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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE,
ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN, 20 IÚIL, 2015**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON
MONDAY, 20TH JULY, 2015**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	M. Cahill
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	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

APOLOGY/LEATH SCÉAL

S Locke
P. Connor-Scarteen
M. Kennelly

IN ATTENDANCE/I LÁTHAIR

Ms. M. Murrell, Chief Executive	Mr. J.D. Flynn, Dir. of Corp. Services
Mr. O. Ring, Director IW Operations	Mr. P. Stack, A/Dir. Job Creation/Sust. E.D.
Mr. J. Breen, Dir. Sust. Comm./Q of L	Mr. D Doyle, A/ Dir. Op., Health & Safety
Mr. M. O'Leary, A/Head of Finance	Ms. B Reidy, Meetings Administrator
Ms. O. O'Shea, CO Corp. Support	Ms. S Broderick SO Corp. Support
Ms. K. Kennelly O'Driscoll Arts Officer	Mr. D. O'Herlihy EE
Ms. D Moynihán CO LEO	Mr. T Hayes LEO Officer

The meeting commenced at 10.40am.

The Cathaoirleach, Cllr. P McCarthy took the Chair.

The Cathaoirleach welcomed all present to his first meeting as Cathaoirleach of Kerry County Council and assured the members that he would do his best to conduct the meetings for the coming year in a fair and impartial manner.

Congratulations to Kerry Senior Football Team

The Cathaoirleach congratulated the Kerry Senior Football Team on becoming Munster Champions for the 77th time following their victory over Cork in the Munster Final Replay in Fitzgerald Stadium on Saturday 18th July. He commended both teams on their performance despite very inclement weather conditions throughout the match.

All members stated they wished to be associated with the sentiments expressed by the Cathaoirleach.

15.07.20.01 Cathaoirleach's Report on the CPG Meeting

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

"Item 1 Agenda for the July Council Meeting

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

Item 2 Update on 2016 Commemorations

Mr. J. Breen stated Kerry County Council has submitted to the National 2016 Office details of the proposed programme of events for 2016. The details have been submitted in accordance with the template as set out by the 2016 office under the headings as follows:-

State Ceremonial

It is proposed to have a State event, including wreath laying, at the Roger Casement Memorial, Banna Strand on the 21st April, 2016. We have also made a request that a smaller State event be considered at Ballykissane to commemorate the first casualties of the rising.

Historical Reflection

A range of history based activities and initiatives designed to deepen and broaden our understanding of the events of 1916, and our proposals include the Roger Casement Exhibition in Kerry County Museum and a series of lectures in Kerry Libraries across the county during 2016. We have also provided details of a road show run by Kerry County Council in the Cork University College in October 2016 and equally, throughout the year the Heritage Office will promote the collection of historical data associated with 1916.

- Upgrade of the Pier and Site Safety at Ballykissane Pier
- Valentia Island Commemoration of the Cable sent to Clan na Gael in New York the morning of the rising.
- Thomas Ashe collection of Memorabilia to be on permanent display in Dingle Library.
- Plaque in Caherciveen to commemorate the Radio School where the Ballykissane casualties were headed.
- In April 2016, Commemoration Weekend of Michael The O'Rahilly in Ballylongford.

- Under the heading of An Teanga Bheo which is to reflect the centre place of the Irish language and the ideals of the revolutionary generation, we propose to organise a project in partnership with An Lab, Oifig na Gaeilge and Cumhnan na Gaeilge, that will reflect the cultural revolution leading up to 1916.
- Under the heading Youth and Imagination, which is looking to place children and young people at the centre of the Ireland 2016 Centenary Programme, we have consulted with Comhairle na nÓg in a suitable commemoration of 1916 Easter Rising and the Comhairle is proposing a 1916 themed fashion show which aims to widen the people of Kerrys outlook on the people of the 1916 period.
- **Proclamation Day**
This event will be held in March 2016 and will be County wide and we will have the school bursaries through the Kerry County Council Arts Offices themed for 2016 during the year.
- **Cultural Expression**
This is to work with our creative community and national cultural institutions and other arts organisations to reflect on our past.
- In May 2016, Kerry County Council proposes to link with Listowel Writers Week on a project that would celebrate the words of national local heroes involved in 1916.
- Year round the Art Bursaries for 2016 will be themed. In October 2016 we propose to link with the Kerry Film Festival to present a specialist programme of films that commemorate 1916.
- **Community Participation**
This is to encourage wide spread citizen engagement in 1916 related events.
- A number of public meetings were held during May in Tralee, Killarney, Dingle, Killorglin, Caherciveen, Listowel and a focused meeting with Comhairle na nÓg.
- During April 2016 all 8 libraries in the County are being made available for community events and exhibitions.
- In May the Tralee Arts Group are having a 1916 themed annual exhibition.
- Comhaltas Ceoltóirí Eireann are having a Countywide Kerry Programme.
- **Global Diaspora**
This is to invite the global Irish family and friends of Ireland from all over the world to join us in remembering, reflecting and re-imagining.

- **September 2015**

Over the years many towns in the County have developed twinning, links with sister towns and cities around the world. An invitation will issue to all sister towns and cities to visit their twin towns during 2016 to mark the centenary of their Easter Rising.

- **Heroes Week**

Organised by the Tourism Unit in Kerry County Council.

2016 Commemorations Fund

Kerry County Council recently advertised for community applications for the 2016 Commemoration Fund of €25,000. Applications are invited from community based organisations with a closing date of the 14th July, 2015. To ensure full evaluation of these submissions over the next few weeks, an expert panel has been established consisting of:-

(Names of individuals in the list below have been withheld for data protection purposes. A paper copy of the unedited minutes is available on request.)

- UCC Historian, also a member of the National Commemorations Advisory Panel.
- History Department, University of Limerick.
- Manager of St. John's Theatre and Arts Centre.
- Historian, County Museum Manager.
- Arts Officer.
- Community Unit.

Once the deadline for submissions has passed, applications will be assessed and grant allocations to a maximum of €3,000 made.

Cllr. R. Beasley requested an outline of the event to be held in Banna and he asked if the German Ambassador would be invited.

Mr. Breen pointed out this will be a State event and the details will be determined by engagement with the relevant Department. It would be a matter for the Department of Foreign Affairs to invite the German Ambassador.

Cllr. Beasley asked what works would be carried out at Ballykissane Pier.

Mr. Breen said they were liaising with local groups with a view to getting consensus and the focus will be on safety measures.

Cllr. R. Beasley suggested that all areas where commemorations will be held should be linked as a joint tourist attraction.

Mr. Breen said he anticipated that will be submitted as a proposal.

The CPG recommended that Council would request the Department to invite the German Ambassador to the State event at Banna.

Item 3 Update on the Protected Disclosures Act 2014

Mr. J.D. Flynn briefed the meeting on the Protected Disclosures Act 2014 and a copy of his report is attached to the Cathaoirleach's Report.

Item 4 Dates for Budget Meetings in September

Mr. G. O'Brien informed the meeting it is proposed to hold a Briefing on the Council's Budget 2016 on Monday 7th September at 2.30pm and that a Special Meeting to consider the Draft Budget Policy/Strategy and consideration of setting a local adjustment factor in relation to LPT on Monday 14th September at 10.30am.

Item 5 'Expressions of Interest' for North Kerry Landfill

Mr. L. Quinlan advised the CPG that the Council proposes to conduct a Market Sounding Exercise in order to engage with interested market participants on possible commercial options for the future use of the North Kerry Landfill Site. This is in accordance with the recently adopted Southern Regional Waste Management Plan 2015 – 2021 which states that *"the local authorities in the region are keen to explore the potential to develop alternative activities at closed landfill sites which optimise the land use and provide a revenue supply to the authority to help with ongoing management costs"*.

Members stated that the cost of refuse collection has increased hugely since local authorities exited the market and they asked if this would be solely a commercial venture with no obligation to keep prices down.

Mr. Quinlan said the Council just wants to establish the level of interest in the landfill.

The Chief Executive stated there are very high costs associated with maintaining the closed landfill.

Item 6 Proposal to establish an all party Working Group to advance job creation and industry in County Kerry

The Chief Executive informed the meeting that the Cathaoirleach requested that this item would be listed on the Agenda.

Mr. M. Scannell outlined the existing structures in place to progress job creation.

The CPG agreed that a presentation would be made to the September Full Council meeting on progress to-date on the preparation of the two strategies in relation to tourism and the Local Economic and Community Plan.

Item 7 Civic/Mayoral Receptions

Mr. G. O'Brien stated a Civic Reception would be held for the Kerry Senior Hurling Team that won the Christy Ring Cup at the July meeting. At the June Council meeting a number of members proposed that a Civic Reception would

be held for the Kennedy Cup winning team and if the CPG approve it, it is hoped to hold the Reception on the day of the September Council Meeting.

The CPG agreed to host a Civic Reception for the Kennedy Cup winning team.

A further request for a Reception was received for the Kerry Team that took part in the International Children's Games in Alkmaar, Holland recently. The CPG agreed that a Mayoral Reception would be held to honour the Kerry Team that took part in the International Children's Games recently.

Item 8 Any other business

Judicial Review – N86

The Chief Executive informed members that a Judicial Review of the proposed improvement works on the N86 would be heard in the Commercial Court from 14th to 16th July.

South West Regional Action Plan for Jobs

The Chief Executive advised that the South West Regional Action Plan for Jobs was launched on Friday 10th July and a number of suggestions made by Kerry County Council are included in the Plan. One of the strategic actions is to develop the Kerry Technology Park and the Council is in discussions with the ITT with a view to making a bid for KTP.

Notices of Motion

The Chief Executive again stated Notices of Motion are submitted for full Council that are more appropriate for Municipal District meetings. Full Council meetings deal with issues that impact on the entire county and notices of motion should be targeted at the appropriate level.

Speed restrictions for the duration of road works

Mr. D. Doyle informed the meeting that road works would commence shortly on the following roads and speed restrictions would be in place for the duration of the works:

- N70 Killorglin to Glenbeigh Road
- N70 Glenbeigh to Caherciveen
- N70 Waterville to Caherdaniel
- N71 Kenmare to Glengarriff

Dog Fouling

Members expressed concern at the ongoing problem of dog fouling and said steps must be taken to address it.

Mr. L. Quinlan stated it is planned to target some of the worst areas and that will involve early morning and late night patrols. A lot of work has been done on raising public awareness on this issue and it is intended to write to dog licence holders. He assured members that the Council is genuinely committed to addressing this problem.

Cllr. Beasley requested that the public would be made aware of the dangers from dog fouling through a radio campaign.

Cllr. Sheahan stated there has been very little progress in this area and the only solution is to acquire cameras and to gather evidence.

Mr. Quinlan pointed out it would be very difficult to identify the dog owner.

Members suggested that the areas where dogs can be walked should be restricted.

Chinese Cultural Festival

Mr. G. O'Brien informed the meeting Kerry County Council has an ongoing relationship with Zhejiang Province in China and a Cultural Festival will be held in Tralee at the end of July. An Exhibition will be held in the County Museum from 25th to 29th July and there will be a traditional Chinese music Concert by the Butterfly Troupe in Siamsa Tire on Saturday 25th July. The Exhibition will be opened by the Vice Governor of Zhejiang Province and the Chinese Ambassador to Ireland will also attend."

The Cathaoirleach congratulated Ms. K Kennelly, Arts Officer on her excellent presentation at the 2016 National Commemorations Briefing in Dublin on July 14th. Her presentation on the Kerry Program was commended by many who attended.

Cllr. B O'Connell stated the ongoing problem of dog fouling throughout the county must be addressed. While he acknowledged it is very difficult to identify a dog owner, this matter will not be taken seriously by dog walkers until prosecutions ensue.

Cllr. M Gleeson said that dog foul is a huge problem on the pavement from New St. to the entrance to the Demesne in Killarney. He has observed that some dog walkers clean up after their dogs but leave the plastic bag and its contents on the footpath. He suggested that Kerry County Council should consider making a badge available to dog walkers who carry pooper scoopers stating e.g. *"I respect my environment"* with a view to encouraging others to do likewise.

Cllr. T Ferris referred to the 2016 Commemorations Fund and said that the allocation to a maximum of €3,000 for community based organisations was welcome. She referred to the requirement for roadworks at Banna in advance of the 2016 Commemoration ceremony and asked that the Commemoration Fund would not be used for road works as this type of work should be funded from the Roads Programme.

Cllr. D Healy Rae said that a considerable amount of money has been spent on the North Kerry Landfill and he asked that every option with regard to the future of this asset be explored. He would support any initiative that would lead to the

creation of jobs in the county as currently there is a huge divide economically between Dublin/East coast and the rest of the country. There are indications that 2015 is the quietest year for the construction industry since the downturn, therefore, it is important that any option that would result in job creation in the county be considered. With regard to Notices of Motion being submitted for Full Council meetings which are more appropriate for Municipal District meetings, Cllr. Healy Rae said that if members raise an issue at a Municipal District meeting and no action has followed, the option to raise the matter at a meeting of the Full Council should remain unchanged.

Cllr. D Quigg said that the problem of dog fouling was discussed at meetings of the South & West Kerry Municipal District and he asked if any plans are in place for the provision would encourage dog walkers to clean up and use the bins.

Cllr. R Beasley supported Cllr. T Ferris's request that the 2016 Commemoration Fund would not be used for road works at Banna. Dog foul is now a huge problem on streets and in public areas and is a deterrent to tourism. He is aware of a child who lost his eyesight as a result of contact with dog foul. It is also unacceptable that community workers regularly have their clothing and skin contaminated by dog foul when working with grass trimmers. Educating children in school on the health and environmental issues concerning dog fouling should be considered. He called on Kerry County Council to appoint litter wardens to police this problem and while he acknowledged the expense involved he said it would be money well spent.

Cllr. J Brassil welcomed that "Expressions of Interest" for the North Kerry Landfill are being invited by Kerry County Council. He said that this site is the Council's single biggest asset and he would encourage any individual/company considering a waste disposal business to consider this site as it is suitable for any type of waste management development.

Cllr. D Grady agreed that dog fouling in public areas is a huge problem and the appointment of litter wardens is crucial to addressing this matter. He referred to road works which are currently taking place on the Muckross Road in Killarney and said that this it is unacceptable that this work would be carried out during the summer/tourist season.

Cllr. B Cronin acknowledged the potential of the North Kerry Landfill and said that he would cautiously welcome the Council's invitation for "Expressions of Interest" in the site. He asked for assurance that the Transfer Stations would not be affected by any development at the landfill and that they would remain open to the public into the future. He referred to the submission of Notices of Motion for meetings of the Full Council which had previously been raised at Municipal District meetings and said if more positive responses were received to these motions at Municipal District level it would not be necessary to raise them at Full Council. He will oppose any attempt to prevent such Notices of Motion from being raised at Full Council meetings. Dog foul is a huge problem on footpaths and public areas throughout the county. The appointment of litter wardens and the issue of On-the-Spot fines must be seriously considered.

Cllr. J Healy Rae asked if any further update was available on the Judicial Review on the proposed improvement works on the N86. He queried the erection of temporary speed limit signage which has been erected in advance of road works on the N70 Glenbeigh to Caherciveen road. The signage has been placed at a distance of approximately 1km on each approach to the road works. He asked if the mobile speed camera would continue to police this location while the road works are in progress. With regard to the submission of Notices of Motion for Full Council meetings which have previously been considered at a Municipal District meeting, Cllr. J Healy Rae said that the members of Kerry County Council have been elected to raise issues of concern on behalf of their constituents. He would be totally opposed to the discontinuation of the option to bring issues of local importance before a meeting of the Full Council, if a satisfactory response had not been received at a Municipal District meeting.

Cllr. J Healy Rae welcomed the strategic action in the South West Regional Action Plan for Jobs to develop the Kerry Technology Park and also that Kerry County Council is interested in making a bid for this facility. He expressed concern about job creation in South Kerry and said that he knew of a person from Portmagee who had recently observed 28 people also from the South Kerry area, in a bar in Sydney. This indicates that emigration is still the best option for many young people from this area.

With regard to seeking "Expressions of Interest" for the North Kerry Landfill, Cllr. J Healy Rae said that he did not want a situation to arise where the members would be informed that the site had been sold. The security of the Transfer Stations into the future should be enshrined into any deal with regard to the landfill.

Cllr. N Foley welcomed the update concerning the Kerry Technology Park and thanked the Chief Executive for the work carried out to-date in relation to this matter.

Cllr. J Brassil referred to Cllr. J Healy Rae's remarks on the submission of Notices of Motion for meetings of the Full Council which have previously been raised at Municipal District meetings and said that the members are elected not only to raise issues of concern on behalf of the people they represent but also to oversee the efficient management of the services provided by Kerry County Council.

Chief Executive, Ms. M Murrell, acknowledged that the North Kerry Landfill is a very valuable asset. The proposed market sounding exercise is geared towards engagement with interested market participants with a view to ascertaining the level of interest in the site and examining any proposals that may arise.

With regard to dog fouling Ms. Murrell said that she would take member's suggestions on board and update them on progress in this area. This is an issue that will require increased enforcement, education and public awareness.

The Chief Executive referred to Notices of Motion and said that it is very important that the Municipal Districts work well in dealing with issues at a local level. A tracking system is in place to ensure that all matters raised at Municipal District level are followed up on. While she assured the members that there will always be an avenue for them to bring local issues to Full Council she stated that a considerable number of Motions included on recent Agendae for Full Council meetings were Municipal District specific. She undertook to discuss this matter further with the Delegated Executives for the Municipal Districts.

The Chief Executive informed the meeting that Kerry County Council is in preliminary discussions with the ITT with a view to making a bid for the Kerry Technology Park. It is notable that in the South West Regional Action Plan for Jobs, Kerry Technology Park is identified as one of Kerry's key property assets for opening up jobs as it offers a unique model to cater for the entire life cycle of business. It is important that the right model is identified in order to give assurance to companies.

With regard to Cllr. Healy Rae's comments on 2015 being a quiet year for the construction industry, the Chief Executive said that the number of planning applications received to-date this year is up by 20% on 2014.

The Chief Executive referred to road works at Banna in advance of the 2016 Commemoration ceremony and said that Kerry County Council is actively pursuing funding from a number of sources and a decision would be taken at a later date regarding the funding of these works.

The Cathaoirleach said that he would allocate €2,000 from his Councillor Specific Municipal District Operations Fund towards these works.

Cllr. B O'Connell asked if any prosecutions have issued for dog fouling offences.

Mr. J Breen advised that no offender has been prosecuted to-date this year.

Cllr. R Beasley confirmed that one prosecution issued for a dog fouling offence in Ballybunion in 2014.

Cllr. J Sheahan said that the way to identify dog walkers who do not clean up after their dogs is to install CCTV cameras on popular dog walking routes.

Cllr. D Healy Rae welcomed the increase in the number of planning applications this year but expressed concern that the number of start up businesses has decreased by 14%.

Cllr. M Gleeson said that the reason Notices of Motion are submitted to Full Council having been previously included on the agenda for a Municipal District meeting may be due to members being advised at the MD meeting that management will revert to them regarding a particular issue. When this does

not happen the only avenue to getting a response is to resubmit the motion for a Full Council meeting.

Retirement of Donal Hickey of the Irish Examiner

The Cathaoirleach said that he had been made aware of the upcoming retirement of Donal Hickey, Journalist with the Irish Examiner, and that this may be his final attendance at a meeting of Kerry County Council. He thanked Donal for his consistently fair and impartial reporting on Council Meetings and he wished him and his family the very best for the future.

On behalf of management and staff of Kerry County Council, the Chief Executive wished Donal a happy retirement and the very best for the future.

Cllr. R Beasley, on behalf of the Sinn Féin members, said he was sorry that Donal would no longer be covering Council meetings and he wished him a happy retirement.

Cllr. J Finucane, on behalf of the Fine Gael members, said that coverage of meetings by the Press is vital and Donal has always been fair and consistent in his reporting. He wished him a happy retirement and the very best for the future.

Cllr. T O'Brien, on behalf of the Labour Party members, thanked Donal for his fair and balanced coverage of meetings and wished him and his family the very best for the future.

Cllr. J Brassil, on behalf of the Fianna Fáil members, wished Donal a very happy retirement and said that since being elected to Kerry County Council he has always found Donal's reporting of meetings to be very fair with due consideration given to all who contributed.

Cllr. D McCarthy wished Donal the very best for the future and said that his excellent coverage of meetings has always been a credit to him.

Cllr. D Healy Rae said that he was sorry to see Donal go and he wished him a very happy retirement. He complimented him on his deep knowledge of people and said that his reporting has always been very fair to the Healy Rae family.

Cllr. B Cronin said that he was very surprised to learn of Donal's upcoming retirement and he wished him the very best for the future.

Dúirt Cllr. M Gleeson ghur mian leis comhgháirdeachas a dhéanamh le Dónal agus ghur mian leis buíochas a ghabháilt leis as gach atá déanta aige ar mhaithe leis an gContae, go h-áirithe ar mhaithe saol na tuaithe.”
He complimented Donal on his affection for the rich culture of our county and wished him and his family the very best.

15.07.20.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. B O'Connell, SECONDED by Cllr. T O'Brien, it was resolved that the Minutes of the June Ordinary Meeting of Kerry County Council held on the 15th June, 2015 be confirmed.
- (b) On the PROPOSAL of Cllr. N Foley, SECONDED by Cllr. S Fitzgerald, it was resolved that the Minutes of the Annual Meeting of Kerry County Council held on the 22nd June, 2015 be confirmed.

15.07.20.03 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 end of Quarter 2 2015.

Financial Position

As agreed with the Members, a Financial Report will be provided on a quarterly basis. In respect of the preparation of Budget 2016 there is an item included on today's Council Agenda to agree dates to commence the process.

Operation/Progress of the LCDC

The Local Community Development Committees (LCDC) convened on three occasions during the period April to June and most recently on 13th July to consider the following items;

- SICAP Programme Implementers Annual Plans
- Draft Socio-Economic Statement and high level goals in respect of the community elements of the Local Community & Economic Plan (LECP)

- The public consultation policy in respect of the community elements of the LECP
- The preparation of the Expression of Interest to form a Local Action Group for the delivery of the Leader programme. The negotiations with the Local Development Companies concerning the preparation of a county strategy are close to being finalised. As part of these discussions the LCDC deliberated on the implementation of the Leader Programme in the Gaeltacht areas. Presentations were made by NEKD, SKDP and Údarás Na Gaeltachta in relation to their respective merits in delivering the programme in the Corca Dhuibhne & Uibh Ráthach Gaeltacht. The decision of the LCDC was that NEKD & SKDP should act as Programme Implementers in these areas.
- Finance & monitoring report in respect of the Local Community Development Programme (LCDP) for 2014

Kerry Public Participation Network

The Public Participation Network has continued to work on the public consultation surrounding the Local Economic & Community Plan, the Tourism Strategy 2016 Programme and also the Library Strategy for the County.

The permanent representatives for the LCDC have been selected through the PPN and a report is before today's meeting in respect of their ratification.

The Department of Environment Community & Local Government is rolling out a mechanism to fund and manage PPNs which will allow for their continued development and operation. Co-funding is required from the local authority. The proposals provide for the appointment of a resource worker to assist in the development of the PPN and the formal relationship between the PPN and the local Authority.

Local Economic & Community Plan

The preparation of the LECP is advancing with the completion of the economic profile for the County. The first phase of public consultation around the higher level goals has concluded with public meetings being held through the PPN in each of the Municipal Districts.

There has also been a series of stakeholder engagements with the various community and social inclusion groups, including significant engagement with individual organisations and a large gathering in The Meadowlands Hotel on the 17th June, where over sixty representatives of groups attended.

While the public phase of the consultation has concluded, the stakeholder engagement will continue with both community and commercial groups throughout the County. In this regard, the various retail groups have been requested to consult locally with their members and feed back the results at a retail event planned for the evening of the 15th July in the Meadowlands Hotel.

The consultation which took place in conjunction with the South West Action Plan for Jobs will also form part of the formal consultation. The South West Action Plan for Jobs was published on Friday, 3rd July 2015. A number of important economic measures were included as part of the Kerry objectives over the period of the Plan. A presentation will be made to the Economic Development and Enterprise SPC on the significant Kerry actions.

Designation of Bathing Waters

Under European and Irish law, Local Authorities must designate bathing waters each year so that these areas can be monitored to ensure they meet stringent microbiological water quality standards. Currently there are 15 officially designated bathing waters in the county

Submissions have been invited from the public to help Kerry County Council decide which bathing areas should be designated for 2016, having regard to the following broad considerations:-

- How the swimming area has been used up to now;
- How many people use the site;
- What facilities exist at the site and how accessible it is;
- Any safety issues.

Closing date for submissions to Kerry County Council is 28th July 2015.

Social Housing Strategy 2015 - 2017 - Progress Report

The Council received notification from the DOECLG of the Targets for Delivery under the Social Housing Strategy 2015 – 2017 for 1,058 housing units at an estimated cost of delivery of €62m. These are to be delivered using a combination of the Rental Accommodation Scheme, Social Leasing, Voids Programme, House Purchases and House Construction. The Housing Section is actively working towards delivery of these targets using all available delivery mechanisms.

For 2015, a target of 30 house purchases has been specified, there are currently 12 houses in the process of being purchased across the County. We continue to seek suitable house purchases to meet our needs in order to meet targets.

Targets for 2015 for RAS and leasing have been set at 257 units and the Housing Department has completed or is in the process of completing 129 RAS/Leasing contracts for 2015. We continue to actively seek suitable houses for lease.

53 houses were approved under the Voids Programme for 2015 in the sum of €905,000. Work has been completed on 28 units to date in accordance with this Programme and we continue to implement in order to re-let houses to qualified housing applicants.

In terms of the Housing Construction Programme, we are at Tender stage for 20 houses in Park, Killarney and 4 housing units at Bill Kinnerk Road, Tralee. We continue to advance housing construction projects in Ardmoniel, Killorglin and 3 single rural houses which are part of our 2015 Programme.

Local Traveller Accommodation Consultative Committee

In accordance with the Traveller Accommodation Act 1998, the first Meeting of the current LTACC was held in June 2015 with the nominated representatives. We continue to implement the Traveller Accommodation Programme 2014 – 2018 and will work with the Committee to agree and implement a Work Programme for the duration of the Committee.

Fire Services Update

Following on from a very busy first quarter, Kerry County Fire Service had a very busy second quarter in 2015, as set out in the table below.

		1 Jan 2014 to 30 Jun 2014	1 Jan 2015 to 30 Jun 2015
Fire Service Operations	Total Incidents	552	624
	Total Mobilisations	620	696
	Number of Fires	257	401
	Of which: Chimney Fires	79	89
	Gorse	75	209
	Number of Special Service Incidents	201	137
	Of which: Road Traffic Accidents	80	65
Building Control	Fire Safety Certificate Applications Received	56	64
	Disability Access Certificate Applications Received	37	43
	Commencement Notices Received	228	181

Building Control

- 181 Commencement Notices were received up to the end of June 2015.
- The number of Disability Access Certificate applications received was 43 for the same period.
- A total of 64 Fire Safety Certificate applications were received.

Library Service

- Public consultations have been completed with regard to the Library Development Plan which will cover the years 2015 - 2019. Draft Plan is currently in preparation.
- Each year Kerry Library runs summer reading programmes for primary school children to promote literacy development when schools are closed and to encourage non readers to engage with books. This year, Kerry will be participating in a new national pilot initiative, supported by the LGMA (Libraries Development), together with 13 other Local Authority Libraries.

Statistics for January – June 2015

Number of issues/borrowings	Number of Visits
324,000	233,000

Kerry Local Enterprise Office

Project activity levels are good with strong demand and queries.

Additional activities underway including:

- Regional Action Plan for Jobs submissions
- Community Enterprise initiative application promotion
- Competitive Funds LEO – application preparation

Project Approvals

The Approvals & Evaluation Committee has met on three occasions in 2015. 22 projects have been approved funding of €303,625 and a further 14 projects have been received for assessment at the July 2015 meeting.

Soft Supports & Training Report January – June 2015

Total no. of attendees on training courses to date in 2015 – **c. 326 persons**

All programmes fully booked with ongoing evaluations

Waiting lists in operation for all courses

All training is very heavily subsidised

These programmes include:

Start Your Own Business Programmes

Business Growth Programmes
Digital Marketing Programme
Advanced Facebook Advertising for Business
How to create & edit marketing videos for your business
Food Academy Programme

Seminars

A series of seminars have also been delivered

Total no. of attendees at seminars during 2015 – **c. 238 persons**

All seminars were free of charge

These included:

How to win public sector tenders

Irish Patent Office

Trading Online Vouchers (2 seminars)

FUSE Programme (delivered in conjunction with Craft & Design Council of Ireland)

National Enterprise Awards

County Winner Mark Fleury of Fleury Engineering Ltd.

Ireland's Best Young Entrepreneur

13 entries recorded and work is ongoing with closing date 31st July 2015.

Trading Online Vouchers (scheme to support online trading)

Over 91 applications have now been received with 56 businesses approved by the LEO

Schools Enterprise Programme

22 schools and 200 students - 3 national awards

Mentoring

71 clients have received mentoring

Business Advice Clinics

- 17 Business Advice Clinics held so far this year in Tralee, Killarney, Castleisland, Listowel, Cahirciveen, Kenmare and Killorglin
- 185 clients have availed of the service so far this year."

The Chief Executive referred to the administration of the LEADER Programme in Gaeltacht areas and said that language protection must be fostered in the delivery of the programme. During the course of the deliberations on the implementation of the Leader Programme, she recommended that the programme for the Corca Dhuibhne Gaeltacht would be delivered by Údarás na Gaeltachta and that the programme for the Uibh Ráthach Gaeltach would be delivered by South Kerry Development Partnership. Her recommendation had not been accepted and the decision of the LCDC was that North & East Kerry Development (NEKD) and South Kerry Development Partnership (SKDP) should act as Programme Implementers in these areas.

Cllr. S Fitzgerald expressed his disappointment that Údarás na Gaeltachta had not been selected to implement the LEADER Programme particularly in the Corca Dhuibhne Gaeltacht. LEADER funding is very much reduced and the administration of the funding by the Local Development Companies will incur an administration cost. This is a ridiculous waste of tax payer's money and will result in duplication and inefficiency. The LCDC has now set up a Gaeltacht quango which is not proficient in the Irish language. In view of the recommendation made to the LCDC by the Chief Executive he PROPOSED "that Kerry County Council call on the Minister for Arts, Heritage and the Gaeltacht to make a Ministerial Order directing that Údarás na Gaeltachta implement the Leader Programme in the West Kerry Gaeltacht."

Cllr. J Finucane SECONDED this proposal.

The Chief Executive said that the LCDC assessed and considered the presentations made by NEKD, SKDP and Údarás na Gaeltachta in relation to their respective merits in delivering the programme in the Gaeltacht areas. The statutory process has been followed and a decision has been made by the LCDC. The priority now is to complete the strategy with a view to drawing down the funding as soon as possible.

Cllr. S Fitzgerald said that Údarás na Gaeltachta is a Statutory Body operating in the Gaeltacht areas and it should be implementing the LEADER Programme to avoid duplication and waste of money.

The Chief Executive reiterated that the statutory process has been followed and a decision has been made by the LCDC.

Cllr. Fitzgerald asked if the Local Development Companies are willing to administer the programme free of charge.

Cllr. T Ferris said that she was disappointed that there is no mention in the Chief Executives report of the recent Tralee Circuit Court injunction which requires that no further work be carried out on a farm building on a property in Scartaglin, when Kerry County Council was criticised by the Judge for lack of enforcement action. She said that the Council is the public face of Kerry County Council therefore a discussion on this matter is required as some very negative publicity for the Council had ensued. She suggested that a Special Meeting of Kerry County Council would be called to brief the members on planning enforcement and this case in particular.

Cllr. T Ferris added that she was incensed to have Agenda for the September meeting of the Tralee Municipal District when this application had been discussed "in camera" at the previous meeting in July and members had indicated that they would be reluctant to support the proposal. She had been contacted by the developer after the meeting with regard to information which would only have been known to the people who attended the private meeting. She said that she wanted an explanation as to how this occurred and reiterated that there is a need for a Special Meeting to discuss planning issues.

Cllr. D Quigg referred to the Targets for Delivery under the Social Housing Strategy 2015 – 2017 of 1,058 housing units at an estimated cost of €62m. He said the current housing crisis must be addressed without delay as people are asking how the €62m will be spent.

Cllr. J Finucane said that he supported Cllr. S Fitzgerald's proposal that the LEADER Programme should be administered by Udarás na Gaeltachta, in Gaeltacht areas, as he does not agree with an agency implementing the programme in an area where a Statutory Body is already in place. The beneficiaries of the grants will be the losers and this is contrary to the ethos of the LEADER Programme.

Cllr. J Finucane commended the work of the Local Enterprise Office and asked if a date for the relocation of the office to County Buildings is available.

Cllr. D O'Grady referred to Targets for Delivery under the Social Housing Strategy 2015 – 2017 and welcomed the additional funding for the Rental Accommodation Scheme (RAS).

Cllr. J Brassil supported Cllr. Ferris' request for a Special Meeting to discuss planning matters. The case referred to needs to be reviewed with a view to ensuring that a similar situation does not arise again. He referred to the designation of bathing waters and said that there are a small number of locations such as Beale and Fenit diving area which are very popular and it would be very beneficial to these areas if they were designated as official bathing waters.

Cllr. D Healy Rae referred to the Social Housing Strategy 2015 – 2017 and said that the proposed 20 units in Park, Killarney have been promised since 2013 and construction is still awaited. He has a huge issue with the transfer of housing maintenance to the Operations, Health & Safety Directorate as it worked very well previously as part of the Housing Department. While he acknowledged that building control is needed for large housing developments Cllr. D Healy Rae said that the same regulations should not apply to one off houses and extensions. He added that the hedge cutting season should be extended, in particular with regard to road side hedges.

With regard to Cllr. S Fitzgerald's proposal that the Leader Programme be administered in Gaeltacht areas by Udarás na Gaeltachta, Cllr. Healy-Rae said that IRD Duhallow is best placed to implement the LEADER Programme in the Sliabh Luachra area. He PROPOSED that IRD Duhallow would implement the LEADER Programme in Sliabh Luachra and that this request would also be forwarded to the Minister for Arts Heritage & the Gaeltacht.

Cllr. M Gleeson referred to the update on the Local Enterprise Office and welcomed the attendance of 326 persons at training courses. It is very important that those on waiting lists are accommodated as soon as possible in order to avoid further emigration. With regard to the Fire Services Update he expressed concern at the devastation caused by gorse fires and said that he is fearful that it is only a matter of time before human life will be lost. He asked

that Kerry County Council would become involved with communities, with unanimity of purpose, so that burning of gorse could be carried out in a controlled manner.

Cllr. JJ Culloty supported Cllr. Gleeson's request with regard to the burning of gorse. He referred to the Building Regulations and said that the current requirements amount to over regulation in the case of one off houses and extensions. He referred to the recent Circuit Court Injunction concerning planning enforcement and asked the Chief Executive if any action is being taken to ensure that a case such as this will not reoccur as the people concerned were left with no option but to pursue Civil Proceedings as the Council did not take the appropriate enforcement action.

Cllr. N Foley welcomed the proposal to hold a Special Meeting to discuss planning matters in September. She called on the Chief Executive to comment on the current housing situation in the county. She referred to the update on the Library Service and PROPOSED that the summer reading programmes for primary school children would also be run for second level students. She suggested in support the Kerry Local Enterprise Office and to encourage the participation of young people in entrepreneurship that the three Kerry students who won national awards in the Schools Enterprise Programme be accorded a Civic Reception by Kerry County Council.

The Cathaoirleach said that he would discuss this matter further with Cllr. Foley and the CPG.

Cllr. J Healy Rae referred to the Building Control Regulations 2014 and said that it was not right or fair that compliance with the Regulations was costing an applicant for a one off house an additional €15, 000 to €20, 000. While he supported Cllr. S Fitzgerald's proposal that Údarás na Gaeltachta should administer the LEADER Programme in the West Kerry Gaeltacht, he acknowledged that the Chief Executive must work within the law and in accordance with the decision of the LCDC.

With regard to the recent Circuit Court Injunction concerning planning enforcement, Cllr. J Healy Rae said that it is his personal opinion that it was inappropriate for the Judge to comment without having visited the site.

Cllr. P Daly supported Cllr. S Fitzgerald's proposal that Údarás na Gaeltachta should administer the LEADER Programme in the West Kerry Gaeltacht and stated that it is important to realise that the composition of the LCDC is determined by Government policy and the elected members are in a minority. In his opinion the document "Putting People First" is in fact "Putting People Last" therefore he did not see any merit in referring the matter to the Minister.

Cllr. B Cronin expressed concern about the number of single people who are applicants for housing and have been on the housing list for a considerable length of time without being offered accommodation. It is necessary to focus on this particular sector as they are being discriminated against. He welcomed the holding of a Special Meeting to clarify planning issues. The recent Circuit

Court Injunction concerning planning enforcement resulted in very negative publicity for Kerry County Council and must be discussed in detail. There needs to be public confidence and consistency in the planning process.

Cllr. M O'Shea referred to the Social Housing Strategy 2015 – 2017 progress report and asked if extra staff would be assigned to the Housing Department to ensure the targets set out in the Strategy can be achieved.

Cllr. N Moriarty referred to Cllr. S Fitzgerald's proposal that Údarás na Gaeltachta should administer the LEADER Programme in the West Kerry Gaeltacht and said that she could not support the proposal as a democratic decision was made by the LCDC and it would not be right to overrule that decision.

Cllr. A Thornton said that she is a member of the LCDC and sought clarification as to whether she should abstain from a vote on this proposal.

Mr. JD Flynn said that by virtue of being an elected member it was a matter for Cllr. Thornton to decide herself. He stated Udarás na Gaeltachta is a semi state company. There is a requirement in law for Kerry County Council and Development Agencies to co-operate and the LCDC is the vehicle through which this is achieved.

The Chief Executive advised that Cllr. S Fitzgerald must declare his position outside of Kerry County Council.

Cllr. S Fitzgerald declared that he is a farmer, a member of Kerry County Council and also a Director of Údarás na Gaeltachta. He said that he did not see any conflict of interest in raising his concern about the duplication of services and waste of money.

The Chief Executive said the membership of the LCDP is set down in The Local Government Reform Act 2014 which gave effect to a Directive from the EU. It must comprise 49% statutory and 51% non-statutory sector members. Her recommendation to the LCDC that the programme for the Corca Dhuibhne Gaeltacht would be delivered by Údarás na Gaeltachta and the programme for the Uibh Ráthach Gaeltach would be delivered by South Kerry Development Partnership was considered by the members of the LCDC but a decision was taken that North & East Kerry Development (NEKD) and South Kerry Development Partnership (SKDP) should act as Programme Implementers in these areas. She said that a Ministerial Directive would not impact on the EU Directive which is quite specific.

Cllr. J Healy Rae said that in his opinion all decisions of the LCDC should come before the members of Kerry County Council for consideration.

Cllr. N Kelleher said that he is a member of the LCDC and he believed the decision made by the LCDC should be accepted.

A vote was taken on Cllr. Fitzgerald's proposal which resulted as follows:

For: Cllrs J Finucane, S Fitzgerald, D Healy Rae, J Healy Rae, T McEllistrim, B O'Connell, M O'Shea, J Sheahan, P McCarthy (9)

Against: Cllrs. B Cronin, JJ Culloty, JF Flynn, N Foley, D Grady, J Moloney, N. Moriarty (7)

Not Voting: Cllrs. R Beasley, P Daly, T Ferris, N Kelleher, D McCarthy, D Nolan, D Quigg, G Spring, A Thornton (9)

The Cathaoirleach declared the proposal CARRIED.

On the PROPOSAL of Cllr. S Fitzgerald SECONDED by Cllr. J Finucane it was agreed that Kerry County Council would call on the Minister for Arts, Heritage and the Gaeltacht to make a Ministerial Order to direct Údarás na Gaeltachta to process the applications for Leader funding for West Kerry.

The Chief Executive said that she had taken note of the concerns of the members with regard to the recent Tralee Circuit Court Injunction and acknowledged that it was not a good result for Kerry County Council. It is important for her to give the members and the public assurances that the planning process is robust and consistent. While this case did not have a good result for Kerry County Council, it does not impact on the very good planning system that is in place. Kerry County Council is a very active local authority in terms of planning enforcement, 228 cases were investigated in 2014 and only in 13 cases were decisions made that enforcement action was not required. She said that she is currently reviewing the whole enforcement process and would implement any changes that are required. The Chief Executive undertook to hold a Special Meeting as requested by members.

The Chief Executive acknowledged that it would be difficult to achieve the targets set out in the Social Housing Strategy 2015 – 2017.

With regard to the Material Contravention referred to by Cllr. T Ferris, Mr. P Stack said that the application is currently being assessed therefore he was not in a position to comment on it further. He said that ultimately, it is a decision for the members.

Cllr. T Ferris said that she would like to meet with Mr. Stack before the next Tralee Municipal District meeting to discuss this matter.

Cllr. J Finucane said that he too had received a notification of the Material Contravention. There was a consensus as a result of the discussion prior to the Tralee Municipal District meeting on 6th July but it now appears that this consensus is of no value.

The Chief Executive said that she would discuss this matter with the Delegated Executive for the Tralee Municipal District.

Cllr. D Healy Rae PROPOSED that the members of Kerry County Council agree to allow IRD Duhallow to deliver the Leader Programme in East Kerry.

The Chief Executive said that the LCDC is in discussion with IRD Duhallow as to how the Leader Programme will be delivered in that part of the county.

15.07.20.04 Disposal of property

- (a) On the PROPOSAL of Cllr. J Finucane , SECONDED by Cllr. B Cronin it was agreed to dispose of a lot of land comprising of 0.021 hectares (0.052 acres) in area, in the townland of Ballygowloge in the DED of Listowel Urban, County Kerry to *(Name and address withheld for data protection purposes. A paper copy of the unedited minutes is available on request)* in accordance with the terms of notice issued 1st July, 2015 pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning and Development Act 2000.
- (b) On the PROPOSAL of Cllr. B Cronin, SECONDED by Cllr. J Finucane it was agreed to dispose of land comprising of 0.024 Ha (24m * 10m) in area situated in the townland of Fenit Without in the DED of Ballinhaglish to Tralee Oyster Fisheries Society Ltd., Ballyeagh, Ballyunion in accordance with the terms of notice issued 9th July, 2015 pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Planning and Development Act 2000.

15.07.20.05 Revised membership of the Strategic Policy Committees

Ms. B Reidy advised the members that the following membership change is proposed.

Cllr. J Sheahan to move from the Operations SPC to Tourism, Culture, Arts and Recreation SPC and Cllr. M Kennelly to move from the Tourism, culture, arts & Recreation SPC to the Operations SPC as Chairperson of the SPC.

On the PROPOSAL of Cllr. S Fitzgerald SECONDED by Cllr. J F Flynn it was unanimously agreed that Cllr. J Sheahan would move from the Operations SPC to the Tourism, Culture, Arts and Recreation SPC and Cllr. M Kennelly would move from the Tourism, Culture, Arts & Recreation SPC to the Operations SPC as Chairperson of that SPC.

15.07.20.06 Ratification of the Public Participation Network (PPN) Nominations to the Kerry LCDC

Mr. Breen referred members to report dated 10th July, 2015 on this item which was circulated. He briefed them in detail on the report.

On the PROPOSAL of Cllr. J.F. Flynn, SECONDED by Cllr. J. Moloney it was unanimously agreed to ratify the PPN nominations to the Kerry LCDC as set out in the report circulated.

15.07.20.07 Ratification of nominations to the membership of the Kerry Joint Policing Committee

Mr. Breen referred members to report dated 13th July, 2015 on this item which was circulated. He briefed them in detail on the report.

Cllr. N Foley welcomed the setting up of the Joint Policing Committee and the strengthening of the strategic and collaborative functioning within each JPC. She PROPOSED that the JPC would examine the provision of CCTV policing cameras which would be monitored by the Gardaí and that this type of camera would be considered for the Square in Tralee.

Cllr. J Finucane SECONDED this proposal.

Cllr. P Daly said that a discussion should be held by the JPC concerning the criminalising of young people for very minor offences. The options for caution should be extended to cover this matter.

Cllr. Daly also said that the crime rate in Kerry is very low therefore the number of crimes and not the percentage should be publicised, as the percentage can be misleading and may appear to be greater than the actual number.

Cllr. D Quigg said that members of the South & West Kerry Municipal District have requested that funding be made available for the upgrading of the CCTV in Killorglin. They have asked several times if Councillor Specific Municipal District Operations Fund may be used for this purpose but a definitive response has not been received. He would not be in favour of the provision of any new CCTV system until such time as the present system in Killorglin has been upgraded.

Cllr. JF Flynn supported Cllr. D Quigg on this matter and stated that he looked forward to the JPC meetings as he is concerned about the number of robberies which are occurring when considerable amounts of money are being taken.

Cllr. D Healy Rae said that cameras are no substitute for Gardaí on duty.

Cllr. A Thornton said that she is a member of Southern Regional Drugs Task Force and she PROPOSED that a representative of that body would be requested to make a presentation to Kerry County Council.

The Cathaoirleach SECONDED this proposal and it was agreed.

On the PROPOSAL of Cllr. A Thornton SECONDED by Cllr. J Finucane it was unanimously agreed to ratify the membership of the JPC as set out in the report circulated.

15.07.20.08 Update on the new Waste Management (Collection Permit) (Amendment) Regulations 2015

Mr. Breen referred members to report dated 10th July, 2015 on this item which was circulated. He briefed them in detail on the report.

Cllr. M O'Shea asked if these changes will impact on the transfer stations owned by Kerry County Council.

Cllr. D Grady said that the charges for waste collection should be advertised in the local media.

Cllr. J Healy Rae said that he is aware that in parts of the county there are locations where no waste collection service is available. To facilitate householders there are operators who collect bags of household waste and transport them in a trailer to a waste facility. He asked if the requirements under the new Waste Management (Collection Permit) (Amendment) Regulations will result in these people losing their livelihood and depriving their customers of a waste collection service. If so, it will ultimately result in an increase in indiscriminate dumping.

Mr. J Breen said that he is aware of this service and the legislation has made provision for these operators. He confirmed that the Regulations only relate to the collection of kerbside waste and will have no impact on the transfer stations.

15.07.20.09 Dates for the following Briefing/Meeting

- (a) On the PROPOSAL of Cllr. M O'Shea SECONDED by Cllr. R Beasley it was agreed that a Briefing on the Council's Budget 2016 would be held on Monday 7th September, 2015 at 2.30pm.
- (b) On the PROPOSAL of Cllr. M O'Shea SECONDED by Cllr. R Beasley it was agreed that a Special Meeting to consider the Draft Budget Policy/Strategy and consideration of setting a local adjustment factor in relation to LPT would be held on Monday 14th September 2015 at 10.30am.

Cllr. J Moloney said that an SPC meeting was scheduled for the 14th September, 2015.

Cllr. JF Flynn asked if a date was available for the first JPC meeting.

Mr. J Breen said that that it would be necessary to consult with the Gardaí and the Oireachtas Members before a date for a JPC meeting could be fixed.

Cllr. JF Flynn suggested that the 31st July, 2015 may be an appropriate date.

Mr. Breen said that he would consult with the relevant bodies and revert to Cllr. Flynn.

15.07.20.10 Report from the Operations SPC

It was agreed to note Cllr. J. Sheahan's written report on the meeting of the Operations SPC held on the 24th June, 2015 which was circulated.

Cllr. T Ferris referred to the proposed drainage work at Kilmoyley Burial Ground and asked if this issue could be discussed with the Councillors and the people concerned.

Mr. D Doyle undertook to meet with the Cathaoirleach, representatives of the Burial Ground Committee, local Councillors and residents of the housing estate to discuss this matter.

15.07.20.11 Report from Sustainable Communities & Quality of Life SPC

It was agreed to note Cllr. J. Moloney's written report on the meeting of the Sustainable Communities & Quality of Life SPC held on the 8th June, 2015 which was circulated.

15.07.20.12 Report from Economic Development & Enterprise SPC

It was agreed to note Cllr. J. Finucane's report on the meeting of the Economic Development & Enterprise SPC held on the 13th May, 2015 which was circulated.

15.07.20.13 Summary of proceedings at the 40th Anniversary National Planning Conference

It was agreed to note Cllr. J Finucane's written report on the 40th Anniversary National Planning Conference which was circulated.

15.07.20.14 Opening of Tenders

- (a) On the PROPOSAL of Cllr. M Gleeson SECONDED by Cllr. J Sheahan, it was agreed to approve the opening of tenders for the N70 Japanese Knotweed Eradication Contract - Closing date Friday 7th August 2015 at 12.00noon.
- (b) On the PROPOSAL of Cllr. JJ Culloty, SECONDED by Cllr. J Finucane it was agreed to approve the opening of any tender that may arise up to the September meeting.

Cllr. M Gleeson said that the growth of Japanese Knotweed has escalated on roadsides in the county during the past five weeks.

Mr. D Doyle said that funding is being made available by the NRA for the eradication of Japanese Knotweed on National Roads.

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. R Beasley, SECONDED by Cllr. M Gleeson it was agreed to suspend Standing Orders to allow the meeting to continue.

15.07.20.15 Notices of Motion

The Cathaoirleach informed the meeting that Cllr. P Daly had requested permission to move an Emergency Motion in relation to the proposed Tralee to Fenit walkway and as Notices of Motion was the next item on the Agenda, he called on Cllr. Daly to move his motion.

Cllr. P. Daly PROPOSED "That, in the light of the briefing given to the Tralee MD on Monday last that Kerry County Council give utmost priority to the application for planning permission for the Tralee to Fenit walkway".

Cllr. R Beasley SECONDED the motion.

1. Completion of housing estates

Pursuant to notice duly given Cllr. M Gleeson PROPOSED:

As the Council is experiencing extreme difficulties in achieving completion in a number of housing estates in the County and the likelihood that the general public will have to bear some of the cost of those completions, can the Chief Executive outline for the members the positive actions that will, henceforth, be taken by the Planning Department to ensure that all new estates will be completed in full and precise accordance with the conditions of planning.

The following report issued:

It is the intention to expand the role of the Housing Estates Unit to carry out periodical inspections of housing developments to ensure full compliance with the grant of planning permission.

All planning applications for new housing developments are now being referred to the Housing Estates Unit for their observation and comments. This is in addition to inputs from the Roads, Water Services, Environment Section and Fire & Building Control Department during the planning process.

Building Control Authorities are required to carry out a level of inspection equivalent to 12 to 15% of new buildings for which valid commencement notices have been received each year. The Building Control Department in Kerry complies with this requirement each year and carries out a number of building inspections of domestic dwellings during the construction phase.

However , the key responsibility, under the Building Control Act 1990, to ensure that buildings are designed and constructed in accordance with the relevant requirements of the Building Regulations lies with building owners, designers and builders. In undertaking building works appropriate measures should be taken so that the work is in accordance with the Building Regulations. Designers, builders and certifiers are required to exercise reasonable skill, care and diligence in the exercise of their duties. They and the persons assigned by them should be competent for the work they undertake.

Under the Building Control (Amendment) Regulations, which came into effect on 1st March 2014, dwellings including those in all housing developments must be supervised and constructed in accordance with the Building Regulations. This supervision must be carried out by professionals who are chartered members of their respective organisations. This will include lodgement of commencement notices on the Building Control Management System. A Certificate of Compliance on Completion indicating compliance of the completed building with the requirements of the Building Regulations must also be entered on the Building Control Management System by the assigned certifier for the works.

Cllr. M Gleeson read the following into the record of the meeting:

"I am fully aware that we have previously discussed this matter but I think that it needs to be revisited. Today's discussions have certainly given more urgency to this motion.

This country has suffered enormously because of the terrible shambles that was the building industry over the past twenty years or so. We have had re-zoning of land on a frantic scale. We've had litanies of Section 140 planning permissions, often proposed and motivated by political ambition. Worst of all we have had a building industry that was almost totally unregulated and where far too many builders, particularly larger ones, rode roughshod over whatever building standards and over whatever planning conditions applied.

Local Authority planners simply could not have been expected to have minutely supervised. There simply was not enough person power.

As a cumulative result of all this gross malfunctioning local authorities up and down the country are left with estates that are a financial noose around their budgetary necks.

We have all heard of Priory Hall, Belmayne and Millfield Manor but there are many, many more of various sizes and in various states of disarray and malfunction. No public lighting, sewers backing up, roads that are a mere pretence.

So what does the Minister do? He decrees that there must be a hugely expensive Assigned Certifier who will be charged with filling out a form that is

far too complicated for the hard pressed person or the ordinary builder or for many of their regular architects or engineers.

Worse still some weeks ago it is believed that the C.E.O.'s of the 4 Dublin local authorities received a letter/ directive from Minister Kelly asking that they would not impose standards that would maybe delay the speedy building of houses. Will this letter result in more inadequate and shambolic estates? Will it in time result in further financial hardship for the house owners and the hard- pressed taxpayers.

We never seem to learn. In fact we seem incapable of learning.

I am not CEO telling you how to deploy your staff but being pre-emptive and having a long term planning is vital.

I am today asking you colleagues to support my call that all future developments in this county would receive regular, intermediate stage inspection above and below ground from our own planning team. They have granted the permissions, they know the reality of the individual situation and they should and indeed must have the ultimate responsibility for ensuring that their standards are met. That's how life functions and responsibility rests with teachers, dentists, doctors and many others. Why should it be expensively different for planning and building".

Cllr. D Grady SECONDED the motion.

2. Changes to the junction lay-out at High Street, Killarney

Pursuant to notice duly given Cllr. J Sheahan PROPOSED:

That Kerry County Council carry out changes to the junction lay-out at High Street, Killarney as soon as possible.

The following report issued:

The revised High Street Junction in Killarney has been raised by a number of councillors at Killarney Municipal District Meetings over the past number of months.

A proposal to amend this Junction will be brought to the next meeting of Killarney Municipal District. This proposal will involve giving traffic on High Street priority and it will prohibit traffic entering High Street from Anne's Road and Rock Road. This proposal will require public consultation in accordance with Section 38 of the Road Traffic Act 1994.

Cllr. J Sheahan said that the work already carried out is of a very high quality but a number of alterations are required.

Cllr. B Cronin said that the layout of this junction is the cause of huge traffic congestion and he welcomed the proposal to amend the junction.

3. Inclusion of the Maharees area on the Wild Atlantic Way

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

That Kerry County Council support the application of Maharees/Castlegregory Community Council to Fáilte Ireland to include the Maharees area on the Wild Atlantic Way.

The following report issued:

Castlegregory is already on the Wild Atlantic Way. Following our meeting with the Community Group it had been proposed to re-locate the Discovery Point from the beach near Castlegregory Village to Sandy Bay (a Blue Flag Beach) which Fáilte Ireland have agreed to. The Discovery Point will still be known as Castlegregory but signage and mapping will show the alternative site which the Community support. Any further changes will have to await a review planned for 2017/2018.

Cllr. M O'Shea welcomed the reply.

The meeting adjourned for lunch at 1.45pm.

The meeting resumed at 2.45pm.

4. Apply the same rules for RAS and Local Authority tenants

Pursuant to notice duly given Cllr. D Grady PROPOSED:

That Kerry County Council should apply the same rules to Local Authority tenants as we do with the RAS Scheme. We should not have a two tier system in operation within Kerry County Council.

The following report issued:

Our social housing stock consists of 4,036 dwellings. This is a very sizeable stock which requires significant resources to maintain. In the 2015 budget members agreed a provision of €3,418,000 for maintenance of local authority dwellings. In general, the Council is responsible for repairs to the exterior of the house, while the tenant is responsible for the maintenance of the interior. The responsibility of tenants is clearly explained to them prior to the signing of the tenancy agreement and the Tenants Handbook, which is given to each tenant, also clearly sets out their responsibilities in detail.

Given the level of expenditure in this area, we need to ensure continued and consistent value for money is achieved in repairs to both our occupied and vacant stock. Procurement of the various services is carried out by advertising mini-tenders on the LA Quotes system issued to contractors who are on the frameworks for the engagement of plumbers & electricians & general contractors. Obtaining the most competitive prices from competent contractors using these frameworks ensures that the productivity achieved from our housing maintenance expenditure budget will be maximised.

Under the terms of the national Rental Accommodation Scheme the majority of maintenance matters relating to the property are the responsibility of the landlord and this is factored into the contracted rental agreement as between the landlord and the local authority. The same property maintenance responsibilities arise in leasing and long term availability agreements where the maintenance of the property rests with the landlord and is factored into the rent paid. In the case of other local authority properties the maintenance responsibilities as between the landlord and the tenant are reflected in the tenancy agreement and more particularly in the Tenants handbook which is distributed to all tenants in advance of taking up tenancy.

Cllr. D Grady expressed his disappointment with the reply and said Kerry County Council should reconsider the responsibility of tenants of local authority houses. The same rules should apply to tenants of local authority owned houses and tenants of houses rented under the terms of the Rental Accommodation Scheme (RAS).

Cllr. J Finucane **SECONDED** the motion.

Cllr. T Ferris supported the motion. She said that it is considered that the rent on Social Housing properties would be lower than private rentals but that is not the case as many tenants of social housing are now paying higher rents. Tenants of properties acquired under the Rental Accommodation Scheme (RAS) do not have responsibility for maintenance of the property but many of these tenants are living in below standard accommodation.

5. Cost of High Court action in 2013

Pursuant to notice duly given Cllr. B Cronin PROPOSED:

As Kerry County Council lost a High Court action they took in April, 2013 to stop the HSA investigating a road accident in Rathmore, did the Council have to pay the legal costs for both sides and if so, what was the total cost paid out by Council for this High Court action

The following report issued:

This case was initiated by Kerry County Council to provide clarity around the definition of a place of work.

The legal costs of the Council were discharged by Irish Public Bodies on foot of the relevant insurance policy. The policy did not cover the legal costs of the HSA which were discharged by the Council in the sum of €67,607.50.

Cllr. B Cronin said that this money would cover a considerable amount of road resurfacing work and advised that the Council should exercise caution in matters like this in the future.

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

6. Carrying out of Road Safety Audits prior to planning applications for new schools being submitted

Pursuant to notice duly given Cllr. M Cahill PROPOSED:

That Kerry County Council ensure that Road Safety Audits are carried out prior to planning applications for new schools being submitted and that issues such as traffic lights, pedestrian crossings, speed limits, car parking, school bus/pick ups/drop off points etc. are addressed and planned for into the future. Where this has not happened in the past, I propose that Kerry County Council do everything possible to assist in addressing these matters as an increasing number of school principals, board of managements, parents councils and members of the general public are extremely concerned about this most serious health and safety matter.

The following report issued:

All applications for new schools will be required to provide a Safety Audit and a Traffic Impact Assessment. Any recommendations of these Audits will be condition on the planning application.

The current mechanism for funding of pedestrian crossings is the Low Cost Safety Improvement Grant for Regional and Local Roads and the NRA Safety Improvement Programme for National Roads. Funding applications must meet the requirements as set out in the Design Manual for Roads and Bridges.

Cllr. M Cahill asked that Kerry County Council would work with school principals and their Boards of Management in this regard as there are huge concerns about this serious health and safety matter.

Cllr. JF Flynn SECONDED the motion. He raised this matter many times as inadequate car parking at school pick up/drop off points is a huge problem. In Killorglin students attending the Community College must walk approximately half a mile from where the bus drops them off.

7. Call on the National Broadcaster to retain our "Angelus" in its present form

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

That we the members of Kerry County Council unanimously call on our National Broadcaster to retain our "Angelus" in it's present form.

Ms. B Reidy said this is a matter for consideration by the members.

Cllr. D Healy said that he had no grievance with "other" or "no" beliefs and was merely asking that the "Angelus" be retained by RTE in it's present form.

Cllr. D Grady SECONDED the motion.

Cllr. J Healy Rae supported the motion.

8. Call for a new arbitration process for families who are in difficulties with their mortgages on their family home

Pursuant to notice duly given Cllr. J Finucane PROPOSED:

To call on the Minister for Finance to set up a new arbitration process for families who are in difficulties with their mortgages on their family home. At present, where people are compelled to sell their family home, the onus is on the lending institution regarding any residual debt, I believe that this is unacceptable. This new service should be operated by the Financial Ombudsman or the Central Bank.

Ms. B Reidy said this is a matter for consideration by the members.

Cllr. J Finucane said that he is very concerned that a number of people have been forced to sell their homes. The Banks that are in state ownership took no responsibility for their own actions in the past and are inflicting hardship on vulnerable people. This is unacceptable and an independent process should be put in place to assist people who are in this situation.

Cllr. T Ferris SECONDED the motion.

9. Call for an increase in LEADER funding

Pursuant to notice duly given Cllr. N Moriarty PROPOSED:

That Kerry County Council seeks an increase in LEADER funding from Ministers Alan Kelly and Simon Coveney to bring the current fund in line and on a par with the rest of the Rural Development Programme. There were disproportionate cuts made in funding allocations to Kerry, Cork, Donegal, Mayo and Galway. The overall fund was cut by 60% in Kerry from the previous programme. This makes delivering meaningful and sustainable community development very difficult. A fairer allocation of funding is what we need to call for.

Ms. B Reidy said this is a matter for consideration by the members.

Cllr. N Moriarty said that there has been a huge reduction in LEADER funding for Kerry and a fairer allocation is required.

Cllr. N Kelleher SECONDED the motion.

10. Call for a relaxation of the regulation for the new Beef Data and Genomics Programme

Pursuant to notice duly given Cllr. D McCarthy PROPOSED:

To ask the Minister for Agriculture, Food and the Marine to relax the regulation for the new Beef Data and Genomics Programme. Farmers are reluctant to sign up for this scheme as the rules seem to be too complicated.

Ms. B Reidy said this is a matter for consideration by the members.

Cllr. D McCarthy acknowledged that a number of changes have been made to the Scheme since he submitted the motion but he still had reservations as many aspects of the new Scheme are over complicated and the requirements are set at too high a level.

11. Staffing issues at Listowel Community Hospital

Pursuant to notice duly given Cllr. J Moloney PROPOSED:

That this Council call on the HSE to urgently address the staffing issues at Listowel Community Hospital. The Hospital is already staffed at dangerously low levels and has 5 more retirements to come.

Ms. B Reidy said this is a matter for consideration by the members.

Cllr. J Moloney said that he is very concerned that beds will be closed at the hospital as a number of staff are due to retire soon and previous retirement positions have not been filled.

Cllr. D Nolan SECONDED the motion.

12. Presentation by the Irish Post Masters Union

Pursuant to notice duly given Cllr. S Locke PROPOSED:

I request that Kerry County Council put the 6 point plan on the Agenda from the Irish Post Masters Union and I formally request that a presentation be given to the Council by a member of the Post Masters Union at our next meeting in September.

Ms. B Reidy said this is a matter for consideration by the members.

As apologies for absence had been received from Cllr. S Locke, Notice of Motion No. 12 was moved by the Cathaoirleach on his behalf.

13. Details of energy price increases over the past 5 years

Pursuant to notice duly given Cllr. JF Flynn PROPOSED:

That Kerry County Council ask Ireland's Energy Providers to outline their price increases over the past 5 years.

Ms. B Reidy said this is a matter for consideration by the members.

Cllr. JF Flynn said that consumers are very concerned about escalating charges by energy providers. Irish consumers are paying the third highest electricity bills in the EU. In 2014 charges increased by 5.4% which was nearly double the EU average of 2.9%. Around 26% of the cost of Irish electricity is due to Government taxes and levies compared to just 5% in the UK.

Cllr. T Ferris agreed with Cllr. JF Flynn and said that electricity charges are 1½ times higher in rural areas than in urban areas. She suggested that the

resolution would also include the wording “to seek the reasoning as to why the unit price of energy is less in urban areas than in rural areas”.

It was agreed that the resolution would be amended to read as follows:

“That Kerry County Council asks Ireland's Energy Providers to outline their price increases over the past 5 years and to seek the reasoning why the unit price is less in urban areas than in rural areas”.

Cllr. JF Flynn asked that Kerry County Council would also write to the Government and the CER requesting that the mandate of the CER would be changed so it can take a more proactive role in ensuring consumers receive value for money from energy providers.

14. Public lighting in South and West Kerry

Pursuant to notice duly given Cllr. D Quigg PROPOSED:

That this Council address the current issue of public lighting in South and West Kerry as we are facing into another winter with huge problems in this area.

The following report issued:

All public lights in the Municipal District of South and West Kerry is currently being maintained. Faulty lights are repaired generally within 12 working days. Specific issues regarding power supply or damage to the lighting columns may take longer to repair.

Cllr. D Quigg said that this is a very important issue for property tax payers in Kerry. The issues regarding the upgrading of public lighting raised at previous South & West Kerry Municipal District meetings have not been resolved.

The Chief Executive said that a county wide approach is being taken with regard to the upgrading of public lighting.

15. Responsibility for repairing or replacing damaged roadside fencing

Pursuant to notice duly given Cllr. JJ Culloty PROPOSED:

To call on this Council to take responsibility for repairing or replacing damaged roadside fencing, as landowners allowed these fences to be erected by Kerry County Council to improve sight distances at dangerous junctions and bends.

The following report issued:

Section 13 of the Roads Act 1993 states that “(9) Notwithstanding the definition of “road” in section 2 , nothing in this Act shall be construed as imposing on a road authority any liability, duty or obligation to—

(a) Construct or maintain fences or retaining walls adjoining a public road which are the responsibility of any other person and which do not form part of the road.

The responsibility for the maintenance with road side fences rests with the landowner. The maintenance of any fences provided by Kerry county Council following a land acquisition is also the responsibility of the landowner.

Cllr. N Kelleher **SECONDED** the motion.

Cllr. B Cronin said that considerable funding from County Councillors Allocations (CCA) has been used in the past for the removal of bends and the improvement of sight distance at junctions. In such cases the land owner gave permission for the ditch to be removed and replaced with timber fencing by Kerry County Council, therefore, the Council should take responsibility for repairing or replacing damaged fencing.

Mr. D Doyle said that the maintenance of any fences provided by the Council following a land acquisition is the responsibility of the landowner.

Cllr. D Healy Rae asked if the fence is damaged and the Council is not responsible for repairing it, is the landowner allowed to replace the ditch.

Cllr. T Ferris **PROPOSED** that if roadside fencing which was provided by Kerry County Council is damaged, that funding from the Councillor Specific Municipal District Operations Fund may be used for its repair/replacement while the cutting of the hedges in the vicinity of the fencing is the responsibility of the landowner.

Cllr. D Quigg **SECONDED** this proposal.

The Chief Executive said that that was not an unreasonable proposal and she undertook to discuss this matter with the Director of Operations, Health & Safety.

16. Congratulate the Greek Government on their commitment to the democratic process.

Pursuant to notice duly given Cllr. D Nolan PROPOSED:

That the members of Kerry County Council congratulate the Greek Government on their commitment to the democratic process in bringing their national economic negotiations before their citizens and that we respect their voice and decision.

Ms. B Reidy said this is a matter for consideration by the members.

Cllr. D Nolan read the following into the record of the meeting:

“The treatment of the Greek people by Euro zone leaders and the appalling spectacle of the disgraceful treatment of a sovereign head of state at the European Parliament has destroyed public confidence and respect for the EU itself.

The contempt shown to the democratically voiced wishes of the Greek people was ignored to the point where they must question their own status as “citizens” of the European Union.

In 1954, the Greek Government of the day forgave Germany’s post war debt.

This debacle has been running in parallel to our own banking enquiry which day after day exposes on the record the Euro Zone involvement in the hardships put on the shoulders of Irish people.

The smaller economies at the periphery of the Euro zone have gifted mostly Germany and also France, through support of their reckless banks a “Native Marshall Plan”. The illusion of a “Europe of Equals” has been shattered.

She PROPOSED that this Council registers its support for sovereign referenda processes and respects the stand made by the Greek people”.

Cllr. T Ferris SECONDED the Notice of Motion.

Cllr. B O’Connell opposed the motion and said that he could not agree to congratulate the Greek Government which had been disingenuous with the Greek people and given them false financial expectations in order to get into power and brought the country into an economic abyss.

Cllr. T Ferris said that the motion merely asks that the Greek Government be commended for bringing national economic negotiations before their citizens in a referendum.

Cllr. B Cronin said that as a neutral observer it is obvious to him that the Greek people are in a terrible situation. He could not support sending congratulations to a Government in a country where the banks were closed and withdrawals from ATM’s were limited to €60 per day.

Cllr. D Healy Rae said that the members of Kerry County Council should concentrate on looking after the people of Kerry.

A vote was taken on Cllr. Nolan’s proposal which resulted as follows:

For: Cllrs. T Ferris, D Nolan, D Quigg **(3)**

Against: Cllrs: B Cronin, JJ Culloty, JF Flynn, M Gleeson, D Healy Rae, J Healy Rae, J Moloney, N Moriarty, B O’Connell, A Thornton, P McCarthy **(11)**

The Cathaoirleach declared the motion DEFEATED.

17. South West Action for Jobs Plan 2015 – 2017

Pursuant to notice duly given Cllr. A Thornton PROPOSED:

I welcome the just launched South West Action for Jobs Plan 2015 - 2017, which can only be achieved by high level of collaboration. I would ask that this plan be put on the agenda for the next Kerry County Council meeting so that the members may discuss the actions cited in the plan which concern Kerry County Council.

The following report issued:

The South West Action Plan for Jobs was officially launched by Minister Burton and the Department of Jobs, Enterprise and Innovation on 3rd July 2015.

Significant work and consultation was involved in development of the plan including Local Authorities, Educational Institutions, State Agencies and the wider public. A series of 3 consultative meetings and an online submission facility was also available to wider business and development interests in the Region.

Actions being developed under the Local Economic and Community Plan will also feed into the Regional Action Plan for Jobs.

The Kerry County Council Executive has worked to ensure that there is a strong County Kerry agenda in the plan and a series of tangible actions are included which will be delivered upon over the course of the Plan.

The Senior Management Team has met with Section Heads to prioritise delivery and timeframes.

The Plan will be presented to the Kerry County Council's Economic Development and Enterprise SPC at its next scheduled meeting for consideration.

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

18. Call on Kerry General Hospital to provide a set down area outside the main entrance

Pursuant to notice duly given Cllr. N Kelleher PROPOSED:

That this Authority ask Kerry General Hospital to provide a set down area outside the main entrance to the Hospital.

Ms. B Reidy said this is a matter for consideration by the members.

Cllr. N Kelleher said that he was aware that a driver who was waiting to pick up somebody from the hospital was advised by the parking attendant to keep driving around the grass circle. In his opinion a number of vehicles driving around in a circle could cause greater traffic issues than a car parked at the

entrance to the hospital for five to ten minutes. He said that there are spaces adjacent to A&E which should be identified as set down spaces.

Cllr. A Thornton **SECONDED** the motion and said this facility is very much required.

19. Acquisition of land along the Old Railway Line from Killorglin to Farranfore for development of Walk Ways cum Cycle Ways

Pursuant to notice duly given Cllr. M Gleeson PROPOSED:

As the on-going provision of Walk Ways cum Cycle Ways is of vital importance to the growth of tourism in Kerry, that the Chief Executive would clarify if the Council has commenced discussions with property owners along the Old Railway Line from Killorglin to Farranfore with a view to acquiring the land necessary for the development of that recreational route.

The following report issued:

The Council is currently engaged in a number of walkways/cycleways from design development right through to project implementation. In particular, considerable resources are being dedicated to the project that would see the development of the South Kerry Greenway from Renard as far as Glenbeigh. The Capital Infrastructure Unit is preparing the considerable documentation necessary for an application to An Bord Pleanála covering the CPO and planning approval required for the project. However, the Killorglin to Farranfore Greenway is considered to be a natural extension of other proposed greenways in the County and while priority is presently given to projects where funding is available, it is proposed to progress this project in due course and as resources permit. Discussions have not yet commenced with property owners along the old Railway Line from Killorglin to Farranfore.

Cllr. M Gleeson said that approximately 30 years ago he had advised that what is needed in Kerry is a continuation of walkways/cycleways. It is very important that discussions commence with land owners to ensure that when money becomes available the Council will be in a position to go ahead with works.

Cllr. B Cronin **SECONDED** the motion and said that walk ways/cycle ways are a huge tourism attraction. He cautioned that it is critically important that a sensitive approach is adopted in negotiations with land owners.

20. Erection of signage at entrances to beaches

Pursuant to notice duly given Cllr. J Sheahan PROPOSED:

That Kerry County Council erect signage at entrances to our beaches informing the public of the County Beach By Laws.

The following report issued:

There are 52 beach areas to which the Kerry County Council Beach Bye-Laws 2013 relate. Such signage is currently in place at all our 15

designated bathing waters beaches in the County and will be reviewed in the context of these most recent Bye-Laws. Further appropriate signage will be arranged over time where deemed appropriate having regard to usage.

Under European and Irish Law, Local Authorities must designate bathing waters each year so that these areas can be monitored to ensure they meet stringent microbiological water quality standards. Currently there are 15 officially designated bathing waters in the County. These areas are presently being reviewed with submissions having recently been invited from the public to help Kerry County Council decide which bathing areas should be designated for 2016, having regard to the following broad considerations:-

- How the swimming area has been used up to now;**
- How many people use the site;**
- What facilities exist at the site and how accessible it is;**
- Any safety issues.**

The closing date for submissions to Kerry County Council is 28th July 2015.

Cllr. J Sheahan said that he had been made aware that the arrival of a group of motorcycle racers on Inch Beach had ruined the day for a family who were on a visit to the beach. He asked that signage be erected at entrances to beaches informing the public of Kerry County Council Beach By-Laws and including contact details for the local Gardaí.

21. Supports in place to attract new industry and support for start up businesses in the county

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

Can Kerry County Council please outline what supports are in place to (a) Attract new industry to the County and (b) Support start up businesses in the County.

The following report issued:

a) Attract new industry to the County

Kerry County Council is working to attract new industry to the County and retains a primary point of contact through the Local Enterprise Office. An economic advisory group is in place consisting of agency representatives and major industry players to support this agenda. The group is working with Economic Development & Enterprise SPC and the LCDC in developing the detailed actions for the Local Economic & Community Plan.

The Kerry County Council's Local Enterprise Office provides a "one stop shop" for incoming business queries both national and international and refers any queries outside of it's own remit to the relevant and appropriate support agencies.

Kerry County Council liaises closely with external agencies such as the IDA and Connect Ireland to assist in external business queries.

Kerry County Council maintains links with diaspora contacts through social media. A number of early stage contacts have been made and work is on-going.

(b) Support start up businesses in the County.

The Kerry County Council's Local Enterprise Offices provides a range of supports including financial and non financial supports to business start ups employing 10 or less persons. There are certain exclusions such as consultancy services, retail and primary agriculture/mariculture.

Financial supports include Feasibility, Priming and Business Expansion Grants. Additional funding has recently been sourced to fund the Trading Online Voucher Scheme and Kerry's Best Young Entrepreneur. A range of soft supports are also provided with Business programmes, mentoring and sectoral programmes.

The Kerry County Council continues to work closely with the Local Community and Development Committee to ensure that future resources through the LEADER programme will target early stage start ups. This work also includes social enterprise initiatives. The Council will also continue to bid for funding opportunities in relation to local economic and community development projects and work collaboration with the Local Development Companies and other relevant bodies.

Kerry County Council has supported the recently published Action Plan for Jobs - Regional which prioritises job creation actions and ensured that Co. Kerry is strongly positioned with clear deliverables. The Action Plan has outlined key opportunities for the Region and identified areas where Kerry can prioritise for growth. These growth areas will be further explored through the LECF process and the engagement with industry stakeholders.

Kerry County Council is also closely engaged with the Kerry Technology Park and the Killarney Technology Innovation Centre Ltd. with board representation on these structures. These facilities continue to deliver high value jobs.

Cllr. M O'Shea said that it is very important that job creation actions are prioritised. An initiative that will result in the employment of few hundred people in the county is urgently required. He urged that Kerry County Council

examine the Living Cities Initiative, which has been introduced in Limerick, which offers generous tax breaks for residential and commercial renovation projects in the heart of the city. He understood that this initiative is also being considered for the towns and villages in Limerick County.

Cllr. D Quigg SECONDED the motion.

22. Left turn only at the Lewis Road Junction with the N22 Killarney Bypass

Pursuant to notice duly given Cllr. B Cronin PROPOSED:

To again ask the Roads Department to consider the option of a left turn only at the Lewis Road Junction with the N22 Killarney Bypass, similar to what was done at the Annacotty/Dublin Road Junction, Limerick. There have been many accidents and fatalities at this location on the Killarney Bypass yet, this Council refuses to make any effort to reduce the constant traffic danger trying to turn right.

The following report issued:

The members of Kerry County Council have raised issues with this Junction previously. A proposal will be prepared in conjunction with the National Roads Authority to address any issues with this Junction. All aspects will be considered in accordance with the design manual for Roads and Bridges. As part of the Speed Limit Review currently underway Kerry County Council will request the National Roads Authority to reduce the speed limit on this section of the N22.

Cllr. B Cronin said that it is extremely dangerous for drivers exiting Lewis road and turning right. He had raised this matter many times and asked that a system similar to that at the Annacotty/Dublin Road Junction, Limerick be considered.

Cllr. M Gleeson SECONDED the motion.

Cllr. JJ Culloty supported the motion and welcomed that a review of the speed limit was being considered.

23. Arrangements in place with Irish Water to reinstate roads

Pursuant to notice duly given Cllr. M Cahill PROPOSED:

That Kerry County Council give a detailed report and confirm the arrangements that are in place with Irish Water to reinstate roads that are in a dangerous condition in the Mid Kerry area and throughout the County following on from pipe laying works and the repairing of numerous bursts that have taken place and will Kerry County Council confirm when will works commence on these dangerous sections of roads that are now a major health and safety issue.

The following report issued:

The Water Services Department has received a budget of €1.85m from Irish Water for the replacement of 7.75km of trunk mains in the Mid-Kerry

Distribution Network. This budget includes for permanent road restoration following pipe laying works. The works are being carried out in two phases. Kerry County Council Operations will carry out the permanent road restoration works on behalf of Water Services and this work will commence at the end of pipe laying work in each Phase.

Separately, Kerry County Council Water Services and Operations are preparing a schedule of permanent road restoration costs arising from bursts and leaks that have occurred in Kerry since 1st January 2014, the date when Irish Water took over as Water Services Authority. This schedule of costs will be finalised and submitted in the coming weeks.

Cllr. M Cahill said that roads in Mid Kerry are in an appalling state following on from pipe laying works.

Cllr. JF Flynn **SECONDED** the motion.

Mr. O Ring advised that the Council's Operations, Health & Safety Department has commenced permanent road restoration work in the Mid Kerry Area on behalf of Water Services.

24. Development of car parks in Killarney

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

That we the members of Kerry County Council call on the Department of the Environment to provide funding to develop the Glebe Car Park to provide (a) underground level and (b) overhead floor level parking to alleviate the parking chaos in Killarney Town.

The following report issued:

Kerry County Council are tendering for Consultants to carry out a Traffic Management Study for Killarney Town. As part of this Study, the consultant will carry out a parking strategy. The Parking Strategy will require the full understanding of the existing and future parking demands in Killarney, as well as a thorough analysis of the mix and range of different users who require parking in the town.

The objectives of the Strategy are to:

- Quantify the existing parking supply and demand
- Recommend parking standards for the study area
- Develop options for parking management in the Study area and arrive at the optimum

For all parking spaces in the study area, the Consultant is to:

- Quantify the number of spaces available, both public and private parking facilities associated with commercial/retail developments
- Undertake an hourly parking beat surveys of the Study area, as appropriate;
- Identify patterns and levels of parking space usage and availability and
- Analyse operation of current parking bye-laws.

Subsequent to the completion of the study, Kerry County Council will be able to analyse the parking required to be provided in the town in the future.

This study will provide the detail required to calculate the cost benefit of providing a multi storey car park solution.

Cllr. D Healy Rae said that additional parking is urgently required in Killarney as business in the town needs to grow and progress.

Cllr. N Kelleher **SECONDED** the motion and said that this is a very important matter. While he was not saying that the request in Cllr. D Healy Rae's motion is the only solution, it is necessary to find a resolution to the parking situation in Killarney as a matter of urgency.

25. Hedge cutting and call for the appointment of an Enforcement Officer in each Municipal District

Pursuant to notice duly given Cllr. D McCarthy PROPOSED:

To ask Kerry County Council that at this stage of the year, hedges should be cut by the relevant authorities and charged to the landowners. I would also be calling for an Enforcement Officer to be appointed for each Municipal District as it is not physically possible to cover an entire County.

The following report issued:

The Municipal Districts carry out hedge cutting at junctions and the public roads where hedges create a hazard on a public road. Each year Kerry County Council's Roads Enforcement Officer sends out hedge cutting notices to more than 5,000 landowners, advising them of their responsibilities under the Roads Act in relation to hedge cutting. In addition to this, advertisements are placed in the local newspapers advising all landowners of their duties with respect to hedges. The Roads Enforcement Officer approaches specific landowner when contacted by the public or Elected Members regarding any overgrown hedges.

Cllr. D McCarthy said that currently the hedges are overgrown on a considerable number of local roads and he is concerned that a traffic accident will occur due to reduced sight distance. A Roads Enforcement Officer should be assigned to each Municipal District as it is not physically possible for one person to cover an entire county.

Cllr. D Healy Rae **SECONDED** the motion and said that action needs to be taken as a matter of urgency. Last year he asked that Kerry County Council would consider a Community Hedge Cutting Grant Scheme similar to that introduced by Clare County Council to encourage a joint approach with communities and groups of local residents and landowners for the cutting of hedges/trees which need attention. He asked that such a scheme would be given serious consideration by Kerry County Council.

26. Abolition of parking charges at all hospitals in Kerry

Pursuant to notice duly given Cllr. JF Flynn PROPOSED:

That Kerry County Council calls for the parking charges at all hospitals in Kerry to be abolished.

Ms. B Reidy said this is a matter for consideration by the members.

Cllr. JF Flynn asked that the charges be set at the same rate as all other car parks in the county. Relatives of very ill patients have to pay a huge amount in parking charges when visiting the hospital.

Cllr. A Thornton SECONDED the motion.

The Cathaoirleach said that a weekly pass to the car park is available for €35 which is also expensive.

27. Danger to cyclists on roads that are not cyclist friendly

Pursuant to notice duly given Cllr. D Quigg PROPOSED:

That this Council look at the current situation relating to cyclists and the danger they face on our roads in Kerry that are not cycle friendly.

The following report issued:

There is no single measure which, alone, will work to ensure cyclists' safety. The provision of cycle lanes is considered as part of any traffic calming proposal by Kerry County Council.

The Road Safety Authority is engaged on an on-going basis in promoting safe cycling. This involves providing information and campaigning on issues as the wearing of helmets and high visibility clothing and campaigns designed to raise driver awareness of cyclists. In that regard, its campaign includes a specific reference to drivers leaving a 1.5m clearance when overtaking cyclists.

Kerry County Council recently ran the "Staying Alive 1.5" Awareness Campaign in County Kerry with a view to educating road users in the safety aspects of overtaking cyclists. It is hoped that the message will go some way to illustrating key considerations when encountering cyclists on our roads and to encourage a mutual understanding and respect when sharing the road.

Kerry Recreation & Sports Partnership in conjunction with the HSE has also rolled out the Kerry Safer Cycling Programme in Kerry over the past 2 years. This Programme is fully funded by the HSE to date. The aim of the Programme is to help primary school children, 3rd class range, to learn how to cycle in a safe and appropriate manner on our roads. The Programme is delivered over a five week period and the participant numbers in County Kerry to date are as follows:-

2015 – 10 schools/267 Students ·

2014 – 9 schools/240 students ·

507 = Total Number of primary school students trained

The children who participated in the Programme were also informed about Pedal in the Park and training is scheduled for the Academic Year 2015/2016 for remaining schools who have expressed an interest in the Programme.

Cllr. D Quigg said that he would encourage cyclists to use the Caragh Lake road in Killorglin. This would be possible if the appropriate signage was in place. Also, in Northern Ireland cyclists must undergo a proficiency test. In view of the interest in the Ring of Kerry cycle and leisure cycling in the county, he asked that the whole area of the provision of cycle friendly roads in Kerry be examined.

The Cathaoirleach complimented Cllr. Quigg on raising this very important issue.

Cllr. JJ Culloty **SECONDED** the motion. He referred to Ireland's Safe Cycling Campaign "Staying Alive at 1.5m" and asked if the associated rear window stickers were available from Kerry County Council.

Mr. D Doyle said that window stickers are available free of charge at the Municipal District offices.

Cllr. JJ Culloty said that the stickers available are for the inside of vehicle windscreens and are very small. He asked if Councillor Specific Municipal District Operations Funding could be used for the purchase of the stickers associated with the safe cycling campaign.

The Chief Executive said that Operations Health & Safety Directorate would be requested to purchase the rear window stickers referred to by Cllr. Culloty.

28. Sale of energy credits to electric providers

Pursuant to notice duly given Cllr. N Kelleher PROPOSED:

What has this Authority done with regards to my motion earlier this year with regards to the sale of energy credits to electric providers.

The following report issued:

The energy credits arising from the 2014 Kerry County Council Area Based and Better Energy Community (BEC) Schemes were purchased by the Energy Supplier listed in the Area Based and BEC contracts. In the case of the Area Based project, the total value of the energy credits was €31,378 and this was used to upgrade houses that did not comply with the Area Based Fuel Poor criteria. While these houses were not included in the initial application and contract, they are within close proximity to the houses that were upgraded, and so this additional work was completed.

The energy credits arising from the 2014 Kerry County Council Better Energy Community project (BEC00184) were purchased by the Energy Supplier as listed in the BEC contract. The total value of these credits was €37,059. For the BEC scheme, SEAI has retained 10% of the grant funding for these works to verify the energy performance of the upgrades which is to be completed in August 2015. Energy credit payments will be used to fund any potential shortfall where savings targets are not achieved or to complete further works at these sites to improve operating energy efficiencies. Following this process, any remaining monies will be divided in proportion to the energy savings achieved to the community groups and Kerry County Council sites involved.

Cllr. N Kelleher said that he believed that this local authority has lost approximately €800,000 in energy credits being traded with energy companies. This matter was also raised at an Oireachtas Sub Committee. He said that he was very much in favour of private enterprise when it is right

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

Civic Reception for the Kerry Hurling Team

Cllr. T Ferris expressed her disappointment that the Reception for the Kerry Hurling Team that won the Christy Ring Cup was held in the afternoon. All previous receptions for All Ireland winning Teams were held in the evening when it is much more convenient for team members who are working, to attend.

15.07.20.16 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. M Gleeson, **SECONDED** by Cllr. N Kelleher, it was agreed to authorise the attendance of the Cathaoirleach Cllr. P McCarthy at the National Day of Commemoration Ceremony in the Royal Hospital Kilmainham on the 12th July, 2015.
- (b) On the PROPOSAL of Cllr. M Gleeson, **SECONDED** by Cllr. N Kelleher, it was agreed to authorise the attendance of the Cathaoirleach Cllr. P McCarthy at the 2016 Commemorations Meeting at the Royal College of Surgeons, Dublin on the 14th July, 2015.
- (c) On the PROPOSAL of Cllr. N Kelleher, **SECONDED** by Cllr. JJ Culloty it was agreed to authorise the attendance of Cllr. N. Moriarty, P. Daly, A. Thornton and N. Kelleher at the LCDC Information Session to be held in Limerick on the 23rd July, 2015
- (d) On the PROPOSAL of Cllr. JJ Culloty, **SECONDED** by Cllr. N Kelleher, it was agreed to authorise the attendance of Cllr. J. Moloney, Cathaoirleach of the Municipal District of Listowel at a twinning event in Panissieres, France from 30th July to 6th August, 2015.

- (e) On the PROPOSAL of Cllr. JF Flynn, SECONDED by Cllr. M Gleeson, it was agreed to authorise the attendance of Cllrs. N Foley & D Healy Rae at the Regulation of Lobbying Act 2015 Celtic Conferences to be held in The Clonakilty Hotel, Clonakilty, Co. Cork from 7th to 9th August, 2015.
- (f) On the PROPOSAL of Cllr. M Gleeson, SECONDED by Cllr. J F Flynn, it was agreed to authorize the attendance of Cathaoirleach Cllr. P McCarthy at the Housing Debate re Building our Communities through Integrated Working with LG Co-operation Ireland - Department of Environment Community and LG to be held in Maynooth University Campus, Maynooth, Kildare on the 10th September, 2015.
- (g) On the PROPOSAL of Cllr. M Gleeson, SECONDED by Cllr. A Thornton, it was agreed to authorise the attendance of the Cathaoirleach Cllr. P McCarthy at the Centenary of the funeral of Jeremiah O'Donovan Rossa in Glasnevin Cemetery in Dublin on the 1st August 2015.

15.07.20.17 Correspondence General

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

1. Letter dated 12th June, 2015 from the Office of the Minister for Jobs, Enterprise and Innovation in response to a resolution from Kerry County Council in relation to zero hour and low hour contracts.
2. Letter dated 12th June 2015 from the Office of the Minister for Children and Youth Affairs in response to a resolution from Kerry County Council in relation to the high cost of childcare.
3. Email from the NPWS in response to a request from Kerry County Council that they provide fire breaks in the National Park close to houses.
4. Letter dated 16th June 2015 from the Office of the Minister of State for the Gaeltacht in response to a resolution from Kerry County Council in relation to the Irish language derogation.
5. Letter dated 17th June, 2015 from the OPW in response to a resolution from Kerry County Council in relation to the CFRAM mapping guide and insurance.
6. Letter dated 18th June, 2015 from the NRA in response to a resolution from Kerry County Council in relation to planning appeals.
7. Letter dated 19th June, 2015 from the Office of the Minister for Justice in response to a resolution from Kerry County Council calling on the Government to take urgent steps to enact legislation to safeguard against cyber bullying both for children and adults.

8. Letter dated 23rd June, 2015 from the Office of the Minister for Agriculture in response to a resolution from Kerry County Council in relation to the publication of information of CAP beneficiaries.
9. Letter dated 29th June, 2015 from the Minister for Communications, Energy and Natural Resources in response to a resolution from Kerry County Council in relation to the Commission for Energy Regulations decision to support the twinning of the South West Scotland on shore system.
10. Letter dated 3 July, 2015 from the NRA in response to a resolution from Kerry County Council in relation to the N22.
11. Letter dated 6th July, 2015 from the Department of Social Protection in response to a resolution from Kerry County Council in relation to application forms for social welfare payments.
12. Email dated 7th July, 2015 from the Office of the Minister for Environment, Community & Local Government in response to a resolution from Kerry County Council in relation to the introduction of a special vehicle taxation category for the haulage of equipment for circuses and fair grounds.
13. Letter dated 10th June, 2015 from Cork City Council in relation to a resolution adopted by that authority to proceed with the opening of the Social Housing Project at Phase II Glen Housing Development.
14. Email dated 12th June, 2015 from South Dublin County Council in relation to a resolution adopted by the authority calling on the Minister for Environment to ensure a BIN waiver is introduced for people with health issues.
15. Letter dated 17th June, 2015 from Donegal County Council in relation to a resolution adopted by that authority in support of the Irish Deaf Society's call for Irish Sign Language to be recognised as an Official Language.
16. Letter dated 17th June, 2015 from Donegal County Council in relation to a resolution adopted by that authority asking that 30% of all social houses built or bought under the Social Housing Strategy 2020 will be located in rural areas.
17. Letter dated 17th June, 2015 from Donegal County Council in relation to a resolution adopted by that authority welcoming the wage increase awarded to Dunne's Stores workers but calling on all employers to guarantee their employees a minimum and liveable number of hours of employment.
18. Letter dated 13th July, 2015 from Monaghan County Council in relation to a resolution adopted by that authority calling on the Department of Foreign Affairs to provide funding to the Kevin Bell Repatriation Trust.

19. Email dated 14th July, 2015 from Cork County Council in relation to a resolution adopted by that authority asking that the State job activation measures would be available to all who are unemployed not only to those on the Live Register.

No. 4 Letter from the Department of Arts Heritage & the Gaeltacht

Cllr. T Ferris referred to the response dated 16th June, 2015, from the Minister for Arts Heritage & the Gaeltacht regarding the Irish language derogation. She noted the response and as a result was fearful that the derogation may not be extended. She asked that a response would issue to the Minister advising that the members of Kerry County Council want to see the Irish language getting full equality with all European languages.

No 10 – Letter from NRA re the N22

Cllr. M Gleeson welcomed the response from the NRA which indicated that the resurfacing of the N22 from the County Bounds to Killarney is proposed for design and implementation in 2016. He hoped that work in 2016 would not be confined to the design of the scheme and that the resurfacing would also go ahead.

Meeting with NRA

Cllr. JF Flynn referred to a meeting in Dublin on 8th June 2015 between Kerry County Council and representatives of the NRA and asked if replies to issues raised by the members at this meeting were received.

Chief Executive Ms. M Murrell said that a report on the outcome of the meeting had issued and she asked if Cllr. Flynn was referring to any specific issue.

Cllr. JF Flynn said that each member who attended the meeting had raised a number of issues regarding roads in the county.

Cllr. D Healy Rae said that he too had attended the meeting. He raised a number of local issues and the representatives of the NRA had indicated that responses to the questions put forward by the members would issue to Kerry County Council.

Cllr. D Quigg asked that the correspondence arising from the meeting would be made available to the members.

Ms. Murrell said that she would discuss this matter with Mr. C O'Sullivan Director of Operations Health & Safety on his return from annual leave and ask him to revert to the members regarding any outstanding responses.

Additional Funding for Roads

Mr. D. Doyle, A/Director of Operations and Safety advised the members that an allocation of €1,125,450 had been received from the Department of Transport, Tourism and Sport for road improvement works in the county. As per Circular RW 13/2015 Kerry County Council may use up to 20% of this funding for the Community Involvement Scheme (CIS). In this regard it is proposed to provide €135,000 of this allocation for the CIS. The balance of €990,450 will be provided for the Restoration Programme.

Cllr. T. Ferris asked if this funding could be used for Hardship and Emergency cases. Mr. Doyle said that this funding must be allocated in accordance with the requirements of the Circular.

15.07.20.18 Any Other Business

Vote of Sympathy

Cllr. T Ferris PROPOSED a vote of sympathy to the family of the late Jackie Crowe of Tralee and formerly of Ballyheigue. She thanked John Breen and the staff of the Housing Department for the help and assistance provided to Jackie during her illness.

Cllr. D Quigg SECONDED the proposal.

All the members wished to be associated with the sentiments expressed by Cllr. Ferris.

The meeting concluded at 4.15pm.

Beth Reidy

A/SEO Corporate Affairs

Cathaoirleach of Kerry County Council