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**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY, 18 JULY, 2011**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 20 IÚIL, 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	T. Ferris
J. Finucane	S. Fitzgerald	N. Foley
M. Gleeson	M. Griffin	D. Healy-Rae
J. Healy-Rae	P. Leahy	P. McCarthy
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. M. McMahon, D/Co. Mgr.
Mr. J. O'Connor, Head of Finance	Mr. J.D. Flynn, Dir. of Corp. Servs
Mr. F. Dillon, D/Dir Water & Env Servs	Mr. J. Breen, Dir Hsg & Comm & Ent
Mr. G. MacNamara, D/Dir. of Roads	Mr. P. Stack, SE Planning
Ms. A. McAllen, Fin. Mgmt. Acc.	Mr. G. O'Brien, Meetings Adminr.
Mr. P. Corkery, Press & Comm. Officer	Ms. B. Reidy, SSO Corp. Affairs
Ms. M. Galvin, CO Corporate Affairs	Ms. K. Moriarty, A/SEO Finance
Ms. K. Lynch, AO Finance	Ms. S. Sheridan, SSO Finance

The meeting commenced at 10.35 a.m.

Mayor T. Buckley took the Chair.

11.07.18.01 Presentations by Presidential Candidates

Mayor Buckley welcomed Ms. Mary Davis, Mr. Sean Gallagher, Mr. Richard McSweeney and Senator David Norris to the meeting. He said that each candidate would be allowed ten minutes to address the meeting and he then called on Ms. Mary Davis to address the meeting.

Ms. Mary Davis thanked the Mayor and the members for the opportunity to address them. She said she was seeking the support of the members of Kerry County Council to stand in the forthcoming Presidential Election. She acknowledged that this is an important and difficult decision for the members but pointed out that it is the people of Ireland who will eventually decide who will be the next President of Ireland. However, the members of the Council have the power to nominate someone to run for the Presidency and she would be honoured to have their support. She said she has a background of working with Community and Voluntary groups and the role of the President is clear in the Constitution. The country needs a President to inspire hope and belief and to represent the country on an international stage. For the past 30 years she worked to make change happen, tearing down walls for people with disabilities. She believed she could lead change through the dedicated support of people and the voluntary sector who have achieved change. People who were institutionalised in the past can now live in the community, attend clubs and sit exams and they bring pride to their families and communities. She said she came to the members of Kerry County Council not with a set of aspirations but with a track record of having achieved. Extraordinary energy exists in our communities as was seen in 2002 when the Special Olympic Games were held in Ireland. She has heard so many inspirational cases of young people in business and the Global Pharmaceutical Centre of Excellence is a great example of making things happen. This strength needs to be nurtured and shared. Ms. Davis said she would like to support counties like Kerry to be their best and she wanted to bring Áras an Uachtarán to the villages and towns of Ireland. Inward investment is very important and the next President needs to look beyond Ireland. Her experience gained in influencing big companies has equipped her to influence large companies across the globe. The President should also engage with the Irish abroad to repair the good name of Ireland. She said she is a very active citizen and she chaired the North South Consultative Seminar. President McAleese has done a lot of good work during her time as President. Since the inception of the Special Olympics it has been on an All-Ireland basis. She said it is thousands of small steps that will bring us through in our lives and it is important to remember the 3 “S’s” in success. No. 1 – See what you want to do, No. 2 – Start it and No. 3 – Stick with it and never give up, never quit. In conclusion, Ms. Davis said she wanted to play a leadership role and to give practical service to the people of Ireland.

The Mayor then called on Mr. Seán Gallagher to address the meeting.

Mr. Gallagher said it was a great honour and privilege to address the members of Kerry County Council. A heading on that morning’s paper said that in excess of half a million people see no hope for the future. The future is about all of us collectively and he was very concerned about the state of the country. He believed there are many small successful businesses but they are not getting any publicity. He recently launched a new business in Clare Galway but unfortunately it got very little publicity. He also launched an Enterprise Centre in Donegal but they also got very little publicity. There is a need to focus on the things that are working to give real leadership. He said he is known as an entrepreneur for the past 10 years and before that he worked for the Louth County Enterprise Board. He is a member of the Inter Trade Ireland Board which aims to boost North/South economic co operation to the mutual

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benefit of the island. He grew up in a rural area in Cavan and saw how many people, including farmers, developed enterprise. Adversity introduces us to who we really are and at that time he saw farmers engage in intensive pig and poultry production. The economic downturn will see a return to the core of who we are and highlights the importance of community. The last 15 years has been all about the individual but it is only in working together that we can see a new beginning. He worked in the area of community development and the message of self awareness, self confidence, self determination and self strength is very important to young people. He would say to businesses and young entrepreneurs to build on their strengths. We must build the country on what we are good at – Agriculture, Tourism, Education and I.T.

Mr. Gallagher said self belief is more important now than ever. The unemployed face a huge challenge and it is important to encourage them to reinvent themselves and this also applies to Ireland. The role of the President is about electing someone who will be the face of Ireland for the next 7 years. He will project that sense of Ireland at home and abroad. Mary Robinson identified the role of President through the diaspora while President McAleese took the theme of building bridges and this could be seen during the recent visit of Queen Elizabeth to Ireland. Mr. Gallagher said he wants to work with the Government to create business opportunities and jobs and give our people the dignity of work. Education is a very important tool. A country can only sustain itself if it has wealth. He wants to encourage small businesses and this would help to keep the local school open and provide jobs in local communities. He would go on trade missions and he believed that the role of the Head of State is to open doors to new markets including China etc. This is an ambassadorial role and it could be possible to attract direct investment. Internationally the Irish people are loved, respected and liked, however, our reputation is damaged due to recent events and we must now rebuild it. We must be inclusive and give opportunities to those with disabilities, the unemployed and the elderly. He wanted to be that face of Ireland and he said it is up to all of us working locally, nationally and universally to help improve the image of Ireland. In conclusion, Mr. Gallagher said he looked forward to meeting with all members of Kerry County Council in the coming months.

The Mayor then called on Mr. Richard McSweeney to address the meeting.

Mr. McSweeney thanked the members for allowing him to address them. He also thanked Mr. G. O'Brien, A/SEO Corporate Services for inviting him to address the meeting. He said he spent 5 years of his youth in a pipe band and 6 years as a seminarian. He spent 13 years in the Far East and while concurrently working as a full time lecturer in the Department of English Language and Literature in the University of Seoul, he gained, by night, a B.A. in Korean Language and Literature from Kyunggi University and by day an M.A. in Classical Chinese Philosophy from Seoul National University, both of which he conducted through the mediums of Korean and classical Chinese. He lived in an isolated desert for 3 years and has also lived as a recluse in a small village in Waterford. He has self published 7 books and he has now been inspired to run for the Presidency.

Mr. McSweeney said when he was in the pipe band they played all over the country including at Doneraile Writer's Week. At that event one man stood apart from all the others and he had a presence. This was because he believed in himself. The person in question was John B. Keane. People have said to him that he also has a presence. He said he was different and Kerry people are also different and he believed that combined they could make a difference. He is amazed that people only focus on one aspect of the Presidency. The President becomes a leader among the nations of the earth. He lived abroad and learned their language. Our exports are doing very well thanks to the efforts of the IDA and our ambassadors. The country may not be feeling the benefit of this yet as it takes time. The Irish people are loved abroad including our art, culture and music. His father came from near Ballyvourney and he wanted to walk in his father's way. He asked Councillors to put their trust in one of their own and they wanted them to give him the Kingdom of Kerry. If they put their trust in him he would return it 100 fold. In conclusion he again thanked the members for the opportunity to address them.

The Mayor then called on Senator David Norris to address the meeting.

Senator David Norris then read the following address into the record of the meeting.

*"A Chathaoirleach, a chomharleoiri condae Chiarraí, agus a chairde go léir. Tá mé fíor bhuíoch daoibh as ucht an seans a thabhairt dom mo chas a chuir os bhur gcomhair do Uachtarantacht na hEireann.
Cathaoirleach, councillors and friends, I am very grateful for the opportunity to speak to you today.*

Under our constitution, the people have given you the key to my candidacy as local legislators. I believe that local democracy is central to every county in Ireland and the work of councillors such as yourselves is crucial in ensuring that the local voice is heard on issues that affect your communities. You represent the people and I know that you take this obligation very seriously. I hope that when my case is made, you will use your democratic voice to allow my inclusion in the presidential race.

I realise that I am no ordinary candidate, and that therefore my views on a range of issues will attract more attention than others. As a campaigner 35 years, those views will be on the record and have sometimes been contentious. They have had to be. My views are informed by my role in the legislative process, often dealing with complex issues. That has been my job as an independent Senator.

As my record will show, my focus has always been on ensuring that the marginalised, the oppressed and the isolated are represented and this often means taking on the status quo because, in my opinion, unless one does that in politics, it is difficult to achieve real change. My work has forced me on many occasions to challenge the consensus on behalf of those without a voice but I do not regret any battle I have fought as they have been guided by my principles and my conscience as an Irish man and a public servant.

However, that was then and this is now. I am applying for the position of President of Ireland. I am keenly aware of the qualities needed in a President for today, and I am truly confident that I will represent the people of Ireland with dignity and decorum. As I have said, every candidate will have expressed views or opinions on a range of issues, that they must put aside as President in order to serve all the people. My candidacy, and in the eventuality of a positive outcome, my presidency will be no different.

As an Irish Senator I have seen many imaginative and progressive leaps being made. Leaps that have let people in who were previously excluded from national debate. As someone who campaigned for these great changes I am proud to stand before you on my record. I think that the record will show that I am passionate about what I believe in, and that I have the energy and determination to strive for it. I also believe that it will show that I am a credible and deserving candidate for this office and that you will not regret your decision should you allow me to run.

Two other independent candidates have secured the required number of councils and I welcome the fact that independent candidates are getting on the ballot paper. You the members of this council have the power to enable me to get on the ballot paper as your colleagues in local government across the country have done in other councils for Sean Gallagher and Mary Davis. I now ask you to use your legislative power to grant me the same right to put myself before the people as so many thousands of people including many of your constituents wish.

Let me re-iterate, I am not asking you for your support as President, I am only asking for permission to be allowed to subject myself to the will of the Irish people.

In this great diverse society of ours, we can differ on many things. But there is one thing upon which all of us here would agree, and that is the love of our country.

As someone who has been a politician and campaigner throughout my life, it would be my greatest honour to express the love I feel for this country by serving as its President.

The power of the Presidential office is like no other. It is a symbolic and representative office and I feel that it is where I can serve the country best. There are some that have questioned my suitability for the Office and they are entitled to their opinion. But what I will say is that both Mary Robinson and Mary McAleese had detractors during their campaigns but, those detractors have been silenced by the superb job that both presidents have done and the pride that they have instilled into all of us as citizens. In the election of the two previous presidents, Ireland took a leap of faith, with these leaps we have grown as a country and matured as a nation and I am certain that my election would further our country in a similar positive way.

This is because just as the last two presidents represented their time, I believe I can effectively represent us at this time. We need a champion for all the people now. Someone who can articulate our current position and has the energy and enthusiasm to help us create the dynamic New Ireland, for which we are all striving. I have spent a lifetime fighting for the under dog, be they travellers, children, the elderly, carers, the disabled, the disenfranchised. In some ways we are all a little disenfranchised now.

I have repeatedly demonstrated that I can accept a challenge and triumph over it, and that I can learn valuable lessons from the turbulence through which it has been my fate to fly.

I have mentioned the symbolic and representative nature of the office of President. That does not make it powerless as some people suggest. In fact it is the opposite. By using that symbolic power the President can help unite the nation as a family and reflect the varied views all families hold. The President can use the office to bring attention to those issues that affect all of us in a more considered, reflective way, not always a luxury afforded to those who have been restricted by party politics.

There are very few people or places in this country that have not been affected by this recession.

The next president will have to play a full part in our recovery, and I pledge to do exactly that.

I have therefore chosen three pillars to focus on during my campaign and hopefully as President. These pillars are Mental Health, Culture and Enterprise.

How we feel about ourselves and our predicament is crucial to how we deal with it. As has been said, the pain of losing things is often greater than the joy of gaining them and we have all lost over the past few years. This has caused strains and stresses that are reverberating deeply across the land.

Every family in every corner of the country has in some way experienced the impact of mental health issues. These issues do not discriminate; they visit us all from the top to the bottom of society.

For a nation of talkers, this remains a subject that is often avoided, however recently we have seen an opening up in the dialogue around these areas and I want to acknowledge the bravery and courage of those who have spoken out. I will be a vital part of the process of bringing these issues to the surface and dealing with them.

During my campaign, and if I am successful in being elected as the next president of Ireland, I will continue to shine a light on this issue within Irish society. More people die by suicide in this country every year than die on our roads. I believe we can all learn how to reduce this appalling statistic and I would be privileged to play a leading role in this process.

Our culture and its expression will be one of our greatest assets in this rebuilding. In culture we find the spirit and the soul of every nation. A recent study from Trondheim University outlines a clear and positive relationship between mental health and well being and involvement in cultural activities at local level and across all age groups.

Our unique culture is what defines us as a nation. It has given us a recognition way beyond our size and has made the Irish voice a global one. The seeds of this Republic were planted during the cultural revival at the end of the 19th and the beginning of the 20th century. Now once again we must re-imagine our Republic and rebuild it for the future.

I have seen in my own work with James Joyce, the appetite around the world for the products of our cultural and creative genius. If I am elected I will build on my lifelong commitment to champion Irish culture both domestically and internationally. The benefits of the promotion of culture will help boost the self-esteem of the nation and personify all that is great about us as a people. It will also attract people and investment to our country by those seeking to share in this enrichment.

The entrepreneurial experience is also one of creativity and imagination. A nation that has been through a crisis needs enterprise and energy to recover. I am confident that this recovery will happen.

In my visits around the country I have seen huge evidence of this going on in county enterprise boards, in universities, institutes of technology and in local start ups. I have seen People building unique Irish products to sell to the world. I will be their champion.

From the frozen earth of the recession, new growth is emerging.

If I am elected, I will ensure that the promotion of both indigenous industry and foreign direct investment will be to the fore of my presidency. Every presidential trip that is undertaken will have a strong focus on enterprise, and will include meetings with those in a position to provide inward investment into Ireland or support our export markets. At home, I will focus on the promotion of indigenous enterprise and on fanning the flame of the entrepreneurial spirit.

So my presidency will be one of imagination - The imagination of ourselves as a confident people, the expression of that imagination through culture, innovation, science and the arts and the enterprising imagination needed to create the society to which we all aspire.

All my life I have been on the outside knocking to be let in; not just for myself but for those I represent. Now again I am knocking. I wish to be allowed to run for the office of President, so that I can be a President for all the people. You have the keys, you can let me in, I ask you now to do so".

The Mayor then called for proposals from the floor.

Cllr. J. Finucane welcomed the four candidates to the meeting and said on behalf of the Fine Gael Group his party had elected its own candidate for the Presidential Election – Mr. Gay Mitchell. Members of the party will work for him. However, he did not want to inhibit democracy and for that reason the Fine Gael members of Kerry County Council would abstain from voting.

Cllr. T. Ferris said that Sinn Féin is considering if they will nominate a candidate to run in the forthcoming Presidential Election. However, she did not want to stand in the way of any candidate. She asked if the Council can only nominate one person.

In response Mr. G. O'Brien confirmed that the Council may only nominate one candidate and he pointed out that the Vote of Intention which the members have indicated they want to take will have no legal standing.

Cllr. J. Brassil welcomed the four prospective Presidential Candidates and said they were all excellent. However, as Kerry County Council can only support one candidate he PROPOSED that Mary Davis would be nominated by Kerry County Council. Mary outlined her experience as a worker with people with special needs, as a teacher and CEO of Special Olympics. She is a worthy candidate and he formally proposed her.

Cllr. B. Cronin welcomed the four candidates who were excellent and said it would be ideal if they all could go forward. He complemented them on their presentations and said it is a historic morning. He SECONDED Cllr. Brassil's proposal that Mary Davis would receive the nomination from Kerry County Council under Section 16 of the Presidential Election Act 1993. This is a very important function for the members of Kerry County Council as they have very few real powers remaining. Mary has done tremendous work with the disabled and it is important that the people of Ireland would be given an opportunity to decide on who should be the next President. He formally seconded Mary Davis.

Cllr. T. O'Brien welcomed the four candidates and thanked them for their presentations. He said the Labour did not direct councillors on what way to vote on this issue and they can vote for any candidate. He pointed out however, that he will be voting for Michael D. Higgins who is the Labour Party candidate for the Presidential Election.

Mayor T. Buckley asked if there were any other proposals.

Mr. G. O'Brien said there were no other proposals at that point. A discussion took place at the July CPG Meeting on the form of words to be agreed for this vote. It was agreed that as the field stands at present and given the candidates that have made presentations to Kerry County Council a vote of intention could be taken to indicate the members preferred candidate at this point in time.

Cllr. T. Ferris pointed out that this was only a statement of intention. The other three candidates have not organised councillors to support them. She felt that all candidates should be given the opportunity to organise a councillor to propose and second them. It seems that two of the existing candidates already have adequate support from local authorities to allow them to be nominated to stand in the forthcoming Presidential Election. She was very hesitant to rush this vote.

Mr. J. D. Flynn, Director of Corporate Services pointed out that the most important vote would be taken when the Writ for the Election was moved and this was just a Vote of Intention.

Mr. G. O'Brien pointed out that it may be necessary to hold a Special Meeting and an item is included on the Agenda to give the Mayor the discretion to convene a Special Meeting if necessary.

Mr. J. D. Flynn said that the ultimate decision will be made through formal resolution.

Cllr. N. Foley said the Council was informed well in advanced of today's meeting of the presentations by the various candidates and they had an opportunity to arrange for a councillor to propose and second their nomination. It should not be necessary to take any further time over this issue when it was heralded well in advance. The purpose of the Vote of Intention is to give an indication to the candidates because there will be limited time available when the Writ is moved. Out of courtesy to the candidates it is important to establish the intention of the Council.

Cllr. J. Healy-Rae pointed out that if members can change their minds between now and September the Vote of Intention would be a waste of time.

Mr. G. O'Brien confirmed that the Vote of Intention would have no legal standing but added that it was a matter for members to decide if they want to take the Vote.

Cllr. J. Brassil said that he proposed Mary Davis and Cllr. Cronin seconded his proposal. He would welcome proposals for each of the other three candidates. It is intended that this Vote of Intention would give an indication to the candidates where they stood with the members of Kerry County Council. When the Writ is moved there will be very little time before the Presidential Election is held.

Cllr. B. Cronin said that the Vote of Intention has no legal standing but it is giving an element of security to the candidate that will have the support of the Council. If members are not happy with the current situation they can propose and second any one of the other candidates.

Cllr. T. O'Brien said that Kerry County Council invited four people to make presentations. He invited Cllr. Brassil to propose the four candidates. While he was not precluded from proposing a candidate he felt it would be hypocritical to propose a candidate when he intended to support the Labour Party candidate. This vote will have no legal standing.

Cllr. J. Brassil asked if one member could propose all four candidates.

Mr. G. O'Brien said that a member can propose only one candidate.

Cllr. M. Gleeson said that the members came to the meeting with a clear understanding that they could cast a vote to support a candidate. There was nothing to stop the other candidates from canvassing support prior to the vote. The Vote of Intention would be a boost to the candidate endorsed by Kerry County Council.

Cllr. T. Ferris said that Sinn Féin members are in a difficult position as they can support a candidate but they cannot nominate them. She would like to see all four candidates proposed and she asked if other members would be willing to nominate them.

Cllr. T. O'Brien PROPOSED Senator David Norris.

Cllr. T. Ferris SECONDED this proposal.

Cllr. M. O'Shea PROPOSED Mr. Seán Gallagher.

Cllr. G. Wharton-Slattery SECONDED this proposal.

Cllr. R. Beasley PROPOSED Mr. R. McSweeney.

Cllr. P. O'Donoghue SECONDED this proposal.

A vote was taken which resulted as follows:

For Ms. M. Davis: Cllrs. Beasley, Brassil, Cahill, Culloty, Cronin, Foley, Gleeson, D. Healy-Rae, J. Healy-Rae, Leahy, McEllistrim, Moynihan-Cronin, O'Donoghue **(13)**

For Mr. S. Gallagher: Cllr M. O'Shea **(1)**

For Senator Norris: Cllrs. Ferris, O'Brien **(2)**

For Mr. R. McSweeney: None **(0)**

Mr. G. O'Brien announced the result of the vote and said that given that Ms. Davis had the majority of votes and that the Fine Gael Party have abstained, Ms. Davis is awarded the Vote of Intention.

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Mr. J. D. Flynn advised the candidates that it is vital that their name, address etc. would be exactly the same for each of the local authorities to ensure that the nomination paper is valid.

11.07.18.02 Mayor's Report on the CPG meeting held on the 12th July, 2011

The Mayor read the following report into the record of the meeting.

"Item 1 Agenda for the July Council Meeting"

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

With regard to Item No. 1, Presentation by Presidential Candidates, a debate took place on the protocol adopted at the June Meeting regarding the nomination of candidates for the Presidential Election and also on requests received from members that a vote of intention would be taken following the presentations. It was agreed that, as the field stands at present and given the candidates that have made presentations to Kerry County Council, a vote of intention could be taken to indicate the members preferred candidate at this point in time. It was also pointed out that the vote would have no legal standing. It was further agreed that approval of Council would be sought to authorise the Mayor to convene a Special Meeting to nominate a Presidential candidate if necessary.

With regard to Item No. 7, 'To mandate the Mayor to sign the Covenant of Mayors on behalf of Kerry County Council' Mr. M. McMahon, Deputy County Manager, briefed the CPG members on this report. The report is being presented to the July Council meeting.

With regard to Item No. 8, Proposed Variation No. 5 to the Kerry County Development Plan Mr. M. McMahon informed the meeting that the proposed variation was on public display and seven submissions were received. The variation has been amended to reflect these submissions. The report will be considered at the July Council meeting.

With regard to Item No. 9, Approval of the Higher Education Grants Scheme for 2011, Mr. J.D. Flynn, Director of Corporate Services, informed the meeting that this will be the last year that Kerry County Council will be processing new applications for Higher Education Grants, From next year 2012/2013 new applications will be processed centrally by the City of Dublin VEC. However, we will continue to deal with ongoing students until they are finished their relevant courses.

Item 2 County Development Board Update

Mr. J. Breen, Director of Housing and Community & Enterprise, said the next meeting of the County Development Board is scheduled for mid-September next.

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An Executive meeting will take place this afternoon to consider the following matters:-

- County Development Board submission to Core Strategies recently published.
- Update on Social Inclusion Measures Group including a discussion on future of this group in light of anticipated reduced exchequer funds for 2012.
- Results of Rural Broadband Survey conducted by the Community and Voluntary Forum and actions arising.
- Proposed changes to Executive Structures of Local Sports and Recreation Partnership viz:-
 - Increased numbers on Executive
 - Membership of Board by Community and Voluntary Forum
- To agree agenda for September meeting of the Board.

There will be no Executive meeting in August.

The Social Inclusion Measures Group recently considered the Development Plans for 2012 of all of the Local Development Companies in Kerry as is mentioned by the Department of the Environment. While most were fine and met the criteria as set down, some Members of the SIM Group expressed concerns at the level of staffing and the structures for delivery of Community Programmes on the ground. This matter will be further discussed by the Executive this afternoon as will the situation with RAPID in Tralee, where the Tralee CDP Project, which supported RAPID has now been subsumed into NEKD and no support is now available. This will have a serious impact on the ability of the RAPID Programme to continue in its present format.

Item 3 Update from Chairs of SPCs

It was noted that the next meeting of the Community, Culture and Tourism SPC is scheduled to take place on Monday 25th July at the offices of the Minister for Arts in Killarney. Minister Deenihan has agreed to attend the SPC meeting. It was also noted that meetings of the Housing and Roads and Transportation SPC's are scheduled for September.

Cllr. B. Cronin said a meeting of the Environment & Water Services SPC was held on 5th July and the main issues considered were the need to ensure that private water supplies are maintained to a proper standard and the digitisation of Burial Ground Records. A full report will be considered at the July meeting.

Item 4 Corporate Plan Review

Mr. J.D. Flynn, Director of Corporate Services, said that the review of the Corporate Plan is complete and each Chair should present a brief report to Council on the review.

It was agreed that the Chairs of the SPC's would present reports to the September Council meeting.

Item 5 Presidential Election 2011

Mr. G. O'Brien, Meetings Administrator, said that this item was already dealt with.

Item 6 Civic/Mayoral Receptions

CPG members agreed to host a Mayoral Reception in February 2012 to honour the success of the Kerry Ploughing Association and its members who won All Ireland Ploughing medals in various categories down through the years.

It was also agreed that the Civic Reception already agreed for the Kerry U21 Hurling Team would be held in conjunction with the Civic Reception for the Kerry Senior Hurling Team who won the Christy Ring Cup.

It was further agreed that the Mayor would send a letter of congratulations to (Name and address withheld for Data Protection purposed) to acknowledge his success on winning a Silver Medal at the Special Olympic Games in Athens recently.

Item 7 Any Other Business

Quarterly Financial Update

Mr. J. O'Connor, Head of Finance said at mid-year expenditure is progressing in accordance with the budgeted works programme. The programme of works to enable grants to be drawn down is being delivered. In relation to income the major sources of income i.e. State Grants for Specific Purposes and the Local Government Fund Grant are being paid. There is a very challenging climate out there which is impacting on the collection of rates, water charges etc. The income from rates is slightly less than this time last year and a common feature this year is the number of sizable rate payers seeking to pay by payment plan. This emphasises how difficult it is for businesses to get credit. Income from water charges is approx. 2.6% down on this time last year. More disconnections will be carried out this year and the collection of all monies due will be pursued vigorously in all cases where the means exist to enable payment. Income from development levies so far this year is just €364,000 and this highlights the fact that there is no revival in the construction sector. Income from refuse is also down on last year. Overall the budgeted expenditure and income seem to be on target as at 30th June in accordance with the adopted Budget.

Retirement of John O'Connor, Head of Finance

The Mayor said this was Mr. John O'Connor's last CPG meeting and he paid tribute to him for his dedicated service to Kerry County Council over a long number of years. The advice he gave and the prudent way he managed the finances of the Council is a model for all local authorities. All members are very grateful to him and he said he will be a huge loss to the organisation".

The Mayor paid tribute to Mr. J. O'Connor, Head of Finance for his outstanding service to Kerry County Council. The way he managed the Council finances is a role model for all local authorities.

Cllr. J. Finucane concurred with the sentiments expressed by the Mayor. For his entire career Mr. O'Connor epitomised what the public service means. His fairness, accessibility and his directness was refreshing. If Mr. O'Connor had a role at national level, the country would not be in the state it is. His job was crucial for good governance. It is acknowledged, nationally, that he was at the top of his field. He wished him a long and healthy retirement and said he reflected the true spirit of a good public servant who was very professional and courteous at all times.

Cllr. J. Brassil paid tribute to Mr. O'Connor and said that he had the utmost of respect for him. Through good times and bad, the members of the Council, as the Board of Directors, could rest easy knowing that Mr. O'Connor, as financial advisor, was fair, prudent and accurate. Many other local authorities are struggling with severe financial situations but Kerry is lucky not to be in that position. For this reason the members of the Council are indebted to Mr. O'Connor. He said he could never recall a meeting when Mr. O'Connor's view or opinion was disrespected as members always accepted his advice. It is unfortunate that retirement is compulsory as Mr. O'Connor would remain on for a few more years if that was not so. He hoped that his successor was well tutored by Mr. O'Connor himself. He wished him health and happiness in his retirement and said he was confident that Mr. O'Connor's expertise will be called on in the future. Personally he thanked him and said he dealt with all his queries no matter how trivial and he was very grateful for this.

Cllr. B. O'Connell said a lot of tributes were rightly paid to Mr. O'Connor for his financial expertise. He was proud of him as a Castleisland man and also for his prudence and he served the county well. He was a gentleman and a true friend and nothing was too trivial for him to deal with. Those in trouble with the payment of rates always got a fair hearing from Mr. O'Connor and he thanked him and wished him well in his retirement.

Cllr. R. Beasley said he would like to be associated with the tributes paid to Mr. O'Connor. He was very prudent and diligent and when he was approached in relation to people who were in dire straits, he dealt with each case honourably. He wished him a long and healthy retirement.

Cllr. M. Cahill said he would like to be associated with the tributes paid to Mr. O'Connor and said that he would be greatly missed. Mr. O'Connor could always be relied upon to give the best advice. He wished him and his family all the best on his retirement.

Cllr. T. Ferris paid tribute to Mr. O'Connor and said he was a pleasure to work with. She came in to Kerry County Council in 2003 and at that time, a handful of people were very helpful to her and Mr. O'Connor was one of those. She said Mr. O'Connor would be missed and she wished him health and happiness on his retirement.

Cllr. P. Leahy paid tribute to Mr. O'Connor and said he was highly respected and his honesty was second to none. He always had the county's best interest at heart. He wished him and his family well in his retirement.

Cllr. S. Fitzgerald said that Mr. O'Connor was always very professional and prudent and as a result the Council is in a good financial position. In the years of the Celtic Tiger, people got carried away but Mr. O'Connor was always very prudent and steady but he was not afraid to take on long-term viable projects. The Tralee By-Pass is now coming to fruition because of the levy adopted by the Council and as a result, funding was forthcoming from Central Government. He wished him a long and happy retirement.

Cllr. T. O'Brien wished Mr. O'Connor the best in retirement. He served on the Audit Committee with him and his knowledge of all aspects of the Council was excellent. He wished Mr. O'Connor and his family health and happiness in his retirement.

Cllr. D. Healy-Rae said on behalf of Cllr. Johnny Healy-Rae, Deputy Michael Healy-Rae and Mr. Jackie Healy-Rae and himself, he thanked John O'Connor for the great service he gave his family and the county. In Mr. O'Connor's stewardship, the county did well, while in Mayo and Donegal, they are in severe financial difficulties and it could result in job losses. He thanked Mr. O'Connor for his stewardship down through the years and wished him and his family all the best in his retirement.

Cllr. J.J. Culloty concurred with the sentiments expressed by previous speakers. He wished him well and said he hoped his successor would follow in his footsteps.

Cllr. M. Gleeson said that local government is under threat from people who do not understand it. He believed that if they knew Mr. O'Connor, their view would be very different. Mr. O'Connor has a wonderful attitude and respect for Councillors and a great standard of integrity. Retirement offers him an opportunity to enrich his life and that of his community and he said he hoped he enjoyed his garden in retirement.

Cllr. N. Foley said she wished to be associated with the words of commendation to Mr. O'Connor. This is a day of celebration for him but it is also poignant. He has given excellent service to local government for many years and he is known as a man of figures but also a man of immense breadth of experience. Mr. O'Connor was always a voice of reason and logic in the Chamber and in many respects he had a stabilising and calming influence on meetings. Mr. O'Connor is the very essence of a gentleman. He will be missed and she wished him well in retirement.

Cllr. B. Cronin said that he wished to be associated with the tributes paid to Mr. O'Connor and said he was an exceptional man in control of the finances of the county. It was a great pity that National Government did not have someone of Mr. O'Connor's expertise at the helm. Members could always rely on him for advice at budget time. Since he was elected in 1999, if he was in doubt about anything, he could always approach Mr. O'Connor for advice and assistance and his advice was always very sound. He thanked Mr. O'Connor for his help and said he always recognised genuine cases. He referred to the Jeanie Johnston Project and said that he always remembered a letter from Mr. John O'Connor where he warned members that they must not be fairy godmothers to the project. He thanked him for this advice. He hoped his replacement had been under his stewardship for some time. He wished Mr. O'Connor and his family the best and said he hoped he would enjoy his retirement.

Cllr. L. Purtill said Mr. O'Connor was an outstanding Financial Controller; very professional and helpful and a thorough gentleman. He thanked him for his help and wished him every success in the future.

Cllr. B. Moynihan-Cronin said she wished to be associated with the tributes paid to Mr. O'Connor and said that he was a legend in Kerry County Council and way beyond. At conferences, Councillors would remark on how fortunate we are in Kerry to have Mr. O'Connor as Head of Finance. She said he had a knack of letting members down gently and kindly. He always had time for the members of the Council and she wished him, his wife and family every happiness in his retirement.

Cllr. P. McCarthy concurred with the tributes paid to Mr. O'Connor. All members benefited from Mr. O'Connor's experience and the advice he gave down through the years. Mr. O'Connor is an exceptional person who is highly respected. He wished him many years of happy retirement.

Cllr. Paul O'Donoghue wished Mr. O'Connor a happy retirement and said he is everything a public servant should be and he had a steady hand at all times. He always succeeded in getting the Budget through and when people were in difficulty, Mr. O'Connor was most humane in those circumstances. He was always opposed to the use of consultants but if Mr. O'Connor becomes a consultant, he will be the exception. He commended him on a job well done and wished him the best in the future.

Cllr. M. Griffin said that while he was in Kerry County Council a short time, he understood that Mr. O'Connor was held in very high regard amongst the members. He wished him well in his retirement.

Cllr. G. Wharton-Slattery concurred with the tributes paid to Mr. O'Connor and said she regretted not working longer with him. She was aware that Mr. O'Connor was an avid gardener and said that he could approach retirement knowing that he had done his job very well. She wished him the best of luck in his retirement.

Cllr. P.J. Donovan said he wished to be associated with the tributes paid to Mr. O'Connor. He thanked him for his advice and help and wished him the best in the future.

Cllr. J. Healy-Rae wished Mr. O'Connor health and happiness in his retirement.

Cllr. M. O'Shea said he could not speak highly enough of Mr. O'Connor. He was one of the best directors of local government and he will be sadly missed. He said he hoped Mr. O'Connor would enjoy his retirement as he worked extremely hard down through the years for Kerry County Council.

Cllr. A. McEllistrim commended the manner in which Mr. O'Connor ran the Finance Department. People always spoke very highly of him and he always listened to members. He was very courteous and she wished him health in his retirement.

Cllr. J. Sheahan concurred with the tributes paid to Mr. O'Connor on his retirement. He wished him many years of good health.

Mr. T. Curran, County Manager said that he would like to take the opportunity, on his own behalf and on behalf of the Senior Management Team and all staff, to be associated with the tributes to Mr. O'Connor. Members summed up Mr. O'Connor succinctly. He has great respect for the democratic process and members portrayed how Mr. O'Connor dealt with hardship cases in a very fair way at all times. He was a great colleague and if he was in any doubt about any issue, he would discuss it with Mr. O'Connor. He thanked him most sincerely for his assistance in this way. Mr. Curran said there will be another opportunity to pay tribute to Mr. O'Connor on 9th September when we will celebrate his service at his retirement function. He wished him long years of happiness and health and said that he would be missed not only in Kerry County Council but also on the national stage.

Mr. J. O'Connor thanked the members for their comments and said they were exceptionally over generous. He was fortunate with the teams he worked with, in particular, since 1994, when he took over the Finance role. Without the co-operation and support of every member of staff, it is not possible to achieve that much. Ar scáth a chéile a mhaireann na daoine. Elected Councillors, whether present or past and in particular since 1994, have not been afraid to adopt a challenging Programme of Works having regard to the finances of the county. He extended a sincere thank you to the Mayor and Members for their support, foresight and consideration of the annual budgets and also for their decisions. No one at Council level, Senior Management or throughout the organisation every got all they wanted from a Budget. He considered himself lucky to have had all his working life in the public service in Kerry. He got his opportunities in Kerry and he was very grateful for that. He hoped that at all times he was fair to Councillors and staff and he thanked Members for their courtesy. He acknowledged the support and unity of the Senior Management Team and said having a native of the county as County Manager is very helpful. He again thanked everyone for their exceptionally generous comments and said everything achieved was achieved through teams of staff and Councillors, in particular in the Human Resources and Finance Departments. He thanked all the staff for their support and help down through the years.

11.07.18.03 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. N. Foley it was resolved that the minutes of the June Ordinary Meeting of Kerry County Council held on 20th June, 2011 be confirmed.
- (b) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. P. McCarthy it was resolved that the minutes of the Annual Meeting of Kerry County Council held on 27th June, 2011 be confirmed.

11.07.18.04 Disposal of Property

- (a) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. P. McCarthy it was agreed to dispose of a plot of land measuring approximately 0.25 acres at Coollegrean, Mount Eagle, Brosna to (Name and address withheld for Data Protection purposes) in accordance with the terms of notice issued 4th July, 2011 pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning and Development Act, 2000.

- (b) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. A. McEllistrim it was agreed to dispose of a plot of ground measuring 38.940 sq. m situated in the townland of Cloonalour, in the DED of Tralee Urban to Lee Strand Co-operative Creamery Ltd., Ballymullen, Tralee, County Kerry in accordance with the terms of notice issued 7th July, 2011 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act, 2000 and Article 206 of the Planning & Development Regulations, 2001.

11.07.18.05 Filling of vacancy on the Local Traveller Accommodation Consultative Committee

There were no nominations for this position and it will now remain vacant.

11.07.18.06 Filling of vacancy on the Board of North & East Kerry Leader Partnership

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. B. Cronin it was agreed to nominate Mayor T. Buckley to the Board of North & East Kerry Leader Partnership.

Roadside Signs

Cllr. T. Ferris said she understood there were complaints regarding signs to commemorate the deaths of the hunger strikers who died 30 years ago. In accordance with the Litter Laws, she understood these signs could be in place for a period of 2 weeks. She wondered why the person that made the complaint did not have the courage to approach members of her Party on this issue. She called on the Members of the Council not to waste Council time in discussing this issue and to approach her Party directly on this or any such issue.

11.07.18.07 Covenant of Mayors

Mr. M. McMahon, Deputy County Manager, referred members to the County Manager's report on this item, dated 29th June, 2011 which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Finucane it was unanimously agreed to mandate the Mayor to sign the Covenant of Mayors on behalf of Kerry County Council.

11.07.18.08 Variation to the Kerry County Development Plan 2009 – 2015

Mr. P. Stack, S.E. Planning Department referred members to the County Manager's Report on Proposed Variation No. 5 of the Kerry County Development Plan 2009 - 2015 relating to wind development. Chapters 7 and 13 of the Kerry County Development Plan 2009 - 2015 set out the planning authority's objectives and policies in relation to wind development. The text of the Plan identifies four types of wind development zones - Strategic, Preferred, Open-to-Consideration or Unsuitable for Wind Development. However, Maps 6.1a and 6.1b which depict wind deployment zones do not identify any Preferred or Strategic Areas. This variation proposes to align the text with the associated maps and also in the interests of clarity to make some minor amendments to the wording of the text. The proposed variation was put on public display from 25th May 2011 to 23rd June 2011. Seven submissions were received and the report circulated lists the persons who made submissions and observations. It also summarises the issues raised and makes recommendation in relation to these issues. Mr. Stack then briefed the meeting on the submissions individually and the recommendations associated with each one.

Cllr. J. Finucane PROPOSED the making of Variation No. 5 to the Kerry County Development Plan 2009 - 2015.

Cllr. J. Sheahan SECONDED this proposal.

Cllr. P. O'Donoghue asked how many Natura 2000 sites are in Kerry.

Mr. P. Stack said that a significant number have been designated.

Cllr. P. O'Donoghue asked if it would be more difficult to get planning permission in these areas if the proposed variation is accepted.

In response, Mr. P. Stack said that this is not the case as any designation is prescribed by law and must be adhered to.

Cllr. P. O'Donoghue said there were very few preferred sites in South Kerry and he asked when the Wind Energy Policy would be reviewed.

Mr. P. Stack said his Department is presently working on the Draft Policy on Wind Energy and Renewable Energy and he hoped it would be presented to Council by the end of the year.

Cllr. D. Healy-Rae asked why it was necessary to adopt this variation if a new policy would be adopted before the end of the year.

Mr. Stack said that this discrepancy was pointed out to the Planning Department and as it would be at least 6 months before the new policy will be in place, it is necessary to adopt this variation. It is very much a legal issue.

Cllr. M. Cahill asked if Kerry is ready for Wind Energy development and is sufficient land zoned for it in the County Development Plan. Over the past two years, there was a huge increase in energy prices and households and businesses are struggling. Is Kerry County Council ready to take on schemes and what is the level of interest in projects of this nature? He asked if the Council had received any enquiries regarding the development of wind farms at sea.

In response, Mr. P. Stack said that in excess of 300 megawatts is connected to the National Grid at the moment from wind farms in Kerry and approx. another 200 megawatts have been granted permission. The total usage in the country is 5,700 megawatts and Kerry will generate almost 10% of the energy required for the country when all wind farms are developed. Kerry and Donegal are well ahead of the rest of the country in this area. There has been a lot of interest in energy development in Kerry and there is still interest in it. No enquiries have been received regarding development of wind energy projects at sea or for hydro schemes. He understands that the technology for this type of development is not yet in place.

Cllr. J. Finucane asked if there was any mechanism whereby, as a local authority, Kerry County Council could get involved in this type of development. It should be possible to recoup the cost of construction of a wind farm within 10 years. If Kerry County Council got involved in such a development, it would provide a revenue stream for the future.

Mr. M. McMahon, Deputy County Manager said the impact of permissions granted to-date has resulted in an income of between €1m - €1.5m in rates. The Council is presently considering a number of projects and there is a gas project at Muingnaminnane. Consideration was given to the location of wind farms on our properties but that did not stand up to financial assessment. The main source of income from these developments for a local authority is from rates.

Cllr. J. Finucane requested that consideration would be given to how these natural resources could be utilised to give a future income stream other than rates.

Cllr. T. Ferris said that she proposed in a Notice of Motion that a percentage of the energy generated from wind developments in the county would be given to community/educational groups.

Cllr. J.J. Culloty said that in time, new technology will be available for developments in renewable energy. This is a more sustainable way to produce energy for the future. When the technology becomes available wind turbines will not be required.

Cllr. M. Gleeson said that he understood that the technical advances being made for this type of development are happening very rapidly and as a result, much smaller wind turbine units will be required and they will be less of an impediment to the environment and tourism. Certain industries generate their own power. He asked if Kerry County Council considered generating power for the heating and lighting of County Buildings.

Cllr. P. McCarthy said there have been great strides made in the technology used for wave energy development. When these technologies are in use, he asked what mechanism is in place to allow Kerry County Council to profit from it. Will rates be payable on such developments or must the development be land based.

Cllr. M. O'Shea asked if it would be possible to invite someone from SEI Ireland to address the September Council Meeting.

Mr. M. McMahon said that Kerry County Council has been to the forefront in developing renewable energy and the flagship is the Hydro-Electric Scheme on the Central Regional Water Supply Scheme at Lough Guitane which produces energy for that plant. The Motor Tax Office was the first office to be heated from energy from the ground and this is also the case with the new Castleisland Area Services Centre. The Council has also invested in woodchip in the Fire Station in Tralee and in the Mitchel's Road Project. It is acknowledged that the lack of wind for wind turbine developments is a problem but it is hoped that a solution can be achieved through the pumping of water which would then be released when there is no wind.

Kerry County Council works very closely with SEI and SEI are seeking two local authorities to join a sustainable energy community. Dundalk is already included in this project. Kerry County Council applied to be included and we are one of five local authorities shortlisted and it is hoped there will be a successful outcome to this by September. Kerry County Council has been very pro-active in its approach to reducing the need for electricity.

Mr. J. O'Connor, Head of Finance referred to the query from Cllr. Finucane regarding additional charges on wind energy projects and said that the law does not permit us to impose such a charge. In order to do so, there will be a requirement for a change in legislation. How local authorities are funded is constrained by Local Government legislation.

Cllr. P. McCarthy asked if Kerry County Council is in a position to capitalise on the wave or tide energy development and are rates only applicable to developments on land.

In response, Mr. J. O'Connor said if the development is fully offshore, they are not liable for rates. However, if a causeway is constructed to the structure, they are considered to be joined to land and will be liable for rates. He added that there is a growing emphasis on local government becoming more self-sufficient but he said that this will not be possible if new areas for local taxation are not identified and provided for in legislation.

Cllr. T. Ferris asked could a condition be applied to a permission for a wind farm development that a certain amount of the energy produced would be provided for the local community.

Mr. J. O'Connor said that under existing legislation, we do not have the power to do this. The Council can only levy rates on valuations.

Cllr. J. Finucane said there is precedent for this in that the IDA can take share options. There appears to be one rule for National Government and another for Local Government. He submitted a Motion calling for the holding of a meeting of all local authorities in Kerry to develop a co-ordinated development strategy for the entire county. That body could then make a submission to Government on issues such as this.

Mr. J. O'Connor said that Minister Hogan has stressed the importance of Local Government and the need for it to be more vibrant. If a local authority attempts to impose a charge without the back-up of the necessary legislation, it will end up in court.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J. Sheahan, we the members of Kerry County Council hereby resolve to make proposed Variation No. 5 (in relation to wind energy development) to the Kerry County Development Plan 2009 - 2015 subject to the further amendments set out in the Manager's Report.

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

For: Cllrs. Brassil, Cahill, Culloty, Cronin, Donovan, Ferris, Finucane, Foley, Gleeson, Griffin, D. Healy-Rae, J. Healy-Rae, McCarthy, McEllistrim, Moynihan Cronin, O'Donoghue, O'Shea, Purtill, Wharton-Slattery, Buckley (20)

Against: None (0)

Not Voting: None (0)

Absent: Cllrs. Beasley, Connor-Scarteen, Fitzgerald, Leahy, O'Brien, O'Connell, Sheahan (7)

The Mayor declared the resolution carried.

11.07.18.09 Higher Education Grants Scheme 2011

Mr. J.D. Flynn pointed out that this is the last year that Kerry County Council will be processing new applications for Higher Education Grants, as from next year 2012/2013 the processing of all new applications will be centralised nationally and will be dealt with by the City of Dublin VEC. However, Kerry County Council will continue to deal with ongoing students until they are finished their relevant courses in college.

Cllr. T. Ferris said she wanted to highlight her disgust at the changes to the 15 mile rule and the way it is being implemented. The distance from a college to an applicant's home is calculated as the crow flies and not by the route that would actually be travelled by the applicant. She believed that some students would not be able to afford to return to college as a result of this. The Government cannot encourage people to go back to college and then impose changes such as this.

Cllr. D. Healy-Rae concurred with the sentiments expressed by Cllr. Ferris.

Cllr. M. Cahill said that Kerry County Council administered the Higher Education Grants Scheme down through the years in a very fair and professional manner. It will now be more difficult for members and parents to appeal a decision when grant applications are centralised. The processing of Medical Card applications has also been centralised. He agreed with Cllr. Ferris that the change to the 15 mile rule will have a devastating effect on students. It is anti-education and cannot be justified. This has been amended to 28 miles or 45 km and while some students are 43km or 44km from college, they are losing out on two-thirds of the grant. This will have an adverse impact on the I.T. in Tralee and it will drive students in Kerry to colleges that are over 45km from their home. It is accepted that education is the way forward to bring the country out of recession but these measures are anti-education.

Cllr. J. Brassil said that he did not believe it was possible for the City of Dublin VEC to process all applications for the entire country. He asked if Kerry County Council or Kerry VEC could tender for a sub-contract as he believed there must be local involvement in the assessment of grant applications.

Cllr. J. Finucane pointed out that Kerry Education Service made a submission to process grant applications for the entire country but they were not successful in that bid, however, they are in contact with the City of Dublin VEC with a view to carrying out some of this work.

Mr. G. O'Brien said that Kerry County Council also made a submission to process the grants for the entire country but the bid was unsuccessful. He understood all applications would be made online and at this time, there is no indication that the processing of grants will be given out to other local authorities.

Cllr. N. Foley concurred with the sentiments expressed by previous speakers and requested that given the priority being given to education, that the 9% cuts imposed in the two last Budgets on the maintenance grant would be reversed or that there would be no further cuts in the Higher Education Grants.

Cllr. D. Healy-Rae said the change to the mileage rule is very unfair and it will cost more to administer the Higher Education Grants Scheme centrally. He said he wanted to highlight his dissatisfaction at the changes announced to the School Transport Scheme and said this is of huge concern to many parents. He requested that a letter would be sent to the Minister for Education asking that he uphold the commitment given 40 years ago when small schools were amalgamated. At that time, parents were guaranteed that their children would be transported to the nearest school.

Cllr. B. Cronin said that the change to the distance from the college in the latest Higher Education Grant Scheme is very unfair. When you consider the Institute of Technology in Tralee and take a 45km circumference around it, students in the town of Killarney will be excluded from getting the benefit of attending Tralee I.T as they would not be eligible for a grant. This is discriminating and will be to the detriment of the I.T. in Tralee. It will be virtually impossible for families to get information on grant applications once the processing of applications is centralised. Kerry County Council processes approximately 750 new applications for grants each year and when this is multiplied by all the local authorities and VEC in the country the total number is enormous. He believed this was a retrograde step. He supported Cllr. Healy-Rae's comments in relation to school transport.

Cllr. M. Gleeson said that the centralising of higher education grant applications confirms the lack of commitment to local government. It will lead to frustration and additional expense for parents and it is a retrograde step.

Cllr. P. McCarthy concurred with the sentiments expressed by previous speakers. All members agree that everything should be done to facilitate those who wish to return to education. When assessing an application, mileage should be on an incremental basis, i.e. there would be a different rate of payment for someone who is 20km from college as against 45km from college.

Cllr. M. Cahill PROPOSED that a letter would be issued to the Minister for Education in the interest of education and the I.T. in Tralee outlining members' concerns regarding this change. If Ireland is to come out of the current economic difficulties, education must be the way forward. He called on the Minister for Education to reverse this cut.

Cllr. N. Foley SECONDED this proposal.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. Cronin it was agreed to approve the Higher Education Grants Scheme 2011.

The Mayor informed the meeting that it was 1.30pm and the meeting would adjourn for the Civic Reception and lunch and would resume at 2.45pm.

The meeting resumed at 2:45pm.

11.07.18.10 Section 85 Agreement with Cork County Council

Mr. G. MacNamara, Deputy Director of Roads and Transportation referred members to his report dated 11th July, 2011 on this item which was circulated. He briefed them in detail on the report.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. B. Moynihan-Cronin, it was agreed to approve the making of an agreement between Cork County Council and Kerry County Council for Cork County Council to act as the lead authority in the administration of a project known as the 'Munster Expansion Joint Replacement' in specified bridges, in accordance with the provision of Section 85 of the Local Government Act 2001.

11.07.18.11 Provision of Traffic Calming Measures at Bansha, Killorglin.

Mr. G. MacNamara, Deputy Director of Roads and Transportation referred members to his report dated the 12th July, 2011 on this item which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P. Connor-Scarteen it was agreed to approve the provision of Traffic Calming Measures, 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 traffic calming measures on the N70 National Secondary Road through Bansha, Killorglin, Co. Kerry. The proposed works will consist of the installation of two new traffic calming gateways, traffic calming islands incorporating three uncontrolled pedestrian crossings, new kerbed footpath, new public lighting, revised road marking and advanced warning signage.

11.07.18.12 Overdraft Accommodation

Mr. J. O'Connor, Head of Finance, referred members to his report dated 11th July, 2011 on this item which was circulated. Mr. O'Connor briefed members on his report.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Griffin it was unanimously agreed to approve the incurring of overdraft accommodation not exceeding €12.5m for the 6 months ending 31 December 2011.

11.07.18.13 Takeover of Group Water Supply Scheme

Mr. F. Dillon, D/Direct of Water Services and Environment referred members to report dated 11th July, 2011 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. M. O'Shea it was agreed to approve the takeover of the Caherfilane Group Water Supply Scheme in accordance with Section 95 of the Water Services Act, 2007.

11.07.18.14 Report on the Environment and Water Services SPC

Cllr. B. Cronin, Chair of the Environment and Water Services SPC said at the last meeting of the SPC held on the 5th July 2011 the following issues were discussed:

- **Review of Corporate Plan**
- **Exempted Private Water Supplies**

During the discussion on this item, the vulnerability of certain areas to particular sources of contamination was raised and clarified. The importance of implementing an awareness campaign targeting all users of unregulated water supplies was agreed and it was noted that the information leaflet circulated may be download from the Council's website.
- **Private Water Supplies to Business**

Information was given to members in relation to the health risks associated with commercial and public enterprise using a private water supply. A private supply should not be connected to a distribution network or internal plumbing system in such a way that it can compromise a public supply. If non-return valves are used to separate the two supplies, there is still a risk of contamination if the valve fails.
- **Digitisation of Burial Ground Records**

All burial ground records held by Kerry County Council are being digitised and will be available on Kerry County Council's website.
- **Burial Ground Proposed Programme of Works**
- **Waste Presentation Bye-Laws**
- **Licensing of Food Service Establishments for Fats, Oils and Greases**

The discharge of fats, oils and grease is causing severe difficulties in the sewer network serving the towns of Dingle and Killarney in particular. In relation to the private schemes operating in the towns/villages of Milltown, Fries and Barraduff, there may be an associated liability for the Council. It was noted that this waste product is in fact a valuable commodity, for example for use in the bio-fuel industry. There is one collector in the County and it was agreed that it is necessary to promote awareness of producer responsibility in the first instance and of the collection/disposal option operating in the County.
- **Blue Flag Programme 2011**
- **Update on Oil Pollution Plan**
- **Update Report on the Part VIII Planning Process relating to the Proposed Leachate Pipeline from the North Kerry Landfill to the Castleisland Waste Water Treatment Plant**

11.07.18.15 Authorisation of Mayor to convene a Special Meeting of Kerry County Council

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. McCarthy, it was unanimously agreed to authorise the Mayor to convene a Special Meeting of Kerry County Council to nominate a candidate for the Presidential Election 2011 if necessary.

11.07.18.16 Dates for the next round of Electoral Area Meetings

It was agreed to hold the next round of Electoral Area Meetings on the following dates:

Area	Date	Venue	Time
Tralee	Mon. 5 th Sept. 11	Council Chamber	10.40am
Listowel	Mon. 5 th Sept. '11	Áras an Phiarsaigh, Listowel	2.30pm
Killarney	Wed. 7 th Sept. '11	Town Hall, Killarney	10.00am
An Daingean	Thurs. 22 nd Sept. '11	Killorglin Golf Club	10.30am
Killorglin	Fri. 30 th Sept. '11	Killorglin Area Serv. Centre	10.30am

11.07.18.17 Summary of proceedings at Conferences

(a) South & Eastern Regional Assembly Conference

It was agreed to note Cllr. P.J. Donovan's written report on behalf of the delegates that attended the South & Eastern Regional Assembly Conference held on 27th May, 2011 which was circulated.

(b) Annual Joint Conference of the Library Association of Ireland and CILIP Ireland

It was agreed to note Cllr. M. Cahill's written report on behalf of the delegates that attended the Annual Joint Conference of the Library Association of Ireland and CILIP Ireland held on 13th and 14th April, 2011 which was circulated.

(c) Kerry Environmental Conference

It was agreed to note Cllr. M. Cahill's written report on behalf of the delegates that attended the Kerry Environmental Conference held from 7th – 10th April, 2011 which was circulated.

(d) New Dáil Seminar

It was agreed to note Cllr. A. McEllistrim's written report on behalf of the delegates that attended the New Dáil Seminar held on the 28th June, 2011 which was circulated.

Cllr. M. Gleeson congratulated all Kerry Oireachtas members from recently elected. When legislation on gratuities for Councillors was introduced, it was not properly framed. When it was enacted, it was intended for members who were retiring from politics. It is deplorable that members elected in the recent Dáil election are entitled to a gratuity yet they are going on to a position where the salary is four times greater than that of a Councillor.

Cllr. R. Beasley supported the sentiments expressed by Cllr. Gleeson and said that anyone advancing to a higher position should not be entitled to a gratuity.

Vote of Sympathy

Cllr. D. Healy-Rae PROPOSED that a Vote of Sympathy would be extended to the family of the late Dermot O'Callaghan of the Fáilte Hotel, Killarney. Dermot played a big part in the development of Killarney Town as we know it today. The Fáilte Hotel is a family run business and is very welcoming. He was a member of Killarney Town Council and always did his utmost to better the town. He thanked him for his assistance to his father in 1997 when he stood for the Dáil for the first time. He extended his sympathies to Dermot's wife and family.

All members said they wished to be associated with this expression of sympathy.

11.07.18.18 Approval for the opening of Tenders

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. O'Donoghue it was agreed to approve the opening of tenders for the Appointment to a Multi Party Framework Agreement for Plumbing Services for Kerry Local Authorities – Closing Date: Friday 22nd July, 2011 at 3.00pm.
- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. McCarthy it was agreed to approve the opening of tenders for the Appointment to a Multi Party Framework Agreement for Electrical Services for Kerry Local Authorities – Closing Date: Friday 22nd July, 2011 at 3.00pm.
- (c) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. A. McEllistrim it was agreed to approve the opening of tenders for the Appointment to a Multi Party Framework Agreement for Instrument Technician Services for Kerry Local Authorities – Closing Date: Friday 5th August, 2011 at 3.00pm.
- (d) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Griffin it was agreed to approve the opening of tenders for the Appointment to a Multi Party Framework Agreement for Fitter Services for Kerry Local Authorities – Closing Date: Friday 5th August, 2011 at 3.00pm.

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- (e) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. O'Donoghue it was agreed to approve the opening of tenders for a Bedroom Extension at 35 Marconi Avenue, Ballybunion – Closing Date: Friday 22nd July, 2011 at 4.00pm.
- (f) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of tenders for the Supply, Installation & Commissioning of four pumps with associated valves at Mulgrave Bridge Waste Water Pump Station – Closing Date: Wednesday 13th July, 2011 at 4.00pm.
- (g) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Gleeson it was agreed to approve the opening of tenders for Non-national Roads Bituminous Overlay Requirements – Closing Date: Friday 15th July, 2011 at 4.30pm.
- (h) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Healy-Rae it was agreed to approve the opening of tenders for the N69 Rea to Tullig Road Realignment Scheme – Engineering Consultancy Services – Stages (i) – (v) (Call-off Contract No: Lot 1 KY-1-2011) – Closing Date: Friday 8th July, 2011 at 4.00pm.
- (i) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. J. Sheahan it was agreed to approve the opening of tenders for the N69 Rea to Tullig Road Realignment Scheme – Archaeological Works Contract 1 – Closing Date: Tuesday 19th July, 2011 at 1.00pm.
- (j) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. J. Healy-Rae it was agreed to approve the opening of tenders for the Design, Supply, Installation & Commissioning for a Drinking Water Treatment System at Dawros, Kenmare – Closing Date: Thursday 28th July, 2011 at 4.00pm.
- (k) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. Moynihan-Cronin it was agreed to approve the opening of tenders for Land and Property Valuation Services for the N86 Tralee to An Daingean Road Improvement Scheme – Closing Date: Wednesday 27th July, 2011 at 12.00pm.
- (l) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. R. Beasley it was agreed to approve the opening of tenders for the N22 Coolgariv to Cleeny and N69 Kilshenane to Mountcoal Pavement Overlays – Closing Date: Wednesday 27th July, 2011 at 4.00pm.
- (m) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. M. Griffin it was agreed to approve the opening of tenders for the N86 Annascaul to Gortabreagoge Road Improvement Scheme (Construction) – Closing Date: Friday 26th August, 2011 at 12.00pm.

- (n) On the PROPOSAL OF Cllr. M. Gleeson, SECONDED by Cllr. G. Wharton-Slattery it was agreed to approve the opening of any tenders that may arise up to the September Council Meeting.

11.07.18.19 Notices of Motion

1. Establishment of a Dedicated Stroke Unit at Kerry General Hospital

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

That this Council calls on the HSE to re-affirm its commitment to the establishment of a Dedicated Stroke Unit with thrombolytic clot bursting capability in Kerry General Hospital and that a definite start-up date would be given and adhered to.

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

Cllr. M. Gleeson said he had this matter on the Agenda for many Council meetings both this and the previous Council for members support. In recent weeks two people of his immediate acquaintance have suffered stroke and he was sure many members knew others who have recently suffered likewise - some may have died but all most certainly have acquired considerable disability. Cllr. Gleeson said one in every five people will have a stroke. The percentage of that number that will die as a direct result and the number who will have to endure long-term serious disability will be largely determined by the treatment they receive within three hours. If they have speedy access to and treatment in a Dedicated Stroke Unit with thrombolytic clot bursting facility their chances of survival will be greatly increased as will the reduction in the degree of disability. Most people in Kerry have no chance of accessing such a facility within the vital timeframe until and unless one is provided in Kerry General Hospital. There is an excellent unit in Kerry General Hospital but they do not have the clot busting facilities. He understands that the HSE hope to have this facility available at Kerry General Hospital by the end of the year. If the facilities are not provided a stroke victim is likely to die.

Cllr. B. Cronin SECONDED the motion and said that prior to the 2009 Local Elections he was a member of the HSE and he put forward a similar request to the Board. He was informed that it would be some time before a dedicated Stroke Unit would be provided at Kerry General Hospital. The people of Kerry need a fully operational dedicated Stroke Unit at Kerry General.

2. Support for the Justice for Magdalenes (JFM) survivor advocacy group

Pursuant to Notice duly given, Cllr. T. Ferris PROPOSED:

That this council supports the Justice for Magdalenes (JFM), survivor advocacy group's calling on the Irish state, to offer a formal state apology to all survivors of the Magdalene Laundries and that the Government immediately establish a statutory inquiry into these abuses. To do otherwise is to cause additional pain and suffering to the women and thereby bring further shame on our nation. The women and their children deserve justice now.

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

Cllr. T. Ferris said that the Residential Institutions Act 2002 did not make provision for the victims of the Mercy Order in the Magdalene homes/laundries. She called for the support of Council for the motion and asked that it would be circulated to all local authorities. An apology should be issued to these victims by the State immediately for the crimes committed against them and compensation should also be made available to them from those who were supposed to protect them.

Cllr. G. Wharton-Slattery supported the motion and she asked that those who lost children at that time would be assisted in tracing them now.

3. Domestic Turf Cutting

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

That Kerry County Council recognises the need to preserve our natural heritage including our peat bogs. We also recognise that generations of Kerry people have and continue to utilise the resources of these bogs for fuel supply and to provide a living for their families and we call on the Government to clarify their plans to allow domestic turf cutting on certain bogs.

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

Cllr. R. Beasley said the people who cut turf are farmers, pensioners, the low paid and the unemployed. This is their only means of heating their homes. Energy costs are set to increase by up to 30% and the Regulator should have a say in these increases. These people must be protected from European law. He asked that clarification would be sought on the term 'protect our peat'.

Cllr. P. Leahy supported the motion and said the cutting of turf is the only source of fuel some people have and they should be allowed to continue to cut turf.

Cllr. J.J. Culloty moved Notice of Motion No. 4 on behalf of Cllr. Foley. He asked that the reply would be forwarded to Cllr. Foley.

4. Upgrading of directional road markings at roundabouts

Pursuant to notice duly given Cllr. N. Foley PROPOSED:

That Kerry County Council would upgrade the directional road markings on the roundabouts in the County. Most of the older roundabouts are no longer clearly marked so drivers don't use them properly and they have the potential to cause accidents.

The following report issued:

The lining on the National Routes is carried out by contract for the NRA and administered by them. This is done periodically on a route basis and in the current year the N69 and N70 will receive attention. Road markings on all the Non National routes are carried out by the Local Authority out of the ever decreasing maintenance budgets and each Engineering Area replenishes the road markings if and when needed and as funding allows. It should also be remembered that the Rules of the Road specify very clearly how to travel through roundabouts and if one adheres to these rules, the potential for accidents to occur should be eliminated.

5. Review of roadside safety cameras

Pursuant to notice duly given Cllr. T. O'Brien PROPOSED:

That Kerry County Council would contact the Minister for Justice calling on him to review the roadside safety cameras that are currently in operation on roads around the County.

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

Cllr. T. O'Brien said the Government put this contract out to tender. At that time it was intended that the work of the Gardaí would be reduced. This has not happened and the Gardaí are not entirely happy with the way they work. It was stated that the locations of the speed cameras would be on the Garda website but he did not think this was the case. Prosecutions have increased by up to 100% since the introduction of the speed cameras yet it was originally stated that it was hoped no one would be caught but that speeding on roads would be reduced with a resulting reduction in the number of fatalities. The system is not working well and some of the vans are located just inside the 80km signs. The other problem is that the owner of the vehicle gets the fine and penalty points when that person may not have been the driver at the time. He asked that a letter would be sent to the Minister for Justice asking for clarification on these issues.

Cllr. D. Healy-Rae concurred with the sentiments expressed by Cllr. O'Brien and said that this was intended to be a life saving initiative.

6. Radon Gas

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

To ask the County Manager what proposals he has, if any, to deal with the very high levels of radon gas in homes in parts of the Killarney Electoral Area.

The following report issued:

A recent meeting has taken place between staff of the Housing Directorate and Mr. David Fenton, Senior Scientist with the Radiological Protection Institute of Ireland (RPII) regarding the recent finding of abnormally high levels of radon in a house in the Castleisland area.

Radon is a naturally occurring gas and the attached map supplied by the RPII following surveys they have carried out shows the high levels of radon in the general Tralee/Castleisland, Farranfore and Furies area. The RPII are most anxious to encourage those living in these areas to have their homes tested. Testing kits are available from a number of companies at a cost of about €50. The RPII will be rolling out a targeted awareness campaign in the areas highlighted in the map and we have discussed with them how Kerry County Council can assist in raising public awareness regarding the need to test homes in high radon areas.

The occurrence of radon in homes can be mitigated by maintaining a good airflow and air exchange in the property or in some cases the installation of an under floor sump to extract the gas.

The majority of Kerry County Council owned properties in high radon areas have been tested and where necessary remedial works have been undertaken on the small number of properties identified as having higher than recommended levels. Arrangements are being made to test any outstanding properties identified as being in the high radon area.

The recent press release from the RPII is attached for information and further details about radon and how to manage it are available from www.rpii.ie.

“Another Kerry home identified with record levels of cancer-causing radon gas - reading is amongst the highest ever found in Europe.

Over 30 homes in the county found with high levels of radon gas.

[Thursday 16th June 2011] A home in north Kerry has been identified with levels of the cancer-causing radioactive gas radon which are among the highest ever identified in Europe. The Castleisland home is located only a few kilometers away from the highest ever reading in an Irish house which was found in 2003.

Nationally, radon is the second biggest cause of lung cancer after smoking and is directly linked to about 200 lung cancer deaths each year.

More than 30 homes with high readings have been identified throughout the county according to new figures released today by the Radiological Protection Institute of Ireland (RPII).

Mr David Fenton, Senior Scientist at the RPII said: "We are very concerned that there are other homes in north Kerry with high levels of radon and the homeowners just don't know it. Radon is particularly dangerous as you cannot see, smell or taste its presence in your home. It causes lung cancer and for those with homes that have high levels, testing is the first step towards making your home safe."

In the past nine months a total of 139 homes were measured by the RPII for radon gas in Kerry. Of these, 35 were above the acceptable level of 200 becquerels per cubic metre (Bq/m³).

In May, the RPII was informed by a private radon measurement company of a home in the Castleisland area of north Kerry which had an average radon concentration of 37,000 Bq/m³ or 185 times above the acceptable level of 200 Bq/m³. It is located only a few kilometers away from the highest ever reading of 49,000 Bq/m³ found in an Irish house.

From RPII measurements, a home in Tralee had more than ten times the acceptable level with readings in excess of 2000 Bq/m³. Three other homes had more than four times the acceptable level with readings in excess of 800 Bq/m³ and were found in Tralee, Castleisland and Lispolie.

The remaining 31 results had readings of between 200 and 800 Bq/m³ and were found in: Castleisland (4), Kenmare (1), Killarney (5), Killorglin (1) and Tralee (20).

Commenting on the findings, Mr Fenton said: "Like many parts of Ireland, north Kerry is a High Radon Area. However, the readings we identify in the area tend to be extremely high. Indeed, 19 of the top fifty highest results that we have found in Ireland to-date were found in north Kerry. People need to test their homes as this is the only way they will know if they are living with a cancer-causing risk."

Nationally, almost 5,000 people tested their homes for radon during the nine-month period between 1st September 2010 and 1st June 2011 and over 800 of those have recorded a high level.

Measuring for radon and, in the event of a high reading, reducing the levels present are both easy to do. To test for radon, one radon detector is placed in a bedroom and a second in a living room for a three-month period. The detectors can be sent and returned by post for analysis. The RPII and a number of private companies provide a radon measurement service. The cost of a measurement is around €50.

If a moderate radon level is found, improving indoor ventilation may reduce the level by up to half. The cost of doing this is low. For higher levels, a fan assisted sump can be installed which can reduce radon levels by over 90%. The sump can be installed in a day with little disruption to the home. The average cost of this work is €1,100 with annual running costs of approximately €90.

An interactive map is available on the RPII's website (www.rpii.ie) so that anyone can search for their address or nearest town to see whether their home or workplace is in a High Radon Area. They can find out what they need to know about radon – what it is, why it is a problem and how they can have a measurement made. Information can also be obtained by phoning Freefone 1800 300 600.

For further information:

Radiological Protection Institute of Ireland

David Dawson 01 206 69 13

Marie Kelly 01 269 77 66

Murray Consultants 01 498 03 00

Aoibheann O'Sullivan 087 629 14 53

Note to Editors:

In the interest of confidentiality, the identification and exact location of the homes with high radon results will not be made available.

Data for all radon measurements undertaken since the early 1990s to-date by the RPII is available on its website: <http://www.rpii.ie/Your-Home/Radon-in-your-home/Radon-results-by-country.aspx>

Radon is a naturally occurring radioactive gas that originates from the decay of uranium in rocks and soils. It has no smell, colour or taste and can only be detected using special detectors. Outdoors, radon quickly dilutes to harmless concentrations but when it enters an enclosed space, such as a house or other building, it can accumulate to unacceptably high concentrations. This gives rise to a radiation dose, which may cause lung cancer.

The national Reference Level for radon in homes is 200 becquerels per cubic metre (Bq/m³). The becquerel is the unit of radioactivity.

Radon is a Class-1 carcinogen. Long-term exposure to radon increases the risk of lung cancer. Based on current knowledge, it is estimated that in Ireland, for the population as a whole, a lifetime exposure (i.e. 70 years) to radon in the home at the Reference Level of 200 Bq/m³ carries a risk of about 1 in 50 of contracting fatal lung cancer. This is approximately twice the risk of death in a road accident. For people who smoke, or who have smoked, the risk from radon is up to 25 times greater than for people who never smoked.

Specific guidance on radon prevention measures for new homes is contained in the "Building Regulations 1997, Technical Guidance Document C – site preparation and resistance to moisture" which is published by The Department of Environment, Community and Local Government

(<http://www.environ.ie/en/Publications/DevelopmentandHousing/BuildingStandards/FileDownload,1642,en.pdf>). The guidance specifies that all new homes, built since 1st July 1998, must be fitted with a standby radon sump which can be activated at a later stage to reduce any high radon concentrations subsequently found. For homes built in High Radon Areas, the installation of a radon barrier as well as a standby radon sump is required.

**Radiological Protection Institute of Ireland
Summary information on radon in North Kerry**

1. The likelihood of a house in north Kerry having high radon levels is no different to other parts of the country. However where north Kerry, in particular the Tralee/Castleisland area, differs is in the magnitude of the radon levels found. In homes in this area some of the highest radon levels found anywhere in Europe have been identified.
2. Local geology (karst limestone) a porous rock where underground caverns/caves are common, is a major contributory factor as radon can quickly and easily surface to enter homes.
3. The map below¹ is taken from an MSc thesis in which the RPII were involved. The area depicted in purple shows these limestone areas where it is predicted very high radon levels might be found. This includes the town of Tralee, Ballymacelligott and the hinterland around Castleisland town. To date the RPII measurements in these areas confirm very high radon concentrations in many homes in these areas.

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4. The predicted area extends south west from Castleisland towards Farranfore, Furies and Castlemaine. It is important to note however that radon measurements made to date in these areas are comparable to those found elsewhere and very much lower than in the areas mentioned in 3 above.
5. In recent weeks the RPII have undertaken local and national publicity to highlight the risk from radon. This week (week of 18th July 2011) the RPII wrote to householders in townlands around Castleisland. This will be followed up by advertisements in local newspapers aimed at encouraging householders to test for radon.
6. The Radon Map for Co Kerry is shown below². This shows the radon risk for the county as a whole. The High Radon Areas are shown in red and dark red.

An interactive map is available on the RPII's website (www.rpii.ie) so that anyone can search for their address or nearest town to see whether their home is in a High Radon Area. The website also contains comprehensive information on radon including why it is a problem and how a measurement is made and how radon problems are fixed. Information can also be obtained by phoning Freefone 1800 300 600.

7. The radon risk to individual householders cannot be accessed on the basis of a map or on local geology. For this reason the RPII's advice is that all homes should be tested for radon. This is especially the case for homes located in the High Radon Areas.

David Fenton
Radon Advice Section
Radiological Protection Institute of Ireland"

Cllr. B. Moynihan-Cronin referred to the report from the RPII which was circulated and quoted the following from the report:

"In the past nine months a total of 139 homes were measured by the RPII for radon gas in Kerry. Of these, 35 were above the acceptable level of 200 becquerels per cubic metre (Bq/m³).

In May, the RPII was informed by a private radon measurement company of a home in the Castleisland area of north Kerry which had an average radon concentration of 37,000 Bq/m³ or 185 times above the acceptable level of 200 Bq/m³. It is located only a few kilometres away from the highest ever reading of 49,000 Bq/m³ found in an Irish house.

From RPII measurements, a home in Tralee had more than ten times the acceptable level with readings in excess of 2000 Bq/m³. Three other homes had more than four times the acceptable level with readings in excess of 800 Bq/m³ and were found in Tralee, Castleisland and Lispole.

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The remaining 31 results had readings of between 200 and 800 Bq/m³ and were found in: Castleisland (4), Kenmare (1), Killarney (5), Kilorglin (1)”

Cllr. Moynihan-Cronin said the findings in the report are frightening. Kerry County Council has a duty of care to the people of Kerry. To-date a small number of houses has very high levels of radon and she asked would a sump have to be installed in each case. Kerry County Council must ensure there are no further deaths from radon in Kerry. She asked that a report would be presented to the September Council meeting (1) outlining the details of the works required for the 30 houses involved and also indicating if the house owners can afford to have these works carried out and (2) giving details of the information campaign.

Mr. J. Breen, Dir. Of Housing said that the RPII Press Release identified 31 houses all of which are private houses and Kerry County Council does not have responsibility for the carrying out of remedial works on these houses. The RPII want to highlight the issue of high radon levels and they will be undertaking an awareness campaign. Local authorities in Kerry tested all their properties. Kerry County Council will co-operate with RPII in their awareness campaign. All homes in the area highlighted in blue in the map circulated should have their homes tested. It is important to ensure a good air flow through the property.

7. Elimination of phosphates from septic tanks

Pursuant to notice duly given Cllr. J.J. Culloty PROPOSED:

That Kerry County Council would call on the Minister for the Environment to introduce measures that would reduce or eliminate phosphates from entering the septic tanks of private dwellings. Such measures could include increasing taxes on products such as dishwasher tablets, washing powder etc., as was done successfully with leaded petrol, plastic bags etc. In conjunction with this, there are a number of other simple measures that could be taken which would have a very positive effect on septic tanks, thus reducing the danger of pollution.

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

Cllr. J.J. Culloty said phosphates and nitrates cause the greatest problems in septic tanks. Phosphates can be removed by taxing products containing phosphates. It is said that some people disconnect the waste water to treatment tanks but he did not have any evidence of this. If there is a problem with a septic tank it may originate in the house and may not be as a result of a failure to desludge the tank. If there are substantial costs involved for home owners it could prove to be unaffordable for some home owners. It may be more beneficial to control what goes into the septic tank. It would not be sufficient to take one sample from the sample chamber as a number of samples should be taken to give an accurate result. Pollution from farmyards has been addressed and this has resulted in a big reduction in the amount of polluting matter entering water courses. There is also a lot of raw sewerage going into water courses in towns and villages and this must also be addressed.

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In conclusion Cllr. Culloty said if the Department proposals are implemented it could prove to be very expensive.

Cllr. M. Gleeson supported the motion and said it is important that the Department proposals will not alienate the public. It is vital that a programme of education on phosphates is undertaken. In the past he asked that designated shelving would be provided in supermarkets where environmentally friendly powders would be easily available to the customer. This would make an enormous difference. The public should be encouraged to use products that are less harmful to the environment.

Cllr. J. Finucane then moved Notice of Motion No. 8 on behalf of Cllr. S. Fitzgerald.

8. Dingle Ice Plant

Pursuant to notice duly given Cllr. S. Fitzgerald PROPOSED:

That Kerry County Council would write to the Senior Officials in the Department of Marine requesting the Department to take over the running of the Dingle Ice Plant.

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

9. Co-ordinated development strategy for the County

Pursuant to notice duly given Cllr. J. Finucane PROPOSED:

That Kerry County Council would host a meeting of all Local Authorities in Kerry along with Senior Management to develop a co-ordinated development strategy for the entire County over the next two to three years. This meeting to set a number of key objectives to be achieved.

The following report issued:

Kerry County Council, along with the Town Councils of Tralee, Killarney and Listowel compiles a statutory Corporate Plan for a 5 year term. This Plan sets out a number of corporate objectives which each of the Local Authorities follow in their work programmes over the period of the plan. These objectives have recently been reviewed through the SPC structures.

Equally, the County Development Board, which has representatives from the Local Authorities in the County as Members, sets a number of objectives for the social, economic and cultural development of the County and these objectives were recently reviewed with a renewed focus on tourism and local economic development. The Kerry Enterprise Action Team, under the Chairmanship of the County Manager, have recently also reviewed their objectives. If a meeting as proposed is agreed, arrangements can be made to host the meeting. However, to be productive, it would need to have a clear purpose with clear, limited agreed objectives/outcomes.

Cllr. J. Finucane said there is a significant White Paper on Local Government Reform being considered by Government. This presents an opportunity to have an input into our future. Such a meeting would afford an opportunity to make a corporate decision on many issues i.e. on the Refuse Service where a decision could be taken on whether there should be one service for the entire county. It is imperative that a decision is taken on the Refuse Service in advance of the Budget. If the decision was to remain in the service provision could be made for investment in the service. If the local authorities cease to provide this service it will be left to private operators and there will be a lot of illegal dumping. He would like to see a working meeting convened where three or four issues would be considered. Minister Deenihan could be invited to the meeting and a submission could be made to him on the issues of importance.

10. Availability of 'term time' to public sector employees

Pursuant to notice duly given Cllr. A. McEllistrim PROPOSED:

For Kerry County Council to ask Minister Howlin to do everything possible to make "term time" available to public sector employees who wish to avail of it. As well as facilitating parents of children of school going age, it would as a consequence reduce the public exchequer bill.

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

Cllr. A. McEllistrim asked that a letter would issue to Minister Howlin requesting him to set up an Arbitration Board to consider appeals regarding Term Time.

11. Housing for single middle aged men and separated fathers

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

That Kerry County Council Housing Section be made aware of the fact that there are many single middle aged men and separated fathers on the housing application list that are not being adequately catered for. Many separated fathers who can only barely afford one room for themselves have no space to accommodate their children as they would be entitled to have them for half of the week. This is very sad because children are only small once.

The following report issued:

The Housing Department is cognisant of the housing needs of single men on the Housing Waiting List. Currently there are 362 single males on the Housing List of Kerry County Council, 47% of whom (or 172 males) are between the ages of 35 and 55 years. In determining the housing need of separated fathers, Kerry County Council gives consideration to the terms of any legal separation agreement with particular reference to shared custody arrangements. Kerry County Council continues to address the housing needs of this client group from the range of housing options available to it - through direct provision, Rental Accommodation Scheme and Social Leasing.

Cllr. D. Healy-Rae said that on a daily basis he is getting calls from single men and separated fathers who are forced into one bedroom apartments. In most cases the children remain with the mother but they visit the father. However the father does not have room for them and while this is hard on fathers it is more so for the children. The wife is usually entitled to rent allowance but not so the fathers. He called on the Housing Department to try to facilitate separated fathers to enable them to have their children come to stay if possible. In many instances in a legal separation the fathers name remains on the family home and this should be taken into account. In conclusion he said this category of housing applicant is not adequately catered for.

Cllr. M. Cahill supported the motion and said this is a very common problem. Single men and in particular young single men are way down the list when it comes to the allocation of houses. It is very difficult for a father who cannot have his children come to stay at weekends.

12. Provision of public lighting at the junction of Poulgorm Bridge and the Kilgarvan Road

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

That we the members of Kerry County Council ask the NRA again to provide public lighting at junction of Poulgorm Bridge where the Kilgarvan Road intersects with the N22 as this junction is very dangerous. If the NRA are really serious about safety, this is a measure that's very badly needed. This junction is lethal during daylight but it is extremely dangerous in darkness.

The following report issued:

This matter was raised previously at the November 2008 Killarney Electoral Area Meeting and has been discussed with the National Roads Authority Regional Road Safety Engineer. This junction is a properly designed and lined junction and does not have a history of serious accidents. As such it would not meet the criteria for funding as a Road Safety Remedial Measure Scheme. It is also unlikely that the NRA would sanction the lighting of this junction in such a rural location. However, this matter can be kept under review should circumstances change at this particular location.

Cllr. J. Healy-Rae disagreed with the reply and said while this junction does not have a history of fatal accidents it does have a history of serious accidents. He asked is it unlikely that the NRA will sanction works at this location? He requested that a letter would issue to the NRA asking them to install lights to highlight this junction.

Cllr. M. Gleeson **SECONDED** the motion and said this issue was brought to his attention by locals on numerous occasions. He added that there have been many accidents at this location.

Cllr. D. Healy-Rae disagreed that this junction is properly designed as he was informed that the bridge is located 11ft. too close to the junction.

13. Inappropriate use of disabled parking bays

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

That a designated mobile phone number be made available to allow the public to report inappropriate use of disabled parking bays. This would allow the public to photograph the offending vehicle and to forward it to this number.

The following report issued:

There is no need to set up a designated mobile phone number to report inappropriate use of disabled parking bays. The reporting can be done by contacting the local Area Office, who will dispatch the Traffic Warden to attend to the situation. The ticketing has to be done in person when the traffic warden is satisfied that a breach of the parking by-laws has taken place. It is not possible to issue a ticket based on photographic evidence alone. It must be remembered also that the Gardaí can issue tickets for inappropriate use of disabled parking bays at any time. Revisions to the Disabled Parking Scheme have been introduced by the Department of Transport since 1st June whereby the issuing of future permits will be restricted to persons who, whether drivers or passengers, have a permanent condition or disability that severely restricts his or her ability to walk. Also it is proposed that a vehicle parked in a restricted parking area with a valid permit can not return to the same space within one hour of its removal. This will free up access to parking spaces for more persons with disabilities.

Cllr. T. Buckley said it regularly happens that disabled parking bays are used by motorists not entitled to park there. As a result suitable reserved parking is not available for disabled motorists.

Cllr. T. O'Brien said motorists want to park outside the shop door. The fine for this type of offence should be increased to €2,000. Unfortunately the family of a disabled driver also uses this facility when the disabled person is not with them.

14. Provision of street lights in Rathmore Village

Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:

That Kerry County Council provide street lights for Rathmore Village.

The following report issued:

As a result of recently enacted legislation, SI 542 European Communities (Energy End-Use Efficiency and Energy Services) Regulations 2009, and the National Energy Efficiency Action Plan 2009 - 2020 Kerry County Council must improve greatly its energy efficiency and reduce considerably its energy usage. For the year 2020, the National Energy Efficiency Action Plan 2009 - 2020 states that: "The public sector will improve its energy efficiency by 33% and will be seen to lead by example - showing all sectors what is possible through strong, committed action". This is an aggregate target across the whole public sector. The energy savings from individual public sector organisations, when combined, will deliver 33% across the entire public sector. These targets are mandatory. One of the greatest energy consumers within the Kerry Local Authorities is our public lighting. If we are to achieve the mandatory targets, we will need to be far more rigorous in looking at additions to the existing network. Existing resources for public lighting will also need to be targeted against achieving greater efficiencies in the existing network rather than adding to the existing network. Following recent representations, we examined the public lighting in Rathmore. Against the SI 542 requirements we will not be able to introduce additional public lighting to the village. We are examining ways of improving the energy efficiency of the existing lighting which may well improve the quality of the lighting through the village.

Cllr. J. Sheahan expressed his disappointment with the reply and said he made representations on behalf of the residents for street lighting on a number of occasions. The lighting system in Rathmore needs to be upgraded and he hoped the funding could be identified in the future for this work. In conclusion he asked if there was any hope that funding could be identified for this work.

Mr. G. MacNamara, Deputy Director of Roads and Transportation said that funding for public lighting is provided by Kerry County Council. The cost of existing public lighting is €1m per annum. Very little funding is available to upgrade street lighting at present. Any upgrading is carried out in conjunction with works done by the ESB.

Cllr. J. J. Culloty supported the motion and said if the 33% saving is achieved the savings could be used to provide or upgrade lighting in other areas.

15. Pedestrian crossing in Furies

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

To ask the Roads Department to re-examine the current pedestrian crossing in Furies and install the push button traffic lights system for improved pedestrian safety, particularly for parents and school children crossing this busy road and to outline the estimated cost for the provision of the lights.

The following report issued:

This has been discussed at the April and June Killarney Electoral Area Meetings. An uncontrolled pedestrian crossing with a central refuge island was constructed at this location on the R561 Regional Road in 2009. Prior to its installation very careful consideration was given to the type of pedestrian crossing that would be appropriate having regard to current design standards and practice. It was decided that a controlled pedestrian crossing would not represent the safest solution as drivers approaching from the Farranfore direction would not normally anticipate the presence of a controlled crossing immediately inside the 50 km/h speed limit particularly as the section of Regional Road immediately in advance of the pedestrian crossing is rural in nature. This could lead to vehicles overshooting the pedestrian crossing with the associated high risk to pedestrians. An undertaking was given at the June Killarney Electoral meeting that improved road signage will be put in place on the Farranfore approach to Firies, highlighting the new pedestrian crossing and that the hedges will be cut around the existing signs also.

Cllr. B. Cronin said this issue was discussed at Area Meetings because it was of serious concern to parents. He had reservations about locating the pedestrian crossing where it is as he thought if it was located further down the village it would be in a more urbanised area. The installation of lights at this location could lead to overtaking by motorists and result in a danger to pedestrians.

Mr. G. MacNamara informed the meeting that the present location of the pedestrian crossing is deemed safer as traffic is going from a rural to an urban area.

Cllr. B. Cronin said parents are very concerned for the safety of their children and one parent is afraid to let their 10 year old up to the pedestrian crossing unaccompanied.

Mr. G. MacNamara said the location of the pedestrian crossing is the more direct route from the houses.

Cllr. B. Cronin said there is only one housing estate at that end of Firies and this is the more recently developed one. The Parents Association feel very strongly about this and he asked how much it would cost to provide controlled lights. He requested the approval of council for the reception of a deputation from the parents at the next Killarney Area Meeting.

Mr. G. MacNamara undertook to cost the provision of controlled lights in Firies.

Cllr. M. Gleeson SECONDED the motion.

16. Prevention of voting irregularities

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

That the Kerry County Registrar in conjunction with An Garda Síochána prevent voting irregularities in Kerry in the future elections and ensure that voting laws and procedures are upheld to ensure fairness for all candidates.

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

Cllr. P. Connor-Scarteen read the following into the record of the meeting:

- “1. Ordinary men and women for many years did not have a vote and people nowadays really value their vote and they should be allowed exercise how and for whom they want to vote.
2. In order to prevent voting irregularities in future examples of what may have happened in the past need to be outlined:
3. The members of this Chamber will have heard of many voting irregularities in the past however ordinary decent honest people did not make complaints due to either not wanting hassle brought upon themselves, not wishing to make statements before Gardai and the Courts etc. other times evidence is hard to obtain.
4. Examples of voting irregularities that I have heard of include:
 - Taking elderly people from hospitals to vote on the morning of an election against the wishes of the staff or before they were to be brought by members of staff or relations later that day.
 - Texting in the polling booth.
 - Passing information out of the polling booth about people that had not yet voted to sub agents.
 - Personating agents leaving the polling booth well in advance of the prescribed time with the names of people that had not yet voted.
 - People using other voters polling cards or impersonating others to vote.
 - Pressurising and intimidating people working in polling booths.
 - I know how competitive politics can be and rivalries can result in heated campaigns on occasion with candidates attempting to gain advantage over their rivals. However there must be a level playing field for all involved.
 - The democratic electoral process must be obeyed to ensure fairness for all. Such tactics can give an unfair advantage over other candidates and can result in the democratic process being abused.
 - Such incidents mentioned above need to be prevented in future elections be they local or national. I would request that the Gardai are in the vicinity of the Polling booths from morning until the close of polling. Stricter monitoring of agents and representatives of candidates, ore spot checking of ID. Ensuring that the names of people that had not voted are not taken out of the polling booth before the close of polls”

Cllr. Connor-Scarteen called on An Garda Síochána and Mr. Padraig Burke, County Registrar to ensure fairness in all future elections. He also called on An Post to ensure that Polling Cards do not end up in the wrong hands.

Cllr. T. Ferris said this information should be given to the Gardaí.

Mr. J.D. Flynn, Director of Corporate Services said a number of issues mentioned are offences. He was apprehensive about some of the things read into the minutes which are criminal offences in the absence of evidence to support same. The County Registrar is very active in ensuring elections are conducted in a proper manner.

Cllr. P. Connor-Scarteen said people did not want to make statements.

Cllr. M. Gleeson said he highlighted an issue at last months meeting where an individual voted on a number of occasions because of the lack of a requirement to produce photographic ID. The possibility of doing this, in particular at Local Elections, is huge. Foreign nationals do not have interest in Local Elections and he heard of their Polling Cards being collected and also of mobile phones being used to let people outside the Polling Station know who had not voted. He added that he did not have concrete information/evidence of this. It is vitally important that the voting process is treated with the utmost of respect. If it is abused people have the right to raise these concerns as Cllr. Connor-Scarteen has. This is members' forum to express their concern.

Mr. J.D. Flynn said he had no difficulty with members raising concerns; however, it is different when specific allegations are read into the minutes of the meeting. In that case evidence should be produced.

Cllr. P. Connor-Scarteen pointed out that these are issues brought to his attention.

Cllr. B. Cronin said people are not making these allegations up. Cllr. Connor-Scarteen is not casting aspersions on Mr. Flynn or the County Registrar but he has had the courage to state what is happening. Cllr. Cronin said he brought to the County Registrar's attention the fact that two people are registered as living in a house who do not live there and have voted in elections. This is being examined by the County Registrar.

Mr. J.D. Flynn informed members that they should bring any evidence they have to the attention of the County Registrar.

Cllr. Cronin commended Cllr. Connor-Scarteen for having the courage to bring these issues to the attention of Council and added that some people are afraid to do so.

Mr. J.D. Flynn said members are preventing the County Registrar from taking action by not giving him the specific information.

Cllr. M. Cahill said a message should go out to the public encouraging people to report any irregularities.

17. Introduction of a Charities Registrar and a Charities Registry Office

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

That Kerry County Council call on the Minister for Justice and Equality, Alan Shatter T.D. to immediately introduce a Charities Registrar and a Charities Registry Office with powers to regulate, control investigate, de-list and also to address issues in relation to pay/expenses/cars etc. for employees.

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

Cllr. M. Cahill said hundreds of volunteers do great work and an example of this is the recent Ring of Kerry Cycle. He acknowledged the work of various charities and said charities are now big business yet we know little about how they work; spend their money and how employees are paid. Some CEO's earn as much as €400,000 per annum and are also provided with cars at a time of severe shortage. He called on the Minister for Justice and Equality to immediately introduce a Charities Registrar and a Charities Registry Office with powers to regulate, control and investigate charities. Deputy Fleming raised this matter in the Dáil recently and he received the following reply:

"I wish to inform the Deputy that Charities in Ireland have been unregulated since the foundation of the State. The purpose of the Charities Act 2009 is to enact a reform of the law relating to charities in order to ensure accountability and to protect against abuse of charitable status and fraud. It will also enhance public trust and confidence in charities and increase transparency in the charities sector. The Charities Act 2009, together with the Charities Acts 1961 and 1973 and the Street and House to House Collections Act 1962, will provide for a composite regulatory framework for charities through a combination of new legislative provisions and retention of existing charities legislation, with updating, where appropriate.

The enactment of the charities legislation did not immediately bring the Charities Act 2009 into force. In this regard, commencement of the majority of the Act is contingent on a Charities Regulatory Authority being in place. The Charities Regulatory Authority, as well as establishing and maintaining a register of charitable organisations, will also have the power to ensure and monitor compliance by charitable organisation with the Charities Act 2009 and to carry out investigations in accordance with the Charities Act 2009.

The Department is currently working towards the implementation of the Charities Act 2009 which will entail the establishment of a new Register of Charities and the Charities Regulatory Authority (CRA) but there is a substantial body of work to be carried out before the CRA and the

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Charities Register can be established. In other jurisdictions it has taken a number of years to achieve this and that will be the case in this country also.”

Cllr. Cahill said he was appalled at this reply in particular following the Payments to Politicians enquiry and the Banks and Church scandals. Up to 80% of money raised by charities is going on administration. Many good, well intentioned Irish people who subscribe to these charities would not have done so if they were aware of these facts. He believed all charities should be registered and the rules governing such charities should be made public and expenditure on administration should not exceed a certain percentage of their income.

Cllr. D. Healy-Rae said it should also be borne in mind that the Irish Government gives hundreds of millions of Euros to these charities each year.

Cllr. T. O'Brien asked about charities who operate on a national permit who collect in towns. They usually sell cards on a table outside shops and on the main streets. He understood just 20% of the €2 donated per card actually goes to the charity. This is unfair on local charities who must apply to the Gardaí for a one day permit. It is important that these groups are controlled and regulated.

18. Delay in the allocation of private houses at Lispole

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

To ask the Director of Housing to explain the continuous delay in the allocation of private houses that Kerry County Council availed of for social housing at Lispole.

The following report issued:

Kerry County Council entered into an agreement in accordance with Part V of the Planning and Development Act with Mr. Thomas Kavanagh regarding Planning Permission 4340/04 for the development of 15 dwellings and 2 no. apartments and 2 no. retail units at Deerpark, Lispole, which permission issued on 25th May, 2005. Following protracted discussions, agreement was reached with the developer for the construction of 4 no. houses on an adjacent site in Lispole. These houses have been constructed but have not, as yet, been transferred over by the builder to Kerry County Council due to outstanding construction matters related to the services facilitating this development. It is a matter for the developer to resolve these matters to the satisfaction of the Housing Authority. Once we are satisfied that all of the outstanding matters have been resolved to our satisfaction, we will then be in a position to complete the takeover of the units. It is unfortunate that this delay is denying Kerry County Council the opportunity to let the houses to qualified housing applicants, however we cannot take over properties until all statutory requirements have been complied with.

Cllr. M. O'Shea said the Housing Investigating Officer reported on applicants for these houses twelve months ago and many people are awaiting housing in this area. He asked if the list would be reviewed taking into consideration the delay in letting these houses.

Mr. J. Breen said it is a matter for the developer to complete these houses. However, he hoped there would be progress in the next month. He confirmed that the housing list would be reviewed in light of the delay in the completion of the houses.

19. Provision of a dedicated unit for hospice palliative care in each hospital

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

That each public hospital should be provided with a dedicated unit within which hospice type quality palliative care would be available to the people for whom death is imminent and within which the terminally ill and relatives could interact in appropriate privacy and dignity.

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

Cllr. M. Gleeson said death is the ultimate great reality and as such it deserves to be treated with great respect and dignity. A number of years ago from his bed in a six person ward he watched in helpless horror as a gentleman died all alone. He thought and still does that such a cruel fate should be befall any person. Even if that man had family present he believed that he and they should of right be deserving of the dignity of privacy. A flimsy curtain pulled around a bed in a public ward does not afford appropriate privacy nor indeed does it respect the sensitivities of the other patients in the ward. In truth each large public hospital should have a hospice type facility where dying and death are accorded proper respect. But until that day arrives the least that the dying person and the attendant family and friends deserve is a room specially ordered – a room affording comfort, privacy and deep empathy. Cllr. Gleeson asked that the motion would be forwarded to the HSE for consideration and reply.

Cllr. T. Ferris SECONDED the motion.

20. Miami Five

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

This Council welcomes the Amnesty International review of the case of the Miami Five published on 13 October 2010, Index Number: AMR 51/093/2010.1.

We echo the international community and Amnesty's calls on President Obama to consider using his executive powers to release the Miami Five from detention following a flawed legal process, given that they have already served 12 years in custody.

We resolve to send this motion to the attention of President Obama.

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

Cllr. Ferris asked that President Obama's office would be contacted with a view to encouraging him to arrange for the release of the Miami Five. They were arrested and serious concerns have been raised regarding the procedures used. Regardless of people's views of the men's activities there are human rights issues involved. In conclusion she called on President Obama to release these men some of whom have not seen their families for 8 years.

Cllr. R. Beasley SECONDED the motion.

Cllr. G. Wharton-Slattery said she is a member of the Tralee Branch of Amnesty International and they have been following up on this case also.

21. Opposition to any reduction in wages

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

That Kerry County Council is opposed to any attempts by Government, or anyone else, to drive down the wages and conditions of workers, particularly those at the lower end of the scale and we call on Government parties to ensure that these people are protected.

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

Cllr. R. Beasley said he was concerned for those on the minimum wage. He acknowledged that there are some very good employers but added that some take advantage of the current difficult economic situation.

Cllr. T. Ferris supported the motion and said that when Lisbon II was being debated assurances were given that if people supported it rates of pay would not be affected. The vast majority of people just above the minimum wage are barely surviving at present. The Government should defend lower paid workers. If an unemployed person declares one day's work they will lose their unemployment payment for twelve weeks and this is unacceptable. She condemned Minister Burton's comments at the weekend when she said young people opt to go on the dole rather than try to get work.

22. Borrowing for foreign aid

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

That we the members of Kerry County Council make our dissatisfaction known to the Government in relation to a disclosure recently in the public media that Ireland is borrowing over €700m a year to give to charities in foreign countries. As we all know we have too many deficiencies in many of our vital public services. Many of our own vulnerable people are not being adequately seen after.

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

Cllr. D. Healy-Rae said Ireland is borrowing approx. €700m per annum for foreign aid to help the people of the third world. He disagreed with Jan O'Sullivan, Junior Minister at the Department of Foreign Affairs and Trade who has defended this contribution. Funding for the Fuel Allowance and SNAs was reduced recently and the €700m spent on foreign aid could be used to retain these services. Each person should decide if they want to contribute to foreign countries or not. It is wrong to put that burden on the people who are working. He called for the support of Council to write to Minister Jan O'Sullivan calling for a reduction in the amount spent on foreign aid.

Cllr. T. Ferris said she did not want to be associated with the motion. No parent who has experienced a reduction in services for their child would agree that starving children should be deprived of aid. The majority of the money borrowed by the Government from the EU/IMF is used to pay very wealthy people who gambled on the stock market. She did not resent giving aid to starving children and emigrants in the London Irish Centre who rely on this funding to look after our emigrants. She called on Cllr. D. Healy-Rae to amend his motion.

Cllr. R. Beasley supported the sentiments expressed by Cllr. Ferris.

Cllr. D. Healy-Rae said this level of funding is too much in these difficult times and he detested the fact that the Government is borrowing to pay back bond holders.

Cllr. Ferris called on Cllr. Healy-Rae to withdraw the motion.

Cllr. Healy-Rae asked that the amount of foreign aid would be reduced and that the Government would scrutinise all organisations benefiting from this funding.

23. Centralising of the processing of Medical Cards

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

That this Council condemn the recent movement out of Tralee to Dublin of the processing of medical card applications. We believe this will unfortunately have a detrimental effect on people seeking to have cards given for the first time or seeking renewals. We wish to compliment in the strongest way the excellent service that the personnel in the Medical Card Section in Tralee have given to the people of Kerry back over the years and we thank them for their work.

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

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Cllr. J. Healy-Rae called on the Council to condemn the centralising of the processing of Medical Cards in Dublin. This will make it very difficult for applicants to get an update on their application as they will not be able to call into the office. He paid tribute to the HSE staff in the office in Tralee who processed applications for Medical Cards until recently and said they were very helpful.

Cllr. B. Cronin **SECONDED** the motion and said that the centralising of the processing of applications for Medical Cards will make it very difficult for applicants from rural areas. It will be very difficult to get someone on the phone to discuss the progress on their application.

24. Provision of a turn off lane at Kerryway, Curraglass, Glenflesk, Killarney

Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:

That Kerry County Council provide a turn off lane at Kerryway, Curraglass, Glenflesk, Killarney.

The following report issued:

This has been discussed at the June Killarney Area Meeting. It is not NRA policy to provide dedicated right turn lanes at the entrance to private property. Furthermore, as the entrance to this property does not have a history of accidents, it would not meet the criteria for funding as a Road Safety Remedial Measure Scheme. However, this matter can be kept under review, should circumstances change at this particular location.

25. High accommodation rental charges for college students

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

That this Council call on the Government and relevant bodies to address the current high accommodation rental charges for college students in the academic year which does not reflect the current substantial drop in house prices.

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

Cllr. B. Cronin said it is accepted that the value of houses has dropped by $\frac{1}{3}$ yet the cost of rent for college students has not reduced. A group of students renting a house in Cork pay €90 each per week while the same accommodation is available for €50 per week during the summer. In Limerick students pay €65 - €70 per week and this reduces to €40 during the summer. Members previously discussed the cuts facing students in the Higher Education Grants Scheme and the high cost of accommodation is another obstacle for them. The Department of Education, Threshold and the Students Union of Ireland should review this issue and he asked that the motion would be referred to them for consideration. If valuations have reduced rents should also be reduced.

Cllr. P. Leahy **SECONDED** the motion.

27. Number of housing applicants in County Kerry

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

How many local authority housing applicants in County Kerry, how many housing units currently available and what measures are Kerry County Council taking to house all the families and individuals on the waiting list?

The following report issued:

Currently there are 2,355 housing applicants in the functional area of Kerry County Council, 1,405 of whom are qualified applicants on the Social Housing Waiting List. A further 950 applications are currently at varying stages of the investigation process to determine their housing need.

Kerry County Council has a housing stock of 1,790 properties, excluding single rural cottages and emergency housing stock. There are currently approx. 37 of these properties vacant. These properties are either under repair, awaiting allocation or under offer.

Kerry County Council continues to allocate houses to qualified applicants as expeditiously as possible from within its own housing stock. In an effort to reduce the timeframe from original vacancy to occupation, Kerry County Council is now allocating properties when repair works commence.

Kerry County Council also uses other housing options available to it to address housing need. Currently, Kerry County Council has transferred 42 new applicants onto the Rental Accommodation Scheme in 2011 and continues to work proactively to increase this number. Also, it is expected that approx. 25 housing units will have been transferred under the Social Housing Leasing Initiative before the end of the year and will facilitate the provision of additional social housing to qualified housing applicants.

Cllr. M. Cahill said the housing list in Kerry is growing rapidly with 1,000 applications currently being investigated yet no houses are being constructed. The Long Term Leasing Scheme appears to be the only hope for housing applicants. In order to qualify for rent supplement the applicant must be a qualified applicant. He called on the Council to sign agreements with property owners interested in the Long Term Leasing Scheme.

Cllr. T. O'Brien said there are over 2,000 on the housing waiting list with Tralee Town Council. If an applicant goes on the RAS Scheme they are considered to be housed and are removed from the housing list. He acknowledged that the RAS Scheme is excellent but said he was concerned that it may not be the correct solution to the housing waiting list.

Mr. J. Breen, Director of Housing said that members adopted a Housing Allocation Scheme at the June meeting and anyone transferring to RAS is deemed to be housed and the Minister is adamant on this. Rental properties are the way forward to address local authority waiting lists.

28. Funding for the reconstruction of local access roads following the construction of a sewage plant.

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

To ask the County Manager when finalising plans for the construction of a sewage plant if the contingency plans include costings for the reconstruction of the local access roads.

The following report issued:

The grants provided by the Department of the Environment, Community and Local Government for water services projects are limited to the reinstatement of a road over the trench width through which a pipeline has been constructed for the purposes of the facility. There is no grant available for the reconstruction of local access roads. Every effort is made however to ensure that vehicles carrying materials and plant on public roads comply with the Road Traffic Acts to minimize the effect of additional traffic on the public road. Furthermore, the water services and roads sections make every effort to coordinate the local roads programme with the water services infrastructural development work, where possible.

Cllr. M. O'Shea said he was delighted Milltown got a sewerage treatment plant. The Abbey Road, where the treatment plant is located, leads to Kilcolman Abbey. Prior to the construction of the scheme this road was improved by Kerry County Council and was in very good repair. However, as a result of the heavy vehicles used during construction the road is now in a state of severe disrepair. He asked if there is any contingency funding available to repair this road to the standard prior to construction.

29. Dedicated place to facilitate young people who engage in the sport of cars doing wheelies.

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

That Kerry County Council and all the relevant agencies do its best to locate a place or places to facilitate the young generation of boys and girls who engage in the sport of cars doing wheelies. It has been communicated to us that if such places were available they would not have to engage their sport on the public road. It would be of benefit to many people who are afraid of all that goes with this sport and a benefit to the youngsters who engage in this sport.

The following report issued:

The issue of cars doing wheelies or so called “doughnuts” on public roads is an emotive one. There is the issue of public safety where large crowds of generally young male drivers gather for a spectacle allied to the damage caused to the road surfaces with large, ugly tyre marks being left on the road. The residue of such gatherings and particularly the tyre marks are an unwelcome and inappropriate mark on our public roads, particularly in a tourist County like Kerry. Public roads are provided to facilitate safe and efficient transport from point A to point B and not as a playground for young male drivers. Recently, Kerry County Council has received a number of complaints of such behaviour on public roads during the recent Rally of the Lakes. With regard to the provision of facilities where this activity could be facilitated, Kerry County Council is happy to consider any approaches made with regard to a facility which has been identified by the participants of this sport as described in the Notice of Motion. It is not the function of the Local Authority to locate such a facility and as is normal, the sports club members or participants would normally seek to locate a premises and thereafter consult with Kerry County Council with regard to planning and permitting matters. It occurs that these activities might best be catered for in a disused quarry which would normally have a large concrete pad and the nature of the quarry would lend itself to mitigate any noise disturbance arising.

Cllr. D. Healy-Rae said this is an ongoing issue. There is a view that a regulated facility should be provided for young people who are engaged in this type of sport. The facility could be open by day whereas at present this activity is taking place by night on the public road and can be annoying. By and large the young people do not do any harm and this activity is not done at speed but is controlled and skilful. He suggested that a disused road could be used for this purpose.

Cllr. J. Healy-Rae concurred with the sentiments expressed by the previous speaker and said the young people involved say it is an art while it annoys some people. He asked that these young people would be facilitated if possible.

Cllr. G. Wharton-Slattery supported the motion and said a lot of areas are ruined with speed ramps in an effort to stop speeding and this type of activity. Ballyseedy Car Park is an example of this. It would be welcomed if two or three locations could be identified for this activity around the county and graffiti artists could also be accommodated there.

Cllr. M. Cahill suggested that Donegal County Council may have provided this type of facility and he asked that contact would be made with them to find out more about their experience in this area.

30. Repairs to the road from Knockrour to Knockreagh in Scartaglin

**Pursuant to notice duly given Cllrs. B. O'Connell/J. Sheahan
PROPOSED:**

That Kerry County Council carry out repairs to a dangerous section of road from Knockrour to Knockreagh in Scartaglin.

The following report issued:

This has been discussed at the June Killarney Area Meeting. There is no funding currently available for improvement works on this roadway; this is in part due to the extent of road repairs required following the extreme weather of the past winter which has seen significant monies expended on general maintenance and repair. However, the road may be considered for inclusion in the 2012 Road Works Programme under the appropriate grant headings, subject to available funding.

31. Introduction of a Fisheries Harbours and Piers Committee

**Pursuant to notice duly given Cllrs. M. Cahill/J.J. Culloty
PROPOSED:**

That Kerry County Council introduce a Fisheries Harbours and Piers Committee with a view to creating and promoting jobs in the fishing industry/aquaculture industry, marine leisure and tourism industry in the County. This Committee should also support the development of piers and harbours infrastructure and should source funding for coastal protection works. After all, Kerry is very much a coastal County!

The following report issued:

The establishment of Strategic Policy Committees under the Better Local Government (BLG) reforms in 2000/2001 removed all of the existing committees that were in place pre BLG. The SPCs were established to examine and develop strategic policy such as the impact of changes in the economic, social and cultural fabric on the future development of the County. The impact of the current challenges facing the protection of our coastline and the provision of piers, harbours and marinas can be considered by the Transport SPC.

Cllr. M. Cahill said that Kerry is a vast coastal county and fishing is very important to the local economy. The development of the piers and harbours in Kerry is vital and for this reason it is important to re-introduce the Fisheries Committee. He was concerned if this was dealt with through the SPC it would not be as effective.

Mr. J.D. Flynn informed the meeting that the most appropriate body to deal with this issue is the Transport SPC. They had the discretion to establish a sub-committee if they deem it appropriate.

Cllr. M. Cahill requested that this matter would be referred to the Transport SPC for consideration.

11.07.18.20 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. T. O'Brien, it was agreed to authorise the attendance of Cllrs. B. O'Connell, B. Cronin, P. O'Donoghue, M. Griffin, L. Purtill, R. Beasley, N. Foley, J. Brassil, J. Sheahan, P. McCarthy, P. Leahy and G. Wharton Slattery at the AMAI 98th Annual Conference to be held in Trim, Co. Meath from 8th – 10th September, 2011.

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

- (b) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. M. Cahill, it was agreed to authorise the attendance of Cllrs. S. Fitzgerald, L. Purtill, N. Foley, B. O'Connell, M. Griffin, D. Healy-Rae, R. Beasley, B. Cronin, P. O'Donoghue, J. Brassil, J. Sheahan, T. Buckley, M. O'Shea, T. Ferris, P. Leahy and G. Wharton-Slattery at the LAMA Autumn Seminar 2011 on the theme 'The Role of Tourism in Economic Recovery' to be held in Dungarvan, Co. Waterford on 23rd and 24th September, 2011.

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

11.07.18.21 Correspondence General

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

1.	Letter dated 10 June, 2011, from the Office of the Minister for Housing and Planning regarding long term leasing arrangements and carbon monoxide detectors.
2.	Letter dated 10 June, 2011, from the Office of the Minister for Housing and Planning regarding the Tenant Purchase Scheme.
3.	Letter dated 14 June, 2011, from the National Asset Management Agency regarding the provision of mortgages by that Agency.
4.	Letter dated 17 June, 2011, from the Office of the Minister for Housing and Planning regarding the current planning legislation.
5.	Letter dated 21 June, 2011, from the Office of the Minister for Public Expenditure and Reform regarding the re-employment of retired Civil Servants.
6.	Letter dated 29 June, 2011, from the Office of the Minister for Finance regarding the Universal Social Charge (USC).
7.	Letter dated 29 June, 2011, from the HSE Kerry regarding the provision of extra car parking spaces to facilitate people with disabilities at Kerry General Hospital.

8.	Letter dated 1 July, 2011, from the Office of the Taoiseach regarding our resolution asking the Government to authorise AIB and Bank of Ireland to release funding to small businesses and sole traders.
9.	Letter dated 4 July, 2011, from the Office of the Minister for Education and Skills regarding the proposed changes to the Primary School Transport Scheme.
10.	Letter dated 4 July, 2011, from the Office of the Minister for Transport regarding the issue of the PSO contract for Dublin to Kerry flights.
11.	Letter dated 4 July, 2011 from the Office of the Minister for Jobs, Enterprise and Innovation regarding the impediments to the progression of the Shannon LNG development.
12.	Letter dated 4 July, 2011 from the Office of the Minister for Social and Family Affairs regarding the publication of the Live Register figures for Castleisland separately.
13.	Letter dated 4 July, 2011 from Phil Prendergast MEP regarding the awarding of the PSO contract for the Dublin to Kerry flights.
14.	Letter dated 6 July, 2011 from the Office of the Minister for Jobs, Enterprise and Innovation regarding impediments to the progression of the Shannon LNG developments.
15.	Letter dated 7 July, 2011 from Sean Kelly MEP regarding the awarding of the PSO contract for the Dublin to Kerry flights.
16.	Letter dated 11 July, 2011 from the HSE Kerry regarding their response to the high levels of suicide in Kerry.
17.	Letter dated 11 July, 2011 from the HSE Kerry regarding the construction of a ramp at the main entrance to Killarney Community Hospital.
18.	Letter dated 8 July, 2011 from the NRA regarding improvement works to the N71 Kenmare to Bonane road.
19.	Letter dated 8 July, 2011 from the NRA regarding the proposed N22 Ballyvourney to Macroom road.
20.	Letter dated 8 July, 2011 from KDYS regarding the services they provide.

21.	Letter dated 16 June, 2011 from South Tipperary County Council regarding a resolution adopted by that authority calling on the Minister for Environment to keep summer time year round.
22.	Letter dated 17 June, 2011 from Dublin City Council regarding a resolution adopted by that authority supporting the Justice for Magdalenes survivor advocacy group's calling for a formal state apology to all survivors and also calling for the establishment of an inquiry into these abuses.
23.	Letter dated 17 June, 2011 from Dublin City Council regarding a resolution adopted by that authority acknowledging the 30 th anniversary of the death of 10 Irishmen on hunger strike in 1981.
24.	Letter dated 5 July, 2011 from Clare County Council to Minister Phil Hogan T.D., calling for an amendment of the Litter Act to state that where there is a reasonable doubt that landowners are not penalised for illegal dumping.
25.	E-mail dated 6 July, 2011 from South Tipperary County Council regarding a resolution adopted by that authority requesting the Dept. of Environment, Community and Local Government to advise them as to what Draft Directives which may affect the operation of Local Authorities are currently before the EU.
26.	Letter dated 6 th July, 2011 from Donegal County Council regarding a resolution adopted by that authority concerning the protection of Right of Ways.

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 Dermot O'Callaghan.
- (b) Cllrs. T. Ferris and R. Beasley proposed that a vote of sympathy would be extended to the family of the late Frank Hennessy.
- (c) Cllrs. T. Ferris and R. Beasley proposed that a vote of sympathy would be extended to the family of the late Liam Cotter.
- (d) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Jackie Kelleher.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Maura Doherty.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Brigid Dineen.

11.07.18.23 Any other business

Allocation of Grants

Cllr. T. Ferris asked that realistic grants would be allocated to old age pensioners otherwise they will not be in a position to carry out the repairs to their homes.

Water Softner for Ardfert

A discussion took place on the need to provide a water softener for the Ardfert area.

The meeting concluded at 5.20pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry