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**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 19 JANUARY, 2009.**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 19 Eanáir, 2009.**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

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

**IN ATTENDANCE/I LÁTHAIR**

Mr. T. Curran, County Manager	Mr. J. O'Connor, Head of Finance
Mr. M. McMahon, Director of Planning	Mr. J.D. Flynn, Director of Corp. Servs.
Mr. O. Ring, Director of Water Servs	Mr. J. Breen, Director of Hsg & C&E
Mr. C. O'Sullivan, Dir. of Roads	Mr. G. O'Brien, A/SEO Corp. Affairs
Mr. B. Looney, Ethics Registrar	Mr. G. MacNamara, SE Roads
Ms. J. McCarthy, SEO Planning	Mr. L. Quinlan, SEO Housing
Mr. M. Boyce, SEE Environment	Mr. P. Corkery, Press & Comm.
Mr. L. Brosnan, AO Environment	Ms. B. Reidy, SSO Corporate Affairs
Ms. D. Griffin, SO Corporate Affairs	Ms. M. Galvin, CO Corporate Affairs
Ms. O. O'Shea, CO Corporate Affairs	

The meeting commenced at 10.55 a.m.

Mayor T. Fleming took the Chair.

**09.01.19.01 Mayor's Report on CPG Meeting held on 13<sup>th</sup> January, 2009**

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

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

Mr. G. O'Brien, A/SEO, briefed members on the agenda for the January Council meeting.

With regard to Agenda Item No. 6, Mr. J.D. Flynn, Director of Corporate Services, said he wished to acknowledge that Annual Declaration Forms submitted by Kerry County Council elected members in accordance with Part 15 (Ethics) of the Local Government Act, 2001, have been comprehensively completed and returned on time.

The date for return of Annual Declaration Forms is 28<sup>th</sup> February, 2009.

The date for return of Annual Disclosure of Donations forms is 31<sup>st</sup> January, 2009.

## **January Ordinary Meeting 2009**

With regard to Agenda Item No. 7, County Manager outlined the background on this matter and said a further report will be presented to the members at the January Council meeting.

With regard to Agenda Item No. 8, Mr. J. Breen, Director of Housing and Community & Enterprise, said that the Draft Traveller Accommodation Programme 2009-2013 has been through the public consultation process and has been considered by the Local Traveller Accommodation Consultative Committee. The Manager's Report on submissions/observations received and the Draft Traveller Accommodation Programme 2009-2013 will be presented to the members for consideration at the January council meeting.

With regard to Agenda Item No. 10, Mr. J. O'Connor, Head of Finance, said the establishment of a Customer Mandate with the National Treasury Management Agency will allow Kerry County Council to set up a Trading Account in order to borrow from the NTMA subject to normal rules of approval as well as place interim deposits with the NTMA. A report on this matter will be presented to the members at the January Council meeting.

It was agreed that the Mayor and County Manager would take Mr. Michael Connor-Scarteen and family to lunch today to mark the occasion of his retirement from Kerry County Council following 36 years of service.

### **Item 2 County Development Board**

Mr. J. Breen, Director of Housing and Community & Enterprise, outlined the following County Development Board issues:

- a. The next County Development Board meeting is scheduled for 6<sup>th</sup> February, 2009. The present economic situation will dominate the agenda for this meeting.
- b. A request has been received from the Department to establish an Enterprise Sub-Committee. The Kerry Enterprise Action Team (KEAT), a Sub-Committee of the Kerry County Development Board, meets this requirement.

### **Item 3 Update from Chairs of SPCs**

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

Cllr. P. McCarthy referred to Item 2 - County Development Board in the CPG Report. He PROPOSED that the Mayor and County Manager invite the Oireachtas Members and employment agencies in Kerry to a meeting to discuss the employment situation in the county.

Cllr. M. Healy-Rae supported the proposal to call a meeting with the state agencies involved in employment and the Oireachtas Members. All measures required to get through the current economic situation must be taken and all agencies/organisations must make an effort. He said job losses in big numbers are reported in the media, however, there are also job losses in small numbers, with employees being left go from small shops, which are not reported. Businesses are trying to reduce their costs and there is an enormous amount of people out of work at present.

Cllr. D. Healy-Rae referred to Fenit Port and concerns management of Liebherr (Ireland) Limited and the Fenit Harbour Master have raised regarding the access road to Fenit Port. He sought support of elected members on this issue and requested that a letter issue to the relevant authority to ensure the access road to Fenit Port is not damaged as a result of coastal erosion as this would have a detrimental effect on Liebherr (Ireland) Ltd. as a major employer in County Kerry who export their cranes from Fenit Port

Cllr. T. Fitzgerald said as Mayor of Tralee and former Chair of the County Development Board he has called for a Task Force to be set up in the county with as many employment agencies as possible involved. He said the County Development Board should undertake an Audit of industries in the county. The movement of labour to eastern European countries is having a devastating effect on employment in this country. Existing jobs in the county must be protected and Kerry County Council must be involved as much as possible with these agencies. He supported the issue regarding access to Fenit Port and said it is important Kerry County Council supports industry in the county.

Cllr. J. O'Connor referred to his involvement with a project entitled "Farmbiz" in Killorglin where farmers are considering alternative enterprises and growing home industry. He said he attended a meeting last year at which employment agencies were present and there was a poor representation of elected members. The County Enterprise Board currently has projects which are ready to proceed but they cannot be given approval because funding is not available. He said that he has met many young people that are going abroad for employment which is a loss to the future of the country. The county's hub status has not resulted in securing funding for the county. He said before he was elected to Council County Kerry did not avail of the gateway status which it had been assigned. With Gateway Status money was invested and there was access to resources. The number of people signing on for social welfare in the Killorglin and Caherciveen areas has increased significantly. Government commitment for employment agencies is required. Funding is required for training. A special meeting of Kerry County Council is required to discuss the effect the current economic climate will have on County Kerry and on our young people. This is a serious matter which should be addressed.

Cllr. T. Fitzgerald said he had sought and proposed Gateway Status for the County. The records of the meeting to which Cllr. O'Connor refers will reflect this.

Cllr. T. Ferris congratulated the County Manager, and former County Manager, on the establishment of the Kerry Enterprise Action Team (KEAT), an initiative that the Department are only now suggesting that counties take. She said the county has not taken advantage of the wealth of knowledge within the private sector. She suggested that an invitation issue to private entrepreneurs with experience of delivering projects in this county for decades. Foreign companies have abandoned their staff. The indigenous industries will remain loyal to the county. Small enterprises that will create 2-3 jobs must be facilitated.

Cllr. R. Beasley supported the sentiments expressed and said it has suggested by Deputy Ferris that party politics are put aside and everyone work together on this issue. He said landlords should review the rent they charge as many businesses are closing because of the rental charge.

Cllr. M. Cahill supported the call for a meeting with employment agencies and Oireachtas members and setting up a task force which would include the Manager and Mayor. In Killorglin the number of people signing on for social welfare has increased by 104% in 2008, the highest increase in the county. The increase in 2009 will be much higher as indications are there will be further job losses. Mr. Denis Brosnan has said the way forward is about survival, maintaining employment in the county and creating possibilities.

Cllr. N. Foley supported the comments of previous speakers. She acknowledged that Kerry County Council, having established KEAT, predates a call by the Department to set up such a Committee. She suggested that an extraordinary emergency meeting of KEAT with Kerry County Council be held. The concerns of Kerry County Council members could be expressed to KEAT who could then formulate a brief on how to move forward. There has been a number of devastating blows to the county's economy with job losses in Amman, Dell and Kostal. It is very important that there be positive leadership. There have been successes in the past involving Public Private Partnerships, e.g. businesses and Local Authorities came together on tourist initiatives which have been successful in Tralee. KEAT must be proactive and Kerry County Council should be aware of what is happening with KEAT. As a Council there must be a stronger, progressive and proactive approach. Within a collaborative approach party politics must be put aside for the benefit of the county. With regard to Fenit Port, she declared Directorship of the Fenit Harbour Board and said she would await clarification by the Director of Corporate Services on the issue of elected members, as Directors of a board, speaking on issues affecting that board, before expressing further comment.

Cllr. B. O'Connell referred to the Live Registrar and figures provided for unemployment in Kerry. Figures for Castleisland indicate there is no unemployment because Castleisland is included with Tralee. There is a situation in Castleisland whereby in trying to bring industry to the town figures on unemployment cannot be provided. Castleisland has its own identity with a lot of people unemployed. It is disingenuous to include Castleisland with Tralee.

Cllr. T. O'Brien said he has been in the Chamber during the good economic times and the IDA could not provide jobs for the county. He said he did not consider that the IDA will now be able to provide jobs, however, he would welcome a presentation from the IDA. Consideration must be given to what can be done and initiatives must be taken. Resources within the county must be drawn together and developed with KEAT.

Mayor T. Fleming complimented the elected members on their contribution regarding the unemployment crisis in the county. County Kerry has a lot of disadvantages and is becoming uncompetitive. These factors will have to be counteracted. He supported the proposal to invite Oireachtas members to become involved in a Committee to reinforce KEAT. The Director of Housing, Community & Enterprise had a proposal at the last County Development Board Meeting that entrepreneurs that have been successful in business also be involved. Kerry County Council should provide the lead on this issue.

County Manager said everybody is aware of the difficult economic climate the county is experiencing and that people are losing jobs day after day. KEAT is very limited in what it can do and another forum will not make changes in the short term.

KEAT has membership including the IDA, Institute of Technology Tralee, Údarás na Gaeltachta and FÁS. KEAT is considering the preparation of a skills audit for the county and the development of a promotional DVD for the county. At present it will be very difficult to attract manufacturing industries to the county and as elected members have mentioned indigenous employers in the county must be sustained. The County Enterprise Board are working closely on additional skilling as well as trying to create further opportunities for businesses to set up their own small companies. While the peripherality of the county works to our advantage from a tourist point of view, in other areas it works against the county. KEAT prepared a document on the blockages to employment in the county. Access to the county in terms of road, rail, air and broadband are limitations. Proposals from KEAT have been put forward nationally and some are progressing, some are not progressing and some are progressing very slowly. Entrepreneurs have been very helpful in their advice through KEAT. Unemployment levels are being monitored along with the type of people unemployed and consideration is being given to reskilling/upskilling for these people. While the meeting being suggested by elected members may highlight the economic situation it may not solve any of the issues and may become a forum which will not create clear actions. He said he was satisfied to let KEAT continue its work in this area.

Cllr. J. O'Connor PROPOSED that a meeting would be held on the unemployment situation in the county.

Cllr. P. McCarthy said he appreciated the comments from the elected members, the Mayor and management. He said when he proposed holding such a meeting it was not to diminish the work done by KEAT and others. The public are expecting the elected members to work together in conjunction with the relevant organisations such as KEAT. This matter must be dealt with as an emergency. It is a traumatic time for families when their children are going abroad for employment, particularly with the history of emigration when people have left Ireland and have not come back. While travel today is much more convenient and available it is like a death in the family for this to occur. Kerry County Council must be seen to do whatever is possible and ensure the jobs that still exist remain in the county, as well as doing everything possible to create employment. He thanked the elected members for their support on this issue.

Mr. G. O'Brien, A/SEO, said if it is the wish of the elected members to have a special meeting a date will have to be agreed. He sought clarification regarding the attendance of Oireachtas members and employment agencies.

Cllr. J. O'Connor said entrepreneurs should also be invited to attend.

Mr. G. O'Brien, A/SEO, said in inviting the Oireachtas members and employment agencies there will be an issue regarding the venue for the meeting.

Cllr. T. Ferris PROPOSED that an invitation be extended to Town Councillors as they are also affected. She suggested the meeting be held in a hotel.

Cllr. N. Foley said this meeting must have a sense of direction and focus on what needs to be done. She PROPOSED that KEAT host a meeting with Local Authorities, elected members, Oireachtas members and private entrepreneurs. KEAT could then report back to the Council on what brief is to be put forward. She asked if it would be advisable to have two meetings.

Cllr. T. O'Brien supported this PROPOSAL.

Cllr. M. Healy-Rae said including all the Town Councils may be too wide a remit. The main agencies, County Enterprise Board, County Development Board, South Kerry Development Partnership and North and East Kerry Development Partnership and agencies that have a valuable input into employment in the County, should be included.

Cllr. T. Ferris said the majority of social partnership companies would not have as much input compared to agencies such as FÁS. It would be wrong to omit Listowel Town Council which is most affected by job losses in Dell. The meeting should be focused and have a purpose. She suggested the Local Authority members could adhere to the party whip for speakers.

Cllr. T. O'Brien said in proceeding with this meeting it must have proper focus.

Cllr. J. O'Connor asked if the County Development Board and County Enterprise Board could develop a forum at which the matter could be considered and, through the CPG, revert to Council with a strategy at the next Council meeting or the Special Planning Meeting on Monday, 26<sup>th</sup> January, 2009.

Mr. G. O'Brien said the agenda for the Special Planning Meeting on 26<sup>th</sup> January is to continue the review of the Draft County Development Plan and the unemployment situation in the county cannot be dealt with at this meeting.

Cllr. P. McCarthy said his proposal was that the Oireachtas Members and employment agencies would be invited to a meeting and he accepted that KEAT and County Development Board representatives would also attend. There is a need for these groups to get together. What will arise from that meeting will not solve unemployment in the county but will give direction.

Cllr. L. Purtill supported this proposal.

Cllr. T. Fitzgerald supported the approach outlined by Cllr. McCarthy and said for the first meeting on unemployment in the county the grouping suggested would be sufficient. As a Council the elected members have a role in this matter to support industries which are experiencing difficulties.

Cllr. J. O'Connor PROPOSED that MEPs also be invited to this meeting.

Mayor Fleming said Mr. G. O'Brien, A/SEO Corporate Affairs, will arrange contact with entrepreneurs regarding this meeting.

County Manager said a County Development Board meeting on 6<sup>th</sup> February, 2009, will have representatives of all agencies and the main item on the agenda for that meeting is the economy and employment in the county. KEAT will also meet at the end of January. Issues from those meetings can be reported back to the Council.

Cllr. P. McCarthy said he accepted the Manager's position but people expect the Local Authority to do something. By bringing this meeting together the enormity of the problem with unemployment and direction for the county will be clear. It will be of benefit that other agencies attend.

## **January Ordinary Meeting 2009**

Cllr. N. Foley said members of the public are not aware of the workings of the County Development Board and KEAT. A mechanism to articulate the work of KEAT and the County Development Board must be achieved. Holding this meeting will achieve this. People need to see that assertive leadership is coming from Kerry County Council, Town Councils, entrepreneurs, KEAT, the County Development Board and nationally from Government. She said she considered that to date this has not been happening.

Cllr. R. Beasley suggested that two members of each Local Authority represent their Local Authority at the meeting. The meeting could then be conducted in Council Chambers at Council Headquarters rather than in a hotel.

Cllr. P. McCarthy **SECONDED** this **PROPOSAL**.

Mr. G. O'Brien, A/SEO, sought clarity on the request from the members on this matter.

Cllr. P. McCarthy said his proposal is that a meeting of Kerry County Council, Oireachtas Members, MEPs, employment agencies, KEAT and County Development Board be held.

Cllr. T. Fitzgerald said a meeting must be called involving elected members, KEAT and employment agencies to hear the position of the employment agencies.

Cllr. T. Ferris said the public do not know the work of KEAT and will ask what this Committee has achieved over the last number of years. Unemployment is the single biggest issue facing the county. As stated by Cllr. Foley Kerry County Council needs to give leadership. Some political representation is required in considering this matter and not all agencies on the County Development Board would be required to attend. Private sector involvement is required. It is not enough that KEAT or the County Development Board report back to the elected members. Elected members must participate on this issue.

Mr. G. O'Brien, A/SEO, said to progress this matter he would need direction from the elected members on what agencies they require to attend this meeting. The next available date for a Council meeting is Monday, 2<sup>nd</sup> February, 2009, at 10.30 a.m.

Cllr. T. Ferris requested that a list of the membership of the County Development Board be circulated and that the attendance at the meeting be decided on after lunch today.

### **09.01.19.02 Confirmation of Minutes**

On the **PROPOSAL** of Cllr. M. Gleeson, **SECONDED** by Cllr. R. Beasley, it was resolved that the minutes of the December Ordinary Meeting of Kerry County Council held on 15<sup>th</sup> December, 2008, be confirmed.

### **Resignation of Mr. Michael Connor-Scarteen**

Mayor Fleming welcomed Mr. Michael Connor-Scarteen, his wife, Eleanor, and his family and friends and Deputy Tom Sheahan to the Council Meeting. He said there is an element of sadness today as Michael has resigned from Kerry County Council. Michael has been a most honourable member of Kerry County Council through the years with great commitment and service to Kerry County Council. Michael carried on the work of

his father in Kerry County Council. Michael's dedication and what he has delivered on for the people he represented is notable and his consistency is widespread. He was a very capable representative for the people and made a great contribution to the economy and infrastructure of County Kerry. As a member of various committees he fulfilled his role with great tact and efficiency. He made very positive contributions in this Chamber and his light-hearted manner will be missed. He thanked Michael for being a great colleague through the years.

Cllr. B. O'Connell said it is with a hint of sadness that tributes are being paid to a great colleague and friend, Michael Connor-Scarteen, on his resignation from Kerry County Council. Tribute must also be paid to his wife, Eleanor. Michael's father and uncle also had many years of public service and Michael was co-opted to Kerry County Council in 1973. The Connor-Scarteen family has served for many years in Council, Senate and Dáil Éireann. Michael served with distinction and can be proud of his achievements and endeavours for his town and constituents.

Cllr. M. Gleeson congratulated Michael Connor-Scarteen on his years of service with Kerry County Council. Michael's attitude is always pleasant and he has a great sense of humour. He said he admired Michael's commitment to his local town of Kenmare and to the welfare and well being of the people in the area. Michael's father served in the period 1948-1973 when members were unrewarded for their commitment. He wished Michael and his family good luck for the future.

Cllr. B. Cronin welcomed Michael Connor-Scarteen, his wife, Eleanor, his son, Patrick, and his family and friends to the Council Chamber. He said it is a sad and yet extremely proud occasion for Michael to see his son, Patrick, co-opted to the seat which he has held since 1973. Michael represented his constituency with honour, dignity and integrity. Michael is always good humoured and would interject and lighten an occasion with that humour. Today will see the continuation of a very proud family history. He said his own late father, P.J. Cronin, had tremendous respect for Michael. He wished Michael and Eleanor well on their retirement and he wished Patrick well in the Council Chamber.

Cllr. L. Purtill said the Connor-Scarteen family and his own family come from a very similar background in politics. Both families were very much involved in the War of Independence and both took the Pro Treaty side in the Civil War. The Civil War in Kerry was very bitter. Michael has always been magnanimous in the Chamber. He has always been respectful towards his fellow Councillors of all party persuasions. He has always treated Council staff with respect and the dignity that they deserve and he said he has never heard Michael make a personal attack on anyone in the Council Chamber. His son, Patrick, is a worthy successor. He has a very outgoing personality and a legal background which will be of considerable advantage to him in his political career. He is a valuable addition to the Fine Gael party and to this Chamber. He wished Michael and Eleanor good health and happiness in the years ahead.

Cllr. M. Cahill said he wished to be associated with the tributes to Michael Connor-Scarteen. He will be missed from this Chamber. He wished Michael and his wife every happiness for the future. Today is also a joyous occasion for the Connor-Scarteen family to see the co-option of Patrick Connor-Scarteen. He wished Patrick well in the Council Chamber.



Cllr. D. Healy-Rae said he has known Michael Connor-Scarteen for many years and it was a pleasure to work beside him as an elected member. Michael never had a personal issue with any other member. All members enjoyed his humorous remarks in the Chamber. Michael had a very affable way of presenting his ideas and motions in representing his area. He wished Michael and Eleanor happiness in the future. He wished Patrick well in the Council Chamber.

Cllr. T. Ferris said when she was co-opted she got great support from Michael Connor-Scarteen. Michael's humour quelled many issues from erupting in the Chamber. She wished Michael well in retirement and said she looked forward to working with Patrick Connor-Scarteen.

Cllr. T. O'Brien wished Michael Connor-Scarteen and his family the best on his retirement. He thanked Michael for the welcome he had received when he joined Kerry County Council and thanked him for his support over the years. He welcomed Patrick Connor-Scarteen to the Council.

Cllr. S. Fitzgerald said it is a sad day to see Michael Connor-Scarteen retire from Kerry County Council. Michael was a dedicated colleague and member. He has a great personality, with a great attitude and dedication to his area. He wished Michael and Eleanor all the best in retirement.

Cllr. A. McEllistrim congratulated Michael Connor-Scarteen on his years of service as a member of the Local Authority. Michael has a great personality and is a very popular and approachable person. She said she would expect that Michael will continue working actively in politics. She wished Michael the best on his retirement and said she looked forward to working with Patrick Connor-Scarteen.

Cllr. T. Buckley said Michael Connor-Scarteen and his family have given great commitment in over 60 years of public service. Michael's father was elected in 1948 and from 1973 Michael won six elections in a row. He wished Michael and Eleanor the best in the future. He welcomed Patrick Connor-Scarteen and said he will continue the great tradition of politics within the Connor-Scarteen family.

Cllr. R. Beasley said he has known Michael Connor-Scarteen since 1974. Michael has given great service to the people of Kenmare. Michael has a great sense of humour which will be missed from the Council Chamber. He wished Michael and Eleanor a long and healthy life. He welcomed Patrick Connor-Scarteen to the Council Chamber.

Cllr. M. Healy-Rae welcomed Michael Connor-Scarteen, Eleanor, Patrick and his family and friends to the Council Chamber. He said this is both a sad and happy day for the Connor-Scarteen family. He said he worked closely with Michael on many projects over the years and Michael will be missed from the Council Chamber. He paid a special word of thanks to Eleanor, because in a political house, where there is a commitment to public service, the lady of the house is left to do a lot of work which is not given recognition. He said he looked forward to working with Patrick Connor-Scarteen and wished him many years in the Council Chamber.

Cllr. P. Leahy said he first met Michael in 1999 when he himself was elected. Michael was a tremendous worker for his area and he will be a loss to the Council Chamber. Michael is a gentleman with a great sense of humour. He wished Michael the best of health and happiness for the future.

Cllr. N. Foley welcomed the Connor-Scarteen family and their friends to the Council Chamber and said she wished to be associated with the words of congratulations to Michael Connor-Scarteen. It is a time of mixed emotion with sadness as Michael leaves the Council Chamber and excitement as Patrick takes the seat this morning. Sixty years of public service is a phenomenal legacy from the Connor-Scarteen family and it says a lot about the family that there is a strong sense of public service. Michael served his constituents with tremendous tenacity and to be elected six times shows respect from his constituents. She said while Michael talks of retiring she is sure he will be working on Patrick's election campaign for the local elections in June. She wished Michael health and happiness in the future.

Cllr. T. Fitzgerald paid tribute to Michael Connor-Scarteen on his long and dedicated service to the people of his constituency. Michael's father and relations were also involved in representing the people of Kenmare in a strong fashion. Michael was Chair of the South West Regional Authority and it was great to be a colleague of his over the years. He wished Michael and Eleanor well in retirement. He said it is great to see Patrick continuing the Connor-Scarteen tradition at county level and he looked forward to working with Patrick.

Cllr. J. O'Connor paid tribute to the long service the Connor-Scarteen family have given. He said Michael is a senior member of Fine Gael and is being replaced by a junior member of the party. On the night of Patrick's co-option, the attendance was overwhelming. He said Michael Connor-Scarteen, Danny Kissane and Dan Barry were elected members that he admired and who gave great advice. Michael has served the people of Kenmare and the Killorglin Electoral Area very well. Patrick Connor-Scarteen has great enthusiasm and will be an asset to the Council Chamber and the Fine Gael Party. He said Eleanor has been a great support to Michael over the years and he wished them well for the future.

Cllr. P. McCarthy said he wished to be associated with the genuine comments expressed by the elected members. These are genuine comments because Michael Connor-Scarteen has earned them. He welcomed the Connor-Scarteen family to the Council Chamber. He said Michael has a rare ability to combine professionalism and humour and had a great ability to defuse a situation with the work of Council continuing. He wished Michael and Eleanor all the best for the future. He welcomed Patrick Connor-Scarteen to the Chamber and said he looked forward to working with him as a colleague in the Chamber.

Cllr. J. Sheahan paid tribute to Michael Connor-Scarteen. He said that Michael was a great help to him when he was co-opted to the Council. Michael has served his constituency well for many years. This will be continued by Patrick Connor-Scarteen under Michael's guidance. He said Michael's retirement will be short lived as surely he will be involved in Patrick's election campaign later this year. He wished Michael and Eleanor all the best for the future. He welcomed Patrick Connor-Scarteen to the Chamber and wished him well.

Cllr. D. Kiely welcomed the Connor-Scarteen family to the Council Chamber. He said he has known Michael for many years and knew him before he was elected to the Chamber. Michael has been a tremendous ambassador for Kenmare and the entire county. He is always cheerful and humorous and is a very popular man. He wished Michael and Eleanor well for the future and said he looked forward to working with Patrick Connor-Scarteen.

Cllr. C. Miller welcomed Michael Connor-Scarteen, Eleanor and the Connor-Scarteen family and their friends to the Council Chamber. He paid tribute to Michael on his years of service and wished Michael well on his retirement. He welcomed Patrick to the Council Chamber and said that he is following a great family tradition.

County Manager said he wished to be associated with the kind tributes to Michael Connor-Scarteen, Eleanor and the Connor-Scarteen family. He complimented Michael on his commitment and dedication to the county, Local Authority and people of South Kerry over his 36 years of service. He said Michael is a gentleman to deal with and showed great respect for the staff of Kerry County Council. He said that Michael's sense of humour has been mentioned and this is certainly required to serve in politics. He wished Michael and Eleanor the best in retirement. May it be long and happy. He wished Patrick well in his role as an elected member.

Mr. Michael Connor-Scarteen addressed the Mayor, Elected Members, Manager, press and friends and expressed thanks for the kind remarks made. He said the Council is a full-time job now and he has decided to step down as it is time for a younger person to take over. He thanked Eleanor for supporting him for 36<sup>1</sup>/<sub>2</sub> years of public service. He expressed delight that his son Patrick has been chosen to take his place in the Killorglin Electoral Area and said the area is lucky to have such a good person as Patrick as an elected representative. He said that he is honoured and privileged to have been an elected member for 36<sup>1</sup>/<sub>2</sub> years. He served under County Managers: Mr. Keating, Mr. Collins, Mr. d'Arcy, Mr. Nolan, Mr. Riordan and the current Manager, Mr. Curran. The people of the Killorglin Electoral Area elected him on six occasions in 1974, 1979, 1985, 1991, 1999 & 2004. He said that his late father also served on the County Council representing the Killarney Electoral Area and his uncle, Mr. Timmy O'Connor, represented the Killorglin area. He said his father also had the honour of being a Senator and T.D. for South Kerry. The Connor-Scarteens have given good service to the people of the county and he hoped that this will continue with Patrick's election in June. He said he will miss the Council Meetings and it was always enjoyable to be in the Council Chamber. He said he always made a point of bringing light refreshments to the Council Meetings and he will continue to call to the meetings. He said he will remain active in politics and give advice to Patrick. He thanked the Press for the coverage of his period as a Councillor. He said that it was always enjoyable to work with the elected members and hoped all members will retain their seats in the June Elections. He expressed his thanks to everyone that paid tribute to him and his family.

**09.01.19.03 Filling of casual vacancy on the Council following the resignation of Councillor Michael Connor-Scarteen**

Cllr. B. O'Connell PROPOSED the co-option of Mr. Patrick Connor-Scarteen to the casual vacancy created by the resignation of Mr. Michael Connor-Scarteen.

Cllr. J. Sheahan SECONDED this proposal.

Mayor Fleming invited Cllr. Patrick Connor-Scarteen to take his seat.

Cllr. J. Sheahan welcomed Cllr. Patrick Connor-Scarteen to the Council Chamber and following in his father and grand-father's footsteps. Patrick has been in politics from an early age, has a keen interest and will continue the Connor-Scarteen tradition representing Kenmare and surrounding areas for many years to come.

Mayor Fleming welcomed Cllr. Patrick Connor-Scarteen and said he carries on a proud tradition. He said Patrick is a very capable and qualified man and he looked forward to working with him.

Cllr. S. Fitzgerald welcomed Cllr. Patrick Connor-Scarteen and said he has great experience in politics. The Killorglin area will be delighted to have a person of Patrick's calibre to represent them. He said Patrick is young and enthusiastic and he will do a lot for the people of South Kerry. He wished Patrick well in his new role and in the local elections in June.

Cllr. P. Connor Scarteen addressed the Mayor, County Manager, officials, elected members and his family and friends. He thanked everyone for expressing kind tributes to his father, Michael, and the Connor-Scarteen family's involvement in public service over the years. He said he used to attend Council meetings as a young boy with his father and is proud to be here today. It is a great honour to be Kenmare's representative on Kerry County Council and to be the fourth Connor-Scarteen elected representative for Kenmare. While there have been achievements in the past he expressed concern about the future of the Kenmare area. He said he hoped to bring new ideas and a fresh approach but will rely on the experience and advice of his father who has been helped by many people over the years. He said he hoped that he will be returned in the Local Elections in June based on his own merits. He said that he is postponing his legal career to dedicate his time to Council work. He said that he has dedicated time as Michael Connor-Scarteen's assistant and secretary and hopes to do the best he can for the Killorglin area. Kenmare is also experiencing difficulties regarding employment and the Live Register has almost doubled. He expressed hope in attracting manufacturing and IT jobs to the Kenmare area. Another priority is the building of Kenmare hospital beside the present building which will be retained for a day care service. He said he will continue involvement on the reinstatement of the Cork/Swansea car ferry. In our beautiful area the environment must be respected. Planning should be less stringent for one off houses and better and safer roads are required. Local Government should be given more power. He said he hoped to be constructive and bring new ideas and he looked forward to working with the elected members for the betterment of Kerry.

**09.01.19.04 Filling of casual vacancies on Committees following the resignation of Councillor Michael Connor-Scarteen**

On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Healy-Rae, it was agreed that Cllr. P. Connor-Scarteen be nominated to fill the vacancies on the following committees:

- South West Regional Authority
- Joint Policing Committee
- Road and Transportation SPC.

Mr. G. O'Brien, A/SEO, said a casual vacancy is also arising on the South Kerry Development Partnership. The filling of this casual vacancy will be dealt with at the February Council Meeting.

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

**Construction of 2 No. Single Rural Cottages**

Mr. J. Breen, Director of Housing and Community & Enterprise, referred elected members to reports which were circulated on the proposed development of 2 no. Single Rural Cottages. No submissions or observations were received and it is recommended to proceed with the construction of the 2 no. Single Rural Cottages.

On the PROPOSAL of Cllr. B. O'Connell, 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 Single Rural Cottage with appropriate effluent treatment facilities at Knockawinna, Brosna.

On the PROPOSAL of Cllr. B. Cronin, 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 8 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 appropriate effluent treatment facilities at Dromultan, Currow, Killarney.

**09.01.19.06 Issue of Annual Declaration Forms in accordance with Part 15 (Ethics) of the Local Government Act 2001**

Mr. B. Looney, Ethics Registrar, said the Annual Declarations under Part 15 of the Local Government Act 2001 (Ethics Framework) have been issued to elected members in paper format and electronically. Elected members are requested to submit their declaration in paper copy only. The Standards in Public Office Commission (SIPOC) has requested that Annual Declaration forms from elected members be published on the Internet. The consent of the elected members must be explicitly provided to comply with the request of the Standards in Public Office Commission that Annual Declarations be published online. It is a matter for the elected members to opt-in to the online publication of the declaration. He said that as the declarations are likely to be available to a wider community, in order to improve the legibility of the forms, elected members have the choice to type into the electronic version of the form. This form should then be printed, signed and dated and submitted to the Ethics Registrar. He requested that if an elected member does not have an interest to declare to enter "NIL" or "NONE" on the form, where appropriate.

Mr. J.D. Flynn, Director of Corporate Services, referred to a request from the elected members that clarity be sought with regard to their membership on a board or company by virtue of being a member of Kerry County Council and where requested to be a member of such board or company by Kerry County Council. A letter issued to the Minister with regard to this matter and on behalf of the

Minister, his Private Secretary has indicated that the interpretation of legislation is a matter for the Courts in terms of the Ethics Framework. Mr. J.J. Daly, County Solicitor, has indicated there is no true pecuniary or other beneficial interest for the elected members as they have been asked to be on the board or committee by Kerry County Council and nominated by Kerry County Council. If an elected member is nominated by Kerry County Council it does not constitute a private interest. Elected members are, therefore, not precluded from speaking on an issue with regard to the board or committee they are nominated to. The situation will be considered before each Council Meeting on a case by case basis. Elected members are bound by confidentiality clauses by virtue of being a Director of a board/company. Where elected members are not bound by such clauses they would be free to speak on an issue at Kerry County Council Meetings. He requested elected Members to speak with him before each Council Meeting with regard to their particular situation.

Cllr. B. Cronin said this situation applies to him with regard to his membership on the board of Kerry Airport.

Mr. J.D. Flynn, Director of Corporate Services, said on a case by case basis it will be discussed with elected members.

Cllr. T. Fitzgerald welcomed the clarity on this issue and said elected members representing Council on a Board should be permitted to speak on issues relating to that Board.

#### **09.01.19.12 Fáilte Ireland Presentation**

Mayor Fleming welcomed Ms. Fiona Buckley, Manager, Fáilte Ireland, to the council meeting.

Ms. Buckley thanked the elected members for giving her the opportunity to make a presentation to Kerry County Council. As part of her presentation she informed elected members that the annual Fáilte Ireland road show and industry briefing is being held in Killarney this evening at 5.00 p.m. and she invited all elected members to attend. She said she represents trade groups in Kerry. Figures for 2008 are disappointing and there is a low expectation for 2009, but there will be business this year. 4 million short breaks were taken in 2008 with  $\frac{3}{4}$  of them in Ireland. Take up of foreign breaks has been dropping and home breaks have been holding. Fáilte Ireland are focusing on the domestic market. Survey results show that in identifying areas where people will make cut backs in expenditure, they will keep their weekend breaks and drop the overseas holiday. The challenge to the trade is to offer value for money and the road show will assist traders with meeting this challenge. Fáilte Ireland launched a new advertising campaign over the last two years. Fáilte Ireland has invested heavily and will continue with this award-winning campaign. Fáilte Ireland creates the platform and highlights the reasons to visit Kerry but ultimately Fáilte Ireland do not sell the product. The trade must convert advertising into sales. Fáilte Ireland offer trade match funding with €500,000 match funding available in 2009. Trade in Kerry must avail of this match funding and promote offers. Advertising must be by way of a destination campaign, not individual campaigns. Trade must collectively combine their monies and Fáilte Ireland will match it and create the campaign. Fáilte Ireland sought more input from the trade and there was a positive reaction with €40,000 being raised for match funding opportunities for destination campaigns as follows:

## January Ordinary Meeting 2009

Dingle Peninsula	€10,000
North Kerry	€10,000
Ring of Kerry	€20,000

The trade is now seeking match funding. They can approach Fáilte Ireland with €40,000 but they are requesting Kerry County Council to match their €40,000 with €40,000 and Fáilte Ireland will then give them €80,000 match funding. Killarney is outside of this campaign as it is a separate proposal. Fáilte Ireland can either match the trade funding with €40,000 with a total trade support of €80,000 or the trade funding plus a contribution from Kerry County Council with €80,000 giving a total trade support of €160,000. If there is agreement from Kerry County Council to release €40,000 a system to work up campaigns and report back to Kerry County Council will be put in place.

Cllr. J. Brassil raised the issue of groups organising small festivals with a duration of 3-4 days or a week and asked if there is a fund available for such festivals and if so, what level of funding is available and who is the liaison person. The level of work in preparing an application to achieve funding of €2,000 is extensive. He asked that Fáilte Ireland would consider that 2009 is the 50<sup>th</sup> year of the Rose of Tralee Festival and support this festival.

Ms. F. Buckley said applications for submissions were invited in October, 2008. The submissions deadline for receipt of applications for regional funding and national funding was 14<sup>th</sup> January, 2009. These applications are being evaluated for approval on 20<sup>th</sup> January, 2009. A strict close of date is operated by Fáilte Ireland and the Festival and Events Fund is now closed. Ms. Justine White is the Tourism Officer. If there is a story attached to the festival which will create a profile for the area Fáilte Ireland may be able to support it. The Fáilte Ireland remit is to get funds into the economy. Priority is given to festivals which can attract bed nights to an area. That will provide a return to the economy and exchequer. Fáilte Ireland has limited funds which must be prioritised. Consideration is given to what is submitted in the application. Fáilte Ireland cannot justify local marketing. She said Fáilte Ireland is aware that 2009 is the 50<sup>th</sup> year of the Rose of Tralee festival and this is an important event in 2009.

Cllr. R. Beasley welcomed Ms. Buckley to the Council Meeting. He said in Ballybunion, which is a traditional seaside resort, tourism has not advanced, but is in decline since the early 1980's. Local tourist trade may improve if people are not travelling abroad. He sought suggestions from Fáilte Ireland on developing tourism in this area and develop sports in seaside localities. This should be taken on board and given consideration. He referred to the re-instatement of the Cork/Swansea car ferry and said there is a role to be played by Fáilte Ireland with elected members on this issue. He expressed doubt that the service would be re-instated in 2009.

Ms. F. Buckley said work is being undertaken which will benefit North Kerry. There is also a programme being developed on family holidays which will develop the seaside resort element of tourism. She said Fáilte Ireland has given a commitment regarding support for a campaign to market the Cork/Swansea car ferry and it is understood a decision will be available by the end of January, 2009. If €40,000 funding was allocated by Kerry County Council, subject to Council agreement, some of that funding could be used to fund a Cork/Swansea campaign, e.g. "Come to Kerry via Cork/Swansea Ferry".

Cllr. T. Fitzgerald thanked Ms. Buckley for her presentation. Tourism is Kerry's major industry and it is hoped 2009 will be a better year than 2008. It is important that tourism in the county is supported. He asked how much is spent on TV and coverage of the scenery in the county. TV coverage showing scenery is a great promotion for the county. He asked if Fáilte Ireland has any remit in attracting the film industry.

Ms. Buckley said it is very effective to include scenery in productions such as the Rally of Ireland. Dramatic landscape is shown within that production. An Turas also provided fantastic scenery opportunities. TV companies come through Kerry every year and consider Kerry to be the "Green Gem".

Cllr. B. Cronin thanked Ms. Buckley for her presentation and the insight into the work of Fáilte Ireland. He asked if she is concerned regarding the imminent difficulty Killarney hotels will experience. He asked if Fáilte Ireland have an indication of hotel bookings for the forthcoming year and if anything can be done to encourage more direct flights to Kerry to bring people to our county to maintain the tourism industry.

Ms. Buckley expressed concerns about hotels and businesses in the county as the first area they will cut is marketing. Fáilte Ireland is front loading advertising programmes because of this concern. Many people provide one-man businesses e.g. walking tours, and they must survive. There is lot of expertise within Fáilte Ireland and Fáilte Ireland also hires people on a contract basis to help businesses review their accounts. The road show will give businesses an opportunity to get help.

Cllr. Cronin asked if this assistance is provided to family-run guesthouses.

Ms. Buckley confirmed that Fáilte Ireland is committed to assisting family-run guesthouses. With regard to the query on bookings, bookings are web based and difficult to ascertain. In relation to airports, Fáilte Ireland cannot fund the airports but if a new route is introduced Fáilte Ireland works with Tourism Ireland to promote the route and market it.

Cllr. J. O'Connor asked if funding will be allocated to County Kerry if Killarney is not included. He said Fáilte Ireland used to have a representative on the South Kerry Development Partnership Board. He expressed disappointment that the Fáilte Ireland representative no longer attends board meetings. With regard to beaches and water sports it appears there is no policy to develop water sports. There is potential for development of this area and it is disappointing it is not given consideration. He asked what is being done to encourage flights to Kerry Airport. He referred to his Notice of Motion calling on the Minister to consider a tax incentive for people who holiday at home this year and requested that his Notice of Motion also be referred to Fáilte Ireland.

Ms. Buckley said Fáilte Ireland has a three year strategy for the development of activity holidays. Very little recognition is given to Ireland as a base for water sports. To promote water sports as a specialist activity is too restrictive. A Walking Plan is also an area for development. Fáilte Ireland will continue to promote routes through Kerry Airport. With regard to South Kerry Development Partnership and new leader boards, the General Manager cannot join these boards if they are on a County Development Board, but Fáilte Ireland has joined the Evaluation Committees. In the last number of weeks the policy was to advise on the Evaluation Committees. The Fáilte Ireland Business Development Manager will be joining the South Kerry Development Partnership Board.



Cllr. M. Gleeson thanked Ms. Buckley for her presentation. He asked if Fáilte Ireland interact with the OPW with regard to the maintenance of existing walking routes and developing new walking routes. There are sometimes difficulty with walking routes in Killarney. While Killarney can be seen as a stand alone tourism destination it is an integral part of the Ring of Kerry. It is considered that Killarney is often excluded as part of the Ring of Kerry. He asked if this could be overcome.

Ms. Buckley said the rationale on the destination campaigns is to create momentum and efficiencies. Fáilte Ireland want to match their resources with Ring of Kerry trade resources and Kerry County Council funding to market it as one destination. Killarney and the Ring of Kerry could be marketed together.

Cllr. N. Foley referred to the Rose of Tralee Festival and this is not just a local or national festival it is an international festival. She asked what funding is being put in place by Fáilte Ireland for Kerry and how much money was committed by Fáilte Ireland for Kerry over the last twelve months. With regard to the 'traditional welcome' aspect of tourism and the important asset of the people of Ireland, she asked is there a case for Fáilte Ireland to remind the people of Ireland that the traditional 'welcome' is important for visitors to the country. There may be need for re-education in this area and a reminder of courtesy which must be to the forefront in terms of tourism. Common courtesy has been lost in recent times. She sought clarification on the difference between Fáilte Ireland and Tourism Ireland.

Ms. Buckley said there is a Fáilte Ireland commitment to the Rose of Tralee Festival. A funding allocation will be known over the next few weeks. In addition to any Fáilte Ireland allocation, Fáilte Ireland can also raise the profile of the event. She said Fáilte Ireland allocated funding to Tralee Town Council for the Frankfurt-Höchst Schlossfest 2009 in Germany. It is difficult to identify a figure for Fáilte Ireland investment Kerry in 2008. Regionally Fáilte Ireland spent over €200m on marketing which included Kerry. With regard to the 'traditional welcome', Ireland is faring well in surveys with overseas visitors ranking Ireland highly in this area. Fáilte Ireland are developing activity sports which will involve open days. Tourism Ireland deals with overseas marketing and promotion of Ireland as a 32 county unit. Fáilte Ireland is the National Tourism Development Authority, developing things to do and see and developing trade and industry and based on the 26 counties.

Cllr. M. Cahill thanked Ms. Buckley for her presentation. In the current economic climate, attracting visitors will be by means of special offers and real value for money. It is being achieved and can be achieved to a greater degree. Outdoor activity holidays are extremely important to Kerry. He said he was hopeful for a positive outcome regarding the re-instatement of the Cork/Swansea car ferry in 2009. Kerry Airport is very important to the county in terms of tourism and employment and it is disappointing that the expansion is not proceeding for the present. He suggested that the tourism industry in the county come together to cultivate ideas for the development of tourism.

Ms. Buckley said the Cork/Swansea car ferry is very important but will need a strong freight service to be sustainable.

Cllr. S. Fitzgerald thanked Ms. Buckley for the presentation. He said there is potential for water tourism in this county and asked how Fáilte Ireland could assist Kerry County Council in promoting water tourism. He asked if Ireland still has a reputation as a walking destination.

Ms. Buckley said surveys show that U.K. residents think there is not enough to do in Ireland. They think Ireland is about its scenery. The challenge is to show Ireland has many activities to offer, e.g. walking, golfing etc. A Walking Plan for Kerry is being developed. Consideration must be given to what a walk of excellence looks like, e.g. availability of car parks and shelters, signage, detail on the story of the walk. The Walking Plan will involve interesting walks that can be promoted, e.g. walks similar to the heritage walks in Spain.

**Suspension of Standing Orders**

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

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. N. Foley, it was unanimously agreed to suspend Standing Orders to finalise consideration of this item.

Cllr. B. MacGearailt thanked Ms. Buckley for her presentation. He referred to Díseart an Daingin, a long established voluntary education organisation that has made connections with universities in the U.S. People are attending regularly from the U.S. Other state bodies, including Fáilte Ireland, did not support the project which brings hundreds of students to Ireland each year. He requested that Fáilte Ireland would support this project. He welcomed the work being done by Fáilte Ireland and proposals regarding walking routes. It is very important to have a story associated with the walking routes.

Ms. Buckley undertook to discuss support of the Díseart an Daingin project with Ms. Justine White, Tourism Officer, Fáilte Ireland.

Cllr. D. Healy-Rae thanked Ms. Buckley for her presentation and said the Cork/Swansea Ferry is of vital importance to the South Kerry area as it is the main artery for tourists to access the area. He said the east of this country seems to benefit more from tourists and Fáilte Ireland should try to balance tourism in the country. With regard to the decrease in American tourists visiting Ireland he asked if it is expected there will be an increase in tourists from America this year. He said he hopes Fáilte Ireland can encourage tourists to visit Killarney and South Kerry with all of Kerry benefiting. As Kilgarvan is so close to West Cork there may be scope to market the area as a region.

Ms. Buckley said information on the re-instatement of the Cork/Swansea Ferry is awaited by Fáilte Ireland. Fáilte Ireland increased car tour marketing funding last year. The route from Rosslare to Kerry is marketed. With regard to American tourists, she said the reality is while the American economy is under pressure Americans will not be travelling. Tourism Ireland will continue to keep their investment in the U.S.

Mayor Fleming asked if the marketing campaign for Killarney at the end of 2008 was a successful promotion in terms of value for money and bringing additional tourists to the area. He welcomed Fáilte Ireland's response to queries raised today. Ms. Buckley has emphasised the activity and adventure holiday aspect. Kerry has natural attractions in the county that must be developed to attract more visitors to the county.

### **January Ordinary Meeting 2009**

Ms. F. Buckley said Fáilte Ireland were satisfied with the campaign because feedback from the trade was that it was a worthwhile campaign. As campaigns are run together it is difficult to identify which campaign drove the response. The Killarney Chamber of Tourism and Commerce and trade have indicated they want to participate in this type of campaign again.

Mayor Fleming thanked Ms. Buckley for her presentation to the elected members.

The meeting adjourned for lunch at 1.45 p.m.

The meeting resumed at 3.10 p.m.

### **Suspension of Standing Orders**

The Mayor informed the meeting that it would be necessary to suspend Standing Orders in order to consider the remaining Agenda items before the Notices of Motion.

On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. B. Cronin, it was unanimously agreed to suspend Standing Orders to consider the remaining Agenda items prior to consideration of the Notices of Motion.

### **Special Meeting of Kerry County Council regarding unemployment**

Mr. G. O'Brien, A/SEO, circulated the membership of the County Development Board for the information of the members.

Cllr. D. Kiely as Chairman of the County Development Board he would be reluctant to exclude any organisation from the list circulated.

It was unanimously agreed to invite all members of the County Development Board to a Special Meeting of Kerry County Council regarding unemployment in the county.

Mr. G. O'Brien, A/SEO, said due to the numbers invited the meeting cannot be held in the Council Chamber.

Cllr. R. Beasley suggested that the meeting be limited to a number of members per party and Independent members.

Mr. J. Breen, Director of Housing and Community and Enterprise, said a County Development Board meeting is scheduled for the morning of Friday, 6<sup>th</sup> February, 2009, in Killarney and the special meeting could be held the afternoon, dependent on confirmation of availability of the room within the hotel.

Mr. G. O'Brien, A/SEO, requested confirmation that the elected members wish to invite Oireachtas Members, MEPs, County Development Board members and the Mayor of each Town Council.

Cllr. J. Brassil referred to the KEAT forum and asked why, with this existing forum, is there a need for a special meeting.

Mayor T. Fleming said it was agreed earlier this morning to have a special meeting regarding the unemployment crisis in the county.

## January Ordinary Meeting 2009

Mr. G. O'Brien, A/SEO, sought clarification regarding the invitation wording for the meeting.

It was agreed that the invitation issued would state that this is a Joint Meeting of Kerry County Council and the County Development Board to be held at 2.30 p.m. on Friday, 6<sup>th</sup> February, 2009.

### **09.01.19.07 Manager's Report on an allegation of the executive misleading the Council**

Mr. T. Curran, County Manager, referred to report dated 12<sup>th</sup> January, 2009, which had been circulated to the members. He outlined his report as follows:

"You may recall that, at the Monthly Meeting of Kerry County Council on 19<sup>th</sup> May 2008, Cllr. Brendan Cronin made a serious allegation against Mr. Michael McMahon, Director of Planning. The allegation was that information provided to the Council pursuant to a notice of motion moved by Cllr. Cronin was inaccurate and misleading and appears to have been a cover-up to conceal information.

In view of the seriousness of the allegation and at the request of the Members, I, as County Manager, prepared and furnished a full report on the matter to the Council, at the Monthly Meeting held on the 16<sup>th</sup> June 2008. My report concluded as follows:-

**"I am fully satisfied from my review of the file and interviewing staff involved that proper procedures were followed and that the reply to the Notice of Motion was factually correct". (Report of 10<sup>th</sup> June 2008 – attached)**

Cllr. Cronin did not accept my report and stated that he did not want an internal investigation and had not requested one, but had already referred the matter to the Standards in Public Office Commission(SIPO). Because the matter had been referred to an outside body the Council did not discuss my report.

I have been informed by SIPO, following an enquiry by me that the complaint referred to them by Cllr. Cronin is not under consideration by them.

Cllr. Cronin was informed by SIPO on 28<sup>th</sup> October 2008 that he should raise his issue with the Ethics Registrar of Kerry County Council. To date, he has not done so. Were Cllr. Cronin to exercise his right and bring the matter to the attention of the Ethics Registrar, it is then the duty of the Ethics Registrar to bring the matter to the attention of the County Manager. Under Section 174(8)(a) of the Local Government Act 2001 the person to whom the matter is brought to the attention of, in this case the County Manager as it refers to a staff member, is required to consider what action should be taken.

As I have already investigated this complaint, at the request of the full Council, and furnished the Council with a full report, which concluded that there is no case to answer by Mr. Michael McMahon, I consider this matter to be closed and Mr. McMahon cleared of any alleged wrongdoing.

It is unacceptable that the character of a senior member of staff of Kerry County Council should be called into question and then left in "limbo" for such a long time.

**January Ordinary Meeting 2009**

It is further unacceptable and disappointing that an investigation carried out by me, at the request of the Council, was not accepted by Cllr. Cronin. Such actions seriously undermine the integrity of the Management of this Council and the relationship between the Elected Council and Management. I wish to categorically state and my record will show that never in my 30 years of public service, have I ever knowingly misled or provided false information to any Elected Member. Furthermore, I am certain that Mr. Michael McMahon can say likewise.

I now consider this matter closed and I am informing the Council accordingly.”

(Copy of Report of 10<sup>th</sup> June, 2008, follows on pages 22-25)

**Oifig Bainisteoir an Chontae**

Comhairle Contae Chiarraí,  
Áras an Chontae,  
Trá Lí, Co. Chiarraí.



**COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL**

**County Manager's Office**

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**Mo Thag/My Ref:** TC/LS/10JUN08  
**DÁTA/DATE:** 10<sup>th</sup> June 2008  
**CHUIG/TO:** **A Mhéara & Gach Ball do Chomhairle Contae Chiarraí**  
  
**ÁBHAR/SUBJECT:** **Re: Notice of Motion – Unauthorised Quarries/Excavations**

***A Chomhairleoir, a chara,***

*Following an allegation at the May Council Meeting, held on 19<sup>th</sup> May 2008, by Cllr. Brendan Cronin, that information given pursuant to a notice of motion moved by him at the March Council Meeting, held on 10<sup>th</sup> March 2008, was inaccurate and misleading and that there appears to have been a cover-up to conceal information, I undertook, at the request of the Members, to investigate and furnish a full report on the matter to the June Council Meeting.*

*The following is a report on my findings:-*

***(a) Chronology of Events***

1. Kerry County Council received a complaint, anonymously by phone-call, on 8<sup>th</sup> January 2008 that an unauthorised development was taking place on lands at Gortanaboul, Kilgarvan, namely "Quarrying lands without planning permission". A file was opened on the matter U011/08.

*An inspection and report must be completed within six weeks of receipt of complaint.*

2. The site was inspected by Mr. Chris Van Schoor, Executive Planner, on 11<sup>th</sup> February 2008. His report stated that, on the date of inspection, no work was taking place. However, it appears that material was excavated and removed from site and more was stockpiled. As it was unclear as to what was happening and the purpose of the excavations, he recommended the serving of an Enforcement Notice.

3. The Enforcement Notice was posted on 14<sup>th</sup> February 2008 requesting that all works should cease by 18<sup>th</sup> February 2008 and site reinstated to its original state by 14<sup>th</sup> March 2008. The owner of the site was established as Mr. Danny Healy-Rae.

*/contd.....*



GAEILGE AGUS FÁILTE



4. *Mr. Healy-Rae replied by letter, dated 26<sup>th</sup> February 2008, received on 28<sup>th</sup> February 2008 that he was only removing a small rock outcrop to make the area more amenable to grazing and mowing. He stated that it was his intention to replace the topsoil, reseed the ground and improve the strip for agricultural purposes.*
5. *Mr. Van Schoor accepted the explanation, deemed it to be exempted development, and recommended the withdrawing of the Enforcement Notice. This recommendation was handwritten on the letter from Mr. Healy-Rae and dated 29<sup>th</sup> February 2008.*
6. *Ms. Joan McCarthy S.E.O. having received the recommendation, discussed same with Mr. Michael Lynch S.E.E., who agreed with the recommendation. This was on 3<sup>rd</sup> March 2008. Ms. McCarthy also discussed this decision with Mr. McMahon, Director of Planning, who concurred with the decision.*
7. *Ms. McCarthy asked Mr. Van Schoor for a full report for clarity for the file.*
8. *Mr. Van Schoor provided this report on 14<sup>th</sup> March 2008.*
9. *A letter was issued to Mr. Danny Healy-Rae on 18<sup>th</sup> March 2008 stating that his explanation was accepted but that the site would be monitored to ensure compliance.*

*I spoke to Mr. Van Schoor, Ms. McCarthy, Mr. Lynch and Mr. McMahon on the matter and the procedure followed, I am satisfied that due process was followed in this case.*

*Returning to the issue of the Notice of Motion and the allegation that the Council was misled.*

*The motion asked as follows:-*

*“Can the Planning Department clarify are there still illegal or unauthorised quarries or excavations being opened or operated without planning in Kerry.*

*If so, please give details of—*

- (a) where these quarries are*
- (b) who owns the property*
- (c) if enforcement proceedings have begun”*

*The reply stated:-*

*“with regard to unauthorised quarries, the Enforcement Section are currently dealing with 8 cases. These were listed in reply. It also stated that a further 6 quarries had been brought to the attention of the Enforcement Section that are allegedly operating without permission. These were in the early stages of investigation and we did not have details of owners or operators and no Enforcement Proceedings had begun.  
(full copy of reply to Notice of Motion attached).*

*/contd.....*

*In preparing to reply to this notice of motion, great care and attention was given to listing cases where **Enforcement Proceedings were ongoing.***

*The file on the Danny Healy-Rae site was effectively closed prior to the Council Meeting of 10<sup>th</sup> March 2008. That decision was taken on 3<sup>rd</sup> March 2008, although the full report was not written until the 14<sup>th</sup> March 2008. This is not unusual and is as a result of pressure of other more important jobs.*

*Mr. McMahon, Director of Planning had briefed me personally prior to the finalisation of the reply to the Notice of Motion and I fully accepted his decision.*

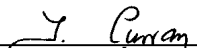
***I am fully satisfied from my review of the file and interviewing staff involved that proper procedure was followed and that the reply to the Notice of Motion was factually correct.***

*Indeed, the Council investigate many similar cases and sometimes it is difficult to distinguish between bona fide land reclamation and commercial quarrying at the early stage. After the initial inspection on 11<sup>th</sup> February 2008, the Council decided to err on the side of caution and serve an Enforcement Notice. On receipt of a written response and explanation on 26<sup>th</sup> February 2008 and following follow up inspection, the Council is satisfied that the works, in question, were exempted agricultural development in accordance with Schedule 2, Part 3, Class 11 of the Planning & Development Regulations 2001.*

*I trust that I have clarified the position for all the Elected Members and wish to assure the Members, most emphatically, that the Executive would never knowingly mislead this Council or attempt to conceal information from or be part of any cover-up.*

*It is most disappointing that such an allegation should have been made against me as Manager and any member of the Staff of Kerry County Council.*

***Is mise le meas,***

  
\_\_\_\_\_  
***T. Curran/T. Ó Curráin,  
County Manager/Bainisteoir Contae***



10/3/08.

7 Cllr. B. Cronin

"Following the request by the Planning Department of Kerry County Council to all quarry owners to apply to regulate their business, can the Planning Dept clarify are there still illegal or unauthorised quarries or excavations being opened or operated without planning in Kerry. If so please give details of where in Kerry these unauthorised quarries are, who owns the property and if enforcement proceedings have begun"

**Reply :** - Pursuant to Section 261 of the Planning and Development Act, 2000, 122 valid applications for registration of quarries were received by the Planning Authority. 101 quarries were registered, those not registered did not come within the scope of the legislation.  
21 of those registered appealed the decision of Kerry County Council to An Bord Pleanála. To date, 4 decisions have been received from the Board.  
With regard to unauthorised quarries, the Enforcement Section are currently dealing with 8 cases.  
Details are as follows:

Enf Ref	Operator	Location	Current Status
U004/06	Eamon McElligott (QY099)	Larha, Ballylongford	Appealed to An Bord Pleanála. Listed for court hearing.
U013/06	Michael Griffin	Freaghanach, Kilgarvan	Legal proceedings put on hold as the quarrying has ceased and a planning application is pending.
U062/07	Pat O'Brien	Boulderah, Kells	Enforcement Notice Served. Court hearing awaited.
U142/06	Donegan	Knockane, Listowel	Warning Letter served. Planning application submitted ref 07/3144. FI requested on 24/9/2007. Response awaited.
U230/07	Denis Clancy	Doon West, Ballybunion	Warning Letter served. Follow up inspection to be arranged asap.
U241/07	John Sugrue	Gortboy, Beaufort	Warning Letter served. Land owner intends to apply for planning permission.
U270/07	M.F. Quirke (QY111)	Fermoyle, Ballinskelligs	QY111 decision appealed to An Bord Pleanála.
U299/07	James Power	Cloonnafineela, Kilflynn	Warning Letter Served. Reply received from Owners' Solicitor. Follow up inspection to be arranged as soon as possible.

6 other quarries have come to the attention of the Planning Enforcement Section that are currently operating without permission. However, the lands are unregistered and the owners are unknown. Once all enquiries and investigation of ownership of these sites are exhausted, legal notices will be posted on the relevant sites, where necessary.

Cllr. M. Healy-Rae welcomed the County Manager's report. He said since Mr. Curran was appointed as County Manager he has enjoyed 99.9% support of the members of the Local Authority. In the current difficult economic times there is no better team than the County Manager, Directors of Service and senior staff to consider the difficult decisions that face the county over the next number of years. He pledged his support to the County Manager. He said Mr. Curran was hardworking and respectable as the former County Engineer and he continues to work with these attributes as a public servant. It is unfortunate this type of slur was cast upon a staff member. He welcomed the County Manager's judgement and recommended the report. He said he hoped the County Manager and Directors of Service continue to enjoy the support of the Local Authority members for many years ahead.

Cllr. B. Cronin said unfortunately he could not agree with the sentiments expressed in the County Manager's report. He said the reason he could not agree is based on Kerry County Council letters in his possession. It is clear that an Enforcement Notice was issued to Cllr. Danny Healy-Rae and was live, and not withdrawn, when he chaired the March 10<sup>th</sup> 2008 Council Meeting while the Council discussed Enforcement Proceedings against 14 other landowners. The Council letters also show that the Director of Planning, Michael McMahon, in his own handwriting signed and dated a Council Memo on the 14<sup>th</sup> of March, 2008, 4 days after the March 10<sup>th</sup> Council Meeting. Following this the Planning Department issued a further letter to Cllr. Danny Healy-Rae on the 18<sup>th</sup> March – 8 days later. He said it is understanding is that planning decisions issued are legally from the date on the issuing letter. He said following his initial complaint, he has been in continuing contact with the Standards in Public Office Commission. This Commission, through its Secretary, David Waddell, and following assessment of his original complaint has recommended that in order to follow appropriate legal procedures set out in Section 174 of the Local Government Act, his complaint must be lodged in a formal manner to the Ethics Registrar. He said he has sought legal assistance to compile this complaint and when it is legally ready it will be lodged with the Ethics Registrar as prescribed. He said interestingly, Mr. Waddell, on behalf of the Commission, also informed him that:

“If you are not satisfied with the outcome of the consideration of the matter within the local authority following referral to the Ethics Registrar, you may wish to make a complaint to the Standards Commission under Section 4 of the Standards in Public Office Act 2001.”

Mr. Waddell's letter quotes the legislation which provides for this. He said the Standards in Public Office Commission have also informed him that there is no time limit or constraints on when a complaint can be lodged to the Ethics Registrar. He said:

1. “I will not be threatened, forced or rushed into doing anything that has not been legally assessed properly for me.
2. The unique, powerful and influential position Cllr. Danny Healy-Rae, Deputy Mayor of Kerry, had over 14 other landowners who had Enforcement Proceedings issued was unfair and should have been disclosed to the March 10<sup>th</sup> Meeting.

3. The Council letters in my possession, specifically the dates and signatures, simply do not satisfactorily add up.
4. My Complaint, Manager, is returning to both Cllr. Danny Healy-Rae, Deputy Mayor, and Mr. Michael McMahon, Director of Planning.
5. The underlying tone in your report dated 12<sup>th</sup> January, 2009, is: How dare I question what happened here. How dare I seek to have this investigated. You would clearly love to silence me, Manager, to have me put down. Thankfully, County Manager, you will never stop me asking questions, you don't have that power – that belongs solely to the people that elected me.

I have never made personal statements about any Elected Member or Staff Member, but am perfectly entitled to question proposals or decisions made at this Public Forum. We are all answerable & accountable for our actions as Public Representatives and Public Servants in here.”

County Manager said he wished to make clear that never, at any stage, has he threatened or forced any member to do anything in the Council Chamber. In relation to procedures and time frames, it is unfair that the character of a staff member is called into question until legal advice is available to Cllr. Cronin on this matter. Cllr. Cronin said he will take his time in submitting his complaint to the Ethics Registrar, but this is somewhat contradictory as he has already submitted this complaint to SIPOC without any apparent legal advice. He said he will not accept that the matter remains open while waiting until a decision is made by Cllr. Cronin on what action can be taken. He said he has dealt with the case and he expressed disappointment that Cllr. Cronin has not accepted his report. He said all reports were available to Councillors and he clarified the issue regarding dates in his report in June, 2008. The reason the dates did not add up is that on occasion decisions are taken and it is some time before the follow up action is taken. He said if this is not accepted there is a serious issue because, in effect, Cllr. Cronin is saying that he, as County Manager, did not do his job right in carrying out the investigation. He said Cllr. Cronin does not accept his report and wants to hold a sword over Michael McMahon until he sees fit. He said he will not accept this from Cllr. Cronin or any other member. If the members decide they are not satisfied with the service of any member of management or himself in his role as County Manager, then he would have to leave his position as County Manager. He said he wants to bring closure to this matter in the interest of Council and staff and he is satisfied that the matter is closed. He said if Cllr. Cronin decides to forward this matter to the Ethics Registrar, he considers that he has investigated it and unless new evidence is presented he will not re-investigate this matter. It is wrong that this hangs over Michael McMahon since May, 2008.

Cllr. B. Cronin said he is entitled, as he has been informed by SIPO, to get proper legal advice and compile the complaint in a formal legal fashion. He said he sent the matter for legal advice in order to get a clear independent assessment. This is the reason it was referred outside of this county. He said he will follow the legal procedures as recommended by SIPO. When the legal advice on the matter is ready he will submit it to the Ethics Registrar for examination.

Cllr. D. Healy-Rae said he has full confidence in the Manager and his staff. The standards applying to staff of Kerry County Council cannot be called into question. He said it is a proud day for him, as an elected member, to have a County Manager who has worked through the public service as an engineer and has attained the

position of County Manager through merit. Managers have different styles of management and it is great to see the current County Manager with thorough leadership and a hands on approach. He said a Director of Service is called into question because of nothing other than a personal gripe Cllr. Cronin has against him (Cllr. D. Healy-Rae) through the years. He said he was in a position to chair the March, 2008, meeting and he believes that if it was any other member that chaired that meeting these questions would not be hanging over this Director of Service. He said he does not believe he did any wrong by chairing that meeting. He said he was sorry the list of people with enforcement proceedings against them was made public, but this arose from Cllr. Cronin's notice of motion. He said this investigation started in May, 2008, and he queried the length of time it takes to obtain legal advice. It is not fair to have senior management called into question. He said he is in Council to work on behalf of his constituents and not to attack any elected member. Council should be dedicating time to the much more urgent and dominant factors in the current economic climate with young people of the county facing the reality of unemployment. He said Cllr. Cronin, in putting him down (Cllr. D. Healy-Rae) he is putting down Mr. Michael McMahon and the County Manager. He said he had to get legal advice regarding a Notice of Motion he had tabled on hedge cutting and he had to pay for that legal advice himself. He said he did no wrong then and he has no personal gripe with any elected member, including Cllr. Cronin. He asked Cllr. Cronin to accept the Manager's Report and that Mr. Michael McMahon has done no wrong.

Cllr. J. Brassil said as far as he was concerned a question was asked, a report was furnished by the County Manager and he was satisfied with the findings of that report. He said he has no questions on this report and it is unfortunate that Council are dealing with this issue in such a difficult time. He asked that the elected members would move on from this issue and work together.

Cllr. D. Kiely said he accepted the report circulated wherein the County Manager stated he is fully satisfied with the review, that proper procedures were followed and the reply to the Notice of Motion was correct. He PROPOSED that the report as read today be accepted.

Cllr. M. Healy-Rae SECONDED this proposal.

Cllr. T. Fitzgerald said Council need to make a decision on this and vote on it. It has been proposed that the Manager's Report be accepted and it should be a decision of the Council. Any member that has an issue on this matter should take it through other avenues.

County Manager said he appreciated the support of the members regarding the report circulated. In relation to any issue regarding staff the ultimate sanction rests with the Manager and with issues relating to the Manager sanctions rests with the members. He said in presenting this report to the members he wanted to clarify that he considers the matter closed. He said he does not expect the members to vote on this report. He acknowledged the members comments on the integrity of the report.

Cllr. M. Healy-Rae said it was his understanding of Standing Orders that if a report is proposed and seconded it could be voted on by the members.

### **January Ordinary Meeting 2009**

Mr. J.D. Flynn, Director of Corporate Services, said notwithstanding Standing Orders the report relates to an issue regarding staff which is an executive matter. The report circulated to members is for noting.

Cllr. D. Kiely PROPOSED a vote of confidence in the Manager and staff of Kerry County Council.

Cllr. M. Healy-Rae SECONDED this PROPOSAL.

Cllr. B. MacGearailt said if a member has a personal issue it should not be dealt with in this chamber. He said he supported the management of Kerry County Council.

Cllr. M. Gleeson said it is a decision for Cllr. Cronin to pursue a particular avenue on this matter. By attending Council meetings every month the elected members are expressing confidence in the Manager.

Cllr. T. O'Brien said this report is presented for noting.

Cllr. M. Healy-Rae said it could not have been anticipated that this Manager's report would not be accepted by a member of the Council. The County Manager is staking his reputation and his job on this report and yet an elected member is not accepting this. This merits a vote of confidence in Council management. There is a proposer and seconder and there should be a vote to show solidarity with management.

County Manager said he did not want to split the Council on this issue and he was satisfied that he has explained the situation to the members. He acknowledged that broadly there is acceptance of the report. He said he appreciated the members support and asked that the matter be left as is.

Cllr. D. Kiely withdrew his proposal.

### **Conferences**

Cllr. J. O'Connor referred to a conference regarding health to be held on 31<sup>st</sup> January, 2009, and asked why this was not listed on the Agenda for today's meeting.

Mr. J. D. Flynn, Director of Corporate Services, said correspondence on this conference was issued by the Fine Gael MEP, Mr. Colm Burke. He said, as explained to Cllr. O'Connor earlier, he had spoken with the Mr. Burke, MEP, who has accepted the reason as to why this conferences is not listed. This Council passed a Notice of Motion a number of years ago to the effect that no conferences from a political party would be placed on the Agenda. A Department Circular also makes it clear that conferences from a political party cannot be accepted.

### **09.01.19.08 Draft Traveller Accommodation Programme 2009-2013**

Mr. J. Breen, Director of Housing and Community & Enterprise, referred elected members to the Manager's Report on the Draft Traveller Accommodation Programme 2009-2013 dated 14<sup>th</sup> January, 2009. He outlined his report as follows:

"The Draft Traveller Accommodation Programme was prepared in respect of the Kerry Local Authorities by the Housing Authority, in consultation with the Local Traveller Accommodation Consultative Committee, Town Councils and other interested bodies. A report prepared in accordance with the requirements of Sections 11 and 12 of the Housing (Traveller Accommodation) Act, 1998, in relation to submissions received on the Draft Traveller Accommodation Programme 2009-2013 was also circulated to the members. In accordance with the provisions of the Act, Kerry County Council is statutorily obliged to prepare and adopt a Traveller Accommodation Programme in respect of a five year period from 1<sup>st</sup> January, 2009, as directed by the Minister for the Environment, Heritage & Local Government.

The number of Traveller families living in County Kerry is 247 and the number of Traveller families in the county needing accommodation at present is 118. Taking into account the age profile of existing Travellers and the anticipated rate of new family formation, an additional 49 families will require accommodation. Overall, therefore, a total of 167 families will require accommodation during the course of the programme.

It is expected that newly formed Traveller households will make suitable arrangements for their accommodation pending the provision of accommodation by the Kerry Local Authorities. The targets set out in the programme assume that 27 new family formations, will require accommodation in the last two years of the Programme.

These families will have their short term accommodation needs met by use of Private Rented Accommodation with rent assistance, pending determination with regard to their long term housing needs.

Of the remaining 140 families requiring permanent long term accommodation, the Traveller Accommodation Programme sets out targets to meet this need, with the allocation of 35 halting site vacancies, 30 units of RAS accommodation and 75 units of Local Authority/ Voluntary housing.

The accommodation programme provides for accommodation over the lifetime of the programme within the present housing infrastructure. No new halting sites or additional bays are proposed in the draft programme.

Prior to the preparation of the Draft Traveller Accommodation Programme 2009–2013, submissions were sought from prescribed bodies. Following public notification of Kerry County Council's intention to prepare the Programme, one submission was received as follows:- Irish Travellers' Movement.

In accordance with the statutory provisions of Section 9 of the Act, Notice that the Draft Traveller Accommodation Programme 2009–2013 was available for public inspection, was published in local newspapers and the closing date for receipt of submissions was 14<sup>th</sup> January, 2009. Six submissions were received from:-

## January Ordinary Meeting 2009

- Kerry Travellers' Development Project
- Community Work Department of Health Service Executive
- Mitchel's / Boherbee Community Regeneration Project
- Kerry County Community & Voluntary Forum
- South Kerry Development Partnership
- Kerry Diocesan Youth Service

These submissions were considered by the Local Traveller Accommodation Consultative Committee at its meeting on 9<sup>th</sup> January, 2009. A report summarising the submissions, the response to the submissions, and recommendations as to whether or not the draft programme should be amended as a result of the submissions received was circulated to elected members. The Draft Traveller Accommodation Programme presented to members has been modified to reflect the changes recommended.

Having regard to the submissions received, and the statutory obligations on the Housing Authority, the adoption of the Traveller Accommodation Programme 2009–2013 is recommended.

It must be noted that the provisions in the programme are dependant on funding in the Capital Programme. The overall aim of the programme is to ensure that the housing needs of all members of the Travelling community are met.”

Cllr. T. O'Brien asked that the members consider adopting the Draft Traveller Accommodation Programme 2009-2013 today as a lot of consideration has been given to the issues and consultation has taken place. He complimented Mr. J. Breen, Director of Housing and Community and Enterprise, Mr. Liam Quinlan, SEO Housing and Ms. S. Ronan, AO Housing on their work on the programme. Agreement was reached on the document that has been presented today. He PROPOSED the adoption of the Draft Traveller Accommodation Programme 2009-2013.

Cllr. M. Gleeson said he dealt with Travellers in education and they have shown a great interest in education. Every effort must be made to encourage Travellers to go on to second level education. It is important to accept that Travellers are an ethnic group. It will be a challenge for the Local Authority to house 167 families over the life of the programme. The excess density of Traveller families in an area is not desirable. He asked that effort be made to have a reasonable spread of Traveller families within communities. He noted that no further halting sites will be provided. He said large scale halting sites are not socially beneficial to the Travelling community and requested that halting sites in Kerry be restricted in size. He SECONDED the adoption of the Draft Traveller Accommodation Programme 2009-2013.

Cllr. R. Beasley welcomed the Draft Traveller Accommodation Programme 2009-2013 and thanked everyone associated with preparing the Programme. He said members of the Travelling Community should not be housed in one location and requested that Traveller families be housed across communities. He asked if Kerry County Council is satisfied that the influx of travellers from the Waterford area has stalled.

Cllr. T. Ferris expressed concern regarding visiting Traveller families and asked if Kerry County Council will organise accommodation if a Traveller family cannot facilitate a visiting family.

Cllr. T. Fitzgerald supported the Draft Traveller Accommodation Programme 2009-2013.

Mr. J. Breen, Director of Housing and Community and Enterprise, referred to Travellers from Waterford and said the Kerry County Council Homeless Information Centre responded well to facilitating them. He said it is unsatisfactory that Kerry County Council, its funds and resources have had to deal with this issue. He accepted the concern expressed by Cllr. Ferris regarding facilitating a visiting family member at a halting site. This matter will be discussed with the Local Traveller Accommodation Consultative Committee. A visiting family will not be facilitated in a manner that would cause a problem somewhere else. He thanked the members of the Local Traveller Accommodation Consultative Committee for their consultation on this programme. He also thanked the staff of the Housing Department for bringing a difficult programme through this consultation.

Cllr. M. Gleeson complimented the Chair of the Local Traveller Accommodation Consultative Committee.

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. M. Gleeson, it was unanimously agreed to adopt the Draft Traveller Accommodation Programme 2009-2013 as had been presented.

#### **09.01.19.09 Date for the March Ordinary Meeting**

Mr. G. O'Brien, A/SEO, informed the meeting that the third Monday in March falls on the 16<sup>th</sup> of March, the day before St. Patrick's Day. The suggested date for the March Meeting is Monday, 9<sup>th</sup> March, 2009.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. T. O'Brien, it was unanimously agreed that the March Ordinary Meeting be held on Monday, 9<sup>th</sup> March, 2009.

#### **09.01.19.10 Customer Mandate with the National Treasury Management Agency**

Mr. J. O'Connor, Head of Finance, referred elected members to report dated 12<sup>th</sup> January, 2009, regarding Customer Mandate with the National Treasury Management Agency (NTMA) which had been circulated. This mandate will allow Kerry County Council to establish a Trading Account with NTMA. NTMA accept deposits and grant loans subject to the usual borrowing approval requirements.

Cllr. T. Fitzgerald sought clarification on the normal banking procedure for Kerry County Council deposits.

Mr. J. O'Connor, Head of Finance, said when funds become available they are placed in a guaranteed account. Kerry County Council has a number of Irish institutions which are used regularly for deposits, e.g. Housing Finance Agency. Kerry County Council's treasurer is Bank of Ireland and day-to-day banking is with Bank of Ireland. Quotations are invited when Kerry County Council is borrowing funds, other than for housing loans when Kerry County Council is obliged to borrow from the Housing Finance Agency.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Healy-Rae, it was agreed unanimously to approve the Customer Mandate with the National Treasury Management Agency.



**09.01.19.11 Kerry County Council's submission on the Draft European Communities Environmental Objectives (Freshwater Pearl Mussel) Regulations, 2008**

Mr. M. Boyce, SEE Environment, said the Department of the Environment, Heritage & Local Government published Draft European Communities Environmental Objectives (Freshwater Pearl Mussel) Regulations, 2008, in December, 2008, which were open for public consultation and comment. The regulations set out a number of responsibilities and requirements regarding the protection of the Freshwater Pearl Mussel. The main issue of concern is the proposal that catchments where the Freshwater Pearl Mussel is present be designated "moderate". Kerry County Council submitted a comment to the Department outlining concerns regarding the designation of less than "good" status to waters where Freshwater Pearl Mussel is present. The submission states that "It is, therefore, our submission that the presence of the Freshwater Pearl Mussel in a water body should, at minimum, merit a default status of "good" and this be reflected in the final version of the Regulations. It is also our submission that some alternative means of water quality status classification should be considered..."

Cllr. J. O'Connor agreed with the submission made to the Department on the draft Regulations. This is extremely important and must be pursued in terms of the effect a designation of waters as "moderate" could have on tourism. Sweden do not use this criteria and all EU countries are using the same EU Directive.

Cllr. M. Healy-Rae said he wished to put on record that, in considering that the Freshwater Pearl Mussel is present in the Sheen River, it would be wrong to abstract water from that river for the Kenmare water supply.

Mr. M. Boyce, SEE Environment, said it is his understanding the River Sheen is one of the catchments listed. The rivers which are included in the Draft Regulations are: Owenmore, Owenreagh, Caragh, Cummeragh, Cappal, Kerry Blackwater, Munster Blackwater (Part of).

**09.01.19.13 Report on the Operations and Activities of the Kerry Education Service**

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

**09.01.19.14 Summary of Proceedings at Conferences**

**(a) AMAI Conference**

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

**(b) Third Sector Forum Seminar**

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

**(c) Training Seminar for Councillors on the Theme Information and Communication Technology for Councillors**

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

**(d) LAMA Annual Winter Conference**

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

**09.01.19.15 Opening of Tenders**

- (a) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Sheahan, it was agreed to approve the opening of Tenders for 1 no. Panel Van.
- (b) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. J. O'Connor, it was agreed to approve the opening of Tenders for a Housing Development at Waterville Phase 15 – 14 No. dwellings and associated site works at Spunkane, Waterville.
- (c) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of Tenders for a Housing Development at Rathmore Phase 12 – 12 No. dwellings and associated development works at Shinnagh, Rathmore.
- (d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Sheahan, it was agreed to approve the opening of Tenders for a Housing Development at Dingle, Phase 4 – 6 No. dwellings and associated site works at Cappa, Dingle.
- (e) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of Tenders for a Housing Development at Portmagee, Phase 2 – 6 No. dwellings and associated site works at Portmagee.

**Emergency Motion**

Cllr. B. Cronin PROPOSED an Emergency Motion regarding a campaign in Currow Village against Eircom's proposal to remove the telephone kiosk. Eircom erected a notice on 16<sup>th</sup> January indicating that the telephone kiosk will be removed by 16<sup>th</sup> March, 2009. Residents are seeking the maintenance of the kiosk and a book of signatures/petitions against the removal of the telephone kiosk has been opened. This is another attempt to attack a service in a rural community.

Mayor Fleming SECONDED this proposal.

Cllr. M. Gleeson requested that a letter be issued to Eircom regarding this matter.

Mr. M. McMahon said he received numerous notices from Eircom, at the end of last week, regarding their intention to remove telephone kiosks all over the county. A report will be presented to Council at the February Council meeting reporting on all areas affected.

**Vote of Sympathy**

Mr. G. O'Brien, A/SEO, read the following Vote of Sympathy from the Vote of Sympathy book. Vote of Sympathy to be expressed to the Family of Mr. Dan Sullivan.

**09.01.19.16 Reception of Deputations**

**Portmagee Development Group Limited**

Cllr. P. O'Donoghue requested that a deputation be received from the residents of Portmagee Development Group Limited regarding the Portmagee Sewerage

Scheme. On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. J. O'Connor, it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

**Residents at Ballyegan**

Cllr. R. Beasley requested that a deputation be received from the residents of Ballyegan regarding roads. On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Buckley, it was agreed that this deputation be received at the next Listowel Electoral Area Meeting.

**Residents of Glenbeigh**

Cllr. J. O'Connor requested that a deputation be received from the residents of Glenbeigh regarding Rossbeigh Beach. On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Sheahan, it was agreed that this deputation be received at the next Killorglin Electoral Area Meeting.

**09.01.19.17 Notices of Motion**

**2 Footbridge across the Gaddagh River**

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

"That the Council would outline the degree of progress made towards the provision of a foot-bridge across the Gaddagh River in the town-land of Mealis in order to facilitate mountaineers who wish to access Currán Tuathail."

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

**Planning permission for the construction of the two footbridges was granted to Beaufort Community Council on the 6<sup>th</sup> August 2008 but this was appealed to An Bord Pleanála. This appeal was rejected on the 4<sup>th</sup> November 2008, on the grounds that the reason for the appeal was outside the remit of the Board as it related to a land ownership issue which is a civil matter.**

**Grant aid for the works was approved by Fáilte Ireland in 2008, subject to the works being completed by the end of the year. Because of the appeal to An Bord Pleanála, it was not possible to have the works completed within this timeframe and we could not avail of the grant.**

**Kerry County Council is supportive of this development and will be meeting with members of Beaufort Community Council this month to seek a resolution to the outstanding issue of land ownership and access. We are also seeking clarification on some design issues, to allow us examine a method of constructing the works and the proposed cost of construction.**

**We have been advised by Fáilte Ireland that there is no funding in 2009 for Tourism Products Infrastructure Development but we have requested if there is any other funding stream available to finance this project.**

**Subject to all these issues being resolved, the Council is agreeable to assisting the Community Council in having the structures in place this year.**

Cllr. M. Gleeson said this Notice of Motion was tabled previously and is very important to meet the obligation to maximise the natural assets in the county. Access to Currán Tuathail should be facilitated with these safety measures. People locally, nationally and internationally have requested that footbridges be provided. He welcomed the reply to the Notice of Motion and said he hoped that, amicably and with agreement from all sides, these footbridges can be provided with in 2009. It is regrettable that the 2008 grant aid could not be availed of because of objections. Every effort should be made to progress the matter before the summer period.

Cllr. M. Healy-Rae supported the motion. He said he raised this issue previously at Area Meetings. He thanked the Area Manager and Area Engineer for their support with this project and said he hoped the problem could be resolved locally. He said the provision of these footbridges would be a major benefit to providing safe access to Currán Tuathail. He expressed disappointment that no funding is available from Fáilte Ireland in 2009.

Cllr. J. O'Connor supported the motion. The Area Manager has done considerable work in this area. He expressed concern that the walking route on Currán Tuathail is becoming increasingly dangerous.

### **3 Broadband in Caragh Lake and Glenbeigh**

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

"That Kerry County Council ensure that broadband is provided as a matter of urgency in Caragh Lake and Glenbeigh, as previously promised 18 months ago."

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

**Glenbeigh and Caragh Lake are both included on the list of telephone exchanges to be upgraded by Eircom by the end of 2009. When these upgrades occur, Broadband connectivity will be possible within 5 kilometres of the upgraded exchanges. Outside of the broadband enabled exchanges, the provision of broadband services will be dependant on the establishment of a suitable mast network and facilitate wireless connectivity.**

**Kerry County Council has formally requested that the upgrades of these exchanges be expedited to facilitate the availability of Broadband in these areas.**

Cllr. M. Cahill welcomed the reply on this Notice of Motion. He requested that a letter issue to Eircom asking them when work will commence on upgrading the telephone exchanges.

### **4 Planning for Farm Family Members in An Daingean Electoral Area**

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

"Is it true to say that management's policy of looking sympathetically on family farm members in the county is not working in the Dingle Electoral Area? I am inundated with genuine farm family members being refused planning in this location. I want this matter debated before the full members of Kerry County Council so that the matter can be discussed fully and thoroughly."

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

**The policy in relation to farm family members is applied in a consistent manner throughout the whole county.**

**This policy relates to applicants who are sons and daughters of farmers with a genuine need for a permanent place of residence on the family farm.**

**The criteria used in assessing such applications are primarily effluent disposal, traffic safety and integration.**

**In the context, an on-site pre-planning meeting can be arranged with the area planner and a land holding map provided.**

**The experience of the above system has shown that on-site meetings work very well generally. In 2008, 97 single "own use" applications were approved in the Electoral Area. These break down as follows:-**

<b>Owner applicant</b>	<b>=</b>	<b>49</b>
<b>Sons/Daughters of landowners</b>	<b>=</b>	<b>41</b>
<b>Brothers/Sisters</b>	<b>=</b>	<b>3</b>
<b>Nephews/Niece/Grandchild</b>	<b>=</b>	<b>4</b>

**However, on some occasions, particularly in relation to exposed, scenic locations the applicants may not accept the location chosen by the area planner as the most suitable, taking the above considerations into account (i.e. traffic, effluent, integration) and this invariably leads to conflict.**

**As a result of these issues a perception that the Planning Authority is not positive towards family members may arise but all genuine applications are dealt with in a positive manner with a view to facilitating the genuine applicant in the context of the proper planning and development of the area. When an application is refused an invitation is issued in each case for the applicant to engage in "on-site" pre-planning to resolve the matter.**

Cllr. M. Healy-Rae said by virtue of the reply to the Notice of Motion management is agreeing with the perception that the Planning Authority is not positive towards family members. There are places in the An Daingean Electoral Area which could integrate houses but planning applications are being refused. In the An Daingean Electoral Area there is an amount of young people who have been refused planning permission, particularly young couples. Genuine applications are being refused. Any elected member with dealings in the An Daingean Electoral Area knows there are more planning refusals there than in any other area. He requested that a follow on report be prepared for the members on the breakdown of planning permissions refused and granted in all Electoral Areas.

Mayor Fleming supported this motion and the request for a breakdown of planning permission grants and refusals across the county. He referred to the discussion earlier in the meeting on job creation and job losses throughout the county and said many people can be employed across the county in building houses. Kerry County Council could assist the construction industry by granting planning permission.

Cllr. R. Beasley referred to his Notice of Motion, No. 13 on the Agenda, and said he wished to move it.

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

"That we call on the Kerry County Council planners to take a lenient view to planning applications so as to try to keep our builders and their workforce in business in these harsh economic times."

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

**The criteria used when assessing planning applications are based on Legislation, County & Local Development Plans along with Directives, Circulars & Guidelines issued by various Government Departments.**

**In that context, the present financial situation does not have a bearing on the way applications are assessed. However, it is the policy of the Planning Section to be pro-active and positive towards all applications, having regard to the proper planning & development of the County.**

Cllr. R. Beasley said this matter will be raised at the special meeting regarding unemployment in the county on 6<sup>th</sup> February. It would the local construction industry and give additional funding to Kerry County Council in development contributions.

Cllr. T. Ferris said she is becoming increasingly frustrated with planning. She referred to an application which is under discussion for over a year and said in areas in where it can be agreed in principle that a house would be allowed and where roads and percolation issues can be overcome, the Planners should not be critical of design. In the current economic climate efforts must be made to create employment and be fair to people making planning applications.

Cllr. T. Fitzgerald supported the thrust of sentiments expressed by elected members and said different thinking must apply. Kerry County Council has an obligation locally and must be pro-development. The Planning Authority should try to assist these developments to go ahead.

Cllr. D. Healy-Rae asked if issues where further information is requested could be conditioned into planning permission and that planning be granted subject to these conditions. Grant of planning permission is critical in maintaining local employment.

Cllr. J. Sheahan asked if consideration could be given to the use of an existing entrance to accommodate planning applicants where a traffic hazard has been identified.

**5 Tourist Tax Relief Initiative**

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

"That this Council call on the Government to introduce a one-off special tourist tax relief of up to 20% for Irish residents who will holiday at home this year in light of the current economic/financial climate which we are in."

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

Cllr. J. O'Connor requested that the motion should be sent to Minister of Finance and other Local Authorities.

Cllr. T. Buckley SECONDED this proposal.

## **6 Banking & FÁS Executives**

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

"That this Council call on the Government to ensure that none of the tax payer's money that was used to bail out the banks be given to further compensate CEOs and Chairmen or other executives."

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

Cllr. R. Beasley said the Government has accommodated executives of the Banking sector. He asked that this motion be referred to the Minister for Finance.

Cllr. B. Cronin referred to his Notice of Motion, No. 16 on the Agenda, and said he wished to move it.

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

"That this Council call on the Minister for Justice to examine the possibility of prosecuting the Directors of Anglo Irish Bank and FÁS for their behaviour rather than giving them a golden handshake."

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

Cllr. B. Cronin said the behaviour of executives in Anglo Irish Bank and FÁS is despicable. Individuals who have lost their jobs and income and cannot meet mortgage payments are being brought in by banking officials to hear that the bank is repossessing their house. However, there is no equality in dealing with the behaviour of these executives. He requested that a letter issue to the Minister of Justice calling on him to examine these situations and determine if these executives can be prosecuted.

It was agreed that Notice of Motion No. 6 and Notice of Motion No. 16 would be forwarded to the Minister for Finance and the Minister for Justice.

Cllr. T. Fitzgerald supported the sentiments expressed regarding these motions. There is concern from the general public regarding financial difficulties in this country and the banking system and people want answers.

Cllr. T. Ferris shared the sentiments expressed regarding these motions. It is hard to have faith in a criminal justice system when these executives are getting away with misappropriation of millions of taxpayers money and widows on a widow's pension who may not have declared a payment are getting letters from the Department of Social, Community and Family Affairs and money is being deducted from them.

Cllr. M. Gleeson said it is time everyone was treated equally within the law.

**7 Roundabout at Shinnagh Cross**

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

"That Kerry County Council write to the NRA to commence work on the roundabout at Shinnagh Cross on the N72."

**The following reply issued:**

**This Notice of Motion was previously moved at the November Council meeting and it was resolved by Council to write to the NRA.**

**Shinnagh Junction is a very complicated junction. Five road segments intersect at this location, namely the N72 West to Killarney, the Local Road L-2032 to Cordal, the N72 East to Mallow, the Regional Road R582 to Macroom and the Local Road L-057 to Hollymount. The National Road segments fall under the responsibility of the NRA and the Regional and Local Road segments fall under the responsibility of the Department of Transport. A Feasibility Study Report has been prepared to establish whether an improvement of the junction is warranted having regard to the various constraints present at this location and was submitted to both responsible agencies, to seek further funding to allow for the preparation of a design and ultimate upgrading of the junction.**

**The NRA responded to the resolution by Council by letter dated 12<sup>th</sup> January, 2009 (copy attached). They advised that funding for Minor Improvement Schemes is distributed on a national basis and because of competing demands, schemes are prioritized, taking into consideration the data contained within the application submitted to the Authority by each individual County Council. The Authority is currently in the process of assessing and ranking each application and in due course granting approval on the higher ranking proposals for design and/or construction in 2009. Following the completion of this process such allocations will be announced by the Minister.**



**NRA**  
**National Roads Authority**  
*An tÚdarás um Bóithre Náisiúnta*  
**Mr Gerry O'Brien**  
**Corporate Services**  
**Kerry County Council**  
**County Buildings**  
**Tralee**  
**Co. Kerry**

**St. Martin's House / Waterloo Road / Dublin 4**  
**Tel: + 353 1 660 2511 / Fax: + 353 1 668 0009**

Date: 12<sup>th</sup> January 2009 Our Ref: NRA08-68781 Your Ref: DG/NOV 08/22

**Re: - Roundabout at Shinnagh Cross, Rathmore, on the N72**

**Dear Mr O'Brien,**

I refer to your letter of 3<sup>rd</sup> December 2008 and wish to acknowledge receipt of your submission.

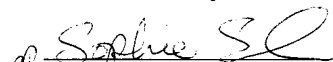
In response to NRA Circular Letter 12/2008 dated 10<sup>th</sup> July 2008; we confirm that Kerry County Council have made an application for funding for improvement works at Shinnagh Cross junction.

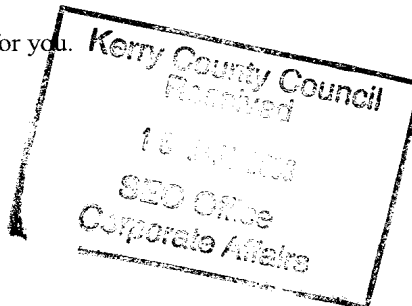
The funding for Minor Improvement Schemes is distributed on a national basis and because of competing demands schemes are, of necessity prioritised taking into consideration the data contained within the application submitted to the Authority by each individual County Council.

The Authority is currently in the process of assessing and ranking each application and in due course granting approval on the higher ranking proposals for design and/or construction in 2009. Following the completion of this process such allocations will be announced by the Minister.

I hope the above clarifies the position for you.

**Yours sincerely**

  
**Eddie Winterlich**  
**Engineering Inspector**



Email: [info@nra.ie](mailto:info@nra.ie) Web: [www.nra.ie](http://www.nra.ie)

Cllr. J. Sheahan said Shinnagh Cross is a busy location with a large volume of traffic. He requested that Kerry County Council stay in contact with the NRA regarding this junction and that every effort is made to progress this roundabout for the community of Rathmore.

Cllr. M. Gleeson supported this motion.

Cllr. B. Cronin supported the sentiments expressed. This is an extremely dangerous junction and action must be taken before there are casualties.

Cllr. D. Healy-Rae supported the Motion.

Mayor Fleming said Shinnagh Cross is an area of priority at present.

## **8 Use of sniffer dogs to stamp out sale of drugs**

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

"That we the members ask the Minister for Justice to provide Gardaí in Kerry with sniffer dogs to be used to control and stamp out the sale of drugs and the use and abuse in our larger towns adjacent to nightclubs and public places."

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

Cllr. D. Healy-Rae said the provision of sniffer dogs is a necessary progression in the fight against drugs. This may be a useful deterrent. The prevention of the supply of drugs must be tackled. Every means possible should be used to stamp out drugs and prevent the youth being tempted into using drugs. He requested that a letter issue to the Minister for Justice regarding this matter.

Cllr. B. Cronin said in the prison system illegal drugs have been stamped out by using sniffer dogs during visiting hours.

## **9 Reinstatement of roads following excavation works**

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

"That this Council immediately formulate a policy that in future all excavation works carried out on public roads by Kerry County Council will be properly re-instated no later than two weeks after works are completed. (Water extensions, water connections or drainage works across the public roads)".

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

**The Water Services Department has agreed procedures for the backfilling and re-instatement of trenches when it lays pipelines.**

**Standard water/sewer connection which involves a road crossing**

**The trench is backfilled with Clause 804 granular material compacted in layers, to minimise settlement and then topped with 75mm of bituminous macadam (bitmac), all on the same day. The Area Roads Office is responsible for the subsequent permanent restoration.**

**Pipelaying along the length of the carriageway**

**The trench is backfilled with Clause 804 granular material, compacted in layers to minimise settlement and finished with limestone blinding, all on the same day. On steep sites where excessive run-off may be expected,**

the road is immediately sealed with bitmac or a single layer of surface dressing. Trenches in the more heavily trafficked roads are also sealed with bitmac in some situations.

The trench surface is maintained until the permanent restoration is carried out when settlement is complete. The rate of trench settlement will depend on traffic loading, sub-soil strength and rainfall and it may take some months before final restoration should be considered. Permanent restoration consists of a double layer of tar and chips in most rural roads or bitmac, to suit the existing road surface.

Cllr. B. Cronin said while re-instatement of roads has improved over the years, sometimes the trench can be backfilled too much and the trench can re-open and on some occasions the filling can subside and it creates a sharp dangerous pothole running the width of the road which makes negotiating the roadway a difficulty for road users. He asked that trenches be compacted to get a proper finish. He asked that in instances where a trench must be dug along the length of the road that a period of time be given for reinstatement of the road. He referred to the laying of Broadband fibres in Killarney and said every evening the contractors finished the section of roadway they had been working on and it has not subsided. It was excellent workmanship. He asked that Kerry County Council focus on finalising the reinstatement of a road in 2-3 weeks.

Cllr. J. O'Connor said he has raised this issue before and asked why this work cannot be done by a contractor.

Cllr. T. Ferris said work available through Council operations should be retained for the Council staff.

#### **10 Decca Communications Mast at Arda Mór, Baile na nGall**

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

"That Kerry County Council ask Decca Communications to consider accommodating mobile phone and broadband at their mast at Arda Mór, Baile na nGall."

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

**The mast located at Arda Mhór, Baile na nGall, referred to in the Notice of Motion, was erected by Decca Navigator Systems in the 1950s. It was part of a chain of Radio Navigation Aids for commercial shipping marine safety and was financed by the hire fees of the users.**

**By the early 1980s, modern technology made the system uneconomic and in 1987, by agreement, the Lighthouse Authorities assumed responsibility for the Decca System. By 2000 the system had become obsolete and was terminated.**

**The Council will contact the Commissioners of Irish Lights to ascertain ownership and establish whether the mast is suitable for use for Broadband purposes or not.**

**Any further information Cllr. MacGearailt can provide would be appreciated.**

Cllr. B. MacGearailt said the Decca Communications mast is at a good location and would be useful for the provision of Broadband and mobile phones.

## **11 Personal Injury Claims**

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

"That the Council would clarify the legal entitlements of drivers who suffer personal injury and whose vehicles are damaged on unavoidable impact with a pothole. That the Council would further clarify the legal entitlements of passengers who suffer injury as the result of such happenings. The present situation is most unsatisfactory and probably unjust."

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

**If a Local Authority carries out repairs to a road in a negligent manner and damage occurs to property or a person, the Local Authority is liable to be sued. This is known as the principle of "misfeasance". A common example of misfeasance occurs in the failure by a Local Authority to carry out pothole repairs or footpath repairs adequately. It refers to doing a lawful act improperly.**

**However, a Local Authority is not liable for damage or injury to the user of any road resulting from failure to repair a road. This is termed "nonfeasance". An attempt was made to change this position by Section 60 of the Civil Liability Act 1961 which states "a Road Authority shall be liable for damage caused as a result of their failure to maintain adequately a public road". However, to date an order bringing this section of the Act into force has not been made.**

**The issue of responsibility in the case of an injury to passengers in the context of this defence is a civil matter that can only be determined by a Court of Law.**

Cllr. M. Gleeson said he tabled this motion following an incident before Christmas where the airbag of a car was activated and the cost of reinstating the airbag was €1,700. The Local Authority must have some liability. He said he hoped that Section 60 of the Civil Liability Act 1961 would be enacted.

Mr. C. O'Sullivan, Director of Roads and Transportation, said the reply to the Notice of Motion outlined the legislation. He recommended that the person in the case outlined seek independent legal advice on this issue.

Cllr. M. Gleeson PROPOSED that Kerry County Council seek a change to Section 60 of the Civil Liability Act 1961.

Cllr. B. Cronin SECONDED this proposal. He requested that the reply to the Notice of Motion be circulated to all elected members for reference purposes.

Mr. C. O'Sullivan, Director of Roads and Transportation, said any proposal to change Section 60 of the Civil Liability Act 1961 would have implications on funds of the Local Authority.

Cllr. T. Ferris said when the Local Authority is notified of a pothole and it is not followed up within a reasonable time compensation should be paid.

Mr. C. O'Sullivan said it is not practical to pay compensation in such a manner. With 4,500 km of road in the county and the level of funding available, putting a time frame on repairs would have implications for further claims.

Cllr. R. Beasley said where damage has been done to vehicles Kerry County Council has acted in a responsible manner.

Mr. J. O'Connor, Head of Finance, said it must be borne in mind that any public liability for damages arising from Local Authority works is covered by insurance. Kerry County Council's insurance company, IPBMI Ltd, is the body which is tasked with processing claims against Kerry County Council. It is not open to Kerry County Council to decide in any individual case whether or not there is a liability. That is a decision for the insurers. If Kerry County Council decides individual cases responsibility is removed from the insurers to the Local Authority which would have serious implications.

Cllr. M. Gleeson asked if the insurance company generally responds favourably.

Mr. J. O'Connor, Head of Finance, said the insurance company's response depends on the merits of the case. He said he challenges IPBMI each year on what the insurance costs to Kerry County Council. Kerry County Council has Risk Management in place and a whole time Engineer who investigates claims of damages very quickly.

## **12 Funding to support Job Creation**

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

"That this Council call on the Government to make sure additional funding is provided to County Enterprise Boards and other Boards/Agencies that are involved in job creation."

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

Cllr. J. O'Connor said this matter can be considered at the Joint Meeting of Kerry County Council and the Kerry County Development Board to be held on 6<sup>th</sup> February 2009.

## **14 Flooding at Dreenagh Bridge, Glencar**

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

"That Kerry County Council address the serious flooding problem at Dreenagh Bridge, Glencar, as a matter of urgency."

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

**This issue has been raised twice previously at the Killorglin Electoral Area meeting, most recently at its meeting of the 21<sup>st</sup> November 2008. Members were advised that this bridge is on a natural flood plain and is subject to flooding when the river overflows its banks during periods of very heavy rainfall. The road is a local tertiary cul-de-sac road and the Council does not have the available funding to address the problem at this location.**

**Arterial drainage issues such as this are a matter for the Office of Public Works.**

Cllr. M. Cahill said residents in the area have been affected by flooding and he requested that a letter issue to the OPW requesting them to undertake works to address the arterial drainage issues.

**15 Social Welfare Payments for Sole Traders & C2 Holders**

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

"That we the members of Kerry County Council call on the Minister for Social, Community & Family Affairs to address serious concerns raised by sole traders and C2 holders who have no employment and no prospect or hope of such employment in the foreseeable future, they are experiencing severe difficulties and delays in being considered for social welfare payments even though they paid their taxes in better times when they did have work."

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

Cllr. D. Healy-Rae said this is a serious issue with Sole Traders experiencing delayed in being considered for social welfare benefits. They are waiting months for assessment. He requested that a letter issue to the Minister to deal more expeditiously with these applications.

Cllr. T. Ferris said these applications are not being delayed, rather it is the case that these people are not entitled to any allowances.

**17 Community Private Development Project at Clochán**

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

"That Kerry County Council ask senior management at Údarás na Gaeltachta to reconsider their position on the Community Private Development Project at Clochan in the West Kerry Gaeltacht."

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

Cllr. B. MacGearailt referred to a number of projects in Clochán which will not proceed in 2009 due to financial finance reasons and local difficulties. The Community Private Development Project proceeding would instil some confidence in the local community which is one of the least supported in the state. He asked that senior management at Údarás na Gaeltachta be requested to reconsider their position on this project given the lack of investment in this area.

Cllr. J. O'Connor SECONDED this motion.

**18 Court Services in Castleisland**

**Pursuant to Notice duly given, Cllrs. M. Gleeson & T. Fleming PROPOSED:-**

"That Kerry County Council would enter into discussion with the Court Services with a view to making Courtroom space available in the Area Services Centre in Castleisland."

**The following reply issued:**

**Kerry County Council had extensive consultation with the Courts Services prior to the construction of the new Area Services Centre in Castleisland, as a result of which a new modern court room, judge's chamber and**

ancillary facilities were designed into the new building for the Courts Services. Prior to going to construction, the Court Services informed us that following a strategic review of their operations that the provision of new court facilities in Castleisland was no longer a priority for them. Nevertheless, it was decided to proceed with the building as designed but the specification/internal finish of the area to be used as a court room was considerably downgraded appropriate to office/general use. We have since moved our Water Services Capital Unit who were in rented accommodation in Tralee into the available accommodation so this accommodation is no longer available. The retention of a Court in Castleisland is a matter for the Courts Services and not Kerry County Council. This Council has done all in its power to facilitate the Courts Services in the provision of purpose built accommodation to provide a court service in Castleisland.

Cllr. M. Gleeson said at a meeting in Castleisland, a solicitor spoke about the conditions of the Courthouse in Castleisland and enquired about the availability of space in the new Area Services Centre in Castleisland. It seems Kerry County Council did everything possible to facilitate the Court Service who were not willing to take the facility on offer.

Mr. J.D. Flynn, Director of Corporate Services, said the Court Services made it very clear they did not want the facility and it is no longer available.

## **19 Management Plan for Rossbeigh Spit**

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

"That Kerry County Council, in conjunction with the OPW and NPWS, immediately prepare a Management Plan so as to prolong the lifespan of Rossbeigh Spit."

**The following reply issued:**

Kerry County Council has had preliminary discussions with representatives from the National Parks and Wildlife Service, who have visited Rossbeigh since the breach occurred in the sand dunes. They expressed the view, shared by Kerry County Council, that the processes taking place were a natural phenomena.

Before any consideration could be given to preparing a Coastal Protection Management Plan, a study would be required of the off-shore natural forces involved in the changes to the spit over past years, which would include wave climate studies, sediment transfer analysis and an analysis why the shoaling coefficients have altered at this location. We are in consultation with a number of bodies to identify the benefit and cost of such studies. Any proposals for coastal protection works at this location will be technically very difficult and expensive.

When the above information is available, the Council will seek funding from the OPW who are now the statutory body responsible for coastal protection and coastal flood risk management for such studies.

However, Members are advised of the shortfall in funding from Central Government for the emergency coastal protection works at Inch and the

**recovery of this expenditure is a priority for Council, before any further funding on coastal protection measures in the County can be considered.**

Cllr. M. Cahill said the breach of the sand dunes in Rossbeigh has widened which is very worrying.

Cllr. M. Gleeson supported the motion.

## **20 Water Treatment Plant for Kilgarvan**

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

"To ask Kerry County Council to ensure that a new treatment plant be provided in Kilgarvan, as I already pointed out in an earlier motion the present plant was built in 1936 to serve 20 houses, locals have indicated that raw sewage is flowing into the Roughty river during heavy rainfall, if recent sample results of the river are not available we ask that such be now taken immediately and provided to the members, surely Kerry County Council Water Services cannot be serious about taking water out of the Roughty river for the people of Kenmare to drink when it was deemed unfit for bathing last year."

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

**Kilgarvan is one of twelve villages prioritised for construction and for which Contract Documents are currently being prepared. Due to the financial situation that has now developed, it is planned to proceed to construction initially with only two of these schemes, namely Tarbert and Lixnaw. It is planned to proceed to tender and construction of the Kilgarvan scheme as soon as finances permit.**

**The issue of identifying a suitable supplementary water supply source for Kenmare is being reviewed at present. All relevant issues will be considered in the process of assessing the various potential water sources.**

Cllr. D. Healy-Rae asked for an update on water samples at the Roughty River as it appears this river is not suitable for bathing. Raw sewerage is flowing into the Roughty River. The existing treatment plant is not satisfactory. It was understood that the development of Kilgarvan Treatment Plant was to proceed as land has been purchased. He asked that Kerry County Council proceed with the development of the Kilgarvan Treatment Plant.

Cllr. M. Healy-Rae said the construction of a new treatment plant in Kilgarvan should proceed as land is purchased. Kilgarvan Treatment Plant would be one of the cheapest plants to develop and would be in the interest of preventing pollution. The effluent going into the Roughty River is polluted. Water from this river has been tested and it has been deemed unfit for bathing. However, it appears it is acceptable to extract water for drinking water and it is being considered as an alternative to the Sheen River for the water supply to Kenmare. He opposed the extraction of water from the Roughty River to supply water to Kenmare.

Cllr. P. Connor-Scarteen supported the sentiments regarding Kilgarvan Treatment Plant. In the interest of residents and the local environment, this treatment plant should proceed as a priority. The treatment plant built in 1936



cannot cope with expansion in the area. The Roughty River, like the Sheen River, should not be used to supply water to Kenmare. Consideration should be given to abstracting water from lakes to supply water to Kenmare.

Cllr. D. Healy-Rae requested an update on the sampling of water from the River Roughty.

Mr. O. Ring, Director of Water Services, said it is accepted that a new treatment plant is required for Kilgarvan and as soon as finance is available it will proceed. It is hoped funding will become available as this treatment plant would be cost effective to develop. There are legal definitions of designated bathing areas and the Roughty River is not a designated bathing area. He said he was unclear as to how water sampling was undertaken at this area.

Mr. M. Boyce, SEE Environment, said his understanding is that a local person used to run swimming classes at this area and the laboratory was requested to sample the water. This is not a designated bathing area.

Cllr. M. Healy-Rae said this is a traditional bathing area and unfortunately, for the first time ever, it is polluted and not suitable for bathing.

Mr. O. Ring, Director of Water Services, said drinking water is not being extracted from the Roughty River at present. If it was to be extracted it would be treated at a treatment plant after which it would be safe to drink. There is no proposal at this stage to use the Roughty River to supply water to Kenmare. The Kilgarvan Treatment Plant will proceed as quickly as possible and the source of funding is the delay at present.

Cllr. D. Healy-Rae requested that elected members be provided with details of samples taken from the river. He said expenditure should not be incurred to conduct a survey on proposals to extract water from the Roughty River.

## **21 Funding for the construction of Village Sewerage Schemes in 2009**

### **Pursuant to Notice duly given, Cllrs. M. Cahill & P. O'Donoghue PROPOSED:-**

"That a delegation from the members of An Daingean Electoral Area Committee request a meeting with the Minister for The Environment Heritage and Local Government to discuss the level of funding which would be available to Kerry for the construction of village sewerage schemes in 2009."

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

On the PROPOSAL of Cllr. B. MacGearailt, SECONDED by Cllr. T. Ferris, it was agreed that a request would issue to the Minister for the Environment, Heritage and Local Government that a delegation from the members of An Daingean Electoral Area meet with him to discuss the level of funding which would be available to Kerry for the construction of village sewerage schemes in 2009.

## **09.01.19.18 Correspondence – Conferences and Seminars**

- a) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. T. Buckley , it was agreed to authorise the attendance of Cllr. D. Healy-Rae at the Health & Safety in Local Government Seminar held in Carrick-on-Suir, Co. Tipperary, from the 26<sup>th</sup> -27<sup>th</sup> October, 2007.

- b) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P. McCarthy, it was agreed to authorise the attendance of Cllrs. M. Healy-Rae, D. Healy-Rae and T. Fleming at the Irish Renewable Energy Summit 2009 to be held in Dundalk on 21<sup>st</sup> January, 2009.

Cllr. M. Healy Rae was nominated to report to Council on this conference.

- c) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Fitzgerald, it was agreed to authorise the attendance of Cllr. B. O'Connell at the Local Government Planning Service Seminar to be held in Waterford from 23<sup>rd</sup>-25<sup>th</sup> January, 2009.

- d) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. A. McEllistrim, it was agreed to authorise the attendance of Cllrs. C. Miller, T. Fitzgerald, M. O'Shea, P. Connor-Scarteen, M. Healy-Rae and D. Healy-Rae at the Dundalk Chamber of Commerce Conference on the theme "Sustainable Jobs for Dundalk and Beyond" to be held in Dundalk on 10<sup>th</sup> February, 2009.

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

- e) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. R. Beasley, it was agreed to authorise the attendance of Cllrs. M. Healy-Rae, S. Fitzgerald, L. Purtill, T. Ferris, T. Buckley, C. Miller, J. Sheahan, R. Beasley, P. McCarthy, B. Cronin, P. Leahy, J. Brassil, M. O'Shea, J. O'Connor, D. Healy-Rae, and T. Fleming at the AMAI Spring Seminar 2009 to be held in Letterkenny, Co. Donegal on 13<sup>th</sup> and 14<sup>th</sup> February, 2009.

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

- f) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. T. Ferris, it was agreed to authorise the attendance of Cllrs. B. O'Connell, J. Sheahan, P. O'Donoghue, B. Cronin, J. Brassil and J. O'Connor at the Mid-West Regional Authority 15<sup>th</sup> Annual Conference on the theme "Ireland's Water – What is the real cost?" to be held in Adare, Co. Limerick on 19<sup>th</sup> and 20<sup>th</sup> February, 2009.

Cllr. P. O'Donoghue was nominated to report to Council on this conference.

- g) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. A. McEllistrim, it was agreed to authorise the attendance of Cllrs. S. Fitzgerald, L. Purtill, T. Buckley, C. Miller, R. Beasley, D. Kiely, P. Leahy, T. Fitzgerald, T. Ferris, J. Brassil, M. O'Shea, J. O'Connor and T. Fleming at the North South Confederation of Councillors Training Seminar on the theme "Review and Reform of Local Government in Ireland, North and South" to be held in Co. Louth on 20<sup>th</sup> and 21<sup>st</sup> February, 2009.

Cllr. L. Purtill was nominated to report to Council on this conference.

- h) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. T. Buckley, it was agreed to authorise the attendance of Cllrs. S. Fitzgerald, L. Purtill, T. Buckley, B. O'Connell, C. Miller, J. Sheahan, R. Beasley, D. Kiely, P. Leahy, J. Brassil, M. O'Shea, J. O'Connor, M. Healy-Rae, D. Healy-Rae, T. Fleming and P. McCarthy at the 20<sup>th</sup> Colmcille Winter School on the theme "Ireland and the Economic Recession" to be held in Letterkenny, Co. Donegal, from 27<sup>th</sup> February to 1<sup>st</sup> March, 2009.

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

## **January Ordinary Meeting 2009**

- i) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. O'Connor, it was agreed to authorise the attendance of Cllrs. B. O'Connell, J. Sheahan, S. Fitzgerald, L. Purtill, and J. O'Connor at the International Local Government Convention Ireland 2009 to be held in INEC Conference Centre, Killarney from 3<sup>rd</sup>-6<sup>th</sup> March, 2009.

Cllr. J. Sheahan, was nominated to report to Council on this conference.

- j) On the PROPOSAL of Cllr. T. Fitzgerald, SECONDED by Cllr. P. McCarthy, it was agreed to authorise the attendance of Cllrs. M. Healy-Rae, D. Healy-Rae and M. Gleeson at the Victims of Crime Conference – Making the System Work to be held on 7<sup>th</sup> February, 2009, in Dublin.

Cllr. D. Healy-Rae was nominated to report to Council on this conference.

- k) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. R. Beasley, it was agreed to authorise the attendance of Cllr. P. Connor-Scarteen at the Antrim Tourism Conference to be held in Dunadry, Co. Antrim on 23<sup>rd</sup> and 24<sup>th</sup> January, 2009.

- l) On the PROPOSAL of Cllr. J. O'Connor, SECONDED by Cllr. M. Healy-Rae, it was agreed to authorise the attendance of Mayor T. Fleming at the Training Seminar for Councillors on the theme "Effective Communications for Councillors" held from 16<sup>th</sup>-18<sup>th</sup> January, 2009.

### **09.01.19.19 Correspondence General**

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

1. Letter dated 10<sup>th</sup> December, 2008, from the Minister for Finance regarding capital expenditure on the construction of public buildings.
2. Circular Letter RST 4/2008 dated 15<sup>th</sup> December, 2008, regarding Amended Guidelines for the Application of Special Speed Limits issued by the Minister pursuant to Section 9(9) of the Road Traffic Act 2004.
3. Letter dated 16<sup>th</sup> December, 2008, from the Minister for Transport regarding the Local Improvements Scheme.
4. Letter dated 17<sup>th</sup> December, 2008, from the National Roads Authority regarding the N70 Laune Bridge, Killorglin.
5. Letter dated 19<sup>th</sup> December, 2008, from the Minister for Health & Children regarding fluoride in the water supply.
6. Letter dated 24<sup>th</sup> December, 2008, from the Road Safety Authority regarding the brightness of Xenon lights in some vehicles.
7. Letter dated 24<sup>th</sup> December, 2008, from the Taxi Regulator regarding wheelchair accessible taxi operators.
8. Letter dated 30<sup>th</sup> December, 2008, from the HSE Regional Health Office South regarding Orthodontic services in County Kerry.
9. Letter dated 7<sup>th</sup> January, 2009, from Customer Services Manager, ESB Networks, regarding representative from ESB Networks attending a future meeting of Kerry County Council.

### **January Ordinary Meeting 2009**

10. Letter dated 9<sup>th</sup> January, 2009, from Minister for Enterprise, Trade and Employment regarding unemployed apprentices.
11. Letter dated 7<sup>th</sup> January, 2009, from Minister for Agriculture, Fisheries & Food regarding the Farm Waste Management Scheme.
12. E-mail dated 10<sup>th</sup> December, 2008, from Tralee Town Council regarding a resolution adopted by that authority calling on the Minister for Health to introduce a 24 hour 7 day social work service nationwide.
13. Letter dated 10<sup>th</sup> December, 2008, from South Tipperary County Council regarding a resolution adopted by that authority calling on the Government to implement the school vaccination programme for all twelve year old girls as announced by the Minister for Health in August, 2008.
14. E-mail dated 11<sup>th</sup> December, 2008, from Fingal County Council regarding a resolution adopted by that authority calling on the Government to reverse the massive cuts in education introduced in the Budget.

### **Laune Bridge, Killorglin**

Cllr. J. O'Connor referred to correspondence dated 17<sup>th</sup> December, 2008, from the National Roads Authority regarding the N70 Laune Bridge, Killorglin. He said it was his understanding that €200,000 was allocated for the Laune Bridge in 2008. A ground investigation was undertaken in 2008 and design work is ongoing. The provision of funding in 2009 for construction work is presently being considered. He said the NRA has not outlined what happened the 2008 allocation of €200,000. He asked that a meeting be arranged with the NRA on this issue.

Cllr. M. Gleeson SECONDED this motion.

Mr. C. O'Sullivan, Director of Roads and Transportation, said in his discussions with the NRA he had pointed out that the project would proceed in 2009. This is contingent on funding being available. He said he would expect there would be an indication from the NRA regarding funding shortly.

The meeting concluded at 5.50 p.m.

**Gerard O'Brien**  
**A/SEO**  
**Corporate Affairs**

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**Mayor of Kerry**