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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 18 EANAIR, 2016**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 18 JANUARY, 2016**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

R. Beasley	J. Brassil	M Cahill
P Connor Scarteen	B. Cronin	J.J. Culloty
P. Daly	T. Ferris	J. Finucane
S. Fitzgerald	J.F. Flynn	N. Foley
M. Gleeson	D. Grady	D. Healy-Rae
J. Healy-Rae	N. Kelleher	M. Kennelly
S. Locke	D. McCarthy	J. Moloney
N. Moriarty	D. Nolan	T. O'Brien
B. O'Connell	M. O'Shea	L Purtill
D. Quigg	J. Sheahan	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. T. Hayes, LEO Officer
Mr. G. Riordan, SE Operations	Mr. D. O'Malley, Sen. Exec. Planner
Mr. D. Ginty, Executive Planner	Mr. L. Brosnan, AO Planning
Mr. K. Burns, Assistant Planner	Ms. V. McCarthy, Executive Planner
Ms. C. Farrell, Project Leader IT	Ms. B. Reidy, SSO Corporate Support
Ms. O. O'Shea, CO Corporate Support	Ms. M. Fitzgerald, CO Finance
Ms. K. McCarthy, CO Finance	Ms. S. O'Keeffe, CO Arts Office
Ms. P. Ryan, CO Finance	Ms. L. Cleary, CO Finance
Ms. G. Cotter, CO Finance	Ms. C. Tobin, CO Finance
Ms. M. Galvin, CO Corp. Support	Ms. N. O'Connor, CO Finance

The meeting commenced at 10.45am.

## January Ordinary Meeting

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

### **16.01.18.01 Cathaoirleach's Report on the CPG Meeting held on the 12<sup>th</sup> January 2016**

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

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

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

#### **Item 2 Disclosure of Donations Forms for 2015**

Mr. G. O'Brien reminded members that their completed Disclosure of Donations Forms for 2015 must be submitted by the 31<sup>st</sup> January, 2016.

#### **Item 3 Annual Ethics Declaration Forms/Public Sector Standards Bill 2015**

Mr. G. O'Brien stated that the Annual Ethics Declaration Forms would issue shortly and they must be returned by the 29<sup>th</sup> February, 2016.

Mr. M. O'Donoghue advised members that the Public Sector Standards Bill 2015 was published recently and it is intended that this will replace Part 15 of the Local Government Act in relation to Ethics. The Bill is presently going through the Houses of the Oireachtas.

Cllr. J. Finucane asked if a member is appointed as a Director of a Company by the Council must they declare it on their annual Ethics Declaration.

Mr. G. O'Brien stated in accordance with the regulations it was not necessary to declare Directorships where the appointment was made by the local authority.

Mr. M. O'Donoghue stated that if any councillor is in doubt he advised they should err on the side of caution and include it in the Ethics Declaration.

#### **Item 4 Update on weather events**

The Chief Executive advised that this issue is being considered at Special Municipal District meetings this week.

Mr. M. O'Donoghue asked if elected members or members of the public are aware of damage to culverts or bridges that they inform the Council of same immediately.

Cllr. M. Kennelly pointed out there has been a reduction in the number of outdoor staff in the Listowel area and 5 staff are due to retire in the next 3 years. Some work funded from the 2015 Councillors Allocations has not yet been carried out. He asked that this staffing problem would be addressed.

Cllrs. Finucane and Beasley concurred with the views expressed by Cllr. Kennelly in relation to outdoor staff.

The Chief Executive stated the limitations on grant funding impact on the staffing compliment across Kerry County Council and that it was essential that the percentage of pay to non-pay expenditure be maintained to deliver the Roads Programme more efficiently. She accepted the Council has in many areas an aging workforce and added that a plan would be put in place to address this on a phased basis and the matter is under review.

**Item 5            Update from the SPC Chairs**

The SPC Chairs stated there were no SPC meetings since the December Council Meeting.

**Item 6            Any other business**

**Kiely – v – Kerry County Council and Others**

The Chief Executive advised the meeting that the Supreme Court Order in the Kiely – v – Kerry County Council and Others Case was perfected the previous Friday. On Monday 11<sup>th</sup> Kerry County Council went to the Circuit Court to get direction on the Count afresh. Judge O'Donnell's view is that the Count afresh should be conducted by Kerry County Council and proceed as normal under his direction.

Cllr. J. Finucane asked who would appoint the Returning Officer.

Ms. Murrell confirmed that she would appoint the Returning Officer and the Count afresh would be managed by Kerry County Council under the direction of the Circuit Court.

**Proposal for a Presentation to Council**

Mr. G. O'Brien stated at the December Council Meeting Cllr. Ferris asked that Marisa Reidy would be invited to make a presentation on Cystic Fibrosis to Council.

The CPG unanimously agreed to this Presentation.

**New Local Enterprise Office**

Cllr. J. Finucane stated the new Local Enterprise Office is ready for occupation.

Mr. G. O'Brien confirmed that the new LEO Office would be open in County Buildings on the 1<sup>st</sup> February 2016.

## January Ordinary Meeting

Cllr. Finucane proposed that the new offices would be launched officially. It is vital that the Local Enterprise Office is recognized as the first point of contact for all potential business developments in the county.

The Cathaoirleach stated that he and the Chief Executive attended the official opening of a new building at the Kerry Technology Park for a company called JRI America. This Company started in 2011 with 3 staff and they have now expanded to 70. This is good news for Kerry and shows confidence in the county.”

Cllr. R. Beasley stated he mentioned at the CPG Meeting that 5 members of the outdoor staff in the Listowel MD would retire in the next few years. One staff member retired before Christmas and he will be missed. He called for the lifting of the moratorium on the recruitment of staff. The road network has deteriorated due to the very bad flooding and many roads are in a dreadful state of repair. He pleaded with Management to employ additional outdoor staff. Cllr. Beasley then referred to the proposal to hold the Court Afresh in John Mitchels and expressed his disappointment as he felt it should be held in Listowel. John Mitchels was not a success in 2014 as candidates or members of the public could not get a hot meal there.

Cllr. D. Healy-Rae stated in the past there were 6 crews in the Killarney Engineering Area and now on certain days that is down to 2. The present workforce cannot repair all the roads. People were never paying more tax between Road Tax, Water Charges, LPT etc. The Ranaleen Road in Currow is blocked for the past few weeks and he asked where would the funding to clear the road come from. It would take just 2 days to clear the road and while he has a plant hire business he was not asking for the work but he wanted to see the road cleared and re-opened for the local residents. After Christmas he requested the Director of Operations to employ an additional 12 staff but he stated funding was dependant on road grants. Any staff member that retired or died since 2008 was not replaced and it is not possible to provide the same level of service with such depleted staff numbers. Cllr. Healy-Rae asked if funding was received for the damage arising from the flooding prior to Christmas. He also asked if funding was received for the damage caused since Christmas. In conclusion Cllr. D. Healy-Rae asked if the Chief Executive has the discretion to request permission from the Department to replace a person who has retired or died.

Cllr. J. Healy-Rae stated the Count for his Electoral Area was held in the Killarney Sports Centre and at times there was no milk for the tea and candidates and members of the public could not get anything to eat. The Gleneagle Hotel offered their hotel for the Count free of charge and this offer was rejected. He requested that this would be considered for future elections as there is ample facilities and parking there. Many people living in rural areas do not see the services they receive from the Council. People on local roads are neglected and

drains or inlets are not being opened to take the water off the roads. Cllr. Healy-Rae asked if the Chief Executive can take on additional staff. Deputy M. Healy-Rae asked this question in the Dáil and the response stated that no request for sanction for additional staff was received from Kerry County Council.

Cllr. M. Kennelly stated he raised this issue in relation to the entire county at the CPG Meeting and the Chief Executive's response applies to the whole county.

The Chief Executive stated the Circuit Court indicated that John Mitchels would be an appropriate venue to hold the Count Afresh as this was the Count Centre for both Listowel and Tralee MDs for the 2014 Local Elections. The facilities at Mitchel's are best suited to the needs of the Count. The date for the Count as agreed by the Circuit Court is Wednesday 10<sup>th</sup> February. She appointed the Returning Officer and this appointment was approved by the Circuit Court. The Count Centre for a General Election is a matter for the County Registrar. Since 2008 staff numbers in all areas have reduced by approx. 20%. Outdoor staffing levels are in line with the grants available to the Council. It is important to be mindful of the ratio of staffing costs to non staffing costs from an efficiency point of view. The Chief Executive acknowledged the Council has an aging work force and she undertook to review this with a view to identifying the critical areas where certain positions need to be filled over the coming months. However she did not want to create unrealistic expectations and the Council must work within the grants received. It is also important to maintain the ratio of wage to non wage costs.

Cllr. D. Healy-Rae again asked if the Chief Executive has the discretion to request the Department to lift the embargo in certain cases.

The Chief Executive informed the meeting it was not simply a matter of lifting the embargo as the filling of vacancies depends on affordability. All factors must be considered and the Council has a Work Force Plan in place. She again advised members that critical positions would be filled in 2016.

#### **16.01.18.02 Confirmation of Minutes**

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. O'Connell, it was agreed that the minutes of the Meeting held on the 14<sup>th</sup> September 2015 to consider the Report of the Chief Executive on the setting of a Local Adjustment Factor for Local Property Tax for 2016 and the Council's Budget Strategy for 2016 be confirmed.
- (b) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. M. Gleeson, it was agreed that the minutes of the Special Planning Meeting held on the 2<sup>nd</sup> November 2015 be confirmed.

## January Ordinary Meeting

- (c) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. T. O'Brien, it was agreed that the minutes of the Budget Meeting held on the 9<sup>th</sup> November, 2015 be confirmed.
- (d) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. J.F. Flynn, it was agreed that the minutes of the December Ordinary Meeting be confirmed.

### **16.01.18.03 Chief Executive's Report**

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

#### **“Introduction**

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

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

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

The attached report has been prepared for the January 2016 Council Meeting.

#### **Financial Position**

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

### **Operation of LCDC**

The LCDC has convened on three occasions in the quarter to December 2015. In October the LCDC began its consideration of the LEADER Strategy and has since 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 30<sup>th</sup> November meeting. The Strategy has now been finalised and has been submitted 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 which 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 work of the PPN over the three month period included the development of the website and communication, training sessions around funding applications, and meetings with cluster groups around the LECP. The development of the website is considered critical to ensure the broadest reach of the PPN within the wider community and to allow ease of access to information.

PPN have also worked with KCC around the refugee crisis and a special meeting of the PPN Secretariat was convened in respect of same. The PPN was also instrumental in relation to dissemination of information during the severe weather.

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

The PPN Secretariat also considered the 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 Economic Development and Enterprise SPC and the LCDC respectively. These actions have now proceeded 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.

### **Housing Programme 2015 - 2017**

The Council completed the purchase of 35 houses by the end of December 2015 as part of the Housing Construction and Acquisition Programme 2015 – 2017, which was in excess of our house purchase target for 2015 of 30 houses.

The target for purchase for 2016 is 40 houses and we continue to seek suitable houses for purchase in the County.

The Council made a total of 146 Council housing allocations in 2015. In addition, a further total of 231 contracts and allocations were secured through the RAS and Leasing Schemes during 2015 and we continue to seek suitable properties for lease.

We also continue to work closely with Voluntary Housing Bodies and a total of 40 housing units throughout the county were secured in 2015 for accommodating qualified housing applicants through the Voluntary Bodies.

Every effort continues to be made to advance the Housing Construction and Acquisition Programme and a full report will be provided to Members at the Special Housing Meeting on 25<sup>th</sup> January.

### **Housing Grants**

In 2015, the Council issued 396 grant allocations under the Housing Adaptation Grants for Older People and People with a Disability Grant Schemes totalling €2.09 mn.

### **Returning Vacant Housing Properties to Productive Use**

Works to a total of 126 houses were funded through the Voids Programme and the RAS Reserve in 2015. The aim of this programme was to return vacant properties to productive use in order to meet the needs of qualified housing applicants.



### **Energy Efficiency Programme**

The Council carried out energy efficiency improvement works under this Programme in 2015 to 351 houses across the 4 Municipal Districts, thus improving roof, wall and cavity insulation and the overall energy efficiency and fabric of Council houses.

### **Strategic Policy Committee**

A specific Housing Strategic Policy Committee Meeting was held in November 2015. A wide range of policy issues were discussed and considered including Council Housing Maintenance Policy and updated Tenants Handbook, Succession to Tenancy Policy, Leasing Policy, Hardship Scheme for Housing Rents and Vacant Houses/Voids Programme.

An update on the Housing Programme, Part V legislation, Housing Act 2014 (Notice to Quit/Anti-Social behaviour) and Fire Assessment of Halting Sites was provided and discussed. Members of Residents First Group also gave a presentation to the SPC highlighting issues of importance to Housing Residents including maintenance/repairs, communications and supports and anti-social behaviour.

### **Local Traveller Accommodation Consultative Committee**

A Meeting of the current LTACC was held in November 2015 with local nominated representatives. We continue to implement the Traveller Accommodation Programme 2014 – 2018 and are working with the Committee in implementing a Work Programme for the duration of the Committee. The Committee were updated on the recent review of fire safety undertaken in Halting Sites across the County by the Council and advised that further guidance was awaited at National Level on this matter. It was agreed that the Council would work in co-ordination with Traveller Community Representatives in undertaking reviews and implementing community fire safety. A Regular Schedule of Meetings was also agreed for 2016 in order to advance the Work Programme.

### **Housing and Disability Steering Group**

A Meeting was held in October of the Council's Housing and Disability Steering Group. The Draft Strategic 5 Year Plan for Housing People with a Disability was considered and agreed and a Work Programme agreed for the Group for the implementation of the Housing Strategy for People with Disabilities and for managing Congregated Settings.

## **Environmental Services**

### **Establishment of Waste Enforcement Regional Authorities**

The DoECLG has recently advised of the establishment of Waste Enforcement Regional Authorities for each of the 3 Waste Management Planning Regions in the country. Cork County Council is the new Waste Enforcement Regional Authority for the 10 counties including Kerry which make up the Southern Waste Management Region. Each of these new Waste Enforcement Regional Lead Authorities (WERLAs) will have responsibility for coordinating waste enforcement actions within regions, setting priorities and common objectives for waste enforcement, ensuring consistent enforcement of waste legislation across the three existing waste management planning regions while still leaving local authority personnel as first responders on the ground to specific breaches of waste legislation. This is intended to facilitate a transformation from process driven enforcement, structured around separate implementation of individual regulations, to one that focuses greatest effort on the waste problems and issues that matter most and to take swift, proportionate and effective action

### **Kerry County Council Laboratory Accreditation**

I wish to advise that the Irish National Accreditation Board (INAB) has awarded ISO17025 accreditation to Kerry County Council's Laboratory in December 2015, for chemical and microbiological analysis. ISO 17025 is a much sought after international management standard for laboratories.

## **Library Services**

### **Free library membership**

As part of the national strategy for public libraries, Kerry Library has introduced free library membership from 1 January 2016.

### **Library statistics for 2015**

The no. of items borrowed at Kerry's libraries during 2015 was **645,273**. While the final figure was down slightly (just 2,260 books or **0.3% less** than 2014), library usage county wide is quite strong. Tralee continues to be the busiest library with 155,573 items borrowed.

There was a **26.75% increase** to **90,442** in usage of the range of online sources available via the library website [www.kerrylibrary.ie](http://www.kerrylibrary.ie) [World Book; the Irish Newspaper Archive; Languages online; e-books (pilot); Naxos Music, Encyclopaedia Britannica; Find my Past; 19<sup>th</sup> & 20<sup>th</sup> century British Parliamentary Papers and National & international newspapers online]

The no. of individual visits to libraries was 464,450, an increase of 6.77% on 2014.

	<b>No. of items borrowed</b>	<b>% change</b>
2014	647,533	
<b>2015</b>	<b>645,273</b>	<b>- 0.3%</b>

	<b>Usage of library online sources</b>	<b>% change</b>
2014	66,245	
<b>2015</b>	<b>90,442</b>	<b>+ 26.75%</b>

	<b>No. of individual library visits</b>	<b>% change</b>
2014	435,529	
<b>2015</b>	<b>464,450</b>	<b>+ 6.6%</b>

### **Fire and Building Control Section**

	<b>1 Jan 2014 to 31 Dec 2014</b>	<b>1 Jan 2015 to 31 Dec 2015</b>
<b><i>Fire Service Operations</i></b>		
Total Incidents	1,016	1,109
Total Mobilisations	1,136	1,255
Number of Fires	465	595
Of which: Chimney Fires	144	141
Gorse	104	223
Number of Special Service Incidents	364	327
Of which: Road Traffic Accidents	160	120
<b><i>Building Control</i></b>		
Fire Safety Certificate Applications Received	129	137
Disability Access Certificate Applications Received	71	92
Commencement Notices Received	343	339

### **Kerry Local Enterprise Office**

The Kerry Local Enterprise office had a busy final quarter 2015 in closing off grant issue and programmes.

### **Project approvals**

The Approvals & Evaluation Committee met on five occasions in 2015. 39 projects have been approved funding of €536,125. A further 3 projects have been approved funding in principle to a value of €42,500. This support has the potential to create 74 full time and 17 part time jobs.

In addition, a total of €279,394 was paid to approved projects over the course of the year and at year end, the Local Enterprise Office had €351,380 committed to new projects.

### **Training and Soft supports**

A total of €268,027 was spent on training supports and mentoring with over 574 persons attending training programmes and a further 392 attending information and advisory seminars. A further €71,867 was spent on Ireland's best Young Entrepreneur Competition and €71,867 was spent on the "Trading Online Voucher" Scheme. A total of €414,830 was spent on training support activity and other soft supports.

### **Microfinance Loans**

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

### **Schools Enterprise Programme**

The 2015/2016 schools programme has commenced with all schools contacted. 22 schools have registered. Mentors have now been appointed and the programme is underway.

### **Mentoring**

122 businesses have been approved mentoring support through formal assignment across a range of disciplines.

### **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" have submitted a joint funding proposal to the Department of Agriculture and additional funding of €54,900 has now been secured funding.

### **Employment Survey**

The 2015 Employment Survey has now been completed to determine overall employment in LEO supported businesses. A total of 374 businesses are now registered on the Local Enterprise Office monitoring system with a total employment of 1,265 full time and 580 part time. Total business employee numbers amount to 1,845 persons (full-time and part-time).

### **Office Relocation**

Significant work has now been completed on the new LEO offices within County Buildings and it is anticipated that the office will be ready by the end of January.

### **2016 Planning**

Tendering has been completed for core training programmes and a full list of training programmes are available for booking on

[www.localenterprise.ie/kerry/trainingevents](http://www.localenterprise.ie/kerry/trainingevents) in Tralee, Killarney, Listowel, Cahersiveen and Killorglin. Further programmes are planned.”

Cllr. D. Grady asked what the position is in relation to the 20 houses to be constructed at The Park, Killarney and what is delaying construction. In 2015 377 houses were provided excluding the Voluntary Bodies and he asked that councillors be notified when applicants are housed by Voluntary Bodies. Cllr. Grady asked how many applications were received in 2015 and do these applications exceed the number of houses allocated. He welcomed the housing grants allocated in 2015.

Cllr. M. Gleeson welcomed the ISO accreditation for the Laboratory and he congratulated Mr. D. Lenihan and his staff on their regular monitoring of lakes. He asked if there could be a wider role for the Lab and could they undertake work on a national basis. Cllr. Gleeson then referred to gorse fires and stated in the past meetings were held between the Fire Service and local communities and they were very helpful. He asked that these meetings would be reactivated.

Cllr. J. Healy-Rae referred to LEADER funding and asked when people can expect to be invited to apply for funding and when is the first applicant likely to receive funding. He expressed his disappointment at the length of time it has taken to get LEADER funding. There are major difficulties in getting houses to lease and he requested that an advertising campaign would be undertaken. At the December meeting he requested that where smoke alarms are being reviewed or replaced that carbon monoxide alarms would also be installed. He further asked if chimney's in halting sites are cleaned by the Council.

Cllr. D. Healy-Rae asked when details of LEADER funding would be announced. He asked how it would be distributed between the three Partnerships Groups in Kerry. He supported the views expressed by Cllr. Grady in relation to the construction of the 20 new houses in Killarney which are not mentioned in the Chief Executive's Report. While there are difficulties in leasing houses he was aware from canvassing that there are a lot of vacant houses some of which are finished while others require further work. He asked if the owners could be enticed to let these houses for so many years if the Council completed the work on them. Every house needs to be lived in otherwise it will become derelict. He agreed that an advertisement should be placed in the paper inviting owners to

lease vacant houses as some owners cannot afford to complete the house. Cllr. Healy-Rae stated it would not be possible to buy/lease as many houses in 2016.

Cllr. D. Healy-Rae referred to gorse fires in particular in Muckcross and stated if it was not for the efforts of the Fire Service, Civil Defence and volunteers the situation would have been much worse. He asked if the National Park was requested to provide fire belts near houses.

Cllr. M. Cahill stated there are 5,000 qualified housing applicants on the housing list and the Government plans to house everyone on the list by 2020. He asked if this was realistic. Cllr. Cahill asked what the policy is on housing single male applicants as they are not being housed at present. It is very frustrating for housing applicants to see so many vacant houses while they are waiting to be housed. Towns and villages are dying and many properties are for sale. He asked that the LCDC would seek to address this problem and to try to identify a way to bring life back into villages. At the December Meeting he moved a Motion calling on the Council to acquire street side properties in towns and villages and to provide living accommodation upstairs with commercial units on the ground floor. Cllr. Cahill also stated he recently requested that a Scheme would be introduced to give an incentive to new businesses whereby they would pay 33% rates in year 1, 66% in year 2 etc. The focus going forward must be on the creation of 2 or 3 jobs and this would help revitalise towns and villages.

Cllr. A. Thornton asked what reports would be circulated to members in advance of the Housing Meeting. She asked that members would be given a list of houses purchased and their locations together with a copy of the Work Plan for Housing People with Disabilities.

Cllr. J. Finucane welcomed the achievement of ISO accreditation by the Laboratory and stated there should be a development plan for the Lab. He asked that the broader public and the business sector would be made aware of this accreditation. Cllr. Finucane asked that the possibility of establishing a link between the Lab and ITT would be investigated with a view to establishing a Centre of Excellence. He welcomed the update on the LEO and stated it is key to the creation of jobs in Kerry. He was in contact with two investors recently who were very impressed with the service they received from the LEO. Cllr. Finucane asked once the new Local Enterprise Office opens that they would advertise seeking direct investment in the county.

Cllr. D. Nolan requested a more comprehensive presentation on the new Waste Enforcement Regional Authorities at an upcoming Council meeting. She asked if this Authority will impact on the management of landfill sites. Some local authorities have active landfills and she asked if it is intended to co-ordinate services.

Cllr. N. Foley acknowledged the tremendous work of the Housing staff in particular those who process grant applications. While she acknowledged that additional funding was received late in 2015 she asked why this could not be included in the allocation earlier in the year. Cllr. Foley also acknowledged the work of the Library Service and welcomed the free library membership from 1 January 2016. Villages and towns are dependent on LEADER funding and she asked that the processing of applications for funding would be expedited. Cllr. Foley asked when applications for funding from the Community Support Fund will be accepted.

Cllr. J.J. Culloty concurred with the views expressed by Cllr. Foley in relation to housing grants. He asked when construction of the 20 houses in Killarney would commence. The heating systems provided in local authority houses is air to water and he asked when new houses are being constructed that a pipe would be fitted to enable the property to connect up to any biomass heating system that may be provided in the future. The groups awaiting LEADER funding are disadvantaged and it is not acceptable that they had to wait so long for funding.

Cllr. B. Cronin requested an update on the LCDC and stated it is almost 20 months since the Local Election and it appears that grant aid will not be available in the near future. He asked when it is envisaged that communities and individuals can apply for funding. Cllr. Cronin requested a breakdown of where houses were purchased by Municipal District. In conclusion he requested an update on the construction of the 20 houses in Killarney.

Cllr. P. Connor-Scarteen stated a strong message needs to go out from the Council in relation to LEADER funding. In the past excellent work was done in rural villages through funding from LEADER and he asked when funding would be released. He requested details of the number of applicants on the housing grants waiting list for the Special Housing meeting. Cllr. Connor-Scarteen asked when the houses in Kenmare would commence. He welcomed the Energy Efficiency Programme and stated it is essential that elderly tenants have warmer homes. Cllr. Connor-Scarteen referred to gorse fires and asked that fire breaks would be put in place before the Spring.

The Cathaoirleach welcomed the reduction in the number of road deaths in Kerry in 2015 and he complimented all road users on this significant reduction.

The Chief Executive stated that housing issues would be dealt with comprehensively at the Special Housing Meeting and the information requested will be provided to members. In relation to the LCDC she acknowledged it has taken time to bring together the SICAP Programme for 2016 but the priorities have now been agreed. A lot of discussion went into getting agreement on a single county expression of interest and Strategy but this is now in place and is with the Department for approval. Ms. Murrell acknowledged the expertise of the three Partnership Companies in the County but stated she did not know when

applications for LEADER funding would be invited. However she hoped the Strategy would be approved by the Department soon and once it is ratified applications for funding will be invited. The Community Support Fund would tie in with LEADER funding. It is important to target certain areas and to give added value to LEADER projects.

The Chief Executive stated a number of meetings had taken place with communities on the issue of gorse fires and a full report would be brought to the February meeting. Ms. Murrell undertook to revert to Council on the expressions of interest in the landfill with a view to optimising the use of the landfill. The accreditation for the Laboratory is very important and she advised members that the EPA has centralised testing and analysis of results on lakes. This allows resources to be utilised to address issues like Algae Bloom. It is hoped to secure work from Irish Water for the Laboratory now that they have achieved this accreditation.

Mr. J. Breen stated in advance of the Special Housing Meeting it is important to recognise 146 housing units were allocated while 231 contracts and allocations were secured through the RAS and Leasing Schemes during 2015. 40 housing units were provided by the Voluntary Sector. The targets for 2015 were exceeded in a number of areas. A full update on the construction of the 20 houses in Killarney will be presented at the Special Housing Meeting and the request to proceed to Tender is with the Department for approval. Mr. Breen stated 657 new housing applications were received in 2015. He undertook to consider providing information to councillors on the applicants housed by the Voluntary Bodies. All chimneys in halting sites were cleaned prior to Christmas. In relation to the provision of carbon monoxide alarms Mr. Breen stated he was trying to secure national funding for this programme. He was aware of the large number of vacant properties in the county and an incentive is being considered to encourage the owners to let/lease these properties. At present 50% of applicants are single. The information requested by members will issue prior to the Special Housing Meeting. The breakdown of house purchases is as follows:

- Tralee MD 10
- Killarney MD 9
- South and West Kerry MD 6
- Listowel MD 10

In conclusion Mr. Breen informed the meeting that 400 new applications for grants were received in 2015.

Cllr. J.J. Culloty requested that the report on the Landfill would be presented to the February meeting if possible.



**16.01.18.04 Issue of Annual Declaration Forms in accordance with Part 15 (Ethics) of the Local Government Act 2001**

Mr. G. O'Brien referred members to report dated 12<sup>th</sup> January 2016 on this item which was circulated. He advised members that their Ethics Declarations must be returned before the 29<sup>th</sup> February, 2016.

**16.01.18.05 Submission on the CFRAM flood extent maps**

Mr. M. Scannell referred members to the Submission by Kerry County Council on the CFRAM flood extent maps which was circulated and he briefed them in detail on the submission. It is important to note that the submission relates to the draft maps that were on public display and a letter issued to the OPW seeking the inclusion of the following areas:

- Caharane, Ardfert
- Foilduane, Glenflesk
- The Gweestin River and adjacent lands

For the most part the Executive agrees with the maps that were on public display with the exception of Banna and Tralee.

Cllr. B. O'Connell expressed alarm that the Executive are in agreement with the flood maps in relation to Castleisland. It is proposed to create a flood plain in Tullig yet during the heavy rainfall over the past month this area was not flooded. This was because the problem has been alleviated by the remedial works undertaken. There were serious issues with the Glounsharoon River and flooding at Kilbannivane graveyard. However he secured funding of €144,000 from the Minister for certain works to address this problem. The problem appears to have been alleviated by the raising of the wall at the Glounsharoon River. Further works must be carried out from Mahers to Tullig and he asked when it is intended to carry out this work. The proposal to create a flood plain at Tullig is very serious and residents in the area may not get house insurance. This area does not need a flood plain as was evident in December. It is proposed to create the flood plain on 12 acres from a landholding of 80 acres. It is also proposed to construct a bank 8m wide at this location and he asked what the cost of this would be and who would be responsible for the flood plain. Cllr. O'Connell further asked what compensation would be offered to the landowner. He PROPOSED that the flood plain would not proceed as it is no longer required.

Cllr. J.J. Culloty SECONDED this proposal.

Cllr. R. Beasley welcomed the submission but expressed concern at the possibility of further flooding at the Cashen. While houses in this area were not flooded recently residents are still concerned they may be flooded in the future. These residents do not have houses insurance as they were flooded in the past. While it is proposed to rise the wall for a certain distance there is solid rock at the mouth of the Cashen which was not addressed. While he accepted the banks were raised by the OPW the river should be dredged. At present thousands of acres of land are under water and people were informed in 2014 that this would not happen again.

Cllr. Beasley stated remedial works were carried out in Ballylongford but further work is required. Additional work is also required at Kilmore car park. He recently visited Banna and he was appalled at the amount of water there. The canal should also be dredged to let the water out to the sea. Cllr. Beasley then moved Notice of Motion No. 31.

### **31. Call for additional funding to dredge rivers and streams**

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

That the Council in conjunction with the OPW call on the Government for extra finance to dredge our rivers and streams without further delay as several of our roads were made impassable and thousands of acres of land were flooded.

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

Cllr. A. Thornton SECONDED the motion.

Cllr. D. Healy-Rae welcomed the inclusion of Foiladuane, Glenflesk and the Gweestin River in the Council's submission. He referred to a townland adjacent to Foiladuane and stated a house has been flooded there on a number of occasions. He asked that this would also be considered for inclusion. The home of a 93 year old further down the river is also flooded on a regular basis and he stated houses must be a priority. The bridge at Listry Cross is virtually blocked and if it is not cleaned the bridge will be washed away. That bridge urgently needs attention. Down through the years gravel was removed by farmers from rivers and the EU have clarified that they never gave a direction to stop taking gravel from rivers. In the open fishing season landowners should be permitted to remove gravel from the rivers. The problem for the fish is not in the rivers but out in the bays where foreign super trawlers fish. In the past he asked that the Glounsharoon River would be cleaned at Cragg as it was silted and had caused flooding in Tullig. In 2009 he got the river cleaned but it was not done since then.

Cllr. Healy-Rae then referred to Rathmore and claimed the credit for having the Cullowa River cleaned. This river always flooded out onto the road until the river was cleaned. He then referred to Bridges and stated that the Curreal and Gortahoosh bridges are blocked and need to be cleaned.

Cllr. P. Connor-Scarteen stated some of the CFRAM maps are incorrect as they do not take the changes in recent years into consideration. He PROPOSED that Sneem would be included as the GAA pitch and a number of dwellings were flooded in recent times. Cllr. Connor-Scarteen called on the Council to ensure that the maps for Kenmare are correct and to take into account that bridges and rivers need to be cleaned. He also urged caution as when a river is cleaned in one area it may cause problems further down stream.

Cllr. B. Cronin welcomed the proposal to include the Gweestin River in the CFRAM maps and he proposed this at the Killarney MD meeting the previous week. The flooding from this river impacts, not just on roads, but also on houses. Cllr. Cronin again proposed that this river would be included in the CFRAM maps. A number of houses were flooded where the river burst its banks and some roads were impassable due to flooding and damage caused by the flooding. Silt and gravel has built up in this river and it should be cleaned. No maintenance work was carried out to rivers for years and in the past it was deemed to be a maintenance task for landowners to remove the gravel regularly. However because of EU rules etc. this is no longer the case. This is necessary maintenance work which must be undertaken to protect homes. Kerry County Council must support landowners and home owners. Where there is an insurance claim it is very difficult to get insurance for flooding again.

Cllr. N. Foley acknowledged the input of the Executive into the CFRAM Study and she thanked Mr. Ginty for his presentation to members at MD meetings the previous week. It is an understatement that the flood maps do not correlate to the recent flood events in Tralee. She welcomed the proposal to include Caharane, Banna, Ardfert and stated this area has been devastated by flooding over a number of years. The residents have had to put up with flooding for years when some roads were seriously flooded and the public road was impassable. As a result houses were cut off. Coastal protection measures are urgently required in this area. It would be a very difficult situation if an emergency arose when the roads are flooded and houses are cut off. Kerry County Council must show leadership and the residents from this area will attend the next Tralee Municipal District Meeting in March. This will afford members the opportunity to hear their views.

Cllr. S. Locke welcomed the submission which was circulated. To say recent flood events are a 1 in 10 or 1 in 100 year events is wrong as flooding happens every year. All rivers should be cleaned and six months ago he pointed out at a Council Meeting that one of the bridges on the River Maine was almost a dam. He was confident the Executive contacted the OPW at the time but nothing was done to alleviate the problem at that bridge. It would not be too expensive to dredge the River Maine where there is up to six feet of silt without getting the permission of the OPW or Inland Fisheries. Cllr. Locke supported the views expressed by Cllr. Foley in relation to the Banna area. For generations farmers

took silt from rivers and used it as fertiliser for their land and this prevented flooding. He called on the OPW to allow farmers to continue this practice as it would result in a saving for Kerry County Council if roads were not damaged by flooding from rivers.

Cllr. P. Daly referred to Banna and the Akearagh River and stated this River drains Ardfert, Banna and Ballyheigue and it is important that the right of way is resolved. The Council needs to dredge this area. Cllr. Daly also welcomed the inclusion of Clahane etc. in Tralee and stated he hoped additional flood defences would be provided. He suggested that a state insurance company could provide insurance for those experiencing difficulty in getting insurance even where flood defences are provided.

Cllr. M. Cahill welcomed the inclusion of the River Laune in the CFRAM maps. The Killarney road had to be closed on a number of occasions recently due to flooding. It is essential that rivers and river banks are cleaned. Cllr. Cahill expressed concern that some bridges may be undermined following the recent flooding and he asked that all bridges would be surveyed. Cllr. Cahill requested that Lower Bridge Street, Killorglin would be included as it was flooded recently. He also asked that Cromane Lower would be included as it is regularly flooded. If a national scheme was introduced for the cleaning of rivers going through private lands it would address a lot of the flooding problems. Cllr. Cahill also suggested that a specific Committee should be established by Kerry County Council to address flooding issues in the County. In conclusion Cllr. Cahill thanked the media for the regular updates during the recent bad weather and he thanked the Council for providing sandbags.

Cllr. D. McCarthy welcomed the CFRAM Study and expressed concern at recent flooding in the Kenmare area. He stated it is vital that rivers are cleaned. He SECONDED Cllr. Connor-Scarteen's proposal that Sneem would be included in the CFRAM Study.

Cllr. J.J. Culloty stated he remembered years ago people removed gravel from rivers. A person who wanted to repair a bridge was informed they would have to divert the water and put dye in to ensure there was no pollution arising from the repair work. The level of regulation is too restrictive and if a bridge is washed away there will be more pollution when the bridge is replaced and residents will be cut off. The inclusion of Tullig in Castleisland needs to be reconsidered as it appears the flooding problem has probably been resolved. Cllr. Culloty asked how long an area must be free of flooding before insurance companies will offer flood insurance to home owners. He welcomed the funding for the works in Castleisland and added that work on the culvert at Tullig should be undertaken as soon as possible. Following this, insurance companies should be advised that this area is no longer prone to flooding.

Cllr. D. Quigg commended the Council for their quick response to recent flooding. He emphasised the need to dredge rivers and he asked that models in Holland would be considered in particular for the River Shannon. In the North when rivers were dredged areas were created for the salmon and it works well. There is great tourism potential in our rivers including fishing, walking etc. Cllr. Quigg called for a plan to dredge rivers and the creation of man made lakes for salmon. Lock gates could be provided also to facilitate craft and pedal boats.

Cllr. L. Purtill welcomed the tremendous work done to address flooding in Ballylongford by the OPW and Kerry County Council in recent times. Flooding was a huge issue in Ballylongford for many years yet it was not flooded during the recent heavy rain events. However there is a lot of vegetation growing in the Ballyline River and he asked that it would be cleaned. In conclusion Cllr. Purtill PROPOSED that the Council would make a small contribution to farmers to clean rivers on their land.

Cllr. D. Grady congratulated the Council, the Emergency Services and volunteers on their wonderful work during recent flood events. The flooding problem at Glenflesk is ongoing for in excess of 25 years when the road was raised. The river should be dredged from Glenflesk to Killarney. Flooding was experienced in many parts of the county including Castleisland, Foiladuane, Glenflesk, White Bridge, Fossa etc.

Cllr. M. Kennelly acknowledged the work done on the CFRAM Studies which have taken on a major significance in the country. The natural flow of water has been affected all over the country by development. In Listowel there was no history of flooding in Clieveragh but a lot of houses were built and this impacted on the flow of the river. He asked when the survey in Listowel would be completed. Cllr. Kennelly SECONDED Cllr. Purtill's proposal. In conclusion Cllr. Kennelly stated serious consideration must be given to the Cashen area as thousands of acres are under water.

Cllr. M. O'Shea welcomed the report circulated. He asked if funding will be provided following the CFRAM Studies to widen and dredge rivers and streams. Many rivers and streams are silted and full of vegetation. A recent TV programme highlighted that €34bn was spent in Holland widening and dredging the river and he asked why the EU are stopping Ireland protecting land. There is just one stream in Milltown to take the water from the village. During times of heavy rainfall this causes havoc for people living downstream and a few farms were flooded and this must be addressed. It is anticipated, because of global warming, that flooding will be a regular occurrence.

Cllr. S. Locke stated that anglers must pay a €55 fee to the Minister to fish the rivers and it was intended that this money would be used to maintain the rivers. He called on the Executive to investigate this.

Cllr. J.F. Flynn then moved Notice of Motion No. 19.

**19. Call to clean rivers to prevent more flooding**

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

That rivers around the County are cleaned out to prevent more flooding.

**The following reply issued:**

**The responsibility for the majority of streams and rivers through out the County rests primarily with the landowners through whose property that watercourse flows.**

**The OPW have responsibility for drainage in a certain limited number of watercourses, namely the Brick, Galley, Cashen, Feale and Maine.**

**The Council's main responsibility is to ensure bridge infrastructure is not damaged as a result of blockages on streams and rivers.**

Cllr. J.F. Flynn stated he took part in a deputation to Europe recently when he discovered the Solidarity Fund is available for emergency works. However the current Minister is reluctant to apply for funding. In relation to the restrictions in dredging rivers the members of the delegation were informed that human life and the good of the community comes before fish, animals etc. In Bandon the Inland Fisheries delayed flood prevention measures for 18 months and Bandon was badly flooded recently.

Cllr. B. Cronin then moved Notice of Motion No. 29.

**29. Call for emergency funding to assist families repair their homes damaged by flooding and to repair roads**

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

That emergency funding be provided to assist families repair their homes damaged by flooding and to repair roads which have been badly damaged following severe flooding.

**The following reply issued:**

**The Department of Social Protection have a Humanitarian Assistance Scheme whereby residential properties flooded may be able to get financial help from that Department. This is a means tested Scheme and it provides emergency financial assistance to householders who are not able to meet costs for essential needs immediately following flooding. The Scheme aims to provide financial support to people who have suffered damage to their home. It is designed to alleviate hardship rather than provide full compensation for damage.**

**Application forms are available on-line or from local Department of Social Protection Offices**

**<http://www.welfare.ie/en/Pages/Humanitarian-Assistance-Scheme.aspx>**

**There is a separate emergency scheme to help small businesses administered by the Irish Red Cross, which has also been extended to include sports and community group premises.**

**<https://www.redcross.ie/emergency-humanitarian-flooding-assistance/>**

Cllr. B. Cronin stated at recent Municipal District meetings all members outlined details of areas damaged by flooding and he called on the Government to provide funding to allow these areas to be repaired. A number of homes and businesses were flooded and the scheme administered for small businesses by the Red Cross requires the local authority to sign off on the application. Cllr. Cronin asked the Council to do everything possible to assist people seeking aid under this Scheme.

Cllr. M. Gleeson SECONDED this motion.

Mr. M. Scannell stated the issue of flooding is complex and requires a lot of work. It is an important part of a local authority's work to ensure bridges are properly repaired. This submission is just one part of the process. The Draft maps were on public display and relief measures are being drawn up. Mr. Scannell cautioned members in relation to Castleisland. The area was assessed by the OPW and the flood event prior to Christmas was very localised. The difference in the amount of rainfall between areas was significant. It would be unwise to seek to exclude this area from the Study based on the limited findings that flooding did not occur in this area during recent flood events. He again advised members that it would be unwise to ask the OPW to amend their proposals based on a single event. However he had no problem with attaching a commentary based on what occurred in the course of the last three flood events in December. Members highlighted the need to dredge rivers but unfortunately that is not included in this submission as it is a matter for national Government. Mr. Scannell agreed to include Sneem and Lower Bridge Street, Killorglin in the Submission. In conclusion Mr. Scannell pointed out that the making of a submission is a reserved function and he asked members if they were in agreement with the making of the submission with the additions outlined.

Cllr. B. Cronin PROPOSED that a submission would be made on the CFRAM flood extent maps pursuant to Article 12 of the European Communities (Assessment and Management of Flood Risk) Regulation 2010.

Cllr. M. Gleeson SECONDED this proposal.

Cllr. M. O'Shea asked if Rathpooke River is included in the CFRAM.

Mr. Ginty confirmed it is included.

Cllr. B. O'Connell stated the CFRAM proposals could have serious implications for Castleisland. While he accepted Mr. Scannell stated Tullig did not get the heavy rainfall other areas got he had readings which indicated it did get a substantial volume of rainfall. He expressed concern that the OPW may be basing their findings on the flooding event of two years ago but he added that the remedial works appear to have worked and his proposal stood.

The Chief Executive stated there is a substantial risk involved in excluding Tullig as it is not possible to state categorically that the remedial works carried out will mitigate against flooding. She did accept Cllr. O'Connell's contention that Tullig was not flooded during the recent heavy rainfall but pointed out that sufficient information is not available to enable a conclusion to be reached that this area will not be subject to flooding again.

Cllr. J.J. Culloty asked that the submission would explain that the flooding in the past in Castleisland was as a result of the wall at the Glounsharoon River being so low but that has since been raised.

Cllr. Ferris pointed out if areas are not included in the CFRAM Studies and should flooding occur in the future it would be more difficult to access funding. The issue of insurance is a matter for the Taoiseach.

The Chief Executive stated over the course of time this area may be taken out but at present the Council was not in a position to state the flooding issue is resolved.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J.J. Culloty it was agreed to make a submission and to include the commentary in relation to Castleisland.

#### **16.01.18.06 Presentation by the Southern Regional Drug & Alcohol Task Force**

The Cathaoirleach welcomed Ms. Kate Gibney, Co-Ordinator and Mr. Gordon Kinsley Development Worker with the Southern Regional Drug & Alcohol Task Force to the meeting.

Ms. Gibney then addressed the meeting as follows:

The Southern Regional Drug & Alcohol Task Force was established under the National Drugs Strategy 2001 – 2008 (now the National Substance Misuse Strategy 2009 – 2016). Their role is to work with communities who are experiencing issues of drug and alcohol misuse in counties Cork & Kerry. They support and monitor drug and alcohol services in these communities. They also monitor trends in the region and respond accordingly to these trends.



Ms. Gibney stated that no one person or organisation has all the answers to the issues caused by drugs and alcohol misuse. The Task Force are committed to working with agencies and communities to respond to community issues. Projects are developed using a partnership approach with a strong commitment to local communities. There is a large number of organisations, agencies and individuals involved in the development and running of Regional projects.

Ms. Gibney outlined the membership of the Task Force for the meeting together with the 10 Community Based Drug Initiatives in Cork and Kerry. Workers are employed to work with individuals, family members/concerned persons who are using drugs and alcohol. Family Support Groups and Aftercare support is also provided. The SRDTF funds Residential and Non-Residential Treatment services in the region and employs Aftercare Workers to support individuals once they have completed their treatment programme. This support is intended to avoid the occurrence of relapse.

Evidence based interventions used include the following:

- Case Management
- Motivational Interviewing
- Brief Interventions
- Harm Reduction
- Solution Focussed Therapy
- Referral to Treatment Programmes
- Strengthening Families Programme

Two Link Workers are employed to offer support to people who have presented for treatment and would have a wide range of other needs that may impact on their outcomes (housing, training, finance, mental health etc.).

The SRDATF formed an Alcohol Strategy Sub Group in 2015 and drafted a five year Alcohol Strategy for the region. It will be launched in February 2016 for three Pilot sites Youghal, Listowel and Knocknaheeny. Resources will be made available to these sites i.e. training etc.

The SRDATF developed the training and implementation of Service User Involvement in the region and this model is being applied nationally as the gold standard. The development of an interagency case management system, inclusive of standardisation of screening, assessment and care planning process, has been achieved across all Drug and Alcohol Services in Cork and Kerry. 44 services have implemented the system to-date.

SAOR is an education programme which introduces a structured model of SBI for problem substance misuse. The programme supports safe, quality and effective care for service users, who access healthcare and promotes the effective management of problem substance misuse. The Strengthening Families Programme is a 14 week family skills training programme that is internationally recognised as having the most positive results in working with families with addiction. There are approximately 100 individuals trained in Cork and Kerry to deliver the programme. This programme has been run successfully in both Cork and Kerry with approximately 70 families graduating from the programme.

In conclusion Ms. Gibney stated there is a vacancy on the Task Force if any member of Kerry County Council is interested in joining. The Task Force budget has been reduced drastically over recent years and she asked members to lobby for funding for them if the opportunity arose.

All members thanked Ms. Gibney for her presentation.

Cllr. D. Grady acknowledged the importance of the Task Force and stated the Government is not doing enough about substance misuse. While there is also a problem with prescription drugs, alcohol is a lethal drug. The more services that are available in this area the better.

Cllr. D. Quigg asked Ms. Gibney what is her opinion on the wide availability of alcohol in Supermarkets. There is no representative from the alcohol companies on the Task Force and they need to play their part in addressing alcohol abuse. No Government has seriously addressed this issue.

Cllr. D. McCarthy stated no family is unaffected by either alcohol or drugs and the work of the Task Force is essential. It is very easy to acquire alcohol in Supermarkets and he asked if the Pioneer Total Abstinence Association have a role to play.

Cllr. T. Ferris stated it is readily accepted that we are loosing the battle against drugs and alcohol and she asked if there is any innovative community initiative that could be used successfully. She asked how many rehab beds are available in Cork and Kerry. The recent figures on heroin addiction given by the Minister are not accurate and are too low. Cllr. Ferris asked how many heroin addicts are in Cork and Kerry. She congratulated Ms. Gibney and her colleagues on their excellent work with a reduced budget. She asked that they would consider the Portuguese model and how they have redirected their resources.

Cllr. J. Finucane stated Off Licences and Supermarkets have had a huge impact on how current trends have developed. Older people buy alcohol in Off Licences for under age young people. It is time that Off Licences and below cost selling was addressed. Most people are aware of the destruction caused to families by alcohol and there is a role for education in addressing these problems. Consideration should also be given to banning alcohol companies from sponsoring sporting events. There should be a levy on Off Licences and Supermarkets to support the Task Force services. It is time for radical rethinking of the strategies used to address drug and alcohol abuse.

Cllr. A. Thornton stated it was a privilege to be a member of the Task Force as the staff are so focussed and they have a major impact on local communities. There was a recent announcement on a policy change around the sale of alcohol and this was due to their work. Mr. Kinsley organised an excellent conference recently and a speaker from Portugal gave a presentation on the Portuguese experience. She PROPOSED that this and other similar conferences would be offered to councillors in future.

Cllr. N. Foley stated Ireland has had a significant historical relationship with alcohol which is now at crisis point. The proposed measures to end below cost selling of alcohol are not adequate. She agreed that the link between advertising alcohol and sport should be removed. It is remarkable that society knows more of the dangers of drugs but does not recognise the danger from alcohol. There needs to be a societal based approach to this problem and there should be more organisations like the Drugs and Alcohol Task Force. Cllr. Foley asked how many residential and non-residential places are available in Cork and Kerry. She requested an update on Head Shops in the Cork/Kerry region. In conclusion Cllr. Foley commended Ms. Gibney on their work and stated there is a need for strong initiatives from central Government to address the problem of alcohol abuse.

Cllr. P. Daly supported the views expressed by Cllr. Ferris and Cllr. Finucane. He works in the criminal justice system and without alcohol there would be no Courts. When a person tries to access services it is generally one of Sr. Concilio's facilities that accommodate the individual.

Cllr. D. Healy-Rae stated alcohol and in particular spirits are readily available in large quantities. People can buy a large bottle of whiskey or vodka before going out for the night and at the end of the night they can be very aggressive. Something needs to be done to address this problem. Publicans are responsible and do not serve drink to someone who has already had enough. Publicans are regulated but that is not the case with Supermarkets. Drugs are becoming a much greater problem and young people are now taking them at a much younger age. Their parents do not recognise the change in their children as a result of taking drugs and they should be educated in that regard.

Ms. Gibney advised members that there are adequate rehab beds available for those wishing to access treatment and this is not an issue. Head Shops are less of an issue now but people travel to them and the Task Force works with the Drugs Squad in Cork on this issue. This is not a major problem in Kerry but the long term effects of Head Shop products are frightening. In Cork Prison the offences of 90% of inmates serving sentences under a year relate to alcohol and the decriminalising of alcohol would free up prison spaces. Their service can focus on the youth but it is important to focus on our relationship with alcohol for all age groups. The Task Force will work with communities in the pilot project areas of Youghal, Listowel and Knocknaheeny and they will implement interventions. UCC are doing a study of these areas pre and post the pilot projects.

Mr. Gordon Kinsley stated they must at all times be mindful of the needs of service users. It was intended that the Drug Strategy would inform national policy. In Cork and Kerry it is intended that the people who access the service can have a say in how the service is run. It is important that their views and experiences are taken on board. The area of decriminalisation needs to be considered. The Task Force funds and strengthens community based responses. Community based treatments have been successful. However at present they are working with a larger area with fewer resources.

Cllr. P. Daly asked if staff from the Task Force visit prisons.

Ms. Gibney pointed out there are addiction councillors in prisons and inmates can access the service if they wish.

Cllr. D. McCarthy asked if the Task Force would get involved with the PTAA.

Cllr. M. Cahill asked if there is an increase in the use of drugs and he welcomed the specific reference to youth and alcohol. Buses travel from all over the county at weekends to towns and when they arrive the young people are already very intoxicated.

Cllr. D. Grady stated Kerry is lucky to have Kerry Life operating in the county and if it was not for the support given to them by Kerry County Council they could not keep the service going.

Cllr. M. Kennelly stated he understood there are 'Drive Thru' Off Licences in Australia and he hoped this type of development would not be permitted in Ireland.

The Cathaoirleach thanked Ms. Gibney and Mr. Kinsley for their informative presentation and debate.

The meeting adjourned for lunch at 2.05pm.

The meeting resumed at 2.45pm.

**16.01.18.07 Notices of Motion**

**1. Measures to keep newly qualified medical doctors in Ireland**

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

That the Government would take appropriate measures to seek to ensure that newly qualified medical doctors would find it attractive to remain in Ireland where their expertise is urgently required, particularly in rural Ireland and in emergency departments of large urban hospitals.

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

Cllr. M. Gleeson stated possibly the best way to begin is with a quote from the General Secretary of the overseas medics of Ireland who recently said when asked what his biggest disappointment with the Irish health system was:

“My biggest disappointment is the exodus of young doctors from Ireland. We have, he said, buildings where there are plenty of instruments and equipment but there are no doctors. Many junior doctors feel that they are overworked and there are many problems with career satisfaction.”

It is good that young doctors who wish to specialise and become consultants should go abroad to internationally recognised centres of excellence. It is by so doing that they can return to enhance medical care in Ireland.

The double sadness at present is not only that many of those experts decide not to return when they have achieved their consultant status but that many young general practitioners on qualification feel that their medical skills will be better appreciated in Perth or Philadelphia and their personal quality of life will be far superior.

The weekend threat of strike action over back pay by some junior doctors further emphasises this point.

To educate a student through six years of University costs parents or the State many tens of thousands of Euro. It is poor reward that disillusionment with the prevailing system means that there will not be any return to their own country from their training and expertise.

Cllr. Gleeson stated he was aware of a young lady recently qualified with a 1<sup>st</sup> class honours degree who has already decided that its Australia for her. She has no interest as a person or as doctor in chaotic emergency departments or endless work shifts. She is going and does not see herself returning.

It is estimated that Ireland will be short 1,400 General Practitioners by the year 2025 unless radical action is now taken. That figure is from a HSE report. It is pathetically sad that some of our finest and brightest feel so alienated by the profession that they hope to enrich that they feel that they simply have no choice as human beings and as doctors but to emigrate.

Cllr. J. Brassil **SECONDED** the motion and added in the recent past the GP in Ballyheigue decided to emigrate. When the position was advertised not one application was received. However, following a successful campaign a GP was appointed for the area. There is no GP in Rathmore and he was informed in a short time 9 villages will be without a GP service. The reinstatement of the Rural Practice Payment is vital. It is time to take action to retain our most qualified doctors.

**2. Calling on Irish Water to introduce a Waiver System for those who want to regularise their connection**

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

That we the Members of Kerry County Council pass a resolution requesting that the CEO of Irish Water introduce one reduced payment mechanism i.e. a wavier system to assist property owners who wish to regularise their water connection.

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

Cllr. M. O'Shea stated he raised this issue with Irish Water on a number of occasions with a view to resolving the problem. In some cases one connection services 3 or 4 dwellings. A number of people want to regularise their connection if they can do so at a reasonable cost. The current charge is €1,100 but that could increase to €2,000 depending on the ground works required. Cllr. O'Shea called on Irish Water to introduce a Waiver Scheme at a nominal cost to facilitate the customers in this position and he called for the support of Council for his motion.

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

**3. Call to cease charging development levies for commercial proposals in towns and villages under population decline**

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

To ask Kerry County Council and the Planning Authority not to request anymore development levies for future commercial proposals in towns and villages that are under population decline.

**The following reply issued:**

**Kerry County Council is preparing a revised Development Contribution Scheme that will identify areas in need of regeneration within Towns in the County and will propose incentives for development in these areas such as reduced contributions in the context of proposed development.**

**This Draft Scheme will be presented to the Elected Members in the coming months.**

Cllr. D. Healy-Rae requested that the new Development Contribution Scheme would provide that a development levy would not be requested in towns and villages that are under population decline. This would encourage developers to consider developments in these areas. Many towns and villages are dying and if they could be assisted the local authority would benefit from these developments at a later date. But for the work of Tidy Towns Committees many villages would be derelict. However all they can do is paint the buildings and as the buildings deteriorate they become unsightly. Development levies should be abolished for these areas to encourage people back into these areas.

Cllr. J. Healy-Rae **SECONDED** the motion. Towns and villages like Caherciveen are decimated and this is an opportunity to help these communities.

**4. Call for the provision of funding for the drug Orkambi for Cystic Fibrosis sufferers**

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

That this Council calls on the Minister for Health, Mr. Leo Varadkar, T.D. and his Department to immediately provide funding for the provision of the life saving drug Orkambi for Cystic Fibrosis sufferers in the country.

**The following reply issued:**

**Following the moving of an Emergency Motion at the December meeting letters issued to the Minister for Health and the HSE calling on them to provide funding for this drug. Replies are awaited.**

Cllr. N. Foley stated Orkambi targets the underlying course of cystic fibrosis in those that have this condition. It has been shown to improve lung function in cystic fibrosis sufferers and significantly reduce the rate of pulmonary exacerbations which lead to frequent hospitalisations and worsening lung function. It is incomprehensible that the HSE is not prepared to fund this potentially life altering drug. The drug is, as Marissa Reidy has said, “a game changer” for those with cystic fibrosis. Cllr. Foley stated it is wholly appropriate that the Minister should have a positive reply in relation to this motion available to this Council prior to our February Meeting and the presentation by Marissa Reidy on the topic. In conclusion Cllr. Foley requested that a further letter would issue to the Minister for Health.

Cllr. M. Cahill **SECONDED** the motion and stated in 2011 there were similar issues with another drug and the HSE negotiated a better price with the drug company and it was eventually provided. He is aware of a person on a trial drug for the past 3 years and it has transformed his life. Ireland has the highest rate of CF but it seems to be particularly high in Mid Kerry.

**5. Development and funding of significant tourism projects throughout the County**

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

That Kerry County Council in conjunction with Local Community Groups, Community Councils, LCDC's, Chambers of Commerce, etc..., help develop, fund and bring to fruition a programme of significant tourism projects throughout the County that will attract new visitors to the County, create new jobs and prolong the tourist season.

**The following reply issued:**

**As the members will be aware, the Tourism Unit, in conjunction with Destination Kerry Forum are currently working on the Kerry County Tourism Strategy 2016-2020 under the chairmanship of Mr. Brendan Tuohy, former Secretary-General of the Department of Communications, Marine and Natural Resources. This strategic framework for Tourism will be adopted as part of the Kerry County Council Local Economic and Community Plan.**

**Extensive consultation has already taken place with 9 public meetings held in Castleisland, Tralee, Listowel, Killarney, Rathmore, Caherciveen, Dingle, Kenmare and Killorglin.**

**In excess of 40 written submissions have been received from representatives of the industry, including state bodies, both locally and nationally.**

**Seven specialist Working Groups were formed with membership from around the County and chaired by persons with a particular knowledge/experience in these specific areas:**



<b>Adventure Tourism</b>	<b>Chair, Mike Buckley</b>
<b>Environment, Natural &amp; Cultural Heritage</b>	<b>Chair, Pat Dawson</b>
<b>Education</b>	<b>Chair, Mary Rose Stafford</b>
<b>Branding &amp; Marketing</b>	<b>Chair, Kieran Ruttledge</b>
<b>Community Tourism, Events &amp; Festivals</b>	<b>Chair, Kate Kennelly</b>
<b>Infrastructure</b>	<b>Chair, John Griffin</b>
<b>Enterprise &amp; Innovation</b>	<b>Chair, Tomás Hayes</b>

**Each of these groups have now submitted their reports.**

**The main goal of the Strategy is to ensure continued growth in the Tourism Sector in the County, creating additional jobs, whilst providing a first-class experience for our visitors. The next step in the process is now ongoing, with the drafting of the Strategy and Action Plan.**

**The draft when complete will be presented to the LCDC, SPC and Full Council and this will be completed by March 2016.**

Cllr. M. Cahill stated he moved a similar motion a number of years ago and as a result one project was undertaken in North Kerry and one in South Kerry. It is important to try to extend the tourism season and by having the right projects in place this can be achieved.

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

**6. Call to sever the link between Equity Rental and the Consumer Price index**

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

That this Council calls on the Minister for the Environment, Community and Local Government to sever the link between Equity Rental and the Consumer Price Index for pre 2003 Shared Ownership Scheme participants.

**The following reply issued:**

**The Council currently has 33 no. pre-2003 Shared Ownership customers. While the terms of the Shared Ownership Scheme are outside the control of the Council, the DOECLG has recently made some amendments to the Scheme for pre 2003 borrowers. In accordance with recent DOECLG Circular, issued in November 2015, pre- 2003 customers with a Rental Equity Balance (REB) were offered the option of transferring from paying a fixed rental payment of 4.3% of the REB to paying a variable rental balance of 2.55% of the REB and this offer was back dated to 1st July 2015. The Council has been in contact with affected customers and only a very small portion have decided to take this option. The DOECLG has also allowed the freezing of the rented equities as at June 2015 Rates. It is also expected that the DOECLG is to issue further changes/guidelines to the Shared Ownership Scheme in the near future.**

Cllr. P. Daly stated the use of the Consumer Price Index is causing hardship for some Shared Ownership customers in particular where the value of the property has reduced by 30 to 40%.

Cllr. T. Ferris stated the situation at present is ridiculous where a customer is paying more in rent than if they were renting a local authority house. One client pays a mortgage of €333 per month plus €400 in rent. This individual has one days work per week and they will have to stop paying the rent element as they cannot afford it. She asked when it comes to rent arrears that they would be treated with compassion. Kerry County Council cannot condemn lending institutions while they continue to demand exorbitant rents. There must be a local solution to this problem.

Mr. J. Breen pointed out the Shared Ownership Scheme is a national scheme and Kerry County Council cannot change the Scheme. However he raised these issues nationally as he recognised there are issues for customers.

Cllr. Ferris pointed out that the Council has discretion in relation to the rent element as on occasion arrears are written off for Council tenants.

Mr. Breen again stated the Shared Ownership Scheme is a national Scheme. While the Council would take a compassionate view with tenants they cannot do this in relation to the Shared Ownership Scheme.

**7. Removal of the 7 year occupancy clause once it has been served**

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

That Kerry County Council would remove the 7 year occupancy clause once it has been served and that it would not be imposed on any future occupancy of the property so that the owner can sell it to whom they so wish.

**The following reply issued:**

**Where the initial occupier of a dwelling which is subject to an occupancy clause of 7 no. years and the 7 no. years from first occupation has expired wishes to dispose of a property he/she can do so and the only requirement on the purchaser is that he/she will occupy the house as a permanent place of residence.**

**This is in accordance with Objective RS-13 of the Kerry County Development Plan which seeks to 'ensure that holiday/second homes are not permitted in the rural landscape'.**

**It is critical for the ongoing and long term sustainability of rural areas that dwellings in these areas are occupied all year round and not for short intermittent periods as in the case of holiday homes.**

Cllr. J. Healy-Rae stated he moved a motion similar to this one at the December Meeting. However where the 7 year occupancy clause has been fulfilled the Council are insisting on a 7 year occupancy clause even where the owner is selling the house due to pressure from the Bank. However they can only sell it to a person who will declare it will be their primary place of residence. In the case he was referring to the sale did not proceed. The Bank then repossessed the house and sold it to the person who was interested in purchasing it from the owner as they did not have to declare it would be their primary place of residence. This family still owe the Bank €150,000.

Cllr. Healy-Rae asked once the 7 year occupancy clause has been fulfilled that the owner should be entitled to sell the house to anyone. He was dealing with 3 cases and he was informed they would be dealt with on their merits but that was not the case.

Mr. M. Scannell advised members the 7 year occupancy clause is contained in the Rural Settlement Policy which aims to keep sites for local people. Houses built in rural areas are intended for permanent occupation. When a person sells a house the only requirement is that it would be used as a permanent place of residence. Once the 7 year occupancy clause has been fulfilled it is not imposed on the next owner of the property. It was clearly indicated to members if evidence is provided that a house is being sold for financial reasons no advantage would apply to the Banks. The intention is that houses built in the countryside would be for local people as permanent places of residence. The cost of houses will increase if they are available as holiday homes. The Rural Settlement Policy is part of the County Development Plan.

Cllr. J. Healy-Rae called for a vote to be taken on his motion.

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The Chief Executive stated since she gave an undertaking to look at specific cases where foreclosure is threatened by the Banks no case has come to Management for review.

Cllr. T. Ferris pointed out in accordance with Standing Orders where a motion is defeated it cannot be brought before Council for 6 months. All members should be treated fairly and the same when implementing Standing Orders. She added that area specific motions are also being submitted for full Council meetings.

The Chief Executive stated this motion was considered in light of the motion moved at the December meeting. However it was considered that this motion is worded differently and on balance it was deemed fair to include it.

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

Mr. M. Scannell reiterated that a Notice of Motion cannot change the County Development Plan which must go through a formal statutory process.

Cllr. B. Cronin expressed concern that a Notice of Motion was considered at the December Meeting regarding the 7 year occupancy clause. Once the 7 year occupancy requirement is fulfilled the only requirement is that the house would be a permanent place of residence.

Cllr. M. O'Shea stated he agreed in principal with Cllr. J. Healy-Rae. However he understood this requirement is in accordance with Objection RS-13 which complies with the Regional Planning Guidelines and therefore cannot be amended.

The Chief Executive also advised members that the County Development Plan cannot be amended on foot of a Notice of Motion. It was agreed that in areas under pressure a house must be a permanent place of residence. She acknowledged there was a difference in the application of the policy where there was foreclosure by the Bank but in an effort to be reasonable she agreed that the Director of Planning would consider cases where the Banks are involved. There will be a rigorous assessment of each case before this policy will be changed. To-date no case has come before Management for consideration.

Cllr. J. Healy-Rae stated he would not have submitted the motion if the policy was the same for an individual as for a Bank but that is not the case. A house in town can be sold to anyone without the requirement that it is the purchasers' permanent place of residence. He asked that the requirement that the house must be the purchaser's permanent place of residence be removed.

Mr. M. Scannell pointed out there is a very strict procedure to be followed to amend the County Development Plan. Members and officials must have regard to national and regional policies.

Mr. M. O'Donoghue informed members that the wording of the motion submitted for the Agenda was different to the motion submitted for the December meeting. It was therefore in order for the motion to appear on the Agenda. The reply was prepared by the Director of Planning. However the debate and what is being proposed clearly indicates that the subject matter is the same as the motion which has already been determined by vote at the December Meeting of the Council. On that basis and in accordance with Standing Orders this matter cannot again be put to a vote at that meeting.

The Cathaoirleach, Cllr. McCarthy ruled accordingly that the matter could not be put to another vote.

**8. Restoration of the monument to Reidy and Leen in Ballymac**

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

That this Council will restore the monument to Reidy and Leen in Ballymac as previously promised to the Tralee MD.

**The following reply issued:**

**This monument to Reidy and Leen at Ballydwyer was inadvertently damaged by a third party and removed off site for safe keeping. A commitment was indeed given that it would be repaired and the monument was re-erected after the Christmas holiday period.**

Cllr. T. Ferris welcomed the reply.

The Cathaoirleach stated Notice of Motion Nos. 9 and 27 would be taken together.

**9. Call for a ban on foreign owned factory freezer ships from fishing as close as 13 miles off the Irish Coast**

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

That we call on Minister Simon Coveney and all relevant Government Agencies to bring about a ban on foreign owned factory freezer ships from fishing as close as 13 miles off the Irish Coast in an effort to protect the livelihoods of our fishing communities and to ensure greater sustainability of the fishing stocks in our waters.

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

Cllr. N. Moriarty said foreign owned factory ships do not contribute to the tax revenue of the country and they do not employ Irish people. They are over fishing and there was a similar situation in the US where they were banned.

Cllr. J.J. Culloty SECONDED the motion.

**27. Call to ban foreign super trawlers from our seas**

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

That this Council would in the strongest possible way ask the Minister for Agriculture and Marine to ban foreign super trawlers from our seas. The current situation is ridiculous with probable over fishing due to a lack of supervision from the Irish Government thus making it impossible for local fishermen to survive. As Kerry has the longest coastline of any county in Ireland, we are obviously one of the worst effected.

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

Cllr. J. Healy-Rae stated County Kerry has the longest coastline in the country. Many fishermen employ 2 or three people and following the public consultation the situation is worse than ever. Super trawlers fish off the Blaskets and they move on to Kenmare etc. They only use the top quality fish from the catch and they mulch the remainder and drop it off at sea. These boats are banned from fishing off the coast of Australia and other countries also. Small fishing boats cannot compete with them and they are not regulated. The smaller fishing boats are inspected by the Fisheries Officer at least once every six weeks while these factory ships are not inspected as they do not land in any EU country. In conclusion Cllr. Healy-Rae stated 2,500 jobs are at risk in this industry.

Cllr. M. Cahill SECONDED the motion and said small salmon fishermen with a net cannot get a licence. It is time to bring back the Fisheries Committee that was in place a number of years ago.

**10. Call for the lifting of the recruitment embargo**

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

That Kerry County Council calls for the lifting of the recruitment embargo so that extra staff can be hired to keep the water off the roads by keeping the drains clear and carrying out other associated roads works.

**The following reply issued:**

**The Moratorium on Recruitment in the Public Sector remains in place in respect of Manpower Planning across Local Government. Under it's provisions Kerry County Council are required to make a request for sanction from the Department of Environment, Community & Local Government to fill any vacancies or recruit additional staff.**

**These requests are only approved by DoEC&LG in exceptional circumstances and where a Local Authority has submitted a detailed business case, including confirmation of finances available to fund such posts.**

**However the issue of the Moratorium is not the only consideration in this matter.**

**The most critical factor is the level of funding available for the roads programme. This above all other factors ultimately dictates the staffing levels.**

**The Council is conscious of the needs of our public roads network. Members will also be aware of the full range of work programmes adopted as part of the recent budgetary process against a very difficult funding environment.**

**The issue of staffing in the Roads Areas will be kept under review.**

Cllr. P. Connor-Scarteen stated additional staff are required to take the water off roads. He understood the Council can seek approval from the Department to employ additional staff in exceptional circumstances. He pointed out that these are exceptional circumstances. There should be a crew of 4 men in each Municipal District whose sole job is to clean the sides of the roads.

Cllr. D. McCarthy SECONDED the motion.

## **11. Call not to change or repeal the Eighth Amendment**

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

That this Council calls on the Government, not to take any action which could lead to change or repeal of the Eighth Amendment of the Constitution.

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

Cllr. J.J. Culloty stated he had put down many motions in this Chamber since becoming a member in 2011, and all of them have been important in one way or another. He would consider the one before the meeting to be one of the most important. Many people feel frustrated, and they say that their views are not being taken seriously on this fundamental issue.

He was very much aware of the sensitivities around the Motion, he was also aware of how divisive such a Motion can be, but while there are people in positions of power seeking to change or remove the Eighth Amendment from our Constitution, division is inevitable.

In recent months he noticed a huge push in favour of the repeal of the Eighth Amendment by some Ministers and some TDs of all parties and none. The Taoiseach wants to set up a Citizens Convention to deliberate on this issue, does the Taoiseach not realise that the Oireachtas is in fact a Citizens Convention and does he realise how inappropriate it would be for Government to bypass the Oireachtas and hand over to an unelected body the responsibility for forming policy on the protection of human life?

Amnesty International Ireland has also recently seen fit to produce a video on YouTube called 'Chains' which depicts Ireland as a backward country, and he quoted 'Haunted by a ghost of the past, which blindly brings suffering, and even death to women whose lives it touches'. This is totally false. Our national television, radio and national print media are also guilty of promoting the views of people in favour of repealing the Eighth Amendment in recent months.

There are two main reasons being put forward to justify this push to liberalise abortion in this country. The first one is to give the women who are pregnant with babies who have life limiting conditions, the choice to abort these babies in Ireland. The second is to accommodate women who have become pregnant as a result of rape. Now babies described as having life limiting conditions are actually babies with a severe disability, and deserve extra protection and love. Most do live beyond birth, and that time, however short parents get with their babies brings great love and much healing to families. It would be better for women who are pregnant with babies with life limiting conditions, if the Government, rather than pandering to the Liberals within their ranks, to instead make a genuine effort to provide perinatal hospice care throughout the country. At present, this is very limited. This model delivers continuity of care, so that the family has a dedicated team who are aware of the baby's diagnosis, and the parents do not have to explain the situation at every appointment. It also ensures that parents are properly informed about their baby's condition. It makes a special separate room available for the family when their baby is born. It makes counselling available for the family throughout the pregnancy, and bereavement counselling available afterwards.

Cllr. Culloty stated he firmly believed that if the Government concentrated on this type of care, rather than trying to change or remove the current protection for the unborn, we could set a great example for other countries to follow. On the question of pregnancy after rape, according to the Rape Crisis Network, '13% of pregnancy rape victims choose to have an abortion', and '57% went on to parent their child'. Some women say they feel that an abortion would be another violation.



In 1967, David Steel introduced the Abortion Act which was meant to be very restrictive, yet in 2013/2014, according to the Dept. of Health figures for England and Wales, there were 185,000 in each of these years. According to the Bruce Parliamentary Enquiry in 2013, in the UK 90% of babies with Down Syndrome were aborted.

Cllr. Culloty stated he failed to see any reason why a small number of lobby groups and some politicians want to make such a fundamental change to our Constitution considering that the number of Irish women travelling to the UK for abortions has fallen by almost 45%, from 6,700 in 2001, to 3,735 in 2014. There is a bigger and very disturbing reality to be considered, in many nations today, referenda on abortion, are held without much further thought. That a referendum on an inalienable right is held shows how much proper vision we have already lost. Inalienable rights by definition are beyond the jurisdiction of state, courts or majority votes of the population.

It is not a vote that determines justice; it is rather justice determines if such a vote is morally possible. When a Government ignores the Constitution, or foundational document and drifts into a procedural notion of democracy which holds at it's most firm assertion that no proper ends of democracy can be predetermined, it has no proper philosophy or objectivity, which means we find ourselves as Nietzsche put it 'Rolling towards X, a variable that is unknown, but that could justly be filled by any result of a democratic procedure, a majority vote, regardless of the result.

The unborn baby is also called the foetus, which is a Latin word meaning 'Little one'. Each of these 'little ones' in the womb are either unborn little girls or little boys. They have little hearts and little heads, but they have no voices. We have to be their voices. We have to send out a clear message to this Government, and to any future Government, that we do not want any change to the Eighth Amendment of our Constitution.

Cllr. Culloty pointed out if the Eighth Amendment is repealed, any future Government will not have to go to the citizens of this country to make further changes.

Cllr. J. Brassil **SECONDED** the motion.

Cllr. T. Ferris indicated she could not support the motion. There are people who would like to see the 8<sup>th</sup> Amendment go further and those who would like to see it repealed. It is wrong to suggest there should be no change to the legislation and she did not want to be associated with the motion.

Cllr. N. Foley acknowledged what the State did in the 8<sup>th</sup> Amendment in conferring equal rights on the life of the mother and the child. Those in the womb have no voice and the principal of the 8<sup>th</sup> Amendment should be upheld.

Cllr. P. Daly asked Cllr. Culloty if he was calling for the 8<sup>th</sup> Amendment to be retained as it would make it clearer.

Cllr. Culloty stated he wanted the wording of his motion to stand.

A vote was taken on Cllr. Culloty's motion which was seconded by Cllr. Brassil.

The vote resulted as follows:

**For:** Cllrs. Brassil, Cahill, Connor-Scarteen, Culloty, Daly, Foley, D. Healy-Rae, J. Healy-Rae, Locke, McCarthy **(10)**

**Against:** Cllr. Ferris **(1)**

**Not Voting:** Cllrs. Beasley, Kelleher, Moloney, Quigg, P. McCarthy **(5)**

The Cathaoirleach declared the Motion CARRIED.

**12. Calling on the Minister for Jobs, Enterprise and Innovation and the IDA to visit South Kerry**

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

That this Council write to the Minister for Jobs, Enterprise and Innovation, Mr. Richard Bruton, calling on him to invite the IDA, accompanied by himself, to come down to South Kerry and set out plans for real jobs. The current situation is no longer acceptable where schools, GAA Clubs and entire communities are being forced to close down due to the lack lustre approach by this Government and their predecessors in this area. We have seen a huge amount of young people being forced to emigrate and vital services being centralised to larger urban areas, people should have the infrastructure and services in place in their communities in rural Kerry to work and live there and they should have the right to earn a living wage.

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

Cllr. D. Quigg stated people are asking what is being done to create jobs in South Kerry. The South West Regional Action Plan for Jobs is too vague. There is no mention of Shannon in the Plan and this is an indication of how serious they are about creating jobs. There is mention of 139 jobs between Cork and Kerry but no breakdown is given. The figure of 13, 827 on the live register in 2013 does not include those on Job Bridge so in fact the unemployment figures are higher.

Cllr. R. Beasley **SECONDED** the motion and said job creation is a very important issue at the door steps. Very few people are getting a decent wage and many people have emigrated and will not return.

The Cathaoirleach stated that elected members and the executive are trying to improve the county but there were very few visits by the IDA to the county over the past number of years. However JRI in Tralee increased their workforce from 3 to 70 recently.

Cllr. D. Quigg stated the Action Plan for Jobs is a Plan for the next 2 years and there is very little mention of Kerry in the document.

The Chief Executive pointed out that 140 actions in the Plan relate to Kerry including one on the development of Kerry Technology Park. Kerry County Council and the ITT worked together to ensure some key actions were included in the Plan. The LECP will tie into the Regional Action Plan for Jobs.

Cllr. T. Ferris requested that a copy of the report compiled by Kerry County Council and the ITT on jobs in the county would be circulated to members.

The Chief Executive stated this is a Regional Plan and she would circulate details of the actions committed to for Kerry.

Cllr. Ferris stated she was referring to a presentation on jobs in Kerry and members did not receive a copy of the presentation.

The Chief Executive undertook to forward a copy of the presentation to members.

### **13. Reinstatement of the Bridge at Knocknaboul**

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

The Bridge at Knocknaboul was due to be repaired but has since collapsed in the storms, when will it be reinstated.

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

**This Bridge was damaged as a result of the recent weather events which necessitated the closure of the local tertiary road at Knocknaboul.**

**Contractors are due on site Monday 11th January 2016 to commence work. The work will take approximately 6 weeks.**

Cllr. N. Kelleher welcomed the ongoing work on this bridge and said he hoped it would be reinstated shortly.

Cllr. J.J. Culloty SECONDED the motion.

**14. Reduction in the speed limit to 50km per hour on the bad section of road from Ballinclogher Cross towards Abbeydorney Village**

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

That Kerry County Council reduce the speed limit to 50km per hour on the bad portion of road between Ballinclogher Cross on towards Abbeydorney Village in the interest of health and safety.

**The following reply issued:**

In accordance with the recommendations of the Operations SPC forwarded to the Members in April 2015, it was agreed to commence the County Wide Speed Limit Review Process in May 2015, in accordance with the Guidelines for Setting and Managing Speed Limits in Ireland, including guidelines for the application of special speed limits as published in March 2015 by the Department of Transport, Tourism and Sport. The Speed Limit Review is ongoing and this request to include the above R556 Ballinclogher Cross to Abbeydorney Village will be considered as part of the review process.

Cllr. R. Beasley stated this road has deteriorated and funding is urgently required for Phase 2.

Cllr. J. F. Flynn stated he moved motions in relation to similar issues in his area and he asked that these areas would be prioritised.

**15. Pipe replacement on the Mid Kerry Water Supply Scheme and a call for the payment of compensation to customers**

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

In light of the high number of water breaks in the Mid Kerry Scheme from December which has resulted in homes and businesses being without a water supply on several days, (a) that all funding allocated for pipe replacement be immediately undertaken (b) that Irish Water pay compensation to customers in the Mid Kerry Water Scheme who have been without water and that this Scheme be urgently allocated the required funding to replace old mains piping.

**The following reply issued:**

Kerry County Council has been very active in recent years in replacing sub-standard water mains.

In 2014 and 2015, a total of 41 km of mains replacement, costing €6.5 million, was completed as follows:

- 35 km, costing €4.5 million, were laid by the Council's own direct labour work force and
- 6 km, costing €2 million, were laid by contract
- 5 km of these mains, with a value of €1.1 million, were laid in the Mid-Kerry scheme.

**A total of 7.9 km of mains replacement works is currently in progress:**

- 6.3 km of mains, costing €1.32 million, are being laid by direct labour and
- 1.6 km have been advertised for tender
- 3.0 km of these works relate to the Mid-Kerry scheme.

**Funding has been approved for a further 27 km of pipe replacement works (value €4 million), including 6.4 km in Mid-Kerry. It is planned to lay 14 km by direct labour during 2016 and to have Irish Water procure the laying of the other 13 km by private contract.**

**Part B of the Notice of Motion is a matter for resolution.**

Cllr. B. Cronin stated the Mid Kerry Water Supply Scheme has been getting progressively worse and the customers in this area are tormented at the ongoing disruption to the water supply. There were 4 breaks prior to Christmas including 3 major breaks which cost €20,000 in repairs. The situation is at crisis point and he PROPOSED that Irish Water would compensate customers by reducing their next water bill. Approximately €800,000 was allocated 6 months ago for the replacement of the pipe network from Aglish to Flynn's Forge and Cloonlara and it is wrong that customers must wait over 6 months for the work to commence. When funding is sanctioned work should commence within 6 to 8 weeks. When the water is off people cannot put on central heating and farmers have no water for their animals.

Cllr. M. O'Shea SECONDED the motion.

Cllr. M. Cahill then moved Notice of Motion No. 22.

## **22. Call for a Waiver Scheme for Water Charges**

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

That Kerry County Council request Irish Water to introduce a Waiver Scheme for persons who for one reason or another can not afford to pay their water bills and also for farmers, residents and businesses such as those attached to the Mid-Kerry Regional Water Supply who have fallen victim to unprecedented outages over the past number of years.

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

Cllr. Cahill asked that water bills for customers of the Mid Kerry Water Supply Scheme would be waived or reduced at a minimum to compensate them for the regular interruptions to the water supply. Recently customers were 4 days without water. Irish Water should have followed the Scottish example and replaced the pipe network first and then installed meters. It has now come to a point where the entire pipe network needs to be replaced.

Cllr. J.F. Flynn SECONDED the motion and PROPOSED that a letter would issue to Irish Water calling on them to facilitate elderly people who were unaware they were eligible to apply for the Water Conservation Grant.

Cllr. M. Cahill SECONDED this proposal.

**16. Call on all land owners, property owners and volunteers to clear inlets and dykes to get surface water off roads**

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

To ask Kerry County Council to appeal to all land owners, property owners and volunteers to give one day to clearing inlets and dykes to get surface water off roads.

**The following reply issued:**

**Council crews are actively clearing blockages throughout the County following the recent flooding events and would seek landowners assistance in doing same on private property.**

**While the assistance of all landowners is required in order to ensure storm water is dealt with through existing inlets, dykes etc, we would ask them to notify the local authority if there are blockages on the public infrastructure, rather than they attempting to do works on public roads etc.**

Cllr. D. McCarthy stated funding for local roads reduced by 54% since 200 and it is vital that water is taken off these roads.

Cllr. M. O'Shea SECONDED the motion and stated he contacted the Council recently asking them to open water inlets on busy roads but it was not done. Cllr. McCarthy's proposal is the obvious solution.

Mr. C. O'Sullivan stated he appreciated the sentiment of the motion. However there are health and safety issues and there is a statutory obligation on anyone working on a road to exercise caution and to ensure their safety.

**17. Call for the imposition of a moratorium on evictions from family homes**

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

That this Council calls on the Minister for Finance to impose a moratorium on all potential evictions from family homes to allow for new rules and guidelines to be introduced to deal with:

- Financial institutions and their processes
- How they treat and contact clients who are experiencing difficulties
- An arbitration process to decide on a fair solution
- That institutions take full responsibility for advice or selling technique previously utilised.

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

Cllr. J. Finucane stated there were 18 repossessions through the Sheriff's Office in 2015 with 84 actions to commence the process being instigated. The people of Ireland paid the ultimate price of the Celtic tiger as they purchased their homes at the height of the boom. Yet they are now under threat of losing their homes. The way these people were treated by the Banks needs to be reviewed. Cllr. Finucane PROPOSED that a letter would issue to the Governor of the Central Bank seeking a meeting with him to discuss these issues.

Cllr. M. Gleeson SECONDED the motion and this proposal.

Cllr. J. Moloney moved Notice of Motion No. 18 on behalf of Cllr. Brassil.

**18. Call for funding for the drug Orkambi for all Cystic Fibrosis patients**

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

That Kerry County Council request that the Department of Health make available the necessary funding for the drug Orkambi for all Cystic Fibrosis patients in the country.

**The following reply issued:**

**Following the moving of an Emergency Motion at the December meeting letters issued to the Minister for Health and the HSE calling on them to provide funding for this drug. Replies are awaited.**

Cllr. N. Foley SECONDED the motion.

**20. Call on An Post to issue 'Non Monetary Specified' stamps**

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

That this Council calls on An Post to issue 'Non Monetary Specified' stamps that can be validly used after the introduction of price increases.

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

Cllr. M. Gleeson stated the price of a stamp increases regularly and this can be very annoying if a person already has stamps as they must purchase supplementary stamps which are sometimes not available. He asked that the 70cent stamp would not display the price and that it could be used indefinitely.

Cllr. S. Locke SECONDED the motion.

**21. Up to-date position with Annagh Banks Housing Estate in Castlemaine**

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

To ask Kerry County Council what is the up to date position with Annagh Banks Housing Estate Castlemaine on the R561.

**The following reply issued:**

**This development is in new ownership and the new owner has advised that his contractor plans to start work next month in relation to the residential units with a 3 to 4 month expected completion period. His agent has submitted a proposed Site Resolution Plan which was considered by Kerry County Council.**

Cllr. M. O'Shea welcomed the reply.

**23. Call to fast-track the development of a pathway/cycle path on the N86 from Tonevane to Camp**

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

Following the conclusion of the An Taisce case that this Council will, in the interest of Road Safety, fast-track the development of a pathway/cycle path on the N86 from Tonevane to Camp.



**The following reply issued:**

**The N86 Dingle to Annascaul and Gortbreagoge to Camp Road Improvement Scheme was approved by An Bord Pleanála in November 2014. This scheme extends from the Junction of the N86 and the R560 Regional Road at Camp to the townland of Gortbreagoge, and from Annascaul Village to Dingle. The construction of the intermediate section, between Annascaul and Gortbreagoge, was completed in 2013. The N86 Dingle to Annascaul and Gortbreagoge to Camp will be constructed in a number of phases (subject to TII approval), commencing with the first phase in mid-2016. When this Scheme is completed, the N86 between Camp and Dingle will have been upgraded to a Type 3 Single Carriageway with cycle facilities.**

**There are currently no plans or proposals in place to develop cycle facilities along the N86 National Secondary Road from Tonevane to Camp. The existing road has a number of constraints to development of such facilities, including substandard cross-section and the high number of existing accesses. The development of a cycle track would most likely be part of an overall upgrading of this section and as such subject to the availability of TII funding for design and construction.**

Cllr. P. Daly welcomed the reply and asked that this work would be prioritised. The Curraduff to Camp Road is in a dreadful condition following the rain and the base of the road is being corroded particularly past Caherconree.

**24. Call to reverse the legislation that allows TII to appeal planning decisions**

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

That we the members of Kerry County Council ask the Minister of the Environment and Transport Infrastructure Ireland, formerly the NRA, to reverse the decision and the ruling signed into law back in 2012 which gives power to TII to overturn positive planning decisions made by Kerry County Council - these powers are discriminatory and totally unfair on family members putting unnecessary financial burden upon them and forcing them into urban areas.

**The following reply issued:**

**The Council Executive through the Chief Executive and the Director of Planning have been actively engaged with the TII in relation to the particular access requirements in particular to the National Secondary Network in the County, which provides critical access to landholdings primarily in the peninsulas of the County. It is planned to meet with the TII again in the next couple of weeks to highlight these issues.**

**The consideration of the present motion is a matter for the members.**

Cllr. D. Healy-Rae stated there are engineers in Kerry County Council who are capable of deciding if an entrance is safe. Recently there were two decisions to grant permission on a straight stretch of road and these were appealed and subsequently refused. The applicants were informed 2 or 3 days before Christmas. These two families only want to provide a family home and one of them is now trying to purchase a house in the nearest town. In 2012 the Department introduced legislation to allow the NRA to appeal permission granted for houses on national secondary roads to An Bord Pleanála. This is having a detrimental effect on those who want to build houses on the Killarney to Rathmore road. He requested that his motion would be forwarded to the Minister for Environment for consideration. This restriction is driving young couples into the hands of developers. Kerry County Council was directed by the Department to dezone as much land as possible and that has given a monopoly to one or two developers and bankers. Cllr. Healy-Rae also requested that his motion would be sent to the NRA.

Cllr. J. Healy-Rae requested that a deputation would be arranged with the NRA and the Department on this issue. The Ring of Kerry road is 112 miles long and Kerry has more national secondary roads than any other county. In relation to the two cases referred to by Cllr. D. Healy-Rae both families are using this entrance at present on a daily basis. While the sites passed the percolation tests and permission was granted by Kerry County Council an Bord Pleanála refused permission.

The Chief Executive stated a deputation from the Council met with the NRA in recent months when the issue of planning was raised. TII state they only appeal 1.5% of permissions granted. The executive will meet with TII in February and she undertook to discuss this issue with them.

**25. Call to progress construction of the N22 Macroom/Ballyvourney Bypass**

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

That Kerry County Council calls upon the Minister for Transport, Tourism & Sport and Transport Infrastructure Ireland (TII) to progress construction of the N22 Macroom/ Ballyvourney Bypass without further delay.

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

Cllr. P. Connor Scarteen stated the Macroom By-Pass is included in the Capital Plan. When it is constructed it will improve access to Kerry. In 2015 €5m was allocated for the CPO and €3.8m is allocated for 2016. Work on progressing this road is taking precedence over the Cork/Limerick road and he asked that it would go to tender as soon as possible.

Cllr. J.J. Culloty **SECONDED** the motion and stated the Macroom By-Pass is extremely important from a Kerry perspective. He understood it is shovel ready and he asked that construction would commence as soon as possible. Access to Limerick is also problematic and he hoped the Adare By-Pass would be given priority in 2016.

**26. Call on the Government to declare a Public Holiday marking the occasion of the 1916 Easter Rising**

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

That this Council support my motion calling for the Government to declare a Public Holiday marking the occasion of the 1916 Easter Rising. It is my belief that the patriots of 1916 deserve to be remembered by way of a Public Holiday or Republic Day.

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

Cllr. D. Quigg moved the motion.

Cllr. S. Locke stated he had reservation about the motion as employers are under pressure as it is. Events can be celebrated on Easter Sunday.

Cllr. T. Ferris stated the motion is suggesting that one of the existing Bank Holidays would be dedicated to mark the 1916 Easter Rising.

Cllr. P. Daly **SECONDED** the motion.

**28. Number of Planning Enforcement files opened and closed in the last four years**

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

How many Planning Enforcement files have been opened and closed in the last four years.

**The following reply issued:**

**Planning Enforcement files opened:**

<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>
232	224	246	347

(As the Enforcement systems for urban and county have been amalgamated, the above figures include Enforcement files opened across all authorities during that period)

**Planning Enforcement files closed:**

<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>
279	226	340	385

(These figures are for files closed during that period. (*These files may have been opened during that year or during previous years*))

Cllr. N. Kelleher welcomed the reply.

**30. Call for the release of any payments due to farmers**

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

To ask the Minister for Agriculture to urgently release any payments due to farmers. If there are problems, he must ensure that extra staff are deployed to get these payments made.

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

Cllr. D. McCarthy stated many farmers are still awaiting their 2015 payments. He called on the Minister for Agriculture to deploy additional staff to resolve any outstanding issues to ensure payments are made at an early date.

Cllr. P. McCarthy SECONDED the motion.

Cllr. J. Moloney moved Notice of Motion No. 32 on behalf of Cllr. Brassil.

**32. Call for emergency funding to repair local and tertiary roads that were severely damage by recent flooding**

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

That Kerry County Council request emergency funding from the Department of Environment to repair local and tertiary roads in Kerry that have been severely damaged by the recent flooding.

**The following reply issued:**

**Two separate submissions for funding to cover exceptional costs incurred as a result of storm damage were forwarded to the Dept of Environment on 18th December 2015 and 4th January 2016, to cover the period of December 2015. These submissions covered the costs of Clean up and damage to public infrastructure**

**These initial assessments were made under very tight timelines, and the Operations Section are currently carrying out further assessments of the storm damage to all road infrastructure, with a view to make further more complete submissions for funding.**

Cllr. N. Foley SECONDED the motion.

### **33. Resurfacing of the Tralee to Killorglin Road**

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

To ask the Council to resurface the Tralee Road from Killorglin as it is in a very poor condition.

**The following reply issued:**

**The condition of this section of the N70 National Secondary Route has been highlighted to Transport Infrastructure Ireland at a recent meeting. Based on TII's own selection process for such schemes it is hoped that this section will be identified as requiring pavement and minor improvement scheme design over the next 10-12 months approximately. It is, however, a matter for the TII to decide when exactly the scheme will proceed.**

**We must acknowledge that the TII are currently making allocations available to the value of €5.18m for 9 km of pavement and minor improvement works on the N70 in the South and West Kerry Municipal District which is a very substantial allocation. Nevertheless, we will continue to highlight this section of road in Killorglin to TII.**

Cllr. J.F. Flynn asked that this road would be highlighted to TII with a view to securing funding for it.

Cllr. D. Quigg asked if a response was received from the NRA to the application for emergency funding.

Cllr. J.F. Flynn stated that replies to individual queries were not received from the NRA following the meeting with them a few months ago.

The Chief Executive informed members that she received a brief minute of that meeting and she undertook to circulate it to members.

#### **16.01.18.08 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. P. Connor-Scarteen, **SECONDED** by Cllr. J. Moloney, it was agreed to authorise the attendance of Cllrs. Purtill, Flynn, Cahill, Fitzgerald, P. McCarthy, Foley, Culloty and Cronin at the Conference on the theme EU Cohesion Policy 2014 – 2020 to be held in Clonakilty, Co. Cork from 5<sup>th</sup> to 7<sup>th</sup> February 2016.

Cllr. Fitzgerald was nominated to report back to Council on this Conference on behalf of all the members that attend.

- (b) On the PROPOSAL of Cllr. J.F. Flynn, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to authorise the attendance of Cllrs. O'Shea, Connor-Scarteen, Foley and Culloty at the Conference on the theme Integrated Roads and Planning Policy to be held in Galway on the 12<sup>th</sup> and 13<sup>th</sup> February 2016.

Cllr. Foley was nominated to report back to Council on this Conference on behalf of all the members that attend.

- (c) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J.J. Culloty, it was agreed to authorise the attendance of all members at the following events to be held in 2016:
1. AILG Conferences
  2. LAMA Seminars
  3. AILG Training Events
- (d) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. N. Foley it was agreed to authorise the attendance of the Cathaoirleach at the launch of the ERDF Designated Urban Centres Grant Scheme 2014 – 2020: Announcement of local authority capital projects to be held in Dublin on Tuesday 19<sup>th</sup> January, 2016.

#### **16.01.18.09 Correspondence General**

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

1.	Letter dated 10 <sup>th</sup> December, 2015 from the HSE in response to a resolution from Kerry County Council in relation to the inclusion of Motor Neuron Disease in the Long Term Illness Scheme.
2.	Letter dated 17 <sup>th</sup> December, 2015 from the HSE in response to a resolution from Kerry County Council in relation to the Ambulance base at Kerry General Hospital.
3.	Letter dated 17 <sup>th</sup> December, 2015 from the Office of the Minister for Education in response to a resolution from Kerry County Council in relation to a Cycling Proficiency Test at 6 <sup>th</sup> Class.
4.	Letter dated 18 <sup>th</sup> December, 2015 from the Office of the Minister for Agriculture, Food and the Marine in response to a resolution from Kerry County Council in relation to a request for a review of the rules around herd restrictions where there are no more than three reactors.
5.	Letter dated 29 <sup>th</sup> December, 2015 from TII in response to a resolution from Kerry County Council regarding NRA appeals against planning decisions.

6.	Email dated 30 <sup>th</sup> December, 2015 from the Road Safety Authority in response to a resolution from Kerry County Council in relation to the provision of cycle training in primary schools.
7.	Letter dated 7 <sup>th</sup> January, 2016 from the Office of the Minister for Finance in response to a resolution from Kerry County Council in relation to the cost of insurance for young drivers.
8.	Letter dated 13 <sup>th</sup> January, 2016 from NAMA in response to a resolution from Kerry County Council in relation to the maintenance of property taken over by NAMA.
9.	Email dated 18 <sup>th</sup> December, 2015 from Leitrim County Council in relation to a resolution adopted by that authority demanding that there be continuous dredging of the River Shannon to remove mud banks and bog silt.

Mr. G. O'Brien informed the meeting that both the full Council and the Tralee MD requested a meeting with the National Ambulance Service to discuss the condition of the Ambulance Centre at Kerry General Hospital. Mr. Paul Gallen has indicated that he will come to Kerry to meet with a deputation on Tuesday 26<sup>th</sup> January at 2pm in County Buildings.

It was agreed that the Cathaoirleach, Cllr. Finucane, the Party Whips and Independents would be notified of this meeting.

#### **16.01.18.11 Any other business**

##### **Addition to the Munster Fusiliers Monument**

Cllr. S. Locke referred to his proposal that glass panels would be erected at the Munster Fusiliers monument displaying the names of all those who died in World War I which was passed by full Council. He understood if members want to revoke this resolution they must give written notice and this must be included on an Agenda for a Council Meeting. He asked the Director of Operations to write to each member of Council to inform them of this procedure.

Cllr. T. Ferris stated she did not want to speak on this issue in an open forum. The majority of the Tralee MD members are not in favour of this proposal. While the proposal was considered by full Council the Tralee MD members did not object to it. However it would be funded from the Tralee MD Budget. As a compromise it was suggested that the names could be listed in the County Library. Now Cllr. Locke wants the full Council to decide how the Tralee MD members allocate their Budget. She appealed to Cllr. Locke not to stir up hostilities and to agree to have the names available in the County Library.

Mr. C. O'Sullivan informed the meeting that in July 2015 Cllr. Locke moved a motion that glass panels would be erected with the names of those who died in World War 1 at the Munster Fusiliers monument in Ballymullen. While there was a good discussion at the Tralee MD meeting no decision was made. Subsequently Cllr. Locke moved the motion at a full Council Meeting and his motion was seconded by Cllr. Gleeson and there was no objection to it. Subsequently at a Tralee MD meeting members queried the cost of the panels. Having considered the cost involved Cllr. Locke suggested changing the panels to information boards. Mr. O'Sullivan informed members that the motion passed by full Council was valid. Standing Order No. 37 deals with motions to revoke and reads as follows:

*"A Motion to revoke or amend a resolution of the Council can only be made by notice inserted in the Agenda, and such notice shall specify the resolution to be revoked or amended and furnish the terms of the motion to be made. No such motion shall be allowed to appear on the Agenda to revoke or amend any resolution of Council within six months of the date of the adoption of such resolution except with the written consent of not less than 5 members of the Council. A resolution may not be revoked at the meeting at which it has been adopted."*

Mr. O'Sullivan stated he would write to members advising them of the procedures to revoke a resolution.

Cllr. T. Ferris stated she objected to Cllr. Locke's aggressive behaviour. She added that she was becoming increasingly frustrated with management. She asked at the Tralee MD meeting if the plenary Council can decide how the Tralee MD funding is spent and she did not get a reply.

Mr. C. O'Sullivan stated he was not selective in his replies. He advised members of the procedure that must be followed to revoke a resolution. It is a matter for the members of the MD to decide how funding for their Municipal District is spent.

The Chief Executive stated the issue of Notices of Motion and the relationship between Municipal Districts and full Council is being reviewed. The question must be asked is it fair to refer a Motion to full Council for decision when it was not passed by the relevant Municipal District. The Municipal Districts are in place for just 18 months and they are working well. She refuted the suggestion that Management do not treat all members equally. Councillors are elected by the people and it is critical they are treated fairly and the same. In this instance a Motion was validly passed by full Council however, she would have to review the issue of funding for this work and she would revert to members on it.

Cllr. T. Ferris stated it was her experience that some members can get a response whilst others cannot. She felt very frustrated that she cannot get a response from some staff.



The Chief Executive invited Cllr. Ferris to meet with her to discuss these issues.

Cllr. Ferris stated arising from Mr. O'Sullivan's statement in relation to the allocation of MD Councillors Allocations herself and Cllr. Daly could propose that a monument should be erected to the Marita Anne in Fenit but they would not do that.

The Chief Executive reiterated that she would consider the issue of funding. Under current rules if a motion is not agreed at Municipal District level it can be submitted to full Council and can be passed without debate. It is necessary to review how motions are being referred from the Municipal Districts to full Council.

### **Emergency Funding**

Cllr. D. Healy-Rae asked when the Council expects to receive funding to repair damage to the road network caused by recent flooding.

Mr. C. O'Sullivan stated the flooding commenced with Storm Desmond following which local authorities were requested to make a submission to the Department for funding. An initial submission was made for €240,000 which was the cost of staff for 72 hours and bringing in pumps, the Civil Defence, sandbags etc. This sum was received prior to Christmas. A request was then received to make a submission on the cost of repairing damage to roads as a result of Storm Desmond. This was estimated at €670,000. There was further flooding and the estimated cost of the call out and damage to roads was €800,000. A submission was made to the Department for the damage to the road infrastructure. He would be meeting with members of the Municipal Districts shortly and he was aware there maybe further damage that his Department was not aware of. A further submission will be made if necessary. Road conditions are deteriorating rapidly as there is a high water table as a result of all the rain. In conclusion Mr. O'Sullivan stated he anticipated the regular allocation for non-national roads will be announced in the next 2 weeks.

Cllr. D. Healy-Rae stated if emergency funding is not allocated prior to the Election it is unlikely it will be allocated afterwards. He called on management to contact the Department with a view to securing emergency funding immediately. The Ranaleen Road in Currow is blocked by a landslide for the past 4 weeks and funding is urgently required to clear it so the road can be re-opened.

Cllr. N. Foley stated she would await managements view on the spending of Tralee MD funding. Cllr. Ferris made a substantial attack on management but it was her opinion that management are fair to all members. Members must acknowledge there is an even handed approach in Management's dealings with them.

## January Ordinary Meeting

Cllr. J.F. Flynn stated the United Kingdom has applied most frequently for funding from the Solidarity Fund and of the applications submitted just one was refused. This fact should be highlighted to the Minister. Cllr. Flynn requested that a presentation would be made to members at the February meeting on the tendering procedure for roads and how work is allocated. He was aware of a number of contractors on the list but they do not get any work.

Cllr. D. Healy-Rae complimented the Chief Executive and Directors on being fair to all councillors. While there are occasions when members are not satisfied with the reply received he respects and appreciates management.

Cllr. T. Ferris pointed out that she did not say all staff and management.

The Meeting concluded at 5.15pm.

**Gerard O'Brien**  
**Meetings Administrator**

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**Cathaoirleach of Kerry County Council**