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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 , 20 DEIREADH FÓMHAIR 2014**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 20<sup>TH</sup> OCTOBER 2014**

**PRESENT/I LÁTHAIR**

**Counillors/Comhairleoirí**

R. Beasley	J. Brassil	M. Cahill
P. Connor-Scarteen	B. Cronin	J.J. Culloty
P. Daly	T. Ferris	J. Finucane
S. Fitzgerald	J. F. Flynn	N. Foley
M. Gleeson	D. Grady	D. Healy-Rae
J. Healy-Rae	N. Kelleher	M. Kennelly
S. Locke	D. McCarthy	P. 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

**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. T. Hayes, Head of LEO
Mr. T. Sheehy, SE Cap. Infrast. Unit	Mr. G. Riordan, SE Operations, Health & S.
Mr. V. Foley, EE Risk Control	Mr. P. Corkery, Press & Comm. Off.
Ms. B. Reidy, SSO Corporate Affairs	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.

**Congratulations to Ardfert Football Team**

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Cllr. M. Gleeson congratulated the Ardfert Football Team on winning the Intermediate County Final and he wished them every success in their forthcoming matches.

Cllr. T. Ferris said she wanted to be associated with the words of congratulations to Ardfert. She expressed her disappointment that the CPG did not see fit to honour a fantastic sportsperson of the calibre of Savannah McCarthy with a Civic Reception at county level.

### **14.10.20.01 Cathaoirleach's report on the CPG Meeting**

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

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

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

In relation to Item 5 Mr. C. O'Sullivan outlined the draft response to the Department of Transport, Tourism and Sport's Draft Strategic Framework for Investment in Land Transport.

In relation to Item 6 Ms. Murrell said the key message is access to the county, the Adare and Macroom By-Passes and the importance of Kerry Airport and Shannon Airport to the county. She added that the continued increase in the 'own resources' contribution year on year is not sustainable. It is important to focus on the Wild Atlantic Way.

Cllr. Finucane suggested that Kerry County Council should host a meeting of all counties in the Wild Atlantic Way and that Minister Donohoe and Fáilte Ireland would also be invited.

The Cathaoirleach suggested that Chief Executives and officials from each local authority should be invited together with Department officials.

Ms. Murrell said she had a very positive meeting with Fáilte Ireland the previous week around our two iconic sites. She understood funding may be available for any suitable projects on the Wild Atlantic Way and it is intended to come up with two or three projects in consultation with the relevant SPC in the near future.

Mr. G. O'Brien said at a recent meeting of the members of the Municipal District of Listowel the members requested that a representative from Irish Water would be invited to a Council meeting.

Mr. Ring said a letter was received from Irish Water advising councils that they would host Regional Briefings for Councillors and the date for Kerry was 30<sup>th</sup> October probably in Cork.

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The Cathaoirleach pointed out that this date clashes with the AILG Conference.

Cllr. Finucane said a Regional Briefing would not be satisfactory as other local authorities would also be present. Members wanted a briefing on the Capital Investment Programme.

Mr. Ring said the benefit of the Briefings is that Kerry is on the last day of the Briefings and by then Irish Water should have addressed the issues that arose with other local authorities which are similar to those in Kerry. He suggested that an alternative date for the briefing could be Friday 7<sup>th</sup> November if that is acceptable to Irish Water.

Ms. Murrell said Irish Water agreed to meet with Council officials in Kerry to try to understand the issues. The Regulator says there needs to be greater efficiency but Kerry has a strong argument around cost cutting.

The Cathaoirleach suggested that Irish Water should first meeting with officials following which the Regional Briefings for Councillors would be held. They could then be invited to attend a Council meeting.

Cllr. Finucane referred to the problems being experienced by residents in St. Brendan's Park and said the four houses that were tested will receive letters stating that the water is unfit for human consumption. He asked what would happen the other 250 households in this estate, must they now apply to Kerry County Council to have their water tested.

In response Ms. Murrell said Kerry County Council acts on behalf of Irish Water. The HSE advises on the status of the water and they notify the Council if further testing is required. The letters being issued do not say the water is unfit for human consumption but rather that it does not meet the required standards and that households should make alternative arrangements for drinking water. She undertook to write to Irish Water in relation to the other houses in the estate.

Mr. Ring said there is lead in the water in other areas in the country also and this is being addressed at a national level with a view to drawing up a coherent plan.

Ms. Murrell said if Irish Water is invited to a Council Meeting it would be more beneficial if we had clarity around the Budget and billing before this meeting takes place.

The CPG agreed to request Irish Water to re-schedule the Briefing and following which they would be requested to attend a Council Meeting.

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

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Ms. M. Murrell, Chief Executive, said following the September CPG meeting she consulted with the Department and they issued guidance for the Chief Executive's Report and said duplication should be avoided. Quarterly financial reports would work well if that is acceptable to members.

Ms. McAllen said that would align with the EU IMF Financial Quarterly report which would avoid any duplication in the preparation of data. There is a very defined structure to these reports and they are used by the Auditor.

Ms. Murrell said her Quarterly Report also contains updates on the following:

- Local Community Development Committee (LCDC)
- Local Economic and Community Plan (LECP)
- National Housing Strategy for People with a Disability 2011 – 2016
- Regional Waste Management Planning
- Library Development Programme
- Public Participation Network
- County Development Plan
- Keeping Communities Safe
- Local Enterprise Office

Cllr. J. Sheahan referred to the item on Keeping Communities Safe and called on the Department to extend the burning season.

### **Item 3      Update on the Draft County Development Plan 2015 – 2021**

Mr. M. McMahon said the proposed Amendments/Material Alterations to the Draft Kerry County Development Plan 2015 -2021 will be going on public display from Wednesday 22<sup>nd</sup> October till Friday 21<sup>st</sup> November, 2014. Submissions/observations can only be made on the proposed Amendments/Material Alterations. Following the public consultation the Chief Executive will prepare a report on any submissions or observations received and it must be presented to the Elected Members on or before the 17<sup>th</sup> December, 2014 for their consideration. Consideration of the proposed Amendments/Material Alterations and the Chief Executive's Report must be completed by the Elected Members not later than 6 weeks after the Report is presented to them.

Having considered the Chief Executive's Report the Members shall, by resolution, make the Plan in accordance with Section 12(10) of the Planning & Development Acts 2000 – 2014. The new Plan will have effect 4 weeks from the day that it is made and it is anticipated that a new Kerry County Development Plan 2015 – 2021 will be adopted on the 28<sup>th</sup> January, 2015.

### **Item 4      Update on PPN**

Mr. J. Breen briefed the meeting on the Public Participation Network as follows:

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All groups were invited to register for the PPN before the 30<sup>th</sup> September 2014. Prior to this during September four Information Meetings on the new PPN were held in Killorglin, Killarney, Tralee and Listowel. A total of 64 people attended the meetings.

Advertisements were placed in the newspapers and local advertiser type publications, Community Diary and Radio Ad. In addition all 840 contacts on the Community & Voluntary register were contacted.

All of the Registration groups details are not entered yet but estimated numbers that registered by closing date of 30<sup>th</sup> September is 440 with more groups registering after the closing date. We have had to revise the timeframe for the Election process for a number of reasons. It was also necessary to translate the Nomination and Election documents into Irish.

Also the Environment sector registration list has to be forwarded to the Environmental Pillar for ratification.

The revised time frame is as follows:

Date	Event
30th September 2014	Closing date for Registration
17th October 2014	Notice of County Plenary Meeting of PPN including request for nominations (by post).
4 <sup>th</sup> November 2014	Closing date for receipt of nominations
6 <sup>th</sup> November 2014	It was intended that Registered Groups will be informed <u>by email</u> of nominations – however many groups have not email addresses so it may be necessary to post these.
12 <sup>th</sup> Nov 2014	County Plenary PPN Meeting
13 November 2014	Names will be forwarded to Corporate Services Dept.

### **Item 5 Update on the Draft Southern Regional Waste Management Plan**

Mr. J. Breen said the Draft Southern Regional Waste Management Plan is not yet available but he expected to be in a position to bring it to the November Meeting.

**Item 6      Assessment of Conferences/Seminars for inclusion on Council Agendae**

Mr. G. O'Brien said Circular LG08/10 dated 30<sup>th</sup> June, 2010 placed a requirement on Local Authorities to adopt a Training and Development Programme for Cllr.s. In respect of attendance at conferences, seminars and courses it placed an obligation on Local Authorities to carry out an assessment of the relevance and suitability of events for its councillors. To-date this has been done by the Meetings Administrator.

The most recent Circular received in May 2014 in relation to the same matter has now made a clear distinction between Training and Conferences. A similar requirement applies in respect of the Assessment of the Value of Conferences. It is suggested that the CPG would have a role to play in this regards. Mr. O'Brien requested guidance from the CPG on whether they would decide on which conferences would appear on the Agenda or whether the status quo would remain.

Following a discussion the CPG agreed that the status quo would remain.

**Item 7      Civic/Mayoral Receptions**

Mr. O'Brien informed the meeting he was not in receipt of requests for Civic/Mayoral Receptions at full Council Meetings.

**Item 8      Any other business**

**Centenary of 1916**

Cllr. R. Beasley expressed concern at the delay in agreeing a programme of commemorations for the centenary of 1916.

Mr. J. Breen said a proposed Commemoration Strategy was brought to the last meeting of the Community, Culture and Tourism SPC. When the new SPC is operational this issue will be considered. He emphasised that it will not be possible to commemorate every event. He recently spoke to Minister Humphries on this issue and she confirmed that funding would be available at a national level.

The Cathaoirleach asked that once the SPC is operational that the strategy would be agreed. He hoped this would be in place by the 2<sup>nd</sup> Quarter of 2015.

**Review of new organisational structures**

The Cathaoirleach asked if the new structures are being reviewed quarterly.

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The Chief Executive said a structure would be put in place in the next few weeks to provide support at Municipal District level. Following this the structures can be reviewed. She invited members to give feedback on the new structures to Mr. John Flynn, Director of Corporate Services.

### **Age Friendly Declaration**

The Cathaoirleach requested an update on this item.

Mr. J. Breen said he would meet with organisers of this event the following Friday and he added that a lot of what is being proposed is already being done in Kerry.

### **Adoption of the GMA by each Municipal District**

Ms. A. McAllen informed the meeting that each of the four Municipal Districts adopted their General Municipal Allocation. The statutory Budget Meeting will be held in November and that date will be agreed at the October meeting. We have been notified by Irish Water of a CER recommended cut to expenditure for the 2015 Service Level Agreement and this is a cause for concern, in particular, as it comes so late in the budgetary process."

Mr. G. O'Brien said a list of dates for Briefings for Councillor by Irish Water was received and the proposed date for Kerry is 30th October in Cork from 11am to 1pm. This is clashing with the AILG Annual Conference and he informed Irish Water of this. They have now informed him that a Briefing would be held in Carrick on Shannon on the 29<sup>th</sup> October and anyone interested in going to this, who is also going to the AILG Conference, can attend it. The Briefing on the 30<sup>th</sup> October is in the Silver Springs Moran Hotel in Tivoli from 11am till 1pm.

The Cathaoirleach said members have two opportunities to meet with Irish Water representatives and they should avail of these opportunities.

Cllr. D. Healy Rae said Irish Water should attend a meeting of Kerry County Council.

The Cathaoirleach said members should first attend the Briefings and following this an invitation can issue to Irish Water inviting them to address the Council in Kerry.

Cllr. T. Ferris requested that a letter would issue to AILG pointing out that all the training is held midweek and this does not suit some members. She asked that at least some of the training would be held at the weekend.

Cllr. D. Grady emphasised the need to meet with Irish Water in Kerry as there are many issues to be resolved.

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The Cathaoirleach said members have two opportunities to meet with Irish Water either in Carrick on Shannon for those attending the AILG Conference or in Cork. Following this an invitation will issue to Irish Water asking them to come to a meeting of Kerry County Council, to address members. The Cathaoirleach referred to the problems in St Brendan Park and called on the Chief Executive to clarify Kerry County Council's role.

The Chief Executive said Irish Water is the water authority and the County Council acts as an agent for Irish Water. In relation to St. Brendan's Park water from some houses was tested by Kerry County Council at the request of Irish Water. The residents and Irish Water were notified of the results. The HSE is the authority responsible for public health, and they must decide on what action to take.

Cllr D Healy Rae asked when the new organisational structures would be reviewed. He has a problem with the way housing maintenance is divided between Roads and Housing. This means he must now go to two or three different offices in relation to one client. This system should be streamlined and he asked that it would be reviewed. Killarney town had its own Development Plan and it is not being reviewed with the Kerry County Development Plan 2015 - 2021. He asked that a new plan for the Killarney Municipal District would be progressed as soon as possible. People in Phase 2 want to build houses for themselves, but they are not been granted permission as 80% of the land in Phase 1 has not been developed. He pointed out that some of the property owners in Phase 1 are in financial difficulty, while others are in NAMA.

Cllr. D. Quigg said he attended a conference at the weekend where it was mentioned that councillors would be removed from the LCDC. He asked if this was correct.

Mr. M. McMahon said that he was aware of the issue referred to by Cllr D Healy Rae. Once the reform process was put in place in relation to local government provision was made to ensure the current Town Plans would remain in place until new plans were drawn up. Applications in those towns are being assessed base on the existing Town Plans. The new County Development Plan states that new plans will be prepared for the four Municipal Districts and it is intended that this process will commence following the adoption of the County Development Plan.

Cllr. T. Ferris supported the views expressed by Cllr. D Healy Rae in relation to planning. She also said it is not possible to divide Housing between two SPCs' and she asked when SPC meetings would commence. Cllr. Ferris also asked if there is a contradiction between the Town Plan and the County Development Plan will the County Development Plan take precedence. She added that this is the first time she attended a meeting of a board where minutes of a previous meeting were



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not presented. She referred to her Notice of Motion for the September meeting in relation to the Gateway Scheme and said she was not given the gender of the participants.

Mr. M. McMahon said prior to the dissolution of Tralee Town Council they commenced the review of the Town Plan but once it was abolished that review ceased. At that time the Kerry County Council had commenced a review of the County Development Plan and the new County Development Plan will cover the county excluding the Town Council areas. He raised this issue at a national level asking that the system would be retrofitted to include the Town Council areas but he was informed there was no provision for this in legislation.

The Chief Executive said notification was not received in relation to the position of elected members on the LCDC. She referred to Cllr. Healy Rae's query on the review of the organisational structures and said it is early days yet and she wanted to see how the new structures will work. She met with each of the Municipal Districts and she wants to ensure this structure works for members. She also advised the CPG that the executive is very committed to reviewing the new structures. She would welcome feedback from members and John Flynn would accept their feedback. This would then feed into the review at the end of the year.

Mr. J.D. Flynn informed the meeting that Housing will be represented at all Municipal District meetings in future.

Mr. G. O'Brien said it is very rare that minutes are not on the Agenda for confirmation. In the month of September the volume of meetings was unprecedented and the minutes of the September meeting will be included on the Agenda for November. In relation to the SPC's an item will be included on the October Agenda for members to consider the adoption of this Scheme. He wrote to the Pillars seeking nominees and last Friday was the closing date but he did not receive any nominees. It was hoped to bring the membership of the SPC's to the November meeting for ratification but that will not now be possible. Mr Breen outlined the issue with the PPN and Mr. O'Brien said it is likely to be December before the membership can be ratified by Council. Five years ago notification of nominations from some of the Pillars was received long after the deadline.

Cllr. M. Gleeson asked Mr O'Brien if it will be necessary to re-advertise for nominations from the Pillars.

Mr. O'Brien said this is co-ordinated nationally but it will revert to local branches and that is the reason for the delay but he was confident, in time, nominations will be received.

Cllr. R. Beasley asked if the SPC's could meet in January.

Mr O'Brien said he could see no reason why they could not meet in January.

**Welcome for visiting group from St. John of Gods in Killorglin**

The Cathaoirleach welcomed those present from St. John of Gods, Killorglin and said he hoped they would enjoy the meeting.

**14.10.20.02 Chief Executive's Quarterly Report to Council**

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

**"Introduction**

Section 136(2) of the Local Government Act 2001, as inserted by Section 51 of the Local Government Reform Act 2014 places an obligation on the Chief Executive to prepare a report, to be known as the Management Report, in relation to the performance of his or her Executive Functions during the preceding calendar month, including implementation of policy or other matters required by the Council in the exercise of its Reserved Functions and the provision of services by the Council.

As agreed by the Members, the report will be forwarded to you on a monthly basis along with the documentation for the ordinary monthly meetings.

Members will also be aware that an update report is provided to each Municipal District Meeting on the work of the Directorates within Kerry County Council. These reports provide updates on such matters as the Roads Works Programme, Water and Wastewater projects, Housing Programme, Environmental Services etc. In order to avoid duplication of reporting, updates on these matters are not included in the Chief Executive's Report.

The attached report has been prepared for the end of Q3 2014.

**Financial Position**

As agreed with the CPG, it is proposed to produce a Financial Report for Members on a quarterly basis. This is in line with Quarterly Reporting Process for Income and Expenditure already in place to Department of Environment, Community & Local Government. The next return is being prepared for Quarter 3 and is due to be made by the end of November. This will form the basis for Quarter 3 Financial Report that will be distributed to Council in December 2014.

**Local Community Development Committee (LCDC)**

The Local Community Development Committee's (LCDC) structure and membership has been agreed by Kerry County Council. The representative from the tourism sector has been unable to take up his appointment and we await a nomination for his replacement. The LCDC held its inaugural meeting on Wednesday 24<sup>th</sup> September, agreeing the proposed LOTs for the Social Inclusion

and Community Participation Programme and the Standing Orders for the Committee. The next meeting of the Committee is scheduled for Monday, 3<sup>rd</sup> November.

### **Local Economic and Community Plan (LECP)**

Draft Guidelines have been issued by the Department of Environment, Community & Local Government which set out in detail the process for the preparation of the LECP. The process will commence once the final guidelines have been issued with a “Resolution by the local authority to make an LECP including the establishment of an Advisory Steering Group to assist the process”. The highly consultative process will involve the preparation of the plan over a period in excess of twelve months. The Council and the LCDC have important roles in preparing the economic and community elements of the plan. The overall plan is finally adopted by the Council.

### **National Housing Strategy for People with a Disability 2011 - 2016**

A Housing and Disability Steering Group for County Kerry has recently been established in accordance with the National Housing Strategy for People with a Disability 2011 – 2016. The purpose of this Steering Group is to facilitate integrated and timely responses to the housing needs of people with physical, intellectual, mental and sensory disabilities by the various statutory and voluntary organisations working with the disability sector in Kerry.

The Steering Group members have significant experience in working in the Disability Sector in Kerry. The meetings are to be Chaired by the Director of Services for Sustainable Communities and Quality of Life. The Group had its inaugural meeting on 3<sup>rd</sup> October at which the Project Manager for the National Housing Subgroup gave a presentation on the strategy in general which sets out a framework to support people with disabilities to live as independently as possible within community based settings. The role and terms of reference of the group was also discussed. One of the initial goals of the group is to prepare a Strategic Plan setting out its aims and objectives together with a Work Plan setting out timeframes and organisations responsible for their delivery.

Separately guidelines which have been made by the DoECLG to assist in streamlining the management of the housing assessment and allocation process for people with disabilities are due to be communicated to local authorities shortly for implementation.

### **Regional Waste Management Planning**

The Local Authorities of the Southern Waste Region agreed to prepare a New Waste Management Plan for the Southern Waste Region following the evaluation of the four existing waste management plans. This procedure for plan development is in accordance with the European Communities (Waste Directive) Regulations, 2011 and the Waste Management (Planning) Regulations, 1997. Pre-draft consultation was advertised on the 10<sup>th</sup> October 2013 and following a 2

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month consultation phase, the written submissions were considered in the preparation of the New Draft Waste Management Plan (Draft Plan).

The Draft Plans will be published on the 18<sup>th</sup> November 2014 and a further 2 months public consultation phase will follow and written submissions will be accepted until 23<sup>rd</sup> Jan 2015.

### **Library Development Programme**

One of the aims of 'Opportunities for All', the Libraries National Development Plan 2014 - 2017 was to put in place a single national Library Circulation Management System. Work has progressed on this and a tender was issued in November 2013 by the LGMA and subsequently awarded to Innovative Interfaces Ltd. It is proposed that Kerry will link with the project in late 2015.

The current Kerry Library Development Plan 2007 - 2012 and Addendum 2013 - 2014 expires at the end of the current year. Work will commence with the new SPC on the development of a new plan for the lifetime of the new Council.

### **Public Participation Network**

A report on this matter was presented to the October CPG Meeting.

### **County Development Plan**

An update on the County Development Plan was presented to the October CPG Meeting.

### **Keeping Communities Safe**

- Accompanying National Report on the Risk-Based Approach to Fire Cover reviewed
- Area Risk Categorisation process undertaken for County Kerry and report submitted to SMT, thereafter to NDFEM
- Annual service development plans prepared and implemented (to date) to the template/format set out in Keeping Communities Safe
- Revised (to KCS requirements) form of Section 26 Plan (Reserved Function under FSA 1981) prepared in 2012/2013. Further review in 2014 post feedback and to adjust the 5-year timeframe for the relevance of the plan. Draft submitted to NDFEM
- Elected Council briefed on the KCS Project and progress to date at April meeting 2014
- An External Validation Group (EVG) from National Directorate for Emergency Management visited Kerry to review and discuss all reports, processes and progress to date on 21<sup>st</sup> June 2014. Team comprised of National Director for Fire and Emergency Management Sean Hogan and the international validating adviser to NDFEM Mr. Brian Sweeney.

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Comments substantially positive and supportive. The EVG report to NDFEM Management Board.

- We will continue to progress the implementation of the Keeping Communities Safe Programme in Kerry
- This year we have seen a marked reduction in gorse fires and a substantial increase in controlled, responsible, notified burning of gorse as a direct result of interventions in the Keeping Communities Safe Program. We thank and compliment those responsible landowners who have fully engaged in this practice.

## Local Enterprise Office

### 1. Kerry's Best Young Entrepreneur

Best Young Entrepreneur competition was launched with a local prize fund of €50,000. The closing date for entries was the 31<sup>st</sup> July.

34 potential and existing businesses entered the competition.

Shortlisted to 15 businesses.

Business Bootcamps were held on the 12<sup>th</sup>, 13<sup>th</sup> and 17<sup>th</sup> September 2014.

9 Finalists pitched to a panel of judges on the 30<sup>th</sup> September 2014.

Winners of the three categories (Best New Idea, Best Start Up, Best Established Business) will be announced at a formal lunch in Mid-October.

### 2. Online Trading Voucher Scheme

- The Kerry Local Enterprise Office applied for a pilot scheme and 34 vouchers @ €2,500 per voucher has been secured
- 130 business attended the first information seminar
- 36 voucher applications have been received
- 28 vouchers have been approved amounting to €55,773 in total to date

### 3. County Enterprise Awards

- 29 businesses have been written to seeking entries in the County Enterprise Awards.

#### 4. Student Enterprise Awards

- Work has commenced with the Secondary Schools on a county basis and the programme has been launched with delivery over the next 6 months.

#### 5. Coder Dojo Initiative

- Software programming for school children
- Groups in the county have been contacted regarding funding submissions and request

#### 6. Grant Approvals and Training Activities

Action	Metrics
No of Enterprise projects for funding received in 2014	49 projects
No. of projects approved Year to date	29 projects
Funding approved for projects	€279,701
Potential Job Creation	37 jobs
Cost per Job	€7,559
No of projects submitted for September Evaluation meeting	10
No. of mentoring and advisory assignments to date (2-3 sessions per assignment)	87
Attendance at business clinics (18 clinics to date)	148 persons
Training programme and seminar attendance to date (ongoing work)	593 persons
Training & Course Bookings for September/October (ongoing work)	104 persons

## **7. Other Projects in progress/involvement in external events**

- Research and preparatory work on County statistics
- Diaspora conference and presentation
- Rural Biz competition with LEADER ongoing
- Presentation to Social Welfare staff on services of LEO
- Best in County Awards at Blas na hÉireann (3<sup>rd</sup> October)
- LCDC participation
- National Women's Enterprise Day (22<sup>nd</sup> October)
- European Entrepreneurship Region (funding preparation with ITT)
- Re-branding of Local Enterprise Office (pop-ups, folders, etc)

Cllr. P. McCarthy said some months ago the Council passed a resolution calling for the position of Mayor to be reinstated. It was agreed that the resolution would be forwarded to the Minister for consideration and that it would be circulated to all local authorities. He asked if a response was received to the resolution.

Mr. G. O'Brien said the correspondence issued to the Department and it was circulated to all local authorities. The reply from the Department reiterated the legislation and stated that the status quo remains. This response was circulated to members in Correspondence General.

Cllr. D. Grady said it is wrong that there is no Mayor of Kerry or Mayor of Killarney. The title of Cathaoirleach is not recognised in the same way and does not carry the same status. He asked that a further letter would issue to the current Minister calling on him to amend the legislation.

Cllr. Gleeson said if it is proposed to reinstate the title of Mayor it is important to ask Oireachtas members to seek an amendment to legislation to allow for the use of the title of Mayor.

Cllr. J.J. Culloty supported this view and said the title of Mayor is very important. This is particularly true in Killarney and he said he could not describe the difference it makes to use the title of Mayor.

Cllr. D. Healy Rae called on the Fine Gael councillors to contact their party Oireachtas members asking them to resort the title of Mayor.

Cllr. P. McCarthy said his party had already spoken to its Oireachtas members on this issue.

Cllr. M. Kennelly referred to the National Housing Strategy for People with a Disability, 2011 - 2016 and asked if it is only being implemented now. He was aware of a person in a wheelchair who was being moved out of their rental accommodation and he asked if the Council can assist them.

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In response, Mr. J. Breen said the Strategy is in place since 2011 and the first meeting of the Steering Group was held in October. He was aware that one housing applicant on the waiting list requires specialist accommodation. It is also proposed to move people from specialist accommodation into the community.

Mr. J.D. Flynn said the executive and the Council raised this issue on a number of occasions. However, the legislation was not amended to allow the title of Mayor to be used and we must act in accordance with the law.

Cllr. D. Grady said something must be done to help people with disabilities.

Members agreed that the Financial Report would be presented quarterly.

### **14.10.20.03 Adoption of Kerry County Council's Audit Committee Charter**

Mr J.D. Flynn referred members to his report dated 25<sup>th</sup> September 2014 on this item which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was unanimously agreed to adopt the Kerry County Council Audit Committee Charter.

Cllr. T. Ferris asked if the Chairperson of the Audit Committee is obliged to come before members of the Council to answer questions.

Mr. J.D. Flynn said once a year a report is presented to Council on the work of the Audit Committee.

Cllr. T. Ferris said she understood members are entitled to submit questions to the Audit Committee and non-elected members are required to respond.

Mr. J.D. Flynn undertook to review the legislation and to revert to Cllr. Ferris.

### **14.10.20.04 Housing (Miscellaneous Provisions) Act 2014**

Mr J. Breen referred members to his report on this item which was circulated. He briefed members on the main provisions of this legislation under the following headings:

- Housing Assistance Payment
- New Tenant Purchase Scheme for local authority tenants
- Replacement provisions for section 62 of the Housing Act 1966 that provide for a revised procedure for repossessing local authority dwellings (Part 2)
- Miscellaneous Provisions.



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Cllr. M Gleeson said the Tenant Purchase Scheme was one of the most successful initiatives since he was first elected to the Council. As a result, communities have thrived. On numerous occasions members requested that the new Tenant Purchase Scheme would be introduced by the Department and he requested that a letter would issue calling on the Minister to sign the Order for the Tenant Purchase Scheme as soon as possible. At this time tenants feel they may be in a position to purchase their home as the price of property is reasonable. Cllr. Gleeson said the income from the sale of local authority houses should be retained for house improvements.

Cllr. D. Grady supported the views expressed by Cllr. Gleeson.

Cllr. D Healy Rae asked if the Department are waiting for house prices to increase before they introduce the new Tenant Purchase Scheme so they can benefit from the higher house prices. It is unfair of the Department to delay the implementation of the new Scheme in this way. He supported Cllr. Gleeson's calling for the introduction of this Scheme as soon as possible. Cllr. Healy Rae asked if those RAS will now transfer to HAP. It is unfair that the tenants on RAS were taken off the housing list since 2011 and he asked that they would be reinstated on the list. On occasion people are removed from the list as the Council writes to them annually but because they moved addresses they do not get the letter. When they do not respond they are removed from the housing list. It is only a few years later when they ask why they were not considered for a particular house that they find they were removed from the housing list. He referred to the requirement that the landlord must be tax compliant and said this is acceptable when the tenancy commences but what happens to the tenant if the landlord is not tax compliant in the third year. Will the Council identify an alternate house for the tenant?

Cllr. M. O'Shea referred to the Housing Assistance Payments and asked if the Council would view properties before they are let to ensure they are up to a proper standard and are planning compliant. He asked if mortgages would be provided as it is very difficult for a person living alone to secure a mortgage.

Cllr. M Cahill said antisocial behaviour is a growing problem and the need to get Garda clearance is greater now than ever. He attended a community meeting with other councillors but the issue of antisocial behaviour was not discussed as the people who organised the meeting were afraid to raise it. In Kerry there are approximately 5000 qualified housing applicants and the building programme is at a standstill while the housing list continues to grow. Cllr. Cahill welcomed the proposal under the new Tenant Purchase Scheme that repayments would be based on a person's ability to pay. He asked when the new Scheme would commence. He also asked if the Council will be permitted to retain the proceeds of the sale of houses to fund repairs to local authority houses. He asked that the transfer of tenants would be expedited for those with genuine reasons to request a transfer.

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Cllr. J. Finucane welcomed the HAP pilot project and said the benefit of this is that the tenant sources the house of their choice in any area of their choice. If they subsequently secure gainful employment they can retain the Housing Assistance Payment. He called on officials to keep in contact with pilot counties to see what issues arise as they implement the Scheme. Cllr. Finucane said he understood the commencement of the Tenant Purchase Scheme would be announced in the next few weeks. Tenants on social welfare will not get a mortgage from banks and he asked that meetings would be arranged with Credit Unions to streamline the application process to afford these people an opportunity to purchase their homes.

Cllr. D. Nolan said she understood from a recent training event that the adoption of an Allocations policy is a reserved function. At present tenants are paying additional amounts to landlords as rents have risen. She understood in the HAP pilot areas there is a slow take-up by landlords but more information would be available in due course. Cllr Nolan referred to housing that was available under the Affordable Housing Scheme which was not taken up and asked if Kerry County Council has any of these houses at present and if so will they be sold off.

Cllr. T. Ferris said that it is a positive that there is provision for the inspection of properties prior to letting to ensure there are up to an acceptable standard. She pointed out that some properties are not fit for letting. She asked when is it anticipated that the Minister will sign the Order for the Tenant Purchase Scheme. Cllr. Ferris referred to HAP and asked what is the qualifying criteria. Cllr. Ferris expressed concern at the proposal to deduct rent from social welfare tenants at source especially as Ms. McAllen has said 98% of tenants pay their rent with just 2% not paying. If a tenant is faced with an emergency up until now they could miss a week's rent to allow them to deal with the emergency and pay extra rent for the following weeks to make it up. Many of these people are on Family Income Supplement and if a child gets sick they may not have the money for the rent if they must buy medication. However, with this proposal the rent would be deducted from source and it is outrageous that families will be put in this position. Cllr. Ferris said she understood payments for HAP would cost €6m per annum and this money is paid to private landlords. For this amount houses could be purchased and they would pay for themselves in 20 years. The only people to benefit from this Scheme are landlords while local authorities and taxpayers must foot the bill and there will be no asset at the end of the day.

Cllr. P. Daly said this legislation should be called the Private Landlords Act. He asked how many local authority houses would be built next year. He welcomed the proposed Tenant Purchase Scheme and said he hoped it would be implemented by the Department as soon as possible. He referred to a particular housing estate which is well-managed and said since some houses were sold and subsequently rented there is a problem with antisocial behaviour. It has proved very difficult to address this problem. Local authority tenants have a good

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record of compliance with rent payments and he urged caution against the deduction of rent at source.

Cllr. S. Locke called for the immediate introduction of the Tenant Purchase Scheme. The issue of antisocial behaviour needs to be urgently addressed. All applicants for housing should be thoroughly vetted before they are given a house. Eviction orders can be problematic for those living in housing estates and the cost of repairing houses can be substantial. He asked who is responsible for this cost, is it the tenant. A sum of €20.2m is being provided by the Government for housing and he asked how much of this is allocated to Kerry.

Cllr. M. Kennelly supported the views expressed by Cllr. Gleeson in relation to the Tenant Purchase Scheme. He asked if there is an actual housing waiting list and could members be given a copy of it. Cllr. Kennelly asked that members would be allowed to make representations and that they would get a proper response.

Cllr. JF Flynn said there is a large increase in the population in the Killorglin and Milltown areas over the last few years. People seeking planning permission have been refused and they are then expected to buy unfinished houses in the area. He accepted that there are plenty houses in Killorglin but said there was a problem in the Mid-Kerry area and he asked what the solution is.

Cllr. J. Moloney said the operation of HAP means anyone on rent supplement will transfer to the local authority. He asked how many staff would be required to operate this scheme and will Community Welfare Officers transfer to the local authority.

Cllr. J. Healy Rae asked how many houses Kerry County Council would build or buy in the next two years. In the past he proposed that the Council would purchase houses in Castlemaine but that did not happen and he believed it was a mistake. The present Government tried to take lands back from local authorities, but thankfully it never materialised. He referred to the requirement that landlords must be tax compliant and said in some instances, Certificates of Tax Clearance only issue in respect of a two month period. He asked prior to payments being made to landlords does the Council contact the Revenue Commissioners to ensure they are tax compliant.

Cllr. D. Grady said there was a banding system in Killarney and if an applicant was not in the first two bands they had no hoping of being housed. Over a year ago, the Department sanctioned the construction of eight houses in Killarney but they have not commenced. He said a person must be on rent supplement for 18 months before they qualify for RAS and this is very unfair.

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Cllr. J. Brassil said the workload involved in taking on HAP would be substantial. He deals with housing staff every day and they are already very busy and he where the resources will come from and how will they be funded. He asked if there was provision to allow for an increase in staff numbers to deal with this scheme. At present he was dealing with a family who are €10 per week outside the limits to qualify for rent supplement and that means they would not qualify for RAS. He asked if HAP would benefit them. This family are amongst the worst of he has come across as they qualify for nothing and they would be better off not working.

Mr. J. Breen said that he had previously pointed out that HAP is different from RAS as the requirement to be on rent allowance for 18 months does not apply. He pointed out that Kerry County Council provided more tenancies in the past number of years than when we were building houses. He referred to the query on RAS tenants and whether they are permitted to go on the transfer list and said the then Minister clearly stated that they can go on the transfer list. All applicants are informed that they must keep the Housing Department informed of any change i.e. change of circumstances, address etc. Mr Breen then referred to the issue of tax compliance by landlords and said this issue is arising with landlords in the RAS scheme. In some instances Tax Clearance Certificates only issue for a number of weeks and they are presently working with landlords on this issue. He confirmed that accommodation, under HAP must be up to an acceptable standard and landlords must be tax compliant. The Housing Department seeks information on a weekly basis on the introduction of the new Tenant Purchase Scheme and will continue to do so. In relation to anti social behaviour Mr Breen said we are the only landlord who vets every potential tenant and any information given is dealt with in the strictest of confidence. If a member or tenant has any issue in relation to anti social behaviour they should contact the Tenant Liaison Officer.

The adoption of the Allocations Policy was always a reserved function and that is nothing new. He undertook to provide additional information to members on how the policy works. Mr Breen confirmed that Kerry County Council has no affordable housing on hands. When properties were available we entered into negotiations with voluntary housing groups and they subsequently let the houses. The Affordable Housing Scheme is now closed. Mr Breen undertook to take on board members concerns in relation to deductions of rent at source. The Council is paying €0.5m each month to landlords under the RAS scheme. No allocation has yet been received for the construction of houses despite the announcement in the Budget that substantial funding was provided for this purpose. However, the Housing Department is considering where the best locations would be to build or buy houses to ensure value for money. Mr Breen undertook to revert to members once information on the allocation is received from the Department. A number of members requested a copy of the housing list and he is considering this request subject to data protection issues. There are approximately 1800 people on rent supplement in the county and they will transfer to the County

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Council. The pilot counties had indicated that there is a substantial body of work involved in taking over HAP. He referred to Cllr. Brassil's query in relation to a particular family and said he hoped HAP would be of benefit to them as it is based on a differential rent. Mr Breen again referred to anti social behaviour and said it is important to give out a strong that message that the Council vets all housing applicants. An application was made to the Circuit Court the previous week and an Order for Possession was granted.

Mr McMahon then referred to the Rural Settlement Policy and said in the review of the County Development Plan members were anxious to ensure provision was made in relation to the overhang. There are a large number of vacant houses in the county and provision is made in the County Development Plan to ensure they can be occupied as permanent places of residence. There are a substantial number of vacant houses in Killorgnan while Milltown is one of the few places where the private sector is building houses which are nearing completion.

Cllr. D. Grady said he was aware of one house where the tenant is involved in drugs and it is going on for five years. He asked why the houses in Killarney had not commenced despite an allocation of €1.2m.

Cllr. B. Cronin said he was aware of tenants whose neighbours have dogs that are out of control and they feel intimidated. He asked if the local authority can act to protect these tenants.

Mr Breen said the Council had permission to build 20 houses in Killarney but they only got funding to build 8. This housing scheme is being redesigned at present and will go to tender shortly. The cultivation of drugs for personal use is not anti social behaviour however, it is if the drugs are for sale. The keeping of dogs is not allowed under the tenancy agreement and if there is an issue with barking dogs any person can make an application to the District Court.

Cllr. P. Daly said it is an offence to have drugs in your possession. He said some families have five or six children and a three bedroomed house is not adequate for them. When houses are being constructed he asked that such family sizes would be accommodated.

Cllr. T. Ferris asked for an update on extensions being provided to local authority houses.

Mr. Breen said funding was received and a number of them have commenced.

Cllr. T. Ferris asked how much was received.

Mr. Breen said he did not have this figure to hand but he would revert to Cllr. Ferris with it.

The Cathaoirleach said an allocation of €330,000 was received.

The Cathaoirleach informed the meeting Items 5 and 6 would be taken together.

**14.10.20.05 Kerry County Council's response to the Dept. of Transport, Tourism and Sport's Draft Strategic Framework for Investment in Land Transport**

Mr. C. O'Sullivan, referred members to his report dated 16 October 2014 on this item which was circulated. He outlined the key issues of the framework for the meeting. Mr O'Sullivan said the difficulty is that the level of funding has eroded in recent years. He could foresee a lot of funding for capital infrastructure going to Dublin to address the congestion and to provide additional public transport. He pointed out that there is not much public transport available in Kerry and he expressed concern that the level of funding for local and regional roads will reduce further.

**14.10.20.06 Kerry County Council's response to the Dept. Transport, Tourism & Sports Statement of Strategy 2015 – 2017**

Mr O'Sullivan, referred members to his report dated 14 October 2014 on this item which was circulated and he briefed them on the report.

Cllr. M Gleeson said the prospects of funding for roads are bleak. He already submitted a Notice of Motion on the N21 through Adare for the November Meeting. Until the Adare Bypass is provided development in North Kerry will be stifled. The N22 from Ballyvourney to Macroom is deplorable and the N22 in Kerry, which members were informed would be resurfaced a number of years ago, continues to delaminate. Cllr. Gleeson said he knew Dublin since the 1960s and he is aware of the chaotic development that took place, pre-public transport. Subsequently it cost a lot more to provide public transport to service these developments. The Public infrastructure should have been provided before these developments were constructed. If Dublin is allowed to expand in an uncontrolled manner new public infrastructure will be required and this will take a lot of the available funding. This is already evident at the Red Cow and Newlands Cross, where millions of euro is being spent on an infrastructure that should have been provided long ago. Industry will not be provided in peripheral counties like Kerry unless there is a good road infrastructure. The development of our tourism industry, including cycling and walking must be prioritised. There is no cycle lane on the N22 yet the numbers of cyclists is increasing each year. He welcomed the development along Lough Leine and also the proposed Greenway which will be very beneficial from a tourism point of view. All roads must be up to an acceptable standard to encourage tourists on the Wild Atlantic Way to come to Kerry.

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Cllr. M. Cahill said access to the county is a major issue and members have been asking that this would be addressed for the past 20 years. The Ring of Kerry is one of the most famous roads in the country and it is disappointing that the standard road at the entrance to the Iveragh peninsula is so bad. From Bunkers roundabout to the J.P. O'Sullivan Park the road is a disgrace. Cllr. Cahill acknowledged that funding was provided for the design of this road in 2014. However there are schools, shops and Fexco Financial Services on this stretch of road and investors come to Killorglin on a daily basis and as this is their first impression it is not acceptable. Additional funding should also be provided for the Local Improvement Scheme. There are hundreds of these roads in the county with having just two or three houses and others with up to 20 houses. All the residents pay road tax but their roads have not been taken in charge. The Wild Atlantic Way is an excellent initiative for Kerry and the development of Greenways is vital and they should be linked up. There should also be substantial investment in coastal tourism and piers and harbours. He asked that a flagship tourism project would be identified which would then be funded.

Cllr. D Healy Rae asked who wrote the documents.

Mr. C. O'Sullivan said Kerry County Council was requested to make a submission to the Department and the closing date for receipt of submissions was the previous Wednesday. The draft submission before the members was made and the Department was informed that further comments from the members would be forwarded following the meeting.

Cllr. D. Healy Rae said it is not correct to say that there was inadequate take-up of the LIS and the CIS but rather the level of funding provided over the past number of years was totally inadequate. There are 160 roads on be a LIS list and it will take 18 or 19 years to get through this list. For this reason it is unfair to say there has not been a good take-up of the scheme. Cllr. Healy Rae then referred to the Community Involvement Scheme and said he was never informed that any of this funding was not spent and returned to the Department. He recognised that this scheme does not suit all roads but in relation to link roads it is unfair to ask residents to contribute to the upkeep of these roads when others are using them also. People living on a link road were neglected in the past number of years and many Class III roads are in a dreadful condition. The roads leading to Munster Joinery are in very poor state of repair. For the past 12 months the members of the Killarney Municipal District have been highlighting the very bad state of this road. However he welcomed the fact that it would be improved in the coming weeks. People in rural areas need the same recognition as people in Dublin and many local roads are not safe for pedestrians because of briars etc. There is an unprecedented number of cyclists on roads and the roads are not safe for them. There was an excellent job done on the road from Loo Bridge but the crash barrier was left out too far and he asked what the reason was for this. Cllr. Healy-Rae asked that the width of the road to Fenit would be kept to a maximum to facilitate trucks transporting cranes from Liebherr.

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Cllr. S. Locke welcomed the reports and said he hoped the issues highlighted in the reports would be addressed as soon as possible. People living in private estates pay LPT and they should get some service but funding is not available to improve their roads.

Cllr. T. Ferris referred to the closing date for receipt of submissions and said she found it hard to believe there was not adequate time to consult with councillors before the submissions were forwarded to the Department. A pattern is developing where the members are being asked to approve tenders and submissions retrospectively while there is no flexibility in relation to approval for members to attend conferences. Cllr. Ferris referred to the Local Improvement Scheme and said the level of funding provided is inadequate. The local contribution required for the Community Involvement Scheme is too high and the local authority should maintain the road when it is improved but this is not happening. The report states there is 500 km of private roads in the county and she asked how this compares to other counties. Cllr. Ferris asked that the issue of coastal erosion on the Fenit road would be monitored and dealt with to ensure Liebherr can continue to use Fenit to export cranes. Cllr. Ferris asked if the dredging of Fenit Harbour would go ahead in the New Year and she said this facility is very important for tourism. She referred to a public light on the main Listowel road in Tralee which is not working and she asked that it would be fixed immediately.

Cllr. J.J. Culloty said it is important that the submission would reflect the views of the members. Under the 2014 Roads Programme funding for regional roads was down 50% on the 2008 allocation. Since then LPT was introduced and we had a cut of €13 m in one programme. Cllr Culloty said he has a difficulty with the Community Involvement Scheme as the community is asked to contribute 20% of the overall cost. If the level of local contribution was reduced to 10% he felt it would be acceptable. The average income in Kerry is 17% lower than the rest of the country and everything seems to be against those living in rural Ireland despite the fact that 68% of the population live in rural areas. People living on the western seaboard are being treated like second-class citizens. The Macroom and Adare Bypasses are also critical for development in Kerry. There is great potential for sports tourism and also the Wild Atlantic Way which is in its infancy. However a good standard of road network is critical if these initiatives are to be a success.

Cllr. N. Kelleher said it is evident that the IDA do not come to Kerry because of our road network. The N72 from Mallow to Killarney is in a very poor condition and he asked that this would be included in the submission. It is imperative that access to the county is improved and it is time the NRA listened to members. Kerry Airport is also of significant importance to the county and this must be highlighted.



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Cllr. D. Quigg said the NRA is failing people in Mid and South Kerry, as are Irish Water. Killorglin needs a Bypass and a Traffic Management Plan. The issue of hedge cutting must also be addressed. There is no set down area for coaches in Killorglin and as a result, they drive through the town and businesses are losing out. He asked that consideration would be given to providing a coach park in Killorglin and that this objective would be included in the South and West Kerry Municipal District Plan.

Cllr. S. Fitzgerald said that the submissions are very general and should be more specific. There is mention of the Tralee and Castleisland Bypasses but other towns are not mentioned despite the fact that they have plans for relief roads. This is very important in particular on the Wild Atlantic Way to ensure visitors have a good experience. The difficulties with the N86 cannot be blamed on the NRA, but rather on An Bord Pleanála but he hoped there would be a positive outcome. He understood the Cork County Council are buying land for the Macroom Bypass and this is a positive development.

Cllr. J. Moloney said the NRA is not listening to the members of Kerry County Council. Funding for national roads should be given directly to the local authorities or the NRA should change the criteria for funding.

Cllr. J. Finucane said this is a draft submission and there are two key issues as follows: (1) Kerry Airport - there is a need for a walk on walk off service in Dublin to make the service more attractive. At present commuters must allow one hour to get through security but if they hold a domestic ticket these security measures should not apply. (2) The Wild Atlantic Way is the more successful initiative of recent times. He PROPOSED that Kerry County Council would host a meeting of the counties on the Wild Atlantic Way and form an alliance to fight for common issues.

Cllr. P. McCarthy PROPOSED that the members would ask all Kerry Oireachtas members to do whatever they can to challenge on An Bord Pleanála's decision to refuse permission for the Adare Bypass in the courts. The reason permission was refused was that An Bord Pleanála believed it would be an isolated development. All members are familiar with this proposed route and how any state body could come to that conclusion is beyond belief.

Cllr. J.F. Flynn, said the NRA are not listening to members. He moved three Notices of Motion in the past few months and they were all rejected by the NRA. One related to speed limits at a new national school and he was informed that the speed limits would be reviewed in 2015. Cllr. Flynn asked if provision could not be made for an emergency situation such as this. A second motion referred to the provision of a white line on the road in Keel and that was also refused. The third related to the provision of a footpath in Castlemaine and again this was rejected by the NRA who said funding was not available for new pet footpaths.

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Funding was only provided to repair existing footpaths. Cllr Flynn asked if there was any change in relation to these matters since the Budget.

Cllr. O'Shea expressed his disappointment that these submissions were not discussed at Municipal District level prior to being submitted to the Department. The N70 Ring of Kerry is the jewel in the crown of South Kerry and it is vital that improvement works continue. The NRA is presently undertaking works at Kilderry and he hoped that funding would continue for this section of road. At the last meeting of the South and West Kerry Municipal District he requested a Bypass for Killorglin as it is urgently needed due to the congestion in the town. The problems with access to the county on the N21 and N22 are well documented and when the county is being denied job opportunities it is time to act. It is time to bring this to the attention of the local MEP in Killarney and to ask him to take this case to Europe. Kerry Airport gives vital access to the county and a rail link from the Airport should be provided and he understood this was included in the Farranfore Plan.

Cllr. J. Brassil said to suggest that funding for local roads would have to come from income from LPT is unworkable and cannot be tolerated. He agreed with the views expressed by previous speakers in relation to the lack of funding for Local Improvement Schemes. The Cathaoirleach expressed concern at the delays in the development of the Greenway in South Kerry because of compensation for landowners. The compensation is a small element of the overall cost of this project and the Greenway is vitally important for the county. If the Greenway was constructed as soon as possible everyone would benefit from it.

Mr. C. O'Sullivan undertook to take on board the issues raised by members in the response to the Department. He would have liked to discuss these submissions with members before they were submitted, but the Framework is 400 pages long and in the timeframe required to read it and prepare a reply it was not possible to have it ready for the September meeting. He apologised for not getting the document to members prior to the submission being made. Mr. O'Sullivan said both these documents are at a high level and they do not reference specific projects. The biggest issue is the proposal that local and regional roads would be funded from LPT as this is not sustainable. A sum of €3m was provided from own resources for regional and local roads last year while €5m was received from the Department. If this work is funded from LPT, there will be no funding available for other initiatives.

Mr O'Sullivan then referred to Local Improvement Schemes and Community Involvement Schemes and said while we have a list of Local Improvement Schemes when they contact the applicants with a view to carrying out work on the road on many occasions they cannot come up with the local contribution. The same applies to the Community Involvement Scheme. Mr O'Sullivan undertook to ask the Department to reduce the level of contribution for the CIS as

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a social inclusion measure. He referred to Cllr. Locke's comment in relation to funding for the repair of roads in private housing estates and said that is not mentioned in the document and funding is not available for these roads. A number of members commented on specific roads but the submission is at a higher level and is a strategic document. Cllr Flynn referred to the Speed Limit Review and Mr O'Sullivan said this is a matter for Kerry County Council. We are not in a position to commence the review at present because of lack of resources. However, in 2015 if resources allow the Speed Limit Review will commence.

On the PROPOSAL of Cllr. P. Connor Scarteen, SECONDED by Cllr. P. McCarthy it was agreed to make the submissions to the Department of Transport incorporating the issues highlighted by the members.

Mr. McMahon said the period within which a challenge to the An Bord Pleanála decision on the Adare By-Pass can be taken has passed.

Cllr. McCarthy asked if there was any procedure whereby Oireachtas members could challenge this decision.

Mr J.D. Flynn said there was no avenue open to Oireachtas members to challenge this decision.

### **Suspension of Standing Orders**

The Cathaoirleach said it was 1:30pm and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. J. Finucane it was agreed to suspend Standing Orders to allow the meeting to continue.

### **14.10.20.07 Revised date for the November Meeting**

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Moloney it was agreed to hold the November Ordinary Meeting on Monday 10<sup>th</sup> November, 2014.

### **14.10.20.08 Dates for Meetings**

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. T. Ferris it was agreed to hold a Special Meeting to nominate a representative to the Governing Body of NUI Cork on Monday 17<sup>th</sup> November, 2014 at 10.30am.
- (b) On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. G. Spring it was agreed to hold the Budget Meeting of Kerry County Council on Monday 17<sup>th</sup> November, 2014 at 10.45am.

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The meeting adjourned for lunch at 1.35pm.

The meeting resumed at 2.40pm.

### **14.10.20.09 Venue for the December Meeting**

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. J. Moloney it was agreed to hold the December Ordinary Meeting in Ballyheigue on Monday 15<sup>th</sup> December, 2014 at 11.30am.

### **14.10.20.10 Report on AILG Training on Finance**

It was agreed to note Cllr. D. Quigg's written report on the AILG Training on Finance held on the 16<sup>th</sup> September, 2014 in accordance with Section 142(5)(f) of the Local Government Act, 2001 as amended.

### **14.10.20.11 Opening of tenders since the September Meeting**

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Foley it was agreed to note the opening of the following tenders since the September meeting:

- (a) Permanent Capping of Cell 17 and part of 18 at North Kerry Landfill – Closing date: Thursday 25<sup>th</sup> September, 2014 at 4pm.
- (b) Tralee Wetlands Centre Climbing Tower and Toddler Play Area – Closing date: Wednesday 8<sup>th</sup> October, 2014 at 5pm.

### **14.10.20.12 Approval for the opening of Tenders**

- (a) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of tenders for (a) the Removal and Treatment/Disposal of Mixed Municipal Waste from Kerry County Council's Waste Facilities and (b) the Disposal of Mixed Municipal Waste from Killarney District's Refuse Collection Service – Closing date: Monday 20<sup>th</sup> October, 2014 at 4pm.
- (b) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. J.J. Culloty it was agreed to approve the opening of tenders for Listowel Heritage and Community Led Regeneration Strategy 2015 – 2020 – Closing date: Friday 24<sup>th</sup> October, 2014 at 4pm.

#### **14.10.20.13 Notices of Motion**

##### **Emergency Motion**

The Cathaoirleach said Cllr. J. Finucane wanted to move the following emergency motion:

*“That this Council calls on the HSE to state that the water in St. Brendan’s Park is not fit for consumption and save each individual home from applying for a test. This would allow the residents to avail of a waiver from Irish Water.”*

Cllr. J. Finucane said the members from the Tralee Municipal District are familiar with this situation as they attended a number of meetings. A number of tests were carried out privately at the request of the residents and the results verified that the level of lead in the water exceeds acceptable levels. Correspondence received from Irish Water indicates if a Boil Water notice is issued or if the water is not fit for human consumption customers will get a 100% waiver. Members are aware of the difficulties in contacting Irish Water. Wills Bros. are due to commence work on the replacement of the water pipes in this estate on the 4<sup>th</sup> November. Only the HSE can state if the water is fit for human consumption or not. He called on the HSE to accept the bona fides of the testing already carried out in this estate.

Cllr. T. Ferris supported the motion and said a representative from the Water Services Department informed members at a recent meeting of the Municipal District of Tralee that anyone could contact the Council and request that their water supply would be tested. However members are now being told they must first contact Irish Water. All houses tested in St. Brendan’s Park exceeded the acceptable levels of lead in the water. Irish Water questioned 1 test which had a result of 155 and they arranged to have it tested later in the day when the water had been used. They then got a result of 45. Cllr. Ferris said the water in St. Brendan’s Park should be declared unfit for human consumption. A number of people with young children are concerned and they cannot use bottled water to make babies feeds. She called on the Council to provide an emergency water supply for this estate.

Cllr. N. Foley said St. Brendan’s Park is one of the largest estates in Tralee and this is a hugely traumatic issue for them. Kerry County Council must support them and provide an alternative water supply.

#### **1. Funding to clean the tomb stone of Fr. Patrick S. Dinneen**

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

Go gcuirfeadh an Chomhairle airgead ar fáil don eagrais chaoi chun go nglanfaí Leach Thuama an Fhoclóiri, Fr Patrick S Dinneenn, i Reilg Ghlasnaoin agus freisin chun go ndéanfaí an t- inscribhinn d’athnuachan.

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That the Council makes money available to the appropriate body/organisation to clean the tomb stone of the lexicographer, Fr Patrick S. Dinneen, in Glasnevin Cemetery, and also to refresh the inscription.

**Tugadh an freagra seo leanas:**

**Déanfaidh Comhairle Contae Chiarraí teagmháil le Bord Riartha Glasnaoin chun costas an obair seo a fháil amach.**

**The following reply issued:**

**Kerry County Council will undertake to contact the Glasnevin Trust to enquire as to the cost associated with this work.**

Dúirt an Clr. M. Ó Glíósáin gur saolaíodh an tAth. Pádraig Ó Duinnín i gCiarraí i 1860, gur imigh sé leis an sagartóireacht agus bhog sé go Bleá' Cliath. D'imigh sé ar shlí na fírinne i 1934.

Cllr. M. Gleeson said Fr. Patrick S. Dinneen was born in Kerry in 1860 and he subsequently entered the priesthood and moved to Dublin. He died in 1934. Fr. Dinneen wrote a lot of books the most famous of which is An Foclóir Béarla Gaeilge which is still the most widely used Irish book. When he died he was interred in Glasnevin in LC, Row H U83½. His headstone is completely illegible and no one passing his grave would know one of the greatest gaelic scholars is buried there. He called on the Council to make a small contribution towards the cleaning of his tomb stone before the end of the 80<sup>th</sup> anniversary of his death.

The Cathaoirleach **SECONDED** the motion.

## **2. List and photographs of previous County Managers**

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

That Kerry County Council display publicly in Áras an Chontae, a list and photographs of the previous County Managers of Kerry County Council.

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

Cllr. P. McCarthy said he believes the Chief Executive represents all the staff of Kerry County Council and he **PROPOSED** that a list and photographs of all previous County Managers would be displayed in County Buildings.

Cllr. M. Gleeson **SECONDED** the motion and it was unanimously agreed.

### **3. Lifting of the ban on growing beet**

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

That Kerry County Council would write to the appropriate Department seeking clarification on the date in 2017/2020 when the ban on growing beet is to be lifted. This will allow time to look at the possibility of setting up a beet factory in Rathmore and allow farmers adequate time to prepare for growing the beet.

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

Cllr. D. Grady said the decision to close Ireland's last remaining sugar factory at Mallow was made in March 2006 as an outcome of reform to the EU sugar regime. It ended an 80 year history of sugar production, affecting some 3,700 sugar beet growers and over 300 employees. It means Ireland and indeed Europe are no longer self sufficient in the sugar beet industry and Ireland is currently importing €300m worth of sugar according to Michael Hoey, Chairman of Beet Ireland.

In 2010 the findings of the EU Court of Auditors showed that the closure of the Irish Sugar Industry may have been unnecessary and that the EU were using information that was out of date in the reforms enacted. It is clear from the Auditors report that the sugar plant in Mallow was profitable and efficient.

It looks likely that there will be EU agreement to abolish quota restrictions by 2017 / 2020, this will provide Ireland with an opportunity to re-enter sugar processing. Much work has been done by some County Councils to identify sites and to provide necessary supports to Beet Ireland. It is now time that we begin this work in Kerry. Cllr. Grady PROPOSED that Rathmore would be suggested as a suitable site as it has access to water from the Blackwater and has access to the rail network. In the event of Rathmore not being deemed a suitable location for a beet factory, we should collaborate with Cork County Council to ensure a plant is secured for Mallow as this would provide jobs to the people of East Kerry and also provide Kerry farmers with a much needed income source.

Cllr. Grady said local sugar beet production has many benefits, for local employment, as an income source for farmers and also a great animal feed. It would also provide security of sugar supply for enterprises where sugar is a main ingredient. It could also be used for the creation of a Bio-ethanol Industry.

Cllr. M. Gleeson SECONDED the motion and said the decision to close all four sugar factories was one of the most non-sensical decisions made in relation to agriculture. These factories were an economic boost to their area and their closure was a devastating blow to producers and the factories. If these factories were re-opened it would be welcome for farmers and the entire area.

#### **4. Provision of a designated track for young drivers**

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

To ask that we the Members of Kerry County Council assist in the provision of a designated track or a designated area for youngsters wishing to do wheelies with their cars, like they have in Donegal.

**The following reply issued:**

**Kerry County Council contacted Donegal County Council and learned that this project did not proceed as there was no indication that it would lead to increased safety on the roads. We have been informed that the Road Safety Authority are opposed to these facilities and that other Local Authorities have taken the decision not to proceed on the advice of the Road Safety Authority. Research in other countries has also shown an increase in accidents occurring when people are travelling to and from these designated sites.**

Cllr. J. Healy-Rae said he was approached by a number of young people who asked that Kerry County Council would do something similar to Donegal for those who want to do donoughts with their cars. Cllr. Healy-Rae said he did not condone the blocking of roads for this purpose. This group of young people are asking that they would be facilitated as they consider it a sport. He called on the Council to provide a place where young drivers can drive their cars in safety and it would remove this type of activity from our roads. Cllr. Healy-Rae said the reply is inaccurate as there is no evidence of accidents going to or coming from such a venue.

Cllr. D. Healy-Rae SECONDED the motion and said those involved are very responsible and are only looking for a designated space. This would also help people with concerns where this activity is taking place close to their homes and it would also eliminate unnecessary marks on our roads. These young people spend their money on their cars and it is a sport. If such a facility was provided the Council could insist it would only be open during the day. Such a facility would also ensure the safety of spectators. He suggested that an abandoned road or a commercial area with a hard surface could be used for this activity. The Council could ensure the drivers have insurance and could also impose a tariff.

Cllr. B. O'Connell said he was opposed to the motion and said cars kill people and irresponsible drivers kill. He drove in car rallies and even with roll bars etc. people still lose their lives.



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Cllr. G. Spring said he was vehemently opposed to the motion and said he would not like to meet these drivers on the road. Racing cars are brought to a rally on a transporter and he was concerned how young drivers would behave on the public road after using such as facility.

The Cathaoirleach said the motion was proposed by Cllr. J. Healy-Rae and seconded by Cllr. D. Healy-Rae.

Cllr. J. Healy-Rae called on management to cost such a proposal.

Cllr. T. Ferris asked what studies have identified that works for this type of activity.

The Chief Executive said the key message is that Kerry County Council has been informed that the Road Safety Authority is opposed to this type of facility.

Cllr. J. Healy-Rae said he wanted to amend his proposal to call on the Council to look at options to cater for young drivers.

The Cathaoirleach informed Cllr. Healy-Rae he could withdraw his motion and submit another one.

Mr. G. O'Brien said a vote would be taken on the motion.

The vote resulted as follows:

**For:** Cllrs. Flynn, D. Healy-Rae, J. Healy-Rae, Kelleher, Quigg **(5)**

**Against:** Cllrs. Cahill, Cronin, Culloty, Daly, Ferris, Finucane, Fitzgerald, Foley, Grady, Kennelly, Locke, D. McCarthy, P. McCarthy, Moloney, Moriarty, O'Connell, O'Shea, Sheahan, Spring, Brassil **(20)**

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

The Cathaoirleach declared the motion DEFEATED.

The Cathaoirleach said Motion Nos. 5, 6, 7, 11, 18, 29, 3, 32 and 35 would be taken together.

**5. Implementation of a 'taking in charge' policy for new housing estates by Irish Water**

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

That Kerry County Council call on Irish Water to immediately implement a "taking in charge" policy for new housing estates as the current lack of policy has meant that the Council's progress in this area has come to a stand still.

**The following reply issued:**

Kerry County Council adopted a taking in charge policy for housing estates in June 2008, in accordance with the provisions of Section 180 of the Planning and Development Acts 2000, (as amended) and all applications for the taking in charge of estates are assessed in accordance with this policy. Since 2009, Kerry County Council, excluding the Town Council areas, has taken 43 estates in charge, 15 of which were processed in 2013. A further 16 applications received since 2008, were assessed but could not be taken in charge, due to outstanding defects not in compliance with conditions of planning, 13 of which relate to water services infrastructure. Since the beginning of the year a further 8 applications have been received and these are currently being assessed.

Section 180(4)(c) of the Planning and Development Act, 2000 provides that "A planning authority that is not a water services authority within the meaning of section 2 of the Act of 2007 shall not take in charge any sewers, watermains or service connections under paragraph (a)(i) or (b)(i), but shall request the relevant water services authority to do so." Water services authorities are defined in the Water Services Act 2007 as a County Council or a City Council as defined in the Local Government Act 2001.

The powers and functions relating to the provision of water services (with certain limited exceptions) have transferred to Irish Water from local authorities in accordance with Section 7 of the Water Services (No.2) Act 2013, but the Act did not change the definition of a water services authority in the Water Services Act 2007 and accordingly, local authorities remain as water service authorities (with certain water services functions). This transfers a significant risk to the local authority in addressing water services defects, particularly where there is no funding provision for the remediation of any defects.

Following the establishment of Irish Water, under the provisions of the Water Services (No. 2) Act, 2013, all water services assets, rights and liabilities, transferred to Uisce Éireann (Irish Water). Issues in relation to the transfer of water services assets, after the 1st January 2014, as a consequence of the taking in charge of housing estates, were raised with the Department of the Environment, Community and Local Government and Uisce Éireann, during the drafting of the legislation and subsequent to it's

**enactment. A working group has been established with Uisce Éireann, the Department and the local authority sector, to develop protocols for the orderly taking in charge of estates, which will hopefully address these issues.**

Cllr. J. Brassil said this is one of numerous issues Irish Water has failed to deal with while Kerry County Council took 43 estates in charge. However many estates are now in limbo as the Council cannot take them in charge and Irish Water has no policy on the taking in charge of estates. If the developer or residents of a well finished estate apply to have it taken in charge as a responsible local authority we cannot take it in charge. If the estate is not taken in charge immediately in two or three years time more work will be required before it can be taken in charge. When this is added to the problem with the group schemes, shared water connections, a call out charge of €280 per hour after the first leak it is very frustrating trying to deal with Irish Water. He asked for the support of the members to call on Irish Water to develop a policy for the taking in charge of estates. Cllr. Brassil said it is still not too late to abolish Irish Water. If water charges were paid to the Council they would be in a position to deal with the problems with water schemes within the county. The metering programme could have developed over a number of years.

Cllr. J.J. Culloty **SECONDED** the motion and agreed with the views expressed by the Cllr. Brassil. In September he moved a Motion in relation to the taking in charge of Group Water Schemes. He asked if it was true that Cork County Council took an estate in charge with a maintenance contract for the water supply.

## **6. Attendance of Irish Water personnel at a Council Meeting**

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

In the interest of transparency and in an effort to foster a better working relationship, that Kerry County Council formally request Irish Water to send personnel to attend our Council Meetings and/or Municipal District Meetings on a quarterly basis.

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

Cllr. N. Foley said 'they seek him here, they seek him there, they seek him everywhere, the damned elusive Pimpernel'. The Scarlet Pimpernel of old has become the Irish Water representative of 2014. Members cannot see him, they cannot hear him, they wonder does he exist at all or is he a figment of their imagination. Cllr. Foley said she used the reference to "he" in the broadest sense recognising that he might very well indeed be a she.

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The general public can't make contact with the Irish Water Pimpernel – no-one answers the phone in Irish Water land. People are in a state of confusion and concern regarding a wide variety of issues – are PPS numbers to disappear in the black hole that is quickly becoming Irish Water or will they re-emerge being distributed to other interested parties as the need arises.

Another question that the general public want answered is when is a bonus not a bonus and what is a performance related pay increase if not a bonus? When is a €9,000 windfall paid to an employee who 'must do better' not a bonus? So many questions and yet no answers. To lay a pipe or not lay a pipe has become the mantra of the Water Services Department here in Kerry County Council. A Water Department that has served this county with distinction over a long number of years now does not have the autonomy to put down a pipe in the county.

In the interests of transparency, in the interests of professionalism, in the interests of accountability and democracy she moved the motion that Irish Water send a representative to Municipal District Meetings and or to meetings of Kerry County Council at least on a quarterly basis. Had this been the case heretofore we would not have had the shameful debacle that is the Irish Water story in St. Brendan's Park, Tralee and every other Park and estate throughout this county and country. Cllr. Foley called on Irish Water to do what they are being very well paid to do, to be visible, accountable and face the ongoing national rage and wrath that is their experience both locally and nationally today.

Cllr. J.J. Culloty SECONDED the motion.

### **7. Concern at request by Irish Water for PPS numbers**

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

That we the members raise concern with Irish Water's request that customers provide their PPS numbers - proposal to impose standing charges to farmers and commercial properties with residential accommodation and the severity of the charges where people connected to the public sewer have to pay double on the basis of water in - water out.

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

Cllr. D. Healy-Rae said in January 2012 he was informed that responsibility for water services would transfer to Irish Water and he warned the Council at that time. Up till then he understood Irish Water would only be responsible for the installation of water meters. He did not think that every water scheme in the county would transfer to Irish Water. Farmers are concerned they will be billed by both Irish Water and the Council and they will be charged in the double. Commercial customers are charged on the basis of 'water in – water out' and they will still be metered for water in and for sewerage but they must also pay a standing charge for the private element of their water usage. Many old houses

were built prior to 1963 when planning permission was required and if they wanted a water connection they paid for it. However anyone applying for a water connection now is charged the development levy even though they did not need to get planning permission. This is unfair and he understood it was only those who got permission where it was a condition of their planning that were liable for this charge. It is called an infrastructure charge and Kerry County Council are charging this to all those who want a water connection. He asked when was this charge introduced and that those who paid it would be refunded.

Cllr. J. Healy-Rae asked when was this levy introduced without the knowledge of the members. It is ridiculous that customers must pay the levy while also having to pay for the service.

#### **11. Removal of requirement to provide PPS numbers to Irish Water**

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

That Kerry County Council write to Irish Water and ask them to remove the requirement to provide PPS numbers, particularly for children.

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

Cllr. P. Daly said from a data protection point of view he could not understand why customers had to give their PPS Numbers and Bank Account details. He expressed concern that these details could be hacked or stolen at some time in the future. Cllr. Daly amended his motion to read as follows: That Kerry County Council would call on the Government to reverse Irish Water and to retain water services in public ownership." Cllr. Daly said he was in Dublin recently when the march against water charges took place and the anger was palpable.

Cllr. T. Ferris SECONDED the motion.

#### **18. Billing process for Group Water Schemes**

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

To ask the Director of Water Services for an explanation on the billing process of all Group Water Schemes under the Irish Water remit.

**The following reply issued:**

**In 2015 Kerry County Council will continue to directly bill individual non-domestic customers within Public Group Schemes for their non-domestic water usage on behalf of Irish Water as per existing arrangements. Domestic customers and non-domestic customers with a domestic element to their water use, connected to a Public Group Water Scheme in Kerry, will not be billed for domestic water under the existing Commission for Energy Regulation water charging structures as published in the recent Water Charges Plan Decision Paper. The Commission for Energy Regulation has**

**stated that it will publish the timeline on the establishment of a charging framework for non-domestic customers, mixed-use customers and Group Water Schemes by the end of 2014.**

**Kerry County Council have identified a number of issues in relation to the application of the CER's decision paper of the 30th of September, 2014 and will engage with Irish Water and the CCMA in relation to the practical application of the water charges plan.**

**As well as the Public Group Water Schemes which receive their water from public mains, there are also Private Group Water Schemes which have their own sources of water supply. There is no question of the Private GWSs being billed by Irish Water.**

Cllr. M. O'Shea said there is a lot of confusion around Irish Water. The Council charges €1.10 per cubic meter while Irish Water will charge €2.44. Kerry County Council bills commercial customers and he asked how long will it be before Irish Water tells local authorities to get in line with their price. There is a lot of confusion around double billing also. The average farmer uses 250 cubic meters per quarter. They will be billed for this and where there is a domestic house on the same meter they will have to pay the standard charge which will be approx.. €346 for 2 adults and 2 children. In total their water charges could be €1,500 per annum. He asked if commercial customers should complete the form issued to them by Irish Water as he believed if they do they will be billed twice. A commercial connection with a vacant house is liable for the standing charge of €26 per quarter which is €104 per annum and they must now also pay the standing charge to Irish Water. Cllr. O'Shea expressed concern that people will not be able to afford these charges. He said the introduction of water charges should be suspended for 12 months to let Irish Water get it right.

The Cathaoirleach **SECONDED** the motion and referred to the opening sentence of the reply which he then read. Kerry County Council will be collecting money from people on group schemes which will be passed on to Irish Water. He said the Council should not collect these charges until the group schemes are taken over.

## **29. Billing of non domestic metered customers**

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

Are the 14,000 non domestic metered customers going to receive two bills per quarter for their water supply in 2015. How can this be fair or justified as all their water usage is recorded by the existing meter. Are they now going to be charged on the double.

**The following reply issued:**

**There are two types of non domestic customer – those with some domestic element to their usage such as farms and those with no domestic element such as commercial and industrial properties. For non domestic customers with no domestic element there will be no change to the present billing arrangements. They will receive their quarterly bills from Kerry County Council, who bill on behalf of Irish Water. In relation to the 6,000 non domestic customers in Kerry with an element of domestic usage, classified as ‘mixed use customers’, charges for the domestic element of the usage are now in place since 1st of October 2014 by Irish Water.**

**Irish Water will bill these customers directly for the domestic element of their usage on an assessed charge based on the number of adults in the property. Kerry County Council will continue to bill for the non domestic portion, on behalf of Irish Water as per existing arrangements. Irish Water have confirmed that any customers which are billed both domestically by Irish Water on the assessed charge and non – domestically by the Council on a metered charge for some of their consumption will be automatically rebated by Irish Water. Details of how this rebate will operate are to be finalised.**

**Kerry County Council have identified a number of issues in relation to the application of the CER's decision paper of the 30th of September, 2014 and will engage with Irish Water and the CCMA in relation to the practical application of the water charges plan.**

Cllr. B. Cronin said there are 6,000 non domestic customers who live on land holdings and there is a lack of clarity from Irish Water. It is virtually impossible to get through to Irish Water and it is unacceptable the way customers are being treated by Irish Water. They will get one bill from Kerry County Council for non domestic usage and another from Irish Water for domestic usage but Irish Water will not read the meter. He asked how they could determine usage unless they read the meter. There is a complete lack of guidance and understanding of the position on the ground. Cllr. Cronin said many landowners have a home farm and an out farm with a Kerry County Council water connection. There is nowhere on the application form to indicate an out farm. He was aware of a case where a mother and father got a connection and the son or daughter got a tee from this connection. He asked Irish Water what would be the position for them but they did not understand the case. He was informed by one person in Irish Water that they would have to pay for a connection while another person told him Irish Water would provide the connection. He PROPOSED there would one bill only per meter. Cllr. Cronin said he was informed of a family who built a house recently and they had to pay €12,000 development levy and also €3,400 for water. This charge is on top of the fee of €1,000 payable for the water connection. Many parts of rural Kerry would not have water if it was not for the work of our parents and grandparents who set up Group Schemes. In the early 1970's his family paid £400 for a water connection.

Cllr. S. Locke **SECONDED** the motion and Cllr. Cronin's proposal and said members do not know how to advise constituents. New issues are arising every day and it is virtually impossible to get through to Irish Water. Cllr. Locke said there will be a general protest march on the 1<sup>st</sup> November and he called on members to be at one with their constituents.

**31. Exemption from water charges for customers with an inadequate water supply**

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

That this Council write to Irish Water asking for the people in this County who are receiving a diabolical water service to be exempt from any water charges until such times as they receive a proper service.

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

Cllr. D. Quigg welcomed the level of discontent being expressed by members and he called for the abolition of water charges. He asked that a letter would issue to Irish Water calling on them to abolish water charges until they provide a service that is fit for purpose.

Cllr. M. Gleeson said a person who is scientifically qualified said Irish Water cannot read the meters because of the covers and they will all have to be replaced.

**32. Billing of Group Water Schemes**

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

That this Council would write to Irish Water to highlight our concern with the proposed option of billing people for water who are on Group Schemes. It is not practical and will cause a lot of trouble for the voluntary people running these Schemes.

**The following reply issued:**

**In 2015 Kerry County Council will continue to directly bill individual non-domestic customers within Public Group Schemes for their non-domestic water usage on behalf of Irish Water as per existing arrangements. Domestic customers and non-domestic customers with a domestic element to their water use, connected to a Public Group Water Scheme in Kerry, will not be billed for domestic water under the existing Commission for Energy Regulation water charging structures as published in the recent Water Charges Plan Decision Paper. The Commission for Energy Regulation has stated that it will publish the timeline on the establishment of a charging framework for non-domestic customers, mixed-use customers and Group Water Schemes by the end of 2014.**



**Kerry County Council have identified a number of issues in relation to the application of the CER's decision paper of the 30th of September, 2014 and will engage with Irish Water and the CCMA in relation to the practical application of the water charges plan.**

**As well as the Public Group Water Schemes which receive their water from public mains, there are also Private Group Water Schemes which have their own sources of water supply. There is no question of the Private GWSs being billed by Irish Water.**

Cllr. J. Healy-Rae said last December Kerry County Council took over a number of group schemes. He was aware of one particular scheme that failed to get on the list of schemes to be taken over. There are 170 houses in this scheme with 110 residents and the remainder are holiday homes. Irish Water sent forms to these households but he understands with a group scheme a meter will be fitted at the main and a bulk bill will issue to those responsible for running the Scheme. These people look after the scheme on a voluntary basis and they spent a lot of money setting it up as did Kerry County Council. The group scheme will be issued with a bulk bill and they can either install 170 meters or divide the bulk bill by 170 and bill each house. If they do not pay the pressure will be turned down but unfortunately many of these group schemes have seriously bad pressure as it is.

**35. Introduction of an amnesty programme for house holders with water connection difficulties**

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

To ask that Kerry County Council and Irish Water introduce a once off amnesty programme for house holders with water connection difficulties so that they can be regularised.

**The following reply issued:**

**Responsibility for water charges and associated levies transferred to Irish Water on 1st January 2014 and Kerry County Council has no role in the matter other than to recoup the charges on behalf of the utility. It is solely a matter for Irish Water to introduce any reductions or waivers to water connection fees other than those already in place and it is a matter for resolution by the members to call upon Irish Water to introduce an amnesty.**

Cllr. M. O'Shea said this is a very serious issue. In some cases a number of domestic customers get their water for the one connection. Irish Water said they will be charged the assessed charge initially and they could not say what would be the position after that. They would probably have to get their own meter.

Cllr. B. Cronin SECONDED the motion and said this is very relevant in rural areas. Family members have multiple houses on the same connection and he did not know what would happen them into the future.

Cllr. D. McCarthy then moved Notice of Motion No. 39.

**39. Discount on water charges for people with medical conditions**

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

To ask the Minister of Environment when a list of medical conditions to give certain household discounts on water charges will be drawn up.

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

Cllr. D. McCarthy called on the Minister for Environment to draw up a list of medical conditions where discounts on water charges would be granted.

All members supported this motion.

The Cathaoirleach called on the Chief Executive to address members concerns.

The Chief Executive said the approach taken by Kerry County Council in relation to the taking in charge of estates is to draw up a list and to prioritise them in order of those with the least difficulties down to those with crucial problems. This list will then be sent to Irish Water who must draw up a policy on it. A recent circular from the Department appears to agree with this approach. This circular is asking Irish Water and the local government to enter into discussions and agree a policy for taking estates in charge. The critical issue is engagement with Irish Water. We have a lot of complicated problems and it is interesting to hear the issues raised by members on the proposed billing system. The Council tried to impress on Irish Water the complexity of the problems on the ground. She said the proposed billing system is very complex and may not suit all situations.

Ms. Murrell said she contacted Irish Water and they have agreed to look at the issues with us following which a comprehensive list of issues was prepared. It is important to point out from Kerry County Council's point of view that we are not the billing authority and it is important that Irish Water would streamline the billing structure. Ms. Murrell then referred to the infrastructural charge and said it is in place for the past 10 years and it is being applied to ensure equality. This local authority is practical in how it applies this charge, adopts a common sense approach to these charges and takes account of a person's ability to pay. She said she would look to provide support to councillor as a good will gesture in the form of a helpline or helpdesk.

The Cathaoirleach asked as soon as clarification is received from Irish Water on any issue that members would be updated.

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Cllr. D. Healy-Rae said he believed the infrastructure charge was not in place 10 years ago and if a person did not have to get planning permission they did not have to pay the levy.

The Chief Executive said it was a long standing arrangement and she undertook to check it. She pointed out that it is a managerial function to levy the charge.

Cllr. B. Cronin asked if there was an alteration to the infrastructure levy since 2013.

Mr. McMahon said there was no alteration to this charge since 2013. However the Council supplied details of the levies charged by Kerry County Council to Irish Water and he believed they are applying these charges now.

The Cathaoirleach said people applying for a connection to regularise their position should not be charged the infrastructure levy. He said the CPG would discuss this further.

The Cathaoirleach informed members that the closing date for Notices of Motion for the November meeting was the following Friday but he asked that members would be allowed until the following Tuesday to submit them.

Mr. G. O'Brien said once the Motions are received by 9am on Tuesday they would be accepted. He pointed out that the Motions must be circulated to all Departments for reply.

### **8. Establishment of a Marine Training Facility at Fenit**

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

That Kerry County Council would liaise with the Kerry ETB to establish a Marine Training facility at Fenit.

#### **The following reply issued:**

**Kerry County Council through the Tourism Development Unit is open to discussions on the feasibility of this project. The Port Manager will be available to explore the need and potential of such an initiative with Kerry ETB.**

Cllr. J. Finucane acknowledged the reply and asked that negotiations would take place. Much of this work has gone outside the county and in some cases outside the country. Since Kerry County Council took over this facility a joint venture such as this with KETB would be very beneficial as there is potential to create jobs.

Cllr. T. Ferris SECONDED the motion.

Cllr. Finucane then moved Notice of Motion No. 24 as he had to leave the meeting.

**24. Call to rescind the 21 year rule for members of the Defence Forces**

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

That this Council calls on the Minister for Defence to rescind the 21 year rule from members of the Defence Forces.

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

Cllr. J. Finucane said a 5 year contract was introduced but this will result in the loss of a lot of key personnel whose employment terminates after 20 years. It will be very expensive to upskill personnel especially in the Navy. Cllr. Finucane asked that this rule would be rescinded.

Cllr. J. Sheahan SECONDED the motion.

**9. Revision of Engineering Areas**

**Pursuant to notice duly given Cllr. B. O'Connell PROPOSED:**

Has the boundary of the revised Killarney and Castleisland Engineering Areas been decided? Is there adequate staffing for the revised Castleisland/ Killarney North Engineering Area. When is the revised area going to be in place.

**The following reply issued:**

**The primary headquarters for the Killarney Municipal District Operations Section is the former Town Hall in Killarney. Given the established role of the Area Office in Castleisland, which was expanded over recent years in the context of providing a wider range of area services, the Engineering Office in Castleisland is being retained, with its existing office based staff compliment (Area Engineer and office staff), reporting directly to the Senior Executive Engineer and Senior Staff Officer in Killarney.**

**The net effect of aligning the engineering areas with the municipal districts, will result in an increase in length of road network in the Killarney Municipal District of approximately 99km (16km of National Road and 73 km of Regional and Local Road), which represents approximately 24 % of the road network managed by the Castleisland Area Office at present. However, we also have to factor in that this services a significant population base of 3,953 persons. All of the Engineering Areas are maintaining responsibility for their existing road network, pending the completion of the 2014 Roadworks programme and the 2015 Works Programme will be developed with the new structures in the Municipal Districts.**

**Approximately 317km of the road network, currently managed by the Castleisland Engineering Office, is being transferred to the Tralee Municipal District Office with effect from the 1st January 2015. This necessitates the transfer of some outdoor staff from the Castleisland Engineering Area to the Tralee East Engineering Area, but their base will be in Castleisland, given that we have existing facilities for these staff in the town.**

**The restructuring of the Castleisland Engineering office is on-going and the allocation of resources to the Castleisland Area Engineer will be finalized by the end of the year, having regard to the revised functions of the Municipal Districts, as well as the overall availability of resources in the Killarney Municipal District and funding. The elected members will be informed of the revised structures, when complete.**

Cllr B. O'Connell said Castleisland is on the periphery of the Killarney Municipal District and they feel isolated as the headquarters is in Killarney. The Castleisland engineering area encompasses Castleisland, Scartaglin, Cordal etc and people from these areas attend mass in Castleisland and their children go to school there. He called on management to take cognisance of this when they are restructuring the engineering areas. In conclusion, Cllr. O'Connell asked if everything would be in place by the end of the year.

Cllr D. Healy Rae expressed concern regarding the restructuring of the engineering areas and said that the people from these areas get a loyal and dedicated service in Killarney. He asked that the engineering areas would be left unaltered.

Mr. C. O'Sullivan said it is intended to have the structures in place by the end of the year as he wanted to allow the area engineers to see out the current works programme. Area Offices are Area Service Centres and people from Farranfore should have their queries dealt with either in Castleisland or Killarney. He pointed out that Brosna is in the Tralee Municipal District but they should be able to go to the Castleisland Area Services Centre to have their queries dealt with.

Cllr. B. Cronin asked if there will be major changes to the engineering areas and will people from Farranfore or Currow now have to go to the Castleisland Area Services Centre to have their queries dealt with.

Mr. C. O'Sullivan said the Killarney office is the main office for the Killarney Municipal District while Castleisland is a sub office. 75 to 80% of the area around Castleisland is now in the Tralee Municipal District and some staff will be reassigned. However, there will still be an Area Office in Castleisland. The Town Councils have now been abolished and their resources will be used to best effect. People from Farranfore should be able to go to either the Castleisland or Killarney offices to have their queries dealt with.

## **10. Collections in towns and villages**

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

That this Council call on the relevant Minister to examine the methods and amount of collections that appear in towns and villages all over this country collecting in the prime locations, sitting at tables with scratch cards. Could we please divulge the amount of monies collected, and how much of it actually gets to the named charities and examine how fair this type of collecting is to the local charities that are not given any chance by these "professional collectors".

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

Cllr. T. O'Brien said he was approached by a number of charities regarding people selling €2 scratch cards outside Post Offices and shopping centres. These collectors are doing a lot of damage to local charities. He called on Minister Fitzgerald to examine the methods and amount of collections in towns and villages each year. He understood their permit allowed them to sit at a table and not to hassle people. He was informed that just 20% of the €2 per scratch card goes to charity. He asked the Minister to clearly outline the conditions of these permits, to state if they are professional collectors and how much of the money collected goes to charity.

Cllr. M. Gleeson SECONDED the motion and said this is a huge problem in Killarney. Collectors say that licences are granted at a national level, but this is interfering with local charities and they obstruct footpaths.

## **12. Provision of information on Japanese Knotweed**

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

As Japanese Knotweed is rapidly spreading throughout the County, I call on the Environment Department of Kerry County Council to provide information to explain the most effective way of controlling or eradicating this aggressive and invasive plant. This information should be made available to the public and to community groups, who may wish to assist Kerry County Council, in the huge effort that will have to be undertaken, in a bid to halt the potential destruction that this plant poses.

### **The following reply issued:**

**The Environment Department in collaboration with the Biodiversity Office and the Roads Department are already actively involved in both raising awareness within the community on invasive species and carrying out pilot eradication schemes on our own lands. Last month thousands of landowners were sent information on Japanese knotweed – requesting people not to cut the weed while maintaining hedgerows on their land.**

**Surveys carried out in the Killarney M.D. have identified approx. 40 locations where Japanese knotweed is present. Signs stating “Japanese Knotweed – Do not cut” have been erected at these locations in the last month. Spraying at these locations is planned in the next two weeks. The Biodiversity office is presently working with several Tidy Towns/community groups on invasive species projects including Kenmare, Killorglin and Listowel. All three departments will continue to work on such projects with the aim of raising awareness about Japanese knotweed and other invasive species. However, it should be noted that many other statutory bodies ultimately have a role to play in a National response to the threat of invasive species. The sole responsibility of managing invasive species does not rest with Kerry County Council. Like any other land owner Kerry County Council aims to apply best practices to its own activities when it comes to invasive species and where possible educate and raise awareness amongst the broader community. We will also utilise the recently registered groups in the Public Participation Network to disseminate information to communities in Kerry regarding this invasive species, its threats and its management.**

Cllr. J.J. Culloty welcomed the reply and the fact that signs have been erected advising people not to cut this weed. He recently contacted the Environment Department to find out what particular weedkiller should be used on Japanese Knotweed and he asked that the public would be informed of the proper way to deal with this weed. He suggested that courses should be put on to advise people how and when to deal with this weed so that they can then offer their services to the general public. This problem is too big for the County Council to tackle alone and others should also be involved.

Cllr. M. Gleeson said a Council employee recently informed him he was going to a place in the afternoon, where he saw Japanese Knotweed being cut by a machine that was in the employ of the County Council. This should not happen as it is a very serious matter. Ger MacNamara notified 5000 landowners of the dangers of Japanese Knotweed and this was very welcome. He thanked the Council for erecting signs where this weed is located. Cllr. Gleeson said Japanese Knotweed can be eliminated through injection or by spraying over a three year term.

Cllr. J. Sheahan said Japanese Knotweed is rampant in Kilnanare graveyard and he asked that a programme would be undertaken to eliminate it.

### **13. Funding for Cromane Pier**

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

That Kerry County Council support the fishing industry in the County by requesting the Minister for Agriculture, Food and the Marine, Mr. Simon Coveney to provide funding as a matter of priority for the long awaited pier at Cromane.

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

Cllr. M. Cahill expressed disappointment with the reply. The Department has confirmed it is a matter for Kerry County Council to apply for funding for this project. In the past month, five trawlers and a number of smaller boats could be seen off Rossbeigh. If a Pier was provided it would help to create jobs in the fishing sector and also in the leisure, tourism sector. If the Pier was to proceed the harbour would have to be dredged and this material could be used to protect homes in the area. He PROPOSED that Kerry County Council would apply for funding for a new Pier at Cromane.

Cllr. D. Quigg supported the motion and said a number of younger members of fishing families contacted him regarding the provision of a new Pier at Cromane. If a new Pier was provided it would give them an opportunity to stay in their local area.

#### **14. Fitting of a tachograph to high powered motorcycles**

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

That Kerry County Council write to the Minister for Transport Tourism & Sport to ask that a tachograph device be fitted to all high powered motorcycles to record speeds that have been achieved by the motorcyclist.

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

Cllr. J. Sheahan said on the evening of the Senior Hurling Final he was passed by a large group of motor bikes who were travelling so fast he could not take the registration numbers. He came to the conclusion, following discussions with a local Garda that the only way to police this is to fit a tachograph device to each high-powered motorcycle. If they are stopped by the Gardaí they could inspect it and he believed this could work.

Cllr. D. McCarthy SECONDED the motion.

#### **15. Provision of traffic lights at Listry Bridge**

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

To request in the interest of road safety, that Kerry County Council would erect traffic lights at Listry Bridge as there have been a number of further recent accidents at the Bridge as some motorists ignore the signage and drive into traffic already travelling through this narrow dangerous bridge. What is the cost of solar powered traffic lights and what is the estimated cost of widening the existing bridge.



**The following reply issued:**

**A safety measures scheme was implemented at this location in recent years ago at a cost of €27,924. The road layout that was introduced, which requires approaching vehicles to yield to traffic already on the bridge, is similar to a number of prominent bridges in Kerry which operate safely without having a carriageway width to full standard. Further works were carried out at this location in the past few weeks, including the renewal of the road markings on the bridge.**

**Whilst it is acknowledged that the width of the bridge is less than modern design standards, the capacity of the bridge is considered adequate for the traffic volumes on this road and it is difficult to justify prioritizing funding for the widening of the bridge, which could cost in excess of €1.2 million, or for the installation of traffic signals. Solar powered traffic lights are not available in Ireland and we have been advised by suppliers that they are not suitable where permanent traffic lights are required.**

Cllr. B. Cronin said there is an ongoing saga of accidents at this location the most recent being 10 days ago when one motorist was on the bridge and another continued to drive until they became wedged. He was convinced a serious accident would happen at this location if it was not addressed. The safety measures mentioned in the reply only involved line painting and signage and there was clearly no alteration to the road layout. It is clear the signage is not working as motorists are not giving way to traffic on the bridge. A cost of €1.2m to widen this bridge is enormous. There is a similar bridge in Co. Tipperary, where there are traffic lights and they work well. He requested that solar powered traffic lights would be provided as he felt it would be cheaper to operate them. He **PROPOSED** that traffic lights would be provided at this location before there is a serious accident as he believed this is the only solution. He pointed out, however, that this would only be a short term solution and he **PROPOSED** that a deputation from residents in the Listry area would be received by Council.

Cllr. J.J. Culloty supported the motion and said is it only a matter of time before there is a serious accident at this location. A cost of €1.2m to widen the bridge seems very expensive as it involves widening one side of the bridge only. He asked that funding would be made available to widen this bridge.

**16. Costs associated with compulsory Gaeltacht visits for trainee teachers**

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

That this Council acknowledge the unfair costs associated with students in this County, training to become teachers in relation to compulsory Gaeltacht trips.

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

Cllr. D. Quigg said compulsory trips to the Gaeltacht for student teachers are costing up to €1500. Previously funding for this was provided by the Department but it has now been withdrawn. This cost is not sustainable in the current economic climate. Cllr. Quigg expressed concern that this cost will discourage students from disadvantaged backgrounds from applying for this course.

Cllr. J.J. Culloty **SECONDED** the motion and said some assistance should be provided to students to cover the cost of these trips to the Gaeltacht.

Cllr. T. Ferris said she did not envisage Mná Tí would be at a loss as a result of this proposal. By withdrawing funding for students they will not be able to go to the Gaeltacht and Mná Tí will lose out in that way.

Cllr. D. Quigg moved Notice of Motion No. 17 on behalf of Cllr. Nolan.

#### **17. Continue support to the Historic Towns Initiative**

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

That Kerry County Council request the Department of Arts, Heritage and the Gaeltacht to commit continued support to the Historic Towns Initiative.

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

#### **19. Informal insolvency**

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

That Kerry County Council write to the Minister for Social Protection calling on the Minister 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.**

Cllr. T. Ferris said she had seen workers who had to engage in a sit in to get their entitlements. She called on the Minister to introduce legislation to protect employees from this loophole. Where an employer has ceased trading that should be recognised as insolvency and workers should be entitled to their rights.

Cllr. D. Quigg **SECONDED** the motion.

**20. Contractual arrangements with companies who install public lights**

**Pursuant to notice duly given Cllr. G. Spring PROPOSED:**

That Kerry County Council would disclose if contractual agreements between Kerry County Council and companies, which install public street lighting contain time constraints in relation to the installation of the lighting. If Kerry County Council have had issues with such companies in the past in relation to contractual agreements, what is the time scale within which Kerry County Council would anticipate the contract to be completed and what options are available to Kerry County Council if contract terms are broken.

**The following reply issued:**

**Generally speaking time penalty contracts are utilised where there is an additional cost/expense involved for the tenderer should there be delays in hand over of a completed project. For the installation of public lighting, which are regarded as minor works, this would not normally be the case, and therefore no time penalties are build into these type of contracts. They are not advisable or practical in the instance of public lighting installation, as a time penalty could work against the local authority for delays in site preparation etc. (which could not be reasonably foreseen by the installer.)**

**The majority of situations, where new public lighting has been installed in recent years in the county, are associated with traffic calming schemes, funded as part of a major works programme and delays can be attributed to a number of factors, some of which are outside the control of the supplier, including the provision of advance civil works and connections to an energy source. For minor projects it is extremely difficult to apply penalty clauses and our experience where such clauses are provided in contracts, the contractor will make financial provisions in his price for carrying an additional risk.**

**There are a very limited number of suppliers for public lighting in the south west region, which is also a constraint.**

Cllr. G. Spring asked what options are available to the Council and he acknowledged there are very few suppliers.

Mr. C. O'Sullivan said he sent a response to Cllr Spring the previous Thursday. The Tralee project is unique in that the ground is not suitable and we had to await delivery of a special order which took 12 weeks. It is hoped the work will commence shortly.

Cllr. Spring asked what timeframe is given to suppliers normally.

Mr. C. O'Sullivan said public lighting contractors are normally reasonable but the problem is with the civil works. It takes 2 to 3 months before traffic calming measures can be commenced due to the procedure that must be followed but generally speaking there are no such delays with public lighting.

Cllr. M. Kennelly then moved Notice of Motion No. 21 on behalf of Cllr. Connor-Scarteen.

**21. Allocation of funding for the N70 Ring of Kerry Road in 2015**

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

That Kerry County Council request the NRA and the Department of Transport, Tourism & Sport to allocate substantial funding for the N70 Ring of Kerry Road in 2015.

**The following reply issued:**

**The N70 is a national secondary road and, in accordance with the provisions of Part III of the Roads Act, 1993, the National Roads Authority has overall responsibility for funding the maintenance of the national road network.**

**However, it must be recognized that, since 2010, over €12.7m in funding was provided by the NRA, under the National Secondary Pavement and Minor Improvement Works scheme, which allowed for pavement overlays on 35km of the N70.**

**Funding was also provided in 2014, for advance design work on a number of other schemes on the N70, which are being submitted for consideration for funding by the Authority in 2015, at Ballintleave; Dromcunna; Gleensk, Kells; Loher, Waterville; Iveragh Road, Killorglin; Kilderry Bends and Sneem to Blackwater Bridge.**

**We can also write to the NRA and the Department of Transport, Tourism and Sport if the members so wish.**

**22. Reduction of tax and duty on petrol and diesel**

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

To ask the Minister for Transport to reduce the tax and duty that is charged on petrol and diesel. The costs are too high and jobs are at risk.

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

Cllr. D. McCarthy said if the tax and duty on petrol and diesel was reduced it would help secure jobs for the county.

The Cathaorleach **SECONDED** the motion and called for a reduction in road tax on HGV's.

**23. Council personnel to ensure dog owners to clean up after their dogs**

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

That appropriate personnel would have the authority on behalf of this Council to ask people walking a dog if they have a Pooper Scooper or any other form of suitable facility for removing their dog's excrement from public places and that the Council person should, if the reply is in the negative, have the authority to impose a financial penalty.

**The following reply issued:**

**It is the responsibility of the person in charge of a dog to immediately remove any faeces deposited by the dog in such place as set in the 1997 Litter Act. If a litter warden has reasonable grounds for believing that a person is committing or has committed an offence under the 1997 Litter Act they can legally only ask for name and address and proof of this information. As part of dog fouling awareness campaigns run in the last number of years the litter wardens would have spoken to dog owners about the requirement to clean up after their dog/s and would have encouraged them to use a Pooper Scooper. There is no legal requirement however for a person to carry a Pooper Scooper.**

**We are examining the possibility of designating specific walking routes for dog owners which would have suitable receptacles and pooper scoopers placed along the route and would be promoted as areas where owners could responsibly walk their dogs.**

**Pooper Scoopers are available at area offices, public libraries, at blue flag beaches, designated walking routes, some tidy towns group distribute them, Ballybunion visitor centre, some vet shops.**

Cllr. M. Gleeson said many towns and villages have made great progress through the Tidy Towns Competition. However, three issues continue to be a problem (1) chewing gum; (2) dog fouling and (3) cigarette butts. He spoke with a lady recently who had fallen and ended up in a wheelchair and it was only then she realised how bad the dog fouling problem is in Killarney. A few days later he saw a visually impaired man and he realised how difficult it was for him with dog fouling on the footpaths. He referred to an area in Killarney at the end of New Street at the approach to the Town Park, which is destroyed by the thoughtless behaviour of ignorant people. People who walk their dogs have a duty not to interfere with the enjoyment of others. He **PROPOSED** that serious consideration would be given to asking dog owners if they have a pooper scooper or any other facility to remove their dog excrement.

Cllr. M. Kennelly supported the motion and said there is one estate in Listowel that is in a dreadful condition from dog fouling. A lot of dog owners show no respect for others. He asked the Housing Department to send out letters to the residents in this estate but they only identified houses with dogs where the owners had purchased dog licences but obviously not all dogs are licensed.

**25. Excessive fees charged by Sky TV to small pubs**

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

That Kerry County Council request the Minister for Communication, Energy and Natural Resources, Mr. Alex White, to examine the excessive fees being charged by SKY TV to small pubs in Ireland and the implications these excessive fees may have on all customers.

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

Cllr. M. Cahill said he was approached by a number of publicans and also members of the public regarding the cost of Sky TV for small pubs. It costs €619.50 per month and many publicans are removing it as they can no longer afford it. People are concerned this will result in an increase in the cost for the ordinary person. He PROPOSED that a letter would issue to the Minister for Communications, Energy and Natural Resources, asking him to examine this issue.

Cllr. N. Kelleher SECONDED the motion and said as a publican he is well aware of this issue. As a member of the National Executive of the Vintners Association he contacted Sky regarding this charge, but they just increased it by 8%. Cllr. Kelleher pointed out that rural pubs are a very important social outlet. He urged the Minister to do whatever he can regarding this charge and said the bigger issue is that pubs are social outlets.

**26. Prohibition of Fish Farms from locating in Estuary Waters**

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

That Kerry County Council write to the Minister for Agriculture, Food and the Marine, Mr. Simon Coveney, to ask that Fish Farms would be prohibited from being located in Estuary Waters.

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

Cllr. J. Sheahan said a number of fishermen and anglers are very concerned regarding the location of Fish Farms and asked that they would not be located in coves or harbours. They believe they should be located out at sea. Anglers are concerned that the tourism product in Kerry will be damaged from fish farms and he hoped the Minister would take these views on board.

Cllr. J.J. Culloty supported the motion.

**27. Provision of adequate funding for the Fair Deal Scheme**

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

That the Minister for Health would provide the necessary funding to tackle the Fair Deal waiting list as a matter of urgency.

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

Cllr. N. Foley said more than 2000 elderly people are now on a waiting list for nearly 4 months for a place in a nursing home. The delay is primarily down to the slow-release funding under the Fair Deal Scheme. The waiting list is the highest in recent years and comes as the squeeze on funding, under the Fair Deal Scheme tightens. Currently the delay is 18 to 19 weeks. This is adding to an already stressful situation and Minister Lynch recently said it was unclear how much money would be provided for the Scheme next year. Cllr. Foley said the situation has deteriorated dramatically over the last three months. Since July not only have the waiting times increased the number of older people on waiting lists has jumped from 1465 to 2007.

Cllr. Foley said these delays are putting many older people and their families in an extremely difficult financial situation as they are expected to fork out thousands of euros to pay for their care while waiting on the HSE to release funding. The Fair Deal Scheme was designed to allow older people contribute to the cost of their nursing home care, however the excessive delays in the system are forcing them to cover the full cost of their care for months on end, causing additional stress and placing an unwarranted and unnecessary financial burden on them and their families. People are entitled to access care under the Fair Deal Scheme, but are being 'penalised' because of funding shortfalls. People are now trapped on waiting lists for months, while being expected to pay for a service that they cannot afford. In conclusion Cllr. Foley called on the Minister for Health to live up to the Scheme as originally intended and to provide the necessary funding.

Cllr. T. Ferris supported the motion and highlighted the fact that from the time a person makes an application for approval and the time they get on the list they must incur the cost themselves and the costs incurred during this period are not recouped.

**28. Start date for the Minor Flood Mitigation Project for Kilbannivane and Tullig, Castleisland**

**Pursuant to notice duly given Cllr. B. O'Connell PROPOSED:**

What is the proposed construction start date of the Minor Flood Mitigation Project for Kilbanniveane and Tullig, Castleisland.

**The following reply issued:**

**The Council were notified, on the 24th September 2014, of a funding allocation of €144,000, from the OPW, for minor flood mitigation works at Kilbannivaneane and Tullig. The offer was conditional on the Council satisfying the OPW that it would (a) have the funding drawn down by the 31st March 2015, (b) compliance with appropriate public sector procurement procedures and Health & Safety legislation, (c) obtaining all necessary consents or permissions including consent under Section 50 of the Arterial Drainage Act, 1995; NPWS and landowners, and (d) satisfying the OPW that the proposed works will not have a significant negative effect of flood risk elsewhere.**

**Having regard to our statutory obligations and the requirements for corporate governance, the Council is now examining the proposals to ensure that the works will not have a significant effect of flood risk elsewhere and arranging for the necessary consents from the relevant statutory bodies, following which we will then need to negotiate with affected landowners. Given that the works need to be completed by the 31st March 2015, of critical concern is getting a derogation from the Fisheries Authority, as the works will need to be undertaken during the fish spawning season.**

**We will advise the members of the proposed construction date, at Municipal District level, when the above issues have been fully addressed.**

Cllr. B. O'Connell said the problems encountered by the people in Kilbannivane and Tullig, Castleisland earlier this year are well documented. The winter is approaching and people are very concerned the flooding will reoccur if mitigation measures are not undertaken. He contacted the Minister and showed him this area. Following this a sum of €144,000 was allocated and he wanted to ensure the allocation was properly spent and would not go to consultants. Kerry County Council has top-class engineers and they are well capable of doing this work. He asked if work on the culvert can proceed immediately.

Cllr. J.J. Culloty supported the motion and asked that this funding would be spent as soon as possible. He asked that work on the culvert would be undertaken first.

Mr. C. O'Sullivan welcomed the funding and said it is unusual in that the allocation comes with a number of constraints. Before any work is undertaken a number of issues need to be clarified. Mr. O'Sullivan said he had major concerns in relation to getting approval from Fisheries to undertake work in the river and he said this could prove to be difficult. If he got a derogation he was confident the work would be completed by 31 March. However if the derogation is not forthcoming he would seek an extension to the deadline for the work. It will be necessary to go through a Section 50 procedure with the OPW before work on the culvert can commence as the Council will be doing this work on behalf of the OPW. He assured



members that he would proceed with aspects of this work as soon as procedures were finalised.

Cllr. D. Healy Rae expressed concern that if work to the culvert proceeds without doing work on the river it could result in the flooding of nearby houses. The most important work is to deepen the stream and he believed it would only take 4 hours with a machine to do this. The houses in Tullig will be flooded again if the water is allowed to go into the caves and then into the Kilbannivane river.

### **30. Payment of LPT by people in estates not taken in charge**

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

To ask Kerry County Council how are people in unfinished estates and estates not yet taken in charge, expected to pay the property tax as these people are already paying €450/€500 in Management fees. Some of these residents will finish up paying €800/€900 in charges.

#### **The following reply issued:**

**The Local Property Tax is governed by the Finance (Local Property Tax) Act, 2012 as amended by the Finance (Local Property Tax) Act, 2013. The care and management of this tax falls under the remit of the Revenue Commissioners.**

Cllr. D. Healy-Rae said there are housing estates like Pairc Uí Dineen and Mountain View which, for one reason or another, were not considered suitable for taking in charge. These residents pay a €500 Management fee and the Local Property Tax is a further €250. They are now being asked to pay water charges of approximately €280 and a further €280 for water out, making a total of €560. When the Local Property Tax was introduced Pairc Uí Dineen was said to be an unfinished estate but that subsequently changed, yet the estate has not been taken in charge. It is unfair that these residents should be asked to pay in the double. If anything goes wrong inside the estate in relation to water the residents must repair it themselves.

Cllr. J. Healy Rae said these residents are paying a double tax and in some instances there is no public lighting in the estates. In one estate in Kenmare the ground is sinking around the front door of one of the houses.

The Cathaoirleach said because of problems with Irish Water estates are not being taken in charge.

**33. Change of protocol for the installation of speed reduction measures in housing estates**

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

That Kerry County Council change their protocol for putting in speed reduction measures in housing estates as the current procedure is impractical and over complicated.

**The following reply issued:**

**All requests for traffic calming measures in residential areas are assessed in accordance with national “Traffic Management Guidelines”, published by the Department of Transport and the Department of the Environment. The Guidelines advise that traffic calming measures can be very beneficial to the local environment, if used wisely, but can also bring unwanted side effects such as noise and discomfort. The majority of requests examined by the Design Office do not satisfy the need for traffic control measures in accordance with the Guidelines.**

**However, I appreciate that the perception of speeding traffic in built up areas does create a request for the increased provision of traffic calming measures in residential estates and having regard to the contents of this motion, the Operations Directorate will further examine the issue and bring a policy document to the Operations SPC for consideration.**

The Cathaoirleach said he was referring to the Traffic Guidelines in his motion. He referred to The Cloisters housing estate in Abbeydorney where young drivers drive into the estate by night resulting in a significant danger for young children. A ramp at the entrance to the estate would help to slow down traffic and make it safer for children. He met the area engineer at this estate but he was aware that the solution must go through the procedures in the National Guidelines. He asked that a practical approach would be taken to assist in the speedy provision of ramps in housing estates.

Cllr. M. Kennelly said this is a very serious issue and there are estates in Ballyduff and Listowel where there are similar problems. Members are concerned for the safety of the children in these estates. The residents want speed ramps to be included as a condition of planning and that young drivers would be educated in how to drive safely in housing estates.

Cllr. J. Healy Rae asked if the Speed Limit Review would incorporate housing estates in the charge of the Council.

Mr. C. O’Sullivan said it would not. However a Circular from the Department received the previous Friday referred to the installation of speed ramps in housing estates. He said, however, there is a statutory process to be gone through in accordance with the Roads Act and any traffic calming measures provided must

comply with the statutory process. The reason for this is that in some cases, where traffic calming measures are put in place they could create a hazard and this cannot be allowed. In most cases the engineer knows what safety measures are required but they must go through the design process.

Cllr. T. Ferris asked why is there a different process in Tralee town to the rest of the Municipal District.

In response Mr. C. O'Sullivan said he could not account for what went on in Tralee town. We need a clear policy on this issue and he was aware this issue is being considered at a national level following discussions with a family whose child was knocked down.

The Cathaoirleach called on management to consider the Guidelines and to come back to members with a more commonsense approach.

Cllr. M. Kennelly said in one estate in Ballyduff there are 22 houses and they all agreed to the installation of speed ramps. These residents are simply trying to prevent an accident.

Mr. C. O'Sullivan said he did not necessarily disagree with the views expressed by members. However we want to ensure we do not cause a hazard when speed ramps are provided and procedures are being reviewed.

Cllr. D. Quigg moved Notice of Motion No. 34 on behalf of Cllr. Nolan.

#### **34. Creation of an Irish Emigrant Register**

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

That Kerry County Council supports the creation of an Irish Emigrant Register as proposed by the Crosscare Migrant Project.

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

#### **36. Introduction of grant aid for rainwater harvesting**

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

To call on the Minister for the Environment, Community & Local Government, Mr. Alan Kelly, TD, to introduce grant aid to individuals who wish to install rainwater harvesting systems. Such initiatives are successfully in operation in other countries, such as Germany, France and Belgium.

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

Cllr. J.J. Culloty said it would not be an unreasonable request to call on the Government to take the VAT off the smaller items required to harvest rain water. A grant scheme is in place for septic tanks, but there does not appear to be much of a take up for it. He called on the Minister to introduce a grant scheme for those who wish to install rainwater harvesting systems.

The Cathaoirleach **SECONDED** the motion.

### **37. Development of an ambitious E-commerce strategy**

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

That Kerry County Council would develop an ambitious E-commerce strategy in partnership with all relevant stakeholders to ensure local businesses are maximising the full potential of online sales.

#### **The following reply issued:**

**The Kerry County Council LEO (Local Enterprise Office) presents E Commerce Strategy which includes the delivery of early and advanced training support for businesses seeking to develop E Commerce sales. 5 programmes were held in the Spring and a further 4 programmes are fully booked for the Autumn. This “soft support” is complemented by an Online Trading Voucher Scheme.**

**The Vouchers are targeted at businesses who have a limited online trading presence, less than 10 employees, turnover less than €2million, applicants must be registered and trading for minimum of 12 months and the business must be located in one of the pilot areas under this phase of the Scheme.**

**The maximum voucher value is €2,500 and is based on a 50% client contribution towards specific actions. Funding is only paid post completion of work.**

**Kerry LEO has processed a total of 36 online trading voucher applications. A total of 27 applications have been approved. 1 application is currently being assessed and 8 applications were deemed ineligible.**

**The total amount allocated to the Kerry LEO under this pilot programme is €84,000 and to date €55,773 has been formally approved.**

Cllr. T. Ferris expressed disappointment with the reply and said it is estimated that 43% of the population shop online. Most of this business goes to companies who do not operate out of Ireland. At a local and national level we want to ensure that local businesses get involved in e-commerce. They should be offered an incentive such as an exemption from rates to do so. She asked that Kerry County Council would call on the Government to introduce a more ambitious plan to ensure Irish businesses benefit from e-commerce.

Cllr. N. Kelleher said it is very easy for High Street shops to make products available online but they are not aware of this. He suggested that the Local Enterprise Office should get involved and organise information seminars to help companies sell their products online.

The Chief Executive said Kerry County Council supports the retail sector and these are the kind of initiatives we need to target.

Cllr. M. Kennelly moved Notice of Motion No. 38 on behalf of Cllr. Connor-Scarteen.

**38. Call to open the Kenmare Mental Health Day Care Facility**

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

That we the members of Kerry County Council request the HSE and Minister for Health to urgently open the Kenmare Mental Health Day Care Facility.

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

**40. 1916 Proclamation to be hung in the Council Chamber**

**Pursuant to notice duly given Each Member of the Municipal District of Tralee PROPOSED:**

That a copy of the 1916 Proclamation be hung in the Council Chamber.

**The following reply issued:**

**A copy of the 1916 Proclamation had been hanging on the wall outside the Council Chamber. During the recent renovation works it got damaged. We will arrange to have it repaired and hung in the Council Chamber if the members so wish.**

Cllr. T. Ferris PROPOSED this motion.

Cllr. D. Quigg SECONDED the motion.

**14.10.20.14 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. J. Moloney it was agreed to authorise the attendance of Cllrs. Beasley, McEllistrim, Finucane, Purtill, Fitzgerald, O'Shea, Connor-Scarteen, Kennelly, Thornton, Spring, Flynn, Quigg, Grady, Moloney, McCarthy, Culloty, O'Connell, Kelleher, J. Healy-Rae, D. Healy-Rae, Brassil, Sheahan and Cahill at the Inaugural Annual Conference 2014 to be held at Hotel Kilmore, Cavan on the 29<sup>th</sup> and 30<sup>th</sup> October, 2014.

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- (b) On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllrs. Beasley, McEllistrim, O'Shea, Connor-Scarteen, Kennelly, Thornton, Spring, Grady, Moloney, Flynn, Kelleher, McCarthy, Quigg, Moriarty, Finucane, Fitzgerald, Purtill, Culloty, O'Connell, J. Healy-Rae, D. Healy-Rae, Sheahan and Cahill at the Irish Water Regional Briefings for Elected Representatives.
- (c) On the PROPOSAL of Cllr. J. Sheahan, SECONDED by Cllr. N. Kelleher it was agreed to authorise the attendance of Cllr. M. Kennelly at the AILG Training on Planning to be held in Wexford on the 6<sup>th</sup> November, 2014.
- (d) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. N. Kelleher it was agreed to authorise the attend of the Cathaoirleach, Cllr. J. Brassil at the London Kerryman's Association Annual Dinner to be held in London on the 24<sup>th</sup> October, 2014.

### 14.10.20.15 Correspondence General

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

1.	Letter from the Minister for Transport, Tourism and Sport in response to a resolution from Kerry County Council in relation to driver education in schools.
2.	Letter from the Office of the Minister for Education and Skills in response to a resolution from Kerry County Council regarding the provision of funding for a playground for Gneeveguilla National School.
3.	Letter dated 10 <sup>th</sup> September, 2014 from the Office of the Minister for Agriculture, Food and the Marine in response to a resolution from Kerry County Council regarding the TB Eradication Programme.
4.	Letter dated 16 <sup>th</sup> September, 2014 from Iarnród Éireann in response to a resolution from Kerry County Council regarding the turnover threshold set by Iarnród Éireann for tenders.
5.	Email dated 17 <sup>th</sup> September, 2014 from the Mr. Sean Kelly MEP in response to a resolution from Kerry County Council regarding the provision of funding by the EU for the repair of storm damage.
6.	Letter dated 23 <sup>rd</sup> September, 2014 from Tourism Ireland in response to a resolution from Kerry County Council regarding the promotion of Kerry internationally.
7.	Email dated 23 <sup>rd</sup> September, 2014 from Catholic Democrats Party in response to a resolution from Kerry County Council regarding Church Gate Collections.
8.	Letter dated 1 <sup>st</sup> October, 2014 from the NRA in response to a resolution from Kerry County Council regarding the proposal to install traffic signals at the junction on the N22 in Farranfore.

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9.	Letter dated 3 <sup>rd</sup> October, 2014 from Ervia notifying Kerry County Council of the change of name of Bord Gáis Éireann to Ervia.
10.	Letter dated 1 <sup>st</sup> October, 2014 from Monaghan County Council in relation to a resolution adopted by the Carrickmacross Castleblayney Municipal District calling on the Minister for Arts, Heritage and the Gaeltacht to examine the possibility of the introduction of an adequate high level grant aid scheme for buildings that are listed both commercial and residential.

### 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 Timmy McGillicuddy.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael O'Sullivan.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Paddy Kerrisk.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Micheál O'Donoghue.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Sharon Lynch.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John Daly.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Joe Herlihy.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Carol Mullins.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late P.J. McIntyre.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Neonie Twomey.
- (k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Jeremy O'Neill.

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- (l) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Noreen Maye.
- (m) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Sonny Costello.
- (n) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mossy Lynch.
- (o) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Pat (Doyle) O'Donoghue.
- (p) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Teresa Huggard.
- (q) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Kathleen Reidy.
- (r) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Josie Hickey.
- (s) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Norah Mai Daly.

### **14.10.20.17 Any other business**

#### **Gateway Scheme**

Mr. J.D. Flynn referred to Cllr Ferris' query in relation to the Gateway Scheme and said Kerry County Council has 35 placements as follows:

Tralee Municipal District	13
Killarney Municipal District	17
Listowel Municipal District	2
South and West Kerry Municipal District	2
Corporate Services	1

The ratio of referrals is 1 to 3 female v males. From the briefing there is a drop off in the numbers attending for interview. A lot of the roles and the work is not of interest to females.

Cllr. Ferris said the reason for the fall off is because the roles are not suitable to a particular gender. A number of sections including housing and the libraries can offer roles to Gateway participants. The vast majority of males work in roads and this scheme is about training people.



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The Chief Executive said there are schemes where people are taken on in other areas. Under the Gateway Scheme, the Council had to come up with areas and types of activities that would be suitable and where we would ensure we got value. The jobs tended to be in the operations area and it was mostly outdoor work and it suits males.

Cllr. Ferris asked why positions are not provided in Motor Taxation, Housing or the Libraries.

Mr. J.D. Flynn said the participants get Manual Handling Training, Safe Pass Training, Child Protection Training and the work identified under this scheme is cleaning up, parks etc.

Cllr. Ferris asked why were other areas not identified as being suitable for this scheme.

The Chief Executive said graduates may be employed under the Graduate Programme to do economic research, analysis, etc but this is a different scheme.

### **Safety Guidelines for school transport providers**

Cllr. G. Spring said he was contacted by a lady who almost lost her 11-year-old child when she disembarked from the school bus. He PROPOSED that the Council would write to the Department of Transport requesting that the RSA would issue safety guidelines to the providers of school transport, particularly in rural areas.

### **St. Francis' Beaufort**

Cllr. J.F. Flynn said the level of respite care has been cut again for St. Francis's School in Beaufort. There is a home from home facility in Killarney where all the facilities are available however, there is no funding available to provide the service.

Mr. J. Breen said this issue was raised at a recent disability group meeting and this needs to be fully funded by the HSE.

The meeting concluded at 5.30pm.

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

**Cathaoirleach of Kerry County Council**