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**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY, 21 NOVEMBER, 2011**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN , 21 SAMHAIN, 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-Slaterry

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, County Manager	Mr. J.D. Flynn, Dir of Corp. Servs
Mr. O. Ring, Dir Water & Env. Servs.	Mr. M. McMahon, Dir. Of Planning
Mr. C. O'Sullivan, Director of Roads	Ms. A. McAllen, A/Head of Finance
Mr. J. Breen, Dir. Hsg. & Comm & Ent.	Mr. T. Sheehy, SE Environment
Mr. M. O'Donoghue, SEO Human Res.	Mr. G. O'Brien, Mtgs. Administrator
Mr. M. Boyce, SEE Environment	Ms. J. McCarthy, SEO Planning
Ms. K. Moriarty, A/SEO Finance	Mr. P. Corkery, Press & Comm. Off.
Ms. M. West, AO Roads	Mr. L. Brosnan, AO Planning
Ms. B. Reidy, SSO Corporate Affairs	Ms. M. Galvin, CO Corporate Affairs
Ms. O. O'Shea, CO Corporate Affairs	

The meeting commenced at 10.40 a.m.

Mayor T. Buckley took the Chair.

At the outset the Mayor welcomed the 3rd Year students from the Intermediate School Killorglin and their teacher (Name withheld for Data Protection purposes) to the meeting.

All members said they wished to be associated with the Mayor's words of welcome for the students and their teacher.

11.11.21.03 Mayor's Report on CPG Meeting held on 15^h November, 2011

Mayor T. Buckley read the following report into the record of the meeting:

Item 1 "Agenda for the November Council Meeting"

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

Item 2 County Development Board Update

Ms. S. Griffin, Community/Voluntary Sector Involvement Facilitator, Community & Enterprise, updated CPG members on County Development Board matters:

- Executive Meeting taking place on 15th November, 2011.
- Items being considered for CDB meeting to be held on Friday, 25th November include:
 - Business Closure Strategy – Recommendations from the CDB Discussion Groups.
 - Update on Infrastructural Projects.
 - Consideration of Draft Statistical Indicators to be used to compile a "picture of Kerry" on an ongoing basis.
 - Recommendations from the Family Learning Forum on responses to cuts in Traveller Education.
 - Consideration of CDB Response/Submission to recently published Core Strategy for Killarney.
- Kerry County Council recently won the Local Authority Award at the Pride of Place finals held in Gorey, County Wexford.

CPG Members congratulated Ms. Griffin and the staff of the Community & Enterprise on winning the Local Authority Award at the Pride of Place finals and commended their work with the community and voluntary sector.

Item 3 Update from Chairs of SPCs - Corporate Plan Review

Cllr. B. Moynihan Cronin said a Housing & Social Support SPC meeting was held on 27th October, 2011. A full report will be presented to the November Council meeting.

Cllr. M. Cahill said a meeting of the Culture SPC was held recently. A full report will be presented to the December Council meeting.

Item 4 Update on Cork Swansea Ferry Service

County Manager updated CPG members on the Cork Swansea Ferry Service. A detailed report is being presented to the November Council meeting.

Item 5 Update on Kenmare Water Abstraction

County Manager said an Abstraction Order was granted by An Bord Pleanála for the abstraction of water from the River Sheen in Kenmare. A challenge to the An Bord Pleanála decision to grant the Abstraction Order has been lodged with the Circuit Court and papers have been served on Kerry County Council to this effect.

Transfer of VEC Pensions

Ms. A. McAllen, Acting Head of Finance, said historically Kerry County Council has been responsible for the payment of pensions to former employees of the VECs and ITs on an agency basis. Payment of these pensions is being transferred to the Pensions Section of the Department of Finance. 189 pensions were paid every two weeks as well as gratuities when they fell due. These monies were then recouped from the Department on a quarterly basis. The transfer of these payments to the Department of Finance is positive for Kerry County Council from a cash flow point of view. The transfer of payments will also result in the budgetary expenditure showing a significant decrease in 2011.

Item 6 Civic/Mayoral Receptions

CPG members agreed that the Mayor would issue a letter of congratulations, on behalf of Council, to President Michael D. Higgins.

Item 7 Any Other Business

Cllr. P. Connor-Scarteen raised the issue of Lough Eirk impoundment.

County Manager outlined the position stating that he was awaiting an independent consultant's report which he would hope to have shortly and confirmed that he considered there is no immediate risk.

It was noted that this matter will be discussed at the forthcoming Killorglin Electoral Area meeting."

As Chair of the County Kerry VEC Cllr. J. Finucane welcomed the transfer of the payment of pensions to former employees of the VEC's and IT's to the Department of Finance.

11.11.21.02 Confirmation of Minutes

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. P. Leahy it was resolved that the minutes of the October Ordinary Meeting of Kerry County Council held on 17 October, 2011 be confirmed.

11.11.21.03 Waste Management Update

Mr. T. Curran, County Manager, said that we are in the most difficult economic times since he began working in the Council. Our main source of income from the Local Government Fund could be down by up to 15% in 2012 which is a reduction of €3m. Income from rates and commercial water charges is also reducing. He then read the following report into the record of the meeting.

“Members will be aware that I have been carrying out a fundamental review of the Refuse Collection Service. As part of this review process, I engaged the service of consultants to review our work to date and to advise me on the options available. I have now completed this fundamental review.

The Refuse Collection Service is heavily subsidised by Kerry County Council each year and, in effect, resources are diverted from other budget areas to offset the losses in the Environmental Budget arising from the operation of this service.

The following table outlines the losses incurred in the Refuse Collection Service over the past 4 years.

Table 1

Year	2008	2009	2010	2011	Change 2008 v 2011
Income	2,925,655	2,666,625	1,943,099	1,657,679	-1,267,976
Expenditure	3,716,580	3,029,102	2,663,297	2,385,075	-1,331,505
Loss	790,925	362,477	720,198	727,396	-----
Customer Numbers	8,365	8,052	7,671	7,386	-979(12%)

It is clear from the above table that every effort was made to reduce our operating costs to make the service more cost effective and in 2010 we reduced the annual “bundle costs” from €340 to €260 to make the service more competitive. Between 2008 & 2011 we managed to reduce our operating costs by €1.3m. This could not have been achieved without the support and commitment of our refuse crews who responded to strong competition from the private operators, by rationalising routes, reduction in crew numbers and increased productivity. I wish to put on record my sincere thanks to all the staff and their Union Representatives for their support and dedication in these difficult times. However, despite their best efforts and the

efforts by Management in reducing the cost of service to our customers, we continued to lose customers to the private operators.

Over the last few years, Kerry County Council has tried to attract additional customers, while also trying to consolidate our existing customer base. In 2011, a dedicated salesperson was appointed, a comprehensive media campaign was undertaken and package rates were introduced to suit the needs of our customers. Additional features such as internet and phone pre-payment and pay-by-lift were introduced. Despite these efforts, we have lost almost 1,000 customers since 2008 and our customer base will continue to be eroded due to the ability of the private waste contractors to offer services to households at lower costs. The private contractors appear to be offering different charges to different customers, depending on location. The Council cannot do likewise.

There are new regulatory changes in the waste area, which will lead to increased costs in the coming years. The EU Landfill Directive sets limits in relation to the amount of bio-degradable waste that can be accepted at the landfill. These amounts have been reducing from 100% and will be down to 15% by 2016.

The diversion of this waste from landfill will require significant investment as follows:-

- (a) New spilt body Collection Vehicles*
- (b) Purchase of Additional Wheelie-bins*
- (c) Additional costs to treat bio-degradable waste (Brown Bins)*
- (d) Additional costs to treat (black-bin)*

In addition to the existing annual losses of circa €700,000 the projected **ADDITIONAL** costs year on year of these measures outlined above are:-

Table 2

Year	2012	2013	2014	2015	2016
Additional Costs	470,000	760,000	850,000	940,000	1,140,000

These increased costs would have to be borne by our customers and/or by the Council itself. It appears to me, as Manager, that it would be imprudent to invest monies in equipment and incur additional operating costs with little or no guarantee of having a customer base that will absorb these costs. Therefore, the Council will have to absorb these costs at the expense of other essential services. In view of reduced Government support in 2012 and subsequent years and diminishing income from Rates & Service Charges, I could not impose this risk and subsequent cost on the Council.

Furthermore, the Government is looking at the entire waste operations and are considering amending legislation to introduce a competitive tendering process for waste collection. Were this to be introduced, Local Authorities who are in the waste collection business would have to compete against the private sector for the waste collection business. Contracts for the collection business would be awarded through an Independent Assessment Process.

There is a high risk that the Council would not win this tender process and therefore, any capital investment at this time would not be advisable.

On the basis of the above, I have decided with deep regret, that the only course of action open to me was to exit the Waste Collection Business, and to maximise its disposal value. I therefore, signed a formal contract with Killarney Waste Disposal Ltd (KWD) on Thursday last 17th November, 2011 for the sale of our Refuse Collection Business, **with effect on 5th December, 2011.**

I have earlier this morning briefed all staff involved in the Refuse Service and their Union Representatives on this matter and the established I.R. Processes are now in place.

I would like to thank all our customers for their support. Continuity of service provision to all our customers has been guaranteed as part of the sale agreement and detailed arrangements are being put in place to advise our customers of the new arrangements and smooth transition to same”.

In conclusion Mr. Curran said there will not be any forced redundancies and the staff will be redeployed. This is a very sad day for the Council but as Manager he has a duty to manage the affairs of the Council to the best of his ability and he could not justify the risk of retaining the service.

Cllr. M. Gleeson said it was sad that the students were present on a day when one of our core services is ending. He listened to what the County Manager had to say with deep regret and great sadness that one of the core functions of this local authority is disappearing. Successive governments have diminished the powers of local authorities but he believed that local authorities have a vital function in the promotion of democracy. He complemented the County Manager, Mr. Oliver Ring and the staff on making adjustments in an effort to retain this service in recent years. With the introduction of the new service he was concerned there could be a selective scale of charging which may be relative to the distance to be travelled to facilitate the customer. Kerry County Council has facilitated Tidy Town groups in the promotion of the county through the collection of refuse for them and he was concerned that this may not continue. He acknowledged that it is a managerial function to make the decision to dispose of the Refuse Collection Service and he said that decision was not easy. There are on going costs in relation to the landfill site at Muingnaminnane and he asked will the Council be charged for its development and ongoing maintenance.

Cllr. J. Brassil said that it is a pity that members lost the power to make this decision. While he respected managements decision he believed that it would be better if there was elected Council involvement in that decision. It is also proposed to establish a National Water Authority and this will be a further erosion of the role of local government. At this rate of going local authorities will have lost their effectiveness in 10 years time. He accepted the decision made by the County Manager who must take into account the losses incurred by this service while all services are seeking additional funding. There was greater competition when Kerry County Council was involved in this service. He asked how the charges of private operators compared to Kerry County Council charges. He asked when the sale of the business takes effect and does it include the bins. If Kerry County Council customers want to use another operator are they free to do so? Will the Waiver Scheme be retained as this assists the most vulnerable in our society? When Cork County Council exited the service they retained their Waiver Scheme for a period of 12 months. He asked if there is provision for this in the contract. Will there be any job losses and will staff be redeployed and where will they be redeployed to. Illegal dumping is on the increase and he was concerned that this decision will result in further illegal dumping. He asked if the Town Councils are also exiting the service. He referred to the North Kerry Landfill site and said that prior to his time in Kerry County Council, Councillors made a very difficult decision to develop the landfill at Muingnaminnane. This was considered to be a great asset and he did not want to see the facility closed or sold.

Cllr. P. McCarthy acknowledged that it was not an easy decision to decide to sell the Refuse Service. He thanked the staff for the excellent service provided down through the years and he also thanked the Council's customers for their loyalty. He asked how many staff are involved in this service and would it afford the Manager the opportunity to increase the Roads staff. He asked if information is available in relation to other local authorities that exited the Refuse Collection Service and what was the fall out from it in relation to the provision of an adequate service. Also, was there a subsequent price increase for customers?

Cllr. A. McEllistrim welcomed the fact that there would be no job losses for the staff involved in this service and she asked where they would be redeployed. She asked if the Waiver Scheme would continue for the elderly and what is the cost of this Scheme. There has been a huge increase in the level of illegal dumping over the past two years and she was concerned that it would increase further as a result of this decision. She referred to the additional cost of the new regulations and asked if this will filter down to the KWD customers in time. She asked that provision would be made for rural customers and that consideration would be given to providing them with a composting bin.

Cllr. M. Cahill said that this is a very difficult day for Kerry County Council but it was common knowledge that the service was being subsidized. Most other local authorities already exited the service but he hoped the Manager had explored all avenues in relation to the possibility of continuing in the service. He hoped that a guarantee of a service would be given to customers and that there would be competition in this area. Cllr. Cahill referred to the Transfer

Stations and asked would they remain open and would recycling facilities be retained. He asked what the future of the landfill site was now that the Refuse Service is sold. He acknowledged the efforts of all Council staff in retaining this service for the past number of years. In conclusion he expressed concern that this decision could lead to increased illegal dumping.

Cllr. D. Healy-Rae said it was a sad day that one of our core services is lost. This is a further diminution of the role of the elected Council. The Waiver Scheme is very beneficial to the less well off in our society and he hoped this would be retained. He thanked Management for their great efforts in recent years in trying to retain this service which was losing money. He thanked the County Manager, Mr. Ring, Mr. Sheehy, Mr. J. O'Connor, former Head of Finance and Ms. A. McAllen, Acting Head of Finance, who fought valiantly to retain this service. He thanked the staff working on the vehicles and the Council customers who appreciated the service they got from Kerry County Council. However, he was concerned once the Council exits this service that there would be a price increase for customers and many people may not be able to afford it any longer. He accepted that there is strong competition in the market place now but said this could change. He welcomed the fact that there would be no job losses and that staff would be redeployed. He asked however, would this decision impact on the prospects for temporary drivers and will they have difficulty getting work from the Council during the summer. He called on the Council not to sell the North Kerry Landfill Site and also to ensure that the Transfer Stations are retained as they provide a vital service in ensuring that waste is disposed of properly. He called on all members to work together to ensure that the powers of local authorities are not further diminished.

Cllr. T. O'Brien thanked the County Manager for doing the members the courtesy of telling them of what is going on. The fact that the members did not have an input into this decision shows the diminution of their powers. He said that he presumed the Town Councils would also be exiting the service and if so it would result in tough meetings of the Town Councils even though this is not a major surprise. Despite the fact that the Council has been carrying the service for a long time it does not soften the blow for our customers who are likely to have to pay higher charges. He welcomed the fact that discussions are ongoing with staff and he hoped they would be satisfied to be redeployed as he was sure they were glad to have a job. He called on the Council to ensure that the private operators are regulated.

Cllr. B. O'Connell said the County Manager outlined the case well and the options open to him were very limited. He was concerned regarding geographical disparity. He asked if there is any indication that private operators will be cherry picking as a number of the Kerry County Council routes are not profitable. He believed that if routes are not commercially viable they will be discontinued and this will result in houses in remote areas not having a collection service. At Budget Meetings over the last number of years he called for an audit of households, especially in urban areas, to establish how households dispose of their waste. He believed that many households are not using any service and he asked if there has been any

effort made to carry out this audit. He also asked if the Waiver Scheme would be continued.

Cllr. B. Moynihan-Cronin said that this day is coming for a long time as our customer base was diminishing. She understood the decision taken by the County Manager as we could not continue with a service that is losing money. She believes that next year people will value the service given by Kerry County Council as private operators can charge what they like. She paid tribute to the Council staff who gave tremendous service and were out in all kind of weather to provide a service. The only consolation in this decision is that staff will be redeployed. She asked if the Waiver Scheme would be continued and will Kerry County Council continue to have a role in enforcement.

Cllr. P. Connor-Scarteen thanked the County Manager for doing his best to retain this service. He acknowledged that some rural routes are not profitable. The staff have been excellent and he thanked Mr. O. Ring, Mr. T. Sheehy and Ms. A. McAllen for their efforts in trying to retain this service. He also welcomed the redeployment of the staff. Tidy Towns committees are very concerned with the present level of illegal dumping and this decision could result in a further increase. He requested that some of the staff would be redeployed as Litter Wardens. The cost to the customer into the future is a major concern. He accepted that there is competition in the market place at present but said this may not be the case in future. He asked that Transfer Stations would be retained as they provide a good service to those who do not have a Refuse Collection Service.

Cllr. R. Beasley said that he was opposed to the sale of the Refuse Collection Service even though he did realise it was a possibility. He expressed his disappointment that 12% of our customers were lost since 2008. When this service commenced it was free and then a charge was introduced. He asked would the cost to the customer increase. There has been a noticeable increase in the amount of illegal dumping in recent times and he was concerned that this decision would result in a further increase in this area. He welcomed the fact that staff from this service would be redeployed. He asked if people presently receiving a Waiver would be facilitated by KWD.

Cllr. M. O'Shea said that he believed the members were witnessing the start of the break up of local government. He asked the County Manager, prior to deciding to sell this service, did he consider a PPP. He asked if the sale was advertised nationally and what was the sale price. Will the proceeds be kept within Kerry and how many staff will be redeployed? He asked why did the Council lose its competitiveness and he expressed concern that eventually there will be a monopoly in this area and prices could increase.

Cllr. J. Healy-Rae expressed his disappointment that the elected members did not have a say in this decision. He welcomed the fact that the staff would be redeployed and he called on Management to ensure that the Waiver Scheme is continued. If it is not retained it would result in illegal dumping. He welcomed the fact that it is a Kerry operator that purchased this service and

said he hoped he would retain all the routes presently operated by Kerry County Council and he wished Mr. Murphy every success with the business.

Cllr. N. Foley said that at schools students learn that Kerry County Council has responsibility for Water, Planning Permission, Roads, Fire Service, Libraries and the environment. Up to today, Kerry County Council had a role in the waste collection service but as and from today they will have no role in waste collection. The functions of local authorities are diminishing and she regrets that this service was sold even though she understood why. She welcomed the proposed redeployment of staff involved in this service and she acknowledged their contribution and their excellent professionalism in providing this service. She also acknowledged the role of the County Manager, M. O. Ring, Mr. T. Sheehy and Ms. A. McAllen in ensuring this service was retained for as long as possible. She asked if provision is made for the less well off in the continuation of the Waiver Scheme in the contract. She was aware that some local authorities did negotiate this provision in the sale of their Refuse Service. She regretted the inequality of charging which is the practice of some private operators and said that if it related to means she could accept it, otherwise she would not agree with that practice. She asked what level of detail of the contract the County Manager could divulge to members. Is there anything in the contract that prevents the Council from going back into this service in time? She asked what would happen to the proceeds of the sale. In conclusion she commended the Council's customers for their loyalty.

Cllr. J. Finucane said that the County Manager's announcement is an indication of what is happening nationally. He believed that the current generation owes a huge apology to the next generation for the way in which the country was managed. This has been a very difficult decision for the County Manager. He was a huge advocate for staying in the service but said that members must recognise the present position in particular in relation to the new tendering process and the new regulations to be implemented. He hoped the staff involved in this service would be redeployed in the Environment Department and used to further the works of Tidy Towns Committees etc. to enhance the county for tourism purposes. He asked that the proceeds of the sale would be set aside for environmental works. He expressed concern regarding methods of payment, the Waiver Scheme etc... for the customers going forward and he would like to see that Kerry County Council would have an ongoing role in this area. In conclusion he said that he was glad the staff currently employed in this service would be redeployed.

Cllr. T. Ferris thanked the County Manager for informing members of his decision. She could not understand how councillors expressed their shock as she felt this decision was inevitable. At many Electoral Area Meetings she asked if this is what Management were planning. At that time she suggested that staff should go through the Register of Electors and cross check it against our customer database. They could then target those not on our customer database with a view to getting them to join the service. In the past Cllr. Finucane suggested that a small contribution from the customer's annual charge could be made to local GAA clubs in an effort to encourage new

customers to join up. She enquired about having the service extended to new areas and she was informed that 12 new customers were required in order to consider any extension. This is not the case with KWD. There are legal statutes that state if a public service is privatised it is impossible to get back into it again. Our taxes are increasing but the value we are getting for them is decreasing. She expressed concern for those who availed of the Waiver Scheme and said that she had sympathy for them. She referred to the expenditure figures quoted in the Managers Report and asked does this expenditure relate only to direct collections. Last year similar figures were presented to members but they were informed that some of the expenditure related to the landfill site. She asked how much of this expenditure would be ongoing even though we have exited the Waste Collection Service. She said Kerry County Council has been cherry picking over the last few years and have not been taking a chance on new routes. One collector has been responsible for taking customers from other local authorities and that is Mr. Bin Man but a receiver was appointed to his business in October this year. Mr. Bin Man provided the service at a very low cost but this was not sustainable. There has been a shift of power from elected members to the executive and this must be reversed. She asked what function do councillors have in housing anymore. The Council cannot build or buy houses and there are so many other bodies that can take over these functions. Local democracy is diminishing and she was concerned local government would be removed allowing central government to take over their role.

Cllr. B. Cronin said that warning bells were ringing for a long time for the viability of the Refuse Collection Service run by Kerry County Council. At a meeting in recent times Mr. J. O'Connor, Head of Finance made a presentation with a graph showing how few local authorities were still in the waste collection business. This is a bleak day for our customers and we will see the outcome in approximately 12 months time. He acknowledged that the service was losing money but said that Kerry County Council was setting the bar for prices while they remained in the business. Private contractors had different charges but we were the regulating body. He is concerned that in 2 years time our 7,000 customers who have been loyal to Kerry County Council will be in for a rude awakening. He had serious concerns regarding pricing and routes into the future. He asked that the Waiver Scheme would be continued to facilitate the more vulnerable in our society. He welcomed the fact that the staff involved in this service will be redeployed. He asked what the future of Transfer Stations is as there is a large volume of people using them. Will they be retained into the future? Illegal dumping is a fact of life in Kerry and he said there is great credit due to the Litter Wardens who do excellent work in trying to address this issue. He was concerned that if the cost of the service to the customer increases there could be a substantial increase in the amount of illegal dumping and will the Litter Wardens be retained to address these issues. He asked what the future of the landfill site at Muingnaminnane is as huge volumes of waste are going outside the county and are not being disposed of there. Is there anything in the contract to compel KWD to use Muingnaminnane. Many customers have credit in their accounts and he asked if this will be honoured. As Chair of the Environment and Water Services SPC he said he wished to put on record his gratitude to

Mr. O. Ring, Mr. T. Sheehy and Ms. A. McAllen for the retention of this service in recent years. The fact that members did not have a say in this decision highlights the further erosion of the powers of the elected members and he wondered will there be a gradual wipe out of local government with just central government remaining.

Cllr. P. Leahy said that it is a sad day that we have lost one of our core services and we have been losing customers to private operators for the past number of years. He asked what the future of the landfill site was as private operators are not using it. Instead they are transporting waste to West Limerick. He expressed concern for those who were facilitated through the Waiver Scheme and asked were they catered for in the contract. Many towns and villages in Kerry did very well in the recent Tidy Towns competition and he asked what assistance Kerry County Council can give them in future. In conclusion he thanked the staff for the great service they provided and said he was glad they would be redeployed.

Cllr. P.J. Donovan said that this was a very difficult decision for the County Manager. He thanked the Manager and staff for the excellent service provided to customers. He was glad there would be no job losses and that staff would be redeployed. He expressed concern however, in relation to some of the routes which he believed the private contractor would not continue as they may not be profitable. He asked would there be different prices for different routes with the new contractor and what the future of the Transfer Stations is. In conclusion he expressed concern that there would be an increased level of illegal dumping as a result of this decision.

Cllr. J.J. Culloty referred to the losses incurred by the Refuse Service and said lessons must be learned from this by other services. He asked why these losses were so big. Some private operators appear to be doing well, yet when the local authority tries to compete it seems to be virtually impossible.

Cllr. S. Fitzgerald said that with the loss of 1,000 customers over a 3 year period it is inevitable that Kerry County Council would be forced into this decision. The County Manager had no choice but to sell the business. It is easy for a private operator to be cheaper than the local authority as they do not pay over time, holiday or sick pay and will only pay the minimum wage. It is mostly Polish workers that are employed by private operators. Kerry County Council must comply with all employment regulations. He welcomed the fact that there would be no redundancies and that workers will be redeployed. He emphasised the need to retain the Transfer Stations as a number of people are using them solely as they are cheaper. He asked that the charge per bag would be kept to a minimum. He called on the Council to ensure that the private operator would service all existing routes. Kerry County Council should now be in a position to regulate private operators to ensure that a proper service is provided for customers.

Cllr. T. O'Brien requested clarification on the future of the landfill site at Muingnaminnane.

Cllr. P. O'Donoghue said that this is a difficult day for the Council and a very disappointing day for the elected members as they are addressing this issue after the fact. It is very disappointing for members that they did not have an opportunity to discuss this decision before the contract was signed. This is a savage blow for rural Kerry and he was concerned that there would be no service in many parts of rural Kerry in time. He hoped that the terms of the contract would ensure that the service is maintained in rural areas. He asked that the Transfer Stations would be made available to the public at a reduced price. In conclusion he expressed his disappointment that the full details of the contract were not provided to members and that they were informed after the contract was signed.

Cllr. T. Buckley said it was a sad day for Kerry County Council and a bad day for their customers whom he was concerned will face big increases in charges in time. He asked if provision was made to continue the Waiver Scheme in the contract. In conclusion he paid tribute to the County Manager and staff for the excellent service provided.

Cllr. M. Gleeson asked what would become of Coolcaslagh.

In response the County Manager thanked the members for their courtesy and understanding in dealing with this issue. It is always difficult to know when is the best time to discuss a possible sale as it could pose difficulties in the negotiations at a time when you want to maximise your position. It would have been easier to inform Councillors of this decision in advance of the negotiations but then it would have resulted in a less favourable deal. As stated in his report, every effort was made to remain in the Refuse Collection business but it is not a level playing field. Kerry is one of the last local authorities remaining in this service. There are just 4 local authorities remaining, two are City Councils and two are local authorities, one of which is in the process of exiting the service also. There appears to be no future in this service for local authorities. He was informed that where local authorities exited this service a number of years ago, prices were not increased but regulatory conditions dictate the standards to be adhered to. Kerry County Council will still retain a regulatory role. We will be responsible to ensure that refuse is collected and disposed of properly. There will be no forced redundancies among staff involved in this service and the IR process has commenced. It is now a matter for the Head of the Human Resources Department and the Trade Unions to discuss the redeployment of staff. The Waste Management Amendment Act 2005 transferred responsibility for the Refuse Collection Service to the County Manager for County Councils only, but not for Town Councils. He said that he was aware there is illegal dumping and Kerry County Council will continue to be proactive in pursuing the offenders. Tourism is a major industry in the county and we are known for our clean, green environment and Kerry County Council will make every effort to ensure it will stay that way. No decision has been taken regarding the future of the landfill site or the Transfer Stations but he is reviewing all services. These will be examined in detail in 2012. It is not a legal requirement to have a landfill site. We have not reduced our charges at the landfill and this will be considered. There is no responsibility on the successful purchaser to use the

Kerry County Council landfill site. He said it was a condition of the contract that the sale price would not be made public. He emphasised again that he did not set out to sell the business but he was left with no choice.

Mr. Curran referred to the query regarding the losses of €700,000 and how much of this we will be carrying into the future and he confirmed that some of this would be taken forward as staff must be paid. The main savings will be fuel, servicing of vehicles, I.T. systems etc. but the biggest saving is by virtue of the fact we will not have to investment heavily in the service in the future. These details will be presented to members in detail at the Budget Meeting. This service has been losing money for some time at the expense of other essential services and this is unsustainable. A letter will issue to all our customers and his main concern will be the transfer of this service as smooth as possible.

Cllr. T. Ferris referred to the loss of €727,000 in 2011 and asked will 50% or more of this be incurred each year.

Mr. Curran said he would not dispute that figure and said that a further loss of €400,000 would also be sustained in 2012. He said he would welcome member's suggestions on any savings that could be achieved.

Cllr. Ferris said that members had made suggestions on how our customer base could be increased yet no action was taken by Management. She expressed her disappointment that for the sake of €300,000 the Council is now exiting the service.

Cllr. B. Cronin said that the Manager has informed members that the service has now been sold. The difficulty for members is that as part of the contract the Board of Directors of the Council cannot be informed of the sale cost and he had a difficulty with this. He said he wanted to know what the sale price was and he called on the County Manager to inform members of this at the Budget Briefing the following week.

Cllr. M. O'Shea asked the County Manager if he advertised the sale of the service nationally and did he consider a PPP. If the elected members are the Board of Directors then the Manager should have called an EGM before a decision was taken on this issue.

The County Manager said he had a difficulty but he had to make a decision which would maximise the sale price of the service. If he discussed it in advance with the members he would be at a disadvantage. Expressions of interest were sought and the most advantageous deal achieved. The purchaser insisted that the sale price would not be made public and for this reason he was not in a position to reveal it.

Cllr. P. O'Donoghue asked how many companies expressed interest in purchasing the business.

Mr. O. Ring, Director of Environment and Water Services said initially soundings were taken in the market place and expressions of interest were received from 20 companies. Then a competitive bidding process was undertaken and the preferred bidder was KWD. This was the best deal possible in the circumstances. It is not possible to negotiate the sale of a business such as this in public as it would reduce the value of the business. The purchaser gave a commitment to serve existing routes for 12 months from the 3rd of February, 2012 and that will guard against cherry picking. There are just 28 households on routes not presently covered by private operators. There has been a big change in the past number of years with 6 private operators in the county at present. Every route covered by Kerry County Council is already covered by a private operator. The contractor has undertaken to provide the service to existing Kerry County Council customers at the same rate until February 2013. The issue of charges is a complex one. From our experience we are losing customers to cheaper operators over the past few years as there is a very competitive collection environment. The purchaser has also given a commitment that existing Waiver customers will have the same conditions until February, 2013. Kerry County Council remains in the waste management business and we continue to operate the landfill site at Muingnaminnane and Transfer Stations. These are huge assets and we must ensure that the services available are maximised. He said that proposed regulations will require any person living within 200m of a refuse collection route to use the service. The EU is not the problem as they introduced the Polluter Pays Principle. The problem has been in the transposing of these directives into Irish law. Under the terms of the contract, Kerry County Council cannot get back into the waste collection business until February 2013. He referred to the query from Cllr. O'Connell in relation to an audit of households and said that an audit was carried out by the Housing Department in a number of housing estates. The result of which was that 51% availed of the Council collection service, 24 used private operators, 5% did not have a means of disposing of their refuse while others went to landfill. 96% of tenants had some service by which they disposed of their refuse properly. He acknowledged that there has been an increase in the amount of illegal dumping but said he did not think this decision would affect that. It was difficult for the Council to be in the Refuse Collection business while at the same time trying to regulate private operators. We can now regulate private operators more effectively. The condition of sale can be enforced and a substantial sum is being lodged to ensure the routes and the Waiver Scheme are honoured.

Cllr. T. Ferris called on the County Manager to consider reducing the charge at the landfill site. However, this would then facilitate private collectors.

Mr. T. Curran said there are fixed costs involved in the landfill and we must consider the best way to manage the landfill and Transfer Stations which are losing money at present.

Cllr. T. Ferris said that the Council choose not to reduce landfill charges when Kerry County Council and Tralee Town Council were involved in the Refuse Collection Service.

Mr. Curran said that consideration is being given to the landfill charge and making it cheaper will not benefit the private operator as they are already getting a cheaper rate elsewhere.

Cllr. J. Brassil asked what obligation was on the Council's customers and will the existing bins continue to be used.

Mr. O. Ring said customers are prepaid to the 3rd February, 2012 and at that stage they can decide if they want to remain with KWD or they can go with another operator. KWD now own the bins and they will be rebranding them in due course. The bins are already chipped which added value to them.

Cllr. Cahill said that as no decision has been made in relation to the future of Transfer Stations he presumed that people can continue to use them.

The County Manager confirmed that this is the case.

Cllr. Cahill urged management to ensure that the Transfer Stations are retained and that they are further developed. He asked how will the decision to sell the Refuse Collection Service affect beach cleaning and the street cleaning service.

Mr. O. Ring said it will not impact on these services as this refuse can still be collected.

Cllr. P. O'Donoghue said that following the 12 month period up to February, 2013 routes can change and charges can increase. He believed that members are entitled to know the sale price as it would not reflect well on them if they were asked by members of the public or by existing customers.

Cllr. M. Gleeson proposed that members would reject the proposal that anyone living within 200m of a Refuse route would have to join it. Many people do not use the service but they bring their refuse to Transfer Stations.

Mr. Ring said he presumed that if you show you have an alternative means of disposing of your refuse satisfactorily that would probably be acceptable.

Cllr. P. McCarthy said that as this proposal was out for public consultation, it would be an ideal opportunity to put forward Cllr. O'Connell's suggestion for an audit of all households. Households would be obliged to prove the proper disposal of their refuse through the production of a receipt from a Transfer Station or landfill.

Cllr. M. O'Shea expressed concern regarding the sale of the Refuse Service and said that he believed customers are facing price increases. This is a bad deal for our customers and up to now the Council set the bar for refuse charges.

Cllr. B. Cronin again voiced his total objection to the fact that the sale price was not made known to Councillors. He took severe exception to a private

business dictating the sale price of an asset owned by the Council. He said that he expected to be informed of the sale price and he called on Management to arrange this. He asked how much was put in a trust account to ensure the service is delivered in accordance with the terms of the contract.

Mr. O. Ring said that he was not sure if that information was commercially sensitive but he could not see why it would not be made available to members at Budget time.

Cllr. P. O'Donoghue proposed a motion calling on Management to inform members of the sale price of the service and how much is put in a trust account to ensure the conditions of sale are honoured.

Cllr. J. Brassil said that members are rightly concerned that they were not informed of the sale price. However, the Budget Briefing would take place the following Monday and he felt it would be an opportunity for Management to give this information to members in confidence.

Cllr. D. Healy-Rae expressed concern in relation to the landfill site and said that when there are standing costs the Council cannot be as competitive and waste is going outside the county. He expressed his disappointment that 50% of the €¾ m losses outlined in the report will in fact have to be borne each year even though the service is sold.

Cllr. J. Finucane said that Management had taken a major decision and whether members know the exact cost is not unusual when a client base is involved. In the very recent past Mr. Sheehy informed members that it would be necessary to purchase new trucks with 3 compartments at a very significant cost. However now that the service is sold this will no longer be necessary.

Cllr. P. O'Donoghue again called on the County Manager to provide details of the sale price of the Refuse Service to members.

Mr. T. Curran said he signed the contract in good faith and he agreed not to divulge the cost. He is tied by this condition but said he could get his own legal advice on it.

Mr. T. Sheehy, SE Environment said that from private discussions with other local authorities they had similar conditions imposed in the contract by the purchaser. He assured members that the sale price is well in line, if not better, than that achieved by other local authorities.

Cllr. P. O'Donoghue pointed out that Management agreed a clause that excluded the elected Council.

Mr. Sheehy said that if the Manager did not agree to this condition there would be no sale.

Cllr. M. O'Shea asked if the proceeds of the sale would remain at the disposal of Kerry County Council.

The County Manager confirmed it would.

Cllr. J. Finucane pointed out that very few commercial businesses can raise the finance to purchase a database. In the past he was a great defender of this service but the workers are his primary concern and there will be no redundancies as they will be redeployed.

Cllr. B. Moynihan-Cronin asked if the sale price would appear in the Council's accounts, as members would need to know how it could be allocated at the Budget Meeting.

The County Manager said that this depends on how the money is shown and he would go into this in greater detail at the Budget Meeting.

Cllr. R. Beasley pointed out that the elected Council will be held accountable for this decision.

Cllr. N. Foley said that members should allow the Manager the opportunity to get legal advice and to revert to them at the Budget Briefing.

Cllr. B. Cronin agreed that the Manager should seek legal advice and report back to them at the Budget Briefing.

Cllr. J. Brassil pointed out that there are 3 people present at the meeting who are interested in item 10(f) which relates to the deputation to the Commission for Energy Regulation regarding the Shannon LNG Project. He asked that this item would then be taken.

This was agreed.

11.11.21.10(f) Deputation to the Commission for Energy Regulation

The Mayor informed the meeting that five Councillors together with the County Manager had a two hour meeting with the Commissioner for Energy Regulation on the 26th October 2011. He agreed to enter into dialogue immediately with Shannon LNG in relation to the tariff. This was a very satisfactory meeting.

Cllr. L. Purtill said that this deputation came about as a result of a joint motion proposed by himself and Cllr. J. Finucane. Following the adoption of the motion, a letter issued to Minister Noonan and Minister Rabbitte seeking a meeting with them. However, the meeting arranged was with Departmental officials and it was not a great success. At that time they were advised they should be meeting with the Commissioner for Energy Regulation. This was subsequently arranged and they met with the Commissioner on the 26th October. The meeting lasted for two hours and was extremely successful. While nothing major was achieved, it was very important. The County

Manager wrote to the Taoiseach, Mr. Enda Kenny seeking a meeting. He understands that the Government has power to withdraw this tariff and it is essential that the meeting with the Taoiseach takes place as soon as possible to emphasise the importance of this to him. This is a critical stage of the LNG Project and members and officials from Kerry County have done everything possible to assist the project in coming to fruition.

Cllr. J. Finucane said he could not stress strongly enough the importance of this project for North Kerry. It took 6 months to grant permission and 2 ½ years for the granting of a Foreshore Licence. The Company adhered to the processes in place and have been very co-operative. However, the proposed tariff for the interconnector will not be used by the Company and this charge is unacceptable. The meeting with Departmental officials was very unsatisfactory in particular in regard to their level of knowledge of the project. At the meeting with the Commissioner for Energy Regulation it was pointed out that to expect a potential international investor to wade through a bureaucratic process for 6 years is completely unacceptable. The Company will not wait indefinitely for a decision. There are up to 350 construction jobs involved in the construction of the gas line to Foynes. This project has major potential for the area but the State does not seem to be able to deal with it. In the past members were informed that the Energy Regulator is an independent body but he indicated that he would accept a direction from Government. Politicians are paid to make decisions and he wanted this issue dealt with immediately with a positive decision forth coming.

Cllr. J. Brassil recognised the significant contribution by the County Manager at the meeting with Departmental officials and also with the Commissioner for Energy Regulation. The meeting with the Taoiseach is vital and he hoped there would be a positive response forthcoming in the near future. If not the County Manager should write to the Taoiseach again. He understood that the Energy Regulator is applying a tariff that he is not entitled to. He believed all the Ministers and the Taoiseach has to do is to instruct the Regulator to do his job and not to apply this tariff. The meeting with the Taoiseach is of crucial importance to this project at this time. He called on the Mayor to follow up on the letter to the Taoiseach to ensure the meeting is arranged.

Cllr. P. Leahy said that the recent meeting with the Energy Regulator was very important and the Manager and Members outlined the position to him. If this project comes to fruition there will be good job prospects for this area. However, this issue must be resolved and it is now up to Government to ensure this happens as soon as possible.

Cllr. D. Healy-Rae said he sincerely supported the delegation in trying to progress this project. The tariff being imposed on the Company for the interconnector is not reasonable or acceptable and he called on the Taoiseach to resolve this issue as he always said that jobs are his number one priority.

Cllr. N. Foley said this is a political decision and the Council should seek the support of the Minister for Arts, Sports and Tourism at his constituency to ensure he intervenes with the Taoiseach in arranging this meeting.

Mr. G. O'Brien pointed out that if the meeting with the Taoiseach is agreed members need authorisation to attend.

Cllr. N. Foley PROPOSED that the Mayor, Cllr. Finucane, Cllr. Purtill, Cllr. Leahy, Cllr. Brassil would be authorised to attend this meeting.

Cllr. M. Gleeson SECONDED this proposal and it was agreed.

The County Manager said that the Council's first priority is the creation of jobs regardless of the Company involved. A copy of the letter forwarded to the Taoiseach was also sent to Minister Deenihan and he is following up on it with the Taoiseach. Mr. Rabbitte has also agreed to meet with the deputation if the meeting with the Taoiseach proceeds. Kerry cannot afford to lose that level of investment in the county.

Cllr. R. Beasley congratulated all involved and said that this project has been ongoing for a long time. If the LNG Project was constructed and operational it may attract other industries to the region.

The meeting adjourned for lunch at 1:30pm.

The meeting resumed at 2:20pm.

11.11.21.04 Take over of Group Water Supply Scheme

Mr. O. Ring, Director of Environment and Water Services referred members to report dated 24th October, 2011 on this item which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. L. Purtill, it was agreed to approve the take over of the Kilmorna Group Water Supply Scheme in accordance with Section 95 of the Water Services Act, 2007.

11.11.21.05 Overdraft Accommodation

Ms. A. McAllen, Acting Head of Finance referred members to her report dated 14th November, 2011 on this item which was circulated and she briefed them on the report.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. P. Leahy, it was agreed to approve the incurring of overdraft accommodation not exceeding €9m for the 12 months ending 31st December, 2012.

11.11.21.06 Financial Support for the Cork Swansea Ferry Service

Mr. G. O'Brien informed the meeting that three Notices of Motion relate to this issue and they would be taken with the Item. They are Nos. 19, 21 and 29.

Mr. T. Curran, County Manager referred members to his Report dated 14th November, 2011 on this item which was circulated. The Fast net Line ran into trading difficulties and they had two choices, 1) to apply for Examinership, or go into Receivership. Examinership allows a Company to continue trading. This course of action was taken by the Company in view of its inability to discharge its debts as they fall through and is insolvent. Since he issued his report the High Court has appointed an Examiner to the Company but they must show that they can trade through this period without increasing their debts. Examinership provides protection for the Company from its creditors for the duration of the Examinership period. This enables the Examiner to conduct an examination of the Company's affairs and to formulate proposals to facilitate the survival of the Company. As members are aware Kerry County Council invested in the Company by way of secured bonds of €100,000 which is repayable after 4 years subject to the liquidity of the Company. In total the three Local Authorities, Cork City Council, Cork County Council and Kerry County Council have invested €700,000 to date. For the period of Examinership (up to 100 days) the Company will require funds of €300,000 to cover its expenses. The Company has sought these funds from a private investor and the three Local Authorities. In discussions with the Company prior to the application for Examinership being lodged with the High Court it was agreed that the €300,000 would be 50% funded from private investment and the balance from the three Local Authorities. This has been indicated to the Company so as to facilitate the application of the Company to the High Court for the appointment of an Examiner. The appointment of an Examiner to the Company offers the greatest prospect of survival for the ferry service. The process will provide the opportunity for the Company to explore all opportunities to provide for its future. The service has carried over 150,000 passengers since it first launched in March 2010 and it makes an important economic contribution in terms of tourism and trade generally to the region. He believed it was in the interest of Kerry County Council to support the Company during the period of Examinership, not just because it has made an investment of €100,000 in the business but also because of the wider economic benefits to the region. He recommended that the Council would approve the funding of the 50% of the cost of the Examinership period i.e. €150,000 in conjunction with Cork City Council and Cork County Council on a pro rata basis to each authorities investment to date in the Company. In this regard the total funding from Kerry County Council will be €20,000. In conclusion he pointed out that Aer Arainn also went through Examinership and traded their way out of it. This ferry service is extremely important to give a life line to the tourism industry in Kerry.

19. Support for Cork/Swansea Ferry Service

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

To clarify this Council's commitment regarding the Cork/Swansea Ferry and to outline future financial commitments to assist this vital service and will Councillors be allowed by the Finance Department to make a once-off allocation from Councillors' Roads Allocations to help keep the ferry operational.

**The following report issued:
Agenda Item No 6 refers.**

Funding in the adopted budget for County Councillor's Allocations is provided from the Roads Budget and can only be used for works on the public road network.

It should be pointed out that, under EU law, public monies cannot be given to one business/operator that would disadvantage its competitors. It is also considered to be anti-competition.

Cllr. B. Cronin welcomed the report and said that Kerry is the tourism capital of the country. In the current economic climate the tourism industry is under pressure and it is important to keep key routes and avenues open. If they remain open there is some hope of attracting additional visitors to the county. This is a critical investment for the future of that industry. Aer Arainn is now providing a service through Kerry Airport and this is very welcome. He hoped that the ferry service would continue and he PROPOSED that €20,000 would be provided for the ferry service by Kerry County Council. This service is vital in particular for the more remote areas in South Kerry which have benefited hugely from it. The tourism industry is the one that can turn the economic fortunes of the country around and the visit of Queen Elizabeth and President Obama during the year proved this. In conclusion he PROPOSED that the Manager's recommendation would be adopted.

21. Swansea/Cork Ferry Service

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

That Kerry County Council continues to do its utmost to ensure the survival of the Swansea/Cork Ferry due to its huge contribution to the economy of Kerry, whilst ensuring that before any further financial commitments are made, we get a guarantee that the ferry continues to operate from early Spring 2012.

Cllr. P. Connor-Scarteen complimented the County Manager on having such a keen interest in this ferry service which is vital for the South West. Being in Examinership will protect the bond holders. The County Development Board recently requested the Company to undertake a survey of the passengers when the service resumes to establish where they are going, the type of accommodation they are using, their views on

facilities etc. England is our biggest market and it is important to capitalise on the Queen's visit here. He suggested that some of the bigger operators in the tourism industry in the county might be willing to invest in this service. He asked if it was practical that the service would be run over Christmas to facilitate people returning home. He referred to the 70 people employed by the Company and said he understood most of them were Polish but he would like more Irish employed by the Company.

29. Cork/Swansea Ferry Service

Pursuant to Notice duly given Cllrs. J. Healy-Rae & D. Healy-Rae PROPOSED:

To ask Kerry County Council and the Government to do everything possible to ensure the continuation of the Cork/Swansea Ferry service as since its revival it has had a massive positive impact on the tourist industry in Kerry and Cork.

Cllr. D. Healy-Rae said that all members are very supportive of this service and he thanked the County Manager for the funding already given to the Company. This ferry service is vital for the tourism industry in Cork and Kerry and in particular in Kenmare and Sneem as it made a vast difference to their business. He welcomed the ongoing support of this ferry service.

Cllr. J. Healy-Rae thanked the County Manager for his continued support for the Swansea Cork Ferry service and said it is vital to South Kerry. It is important that it would continue into the future.

Cllr. P. McCarthy asked the County Manager if he knew how many Irish people are employed by the Company on this ferry service.

The County Manager said he didn't have that information but he could request it.

Cllr. M. Gleeson asked if members could allocate their unused conference allocation to the ferry service.

The County Manager said that Kerry County Council took out a secure bond to support the Company but a competitor took a case to Europe on it. It would not be possible to allocate conference allocations for this purpose.

Cllr. R. Beasley thanked the County Manager for his interest and support for the Cork Swansea Ferry service and said it is vital for tourism in the county. Many people will use the ferry service as they will not fly.

Cllr. M. Cahill supported the granting of additional support to the Swansea Cork Ferry service. He pointed out however, that the cost of using the service is prohibitive. Historically the cost of a ferry was cheaper than flying but that is not so in this case.

Cllr. B. Moynihan-Cronin supported the granting of additional financial support to the Swansea Cork Ferry Service and said she understood the County Manager had to make a decision quickly on it. The 100 days protection given by Examinership will be up in February and she asked if there is a possibility the Company would revert to the Council at that time for additional funding. If so she PROPOSED that a Special Meeting of the Council would be convened at short notice to allow members the opportunity to discuss it before a decision is taken.

Cllr. J. Brassil SECONDED this proposal and said the Council must cater for its core services and there is only a finite amount of resources available. He supported the ongoing investment in the Service but agreed that before any further investment could be made in the Company very serious consideration would have to be given to it. He added that if a future request for funding is received it would be important to exercise caution. He said he hoped the Company could trade its way out of its present difficulties.

Cllr. J. Finucane supported the recommendation from the County Manager that an additional €20,000 would be allocated for the Swansea Cork Ferry. He expressed concern at the ineffectiveness of the Company's marketing strategy. The Company should provide details of their marketing strategy to Kerry County Council.

Cllr. G. Wharton-Slattery concurred with the views expressed by previous speakers and said the Company cited increasing fuel prices and the cost of advertising as the reason for their present trading difficulties. Kerry County Council needs to think carefully before investing in the Company any further.

Cllr. P. O'Donoghue supported the investment of a further €20,000 in the Swansea Cork Ferry Service and said it is small in the context of the benefits from it. He asked what the €150,000 was being used for. He believed that the legality of payments from public funds could be problematic and members should not underestimate how difficult it will be for the Company to survive. It will be very challenging to become viable again. He asked if their enormous debts to date are as a result of investment in the ferry.

Cllr. P. Connor-Scarteen said if this issue is to be brought before the Council again, the Company should be asked to provide statistics in relation to the number of passengers who actually come to Kerry. He requested that a letter would be sent to the Company asking them to undertake a survey of passengers once the Service resumes.

The County Manager said the Company is trading at the moment but it may be their cost structure that is wrong. They were trying to run the service over a 12 month period and that is not practical. They were also depending on freight business which did not materialise. When a Company goes into Examinership, they cannot leave Examinership with their affairs in a worse condition. They have adequate funding to run the Company while it is in Examinership.

11.11.21.07 Start Time for the December Ordinary Meeting

Mr. G. O'Brien informed members that the Annual Mass would be held at 10.30 am on the day of the December Ordinary Meeting and it was suggested that the start time for the December Meeting would be 12.00 noon.

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. M. Gleeson, it was agreed that the December Ordinary Meeting would commence at 12.00 noon.

11.11.21.08 Report on the Operations and Activities of South Kerry Development Partnership Ltd

It was agreed to note Cllr. Cahill's written report on this Item which was circulated.

Mr. G. O'Brien informed the meeting that Notice of Motion No. 15 also relates to South Kerry Development Partnership and would be dealt with at that time.

15 Development of the former railway line from Glenbeigh to Caherciveen

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

That the Council would detail the degree of progress made in conjunction with South Kerry Development Partnership towards the development of the former railway line from Glenbeigh to Caherciveen as a high quality walkway cum cycle track. Such a development would add enormously to the attractiveness of the Iveragh Peninsula as a tourist destination.

The following report issued:

"Kerry County Council will make contact with South Kerry Development Partnership to ascertain the progress that has been made to date in the initial stages of this project. We will revert to Council with a report on the progress to date as notified by the Company."

Cllr. M. Gleeson said that his previous Notice of Motion calling for the retention of the Caherciveen railway line was supported by the then Mayor, John O'Donoghue. However, he must now be realistic as the railway sleepers have been raised. Walking and cycling are two of the fastest growing leisure activities in Europe. There are very few places in Western Europe that would be on a par with the beauty of the Iveragh Peninsula. The development of this walkway cum cycleway would be a great boost to tourism in the area. He said he had great admiration for South Kerry Development Partnership and he hoped they would become involved in this project and if so, they would leave a great legacy to the area.

Cllr. M. Cahill said that South Kerry Development Partnership are actively pursuing this project. They met with all the landowners involved and it is envisaged that the work will be done through a Rural Social Scheme. However, there are issues relating to parts of the land involved. He

acknowledged that it would be a magnificent facility for the Iveragh Peninsula and he looked forward to its completion.

Cllr. P. O'Donoghue supported the Motion and said if this walkway was developed it would be singularly the most important development for that region. He called on the Council to offer any assist possible in the progression of this project.

11.11.21.09 Report from the Housing & Social Support SPC by Cllr. B. Moynihan-Cronin

Cllr. B. Moynihan-Cronin read the following report into the record of the meeting.

"A meeting of the Housing SPC was held on Thursday 27th October in the Council Chamber, Town Hall, Killarney, which was again very well attended. A number of significant reports were considered.

Housing Adaptation Grants Scheme

We were advised that in view of the total grant amount allocated to date this year of over € 4.5m and the amount already paid out to grant applicants in 2011 of €3.2m approx, the Housing Department was successful in making a case to the Department of Environment, Community & Local Government for an additional exchequer allocation of € 500,000 to be made available to Kerry County Council. The revised allocation now notified gives a total combined exchequer and local authority funding available for the grants scheme of € 4.084m of which € 816k will be provided from the Council's own revenue resources. It is expected that the revised allocation will be fully expended by the end of the year. We were advised therefore that the Housing Department will only be in a position to approve further applications on hands in respect of emergency cases only until such time as next year's allocation is known. Overall 810 qualifying households have to date been allocated grant funding in the current year.

Social Housing Assessment Regulations, 2011

The Social Housing Assessment Regulations which came into effect on 1st April, 2011 was discussed at the March SPC meeting. Further amendment regulations have since been introduced. We received a comprehensive report on these changes which includes :-extension of the application area (although the position in Kerry is not affected and impacts more on the Cities and relevant County areas), unsustainable mortgages is now to be a housing need criterion & revised income limits in Social Housing Assessment. The new limit for a single adult household in Band 2, which is the relevant band for Kerry County Council and the 3 Town Councils, is now € 30,000 net income. There are further upward adjustments for extra adults and children in the household. Any particular issues which arise in relation to the implementation of these regulations will be brought to the Housing SPC for consideration.

2011 Fixed Term Tenant Purchase Scheme for Long-standing Tenants

We were advised that in accordance with the relevant regulations the 2011 Purchase Scheme for long standing tenants was adopted by Kerry County Council on 20th March 2011. This scheme provides for additional discounts, based on 3% for each year of tenancy up to 15yrs which equates to a maximum of 45% off the market value of the house for tenants who wish to purchase their homes and who notify the local authority of their intention to purchase before the 31st December, 2011. In accordance with the regulations these tenant purchase sales must be completed by 31st December, 2012. As a result of the new scheme over 20 sales have been completed to date this year, which is a significant increase on last year. Access to mortgage finance is still difficult for prospective purchasers despite the generous discounts available. In accordance with the 2009 Housing Loans Regulations the Council is not in a position to approve loans where household income is largely dependent on social welfare payments.

Housing Policy Statement

The Committee was advised that Mr. Willie Penrose, Minister of State for Housing and Planning, launched a new Housing Policy Statement during the summer which is intended to be a framework for a number of legislative and policy initiatives to be introduced in the social housing area in the short to medium term. A number of measures were announced as part of the policy statement including transferring of responsibility for long term recipients of rent supplement to local authority housing, new mechanisms for delivery of social housing, standing down of all existing affordable housing schemes, publication of Housing Strategy for People with Disabilities, and a Single Mortgage Arrears Resolution Process for use by all local authorities.

National Housing Strategy for People with a Disability

The Committee was also circulated the executive summary of the National Strategy for People with a Disability which was recently launched by the Department of Environment, Community and Local Government. This is an interagency strategy which sets out a framework for the delivery of housing for people with a disability through mainstream housing policy by directing the efforts of housing authorities and the HSE to support people with a disability to live independently in their own homes rather than having to move into residential care settings. The SPC will be kept advised & its views sought as the various aspects of this strategy relevant to the local authority are rolled out. "

11.11.21.10 Summary of Proceedings at Conferences

- (a) **"Fresh" Autumn Seminar - 5th October 2011.**
It was agreed to note Cllr. B. Moynihan-Cronin's written report on behalf of the delegates that attended the "Fresh" Autumn Seminar held on 5th October 2011.

(b) Getting a Grip 2011 Conference - 6th & 7th October 2011.

It was agreed to note Cllr. D. Healy-Rae's written report on behalf of the delegates that attended the Getting a Grip 2011 Conference held on 6th & 7th October 2011.

(c) Irish Planning Institute Conference - 21st October 2011

It was agreed to note Cllr. D. Healy-Rae's written report on behalf of the delegates that attended the Irish Planning Institute Conference held on 21st October 2011.

(d) Bad Weather Good Practice Seminar - 8th November 2011.

It was agreed to note Cllr. P. O'Donoghue's written report on behalf of the delegates that attended the Bad Weather Good Practice Seminar held on 8th November 2011.

(e) IPA A-Z in Local Government - Water Services Conference - 7th November 2011.

It was agreed to note Cllr. M. O'Shea's written report on behalf of the delegates that attended the IPA A-Z in Local Government - Water Services Conference held on 7th November 2011.

11.11.21.11 Reception of Deputations

- (a) Cllr. D. Healy-Rae requested that a deputation would be received from the Residents of Freathanach, Clonkeen regarding the issue of road safety accessing the R569.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. G. Wharton-Slattery, it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

- (b) Cllr. D. Healy-Rae requested that a deputation would be received from the Residents of Foiladown, Clonkeen, Glenflesk regarding problems of flooding in Foiladown, Clonkeen, Glenflesk.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. J. Healy-Rae, it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

- (c) Cllr. M. Cahill requested that a deputation would be received from the Residents of Sunhill Road, Killorglin in relation to the completion of the footpath and surface dressing of the Sunhill Road, Killorglin.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. P. Connor-Scarteen, it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

- (d) Cllr. P. Connor-Scarteen requested that a deputation would be received from the Residents of Kenmare in relation to the danger of flooding posed by Lough Eirk, Kenmare.

On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. P.J. Donovan, it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

11.11.21.12 Opening of Tenders

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of tenders for the refurbishment of Minard Precast Post Stressed Reservoir - Closing date: Thursday, 17th November 2011 at 4.00pm.
- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Griffin, it was agreed to approve the opening of tenders for the provision of Ultraviolet Disinfection at Tieraclea Water Supply Scheme, Tarbert, Co Kerry - Closing date: Thursday, 15th December 2011 at 4.00pm.
- (c) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. M. Gleeson, it was agreed to approve the opening of tenders for the Supply, Installation and Commissioning of Additional Outstations to Water Services Monitoring and Alarm System - Closing date: Thursday, 15th December 2011 at 4.00pm.
- (d) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. D. Healy-Rae, it was agreed to approve the opening of tenders for Tarbert Sewerage Scheme - Wastewater Treatment Plant Upgrade - Advance Collection System Works - Closing date: Friday, 16th December 2011 at 4.00pm.

11.11.21.13 Notices of Motion

1. Amendment to the Occupancy Clause in the County Dev. Plan

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

That Kerry County Council amend the County Development Plan for a period of no longer than 2 years so as to allow for "special circumstances" whereby family members have to dispose of their properties by putting a moratorium in place in relation to the "occupancy clause".

The following report issued:

All properties which are in need of disposal have been constructed on foot of planning permissions granted prior to now and are subject to the conditions of that permission. Changing the County Development Plan has not and will not have any bearing on that permission.

As previously outlined, the Council is dealing with individual properties on a case by case basis. Anyone in difficulty is advised to approach the Council and outline their circumstances in a

confidential manner.

Cllr. M. Cahill said there are cases where families have to dispose of property for financial, health or relationship breakdown reasons. There is a depressed property market at the moment and anything that will help them to dispose of their property must be welcomed. He called on the Council to look on these cases leniently and also to include sites under this heading.

2. Provision of a Sexual Assault Unit in Kerry

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

Kerry County Council calls on the Minister for Health and the HSE to provide, as a matter of urgency, a Sexual Assault Unit in the County. It is unacceptable that what is an already traumatic situation is added to by the lack of provision of same in this County.

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

Cllr. N. Foley said that in 2002, a Sexual Assault Unit was set up in Kerry but was subsequently closed due to lack of funding. What can be a hugely traumatic event is even more difficult for the individual as they have to travel to Cork to be assessed. In 2006, €100,000 was set aside to facilitate the re-opening of the Unit in Kerry but that still has not happened. People in need of such a service should be facilitated in Kerry. The Kerry Rape & Sexual Abuse Centre is spearheading the campaign to have this Unit provided and it is important that the campaign would be supported by the Members of Kerry County Council. She requested that the resolution would be forwarded to the Minister for Health and the HSE for consideration.

Cllr. M. Gleeson SECONDED the Motion.

3. Recruitment of Psychiatric Nurses and the Provision of Capital Funding for the Building of Alternative Care Facilities

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

In view of the current staffing crisis being experienced by Kerry mental health services which is resulting in the closure or reduction of many community mental health services, including the proposed closure of the Island High Support Hostel in Caherciveen, that this Council requests the Minister for Health to exempt Psychiatric Nurses from the moratorium on public servant recruitment and thus allow for the recruitment of graduate nurses to take place. I would also call on the Minister to allocate, as a matter of urgency, the capital funding necessary for the building of alternative care facilities.

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

Cllr. M. Gleeson read the following statement into the record of the meeting.

“One of the low points of every year is the Annual report by the Inspector of Psychiatric Hospitals formerly known as Mental Hospitals. It annually highlights the deplorable conditions that prevail in many of those buildings. The principal call that emanates from the report is the urgent need to close many of those facilities and to replace them with modern state of the art purpose built structures. Structures that show due respect for the dignity and humanity of the residents and the staff.

It has, however, long been accepted that the area of psychiatric care has been the poor relation in the world of medical care. Staff and residents have for too long been forced to function and be cared for in sometimes Dickensian conditions.

It is in that overall context that I propose this Notice of Motion and it is in that context also that I am pleased to note that 2014 has been definitively set as the closure date for St. Finian's Hospital. I sincerely hope that that commitment will be honoured because the call for the closure has been made for many, many years.

It is in that overall context also that I welcome last Friday's announcement that the Cherryfield building is to finally open following a pathetic impasse that prevented it from doing so for close on two years. Fáiltím roimhis an dul chun chin seo agus tá súil agan go mbeidh anchuid eile go luath.

There is an urgent need for the development of a 15 bed Intensive Care Unit to accommodate clients at present in St. Finian's and future clients living in the community who will in time need this type of care and accommodation.

A 25 bed Challenging Behaviour Unit for the Elderly to accommodate existing residents in St. Finian's and clients from the community who will need the service.

The HSE must develop a 10 bed Community Mental Health residence to accommodate clients with enduring psychiatric illness.

There is an extremely urgent need to develop a 4 bed Intensive Care and Occupational Therapy Unit onto the Acute Psychiatric Unit at Kerry General Hospital.

The problem with closing St. Finian's hospital is that the necessary state of the art units have not and to-date are not being provided in the community. Without them patient care will not and cannot be to required standard.

Psychiatric patients have rights at least commensurate with those of the general public, indeed probably more so as they are more dependant. That has been frequently articulated but rarely if ever realised.

Capital Funding must be provided to allow the stated objectives to be realised.

Nurses must be recruited and there is an urgent necessity to do so as (a) the moratorium on recruitment is having a most serious effect on the most vulnerable in our society and (b) the high attrition rate of Psychiatric nurses leaving the service through retirement and the inevitable expected exodus leaving prior to the 29 of February, 2012.

The development of Community Mental Health Teams is a stated priority in the Vision for Change but this has not even commenced in Kerry. This service would provide home care and thus save the necessity for admission.

It is the stated intention of the HSE to close the Island View Hostel in Cahirciveen. This is a 13 bed unit that at present accommodates 10. This closure must not occur unless and until as a matter of absolute priority the HSE establishes a Community Mental Health Team in the Iveragh Peninsula. The existing staff in Island View should be deployed to this vital function. This can be a vital first step in establishing proper community services in Kerry and can become the template for a future county-wide programme.

It is now a good many years since I read a report that stated 25% to 30% of prisoners in USA gaols should be receiving proper psychiatric care in suitable locations. I have no doubt but that the same applies here.

Unless and until the vital Units that I have outlined are put in place people in need of psychiatric care will continue to serve time in gaol or continue to subsist in the community.

It is high time that psychiatric illness was accepted and recognised as an illness that can befall any person at any time and as an illness that has at some level touched the lives of virtually every one of us.

Those who need help either short or long term should be recipients of due respect and of the highest level of appropriate care."

Cllr. P.J. Donovan supported the Motion and said that it is a county-wide problem. He met with the staff of Islandview and he understands it is closing down on health and safety grounds because there is no lift there. The building is safe and all residents capable of using the stairs.

Cllr. P. O'Donoghue said that the closure of the Islandview High Support Hostel in Caherciveen is a backward step. In the past, the priority was to move patients out of St. Finian's Hospital and into the community. This

has worked but now they are proposing to move them again. It will cost more to move the patients than to provide a lift in the hostel. These are the most vulnerable in our society and he expressed his outrage at the closure of this facility.

4. Introduction of Negative Equity Mortgages

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

That we the Members of Kerry County Council pass a resolution to ask the Financial Regulator, Mr Matthew Elderfield to instruct all banks and financial institutions to immediately introduce negative equity mortgages to assist the many thousands of families who are struggling to repay 100% mortgages and those who purchased family homes at the high end of the market.

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

Cllr. M. O'Shea said that the national mortgage arrears are huge with one in eight families in difficulty. Many families bought properties at the higher end of the market and they now wish to sell them if possible. The Keane Report advocates this. The Government had indicated that they would introduce measures to assist mortgage holders in arrears and this was to happen in the first 100 days in Government. He suggested that the Government should propose some form of debt forgiveness for these people. Every home could be re-valued in a base year and the difference between the current value and the value of the mortgage could be written off. If this was done, it would release a lot of money into the economy. He called on the full Council to support his Motion and asked that it would be forwarded to the Financial Regulator and Minister for Finance for consideration.

Cllr. P. O'Donoghue SECONDED the Motion.

5. Proposals for the Seeking of Advice from Planning Agents and Site Assessment Agents

Pursuant to Notice duly given Cllr. J. Brassil PROPOSED:

That Kerry County Council would include in its planning process a recommendation to all perspective applicants that they would seek advice from at least three planning agents and three site assessment agents before commencing their planning application.

The following report issued:

There is no obligation under the Planning Acts for any applicant to engage the services of a qualified professional in making a planning application. On this account, it is difficult to see how a Local Authority can officially involve itself in what is proposed in the motion, as in many cases where applicants engage the services of Agents, they do so prior to making any contact with the Planning

Department. However, it is acknowledged that the quality and content of the application can, on occasion, impact on the decision of the Planning Authority and this is becoming a more significant issue as Planning Legislation, Guidelines, Policies and Directives become more complex.

It would be advisable for a person to seek quotations and references in advance of any decision to purchase goods or services, and that is a matter for the persons themselves.

Cllr. J. Brassil said that through discussions with many of his colleagues and planners since coming into the Council, he believes the quality of planning applications submitted by some agents is not up to the standard required. The standard of submissions varies greatly. In at least 50% of the planning queries he receives, the difficulties in getting planning approval lies solely with the quality of the submission. It is time that the Council highlights this and lets the public know that the quality and content of the application can, on occasion, impact on the decision of the Planning Authority. This should be included in the application form and on the Council's website. Planning applicants should be encouraged to get three quotations. With an investment of €200,000 for a house, they would pay the agent €2,500 - €5,000. However, if they spent €5,000, they would get the services of a good agent which is just 2.5% of the cost of the investment. They know how to design the house properly and to include energy efficient measures. It is very frustrating getting representations from planning applicants who would not be in difficulty if they had used the correct agent first day. He would encourage anyone applying for planning permission to take advice on a planning agent and site assessment agent prior to commencing their application.

Cllr. J. Finucane supported the Motion but said he understands there are legal constraints in publishing approved lists of agents. However, if approved lists of agents can be published for energy rating and for the inspection of septic tanks, he could not see why a list of approved agents for the purpose of planning applications could not be published.

Cllr. D. Healy-Rae objected to the Motion and said that it will increase the financial burden on the applicant.

The Mayor informed the meeting that he would move Notice of Motion No. 6 on behalf of Cllr. Fitzgerald.

6. Re-instatement of Roads in the Corcha Dhuibhne Gaeltacht Following Severe Flooding

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

That Kerry County Council make a submission to the Department of the Gaeltacht and the Department of Transport requesting them to provide emergency funding to reinstate the roads which were badly damaged in the Corca Dhuibhne Gaeltacht during severe flooding on Sunday night, the 23rd October.

The following report issued:

It has been estimated that approximately €100,000 worth of damage was caused to the roads infrastructure in the Corca Dhuibhne Gaeltacht following the flooding of the 23rd of October. There was also approximately €150,000 damage caused to infrastructure in the Cahersiveen Area.

Kerry County Council will approach both Departments seeking emergency funding.

7. Provision of a Proper Pedestrian Crossing in Firies Village

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

Following a deputation and numerous Motions before the Killarney Area Meeting requesting the provision of a proper pedestrian crossing in Firies Village, if possible close to the entrances to Mountain Range and Firies Close, what progress has been made on the assessment of this request.

The following report issued:

It was agreed, following the receipt of the deputation from the Parents Committee of Firies National School, at the meeting of the Killarney Electoral Area on the 7th September 2011, to examine the option of providing another pedestrian crossing closer to the village.

This matter will be investigated in consultation with the Road Safety Engineer.

Additional signage and trimming of vegetation will be carried out on the approach to the school crossing in the coming weeks.

Cllr. B. Cronin said this is very important for the people of Firies Village and he wanted to ensure that it gets priority. The present pedestrian crossing is not satisfactory and there is no push button light. He asked that it would be more centrally located adjacent to the two housing estates of Mountain Range and Firies Close. He welcomed the additional signage provided recently and the removal of foliage etc. It is now 3 months since a deputation from the Parents' Committee of Firies National School was received at the Killarney Electoral Area Meeting and he asked that this issue would be prioritised with the NRA Road Safety Officer. The residents of Firies are looking for a push button pedestrian crossing similar to that provided in Farranfore and it must be located more centrally in the village.

Cllr. J. Sheahan supported the motion and said this is a very needy piece of infrastructure for Firies. The needs of the children from Mountain Range housing estate must be catered for to ensure their safety.

8. Flooding at Foiladown Road in Clonkeen

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

To ask again following the recent heavy rainfall on 2nd November 2011 which caused both ends of the Foladonn Road in Clonkeen to be flooded denying residents access in or out, will Kerry County Council rectify this unacceptable situation as a matter of urgency.

The following report issued:

This roadway falls within the Flesk Catchment. Kerry County Council has recently completed an extensive report on flooding in this catchment and has submitted the report to the OPW to seek funding for works to help alleviate flooding.

However in the current climate and until the Catchment Flood Risk Assessment and Management Programme, currently being rolled out by the OPW, is adopted, it is highly unlikely that funding will be made available for any works.

Cllr. D. Healy-Rae expressed his disappointment with the pessimistic outlook for resolving this problem. This is a very serious matter for the people of Foiladown who are marooned in times of heavy rainfall. This situation does not prevail in any other part of the county. On 2nd November there was a very bad flood and these people were isolated as a result. They could not get into or out of their homes. The road needs to be raised 2 or 3 feet for 50 - 60 yards of the road. This issue was resolved for the National Primary Road and only the margins get flooded now. He called on the Roads Department to take immediate action to resolve this serious issue. He asked that it would be treated urgently and that the Council would not await the OPW Flood Risk Assessment before addressing this very serious issue.

Cllr. J. Healy-Rae SECONDED the motion.

9. Painting of the Killarney Train Station

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

That Kerry County Council ask Iarnród Éireann if any County Kerry based contractor tendered for the painting of the Killarney Train Station recently.

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

Cllr. J. Sheahan said that he recently met a Killarney based painting contractor who pointed out that the Killarney Train Station was painted by a contractor from outside the county. There are plenty of contractors in Killarney capable of doing this work. He called on the Council to contact Iarnród Éireann to find out how this work was advertised as the contractors in Killarney were not aware of this contract. He also called on Iarnród Éireann to ensure this never again happens.

Cllr. J. Finucane SECONDED the motion and said that this tender did not seem to go through the normal channels.

10. Use of NAMA Properties for the Benefit of the General Public

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

That Kerry County Council contact the National Asset Management Agency to ascertain if suitable properties under its control in Kerry can come into public ownership for the benefit of the general public. What are the procedures involved? What properties in Kerry are in NAMA, which ones are for sale, sold etc and what is the sale method - by auction or tender or privately?

The following report issued:

Kerry County Council will make contact with the National Asset Management Agency as requested. However it should be noted that the Agency has already posted on its website details of the properties under its control which can be viewed at www.nama.ie.

Cllr. P. Connor-Scarteen welcomed the reply and said that he had viewed the NAMA website but there is very little detail on it. He also contacted the Receivers who would give very little information over the phone. NAMA has a commercial remit and must generate a return for tax payers. However, if some properties can be utilised for the public good, this should be considered. He called on the Council to get a list of all properties available from NAMA and he asked that this list would be circulated to members who could then liaise with sporting clubs and community organisations to establish if the property would be of benefit for the general good.

11. Wearing of High Visibility Clothing from Dusk until Dawn

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

That this Council would take appropriate measures to highlight the importance of wearing high visibility clothing from dusk until dawn while out walking or cycling on our roads.

The following report issued:

The Road Safety Authority undertakes many road safety initiatives during the year. The wearing of high visibility vests and the message of "be safe be seen" on the public roads after dark are two such initiatives.

Kerry County Council supports the Road Safety Authority in their campaigns and spreads the road safety message when visiting schools around the County. High Visibility vests are also distributed to the children in these schools.

Kerry County Council also utilizes the local media to increase public awareness of road safety issues and to promote road safety campaigns.

The road safety theme is also brought out in the Road Safety Awareness Calendar that is produced yearly with the school children with its purpose being to reinforce the road safety message.

Cllr. J.J. Culloty acknowledged the work of the RSA in this area and said that the winters are so long it should be National Policy to make it compulsory to wear reflective clothing from dusk until dawn. He requested that the motion would be forwarded to the Minister for Transport and the RSA for consideration.

Cllr. D. Healy-Rae **SECONDED** the motion and said many people are killed while walking the road and many elderly men wear dark clothing which makes it impossible for motorists to see them.

12. Holding of Elections on a Friday or a Saturday

Pursuant to Notice duly given Cllr. P. Leahy PROPOSED:

That Kerry County Council call on the Government to hold elections in future on a Friday or a Saturday so that people working away from home and students can cast their vote.

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

Cllr. P. Leahy said that a number of people travel outside of the county to work and students also travel to universities and colleges throughout the country. He called on the Government to hold elections on a Saturday in future.

Cllr. J. Finucane **SECONDED** the Motion.

13. Removal of the Bins from the Carpark in Caherciveen

Pursuant to Notice duly given Cllr. P.J. Donovan PROPOSED:

I would ask Kerry County Council to shift the bins out of the car park in Caherciveen as it is becoming a complete rubbish dump.

The following report issued:

It is acknowledged that there is a large amount of littering at this location. This site is one of many locations which are being monitored with roaming covert cameras and a series of warning letters have been issued to offenders. However, littering continues to be a problem. It is estimated that the cost of keeping this area clean by Caherciveen Roads Area is in the region of €10,000 per annum. An alternative approach will need to be considered.

Cllr. P.J. Donovan said that this issue has been ongoing for a long time. The amount of littering in this carpark is ridiculous and he believed it was costing a lot more than €10,000 per annum as stated in the report. He called for the removal of the bins from this carpark. He asked that the bins would be relocated at the Pier in Caherciveen and that CCTV cameras would be installed there.

Cllr. P. O'Donoghue said that 95% of the public are compliant and dispose of their refuse properly and does that mean that the polluter wins and those who are compliant will lose out. The Council wants to encourage the segregation of waste. If these bins are moved away, he believed there would be more rubbish thrown around in the carpark.

Cllr. J. Finucane said that naming and shaming is the best means of addressing illegal dumping. Sending warning letters is of no consequence. These people should be prosecuted and fined and their name should appear in the paper. This is the most effective way of dealing with this issue.

14. Flooding in Scarteen Park, Kenmare

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

That Kerry County Council would write to the Department of the Environment to demand emergency funding to sort the ongoing problem of flooding in Scarteen Park, Kenmare as it is under threat any time we have a couple of hours of rain.

The following report issued:

The Kealnagower Stream runs beside Scarteen Park. It in turns flows into the Finnihy River which discharges into Kenmare River. Kerry County Council has recently completed an extensive report on flooding in this catchment and has submitted the report to the OPW to seek funding for works to help alleviate flooding in the catchment.

However in the current climate and until the Catchment Flood Risk Assessment and Management Programme, currently being rolled out by the OPW, is adopted, it is highly unlikely that funding will be made available for any works.

Cllr. J. Healy-Rae said that last month, one house in Scarteen Park was flooded while a week ago, another house was flooded. The foul and storm water systems in Scarteen Park are in one pipe. He suggested that the pipe from Scarteen Park to the back of the public toilets should be laid deeper in an effort to address this issue. These are emergency works as there are many elderly people living in Scarteen Park and he believed it would not be a major job.

Cllr. P. Connor-Scarteen supported the motion and said he believed works to address flooding would not be funded pending the outcome of the Flood Risk Assessment and Management Programme. He understood further details of funding would be made available in mid-December in relation to flood relief works. A lot of debris has amalgamated in the area from Scarteen Park to the back of the public toilets and he believed if this was cleared up it would help to alleviate the problem. He said he was willing to allocate funding for this work from his Councillor's Allocation. He called on the Council to consider sinking the pipe in the next week. He asked that Scarteen Park would be included with the Kenmare Greater Area.

Cllr. D. Healy-Rae said that it was highlighted to him that since the relief works were carried out, the culvert is not as capable of taking the water as in the past. The channels should be going with the flood and not at right angles.

16. Decline in Rural Population

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

That we the Members of Kerry County Council take note of the recent report that was commissioned by the Kerry County Board in relation to the decline of population with 23 rural parishes throughout the County. That Kerry County Council support the County Board suggestion for representation on local development organisations to encourage job creation in rural communities.

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

Cllr. M. O'Shea thanked the County Board for commissioning this report and asked what action has the Council taken to address rural decline. Was it considered by the County Development Board? He PROPOSED that the 23 parishes mentioned in the Report as suffering from rural decline would be zoned 'Weak Areas' in the County Development Plan. The IDA appears to totally ignore Kerry and it is only the stand alone companies that are coming to the county. The Council should consider sourcing employment for Kerry and should meet with groups who might invest in the county. 1,000 young people are leaving the country each week and it has cost a lot to educate them. He called on the Council to establish a group to try to attract business into the county.

The Mayor then moved Notice of Motion No. 17 on behalf of Cllr. S. Fitzgerald.

17. Funding for the Third Part of the Dingle Relief Road

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

That the Finance Department in Kerry County Council consider funding for the third part of the Dingle Relief Road as well as badly needed additional car parking spaces in Dingle Town when preparing its Budget for 2012.

The following reply issued:

The Dingle Relief Road Scheme involves the construction of a new road to the west and north of the town (a) linking the N86 at Páirc an Aghasaigh to John Street through the townland of Farran (Phase 1), (b) linking John Street to the Conor Pass Road and Goat Street, through the townlands of Gortonora, Grove and Farrenflaherty (Phase 2) and (c) linking Goat Street to Strand Street through the townland of Farrannakilla (Phase 3). Phase 1 of the scheme also included the completion of the widening of the section of road from Milltown Roundabout to Goat Street, which has been on-going for a number of years.

Planning for the section connecting the N86 to John Street was approved by Council at the April 2008 Council meeting. Planning for Phase's 2 and 3, as well as the construction of car parks/ bus park, off Chapel Lane and to the rear of the Library, which would be accessed from the new road, was approved by Council at its meeting of the 28th September 2009.

The estimated overall cost of the Scheme was €17.135 million in 2007.

Loan Sanction for €6 million was received in 2008 to allow work start on the Dingle Relief Road. This will allow completion of the road from the N86 Tralee Road to the Conor Pass Road which will provide some relief for traffic in the town.

Loan sanction was sought and approved for this Scheme, on the basis that the loan repayments would be funded from development contributions under the An Daingean Relief Road and Associated Car Park Supplementary Development Contribution Scheme, adopted by Council in March 2007. Due to the current economic difficulties, the level of contributions currently being received is not sufficient to meet current loan repayments.

Further loan approval of approximately €11m would be required to construct Phase 2 from Spa Road to Goat Street and Phase 3, including the construction of the car parks. Given other commitments for capital projects and in the current economic environment, the Council is not in a position to seek further loan approval at present, for the remainder of the scheme. Any application for a further loan would require the approval of Council

and the Department of Transport, Tourism and Sport, which is unlikely to get favourable consideration in the current circumstances.

A recent report was presented to the Transport SPC, and by the Chair of the committee to Council at the October 2011 meeting, which indicated that there was a potential to generate an additional €160,000 through paid on-street car parking. Funding generated from paid on-street car parking could be used for the development of a car park in the town and improve the turnover capacity of existing on-street car parking spaces. The introduction of paid on-street car parking will require the preparation and adoption of Bye-Laws in accordance with Part 18 of the Local Government Act, 2001, and Section 36 of the Road Traffic Act, 1994, should Council resolve to proceed with this option.

18. Number of Qualified RAS Applicants in Each Electoral Area

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

That Kerry County Council give a detailed breakdown of the number of qualified RAS applicants in each Electoral Area in the County.

The following report issued:

Currently there are 1,156 clients in receipt of rent supplement over 18 months in Kerry which is the qualifying requirement to be considered for the Rental Accommodation Scheme. The breakdown per electoral area is as follows:-

Electoral Area	No of qualified clients
Tralee	680
Killarney	236
Listowel	99
Killorglin	89
Dingle	52
Total	1156

The overall number of transfers to RAS in the County since the scheme commenced in 2006 is 678. 156 clients have left the scheme (e.g. moved to local authority housing, moved back with family, left the county) leaving 522 clients currently in the scheme. To date this year 110 new clients have joined the scheme and it is expected that we will meet our target of 160 transfers by the end of the year.

Cllr. M. Cahill said the RAS Scheme is promoted as one means of accommodating housing applicants. The number of qualified clients in Tralee appears to be very high and he asked if this is because there are so many people on Rent Supplements for over 18 months in the Tralee area.

Mr. J. Breen confirmed that was the case and anyone on Rent Supplement for over 18 months qualifies for RAS.

Cllr. P. O'Donoghue asked if there is any discretion in the 18 months.

Mr. J. Breen, Director of Housing said that there are exceptional circumstances but the 18 months stands. The Housing Department has some element of discretion on this issue.

20. Timeframe for the Completion of Works at Killarney House

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

That Kerry County Council ask the OPW what is the expected timeframe for the completion of works at Killarney House.

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

Cllr. J. Sheahan said people in Killarney are asking when will the works on Killarney House commence and is there sufficient funding to ensure completion of these works. He requested that the motion would be referred to the Department of Environment for reply. He asked that the mistakes of the past would not be repeated and that when work commences, it would be concluded in the timeframe agreed and to a satisfactory standard.

22. Weight of Schoolbags

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

That this Council would write to the Minister for Education requesting that his Department look at all options to reduce the weight of school bags, especially for secondary school students. This is a very serious problem as heavy school bags can have a lasting physical impact on developing skeletal systems and posture.

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

Cllr. J.J. Culloty said there should be some way of reducing the weight of children's schoolbags. It is recommended that a child would carry just 15% of their bodyweight in a school bag. Students take a large number of subjects up to Junior Cert and they cannot walk safely with the weight of the bags. He called on the Minister for Education to consider this issue as students are carrying very heavy weights at a very important time in their growth.

Cllr. M. Cahill supported the Motion and said that the issue needs to be addressed urgently. He was concerned if it is not addressed, it will lead to problems later in life.

23. Contract for the N69 Listowel to Tarbert Road

Pursuant to Notice duly given Cllr. P. Leahy PROPOSED:

Why was the contract for tarmacing the N69 Listowel to Tarbert Road not given to a local contractor and what was the cost of the contract.

The following report issued:

The procurement of the surfacing contractor for the overlay scheme on the N69 from Ballaghduge to Ahalahana was carried out under a Framework Agreement put in place by the National Roads Authority. This allows the Local Authority seek quotations from 8 pre-qualified contractors of which the local contractor is one. In this instance the local contractor firm was not successful in their quotation. The estimated overall cost of this scheme was €1.3 million.

Cllr. P. Leahy expressed his disappointment that a local contractor was not awarded this contract. As he understood, his quotation was lower than the contractor who was awarded the contract. The contractor who got the job is sourcing all his materials outside the county.

Mr. C. O'Sullivan, Director of Roads said that the local contractor did submit a lower bid but he failed to submit subsequent documentation which then disqualified him from the process. He pointed out, however, that the local contractor was awarded other work subsequently.

24. Protection of the Road Network

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

To ask Kerry County Council Roads Section what action they propose to take to stop our road network being washed away.

The following report issued:

The maintenance and upkeep of the 4,713 km road network in the county is carried out through our 8 Area Offices, having regard to the funding made available from the NRA and the Department of Transport, Tourism and Sport, by way of grant aid, and funding provided from Council's own resources in the adopted budget. Substantial work has been done over the past 10 years on improving and strengthening the road network with the funding provided.

The Council also has plans in place in preparation for and to respond to severe weather events. The staff in the Area offices have always responded promptly where there has been damage caused or there is a potential risk of damage being caused to the road network, as a result of severe weather.

However, the Council has always acknowledged that the level of funding provided is inadequate to address fully the level of maintenance required, particularly for the local road network. This will always be a challenge in the county because of the extent of the network, the size and peripherality of the county and the low density of population.

Landowners can also carry out small measures to protect their local roads by ensuring that water is not allowed to run off onto the public road from their property, and removing any large vegetation (such as trees and debris) that can be washed into a river and potentially block culverts or cause damage to bridges.

Cllr. D. Healy-Rae said that he was very concerned about the damage caused to roads improved in the last 10 years by the heavy rainfall this year. Many roadside drains are blocked and are not being cleared. When a road is wet and freezes, the road will disintegrate. He suggested that this issue should be tackled before further damage is caused to roads. He also asked that on particularly wet days, dedicated teams would be out on the roads to assess where the problems are. There are overhanging branches from trees that should also be removed. He called on Management to take action to protect the road network in Kerry.

25. Restoration of Funding for Special Needs Assistants

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

In light of the Department of Finance finding over €3bn lately, I am asking Kerry County Council to write to them to restore the Special Needs Assistants that have been cut and to also restore the fuel allowance to elderly people that will not be able to heat their homes without it.

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

Cllr. J. Healy-Rae requested support for his motion and asked that a letter would issue to the Department of Finance requesting that funding would be provided to restore Special Needs Assistants as they provide a very valuable service for children.

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

Cllr. P. Connor-Scarteen also supported the motion.

26. Centralising the Issuing of Driver Licences

**Pursuant to Notice duly given Cllrs. P. O'Donoghue and M. O'Shea
PROPOSED:**

That we the Members of Kerry County Council write to the Minister for the Environment regarding proposals to centralise to Dublin the issue of Driving Licences. Not only is this a reversal of the decentralisation policy but from recent media reports, the recent centralising to Dublin of Medical Card applications has proved to be less than satisfactory. Medical professionals and Medical Card applicants have supported local representatives with reports of dissatisfactions in service and contacting the Department, delay in applications being processed and more importantly, the delay in medical care and medication.

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

Cllr. M. O'Shea said that Medical Card applications for the entire country are now assessed in Dublin and it is proposed to centralise many other services in Dublin. This is detrimental for rural communities. 65% of TDs and Senators are rural based and they should be speaking on behalf of rural Ireland. When the recent Drink Driving Laws were being considered in the Dáil, not one TD stood up and defended rural Ireland. He requested that the motion would be forwarded to the Minister for Environment for consideration.

Cllr. J.J. Culloty **SECONDED** the Motion.

27. Meeting with the Minister for Enterprise, Trade & Employment to get Kerry re-categorised for EU Regional Aid Grants

Pursuant to Notice duly given Cllrs. J. Brassil, T. Buckley and J. Finucane PROPOSED:

That Kerry County Council would request a meeting with Minister for the Department of Enterprise, Trade and Employment Mr. Richard Bruton to commence the process of getting Kerry categorised with the Mid West Region from the point of view of getting EU regional aid grants.

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

Cllr. J. Brassil said that following the recent deputation to Dublin, it became apparent that there is a serious situation in Kerry in relation to EU aid and grants. If a Company locates in Galway, capital and employment grants of up to 15% are available. If they locate in Limerick, the grant aid is 10% but if they locate in Kerry, no grants are available. That has huge implications for the county. Kerry is included with Cork and because of their success rate, Kerry is suffering. He requested that a letter would issue to Minister Bruton asking him to commence the process whereby Kerry would be grouped in with the Mid-West Region.

There is a role for our Oireachtas Members in this. The recent arrival of the Japanese/American Bank in Tralee would have been lost if it was not for the local interest in the Company. Most companies considering investing in Ireland will opt to locate in areas where 10 - 15% grant aid is available. That imbalance must be addressed immediately. He requested that the resolution would be sent to each of the six TDs requesting them to pursue it at a national level.

Cllr. J. Finucane supported the motion and said that but for the personal connection with Kerry, the Japanese/American Bank would not have located in Kerry. The only prospect of companies locating in Kerry is if one of the individuals involved expresses a desire to locate in Kerry. In a 10 month period, the IDA made just one industrial visit to the county. The members of Kerry County Council should make a strong statement that the current position is no longer acceptable.

Cllr. T. Buckley supported the motion and requested that it would be forwarded to the three Town Councils.

Cllr. P. O'Donoghue said there is mention of disbanding Regional Authorities. Cllr. Thomas McEllistrim, Snr. advised the members of Kerry County Council not to agree to include Kerry with Cork and now is an opportune time to seek to address this issue.

28. Acquisition of Burial Grounds/Community Lands in Cromane

Pursuant to Notice duly given Cllrs. M. Cahill and J.J. Culloty PROPOSED:

That Kerry County Council give a detailed progress report in relation to the acquisition of burial grounds / community lands in Cromane.

The following report issued:

A suitable site for a cemetery at a very good location has been identified and the results of ground investigation works have proved satisfactory. Discussions with the landowners are at an advanced stage. If provisional agreement to purchase the property can be reached, the public planning process will then be undertaken by the Council.

Cllr. M. Cahill said there was a meeting in Cromane on Saturday night last and local Councillors were invited to attend. This meeting highlighted the fact that Cromane has lost its Post Office, five shops and Creamery and there is no community focal point. There are a large number of children in this area between 4 and 16 years of age. A committee was established and a Feasibility Study is to be undertaken. The community identified lands adjacent to the lands being purchased by Kerry County Council for a Burial Ground which they wish to acquire for a community facility and a pre-school. He called on Kerry County Council to assist them in acquiring these lands. The Council got €130,000 in development levies in this area in the past 5 or 6 years and

it is now time to give something back. The community are anxious to stress that there would be no cost to the Council and they just want the Council to advise them on how to move this project forward.

Cllr. J. Healy-Rae supported the motion and said this area needs a new Burial Ground and also community facilities. The local community has a very good proposal which should be considered favourably. He called on the Council to meet with representatives of the community and said that considerable sums have been paid in development levies in this area in the past few years. The local community group are only looking for a loan which will be paid back in time.

Cllr. P. Connor-Scarteen supported the motion and said that he also attended this meeting. An opportunity like this does not come too often for a local community and it is proposed to acquire 2 acres adjoining the land identified for a Burial Ground. He hoped that the Council could come to some arrangement with the local community representatives on this issue.

Cllr. P.J. Donovan supported the motion and said now is the time to acquire land for a community facility beside the land for the Burial Ground.

Cllr. P. O'Donoghue said that he was glad progress was being made on the acquisition of land for a Burial Ground as it has been ongoing for many years. In this context it would also be an opportune time to consider the acquisition of the adjacent land for community facilities and he hoped the Council would assist the local representatives in this regard.

Mr. J.D. Flynn, Director of Corporate Services said that Kerry County Council has been trying to acquire land in Cromane for a Burial Ground for a long time. Two applications for loan approval were forwarded to the Department of the Environment in recent times but no sanction was received. Sanction will only be given for loans for Water Services projects. He was anxious that the deal to purchase the land for the Burial Ground would be concluded while funding is available. He met with representatives of the local community who have a good proposal but there is no mechanism whereby Kerry County Council can grant them a loan to buy this land even if that loan would be repaid. There was a lot of difficulty in identifying a suitable site for a Burial Ground in Cromane and he was concerned that the community proposals would affect the purchase of the land. He acknowledged that the local community representatives are very decent people and said he understood that the South Kerry Development Partnership may be in a position to assist with this project but the community must own the land or have a lease on it. With the EU/IMF Troika, there are very tight controls on borrowing and this has been explained at length to the local community.

Cllr. M. Cahill asked Mr. Flynn to meet with one or two representatives of the local community on this issue.

Mr. Flynn said he had no difficulty meeting them but it is important that the Council would close the deal on the purchase of the lands for the Burial Ground as soon as possible.

11.11.21.14 Correspondence - Conferences and Seminars

- (a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. J. Finucane, it was agreed to authorise the attendance of Cllrs. B. Moynihan-Cronin, R. Beasley, T. Buckley, J. Finucane, L. Purtill, S. Fitzgerald, J. Sheahan, J. Healy-Rae, D. Healy-Rae and P.J. Donovan at the Ninth Irish National Radon Forum - Effective Response to the Radon Problem in Ireland to be held in the Chartered Accountants House, Pearse Street, Dublin 2 on 24th November 2011.

Cllr. J. Sheahan was nominated to report back to the Council on this forum.

- (b) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. J. Finucane, it was agreed to authorise the attendance of Cllrs. A. McEllistrim, S. Fitzgerald, P. O'Donoghue, M. Griffin, J. Healy-Rae, D. Healy-Rae and M. O'Shea at the Professional Development Councillor Conference on the theme "Being Negative in a Positive Climate" to be held in Bunratty Castle Hotel, Co Clare from 9th - 11th December 2011.

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

- (c) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. J. Finucane, it was agreed to authorise the attendance of Cllrs. B. Cronin, P. O'Donoghue, P. McCarthy, J. Healy-Rae and M. O'Shea at the Elected Members Training Seminar on the theme Local Government (Charges) Act, 2009 to be held in the Kingsvalley Hotel, Merlin Park, Dublin Road, Galway from 16th - 18th December 2011.

Cllr. B. Cronin was nominated to report back to Council on this seminar.

- (d) Mr. G. O'Brien informed the meeting that as Cllr. Sheahan would not now be attending the National Tourism Conference it was not necessary to deal with this item.
- (e) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. O'Donoghue, it was agreed to approve the attendance of Mayor T. Buckley at the Inauguration of Michael D. Higgins as the Ninth President of Ireland in Dublin Castle on 11th November 2011.

11.11.21.15 Correspondence General

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

1.	Letter dated 11 October, 2011, from Minister Jimmy Deenihan enclosing correspondence received from Dr. James Reilly, Minister for Health regarding Caherciveen Ambulance Station.
2.	Letter dated 12 October, 2011, from the Minister for Housing and Planning regarding the Rental Accommodation Scheme (RAS).
3.	Letter dated 12 October, 2011, from the Minister for Transport regarding the Farranfore to Killarney and Ballyvourney to Macroom road projects.
4.	Letter dated 18 October, 2011, from Minister Jimmy Deenihan enclosing correspondence received from Dr. James Reilly, Minister for Health regarding Caherciveen Ambulance Station.
5.	Letter dated 19 October 2011 from the Minister for Communications, Energy & Natural Resources regarding fracking.
6.	Letter dated 20 October, 2011, from the National Roads Authority (NRA) in relation to the Irish spelling of townlands on signage and use of road numbers on signs at inappropriate locations.
7.	Letter dated 20 October, 2011, from the National Roads Authority (NRA) in relation to national road designation.
8.	Letter dated 25 October, 2011, from the Town Clerk, Tralee Town Council, regarding the provision of an additional disabled parking bay adjacent to the Audiologist Clinic at Edward Street.
9.	Letter from Senator Ned O'Sullivan enclosing correspondence received from Dr. James Reilly, Minister for Health regarding Caherciveen Ambulance Station.
10.	Letter dated 26 October, 2011, from the Minister for Training & Skills regarding school transport.
11.	Letter dated 27 October, 2011, from Threshold regarding accommodation rental charges for college students.
12.	Letter dated 27 October, 2011, from the Minister for Finance regarding the level of excise duty on those fuels.
13.	Letter dated 1 November, 2011, from Minister for Housing and Planning regarding student accommodation.

14.	Letter dated 3 November, 2011, from An Garda Síochána regarding Garda Stations in County Kerry.
15.	Letter dated 10 November, 2011, from the Minister for Health regarding the opening of the third ward at the new West Kerry Community Hospital in Dingle.
16.	E-mail dated 14 November, 2011, from the Minister for Justice and Equality regarding Garda Stations in County Kerry.
17.	Letter dated 11 October, 2011, from Clare County Council regarding a resolution adopted by the authority calling on the Minister for Agriculture to fight to protect the Single Farm Payment to Irish farmers in the negotiations on CAP reform.
18.	Letter dated 13 October, 2011, from Donegal County Council regarding a resolution adopted by the authority regarding proposed charges on septic tanks.
19.	Letter dated 17 October, 2011, from Donegal County Council regarding a resolution adopted by the authority regarding an amendment to the Redundancy Payment Acts 1967-2007.
20.	Letter dated 17 October, 2011, from Donegal County Council regarding a resolution adopted by the authority regarding the Family Home Bill on families facing severe mortgage difficulties.
21.	Letter dated 10 November, 2011, from Monaghan County Council regarding a resolution adopted by the authority calling on the Government and Minister for Finance to examine solutions that would assist distressed mortgage holders.
22.	Letter dated 14 November, 2011, from Donegal County Council regarding a resolution adopted by the authority regarding the reduction in services and benefits for people with disabilities in Budget 2012.

Votes of Sympathy

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

- (a) Cllrs. D. Healy-Rae, J. Healy-Rae, P. Connor-Scarteen and J. Sheahan proposed that a vote of sympathy would be extended to the family of the late Paudie Casey.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Conor Spellman.

- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Peggy O'Loughlin.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Geoffrey Griffin.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Eoin O'Sullivan.
- (f) Cllrs. D. Healy-Rae, J. Healy-Rae, P. Connor-Scarteen and J. Sheahan proposed that a vote of sympathy would be extended to the family of the late Donal Brosnan.
- (g) Cllrs. D. Healy-Rae, J. Healy-Rae, M. Gleeson and J.J. Culloty proposed that a vote of sympathy would be extended to the family of the late Laurence Clerkin.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Eileen Ní Chiardubhain.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Michael Doyle.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Elizabeth Lyne.
- (k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Mary Hurley
- (l) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Breda Daly.
- (m) Cllrs. D. Healy-Rae, J. Healy-Rae, P. Connor-Scarteen and J. Sheahan proposed that a vote of sympathy would be extended to the family of the late Mary O'Connor.
- (n) Cllrs. B. Cronin and M. Gleeson proposed that a vote of sympathy would be extended to the family of the late Kathleen Daly.
- (o) Cllrs. T. Ferris and R. Beasley proposed that a vote of sympathy would be extended to the family of the late Hannah Mae Leane.
- (p) Cllrs. D. Healy-Rae, J. Healy-Rae, P. Connor-Scarteen and J. Sheahan proposed that a vote of sympathy would be extended to the family of the late James McGrath.
- (q) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Mary (Babe) Moynihan.
- (r) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Sr. Frances McCarthy.
- (s) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Johnny Doona.

November Ordinary Meeting 2011

- (t) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Denis Cronin.
- (u) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Brendan Bawnie O'Driscoll.

The meeting concluded at 4.50pm.

Gerard O'Brien

Meetings Administrator

Mayor of Kerry