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MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I POBAIL NAOMH BREANDÁN, BAILE MHIC EILEAGÓID, TRÁ LÍ, AR AN LUAIN , 21 NOLLAG, 2015.

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN ST. BRENDAN'S COMMUNITY CENTRE, BALLYMACELLIGOTT, TRALEE ON MONDAY, 21ST DECEMBER, 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	M. Kennelly	S. Locke
D. McCarthy	T. McEllistrim	J. Moloney
N. Moriarty	D. Nolan	T. O'Brien
B. O'Connell	M. O'Shea	L Purtill
D. Quigg	J. Sheahan	G. Spring
A. Thornton	P. McCarthy	

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
Ms. J. McCarthy, SEO Tourism	Mr. B. Looney, Head of IT & Comm. Dept.
Mr. J. Kennelly, SE Water Services	Ms. K. Kennelly, Arts Officer
Ms. B. Reidy, SSO Corporate Support	Ms. C. Fitzgerald, A.SO. Corp. Support
Ms. M. Galvin, CO Corporate Support	

The meeting commenced at 11.10am.

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

The Cathaoirleach welcomed Fr. Pat Crean Lynch, Sr. Bernadine, the students and teachers from O'Breannan and Clogher National Schools and the Press to the meeting. He thanked the Committee of St. Brendan's Community Centre for hosting the meeting and he acknowledged the fact that the site for the Community Centre, the site for the Handball Alley and the football field were donated by Mr. Jimmy McEllistrim RIP.

Supreme Court ruling on the Kiely-v-Kerry County Council and Others Case

The Cathaoirleach then called on the Chief Executive to address the meeting on the recent Supreme Court decision in the Kiely-v-Kerry County Council and Others case.

Ms. M. Murrell, Chief Executive stated the Supreme Court decision on the Dan Kiely – v – Kerry County Council and Others case issued the previous Thursday. The decision of the Supreme Court is that a Count Afresh would take place for the Listowel Electoral Area having regard to its decision on the manner in which certain ballot papers should now be treated. This is a landmark decision and it will impact on all future elections. The decision of the Supreme Court acknowledged that the actions of Kerry County Council in conducting the Count for the Local Election were in accordance with the Guidelines issued by the Department of Environment, Community and Local Government. The Supreme Court judged the law to be different to interpretations heretofore and this legal clarification is welcomed by Kerry County Council. The Supreme Court has yet to make an Order arising from this decision and it is intended it will refer the matter to the Circuit Court to make arrangements for the Count afresh. This Count will be carried out with the new legal clarification and under the direction of the Circuit Court. It is a matter for the Circuit Court to decide on the Count.

The current legal status of Kerry County Council is critical and for this reason she issued clarification to members the previous Friday. Ms. Murrell stated she was satisfied that the current Council continues to have legal effect as do the Municipal Districts, Committees and sub Committees of the Council. This will continue to be the case until the Count afresh is completed and any Order of the Circuit Court issues. There may be significant costs arising from the case and the Supreme Court will rule on this in the New Year. Kerry County Council always aims to minimise costs and her advice to members was that it was business as usual and she hoped there would be an early conclusion to the matter.

Mr. M. O'Donoghue, A/Director of Corporate Services referred members to his report on this item which was circulated and he read it into the record of the meeting.

“The Supreme Court delivered its judgement in the Kiely-v-Kerry County Council and Others last Thursday 17th December. While the judgement has been delivered no Order has been made at this point by the Court.

Court Decision

The Court delivered 4 lengthy written judgements and these are publically available.

While the case relates specifically to the Listowel Electoral Area at the last local Elections the decision is significant for all Elections into the future and substantially changes what has been well established policy, process and procedures at the conduct of Election Counts.

The Supreme Court appeal and case mainly revolved around one central issue – the question of whether a numerical sequence not including a clear ‘1’ or ‘one’ could or should ever be considered a valid vote and included for the purpose of election counts e.g. whether a sequence of 3,4,5 could or should ever be counted as 1,2,3. The Court has found that, as a matter of law, this cannot be the case and has now clarified that these votes should be excluded.

Prior to this judgement the inclusion of such votes had been well established practice in all Election Counts and indeed was provided for in various instructions and Guidelines issued to Returning Officers by the Department of the Environment for a considerable period of time. At the time of the Count for the last Local Elections this practice and the instructions and Guidelines were followed by Kerry County Council.

This legal clarification must be welcomed. For all involved in the Electoral Process this clarification brings certainty to this aspect of the Counting of Votes and will greatly assist the management of and participation in the Count process for future Elections.

Local Implications

Apart from the significant national implications into the future the decision also has implications locally as follows:

After the four judgements had been handed down on 17 December, 2015, the Chief Justice indicated that the court proposed to make an Order that the votes for the Listowel area should be counted afresh and that an Order for that purpose should be made. In addition it was proposed that the court should give a direction that in the context of counting the ‘votes afresh’ that votes containing a sequence of numbers not commencing with “1” or “one” should be excluded from the count. In all other respects, a full count should be conducted from the very beginning including a re-mixing of the ballot papers and a re-examination of the

validity of all ballots irrespective of how they might have been dealt with previously. All the normal Count steps will be followed as normal from that point including a redetermination and ruling of the validity of ballot papers. It must be noted that this is distinct and different from a recount. It re-introduces a further randomness into the process but this has been acknowledged in the Court decision.

There is nothing in the Supreme Court judgements which suggest that the court intended that it (namely the Supreme Court) should make a determination that the election should be declared void. On the contrary, the Supreme Court has left that to be dealt with in due course by the Circuit Court. The only Order which the Supreme Court has indicated that it will make is an Order that the votes should be 'counted afresh' under the supervision of the Circuit Court. Once that count has been completed, it will then be up to the Circuit Court to decide what final Order (if any) should be made.

Following that count, the legislation stipulates that it will be a matter for the Circuit Court to issue a further order in respect of the outcome of the Count, if one is required. It is only if the Circuit Court makes such an Order declaring a result which is different to that declared in May 2014 that there are any consequences for the Councillors for the Listowel area. Unless and until such an Order is made, and until that Order is served on the County Council, the Members previously declared elected in May 2014 continue to be entitled to be treated as Members of Kerry County Council. Any such order must be formally served on the Council. It is only at that point (on receipt of any such order) that any possible changes to the Membership of Council could or would become effective.

The Local Elections (Petitions and Disqualifications) Act 1974 is very specific and clear on the interim position until the matter is finally concluded. All decisions and acts of the Council heretofore and up to the point of any Circuit Court Order are valid and remain so in law. The Council can therefore continue to function without interruption to its normal statutory remit. This position has been confirmed by advice from Senior Counsel.

Next Steps

The Supreme Court will be scheduling a further hearing date to deal with the matter of Costs and it is expected that around that time they will finalise their Order remitting this matter back to the Circuit Court to progress the new Count.

It will then be a matter for the Circuit Court to progress the issue through the count.

At this point therefore the matter clearly remains within and before the Court and it is a matter for the Courts to determine when the matter proceeds.

We will keep the Council informed of any developments.”

Cllr. J. Brassil welcomed the clarification from the Chief Executive and Mr. O'Donoghue on this landmark case. He asked when it is envisaged the count afresh would take place and stated the sooner in the New Year the better. In relation to the issue of costs Cllr. Brassil stated as the Council complied with Departmental Guidelines and it is a matter of national importance Kerry County Council should not have to pay the costs involved. He asked if the validity of all ballot papers would be checked and if 'x' was used to indicate a number '1' and 'xx' to indicate a number '2' will these votes be deemed valid. At the original count a number of disputed ballot papers were adjudicated upon and he asked if they would have to be adjudicated upon again. Will the Judge of the Circuit Court decide on doubtful ballot papers?

Cllr. Brassil fully supported the Chief Executive's view that it is business as usual. He asked if the Circuit Court makes an Order resulting in a change to the membership will it be open to challenge.

The Cathaoirleach then welcomed the pupils and teachers from Gortatlea and Flemby National Schools.

Cllr. M Cahill asked when the Count afresh would take place. He understood the Circuit Court will not sit in January and he asked if it will convene specifically to deal with this matter. Cllr. Cahill asked how much the legal fees have cost to-date and he asked that members would be provided with the details of legal fees incurred for the last 5 years.

Cllr. P. Daly cautioned that the Council is in uncharted waters and he urged caution. He understood the Supreme Court would rule on costs in the New Year. While the update stated there is nothing in the Judgement to indicate that the current Council is void surely an aggrieved person could seek a Judicial Review. He believed it could be argued under the 2014 Act that the Council is not properly constituted. Fortunately there was nothing very controversial on the Agenda for that meeting. It should be a matter of priority that this matter is dealt with by the Circuit Court as soon as possible and that the Count is concluded.

Cllr. M. Gleeson stated undoubtedly as the Supreme Court judgement is of national importance the State should cover the cost of the case. He welcomed the legal clarification in the judgement.

Cllr. D. Grady stated if the Department gave the wrong information they should be held accountable. He asked if the procedure applied was the same for all local authorities.

Cllr. D. Healy-Rae stated it is clear that Kerry County Council and its staff conducted the Count properly and in accordance with the Guidelines. As there was an EU Election on the same day it was common place across the country that some ballot papers for the Local Election did not have any No. 1 or No. 2 on them. The Department Guidelines clearly stated in such instances a No. 3 would be taken as a No. 1. However there was no legal basis for this direction. He asked if the Minister would undertake an advertising campaign in advance of future elections to advise voters of the need to start at No. 1 on all ballot papers. This is vital to ensure people will not be disenfranchised.

Cllr. M. O'Shea accepted the contribution by Cllr. Daly but said he was confused by the information given to members. He asked if the Supreme Court ruling means the Council is still valid and can continue to operate as normal pending the outcome of the Count afresh. He expressed concern that the County Solicitor was not present to answer questions.

Cllr. N. Foley welcomed the pupils and teachers to the meeting and stated the Supreme Court ruling will impact on them. Following this decision there is an urgent need for a strong advertising campaign to advise voters on how to mark the ballot paper. The independence of each ballot paper must be clearly outlined for voters by the Department. As the Department issued Guidelines to local authorities which were followed in Kerry the Department should cover the cost of this case. She asked where the votes from the Local Election are stored and she supported calls for a resolution to this issue as soon as possible. Cllr. Foley added that she was satisfied to accept the advice of Senior Counsel that it is business as usual for the Council. She acknowledged the work of Management on this case and stated that this is a ground breaking ruling that will impact on all local authorities. She acknowledged the role of Management in handling this case and the manner in which members were updated.

Cllr. J. Finucane pointed out there is a human side to this case. In all its deliberations the Supreme Court acknowledged this was a matter of public interest. Heretofore the Council followed the Guidelines issued by the Department but this ruling has meant changes that will impact on all future elections. The Council must act in the public interest and the onus is on Management and the members to look after the county.

Cllr. B. Cronin echoed the sentiments expressed by previous speakers and stated there is a human side for the councillors elected for the Listowel Municipal District and Mr. Kiely. They will be in a very difficult position until the Count has been legally finalised. Cllr. Cronin expressed concern at the implications of the changes and also at the cost involved. It would be wrong if the rate payers of Kerry had to meet these costs. Election Counts were always carried out in accordance with the Guidance Memorandum issued by the Department and this case arose as a result of the Guidelines for which there was no legal basis. For

this reason he believed the Department should pay the cost of this case. On a personal note he stated he could never understand how a No. 3, 4 and 5 could be taken as No. 1, 2 and 3. This is a very important ruling and he asked if there was an estimate of the costs involved.

Cllr. R. Beasley stressed that Kerry County Council complied with the Guidelines issued by the Department and he expressed concern that the Council may be liable for the costs involved. The Department should be liable for these costs. Mr. Kiely should be congratulated on his challenge as it is an important ruling for the PR system and the Supreme Court decision will impact on all future elections. However it is unfortunate both for Kerry County Council and the members of Listowel MD. He called on Management to ensure rate payers are not asked to pay the cost of this case.

Cllr. A. Thornton stated the Supreme Court issued three decisions but made no Order to-date. She urged caution and stated that a future Circuit Court may make an Order and she asked that further legal opinion would be sought on the validity of the current Council.

Cllr. T. O'Brien complimented the Cathaoirleach and the people of Ballymacelligott on hosting the meeting. He thanked the Chief Executive and Mr. O'Donoghue for the update on the Supreme Court ruling.

Cllr. J.J. Culloty stated No. 1, 2 and 3 votes are all that will be permitted for future elections. Under no circumstances should Kerry County Council have to pay the cost of the case.

Cllr. P. Connor-Scarteen stated the Council followed the procedures set down in the Guidelines issued by the Department. Following this ruling there is a need for greater public awareness of this process.

The Chief Executive stated the matter of costs will be decided by the Supreme Court early in the new year. She took legal advice on the validity of the current Council and she was satisfied that the current Council is valid and it is business as usual. She agreed it is important to conclude this matter as soon as possible but she added that it will be under the direction of the Circuit Court Judge. If the outcome of the Count afresh is different to the original outcome the Circuit Court must make an Order.

Mr. M. O'Donoghue reminded members that this matter is still before the Courts. There will be a fresh determination of doubtful ballots and it will be a matter for the Circuit Court to decide on the logistics of the Count. All local authorities are obliged to keep ballot papers as there can be a Petition for up to 12 months after the Election. In relation to the query if others can appeal in due course he stated that is not clear at present. The Circuit Court is not sitting at present and up to that day it was unaware of the Supreme Court ruling. All local authorities

followed the same procedures for the Count as Kerry County Council. This is the first time a case was taken to the Supreme Court but there were a number of Petitions to Circuit Courts in the past.

The Chief Executive stated the Council's Solicitor was not present as this matter is still before the Courts and it would not be appropriate for her to attend the meeting or to comment on the case. Kerry County Council was also in the Supreme Court the previous Friday (in the case of Michael Rowan V Kerry County Council and Timothy Mulvihill) where the Court ruled in favour of the Council and costs were awarded to the Council.

Cllr. J. Healy-Rae stated he did not blame Council staff and he asked that the costs involved in the case would not be paid by the Council or would not be a burden on the people of Kerry.

Cllr. M. Cahill requested an estimate of the legal costs to-date.

The Chief Executive stated the issue of costs will be dealt with by the Supreme Court in January and she did not have an estimate at that time.

Emergency Motion

Cllr. M. Cahill stated all members received an email from a family whose young daughter is a Cystic Fibrosis sufferer. This is a very difficult condition without appropriate help, medical care and drugs. A new drug called Orkambi has been on trial for CF patients and it can transform their lives. Cllr. Cahill called on the Minister for Health and the HSE to fund this drug in 2016. Ireland has the highest rate of CF in the world and the person who brought CF sufferers plight to the fore was the late Billy Bourke. The cost of the new drug would be approximately €160,000 per patient per annum. Another CF drug was not funded initially by the Government but a better price was subsequently negotiated with the drug companies. Cllr. Cahill called on the Department of Health to negotiate a better price with the drug companies for Orkambi as there is an urgent need for it.

Cllr. D. Grady **SECONDED** this proposal and stated this new drug is very important for CF sufferers and in some instances may be their only chance for survival.

Cllr. T. Ferris **PROPOSED** an amendment that Marisa Reidy, whose daughter is a CF sufferer or someone affected by CF would be invited to address the January Council meeting.

It was unanimously agreed to refer Cllr. Cahill's proposal to the Minister for Health and the HSE for consideration.

15.12.21.01 Cathaoirleach's Report on the CPG meeting held on the 15th December, 2015

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

"Item 1 Agenda for the December Council Meeting

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

Item 2 Update on the Global Rates Revaluation

Ms. A. McAllen stated the Global Revaluation of Utilities in the County by the Valuation Office has resulted in a very significant financial loss of €425,000 to this Council for 2016 which will be a year on year impact. Kerry County Council has been notified that it will receive an allocation during 2016 which is a once-off payment only to meet the loss following the global revaluation of utilities for 2016. No further commitment for funding financial losses of this nature is given. This is a matter of serious concern given our dependence on commercial rates as a source of income to this Council.

Cllr. J. Finucane proposed that the Regional Managers of Banks would be requested to meet with Council to discuss the lack of credit facilities for small to medium enterprises.

Cllr. R. Beasley seconded this proposal and it was agreed that it would be recommended to full Council.

Cllr. J. Moloney asked that the utilities would be encouraged to pass on this saving to their customers.

The Cathaoirleach suggested that a representative from the Valuations Office would be invited to attend a Council meeting to brief members on the valuation process.

Item 3 Update on the new Tenant Purchase Scheme

Mr. J. Breen briefed members on the new Tenant Purchase Scheme which will come into operation on the 1st January 2016. A copy of the Summary Notes on the new Scheme is attached.

It was agreed that this would be discussed in detail at the Housing Meeting in January.

Item 4 Update on the 2016 Commemorations

Mr. J. Breen stated that the 2016 Centenary Programme for Kerry was launched the previous week. He stated it was an ambitious programme and that Kerry County Council had worked with the SPC to source additional funding which has now been secured. This will be used to ensure the Programme is implemented in full. Any events that are added to the Programme will be updated on our website.

**Item 5 Report on the severe weather event of 4th – 6th
December 2015**

Mr. C. O'Sullivan briefed the meeting on this item and a copy of his report is attached.

All members paid tribute to Council staff for their work over that past two weekends during the flooding and they also welcomed the regular updates.

Item 6 Winter Readiness Campaign 2015 -2016

Mr. J. Breen informed members that copies of the 'Be Winter Ready' booklet were distributed through the PPN. A copy is also available in all Council Offices and Libraries and can be downloaded from www.winterready.ie. The booklet deals with issues such as advice for the Elderly and their Families and Neighbours, Flooding, Road Safety, Farm Safety, the Business Sector, Schools etc. A copy of the booklet will be circulated to all members at the Council Meeting.

**Item 7 2016 – 2018 Multi Annual Restoration Improvement
Programme**

Mr. C. O'Sullivan stated a letter issued to members on the 4th December asking them to submit roads for inclusion in the Multi Annual Restoration Improvement Programme. The 15th December was the closing date for receipt of these submissions and it is hoped to have the Programme drawn up by early January. It will then be considered at Municipal District meetings before being considered for adoption at the February Council Meeting.

Item 8 Update from the SPC Chairs

Mr. J. Moloney stated a meeting of the Housing/Quality of Life SPC was held on the 12th November and he briefed the meeting on the items discussed at that meeting.

Item 9 Any other business

The Cathaoirleach stated that he had been approached by a number of members regarding recent water outages in the Mid Kerry Water Supply Scheme.

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It was agreed that Mr. O. Ring would prepare a report to be circulated with the Cathaoirleach's Report."

The Cathaoirleach then called on Mr. C. O'Sullivan to brief the meeting on the recent severe weather events.

Mr. O'Sullivan briefed the meeting on this item as follows:

"The Council received a Code Level RED Severe Weather Rainfall Alert on Friday 4th, effective from 6pm that evening until 3pm on Sunday 6th December 2015. The alert projected very heavy rainfall, with accumulations in excess of 70mm, and strong gale force winds. There were also flood alerts from the OPW in respect of the River Shannon but these primarily related to the water levels upstream of Limerick. However we were mindful of any impacts that this could potentially have with the high rainfall predicted in the county.

The Council activated it's Severe Weather Response Plan immediately and put in place procedures to deal with the most likely outcome, based on the forecast. Road crews were deployed to fill sandbags; re-check drainage outlets and culverts in known areas of high risk; notify property owners in areas that have flooded in similar circumstances in recent years and to be prepared to respond to flooding as it may occur.

The Civil Defence was activated at 3pm on the Friday to assist in the filling and distribution of sandbags. Approximately 100 civil defence volunteers assisted in the response over the weekend and almost 10,000 sandbags were filled and distributed throughout the county. 6 units of the Fire Service were deployed to respond to flooding of properties

The Council's Flood Emergency Management Team convened 8 times over the period of the storm and there were 7 conference calls with management, An Garda Síochána and the HSE, who are members of the Kerry Emergency Flooding Steering Committee. There was also a conference call with the Cork – Kerry Major Emergency Regional Steering Committee, in case of a need for any specialized equipment or additional resources to be put on standby. A flooding support helpline was established and a communications team issued information and advice on the situation to the general public through our PPN, Radio Kerry, social networks, and the Council website.

The worst affected areas were in Tralee (River Lee Catchment, including Ballyseedy, Ballymullen, Killerisk, Manor West, Caherwisheen, Camp, Skahanagh and Ballyard); Kenmare (Market Square & Finnihy Court in the River Finnihy catchment); Glenflesk and Killarney (Ballycasheen and Ross Road), both in the River Flesk catchment, where properties were flooded. Almost 500 properties in these areas were at risk of flooding and 7 families had to be rescued from their homes on the Saturday night by the Council. Volunteers from

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the Red Cross, Kerry Mountain Rescue, and Killarney Inland Shore rescue were called in, to assist in the evacuation of residents in a house at Foilduane, Glenflesk. The HSE arranged for 2 high wheeled army carriers, to be deployed on Saturday evening from Cork to Tralee General hospital and to Kenmare Community Hospital, to assist in recovering any casualties / patients from high floods.

Sections of key access routes in the county, including the N22 Killarney – Cork Road, the R569 to Kenmare, the N71 Killarney to Kenmare Road over Molls Gap, the N70 Castlemaine Road in Tralee, the Tralee By-Pass were closed as well as a significant number of local and urban roads. The high winds on the Friday evening also resulted in fallen trees which were addressed promptly.

The rainfall recorded varied significantly throughout the county, with less than 50mm recorded in Valentia and Ardfert but gauges around Tralee indicating between 77mm and 114mm, over a 36 hour period. The water level recorded on the gauge on the River Lee at Ballymullen was the highest since it's installation in 1975, exceeding the previous high in 1986, when significant areas in Tralee Town centre were flooded. The levels recorded on the River Flesk, and the flooding witnessed in Glenflesk, equated to a 1 in 1000 flooding event, based on modelling done by the OPW under the CFRAMS study. The flooding in Kenmare was consistent with flooding events previously recorded, though not to the same extent as in 2008.

The emergency response to the severe weather over the weekend of the 4th to the 6th December was stood down at 7 am on the Sunday when flood waters had abated, but some staff assisted in the cleanup operations on the Sunday and following Monday.

A preliminary assessment of the damage to public infrastructure as a direct result of the flooding is estimated at €860,000, with the costs of responding to the event (staffing, pumps, filling and distributing sandbags; fire service response, emergency accommodation) is over €200,000.

The Council received a code ORANGE rainfall alert at 8:30 on Friday 11th December 2015, with prolonged heavy rain totalling up to 50 mm projected on the Saturday. The Council's Severe Weather Response Plan was again activated as there was a risk of further flooding to properties, particularly in high risk areas, with saturated ground and predicted high tides. Given the increased risk, a further 10,000 sandbags were made available, particularly targeting properties flooded the previous week. All of these homes and businesses were contacted directly by staff in the areas, with crews on standby in advance of the high tides on the Saturday morning. Civil Defence crews also on standby and called to a number of properties on the Cashen, in advance of the high tides on the Saturday evening.

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Approximately 38mm of rainfall was recorded in Valentia and whilst river levels in Castleisland, Kenmare and Sneem, were very high, no properties were flooded and a limited number of local roads and the N70 Castlemaine Road in Tralee, were closed for a few hours on the Saturday.

Again the Council's Flood Emergency Management Team convened 7 times over the weekend and there were 3 conference calls with management in An Garda Siochána and the HSE. A dedicated flooding helpline was established in County Buildings with a Communications team established to inform the public and elected members.

Weather conditions improved on the Saturday afternoon and river levels receded before the high tides. The Flooding Response Teams were stood down at 6:30pm on the Saturday, in consultation with An Garda Siochana, HSE and the Civil Defence.

A full assessment of both events is now being carried out on the extent of the damage to public infrastructure and a submission has been made to the Department of the Environment, Community and Local Government, on the preliminary cost of our response and repairs required. The Council is also assisting the Red Cross in processing any claims from businesses for emergency funding.

Details of the extent of the recent flooding are being recorded and will be submitted to the OPW, who are the lead agency for flood risk management and have been tasked by the Government to identify options to mitigate for the future risk of flooding. All of the areas severely impacted by the floods in Tralee, Kenmare, Killarney and Glenflesk are included in these CFRAM studies. These studies involve very complex modelling of flood predictions, taking into consideration the changing environment, and various assessments on the impact of climate change.

The OPW have recently held public meetings in South Kerry to discuss the options for Kenmare, Killarney and Glenflesk. We are working closely with the OPW to ensure that works identified in the CFRAM studies in Kerry are prioritized for funding by Government”.

However, Mr. O'Sullivan also outlined the importance of local communities, particularly in the high risk areas subjected to flooding in the past, to attend these public information sessions, being organized by the OPW. “

The Cathaoirleach informed the meeting that Notice of Motion Nos. 14 and 19 would be taken with that item.

14. Proposals to prevent a repeat of severe flooding

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

Whilst acknowledging the sterling work by Kerry County Council staff during the recent Storm Desmond, what actions are being taken to prevent a repeat of this severe flooding going forward and the devastation experienced by business and home owners across the County.

19. Call for a review of flooding in certain parts of the County

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

To ask Kerry County Council to review the situation in regard to the flooding in certain parts of the County.

The following reply issued:

A detailed outline of the Council's response to the Severe Weather events earlier this month was presented earlier to Council.

The OPW is the State's lead agency in flooding and are developing a national programme of river Catchment-based Flood Risk Assessment and Management (CFRAM) Studies, in line with the European Directive on the Assessment and Management of Flood Risk and to deliver on core components of the 2004 National Flood Policy.

Earlier this year, flood extent maps were published outlining the predicted extent and probability of flooding in Tarbert, Ballylongford, Listowel, Moneycashen, Abbeydorney, Banna, Tralee, Dingle, Castleisland (incl. R. Maine), Milltown, Portmagee, Killarney (incl. R. Laune), Glenflesk and Kenmare. The next phase of this programme is the development of various options to mitigate identified flood risks. The OPW have recently engaged in a public consultation process on various options developed for a number of locations in the South West River Basin District, which the members, in the Killarney MD and the South & West MD, were informed of by the OPW.

In many of these locations, the complete works programme identified, may require significant State investment, which may also be subject to further environmental and economic analysis. We are working closely with the OPW to ensure that any mitigating measures identified in these studies are implemented as speedily as possible.

The Council also has a Severe Weather Emergency Response Plan which is implemented when we are notified of a potential risk of damage to persons and properties from flooding, high winds, snow and ice. This plan which involves a co-ordinate inter agency response, including from the many voluntary organizations in the county, is regularly reviewed. Under this

Plan the Council has developed a targeted response at Municipal District level for areas at high risk of known repeated flooding.

Cllr. N. Foley acknowledged the sterling service given by Council staff, especially staff from the Roads and Housing Departments recently in particular for people who were traumatised by the recent flooding. She thanked all staff involved who were available 24/7. She also acknowledged the work of the Civil Defence and stated the community response was phenomenal. Cllr. Foley also acknowledged the ongoing work on CFRAMS but added that some places are excluded from this study and this is a cause for concern in the Tralee Municipal District. Funding must be provided as a matter of urgency to put flood defences in place. She PROPOSED that the Department would be contacted immediately on this issue. Be Winter Ready is important information that the public should be aware of. In relation to the Tenant Purchase Scheme Cllr. Foley asked if all tenants would be written to early in the New Year or must they make contact with the Housing Department if they are interested in purchasing their home.

Cllr. D. McCarthy thanked Council staff for their tireless work during the recent flooding. He asked if the Council has a policy on new developments constructed where drains used to be. An issue arose with the new Hospital in Kenmare when one of the drains on the site was blocked and this resulted in flooding. He asked what the procedure is for calling out the Fire Brigade. Cllr. McCarthy asked how much the CFRAM Studies have cost to-date and stated no work has yet commenced to address flooding. In conclusion he requested that additional staff would be recruited to take water off the roads.

Cllr. J. Healy-Rae welcomed the 'Be Winter Ready' booklet. In the past he requested when the Council installs fire alarms for tenants that carbon monoxide alarms would also be provided but this did not happen. A number of people died from carbon monoxide poisoning in the country and he again asked that these alarms would also be installed for tenants. Cllr. Healy-Rae referred to the recent flooding in Kenmare and stated while Council staff did their best it was not good enough. Since 2008 15 staff either retired or passed away and they have not been replaced. Present staff cannot maintain drains etc. He asked why the Fire Brigade are not permitted to attend an event unless lives are at risk. Cllr. Healy-Rae stated he did not have confidence in the CFRAM Studies. A new Aldi Store opened recently in Kenmare and there is 1.25 acres of concrete on this site. A new Lidl Store also opened recently and there is a large car park there also. He asked why it is proposed not to carry out any works to relieve flooding from Kenmare town to the Bay. It is the responsibility of the OPW to prevent flooding and it is important that rivers are cleaned. Half way between the Square in Kenmare and the Bay the river is corroding the rock as the river is narrow and he asked that this would be addressed.

Cllr. T. Ferris referred to Item 2 on the CPG Report and her Notice of Motion No. 9 on this issue which she then moved.

9. Call on the Government to bridge the financial gap caused by the reduction in Global Valuations

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

That this Council calls on Central Government to bridge the financial gap caused by the net reduction in Global Valuations of Commercial Rates on Utilities Companies. That any future changes be communicated to the council 3 months in advance of the development of Local Authority budgets.

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

Cllr. T. Ferris PROPOSED that at least 3 months notice would be given to local authorities of any changes to the Global Valuation. She referred to Cllr. Finucane's proposal that the Regional Managers of Banks would be requested to meet with Council and stated she recently attended a deputation in Brussels. She suggested that Kerry County Council should follow the example of Tipperary County Council who appointed a member of staff to monitor EU funding. Cllr. Ferris expressed her dissatisfaction with the new Tenant Purchase Scheme and stated it is not incremental.

Cllr. Ferris referred to the refugee families from Iraq and Syria who were recently accommodated in Kerry and said she met some of them over the weekend. None of them speak English and one of the mothers collapsed recently and they could not communicate with the relevant authorities. People are willing to volunteer as interpreters for them and this offer should be taken up. She did not want to see the mistakes of the past repeated. These families need counselling and no child should have to experience what happened in the refugee camps.

Cllr. D. Healy-Rae stated there was flooding in Foiladown, Clonkeen and Glenflesk recently and a number of houses were flooded. In his opinion the CFRAM Studies are a waste of time and it would be better to clear the river banks and bridges of trees and gravel. There was a bad flood recently and an emergency vehicle was not available until 5pm. He thanked the Civil Defence for their assistance and he asked when flooding occurs again that the emergency vehicle would be available in Killarney. Cllr. Healy-Rae stated he was concerned when the CFRAM Studies are finalised towns like Bandon will receive the bulk of the funding. He requested that the Minister for Finance would provide funding to clean rivers.

Cllr. D. Healy-Rae then moved Notice of Motion No. 37.

37. Call to ensure roadside drains are kept clear

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

To ask Kerry County Council and the TII to ensure that our roadside drains are kept clear and to ensure that ponding of water is eliminated from our roads. There is more water running on our roads now than the drains where the surface water is supposed to be.

The following reply issued:

Kerry County Council will continue to monitor and maintain the drainage system on the public road network and ensure that they are working satisfactorily. It is also important to recognise that landowners have a responsibility to ensure that there is no run-off from their lands onto the public road and to maintain drains through their lands and we appreciate the support of the majority of landowners in this regard.

Cllr. D. Healy-Rae stated drains are not being cleared as there is inadequate staff to carry out this work. Water is flowing out onto the road as far as the white line on some national secondary roads and he asked that this would be addressed. When roads are improved the level of the road is raised and water then flows onto private property and this must also be addressed. Cllr. Healy-Rae called on Cork County Council to ensure roads are salted as necessary.

Cllr. M. Gleeson stated he moved a Notice of Motion recently asking that all water tables are kept open and where this is being done the roads are clear of water. He also spoke of the importance of flood plains and local authorities are responsible for the building permitted on them. Cllr. Gleeson pointed out that work carried out in one area will affect other areas and for this reason an overall catchment plan is required.

Cllr. D. Quigg then moved Notice of Motion No. 17.

17. Calling on Ministers to deal with the issue of flood defence and coastal protection

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

That this Council write to the Minister for the OPW, Mr. Simon Harris and the Minister for Agriculture, Mr. Simon Coveney, asking them to deal with the issue of flood defence and coastal protection which is now an emergency situation in this country.

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

Cllr. D. Quigg stated the simple solution to flooding all over the county is to ensure all drains are opened by Council staff. There has been significant flooding of farmland and the Minister must be asked to intervene to address this ongoing problem.

Cllr. J. Brassil complimented Council staff on their sterling work during the recent bad weather. It is vital that an emergency phone number is available to the public. Because of the recent damage to roads Cllr. Brassil asked that all potholes would be filled before Christmas. The Castlemaine Road was badly flooded recently and the Nursing Home was cut off. This caused great distress and he asked that the flooding in this area would be addressed immediately.

Cllr. R. Beasley paid tribute to the Executive and all staff for the excellent work done during the recent flooding. Staff monitored the water levels in Ballylongford and the Cashen and he welcomed the sandbags provided to residents to allow them to protect their homes. Land in the Cashen was drained in 1956 and 1963 and drains scoured but nothing was done since then. As a result large tracts of land are now flooded. The OPW must take responsibility for this and he called on Kerry County Council and the OPW to carry out the necessary works to alleviate this flooding immediately. The Cliff Walk and Road in Ballybunion are in danger if remedial work is not undertaken soon.

Cllr. B. Cronin stated he wanted to record his gratitude to all Council staff and volunteers who dealt with the recent flooding in dreadful conditions. He welcomed the detailed report circulated on the recent water outages in Mid Kerry. There were four breaks on the section from Aglish to Flynn's Forge and customers were without water for almost 9 days. As a result of these breaks the three reservoirs dried up. It is very frustrating to be without water and on one occasion customers were without water for 24 to 36 hours. This is very difficult for farmers as it is dangerous to have cattle without water. Funding for the replacement of the pipe network on the Board of Works road was allocated and he asked that this work would be carried out as soon as possible. The 4th break was in an area where funding was allocated for pipe replacement 8 to 10 months ago and he asked that this work would also be carried out immediately and if necessary additional staff should be recruited.

Cllr. Cronin commended the staff in the Water Services Department for their dedication. The vast majority of customers in these areas are paying water charges and they should be compensated by Irish Water for the 8 days they were without water. If the water is turned on at 3pm or 4pm the reservoir must first fill to three quarters before the supply is restored to customers. This can take 7 or 8 hours. It is frustrating when there is flooding yet there is no water supply. Cllr. Cronin requested that additional staff would be recruited to ensure the pipe network in this area can be replaced immediately. He requested that Irish Water be asked if these customers can be compensated for the lack of supply and the inconvenience.

Cllr. D. Grady stated additional staff are required immediately. He commended all staff for their excellent work during the recent flooding and he added that Kerry needs 2 rescue vehicles.

Cllr. S. Locke complimented all staff on their work during the recent flooding. He also thanked Radio Kerry for keeping the public updated. He requested that consideration would be given to installing a flood prevention device in local authority houses prone to flooding. Progress is very difficult with present staffing levels and additional staff are also required for repairs and flood prevention. On a number of occasions he outlined the problems with rivers in that trees have fallen into the rivers and are causing an obstruction. The OPW should clean rivers after flooding. He hoped there would be co-operation between the OPW and Inland Fisheries and that this issue would be addressed before the fishing season opens in January.

Suspension of Standing Orders

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

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. D. Grady it was agreed to suspend Standing Orders to allow the meeting to continue.

15.12.21.01 Cathaoirleach's Report on the CPG meeting held on the 15th December, 2015 (Cont'd)

Cllr. P. Connor-Scarteen then moved Notice of Motion No. 16.

16. Minimising the effects of flooding in the County

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

What can Kerry County Council do to minimise the effects of flooding in the County of Kerry after the heavy rainfall.

Mr. G. O'Brien informed the meeting the reply to this motion is the same as the reply to Notice of Motion Nos. 14 and 19 above.

Cllr. P. Connor-Scarteen thanked Kerry County Council and the Emergency Services for their excellent work during the recent flooding. He also commended the excellent communications by the Council. Flooding has become an annual event but the recent flooding in Kenmare was the worst since 2008 and a number of businesses and estates were flooded. Rivers and their banks should be cleared. The CFRAM Studies public consultation took place a few days after the flooding and it was well attended. All bridges should be surveyed and the pipe under the Finnihy Bridge should be moved as a matter of urgency. Cllr. Connor-Scarteen asked that all roadside drains would be opened but stated additional staff would be required for this work.

Cllr. J. Finucane then moved Notice of Motion No. 23.

23. Comprehensive plan for all areas impacted by flooding

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

That Kerry County Council would draw up a comprehensive plan for all areas that were impacted by flooding and that a proposal will be sent to the Department for funding.

Mr. G. O'Brien informed the meeting the reply to this motion is the same as the reply to Notice of Motion Nos. 14 and 19 above.

Cllr. J. Finucane agreed with Cllr. Ferris that an official should be appointed to monitor EU funding. He thanked the Council for supplying sandbags to property owners. He asked that consideration would be given to appointing a group of workers to carry out flood prevention works and that an application for funding would be submitted to Government. The second stage of the CFRAMS is to come up with solutions and that is why he suggested that a special unit would be established whose sole function would be flood relief.

Cllr. N. Moriarty commended the excellent communications by the Council during the recent bad weather. She asked that a humane approach would be taken in relation to rates for businesses impacted by the flooding and who have no insurance.

Cllr. P. Daly thanked all staff who worked tirelessly during the recent flooding. Something must be done to address the flooding from the river at Bruach na hAbainn. Cllr. Daly then referred to the new Tenant Purchase Scheme and stated there is no provision for long standing tenants. He believed it was wrong to sell off Council houses after one year. There is confusion regarding the income thresholds and he asked if a widower on disability would be allowed to buy his house if he got an inheritance. He pointed out that tenants must also have paid water charges before they can purchase their home.

Cllr. M. Cahill welcomed the new Tenant Purchase Scheme and asked if the proceeds can be used for repairs. He hoped the Scheme would be available to tenants who require a loan. Cllr. Cahill welcomed the regular updates during the recent bad weather. The problem is there is no plan to address flooding and that is also the case with coastal flooding. He complimented Council staff and emergency services on their excellent work during the flooding. Cllr. Cahill asked that those impacted by the flooding would be exempt from LPT for 2016. Residents at Incharee were provided with sandbags and this was of great assistance to them. Cllr. Cahill then referred to the ongoing breaks in supply at the Mid Kerry Water Supply Scheme and said customers are very frustrated. The pipe network is 40 years old and with the large number of breaks it needs to be addressed.

The Chief Executive pointed out this was the first Code Red for rainfall ever received and a lot was learned from previous incidences of flooding. A crisis management team was responsible for the response to this event. There was heavy rainfall and flooding over two weekends and sandbags were provided to those who needed them. She commended the Fire Service, the Army, Civil Defence and the HSE on their work during these flood events. She also complimented Mr. C. O'Sullivan and all Council staff who managed operations on the ground. The Chief Executive acknowledged the role of the media and in particular Radio Kerry on keeping the public informed of developments. The Council can be prepared for most events and an emergency vehicle was eventually secured for the county. The CFRAM Studies are very important and it is vital that the general public engage with it. She did not accept that Bandon would receive all the funding for flood relief and while Kenmare is a smaller town there is a case to be made for it also. The OPW is the authority with responsibility for flood alleviation and Kerry County Council will engage with them.

Ms. Murrell undertook to consider the provision of carbon monoxide alarms in local authority houses. She acknowledged the importance of providing adequate support for refugees. The Chief Executive acknowledged the Council was in a position to deal with the recent flooding partly because of the 90 volunteers who assisted. She advised members that that the An Taisce appeal on the N86 was dismissed by the High Court and this decision cannot be appealed.

The meeting adjourned for lunch at 2pm.

The meeting resumed at 2.40pm.

15.12.21.02 Confirmation of Minutes

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Healy-Rae it was agreed that the minutes of the November Ordinary Meeting held on the 16th November, 2015 be confirmed.

15.12.21.03 Chief Executive's Report to Council

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 December 2015 Council Meeting.

Financial Position

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

Operation of LCDC

The LCDC has convened on two occasions since the last report to Council in November. The LCDC convened as a Local Action Group and considered and approved the objectives and strategic actions of the Local Development Strategy under the Leader Programme at its 30th November meeting. The Strategy is being finalised for submission to the Department of Environment Community & Local Government for their approval. This will allow the draw down of funds for projects to proceed. There has been significant collaboration with the three Local Development Companies in the preparation of this work and reflects the increased partnership approach being adopted.

At this meeting the LCDC also approved the community actions of the Local Economic & Community Plan (LECP) and these will now go for a further consultation period with stakeholders to finalise their detailed actions and outcomes. This is an important step in the preparation of the LECP.

The LCDC also considered the priorities under the Social Inclusion Community Activation Programme for 2016. The Annual Plans currently being prepared by the Local Development Companies will reflect these priorities.

Kerry Public Participation Network

The PPN Secretariat update refers to their most recent meeting where they considered the advancement of the development of the website and registration of new and existing Community & Voluntary groups in 2016.

The PPN also agreed a Heads of Agreement with the Local Development Companies again reflecting the collaboration between the agencies in the County. Feedback on the community elements of the LECP was also considered and a submission on the format of the Community Support Fund is being prepared for consideration by the Kerry County Council.

Local Economic & Community Plan

As outlined, the LECP is progressing and at this point the Draft Economic and Community Actions have been approved by the Job Creation & Economic SPC and the LCDC respectively. These actions will now proceed to a further stage of consultation, to refine the actions with detailed specific targets and outputs. This work will be assisted with the various stakeholders identified with an implementation role. It is essential to get complete buy-in from all sectors. The draft actions will also be forwarded to Regional Assembly for their input.

Global Revaluation of Utilities

The Global Revaluation of Utilities in the County by the Valuation Office has resulted in a very significant financial loss of €425,000 to this Council for 2016. We have been notified that we will receive an allocation during 2016 which is a once-off payment only and it represents 1½ times the loss following the global revaluation of utilities for 2016. No further commitment for funding financial losses of this nature is given. This is a matter of serious concern given our dependence on commercial rates as a source of income to this Council.

Severe Weather Events

A detailed report was presented to the CPG on the recent severe weather events which occurred on the weekends of the 4th - 6th and the 11th - 12th December. These events had a significant impact on local communities, particularly where flooding of properties occurred, and an effective co-ordinated inter-agency response was put in place, involving council staff in each of the municipal districts, the Fire Service, An Garda Síochána, the HSE, the Civil Defence, the Irish Red Cross, Kerry Mountain Rescue, Killarney Inland Shore Rescue and the Army. I want to express my appreciation to all the staff and volunteers who provided a trojan effort in dealing with these events.

I would also like to thank the media for their assistance in keeping the public informed of the changing circumstances and most importantly the great community spirit and resilience demonstrated throughout the County.

The Government has put in place a national structure for flood risk management and it was very timely that the OPW, who are tasked with this role, held public consultation meetings in South Kerry following the severe weather event, to outline their plans for addressing these risks. It is my intention to work closely with the OPW to ensure that the measures identified in these plans are

implemented as speedily as possible, particularly for the benefit of those communities who have repeatedly been affected by flooding over many years.

Kerry Local Enterprise Office

Project Approvals

The Approvals & Evaluation Committee has met on five occasions in 2015. 33 projects have been approved funding of €480,625. A further 9 projects have been approved in principle to a value of €98,000.

The LEO will meet its full approvals capacity.

Microfinance Loans

19 clients have been assisted in making loan applications to Microfinance Ireland.

Soft Supports & Training Report January - December 2015

Total no. of attendees on training courses to date in 2015 - **c. 574 persons**

Seminars

Total no. of attendees at seminars during 2015 - **c. 392 persons**. All seminars were free of charge.

These included:-

- How to Win Public Sector Tenders
- Irish Patent Office
- Trading Online Vouchers (2 seminars)
- FUSE Programme (delivered in conjunction with Craft & Design Council of Ireland)
- Budget Briefing

Trading Online Vouchers (scheme to support online trading)

Over 122 applications have now been received with 78 applications approved by the LEO amounting to €151,068.60. €78,846.80 has now been paid out to 43 businesses.

Schools Enterprise Programme

The 2015/2016 schools programme has commenced with all schools contacted. 22 schools have registered. Mentors are currently being appointed.

Mentoring

119 clients have been approved mentoring support through formal assignment.

Business Advice Clinics

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

CEDRA Funding

The LEO and the Tourism Department in conjunction with “Taste Kerry” has submitted a joint funding proposal to the Department of Agriculture and work in ongoing in securing the funding.

Employment Survey

The 2015 Employment Survey is presently underway to determine overall employment in supported businesses.

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

Date as at end of Quarter 3 (Sept. 2015) in accordance with EU/IMF return on Expenditure and Income made to DOECLG on 24/11/2015.

Service Division	Description	EXPENDITURE				INCOME			
		Total Exp. to date	Budget	Budget Remaining	% Budget Spent to date	Total Inc. to date	Budget	Not Rec'd	% Rec'd
		2015	2015	2015	2015	2015	2015	2015	2015
A	Housing and Building	16,412,576	21,790,725	5,378,149	75%	15,099,603	21,049,205	5,949,602	72%
B	Road Transport & Safety	23,585,303	32,378,339	8,793,036	73%	14,358,263	19,362,246	5,003,983	74%
C	Water Services	10,795,206	15,719,900	4,924,694	69%	9,985,765	14,711,472	4,725,707	68%
D	Development Management	7,100,491	9,504,297	2,403,806	75%	1,785,327	2,266,038	480,711	79%
E	Environmental Services	12,471,479	16,480,512	4,009,033	76%	2,294,838	3,486,311	1,191,473	66%
F	Recreation and Amenity	5,755,793	7,809,521	2,053,728	74%	440,280	639,517	199,237	69%
G	Agriculture, Education, Health & Welfare	2,337,082	3,830,844	1,493,762	61%	1,814,932	2,950,204	1,135,272	62%
H	Miscellaneous Services	11,508,195	16,339,939	4,831,744	70%	2,355,791	3,860,685	1,504,894	61%
	Local Government Fund/General Purpose Grant					8,744,389	11,659,186	2,914,797	75%
	Pension Levy					1,929,316	2,700,000	770,684	71%
	Rates					30,948,214	41,169,213	10,220,999	75%
Grand Total		89,966,125	123,854,077	33,887,952	73%	89,756,718	123,854,077	34,097,359	72%

2. Performance of Local Authority Revenue Collection Levels.

Major Sources of Revenue Income - Collection levels as at 30/9/2015

Rates : Total for collection is full rate demand for 2015 plus arrears.	Total for Collection	Collected	Arrears @ 30/09/2015	% Collect ed
Commercial Rates	48,910,850	27,342,892	21,567,958	56%
Housing Rents and Loans: Total for collection is billed to 30/9/15 plus arrears.	Total for Collection	Collected	Arrears @ 30/09/2015	% Collect ed
Rents	9,059,262	8,247,663	811,599	91%
Loans	1,157,987	867,230	290,757	75%

3. Recourse to Overdraft Facility:

None

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

None

Ms. A. McAllen briefed the meeting on the Financial Report and stated it is in line with the EUIMF return. Expenditure generally is under 75% but there was an increase in expenditure for Roads over the last quarter. Income tends to be high for the month of December.

15.12.21.04 Disposal of Property

Mr. C. O'Sullivan referred members to report dated 11th December, 2015 on this item which was circulated. He briefed them on the report.

Cllr. J. Healy-Rae PROPOSED that the disposal of a plot of land comprising of circa 0.003175ha (0.008 acres) in area, in the townland of Killarney in the DED of Killarney, County Kerry to (*Names withheld for data protection purposes. A paper copy of the unedited minutes is available on request.*) be approved in accordance with the terms of notice issued 11th December 2015 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning & Development Act 2000 and Article 206 of the Planning & Development Regulations, 2001.

Cllr. D. Grady SECONDED this proposal.

Cllr. M. Gleeson stated he was more than a little bemused that highly qualified architects or engineers would submit an application for full planning and then half way through the development discover or decide that the presence of a stairs internally would render the building virtually useless for its intended purpose.

He wondered if the fact that the adjoining land was Council owned had anything to do with this 23rd hour decision. He asked would this have happened if that adjoining land was privately owned. He requested that his views would be recorded and stated that he would abstain from the vote on the proposal.

Cllr. T. Ferris asked how much will be paid for the land and what is its commercial value.

Ms. McAllen stated the Council's valuer valued it at €8,000 and that is the price that will be paid for it. It is dead space in the car park.

A vote was then taken on Cllr. J. Healy-Rae's proposal which was seconded by Cllr. D. Grady.

December Ordinary Meeting

The vote resulted as follows:

For: Cllrs. Beasley, Cahill, Cronin, Culloty, Daly, Ferris, Finucane, Grady, D. Healy-Rae, J. Healy-Rae, D. McCarthy, McEllistrim, Moloney, Moriarty, Nolan, O'Connell, Quigg, Sheahan, Thornton and P. McCarthy **(20)**

Against: None **(0)**

Not Voting: Cllrs. Gleeson and O'Shea **(2)**

The Cathaoirleach declared the proposal CARRIED.

15.12.21.05 Draft Kerry County Arts Strategy 2016 – 2021

Mr. J. Breen referred members to the Draft Kerry County Arts Strategy 2016 – 2021 which was circulated together with a covering note. He briefed members on the Draft Strategy.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J.J. Culloty it was agreed to adopt the Kerry County Arts Strategy 2016 – 2021.

15.12.21.06 Update on the 2016 Commemorations Programme to-date

Mr. J. Breen informed the meeting that the 1916 Centenary Programme was officially launched in the County Library recently when the website www.kerry2016.ie was also launched. This website includes photos from the 50th anniversary celebrations. Applications for additional funding were submitted and an additional allocation of €40,000 was received for the Exhibition in the County Museum. The official State ceremony will be held in Banna on the 21st April and an event will also be held at Ballykissane Pier that day. A plaque will be unveiled to commemorate the Ring Brothers of Valentia Cable Station.

Ms. K. Kennelly, 2016 Coordinator, stated while the Programme was officially launched recently any additional events will be updated on the calendar of events on www.kerry2016.ie.

Cllr. R. Beasley paid tribute to all those involved in organising the 2016 Commemorations in particular Ms. Kennelly. Applications for funding were received for 62 projects and many of these are very worthwhile. The aim of 1916 was to achieve a united Ireland but that has not yet happened. Cllr. Beasley called on An Taoiseach to support the Belfast Agreement.

Cllr. J.J. Culloty thanked Ms. Kennelly and all staff for securing the additional funding.

Cllr. M. Gleeson thanked Ms. Kennelly and the staff of her Department for their work in organising and co-ordinating the 2016 Commemorations. He recently attended a recital in the Friary in Killarney and he complimented Kerry County Council on the standard of the piano made available for this event. Many of the people he knew from the greater Sliabh Luachra are now deceased. They had stories and music which went unrecorded with them. However there are many older people still living in the area and their stories and music should be recorded. Cllr. Gleeson asked that funding would be made available to record these people and those from other parts of the county also. The potential of Kerry for film is only now achieving its potential and the recent Star Wars movie will advertise the county internationally.

Cllr. M. Cahill acknowledged the work on the Centenary Programme by Ms. Kennelly and her staff. The first casualties of 1916 were at Ballykissane and he asked if President Higgins was invited to attend this event.

Ms. Kennelly confirmed that President Higgins was invited to attend this event but he was not available.

The Cathaoirleach stated the 1916 Centenary commemorations will be very important for Kerry as the first casualties of 1916 occurred here. He complimented the Chief Executive on appointing Ms. Kennelly project co-ordinator as she is doing an excellent job. In conclusion he thanked Ms. Kennelly for her commitment to making the 2016 Commemorations a success.

15.12.21.07 Date for Special Housing Meeting

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. J. Finucane it was agreed to hold a Special Housing Meeting on Monday 25th January 2016 at 2pm.

15.12.21.08 Approval for the opening of Tenders

- (a) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. J.J. Culloty it was agreed to approve the opening of tenders for the Fencing contract for the N71 Releagh Road Improvement Scheme – Closing date: Tuesday 8th December, 2015 at 12 noon.
- (b) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. D. McCarthy it was agreed to approve the opening of tenders for the N71 Releagh to Letterdunane Road Improvement Scheme Pavement Overlay – Closing date: Tuesday 22nd December 2015 at 4pm.

15.12.21.09 Notices of Motion

Emergency Motion regarding works at Kilmoyley Graveyard

Cllr. T. McEllistrim stated that the local community in Kilmoyley are calling on Kerry County Council to suspend all works in Kilmoyley Graveyard and the adjacent Kilmoyley South Housing Estate until such time as there is a signed agreement after consultation with an independent engineer as agreed by the local Kilmoyley residents, Graveyard Committee and Kerry County Council.

Cllr. McEllistrim stated he received an email from Mr. D. McKenna who is involved with the Committee in Kilmoyley in relation to official water test results for Kilmoyley Graveyard and Kilmoyley South Housing Estate. The Committee got two independent microbiologists to review the results and both came back with similar responses. The Enterococci levels are extremely high in the Graveyard and moderately high within the Housing Estate. These bacteria can pose serious health risks to humans and more especially young children and older members of the Kilmoyley Community e.g. stomach problems, bugs, meningitis. The main source of these Enterococci bacteria is human faeces. In this situation the primary source of these faeces is both septic tanks and graves.

Cllr. McEllistrim emphasised the importance of draining the Housing Estate below the levels of the septic tanks and the Graveyard below the levels of the graves otherwise the ground water will be contaminated. The previous Wednesday the Council started a borehole at (*Name withheld for data protection purposes. A paper copy of the unedited minutes is available on request.*) house but there is only rock at that point. Following this they started at the top of the Housing Estate and all the water came up then. On Wednesday December 9th works started to drain the Graveyard. $\frac{3}{4}$ inch stone was used at this location when 2 to 6 inch stone is the norm for drainage works. The ground near the track machine caved in. This area must be drained to bring the water level below the level of the graves and septic tanks. The ground there gets saturated with water and it floods with heavy rain. The boreholes cannot take the water so an extra two boreholes are needed in the graveyard and the Housing Estate in addition to the borehole at the top of the Estate. The water has to be taken off the road as water is coming in off the road to the housing estate. There needs to be a better plan to pipe this water away from the estate.

In conclusion Cllr. McEllistrim stated the entire graveyard must be drained and not just half of it in the interest of health and safety.

Cllr. A. Thornton stated locals had their plan and what needed to be done to solve the flooding problem in Kilmoyley. A borehole was dug by the Council where the locals said there was solid rock. She supported Cllr. McEllistrim's proposal that an independent report would be prepared for this work.

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Mr. M. O'Donoghue referred members to Standing Order No. 26 which relates to Urgent Business and reads as follows:-

“Notice of urgent business related to a function of the local authority shall be dealt with prior to the commencement of Notices of Motion. Written notification of the issue must be handed to the Cathaoirleach at the commencement of the meeting. At least one-half (16) of the total number of members of the authority must vote in favour of any such motion”

He asked if this is a matter of urgent business.

Cllr. McEllistrim pointed out that the local residents emailed the Cathaoirleach with the proposal in advance of the meeting and he asked the Cathaoirleach that morning for an opportunity to raise the matter.

Cllr. T. Ferris accepted that the Council has qualified staff who are experts in their field but added that you cannot beat local knowledge. A bore hole was dug where a local advised the Council there was rock and that proved to be the case. The alternate area the local person suggested was then bored. Cllr. Ferris stated if this issue is to be resolved the local community and Kerry County Council must work together. A common sense approach must be adopted and a sensible solution agreed.

Cllr. J. Finucane stated all members want to see a satisfactory solution to this problem and he asked that the local community and Kerry County Council would collaborate to achieve this.

Cllr. N. Foley said at present there is an impasse and the people from the area are traumatised. There is a wide divergence of views but the local community and the Council must agree a way forward.

Cllr. G. Spring stated local knowledge should be utilised to achieve a consensus.

The Chief Executive informed members that virtually all of the Senior Management Team has assessed the problem at Kilmoyley. They tried to achieve a balanced approach and to avoid a full environmental assessment. The Directors of Operations, Water Services, Housing and herself met with local residents in an attempt to bring this issue to a conclusion. While she intervened she wanted to ensure the problem was resolved. Kerry County Council's proposal is practical and she suggested that the local community should wait to see if the work on the graveyard is a success.

The Chief Executive stated she did not accept that the water people are drinking is not safe. Ground water overflowed from septic tanks and the Council gave a commitment to local residents that they would try to help them.

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Mr. C. O'Sullivan pointed out there were numerous meetings with representatives of the graveyard committee and residents of the housing estate. Initially one borehole was dug and then a second. There was no flooding at this location in September when Listowel was flooded. A practical solution was identified to ensure there is adequate space in the graveyard for the next 5 years and it is not practical to drain the entire graveyard. If necessary a new graveyard can be acquired in the future.

Cllr. T. McEllistrim stated health is of paramount importance. There is a danger to the public and it may be a matter for the HSE and the EPA. It was agreed at a meeting that an independent engineer would be consulted but this did not happen. He asked that a vote would be taken on his proposal.

Cllr. J. Finucane asked the Chief Executive to try once more to agree a programme of works with the residents.

The Chief Executive stated if that is the wishes of the members she would agreed to meet with the residents again. She cautioned members against talking about children and health issues as the drinking water is safe in this area.

The Cathaoirleach asked Cllr. McEllistrim if he would withdraw his proposal in light of Cllr. Finucane's request.

Cllr. McEllistrim stated he would not withdraw his proposal as the residents want an independent report on possible solutions to the flooding in this area.

The Chief Executive pointed out she would get another engineer to consider this issue and she would meet with residents.

Cllr. T. Ferris stated in order to make progress someone removed from the process should be engaged to come up with a solution.

Cllr. J. Finucane stated it is important that a programme of works is agreed to resolve the situation for the residents without incurring additional costs.

Mr. C. O'Sullivan emphasised that the drinking water in the area is safe.

Cllr. McEllistrim stated if children play in the water they could get meningitis.

The Chief Executive totally rejected the idea that an external person must be engaged to give an independent view. If it is the wishes of the members she would meet with the residents but she would not give a commitment other than that.

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Cllr. Finucane suggested that the Chief Executive would meet with the residents to agree a programme of works. The motion will only delay the works further and the emphasis should be on resolving the problem.

Cllr. McEllistrim indicated his motion still stood.

A vote was then taken on Cllr. McEllistrim's Emergency Motion which resulted as follows:

For: Cllrs. Beasley, Brassil, Daly, Ferris, Foley, D. Healy-Rae, J. Healy-Rae, Locke, McEllistrim, Moloney, Moriarty, Nolan, Spring and P. McCarthy **(14)**

Against: Cllrs. Cahill, Cronin, Culloty, Finucane, Fitzgerald, Gleeson, Grady, D. McCarthy, O'Connell, Sheahan, Thornton **(11)**

Not Voting: Cllr. Quigg **(1)**

Mr. G. O'Brien informed the meeting that 14 members voted in favour of the proposal, 11 against with 1 abstaining. He again drew member's attention to Standing Order No. 26 which reads as follows:

"Notice of urgent business related to a function of the local authority shall be dealt with prior to the commencement of Notices of Motion. Written notification of the issue must be handed to the Cathaoirleach at the commencement of the meeting. At least one-half (16) of the total number of members of the authority must vote in favour of any such motion"

Mr. O'Brien advised members in accordance with Standing Orders as the required number of members (16) had not voted in favour of the motion it was deemed not to be carried.

Cllr. B. O'Connell PROPOSED that only the proposer of a motion would be permitted to speak on it.

Cllr. T. Ferris SECONDED this proposal.

1. Clarification for intending Planning permission applicants where Japanese Knotweed is growing on the proposed site.

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

That the Council would clarify the situation for intending Planning permission applicants for development of housing where Japanese Knotweed is growing on the proposed site.

The following reply issued.

Objective NE-45 (Chapter 12) of the Kerry County Development Plan 2015-2021 refers to the control and eradication of Invasive Species including Japanese Knotweed in the context of the planning application process.

In light of recent research, information and training associated with invasive introduced species, it is now considered opportune to attach a condition to planning permissions in relation to the control and eradication of such species. This condition will be included in the relevant Planning decisions in early 2016.

Cllr. M. Gleeson stated that everyone has heard much recently about the havoc caused to properties by flooding and undoubtedly some people are suffering terribly as a result of river water entering their homes and their outhouses. It is very likely that Local Authorities will be named when claims for compensation are entered. This will be so because the Local Authorities granted planning permission for developments in locations that are flood plains. He cited the flooding example to give immediacy to the subject of the Motion.

He has spoken often enough about the danger to properties and structures posed by Japanese Knotweed. And that danger is very real. It is impossible in parts of Britain to get planning permission on a site where the Knotweed is growing or has grown in recent years. He is aware of a least one location where planning permission exists on a site where the Knotweed grew vigorously until it was recently removed by mechanical means. He feared that some roots remain in the soil and he further feared that little pieces will remain in the soil and will in due course thrive and do damage.

It is vital that Japanese Knotweed and indeed other forms of the Knotweed are specifically named in a revised Noxious Weeds and Substance Act. Otherwise innocent purchasers could find that they have bought a house that comes under attack from the powerful roots of the Knotweed. Most certainly also Local authorities will have a liability when foundations or walls are burst.

Until the Knotweed is included under the appropriate Act he strongly suggested that the Precautionary Principle should apply in the matter of planning.

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

2. Calling on NAMA to properly maintain any sites and properties they have acquired

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

That Kerry County Council call on NAMA to properly maintain any sites and properties they have acquired.

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

Cllr. B. O'Connell stated some sites acquired by NAMA are not being maintained. There is one such site at Pound Road, Castleisland and he complimented the Council for cleaning it of rubbish. The cost of that clean up should be charged to NAMA. In fairness to communities Kerry County Council should demand that NAMA maintain all properties acquired by them.

Cllr. J. Finucane SECONDED this motion.

3. Funding to carry out an audit of vacant properties in Kerry

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

That Kerry County Council would request funding from the Department to carry out an audit on the exact number of vacant properties in Kerry with a view to establishing ownership and in turn their potential to be made available as Social/Affordable Housing in order to resolve the housing crisis.

The following reply issued:

As the Council are aware, every effort has been made in 2015 by the Housing Department to deliver on the significant targets of the extensive Housing Construction/Acquisition Programme with approximately 430 housing units being delivered this year, which reflects substantial progress. Returning vacant properties in the Council stock to productive use through the Voids Programme is part of this programme as is the purchase of 35 no. houses throughout the County. The Council continues to seek properties for purchase/lease going into 2016 and will consider all suitable options in order to deliver the Multi-Annual Housing Programme. The Council will seek funding from DOECLG in order to carry out an audit of vacant houses across the County and will pursue any potential to deliver additional social housing units through this option, if available.

Cllr. J. Brassil stated he raised this issue at the Budget Meeting. If there are 10,000 vacant houses in the county and 5,000 qualified housing applicants on the housing list it does not add up. The Department states the Council received funding and it is up to them to provide the housing. However this is not the case as the Department must approve any expenditure by the Housing Department. A house became vacant in Kilmoyley 12 months ago and the Council submitted an estimate for the repair of the house to the Department for approval but the repairs have not been sanctioned. The housing problems in Kerry can be solved by the members and the executive if they are given the power to do so.

Cllr. J.J. Culloty then moved Notice of Motion No. 36.

36. Number of planning permissions granted since 2005

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

To ask this Council to detail the number of single rural dwellings which received planning permission, each year from 2005 to present, and also to detail the number of housing estates, and the number of houses in each estate, which received planning permission each year for the same period.

The following reply issued.

The following data was sourced from the Monthly Progress Reports from the period 1st January, 2005 up to 31st October, 2015.

Year	Decisions to Grant Single Rural Dwellings	Decisions to Grant on Multi Residential Applications	Number of Units Granted on Multi Residential Applications
2005	1,450	242	2,490
2006	1,347	188	1,915
2007	1,014	149	1,750
2008	708	71	911
2009	403	43	304
2010	274	12	58
2011	204	10	50
2012	152	7	41
2013	112	4	19
*2014	167	12	63
Jan-Oct. 2015	141	10	59
Total	5,972	748	7,570

**2014 – This figure includes Tralee, Killarney and Listowel Town Councils from June to December 2014.*

Cllr. J.J. Culloty stated while permission was granted for 9,000 housing units there are a lot less vacant houses now. A number of these will never be lived in and he believed the figures are not accurate. People want to down size but they will not be permitted to build elsewhere. There must be changes to planning to allow for this.

- 4. Call to cease the collection of quarterly rent payments for water meters that that serve both a farm and domestic dwelling where the water supply for the farm is from a private well**

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

That Kerry County Council would cease immediately collecting quarterly rent payments for water meters that are via a single connection serving both a farm and domestic dwelling, where the provision of water for the farm activity is already sourced by a private well.

The following reply issued.

Kerry County Council act as an agent for Irish Water in the billing and collection of water and wastewater charges. The tariffs applied are a matter for Irish Water.

Cllr. J. Moloney asked that his motion would be forwarded to Irish Water for consideration.

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

- 5. Call to remove the occupancy clause in the County Development Plan**

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

That this Council remove the need for an occupancy clause in the County Development Plan and that every planning application be judged on its merit, as should be the case as this is working to the advantage of the banks and not the property owners.

The following reply issued.

The inclusion of an Occupancy Clause in a grant of planning permission by a Planning Authority is a requirement of the 'Sustainable Rural Housing Guidelines for Planning Authorities (2005)' Paragraph 4.7 issued by the Department of the Environment, Community & Local Government. This requirement was reiterated in a subsequent Circular SP 5/08 issued by the Department in 2008.

All Planning Authorities are required to implement the policies and guidelines contained in this Section 28 Guideline.

The purpose of the Occupancy Clause is to preserve the limited available development opportunities in rural areas for persons from the area or with links to the area. Having regard to the recent discussions at the special planning meeting regarding situations where foreclosures are pending, the Planning Authority will review such situations on a case by case basis.

Cllr. J. Healy-Rae stated there is a 7 year occupancy clause in the County Development Plan. He asked if this applies to the first occupant only or does it transfer to a new owner and must the house also be the subsequent owners primary place of residence. He was aware of a case where an English person was buying a house but the sale could not proceed as it would not be his primary place of residence. The Bank subsequently repossessed the house and they contacted the person interested in buying the house who then purchased it at a reduced cost. The reply is unsatisfactory as the occupancy clause does not apply when Banks are selling a house. Cllr. Healy-Rae called for the removal of the occupancy clause once the initial 7 years has been served.

Cllr. J. Healy-Rae then moved Notice of Motion No. 25.

25. Definition of the term 'General Area' in the County Development Plan

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

Can Kerry County Council clarify when a person applies for planning, what exactly our Development Plan means when it says the person should be from the general area, what or how big is the "general area".

The following reply issued.

Objective RS-10 of the Kerry County Development Plan 2015-2021 refers to 'persons who are an intrinsic part of the rural community' in the context of development in stronger rural areas, while Table 3.7, in the context of Secondary Special Amenity Areas refers to applicants being from 'the immediate locality'.

In both instances the applicant will be required to provide details as part of the application process to demonstrate compliance with these requirements.

In the preparation of the Draft County Plan and subsequent discussions it was determined by the Elected Council that it would not be appropriate to be overly prescriptive, in relation to the information required to demonstrate compliance, as each application is different with many different scenarios and situations pertaining to each. Consequently, it was felt that the Planning Officials should not be restricted in relation to the number of scenarios which would demonstrate compliance.

The members considered that this 'flexibility' has benefitted planning applicants to date and should be maintained into the future.

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Cllr. J. Healy-Rae stated that a couple living in Glencar were told when they applied for permission in Beaufort that they were not from the area. He asked is the 'general area' defined by parish boundary or municipal district boundary. He proposed that the occupancy clause would be removed and that each application would be assessed on a case by case basis. He was not promoting holiday homes but he was trying to prevent the Banks from taking family homes.

Cllr. D. Healy-Rae SECONDED the motion.

Cllr. T. Ferris pointed out that the Chief Executive gave a commitment at the previous meeting that she would consider the material contravention process to deal with such cases.

Cllr. J. Healy-Rae stated he made representations on behalf of an applicant and he was informed permission could not be granted. In the instance previously outlined the family home is now gone and the family owe the Bank €150,000. If the occupancy clause is to be transferred to the next purchaser it is wrong.

Cllr. J. Finucane asked if there is an issue with financial institutions and the occupancy clause.

Cllr. J. Brassil stated he was opposed to the removal of the occupancy clause. At the November meeting the Chief Executive gave a commitment that she would consider each case individually. The principle of the occupancy clause is acceptable and members do not want permission granted for holiday homes.

Mr. M. Scannell stated this issue was raised at the Special Planning Meeting at which time it was explained that the occupancy clause cannot be imposed on houses repossessed by the Banks. The Chief Executive gave a commitment that in the event of it becoming clear that a family is in financial difficulty and are being forced to sell their house that she would consider the occupancy clause for the purchaser. Mr. Scannell informed members that the County Development Plan cannot be amended by way of a Notice of Motion. The Rural Settlement Policy is the basis for the occupancy clause and it must remain in the Plan in order to ensure the regulation of development.

Cllr. J. Healy-Rae stated he was not satisfied that Banks have an advantage as in the case of a private sale any intending purchaser must prove that the house will be their permanent place of residence. This does not apply to houses sold by Banks. He did not accept that the County Development Plan cannot be changed if it is the wishes of the members.

The Chief Executive informed members that the most practical way to deal with cases where an owner is in financial difficulty is on a case by case basis.

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Cllr. J. Finucane suggested that a letter would issue to the Government asking them not to give an advantage to Banks.

Cllr. J. Healy-Rae again stressed while these cases may be considered on a case by case basis the property must still be the purchasers' primary place of residence but that is not the case when a house is purchased from the Banks.

Mr. M. Scannell again stated that the Chief Executive had given a commitment to consider these applications on a case by case basis. If the house is genuinely being sold for financial reasons consideration will be given to waiving the occupancy clause to enable the home owner to sell the house rather than the Bank.

Cllr. J. Healy-Rae called for a vote to be taken on Notice of Motion No. 5.

A vote was taken which resulted as follows:

For: Cllrs. D. Healy-Rae, J. Healy-Rae, Locke **(3)**

Against: Cllrs. Beasley, Brassil, Cahill, Cronin, Culloty, Daly, Ferris, Finucane, Fitzgerald, Grady, D. McCarthy, Moloney, Nolan, O'Connell, Quigg, Sheahan, Spring, Thornton, P. McCarthy **(19)**

Not Voting: None **(0)**

The Cathaoirleach declared the motion DEFEATED.

Cllr. J. Brassil moved Notice of Motion No. 6 on behalf of Cllr. N. Kelleher.

6. Call for a fundamental reform of the commercial rates system

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

That this Council calls on the Government to fundamentally reform the commercial rates system and as a temporary measure to alleviate the unexpected pressure of the Global Valuation of Utility Companies, establish a Commercial Rates assistance fund similar to the government's decision last year to fund Irish Water's commercial rates bill.

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

7. Have Kerry County Council given financial support to The Kerry Flyer

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

To ask have Kerry County Council given any financial support to The Kerry Flyer over the past 5 years and if so how much, also have the Council given any other forms of support to this service.

The following reply issued:

Kerry Flyer Ltd. received €5,000 from the Community Support Fund approved in June 2015 towards the fitting of a lift for wheelchair users. The funding was paid in September.

They also received a contract payment for services in December 2014 of €1,500 for undertaking an Employment Survey commissioned by the Local Enterprise Office.

Cllr. B. Cronin requested that the CPG would review Emergency Motions. Cllr. McEllistrim had an Emergency Motion but he did not have other Motions submitted for that meeting. He noted that the Kerry Flyer received a grant of €5,000 for a lift and €1,500 to carry out an Employment Survey. The Kerry Flyer provides an invaluable service and they were initially set up to provide transport for rural areas. It was recently brought to his attention that the Kerry Flyer tendered for school bus routes for children with special needs and they were successful. This has impacted on private operators and has huge implications for them. The Kerry Flyer operates with the aid of a national subsidy and it is unfair that they can tender for school routes in direct competition with private operators. These private operators are concerned they may lose their livelihood. Cllr. Cronin stated he wanted to record his support for the Kerry Flyer for the service they provide but added that they are now moving into a different area.

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

10. Call for an improvement in services for the elderly who are being cared for by their families at home

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

That Kerry County Council immediately request the Minister for Health, Leo Varadkar TD, to dramatically improve services for our elderly people in the County who are being cared for by their families in the home and especially for those with Alzheimer's, as the current level of assistance that is being provided falls far short of what is actually required.

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

Cllr. M. Cahill stated Ireland has an aging population who want to remain at home for as long as possible. 1 in every 3 elderly people suffers from dementia and there have been cuts to home help hours over the past few years. It is very beneficial to a family to get 2 hours home help a week and it is a difficult job caring for the elderly at home.

Cllr. B. Cronin **SECONDED** the motion.

Cllr. J.J. Culloty moved Notice of Motion No. 11 on behalf of Cllr. Moriarty.

11. Deteriorating level of mobile phone coverage and quality of service in the County

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

That we write as a matter of urgency to the mobile phone companies and relevant Minister and agencies with regard to the deteriorating level of mobile phone coverage and quality of service throughout the County.

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

12. Call to display a copy of the 1916 Proclamation in all public buildings

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

That a copy of the Proclamation of 1916 be displayed in a prominent position in all public buildings.

The following reply issued:

Kerry County Council will arrange to have a copy of the 1916 Proclamation displayed in all public buildings in our ownership.

Cllr. R. Beasley welcomed the reply.

13. Use of Facebook

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

While Facebook has many positive aspects I wish to highlight that careless use of it can (a) assist criminals to carry out robberies and (b) cause people to lose jobs and deprive people of employment opportunities.

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

Cllr. D. Healy-Rae expressed concern at the use of Facebook by some people who put up when they are going on holidays etc. and when they are away their home is burgled. The careless use of Facebook can be very costly. He was aware of people who were offered jobs and when their new employer checked their Facebook page the job offer was withdrawn.

Cllr. B. Cronin stated he was delighted that a number of people trying to make false insurance claims were caught out through Facebook.

18. Cost of maintenance of the landfill and its potential use

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

To ask this Council to a) explain how the figure for maintaining the Landfill at Muingnaminnane, which is included in the 2016 Budget figures was calculated, and b) as the reason given for it's closure was financial, are there any other options being considered for it's use.

The following reply issued:

The budget costs associated with the North Kerry Landfill at Muingnaminnane are set out on page 93 of the Chief Executive's report presented to Council at the meeting to consider the Revenue Budget for 2016.

The total cost is comprised of three elements:-

a) Operational cost including site staff	€464,614
b) Loan Charges	€485,095
c) Aftercare	€75,000

a) While the site is closed to the public, there is ongoing expenditure in the context of meeting the relevant EPA waste licence conditions. It also covers the cost of removal, treatment and disposal of leachate, together with the staff costs associated with the ongoing management of leachate levels, landfill gas and maintenance of the pumps, pipeworks and buildings.

b) The loan charges refer to the annual repayments due on loans raised for the capital development works at the site.

c) Kerry County Council has prepared this Closure Restoration and Aftercare Management Plan (CRAMP) over a 30 year period in accordance with Condition 13.3.2 of the EPA waste licence. This is the 2016 financial provision in respect of the cost associated with the implementation of the Plan.

As advised previously we have conducted a market sounding exercise in order to engage with interested market participants on possible commercial options for future of the site. The proposals received are presently being evaluated.

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Cllr. J.J. Culloty noted the reply and stated there are three main costs involved in the landfill as follows:

a) Operational cost including site staff	€464,614
b) Loan Charges	€485,095
c) Aftercare	€75,000

Between now and 2018 when Poolbeg Incinerator opens there will be a problem with disposing refuse. At a cost of €120 per tonne the landfill could net substantial revenue for the Council. The loan charges must be paid anyway and he asked if there is additional capacity in the existing cells and what would it cost to construct new cells. Cllr. Culloty asked if other options for the use of the landfill had been considered.

The Chief Executive stated the Council has a valuable asset in the landfill and there will be significant opportunities over the coming years. Approx. 2 months ago she mentioned that the Council was undertaking a market sounding exercise and a group of experts are considering the expressions of interest received.

Mr. J. Breen stated new cells would have to be constructed to accept waste. This would involve significant costs but he acknowledged that the landfill is a valuable asset which is licensed. He undertook to revert to members on the landfill in the New Year.

Cllr. J.J. Culloty pointed out that the amount of refuse going to landfill has reduced because of the introduction of the brown bins. He asked that the construction costs of a cell would be considered as a substantial amount of waste is exported to Sweden, Norway etc. He was concerned there would be no place to deposit waste.

20. Possible amendment of the current County Development Plan to cater for the new Housing Strategy

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

Can Management of Kerry County Council consider whether the current County Development Plan needs to be amended to deal with the new Housing Strategy.

The following reply issued:

The Housing Strategy is included as Volume 5 of the Kerry County Development Plan 2015-2021.

Any changes to this Strategy as a result of recent National Legislation refer mainly to changes to the Part V requirements and as this is a National requirement, it supercedes the Strategy as adopted. Therefore there is no need to amend the adopted strategy at present.

Cllr. A. Thornton welcomed the reply.

21. Maximum term of a multi annual service contract

Pursuant to notice duly given Cllr. G. Spring PROPOSED:

Under procurement laws, what is the maximum term of a multi annual service contract which Kerry County Council can offer for tender and if that maximum term varies for the different services provided by contractors to Kerry County Council.

The following reply issued:

The maximum term for contracts and frameworks varies.

In relation to frameworks the maximum number of years that a framework can exist is four years. Only in exceptional circumstances can a framework be extended beyond this.

The maximum number of years for contracts for tenders varies and there are no clear guidelines on what is the optimum or maximum number of years. It will also depend on whether it's a works, services or goods contract. The duration must be stated at the time of tender.

Cllr. G. Spring welcomed the reply.

22. Calling on Kerry County Council to sponsor apprentices

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

That Kerry County Council engage with training agencies and sponsor apprentices in the recognised state apprenticeship trades as part of future staffing needs especially an increase in housing activities.

The following reply issued:

Kerry County Council has a long tradition of facilitating the training of apprentices across many trades. As a result of the moratorium on recruitment in the Public Service, and the financial position arising from the economic downturn, it has not been possible in recent years to maintain the facilitation of apprentice placements.

The matter remains under review and should the need arise for further apprenticeships, the Council will engage fully with the recognised agencies in the normal way. It is not anticipated that such needs will arise with regard to the Council's housing activities.

Cllr. D. Nolan moved her motion and stated that some local authorities have Apprenticeship Schemes.

Cllr. J.J. Culloty SECONDED the motion.

24. Call for a protocol to deal with Algal Bloom outbreaks

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

That this Council calls on the Government to devise a national protocol, in conjunction with organisations such as Local Authorities, the HSE, Uisce Éireann and the EPA, to deal with Algal Bloom outbreaks in the lakes of the country.

The following reply issued:

Kerry County Council has in place local protocols which are activated in the case of a potential or actual Algal Bloom on our lakes. These protocols were most recently successfully activated on Lough Leane during this past Summer. The protocols involve advisory messages to the public and lake users such as rowing clubs and anglers and also provide for advisory signage to be erected at the lakeshore. These protocols are reviewed after each activation and revised as appropriate. The matter of development of a national protocol for algal blooms is a matter for consideration and co-operation among a number of agencies.

Cllr. M. Gleeson stated the year 1997 will long be remembered in Killarney as the year of a very severe Algal Bloom occurrence. The Lake became a virtual 'No Go' location for quite some time. This had a huge adverse impact on the tourism product. There have been much less severe outbreaks other years including last summer.

Cyanbacterial Blooms are a fairly common occurrence in lakes during summer months. They present as a Blue Green Algae and their growth is due to excess enrichment of the water, principally by Phosphates. They also need sufficient heat and sunlight to form. It causes the greening of lake waters and along the shore it appears as a Scum. The Algal Bloom is unsightly and smells. It can be injurious to fish and to the foods that fish live on.

The most significant concern however pertains to human and animal health. The Algal Bloom can produce Toxins that can cause gastrointestinal upset and it can also cause a rash to water users.

Cllr. Gleeson stated we are very fortunate in Kerry that Mr David Lenihan our Senior Executive Chemist and colleagues have considerable expertise and commitment in relation to identifying and dealing with Algal Bloom. We are fortunate also that laboratory facilities exist to identify the Bloom and its type because there are many types.

Scotland, a country with many famous lakes and a country keenly aware of their importance to tourism in that country, have a National Protocol to deal with all aspects of Algal Bloom and they also have world class laboratory facilities in which to identify type and quantify danger. On occasion we in Ireland have to interact with that laboratory in order to help identify the precise nature of an outbreak.

Ireland is a country of many lakes of vital importance to the local and national economy and we should give appropriate priority to their protection and the protection of the aquatic life in them and to the protection of the human and animal life that interacts with the water of those many lakes.

Cllr. Gleeson called on the Government to learn from Scotland and to establish a definite Protocol for all Local Authorities and a State of the Art laboratory to analyse and advise.

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

26. Kilcummin Sewerage Scheme

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

To ask how long more must the people of Kilcummin wait for Irish Water to clarify the details regarding Kilcummin Sewerage Scheme and when work will begin as it is totally unacceptable for people from Kilcummin to travel on the Coolcorcoran Road to the village which is in a deplorable condition and costs them a fortune in car repairs.

The following reply issued:

This matter was referred to Irish Water for comment. In response, Irish Water has stated that their design engineers are due to finalise their report, which will propose the recommended solution for Kilcummin Sewerage Scheme, within a matter of weeks.

Irish Water further states that whatever the proposed solution, it will almost certainly involve a planning application and associated environmental assessment. Allowing for this statutory process and for the procurement process that follows, Irish Water estimates that it will be 2017 before construction work commences on this project.

Cllr. B. Cronin stated Kilcummin Sewerage Scheme is long awaited. Members were informed there would be an announcement on it in the next few weeks but the report states *‘Irish Water estimates that it will be 2017 before construction work commences on this project.’* The local community are frustrated as the roads in the area are in a deplorable condition but he acknowledged the fact that percolation is bad in the area. Members have not been informed if this will be a stand alone system or if the sewerage will be pumped to Killarney. This scheme

will not be constructed until 2017 or 2018 and in the meantime motorists must continue to use the roads.

Cllr. J.J. Culloty suggested that when the route of this Scheme is decided that roads that will not be impacted could be improved.

Cllr. J. Sheahan concurred with the views expressed by Cllr. Cronin and he asked that this Sewerage Scheme would be prioritised.

The Cathaoirleach then left the meeting and the Leas Cathaoirleach, Cllr. J. Finucane, took the Chair.

27. Definitions in the County Development Plan and in legislation

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

Can Senior Management define the following and indicate where such definitions are found i.e. CDP, legislation, case law

'favourable consideration'

'family farm'

'land holding'.

The following reply issued:

The terms referred to are contained in Objective RS-7 (Chapter 3) of the Kerry County Development Plan 2015-2021 which refers to housing development in Rural Areas under Strong Urban Influence.

'Favourable consideration' means the application may be granted by the Planning Authority provided all relevant requirements of the planning process are complied with e.g. effluent disposal, traffic issues etc.

These areas, which are identified in Map 3.1 of the County Development Plan, are areas primarily in the environs of the principal towns in the County such as Tralee and Killarney where there is already significant development, and where any remaining capacity for further development must be protected for applicants from 'family farms' (i.e. where the applicant was born and raised on a family run farm) or alternatively, the construction of a dwelling house on a 'landholding' (i.e. a significant area of land which would be considered as constituting a viable farm not containing an existing dwellinghouse) may also receive 'favourable consideration' subject to compliance with normal planning criteria.

Cllr. T. Ferris welcomed the definitions but asked what the source of the definitions is.

28. Revival of towns and villages in the County

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

That Kerry County Council take the lead role in the revival of the towns and villages in our County by acquiring closed/vacant front street properties and provide office space for small to medium sized businesses on the ground floor with apartments overhead for qualified housing applicants. The Council should also consider offering an incentive for new start up businesses by allowing them to be rate free in year 1, responsible for 33% commercial rates in year 2, 66% rates in year 3 and responsible for 100% rates from year 4 onwards.

The following reply issued:

Kerry County Council will take a lead role in the revival of towns and villages in the county through targeted investment in infrastructure, improvements in streetscapes, public lighting, car parking and the general appearance of these areas.

It is not feasible for Kerry County Council to engage in significant property acquisition in town and village centres for mixed use development. Where there is a clearly identified demand and opportunities arise for infill housing projects, these will be examined on a case by case basis and will be pursued where funding under the capital housing programme is made available.

It is proposed to examine possible incentives to business in a targeted way that would encourage the upgrading of properties in town and village centres. A scheme will be developed to advance this in the new year, through the Economic Development & Enterprise SPC. Areas that will be examined will include possible reductions in rates liability over a number of years, reduced development contributions and supports through the Local Enterprise Office.

As outlined at previous meetings the Council has clear policies in both the County Development Plan (CDP) and the emerging LECP to strengthen towns and villages in the county. In particular the following Objectives from the CDP focus on this area;

US-5 Encourage and stimulate the sustainable re-development and renewal of the town and village cores.

US-6 Support the sustainable development of derelict sites and infill sites in towns and villages and encourage the use of upper floors of retail premises as residential accommodation as a means of providing additional housing and revitalising settlements.

The LECP has identified the regeneration of towns and villages as a central theme of the economic and community development of the County and through the retail and community stakeholder groups a number of actions have been identified to bring increased activity and vibrancy to these areas. The following higher level goal was identified early in the process;

3.9 Support the sustainable regeneration of urban and rural areas, through the development of integrated plans, community capacity building and targeting investment to develop vibrant sustainable communities.

The Council is working with the various towns in the County to establish Chamber Alliances to support existing businesses and to promote these centres in a coordinated manner. The Council is also committed to work with communities in the development of village design statements, tidy town initiatives and working with local development companies in delivering Leader projects in these areas and also to fund projects under the community support fund.

The Council will target the recently announced town and village renewal grant scheme and make strong submissions for funding when the detailed funding requirements are announced.

Cllr. M. Cahill stated many towns and villages in the county are virtually dead and it is depressing to drive through them as many shops have closed. It will take drastic action to bring them back to life and the creation of 2 or 3 jobs in a village would be very helpful. He called on the Council to work with the agencies and to consider housing projects for these villages also. He welcomed the proposed Scheme to be developed through the SPC.

Cllr. D. McCarthy SECONDED the motion.

29. Adequate working fire hydrants in all Kerry County Council estates

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

Can Kerry County Council confirm if there are adequate working fire hydrants in all Kerry County Council estates in the County as a recent fire took place in a North Kerry Village, which has raised great concern.

The following reply issued:

Kerry County Council as Fire Authority is currently carrying out a full survey under Section 10(10) of the fire Services Acts 1981 - 2014 "to examine the location and adequacy of water supplies for firefighting purposes, fire-fighting equipment and fire hydrants". All fire tenders attending fire events carry water on board for immediate fire fighting purposes whilst connections to hydrants and mains are being installed at incidents. A preliminary survey report will be available by the year's end.

Cllr. J. Brassil welcomed the reply and stated that 6 weeks ago a fire started in a shed and quickly spread to three properties at Marian Park, Causeway. When the Fire Brigade arrived there was no pressure in the fire hydrant and they had to go to a local business for water. If the wind was stronger that night the entire estate could have been affected and it would have been an unmitigated disaster.

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

Cllr. M. Gleeson asked if the local Fire Brigade have an inventory of all fire hydrants in the area.

Mr. J. Breen stated that all fire tenders carry water to the scene. On the day in question water was sourced locally.

30. Call for changes to the Free Legal Aid System

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

That Kerry County Council writes to the Minister for Justice to change the free legal aid system where after 3 convictions, a person cannot apply for free legal aid.

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

Cllr. J.F. Flynn moved the motion and stated anyone with three or more convictions should not be entitled to free legal aid.

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

Cllr. P. Daly objected to the motion and said it is a person's constitutional right to have a fair trial and they should have a quality defence. If a person had a conviction for not having a TV licence, a Parking Fine and not paying Water Charges they would have three convictions for very minor offences.

Cllr. J.F. Flynn stated a person does not get a conviction for nothing. A person who breaks into the house of an elderly person should not be entitled to free legal aid to represent them in Court.

Cllr. D. Grady supported the motion.

Cllr. J. Finucane suggested that the motion could be amended to ask that the Free Legal Aid system would be reviewed.

A vote was taken on Cllr. Flynn's motion which resulted as follows:

For: Cllrs. Brassil, Cahill, Culloty, Finucane, Flynn, Gleeson, Grady, J. Healy-Rae, Locke, D. McCarthy, Moloney, O'Connell, Sheahan, Spring **(14)**

Against: Cllrs. Daly, Ferris, Nolan **(3)**

Not Voting: Cllr. Beasley **(1)**

The Cathaoirleach declared the motion CARRIED.

31. Policy on the dedication of public buildings etc.

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

That Kerry County Council expedite its policy decision on dedications of public buildings etc.

The following reply issued:

A policy on naming/dedication of Council Infrastructure will be considered by the Operations SPC in Q1 of 2016.

Cllr. B. O'Connell welcomed the reply.

Cllr. M. Gleeson SECONDED the motion.

32. Funding for Phase 2 of the restoration works on the Dale Road

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

That Kerry County Council do their utmost to secure funding for phase 2 of the restoration works on the Dale Road.

The following reply issued:

This road is the R556 Regional Road from Tralee to Ballyduff. The section of road from Ballinclogher Cross to Abbeydorney is built on a bog rampart which, due to the nature of the underlying ground conditions, is subject to settlement resulting in a significant number of undulations on the road surface. The pavement was overlaid in 2010 and further minor repairs works were carried in 2014 to the worst sections of this road. Consideration was also given to the erection of crash barriers on this section of road, where the road level is above the adjoining ground level, but considerable works would be required to extend the embankments on either side of the road to facilitate these measures.

It is acknowledged that a full road reconstruction is required to adequately improve the riding quality of this road, similar to the works completed on the 2.5 km section north of Ballinclogher Cross in 2009, which was funded under a specific improvement grant and at a cost of €3 million. The estimated cost of these works is €3million.

The Council has made repeated requests to the Department of Transport, Tourism and Sport for specific funding for these works but due to the reduction in overall grant aid, has been unsuccessful. Since 2014, the Specific Improvement Grant Scheme has been suspended and the scale of the works could not be considered for funding under the Discretionary Maintenance Grant Scheme.

Given the scale of works required, Central Government funding is required and we will continue to raise this issue with the Department.

Cllr. R. Beasley welcomed the reply and added that this section of road is having an adverse impact on the economy of North Kerry. He asked that further applications for funding would be submitted to Government as a matter of urgency.

35. Cost to tradesmen of upskilling to meet new legislative requirements

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

That this Council write to the Minister for Jobs, Enterprise and Innovation, Mr. Richard Bruton, asking him to address the unfairness of the costs associated for qualified tradesmen who are self employed in this County in upskilling themselves to meet the new legislative requirements under the Health, Safety and Welfare at Work Act.

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

Cllr. D. Quigg stated that plumbers who are gas installers must now do two courses and some cost up to €3,500 and they must take a week off work to do the course. Some assistance should be provided to them as these requirements are putting people out of business. It costs €1,500 to be certified to service oil boilers. He asked that the Minister would be requested to provide assistance in funding the cost of these courses.

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

38. Calling on the Minister for Social Protection to implement a Scheme to encourage people to make a Will

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

To ask the Minister for Social Protection to implement a scheme to encourage people to make a Will.

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

Cllr. D. McCarthy stated it is very important that people make a Will and he asked that this issue would be highlighted.

Cllr. J. Healy-Rae **SECONDED** the motion and stated everyone is aware of cases where there was no Will and the person's wishes were not implemented. It costs just €50 to €100 to make a Will.

39. Call for a Scheme similar to the Capital Loan Subsidy Grant for the Voluntary Housing Sector for Local Authorities

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

That the Minister for Environment and Local Government put in place a scheme similar to the Capital Loan Subsidy Grant for the Voluntary Housing Sector for Local Authorities linked to the new Part V Housing Regulations for proper support of tenants and to eliminate funding discrimination between public and private voluntary sectors.

The following reply issued:

The Capital Loan and Subsidy Scheme is no longer in operation as a source of grant funding for Voluntary Housing. The provision of housing for people with specific categories of need of sheltered accommodation is funded generally under the Capital Assistance Scheme. In addition, the Capital Advance Leasing Facility (CALF) allows for the provision of housing for long term lease through the Voluntary Housing Bodies. The Housing Department continues to engage actively with Approved Housing Bodies to advance suitable housing schemes and proposals to satisfy housing demands. In relation to Part V, consideration will continue to be given to proposals for voluntary housing units as one of the options to satisfy Part V requirements.

40. Permission to carry out work on streams

Pursuant to notice duly given Cllr. G. Spring PROPOSED:

To ask Kerry County Council if private land owners are required to contact the OPW, if permission is required prior to carrying out works on streams etc.(to cover streams etc.) and if Kerry County Council are obliged to notify the OPW if they believe such work is carried out without permission and it poses a flood threat.

The following reply issued:

The provisions of Section 50 of the Arterial Drainage Act 1945, whereby the consent of the OPW is required to construct any new bridge or alter, reconstruct, or restore any existing bridge over any watercourse, only applies to local authorities, railway companies, canal companies or other similar body. The requirements under this legislation do not apply to individual landowners.

15.12.21.10 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Healy-Rae it was agreed to authorise the attendance of Cllrs. Cahill, D. McCarthy, J. Healy-Rae and D. Healy-Rae at the Positive Farmers Dairy Conference to be held in Cork on the 13th and 14th January 2016.

Cllr. Cahill was nominated to report back to Council on this Conference on behalf of all the Kerry County Council delegates that attend.

- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J. Healy-Rae it was agreed to authorise the attendance of the Cathaoirleach, Cllr. Pat McCarthy, at the Flag Raising Ceremony and Ireland 2016 Peace Proms to be held in Dublin on the 1st January, 2016.

15.12.21.11 Correspondence General

Cllr. M. Gleeson referred to the reply received from the Minister for Finance in response to his motion calling for the removal of the 23% VAT on defibrillators. While he understood it could not be removed at the point of purchase he believed a Club should be allowed to submit a receipt and to be refunded the value of the VAT.

The Leas Cathaoirleach invited all present to the Half Way Bar and then to dinner at O’Riada’s at 5.30pm. He wished members, staff and the Press a happy Christmas.

The Chief Executive thanked the members for their co-operation and good work over the past 12 months and wished them a happy Christmas.

On behalf of the Sinn Féin Party Cllr. R. Beasley wished the Executive a peaceful Christmas.

The meeting concluded at 4.40pm.

Gerard O’Brien

Meetings Administrator

Cathaoirleach of Kerry County Council