for the Environment to allow this golf course proceed.

### **Suspension of Standing Orders**

The Mayor informed the meeting that as it was 1.30 p.m. it would be necessary to suspend Standing Orders in order to consider the remaining Notices of Motion and agenda items.

On the PROPOSAL of Cllr. M. Gleeson, **SECONDED** by Cllr. A. McEllistrim, it was unanimously agreed to suspend Standing Orders to consider the remaining Notices of Motion and agenda items.

Mr. T. Sheehy, SE Planning, said planning permission exists on this site. Planning Regulations in 1990 exempted golf courses from planning permission. Work had commenced on the site so it was exempt. The issue as to whether the development involves one or two 18-hole golf courses is yet to be resolved. Designation of an area as an SAC does not preclude development once it can be demonstrated that the development will not have a detrimental effect on the area. A case must be made in this regard. From a planning perspective the Local Area Plan is supportive of the golf course in the area if it can be demonstrated the development will not impact the SAC. This is not a matter this Council can progress further.

Cllr. A.J. Spring declared that he may have an interest in this issue.

Mr. J.D. Flynn, Director of Corporate Services, advised Cllr. Spring that if he had an interest in this issue he should declare the interest and leave the meeting.

At this stage the Mayor moved on to the next Notice of Motion and no further discussion or vote took place on this matter.

## **26 Penalties for possession of knives in public places**

### **Pursuant to Notice duly given, Cllr. T. Fleming PROPOSED:-**

"That Kerry County Council request the Department of Justice to impose severe penalties on persons in possession of knives in public places as a deterrent to possible misuse excluding knives for recreational purposes, e.g. fishing etc."

**Ms. B. Reidy, SSO, said this is a matter for consideration by the members.**

Cllr. T. Fleming said penalties on persons in possession of knives need to be strengthened and enforced. He requested that the Notice of Motion be forwarded to the Minister for Justice.

Cllr. R. Beasley SECONDED this motion.

Cllr. D. Healy-Rae supported this motion and said this behaviour must be brought to an end. The Gardaí need more assistance and equipment and they should be able to arrest people carrying knives.

## **27 REPS Scheme**

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

"That this Council unanimously pleads with the Government to stop the savage attacks on our farming community by the removal of the REPS Scheme. Further cuts in small farmers' incomes cannot be tolerated as our rural countryside will be decimated if this goes ahead."

**Ms. B. Reidy, SSO, said this is a matter for consideration by the members.**

Cllr. M. Healy-Rae referred to the recent announcement regarding the removal of the REPS Scheme. The REPS payment can be the largest part of the income for small family farms. The income for these farms will be decimated. There has been attack after attack on the farming community. The money the farmer was getting was being spent locally. The removal of the REPS Scheme is having a knock-on effect on the local community. The REPS Scheme was in place for the smaller farm but in recent years bigger farms were becoming involved. The scheme, if it must be changed, should remove the bigger farms and it should remain available to the smaller farmers.

Cllr. D. Healy-Rae SECONDED this motion.

Cllr. P. Connor-Scarteen supported the motion and said the REPS 4 Scheme is being attacked. Farmers have kept rural communities alive. The REPS payment equates to large income for small farmers. He called on Oireachtas members to do more on this issue and bring the views of the elected members to Government. It is hoped this decision will be reversed.

## **29 Road through Glenbeigh Village**

**Pursuant to Notice duly given, Cllrs. M. Cahill/T. Fleming PROPOSED:-**

"That Kerry County Council surface dress the road through Glenbeigh Village in the vicinity of Sheahan's Supermarket as a matter of urgency."

**The following report issued:**

**Kerry County Council have an allocation of €140,000 in our NRA National Secondary Pavement Grant to carry out surfacing works on this section of the road through Glenbeigh Village. This work is being done as a fixed price contract and documentation in relation to this is being prepared. It is hoped to carry out the surfacing work in late September or early October. Some preparatory drainage works are also required and this work has just commenced.**

Cllr. M. Cahill welcomed the reply to the notice of motion and the funding allocated. He thanked Mr. P. Teahan, A/SEE Roads & Transportation for pursuing this matter. This road is part of the Ring of Kerry and it is in an appalling state. He welcomed the commencement of drainage works last week which will address an ongoing flooding problem. He asked if there could be an earlier commencement date for the surface dressing works.

Mr. G. MacNamara, A/Director of Roads & Transportation, said while an earlier start date will be considered, it is unlikely as the process to get a contractor in place takes time and it is hoped to avoid works during the tourist season.

## **30 Council Services**

**Pursuant to Notice duly given, Cllrs. M. Healy-Rae/D. Healy-Rae PROPOSED:-**

"That Kerry County Council should react to the current economic downturn by ensuring that all our vital and basic services are not only maintained but enhanced. We as a Local Authority really have to get back to the basics of filling potholes, cleaning drains, keeping water off our roads and ensuring that our Area Offices and our outdoor staff are kept at work. A lot of the airy fairy notions that our Council have been spending money on in the past will have to be cut".

**The following report issued:**

**The Budget as presented to and formally adopted by the Elected Council for 2009 prioritised the available funds for the Council's core essential statutory functions. These not alone include Roads, but Water/Waste Water Services, Planning, Fire, Environment Protection, Housing, our regulatory functions and our Waste Management Services in particular, as well. In planning our expenditure, we need to have regard to our social inclusion and "accessibility for all" obligations, of course. As expenditure has to be adjusted to the on-going changing income position, the services mentioned continue to be supported to the greatest extent financially possible in the present very difficult local, national and global economic environment. Services such as our libraries provide important social and cultural links across the entire county and merit support, too, in so far as funds allow. Achieving greater cost-effectiveness across all our services is an over-arching requirement for all and is being pursued vigorously by the executive.**

Cllr. M. Healy-Rae said patching lorries are operating on a week on/week off basis. Area Offices are not getting enough funding to provide these core services. In recent years there have been initiatives undertaken which will have to be reconsidered, e.g. Dancer in Residence and Writer in Residence. It is acceptable to have these positions in place if funding is available but in the current economic climate careful consideration must be given to all expenditure. Potholes are not being filled and hedge cutting is not happening. The Council system has failed with regard to hedge cutting. Basic services must be provided.

Cllr. D. Healy-Rae said the filling of potholes and maintenance of roads must be continued. He asked that consideration be given to keeping machines working in an area and bringing that area to standard and then moving to the next area. He said he accepts that health & safety and Chapter 8 issues are also affecting the Road Works Programme.

Mr. G. MacNamara, A/Director of Roads & Transportation, said the Road Works Programme is a reflection on the reduction in funding and the Roads & Transportation Department must work within budget. The Area Engineers are using funds available as efficiently as possible and keeping permanent workers in employment up to year end. Health & safety must be complied with and good practice must be enforced along with good procedures.

Mr. J. O'Connor, Deputy County Manager, said other essential services, like water and wastewater, must also be provided along with fire services and planning. The Arts Programme was severely reduced in Budget 2009.

Cllr. J. Brassil said he considered whatever small role Kerry County Council plays in promoting Arts and Heritage as crucial and he would be supportive of whatever contribution can be made to promoting culture, tourism and heritage. He said he would also like to continue to support the Kerry Life Education Centre and community groups for Tidy Towns competitions. He said he would not support the motion in its current context. Kerry County Council does not have "airy fairy notions". He said he had tabled a motion to employ a full-time Tourism Officer and he would be anxious to convey the message that Kerry County Council does provide core services and also has an important role in supporting other services.

### **31 Hedgecutting on a phased basis throughout the year**

**Pursuant to Notice duly given, Cllrs. M. O'Shea/P. O'Donoghue PROPOSED:-**

"That we the Members of Kerry County Council pass a resolution asking the Minister for Environment, John Gormley to allow hedge cutting on all roads on a phased basis throughout the year."

**The following report issued:**

**Section 46 of the Wildlife (Amendment) Act 2000 prohibits the destruction of vegetation growing in hedges or ditches during the breeding or nesting season from March 1st to 31st August. Where justified, in response to specific safety concerns, the Local Authority can authorise cutting of hedgerows within the closed period at specific sites. Any hedge cutting not in compliance with the above could leave the hedge cutter in breach of several sections of the Wildlife Act, Flora protection orders, and possibly in breach of European legislation where it relates to protected plant and animal species in non- designated habitats.**

**The Heritage Office is currently in the process of carrying out hedgerow surveys of the County in order to assist with the formulation of management plans for the County's hedgerows. A North Kerry survey is ongoing and the West Kerry survey is completed. The office is also assisting hedge contractors in obtaining FETAC Certification in line with best practise nationally and the adopted County Heritage and Biodiversity Plan.**

**The passing of a resolution is a matter for the Elected Members.**

Cllr. M. O'Shea said this is a case of bureaucracy and urban regulation for rural areas. People travelling the county's roads are being affected by overgrown hedges. This legislation should be appealed to the Department of the Environment before there is a serious accident. The lives of the road users should be protected.

Cllr. M. Cahill **SECONDED** this motion.

Mr. G. MacNamara, A/Director of Roads & Transportation, said the responsibility for cutting hedges lies with the landowner and hedge cutting should have been undertaken during the prescribed period.

Cllr. M. O'Shea said there are landowners who cut their hedges every year as required.

Cllr. P. Leahy asked for an update on the position with regard to the cutting of hedges on the N69 and junctions approaching the N69.

Mr. G. MacNamara, A/Director of Roads & Transportation, said road safety is a priority and if junctions are becoming overgrown the Area Engineer will try to find funds to cut the hedges. Lack of funding is an issue in 2009.

Cllr. B. Cronin asked how many landowners Kerry County Council has prosecuted for not cutting hedges.

Mr. G. MacNamara, A/Director of Roads & Transportation, said a number of landowners have been taken to Court and while the Roads Officer is encouraging landowners to undertake Hedgecutting prosecutions will be taken.

#### **09.07.20.16 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. P. McCarthy, **SECONDED** by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllrs. N. Foley and P. O'Donoghue at the Traveller Enterprise & Employment Seminar to be held in Dublin on 22<sup>nd</sup> July, 2009.

Cllr. N. Foley was nominated to report to Council on this conference.

- (b) On the PROPOSAL of Cllr. P. Leahy, **SECONDED** by Cllr. T. Buckley, it was agreed to authorise the attendance of Cllrs. N. Foley, B. Cronin and B. O'Connell at the Training Seminar for Councillors on the theme "Planning & Building Energy Regulations" to be held in Bunclody, Co. Wexford, from 24<sup>th</sup> - 26<sup>th</sup> July, 2009.

Cllr. B. Cronin was nominated to report Council on this conference.

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- (c) On the PROPOSAL of Cllr. M. Moloney, SECONDED by Cllr. B. Cronin, it was agreed to authorise the attendance of Cllrs. N. Foley, B. Cronin and B. O'Connell at the Training Seminar for Councillors on the theme "Effective Communications" to be held in Furbo, Co. Galway, from 31<sup>st</sup> July - 2<sup>nd</sup> August, 2009.

Mayor B. O'Connell was nominated to report to Council on this conference.

- (d) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. T Buckley, it was agreed to authorise the attendance of Cllrs. A. McEllistram, T. Ferris, N. Foley and B. O'Connell at the Training Seminar for Councillors on the theme "Renewable Energy and Energy Conservation" to be held in Westport, Co. Mayo from 7<sup>th</sup> - 9<sup>th</sup> August, 2009.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. T. Fleming, it was agreed to authorise the attendance of Cllr. J. Sheahan at this conference.

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

- (e) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to authorise the attendance of Cllrs. A. McEllistram, P. McCarthy, N. Foley, B. Cronin, B. O'Connell and P. Leahy at the Parnell Summer Scheme 2009 to be held in Rathdrum, Co. Wicklow from 9<sup>th</sup> - 14<sup>th</sup> August, 2009.

Cllr. P. Leahy was nominated to report to Council on this conference.

- (f) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. J. Finucane, it was agreed to authorise the attendance of Cllrs. T. Ferris, B. Cronin, B. O'Connell, P. Connor-Scarteen and J. Sheahan at the Training Seminar for Councillors on the theme "The Role of Local Government in Protecting our Water Resources" to be held in Furbo, Co. Galway, from 14<sup>th</sup> - 16<sup>th</sup> August, 2009.

Cllr. P. Connor-Scarteen was nominated to report to Council on this conference.

- (g) On the PROPOSAL of Cllr. T. Buckley, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllr. P. McCarthy, N. Foley, R. Beasley and B. O'Connell at the Humbert Summer School to be held in Co. Mayo from 20<sup>th</sup>-23<sup>rd</sup> August, 2009.

Cllr. R. Beasley was nominated to report to Council on this conference.

- (h) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P. McCarthy, it was agreed to authorise the attendance of Cllrs. T. Ferris and B. O'Connell at the Training Seminar for Councillors on the theme "Planning & The European Law" to be held in Waterford from 4<sup>th</sup> - 6<sup>th</sup> September, 2009.

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

- (i) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. B. Cronin, it was agreed to authorise the attendance of Cllr. B. O'Connell at the AMAI 96<sup>th</sup> Annual Conference 2009 to be held in Killarney from 10<sup>th</sup> - 12<sup>th</sup> September, 2009.

Mayor B. O'Connell was nominated to report to Council on this conference.

- (j) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J. Finucane, it was agreed to authorise the attendance of Cllr. B. O'Connell at the Training Seminar

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for Councillors on the theme “Voluntary Housing and Sheltered Housing for the Elderly” to be held in Tralee from 11<sup>th</sup> - 13<sup>th</sup> September, 2009.

Mayor B. O’Connell was nominated to report to Council on this conference.

- (k) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. Leahy, it was agreed to authorise the attendance of Cllr. P. McCarthy and B. O’Connell at the Kerry Folklore Conference – Community Folklore Recording to be held in Killarney on the 24<sup>th</sup> September 2009.

Cllr. P. McCarthy was nominated to report to Council on this conference.

- (l) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P. McCarthy, it was agreed to approve the attendance of Mayor B. O’Connell at the Dr. Douglas Hyde Summer School at Ballaghaderreen, Co. Roscommon, from 4<sup>th</sup> - 11<sup>th</sup> July, 2009.
- (m) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. McCarthy, it was agreed to approve the attendance of Mayor B. O’Connell at the Lough Ree Environmental Summer School and Arts Festival from 9<sup>th</sup> - 12<sup>th</sup> July, 2009.
- (n) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. T. Buckley, it was agreed to approve the attendance of Mayor B. O’Connell at the Inaugural Percy French Summer School at Castlecoote House, Roscommon, from 15<sup>th</sup>-21<sup>st</sup> July, 2009.
- (o) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. T. Fleming, it was agreed to approve the attendance of Mayor B. O’Connell at the MacGill Summer School in Glenties, Co. Donegal from 19<sup>th</sup> - 24<sup>th</sup> July, 2009.
- (p) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P. McCarthy, it was agreed to approve the attendance of Mayor T. Fleming at the Annual Non-Profit Summer School held from 16<sup>th</sup> - 17<sup>th</sup> June, 2009, held in Dublin.
- (q) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the attendance of Mayor B. O’Connell at a Training Seminar held in Skibbereen from 3<sup>rd</sup> - 5<sup>th</sup> July, 2009.

### **Expenses Allocation for newly Elected Members**

Cllr. B. Griffin queried the non-availability of an expenses allocation for Members Expenses for newly elected members

Cllr. T. Ferris asked that prior the next local elections that Kerry County Council would propose that only an amount of the allocation for Elected Members Expenses would be spent up to the date of the election.

Mr. J. O’Connor, Deputy County Manager, said this is a matter for consideration during the Budget process for 2014. Elected members are not precluded from attending conferences at their own expense.

### **09.07.20.17 Correspondence General**

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

1. Letter dated 15<sup>th</sup> May, 2009, from Kerry Group regarding milk price payments to milk suppliers.



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2. Letter dated 18<sup>th</sup> May, 2009, from the NRA regarding the installation of speed control systems at all schools on National Secondary Roads in County Kerry.
3. Letter dated 19<sup>th</sup> May, 2009, from the Country Registrar regarding the opening of European Ballot Boxes.
4. Letter dated 27<sup>th</sup> May, 2009, from An Garda Síochána regarding speed checks in the area of Derryquay National School.
5. Letter dated 9<sup>th</sup> June, 2009, from the Minister for Finance regarding Fixed Rate Mortgages.
6. Letter dated 9<sup>th</sup> June, 2009, from the Health Service Executive, Regional Health Office - South regarding Report on the Reconfiguration of Acute Services for Cork and Kerry.
7. Letter dated 9<sup>th</sup> June, 2009, from the Health Service Executive - PCCC Directorate North Cork regarding centralisation of HSE Schemes.
8. Letter dated 11<sup>th</sup> June, 2009, from the Health Service Executive South - Kerry Community Services regarding property rented by the HSE in Killarney Town.
9. Letter dated 17<sup>th</sup> June, 2009, from the Minister for Environment, Heritage and Local Government regarding applications for permission for telecommunication masts in County Kerry.
10. Letter dated 24<sup>th</sup> June, 2009, from Director of Environmental Services regarding Local Government Fund General Purpose Grant Allocations 2009 – Adjustments arising from the supplementary budget and anticipated shortfall in motor tax receipts.
11. Letter dated 26<sup>th</sup> June, 2009, from the Office of Public Works regarding Shore Protection in South Kerry.
12. Letter dated 8<sup>th</sup> July, 2009, from the Department of Justice, Equality & Law Reform regarding a major review of gambling.
13. Letter dated 12<sup>th</sup> May, 2009, from Limerick County Council calling on the Minister in charge of Housing:
  - (a) to change legislation so that all private landlords are made responsible for the tenants that they rent their premises to, and
  - (b) that all tenants be put under a similar scheme to Limerick County Council's Tenant policy.
14. Letter dated 5<sup>th</sup> June, 2009, from Donegal County Council calling on the Department of Finance to introduce an appeals mechanism for banking customers.
15. Letter dated 10<sup>th</sup> June, 2009, from Macroom Town Council calling for the reintroduction of royalties on oil and gas production in order to guarantee State revenue from the exploitation of our natural resources.

(Map withheld for Data Protection purposes)

## **Votes of Sympathy**

The following Votes of Sympathy were noted from the Vote of Sympathy book.

- (a) Vote of Sympathy to be expressed to the Family of Pa Egan, Fenit.
- (b) Vote of Sympathy to be expressed to the Family of the late Mrs. Bunion, Ballybunion.
- (c) Vote of Sympathy to be expressed to the Family of the late Mary O'Sullivan, Tralee.
- (d) Vote of Sympathy to be expressed to the Family of the late Fionán Carey.
- (e) Vote of Sympathy to be expressed to the Family of the late Patrick Looney.

## **09.07.20.18 Any Other Business**

### **Disruption of Pharmacy Services**

Cllr. N. Foley referred to the introduction of new reduced fees for pharmacists for the medicines they dispense which is due to come into force on 1<sup>st</sup> August, 2009. This is a source of worry for elderly people. She said she appreciated that some element of provision has been made by the HSE, however, people will now be going to pharmacists they have not dealt with before. People need reassurances regarding the availability of their medication, particularly those with a high dependency on medication. She said the Minister for Health has refused to meet with the Irish pharmacy Union and she called for Minister Harney and the Pharmacists to partake in meaningful discussions. Discussions must take place with the Irish Pharmacy Union regarding the fee cuts. She requested that a letter issue calling on the Minister for Health to meet the Irish Pharmacy Union as a matter of urgency and in a duty of care.

### **Allocation of Housing in the County**

Cllr. T. Ferris requested that a report on the Allocation of Housing in the County be provided for the September Council meeting as there are many vacant properties in the county.

### **Works in Burial Grounds**

Cllr. B. Cronin referred to letter issued from the Water Services Department with regard to works in burial grounds. He acknowledged the great work done by communities and people working on burial grounds to maintain them. He asked for a relaxation of the guidelines with regard to two elements of this letter:

1. With regard to the clearance of all vegetation is prohibited between March 1<sup>st</sup> and August 31<sup>st</sup> each year under the provisions of Section 46 of the Wildlife (Amendment) Act 2000 Cllr. Cronin said graveyard masses are being celebrated and people clean away this vegetation voluntarily. This work has transformed the burial grounds.
2. With regard to headstones and other grave markers which should not be righted or re-erected Cllr. Cronin asked for a relaxation of this guideline notwithstanding the archaeological issues that must be respected.

Mr. J. O'Connor, Deputy Manager, said community groups should make their first application to the Area Engineer. There have been serious problems with works carried out on burial grounds and this letter is aimed at trying to bring some control to these works. There must be contact between the local group and the local engineer with regard to any works proposed.

### **September Council Meeting**

Cllr. B. Griffin requested that if the Ordinary September Council Meeting is rescheduled that it would not be moved to 28<sup>th</sup> September, 2009.

Mr. J. O'Connor, Deputy County Manager, said this will be considered if there is a need to change the date for the September Council Meeting.

The meeting concluded at 2.30 p.m.

**Beth Reidy**  
**SSO Corporate Affairs**

**Mayor of Kerry**