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MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I ÓSTÁN AN MHAINÉIR THJAR, BÓTHAR CHILL ÁIRNE, TRÁ LÍ AR AN LUAN , 10 MÁRTA, 2014

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE CASTLEMAINE SUITE, MANOR WEST HOTEL, KILLARNEY ROAD, TRALEE ON MONDAY, 10TH MARCH 2014

PRESENT/I LÁTHAIR

Cllrs/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. Connor-Scarteen	S. Counihan
B Cronin	J. J. Culloty	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	T O'Brien
B O'Connell	P. O'Donoghue	M. O'Shea
L. Purtill	J. Sheahan	

APOLOGY/LEATH SCÉAL

Cllr. G. Wharton Slattery

IN ATTENDANCE/I LÁTHAIR

Mr. M. McMahon, D/Co. Manager	Mr. J.D. Flynn, Dir. of Corp. Serv.
Mr. J. Breen Dir. Hsg. & C&E	Mr. G. MacNamara, A/Dir. of Roads
Mr. C O'Sullivan, DoS L.A. Procur. Off.	Ms. A McAllen A/Head of Finance
Mr. M. Hession, Chief Fire Officer	Mr. T. Sheehy, SE Environment
Mr. J. Kennelly, A/SE Water Services	Mr. G. O'Brien, Meetings Admin.
Ms. L. O'Donnell, AO Environment	Mr. P. Corkery, Press & Comm. Off.
Ms. B. Reidy, SSO Corporate Affairs	Ms. O. O'Shea CO Corporate Affairs
Ms. M. Galvin, CO Corporate Affairs	

The meeting commenced at 10.35am.

The Mayor Cllr. S. Fitzgerald took the Chair.

14.03.10.01 Mayor's Report on the CPG Meeting held on the 4th March 2014

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

“Item 1 Agenda for the March Council Meeting

Mr. G. O'Brien, Meetings Administrator, briefed members on the Agenda for the March Council Meeting.

Due to the ongoing refurbishment of the Council Chamber the meeting will be held in Manor West hotel.

Minister for Arts Culture & the Gaeltacht Jimmy Deenihan TD will be re-launching the Kerry Film Commission website at 2.00pm, also in Manor West Hotel. Attendance by the members will be facilitated.

Item 2 County Development Board

Mr. J. Breen Director of Housing & Community & Enterprise briefed the meeting on the CDB as follows:

Establishment of Local Community and Development Committees

Significant progress is being made at national level to bring forward guidelines for the immediate establishment of the Local Community and Development Committees. At present there are 10 forerunner Local Community and Development Committees up and running around the Country and the learning from the establishment and operation of these is being incorporated into guidelines which the Department will issue quite soon. We have been advised that it is the Departments wish that we would immediately move ahead to establish the LCDC for Kerry and accordingly, we will bring forward proposals to the April meeting of Council for formal approval to appoint members of the Committee. It is important in establishing this new Committee, which is provided for under the Local Government Reform Act, 2014 that we ensure that the collective membership of the Committee works diligently and professionally for the betterment of our County in the context of their new statutory remit as set out in the Local Government Reform Act 2014.

This Local Community and Development Committee will take over from the County Development Board and on its establishment the County Development Board will be dissolved statutorily.

Preparation of Local Community and Economic Plan

The Local Government Reform Act 2014 makes provision for the preparation and adoption of a Local Community and Economic Plan for the County of Kerry. The work with regard to ensuring that this plan is brought forward will be the responsibility of the Local Community and Development Committee. This plan will be predicated on detailed data of economic and demographic profiles of our County and will set forth a plan for the development of communities and the development of the economy of County Kerry.

CDB Executive Meeting

A meeting of the Executive of the County Development Board is taking place this afternoon and among the items for discussions are:-

- The impact of the severe weather on communities throughout the County.
- An update on agricultural matters, particularly the impact of the present weather.
- A brief update on the Public Consultation Process presently being undertaken regarding the County Development Plan.
- A briefing of the events planned for Enterprise Month in Kerry.
- An update on the work of the Kerry Economic Development Unit.

Publication of Report on Citizen Engagement Framework

The Government have recently (28th February) published a report by a working group established by Minister Hogan to look at the area of citizen engagement with Local Government. We have been carrying out work ourselves in establishing a Community Engagement Strategy for Kerry County Council through a sub-committee of the Community, Culture and Tourism SPC. We will consider the content of this recently published report and how it will inform our policy development and its implications for the development of the Community Plan as outlined above.

In reply to a question from Cllr. M Gleeson in relation to LCDC's, Mr. Breen said that the Committee would include three Elected Members who would be drawn from the Corporate Policy Group. He said that it was important to keep in mind that the collective membership of the Committee will work diligently and professionally for the betterment of our County and must be representative of eg. tourism & agriculture and would also reflect the social inclusion requirements of 2014 in Kerry.

Cllr. P Connor Scarteen asked if an update on funding for LCDC's was available.

Mr. Breen said that the Act includes provision for a tendering process to be put in place for the LCDP programme.

Cllr. S Counihan asked if the body that will replace the Partnerships will continue to administer the Local Employment Service (LES).

Mr. Breen said that the Partnerships are not being replaced.

Mr. J.D. Flynn Director of Corporate Services said this matter will be addressed in a detailed briefing for the members on the Local Government Reform Act 2014, which is being arranged for 21st March, 2014.

Cllr. S. Counihan said that huge benefit has come to this county through the Community Employment Service (LES) Rural Social Scheme and the TÚS programme and it is vital that they are continued.

Item 3 Update on National/Regional Issues:

Update on LEO's

County Manager, Mr. T Curran advised the members that the County Enterprise Boards (Dissolution) Bill 2013 is progressing through the Dáil. Following the dissolution the functions and assets of the CEB's will transfer to Enterprise Ireland. The establishment of the Local Enterprise Offices (LEO's) will commence in April 2014 on a date yet to be agreed. The LEO's will have a wider remit than the CEB's and will work alongside Enterprise Ireland at a national level and at local level within Local Authorities.

Discussions with staff are currently taking place and they have been given the option of transferring to Enterprise Ireland or to the Local Authority. Additional staff will be also assigned to the LEO.

An Evaluations & Approvals Committee must be in place by 28th March 2014. The Evaluations Committee will consist of the County Manager as Chair, a representative from Enterprise Ireland and five individuals with specific areas of business expertise in the following:

- Entrepreneurship
- Debt/banking and or cash flow management expertise
- Equity and or investment expertise
- Financial and or business qualifications.
- Business development
- Marketing/Sales/Sectors
- Technology

Kerry County Council has invited expressions of interest from persons interested in being appointed to the Evaluation and Approvals Committee. The closing date for applications is 19th March 2014. Members will be appointed for a maximum period of three years in accordance with the provisions of the agreed Service Level Agreement between the Local Authority and Enterprise Ireland. The Committee will be an integral part of the Business Support/Development Unit.

The LEO will be integrated into Kerry County Council's Agresso/FMS system.

Mr. Curran said that he would brief the members further at the April 2014 meeting of the Council.

Item 4 Update on Kerry Local Authorities Re-Organisation Project

Mr. M McMahon Director of Planning advised the meeting that it is proposed that a briefing for the Elected Members on the Re-Organisation Project will be held on the morning of 21st March 2014 followed in the afternoon by a briefing for senior staff. The Local Government Reform Act 2014 has been passed. The Municipal Districts have been established in Kerry. Membership of the new council has been fixed at 33 members.

The Council has already decided that the two key corporate priorities would be:

1. Job creation and economic development
2. Sustainable communities and quality of life.

A detailed proposal for business units and directorates has been prepared. A manpower planning exercise is taking place in all Local Authorities and it is necessary to match the manpower element with the structure element.

Management will be meeting with representatives of the Department of the Environment, Community & Local Government this week with a view to finalising the plan.

Item 5 Update on Kenmare Water Abstraction

County Manager, Mr. T Curran said that as the members were already aware Kerry County Council had gone through the process of securing a supplementary water supply source for Kenmare by initiating a Water Abstraction Proposal from the River Sheen. The application under the Water Supplies Act 1942 was submitted to An Bord Pleanála in 2011 for determination. The Bord, after a lengthy Oral Hearing ruled in favour of Kerry County Council's application, with minor adjustments. This decision was appealed by a third party to the Circuit Court and at a hearing on 24th February, 2014 the Judge ruled that an Environmental Impact Assessment (EIA) was not required but that an Appropriate Assessment (AA) was required for the project.

A further hearing which was attended by representatives of Irish Water, took place in the Circuit Court on 3rd March, 2014. The Judge was requested to consider other approaches but refused to do so and would not revisit her determination. Irish Water has decided to appeal the decision to the High Court.

Mr. Curran advised the members that it is important to keep in mind that this matter is sub judice at present.

Cllrs. P Connor Scarteen and J Healy Rae expressed their disappointment that Irish Water had decided to appeal the decision of the Circuit Court to the High Court. They appealed to Irish Water and Kerry County Council to re-consider the alternative option of water extraction from the upland lakes and refrain from taking water from either the River Sheen or the River Roughty.

Mr. O Ring Director of Environment & Water Services clarified that the Circuit Court judgment had found that an AA should have been carried out. It had not ruled that the extraction of water from the Sheen river was no longer an option.

Item 6 Update from Chairs of SPCs

Cllr. McCarthy updated the members on the Planning SPC meeting which was held on Wednesday 19th February as follows:

(2) Update on the Review of the County Development Plan

Mr. Paul Stack SE Planning updated the Members of the Committee on progress on the review of the County Development Plan which is now on public display.

(3) Update on Housing Estates Unit

Mr. Donal Murphy SEE gave an update on progress in relation to Unfinished Estates and outlined that since the 1st January 2014 the proposed taking in charge of water and wastewater infrastructure in Housing Estates must be referred to Irish Water for decision. Mr. Murphy also referred to Circular Letter 36/2013 regarding Unfinished Housing Development Special Resolution Fund and indicated that an application for funding would be made.

(4) Transfer of Water Service Functions to Irish Water – planning issues Circular Letter PS 21/2013

Mr. Michael McMahon DOS advised that Irish Water is now a Statutory Consultee in the planning process. In addition, planning permissions granted after the 1st January 2014 will not have 'water and sewerage' development levies applied as a standard condition. The Applicant will now seek agreement and deal directly with Irish Water in relation to charges.

(5) Review of 2006 Wind Energy Development Guidelines - Circular Letter PL 19/13

Mr. Michael McMahon DOS advised the Committee that this review is limited to considering (a) sound (b) shadow flicker and (c) 500m statutory distance from a dwelling house. The Department had advised Planning Authorities that any existing Renewable Energy Strategy should not be reviewed until revised Guidelines are issued by the Minister. The Closing Date for submissions on the Draft Guidelines is 21st February 2014.

(6) Review of Planning Application Process

Mr. Michael McMahon DOS outlined that the Department has recently published an Advert in relation to a review of the planning application process, how can the planning application process be improved, should the exempted development list be expanded or reduced? The views of planning authorities are being sought in relation to streamlining the process and the closing date for submissions is the 13th March 2014.

Cllr. Connor-Scarteen stated the next meeting of the Transport SPC would take place on 24th March 2014.

Cllr. J Healy Rae said that no meeting of the Community & Culture SPC had been held in February.

Cllr. M Gleeson updated the members on the meeting of the Environment & Water Services SPC held on the 26th February as follows:

1. The SPC meeting was informed that the launch of the Kerry Energy Audit Report will take place shortly. This report was undertaken by Transition Kerry and is the first of its kind for Ireland in that it constitutes a complete audit of all energy use, including transport, for the County.
2. The meeting was given an update on the North Kerry Landfill pilot Leachate Treatment Project which treats some of the leachate by means of an Integrated Constructed Wetland. The project is operating satisfactorily.
3. The meeting was briefed on current Waste Management Policy and Issues – National, Regional and County. The Committee was informed that the new Regional Waste Management Plan was currently being prepared and it is expected that the new plan will be in place by the end of 2014. The DECLG are currently undertaking a public consultation exercise in relation to waste collection in Ireland, including policy in relation to PTUs(Pay-to-use containers).
4. A meeting has been organised for April with National Parks and Wildlife Service to discuss the issue of Invasive Species in Killarney.
5. A brief presentation on ‘Backyard Burning’, including our recent article in the Kerryman, was given to the meeting and the exemption from the regulation for certain agricultural practices was highlighted. The current derogation for certain agricultural burning has been extended to 1st January 2016.

Item 6 Any other business

Damage to roads in Killarney due to underlying spring water

Cllr. S Counihan said that he was concerned about water flowing on the road at the railway bridge and the High Street car park in Killarney. He had asked the local Water Service maintenance crew to investigate this matter and had been advised that the water is coming from underlying springs. He said that this constant flow of water could cause considerable damage to the surface of the road and the car park. He asked if Irish Water or Kerry County Council is responsible for addressing this matter.

Mr. O Ring said that springs are the responsibility of the landowner where they occur in private property. The Roads Department is responsible for springs, and any resulting damage, where they occur on roads.

Mr. JD Flynn said that Valentia Observatory had reported its wettest three months since records began in 1866. Rainfall for the months of December, January & February is the highest on record.

Group Water Schemes

Cllr. J Healy Rae acknowledged the work of the Water Services Department in the taking over of group water schemes in advance of the transfer of water services infrastructure to Irish Water. He asked that the Council would put a plan in place with a view to taking over the remaining group water schemes, in particular the smaller schemes, in 2014. He is concerned that if payment was not made by all the members of a group, pressure may be reduced and this would have an adverse effect on elderly and vulnerable people.

Mr. Ring said that it would not be possible for Kerry County Council to take over any further group water schemes as that function has been transferred to Irish Water. Guidelines and legislation from the Department of the Environment Community & Local Government are required to give clarification on this matter. Notification of the Council's Group Water funding allocation for 2014 has not yet been received.

Room in Áras an Chontae for use by Councillors

Cllr. P Connor Scarteen asked if consideration could be given to the provision of a designated room in Áras an Chontae, with facilities for printing, which Councillors could use when they are in the building on Council business or attending a meeting.

Mr. JD Flynn said that all the members had been provided with laptops and other facilities to operate from a home office."

Cllr. B. O'Connell referred to the Report on Citizen Engagement Framework and the nomination of councillors to the LCDC and he asked must a councillor be a member of the CPG to be nominated to the LCDC.

In response Mr. J. Breen Director of Housing and Community & Enterprise said that is what the guidelines provide for. However, he could revert to the Department on this issue if the member so wish.

Cllr. O'Connell asked if councillors nominated to the LCDC would remain in office for five years.

Mr Breen confirmed that the term of the new LCDC was a five year period.

Cllr. O'Connell asked if a member of the CPG is nominated to the LCDC and is not re-elected would s/he remain on the LCDC. If that is the case it is not right.

Mr Breen confirmed that this applies to other committees also and this issue will be addressed at the Briefing.

Cllr. O'Connell said a serving member should represent the Council on the LCDC.

Mr Breen stated that this applies to other committees also and members serve for the term of the committee.

Cllr. D. Healy Rae expressed concern at the format of the LCDC's and the impact on rural areas when the Partnerships are dissolved.

Mr. J.D. Flynn Director of Corporate Services pointed out that the Partnerships are not being dissolved.

Cllr. D. Healy Rae said the Partnerships are being totally changed and starved of money and representation. He then referred to the Water Abstraction Order for Kenmare and called on the Council and Irish Water to consider abstracting water from the lakes as it is the most acceptable option. There is an ongoing problem with water gushing up from under the road surface at Park Hill, Kilcummin and the road is badly damaged as a result for approx. 100m. This is also the case at Knocknaboul, Ballydesmond. He asked that both these issues would be addressed as soon as possible.

Cllr. J. Healy Rae reiterated his point in relation to group water schemes and he congratulated the Council on taking over so many schemes prior to the takeover of Water Services by Irish Water. The Rossdohan group water supply scheme supplies 140 houses and the pressure will be reduced if everyone does not pay their water charges. He understood the meter will be at the entry point to the scheme. He called on the Council to work towards taking this scheme over as soon as possible. A person at the end of the line could pay the charge, but others may not and they would suffer as a result. Cllr. Healy Rae then referred to the Water Abstraction Order for Kenmare and called on the Council and Irish Water not to appeal this case to the High Court. In his view an Appropriate Assessment should

have been carried out and he called on Irish Water to carry out an Appropriate Assessment in future if they propose to abstract water from any river. In conclusion Cllr. Healy-Rae asked Irish Water to revert to the lakes to supplement the water supply for Kenmare as this is the source of the town's present water supply.

Cllr. M. Gleeson said we are still dealing with the devastation after the very bad weather since Christmas. There is a forest on the road to Lough Guittane school and trees are leaning dangerously on one another. He asked that they would be removed.

Cllr. P. Connor Scarteen pointed out that an Appropriate Assessment should have been carried out in relation to the supplementary water supply for Kenmare.

Cllr. J. Bassil referred to the Local Enterprise Office and said there is no provision to nominate elected members to the L.E.O. He strongly believed that the Council should have at least one nominee as this body will have a very important role for the county. He welcomed the detailed debate proposed for the 21st March on the LCDC. He reiterated what Cllr. O'Connell said that three members will be appointed to the LCDC in March and the Local Election will be held June. It would make more sense to agree these nominations following the Local Election and he hoped the legislation would provide for this. When plans were drawn up for an extension to County Buildings provision was made for printing facilities for councillors. In Cork County Council each party is assigned a room suitably equipped. Many councillors' laptops are no longer functioning and laptops last for just a year or two. It is 10 years since laptops issued to councillors and it would make more sense to have the facilities available in County Buildings. He also suggested that a room should be provided for the Press to allow them send communications.

Mr. M. McMahon, D/County Manager pointed out that the legislation presently going through the Dáil sets out the representation on the LEO. If members so wish they could pass a resolution calling for a change to allow elected members to have representation on the LEO.

Cllr. J. Brassil PROPOSED that the legislation would be amended to provide that two councillors would be appointed to the LEO. He requested that this proposal would be forwarded to the Department for consideration.

Cllr. J. Finucane SECONDED this proposal.

Mr. McMahon pointed out if the legislation is not amended the Council cannot legally have representation on the LEO.

Cllr. T. Ferris said she emailed a proposal for a Civic Reception but it is not mentioned in the Mayor's Report. She wanted to honour Savannah McCarthy of Listowel Celtic who was named the U17 Player of the Year for Ireland.

Mr. G. O'Brien said he did not receive the email and the CPG previously agreed that no Civic Receptions would be held until works to the Council Chamber were complete.

Cllr. Ferris asked that her request would be considered at the next CPG meeting as she wanted to ensure it was approved prior to the Local Election. The reception could be held in the autumn. She asked if members could be briefed on the LCDC and the LEO as she was informed by community groups they will have to tender for the work.

Mr. McMahon said there is an item on the Agenda to agree to hold a briefing for members on the Local Government Reform Act 2014 and the Re-organisation Project on Friday 21st March when these issues would be addressed.

Cllr. Ferris asked if members could object to the need to tender for the work programme.

Mr. McMahon said the guidelines circulated include advice from the Attorney General that local community programmes must be put out to tender.

Cllr. Ferris asked why that was not the case until now.

Mr. J. Breen said the Attorney General has advised that it must go out to tender.

Mr. O'Brien requested Cllr. Ferris to submit details of the Civic Reception to him for the April CPG meeting.

Cllr. M. O'Shea asked if Irish Water will now have an involvement in the taking in charge of housing estates.

Mr. McMahon said the Council signed a Service Level Agreement with Irish Water which provides that the Council cannot take over infrastructure without consulting with them. There are a number of issues that have not yet been addressed in legislation. It is anticipated that further legislation will be enacted this year to deal with issues in relation to planning i.e. how the Irish Water Investment Programme will have regard to our County Development Plan and Local Area Plans etc.

Cllr. B. Cronin agreed with the concerns expressed by previous speakers in relation to councillor representation on the LCDC. It does not make sense to nominate councillors to the LCDC a few weeks before a Local Election. He asked that any appointments would be postponed until after the Local Election. Cllr. Cronin said he wanted to put on record that the previous Monday a 30ft. length of water main burst in the Mid Kerry area and as a result customers were without water. Also customers in the Graffees to Furies area had to endure 3 interruptions to supply in a 24 hour period. He called on Irish Water to replace these two sections of pipe as a matter of urgency. The weather has had an adverse impact on farming and the EU

implements a calendar for farming. However last December the weather was very dry and suitable for the spreading of slurry. However under EU regulation it was not permitted yet in January when the weather was very wet it was allowed. The spreading of slurry should be realistic and should be governed by weather conditions. In conclusion Cllr. Cronin referred to a forestry at Sheans where serious action needs to be taken as the windscreen of a car was damaged by a falling tree.

Cllr. J.J. Culloty asked if Irish Water will take in charge the remaining group water supply schemes.

Cllr. M. Cahill asked that damage in seaside areas as a result of the recent storms would be addressed as soon as possible. He asked if additional staff would be taken on to undertake this work. A number of trees were knocked in Churchtown Burial Ground by the storm and he asked that they would be removed. He asked if there was any update on the Mid Kerry Water Supply Scheme from Irish Water.

Cllr. S. Counihan said there is a constant problem at the bridge on the Park Road with underground springs and as a result the road is damaged. He asked that this would be addressed immediately. If there is ponding on a road it should be established who is responsible for the road. Funding should be requested from the NRA for this work if appropriate.

Cllr. R. Beasley said some 80 or 90 year old houses were divided into two or sometimes three houses but there is only one meter. He asked how this would be addressed. He added that he reported a leak/spring at Marconi Drive a number of months ago and there is still a lot of water there. He asked that this would be addressed as soon as possible.

Mr G. MacNamara undertook to raise this issue with the area engineer. An allocation for repairs was received following the recent storm and the work is being planned at present.

14.03.10.02 Confirmation of the Minutes

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. M. Gleeson, it was agreed that the Minutes of the Budget Meeting of Kerry County Council held on the 13th January, 2014 be confirmed.

14.03.10.03 Nominee to attend the AGM of Irish Public Bodies

Cllr. J. Finucane PROPOSED that Cllr. B. O'Connell be nominated to attend the Annual General Meeting of Irish Public Bodies on Friday 25th April, 2014.

Cllr. M. Gleeson SECONDED this proposal and it was unanimously agree.

14.03.10.04 Report in accordance with Section 10 of the Litter Pollution Acts 1997 – 2009 on the Operation of the Litter Pollution Acts, 1997 - 2009

Mr. T. Sheehy, SE Environment referred members to report dated March 2014 on this item which was circulated and he briefed them on the report.

The Chair of the Environment and Water Services SPC, Cllr. M. Gleeson acknowledged the tremendous work done by community groups who clean up their areas on a daily basis. He thanked the Council employees who investigate illegal dumping and clean it up. When the Town Councils are abolished the thriving Tidy Towns Committees in those towns will not have access to the services they have now. He called on the County Council to ensure that every support is given to these committees.

Cllr. D. Healy Rae complimented the Tidy Towns Committees for their excellent work. He also thanked KWD for their involvement in the Spring Clean and he asked that the street cleaning service would be maintained in villages. Illegal dumping is ongoing in a few areas including Poulgorm Bridge, Knocknaboul, Ballydesmond and at a forest at Glountane, Cordal. He asked that 'No dumping' signs would be erected and that these areas would be cleaned up.

Cllr. B. Cronin expressed his gratitude for the excellent work done by Tidy Towns Committees and community groups who enhance their areas. He asked what the position would be in relation to street cleaning following Munster Finals or other similar events when the Town Councils are abolished. This work was always done by Town Council staff and he asked that standards would be maintained.

Mr. T. Sheehy said this issue would be addressed in the amalgamation of the Town Councils.

Cllr. S. Counihan said he presumed even with the amalgamation of the Town Councils that adequate funding would be provided to ensure the county is presented at its best for tourists. Killarney Town Council can advise Kerry County Council on the best committees in Killarney and he hoped these would be replicated throughout the county. If a property is rented the Council should have a database of who avails of the refuse service. The practice of setting fires in housing estates must be addressed before it gets out of hand.

Cllr. J.J. Culloty said is important to acknowledge the work of Tidy Towns Committees. However, he pointed out not everybody uses a refuse collection service as many people use Transfer Stations.

14.03.10.05 Briefing on the Local Government Reform Act 2014 and the Re-organisation Project

On the PROPOSAL of Cllr. T. Ferris, SECONDED BY Cllr. R. Beasley it was agreed that a Briefing for Elected Members on the Local Government Reform Act 2014 and the Re-organisation Project would be held on Friday 21st March, 2014 at 9.30am.

14.03.10.06 Dates for Area Meetings

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J.J. Culloty it was agreed that the next meeting of the Killarney Electoral Area would be held on Wednesday 2nd April, 2014 in the Council Chamber, Town Hall, Killarney commencing at 10:00am.
- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. McCarthy it was agreed that the next meeting of the Tralee Electoral Area would be held on Monday, 7th April, 2014 in the County Library, Tralee commencing at 11.30am.
- (c) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. Leahy it was agreed that the next meeting of the Listowel Electoral Area would be held on Monday, 28th April, 2014 in the Council Chamber, Áras an Phiarsaigh commencing at 10:00am.

14.03.10.07 Naming of road from Forge Cross towards the IT Tralee

Mr. G. MacNamara, D/Director of Roads referred members to report dated 3rd March, 2014 on this item which was circulated. He briefed them on the report.

Cllr. T. Ferris asked if the Institute of Technology was consulted on this proposal.

Mr. MacNamara said he did not know.

Mr. G. O'Brien suggested that members could agree the naming of the road subject to the agreement of the ITT.

On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. J. Finucane it was agreed that the road from Forge Cross towards the Institute of Technology Tralee (ITT) would be named Bothar an Ghabha (Blacksmith Road) in accordance with the Council's Policy subject to the agreement of the Institute of Technology Tralee.

14.03.10.08 Presentation by Mr. M. Hession, Chief Fire Officer on Keeping Communities Safe

Mr. M. Hession, Chief Fire Officer said this is an introduction to 'Keeping Communities Safe - A Framework for Fire Safety in Ireland' and it will be followed by the Fire and Emergency Operations Plan (The Section 26 Plan) which will be brought before the new Council for approval at a later date. 'Keeping Communities Safe' is a major report published by Minister Hogan on the 7th February 2013 on the future direction of the fire service in Ireland, which he has adopted as national policy. This is a new strategy based on a combination of fire prevention, fire protection and response to ensure public safety. It is a blue-print for critical roles performed by fire services that addresses risk, public safety improvement, incident reduction, response standards and structures which are based on a Risk Management Approach. It is an evidence-led plan, based on international best practice and with international expert validation. The plan does the following:

- Deals with key issues including reform of structures, the roles of fire services in society
- Sets strategies and standards for effectiveness and quality assurance processes
- Sets out the approach, standards and expectations for fire service delivery by local authorities in Ireland
- Sets challenging outcome targets to be achieved by the end of the implementation period in December 2015.

Mr. Hession then outlined the changes introduced by 'Keeping Communities Safe' (KCS) as follows:

- Service delivery will be reshaped from current 30 fire services to 21, based on developing and extending a "shared services" approach which provides for populations of 120 to 200 thousand persons;
- A strong regional operational dimension to achieve/co-ordinate efficient service provision and "mutual assistance" and support;
- A 'risk management approach' to service provision;
- Challenging targets to improve fire safety through reduction of incident levels.
- Differentiates emergency responses on the basis of risk / threat to life with a primary, secondary and tertiary categorisation.
- Highlights the role of the national level in supporting and overseeing the delivery of effective and value for money services.
- Underpins a collaborative relationship between central and local government, providing for local delivery, management and political accountability, while ensuring that national objectives of effective services, consistent approach and value for money are seen to be achieved.

The main features of Keeping Communities Safe are as follows:

- Risk Management – a risk-based approach
- Reform of Service Delivery Structures
- Strengthen Regional Co-Ordination
- National Support and oversight
- Fire Service Roles
- Set Benchmarks for Service Delivery, Standards & Targets

Mr. Hession then set out five key roles for the Fire Service as follows:

Role 1 – Community Fire Safety

- Primary Schools programme
- Smoke Alarm Scheme
- Targeted Fire Safety Messaging which focuses on Fire Safety Week, Carbon Monoxide Week and also Halloween and Christmas.
- Strategic Partnerships

Role 2 – Fire Prevention and Protection

- Education and Awareness (for risk owners)
- Enforcement activities
- The Annual Licensing Regime

Role 3 – Dangerous Substances

- Petroleum stores
- The Major Hazard Sector (Seveso Directive Functions)

Role 4 – Building Control

- Fire Safety Certification System
- Building Regulations – Part B enforcements

Role 5 – Emergency Management and Planning

- Risk Appraisal and Emergency Planning including training
- Participation in regional MEM structures
- Inter-agency Co-ordination of responses

Mr. Hession said KCS makes a sharp distinction between Core and Discretionary Response Roles, and identifies roles that are not considered appropriate for Fire Service response. He outlined each as follows:

Core Operational Response Roles

- All Fires
- Rescues from RTC's
- Hazardous Materials Incidents

Discretionary Roles – Decision by Local Authority Management

- Road Hazards (trees, cleanup, oil spills, etc.)
- Flooding (no life)
- Etc.

Roles NOT considered appropriate

- Rescue of animals
- Body recovery from water, cave, etc.
- Ambulance assists
- Bomb alerts, lockouts, etc.

Keeping Communities Safe brought about a review of current Fire Service Response as follows:

- Area Risk Categorisation Exercise (DONE – No major change)
- Pre-determined Attendances (Substantially complete)
- Response capability (No major change)
- Special Services (dealt with by Specialist Brigade)
- Crewing Levels on Appliance (Reduction from 6 to 5)
- Fire Station Staffing (Awaiting Good Practice Note)

The following is the programme of implementation for 2013 – 2015

2013

- Establish a KCS Implementation Team
- Presentations to Management Team and Council
- Draft Section 26 Plan

2014

- External Validation Group
- Present Draft Section 26 Plan to SPC
- Draft Section 26 Plan to full Council

2015

- Implementation to be completed by year's end.

The following are the key Priorities and Targets:

National

- Fatalities down from 8.5 to 6 deaths/million
- Smoke Detectors in homes – aim for 100%
- Overall Fire rate – 25% reduction (Dwelling Fires – 20% Chimney Fires – 30%)

Local – Kerry

- Chimney Fires: 167 in 2012 (for 145k population) (or 115 / 100k)
 - National average 110 / 100k population – target 75 / 100k
- Road Traffic Accidents: 84 in 2012 – National Average 120 / 100k

Mr. Hession outlined the implications of KCS for Kerry as follows:

- The Core Value is Community Safety
- Discretionary and Inappropriate Roles – Decisions
- Health and Safety – aiming to attain OHSAS 18001 compliance certification within the lifetime of KCS
- Chimney fire reduction – to National average and to KCS target
- Review of Specialist Equipment and Training
 - Hazardous Materials
 - Line Rescue / Confined Space Rescue
 - Chainsaws / abrasive wheels
- Funding – decisions.

The Mayor and members thanked Mr. Hession for his excellent presentation.

Cllr. J. Healy Rae thanked the staff of the Fire Service for their tremendous work, in particular during the recent storms. He expressed concern that no Commencement Notice has yet been registered under the new Building Control Regulations as he believed people are very fearful of them. People are also concerned about the costs involved. Cllr. Healy Rae then moved Notice of Motion No. 14.

14. New Building Regulations

15.

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

That this Council would raise serious concerns about the new Building Regulations and requirements for Building Control and the extra cost that it will put on people building a house as it will inevitably cost money and hurt jobs.

The following report issued:

As the Building Control Authority for Kerry, the Council welcomes the new Building Control regime that came into effect on 1st March 2014 under the Building Control Amendment Regulations SI 9 of 2014. These Regulations are intended to substantially eliminate the risk of defective design, construction and supervision standards in residential buildings, in particular. The result will be that home purchasers and owners who invest massively in the build or purchase of their family home will not face the devastation (in terms of the financial and multiple other remediation costs) of a badly defective building. After the new regime settles down, there should be worthwhile but very limited additional costs on very small developers. It is expected that professional fees should not increase

significantly from existing rates once a sufficient supply of designers and certifiers are in place.

Cllr. Healy Rae said he did not agree with the reply as he did not believe the cost implications would be minimal as stated by the Minister. Qualified people must be employed to oversee any development and this will impact on smaller builders and will result in less money being spent on the actual building itself. He asked if the new regulations will apply to a house built to wallplate level, for which permission was granted to complete it. If so who will certify the work already completed and he pointed out it was a raft foundation. People involved in direct labour will now be required to have their work certified. Cllr. Healy-Rae asked if carbon monoxide alarms could be distributed with smoke alarms especially for the elderly. He asked if defibrillators are carried on fire engines that attend the scene of an accident. As these are the first responders' fire crews should be trained to use defibrillators.

Cllr. D Healy Rae **SECONDED** the motion and expressed concern at the impact the new regulations will have on young couples trying to build a home. It will increase costs significantly and he believed it will be necessary to engage a contractor to do the work. This will not suit many young couples who build their home in stages. He acknowledged that something needed to be done but said people building their own home did so to a good standard. He asked that tenants would be advised of the benefits of cleaning their chimney regularly.

Cllr. J. Finucane asked the Chief Fire Officer if he is satisfied with the standard of equipment in Fire Stations. There have been many tragic deaths of elderly people living alone as a result of fire and smoke inhalation. He asked if there is a system to monitor smoke alarms by community groups or an agency. This would apply in particular to those deemed to be high risk. The Building Regulations were introduced as a result of the problems with the Priory Hall development. In this instance the State was obliged to look after the residents. Cllr. Finucane said it is important that all agent's work is to the required standard. Building a home is probably the largest investment a couple will ever make and up until now they had no guarantee the work was carried out satisfactorily. The Building Control Regulations will now offer them protection. These measures are in place in all of other jurisdictions and it is wrong to criticise the Minister for introducing them.

Cllr. M. Griffin supported the views expressed by Cllr. Finucane in relation to the Building Control Regulations. He looked forward to working with the Chief Fire Officer with a view to ensuring all homes are fitted with smoke alarms and to prevent chimney fires into the future. Cllr. Griffin asked if the Chief Fire Officer is satisfied with the level of equipment provided in each Fire Station, in particular, in Killorglin.

Cllr. T. Ferris requested clarification on the core functions of the Fire Service. She referred to the inappropriate functions set out in the presentation, including the recovery of bodies and she asked if assisting the ambulance is really an inappropriate function. Cllr. Ferris referred to the Building Control Regulations and said no one has forgotten the tragedy of Priory Hall. However, the imposition of increased charges in reaction to the mistakes of others in the past is a cause for concern. These Regulations will make it more difficult and expensive for people who want to build a home and they are already finding it very difficult to secure a mortgage. She supported the views expressed by Cllrs. D. and J. Healy-Rae.

Cllr. JJ Culloty welcomed the target to achieve OHSAS 18001 within the lifetime of the Plan. Cllr. Culloty referred to the Building Control Regulations and said he believes standards have improved immensely in recent years and there was a lot more regulation in the past few years. He believes the Regulations amount to over regulation and will result in all development being more expensive. People believe these Regulations will add substantially to the cost of any development, and that is why so many Commencement Notices were registered prior to the 1st March.

Cllr. J. Brassil wished the Chief Fire Officer well in achieving the targets set out in the Plan. He pointed out that the Building Control Regulations are now enacted into law and must be complied with. Building Control Regulations were in place in the past but they were not always adhered to. The legitimate developer/builder will continue as always but people can now be assured that buildings will be constructed to a proper standard. If there are problems subsequently the person who signed off on the building will have the appropriate insurance. He believed people will gladly pay 10 - 15% extra for a building if they are assured in the event of a problem it will be dealt with.

Cllr. B. Cronin emphasised the importance of having working smoke alarms and also regularly cleaning chimneys. It is important to have a balanced view of the Building Control Regulations as there were many bad developments in the past. He was aware of home owners who had problems with their homes and they had no success in trying to get the builder to fix them. In the long term compliant trades-people will have nothing to fear and this also applies to engineers and architects. He accepted there will be additional costs involved but in the long term it is better to ensure the building is constructed to a proper standard. He believes the introduction of the new Building Control Regulations were necessary to protect homeowners.

Cllr. M. Cahill complimented the Fire Service and welcomed moves to reduce the number of fires. There should be smoke alarms in every house regardless of whether the occupants are young or old. He expressed disappointment at the reduction in funding for personal alarms. He asked if there is an adequate number of Fire Brigades in the county and is the Killorglin area adequately served.

Mr. Hession thanked the members for their support and said whether there are additional costs involved for a development is not a matter for the Building Control Unit. He was satisfied the Regulations will benefit anyone undertaking a development. Engineers and architects are paid well and now they must ensure a development is properly constructed. Mr. Hession referred to queries on carbon monoxide alarms and said death from carbon monoxide poisoning is not a 'fire death' and there are other agencies involved. However he would maximise the message of awareness of the need for carbon monoxide alarms. The mobilising centre is not a deciding agency but in certain cases before the Fire Brigade is dispatched out the rostered officer is consulted. The fire service must rely on the provisions of the Fire Services Act which limits what they can and cannot do. In relation to the provision of equipment he said he cannot afford to say he is ever entirely happy with all equipment but there is very good equipment in Kerry and there was good management prior to his arrival in Kerry. There is always a need for additional equipment but he had a meeting with the Head of Finance in advance of finalising the Budget which was very productive. Business risk decisions must be made on a regular basis. He anticipated the government would bear the additional costs arising from the Fire Services work during the recent storms. If there are severe weather events it puts pressure on the Fire Service and the budget. Mr. Hession again said that ambulance assist and body recovery is not a matter for the Fire Service. Ambulance Services are provided by the National Ambulance Service.

Cllr. D. Healy-Rae requested a response to his query regarding an extension of the burning time to the end of March.

Mr. G. O'Brien said a letter issued to the Department but a response has not yet been received.

Cllr. Griffin requested a response to his query on the level of equipment in Killorglin.

Mr. Hession said he recently issued a response to a similar query and he undertook to forward a copy to Cllr. Griffin.

14.03.10.09 Report on the Environment and Water Services SPC

It was unanimously agreed to note Cllr. Gleeson's written report on the Environment and Water Services SPC which was circulated.

14.03.10.10 Report on the Planning SPC

It was unanimously agreed to note Cllr. P. McCarthy's written report on the Planning SPC which was circulated.

14.03.10.11 Opening of Tenders

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Griffin it was agreed to approve the opening of tenders for the N22/N69 Tralee Bypass Road Improvement Scheme - Signage Reclassification Contract - Closing date Monday 31st March, 2014 at 4pm.

Cllr. T. Ferris requested clarification on this tender.

Mr. MacNamara said it is necessary to change some signs on the periphery of this road.

- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Griffin it was agreed to approve the opening of tenders for a Delegate Conference System and AV Equipment in the Council Chamber – Closing date Tuesday 1st April, 2014 at 11am.

14.03.10.12 Summary of proceedings at Conferences/Seminars

It was unanimously agreed to note Cllr. J Healy Rae's written report on the Training Seminar on the theme "Hydro Power - How Local Authorities can harness our rivers and streams" held from the 31st January to 2nd February, 2014, which was circulated.

Reception of Deputations

- (a) Cllr. B. Cronin requested that a deputation be received from Firies National School Parents Association regarding a pedestrian crossing in Firies.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Sheahan it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

- (b) Cllr. B. O'Connell requested that a deputation be received from the Residents of Tullig, Castleisland regarding roads, footpaths and flooding.

On the PROPOSAL of Cllr. B.O'Connell, SECONDED by Cllr. A. McEllistrim it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

- (c) Cllr. D. Healy-Rae requested that a deputation be received from the Residents of Kilcummin in relation to the condition of the road from Coolgarraive Cross to Inchicullane and the Park Hill.

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

- (d) Cllr. J. Sheahan requested that a deputation be received from the Ballydribbeen Residents Association and the Residents of Whitebridge Manor in relation to noise reduction.

Mr. J. Breen, Killarney Town Manager said Ballydribbeen and Whitebridge are in the Town Council administrative area.

14.03.10.13 Notices of Motion

- 1. List of plant hire and haulage contractors employed by Kerry County Council in 2013.**

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

To ask that the elected members of this Council be provided with the full list of all plant hire and haulage contractors employed by Kerry County Council from January 1st, 2013 to December 31st, 2013 and the full amounts paid to each contractor.

The following report issued:

The attached schedule provides details of the total payments made and accrued to Contractors in respect of the hire of plant/equipment and haulage services in 2013 across the Council's services, as requested in the Notice of Motion as set out. It continues to be the policy of the Council, to endeavour to achieve value-for-money in the hire of plant and equipment as is the case for all our services.

The hire of plant and machinery for all Local Authorities is procured through a Multi-Party Framework Agreement (Tender process). Following the evaluation of the tenders, only contractors who meet the requirements set out in the tender documentation are appointed to the Multi-Party Framework Agreement. Essentially this Multi-Party Framework Agreement tender takes the form of a short listing of qualifying contractors from which Local Authorities can look to award future contracts. In each Local Authority the available work is tendered among the qualified (shortlisted) framework contractors by means of mini-competition tenders via www.LAQuotes.ie .

When Kerry Local Authorities purchasers (the “Buyer”) need to hire an item of plant, a mini-competition tender (“RFT – Request For Tender”) is created on www.LAQuotes.ie. Once the RFT is created and published, the LA Quotes system will generate an email to Framework contractors who have been approved to the framework and expressed an interest in that type of plant e.g. Articulated Dumper. The RFT includes specific information about the service required such as type of machine, pricing method (e.g. Rate per Hour with Driver) and will state the time limit available to Tenderers/Contractors to submit their response. It will also specify the selection criteria and the award procedure.

The total figure paid of €4,373,480 in 2013 is a decrease on the 2012 figure and reflects the savings made through the use of the LA Quotes system, the overall work programme of each of the sections, in particular the Roads Department and the Environmental Protection Departments, who undertook a number of projects in-house utilising own resources and hired-in plant.

The overall effectiveness of our works programme and the achievement of best return on the sizeable level of expenditure incurred require that we carefully assess the continuation, or otherwise, of plant hire on an ongoing basis having regard to development of the LA Quotes Multi-Party Frameworks and effective use of the Financial Management System. Ongoing achievement of cost effectiveness and focus on achieving efficiencies in this expenditure area, as in all other activities, remains critically important in these difficult economic times.

PRIVATE PLANT/EQUIPMENT HIRE AND HAULAGE SERVICES 2013		
Name	Address	Total
Adams Of Tralee Ltd	Mile Height, Tralee	2,730.60
Adare Farm Machinery Ltd	Patrickswell, Co Limerick	26,649.96
AOK Plant Ltd. TA O Keeffe Plant Hire	Abbeyfeale	6,402.98
Aska Sykes Ltd	Rathcoole, Dublin	8,625.13
Bord na Mona Horticulture LTD	Newbridge, Co Kildare	2,909.44
Brendan McGillicuddy	Garahadoo, Killorglin	7,394.32
Charleville Plant Hire (CPH)	Charleville, Co Cork	15,593.94
Clancy Plant Hire Ltd	Knockanure, Listowel	260,933.93
Clearpower LTD	Tallaght, Dublin 24	67,902.82
Con & J Brendan Counihan Con Counihan & Sons	Killarney	2,432.50
Crean & McHugh t/a CMP	Ovens, Cork	41,600.00
D and L Tool Hire	Tralee	37,580.36
Dave Power Plant Ltd	Middleton, Cork	7,299.02
Dermot Fleming	Killarney	9,819.35
Dillons Waste Disposal	The Kerries, Tralee	71,361.12
Eamon & Seamus Hobbins	Killorglin	56,110.69
East Cork Crane Hire Ltd TA JAK Lifting Gear Ltd	Carrigtwohill, Co Cork	8,105.00
Eddie Stack	Listowel	32,074.53
ELECTRICAL & PUMP SERVICES LTD	Mallow, Co Cork	2,018.60

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Eugene McGillycuddy	Killorglin, Co Kerry	30,228.13
Eugie Cronin Agricultural Contractor	Killarney	11,119.62
Farran Plant Hire Ltd	Farran, Castleisland	161,710.78
Feale Valley Plant Hire Sales Ltd	Clash Road, Abbeyfeale	126,981.77
	Cookstown Court, Dublin	
Fleetmatics Ireland Ltd	24	44,864.86
Frayden Haulage Ltd	Knocknaskeha, Killarney	2,878.20
Ger Somers	Rathmore, Co Kerry	43,211.63
Gerard Culloty	Tralee	6,556.80
GPT Plant & Tool Hire (Cork)	Little Island Cork	62,163.04
Greenfield Tractors Ltd	Killorglin, Co Kerry	2,583.00
Griffin & Sons Agricultural Contracting Ltd	Cool, Emlaghmore	47,743.88
	Western Ind Estate, Dublin	
Hach Lange Ltd	12	2,281.36
Healy-Rae Plant Hire Ltd	Main Street, Kilgarvan	294,192.52
Higgins Waste & Recycling Services Ltd	The Kerries, Tralee	166,835.55
Hireservices (I) Limited	Castlebar, Co Mayo	9,856.51
Hugh O Connor	Killarney	71,811.44
James Drumm	Castleisland	41,469.09
James Riordan	Killarney	62,269.72
John F Doherty	Killarney	7,571.77
John Kerins	Tralee	10,142.08
John M Hartnett	Listowel	9,345.60
John McGillycuddy	Killorglin	46,139.35
John Paul Breen	Beaufort	37,172.00
Johnny Stack Agri Services	Moyvane, Listowel	40,106.97
Kenmare Waste Disposal & Glass Recycling Ltd	Tuosist, Killarney	4,595.71
Kerry Plant & Tool Hire Ltd	Killarney, Co Kerry	5,942.13
Killarney Waste Disposal Ltd	Aughacurreen, Killarney	9,767.30
	John Joe Sheehy Rd,	
Kingdom Fast Hire Ltd	Tralee	61,248.46
Leanes Tool Hire	Muckross Road, Killarney	75,305.31
Lixnaw Plant Hire Ltd TA T McCarthy & Sons	Garrynagore, Lixnaw	24,372.24
Maurice Somers	Killarney	164,383.16
McAuliffe Trucking	Fahaduff, Castleisland	6,755.52
Michael Cleary	Brandon	235,895.84
Michael F Quirke & Sons	Rangue, Killorglin	4,928.06
Michael Gaynor	Ballyheigue, Co Kerry	51,367.37
Michael Harrington Plant Hire Beara Ltd	Bantry, Co Cork	24,035.00
Michael O Connor Hedgecutting	Kilgarvan	5,584.75
Michael O Shea	Portmagee	10,532.80
Mike Cronin & Sons Limited	Currow, Farranfore	58,719.80
ML Lynch Civil Engineering Ltd	Killarney	6,500.00
Mr Patrick Reidy Plant Hire	Ballymacelligott	2,894.25
Murphy Tool Hire	Listellick North, Tralee	48,411.09
Nicholas Browne & Sons Ltd	Ballinskelligs	64,434.43
O Connors Hardware & Farm Supplies Ltd	Duagh, Listowel	12,054.02
O Mahony Machinery Hire Ltd	Lissanore, Castleisland	10,864.78
Ormonde Organics LTD	Portlaw, Co Waterford	56,760.72
Padraig Campion	Annascaul	53,118.00
Patrick A O Sullivan	Lispole	87,268.51

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Patrick Reddan	Kenmare, Co Kerry	43,128.55
Q Plant Hire Ltd	Dooneen, Caherciveen	14,498.87
Randles Brothers	Kilgarvan	47,972.25
S W Carty & Son Ltd	Long Mile Road, Dublin 22	6,740.40
Sandmore Ltd	Camp Cross, Tralee	292,733.73
Sean Moran Plant Hire	Dingle	46,969.52
Sean O Shea	Tralee	53,018.03
Sylvester McCarthy	Kilgarvan, Co Kerry	15,213.80
Terra Watch Ltd	Knocktopher, Co Kilkenny	18,701.96
Tim Healy Plant Hire(Killarney) Ltd	Barraduff, Headford	30,854.46
	Ballygamboon,	
Timothy O Connor	Castlemaine	4,982.65
Tommy Finucane	Ballydesmond, Co Cork	273,377.89
	Kilmacthomas, Co	
Tony Kirwan Plant Hire Ltd	Waterford	27,652.48
Walker Vehicle Rentals Ltd	Dublin 12	7,785.90
William Poff	Kenmare	48,689.03
Miscellaneous Payments under (€2,000) (28 Suppliers)		17,533.06
The Collector-General		
	Reverse Charge Vat (Approx)	331,108.53
TOTAL		4,373,480.32

Cllr. B. Cronin welcomed the report and said Kerry County Council paid out €4.373m in 2013. He was always campaigning for the smaller contractor who is trying to get employment from the Council. The lowest amount paid to a contractor is €2,000 with the largest being in excess of €200,000. Some contractors are aggrieved that they pay insurance etc. but never get work from the Council. This is a very important motion for the rate payers of Kerry. Nine firms were paid in excess of €100,000 and it is the same nine each year. He believes when public monies are paid out the public are entitled to know the detail. Recently Cllr. O'Connell sought information regarding monies paid to solicitors etc. in relation to cases taken against the Council but this information was not supplied. He felt this information should have been given.

Cllr. O'Connell asked why he did not receive the information he requested.

Ms. A. McAllen, A/Head of Finance said the payments in relation to plant hire/equipment and haulage services were made directly by the Council. The payments referred to by Cllr. O'Connell were made by the third party involved i.e. Irish Public Bodies.

Mr. J.D. Flynn pointed out that the FoI Commissioner ruled that historical rates of tenders could be released while Cllr. O'Connell's query relates to payments made by our insurance company. He also clarified that all contractors must tender through the procurement and tendering process.

Cllr. M. Griffin asked if there is a corporate governance issue in relation to the Council's nominee sitting on the Board.

Cllr. J. Healy-Rae said he asked prior to the meeting if he should leave the meeting while this motion was being discussed and he was advised it was not necessary. He declared that he is an employee of a Company on the Plant Hire list and he believed there is a lack of understanding of the procurement and tendering process. The Council engages the services of a plant hire contractor based on price and the most advantageous tender. Most firms have local employees and money paid to local contractors stays in the county.

Cllr. D. Healy-Rae said firms work hard for this money and their employees must be to a certain standard.

Cllr. J. Brassil said every tender must go through the procurement process. When a foreman/engineer wants to get work done he will hire the people who provide the best drivers and quality of work. He has every confidence in the engineers who know what they are doing and ensure best value for money.

The Mayor informed members that there was an official launch at 2pm and with their co-operation the meeting would be concluded by then. Lunch would be after the official launch.

2. Designation of the flashing amber light at schools as a 50km p.h sign

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

As many parents and school Boards of Management are greatly worried about the speed at which traffic passes by their school, that this Council would call on the relevant Minister to introduce a regulation designating the flashing amber light sign as a 50km.p.h sign at the times the light is functioning.

The following report issued.

All speed limits, in order to be enforceable, must be covered by a statutory Bye-Law. Currently the legislation allows for special speed limits, which are particular to school opening and closing times. However, the guidelines insist on Special Electronic Signage which must indicate the speed limit in force at the particular time of day. The NRA carried out 2 pilot schemes in Kerry in 2007 adjacent to 2 schools on the National Routes and the results proved inconclusive. The cost of each scheme was €30,000. Currently there are over 100 sets of the standard school flashing lights in Kerry. We will write to the relevant Minister as requested in connection with this matter.

Cllr. M. Gleeson said the Board of Management and principals of many schools are expressing concern at the speed of passing traffic at times of pupil's entry to and exit from schools. The following are just some of the schools so affected in his immediate area: Lissivigeen, Glenflesk, Loreto, Lough Guittane, Anablaha and Coolick. The speed limit on the N22 is 100km p/h while the speed on regional and local roads is 80km p/h. It would not be appropriate generally to erect 50km p/h signs with 24 hour effect as such would impede free traffic flow. As there is already a proliferation of roadside signs, he did not believe further signs should be erected or would be effective particularly as they are needed only part time. He PROPOSED that Minister Varadkar would introduce a Bye-Law that would designate flashing amber lights as legally 50km ph signs. The reply states that the NRA carried out 2 pilot schemes in Kerry in 2007 at a cost of €30,000 per scheme. This was an enormous cost. His proposal which requires the Minister to act would cost little and will save lives.

Cllr. M. Griffin SECONDED the motion.

3. Prevention of evictions from family homes

Pursuant to notice duly given Cllr. P. McCarthy PROPOSED:

That this Council calls on the Minister to intervene immediately and prevent the massive number of evictions from family homes all over Ireland, in the same way that the Irish people bailed out the Banks.

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

Cllr. P. McCarthy said this issue has been debated at length and Cllr. Finucane said it is costing the State in the long run. Many of these houses are being sold off when they could be purchased by the local authority and the family could be allowed to remain in it and to pay rent. He PROPOSED that the motion would be forwarded to the Minister for consideration.

Cllr. J. Finucane SECONDED the motion and said the average cost to the State of a domestic eviction is between €7,000 and €12,000. Banks were fined recently because they miss-sold mortgage protection. He asked that a letter would issue to the Central Bank asking if Banks are found guilty of such acts they would no longer be allowed to sell these products.

The Mayor informed the meeting there were a number of Motions on Post Offices and they would be taken together.

4. Measures to protect and grow the network of local Post Offices

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

That Kerry County Council call on the Government to put in place all necessary measures to protect and grow our network of local Post Offices which are vital to the survival of local communities.

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

Cllr. N. Foley said there are very genuine and well founded fears the local Post Office network will go the same way as Garda Stations. Research in the UK suggests that when 60% of Post Offices closed there 50% of small businesses closed also. One of the main threats relates to the Post Office contract to deliver social welfare payments. This represents 30% of Post Office revenue. The Irish Postmasters Union commissioned a report by Grant Thornton which confirms that the loss of this business will close Post Offices. Social welfare recipients are now being encouraged to do their business through the Bank. Cllr. Foley pointed out that Post Offices also provide a social service in that it is a meeting place for local communities, assistance to users with the filling of forms, financial assistance, paying of bills etc. When social welfare is paid out in the Post Office it is spent locally and this is a vital to keep communities alive. The loss of the Post Office will result in the wiping out of local communities. If the government chooses to do nothing it is the same as closing the door on every local Post Office. Now is the time to be assertive and pro-active. Cllr. Foley called on the Minister to protect our Post Office network and protect our local communities.

Cllr. J. Finucane moved Notice of Motion No. 5 on behalf of Cllr. Purtill.

5. Call on the Government to rescind any decision which would downgrade any rural Post Office

Pursuant to notice duly given Cllr. L. Purtill PROPOSED:

That this Council call on the Government to immediately rescind any decision which would downgrade any rural Post Office.

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

Cllr. J. Finucane said everyone is convinced of the important role of Post Offices in rural Ireland. It was clearly stated at government level that there are no plans to close Post Offices, in fact a group was set up to try to make them more effective. Prior to this government taking office 197 Post Offices closed with just 15 closing since the government came into power.

12. Future survival of the Post Office network

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

That Kerry County Council would meet with An Post and The IPU, Postmasters Union, to discuss further co-operation and development of services with the Post Office network in Kerry. The future survival of our Post Office network is dependant on our increased activity with them.

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

Cllr. M. Griffin called on management to meet the Postmasters Union to ensure, if possible, that additional services are given to the Post Offices.

13. Closure of rural Post Offices

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

That this Council call on the Government not to proceed with the closure of rural Post Offices. This would be another major body blow for rural Ireland.

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

Cllr. R. Beasley said people should be encouraged to use Post Offices rather than the Banks. The government should be requested to ensure that social welfare payments would continue to be paid at Post Offices. This is one of the main services provided by Post Offices. It brings a lot of activity to villages on a Thursday and Friday when social welfare payments are paid out.

Cllr. A. McEllistram moved Notice of Motion 16 on behalf of Cllr. O'Shea.

16. Reversal of any policy proposal to withdraw the social welfare contract from An Post

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

That Kerry County Council pass a resolution to ask the Minister for Social Protection to reverse any policy proposal to withdraw the social welfare contract from An Post.

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

Cllr. McEllistram said the importance of local Post Offices cannot be overstated in particular for older people. They give a personal service and they are located close to their homes. At present social welfare recipients are being encouraged to move to the Banks and if this happens it will result in a loss for other businesses in the area.

21. Proposed closure of Post Offices

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

That this Council would completely deplore the actions by this Government of watering down our Post Office services as this will inevitably starve them of business and will lead to up to 75% of closures of rural and urban Post Offices all over the country.

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

Cllr. J. Healy-Rae said it is not intended to do away with Post Offices but to starve them of business. Unfortunately the recent Private Members Bill to safeguard the future of the Post Office network was not supported by the government. If you live in a larger town alternatives are available but the Banks encourage customers to deal with machines while most people like to deal with an individual. In the past there were two Post Offices in Valentia but now there is only one and that is in Portmagee.

22. Support the Post Office Network and refrain from removing all Social Welfare payments from Post Offices

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

That Kerry County Council call on the Minister for Communications, Energy and Natural Resources and the Government to support the Post Office Network and refrain from removing all Social Welfare payments from Post Offices and transferring them over to the banks as the impact of this proposal will be devastating for small towns and villages and will result in the closure of up to 500 Post Offices nationally and many other businesses such as shops, pubs, etc.

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

Cllr. M. Cahill said he was very concerned for the future of the Post Office network. He was aware of many Postmasters / Postmistresses who invested heavily in their business. We should learn from the UK where in 2013 €210m was paid in subsidies to Post Offices. Since they removed the payment of social welfare from Post Offices many of them are struggling to survive. The Banks brought Ireland to its knees and we should not let them take the heart out of rural Ireland. It is important to fight for enhanced services for the Post Offices.

Cllr. D. Healy-Rae said many elderly people started taking money out of the Post Offices and as a result he was concerned for their safety. The government should be advised that the removal of social welfare payments from Post Offices will harm local areas.

Cllr. P. Connor Scarteen pointed out that under the Fianna Fáil / Healy-Rae government 197 Post Offices closed.

6. Request Minister for Housing to allow applicants on RAS to maintain their position on the housing list

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

That Kerry County Council would request that the Minister with responsibility for Housing would, in the interest of fairness to those that find themselves in the position of having to take up housing under the RAS Programme, that these people would maintain their position on the housing list.

The following report issued:

Dwellings provided under the Housing Acts 1966 to 2009 include dwellings of which the Council is not the owner and which are provided under contract or lease between the Council and the owner concerned, including Rental Accommodation Availability Agreements. Since 1st April 2011 when the relevant Section of the 2009 Act was commenced providing for the inclusion of accommodation provided under the Rental Accommodation Scheme as social housing support, any household provided with such accommodation is deemed to have its housing need met and is no longer considered to be approved social housing applicants. Obviously households who join the Rental Accommodation Scheme may qualify for alternative social housing similar to other tenants of the Council if it is deemed that their accommodation is no longer suitable to their needs if there is a change in the household circumstances as provided for in our adopted Allocations Scheme.

Cllr. S. Counihan PROPOSED that the Minister would be requested to amend the RAS Scheme. He was aware of qualified applicants who are on the housing list for 8 or 9 years and they are afraid to opt for the RAS Scheme as they would be tenants of landlords and could be thrown out at any time. The reply states *"Obviously households who join the Rental Accommodation Scheme **may** qualify for alternative social housing similar to other tenants of the Council if it is deemed that their accommodation is no longer suitable to their needs if there is a change in the household circumstances as provided for in our adopted Allocations Scheme."* He pointed out that this is down to interpretation. The housing structure as we know it has changed over the past few years and it must be reviewed. The vast majority of tenants only get short term contracts and they have no hope of getting on the property ladder. He called on the Ministers for Housing and Finance to provide funding for a house building programme. He asked that a letter would issue to the Minister outlining member's difficulties with this scheme.

Cllr. J. Healy-Rae SECONDED the motion and said to qualify for RAS the applicant must be on rent allowance for 18 months and this is causing difficulties.

7. Upgrade of broadband services in the county

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

That Kerry County Council call on the Minister for Communications, Energy and Natural Resources and the Government to immediately examine the very poor quality of broadband, mobile phone and landline services in County Kerry and that the Minister and the Government immediately provide adequate investment to bring the County's infrastructure out of the dark ages so that businesses can be competitive and the people of Kerry get the service they deserve. This appalling level of service is having a detrimental effect on businesses in the County with livelihoods now seriously at risk.

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

Cllr. M. Cahill said there are two issues involved (1) storm damage and (2) problems prior to the storm. The service has disimproved significantly over the past 18 months all over Kerry and as recently as last week people from Dingle contacted members because of difficulties they were experiencing. People engaged in the tourism industry and those working from home are badly affected. Cllr. Cahill commended Eircom for their work since the storm and said when he brought a particular case to their attention in Glencar they restored the service. However most of the parish of Glencar do not have a landline service since Christmas. He said the level of service must be improved.

Cllr. B. Cronin SECONDED the motion and said the landlines in the county are primitive as there was no investment in the infrastructure for years. He pointed out that the number of customers without a decent broadband service is unbelievable. Last month he asked that broadband providers in the county would be invited to a Council meeting to discuss the provision of an improved broadband service.

Mr. G. O'Brien said in reponse to Cllr. Cronin's request last month 17 service providers in Kerry were identified and a letter issued to them inviting them to a Council meeting. He undertook to revert to Council once responses are received.

Cllr. M. Cahill asked that a letter would issue to broadband providers to express member's dissatisfaction with the level of service.

Mr. J.D. Flynn said they were invited to address the Council on this issue and it would not be appropriate to write to them until it is established if they will attend a meeting with the members.

Cllr. J. Brassil pointed out that one month ago members had an opportunity to amend the 1km rule but they chose not to do so contrary to government policy.

8. Gateway Scheme

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

That this Council will not make use of the Gateway Scheme.

The following report issued:

The Gateway Scheme is one of a number of Labour Activation measures forming part of Government Policy in this area. It is similar to Community Employment type schemes that many Members will remember as being quite common in the Local Government Sector in the late 1980s and into the 1990s. Essentially the scheme provided for persons in receipt of Social Welfare Benefits to participate on the scheme and benefit for an additional payment of €20 per week. They are required to participate for 19½ hours per week.

The operation of the scheme is part of Government Policy and it has been agreed nationally between Government, Local Government Management and relevant Unions that the scheme would operate in the Local Government Sector.

The Local Authorities in Kerry are bound by the national agreement on the operation of the Scheme and the sectoral commitment to participation.

We have advanced the intake on the initial phase of the scheme locally which will see 20 participants engaged by the Council. The Kerry Local Authorities are expected to increase this to a total of 80 participants.

This is essentially an employment issue and therefore one for the Executive. While Member are free to express their views on the scheme or its operation to Central government, Management locally cannot be bound by any resolution attempting to limit or prevent our participation and any such resolution would not be appropriate.

Cllr. T. Ferris said the comparison with CES is inaccurate and the OECD are critical of the Scheme and said it is cheap labour. Participants are randomly selected for forced labour for 22 months for an additional €20 per week. Social welfare rates are the bare minimum needed to survive. If the government wanted to provide real jobs they should do so. At a minimum they should introduce a scheme based on interest / expertise in local authority and all applicants should be considered for Family Income Supplement. The government is happy to target people with no prospect of real training or employment. They are targetting 3,000 people and she understood 1,500 of these have already been identified. She appreciated it is government policy but she urged councillors to support the motion and to make a political statement. She said this scheme is not a job activation scheme and as there is under staffing in local authorities this is not the way to address it.

Cllr. R. Bealsey **SECONDED** the motion.

Cllr. J. Brassil opposed the motion and said people are interested in this scheme for the good of their state of mind. It is an opportunity to get gainful employment but he **PROPOSED** that people should be offered the opportunity to apply rather than being randomly selected.

Cllr. J. Finucane **SECONDED** Cllr. Brassil's proposal.

Mr. J.D. Flynn said this is government policy and it must be implemented. If the motion is passed members will be calling on management to do something they cannot do.

Cllr. J. Finucane said there is an assumption there is a moratorium on recruitment but this is not the case as positions in the Gardaí and the Defence Forces have been advertised.

Cllr. P. McCarthy suggested that members could request the Government to review the amount of money earned by participants on top of their social welfare payment.

Cllr. J. Brassil **PROPOSED** that the scheme would be voluntary.

Mr. G. O'Brien informed the meeting that a vote would then be taken on Cllr. Ferris's proposal.

The vote resulted as follows:

For: Cllrs. Beasley, Ferris, D. Healy-Rae and J. Healy-Rae **(4)**

Against: Cllrs. Brassil, Buckley, Cahill, Cronin, Culloty, Donovan, Finucane, Foley, Griffin, McCarthy, McEllistrim, O'Connell, Sheahan and Fitzgerald **(14)**

Not Voting: None **(0)**

The Mayor declared the proposal **DEFEATED**.

Cllr. J. Brassil **PROPOSED** that the Minister would be requested to allow people to apply for this scheme and that she would be requested to increase the pay to a representative wage like the Jobs Bridge Programme.

Cllr. P. McCarthy **SECONDED** this proposal and it was agreed.

Cllr. P.J. Donovan moved Notice of Motion No. 9 on behalf of Cllr. Connor-Scarteen.

9. Introduction of a system where the public can pay for various charges in the one go

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

That Kerry County Council call upon the Government to introduce a system where the public can pay for various charges in the one go or in staged payments. For example, in other EU countries people can pay for their Property Tax, Water and Refuse Charges etc annually to one Government Department.

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

10. Lifting of the current recruitment ban

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

That Kerry County Council write to the Department of Environment, Community & Local Government to ask that the recruitment ban be lifted so as to employ much needed personnel with the qualifications and enthusiasm to provide services and especially outdoor services for the Roads Department.

The following report issued:

Management of the Council are obliged to comply with directions issued by Central Government from time to time on staffing matters. At this time the terms of the Moratorium on recruitment to the Public Sector are still in place. It is not a Department of the Environment Moratorium – it applies across the public sector. Members will also be aware that the financial position of the Council by and large determines staffing levels and in particular the availability of funding is a primary consideration in determining the levels of employment in outdoor or direct labour areas such as the Roads Department.

The Council is currently engaged on work on a Manpower Planning Process – essentially dealing with staff resource requirements into the future. This is a national requirement within specific guidance and instruction issued by central Government. This process will involve consultation with Unions representing staff.

At this point based on current financial resources including grant allocations for 2014 (and the resulting programmes that can be delivered) and the current staff numbers (and those available post dissolution of the Town Councils) there is no current need for the recruitment of additional staff either indoor or outdoor. On that basis Management has no basis at this point in time on which to request the lifting of the current moratorium.

Indeed should any critical local need for additional staff arise or any requirement for the filling of vacancies in posts, then there exists, within the terms of the Moratorium, provision and procedures to facilitate this. In summary therefore the current moratorium on recruitment is not restricting the direct labour operations of the Council in any way.

Cllr. J. Sheahan said there is a serious shortage of staff in Kerry County Council with the appropriate skills. The number of outdoor staff has reduced and as a result it takes longer to get work done. Roads staff do excellent work but they are under pressure. He recently phoned the roads office to request that a section of the road from Freemount to Bounard would be skirted but staff do not have enough time to get to all roads before further damage is done. Cllr. Sheahan requested that additional staff would be recruited and said he hoped the Department would respond positively.

Mr. J.D. Flynn said the Council must live within its Budget and the issue is more fundamental than jobs.

Cllr. J. Healy-Rae stated that the government has indicated that no request was made for additional staff.

Mr. J.D. Flynn said if provision is not made in the Budget we cannot employ additional staff.

Cllr. N. Foley suggested that the Motion should be amended to include 'and that finance be made available' and she **SECONDED** the motion.

11. Funding to address the housing list for Killarney Town

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

To ask the Department of the Environment for funding to address the housing list for Killarney Town - how many applicants are now waiting on (a) Kerry County Council list and (b) on Killarney Town Council list to be housed in Killarney Town.

The following report issued:

Currently, Kerry County Council has 253 qualified social housing applicants on its housing list who have selected Killarney as one of their three areas of choice. Killarney Town Council has advised that it has a further 1,081 qualified housing applicants who have also selected Killarney as one of their areas of choice.

The DoECLG makes capital funding available to Local Authorities through the Social Housing Investment Programme to develop social housing projects. In 2014, the DoECLG advised of an allocation of €690,000 to meet existing commitments only. No funding has been allocated for new projects.

Separately, Kerry County Council is in communication with DoECLG Officials to seek the inclusion, for funding, of a number of additional social housing projects in the County under the national Jobs Stimulus measure. Also, at the request of the DoECLG, a recent “Call for Proposals for 2014” has been issued by the Housing Department to approved housing bodies operating in Kerry seeking proposals under the Capital Assistance Scheme to meet special housing needs arising from within the County. Based on the proposals that will be received, a submission on our priorities under this funding measure will be made to the DoECLG by the end of March 2014.

In the meantime, having regard to the significant reduction in capital funding available for both a building and acquisition programme, we will continue to maximise the various social housing options available to meet social housing need within the County, i.e. Rental Accommodation Scheme, Social Leasing, filling of casual vacancies and working with Approved Housing Bodies who, it is intended, will play an increasing role in the provision of social housing generally by accessing private finance in accordance with recent DoECLG policy. It is also to be noted that the majority of socially qualified households are renting good quality accommodation within the County with the assistance of rent allowance administered by the Department of Social Protection and for whom the Housing Assistance Payment will be applicable, when introduced.

Cllr. D. Healy-Rae said in Killarney town the average cost of renting a house is €750 per month. Many lone parents cannot afford this and they must be on rent allowance for 18 months to qualify for RAS. They cannot get on the property ladder because of the cost of rents. He asked that the Minister would be requested to provide funding for a house construction programme. He also called for the introduction of a new Tenant Purchase Scheme.

Cllr. J. Healy-Rae **SECONDED** the motion and called on the Mayor and Manager to do something to help people in this situation. He also called for the immediate introduction of a new Tenant Purchase Scheme.

All members supported this motion.

15. Measures to eliminate flooding at Tullig on the Brosna Road

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

That this Council call on the Office of Public Works to provide emergency funding, under the Minor Works Non Coastal Scheme, to remove the concrete pipes which go under the public road at Tullig, Castleisland, and replace them with culverts which match the existing culvert, thus eliminate the flooding at Tullig on the Brosna Road.

The following report issued:

Kerry County Council will apply for funding under the Minor Works Non-Coastal Scheme, if and when requested to do so. As this is an OPW issue, Kerry County Council will be seeking 100% of the funds. The estimate for the replacement of the pipes under the public road is €25,000. However, this work should only be done on the basis that the overall drainage issue in this location must be addressed as a whole and not in a piecemeal fashion.

Cllr. J.J. Culloty asked who will decide if an application for funding will be submitted. He received a petition signed by 112 people asking that this matter would be resolved. This issue can be easily resolved by removing the pipes and replacing them with culverts similar to those already in place.

Cllr. B. Cronin supported the motion and said he met with the residents in this area and they indicated there is a need for dredging further up. These residents are very concerned as there is an ongoing risk of flooding in their area. It would cost €25,000 to put a proper culvert under the road. He asked if an application will be made and does this sum include the dredging and the culvert. Unless the size of the culvert is increased this area will flood again.

In response Mr. G. MacNamara said he understood the drainage will be done but this is the responsibility of the OPW. If the Council submits an application for funding we will require 100% funding.

Cllr. J.J. Culloty asked when the request for funding will be submitted.

Mr. MacNamara said the matter will be discussed with the OPW.

Cllr. B. O'Connell agreed with the motion and said this work cannot be done in piecemeal. If the culvert is done the dredging must also be done at the same time.

Cllr. D. Healy-Rae said everyone agrees that the culvert should be increased and he added that the drain leading away from the culvert also need to be cleared.

17. Request Uisce Éireann to refrain from imposing either a Standing Charge or a Usage Charge on sporting clubs, cultural centres and schools

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

In view of the invaluable work that sporting clubs and cultural centres perform for the enhancement and stability of community, that this Council calls on Uisce Éireann to refrain from imposing either a standing charge or a usage charge on the Directors/ Management of those vital social assets.

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

Cllr. M. Gleeson said as many sporting clubs and local communities are being ravaged by emigration their very survival as vibrant areas is under server threat. Any further financial imposition could well do terminal damage to those clubs, communities and schools. In that context he called on Uisce Éireann (Irish Water) to refrain from imposing either a Standing Charge or a Usage Charge on those clubs, halls and schools.

Many clubs and community groups are struggling desperately to survive and are barely able to meet their existing overheads.

Those of the area who should best be able to financially support them, namely the young men and women, have been forced into exile through lack of employment. The burden is falling more and more on the older people and they are largely of limited means. Furthermore those older people have already done more than their share in developing and maintaining the facilities.

If Irish Water insists on imposing a Standing Charge and a Usage Charge then undoubtedly many of the clubs, halls and schools will be forced to close thus further diminishing areas already under severe threat of almost total extinction.

Cllr. Gleeson said he wished to add schools to the list. As late as last week he was invited to a Table Quiz being held as fundraising for a small primary school, being held despite the constitutional guarantee of free primary education for all.

Some schools are struggling to survive and should they fail to match the standards elsewhere they will fold and thus deliver another mortal blow to small, rural communities.

Cllr. J. Finucane **SECONDED** the motion.

Cllr. Finucane moved Notice of Motion No. 18 on behalf of Cllr. Connor Scarteen.

18. Repair the damage caused by recent storms and construction of defences to protect against future storms and flooding

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

That Kerry County Council again request from the various Government Departments adequate funding to repair the damage caused by recent storms and funding to construct defences to protect against future storms and flooding. Please give an update on progress to date.

The following report issued.

Kerry County Council has already made a number of submissions for funding to repair the damage caused by recent storms and to construct defences against future storms and flooding. The total sum requested to date is €21.8 million. Kerry County Council received notification on 28th February 2014 that funding in the sum of €3 million had been allocated. Kerry County Council is now in the process of compiling a works programme / priority list for the Department of the Environment, Community & Local Government, as requested. Works associated with tourism will take priority.

19. Restoration works at Rossbeigh Beach

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

To ask Kerry County Council for an update regarding restorative works at Rossbeigh Beach, playground and immediate areas.

The following report issued:

Kerry County Council received notification of funding in the sum of €3 million on 28th February 2014. Kerry County Council has estimated the cost of repair as €1.336 million and we are currently compiling a programme of works and will be consulting with the various Government Departments involved as outlined in the Departmental Circular.

Cllr. J. Sheahan asked if a plan is in place to clean up Rossbeigh Beach.

Cllr. M. Cahill pointed out that the clean up started the previous Thursday and a substantial portion of the €2.7m is allocated to Rossbeigh. The Area Engineer will arrange to have the works carried out as soon as possible. He asked that as much of the work as possible would be done prior to Easter.

20. Dissatisfaction with cuts in funding for roads

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

That we the Members of Kerry County Council highlight to the Minister for Transport our dissatisfaction with cuts of almost €1,000,000 to the Restoration Improvement and Restoration Maintenance Programme, absolutely no funding for Class 3 or cul-de-sac roads and no funding for our Local Improvement Scheme - the people of this County are neglected and abandoned by this Government.

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

Cllr. D. Healy-Rae said people living in rural areas are totally forgotten and members cannot assist them. They pay their motor tax and it unfair their roads are not repaired. Unfortunately funding is no longer available for LIS. He was not criticising the Minister for Transport personally for this but rather the government for neglecting this problem.

There was no seconder for Cllr. Healy-Rae's motion.

23. Removal of gravel and debris from rivers.

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

While it is accepted that this Council has no statutory role in accommodating landowners who wish to remove gravel and debris from rivers, which causes flooding and unnecessary erosion, I call on this Council to assign a staff member to liaise with such landowners and the relevant agencies who have statutory obligations in this area, such as Inland Fisheries Ireland, Office of Public Works and the National Parks & Wildlife Service.

The following report issued:

The Environment Section of the Council will arrange to meet Inland Fisheries Ireland and the National Parks and Wildlife Service to convey the concerns of riparian owners in relation to being allowed to maintain rivers and watercourses. A report will then be brought back to the Council on the outcome the meetings.

Cllr. J.J. Culloty said people have been prosecuted for taking gravel from rivers. He asked that Council staff would liaise with landowners on this issue. He also requested that an information evening would be held to advise landowners how to deal with this within the law.

Mr. J.D. Flynn said officials would meet with landowners but local authorities do not have responsibility for rivers.

Cllr. M. Cahill SECONDED the motion.

25. Provision of a left hand turning lane off the N22 at the Gerah Junction, Farranfore

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

To request the NRA to provide a left hand turning lane off the N22 at the Gerah Junction, north of the Railway Crossing and Business Park in Farranfore as the current situation is highly dangerous for residents slowing down to turn left into Gerah.

The following report issued:

This matter will be referred to the NRA for their assessment in accordance with the procedures as set out in the NRA Design Manual for Roads and Bridges (DMRB).

Cllr. B. Cronin PROPOSED the motion and said this junction is located north of the Railway Crossing as you leave Farranfore. This access road services 40 to 50 households and while they indicate to turn at the junction they must do a u-turn to access the local road. Other vehicles on this road are accelerating and the vehicles turning are in serious danger. He asked the Roads Department to emphasise the importance of providing a left hand slip road at this location.

Cllr. J.J. Culloty SECONDED the motion.

26. Number of outdoor road staff directly employed by Kerry County Council between 2005 and 2013

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

To ask Kerry County Council how many outdoor Road staff were directly employed between 2005 and 2013.

The following report issued:

The following are the details of the staff numbers employed in the Roads and Transportation outdoor staff for the years requested. This is the total headcount figure for staff employed at any time during the year irrespective of the length of that employment. It includes seasonal staff and areas within roads such as the Machinery Yard.

	Number employed
2005	325
2006	315
2007	335
2008	319
2009	263
2010	250
2011	256
2012	247
2013	224

Clearly there has been a reduction in overall numbers. This has been well flagged previously. Indeed there has been a significant reduction in seasonal staff generally across Council services due to the reduction in work programmes and available funding.

It is also worth reflecting on the funding position in the Roads area. The following are the Grant Allocations during this period.

Year	Restoration Improvement Grant	Restoration Maintenance Grant	Specific Improvement Grant	Discretionary Grant	Total Non-National Road Grant	Overall Funding National and Non-National & Own Resources
2005	8,668,000	2,848,000	3,584,408	2,346,000	17,608,128	56,209,382
2006	10,115,000	3,560,000	4,255,000	2,514,000	20,595,500	53,075,904
2007	10,936,000	3,844,000	4,255,000	2,589,000	22,281,800	48,658,780
2008	10,936,000	4,034,000	4,406,510	2,589,000	22,697,813	46,229,012
2009	7,249,000	4,034,000	3,100,000	1,996,000	17,985,097	40,991,866
2010	9,383,000	2,848,000	2,550,000	2,420,000	17,935,942	41,888,042
2011	7,290,450	2,848,000	1,860,000	2,619,650	16,185,945	56,383,545
2012	8,102,118	2,848,000	1,660,000	2,619,650	16,158,344	62,417,619
2013	8,836,523	2,420,800	1,500,000	2,619,650	15,771,637	42,578,090

Cllr. D. Healy-Rae said in 2013 there were 101 less outdoor staff than in 2005.

Mr. J.D. Flynn pointed out in the period 2005 to 2008 when substantial funding was available for major works programmes seasonal staff were taken on and they are reflected in the numbers provided.

Cllr. D. Healy-Rae said regardless there is 101 less outdoor staff now than in 2005. It is wrong to say the service can be maintained with such a reduced staff. He knew a village where there were 5 permanent staff but now there is just 1 part time staff member. When the Property Tax was introduced people were told it would go to pay for services but in fact it was allocated to Irish Water.

Cllr. J. Healy-Rae said members are entitled to put down a Notice of Motion and they are also entitled to vote for or against the Budget. Local authorities were promised 80% of LPT but that has not happened.

27. Safeguard the future of small schools

Pursuant to notice duly given Cllrs. M. Cahill & P.J. Donovan PROPOSED:

That Kerry County Council call on the Government and the Minister for Education and Skills to support our educational system on safeguarding the future of small schools that is one, two and three teacher national schools in Kerry that are at the very heart of community life in rural Ireland.

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

Cllr. M. Cahill said we have a large number of excellent small schools in the county and we should ensure they remain into the future.

Cllr. P.J. Donovan SECONDED the motion.

14.03.10.14 Correspondence - Conferences and Seminars

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J. Sheahan it was agreed to authorise the attendance of Cllrs. Griffin and Cahill at Training event on the theme "The Councillor Post 2014" to be held in the Mount Errigal Hotel, Letterkenny, Co. Donegal from 14th to 16th March, 2014.

Cllr. Griffin was nominated to report back to Council on this event.

- (b) No councillor expressed an interest in attending the Conference on the theme "Social Inclusion for Older People - EU, National & Local Policy" to be held in the Seanchai - Kerry Writers' Museum, Listowel, Co. Kerry from the 20th to 21st March, 2014.

- (c) On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. N. Foley it was agreed to authorise the attendance of Cllrs. O'Donoghue, Griffin, J. Healy-Rae, D. Healy-Rae, O'Connell and Sheahan at the Conference on the theme "The Role of the Ombudsman" to be held in Scotts Hotel, Limerick, from the 21st to the 23rd March, 2014.

Cllr. O'Connell was nominated to report back to Council on this Conference.

- (d) No councillor expressed an interest in attending the Forum on the theme "Alcohol's Harm to Others" to be held in The Convention Centre, Dublin on the 2nd April, 2014.

- (e) No councillor expressed an interest in attending The National Positive Ageing Summit to be held in the Citywest Hotel, Dublin on 3rd April, 2014.

- (f) On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. J. Finucane it was agreed to authorise the attendance of Cllrs. Purtill, Finucane, O'Shea, O'Donoghue, Leahy and Buckley at the 12th Carlow Tourism National Conference to be held in Carlow Town from the 3rd to the 5th April, 2014.

Cllr. Finucane was nominated to report back to Council on this Conference.

- (g) On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. J. Finucane it was agreed to authorise the attendance of Cllrs. O'Shea, J. Healy-Rae and D. Healy-Rae at the Cross Border Tourism Conference 2014 to be held in Ballymascanlon House Hotel, Dundalk on the 9th April, 2014.

Cllr. D. Healy-Rae was nominated to report back to Council on this Conference.

- (h) On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. N. Foley it was agreed to authorise the attendance of Cllr. O'Donoghue at the National Planning Conference 2014 to be held Limerick on the 10th and 11th April, 2014.

Cllr. O'Donoghue was nominated to report back to Council on this Conference.

14.03.10.15 Correspondence General

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

1.	Letter dated 11 th February, 2014 from the NRA in relation to standardising the lanes accessing and exiting all roundabouts.
2.	Email dated 17 th February, 2014 from the Office of the Minister for Health in relation to the review of Medical Cards.
3.	Letter dated 21 st February, 2014 from the RSA in relation to Driving Licence Centres.
4.	Email dated 26 th February, 2014 from Irish Water in relation to water charges and the identification and fixing of leaks.
5.	Email dated 27 th February, 2014 from the Office of the Minister for Communications, Energy and Natural Resources in relation to Shannon LNG.
6.	Letter dated 23 rd January, 2014 from Edenderry Town Council in relation to a resolution adopted by that authority calling on the Government to overturn the decision to impose a Student Service Charge on apprentices at ITs.
7.	Letter dated 14 th February, 2014 from Donegal County Council in relation to a resolution adopted by that authority calling on the Government and Minister for Environment to disband Irish Water.
8.	Letter dated 3 rd March, 2014 from Clones Town Council in relation to a resolution adopted by that authority calling on the Minister for Environment to abolish the extra charge imposed when taxing a car for three months.

Votes of Sympathy

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

- (a) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael Galway.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Finbarr McCarthy.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Hazel Blennerhassett.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Denis O'Sullivan.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Dan Joe Sweeney.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael O'Shea.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Sean Noonan.
- (h) Cllrs. D. Healy-Rae, J. Healy-Rae, M. Gleeson and J. Sheahan proposed that a vote of sympathy be extended to the family of the late Eillen O'Mahoney.
- (i) Cllrs. M. Gleeson and J. Sheahan proposed that a vote of sympathy be extended to the family of the late Gearóid MacGearailt.
- (j) Cllrs. J. Sheahan and M. Gleeson proposed that a vote of sympathy be extended to the family of the late Brendan O'Leary.
- (k) Cllrs. M. Gleeson and J. Sheahan proposed that a vote of sympathy be extended to the family of the late Mrs. O'Sullivan.

14.03.10.17.Any Other Business

Mr. G. O'Brien said Cllr. Sheahan spoke with him again in relation to his proposal that a deputation would be received from the Residents of Whitebridge Manor and Ballydribbeen Residents Association and he pointed out that they require a noise barrier which would be on a national route.

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

Ms. A. McAllen informed the meeting that Revenue announced in recent weeks that they are giving property owners a final opportunity to bring their LPT and Household Charge affairs up-to-date before they launch a nationwide compliance programme.

If residential property owners:

- Haven't paid the 2012 Household Charge; or
- Haven't filed and paid their 2013 and 2014 LPT; or
- Have undervalued their property; or
- Claimed an exemption they weren't entitled to;

They have until 31st March 2014 to bring their LPT affairs (including the Household Charge) up to date and avoid interest or penalties.

If an owner of a residential property on 1st May 2013 did not receive any correspondence from Revenue they are, under self-assessment rules, still liable to pay and file the LPT. They are advised to contact Revenue at 1890 200 255 and pay and file their LPT by 31st March 2014 to avoid interest and penalties. If a person undervalued their property for LPT they should go online and self-correct their valuation and pay the additional liability by 31st March, 2014 to avoid interest and penalties. If the property was overvalued the person should write to the LPT Branch, Government Buildings, Ennis, Co. Clare, clearly setting out how the overpayment arose and provide relevant supporting documentation.

Ms. McAllen informed members that she received a circular on the 5th March, 2014 in relation to NPPR – Outstanding Charge Liabilities.

In order to maximise compliance and encourage payment of outstanding NPPR charge arrears, Section 74 of the Local Government Reform Act, 2014, provides for a period from 2nd March, 2014 to 31st August, 2014, during which time no new late payment penalties will be applied to existing NPPR liabilities. This will provide an opportunity for owners to agree payment terms with local authorities. If payment is not made in full by 31st August, 2014 or if settlement terms are not agreed by that date, an additional late payment fee of €120 per liability date is applied on 1st September, 2014. In addition, the entire NPPR liability is increased by a factor of 50% and then frozen. The guidance note also provides for dealing with arrears due in cases of financial hardship.

Cllr. J. Healy-Rae requested that this information would be circulated to members.

Cllr. J. Healy-Rae asked if a survey is being carried out on Laune Bridge.

Mr. G. MacNamara said this will be considered.

The meeting concluded at 2.05pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry