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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 EANAIR 2011**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
MONDAY, 17 JANUARY, 2011**

**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
S. Fitzgerald	N. Foley	M. Gleeson
B. Griffin	D. Healy-Rae	M. Healy-Rae
P. Leahy	P. McCarthy	A. McEllistrim
T. O'Brien	B. O'Connell	P. O'Donoghue
M. O'Shea	L. Purtill	J. Sheahan
A.J. Spring		

**IN ATTENDANCE/I LÁTHAIR**

Mr. T. Curran, County Manager	Mr. J. O'Connor, Head of Finance
Mr. J.D. Flynn, Director of Corp. Servs.	Mr. O. Ring, Dir. Water & Env. Servs.
Mr. C. O'Sullivan, Dir. of Roads	Mr. J. Breen, Dir. Hsg. & Comm&Ent.
Mr. G. O'Brien, Meetings Administrator	Mr. P. Corkery, Press & Comm.
Ms. Joan McCarthy SEO Planning	Mr. M O'Donoghue SEO HR.
Ms. S Broderick SO Corporate Affairs	Ms. L Sheehan ASO Corporate Affairs
Ms. O. O'Shea, CO Corporate Affairs	Ms. T. Keane, CO Corporate Affairs

The meeting commenced at 10.00 am

The Mayor Cllr. P. Leahy took the Chair.

**Vote of sympathy**

On behalf of the members, the Mayor, Cllr. Pat Leahy extended a vote of sympathy to Harte and McAreavey families on the tragic death in Maritius of (name withheld for data protection purposes) and to the Reidy family of (address withheld for data protection purposes) on the tragic death of their daughter (name withheld for data protection purposes)

Cllr. Michael Gleeson proposed a vote of sympathy to the family of Mrs. Nellie Kavanagh wife of former County Engineer, the late Dan Kavanagh. All the members wished to be associated with Cllr. Gleeson's remarks.

The Mayor requested that a letter of sympathy on behalf of the members, would be sent to the families of the deceased.

**Get well wishes.**

All the members joined Mayor Cllr. Pat Leahy in wishing a speedy recovery to Ms. Beth Reidy, Meetings Administrator who was recuperating following a recent accident.

**11.01.17.01 Mayor's Report on the CPG Meeting held on 11<sup>th</sup> January 2011**

Mayor P. Leahy read the following report into the record of the meeting.

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

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

**Item 2 County Development Board Update**

Mr. J. Breen, Director of Housing and Community & Enterprise, briefed the meeting on the following issues relevant to the County Development Board:

- First meeting of the new Executive will be held in the week commencing 24 January.
- A Deputation of the CDB is being organized to meet with the Minister for Transport regarding Ryanair flight reductions.
- A Report was received from the Training Day with Sean Ó Riordáin and this will be presented to the Executive.
- This Report and recommendations will be considered at the next meeting of the CDB in February.
- The recommendations are principally in the area of economic development and sub group working.
- A meeting will be arranged with Local Development, All Kerry Tourism and Fáilte Ireland to consider tourism marketing and development work plan for 2011.
- The Kerry pledge was launched before Christmas with the support of the CDB to promote economic and tourism development in the county.

**Item 3 Update from Chairs of SPCs**

Councillors informed the meeting that no SPC meetings were held since the December meeting.

**Item 4 Proposed Training Programme for Elected Members for 2011**

Mr. G. O'Brien said that Directors of Service and the Chairs of the SPC's were asked to meet and agree a number of areas to be included in the Training Programme and to report back to the CPG.

Mr. J.D. Flynn said this matter is urgent as Circular Letter LG2/2010 requires local authorities to adopt a Training and Development Programme for Councillors. He asked the Chairs and the Directors of the SPC's to identify two or three key policy areas that should be included in the Programme with a view to having a Draft Training Programme prepared for the February CPG meeting.

**Item 5 Publication of details of payments to members on the Internet**

Mr. G. O'Brien informed the meeting at the October Council meeting it was resolved that details of all payments to members would be published quarterly on the Internet. The explanatory note circulated with the details of the payment gives clarification on the various payments and allowances paid to councillors. The report is for the period 1 January to 30 September 2010 and once the accounts for 2010 are finalised full details for 2010 will be published. From 2011 it is intended to publish this information quarterly.

Mr. J.D. Flynn paid tribute to members for submitting their expense claims within one month of attending an event. This has allowed financial details on budgets to be kept up to-date. It is proposed to circulate this report at the January Council Meeting with the Mayor's Allowance.

**Item 6 Civic/Mayoral Receptions**

Mr. G. O'Brien informed the meeting that Cllr. Bobby O'Connell requested that a Civic Reception would be held to honour the Desmonds GAA Team and their celebrity manager Derek Burke on winning the Celebrity Banisteoir Final.

It was agreed that this Reception would be held at the next Killarney Electoral Area Meeting to be held in Castleisland.

**11.01.17.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Seamus Cosai Fitzgerald it was resolved that the Minutes of the December Meeting of Kerry County Council held on 20<sup>th</sup> December 2010 be confirmed.

**11.01.17.03 Disposal of Plot of Land**

On the PROPOSAL of Cllr. Michael Gleeson, SECONDED by Cllr. Michael Healy Rae it was agreed to dispose of a plot of land measuring 0.102 acres approximately in

total, situated in the town land of Park in the DED of Killarney to W. K. O'Connor & Sons, High Street, Killarney, Co. Kerry in accordance with the terms of notice issued 6 January 2011 pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning and Development Act, 2000.

**11.01.17.04 Approval of the Take Over of Gerah Group Water Supply Scheme**

On the PROPOSAL of Cllr. Michael Gleeson, SECONDED by Cllr. Seamus Cosai Fitzgerald it was agreed to approve the takeover of the Gerah Group Water Supply Scheme in accordance with Section 95 of the Water Services Act 2007.

**11.01.17.05 Annual Declaration Form – Part 15 (Ethics)**

Mr. Ger O'Brien A/SEO Corporate Affairs advised that the Disclosure of Donations forms have been issued and are due to be returned by 31/01/2011. The Ethics forms will be forwarded this week and are due to be returned by 28/02/2011.

**11.01.17.06 Report on the Operations and Activities of Kerry County Enterprise Board by Cllr. B Griffin in accordance with Section 141 of the Local Government Act 2001.**

The report on Kerry County Enterprise Board was circulated and noted.

**11.01.17.07 Approval of Mayors Attendance at Joint Oireachtas Committee on Enterprise, Trade and Innovation**

On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Pat McCarthy approval was granted for the Mayors' attendance at the Joint Oireachtas Committee on Enterprise, Trade and Innovation on Tuesday 18<sup>th</sup> January 2011.

**11.01.17.08 Reception of deputations**

(a) Cllr. Bobby O'Connell requested that a deputation would be received from Castleisland Business Community to discuss Signage of new Castleisland By – Pass.

It was agreed on the PROPOSAL of Cllr. Brendan Griffin SECONDED by Cllr. Tim Buckley that the deputation would be received at the next Killarney electoral area meeting.

(b) Cllr. Michael O'Shea requested that a deputation would be received from Castlegregory Community Council regarding the future of Castlegregory district fire service.

It was agreed on the PROPOSAL of Cllr. Brendan Griffin SECONDED by Cllr. Cllr. Seamus Cosai Fitzgerald that a deputation would be received at the next An Daingean electoral area meeting

(c) Cllr. Liam Purtill requested that a deputation would be received from the residents of Church St. Listowel regarding the condition of the footpaths at this location.

It was agreed on the PROPOSAL of Cllr. Tim Buckley, SECONDED by Cllr. Pat McCarthy that the deputation would be received at the next Listowel electoral area meeting.

#### **11.01.17.09 Opening of Tenders**

- (a) On the PROPOSAL of Cllr Jim Finucane, SECONDED by Cllr. Pat McCarthy it was agreed to approve the opening of tenders for 3 No. Interagency Emergency On-Site Co-Ordination Support Vehicles – Closing date Thursday 3 February 2011 at 15.00.
- (b) On the PROPOSAL of Cllr Jim Finucane, SECONDED by Cllr. Seamus Cosai Fitzgerald it was agreed to approve the opening of tenders for the provision of hosting services for 2 web applications system, closing date 25<sup>th</sup> January 2011 at 15.00

#### **11.01.17.10 Notices of Motion**

##### **1. Actively seek to promote the County as a destination for visitors.**

**Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED:**

*That the Council would to the maximum degree possible actively seek to promote the County as a destination for visitors interested in the rich culture of music, language and literature. The production of appropriate literature in conjunction with the statutory tourist promotion bodies should be a first priority. Adequate signposting and suitable information plaques should also be provided.*

**Mr. Ger O'Brien A/SEO Corporate Affairs said that this was a matter for consideration by the members.**

Cllr. Michael Gleeson said that in these extremely challenging times our salvation will not primarily come from abroad or from Dublin. If we as a county are to restore our stability, we must do so from within. Our greatest assets are our superb scenery, on which I have frequently spoke and our wonderfully rich cultural heritage.

In North Kerry there is an incredible literary tradition which includes George Fitzmaurice, Maurice Walsh, Brian McMahon, John, B Keane and others. In the east

there are the poets Aógháin O'Rathaille, Eogan Rua agus Seasfraidh O Donnóhú. Added to those there are the legendary musicians including Tom Billy, Pádraig O'Keeffe, Denis & Julia Murphy and Johnny O'Leary.

Thiar I gCorca Dhuibhne tá cáil idirnáisiunta ar na scríobneoirí O'Cromhlán, O'Suilleabhán agus Péig.

He said that he was aware that Cumman Luachra, Listowel Writers Week and other events celebrate these people & their achievements. But there is immense potential for year round focus on people who were giants of literature, music, dance and folklore. Co-ordination is required, leadership is required.

Cllr. Brendan Griffin SECONDED the motion and said that Cllr. Gleeson's proposal should be given serious consideration as facilities such as *Siamsa Tíre*, which hosts and produces a wide range of arts and entertainment events of major cultural significance throughout the year, should be promoted.

#### **4. Redeploy additional personnel to work within MABS**

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

*Owing to the massive amount of families having to avail of the services of MABS - the money advise and budgeting service - that we the members of Kerry County Council call on the Minister to redeploy additional personnel to work within MABS as it is totally unacceptable that there is a waiting list at present for people to be given assistance by this excellent service.*

**Mr. Ger O'Brien A/SEO Corporate Affairs said that this was a matter for consideration by the members.**

Cllr. Healy Rae acknowledged the excellent work being done by the Money Advice and Budgeting Service (MABS). He said that currently there was a backlog of people waiting to avail of its service, therefore it was incumbent of the Minister for Social Protection to provide additional case workers. He called on the other members to support his proposal that the Minister would be requested to redeploy additional personnel to work within MABS

**Cllr. Michael Gleeson SECONDED the motion.**

#### **6. Central role of Kerry Education Service - the VEC in Kerry (KES), in the educational life of the county**

**Pursuant to notice duly given Cllr. Jim Finucane PROPOSED:**

*That Kerry County Council recognises the central role of Kerry Education Service - the VEC in Kerry (KES), in the educational life of the county. Through its schools and centres of education, and in its county-wide programmes of adult and further education, KES is a major service for the people of the county. Council strongly opposes any proposal to downgrade the Service through an unwieldy amalgamation with Limerick City and County VEC's.*

**Mr. Ger O'Brien A/SEO Corporate Affairs said that this was a matter for consideration by the members.**

Cllr. Finucane said that Cllr. John Brassil had raised this matter at a previous meeting in November 2010 and said that it was very important for the county that KES would remain a stand alone service otherwise the county would be without a educational basis for the future. He said that KES works to ensure that the people of Kerry get the best possible education service and also works with a wide range of organisations in the county to create a learning society. It operates eight secondary schools and four full time Adult Education Centres and provides Adult and Community Education to approximately 110 locations throughout the county. He said that the proposed amalgamation with Limerick City & County VEC's was an example of the bankrupt ideas of the current national administration.

**Cllr. Brendan Griffin SECONDED the motion.**

**Cllr. Michael Healy Rae supported Cllr. Finucane's proposal.**

**10. How much is spent by Kerry County Council paying companies to test our water supply**

**Pursuant to notice duly given Cllr. Toireasa Ferris PROPOSED:**

*How much is spent by Kerry County Council paying companies to test our water supply and where are those companies located.*

The following report issued:

***Kerry County Council is legally required to routinely test the quality of all public drinking water supplies under 48 separate microbiological, chemical and indicator parameters as outlined in the Drinking Water Regulations 2007. The vast majority of these tests are carried out in-house by the KCC laboratory at considerable savings to the Council and a budget of €130,000 was provided to the KCC laboratory for drinking water testing in 2010. There are certain tests which are very specialized (e.g. cryptosporidium, THM and benzene tests) and which are outsourced to external laboratories. In 2010, Kerry County Council engaged 4 external companies to carry out these specialist tests. These companies were City Analysts Limerick, Scottish Water, ELS Cork and Southern Scientific Killarney and a total of €35,478 was paid to these companies in the 12 months to December 2010.***

Cllr. Ferris said that her Notice of Motion was not intended as a criticism of the Local Authority but she had been made aware that a local company had reduced its staff and asked that local employment would be a priority with Kerry County Council when outsourcing work to external companies.

**Mr. Oliver Ring Director of Environment & Water Services said that testing for cryptosporidium was not carried out by any local company.**

**11. Review by the HSE of South Doc services in Killarney**

**Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:**

*To call for an immediate review by the HSE of South Doc services in Killarney as current practices are putting peoples' health and lives at risk.*

The following report issued:

**Mr. Ger O'Brien A/SEO Corporate Affairs said that this was a matter for consideration by the members.**

Cllr. Cronin read the following into the minutes and said that it was the full text of letters sent to the following on 14<sup>th</sup> January, 2011:-

Mary Harney, Minister for Health and Children

Mr. Cathal Magee, CEO Health Service Executive

Dr. Andrew Crosbie, Chairman Board of Directors Southdoc

Mr. Michael Fitzgerald, Kerry Local HSE Manager

Cllr. Catherine Clancy, Chairperson Regional Health Forum, South

Public Statement re. Southdoc issues in Killarney.

"I am writing to inform you of my shock and very serious concerns by the actions over the past 12 months of the Southdoc out of hours GP call centre in Killarney, who have refused to properly advise and deal medically with 7 separate Killarney families who rang the Southdoc out of hours GP service seeking medical help and assistance.

I am calling on the Minister for Health and Children, Mary Harney TD, Mr. Cathal McGee, the CEO of the HSE, who fund Southdoc, the Chairman of the Board of Directors of Southdoc and senior HSE officials to carry out an immediate independent investigation by appointing a **suitable qualified, competent person, who is not an employee or associate of the Killarney cell to properly investigate the actions of Southdoc in Killarney.**

The 7 incidences I am currently aware of, where the Southdoc call centre refused medical assistance took place on dates from 31/12/2009 to the most recent on the 30/12/2010. A brief summary of those refused assistance included **parent with 8 month baby who had high temperature of 104 with developing rash, parents of children from 2 years to 6 years with very high fevers, chesty with breathing difficulties, 2 pregnant women one who was rushed to Cork University Hospital from Tralee General Hospital the following morning seriously ill.** Details of each case will be provided directly and confidentially to an investigating officer when appointed.

The reason given for refusing to give assistance by the call centre call takers was that these Killarney families were patients of a new family doctor practise which recently opened in Killarney town.

As part of this investigation, I am requesting that the following be investigated, clarified and explained:-



Why in these 7 cases did the call-takers refuse to adhere to the agreed Southdoc "Call Assessment Process" to determine if the call was an emergency, urgent or routine?

Why in these 7 cases did the call-takers refuse to make safe and appropriate decisions based on the urgency of the calls as required by current clinical standards and refuse to reassure the caller that medical assistance was at hand.

To examine in detail all records available of administrative instructions issued by Southdoc in Killarney to call-takers over the past 12 months.

Did the GP's that make up the Board of Directors of Southdoc make a decision to instruct call-takers to selectively refuse urgent calls for medical assistance from certain patients in Killarney and if so, who proposed this course of action.

If the Board of Directors of Southdoc did not make such a decision, then who did.

Who outside of the Board of Directors of Southdoc has the authority to instruct the call-takers to selectively refuse medical assistance to members of the public in Killarney who were patients of certain doctors and what implication does this have for the Southdoc service which is supposed to be available for the thousands of visitors and tourists from other Counties, and Countries that stay in and around Killarney.

The HSE stated on 15<sup>th</sup> April, 2010 in a report to the Regional Health Forum, **"that Southdoc had a service level agreement with the HSE South to provide a high quality, easy accessible doctor service for urgent medical problems outside of normal surgery hours"**. Has this agreement with the HSE now been abandoned by Southdoc in Killarney.

As the HSE paid Southdoc €8.568 million of public money in 2009, I am also requesting the HSE to make a public statement clarifying what level of Southdoc service is available for the general public and visitors in Killarney and that the current policy of selective medical discrimination and refusals to give assistance by Southdoc call-takers to members of the public is terminated immediately.

In my view Southdoc's call centres actions towards these 7 Killarney families was selective medical discrimination, totally unacceptable and showed a complete disregard for the health care of those patients concerned and has the potential to be life threatening for patients ringing for medical assistance, distressed or in an emergency situation. As this is an extremely serious situation, I request prompt action and to be furnished with a copy of the findings of the investigation".

## **12. Investigate the viability of constructing Integrated Constructed Wetlands**

**Pursuant to notice duly given Cllr. Brendan Griffin PROPOSED:**

*That Kerry County Council would investigate the viability, of constructing Integrated Constructed Wetlands (ICW's) at locations in Kerry rather than traditional sewerage treatment plants, as Glaslough ICW in Monaghan has proven to provide three times the capacity at half the cost of a traditional system.*

The following report issued:

***Kerry Council has been actively investigating the viability of constructing Integrated Constructed Wetlands (ICW) at locations in Kerry for some years. An ICW has recently been constructed in Rossbeigh and is now operational. Construction of a new sewerage scheme in Brandon which includes an Integrated Constructed Wetland commenced in November and is expected to be commissioned prior to the Summer.***

***These schemes are being progressed on a pilot basis to determine the potential of ICWS to provide a relatively low cost solution for waste water treatment in other locations. The Integrated Constructed Wetland approach has numerous potential advantages, particularly for smaller communities, because of its inherent low technology requirements, ease of management and capability of coping with large variations in seasonal loadings. However, ICWs have a requirement for much larger areas of land compared with mechanical treatment systems and the availability of affordable suitable land is likely to dictate where ICWs can be constructed in Kerry.***

Cllr. Griffin welcomed that Kerry County Council was investigating the viability of constructing Integrated Constructed Wetlands in the county and asked if the system could be considered for the villages of Booltens and Cloghane where there may be suitable land given that the cost was significantly lower than traditional sewage treatment systems

Mr. Oliver Ring Director of Environment & Water Services said that this project could only be considered if suitable land was available. He advised that Cllr. Griffin would revert to him with specific proposals regarding the availability of land.

### **13. Provide of additional funding for the repair and upgrading of the water pipe infrastructure in the County.**

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

*That Kerry County Council call on the Department of Environment to provide additional funding for the repair and upgrading of the water pipe infrastructure in the County.*

The following report issued:

***The Department of the Environment has announced that a total of €18.79m will be allocated to Kerry County Council for Mains Rehabilitation as part of the Water Services Investment Programme 2010-2012. Kerry County Council has been requested to prepare a strategy for the implementation of the Mains Rehabilitation programme which will be submitted shortly and it is anticipated that works will commence in 2011. The Department has also indicated that***

***further monies for mains rehabilitation may be available once the initial allocation is expended.***

Cllr. Connor Scarteen welcomed that €18.79 million would be allocated to Kerry County Council for mains rehabilitation and said that he hoped that the pipe network in Beaufort and Fossa would be included in this strategy. He also mentioned the water pipe running from Coolclogherane lake to Kilgarvan which is over ground for a distance of approximately two miles, this pipe would need to be laid underground this year as the water supply to Kilgarvan had been frozen for several days during the recent harsh weather conditions

Cllr. Michael Healy Rae agreed that this pipe would have to be laid under ground as a matter of urgency.

#### **14. Orthodontic treatment for young people of Kerry**

**Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED:**

*That the H.S. E. would acknowledge its abysmal failure in the area of Orthodontic treatment for young people of Kerry and take the steps necessary to ensure that the children of the County are treated as citizens with rights equal to those enjoyed by children elsewhere in the country.*

**Mr. Ger O'Brien A/SEO Corporate Affairs said that this was a matter for consideration by the members.**

Cllr. Gleeson said that he had submitted a similar notice of motion many years ago. He said that orthodontic treatment can be of singular importance to young people and to be waiting a number of years for treatment was upsetting for them and for their parents. He expressed concern that the waiting period for treatment in the Dublin area was considerably shorter than in Kerry and said that young people in this county should be afforded equal rights to those in other parts of the country.

Cllr. Toireasa Ferris SECONDED the motion and said that it was disgraceful that children who could not afford to pay for orthodontic treatment were on a waiting list for 7, 8 & 9 years. The HSE had given a commitment that the waiting time would be shortened but no appointments had been issued to date.

#### **18. Seek a sanction from the Department of Environment to introduce a rental purchase option allowing tenants to buy their homes directly from the Council.**

**Pursuant to notice duly given Cllr. Jim Finucane PROPOSED:**

*That Kerry County Council seek a sanction from the Department of Environment to introduce a rental purchase option allowing tenants to buy their homes directly from the Council. This system which was used in the past would allow the Council to charge a modest rate of interest, but would also give the tenants an opportunity to purchase their homes without lending from a financial institution.*

The following report issued:

***The scheme referred to in the above Notice of Motion operated prior to the introduction of the 1995 Tenant Purchase Scheme whereby the net sale price of***

***local authority dwellings were collected by way of tenant purchase annuities. These annuities were repayable over a 15 to 30 year period by way of weekly instalments and collected from the tenant purchaser in the same manner as housing rents. The prevailing interest rate was set nationally in accordance with the terms of the relevant tenant purchase scheme. Prior to agreeing the sale housing authorities had to be satisfied with the ability of the prospective tenant purchaser to be able to pay the instalments due over the annuity period. We currently have 127 customers who continue to pay for their former council owned dwelling in this manner i.e. who purchased under previous sales schemes and the annuity period has as yet not expired.***

***The main change introduced under the 1995 Tenant Purchase Scheme was that the tenant intending purchasing is now required to pay the full net sale price to the local authority in advance in order to purchase outright which is normally sourced by way of a loan from a private lending institution or the local authority itself. The current difficulties being experienced by all applicants for house purchase loans is reflected in the fact that the number of sales under the existing tenant purchase scheme has reduced significantly over the last two years in particular. Also many tenant purchase applicants seeking a loan directly from Kerry Co Council to purchase their dwelling fail to meet the loan criteria as set out in the 2009 Housing Loans Regulations.***

***As advised in the recent Budget report on the Housing Department the Minister for Housing recently announced that in 2011 existing tenants would be able to avail of a discount of up to 45% on the market price of their dwelling under the tenant purchase scheme. This is a temporary increase from the maximum 30% discount normally available. Under the current arrangement this 30% discount is accumulated over a 10 year period at a rate of 3% for each year of the tenancy. The revised temporary arrangements will allow tenants to accumulate the 45% discount over a 15 year period, also at a rate of 3% for each year of the tenancy. We have recently contacted the DoEHLG for further details on this scheme and were advised that the relevant regulations are currently being drafted and we would be advised as to their detail in the next short while. It is my understanding that matters in relation to loan finance will be addressed in the proposed new scheme. The local authority will have no discretion other than to operate the revised scheme in the manner as set out in these regulations.***

Cllr. Finucane thanked Kerry County Council for the above comprehensive detailed response and said that the Tenant Purchase Scheme had worked very well in the past and that the revised temporary scheme would allow tenants to aspire to owning their own homes.

Cllr. Pat McCarthy SECONDED the motion.

Cllr. John Brassil supported the motion and said that the opportunity for tenants of being allowed to accumulate a 45% discount should be publicised given the current depressed property market, their property may be valued lower than previously.

**As Cllr. Marie Moloney was absent from the meeting, the following notices of motion no. 7 & 19 were moved on her behalf by Cllr. AJ Spring.**

**7. Tax goods vehicles at Killarney Town Council Offices.**

**Pursuant to notice duly given Cllr. Marie Moloney PROPOSED:**

*That Kerry County Council would restore the facility whereby goods vehicles can be taxed at Killarney Town Council Offices.*

The following report issued:

***A Review was carried out of the One Stop Shop, Killarney in June 2009. The facilities provided at the time allowed customers to submit an application for the taxing of vehicles through the Killarney office. The application was then posted to the Motor Tax office, where staff processed the application and returned the documentation in the post to the applicant. The minimum process time was 3 to 4 days for the customer. However, if an incomplete application was submitted or there was an error in the fee paid, the process time was significantly longer.***

***The purpose of the review was to critically examine the services being provided by the One Stop Shop in Killarney at that time, the costs of same to the Council, the benefits/value of the service (including the value to the customer), its effectiveness, its limitations and to assess the future options of the type of service being provided in the One Stop Shop and make a number of recommendations for same.***

***Following the review it was decided to change the Motor Tax service in Killarney to an on-line service only i.e. [www.motortax.ie](http://www.motortax.ie). A self service kiosk is available in the Town Hall foyer and a cashier assisted service is provided for those customers who wish to pay by cash. Customers now get their tax discs within 2-3 days of the application on-line and the service has resulted in a reduction in costs for the Council, as well as significantly improving financial governance.***

***The on-line service is only available to customers wishing to tax their vehicles privately and at the moment the service is not available for the taxing of commercial goods vehicles. As we do not have (or never had) the facility to tax vehicles (issue actual tax discs) in the Killarney office, there is no benefit to the customer in submitting the application to the Killarney office. Therefore, customers wishing to tax goods vehicles are advised to either come in person or post their application form to the Motor Tax office in Tralee. Currently we can guarantee that all postal applications received, will be processed within a day.***

***The Dept. of Transport is currently carrying out Commercial Vehicle Road Worthiness Reform and it is envisaged that the taxing of goods vehicles service will be available online by 2013.***

***The Council has made significant efforts over the past three years to encourage applicants to use the on-line facility for private vehicles, with free internet access available through all of our branch libraries. Of the 133,244 tax discs issued up to the 31<sup>st</sup> October 2010, 54,129 were issued through the online facility, which is 49% of the 110,482 applications which had this option. The balance of the applications, 22,762, is primarily commercial goods vehicles, which cannot use the online facility at present. The number of on-line applications in Kerry has increased from 23% in 2007 to almost 41%, of total transactions by October 2010, which is the highest percentage for a licencing authority outside of Cork, and the Greater Dublin area, which have the benefit of better broadband access.***

***The Report of the Local Government Efficiency Review Group, carried out on behalf of the Department of the Environment, Heritage and Local Government and published in July 2010, recommends that priority be given to bringing more motor tax transactions into the on-line system, incentivising greater use of on-line payment, expanding the system to allow commercial and other vehicles pay on line and also suggested that a shared regional service be extended to motor tax services.***

**19. Provide water taps in each villages.**

**Pursuant to notice duly given Cllr. Marie Moloney PROPOSED:**

*In light of the recent cold weather spell and if this is to continue into future years, that Kerry County Council would provide water taps in each village so that people who are left without water would have a point to get water*

The following report issued:

***During the recent cold spell, Kerry County Council and Tralee Town Council provided standpipes in 24 separate locations in towns including Tralee, Killarney, Listowel, Kenmare, Killorglin, Glenbeigh, Rathmore, Gneeveguilla and Currow. Water tankers were also provided to areas that were acutely affected by water shortages. Kerry County Council will make standpipe facilities available as much as possible should a similar weather event occur in the future.***

**21. Provide toilet facilities adjacent to the children's playground at the Demesne, Killarney**

**Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:**

*To request an update, on my previous motion requesting the provision of toilet facilities adjacent to the children's playground at the Demesne, Killarney. Has funding been provided.*

The following report issued:

***The provision of toilet facilities at the Demesne, Killarney is a matter for Killarney Town Council. We will refer this motion to them.***

Cllr. Cronin said that this matter had been brought to his attention by parents of children who avail of the facilities in this state of the art playground. He requested that Kerry County Council would write to the National Parks & Wildlife Service (NPWS) requesting an update on the progress being made with regard to the provision of toilet facilities at this location.

Mr. Ger O'Brien A/SEO Corporate Affairs undertook to write to the NPWS as requested.

**22. New school building for Presentation Secondary School, Milltown, Pursuant to notice duly given Cllr. Brendan Griffin PROPOSED:**

*That Kerry County Council would call on the Minister for Education and Skills to include Presentation Secondary School, Milltown, in the next wave of school building funding, as the current school building is severely overcrowded and inadequate to serve the needs of the school community and a new school building is required on a green field site.*

**Mr. Ger O'Brien A/SEO Corporate Affairs said that this was a matter for consideration by the members.**

Cllr. Griffin said that the Presentation Secondary school in Milltown served the mid Kerry region, it had an enrolment of 510 students and a record of high achievement in exams. It was situated on opposite sides of the R563 and while there was a pedestrian crossing in place, the requirement to cross the road several times a day posed a danger for students. There was a lack of indoor sports facilities and a number of students were accommodated in prefab buildings. A site had been acquired in 2007 but the construction of a new school was currently in band 2 on the Department of Education & Skills priority list. Cllr. Griffin asked that a request would be sent to the Department for the application to be upgraded to Band 1 on the list. Cllr. Jim Finucane SECONDED the notice of motion.

Cllr. Michael O'Shea supported Cllr. Griffin's proposal.

**23. Water supplies where pipes from intake source to reservoirs are not undergrounded**

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

*To ask Water Services to identify for the members which water supplies could be affected by freezing temperatures where the pipes from intake source to reservoirs are not undergrounded.*

The following report issued:

***The Kilgarvan WS is the only public supply on which pipes are laid over the ground.***

***The 100mm water main from Coolclogherane Lake was quickly laid when a new intake was urgently required due to water quality problems with the original stream source in the mid-eighties. There are 3.1km of 'over ground' piping from the intake at the lake to the chlorine house and some sections of the pipeline are susceptible to freezing in sub-zero temperatures.***

***It is proposed to provide an adequate cover of earth over the lengths which have proved susceptible to the extremely low temperatures and to carry out some remedial works to the more vulnerable valve chambers. The extent of the required works will be assessed, measured and estimated in the coming weeks. It is planned to carry out at least some of the proposed works before next winter.***

Cllr. Danny Healy Rae and Cllr. Michael Healy Rae welcomed this reply

**5. Choice in accessing post primary education through Irish or through English without any restriction caused by the post primary school transport system.**

**Pursuant to notice duly given Cllr. Michael O'Shea PROPOSED**

*That Kerry County Council write to the Minister for Education & Skills requesting a change in the legislation that will allow parents/pupils choice in accessing post primary education through Irish or through English without any restriction caused by the post primary school transport system.*

**Mr. Ger O'Brien A/SEO Corporate Affairs said that this was a matter for consideration by the members.**

Cllr. O'Shea said that Annascaul was part of the An Daingean education catchment area. If students from Annascaul wished to attend post primary school in Tralee they had to board the public service bus at Luchar Cross as if they opted to avail of the bus service in Annascaul village an increased charge of €10 per week would apply. He said that he had written to the Minister for Education & Skills regarding this matter but had not received a reply to date.

**8. Water Caretakers should be properly remunerated for their specialised work  
Pursuant to notice duly given Cllr. Danny Healy Rae PROPOSED**

*To ask Management that in light of the pivotal role our Water Caretakers play in the provision and protection of water supply to all Kerry County Council users in the County and especially during the recent continuous sub zero temperatures that these valuable members of staff be properly remunerated for their specialised work*

The following report issued:

***At the outset Management would again like to put on record its appreciation for the extraordinary efforts of our staff during recent inclement weather. In particular the employees in our water services department deserve special mention for the work they undertook in difficult circumstances to maintain water supplies across the County.***



***All employees in the Local Government sector are remunerated under national pay scales. These pay scales are determined under a system of centralised collective bargaining. No flexibility exists at local level to vary these pay scales.***

***In relation to Water Caretakers the pay scales have been determined under that centralised system and in fact involved a specific exercise for that position. The Council understands that the process afforded employees in that grade an opportunity through their union to make representations in relation to the nature and extent of the duties applying to the position. It is understood that the exercise determined that the rate of pay applying to the grade was appropriate having regard to all aspects of the duties applying to the position.***

***This is not therefore a matter for local consideration.***

***In addition members need to be mindful that issues pertaining to the terms and conditions of employment for local authority employees are Industrial Relations matters dealt with through well established mechanisms between Management and Unions representing Employees. These matters therefore are part of the Executive Functions of the Council and are appropriately dealt with by Management of the Council.***

Cllr. Healy Rae thanked the Caretakers throughout the county for their work in maintaining the water supply during the recent adverse weather conditions.

He accepted that this was a matter for management but he felt that it should be raised as he understood that extra work was now being rewarded on the basis of time taken in lieu of the time worked.

Cllr. Michael Healy Rae supported Cllr. Danny Healy Rae regarding this matter and said that he was concerned that work practices which had been in place for many years had changed. He said that he would like to see this matter reviewed with a view to ensuring that Water Caretakers are compensated for the service which they provide.

Cllr. Brendan Griffin supported Cllr. Healy Rae regarding this matter.

Mr. John Flynn DOS Corporate Affairs referred to the above reply and reiterated that this was a matter for Management and Employees. He said that Kerry County Council had a very good management/employee relationship and issues such as this were appropriately dealt with within that forum and not in the Council Chamber.

#### **17. installation of water meters,**

#### **Pursuant to notice duly given Cllr. Danny Healy Rae PROPOSED**

*Could management of Kerry County Council give us a comprehensive report as to what action has been taken in preparation for the installation of water meters, if this operation is going to go ahead, following on from what we hear nationally with regard to this issue. What cost, if any, will be involved for Kerry County Council and what*

*pressure, if any, will it put on our Sanitary Services Department who are considerably busy as it is at present.*

The following report issued:

***Some recently published National Documents refer to the metering and charging for domestic water.***

***The Plan for National Recovery 2011 - 2014 at section 4.9.2 envisages the introduction of a scheme for the metering and charging for domestic water. The section further adds: "It is intended that domestic water charges will cover local authorities' operational costs. A proportion of the capital cost of providing water services will be recovered through the charge....."***

***That Plan also mentions at paragraph 5.2.4 that a crucial element of implementing this initiative (metering and water billing) will be the appointment of a Water Regulator.***

***The EU/IMF Programme of Financial Support for Ireland, December 2010, provides: "In advance of the introduction of water charges - the Government will have undertaken an independent assessment of transfer of responsibility for water services provision from local authorities to a water utility and prepare proposals for implementation as appropriate with a view to start charging in 2012/2013."***

***Pending finalisation and publication of the decisions at national level on this matter, this Council cannot formulate a policy response and progress matters any further.***

Cllr. O'Connell asked what the responsibility of the Water Regulator would be and would it diminish the role of the Local Authority.

County Manager, Mr. Tom Curran said that no details were available as yet but it was expected that there would be a review of water services provision in 2011.

Cllr. Michael Gleeson said that he was very concerned about the erosion of the power of Local Authorities. If Town Council's were abolished, the next step would be the abolition of County Councils. He concluded that it was complete nonsense to install water meters without firstly addressing the huge amount of water leakage.

Cllr. Jim Finucane agreed with Cllr. Gleeson regarding the erosion of power of Local Authorities. He said that the country was over run with regulation and the deficit of intelligence at national level was very worrying. He referred to the issues regarding the provision of water in Northern Ireland which arose during the recent freezing spell of weather and said that Local Authorities should refuse to co-operate as he was concerned about a similar situation arising here in the future.

**9. Investigate the lowering of water meters,  
Pursuant to notice duly given Cllr. John Sheahan PROPOSED**

*That Kerry County Council would in light of the recent severe weather conditions, investigate the lowering of water meters, which were the cause of water loss in many homes, which never experienced water loss previously*

The following report issued:

***As discussed at the Budget Meeting on Monday last there were many reasons for customers not having a supply of water during the recent very severe weather spell. An initial analysis of the customer calls to the Revenue Department or to the meter repair crews indicates that 69 referred to issues at the meter box – this is a very small number in relation to the total number of meters installed amounting to approx. 16,000 in the County Council area. The staff are working through the problems notified as quickly as possible. All meters and meter boxes will be checked in the course of meter reading during the first quarter of this year.***

***In the course of the metering project meters were retrofitted unto existing services. In the vast majority of cases the meter was fitted at the level of the existing services. Where it was found that the service was too shallow to allow for the fitting of the meter with frost plug and Automatic Meter Reading device, the box was lowered. The range of depth of the meters therefore is from 250 mm to 600 mm. Future treatment of meter boxes and advice regarding frost protection will be considered in the review of our recent experience overall.***

Cllr. Sheahan welcomed this reply and commended the management and staff of the Council's Water Services Department on the excellent work done during the recent freezing weather conditions.

Cllr. Michael Cahill referred to the payment of water charges and asked that consideration would be given to the provision of an allowance in the case of commercial customers ie. businesses and farms on metered connections where burst pipes and leaks had occurred.

**20. A reduction in rates, in order to encourage the self employed to remain in business**

**Pursuant to notice duly given Cllr. John Sheahan PROPOSED**

*That Kerry County Council consider a reduction in rates, to rate payers in order to encourage the self employed to remain in business, which will help maintain jobs and curtail job losses in this area*

The following report issued:

***For the purposes of the Draft Budget circulated to the members every effort was made to minimise the need for any increases in rates and user charges and at the same time maintain our core services at satisfactory levels. The best that could be achieved was the avoidance of any increases. The Budget documents***

***and the Budget debate in the Council Chambers to-date clearly indicate the pressures our services are facing in the context of funding challenges.***

Mayor Pat Leahy advised that that this matter was more appropriate for the Adjourned Budget meeting which would be held in the afternoon

**2. Report in relation to the proposed new sewerage scheme for Glenbeigh  
Pursuant to notice duly given Cllr. John Sheahan PROPOSED**

*That Kerry County Council furnish a detailed progress report in relation to the proposed new sewerage scheme for Glenbeigh and when is it anticipated that works will commence.*

The following report issued:

***Glenbeigh Sewerage Scheme is included in the current Water Services Investment Programme 2010-2012 as a scheme at Planning Stage only. This means that the Department of the Environment, Heritage and Local Government intend that only the planning stage of the scheme is to be completed in the 2010-2012 period. The Construction Stage of the scheme has not been included in the current Investment Programme.***

***Work on the Planning stage for the scheme is at an advanced stage. The Preliminary Report has been completed and submitted to the DEHLG for approval. A site for the Treatment Plant has been acquired and efforts to complete the acquisition of the access route to the plant are ongoing. The Part 8 Planning Process for the Scheme has also been concluded.***

***Construction work on any element of the scheme will not commence, until that element of the scheme has been included for funding in a future Investment Programme. Contract Documents have been prepared ahead of Department approval to allow the Council to respond quickly should all or part of the scheme be included to advance to construction under a future Water Services Investment Programme.***

Cllr. Cahill said that he was disappointed with this response as this scheme had been due to commence approximately three years ago. He queried why a site without an adequate access route was acquired for the construction of the treatment plant.

Mr. Oliver Ring DOS Water Services & Environment said that the acquisition of the access route could be addressed through the Compulsory Purchase Process (CPO) if necessary.

Cllr. Cahill said that no future development would be allowed in Glenbeigh until the scheme was completed.

Mr. Ring said that unfortunately, due to the current economic situation, this was the case in many other villages.

Cllr. John Brassil said that in his opinion the purchase of a site without adequate access and particularly where co-operation regarding the acquisition of land for improvement of the access, was not forthcoming, was not good business practice.

Mr. Ring said that the acquisition of land takes up a huge amount of time in the process of the construction of schemes and at the time of the purchase it was anticipated that land could be acquired to facilitate the widening of the access. The Compulsory Purchase Order process could be used to acquire the lands, if necessary.

When Cllr. Cahill referred to the Integrated Constructed Wetlands (ICW) at Rossbeigh, Mr. John Flynn DOS Corporate Services advised that a full discussion regarding this matter had taken place following Cllr. Griffin's proposal in notice of motion no. 12.

Cllr. Cahill said that he was entitled to ask a question regarding this matter.

Mr. Ger O'Brien A/SEO Corporate Affairs told Cllr. Cahill that notice of motion no. 12 had been specific to the Integrated Constructed Wetlands (ICW) and a an opportunity for discussion had been afforded to the members following the adoption of Cllr. Griffins proposal.

**3. Criteria was involved when deciding which properties would be identified as suitable locations for water meters and as to how the Network Management Charge is computed and to whom the same is payable.**

**Pursuant to notice duly given Cllr. Paul O'Donoghue PROPOSED**

*That Kerry County Council advise as to what criteria was involved when deciding which properties would be identified as suitable locations for water meters and as to how the Network Management Charge is computed and to whom the same is payable. The Council might also advise as to how many meters were installed throughout the County and might also identify as to whom the Network Management Charge is ultimately paid.*

The following report issued:

***At present there are 19,083 meters installed throughout the County, including the Town Councils. There is a very small number of pocket areas where there are still some connections to be located exactly and work will continue in locating and metering these throughout 2011.***

***Meters were installed primarily on water connections where there is a non-domestic element. The default location for the installation of the meter is at the customers existing stop valve. Every effort is made to locate the existing stop valve – where this is not possible the meter is placed on the service pipe as close as possible to the public mains.***

***In addition to the non domestic connections, a sample of connections used solely and exclusively for domestic purposes were also metered for monitoring purposes only and to help with establishing general consumption patterns.***

***Customers in this category are not liable for the Network Management Charge or water usage charge and, accordingly, are not so billed.***

***The Network Management Charge is designed to recover from users a contribution towards the fixed costs associated with the provision of water services to the non-domestic sector (connections not used solely and exclusively for domestic purposes). The fixed costs include expenditure on such items as the repair and maintenance of the water services infrastructure, and the metering system together with billing and collection. Due to the nature of fixed costs, they do not vary significantly according to consumption. In those circumstances, it is only fair and reasonable that all users except the specifically excluded sector of the solely and exclusively domestic connections, make a contribution. A Network Management Charge has applied to Kerry County Council metered connections for several years. Almost all (if not indeed all at this stage) County Councils levy a Network Management Charge.***

***The Kerry Co. Co. Network Management Charge amounts to only €26.25 per quarter per metered connection. Furthermore, a discounted Network Management Charge at a rate of €5.00 per second or subsequent metered connection per quarter is allowed in cases where a property has two or more metered connections attached. The income from the charge is estimated at €0.800m for 2010 and is included in the overall budgeted income of €6.984m from water charges in the adopted Council Budget 2010. If that income were lost, an increase in the metered volume charge would be needed to compensate for the reduction and this would further narrow the base for the payment of charges, contrary to public policy.***

***Prior to the general installation of meters, water consumers who had a connection serving any holdings with either a land content or some business/commercial element as well as a domestic purpose were charged a fixed charge taking account of an allowance for domestic purposes. Very many of these customers are now paying less under the metering programme allowing for the Network Management Charge and the domestic usage standard allowance.***

***The Council is open to review any specific case on its merits where exceptional personal circumstances exist as distinct from unwillingness to pay.***

Cllr. O'Donoghue said that there appeared to be no established criteria with regard to the identification of properties for the installation of water meters. For example people with very small holdings had meters installed at their properties and when it was found that no water was being used the householder was still liable for the network management charge of €26.25 per quarter. He said that this process was unfair and should be reviewed.

Cllr. Brendan Griffin SECONDED the notice of motion.

Cllr. PJ Donovan said that he was aware of a property where a meter was installed and no public water is used as the property is supplied from a well owned by the landowner.

Mr. John O'Connor said that the policy for water metering was established under the EU water framework directive. He pointed out that sample connections used solely for domestic purposes where a meter was installed are not liable for water charges or network management charges and therefore are not billed. The Council would be willing to review individual cases where exceptional circumstances exist.

Cllr. Cahill asked that billing for water usage at locations where burst mains occurred would also be reviewed.

Mr. O'Connor said that individual accounts would be examined as was the case following the harsh weather conditions in the previous year.

### **15. Report as to how many applications were refused for proposed industrial/commercial enterprises in the course of 2010**

#### **Pursuant to notice duly given Cllr. Paul O'Donoghue PROPOSED**

*That Kerry County Council furnish a report as to how many applications were refused for proposed industrial/commercial enterprises in the course of 2010 and also to outline as to how many such proposals were discussed at pre-planning meetings but did not subsequently result in an application being made*

The following report issued:

***During 2010, a total of nineteen applications for commercial developments were refused. This amounted to approximately 21% of the overall number of applications for commercial enterprises. As the members are aware, applicants are entitled, on payment of a fee, to appeal the decision of the Planning Authority to An Bord Pleanála. However, only three chose to take this option. The decision of Kerry County Council was upheld in 2 of these cases and we await a decision on the 3rd appeal.***

***In relation to formal pre-planning meetings where an application for commercial enterprises were discussed and no subsequent application was submitted, our six Area Planners and Mr. Michael Lynch, S.E.E. held nineteen such meetings during the year. These meetings provide an applicant / agent with an opportunity to discuss / consult on the merits of a proposal for development of an early stage. It provides an opportunity also for clarity on the objectives in the County Development Plan or Local Area Plan for a particular area / site. Most importantly, the advice given can help a developer to decide if he wishes to proceed to design stage or to change his proposal, thus avoiding a wastage of time and money on a development proposal that has no chance of success.***

Cllr. O'Donoghue said that he had been made aware that there was a considerable number of people who had encountered difficulties when applying for planning permission for commercial enterprises in the county and he was very concerned that

in the current economic environment, 21% of applications for this type of development were refused in 2010. He had been informed that applicants for pre planning consultation were in general receiving negative reports.

Cllr. Danny Healy Rae supported Cllr. O'Donoghue on this issue and said that if Liebherr was applying for planning permission for its factory in Killarney at the present time, it would very likely be refused.

County Manager, Mr. Tom Curran said that the County Development Plan as approved by the members sets out the Council's policy for all development in the county. Proper planning and sustainable development has to take precedence and issues concerning residential amenities have to be taken into consideration. Each application is thoroughly examined before a decision is taken. Mr. Curran said that he had issued detailed responses in the case of two specific applications referred to in the reply

Cllr. Toireasa Ferris proposed that a special planning meeting would be held in the next month. She would be proposing that the current County Development Plan would be amended or abandoned in favour of the previous plan.

Cllr. Ferris referred to Section 42A of the Planning & Development Acts 2000-2010 and Regulations which provides for the extension of the appropriate period of a permission for a period not exceeding 5 years.

She referred to a specific application for an extension which she said had been refused and expressed concern about the quality of the legislation and/or its interpretation by planners. A debate regarding this issue was urgently needed.

Cllr. Paul O'Donoghue said that the creation of jobs in the county was paramount and Kerry County Council must be proactive, the County Development Plan would have to be revisited.

Cllr. Robert Beasley **SECONDED** the proposal by Cllr. Ferris that the current County Development Plan 2009-2015 should be amended or abandoned in favour of the previous plan.

Cllr. John Brassil said that he had understood that Section 42 & 42A of the Planning & Development Acts 2000-2010 had been introduced with a view to helping applicants who for commercial, economic or technical reasons outside of their control were not in a position to complete the development. The current County Development Plan contained provision for family members but this was open to the interpretation of the Planning Authority. He agreed that a special planning meeting was now necessary to discuss this matter.

Cllr. Anne McEllistrim also agreed that a meeting should take place

Cllr. Michael O'Shea said that everything possible should be done to create jobs in the county and also agreed that a special planning meeting should be arranged.

County Manager, Mr. Tom Curran said that decisions on planning applications are made by the Planning Authority in accordance with government policy. The County Development Plan 2009-2015 reflects national guidelines such as Sustainable Rural Guidelines 2005 in relation to determining local need in the context of the assessment of a planning application in a rural area. He reminded the members that the Council Chamber was not the appropriate forum for discussion on specific planning applications. A special planning meeting could be arranged as requested but it would not be possible to discuss specific applications during such a meeting.



Cllr. Toireasa Ferris said that a special planning meeting would be beneficial as she felt that there was scope for interpretation of the current County Development Plan.

Cllr. Jim Finucane said that he would welcome a discussion on this matter.

Cllr. Ann McEllistrim asked that a special planning meeting would be arranged for the morning of the next meeting of the full council on 21/02/2011.

Cllr. Brendan Griffin agreed with the previous speakers and said that he would like proposals from the Planning Authority regarding applications for an extension of permission where there may be issues regarding Site Assessment Test.

County Manager Mr. Tom Curran said that the applicants' agent, if an approved assessor, should be in a position to address this matter.

Cllr. Michael Cahill said that the Minister for the Environment should be asked to review the content of section 42A (ii) Planning & Development Acts 2000-2010

On the proposal of Cllr. Anne McEllistrim **SECONDED** by Cllr. Jim Finucane, it was agreed that a briefing and discussion on planning issues in committee would be held in the Council Chambers prior to the meeting of the Full Council on Monday 21/02/2011 at 9.30 am. The meeting of the Full Council would commence at 11.00 am.

#### **11.01.17.11 Any Other Business**

##### **Tribute to Kingdom newspaper**

Cllr. Patrick Connor Scarteen paid tribute to the Kingdom following an announcement that the newspaper is to close this week.

Founded in 1970 the Kingdom was an excellent community newspaper which had covered sport, business and farming matters. He wished all associated with the Kingdom the very best for the future.

All the members wished to be associated with Cllr. Connor Scarteens comments.

##### **Clearing of inlets on roads**

Cllr. Danny Healy Rae said that water flowing on roads was causing a considerable amount of damage. It was very important that drains and inlets were kept open. Previously this work was done manually by the outdoor area office staff. Cllr. Healy Rae asked that the reinstatement of this practice would be considered.

##### **Condition of section of the Ring of Kerry road.**

Cllr. Michael Cahill said that a section of the Ring of Kerry road was in very bad condition and asked that Management would seek an urgent meeting with the National Roads Authority (NRA) with a view to the allocation of funding for this project.

##### **School flashing lights**

Cllr. Brendan Cronin asked that the flashing lights at Annablaha national school, Kilcummin would be repaired.

##### ***"Slow, School Ahead" signage***

Cllr. Brendan Cronin requested that the "Slow, School Ahead" signage on both approaches to the Two Mile National School and the School Bus Parking Box in front of Furies National School would be repainted.

#### **11.01.17.12 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. Brendan Cronin **SECONDED** by Cllr. AJ Spring it was agreed to authorise the attendance of Cllrs. John Sheahan, PJ Donovan, Pat Leahy, Patrick Connor Scarteen and Michael Cahill at the TJK Conferences Ltd "Economic Conference for Councillors" on the theme "The Role of State Institutions & Law Reform in Promoting Ireland's Economic Future" held in Thomond Park Stadium, Limerick from 28<sup>th</sup> -29<sup>th</sup> January .

Cllr. John Brassil was nominated to report back to the Council on this event.

- (b) On the PROPOSAL of Cllr. PJ Donovan **SECONDED** by Cllr. Michael Gleeson it was agreed to authorise the attendance of Cllrs. Brendan Cronin, Liam Purtill, John Brassil & Jim Finucane and Michael Cahill at the ACCC Annual Conference 2011 to be held in the Tullamore Couty Hotel, Tullamore, Co. Offaly from Thursday 24<sup>th</sup> to Friday 25<sup>th</sup> March 2011

Cllr. Liam Purtill was nominated to report back to the Council on this event.

- (c) **To approve the attendance of Mayor P Leahy on a visit to the US for St. Patrick's Day**

The attendance of Mayor P Leahy on a visit to the US for St. Patrick's Day was approved on the proposal of Cllr. Jim Finucane **SECONDED** by Cllr. PJ Donovan.

#### **11.01.17.13 Votes of Sympathy**

**The following votes of sympathy were noted.**

- (a) Cllr. Michael Gleeson proposed that a vote of sympathy would be extended to the family of the late Nellie Kavanagh
- (b) Mayor, Cllr. Pat Leahy proposed that a vote of sympathy would be extended to the family of Miriam Reidy.
- (c) Cllr. Michael Gleeson proposed that a vote of sympathy would be extended to the family of the late Bridie Moloney

(d) Mayor Pat Leahy proposed that a vote of sympathy would be extended to the family of the late Brendan Mulvihill.

(e) Mayor Cllr. Pat Leahy & Cllr. Toireasa Ferris proposed that a vote of sympathy would be extended to the family of the late Micheala Harte.

**11.01.17.14 Correspondence General**

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

1.	Letter dated 20 <sup>th</sup> December from Office of the Tánaiste & Minister for Education & Skills regarding FÁS Community Employment Schemes
2.	Letter dated 20 December 2010 from HSE regarding the new hospital for Kenmare
3.	Letter dated 4 January 2011 from the HSE regarding St. Anne's Hospital Caherciveen
4.	Letter from Macroom Town Council regarding a resolution adopted by the Authority concerning NPPR charges.
5.	Letter from Edenderry Town Council regarding a resolution adopted by that Authority concerning the protection of the postal service
6.	Letter dated 21 <sup>st</sup> December 2010 from Donegal County Council regarding a resolution adopted by that Authority concerning the protection of the postal service
7.	Letter dated 21 December 2010 from Donegal County Council regarding a resolution adopted by that Authority concerning the undocumented Irish in America.

The meeting concluded at 12.45pm.

**Gerard O'Brien**  
**Meetings Administrator**

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**Mayor of Kerry**