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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 , 21 MÉAN FHÓMHAIR, 2015**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 21<sup>ST</sup> SEPTEMBER, 2015**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

R. Beasley	J. Brassil	B. Cronin
J.J. Culloty	P. Daly	T. Ferris
J. Finucane	S. Fitzgerald	N. Foley
M. Gleeson	D. Grady	D. Healy-Rae
J. Healy-Rae	N. Kelleher	M. Kennelly
D. McCarthy	P. McCarthy	J. Moloney
N. Moriarty	D. Nolan	T. O'Brien
B. O'Connell	M. O'Shea	D. Quigg
J. Sheahan	G. Spring	A. Thornton

**APOLOGY/LEATH SCÉAL**

S. Locke

**IN ATTENDANCE/I LÁTHAIR**

Ms. M. Murrell, Chief Executive	Mr. J.D. Flynn, Dir. of Corp. Services
Mr. J. Kennelly, A/Director Water Serv.	Mr. J. Breen, Dir. Sust. Comm./Q of L
Mr. C. O'Sullivan, Dir. Ops., H & S	Ms. A. McAllen, Head of Finance
Mr. M. Scannell, A/Dir.Job Cr./Sust. ED	Mr. M. O'Donoghue, SEO HR
Mr. B. Looney, Head of IT	Mr. G. O'Brien, Meetings Administrator
Ms. B. Reidy, SSO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs
Ms. D. Moynihan, CO LEO	

The meeting commenced at 10.35am.

The Cathaoirleach, Cllr. P. McCarthy took the Chair.

**Vote of Congratulations**

The Cathaoirleach congratulated the Dowling Family on winning the Boylesports Greyhound Derby 2015 at the weekend.

He also congratulated the Kerry Minor Team on winning the All Ireland Minor Championship and he also thanked the Kerry Senior Team for their commitment and dedication.

Cllr. M. Gleeson PROPOSED that the Council would acknowledge the achievement of the Kerry Minor Team on their great victory in due course.

#### **15.09.21.01 Cathaoirleach's Report on the CPG Meeting**

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

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

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

##### **Item 2 Update on the Regulation of Lobbying Act 2015**

Mr. M. O'Donoghue advised members that the Regulation of Lobbying Act 2015 commenced on 1<sup>st</sup> September. The Standards in Public Office Commission will establish and maintain an online Register of Lobbying and oversee compliance with the legislative provisions.

Lobbyists are obliged to register and to submit a return of their lobbying activities three times a year. Councillors are 'designated public officials' for the purpose of the legislation and anyone lobbying them should register. The lobbying may relate to the zoning of land, public policy, programmes, awarding of grants etc. Councillors need to be aware of this legislation and to ensure that relevant groups register online at [www.lobbying.ie](http://www.lobbying.ie). A brief guide to the main provisions of the Lobbying Act is attached to the Cathaoirleach's Report.

##### **Item 3 Resettlement of Programme Refugees**

Mr. J. Breen advised the CPG that following an approach from the Office of Migrant Integration 11 families would be resettled in 2 locations in Kerry in the first phase and the second phase will involve 12 to 17 families who will arrive early in 2016.

The Council must source accommodation for the 11 families who should arrive in Kerry in October or November. An inter agency group has been established comprising of representatives from the following organisations:

- HSE
- Gardaí
- Dept. Social Protection
- Primary and Post Primary Schools
- Tralee Integration Resource Centre
- Killarney Asylum Seekers
- Citizens Information
- Housing and Community Section of Kerry County Council
- PPN.

This group will focus on the provision of services for the refugees. To-date the group met on two occasions and last Friday they decided that the initial settlements would be in Tralee and Killarney subject to property solutions being available. A staff member has been assigned by Kerry County Council to co-ordinate this work. It is intended that staff will visit the refugees in the coming week at the Hazel Hotel, Kildare where they are presently staying.

Cllr. Kennelly asked how many people in total would be in the first group.

Mr. Breen stated there would be 45 people in total.

#### **Item 4 Update on Budget 2016**

Ms. A. McAllen stated following the setting of the rate for LPT for 2016 at the Budget meeting the previous day the Budget process would proceed with Municipal District Meetings to agree the Draft Budgetary Plans. It is proposed that the statutory Budget Meeting would be held on the 9<sup>th</sup> November.

#### **Item 5 Update on additional Roads Allocations**

Mr. C. O'Sullivan stated on 27<sup>th</sup> August the Minister for Transport and Sport announced an additional €10m in funding for national road schemes and €1.7m of this was allocated for the following schemes in Kerry:

- €400k for a 1km pavement overlay on the N69 Tarbert to the County Bounds.
- €500k additional funding for the safety improvement works and 3km pavement overlay on the Iveragh Road in Killorglin (*bringing the total allocation for this scheme to €950,000*)
- €300k for pavement 1km overlay on the eastern approach to Sneem village.
- €500k for 1km pavement overlay on the Killarney – Cork Road at Cornmaree Bridge where the existing pavement has ravelled.

In July the Minister announced an additional €24m nationally for surface restoration works on Regional and Local Roads. Of this funding Kerry County Council received an additional allocation of €1,125,450 bringing our total funding allocation in 2015 under the Restoration Improvement Grant to €8.065,789.

The Chief Executive advised members that the Council was asked to submit our costs for storm damage and she hoped a further allocation would be received for this.

#### **Item 6 Update on Irish Water Asset Needs Briefs Approvals**

Mr. O. Ring circulated a report outlining the Asset Needs Briefs Approvals received from Irish Water as at August 2015 and this report is attached to the Cathaoirleach's Report.

The report was noted by the CPG.

**Item 7            Update on Variation No. 1 to the Kerry County Development Plan 2015 – 2021**

Mr. M. Scannell informed members that Variation No. 1 relates to unfinished dwellings in areas under strong urban influence where the owner cannot complete the dwelling due to financial difficulty. It is proposed to remove Objective RS-8 as it is too onerous. However it will still be a requirement that unfinished dwellings, when completed, must be a permanent place of residence.

**Item 8            Update on the new Part V Regulations**

Mr. J. Breen stated that the new Housing Act was published and it introduces changes to Part V. It commenced on 1<sup>st</sup> September 2015 and previously Part V applied to housing developments of 45 houses and over, however it now applies to developments of 10 houses and greater. All options except on site social housing are gone but the 20% provision is reduced to 5%. 105 social houses have been acquired through direct transfer or leasing. The new provisions can be applied retrospectively to developments that have not yet commenced. It is hoped these new measures will encourage development. The Part V provision must be agreed prior to submitting the Commencement Notice.

Significant controls were introduced in the Building Control legislation last year. However recent changes to this legislation mean that single units have been exempted from many provisions of the Building Control Regulations but people are advised to take legal advice before they opt out of the Regulations. Mr. Breen pointed out that the Building Control Regulations will now apply to local authority buildings.

**Item 9            Civic/Mayoral Receptions**

Mr. G. O'Brien reminded members that a Reception would be held for the participants in the International Children's Games on Wednesday 23<sup>rd</sup> September at 7.30pm. A Reception will be held on the day of the October Council Meeting for the Kerry U14 soccer Team who won the Kennedy Cup.

Mr. O'Brien updated members on new requests for Receptions received from members.

The CPG agreed that a Civic Reception would be held, probably, at the November Meeting to honour Brendan O'Connell who won a Gold Medal at the Special Olympic World Games in Los Angeles.

The CPG further agreed that the request for a Reception for the Dooks Golf Club mixed doubles All Ireland winning Team would be referred to the next meeting of the Municipal District of South and West Kerry for consideration.

The CPG agreed that the request for a Reception for the three Kerry mini businesses who were awarded prizes at the National Final of the Student Local Enterprise Offices Awards would be referred to the next meetings of the Municipal Districts of Tralee and South and West Kerry for consideration.

The CPG agreed that a Civic Reception would be held early in 2016 for the Kerry Hospice who will be celebrating 25 years in existence at that time.

Cllr. J. Moloney pointed out that the Kerry U16 Girls Football Team won an All Ireland title earlier in the year and he proposed that they would be honoured in due course.

This was agreed.

The CPG congratulated the Kerry Minor Hurling Team on winning the All Ireland Minor 'B' Hurling Championship recently."

Cllr. M. Gleeson welcomed the allocation of €500k for 1km pavement overlay on the Killarney – Cork Road at Cornmaree Bridge and asked that an application would be submitted for further funding for the N22.

Cllr. D. Grady said he was opposed to bringing refugees into the county until the homeless problem in the county is addressed. If temporary accommodation like that proposed for Dublin was made available for the homeless in Kerry he would gladly withdraw his objection.

Cllr. D. Healy-Rae stated he has sympathy for the refugees and he asked if the Government would provide separate funding and housing units for them. There is very little housing available in Killarney and he felt it would be unfair on those already on the housing list if they were moved further down the list to cater for the refugees. Cllr. Healy-Rae referred to the Lobbying Act and said it is ridiculous. He asked if he is approached by a community in relation to their road which is in a bad condition must they register as lobbyists. He welcomed the funding for the N22 but said there is a crack on the N22 which is 200 to 300 yards on the Killarney side of Garries Bridge following the recent flooding. The River Flesk needs to be cleaned urgently and if this is not done the N22 will continue to be flooded. He called on the NRA to address this problem urgently.

Cllr. B. O'Connell informed the meeting that the forthcoming LAMA Seminar will address the Lobbying Act and it is supported by the CCMA. All members queries will be addressed at this Seminar.

The Cathaoirleach said he understood from the report that communities are not lobbyists.

Cllr. J. Brassil stated he wanted to be associated with the words of congratulations to the victorious Kerry Minor Team and he paid tribute to the Kerry Senior Team. In accordance with the Regulation of Lobbying Act elected members are 'designated public officials' and he asked if he contacts another member in relation to an issue i.e. the zoning of land, must he also register as a lobbyist? Cllr. Brassil asked when Variation No. 1 to the Development Plan would be adopted. He requested a full briefing on the changes to Part V and an update on the amendments to the Building Control Regulations with a particular emphasis on the changes for one off houses. Cllr. Brassil then referred to the refugees and said it was hard to understand how anyone could deny these unfortunate people the possibility of leading a normal life. During the famine and indeed at other times in our past millions of Irish emigrated all over the world and if they were not received well how would they have felt. It is never possible to sort out all the issues but it does not mean we should turn a blind eye to the current crisis. Ireland is part of the EU and we have an obligation to welcome the refugees into Ireland.

Cllr. D. Grady said charity begins at home and he wanted to ensure Kerry people are given priority.

Cllr. D. Quigg welcomed the additional funding for the Iveragh Road. He then referred to the refugees who are fleeing their countries for their lives and said we must deal with this ultimate crisis.

Cllr. T. Ferris congratulated the Kerry Minor and Junior Teams on their Ireland success and she hoped the Council would recognise these achievements in due course. She welcomed the refugees to be housed in Kerry and she added that Cllr. Grady is one of the more active members in trying to help the homeless in the county. Recently more families are presenting as homeless and this is because landlords, who were satisfied to avail of schemes like RAS and the Long Term Leasing in the past, now want to get current tenants to vacate their properties as there is a shortage of rental properties and they can get higher rents in the private market. She is proud that Kerry will take in refugee families and she asked what progress was made in sourcing accommodation for them as she understood they would be facilitated in rental accommodation rather than in social housing. While some members expressed concern for the homeless she understood a separate funding stream would be provided for them. Some of the refugees will be from the Islamic faith and she asked if the Council would consider engaging with the Kerry Islamic Outreach Society to ensure their needs are catered for. Cllr. Ferris expressed disappointment at the reduction in the number of properties a local authority can avail of under Part V and she said she could not understand why the 20% was not retained for developments of 45 houses and over. Cllr. Ferris welcomed the Regulation of Lobbying Act.

Cllr. P. Daly congratulated the Kerry Minor Team on their All Ireland victory and in particular Andrew Barry from his own Club Na Gael. It is unfortunate to see divisions between the homeless and refugees who are fleeing terror. Cllr. Daly said an allowance of €19 per week and sharing accommodation with others is not suitable for refugees.

Cllr. J. Healy-Rae said he wished to be associated with the vote of congratulations to the Kerry Minor Team and in particular John Mark Foley from Kilgarvan. He congratulated and thanked both teams for their dedication and commitment. Cllr. Healy-Rae referred to the additional allocation of €500,000 for safety works at Iveragh Road and said he was the only councillor to vote against the safety works as he believes they will destroy the town. All that is required is that the street would be black topped and a solution identified for the residents of Iveragh Park who have difficulty getting out of their estate. The proposed footpaths are too wide as is the proposed grass margin where trees and bushes will be planted which will have to be maintained. The Building Control Regulations were introduced by Minister Phil Hogan and at that time members pointed out they were too onerous for anyone building a home. The Cathaoirleach's Report states *"recent changes to this legislation mean that single units have been exempted from many provisions of the Building Control Regulations but people are advised to take legal advice before they opt out of the Regulations"* but Cllr. Healy-Rae stated people should be advised whether they should withdraw from the Regulations or not. He requested clarification on this statement. He then referred to the Regulation of Lobbying Act and said it is going too far as it is up to councillors to do what is best for their areas.

Cllr. J.J. Culloty stated he wanted to be associated with the tributes to the Minor Team who had a resounding victory. He also congratulated the Kerry Senior Team on their commitment and hard work throughout the year. Cllr. Culloty also sought clarification on the seeking of legal advice in relation to the opting out of the new Building Control Regulations as he believed 99% of people will opt out.

Cllr. D. Healy-Rae said he is very familiar with the refugee crisis and he very much regretted what is happening. He called on the Government to provide separate funding for the refugees. He pointed out there are a lot of holiday homes in the county that will be vacant for the winter and he suggested that these could be utilised for the refugees.

Cllr. Ferris stated that Tralee and Killarney are designated to receive the first 11 refugee families and she asked if other areas will be designated to receive the families in the second phase. She asked what the total number of refugees to be settled in Kerry is.

In response to queries Mr. J. Breen said Ireland is subject to the UN Convention and these refugees are invited to Ireland. Since June there has been a huge focus on the refugee crisis. Initially in October or November 11 families will be settled in Kerry with a further 12 to 17 families arriving after Christmas. There are no other proposals at this time and this will not impact on the targets to be achieved in the Housing Programme. Last week Dublin City Council show cased modular housing units at which time the Minister said it is an expensive solution and these units are subject to planning. Mr. Breen pointed out that the requirements under Part V have reduced from 20% to 10% and this must be provided within the development. It applies to developments of 10 houses or more. The option to give alternative land at a different location is no longer available. Previous permissions where the developments have not commenced are open to renegotiate the 10% option. Mr. Breen undertook to consider Cllr. Ferris's suggestion in relation to faith services for the refugees. Mr. Breen undertook to present a full report to members on the implications of the changes under Part V. In response to members queries regarding the 'opt out' clause for single housing units Mr. Breen said the guidance document advises people to seek legal advice prior to making this decision. He undertook to provide members with a copy of the guidance document.

#### **15.09.21.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. B. Cronin it was resolved that the Minutes of the July Ordinary Meeting of Kerry County Council held on the 20<sup>th</sup> July, 2015 be confirmed.

#### **15.09.21.03 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 September 2015 Council Meeting.

### **Financial Position**

As agreed with the Members, a Financial Report for Members will be provided on a quarterly basis in line with the Quarterly Reporting Process for Income and Expenditure already in place to the Department of Environment, Community & Local Government. The attached Financial Report outlines the position at the 30<sup>th</sup> June 2015.

### **Operation/Progress of the LCDC**

The LCDC will convene for its next meeting on 28<sup>th</sup> September 2015. This meeting will consider the mid-year review of the Social Inclusion Community Activation Programme and will include presentations from the Local Development Companies regarding their progress in this area for the period to date.

The LCDC also propose to consider the Local Development Strategy in November to allow the Leader Programme to be commenced as early as possible. Kerry County Council, in conjunction with the Local Development Companies, are currently engaged in the preparation of the strategy and significant local consultation is being undertaken within communities throughout the County.

### **Kerry Public Participation Network**

The PPN Secretariat convened on Monday 7<sup>th</sup> September. Priorities for the PPN is the development of a dedicated website and communication, training sessions around funding applications, and meetings with cluster groups around the LECP.

The Community Support Fund was discussed and it was agreed to write to all members of Kerry County Council to commend them for what was described as an “invaluable lifeline”, particularly in light of the severe cuts that community groups have experienced.

PPN will work with Kerry County Council around the refugee crisis and a special meeting will be called of the PPN Secretariat once the meeting of the refugee response interagency group meets.

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

The plan is being referred to the Municipal Districts and Regional Authority for consideration of the higher level goals. Work has commenced on the development of the key actions to ensure implementation of the plan. Stakeholder engagement is continuing in both the economic and community

aspects of the plan. Retail groups and rural economic event were held in the past week and as a result of this, key actions have emerged for consideration in the final plan.

Area priorities will be agreed with the members over the coming weeks with a view to have a draft plan completed in the current year.

### **Kerry Local Enterprise Office**

Project activity levels are good with strong demand and queries.  
Additional activities undertaken include;

- Regional Action Plan for Jobs submissions
- Community Enterprise initiative application promotion – 6 applications supported
- Competitive Funds LEO – application preparation and submitted (6 applications regionally)
- Agri-tourism fund – application presently being prepared (closing date 11<sup>th</sup> September).

### **Project approvals**

The Approvals & Evaluation Committee has met on four occasions in 2015. 31 projects have been approved funding of €412,625 and a further 12 projects have been received for the September meeting. A further 12 projects have received Microfinance Ireland funding.

### **Soft Supports & Training Report January – September 2015**

Total no. of attendees on training courses to date in 2015 – c. 388 persons

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 and 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)

### **Ireland's Best Young Entrepreneur**

81 entries received

These have been shortlisted to sixteen entries with initial bootcamps starting the weekend of 11<sup>th</sup>/12<sup>th</sup> September.

### **Trading Online Vouchers (scheme to support online trading)**

Over 99 applications have now been received with 66 applications approved by the LEO amounting to €115,662. €48,804 has been paid out to clients.

### **Schools Enterprise Programme**

The 2015/2016 schools programme has commenced with all schools contacted.

### **MENTORING**

97 clients have been approved mentoring support through formal assignment.

### **Business Advice Clinics**

- 21 Business Advice Clinics held so far this year in Tralee, Killarney, Castleisland, Listowel, Cahirciveen, Kenmare and Killorglin. 6 businesses participate per clinic."

**Financial**  
**Report**

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

Date as at end of Quarter 2 (June 2015) in accordance with EU/IMF return on Expenditure and Income made to DOECLG on 25/8/2015.

Service Division	Description	EXPENDITURE				INCOME			
		Total Exp. to date	Budget	Budget Remaining	% Budget Spent to date	Total Inc. to date	Budget	Not Rec'd	% Rec'd
		2015	2015	2015	2015	2015	2015	2015	2015
A	Housing and Building	10,444,135	21,790,725	11,346,590	48%	9,251,740	21,049,205	11,797,465	44%
B	Road Transport & Safety	13,603,788	32,378,339	18,774,551	42%	7,921,078	19,362,246	11,441,168	41%
C	Water Services	7,115,459	15,719,900	8,604,441	45%	6,577,377	14,711,472	8,134,095	45%
D	Development Management	4,427,062	9,504,297	5,077,235	47%	906,074	2,266,038	1,359,964	40%
E	Environmental Services	8,218,659	16,480,512	8,261,853	50%	1,478,300	3,486,311	2,008,011	42%
F	Recreation and Amenity	3,747,901	7,809,521	4,061,620	48%	282,456	639,517	357,061	44%
G	Agriculture, Education, Health & Welfare	1,810,301	3,830,844	2,020,543	47%	1,323,700	2,950,204	1,626,504	45%
H	Miscellaneous Services	7,775,681	16,339,939	8,564,258	48%	1,417,223	3,860,685	2,443,462	37%
	Local Government Fund/General Purpose Grant					5,829,593	11,659,186	5,829,593	50%
	Pension Levy					1,242,814	2,700,000	1,457,186	46%
	Rates					20,632,143	41,169,213	20,537,070	50%
<b>Grand Total</b>		<b>57,142,986</b>	<b>123,854,077</b>	<b>66,711,091</b>	<b>46%</b>	<b>56,862,498</b>	<b>123,854,077</b>	<b>66,991,579</b>	<b>46%</b>

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

Major Sources of Revenue Income - Collection levels as at 30/6/2015

<b>Rates :</b> Total for collection is full rate demand for 2015 plus arrears.	<b>Total for Collection</b>	<b>Collected</b>	<b>Arrears @ 30/06/2015</b>	<b>% Collect ed</b>
<b>Commercial Rates</b>	49,761,566	12,375,806	37,385,760	25%
<b>Housing Rents and Loans:</b> Total for collection is billed to 30/6/15 plus arrears.	<b>Total for Collection</b>	<b>Collected</b>	<b>Arrears @ 30/06/2015</b>	<b>% Collect ed</b>
<b>Rents</b>	5,229,017	4,500,596	728,421	86%
<b>Loans</b>	857,412	562,022	295,390	66%

**3. Recourse to Overdraft Facility:**

None

**4. Emergency Capital works not provided for in the Budget:**

None

The Chief Executive informed the meeting public notice of the intention to close the Cliff Road at Rossbeigh will be in the papers shortly and an alternative access is being considered. A strong case was made to the Department for funding for this road and Kerry County Council will work closely with the local community on this issue.

The Chief Executive also advised members that a case was made to the Department and funding was received for the repair of an additional 77 voids and the homeless can be targeted for these. There is also a requirement for a local contribution. The total voids allocation for 2015 is 109 units and it is intended to meet this target.

Cllr. D. Quigg welcomed the update on the Cliff Road, Rossbeigh. Minister Harris visited Cromane, Glosa, Incharee etc. with Deputy Griffin a few months ago but unfortunately the members of Kerry County Council were not informed of his visit despite the fact that they had requested a meeting with him. At that time the Minister was not in a position to give a commitment in relation to funding and he hoped the next time the Minister visits these areas that he will give a commitment on funding for these areas and also the Cliff Road.

Mr. G. O'Brien informed members that a date has been confirmed for the deputation to the Minister and he would give the details to the members at the meeting of the South and West Kerry Municipal District that day.

Cllr. T. Ferris referred to the sanction received for the additional 77 voids and asked what is the anticipated turn around time for these and how much of an allocation was received. There are long delays in the repair of vacant houses and she asked if the additional allocation is for voids or derelict properties.

Cllr. M. Gleeson referred to the landslide at the Cliff Road, Rossbeigh and he urged caution as Kerry County Council carried out similar works at Inch a number of years ago and a sum of €1m is still outstanding for this work. He urged caution to ensure the Council is not left to carry the cost of the work at Cliff Road.

Cllr. J. Healy-Rae said the erosion at the Cliff Road is replicated in other parts of the county and unless there is an annual investment in coastal protection works our coastline is in serious danger. Cllr. Healy-Rae asked that the road from Mountain Stage to Kells would be checked regularly for slippages.

Mr. J. Breen said the Department classify long term voids as any property that is vacant in excess of 6 months. This allocation will allow for the repair of 77 properties as soon as possible and now that the notification has been received it is intended to proceed with the work immediately.

Cllr. N. Foley welcomed the additional funding for voids. However, she stated that the grants allocation for 2015 is fully committed and she asked if there was any possibility of an additional allocation in 2015.

Mr. Breen pointed out that an additional allocation was received in October 2014. An application for additional funding was made in 2015 and a decision is awaited.

Mr. C. O'Sullivan assured members that annual inspections are carried out of the road from Mountain Stage to Kells together with other strategic roads.

Ms. A. McAllen referred members to the Financial Report attached to the Chief Executive's Report which was circulated and stated that this report is the same as the EUIMF report returned to the Department for the first 6 months of the year. The report details the Budget versus Expenditure up to the end of June. At this time we are on target to stay within Budget. Ms. McAllen emphasised that while just 25% of Commercial Rates were paid by the end of June most rates are paid during the summer months. The collection rate for Rents is 86% while it is 66% for Loans.

#### **15.09.21.04 Appointment of a nominee to the Board of IRD Duhallow Ltd.**

Mr. G. O'Brien referred members to letter dated 4<sup>th</sup> June 2015 from IRD Duhallow Ltd. and he briefed them on it.

On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. D. Healy-Rae it was unanimously agreed that Cllr. J.J. Culloty would be nominated to the Board of IRD Duhallow Ltd.

#### **15.09.21.05 Appointment of nominees to the Board of South Kerry Development Partnership Limited**

Mr. G. O'Brien referred members to letter dated 20<sup>th</sup> August 2015 from South Kerry Development Partnership Limited which stated that the elected member representatives of Kerry County Council, Cllr. Michael Cahill, Cllr. Michael O'Shea, Cllr. Johnny Healy-Rae and Cllr. Donal Grady, retire by rotation at this year's AGM. As Cllr. Donal Grady has served two consecutive terms on the board he is not eligible for re-nomination.

Cllr. D. Healy-Rae PROPOSED that Cllr. J. Healy-Rae be nominated to the Board of South Kerry Development Partnership Limited.

Cllr. D. Quigg SECONDED this proposal.

Cllr. T. Ferris PROPOSED that Cllr. D. Quigg be nominated to the Board of South Kerry Development Partnership Limited.

Cllr. J. Healy-Rae **SECONDED** this proposal.

Cllr. N. Foley **PROPOSED** that Cllr. M. O'Shea be nominated to the Board of South Kerry Development Partnership Limited.

Cllr. J. Brassil **SECONDED** this proposal.

Cllr. N. Kelleher **PROPOSED** that Cllr. J.F. Flynn be nominated to the Board of South Kerry Development Partnership Limited.

Cllr. N. Foley **SECONDED** this proposal.

The Cathaoirleach declared that Cllrs. J. Healy-Rae, D. Quigg, M. O'Shea and J.F. Flynn were nominated to the Board of South Kerry Development Partnership Ltd.

#### **15.09.21.06     Dates for Meetings**

- (a) On the **PROPOSAL** of Cllr. B. O'Connell, **SECONDED** by Cllr. M. Gleeson it was agreed that a Special Planning Meeting of Kerry County Council would be held on Monday 2<sup>nd</sup> November, 2015 at 2.30pm.

The Chief Executive informed members that a briefing on Part V and the Regulation of Lobbying Act would be given at the Special Planning Meeting.

- (b) On the **PROPOSAL** of Cllr. N. Foley, **SECONDED** by Cllr. M. Gleeson it was agreed that the Budget Meeting of Kerry County Council would be held on Monday 9<sup>th</sup> November 2015 at 10.30am.

#### **15.09.21.07     Reports on Conferences, Seminars and Training Events**

On the **PROPOSAL** of Cllr. M. Gleeson, **SECONDED** by Cllr. J. Moloney it was agreed to note the following reports on Conferences/Events which were circulated.

- (a) Positive Farmers Conference held in Clonmel on the 14<sup>th</sup> & 15<sup>th</sup> January, 2015 by Cllr. M. Cahill.
- (b) AILG In-Service Training on The Role of the Local Authority and Local Economic Development held in Limerick on the 18<sup>th</sup> April 2015 by Cllr. D. Quigg on behalf of all the delegates that attended the Training Day.
- (c) Conference on EU Support Programmes held in Clonakilty, Co. Cork from 5<sup>th</sup> to 7<sup>th</sup> June, 2015 by Cllr. J. Brassil on behalf of all the delegates that attended the Conference.



- (d) AILG Training Event on Local Authority Finance & Housing held in Dungarvan on the 9<sup>th</sup> June, 2015 by Cllr. P. Connor-Scarteen on behalf of all the delegates that attended the Event.
- (e) LCDC Information Briefing held in Limerick on the 23<sup>rd</sup> July, 2015 by Cllr. P. Daly on behalf of the delegates that attended the Briefing.
- (f) Members Training Seminar on the theme "Changes to Community Development" held in Galway on the 31<sup>st</sup> July and 1<sup>st</sup> August, 2015 by Cllr. B. Cronin on behalf of all the delegates that attended the Seminar.

**15.09.21.08 To note the opening of Tenders since the July Meeting**

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. P. Daly it was agreed to note the opening of the following tenders since the July meeting:

- (a) Glenflesk MTB Bike Trail Facility Building & Treatment System – Closing date: Wednesday 29<sup>th</sup> July 2015 at 2pm.
- (b) Citrix Farm Build and Implementation (XenApp 7.6 and related technologies – Closing date: Wednesday 12<sup>th</sup> August 2015 at 2pm.
- (c) N70 Japanese Knotweed Eradication Contract – Closing date: Monday 17<sup>th</sup> August 2015 at 12 noon.
- (d) Killarney Traffic Model / Traffic Management Study – Closing date: Friday 21<sup>st</sup> August 2015 at 12 noon.
- (e) Engineering & Environmental Consultancy Services for the N70 Sneem to Blackwater Bridge Road Project – Closing date: Friday 4<sup>th</sup> September 2015 at 12 noon.

**15.09.21.09 Approval for the opening of Tenders**

- (a) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of tenders for the Engagement of Consultancy Services for a detailed Assessment of the Landfill Gas Management System at North Kerry Landfill – Closing date Friday 16<sup>th</sup> October 2015 at 4pm.
- (b) On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. M. Gleeson it was agreed to approve the opening of tenders for the N70 Killorglin – Iveragh Road Improvement and Traffic calming – Closing date to be finalised but not earlier than the 9<sup>th</sup> October 2015.

- (c) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. N. Kelleher it was agreed to approve the opening of tenders for the N70 Gleensk Pavement Improvement – Closing date to be finalised but not earlier than the 9<sup>th</sup> October 2015.
- (d) On the PROPOSAL of Cllr. N. Kelleher, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of tenders for the N70 Loher Pavement Improvement - Closing date to be finalised but not earlier than the 9<sup>th</sup> October 2015.
- (e) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. N. Kelleher it was agreed to approve the opening of tenders for the N70 Sneem Pavement Improvement – Closing date to be finalised but not earlier than the 9<sup>th</sup> October 2015.

#### **15.09.21.11 Notices of Motion**

The Cathaoirleach advised the meeting that Cllr. A. Thornton would then move an Emergency Motion.

#### **Roadworks/surveys at William Street, Listowel**

Cllr. A. Thornton PROPOSED that Kerry County Council confirms who or what Department sanctioned road works/surveys on William Street, Listowel on Ladies Day of Listowel Races.

Cllr. Thornton said Ladies Day of Listowel Races is like Killarney on the day of the Ring of Kerry Cycle or like Tralee for the Rose of Tralee. Listowel Traders already had to suffer the consequences of terrible weather and cancelled meetings at the start of the week.

Friday is the biggest day and they were left furious when bollards and road workers appeared on the streets that morning.

The Listowel Traders are hard workers and do not deserve this disregard on what is without doubt the biggest day in the town.

In response Mr. C. O'Sullivan said he received phone calls from members the previous Friday regarding cones being put in place. This was not done by a Kerry County Council staff and Mr. O'Sullivan undertook to bring a report to the next meeting of the members of the Municipal District of Listowel.

## **1. Use of trailers for roadside advertising**

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

That the Council would clarify the situation from a planning perspective of (a) trailers with or without wheels being used for temporary road side advertising and (b) very large trailers with or without wheels being used for advertising while parked in roadside fields or on the hard shoulder of roadways.

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

**The placing of Trailer Advertising Signage constitutes “development” under the Planning Acts and therefore requires either planning permission if erected on private property or a licence if erected on public property.**

**Given the scale of most trailer signs, they do not satisfy the legal requirements to be classified as exempt development.**

**Unauthorised Signs placed on the public roads (incl. hard shoulders and verges), are addressed under Section 71 of the Roads Act, 1993**

**These are investigated by the Roads Enforcement Officer, who may arrange (in conjunction with the relevant Area Engineer) for these to be removed.**

**Unauthorised Signs placed on private lands (roadside fields) are statutorily addressed under the Planning and Development Acts 2000 – 2015.**

**Kerry County Council has issued enforcement notices for the removal of unauthorized Trailer Advertising signs.**

Cllr. M. Gleeson said the recent IBAL awards clearly showed how the towns and their approach roads have dramatically improved over the last 15, 20 years. Littering in its many forms has been greatly reduced and the response from locals and visitors is hugely positive.

One very important aspect of that improvement has been the removal of Billboards from the footpaths. They were an eyesore and a danger. Unfortunately they have now relocated to the approach roads to towns and villages and at certain times of the year they proliferate.

They not only proliferate but they sometimes, because of their size, totally dominate a landscape and even eliminate views. Roadside advertising is a distraction to drivers on roadways already smothered in traffic signage.

Roadside advertising is often extremely ugly as it is merely a wooden pallet supporting some gaudy and at times almost illegible message. Roadside advertising is taking on a whole new dimension with the parking of articulated trailers on roadsides and in fields adjacent to roadways.

Roadside advertising for the purpose of elections and election candidates is well regulated in law and the lawmakers and potential lawmakers should respect the law. Otherwise they are reinforcing the public perception of us as hypocrites. Cllr. Gleeson asked Kerry County Council to use the powers available to it to ensure that only authorised signage is erected and that when the law is breached that the signage is removed without warning.

Our tourist county must do everything possible to present itself at its pristine best. Otherwise we are failing our own people and ourselves.

Cllr. D. Healy-Rae stated he could not agree with the motion in its totality. Businesses must be allowed to advertise as many of them are very small and are struggling to survive. They pay rates and contributions for their employees. He was not aware of any undue proliferation of this type of advertising in the Killarney area.

Cllr. N. Kelleher requested clarification on the following sentence in the reply: *"Given the scale of most trailer signs, they do not satisfy the legal requirements to be classified as exempt development"*.

Mr. C. O'Sullivan advised the meeting in accordance with planning legislation permission is not required for certain signage once it is within certain parameters. However large trailers in fields are way beyond what is specified in the Regulations as being exempt and as a result appropriate action must be taken to ensure planning legislation is enforced.

Cllr. B. Cronin **SECONDED** the motion and said Kerry is a very scenic county so we must achieve the highest standard possible. He emphasised the need to ensure all legislation is enforced. Cllr. Cronin requested details of the size of structures that do not require permission. In conclusion Cllr. Cronin said it is important to protect the county from a free for all.

The Cathaoirleach asked that details of the trailer sizes that are exempt from planning would be circulated to all members.

Cllr. Gleeson asked that further clarification would be given to members on this issue at the Special Planning meeting. A temporary structure can become a permanent one unless action is taken.

## **2. Reforms to improve conditions for children and adult asylum seekers**

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

That this Local Authority welcomes the announcement by Justice Minister Frances Fitzgerald to bring forward reforms aimed at improving conditions for children and adult asylum seekers and asks that the Government expedite any such reforms.

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

Cllr. A. Thornton pointed out that she submitted the motion in July and did not expect to be in the position we are in today. This is the first report of its kind since direct provision was introduced 15 years ago. Among the recommendations is a proposal to fast track the granting of residency to those in the system for 5 years or more. Over 3,600 asylum seekers live in direct provision centres and almost 1,500 have been in the system for 5 years or more. The Government had pledged to endeavour to speed up the determination process and hence the working group was established. It also recommends access to cooking facilities and private living spaces for families by the end of 2016, in so far as practicable.

Cllr. T. Ferris welcomed the findings of the report but expressed her disappointment at the Minister's efforts to-date to implement the findings of the report. Children of asylum seekers have done very well in their Leaving Cert but they are not permitted to proceed to third level unless their applications for asylum have been granted. While some progress has been made it is not nearly enough to address the present injustices. Cllr. Ferris clarified that she was not seconding the motion.

Cllr. D. Grady SECONDED the motion.

## **3. Promotion of local food producers**

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

That Kerry County Council, in order to promote local food producers, will consider sending a stand to the International Food Exhibition at ExCel London in March 2016.

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

**Kerry County Council Local Enterprise Office will work closely with the Kingdom Food Network under the "Taste Kerry" brand to determine whether local food producers have an interest in attending the International Food Exhibition at ExCel London in March of 2016. The Local Enterprise Office will book a stand on confirmation and once costs are determined.**

**Kerry County Council Local Enterprise Office engages strongly with local producers and has assisted local producers attend food events such as the International Food Exhibition and IFEX. The Local Enterprise Office presently has a stand booked within the Local Enterprise Office Village at the National Ploughing Championships and two Kerry food producers are exhibiting. The Office also supports Kerry food producers at the National Food & Drink Hospitality Ireland event in the RDS under the "Taste Kerry" brand where a further 2-3 businesses participate.**

Cllr. D. Daly welcomed the reply and said a local business person suggested the promotion of a 'Taste Kerry Day' when everyone in the county would be encouraged to eat only what is produced in Kerry for that day.

Cllr. M. Gleeson supported the motion and said there should be greater emphasis on the organic nature of our food. He suggested that the South Kerry Greenway should link itself to a food trail.

#### **4. Increase in Rents**

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

To raise concerns with the Housing Department about the savage increase in rents being sought from tenants all over the County and to condemn Minister Alan Kelly for blaming Local Authorities for the homelessness crisis.

**The following reply issued:**

**Rent is assessed based on household income and is calculated in accordance with the Council's Differential Rent Scheme across the 4 Municipal Districts of the County. There has been no change to the Council's Differential Rent Scheme in the past year. The current Scheme has been in operation since 2007. Following on from the most recent rent assessment, the average weekly rent increased from €44 per week to €45.80. In the recent annual rent review it was noted that there was a marked increase in those with additional income generally. It was also noted that with the changes implemented at national level regarding the payment of lone parent allowance that these changes may have impacted on the rental calculation as payment changed to job seekers allowances which resulted in an increased rental calculation.**

**The Council operates a hardship policy and should any tenant be experiencing difficulties in paying their weekly rent or have any queries in this regard, they should make contact with the Housing Dept. directly and their circumstances will be reviewed.**

Cllr. D. Healy-Rae said he was inundated with call from tenants whose rents have increased. One tenant was paying €41 per week and this has increased to €68 per week while another tenant was paying €34 and their rent has increased to €78. A person in a demountable unit was paying €91 per month but that has increased to €130. This person did not have any increase in his income and this 44% increase is very unfair for a person who is barely existing. Rents for a number of tenants from Killarney have increased and on enquiry he was informed that the assessment carried out by Killarney Town Council was different to Kerry County Council. Where there was a joint income the Town Council only assessed one as a subsidiary income. This maybe a justifiable reason to increase rent but the rent should be increased over a period of time and not all in one year.

Cllr. Healy-Rae condemned Minister Kelly and the Taoiseach for blaming local authorities for the homelessness crisis. This is scandalous and unacceptable and just because a General Election will be held in the coming months funding has been provided to address homelessness in Dublin. The Government has not addressed the problem of the Rent Allowance cap and rents have increased in Killarney by up to 25%. He requested that a letter would issue to the Minister calling on him to address the cap on the Rent Allowance immediately. A number of single parents with 2 or 3 children cannot access housing because it is too expensive. Vacant local authority houses cannot be repaired for re-letting as the funding is not available. In conclusion Cllr. Healy-Rae said in his opinion it will be mid 2017 before any new local authority houses are available in Killarney.

Cllr. J. Healy-Rae **SECONDED** the motion and the views expressed by Cllr. D. Healy-Rae. He highlighted to management that either the reply is incorrect or what members were told was false. When people from Killarney contacted the Housing Department seeking a review of their rent increase they did not receive a reply. He requested that all rents that increased by €5 or more per week and where tenants requested a review would be reviewed as soon as possible.

Cllr. R. Beasley then moved Notice of Motion 14 as it relates to this topic.

#### **14. Housing Crisis**

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

Given the current difficulty experienced by those seeking to source private accommodation, exasperated by the lower rental limits for rent supplement, what plans has Kerry County Council to deal with the current housing crisis.

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

**The Council has been advised by the Department of Social Protection of the supports available from the Department to persons entitled to rent supplement who may find themselves at risk of losing their homes in view of the reduced availability of private rented properties.**

**In response to the market difficulties the Department has, earlier this year, implemented a National Tenancy Sustainment Framework so that rent supplement provides a targeted, consistent and timely response to ensure customers accommodation needs can continue to be met. Under this approach, each tenant's circumstances are considered on a case-by-case basis, and rents are being increased above prescribed limits as appropriate. Supports under this Framework are available to both existing rent supplement recipients and new applications with an entitlement to the scheme. We have been advised that in Kerry, some 14 persons have been facilitated with increased rent payments under the rent supplement scheme.**

**People in receipt of rent supplement who may be at risk of losing their tenancy due to rising rents should be advised that support is available and to contact the Community Welfare Service dealing with their rent supplement claim as soon as possible.**

**The Department has also undertaken a number of actions to ensure that people entitled to rent supplement are provided with information on the supports available. The Department has issued text messages to over 50,000 rent supplement recipients advising them of the supports and is issuing monthly tweets to its followers. Information is also available on the Department's website at [www.welfare.ie](http://www.welfare.ie). Posters have been distributed advising of these supports to the Department's network of offices throughout the country, Post Offices, Citizens Information Centres, MABS Offices, Credit Unions and members of the Oireachtas and to the Local Authorities.**

**The Council is in constant contact on a local level with the Department of Social Protection in relation to individual cases and we also liaise on wider policy matters.**

**In addition, in order to continue to address the Housing Waiting List in Kerry, the Council has sought and received DOECLG approval for the Housing Construction and Acquisition Programme 2015 – 2017 under the Social Housing Strategy which targets the delivery of 1,058 housing units at an estimated investment of €62 m. The Council is pursuing all options to ensure delivery of the targets in this programme including purchasing houses, leasing, rental accommodation scheme, voids programme and housing construction and Part V. We are also working on an ongoing basis with Approved Housing Bodies to deliver housing units in order to meet the needs of our Housing Waiting List.**



Cllr. Beasley asked if there is a plan to deal with the lower cap on Rent Allowance. Rents increased for tenants in August yet the Council failed to carry out repairs for many on lower incomes who cannot afford repairs. At present councillors must wait at the public counter in Housing for a staff member to deal with their queries but he said councillors should have access to all offices and he asked that this would be reviewed.

The Chief Executive undertook to review councillor's access to offices in the Housing Department and she advised members if they are not getting replies on housing issues to contact Brenda Conway and Kathleen Curtin and they would ensure they receive replies to their queries.

## **5. Rent Calculations**

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

That Management would confirm whether full rate and half rate carers payments are considered in rent calculations and explain the recent increase in tenant rents where household income has not changed.

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

**Weekly rent is calculated and in accordance with the Terms of the Differential Rents Scheme of the Council. In accordance with this Scheme, full rate carers and half rate carers allowance is taken into consideration when calculating weekly rent.**

**There are a number of income streams that are disregarded for the purpose of calculating rent:**

**(a) Children's allowances, orphan's allowances or orphan's pensions payable under the Social Welfare (Consolidation) Act 1981**

**(b) Scholarships and Higher Education Grants**

**(c) Allowances payable under the Boarding Out of Children Regulations 1954**

**(d) Allowances for domiciliary care of handicapped children under the Health Act, 1970**

**(e) Lump sum compensation payments**

**Should any tenant be experiencing difficulties in paying their weekly rent, they should make contact with the Housing Dept. directly who will examine each query on a case by case basis.**

Cllr. T. Ferris supported the views expressed by previous speakers in relation to rents etc. The present housing crisis is the biggest challenge to face the Council yet there are many vacant properties in the county. Families are presenting as homeless because of the cap on Rent Allowance. This year despite the fact that tenants incomes did not increase rents increased. In some instances because of the cut to the One Parent Family Allowance tenants rents increased. In another case the tenants declared they are in receipt of Carers Allowance but because the letter from the Department of Social Protection did not state they were on

Carers Allowance they got a bill for arrears. This is creating a very difficult situation for people who give a great service. Cllr. Ferris said she was not aware there was a facility to use discretion for Rent Allowance within the Social Welfare system and she asked that this would be highlighted for the general public.

Cllr. N. Kelleher referred to the calculation of rents for tenants in Killarney as outlined by Cllr. D. Healy-Rae. While he accepted they are now in line with the procedure in the County Council where there are substantial increases these should be phased in over a number of years. He requested a commitment that this would be applied as it is not possible for people to budget for large weekly rent increases.

Cllr. D. Grady agreed there is a problem with the level of rent increases in Killarney. He was dealing with a number of these which he believes are being unfairly treated and they cannot afford these increases.

The Chief Executive said she was aware there were a small number of cases in the Killarney area where rents had to be recalculated and this is problematic. If tenants have personal difficulties these can be dealt with on a case by case basis.

Mr. J. Breen said there is an annual rent review based on income. He undertook to review cases where there was no increase in income yet rents increased. He had given a commitment that rent increases will be limited to a maximum of €10 per week and the increase will be applied over a three year period. He advised members to refer cases where the tenant is in financial difficulty to the Housing Department for review. The Differential Rent Scheme is based on ability to pay. Mr. Breen undertook to contact the Department of Social Protection regarding the publicising of the facility to increase rent allowance. In conclusion Mr. Breen said there is an accommodation problem in Kerry and the Rent Allowance cap is also causing difficulties.

The Cathaoirleach informed the meeting that Notices of Motion 7, 20, 25 and 29 would be taken together.

## **7. Condemnation of the withdrawal of home help hours**

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

That Kerry County Council condemn the withdrawal of home help hours which is having a devastating impact on the lives of those most in need of same. We call on the Minister to intervene immediately and restore and improve the hours available for the provision of this service.

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

Cllr. N. Foley called on the Minister for Health to restore the home help hours and service that was cut recently. This reduction was an unmerciful attack on the dignity of older people and as a result the number of admissions to nursing homes will rise with a subsequent cost to the State. It is ironic that the Government say we need to empower older people to stay at home yet they are not delivering on this. Recently the home help hours for a 91 year old man were cut and when the HSE were contacted they said they were doing their best but they did not have the hours. Cllr. Foley called on the Minister to take cognisance of the needs in particular of the elderly and to allow them live with dignity in their own homes.

## **20. Cut in home help hours and holiday cover**

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

That Kerry County Council would condemn, with great disappointment, the lack of home help in our County, especially the cover that is not being provided when a home help person is on holidays.

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

Cllr. J. Healy-Rae concurred with the views expressed by Cllr. Foley. The Government can be judged by the way they treat the most vulnerable i.e. the elderly. In recent years the housing grants were cut by 56% and he had to tell a man in his eighties he would have to wait until the following year for a grant. He was aware of an 89 year old lady who could not drive anymore and was left without home help for 7 days as there was no holiday cover for her home help. Cllr. Healy-Rae said he was informed by those providing home help that they were advised if they stay longer than the allocated time they are not insured.

## **25. Condemn cuts to home help hours**

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

That this Council condemns the cuts to essential home help hours for our most vulnerable and calls on the Minister for Health to increase allocations in this area and also ensure those working in this sector are treated with the respect they deserve.

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

Cllr. T. Ferris said everyone in Irish society would support the prioritisation of those in need of home help yet the Government is not providing an adequate service for them. Home help hours have been cut and this will result in substantial additional cost to the Government for residential care. People apply for the Home Care package but there is no funding for it. For the sake of one hour home help a day many elderly now have no option but to go into residential care. Home help carers are given 30 minutes to prepare dinner, put on a fire etc.

The first 10 minutes are spent talking to the person as they may not have spoken to anyone since the previous day. Many home help stay for longer than the allocated time and the Government responds by cutting the hours and mileage as they now only get paid for one journey to an individual per day. Cllr. Ferris called on the Government to ensure those working in this sector get the support they deserve.

## **29. Cuts to home help hours**

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

That this Council call on the HSE and the Minister for Health to immediately end their ongoing policy of cutting home help time from elderly vulnerable people and to reinstate their hours so they can continue to live with dignity in their own homes.

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

Cllr. B. Cronin said it is critically important that the elderly and home help carers are supported. He attended a meeting in Castleisland recently that was attended by 50 to 60 home help carers. He understood where hours have been reduced the elderly are afraid to speak out in case they lose the remaining hours. There is tremendous work being done by home help carers and the HSE has no concept of the situation on the ground. He stated that we must give our elderly population the dignity and respect they deserve to live out their lives at home without being a huge cost to the State. Cllr. Cronin called for the reinstatement of home help hours.

Cllr. J.J. Culloty **SECONDED** the motions and said he too attended the meeting in Castleisland with the home help carers. He raised this issue at a recent meeting of the Regional Health Forum and he was very disappointed with the response as he was made to feel as if the hours had not been cut and that is not the case. He was informed that 13,000 additional hours have been provided and this contradicts what the members are saying. Some home help carers remain on longer than the allocated time and they have been informed by the HSE if they do this they are not covered by insurance. Cllr. Culloty said it appears people want this service privatised.

Cllr. D. Healy-Rae **SECONDED** Cllr. J. Healy-Rae's motion and said he was informed an additional 13,000 home help hours were provided this year. Efforts were made to cut weekend home care completely but in many instances the home help carer must get the person out of bed. It takes a long time to process applications from home help carers who wish to help a neighbour. If the person being cared for has to go to hospital the home help no longer gets paid and that is unfair.

The Cathaoirleach said the Government should prioritise the importance of this service and they must recognise we have an aging population.

Cllr. Thornton then moved Notice of Motion No. 22 with the permission of the Cathaoirleach.

## 22. Breakdown of additional funding for roads

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

That Kerry County Council provide a breakdown in relation to the allocation of recent extra funding received from the Department in the region of €1.125m towards roads in the County. I would ask that going forward, Kerry County Council take a priority list based on Municipal Districts and not the old area based list.

### The following reply issued:

A breakdown of the roads that received additional funding was provided to the Elected Members on the 6<sup>th</sup> August 2015. The list is outlined hereunder. The roads were selected for this additional funding based on the priority list adopted by Kerry County Council in the Multi-Annual Programme 2013-2016, previously adopted by Council, in 2012.

Road Number	Road Name and/or Townland Name	Engineering Area	Municipal District	Length of work (m)	Estimated Cost of work (EURO)
L-2008-0	Clogherbrien X - Kerries X	Tralee West	Tralee	1,000	67,500
L4037	Corbally to Coolbane West	Killorglin	South & West	800	48,000
L-8039	Ladies Cross to Knocknahow Cross	Dingle/Daingean Uí Chúis	South & West	1,100	95,838
R574	Craven to R571 JUNC	Kenmare	South & West	1,600	208,000
L-2027	Knockachur X - Lackbrodder X.	Tralee East	Tralee	1,300	63,700
L-7535	Cloghaneau	Caherciveen	South & West	1,700	105,000
L-6521	Tullagubbeen X - Muingvautia X	Tralee East	Tralee	1,100	49,162
L-2033	Farrankeal - Dicksgrove X	Killarney	Killarney	1,000	94,500
L-10559-0	Laccamore X - Dillons X	Listowel	Listowel	1,000	75,000
L4034	Castleconway to Ballykissane	Killorglin	South & West	800	96,000
L-8019	Maharees Junction to Car Park	Dingle/Daingean Uí Chúis	South & West	630	94,500
L-12309	Beenbawn Cross to Farraneesteenig Cross	Dingle/Daingean Uí Chúis	South & West	500	30,750

When the programme was adopted by Council on the 10<sup>th</sup> December 2012, for submission to the Department of Transport Tourism and Sport, the length of the non-national roads to be improved in each of the then Electoral Areas was as follows:-

- **Tralee Electoral Area**  
44.9 km (6.6% of the road network)
- **Killarney Electoral Area**  
53.3 km (7.3% of the road network)
- **Listowel Electoral Area**  
63.7 km (7.2% of the road network)
- **Dingle & Kilorglin EA's**  
127.4 km (6.4% of the road network)

Kerry County Council has received additional funding from the Department of Transport, Tourism and Sport over the last number of years which has allowed the Council to improve additional roads from the Multi-Annual Programme. Approximately 50% of the 2016 programme will be improved before the end of 2015.

The Department of Transport, Tourism & Sport will shortly be requesting the Council to prepare a new Multi-Annual Programme. Whilst it is envisaged that the Council will be requested to prepare the next programme having regard to the most recent pavement condition surveys, other policies such as the LECP, the Regional Action Plan for Jobs and the Kerry Tourism Strategy will also need to be taken into consideration.

Cllr. Thornton said from the list it is obvious North Kerry was not allocated much of this funding. While she understood the allocation of the funding was prioritised based on need many roads in North Kerry should be improved under this programme and she asked that they be given priority.

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

## **8. Call for a reduction in Motor Tax**

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

That this Council call on the Minister for Finance to reduce Motor Tax on vehicles particularly pre 2008 and some cars between 2009 and 2011. Ireland has now the highest level of Motor Tax in Europe. The United Kingdom's highest rate is €200, Germany have no road tax on some cars with the highest at €150. Spain averages between €70 and €170.

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

Cllr. P. McCarthy stated while the road tax on vehicles from 2008 on are reasonable the rate of tax on older vehicles is very substantial. This is also the case for some vehicles from 2009 to 2011. He called on the Government to review this issue.

Cllr. J.J. Culloty SECONDED the motion.

The Cathaoirleach informed the meeting that Notice of Motion Nos. 12 and 23 would be taken together.

## **12. Hedge Cutting**

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

That this Council begin the process of implementing a new regime for hedge cutting on our public roads as the current system of controlling roadside hedges is unacceptable to the vast majority of private and commercial vehicle owners, along with cyclists and pedestrians who travel the roads in this County. Also, to ask if tendered to private contractors, what would be the estimated annual cost of cutting the roadside hedges in this County.

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

**The policy was recently reviewed at the Operations SPC, and it was agreed by the members that the provisions in the policy were adequate but greater emphasis should be given to implementing the policy. It was agreed that management should have a more pro-active approach to cutting hedges and recovering costs where landowners failed to comply with a direction given by the Enforcement Officer. This may necessitate going to court for recovery of costs rather than using the Courts to enforce the provisions of the Roads Acts, and which can take a considerable amount of time. However, it is considered that a more pro-active approach should have a more positive impact on promoting compliance.**

**Under the statutory provisions of Section 70 of the Roads Act, the owner or occupier of the lands is responsible for ensuring that his/her hedge is not a hazard or potential hazard to road users. If the Council were to carry out these works the estimated cost would be €2.8 million per annum and would have to assign additional resources to invoice landowners and recover costs.**

Cllr. J.J. Culloty noted the response which states that the present policy is adequate but he pointed out that is not the case in East Kerry. He acknowledged that some landowners cut their hedges but others do not and as a result cyclists, pedestrians and other road users are in danger. At present Kerry County Council is being reactive rather than proactive in this area. He suggested that where landowners do not cut their hedges that the Council should do so and recover the cost from the landowner. This is a health and safety issue and must be addressed.

### **23. Cutting of hedges**

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

To ask Kerry County Council to cut the hedges on (a) all the roadside properties that are in its ownership and (b) to initiate a grant scheme as is in operation in other counties to help local communities to cut hedges on local roads. Many roads in the County are almost impassable because of overgrown trees and hedges. I am asking if Minister Heather Humphries has responded to the request for an extension to the time for hedge cutting.

**The following reply issued:**

**Kerry County Council will continue to maintain hedges in its ownership on all its roadside properties.**

**We are aware of a scheme recently trialled by Clare County Council to support local Community Groups in cutting hedges, in areas where there is difficulties in establishing ownership. This initiative is being examined and a report will be brought to the Operations SPC if there are benefits for such a scheme in Kerry. However, the responsibility for maintaining hedges is the statutory responsibility of the landowner.**

**Kerry County Council has not received any correspondence from the Minister regarding the extension to cut hedges in accordance with the Wildlife Act.**

Cllr. D. Healy-Rae supported Cllr. Culloty's motion and he concurred with his comments on it. Cyclists and motorists cannot travel many roads safely and in effect it is the sides of vehicles that are pushing the hedges in. Irish motorists pay the highest road tax in the world and it is unfair they are treated in this way. In the past he requested the Council to cut all hedges on their property but that is not happening. It is not possible to establish the owners of some land and these hedges are not cut. In the past he requested that a grant scheme be introduced similar to that in Clare and West Cork but he did not get a positive response to this request. All members called on the Minister to allow hedges to be cut later in the Spring and earlier than 1<sup>st</sup> September but to-date Minister Humphries has not responded. Cllr. Healy-Rae requested that a further letter would issue to the Minister calling for her response to the public consultation process undertaken earlier this year.

Cllr. J. Healy-Rae SECONDED both motions and said the current situation whereby some roadside hedges are not cut is unacceptable. There has been no response from Minister Humphries to the public consultation process. Two years ago Clare County Council announced a pilot Scheme and at that time he moved a Motion calling on Kerry County Council to do likewise. This Scheme is working in Clare and it was trialled in West Cork this year. He requested that such a



Scheme would be introduced in Kerry if the Schemes in Clare and West Cork were successful which he understood they were.

Cllr. D. Healy-Rae said he raised this issue at every September Council Meeting since he was co-opted 13 years ago.

Cllr. B. Cronin stated he made a submission to Minister Humphries and he expressed concern that the Minister has not yet responded to the public consultation process. The present system in Kerry is not working but Cllr. Cronin complimented and congratulated the landowners who always cut their hedges. He believed the Council is not adopting the right approach to this problem. Landowners should be given a certain time to cut hedges and if they do not comply the hedges should be cut and the landowner taken to Court to recover the cost. It is now suggested that grants would be given to landowners who do not cut their hedges but he PROPOSED that all landowners would get a grant to cut hedges.

The Chief Executive re-iterated that there is a statutory obligation on landowners to cut their hedges. She acknowledged there is a Scheme in Clare and one that was introduced this year in West Cork but said she was not aware if these are a success or not. This is a complex issue and the Council must be fair to everyone. A meeting will be held with the IFA shortly and she would raise this issue with them. The Chief Executive accepted there are issues with hedge cutting in the county but she said enforcement would be stepped up to deal with it. She undertook to get details of the pilot schemes in Clare and West Cork and to establish if they were successful.

Cllr. J.J. Culloty stated he has a responsibility to his constituents and in his opinion the Council will end up cutting the hedges that are not cut anyway. Taking this issue to the SPC has not worked and the Council must now adopt a different approach to this problem.

The Cathaoirleach stated he was confident the Director of Services for Operations would review the Schemes in Clare and West Cork and report back to the next Council meeting.

The Cathaoirleach informed the meeting it was 1pm and he would then take Item 10.

#### **15.09.21.10 Presentation by the Irish Postmaster's Union**

The Cathaoirleach welcomed Mr. Séamus Ó Luing, Maria Williams and Joe Walsh to the meeting on behalf of the Postmasters Union.

Mr. S. Ó Lúing thanked the members for the opportunity to address them on the Irish Postmasters Union and their efforts to sustain the Post Office network into the future. The Post Office has a network of 1,100 Offices of which 43 are in Kerry. These are self employed business people with unrivalled local commercial knowledge/intelligence. They have a trained staff with a first hand knowledge of their customer base. The Post Office should be the Network Provider of choice for Government services. The Post Office Network is under threat essentially from the Government's 'E' payment strategy. The Department of Social Protection (DPS) Policy is to migrate customers to commercial banks. An Post should be given a commercial mandate. Postmasters are limited by An Post/Government in relation to the services they can provide. All services are not available at all offices and there is discrimination against some communities.

The Post Office Network is very dependent on two contracts NTMA and DSP. If they loose the DSP contract 550 Post Offices will close. The Irish Postmasters Union has identified new business opportunities as follows:

- Motor Tax – the Grant Thornton report highlighted that this could save the Government €65m over 5 years.
- Extend available Banking Services – Standard Bank Account to provide financial inclusion before EU deadline of December 2016.
- Other Government Services i.e. Driving Licences were a missed opportunity.
- The Post Office Network could be front of house for Government for Rents, Fines etc.

Mr. Ó Lúing then outlined their Six Point Plan as follows:

1. Recognise the Post Office Network as a National Asset and ensure its future by making it the provider of choice and the front office for all Government services such as Motor Tax, Hospital Charge, Local Authority Payments etc.
2. Secure the role of Post Offices in delivering Department of Social Protection (DSP) payments either through cash and / or direct electronic payment and maintain the existing rates.
3. Provide the funding for a Standard Bank Account through the Post Office Network to ensure financial inclusion for all. The Post Office Network already provides a service for AIB, Danske Bank etc. Electronic payment facilities are needed in all Post Offices.

4. Quantify the social role which Post Offices provide and the onus on the State to provide equality for citizens under Article 45 of the Constitution.
5. Instruct An Post to immediately cease any action, in relation to Post & Pay, which could be construed as establishing an alternative Network. At present An Post has 10 sites where Pay & Post are set up on a pilot basis and he asked that this pilot would cease immediately.
6. Carry out a comprehensive commercial review of the Network to ensure viability for the foreseeable future (5 – 7 years). It is important that all services are available in all Post Offices.

In summary Mr. Ó Lúing said Postmasters recognise the changing environment and their need to change with it. However, their livelihoods are on the line and the DSP contract is vital for their survival. The existing social contribution and marketplace knowledge needs to be recognised and built on. The Report and implementation of Post Office Business Development (Bobby Kerr) Group is vital. Mr. Ó Lúing asked all members to support their efforts by signing and supporting their Six Point Plan.

All members welcomed Mr. Ó Lúing, Ms. Williams and Mr. Walsh to the meeting and they thanked them for their excellent presentation.

Cllr. D. Healy-Rae stated if more Post Offices close parishes will lose their identity. The elderly look forward to meeting friends and neighbours on a Friday at the Post Office and it is important that these facilities are retained. He was fully aware of the value and social contribution made to local communities by Post Offices. He called on members whose parties are in Government to contact them to ensure the Post Office infrastructure is supported and that they retain the DSP contracts. It should be possible to renew driving licences at Post Offices also as it would be more convenient than having to travel to Tralee to do this. Cllr. Healy-Rae said the Department of Social Protection were wrong to advise people to change to e-payments for social welfare payments.

Cllr. D. Quigg said the presentation outlines a wide range of services that could be delivered through Post Offices and the Government should be ashamed of their stance on the payment of social welfare payments through the banks. Rural areas do not have an adequate public transport system to allow people to go to the nearest town to the Post Office. Cllr. Quigg indicated his support for the Postmasters Union Six Point Plan and he called for the retention of all Post Offices into the future.

Cllr. J. Brassil stated he has long standing admiration for the work of Post Offices. There is a duty on members to fight to ensure that no other Post Office closes and he hoped new Post Offices would open. He PROPOSED that Kerry County Council would unanimously support the Six Point Plan and that members

would forward it to their respective political parties for inclusion in their election manifestos.

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

Cllr. Ferris said all members are fully aware of the social value of the Post Office network. It is ironic that efforts were made to remove social welfare payments from Post Offices when Postmasters/Postmistresses know if a person claiming welfare is working or if a person has passed away. Cllr. Ferris accepted it is ironic also that those who support the campaign to protect the Post Office network were opposed to Irish Water yet water charges are an important part of their business. She expressed her opposition to Pay and Post and said it is wrong to allow the likes of Tesco to provide the services currently provided by the Post Office as their motivation is profit. Cllr. Ferris said she fully supported rural Post Offices.

Cllr. D. McCarthy said Post Offices are a central part of every rural community and it is important that they are retained.

Cllr. D. Grady expressed his disappointment at moves to encourage people to have their social welfare paid into the banks. He pointed out that a General Election will be held in the coming months and all candidates should be asked to support this campaign.

Cllr. N. Foley stated the Post Office network is diminished through cuts and stealth. She moved a motion a few months ago condemning the action of the Government who proactively encouraged people to have their social welfare payment paid directly into their bank accounts. There is unanimous support among councillors for the role of the Post Office network. She commended the Irish Postmasters Union for taking a pro-active approach and asking councillors to support their Six Point Plan. Cllr. Foley pledged her full support for this Plan and said it is important that it is unanimously supported by the members of Kerry County Council.

Cllr. N. Moriarty welcomed the Six Point Plan which is clear and comprehensive and sets out workable solutions. She lives in a rural area and the local Post Office is hugely significant to the local community yet someone in central Government does not understand this. She supported the call that the Department of Social Protection would not actively encourage people to have their social welfare paid directly into their bank account. Cllr. Moriarty stated she fully supports the Irish Postmasters Union campaign.

Cllr. M. Gleeson said when the Banks were the exclusive reserve of people Post Offices were and are still there for everyone. Post Offices are a national asset and Cllr. Gleeson indicated his full support for this campaign.

Cllr. J.J. Culloty stated he wanted to be associated with the comments of previous speakers. All members are conscious of the importance of Post Offices to rural Ireland and it is immoral of any Government to promote Banks over Post Offices. Cllr. Culloty indicated his full support for the Six Point Plan.

D'aontaigh an Clr. S. Mac Gearailt le tuairimí na gcainteoirí roimis. Cheap an Rialtas Bobbaí Mac Giolla Cheara chun tuairisc a ullmhú agus má chaileann na hOifigí Poist an conradh DSP beidh siad i dtrioblóid. Ba chóir go bhféadfaí mótarcháin a athnuachan sna hOifigí Poist. Leag an Clr. Mac Gearailt béim ar thábhacht gréasán na nOifigí Poist go sóisialta fán dtuath in Éirinn. Thacaigh sé leis an bhfeachtas seo.

Cllr. J. Finucane said in the past the banking system failed the State unlike Post Offices. He PROPOSED that Post Offices would be issued with Banking Licences. He stated that banks are still an impediment to economic development as many businesses find it difficult to access credit. Legislation could be amended to allow Post Office to get Banking Licences. Cllr. Finucane pointed out that Grant Thornton is a firm of accountants and they will not consider the social aspect of Post Offices. It is up to the Government to introduce legislation to encourage a broader role for Post Offices. He requested that Cllr. Brassil's proposal would be circulated to all local authorities in the country.

Cllr. B. Cronin stated he lives in the heart of rural Kerry and they lost their Post Office. Rural Post Offices are the foundation of rural communities and essential for parishes. He supported the Six Point Plan and said everyone has witnessed the consequences of the closure of rural Garda Stations, Post Offices, shops etc. This has resulted in greater isolation. Members must try to get the Government to realise the importance of this service. Cllr. Cronin said he fully supported the 43 Post Offices in the county.

Cllr. P. Daly supported the Six Point Plan and said the impact of the loss of creameries, shops and Courthouses is evident. Members previously debated the difficulties for people when home help hours are reduced and he said all this down to Government policy which is adversely impacting on people's lives. Cllr. Daly said the future is lower wages for workers and greater profits for companies.

Cllr. R. Beasley said the reduction in the number of Post Offices was muted by the last Government and supported by the present Government. He hoped the Six Point Plan would be effective. When there is a local Post Office people can look forward to collecting their pension and there is a social aspect to this service. If Post Offices close down and the service was provided by Tesco it would be very difficult as there is no public transport in many rural areas.

Cllr. N. Kelleher stated on behalf of the customers it is important that the Post Office network is retained. The local Postmistress in Rathmore, who will retire shortly, served the local community for over 50 years and his mother will be the new Postmistress in Rathmore. Cllr. Kelleher fully supported the Irish Postmasters Union campaign.

Cllr. M. O'Shea indicated his support for the Six Point Plan.

The Cathaoirleach thanked Mr. Ó Lúing, Ms. Williams and Mr. Walsh for their presentation and he agreed that every effort should be made to convince the Government to support Post Offices. He asked when the Government encourage people to use other facilities are they breaking EU rules. He urged everyone to pay as many bills as possible through their local Post Office to help sustain their business. Most Post Offices only survive because they have a small shop also and he urged people to support local shops.

Cllr. P. Daly stated he received the reply to Notice of Motion No. 28 and he noted the reply.

**28. Opening of the Archive Section of the County Library one Saturday per month**

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

That Kerry County Council consider opening the Archive Section of the Library on one Saturday per month if required for research purposes.

**The following reply issued:**

**All branches of Kerry Library are open all day on Saturday from 10.00a.m. until 5.00p.m.**

**The Local History & Archives section at Library Headquarters in Tralee is at present open to the public for 35 hours per week, Monday to Friday from 10.00a.m. – 5.00p.m., including lunch time opening. Printing and scanning facilities are also available.**

**In recent years many research resources have been made available online as part of both national and local initiatives. Nationally, major sources, which previously had only been available in the local history & archives section of Kerry Library or at either the National Archives or National Library, are now available to users on the internet, including availability at each Kerry library. These include the 1901 & 1911 census, Griffith's Valuation (1850's) and very recently the Schools Folklore Collection (1937/38).**

**Locally, a range of general research sources have been made available at libraries country wide including the Irish newspaper archive and the British Parliamentary 19th century papers. The library continues to source other relevant sources.**

**Since March 2015, digitised & searchable Kerry newspapers are available to library members via the library website, [www.kerrylibrary.ie](http://www.kerrylibrary.ie) at each library [The Kerryman 1904 – to date; Kerry Star 1861 – 1863; Kerry Independent 1880 – 1884; Kerry Weekly Reporter & Commercial Advertiser 1883-1920, Chute's Western Herald, 1828-1835; The Kerry Sentinel, 1878-1918; Raymond's Kerry Herald, 1856; The Kerry Examiner & Munster General Observer, 1840-1856; The Tralee Mercury, 1829-1839; The Tralee Chronicle & Killarney Echo, 1843-1881; The Kerry Independent, 1880-1884; The Killarney Echo & South Kerry Chronicle, 1899-1920]. The Kerry Evening Post, 1828 – 1917 will be available before year end.**

**The digitisation programme for 2016 will continue to focus on Kerry sources that are unique to Kerry library and will be available on completion at each Kerry library.**

**We will commit to providing appropriate access, within available resources, on Saturdays to facilitate research particularly as we move towards the 1916 anniversary next year.**

The meeting adjourned for lunch at 1.45pm.

The meeting resumed at 2.40pm.

Cllr. D. McCarthy moved Notice of Motion No. 6 in Cllr. Cahill's absence.

**6. Number of small to medium size businesses that have folded since January 2011**

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

That Kerry County Council give a detailed report in regard to the number of small to medium size businesses that have folded in the County since January 2011 and that this Council give a report in regard to what steps have been taken by the Council to reverse this worrying trend.

**The following reply issued:**

**Kerry County Council will review statistics in relation to business births and closures. The Central Statistics Office Demography Data monitors the number of enterprise births and deaths in the business economy. It is possible to track new enterprise births in order to gain a better understanding of the types of business that are more likely to survive the early years of their life cycle.**

**In Kerry, Kerry County Council Local Enterprise Office supports businesses at both start up and growth phase and provides on going mentoring services throughout the business lifecycle to improve business success. The Office supports 600-700 businesses a year through practical interventions and advisory supports in areas such as business structures, marketing, online trading and funding. This support is critical to improve business survival rates.**

**In 2011 the Kerry County Enterprise Board supported 48 businesses with financial approval of €460,910, in 2012, 40 businesses were approved €479,602, in 2013, a further €492,881 was approved to 36 businesses and to September 2015, a further 30 businesses have been approved €308,823 and a further 14 projects are being considered for funding at the Local Enterprise Office September 2015 evaluation meeting. Over this period, a further €1m approximately has been invested through soft and training supports.**

**Kerry County Council works very closely with Enterprise Ireland and the Institute of Technology to support job creation. This involves business referral from the Local Enterprise Office to Enterprise Ireland where business growth is identified. Kerry County Council also works closely with the Local Development Companies in supporting the rural development and job creation agenda.**

**Kerry County Council continues to work and liaise closely with the IDA in attracting businesses to the County. The Council is presently establishing an Economic Development Unit to drive the Strategic Enterprise Development Agenda.**

**Over the past number of months, Kerry County Council has worked closely in submitting applications under recently launched schemes such as the Agritourism initiative (CEDRA), Rural Economic Development Zones (REDZ), Community Enterprise Initiatives (Enterprise Ireland) and diaspora funding. This work is on going.**

**The recent launch of the Action Plan for Jobs - South West sets out actions for delivery in job creation. There are specific references and actions relating to Kerry County Council. This plan will be independently monitored. In addition and complementary to this Regional Action Plan for Jobs the Local Economic & Community Plan is also well under way, and this document will provide a strategic overview of the Economic and Community development needs of the County over the next 5 years. Themed Stakeholder Engagement is currently underway under the guidance of a steering group which includes representatives from both the public and private sector. Areas under consideration are the retail sector, rural economy including food production, skills, the manufacturing sector**



**and developing links with the Diaspora. These plans together with the tourism strategy are focussed on job creation and supporting the business environment in the county.**

**13. State commemoration to mark the centenary of the death of Tomas Ashe**

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

That Kerry County Council formally request the Minister for Arts, Heritage, and the Gaeltacht, Heather Humphreys to hold a state commemoration in Kerry to mark the centenary of the death of Thomas Ashe in 1917.

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

Cllr. B. Cronin said Thomas Ashe was born in Lispole, Co. Kerry in 1885 and we will commemorate the centenary of his death on 25<sup>th</sup> September 1917 together with the role he played in 1916, where he fought in the outskirts of Dublin.

He was Commandant of the 5<sup>th</sup> Battalion in Fingal and he had a major victory in Ashbourne, Co. Meath. He was a winning leader of 1916. In 1916, Ashe and De Valara were court martialed and were sentenced to death. Both sentences were commuted to life and they were sent to English prisons until they were cleared under a General Amnesty.

Following his arrest and sentencing to 2 years in Mountjoy he died after being force fed on 25<sup>th</sup> September, 1917. His death changed public opinion on the fight for freedom and it resulted in a huge increase in those joining the Republican movement.

His funeral in Dublin was the largest public demonstration since The Rising was defeated in 1916 when over 30,000 people lined the Dublin streets. Michael Collins gave the graveside oration at his funeral.

The President of Ireland, Eamon De Valera, in 1967, commemorated the 50<sup>th</sup> Anniversary of Ashe's death by visiting Dingle Library where the Ashe collection is located. He donated various memorabilia to the collection including Funeral Armlets, Nurses Reports etc.

In 1985 Kerry County Council held a commemoration to mark the centenary of his birth. His independent outlook on life came from a sense of justice which was moulded by his parents and relatives from Kerry. He was a teacher who promoted recognition for disadvantaged and in particular children with special needs. Ashe was a strong Gaelic League man who founded the GAA club in Lusk, Co. Dublin and he also founded the Black Raven Pipe Band.

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

### **Retirement of Mr. John D. Flynn, Director of Corporate Services**

On behalf of the Fine Gael Party Cllr. J. Finucane paid tribute to Mr. John D. Flynn on his upcoming retirement. John is a very frank, honest, decent man and when you sought his advice he gave it honestly and willingly. He fully believed in local government and he epitomised a person who had ideals and who served the county well. Cllr. Finucane wished Mr. Flynn and his family well in his retirement.

On behalf of the Sinn Féin group Cllr. T. Ferris expressed her disappointment that someone of John's experience is leaving. However, it is great for him as she was aware of the huge impact his grandfather had on his life and she was sure he would have the same impact on his grandson's life. Over the years the political affiliations of officials became apparent but with John it never mattered and his priority was the local authority and the Mayor. He did his work quietly and in the background. When she met councillors from other local authorities where John worked they all agreed John is fair, intelligent and dedicated. She recently spoke to a colleague in Cork who is hard to impress and their comment when John left Cork was that at least some local authority would benefit from his departure. Cllr. Ferris wished John and his family well for the future.

Cllr. M. Gleeson thanked John for his years of working for the betterment of this Council and County. His motivation was never selfish and he was committed to truth and integrity. He has a great understanding of the democratic mandate. Councillors all have good and bad days but John always understood that. John is involved with his local community and Castlegregory GAA like his father and he has much to offer his community.

Cllr. J. Healy-Rae stated Mr. Flynn was his Area Manager and he saw a lot in Mr. Flynn of what he saw in his grandfather. He is fair, straight and is at work early every morning. John always gave good advice and he is irreplaceable. Cllr. Healy-Rae acknowledged that Mr. Flynn's retirement is for the betterment of his family and he wished him well for the future. He admired John immensely and said he has done great work for the county and he would be missed from the Chamber.

Cllr. D. Healy-Rae wished Mr. Flynn well on his retirement and said what is the Council's loss is his family's gain. John always did what was right for the county and he is right to see after his family. There are fine houses all over the county but there is nobody in them all day as both parents must work to pay the mortgage. Children are at school or in a crèche while grandparents are not there or are in nursing homes. Johnny benefitted from his time with his grandfather but nowadays young people spend so much time on mobile phones, the internet etc. Cllr. Healy-Rae thanked Mr. Flynn for his help and advice and he acknowledged the service John gave to Kerry County Council. John's departure will be a big

loss to the Chief Executive as he lived for the Council and the members. He knew their loyalties when they were supporting a proposal in the Chamber.

On his own behalf and on behalf of Cllr. Spring, Cllr. T. O'Brien stated he wanted to be associated with the tributes paid to Mr. Flynn. He got to know John well the year he was Mayor and he always compared him to Willie Wixted who was very knowledgeable. It was a pleasure working with Mr. Flynn and he will be missed from the Council. John was very supportive of councillors and worked well with them. He wished Mr. Flynn and his family well for the future.

Cllr. J.J. Culloty thanked Mr. Flynn for his assistance when he was first elected. He stated he wanted to be associated with the tributes to Mr. Flynn and said he was very helpful to all members at election time. John is very professional and while they may not always agree he respected that. Cllr. Culloty wished Mr. Flynn and his family well for the future.

Cllr. D. Grady stated as one of the newer councillors he heard much about Mr. Flynn and it was all good. John is now putting his family first and that must be respected. He always gave members good advice and his retirement will be the county's and the executive's loss. He wished him well for the future.

Cllr. B. Cronin thanked Mr. Flynn for his help and honesty down through the years and said he will be sadly missed. He carried out his duties in a professional manner and did a lot of work in the background. John was excellent in the Chamber and he will be missed. He was honourable and had a no-nonsense approach while his portrayal of the Council was excellent. Cllr. Cronin thanked John for his advice and assistance and wished him well for the future.

Cllr. D. McCarthy said he wanted to be associated with the tributes to Mr. Flynn. John was very respectful and he had excellent ideas. While he will be a loss to the Council he wished him well in his retirement.

The Cathaoirleach then called on Ms. Anne Lucey to speak on behalf of the Press.

Ms. Lucey said John always respected the role of the Press and he was kind, courteous and tough at times. She wished him well in his retirement.

The Cathaoirleach stated that John has been a good friend to him and he is honest and fair particularly at Council meetings. He gave members sound advice and he left it up to them to make their decisions. He wished John and his family well in his retirement.

The Chief Executive stated staff consider John to be a father figure. John represents all that is good in the ethos and values of the public sector. He is a great democrat and supporter of councillors and staff. John gives great advice to everyone and that is appreciated. She was sorry to see him retire but she was happy that he would have time for his family. He will be sadly missed.

Mr. J. D. Flynn thanked everyone for their tributes and said he appreciated them. He said it was his dream to return and work in his own County for his own people. In that context it has been his great honour and privilege to have worked with this Chamber and its members. He worked with 11 Cathaoirleach/Mayors in that time from Cllr Toireasa Ferris to Cllr. McCarthy and with 3 elected Councils.

Parmenion, a general of Alexander the Great, once described Democracy as a "Wondrous Beast" and although perhaps it can be a beast at times it is the only true mechanism for a free Country. The elected members are the essential part of that.

Mr. Flynn said he could not do the work of councillors, it is tough and difficult to deal with competing demands and he suspected that some of their most stringent critics would not dream of putting themselves forward for election. Indeed the most difficult job of all is deciding what is the Public Good and what is best for Kerry and that falls to members to decide.

Yes mistakes are made by all of us in this Chamber. We can't predict the future with any great certainty. Although they are plenty who claim they can do so with 20/20 hindsight long after the event. We are all human and all we can do is our best and all this Chamber can aspire is to be "the best it can be". If that is not enough for some so be it.

Franklin D. Roosevelt put it best when he accepted the Democratic Party nomination to run a 2<sup>nd</sup> time for President when he said:  
*"Governments can err, Presidents do make mistakes, but the immortal Dante tells us that divine justice weighs the sins of the cold-blooded and the sins of the warm hearted in different scales. Better the occasional faults of a Government that lives in the spirit of charity than the consistent omissions of a Government frozen in the ice of its own indifference."*

Mr. Flynn said he hoped that members will continue as they always have to do the best they can for this great County of ours and its people. This Chamber may have many shades of political hues but it has always worn the green and gold in its key decisions.

Indeed perhaps Sigerson Clifford put it best about what it means to be Kerry when he wrote:

*“Twas thus I lived, skin to skin with the Earth,  
Elbowed by the hills, drenched by the billows,  
Watching the wild geese making black wedges,  
By Skellig far west and Annascaul of the willows,  
Whispering it across the half-door of the mind,  
For I am always Kerry.....”*

He hoped also that the two qualities that distinguish this Chamber will continue to do so those of respect and humour including a great literary sense. Mr. Flynn also acknowledged the role the Press has played in this Chamber. The Press is the 4<sup>th</sup> Estate of a Democracy and is vital to its functioning. All one can ask is that it is fair and reports the facts and in giving opinions that they are honest opinions. Although he would certainly have disagreed with some of those opinions over the years, they were honestly held and in the main fair comment and he thanked them for that. That is not to say the Press do not make mistakes and indeed Franklin D. Roosevelt’s words could apply equally to the Press.

Finally Mr. Flynn thanked the staff of Kerry County Council for helping him realise his dream. It has been his great honour and privilege to have worked with them and if he demanded a lot it is because he thought a lot of staff and believed in them. Their contribution makes a difference every day to Kerry and its people.

Mr. Flynn also thanked Martin Riordan, Tom Curran and our current CE Moira Murrell along with the current SMT and those who have retired for all their support, assistance and help. He wished the Chief Executive and the SMT all the best going forward and he knew the County is in very capable hands.

Finally Mr. Flynn said he would leave it to Shakespeare’s Othello somewhat customised for Kerry *“If I done the County some service-they know it, no more of that”*. His time had come to go and he thanked everyone very much.

## **9. Call for the Energy Regulator to attend a meeting of Kerry County Council**

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

To ask the Energy Regulator to come before the Council and explain why Ireland’s energy costs are one of the highest in Europe despite oil prices being at their lowest costs in the last 6 year period.

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

Cllr. J. Finucane expressed his dismay at the escalating energy costs when the price of oil continues to fall. Energy companies are using ‘gimmick’s to encourage customers to sign up with them i.e. Vouchers etc. but the cost of energy to the customer soon increases. He PROPOSED that the Energy Regulator would attend a Council Meeting to explain why Ireland’s energy costs are among the highest in Europe.

Cllr. M. Gleeson SECONDED the motion and said it sums up the attitude of arrogance. A large number of people in rural areas do not have access to public transport and expensive fuel costs are imposed on them.

## **15. Development of the Great Southern Trail**

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

That Kerry County Council assign the necessary staff and resources to expedite the development of the Great Southern Trail from the County Bounds with Limerick into Kerry.

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

**Kerry County Council are currently preparing a three year plan for the development of greenways & trails within the County. This report will be brought to members prior to Christmas setting out a programme for the various stages of the proposed projects, including land acquisition, funding proposals, design and construction of the routes in question.**

**It is clear that some projects are more advanced than others and have been assigned funding to commence this work. Staff in the Capital Infrastructure Section are currently assigned to the completion of the projects for which funding is currently available and also in negotiating for the transfer of lands required for the completion of future trails. The development of the Great Southern Trail from Listowel to the Limerick County Bounds is dependent on completion of the land transfer from CIE to Kerry County Council. Negotiations in relation to the transfer of this land are at an advanced stage, and it is expected that a resolution is imminent.**

**The provision of the greenways/trails will pose significant financial challenges to the Council and will be largely dependent on Central Government grants being forthcoming.**

Cllr. J. Moloney pointed out that his motion was submitted prior to the Budget Briefing. It is important that a Plan is in place to be in a position to avail of any funding that becomes available but unfortunately members were advised that there are no resources to draw up the Plan. He looked forward to seeing the priorities and he said there is just 9km of this walkway in Kerry.

Cllr. M. Gleeson SECONDED the motion.

**16. Benefits and risks for Kerry from the Transatlantic Trade and Investment Partnership**

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

That this Council write to the Minister for Foreign Affairs and Trade calling on the Irish Government to commission an objective report to assess the benefits and risks facing rural counties such as Kerry, in Ireland, as a result of The Transatlantic Trade and Investment Partnership (TTIP).

**The following reply issued:**

**In March 2015 Cllr. Ferris moved the following motion on the Transatlantic Trade and Investment Partnership:**

**“That this Council write to the Minister for Jobs, Enterprise and Innovation noting ongoing concerns regarding the negative impact on Irish jobs, the environment, agriculture, regulation and public policy arising from the Trans-Atlantic Trade and Investment Partnership (TTIP) EU-US trade agreement. To ask that the Minister reconsider his support for the Investor-State Dispute Settlement (ISDS) mechanism following publication of the findings of the European Commission’s public consultation on TTIP which revealed 97% opposition to the inclusion of an ISDS clause, and that his official’s forward a detailed update on the negotiations to the Council Members.”**

**The reply received from the Minister for Jobs, Enterprise and Innovation is attached. One hard copy of the report titled ‘TTIP impact in Ireland’ was also received. This report is available in soft copy and can be emailed to members on request.**

Cllr. D. Quigg stated he would like to hear views of all interested parties, citizens across Ireland and other EU States and voices from the U.S. Political leaders in Ireland and Europe must listen to all views on this.

To-date the Department of Agriculture has refused to provide details of correspondence between its officials and European institutions despite repeated requests from MEPs. Not one document has been seen in relation TTIP and this raises serious questions.

Minster Coveney has said that his Department is doing all it can to ensure Irelands interests are protected during negotiations.

If this is true and is indeed the case one would imagine that evidence should be released, to reassure the public. It was quoted to him that 70% of the Irish people are in favour of TTIP. He disagreed with this as he felt once again the public have not been fully informed on TTIP and 70% wouldn't have a full understanding of what this will mean for us as a county and indeed a country.

Reports indicate that current levels of intra EU agricultural trade will decrease as a result of TTIP. 120% increase of agricultural exports from USA to the EU compared to a modest 60% export from EU to the USA.

The US Meat Export Federation have been lobbying to abolish EU bans on hormone injected beef commonly found in the US.

2/3<sup>rd</sup>s of EU beef consumption comes from dairy herds in the EU beef market. The supply of such meat is in elastic which means that in the case of higher imports the suckler cow sector would bear the adjustment costs. TTIP could therefore have serious, unfavourable consequences for the beef sector here in Kerry and indeed the rest of this Country.

Minister Richard Bruton, joined 13 of his EU counterparts in signing a letter to Commission President Jean-Claude Juncker, supporting the inclusion of (ISDS) Investor State Dispute Settlement and this was done without any recourse to the Irish people. This is scandalous and he is totally opposed to the ISDS clauses.

Debate should be opened around this and promised gains of jobs through the Lisbon Referendum that were never realised and have yet to transpire.

Trade has never been better and €1.8bn is exchanged everyday between the US & EU. Cllr. Quigg stated the figures of support for TTIP are vastly exaggerated and negotiations are being done in secret.

The EU has high regulatory standards which some industries have complained about as a barrier to trade, but standards are there to protect communities and consumers. The Investor State Dispute Settlement Mechanism is the biggest threat to democracy in TTIP.

Agriculture relies heavily on exports, 90% of net beef output is exported and 85% of dairy produce are exported. US food producers do not have the same regulation and products are often cheaper and of a lower quality.

The UK and Europe continue to be the largest export market for Irish beef with the UK accounting for 42% of the Irish food and drink exports and a further 11% to the wider EU.

In conclusion Cllr. Quigg PROPOSED that the Council would send a strong message to Government that this Council is opposed to the TTIP Agreement.



Cllr. T. Ferris said the Government's response to ISDS is unacceptable. The reply from the Minister for Jobs states *'According to assessments made by the EU Commission, a comprehensive TTIP could over time boost EU GDP by 0.5% per annum...'* however very little is known about the negotiations. Cllr. Ferris expressed concern at the suggestion that there would be a harmonisation of regulation between the trading blocks. Employees have good protection under EU law and there is no certainty that this will continue under this agreement. Cllr. Ferris requested that a letter would issue to the Minister for Jobs stating that his response did not adequately address the concerns outlined and asking why the Irish Government is supporting the inclusion of ISDS.

## **17. Extension of the burning season**

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

What is the update on the burning season? Are we likely to see the extension to the 1st April?

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

**The Minister for Arts, Heritage and the Gaeltacht, Heather Humphreys TD, launched a public consultation process in November last on proposed changes to Section 40 of the Wildlife Act which deals with hedgecutting and burning for the protection of biodiversity. Kerry County Council was among those 180 bodies and individuals who made submissions. The Minister has now established a Working Group to consider the range of submissions received.**

**No indication has been given as to the outcome of the consultation, submission and review process to date.**

Cllr. D. McCarthy stated he invited the Minister to visit the county last April to see the benefits for farming of burning but he did not reply to his letter.

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

## **18. Homeless accommodation in Kerry**

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

That Kerry County Council would give a comprehensive update on its Homeless Services at the next Council Meeting focussing in particular on the appropriateness of accommodation for persons at the hostels in Killarney and Tralee. With regard to facilities in Tralee we need an immediate separation of dry and wet hostel facilities. Also, I request an update on the status of the development of Armagh House in Killarney as homeless accommodation.

**The following reply issued:**

**A full report on the Homeless services as requested will be provided to the October Council Meeting along with an update on the development of Armagh House Killarney as accommodation for Homeless persons.**

Cllr. D. Grady stated he wanted to include Arlington House in his motion and in light of the reply he would defer the motion to the October meeting.

**19. Detailed schedule of work required to bring Fibre Optic Broadband to Kerry**

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

To obtain from the Minister and all relevant parties, a detailed schedule of work required to bring Fibre Optic Broadband to this entire County. Some areas are operating with adequate to good service, however, there are many other areas where business people are struggling with speeds that make it very difficult to carry out their operations.

**The following reply issued:**

**As members will be aware, the Department of Communications Energy and Natural Resources are developing a strategic National Broadband Plan (NBP) for the country.**

**Part of their analysis phase was to identify and map the locations in which the commercial sector would be in a position to provide high speed broadband. In that 2014 analysis, County Kerry ranks amongst the counties with the greatest need for state intervention.**

**By illustration:**

- Over 95% of the County by area will have no satisfactory commercial high speed broadband service.**
- Over 51,000 premises will require state intervention to provide a high speed service.**
- That equates to 57% of our total premises.**

**In July this year the Department issued a draft Intervention Strategy and a call for submissions.**

**In response to the requests from our elected members as well as our business and community groups, we intend to make a submission to that strategy to:**

- 1) Call for the prioritization of County Kerry in roll-out of the NBP.**

**2) Advocate strategic and tactical investment in Backhaul infrastructure to provide short-term service improvements and underpin long term services in Kerry.**

**3) Identify priority areas for broadband investment based on our Jobs Action Plan, draft Tourism strategy and draft Local Economic & Community Plan.**

**We will keep members fully updated about such engagement and any outcomes as well as the investment programme under the NBP, including any schedule of works.**

Cllr. N. Moriarty welcomed the prioritising of Kerry under the new National Broadband Plan. She was requested by a group of 53 business people to raise this issue as they urgently need broadband. One of these works in the IT area and was trying to contact two clients but the broadband in the area failed. It is vital that a good broadband service is available all over the county. Cllr. Moriarty requested an update from the Department on the National Broadband Plan, what has yet to be done, what are the obstacles and are there physical works that require permission and can they be expedited.

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

## **21. Wind turbines**

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

As Wind Turbines are becoming an ever more plentiful feature of our County's landscape and as communities are expressing their environmental and health concerns about their impact, that this Council would state (a) if it ensures that communities are adequately consulted about such developments prior to a Planning decision and (b) if in the grant of Planning it includes a specific condition ensuring that each effected community benefits from an annual community fund payable by the developer.

**The following reply issued:**

**A Planning Application for a windfarm must adhere to a prescribed legal process, as must the Planning Authority, in assessing the application. In that context, the requirements in relation to notifying the public and communities are prescribed and the Planning Authority cannot require additional consultation. Neither can a Local Authority require a windfarm applicant to contribute to a local community as a condition of planning even though An Bord Pleanála can do so in the context of a Strategic Infrastructure application. However, at pre-planning stage, the Planning Authority does advise the applicant to consult with the local community in relation to the proposed windfarm development.**

Cllr. M. Gleeson stated at the outset that he had for long been a supporter of the development of alternative energy sources as the welfare of our environment demands a serious reduction in the use of Fossil fuels and secondly those Fossil fuels are an ever diminishing resource.

He has spoken with Wind Farm developers and found that some had a keen awareness of the impact their developments have on the visual aspect of the county. Indeed he took some small credit for convincing one developer to underground the cables to the national grid. But not all had the same level of commitment nor had this Council the will to compel compliance.

The principal industry of Kerry, certainly of the southern half of the county is Tourism. Without it there would be desolation and greater emigration. We must as Council ensure that the tourism product is not irrevocably damaged. That product is primarily visual. People mainly come to be enchanted by the great natural beauty of our mountains, lakes, valleys and seascapes.

That visual beauty can so easily be diminished or even destroyed. We need to be careful that in enriching the already wealthy Wind Farm developers that we do not destroy the livelihoods of the many whose survival depends on tourism.

He had, in the past, proposed that every wind farm development should have a local dimension and that the population it is imposed upon should annually derive a community reward.

There is an ever- growing awareness that Wind Farms can have an adverse impact on people. Turbine Infrasound and Low Frequency Noise [ILFN] can impact on people's quality of life, particularly causing sleep disturbance and also general health un-wellness.

It is most interesting in relation to the Property Tax that Kerry pays approximately 20% of its income into the national equalisation fund. That may indeed be fair but that same equalisation should apply in all other areas such as the development of Wind Farms.

Kerry has a disproportionate number of such farms and maybe we have more than our share—disproportionate to the level of development or non-development in many other counties.

It is very obvious in this Chamber that attitudes to Wind Farms have substantially changed. Some years ago most Councillors wanted their area zoned for Wind Farm development. That clamour has now faded mainly because we realise that the people of the locality benefit very little and because many of us realise that there are both environmental and health adverse impacts.

Maybe the time has come to take a wee step back and re-assess the entire matter of the Wind Farms in the overall context of the welfare of our county and its people. In conclusion Cllr. Gleeson declared that his nephew works for a windfarm company.

Cllr. T. Ferris **SECONDED** the motion and asked that there would be adequate consultation with local communities. At one time she requested that a 'Community Levy' would be imposed on windfarm developments but she was informed the Development Levy Scheme would have to be revised in order to introduce a new levy. Since then the Scheme was reviewed but management did not include this levy. The local school, GAA etc. should benefit by getting so many free units as this would be beneficial when a windfarm is imposed on a community.

Cllr. D. McCarthy moved Notice of Motion No. 24 on behalf of Cllr. Cahill.

#### **24. Expansion of 'Foodshare'**

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

That Kerry County Council work closely with North and East Kerry Development (NEKD), South Kerry Development Partnership (SKDP), St. Vincent De Paul and other voluntary organisations by expanding "Foodshare" and helping to immediately address the growing crisis whereby hundreds of families and individuals in this County are going hungry. Will the Council give favourable consideration to making a sizeable annual contribution to help address this situation.

**The following reply issued:**

**There are a number of worthy organisations, voluntary bodies and charities offering assistance to families and individuals in the County. It is clear that many of these services are invaluable and make a significant impact in their areas. The Council however is not positioned to offer financial assistance to all these organisations, or to support all such programmes.**

**Through the Community Support Fund in the current year a sum of €2,000 was provided for this project in the Tralee Municipal District.**

#### **27. Side effects from anti-cervical cancer HPV Gardasil vaccine**

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

That this Council write to the HSE, seeking an urgent response to the claims made by a substantial number of parents relating to severe and long lasting side effects experienced by young girls after receiving the anti-cervical cancer HPV Gardasil vaccine.

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

Cllr. J.J. Culloty said since he submitted the motion he was contacted by concerned parents who indicated that the numbers affected has increased from 50 to 80. These parents are very concerned about the side effects from the vaccine. He understood that just 7 of the 27 potentially dangerous side effects are highlighted to people getting the vaccine by the companies who make the vaccine. It is important that the person is advised of all side effects to enable them to make an informed decision on whether to take the vaccine or not. It will be in excess of 40 years before there is evidence that the vaccine is a success. Cllr. Culloty PROPOSED that the vaccine programme would be suspended pending the outcome of the review. He requested that the motion and his proposal would be referred to the Minister for Health.

Cllr. T. Ferris stated she could not support a call for the suspension of this vaccine programme as most parents are aware of the side effects from it.

Cllr. Culloty pointed out that other countries have suspended this vaccine programme and he believed it would be prudent to do so in Ireland.

Cllr. Ferris said she was aware of the side effects of this vaccine but parents should have the choice to take up the vaccine for their daughters.

There was no seconder for Cllr. Culloty's amended motion.

It was unanimously agreed to refer the motion as it appeared on the Agenda to the HSE for consideration.

### **31. Waiting lists to see specialists**

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

That this Council write to the HSE asking them why major backlogs remain for the people of this County awaiting to see specialists, when a pledge was given by the current Government that this would not be the case.

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

Cllr. D. Quigg requested that the motion be referred to the HSE for a reply.

Cllr. T. Ferris SECONDED the motion.

### **32. Re-introduction of the Calf Weaning Scheme for sucklers**

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

To ask the Minister for Agriculture, Food and the Marine to consider the introduction of the Calf Weaning Scheme for sucklers as we have gone back to square one.

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

Cllr. D. McCarthy said in recent years there was a scheme where weanlings were weaned before being sold and as a result the calves were healthier. He called for the re-introduction of this scheme.

Cllr. M. Gleeson SECONDED this motion.

**33. Review of the Government's response to the crisis in the Mediterranean**

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

That Kerry County Council call on this Government to immediately review its response to the crisis in the Mediterranean and agree to give safety and shelter to more people fleeing terror, conflict and war. What is unfolding is a human catastrophe and apart from the actions of the Irish Navy, our response has been woefully inadequate.

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

Cllr. N. Moriarty pointed out that she submitted this motion prior to recent events. It should not be a matter of choosing between the homeless and refugees. She taught refugees in the past and they were very motivated.

Cllr. T. Ferris SECONDED the motion.

**34. Calling on the NRA to refrain from appealing planning decisions**

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

That Kerry County Council would again write to the NRA and the Minister to ask that the NRA would refrain from appealing planning decisions which are granted in our County as this is undermining the authority of Kerry County Council and ignoring individual decisions. The NRA appears to have a blanket policy of appealing grants of planning permission where there is an exit onto a National Secondary Road.

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

Cllr. J. Healy-Rae expressed disappointment that the NRA, whose primary role is the safety of people on our roads, is appealing permissions granted by Kerry County Council on national routes. The Ring of Kerry is 112 miles long and this is the biggest problem in this area at present. It appears the NRA has a blanket policy of appealing all permissions granted on national secondary roads. You cannot travel from South Kerry without using national secondary roads. Cllr. Healy-Rae outlined a case where a couple applied for permission to build a

house next to his parent's house. Permission was granted but the NRA appealed it to An Bord Pleanála and it was refused yet he can still go in and out to his parent's house every day. Cllr. Healy-Rae expressed concern that this is impacting on planners and they will refuse permission on these roads. Other counties do not have as much national secondary roads as Kerry and this is having a huge impact along the Ring of Kerry.

Cllr. D. Healy-Rae **SECONDED** the motion and stated he attended the deputation with the NRA at which time he understood members got assurances around special circumstances. However the situation is worse since June and there was a case on a very straight stretch of road where permission was granted by Kerry County Council but appealed by the NRA notwithstanding the assurances given to members by Mr. Paul Moran at the meeting with the NRA. It is wrong that the NRA is putting these families through such torture. Cllr. Healy-Rae called on the Council to contact the NRA immediately on this issue.

The Chief Executive said she was aware of these issues. The NRA Conference would be held in the County that week and she would arrange to meet with them to discuss the exceptional circumstances clause.

The Cathaoirleach said as the Ring of Kerry is 112 miles long most of the minor roads lead onto it. If the NRA continues to appeal permissions and they are refused by An Bord Pleanála the population in these areas will diminish.

### **35. Introduction of a new Tenant Purchase Scheme**

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

That Kerry County Council request the Department of the Environment, Community and Local Government and the Minister for Housing to introduce a Tenant Purchase Scheme so as to allow Local Authority tenants the opportunity to buy out their own home.

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

Cllr. J. Healy-Rae said the Government promised a new Tenant Purchase Scheme during the campaign for the Local Elections but this did not materialise. He requested that a letter would issue to the Minister asking when the new Scheme would be announced.

On the PROPOSAL of Cllr. N. Moriarty, **SECONDED** by Cllr. D. Quigg it was agreed to refer to resolution to the Minister for consideration.



### **15.09.21.12 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. D. McCarthy it was agreed to approve the attendance of Cllrs. N. Moriarty, P. Daly, N. Kelleher and A. Thornton at the Briefing Session on the theme "What it means to be a member of a LEADER LAG" held in Cork on the 27<sup>th</sup> August, 2015.
- (b) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. D. McCarthy it was agreed to approve the attendance of Cllr. A. Thornton at the Information Session on the theme "LEADER Capacity Building – Enterprise and Broadband" held in Tullamore on the 2<sup>nd</sup> September 2015.
- (c) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. D. McCarthy it was agreed to authorise the attendance of Cllrs. N. Moriarty, P. Daly, N. Kelleher and A. Thornton at any LCDC Training Events that arise up to the end of December 2015.
- (d) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. J. Healy-Rae it was agreed to authorise the attendance of the Cathaoirleach at a Reception to mark the 66<sup>th</sup> Anniversary of the Founding of the People's Republic of China to be held in Dublin on Monday 28<sup>th</sup> September 2015.
- (e) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllrs. Brassil and Finucane at the Celtic Conference on the theme "A Practical Guide to Budget 2016" to be held in the Clonakilty Hotel, Clonakilty, Co. Cork from the 23<sup>rd</sup> to 25<sup>th</sup> October, 2015.

Cllr. Finucane was nominated to report back to Council on behalf of the delegates that attend this Conference.

Mr. O'Brien reminded members that they received block approval to attend the LAMA Autumn Seminar 2015 to be held in Kilkenny on the 9<sup>th</sup> & 10<sup>th</sup> October, 2015 and the AILG Autumn Seminar to be held in Clonakilty, Co. Cork on the 1<sup>st</sup> and 2<sup>nd</sup> October, 2015.

### **15.09.21.13 Correspondence General**

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

1.	Letter dated 22 <sup>nd</sup> July 2015 from the Office of the Minister for Jobs, Enterprise and Innovation together with a copy of the Report titled "TTIP impact in Ireland" in response to a resolution from Kerry County Council in relation to Transatlantic Trade and Investment (TTIP) Negotiations.
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2.	Email dated 24 <sup>th</sup> July 2015 from Transport Infrastructure Ireland in relation to the merger of the National Roads Authority (NRA) and the Railway Procurement Agency (RPA) and the establishment of a single new entity called Transport Infrastructure Ireland (TII)
3.	Letter dated 30 <sup>th</sup> July 2015 from the Office of the Minister for Agriculture, Food and the Marine in response to a resolution from Kerry County Council in relation to funding for the dredging of Dingle Harbour.
4.	Email dated 30 <sup>th</sup> July 2015 from South/South West Hospital Group in response to a resolution from Kerry County Council in relation to support for Brú Columbanus.
5.	Letter dated 31 <sup>st</sup> July 2015 from the Office of the Minister for Foreign Affairs and Trade in response to a resolution from Kerry County Council regarding the establishment of a Palestinian Embassy in Ireland.
6.	Letter dated 6 <sup>th</sup> August 2015 from Panda Power in relation to electricity price increases during the past five years.
7.	Letter dated 7 <sup>th</sup> August 2015 from the Office of the Minister for Health in response to a resolution from Kerry County Council in relation to the protocols currently in place for the Ambulance Service. (Attendance of an Ambulance at Caherciveen).
8.	Letter dated 12 <sup>th</sup> August 2015 from the Office of the Minister for Health in response to a resolution from Kerry County Council in relation to dealing with claims in a speedy professional manner at the earliest possible date.
9.	Email dated 12 <sup>th</sup> August 2015 from RTE in response to a resolution from Kerry County Council in relation to the programme Room to Improve.
10.	Letter dated 17 <sup>th</sup> August 2015 from the Office of the Minister for Agriculture Food and the Marine in response to resolution from Kerry County Council in relation to the publication of information regarding CAP beneficiaries.
11.	Letter dated 17 <sup>th</sup> August, 2015 from the General Manager at Kerry General Hospital in response to a resolution from Kerry County Council regarding the provision of set down spaces at the entrance to Kerry General.
12.	Letter dated 19 <sup>th</sup> August 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 in the EU.
13.	Email dated 24 <sup>th</sup> August 2015 from the Office of the Minister for Finance in response to a resolution from Kerry County Council in relation to setting up a new arbitration process for people in difficulty with payment of mortgages.

14.	Letter dated 31 <sup>st</sup> August 2015 from the Office of the Minister for Communications Energy & Natural Resources in response to a resolution from Kerry County Council in relation to the mandate of the Commission for Energy Regulation.
15.	Letter dated 2 <sup>nd</sup> September 2015 from the Director General of the HSE in response to a resolution from Kerry County Council in relation to staffing issues at Listowel Community Hospital.
16.	Email dated 2 <sup>nd</sup> September from Minister for Transport Tourism & Sport in response to a resolution from Kerry County Council in relation to the development of a Cultural Centre and GAA Museum at Fitzgerald Stadium Killarney.
17.	Letter dated 7 <sup>th</sup> September 2015 from FLOGAS in response to a resolution from Kerry County Council in relation to price increases during the past five years.
18.	Letter dated 7 <sup>th</sup> September 2015 from SSE Airtricity in response to a resolution from Kerry County Council in relation to price increases during the past five years.
19.	Letter dated 10 <sup>th</sup> September, 2015 from Bord Gáis in response to a resolution from Kerry County Council in relation to price increases during the past five years.
20.	Letter dated 13 <sup>th</sup> July 2015 from the MD of Carrickmacross-Castleblaney in relation to a resolution adopted by that authority calling on the Minister for Agriculture to intervene to ensure that maps being used for the new GLAS Environmental Scheme are the same as those used for the REPS Scheme.
21.	Letter dated 23 <sup>rd</sup> July 2015 from Leitrim County Council in relation to a resolution adopted by that authority calling on the Minister of Agriculture to reverse the unjust Single Farm Payment cuts and penalties imposed on farmers in marginal and disadvantaged areas across rural Ireland.
22.	Letter dated 23 <sup>rd</sup> July 2015 from Leitrim County Council in relation to a resolution adopted by that authority calling on the Minister for Agriculture not to implement new regulations with regard to farmers being required to apply for planning permission to replace existing fencing or when erecting new fencing on their lands.
23.	Letter dated 5 <sup>th</sup> August 2015 from Donegal County Council in relation to a resolution adopted by that authority calling on the Minister for Agriculture Food and the Marine to reintroduce salmon licences for fishermen who did not avail of the buy out of same.
24.	Letter dated 12 <sup>th</sup> August from Donegal County Council in relation to a resolution from that authority calling on An Taoiseach to ask the US Ambassador to Ireland to include Ireland in the next round of visa waivers for the undocumented Irish.

25.	Letter dated 17 <sup>th</sup> August 2015 from Clare County Council in relation to a resolution adopted by that authority regarding the access of information on housing by elected members.
26.	Letter dated 27 <sup>th</sup> August, 2015 from Limerick City & County Council in relation to a resolution adopted by that authority regarding the unsatisfactory situation regarding the marketability of lands designated for the hen harrier etc.

Cllr. T. Ferris referred to response No. 12 above from the Office of the Minister of State for the Gaeltacht in relation to the Irish language derogation in the EU and she asked that a letter would issued to the Minister expressing members disgust at the proposal to seek a further 5 year derogation.

**15.09.21.15 Any other business**

Cllr. T. Ferris referred to the proposed schedule of events to commemorate 1916 and said while she acknowledged Cllr. Quigg is working on a suitable event for Ballykissane Mr. Charlie Monaghan's body was not found until October 1916. She requested that a ceremony would be held in October 2016 to commemorate this event and that the Mayor of Belfast would be invited to attend.

The Chief Executive agreed to include this in the Programme of Events for 2016.

The Meeting concluded at 4.05pm.

**Gerard O'Brien**

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**Meetings Administrator**

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**Cathaoirelach of Kerry County Council**