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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 LUAIN , 19 DEIREADH FHÓMHAIR, 2015.**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 19<sup>TH</sup> OCTOBER, 2015.**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

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

**APOLOGY/LEATH SCÉAL**

**IN ATTENDANCE/I LÁTHAIR**

Ms. M. Murrell, Chief Executive	Mr. M. O'Donoghue, A/Dir. of Corp. Serv.
Mr. O. Ring, 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. G. O'Brien, Meetings Administrator
Mr. M. O'Leary, SEO Finance	Mr. T. Hayes, LEO Officer
Ms. K. Moriarty, A/SEO Housing	Ms. N. O'Sullivan, Mun. Dist. Officer
Ms. B. Reidy, SSO Corporate Affairs	Ms. S. Sheridan, SSO Finance
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.

### **Votes of Sympathy**

On behalf of all members the Cathaoirleach extended a vote of sympathy to the Healy-Rae family on the death of their mother Julie and to the O'Leary family, Killarney on the death of their father John.

Cllr. M. Gleeson said the past week has been a very traumatic time for the country. He PROPOSED that the Council would observe a minute's silence as a mark of respect to the late Garda Golden who was brutally murdered and also for the 10 people who tragically lost their lives in the fire at Carrickmines.

This was unanimously agreed and a minute's silence was observed.

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

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

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

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

The CPG considered a request from the Members of the Municipal District of Killarney that the LIS Medical Hardship & Emergency Scheme would be reviewed and they recommended that it would be referred to each of the Municipal Districts, in the first instance, for consideration.

#### **Item 2            Local Government Audit Report for 2014**

Ms. A. McAllen advised the meeting that a copy of the Local Government Auditors report on the Accounts of the Council for the year-ended 31 December 2014 together with a copy of the certified Audit Opinion from the Annual Financial Statement would be circulated to members for the October meeting. She briefed them on the Report and stated that the Auditor's recommendations have been reviewed and considered and are being implemented.

The CPG expressed concern for many small businesses who are struggling to survive and stated that the banks are not providing overdraft accommodation to small to medium enterprises.

The CPG recommended that in future when major work is being undertaken by the Council that communities should be made aware of the level of investment in infrastructure being provided to their area and its intended benefit.

The Chief Executive undertook to review communications in relation to these works.

**Item 3            Update on Budget 2016**

Ms. McAllen stated the Budget Meeting would be held on Monday 9<sup>th</sup> November and work is underway to balance the Budget. A round of Municipal District Meetings have been agreed to consider the Draft Budgetary Plans for 2016. The Draft Budgetary Plan sets out how any General Municipal District Allocation (GMA) allocated to the Municipal District will be spent. Consideration of the main strategic non-discretionary expenditure of the Council will form part of the Statutory Budget Meeting to take place in November.

In its consideration of the Budget Strategy for 2016 in September the decision of Council to retain LPT for 2016 has enabled the retention of the overall General Municipal Allocation (GMA). The total allocation for the GMA for 2016 is €1.7m across the four Municipal Districts in the County.

**Item 4            Update on the Housing Programme**

Mr. J. Breen circulated a report on the implementation of the Social Housing Strategy 2015 – 2017 to the CPG, a copy of which is attached to the Cathaoirleach's Report.

A discussion took place on long term voids and members asked if there is a plan for them.

Mr. Breen stated that a plan was now in place arising from a recent policy consideration at Departmental level.

**Item 5            Update on Cliff Road, Rossbeigh**

Mr. C. O'Sullivan advised the meeting of the emergency situation at Lower Cliff Road, Rossbeigh. After the heavy rainfall on the weekend of the 11<sup>th</sup> to the 13<sup>th</sup> September, it was noted that the road had been seriously undermined. This road provides access to 14 houses, and is a cul-de-sac, with no readily identifiable alternative means of access. For safety reasons, the road had to be closed to vehicular traffic, with concrete bollards, but safe pedestrian access around the undermined section is being maintained. The slippage is at least 400m on the Rossbeigh side of the nearest house, which is a significant inconvenience for those getting to work, school etc. and for the provision of typical services (post, waste services, shopping, fuel delivery etc.).

A working group has been established to work with the residents on addressing their immediate and medium term needs and to date 3 formal meetings and a number of other meetings have been held with officials and various supports have now been put in place. In consultation with the Ambulance Service, the H.S.E., Fire Service and Gardaí, a site specific emergency plan has been developed should there be a need for these services. An offer of temporary emergency

accommodation has also been made to the residents, but all the residents want to remain in their homes at present. The Council is making transport available within the closed section of road for use by the residents, which will also allow for the transport of fuels and other services and be available in the event of any emergency.

Since the failure was identified, Kerry County Council has been examining various options to restore access in the short term but this is proving extremely challenging, given the nature of the topography. These include the options of coastal protection measures at the point of failure using specialist equipment; a new road linking with the upper road; a new road from the end of the cul-de-sac-connecting with the local road at Coolnaharagill and the provision of a Bailey Bridge. A number of Consultants and Geotechnical experts have visited the site to advise Kerry County Council on these options.

The OPW and the Department of Transport have been advised of the situation and it is Kerry County Council's intention to work closely with these funding agencies to progress both practical short term proposals which are being developed with the specialist expertise and also to commence the process of putting a long term plan in place regarding coastal protection of the wider area.

#### **Item 6            Update on Building on Recovery 2016 – 2021 Capital Plan**

Mr. M. Scannell briefed the members on this matter and advised that the two major infrastructural projects that impact on Kerry are the inclusion of the Ballyvourney/Macroom route and the Adare By-Pass.

#### **Item 7            Receptions for consideration**

Mr. G. O'Brien advised the meeting that the following requests for Receptions were received.

1.     Ballybunion Jimmy Bruen Team who won the All Ireland Title recently – requested by Cllr. G. Spring
2.     Kerry Minor Football Team on the winning the All Ireland Minor Title – Cllr. M. Gleeson.
3.     Kerry Junior Team on winning the All Ireland Junior Championship 2015 – Cllr. T. Ferris
4.     Listowel on winning the Best Small Town in the Tidy Towns Competition – Cllr. J. Moloney.

Cllr. J. Moloney pointed out that he requested that the Kerry Girls U16 Football Team would be honoured as they also won an All Ireland Title this year.

The CPG agreed that the Ballybunion Golf Team and Listowel Tidy Towns would be honoured at a meeting of the Listowel Municipal District.

It was further agreed that one Reception would be held to honour all the GAA Teams.

**Item 8            Any other business**

Mr. G. O'Brien stated that the following requests were received to make presentations to full Council.

1.        Comhairle na nÓg – requested by Cllr. J. Moloney
2.        Irish Congress of Trade Unions – letter received.
3.        Woodside Ireland – letter received from Minister Jimmy Deenihan

Mr. M. O'Donoghue advised the meeting that a presentation would be made at the November Council Meeting by the Southern Regional Drugs Task Force. The procedure for approving presentations is that the CPG make a recommendation to Council and it must be approved by full Council. He suggested that the presentations by Comhairle na nÓg and the Irish Congress of Trade Unions could be made at the Special Planning Meeting. Subject to members approval the presentation by Woodside Ireland could be made at a future meeting.

The CPG recommended that the presentations outlined by Mr. O'Donoghue would be made at the Special Planning Meeting to be held on the 2<sup>nd</sup> November."

Cllr. D. Healy-Rae stated the Emergency Hardship Scheme operated by Council on a county wide basis up until a few years ago was very successful. This is a very serious issue for people with medical conditions where the Ambulance and Doctors have an issue with the condition of the road. Priority must be given to people who are sick to ensure medical services can access their houses. When the scheme operated on a countywide basis each councillor contributed €2,000 from their Councillor's Allocation and 2 or 3 roads were improved each year. Since the scheme was operated on a Municipal District basis it is virtually impossible to get many roads improved as the cost exceeds the amount available in the Municipal District. He asked that this Scheme would be reviewed with a view to reverting to a countywide Scheme for 2016. Cllr. Healy-Rae asked, when tenders are awarded for the repair of vacant houses, do the Unions delay the commencement of the works by a month. This is ridiculous for small jobs. He asked if a figure has been mentioned for the Ballyvourney/Macroom By-Pass.

Cllr. D. Grady concurred with the views expressed by Cllr. D. Healy-Rae in relation to the repair of vacant houses. Minister Kelly stated every local authority was allocated funding to repair vacant houses and he asked if that was correct. In Killarney houses are vacant for up to 18 months.

Cllr. D. Quigg stated Minister Harris visited the Cliff Road a number of months ago and the residents did not hear from him since then. Part of this road collapsed and the residents are in a very difficult position. Residents in Incharee, Glosa etc. also met with the Minister but no funding was allocated for work in their area. Kerry County Council granted planning permission in these areas and so the onus is on the Council and the OPW to protect these residents from flooding. Councillors would meet with Minister Harris later in the week and they must emphasise to him the importance of allocating funding for these works. Cllr. Quigg referred to the formal meetings that have taken place between Council officials and the residents and he asked that any correspondence relating to these meetings would be provided to councillors and that they would be notified of any future meetings.

Cllr. A. Thornton referred to Item 2 where the CPG recommended that in future when major work is being undertaken that communities should be made aware of the level of investment in infrastructure being provided in their area and its intended benefit. She stated she is a member of Listowel Heritage Committee and they recently held a public consultation as part of the preparation of their Strategy. It was held in a vacant building in the town and there was very good engagement because of its location. It worked very well and she felt this approach should be considered in future. Cllr. Thornton asked if a Plan is in place for long term voids and if so could it be circulated to members.

Cllr. J. Healy-Rae thanked management for liaising with the residents of the Cliff Road. While the Council offered alternative accommodation it is unlikely the residents will take up this offer. The road must be repaired and he asked that priority would be given to sourcing funding for these works. Cllr. Healy-Rae sought clarification on the one month delay in the commencement of works when a contract is awarded.

Cllr. M. Cahill thanked Management for their interaction with the residents of the Cliff Road on a daily basis. He was aware there were numerous meetings, the emergency services were involved and a plan is now in place to deal with any emergency. There is no easy solution to this problem and the most suitable solution is also the most expensive. This is a huge inconvenience to the residents and they need the Council's assistance. Cllr. Cahill stated he hoped following the meeting with Minister Harris the following Wednesday he would allocate funding to repair this road.

Cllr. T. Ferris welcomed the Housing Report and the objective to deliver 400 housing units by year end. There are in excess of 4,000 people on the housing list and some people on RAS are facing homelessness. There is almost an entire block of houses in an estate in Tralee awaiting allocation and she asked that they would be allocated as soon as possible. Pre 2011 RAS tenants are not being considered for housing despite the fact that they are on RAS for almost 10 years while others on the Scheme a shorter time are allocated houses. Cllr. Ferris expressed concern at the cost of providing emergency accommodation for homeless people rather than housing them. She asked what the impact had the paying for hotels on the Budget. She recently contacted the Chief Executive in relation to an elderly Irish couple in the US who are facing the full penalty for NPPR. They now need residential care in the US and it was intended that the proceeds from the sale of their house in Ireland would fund the cost of their care in the US. They were advised by Kerry County Council that they owe €7,000 in respect of NPPR and penalties and as a result it is possible they may lose the sale of the property. On that basis she appealed to the Chief Executive to take a compassionate view of this case and to use the discretion provided for in legislation.

Cllr. J. Finucane stated no one really understands the challenge facing local authorities in relation to housing. The previous Thursday there were 85 applications for repossessions before the Court in Tralee. He called on the Minister for Finance to propose an alternative to this process and to put a stay on repossessions until local authorities get to grips with the situation. It is the State and tax payers that pay for the eviction process. The Council should be given discretion to spend the €64m allocation but they are directed by the Department how this funding can be spent.

Cllr. J.F. Flynn acknowledged the work of the Council in addressing the problem with the Cliff Road in Rossbeigh. While he acknowledged a number of options must be examined he believed the only option is to provide rock armour in this area. If this is not done the top road, where there are 40 to 50 houses will be impacted in a similar way. He called on the Council to pursue funding to provide rock armour at this location.

Cllr. N. Foley stated she understood the first refugees would arrive in Kerry in November and she asked if progress was made in securing accommodation for them. She expressed satisfaction with the present Hardship and Emergency Scheme and stated at least 1 or 2 roads are improved per Municipal District each year. If it is operated on a Municipal District basis it is fair. Cllr. Foley commended the staff in the Housing Department and the excellent work being done by them. She asked what the turn around time for the 100 voids is and what the delay is in allocating houses once they are refurbished. Cllr. Foley stated that the Grants Allocation for 2015 is committed and she asked if a further allocation is likely to be forthcoming from the Department.

Cllr. J. Brassil agreed that 80% of Councillors representations relate to Housing while previously it was Roads and Planning. In the past when there was a crisis in a specific area traditionally a Special Meeting was held on the subject. He asked members to consider holding a Special Meeting on Housing and he requested the CPG to consider this suggestion at the November CPG meeting. Members need to know why there is a delay in the allocation of houses once they are repaired and many applicants do not want to go on the RAS Scheme as there is no security for them. Cllr. Brassil asked if RAS tenants are left on the housing list or are they removed once they are housed under the RAS Scheme. It is said that the housing crisis can be resolved in 5 years but he believed it would be an achievement to keep the waiting list at its present level. It appears the Council must get permission for all works including the repair of vacant houses and they can do a good job given the freedom to do so. In his opinion the housing crisis is not because of the lack of houses but because there are so many unoccupied houses in the county. In conclusion Cllr. Brassil PROPOSED that a Special Housing meeting would be held to discuss all the issues identified by members.

Cllr. M. Gleeson SECONDED this proposal and said it is bordering on criminal that houses are idle because of problems with planning and central government putting obstacles in the way. The centralising of all services is stymieing rural Ireland.

Cllr. J.J. Culloty asked what the timescale is for the construction of the 20 houses in Killarney. He expressed concern at the turn around time for vacant houses that require relatively little repairs. Some houses are vacant for 6 months.

Cllr. S. Locke concurred with the views expressed by previous speakers in relation to the time it takes to repair and reallocate vacant houses. He requested clarification on how the €64m can be spent and he asked if some of it could be used to refurbish vacant houses. He requested that a letter would issue to the Minister seeking clarity on why funding had to be retained for the purchase of land etc.

Cllr. P. Daly asked that the vetting of potential tenants would also be discussed at the Special Housing meeting. One man was in Court on a minor matter and his case was withdrawn yet his application for housing was delayed because of this. A member of staff from the Housing Department called to the elderly mother of another housing applicant and questioned her on her daughter. That is unacceptable and he asked that this practice would cease.

Ms. M. Murrell welcomed the proposal to hold a Special Housing Meeting. At that meeting the Housing Programme can be explained in detail to members and also how it is proposed to achieve our targets for 2016 and 2017. Kerry was allocated €64m for our Housing Programme and the main concern is how the targets can be achieved. The Programme consists of the construction of houses, the RAS Scheme, the Long Term Leasing Programme and the purchase of houses. The repair of voids is also included in the Programme. An allocation to repair 53 voids



was received but a case was made to the Department and an additional allocation was received. It is hoped by the end of 2015 to have 100 to 120 voids refurbished. Additional resources will be required to achieve the targets in 2016 and 2017 but it is hoped to achieve or exceed the targets. It is estimated that the additional resources required to deliver the Housing targets over the next two years will cost €1m. A case was made to the Department to fund these resources and that request is being considered. She was hopeful that the funding would be provided by the Department. The Chief Executive noted members' comments in relation to the turn around time on voids but stated that some of the delays are outside the control of the Council. However it is hoped to tighten these timeframes where possible.

In response to Cllr. Foley's query in relation to funding for Housing Grants the Chief Executive informed members that notification was received of an additional allocation of €225,000 for Housing Grants. She thanked the members for their compliments to staff in relation to the Cliff Road and said an Emergency Plan is now in place. She advised Cllr. Ferris that the case she referred to was being reviewed.

Cllr. J. Finucane welcomed the additional allocation for Housing Grants and asked if the additional funding for staff could be used to employ plumbers, electricians etc.

Mr. M. O'Donoghue referred to members' queries in relation to the months delay in starting work once a contract has been awarded and stated there is no requirement that the successful tenderer is a member of a Union. There is a national agreement in place whereby the details of any contract awarded following public tender must be notified to the Unions and they may make an observation. This national agreement is in place for in excess of 10 years and has worked reasonably well.

Mr. J. Breen stated normally it would take 18 months from the time houses commence until tenants move in. Staff are fully entitled to visit tenants/applicants and he made no apology for the Council's Anti Social Behaviour Policy which works very well. There is provision whereby tenants that went on the RAS Programme prior to 2011 could remain on the housing list. The issues regarding the levels of refusals of offers of housing can be addressed through the Housing SPC.

Cllr. Daly asked if there is discretion where an applicant is before the Court on a minor charge.

Mr. Breen stated the Anti Social Behaviour Policy has been very successful.

Cllr. Daly stated there should be some discretion to provide for these cases in particular for someone who was never before the Courts in the past.

Cllr. D. Healy-Rae stated it did not make sense that Unions could delay works in particular where the works involved are very minor taking just 2 or 3 weeks to complete. He asked if a limit could be put on it.

Cllr. B. Cronin asked what is the position regarding the Anti Social Behaviour Policy where the Council buys a house in a private estate. Does this policy apply to those tenants?

Mr. Breen confirmed the Policy applies to all tenants.

Cllr. T. Ferris stated the housing policy was adopted by the members and in the vast majority of cases it works well. However she encountered a case recently where a family on disability were approved for a transfer but it did not happen because of a minor charge. She requested that a fairer policy would be adopted at the Special Housing Meeting.

Cllr. M. O'Shea asked that members would be provided with a list of qualified housing applicants in their Municipal District.

#### **15.10.19.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. N. Foley it was resolved that the Minutes of the September Ordinary Meeting of Kerry County Council held on the 21<sup>st</sup> September, 2015 be confirmed.

#### **15.10.19.03 Chief Executive's Report**

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

##### **"Introduction**

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

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

Members will also be aware that an update report is provided to each Municipal District Meeting on the work of the Directorates within Kerry County Council. These reports provide updates on such matters as the Roads Works Programme, Water and Wastewater projects, Housing Programme, Environmental Services

etc. In order to avoid duplication of reporting, updates on these matters are not included in the Chief Executive's Report.

The attached report has been prepared for the end of Quarter 3 2015.

### **Financial Position**

As agreed with the Members, a Financial Report will be provided on a quarterly basis.

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

The Local Community Development Committees (LCDC) convened on two occasions over the period July to September and on the 12<sup>th</sup> October has held an additional workshop in relation to the development of the Local Development Strategy for the Leader programme. The work over the period included the following;

- SICAP Programme Mid –Term Review- an assessment of the work of programme implementers. Presentations were delivered by the three Local Development Companies (LDCs) outlining the progress in relation to the delivery of SICAP for the period. While the mid-term targets have been achieved the LDCs highlighted difficulties in a number of areas in relation to the operation of the SICAP and expressed concern about their ability to achieve their overall targets by the end of the year. Areas of concern included the change in the target groups in the current programme and the scope of the deprivation areas which largely relate to urban areas within the county. The work of the LCDC in this area is proving challenging and to assist this work a SICAP sub-group is being established to liaise with the LDCs and to advise the LCDC on the programme.
- Work continued on the preparation of the Community elements of the Local Community & Economic Plan
- Work has also progressed in relation to the preparation of the Local Development Strategy (LDS) under the Leader programme. As previously reported agreement has been reached in relation to the development of a single LDS with the LCDC being the Local Action Group for the delivery of Leader with the LDCs implementing the programme in their respective areas. Significant local consultation has been undertaken in all areas of the county respecting the bottom –up approach in this community lead programme. As outlined the LCDC held a workshop with the local development companies on 12<sup>th</sup> October to agree the major themes for the Leader Strategy. It is expected that the LCDC will consider the final strategy in November and the Leader programme will be delivered early in the new year.

- The LCDC formally included KRSP as a sub-committee of the LCDC.

### **Kerry Public Participation Network**

Short term priorities for the PPN include the development of the website and communication, training sessions around funding applications, and meetings with cluster groups around the LECP. The development of the website is considered critical to ensure the broadest reach of the PPN within the wider community and to allow ease of access to information.

The PPN also considered the Pride of Place entries and were extremely supportive of all the work that had been undertaken in respect of same.

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

The preparation of the LECP has continued through the period and is currently on the phase of developing the strategic and detailed actions to ensure implementation of the agreed higher level goals. To assist this work stakeholder engagement is continuing as follows;

- Municipal district workshops – elected members and municipal district teams identifying municipal priorities.
- Working groups in the following areas
  - Retail
  - Skills
  - Manufacturing
  - Rural Economy
- Social Inclusion workshop –involving all relevant agencies in the County
- Quality of life workshop

The feedback and objectives relevant from the Regional Action plan for Jobs will also guide the actions being included in the LECP.

The work done to date has also been referred to the Regional Assembly for consideration.

### **Community Support Fund**

The Community Support fund has proved very successful. The initial funding has substantially been allocated to the various groups throughout the county. Staff are proactively working with the remaining groups to ensure that the necessary documentation is submitted to allow the funds be released.

The balance of funding retained for late applications is being allocated in the current round of Municipal District Meetings with a view to having all funds distributed by the end of the year.

The scheme for the 2016 will be brought before the SPC for consideration and subsequently to the full council for early implementation to ensure the various groups have sufficient time to prepare and submit applications to allow projects be delivered early in the new year.

### **Social Housing Strategy 2015 – 2017**

An Update Report in relation to the implementation of the Housing Construction and Acquisition Programme 2015-2017 is included in the Cathaoirleach's Report on the October CPG Meeting.

### **Library Services**

- Work on the Draft Library Development Plan 2015 – 2019 is continuing and the Plan, when finalised, will be brought before the members for adoption.
- Kerry Library has now completed the digitisation of its holdings of 19<sup>th</sup> and early 20<sup>th</sup> century Kerry newspapers. The remaining title, the Kerry Evening Post (1829 – 1917) went live in October. A full list is available on the library website [www.kerrylibrary.ie](http://www.kerrylibrary.ie). There now is searchable access to all these newspapers at any of the 9 branch libraries county wide.
- Department Circular 3/2015 on Public Library Services to Primary Schools has been issued. Kerry Library has been offering many of the services on an ongoing basis but is now in the process of engaging again with the primary school stakeholders, with a particular focus on schools who have not fully availed of the range of services available.
- Statistics for January - September 2015

	No. of items borrowed	No. of individual library visits
2014 total	<b>647,533</b>	<b>435,529</b>
2015 to date	<b>489,219</b>	<b>369,362</b>

### **Fire Services**

Please find set out hereunder the Statistical details in respect of the Fire Service and Building Control for the period 1 Jan 2015 to 30 September 2015 along with the details of 2014 for reference purposes:

		<b>1 Jan 2014 to 30 Sep 2014</b>	<b>1 Jan 2015 to 30 Sep 2015</b>
<b>Fire Service Operations</b>	Total Incidents	772	832
	Total Mobilisations	881	919
	Number of Fires	337	474
	Of which: Chimney Fires	85	107
	Gorse	99	218
	Number of Special Service Incidents	292	232
	Of which: Road Traffic Accidents	127	105
<b>Building Control</b>	Fire Safety Certificate Applications Received	88	98
	Disability Access Certificate Applications Received	55	64
	Commencement Notices Received	295	262

### **Kerry Local Enterprise Office**

Demand for services and financial supports remains very high. All of the LEO's grant budget for 2015 is now fully committed. A submission for additional funding was made to Enterprise Ireland on the basis of the strong pipeline of projects that require funding. An additional application for funding was also made under the LEO Competitive funds initiative.

### **Project approvals**

The Approvals & Evaluation Committee has met on five occasions in 2015. 33 projects have been approved funding of €480,625. An additional 9 projects and funding of €103,000 was approved in principle but a formal offer is subject to funding becoming available. All of the LEO's 2015 grant budget is now fully committed.

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

Total no. of attendees on training courses to date in 2015 – **528 people**

Every course we have run has been fully booked

Waiting lists in operation for all courses

All training is very heavily subsidised. These programmes include:

- Start Your Own Business Programmes (6 programmes and 2 business bootcamps)
- Business Growth Programmes (4 programmes)
- Digital Marketing Programme (5 programmes)
- Advanced Facebook Advertising for Business (9 workshops)
- How to create & edit marketing videos for your business (5 workshops)
- 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
- FUSE Programme (delivered in conjunction with Craft & Design Council of Ireland)

### **National Enterprise Awards**

County winner Mark Fleury of Fleury Engineering Ltd. He reached the national final in his category.

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

81 entries in total were received of which 14 were short-listed to undergo intensive mentoring and pitch preparation work in a series of boot-camps. Final pitches were delivered to judges on the 25<sup>th</sup> September. The winners were announced by Mayor Pat McCarthy at a ceremony in Ballyseede Castle on the 30-09-2015. The category winners were:

**Best New Idea:** Brendan O'Connell Listowel for his project management software (prize €10,000 investment)

**Best start-up:** Shane Hassett Killarney for his business Wazp (prize €20,000 investment)

**Best Established Business** and overall winner- Erika Fox, Glenbeigh with her business 5A digital (prize €20,000 investment)

## October Ordinary Meeting

Each category winner will next represent the County in the regional finals on November 2<sup>nd</sup>.

### **Food Academy Programme**

The Food Academy Programme commenced in mid May with 15 participants. This programme is delivered in association with Bórd Bia and Musgraves and finishes on the 7<sup>th</sup> October. Of the 12 businesses that completed the full programme 11 have now received listings for their products with Musgraves.

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

105 applications have now been received with 67 approved by the LEO. The amount approved was €125,057.

### **Schools Enterprise Programme**

2014/2015 programme was completed and involved 22 schools and 200 students – 3 national awards were won. Preparations are now underway for the 2015/2016 programme.

## **MENTORING**

106 businesses have received one to one mentoring with a business/technical expert. A typical mentoring assignment consists of two visits and 5 hours of face-time mentoring with additional back up support.

### **Business Advice Clinics**

- 23 Business Advice Clinics held so far this year in Tralee, Killarney, Castleisland, Listowel, Caherciveen, Kenmare and Killorglin. 124 individuals have availed of the service from January to September 2015 which consists of 1 hour with a business advisor for early stage start-ups.

### **Other Activities**

Additional activities undertaken include work on

- Regional Action Plan for Jobs submission
- Community Enterprise initiative application promotion
- Competitive Funds LEO –a regional application was submitted in conjunction with other LEOs in the South West region.
- Agri-tourism fund application”

Cllr. D. Nolan referred to the LCDC and the Local Development Companies and asked that members would be provided with a report on the number of projects/schemes that received funding and also the number of staff working in the Local Development Companies now in comparison to previously.



Cllr. J. Brassil stated it is 2 years since any project received funding from the Partnerships. He asked if there is any indication when the new system will be in operation so that projects can get assistance. It is time the delays were resolved.

Cllr. M. Gleeson complimented the Chief Fire Officer, Mr. Michael Hession and his staff on their excellent work. The substantial number of gorse fires is very disappointing and he asked if a reply was received from Minister Humphries in relation to the review of controlled burning. In the past communities met with the Fire Service and the Gardaí in areas where there were large numbers of gorse fires and he asked if these meetings are continuing.

Cllr. A. Thornton stated as a member of the LCDC she believed there is insufficient information available to the general public on the LCDC and Leader funding. She suggested that the Partnerships should hold information nights in their areas to provide up to-date information for the general public.

Cllr. B. O'Connell referred to the number of chimney fires and asked if the Council was aware of a new device called Chimney Safe which eradicates chimney fires. He understood it was piloted by some local authorities and it was very successful. Cllr. O'Connell stated he also understood there is a grant available and he asked that the Council would consider a pilot project in Kerry whereby Chimney Safe would be installed in a number of our housing stock.

Mr. J. Breen undertook to consider this option.

Ms. M. Murrell referred to the queries on LEADER and the LCDC and stated there were 4 expressions of interest from the four Partnerships in developing a Strategy. However through positive engagement a single Strategy was developed by all the parties under the main themes. Significant funding is available and it is important that all groups work together to maximise the impact of LEADER.

Mr. M. Scannell stated the most important aspect for Kerry is that a single Strategy was agreed for the county. Other counties have conflicting Strategies. The process is well under way and there is an overall understanding and commitment to the Strategy. It will be completed by the end of November when it will be submitted to the Department. The fact that it is a single Strategy should result in a fast turn around from the Department. He hoped that projects could be considered for funding from January 2016.

#### **15.10.19.04 Local Government Auditor's Report on the Council's Accounts for the Financial Year ended 31<sup>st</sup> December 2014**

Ms. A. McAllen, Head of Finance referred members to her report dated 12<sup>th</sup> October, 2015 on this item which was circulated. She briefed them on the report as follows.

A copy of the report of the Local Government Auditor on the Accounts of the Council for the year-ended 31 December 2014 was circulated. The Local Government Auditor's principal objective is to form an opinion on whether the Annual Financial Statement of Kerry County Council presents fairly its financial position and its income and expenditure for the period under audit in accordance with the accounting requirements applicable. In carrying out this objective the Auditor had regard to:

- The general financial standing of the Council
- The adequacy of the Council's financial systems
- The adequacy of the Council's arrangements for preventing and detecting fraud and other irregularities.
- Whether the transactions of this Council conform with the statutory or other authorisation under which they purport to have been carried out.

Local Government Auditors also review arrangements to secure economy, efficiency and effectiveness (value for money) in the use of our resources and the systems employed for the purpose of evaluating the effectiveness of their operations.

The Local Government Audit of the Council's 2014 Accounts was undertaken by a team of three Auditors during the period February 2015 to August 2015.

When the audit was completed, the Lead Auditor stated his opinion as indicated in the Audit Opinion circulated. The Annual Financial Statement for 2014 reflected the combined accounts of the former Tralee, Killarney and Listowel Town Council with Kerry County Council.

The Lead Auditor has stated that in his opinion the Annual Financial Statement presents fairly, in accordance with the Accounting Code of Practice and Accounting Regulations, the financial position of Kerry County Council at 31 December 2014 and its Income and Expenditure for the year then ended.

Given the extent and complexity of the Council's work programmes the Audit Report must be considered quite satisfactory. Efforts continue, of course, at improving our processes, procedures and effectiveness across the organisation and strengthening our controls and this is an ongoing objective and challenge. The main issues raised by the Auditor are as outlined in his report. His recommendations have been reviewed and considered and are being implemented by this Council.

Ms. McAllen referred members to Page 6 of the Audit Report where a summary of the major collection performances for the merged Councils with the comparative figures for 2013 is set out. She briefed the meeting on these figures.

### **Rates**

The Rates collection yield of 78% showed an increase of 3% when compared to the 75% combined collection performance achieved in 2013. The debtors at year end amounted to €9.414m and it is essential that the Council avails of all legal resources available to it in order to collect these arrears. The general bad debts provision for 2014 was €8.47m. The Council needs to review its basis for determining its bad debt provisions as the provision of 90% appears excessive.

### **Housing Loans**

The twenty two highest accounts in arrears, those with arrears exceed 59% of the €362k total arrears.

### **Housing Rent Arrears**

The year end net arrears on housing rents of €730k include €416k relating to the former Tralee Town Council. It has been recommended that a designated team is put in place in order to eliminate these arrears going forward.

The Chief Executive's response to this is that a comprehensive arrears management system has now been put in place with particular emphasis on long-term and high value arrears. This is also focusing on prevention of arrears with early intervention through close monitoring of accounts. Designated teams have been put in place along with the streamlining of reporting and accountability relationships.

### **Irish Water**

On the 1 January 2014 all functions relating to provision of water services transferred to Irish Water, which necessitated accounting adjustments relating to fixed assets, work in progress, debtors, loans, development contributions and project balances.

Ms. McAllen stated that the Auditor also referred to the Tralee and Castleisland Bypasses and noted the settlements in these cases. She added that she briefed members on the Killorglin Town Centre Project at Budget 2015.

A number of the significant accounting challenges in compilation of the 2014 AFS have been referenced elsewhere in this statutory audit report. Management had put in place a dedicated team to undertake this major task over the past few years. The exceptional and commendable work effort undertaken by all the staff members involved in this assignment resulted in the draft AFS being presented and approved by the Council members in April 2015.

In conclusion Ms. McAllen thanked the Local Government Auditor and her staff in the Finance Department who have been dealing the Auditor.

Cllr. M. Gleeson stated if any rule is just it must be capable of uniform application. The current collection performance on development levies of 21% is very poor and every developer should be treated the same. He welcomed the Chief Executive's response that following consolidation of these accounts in January 2015 all development levy debtors were notified that if payment arrangements were not put in place the files would be referred to the County Solicitor for recovery of the sums due. Cllr. Gleeson asked what percentage of the arrears relate to windfarms. He declared that his nephew works for a windfarm company.

Cllr. J. Brassil complimented the Head of Finance and her team on coming through a rigorous audit and he welcomed the improvement in collection levels. The revaluation of the fixed asset was also mentioned in the 2013 Audit Report and he asked if it makes any difference to the accounts. Cllr. Brassil stated the Council is still implementing a development levy scheme that was in place at a time when the building industry was in a much better place and he was sure he had asked that the Scheme would be reviewed in the past. He asked if this review has commenced and if a developer owes levies under the old scheme can they be revisited under the new scheme.

Cllr. T. Ferris expressed disappointment at the low collection rates for development levies and said that needs to be discussed further. It would be interesting to know how much of the levies collected relate to houses and wind turbines. She referred to the Auditor's comments on Acting Allowances and said it is only fair that someone acting would receive remuneration and she asked what are the consequences. Cllr. Ferris then referred to Rent Arrears and said Mr. Breen indicated last year that 90% relates to a carry over from Tralee Town Council and she asked how that impacts on the accounts. She welcomed the strong collection levels for Rates. However she resented greatly that the rate payers will never know the outcome of conciliation procedures in relation to the Tralee and Castleisland Bypasses given that it is public money. She believed the amount that company received must be exorbitant if the local authority challenged it. She encouraged any of the companies that tendered unsuccessfully for these works to challenge this as she believed this information should be made public.

Cllr. B. Cronin concurred with the view expressed by previous speakers in relation to the poor collection rate for development levies. He asked that this would be reviewed as soon as possible. He referred to the €2.6m spent on land at Deerpark and Ballycasheen and he asked if there is suitable access to the land at Deerpark. The land at Ballydrisheen was purchased for a route corridor and he asked if grants were received for this section of land.

The Chief Executive stated this is a good Audit Report; however, it has identified areas that must be focussed on specifically in relation to development levies. Generally the collection performance of this local authority is exceptional in particular in a year when the four local authorities amalgamated. The Rates collection increased by 3% in 2014 and that is as a result of hard work and working with our customers. While the collection of development levies is an issue that must be addressed a sizable amount of development levies were collected in January and February 2015. The amalgamation of the four local authorities brought substantial arrears from the Tralee area. The good practices in the county which were implemented in Tralee are already proving beneficial.

Ms. A. McAllen acknowledged the concerns of members in relation to the collection of development levies but added that as of two weeks ago the arrears figure was down €800,000 and 90% of debtors made payments in 2015. Resources have been assigned to this area and this is having an impact and a number of cases have been referred to the County Solicitor. The 78% collection figure for Rates is after the write offs. The land at Ballydrisheen was purchased a number of years ago in anticipation of NRA funding. However we still have the asset.

Mr. M. O'Donoghue stated that the Acting issue is a legacy issue. Following the eight year moratorium Department sanction has been requested for and approval has been received for the filling of these posts.

Mr. J. Breen informed members that the land for the Park Scheme will be funded once it is developed. There is access to the lands north of the By-Pass but the detail must be negotiated with Transport Infrastructure Ireland.

Cllr. M. Cahill referred to monies owed to Kerry County Council by Government Departments i.e. €2.25m for Knightstown Pier and Inch coastal protection works and said it is unfair that the Council is left to carry this cost. It has been agreed to pay Irish Water €3.7m yet the Council handed over tens of millions worth of infrastructure to them. People in Mid Kerry are very annoyed at the number of times the water is turned off because of breaks in the pipe network. The week before last customers in this area had no water for three consecutive days. They should be entitled to a waiver for the disruption to their water supply.

Cllr. J.F. Flynn asked if funding was drawn down from Irish Water for road reinstatement works. When there is a leak asphalt is dug up and is replaced by cold tar and chips. As a result there are 7 or 8 dips in the road from Tralee to Castlemaine. He was informed that Irish Water is responsible but who is responsible if the glass in a farmer's tractors is broken as a result of the uneven surface.

Ms. A. McAllen assured members that the Council continues to pursue the Department for the outstanding monies in relation to Knightstown Pier. There are ongoing discussions with the Department and Irish Water regarding the amount due to Irish Water.

#### **15.10.19.05 Overdraft Accommodation**

Ms. A. McAllen referred members to her report dated 6<sup>th</sup> October, 2015 on this item which was circulated and she briefed them on it.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. O'Connell it was unanimously agreed to approve the incurring of overdraft accommodation not exceeding €9m for the 12 months ending 31<sup>st</sup> December, 2016.

#### **15.10.19.06 Appointment of Ethics Officer**

Mr. M. O'Donoghue referred members to report dated 13<sup>th</sup> October, 2015 on this item which was circulated and he briefed them on the report.

It was unanimously agreed to note that Mr. B. Looney, Senior Executive Officer had been appointed by the Chief Executive as the new Ethics Officer for Kerry County Council for the period 3<sup>rd</sup> October 2015 to 2<sup>nd</sup> October 2017.

#### **15.10.19.07 Presentation on Homeless Services in Kerry**

Mr. J. Breen informed the meeting that there is a National Homeless Strategy and Implementation Plan and its objective is to eliminate the need for any person to sleep rough and minimise risk of persons becoming homeless through effective preventative policies/services. Government Policy states "The response to homelessness requires a collaborative approach from all stakeholders – government, local authorities, state agencies, voluntary services and general public, long term solutions will be effected through implementation of the Social Housing Strategy 2020".

Kerry is involved in a Regional approach to homelessness with Cork City and County. The implementation of the Regional Homeless Strategy will be delivered through the following approaches:

- Focusing on long term solutions and preventative measures
- Enhancing and adapting existing services
- Maximising value for money and cost effectiveness
- Effective implementation through Action Plans and structures and partnership approaches at local and national level and with the voluntary sector.
- Effective monitoring and evaluation focused on achieving best possible outcomes for homeless persons.

The following principles are key to the local response:

- Preventing Homelessness
- Eliminating the need to sleep rough
- Eliminating long term occupation of emergency accommodation
- Providing Long term housing solutions
- Ensuring effective services
- Better co-ordinated funding arrangements.

Kerry County Council is part of the South West Strategic Management Group under the Regional Homeless Action Plan 2013 – 2018 which was adopted by Kerry County Council in July 2013.

Mr. Breen briefed the meeting on the Strategic Aims of the South West Regional Homeless Action Plan. He then outlined the Homeless Services available in Kerry as follows:

- Homeless Information Centre in Denny Street, Tralee which was set up in 2004 to provide a service to homeless persons or those threatened with being homeless.
- Clinic operates three mornings per week and an out of hours service is available on 066 7117633 or 087 7718882.
- Mr. Dan O'Leary is the Acting Homeless Co-ordinator.
- Ms. Clare Crowley is the Outreach /re-settlement worker
- Department of Social Protection also operates a Clinic at this location 2 mornings per week.
- Novas operates the Homeless Hostel in Tralee, Arlington Lodge, Church Street which was opened in 2003 with 14 beds. It is a mixed wet/dry hostel.
- Knocklee House, Tralee is a 7 bed dry hostel with high support and is short term.
- Low Support and transitional accommodation is also available in Tralee and it is provided and run by Novas in 2 locations with 10 beds in total.
- Market Court, Tralee – 4 apartments, low support.
- Hostel in Killarney booked for single people.
- Emergency B&B accommodation is also arranged as required.
- Assistance is offered in terms of securing private rented accommodation.
- Adapt Women's Refuge, Tralee.
- Family accommodation is available in Killarney.

A close working relationship is required with Homeless Service providers i.e. the HSE, Department of Social Protection, Gardaí, Mental Health Services, Probation/Prison Services and the Voluntary Sector.

The Kerry Homeless Forum has a multi-agency approach with representation from the HSE, DSP, Garda, Novas and Adapt and quarterly meetings are held. Regional Homeless Meetings are held bi monthly to review service provision. Funding for the service is provided by the DoECLG for non-care costs to Homeless Accommodation providers and also to cover costs of Emergency Accommodation – 90% funding generally. The HSE also provides funding for care costs. The cost of running the Homeless Centre is not fully recoupable. The budget for the service in 2015 is €911,444 including Central Management Charge. Of this €687,000 is recoupable from the DoECLG.

In 2014, 297 cases were booked to emergency accommodation. This included 244 individual clients which represent a 20% repeat presentation rate. Also in 2014 there were 651 visits to the Homeless Information Centre seeking advice, assistance and some in need of accommodation. A large number of these are individuals presenting on a number of occasions.

To-date in 2015 183 cases booked into emergency accommodation and this included 152 individual clients which represents a 20% repeat rate. B&B accommodation was provided as a solution for 53 clients while Hostels provided an accommodation solution for 130 clients. To-date in 2015 there were 507 visits to the Homeless Information Centre seeking advice, assistance and some in need of accommodation, a large number were individuals presenting on a number of occasions. 14 families were accommodated to-date in 2015.

Mr. Breen stated that people presenting often have complex needs and there are many very difficult cases. The accommodation support must also link with other personal support services. 68% of people moved on from emergency accommodation within 6 weeks.

The Cathaoirleach stated as a Special Housing Meeting would be held shortly he suggested that a copy of Mr. Breen's Presentation would issue to all members. There can then be a comprehensive debate at the Special Meeting.

#### **15.10.19.08 Report on Southern and Eastern Regional Assembly**

It was agreed to note the Cllr. S. Fitzgerald's written report on the operations and activities of the Southern and Eastern Regional Assembly which was circulated.

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

It was unanimously agreed to note the following reports on Conferences/Events which were circulated.

- (a) AILG 2<sup>nd</sup> Annual Conference held in Carrickmacross on 12<sup>th</sup> and 13<sup>th</sup> March by Cllr. D Quigg on behalf of all the delegates who attended the Conference.



- (b) LAMA Spring Training Seminar held in Tuam on the 10<sup>th</sup> & 11<sup>th</sup> April, 2015 by Cllr. B. O'Connell on behalf of all the delegates that attended the Seminar.

#### **15.10.19.10 Notices of Motion**

##### **Emergency Motion**

Cllr. D. Healy-Rae stated that he wished to move an emergency motion.

The Cathaoirleach advised Cllr. Healy-Rae that he would not allow it to be moved or allow any debate on the motion.

- 1. Ensure that all Bridges on county, tertiary and minor roads are kept free from all foliage growth**

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

That the Council would seek to ensure that all Bridges on county, tertiary and minor roads are kept free from all foliage growth as such growth can gradually cause severe damage to these precious structures and can also impede the free flow of traffic.

##### **The following report issued:**

**There are in excess of 2,400 bridges on our road network. Whilst every effort is made to maintain these within the funding available, it is acknowledged that there are bridges, particularly on the local secondary and local tertiary road network where there is foliage growth.**

**In some cases the removal of foliage on the parapet, as with all old masonry structures, could cause further damage. However, if there are specific bridges requiring such attention, or where local communities would like to improve a bridge in their locality, these can be examined by the local Area Engineer.**

Cllr. M. Gleeson stated the previous day he viewed Gortahoosh Bridge and while some growth had been cut there was a tree growing into the bridge on another side. When the trees sway in the wind they must damage the structure of the bridge. It is time action is taken to protect bridges regardless of who is responsible for them. Cllr. Gleeson asked that a number of bridges would be inspected each year and that all growth would be removed to safeguard the bridges and access for communities.

Cllr. B. Cronin **SECONDED** the motion and said there is a vast network of bridges throughout the county. Some of these were built up to 150 years ago for horses and carts and the level of funding provided for bridges is minimal. It is

time proper recognition was given to the importance of maintaining bridges otherwise there will be a repetition of the Gaddagh Bridge.

## **2. Provision of affordable sites**

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

To ask the Chief Executive will Kerry County Council provide affordable sites from their landbanks for the purpose of assisting first time purchasers who are refused mortgages from financial institutions so that they can erect their own family homes.

### **The following report issued:**

**The Housing Department will examine our Land Bank and assess where we have suitable land that would be deemed suitable for sale as low cost sites and which meet the requirements of the Low Cost Sites Scheme. This Scheme is aimed at first time buyers, those assessed as in need of housing and income criteria apply. We will examine the potential of this Scheme as part of our Housing Programme. We will revert to Council at the December Council meeting with possible locations.**

Cllr. M. O'Shea welcomed the positive response and he asked that consideration would be given to the initial cost of the site, complying with planning and building regulations, water and sewerage levies when a value is put on the sites.

## **3. Need for a Deer Strategy**

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

That Kerry County Council call upon all relevant agencies and Government Departments to urgently put in place a deer strategy, to tackle the out of control deer population and the dangers and problems they cause.

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

Cllr. P. Connor-Scarteen said he raised this issue in 2011 and other councillors raised it in the interim. He called on the Irish Wild Deer Association, the IFA and the Irish Rural Dwellers Association to come together to draw up a strategy to control the number of wild deer. There have been numerous road traffic accidents because of deer on the road and he expressed concern there would be a fatality if this issue is not addressed. The number of deer has increased significantly and deer on the road is a particular problem at Molls Gap, Loo Bridge and on the Kilgarvan to Kenmare road. Deer damage farm land by eating silage, crops etc and they also carry disease. In conclusion Cllr. Connor-Scarteen requested that a letter would issue to the 3 agencies mentioned calling on them to address this very serious problem by drawing up a strategy.

Cllr. B. Cronin **SECONDED** the motion and said this is a critical issue for road users. Many road traffic accidents caused by deer are not reported. Deer roam in Ballyhar, Glenflesk etc. The Bourne Vincent Act states that fences should be maintained but this is not happening. Farmers are not being shown respect and he asked Cllr. Connor-Scarteen to add the following to his motion “and that representatives of the OPW and/or the NPWS would be requested to attend a meeting of Kerry County Council to account for themselves”.

Cllr. Connor-Scarteen agreed to amend his motion accordingly.

#### **4. Comprehensive update on the Homeless Services**

**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 (Arlington Lodge). 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 report 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 as at September there were 3,428 adults, 1,571 children and 738 families homeless in the country. Of these 1,098 adults and 228 children live outside Dublin. There are 6 to 8 homeless people living in the Demesne, Killarney and they are afraid to engage with services. While Arlington House served a purpose in the past it is no longer fit for purpose. There should be separate wet and dry facilities. Existing facilities are not suitable for recovering alcoholics and drug addicts. The homeless in Killarney are referred to facilities in Tralee but Killarney needs its own facilities. Cllr. Grady acknowledged that the Railway Hostel in Killarney provides good quality accommodation and he added that nothing has been done about Armagh House. Dublin is to get modular units and Kerry would benefit from 20 of these.

The Cathaoirleach stated that Mr. Breen’s presentation would be circulated to all members and there could be a detailed discussion on homelessness in Kerry at the Special Housing Meeting.

Cllr. P. Daly **SECONDED** the motion and asked that at the Special Housing Meeting an update would be given of those in emergency accommodation for 4 or 5 years.

**5. Reversal of some of the changes to traditional place names/logainmeacha**

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

That this Council will, as a contribution to the 1916 celebrations, reverse some of the changes to traditional place names/logainmeacha by implementing Regulation 1.1.48 of the Road Traffic Signs Regulations 2010.

**The following report issued:**

**The design, provision and maintenance of directional and placenames signs on the national road network is carried out directly by Transport Infrastructure Ireland (formerly the NRA), and these works are contracted out by the Authority. A major sign replacement programme on the national roads in Kerry was completed between 2007 and 2010.**

**Funding for the replacement of directional and placenames signs on the non-national road network was last made available by the Department of Transport, Tourism and Sport, following the reclassification of roads in the Dingle peninsula, some years ago. No funding has been provided by the Department in recent times.**

**The standards for the design and layout of any signage on the road network is prescribed in the Traffic Signs Manual 2010 and road authorities are obliged to comply with the requirements of the manual. Specifically, in relation to this motion, Section 1.1.48 states that:-**

**“It is a statutory requirement that place names on information signs be in both Irish and English, except.....where the spelling of a place name is similar in both languages, in which case only the Irish form of the name should be shown.”**

**The Manual also states that for information signs to be effective they must be readily recognizable, having messages which can quickly be read and understood. Lack of clarity on directional signs can be a potential risk to road safety, where the message creates confusion for the driver.**

**In discussions with the TII, it is acknowledged that there are locations where the placename is clearly the same in Irish and English, such as Port Laoise, and only the Irish placename is used. Some ambiguity can arise where the place name is broadly similar such as An Bán Mór / Banemore; Mín Liatroma / Meenleirim, and having the placename in Irish only on a directional sign may not be quickly read and understood by a driver.**

**The Council can refer the matter to the TII Signage Project Team, for consideration in any future sign replacement programme on the national road network.**

Cllr. P. Daly asked where the spelling of both the Irish and English is similar that only the Irish spelling would be used. The old placenames should be actively promoted.

Cllr. M. Gleeson SECONDED the motion and stated he also raised this issue a number of years ago when he gave a number of examples of misspellings of placenames. The old School Roll Books should be consulted to ensure the old placenames are preserved.

## **6. Rates being quoted to young drivers by insurance companies**

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

That Kerry County Council call on the Government to examine the rates being quoted to young drivers by insurance companies.

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

Cllr. J.F. Flynn said he believed young drivers are not being treated fairly by insurance companies. One 19 year old contacted 5 insurance companies and none of them would give him a quotation for insurance. 2 companies said they could not give him a quotation as he had no previous insurance. Many young people going to college do not have a bus service and those that do may have to wait 3 or 4 hours for the bus home. A learner driver must now take 12 driving lessons at a cost of €360 before they can take the driving test. 48% of males pass the driving test first time while the figure for women is 44%. It would be interesting to check the statistics for the number of young drivers under 25 years of age that pass the driving test first time versus drivers over 25 years. It would also be interesting to establish how many accidents involve young drivers under 25 years.

The number of fatalities on our roads in the 16 to 20 year bracket reduced in 2014 from 16 to 15. Cllr. Flynn acknowledged that each fatality is a tragedy but at least the numbers are reducing. It appears the NCT is being dismissed as some young drivers, even though their car passed the NCT, cannot get insurance. All cars over 10 years must undergo the NCT each year. He requested that his motion would be forwarded to the Minister for Finance and Insurance Ireland for consideration.

Cllr. M. Cahill SECONDED the motion and stated that young drivers find it virtually impossible to get insurance and they are being discriminated against. 21 and 22 year olds get quotations of between €3,000 and €5,000.

The Cathaoirleach stated all members agree with the motion and added that insurance has increased for everyone and this is due to an increase in claims. He asked if it would be possible to research through the CSO how many claims were made in the past 10 years in relation to the number of cars on the road.

Cllr. D. Healy-Rae stated he believed that claims are not being contested and that is why insurance premium have increased.

**7. Number of Shared Ownership loans settled by Kerry County Council**

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

Have any shared ownership loans been settled by Kerry County Council over the last five years. If there were any such settlements, what was the cost to the Local Authority and what was the settlement price based on.

**The following report issued:**

**There were 12 shared ownership loan accounts redeemed from Kerry County Council over the past five years. Of those 12, Kerry County Council, following extensive consultation and engagement with the customers agreed a settlement with 2 of these shared ownership accounts. The cost was redeemed in full to the local authority for both properties by the Department of Environment, Community and Local Government through the MARP fund and thus there was no cost to the Local Authority. The settlement agreed was based on a number of factors including the financial circumstances of the customer, the future likelihood of the ability to redeem the loan, full engagement in a constructive manner through the Mortgage arrears Resolution Process with the local authority as well as taking cognisance of the likely creation of a future housing need.**

Cllr. T. Ferris stated she was aware of one Shared Ownership client who is paying €400 in loan repayments and a further €100 per month in rent. They simply cannot afford it anymore and if the mortgage was with a Bank they would have had the option of parking half of the loan amount. Unfortunately Shared Ownership customers must pay in full and just 2 people have been accommodated to-date. Cllr. Ferris said the Council has a moral obligation to these people as families are being forced into poverty. She believed the €100 rent is excessive and said that family have very little remaining when they have paid the loan and rent each month. These people are being forgotten and they should have been housed by the local authority in the first instance.

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

Cllr. D. Healy-Rae asked that the Shared Ownership Scheme would be scrapped and that people would be advised of alternate options.

Cllr. J. Sheahan moved Notice of Motion No. 8 on behalf of Cllr. O'Connell.

**8. Proposed merger of Cork City and County Councils**

**Pursuant to notice duly given Cllr. B. O'Connell PROPOSED:**

That this Council adopt this resolution in support of Cork City Council in its action against the proposed merger of Cork City and County Councils and further support its challenge to the Local Government Reform Programme which undermines the European principle of subsidiarity.

We also direct the Meeting Administrator to inform the Minister for Environment and Local Government and the Secretary General of the same Department of the passing of this motion by this Council.

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

Cllr. M. Gleeson SECONDED the motion and said he has expressed his support for this campaign openly. If the two authorities are amalgamated the city of Cork will be worse off.

**9. Erect glass panels incorporating the names of men who died in World War 1**

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

That this Council will erect two glass panels incorporating the names of men who died in World War 1. One panel to be dedicated to the members of the Royal Munster Fusiliers' and the second panel to members of other regiments to be located at the back of the existing monument in Ballymullen, Tralee.

**The following report issued:**

**A monument was erected in Ballymullen, in May 2015, dedicated to the members of the Royal Munster Fusiliers and those who died in World War 1 from Tralee. This was one of a small number of projects which had been requested and agreed by the members of the former Tralee Town Council, but had not been completed in the lifetime of the Council. Other projects included the upgrading of the Rose Walk, the entrance to the Town Park from Denny Street and the enhancement of the entrance to Siamsa Tire at Ivy Terrace.**

**An emergency motion was considered by the members at the Tralee MD meeting to amend the wording on the monument to "let us remember all Tralee people who lost their lives during WW1", and this was agreed, subject to confirmation from the sculptor that it was feasible. It was subsequently confirmed to the members at a Planning Briefing that this was feasible and the works are now in hand.**

**Subsequent to the erection of the monument, we received correspondence querying it's erection and have been notified of an intention by an individual to initiate legal proceedings on this matter.**

**At the Planning Briefing, the request for a panel was raised, and members were advised that any such proposal needs to be put before the members at a Tralee MD meeting, for consideration. Members were advised that based on similar panels to commemorate the Rose of Tralee, the cost per panel would be in the region of €5,000 to €7,000. Other alternative options were discussed by the members. Notwithstanding the costs involved, it was outlined to the members that the principle of erecting the panels would have to be approved by the members.**

Cllr. S. Locke asked that the existing monument at Ballymullen would be enhanced by providing 2 glass panels to the rear of the monument with the names of the 200 men that died in World War 1 inscribed on it. 87 of these belonged to the Royal Munster Fusiliers. He was working with (Name withheld for data protection purposes. An unedited paper copy of the minutes is available on request) Chair of R.M.F. Association and (Name withheld for data protection purposes. An unedited paper copy of the minutes is available on request) Historian on this and all the names have been identified.

Cllr. M. Gleeson **SECONDED** the motion and said people went to fight in World War 1 to escape poverty.

## **10. Support to Elite Management Company**

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

To ask Kerry County Council to lend its support to Elite Management Company who have attracted many visitors to Kerry.

**The following report issued:**

**There are many private companies such as that named holding events in Kerry for which an entry fee is charged. The Community Support Fund as discussed and agreed by the Community, Culture and Tourism Strategic Policy Committee and adopted by Council precludes funding being allocated to any event for which an entry fee is charged.**

Cllr. J. Sheahan stated Elite Management Company has been promoting Killarney for a number of years and they are seeking sponsorship from Kerry County Council.

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



## **11. Closure of over 139 rural Garda Stations**

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

As the closure of over 139 rural Garda Stations has resulted in little or no financial savings (less than €500,000) and a huge increase in safety concerns in rural areas, Kerry County Council calls on Government to rethink and rescind current policy which is having a detrimental impact on rural Ireland.

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

Cllr. N. Foley said she was conscious at the start of the meeting a minutes silence was observed for the late Garda Golden and she wanted to be associated with the expression of sympathy to his family and An Garda Siochana. The saving of just over €500,000 from the closure of 139 Garda Stations demonstrates just how counterproductive the entire policy has been.

Towns and villages across the country feel increasingly isolated and more vulnerable to criminals. The closure of rural Garda stations in some cases accelerated the decline of some communities as the private sector took its lead from the Government's decision to withdraw state services.

The money saved (€4,000 a year per station) is negligible but the impact on communities has been more than significant. The Minister's attempts to justify the closures by saying they have freed-up more Gardaí for frontline policing is absolutely not the reality on the ground. There is a lack of visibility in many villages across the county as Gardaí are now based further away.

Government policy regarding the closure of rural Garda stations has exposed communities to increased crime levels and has demonstrably lowered the level of policing activity and presence on the ground.

This policy is an abject failure and she called on the Government to rethink and rescind this policy which is having a detrimental impact on society as we know it.

Cllr. J. Brassil **SECONDED** the motion and concurred with the views expressed by Cllr. Foley. The presence of the local Garda is an important deterrent to crime and makes people feel safe in their homes. The present policy should be reversed.

## **12. Call to amend the Casual Trading Bye Laws for beaches**

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

That Kerry County Council would commence the process of amending the Casual Trading Bye Laws for beaches in Kerry in order to have new guidelines in place for the 2016 season.

**The following report issued:**

**The current Bye-Laws governing casual trading provide for casual trading at a number of beaches in the County. In recent times the Council has experienced a demand for licences which exceeds the number of designated casual trading areas available at some beaches. The Council intends to review the existing casual trading bye laws at beaches, in conjunction with a review of the Beach Bye-Laws and to have draft proposals for consideration by Council in early 2016.**

Cllr. J. Brassil stated there are 13 Blue Flag Beaches in Kerry and these are needed to compete with other parts of the country. The Casual Trading Bye-Laws are not working as the demand for licences exceeds the number available and some of those issued with licences do not use them. A day at the beach should be an enjoyable experience and the Bye-Laws should reflect this.

Cllr. M. Cahill **SECONDED** the motion.

The meeting adjourned for lunch at 1.30pm.

The meeting resumed at 2.40pm.

**13. Commencement of work on Iveragh Road, Killorglin**

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

That Kerry County Council immediately request Transport Infrastructure Ireland (formerly the NRA) to commence work on the long overdue Iveragh Road project and request the successful tenderer to ensure that this vital project for Killorglin and South Kerry is carried out in the speediest possible time frame.

**The following report issued:**

**A similar motion was moved at the South & West MD meeting on the 1st October 2015, seeking an update as to when works will commence at which the following reply was given to the members: -**

**“Following the recent receipt of full technical approval for this scheme from Transport Infrastructure Ireland (formerly the NRA), the tender documents for this project will be issued in the coming days with a tender return date at the end of October. We will be awarding the contract in November and it is now considered that the best time to start the works is post Christmas in January 2016. There is a 5 month construction period being proposed”.**

**The tender has now been published.**

Cllr. M. Cahill said he understood this work would not commence until 2016 and he expressed concern at the proposed duration of the works. He asked if the work could be done later in the evening, at night or at weekends in order to minimise the disruption to businesses in the area. Road works were carried out by night at Kilgobnet and he could not see why the works at Iveragh Road would not be done by night also. Cllr. Cahill asked that the works would be carried out as speedily as possible.

Cllr. S. Locke **SECONDED** the motion.

Mr. C. O'Sullivan advised members that the Council would work with the local community in relation to these works. Some roadworks are carried out by contractors and there can be issues with night work where there are residents in the area. Pavement overlay contractors carry out the work as quickly as possible.

#### **14. Return of school records to Kerry**

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

That Kerry County Council request that all Kerry school records be returned to Kerry and stored in our libraries. Currently some school records for Kerry are stored in the National Archives. If all the records were stored in a central location they could then be digitised and be used for future historical and genealogical research.

##### **The following report issued:**

**There is a vast range of school records available, including those relating to the setting up of schools, teaching staff appointments, salaries and records and the school registers, all having a major historical and genealogical research value. With regard to the national schools, all records are under the ownership of the Dept. of Education. In general, all Departmental records which are more than 30 years old must be transferred to the National Archives and made available for inspection by the public. However, local authority libraries are also an accepted location for the deposit of school records. The dispersal of local school records is a decision for each individual school.**

**Kerry Library has over the years acquired a small no. of national school registers for Co. Kerry schools. They are retained in the local history and archives section at Library Headquarters. The vast majority of the Kerry records are available at either the National Archives or still retained in local custody.**

**There would be a space and resources issue if a large quantity of school records was deposited with Kerry Library. Equally the digitisation of the school records would have budget implications.**

**At present there is a project underway by the National Archives to conserve their school record holdings. They have no plans to digitise them or to repatriate them to local repositories at this point.**

Cllr. J. Moloney stated some local authorities digitised school records. A lot of old school records are held in the National Archives including some from Kerry. He asked that efforts are made to have the Kerry Roll Books returned to Kerry and digitised. This would be important from a heritage and genealogy point of view and he asked that resources would be provided for this. Old newspapers are digitised and it is possible to do a search on them. That should also be possible with school records.

Cllr. M. Gleeson **SECONDED** the motion and said there would be enormous interest in these records.

The Cathaoirleach asked if all these records are held in the National Archive.

Cllr. Moloney stated not all records are kept there as some are held in the relevant county.

Mr. J. Breen said the Council would need the permission of the National Archives Department to get these records. There maybe data protection issues involved but he undertook to contact the National Archives as requested.

The Cathaoirleach informed the meeting that Cllr. Culloty agreed to defer Notice of Motion No. 15 if he was allowed to move Notice of Motion No. 26 at that time.

This was agreed.

## **26. Taxing of trucks on a monthly basis**

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

That this Council call on the Minister for Transport to allow truck owners to tax their vehicles on a monthly basis, as is the case in many other jurisdictions.

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

Cllr. J.J. Culloty said the situation has changed since he submitted the motion as tax on trucks was reduced in the Budget. He acknowledged this reduction but asked that a letter would issue to the Minister calling on him to allow truck owners to tax their vehicles on a monthly basis.

Cllr. J. Healy-Rae **SECONDED** the motion.

**16. Allow time to sympathize with bereaved families in the Church after a funeral mass**

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

To ask Kerry County Council to pass a resolution to ask the Bishop to allow time after funeral masses for people to sympathize with the bereaved families in the Church in parishes where this is not allowed.

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

Cllr. D. McCarthy stated he observed in different parishes when funerals take place relatives are in the Church yard and people are trying to sympathise with them from all sides. This causes congestion. If an opportunity is given to sympathise with the family in the Church after Mass it is more orderly in particular for the elderly.

Cllr. M. Gleeson SECONDED the motion and said if 5 or 10 minutes was allowed after Mass for people to sympathise with the bereaved it would be a more dignified process.

**17. Request for capital funding to replace or widen Listry Bridge**

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

That this Council make a detailed request to the Department of Environment and Local Government for capital funding to replace or widen Listry Bridge.

**The following report issued:**

**A number of motions have been moved, over a number of years, at the Killarney Municipal District and former Electoral Area Meetings to widen Listry Bridge. Most recently a deputation was received at the January meeting of the Killarney MD, where they outlined that drivers ignore the signage on either approach and the parapets are being hit by vehicles.**

**The Bridge is on a reasonably straight section of regional road and when this issue was originally identified a number of years ago, traffic calming measures were installed to advise motorists to yield to oncoming traffic on the Bridge. These measures are similar to those in place on other sections of our road network.**

**The deputation were informed that there is no specific funding programme at present for the widening or replacement of bridges. Also given the significant costs involved and the traffic volumes on the road, prioritizing the widening or replacement of the Bridge on current programmes for improvements to the road network could not be justified.**

**However, a commitment was given to review the existing measures and to examine the option of reducing the width of the carriageway over the Bridge by installing kerbed running strips and enhancing the signage and lining. These measures would discourage drivers from ignoring the directions given on the approach and provide further protection to the parapets. The cost of these works are approximately €40,000, which will be submitted for funding in the next call by the Department of Transport, Tourism and Sport for non-national low cost safety measures.**

Cllr. B. Cronin stated the road through Listry is the main artery from Killarney to Milltown and the Ring of Kerry. A deputation attended a Killarney MD Meeting earlier in the year when they outlined the ongoing saga of vehicles crashing on the bridge. It is almost inevitable that someone will be injured as there were a number of serious accidents already. The parapet of the Bridge was repaired recently. He welcomed plans to narrow the bridge but said this will allow just one lane of traffic to use the Bridge at a time. That is acceptable in the short term but the only way to address this problem in the long term is to prepare detailed plans to either widen or replace the Bridge and to submit them to the relevant Department for funding. Cllr. Cronin asked when the Bridge is being narrowed that a footpath would be provided on one side of the Bridge to allow safe pedestrian access to the Church.

Cllr. J. Healy-Rae **SECONDED** the motion and said Listry Bridge was built for horses and carts. This is a very busy road to Milltown Mart, Inch Beach etc. A serious number of accidents have occurred at this location and because it is on a hill lorries find it difficult to stop. Cllr. Healy-Rae said in his opinion the €40,000 allocated for the Bridge is a waste of time as a proper job is required.

Cllr. A. Thornton moved Notice of Motion No. 18 on behalf of Cllr. Kennelly.

## **18. Cycling on footpaths in towns and villages**

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

That Kerry County Council in association with An Garda Síochána carry out a review on the issue of cyclists on our footpaths in our town and villages.

**The following report issued:**

**The primary legislation governing the use of vehicles, including bicycles, is prescribed in the Road Traffic Act 1961. Under the provisions of Section 51 A (inserted by section 4 of the Road Traffic (No. 2) Act 2011), “A person shall not drive a vehicle in a public place without reasonable consideration for other persons using the place” and a person who contravenes this section of the Act commits an offence.**

**In July 2015, the Minister for Transport, Tourism and Sport enacted further statutory provisions under the Road Traffic (Fixed Charge Offences – Cyclists) Regulations 2015, which introduced on-the-spot fines for cyclists who commit certain road traffic offences.**

**The offences covered by this legislation are as follows:-**

- **Cyclist driving a pedal cycle without reasonable consideration.**
- **No front lamp or rear lamp lit during lighting-up hours on a pedal cycle**
- **Cyclist proceeding into a pedestrianised street or area.**
- **Cyclist proceeding past traffic lights when the red lamp is illuminated.**
- **Cyclist proceeding past cycle traffic lights when red lamp is lit.**
- **Cyclist failing to stop for a School Warden sign.**
- **Cyclist proceeding beyond a stop line, barrier or half barrier at a railway level crossing, swing bridge or lifting bridge, when the red lamps are flashing.**

**An Garda Siochana are the statutory body for enforcing the provisions of the Road Traffic Acts.**

#### **19. Call for a reduction in development levies**

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

That Kerry County Council consider the reduction of development levies in areas that have a need of further accommodation for the development of tourism.

**The following report issued:**

**Kerry County Council staff are presently reviewing the Development Contribution Scheme for the County, which was adopted in 2011, in the context of National Guidelines issued during 2013.**

**It is intended that a Draft Scheme will be presented to the Elected Members at the December Council Meeting and following a public consultation process, it is anticipated that a new Scheme will be adopted in the first quarter of 2016.**

Cllr. A. Thornton said she is trying to understand the prescribed legislation on development levies. A business currently in place applied for permission to put 5 bedrooms upstairs and they were charged €20,000 in development levies. She accepted that the Development Levy Scheme was adopted by Council but she

could not see where it states in the Scheme if you have a current business for which permission was granted not so long ago that such high levies must be paid. She welcomed the fact that the Draft Scheme will be presented to members in December and said her motion maybe more appropriate at that time.

## **20. Call for the removal of V.A.T. on the purchase of Defibrillators**

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

As Defibrillators have a proven capacity to save the lives of people suffering cardiac failure that this Council calls on Government to remove the V.A.T. on the purchase of this vital unit equipment, vital in particular for voluntary and sporting organisations.

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

Cllr. M. Gleeson stated 21% VAT is due on these vital pieces of equipment yet they could save the State in the long term. He called on the Government to exempt the purchase of Defibrillators from VAT and if this was done all voluntary organisations may be in a position to acquire them.

Cllr. J.J. Culloty SECONDED the motion and said in the long term it would save lives.

Cllr. J. Moloney moved Notice of Motion No. 21 on behalf of Cllr. O'Shea.

## **21. Proposed new Tenant Purchase Scheme**

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

What is the up to date position with the proposed new Tenant Purchase Scheme for persons who are willing to purchase their home.

### **The following report issued:**

**The DOECLG advised in June 2015, that the Minister intends to introduce in the coming months the Tenant Purchase Scheme for existing tenants under Part 3 of the Housing (Miscellaneous Provisions) Act 2014. This Scheme will be modelled along similar lines to the Incremental Tenant Purchase Schemes currently in operation for certain newly built or acquired local authority houses. We await commencement of Part 3 of the 2014 Act in order to give effect to operation of the Scheme.**

Cllr. Moloney said Cllr. O'Shea requested that clarification would be given on the term 'Incremental Tenant Purchase Scheme'.

Mr. J. Breen stated this meant the tenant would pay for the property over a number of years.



Cllr. A. Thornton moved Notice of Motion No. 22 on behalf of Cllr. Connor-Scarteen.

**22. Regulation of casual trading in Kenmare**

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

That Kerry County Council without further delay introduce reasonable measures to regulate casual trading in Kenmare.

**The following report issued:**

**A full review of Casual Trading in Kenmare is being undertaken following the receipt of legal advice. This review is considering the options available having regard to the statutory requirements. We have just commenced a consultative process with the stakeholders which includes the Market Traders, Chamber of Commerce and Residents in relation to options for the provision of bays for market trading in the Square and at The Park. It is proposed to bring a final report with a recommendation and draft bye laws to the members of the South and West Kerry Municipal District which we are provisionally programming for the end of the year. Following this meeting we would hope to initiate the statutory consultation process.**

**23. Congress Charter for Fair Conditions at Work**

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

That Kerry County Council supports and advocates the implementation of the Congress Charter for Fair Conditions at Work and invites Congress to address us on same.

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

Cllr. T. Ferris PROPOSED the motion.

Cllr. P. Daly SECONDED the motion and it was agreed.

**24. Acquisition of Kerry Technology Park**

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

That Kerry County Council would proceed as quickly as possible with the acquisition of Kerry Technology Park in conjunction with IT Tralee. The further development of the Park is critical to the economy and development of Tralee.

**The following report issued:**

**The acquisition of the Kerry Technology Park is a key pillar to the Kerry Economic Strategy and the KTP has been identified and acknowledged within the Regional Action Plan for Jobs as a regional prime site for jobs growth and economic development. Kerry County Council and the Institute of Technology Tralee are actively in the process of acquiring KTP and I will**

**brief members once the process has been finalised and the acquisition completed.**

Cllr. J. Brassil welcomed the reply.

Cllr. T. Ferris **SECONDED** the motion.

## **25. Measures being taken to assist SMEs in the county**

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

That Kerry Country Council give details on the number of small to medium size businesses that have ceased operations in the County since January 2011 based on the information available and will this Council give a detailed report on the measures being taken to assist SMEs in Kerry and will this Council examine ways of initiating a Shop Local Day and the introduction of a Loyalty Card which would give discounts to card holders and encourage everyone to shop local.

**The following report issued:  
Business Statistics**

**Businesses trade as sole traders, partnerships and limited companies and statistics are difficult to compile as up to date business registration can only be sourced from Company Registration Office and Revenue Registration. This information is not freely available and is compiled on a historic basis by the Central Statistics Office.**

**The most recent generic data is contained is the Central Statistics Office (CSO) Business Demography Data 2012 published in December 2014 which contains a review of business deaths and births nationally. An analysis of national data leads to extrapolation for Co. Kerry figures.**

**This data indicates that the number of businesses ceasing operation in Co. Kerry was approximately 580 businesses per year (2011) and the number of business births was 380 (2011). This indicates a net decline of 200 businesses in 2011. The trend over the intervening years has been a decline in the the number of business deaths and a rise in the number of business births. This is a positive trend and a reflection of a recovering economy. The gap between the number of business deaths and births is narrowing.**

**This trend is emphasised by other national statistics ([www.businessbarometer.ie](http://www.businessbarometer.ie)) which indicates that there were 13,918 company start-ups formed nationally between January and September 2015. This represents an increase of 6% on last year's figure (13,103). This is the highest increase since 2007.**

### **Measures to assist SMEs**

**Kerry County Council provides assistance to SMEs through;**

- 1) Financial support (Grant assistance and access to Microfinance loans)**
- 2) Trading online vouchers to increase online trading levels**
- 3) Pre business training through Start Your Own Business programmes to assist business planning and business plan development.**
- 4) Business Growth Programmes (for businesses > 3 years of age) - analyses business performance and margins**
- 5) Sectoral support programmes such as food programmes.**
- 6) Ongoing mentoring and advisory supports in areas such as online marketing, social media, taxation, strategy and planning**
- 7) Rates review and pre business commencement advice in areas such as planning etc.**
- 8) Internal cross section referral to deal with issues such as as planning, revenue, casual trading etc.**

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

**Kerry County Council also works closely with the IDA and Connect Ireland.**

**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.**

### **Shop Local and Loyalty cards**

**Kerry County Council has been working closely with a number of Town Chamber Alliances. The initiation of a "Shop Local" day and Loyalty Card will be encouraged. The promotion of an online trading platform through the Trading Online Scheme promoted by the KCC Local Enterprise Office could assist in generating joint marketing actions such as "Shop Local" and "Loyalty Card" initiatives. This will be promoted and developed.**

Cllr. M. Cahill welcomed the detailed reply. He pointed out, however, that more businesses ceased trading in the first 6 months of 2015 than in the full year of 2014. These businesses are very important for Kerry and he asked that they would be given every assistance possible. Cllr. Cahill paid tribute to Mr. T. Hayes and his team for their work with the business community in Kerry. He asked if the liability for rates could be phased in over 3 years for new businesses. In the first year they would pay  $\frac{1}{3}$ , the second year  $\frac{2}{3}$  etc. Consideration should

also be given to the introduction of a loyalty card on a trial basis. Small businesses need the support of everyone if they are to survive.

**27. Call for the removal of the penalty imposed by meat factories on animals that have more than three movements in their lifetime**

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

To ask Simon Coveney, Minister for Agriculture, Food and the Marine to ask the meat processing factories to remove the penalty they implement for animals that have more than three movements in their lifetime. This regulation is hitting the farmers on marginal lands as our land is not good enough to finish animals.

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

Cllr. D. McCarthy said this issue came to light in the past 6 months. If animals are moved more than 4 times in a year the factories impose penalties of up to €200. This is unacceptable and he called on the Minister for Agriculture, Food and the Marine to address this issue with the meat factories.

Cllr. A. Thornton SECONDED the motion.

**28. Hedge cutting**

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

To ask for a full breakdown of the enforcement actions taken by Kerry County Council since 2010 where landowners refused to cut roadside hedges. How many cases did this Council take to court for non compliance with hedge cutting notices or recouping costs where the Council had to cut the hedges, in this 5 year period. Also are Kerry County Council going to follow up on my proposal to spray overgrown concrete palings they erected at dangerous junctions and bends all over Kerry.

**The following report issued:**

**The Council's Enforcement Officer receives in excess of 400 complaints annually, in relation to locations where hedges are considered to be a risk to public safety, and all of these locations are investigated. Where it is considered that there is a potential hazard, the Council serves notices on the landowner or occupier to have the matter addressed. In the vast majority of such cases, the landowners comply with the notice served.**

**Since 2010, we have initiated legal proceedings against 8 landowners who did not comply with notices issued. Of these, 6 cases were not heard in court, as the works were completed in 4 cases and 2 landowners passed on prior to the date of the hearing. However a successful prosecution was achieved in 2 cases. Given the difficulties and costs that we have**

experienced previously in bringing cases to Court, we amended our Hedgecutting policy in 2014.

The policy was reviewed again in early 2015 by the Operations SPC, and as advised to Council at the July meeting, it was agreed by the SPC members, that the provisions in the policy were adequate but greater emphasis should be given to implementing the policy. It was also 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 such action should have a more positive impact on promoting compliance.

Furthermore, having regard to the views expressed by the members in recent debates, the request for additional resources, and the need to provide a more effective response to the members, we have reviewed our operational procedures.

As communicated to you on the 11th September 2015, in order to get more effective use of the Road Enforcement Officer's time, in investigating complaints, administrative support is being provided. Revised procedures have now been put in place, to acknowledge all representations made and provide a follow up report on the outcome of any investigation. This will also allow for effective monitoring of complaints received, identification of persistent offenders, measurement of performance, and recovery of costs.

Ms. Claire Leahy A.S.O. in the Operations Department has been assigned responsibility for processing representations received. A representation or complaint can be made to the main office by ringing 066-7183677 or email [roads@kerrycoco.ie](mailto:roads@kerrycoco.ie).

All representations will be acknowledged and further correspondence will issue to members within 21 days, informing you of the decision on what action will be taken, if any, in response to your representation.

Where a representation is made through the Municipal District or local Area Engineers Office, these will be acknowledged from the main office in the Operations Department.

Whilst it is acknowledged that at certain times of the year, it is difficult for our Enforcement Officer to fully investigate all complaints within a reasonable timeframe, additional support will be provided at local area level, using existing resources, to investigate sites, on foot of any

**representation received. All replies will issue through Ms. Leahy, which will allow us to monitor the effectiveness of our response to you.**

**Whilst our Roads Enforcement Officer, Sean Barry, will continue to take calls from Elected Members, because of the volume of calls that he receives, we cannot guarantee that these representations will be acknowledged and therefore I would ask that representations be made through the contact number advised above.**

**As part of our internal review on hedgecutting procedures, a database, of critical junctions and specific locations, where the Council have set back boundary fences to improve sight visibility lines, will be developed. An inspection regime will be put in place to ensure that any hedge growth in these areas is adequately maintained. Where boundary fences have been set back for such purposes, responsibility for the maintenance of the hedge or fence remains with the landowner.**

**If there are issues in relation to any specific location, these can be addressed through the local Municipal District or local Area Engineer's Office.**

Cllr. B. Cronin stated in excess of 400 complaints are received annual. Therefore 2,000 complaints were received from 2010 to-date yet just 2 prosecutions were taken. That is the source of the problem. He complimented landowners who always cut their hedges. Cllr. Cronin acknowledged the difficult job the Roads Enforcement Officer has to do and said it is impossible for one man to cover the entire county. People who pay road tax, LPT, water charges etc. are very annoyed as their cars, vans, buses etc. are damaged by overgrown hedges and they feel Kerry County Council is failing them. It is wrong that the owner of a bus or lorry must pay €1,000 to replace a mirror that was broken by overgrown hedges. Cllr. Cronin said both he and his neighbours cut their hedges yet some landowners have not cut their hedges for 10 years. Those who are non-compliant show no regard for pedestrians, cyclists or motorists and they believe the Council will not take any action.

He asked, where land is leased / rented long term, who is responsible for cutting the hedges. Some occupiers of land appear to think they are not responsible for hedges if they are renting land. Cllr. Cronin requested that the contact number and email address would be publicised through the media. He referred to locations where Kerry County Council removed bad bends and erected concrete posts and wire and he asked is the onus on the Council to cut back growth at these locations? He did not accept the reply on this which indicated that the landowner is responsible. In his opinion if the Council improved the bend there is a duty on them to maintain these areas and to burn off growth. Cllr. Cronin asked that the issue of overgrown hedges is addressed before Christmas.

Cllr. J.J. Culloty **SECONDED** the motion and said the Council must take more action to address this ongoing problem. The Roads Enforcement Officer is doing a great job but he should be out on the road contacting landowners to ensure hedges are cut. There is a moral duty on the Council to do this. Landowners should be given a certain timeframe within which to cut their hedges as the present system is not working.

Cllr. D. Healy-Rae said he asked that the Council would cut the hedges on Council owned land but that has not happened in many cases. It is not reasonable to ask landowners to cut hedges when the Council does not cut the hedges on their land.

Cllr. J. Healy-Rae stated the Council owns land in a number of locations on the road from Loo Bridge to Kenmare and he asked that these hedges are cut before any hedge cutting notices issue.

Mr. C. O'Sullivan stated either the owner or occupier of the land can be issued with a hedge cutting notice. The letters issue primarily to create awareness. While 400 complaints were received and letters issued to the landowners it transpired most of the hedges were cut following receipt of the letters. Eight cases were taken to Court but in 2 of these the landowners died and a further four had cut their hedges by the time the case was up in Court. Therefore there were just 2 successful prosecutions. In light of experience gained the policy was reviewed and staff were informed where there is a danger to the public that the landowner would be given 21 days to cut the hedges. If he/she did not comply the Council will cut the hedges and recoup the cost. It is frustrating going to Court as the case is dismissed if the hedges are cut prior to the Court date. The Roads Enforcement Officer also deals with Beach Bye Laws and Casual Trading Bye Laws. Each of the Municipal Districts is being tasked to identify 10 locations where there is an issue with overgrown hedges and they are asked to pursue them. A new structure has been put in place whereby all complaints should be reported to Claire Leahy in the Operations Department and a follow up report will be provided to members.

Mr. O'Sullivan accepted that the Council should cut hedges where boundary fences at junctions were set back. However in a number of cases Councillors Allocations were provided to move a fence in at a bad section of road. Unfortunately these sections are so short it is not feasible for the Council to send out a hedge cutting machine to cut them. He pointed out that the original boundary belonged to the landowner and they should continue to cut these hedges.

Cllr. B. Cronin asked that Claire Leahy's contact details are publicised. He expressed his dissatisfaction with the response in relation to areas where bends were removed by the Council at a cost of €8,000 to €10,000.

Cllr. D. Healy-Rae stated he moved a Notice of Motion at the September meeting calling on the Council to cut their hedges but that was not done.

Cllr. J.J. Culloty stated while 400 complaints were received the problem is at least four times greater. He travels roads where the hedges are very overgrown but they are not reported. The present policy is not working.

The Chief Executive stated the Roads Enforcement Officer has made a lot of progress. However she accepted that a different approach is required and Mr. O'Sullivan and his staff are reviewed procedures at present. An administrative structure is now in place and she wanted to see more enforcement. Ms. Murrell undertook to address the issue of the cutting of hedges on Council owned land.

Cllr. A. Thornton moved Notice of Motion No. 29 on behalf of Cllr. Kennelly.

## **29. Flooding alleviation measures to be carried out in the North Kerry**

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

That this Local Authority give an update on the flooding alleviation measures to be carried out in the North Kerry area following on from our recent flooding on the 11th September 2015.

### **The following report issued**

**The recent flood event of September 2015, following a period of intensive rainfall, when over a months rain was recorded over a 3 day period, caused flooding at in excess of 20 different areas throughout the Listowel Municipal District.**

**Most of the issues involved local roads flooding along with adjoining lands/properties, as a result of either overflowing streams or run off from lands where streams/drainage routes were unable to cope with the intensive rainfall. These areas, and in particular any bridges/culverts, are in the process of being assessed, specifically regarding any damage caused, or to identify where improvements can be made.**

**Specifically, the area north of the John B Keane Road in Listowel town, encompassing the townlands of Curraghatoosane, Clievragh and Dromin, between the Ballybunion and Ballylongford roads was particularly affected by the recent intensive rainfall event, which affected properties in the Industrial Estate and a number of nearby houses. This area was also affected by extreme rainfall in May 2014, following which a number of measures were put in place to mitigate against the risk of flooding under reasonable circumstances.**

**Notwithstanding that the recorded rainfall was considered, both times were identified as being greater than a 1 in 80 year event, the Council**



**acknowledges the difficulties for those affected and in particular the impact on retaining and promoting industry in the town. However, we are also mindful that any works to relieve flooding in this area cannot be allowed to impact on other properties in the town.**

**The Council is currently preparing a tender brief to appoint Consultants to complete a Flood Report for this area, which will fully examine:**

- **the catchment area contribution to this flooding,**
- **the sources of flooding,**
- **the capacities within the existing drainage networks, and**
- **identify and cost proposed solutions to protect properties by alleviating flooding in these areas.**

**Subject to receipt of satisfactory proposals, we would hope that a Consultant will be appointed to carry out the study and complete a report within the next 4 to 6 weeks.**

### **30. South Kerry Greenway from Glenbeigh to Caherciveen**

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

That the Members of the South & West Kerry Municipal District call on all Members of Kerry County Council and all Kerry Members of the Dáil and Seanad Éireann to give their full endorsement to the South Kerry Greenway from Glenbeigh to Caherciveen and co-sign a letter giving 100% backing for this vital project for the County.

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

Cllr. M. Cahill moved this motion and said all members and Oireachtas members should fully endorse this project. He was aware there are issues with landowners but one landowner's holding is already split by the Ring of Kerry road. Mr. T. Sheehy has stated that annual payments to landowners cannot be considered until the CPO process is complete. These landowners are entitled to a payment.

Cllr. M. Gleeson **SECONDED** the motion and stated he first proposed this project in 1997 and he was disappointed it has taken so long as it will be of enormous economic benefit to South Kerry.

The Chief Executive stated the CPO process is progressing while detailed design and costings are being drawn up. This is a very challenging project but there is progress on it.

### **Approval for the opening of Tenders**

Mr. G. O'Brien informed the meeting that approval was required for the opening of tenders for the N69 Pavement Rehabilitation at Tarbert – Closing date: not before the 30<sup>th</sup> October, 2015.

On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. A. Thornton it was agreed to approve the opening of tenders for the N69 Pavement Rehabilitation at Tarbert – Closing date: not before the 30<sup>th</sup> October, 2015.

### **15.10.19.11 Correspondence - Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. D. McCarthy it was agreed to approve the attendance of Mayor T. McEllistrim and Cllr. S. Locke at the Tidy Towns Awards Ceremony in Dublin on the 28th September 2015.
- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Cahill it was agreed to approve the attendance of Cathaoirleach, Cllr. P. McCarthy at the Ireland 2016 County Plans Launch in Dublin on the 8th October, 2015.
- (c) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J.J. Culloty it was agreed to approve the attendance of Cathaoirleach, Cllr. Pat McCarthy at the Kerry Association London Annual Dinner Dance and the St. Joseph's Home Charity Dance from the 15th to 17th October, 2015.
- (d) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. J. Moloney it was agreed to approve the attendance of Cllr. A. Thornton at the Regional Conference on the theme "A New Approach to Drug Policy to Promote Health and Reduce Crime" held in Charleville, Co. Cork on the 16th October, 2015.
- (e) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Moloney it was agreed to authorise the attendance of Cathaoirleach, Cllr. P. McCarthy at the Lord Mayor's Show in London from the 12th to 15th November, 2015.
- (f) On the PROPOSAL of Cllr. S. Locke, SECONDED by Cllr. D. McCarthy it was agreed to authorise the attendance of Cllrs. J. Healy-Rae, M. O'Shea, J. Moloney, A. Thornton, D. Healy-Rae and J.J. Culloty at the Esperanze Enterprise Conference on the theme 'Urban Regeneration and Housing Act 2015' to be held in The Connacht Hotel, Dublin Road, Galway on the 20<sup>th</sup> and 21<sup>st</sup> November, 2015.

Cllr. J. Healy-Rae was nominated to report back to Council on this Conference.

- (g) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. S. Locke it was agreed to authorise the attendance of Cllrs. B. O'Connell and D. Grady at the Killarney/London Reunion on the 21st November, 2015.

#### **15.10.19.12 Correspondence General**

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

1.	Letter dated 23 <sup>rd</sup> September, 2015 from Transport Infrastructure Ireland in response to a resolution from Kerry County Council in relation to the provision of safety remedial measures on sections of the N22 at Farranfore.
2.	Email dated 8 <sup>th</sup> October, 2015 from the HSE in relation to the reimbursement of patients for the cost of the drug Fampyra.
3.	Letter from AILG in relation to changes to Clause 5 of Standing Policy Council Chapter.
4.	Letter dated 17 <sup>th</sup> September, 2015 from Sligo County Council in relation to a resolution adopted by that authority calling on the Minister for Finance to give consideration to concerns raised before he signs the remaining Sections of the 2012 Credit Union Regulations into law.
5.	Letter dated 18 <sup>th</sup> September, 2015 from Tipperary County Council in relation to a resolution adopted by that authority calling on the Department of Education to introduce the topic of Suicide awareness, depression and mental health into the Irish Secondary School education curriculum.
6.	Letter dated 24 <sup>th</sup> September, 2015 from Clare County Council in relation to a resolution adopted by that authority calling on the Minister for Agriculture to increase the slaughter period from 30 to 36 months in order to help small and medium producers of beef.
7.	Letter dated 28 <sup>th</sup> September, 2015 from Leitrim County Council in relation to a resolution adopted by that authority calling on the Minister for Social Protection to have epilepsy included as a condition for a Free Travel Pass.
8.	Letter dated 28 <sup>th</sup> September, 2015 from Leitrim County Council in relation to a resolution adopted by that authority calling on the Minister for Finance to reduce the amount of Inheritance Tax payable on the transfer of lands or property.

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9.	Letter dated 30 <sup>th</sup> September, 2015 from Galway County Council in relation to a resolution adopted by that authority calling on the Government to amend legislation governing the administration / collection of commercial rates to introduce a 'Commercial Rates Credit Scheme' to support business owners and occupiers that are financially impacted by infrastructure works / road works carried out in their area that persist 2 weeks.
10.	Letter dated 9 <sup>th</sup> October, 2015 from Donegal County Council in relation to a resolution adopted by that authority calling on the Government to issue a bus pass to all cancer patients etc.
11.	Email dated 9 <sup>th</sup> October, 2015 from Cork City Council in relation to a resolution adopted by that authority calling on the Minister for Education and Science and the NCCA to review the downgrading of history as a mandatory core subject on the revised Junior Certificate Curriculum.

The Meeting concluded at 3.40pm.

**Gerard O'Brien**

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**Meetings Administrator**

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**Cathaoirelach of Kerry County Council**