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MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 9 MÁRTA, 2015

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 9th MARCH, 2015

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
D. Nolan	T. O'Brien	B. O'Connell
M. O'Shea	L. Purtill	D. Quigg
J. Sheahan	G. Spring	

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. P. Stack, SE Planning & Sust Dev.
Mr. B. Looney, Head of IT	Mr. G. O'Brien, Meetings Admin.
Mr. T. Hayes, LEO Officer	Mr. M. O'Donoghue, SEO HR
Mr. M. Hession, Chief Fire Officer	Mr. L. Quinlan, SEO Env. Protection
Ms. K. Kennelly, Arts Officer	Ms. L. O'Donnell, AO Env. Protection
Mr. R. Norris, Tech. Support, IT	Mr. P. Corkery, Press & Comm. Off.
Ms. B. Reidy, SSO Corporate Affairs	Ms. J. O'Sullivan, CO Corp. Affairs
Ms. O. O'Shea, C.O. Corp. Affairs	

The meeting commenced at 10.35am.

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

Votes of sympathy

The Cathaoirleach extended a vote of sympathy to Cllr. Michael Gleeson on the death of his brother-in-law Hugh Anthony O'Donoghue.

Cllr. M. Gleeson extended a vote of sympathy to Micheál Ó Coileáin as Mr. O'Donoghue was his uncle.

The Cathaoirleach informed the meeting that former Councillor Danny Kissane passed away recently. Danny was first elected to Kerry County Council in the Local Election held on the 28th June, 1967. He was re-elected in 1974, 1979, 1985 and 1991. He did not go forward for re-election in 1999 and he served as Chairman for the year 1989/1990. Danny was a great servant to the people of Killorglin and Beaufort. He extended a vote of sympathy to Danny's wife and family.

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

Vote of congratulations

The Cathaoirleach congratulated Cllr. A. Thornton on the birth of her son the previous day.

All members said they wanted to be associated with this vote of congratulations.

15.03.09.01 Cathaoirleach's Report on the CPG Meeting

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

"Item 1 Agenda for the March Council Meeting

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

In relation to Items 4 and 5 Mr. M. McMahon said the proposed variations are to amend the restriction on the development of lands zoned housing (Phase 2) especially in cases of the landowner or the sons and daughters of the landowner requiring a dwelling for their full time permanent residence. The recommendation to Council is to proceed with the adoption of these variations.

In relation to Item 6 on the adoption of the Kerry County Council Corporate Plan 2015 – 2019 Mr. J.D. Flynn said a summary of the current position was outlined in the report circulated. He asked that Council would adopt the Corporate Plan as an Interim Plan and that a major review of the Plan would take place in Q1 of 2016. At that time the LECP can be considered and there will be consultation with the PPN and he hoped by then there would be more clarity on the NOAC requirements including measurement of performance etc.

The CPG recommended that the issues outlined by Mr. Flynn would be clearly set out in a covering letter to Council.

Cllr. R. Beasley requested that the date for the holding of CPG meetings be reviewed to ensure that documentation for Council meetings is issued to members as early as possible.

A commitment was given that where possible reports/policy documents would issue with the Council Agenda.

Mr. G. O'Brien referred to the discussion at the February Meeting regarding approval for member's attendance at events. A Circular was received from the Department specifically in relation to AILG Training Events and it suggested that it may be convenient for the council to authorise attendance in block for all these training events on a programme basis rather than an individual event basis. It is intended to circulate a list of training events for the first 6 months as the dates and venues are not finalised for the second half of the year. Members will no longer have to submit their names for approval and expenses will be paid to members whose names are on the signed attendance record.

In relation to Notices of Motions submitted for full Council Meetings the Chief Executive requested the CPG to highlight that where possible specific local issues relevant to Municipal Districts should be dealt with at Municipal District level and Motions for full Council should be more strategic in nature.

Item 2 Draft Policy on 2016 Commemorations

Mr. J. Breen said the Draft Policy on the 2016 Commemorations was considered at the February Council meeting when a number of amendments were proposed. Arising from this the Draft Policy was re-written and the Proclamation is inserted at the back of the Policy. The new Draft Policy was circulated together with the proposed amendments to the original Policy proposed by Cllr. Ferris and Cllr. Daly. He asked the CPG to consider both the Draft Policy and the amendments and to agree a Draft to be presented to the February meeting. Following the CPG meeting the amended Draft Policy will be emailed to the members of the SPC and they will be asked for their comments prior to circulating it to members.

Ms. K. Kennelly then outlined the new Draft Policy together with the amendments proposed by Cllr. Ferris and Cllr. Daly.

The CPG agreed the following amendments:

1. The following additional text to be added into the third line of Paragraph 1 on Page 4 "as stated in the Proclamation in Appendix 1".
2. Banna, Ballykissane and Valentia to be listed as the 3 flagship projects in Kerry in Strategic Objective 1 on Page 7.

Item 3 Application forms for the Community Support Fund

Mr. J. Breen informed the meeting that advertisements were placed in the local papers last week inviting applications for funding from the Community Support Fund. The application form is available on the Kerry County Council website and hard copies will be available from Wednesday. Siobhan Griffin in the Community Department is the co-ordinator and she will deal with all queries and will receive completed application forms. In deciding on applications for funding it is important

that there is consistency across the four Municipal Districts. Applications for events in the coming weeks will also be facilitated.

Item 4 Date for a Special Meeting to consider the Operations Department Service Delivery Plan incorporating the Roads Programme

Mr. C. O'Sullivan said the briefings for members of the Municipal Districts are taking place at present. Following this the Schedule of Municipal District Works will be presented to the Municipal Districts for formal adoption. Those plans will not incorporate capital works schemes and these will be considered at a Special Meeting and the suggested date for that is Monday 27th April.

Item 5 Any other business

Requests for presentations to Council

Mr. G. O'Brien said he received the requests from two organisations who would like to make a presentation to Council:

1. Brú Columbanus, Cork
2. The Alzheimer Society of Ireland

The CPG recommended that these presentations would be made to Council at the April and May Meetings.

Civic Reception

The Cathaoirleach said as the championship season is over a Civic Reception should be held to honour the Castleisland Desmonds Ladies Football Team and Brosna and Ardfert Football Teams all of whom won All Ireland titles. He suggested that the Reception would be held at 5pm following a Council Meeting.

This was agreed.

Live Streaming of Council Meetings

Mr. J.D. Flynn said he was requested at the February meeting to reconsider the options in relation to the live streaming of Council meetings. He suggested that the following could be given deferred coverage: (a) major presentations to Council (b) the Annual Meeting of Council while Civic Receptions could be streamed live.

This was agreed."

Cllr. N. Kelleher referred to his proposal that Council Meetings would be streamed live and the recommendation that there would be deferred coverage of (a) major presentations to Council and (b) the Annual Meeting of the Council while Civic Receptions could be streamed live and he said this does not address the substantive issue of monthly Council meetings. He sought advice on this issue and was informed if members make a defamatory comment it is defamation if members of the public are present in the public gallery.

Cllr. T. Ferris said she proposed that there would be deferred coverage of Council Meetings once the minutes of the meeting are confirmed. She could not see an issue with this as the minutes are available online.

The Cathaoirleach said for a start it is proposed that there would be deferred coverage as outlined by Cllr. Kelleher and that Civic Receptions would be streamed live. This is a starting position and it could be extended later.

Mr. J.D. Flynn agreed with Cllr. Kelleher in relation to the defamation when members of the public are present in the public gallery but pointed out that by publishing the defamation it exposes the corporate body. He suggested that members should agree with the recommendations as there are excellent presentations to Council.

The Cathaoirleach suggested that members agree the recommendations on a trial basis and that it could be reviewed in 6 months.

Cllr. D. Healy-Rae said at present area specific issues can be brought to the full Council if members are not satisfied with the reply received at Municipal District level. He asked if it is proposed to change this.

The Chief Executive said this is not being changed but Motions submitted for full Council meetings should be strategic in nature as the Municipal District structure is in place to deal with Municipal District issues. A system is being developed with the Senior Management Team to review Notices of Motion moved at Municipal District level to establish if the issues raised are being resolved.

Cllr. M. Gleeson said it was his understanding that an area specific motion is brought to the Municipal District in the first instance and if the issue is not resolved members have the right to submit it to full Council.

Cllr. N. Kelleher said any notice of motion that is a matter for consideration by members should only have to be submitted 7 days in advance of the meeting.

Cllr. T. Ferris said in a local authority where the closing date for Notices of Motion is 10 days prior to the Council meeting members receive the Agenda 7 days prior to the meeting. In Kerry motions must be submitted 2 weeks prior to the meeting and some reports issue on the Thursday before the meeting. Cllr. Ferris requested that the application forms for the Community Support Fund would issue electronically to members and she asked if the entire fund would be allocated or would there be a closing date later in the year to facilitate late applications.

The Cathaoirleach said the CPG would review this matter.

The Chief Executive said she wanted to ensure members receive quality replies to motions. The application forms for the Community Support Fund are on the Council website and are available in hard copy also. The policy allows for a contingency fund to be retained for applications that arise later in the year.

Cllr. T. McEllistrim said much of members work is now countywide and they should be entitled to submit a notice of motion relating to any part of the county. At present, members are denied that right. He PROPOSED that this issue would be considered by the CPG.

Cllr. D. Healy Rae SECONDED this proposal.

Cllr. J. Healy Rae said the timeframe for submitting notices of motion should be shorter, as is the case in other local authorities. On occasion a motion is submitted but it is no longer topical by the time the meeting takes place. He supported Cllr. McEllistrim's proposal and said Loo Bridge and Poulgorm Bridge service the Iveragh and Beara peninsulas, but they are not in his electoral area, yet he must travel through them to get home. He was informed that a motion relating to these areas would have to be submitted by a councillor from the Killarney Municipal District. Where an issue directly affects a member's area they should be entitled to submit a motion on it.

The Cathaoirleach informed members that this issue would be considered by the CPG and it may be necessary to amend Standing Orders.

15.03.09.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. J. Finucane it was resolved that the Minutes of the Special Meeting of Kerry County Council, held on 22nd December, 2014 be confirmed.
- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. O'Connell it was resolved that the Minutes of the February Ordinary Meeting of Kerry County Council held on 16th February, 2015 be confirmed.

15.03.09.03 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 March 2015 Council Meeting.

Financial Position

The Annual Financial Statement for 2014 will be brought before the Members at the April 2015 Council Meeting.

Operation / Progress on the LCDC

The next LCDC Meeting will be held on 9th March 2015 and a further update will be given at the April Council Meeting.

Public Participation Network

The Municipal District PPNs have been convened in the four Municipal District areas in February. The Listowel Meeting took place on Thursday, 19th February, Tralee on Monday, 23rd, Killarney 24th and the South & West on 26th February. The Municipal District PPNs elected the final representatives for the Secretariat of the PPN at County level. The formal PPN is fully established at this point and work will continue on developing the linkage groups from the SPCs (from the PPN elected representatives) back to the interest groups they represent. The PPN will have an important role in the public consultation process that will be undertaken for the Local Economic & Community Plan, the Arts Plan, Library and Tourism Strategy.

Meeting with Minister Alex White re Shannon LNG Project

A deputation from the Council, led by the Cathaoirleach and the Chief Executive met with Alex White, T.D., Minister for Communications, Energy and Natural Resources on 19th February to discuss the Shannon LNG Project. A wide-ranging discussion took place on the various aspects of the Project and its importance to North Kerry and the wider region. The Minister assured the deputation of the continued commitment of the Government to the Project.

He stated that the Commission for Energy Regulation will publish its decision on the tariff to be charged for access of the National Gas Network in March which will come into effect in July. This decision will enable the promoters to determine whether or not they wish to proceed with their Project. He also stated that there will be a further call for proposals for EU aid for "projects of common interest" shortly and that Shannon LNG can make a fresh application for support to build the pipeline which will be supported by his Department.

Housing Update

We have received a circular from the Department of Environment Community and Local Government setting out targets for the Rental Accommodation Scheme and the Social Housing Leasing initiative for the following 3 years. The target to be achieved for additional properties under the Rental Accommodation Scheme is 130 units for 2015 and under the Social Housing Leasing Initiative is 130 units for 2015 and 340 units between 2016 and 2017. We have advised the Department that we will endeavour to meet these challenging targets.

Local Enterprise Office

Grant Approvals

The Local Enterprise Office Approvals and Evaluation Committee met on the 28th January with a further meeting scheduled for 25th March. 7 projects have been approved.

Municipal District Briefing Sessions

The LEO has commenced a series of Advisory and Information Meeting for the Municipal Districts with briefings in Killorglin, Listowel and Tralee now completed.

Training Delivery

- Two Start Your Own Business Courses are presently underway – 40 participants with a further two programmes scheduled in March
- Two Business Growth Programmes have commenced – 16 participants
- 24 Mentoring and Advisory assignments are completed or underway
- Four Mentors Clinics have been delivered in cooperation with the Tralee and Killarney libraries under a new initiative. A further 7 clinics are scheduled for March in Killarney, Tralee/Castleisland, Kenmare, Cahersiveen, Killorglin and Listowel
- Two Advanced Facebook Programmes are underway with 30 participants
- The Local Enterprise Office delivered a seminar with the Local Government Operational Procurement Centre to deliver a seminar “How to win Public Tenders” on 11th February – 150 participants attended.
- A workshop on National Standards Authority of Ireland requirements has been delivered in Mallow on 4th February with 10 participants from Kerry engineering firms in attendance.
- Enterprise Month 2015 – This will be launched on 2nd March and a total of 32 Enterprise Events scheduled. The Local Enterprise Office is delivered ten of these events.

Minutes March 2015

- Food Programme has been promoted with 28 businesses expressing interest. Tenders have been sought and client interviews will commence shortly.
- Microfinance – the Local Enterprise Office facilitated two businesses in securing microfinance funding in February.

2015 training schedules are currently under development and people can now book on line at www.localenterprise.ie/kerry."

The Chief Executive informed the meeting that on 2 March the LCDC ratified the successful tenders for Lots 19(i) and 19(3). The LCDC ratified the successful tender for a Lot 19(2) earlier that morning.

Cllr. T. Ferris said it is intended to provide 260 housing units through the Rental Accommodation Scheme and Social Housing Leasing Initiative in 2015. As a result an additional €1.5m will be paid to private landowners and the local authority will not have an asset. In Tralee former local authority houses are selling for as little as €26,000. Cllr. Ferris said that the report does not give an update on negotiations with BAM and the recommendations arising from the most recent hearing.

Cllr. D. Grady agreed with the views expressed by Cllr. Ferris in relation to housing and said the only option open to applicants is the RAS Scheme. Some landowners are selling their property and it is very difficult for tenants to secure alternative accommodation. Anyone who went on RAS after 2011 was taken off the housing list and this should not have happened. It is important that the Housing Department would contact the Department on this issue.

Cllr. D. Healy Rae said there is a major problem with housing in the Killarney Municipal District. Families are being evicted as they cannot afford to pay the mortgage on their homes yet the cost of renting is prohibitive. The Department should allow local authorities to purchase these houses. He asked how it is proposed to deal with the housing crisis in Killarney.

The Cathaoirleach said there would be a full debate on housing when the allocation for 2015 is received. It is now March and the allocation has not yet been received. He asked that a letter would issue to the Department requesting confirmation of funding for 2015.

The Cathaoirleach informed the meeting that Item Nos. 4 and 5 would be taken together.

15.03.09.04(a) Chief Executive's report on submissions/observations received in relation to proposed Variation No. 2 to the Tralee Town Development Plan 2009 – 2015

Members Duties under Ethics Legislation

The Cathaoirleach said he wanted to remind members of their duties under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for councillors. He then read the following statement into the record of the meeting.

“Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual councillors. Under the beneficial interest provision and should that provision apply, a councillor must

- (1) Disclose the nature of his/her interest or the fact of a connected persons interest at the meeting and before discussion or consideration of the matter commences and
- (2) Withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he/she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it.”

Mr M McMahon said Item Nos. 4 and 5 are broadly similar and they relate to proposed variations to the Tralee and Killarney Town Development Plans. But for the abolition of the Town Councils the respective Town Plans would have been reviewed and new Plans would now be in place and the issues in these variations would have been addressed in that review. These Town Plans continue until new Plans are adopted for the entire county. Kerry County Council had commenced the review of the County Development Plan prior to the announcement that the Town Councils would be abolished. As it was not possible to retrofit the process the new County Development Plan excludes the former Town Council areas. It is likely that the former Town Plans will remain in place until 2021 or until a new County Development Plan is adopted. The proposed amendments address a problem that has arisen in a maximum of 6 cases in the 2 former Town Council areas. When the Kerry County Development Plan was being reviewed a considerable amount of land was de-zoned in order to comply with the Core Strategy. However the Town Councils took the view that lands were serviced and they introduced phased zoning in their Plans. Permission will not normally be granted for development on Phase 2 lands in Tralee unless 75% of lands included in Phase 1 have been developed to the satisfaction of the planning authority. In Killarney permission will not normally be granted for development on Phase 2 lands, unless 80% of the lands included in Phase 1 have been developed. In a small number of cases a landowner or the sons or daughters of landowners want to build a house on their own land as their full time permanent residence. There are two ways in which these applications can be dealt with (1) through the material contravention procedure or (2) through a variation of the Town Development Plan. In accordance with Section 13(2) of the Planning and Development Act 2000 (as amended) notice of the proposed variations, SEA Screening Reports and the

Habitats Directive Assessment/Findings of No Significant Effects Reports (FONSE) were published in the local papers inviting observations and submissions. Copies of the variation and above reports were put on display from Thursday, 29 January 2015 to Thursday, 26 February 2015. 7 no. submissions were received and the report circulated lists the persons or bodies who made submissions/observations, summarises the issues raised and gives the response of the Chief Executive to the issues raised. Mr. McMahon briefed members on the submissions as follows.

Submission No. 1 **Department of the Environment, Community & Local Government**

This submission states that the planning authority should decide not to zone such land if they intend to allow one-off dwellings in certain areas of phase 2. This submission recommends omitting this clause. The response to the submission is that this variation is an interim measure to facilitate landowners and sons and daughters of landowners to construct dwellings for their own use on their own lands as permanent places of residence until a new Town Plan is put in place or the existing plan is varied. It is anticipated that only a few cases will arise where these conditions will apply and any grant of such permission will be subject to an occupancy clause. It is recommended to proceed with the Variation.

Submission No. 2 **Southern and Eastern Regional Assembly**

This submission acknowledges that the proposed variation is consistent with the South West Regional Planning Guidelines 2010 to 2022.

Submission No. 3 **National Roads Authority (NRA)**

This submission from the NRA did not make any observations in relation to the proposed variation and it is recommended to proceed with the Variation.

Submission No. 4 **Environmental Protection Agency (EPA)**

This submission predominately relates to the SEA Screening Reports that accompanied the proposed 2nd and 3rd variations to the Tralee and Killarney Town Development Plans. The proposed variations were screened and a determination was made that SEAs and AAs were not required. It is recommended to proceed with the Variation.

Submission No. 5 **(Tralee Plan)** **OPW**

This submission did not relate to the Variation but the comments are noted. It is recommended to proceed with the Variation.

Submission No. 5 **(Killarney Plan)**

Submission No. 6 **(Tralee Plan)** **Clare County Council**

This submission acknowledges receipt of the notification of the proposed Variations and states it does not have any comments to make on them.

Submission No. 6 **(Killarney Plan)** **Dublin Airport Authority (DAA)**

The DAA does not have any comments to make in relation to the proposed variation.

Submission No. 7

Kerry Branch, An Taisce

This submission expressed concern that the wording of the proposed variation could lead to scattered development in urban areas and might preclude more orderly development of these lands in the future. In the case of rural housing, the 'landowner' is usually a farmer and the land has been in the family for more than 10 years. The response states that it is envisaged that there will be limited development on these lands as these proposed changes are for the landowners and their sons and daughters only. All potential issues regarding any proposed application can be dealt with by the development management process and will include a condition regarding occupancy. It is recommended to proceed with the Variation.

Mr M McMahon said both variations propose to address the same issues. The submissions address the same issues and concerns for both variations. He recommended that both variations would proceed.

Cllr. M. Gleeson welcomed the additional flexibility these variations will allow and said An Taisce's concerns in relation to scattered development will not arise. The material contravention procedure can be used for exceptional cases where this variation will not facilitate the application. He PROPOSED that Variation No. 3 to the Killarney Town Development Plan 2009 - 2015 would be adopted and that 'favoured niece or nephew' would be included.

Cllr N. Kelleher SECONDED Cllr. Gleeson's proposal and said much of the land in Phase 1 in Killarney is not available for development and there is very little scope for development within the town boundary. He asked if the provision in relation to the ownership of the land for 10 years is included in the variation.

Cllr. J. Finucane commended the Directors approach to these variations. They are needed to facilitate a small amount of development and to take advantage of economic recovery. He PROPOSED that Variation No. 2 to the Tralee Town Development Plan 2009 - 2015 be adopted.

Cllr. D. Healy Rae thanked the planning authority for responding to requests from members to facilitate people who want to provide a home. He expressed concern that the Tralee and Killarney Town Plans would not be revisited until 2021, as other issues may arise in the meantime. As this may be Mr McMahon's final meeting he thanked him for managing the Planning Department and for his assistance and dedicated service down through the years.

The Cathaoirleach informed members that they would be given an opportunity to pay tributes to Mr McMahon at the end of the meeting.

Cllr. D. Grady welcomed the proposed variation to the Killarney Town Plan.

Cllr. B. Cronin welcomed the proposed variation to the Killarney Town Plan and said it is very important in an urban area where there is substantial demand for housing. These lands are zoned and serviced and he did not envisage a problem

with scattered development. He referred to the proposal by An Taisce that the land would have to be in the landowners' ownership for 10 years and asked if this is included in the variation. He accepted that an occupancy clause should apply and he suggested that there should be no timeframe for the ownership of the land.

Cllr. P. McCarthy SECONDED Cllr. Finucane's proposal to adopt the variation to the Tralee Town Development Plan and he also supported Cllr. Gleeson's proposal in relation to favoured niece or nephew.

Mr McMahon said that the Tralee and Killarney Town Plans are likely to be in place until 2021, but there may be further variations to them prior to that. It is intended to commence the Killarney Municipal District Plan in the near future. He had no issue with the proposal to include a favoured niece or nephew.

Cllr. J. Moloney requested that provision would be made in the Listowel Town Development Plan to facilitate favoured niece and nephew also.

Mr McMahon said this provision is already included in the Listowel Town Development Plan.

15.03.09.04(b) Making of Variation No. 2 to the Tralee Town Development Plan 2009 - 2015

Mr G. O'Brien informed the meeting that a vote would be taken on Cllr. J Finucane's proposal which was seconded by Cllr. P. McCarthy, as follows:

"Having considered the proposed Variation No. 2 to the Tralee Town Development Plan 2009- 2015 and the Chief Executive's report on the submissions/observations received, we the members of Kerry County Council hereby resolve to make Variation No. 2 to the Tralee Town Development Plan 2009 - 2015, subject to the insertion of 'favoured niece or nephew'.

The vote resulted as follows:

For: Cllrs. Beasley, Cronin, Culloty, Ferris, Finucane, Foley, Gleeson, Grady, D. Healy-Rae, Kelleher, Kennelly, Locke, D. McCarthy, P. McCarthy, McEllistrim, Moloney, Moriarty, Nolan, O'Connell, Purtill, Spring, Brassil **(22)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Cahill, Connor-Scarteen, Daly, Fitzgerald, Flynn, J. Healy-Rae, O'Brien, O'Shea, Quigg, Sheahan, Thornton **(11)**

The Cathaoirleach declared the proposal CARRIED.

15.03.09.05(b) Making of Variation No. 3 to the Killarney Town Development Plan 2009 – 2015

Mr. G. O'Brien informed the meeting that a vote would be taken on Cllr. Gleeson's proposal which was seconded by Cllr. Kelleher, as follows:

"Having considered the proposed Variation No. 3 to the Killarney Town Development Plan 2009 - 2015 and the Chief Executive's report on the submissions/observations received, we the members of Kerry County Council hereby resolve to make Variation No. 3 to the Killarney Town Development Plan 2009 - 2015, subject to the insertion of 'favoured niece or nephew'.

The vote resulted as follows:

For: Cllrs. Beasley, Cronin, Culloty, Ferris, Finucane, Foley, Gleeson, Grady, D. Healy-Rae, Kelleher, Kennelly, Locke, D. McCarthy, P. McCarthy, McEllistrim, Moloney, Moriarty, Nolan, O'Connell, Purtill, Spring, Brassil **(22)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Cahill, Connor-Scarteen, Daly, Fitzgerald, Flynn, J. Healy-Rae, O'Brien, O'Shea, Quigg, Sheahan, Thornton **(11)**

The Cathaoirleach declared the proposal CARRIED.

15.03.09.06 Corporate Plan 2015 – 2019

Mr J.D. Flynn informed the meeting in December the members resolved to extend the period for the adoption of the Corporate Plan to March 2015, given the general uncertainty around the matters to be included in the Plan. At this point an interim Corporate Plan has been prepared. As previously outlined to members the timing of the adoption of the Plan is not ideal given the highly relevant body of work ongoing in relation to the preparation of the Local Economic and Community Plan. Indeed, the Council has been directed and is required to revisit the Corporate Plan and formally review it following the completion of the LECP. It is recommended that the Council adopt the interim Corporate Plan and that a formal review of the Plan would commence once the LECP process has been completed. The formal review process will involve consultation with the Elected Members and in the intervening period up to and including the review process and views, suggestions and observations that Members may wish to make are welcomed and would be included in the review process.

Cllr N. Moriarty acknowledged the work of the LCDC to-date and said she hoped that a further report would be available at the next meeting.

Cllr. D. Nolan referred to the list of Strategies/Plans influencing Local Government and Kerry County Council activities as listed on Page 32 of the report circulated and said she had reservations about including the reference to Keeping Communities Safe – Fire Services 2013.

Cllr. D. Grady declared in accordance with Section 177 of the Local Government Act 2001 that a member of his family works in the Fire Service and for this reason he would leave the meeting while this item was being considered.

Cllr. Grady then left the meeting.

Cllr. D. Nolan said as the full document on Keeping Communities Safe was not included she suggested that it would be omitted until it was fully discussed by Council.

The Chief Executive said the list on Page 32 includes a number of national documents that have issued and some that have yet to issue and they influence the Corporate Plan. She suggested to members that Keeping Communities Safe should be included in this list.

Cllr Nolan said she would prefer that members would be properly briefed on this document before it is included. A number of local authorities adopted their Corporate Plan excluding the reference to 'Keeping Communities Safe – Fire Services Framework 2013'.

The Chief Executive pointed out that the Corporate Plan is a strategic document and Keeping Communities Safe would be brought to Council for consideration in due course. It would be unusual to omit it from the list on Page 32.

The Cathaoirleach suggested that the Minutes could reflect that while this document is listed in the Corporate Plan it was not considered by Council.

Mr J.D. Flynn again said there would be a major review of the Corporate Plan in Q1 of 2016 and there should be clarification on these issues by then.

Cllr. T. Ferris said it would be unusual for the Council to adopt a Plan referencing a document that has not yet been received.

The Chief Executive said some local authorities may not agree with all national frameworks/plans. She advised members to adopt the entire list as set out on Page 32 of the Plan, however, if they wished they could remove it.

Cllr. S. Locke asked if members could revert with issues of concern to the Fire Service.

Mr Flynn confirmed that would be acceptable.

The Chief Executive said the Council is required, in accordance with the Local Government Act, to adopt a Corporate Plan. A lot is happening externally that will impact, in time, on the Corporate Plan. Many of these are being developed nationally and standards are being addressed by NOAC. The Appendix on Page 32 lists national policies that will influence the Plan.

Mr J.D. Flynn stated that a Departmental Circular Letter requires local authorities to include this list of frameworks/plans.

The Cathaoirleach referred to Page 21 of the Draft Plan on Sustainable Communities/Quality of Life and referred to No. 2 where the Key Action is *"To promote and foster corporate knowledge to enhance the fire services role."* He PROPOSED that the following text would be added to Key Action 2.1 *"The Fire Service should link in with communities and the existing retained fire service."*

Cllr. D. Quigg declared that he is employed in the Fire Service and he would leave the meeting while this issue was being considered.

Cllr. Quigg then left the meeting.

The Chief Executive said the Corporate Plan is not an Operational Plan but sets out broad objectives.

Cllr. T. Ferris SECONDED Cllr. Brassil's proposal and it was unanimously agreed.

Mr. J. Breen said the Fire Service always consult with communities and the retained fire service.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J. Moloney it was unanimously agreed to adopt the Kerry County Council Corporate Plan 2015 -2019 subject to the amendment previously agreed.

Cllrs. Quigg and Grady then returned to the meeting.

15.03.09.07 Report on the Operation of the Litter Pollution Acts 1997 – 2009

Mr J. Breen referred members to report dated 3 March 2015 on this item which was circulated. There is a statutory requirement to present a report to Council on an annual basis which sets out the levels of activity in Kerry under the Litter Pollution Acts 1997 to 2009. He then called on Mr. L. Quinlan to brief the meeting on the report.

Mr. L. Quinlan briefed the meeting in detail on the report under the following headings:

- ❖ Litter Prevention and Control Programmes
- ❖ Enforcement actions and analysis
- ❖ Education and Public awareness campaigns
- ❖ Community Involvement

❖ Recycling and Recovery

Cllr. M. Gleeson then moved Notice of Motion No. 19.

19. Refundable Deposit Scheme for all recyclable cans and bottles

Pursuant to notice duly given Cllr. M Gleeson PROPOSED:

As littering continues to deface our beautiful County, that this Council calls on the relevant Minister and the Department of the Environment to introduce a Refundable Deposit Scheme for all recyclable wine, beer and soft drink cans and bottles.

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

Cllr. M. Gleeson said the previous Friday he travelled from Killarney to Rathmore and it was wonderful to see so many green bags by the roadside awaiting collection. It was wonderful and yet sad, sad that so much is still being dumped. He was absolutely convinced that the level of indiscriminate dumping remains as great as ever it was despite tremendous efforts by the Council, schools and many members of the public.

The previous Saturday he walked the 1kilometer from his home to the Gillian O' Sullivan Roundabout and collected a good half bag of litter. If the many volunteers were not active the situation would be as bad as ever it was because no Council could hope to collect it all.

Recently there was rightly much concern about the loss of 25 jobs in the Fry Cadbury factory in Rathmore and that concern was wholly understandable. But every time a piece of litter is thrown on the roadside the economy of Kerry is being damaged and jobs are being endangered. So many of us are still so uncaring about our environment and about the economy of our beautiful county. Tourism is the lifeblood of Kerry and if that blood is to continue to enrich then we must enhance rather than diminish it.

Cllr. Gleeson commended the efforts with the schools but said more must be done at other levels and community organisations and churches must involve themselves. We must respect nature not just to ensure that it doesn't rebound or recoil on us physically and economically and destroy us with our own filth but we must respect it because just as we humans have rights so too our physical world in all its rich diversity has rights, rights to evolve and prosper.

Every day the general public are confronted by dog fouling on our streets and something must be done to address it. Badges could be introduced to indicate the wearer carries pooper scoopers. It is appalling for older people and people with a disability to get it on their shoes. It is ironic that rubbish bins are becoming a form of litter. Lines of large commercial bins are left lying at the side of the street and they are an eye sore. There is an issue with the noise pollution caused by the lorries collecting rubbish in housing estates at 5.30am with the

reversing bleeper making constant noise. This is inappropriate and should be addressed.

Cllr. J.J. Culloty **SECONDED** Cllr. Gleeson's motion.

Cllr. R. Beasley welcomed the report and said the situation is no better now than it was a few years ago. There is a saturation of litter on the roadsides and it is impossible for the 2 Litter Wardens to cover the entire county. He asked that additional staff would be assigned to this area. As a tourism county it is important that this situation is improved. Cllr Beasley said while the Council does a very good job on street cleaning it must be improved. He commended the Tidy Towns groups on their work in keeping the towns and villages of the county tidy. He commended the Council for their work on beach cleaning which he said is excellent in July and August but it is also needed at busy weekends from 17 March onwards. Cllr. Beasley said there should be an onus on nightclub owners and fast-food outlets to clean up the streets. The biggest scourge in our towns and villages is dog fouling and he was aware of a child who lost the sight in one eye as a result of dog fouling. Cllr Beasley said while some dog owners use plastic bags to remove dog foul they then discard the bag. He called on the Council to undertake a litter prevention campaign in the schools in an effort to improve the situation.

Cllr. D. Nolan welcomed the report and the many initiatives outlined in it. The Duagh to Abbeyfeale road is littered with rubbish and if those involved in the Adopt a Road Scheme find any identifying material they should advise the Council. There are a lot of plastics that could be recycled but there are no facilities available for them.

Cllr. J. Moloney asked if members would be provided with this report by Municipal District. The WEE recycling events are very successful and there was one such event in Listowel recently. He complimented the work done by the Council and voluntary groups. A '0' tolerance approach should be adopted to dog fouling and fines should be issued without warning. Despite the fact that bags and special bins are provided dog fouling is still a major problem on our streets. There are 3 full-time Litter Wardens in the county and it is very difficult for them to cover the entire county. Consideration should be given to authorising Traffic Wardens to assist Litter Wardens.

Cllr. D. Grady said littering in Killarney has increased since the Pay by Weight was introduced. He asked how many full-time and part-time Litter Wardens are in the county. He commended the volunteers who help to keep the county clean. Further efforts must be put into the removal of derelict sites. Cllr. Grady said refuse should be collected free of charge and the cost added to other charges such as LPT.

Cllr. N. Kelleher commended the volunteerism of Tidy Towns groups throughout the county. Some members of the general public do not heed the Litter Campaigns and those that do should be more active in reporting illegal dumping. If fines were issued and people realise that others are watching them the

situation would improve. Commercial refuse bins are left of the side of the street in Killarney and this is becoming a major issue. Recently he was made aware that glass bottles in pubs will no longer be returnable and this will create a problem for bar owners as some publicans will not be able to afford to dispose of them. Dog fouling is an ongoing problem and he called on the general public to report those responsible. Cllr. Kelleher said many Tidy Towns groups clean towns and villages regularly they need assistance from the Council.

Cllr. N. Foley acknowledged the work done by the Council in this area and said while excellent work is being done the number of staff involved must be increased. She also acknowledged the work done by local communities but said there is so much work to be done and so few volunteers. Volunteers are also involved in the Adopt a Road Scheme and the Adopt a Bottle Bank Scheme. There was a proliferation of gold medals in Kerry in the Tidy Towns Awards in 2014 and this is an acknowledgement of the work done by these voluntary groups. Cllr Foley acknowledged the success of dog walking routes and asked if there would be a further roll-out of these in 2015. It is difficult to catch people dumping illegally but there has been good success with the covert cameras but unfortunately the Council does not have enough of them. She asked if additional cameras could be purchased. She suggested that speaking cameras that would alert the perpetrator that they were being watched should be considered and that there should be greater use of the roving covert cameras. Cllr. Foley expressed disappointment that there were no successful prosecutions for illegal dumping in 2014. In conclusion Cllr. Foley supported Cllr. Gleeson's motion.

Cllr. S. Locke said an increase of 17% in the number of pollution cases investigated in 2014 is substantial. He will be taking over as Chair of Tralee Together and will be replacing a former Town Councillor who dedicated many years to this position. Tralee will have difficulty in retaining their Gold-medal status in 2015 and he hoped Kerry County Council would provide assistance to this group. Along the Lee Valley there is a huge amount of litter which was washed in from the sea and it is very difficult to get people in there to gather it up as the ground conditions are not suitable.

Cllr. J. Finucane supported Cllr. Gleeson's motion and said in Denmark the general public can pre-register for recycling and when they deposit recyclables in a recycling centre they are weighed and their bank account is credited accordingly. The only way to prevent illegal dumping either in the countryside or at litter bins is if people are prosecuted. The success of Tralee in the Entente Florale Competition was because it was evident there were more flowers in the town. Dog fouling continues to be a problem and in order to address this Dog Wardens should be highly visible and should patrol dog walking routes.

Cllr. J.F. Flynn said Takeaways must be made responsible for the cleanup of litter generated in their premises. He recently took part in a cleanup in Castlemaine when 40 bags of rubbish were collected within a 1 mile radius of the village. Much of this was packaging from fast-food outlets. Rubbish is being dumped on the roadside at Keel and he asked that appropriate signage would be provided at this location. Cllr. Flynn asked if the local community cleanup this

rubbish can they deposit it free of charge. He suggested that refuse bins should be provided 1 mile from Tralee as people travelling from Tralee dump their fast-food packaging at this point.

Cllr. G. Spring said when the weather is fine refuse bins on beaches are full early in the day. He asked that consideration would be given to installing temporary bins on beaches when the weather is very fine. Cllr. Spring referred to dog fouling and asked that a letter would issue to the Minister calling on him to amend the legislation to include dog fouling as an offence under the Litter Pollution Acts. In conclusion he complimented all the volunteers in the county who are involved in keeping the county clean.

Cllr. J.J. Culloty asked when the Spring Clean would take place and said it is fantastic to see the wonderful work done by local communities to keep the county clean. Every Sunday morning he is involved with a group that picks the litter on a 3 km stretch of road and they pick 3 or 4 bags every week. He asked that additional staff would be provided in this area. A tough approach must be adopted as this is the only thing that will work with those responsible for illegal dumping. Cllr Culloty said he could not overstate the importance of Transfer Stations and he was anxious to make it as easy as possible for those who want to use them. Covert cameras should be considered as one of the solutions for illegal dumping. He supported the views expressed by Cllr .Finucane in relation to recycling in Denmark which is very effective. A Schools education programme is also very important, and would be effective.

Cllr. B. O'Connell said he is on a crusade for the past 20 years and he is calling on the Council to create a database of all households in the county and how they dispose of their refuse. Students or people on the Job Bridge Programme could be employed to do the audit. Some households are disposing of their refuse illegally and they do not avail of a collection service. Anyone who does not have a service should be in a position to provide receipts if they use a Transfer Station or any other service. Otherwise they are dumping indiscriminately. It is disingenuous to say the Council is trying to address illegal dumping if they do not undertake an audit of all households in the county. He was satisfied that those providing a refuse service would co-operate with the Council and provide a list of their customers. Cllr. O'Connell asked how many successful prosecutions were taken in the past two years.

Cllr. P. McCarthy said the tourism season would commence shortly and the approach roads to towns need to be cleaned. He was in contact with the Roads Department who said they do not have adequate staff to deal with this issue. He was aware that a staff member did an audit of some housing estates last year to establish how households dispose of their refuse. The difficulty was that some houses were unoccupied when they called and he asked if an audit is carried out again that the staff member would work until 7pm so they could return to the house when the householder is home from work. He asked what was the outcome of this survey and if there was any follow-through on it. He also asked if there were any prosecutions as a result of the audit.

Cllr. B. Cronin acknowledged the work of the Council in keeping the county tidy and also the work done by Tidy Towns groups to keep the approach roads to towns and villages clean. He also complimented the Litter Wardens who try to track down the perpetrators of illegal dumping. Dog fouling continues to be major problem, particularly in urban areas. It is time to get tough with dog owners who allow their dogs to foul footpaths, cemeteries etc. and who show disrespect for others. There are repeat offenders who let their dogs off the lead in public areas and he asked that a letter would issue to the NPWS calling on them to have a Dog Warden on patrol in the National Park who is highly visible. The covert cameras are a success and he asked that these would be extended in particular to areas where there are repeat offenders. Cllr. Cronin expressed concern that if charges are introduced for recyclables it will have a devastating impact on rural areas. He expressed his deep concern that Transfer Stations could be sold off and he called on the Council to give a public commitment that Transfer Stations will remain in public ownership for the foreseeable future. In conclusion Cllr. Cronin pointed out that recyclable material is valuable.

Cllr. J. Sheahan thanked the volunteers who collect rubbish around the county week after week and said he understood their frustration as they clean a stretch of road and on their way back more litter has been discarded on the roadside. An education programme should be undertaken in primary schools to try to get the message across to young children that dumping is not acceptable. He supported the views expressed by councillors in relation to the undertaking of a household survey and said those found not to have any means of refuse disposal should be held to account for how they disposed of their refuse for the previous three years. Kerry County Council has vehicles on the roads every day and he asked if they could be fitted with cameras. It is difficult to expect the general public to come forward as a witness to illegal dumping. The issue of dog fouling is an ongoing problem and must be addressed.

The Cathaoirleach asked if Tidy Town committees could be empowered to issue On-the-Spot fines for littering. Every year the Council, together with community groups, work tirelessly to keep the county clean yet certain individuals continue to litter and dump indiscriminately. Killarney Waste Disposal sponsors the annual Spring Clean and he asked if the date for the Spring Clean has been set and are bags and gloves now available. As Easter is early this year community groups want to clean their area prior to Easter.

Cllr. R. Beasley said it would be wrong to encourage vigilantism by empowering voluntary groups to impose fines. This is the work of the Litter Wardens.

Cllr. O'Connell suggested that a Council staff member could follow the refuse collection truck and said it should be easy to establish who does not avail of the service.

The Chief Executive said it is important to point out that we have a clean county and this is important from a tourism point of view. Kerry is fortunate to have very good Tidy Town Committees working to keep the county free of litter and looking its best. Many of these groups have achieved increased marks in the Tidy

Towns Competition and this is as a result of the local authority and community groups working together. This is a model that has proved to work in the past. There are 10 Adopt a Road Schemes in the county and it is hoped to increase this number. There are 123 Kerry schools that achieved Green Flags by the end of 2014. 509 cases of pollution were investigated and she would like to see more successful prosecutions and this area will be reviewed.

Mr. L. Quinlan said it is important to point out that 509 pollution cases were investigated in 2014. Most of the requests for investigation come from the Freephone number and all cases are investigated within 1 or 2 days. The Council has 3 full-time Litter Wardens and 7 Traffic Wardens are available to carry out investigations if necessary. He thanked the members for their varied and thorough input and said their views will be taken on board. Kerry County Council has a Litter Pollution Plan and that will be reviewed later in the year or early next year. It will be brought to the Municipal Districts and he would envisage a close working relationship with Municipal District members. He would also like to see more successful prosecutions but direct evidence is needed to secure a successful prosecution. Each case is investigated in the hope of identifying the person or persons responsible with a view to prosecuting them. Dog walking routes are being actively extended and notices are being erected in relation to dog owner's responsibilities. It is anticipated that new Household Waste Regulations will issue later in the year and he anticipated many of the issues mentioned by members will be addressed in this legislation. Mr. Quinlan confirmed that dog fouling is already an offence under the Litter Pollution Act. Many households do not avail of a refuse collection service but they use a Transfer Station. Mr Quinlan referred to Cllr. Gleeson's query on noise pollution in housing estates from refuse trucks and said conditions are attached to their permits, and this issue would be reviewed. Covert cameras are provided within the available resources and a mobile camera is also used. He thanked members for their comments and acknowledged the excellent work of the Environmental Awareness Officer.

Cllr. O'Connell said if a household is not using a kerbside collection service they should be asked to produce receipts.

Mr. J. Breen said consideration would be given to using staff from the Gateway Scheme in the area of litter control. A prosecution can only be taken where there is direct evidence and it is important that the general public are prepared to give evidence in Court if they witness illegal dumping. The survey undertaken in Killarney showed that 8% of households had no collection service but the survey did have an impact. No date has yet been agreed for the Spring Clean. Mr. Breen said when the Household Waste Regulations are received members will be briefed on them.

15.03.09.08 Draft Policy on 2016 Commemorations

Mr. J. Breen referred members to the Draft 2016 Commemorative Strategy for Council Kerry dated March 2015 which was circulated. A previous Draft was presented to members at the February meeting when a number of queries were

raised. The Draft Policy was then redrafted and was discussed by the CPG. The CPG took account of the amendments proposed at the February meeting and the new Policy issued to SPC members who did not submit any comments on it. At a national level each county must submit their programme by the end of March or early April. If the Draft Policy is adopted by members a programme will be developed and it is intended that the SPC will meet again by the end of March. Mr. Breen added that the Proclamation is included in the Policy.

Cllr. R. Beasley thanked Mr. Breen and Ms. Kennelly for the new Policy and said he had two proposals as follows: (1) he received a request from *(Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request)* that he would involved in the promotion of the events and (2) Maurice and Jane O'Keeffe state the events of Easter Week 1916 in Dublin have been very well documented in history. Kerry played its own important part, both prior to and during that fateful week and its immediate aftermath. Recordings made with the descendants and other relatives of those who participated would provide valuable personal statements connected to the events in Kerry which unfolded during Easter Week, 1916. A comprehensive oral history collection would be a fitting commemorative project for the county of Kerry in 2016. Copies of historical documents and other material relating to Easter Week 1916 in Kerry, collected or donated during the field work for the oral history project, would also be made available for a 1916 Rising Commemorative Exhibition in 2016. All of the people recorded for the oral history project would come together for the formal launch during 2016. *(Names withheld for data protection purposes. A paper copy of the unedited minutes is available on request.)* asked that their proposal would be considered at the next SPC meeting. Cllr. J. Finucane also requested that the German Ambassador would be invited to a ceremony in relation to the Aud.

Cllr. P. Daly said the Policy refers to schools rather than youth organisations. In 1966 when the 50th anniversary of 1916 was commemorated the focus was on Banna and Ballykissane. He believed 1916 should be both commemorated and celebrated.

Cllr. P. Connor-Scarteen welcomed the inclusion of Valentia, Banna and Ballykissane as events to be commemorated. He asked that an allocation of €50,000 would be divided between the Municipal Districts for these commemorations and he welcomed the inclusion of the Proclamation in the Policy. Cllr. Connor-Scarteen agreed with the submission from *(Names withheld for data protection purposes. A paper copy of the unedited minutes is available on request)*.

Cllr. T. Ferris said she had copies of newspapers from 1966 which outlined the events that took place at the time. The focus was on the historic events and she said events in 2016 should be similar. It was interesting to note that a number of events in 1966 were televised in countries around the world. The focus should be on Roger Casement, Bob Monteith, Ballykissane, Caherciveen and whatever other events the budget allows. Even if a plaque and a map was erected at each location it would be a huge achievement from a tourism point of view as it would help attract those of Irish descent to the county.

Cllr. S. Locke welcomed the amended Policy which is acceptable to all members and said many schools will commemorate the 1916 Rising and this must be expanded.

Cllr. N. Kelleher said some monuments need to be cleaned and he suggested that a programme of maintenance of these monuments could be undertaken in 2016.

Cllr. P. Daly asked if there was any scope in the Budget to allocate funding to the Autism Unit at Kilahan National School. If €10,000 was allocated it would help to fund an additional teacher or care assistant.

The Cathaoirleach reminded members that representatives of Brú Columbanus would make a presentation at the April Meeting.

Cllr. T. Ferris said the directional sign for the Casement Memorial at Banna is missing for some time and she asked that it would be replaced.

Cllr. G. Spring suggested that the Irish flag should be flown in every village in 2016 if a community group would take responsibility for it.

Cllr. Beasley acknowledged the work Ms. K. Kennelly put into redrafting the Policy and said he was glad there was broad agreement on the Policy.

15.03.09.09 Date for a Special Meeting

Cllr. D. Healy-Rae asked if funding for the Community Involvement Scheme would be considered at the Special Roads Meeting.

Mr. C. O'Sullivan said in accordance with the Local Government Reform Act 2014 the Schedule of Municipal District Works Plan must be adopted by each Municipal District by the end of March. The CIS will form part of that Works Plan and as the Capital Programme is not included in the Municipal District Schedule of Works a Special Roads Meeting of the full Council will be held.

On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Gleeson it was agreed that a Special Meeting of Kerry County Council, to consider the Operations Department Service Delivery Plan incorporating the Roads Programme, would be held on Monday 27th April, 2015.

15.03.09.10 Summary of proceedings at the Training Seminar on the theme "Government Construction 2020 Strategy – Local Government Housing Supply"

It was unanimously agreed to note Cllr. M. Kennelly's written report on behalf of the Kerry County Council delegates that attended the Irish Private and Public Bodies (Consulting) Limited Training Seminar on the theme "Government Construction 2020 Strategy – Local Government Housing Supply" which was held in Wexford from the 6th to 8th February, 2015.

15.03.09.11 Notices of Motion

1. Publication of a land line telephone number alongside their 'locall' e.g 1890 number by Public Bodies

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

That all Government Departments, State Agencies and Local Authorities would be obliged to operate and publish a land line telephone number alongside their 'locall' e.g 1890 number. Far too many public bodies publish only a 'locall' number and while this may be of benefit to some, it is unfair to many phone users who have packages with their supplier which allows them a considerable amount of 'Free' talk time on local and national calls.

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

Cllr. M. Gleeson said the cost of a text is 45cent and many customers of all phone companies have a contract which offers 'Talk anytime bundle' giving 59 minutes and 59 seconds free on all geographic calls (01, 021, 064 etc) to all Ireland (32 counties). 1850 and 1890 numbers are part of what is called non geographic numbers and are not classified as National or Local calls. Calls to 1850 numbers are charged at flat rate and calls to 1890 numbers are charged per minute and operators generally do not provide these calls in any 'Free Talk Time' package. If a customer is on a fixed plan (bundle) that includes National and Local calls then it is best to use the geographic landline number as this is included as part of your 'Free Talk Time' Call minutes. Cllr. Gleeson said Government Departments, State Agencies and Local Authorities should be obliged to operate and publish the geographic number alongside the LoCall 1850 or 1890 number.

Cllr. N. Kelleher said there are logistical problems with 1890 numbers. Cllr. Gleeson is correct when he states packages do not include 1890 numbers and there have been several reports to ComReg on this issue. He **SECONDED** Cllr. Gleeson's motion and called on private companies to take cognisance of it. He pointed out that the person that receives the locall number is also charged for the call.

Emergency Motion

Cllr. R. Beasley said it was brought to his attention that the Bus Éireann Thursday service from Tarbert, Ballylongford, Asdee, Listowel and on to Tralee is being discontinued and many people use this service to get to Kerry General Hospital. It is vital this service is maintained. He requested that a letter would issue to the Department of Transport asking that this service would be retained.

Cllr. N. Moriarty **SECONDED** the motion and it was unanimously agreed.

The meeting adjourned at 1.30pm.

The meeting resumed at 2.05pm.

The Cathaoirleach moved Notice of Motion No. 2 on behalf of Cllr. Thornton.

2. Vandalism to signposting throughout the County

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

That Kerry County Council write to the NRA to request confirmation of their plans to deal with the extreme vandalism to signposting all around the County.

The following report issued:

The maintenance of the signage on the local and regional road network is the responsibility of the local authority, from our maintenance budget. The maintenance of signage on the national road network is carried out directly by the NRA, who have a contract with a third party to carry out an annual survey of the network and repair any damaged signs.

There have been approximately 20 signs vandalized with paint in the Listowel MD area to varying degrees, in recent months, mainly on the local or regional road network, but also on some signs on the N69 Tralee to Limerick (via Listowel) road.

The Listowel MD office has tried to clean the different signs on the Regional and Local road network, using an anti-graffiti paint remover chemical, with limited success. The use of these chemicals has also reduced the reflectivity of the signs for night time driving. Subject to trying out one or two other chemical products, we will arrange to have the damaged signs replaced as appropriate.

The cost of cleaning and/or replacing these signs is significant and will impact on the scarce resources available to the local authority for road maintenance and other community works.

Anyone found defacing a public road sign will be pursued by the Council, including the recovery of any costs incurred by the Council in repairing the damaged signs. The damage to the road signs has been reported to An Garda Síochána.

3. Plant Hire and Haulage Contractors employed by Kerry County Council

Pursuant to notice duly given Cllr. B Cronin PROPOSED:

To request that the elected members of this Council be provided with the full list of all Plant Hire and Haulage Contractors employed by Kerry County Council from January 1st 2014 to December 31st 2014 and the full amount paid to each Contractor.

The following report issued:

The attached schedule provides details of the total payments made and accrued to Contractors in respect of the hire of plant/equipment and haulage services in 2014.

It should be noted that the schedule differs from that provided in previous years in two respects making suitable direct comparisons to previous years difficult.

- 1. The schedule includes the activities of the three former town councils from 1st January to 1st June and the amalgamated Kerry County Council to 31 December 2014.**
- 2. Full recoupment for expenditure for Irish Water Expenditure processed through Kerry County Council systems has taken place in 2014.**

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

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

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

PRIVATE PLANT/EQUIPMENT HIRE AND HAULAGE SERVICES 2014

Name Address	Total
Adare Farm Machinery Ltd Patrickswell, Co Limerick	15,545.81
AOK Plant Ltd Abbeyfeale	7,535.40
Aska Sykes Ltd Rathcoole, Dublin	8,016.92
Bord na Mona Horticulture LTD Newbridge, Co Kildare	4,445.77
(Name and address withheld for data protection purposes. A paper copy of the unedited minutes is available on request)	12,876.21
C & C Lifting Equipment Ltd Kilculle, Co Kildare	8,426.91
Charleville Plant Hire (CPH) Charleville, Co Cork	19,156.02
Clancy Plant Hire Ltd Knockanure, Listowel	213,391.54
Connie O Sullivan T/A Connie Sullivan Plant Hire Ballinakilla, Bere Island, Cork	3,750.00
Crean & McHugh t/a CMP Ovens, Cork	17,500.00
D & L Tool Hire Ltd Tralee	43,249.22
DAN AND JOHN O'DRISCOLL PLANT HIRE LIMITED Tinnies, Valentia	2,250.00
Dave Power Plant Ltd Middleton, Cork	20,058.84
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	46,681.77
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	6,329.86
Dillon Waste The Kerries, Tralee	46,547.41
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	7,082.14
Eamonn & Seamus Hobbins Ltd Coolroe, Killorglin	151,260.75
East Cork Crane Hire Ltd TA JAK Lifting Gear Ltd Carrigtwohill, Co Cork	5,000.00
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	18,978.88
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	18,385.05
Farran Plant Hire Ltd Farran, Castleisland	88,722.19
Feale Valley Plant Hire & Sales Ltd. Clash Road, Abbeyfeale	128,372.10
Fleetmatics Ireland Limited Cookstown Court, Dublin	248,912.36
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	122,913.63
Frayden Haulage Ltd Knocknaskeha, Killarney	7,130.93
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	3,003.20
GPT Plant & Tool Hire Commerical Estate(Galway) Little Island Cork	35,733.70
Griffin & Sons Agricultural Contracting Ltd Cool, Emlaghmore	21,140.26
Healy-Rae Plant Hire Ltd Main Street, Kilgarvan	301,305.97
Height For Hire Ltd Ashbourne, Meath	2,297.64
Henley Hire Services Ltd Klileen Road, Dublin	122,027.04
Higgins Waste & Recycling Services Ltd The Kerries, Tralee	102,624.14
Hireservices (I) Limited Castlebar, Co Mayo	34,313.42

Minutes March 2015

<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	41,891.31
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	67,563.59
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	71,774.08
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	16,565.61
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	15,040.56
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	38,665.00
Kelliher Crane & Hoist Ltd Ballymacelligott	8,875.00
Kerry Plant & Tool Hire Ltd Killarney, Co Kerry	7,662.22
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	3,760.00
Kevin Murphy Tool Hire Listellick North, Tralee	47,852.99
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	58,806.43
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	45,264.00
Killarney Waste Disposal Ltd Aughacurreen, Killarney	76,127.33
Kingdom Fast Hire Ltd John Joe Sheehy Rd, Tralee	52,981.90
Laois Hire Services Ltd Portlaoise, Laois	3,628.50
Leanes Tool Hire Muckross Road, Killarney	89,681.97
Lenihans Well Drilling Ltd Glin, Limerick	6,240.00
Lixnaw Plant Hire Ltd TA T McCarthy & Sons Garrynagore, Lixnaw	6,613.09
Manlift Hire Ltd Little Island, Cork	4,516.56
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	40,385.36
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	101,333.73
Michael F Quirke & Sons, Rangue, Killorglin	3,694.06
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	8,560.00
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	3,100.88
<i>Name withheld for data protection purposes. A paper copy of th unedited minutes is available on request</i>	3,875.73
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	7,570.45
Mike Cronin & Sons Limited Currow, Farranfore	74,795.34
ML Lynch Civil Engineering Ltd Killarney	4,100.00
Nicholas Browne & Son Limited Ballinskelligs	109,834.95
Northgate Vehicle Hire Ltd Ballycool, Dublin 11	13,645.02
O Connor Kerry Haulage Ltd Clonmore Cottages, Tralee	4,059.00
O Connors Hardware & Farm Supplies Ltd Duagh, Listowel	33,185.42
O Mahony Machinery Hire Limited Lissanore, Castleisland	8,129.44

Minutes March 2015

<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	54,942.16
Parcrest Ltd Glenbeg, Caherdaniel	3,465.00
Pat ODriscoll Civil Engineering Ltd Clonakilty, Cork	8,600.00
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	8,863.16
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	6,827.20
Q Plant Hire Ltd Dooneen, Caherciveen	2,000.05
Sandmore Ltd Camp Cross, Tralee	223,376.90
Sapphire Signs Ltd Rathmore	14,686.90
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	4,016.00
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	33,681.48
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	49,668.97
SRCL Naas Road, Dublin	122,536.38
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	7,302.39
<i>Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i>	190,153.45
VP Equipment Rental (Ireland) Ltd Clonboyne, Portlaoise, Co.Laois	3,180.78
Walker Vehicle Rentals Ltd Dublin 12	6,568.20
Miscellaneous Payments under €2,000 (39 Suppliers)	22,442.72
 The Collector-General Reverse Charge Vat (Approx)	 294,746.99
TOTAL	3,551,803.33

Cllr. B. Cronin PROPOSED that the reply to the motion would be circulated to all members. Many small plant hire contractors find it very difficult to get work from the Council and it is important to ensure everyone gets a fair chance. The same firms are getting the work for the past 15 years but he would continue to promote the plight of family contractors who have good machinery, insurance etc. Cllr. Cronin requested clarification on the 2nd paragraph of the reply.

Ms. A. McAllen said it is difficult to compare 2014 with 2013 as previous notices of motion reflected expenditure by Kerry County Council only. The 2014 figures include expenditure by the three former Town Councils and she did not have details for Irish Water and these figures were included in 2013. The Procurement Office for the county is located in Killarney and mini competitions are advertised continuously for all work including plant hire to ensure competitiveness and value for money.

Cllr. Cronin asked if the cost of pipe laying by Irish Water is included in the reply.

Ms. McAllen confirmed that this work was paid for through the Irish Water payments system and the reply does not contain this information.

Cllr. D. Healy-Rae said most of the contractors on the list are family contractors and they give good employment. A contractor must tender to get on the list and must have good machinery, motor tax, insurance etc. All these contractors give good value for money and they may get just one hours notice to be on the job and they may have to operate outside normal hours including Christmas Day, St. Patrick's Day etc.

Cllr. Cronin said some contractors fail to get on the list and he was concerned for them. He referred to the final line in the report which states 'The Collector-General Reverse Charge VAT' and he asked if the Council pays the VAT to the Collector General.

Ms. McAllen confirmed that Kerry County Council collects the VAT on behalf of the Collector General and pays it directly to them.

4. Removal of the input of An Taisce from the planning process

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

That Kerry County Council asks the Minister to remove the input of An Taisce from the planning process for the reconstruction and development of national routes of strategic importance to our national and local economy and that national routes of such importance should be outside the planning process and dealt with by the Department of the Environment as major projects.

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

Cllr. M. O'Shea said he could not understand An Taisce's objection to the N86 Road Improvement Scheme. It is ironic that An Taisce receives funding from the Department of the Environment to assess and defend the planning process. The funding provided to An Taisce should be reviewed as he did not believe they are fulfilling the role for which they were established. The proposed work to be N86 is strategic and vital for the Dingle Peninsula. The Department should deal with these issues and An Taisce should no longer be a prescribed body under planning legislation. If the challenge by An Taisce, to the proposed improvements to the N86, is upheld and the case is subsequently taken to the EU, it will go on for a long time. Cllr. O'Shea called on the Government to review An Taisce's role in the planning process.

Cllr. D. Nolan said she understood members frustration with An Taisce but pointed out they are dominating the environmental pillar. However she could not support the motion as it is worded.

Cllr. D. Healy Rae supported the motion and said he recognised the terror An Taisce is creating by objecting to planning applications. He pointed out that a number of members voted in favour of granting An Taisce representation on the LCDC.

The Cathaoirleach said he supported An Taisce as they are responsible for the Blue Flags.

Cllr. T. Ferris said the motion is illegal as no one is precluded from the planning process. She suggested that the motion should be amended to express members frustration with An Taisce.

Cllr. O'Shea said it is frustrating that the Department is funding An Taisce yet the same body is causing mayhem and objecting to road schemes. He called on the Minister to stop funding An Taisce.

The Cathaoirleach suggested that the motion should be amended to read that Kerry County Council ask the Minister to "remove funding' from An Taisce and he asked if members were satisfied with this.

This was unanimously agreed.

5. Objections by the NRA to planning applications

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

That Kerry County Council request an emergency meeting with the NRA to discuss the increasing number of objections by the NRA to planning applications in the County where the applicants are using an existing entrance/exit.

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

Cllr. Cahill asked that this item would be included on the agenda for the meeting with the NRA. Kerry County Council grants permission to family members and the NRA appeal the decision to An Bord Pleanála. He was aware of a number of cases, one of which is a young girl who is travelling in and out of the exit daily from her parent's home yet she cannot get permission on her own site despite the fact that there would be no increase in the volume of traffic.

The Chief Executive said there would be a meeting between the NRA Kerry County Council and the Department of Environment on the County Development Plan, and this issue could be raised at that meeting.

Cllr. P. Connor Scarteen supported the motion and asked if a deputation is meeting with the NRA that he would be included together with Cllr. Cahill.

6. Irish Water to maintain the status quo for people who have special arrangements with Kerry County Council

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

To call on Kerry County Council to request Irish Water to maintain the status quo for people who are on the special arrangements list with Kerry County Council where they do not have to pay for water.

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

Cllr. T. McEllistrim said a number of people have verbal and written agreements with Kerry County Council in relation to an exemption from water charges. In one instance a farmer has a water tower on his land and he allows the Council access to it but he does not pay water charges. He PROPOSED that this arrangement would continue for domestic and commercial water charges.

Cllr. P. Connor Scarteen SECONDED the motion.

7. Support for mental health services in the county

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

That the mental health services in this country be grown, supported and protected and that monies would be ring fenced for this area and spent only in the area of mental health.

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

Cllr. N. Foley said she wanted to highlight that funding allocated for mental health services are being spent in other areas. Last year funding of the €20m was provided for mental health services yet just €5m was spent in this area. Mental health services are under severe pressure and the fact that the funding provided for it is not spent in this area is an insult. €35m is allocated in 2015 and this is €15m less than stated in the Programme for Government. If the same happens in 2015 as happened in 2014 the service will be bereft. Young people are being housed in adult psychiatric facilities and this is unacceptable. She called on the Government to ensure that monies provided for mental health services are spent in that area.

Cllr. T. Ferris SECONDED the motion.

8. Modernisation of the public facility and shops overlooking the Men's Beach in Ballybunion

Pursuant to notice duly given Cllr. R Beasley PROPOSED:

That Kerry County Council draw up a Development Plan to replace the public facility and shops overlooking the Men's Beach in Ballybunion which are long dated, dark and inappropriate for modern tourism. There is no wheelchair access, no baby changing facilities and this would give a favourable impression and bring Ballybunion into the 21st Century.

The following report issued:

Given the importance of Ballybunion as a tourist destination and its location on the Wild Atlantic Way, Kerry County Council will work with the community to develop a plan for this area and bring it to a capital funding stage as soon as possible.

Cllr. R. Beasley welcomed the reply and said he looked forward to progress in this area either later this year or early in 2016.

Cllr. D. Quigg declared in accordance with Section 177 of the Local Government Act 2001 he is employed in the Fire Service and he would leave the meeting while Notice of Motion No. 9 was being considered.

Cllr Quigg then left the meeting.

9. Opposition to suggested restructuring for retained fire crews

Pursuant to notice duly given Cllr. T Ferris PROPOSED:

That this Council opposes the suggested reductions in the manning levels and the changed rostering arrangements of retained fire crews across the country.

The following report issued:

In 2012 a major national review of fire services and fire safety in Ireland was conducted. The output of that review was published in the Government Policy Document “Keeping Communities Safe” in early 2013.

This Government Policy aims to provide a comprehensive, balanced strategy to ensure the safety of the public in their homes and other locations, as well as worker safety in providing emergency services. Government see the Policy as an integrated blue-print for further development of the critical public safety roles performed by local authority fire services, to be implemented in the period 2013 – 2015. ‘Keeping Communities Safe’ is about managing risk, addressing public safety improvement, incident reduction, response standards and service delivery structures for the decade ahead.

The implementation of initiatives under the plan has and continues to be the subject on Industrial Relations engagement between Local Government Management and relevant Unions nationally through the established channels.

Cllr. T. Ferris said Keeping Communities Safe is long overdue as it is many years since the service was reviewed. There are many positive aspects to this document, which is welcomed by communities. However, there is concern at the proposed reduction in staffing levels and the number of crews that would be called out when a community is at risk. 2 lives were lost in Gort last year when a 4 man crew was deployed and they had to await the arrival of an additional crew. It is interesting to note that the advisor to the Minister once said 6 man crew were needed, but he is now advocating that just 4 are required. In England a similar review was carried out and since the reduction in the number of crew members they have experienced the loss of fire fighters. It is believed that if the reduction in the number of crew goes ahead, that may happen in Ireland also. Those involved in the service were not adequately consulted and it is possible there may be a strike. It is more important to ensure the safety of communities and fire fighters rather than to achieve cost savings. She understood the new plan must be adopted in 2015, and she called for the support of councillors opposing a reduction

in staffing levels. Cllr. Ferris said she appreciated this is an executive function but she hoped these reductions would not be implemented. Savings could be achieved when the Budget is being adopted to ensure staffing levels are retained in the Fire Service.

Cllr. S. Locke **SECONDED** the motion and said a similar document was introduced in England but failed. This must be considered before the reduction in staff numbers is implemented. The provision of adequate training for fire fighters is paramount to saving lives in the community and also their own lives. He suggested that the new policy document should be abandoned and that a new framework should be drawn up in consultation with Fire Chiefs to ensure that lives are not put at risk.

Cllr. D. Quigg then returned to the meeting.

10. Funding allocation from the Arts Council

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

That Kerry County Council ascertain from the Arts Council why it is that they have allocated this Council the lowest level of local authority funding for the development of local arts each year since this particular fund was initiated and in particular what scoring or selection criteria they employ in deciding on how much to fund each local authority.

The following report issued:

Kerry County Council has always been fully supportive of the development of the Arts in our County. The level of funding available will be reviewed in the context of available budgets and overall priorities for the Council. The economic benefit of the Arts to this County is substantial and this should be reflected in any budgetary provision.

Cllr. N. Moriarty said she was not querying the Council's support for the Arts, but rather the Arts Council support for the arts in Kerry. Kerry received €26,110 in funding in 2014 from a budget of €1.7m and this was the lowest of the 34 local authorities. A sum of €26,110 was received in 2015, and this is also the lowest allocation of all local authorities. She requested that the Arts Council would be asked to outline the criteria for the allocation of funding and if there is anything the Council can do to increase their allocation.

Cllr. J. Moloney **SECONDED** the motion.

11. Acceptance of a valid herd number as proof of a vehicle being used for commercial purposes

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

That this Council accepts a valid herd number as one of the documents required as proof of a vehicle being used for commercial purposes. Minister Kelly stated in the Dáil on the 9th of December 2014 in reply to Deputy Brendan Griffin, that each County Council has the discretion to accept such documentation as proof of

commercial use. County Limerick and County Cork are presently accepting similar proof.

The following report issued:

Minister Kelly's response of 9th December

"Deputy Brendan Griffin asked the Minister for the Environment, Community and Local Government if he will review the policy on commercial motor tax in view of the difficulties it is posing for small farmers and the variation in implementation from county to county and if he will make a statement on the matter.

Minister for the Environment, Community and Local Government (Deputy Alan Kelly): Motor Tax is based on the construction and use of a vehicle. In order to qualify for the commercial rate of motor tax, a vehicle must be constructed or adapted for use as a goods vehicle and used solely for the conveyance of goods in the course of trade or business.

Licensing Authorities have an obligation under Article 3 of the Road Vehicles (Registration and Licensing) (Amendment) Regulations, 1992, to be satisfied that a vehicle is correctly taxed and it is thus open to a motor tax office to seek supporting documentation when commercial motor tax is being applied for. Such documentation may include a certificate of commercial insurance or evidence of registration for VAT purposes or, at the discretion of the licensing authority concerned, any other appropriate documentation that would indicate that the applicant is in trade or business. It is up to the individual concerned to provide whatever evidence is required by the licensing authority in order for it to be satisfied that the applicant is entitled to the commercial rate of motor tax, which is effectively a concessionary rate".

The response above is quoted from Circular Letter MT 4/20N issued 10/8/2010, this Circular states that applicants must also provide a Revenue Registration identity number to confirm that he/she has a business registered for tax purposes. While it is open to the authority to seek whatever extra documentation it feels necessary to satisfy itself that the application is valid, the requirement to provide a Revenue Registration number is mandatory. Therefore, proof of a valid herd number would not be sufficient on its own to satisfy the requirements.

We provide applicants with a contact phone number for Revenue – 1890 368 378 (select option 2) in order to facilitate requests for Revenue Registration Identify Number Letters.

Cllr. P. McCarthy welcomed the reply and said there is confusion in relation to the documents required to tax commercial vans. The Motor Tax Office requires a Certificate of commercial insurance, evidence of registration for VAT and a certificate confirming the applicant is registered for tax. He asked if it would be

acceptable that a farmer would present his tax number only or must they present a letter from Revenue.

Ms. A. McAllen said the Council provides applicants with a contact number for Revenue in order to facilitate requests for Revenue registration identification number letters and there is a quick turnaround on these. The onus is on the applicant to get this letter from Revenue.

Cllr. McCarthy called on the Council to work with the IFA and ICMSA in relation to the taxing of crew cabs. Normally these vehicles are associated with builders but farmers have increased their landholdings and if silage contractors are working away from the farmhouse they must be transported safely for meals.

Cllr. J. Healy Rae said it appears that the Kerry Motor Tax office is stricter than other counties. Farmers are adversely impacted by this and the law states they must be transporting cargo. Cllr. Healy-Rae agreed that crew cab jeeps are used more now by farmers.

12. Call for the scrapping of the Universal Social Charge

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

That this Council calls on the Minister for Social Protection, Ms. Joan Burton T.D., to scrap the Universal Social Charge as working class families cannot afford to pay this any longer.

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

Cllr. D. Quigg moved the motion and requested that it would be forwarded to the Minister for Social Protection.

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

13. Call for a Wetlands Wastewater Treatment System for Scartaglen

Pursuant to notice duly given Cllr. JJ Culloty PROPOSED:

As the current situation regarding effluent treatment in Scartaglen is totally unacceptable, that this Council write to Irish Water, requesting that they consider constructing a Wetlands Wastewater Treatment System. This would be a very efficient and long term solution to the environmental risks that exist at present.

The following report issued:

Since Scartaglin does not have any public sewerage scheme, the responsibility for effluent disposal lies with the relevant property owners. However, the Council recognises that this is an unsatisfactory situation because of the difficulties for individuals in complying with modern disposal requirements in such a confined area. The solution is clearly to provide a proper sewerage scheme and the Council designed such a scheme some years ago but was unable to acquire the land for the treatment plant. The Water Services Section will now make a case to Irish Water, utilising the

previous design work, that a sewerage scheme should be provided for Scartaglin.

Cllr. J.J. Culloty said since he submitted the motion he had spoken with a representative of Irish Water and they were in favour of considering this option for Scartaglin. He requested that a letter would issue to Irish Water calling on them to consider funding a Wetlands Wastewater Treatment System for Scartaglin on a pilot basis. There are a small number of houses involved and the Scheme is urgently required. The land is available and there is gravity flow to it and it would be relatively inexpensive.

The Cathaoirleach **SECONDED** the motion.

14. Uncontrolled fertiliser prices.

Pursuant to notice duly given Cllr. D. McCarthy PROPOSED

That Kerry County Council calls on Mr. Simon Coveney T.D., Minister for Agriculture, Food and the Marine to intervene regarding uncontrolled fertiliser prices as this is having a detrimental effect in the viability of farmers.

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

Cllr. D. McCarthy said it is believed that the cheapest way to feed cattle is on grass. However this is now very costly as the cost of fertiliser is constantly increasing. He requested that the motion would be forwarded to the Minister for Agriculture for consideration.

Cllr. P. Connor Scarteen **SECONDED** the motion.

15. Welcome recent changes which will benefit small and rural schools

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

That Kerry County Council welcomes the recent changes introduced by the Minister for Education which will benefit small and rural schools and that we continue to campaign for rural communities.

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

Cllr. P. Connor Scarteen said national schools are an essential part of rural communities and it is important to ensure their survival. Following the recent changes announced by the Minister for Education Lauragh National School will get an additional teacher from September and this is also the case with a number of other schools. The Department of Education must take greater cognisance of Parish boundaries and school transport.

Cllr. D. McCarthy **SECONDED** the motion.

Cllr. J. Healy Rae opposed the motion and said Lauragh National School already lost a teacher. He believed the measures introduced by Minister Jan O'Sullivan are only part of what is required and do not go far enough.

Cllr. J.F. Flynn supported the views expressed by Cllr. Healy Rae and said Castlemaine National School is in danger of losing a teacher as they are one student below the criteria to retain the present compliment of teachers.

16. Provision of a footpath outside Cronin's Shop, Castlemaine

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

I propose that a footpath is put outside Cronin's Shop, Castlemaine.

The following report issued:

This motion was previously moved at the South & West Municipal District meeting and the following response was given to the member:-

"The section of footpath proposed is adjacent to the N70 National Secondary Road. The National Roads Authority does not currently have a programme for the extension of footpaths on National Routes. The Authority has, however, appointed engineering consultants to undertake Road Safety Inspections on National Routes to assist in the process described in HD 17 of the NRA Design Manual for Roads and Bridges. It is anticipated that the provision of a footpath at this location will be highlighted by the consultants as an issue to be addressed. This may, ultimately, provide a mechanism for funding the improvements required, as the NRA does have a grant scheme to fund deficiencies on the network that are raised by Road Safety Inspections".

Cllr. T. Ferris asked why this motion was on the Agenda.

The Cathaoirleach said the motion was previously moved at a Municipal District meeting and Cllr. Flynn was entitled to bring it to full Council.

Mr G O'Brien said this goes back to the debate around Standing Orders which entitles a member to bring a motion to full Council once it has been moved at Municipal District level.

Cllr. J.F. Flynn requested that photographs which he supplied would be displayed for the meeting. He pointed out the location of the speed limit and said vehicles can travel at 100 km/h as far as the speed limit sign. The landowner has given permission to have a footpath provided at this location and he called on the Council to apply for funding for it.

Cllr. M. Cahill **SECONDED** the motion and said this is an extremely busy section of road and is a health and safety hazard for pedestrians. The landowner is willing to give the land free of charge and he requested that an application for funding would be made to the NRA.

Mr. C. O'Sullivan undertook to submit an application for funding to the NRA and to revert to Council in due course.

17. Accidents on roads caused by deer

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

That Kerry County Council and The National Parks and Wildlife Service would urgently do something about the amount of deer that are causing accidents on our roads.

The following report issued:

This is primarily a matter for the consideration of the NPWS, who have statutory responsibility for the control of deer on their property.

Unfortunately, it is very difficult for the local authority to implement measures for the control of deer coming onto the public road. Where there is a known high incident of accidents with deer, warning signage can be erected to inform motorists.

Cllr. J. Healy Rae said there have been numerous accidents on roads that were caused by deer and the NPWS are not accepting responsibility for the deer. The reply states signs can be erected but these are ineffective. The NPWS must be brought to task for the numbers of deer on public roads. If he owned cattle and they caused an accident on the road he would be responsible. The number of deer is increasing and if the NPWS want to keep deer, they must keep them under control and off the public road. He was aware of a young motorist who hit a deer and only had 3rd Party, Fire and Theft insurance cover. This did not cover the damage to his vehicle and now he has no transport to get to work. The deer appear to be protected, but there is no regard for human life.

Cllr. D Healy Rae SECONDED the motion and said deer have taken over the county. Silage fields and grazing fields are being eaten by deer and many roads are no longer safe because of them. Deer are being given priority and there is no recognition of the danger being caused by deer on our roads.

18. Provision of Housing in the Killarney Municipal District

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

To ask Kerry County Council how many applicants remain on the Housing List in the Killarney Municipal Area and why are Kerry County Council not proceeding with the building of eight houses in Deerpark, Killarney, which were given clearance in 2013 - what is wrong now.

The following report issued:

Of the total 4,915 qualified housing applicants, a combined total of 6,446 areas of choice have been selected. Of these 1,972 applicants have selected the Killarney District Area as an Area of Choice. In accordance with the Social Housing Assessment Regulations 2011 a household may select up to 3 areas of choice with each selection carrying equal weighting.

In relation to the construction of houses in Park, Killarney, planning permission is in place for 20 units. The Council has prepared a submission to the DOECLG in relation to the Housing Construction and Acquisition Programme for 2015 – 2017. This Project is included in this Programme and the overall Scheme of 20 houses has been sent to DOECLG for Preliminary Appraisal in order to proceed to Tender Stage. It is expected to commence on site in Quarter 3, 2015.

Cllr. D. Healy-Rae said €1.1m was allocated for the construction of 8 houses in Killarney in 2013 but construction has not yet commenced. The number of houses has now increased to 20 and it is expected to commence in Q3 of 2015. 1,972 applicants choose Killarney as their preferred location for housing. While applicants are opting for RAS some landlords are terminating tenancies as they either want to sell the property or want to get new tenants at a higher rent. It now costs €800 per month to rent a 3b property in Killarney and those working and not in receipt of rent allowance cannot afford to rent in Killarney town. There is a housing crisis in Killarney and housing applicants are frustrated as construction has not commenced on the 8 houses previously sanctioned.

Cllr. N. Kelleher said there is a housing crisis in Kerry for both local authority and private housing. There are very few properties available to rent on Daft.ie. while there are 1,972 applicants in Killarney with similar numbers in Castleisland, Rathmore etc. The Council must lead the way and bring more private landlords onto the market. Rents have increased by €50 per month and many applicants cannot get accommodation. Cllr. Kelleher said an innovative solution must be identified to bring vacant properties onto the market.

Cllr. Ferris said at the Budget meeting Sinn Féin made a proposal in relation to vacant properties but members did not support it.

Cllr. M. O'Shea asked of the 5,000 on the housing list how many are genuinely in need of housing and he requested that members would be provided with a breakdown of the housing list.

Mr. J. Breen said the rules in relation to applying for housing are set out in the Housing Assessment Regulations. An applicant can refuse 2 offers of housing before they are removed from the housing list. All applicants on the housing list are entitled to be there. He accepted there are issues as a lot of investment properties are being sold. Mr. Breen said there are a substantial number of people on the housing list at a time when housing rents are increasing.

The Chief Executive said the Council submitted a proposal on housing to the Department for approval. The target to be achieved for additional properties under the Rental Accommodation Scheme is 130 units with a similar number under the Social Housing Leasing Initiative for 2015 and 340 units between 2016 and 2017. The Council also has a construction programme to commence in 2015. There is permission for 20 units in The Park in Killarney and that is why the Council wants to get approval to construct this number.

20. Retention of Transfer Stations in the ownership of Kerry County Council

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

Will the Management of Kerry County Council give a firm commitment to the people of Kerry that, due to the changes being introduced in June 2015, the transfer stations in the County will not be sold off and will remain in the ownership of Kerry County Council indefinitely.

The following report issued:

There are no plans to sell our transfer stations and civic amenity sites . We are awaiting the publication of new Household Waste Regulations which we will examine and revert to council regarding their impact, associated costs and operational aspects with regard to any requirements for the weighing of residual waste quantities at our Civic Amenity sites.

Cllr. M. O'Shea said people who use Transfer Stations are very concerned at plans to charge by weight. He asked when changes take place have the Council a contingency plan and can they absorb the additional cost involved. At present there is one staff member working in the Transfer Station but that may increase to three. In conclusion Cllr. O'Shea asked if the Council would maintain the Transfer Station or sell them off.

Cllr. J.J. Culloty supported the motion and said it is vital that Transfer Stations remain in Council ownership. If staff numbers increase, costs will increase. He asked that pay by weight would not be introduced at Transfer Stations.

The Chief Executive said new Waste Regulations are pending but they have not yet issue and if they require the weight of refuse to be recorded etc. then one staff member will not be adequate. At present the Council does not plan to dispose of any of its assets, however this will be reviewed as the service must be self sustaining.

21. Provision of a suitable landing area and pier at Cromane

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

That Kerry County Council reactivates an application for funding as a matter of priority for the provision of a suitable landing area and pier at Cromane so that fishermen can land their catch i.e mussels, oysters safely. The provision of this facility is vital to the future of the fishing industry in Castlemaine Harbour.

The following report issued:

Kerry County Council raised the issue of Cromane Harbour in a recent meeting with DAFM. It was acknowledged by DAFM that, in the context of the funding available for marine/fisheries infrastructure development in 2015, there was no scope for funding a significant capital scheme like Cromane. DAFM also indicated that they would no longer be in a position to project

manage the construction of the new pier as had been the intention when the project was being designed.

There is also a need to complete the land purchase required for the proposed access road to the pier. This was the subject of an unsuccessful CPO in the past on the basis that An Bord Pleanála was not satisfied that the planning approval for the project covered the access road. Subsequent to the CPO decision, Kerry County Council applied for and was granted planning approval for the road. Once approval was received Kerry County Council contacted the Department requesting that funding be made available for the purchase of the lands required before a CPO process would be restarted. No response was received from the Department to the request.

Cllr. M. Cahill expressed his disappointment with the reply and said there was a meeting of Castlemaine Co-op recently and they want to secure a landing facility rather than a pier at Cromane. He asked that officials from the Council would meet with representatives of the Co-op with a view to preparing an application for funding for a landing facility. Cllr. Cahill said a special committee of the Council should be established to deal with coastal issues, fishing, tourism, etc.

Cllr. J. Healy Rae **SECONDED** the motion and said it is unfortunate that a pier will not be provided at Cromane. He also attended the meeting organised by Castlemaine Co-op and said in excess of €1m has already been spent on ground investigation but this work will be required anyway. The Co-op are looking for a landing facility and they have 2 options which would not require a CPO. Since the recent staff changes no staff member is available to liaise with this group and he requested that an official would be assigned to meet with them. It is wrong that these expensive boats do not have adequate facilities and he asked that the possibility of providing a landing facility at Cromane would be pursued and that local councillors would be involved. He suggested that the Municipal District Manager together with another official would meet with the group before or after the next Municipal District meeting.

22. Replacement of bulbs in street lights in the Greefields Estate, Furies

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

That emergency action be taken to replace the blown bulbs in all the street lights in the Greefields Estate, Furies. It is totally unacceptable that this new 40 house development has no working lights which is both a major health and safety and public safety issue for residents. There is a bond of €249,000 outstanding on this Estate. Who is responsible if an accident or an injury occurs because no lights are working, is it the Council, the bonds man, the banks or the developer.

The following report issued:

Planning Permission was granted in October 2005, for this mixed development consisting of retail units, 2 apartments, 47 houses, a community parkland & playground, and ancillary services, including a proprietary treatment system, to Philip O'Connor, Beaufort, Killarney, under planning reference 05/1018.

The applicants were conditioned to lodge a bond with the Planning Authority in the sum of €300,000 and this surety was provided by Euler Hermes Guarantee PLC, and submitted on the 24th February 2006. This bond was put in place to secure the satisfactory completion of roads footpaths, foul and surface water drainage, public lighting, playground and open spaces required in connection with the proposed development.

The Greenfield (Firies) Management Company was established under the provisions of Section 47 of the Planning and Development Act, 2000, for the on-going management and maintenance of the facilities in perpetuity.

The original bond was scheduled to expire on the 31st January 2011, but was subsequently extended to the 31st January 2012, to allow the developer complete outstanding works. Prior to the expiry of the bond, a visual inspection was carried out in September 2011, which identified a substantial number of defects to be addressed at an estimated cost of €249,019. This inspection did not include for any defects on the foul sewer or storm water network, and the developer was instructed to submit a detailed CCTV survey.

As the developer failed to complete the outstanding works prior to the expiry of the bond, the Council made a formal claim for the payment of €249,019, which was made without prejudice to claim further monies, in the event of the CCTV identifying defects in the storm water and foul sewer network. The bond value at the date of the claim was €357,114.

The CCTV surveys were submitted in June 2012, which identified significant defects in the foul sewer and storm water network.

Following submission of this claim, protracted discussions/meetings took place with the representatives of the surety provider, regarding the scope of required works etc. In these discussions the surety provider indicated that he intended to arrange for the works to be executed by an independent contractor, which was acceptable to the Council. However, we have been unsuccessful to date in securing either the completion of the works or payment of the bond.

We are now seeking legal advice on how best to progress this outstanding bond issue and the Council is anxious to get a satisfactory resolution as soon as possible.

Regrettably the Council cannot enter the site and complete the outstanding works until agreement is reached with the surety provider on payment of the monies sought. The responsibility for the maintenance and upkeep of the public lighting network is a matter for the Greenfield (Firies) Management Company, until the estate is satisfactorily completed in accordance with the conditions of planning and ultimately taken in charge by the Council.

Cllr. B. Cronin said that these issues have been outstanding for in excess of 5 years and they are no closer to a resolution now than in 2011. This is a new housing estate with 47 houses and a makeshift playground which never came to fruition. There are 22 lights in this estate but none of them are working and the estate is in darkness. Whatever lights were remaining were switched off as a management company had not paid the outstanding costs. As a result, families must be cautious when opening their doors at night or if they are travelling in or out of the estate. This is a health and safety risk. Early in 2011 Mr. J. Breen and Mr. D. Murphy met with the residents and outlined what was involved to draw down the Bond. It appears there is no solution to this problem and the reply states that the Council is seeking legal advice on how best to progress this outstanding Bond issue. He pointed out that the Council is taking advice for years yet a solution has not been identified. These property owners are paying Local Property Tax but they are in darkness. The Bond is valued between €250,000 and €350,000 yet the lights cannot be repaired. He asked whether the Legal Department has taken action to draw down the Bond or not. Residents have lost total faith in the planning authority and it was intended that the Bond would be in place to protect the home owners. He asked who would be liable if a woman fell and was injured in the estate by night.

Cllr. D. Quigg concurred with the views expressed by Cllr. Cronin and said there are a few estates in a similar position in Killorglin and one in Dingle. All these estates must be sorted out and he requested a meeting with the executive in the near future with a view to resolving these issues.

Mr. C. O'Sullivan said he shared member's frustration in relation to this estate and said it is not unique to Fries or Killorglin. It is very challenging dealing with some Bond Companies. The Bond for this estate, which is held by an English Bond Company and index linked, is valued at €350,000. Given the number of estates that the Council had to deal with they inspected the services over ground and requested CCTV footage of the underground services. A sum of €250,000 is required for the over ground service alone and there are issues in relation to the foul sewer. The Estates Unit is trying to go through huge volumes of CCTV footage to establish what work is required to be done. The Council is in negotiations with the Bond Company and has made a claim on the Bond. If this case goes to Court it will be a few years before the matter is resolved. Mr O'Sullivan undertook to revert to members on this case prior to the next Municipal District meeting.

23. Trans-Atlantic Trade and Investment Partnership (TTIP) EU-US trade agreement

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

That this Council write to the Minister for Jobs, Enterprise and Innovation noting ongoing concerns regarding the negative impact on Irish jobs, the environment, agriculture, regulation and public policy arising from the Trans-Atlantic Trade and Investment Partnership (TTIP) EU-US trade agreement. To ask that the Minister reconsider his support for the Investor-State Dispute Settlement (ISDS)

mechanism following publication of the findings of the European Commission's public consultation on TTIP which revealed 97% opposition to the inclusion of an ISDS clause, and that his official's forward a detailed update on the negotiations to the Council Members

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

Cllr. T. Ferris said people would not be aware of this International Trade Agreement and its impact but for the intervention of the Ombudsman Emily O'Reilly who wrote to Minister Bruton on it. Cllr. Ferris called on the Minister to revoke his call for the inclusion of the ISDS and also seeking greater transparency to ensure the best interests of the citizens.

Cllr. R. Beasley **SECONDED** the motion.

Cllr T Ferris said she had a union meeting at 4pm and she wished Michael McMahon well in his retirement.

24. Passing of the Road Traffic Amendment Bill 2015

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

That this Council, recognising the need for safety for children at play in the housing estates in which they live, calls on the Minister for Transport to pass the Road Traffic Amendment Bill 2015 commonly known as Jake's Law, in memory of Jake Brennan, in order to introduce a new mandatory speed limit of 20km specifically for housing estates. The Council further commits to writing the Minister on this issue and circulating this letter to all other local authorities in the state for their consideration.

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

Cllr. R. Beasley said this motion was submitted before the vote was taken in the Houses of the Oireachtas but it is none the less very relevant. The Government, while supporting the Bill, has passed it back to local authorities with Minister Donohoe saying it was at the discretion of Councils and he would not impose Jake's Law on them. As Jake Brennan's mother, Roseanne said, it is a question of money preventing the There is an onus on members to safeguard children and in memory of Jack to reduce speed limits in housing estates.

Cllr. M. Kennelly **SECONDED** the motion and said he referred to two Circulars received from the Department on this issue at the December Council meeting. He hoped something positive would come out of Jake's legacy and Jake's law.

25. Medicines such as EpiPens to be more readily available

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

That this Council support measures that would see prescription only medicines, like EpiPens be more readily available. Access to such drugs should be relaxed.

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

Cllr. D. Quigg said he was contacted by parents whose children have allergies to nuts. In 2013 Emma Sloan died on the streets in Dublin while her mother tried in vain to get an EpiPen as she did not have a prescription. If an EU law was passed the EpiPen could be made available to restaurants, schools etc. He asked that this issue would be brought to the attention of the European Parliament to ensure wider access to the EpiPen. Food allergies affect approx. 25% of the population and when a person has a reaction the EpiPen should be available.

The Cathaoirleach supported the motion but urged caution as an EpiPen contains adrenaline. It cannot be made freely available as it has consequences if not used appropriately. He works as a pharmacist and he knows how to deal with it and would make it available in certain circumstances provided someone carried a card.

26. N.C.T. Centre in Kenmare.

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

That Kerry County Council calls on both Mr. Pascal Donohue, T.D., Minister for Transport and the Road Safety Authority to locate an N.C.T. Driving Centre in Kenmare.

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

Cllr. D. McCarthy said there is a three month delay for the NCT and there is no test centre in South Kerry as this industry begins to grow a new facility is needed in Kenmare.

Cllr. J. Healy-Rae SECONDED the motion and said while there is an NCT test centre in Killarney the nearest DOE centre is Castleisland or Macroom.

27. Outline how Kerry County Council can also assist with the growth of tourism

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

Tourism in Kerry has benefited greatly by this Government's initiatives such as a reduced vat rate, abolition of travel tax, the extension of the PSO agreement at Kerry Airport, the Gathering and the Wild Atlantic Way, please outline how Kerry County Council can also assist.

The following report issued:

Kerry County Council has always recognised the importance of tourism to our County and in 2014 underpinned it's commitment to tourism with the establishment of a dedicated Tourism Development and Built Infrastructure Unit in 2014, lead by Ms. Joan McCarthy, Head of Tourism Development and Mr. John Griffin, Tourism Officer. The Unit comes under the Directorate of Job Creation and Sustainable Economic Development. The Unit is working closely with Fáilte Ireland, Tourism Ireland, the local tourism trade, Chambers of Commerce, Community Groups and Development Companies

to develop and progress tourism in the County. The Unit is committed to bringing projects to fruition (such as the development of iconic viewing points on the Wild Atlantic Way as detailed in John Griffin's presentation to the February Council Meeting) and to ensuring tourism receives the singular focus it deserves in the County.

The Unit, together with the Destination Kerry Tourism Forum (which represents all the key stakeholders and destinations in Kerry tourism) is formulating a five-year Tourism Strategy and Action Plan for the County, which will identify and prioritise development opportunities, leading to the enhancement of the tourism industry. The Steering Group for the Strategy intend to develop various working groups which will focus on key areas such as Adventure Tourism, Culture and Heritage, Education and Festivals and Events. Meetings will also be held throughout the County inviting local communities identify priorities for their areas. Council are also aware that the Municipal Funding includes a category for events and festivals and the Tourism Unit will work with festival organisers to ensure that all of these events are to a high standard.

Along with our partners the IPB and Failte Ireland, the Tourism Unit will once again this year manage the Diaspora Fund which has helped a large number of events in the County last year. The Unit is also working alongside our colleagues in the Capital Infrastructure Unit in progressing their tourism related projects such as the walks and cycleways throughout the County. Council should also note that the Management of The Tralee Bay Wetlands, The County Museum and Killarney Sports and Leisure Centre also comes within the remit of the Tourism Unit.

Cllr. P. Connor Scarteen thanked Ms. J. McCarthy and Mr. J. Griffin for their work in this area and said tourism and agriculture are the two most important industries in Kerry. Recent tourism initiatives include The Gathering and the Wild Atlantic Way which is very successful. However, Cllr Connor Scarteen expressed his disappointment that while Kerry County Council invested in the Cork Swansea Ferry it no longer operates. He asked if there was any possibility that this service would recommence. In conclusion Cllr. Connor Scarteen said from a tourism point of view By-passes are urgently required in Adare and Macroom.

Cllr. N. Kelleher said he was informed the Government were asked to retain the 9% rate of VAT, but it was pointed out that businesses in Dublin are taking advantage of it. The Government are now reconsidering this rate but, from a tourism point of view, it is imperative that it is retained.

28. Strengthening works at Incharee, Glenbeigh

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

I'm calling on the Council to do strengthening works at Incharee, Glenbeigh as a matter of urgency.

The following report issued:

Similar motions have been moved at both the South & West MD meetings and the Ordinary Council meetings, at which the Council advised that this is a private embankment, and given the potential costs involved, as well as the demands on our resources for the maintenance of public facilities, the Council is not in a position to fund these works.

However, given that the local community was advised by other national agencies that funding may be available from the OPW for repair works, the Council agreed to give technical assistance to the local community on the works that may be considered appropriate for funding under the OPW funding programmes.

The Council met with the local residents in late 2014, and it was identified that repairs to the sluice gates was their priority, to address any immediate risk of flooding in the area. Subsequent detailed examination of the sluice gates was required and this showed that the culverts, to which the sluice gates are affixed, are in a poor condition. The replacement of the sluice gates would represent a poor investment with any public monies, without also replacing these old stone culverts.

A detailed costing for the repair of these sluice gates has now been completed, which involves the construction of a temporary access road, removing and replacing the existing culverts and sluice gates and rebuilding the embankment over these culverts. The cost estimate is €92,430. A submission is now being made to the OPW, on behalf of the residents, seeking the funding identified for the works. The OPW have previously funded coastal protection works up to 90% of the project cost.

If successful in securing funding from the OPW, the Council can only carry out the works, subject to the agreement of the landowners, who have responsibility for its maintenance, that such works are to be executed on an agency basis and the Council will not accept responsibility for the future maintenance and upkeep of the embankment.

The balance of any monies required may be considered for funding under the Councillor Specific Municipal District Operations Fund, where the works are being undertaken by the council.

Cllr. J.F. Flynn said the works required at Incharee were estimated at €92,000 and he asked when it was anticipated that a response would be received on the application for funding. The OPW or Kerry County Council should be responsible for the maintenance of the embankment. All public bodies say that the landowners are responsible, even though the OPW were responsible for it up until a few years ago. He asked when Minister Harris would visit the county.

Cllr. M. Cahill supported the motion and said members were informed the Minister would be coming to the county in the next 2 weeks. He asked if Council officials would meet with the Minister to discuss their priorities and said members would

also like to meet with the Minister. There will be a number of high tides in the coming months and residents in this area are very concerned their homes will be flooded. Cllr. Cahill said a special Committee should be established to deal with coastal related issues.

Mr. C. O'Sullivan said the embankment is not council infrastructure and it is not responsible for the maintenance of it. At a previous meeting he gave a commitment that an official would meet with residents. At the meeting the residents indicated that their priority was to repair the sluice valves. It will be expensive to get to the valves as there is an old masonry culvert in place. The works will be substantial and a commitment was given that an application for funding would be made and the application would be submitted to the Department that week. If a positive response is received he would revert to members to identify where the balance of the funding will come from.

Mr. G. O'Brien informed members it has not yet been confirmed when the Minister will visit the County.

Cllr. J.F. Flynn said it was 5 months since Mr. Neary met with residents and it is only now the application for funding is being submitted.

The Chief Executive said this issue is ongoing for a long time and while the executive could have said this issue had nothing to do with Kerry County Council, they agreed to a meeting with the residents. She accepted that this is an issue of concern for this community and said every effort is being made to secure funding from the OPW for these works. If the application is successful it will be necessary to identify where the balance of the funding will come from. However, members must acknowledge the work done by the Council on this issue which is outside of their remit.

Cllr. M. Cahill said at one time the Land Commission was responsible for the maintenance of this embankment and when they were abolished all public bodies denied responsibility for it. It is now time that Kerry County Council sat down with the OPW to agree who is responsible for the maintenance of it. The residents of this area cannot afford to maintain the embankment and if a Government Department was responsible for it in the past they should be responsible for it now.

29. Call for the provision of an Autistic Unit in a secondary school in mid Kerry

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

That we as a Council would write to the Minister for Education to highlight the fact that there is no Autistic Unit or special class available in secondary schools in Mid Kerry which is available in national schools and to ask that the new school in Milltown would accommodate this.

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

Cllr. J. Healy-Rae said there are autistic units in national schools but no facility to continue this into secondary schools. As a new secondary school is being built in Milltown it provides an opportunity to include this service for the mid-Kerry area.

Cllr. J.F. Flynn SECONDED the motion and said he raised this issue in the past. Both Castlemaine and Cullina National Schools have autistic units, but there is no autism unit in a secondary school in Mid Kerry. There are a number of children with mild to moderate autism who need these facilities. An additional autism unit was sanctioned at Holycross National School in Killarney and while this is welcomed there are no facilities at second level in Mid Kerry.

Cllr. M. O'Shea said that the parents group hope to meet with the Minister for Education on this issue shortly.

30. Repair to the roads at Dromcarbin, Glenflesk and Shronedarragh

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

To ask Kerry County Council and the NRA again to repair bad lags on the Regional Road at Dromcarbin, Glenflesk and also the bad section at Shronedarragh before someone is killed or seriously injured.

The following report issued:

This motion was previously moved at Killarney Municipal District meeting, following which temporary works were carried out to this section of the regional road at Dromcarbin, Headford in December 2014. The entire road pavement needs to be resurfaced and it can be considered for inclusion in the 2015 Restoration Maintenance Programme. This programme will be developed with the Killarney MD members by the end of this month.

Cllr. D Healy Rae welcomed the reply and said while these roads are included in the Roads Programme, they will not be improved until 2016. That is not acceptable to him or to road users. This section of road is so bad he was concerned cars would be overturned. Emergency funding should be identified to improve this road before somebody is seriously injured or worse. A further 60 – 70m of this road at Shronedarragh is also in a very bad state. He accepted that it was patched but said it is still a disgrace that it must be left in its present condition for another year. This is the regional road joining the national secondary road to the national primary road and this is the road most people travel to Dublin. It is as busy as a national primary and national secondary road. He called for a response from the Director of Operations.

Cllr. J.J. Culloty SECONDED the motion and said this section of road is in an exceptionally bad state of repair. While he accepted it is on the Roads Programme there should be some flexibility to deviate from the Programme as issues arise. This is a short section of road that needs to be addressed immediately.

Cllr. N. Kelleher supported the motion and said a lag is a danger to traffic. In Calfmount there was a similar issue but locals erected two 8 x 4ft signs asking what Kerry County Council would do about the road and the road was repaired. A lag in road is a serious hazard and when it is a short section of road it should be repaired immediately.

In response, Mr C. O'Sullivan said while he empathised with members they must consider the level of funding received by the Council over the past number of years. Funding has been reduced by 25% to 30% over the past 4 or 5 years. He brought a report to Council in November or December which outlined the projected funding required to maintain roads to their present standard. The Department has acknowledged that in order to maintain roads at their present level twice the level of funding being provided would be required. It was agreed that if a road was in a particularly bad state it could be included on the Programme but another road would have to be removed. It is indicated that a further four-year programme will be announced by the end of this year and this road can be included at that time. There is almost 4000 km of local road in the county and the Council is working with a very limited budget.

Cllr. J.J. Culloty said he did not state a road should be removed from the Roads Programme but that there should be some way of facilitating the improvement of 60m of road that is particularly bad.

Cllr. D. Healy Rae said there should be emergency funding available and it is unfair to suggest a road should be taken off the Roads Programme to facilitate another road. That is not what he asked and he wanted to know if emergency funding could be accessed to improve roads such as the one mentioned in his motion.

Mr. C. O'Sullivan said by the end of the month he would have been to each of the Municipal Districts with the Roads Programme. While an application for funding can be submitted to the Department he knew the reply would not be favourable.

15.03.09.12 Correspondence – Conferences and Seminars

Mr. G. O'Brien informed the meeting a Circular was received from the Department specifically in relation to AILG Training Events and it suggested that it may be convenient for the Council to authorise attendance in block for all these training events on a programme basis rather than an individual event basis. A list of training events for the first 6 months of 2015 was circulated as the dates and venues are not finalised for the second half of the year. Members will no longer have to submit their names for approval and expenses will be paid to members whose names are on the signed attendance record.

- (a) On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. J.F. Flynn it was agreed to authorise the attendance of all members at the AILG In Service Training Module 2 on Local Economic Development – Role of Local Authority to be held in the Radisson Hotel, Limerick on the 18th April, 2015.

Cllr. D. Quigg was nominated to report back to Council on this event on behalf of all the members that attend.

- (b) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. N. Kelleher it was agreed to authorise the attendance of Cllrs. Brassil, Cahill, Connor-Scarteen, Finucane, Flynn, Kennelly, McCarthy, O'Connell, Purtill and Spring at the Irish Planning Institute 40th Anniversary National Planning Conference 2015 to be held in Cork City Hall from the 15th to the 17th April, 2015.

Cllr. Finucane was nominated to report back to Council on this event on behalf of all the members that attend.

- (c) On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllrs. Locke, D. Healy-Rae and J. Healy-Rae at the LAMA Spring Training Seminar to be held in Tuam on the 10th and 11th April, 2015.
- (d) On the PROPOSAL of Cllr. J.F. Flynn, SECONDED by Cllr. N. Kelleher it was agreed to authorise the attendance of Cllr. M. O'Shea at the AILG Second Annual Conference 2015 to be held in Carrickmacross, Co. Monaghan on the 12th and 13th March, 2015.

15.03.09.13 Briefing on the National Programme of Events to Mark the Centenary of the 1916 Easter Rising

On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. J.J. Culloty it was agreed to approve the attendance of the Cathaoirleach at the Briefing on the National Programme of Events to mark the Centenary of the 1916 Easter Rising held in Dublin on the 25th February, 2015.

15.03.09.14 Correspondence General

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

1.	Email from the Office of the Minister for Education and Skills in response to a resolution from Kerry County Council regarding the implementation of an educational programme with regards to alcohol and drug use for second and third level students.
2.	Email dated 9 th February, 2015 from the Office of the Minister for Environment, Community and Local Government in response to a resolution from Kerry County Council regarding NPPR.
3.	Letter dated 13 February, 2015 from the Office of the Minister for Health in response to a resolution from Kerry County Council regarding the registration fee for the Irish Nurses and Midwifery Board of Ireland.
4.	Letter dated 16 th February, 2015 from Killarney Rugby Club in response to a resolution from Kerry County Council regarding Ireland's bid to host the 2023 Rugby World Cup.

5.	Email dated 3 rd March, 2015 from the Office of the Minister for Finance in response to a resolution from Kerry County Council regarding the pension fund levy.
6.	Letter dated 11 th February, 2015 from Wicklow County Council regarding a resolution adopted by that authority supporting the National Association of Regional Game Councils in their request to be fully and meaningfully consulted by any changes made to the firearms licensing system.
7.	Letter dated 13 th February, 2015 from Limerick City & County Council regarding a resolution adopted by that authority calling on the Minister for Justice and the Minister for Children to investigate the alleged movement of sex offenders from Northern Ireland to the twenty-six county Republic and in particular Limerick City and County.
8.	Letter dated 13 th February, 2015 from Limerick City & County Council regarding a resolution adopted by that authority calling on the Minister for Environment, Community and Local Government to review the declaration of 'off the road' vehicles.
9.	Email dated 20 th February, 2015 from Fingal County Council regarding a resolution adopted by that authority calling on the Minister for Environment to remove the 15% limit on LPT.
10.	Letter dated 24 th February, 2015 from Offaly County Council condemning the targeting of the President of Ireland, Michael D. Higgins for any protests or demonstrations.
11.	Letter dated 25 th February, 2015 from Donegal County Council stating its support for the INMO in its campaign to have the crisis in all A&E Hospital Departments resolved.
12.	Letter dated 25 th February, 2015 from Donegal County Council calling for the establishment of a Rural Affairs Committee in Donegal to include farming, essential services and communications.

Cllr. D. Nolan commended Donegal County Council on establishing a Rural Affairs Committee and she asked that consideration would be given to doing this in Kerry. Such a Committee could focus on areas such as farming, rural Post Office, regional and local road network and population decline.

Cllr. D. Healy-Rae asked if a response was received from the Minister to the Council's request for a deputation to discuss funding for local and regional roads.

Mr. O'Brien said a response was not received.

Cllr. D. Healy-Rae asked that a further letter would issue to the Minister requesting that he would meet with a deputation from the Council on this issue.

Retirement of Mr. Michael McMahon

The Cathaoirleach said that was the Director of Services for Job Creation/Sustainable Economic Development last Council meeting as he is retiring shortly. It is appropriate that members would acknowledge his work and dedicated service over the past 40 years. Michael served as Town Clerk in Tralee Town

Council, as Tralee Town Manager and Director of Planning and he commands great respect from members and staff. He wished Michael well in his retirement.

Cllr. M. O'Shea said he was co-opted to the Council early in 1990 when Michael was in Planning. He immediately connected with him and he was always very helpful and friendly. There were times when planning was very controversial but Michael always gave solid advice. He will be a big loss to the organisation and he has a lifetime of knowledge. He wished Michael and his family the best for the future.

Cllr. J.J. Culloty said he wanted to be associated with the compliments paid to Michael. Michael was most helpful and he was very familiar with his brief. He was very approachable and the county is a better place as a result of Michael's 40 years service. Cllr. Culloty wished Michael well in his retirement.

Cllr. P. Connor-Scarteen wished Michael well in his retirement and said he was very helpful and very efficient.

Cllr. M. Cahill said he too wanted to be associated with the tributes to Michael. He thanked him for his friendship, advice and assistance down through the years. Michael had a great relationship with the members and that is appreciated. He wished him well for the future.

Cllr. N. Foley said she wanted to be associated with the words of commendation to Michael who has given 40 years of excellent service. In her career in politics Michael was always there and he had an encyclopaedic knowledge of the issues he dealt with. Oliver Goldsmith's poem the Deserted Village reads "*And still they gazed, and still the wonder grew, That one small head could carry all he knew*" and she said she often wondered how Michael knew all he did. He always kept himself up to-date and not only did he know his brief but he showed immense heart in dealing with individual cases. Michael served Kerry County Council and Tralee Town Council well but there is life after the Council. Cllr. Foley said she learned a great deal from Michael and she would miss him. She wished him and his family well in his retirement.

Cllr. G. Spring said while he was not long in the Council he observed Michael during the Special Planning Meetings on the review of the County Development Plan and he was very knowledgeable and helpful to members. He wished him well on his retirement.

Cllr. N. Kelleher said he wanted to be associated with the tributes to Michael. The review of the County Development Plan was a huge challenge but Michael's knowledge and input helped steer the process to a successful conclusion. He thanked Michael for his service and wished him well for the future.

Cllr. J. Moloney said while he was only in the Council a few months Michael was very courteous and helpful and had an in-depth knowledge of planning. He wished him the best for the future.

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Cllr. J. Healy-Rae said Michael was always fair and straight and while members might disagree with him in the Chamber it was forgotten once the meeting was over. It takes a lot of drive and determination to serve in one job for 40 years and it takes a lot of commitment to go through the County Development Plan process. Cllr. Healy-Rae wished Michael well in his retirement.

Cllr. D. McCarthy wished Michael and his family well in his retirement.

On behalf of the Sinn Féin party Cllr. D. Nolan said Michael's knowledge benefitted all councillors and she wished him well in his retirement.

The Cathaoirleach said Michael is a very humble man but the tributes paid by members are sincere. During his time in the Council he noted that during lengthy debates Michael took it all in and then replied with a measured response in accordance with planning law when he advised councillors what they were permitted to do. He wished Michael and his family well in his retirement.

On behalf of the staff the Chief Executive welcomed Michael's wife, Anne and daughter to the meeting. It was nice to hear elected members speak so highly of Michael and to see so many of the staff from the Planning Department present as they hold him in high esteem. Michael would be missed from the Senior Management Team and she valued his opinion and input. His advice was always solid and he was very knowledgeable. Michael has great pride in Tralee and he was involved in many transforming projects for the town. She would be sorry to see him retire but she wished him well for the future.

In response Mr. McMahon thanked members for their kind comments and said members were aware that he is very supportive of democracy. He has great respect for members and the work they do and it is only in recent years that they received payment for this work. Anyone is only as good as their staff and he was blessed to have worked with wonderful staff down through the years. He gave them direction and they did the work. Kerry County Council was a great employer and it paid for him to get two degrees and he was very thankful for that. However the best thing the Council gave him was his wife Anne and he met her in the Council 30 years ago and they will be married 28 years shortly. There were a lot of times when he was away from home for work but Anne was always there and he thanked her for that.

The meeting concluded at 4.45pm.

Gerard O'Brien
A/SEO Corporate Affairs

Cathaoirleach of Kerry County Council