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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 15 MEAN FHÓMHAIR 2014**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 15<sup>TH</sup> SEPTEMBER 2014**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

R. Beasley	J. Brassil	M. Cahill
P. Connor-Scarteen	B. Cronin	J.J. Culloty
P. Daly	J. Finucane	S. Fitzgerald
J. F. Flynn	N. Foley	M. Gleeson
D. Healy-Rae	J. Healy-Rae	N. Kelleher
M. Kennelly	S. Locke	D. McCarthy
T. McEllistrim	J. Moloney	N. Moriarty
D. Nolan	T. O'Brien	B. O'Connell
M. O'Shea	L. Purtill	D. Quigg
J. Sheahan	G. Spring	A. Thornton

**Apology/Leathscéal**

D. Grady

**IN ATTENDANCE/I LÁTHAIR**

Ms. M. Murrell, Chief Executive	Mr. J.D. Flynn, Dir. of Corp. Servs.
Mr. O. Ring, Director IW Operations	Mr. M. McMahon, D. Job Creation/Sust. E.D.
Mr. J. Breen, Dir. Sust. Comm./Q of L	Mr. C. O'Sullivan, Dir. Op., Health & Safety
Ms. A. McAllen, Head of Finance	Mr. G. O'Brien, Meetings Administrator
Mr. J. Kennelly, A/SE IW	Mr. K. Moriarty, A/SEO Finance
Mr. T. Hayes, Head of LEO	Mr. V. Sheahan, AO LEO
Ms. M. West, AO Ops.	Mr. P. Corkery, Press & Comm. Off.
Ms. B. Reidy, SSO Corporate Affairs	Ms. S. Sheridan, SSO Finance
Ms. D. Moynihan, CO LEO	Ms. M. Galvin, CO Corporate Affairs
Ms. O. O'Shea, C.O. Corp. Affairs	

The meeting commenced at 10.35am.

The Cathaoirleach Cllr. J. Brassil took the Chair.

**Vote of Sympathy**

Cllr. M. Gleeson extended his sympathy to the wife and family of the late Morgan O'Connell who was an employee of Kerry County Council.

Cllr. D. Healy-Rae said he wished to be associated with this expression of sympathy to the O'Connell family. Morgan gave long and dedicated service to Kerry County Council.

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

#### **14.09.15.01 Cathaoirleach's Report on the CPG Meeting**

The Cathaoirleach, Cllr. J. Brassil read the following report into the record of the meeting.

##### **"Item 1      Agenda for the September Council Meeting**

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

In relation to Item 7 – nomination of four members to Kerry Life Skills Ltd. the Cathaoirleach asked if group voting would apply to these nominations.

Mr. O'Brien said if members agree the nominees group voting will not apply but if there is no agreement it will apply.

Following a discussion the CPG recommended that the nominee from each Municipal District would be decided by each Municipal District at their next meeting.

##### **Item 2      Chief Executive's Monthly Report to Council**

Ms. M. Murrell, Chief Executive, informed the meeting it is now a requirement that she would present a monthly report to Council. It is recommended that the reports should include the following:

1. Major expenditure and income for each Division
2. Performance of Local Authority revenue collection levels
3. Recourse to overdraft facility
4. Emergency capital works not provided for in the Annual Budget
5. Operation/progress of the Local Community Development Committee
6. Performance of Local Enterprise Office

Ms. Murrell said she will also issue a quarterly report and the Department are interested to see the template being used by each local authority with a view to coming up with a standard template.

Ms. A. McAllen said in relation to financial data required in the monthly report, the September report will reflect the financial position as at July. This financial position will be reflected in the information to be sent to Councillors in relation to the Budget Strategy Meeting on 22<sup>nd</sup> September. Expenditure, as at July is slightly ahead of income due to additional expenditure as a result of the storms earlier in the year. Housing maintenance is also 10% over the projected spend at this time but again this largely arose as a result of additional housing repairs required following the storms.

Ms. McAllen then referred to NPPR and said we are well ahead of budgeted income. She anticipated there would be additional income from NPPR to compensate for the over expenditure, particularly as a result of the storms. Collection levels for our main income streams i.e. rates, rents and loans are on target for this time of year.

Ms. Murrell pointed out there maybe an issue concerning the ability of local authorities to provide financial data by the 15<sup>th</sup> of the following month.

The Cathaoirleach suggested that it may be more appropriate to present quarterly financial reports i.e. the figures for January to March could be presented in April.

Ms. McAllen said that would align with the EU IMF Financial Quarterly report which would avoid any duplication in the preparation of data.

Ms. Murrell undertook to revert to the CPG on this issue as there are guidelines to be followed.

The Cathaoirleach suggested that the figures for the first quarter could be set out in the May Report.

Ms. McAllen said that would tie into the national quarterly report which is due in May. In relation to NPPR a letter issued to councillors advising them that the NPPR Charge grace period deadline was 31<sup>st</sup> August. Letters issued to a large number of property owners advising them they maybe liable for NPPR. Following this a large number of queries were received and the Revenue Department is still working through these. The penalties will be frozen for anyone who has a liability and who put in a query before the deadline. A provision of €620,000 was made in the Budget for income from NPPR in 2014 but income will now be substantially above that and will be in excess of €1m. This is a welcome income stream as it will offset the over expenditure earlier in the year.

The Cathaoirleach asked if the Department would retain a % of NPPR.

Ms. McAllen said we are due an allocation of €11.6m from the Local Government Fund. The national Budget is being prepared at present and she is mindful of that. She will confirm to councillors when the €2.6m is received.

The Cathaoirleach referred to Cllr. Ferris's query on the deduction of Household Charge at source and requested clarification on it.

Ms. McAllen said she was aware it is being deducted from salaries at source but she understood the Household Charge will be retained nationally.

Cllr. J. Finucane complimented the staff in the Revenue Department for their patience and the courtesy shown to people who had queries on NPPR.

Ms. McAllen referred to LPT and said we received notification last Thursday of a provisional allocation of €11,659,186 pending any decision to vary LPT. This is €615,349 more than the 2014 allocation for the Local Government Fund.

Cllr. O'Shea asked if the LPT allocation was the Local Government Fund allocation.

Ms. McAllen confirmed it is now called the LPT Allocation and she would refer to it as such in further communications.

### **Item 3      Update on the LCDC**

Mr. J. Breen said the structure of the LCDC was approved at the July meeting in accordance with the Local Community Development Committee (Section 128E)(Amendment)(No. 1) Regulations 2014 which provides that the membership of the LCDC may be increased to a maximum of 19. Mr. Breen outlined the membership of the structure approved by Council under the headings Public Sector (9) and Private Sector (10)

Mr. Breen recommended, with the approval of the CPG, the following nominees to be members of the LCDC for approval by Council:

#### **A.      Public Sector (9)**

Cllr. Pa Daly	KCC
Cllr. Aoife Thornton	KCC
Cllr. Norma Moriarty	KCC
Cllr. Niall Kelleher	KCC
Moirá Murrell	Chief Executive
Tomás Hayes	Head of Local Enterprise
Hilary Scanlan	HSE
Colm McEvoy	KETB
Fionnán Ó hÓgáin	Údarás na Gaeltachta

**B. Private Sector (10)**

William Morrell	PPN Community & Voluntary Interests
Maura Fitzgerald	PPN Community & Voluntary Interests
Gemma O'Brien	PPN Social Inclusion Interests
Mary Grandfield	PPN Social Inclusion Interests
Catherine McMullin	Environmental (An Taisce)
Bernard Collins	Local Development Sector NEKD
Sheila Casey	Local Development Sector SKDP
James McCarthy	Agriculture/Fishing
Kieran Rutledge	Business (Tralee Chamber Alliance)
Peter McDermott	Tourism (Destination Kerry)

Mr. Breen said the LCDC has important and urgent business to undertake in relation to the Social Inclusion and Community Activation Programme (SICAP) tender requirements and also in relation to commencement of the Local Economic & Community Plan (LECP). It is proposed to hold the first meeting of the LCDC before the end of September.

**Kerry Public Participation Network**

Mr. J. Breen informed members the Public Participation Networks (PPNs) are new structures for public engagement and participation in Local Government currently being developed in each local authority area. These new structures will be the vehicle or link through which the local authority links/engages with the broader community sector, including social inclusion and environmental sectors. In order to participate in the PPN structure, groups must register with the County Register of Community & Voluntary Groups currently held at the Community Department of Kerry County Council.

Mr. Breen outlined the structure of the PPN which will be at three levels as follows:

- Municipal Level – a Municipal District PPN will be established in each of the four municipal areas and will deal with specific issues at municipal level.
- County level – a County Plenary will be established. All registered organisations are members of the County PPN.
- Each County PPN will have a Secretariat.

The Kerry Community & Voluntary Forum Executive has been working as the interim Kerry PPN in partnership with Kerry local authority staff to oversee the extensive work programme involved. Re registering of community groups has commenced and this will be ongoing. The closing date for registration is 30<sup>th</sup> September 2014. 840 groups were registered with the Kerry Community &

Voluntary Forum and to date 269 groups have registered under the new PPN structure.

Due to timeline issues, for the purpose of nominating on to the LCDC, the existing Community & Voluntary Forum Executive structure fulfilled the role as the interim County Plenary PPN. It is anticipated that the County Plenary PPN structure will be in place for nomination on to the SPCs. The PPN will be established initially on a non statutory basis pending receipt of Regulations and final guidelines. It is anticipated that the final formal approval of the PPN framework will be brought before the Council in late 2014 or January 2015.

All Community & Voluntary, Social Inclusion and Environmental Groups are being encouraged to register with Public Participation Network.

The CPG noted the process for the establishment of the PPN through the present structures of the Community & Voluntary Forum.

#### **Item 4        Audit Committee**

Mr. J.D. Flynn said in accordance with Section 59 of the Local Government Reform Act 2014, this local authority is obliged to establish an Audit Committee. The Local Government (Audit Committee) Regulations 2014 specifies that the number of external members in the case of Kerry County Council is not less than three and that the nominations for appointment to an Audit Committee shall be made by the CPG following consultation with the Chief Executive.

Mr. Flynn recommended the following external members to the CPG and he requested that the CPG would formally nominate them to the Kerry County Council Audit Committee and forward their nominations to the September Council Meeting for approval.

1. Mr. Gene Boyd, Internal Audit, LEO Pharma
2. Ms. Catherine Moylan, ITT
3. Mr. John Crowe, Department of Foreign Affairs & Trade.

Mr. Flynn outlined their qualifications for the meeting.

The CPG discussed the proposed appointment of the external member to the Audit Committee and formally nominated Mr. Gene Boyd, Ms. Catherine Moylan and Mr. John Crowe for appointment by Kerry County Council at the September Meeting.

#### **Item 5        Draft SPC Scheme**

Mr. G. O'Brien briefed members on the two submissions received on the Draft SPC Scheme which were received from the following and our response to them.

1. The Environmental Pillar

1. Fóram Gaeilge Chiarraí

Mr. O'Brien pointed out that councillor representation on the SPC's is also set out in the report circulated. Following the adoption of the Scheme nominations will be sought from the National Key Stakeholder Pillars and other Sectors. The formal appointment of the Sectoral Interests to the SPCs is a Reserved Function of Council and this will be done at the November Council Meeting. In conclusion Mr. O'Brien recommended the adoption of the SPC Scheme to the elected members.

The CPG recommended the adoption of the SPC Scheme to Council.

**Item 6      Draft submission to the Dept. of Transport – “Investing in our Transport Future – A Strategic Framework for Investment in Land Transport**

Mr. C. O'Sullivan said the Department of Transport, Tourism & Sport is inviting submissions from stakeholders, interested parties and the general public on a Draft Strategic Framework for Investment in Land Transport. The closing date for submissions is Thursday the 16th October 2014. The Framework document is substantial and he hoped to have a draft submission ready for the next CPG meeting which could be submitted to the Department pending approval at the October Council Meeting.

**Item 7      Submission to the Dept. of Transport – “Statement of Strategy 2015 – 2017”**

Mr. C. O'Sullivan said the Department of Transport, Tourism and Sport is currently preparing a Statement of Strategy to cover the period 2015 – 2017. The Statement of Strategy will set out the High Level Goals, Objectives and Strategies required *to ensure that the transport, tourism and sport sectors make the greatest possible contribution to economic recovery, fiscal consolidation, job creation and social development.* Mr. O'Sullivan said he hoped to have a draft submission ready for the next CPG meeting which could be submitted to the Department pending approval at the October Council Meeting.

Cllr. J. Finucane emphasised the importance of Fenit Harbour for the county and said it should be included. This is a terrific asset which is used as a Marina and for exporting produce ie cranes from the Liebherr Factory in Killarney. It is hoped that Community Divers Courses will be held there in the near future which will be nationally accredited. It is also likely that courses on Fishing and Leisure Craft will be held there. A strategy should be drawn up for Fenit going forward. He requested that Fenit would be mentioned in the submissions to the Department of Transport.

**Item 8      Budget 2015 update**

Ms. A. McAllen said there would be a special CPG meeting the following Friday and documentation would issue next week ahead of the Budget Meeting on the 22<sup>nd</sup> September.

**Item 9      Update on NPPR**

Ms. McAllen said this item was already dealt with.

**Item 10      Housing (Miscellaneous Provisions) Act 2014**

Mr. J. Breen said The Housing (Miscellaneous Provisions) Act 2014 gives effect to three important elements of the Government's housing policy:

- It provides a legislative basis for the new Housing Assistance Payment (HAP).
- It introduces a new tenant purchase scheme for local authority tenants
- It also reforms the process for the termination of local authority tenancies

**Housing Assistance Payment (HAP)**

This will provide a new framework for the provision of rental assistance, and will, in as much as it can, facilitate the removal of existing barriers to employment in the Rent Supplement Scheme by allowing HAP recipients to remain in the scheme if they gain full-time employment. Under the new scheme, applicants will source their own accommodation within the private rented market (as currently happens with rent supplement) and the tenancy agreement will be between the HAP recipients and the private landlord. The Local Authority will pay the rent on the tenant's behalf directly to the landlord. The tenant will pay a rental contribution to the Local Authority based on a Differential Rent Scheme. For households dependent on social welfare payments this contribution will be made through deduction at source. As household contribution will be linked to the differential rent scheme household income can increase through the take up of employment and the family will still be in a position to receive housing support while paying an appropriate rent contribution.

HAP will also ensure that all long-term housing support lies with local authorities and will help ensure that all accommodation in the private rented sector is to standard and that landlords are tax compliant. To access the HAP scheme a household will complete a social housing assessment by the local authority. Once the household has secured appropriate accommodation in the private rented sector the local authority will pay the landlord directly, with a contribution by the household paid directly to the local authority.

HAP is currently being rolled out in a number of selected local authorities and is expected to be introduced in the remaining local authorities including Kerry next year.



**New tenant purchase scheme for local authority tenants**

The new scheme will be linked to household income, with the highest discount available to those families in the lowest income band who can sustain a mortgage payment. The scheme will enable tenants to become homeowners and remain in their community. To support this principle the scheme will be structured to discourage the sale of the property in the years following the purchase by the tenant. In the event of a sale, local authorities will also have the first option of buying the property back. While household income is the primary assessment method for the new tenant purchase scheme the Minister intends to have a mechanism that would factor in the length of tenancy in the new scheme and this will be advanced as the Bill passes through the Oireachtas. The Act empowers the Minister to make Regulations in respect of different aspects of the scheme which are awaited.

**New system for the repossession of local authority houses**

This legislation also introduces a new system for the repossession of local authority houses in cases of serious breaches of the tenancy agreement, such as anti-social behaviour or continued failure to pay rent or rent arrears. The new system will provide a transparent system, with review provisions, for tenants while also allowing local authorities to recover possession of a dwelling.

Cllr. O'Shea said there are 5,000 applicants on the housing waiting list. He accepted that some of these do not require housing and he asked if there was any way of identifying those in urgent need of housing.

Mr. Breen undertook to refer this issue to the SPC for consideration. The majority of those on the waiting list are in high quality housing and are happy with their present accommodation. Mr. Breen pointed out there is 11,500 vacant houses in the county and we need to review how houses are allocated. Almost 900 houses are occupied under the RAS and Leasing Schemes and these schemes are working well. Local authorities will take over responsibility for rent supplements and they will then be responsible for the entire social housing sector.

The Cathaoirleach said until last week he was not aware under the RAS Scheme the agreement is between the landlord and the tenant. The local authority only deals with the payment side of the agreement. There can be huge issues around anti social behaviour and maintenance of the property.

Mr. Breen said when local authorities take over responsibility for rent allowances there will be additional work in relation to anti social behaviour. All applicants for housing are Garda vetted but that is not the case for those on rent allowance and

this will change when local authorities take over responsibility for rent allowances.

The Cathaoirleach said it is important that members are aware that under the RAS Scheme the agreement is between the tenant and the landlord.

Mr. Breen said there are 5,000 people in the county on housing assistance payments and the anti social behaviour policy will apply to them and they must go through the Garda vetting process. This is being piloted in a few local authorities and it will be interesting to see the issues that arise and how they will be dealt with.

**Item 11      Submission to Irish Water on “Water Services Strategic Plan”**

Mr. Ring said under the Water Services Act 2013 there is a requirement on Irish Water to prepare a Strategic Plan. He circulated a submission made by Kerry County Council on an issues paper last July. This issues paper listed their objectives and our submission addressed these. Mr. Ring briefed the meeting on the submission which is attached to the Cathaoirleach's report. He pointed out that the submission also mentions villages without existing Sewerage Schemes and he pointed out that this is a 40 year plan.

Ms. Murrell pointed out that this submission is the document referenced in the County Development Plan. Irish Water needs to take cognisance of it and by referencing it in the County Development Plan we are tying in all our priorities.

The Cathaoirleach said work on the taking in charge of estates is at a standstill because Irish Water does not have a policy on it. It is important to make progress in this area. He urged caution unless Irish Water co-operate. He added that there is a slight improvement in the amount of development taking place. NAMA properties will be purchased and permissions may have expired. He asked the Planning Department to ensure that the present high standards are maintained.

Mr. McMahon said every application for multiple house developments are referred to the Housing Estates Unit. There has not been an increase in applications for multiple house developments and most applications are for genuine one off rural houses. A few developers have consulted with Planning with a view to drawing up plans to finish estates.

The Cathaoirleach said he was aware of one estate in Lixnaw which he believed should be demolished.

Mr. McMahon said local authorities were requested by the Department to draw up a list of estates that should be demolished. One scheme included in that list in Dingle has since been purchased and finished to a high standard.

**Item 12      EU Floods Directive: Catchment Flood Risk Assessment & Management (CFRAM) Programme**

Mr. O. Ring said the OPW are about to proceed to public consultation on CFRAM Draft Flood Maps. There are 13 areas in Kerry as follows:

- Ballylongford
- Moneycashen
- Listowel
- Banna
- Abbeydorney
- Tralee
- Castleisland
- Dingle
- Milltown
- Killarney
- Glenflesk
- Portmagee
- Kenmare

At this time he was not sure what form the public consultation would take but the statutory public consultation would take place later in the year. It is intended to issue information packs to members and provision will be made for councillors to view the Draft Flood Maps.

Cllr. O'Shea asked if the OPW contacted the insurance companies regarding the use of these maps.

Mr. Ring said they did not as these maps were not intended for this purpose. It was originally intended to have Flood Management Plans in place by the end of 2015 but as they are behind schedule this is not likely to happen before 2016.

**Item 13      Civic/Mayoral Receptions**

Mr. G. O'Brien said he was in receipt of a number of requests for Civic Receptions and one of these was discussed at the Municipal District meeting in Listowel the previous day. The Local Government Reform Act 2014 makes provision for the conferring of civic honours by the Municipal Districts. In future any request for a Civic Honour that is specific to a Municipal District will be considered by that Municipal District. Cllr. D. Healy-Rae requested a Civic Reception for the Kilcummin Set Dancers who won medals at the All Ireland Fleadh Cheoil. This request would be referred to the next meeting of the Municipal District of Killarney for consideration.

Mr. O'Brien said he was in receipt of a request for a civic acknowledgement for the Kerry U14 Girls Football Team who won the All Ireland recently.

The CPG agreed that scrolls would be done up for the players and management and sent to them.

The Cathaoirleach said he would be happy to meet them and to present the scrolls to them.

This was agreed.

**Item 14      Any other business**

The Cathaoirleach said he received some correspondence requesting Kerry County Council to sign up to the Dublin Declaration on Age Friendly Towns.

Ms. Murrell undertook to research this and to revert to the Cathaoirleach on it.

The Cathaoirleach said he received an email asking how Kerry County Council could recognise John McCarthy from Kenmare who was a well known Chef.

It was agreed to refer this to the next meeting of the Municipal District of South and West Kerry for consideration."

The Cathaoirleach referred to the item on the Housing (Miscellaneous Provisions) Act 2014 and said due to its importance to members he PROPOSED that an item on the Act would be included on the October Agenda when it could be discussed in detail.

Cllr. A. Thornton SECONDED this proposal and it was unanimously agreed.

Cllr. J. Healy-Rae said the taking in charge of housing estates is at a standstill because of Irish Water. The Department directed local authorities to take housing estates in charge but Irish Water is preventing this. This is very unfair on the people living in those estates. There is also a serious issue in relation to group water schemes as they will be billed in block and this is unacceptable. This issue must be addressed immediately by Irish Water.

Cllr D Healy Rae said the present position in relation to the taking in charge of estates is unacceptable. When Kerry County Council surveys an estate and deems it suitable for taking in charge that should be acceptable to Irish Water.

Mr M McMahon agreed with the concerns expressed by councillors in relation to the difficulties with taking estates in charge. However, the legislation governing the establishment and functions of Irish Water does not provide for this. Prior to this Kerry County Council was the roads and water authority and could make the

decision to take estates in charge. However as we are no longer the water authority we cannot take estates in charge without the consent of Irish Water and if we do we will be responsible for them while Irish Water get the revenue. He was aware that this issue is being dealt with at a national level and said there is a preliminary protocol being finalised and he hoped it would issue in the next few months.

Cllr JJ Culloty said the billing of group schemes in block is unworkable.

Cllr. M. Cahill said the previous day, half of Killorglin and Beaufort were again without water. When the leak was fixed there was another break during the night. Funding was allocated for the replacement of water mains in this area last year by the Department but the Council then had to apply to Irish Water for the same funding, and this is very frustrating.

#### **14.09.15.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. M. Gleeson it was resolved that the minutes of the July Ordinary Meeting of Kerry County Council held on the 21<sup>st</sup> July, 2014 be confirmed.

#### **14.09.15.03 Chief Executive's Monthly Report to Council**

The Chief Executive read the following report into the record of the meeting.

"In compliance with my requirements under Section 136(2) of the Local Government Act 2001, as amended by the Local Government Reform Act 2014, this report has been prepared for the Members of Kerry County Council.

As agreed by resolution at the July 2014 Council Meeting, the report will be forwarded to you on a monthly basis along with the documentation for the Ordinary Monthly Meetings.

The Monthly Management Reports are intended to assist the Elected Members discharge their governance responsibilities and to oversee the Executive in the delivery of the policies that the Elected Members have decided on, and also to have oversight of the Chief Executive's discharge of her Executive Functions.

It is proposed that the content of the Monthly Management Report will include the following:

1. Major expenditure and income for each Division (including performance against figures provided in the adopted annual budget and against expected income and expenditure profiles)
2. Performance of Local Authority revenue collection levels
3. Recourse to overdraft facility (number of days per month and interest incurred)

4. Emergency capital works not provided for in the Annual Budget (including estimated financial liability)
5. Operation/progress of the Local Community Development Committee
6. Performance of Local Enterprise Office

The proposed content for this report, along with discussing a format for reporting on issues that are linked to the Implementation of National Policy was discussed with the CPG at their meeting held on 9<sup>th</sup> September. These items would be reported on a quarterly basis as appropriate.

I intend to discuss the matter further with the CPG at the October Meeting.”

Ms Morrell said that there is a requirement to produce a quarterly report and the format and template must be agreed. In relation to the financial data it would be difficult to report on the financial data for the previous month by the third Monday of the following month. A proposal has made by the CPG that the financial report would be presented quarterly and she will check with the Department to see if this would comply with the Guidelines. Items 1 to 4 relate to expenditure and Ms. McAllen would brief members on these items. Mr Breen would update members on the LCDC while Mr McMahon would update them on the LEO.

Ms McAllen said, as at July 58% of the year has gone and expenditure is up 1% at that time. This is as a result of the major storms at the start of the year. The housing maintenance expenditure is over expended by 10% as a result of damage to local authority dwellings during the storms and additional expenditure was also incurred in the roads area arising from the storms. Ms McAllen drew member's attention to Item 2 Note 1 and said it includes a full year's accrual plus arrears. The sum included for rent and loan payments is the figure as at the end of July. She pointed out that the Council has a good relationship with its tenants and generally speaking, they are very good to pay their rent. However, the Council continues to remain active in the area of debt collection. Broadly speaking, expenditure is slightly ahead for this time of year, but there is additional income from NPPR. In conclusion she said we had no recourse to overdraft facilities.

Cllr. M. Gleeson asked if there was any corporate insurance to cover storm damage.

Mr. J. Breen said while we have insurance much of the repairs following the recent storms were small and did not exceed our excess.

Cllr Gleeson asked if there is any insurance for public roads.

Ms Morrell confirmed that insurance would not cover damage to public roads.

Mr. M. McMahon then briefed the meeting on the Local Enterprise Office as follows:

### **“Report from Kerry Local Enterprise Office**

The Kerry Local Enterprise Office formally commenced on 15 April 2014 following dissolution of the Kerry County Enterprise Board Ltd.

The committee consists of:

- Michael McMahon, Director of Services
- Jerry Moloney, Regional Manager, Enterprise Ireland
- Kristian O'Donovan, Businessman, Fluirse & Pitman Training
- Michael Fitzgerald, Businessman, Software Developer
- Kate Murphy Businesswoman, Sutherland Scientific Ltd.
- Breeda O'Dwyer, Businesswoman and Lecturer in ITT
- Barry Murphy, Banker and business financial adviser

The Local Enterprise Office Approvals and Evaluation Committee has met on two occasions.

### **General Work Progress to date;**

- The Kerry County Enterprise Board Ltd has been formally wound down and the Kerry Local Enterprise Office has been launched.
- The new website [www.localenterprise.ie/kerry](http://www.localenterprise.ie/kerry) has been developed and published with online course bookings and payment facility. Website is fully mobile enabled with strong social media content.
- Additional staff resources have been assigned bringing the Local Enterprise Staff complement to 6 persons.
- 2013/2014 accounts have been finalised and audited for former County Enterprise Board Ltd.
- Training programme schedule has been launched

### **New Programmes Launched**

#### **1. Kerry's Best Young Entrepreneur**

Best Young Entrepreneur has been launched with a local prize fund of €50,000 with a closing date of 31<sup>st</sup> July.

34 potential and existing business have entered the competition.

Shortlisted to 15 businesses.

Business Bootcamp scheduled for 12th/13<sup>th</sup> September, 2014.

**2. Online Trading Voucher Scheme**

- The Kerry Local Enterprise Office applied for a pilot scheme and 34 vouchers at €2,500 per voucher has been secured.
- 130 business attended the first information seminar.
- 28 vouchers have been approved to date and work is progressing.

**3. Outcomes of Local Enterprise Office Interventions to 3<sup>rd</sup> September, 2014**

<b>Action</b>	<b>Metrics</b>
No of Enterprise projects received	37 projects
No. of projects approved	24 projects
Funding approved for projects	€230,371
Potential Job Creation	32 jobs
Cost per Job	€7,199
No of projects submitted for September Evaluation meeting	13
No. of mentoring and advisory assignments (2-3 sessions per assignment)	82
Attendance at business clinics (18 clinics to-date)	148 persons
Training programme and seminar attendance to date	593 persons
Training & Course Bookings for September	104 persons

**4. Other projects in progress**

- Student Enterprise Awards
- Rural Biz competition with LEADER
- National Women's Enterprise Day
- National Enterprise Awards



➤ European Entrepreneurship Region (funding preparation)”

In conclusion Mr. McMahon said the LEO offices would be moving to the Housing Offices in County Buildings before the end of the year.

Cllr. J Finucane said members are very proud of the investment in jobs by the County Enterprise Board. He asked when the Local Enterprise Office moves to new offices in County Buildings that there would be a formal launch of the offices.

Cllr J. Brassil said the Local Enterprise Office will be a huge addition to Kerry County Council and will involve the Council in job creation and with the business community. Sometimes people seek advice from members on how to set up a business and that type of advice is invaluable. It is a huge bonus that the Local Enterprise Office is under the control of Kerry County Council. He was satisfied that the LEO would nurture and grow businesses and members can direct people to them for advice.

Mr. M McMahon said he anticipated the LEO would move to their new offices by the end of the year, but this is dependent on the relocation of the Housing Department to the Motor Tax building.

Cllr. A. Thornton requested that members would be updated regularly on the LEO going forward.

The Chief Executive confirmed that this would form part of the monthly report.

Cllr. J. Moloney requested that a more detailed report on the role and function of the Local Enterprise Office would be brought to a future meeting of the Council.

The Cathaoirleach said that Tomás Hayes is the Head of the LEO and he is assisted by Victor Sheahan and Deirdre Moynihan.

#### **14.09.15.04 Disposal of Property**

- (a) On the PROPOSAL of Cllr. B. O’Connell, SECONDED by Cllr. J.J. Culloty it was agreed to dispose of two portions of land, plot "A" measuring 0.352 acres approximately in total, and plot "B" measuring 0.345 acres approximately situated in the townland of Cahereens West in the District Electoral Division of Castleisland to Acquired Brain Injury Ireland in accordance with the terms of notice issued 2nd September 2014 pursuant to Section 183 of the Local Government Act 2001; Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

Cllr. O’Connell called on the Council to acquire a portion of land at the Killarney Road roundabout from the NRA for a depot.

- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Cahill it was agreed to dispose of a plot of land measuring 0.0043 ha. approximately situated in the townland of Avenue to BL Beara Ltd. (Malton Hotel) in accordance with the terms of notice issued 1st September 2014 pursuant to Section 183 of the Local Government Act 2001; Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

**14.09.15.05 Appointment of external members to the Audit Committee**

Mr. J.D. Flynn referred members to the Chief Executive's report dated 9<sup>th</sup> September, 2014 on this item which was circulated. He briefed the meeting on the report.

Cllr. B. O'Connell PROPOSED that we the members of Kerry County Council resolve to appoint the following external members, Mr. Gene Boyd, Ms. Catherine Moylan and Mr. John Crowe as nominated by the CPG to the Audit Committee of Kerry County Council as per report circulated.

Cllr. N. Kelleher SECONDED this proposal.

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

**For:** Cllrs. Cahill, Connor-Scarteen, Culloty, Daly, Finucane, Fitzgerald, Foley, Gleeson, Kelleher, Kennelly, Locke, Moloney, Nolan, O'Brien, O'Connell, Purtill, Quigg, Sheahan, Spring, Thornton, Brassil **(21)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

The Cathaoirleach declared the proposal CARRIED.

**14.09.15.06 Approval of nominees to the LCDC**

Mr. J. Breen referred members to the Chief Executive's report dated 4<sup>th</sup> September, 2014 on this item which was circulated. He briefed them in detail on the report. He said in order to finalise the establishment of the Local Community Development Committee Article 4(2) of the Local Community Development Committee (Section 128E) Regulations 2014 requires the list of recommended nominees to the Committee, to which section 128 C (3)(b) of the Act relates shall be submitted for the resolution of the local authority. Mr. Breen said the first stage of the tendering process is complete and the second stage is starting. It is vital to get the LCDC up and running. He recommended the passing of a

resolution to finalise the establishment of the LCDC and that the list of nominees as set out in the report be adopted.

Cllr. N. Kelleher said he is also on the Audit Committee and the first meeting of the LCDC is clashing with an Audit Committee meeting. He expressed his disappointment that there is no position for IRD Duhallow on the LCDC. They do a lot of excellent work in East Kerry and would have been a good addition to the private sector. Unfortunately the representatives from the PPN will be appointed in an interim capacity only until the PPN is established.

Cllr D Healy Rae also expressed disappointment that IRD Duhallow is not represented on the LCDC despite the fact that they play a very important role in the lives of the communities in Rathmore and Gneeveguilla. He was informed at the first meeting that members could propose them.

Mr. J. Breen said the Guidelines recommend one local development representative but we have three Local Development Partnerships in Kerry. It is a matter for the members to decide on the membership.

Cllr. D. Healy Rae PROPOSED that IRD Duhallow would be represented on the LCDC. The people of Rathmore and Gneeveguilla have great respect for them. If three partnerships are represented on the LCDC it may be possible to secure additional funding. The local development companies were informed in the past few days that they would be in charge of funding and would be delivering LEADER funding for the next five years.

Cllr. N. Foley said the PPN structure will not be finalised until January and she asked if the LCDC Board would be in interim Board until January. She also asked if the Chairperson would be an interim Chairperson until then.

Cllr. J. Healy Rae SECONDED Cllr D Healy-Rae's proposal in relation to IRD Duhallow. He said three Development Companies served Kerry for the past 20 years and now that the LCDC is being established it does not make sense to exclude one of them. IRD Duhallow is entitled to be shown the same respect as the other Development Companies. It is very unfair to exclude them and it is difficult to understand how you can select two Development Companies and exclude the third.

Cllr. J. Finucane said this decision was made when legislation was passed. The establishment of LCDC's gives local authorities an input into economic development. Cllr. D. Healy Rae's proposal, which is contrary to legislation, cannot be considered. He PROPOSED that we the members of Kerry County Council hereby resolve to approve the nominees for the Local Community Development Committee (LCDC) as set out in the Chief Executive's report in accordance with Section 128C(3)(b) of the Local Government Act 2001, as inserted by Section 36 of the Local Government Reform Act 2014.

Cllr. S. Fitzgerald **SECONDED** this proposal.

Cllr. J. Healy Rae asked if members were deciding on the membership of the LCDC.

In response, the Chief Executive said the Council previously agreed to establish the LCDC and at the July meeting members agreed the revised structure which is set out in the report circulated. Members are now being asked to assign nominees to the structure. Kerry County Council has opted for the maximum number of members on the Board of the LCDC. There is a strong legal requirement around this Board, as there will be a lot of tendering. There is a requirement that the private sector would make up 51% of the membership i.e. 10 persons, and of these four will be from the PPN as is required. The various pillars will also be represented as set out in the report and there is a requirement that one seat is given to local development companies. However, the members of Kerry County Council assigned two seats to the local development companies. She acknowledged the point being made by Cllrs. Healy Rae but said the Community Plan must be drawn up and the LCDC will consult with all partners. The working groups of the LCDC will consult with all development companies. Ms. Murrell said she did not receive notification of any change to the way funding would be administered but when notification is received she would advise members. Members are being requested to approve the membership of the LCDC as set out in the report circulated.

Mr. J. Breen said the structure and membership of the LCDC as set out in the Chief Executive's report complies with statutory guidelines and legislation. It is unsatisfactory if the Department is providing information to local development companies but not to local authorities. Unfortunately, no Guidelines issued on the establishment of the PPN and the Kerry Community & Voluntary Forum is acknowledged as being the best in the country. The closing date for receipt of applications for inclusion in the PPN is the end of September. When the PPN is established in January or February there will be a requirement to nominate members to the LCDC at that time. Kerry County Council always had an excellent working relationship with the development companies. Mr. Breen said there would be a Seminar in Dublin the following day on the tendering process and any information provided at that would be circulated to members.

Cllr. D. Quigg asked if the legislation requires that 10 members would be from the private sector while nine members would be from the public sector.

The Chief Executive stated that 51% of the membership must be from the private sector and that translates into 10 members.

Cllr. D. Quigg expressed his dissatisfaction with this but said he hoped the LCDC would work like the Local Development Companies from the bottom up. It is important that they are aware of the needs of communities.

The Cathaoirleach pointed out that the Local Development sector is represented in the private sector.

Cllr. J. Healy Rae asked if councillors who were appointed to the LCDC will serve for the full term of the Council.

The Cathaoirleach confirmed that councillors would serve on the LCDC for the lifetime of the current Council.

Cllr. J. Healy Rae said it is wrong that the four members will remain on the LCDC for 5 years. He suggested that they should serve for a period of one year only and he asked if members can change this.

Cllr. D. Healy Rae said he was informed recently that Local Development Companies will be responsible for the administration of funding and he asked if this will impact on the LCDC. He PROPOSED that IRD Duhallow would be included in the membership of the LCDC as he was reliably informed at the first Council meeting when this issue was discussed that members can make that decision.

Mr. J. Breen said Local Development Companies are companies and nothing in this legislation changes that. They promote community interests and they will be tendering for the work programmes. The first stage of tendering was completed by Pobal and the second stage will be managed by the LCDC. In accordance with legislation, the LCDC acts independently and it would not be appropriate for a company to be calling on the LCDC to carry out a specific function and there is no provision in legislation for this. The Chair of the LCDC will be appointed for a 3 year term. PPN members can be renominated. Guidelines did not issue on the establishment of the PPN but some local authorities pushed ahead without the Guidelines. However Kerry did not plan to do that. Mr. Breen said councillors are appointed to the LCDC for a 6 year term. Any nominating body can change their membership at any time by informing the LCDC through the Chief Officer. The legislation states that councillor membership cannot be changed annually.

Cllr. D. Healy Rae asked if the LCDC will decide on the areas of responsibility for the Local Development Companies.

Ms. Murrell said the tendering process is under way. It is a matter for the LCDC to decide the allocation of the work programmes based on the tenders received. If there is a conflict of interest members of the Board must absent themselves from any decision.

Mr. G. O'Brien said a vote would then be taken on Cllr. Finucane's proposal which was seconded by Cllr. Fitzgerald.

The vote resulted as follows:

**For:** Cllrs. Beasley, Cahill, Connor-Scarteen, Culloty, Daly, Finucane, Fitzgerald, Foley, Gleeson, Kelleher, Kennelly, Locke, McEllistrim, Moloney, Nolan, O'Brien, O'Connell, Sheahan, Spring, Thornton, Brassil **(21)**

**Against:** Cllrs. D. Healy-Rae, J. Healy-Rae, Quigg **(3)**

**Not Voting:** None **(0)**

The Cathaoirleach declared the proposal CARRIED.

#### **14.09.15.07 Nominees to Kerry Life Skills Ltd.**

Mr. G. O'Brien referred members to letter dated 15<sup>th</sup> July, 2014 received from Kerry Life Skills Ltd. which was circulated. This letter requests the nomination of one councillor from each of the four Municipal Districts to the board of Kerry Life Skills Ltd. He added that the CPG recommended that the nominee from each Municipal District would be decided by each Municipal District at their next meeting.

Cllr. T. O'Brien PROPOSED that the nominee from each Municipal District would be decided by each Municipal District at their next meeting.

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

Cllr. N. Foley asked if the nominees must be councillors.

Mr. O'Brien confirmed the letter requests the nomination of one councillor per Municipal District.

Cllr. Gleeson then moved Notice of Motion No. 1.

#### **1. Financial aid for Kerry Life Skills Ltd**

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

As Kerry Life Skills Ltd, formerly Kerry Life Education, provides a wide range of interlinked personal, health and psycho-physiological skills to 1st and 2nd level students and as Government continues to refuse to grant aid this most valuable service, that this Council would make financial provision in its Budget for giving an appropriate level of financial aid to the organisation. That the level of aid given

would take due cognisance of the sad reality that the three Town Councils are no longer around to make their contributions.

**The following report issued:**

**€20,000 was provided by Kerry County Council in 2014 as a financial contribution to Kerry Life Skills Ltd. A further €12,000 of a contribution was made to them by Killarney Town Council and €10,000 by Tralee Town Council. Any financial provision by Kerry County Council for a contribution to Kerry Life Skills Ltd. for 2015 will be considered as part of the Budget process and the resources**

Cllr. M. Gleeson thanked the Councils for their contributions historically. It is of huge importance that Kerry County Council continues to financially support this excellent service at least to the cumulative level that it has received heretofore. When the history of Killarney Town Council is written one of the items that will be viewed as a major contribution to the county will be that of the formation of Kerry Life Skills. Many members as parents, teachers and public representatives will be acutely aware of this wonderful service to the youth of Kerry. Cllr. Gleeson said he was privileged to have attended some of the talks/demonstrations to the young. He had no doubt but that the life of each child has been enriched by this service. It is certain that children are better able to cope with the problems of life as a result of this service. It may well be that it has even helped save lives. Kerry Life Skills Ltd. is constantly financially challenged. Now that Killarney and Tralee Town Councils have vanished there will be a large gap in their finances and they will be down €22,000 in income as Killarney Town Council gave them €12,000 per annum while Tralee Town Council gave them €10,000 per annum. Cllr. Gleeson asked that Kerry County Council would ensure Kerry Life Skills Ltd. get the same level of contribution they received from all local authorities in Kerry in the past.

Cllr. P. Connor-Scarteen **SECONDED** the motion and said Kerry County Council always supported Kerry Life Skills Ltd. However the Town Councils have been abolished yet this service is vital for the young people of the county. The onus is now on Kerry County Council to provide adequate financial support for Kerry Life Skills Ltd.

#### **14.09.15.08 Adoption of the Strategic Policy Committee Scheme**

Mr G. O'Brien referred members to report dated 9 September 2014 on this item which was circulated. Following public consultation on the Draft Strategic Policy Committee Scheme two submissions were received from the Environmental Pillar and Fóram Gaeilge Chiarraí. He briefed the meeting on the issues raised in these submissions and the responses to them. The proposed councillor representation on each SPC was circulated and in light of the preferences submitted by members it is recommended that the number of elected members

on the Quality of Life SPC be increased by one and the membership of the Economic Development and Enterprise SPC be reduced by one. Following the adoption of the scheme nominations will then be sought from the national key stakeholder pillars and other sectors. A minimum period of one month needs to be allowed to enable the selection process by the National Pillars. Mr. O'Brien recommended the adoption of the SPC Scheme to the elected members.

Cllr B. O'Connell PROPOSED that we the members of Kerry County Council hereby resolve to adopt the Strategic Policy Committee Scheme (SPC) for Kerry County Council in accordance with Section 48 of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014) and Departmental Guidelines.

Cllr. J. Moloney SECONDED this proposal.

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

**For:** Cllrs. Beasley, Cahill, Connor-Scarteen, Culloty, Daly, Finucane, Fitzgerald, Foley, Gleeson, Kelleher, Locke, McEllistrim, Moloney, Nolan, O'Brien, O'Connell, Quigg, Sheahan, Thornton, Brassil **(20)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

The Cathaoirleach declared the proposal CARRIED.

#### **14.09.15.09 Dedication of the Amenity Park at Cromwell's Bridge to Cumann na mBan**

Cllr. . Connor Scarteen said the members for the South and West Kerry Municipal District agreed at their last meeting to dedicate the Amenity Park at Cromwell's Bridge, Gortamullen, Kenmare to Cumann na mBan. This is the 100<sup>th</sup> Anniversary of Cumann na mBan and they played a very active part in the armed struggle by bringing medical supplies to those who needed them, providing information on the enemy etc. This is a small portion of land in Kenmare and he PROPOSED that it would be dedicated to Cumann na mBan. He also asked that the Council would provide a plaque and signage at the Park.

Cllr. M. Cahill SECONDED this proposal and it was unanimously agreed.

#### **14.09.15.10 Dedication of the N22 Tralee By-Pass in honour of Cumann na mBan**

The Cathaoirleach moved Notice of Motion No. 5 as it relates to this topic.



## **5. Naming of the N22 Tralee By-Pass the Cumann na mBan Road**

### **Pursuant to notice duly given Cllr. J Brassil PROPOSED:**

On this the 100th Anniversary of the founding of Cumann na mBan and in recognition of those women who served and played a vital role in securing the independence of this State, that the new N22 Tralee By-Pass be named the Cumann na mBan Road.

### **The following report issued:**

**A request to dedicate the N22 Tralee By-Pass to Cumann na mBan was considered by the Tralee Municipal District at it's meeting of the 1st September 2014 and following the decision of the members, a recommendation is presented to the Council today for resolution.**

The Cathaoirleach said it was agreed at a meeting of the Tralee Municipal District that the N22 Tralee By-Pass should be dedicated in honour of Cumann na mBan. This year marks the 100<sup>th</sup> anniversary of Cumann na mBan and no other public structure in the country was named after those representing 50% of our population. There is recognition on the By-Pass also of the Rose of Tralee and the contribution of the female population to our country. Kerry County Council will be the first local authority to name a public facility in honour of these women. This is appropriate in a county where the Chief Executive and the Head of Finance are both women who hold powerful positions. It is important to show our appreciation of the female contribution to our country. It was suggested to him that it would be more appropriate to call it Slí Cumann na mBan and he was in agreement with this suggestion. Cllr. Brassil PROPOSED that the new N22 Tralee By-Pass would be named Slí Cumann na mBan.

Cllr. R. Beasley SECONDED this proposal and it was unanimously agreed.

## **14.09.15.12 Tenders opened since the July Meeting**

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. J. Finucane it was agreed to note the opening of the following tenders since the July meeting:

- (a) N70 Laharen to Muinaphuca Pavement Overlay Scheme - Closing date: Friday 25th July, 2014 at 4pm.
- (b) N70 Carhan Road, Caherciveen Pavement Overlay - Closing date: Tuesday 29th July, 2014 at 4pm.
- (c) Land Valuation - Listowel Bypass - Closing date: Tuesday 19th August, 2014 at 4pm.

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- (d) Ballybunion Castle - Conservation Works - Closing date: Friday 22nd August, 2014 at 4pm.
- (e) Castleisland Area Services Centre - Repairs to Atrium Roof - Closing date: Wednesday 27th August, 2014 at 11am.
- (f) 2014 Non National Roads - Bituminous Overlay Requirements - Phase 2 - Closing date: Wednesday 3rd September, 2014 at 4pm.
- (g) Supply and erection of Safety Barrier Repairs on National Roads in County Kerry - Closing date: Friday 5th September, 2014 at 4pm.

Mr. G. O'Brien informed the meeting that a further 5 tenders were currently advertised with a closing date of the 10<sup>th</sup> October 2014 at 3pm. The following is a list of those tenders:

1. Plant Hire 2015.
2. Footway & Road Pavement Restoration and Ancillary for the Public Sector (For works anticipated to be LESS than €50,000)
3. Supply & Placement of Road Making Materials and Ancillary Works for the Public Sector (for works anticipated to be in EXCESS of €50,000)
4. Supply ONLY of Road Making Materials for the Public Sector.
5. Supply of Ready Mix Concrete for the Public Sector.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Finucane it was agreed to approve the opening of these tenders.

### **Update on E-Payments**

Ms. A. McAllen informed the meeting that 19<sup>th</sup> September 2014 is being marked as e-Day, the day from which the practice of issuing or accepting cheques from business users will cease.

The aim of the initiative is to eliminate the use of cheques by the public sector in dealing with customers and suppliers with resulting cost savings to both parties. However payment by cheque remains a viable legal option. It is the policy of Kerry County Council that Electronic Fund Transfer (EFT) is the preferred payment method for all suppliers. The majority of payments made by the council (including payroll) is via EFT with a very limited use of cheques.

However, there remain many business suppliers and customers who choose not to use EFT as a payment method. In particular, many commercial ratepayers choose to use cheque payments as their preferred payment option. Kerry County Council will continue to work with suppliers and customers and the

Department of the Environment to ensure that no funds are lost to the Council arising from this initiative.

Cllr. M. Gleeson welcomed the fact that the Council would continue to accept cheques out of respect to our customers. There are many people who prefer to use cheques as a method of payment. It is arrogant of the Government to return cheques after the 19<sup>th</sup> September. Cllr. Gleeson said 40% of the people in this county are not computer literate and the same applies to EFT.

Cllr. N. Kelleher concurred with the views expressed by Cllr. Gleeson and said paying by Debit Card is the best option for rate payers.

#### **14.09.15.13 Notices of Motion**

##### **2. Call to scrap the proposed water charges structure**

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

That the proposed water charges structure be scrapped as it is unworkable, unfair and unacceptable.

**Mr. G O'Brien said that this is a matter for consideration by the Members.**

Cllr. N. Foley said it is time to call a halt to Irish Water. It cost €180m to establish it and this is an unfair and inequitable cost to the Irish tax payer. The set up costs were higher than in the UK. The proposed payment structure is anti-democratic and anti-family. 40% of water is lost through the pipe network and only when this is resolved should water charges be introduced. Two adults and two grown up children will be charged €470 approx. and it is said the daily allowance will be one shower and one flush of the toilet. It was originally said that the allocation per child would be 38,000 litres per annum but this has now been reduced to 21,000 litres per annum. Age Action Ireland say people are very confused and don't know how to deal with this. The proposed water charges will put a huge burden on families. She PROPOSED that the proposed water charges structure would be scrapped.

Cllr. D. Quigg supported the motion and said people are being asked to enter into a contract with Irish Water yet the water supply in the Mid Kerry areas is deplorable. He called on Irish Water to provide drinkable water to the customers in this area.

##### **4. Purpose built ambulance centre on the grounds of Kerry General Hospital.**

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

To call on the HSE and the Department of Health to design and build a new purpose built ambulance centre on the grounds of Kerry General Hospital as the present centre is unfit for purpose.

**Mr. G O'Brien said that this is a matter for consideration by the Members.**

Cllr. J. Finucane said he visited the Ambulance Centre at Kerry General Hospital and he saw the facilities in place for paramedics. This facility is not fit for purpose and there are issues with parking. There is no proper storage facility and inadequate rest areas. These facilities are unacceptable for very effective paramedics who return after a traumatic accident and need rest. There are no proper facilities for female members as the changing areas are shared. He notified the Minister's Office of this and the HSE replied stating "*The National Ambulance Service (NAS) has identified the need to upgrade and extend the accommodation at Tralee Ambulance Station and plans are in place in respect of the design and type of works to be undertaken. The NAS continues to work with HSE Estates Directorate in order to progress the identified works as soon as possible.*"

Cllr. Finucane said he understood the HSE are seeking to acquire a building for storage outside the hospital grounds. He urged the HSE to use the Ambulance Centre as a storage area and to design and build a purpose built Ambulance Centre. He requested that a letter would issue to the HSE locally to insist before any alterations are made to the Ambulance Centre that they would consider this suggestion.

The Cathaoirleach **SECONDED** the motion.

## **6. Clarification of Non Principal Place of Residence**

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

Can Kerry County Council clarify Non Principal Place of Residence as the legislation states if a person rents their principal place of residence for 2 or 3 months of the year and live in the house for the remainder of the year, please clarify if this is classed as a principal place of residence. I know constituents who are doing this but are receiving letters from Kerry County Council implying that their houses owe vast sums of money - €4,300 and will rise to €7,000 plus after September 1st 2014.

**The following report issued:**

**Broadly, these types of cases would not be held liable for the NPPR charge. However, Kerry County Council will consider all cases presented in line with current legislation and the exemptions in place.**

Cllr. S. Fitzgerald said a number of constituents approached him saying they let their houses for three or four months a year and they move in with family during this period. They received letters stating they may be liable for NPPR. Some were told

over the phone they would not be liable but others received subsequent letters which is a cause for concern for these people. He requested clarification on this matter.

Cllr. M. Gleeson supported the motion and said he believed some of this legislation is immoral. A person who has to relocate to a flat in Dublin and who has a house in Kerry is subject to NPPR. He was aware of a young woman who bought a house 7 or 8 years ago. She then emigrated and her marriage failed. She is now renting a house closed to her mother as her mother is not well and she is subject to NPPR.

Cllr. A. McAllen said letters issued following an exercise undertaken over the past few months to try to identify properties that maybe subject to NPPR. It is possible if people contacted the Revenue Office as a result of getting one of the letters there may have been a crossover of letters. It is up to each individual to retain evidence to ensure it is available when a property is sold. The crossover of letters arose as a result of the volume of enquiries. There are still a few hundred queries to be processed and she would try to ensure customers would not receive a further letter if they are not liable.

The Cathaoirleach said Notices of Motion 7 and 14 are similar and would then be taken.

**7. Comprehensive plan of action to resolve the urgent flooding risk in Ballylongford.**

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

I call on Kerry County Council to initiate a comprehensive plan of action to resolve the urgent flooding risk in Ballylongford. I would further ask Kerry County Council to give full details of the measures that they deem necessary to deal with this extremely worrying situation.

**14. Flooding of properties in Ballylongford.**

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

What are the Council doing in relation to the serious concerns of the local residents who have been flooded in Ballylongford for a number of winters and cannot obtain insurance for their properties.

**The following report issued:**

**The OPW commenced the CFRAM (Catchment Flood Risk Assessment and Management) Programme in 2011. Ballylongford is included in the Shannon River Basin District CFRAM study. Currently the Consultants retained by the OPW are preparing detailed Flood Maps, which are expected to be published later this year. The final output from the study will define the current and future flood risk in Ballylongford and how this risk can be managed. The Council has been working in close liaison with the OPW and**

**their Consultants to ensure the completion of this study as speedily as possible and to identify any measures that are necessary to mitigate against the risk of flooding. This will allow the Council to seek the necessary funding for works identified.**

**The carrying out of Flood Risk Assessments is quite complex and detailed modeling is required. The difficulty in providing any mitigating measures is in assessing the implications such measures could have on other properties.**

**However, some measures have been identified, to address the issue of flood waters coming up through the sewer network, to be implemented as part of the new sewerage scheme, currently under construction.**

**A submission was made to Irish Water to divert all sewers in the village, which currently discharge directly to the river, to the new Waste Water Treatment Plant. This would prevent flood waters coming up through these sewers in future.**

**A new tidal tank will also be constructed as part of the scheme. This will allow for treated effluent from the sewerage scheme to be stored and pumped out on the ebbing tide, and thus reduce the risk of sewers backing up during times of flood or exceptionally high tides, as is currently the position.**

**Whilst these measures will reduce the risk of flood waters coming back through the sewers, they will not eliminate the risk of flooding to those properties in the flood catchment. The local Municipal District Engineer will meet with the Secretary of the Flood Action Committee to ascertain if there are any short term measures that can be identified to reduce the risk. These will be assessed in consultation with the OPW. The Council will continue to implement the protocols in our severe weather plan, to inform the community of any major impending risks of flooding and provide the appropriate emergency response measures.**

Cllr. R. Beasley said that reassurance is appalling. These residents are in the same position they were last winter but they do not have house insurance now. They are living in fear of further flooding. It is difficult to believe nothing has been done to give them protection. There is no mention in the reply to Rusheen where the bank needs to be raised and this is also the case at the Cashen. Cllr. Beasley expressed his disappointment with the reply.

Cllr. J. Finucane said there are 22 families' worst hit in Ballylongford than anywhere else. Minister Simon Harris will visit Ballylongford on the 6<sup>th</sup> October and it is important the Council has a comprehensive plan in place to address this flooding.

Mr. O. Ring said it is up to the OPW to come up with a definitive plan. The Municipal District Manager and Engineer met the Ballylongford residents last Thursday. They requested that a short term plan would be drawn up to strengthen defences. A report will be prepared in the next week and the Senior Management Team can then consider what works can be done.

The Chief Executive said Kerry County Council can do so much but the longer term plan is a matter for the OPW.

**8. Autistic unit in the Mid-Kerry area attached to a secondary school.**

**Pursuant to notice duly given Cllr. JF Flynn PROPOSED:**

To call on the HSE to try and establish an autistic unit in the Mid-Kerry area attached to a secondary school. A lot of children will need this facility shortly and Mid-Kerry would be a central location.

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

Cllr. J.F. Flynn PROPOSED that the Council would contact Minister Jan O'Sullivan to try to get a special autism class attached to a mainstream Secondary School. In the Mid Kerry area there are two special autism classes attached to two primary schools – Castlemaine and Cullina. Between these two schools there are well over twenty children that will need this service starting from September 2015. This just shows that Mid Kerry is geographically in need of this service. Where are these children to go if a service is not provided. In 2007 1 in 165 children were being diagnosed with autism and at present that number has increased to 1 in 100. This shows that this is becoming a bigger problem. Studies have shown that children with autism progress better in a mainstream setting with the correct supports. Every child is entitled to an education suited to their needs and he felt it is only right we provide for them.

Cllr. M. Cahill SECONDED the motion and said there is an urgent need for another school for children with autism in the Mid Kerry area. He acknowledged the facility provided in Beaufort but said in an ideal world every school should provide services for children with autism.

Mr. J. Breen pointed out that facilities are being provided for children with ADHD in the Library in Killarney.

**9. Progress report on the "Greenway" between Glenbeigh and Caherciveen**

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

That Kerry County Council give a detailed up-to-date progress report on the "Greenway" between Glenbeigh and Caherciveen. Will the Council give favourable consideration to increasing the payment to land owners so as to compensate them adequately?

**The following report issued:**

**During June and July 2014 a series of five meetings were held with landowners affected by the proposed scheme. These meetings outlined the proposal, the nature of the works involved and the compensation available. It was agreed at the meeting that representatives of Kerry County Council would meet with each landowner and discuss the proposal further. Between Mountain Stage and Caherciveen the majority of landowners have been consulted. Meetings with the landowners from Mountain Stage to Glenbeigh will commence during September. It was agreed that following these meetings with individual landowners, that a second series of meetings would be held in September to report on progress. The first of these meetings was held on Tuesday, 2nd September 2014.**

**In the grant funding received from the Department, no provision was made for the purchase of land. As a result, the project is under significant financial pressure and any increase on the current offer would have serious implications for the ability of the Council to complete the scheme within the funding available.**

**Kerry Council was very fortunate to receive this funding for these very important amenities for the County. The co-operation of local landowners to date has to be acknowledged and is very much appreciated; however progress cannot be made without 100% backing. It is Kerry County Council's intention to complete this project to a very high standard and to continue to maintain it thereafter. As well as being an amenity for the local communities, the Greenway Project between Glenbeigh and Caherciveen has the potential to generate revenue both through domestic use and overseas walking tourism. South Kerry has the capacity to grow further its tourism product and this opportunity to develop the Greenway has huge potential to further develop walking tourism in the County. In addition to that, it is anticipated that other ancillary services will develop quickly after completion of these walks.**

Cllr. M. Cahill said this is a very exciting project. This facility has the potential to be Kerry's greatest attraction. It would be the equivalent of a factory to this area. Cllr. Cahill said he strongly believes the compensation offered to land owners should be increased to €25,000 per acre as the current rate of €15,000 is a pittance. He pointed out that many landowners have already entered into agreements and he called on Management to revisit the compensation package on offer.



Cllr. J. Healy-Rae supported the motion and said if a landowner sells a strip of land it must be taken out of his /her Area Aid and he must pay a consultant to do this. It is unfair to expect a landowner to be out of pocket and if the compensation package is not increased we will end up with nothing.

**10. Speed limit review in the Killarney Municipal District.**

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

That Kerry County Council commence a speed limit review in the Killarney Municipal District.

**The following report issued:**

**It is our intention to carry out a review of the special speed limit Bye-Laws for the County. This request will be considered, in consultation with the Operations SPC, when we are developing the Directorate's work programme for 2015, having regard to available resources and the priorities of Council.**

**There is a detailed statutory process and extensive procedures to be followed when completing a special speed limit review, as set out in Section 9 of the Road Traffic Act, 2004. Unfortunately, due to the reduction in resources and the workload of the Operations Directorate, we have been unable to commit to completing a speed limit review for the county since the current Bye-Laws were adopted in November 2006.**

**In accordance with the provisions of Section 21 of the Local Government Reform Act, 2014 and S.I. No. 231/2014 - Local Government (Performance of Reserved Functions in Respect of Municipal District Members) Regulations 2014, to ensure consistency in the application of Special Speed Limits across the county, any review of these Bye-Laws will have to be considered for the county as a whole and presented to the plenary Council, for adoption.**

Cllr. J. Sheahan asked when the Speed Limit Review would commence. He then referred to the Aghadoe and Madams Hill junction and said traffic is travelling at 100km per hour as they leave Killarney and approach this junction. The previous week at 8am he witnessed two near misses at this junction. He requested that the Speed Limit Review would be fast tracked as this issue must be addressed as soon as possible. There were a number of bad accidents at this location during the summer and also at Lissivigeen. Vehicles are travelling too fast on the main road and motorists do not have enough time to access the main road. Cllr. Sheahan referred to the Muckcross Road and said jarveys' find it difficult to cross to Muckcross House and Gardens. He requested an extension of the speed limit to facilitate people using these roads.

Cllr. B. Cronin **SECONDED** the motion and said he raised the problems with the junction at Aghadoe on a number of occasions. There were a number of accidents there this year. The same applies to the Lewis Road junction where speed is the issue and said he believes there is no monitoring of speed at these junctions. This also applies to the Hans Liebherr road. He requested that the Speed Limit Review would commence as soon as possible.

The Cathaoirleach said Notices of Motion Nos. 11 and 25 would be taken together.

**11. Allow hedge cutting on roadsides all year round.**

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

That we the Members of Kerry County Council ask the Department of the Environment to allow hedge cutting on roadsides all year round as it is totally ridiculous to suggest that birds would make their nests close to any road. Urgent action needs to be taken on many roads as they are totally closed in with bushes, briars and trees to the detriment of vehicle, commercial and pedestrian traffic. Also, could Kerry County Council purchase their own hedge cutting equipment or set up a grant scheme to assist landowners.

**The following report issued:**

**The request to the Department of the Environment, Community and Local Government is a matter for resolution by the members, but the following is a summary of the current statutory provisions.**

**Under the provisions of Section 40(1) of the Wildlife Act 1976, as amended by Section 46(a) of the Wildlife (Amendment) Act 2000, it is an offence for a person to cut, grub, burn or otherwise destroy, during the period beginning on the 1st day of March and ending on the 31st day of August in any year, any vegetation growing in any hedge or ditch.**

**Section 40(2) of the Wildlife Act 1976, as amended by Section 46(b) of the Wildlife (Amendment) Act 2000, provides that the sub-section (1) of the Act shall not apply in relation to the cutting, grubbing, or destroying of vegetation in the course of any works being duly carried out for reasons of public safety by a Minister of the Government or a body or regulated by or under statute.**

**Section 70 (2) of the Roads Act 1993 states that “The owner or occupier of land shall take all reasonable steps to ensure that a tree, shrub, hedge or other vegetation on the land is not a hazard or potential hazard to persons using a public road and that it does not obstruct or interfere with the safe use of a public road or the maintenance of a public road” and “Where a tree, shrub,**

**hedge or other vegetation is a hazard or potential hazard to persons using a public road or where it obstructs or interferes with the safe use of a public road or with the maintenance of a public road, a road authority may serve a notice in writing on the owner or occupier of the land on which such tree, shrub, hedge or other vegetation is situated requiring the preservation, felling, cutting, lopping, trimming or removal of such tree, shrub, hedge or other vegetation within the period stated in the notice”**

**The Councils policy in relation to hedge cutting was reviewed through the Transport SPC and adopted by Council in June 2010. Where locations of overgrown hedges are brought to the attention of our Roads Enforcement Officer these are investigated and appropriate action taken in accordance with the statutory provisions and our existing policy.**

**The policy and it's current application can be reviewed by the Operations SPC. A proposal by a member that the Council purchase it's own equipment and allow the use of CCA's for hedge cutting was also considered by the SPC in 2010, but all other members considered that this would seriously impact on the Council's limited funding for road maintenance and discourage the substantial majority of responsible landowners, who comply with their legal obligations.**

**Kerry County Council carries out a limited amount of hedge cutting to improve junction safety and trim back hedges in advance of roadworks for safety reasons. These services are procured by contract and there are 47 hedge cutting contractors on the Local Authority Plant Hire Framework for Kerry. It is considered that there is an adequate supply of contractors available in the county to provide a service for all landowners.**

**25. Bringing forward the date for hedge cutting from 1st September to 1st July.**

**Pursuant to notice duly given Cllr. D McCarthy PROPOSED:**

**To ask the Minister for the Environment to look into bringing forward the date for hedge cutting from 1st September to 1st July because of the excessive growth of hedges.**

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

**Cllr. D. Healy-Rae said many roads are closing in as the hedges are completely overgrown and the present policy is not working. Landowners have been informed they are responsible for the cutting of hedges but he contended that the local authority is responsible for the area outside the ditch. In many instances briars and bushes are growing out onto the road and as a result people cannot walk or cycle safely on the road. Cars and vehicles are being damaged and this is unfair. People have pointed out that they are paying motor tax and all other taxes but they are not getting anything in return. The Council cannot write to the landowner until September and everyone is aware that the growth is not as intense and the**

necessity is not as great at that time of year. He requested that a letter would issue to the Department calling on them to review their insistence that hedges cannot be cut until after September. He pointed out that birds will not nest beside the road. The Roads Enforcement Officer issues letters to landowners but by the time the letters issue it is too late. The date from when hedge cutting can take place must be reviewed to allow landowners to cut hedges earlier than September. He acknowledged that the Council cuts hedges at junctions but said that is not sufficient with the volume of cyclists on roads.

Cllr. D. McCarthy agreed with Cllr. Healy-Rae and said if something is not done there will be a tunnel in every road. Bushes are growing out onto the roads. He SECONDED Cllr. Healy-Rae's motion and said landowners should be allowed cut hedges from 1<sup>st</sup> July. If landowners do not cut hedges the Council should cut them and recoup the cost from the landowners Single Farm Payments.

Mr. G. O'Brien informed the meeting Notice of Motion No. 12 was being deferred to the October meeting.

Cllr. P. Daly moved Notice of Motion No. 13 on behalf of Cllr. T. Ferris.

**13. People engaged by Kerry County Council under the Gateway Scheme.**

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

How many people have been engaged by Kerry County Council under the Gateway Scheme, how many are male, how many are female, what Departments have they been allocated to and how many are in each Department?

**The following report issued:**

**Kerry County Council currently employs 15 Gateway participants who are assigned as follows:**

<b>Tralee Municipal District</b>	<b>11</b>
<b>Listowel Municipal District</b>	<b>2</b>
<b>Killarney Municipal District</b>	<b>1</b>
<b>Corporate Affairs</b>	<b>1</b>

**All 15 participants are male.**

The Cathaoirleach said it was 1pm and he would then take Item No. 11.

**14.09.15.11 Presentation by IBEC's Telecoms and Internet Federation**

The Cathaoirleach welcomed Mr. Torlach Denihan of IBEC's Telecommunications and Internet Federation together with the other members of the delegation present. He then called on Mr. Denihan to address the meeting.

Mr Denihan thanked members for the opportunity to address them. At the outset he pointed out that TIF is the IBEC representative body for the telecommunications industry and its members include all companies making significant investments in telecommunications infrastructure in Ireland and in Kerry. This is an industry presentation and not company specific. If members have specific questions he would forward them to the relevant company for a response. Mr Denihan then introduced the delegation to the meeting, Mr. Paul Bradley Eircom/Meteor, Mr. Thomas Grant Enet, Mr. Ronnie Horan and Mr. Niall Fitzpatrick ESBT, Mr. Eamon Farrell Vodafone and Dr. Emer Condon also from TIF. He then called on Mr Paul Bradley of Eircom to address the meeting.

Mr Bradley said, as the larger service provider in the county they are in the middle of building the next generation open access network. There are 15 providers using their fibre optic network at present. They have now passed 1 million homes using the service in the country. Eircom has 24,000 customers in Kerry. When the rollout is complete they will be delivering 20 new sites and introducing 4G services to Tralee and Killarney by June of next year. Mr Bradley then displayed a map and said the locations where fibre optic service is available is identified in green and those identified in blue will be underway in Q1 of 2015. The areas identified in orange are those where fibre-optic broadband will be delivered in 2016. It is hoped to reach every community with a population of 800 - 900 people or more during the course of the rollout of this service.

Mr Thomas Grant of Enet then addressed the meeting.

Mr Grant said his company manage The MANS and there are four in Kerry in Castleisland, Killarney, Listowel and Tralee. They would be interested in speaking to local authorities who would like to connect businesses in their areas.

Mr Ronnie Horan of ESB Telecoms Ltd then addressed the meeting. He said ESB Telecoms Ltd is a wholly owned subsidiary of the ESB. They provide infrastructure and backhaul service provider to mobile operators. They currently own and operate 12 tower sites in Kerry. The existing investment involves the addition of the Southwest fibre ring to the ESBT's existing national fibre network. This will connect Tarbert to Cork passing through Kerry via both Tralee and Killarney, by way of over 200 km of high-capacity fibre-optic cable. This would lead to overall greater connectivity for their customers in Kerry.

Mr Eamon Farrell of Vodafone then addressed the meeting. Mr Farrell said that €6m has been invested in Kerry in the last 18 months to upgrade sites. They doubled the 3G coverage and it is planned to invest €1m in 4G coverage next year. There has been a 50% reduction in drop calls and a 35% improvement in connecting calls. The aim is to have High Speed Data every where they now have Voice rolled out across the county. 90% plus of the population can now

avail of 4G services while over 98% of the population can they avail of HD Voice service. Now that the 1km rule is deleted from the County Development Plan his company looks forward to developing new sites in Kerry in the future.

Mr. Torlach Denihan said the IDA has stated that foreign direct investment projects can always obtain appropriate high speed broadband service in Kerry. The industry has invested c €18m in broadband services in Kerry in the last 18 months. Broadband requires a high cost significant build of telecoms infrastructure (i.e. masts hosting antennae, fibre). Where it is commercially viable companies will provide high-speed broadband, whether fixed or mobile, by making the necessary major investment in telecoms infrastructure. In areas where it is not commercially viable this investment will have to be made by Government intervention. TIF supports such intervention and is working with the Department of Communications to progress matters. In April 2014 the Government announced major fibre build out in rural areas to deliver reliable high-speed broadband. The Minister for Communications recommitted to this in Cahirciveen on 8<sup>th</sup> September saying "This will extend to locations ... having no existing or planned high speed network access". The initial list includes 59 villages and townlands in Kerry. The approval of the European Commission is required for this initiative and they require mapping of broadband coverage in every locality in Ireland. An expert team in the Department is working on this mapping at present and it is hoped to complete it by late 2014 and it is hoped to go to tender in 2015. The objective is to have high capacity future proofed quality broadband network available to all homes and business premises in Kerry regardless of location. Funding is the key and it is hoped to avoid unnecessary local barriers to telecoms infrastructure. 72% of Ireland's population live in rural areas while in other countries this figure is 29%. As a result of the dispersed population and the rugged landscape the provision of broadband in rural Kerry is very challenging. The natural features of the landscape ie the hills and valleys, can degrade the signal quality. Companies seek to provide masts to overcome these obstacles. Rural broadband requires relatively more telecoms infrastructure (masts and fibre) than elsewhere.

Mr. Denihan said local authorities can impose barriers to broadband through levies, bonds and bureaucratic rules and planning objections are another barrier. Local authorities and the public can accelerate or inhibit high speed broadband rollout. Mr. Denihan said Kerry is one of the best County Councils to deal with when the industry needs to open roads to run fibre for broadband. TIF welcomes the removal of the 1km rule by Kerry County Council as it had a negative impact on broadband rollout in Kerry. Kerry is now better placed to compete for future investment by telecoms operators. In conclusion Mr. Denihan said the industry wants to work with Government and Kerry County Council so that a future proofed quality broadband network is available to all homes and business premises in Kerry regardless of location.

All members welcomed Mr. Denihan and the other members of the delegation to the meeting.

Cllr B. Cronin said last February he requested that operators and service providers would be invited to address the Council on the problems in accessing broadband in the County and how these problems can be alleviated. He pointed out that some people in the county do not have any broadband service whatsoever. These people do not live in isolated areas as people in Aghadoe, which is only 1 mile outside Killarney, do not have a broadband service. Barraduff and Listry are also highly populated areas that do not have broadband. People are trying to work from home and the lack of an adequate service is very frustrating for them. This is also an ongoing problem for students. Substantial parts of highly populated areas in the county do not have any service. He believed that the focus of service providers is urban areas where there is a greater density of population. It is critically important that everything possible is done to provide a decent broadband service in all parts of the county. It was recently pointed out to him that 90% of houses in the county have a decent TV reception. He asked if broadband providers and TV providers could co-operate and share infrastructure. Parts of his area do not even have a decent landline service from Eircom. He asked what the prospects are of a decent fibre-optic service in the near future. Cllr. Cronin also asked if there is a need for masts in every community in the county. In conclusion Cllr. Cronin said it is important to focus on this problem, which is widespread in Kerry.

Cllr J. Healy Rae said that mobile phone coverage and broadband are two of the most important services required by business. He welcomed the initiative to try to provide a good broadband service in the County by 2016. He informed the delegation that the abolition of the 1 km rule in Kerry must go through another stage before its abolition is finalised. It is inaccurate to state that it was an impediment to the provision of the service as the companies appealed to An Bord Pleanála and 80% of permissions were subsequently granted. A lady in the Black Valley secured a job with Google but because she did not have an adequate broadband service she lost the job. Glencar is neglected by Eircom as they were promised 5 years ago the service would be upgraded but it did not happen. A mobile phone service and broadband are virtually non-existent in Tuosist and Lauragh. In the parish of Bonane outside Kenmare people were without a service for eight weeks last year and there are a number of small businesses in this area. He accepted companies must make a profit from the service but said other less profitable areas must also be considered.

Cllr. N. Kelleher said he was vocal in relation to the abolition of the 1 km rule and he acknowledged there is one stage yet to go before it is deleted from the County Development Plan. He called on the companies to deliver when the 1 km rule is abolished. Cllr Kelleher expressed his disappointment that one of the largest companies, i.e. '3', who were subsidised by the Government to provide broadband in rural areas, were not present at the meeting. The percentage of

rural broadband users is increasing but companies say it is not viable to provide the service. Urban areas are being catered for, but not rural areas. He spoke with a lady recently, whose daughter could not come home from college to study as they had no broadband. He called on the various companies to ensure that everyone has the same level of broadband.

Cllr J. Moloney said there has been significant investment in voice call coverage, but it is still not great. However he acknowledged it has improved. In Listowel it is said broadband speed is up to 100mgs but he asked what the average speed is in comparison to the cities. Members agreed to abolish the 1km rule and as a former member of Listowel Town Council he suggested that the companies should install free Wi-Fi in towns and he asked if they have any plans to do this.

Cllr P Daly said he is always sceptical of IBEC who opposed the smoking ban and the Lisbon Treaty. The problem in this area is due to outsourcing and they are asking members of the Council to support the Government initiative to provide broadband where it is not profitable. Cllr. Daly said he voted in favour of the removal of the 1 km rule on safety grounds not to boost the profits of multinational companies.

Cllr. M. Cahill said the provision of high-speed broadband is critical for job creation. Areas like Mid Kerry, Glencar, Beaufort and Dingle have had a lot of problems with broadband. It is very difficult for those involved in tourism for whom broadband is critical for online bookings etc.

Cllr. J.J. Culloty said the absence of a representative from '3' speaks volumes. In relation to the 1km rule Cllr. Culloty said 20% of applications are not being granted on appeal and this process takes 18 months. At a recent OECD Conference it was stated that in Europe 25% of people work from home but in Ireland this figure is just 4% due to the lack of an adequate broadband service. Cllr. Culloty said he could not over emphasise how important a good broadband service is. He asked where there is fibre optic passing private houses can they connect to it.

Cllr. J. Sheahan said he met a lot of people who are very annoyed at the level of broadband service they receive. There is no broadband in Muckross or Aghadoe and B & B owners are dependant on broadband for bookings much of which are done online.

Cllr. M. O'Shea said a good broadband service is critical for the county. A lot of people want to work or study from home. He welcomed the inclusion of 59 villages in Kerry on the list for the latest Government intervention in rural areas. The Vodafone service in Mid Kerry is appalling and nothing was done to improve it. Despite the fact that there is a mast in Kilderry it is difficult to get a service in Milltown village and in the greater Mid Kerry area. Cllr. O'Shea said this must be addressed promptly.



Cllr. J. Finucane said there are service providers and commercial factors must also be taken into account. In supporting the 1km rule he wanted to allow planners to fully assess each application. He PROPOSED that service providers would come up with a plan to provide broadband in the county and to revert to members with that plan. He understood the industry is co-funded but they should be able to set out a plan which, if implemented, would ensure a good service. The onus is on the companies to come back with a comprehensive plan. He asked the companies to inform the Council in advance if it will need to apply for permission for additional masts. He acknowledged that a service cannot be provided if the infrastructure is not there but it is up to the industry to inform the Council what infrastructure they require.

Cllr. N. Kelleher SECONDED this proposal.

Cllr. S. Fitzgerald said in most of the Dingle Peninsula broadband service is very poor. They got promises of an improved service but it did not materialise. Broadband at his home is worse now than four years ago.

Cllr. G. Spring concurred with the request made by Cllr. Finucane that the industry would prepare a report on broadband provision in the county for the members of the Council. He said there was a change in the map pre 2014 and he asked if that change is constant. He asked if there are any plans to improve coverage in The Spa, Tralee.

The Cathaoirleach said IBEC were present to give members an update on broadband provision in the county. This is also an opportunity for members to give them feedback which they got on the door steps while canvassing for the recent Local Election. In large centres of population he understood companies had to ensure the service is profitable. However he called on all service providers to work together to provide a good service in rural areas and said there should be adequate income for all companies from this. He requested the various company representatives to forward their contact details to the Meetings Administrator to enable members to give and receive updates as appropriate.

Cllr. D. Healy-Rae expressed his disappointment that some companies were not represented. He asked if all companies work together to try to provide a service. In Barraduff and Headford the TV masts no longer work and residents must use Sky. People living in Farranfore must go to Killarney for broadband. Residents in Lissivane do not get broadband yet down the road in an 066 area there is perfect coverage. The mobile phone service is getting worse in Kilgarvan and Glenflesk and people must go outside their homes to get coverage.

In response Mr. T. Denihan said they cannot provide a service where it is not commercially viable. Members highlighted a broad range of issues. The Government has a very detailed plan to provide broadband in the rural areas however it comes at a cost of €300m to €500m. The 1km rule has been negative for the industry and some masts are not in an ideal location. The company specific queries will be handed over the relevant company for reply. ComReg sets the standards for electro magnetic fields and service providers follow best practice. The masts used to provide TV reception use a different technology and cannot be shared. The Government plan does intend to get to smaller areas. The provision of WiFi hot spots is a matter for individual operators. Mr. Denihan referred to the query asking if companies work together and he pointed out that they are in competition with one another and there is a legal obligation under competition law to be careful regarding the information that is shared. The Government plans an integrated approach which will hopefully provide the answer for rural areas. Mr. Denihan then handed over to Mr. Paul Bradley of Eircom.

Cllr. N. Kelleher asked if '3' were afforded the opportunity to attend the meeting.

Mr. Denihan confirmed they were. However they are in the middle of a huge merger but they are an active member of TIF.

Mr. Bradley said it is important to realise not what has been done to improve broadband but also the vision of what is needed to be done. There is a solution for the entire country. The vision is to increase the 1.2m homes with broadband to 1.6m by the end of 2016. The Department has recognised the need to address the gaps but no country has broadband in all areas and that must be recognised. The available broadband is not as fast as they would like but there will be a range of technologies and as the cost of fibre reduces it will be more plausible to service more rural areas. Eircom used their engagement with local authorities to accelerate their roll out. There is a universal service obligation in relation to the provision of phone services but not in relation to broadband. The provision of any service must be commercially viable and beyond that it is a matter for the Department to address. In 2009 and 2010 in excess of €2m was invested in the service in the Black Valley to provide 46 customers with broadband. They use WiMax with a speed of up to 7mg. The fibre network has transformed the speed of broadband with 70% of the people on fibre network getting speeds of up to 80mg. With first generation customers had to be close to the exchange. 188km of fibre cable is provided in Kerry by Eircom and it is planned to provide a further 100km next year and this will continue. Farranfore is also on the road map for fibre. Mr. Bradley said Eircom has over 200 hot spots around the country. While all areas have not yet been provided with broadband there is progress. Singapore has a population the same as Ireland yet it sits inside an area smaller than the area inside the M50 and it is much easier to provide broadband to such a densely populated area.

Mr. Eamon Farrell, Vodafone said mobile signals work on a higher frequency and they need more masts. They work on a range of 10km and more masts are required than for TV. Despite the fact that companies compete for customers they share masts as they have commercial agreements in place. In Kerry the 1km rule was a problem and the timescale to appeal to An Bord Pleanála slowed the process down by about 2 years. He hoped if that barrier is removed it would help improve the service. However there will be some areas where it is not economic to provide the service. Companies are feeding their maps in to the Department in the hope the Government will bring the service to the remaining areas. Mr. Farrell said he noted the specific areas mentioned and he would take them with him.

Mr. Denihan thanked members for the feedback which is important. He undertook to supply contact details for the companies to the Meetings Administrator and this can be used as a mechanism to respond to individual queries.

Cllr. Finucane requested a response to his request that the companies would produce a plan for Kerry and present it to the members in a few months.

Cllr. N. Kelleher asked if the Government initiative would cover all counties.

Mr. Denihan said he understood it would go to public tender but he did not know if it would be 1 contract or a series of regional contracts.

The Cathaoirleach again thanked Mr. Denihan and all the company representatives for attending the meeting and said the important point is the nature of the county makes it difficult to provide broadband. He hoped progress can be made and with the advances in technology the service can be improved and rolled out to all parts of the county.

Mr. Denihan said when the Government maps are available they will identify the black spots and they will be independent of the service providers. It will then be up to Government to announce how they intend to proceed and the industry can make plans regarding tendering and investment.

The meeting adjourned for lunch at 2.05pm.

The meeting resumed at 2.55pm.

The Cathaoirleach said Notices of Motion Nos. 15, 27 and 33 would be taken together.

**15. Support for the call from Restaurants' Association of Ireland for the ongoing retention of the 9% VAT rate**

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

That Kerry County Council supports the call from the Restaurants' Association of Ireland for the ongoing retention of the 9% VAT rate for the food, tourism and hospitality sector that has helped create one in four of the jobs in the economy. That this Council ask the Minister for Finance to keep VAT@ 9% into 2015 and beyond.

**27. Support the ongoing retention of the 9% VAT rate.**

**Pursuant to notice duly given Cllr. N Kelleher PROPOSED:**

That Kerry County Council supports the ongoing retention of the 9% VAT rate for the food, tourism and hospitality sector which has helped create 692 new jobs in Kerry since July 2011, and that the Council write to the Minister for Finance about this matter.

**33. Retention of the 9% VAT rate for the food, tourism and hospitality sector**

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

That Kerry County Council support the appeal from the Restaurants' Association of Ireland to retain the 9% VAT rate for the food, tourism and hospitality sector that has helped create one in every four jobs in the economy. That this Council ask the Minister for Finance to keep the VAT at 9% for 2015 and beyond.

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

Cllr. P. Connor Scarteen also requested that the resolution would be sent to the Minister for Transport. Kerry is Ireland's premier tourism county and by retaining the 9% VAT for the tourism and hospitality sector additional jobs can be created. The hospitality sector is the largest employer in the county.

Cllr. N. Kelleher said in excess of 31,800 jobs were created nationally and 1,000 of these are in Kerry alone either directly or indirectly by the hospitality sector. This measure has delivered and it is important to stress that.

Cllr. J. Sheahan said villages and towns have benefitted greatly from this measure and he hoped it would be retained.

**16. Legislation to facilitate the takeover of Group Water Schemes.**

**Pursuant to notice duly given Cllr. JJ Culloty PROPOSED:**

As there appears to be no mechanism in place which would allow Irish Water to take over Group Water Schemes, that this Council call on the Minister for Environment, Community & Local Government to urgently set about introducing legislation to facilitate such takeovers.

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

Cllr. J.J. Culloty said there is now no provision in legislation to allow Irish Water to take Group Water Schemes in charge. He expressed his concern at this and said it needs to be addressed. He requested that the Motion would be referred to the Minister for Environment for clarification and to establish how this can be regularised to ensure that a process is in place to enable Irish Water to take Group Water Schemes in charge.

Cllr. B. Cronin said at the December meeting a number of Group Schemes were taken in charge and he understood there are 70 schemes remaining to be taken in charge. It is unclear if this will happen or not at present. There is a need for clarity around the issue of charging Group Water Scheme customers for water also.

**17. Re-examination of the future operation of the centralised Medical Card Application Assessment Unit**

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

That this Council call on the Minister for Health to personally re-examine the future operation of the centralised Medical Card Application Assessment Unit as currently the long delays and total lack of compassion being shown by this Unit to seriously ill patients is disgraceful and must not continue.

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

Cllr. B. Cronin said he raised this issue at the Regional Health Forum and he asked that the process would be streamlined for people with serious illness. At that time he got a verbal commitment that this would be done but nothing has changed since then. He was familiar with a case where the applicant was diagnosed with a serious illness in May and they applied for a Medical Card in June. They got a request for further information and submitted it within 4 to 5 days. A request for further medical information was received and this information was also returned within 4 to 5 days. Now the application is being considered by the Medical Officer. The family are going through enough trauma as the applicant is receiving severe chemotherapy. He is aware of the family's circumstances and he is certain they deserve and are entitled to the Medical Card. The staff at Kerry General Hospital and Cork University Hospital cannot

understand why this person has not been granted a Medical Card. This applicant is not being shown the respect he/she is entitled to. He wrote to Minister Varadkar on this issue and got a reply from the HSE who are in charge of granting Medical Cards. He called on the Minister for Health to personally re-examine the process for granting Medical Cards as he believed the present process has failed a number of families.

The Cathaoirleach **SECONDED** the motion and said he is approached daily by people trying to get Medical Cards. The situation as outlined by Cllr. Cronin is factual. This issue was also raised by Cllr. Culloty at a meeting of the Regional Health Forum and he also got the same reply as Cllr. Cronin got. The reply states *"The HSE have guidelines in place in relation to the provision of Emergency Medical Cards to patients that are terminally ill, or are seriously ill, and in urgent need of medical care that they cannot afford."*

*Emergency Medical Cards are issued within 24 hours of receipt of the required patient details and letter of confirmation of condition from a doctor or consultant."*

The HSE state that an Emergency Medical Card can be issued in 24 hours but his experience indicates this is not the case. He pointed out that members can only email the deciding officer. The Cathaoirleach called on the Press to highlight this issue.

#### **18. Review the existing policy on home improvements for tenants**

##### **Pursuant to notice duly given Cllr. M Kennelly PROPOSED:**

That Kerry County Council review their existing policy on home improvements for tenants in our Housing Programme.

##### **The following report issued:**

**Generally, the various requests received from tenants for improvements to be carried out to their homes are considered in the first instance by our tenant liaison staff. These can vary from requests for changes in heating systems to minor adaptations to more significant extensions having regard to changes in their circumstances. Each request is considered on a case by case basis on its individual merits. Also we must have regard to budgetary restrictions particularly with regard to works requiring significant expenditure. Where necessary, we will advise our tenants of maintenance and repair requests made by them which are their own responsibility as set out in our Tenants Handbook. It is our intention to review various practices which operated in the former Town Councils in dealing with such requests to ensure consistency in approach on a countywide basis through our Strategic Policy Committee. Separately significant planned works have been carried out to our housing stock within available resources over the years, more recently the ongoing**

**Energy Efficiency Programme under which 450 additional homes will have improvement insulation works carried out in the current year.**

Cllr. M. Kennelly said in Listowel if a tenant wanted to install a solid fuel stove, as oil is very expensive, the Town Council facilitated this by putting a payment plan in place for the tenant. He called on the Council to consider continuing this facility for all tenants.

The Cathaoirleach **SECONDED** the motion.

**19. Waiver of the NPPR Charge**

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

That we the Members of Kerry County Council ask Management to consider a waiver of the NPPR charge in certain cases that merit such a waiver.

**The following report issued:**

**Kerry County Council will consider cases of genuine hardship with regard to the payment of the NPPR charge. Persons will be required to submit an application form to the Local Authority together with supporting evidential material and a completed NPPR registration form. The decision of the Council in relation to an application will be based primarily on the supporting documentary evidence submitted. Applicants are advised to ensure that they provide sufficient documentary evidence to prove that genuine financial hardship exists. In addition, Kerry County Council will agree to a payment plan to clear liability in cases where it is felt this is merited.**

Cllr. J. Healy Rae said he believed other local authorities allow those liable for NPPR to agree a payment plan. Also in other local authorities where the individual cannot afford the charge they are granted a reduction. He asked that Kerry County Council would consider these options.

In response Ms. A. McAllen said the original legislation on NPPR is very prescriptive and did not allow for payment plans for liable persons. However subsequent legislation did provide for payment plans. Of the 16,000 people who paid this charge or who entered into a payment plan Kerry County Council never granted a waiver. However we did allow penalties to cease to accumulate when the liable person entered into negotiations with the Council and that is working well. Recently members informed her that Donegal and Roscommon were granting waivers but she checked with them and they do not grant waivers in respect of NPPR.

Cllr. J. Healy Rae asked does the Council intend to write to everyone who may be liable for NPPR.

Ms. McAllen said they got a huge number of queries on NPPR even though the charge has ceased. It will take time to work through these queries. Kerry County Council provides a Certificate of Discharge to a solicitor if a property is being sold. At this point in time Ms. McAllen said she was satisfied most liable persons have contacted the Council with a view to paying the charge. Ms. McAllen undertook to revert to the members if letters will be sent to those who may be liable for NPPR in the future.

Cllr. M. Gleeson said he felt elements of this legislation were unconstitutional. Where a person who owns a house has to leave to take up work elsewhere they are subject to NPPR. It was originally intended that this charge would apply to holiday homes.

## **20. Traffic calming measures at Iveragh Road, Killorglin**

### **Pursuant to notice duly given Cllr. D Quigg PROPOSED:**

That Kerry County Council make funding available to carry out traffic calming measures to Iveragh Road, Killorglin in the interest of grave health and safety concerns.

### **The following report issued:**

**The Iveragh Road is part of the N70 National Secondary Road network. Any improvement works, including the provision of traffic calming measures, is subject to the approval of and provision of funding from the NRA. This issue was raised, following discussions on two similar Notices of Motion moved at the South & West municipal district meeting, in July, at which the members were advised that a grant allocation was provided by the NRA this year, to carry out design works on improvements to this section of the N70 and funding for construction works is anticipated in 2015.**

**As part of the design for the scheme we are examining, in consultation with the NRA, any additional measures that could be considered to address the safety concerns that have been raised by the local community through the elected members in recent years.**

Cllr. D. Quigg said since Boyles Hardware moved to Iveragh Road there is a build-up of traffic from Bunkers roundabout and this issue must be addressed. He added that the parking spaces in Iveragh Road are causing grave concern. School buses park outside St. Michael's Church and that also causes traffic problems.



Cllr. M. Cahill said he was not convinced that what is required in Iveragh Road is traffic calming measures. He believed a Traffic Management Plan is required. The biggest problem is in the morning and evening when there is a huge backlog of traffic from the Post Office to the roundabout at Bunkers. The condition of the road is appalling and this gives a very bad impression to business people coming to FEXCO. He requested that funding would be provided to prepare a Traffic Management Plan.

## **21. Support the Joint Policing Committees.**

### **Pursuant to notice duly given Cllr. D Nolan PROPOSED:**

That Kerry County Council support the Joint Policing Committees set up under previous structures with Town Councils and support their retention and expansion moving forward.

### **The following report issued:**

**Amended Guidelines in relation to the operation of the JPCs have been issued at the end of August 2014 and these are currently being considered.**

**The major amendments included in the Guidelines are as follows:**

- **Committees will operate at City & County level following the abolition of the Town Councils, reflecting a more modern and streamlined approach to the management of local issues**
- **There is a requirement for Committees to develop six year and annual strategic plans and report on their implementation in Annual Reports**
- **The number of community representatives is increased, as this was a recurring theme during the review process**
- **The need for a proper communication strategy to support interaction with local communities and effective and efficient coordination with other local structures is emphasised**

**The Guidelines emphasise the importance of a flow of information between the JPC and the existing structures of the local authority, including the LCDC.**

**A full report will be brought to the Members at the October Meeting.**

Cllr. D. Nolan said the spirit of this legislation originally was to bring community policing to grassroots and to engage with communities in as meaningful a way as possible. The county level is too large a unit and it will decrease their effectiveness; their presence to communities and it will impact on the quality of communication systems with local interests such as Community Alert Groups. Cllr. Nolan requested that the possibility of committees within the JPC would be considered.

Cllr. N. Foley **SECONDED** the motion and said prior to the establishment of the JPC at Town Council level informal meetings were held with Garda representatives. It would be helpful if similar meetings could be held at Municipal District level.

The Cathaoirleach supported this suggestion.

**22. Use of current leasing system to meet housing needs in the Listowel area**

**Pursuant to notice duly given Cllr. A.Thornton PROPOSED:**

Can Kerry County Council outline to what extent they are effectively using the current leasing system to meet housing needs in the Listowel area, particularly those with urgent need.

**The following report issued:**

**There are currently 114 households who are having their social housing met in accommodation secured in the private rented sector in the Listowel Municipal District utilising both the Rental Accommodation Scheme and the Social Housing Leasing Initiative. We will continue to actively engage with the private rented sector in each of the Municipal Districts in Kerry in order to source and secure accommodation utilising these options as well as the proposed Housing Assistant Payment (HAP) which was recently passed into law and which is anticipated to be rolled out in Kerry in 2015.**

**It should be noted however that more recently in some areas of the County, we are finding it increasingly difficult to source accommodation due to increasing private market rents. Also, in certain cases, this social housing option is inappropriate in meeting the housing needs of individuals who have or develop a disability where adaptations may be required and the private landlord may not be willing to undertake the necessary works.**

Cllr. A. Thornton said she submitted this motion because of the level of phone calls she receives from constituents on housing issues. The update on the new Housing (Miscellaneous Provisions) Act 2014 in the CPG report was helpful and she welcomed the Cathaoirleach's suggestion that this would be an Agenda item for the October meeting when members can have their queries answered.

**23. Reduced rates for town centre located businesses**

**Pursuant to notice duly given Cllr. P. Daly PROPOSED:**

Can management confirm whether it will be within the power of the Council to offer reduced rates to town centre located businesses.

**The following report issued:**

**A single Annual Rate on Valuation (ARV) is adopted for the County at large at Budget time and there is no provision to vary this rate for town centre located businesses. The Council, while making all efforts to optimise collections, will continue to review, on a case by case basis, the position of businesses experiencing difficulties due to the economic climate.**

Cllr. P. Daly said he wished to add 'for retailers' to the motion. If such a scheme was put in place it would encourage people to live in town centres. He asked what incentives could be put in place to encourage more people to live in town centres.

The Chief Executive said the legislation governing rates is old and strict and it does not include a mechanism to encourage people/business back to town centres. The issue of vacant properties will be discussed at the pre-Budget briefing and how this impacts on areas. As a rates reduction is not an avenue open to the Council consideration can be given to schemes in other local authorities.

**24. Reduction in services at St Francis' Special School in Beaufort**

**Pursuant to notice duly given Cllr. P Daly PROPOSED:**

That the Council write to the new Minister for Health, Minister Varadkar and the HSE in support of the parents, students and staff of pupils attending St Francis' Special School in Beaufort who have been adversely affected by the "Reconfiguration" policies that led to a reduction of close to 90% of essential therapies and special needs services to those particular pupils.

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

Cllr. N. Moriarty said the situation in St. Francis's School has not improved and the assurances given were reneged on. We must ensure the rights of the most vulnerable are protected and that occupational therapy, speech therapy and physiotherapy are provided for these children. These services were withdrawn while other schools got an increase in their services.

Cllr. M. Cahill said a number of members attended meetings on this issue and the Minister met officials and parents. At this meeting commitments were given but they were not delivered. Up to 90% of services were removed from St. Francis's and this is completely unacceptable. Rather than reducing services we should be striving to provide a Centre of Excellence at St. Francis's. Cllr. Cahill supported the motion and called on the new Minister for Health to address this issue and to ensure the services at St. Francis's School are re-instated.

Cllr. J.J. Culloty moved Notice of Motion No. 26 on behalf of Cllr. M. O'Shea.

**26. Compulsory wearing of reflective clothing by motor cyclists**

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

That Kerry County Council write to the Ministers for Environment / Transport asking that all motor cyclists be obliged to wear reflective clothing (on jacket and/or on the front and rear of helmet). The recent number of road fatalities involving motor cyclists warrant urgent action in this area of road safety. This regulation would be similar to the obligation on heavy goods vehicle drivers to have a reflective jacket accessible in the cab for use in the event of breakdown.

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

**28. Productive use for some or all of the unoccupied houses in County Kerry**

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

As a number of years have passed since I called on: The Government, The National Builders' Association and Housing Section of Local Authorities to come together with a view to determining a productive use for some or all of the unoccupied houses and as 11,500 such houses exist in County Kerry, exclusive of Holiday Homes, that this Council would clarify if any such meetings have taken place and if any real progress has been made towards achieving a productive and creative result.

**The following report issued:**

**The productive use of vacant houses is fully and entirely dependent on the willingness and co-operation of the property owner to bring their property to the market either for sale or rent. There are a myriad of issues as to why properties are vacant and remaining so. Recently Minister Jan O'Sullivan in her then capacity as Junior Minister in the Department of Environment Community and Local Government with responsibility for Housing and Planning called together the Directors of Housing in each local authority to address these and related matters and to look at means of increasing the availability of housing stock. The making available of these vacant houses will need to be undertaken on an individual owner basis subsequent to an extensive study to determine the reasons why these properties remain vacant. Any such study would require external resources with no guarantee that any such survey would result in securing a productive use of the property for our purposes.**

**Specifically no meeting has been organised by this local authority with the Construction Industry Federation and the Department of Environment Community and Local Government though we did have discussions with the CIF locally who agreed to link in with its members with regard to identifying such opportunities which may be developed in Kerry in this context. The CIF is also represented in our Housing SPC where this issue has also come up. Also we are in regular contact with the Housing Agency which operates under the**

**auspices of the DECLG in the context of exploring opportunities with regard to vacant properties with which NAMA may have an involvement.**

Cllr. M. Gleeson said a recent Irish Times article said Dublin City Council is planning to bring together property professionals and financiers in an attempt to find 'creative solutions' to the housing crisis in the city'. He brought this issue to Councils' attention at least four years ago. He would wait to see what productive solutions Dublin City Council would come up with. Cllr. Gleeson said while he was satisfied there is no one homeless in Kerry there are people who want to own a home. There is a large number of vacant houses in Kerry and some are being degraded. Some of the owners would like to see the ownership transferred and financing arranged to allow these houses to transfer to the local authority. The time has come to force this issue otherwise the anti-social element will increase and the housing list will expand. He called on the Cathaoirleach to take a lead role in resolving this issue.

The Cathaoirleach said this can form part of the discussion at the October meeting on the new Housing legislation.

Mr. J. Breen said there are 11,500 vacant houses in the county and we need to look at the model of housing allocation. Part of the problem is the housing that is available is in different areas to where the demand is and we must rethink how these properties can be brought into use.

**29. Abolition of the Student Service Charge**

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

That Kerry County Council call on the Government to abolish the Student Service Charge that is currently imposed on apprentices.

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

Cllr. N. Foley said the imposition of this charge is just short of an attack on young people. It will have a detrimental effect as it is being introduced from January. This is a further example of a lack of joined up thinking on education for young people. This charge can vary from €800 upwards. The imposition of this service charge will prevent people from taking up educational opportunities. No other EU country has levied such charges. The total cost to the State would be just €1.6m and the Government will recoup this once young people get work following their training. Cllr. Foley asked for the support of members to unanimously call on the Government to abolish this charge. She requested that the resolution would be circulated to all local authorities.

Cllr. J.J. Culloty then moved Notice of Motion No. 38 as it relates to the same issue.

**38. Rescind the very unfair Student Services Charge on the apprentices.**

**Pursuant to notice duly given Cllr. JJ Culloty PROPOSED:**

That this Council call on the Minister for Jobs, Enterprise & Innovation to rescind the very unfair Student Services Charge on the apprentices which was implemented on 1st January 2014. This is a tax on training as student services are not available to or availed of by apprentices.

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

Cllr. J.J. Culloty said just 10 plasterers; bricklayers and painter/decorators will qualify in their trades in 2018 despite a planned construction drive in the next 10 years. This is very worrying considering the shortage of houses and according to the ESRI we need to build 12,500 units a year. The lack of qualified tradesmen will put serious pressure on these targets. Ten years ago 700 bricklayers and 300 plasterers were in training. The downturn in the construction industry has had an impact on the number entering trades but these fees are acting as a major deterrent. We are facing a major crisis as there are 100,000 people on the social housing list and the Taoiseach launched the Construction 2020 project but without skilled labour this strategy will not reach or even get close to its full potential. According to the figures only 4 people have taken up plastering apprenticeships; only 3 are studying bricklaying and a further 3 are studying painting and decorating. There are no new tiling apprentices this year. There were only 2 carpentry apprentices in Kerry last year.

**30. Provision of funding for strengthening works at Incharee, Glenbeigh and Cromane Lower**

**Pursuant to notice duly given Cllr. J.F. Flynn PROPOSED:**

To ask Kerry County Council if funding has been received for strengthening works at Incharee, Glenbeigh and Cromane Lower.

**The following report issued:**

**The challenges faced along our coastline to the threat of erosion have been highlighted, for many years, with various Government Departments, who had the statutory responsibility for funding coastal protection measures.**

**In 2002, following a call, by the then Department of Communications, Marine and Natural Resources, for funding submissions under a 4 year multi-annual programme, a detailed study of the coastline was undertaken.**

The coastline in Kerry has an overall length of 684km, which includes 104km of islands coastline. This represents 12% of the national coastline. Of greater significance is the fact that 378 km of the coastline is termed “soft” coastline, with Kerry having the second largest length of such coast nationally. The study in 2002, identified that 108km of the coastline was at risk of erosion and 41km was identified as being in need of urgent attention. A conservative estimate for the necessary protection works was over €26m.

Following this study the Council submitted a prioritized programme of works to be undertaken at vulnerable locations. The list outlined the 10 top priority locations, with an estimated cost of €10.8m, but was by no means exhaustive of areas where protection works were necessary.

Over the past 12 years a very limited amount of funding has been provided for coastal protection measures, primarily in response to emergency repairs at the following locations:-

<u>Location</u>	<u>Cost Estimate</u>	<u>Grant Received</u>	<u>Council's Own Resource Funding</u>	<u>Year</u>
Ballyheighue	€2.5m	€525k	€175k	2002 & 2003
Inch	€4m	€1.995m*	€1m	2007 & 2008
Kilfenora / Fenit	€600k	€360k	€40k	2009

\* €950k provided by Department of Environment, Heritage & Local Government for road repairs, due to undermining of the road

The works undertaken at Ballyheighue and Kilfenora / Fenit were tailored to the level of funding received, but the actual expenditure at Inch was €4m, with the Council currently carrying a debit balance of €1m for these measures.

Consequently, due to the substantial costs involved, the very limited funding available and the impact on our own resources necessary to leverage any grant aid, the Council has only prioritized those locations, where a serious threat of damage to our strategic infrastructure was identified, in recent submissions to the various Government departments for funding.

However, following a breach of the embankment at Incherea in 2009 and weakening of the embankment at Cromane Lower, representations were made to the OPW for strengthening works at these locations. These embankments are in third party ownership and the Council agreed to carry out the works on an agency basis, given the serious risk posed to damage and flooding of local homes. The cost of the works in each case was estimated at €350,000. The Incheree protection embankment was originally constructed by the Board of Works / Land Commission, a predecessor to the OPW.

In 2012, we received funding approval of €80,000 for works at Incherea and €100,000 for works at Cromane Lower, under the Minor Flood Mitigation Works and Coastal Protection Scheme, with the Council liable for 10% of the cost of the works and the OPW funding 90% of the cost. The Council carried out the works, but it was made clear to the OPW that the level of funding provided was insufficient to provide the necessary strengthening works identified and was only adequate to repair damage caused in previous years.

Following the serious storm damage in late 2013 and early 2014, the Council made an application to the Department of the Environment, Community and Local Government for repair costs. The funding request was for €1,226,920 in respect of Coastal Protection and Flood Defence Infrastructure repair works at 22 locations, including €30,000 for Cromane Lower, and an additional €18m for Coastal Strengthening works.

In correspondence dated the 11th March 2014 from the Department, the funding of €1,226,920, for repair works, was approved, but no funding was provided for coastal strengthening works. The repair works in Cromane Lower are scheduled to be completed by mid-October.

Cllr. J.F. Flynn referred to a letter dated 22 July 2014 received from the OPW which states as follows:

*“On foot of a direction from the Department of the Environment, Community and Local Government (DoECLG), Kerry County Council submitted to the Office of Public Works a programme of works detailing how it proposes to spend the allocation for repair of coastal protection and flood defence infrastructure. The programme included a sum of €800,000 sought by Kerry County Council for works at Rossbeigh but did not include for works at Incherea.”* Cllr. Flynn asked why Incherea was not included in this submission for funding.

Cllr. D. Quigg then moved Notice of Motion No. 40.

**40. Non inclusion of Incherea, Glenbeigh in the application for funding for coastal erosion damage works**

**Pursuant to notice duly given Cllr. D Quigg PROPOSED:**

That Kerry County Council explain to the residents of Incherea, Glenbeigh the thought process behind their non-inclusion in the application for funding in the estimate they submitted to the Department of Public Works for coastal erosion damage and strengthening works.

**The following report issued:**

**As part of the winter storm damage repair schemes, it was highlighted to the Office of Public Works that a number of locations throughout Kerry suffered significant damage.**



**An assessment was carried out and the funding application to the OPW was categorised into three parts. Part one included all the area's where public infrastructure was at risk, Part two dealt with area's where no public infrastructure was at risk but private homes were at risk, and the third part of the submission related to the protection of Fenit Island access.**

**Kerry County Council do not have responsibility for the coastal protection embankment at Incheree but the application for funding, under Part two of the submission, was sought on a humanitarian basis. The cost estimate submitted for Incheree was € 1.5 million. The OPW later clarified that only repair works to reinstate locations to pre-storm conditions were being funded under the Storm Damage scheme, and that projects where further strengthening works are required, such as Incheree, would be considered separately.**

**A substantial extent of the Kerry coastline is subject to coastal erosion and limited funding has been provided by Central Government to Kerry County Council, to address specific areas where there was substantial damage or likely to result in a significant risk to key public infrastructure, mainly public roads, piers and harbours.**

**The Incheree protection embankment was originally constructed by the Board of Works / Land Commission, a predecessor to the OPW.**

Cllr. D. Quigg said the reply states that Kerry County Council is not responsible for coastal protection works at Incharee. However he believes the Council is responsible as they granted permission and they should have ensured this area was not subject to flooding. €1.3m was spent in Rossbeigh and home owners at Incharee feel very aggrieved they were left out. One letter indicated funding was applied for but the other says it was not. He requested clarification on this issue.

Cllr. M. Cahill said €1.3m was allocated for works to public infrastructure at Rossbeigh as the area was destroyed by the winter storms. Incharee was included in the submission to the OPW but funding was not allocated as it was not for public infrastructure. Funding is urgently required for Incharee and Cromane Lower as homes are at risk of flooding. The Council should apply for funding for coastal protection works where 80% of the funding could be allocated by the Department while the Council would have to provide the balance.

Mr. C. O'Sullivan said in relation to storm damage following the storm on the 3<sup>rd</sup> February the Department of Environment requested submissions for funding for repairs and strengthening works. A submission for funding totalling €21m was made and an allocation of €2.7m was received from the Department of Environment. There was no damage to the embankment from the storms earlier in the year but it needs strengthening. In 2009 strengthening works were funded by the OPW. The Council applied for €300,000 but a sum of €80,000 was allocated. The Council carried out the works on an agency basis for the OPW at that time. Mr. O'Sullivan pointed out that Kerry County Council does not own the embankment. It was owned by the Land Commission and the Council is not responsible for the upkeep of the embankment. A sum of €1.2m was provided for coastal protection repairs. 25 or 30 projects were submitted for funding and a sum of €800,000 was allocated for Rossbeigh as the infrastructure is owned by Kerry County Council.

Mr. O'Sullivan said the coastline in Kerry has an overall length of 684km, which includes 104km of islands coastline. This represents 12% of the national coastline. Of greater significance is the fact that 378 km of the coastline is termed "soft" coastline, with Kerry having the second largest length of such coast nationally. The study in 2002 identified that 108km of the coastline was at risk of erosion and 41km was identified as being in need of urgent attention. A conservative estimate for the necessary protection works was over €26m. When the Department invites submissions for funding any allocation is usually for public infrastructure. Mr. O'Sullivan confirmed that an application for funding was made for Incharee and the Department gave a commitment that funding would be provided but this did not happen.

Cllr. J.F. Flynn said the work required at Incharee is not as big as the Council thinks. The embankment needs to be extended as the water can come in around it at present. Out of the 11 houses in Incharee 9 of the householders are pensioners. Cllr. Flynn said he believed €20,000 would be adequate to carry out the work required.

Cllr. M. Cahill called on the Council to make a submission for funding for work to the embankment at Incharee and Cromane Lower. He said the wall is low and has been breached.

Mr. C. O'Sullivan said in 2009 the Council advised the Department the cost of carrying out works required to the embankment was €350,000 but we received an allocation of €80,000. He acknowledged that the work done at that time was not adequate. He said he could arrange a meeting with the OPW to establish if they would provide additional funding. There is a similar situation in The Cashen where there were repeated calls on the OPW to provide funding. When the submission for works totaling €26m was made the Council was advised it would have to contribute 25% or €6m which is very substantial. The embankment at Incharee is not Kerry County Council infrastructure to repair.

### **31. Taking in charge of Clanmaurice Water Scheme**

#### **Pursuant to notice duly given Cllr. J Brassil PROPOSED:**

What is the up-to-date status regarding the taking in charge of the Clanmaurice Water Scheme.

#### **The following report issued:**

**Clanmaurice Group Water Supply Scheme includes 115km of water mains, approximately 5.7km of which are laid in private roads and 2.3km in private land. There are almost 1,300 connections on the Scheme, approximately 250 of which serve farms.**

**The Scheme, which was initially formed in the early 1980s and has been privately developed since then, has applied for takeover by the Council / Irish Water. Mainly because of its age, much of the Scheme's infrastructure is in poor condition and should be replaced.**

**The financing and administration of the Rural Water / Group Schemes sector remains within the responsibilities of the Department of Environment, Community and Local Government and Irish Water has no role in this sector.**

**The Council has carried out extensive pipe replacement and other upgrade works to the value of €550,000 and financed by the DoEC&LG, at Cleanderry and Ballynoe in Causeway and at Ballylongane and Trisk Mountain in Ballyheigue over the last two years. Further similar works will be carried out as funding becomes available.**

**The process by which Group Schemes will be taken over by Irish Water in the future has not yet been finalised although discussions are going on between the Department, Irish Water and the CCMA. Further legislation may be necessary on the matter.**

The Cathaoirleach said this Group Scheme has 11,500m of water mains which carries water treated and owned by Irish Water yet Irish Water has not taken over this scheme. The people who provided this scheme were very active but now they are elderly and unless Irish Water takes over this and other Group Schemes they will be left in limbo. The Cathaoirleach said he had arranged a meeting between the Group representative and the Director of Water Services and he would await the outcome of this meeting.

### **32. Housing crisis in Kerry.**

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

How does Kerry County Council propose to deal with the housing crisis in Kerry where there are almost 5,000 qualified applicants to date.

**The following report issued:**

**Having regard to the steady decline in exchequer capital funding over the past number of years and the consequent significant reduction in the construction and acquisition of new units, social housing need has been increasingly met utilising alternative social housing options, i.e. the Rental Accommodation Scheme and the Social Housing Leasing and significant resources have been deployed in sourcing suitable properties from private landlords for this purpose. There are currently 853 households who are having their social housing need met in accommodation secured in the private rented sector utilising these options. Also the filling of casual vacancies from within our own local authority housing developments and voluntary housing developments continue to be a significant element in meeting social housing need within the county.**

**Also it needs to be highlighted that a significant number of qualified applicants are renting privately in appropriate accommodation and on the basis of being assessed as having a social housing need by Kerry County Council, they can avail of rent allowance pending an alternative social housing option being offered to them. The introduction of the proposed Housing Assistance Payment which has now been put on a legislative basis with the passing of the Housing (Miscellaneous Provisions) Act 2014 will undoubtedly impact on the manner in which we meet social housing need into the future. This legislation provides a new framework for the provision of rental assistance, and will, in as much as it can, facilitate the removal of existing barriers to employment in the Rent Supplement Scheme by allowing HAP recipients to remain in the scheme if they gain full-time employment. Under the new scheme, applicants will source their own accommodation within the private rented market (as currently happens with rent supplement) and the tenancy agreement will be between the HAP recipients and the private landlord. The Local Authority will pay the rent on the tenant's behalf directly to the landlord. The tenant will pay a rental contribution to Kerry County Council based on our Differential Rent Scheme. HAP will also ensure that all long-term housing support lies with local authorities and will help ensure that all accommodation in the private rented sector is to standard and that landlords are tax compliant. HAP is currently being rolled out in a number of selected local authorities and is expected to be introduced in the remaining local authorities including Kerry next year.**

**In addition, in relation to direct provision, it should be noted that approx €0.8m DECLG was secured this year to carry out significant repairs to 45 long-term vacant properties throughout the county in order to re-let them. These are in addition to the ongoing more routine pre-letting repairs arising as a result of casual vacancies in the county which continues to be actively managed. Also funding has been secured under the special Job Stimulus measure which is a 2 year programme for the construction of 8 dwellings at Park, Killarney as well as 5 other dwellings throughout the County. A further 3 dwellings are already under construction and funded under the 2014 Social Housing Investment**

**Programme. Also funding continues to be made available for social housing development in the Mitchel's/Boherbee Regeneration project for which 97 dwellings have been funded to date. More generally, indications from Central Government are that increased capital funding may become available for local authority housing construction over the next number of years in locations where lands are available for development and social housing demand can be demonstrated. We will ensure that these opportunities will be maximised to the furthest extent possible in order to increase the supply of social housing direct provision in the County.**

Cllr M Cahill said he believed there is a very serious housing crisis in Kerry and there is a problem with overcrowding and serious health issues amongst applicants. Separated men whose divorce has not gone through are in a very difficult position as their name is still on the family home. As a result they will not be allocated housing. It is too early to state yet what impact the Housing Assistance Payment Scheme will have. Cllr Cahill said he is well aware there is a plentiful supply of good accommodation available and this should be utilised.

The Cathaoirleach supported the motion and said he understood there are 5000 people in receipt of rent allowance in the county at present. If responsibility for these payments transfers to Kerry County Council will they all be deemed to be suitably housed and will the housing waiting list be reduced by half.

#### **34. Reduction of levies attached to the grant of planning permission.**

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

To ask Kerry County Council to reduce the levies attached to the grant of planning permission as they are now totally out of line - machinery and other charges have reduced significantly since the boom time. We need to do something to help people trying to put a roof over their heads.

##### **The following report issued:**

**Kerry County Council staff are at present reviewing the Development Contribution Scheme for the County, which was adopted in 2011, in the context of National Guidelines issued earlier this year.**

**It is intended that a Draft Scheme will be presented to the Elected Members in the coming months and following a public consultation process, it is anticipated that a new Scheme will be adopted in 2015.**

Cllr. D. Healy Rae said he submitted this motion over a year ago when he received the same reply. All local authorities were informed they would have to reduce their levies but Kerry County Council is one of the few local authorities that did not do this. The present charges are excessive at a time when machinery costs etc. have reduced. It is unfair to impose such substantial charges on those trying to provide a home as they are already under severe financial pressure. He asked when in 2015 with the Levy Scheme be presented to members. Prior to the construction of many

dwelling the roads are in a very poor condition and even though the levies are paid the road is not improved following construction of the house.

Cllr JJ Culloty supported the motion and said the cost of building a house has increased with the new regulations. The number of people building houses is very small and the levies are excessive.

Cllr D Healy Rae asked if the levies collected for water are transferred to Irish Water.

Mr M McMahon said there are a number of reasons why the Development Contribution Scheme has not been reviewed. The County Development Plan is being reviewed and enormous resources have been put into this. Irish water was established in 2014 and Town Councils were abolished in 1 June. It is intended to draw up a Scheme that will replace the four schemes in existence. The new Scheme will not include levies for water and wastewater but the levies will be for roads, amenity and the arts. Development levies in Kerry are amongst the lowest in the country at present, despite the fact that other local authorities have reviewed their schemes. He advised members that he did not anticipate a huge reduction in the levies when the scheme is reviewed. It is hoped to draw up a new scheme early next year.

Cllr. P. Daly moved Notice of Motion No. 35 on behalf of Cllr. Ferris.

### **35. Waiving of some or all of the penalties associated with NPPR**

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

Can Management confirm whether it will be within the power of the Council to waive some or all of the penalties associated with NPPR.

#### **The following report issued:**

**Kerry County Council will consider all options as it sees fit to efficiently collect the NPPR liability. This includes the putting in place of payment plans to suit individual circumstances. Kerry County Council will consider each case on its own merits and on the submission of the specific documentation required for hardship cases.**

Cllr. P. Daly moved Notice of Motion No. 36 on behalf of Cllr. Beasley.

### **36. Informal insolvency by rogue employers.**

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

That this Council write to the Minister for Social Protection calling on her to urgently rectify the legal loophole that allows for the reckless practice of informal insolvency by rogue employers leaving workers unable to access their statutory entitlements.

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

**37. 100th anniversary of the 1916 Rising & War of Independence**

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

That Kerry County Council lead the way in Ireland by putting in place a comprehensive and inclusive schedule of events for the decade of commemorations. We need to start planning now for the 100th anniversary of the 1916 Rising, War of Independence etc. Please outline how the Council can assist local communities with such events.

**The following report issued:**

**This matter has been discussed by the Community, Culture and Tourism Strategic Policy Committee of the previous Council and Members were requested to consider how to commemorate the 1916 Rising in Kerry. It was agreed to formulate a comprehensive commemorating strategy mindful of the sensitivities involved and particularly mindful that it will not be possible to have a commemorative event for every locality and event. It was agreed to keep this item on the Agenda of every second meeting so that Members can feed in their ideas. This matter will be further discussed at the first meeting of the incoming SPC Chaired by Cllr Beasley.**

**Kerry Library has an ongoing series of events to commemorate relevant aspects of the Centenary. These events have been very well attended and appreciated to date. Details attached. Details of national events are viewable at [www.decadeofcentenaries.com](http://www.decadeofcentenaries.com).**

Cllr. P. Connor Scarteen said the 100<sup>th</sup> anniversary of the World War, Cumann na mBan, the 1916 Rising and the War of Independence will take place shortly and it is important to honour those who sacrificed so much. All political parties have roots in 1916 and 1921. The Culture SPC should plan these events and Minister Deenihan should be invited to commence this process at a national level. He asked that all TDs would be involved in planning these commemorations. He suggested that events at Ballykissane Pier, the Headford Ambush and later the Civil War should be commemorated.

Cllr. P. Daly said these commemorations must be meaningful. He referred to Cllr Flynn's motion in relation to the provision of services for children with autism and said it may be appropriate to provide services for a disadvantaged group or to pay the salary of an outreach worker as part of these commemorations.

Mr. G. O'Brien said Cllr. Cronin asked that Notice of Motion No. 39 would be deferred to the October meeting.

**41. Public Participation Network (PPN).**

**Pursuant to notice duly given Cllr. D Nolan PROPOSED:**

That Kerry County Council outline the groups that may set up a Public Participation Network (PPN) under legislation and reconsider the setting of a closing date for the Kerry County Council led PPN structure.

**The following report issued:**

**Public Participation Networks (PPNs) are new structures for public engagement and participation in Local Government currently being developed in each Local Authority area. The establishment of the PPN was a recommendation of the report issued by the Working Group on Citizen Engagement with Local Government. Subsequently Circulars and Draft Guidelines were issued. Amended legislative provision in relation to the consultation by a Local Authority with the local community, including adoption of a “Framework for Public participation in Local Government” was made under Section 46 of the Local Government Reform Act 2014. In order to participate in the PPN structure, groups must register with the County Register of Community & Voluntary Groups currently held at the Community Department of Kerry County Council. The Community Department is co-ordinating the development of the Kerry PPN.**

**It is anticipated that the County Plenary PPN structure will be in place for nomination on to the Strategic Policy Committees. The PPN will be established initially on a non-statutory basis pending receipt of Regulations and final Guidelines. It is anticipated that the final formal approval of the PPN Framework will be brought before the Council in late 2014 or January 2015.**

**All Community & Voluntary, Social Inclusion and Environmental Groups are being encouraged to register with Public Participation Network. (Current closing date 30th September 2014).**

Cllr. D. Nolan said it is rumoured that the PPN does not have to be set up by the County Council and could in fact be set up by private groups. She referred to the closing date for the receipt of registrations for bodies who want to vote for the LCDC representatives and said she presumed any group can register during the year.

M. J. Breen said that there are no statutory guidelines in relation to the establishment of the PPN and when they issue he would bring them to member's attention. Groups registered with the Community and Voluntary Forum must re-register for the PPN and that is the reason for the closing date. Once the PPN is up and running it is intended that groups can join as they are established.



#### **42. Investigation of other forms of public consultation**

##### **Pursuant to notice duly given Cllr. A. Thornton PROPOSED:**

Can Kerry County Council investigate other forms of public consultation, e.g. social media in the planning system so as to encourage meaningful and more accessible public consultation in the future, which, I would suggest, should be held in the area(s) affected where possible.

##### **The following report issued:**

**Kerry County Council continuously reviews its public consultation procedures with a view to maximising public awareness in relation to Plans or Policies which are subject to public consultation.**

**Apart from the Statutory Notice in the local paper, the present review of the County Development Plan was subject to an extensive media campaign which included a special colour supplement in the Kerryman and Kerry's Eye newspaper, a radio campaign which included interviews with Planning Officials, publication of an Issues Paper, seven (7 no.) Open Days throughout the County and an extensive social media campaign which included Twitter, Facebook, a dedicated website and a facility to make a submission online.**

**Kerry County Council will continue to explore other public consultation avenues as extensive consultation on all plans and policies is a priority.**

Cllr A. Thornton said she lives in North Kerry and this area was mapped as "Open to consideration" for wind farms. She expressed concern that such an enormous area was mapped in this way yet the public consultation was held in Tralee.

The Cathaoirleach said in 2003 all North Kerry was mapped "Open to consideration" while in 2009 the entire area was again designated "Open to consideration." However in 2011 the amount of land zoned for this purpose was reduced by half. At that time there was a process of public consultation but no one engaged. The Cathaoirleach pointed out that a leaflet drop would cost the Council €10,000.

Cllr. Thornton said she understood that was the case but added that she found it very hard to believe that public consultation about something that affected North Kerry would be held in Tralee and Caherciveen.

Cllr. Thornton moved Notice of Motion No. 43 on behalf of Cllr. Kennelly.

**43. Review of existing speed camera road signage**

**Pursuant to notice duly given Cllr. M Kennelly PROPOSED:**

That Kerry County Council write to the NRA and the Minister for Transport to review the existing speed camera road signage as the public are unaware of what speed is required. The relevant speed limit should appear underneath the speed camera sign.

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

Cllr. D. Healy-Rae moved Notice of Motion No. 44 on behalf of Cllr. J. Healy-Rae.

**44. Condition of cat's eyes (road studs) on our roads**

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

To ask Kerry County Council to urgently do something with the current state of the cat's eyes. (1) There are a lot of roads with no cat's eyes and this should be rectified and (2) the new cat's eyes that are being used are causing great difficulties to cars and traffic on the road by way of punctures, damaging wheels etc. Houses that are close to the road are kept awake at night because of the traffic banging off these cat's eyes which are too high.

**The following report issued:**

**Road studs on National Roads, are installed and maintained on the entire National Network by the National Roads Authority, generally through specific delineation contracts awarded by the Authority.**

Road Studs are not normally provided on local roads, having regard to the traffic volumes on the road and the limited funding available for the maintenance of such roads, which is prioritized for drainage works and repairing the road surface. Road Studs have been provided on some sections of Regional Road network in conjunction with road strengthening works that are funded by the Department of Transport, Tourism and Sport's Restoration Improvement Grant. The funding that has been available in the Council's Annual Road Works Programme for maintenance and upkeep of Regional Roads has not been sufficient to provide road studs on the entire 537 km Regional Road network.

Road studs that are installed on public roads comply with the NRA Specification for Road Works and if any defects arise they are dealt with by the contractor concerned.

We are aware of a few complaints received in the Kenmare Area in relation to noise created by road studs and the Contractor for these works will be replacing those that were incorrectly positioned on the carriageway inside the yellow line on the Lauragh Road.

**45. Change in the guidelines for the Bord Bia Quality Assurance Programme**

**Pursuant to notice duly given Cllr. D McCarthy PROPOSED:**

To ask the Minister for Agriculture, Food and the Marine to change the guidelines in the Bord Bia Quality Assurance Programme to allow the required 70 day timeframe to continue on for the animal if sold into another quality assured herd.

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

Cllr. D. McCarthy said under the Bord Bia Quality Assurance Programme if a farmer wants to sell an animal they must have it tested and it must be sold within 60 days of the test. If the farmer that buys the animal wants to sell it, and it is still within the 60 days of the test he must go back to day one and have the animal tested again. This is very unsatisfactory and he called on the Minister for Agriculture to review this criteria.

Cllr. N. Kelleher SECONDED the motion.

**46. Review of the Student Services Charge**

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

That Kerry County Council asks the Government to review the Student Services Charge of up to €1,433 being levied on craft workers' apprentices.

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

Cllr M O'Shea said this charge is wrong and can vary from €833 to €1,433. This is in effect a tax on training and it should be removed.

**47. Extension of the remit of the Local Enterprise Offices**

**Pursuant to notice duly given Cllr. N Kelleher PROPOSED:**

That Kerry County Council call on the Minister for Enterprise to extend the remit of the Local Enterprise Offices to increase the companies that it can support by raising the qualification criteria from less than 10 employees to less than 25 employees. Currently these companies have no support as they are too small for Enterprise Ireland who are primarily focused on companies that are exporting.

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

Cllr. N. Kelleher said he was aware of 10 companies in Kerry alone, who are aiming to expand but cannot create those opportunities as there is no Government support available to them. The Local Enterprise Office is best placed to support them. He asked if it is a Ministerial Order or just Guidelines that prevents the Local Enterprise Office from supporting these businesses and if there is anything that can be done about it.

Mr. M. McMahon said it is the remit of the Local Enterprise Office to provide assistance to companies who employ up to 10 people. Anyone with a greater number of employees must then go to Enterprise Ireland and that is Government policy.

The Chief Executive said she accepted there is a gap there and she hoped the Economic Fund will go some way to filling that gap.

Cllr. N. Kelleher said the Economic Fund should be in addition to existing Local Enterprise Office funding. Enterprise Ireland could not assist him unless he was shipping abroad. He had an opportunity to expand his workforce by 40 but Enterprise Ireland said he should contact the Local Enterprise Office. He asked the Council to call on the Minister to remove this barrier to the creation of additional jobs.

Cllr. J.J. Culloty supported the motion and said it is more difficult to get assistance for smaller companies.

#### **14.09.15.14 Conferences, Seminars and Training**

- (a) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. N. Kelleher it was agreed to authorise the attendance of Cllr. R. Beasley at the AILG Training on Finance and Budgeting to be held in the Seven Oaks Hotel, Carlow on the 16<sup>th</sup> September, 2014.
- (b) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. D. McCarthy it was agreed to authorise the attendance of Cllr. Brassil at the Irish Planning Institute Autumn Conference to be held in the Gibson Hotel, Dublin on the 10<sup>th</sup> October, 2014.
- (c) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. J.F. Flynn it was agreed to authorise the attendance of Cllr. Connor-Scarteen at the AILG Training on Housing to be held in the Abbey Court Hotel, Nenagh on the 16<sup>th</sup> October, 2014.
- (d) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllrs. Kelleher and O'Connell at the Induction Training Programme for Audit Committee Members 2014 to be held in the Oriel House Hotel, Ballincollig, Cork on the 4<sup>th</sup> November, 2014.
- (e) On the PROPOSAL of Cllr. D. McCarthy, SECONDED by Cllr. J.F. Flynn it was agreed to authorise the attendance of Cllrs. Connor-Scarteen, Culloty and Thornton at the AILG Training on Planning to be held in the Ferrycarrig Hotel, Wexford on the 6<sup>th</sup> November, 2014.

- (f) On the PROPOSAL of Cllr. J.F. Flynn, SECONDED by Cllr. D. McCarthy it was agreed to authorise the attendance of Cllr. J. Finucane at the judging of Entente Florale Europe Competition in Hungry from the 25<sup>th</sup> to 28<sup>th</sup> September, 2014.

#### **14.09.15.15 Correspondence General**

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

1.	Letter dated 25 July, 2014 from the Office of the Minister for Health in response to a resolution from Kerry County Council regarding Killarney Community/District Hospital.
2.	Letter dated 29 July, 2014 from the Department of Social Protection in response to a resolution from Kerry County Council regarding the Gateway Scheme.
3.	Letter dated 29 July, 2014 from the HSE in response to a resolution from Kerry County Council regarding Killarney Community Hospital.
4.	Letter dated 1 August, 2014 from the NRA in response to a resolution from Kerry County Council regarding the provision of a pedestrian crossing in Rathmore.
5.	Letter dated 1 August, 2014 from the NRA in response to a resolution from Kerry County Council regarding the provision of a left hand turning lane off the N22 at the Gerah Junction in Farranfore.
6.	Letter dated 5 August, 2014 from the Office of the Minister for Environment, Community and Local Government in response to a resolution from Kerry County Council regarding the Local Government Fund Allocation and LPT.
7.	Letter dated 7 August, 2014 from the Commission for Energy Regulation in response to a resolution from Kerry County Council regarding the replacement of old water pipes and the postponing of water charges in Mid Kerry.
8.	Letter dated 7 August 2014 from AILG regarding a proposed amendment to the AILG Constitution and seeking the view of the members of Kerry County Council.
9.	Letter dated 15 August, 2014 from the NRA in response to a resolution from Kerry County Council regarding the resurfacing of the Iveragh Road, Killorglin.
10.	Letter dated 18 August, 2014 from the Office of the Minister for Health in response to a resolution from Kerry County Council regarding the reconfiguration of ambulance control services.
11.	Letter dated 20 August, 2014 from the Office of the Minister for Health in response to a resolution from Kerry County Council regarding discretionary medical cards.

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12.	Email dated 21 August, 2014 from Irish Water in response to a resolution from Kerry County Council regarding water charges.
13.	Letter dated 22 August, 2014 from the Green Party in response to a resolution from Kerry County Council regarding Church Gate collections by political parties.
14.	Letter dated 25 August, 2014 from the Office of the Minister for Agriculture, Food and the Marine in response to a resolution from Kerry County Council regarding the Department's policy on animals with an inconclusive TB result.
15.	Letter dated 25 August, 2014 from the Office of the Minister for Agriculture, Food and the Marine in response to a resolution from Kerry County Council regarding the spread of TB from deer to cattle in County Kerry.
16.	Letter dated 27 August, 2014 from the NRA in response to a resolution from Kerry County Council regarding the provision of public lighting on the N70 from Glenbeigh Village to Falvey's Caravan Park.
17.	Letter dated 27 August, 2014 from the Office of the Minister for Jobs, Enterprise and Innovation in response to a resolution from Kerry County Council regarding the creation of employment in Kerry.
18.	Letter dated 27 August, 2014 from Brian Crowley MEP in response to a resolution from Kerry County Council regarding storm damage in Ballylongford, The Cashen, The Maharees and Fenit.
19.	Email dated 29 August, 2014 from the Office of the Minister for Environment, Community and Local Government in response to a resolution from Kerry County Council regarding a decision by An Bord Pleanála in respect of a planning appeal.
20.	Letter dated August, 2014 from the Department of Social Protection in response to a resolution from Kerry County Council regarding the Social Welfare and Pensions Bill 2014.
21.	Letter dated 1 <sup>st</sup> September, 2014 from the RSA in response to a resolution from Kerry County Council regarding the provision of street lighting from Glenbeigh Village to Falvey's Caravan Park.
22.	Letter dated 1 September, 2014 from Fianna Fáil in response to a resolution from Kerry County Council regarding Church Gate collections by political parties.
23.	Letter dated 2 September, 2014 from Workers and Unemployed Action in response to a resolution from Kerry County Council regarding Church Gate collections by political parties.
24.	Letter dated 5 August, 2014 from Donegal County Council in relation to a resolution adopted by that authority expressing its solidarity with the besieged Palestinian people.

### **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 Tom Greaney.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Kathleen Culloty.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Breda Twomey.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John A. Twomey.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Paddy Callaghan.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Donal Downey.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Paddy McMonagle.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Noel Tangney.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Sheila McGlynn.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Kathleen Driscoll.
- (k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Dolly McCarthy.
- (l) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Pat O'Sullivan.
- (m) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Con Counihan.
- (n) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Maureen Cooper.

- (o) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Norah O'Shea.
- (p) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Frank Whelan.
- (q) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Margaret Kirby.
- (r) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late David Madden.
- (s) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Donal Culloty.
- (t) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Sheila Moynihan.
- (u) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Morgan O'Connell.
- (v) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Timothy Clifford.
- (w) Cllrs. N. Foley and J.F. Flynn proposed that a vote of sympathy be extended to the congregation of the late Sr. Paula Buckley and Sr. Imelda Carew.
- (x) Cllrs. J.F. Flynn and N. Foley proposed that a vote of sympathy be extended to the family of the late Teddy Clifford.

**14.09.15.16 Matters arising from the minutes as confirmed.**

**Right of employees to join a union**

Cllr. P. Daly referred to a Notice of Motion he submitted for the July meeting calling on employers to ensure they do not discriminate against employees who are members of unions. He pointed out that some companies have an active policy to fire employees who join a union. He acknowledged the reply he received from the Procurement Officer.

**14.09.15.17 Any other business**

Cllr. N. Kelleher said he noted the Agenda and reports for Council meetings are posted one day and they are emailed the following day. He asked that the emails would issue the day the Agenda and reports are posted.



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Mr. G. O'Brien said we want to ensure all members receive the documentation the same day. Once the new tablets issue the Agenda and reports will be available to everyone on the Tuesday.

The Cathaoirleach PROPOSED that a hard copy of the Agenda or reports would not issue when the Tablets are supplied to Councillors.

Cllr. D. Healy-Rae said he gets the Agenda and Reports in hard copy and he wants to get them at the same time as they are emailed to councillors.

Mr. J.D. Flynn said this is a matter for Council to decide.

The Cathaoirleach wished both Kerry Teams every success in the All Ireland Finals the following Sunday.

The meeting concluded at 4.15pm.

**Gerard O'Brien**  
**A/SEO Corporate Affairs**

**Cathaoirleach of Kerry County Council**