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

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 20 MEITHEAMH, 2011**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. Connor-Scarteen	J.J. Culloty
B. Cronin	P.J. Donovan	J. Finucane
S. Fitzgerald	N. Foley	M. Gleeson
M. Griffin	D. Healy-Rae	J. Healy-Rae
P. Leahy	A. McEllistrim	B. Moynihan Cronin
T. O'Brien	B. O'Connell	P. O'Donoghue
M. O'Shea	L. Purtill	J. Sheahan
G. Wharton-Slattery		

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, County Manager	Mr. J. O'Connor, Head of Finance
Mr. M. McMahon, Director of Planning	Mr. J.D. Flynn, Director of Corp. Servs
Mr. O.Ring, Dir Water & Env Servs	Mr. J. Breen, Dir Hsg & Comm & Ent
Mr. C. O'Sullivan, Dir. of Roads	Mr. G. O'Brien, Meetings Adminr.
Ms. A. McAllen, Fin. Mgmt. Acct.	Ms. D. Griffin, SO Corporate Affairs
Ms. M. Galvin, CO Corporate Affairs	Mr. P. Corkery, Press Officer
Mr. P. Stack, SE Planning	Ms. J. McCarthy, SEO Planning
Mr. G. MacNamara, SE Roads	Mr. L. Quinlan, SEO Housing
Ms. K. Moriarty, SEO Finance	Ms. K. Lynch, AO Finance
Ms. S. Sheridan, SSO Finance	

The meeting commenced at 11.00 a.m.

Mayor P. Leahy took the Chair.

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. N. Foley it was unanimously agreed to adjourn the meeting until 11.30 a.m.

The meeting resumed at 11.30 a.m.

11.06.20.01 Mayor's Report on CPG Meeting held on 14th June, 2011

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

Item 1 Agenda for the June Council Meeting

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

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With regard to Item No. 13, Proposed Variation No. 6 to the Kerry County Development Plan 2009-2015 – Core Strategy, Mr. M. McMahon, Director of Planning, outlined that the elected members have been given briefings regarding the incorporation of the Core Strategy into the County Development Plan arising from the enactment of the Planning & Development (Amendment) Act 2010. A report on the background and key elements of the Core Strategy is being presented to the June Council meeting.

With regard to Item No. 14, Report of the Local Government Auditor on the Council's Accounts for the financial year ended 31st December, 2009, Mr. J. O'Connor, Head of Finance, briefed the CPG members on this report. A detailed report is being presented to the June Council meeting.

With regard to Item No. 15, Adoption of the Housing Act 2010 Social Housing Allocation Scheme, Mr. J. Breen, Director of Housing, briefed the CPG members on this report. A detailed report is being presented to the June Council meeting.

Item 2 County Development Board Update

Mr. J. Breen, Director of Housing and Community & Enterprise, said the County Development Board met on 20th May and again attendance from the Chairs of the SPCs was very poor. We are trying to ensure that all agencies attend and contribute to the work of the Board and Kerry County Council really need to lead by example.

The following matters were considered:

- Presentation from Mr. Paul Stack, Senior Engineer, Planning, on review of Local Area Plans, Core Strategy and supports to business.
- Presentation on Farmer's Markets by Mr. Michael Gleeson.
- Consideration of revised Draft Priority Action Plan focusing on agriculture, tourism and social inclusion and heritage.
- Updates on:
 - i. Kerry Airport PSO
 - ii. Macroom By-Pass
 - iii. Inter-agency Response to Gorse Fires
 - iv. Impact of Anti-Social Behaviour on Tourism
 - v. Tourism Networking Event
- Expansion of CDB membership to include IT Tralee, Department of Marine & Fisheries and National Parks and Wildlife Service.

Board Executive

A meeting of the Board Executive was scheduled for the afternoon of 14th June to continue the work of finalising the Board's revised Priority Action Plan. Other matters which the Board Executive will be considering are:

- vi. Rural Broadband survey by Community & Voluntary Forum
- vii. Submission from CDB to Core Strategy
- viii. To agree an area for pilot social strategy in conjunction with Planning Department
- ix. Agreement on endorsement process for endorsement of Local Development Company Plans
- x. Consideration of Local Sports Partnership Terms of Reference as a sub-committee of CDB

Item 3 Update from Chairs of SPCs

It was noted that meetings of the Planning SPC and Tourism, Community & Culture SPC are scheduled over the next two weeks.

Mr. J. Breen, Director of Housing, said a Housing SPC meeting was held to consider the Social Housing Allocation Scheme. A report on this scheme is listed on the June Council meeting agenda.

Item 4 Corporate Plan Review

Mr. J.D. Flynn, Director of Corporate Services, said confirmation will be sought at the July CPG meeting that all SPCs have undertaken a review of the Corporate Plan.

Item 5 Presidential Election 2011

Mr. G. O'Brien, Meetings Administrator, said to date three requests have been received from independent candidates seeking the support of Kerry County Council for their Presidential Election Nomination. The candidates are:

- Senator David Norris
- Mr Séan Gallagher
- Ms Mary Davis

He outlined the position regarding the nomination process as per Circular Letter F.06/11 received on 10th May, 2011.

It was agreed by the CPG members that the independent candidates would be invited to make a 10 minute presentation to Kerry County Council at the July Council meeting. The time slots for the candidates will be listed in alphabetical order, as they would appear on a ballot paper. This matter to be discussed at the June Council meeting.

Item 6 Civic/Mayoral Receptions

CPG members agreed to host a Civic Reception to honour the success of Kerry Senior Hurling Team in the Christy Ring Cup Senior Hurling Championship 2011.

Item 7 Any Other Business

Mr. G. O'Brien, Meetings Administrator, referred to a Notice of Motion tabled by Cllr. B. Cronin at the April, 2011, Council meeting, and subsequent letter which issued to Minister Jimmy Deenihan requesting that he would seek a deputation with the Minister for Education and Skills to seek a reversal of the budget changes on the School Transport Scheme.

Minister Deenihan's office has advised that Mr. Ciarán Cannon, TD, Minister of State in the Department of Education & Skills, with special responsibility in the area of skills and training, further education and school transport, will be in Listowel on Monday, 27th June, 2011. Minister Cannon would be available to meet with a deputation from Kerry County Council at 9.30 p.m. that evening. The members of the deputation to attend are to be agreed at the June Council meeting.

Mr. G. O'Brien, Meetings Administrator, referred to Item No. 5 of the Mayor's Report regarding the Presidential Election 2011, and outlined that to date requests have been received from three independent candidates seeking the support of Kerry County Council for their Presidential Election Nomination. The candidates are:

- Senator David Norris
- Mr Séan Gallagher
- Ms Mary Davis

The following has been prepared to consider how best to move forward and to agree a course of action that will bring clarity to the process for both members and candidates.

Circular Letter F.06/11 received on 10th May (and previously circulated to members) outlines the position regarding the nomination process. The key points being:

- Councils may, by resolution, resolve to nominate **one** candidate.
- Not less than 3 clear days notice of the intention to propose the resolution must be given in writing to every person, who, at the time when the notice is given, is a member of the Council.
- A resolution under Section 16 of the Act cannot be passed before the making of the Presidential Election Order - this Order which is made under Section 6 of the Act, sets out the last day on which the Presidential Returning Officer may receive nominations, the date and time of the poll at the election and other details.
- The resolution of the Council must be given effect by means of a nomination paper sealed with the Seal of the Council and delivered to the Presidential Returning Officer.

Proposed Procedure for Dealing with the Nomination Process:

1. Invitation to be issued to candidates to make presentation at July Council Meeting. (Order of speakers, time allocation to be discussed and agreed).
2. September Council Meeting (or Special Council Meeting depending on timelines).
 - Resolution to be taken deciding whether the members wish to endorse a candidate for the Presidential Election.
 - If so, vote to be taken with members indicating their preferred candidate, lowest candidate to be eliminated after first vote, then another vote to be taken.
 - Final resolution to be then taken confirming the candidate being endorsed by the members of Kerry County Council.

It was agreed by the CPG members that the independent candidates would be invited to make a 10 minute presentation to Kerry County Council at the July Council meeting. The time slots for the candidates will be listed in alphabetical order, as they would appear on a ballot paper. This matter to be considered by the elected members today.

Cllr. N. Foley asked when the candidates will be invited to address Council.

Mr. G. O'Brien, Meetings Administrator, said requests have been received from three independent candidates. It is proposed that a letter issue to the three independent candidates inviting them to attend the July Council meeting. Any additional independent candidate would be invited to attend the September meeting. The resolution regarding the endorsement of a candidate for the Presidential Election will be taken at the September Council meeting or a Special Council meeting depending on the timelines.

Cllr. B. Cronin asked what is the requirement if Councillors wish to nominate or propose a candidate.

Mr. G. O'Brien, Meetings Administrator, said a proposer and seconder will be required on the day of the Council meeting when elected members are considering the endorsement of a candidate for the Presidential Election.

It was unanimously agreed that the independent candidates would be invited to make a 10 minute presentation to Kerry County Council at the July Council meeting. The time slots for the candidates will be listed in alphabetical order, as they would appear on a ballot paper.

Mr. G. O'Brien, Meetings Administrator, referred to Item No. 7 of the Mayor's Report regarding a Notice of Motion tabled by Cllr. B. Cronin at the April, 2011, Council meeting, and subsequent letter which issued to Minister Jimmy Deenihan requesting that he would seek a deputation with the Minister for Education and Skills to seek a reversal of the budget changes on the School Transport Scheme.

Minister Deenihan's office has advised that Mr. Ciarán Cannon, TD, Minister of State in the Department of Education & Skills, with special responsibility in the area of skills and training, further education and school transport, will be in Listowel on Monday, 27th June, 2011. Minister Cannon would be available to meet with a deputation from Kerry County Council at 9.30 p.m. that evening. The members of the deputation to attend are to be agreed at the June Council meeting.

Traditionally the members of Council decide who goes on a deputation. The norm is that the Mayor/Deputy Mayor, the proposer of the motion and 2-3 elected members. 4-5 is the usual number attending a deputation. A member of the executive will also attend.

Cllr. B. Cronin thanked the executive for this report and following up the request for a deputation. A deputation will be available to meet Minister Cannon. The request relates to concerns regarding changes on bus transport for amalgamated schools and has massive consequences for the county and country. Members across the board have concerns regarding this. He asked that the deputation would have a balance of representation across the political parties.

It was unanimously agreed that Cllrs. B. Cronin, T. Buckley, D. Healy-Rae, R. Beasley, J. Finucane, M. O'Shea and P. Leahy would attend the deputation with Minister Cannon on Monday, 27th June, 2011.

Tralee By-Pass

Mayor P. Leahy said the contract for the Tralee By-Pass will be signed on Friday, 24th June, 2011.

Cllr. J. Finucane congratulated the Roads Department on their work to bring the Tralee By-Pass project to this stage. This is a €30m contract which will give employment to many people during its construction. It is a huge investment in Tralee's infrastructure. It is a vote of confidence in the region. It verifies the tactics taken by this county when we applied a development levy. He said he is delighted this contract signing is taking place. This development is a significant boost in the county.

Cllr. P. Connor-Scarteen said as Chair of the Roads SPC he would like to welcome this contract signing. It is a significant development for the county. It will create great employment opportunities in the county. He said he was also delighted that Government has approved the construction of Kenmare hospital.

Cllr. T. O'Brien said he wished to echo Cllr. Finucane's sentiments. He complimented the Director of Roads and the staff of the Roads Department. This is huge boost for Tralee and the county.

Cllr. D. Healy-Rae welcomed the contract signing for the Tralee By-Pass and the investment in the town. He thanked the County Manager and staff for the efforts made to secure this contract.

Cllr. R. Beasley welcomed the contract signing for the Tralee By-Pass. He congratulated Kerry County Council on the pro-active approach taken by the Manager, Director of Roads and staff of the Roads Department. He said he hopes to see a lot of local employment arising from this contract. He said he hopes that Phase II of the Dale Road will proceed shortly.

Cllr. J. Healy-Rae welcomed the contract signing for the Tralee By-Pass. He gave credit to the County Manager for progressing the project. He said he is delighted the construction of Kenmare hospital will proceed. He paid tribute to former Deputy Jackie Healy-Rae and Deputy Michael Healy-Rae who did great work in pursuing this matter.

11.06.20.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Finucane, it was resolved that the Minutes of the Budget Meeting of Kerry County Council held on 10th January, 2011, be confirmed.
- (b) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. P. O'Donoghue, it was resolved that the Minutes of the Adjourned Budget Meeting of Kerry County Council held on 17th January, 2011, be confirmed
- (c) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. A. McEllistrim, it was resolved that the Minutes of the May Ordinary Meeting of Kerry County Council held on 16th May, 2011, be confirmed

11.06.20.03 Filling of Casual Vacancy following the election of Senator Marie Moloney to Seanad Éireann

Mr. G. O'Brien, Meetings Administrator, said all the relevant paperwork has been received and is in order from a procedural point of view.

Mayor P. Leahy called for nominations for the filling of the casual vacancy on the Council following the election of Senator Marie Moloney to Seanad Éireann in accordance with Section 19 of the Local Government Act 2001 and Kerry County Council Standing Orders.

Cllr. T. O'Brien wished former Councillor and new Senator Marie Moloney all the best in her new role. Senator Moloney proved herself competent during her term as Councillor. He PROPOSED the nomination of former TD and Chairperson of the Labour Party, Ms. Breeda Moynihan Cronin, 10 Muckcross Grove, Killarney.

Cllr. G. Wharton-Slattery SECONDED this proposal.

Mayor P. Leahy declared Cllr. Breeda Moynihan Cronin co-opted to fill the casual vacancy on the Council following the election of Senator Marie Moloney to Seanad Éireann. He invited Cllr. Moynihan Cronin to take her seat.

Cllr. Moynihan Cronin took her seat.

Mayor P. Leahy invited Senator Marie Moloney to say a few words.

Senator M. Moloney said her time spent in Kerry County Council was very enjoyable. Party lines are left outside the Chamber door and elected members work for the common good of the people of Kerry. She said the downside of being elected to the Senate is leaving Kerry County Council. Great courtesy was shown to her by the County Manager and staff. She said her replacement in the Chamber, Breeda Moynihan Cronin, does not need an introduction as she previously spent 15 years as a TD and 12 years as a Councillor. Breeda brings a huge wealth of knowledge and experience which she will use for the good of Kerry and the people she represents. She said she worked with Breeda for 15 years and looks forward to working with her over the coming years.

Cllr. B. Moynihan Cronin congratulated Mayor P. Leahy on his year as Mayor of Kerry. She said she is extremely privileged to be afforded the opportunity to serve on Kerry County Council and the people of Killarney can be assured that she will represent them with honesty and dignity. The question may be posed as to why she returned to politics. Politics is a lifestyle not a job. It can be frustrating when trying to cut through red tape on behalf of people. In talking to people who are in dire straits as they are losing their homes and there is stress for families due to the economic situation she wanted to be a voice for these people and advocate on their behalf. It will not be an easy task. Everyone is aware of the state of the economy at present. If people are told the truth, they will accept that certain things have to be done to get the country back on its feet again. There are major issues for people. Senator Moloney is proposing a system of assistance this coming Wednesday for those whose houses are being taken from them. The funding to deal with programmes within Kerry County Council is under pressure. Kerry County Council will have to punch way beyond its weight to get its share of funding. The next 3 years will be very difficult and she wants to use all her experience to help this Council and the people of Kerry. She said a lot has changed since she was last a member of Kerry County Council. There are now five women elected members in Kerry County Council. When she started it was herself and the late Maeve Spring. She said she would like to remember Maeve today. It is great to have women colleagues. The issues have also changed. There was a briefing this morning regarding planning and we will never forget the queues at the Planning Office as people tried to meet planners. The fall out from that must now be dealt with. Kerry County Council has great management and staff to get through this. She thanked Cllr. Terry O'Brien and Cllr. Gillian Wharton-Slattery for proposing her and thanked Senator Moloney for her kind words. To management and the staff

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she said she is a team player but she will not stand back when she feels it is necessary to do good for her constituents.

Cllr. G. Wharton-Slattery welcomed Cllr. Moynihan Cronin to the Chamber and said she looked forward to working with her. She wished Senator Moloney the best of luck and thanked her for her help since she was co-opted.

Cllr. Bobby O'Connell congratulated Senator M. Moloney on being elected to the Senate. He said she is a great ambassador for her constituents and the Labour Party. She was a most effective member while she was with Kerry County Council. He said it is great to have Breeda Moynihan Cronin back in the Council Chamber. We were elected to Kerry County Council on the same day in 1991. She will be a great credit to Killarney and South Kerry.

Cllr. R. Beasley welcomed Cllr. Moynihan Cronin to the Council Chamber. He said he served as an elected member previously with her father. Cllr. Moynihan Cronin is an able politician. He wished Senator Moloney well in her new position in the Oireachtas.

Cllr. N. Foley congratulated Senator Moloney on her election to the Senate. During her time as an elected member she was a hugely effective advocate for her constituents. She is a loss to Kerry County Council but the aim of politics is to advance yourself so you can advance for your constituents. She wished Senator Moloney every possible good luck. She said she is delighted to welcome Cllr. Breeda Moynihan Cronin to the Council Chamber. Breeda has been an articulate representative for her constituency. She will bring fresh energy and great experience to the Council Chamber. Her constituents are very fortunate to have her experience to represent them.

Cllr. D. Healy-Rae wished Senator Moloney the best in her election as Senator. He thanked her for the service she gave on behalf of the Killarney Electoral Area. He welcomed Cllr. B. Moynihan Cronin back to the Council Chamber. He said she previously served with Jackie Healy-Rae and Michael Healy-Rae. He wished her the best in her term at Kerry County Council.

Cllr. B. Cronin congratulated Senator Moloney. Her election to the Senate is a huge personal achievement. He welcomed Cllr. B. Moynihan Cronin back to the Council Chamber. He said he had served with Breeda previously and she had also served with his late father, P.J. Cronin. Breeda has great experience to bring to her constituency.

Mayor P. Leahy wished Senator Moloney the very best for the future. He said she will be missed her from the Council Chamber and she served her constituency well. He welcomed Cllr. B. Moynihan Cronin back to the Council Chamber. Breeda brings a huge wealth of knowledge and vast experience and is a great asset to this Council.

Mr. T. Curran, County Manager, said on behalf of himself and staff he wished to congratulate Senator Moloney on her appointment to the Seanad. It is important that Kerry is well represented in the Seanad and useful to have contacts to assist in arranging meetings. He wished her well in the future. He said he knows Cllr. B. Moynihan Cronin a long number of years and he welcomed her back to the Council Chamber. He said she is taking on a great task again.

Rotation of Chairs of the SPCs

Cllr. J. Brassil requested that elected members be informed when there are changes to the Chairs of the SPCs and the membership of the Regional Health Forum.

Mr. G. O'Brien, Meetings Administrator, said the members will be informed of these rotations which were agreed at the Annual Meeting of Kerry County Council held in June 2009.

11.06.20.04 Filling of Casual Vacancy on Committees/Boards

Mayor P. Leahy called for a nomination to fill the casual vacancy on the following Committees/Boards following the election of Senator Marie Moloney to Seanad Éireann:

- (a) Kerry County Rural Water Committee
- (b) IRD Duhallow
- (c) Kerry Education Service
- (d) Regional Health Forum – South
- (e) South Kerry Development Partnership Ltd.

Cllr. T. O'Brien PROPOSED that Cllr. B. Moynihan Cronin be nominated to fill the casual vacancy on the above Committees/Boards.

Cllr. P.J. Donovan SECONDED this proposal and it was unanimously agreed.

11.06.20.05 Filling of Casual Vacancy on the Housing & Social Support SPC

Mayor P. Leahy called for a nomination to fill the casual vacancy on the Housing & Social Support SPC following the election of Senator Marie Moloney to Seanad Éireann.

Cllr. T. O'Brien PROPOSED that Cllr. B. Moynihan Cronin be nominated to fill the casual vacancy on the Housing SPC.

Cllr. J. Finucane SECONDED this proposal and it was unanimously agreed.

11.06.20.06 Housing SPC

(a) Chairperson for the Housing & Social Support SPC, and

On the PROPOSAL of Chairman T. O'Brien, SECONDED by Cllr. P.J. Donovan, it was unanimously agreed to nominate Cllr. B. Moynihan Cronin as Chairperson of the Housing & Social Support SPC.

(b) Ratification of the Chairperson for the Housing & Social Support SPC as a member of the Local Traveller Accommodation Consultative Committee

On the PROPOSAL of Chairman T. O'Brien, SECONDED by Cllr. P.J. Donovan, it was unanimously agreed to ratify Cllr. B. Moynihan Cronin as a member of the Local Traveller Accommodation Consultative Committee by virtue of her role as Chair of the Housing & Social Support SPC.

11.06.20.07 Filling of vacancy on the Local Traveller Accommodation Consultative Committee

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J. Finucane, it was agreed to defer this item to the July Ordinary meeting of Kerry County Council.

11.06.20.08 Ratification of the Oireachtas members to the Kerry County Council Joint Policing Committee

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Finucane, it was unanimously agreed to ratify the Oireachtas members to the Kerry County Council Joint Policing Committee as presented in report from the Director of Housing and Community & Enterprise dated 9th June, 2011.

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

- (a) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. D. Healy-Rae it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of a Single Rural Cottage with the appropriate effluent treatment facilities at Knockatagglemore, Kilcummin, Killarney, Co. Kerry.
- (b) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. L. Purtill it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the proposed construction of the Tarbert Inner Relief Road which consists of a 240m length of single carriageway between the junction of Bridewell Street and the N69 Listowel Road together with carpark area, public lighting, ancillary and accommodation works at Tarbert, County Kerry.
- (c) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J. Healy-Rae it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the proposed construction of 610m approximately of single carriageway roadway (Kenmare Eastern Relief Road) from its proposed junction with Railway Road (L-4052) to the junction with the Killowen Road (R569) in Kenmare, County Kerry.
- (d) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. S. Fitzgerald it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of the proposed improvement of 4.2km of the N86 National Secondary Road, between Annascaul and Gortbreagoge.

- (e) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning & Development Regulations 2006 in respect of The proposed development of a traffic calming scheme along approximately 965m of the N72 National Secondary Road through Fossa. The proposed works will consist of the installation of 2 new gateways, new kerbed footpath/cycleways, new public lighting, new storm water drainage layout including new pipes and gullies, new storm water outfall to Lough Leane, overlay of existing road, appropriate signage, accommodation works and all associated ancillary works at Fossa, Killarney, Co. Kerry.

11.06.20.10 Report in accordance with Section 38 of the Road Traffic Act, 1994, as amended by Section 46 of the Public Transportation Regulations Act, 2009

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. D. Healy-Rae it was agreed to note the report on the provision of a Traffic Calming Scheme, pursuant to Section 38 of the Road Traffic Act, 1994, as amended by Section 46 of the Public Transportation Regulations Act, 2009, in respect of the proposed development of a traffic calming scheme along approximately 965m of the N72 National Secondary Road through Fossa. The proposed works will consist of the installation of 2 new gateways, new kerbed footpath/cycleways, new public lighting, overlay of existing road, appropriate signage, accommodation works and all associated ancillary works at Fossa, Killarney, Co. Kerry.

11.06.20.11 Disposal of Property

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the disposal of Affordable House No. 6 Sraid Thaidgh, Ballyheigue, Co. Kerry, together with its plot of land, situate in the townland of Ballyheigue to (Name & Address withheld for data protection purposes), in accordance with the terms of notice issued 1st June, 2011, 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.

11.06.20.12 Takeover of Group Water Supply Schemes

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. D. Healy-Rae it was agreed to takeover the Carker Group Water Supply Scheme in accordance with Section 95 of the Water Services Act 2007.
- (b) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea it was agreed to takeover the Glens North Group Water Supply Scheme in accordance with Section 95 of the Water Services Act 2007.
- (c) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Mayor P. Leahy it was agreed to takeover the Lenamore No. 1 Group Water Supply Scheme in accordance with Section 95 of the Water Services Act 2007.
- (d) On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. S. Fitzgerald it was agreed to takeover the Shanahill West Group Water Supply Scheme in accordance with Section 95 of the Water Services Act 2007.

- (e) On the PROPOSAL of Cllr. L. Purtill, SECONDED by Cllr. T. Buckley it was agreed to takeover the Shanaway East Group Water Supply Scheme in accordance with Section 95 of the Water Services Act 2007.

11.06.20.13 Proposed Variation No. 6 to the Kerry County Development Plan 2009-2015 – Core Strategy

Mr. M. McMahon, Director of Planning, referred elected members to report dated 14th June, 2011, regarding Variation No. 6 of the Kerry County Development Plan 2009-2015. A number of briefings have been provided to the elected members since July, 2010, when the Planning & Development (Amendment) Act, 2010 was enacted and introduced major changes to planning legislation in a number of areas. A key element in the Planning & Development (Amendment) Act, 2010 is the introduction of a requirement for an evidence based "core strategy" in Development Plans which will provide relevant information as to how the Development Plan and the Housing Strategy are consistent with Regional Planning Guidelines and the National Spatial Strategy. The location quantum and phasing of proposed development must be shown as well as growth scenarios, details of transport plans, retail development and policies regarding development in rural areas.

By Circular Letter PSSP6/2010 from the Department of Environment, Heritage and Local Government guidance notes were issued to Planning Authorities on the preparation of Core Strategies. The guidelines point to the need for the strategy to demonstrate that the development plan and its objectives are consistent with National and Regional development objectives set out in the National Spatial Strategy and Regional Planning Guidelines and especially with regard to:

- (1) the hierarchy and role of gateways, hub towns, county towns, other towns and villages in rural areas and,
- (2) the process of giving effect to the hierarchy above by setting regional and national population targets and associated requirements for housing land.

The Core Strategy must be sufficiently specific in setting population targets and housing requirements in order to act as a clear framework for amendments to existing zonings or new zonings in lower level plans. In turn, the population targets and housing requirements of lower level plans must agree with the Core Strategy of the county plan and this will be achieved by their subsequent amendments to such plans or in the preparation of new Local Area Plans.

Section 10(1)(B) of the 2000 Act (as inserted by Section 7(1B) of the 2010 Act) provides that a Planning Authority provides that a Planning Authority shall prepare a Core Strategy, as soon as practicable and in any event, not later than a period of one year after the making of Regional Planning Guidelines for the area and shall accordingly vary the development plan to include the Core Strategy. The relevant date for Planning Authorities in Kerry is 26th July 2011. The Core Strategy has now been prepared and has been incorporated into proposed Variation No. 6 of the Kerry County Development Plan 2009-2015. Some of the key elements of the Core Strategy are:-

- (1) The population targets for each of the Functional Areas of the county which have already been agreed by the Members and have been used to guide the preparation of Local Area Plans for the Functional Areas of Castleisland, Kenmare and Killorglin are now being incorporated into the County Development Plan.

- (2) Clear and rational criteria for the zoning of land for residential purposes is being incorporated into the Plan.
- (3) The quantum of residential land required over the period of the Plan has been calculated having regard to population targets, household sizes and proposed density. This shows that excluding the urban areas of Tralee, Killarney and Listowel the total amount of land required up to 2016 is 471 Ha(s) while the actual amount of land zoned is 1809 Ha(s) giving a surplus of 1338 Ha(s).
- (4) The Core Strategy includes a Map depicting the various categories of rural areas as set out in the Sustainable Rural Housing Guidelines to Planning Authorities 2005.
- (5) A Section has been included in the prepared variation to address compliance with the EU Directive on the Freedom of Movement and Services. The Irish Government are on notice from Brussels regarding non-compliance with this Directive in relation to the Development Plans of a number of planning authorities throughout the country and some have already addressed this issue by amending their plans.
- (6) While the County Development Plan includes a number of areas zoned commercial no definition of 'commercial' is included in the Plan. Accordingly this omission is being addressed by the amendments to Paragraph 5.8 of the Plan and the inclusion of a definition of 'Commercial' in Chapter 12 of the Plan.
- (7) A number of amendments and objectives have been included in the proposed variation to demonstrate compliance with various EU Directives and Government Guidelines as they refer to Spatial Planning.

The proposed variation of the County Development Plan to incorporate the Core Strategy will now go on public display and will be forwarded to the various prescribed bodies. Submissions on the variation can be made for a period of 4 weeks. The County Manager will then prepare a report for the members on submissions received which will be circulated to the members. The Manager's Report on the submissions will be included for consideration on the agenda for the September meeting of the Council due to be held on 12th September, 2011.

Cllr. J. Brassil said the Core Strategy has been discussed a number of times previously. As long as de-zoning the lands is dealt with in the methodology of them coming up for review when their natural time expires, this will not be a huge issue. If plans are reviewed in their natural time cycles, it will raise a situation which is fraught with difficulty and Kerry County Council could be subjected to legal challenge. De-zoning land can be fraught with difficulty.

Cllr. T. O'Brien agreed with Cllr. Brassil's comments and said the Planning SPC had a briefing on the core strategy. It is important that all members are present in the Council Chamber when lands are being re-zoning as there are a number of members who were always taking the hit when it came to voting on the zoning of land.

Cllr. B. Cronin said following the enactment of the Planning & Development (Amendment) Act, 2010, Local Authorities are obliged to deal with major changes in planning legislation as a result of a Dáil Éireann vote and change of legislation. 3,000 acres plus are zoned over and above what is required in the county. If the lands in Kenmare, Castleisland and Killorglin had not been dezoned already this would be 4,000 acres. These lands were zoned in the 'celtic tiger' years when elected members were under pressure from landowners and developers to zone land. A small number of elected members were criticised for being 'anti-development'. The legal

consequences of dezoning land must be considered and ensure that the Local Authority is not sued and taken to Court because of the zoning decision taken previously. Unpopular decisions will have to be taken regarding dezoning land. This had been flagged for a long time. Hopefully responsibility will come back into land zoning. The inclusion of a definition of commercial development is a big improvement.

Cllr. J. Finucane agreed that dezoning lands is a means by which the elected members can regularise what went wrong in the country regarding development. The reality of the situation is seen by people in the cost of loans and renting and when the same loaned land is being sold by a financial institution at less than 20% of the value of sites. This will bring confidence and structure back to the system and provide more sustainable growth and development based on the population. An elected member coming under pressure from sectional interests is not a vindication that the proposal for zoning is a justifiable one.

Cllr. A. McEllistrim said it is important that the Local Area Plans run their full term and are not reviewed early. People with zoned land should be given the opportunity to develop it. The Tralee area does not have excessive zoned lands. She requested that the Director of Planning provide information on how much over-zoned land there is in each area.

Cllr. B. Moynihan Cronin said the fall-out from the queues that were at the Planning Office a few years ago is impacting on the life of ordinary people. She asked when the County Development Plan will be reviewed.

Mr. M. McMahon, Director of Planning, said the current plan is the Kerry County Development Plan 2009-2015. In accordance with legislation a review of the plan is commenced two years before it expires. The review of the current plan will commence in 2013. This variation on the core strategy will be incorporated into the current plan immediately.

Cllr. B. Moynihan Cronin said people must be dealt with honestly and made aware of the reality. Care must also be taken from a legal perspective. Before making decisions on this, elected members must know where they stand legally. She requested that management advise elected members on their legal standing after the public display period for the variation to the County Development Plan regarding the core strategy.

Cllr. M. Gleeson said the frenzy which prevailed has reached its inevitable conclusion as this legislation addresses it. County Kerry, where tourism is vitally important, is deserving of proper zoning and good planning. He said he is glad to see that the planning and development of floodplains is addressed. Floodplains must be protected to avoid creating adverse conditions.

Cllr. R. Beasley welcomed future regulation in relation to zoned land. This situation would not have arisen if public representatives had taken into consideration the advice of the Senior Engineer in Planning rather than the greed that flourished. Young people are paying the price now. With regard to the Ring of Kerry, it has been decimated because of development and he said he hopes it will get the proper consideration that it requires when land is de-zoned. He asked when de-zoning of land in the Listowel Electoral Area will be undertaken.

Cllr. D. Healy-Rae asked that de-zoning of land be undertaken methodically. If one block of land is zoned in a village it will mean that one developer/owner will be able to charge whatever he likes for a site/house and the consumer will be asked to pay for it. Zoned land should be distributed fairly around a town/village and divided between two or three owners/developers so there will be competition. The last member speaking made reference to reckless zoning. Decisions on zoning were majority decisions on what was put before the elected members. In some cases that was the first instance where members came forward with a problem regarding the zoning. There should be a planning application type process where a person has to advise what they propose to zone. Councillors cannot be blamed for all the residential zoning because there was, for example, one area in Kilcummin zoned by management. It is wrong to entirely blame Kerry County Council members for this situation. When transferring the land to his son a landowner has to pay high taxes due to the zoning of his land. He agree with Cllr. Gleeson that lands should not be zoned in a floodplain. There are awful cases where planning permission was granted in a floodplain.

Cllr. M. Cahill said some mistakes were made in zoning land. Cllr. Healy-Rae is correct in this regard. For example, Castlemaine has one of the 'ghost estates' which has made national headlines. He said to the best of his knowledge elected members had nothing to do with the planning permission for that development. He said he is not aware of any town, village or parish that is destroyed by development on the Ring of Kerry. It is unfair to be pointing the direction of the members all the time in relation to zoning.

Cllr. P. Connor-Scarteen said the Local Authority has to follow the national population targets which has been done with the de-zoning of lands in Castleisland, Killorglin and Kenmare Local Area Plans. Regarding ghost estates, there is quite a few such estates in the county and new guidelines have just been issued regarding those estates. Some of those estates may be demolished and others might be used to accommodate people. He asked that the elected members be issued with a copy of the guidelines on ghost estates as it will be of interest to the members.

Cllr. S. Fitzgerald referred to the Dingle Local Area Plan and said any house built was on land which was not zoned. There is over 60 acres of land zoned in Dingle. There is wrong on both sides regarding zoning of land.

Cllr. M. O'Shea said development in small towns and villages has made a massive contribution to communities in these areas. All the housing development in Milltown, Furies and Castlemaine was pre-zoning of land by this Council. No development has taken place on this land since. People in Milltown welcome the growth and development of the village.

Cllr. J. Brassil said to the best of his knowledge when considering a Local Area Plan it does go on public display and people are aware of it.

Mr. M. McMahon, Director of Planning, said the process regarding a Local Area Plan is that the Planners draft the Local Area Plan which goes on public display for comment without any input from elected members. The draft Local Area Plan is the Planners' vision for a particular town or village. Following the period of public consultation submissions received on additional land proposed to be zoned is added to the draft Local Area Plan and presented to the members. Very little land the Planners had proposed to zone was de-zoned in the draft plans. The amended plan

goes out on public display again after being considered by the members. There may be some excess zoned land showing up in the core strategy but it is nothing like the scale that there was.

Cllr. M. Cahill said landowners are not made aware of proposals by the Planning Department to zone their land.

Mr. M. McMahon said an advertisement is placed in the local paper prior to the Local Area Plan being prepared. Submissions arising from that advertisement are assessed and a decision made on the zoning of land in the draft Local Area Plan. Land might be zoned whether a submission is made or not. Individual landowners are not contacted.

Cllr. D. Healy-Rae said it is an issue where someone's lands are zoned not to their satisfaction or request and they have a big tax implication when they want to pass it onto a son or nephew.

Mr. T. Curran, County Manager, said there is no benefit to a blame game in this situation. When the planning authority prepares a Local Area Plan, it is prepared on the basis of proper planning and sustainable development and what is the best fit for that particular area. The planning authority proposes the zoning for the Council to adopt. The elected members adopt it. Unfortunately, it was the case that some lands were zoned which was not based on proper planning and sustainable development.

Cllr. D. Healy-Rae said elected members did not propose zoning of land because they were asked. An informed view was taken as to whether or not the zoning was needed.

11.06.20.14 Report of the Local Government Auditor on the Council's Accounts for financial year ended 31 December, 2009

Mr. J. O'Connor, Head of Finance referred to a report which had been circulated comprising of a copy of the Local Government Auditor's Reports on the Accounts of Kerry County Council for the year ended 31st December 2009, a copy of the audit opinion from the Annual Financial Statement and an overview from himself. He said that while the audit opinion contains a "paragraph of emphasis" re the chargeability of some transactions to the capital account and which the Council disputes, the end result in any audit is what is said at the end of the audit opinion. The Audit Opinion on this audit states "in my opinion the Annual Financial Statement presents fairly, in accordance with the Code of Practice and Accounting Regulations the financial position of the Kerry County Council at 31st December, 2009, and its income and expenditure for the year then ended".

In any audit there are two principal elements - process and outcomes. Process is driven by principles and norms. Outcomes are reflected in the audit report and it is a matter for the individual Local Authority to deal with any issues arising or any recommendations. Mr O'Connor added that on this occasion the process pursued by the Local Government Audit Service for the 2009 Audit was very disappointing in his long experience of many audits by different organisations. He said he is from a school of thought that believes audits in a large organisation like Kerry County Council present an important independent appraisal and quality assurance for members, senior management, staff and government departments. In such context Audits are very important and that, in turn imposes a duty and responsibility on the relevant audit service to accord with the highest professional standards. The Council's total financial

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activity in 2009 (aggregated revenue and capital expenditure and income and housing loans) amounted to almost €391m. In addition, the Council managed an asset portfolio of €3,448m. Kerry County Council in any one year would process about two million headline financial transactions and individual transactions would be several factors of that. Every single one of those transactions, both large and minor, is fully traceable across the Council's integrated AGRESSO Financial Management System and has been since May, 2001, and any inference to the contrary by the Auditor is unfounded. Prior to that Kerry County Council was relying on a paper based system.

The Auditor refers to two specific transactions totalling €2.0m which she considers should be classified as revenue expenditure rather than capital expenditure. €1.1m of this amount relates to the costs of the Water Services Planning and Design Team funded through development contributions and is clearly capital expenditure. Legal advice was sought on this and the Council's Law Agent confirmed that such expenditure is allowable as capital expenditure. The Auditor did not allude to that advice in her report. €0.9m relates to housing capital overheads and represents advance work for the Local Authority Housing Capital Programme mainly. This has been classified as capital expenditure for decades and correctly so.

The report refers to the Fixed Assets Register and development contributions. Kerry County Council is constantly working at improving its processes and procedures across the organisation and much work has been done and is continuing to be done on these areas.

The 2010 accounts were presented to Council at the May Ordinary Meeting. A new Local Government Auditor has been assigned to Kerry County Council for the audit of the 2010 accounts. Management and staff at all levels look forward to a businesslike, effective and fully professional relationship with him. He extended to the new Auditor best wishes on his assignment to the Kerry Audit for the 2010 accounts.

He said a lengthy audit report has been presented to the members today and if members have individual queries he will deal with them.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson, it was agreed to note the Local Government Auditor's Report on the Accounts of Kerry County Council for year ended 31st December 2009.

Mayor P. Leahy paid tribute to Mr. J. O'Connor, Head of Finance and said the way he has dealt with the accounts of Kerry County Council and his professionalism are second to none. Kerry County Council is very proud of its staff.

Cllr. J. Finucane agreed with the Mayor's comments. Kerry County Council is the second largest employer in the town of Tralee and a significant employer in the county. The Council is responsible for advancing the forthcoming investment in the Tralee Link Road. The link road represents an investment of €60m and is a tribute to the staff working in this organisation. Kerry County Council is indebted to Mr. John O'Connor, Head of Finance, for his financial management.

Cllr. J. Brassil complimented and congratulated all staff involved in dealing with the audit process. He said he was disappointed to hear that the experience of the Council in dealing with this Auditor was not as positive as previous years. He suggested that the staff dealing with the audit would contact the Department and advise them of the difficulties experienced so they will not occur for future years.

Cllr. D. Healy-Rae supported the compliments for the Head of Finance and staff of the Finance Department. He thanked the Head of Finance for steering Kerry County Council in the right direction through tough financial times.

11.06.20.15 Housing Act 2010 Social Housing Allocation Scheme

Mr. J. Breen, Director of Housing, said all housing authorities are required to make an Allocation Scheme in accordance with the Social Housing Allocation Regulations, 2011 which came into operation on 1st May, 2011. It had been indicated to elected members previously that items would be coming before them arising from the Housing (Miscellaneous Provisions) Act, 2009. The allocation scheme presented today has been considered by a recent Housing SPC meeting which was Chaired by Cllr. N. Foley. In drafting an Allocation Scheme under the new legislation, Kerry County Council has amended its existing letting scheme in the following ways:

- References to the Housing Act, 1988 (Section 11 Scheme of Letting Priorities) and other related pre-2009 legislation have been removed and replaced by references to Section 22 of the Housing (Miscellaneous Provisions) Act, 2009.
- The Allocation Scheme reflects the terms of the 2009 Act and Regulations made by the Minister under it.
- The Allocation Scheme makes specific provision for dwellings reserved for particular purposes including allocations to particular classes of persons, those transferring from other forms of social housing support and for particular forms of tenure.
- An opportunity was also taken to include in the Draft Allocation Scheme relevant policies which had been previously considered and agreed with the Housing SPC. It was also decided that having regard to the recently introduced Social Housing Assessment Regulations, that a uniform scheme operating for the four Kerry Housing Authorities would be merited. Consequently this Draft Scheme was prepared in consultation with officials from each of the Town Councils and is more comprehensive than our existing Scheme of Letting Priorities and covers additional areas such as the manner in which we deal with succession to tenancies and illegal occupation of Council dwellings.

The Allocation Scheme includes a special transfer path for RAS tenants to other forms of social housing support. The Social Housing Allocation Regulations 2011 deal with three specific areas:

(1) Refusal of Offers of Accommodation

The Regulations provide for a mandatory standard approach to dealing with refusals. The Regulations provide that:

- Two refusals of reasonable offers of social housing (over a 12 month period and within areas of choice, except in emergencies, etc.) will result in a household being deemed to have forfeited its place on a waiting list for a period (two refusals will also mean that a household may lose rent supplement)
- In the event of two refusals, a housing authority will suspend a household from the waiting list for 12 months. This will mean that the household will not be offered social housing for the suspension period and that this period will not subsequently count for "time on the list" purposes
- The refusal of an offer made under choice-based letting is not counted as a refusal for the purposes of the general refusals policy.

(2) Choice-Based Letting

The Regulations provide the option of choice-based letting as a method of allocating properties, as part of a general scheme, whereby qualified candidates may apply for tenancies in designated properties.

(3) Time on List

The Minister has indicated his intention, in line with the creation of broad classes of households through the new social housing assessment process, to move over an 18-month period to a uniform allocation model based on "time on the list" within classes.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. J. Brassil, it was unanimously agreed to adopt the Housing Act 2010 Social Housing Allocation Scheme.

Cllr. M. Cahill said it is reasonable that after two refusals, within a 12 month period, of an offer of social housing, that a household will be suspended from the housing list for 12 months. He asked details of such cases will be made known to elected members. He also asked if Kerry County Council has signed contracts for the Long Term Leasing Scheme.

Mr. J. Breen confirmed that the details of such cases would be made known to elected members. He said a number of contracts for the Long Term Leasing Scheme have been signed.

Cllr. M. Cahill requested that the housing authority do everything possible to sign up different developments in different towns throughout the county under the Long Term Leasing Scheme as there are plenty of houses unoccupied in the county. He said the best Tenant Purchase Scheme of all is in place now whereby a tenant in a house for 15 years or more could get a 45% reduction on the purchase price. It is important that credit is made available to those families who wish to buy out their home.

Mr. J. Breen said an advertisement is being placed this week seeking properties for leasing.

Cllr. N. Foley referred to the RAS Scheme and asked for clarification that it is the case that as and from the 1st April if a person is on the RAS Scheme before the 1st April they are entitled to be offered social housing.

Mr. J. Breen said this came into effect from the 1st April. The time on the housing list is taken into account prior to that date but not since that date.

Cllr. N. Foley requested that this would be made clear to applicants.

11.06.20.16 Kerry Local Authorities Annual Report 2010

Mr. J.D. Flynn, Director of Corporate Services, said the Draft Annual Report was presented to the elected members at the April Ordinary meeting of Kerry County Council. The final Kerry Local Authorities Annual Report is now presented to the members for consideration and adoption.

On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. P. O'Donoghue, it was unanimously agreed to adopt the Kerry Local Authorities Annual Report 2010 in accordance with Section 221 of the Local Government Act 2001.

Cllr. J. Finucane said while the annual report is produced he would like to see some form of presentation on it outlining the work of the Council. There should be greater emphasis on the presentation of the report. If this was a Plc company there would be a major announcement of the annual report. It is an opportunity to inform the public of the report and the services of the Local Authorities.

Cllr. N. Foley SECONDED this proposal.

11.06.20.17 Service Indicators Results Report for 2010

Mr. J.D. Flynn, Director of Corporate Services, said there are three ways in which Kerry County Council reports: Annual Report, Budget and Service Indicators. He said his report takes members through some of the highlights of the Service Indicators Results for 2010. Comparisons for the period 2008 to 2010 are also provided.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. J. Finucane, it was agreed to note the Service Indicators Results Report for 2010.

Civic Reception

Mr. G. O'Brien, Meetings Administrator, said it was now 1.20 p.m. and he suggested that the meeting be adjourned to proceed with the Civic Reception.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. O'Connell, it was agreed to adjourn the meeting in order to proceed with the Civic Reception.

The meeting resumed at 2.30 p.m.

11.06.20.18 Report on the Operations and Activities of IRD Duhallow

It was unanimously agreed to note the report from Cllr. J. Sheahan on the operations and activities of IRD Duhallow which was circulated.

11.06.20.19 Summary of Proceedings at Conference

LAMA Spring Seminar – 29th–30th April, 2011

It was agreed to note Cllr. L. Purtill's written report on behalf of the delegates that attended the LAMA Spring Seminar held from 29th – 30th April, 2011.

11.06.20.20 Reception of Deputation

Cllr. R. Beasley requested that a Deputation would be received from the residents of Cluainin Estate, Listowel, regarding the requirement of gates at entrances to individual houses.

On the PROPOSAL OF Cllr. J. Finucane, SECONDED by Cllr. P. O'Donoghue, it was agreed that this Deputation would be received at the next Listowel Electoral Area Meeting.

11.06.20.21 Opening of Tenders

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the opening of Tenders for Extension to Dwelling House at 40 Riverside Close, Abbeydorney, Tralee - Closing Date: Tuesday, 17th May, 2011 at 3.00 p.m.
- (b) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of Tenders for Supply & Installation of Welded Mesh Fencing Contract No. 2 - Closing Date: Wednesday, 15th June, 2011, at 1.00 p.m.
- (c) On the PROPOSAL of Mayor P. Leahy, SECONDED by Cllr. B. Cronin, it was agreed to approve the opening of Tenders for N69 Bolton's Cross Pavement Overlay - Closing Date: Wednesday, 15th June, 2011, at 5.00 p.m.
- (d) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. N. Foley, it was agreed to approve the opening of Tenders for Maintenance of the Lifts in Kerry County Council Buildings - Closing Date: Wednesday, 22nd June, 2011, at 4.00 p.m.
- (e) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A. McEllistrim, it was agreed to approve the opening of Tenders for Provision of a Bird Control Service at North Kerry Landfill - Closing Date: Tuesday, 5th July, 2011 at 4.00 p.m.
- (f) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. N. Foley, it was agreed to approve the opening of Tenders for Collection of glass and cans from the Bring Bank Network - Closing Date: Thursday, 7th July, 2011 at 4.00 p.m.

11.06.20.22 Notices of Motion

1. Photographic Evidence of Identity for Voters

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

"That the presentation of photographic evidence of identity would become standard procedure for each individual voter."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. M. Gleeson said this is a very important motion and will become even more important. Democracy is a very special privilege and it being properly respected is of vital importance. There are millions throughout the world who have never been granted the right to have a say in their country's affairs. Democracy by its very description depends on honesty and the greatest integrity. The demographic of this country has changed considerably over the last 20 years and is now a multi-national community. At the local elections very many foreign nationals are entitled to vote. Understandably many do not vote as they are not familiar with the political system or the candidates. There is a danger that their voting cards might be used by another person. He said after the 2009 Local Election he was informed of one person who voted many times in the Killarney Electoral Area. The presentation of photographic evidence of identity should be a prerequisite for each individual voter.

Cllr. B. Cronin SECONDED this motion. It is appropriate to require the need for photographic evidence so staff working at the polling booth can verify the identity of the person presenting to vote. This is a very simple and appropriate way to deal with this issue. He requested that a letter issue to the Minister.

2. Parking at the Audiologist Clinic at HSE Office, Edward St, Tralee

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

“That we request the HSE South to provide adequate parking for families bringing elderly and infirm patients to the Audiologist clinic at HSE offices Edward St, Tralee as the current situation is extremely difficult and unsatisfactory sometimes requiring two people with the patient.”

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. B. Cronin said he has had contact from families of elderly patients regarding this matter. He said he wrote to the HSE and they informed him that it is their intention to move the Audiologist Clinic into the Kerry General Hospital complex when the new Accident and Emergency Department is completed. The current situation is a huge issue for elderly people and people dropping them off at the clinic. Enable Ireland has an office adjacent to the HSE office and there are three identified parking spaces for both premises. He requested that a letter issue to Tralee Town Council requesting the provision of more parking spaces for the disabled in this area.

Cllr. M. Gleeson SECONDED this motion.

3. Publication of Live Register Figures for Castleisland

Pursuant to Notice duly given, Cllr. B. O'Connell PROPOSED:-

“That Kerry County Council would ask the Department of Social Protection to publish the Live Register figures for Castleisland separately as with every other town in the County.”

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. B. O'Connell said unemployment figures are provided for the towns of Kerry with the exception of Castleisland. The largest employer in the town, employing 108 people, has closed recently. Surely any agency allocating jobs will check the unemployment figures. It is a disgrace to suggest that there is no unemployment in Castleisland. The unemployment figures for Castleisland are being combined with Tralee. Any jobs in the town are created by indigenous employers. The unemployment figures for Castleisland should be provided separately.

Cllr. D. Healy-Rae supported the motion. It is unfair for a large business town like Castleisland not to be treated the same as the rest of the towns. There are a lot of facilities in Castleisland that other towns do not have. The unemployment figures will have to be provided separately for the town of Castleisland.

4. Wind Energy Policy

Pursuant to Notice duly given, Cllr. L. Purtill PROPOSED:-

“That Kerry County Council would formulate a definitive policy on all aspects of wind energy.”

The following report issued:

The Planning Department of Kerry County Council is presently preparing a draft policy document on Renewable Energy and this will include a policy on Wind Energy.

It is hoped to have the Wind Energy element of the draft completed by early September.

Cllr. L. Purtill said we are all aware of the importance of wind energy. Kerry County Council was the first Local Authority to draw up a Wind Development Strategy. This has served the county well and has acted as a guide for both planners and developers. However, major uncertainty and lack of clarity seems to be emerging recently where wind farm developers are being encouraged to apply for planning permission and then being refused. This is a source of concern for both local communities, who are opposed to having turbines near their houses, and wind farm promoters who after investing considerable sums of money ongoing throughout the planning process, including planning fees, etc. and then get a refusal of planning permission. Kerry, through its wind farms on Stacks Mountain, Beale and Kilgarvan is producing a large percentage of the wind energy in this country. There are now restrictions on Stacks Mountain because of the “views and prospects” provision in the County Development Plan and other provisions in the plan. It is now time to review our policy on wind – should we designate more preferred areas or should we continue to restrict planning to the existing area. Whatever is decided it is important that there is clarity for all concerned.

Cllr. J. Finucane SECONDED this motion.

5. Re-branding of KEAT (Kerry Enterprise Action Team)

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

“That Kerry County Council would reinstitute or re-brand KEAT (Kerry Enterprise Action Team) to Kerry Economic Development Unit and seek to establish a one-stop shop location with Enterprise Ireland.”

The following report issued:

It is felt that there would be no issue with the renaming of KEAT to the Kerry Economic Development Unit and this proposal will be put to the members of KEAT at its next meeting on 23rd June, 2011. KEAT is a body made up of representatives from agencies responsible for job creation and support. It does not have a dedicated office. The question of co-locating the County Enterprise Board and Enterprise Ireland office was considered when Enterprise Ireland opened its office in Denny Street, Tralee, but at that time it was considered to be cost prohibitive from an office rental viewpoint. The future of County Enterprise Boards and their reporting relationships are being reviewed by Government at present, and it would be premature to consider any relocation until this review is completed.

Cllr. J. Finucane said County Offaly and County Louth have Economic Development Units in place. The name – KEAT (Kerry Enterprise Action Team) – is not very attractive. There are six development agencies acting within the county at present. None of these agencies are doing work which Kerry County Council could not do itself. He said he is encouraged by the present Minister who is reviewing the work of these agencies to streamline the work they do. Encouraging small and medium enterprise must be central to our approach in County Kerry and the County Enterprise Board, through KEAT, should be the spearhead of economic development. The IDA has brought one itinerary to the country so far this year. No itinerary came to County Kerry. There are people within these agencies whose sole function is to promote the industry as a region. Certain industries are geared towards Cork and others towards Limerick. On one hand there is IDA policy and on the other with the agencies we have on the ground there is a fragmentation of agencies. There must be a clear focus on what must be done to get industry established. There is a long process of bureaucracy to get an industry established. For someone committed to establishing an industry there are huge challenges. This must be addressed. The link road contract for Tralee has done more for industry than these agencies combined. He welcomed the reply to the Notice of Motion. Enterprise Ireland has an office down town in Tralee. The County Enterprise Board has an office at Rathass which is located up a flight of stairs and is unsuitable. He said these offices should be located together and he believes this could be accommodated. The county and country must start being effective with regard to economic development.

6. Rates on Commercial Properties

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

“That Kerry County Council would immediately call on the Government and the Valuation Office to revisit the issue of rates on commercial properties as it is having a devastating effect on small businesses in the County.”

The following report issued:

Rates continue to be a significant local source of income for local authorities including this council. If there were to be any recasting of the valuation base, an alternative source of income would need to be put in place. As it is, local authorities are very much stretched financially. That financial challenge will grow even further in the coming years in view of the requirements for improved water services, in particular.

Cllr. M. Cahill thanked the executive for the report and said he fully realises that the income from rates and is a huge part of the funding mechanism for the Local Authority. Many small businesses have ceased operation this year and last year. Many businesses are paying more for rates than for rent. It is a matter for central government to fund Local Authorities and Local Authorities should be seen to be pro-business. He said he is aware of a number of businesses whereby any savings the owner had has gone into the business to pay rates and other bills. He acknowledged that Councils do deal with businesses on a case by case basis and try to help, however, there is a need to revisit this area. He requested that a letter issue to the Valuation Office.

Cllr. B. O'Connell said rates are a heavy burden but this income is the principal source of income to Kerry County Council to run the organisation on a daily basis. 12% of the county is paying rates. It would be very helpful if the burden could be shared and other sources of income found. The Head of Finance and staff of the Finance Department have been very helpful and lenient when it is called for. Rates are a deterrent to people going into business.

7. Invitation for Royal Visit

Pursuant to Notice duly given, Cllr. N. Foley PROPOSED:-

"Given the huge success of the recent Royal Visit, I propose that this Local Authority, on behalf of the people of Kerry, extend an invitation to Prince William and his wife, Catherine to include the Kingdom of Kerry as part of any proposed future trip."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. N. Foley said she is aware that the Killarney Electoral Area has indicated its willingness to issue a similar invitation. Given the huge economic, political and tourism success of the royal visit and that Kerry is the tourism capital of the country along with the disappointment that the itinerary for the recent royal visit did not include Kerry it would be hugely appropriate on behalf of the entire county to issue a formal invitation to Prince William and his wife Catherine to visit Kerry. A scroll of invitation including a DVD of the county pointing out the highlights of the county, scenic and cultural could be issued.

Cllr. J. Brassil **SECONDED** this motion. It would be a huge economic benefit to the county to issue this invitation.

Cllr. D. Healy-Rae said he understands that an invitation has already issued as he had a similar motion at a Killarney Electoral Area meeting. This is a great opportunity to be proactive and invite people to the county.

8. Grants for works to update Septic Tanks

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

"To ask members of Kerry County Council to write to the Minister for Environment, Community & Local Government to provide grants to homeowners (similar to home energy saving scheme) for works to update septic tanks. If approved, such a scheme/programme would provide badly needed employment in rural areas."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. M. O'Shea said there was a recent announcement by Minister Hogan regarding a charge to be imposed on septic tanks which are not compliant with EPA standards. There was an article in yesterday's newspapers regarding the middle earners being hit with stealth tax. The new charge will hit people who built their houses in compliance with planning regulations and will most likely get a charge now in respect of their septic tanks. Many homeowners will not have the capacity or area on their property to make changes to their septic tank. A grant scheme should be established to assist people. Many people will not be able to

afford this burden. The Council must make every effort with the Minister. It may require a deputation to the Minister to explain our point of view and he may allow some form of grant scheme for the many thousands of homeowners around this county.

Cllr. J.J. Culloty SECONDED this motion.

Cllr. B. Cronin supported the motion and said since 2007 he had tabled similar motions. This matter was discussed in detail at the Environment SPC meetings. It will be a huge problem for people. Many people got their planning permission and built their septic tanks as was legally required. There are hundreds of septic tanks which are working properly. The EPA are determining the quality of septic tanks now and the likelihood is that households will have to be registered and examined by a suitably qualified assessor. He said he sought a grant aid scheme previously. There is proof out there that a grant aid scheme works. The water quality has improved immensely since the Farm Waste Management Scheme took place. There are three categories of septic tanks. Those that are working properly, those that would require minor works and those that are in serious problems. Some people may need to replace the whole tank for up to €8,000. There are families who will not have the wherewithal to do this work. He said he would attend a deputation as Chair of the Environment SPC if a Grant Aid Scheme can be delivered which would entice the householder and create employment. There are positives all around with a grant scheme, all it needs is the initiative.

Cllr. D. Healy-Rae asked how it can be said that the county's ground water is below standard. He said if there is any proof of this he is not aware of it. He asked where this information is coming from.

Mr. O. Ring, Director of Environment and Water Services, said he advised elected members previously regarding difficulties with ground water and presented a report to Council. There are not too many monitoring locations for ground water in Kerry. Generally the reports on groundwater are covered by four headings. In the category of E-coli Kerry is in difficulty in each of the monitoring locations. There are a limited number of bore holes and monitoring points in Kerry and they are in the worst places possible. There is proof that there is ground water infected with e-coli. A study was conducted on the effect of septic tanks on Lough Leane. A number of the septic tanks examined were faulty and had to be contributing to the pollution. There is no shortage of proof in Kerry, as there is throughout the country, that ground water is being contaminated and that is why the EU is taking a case against Ireland and the Department of the Environment, Community & Local Government are responding to that. In Kerry the difficulty is not ground water with septic tanks but surface water which is going over land and going into streams. There are badly functioning septic tanks throughout the county.

Cllr. D. Healy-Rae asked if there continues to be a problem in Lough Leane.

Mr. O. Ring said his recollection is that 12% of the pollution entering Lough Leane was from septic tanks. Farming practices and forestry farming practices have improved.

Cllr. J.J. Culloty said in the last number of years the procedure for percolation has vastly improved because an engineer has had to verify that the percolation will comply with required standards. He said he cannot understand how the figures would be going up.

Cllr. M. O'Shea thanked the elected members for supporting the motion. The Department of the Environment have a lot to answer for. The Water Services Department spend their funding well and it is unfair of the Department of the Environment to affect the small householder first. Right across this country there are villages and towns with untreated effluent going into the sea. This should be addressed first.

Mr. O. Ring said it is true to say septic tanks in new houses are of a high standard, but there is a huge historic problem which is getting worse every year. A huge amount of investment has gone into Waste Water Treatment Plants in the county. Waste Water Treatment Plants and networks are being licensed by the EPA as a result of an EU Directive.

9. Funding for the Kenmare to Bonane Road (N71)

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

"That Kerry County Council request the National Roads Authority to allocate substantial funding for the Kenmare to Bonane road (N71), this premier tourist route linking Kerry with West Cork is in great need of improvement."

The following report issued:

Between 2004 and 2008 Kerry County Council received €3 million in funding from the NRA to carry out improvement works on the N71 Kenmare to Bonane Road. This funding is provided under the National Secondary Pavement & Minor Improvement Works Scheme and projects to be funded are prioritized by the NRA, having consulted with Kerry County Council.

It is acknowledged that some sections of this route have deteriorated significantly in the past 6 months, primarily due to the severe weather experienced in the past winter. It is proposed to include these sections of the route for funding in our submission to the NRA for 2012.

Cllr. P. Connor-Scarteen said the N71 is a premier tourist route and welcomed reply to the Notice of Motion. There are sections of the road in a terrible state. He was glad that a letter will issue to the NRA and hopes funding will be received in 2012 to repair the road.

Cllr. J. Sheahan supported the motion and said this road is in a very bad state. It is a bad advertisement for people travelling to the county. He requested that contact be made with the NRA for funding to upgrade this very important route into the county.

10. HSE Response to high level of Suicide in Kerry

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

"That Kerry County Council would ask the HSE, have they any plans in place, to provide a response to the high level of suicide in Kerry? As the Mental Health Suicide Resource Officer, who covered this area, has been withdrawn since December last, it is imperative that this issue would be addressed as soon as possible."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. J.J. Culloty called on the HSE to reverse the decision to withdraw the Mental Health Suicide Resource Officer from this area. The Health Centre in Gneeveguilla was closed because a facility was to open in Rathmore. There is a disconnection with the HSE. He called on the elected members to support this Notice of Motion and requested that a letter issue to the HSE asking them to advise Kerry County Council of any future plans.

Cllr. M. Gleeson supported this motion. Having attended the funeral of a teenager who died by suicide recently he said he is well aware that young people need support and they need to know that support is there. They need to know that somebody really cares for them at those critical times when they are in trouble. A little bit of support and commitment could change what could be a disaster.

11. Funding for Small Businesses and Sole Traders

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

"That we the Members of Kerry County Council ask the Government to authorise the AIB and Bank of Ireland to release funding to small businesses and sole traders who are now completely crippled without cashflow and to condemn these banks who in recent times have halved their overdraft facilities to many customers."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. D. Healy-Rae said many people have been called in by banks to be told that their overdraft facilities have been halved and they must operate in more difficult circumstances than they did before. Many small shops who previously got mid-term loans are having difficulty even getting short-term loans to buy their stock for the season. It is unfortunate that these people are struggling, especially if they are trying to employ people. Banks must give small businesses loans. Kerry County Council must add its voice to the call to keep businesses operating. He requested that a letter issue to the government to insist that banks provide credit.

All members supported this motion.

12. Upgrading the road through Kilgarvan Village

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

"To ask Kerry County Council and the NRA to provide funding to upgrade the road through Kilgarvan Village as there are very bad patches in the road."

The following report issued:

Kilgarvan Village is included on the 3 Year Restoration Improvement Programme and is scheduled to receive €156,000 in 2013. The condition of the road through the village will be monitored and necessary repairs required in the interim will be carried out under normal maintenance.

Cllr. J. Healy-Rae thanked the executive for the reply and said this road is in a terrible condition as the gully is flooding.

Cllr. P. Connor-Scarteen **SECONDED** and supported this motion.

Cllr. D. Healy-Rae supported the motion and said something must be done with this stretch of road.

13. Funding for Kilcummin Sewerage Scheme

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

“That Kerry County Council contact the Department of the Environment with a view of securing funding for the Kilcummin Sewerage Scheme.”

The following report issued:

Funding for water and sewerage schemes is obtained from the DoECLG by way of the Department’s Water Services Investment Programme. This programme is compiled by the Department based on the Assessment of Needs submitted to them by Local Authorities. Kerry County Council submitted its Assessment in 2009 and some of the schemes proposed were included in the Investment Programme 2010-2012 for Kerry. One of the schemes that was successful is Kilcummin Sewerage Scheme which has been included in the current Investment Programme as a “scheme at planning”.

This implies that funding may be made available to proceed with a contract on the scheme in the next Investment Programme but unfortunately, no funding has been made available for works on the ground in the current funding allocation. The Council will continue to promote Kilcummin Sewerage Scheme as a scheme to go to construction under the next Investment Programme.

Cllr. J. Sheahan thanked the executive for the report and said residents of Kilcummin keep asking for an update. He said he wants to keep this on the agenda and called once again on Water Services to keep pursuing this and to do everything possible to collect funding for the Sewerage Scheme. The issues are well documented. The roads are a major issue in this area. Many of the homeowners are very annoyed.

Cllr. M. Gleeson supported the motion and Cllr. Sheahan’s comments and said never has there been so much toing and froing of communication and looking for adjustments. A discussion was held regarding septic tanks and their potential to do damage. In one of the most recent readjustments of the Kilcummin Scheme the Department are suggesting making it a compact unit in the village and connecting it to Killarney. He asked that in conjunction with this motion the Department would be requested to fund this scheme.

Cllr. B. Cronin said based on the assessment procedure that has to be gone through the application is now back to the position it was at in 2005 with the contract being signed for Kilcummin. It is critical that this scheme is kept at the top of the table. He supported the members' comments but Departmental support is required.

14. Macroom to Ballyvourney Relief Road

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

"As An Bord Pleanála has approved the construction of the Macroom to Ballyvourney relief road, that this Council calls on the NRA to commence the construction with all due haste. This long-awaited development is vital for the economic well-being of County Kerry."

The following report issued:

An application for a judicial review on the planning process of this project has been submitted to the High Court for adjudication. The High Court ruling will have an impact on the advancement of the scheme. This motion is premature pending the High Court Decision.

Cllr. M. Gleeson said a good quality road from Cork to Killarney is critical. The Cork/Swansea ferry is carrying many cars into Cork but they do not venture into Kerry because of the poor road. The road is in a deplorable state and people are travelling that road on a daily/weekly basis for hospital treatment. Peripherality is an issue for Kerry and something must be done to progress this route.

Cllr. D. Healy-Rae supported this motion and said he previously went on a deputation to the NRA and highlighted this project at that meeting. This project was held up by environmentalists. It is unfortunate this road is still not upgraded for people who are travelling daily for life saving treatments in hospital. This is a very important motion and should be supported by all members.

15. Underage Drinking in Killarney at Weekends

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

"That this Council through the Joint Policing Board examine the increasing problem in Killarney Town of underage drinking at weekends and in particular how teenagers are gaining access to alcohol and to examine proposals to address this serious problem."

The following report issued:

This matter has recently been discussed at the Killarney Town Joint Policing Committee meeting wherein it was pointed out by the Gardaí that there are a number of aspects to this matter. Young people, it was pointed out by the Garda representative at the meeting, are perfectly entitled to go into Killarney town to meet and recreate with friends. The problem arises when anti social behaviour occurs as it does in many towns, unfortunately, in our county. The matter is listed for discussion again at the next JPC meeting.

The terms of reference of the Kerry County Joint Policing Committee provide for its consideration of matters in the administrative area of the County Council only. If this matter relates specifically to Killarney Town we can refer the matter to the Killarney Town Joint Policing Committee for their consideration.

Cllr. B. Cronin thanked the executive for the reply and acknowledged the response from the JPC. He said these concerns were brought to his attention by concerned parents of young teenagers. Young people are entitled to meet and recreate, that is not the issue. The issue that has been identified is the consumption and accessibility to alcohol to very young teenagers and the consequences after the consumption of such. There are no recreational facilities for young people. There is a huge lack of facilities for them. He asked that this matter be referred to the JPC for examination. Recreational facilities for teens of 13 to 16 years old must be developed. There is also a need for more visual foot patrols from the Gardaí.

Cllr. J. Finucane said there is an identical situation in Tralee. There is a KDYS in the county and it is a major facility in Tralee town. He requested that a letter issue to the KDYS requesting a listing of the services they provide. This service seems to be focused on one or two groups which is subsequently subsidised by the state. It is not good enough that this organisation which is being funded by the state is not providing facilities for all teenagers. Parents require that when their children go out that they are safe and have somewhere to go.

Cllr. P. Connor-Scarteen said as of today the Oireachtas Members have been ratified. This will be listed on the agenda for the JPC meeting.

Cllr. D. Healy-Rae said the Killarney vintners are highly regulated and young people will not get access to alcohol and will not be allowed into premises.

16. Impact of Increases in Fuel Costs on Local Authority Tenants

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

“To ask the Housing Department for a report on the impact which the huge increases in fuel costs have had on local authority tenants.”

The following report issued:

The matter of fuel poverty and the effect of the increasing cost of heating a tenant's home from a diminishing household budget is something which the Housing Directorate is acutely aware of. 71% of our tenants have social welfare as their only source of income and the reduction in social welfare rates in the Budget in December 2010 has had an impact on this area. Kerry County Council is striving to increase the energy efficiency of our dwellings on an annual basis and last year we upgraded 97 dwellings with increased insulation and energy efficiency improvements. We are continuing this programme, all be it, within a reduced funding programme. As previously indicated, this work will save a tenant between €1,700 and €2,700 on fuel bills per annum depending on the particular dwelling type.

Home heating oil has increased by 168% in the past 18 months, which is having an impact generally and not solely on local authority tenants. Our tenant liaison officer responded to this increase by contacting some of the local oil suppliers who have agreed to put budget payment plans in place and spread the cost of home heating oil across the year. The majority of our units are heated using solid fuel and despite the rise and projected future rises in the price of home heating oil, we continue to receive a substantial number of applications each year for conversion to an oil fuelled heating system in our dwellings.

We will continue to work closely with our tenants and fuel suppliers to assist in any way to ensure that tenants are not suffering fuel poverty in the coming winter.

Cllr. M. Cahill thanked the executive for the reply and said the increases in fuel prices is affecting everyone. ¾ of Local Authority tenants are on social welfare. Indications are there will be further increases in the cost of fuel. The minimum requirement for a fuel purchase is €200 and unfortunately many people cannot afford that. There is a need for the government to step in and introduce a scheme that would assist. It can only be hoped that fuel prices will reduce.

17. Bond from the Developers of Coolfadda Estate, Castleisland

Pursuant to Notice duly given, Cllr. B. O'Connell PROPOSED:-

"Due to the ongoing problems experienced by the residents of the Coolfadda Estates in Castleisland in relation to sewerage, lighting, footpaths roads etc, that Kerry County Council now call in the Bond from the developers."

The following report issued:

The Housing Department and the Estates Unit Planning Department have been working on the issues outstanding on this Estate for the last number of months.

Members will be aware that Coolfadda Developers Ltd., are in official liquidation and in receivership. Grant Thornton, Corporate Finance Ltd., have been appointed Official Liquidators. Clúid Housing Association, through voluntary housing funding being provided through Kerry County Council, purchased 13 houses in Cahereens West and payment was made to the Developer for 8. However, there were works on the other five houses outstanding, so payment for those was withheld by the Housing Department.

The main works on the estate which need attention are the replacement of a sewage pump, street lighting, completion of road and some landscaping works. The Planning Department are in receipt of correspondence from Grant Thornton's, Official Liquidator stating that once the sale of the five houses to Clúid are completed, funds will then be allocated to bring all services up to standard. Up to Wednesday last week June 15th, 2011, Clúid were not in a position to sign off on the works outstanding on the houses.

However, the Planning Department have now received confirmation from the Clúid Development Officer that he is in a position to confirm completion of all of the outstanding works. Correspondence has issued to Grant Thornton to confirm same. The Planning Department are now in a position to seek the completion of all the outstanding infrastructural works on the Estate and these will be funded from the proceeds of the sale of the five houses.

There is a bond in place for the development, however, at this stage it is felt that a speedier resolution can be progressed through working with the Liquidator and spending the proceeds from the sales on the outstanding works.

Cllr. B. O'Connell said this estate in Castleisland town has 60 houses. There are serious problems there regarding the sewerage. When that system breaks down

there was no backup pump and as a result sewerage is pumping onto areas where children were playing. He thanked Kerry County Council for the work that they did to date and asked when it is hoped the remaining works will be resolved.

Mr. M. McMahon, Director of Planning, said he appreciates that this matter has gone on longer than anticipated and appreciates that the elected members have been very patient as have the residents. Outstanding items to be addressed are being agreed with the developer and once these works are carried out the sale of the houses can be completed.

Cllr. B. Cronin supported the motion and said as a new, modern development it has gone through a terrible saga. It is positive that there is a positive resolution in sight to a difficult scenario.

18. Website with details of Job Opportunities for Emigrants

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

“That Kerry County Council in conjunction with all other public bodies in the County along with the key companies in the private sector would initiate a website which would give details of any job opportunities and developments in the County and so enable young emigrants to monitor key points of interest.”

The following report issued:

The Community & Enterprise Directorate will examine whether such a website could be established as part of the County Development Board website. It would require a buy-in from all companies in Kerry who are recruiting to make their recruitment advertisements available for posting on the website.

A number of such initiatives to advertise positions available in the County are presently underway. For example Radio Kerry are presently running a ‘Keep Kerry Working’ initiative which broadcasts positions available in the County on a daily basis.

The Agencies who are members of the County Development Board will also be contacted to encourage their support for this initiative although it is mainly private industry that will need to be brought on board to make this initiative successful.

Cllr. J. Finucane said immigration itself is sad for families. People that are forced to immigrate are bitter and disappointed with what has happened in the country. A website should be developed, starting with public bodies, and any positive developments in the country advertised on it. It could then be used as a promotional tool. A focal point is required for young immigrants who have left this country and who have very angry notions of the country. This is something practical that would allow people to keep in touch with any positive developments in the county. There is an opportunity here to develop one website for Kerry which people can log onto. We were dependent on immigrants returning with skills during the ‘celtic tiger’ era. It would be a public service type website and also an opportunity to promote a recovery and energy to these people that there would be opportunities for them in the future.

19. Insufficient Staffing in the HSE Medical Cards Appeal Office

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

"That Kerry County Council write to the HSE regarding insufficient staffing in the HSE Medical Cards Appeal Office in Mallow, Cork. The office covers Cork and Kerry."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. M. O'Shea requested that a letter issue to the HSE and that members of the Health Forum would raise this at their next meeting. It is next to impossible to get through to this office as they have only two officers. One clerical assistant is dealing with 6,500 appeals. The service that they are providing is one that has limited times during which you can get through to the office. This must be raised with the HSE. Constituents across the county have concerns and want to know the outcome of their application. Staff numbers in this office must be increased.

Cllr. J. Brassil SECONDED this motion.

20. Construction of a Ramp at entrance to Killarney Community Hospital

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

"That Kerry County Council would call on the HSE to construct a ramp at the main entrance to Killarney Community Hospital. This ramp would be of great benefit and inexpensive to construct."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. J. J. Culloty said a simple ramp is required outside the hospital. He called on the elected members to support this motion.

Cllr. B. Cronin SECONDED the motion.

21. Transfer of Effluent from North Kerry Landfill to Castleisland Treatment Plant

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

"To ask the Department of the Environment and Kerry County Council to explain the fairness in their decision to bring the effluent from the Muingnaminnane refuse dump to the Castleisland Treatment Plant even though the residents of College Road, Tullig and the Brosna Road have sought for many years to be connected to the public sewer and treatment plant."

The following report issued:

The proposal to pipe the leachate from the North Kerry Landfill (NKL) to the Castleisland Waste Water Treatment Plant is being made for good economic reasons. The leachate is currently brought by road tanker to the Tralee Waste Water Treatment Plant for treatment at a cost of approximately €200,000 a year. Leachate will continue to be produced by the NKL during its operational phase and during the 30 year aftercare phase and the associated costs must be minimised. The proposed pipeline will completely eliminate the need for road transport and will have a payback period of about six years.

Proposals for sewerage the College and Brosna Roads were included by Kerry County Council in the Castleisland Sewerage Scheme Phase II works which were submitted to the Department as part of the Assessment of Needs in 2009. However, these works were not included in the current Water Services Investment Programme 2010-2012, either for planning or construction, and there is therefore no realistic prospect of the works proceeding in the short to medium term.

Cllr. D. Healy-Rae thanked the executive for the reply and said he can see the need for laying the pipe and bringing it to the treatment plant. He said he was asked why this pipe had to be brought to Castleisland. The answer is that it is the most feasible and less expensive way to deal with this. He said people in College Road have contacted him regarding problems with their septic tanks. 2009 was a bad year and some residents had to empty their septic tanks many times. The reply issued at that time was that the Treatment Plant in Castleisland did not have the capacity to accept this waste. People are now asking how this plant has capacity to take the leachate that is being brought from the North Kerry Landfill. Residents in Castleisland are waiting for a long time to connect to the sewer. This is a serious problem for them. He asked that Kerry County Council progress the proposal to expand the facility in Castleisland to incorporate a facility for these residents to connect to the sewer as soon as possible.

Cllr. B. O'Connell said staff from the Environment Department visited Castleisland. A Part 8 is required for the pipeline to transport the leachate. There are concerns regarding piping the leachate in front of the school.

Mr. O. Ring, Director of Water Services, said the proposal to lay this pipe is out for Part 8 consultation at present. The leachate that will be transported through the pipe is dilute. The leachate used to be carried by tanker without any problems. It would be a lot safer to take it off the road and travel by pipe. There is no issue regarding the capacity of the Waste Water Treatment Plant. The issue is that there is not a sewer. He said that is a capital investment sewer and the Water Services Department has been applying to the Department for funding as long as he has been in Water Services. Pipes are required there for foul sewer.

Cllr. B. O'Connell asked if it would be a shorter distance to pipe the leachate to Tralee.

Mr. O. Ring said the pipeline to Castleisland is shorter.

22. Condition of Valentia Bridge

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

"To ask Kerry County Council to inspect and prepare a report on the condition of Valentia Bridge and to seek any necessary funding from the NRA for improvement works if required."

The following report issued:

In 2002, Kerry County Council employed Consulting Engineers Malachy Walsh and Partners to carry out a Summary Inspection Report on this Bridge, which is known as "The Maurice O'Neill Memorial Bridge". This report included the entire structure, as well as the approach causeways and guide jetty. In 2007 a further "Report on the Opening Mechanism" was prepared. As Kerry Council

County intended seeking funding under the Specific Improvement Grant Programme a detailed report on the Refurbishment of the Mechanical and Electrical System of the bridge was prepared in 2008. The estimated cost of these improvements at that time was €550,000. In 2009, Kerry County Council sought an allocation of €250,000 under the Specific Improvement Grant Programme. Unfortunately, no funding was allocated. Members will be aware that the level of funding provided in 2011, under the Specific Improvement Grant Programme, (€1.86 million) is substantially less than previous years (€4.75 m in 2008, €2.649m in 2009 & €2.55 m in 2010). Some of the funding provided in 2011, is committed on previously completed projects, such as the Gaddagh & Ballingar Bridges, where the Council is carrying a debit balance on these accounts. Given the demands for funding and the level of funding that we anticipate as being available, it is unlikely that funding will be available for this project in the immediate future.

Cllr. J. Healy-Rae asked what was the result of the report in 2002, 2007 and 2008 and how bad a state is the bridge in. How long more will it be before something has to be done? Is the bridge in any danger in any way?

Cllr. P. O'Donoghue said there have been many Notices of Motion about this particular issue. He said he understands funding was received and subsequently withdrawn. Members were then advised that because of the withdrawal of funds this bridge would be prioritised. This reply did not give that indication. The delay with work on this bridge is hampering marine tourism and commercial fishing. There was a clear commitment that work on this bridge would be prioritised.

Mr. C. O'Sullivan, Director of Roads and Transportation, said Cllr. O'Donoghue had Notices of Motion on this issue previously. The structural capacity of the bridge was satisfactory. The residents want the opening mechanism working to facilitate marine tourism. Funding was reduced in the 2009 supplementary budget. He said he was not saying funding has been transferred to the two bridges. The issue is that the Council sets out a number of projects under the Specific Improvement Grant Scheme and they go out to contract. There are a lot of projects which require funding under the Specific Improvement Grant Scheme.

Cllr. J. Healy-Rae said he appreciates that there are a lot of projects which require funding but he asked that Valentia Bridge would be prioritised. He asked for a copy of the report that was referred to the reply to the Notice of Motion. He asked what is wrong with the bridge.

Mr. C. O'Sullivan said the opening mechanism hydraulics on the bridge are not working. He said Cllr. Healy-Rae will be provided with a copy of the report.

23. Base for Fire Fighting Helicopter

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

"That this Council contact the Department of Defence with a view of having the fire fighting helicopter based at Cork Airport. It is presently based at Dublin Airport which was found to be too far away when the gorse fires were blazing in Killarney."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. J. Sheahan said he attended a Killarney National Parks Liaison meeting recently. The Regional Manager of the NPWS outlined the concerns and worries they had during the gorse fires and dangers posed to Muckross House itself. A helicopter was requested to provide assistance to fight the fire. The Regional Manager highlighted the risk and the fact that when the assistance of the helicopter was requested it was refused because of the distance from Dublin. Cllr. Sheahan asked if consideration would be given to locating this helicopter in Cork and in order to have access to it should a fire arise. The Chairman of the Muckross Residents Association has drawn up a list of proposals and recommendations whereby there would be preventative measures and an approach which would prevent fires of this nature. He requested that this be circulated to elected members and perhaps it could be adopted in the future.

Cllr. M. Cahill said gorse fires are a problem that will not go away. It is time a scheme was introduced whereby there would be controlled fires. There should be concern about the county's forestry. The Department and Coillte should come together to introduce a scheme for controlled fires. The army may also have a role to play in such instances.

Cllr. D. Healy-Rae said there is no vehicle or fire fighting equipment as effective as a track machine in fighting fire.

Cllr. J. J. Culloty said that the strategy for wild fires referred to by Cllr. Sheahan is very useful. The strategy suggests changing the time of the year for these fires. It is a very practical document. He asked that this document would be considered in great detail.

24. Primary School Transport Scheme

Pursuant to Notice duly given, Cllrs. P.J. Donovan & P. O'Donoghue PROPOSED:-

"That Kerry County Council call on the Minister for Education not to proceed with the proposed changes to the Primary School Transport Scheme which would result in the following:

1. Changes to school transport provision under the "Central/Closed School Rule".
2. Changes in minimum numbers required for the establishment and retention of a service.

Should the changes proceed, then such could have a hugely detrimental if not devastating effect on smaller rural primary schools."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. P.J. Donovan said changes to the school transport system would have a devastating effect. He welcomed the deputation with the Minister on Monday next. He said the outcome of that meeting will be awaited and he wished the deputation well.

Cllr. P. O'Donoghue said the South Kerry Area members attended a meeting some weeks ago regarding the effect of the changes. The Department will be reneging on a commitment whereby if a small school closes they would have school transport. On the basis of school transport being provided parents gave their consent to the school closure. This is a betrayal on the parents and children of rural Ireland. Minimum numbers are required to retain the service. This will

have a huge effect on small schools in rural Ireland. It will be a death knell for many small schools. He requested that a letter issue to the Minister regarding the effect this would have on small rural schools.

Cllr. B. Cronin said he tabled this motion in April and as a result a deputation is meeting with Minister Cannon on Monday next. He agreed with the comments of the previous speakers. This decision was passed via the pre-election budget. He said he wanted to know from the TDs if they read the document that was considered before the Dáil voted and knew what was contained in it. He said Deputy O'Donoghue has said he did not read it but did vote for it. This will have devastating consequences across rural Ireland.

Cllr. M. Cahill supported the motion. It would have a huge negative effect and there is great concern amongst families.

25. LNG Project in Tarbert/Ballylongford

Pursuant to Notice duly given, Cllrs. J. Finucane/L. Purtill PROPOSED:-

"That Kerry County Council, in conjunction with the Minister, would direct the Energy Regulator not to place any further impediments to the development of the LNG Project in Tarbert/Ballylongford."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. L. Purtill said while he recognises that the Commissioner for Energy Regulation is independent, he feels that this Council should be entitled to make an observation on the present consultation that is ongoing between the CER, LNG, the Corrib Gas Field and other bodies. This concern is that when both LNG and Corrib are up and running and providing gas to the Irish public that a levy will be imposed on them to pay for the transport of gas from the UK via the interconnector – LNG have stated clearly that they will not pay for a facility that they will not be using. If an unacceptable tariff is imposed on LNG it could jeopardise the project. He suggested that Kerry County Council should make an observation to the Regulator. He requested that a deputation would meet with Richard Bruton and Pat Rabbitt.

Cllr. J. Finucane **SECONDED** this motion. This project is one of the most significant projects going through the system for the last number of years. It has potential to create a significant amount of employment. A number of people are employed in an office in Listowel. It took 11 months to get an offshore licence and now there is an issue with the Energy Regulator. The message being sent out to businesses is that if you are through one process without any prior knowledge you will get caught up in another process. The state must look at how it does business.

Cllr. J. Brassil said Shannon Development met with Richard Bruton, Pat Rabbitt and Michael Noonan regarding this issue and coming up with the right decision. Shannon Development made a submission to the Regulator on this. It is of extreme importance. A press release was issued on 13th June which states "Shannon LNG are withdrawing proposals from the Massachusetts project. Due to unfavourable economics for liquefied natural gas in the New England region have prompted it to withdraw applications with Federal and State Agencies for the Weaver's Cove LNG project in Fall River, Massachusetts. Hess LNG will focus its

efforts on more viable projects elsewhere. The company will concentrate in the near term on its other LNG projects including Shannon, Ireland.” This company can make a decision like this because of world economic conditions. This decision by the Regulator will decide whether the Shannon LNG project goes ahead or not. Everything possible must be done to get this through.

Mr. G. O’Brien, Meetings Administrator, asked which Councillors will attend the deputation requested.

It was unanimously agreed that Councillors Purtill, Finucane, Brassil, Buckley and Leahy would attend this deputation.

26. PSO Contract for the Dublin to Kerry Flights

Pursuant to Notice duly given, Cllrs. M. Cahill & J.J. Culloty PROPOSED:-

“That Kerry County Council would call on the three Munster MEPs, Sean Kelly, Brian Crowley and Alan Kelly and Commissioner Máire Geoghegan-Quinn to ensure that the PSO contract for the Dublin to Kerry flights is awarded as soon as possible.”

Mr. G. O’Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. M. Cahill said access is a huge issue for Kerry. There was a Notice of Motion earlier regarding the Cork/Kerry Road. The PSO contract for the Dublin to Kerry flights must be addressed. He requested that a letter also issue to the Minister for Transport.

Cllr. J.J. Culloty **SECONDED** this motion.

Cllr. J. Finucane said the support of the Minister for Transport would be welcomed and he understands the decision will be made by October.

27. Parking in Kenmare

Cllr. J. Sheahan moved this motion on behalf of Cllrs. P. Connor-Scarteen & J. Healy-Rae

Pursuant to Notice duly given, Cllrs. P. Connor-Scarteen & J. Healy-Rae PROPOSED:-

“That Kerry County Council change the two hour parking in Kenmare to three hour parking.”

The following report issued:

The parking limit of 2 hour’s on Henry Street, Shelbourne Street, Main Street and The Square has been in place since 2000, and was progressed initially at the request of the Chamber of Commerce. All other areas of the town are not affected by these parking restrictions.

The adoption of 2 hours as being the time limit for on street parking in these central locations was an economic decision, to encourage turnover of parking spaces and facilitate people in carrying out business in the town.

Historically, it has been proven in studies in many towns, where such restrictions are not imposed, the parking spaces tend to be occupied by others, such as office staff and employees, who would be arriving into the town in advance of the opening time of most businesses. This limit is

considered to be ample time to facilitate the needs of the majority of customers of local businesses in Kenmare.

The Council has provided a number of long term car parks within reasonable walking distance of the town centre, to facilitate those who require longer term stays.

The Council acknowledges that there is a need for additional parking in Kenmare, particularly during the peak tourist season but we have been unsuccessful in identifying suitable lands at a reasonable price. It is an objective of the Kenmare Local Area Plan to provide additional parking in the town. However, the Council is constrained by a lack of funding and proposals brought to the Transport SPC, to identify a source of funding through paid parking, has not received favourable support from the local members.

11.06.20.23 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. O'Connell, it was agreed to authorise the attendance of Cllr. A. McEllistrim at the New Dáil Seminar 'Exploring the make-up of the 31st Dáil' to be held in Dublin on 28th June, 2011.

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

- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J. Sheahan, it was agreed to authorise the attendance of Cllrs. P. McCarthy, S. Fitzgerald, L. Purtill, B. O'Connell, M. Griffin, J. Sheahan, P.J. Donovan, P. Connor-Scarteen, R. Beasley, J. Brassil, T. Buckley, N. Foley, B. Cronin, M. O'Shea, J. Finucane, J.J. Culloty and P. Leahy at the MacGill Summer School 2011 on the theme "Transforming Ireland 2011-2016 – the First Hundred Days, the Next Five Years" to be held in Glenties, Co. Donegal, from 24th - 29th July, 2011.

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

- (c) On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. J. Finucane, it was agreed to authorise the attendance of Mayor P. Leahy at an Extraordinary General Meeting of IPBMI Ltd. held in Dublin on 16th June, 2011.

Cllr. J. Brassil said only two conferences were listed on the agenda for this month.

Mr. G. O'Brien, Meetings Administrator, said Kerry County Council adopted a Training and Development Programme earlier this year. Conferences selected must comply with this programme. A number of conferences received are running from Friday evening to Sunday afternoon with only two quality speakers. The selection of conferences is a matter of quality and relevance.

Cllr. J. Finucane said the IPA recently cancelled a conference because of lack of interest. He said he tabled a Notice of Motion some time ago regarding this matter. There are private sector conferences which are atrocious. The IPA should have pressure on them to produce conferences.

11.06.20.24 Correspondence General

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

1. Letter dated 6 May, 2011, from the Minister for Education and Skills regarding Language Support Teachers.

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2. Letter dated 10 May, 2011, from the Minister for Education and Skills regarding Proportional Representation as part of the Leaving Certificate Programme.
3. Letter dated 11 May, 2011, from the Minister for Education and Skills regarding the amalgamation of primary schools.
4. Letter dated 11 May, 2011, from the National Roads Authority (NRA) regarding the proposed N22 Farranfore to Killarney road improvement scheme.
5. Letter dated 11 May, 2011, from the Minister for Health and Children regarding the provision of funding to the Kerry Cancer Group towards the cost of a voluntary bus service for patients.
6. Letter dated 12 May, 2011, from the National Roads Authority (NRA) regarding repair work on the dangerous lag on the N22 at Curraglass, Glenflesk.
7. Letter dated 13 May, 2011, from the National Parks & Wildlife Service (NPWS) regarding the deer situation in County Kerry.
8. Letter dated 13 May, 2011, from Bus Éireann regarding school transport arrangements to primary schools.
9. Letter dated 17 May, 2011, from the HSE South regarding Listowel Community Hospital.
10. Letter dated 18 May, 2011, from the Department of Health and Children regarding the retention of Valentia Island Community Hospital.
11. Letter dated 24 May, 2011, from the Minister for Finance regarding a request that the Government put in place procedures to assist mortgage holders in arrears.
12. Letter dated 25 May, 2011, from the Wild Deer Association of Ireland regarding the deer situation in County Kerry.
13. Letter dated 26 May, 2011, from HSE Kerry regarding the provision of funding to the Kerry Cancer Support Group.
14. Letter dated 30 May, 2011, from HSE Kerry regarding the construction of the new Kenmare Community Hospital.
15. Letter dated 3 June, 2011, from the Commission for Energy Regulation regarding deposits required by domestic customers.
16. Letter dated 7 June, 2011, from the Minister for Education and Skills regarding a building project for Presentation Secondary School, Milltown.
17. Letter dated 10 June, 2011, from the HSE regarding an investigation into issues raised in regard to South Doc Services.
18. E-mail dated 11 May, 2011, from Carlow Town Council regarding a resolution adopted by the authority calling on the Government to abolish the Universal Social Charge.
19. Letter dated 16 May, 2011, from South Tipperary County Council regarding a resolution adopted by the authority calling on the Department of the Environment, Community & Local Government to stop the spending cuts to Community and Voluntary Forums.
20. Letter dated 17 May, 2011, from Ards Borough Council regarding resolution by Thurles Town Council in relation to Constable Ronan Kerr.

Votes of Sympathy

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

- (a) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Tommy Madden.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Paudlie Doolin.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Sheila O'Donoghue.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Tom Wren.
- (e) Cllrs. D. Healy-Rae, J. Healy-Rae, P. Connor-Scarteen and S. Fitzgerald proposed that a vote of sympathy would be extended to the family of the late Johnny Larry O'Sullivan.
- (f) Cllrs. J. Healy-Rae, D. Healy-Rae, P. Connor-Scarteen and S. Fitzgerald proposed that a vote of sympathy would be extended to the family of the late Mary Browne.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Laurence Hickey.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Michael Foley.
- (i) Cllrs. J. Healy-Rae, D. Healy-Rae, P. Connor-Scarteen and S. Fitzgerald proposed that a vote of sympathy would be extended to the family of the late Mary Twomey.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late James Carroll.
- (k) Cllrs. P. Connor-Scarteen and S. Fitzgerald proposed that a vote of sympathy would be extended to the family of the late Jim Fitzgerald.
- (l) Cllrs. P. Connor-Scarteen and S. Fitzgerald proposed that a vote of sympathy would be extended to the family of the late Sean McCarthy.
- (m) Cllrs. M. Gleeson and J.J. Culloty proposed that a vote of sympathy would be extended to the family of the late Hannah Moynihan.
- (n) Cllrs. P. Leahy proposed that a vote of sympathy would be extended to the family of the late Conor O'Mahony.

11.06.20.25 Any Other Business

Irish Public Bodies Mutual Insurances Limited

Cllr. J. Finucane advised that IPBMI is paying back a dividend to the Local Authority. This is the first time ever a dividend is being paid back to the Local Authority.

Service Indicators Results 2010 Report

Cllr. J. Brassil referred to the Service Indicators Report circulated for today's meeting and said he only got to read the report today at lunch time because his computer is broken. There are items in it that report which merit a fairly full debate. For example, 60% of the water produced in Kerry is lost as Unaccounted for Water. This is a frightening statistic as the UFW was only 40% two years ago. It has increased

significantly. Severe weather conditions may have had an impact on that. There are talks of funds being released to deal with the problem. 60% Unaccounted for Water cannot be accepted as it is too expensive to produce water.

The second issue in that report was the time for Re-letting of houses. Previously Kerry County Council was criticised regarding the timeframe. That increased from 8 weeks to 20 weeks. That cannot be accepted either. He said while he accepts there are issues around that everything possible must be done to reduce this timeframe.

The last issue was the amount of days lost through absenteeism to Kerry County Council. It is to be complimented that this figure has reduced from 6% in 2008 to 4% in 2010. When you transfer 4.2% to actual days it is 11,200 days lost to this organisation through absenteeism and a further 2,000 days lost through uncertified sick leave. It sounds like a lot of days lost for any organisation. That report should be considered again with a more wholesome debate.

Cllr. M. Cahill referred to Unaccounted for Water and said it is very important that this be addressed as it is a huge issue. Water mains replacement is required and in particular through Fossa Village as every second week there is a repair crew there. There is a need for additional car parking in Kenmare and the possibility of buying Jimmy the Masters garage should be investigated.

Cllr. J. Brassil asked that this report be put on the agenda again for next month's meeting and issue a hard copy of that report.

Mr. O. Ring said he tried to explain that the Unaccounted for Water is non-revenue water and he does not agree with the way it is measured. There are better ways of measuring Unaccounted for Water which have more meaning. In particular, it is probably more useful to prepare this figure year on year as an internal document. The way of calculating the service indicator was changed. There is an allowance made for the domestic usage. It used to be 236 litres per head per day and it has been reduced to 144 litres which is far too low. That change of allowance per person per head per day changed the Service Indicator figures by 10%. If that is taken out the Service Indicator figure is close to what it was previously. There were huge water losses on the domestic side of the stop cock during the cold weather because people left water running. It is a difficult service indicator to determine. In the crude way it is being assessed year on year there is no change. There are old water mains which need to be replaced.

Cllr. J. Brassil said in that case 50% of the water produced is going out as Unaccounted for Water and that is very worrying. Something must be done. If it is down to leakage through mains a programme of replacement and funding is required. If it is down to domestic usage the new metering system will address that. Work must be done to reduce that figure to an acceptable level as quickly as possible. It is a frightening figure that should be tackled.

Mayor P. Leahy asked if the Service Indicators Report still needs to be on the agenda for the July meeting.

Cllr. J. Finucane said some of these issues may warrant a meeting.

Mr. J.D. Flynn, Director of Corporate Services, said if this report is not being brought to the July meeting he would comment on the absenteeism figure. 4.7% is the figure

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for Kerry County Council. 4% is the industry norm. Calculating the days it is a bigger figure. It should also be noted that there are many staff on long term sick leave.

Cllr. J. Brassil said 11,200 lost days is very significant.

Mr. J.D. Flynn, Director of Corporate Services, said this figure must be viewed in the context of the number of days worked against it. Kerry County Council is close to industry norms.

Cllr. J. Brassil said Kerry County Council should be working towards that.

Mr. J. D. Flynn, Director of Corporate Services, said Kerry County Council has been working downwards through the Absenteeism policy.

Cllr. J. Brassil said there are significant figures in the report presented and as an organisation we should be working towards addressing them.

The meeting concluded at 5.00 p.m.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry