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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 15 MEITHEAMH, 2015**

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

**IN ATTENDANCE/I LÁTHAIR**

Ms. M. Murrell, Chief Executive	Mr. J.D. Flynn, Dir. of Corp. Services
Mr. O. Ring, Director Water Services	Mr. J. Breen, Dir. Sust. Comm./Q of L
Mr. C. O'Sullivan, Dir. Ops., H & S	Ms. A. McAllen, Head of Finance
Mr. M. Lynch, A/Dir. Job Cr./Sust. E.D	Mr. M. O'Donoghue, SEO HR
Mr. P. Curry, SE NRDO	Mr. G. O'Brien, Meetings Administrator
Mr. T. Hayes, LEO Officer	Ms. K. Kennelly, Arts Officer
Ms. B. Reidy, SSO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs

The meeting commenced at 10.40am.

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

**15.06.15.01 Cathaoirleach's Report on the CPG Meeting**

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

**Item 1      Agenda for the June Council Meeting**

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

**Item 2      Update on the LCDC**

Mr. J. Breen informed the meeting the LCDC held its last meeting on the 11<sup>th</sup> May. Discussions have been ongoing with Local Development Companies regarding the LEADER Programme for 2015-2020. It is hoped that agreement can be reached that the LCDC would form the LAG (Local Action Group) for the development of a single strategy for the County. Significant progress has been made in this regard. The Public Consultation Phase of the LECP has commenced with a meeting held in Tralee last Thursday night. The next meeting is scheduled for the Listowel FRC at 7.30pm tonight. Submissions can be made in hard copy or to the online website: [lecp@kerrycoco.ie](mailto:lecp@kerrycoco.ie) and stakeholder consultations will also be held during the month of June.

**Item 3      Update on the Public Service Stability Agreement 2013 – 2018**

Mr. J.D. Flynn informed the meeting Public Sector Unions and Management have concluded an agreement which will provide for upward adjustments to pay . over three phases during 2016 and 2017. This agreement will be achieved through a combination of a partial reversal to pay cuts of recent years and also through adjustment of the public service pension levy.

The Agreement is now subject to ballot of their members by individual Unions before it can be ratified and implemented.

This Agreement if implemented could impact on the budgetary position of the Council in 2016 and 2017. In addition there are legacy commitments from the Haddington Road agreement which could also affect budgetary provision in 2017 and 2018.

In summary the effect on Budget arises in 2 distinct areas

- Gross Payroll . all increases in gross remuneration are paid for locally within Kerry County Council Budgets. Some of this may be absorbed within grant allocations.
- Pension Related Deduction . the income from PRD within Local Government is retained at local level as part of the overall funding model (adjustment were made to Local Government Fund to provide for this). Reductions to the PRD contributions rates could result in a net reduction in KCC income.

These issues will be factored into the work on Budget 2016 which has commenced.

Cllr. Beasley asked if the recruitment moratorium is still in place.

The Chief Executive said specific staffing sanction was received for Housing Capital delivery and the National Road Design Office in Castleisland. A meeting took place with the DoE on workforce planning and a decision on the outcome is awaited.

**Item 4 Update on the Housing Reps IT System**

Mr. J. Breen said a system will be in place shortly to deal with members representations on Housing.

The Chief Executive committed to assigning senior staff to deal with members representations and she stated that this would be given management priority given the issues identified.

Cllr. J. Sheahan asked when the houses in Killarney would commence.

Mr. Breen said it is hoped to go to tender in July and that construction would commence in September 2015.

**Item 5 Notices of Motion for Full Council**

Mr. G. O'Brien said this issue was discussed at the last two Council Meetings when members requested that the time for submitting notices of motion that do not relate to the business of Kerry County Council would be shortened. At present all motions must be submitted by 10am on the Monday two weeks prior to the Council meeting.

Following a discussion the CPG recommended that 10am on the Monday morning would be agreed as the deadline for receipt of all Notices of Motion.

**Item 6 Any other business**

**Tralee/Castleisland By-Passes**

The Chief Executive stated that the recommendation from the Conciliator on the Tralee and Castleisland By-Passes had been accepted by both parties and that it was both binding and confidential at this time. She stated that it was her view that the result represented a fair and reasonable outcome for Kerry County Council and that she was satisfied with the settlement.

**Housing Grant Allocations**

Mr. J. Breen informed members that the 2015 Housing Grants Allocation was received in the sum of " 1.788m and Kerry County Council must provide " 357,756 of this. This allocation is slightly down on the initial allocation received in 2014 but a top up allocation of " 0.25m was received later in the year. Mr. Breen undertook to pursue the Department for additional funds for these grants.

**Establishment of the Joint Policing Committee**

Mr. J. Breen stated the full membership of the JPC must be ratified by Council. However some nominations are still outstanding. It is hoped the full membership

can be ratified at the July Council Meeting and that the first meeting will be held at the end of July. In the past there were 4 JPCs in the county but now there is provision for one JPC for the entire county.

### **Meeting with the NRA**

Mr. G. O'Brien stated a report on the meeting with the NRA the previous day was circulated and it will be circulated to all members with the Cathaoirleach's Report on the CPG.

### **Civic Reception**

Mr. G. O'Brien informed the meeting the Cathaoirleach requested approval for the hosting of a Civic Reception for the Kerry Hurling Team who won the Christy Ring Cup and were promoted to Division 1B.

The CPG agreed that a Civic Reception would be held to honour the Kerry Hurling Team.+

Cllr. N. Kelleher stated Kerry has a population of 145,000 and received a Housing Grant allocation of " 1.788m while Mayo County Council received an allocation of " 4m. Minister Alan Kelly's home county of Tipperary received an allocation of " 4.8m while Wexford, which has a similar population to Kerry received " 1m more than Kerry. This is unacceptable and there is a large elderly population in Kerry.

Cllr. M. Gleeson PROPOSED that a Civic Reception would be held to honour the Kennedy Cup winning Team. He welcomed the new IT Representation system for councillors and he asked if a priority list of housing applicants could be provided to members. Cllr. Gleeson referred to the recent meeting with the NRA and said in Mr. Moran's response in relation to the Ballyvourney/Macroom By-Pass he stated funding was allocated for land purchase. However Cllr. Gleeson said he understood just " 4m has been allocated out of a total of " 18m that will be required. He asked if the balance of " 14m would be provided by the NRA.

Cllr. J.F. Flynn SECONDED Cllr. Gleeson's proposal that a Civic Reception would be held to honour the Kennedy Cup winning Team. In relation to the allocation for Housing Grants Cllr. Flynn asked if some of this funding will be allocated for the replacement of windows for the elderly.

Cllr. P. Daly stated that it is important that the Joint Policing Committee meets in July. He supported Cllr. Gleeson's proposal in relation to the hosting of a Civic Reception for the Kennedy Cup winners and added that this is a huge achievement and it is the first time a Kerry Team has won the Cup.

The Cathaoirleach informed the meeting that prior to the meeting Cllrs. Flynn and Daly approached him regarding the hosting of a Civic Reception for the Kennedy

Cup winning Team and he advised them that the correct procedure was that a request would be submitted to the CPG for consideration.

Cllr. D. Healy-Rae referred to the LCDC and expressed concern that just one LAG (Local Action Group) would be formed for the development of a single strategy for the County. He asked how this would impact on development companies. The Cathaoirleach's Report states that some of the cost of salary increases will be met from grant allocations and he asked if that refers to road grants. Cllr. Healy-Rae asked how many houses would be built in Killarney. Notification of grant allocations was received in June this year while it was received much earlier in previous years. These grants are very beneficial to the elderly as they allow them to spend the final days of their lives in comfort at home. Cllr. Healy-Rae asked that a letter would issue to the Minister calling on him to ensure these allocations issue much earlier in the year in future. Cllr. Healy-Rae also referred to the recent meeting with the NRA when Mr. Moran said he hoped there would be progress on the Adare and Macroom By-Passes in the next decade and he asked that progress would be made much sooner.

Cllr. T. Ferris supported the proposal that a Civic Reception would be held for the Kerry Hurling Team and requested that those who supported the development of hurling in the county down through the years, i.e. Maurice Leahy would also be honoured at that time. She agreed that a meeting of the JPC should be held before the end of July. Cllr. Ferris noted the late notification of the Housing Grants Allocation but she acknowledged the excellent work done by Mr. Breen and his team in dealing with these applications. Cllr. Ferris expressed her disappointment as a tax payer that the recommendation from the Conciliator on the Tralee and Castleisland By-Passes is confidential. She asked if the sub-contractors that worked on the By-Passes were paid and said in future the Council should pay the main contractor only when sub-contractors have been paid. Cllr. Ferris asked the Chief Executive to confirm this would be the case and when will the public be informed of the amount to be paid to this contractor.

Cllr. J. Healy-Rae asked has LEADER funding been allocated by the Department. If it has what is the delay in the issue of grants to applicants. He asked if an application was submitted previously to a local development company and approved must they now reapply or will they get priority. Cllr. Healy-Rae referred to the Housing Grant Allocations and said two years ago the Kerry allocation was cut by 56% while in 2014 it rose by 3%. This allocation is very disappointing and the average grant is between " 2,000 and " 3,000. Cllr. Healy-Rae referred to the proposed pay increase for staff and asked what grades this increase will apply to. The numbers of outdoor staff have been decimated over the past few years and the present staff compliment cannot cope with the workload. He asked at a minimum that 50% of the staff that left since 2008 would be replaced. In one area 14 staff retired and it is very frustrating for councillors that they were not replaced. The Macroom By-Pass is urgently

required as people travel to work in Cork daily from Kerry and it is unacceptable to say that this road will be progressed in the next decade.

The Cathaoirleach stated at the meeting with the NRA members were not informed the Adare and Macroom By-Passes would be progressed in the next decade. However, they were informed that there would be an announcement shortly in relation to the next Investment Programme and it is hoped Macroom will be included on that Programme.

Cllr. N. Moriarty asked if Gateway participants will be invited to apply for jobs in the Council as they arise.

Cllr. N. Foley requested that the allocation of Housing Grants would be reviewed nationally and stated that it should be based on need rather than geographic location. The application process is very stringent and she acknowledged the superb work done in processing applications by the staff in the Housing Department. While the grants allocated by Kerry County Council maybe small they have a very positive impact on the lives of the recipients. Cllr. Foley PROPOSED that a letter would issue to the Minister for Environment, Community and Local Government calling for a review of the allocations by his Department. She also asked that the timing of the allocations would be more effective and streamlined.

Cllr. J.J. Culloty concurred with the views expressed by Cllr. Foley and SECONDED her proposal calling for a review of grant allocations. Cllr. Culloty expressed his disappointment at the Housing Grants Allocation but he complimented the staff in the Housing Department for the efficient way they deal with grant applications. Cllr. Culloty asked that outdoor staff would be recruited to replace the staff that retired over the past few years. The importance of a By-Pass for Macroom cannot be over stated and he called on the NRA to ensure this road scheme is given priority. In conclusion Cllr. Culloty congratulated the Kennedy Cup winning Team.

Cllr. B. O'Connell asked when members will be informed of the additional cost involved in the Tralee and Castleisland By-Passes and he asked if the sub-contractors will now be paid. He welcomed the Housing Grants Allocation and reminded members that Kerry County Council recently got the highest capital housing allocation outside of Dublin.

Cllr. S. Fitzgerald requested that a more detailed briefing would be given to members on the LCDC and he asked when the new LAG would come into operation. He concurred with the comments made by the Cathaoirleach in relation to the Macroom By-Pass.

Cllr. D. Quigg stated he was aware of 3 or 4 applicants who are still awaiting allocations. He visited these applicants and could not understand how they are

still outstanding and he asked that these cases would be reviewed. Cllr. Quigg concurred with the views expressed by previous speakers in relation to the payment of subcontractors for the Tralee and Castleisland By-Passes. Cllr. P. McCarthy asked what the criteria is for a Design and Build contract. The allocation of funding under the Housing Grant Schemes should be based on population and specific need.

Cllr. S. Locke stated that the Housing Grant Allocation is inadequate and he hoped additional funding could be secured to address the large number of applications received. He referred to the funding of " 62m allocated under the Social Housing Strategy 2015, 2016 and 2017 and asked if some of this funding would be utilised to refurbish vacant houses and when will this work commence. Cllr. Locke requested that a meeting of the JPC would be held in the near future.

Cllr. B. Cronin concurred with the views expressed by previous speakers in relation to the LCDC. In relation to LEADER funding he understood no project received funding yet in 2015 and this is a cause for concern. He asked what the delay is with the funding and said it must be resolved sooner rather than later. Cllr. Cronin referred to the proposal that the Council would purchase houses and said he was aware of property owners who wrote to the Council applying to have their property purchased but they did not receive a reply. He asked what the timeframe is for the purchase of houses and how many applications were received. The present method of allocating Housing Grant funding by the Department is unacceptable and the funding received over the past few years has decreased by 50%. Mayo has a similar population to Kerry yet it appears the counties that have a Minister get a larger allocation. These grants transform the lives of the applicants and he commended the staff in the Housing Department for the efficient way they process these applications. Cllr. Cronin requested clarification on the provision of emergency accommodation in Killarney as he understood from media reports that a family was living in a car. In conclusion Cllr. Cronin said he wanted to get information regarding a former Killarney Town Council house but with the abolition of the Town Council he was experiencing difficulty in getting this information for the family concerned.

Cllr. M. O'Shea commended all the staff involved in the administration of the Housing Grant Schemes and he asked how much of the " 1.788m is already allocated. He asked if the panels for outdoor workers are still in place or will positions be advertised in the near future. Cllr. O'Shea said access to Killorglin is a problem and he requested that the NRA would be asked to provide funding for a By-Pass for the town. The lack of a proper access is hindering development in South Kerry.

Cllr. G. Spring asked the officials what the NRA said regarding the Macroom By-Pass at the recent meeting as he believed the meeting was misrepresented and he wanted clarification on it.

Cllr. D. Grady emphasised the urgent need to commence construction of the houses at Chestnut Drive in Killarney as soon as possible and he expressed concern at the level of funding received for Housing Grants.

The Chief Executive stated that the Council received notification of LEADER funding for 2015. The LCDC held a number of meetings with the local development companies and have signed off on funding on the SICAP Programme. The three Local Development Companies have submitted expressions of interest in respect of forming Leader local action groups as has the LCDC. The LCDC have facilitated negotiations with the companies to secure agreement in developing a County Strategy for the delivery of Leader. It is important to ensure that the County Strategy is prepared as quickly as possible to release Leader funding for projects that are ready to proceed.

The Chief Executive agreed with members that it would be preferable if the Housing Grants allocation was received earlier in the year but members provided funding in the Budget and an application for additional funding will be submitted to the Department. She then referred to the recommendation of the Conciliator on the Tralee and Castleisland By-Passes and said she sought external legal advice and she was informed the agreement is confidential. This confidentiality does not extend to the Local Government Auditor or the Comptroller and Auditor General. The additional costs involved will be funding by the NRA and will not impact on the finances of the Council. The Chief Executive stated that she is satisfied with the outcome and while she understood members concerns for the subcontractors in accordance with legislation that is a matter for the contractor.

The Chief Executive referred members to Mr. O'Sullivan's report on the meeting with the NRA which was attached to the Cathaoirleach's Report. It was her understanding that there are positive indications the contract for the Macroom By-Pass will be bundled with the Dunkettle Interchange. The allocation already announced for the Macroom By-Pass allows the land purchase to commence. There is a panel for General Operatives but this work is seasonal. Approval was received for the construction of 20 houses in Killarney and they will commence in the coming months. Kerry County Council has a very good 24/7 Homeless Service and all members were given the contact number for it. If members cannot access that number they can contact John Breen or Kathleen Moriarty.

Mr. J. Breen informed the meeting that 20 houses will be constructed in Killarney. Notification of the Housing Grants Allocation is normally received in March but it was late this year. To-date " 900,000 has been allocated based on applications on hand. He thanked the members for their compliments for the staff involved in processing grant applications and he assured them he would pursue additional funding from the Department. Mr. Breen referred to Cllr. Cronin's query regarding the purchase of houses by the Council and said additional staff resources will be assigned to this area from 1<sup>st</sup> July. Mr. Breen undertook to follow up on the information requested by Cllr. Cronin in relation to a former Killarney Town Council house.



Cllr. J.F. Flynn requested a breakdown of the houses to be purchased in Tralee, Killarney and Killorglin. Of the 24 houses to be provided for people with a disability 12 will be in Killarney and 12 in Tralee. Cllr. Flynn pointed out that there are a few housing applicants in Killorglin that have a disability.

Cllr. M. Gleeson asked if Mr. Moran gave a timeframe for the allocation of the remainder of the funding for the acquisition of land for the Macroom By-Pass. He asked if members could get a copy of the housing priority list.

Cllr. D. Grady said there were problems recently with the homeless service in Killarney. He outlined three cases to the Housing Officer and he emailed the details to Mr. Breen also. Cllr. Grady said he was not satisfied with the level of service given to these families.

Cllr. D. Healy-Rae said during the recession he suggested that the Council should buy cheap houses but property prices have now increased.

Mr. J. Breen referred to the Social Housing Strategy and stated that a report was presented to the April meeting at which time it was agreed quarterly updates would be given to members. A prioritised housing list is not available as all relevant applicants are assessed when houses are being allocated.

Mr. C. O'Sullivan referred to the Macroom By-Pass and said based on historic experience the initial allocation allows the purchase of land to proceed and once it has commenced it is likely the NRA will provide the balance of the funding required. There is legal provision for the acquisition of land by CPO but this is a complex process. The NRA is considering bundling the contract for the Macroom By-Pass with the contract for the Dunkettle Interchange as a PPP. An announcement on Capital Funding is awaited from the Government and it is hoped the Macroom By-Pass will be included. Mr. O'Sullivan referred to Cllr. McCarthy's query on a Design and Build project and said this is complex but the contractor tenders to design and build the project. Claims can still arise if additional unforeseen works arise. A cycleway was added to the Castleisland By-Pass at a later date and a resolution process is in place to deal with any additional unforeseen costs.

#### **15.06.15.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. S. Locke it was resolved that the Minutes of the May Ordinary Meeting of Kerry County Council held on the 18<sup>th</sup> May, 2015 be confirmed.

#### **15.06.15.03 Chief Executive's Report**

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

### **%Introduction**

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

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

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

The attached report has been prepared for the June 2015 Council Meeting.

### **Financial Position**

As agreed with the Members, a Financial Report for Members will be provided on a quarterly basis in line with the Quarterly Reporting Process for Income and Expenditure already in place to the Department of Environment, Community & Local Government. The attached Financial Report outlines the position at the 31<sup>st</sup> March 2015.

### **Operation / Progress on the LCDC**

The Local Community Development Committees (LCDC) convened its last meeting on Monday 11<sup>th</sup> May, and this was reported on at the May meeting.

In the interim discussions have been ongoing with the Local Development Companies regarding the Leader programme for the period 2015-2020.

Discussions have centred around the LCDC forming the Local Action Group for the county and the development of a single Leader strategy for Kerry. This strategy will guide the Leader programme for the period 2015-2020. Significant progress has been made in this regard.

### **Public Participation Network**

As outlined previously, the formal PPN structure is now in place. The Secretariat has been involved in the 1916 Commemoration Consultation and assisted at

meetings, encouraged attendance and utilised the PPN network to highlight and publicise the events.

The PPN has now selected the permanent membership for the LCDC through an agreed postal voting system.

### **Local Economic & Community Plan**

The preparation of the Local Economic & Community Plan has completed its first phase with the adoption of the socio-economic statement for the County by both the Economic Development & Enterprise SPC and the Local Community Development Committee.

The draft strategic economic and community goals have also been adopted and the public consultation phase has now commenced and will continue until the 30<sup>th</sup> June. Public meetings will be held in each of the Municipal District areas, commencing with Tralee on Thursday 4<sup>th</sup> June.

There will also be stakeholder events hosted during the public consultation period, targeting strategic interests to ensure the widest possible buy in to the overall process and the subsequent success of the plan. Submissions can be made either in hardcopy or through our online website ([lecp@kerrycoco.ie](mailto:lecp@kerrycoco.ie)).

### **Report on County Kerry Pilot Diaspora Launch, 25<sup>th</sup> May 2015**

In March 2015, Minister Jimmy Deenihan, Minister for the Diaspora launched 'Global Irish+, Ireland's Diaspora Policy'.

This is the first clear statement of the Government of Ireland on the Diaspora which recognises that Ireland has a unique and important relationship with its Diaspora which must be nurtured and developed.

(<https://www.dfa.ie/media/globalirish/Diaspora-Report.pdf>).

This statement also identifies the Local Authority as having a prime role in supporting the linkage process through a dedicated contact point in the Local Enterprise Offices.

On 25<sup>th</sup> May 2015, Minister Deenihan launched the national pilot in County Kerry and emphasised the role of the Kerry County Council Local Enterprise Office as a point of contact for the Kerry Diaspora.

Kerry Diaspora links have been established through the development of a LinkedIn network. [www.linkedin.com](http://www.linkedin.com).

318 members of the Kerry Diaspora have signed up to date largely through the work of Diaspora volunteers and it is hoped to extend and build on this initiative.

## **Kerry Local Enterprise Office**

### **Grant Approvals**

22 projects have been approved a total of " 303,625 in funding to assist these businesses grow their employment to 58 full time and 19 part time jobs. This represents a net increase of 22 full time and 7 part time jobs and assists the retention of 36 full time and 12 part time jobs.

### **Online Trading Vouchers**

This funding scheme supports businesses trading more than 12 months to develop online sales and e-commerce development. 62 projects have been assessed and 45 projects have been approved. An additional business briefing on the scheme was held on 3<sup>rd</sup> June with 42 attendees.

### **Training Supports Overview**

The Kerry County Council LEO has completed its Spring series of programmes. Programmes are scheduled over the June/July period in social media and business bootcamps. Full details are available on [www.kerrylocalenterprise.ie/kerry](http://www.kerrylocalenterprise.ie/kerry).

### **Business Mentor Assignments**

62 businesses have been assigned specialist mentors to support and advise the businesses. Each client receives 5 hours face time and back up support with the specialist mentor.

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

Ireland's Best Young Entrepreneur programme was launched on 27<sup>th</sup> May. This programme will be rolled out in County Kerry over the next two months with a closing date of 31<sup>st</sup> July. Prize money of " 50,000 will be available to the three successful Kerry participants who will attend a rigorous bootcamp and interview process to select the winners.

### **Food Programme**

The Food Academy Programme commenced in mid May with 16 participants. This programme is delivered in association with Bórd Bia and Musgraves. Many of the participants will also feature in the Cork/Kerry Food Forum event.

### **FUSE Programme**

On the 20<sup>th</sup> May, Kerry County Council facilitated the Design and Crafts Council of Ireland in a series of workshops and clinics. Over 40 individual craft producers attended sessions in market identification, new product design and development and online sales.

### **Action Plan for Jobs - Regional**

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The office has been closely engaged in the preparation of the County Kerry submission as part of the Action Plan for Jobs - Regional. Work is ongoing in this regard.

**Financial  
Report**

**Kerry County Council**

**1. Major Expenditure & Income by Division with 2015 Adopted Budget.**

**Date as at end of Quarter 1 (March 2015) in accordance with EU/IMF return on Expenditure and Income made to DOECLG on 25/5/2015.**

Service Division	Description	EXPENDITURE				INCOME			
		Total Exp. to date	Budget	Budget Remaining	% Budget Spent to date	Total Inc. to date	Budget	Not Rec'd	% Rec'd
		2015	2015	2015	2015	2015	2015	2015	2015
A	Housing and Building	5,404,246	21,790,725	16,386,479	25%	4,480,927	21,049,205	16,568,278	21%
B	Road Transport & Safety								
C	Water Services	5,823,649	32,378,339	26,554,690	18%	2,803,273	19,362,246	16,558,973	14%
D	Development Management	3,012,695	15,719,900	12,707,205	19%	2,875,651	14,711,472	11,835,821	20%
E	Environmental Services	2,081,488	9,504,297	7,422,809	22%	524,959	2,266,038	1,741,079	23%
F	Recreation and Amenity	3,760,788	16,480,512	12,719,724	23%	746,409	3,486,311	2,739,902	21%
		1,678,048	7,809,521	6,131,473	21%	150,076	639,517	489,441	23%

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G	Agriculture, Education, Health & Welfare								
		1,175,991	3,830,844	2,654,853	31%	829,465	2,950,204	2,120,739	28%
H	Miscellaneous Services								
		3,879,007	16,339,939	12,460,932	24%	584,263	3,860,685	3,276,422	15%
	Local Government Fund/General Purpose Grant								
						2,914,796	11,659,186	8,744,390	25%
	Pension Levy					627,863	2,700,000	2,072,137	23%
	Rates					10,316,351	41,169,213	30,852,862	25%
<b>Grand Total</b>		<b>26,815,912</b>	<b>123,854,077</b>	<b>97,038,165</b>	<b>22%</b>	<b>26,854,033</b>	<b>123,854,077</b>	<b>97,000,044</b>	<b>22%</b>

## 2. Performance of Local Authority Revenue Collection Levels.

Major Sources of  
Revenue Income -  
Collection levels as  
at 30/4/2015.

	<b>Total for Collection</b>	<b>Collected</b>	<b>Arrears @ 30/04/2015</b>	<b>% Collected</b>
<b>Commercial Rates</b>	50,098,402	7,457,423	42,640,979	15%
<i>Total Collectable - Full year accrual plus Arrears Rate demands issued on 13th March 2015</i>				
<b>Rents</b>	4,304,819	3,641,070	663,749	85%
<b>Loans</b>	661,659	383,080	278,579	58%
<i>Rents and Loans: Total Collectable - Year to date accrual plus arrears</i>				

## 3. Recourse to Overdraft Facility.

None

## 4. Emergency Capital works not provided for in the Budget

None



Cllr. D. Grady asked if there are arrears of " 32m for commercial rates.

Mr. A. McAllen said the report circulated represents the financial position as at 30<sup>th</sup> April. The rate demands only issued recently and substantial progress will be made in the collection of rates in the coming months. The figure includes accruals for 2015 and arrears from 2014.

Cllr. D. Grady asked what the total arrears figure for rates is.

Ms. McAllen said it was " 9m at the start of 2015.

The Chief Executive pointed out that the arrears figure includes the accruals for 2015.

Cllr. N. Kelleher said some of the figures in the report were illegible and he asked that this would be rectified in future reports.

#### **15.06.15.04 Disposal of Property**

On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. B. O'Connell it was agreed to authorise the disposal of land comprising of 2 no. plots measuring 0.131 hectares (0.325 acres) and 0.032 hectares (0.080 acres) in area, in the townlands of Rockfield and Maglass West in the DED of Nohaval, County Kerry to *(Name withheld for data protection purposes. A paper copy of unedited Minutes available on request)* in accordance with the terms of notice issued 3<sup>rd</sup> June, 2015 pursuant to Section 183 of the Local Government Act, 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

#### **15.06.15.05 Adoption of the Kerry County Council Annual Report 2014**

Mr. J.D. Flynn referred members to the Kerry County Council Annual Report 2014 which was circulated and said the Draft was considered at the May meeting and it was now before Council for formal adoption.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. N. Kelleher it was unanimously agreed to adopt the Kerry County Council Annual Report 2014 in accordance with Section 221 of the Local Government Act 2001 as amended.

#### **15.06.15.06 Student Grant Scheme 2015**

Mr. J.D. Flynn referred members to his report dated 9<sup>th</sup> June, 2015 on this item which was circulated together with the Student Grant Scheme 2015.

The Cathaoirleach stated that Notices of Motion Nos. 14 and 27 would be taken with that item.

**14. Call for a review of the Higher Level Education Grant System**

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

That Kerry County Council ask the Minister for Education and Skills to review the Higher Level Education Grant System to make an allowance value, similar to that for more than one student in a household, for those students from peripheral regions who have NO choice but to relocate and rent in order to pursue areas of study which are not available to them within a commuting distance.

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

Cllr. D. Nolan stated no provision is made in the Student Grant Scheme for students who must travel away from home to study. They must incur travel and accommodation costs and an allowance should be made in the Scheme for these expenses. She requested that the motion would be referred to the Minister for Education for consideration.

**27. Call for a review of the income level for the top-up in the Higher Education Grant Scheme**

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

That Kerry County Council ask the Minister for Education and Skills to review the income level for the rate of Top - Up Higher and Further Education Grant as enforced "activation measures" by the Department of Social Protection appear to be pushing vulnerable households over the current threshold.

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

Cllr. D. Nolan stated if a student is on a Gateway Scheme they lose the top up grant therefore there is no incentive for them to work. She requested that the motion would be forwarded to the Minister for Education and Skills for consideration.

Cllr. R. Beasley SECONDED these motions.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. J. Brassil it was agreed to note the Student Grant Scheme 2015.

**15.06.15.07 Report on the operations and activities of LAMA**

It was agreed to note Cllr. B. O'Connell's written report on the operations and activities of LAMA which was circulated.

**15.06.15.08 Summary of Proceedings at Conferences/Seminars/Training events**

- (a) It was agreed to note Cllr. G. Spring's written report on the Sustainable Tourism Development Seminar held in Galway on the 20<sup>th</sup> & 21<sup>st</sup> February, 2015 which was circulated.
- (b) It was agreed to note Cllr. T. Ferris's written report on the Crime Prevention and Community Safety Seminar held in Galway on the 8<sup>th</sup> & 9<sup>th</sup> May, 2015 which was circulated.

**15.06.15.10 Approval for the opening of Tenders**

- (a) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. S. Fitzgerald it was agreed to approve the opening of tenders for Improvement works to Davy's Lane and Deane's Lane, Tralee . Closing date: Tuesday 9<sup>th</sup> June, 2015 at 3pm.
- (b) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. O'Shea it was agreed to approve the opening of tenders for the N86 Lispolie to Ballynasare Lower & Ballygarret to Camp Road Improvement Scheme . Land & Property Valuation Services . Closing date: Tuesday 16<sup>th</sup> June, 2015 at 4pm.
- (c) On the PROPOSAL of Cllr. D. Grady, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of tenders for Upgrade of Microsoft Exchange 2003 System . Closing date: Monday 22<sup>nd</sup> June, 2015 at 2pm.
- (d) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. S. Fitzgerald it was agreed to approve the opening of tenders for Upgrade of Microsoft SQL Database Software Licenses . Closing date: Thursday 25<sup>th</sup> June, 2015 at 2pm.
- (e) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J. Healy-Rae it was agreed to approve the opening of tenders for the N70 Sneem to Blackwater Bridge Road Improvement Scheme . Engineering Consultancy Services . Closing date: Wednesday 1<sup>st</sup> July, 2015 at 4pm.
- (f) On the PROPOSAL of Cllr. P. Daly, SECONDED by Cllr. S. Locke it was agreed to approve the opening of tenders for Mitchels . Boherbee Regeneration Plan . Environmental Works and Services Upgrades Phase 1A Mitchels Avenue & Mitchels Court, Tralee, Co. Kerry . Closing date: Friday 19<sup>th</sup> June, 2015 at 12 noon.

- (g) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen it was agreed to approve the opening of tenders for the Supply, Installation and Commissioning of pipe network and ancillary works on Dawros Group Water Scheme at Cumeen, Dawros, Kenmare . Closing date: Thursday 2<sup>nd</sup> July, 2015 at 4pm.

#### **15.06.15.11 Notices of Motion**

##### **1. Assignment of staff member to deal with Tidy Towns Groups**

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

That the C.E.O. would give favourable consideration to deploying a member of Council staff as a full time Liaison Officer and advisor to the thirty five [35] or more Tidy Towns and Villages groups in the County. The contribution of these groups to the overall welfare of Kerry is enormous and they are deserving of every possible support and guidance from a person with empathy and expertise.

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

**The Council has significant involvement with tidy towns groups throughout the county. The primary points of contact are through the work of Micheál Ó Coileáin of the Environment Section, the recently appointed Municipal District Officers and the staff of the area offices.**

**Micheál Ó Coileáin of the Environment Section organises an event at the beginning of each Tidy Towns season with a national adjudicator to guide groups on how to prepare for the competition and what areas to put primary focus on. This year's event supported by the Community Section also dealt with governance issues for the groups involved.**

**In September each year there is a follow up Seminar reflecting on the lessons learnt and a walk through different areas can be arranged with the results to hand.**

**The Municipal District Officers are an important additional resource at municipal level to meet with local groups, establish their needs and co-ordinate work programmes with the municipal operations staff. This point of contact will supplement the existing strong relationships that exist between many Tidy Towns groups and the engineering staff at area level. Local area offices work on an ongoing basis with Tidy Towns groups developing plans, and carrying out works on the ground.**

**This relationship is very beneficial for both the Council and the local groups. Tidy Towns groups are also associated with the Public Participation Network and have strong links to the Community Department through this network and the various annual competitions, Pride of Place events and Community Grants.**

Cllr. M. Gleeson said while he welcomed the reply it did not specifically address what he asked for. He has very high regard for those working in the public service especially Micheál Ó Coileáin but he is aware that he is already very busy. If the word ~~Metamorphosis~~ has any relevance in an environmental context then it must most assuredly refer to the change that has taken place in the county from a cleanliness perspective over the last twenty years or so. The endless stretches of heavily littered roadsides and filthy streets have virtually disappeared. Perfection is not yet at hand but the rate of progress has quite simply been magnificent.

The outdoor Council staff continue to do wonderful work and to have great pride in that work. We are grateful for their commitment and pride. But the major reason for the ever-improving appearance of Kerry is due to the voluntary and untiring efforts of Tidy Towns and Villages groups. It is most gratifying to note that the number of groups continues to grow. The previous week he was listening to a programme on energy conservation in which an t-Uasal Ó Coileáin took part. Time constraints may have prevented those involved from saying that the work of the Tidy Towns and Villages groups save the Council tens of thousands of Euro by their cleaning the roadsides, streets and river banks. But there is much work involved in organising a local committee and in preparing the annual submission. To date they have mostly been done by trial and error and by receiving guidance and assistance from established groups in other locations. The creation of a full time Liaison Officer would act as an encouragement to new areas to become involved and would also help with ensuring that existing groups would not only continue but grow in numbers and in vitality. In conclusion, Cllr. Gleeson PROPOSED that the Chief Executive would consider appointing a member of staff to deal with Tidy Towns and Village groups.

Cllr. B. O'Connell SECONDED this proposal and the motion and said all members are aware of the tremendous work done by Tidy Towns Committees. He complimented the Housing Liaison Officer who assists residents associations in local authority estates. Cllr. O'Connell emphasised the importance of having a staff member to co-ordinate all Tidy Towns groups in the county.

The Chief Executive said two Municipal District Officers have been appointed. One of their principal roles is to aid and develop community groups and this includes Tidy Towns groups. The Municipal District Manager holds monthly meetings with the senior staff in their Municipal District to review and plan work in all areas of the MD. Supporting Tidy Towns groups is a priority for the Council and the Municipal District Manager co-ordinates that work.

## **2. Clarification from RTE on 'Room to Improve'**

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

That Kerry County Council seek information from RTÉ Programme Managers in respect of the programme "Room To Improve" as to why no reference is made during the programmes to the planning system.

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

Cllr. P. McCarthy stated he watched a number of these programmes and in the programme aired on the 19<sup>th</sup> December 2014 he could not recall any reference to the planning system. On that occasion two alterations were made to the build but there was no reference to the need for planning. However subsequent programmes did refer to the need to apply for planning. It is very important that RTE ensures that reference is made to the need to apply for planning and the timescale involved.

Cllr. S. Fitzgerald SECONDED the motion.

### **3. Reinstatement of the National Treatment Purchase Fund**

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

That we write to the Minister for Health and ask that the National Treatment Purchase Fund be reinstated fully to alleviate delays and clear waiting lists for many essential medical operations, for example there are currently in excess of 1,400 people waiting over 12 months for procedures like cataract operations.

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

Cllr. N. Moriarty said 1,772 patients are waiting for ophthalmology and the need for the re-introduction of the Treatment Purchase Fund is evident.

Cllr. D. Grady SECONDED the motion.

The Cathaoirleach also supported the motion and said people are waiting 3 years for cataract surgery.

### **4. Funding to dredge Dingle Harbour**

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

To call on the Department of the Marine to provide funding to dredge the Dingle Harbour.

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

Cllr. S. Fitzgerald called on the Department of the Marine to provide funding to dredge Dingle Harbour. Fortunately over the past 15 to 20 years there was substantial investment in the infrastructure at the Harbour but the next step must be to deepen the channel into the Harbour. A local quarry has secured a contract to supply an English company with 30,000 tonnes of stone but the boat can only access the Harbour at high tide and must again wait for high tide to depart. Passengers on cruise ships that come to West Kerry must disembark outside the entrance to the Harbour but if the channel was deepened these ships could dock in the Harbour.

Cllr. P. Connor-Scarteen **SECONDED** the motion and said Dingle is one of the most important fishing ports in the county. Many leisure craft also visit Dingle Marina.

Cllr. M. O'Shea stated it is vital that funding is provided to dredge Dingle Harbour and he **PROPOSED** that a request would be forwarded to the Minister for the Marine to meet with a deputation from Kerry County Council to discuss this issue.

## **5. Support for the work of Irish Seed Savers**

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

That this Council supports the work of Irish Seed Savers and encourages communities to become part of the seed saving movement.

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

Cllr. T. Ferris said the Irish Seed Savers Association was established in 1991 by Anita Hayes in Carlow. They have created the Native Apple Collection containing over 140 distinct varieties. They also created the Native Irish Grain Collection with 48 varieties and they established a Seed Bank containing more than 600 rare and endangered vegetable varieties. They are funding by donating 1% of their income and Cllr. Ferris requested that Management would be supportive of an application for funding if it is received.

Cllr. M. Gleeson **SECONDED** the motion and said the Seed Savers Association is struggling to survive. He welcomed the planting of 7 rare apple trees in the new environmental park in Kilcummin. Cllr. Gleeson said there is an obligation on everyone to ensure such valuable crops are saved for future generations.

## **6. Amendment of the Beach By-Laws**

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

That Kerry County Council would amend the current Beach By-Laws to adequately deal with the issues of:

1. Overnight camping on our beach car parks
2. The casual trading licensing process.

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

**The control of parking on beach car parks is regulated under the Kerry County Council Car Park Bye-Laws, 2006, and the control of casual trading is regulated by the Kerry County Council Casual Trading Bye- Laws, 1997**

1. **Bye-Law No. 5 of the Kerry County Council Car Park Bye-Laws 2006 states that “A person shall not use a car park for any purpose other than parking a vehicle” and Bye-Law No. 16 states that “A vehicle shall not be parked in a car park for more than twenty-four continuous hours”. Any complaints received in relation to a breach of the bye-laws are investigated.**

**It is acknowledged that a review of the Kerry County Council Bye Laws is warranted having regard to issues raised by the Members in recent years, particularly with the parking of camper vans/caravans overnight, in some locations.**

2. **Currently there are only 2 beach car parks in the county where designated casual trading areas are in place i.e. Banna and Ballyheigue. In recent years we have experienced an increased demand for casual trading bays in these locations beyond the existing number of licences issued and there are complaints of some licence holders not availing of the spaces allocated, except during exceptional busy periods. It is acknowledged that there is an opportunity for small enterprises to develop and provide services for tourists and visitors at some beaches throughout the county but this has to be balanced with the need for adequate car parking facilities. The most recent challenge to the proposed casual trading bye-laws in Kenmare also raised a number of legal issues that would need to be considered as part of any review and development of casual trading bye-laws for other locations throughout the county.**

**I recommend that both of these issues be considered by the Operations SPC to review both the Kerry County Council Car Park Bye-Laws and the Casual Trading Bye-laws.**

The Cathaoirleach said the current Beach By-Laws are not stringent enough and are difficult to implement. He called for the introduction of an On-the Spot fine as this would be a deterrent. At present campers stay overnight in beach car parks and move on the following day to the next beach. He had no problem with the camper van fraternity who are a very responsible group. He understood in Cobh there is a temporary overnight facility for camper vans and he asked that consideration would be given to providing such facilities in Kerry. Beach car parks are being abused at present and it is unacceptable.

The Cathaoirleach then referred to casual trading and said while there are a number of bays in Banna they are taken up each year but are not utilised. Beaches are very important facilities and visitors should be able to buy ice creams, teas or coffees there. He understood a number of people want to provide facilities but while the current situation prevails that is not possible. He asked that temporary licences would be issued this summer to facilitate traders



and that the Beach Bye-Laws would be amended before the 2016 tourism season.

Cllr. J. Finucane **SECONDED** the motion and said beaches are a very significant amenity. They enhance the quality of life of our citizens and can influence a decision on whether to invest in the county or not. Cllr. Finucane concurred with the views expressed by the Cathaoirleach in relation to camper vans and said the current system is not flexible enough.

Cllr. D. Quigg said at least in Banna and Ballyheigue facilities are in place while in other areas such as Cromane there are no facilities. He urged caution in dealing with this issue.

The Cathaoirleach said there are signs informing the public that overnight camping is not permitted but they are too small. He asked that this would be reviewed as the signs in Waterville are better.

Cllr. M. Cahill stated in the past he called on the Council to provide suitable accommodation for camper vans as there is no designated site in areas such as Cromane. Private landowners should also be encouraged to provide facilities for them. In relation to casual trading he would not like to see licences granted for a service that is already provided in the area as it is important to protect rate payers.

Cllr. M. Gleeson asked if the Council controls advertising around beaches as too much signage detracts from them.

In response Mr. C. O'Sullivan informed members that the issuing of temporary licences is very complex but it would be considered. There is significant demand in Banna and Ballyheigue for licences and if too many licences are granted it would reduce the amount of parking available. Mr. O'Sullivan pointed out that a number of rate payers already provide facilities for camper vans. He undertook to refer the issue of facilities for camper vans to the Operations SPC for consideration. Advertising on beaches is regulated by planning legislation.

The Cathaoirleach again pointed out that in Banna and Ballyheigue the casual trading licences issued are not being used. When appropriate facilities are provided at beaches it enhances the experience.

## **7. Call for the provision of a skate boarding facility in Ballybunion**

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

That Kerry County Council would consider the provision of a skate boarding facility in Ballybunion.

**The following reply issued:**

**This proposal was raised at the Listowel Municipal District Meeting in May 2015 by Cllr Beasley. Since this meeting, Joan McCarthy, Head of Tourism Development, has liaised with the promoter from the Ballybunion Development Company regarding funding opportunities, design etc. Ms McCarthy will liaise with Cllr Beasley with regard to any further assistance that can be given to progress the project.**

Cllr. R. Beasley welcomed the reply and said traditional seaside resorts are struggling to survive. They are very dependant on the domestic market. While the month of April was good, May was a disaster. While the weather improved in June the lack of visitors is evident. Cllr. Beasley asked that Kerry County Council would support traditional seaside resorts.

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

## **8. South Kerry Greenway**

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

That Kerry County Council please give an update and do their utmost to progress without delay the South Kerry Greenway. This will be one of the best Tourism initiatives in Ireland and Kerry needs it to be open to cyclists and walkers in 2016.

**The following reply issued:**

**In advance of commencing the construction work for this project it is first necessary to obtain the necessary planning approval and confirmation of the CPO from An Bord Pleanala. The Capital Infrastructure Section is currently preparing the necessary documentation and it is anticipated that this will be complete in September 2015. It is hoped that the necessary approvals will be obtained early in 2016. Kerry County Council will then be in a position to commence the procurement and construction stage which is anticipated to take approximately 12 months.**

Cllr. P. Connor-Scarteen said the proposed greenway is one of the best tourism initiatives for South Kerry and it desperately needs it. 95% of the people are in favour of the greenway and it is imperative there are no further delays in progressing it to ensure the funding is not lost. He called on the Council to progress the CPO.

Cllr. J. Moloney referred to the North Kerry greenway and said it is publicly owned land. It is developed on the Limerick side and he asked that the development of the greenway in North Kerry would be given the same priority as the South Kerry greenway.

Cllr. D. Quigg **SECONDED** the motion and said the sod was not yet turned on the greenway. He asked that it would be advanced in order to secure employment for South Kerry.

Cllr. M. Cahill stated the proposed greenway in South Kerry must be progressed as soon as possible. This is the greatest tourism initiative in Kerry for years and it will bring jobs to an area that has seen a lot of emigration. He expressed concern that any further delays could be detrimental for this project. He asked that annual maintenance payments would be considered for the land owners for the maintenance of their section of the greenway when the CPO is finalised.

**9. Call for withdrawal or amendment of new application forms for State benefit**

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

That Kerry County Council call on the Minister for Social Protection to withdraw and or amend the new application forms for state benefit which specifically encourage applicants to seek direct payment to current, deposit or savings accounts in a financial institution.

This move has the potential to devastate our Post Office Network as the intention appears to be to relegate Post Offices in favour of financial institutions.

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

Cllr. N. Foley stated the Department of Social Protection recently sent out thousands of application forms urging customers to use financial institutions as a means of receiving State benefits like state pension, household benefits packages etc. Clearly the Department is urging people to use banks over post offices where possible. The letter from the Department of Social Protection states *%The Department recommends direct payments to your current, deposit or savings account in a financial institution. This is the best payment option for you as you can receive your payment at a time and place that suits you.*+Cllr. Foley said this never featured in previous application forms and ironically it comes a month after the Department agreed to stop sending out letters to welfare customers encouraging them to use banks. The Irish Postmasters Union said the development could prove ~~adetrimental~~to the post office network as it will impact on the viability of the network particularly in rural areas. In this county and throughout the country the post office network is a vital and integral aspect of the community not just because of the services it provides but because of the social service it provides to the community at large. This move is an insult to Post Masters/Mistresses and their staff the length and breadth of the country. It is a retrograde step not just for post offices but for local communities and removes fair play for the post office network. Cllr. Foley called on the Minister to amend or withdraw the current application forms so as not to put our post office network at a disadvantage and uphold and support a level playing field for all.

Cllr. D. Healy-Rae **SECONDED** the motion and said Post Offices also provide a meeting place for the elderly. If the Department continue with this initiative rural Post Offices will close.

**10. Call for a speedy resolution of claims by the Minister for Health and the HSE**

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

That Kerry County Council call on the Minister for Health, the HSE and the Department of Health to ensure that in future all claims are dealt with in a speedy professional manner and in the event of mistakes being made, that liability be admitted at the earliest possible date so that families will not have to endure a long expensive legal battle.

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

Cllr. M. Cahill said in recent times there has been an increasing number of cases where mistakes were made. Families had to ensure years of fighting the Department of Health and the HSE. In a number of recent cases the doctor acknowledged early in the legal process that a mistake was made yet the HSE continued to fight the case. Families have already suffered and the legal process is expensive. Cllr. Cahill said many cases are not pursued because of the cost involved.

Cllr. M. Gleeson **SECONDED** the motion.

**11. Condemnation of the publication of payment details to farmers**

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

That this Council would condemn the Government for printing what individual farmers are receiving in payments from Europe to keep them producing on their land.

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

Cllr. J. Healy-Rae said it is grossly unfair of the Government to publish details of payments made to farmers. They also did this a number of years ago and then they stopped it. Details of farmers receiving in excess of " 200,000 are well publicised and the publication of this information causes jealousy in local areas. He would not object if the overall figure for Munster was published but it is unacceptable to publish amounts for individual farmers. He called on the Council to condemn this practice as farmers are entitled to these payments and had to apply for them. Without these payments farmers would not survive.

Cllr. D. Healy-Rae **SECONDED** the motion and said these payments are compensation for farmers who do not get the correct price for sheep, beef, milk etc. These foods are subsidised for the consumer. Farmers are entitled to these payments and they were treated very badly by the factories last year. The price for milk is down by 25% in 2015 and any money they receive is spent in the local shop.

Cllr. T. Ferris said she had an issue with the motion. She supported the views expressed regarding the smaller payments made but not in relation to larger amounts. It is ironic that details of payments to farmers are published yet an elected Chamber and the general public are not entitled to know how much BAM were awarded in the conciliation process despite the fact that it is public money.

## **12. Purchase of surveillance cameras to address illegal dumping**

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

As there appears to be no reduction in the level of illegal dumping in rural areas, I call on this Council to purchase at least 6 surveillance cameras, which can be used to help bring the perpetrators of this extremely damaging activity to account.

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

**Kerry County Council currently have a number of covert cameras operating in an effort to deter illegal dumping and in an effort to catch those responsible. It is planned to purchase additional surveillance cameras and relevant signage to be used as a deterrent against and to detect the perpetrators of illegal dumping around the county.**

Cllr. J.J. Culloty requested that ~~No Dumping~~ signs would not be erected where there was illegal dumping and it is intended to place a covert camera as the signs act as a deterrent and those responsible would just move down the road. He was informed the cameras have a flashing red light and he said they should be camouflaged.

Cllr. S. Locke supported the motion and said illegal dumping is a problem throughout the county. Those responsible must be prosecuted before the situation will improve. Cllr. Locke requested that staff would be assigned on a 24 hour basis to monitor illegal dumping.

Cllr. D. Quigg supported the motion and said the cameras in Killorglin need to be upgraded.

**13. Call for action to address traffic gridlock and chaos in Killarney**

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

To ask Kerry County Council to take immediate action to deal with traffic gridlock and chaos in Killarney Town before the peak of this tourist season, proper synchronization of traffic lights on the Muckross Road and many other problems need to be addressed urgently, I have asked for this at previous meetings.

**The following reply issued:**

**Kerry County Council are advertising for traffic consultants to carry out a full Traffic Management Study for Killarney Town. This study will look at current traffic flows / congestion and recommend where improvements can be made. The interaction of the Woodlawn junction and the Ross road junction will be examined as part of the study.**

Cllr. D. Healy-Rae said a number of taxi drivers brought this problem to his attention. Traffic in Killarney is congested because of the traffic lights on the Muckross Road. He expressed his disappointment with the reply which he said was unsatisfactory. He asked that action would be taken prior to the peak tourism season to address the traffic congestion on the Muckross and Mission Roads. Cllr. Healy-Rae said he was also conscious of the need to facilitate traffic from Ross Road and the Woodlawn Roads. The Gardaí suggested that the lights should be on amber. He added that the changes to the traffic flow at the top of High Street are not working and he asked that it would revert to the way it was prior to the changes.

Cllr. J. Healy-Rae said the delays for traffic on the Muckross Road are because the traffic lights are not synchronised. The Muckross Road is one of the busiest roads in the county and it deserves to be reviewed. It is proposed to narrow the Muckross Road and he believed the jarveys would slow traffic down if these works proceed. Cllr. Healy-Rae agreed that the changes to the traffic at the top of High Street are not a success.

Cllr. B. Cronin said he moved a notice of motion at a meeting of the Killarney MD on this issue in May. Traffic is chaotic on the Muckross Road and residents have asked that the lights would be on amber. He was informed by Council staff that would be a matter for the Gardaí to decide but a resident was informed by the Gardaí that it is a decision for Kerry County Council. He requested clarification on what body is responsible for this decision. Cllr. Cronin said there is justifiable evidence that when the lights are amber traffic moves more freely but he acknowledged there is a large residential population that need to exit the Woodlawn junction and if the lights are amber they must wait for other motorists to allow them out onto the road. Cllr. Cronin agreed with the views expressed in relation to the new traffic layout at the top of High Street and said it is not working. He pleaded with the engineers to reverse these changes immediately.

He asked how long it would be before the survey is finalised and recommendations made.

Mr. C. O'Sullivan said he is aware of the issues with the traffic lights on the Muckross Road. The purpose of the lights is to regulate traffic and to allow traffic from the Woodlawn Road onto the Muckross Road. The Gardaí requested that the lights would be put on amber but if that happens, a Garda should be assigned to point duty to allow traffic onto the Muckross Road from Woodlawn Road. Mr. O'Sullivan said he would do his utmost to have this reviewed in the next 2 to 3 weeks but he could not guarantee it.

Cllr. D. Grady objected to the motion as he was concerned residents in Woodlawn and on the Ross Road would be unable to access the Muckross Road. He could not support the motion unless the Gardaí manage traffic.

## **15. Domestic Water Charges**

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

In light of recent events, that this Council call on the Government to immediately stop domestic water charges which are an unfair and unjust double charge being forced on already struggling households.

(A) Immediately stop the installation of meters across the country.

(B) Recognise that Irish Water is not fit for purpose and that it should be abolished.

(C) Cease the threat of taking water charges from people's salary, pension and/or benefits.

It is the new threat of direct charges being taken from people's salary, pension and / or benefits that I wish to emphasise upon.

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

Cllr. D. Quigg said there will be a General Election in the coming months and it will be an opportunity to ensure attachment orders do not become a reality.

Cllr. J. Healy-Rae **SECONDED** the motion and said the members of Kerry County Council voted against the establishment of Irish Water.

Cllr. M. Cahill supported part (C) of the motion and said he believed attachment orders would become a reality. He believed most people are willing to pay for domestic water. However, business people, farmers and residents in Mid Kerry whose water is off every second day should not have to pay water charges until they receive a reliable water supply. Irish Water stated they will only give an allowance if the water is off for 24 hours but no allowance will be given if the water is off every second day. The colour of the water in Mid Kerry is off putting and these customers should be accommodated.

Cllr. P. McCarthy said it cost millions to set up Irish Water and it is highly unlikely that it will be abolished. He PROPOSED that the additional taxes imposed when water charges were abolished in the past would be removed as soon as possible and if this is done he believed customers would not object to paying for the water they use.

Cllr. A. Thornton SECONDED this proposal.

Cllr. P. Daly supported the motion.

Cllr. J.F. Flynn also supported the motion and said while most people do not object to paying water charges, when the supply is interrupted every few days it is unacceptable. Customers who already pay commercial water charges will now receive a second bill. Cllr. Flynn asked if any provision was made to provide an allowance to Tidy Towns groups.

Cllr. D. Quigg said he believed it is still possible to abolish Irish Water and he hoped it would happen. He called on Irish Water to publish the number of customers that have paid water charges to-date.

The Cathaoirleach informed the meeting a vote would then be taken on Cllr. Quigg's motion.

The vote resulted as follows:

**For:** Cllrs. Cahill, Daly, Flynn, J. Healy-Rae, D. McCarthy, Moloney Quigg **(7)**

**Against:** Cllrs. Culloty, P. McCarthy, Thornton, Brassil **(4)**

**Not Voting:** Cllrs. Gleeson, Kelleher, Moriarty **(3)**

The Cathaoirleach declared the motion CARRIED.

## **16. Clean up of road signs vandalised with graffiti**

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

I ask that Kerry County Council provide an update as to works undertaken in relation to the clean up of road signs in the County which have been terribly vandalised with graffiti.



**The following reply issued:**

**We have been in contact with the NRA in relation to the vandalized signage on the National Road network and they are making arrangements to have the matter addressed with the appointed contractor for the maintenance of such signage.**

**The Area Office in Listowel MD will be cleaning the signage on the regional and local road network, which has been damaged by vandals, within the next 2 weeks, and where signs cannot be cleaned, we will arrange for its replacement. The cost of such works is borne by the Council from our own resources, which could be used for other more beneficial services by the community.**

Cllr. A. Thornton expressed disappointment that this work will not be done before the summer. She asked if the signs could be insured.

The Cathaoirleach **SECONDED** the motion.

Mr. C. O'Sullivan stated the signs could not be insured against damage and the perpetrators need to acknowledge that this money could be better utilised on other services.

**Suspension of Standing Orders**

The Cathaoirleach said it was 1.30pm and it would be necessary to suspend Standing Orders.

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

**15.06.15.09 Presentation by Minister J. Deenihan on upcoming Diaspora Events**

The Cathaoirleach welcomed Minister Deenihan to the meeting and stated that his presentation would be streamed live.

Minister Deenihan stated that there are great opportunities for Kerry to connect with the diaspora. Kerry Associations all over the world have very strong connections with the county while the Rose of Tralee network is one of the best in the country. During the Gathering, Kerry was one of the most successful counties with approx. 300 events hosted. The Kerry GAA held a very successful fund raising event recently in New York where \$1m was raised for the new Centre of Excellence in Currans. In London a similar fund raising event will be held in two weeks. He was appointed the first Minister for the Diaspora and he produced the Global Irish: Ireland's Diaspora Policy. Global meetings were held with a network of successful Irish business people. A large number of people are

not on the global network so his Department built their own network in New York, London, Chicago etc. with in excess of 300 people. In order to ensure the success of this network the database was given to the Local Enterprise Office who will service it. Kerry is the first county to have a global business network. He asked members, if they have any connections in the business world abroad, to give the details to the LEO and if an opportunity arises for investment in the county they will be informed. On the 19<sup>th</sup> September 2014 there was a Gathering of people from all over the world and a similar event will be held in September this year. An International Women's Business Conference will be held as part of the Rose of Tralee Festival this year where there will be excellent speakers and it will be an opportunity to promote the county. Minister Deenihan said he was also working with IT Tralee with a view to attracting more students from abroad. A Civic Forum was held in Dublin recently on the Diaspora where health, housing etc. was discussed and these issues require an approach across a number of government departments. There are people with Kerry connections all over the world but there is no process to connect them with Kerry. In conclusion Minister Deenihan thanked the members for the opportunity to address them.

All members welcomed Minister Deenihan and thanked him for his presentation and the work he is doing for the Diaspora.

Cllr. D. Healy-Rae said in the past unfortunately people had to emigrate and they lost contact with home. Any contact with the Diaspora is appreciated. The internet allows families to keep in contact. He called on the Government to pursue the case of the undocumented Irish in the US and asked that they would be allowed to return home after 6 or 7 years for family events.

Cllr. S. Locke said he hoped this initiative would benefit job creation. There are many vacant buildings in Tralee and he hoped multi national companies could be attracted to the town. Ireland is promoted as have a well educated work force but we must also pursue industry to provide employment for those who did not go to College and had to emigrate for work.

Cllr. P. McCarthy said he was confident the initiatives being undertaken by the Minister would be successful. He wished the Minister every success in his work and said he hoped the next Government would continue the work in this area. He asked that all members would be provided with a copy of the Diaspora Policy.

Cllr. D. Quigg called for greater progress in assisting the undocumented Irish in the US.

Cllr. N. Moriarty concurred with the views expressed in relation the undocumented Irish in the US. There should be an amnesty for them and a similar scheme should be put in place in Ireland.

Cllr. D. Grady stated that he is a member of the London/Kerry Reunion and he met many emigrants down through the years who felt they would never see Kerry again. Of these three families now live in Killorglin.

Cllr. P. Daly paid tribute to the Sinn Féin members who proposed that there would be a Minister for the Diaspora. The Safe Home Programme is very successful for those who did not do so well abroad. While business people are involved in the new network the Minister should consider reaching out to the unsuccessful Kerry people abroad also. Funding for the Birmingham Parade was cut and as a result there is a danger the Parade will not happen next year.

Cllr. M. Cahill said there are very successful Kerry business people all over the world and they should be encouraged to support jobs locally. He supported the views expressed by previous speakers in relation to the undocumented Irish in the US.

Cllr. J.F. Flynn said there are many successful Irish people abroad and they help many charities etc. He called for the provision of additional funding for festivals that attract people to Kerry from all over the world.

Cllr. N. Foley stated there are 50,000 undocumented Irish in the US and some progress has been made in relation to work permits etc. She asked if there are plans to begin lobbying whoever will be the next President of the US and she suggested that now would be a good time to recommence that lobby with potential Presidential candidates.

The Cathaoirleach called on the Minister to maximise opportunities for the remainder of his term in Office. When he was Chair of Shannon Development it was suggested that a National Diaspora Centre should be established and he said the South West would be a good location for it. He asked if the Government is considering funding a National Diaspora Centre that the South West would be considered as a suitable location.

In response Minister Deenihan welcomed the opportunity to give members an overview of the policy for the diaspora. President Obama took an executive decision to address the issue of the undocumented in the US but he was blocked by the Republicans and it is unlikely there will be progress in this area prior to the Presidential Election. Ireland is just one country lobbying at Capitol Hill and the Irish Government is doing all it can to have the laws changed to facilitate the undocumented. There are approx. 11m undocumented people in the US and the Irish Government spent " 125m since 2004 supporting emigrant centres despite the downturn. The Government decided not to designate a national Diaspora Centre and it is up to each county to establish its own centre. While a network of business people all over the world has been established they want privacy and do not want to be bothered all time. However if they are aware of what is going

on they may decide to connect with an idea and they can do this through the Local Enterprise Office.

The Cathaoirleach asked members if they wanted to break for lunch or to continue with the Notices of Motion.

It was agreed that the meeting would continue until the remaining items on the Agenda were concluded.

#### **15.06.15.11 Notices of Motion (Cont'd)**

##### **17. Making safe trees growing close to roadways**

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

That the Council would as a matter of considerable urgency demand that forestry owners make safe all trees growing close to roadways. The present situation whereby trees and branches sway precariously over road users is totally unacceptable and will inevitably, if allowed to continue, result in serious injury or even loss of life.

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

**“It is an objective of the Kerry County Development Plan to ensure that afforestation is not located in a manner that will significantly adversely impact on the amenities of adjacent landowners or significantly adversely affect the maintenance of the public road” However conditions to support this objective can only be applied to large scale forestry, where a planning application is required.**

**There is also a statutory obligation on the owner or occupier of any land, under the provisions of Section 70 of the Roads Act to take all reasonable steps to ensure that the structure or use of a structure (including trees) is not a hazard or potential hazard to persons using a public road and that it does not obstruct or interfere with the safe use of public road or the maintenance of a public road”**

**Any complaints in this regard are examined by the Council but it is extremely difficult and can be subjective as to what constitutes an “interference with the safe use of a public road”. There are many locations through out the county where trees form a natural boundary between the road and adjoining lands which are considered as an attractive natural ecological feature, supporting biodiversity. In the majority of situations where complaints are received in relation to trees, they are examined in the context of the branches being a hazard to road vehicles (in particular high sided vehicles) or impeding sight lines.**

**It must be emphasized that it is the responsibility of landowners to ensure that trees on their lands are not at risk of falling on to a public road or of injuring a third party, and where concerns have been expressed to the Council, we advise landowners to have the trees examined by an appropriately qualified arborist, unless there is an obvious danger presented, in which we will take appropriate actions in accordance with statutory provisions.**

Cllr. M. Gleeson said many years ago he proposed that all plantations should have to be at least 4 meters back from roadways. He was informed that most plantations are exempt from planning and therefore that condition could not be enforced. But maybe it could be through the County Development Plan. Less than 2 years ago he asked that the Council would only plant trees on the roadside that would grow to no more than 4 metres in height. He did so because in the months prior to the motion he had, had two close encounters with falling roadside trees and he was not sure how seriously that request was taken.

Lough Guittane School is fairly close to where he lives and he saw the damage the big wind did to the plantation across the road from it. The storm cut a swathe through the forest until it ran out of power. Had it continued to travel, trees would most certainly have been knocked onto the road adjacent to the school and would possibly have fallen into the school yard.

To mention one other location . and there are many others . there is a roadway in Leamyglissane that is overhung by very tall trees. When there is a storm some people refuse to drive that roadway because of the trees.

This is not a Coillte bashing motion as he applauds much that it does and indeed it has very vital work to do in an effort to provide more timber for energy and more green foliage for photosynthesis to control our carbon footprint. But an absolute priority has to be that all roadsides are kept free from the danger, the unnecessary danger of falling trees.

Cllr. Gleeson urged the Council to do all that it can to ensure that this is so. It can do so by giving good example and also by ensuring, through the County Development Plan, that all others prioritise human safety.

Cllr. N. Kelleher concurred with the views expressed by Cllr. Gleeson and said some forestry owners are not living up to expectations as property owners as some trees are very close to houses and roads. It is imperative where trees are being planted close to roads and houses that they are made safe. A number of forestry owners do not cut their hedges on minor roads and this is a dereliction of their duty as a property owner. Cllr. Kelleher said the safety of road users is of paramount importance.

Cllr. D. McCarthy also supported the motion.

**18. Introduction of a special Vehicle Taxation Category for hauling equipment for use in circus and fair ground shows**

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

That this Council call on the Department to introduce a special Vehicle Taxation Category similar to that in the UK for hauling equipment for use in circus' and fair ground shows.

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

Cllr. P. McCarthy said in a number of countries, including the UK, there is a special rate of tax for these vehicles as they must transport a large amount of equipment and have many heavy goods vehicles. These companies find it extremely difficult to continue in business and he proposed the motion.

Cllr. M. Gleeson SECONDED the motion.

**19. Seirbhísí as Gaeilge a forbairt**

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

Cad iad pleanna an gComhairle chun dul cun chinn a dheanamh le seirbhísí Gaeilge na Comhairle a forbairt.

What plans do the Council have to advance the services we provide through Irish.

**The following reply issued:**

**Tá gealltanais Chomhairle Chontae Chiarraí chun sheirbhísí a sholáthar trí Ghaeilge leagtha amach in ár Scéim Gaeilge 2014-2017. San áireamh tá gealltanais chun Deasc Seirbhísí Custaiméara ar-líne a fhorbairt, cosaint agus cur chun cinn na Gaeilge sa Ghaeltacht, tacú le húsáid na Gaeilge agus Turasóireacht na Gaeilge i gCiarraí.**

**Bíonn an Chomhairle i gcónaí réamhghníomhach ó thaobh seirbhísí trí Ghaeilge a chur ar fáil. Táimid tiomanta do sheirbhís a sholáthar trí Ghaeilge in ár n-oifigí poiblí, áit a bhíonn foireann oilte ar fáil.**

**Ó 2006 i leith tá Teastas Eorpach na Gaeilge bainte amach ag 96 ball foirne, rud a chabhraíonn go mór leis an gComhairle seirbhísí trí Ghaeilge a sholáthar. Ó 2014 i leith tá 11 ball foirne ag tabhairt fé Dhioplóma sa Ghaeilge le hOllscoil Luimní.**

**Kerry County Council's commitment to providing services through Irish are as outlined in our Scéim Gaeilge 2014 - 2017. Our commitments include the development of an online Customer Services Desk, protection and promotion of Irish in the Gaeltacht, support the development of "using Irish" in Kerry and supporting Irish Language Tourism.**

**The Council has always been proactive in relation to the provision of services through Irish. We are committed to providing a customer service through Irish in our public offices where trained staff are available.**

**Since 2006, 96 staff have completed the Teastas Eorpach na Gaeilge course and this has made a major contribution to the delivery of services through Irish by the Council. Since 2014 11 members of staff are taking the Diploma in Irish with the University of Limerick.**

Dia an Cllr. Ferris go dtabharfaidh Oifig na Gaeilge roinnt téarmaolaíocht do na Comhairleoirí chun cabhrú leo nuair a bhíonn agaillaimh á dhéanamh acu. Tá na ranganna go maith ach tá costas ag baint leo.

Cllr. T. Ferris asked that the Irish Officer would give members the relevant terminology required for media interviews. Classes are very beneficial but there is a cost associated with them.

## **20. Update on new burial ground for Lixnaw**

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

What is the update with the planned new burial ground for Lixnaw.

**The following reply issued:**

**Kerry County Council are currently completing the requirements for the Part 8 Planning process for the new Burial Ground for Lixnaw and it is anticipated that this will be brought forward to the elected members for consideration at the July Municipal District Meeting.**

Cllr. R. Beasley welcomed the reply and said in the past 15 months people had to be buried outside their own parish as there were no spaces remaining in the burial ground. Cllr. Beasley said he hoped this issue would be resolved shortly.

Cllr. A. Thornton supported the motion.

**21. Greater safety for hill walkers and cyclists throughout the County**

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

What can Kerry County Council do to assist with greater safety for hill walkers and cyclists throughout the county. It is great to see so many people making use of our wonderful outdoors. However such outdoor pursuits can at times be dangerous.

**The following reply issued:**

**An annual inspection of the following walking routes is carried out by the National Trails Office.**

• **The Kerry Way, The Dingle Way, Bente Loop Walks (Bente, Carhan Letter & Lahern Bog), Cosán na Naomh, Bonane Loops (Druid's, Fionn MacCool & Cailleach Beara), Siúlóid na Cille, Siúlóid a' tSáis , Cosán Cuas na nEighe & Sneem Loops (Fermoyle & Lomanagh) under jurisdiction of Kerry County Council.**

• **Glanageenty Loops (Glanageenty & Lenihan), Listowel River Walk, Listowel Bog Walk, Tonevane Circuit, Moyvane Village Walk & Nature Trail, John F Leslie Woodland Walk, Shannon Way & North Kerry Way under jurisdiction of North Kerry Walks Ltd.**

• **Hag's Glen Loops (Cronin's Yard & Lisleibane), Valentia Bray Head Loop, The Bolas Head Loop, Keel Uphill Downhill Loop Walk, Emlagh Loop & Beara Way under jurisdiction of South Kerry Development Partnership Ltd.**

**If any issues are identified during these inspections Kerry County Council works with the local groups to rectify the matter and maintain the trail to the required standard.**

**In relation to cycling routes Kerry County Council are currently working on the preparation of a number of cycling routes. These routes will be designed to maximise off road cycling and minimise interaction with traffic.**

Cllr. P. Connor-Scarteen stated it is great to see so many people engaging in outdoor pursuits and luckily to-date there were very few accidents. Kerry County Council can have an input into greater safety through a schools education programme and by providing grants for mountaineering courses. Advertisements could be placed in the local papers and on social media. He complimented the organisers of various outdoor events and said more needs to be done in terms of safety. Tips on safety for hill walkers could be provided at B&Bs, hotels etc. and these would include emergency nos.



Cllr. D. Quigg supported the motion and called for the provision of designated routes for cyclists. He added that Kerry Mountain Rescue should be given tax breaks on the equipment they purchase.

## **22. Ambulance Service**

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

That Kerry County Council write to Minister Varadkar and the HSE with regards to protocols in place currently for our Ambulance Service that are in fact hindering the effectiveness of said services and placing patients in danger and causing undue delays in the transfer and treatment of patients.

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

Cllr. N. Moriarty said there was a freak accident at a match in Caherciveen when a linesman sustained a hip injury. The ambulance was on the scene and a number of doctors were also present. However because there was just one paramedic the ambulance could not take the patient to hospital and none of the three doctors present were permitted to travel in the ambulance to accompany the patient.

Cllr. J.J. Culloty **SECONDED** the motion and said he would move a notice of motion on this topic at the next HSE Forum Meeting.

Cllr. J. Healy-Rae said since Ambulance Control was centralised South Kerry has suffered most. There are instances where patients must wait an hour for an ambulance. Prior to centralisation the service was very good. He was aware of a case where a patient had been in a Cork hospital and when he was back at home he needed an ambulance to take him to hospital. His consultant in Cork told him to go directly to Cork but the ambulance could not take him there. His family took him by car to Macroom when he took a turn and an ambulance had to be called. Cllr. Healy-Rae asked that a meeting would be sought with whoever is responsible for the Ambulance Service.

## **23. Introduction of a postal ballot for Irish citizens abroad**

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

That Kerry County Council call on the Government and the Department of the Environment, Community & Local Government to consider introducing a postal ballot for Irish citizens all over the world for all elections held here.

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

Cllr. M. Cahill said in US Presidential Elections any US citizen can vote by postal ballot. A large number of people travelled back to Ireland to vote in the recent Referendum. It makes sense that people who are forced to emigrate would be entitled to have their say.

Cllr. J.F. Flynn **SECONDED** the motion and said many Irish citizens had to emigrate for economic reasons but they would like to have a vote in elections as they intend to return in due course.

#### **24. Call for a cull on Sika Deer**

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

In light of a Department Report that proves that deer are carrying TB in alarming numbers that the Department would now carry out a massive cull on Sika Deer.

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

Cllr. J. Healy-Rae said the Sika deer also spread TB. Deputy Michael Healy-Rae put down a Parliamentary Question regarding the testing of deer and he was informed it was not possible to test them. It then transpired that 4 deer were tested and the Department of Agriculture now admit that deer are carriers of TB. The NPWS have ignored their responsibility to control deer in the National Park and they have caused fatal road accidents and have destroyed farming livelihoods. Yet when they are shot out of season there is uproar but nothing is said when they cause a road traffic accident and the car is destroyed while the owner does not have comprehensive insurance. A substantial increase in the incidence of TB has been recorded in areas where there is an increase in the number of deer in the past 10 years. In townlands i.e. Mastergeeha, Dromid etc. the levels of TB have increased by over 100%. This is particularly so where forests were felled and travel is easier for the deer. Cllr. Healy-Rae called on the Department of Agriculture to carry out a serious cull of Sika deer or that Rangers would be authorised to shoot them.

Cllr. P. Connor-Scarteen **SECONDED** the motion and stated that deer also spread Limes Disease. The NPWS, IFA etc. were to formulate a policy on the control of deer but that has not happened to-date. There were numerous road traffic accidents because of deer and while at one time that was only in Killarney it is now all over South Kerry. Cllr. Connor-Scarteen said deer are out of control.

Cllr. M. Gleeson said it is time to review the numbers of Sika deer in the county.

Cllr. D. McCarthy said his land bounds the National Park and 15 months ago all his farm animals were removed because of TB in the herd. Cllr. McCarthy added that every day there are deer on his land.

Cllr. D. Healy-Rae said people's lives are in danger because of increasing numbers of deer roaming freely around South Kerry. Silage fields are eaten by large numbers of deer and farmers livelihoods are in danger.

**25. Call for a change to Objective RS-8 in the County Development Plan**

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

As there are many unfinished one-off houses in this County which have to be sold for various reasons, I call on this Council to consider changing the wording in objective no. RS-8, under the settlement strategy of the County Development Plan from ~~%persons who are an intrinsic part of the rural community in which they are proposed,~~ to ~~%persons who will make it their permanent place of residence".~~ This change would help make it possible to sell these houses, which in some cases, are deteriorating and unsightly.

**The following reply issued:**

**Objective RS-8 applies only to areas within the County which are designated as areas under Strong Urban Influence (the Environs of Tralee and Killarney mainly) where the purchasers of unfinished houses in the rural countryside must have intrinsic links to the area.**

**In other areas i.e. Strong Rural areas or Weak Rural areas, which are the vast majority of the areas in the County, the only requirement in relation to the Purchaser is that the house be occupied as a permanent place of residence.**

**The purpose of RS-8, as it relates to areas under Strong Urban Influence, is to prevent persons from the adjacent town acquiring these houses and to preserve these houses for people born and reared in the area who do not have a landholding of their own.**

Cllr. J.J. Culloty stated he was aware of a number of houses for sale that cannot be sold because of this Objective. If there is a partly completed dwelling in an area and no one from the area is interested in it this Objective should be relaxed to allow a person to purchase it. It would have to suit their place of work and it would facilitate the person who must sell the house. This would apply to a limited number of people and they should be facilitated.

Cllr. N. Kelleher said the purpose of Objective RS-8 was not to prevent a house from being sold as a permanent place of residence. There are a number of cases where the house is partly built and when it is put up for sale and they get a purchaser the planning authority states that the purchaser is not born and reared in the area. He agreed that Objective RS-8 should apply to green field sites but where a house is partly built the owner should be allowed to sell it once it will be used as a permanent place of residence. This is an anomaly in the County Development Plan and he asked that it would be reviewed.

Cllr. T. Ferris said there are huge challenges facing the provision of social housing in Killarney. Objective RS-8 is creating problems as it is written and she understood the intention was the opposite to what is there. Where there is a derelict property this Objective does not reflect the wishes of the members. As a result of these difficulties people end up on the housing waiting list as they cannot get sites and cannot afford a house in the town. Cllr. Ferris asked that the County Development Plan would be amended and she said it is possible that this provision may violate EU laws.

Cllr. P. Daly requested an explanation of *Permanent place of residence.*

Mr. J. Breen said the applicant must live in the house for 7 years.

The Chief Executive said it is a two year process to review the County Development Plan and this is a clear Objective in the Plan. The reason the objective was included was to protect areas under strong urban influence and to prevent speculation. When planning permission was sought originally the applicant had to show they were the son or daughter of a landowner. The Chief Executive acknowledged there are a small number of unfinished houses but said these are the exception and this would not be a good enough reason to change the policy. The Chief Executive advised members that any change to the County Development Plan must be done by way of a variation which would involve public consultation. In these cases planning was originally granted to meet the housing need of a son or daughter of a landowner.

Cllr. J. Finucane stated there are a number of exceptional cases where circumstances have changed due to emigration, unemployment or difficult financial circumstances. Members want to facilitate genuine cases where the house was built but circumstances have changed mainly for financial reasons. If the applicant is not facilitated the financial institution will sell the family home and the family will end up on the housing list. He asked that there would be an element of discretion in the planning process to deal with exceptional circumstances.

Cllr. N. Kelleher asked if the material contravention procedure can be utilised to cater for people who had intended to reside in the county but had to emigrate or go to another part of the country for economic reasons.

The Chief Executive said she understood members want to review Objective RS-8 and she undertook to assess how that can be achieved. She would seek legal advice on whether the material contravention procedure may be utilised to facilitate such applicants.

**26. Repair works on the railway crossing at Minish**

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

To ask Kerry County Council and the NRA again, to carry out the necessary repair works on the railway crossing at Minish urgently.

**The following reply issued:**

**Kerry County Council has applied for funding for these works previously and has discussed same with the National Roads Authority Inspector. The NRA has indicated that it is unlikely that funding will be allocated in the current year.**

Cllr. D. Healy-Rae stated since 2007 members have requested that the surface of the level crossing would be made level with the road and members were advised this work would be done. This is a danger to cyclists and motorists and he asked that this matter would be addressed immediately.

Cllr. M. Gleeson said prior to the improvement works on the N22 the surface at this level crossing was level with the road. Unfortunately when the N22 was upgraded that was no longer the case and if traffic is doing 100 km per hour there is a danger they will lose control of their vehicle. It is a disgrace that this has not been addressed long ago.

Cllr. D. Grady asked if members could allocate funding towards this work.

The Chief Executive acknowledged there is a problem at this location and added it was discussed at the recent meeting with the NRA when it was agreed the local inspector would review it.

**28. Inclusion of a green energy programme for the building of local authority houses**

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

That this Council include in their plans for building any new houses in the County, a green energy programme that will reduce the cost of heating, hot water and lighting for the tenants.

**The following reply issued:**

**Building Regulations (Part L Amendment) Regulations 2011 relates to the conservation of fuel and energy in dwellings. Part L requires that a building shall be designed and constructed so as to ensure that the energy performance of the building is such as to limit the amount of energy required for the operation of the building, and, for new dwellings, a reasonable proportion of the energy consumption is provided by renewable energy sources. Renewable energy sources include solar energy (thermal and photovoltaic) and biomass. Heat pumps and low energy lighting can**

**also assist in achieving Part L compliance and improved BER rating by reducing the building's primary energy requirement.**

**A pre BER is completed for each house type before construction by Kerry County Council using Domestic Energy Assessment Procedure (DEAP) software. This software verifies the buildings performance relative to Part L requirements.**

**To meet with the energy performance requirements of Part L and Department guidelines and to reduce the running costs of new LA housing units in so far as is reasonably practicable, Kerry County Council endeavours to achieve minimum A3 BER rating on all new dwelling units.**

Cllr. D. Quigg welcomed the reply and stated that the running costs for geothermal heating is lower and this should be considered.

The Cathaoirleach **SECONDED** the motion.

**29. Review of procedures for the provision of housing for people with a disability**

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

I ask Kerry County Council to review procedures in place in relation to the provision of housing or modification thereof for people with disabilities.

**The following reply issued:**

**The matter of a review of procedures regarding the provision of housing or modifications can be looked at through both the Quality of Life SPC and the local strategy for housing for people with a disability, which we are statutorily obliged to develop. We will discuss the particular issues with Councillor Thornton and feed them into these discussion fora. We have an ongoing very high demand for the provision of funding for adaptation works for persons with a disability and are consistently discussing the need for additional funding with the Department of the Environment.**

Cllr. A. Thornton said the housing list is based on needs and she asked if there is a housing list when it comes to prioritising houses for applicants with a disability. If there is such a list she requested that she would be provided with a copy of it. Cllr. Thornton stated she has the permission of a family to give the general details of their case as follows. They have a daughter who is almost 3 years old who has a diagnosis of Spastic Quadriplegic Cerebral Palsy. This is a chronic condition affecting mobility, transfers (e.g. from chair to bath) and functioning in everyday activities. She is fully dependent for mobility and transfers. Her parents are looking for alternative housing as their current bathroom is extremely cramped and they are unable to bathe her. Cllr. Thornton said this family should be at the top of the housing list. As she understood, the

implementation of works under the Scheme of grants for older people and People with Disability is a matter for local authorities. She also understood it is for the local authority to determine in the first instance, if the works are needed to make the accommodation more suitable to the tenant and to prioritise the use of the available resources.

The Disability Act 2015 provides a statutory basis for making public services accessible by placing obligations on local authorities. These obligations include making their buildings, services and information available and accessible to people with disabilities.

One of the obligations is to provide an Access Officer who has a function to arrange for/co-ordinate, provide assistance and guidance to people with disabilities in accessing services in the local area.

Cllr. Thornton asked if a review takes place that all options would be considered in order to facilitate these individuals and families who are currently struggling. Consideration should be given to providing grant aid to landlords to facilitate families on the RAS Scheme. In conclusion, Cllr. Thornton said in her opinion what has been done to-date for this family is not adequate.

Cllr. J.F. Flynn supported the motion and asked how many applicants with disabilities are on the housing list. A lady from Killorglin is in a nursing home in Killarney as her home is no longer suited to her needs. Cllr. Flynn asked that a house for a disabled person would be built in Killorglin.

Mr. J. Breen said the problem is that the Council has not built houses over the past few years. At present there is no provision to allocate funding to modify private houses. A Disability Strategy is being prepared and it is intended to assign an Investigating Officer to review all housing applicants with a disability. In Kerry 12% of the population are registered with a disability and he believed approx. 10% of housing applicants have a disability.

Cllr. A. Thornton asked that changes to the Grant Schemes would be considered to allow a landlord to apply for funding. She could not accept that this family have not been accommodated and added that the Council needs to be more pro-active in dealing with the housing list.

Mr. J. Breen undertook to make that suggestion to the Department.

#### **15.06.15.12 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. J.F. Flynn, SECONDED by Cllr. D. McCarthy it was agreed to authorise the attendance of Cllrs. Cronin, McEllistrim and D. Healy-Rae at the Conference on the theme ~~Local~~ Local Economic and Community Plans to be held in Clonakilty, County Cork from 10<sup>th</sup> to 12<sup>th</sup> July, 2015.

Cllr. D. Healy-Rae was nominated to report back to Council on behalf of all the members of Kerry County Council that attend this event.

- (b) On the PROPOSAL of Cllr. J.F. Flynn, SECONDED by Cllr. J. Moloney it was agreed to authorise the attendance of Cllrs. Cronin and McEllistrim at the Conference on the theme Changes to Community Development to be held in Galway on the 31 July and 1 August, 2015.

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

- (c) Mr. G. O'Brien advised the meeting that block approval was required for the attendance of members at upcoming AILG training events scheduled for October and November, the AILG Autumn Conference which is scheduled to take place in early October and the LAMA Autumn Seminar. In the first half of 2015 the Department ran a pilot project which entitled members to attend one weekend AILG Training event and that is being continued for the second half of the year.

On the PROPOSAL of Cllr. D. Grady, SECONDED by Cllr. J.J. Culloty it was agreed to authorise that attendance of all members at AILG Training Events, the AILG Conference and the LAMA Autumn Seminar to be held from 1 July to 31 December 2015.

#### **15.06.15.13 Correspondence General**

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

1.	Letter dated 15 May 2015 from the Department of Health in response to a resolution from Kerry County Council in relation to the wider availability of a number of prescription only medicines, including Epipens.
2.	Letter dated 15 <sup>th</sup> May 2015 from the Arts Council in response to a resolution from Kerry County Council in relation to funding provided by the Arts Council to Kerry County Council.



3.	Letter dated 18 <sup>th</sup> May 2015 from the Minister for Communications, Energy and Natural Resources in response to a resolution from Kerry County Council in relation to the use of a fixed line contact number in addition to Lo-call numbers.
4.	Letter dated 19 <sup>th</sup> May 2015 from the Department of Arts, Heritage and the Gaeltacht in response to a resolution from Kerry County Council in relation to the burning of gorse and the provision of fire breaks.
5.	Email dated 27 <sup>th</sup> May 2015 from Coillte in relation to the provision of fire breaks.
6.	Letter dated 28 <sup>th</sup> May, 2015 from the Office of the Minister for Transport in response to request for a meeting with him to discuss funding for regional and local roads.
7.	Letter dated 4 <sup>th</sup> June, 2015 from the Office of the Minister for Environment in response to a resolution from Kerry County Council in relation to the use of the title <del>Mayor</del> q
8.	Letter dated 5 <sup>th</sup> June, 2015 from the Office of the Minister for Agriculture in response to a resolution from Kerry County Council in relation to the culling of foxes and mink.
9.	Letter dated 3 <sup>rd</sup> June, 2015 from Fingal County Council in relation to a resolution adopted by that authority in support of the ending of the derogation on the status of the Irish language in the European Union.
10.	Email dated 3 <sup>rd</sup> June, 2015 from Ballina Municipal District in relation to a resolution adopted by the authority supporting the freedom of the press and also the freedom of Members of the Oireachtas to go about their business without fear of legal threat or any other threat.

Cllr. D. Grady expressed his disappointment at the correspondence received indicating that the term Mayor cannot be used instead of Cathaoirleach and stated that this is a big disadvantage in the Municipal District of Killarney.

#### **15.06.15.15 Any other business**

Cllr. G. Spring said at a previous meeting there was a discussion on greenways at which time he requested an update report on greenways/walkways in the county. He asked that an update would be provided to members at the next meeting.

Cllr. T. Ferris said she attended the recent AILG Training event in Dungarvan and it was excellent. She asked that AILG would be given feedback on this event.

Cllr. S. Locke said there is no privacy for applicants in the new Housing Office and he asked that this would be address by providing background music or through some other means.

Cllr. S. Locke thanked and complimented the Chief Executive for supporting the very successful Féile na mBláth in Tralee. He thanked all Council officials involved in this event.

Cllr. J.J. Culloty referred to Planning Enforcement and said he asked if it is now under Operations while in the past it was under Planning.

The Chief Executive stated since the reorganisation Planning Enforcement is under Operations. One year on the new organisation is working well but it is being reviewed and there will be some minor changes as a result. Planning Enforcement is one of the areas being reviewed. She informed members that Ms. Judy Dillane and Mr. Teddy O'Connor have been assigned to accept members' representations on Housing. An e-mail address will be set up to enable members to email their representations and she would guarantee that members will receive a reply within 3 to 5 days.

Cllr. J.F. Flynn referred to the forthcoming Ring of Kerry Cycle and asked that the roads would be made safe for the cyclists.

The meeting concluded at 3.20pm.

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

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**Cathaoirleach of Kerry County Council**