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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 17 BEALTAINÉ, 2010**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY, 17 MAY, 2010**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

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

ABSENT/AS LÁTHAIR

Councillors/Comhairleoirí

S. Fitzgerald	D. Healy-Rae
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IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, County Manager	Ms. A. McAllen, A/Head of Finance
Mr. J.D. Flynn, Director of Corp. Servs	Mr. M. McMahon, Director of Planning
Mr. J. Breen, Dir. Hsg & Comm & Ent	Mr. C. O'Sullivan, Dir. of Roads
Mr. O. Ring, Dir. Of Env. & Water Serv.	Mr. G. O'Brien, Meetings Admin.
Mr. P. Corkery, Press & Comm.	Ms. B. Reidy, SSO Corp. Affairs
Ms. M. Galvin, CO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs
Ms. T. Keane, CO Corporate Affairs	

The meeting commenced at 10.35 a.m.

Mayor B. O'Connell took the Chair.

10.05.17.01 Mayor's Report on CPG Meeting held on 11^h May, 2010.

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

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Item 1 Agenda for the May Council Meeting

Mr. G. O'Brien, Meetings Administrator, briefed members on the agenda for the May Council meeting.

Item 2 County Development Board Update

In Mr. J. Breen's absence Mr. J.D. Flynn read Mr. Breen's report on this item as follows:

"CDB Meetings

The ongoing work to rule situation is impacting on the holding of CDB Meetings. It is proposed to hold a meeting of the CDB at the end of May to deal with some of the matters hereunder.

Centralised Tourism Promotion

Work is ongoing through the Tourism Strategy Group for the establishment of a centralised Tourism Forum for the County which would focus on marketing and product development. While this forum may not be moving ahead as swiftly as some of the trade would wish, it is vital that the ground work in bringing multiple interests together is thoroughly carried out for the benefit of the County as a whole.

Youth Café Funding

POBAL have recently approved funding of €1.4m for the development of Youth Cafés in the Country. The criteria provide for **one** application to a maximum of €100,000 in terms of new Youth Cafés and **one** application to a maximum of €10,000 for upgrading of existing facilities. Only one application per County is permitted in each category. The application to be submitted nationally must be endorsed by the CDB in the first instance. Applicants must be submitted by 11th June next. An information item on the funding of Youth Cafés has been included on the agenda for Mondays May Monthly Council Meeting.

Economic Development Mandate

CDB's are requested by the Government to enhance their promotion of economic development in the County through the active co-operation of all CDB members. The Kerry Enterprise Action Team are undertaking this work on behalf of the CDB. There is a need to focus on any assistance which the CDB can offer to the economic development of the County in the present economic circumstances. A number of CDB's have undertaken local co-operation measures to assist, in particular, with the development of small business enterprises in their County. This matter also requires consideration at the next CDB Meeting."

Item 3 Update from Chairs of SPCs

Mr. M. McMahon, Director of Planning, informed the meeting that a report on the recent Planning SPC meeting will be presented at the May Council Meeting on Monday next.

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Mr. O. Ring, Director of Water Services & Environmental Services, said Cllr. B. Cronin, Chairman of the Environment SPC, was unable to attend the CPG meeting and had requested him to advise the CPG members of the following. At the Environment SPC meeting held on 10th May, 2010, a discussion took place on the Draft Cemetery By-Laws and the Kenmare Water Abstraction. As promised at the April Council Meeting a report was prepared on the lakes option and this was considered by the SPC. They requested clarification on the report and a further report will be considered by the SPC prior to the June Council Meeting. A report will be presented to Council at the June Meeting.

Item 4 Receptions

CPG members agreed to host a Civic Reception to honour (Name and address withheld for Data Protection purposes) who won his 3rd World Irish Dancing Championship at Easter in Glasgow in the U18 category.

Item 5 Any Other Business

Ms. A. McAllen, A/Head of Finance advised the meeting that there is a requirement on all local authorities to account for VAT on certain economic activities from 1st July 2010. Indicative activities deemed liable to VAT are:

- Sale of Affordable Houses
- Waste and Refuse services
- Grave spaces
- Off Street Parking
- Internet charges in libraries.

Mr. C. O'Sullivan, Director of Roads informed members that the VAT on off street parking only applies to two car parks in the county i.e. An Daingean and Ballybunion. An hourly rate applies in both car parks and VAT will apply to them."

Prior to the Mayor reading the item on the holding of a Civic Reception for John Fitzgerald Mr. J.D. Flynn, Director of Corporate Services declared in accordance with Section 177 of the Local Government Act 2001 that John Fitzgerald was his wife's nephew and he would leave the meeting while that item was being considered.

Mr. J.D. Flynn then left the meeting.

When the item on Civic Receptions was dealt with Mr. Flynn returned to the meeting.

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10.05.17.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Finucane it was agreed that the minutes of the March Ordinary Meeting of Kerry County Council held on 22nd March, 2010 be confirmed.
- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Foley it was agreed that the minutes of the April Ordinary Meeting of Kerry County Council held on 19th April, 2010 be confirmed.

10.05.17.03 Disposal of Property

- (a) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. P.J. Donovan it was agreed to approve the disposal of a plot of land comprising of 1.16 acres approximately at Dromneavane, Kenmare to Cluid Housing Association, 18 White Street, Cork in accordance with the terms of notice issued on 29th April 2010, pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

Cllr. P. Connor-Scarteen declared in accordance with Section 177 of the Local Government Act 2001 that the person referred to in Item 3(b) is a business contact and the person referred to in Item 3(c) is a cousin of his mothers and for this reason he would leave the meeting while these items were being dealt with.

Cllr. P. Connor-Scarteen then left the meeting.

- (b) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. P.J. Donovan it was agreed to approve the disposal of House No. 1, Pairc an Callan, Kenmare together with its plot of land at Dromneavane, Kenmare to (Name and address withheld for Data Protection purposes) in accordance with the terms of notice issued on 21st April 2010, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.
- (c) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. J. Finucane it was agreed to dispose of House No. 21, Pairc an Callan, Kenmare together with its plot of land at Dromneavane, Kenmare to (Name and address withheld for Data Protection purposes) in accordance with the terms of notice issued on 21st April 2010, pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning & Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

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Cllr. P. Connor-Scarteen then returned to the meeting.

10.05.17.04 Overdraft Accommodation

Ms. A. McAllen, A/Head of Finance referred members to report dated 10th May, 2010 on this item which was circulated and she briefed members on the report.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was unanimously agreed to approve the incurring of overdraft accommodation not exceeding €12.5m for the 6 months ending 31 December 2010.

10.05.17.05 Youth Café Funding

Mr. J. Breen, Director of Housing and Community & Enterprise referred members to his report dated 11th May, 2010 on this item which was circulated. A sum of €1.5m is available nationally for small scale fit-out, refurbishment works or building enhancement projects to existing Youth centres/facilities (Strand 1) and for the start up of New Youth Cafés (Strand 2). Only one project per county will receive funding and an information briefing on this funding will be held in the Manor West Hotel on Wednesday next. No funding is available for operations costs of Youth Cafés.

Cllr. T. Ferris PROPOSED that funding would be sought for the provision of a Youth Café in Ardfert.

Cllr. R. Beasley pointed out that a Youth Café is also needed in Ballybunion.

10.05.17.06 Report on the Economic, Planning Development (Archaeological & Heritage) SPC

Cllr. P. McCarthy referred to his written report on the most recent meeting of this SPC held on 7th April, 2010 which was circulated. He briefed the meeting on his report under the following headings:-

- Unfinished Housing Estates
- Forward Planning Unit
- Planning Management

Cllr. T. Ferris said at the Special Planning Meeting held on Monday 10th May she requested that a discussion would be permitted on planning as three decisions issued from the Planning Department recently that she was concerned about. She asked the Mayor to facilitate a discussion on planning later in the meeting.

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In response Mr. T. Curran, County Manager said it was not appropriate to discuss specific planning files in public. He undertook to discuss the cases referred to by Cllr. Ferris with her later.

Cllr. T. Ferris said that she had concerns regarding certain practices and she would welcome the opportunity to discuss them. She had never before expressed concern regarding planning and she called for an in-committee discussion on it. She added that she was aware that other members have similar concerns.

Mayor B. O'Connell informed Cllr. Ferris that the Planning Department would revert to her before evening on this issue.

10.05.17.07 Dates for Meetings

- (a) On the PROPOSAL of Cllr. A.J. Spring, SECONDED by Cllr. M. Gleeson it was unanimously agreed to hold the Annual Meeting on Friday 25th June, 2010 at 12 noon.
- (b) It was agreed to hold the next round of Electoral Area Meetings on the following dates:

Area	Date	Location	Time
Killarney	Wed 9 th June 2010	Town Hall, Killarney	10.00am
Tralee	Mon 14 th June 2010	Council Chambers	10.30am
An Daingean	Wed 16 th June 2010	An Daingean Area Office	10.30am
Listowel	Mon 28 th June 2010	Áras an Phiarsaigh, Listowel	10.00am
Killorglin	Fri. 2 nd July 2010	Kenmare	10.30am

10.05.17.09 Summary of Proceedings at Conferences

- (a) **Mayor's visit to Chicago and New York for St. Patrick's Day Celebrations 2010**
It was unanimously agreed to note Mayor O'Connell's written report on this item which was circulated.
- (b) **Training Seminar on the theme "A Guide to Child Protection" – 16 – 18 April 2010.**
It was unanimously agreed to note Cllr. Ferris's written report on this item which was circulated.

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(c) BMW Regional Assembly Annual Conference 2010 on the theme Promoting Growth and Jobs in Ireland's Regions – 16th April 2010

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

(d) Training Seminar on the theme New EPA Guidelines for Single Houses and their implications for Local Government – 23 – 25 April 2010.

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

10.05.17.10 Opening of Tenders

(a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was agreed to approve the opening of tenders for a Public Arts Advisor – Closing Date: Friday 21st May, 2010 at 3.00pm.

(b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Foley it was agreed to approve the opening of tenders for the N22 Tralee Bypass/Tralee to Bealagrellagh Road Improvement Scheme Provision of Independent Project Supervisor Construction Stage Services - Closing date: Thursday 27th May, 2010 at 4pm.

(c) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. J. Finucane it was agreed to approve the opening of tenders for the N22 Tralee Bypass/Tralee to Bealagrellagh Road Improvement Scheme Topographical Survey - Closing date: Mon. 31st May, 2010 at 4pm.

(d) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. N. Foley it was agreed to approve the opening of tenders for the N22 Tralee Bypass/Tralee to Bealagrellagh Road Improvement Scheme Erection of Temporary Fencing - Closing date: Friday 4th June, 2010 at 4pm.

(e) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. A. McEllistrim it was agreed to approve the opening of tenders for the N22 Tralee Bypass/Tralee to Bealagrellagh Road Improvement Scheme Ground Investigation Contract - Closing date: Thursday 10th June, 2010 at 4pm.

(f) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J. Finucane it was agreed to approve the opening of tenders for the N22 Tralee Bypass/Tralee to Bealagrellagh Road Improvement Scheme Archaeological Works Contract 1 - Closing date: Friday 18th June, 2010 at 4pm.

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Mr. C. O'Sullivan informed members that the Notices to Enter for the N22 Tralee Bypass/Tralee to Bealagrellagh Road Improvement Scheme, which is the final process of the CPO, would be issued that day. This allows the Council to enter lands to carry out final investigations. It is hoped that the contract will issue by the end of November.

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Nurture Kerry Foundation

The Mayor informed the meeting that the organising group behind the initiatives Young Entrepreneur Programme and the Endeavour Programme wish to address the Council on expanding these initiatives.

The initiatives are based on the development of innovation and Entrepreneurship in Kerry to create sustainable local employment.

They seek the support of Kerry County Council for their future plans.

Given the confidential and innovative nature of this initiative, the organisers have asked that the Council evaluate this proposal in Committee.

Over the past few months organisations involved in the Kerry Enterprise Action Team (KEAT) have been addressing the Council at each monthly meeting.

Enterprise Ireland were to address the Council at the June meeting. However, they are unable to do so and hopefully they will be able to attend the July meeting.

Mayor O'Connell **PROPOSED** that the Nurture Kerry Foundation organisers would be invited to address the June meeting.

Cllr. J. Finucane **SECONDED** this proposal.

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

For: Cllrs. Beasley, Buckley, Cahill, Connor-Scarteen, Cronin, Donovan, Ferris, Finucane, Foley, Gleeson, Griffin, McCarthy, McEllistrim, Moloney, O'Brien, Sheahan, Spring, O'Connell **(18)**

Against: None **(0)**

Not Voting: None **(0)**

The Mayor declared the proposal **CARRIED**.

10.05.17.11 Reception of Deputations

(a) Kilcummin Residents

Cllr. M. Moloney requested that a deputation be received from the residents of Kilcummin regarding roads and sewage scheme. On the **PROPOSAL** of Cllr. M. Moloney, **SECONDED** by Cllr. A. McEllistrim, it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

(b) Residents Buddihauns, Kilcummin

Cllr. M. Moloney requested that a deputation be received from the residents of Buddihauns, Kilcummin regarding Telecommunication Masts. On the PROPOSAL of Cllr. M. Moloney, SECONDED by Cllr. A. McEllistrim, it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

(c) Kenmare Business People

Cllr. P. Connor-Scarteen requested that a deputation be received from Kenmare Business People regarding Casual Trading and roads issues. On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. P.J. Donovan it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

(d) Residents of Clover Hill Estate, Killorglin

Cllr. M. Healy-Rae requested that a deputation be received from the Residents of Clover Hill Estate, Killorglin regarding a dangerous junction at the estate. On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. N. Foley it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

(e) Ballyheigue Community Group

Cllr. J. Brassil requested that a deputation be received from a Ballyheigue Community Group. On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. M. Cahill it was agreed that this deputation would be received at the next Listowel Electoral Area Meeting.

10.05.17.12 Notices of Motion

1. Noise levels in places of entertainment

Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:

"In view of the appalling noise levels in certain places of entertainment, what action has the Council taken during 2009 to counteract this serious health hazard".

The following report issued:

It is not the Council's policy to become directly involved in what may be termed private nuisance complaints (as distinct from public nuisance complaints) relating to noise given that the governing legislation provides that any person may pursue such a complaint through the District Court at no financial cost to themselves. Specifically, the Environmental Protection Agency Act 1992, (Noise Regulations 1994), provides that any person may make a complaint to the District Court in relation to the nuisance caused and the alleged offender is summoned to appear in court to defend their actions.

However, where five or more persons from five different households make a written complaint to the Council alleging that a noise nuisance is emanating from a particular premises and where the complainants are prepared to appear in court as witnesses, the Council may deem the noise to be a public nuisance and initiate legal proceedings against the offending party in accordance with the provisions of the 1994 Regulations.

The legislation also provides that where the Council is of the opinion that a public noise nuisance exists, a notice may be served (under Section 107 EPA Act, 1992) requiring the offending party to comply with the measures specified in the notice. Failure to comply with the terms of the notice is an offence.

During 2009, 8 complaints of noise nuisance relating to places of entertainment were received. All 8 complaints were deemed to be 'private' and the complainants were advised to pursue the matter through the District Court.

Cllr. M. Gleeson said his motion should probably read 'within certain places'. It is well recognised that one of the serious problems facing society is that of damaged hearing due to exposure to loud and constant noise. Health and Safety Regulations acknowledge this and insists on the wearing of ear muffs and on noise regulation.

Regular elevated noise levels cause trauma to the inner ear gradually reducing the ears ability to hear certain frequencies. By the time sound reaches the inner ear it has been amplified 20 times. Constant exposure to loud noise has many deleterious effects including: Tinnitus, Hypertension, vascular constriction and even cardiovascular damage. We have all endured occasions where normal conversation is impossible due to extremely loud noise at functions. It is wrong that people should have to endure such unpleasant decibel levels but it is even more wrong that individual long term well being should be jeopardised.

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Mr. O. Ring said the Motion was misinterpreted. He was not sure what the Council's role is regarding internal noise in a venue but he undertook to refer the motion to the Environment SPC who could research it.

Cllr. Gleeson said this is a very important issue. The noise levels in places of entertainment can result in high levels of damage to hearing and there should be decibel counters in all places of entertainment.

Cllr. R. Beasley **SECONDED** the motion.

2. **Review of Water Reconnection Fee.**

Pursuant to notice duly given Cllr. R. Beasley PROPOSED:

"That Kerry County Council review the present situation which is not acceptable that a water reconnection fee of €1,100 is charged".

The following report issued:

A water reconnection charge arises only where a customer who has had a connection previously, requested that it be disconnected and wishes that it be connected again or where a non-domestic customer has failed to pay his/her water charges and the supply was disconnected. All customers liable for water charges are given a reasonable opportunity to pay and a disconnection of supply is carried out only where a customer has ignored all notices and failed either to engage with our Revenue Department or to honour an agreed payment plan. So, in effect, a reconnection is a customer driven event. A reconnection involves two interventions by our maintenance staff viz the disconnection and the reconnection. These actions incur such expenditure as labour costs, travel costs, parts, equipment, and machine hire in many instances. The level of charge is reasonable given all the costs involved. As mentioned in the Council Chamber on many previous occasions, we again urge any customers with outstanding charges to engage with our Revenue collection staff so that satisfactory steps can be agreed to address their debt.

Cllr. R. Beasley said the farming community are most affected by this charge. He asked that the difficult financial circumstances arising from bad weather and shortage of fodder etc. over the past few years would be taken into account. The reconnection fee is very expensive.

Cllr. T. Buckley **SECONDED** the motion.

The Mayor informed the meeting that Notice of Motion Nos. 3 and 16 would be taken together.

3. Kilcummin Sewerage Scheme

Pursuant to notice duly given Cllr. M. Moloney PROPOSED:

"If Kerry County Council would give clear and detailed answers to the following questions in respect of Kilcummin Sewerage Scheme:

- Why was the Kilcummin Sewerage Scheme contract resubmitted to the Department and what was the problem with the contractor who was selected?
- How much, in financial terms, was the contract for Kilcummin worth?
- Why, if the Kilcummin Sewerage Scheme was approved, could it not be retendered for as a stand alone project?
- What happened to the portion of money that was approved for the Kilcummin part of the contract and who made the decision to withdraw Kilcummin from the contract?
- Were Elected Representatives, i.e. TDs and Councillors notified and was notification placed in newspapers to advise the people of Kilcummin that the contract for the Kilcummin Sewerage Scheme was to be withdrawn?

16. Kilcummin/Barraduff Sewerage Schemes

Pursuant to notice duly given Cllr. M. Moloney PROPOSED:

"That Kerry County Council would outline in detail the answers to the following questions:

- How much money was approved for the Kilcummin/Barraduff Sewerage Scheme and how much of this figure has been paid to the contractor to date?
- How much of tax payers' money will be paid to the contractor at the finish of the job?
- What were the tender figures for the Kilcummin/Barraduff Sewerage Scheme?
- Why was the contract not offered to the next lowest tender when a problem arose?
- If the Kilcummin part of the contract had to be retendered then why did the Barraduff part not have to be retendered?

- How far behind schedule is the Barraduff part of the contract and are Kerry County Council satisfied with the job of works carried out on the Barraduff Scheme?
- Does Kerry County Council now believe that a mistake was made to remove the Kilcummin part of this contract?"

The following report issued:

Preliminary Reports and Construction Stage budget applications for Barraduff Sewerage Scheme and Kilcummin Sewerage Scheme were submitted to the Department of Environment, Heritage and Local Government for approval in 2005. Pending the receipt of a formal response from the Department, Kerry County Council took the decision to progress with both schemes as one contract in advance of Department approval for the Construction Stage budget. The Council advertised the network part of both schemes as Kilcummin/Barraduff Sewerage Scheme with a closing date for tenders in June 2006. Tenders submitted, including VAT, ranged from approximately €3m to €4.8m. The Department subsequently approved the Construction Stage budget of €3m for Barraduff Sewerage Scheme only, including the treatment works, in November 2008.

A Contractor was appointed for the construction of the sewer networks of both schemes under the title Kilcummin/Barraduff Sewerage Scheme and a contract to a value of €3.097m was signed in February 2007. The Contractor's programme was to begin with the Barraduff Scheme first and work commenced on that part of the contract in April 2007. The Barraduff section of the work was due to be completed in late September 2007. The certificate of completion for the work was issued in October 2009. The Barraduff section of the contract was estimated at approximately €0.85m. To date, the contractor has been paid approximately 14% of this figure. The actual final sum to be paid to the contractor will not be known until the final account is agreed.

Due to difficulties that arose in progressing the works, and following extensive negotiations and on the advice of the Consulting Engineer, the Council agreed to accept a proposal from the Contractor to remove the Kilcummin section of the work from the contract, and this was done in April 2008. The option of awarding the Kilcummin contract to the next lowest tenderer on the original tender list was considered and rejected because of a number of factors. Preparations were made to re-tender the Kilcummin work which was valued at €2.25 million in the original contract. A revised Construction Stage budget submission for the scheme under the new Forms of Contract was made to the Department for approval in November 2008.

The Council had decided in 2006 to proceed with Kilcummin Sewerage Scheme in advance of Department approval. However, the changed economic circumstances and uncertainties surrounding grant support in 2008 meant that the Council was no longer prepared to enter into contracts without budget approvals by the Department being in place and, so, had not proceeded with the scheme when it was found necessary to remove it from the original contract.

In the recent Water Services Investment Programme 2010 - 2012, only the planning stage of the project was approved to proceed. However, a Department letter was received on 13th May which approved a Planning Stage budget and a Construction Stage budget, subject to a number of conditions, including a cap on Department funding and a request that the Council should reconsider the scope of the scheme and re-visit the scheme design. The Council will begin preparing the required information very shortly with a view to responding to the DoEHLG as soon as possible.

The Council were at all times hopeful that the Kilcummin Scheme would advance to construction under the previous WSIP and Councillors were up-dated on the matter at the quarterly Electoral Area Meetings. Notices were not placed in newspapers as this has not been Council practice or policy and it was considered that adequate feedback is provided in the usual manner through Elected Members to their constituents.

Cllr. Moloney asked if this meant the Kilcummin Scheme would commence in the near future.

Mr. O. Ring said the letter was received from the Department on Thursday last and it is very detailed. It appears the Kilcummin Scheme will go ahead but there is a conditional cap on funding for the scheme as the current proposal is unaffordable. The Department requested that the design of the scheme would be reviewed. Originally it was intended to pump the sewage to Killarney but that may be amended to provide a treatment plant in Kilcummin. The Department have only sanctioned a sum of €1.558m for the scheme and this is not adequate for the current design.

Cllr. M. Moloney requested that a report would be presented to members at the next Killarney Electoral Area Meeting clarifying the position as set out in the letter from the Department. A lot of developments in the area are dependant on the scheme and one business pays €10,000 in rates. One development will be liable for €1m in development levies and she asked if this could be used to fund the scheme.

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Cllr. J. Sheahan said pressure must be put on the Department to provide adequate funding for this scheme as there is an urgent need for it. The lakes in Killarney are under threat of pollution from all the septic tanks in this area. The roads in Kicummin are in a deplorable state and they cannot be repaired until the sewerage scheme is completed.

Cllr. Moloney stated that she moved a notice of motion at the February meeting regarding this scheme. At that time she requested that a letter would issue to the six T.D.'s in the county asking them to pursue the funding of this scheme at national level. She requested copies of the letters that issued to the Department and the Oireachtas members.

Cllr. B. Cronin asked if Kerry County Council still owns a site in Kilcummin which would be suitable for a treatment plant.

Cllr. M. Healy-Rae said it was intended to pump the sewage to Killarney and he asked if this was the reason the scheme was delayed.

In response Mr. Ring said that the provision of a sewerage scheme in Kilcummin is a priority for Kerry County Council for a long time and that it is why the Council went ahead without Departmental approval. However, there was a difficulty with the contractor and work ceased. The letter received from the Department recently indicated that a construction budget has been provided for the scheme. The scheme has not been modified but the letter from the Department suggests that the scope of the scheme should be revisited. In conclusion Mr. Ring undertook to bring a report on this scheme to the next Killarney Electoral Area Meeting.

4. Metering of Domestic Properties

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

"Considering that in County Kerry, 30,000 houses will have to have water meters installed by the beginning of 2011 and that over €600m is being allocated nationally to carry out this work, how do Kerry County Council propose to actually carry out the work of installing all of these meters. Doing the simple calculation it should mean that Kerry County Council will receive approximately 3% of that, i.e. €18m approximately.

Can I please have a proper and factual response to this very specific query."

The following report issued:

In the revised Programme for Government it was agreed, in principle, to proceed with the metering of domestic water connections.

It has been estimated that the cost of purchase and installation of these meters will be somewhere between €500m and €600m.

A decision is required at Central Government as to how this money will be funded and until such a decision is taken, it is our understanding that the project cannot proceed.

It is proposed, subject to approval to proceed, to set up a steering group at National level to oversee the project. It is likely that this group will advise on the method of procurement of meters and meter boxes and also on how best to proceed with the installation in the most timely and cost efficient manner.

It is not possible to be more specific at this time.

Cllr. M. Healy-Rae said the response was vague and this is a very serious issue. The time scale for the installation of meters is very short and a small number of people can certify the installation.

Mr. T. Curran, County Manager said this is a decision will be made by Government in light of the funding available and also the timeframe. Every local authority is in the same situation and we must be realistic.

5. Current enforcement actions regarding illegal or unauthorised quarrying in Kerry

Pursuant to notice duly given Cllr. B. Cronin PROPOSED:

"To request a full list and details of all current planning enforcement actions regarding illegal or unauthorised quarrying in Kerry over the past 12 months and also the details of all quarries that Kerry County Council have purchased materials from over the same 12 month period."

The following report issued:

In relation to this motion the attached Table sets out details regarding on-going enforcement proceedings where formal enforcement action has been taken.

As Members are aware under Section 261 of the Planning & Development Act 2000, 101 no. quarries were registered by Kerry County Council and conditions in relation to their operation were imposed. There is on-going correspondence with a number of the operators in relation to compliance with the conditions and progress of varying degrees is being achieved. In such cases it has not been necessary to institute formal enforcement proceedings to date but the quarries are under on-going review.

Quarries subject to Enforcement - Year Commencing 2010

Quarry Reg. No.	Owner/Developer	Address of Quarry	Comments
QY022	T & A Randles Ltd.	Upper Letter, Kenmare, Co. Kerry.	U254/08:. Enforcement Notice Aug 08 - Pl. Permission for retention refused March 2010. Awaiting Circuit Court Proceedings

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QY032	(Names withheld for Data Protection purposes)	(Address withheld for Data Protection purposes)	U423/08: Enforcement Notice Nov. 08 Awaiting Circuit Court Proceedings
QY035	(Names withheld for Data Protection purposes)	(Address withheld for Data Protection purposes)	U037-09 Enforcement Notice May 09 - Substantial progress re. compliance with Enf. Notice
QY046	(Name withheld for Data Protection purposes) /M.F. Quirke & Sons Ltd.	Ballymacadam, Castleisland	U421-08 - Enforcement Notice May 10 Awaiting Circuit Court Proceedings
QY067	(Name withheld for Data Protection purposes)	(Address withheld for Data Protection purposes)	U395/08: Enforcement Notice Sept. 09 Awaiting Circuit Court Proceedings
QY082	Duggan Quarries Ltd.	Caher West, Kenmare.	U406/08: Enforcement Notice May 09 Awaiting Circuit Court Proceedings
QY096	Kenmare Plant Hire Ltd/(Names withheld for Data Protection purposes)	Eirk, Muckross, Killarney.(Molls Gap)	U413/08: Enforcement Notice April 10 To be reinspected in May 2010 for compliance
U004/06	(Name withheld for Data Protection purposes)	(Address withheld for Data Protection purposes).	Enforcement Notice Jan 06 Pl. Perm. for retention refused June 09 Listed for Hearing Circuit Court in July 2010.
U032/07	(Name withheld for Data Protection purposes)	(Address withheld for Data Protection purposes)	Enforcement Notice July 08 Awaiting Circuit Court Proceedings
U126/08	(Name withheld for Data Protection purposes)	(Address withheld for Data Protection purposes)	Enforcement Notice Nov. 08 Awaiting Circuit Court Proceedings

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U241/07	(Name withheld for Data Protection purposes)	(Address withheld for Data Protection purposes)	Enforcement Notice Nov. 08 Awaiting Circuit Court Proceedings
U270/07	M.F. Quirke & Sons Ltd.	Fermoyle, Ballinskelligs	Enforcement Notice June 06 Decision of An B.P.I. re. conditions of registration May 08. Awaiting Circuit Court Proceedings.
U364/05	(Name withheld for Data Protection purposes)	(Address withheld for Data Protection purposes)	Circuit Court Proceedings adjourned (pending outcome of High Court Judicial Review Proceedings) Presently being re-activated
U383/00	(Name withheld for Data Protection purposes)	(Address withheld for Data Protection purposes)	Enforcement Notice June 03. Case re-activated June 08. Awaiting Circuit Court Proceedings.

Details are also attached, as requested, in relation to payments (> €1,000) made by Kerry County Council for quarry products in 2009.

Kerry County Council made payment (>€1000) to the following suppliers of Quarry Products in 2009:-

Supplier Name	Business Address	Amount Paid
Michael F Quirke & Sons	Rangue, Killorglin, Co. Kerry.	428,313.76
John A Wood Ltd.	Naas, Co. Kildare.	184,243.57
Kelly Farm Mod Ltd	Knocknaboul, Ballydesmond, Co. Cork.	3,708.18
Ardfert Quarry Products	Ardfert, Tralee, Co. Kerry.	698,096.35
Murray Bros Tarmacadam Ltd	Drumlina, Dunmanway, Co. Cork.	153,147.72
(Name withheld for Data Protection purposes)	(Address withheld for Data Protection purposes)	140,478.01

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Joseph Hogan Ltd	Ballylin, Foynes, Co. Limerick.	114,819.07
Duggan Quarries Ltd TA Denis Duggan Sand & Gravel	Prospect Hill, Dunmanway, Co. Cork.	110,150.53
Kelly & Sons Kilpierce Ltd	Kilpierce, Enniscorthy, Co. Wexford.	2,624.40
Gerard Dillon TA Dillon Plant Hire	Woodford, Listowel, Co. Kerry.	58,463.71
O Connell Plant Hire & Quarry Ltd	Bahaghs, Caherciveen, Co. Kerry.	25,489.79
Tarmac Fleming Quarries Ltd	Leahill, Adrigole, Beara, Co. Cork.	9,205.89
Michael Cronin Readymix Ltd	Coolcaslagh, Killarney, Co. Kerry.	943,627.91
(Name withheld for Data Protection purposes)	(Address withheld for Data Protection purposes)	1,150.00
Gleesk Quarries Ltd	Sneem, Co. Kerry.	108,806.88
Costello Quarry (Products) Ltd	Ballinleeny, Coolrus, Bruree, Co. Limerick.	62,684.43
Arkil Ltd	Graigue, Lispole, Co. Kerry.	221,576.84
Foilmore Quarries Ltd	Coars, Foilmore, Caherciveen, Co. Kerry.	53,264.92
Allman Stone Ltd	Banemore, Listowel, Co. Kerry.	17,349.11
O Mahoney Quarries Ltd	The Blue Horizon, Ballintobeenig, Tralee.	2,417.86
Kerry Tarmacadam Manufacturing Ltd	Banemore, Listowel, Co. Kerry.	846,898.47
Fernhill Stone Ltd	Fernhill Business Park, Glaslough, Co. Monaghan.	10,361.16
Farrell Brothers Quarry Products Ltd	Ballybunion, Lisselton, Co. Kerry.	27,798.31
(Name withheld for Data Protection purposes)	(Address withheld for Data Protection purposes)	4,617.00
Buckley Quarries Ltd	Mallow, Co. Cork.	26,657.62
O Dwyer Plant Hire T/A Sandmore Ltd	Camp Cross, Tralee, Co. Kerry.	6,998.40
T & A Randles Ltd	Upper Clontoo, Kilgarvan, Co. Kerry.	92,968.87
Road Maintenance Services Ltd	Oranmore, Co. Galway.	109,274.25
Suppliers < €1000		1,761.96
	Total 2009	4,466,954.97

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Cllr. B. Cronin said he was contacted by a number of people because of noise at a quarry. He acknowledged that a lot was done by Kerry County Council to ensure compliance by quarries. He was surprised that while on the one hand the Council was taking enforcement proceedings against some quarry owners at the same time they were purchasing material from them. He added that he was very concerned with that approach. The Council should not be in a position where they are prosecuting an owner while at the same time purchasing material from them.

Mr. C. O'Sullivan pointed out that some people own a number of quarries and some are registered and fully compliant. Material is purchased from the authorised quarries. There are procedures in place to ensure that the Finance Department is notified if a quarry is unauthorised and that supplier is shut down on our system. This ensures that orders cannot be raised for that supplier.

Cllr. Cronin asked for an update on a number of specific cases.

Mr. McMahon, Director of Planning, informed him that the files are with the County Solicitor and they are dealt with as speedily as possible.

Cllr. Cronin said it is important to send out a message that illegal quarries will not be tolerated and that the Council will not do business with them.

Cllr. M. Healy-Rae welcomed the statements made by Cllr. Cronin but added that Kerry County Council must try to ensure that quarries remain open. If not road material would have to be purchased in Cork or Limerick and he would prefer to support jobs in Kerry. He wanted to send out a message that the council wants to ensure that there are quarries in operation all round the county as this promotes competition. However, he accepted that all quarries must be fully registered and licensed.

7. Funding to bring children suffering from Battens Disease to the US.

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:

That Kerry County Council:

- (a) Call on the Department of Finance and the Department of Health & Children to make a contribution towards the cost of bringing the (Name withheld for Data Protection purposes) children who suffer from Battens Disease to the United States for tests/treatment and;
- (b) make a specific once-off contribution towards this cost in view of the fact that the family reside in the County and they are the only two children in the Republic of Ireland with this condition.

The following report issued:

- (a) **This is a matter for consideration by the Members.**
- (b) **Kerry County Council supports and makes contributions to very many local organisations which promote and support the economic, social, tourism, sports and recreational interests and many meritorious projects throughout the County overall as outlined in the County Manger's Report on Budget 2010. Whilst we are very sympathetic to the (Name withheld for Data Protection purposes) family and their situation, it is felt that this request falls within the remit of the Department of Health and Children.**

Cllr. M. Cahill expressed his disappointment with the report. He requested that letters would issue to the Departments of Finance and Health and Children calling on them to fund the cost of bringing these children to the US for treatment. There is huge local support for this family and many fund raising events have been held in Ireland and abroad. They are the only two children in the Republic of Ireland with this disease and he strongly urged the Council to support them financially. He also requested that a letter would issue to Aer Lingus calling on them to sponsor the flights to the US for this family as this is a once off case.

Cllr. A. McEllistrim **SECONDED** the motion.

Cllr. B. Griffin supported the motion and said he was in favour of Kerry County Council making a once off contribution to this family. The HSE are willing to cover the cost of medical trials in the EU but not in the US and this policy should be reviewed.

Mr. Curran, County Manager said that the report is clear and while we have a lot of sympathy for this family it would not be possible to make a direct financial contribution to them. The Council supports community groups and he was concerned if a contribution was made in this case it would open the flood gates.

Cllr. M. Cahill said this is a very special case as they are the only children in the Republic with this disease. He asked that further consideration would be given to this request.

8. Waiver Scheme for water/sewerage charges for small and medium enterprises/businesses.

Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:

"That Kerry County Council put in place a Waiver Scheme for water / sewerage charges for small and medium enterprises / businesses that are experiencing financial difficulties due to the downturn in the economy".

The following report issued:

Local authorities are required to recover the cost of providing water services from all users with the exception of households using services solely for domestic purposes. This is in accordance with the "polluter pays" principle, the EU Water Framework Directive and the National Water Policy Framework. Kerry County Council has no alternative but to levy water charges in accordance with this policy and Directive. Implementation of a general waiver scheme is not acceptable in the context of the EU and national policies mentioned. However, it is normal policy and practice for the Council to review individual cases having regard to financial circumstances, water consumption patterns and any other relevant factors and it is intended to continue to do so for the foreseeable future. As mentioned in the Council Chamber on many previous occasions, we again urge any customers with outstanding charges to engage with our revenue collection staff so that satisfactory steps can be agreed to address their debt.

Cllr. M. O'Shea called on the Council to put a support system in place for small to medium enterprises and to be more compassionate with them. The volcanic ash is affecting businesses and the number of visitors is down as a result.

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Cllr. J. Finucane said one of the greatest impediments to small businesses is the amount of red tape and this does not apply to larger businesses such as the Banks. The Council should ensure that procedures are streamlined to make it easier for small businesses.

Cllr. M. Healy-Rae moved Notice of Motion No. 9 on behalf of Cllr. D. Healy-Rae.

9. Authorisation for the dezoning of land.

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

"To ask the Planning Section of Kerry County Council that as no other County has yet initiated the process of de-zoning lands that were zoned residential, to produce, for the scrutiny of the members, all documentation relating to the authorisation of the de-zoning process that our Local Authority has commenced over recent months. What timeframe, if any, was specified in any direction from the Department of the Environment. I wish to point out that limiting development of land around our towns will effect an increase in the price of sites and houses to the detriment of people who wish to provide a home for themselves."

The following report issued:

As Members will be aware, this matter was discussed at length at the Special Planning Meeting held on Monday, 10th May 2010 and full details were given in relation to all legal instruments and documentation in relation to this matter.

I attach for the record copy of my report on the matter which was given at that meeting.

Cllr. M. Healy-Rae asked why Kerry County Council is dealing with this issue in a different way to Cork County Council.

The County Manager informed Cllr. Healy-Rae that this issue was debated at length at the Special Planning Meeting held the previous Monday at which time the process was explained to members.

Cllr. M. Healy-Rae pointed out that the closing date for notices of motion was prior to that meeting.

The County Manager accepted this but said the issue was debated and explained in detail to members at the Special Planning Meeting the previous Monday.

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Cllr. M. Healy-Rae asked why Kerry is dealing with this issue in a different way to other local authorities.

The County Manager said what other local authorities are doing is a matter for themselves but he was satisfied that Kerry is doing the right thing.

The Mayor informed Cllr. Healy-Rae that a vote was taken on this issue at the Special Planning Meeting held on 10th May.

10. Approval for the aims and objectives of the National Milk Rights Group.

Pursuant to notice duly given Cllr. B. Griffin PROPOSED:

"That Kerry County Council would lend its approval to the aims and objectives of the National Milk Rights Group subsequent to the Dairy in Crisis Meeting which was held at Ballyroe recently and was attended by many Kerry dairy farmers and that Kerry County Council would write to the Minister of Agriculture and Food outlining this approval."

Mr. G. O'Brien said this is a matter for consideration by Members.

Cllr. B. Griffin informed the meeting that a public meeting organised by the National Milk Rights Group and Kerry Dairy farmers was held in Ballyroe Hotel recently and it was well attended. At the meeting serious concern was expressed regarding milk prices. The main aim of this group is to secure 33cent per litre for the first 40,000 gallons. In the new CAP agreement their demand is for a tripling of the present dairy premium for the first 40,000 gallons. The meeting agreed that such measures are necessary for the survival of the backbone of the economy of rural Ireland. He added that their demands are reasonable and attainable and they deserve the support of Kerry County Council. He asked that a letter would be sent to the Minister for Agriculture outlining the support of Kerry County Council for the National Milk Rights Group.

Cllr. T. Buckley supported the motion and said that 2009 was a disastrous year for farming. While there has been some improvement in 2010 there is still room for improvement.

11. Application for European funding under the Save Scheme, the Steer Scheme and the Altener Scheme

Pursuant to notice duly given Cllr. P. Connor-Scarteen PROPOSED:

"That Kerry County Council apply for the new round of European funding such as the Save Scheme which aims to promote energy efficiency in buildings, the Steer Scheme which is for cleaner transport and the Altener Funding which is for the use of renewables in the construction sector".

The following report issued:

The Intelligent Energy Europe (IEE) scheme offers supports for renewable energy and energy efficiency projects helping to reach member state 2020 targets e.g. 20% of EU member states energy from renewable sources by 2020 and 20% reduction in energy consumption by 2020. The Steer projects promote sustainable energy use in transport. The Save projects focus on energy saving in buildings and industry and the Altener projects help increase the use of new and renewable energy sources and to speed up policies for sustainable energy.

The Save, Steer and Altener projects are not primarily capital investment programmes and their focus is on proposals which contribute to a wider spread of energy efficiency practices and on energy policy, promotion and awareness issues. Kerry County Council's focus is on programmes which allow for investment in high efficiency technology / equipment as our experience has been that they have been very beneficial in terms of delivering quantifiable energy savings.

In 2009, the Sustainable Energy Authority of Ireland (SEAI) introduced a scheme called SEEPP (Supports for Exemplar Energy Efficiency Projects). Kerry County Council secured funding (€110,000) for the installation of a fine bubble diffused aeration system in a waste water treatment plant. Work was completed in November 2009 and plant energy consumption has been reduced by 51% for the period Jan – April 2010 compared to Jan – April 2009. Tralee Town Council also obtained funding (€77,000) in 2009 under the SEEPP program for energy efficiency improvements at Town Hall, Princes Quay, Tralee.

SEI have recently introduced a scheme called Energy Efficiency Retrofit Fund as a follow on to SEEPP. While the objectives of the Retrofit scheme mainly coincide with the Save, Steer and Altener projects, we consider Retrofit to be more beneficial for KCC as the

cost of equipment and hardware are eligible costs under that scheme. Therefore, Council resources are being concentrated on Retrofit. However, we will continue to evaluate the potential of the Save, Steer and Altener programmes for projects in Kerry.

Cllr. P. Connor-Scarteen said that Kerry County Council already secured similar funding from SEI. He called on the Council to evaluate the funding available and to liaise with neighbouring authorities on it.

Mayor B. O'Connell **SECONDED** the motion.

12. Reduced charges at landfill and transfer stations on the first Saturday of the month

Pursuant to notice duly given Cllr. T. Ferris PROPOSED:

"That the County Manager would consider allowing landfill and transfer stations accept rubbish at a reduced rate on the first Saturday of the month in order to reduce discarding of litter on our roadsides. The cost would be offset by reduced clean-up costs".

The following report issued:

The Council is already operating the waste collection and disposal services in a very competitive market under severe financial pressures. The acceptance of waste at a reduced rate in accordance with the terms of the motion would have a severe financial impact on the services provided, particularly given that Saturday is the busiest day (in terms of transaction numbers) at each of the facilities.

Cllr. T. Ferris called on the Council to consider allowing a reduction in charges at landfill and transfer stations one day per month. She was disappointed that the reply was not more positive as she believed that such a measure would help to reduce the amount of illegal dumping in the county.

13. Income from the Non-principal Private Residence Charge

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

"That Kerry County Council furnish a report as to the amount it is anticipated to receive under the Non-Principal Private Residence Payments and also outline to the Members the proposed manner in which such funds will be used. Finally, the Council might confirm the amount received from the Non-Principal Private Residence Payments in 2009."

The following report issued:

The amount included as income in the adopted Kerry County Council Budget 2010 for Charges on Non-Principal Private Residences (NPPR) is €1.9m. Revenue from this source is classified as general income and is used to achieve an overall balanced expenditure/income budget for the year as per the allocations set out in the adopted budget. The NPPR income supplements reduced income from many of the usual sources such as the Local Government Fund, commercial rates, planning fees, water charges, etc. as set out in the Council's Budget documentation. The charge reflects some contribution by second homeowners in the County to the upkeep of essential services such as roads, water, environmental protection, amenities, etc.

Some 13,000 NPPR properties were registered Countywide in 2009 - approximately 68% of that number are in the County Council area. The charge, which was introduced in July 2009, yielded a gross income to Kerry County Council of €1.77m for 2009 which, after the NPPR National Office and local costs, benefitted our income by €1.72m. That sum was used to support our work programmes during the year and somewhat compensated for reduced income from other sources.

The Town Councils get the income for the properties located in their areas and this income is accounted for in their budgets and financial records.

The National NPPR income figures published from time to time for each County include the aggregated income for the County Council and the Town Councils.

Cllr. P. O'Donoghue said he was aware that Kerry County Council would receive approx. €2m per annum from this charge and he was anxious to establish how this money would be spent. He would have expected that members would have an input into where this money is spent i.e. to supplement the Housing Adaptation Grant funding. He expressed his disappointment that members are not consulted on how this money is allocated.

Cllr. M. Healy-Rae said this charge was due in October 2009 but in 2010 it is due by the end of May. He asked why was the charge due so early in 2010.

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In response Mr. T. Curran, County Manager said the Government allowed a longer period for payment in the first year. The projected income from this source was taken into account in the preparation of the Budget.

Cllr. P. O'Donoghue acknowledged that this income is taken into account as part of the general fund but said he hoped that members would be entitled to have a say in how this specific income would be spent.

Cllr. J. Finucane asked if the allocation from the Local Government Fund was reduced by the amount of income received from this source.

Ms. A. McAllen, A/Head of Finance said the 2010 allocation from the Local Government Fund was €3.5m below the 2008 figure. The income from the NPPR Charge included in the Budget for 2010 is €1.9m.

14. Yearly NCT tests for cars over 10 years

Pursuant to notice duly given Cllr. T. Fleming PROPOSED:

"That Kerry County Council request Mr. Noel Dempsey, TD, Minister for Transport, to suspend proposals for the yearly NCT test for cars over 10 years until such time that roads are brought up to an adequate standard."

Mr. G. O'Brien said this is a matter for consideration by Members.

Cllr. T. Fleming said that due to the present economic downturn the compulsory yearly testing of cars over 10 years would cause hardship to many vehicle owners. Many 10 year old cars are in good condition. It is the duty of Kerry County Council to maintain the road network in good repair but this is dependant on funding from central Government. Many motorists had to replace wheels, shocks etc. as a result of the condition of many roads. He requested that a letter would issue to Minister Dempsey calling on him to maintain the current position where all cars over four years are tested every two years.

Cllr. M. Gleeson supported the motion and said that a very high percentage of older cars are owned by older people.

15. Payment of Water Charges for schools by An Roinn Oideachais

Pursuant to notice duly given Cllr. M. Gleeson PROPOSED:

"That this Council calls on An Roinn Oideachais to undertake payment of the water charges for first and second level schools and thus honour the Constitutional imperative (Article 42:4) to provide free education".

Mr. G. O'Brien said this is a matter for consideration by Members.

Cllr. M. Gleeson said many of our schools, both primary and secondary, are experiencing considerable financial difficulties. Article 42.4 of the Constitution states quite clearly "That the State shall provide for free primary education". This Constitutional imperative is quite obviously being ignored and that is wrong. As the Constitution was enacted prior to the introduction of widespread secondary education he believed the same applies by logical extension to second level education. Education, at all times, and more especially at a time of recession is of vital importance. He proposed (a) that Kerry County Council and all other local authorities should liaise with the Department urging it to fulfil its constitutional obligation and (b) that Kerry County Council would not bill first and second level schools for water.

17. Dezoning of land

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

"How can Kerry County Council stand over a situation where they are de-zoning land and the people who would have bought this land would have paid Stamp Duty at a very high rate on a very high price for the land. If we are going to continue this practice, can these people recoup from the State the Stamp Duty that they have paid?

Kerry County Council cannot wash their hands of this issue as it is the Local Authority who is de-zoning the land in the first instance so they must have a view on the matter and I again question our Legal Department to clarify if people are entitled to compensation from the Council when they de-zone their lands".

The following report issued:

Any issue in relation to taxation is a matter between the Revenue Commissioners and the taxpayer.

In relation to the question of compensation, arising from decisions to de-zone land, the Council will rely on Section 10(8) of the Planning & Development Act 2000 which provides that:

"There will be no presumption in law that any land zoned in a particular development plan (including a development plan that has been varied) shall remain so zoned in any subsequent development plan".

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Cllr. M. Healy-Rae pointed out that this motion was submitted prior to the Special Planning Meeting. However he still felt that the dezoning of land is an unfair practice.

18. Action Plan to protect the National Park

Pursuant to notice duly given Cllr. B. Cronin PROPOSED:

"That this Council request the Department of the Environment, Department of Agriculture, farming organisations, along with National Parks & Wildlife, in conjunction with Kerry County Council Fire Service, to formulate an action plan to incorporate local concerns in order to protect the National Park and family homes and forestry from devastation from deliberately started fires".

Mr. G. O'Brien said this is a matter for consideration by Members.

Cllr. B. Cronin said the recent spate of forest fires, particularly in Muckross and Mangerton out towards Glenflesk, where raging fires came within feet of family homes, devastated wildlife and came so close to destroying the woodlands of Muckross House and National Park. Many of these fires were started deliberately and have caused terrible damage and if not dealt with will cause death or serious injury. He called on all relevant Departments – Environment, Agriculture and farming organisations, NPWS, Muckross Community Council to meet with representatives of the Fire Service with a view to formulating an Action Plan to try to prevent a repeat of what happened recently. The issues to be addressed include fire break management, local assistance and advice, regular monitoring and prevention.

Mayor B. O'Connell SECONDED the motion.

Mr. O. Ring assured Cllr. Cronin that the Council would support Muckross Community Council. His Department are arranging meetings with a view to addressing this issue and the IFA and ICMSA will be invited to attend.

19. Programme of Works to allow buses travel throughout Valentia Island

Pursuant to notice duly given Cllr. M. Cahill PROPOSED:

"That Kerry County Council implement a detailed Programme of Works inclusive of road widening, provision of lay-bys etc so as to allow buses travel throughout Valentia Island."

The following report issued:

This motion was previously moved at the Killorglin Electoral Area meeting in November 2009 and the response was as follows:-

“At present buses are able to travel on the R565 as far as Knightstown. The majority of the local road network on the island is unsuitable for tour buses and it would involve large scale road widening works to enable coaches to travel on these roads. There is no National Roads Authority funding available to Local Authorities for works of this scale on local roads”.

Cllr. M. Cahill said Valentia Island is a beautiful place to visit and while buses can get on the Island they cannot travel the roads as they are too narrow. It would not require extensive road widening to facilitate buses as a number of lay bys could be provided. The Rural Social Scheme was used in Killorglin to assist in the provision of lay bys. He called on the Council to contact South Kerry Partnership with a view to exploring this option further.

Cllr. P. O'Donoghue **SECONDED** this motion.

Cllr. M. Healy-Rae supported the motion and said that buses should at least be able to travel the lower part of the Island. It is important to send out a message that Valentia is open for business otherwise it is unfair on the businesses in the area.

Mr. C. O'Sullivan, Director of Roads informed the meeting that extensive works were carried out to the Regional Road from the Ring of Kerry to Portmagee, Chapeltown and Knightstown. Buses can travel to these locations but after that the roads are too narrow. The suggestion that lay bys would be provided is not suitable to comply with road safety guidelines. The priority is to repair and reinstate the road network following the damage caused last winter.

Cllr. M. Cahill pointed out that lay bys were provided on cul-de-sac roads and consideration should be given to having this work done through a Rural Social Programme.

20. Imposition of more stringent guidelines on the Banking sector

Pursuant to notice duly given Cllr. M. O'Shea PROPOSED:

"That Kerry County Council ask the Minister for Finance and the Financial Regulator to impose more stringent guidelines on the banking sector, i.e. to reduce / defer bank penalties and to facilitate the re-structuring of mortgages for customers (personal and business account holders) who cannot maintain repayments at the current level. The Minister for Finance should ensure that no further interest rate increases are sanctioned.

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There is a serious need for the banking sector following their bailout and the further monies that may be required to be seen to support their customers and the economy.

	Received Approx.	Possible Further
Anglo Irish	€4 bn	€8.3 bn
Bank of Ireland	€3.5 bn	€2.7 bn
AIB	€3.5 bn	€7.4 bn
Irish Nationwide	€2.6 bn	
EBS	€875m	

Quoting lending statistics will do nothing for public confidence and allowing SMEs to fail will do nothing for the economy."

Mr. G. O'Brien said this is a matter for consideration by Members.

Cllr. M. O'Shea said that 45% of home owners are in negative equity and many home owners are under severe financial pressure. He called on the Government to freeze interest rates and bank charges.

Cllr. J. Finucane **SECONDED** the motion and said this is a matter of great concern. There should be a moratorium on Banks preventing them from repossessing family homes. Thirteen such cases were before the Circuit Court in Tralee the previous week. The State is supporting the Banks yet they are pursuing home owners through the Courts.

Cllr. M. Healy-Rae moved Notice of Motion No. 21 on behalf of Cllr. D. Healy-Rae.

21. Planning permission for one off rural houses

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

"To ask the Planning Section of Kerry County Council what is the reason for the delay with planning applications for one-off houses in rural areas for family members. Pre-planning meetings seem to take an unreasonably long time to arrange. Also, pre-planning proposals take a long time to evaluate. All this together, with the strict regulations by the Environment Section for the provision of septic tanks and percolation has convinced many people that there is a hidden agenda by the Minister and the Department of the Environment to corral people into empty houses in so-called "ghost estates".

The following report issued:

The time period associated with the assessment of a planning application is prescribed in the Planning Regulations and consequently, if further information is not requested, a decision must issue within a period of 8 weeks from receipt of the application. *(Note: A decision on the application cannot issue before the first five weeks has elapsed).*

However, if further information is sought by the Planning Authority the 'clock stops' in relation to the application until this information is received and is satisfactory. *(The applicant has a period of six months to comply with this request).* The Planning Authority has then got four weeks to issue a decision from the receipt of such information. If it is not satisfactory, it may need clarification leading to a further delay in the process.

It is important to note that where a comprehensive application is received, complies with all planning requirements and therefore does not require a request for further information (F.I.), then the decision issues within the eight week timeframe.

In general, a pre-planning meeting can be provided within three weeks of a request for a meeting. The effectiveness of such a meeting is very dependent on the extent of the detail provided but at best can only outline the issues to be addressed in an application and cannot indicate the likely outcome of such an application.

It should be pointed out that to comply with Statutory requirements, an application submitted by an agent must be comprehensive and comply in every respect with statutory requirements, otherwise it will be invalid. Furthermore, there is an onus on the applicant/agent to maintain a notice on site for a minimum period of 5 weeks. If, on inspection, this notice is not present, is not properly located or has become defaced the application must be invalidated at that time. The application must also be accompanied by a comprehensive site assessment carried out by an assessor on our approved list. Such assessment must satisfy our Environment Department that it complies fully with the procedures set out in the relevant EPA manual.

Unless all these issues are addressed, it is inevitable that the processing will appear to be delayed.

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Cllr. M. Healy-Rae said it seems to be taking longer now to get permission for one off rural houses than it did during the boom when the number of planning applications was far greater. He asked why this is so. He acknowledged the County Manager's commitment to assist genuine applicants who want to live in their area but said these applications should be dealt with more efficiently. In the past an agreement was in place that planners would respond to messages within 3 days but this is not the case at present. He called for a resumption of this agreement.

Mr. M. McMahon, Director of Planning said in accordance with planning legislation 36 different items must be checked on a planning application before a decision is taken on whether the application is valid or not. The proportion of applications that are invalid is high. The Planning Department validates applications on the spot to try to overcome difficulties with invalid applications. The Planning Authority has 8 weeks to consider a planning application. After the initial period of 5 weeks the site is inspected and if the site notice is not on display, not properly located or not capable of being read the application is invalidated. If further information is requested the applicant has six months to reply and it is amazing the number of such requests that are not replied to for five months. That delay is not the fault of the Planning Authority. An application can be in the system for up to eight months. The Council is very anxious that people would engage in the pre-planning process as difficulties could be identified at that time. Anyone carrying out site assessments must be approved and there are 50 approved agents on the list. It is important that agents get to grips with the EPA requirements. This is the cause of a great number of Further Information requests. Generally requests for pre-planning meetings are accommodated within three weeks. In conclusion Mr. McMahon said that the Planning Department is committed to dealing with the legitimate person who wants to live in their own area.

Cllr. M. Healy-Rae welcomed Mr. McMahon's reply and asked would requests for pre-planning meetings be accommodated within three weeks and would all voice mails be responded to.

Mr. M. McMahon said he was disappointed that these are not happening and he undertook to discuss these issues with the staff in his Department to ensure they are complied with.

Cllr. M. Healy-Rae asked if it would be beneficial to hold a meeting with the fifty approved assessors to outline exactly what is required of them. Many people feel it is impossible to satisfy the Site Assessment Unit. If agents are on the approved list and are not satisfactory they should be removed from the list.

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Mr. McMahon said that the Site Assessment Unit was established in the Environment Department but he was aware that it is intended to hold a Seminar with approved agents at the end of June. He added that there is close liaison between agents and the Site Assessment Unit.

22. Review of Speed Limits

Pursuant to notice duly given Cllr. B. Griffin PROPOSED:

"That Kerry County Council's Roads Department would initiate a County speed limit review in 2010 due to a growing popular demand for such a review in many areas of the County."

The following report issued:

There is a significant amount of work involved in undertaking a review of the County speed limits, including extensive consultation with An Garda Síochána and the local community. As was outlined at the Special Council meeting to consider the Roadworks Programme 2010, the substantial reduction in funding over the past year has had a significant impact on available resources, with the non-replacement of retired staff and the non-renewal of temporary contracts for technical and administrative staff (as well as outdoor staff).

Notwithstanding this, the Council is still required to comply with increased statutory and regulatory requirements in the delivery of our roads programme.

Given these constraints, the Department's Work Programme for 2010 will be focused on delivering works for which grant aid and own resources funding has been provided. It is unlikely that I will have resources available this year to undertake this review but the position will be kept under review should circumstances change.

Cllr. B. Griffin welcomed the report and said it is important to keep this matter on the agenda as it is a number of years since the last Speed Limit Review and there were a lot of changes in the meantime. He asked that this review would be undertaken as resources become available.

Cllr. T. Fleming **SECONDED** the motion.

23. Provision of showers on beaches

Pursuant to notice duly given Cllr. T. Ferris PROPOSED:

"That this Council would consider placing showers on our more popular beaches".

The following report issued:

Showers have been provided at Banna and Fenit in the last few years. These were funded from sources other than the Local Authority.

It would be desirable to have showers located at other beaches if the infrastructure exists. However, at present there are no capital funds available to provide any additional showers.

Whenever a shower is installed, a funding stream has to be identified for the maintenance and payment of water consumption long term. At the present time of scarce resources, this is also a difficulty.

Cllr. T. Ferris said she was referring to cold water showers to wash off sand and this would not be too costly. There is a demand for this facility in Ballyheigue and Ballybunion and she asked Management to consider this request further.

Cllr. J. Finucane **SECONDED** the motion and said it is particularly relevant with the increased participation in surfing in the county. He added that there is a marketing opportunity to promote surfing in Kerry. He **PROPOSED** that a priority list of beaches would be drawn up with a view to providing these facilities over a period of time.

Cllr. M. Cahill **SECONDED** this proposal.

Mr. O. Ring, Director of Environment and Water Services acknowledged that it is desirable that showers would be provided on beaches. The Council assisted in the provision of showers in Banna and Fenit. He undertook to review this request with his Department in the coming year.

24. Dezoning of land

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

"That Kerry County Council furnish a full report to the Members outlining the basis and directions imposed whereby the Council assert that they are obliged to de-zone various lands in towns and villages throughout the County."

The following report issued:

As Members will be aware, this matter was discussed at length at the Special Planning Meeting held on Monday, 10th May 2010 and full details were given in relation to all legal instruments and documentation in relation to this matter.

I attach for the record copy of my report on the matter which was given at that meeting.

Mr. G. O'Brien informed Cllr. O'Donoghue that a similar Motion was debated earlier in the meeting.

Cllr. P. O'Donoghue pointed out that he submitted the motion prior to the Special Planning Meeting. He again stated that in his view the dezoning of land is incorrect. He asked if the Council was put on notice that there could be a difficulty with this process.

Mr. T. Curran, County Manager, stated that one letter was received which indicated that the landowner was considering his position.

Cllr. M. Healy-Rae pointed out that other letters were received in the past and in his opinion the Council was acting improperly.

25. Negotiation of low air fares with all Irish Airlines.

Pursuant to notice duly given Cllr. T. Fleming PROPOSED:

"That Kerry County Council request Ms. Mary Hanafin, TD, Minister for Tourism to immediately approach and negotiate with all Irish airline companies to operate a very competitive low fare for incoming / outgoing flights for visitors to Ireland on a trial basis for the remainder of the Summer and the Autumn to bolster the tourism industry which is facing an unprecedented slump at present."

Mr. G. O'Brien said this is a matter for consideration by Members.

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Cllr. T. Fleming said that 2010 is a very harsh year on tourism. Ryan Air and Aer Lingus are offering low cost fares out of the country. His proposal should be considered as an emergency measure and it could operate for the remainder of the season. Cllr. Fleming also called for the removal of the €10 airport tax immediately.

Cllr. M. Cahill SECONDED the motion.

26. Prevention of gorse fires.

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

"That Kerry County Council enter into a proactive arrangement with local community groups and residents' associations with regard to the future prevention of fires. Many parts of our County have been affected over the last number of weeks by indiscriminate fires being lit and this has endangered lives, property, farm buildings, livestock and wildlife."

The following reply issued:

As directed by the DoEHLG "Fire Service Change Programme", the Fire Services Department has actively promoted Community Fire Safety Programmes throughout the County since 2005. Due to the increase in the burning of gorse in recent years, Kerry County Council has ran radio and newspaper advertisement campaigns asking people to be vigilant against starting fires in the countryside as carelessness can endanger lives and cause severe damage to forests and wildlife as well as being a huge financial burden on the Local Authority. The Fire Services Department has published precautions that should be followed by landowners before the burning of gorse, heather, and grass each year. These notices have been on the radio and newspapers.

The Fire Services Department is currently arranging a meeting with local community groups to discuss their concerns in relation to fire safety. It is, however, the responsibility of homeowners, landowners and forestry owners including State Agencies such as the National Parks and Wildlife Service and Coillte to implement fire safety measures which should include an annual inspection of all fire breaks and an appropriate Management Plan and Fire Plan is also a requirement. A copy of the relevant Fire Plan should be submitted to the Fire Service Department.

Burning of vegetation by landowners for the purpose of managing grazing lands is a long-established practice which needs to be carried out in a careful manner with strict adherence to the relevant guidelines. Landowners who are burning within one mile of a woodland or Nature Reserve must inform the Gardaí and woodland owners at least one week in advance. Where burning is to take place within a Special Area of Conservation or Natural Heritage Area, written consent must be sought in advance from the National Parks and Wildlife Service.

Under the Wildlife Act 2000 it is illegal to burn vegetation growing on uncultivated lands between the period of 1st March and 31st August, breach of which may be the subject of legal prosecution by the National Parks and Wildlife Service.

Under Section 35 (3) of the Fire Services Act, 1981 and Section 2 of the Local Government (Financial Provisions) (No 2) Act, 1983, Kerry County Council currently imposes a charge on the owner of the property, or beneficial occupier for the cost of the Fire Brigades being turned out consequent to a fire.

Identifying the owners / beneficiaries of mountains, forests and commonages where gorse fires occur has always been difficult due to the complex nature of the terrain. The use of GPS technology will now be examined to establish these details and all the relevant owners / beneficiaries identified will be billed for any costs incurred on the Local Authority as a consequence of fire as prescribed by the above legislation.

Cllr. M. Healy-Rae said all members were invited to Muckross to see the devastation caused by the recent fire. Families were terrified in their homes as the fire came very close to them and they feared they would lose their homes. A similar incident also happened at Glenflesk and he complimented the Fire Service on their work on both occasions. It is important to send out a strong message that fires cannot be lit and the Council should be pro-active in dealing with community groups on this issue. The only way to prevent these fires is if successful prosecutions are taken.

Cllr. M. Cahill supported the motion and said there was an unprecedented number of fires in Kerry this year. Some of these were lit intentionally by landowners. This could be problematic for farmers in the REPS Scheme. He asked that a letter would issue to the Department of Agriculture pointing out that damage was caused by fires.

Cllr. B. Cronin said his Notice of Motion No. 18 was almost identical to this motion yet the reply he got was that it was a matter for consideration by Members.

Cllr. T. Fleming said in every community people know who is responsible for the fires and it is up to them to address it.

Mr. G. O'Brien stated that Cllr. Cronin's Notice of Motion reads as follows:

"That this Council request the Department of the Environment, Department of Agriculture, farming organisations, along with National Parks & Wildlife, in conjunction with Kerry County Council Fire Service, to formulate an action plan to incorporate local concerns in order to protect the National Park and family homes and forestry from devastation from deliberately started fires".

When a member calls on a Government Department to do something there is a standard response and that was the response to Cllr. Cronin's motion.

Cllr. Cronin pointed out that Kerry County Council has a role to play in this and he would appreciate the same information as was provided to Cllr. M. Healy-Rae.

Mr. J.D. Flynn said this is a standard reply when a councillor requests that an issue would be referred to a Department. If members decide to write to that Department a letter is forwarded to the relevant Department.

27. Anti-Social Behaviour in playgrounds

**Pursuant to notice duly given Cllrs. M. Cahill / T. Fleming
PROPOSED:**

"That Kerry County Council take all necessary steps to ensure that anti-social behaviour does not take place in playgrounds in the County and in this regard give favourable consideration to the locking of the playgrounds at night time."

The following report issued:

The Kerry County Council Bye-Laws 2008 were enacted to manage playgrounds in the County and to curb anti-social behaviour occurring at these amenity facilities. The Bye-Laws make provision for an on-the-spot fine for any person engaging in anti-social behaviour such as damaging equipment. Signage has been erected which summarise the Bye-Laws. The Gardaí at locations where there are playgrounds in the County have been issued with fine books and have been briefed by the Risk Control Officer on their implementation.

Fencing at playgrounds is provided as a safety and security measure for children within the playgrounds. It is generally 1.2m high for this purpose. It is not designed to prevent unlawful intrusion. Locking of gates would therefore not prevent any intrusion into a playground.

Fencing to prevent intrusion at 2.4m high would be inappropriate for a playground.

Kerry County Council continues to work with Gardaí to enforce the Playground Bye-Laws. Any instances of anti-social behaviour should be reported to the Council and appropriate action will be taken.

Cllr. M. Cahill said many playgrounds are well maintained but there is anti-social behaviour in the playground in Killorglin i.e. graffiti, littering etc and this needs to be addressed. Some playgrounds will have to be locked at night and consideration should be given to the installation of CCTV cameras in the playground in Killorglin. Taking into account the investment in playgrounds it is important to protect them.

Cllr. T. Fleming **SECONDED** the motion and suggested that public lighting could be upgraded in the areas where playgrounds are provided as this would act as a deterrent. There is a need to review the policy on playgrounds and to consider locking them after dark.

Cllr. J. Brassil supported the motion and suggested that the Community, Culture and Tourism SPC should consider this matter. Signs should be erected at playgrounds indicating that they are open from 9am to 9pm and the gates should be locked after that. This would give the Gardaí and the community authority to address any issues that arise after this time.

Mr. J. Breen, Director of Housing and Community and Enterprise stated that this issue can be reviewed by the SPC. It is important to be realistic also in that these much needed facilities are provided but there are problems associated with them. These problems are usually caused by those living in the community. He added that he would be reluctant to close playgrounds at night.

28. Compulsory wearing of illuminated jackets by pedestrians.

Pursuant to notice duly given Cllrs. M. O'Shea / P. O'Donoghue PROPOSED:

"That Kerry County Council support the compulsory wearing of illuminated jackets at all times by pedestrians. It is obvious that nationwide there has been an increase in pedestrian fatalities on our roads. Some Member States of the EU have made it a legal requirement that reflective clothing is in the vehicle at all times and worn by drivers when outside the vehicle should a breakdown occur.

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Also, the wearing of cycle helmets is obligatory in some EU countries and with the encouragement of cycling by the Government, safety helmets should be made compulsory in Ireland."

Mr. G. O'Brien said this is a matter for consideration by Members.

Cllr. M. O'Shea said it should be national policy that all pedestrians must wear reflective jackets at all times otherwise it is very difficult for motorists to see them. He requested that the motion be referred to the Minister for Transport for consideration.

Cllr. P. O'Donoghue **SECONDED** the motion.

29. Payment under REPS 4 Scheme

Pursuant to notice duly given Cllrs. B. Griffin / M. Moloney PROPOSED:

"That Kerry County Council would call on the Minister for Agriculture and Food to intervene in the situation which is preventing payment under the REPS 4 Scheme to Kerry farmers, with a view to putting in place the necessary personnel arrangements for the Kerry district."

Mr. G. O'Brien said this is a matter for consideration by Members.

Cllr. B. Griffin acknowledged that this matter has been resolved recently. Cllr. Moloney, Cllr. Brassil and himself attended a meeting with officials from the Department of Agriculture in an effort to identify a solution and he thanked them for attending. The officials indicated how this problem could be resolved and they passed this information on to their respective political parties nationally.

Cllr. M. Moloney **SECONDED** the motion and said thankfully this issue has now been resolved.

30. Payment of pensions to those engaged in full-time employment.

Pursuant to notice duly given Cllrs. T. Ferris / R. Beasley PROPOSED:

"During this period of excessively high unemployment, this Authority calls for an end to the practice where those engaged in full-time employment continue to receive full pension payments."

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Mr. G. O'Brien said this is a matter for consideration by Members.

Cllr. T. Ferris said that nationally politicians are receiving pensions while still employed. She called for an end to this immediately and said a retirement pension should only be paid when a person retires. She called on politicians who are still active in politics to give up their pensions.

Cllr. R. Beasley said anyone in receipt of a salary of €35,000 to €40,000 is doing well. Teachers and Gardaí are applying for second jobs and this should not be allowed when there are so many people unemployed.

Cllr. J. Brassil said if a public servant retires at 50 and gets another job then so be it. There seems to be an insinuation that if someone does well it is wrong.

Votes of Sympathy

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

- (a) Cllr. T. Ferris proposed that a Vote of Sympathy would be extended to the family of the late Daniel Foley.
- (b) Cllr. T. Ferris proposed that a Vote of Sympathy would be extended to the family of the late Lena Mulvihill.
- (c) Mayor B. O'Connell proposed that a Vote of Sympathy would be extended to the family of the late Danny Broderick.

10.05.17.13 Conferences and Seminars

- (a) On the PROPOSAL of Cllr. M. Moloney, SECONDED by Cllr. B. Cronin it was agreed to authorise the attendance of Cllrs. Purtill, Leahy and O'Connell at the Tarbert Community Care Limited Conference to be held in Tarbert on the 5th June, 2010.

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

- (b) On the PROPOSAL of Mayor B. O'Connell, SECONDED by Cllr. P. Leahy it was agreed to authorise the attendance of Cllrs. Finucane, Fleming and Cronin at the Professional Development Conference for Councillors on the theme "Being Positive in a Negative Climate" to be held in Westport, Co. Mayo from 21st to 23rd May 2010.

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Cllr. T. Fleming was nominated to report back to Council on this conference.

- (c) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. A. McEllistrim it was agreed to authorise the attendance of Cllrs. Sheahan, O'Donoghue and Brassil at the Celtic Conferences Conference on the theme "The integration of Joint Policing Committees into the existing local authority structures" to be held in Rosscarbery, West Cork from 21st to 23rd May, 2010.

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

- (d) On the PROPOSAL of Mayor B. O'Connell, SECONDED by Cllr. P. O'Donoghue it was agreed to authorise the attendance of Cllrs. McEllistrim, O'Donoghue, Brassil, Ferris, Cronin and Fleming at the Elected Members Training Seminar on the theme "Wind & Solar Energy" to be held in Birr, Co. Offaly from 25th to 27th June, 2010.

Cllr. A. McEllistrim was nominated to report back to Council on this seminar.

- (e) On the PROPOSAL of Cllr. M. Healy-Rae, SECONDED by Cllr. J. Finucane it was agreed to approve the attendance of Mayor B. O'Connell at the Inaugural Commemoration of Daniel O'Connell which took place in Glasnevin Cemetery on 9th May, 2010.
- (f) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. J. Finucane it was agreed to approve the attendance of Cllr. T. Fleming at the Carers Seminar held in Dun Laoghaire on 30th June, 2008.
- (g) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. P.J. Donovan it was agreed to approve the attendance of Mayor B. O'Connell at the Business Investments Training Seminar held in Naas, Co. Kildare from 14th to 16th May, 2010.
- (h) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. L. Purtill it was agreed to authorise the attendance of Mayor B. O'Connell at the Seminar on Universal Design in Legislation, Policy and Practice to be held in the Burlington Hotel, Dublin on 3rd June, 2010.
- (i) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. J. Finucane it was agreed to approve the attendance of Mayor B. O'Connell at the Local Government & The Environment Seminar held in The Falls Hotel, Ennistymon, Co. Clare from 30th April to 2nd May 2010.

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10.05.17.14 Correspondence General

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

1.	Letter dated 23 rd April, 2010, from the Office of the Minister for Agriculture, Fisheries and Food regarding guarantees to the public on imported meats and meat products.
2.	Letter dated 23 rd April, 2010, from the Office of the Minister for Transport regarding additional funding for the repair of roads in Kerry.
3.	Letter dated 28 th April, 2010, from the Office of the Minister for Health and Children regarding the construction of Kenmare Hospital.
4.	Letter dated 29 th April, 2010 from the Office of the Minister for Health and Children regarding the opening of the Tralee Community Nursing Unit.
5.	Letter dated 29 th April, 2010 from the Office of the Minister for Health and Children regarding orthodontic services in Kerry.
6.	Letter dated 29 th April, 2010 from the Office of the Minister for Health and Children regarding the Health Link bus service.
7.	Letter dated 14 th April, 2010 from Donegal County Council regarding a resolution adopted by that authority regarding the banning of 'Head Shops'.
8.	Letter dated 15 th April, 2010 from Carlow County Council regarding a resolution adopted by that authority calling for a reversal of the Carbon Tax.
9.	Letter dated 15 th April, 2010 from Carlow County Council regarding a resolution adopted by that authority regarding the Home Energy Saving Grant and the Warmer Home Scheme Grant.
10.	Letter dated 27 th April, 2010 from Limerick County Council regarding a resolution adopted by that authority regarding the placing of temporary speed limits on damaged roads.
11.	Letter dated 28 th April, 2010 from Donegal County Council regarding a resolution adopted by that authority regarding the introduction of V.A.T. charges on Council services.
12.	Letter dated 28 th April, 2010 from Clones Town Council regarding a resolution adopted by that authority regarding the re-opening of Quinn Insurance in the UK/Northern Ireland
13.	Letter dated 29 th April, 2010 from Cobh Town Council regarding a resolution adopted by that authority regarding support for the 'Justice for Robert Delaney Campaign'.
14.	Letter dated 5 th May, 2010 from the Office of the Minister for Agriculture, Fisheries and Food regarding the delay in processing REPS payments.
15.	Letter dated 6 th May, 2010 from the HSE regarding Dingle Community Hospital.
16.	Letter dated 6 th May, 2010 from the Office of the Minister for Finance regarding initiating municipal of County bonds to fund Local Government and in particular, significant infrastructure projects.

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10.05.17.16 Any other business

Access to Burial Ground at Aghadoe

Cllr. B. Cronin referred to the two burial grounds in Aghadoe, one of which is owned privately and the other is owned by Kerry County Council. The Council erected a timber fence and planted hedging between the two burial grounds. Recently the boundary exits were widened and gates put up which were locked. This work was not carried out by Kerry County Council. It is unacceptable that access to this burial ground can only be gained following a phone call. Access to graves cannot be denied. He called on the Water Services Department to rectify this situation and to remove the gates to ensure free access immediately.

Solidarity Bonds

Cllr. J. Finucane said he understood the Government intends to introduce Solidarity Bonds to fund infrastructural projects. He asked if the Council will have access to or an input into this process. He requested that further details on this proposal would be made available to members.

10.05.17.08 Presentation by Mr. Ray O'Connor, Regional Manager, IDA Ireland

Mr. O'Connor informed the meeting that the South West Regional Office is located in Cork and deals with Cork and Kerry. Their remit is to attract Foreign Direct Investment to Ireland. It also supports existing clients to develop additional business activities. The Regional Development focus is aligned to the NSS and for this reason Tralee and Killarney are the main focus of their attention in Kerry as this area is designated a 'Hub' in the National Spatial Strategy. Employment in IDA companies constitutes approx. 3 – 7% of the total workforce.

Despite the economic down turn IDA still managed to attract companies into Ireland in 2009 with 125 foreign direct investments. 69% of investments came from existing companies with over 4,500 new jobs created in 2009. IDA client company exports amounted to €110bn last year. Mr. O'Connor said that the net direct employment within IDA supported companies fell by 13,400 (-10%) in 2009. In excess of 3,500 of these job losses resulted from the closure of two high profile companies. 82% of job losses were downsizing and not closures. The IDA launched a new Strategy last month titled 'Horizon 2020'. The following issues fed into this Strategy:

- Unemployment
- Balanced Regional Development
- Relative Competitiveness
- Growth in Services

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- Sustain and develop existing FDI
- New Markets
- Reputation
- Government Focus – Smart Economy
- Involvement in Broader FDI

Mr. O'Connor outlined the high level goals for the period 2010 – 2014 for the meeting. With regard to Kerry Mr. O'Connor said at the end of 2009 there were 14 overseas companies in County Kerry employing 1,407 permanent employees. Over 400 jobs were lost in 2009 as a result of the closure of the Amann Plant in Tralee and the Piercan Factory in Kenmare. However these companies still constitute significant employers throughout the county. Labour intensive manufacturing is moving to lower cost locations and Ireland cannot compete for this type of new investment. However, Ireland continues to win new investments in areas such as:

- High value Manufacturing, biopharma, medical technologies etc.
- Global Business Services – ICT, IFS, Global Business Services
- R&D collaborations.

The BMW region can provide employment grants to companies but areas outside this region cannot.

Mr. O'Connor informed the meeting that the following is IDA Ireland's Strategy for Kerry:

- To work with Local Authorities and relevant infrastructure and service providers to influence the delivery of appropriate infrastructure to the region. (Roads, Air, Telecoms, property solutions, Institute of Technology, FAS etc)
- To work with the existing base of IDA client companies to sustain, transform and develop their operations. (e.g. R&D, Training, Environmental Aid, Services Innovation, ESS)
- To attract new investment to the county.
- Prioritise new investment into Tralee & Killarney Hubs (NSS)
- In light of removal of EU state aids, IDA is now focused on attracting emerging companies to Kerry targeting the Clean technology, ICT (incl. software) and Globally Traded Business sectors.
- IDA Ireland is seeking the help of the Kerry Diaspora to support its international marketing efforts.

In conclusion Mr. O'Connor thanked members for the opportunity to brief them on the work of IDA Ireland.

All members thanked Mr. O'Connor for his presentation.

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Cllr. P. Connor-Scarteen said that while he was aware that IDA Ireland are targeting the Tralee/Killarney Hub consideration should also be given to Kenmare. He suggested that it maybe appropriate to contact the Kerryman's Associations in London and New York with a view to attracting investment in Kerry.

Mr. O'Connor said it is unlikely that the IDA will be able to attract investment into the south of the county. The emphasis is on the Tralee and Killarney Hubs.

Cllr. J. Finucane said that Kerry needs to be innovative in attracting investment. The members of Kerry County Council are unaware of potential investors that visit the county and the Mayor and County Manager should be given the opportunity to meet them.

Mr. R. O'Connor said he could see no problem with potential investors engaging with the County Council. A potential investor in Cork recently met with the Director of Services in relation to the servicing of a site. He said he would try to let the County Manager know when they visit the county with potential investors if it is relevant.

Suspension of Standing Orders

Mayor B. O'Connell informed the meeting that it was 1.30pm and it would be necessary to suspend Standing Order.

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J. Finucane it was agreed to suspend Standing Orders to allow the meeting to continue.

10.05.17.08 Presentation by Mr. Ray O'Connor, Regional Manager, IDA Ireland (Cont'd)

Cllr. P. O'Donoghue said he was of the view that the IDA has abandoned Kerry. The Wilson Sports Socks factory in Caherciveen closed some time ago and Tralee and Killarney have also lost jobs. The West coast was abandoned in favour of the East coast. The IDA has responsibility for the promotion of Kerry and if it were not for our indigenous industries i.e. FEXCo and Kerry Group there would be no investment in Kerry. Shannon Development is the only body promoting Kerry and the Kerry Technology Park is a Shannon Development initiative. He was disappointed at the IDA's decision to prioritise the Tralee/Killarney Hub and said this is insinuating the rest of the county will be forgotten. He agreed, however, that it is getting harder to attract industries into peripheral areas unless some incentives can be offered. He asked how many companies visited Kerry in the past few years.

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Cllr. T. Fleming agreed with the sentiments expressed by Cllr. O'Donoghue and said there were a few announcements of investment in Cork city. However, Kerry is being overlooked. Shannon Development is very successful in attracting companies to the Kerry Technology Park with the assistance of the IT Tralee. There is a possibility that this concept could be replicated in other parts of the county. It should be possible to overcome the issue of our peripherality with Kerry Airport. The quality of life is very attractive in Kerry and we have well educated young people. He asked how much of a deterrent is access to the county from Cork via Macroom.

Cllr. B. Griffin said the IDA has a role to play in Kerry's recovery from the economic downturn. People in Kerry feel let down by the IDA however, it is wrong to blame the IDA for our current position. Successive governments have neglected to invest adequately in infrastructure in the county.

Cllr. M. Cahill said that in 2008 the State aid rules changed and this was not helpful. There is a perception that Kerry was let down by the IDA down through the years. It will take more than an improved infrastructure to attract investment into the county and there needs to be more networking if we are to be successful.

Mr. R. O'Connor assured members that the IDA has not abandoned Kerry. The Board and Management Committee of the IDA are very conscious of job losses in Kerry and they are trying to do all they can to attract investment into the county. The Kerry Technology Park is an excellent opportunity to attract jobs to Kerry. The type of investment available now is very different to the 70's and 80's. The investment now is in the area of pharmaceuticals and R&D. The IDA is endeavouring to attract that type of investment to locate in smaller areas but this is challenging. The priority now is to try to attract investment into the Hubs and then other areas will be considered, however peripheral areas are very challenging. The road from Macroom to Killarney is a huge disadvantage and they avoid bringing potential investors into the county via that road where possible. Potential investors are brought into the county through Kerry Airport or via Limerick.

The meeting concluded at 1.45pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry