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MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH IN ÓSTAN AN GHAINIMH BHÁIN, BAILE UÍ THAIDHG AR AN LUAN 15 NOLLAIG 2014

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE WHITE SANDS HOTEL, BALLYHEIGUE ON MONDAY, 15TH DECEMBER 2014

PRESENT/I LÁTHAIR

Councillors/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 |
| B. O'Connell | M. O'Shea | L. Purtill |
| D. Quigg | J. Sheahan | G. Spring |
| A. Thornton | | |

Apology/Leath scéal

Cllr. T. O'Brien

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. B. Looney, Head of IT |
| Mr. G. O'Brien, Meetings Admin. | Mr. M. Harkin, Project Leader, IT |
| Mr. R. Norris, Tech. Support, IT | Mr. P. Corkery, Press & Comm. Off. |
| Ms. B. Reidy, SSO Corporate Affairs | Ms. M. Galvin, CO Corporate Affairs |
| Ms. O. O'Shea, C.O. Corp. Affairs | |

The meeting commenced at 11.30am.

The Cathaoirleach, Cllr. J. Brassil took the Chair.

The Cathaoirleach welcomed councillors, officials, the Press and members of the public to Ballyheigue for the meeting.

Vote of Sympathy

The Cathaoirleach extended a vote of sympathy to Cllrs. Danny and Johnny Healy-Rae and their extended family on the death of Jackie Healy-Rae former TD and member of Kerry County Council. He PROPOSED that a Special Meeting would be held on Monday 22nd December at 12 noon following the Annual Mass to afford members an opportunity to pay tribute to Jackie.

Cllr. T. Ferris SECONDED this proposal and it was agreed.

The Cathaoirleach extended a vote of sympathy to (Name withheld for data protection purposes. A paper copy of the Minutes are available on request) on the tragic death of his wife Catriona and said his thoughts and prayers are with Michael and his family at this time.

Cllr. N. Foley said she wished to be associated with the expression of sympathy to the Healy-Rae family. Cllr. Foley then said she worked with Catriona Dowling and she was a talented, inspiring teacher who was appreciated by the school community. She had a good sense of humour and will be sadly missed. She extended her sympathy to Catrion's husband (Name withheld for data protection purposes. A paper copy of the Minutes are available on request) and family. May she rest in peace.

The Cathaoirleach informed the meeting Cllr. T. O'Brien sent his apologies as he was unable to attend the meeting due to illness.

The Cathaoirleach then called on the Chief Executive to update members on a number of issues.

Senior staff changes

The Chief Executive said in the New Year a few staff changes at senior level will take place. Liam Quinlan will move from Housing to Environmental Services and his brief will include unfinished estates. Michael O'Leary is moving from Environmental Services to Finance. Kathleen Moriarty is moving from Finance to the Housing Function. Paul Neary has been appointed Head of Operations for the Killarney Municipal District. Ms. Murrell said she wanted to support the Municipal Districts and while she hoped to put resources into each of the Municipal Districts the staff were not available. However Niamh O'Sullivan is being appointed Municipal District Officer for Killarney and the South and West Kerry Municipal District while Kathleen Curtin is being appointed to the Tralee and Listowel Municipal Districts. They will provide linkage between the community, businesses and the Council. They will also be a support for councillors where they have groups/communities who have plans they want to progress. She said it is important that the Municipal Districts are strengthened and become strong entities.

Cllr. D. Healy-Rae thanked Liam Quinlan for his excellent work in Housing and he welcomed Kathleen Moriarty to Housing. He also welcomed Paul Neary to the Killarney Municipal District and he thanked David Doyle for his great work in Killarney and wished him well in his new role. He also wished Kathleen Curtin and Niamh O'Sullivan well in their new roles.

Cllr. J. Healy-Rae asked if the Municipal District Officers would assist communities to apply for funding from the Municipal District Fund.

Ms. Murrell said that will form part of their role but they will also assist community groups to develop plans and to advise them where funding may be available. This will be an evolving role which will develop over time.

Cllr. J. Healy-Rae asked when community groups can apply to the Council for funding.

Ms. Murrell said the first meetings of each of the SPC's will be held in January. She hoped the Scheme would be agreed in January with a possible closing date for receipt of applications in February with funding allocations being made in March.

Cllr. D. Grady said he wanted to be associated with the tributes to the staff now being moved to new Directorates. He asked if Michael O'Leary's role in Finance is temporary and said he hoped there would be a role for him in South Kerry in the future. He asked if Kathleen Moriarty will be based in Tralee or Killarney. Cllr. O'Grady welcomed the appointment of Paul Neary to Killarney. He welcomed Niamh O'Sullivan to the Killarney Municipal District and said someone is needed in Killarney on a daily basis and he hoped Niamh would be based in Killarney.

Cllr. T. Ferris also thanked Liam Quinlan for his work in Housing. She sat on the Housing SPC and Liam did excellent work both with the SPC and in Housing. He succeeded in getting additional funding for grants due to the great team he worked with in Housing. All members really appreciate the work he did there. Cllr. Ferris said she hoped the Municipal District Officer would not bring a proposal to members for adoption on the allocation of funding as this should be the role of elected members. She asked that late applications would be accepted to ensure communities who have a project later in the year will not be at a disadvantage.

Cllr. B. Cronin expressed his gratitude to Liam Quinlan for his work in Housing and said he will be a tremendous loss. He also thanked David Doyle for his work in the Killarney Area. He welcomed Paul Neary to Killarney and he called on him to deliver finance for the area. Cllr. Cronin wished Kathleen Curtin and Niamh O'Sullivan well in their new roles. There is concern among community groups

who got Leader funding in the past and he asked if that funding will be available in 2015.

Cllr. M. O'Shea wished Kathleen Moriarty and Niamh O'Sullivan well in their new roles. He expressed his disappointment that Liam Quinlan is moving from Housing and said this will be a big loss for Housing. However he was confident Kathleen Moriarty would do well there. Cllr. O'Shea asked who will replace Paul Neary in Piers and Harbours. He welcomed Niamh O'Sullivan to the South and West Kerry Municipal District and he asked that the new Municipal District Officers would brief members at the next round of Municipal District meetings on how groups should apply for funding from the Municipal District Fund.

Cllr. N. Kelleher said he wished to be associated with the compliments to the staff mentioned by previous speakers and he asked who will replace Kathleen Curtin in Revenue. In relation to the Municipal District Fund a group approached him in relation to funding for the St. Patrick's Day Parade and if the closing date for applications is February it will be too late for them. He asked what would be the position for groups that got funding in the past.

Cllr. J.J. Culloty said he wanted to be associated with the tributes to Liam Quinlan who is always most approachable and helpful. He wished Liam and Kathleen Moriarty well in their new roles. He thanked David Doyle for his work in Killarney and he asked that Niamh O'Sullivan would address the next Killarney Municipal District meeting. Cllr. Culloty asked that Niamh would be based in Killarney and he wished Paul Neary well in his new role in Killarney.

The Chief Executive welcomed the views expressed by members and assured them every staff member will deliver in their new role. Staff are being allocated to the Municipal Districts to support the development of communities and it is not just about the Municipal District Fund. They will work with communities and advise them where funding may be available. They will also be a support for members. It will be mid year before Leader funding will be announced. Ms. Murrell said she would ask the Municipal District Officers to attend the next round of Municipal District Meetings to brief members on their role. The SPC will develop the criteria for the allocation of funding from the Municipal District Fund and she said a percentage of the funding would be held back to facilitate projects that arise later in the year. She anticipated that applications for funding would be submitted centrally and all applications must comply with the criteria in the Scheme. She acknowledged the case mentioned by Cllr. Kelleher and said individual cases, where the timeline for applications does not suit, should be flagged and dealt with at Municipal District level. Staff vacancies arising from the moves will be backfilled from existing staff.

Cllr. N. Foley asked if the Municipal District Officers will be based in the Municipal District.

The Chief Executive said staff would attend on a day to day basis as required.

Cllr. N. Foley asked that they would be based in the Municipal District Offices.

The Chief Executive undertook to revert to members on this issue.

Cllr. M. Cahill asked that an explanatory note would be included with the application form outlining what type of projects would and would not be funded.

14.12.15.01 Cathaoirleach's Report on the CPG Meeting

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

"Item 1 Agenda for the December Council Meeting

Mr. G. O'Brien briefed members on the Agenda for the December Council Meeting.

In relation to Item 4 Mr. J. Breen said this land disposal is as a result of a Court case where the Judge awarded against Kerry County Council. As a result Kerry County Council must transfer this plot of land at Gortroe to the executors of the estate of Ms. Ellen Griffin.

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

The CPG agreed that the four SPC's would hold their first meeting in January.

The Cathaoirleach said members received an email on the proposed CFRAM briefing in Ballylongford on Monday next but it was recalled and he asked for clarification on the matter.

Mr. O'Brien undertook to get clarification for members and revert to them.

Item 2 Draft Corporate Plan

Mr. J.D. Flynn said the Department issued a Circular Letter on the 24th November with new supplementary Guidelines on the preparation of the Corporate Plan. It pointed out that there is provision in the Local Government Act for the Council to hold a Special Meeting to agree to defer the adoption of the Corporate Plan on foot of a report from the Cathaoirleach and the Chief Executive. It is proposed to defer the adoption of the Corporate Plan until March 2015.

Mr. O'Brien said this item will be considered at a Special Meeting to be held on Monday next in Ballyheigue at 11am.

Item 3 Civic/Mayoral Receptions

No receptions were requested.

The Cathaoirleach referred to the recent success of Kerry Clubs in the Club Championships and suggested that one Civic Reception would be held to honour all Clubs who win All Ireland Club titles when the series ends next year. He wanted to include the Castleisland Desmond's Ladies Football Team who won the All Ireland Intermediate Club Championship recently in this Reception.

Item 4 Any Other Business

Mr. G. O'Brien said Irish Water propose to hold monthly clinics for members. They will make staff available at an agreed time when councillors can raise issues with them. This would be during the course of the Council meeting and he requested members' views on it.

Following a discussion the CPG agreed that members should submit their queries in writing in advance of the clinic and Irish Water representatives could then respond to the queries on the day.

Mr. G. O'Brien undertook to follow up this matter with Irish Water and to revert to the members."

Mr. G. O'Brien said the CPG requested that he would contact Irish Water in relation to the member's clinics and he subsequently did this. They said it would be very helpful if members submitted their questions 7 days in advance of the meeting. The Irish Water officials together with a representative from Kerry County Council will be available for two hours. The first hour will be for appointments and during the second hour councillors can just call in. It is suggested that the Chairman's Room could be used for the clinics and he asked members if this arrangement was acceptable to them.

The Cathaoirleach suggested that the clinic would take place from 10.30am to 12.30pm and he asked Mr. O'Brien to write to all members giving them the details of this arrangement and also the email address for member's questions.

Cllr. M. O'Shea asked if Irish Water will meet deputations at the clinics.

The Cathaoirleach said that is a matter for members to decide but it may be more appropriate to restrict the clinics to members only.

Cllr. D. Healy-Rae asked if Irish Water could attend the Council meeting when Notices of Motion are being dealt with and also Municipal District Meetings as members have queries on a number of local issues.

The Cathaoirleach said the time for Notices of Motion varies and it would be better to have the clinic in the morning in the Chairman's Room. The first hour will be for appointments and following this, members without an appointment can call in. The room is very small and would not have the capacity for a deputation. It would be possible for a member to bring one person to the clinic with them.

14.12.15.02 Confirmation of Minutes

Cllr. T. Ferris said members are adopting minutes of meetings held last September. She PROPOSED that additional resources would be provided to ensure minutes are presented for adoption within three to four weeks of the meeting. At one of the Special Planning Meetings she proposed that a list of historic sites associated with 1916 to 1921 would be compiled and she could not see this in the Minutes.

Mr. McMahon said that proposal was agreed and was put out on public display with the other amendments.

Mr. G. O'Brien said it is not satisfactory from anyone's point of view that minutes are being adopted now for meetings held in September. The Council is reviewing its procedures and he did not envisage this would happen again. He referred Cllr. Ferris to Page 45 of the Minutes of the Special Planning Meeting held on the 1st September where the vote on her proposal is recorded.

Cllr. J. Moloney said the Minutes of Council Meetings on the website are not up to-date and he asked that they would be kept up to-date.

Cllr. D. Healy-Rae referred to CFRAMS and asked when it is expected positive action will be taken to address the flooding in Glenflesk.

The Cathaoirleach said that issue was dealt with in the Cathaoirleach's report and he asked that an official would revert to Cllr. Healy-Rae on it.

- (a) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. M. Gleeson it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on the 28th July, 2014 be confirmed.
- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. S. Fitzgerald it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on the 1st September, 2014 be confirmed.
- (c) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. D. Grady it was resolved that the minutes of the Special Planning Meeting of Kerry County Council held on the 11th September, 2014 be confirmed.

- (d) On the PROPOSAL of Cllr. M. Kennelly, SECONDED by Cllr. J. Moloney it was resolved that the minutes of the November Ordinary Meeting of Kerry County Council held on the 10th November, 2014 be confirmed.

14.12.15.03 Chief Executive's Report

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 December Council Meeting.

Financial Position

As agreed with the Members, a Financial Report for Members will be provided on a quarterly basis in line with the Quarterly Reporting Process for Income and Expenditure already in place to the Department of Environment, Community & Local Government. The attached Financial Report outlines the position at the 30th September 2014.

Operation / Progress on the LCDC

The Local Community Development Committees (LCDC) structure and membership has been agreed by Kerry County Council and has met on two occasions. The LOTS (division of the County) for the Social Inclusion and Community Participation Programme have been agreed and the tenders have issued to the successful applicants who came through stage one of the tender process. The closing date for receipt of tenders is 19th December 2014, and the LCDC through its evaluation team and evaluation committee will assess the tenders received. The LCDC will have an important role in relation to developing the Community Elements of LECP and a County LEADER Strategy.

At its most recent meeting held on 3rd November last, the LCDC elected Cllr Norma Moriarty as its chairperson. The LCDC also agreed that there would be a co-ordinated LEADER plan progressed and developed for the county by all members and that this would ensure that there were no delays in communities being able to access funding under this programme for the development of our county.

Local Economic & Community Plan

The final guidelines on the preparation of the LECP have not yet issued, but a less prescriptive process for the preparation of the Plan has been proposed with the entire process being completed in 2015. An internal Steering Group has been established to oversee the preparation of the Plan involving staff from SMT, Forward Planning, LEO, Community and Tourism Sections. Work has commenced in preparing background data and analysis to underpin the plan. A report on the preparation of the LECP will be brought to the Monthly meeting of Kerry County Council in January, and engagement will commence with the Economic Development & Enterprise SPC and the Local Community Development Committee in relation to developing the Economic and Community elements of the Plan. The highly consultative process will involve the preparation of the plan over the following months, with the establishment of agreed strategies, followed by detailed, measurable implementation objectives. 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.

Performance of the Local Enterprise Office

1. Grant Approvals and Training Activities

| Action | Metrics |
|---|------------------------------|
| No of Enterprise projects for funding received in 2014 | 53 projects |
| No. of projects approved year to date | 29 projects |
| Funding approved for projects | €308,823 |
| Potential Job Creation | 67 full time 11 part time |
| Cost per Job | €4,289 |
| Total number of training programmes delivered | 36 |
| Total number of training participants | 668 |
| No. of mentoring and advisory assignments to date (2-3 sessions per assignment) excluding mentor clinics. | 97 |
| Training Funding expenditure | €260,000 |

2. Kerry's Best Young Entrepreneur

Best Young Entrepreneur competition was finalised on 28th October with a local prize fund of €50,000.

The winning businesses went forward to Regional Competition on 12th November 2014 but have not been selected for National Finals.

3. Online Trading Voucher Scheme

- The Kerry Local Enterprise Office applied for a pilot scheme and 34 vouchers @ €2,500 per voucher has been secured. (i.e. €85,000)
- 42 voucher applications have been received
 - 32 vouchers have been approved amounting to €66,948 in total to date.

4. County Enterprise Awards

- 29 businesses have been written to seeking entries in the County Enterprise Awards. This scheme is restricted to 20 businesses who have received funding from the County Enterprise Board or Local Enterprise Office.

- A total of 14 entries were received by the closing date.
- Assessments has now been completed and the three shortlisted winners will be invited to a function in County Buildings. (Date to be scheduled).

5. 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.
- 21 schools have now confirmed participation with over 400 students.
- Mentors/Advisers are working with the schools to develop real trading/business projects building towards a County Final in March 2015.

6. Coder Dojo Initiative

- Software programming for school children
- Groups in the county have been contacted regarding funding submissions and request
- Six groups have responded with funding requests.
- A presentation ceremony took place in Killorglin Library on 2nd December.

7. 2015 Planning

2015 Planning has commenced, training courses identified and discussions are ongoing with Enterprise Ireland Centre of Excellence in relation to budgets.

8. 2014 Employment Survey

The Local Enterprise Office has commenced work of the Annual Employment Survey to determine overall employment in supported companies and businesses.

9. One Stop Shop

The LEO continues it's role as a "One Stop Shop" for a range of business queries and activity is strong."

Kerry County Council

1 Major Expenditure & Income by Division with 2014 Adopted Budget

Date : As at end of Quarter 3 (September 2014) in accordance with EU/IMF return on Expenditure and Income made to DOECLG on 24/11/2014

| Service Division | Description | EXPENDITURE | | | | INCOME | | | |
|------------------|--|---------------------------|-------------|-----------------------|------------------------|-----------------------------|-------------|----------------|---------|
| | | Total Exp. € to date 2014 | Budget 2014 | Budget Remaining 2014 | % Budget Spent to date | Total Income € to date 2014 | Budget 2014 | Not Recd. 2014 | % Recd. |
| A | Housing & Building | 15,278,879 | 19,802,952 | 4,524,073 | 77% | 14,459,347 | 19,700,235 | 5,240,888 | 73% |
| B | Road Transport & Safety | 27,137,223 | 32,390,451 | 5,253,228 | 84% | 15,074,455 | 19,757,043 | 4,682,588 | 76% |
| C | Water Services | 11,847,566 | 16,931,035 | 5,083,469 | 70% | 11,461,170 | 15,861,169 | 4,399,999 | 72% |
| D | Development Management | 6,266,220 | 8,588,367 | 2,322,147 | 73% | 1,423,556 | 1,851,047 | 427,491 | 77% |
| E | Environmental Services | 11,896,526 | 17,042,759 | 5,146,233 | 70% | 2,688,858 | 3,941,140 | 1,252,282 | 68% |
| F | Recreation & Amenity | 6,387,523 | 7,764,105 | 1,376,582 | 82% | 949,239 | 589,756 | (359,483) | 161% |
| G | Agriculture, Education, Health & Welfare | 4,478,106 | 5,246,130 | 768,024 | 85% | 3,588,999 | 4,499,982 | 910,983 | 80% |
| H | Miscellaneous Services | 11,288,527 | 16,002,588 | 4,714,061 | 71% | 3,820,124 | 3,269,237 | (550,887) | 117% |
| | Local Government Fund / GPG | | | | | 8,282,878 | 11,046,934 | 2,764,056 | 75% |
| | Pension Levy | | | | | 1,957,073 | 2,815,000 | 857,927 | 70% |
| | Rates | | | | | 30,879,740 | 40,436,844 | 9,557,104 | 76% |
| Grand Total | | 94,580,570 | 123,768,387 | 29,187,817 | 76% | 94,585,439 | 123,768,387 | 29,182,948 | 76% |

2 Performance of Local Authority Revenue Collection Levels

Major Sources of Revenue Income Collection levels as at 31/10/2014

| | Total for Collection | Collected | Arrears @ 30/10/2014 | % Collected |
|--|---------------------------------|------------------|---------------------------------|------------------------|
| Commercial Rates | 48,009,402 | 28,670,325 | 19,339,077 | 60% |
| <i>Total Collectable = full year accrual plus arrears</i> | | | | |
| Rents | 8,094,372 | 7,510,279 | 584,093 | 93% |
| Loans | 1,231,164 | 992,146 | 239,018 | 81% |
| <i>Rents and Loans : Total Collectable = year to date accrual plus arrears</i> | | | | |

3 Recourse to Overdraft Facility

The Council has not had any requirement in relation to overdraft facility since 1/1/2014 to date.

4 Emergency Capital Works not provided in the Budget

Estimated financial liability of additional works due to storm damage - roads, housing, coastal protection, beaches etc - €1,200,000.

Cllr. N. Kelleher referred to the Coder Dojo Initiative and said he approached the LEO and requested that funding would be made available for this initiative. Some funding was provided for all groups involved in this training around the county. Killarney hosted the Coder Dojo Conference last year and it is hoped to bring that conference to Kerry in the coming year. He asked that the LEO would support the conference if it is held in Kerry in 2015.

Cllr. M. O'Shea said he was approached by a young couple who came into the Kerry County Council Offices to pay development levies. They were told to go to the Revenue Department in the Ashe Memorial Hall and when they went there they were told they would have to pay online. He asked why Kerry County Council would not accept the levies from this couple.

The Chief Executive undertook to discuss this case further with Cllr. O'Shea after the meeting.

Cllr. J. Finucane said the Chief Executive's Report refers to tourism development. He recently requested that Kerry County Council would host a meeting of all counties in the Wild Atlantic Way. He asked that this meeting would be held in January with a view to developing a coherent strategy and highlighting areas that need improving. Cllr. Finucane asked that representatives of the City of Derry would also be invited to this meeting as they would like to be included in the Wild Atlantic Way. He would like to see this as a cross border initiative and he suggested that there should be regular meetings of this group.

Cllr. A. Thornton requested that a staff member from the LEO would make a presentation to members to give them a greater understanding of funding available etc.

The Chief Executive undertook to arrange a meeting of the counties on the Wild Atlantic Way in January or February. She said she would arrange briefings for members on the LEO at the next round of Municipal District Meetings.

14.12.15.04 Disposal of Property

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson it was agreed to approve the disposal of a plot of land measuring 1.083 acres approximately in total, situated in the townland of Gortroe in the DED of Killarney Rural to (Names withheld for data protection purposes. A paper copy of the Minutes are available on request) Executors of the Estate of Ms. Ellen Griffin, Deceased, in accordance with the terms of notice issued on the 4th December, 2014 pursuant to Section 183 of the Local Government Act 2001.

14.12.15.05 Appointment of Sectoral Representatives to the Strategic Policy Committees

Mr. G. O'Brien referred members to report dated 9th December, 2014 on this item which was circulated. The SPC Scheme was approved by Members at the September Council Meeting. Following the adoption of the Scheme, nominations for the Sectoral Representatives were sought from the National Key Stakeholder Pillars and other Sectors. This process has now been completed. The completed membership for each of the SPC's was circulated for members approval.

Cllr. N. Foley asked if Kerry Rural Transport were given representation on the Roads and Transport SPC.

Mr. J. Breen said there is no provision within the Guidelines for Kerry Rural Transport to be represented on an SPC and he had discussed this with them.

Cllr. N. Foley requested that this issue would be raised with the Department.

Mr. Breen said it was raised with the Department and they indicated that the SPC must be constituted in accordance with the Guidelines.

Cllr. Foley said they should be represented and she asked that a mechanism would be found to allow them have some form of representation.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. Cronin it was agreed to approve the appointment of the Sectoral Representatives to the Strategic Policy Committees as set out in the report circulated.

14.12.15.06 Dedication of the Municipal District Office and Library in Killorglin in honour of the late Mr. Timothy 'Chub' O'Connor

Cllr. M. O'Shea welcomed the O'Connor Family to the meeting and said it was a tremendous occasion for them. The proposal to dedicate the Municipal District Office and Library in Killorglin in honour of the late Timothy 'Chub' O'Connor was supported at Municipal District level and it is a tremendous accolade to have public offices dedicate to 'Chub'. He was an outstanding politician and entrepreneur and he achieved much for Killorglin and the surrounding areas. Cllr. O'Shea PROPOSED that the Municipal District Office and Library in Killorglin would be dedicated in honour of the late Timothy 'Chub' O'Connor.

Cllr. P. Connor Scarteen SECONDED this proposal and said 'Chub' was elected to Kerry County Council in 1948 and retained his seat until 1979. He was elected to Dáil Éireann in 1961 and served until 1981. He was an effective politician who played a big part in making Killorglin what it is today. 'Chub' was a great entrepreneur and a sports enthusiast.

Cllr. J. Healy-Rae said he wished to be associated with the tributes to Timothy 'Chub' O'Connor. He brought great employment to Killorglin and his achievements must be admired. He supported Cllr. O'Shea's proposal.

Cllr. D. Healy-Rae supported the dedication of the Municipal District Office and Library in Killorglin in honour of the late Timothy 'Chub' O'Connor. Jackie Healy-Rae and 'Chub' were involved in politics together for years and he did a lot of work for the people of South Kerry. Much of the developments in Killorglin in recent years happened because of 'Chub's' foresight.

Cllr. M. Cahill said he was delighted 'Chub' was being honoured in this way. His father worked closely with 'Chub' for many years and he has very fond memories of him. 'Chub' was responsible for bringing Klinge and other industries to Killorglin. He bought turf from the local farmers and he brought coal into Killorglin for the first time. Cllr. Cahill asked that members would not forget the role Mr. Brian McCarthy played in the development of this building.

Cllr. D. Grady also supported the dedication of the Municipal District Office and Library in honour of the late Timothy 'Chub' O'Connor.

The Cathaoirleach welcomed the O'Connor Family to the meeting and said he received a letter from 'Chub's' son during the week outlining his achievements.

14.12.15.07 Submission to the NPWS on the Review of Section 40 of the Wildlife Act – Burning/Cutting Controls

Mr. C. O'Sullivan referred members to his report dated 5th December, 2014 on this item which was circulated. The Minister for Arts, Heritage and the Gaeltacht, Ms. Heather Humphreys, T.D. is inviting submissions from stakeholders, interested parties and the general public on the issue of a review of existing burning and hedgecutting controls.

The Minister has published a consultation document which was circulated to members. The main purposes of Section 40 are to protect bird life during the nesting season, to prevent forest fires, and to protect vegetation and wildlife habitats during the months of growth and reproduction. The Minister is seeking the views of the public and interested parties with a view to ensuring the on-going effectiveness of the controls.

This consultation process allows members of the public and interested stakeholders to make their views known on any potential changes.

In particular the Minister has sought feedback on the following specific questions:

Hedge Cutting

Should the closed period for cutting hedges be changed? If so, to which dates?

Burning of Vegetation

- (a) Should the current dates be maintained – if so why?
- (b) Should different closed periods be introduced for burning as opposed to hedgecutting?
- (c) Should different rules apply, in different areas eg between enclosed lands and unenclosed land – if so why?
- (d) Should derogations or licencing for burning be introduced during the closed periods – if so why?
- (e) Should flexibility be introduced to allow dates to be changed by statutory instrument, or by allowing a Ministerial Order to extend the burning period in any particular year?

Mr. O'Sullivan briefed members on his report.

Cllr. B. Cronin said this is a very important public consultation process. For many years the issue of briars growing out on roads and the lack of visibility has been a problem in Kerry. Section 40 of the Wildlife Act is very detailed and outlines what it protects. There are 1m acres in Kerry but the problem is in relation to the public road network. The restrictions imposed by this legislation are excessive. At a time of the year when there is the greatest growth landowners cannot cut hedges. He PROPOSED that the Council would make a submission calling for an easing of these restrictions specifically in relation to the verges of public roads. Hedges should be cut back at junctions on minor roads as it is virtually impossible to see oncoming traffic. He PROPOSED that 150m at junctions would be exempt from these restrictions. Cllr. Cronin also suggested that the timeframe for the cutting of hedges would be reconsidered. Cyclists are injured on a regular basis as a result of briars growing out onto the public road. By easing these restrictions it will give protection to people in rural areas. The cost of replacing a side mirror on a bus or lorry is between €1,200 and €1,500. Cllr. Cronin suggested that hedge cutting should be permitted to the end of March and from the 1st August. This is a critical issue for people living in rural areas and when hedges are cut it gives an additional 2m on the road and transforms the area. It is critical that members avail of this opportunity to protect people living in rural areas. He expressed his thanks to landowners who cut their hedges regularly. Cllr. Cronin referred to six palm trees growing near Ballyspillane and young boys are hiding in the trees and throwing stones at passing motorists. He asked that these trees, which are located on the Spa side of the roundabout, would be removed.

Cllr. J. Healy-Rae said the burning of vegetation is weather dependant. The cutting of roadside hedges is one of the most prominent Notices of Motion he has raised since he became a member of the Council. On many occasions he called for the cutting of roadside hedges at junctions and this does not appear to be a problem in other counties. Officials state that because of the 1993 Roads Act they do not cut hedges. Kerry is the premier tourist county and hedges should be cut during the summer. In the last few weeks the Council is cutting hedges but it is a waste of time as the leaves have fallen off and it is too late. He did not want to harm wildlife but he would like to see hedges cut a month earlier than at present. Cllr. Healy-Rae said he did not believe there is much wildlife in the hedges along busy public roads. He asked that hedges would be cut in the summer.

Cllr. M. Gleeson said tourism is the lifeblood of the county and he was approached by a number of cyclists who were impeded by hedges. Something must be done to address this ongoing problem. In years gone by all members experienced devastating fires and he remembered a time when the National Park was under threat and but for the expertise of the Fire Service it could have been devastated. 2014 marked a wonderful improvement in that the number of serious fires reduced substantially. The meetings between the Fire Service, locals and the Gardaí were very effective and any burning without first notifying the Fire Service should be illegal. He moved a Notice of Motion stating that the 31st August, as the date when hedges could be cut, was too late. He agreed with the proposal to change the date to the 31st July as it would not impact adversely on nesting. Cllr. Gleeson said he remembers when the Government introduced legislation banning backyard burning while at the same time the Department of Agriculture advised farmers to burn potato stalks to prevent the spread of disease. As a result limited backyard burning was allowed.

Cllr. D. Healy-Rae said since he was elected in 2003 he has been highlighting the need to cut hedges. Overgrown hedges are still a serious problem and landowners should be permitted to cut hedges at all reasonable times. Birds do not nest near busy roads and problems arose when hedges could not be cut during the summer. Cllr. Healy-Rae PROPOSED that roadside hedges, that prevent people from walking, cycling safely or damage vehicles, would be cut when necessary. Wing mirrors on buses and lorries are damaged regularly by overgrown hedges. On many occasions school buses cannot travel roads because of the overgrown hedges. This public consultation process presents an opportunity to resolve this problem and Cllr. Healy-Rae said everyone should make a submission. When hedges are overgrown the county does not look well and it is not enhancing our tourism product. He called for an extension of one month at least for the burning of lands and he asked that there would be derogation when the weather is particularly bad. On the one hand farmers are fined for not burning off scrub but on the other hand they are prevented from doing it. He PROPOSED that members would request that hedges could be cut all year.

Cllr. J. Healy-Rae SECONDED this proposal.

Cllr. J. Sheahan then moved Notice of Motion No. 9.

9. Legalising of a supervised extension of the hill burning period

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

That Kerry County Council write to the Department of the Environment, Community & Local Government to legalise a supervised extension of the hill burning period, as is the case in Northern Ireland.

The following reply issued:

“The Minister for Arts, Heritage and the Gaeltacht has recently initiated a review of the legislative controls set out in Section 40 of the Wildlife Acts 1976 to 2012 governing the control of burning and hedge cutting.

The current closed period is based on the generally recognised nesting and breeding period for wild birds. In the original Wildlife Act, 1976, the dates for the period were 15 April to 31 August but were extended by the Wildlife (Amendment) Act, 2000 to the current dates - primarily to afford further protection to wild birds.

Burning of vegetation by landowners in the North of Ireland is not allowed from the 15th April to the 31st August with some derogation permitted under a licensing scheme. It is nonetheless worth noting that the Northern Ireland Fire Service attended over 2000 wildfires last year.

It has become the pattern in Kerry recently that the vast majority of controlled burns are pre-notified to Fire Control and inappropriate fire service call-outs are avoided. Through focused, multi-agency endeavour awareness of good burning method is increasing and controlled burning is taking place safely (calls to burns where control by the landowner is lost are very rare). This is a very satisfactory scenario from the perspective of Kerry Fire Authority. However, it is also the case that approximately 70% of reported controlled burning takes place outside the permitted period.

The Fire Service Department will not be recommending a specific date as any proposal would have to be in compliance with the European Communities (Birds and Natural Habitats) Regulations 2011.

The National Parks and Wildlife Service would be best placed to advice the Minister for the Environment on the burning dates.”

Cllr. J. Sheahan said the Council should make a submission as large vehicles are being damaged by overgrown hedges and cyclists are in danger. Traditionally farmers managed the controlled burning of their land in a way that has positive benefits for human, animal and the environment. In recent years the burning season was changed from April 15th to March 1st. This has created an impossible situation for farmers. Most years, because of inclement weather it is not possible to burn before March 1st and burning after this date makes a criminal of the farmer. If the season could be extended by another month, as is the case in Northern Ireland, we would not have this problem. Illegal, uncontrolled burning as well as being very dangerous has huge consequences for the Community. Fires can run wild over commonage and mountains and threatens farmland, forest, wildlife and residences.

Cllr. Sheahan said he moved Notices of Motion on this issue in the past and runs the risk of repeating himself but now is the time to act and get the law changed. Members must be conscious that we run huge risks in Kerry especially in Killarney with a vast area of woodland within the National Park. He called for an extension of the deadline for burning to the 15th April and said it would be a great help to all concerned. He asked that a strong submission would be made to the NPWS in light of the impact of the restrictions in current legislation. 2014 has seen a big reduction in the call out of the Fire Service to hill fires and he believed this is because of dry weather and organisation.

Cllr. J.J. Culloty then moved Notice of Motion No. 22.

22. Extension of the date permissible for burning gorse

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

That this Council call on the Minister for the Environment to extend the date permissible for burning gorse from March, 1st to 30th April.

The following reply issued:

The Minister for Arts, Heritage and the Gaeltacht has recently initiated a review of the legislative controls set out in Section 40 of the Wildlife Acts 1976 to 2012 governing the control of burning and hedge cutting.

The current closed period is based on the generally recognised nesting and breeding period for wild birds. In the original Wildlife Act, 1976, the dates for the period were 15 April to 31 August but were extended by the Wildlife (Amendment) Act, 2000 to the current dates - primarily to afford further protection to wild birds.

Burning of vegetation by landowners in the North of Ireland is not allowed from the 15th April to the 31st August with some derogation permitted under a licensing scheme. It is nonetheless worth noting that the Northern Ireland Fire Service attended over 2000 wildfires last year.

It has become the pattern in Kerry recently that the vast majority of controlled burns are pre-notified to Fire Control and inappropriate fire service call-outs are avoided. Through focused, multi-agency endeavour awareness of good burning method is increasing and controlled burning is taking place safely (calls to burns where control by the landowner is lost are very rare). This is a very satisfactory scenario from the perspective of Kerry Fire Authority. However, it is also the case that approximately 70% of reported controlled burning takes place outside the permitted period.

The Fire Service Department will not be recommending a specific date as any proposal would have to be in compliance with the European Communities (Birds and Natural Habitats) Regulations 2011.

The National Parks and Wildlife Service would be best placed to advise the Minister for the Environment on the burning dates.

Cllr. J.J. Culloty said the burning season should be similar to Northern Ireland where burning is permitted to the 15th April. Landowners are responsible people but they will not notify the Fire Service if they are burning after the 1st March. He SECONDED Cllr. Cronin's proposal in relation to hedge cutting and said it makes sense to cut hedges at junctions. The wing mirrors on trucks are damaged regularly because of overgrown hedges and it can cost up to €350 to replace them.

Cllr. A. Thornton then moved Notice of Motion No. 11.

11. Review of enforcement procedures for illegal dumping and hedge cutting

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

That Kerry County Council review the Enforcement Procedures both for illegal dumping and hedge cutting by considering a change in the contents of the warning letters and timeframes within which an Enforcement Notice will be served. I would ask that a more stringent process is considered.

The following reply issued:

Environmental Services are responsible for the enforcement of illegal dumping in the county. The procedures for enforcement are prescribed in the Litter Pollution Acts 1997 – 2009 and in the Waste Management Acts 1996 – 2011. The appropriate legislation to be used depends on the nature of the offence.

When evidence of illegal dumping is found relating to fly tipping, a fixed fine is immediately issued to the alleged offender and every effort is made to secure payment. Failure to pay, results in legal proceeding being taken. In 2013, 71 on-the-spot fines were issued, of which 36 were paid, 34 were waived and 1 is unpaid at present. 6 prosecutions were taken and the fines were paid in respect of 4 of these before the court hearing.

Where a complaint of illegal dumping is received relating to private land, a warning letter or enforcement notice may issue to the land owner to carry out specified measures which usually includes the removal of illegal waste from the site. If these warning letters or notice are not complied with within the prescribed time frames stated, legal proceeding are usually commenced.

185 complaints of illegal dumping on private lands were investigated in 2013, of which 176 were resolved where no further enforcement action was required. The outstanding cases are currently the subject further enforcement action.

There are significant challenges in enforcing illegal dumping, in particular where it is difficult to establish the identity of the offender or the owner of lands where the offence is committed. There are also difficulties where offenders illegally dump on private lands, unknowingly to the landowner. Every effort is made by the litter wardens to work with individuals and communities in addressing illegal dumping as substantial resources are required to gather sufficient evidence for a successful court hearing.

The procedures regarding the enforcement of hedge cutting is determined by the statutory provisions of Section 70 of the Roads Act 1993, which requires the serving of notices on the owner or occupier of the lands. One of the key challenges is in identifying the owner /occupier of lands and difficulties have arisen where the owner of the lands is deceased or is non-resident in the State or the lands are in commonage.

In all cases where the Council receives a complaint of an overgrown hedge, the locus is inspected by our dedicated Roads Enforcement Officer, who will determine if it is a hazard or potential hazard to persons using a public road. Where it is difficult to establish the owner / occupier from local enquiries, a detailed land search is necessary, before any warning notices can be issued. In many cases, where the land owner can be identified, the Roads Enforcement Officer will make contact with him/her to have the issue addressed, which often delivers a more pro-active response, with reduced cost to the Council.

Where it is necessary to serve warning notices, the landowner is notified in a prescribed format, as set out in the legislation, by Registered Post (proof of posted will be required if a case goes to court) and of their responsibility regarding the roadside hedges and requiring that the hedges are cut within a given time frame.

A person on whom a notice is served may as stated in the act appeal against the notice, that he/she is not the registered owner, that the tree hedge is not a hazard, that compliance with the requirements of the notice would involve unreasonable expense or that the notice specifies an unreasonably short time for complying with its requirements or any of them.

Over the past 12 months, 441 warning notices were issued and 438 landowners complied with these notices. In the outstanding 3 cases, the Council cut the hedges as the landowners were either deceased or could not be traced.

Under our current policy, where a landowner fails to comply with a notice, the Council will take action to reduce or remove the hazard and will seek recovery of our costs as a simple contract debt in court.

The issue of over grown hedges is regularly raised by members and a commitment has been given, to bring a full report on the effectiveness of our current procedures, to the Operations SPC in 2015.

Cllr. A. Thornton welcomed the request for submissions from the Department but said the timeframe is short and she PROPOSED that they would be requested to extend the closing date. She asked that the final submission would be presented to Council prior to being submitted. In relation to illegal dumping Cllr. Thornton said she wondered if the correct procedures are in place.

Cllr. J.J. Culloty SECONDED the motion.

Cllr. S. Locke then moved Notice of Motion No. 10.

10. Trimming of roadside trees

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

That the Kerry County Council carry out tree trimming in areas that are dangerous to the public.

The following reply issued:

“The maintenance of trees and hedges along a public road is the responsibility of the owner or occupier of the property on which the tree or hedge exists. The Roads Act 1993 states that “The owner or occupier of any structure and the owner or occupier of any land on which a structure is situated shall take all reasonable steps to ensure that the structure or the use of the structure is not a hazard or potential hazard to persons using a public road and that it does not obstruct or interfere with the safe use of a public road or the maintenance of a public road”. Kerry County Council has procedures for enforcing the above legislation, with regard to any dangerous trees and hedges that are brought to our attention.

Each year, Kerry County Council sends out hedge cutting notices to more than 5000 landowners, advising them of their responsibilities under the Roads Act in relation to Hedge cutting. In addition to this, a public notice is placed in the local newspapers advising all landowners of their duties with respect to hedges. Where the Council is notified of locations where hedges and trees are alleged to be a hazard to persons using a public road, the Roads Enforcement Officer investigates the locus and, where it is deemed to be a hazard, will endeavour in the first instance to advise the relevant landowner of his/ her responsibility and if necessary serve an enforcement notice as prescribed in legislation. Where this approach is unsuccessful it is our policy to cut the hedge and seek recovery of all costs from the relevant landowner.

Kerry County Council maintains trees and hedges on lands owned by Council. The municipal district offices will examine and, if necessary, address any specific locations where trees, on Council owned lands, are a possible risk to road users.”

Cllr. S. Locke said overhanging trees are a problem throughout the county. He suggested that one Enforcement Officer is not adequate to cover the entire county as he must establish who the owner of the land is and this can be difficult. He said the Council should not only establish the owner of the land but they should cut the hedges and recoup the costs from the landowner. It is vital that this issue is addressed immediately. It is also important that the Roads Enforcement Officer can respond immediately when complaints are received.

Cllr. D. Grady **SECONDED** the motion.

Cllr. P. Connor-Scarteen said it is evident from the number of motions submitted on this topic that this issue is not being addressed to members' satisfaction. He welcomed the opportunity to make a submission and said landowners should be given permission to burn scrub land. However when the summers are dry it could result in more fires and it is important to ensure that the National Park is protected.

There should be an exemption for the burning of hedge cuttings in backyards. Cycling is very popular in Kerry and in the interest of safety hedges must be cut on the main routes. Cllr. Connor-Scarteen supported Cllr. Cronin's proposal in relation to the cutting of hedges at junction.

Cllr. D. Quigg welcomed the public consultation and said there is general consensus that hedges must be cut. In relation to burning Cllr. Quigg said the Fire Service should work with landowners to train them in burning. An official from the Fire Service should attend a burning to ensure it is properly controlled as he believed landowners are not trained on controlled burning. In conclusion Cllr. Quigg said there should be a greater emphasis on education and training in this area.

Cllr. D. Grady concurred with the views expressed by previous speakers. However he pointed out that a lot of damage is caused by burning to wildlife and as a former Fire Officer he witnessed this. He acknowledged that farmers need to burn scrub land but if the burning gets out of control the landowner is glad to call on the Fire Service. He said the law should be strengthened to protect wildlife. Cllr. Grady said he agreed that an education programme should be introduced and that burning should be permitted up to 15th April.

Cllr. P. McCarthy welcomed the opportunity to make a submission and said whether the time for burning is extended or not, a small number of people will not comply. The Enforcement Officer does excellent work but he cannot cover the entire county in that short period of time. He PROPOSED that additional staff would be assigned to assist the Enforcement Officer.

Cllr. M. Cahill said these two issues have been discussed by Council on numerous occasions. Kerry County Council's policy on hedge cutting has failed and many roads are now dangerous. In the past he called for the provision of a Community Fund for this purpose and he believed it should still be provided. Kerry County Council is the roads authority and is responsible for safety on our roads. Cllr. Cahill asked that a Community Fund would be provided in 2015.

Cllr. R. Beasley said there is a major problem with over grown hedges at junctions throughout the county and a lot of signage is not clearly visible. The Council is cutting hedges at present but this should be done in July and August. Cars and buses are damaged by the hedges while cyclists are hurt or impeded and this must be addressed.

Cllr. N. Kelleher said the time for cutting hedges must be extended and there is a need for a proper policy on hedge cutting. From an economic point of view it is important that roads are presented well for the good of the county. If necessary the Council should cut hedges and recoup the cost from the landowner. Cllr. Kelleher asked that member's views would be circulated to all local authorities.

The Cathaoirleach said the Council has failed to cut roadside hedges. Since the legislation changed preventing the cutting of hedges after 1st March it became a major issue. The Council must come up with an action plan that works. A Roads Enforcement Officer should be assigned to each Municipal District during the summer and if necessary the Council should cut hedges and recoup the cost from the landowner. This is an ongoing problem for members as they receive complaints from the general public on a daily basis.

In response Mr. C. O'Sullivan said he noted member's views and he would prepare a submission in time for the closing date of the 9th January. He undertook to circulate the submission to members also.

Cllr. B. Cronin asked that the email and postal addresses for submissions would be publicised.

14.12.15.08 Date for a Special Planning Meeting

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J.J. Culloty it was agreed to hold a Special Planning Meeting to consider the Chief Executive's Report and Recommendations on the submissions received on the proposed Material Amendments to the Draft Kerry County Development Plan 2015 – 2021 on Monday 12th January, 2015 at 10.30am.

14.12.15.09 Public consultation process on the Development of the Second Cycle River Basin Management Plans

Mr. J. Breen referred members to his report dated 8th December, 2014 on this item which was circulated. The first cycle of River Basin Management Plans for Ireland was published in July 2010 and planning for the second cycle is underway. The consultation document, which was circulated to members, seeks the input of interested parties on the approach proposed for the second cycle of plans which will be adopted in 2017 and will run until 2021. This phase of the public consultation process is an opportunity to comment on the proposed approach and timetable. The final date for responses in respect of this consultation is 31 January, 2015. Mr. Breen said everyone lives in a catchment and will be impacted and they should take an interest in this public consultation. In conclusion Mr. Breen said he would welcome the views of members and it is intended to bring a draft submission to the January Council Meeting prior to submission to the DECLG.

14.12.15.10 Reports on Conferences / Training Events

On the PROPOSAL of Cllr. D. Grady, SECONDED by Cllr. B. Cronin it was agreed to note the following written reports on Conferences / Training Events which were circulated:-

- (a) AILG Training on Finance and Budgeting held in Carlow on the 16th September, 2014 by Cllr. S. Fitzgerald.
- (aa) Irish Water Regional Briefing held in Carrick-on-Shannon on the 29th October, 2014 by Cllr. J. Finucane.
- (b) AILG Training on Housing held in Nenagh on the 16th October, 2014 by Cllr. M. O'Shea.
- (bb) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. J.J. Culloty.
- (c) AILG Training on Housing held in Nenagh on the 16th October, 2014 by Cllr. S. Fitzgerald.
- (cc) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. J. Brassil.
- (d) AILG Training on Housing held in Nenagh on the 16th October, 2014 by Cllr. T. McEllistrim.
- (dd) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. S. Fitzgerald.
- (e) AILG Training on Housing held in Nenagh on the 16th October, 2014 by Cllr. R. Beasley.
- (ee) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. R. Beasley.
- (f) AILG Training on Housing held in Nenagh on the 16th October, 2014 by Cllr. P. Connor-Scarteen.
- (ff) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. P. Connor-Scarteen.
- (g) AILG Training on Housing held in Nenagh on the 16th October, 2014 by Cllr. J.J. Culloty.
- (gg) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. J. Moloney.
- (h) AILG Training on Housing held in Nenagh on the 16th October, 2014 by Cllr. G. Spring.

- (hh) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. A. Thornton.
- (i) AILG Training on Housing held in Nenagh on the 16th October, 2014 by Cllr. D. Quigg.
- (ii) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. P. McCarthy.
- (j) LAMA Autumn Seminar held in Buncrana on the 17th & 18th October, 2014 by Cllr. S. Fitzgerald.
- (jj) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. M. O'Shea.
- (k) LAMA Autumn Seminar held in Buncrana on the 17th & 18th October, 2014 by Cllr. T. McEllistrim.
- (kk) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. L. Purtill.
- (l) LAMA Autumn Seminar held in Buncrana on the 17th & 18th October, 2014 by Cllr. J. Sheahan.
- (ll) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. M. Kennelly.
- (m) LAMA Autumn Seminar held in Buncrana on the 17th & 18th October, 2014 by Cllr. J. Brassil.
- (mm) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. J. Sheahan.
- (n) LAMA Autumn Seminar held in Buncrana on the 17th & 18th October, 2014 by Cllr. P. Connor-Scarteen.
- (nn) AILG Inaugural Annual Conference, 2014 held in Cavan on the 29th & 30th October, 2014 by Cllr. J. Finucane.
- (o) LAMA Autumn Seminar held in Buncrana on the 17th & 18th October, 2014 by Cllr. M. O'Shea.
- (oo) AILG Training on Planning held in Wexford on the 6th November, 2014 by Cllr. J. Brassil.

- (p) LAMA Autumn Seminar held in Buncrana on the 17th & 18th October, 2014 by Cllr. D. Quigg.
- (pp) AILG Training on Planning held in Wexford on the 6th November, 2014 by Cllr. R. Beasley.
- (q) Irish Water Regional Briefing held in Carrick-on-Shannon on the 29th October, 2014 by Cllr. J.J. Culloty.
- (qq) AILG Training on Planning held in Wexford on the 6th November, 2014 by Cllr. D. Quigg.
- (r) Irish Water Regional Briefing held in Carrick-on-Shannon on the 29th October, 2014 by Cllr. S. Fitzgerald.
- (rr) AILG Training on Planning held in Wexford on the 6th November, 2014 by Cllr. A. Thornton.
- (s) Irish Water Regional Briefing held in Carrick-on-Shannon on the 29th October, 2014 by Cllr. M. Kennelly.
- (ss) AILG Training on Planning held in Wexford on the 6th November, 2014 by Cllr. P. Connor-Scarteen.
- (t) Irish Water Regional Briefing held in Carrick-on-Shannon on the 29th October, 2014 by Cllr. L. Purtill.
- (tt) AILG Training on Planning held in Wexford on the 6th November, 2014 by Cllr. P. McCarthy.
- (u) Irish Water Regional Briefing held in Carrick-on-Shannon on the 29th October, 2014 by Cllr. A. Thornton.
- (uu) AILG Training on Planning held in Wexford on the 6th November, 2014 by Cllr. J.J. Culloty.
- (v) Irish Water Regional Briefing held in Carrick-on-Shannon on the 29th October, 2014 by Cllr. P. McCarthy.
- (vv) AILG Training on Planning held in Wexford on the 6th November, 2014 by Cllr. M. O'Shea.
- (w) Irish Water Regional Briefing held in Carrick-on-Shannon on the 29th October, 2014 by Cllr. M. O'Shea.

- (ww) AILG Training on Planning held in Wexford on the 6th November, 2014 by Cllr. J. Sheahan.
- (x) Irish Water Regional Briefing held in Carrick-on-Shannon on the 29th October, 2014 by Cllr. J. Moloney.
- (xx) AILG Training on Planning held in Wexford on the 6th November, 2014 by Cllr. J. Finucane.
- (y) Irish Water Regional Briefing held in Carrick-on-Shannon on the 29th October, 2014 by Cllr. D. Quigg.
- (z) Irish Water Regional Briefing held in Carrick-on-Shannon on the 29th October, 2014 by Cllr. J. Sheahan.

The Cathaoirleach informed the meeting that in future it is proposed that one councillor will be nominated to prepare the report on a conference/seminar or training event and that member will get all members that attended the event to sign the report.

Cllr. J. Healy-Rae PROPOSED that one councillor only would report on each event and that the report would not have to be signed by all members that attended the event.

The Cathaoirleach said this would not comply with the legislation. This issue was discussed at length at the CPG meeting and it was agreed this was the best solution.

Cllr. M. Gleeson PROPOSED that a letter would issue to the Department pointing out that this requirement does not make sense.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. D. Grady it was agreed that in future one member would prepare the report on an event and would get all members that attended to sign the report.

Mr. G. O'Brien advised members that one member would be nominated to prepare the report when approval is being given to attend the event.

14.12.15.11 Approval for the opening of Tenders

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of tenders for Engineering Consultancy Services for the N86 Lispole to Ballynasare Lower and Ballygarrett to Camp Road Improvement Scheme – Closing date Friday 9th January 2015 at 12.00 noon.

- (b) On the PROPOSAL of Cllr. D. Grady, SECONDED by Cllr. J. Moloney it was agreed to approve the opening of tenders for POL 'Fuels' 2015 / 2016 – Request for Applications for appointment to multi-party framework for the supply of fuels, oils and lubricants to Local Authorities – Closing date Monday 12th January 2015 at 3pm.

The meeting adjourned for lunch at 13.25pm.

The meeting resumed at 2.15pm.

The Cathaoirleach informed the meeting that dinner would be served at 5pm.

14.12.15.12 Notices of Motion

1. Provision of Bicycle Parking Bays

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

As a follow on from my Notice of Motion of December 2013, that the Council would detail the locations in which dedicated and aesthetically pleasing Bicycle Parking Bays have been developed in the county over the past 12 months. Cyclist tourism is becoming an ever more important part of the economic life of the county and those vital visitors need and deserve to be facilitated to the best degree possible.

The following reply issued:

“Over the past 12 months, bicycle parking has been provided in the following locations:-

- 10 covered bicycle stands spaces were provided in Upper Tannery car park in Tralee**
- 26 bicycle stands were provided in Killarney in Lewis road car park, Fairhill car park and Fossa way car park.**

Covered bike stands have also been provided at all of our libraries, with the exception of Cahersiveen, and plans are being developed for the provision a stand in Cahersiveen.

It is also a stated objective of the County Development Plan, in order to support a modal shift in transport in urban areas, for secure bicycle parking facilities be provided within the site curtilage of developments incorporating apartments, schools, offices, retail stores, libraries, manufacturing industry, warehousing and sports grounds and the number of stands shall constitute 1/10 of the parking spaces provided.”

Cllr. M. Gleeson said it is now close on 20 years since a sports person said to him that cycling, in its many forms, was the fastest growing sport/recreation in Europe. Subsequent events have shown that he was correct. The Ring of Kerry Cycle is the fullest manifestation of that. As he stated the previous month there is ample daily evidence of the popularity of tourist cycling and yet he still sees cyclists having to tie their bikes to traffic signs, to lamp posts and to railings.

Tourism is our principal industry and we should be doing everything possible to enhance the product and to make Kerry ever more attractive and ever safer for potential and actual visitors. Attractively designed Bicycle Parking Bays would be a notable addition to our tourist towns and locations and would also ensure that public signage is not damaged. New Parking Bays could be artistic creations. Cllr. Gleeson said he welcomed the reply indicating progress but said there is much more that can and must be done.

The Cathaoirleach **SECONDED** the motion.

2. Invitation to Mr. Patrick Conroy, Valuation Manager to make a presentation to members

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

That Kerry County Council invite Mr Patrick Conroy, Valuation Manager, Valuation Office of Ireland, to make a presentation to the members on the valuation process and its relevance to the local authority and to answer relevant questions by the members.

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

Cllr. N. Kelleher said at a recent LAMA Conference Mr. Conroy spoke on the procedures of the Valuations Office for valuing properties. Members recently adopted the rate at the Budget Meeting. He submitted this motion as he recently spoke to a business person in Killarney who moved to smaller premises yet they were liable for twice the rates they paid on their previous premises. It would be helpful for members if Mr. Conroy attended a meeting to explain the valuation process to members.

Cllr. J.J. Culloty **SECONDED** the motion.

3. Charging of levies for water and sewerage

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

That we the members ask Kerry County Council again to stop charging levies for water and sewerage with the grant of planning applications as the money is being transferred to Irish Water which will then charge on a continuous basis for these services.

The following reply issued:

“As and from the 1st January 2014, development levies in respect of water and sewerage facilities are no longer included in grants of planning permission as it is a matter for Irish Water to determine the level of charge for connection to such facilities. The situation now is that a Connection Agreement between Irish Water and the applicant will be required, prior to any connection being agreed, and this will set out the conditions and charges to be applied to the connection. However where an application is made for a connection to such facilities in respect of a development granted planning permission prior to the 1st January 2014, the development levies included in such a permission are lawfully due and payable as a condition of that permission. If they are not paid, the development is an unauthorised development. As agents of Irish Water and in accordance with the Service Level Agreement (SLA), the Council collects such levies as part of the application process for such facilities.”

Cllr. D. Healy-Rae said he raised this issue on a number of occasions. The reply states that Kerry County Council does not charge the levy but he believed the same charge levied by the Council is now levied by Irish Water but it is called an infrastructural levy. In the past members were informed the income from this levy was needed for infrastructure but he believed Irish Water should stop charging this levy as it is unfair. This was originally a once off charge on a private house and there were not other charges thereafter. However now in light of the introduction of water in / water out charges he called on Irish Water to forego this levy.

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

Cllr. J. Healy-Rae said he understood levies were charged to ensure funding is available to upgrade infrastructure. He believed that this is double charging and Kerry County Council collects the levy.

All members supported the motion.

The Cathaoirleach informed the meeting that Notice of Motion Nos. 4 and 34 would be taken together.

4. Appeals process for NPPR Charge

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

That Kerry County Council please put in place an appeals process for people that were not informed of the NPPR Charge. There are still many people that are unaware of the charge and the penalties in place are far too excessive.

The following reply issued:

“Kerry County Council administers the NPPR scheme in accordance with the legislation governing the charge and guidance documents received from the Department of the Environment, Community and Local Government.

The NPPR charge was introduced under the Local Government (Charges) Act 2009 (as amended). The legislation clearly places the onus on the owner of the property to register for NPPR charges and it also sets the late fees to be applied.

Kerry County Council has been very proactive in its attempts to notify people of the NPPR charge, since its introduction in 2009. We have engaged in national campaigns, conducting intensive local campaigns, including contacting people on the PRTB register, corresponding with landlords, notifying all holiday home management companies, contacting Real Estate Agents and the Law Society. In addition, we have been involved in carrying out countywide inspections over the past number of years and would have notified any potentially liable persons arising from this work.”

Cllr. P. Connor-Scarteen said there are 8,000 unoccupied homes in the county and this is a most unjust charge. The local authority is responsible for the collection of it and while there were media campaigns, advising property owners they maybe liable for this charge, many owners live abroad and were unaware of the charge. As at August 2014 this charge was €7,200. A procedure should be put in place whereby people who can demonstrate they were unaware of this charge can have it either reduced or written off. He asked that a letter would issue to the Department pointing out that these penalties are excessive. Cllr. Connor-Scarteen called on the Council to put a mechanism in place to facilitate these property owners.

34. Excessive penalties being applied to the NPPR Scheme

Pursuant to notice duly given Each Member of the South & West Kerry Municipal District PROPOSED:

That Kerry County Council make a special case as a matter of priority to the Minister for the Environment, Community and Local Government in regard to the excessive penalties that are being imposed on property owners and also in respect of the very harsh rules being applied to the NPPR Scheme.

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

Cllr. M. Cahill moved this motion on behalf of the members of the South and West Kerry Municipal District and said the penalties are excessive and harsh. He was aware of one family who had a second house under construction and they were harassed for this charge. People working away from home are liable for this charge even though they only own one house. If they only own one house they should not be liable for the charge. This charge is totally unjust and it is time it was addressed as it is putting severe hardship on people.

The Cathaoirleach asked if the €7,200 is a fixed charge.

In response Ms. A. McAllen said the charge will increase by €120 for each year from August 2014. The legislation in place since 2009 is very stringent. Kerry County Council has been very pro-active in trying to make people aware of the charge and tried to identify properties that were liable. The Council does not harass people but tries to make them aware of a potential liability. The Council must work within the confines of the legislation. Section 77 of the Local Government Reform Act 2014 allows local authorities to use payment plans on the grounds of hardship. The Revenue Department is still dealing with some cases received prior to the August deadline. There is an appeals process and in the first instance an appeal is considered by Kathleen Curtin. It is then dealt with by Pat O'Shea and finally by herself. In excess of 19,000 property owners paid the charge this year and any decision needs to be mindful of them. It is important to treat them fairly and payment plans are arranged if necessary.

Cllr. P. Connor-Scarteen said some people simply cannot afford to pay the charge.

Cllr. T. Ferris called on the Council to exercise discretion as is provided for in legislation.

Ms. McAllen said payment plans are offered to property owners liable for this charge and there is a further option to use our discretion. However 19,000 property owners either paid the charge in 2014 or entered into payment plans and we must be mindful of the need for consistency and fairness. For this reason it was decided not to exercise that element of discretion in the interest of equity.

Cllr. T. Ferris said the former County Manager agreed these penalties are excessive. It is a fact that Donegal County Council has been exercising this discretion for some time. She called on Management to do the right thing now and to exercise discretion where it is required and not to repeat the wrongs of the past. Payment plans do not make it easier and she called on the Chief Executive to use her discretion to waive some or all of the penalties.

Cllr. D. Healy-Rae said Meath County Council give a 50% reduction to facilitate people who have been living abroad.

Cllr. M. Cahill said a lot of people made a genuine error as the legislation says non principal primary residence. People working in Cork or London did not realise they were liable for this charge and indeed councillors were not aware of it either.

The Cathaoirleach said Cllr. Ferris's point was well made and people did not realise they were liable for the charge. Where a house is sub divided and a portion let for the summer there is a liability. This was picked up by the Council when they went through websites advertising properties to let. He said this was very aggressive.

The Chief Executive said there was not a misinterpretation of the legislation and until 2014 it was not an option to waive the charge. The Council had to comply with the legislation in place. Recent guidelines provided some element of discretion. A number of cases were referred to the Ombudsman who made a ruling waiving some of the charge and a small number of cases will benefit from this. The approach taken by Kerry County Council was practical as 19,000 people have paid the charge and we work with people to come up with a payment plan. Ms. Murrell agreed that at this time the penalties are onerous and it may not be possible for people to pay the €7,200 due. The Head of Finance is reviewing a number of cases and she will be mindful of the Ombudsman's ruling. The Council will be practical and there maybe limited room for negotiation. Ms. Murrell again stated that legislation has not provided for a waiver of this charge until recently. She undertook to review where the Council is at in relation to this charge and to revert to Council in due course.

5. Update on the Glenbeigh to Renard Greenway Project

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

That Kerry County Council would give a detailed account to Members regarding the Glenbeigh to Renard Greenway Project and that they would do everything in their power to agree the land take with landowners and refrain from Compulsory Purchase Order.

The following reply issued:

“Kerry County Council is continuing to commit significant resources to the development of the Glenbeigh to Renard Greenway. Work is ongoing on the route selection process and ecological impact assessments have been carried out along the line of the old railway track. Structural surveys of the existing structures along the route have also been completed. Topographical surveys of the section by the tunnels have been completed and work is about to commence on the design of the track where the old railway line has been undermined or removed. A number of design options are being considered for this section and the final design will be assessed on cost and safety criteria.

Representatives of Kerry County Council held a series of meetings with the landowners along the proposed route in the early summer. At these meetings it was agreed that each landowner would be contacted and the offer discussed with them individually. It was agreed that following these individual meetings Kerry County Council would arrange another series of meetings in order to update the landowners on progress.

Where possible each of the landowners has been met individually on at least one occasion. Many landowners have been met on multiple occasions. As agreed a second series of group meetings with the landowners has now been completed.

During these recent meetings Kerry County Council was asked what options were available if there was no agreement to the scheme by some of the landowners. In response KCC officials responded that where possible alternative routes were being considered. There were a number of locations however where this was not possible. While Kerry County Council continues to make every effort to reach agreement with the landowners, it is clear that there are a number of locations where this may not be possible.

Grant funding for this project is contingent on the project being completed by December 2016. It is not possible therefore to continue land negotiations indefinitely.

Unfortunately despite the very high level of support from landowners for the project there are a small number of cases where it has not been possible to reach agreement. Accordingly it is necessary to proceed with Compulsory Purchase of the lands required for this project."

Cllr. J. Healy-Rae said all members are aware of the potential benefits to the county from the Renard Greenway. However he asked that the Council would refrain from going down the CPO route to secure the land required. Cllr. Healy-Rae said in excess of 90% of landowners are satisfied and he expressed his disappointment with the last paragraph of the reply which reads as follows:

"Unfortunately despite the very high level of support from landowners for the project there are a small number of cases where it has not been possible to reach agreement. Accordingly it is necessary to proceed with Compulsory Purchase of the lands required for this project." Cllr. Healy-Rae said 10% of the landowners have genuine reasons for not selling the land i.e. it is intruding on them or is diving up their land holding. No one in South Kerry is against this project and he PROPOSED that management would not commence the CPO procedure until at least February to allow further efforts to be made to try to reach agreement with the remaining landowners.

Cllr. D. Healy-Rae **SECONDED** this proposal and the motion and said anyone who has land fights hard to keep it. He asked that good will be shown to the remaining landowners and that efforts would be redoubled to try to reach agreement with them prior to proceeding to CPO.

Cllr. M. Cahill said he fully supports this project and it is vital that everything possible is done to get it over the line. He **PROPOSED** that an annual payment would be made to landowners rather than purchasing the land as this would be more acceptable to the landowners. If it is not possible to purchase the land he asked that an alternative route would be identified. He understood if the CPO process must be undertaken for one landowner then it applies to all landowners. There is huge good will towards this project and it is the greatest initiative undertaken in the county for years. He said he would be reluctant to go the CPO route and if possible the remaining landowners should be brought on board.

The Cathaoirleach said he believed officials always do their utmost to progress a project before going the CPO route. This Greenway project is vitally important to the county and the funding will only be available for a limited time therefore we must ensure it is not lost. Council officials have done all they can to bring all landowners on board and the greater good must now be taken into account.

Cllr. J. Healy-Rae asked if it was agreed that officials would revert to the remaining landowners with a view to getting agreement from them for the sale of their land.

Cllr. D. Grady asked if that delay could result in the loss of the funding and he said he was not in favour of CPO.

Mr. M. McMahon said the reply to the Motion acknowledges that the vast majority of people are in favour of this project. Officials have done everything possible including attending meetings at night with a view to getting the agreement of all landowners. Tom Sheehy is involved in this project and if anyone can get agreement he will. There are approx. 10 landowners opposed to the project and it will not proceed unless the land is acquired through CPO.

Cllr. J. Healy-Rae again called on officials to contact the remaining landowners once more and to make it clear to them that it is their last chance to reach agreement.

The Chief Executive asked that the timeline mentioned by Cllr. J. Healy-Rae would be removed. Mr. Sheehy has been with the landowners on a number of occasions but she would ask him to visit them again at Cllr. Healy-Rae's request. Unfortunately the CPO procedure takes approx. 12 months and funding is only available for a limited time.

6. Provision of funding for repair works at Incharee, Glenbeigh

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

That Kerry County Council would provide funding for repair works at Incharee, Glenbeigh as soon as possible.

The following reply issued:

“This matter was recently discussed at length at the September 2014 Kerry County Council meeting. It was agreed that the Council would request a meeting with the OPW to discuss funding of works for Coastal Protection to private property. This request was made and the OPW declined to meet in this regard. The OPW explained that ‘this is one of a number of requests and invitations which we receive for officials to attend Local Authority meetings and due to resource limitations, we are unable to facilitate the requests / invitations’.

In 2014, the OPW provided grant allocation for the repair of existing coastal protection and flood defences, such as the work at Rossbeigh, but did not fund new or enhanced defences. In seeking grant aid, Kerry County Council prioritise works that protect public infrastructure, due to the substantial costs involved and the limitations on funding, particularly having regard to the high costs involved

The Council recently met with the residents at Incherea to inspect the coastal defences adjacent to their properties. This community have carried out large scale works to the existing embankments in the area. Their main concern is with the condition of two sluice gates in the embankments which need repair. It was agreed that we would provide assistance to determine the extent of the repairs required on these sluice gates, including an estimate of cost. These works will be costed shortly, which will assist in making an application to the OPW for funding.”

Cllr. J.F. Flynn said he raised this issue on a number of occasions. He was informed at the September meeting that a meeting would be arranged with the OPW but it did not happen. Paul Neary visited the area recently and he asked when the costings would be available. Local residents are very concerned they will get flooded again if there is a high tide and a storm. Cllr. Flynn said the two sluice gates need to be repaired as soon as possible.

Cllr. M. Cahill **SECONDED** the motion and called on the Council to review the areas at risk of tidal flooding. He said the residents in Incharee deserve assistance as they cannot sleep when there is a storm and a high tide at the same time as they fear they will be flooded again.

Cllr. J.F. Flynn asked if members could allocate funding for this work.

Mr. C. O'Sullivan said he wrote to the OPW and pleaded with them to come to a meeting. However they would not agree to this. This is a private embankment. In recent years €4m was spent repairing the road at Inch following coastal erosion and there is still a debt of almost €1m for this work. He pointed out that many stretches of coastline in Kerry are at risk. He acknowledged the plight of the residents in this area and said they believed if the two sluice gates were fixed it would help. A commitment was given that we will assist them to apply for funding for this work. The SPC will draw up a policy around the allocation of the General Municipal Allocation and that will be a matter for the members to decide. Mr. O'Sullivan pointed out that much of that funding is used to pay staff.

Cllr. M. Cahill said the embankment was the responsibility of the Land Commission and he PROPOSED that a letter would issue to Minister Harris T.D. seeking a meeting.

Cllr. J.F. Flynn SECONDED this proposal.

Cllr. J.J. Culloty moved Notice of Motion No. 7 on behalf of Cllr. Foley.

7. Issuing of “Humanitarian Visas” in the US

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

That Kerry County Council request Minister Jimmy Deenihan, Minister of State with Special Responsibility for the Diaspora and the Irish Government to exert all diplomatic and political efforts on President Obama in the formulating of the Executive Order on Immigration to ensure the provision of a “Humanitarian Visa” that would allow the estimated 50,000 undocumented Irish as well as the estimated 12million undocumented people living in the USA to leave and then return to the US if they need to travel home in times of family distress, illness or bereavement .

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

The Cathaoirleach SECONDED the motion.

8. Review of areas under strong urban pressure

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

In view of the dramatic decline in planning applications, I propose that Kerry County Council carry out a review of areas that were under strong urban pressure and give favourable consideration to applicants from the general area, living and working in the area, and that family members who live and use an existing road adjoining the Ring of Kerry be granted planning permission.

The following reply issued:

“Areas under ‘strong urban pressure’ are those areas, generally adjacent to larger towns where there is or has been ongoing pressure for residential development from the population of the adjoining urban centres or from other areas both rural and urban.

Planning Authorities, in accordance with the 2005 Rural Housing Guidelines, are required to identify such areas during the making of a County Development Plan (CDP) and adopt the relevant map into the final plan.

A review of these areas (first identified in the 2009-2015 CDP) was carried out in the recent review of the CDP and these areas were again identified in the Draft Plan which went on display in January 2013.

The Planning Authority is satisfied that the areas identified and mapped recently accurately represent areas under strong urban influence in the county and it is critical that in these rural areas where there is already significant development the capacity for future development is protected for existing families from the area.

The issue of access onto the Ring of Kerry Road (N70) has been extensively debated and reviewed with the NRA in the context of Spatial Planning and National Road Guidelines (2012) and is addressed in the Draft CDP (2015-2021) which has been on display with proposed final adoption of the Plan in early 2015.”

Cllr. M. Cahill said there has been a reduction in the number of planning applications being submitted and many people cannot get permission on their own land. One applicant applied for permission in an adjoining townland but was refused. He asked that these applications would be given favourable consideration. People applying for permission on the Ring of Kerry road, who propose to use existing entrances, are being refused and this is an insult to the people. Family members should be accommodated if at all possible.

Cllr. J.J. Culloty **SECONDED** the motion and said pollution is not an issue. Applicants got permission 4 and 5 years ago and those permissions will run out shortly. In light of that and the fact that so few houses are being built he called on the planning authority to be more lenient.

12. Establishment of the Joint Policing Committee

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

That this Council fix a date for the Joint Policing Committee.

The following reply issued:

Revisions to the Joint Policing Committees Guidelines were issued in August 2014 which contained significant changes reflecting the new local government arrangements and a strengthening of strategic and collaborative functioning within each committee.

In addition to the move to a single Joint Policing Committee for Co Kerry, there is a requirement for each committee to develop six year annual strategic plans and to report on implementation in Annual Reports. The Strategic Plan's objectives must be linked to the Local Economic and Community Plan.

The number of community representatives must be increased and a communications strategy developed. Work has commenced on the establishment of the Kerry JPC in that community representatives were elected from each of the Municipal Districts through the PPN process and data collection is underway for the Local Economic and Community Plan.

The process to nominate Kerry County Council and Oireachtas members will commence in January with a view to holding the first meeting of Kerry JPC within the first quarter of 2015.

Cllr. P. Daly said he spoke with Mr. Breen on this issue a few days ago.

Cllr. T. Ferris asked if the new JPC would be similar to the last JPC.

Mr. J. Breen said in accordance with the Guidelines the JPC would be similar to last JPC.

Cllr. Ferris said this structure prevented members from asking the Gardaí about particular issues.

Mr. Breen said the JPC was established to discuss joint policing matters rather than specific local policing issues. However he stated that the relative size of the committee would be a challenge.

Cllr. N. Kelleher said Rathmore and Gneeveguilla are represented by the Cork North West District and he asked if they would have representation on the JPC.

Mr. Breen said it is a matter for An Garda Síochána to decide on their representation but that he would discuss the need to have this district represented at the JPC with the Chief Superintendent.

13. Disappointment at the roll out of Broadband in rural areas

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

That this Council write to the Minister for Communications to express the grave disappointment in the roll out of Broadband in the rural areas of this County.

The following reply issued:

Members have recently been circulated with details of the launch of the Public Consultation under the National Broadband Plan. Kerry County Council will be making a submission. Members may make individual submissions if they so wish and other interested parties may also make submissions. The closing date for receipt of submissions is 5.00pm on the 12th February 2015. A draft submission will be brought to council in advance of this submission deadline.

If the Members so wish, we can write to the Minister as requested.

Cllr. D. Quigg said transactions by credit /debit card are failing for many businesses due to the lack of an adequate broadband service. He asked that a submission would be made to the Minister under the new public consultation process on rural broadband calling for the provision of an adequate service to keep young entrepreneurs in the county.

Cllr. J. Healy-Rae SECONDED the motion and said the lack of a proper broadband service is costing the county jobs. He called for the making of a strong submission on behalf of the members to the Minister for Communications.

14. Condemnation of the deliberate destruction of the Cross on Carrauntoohil

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

That the members of Kerry County Council condemn the deliberate destruction of the Cross at the top of Carrantoohil and provide whatever assistance is needed towards it's re-instatement.

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

The Cathaoirleach said this issue has progressed and he complimented the Beaufort Community on reinstating the cross so quickly.

Cllr. J.J. Culloty SECONDED the motion.

15. Reinstatement of funding for the Local Improvement Scheme

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

In light of the fact that roads in Kerry covered by the Local Improvement Schemes are now in a deplorable state and based on the current lack of Government funding specifically towards LIS Schemes in Kerry, it will take 28 years to complete our priority list of 140 roads, (5 roads done in 2014). The plight of rural boreens and their residents is now at crisis point. I am calling on the Minister for Transport and the Minister for Environment & Local Government to reinstate a proper yearly budget specifically to complete the 140 LIS roads in Kerry and begin processing applications again.

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

Cllr. B. Cronin said Kerry County Council administered the Local Improvement Scheme efficiently for 45 years. This allowed minor roads to be trunked, drained and improved and it resulted in a huge improvement in the lives of the residents on these roads. Minister Varadkar said he was no longer willing to invest public money in private roads and funding for this Scheme was withdrawn. This had a devastating effect on Kerry. When the funding was withdrawn there were 160 roads on the LIS list and now there are 140 roads on the list. He understood five of these roads were improved in 2013. If the same level of funding continues to be provided it will be 2048 before the last 3 or 4 of these roads will be completed. This is unacceptable for the hundreds of families who live on these roads. The roads in Kilcummin are ripped apart because of drainage problems. If the LIS opened up again applications for 300 to 400 roads would be submitted immediately. It is unacceptable that just five roads can be improved each year and the Department stated that a local authority can use existing road funding for these works. This is unacceptable and he PROPOSED that the Ministers for Transport and Environment would be requested to restore funding for LIS and that 80 to 90 roads would be improved each year. He wanted to ensure the backlog is cleared and that new applications can be accepted. This was one of the most successful Schemes and funding for it should be restored. Cllr. Cronin requested that the motion would be circulated to all local authorities.

Cllr. M. Gleeson SECONDED the motion and said the great mantra of the present Government is 'Value for Money'. This Scheme gave excellent value for money and it transformed many areas. It saved residents time and money and funding for this Scheme should be restored.

Members unanimously supported the motion.

16. NCT Test

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

To call on the Minister for Transport, Tourism and Sport to review the present situation where people can be waiting up to 3 months for an NCT Test but in the interim it is at the discretion of An Garda Síochána to give penalty points on the basis of non display of discs.

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

Cllr. J. Finucane said he understood since the review of the penalty points a motorist who does not have a current NCT cert displayed can be liable for three penalty points. Where a motorist provides proof of an appointment for an NCT it is still at the discretion of the Gardai whether they get penalty points or not. There are 300,000 people waiting for the NCT and where the motorist has a booking they should not get penalty points. It is up to the Test Centres to ensure cars are tested within three weeks in accordance with their Customer Charter.

Cllr. D. Grady SECONDED the motion.

17. New guidelines for grants for panic alarms

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

I am calling that the new guidelines regarding grants for panic alarms be examined by all the various partners before final drafting.

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

Cllr. T. McEllistrim PROPOSED that the new Guidelines in relation to Grants for Panic Alarms be examined by all the various partners before final drafting. Grants for panic alarms were got for the elderly from the Department of Environment, Community and Local Government while in the New Year it is being moved to Pobal. Pobal has no previous experience of this type of work. They are proposing to provide names of Companies regionally who give the best quotes for alarms. Cllr. McEllistrim said he believes once this happens others will be squeezed out locally and in time the cost of installation and running of the service may well go up. This would be a pity as we have one of the lowest cost bases in Europe in relation to panic alarms. The Group provided three quotes from Security Companies and the cheapest got the work. This meant an open market for security companies. Now Pobal will provide three regional quotes. This will eventually close many small companies locally. Then it is likely that the cost to install and to run the service for alarms will increase and local first hand service will be lost to larger companies. At the moment Ireland has one of the lowest costs per year in Europe for running an alarm at less than €100. Cllr.

McEllistrim said he believes the whole process should be halted until all the various parties involved are consulted.

The Cathaoirleach SECONDED the motion.

18. Reduction of speed limits in housing estates

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

That Kerry County Council welcome the current announcement from the Minister for the Environment, Community and Local Government Alan Kelly, TD in putting greater emphasis on road safety and street design ultimately reducing vehicle speed in housing estates.

The following report issued:

The Circular referred to in this motion (PL 6/2014) was issued to all local authorities on the 26th November. This circular sets out additional measures over what was that set out in the directive issued by the Minister for Transport Tourism and Sport in Circular RSD 01/2014, which was detailed to the members at the November meeting.

Circular RSD 01/2014 requested local authorities in consultation with residents in housing estates on the provision of a reduced speed limit in their estate with additional prescribed signage. This consultation process has commenced and members were informed of the public advertisement in this regard. The Minister also reiterated that all future housing estate roads be designed in accordance with the Design Manual for Urban Roads and Streets and this requirement is provided for in the Kerry County Development Plan 2015 – 2021.

Circular PL6/2014, requires developers to engage in preplanning with the Roads Authority and provide road safety audits as part of the planning application process as well as post construction, before an estate is taken in charge.

Cllr. M. Kennelly said Minister Kelly has instructed local authorities to place greater emphasis on road safety and street design considerations in the assessment of applications for planning permission, in respect of new housing developments. This instruction to local authorities has called on local authorities to submit proposals for the increased use of the 30/km per hour speed limit and other measures in existing housing estates, aimed at improving safety for the most vulnerable road users, such as pedestrians, cyclists and especially our children.

As a parent of young children, Cllr. Kennelly said he has been very taken with and impressed by the Jake's Legacy Campaign, which has raised awareness of the issue. This new initiative is a tangible response to that campaign, seeking enhanced road safety measures in both existing and new residential housing estates.

Cllr. Kennelly said it is imperative that simple effective measures to reduce vehicle speeds in housing estates are taken into account at the initial design and planning stages to prevent accidents and tragedies.

Cllr. B. Cronin **SECONDED** the motion and welcomed the recent announcement by Minister Kelly. All members called for traffic calming measures especially in towns where there is a lot of pedestrian traffic. The reply usually states there must be a traffic audit etc. but no member asks for traffic calming measures unless they are satisfied traffic is travelling too quickly. Motorists can be prosecuted if traffic calming measures and signage are provided.

Cllr. T. Ferris referred to the consultation process and asked if members could nominate all local authority estates.

Mr. O'Sullivan said while members can nominate all local authority estates he did not have the resources for that volume of work. He pointed out that some residents may not want traffic calming measures.

Cllr. Ferris said members are familiar with the problem areas.

Mr. C. O'Sullivan said when the submission is compiled it will be discussed with the Operations SPC.

Cllr. M. Kennelly asked has there been any feed back from the process so far.

Mr. O'Sullivan said he was not aware of any feedback and he pointed out that a submission can be made on behalf of residents.

19. Trailer Driving Test

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

To ask the Minister for Transport and the Chairperson of RSA to use a common sense approach in regard to the trailer driving test. It is estimated that the cost of doing this test is in the region of €500.

There was a moratorium introduced that people who received their full license prior to 1989 were exempt from doing this test. Are people who passed their driving test prior to 1989 more qualified drivers. It would be more logical that new license holders from 2015 would be required to sit this test and full licenses issued prior to this would automatically have this category added to their license.

I would also like to request a report on how many accidents have occurred on Irish roads with trailers being the cause of these.

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

Cllr. D. McCarthy said many drivers he was referring to have been pulling trailers for the past 20 years. This requirement should be introduced for anyone taking out a licence in 2015.

Cllr. J. Healy-Rae **SECONDED** the motion and asked why the year 1989 was selected. It will be difficult to get people who regularly pull a trailer to go for a test. He asked that a letter would issue to the relevant Minister asking him to reconsider this proposal.

20. Call for the abolition of water charges

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

In view of the hardship being caused to the public that we would call on the relevant Minister to request that domestic water charges are abolished.

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

Cllr. D. Grady said a clear message must be sent to Government that water is a human right and that members demand the abolition of domestic water charges. The strength of public opposition has been demonstrated over recent weeks by communities throughout this country. It is now time for the Government to listen and accept what the people are requesting, i.e. the abolition of water charges and the dismantling of Irish Water.

Access to clean and affordable water is a fundamental human right and necessity. Indeed, UN Resolution 64/292, signed in July 2010 does say that "The United Nations recognizes the right to safe and clean drinking water and sanitation, as a human right that is essential for the full enjoyment of life, and all human rights". Furthermore a section in the resolution says: "Paying for water and sanitation services must not limit one's capacity to pay for other essential goods, or services, such as food, housing, education or medicines. Affordability of water and sanitation services as well as associated hygiene, must ensure people are not forced to resort to other, unsafe alternatives".

The establishment of Irish Water has lost the support and confidence of the Irish people. The monitoring and control of our water services has been taken from the Councils and Elected Members. Irish Water has been given endless powers in terms of powers for charging, price setting, data collection, investment decisions and day to day running. The cost of the water meter installation programme has risen from €431m to €539m, making the total cost of Irish Water

close to €800m. This is a huge proportion of taxpayer monies. The charge of €1 or €3 per week is the breaking point on top of all other taxes and people cannot afford another cent. Cllr. Grady called for the disbanding of Irish Water and the transfer of responsibility for these services to local authorities. He also called for the carrying out of a cost benefit analysis of the repair of water pipes.

Cllr. S. Locke **SECONDED** the motion and said there is strong opposition to water charges as was evident from the recent protests. St. Vincent de Paul will give out 1,000 hampers for Christmas and many people just cannot afford water charges. He asked how any Government could ask these families to pay €1 or €3 per week. It is important to point out these hardship cases as constituents asked him to do so.

Cllr. P. Daly said people are not fools and the reduced charges will only apply for a year or two. He **PROPOSED** an amendment to the motion that Irish Water would be abolished.

Cllr. T. Ferris **SECONDED** this proposal.

A member of the public then tried to address the meeting.

The Cathaoirleach pointed out that as he was not an elected member he was not entitled to address the meeting. As the man refused to take his seat the Cathaoirleach adjourned the meeting for 5 minutes.

The meeting resumed at 4.05pm.

Cllr. B. Cronin said he listened attentively to the debate. No one cared for the 6,000 non domestic customers who paid water charges for years. His concern is to ensure a good water supply in Mid Kerry. In 1998 he was paying water charges of £880 per annum regardless of usage. His farm is metered and he has no difficulty paying the charges. These customers have paid water charges for years but there was no investment in the infrastructure. He would support a motion condemning Irish Water for their actions but there must be regard for the small number of customers who are already paying water charges. His grandparents paid £430 to connect to the group scheme.

Cllr. J.J. Culloty concurred with the views expressed by Cllr. Cronin.

Cllr. D. Quigg said people are already paying through general taxation.

Cllr. D. Healy-Rae said he was concerned for the commercial customer. People who live over commercial premises will pay Kerry County Council and will also have to pay the standard charge to Irish Water. He understood there may also be an increase in the cost for commercial customers. He expressed concern that this could result in the closure of some businesses. In conclusion Cllr. Healy-Rae

said it would have been acceptable if the Government allowed private houses to pay water charges to the Council.

Cllr. N. Kelleher referred to the proposal to abolish Irish Water and said an NRA style body should have been established to manage water and waste water and local authorities should be given more power in this area.

The Cathaoirleach said Cllr. Grady's motion calls for the abolition of water charges and Irish Water. He asked members if they wanted to proceed with a vote on it.

Cllr. Grady said he wanted a vote on the abolition of Irish Water only.

It was unanimously agreed to call for the abolition of Irish Water.

Cllr. Ferris called for a vote to be taken on the call for the abolition of water charges.

Mr. O'Brien informed members that a vote would then be taken on the proposal made by Cllr. D. Grady and seconded by Cllr. S. Locke calling for the abolition of domestic water charges.

The vote resulted as follows:

For: Cllrs. Beasley, Cahill, Daly, Ferris, Flynn, Grady, D. Healy-Rae, J. Healy-Rae, Kelleher, Locke, D. McCarthy, McEllistram, Moloney, Quigg **(14)**

Against: Cllrs. Cronin, Culloty, Kennelly, Moriarty, O'Connell, Purtill, Spring, Brassil **(8)**

Not Voting: None **(0)**

The Cathaoirleach declared the proposal CARRIED.

21. Approval of MS drug Fampyra (Fampiridine) in the Long Term Illness Scheme or the Drugs Payment Scheme

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

That Kerry County Council write to Minister Leo Varadkar and the HSE urging both to re engage with the drug company (Biogen-Idec) involved in the manufacture of the MS drug Fampyra (Fampiridine). Negotiations have taken place regarding the pricing of this treatment and to date it has not been approved for inclusion in the Long Term Illness Scheme or Drugs Payment Scheme.

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

Cllr. N. Moriarty said the drug Fampyra is very successful in the treatment of MS and it costs approx. €600 per month. She had no issue with the Department of Health negotiating with a view to getting the drug at a good price but this has gone on since last July. She was aware of one young father who can work while he is on this drug but if he cannot get it he will have to give up work.

Cllr. J.J. Culloty **SECONDED** the motion.

The motion was unanimously agreed.

23. Dedicated Stroke Unit at Kerry General Hospital

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

That this Council would seek to determine from the H.S.E. if a dedicated Stroke Unit with full staffing levels, including that of full time resident Consultant Neurologists, appropriate number of physiotherapists and speech therapists, is in place in Kerry General Hospital.

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

Cllr. M. Gleeson said last month he spoke about the isolation we endure because of the deplorable condition of the approach roads to Kerry and he hoped that his proposal that a formal complaint would be made to Europe in this regard has not been forgotten.

Until recently Stroke sufferers in our county were even more isolated, some fatally, due to the absence of a Stroke Unit in Kerry General. Based on national statistics, one in five of us will get a Stroke. For at least a decade he has been highlighting the need for a fully staffed Stroke Unit. He said he was most grateful that progress has been made, but based on the most recent reply he received from the hospital there is still some way to go. A dedicated Unit was not still in place and patients were in various locations. Recently a daughter noticed her mother showing stroke symptoms and it was a Saturday. Her mother was being admitted and was told a Consultant would see her on Tuesday. However her daughter, who was a nurse, insisted that the Consultant see her mother as a stroke patient must receive the appropriate treatment within a three hour timeframe otherwise the damage will be irreversible. As a result the Consultant did come in to see her mother. It is unfair that this service is not available on a 24 hour basis for all Stroke patients. He asked that all the necessary expertise would be available at Kerry General and he called on Kerry General to respond post haste.

Cllr. D. Grady **SECONDED** the motion.

24. Lead piping

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

To ask how many places in Kerry are still served by lead piping. Also how much of the County is served by asbestos piping and to detail where these areas are.

The following reply issued:

Lead piping was very common in the private plumbing in most constructions built before the early 1970s i.e. the water pipes on the consumer's side of the roadside stopcock.

Lead service pipes between the public watermain and the stopcocks were prevalent on old cast iron watermains in the public networks. Most of these mains and services have been replaced by the Council over the years and this work is still continuing. As part of Irish Water's programme for mains renewal, all cast iron watermains, and the lead service pipes to the stopcocks, have been replaced recently in Ballyduff village and in Marian Park, Dingle, and a contractor is currently working on the removal of cast iron mains and associated lead pipes in 6 housing estates in Tralee.

There are 18 towns and villages in Kerry which still have some lengths of cast iron mains and it is likely that most properties served by these pipes will have lead service pipes.

Irish Water has submitted a Draft Lead Watermains Policy to EPA and CER for review and approval which says that it will invest in public side lead pipe replacement schemes with a view to eliminating lead mains over a ten year timeframe (2014-2024). Irish Water is also reviewing the treatment process options, including looking at interim measures such as dosing with orthophosphate, to ensure that the risk can be mitigated in the short term.

Asbestos Cement Pipes:

There are 304 km of Asbestos Cement pipes, with an average age of about 40 years, in Kerry's network of public watermains; this is 11.25% of the total network.

The trunk mains in all of the major schemes in Kerry – the Central Regional Water Supply Scheme, North Kerry Dromin Regional Water Supply Scheme, Mid Kerry Regional Water Supply Scheme, Lyreacrompane Regional Water Supply Scheme, and the Ardfert North and South I Water Supply Schemes are of A.C. piping, and there are also minor lengths of smaller AC mains in the Breanlee, Cahersiveen, Caragh Lake, Castlegregory, Inch and Rathmore Water Supply Schemes. Only a small proportion of these pipes is currently prone to bursts and/or significant leaks.

Cllr. D. Healy-Rae expressed his concern at the reply and said it is shocking to think 18 towns and villages have some cast iron mains to the stop cock. He called on Irish Water to address this issue and to replace these pipes as soon as possible. Cllr. Healy-Rae said it is disturbing that there is 304km of asbestos piping still in place with an average age of 40 years. This includes the pipe from Lough Guittane to Tralee and he asked that this issue would be highlighted and addressed.

Cllr. D. Grady asked Mr. Ring to confirm that the pipe from Lough Guittane to Tralee and Fenit is 100% safe.

Mr. O. Ring confirmed that this pipe is 100% safe and said there is no health issue from water flowing through asbestos cement pipes. The only danger from these pipes is for workers from the dust when they are cut. At this stage a cohort of pipes delivered in the early '80's seem to be failing and that is why the Council wants to replace them. Mr. Ring said he was not in a position to state how much lead piping is in Kerry but the last remnants of lead pipe, under the control of Kerry County Council, is being replaced at present. 40 years ago it was standard practice to lay cast iron pipes. The Council knows where the cast iron mains are located and in general there is no risk from them. A programme of replacement of cast iron mains and lead piping has been ongoing for a number of years. Irish Water also wants to invest in the replacement of lead pipes. Over the past two years there was a substantial pipe replacement programme.

25. Processing of farmers payments before the end of October

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

That this Council would write to the Department of Agriculture to ask that in future to endeavour to have farmers' payments paid before they have to pay their tax bill at the end of October. The delay in payments is getting later every year.

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

Cllr. J. Healy-Rae said many farmers are experiencing significant difficulties in getting their farm payments. When the delays are resolved it could take two months before they receive payment. This application must be submitted by May and some farmers did not get any payment yet. He called on the Minister to ensure payments are made earlier in future.

Cllr. D. McCarthy SECONDED the motion and said many farmers are finding it difficult to pay their bills.

26. Opposition to the 50% increase in the annual registration fee for nurses

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

That Kerry County Council write to An Bord Altranais, the Governing Body for Irish Nursing in protest against the 50% increase in annual registration for nurses.

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

Cllr. J. Sheahan said nurses and midwives are opposing the increased registration fee being sought by the Nursing and Midwifery Board of Ireland.

The cost of registering for 2015 is set to increase by 50% from €100 to €150. The fee for registering for 2013 stood at €88, meaning that nurses and midwives are facing an 80% increase over the past 2 years. This at a time when the general rate of inflation is just 1%. Registration for teachers is just €65 while for allied health professionals it is €100. Nursing is the only health profession to be targeted for such an increase. The take home pay of nurses has been reduced by 25% in recent years. Nurses are not refusing to pay, but they are refusing to pay the exorbitant increase and they must be supported.

Cllr. N. Kelleher then moved Notice of Motion No. 33.

33. Increase in the registration fee for nurses

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

We the members of Kerry County Council call on the Minister for Health to intervene and ensure that the 50% increase in the registration fee for the Irish nurses and the Midwifery Board of Ireland are reversed before coming into effect in January next.

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

Cllr. N. Kelleher said this increase has been imposed on nurses. They are prepared to pay a maximum of €100 and he called on the Minister for Health to intervene. His predecessor had a line of communication with An Bord Altranais. No other body requires a person to pay a registration fee which should be paid by their employer.

27. Speeding up job creation recommendations of CEDRA

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

That Kerry County Council calls upon the Department of Environment & Local Government and other relevant Government Departments to speed up the Job creation recommendations of CEDRA (Commission for Economic Development of Rural Areas) Report.

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

Cllr. P. Connor-Scarteen complimented Mr. Pat Spillane and the members of CEDRA on their work. This report was launched in November 2013 and included towns and villages in rural Ireland and the 34 recommendations to reverse rural decline need to be implemented. Initially the Minister for Jobs was responsible for the implementation of these recommendations but this was subsequently transferred to the Department of Environment and Minister Anne Phelan. Ideally there should be a special Department of Rural Affairs and a Rural Affairs Minister to deal with this very important issue. Rural areas have been in decline for approx. 15 years under various administrations. CREDA did not go into the blame game but came up with solutions. There needs to be leadership and commitment from the Department and the recommendations should be put on a statutory footing. Part of LEADER funding should be utilised to achieve some of these objectives. Cllr. Connor-Scarteen called for a timeframe to be put in place for the implementation of these recommendations.

Cllr. J. Sheahan SECONDED the motion.

28. Formation of the LCDC

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

That this Council write to the Minister for Environment, Mr. Alan Kelly T.D. to tell him that the current format in which the LCDC has been put together is not at all workable.

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

Cllr. D. Quigg said speaking to other councillors there is a genuine concern in relation to conflict of interest and for this reason the format of the LCDC must be changed.

Cllr. N. Kelleher PROPOSED that the motion would be amended to state that the present formation of the LCDC is not workable. He was concerned if the motion was passed it would reflect badly on the LCDC. The last meeting of the LCDC was very construction and it was not necessary for members to leave the meeting.

The Chief Executive said she understood the concerns of members on this issue. The Chief Officer has taken this matter up with the Department as, due to the conflict of interest requirement, it could result in very few members in attendance at a meeting. She suggested it may be more appropriate to refer this issue back to the LCDC who can then contact the Department on it.

The Cathaoirleach suggested that the motion should be amended to state the current format in which the LCDC has been put together is impractical.

This was agreed.

29. Repairs to public roads following excavations

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

That a cost assessment and programme of works be undertaken to carry out repairs to our public roads where following excavations, road crossings, water connections, sewer connections etc have left our roads with deep hollows and holes and uneven surfaces which is making it impossible for people to keep their vehicles in a decent state of repair.

The following reply issued:

The Council annually carry out an assessment of all locations where road opening licences have been issued and a program of works is developed for permanent reinstatement by the Municipal District offices, with the funding generated from the issue of these licences. We will shortly be carrying out an assessment of such works to be undertaken in 2015.

As part of this assessment we will be including locations where Irish Water (and previously Water Services) has carried out water and sewer connections and repairs to their services. Provision is made in the charges to customers for such connections and in the Service Level Agreement with Irish Water for the permanent reinstatement of the road.

When this assessment is complete, we anticipate the permanent road restoration to be carried out at these locations over the next three months. If there are particular areas of concern to the members, we would welcome such details to ensure completeness in the assessment.

Cllr. B. Cronin said when water connections, pipe laying or repairs are carried out the reinstatement of the road is not satisfactory and there is a need for improvement. The previous week at Daly's roundabout the road was cut and following reinstatement there was a drop of 3 to 4 inches at that point. A few years ago a company was contracted to put in ducting and the reinstatement was perfect as it was properly compacted. The general public are entitled to this level of service. If material is not compacted the opening will subside with time and this is very evident in Mid Kerry. Cllr. Cronin said the reinstatement of the road at Coolcorcoran was very bad following the installation of new water pipes. The Council must ensure when a road is opened that it is properly compacted afterwards to ensure a good finish. Many of these roads are not on any Roads Programme and will not be improved in the near future. Areas where there were consecutive breaks in the water supply are particularly bad.

Cllr. J.J. Culloty seconded the motion and concurred with the views expressed by Cllr. Cronin. He said proper compaction is critical to ensure a good finish. Where a durapatcher is deployed it works well and he asked that more of these machines would be provided.

30. Payment of vehicle tax by cheque

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

To ask Kerry County Council why they will no longer be accepting cheques as a means of payment for vehicle tax.

The following reply issued:

Kerry Motor Tax Office are continuing to accept cheques as a means of payment however we now also have provisions in place to accept payment by EFT.

Cllr. D. McCarthy welcomed the reply.

31. Call to speed up the processing of aquaculture licences in Castlemaine Harbour

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

That Kerry County Council request the Minister for Agriculture, Food and the Marine to urgently speed up the processing of aquaculture licences in Castlemaine Harbour, particularly in Cromane as this is having a very serious impact on fishermen's livelihoods and jobs in the area.

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

Cllr. M. Cahill said this is very important as jobs are scarce. There are 100 people employed in aquaculture in the Lower Cromane area either directly or indirectly and there is huge potential for further investment in this area. There is a hold up in the granting of aquaculture licences especially for oysters. Cromane is the third largest exporter of mussels in the country and their quality is recognised as the best in Europe. He called on the Minister for Agriculture to address this matter as soon as possible.

Cllr. J.F. Flynn SECONDED the motion.

32. Fairer share of the Local Government Grant Allocation

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

That this Council write to the Minister, requesting a fairer share of the Local Government Grant Allocation over and above the 80% Local Property tax allocation, a share that reflects the fact that we are a peripheral county with one of the longest coastlines in the country, with 13 blue flag beaches, the highest number of secondary roads in the country, as well as significantly higher proportion of public road network over the national average given our population of 145,500. This county now, has one of the highest social housing stock in the country, following amalgamation of the Town Councils with the County Council. Kerry County Council is in a sound financial position but ratepayers of the county are supporting the county for a third of the overall budget, and that any additional support should be reinvested in keeping businesses open and creating more employment.

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

Cllr. J.J. Culloty moved the motion and said Kerry is a peripheral county. Funding for the 2014 Roads Programme was €26.9m which was down on the previous year. 20% of LPT goes to central Government and it appears people are being asked to pay more in LPT, USC etc. but as a county we are getting less funding. Rates in Kerry are the highest in the country. He asked that a strongly worded letter would issue to the Government.

The Cathaoirleach **SECONDED** the motion.

Cllr. T. Ferris said by supporting the motion members would be support LPT and she could not do this.

Response to Motion on Contractors welcoming Unions

Cllr. P. Daly said he moved a Motion at the July meeting asking that contractors would be obliged to welcome unions in the work place. He asked if there was any response to this motion.

Mr. C. O'Sullivan said he wrote to the Office of Government Procurement at that time and subsequently reminded them he was awaiting a reply.

Cllr. Daly requested that a reply would be sought for the January Council Meeting.

14.12.15.13 Correspondence General

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

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| 1. | Letter dated 7 th November, 2014 from the Office of the Minister for Skills, Research and Innovation in relation to apprenticeship charges. |
| 2. | Letter dated 11 th November, 2014 from the Office of the Minister for Education and Skills in relation to the Gaeltacht Placements for primary student teachers. |
| 3. | Letter dated 12 th November, 2014 from the HSE in relation to the opening of Kenmare Mental Health Day Care Facility. |
| 4. | Letter dated 17 th November, 2014 from Bord Bia in relation to the 70 day residency requirement in the Beef and Lamb Quality Assurance Scheme. |
| 5. | Letter dated 17 th November, 2014 from the Department of Social Protection in relation to insolvency. |
| 6. | Letter dated 17 th November, 2014 from the Department of Environment, Community and Local Government in relation to water charges and medical conditions. |
| 7. | Letter dated 18 th November, 2014 from the Office of the Minister for Agriculture, Food and the Marine in relation to lifting of the ban on growing beet. |
| 8. | E-mail dated 19 th November, 2014 from the Office of the Minister for Health in relation to the centralised medical card application assessment unit. |
| 9. | Letter dated 20 th November, 2014 from the RSA in relation to the issuing of safety guidelines to the providers of school transport. |
| 10. | Letter dated 20 th November, 2014 from the Commission for Energy Regulation in relation to water charges for residents of St. Brendan's Park, Tralee. |
| 11. | Letter dated 21 st November, 2014 from the Department of Social Protection in relation to the waiting period for applicants for Carers Allowance/ Benefit. |
| 12. | Letter dated 21 st November, 2014 from the Office of the Minister for Housing, Planning and Co-ordination of Construction 2020 in relation to the RAS Scheme. |
| 13. | Letter dated 24 th November, 2014 from the Office of the Minister for Defence in relation to the issue of Post 1994 Contract Soldiers. |
| 14. | Letter dated 26 th November, 2014 from the NRA in relation to speed camera road signage. |
| 15. | Letter dated 27 th November, 2014 from the Office of the Minister for Agriculture, Food and the Marine in relation to BIM Deep Sean Salmon Farm Aquaculture and Foreshore Licence Applications. |
| 16. | Letter dated 27 th November, 2014 from the Department of Health in relation to the Nursing Homes Support Scheme. |

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| 17. | Letter dated 2 nd December, 2014 from the Department of Health in relation to services for children, young adults and adults in mental health. |
| 18. | Email dated 5 th December 2014, from the Minister for Communications, Energy & Natural Resources in relation to inadequate broadband. |
| 19. | Letter dated the 5 th December, 2014 from IDA Ireland in relation to a request for a meeting from Kerry County Council. |
| 20. | Letter dated 9 th December, 2014 from the HSE in relation to the opening of the Kenmare Mental Health Day Care Centre. |
| 21. | Letter dated 3 rd December, 2014 from Donegal County Council in relation to a resolution adopted by that authority directing Council Management not to comply with a demand from Irish Water to pass over the personal information of Council Tenants held by Donegal County Council. |

14.12.15.15 Any other business

An Post Office, William Street, Listowel

Cllr. T. Ferris said it is rumoured that An Post are moving the Post Office from William Street in Listowel to a franchised unit in Garvey's which is currently a card shop and is very small for the large numbers that use the Post Office. This would be a blow to the businesses in William Street as another key function would be located at the Garvey's complex. She asked that members concerns about the franchising out of services would be conveyed to An Post and demand that An Post presence in the main streets of our major towns in Kerry would be retained.

Zoning in Fenit

Cllr. T. Ferris asked if the zoning map for Fenit has been amended as discussed recently.

Mr. McMahon confirmed that the Fenit map in the Local Area Plan will be amended.

Commencement Notices for building

Cllr. B. Cronin said he was contacted by a family who began construction of their home and sent in the Commencement Notice. Following this there was a serious issue with the lending institution which took four months to resolve. They then commenced construction and immediately got a letter from Kerry County Council stating it was deemed that the building commenced later than the 28 days allowed following submission of the Commencement Notice. He pointed out that the delays were unforeseen and he asked what the position is now. He asked if there is an agreement between the local authority and the concrete suppliers so that they notify the local authority when they make a delivery.

Mr. J. Breen undertook to discuss this case with Cllr. Cronin as he had no knowledge of this case. He said the new Building Control regime is very onerous and it is much more complicated than before.

Public lighting in a housing estate in Listowel

Cllr. M. Kennelly said residents in a housing estate in Listowel were told Eirgrid would turn off the lights. The estate was not taken in charge and the builder has gone out of business. He asked what the position is now for residents.

In response Mr. C. O'Sullivan said in the past month the Council was notified by the energy supplier that they would cut off the power to the lights in this estate. He said it is up to the Management Company to pay the bills for the street lighting. This is an issue that has arisen in recent times. If an estate is not up to standard a lot of issues need to be addressed. Niall Horgan is the liaison person in the Estates Unit that residents can contact.

Votes of Sympathy

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

- (a) Cllrs. D. Healy-Rae, J. Healy-Rae, R. Beasley and D. Quigg proposed that a vote of sympathy be extended to the family of the late Jackie Healy-Rae.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Brendan Cronin.
- (c) Cllrs. D. Healy-Rae, J. Healy-Rae, N. Kelleher, J.J. Culloty and N. Moriarty proposed that a vote of sympathy be extended to the family of the late Donal O'Keeffe.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Helen Finn O'Connor.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Philomena Dooley.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Hannah Mullane.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary Shine.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Pat Carroll.

- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Paddy Ryan.
- (j) Cllrs. D. Healy-Rae, J. Healy-Rae, J. Brassil and N. Foley proposed that a vote of sympathy be extended to the family of the late Catriona Dowling.
- (k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Noel O'Brien.
- (l) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary Sullivan.
- (m) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late James Ashe.
- (n) Cllrs. D. Healy-Rae, J. Healy-Rae, J. Brassil and N. Foley proposed that a vote of sympathy be extended to the family of the late Katie O'Shea.
- (o) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late William (Bill) Costello.
- (p) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Eileen O'Shea.
- (q) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Felix O'Connell.
- (r) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John Lyne.
- (s) Cllrs. M. Gleeson and R. Beasley proposed that a vote of sympathy be extended to the family of the late Donie O'Sullivan.
- (t) Cllrs. M. Gleeson and R. Beasley proposed that a vote of sympathy be extended to the family of the late Eileen O'Shea.
- (u) Cllrs. M. Gleeson and P. McCarthy proposed that a vote of sympathy be extended to the family of the late Tom 'Roundy' McEllistrim.
- (v) Cllrs. N. Kelleher and J.J. Culloty proposed that a vote of sympathy be extended to the family of the late Sr. Nuala O'Leary.
- (w) Cllrs. N. Moriarty and J.J. Culloty proposed that a vote of sympathy be extended to the family of the late Gerald Hussey.

Minutes December 2014

The meeting concluded at 4.45pm.

Gerard O'Brien
A/SEO Corporate Affairs

Cathaoirleach of Kerry County Council