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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 21 MÁRTA, 2016**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 21 MARCH, 2016**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

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

**IN ATTENDANCE/I LÁTHAIR**

Ms. M. Murrell, Chief Executive	Mr. M. O'Donoghue, A/Dir. of Corp. Serv.
Mr. O. Ring, Director Water Serv.	Mr. J. Breen, Dir. Sust. Comm./Q of L
Mr. C. O'Sullivan, Dir. Ops., H & S	Ms. A. McAllen, Head of Finance
Mr. M. Scannell, A/Dir. Job Cr./Sust. ED	Mr. G. O'Brien, Meetings Administrator
Mr. M. Hession, Chief Fire Officer	Mr. M. Flynn, Assist. Chief Fire Officer
Mr. D. Doyle, A/SE Operations	Mr. L. Quinlan, SEO Envir. Protection
Ms. N. O'Sullivan, MD Officer	Ms. K. Lynch, SEO Finance
Ms. J. Foley, MD Officer	Mr. M. Ó'Coileáin, Env. Awareness Off.
Mr. M. Flynn, Asst. Fire Officer	Mr. O. O'Shea, Press & Comm. Officer
Ms. L. O'Donnell, AO Environment	Ms. B. Reidy, SSO Corporate Support
Ms. S. Griffin, Community Serv.	Ms. O. O'Shea, CO Corporate Support

The meeting commenced at 10.35am.

The Leas-Cathaoirleach, Cllr. J. Finucane took the Chair.

### **Proposal for a Civic Reception**

Cllr. T. O'Brien PROPOSED that a Civic Reception would be held to honour Bryan Cooper for riding Don Cossack to win the Cheltenham Gold Cup.

Cllr. N. Moriarty SECONDED this proposal and also PROPOSED that the jockey Jack Kennedy from Dingle, who was the youngest jockey to ride in Cheltenham, would also be honoured.

The Leas-Cathaoirleach supported these proposals in particular in relation to Bryan Cooper.

### **16.03.21.01 Cathaoirleach's Report on the CPG Meeting held on the 14<sup>th</sup> March, 2016**

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

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

Ms. B. Reidy briefed members on the Agenda for the March Council Meeting.

#### **Item 2 Update on 2016 Commemorations**

Ms. K. Kennelly briefed the meeting on the 2016 Commemorations as follows:

Kerry Community Commemorations events are on-going, for details please go to [www.kerry2016.ie](http://www.kerry2016.ie) and select the calendar of events. Also check out [www.facebook.com/kerry2016](https://www.facebook.com/kerry2016)

10,000 Kerry 2016 commemorations programmes were printed and 9,000 have been distributed.

The following are the main up –coming events; linking with the Defence Forces:

#### **Valentia Island: April 17<sup>th</sup>, 3pm**

Official flag raising and unveiling of commemoration stone to the Ring Brothers, Tim and Eugene and their cousin, Rosalie Rice, who sent the telegram to them from Kenmare. Reception afterwards at The Royal Hotel, Knightstown.

#### **Ballykissane Pier, April 21<sup>st</sup> 8am**

Capacity 250 people including invited guests and relatives  
Colour party in attendance for commemoration of the first casualties of the Rising – Con Keating, Donal Sheehan and Charles Monaghan. The Cathaoirleach will officiate.

#### **Banna, April 21<sup>st</sup> 12pm**

Standing area for 4,500 people - Seated area 350-400.

Parking secured with local landowners.

Buses will depart from Garveys Car Park, Tralee, the Brandon and Fels Point Car Parks.

The President Mr. Michael D. Higgins will officiate with a full military guard of honour.

The Event will last for 1hr 15 mins in total.

Ms. Kennelly outlined the responses received from people who wanted to register to attend the events at Ballykissane and Banna.

**Tralee, Kerry County Museum, April 21<sup>st</sup> 4pm**

President Michael D. Higgins will officially open the Casement Exhibition at the Museum.

**Tralee Library April 21<sup>st</sup> 6.30pm**

Charles Crushing, Grandson of Monteith will give a lecture on Monteith and Casement coming ashore.

**Ballylongford April 30<sup>th</sup> 3pm**

Defence Forces Colour party in attendance for the unveiling of a commemorative bust to The O'Rahilly.

**Item 3            Update on North Kerry Landfill Expressions of Interest**

Ms. A. McAllen declared she may have a conflict of interest in relation to this item and for this reason she would leave the meeting while it was being discussed. Ms. McAllen then left the meeting.

Mr. L. Quinlan advised the meeting that following a voluntary market sounding Notice issued together with a briefing note seeking expressions of interest from interested participants on possible options for the future use of the North Kerry Landfill site, an Assessment Group was formed to assess the submissions received

Having regard to (a) the conclusions of the assessment group (b) the financial incentive to identify a sufficient revenue sourcing stream to defray significant ongoing costs associated with the aftercare and ongoing management of the developed and capped cells on the site & (c) requirement for ongoing compliance with EPA license conditions in respect of the developed part of the North Kerry Landfill, it has been decided to bring the process to the next stage relating to the undeveloped 26 acres which has an un-built licensed capacity of 500,000 approx tonnes.

In principle at this stage the selection of a proponent to purchase or lease some or all of the un-built licensed area of the site to develop a waste related activity is under consideration

However in order to be in a position to make a fully informed recommendation, given the complex nature of any proposal in this regard from an environmental, procurement, legislative and financial perspective, it will be necessary to engage consultants to assist and best advise Kerry County Council on the approach to be taken. A separate procurement process for the appointment of consultants will need to be put in place for this purpose and Kerry County Council is working in putting a detailed brief together in the first instance to inform specialist firms in this area as to the Council's requirements. It is also Kerry County Council's intention to fully consult with local resident representatives during all stages of the process.

#### **Item 4            National Lead Strategy – Pipe Replacement Grant Scheme**

Mr. O. Ring stated that details of the Domestic Lead Pipe Replacement Scheme were circulated. This is a grant scheme to assist low-income households with the cost of replacing lead pipes in their homes. The Scheme will be administered by the Council.

Cllr. R. Beasley asked if many houses in the county are affected and would home owners be aware they have lead pipes.

Mr. Ring stated lead piping would only be in older houses. A programme to replace lead pipes in the public mains has been completed and the mains are now lead free and the members were referred to Items 4(a) and (b) on the Briefing Note.

The Briefing Note for CPG and Application Form is attached to the Cathaoirleach's Report.

Members pointed out that many home owners affected are pensioners who may not be able to afford the balance of 20%.

The Chief Executive advised members this is a Departmental Scheme and she undertook to consider the issue.

#### **Item 5            Service Delivery Plan for the Operations Department**

Mr. C. O'Sullivan stated an item is included on the Agenda for the March Meeting to agree a date for a Special Meeting to consider the Operations Department Service Delivery Plan and the suggested date is Monday 11<sup>th</sup> April. All allocations are received with the exception of the Specific Funding allocation; however, approval was received to proceed to tender for the work at William Street.

Cllr. R. Beasley asked what the prospects were of getting funding for Phase II of the Dale Road.

Mr. O'Sullivan stated this is a major project and he and the Chief Executive will meet with the Department later this week when this project will be highlighted.

**Item 6            Update from the SPC Chairs**

Cllr. R. Beasley stated the Tourism, Culture, Arts & Recreation SPC will meet shortly. Priority was given to work on the 2016 Commemorations and as a result a substantial Programme of Events is scheduled.

All members paid tribute to Ms. K. Kennelly O'Driscoll and the staff in her Department for their tremendous work on the Programme.

Cllr. M. Kennelly stated a meeting of the Operations SPC was scheduled for the following day.

Mr. C. O'Sullivan advised the meeting that included on the Agenda for that Meeting would be the following:

1.     Traffic Calming Policy
2.     Public Lighting Policy
3.     Taking in Charge of Estates
4.     Naming and dedication of public infrastructure.

Cllr. R. Beasley stated in the past the monument at Ballyseedy was lit up but that is no longer the case. He asked that the lighting would be restored.

In Cllr. Moloney's absence, Mr. J. Breen stated the Draft Community Support Fund Guidelines would be on the March Agenda.

**Item 7            Approval for the holding of Civic/Mayoral Receptions**

Mr. M. O'Donoghue stated three requests for Receptions were received as follows:

Mr. Brian McCarthy, Executive Chairman of FEXCO requested by Cllr. M. Cahill.

It was agreed that a Civic Reception would be held to honour Mr. McCarthy at a full Council Meeting.

The Cathaoirleach requested a Reception for Mr. Ted Moynihan of the Friends of Kerry University Hospital to honour his fundraising work down through the years.

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It was agreed that a Reception would be held for Mr. Moynihan at the next Tralee MD Meeting.

Cllr. Maura Healy-Rae requested that a Civic Reception would be afforded to Mr. Noel Browne, Coolavanny, Castleisland who owns and trained 'Coolavanny Bingo' who won the 2015/2016 Irish Derby in Clonmel in February.

It was agreed to honour Mr. Browne at a Reception at a Killarney MD Meeting.

### **Approval for the making of Presentations to Council**

Mr. M. O'Donoghue stated the Cathaoirleach, Cllr. P. McCarthy requested that South Kerry Development Partnership would be approved to make a presentation to full Council on the Rural Vibrancy in North-West Europe – The Case of South Kerry.

It was agreed that this presentation would be made to the April Council Meeting.

Mr. O'Donoghue informed the meeting that the following presentations to full Council have been approved.

1. Cumann Iosef to be made at the Special Roads Meeting on the 11<sup>th</sup> April, 2016.
2. South Kerry Development Partnership on South Kerry Rural Vibrancy Report to be made at the April Ordinary Meeting on the 18<sup>th</sup> April, 2016.
3. Presentation on Procurement to be made to the May Ordinary Meeting.
4. Presentation by the Banks on the lack of credit facilities for small and medium enterprises to be made to the June Ordinary Meeting on the 20<sup>th</sup> June, 2016.

### **Item 8 Any other business**

#### **Re-organisation of Council Staff**

The Chief Executive informed members that a re-organisation of Staff would take effect on the 11<sup>th</sup> April. She undertook to circulate an updated organizational Chart to members prior to that date.

Cllr. N. Kelleher requested that the list of contact numbers for staff would be updated also and circulated to members.

This was agreed.

### **Seachtain na Gaeilge**

Dhein an tUasal J. Breen cur síos ar Sheachtain na Gaeilge agus a cuid imeachtaí, ag cur san áireamh:

Mr. J. Breen briefed the meeting on Seachtain na Gaeilge and outlined the activities taking place which include:

- Stickers for Council vehicles to promote Seachtain na Gaeilge and the use of the Irish language.
- A Window Competition for Shops and Businesses in Kerry 1 – 17 March. Owners are asked to decorate their shop window and email a photo to [eolaire@ciarrai.ie](mailto:eolaire@ciarrai.ie). They will be marked using the following criteria 40% for the use of Irish, 30% for the use of Irish Goods and 30% for Design. There has been a huge response to this competition as it is county wide.

### **Notification of Housing Allocations**

Members pointed out that at a recent meeting Cllr. Flynn requested that members would be notified of housing allocations via email and they asked when this would commence.

Mr. J. Breen stated it was brought to his attention that Sligo County Council no longer notifies members of allocations because of data protection issues. He undertook to do a review of the issue and revert to the members.

Members requested that they would continue to be notified of any allocations.”

Ag tagairt do Sheachtain na Gaeilge dúirt an Clr. M. Ó Gliosáin gur iarr sé tamall ó shin go gceartófaí logainmneacha Gaeilge i gCill Árne ach nár tharla sin fós.

Cllr. M. Gleeson referred to Seachtain na Gaeilge and stated some time ago he asked that placenames in Irish in Killarney would be corrected but this has not happened.

Cllr. J.J. Culloty welcomed the update on the Landfill and asked that it would be progressed as soon as possible. He understood Poolbeg may not be able to cater for all the waste in the country and if waste has to be exported it will be more expensive for the customers.

Cllr. D. Quigg supported the request for a Civic Reception for Brian McCarthy who provides great employment opportunities in Killorglin. It would be a fitting tribute to him in light of his achievements.

Cllr. B. Cronin expressed concern for local landowners in light of proposals for the Landfill. He asked how many Expressions of Interest were received and for what types of business. There is a serious shortage of Roads and Water Services staff for pipe replacement. In Killarney some of the work that councillors allocated funding for in 2015 has not yet been carried out. Cllr. Cronin also expressed concern in relation to Irish Water and added that funding was allocated for pipe replacement 5 months ago but the work has not commenced. He asked if Irish Water is abolished will that funding be lost. In conclusion Cllr. Cronin requested an update on flooding problems in Kilmoyley.

Cllr. M. Healy-Rae asked that additional signage and lighting would be provided at Loo Bridge.

Cllr. D. Nolan asked if a Policy is in place in relation to lighting in housing estates and will the plans for the Landfill comply with the Regional Waste Management Plan.

Cllr. J. Healy-Rae expressed concern regarding the Landfill. The fear is for a peripheral county like Kerry customers depend on Transfer Stations and when there is no landfill site customers are dependant on the private sector to dispose of waste. However, at least Kerry County Council has a landfill and he believed members should have a say in its future. Cllr. Healy-Rae added that he would not like to see the landfill leased for years. The Council Public Lighting Policy is not acceptable and some public lights are broken for months before they are repaired. Infill lighting is required in some areas, in particular, at Lispole Community Centre. The new Public Lighting Policy needs to be adopted sooner rather than later. Cllr. Healy-Rae requested an update on the flooding at Kilmoyley.

Cllr. M. O'Shea referred to housing allocations and asked why councillors are being denied a copy of the housing waiting list as this is a very important document for them. During the General Election it was suggested that Irish Water should be abolished and he asked if that happened how it would impact on allocations already made by Irish Water. Cllr. O'Shea referred to the changes due to take place in July in relation to waste and he asked what the Councils position is on it. Will it result in additional cost to the Council and will additional staff be required.

Cllr. D. Grady expressed disappointment at the length of time it takes to repair vacant houses. He expressed concern at the RAS and Long Term Leasing Programmes and stated in 5 or 10 years time many landlords may want their property back and this would result in a large number of people going on the housing list. He called on the Director of Housing to contact the Department to establish how they intend to deal with this issue. Cllr. Grady stated he understood there was no age limit for Cluid housing. However he was aware of a



person who applied to them for housing and was informed that he was too young. He requested clarification on this matter.

Cllr. R. Beasley referred to the Monument at Ballyseedy and stated in so far as he could recall it was lit up in the past but that is no longer the case. This is a very important monument to the county and a lot of people visit it. He asked that the lighting would be repaired at this monument. Cllr. Beasley requested an update on Kilmoyley Graveyard.

Cllr. P. Daly stated the Public Lighting Policy is too restrictive. There is anti social behaviour at Headley's Bridge and public lighting should be provided to address this problem. The new Tenant Purchase Bill is unacceptable. If a person gets an inheritance they cannot buy their house unless their income exceeds a certain threshold.

Cllr. B. O'Connell referred to the allocation of houses and stated LAMA sought legal opinion which indicated councillors are entitled to be informed when houses are being allocated.

Cllr. J.F. Flynn requested a copy of the list of housing estates to be taken in charge and the various stages each estate is at. He asked that traffic calming measures would be provided at the Crèche, School and GAA facilities at Keel where the current speed limit is 100km per hour. In February Irish Water announced funding of €3.5m but some of this related to work carried out 8 months previously while part of it related to the replacement of pipes which will not be done for a number of months.

The Chief Executive stated while the Council has the North Kerry Landfill the aftercare cost is very significant. The Council owns this asset and she wanted to establish what options were available. A market sounding exercise was undertaken and the responses received were considered. A decision was taken to engage consultants to advise the Council on how best to proceed. This is a very complex area and the relevant expertise is required. The Council must comply with the Regional Waste Management Plan.

In relation to pipe replacement the Chief Executive stated a programme of delivery was agreed with Irish Water and it is now a matter of delivering the work. Mr. J. Breen is reviewing the notification of councillors of housing allocations. In relation to the proposed introduction of pay by weight in our Transfer Stations to take place in July, Kerry County Council made a submission to the Department outlining the significant capital costs arising from these changes. It is also estimated that this will add €50,000 to €60,000 per annum to the running cost of each of the Transfer Stations. The Chief Executive referred to the query on staffing and stated a number of long term acting positions were filled and additional support was provided for the Municipal Districts, LECP and the Internal Audit function.

Mr. L. Quinlan advised members that the Regional Waste Management Plan supports the consideration of appropriate alternative future land uses at authorised inactive landfills. Three submissions in response to the request seeking expressions of interest were received with wide ranging proposals. As this is very complex it is important to get the consultants Brief correct and cannot be rushed. It is the Council's intention to keep residents and councillors informed of developments.

Mr. C. O'Sullivan stated it was unfair to say nothing was done in relation to Kilmoyley. Over the past few years a lot was done but it has not been possible to reach agreement on the work required. He had given a commitment that he would review this issue but with the severe weather that was not possible. However Mr. O'Sullivan stated he was committed to meeting with the residents in the next week or two and he would then report to the Tralee and Listowel MDs. The Draft Public Lighting Policy and Traffic Calming Policy were considered by the Operations SPC the previous week and they will be presented to Council at the April meeting. Mr. O'Sullivan undertook to review signage 'as Gaeilge' and to revert to Cllr. Gleeson.

Mr. J. Breen stated that while LAMA have taken a view on the notification of housing allocations to councillors Kerry County Council will seek guidance from the Data Protection Commissioner and will revert to members in due course. Mr. Breen undertook to revert to the CPG on the number of voids and the delays in getting them repaired.

Cllr. R. Beasley stated he understood from the Ballykissane Dead Committee that there was a shortfall of €5,000 in their funding and that three councillors had to make up the shortfall. He requested an explanation for the shortfall.

Cllr. M. O'Shea again asked why members were not being furnished with a copy of the housing waiting list.

Cllr. B. Cronin stated he did not receive a reply to his query regarding staffing and the carrying out of work for which Councillors had allocated funding. In light of staffing shortages he asked how flood repair work can be carried out.

Cllr. J.F. Flynn asked if members can make submissions requesting the provision of traffic calming measures.

Mr. C. O'Sullivan informed the meeting that the Traffic Calming Policy would be presented to the April Council Meeting and if it is adopted procedures are set out in it. Approx. 70 to 80% of work from Councillors Allocations was carried out in 2015 but where the allocation was made late due to the severe weather it was not possible to carry out this work. However the work will be completed in the near future. A review of staffing requirements is being undertaken but he pointed

out that the reduction in road grants in recent years has had an impact on staff numbers. Resources are matched to the Work Programme. €4m was received for flood damage and the Programme will be circulated to members shortly. Once the Programme is adopted the delivery of the Programme will be arranged and seasonal staff will be employed if required.

Cllr. M. Kennelly agreed that some work for which funding was allocated by Councillors in 2015 was not carried out. He requested a letter of explanation from the Operations Department outlining the reason for the delay in getting the work done but he did not receive it. Cllr. Kennelly stated members are not being notified when work is carried out following the moving of a notice of motion.

The Chief Executive informed members that an allocation was received for storm damage and once the Roads Programme is adopted a delivery plan will be put in place. She undertook to review any outstanding works from Councillors Allocations with the Director of Services for Operations.

Mr. J. Breen advised Cllr. O'Shea that he would review the provision of the housing waiting list to councillors and would revert to the CPG on it. The issue of RAS and Long Term Leasing properties was raised with the Department at the meeting the previous week but if a lease is terminated there is an obligation on the local authority to identify an alternative property.

#### **16.03.21.02 Confirmation of Minutes**

Cllr. J. Healy-Rae stated while he accepted that the Minutes of the February Meeting reflect what was said at the Meeting in relation to Notice of Motion No. 10 he wanted it clarified that while it was stated Danny Healy-Rae tendered for the work it was in fact Healy-Rae Plant Hire. He asked that this clarification would be recorded in the Minutes.

Mr. G. O'Brien stated that Cllr. Healy-Rae's comments would be reflected in the March Minutes and a comment would be inserted in the February Minutes in relation to the clarification.

On the PROPOSAL of Cllr. T. O'Brien, SECONDED BY Cllr. D. Grady it was agreed that the Minutes of the February Meeting be confirmed subject to the clarification outlined by Cllr. J. Healy-Rae.

#### **16.03.21.03 Chief Executive's Report to Council**

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

“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 March 2016 Council Meeting.

### **Financial Position**

The Annual Financial Statement for 2015 will be brought before the Members at the April 2016 Council Meeting.

### **LCDC**

The Annual Report of the LCDC is on today's Council Agenda for consideration.

### **LECP**

The final series of consultations with the lead and implementing partners in relation to both the economic and community elements of the plan have concluded. The plan is currently being finalised and the monitoring methodology agreed. The Draft Plan will go for ratification before the LCDC and the Economic SPC in the next couple of weeks as well as the Regional Assembly before coming to the Council for adoption in April.

### **Severe Weather Events Funding**

Following the severe weather events in late December/early January, the Council was requested by the Department of the Environment, Community and Local Government to submit details of our emergency response and immediate clean up operations. Earlier this month we received the full cost of our claim which was €290,779. This is in addition to the sum of €244,447 which the Council received for costs incurred in our response to the severe weather events of early December.

In total, the emergency response costs for these events was over €535,000, which without the support of the Department, would have severely impacted on the delivery of other key services.

**Kerry Local Enterprise Office**

<b>Action</b>	<b>Outcomes</b>
Budget allocation under KCC service level agreement with Enterprise Ireland	Notified of Measure 1 budget of €225,194 (+5% on 2015) and Measure 2 budget of €209,812 (-3% on 2015).  Allocation of Pay and Non-Pay budget is subject to ongoing national negotiations.
No. of Project Evaluation Meetings Held	1 formal meeting has been held to assess projects
No. of projects considered	8 projects considered with €25,000 in funding approved and a further €50,622 released in payments to projects.
No. of mentor assignments	17 mentor assignments from January 1 <sup>st</sup> .
No. of Microfinance applications received	3 completed applications received.
Start Your Own Business Programmes	2 programmes finished in Tralee and Killarney with 42 participants. 2 programmes running in Killorglin and Listowel with 40 participants.
Business Growth Programme	1 programme running in Tralee with 16 participants.
Diaspora engagement	Diaspora funding application has been prepared and submitted.  Connect Ireland meetings with Listowel Business Group, Castleisland Chamber Alliance, Kerry County Football Board and other parties.

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	Elected representatives Diaspora Business card pack has been forwarded to all Councillors
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Digital marketing programme	<p>1 programme completed in February in Tralee with 15 participants.</p> <p>1 programme running in Caherciveen with 15 participants.</p>
National Enterprise Awards	<p>Winners announced at function at the Manor West Hotel on 22<sup>nd</sup> February, 2016.</p> <p>Overall winner FM Marine Services to represent Kerry at regional final in April in Dublin Castle</p>
Food Academy Programme in conjunction with Bórd Bia and Supervalu	<p>Recruitment now complete and two food programmes will commence in April.</p> <p>18 food businesses have been interviewed and streamed into Food Academy Programme (8 businesses) and Develop Your Food Business Mentor programme (10 businesses)</p> <p>Discussions have commenced with Cork County and City Councils on the Cork/Kerry Food Forum Event.</p>
Student Enterprise Awards programme	<p>654 students participated with 65 shortlisted projects.</p> <p>County finals were held at the I.T.T. on 4<sup>th</sup> March 2016.</p> <p>Radio Kerry did an outside broadcast of the event.</p> <p>Mayor of Kerry, Cllr. Pat McCarthy and CE Moira Murrell presented awards.</p> <p>3 Student Businesses selected to represent Kerry in Croke Park in April 2016.</p>
Enterprise Month February/March 2016	<p>Enterprise Month was launched by the Mayor of Kerry and Chief Executive on 22<sup>nd</sup> February.</p> <p>Events taking place throughout the County in February/March (LEO events fully booked)</p>
Trading Online Voucher Scheme	<p>Additional funding allocation of €90,000 secured for 2016 with a target of 36 Trading Online Vouchers</p>

Cllr. D. Grady welcomed the report and in particular the €535,000 for the emergency response costs.

Cllr. J. Healy-Rae stated the biggest problem is lack of maintenance of the road network. Following the severe weather dykes were cleaned and drains opened but this should form part of a maintenance programme in each area.

Cllr. D. Quigg stated members for the South & West Kerry MD went on a deputation to Dublin seeking funding for the Cliff Road. However a sum of €535,000 only was allocated leaving Kerry County Council to meet the shortfall. He added that this is unacceptable and he suggested that the Department would again be contacted with a view to getting an increased allocation.

Cllr. P. Daly welcomed the allocation of €4m but stated there is a staffing shortage to deliver the Roads Programme.

Cllr. M. O'Shea commended Council staff for their tireless work during the severe weather.

#### **16.03.21.04 Report on the operation of the Litter Pollution Act 1997 – 2009**

Cllr. J. Moloney, Chairperson of the Quality of Life SPC referred members to the 2015 Litter Pollution report dated March 2016 which was circulated. He stated 10 community groups participated in regular clean-ups of road-sides in their areas under the 'Adopt a Road' Scheme. In 2015, 787 litter pollution cases were investigated with 57 on-the-spot fines issued and 8 prosecutions were taken for non-payment. While this is less than 15% it is very difficult to identify those responsible as they do not leave any evidence. 7 new Green Flags were awarded in 2015 with 70 schools renewing their flag (in general schools renew every 2<sup>nd</sup> year). In total 130 Kerry schools had Green Flags at the end of 2015. A chewing gum litter awareness campaign was run in June 2015 in conjunction with IBEC. During April/May 2015, 298 volunteer groups collected 82 tonnes of litter from the main roads in the county as part of the 'Spring Clean Campaign'.

Cllr. Moloney highlighted the excellent work done by voluntary groups and Tidy Towns Committees who work all year round with Council staff. 2015 proved to be a very successful year for Kerry towns and villages in the annual Tidy Town Competition. Listowel received the overall award for the Best Small Town Category in the county and Gold medals were presented to Killarney, Kenmare and Tralee tidy towns groups. He also commended Council staff for the valuable assistance they provide to these groups. Cllr. Moloney stressed the importance of maintaining towns, villages and approach roads to a high standard.



Cllr. S. Locke stated it is vital that entrances to towns and villages are improved. Dog fouling is an ongoing problem all over the county and he suggested that the Council would contact Bord na gCon and ask them to provide facilities for dog owners in towns to walk their dogs. He had serious reservations about allowing greyhounds in local authority estates.

Cllr. M. Gleeson stated the greatest problem in the county is the dumping of litter. There was no reduction in illegal dumping over the past 20 years and the roadsides were never as bad as they were over the past 3 months. Volunteers pick roadside litter each week and it is as bad as ever within a few days. There must be some way to follow up on this illegal dumping with a view to identifying those responsible. The appearance of many Bottle Banks is unacceptable and he asked that all Bottle Banks would be cleaned and the Council logo reinstated. Cllr. Gleeson stated he understood from a former Council employee that pay by weight will be introduced at Transfer Stations and if that is the case the level of illegal dumping will become unmanageable.

Cllr. D. Grady commended those who pick litter on the roadsides every week. Six years ago there was a Litter Warden in Killarney and that is no longer the case. He asked that additional Litter Wardens would be employed and added that the only way to reduce the level of illegal dumping is to have successful prosecutions.

Cllr. P. Daly stated some people cannot afford to pay refuse charges while others will not pay. Local voluntary groups and Council staff do great work and if evidence is found of those responsible for illegal dumping it should be reported to the Litter Warden who can then take a prosecution.

Cllr. J.F. Flynn complimented the Voluntary Groups and Tidy Towns Committees on their work and asked who qualified for funding under the Anti Litter Grant Scheme.

Cllr. R. Beasley welcomed the report and stated the litter problem has not improved. In the past there were 2 Litter Wardens in the county but now they are part time only. A full time Litter Warden is required for North Kerry and a second for South Kerry. It is important to secure prosecutions for roadside dumping to discourage others. But for the work of volunteers the county would be a disgrace. Dog fouling is an ongoing problem and is out of control. People come into towns to walk their dogs but they do not clean up after them and this should be addressed through a radio campaign and through the schools.

Cllr. B. O'Connell stated the greyhound industry is the most regulated industry in the State and greyhound owners are very responsible. He took exception to Cllr. Locke's remarks that greyhound owners are responsible for dog fouling in estates.

Cllr. B. Cronin welcomed the report and congratulated the voluntary groups who do tremendous work. It is vital that street cleaning continues at present levels. He believed CCTV is the best way to identify those responsible for illegal dumping and there has been a certain amount of success with this. Illegal dumping black spots should be identified and they should be targeted with CCTV. Cllr. Cronin thanked the Litter Warden for arranging the clean up of electrical goods from the roadside on the road from Firies to Scart Cross and on to Gowlane. He asked that CCTV would be used on that road to prevent it happening again. In conclusion he appealed to management not to go down the route of charging by weight at Transfer Stations as it would result in an increase in illegal dumping.

Cllr. J.J. Culloty stated dog fouling continues to be a major problem in the county. The importance of Transfer Stations cannot be overstated. He called for the purchase of additional CCTV cameras to address illegal dumping. The previous week the roadside from Farranfore to County Buildings was a disgrace. Cllr. Culloty asked that Council staff would pick roadside litter at least once a fortnight on the main roads.

Cllr. M. O'Shea stated roadside litter and litter on beaches has been a problem for years. This is unacceptable for a tourism county and he asked that consideration would be given to how this problem is addressed by other local authorities both in Ireland and in Britain.

Cllr. M. Kennelly stated some people simply will not pay for a refuse service. However if there is no service available there will be dumping. If a household does not avail of a refuse service and does not use a Transfer Station they must be dumping illegally and this must be addressed.

Cllr. T. Ferris stated illegal dumping cannot be justified, however the Council is partly responsible as they exited the refuse service. As a result the cost increased and many households cannot afford it. In the past she called on Management to meet with the service providers to see if some of the burden on hard pressed households could be alleviated.

Mr. J. Breen stated approaches were made to private Companies but they would not engage. Kerry is a beautiful county and it is unacceptable that it is being damaged by illegal dumping. It is important to give out a collective message that illegal dumping is unacceptable. Staff regularly write articles in the local media about illegal dumping and also speak on local radio.

Mr. L. Quinlan thanked Cllr. Moloney for presenting the report and stated that legislation requires that an Annual Report is presented to Council at which time there is a discussion on illegal dumping. The Litter Pollution Act deals with smaller scale dumping. The report details the excellent work done through community engagement and Micheál Ó Coileáin works with schools and

businesses at every opportunity. The current Litter Management Plan is a three year plan and is being reviewed and legislation sets out what must be included in the Plan. The new Draft Plan will be brought to the Quality of Life SPC and there is a requirement to engage with all stake holders. There is a reference in the Report to dog fouling on Pages 6 and 13 where there is a lot of detail on the patrols and survey of dog owners undertaken. The Council has 3 full time Litter Wardens and Traffic Wardens are engaged in litter control also and they issue fines. Before a prosecution is taken evidence of the person responsible must be available. If a litter fine is unpaid the evidence is reviewed with the Legal Department prior to taking a prosecution. Unfortunately a small careless minority disregard the law and dump illegally. The County Clean-up Day will take place on the 2<sup>nd</sup> April and the generosity of spirit shown by volunteers is remarkable. Mr. Quinlan thanked the organisers of the Clean up Day and stated he hoped it would be a success. The Clean up Day is held in conjunction with KWD and the Environment Department and gloves and litter pickers are available from the Environment Department while bags and high vis vests are available from KWD.

Cllr. D. Grady asked how many fines were issued and paid in 2015 and why is there not a full time Litter Warden in Killarney.

Mr. Breen stated all those details are contained in the Report. 57 on-the-spot fines were issued in 2015.

**16.03.21.05 Annual Report on the operations of Kerry Local Community Development Committee (LCDEC for year ending 31<sup>st</sup> December 2015**

Cllr. N. Moriarty, Chairperson of the LCDC stated the report was prepared in the context of Chapter 2 Section 128(1) (i) of the Local Government Act 2001 as amended. Mr. M. Scannell is the designated person to act as 'Chief Officer' to support the development of the LCDC in line with the national policy requirements and to support the committee in the implementation of its role and functions. She acknowledged the work of Ms. S. Griffin, Ms. N. O'Connor and Ms. N. O'Mahony. There are 19 members on the LCDC. It began its work programme in earnest in 2015, with particular focus on the following three areas:

- Community elements of the Local Economic & Community Plan (LECP)
- Social Inclusion Community Activation Programme (SICAP)
- Rural Development Programme 2014 -2020 ((LEADER) /LEADER Strategy and implementation).

It is anticipated that the LECP will be presented to the April Council meeting for adoption. The Social Inclusion Community Activation Programme (SICAP) commenced in April 2015 and SICAP contracts are for 3 years (2015 – 2017). The overall budget for 2015 for Kerry is €1.22m (covering the period April – December 2015.)

As part of the Mid-Term Review the LCDC made detailed submission to both POBAL and the DEGLG in respect of the target groups and deprivation areas. The submissions have been considered and as a result the 2016 national programme has been amended to include “low income workers/households” as a target group, which includes small holders.

The Rural Development Programme 2014-2020 (LEADER) is an EU funded programme to support activities to improve the quality of life in rural areas and to diversify the rural economy. This programme is supported by a Local Development Strategy (LDS) and implemented at local level by Local Action Groups (LAGs). The programme allocation for Kerry is €10.2m. Work has also progressed in relation to the preparation of the Local Development Strategy (LDS) under the LEADER programme. The Draft Strategy was approved by the LCDC on 30<sup>th</sup> November and submitted to the DECLG in December for consideration by the evaluation committee. Clarification on a number of issues was requested and a response has been submitted to the issues raised.

On the PROPOSAL of Cllr. N. Moriarty, SECONDED by Cllr. M. Gleeson it was agreed to note the Annual Report on the operations of Kerry Local Community Development Committee (LCDC) for year ending 31<sup>st</sup> December 2015.

#### **16.03.21.06 Adoption of the Draft Community Support Fund Guidelines**

Cllr. T. Ferris referred to the final page of the Draft Guidelines and took issue with the requirement that every group must have a current Tax Clearance Certificate. This is very onerous on voluntary organisations and she PROPOSED that the words ‘*where appropriate*’ be included.

Ms. A. McAllen stated in accordance with legislation any payment over €10,000 requires that a current Tax Clearance Certificate must be provided. It is a normal requirement that voluntary bodies dealing with public bodies are asked to present a current Tax Clearance Certificate. The procedure to apply for a Tax Clearance Cert is straight forward and she would prefer that this provision would remain.

All members welcomed the Community Support Fund 2016.

Cllr. B. O’Connell stated this is an excellent Scheme and it is well administered. He pointed out that the Scheme is funding by income from Local Property Tax and through a decision of councillors. Some councillors did not support hard decisions on LPT yet when members decide on grants from the Community Support Fund they are first to contact the successful groups to advise them they secured the funding for them. Cllr. O’Connell called on the Press to highlight this issue.

Cllr. D. Quigg SECONDED Cllr. Ferris’s proposal and asked that leniency would be shown where required.

Cllr. A. Thornton welcomed the new theme added to the Scheme for 2016. She assisted smaller groups who did not have Tax Clearance Certificates and they were facilitated.

Cllr. J. Moloney stated the Tax Clearance procedures are now more complicated and he had first hand knowledge of this. He referred to Paragraph (1c) and the middle paragraph which reads "*Small scale funding supports will also be provided under this theme to community groups other than Tidy Towns Committees for developing and or enhancing visual amenities in their area.*" Cllr. Moloney declared that he is a member of Listowel Tidy Towns Committee and stated they do a lot of maintenance work and he asked if the materials could be grant aided under the Scheme.

Cllr. J.F. Flynn stated he proposed last year that the minimum grant would be €500. He asked that payments would be made in a timely manner as some payments were delayed last year. Groups depend on this funding to do work in the summer. Cllr. Flynn asked for an increase in the allocation under this Scheme for the South & West Kerry MD in 2017.

Cllr. M. Cahill stated 2015 was the first year of this Scheme and it was a great success. However, he anticipated a huge surge in applications in 2016.

Cllr. D. McCarthy asked if GAA Clubs are eligible for funding under the Scheme.

Cllr. J. Healy-Rae stated this is a very beneficial scheme for many communities. However he agreed with Cllr. Ferris that the requirement to have a current Tax Clearance Cert will prove problematic for some groups. He asked if a group submits an application and their event is held shortly will they be paid first. The Ring of Beara Cycle will be held shortly and as a result Kenmare will be booked out. He requested that this application would be given priority.

Cllr. M. O'Shea stated the closing date for applications for funding is too soon and he PROPOSED that it would be extended by 1 or 2 weeks because of Easter. He referred to No. (1b) and asked if further plans will be required or will the existing LAP's suffice. A sum of €30m was allocated for Village Renewal and he requested an update on this Programme. Cllr. O'Shea then referred to No. 2(a) which reads "*Kerry County Council has a strong tradition of collaborating with businesses, chamber alliances and traders associations in marketing their locations as quality retail and visitor destinations*". He asked if this includes Community Councils. A number of communities are applying for Chamber Alliance and he requested direction on population/size of a town/village that should consider changing to a Chamber Alliance.

Cllr. N. Moriarty SECONDED Cllr. O'Shea's proposal.

Cllr. P. Daly agreed there should be discretion on the issue of the Tax Clearance Certificates. He is involved with Tralee 800 and if they must apply for a Tax Clearance Certificate it would not make sense.

The Chief Executive stated the experience gained in administering the Scheme in 2015 informed the 2016 Scheme. The Scheme is before the members for adoption and it is a 2 year Scheme. As a result in 2016 it will be possible to advertise for applications earlier in the year. Consideration was given to extending the closing date but if that happens it will be almost mid year when payments are made. The Chief Executive pointed out that Leader funding will also be coming on stream and it is important to select some projects that serve the community and to join funds. It is good practice to request a current Tax Clearance Certificate and there is strong governance in the application form. Leader also requires this as do other public bodies. However Ms. Murrell stated a pragmatic approach would be taken where appropriate.

The Chief Executive stated it was not intended to replicate Local Area Plans but in some instances smaller plans maybe required which fit in with the LAP. To-date notification was not received on the Town and Village Renewal Scheme. The Council has been actively supporting the establishment of Chamber Alliances around the county and this is a good model to engage with the local authority. There are Chamber Alliances in Tralee, Killarney, Castleisland, Killorglin, Kenmare, Caherciveen and at present Listowel are considering their options. There is no exact science on this model but if other scheduled towns/villages want to consider this option they should contact Niamh O'Sullivan, SEO.

Cllr. T. Ferris stated this is the Councillors Fund and they must adopt the Guidelines. She agreed any payment in excess of €10,000 should be accompanied by a current Tax Clearance Certificate but that should not be the case for Residents Associations etc. She went on-line to try to apply for a Tax Clearance Certificate and it can only be done through ROS and organisations cannot apply online. As a result they would have to go to their local Revenue Office to apply. That is why she proposed that this requirement would be amended to include the words "*where appropriate*". Residents in Banna would like to make the place nice for the Presidents visit and they should not have to apply for a Tax Clearance Certificate.

The Chief Executive agreed it is the Councillors Scheme but added it is important to be satisfied from a governance point of view. She assured members the Finance Department would be practical where the funding is small. However, she would prefer the policy to remain as it is.

Cllr. T. Ferris pointed out payments to a number of groups were delayed last year as they had no Tax Clearance Cert. First Responders in Ardfert needed Tetra Radios and they are only up and running now.

The Chief Executive again assured members that applications would be dealt with pragmatically. She would prefer that this requirement would remain in the Guidelines.

Cllr. J. Finucane stated the Chief Executive had given a commitment that there will be flexibility and members should accept that.

Cllr. T. Ferris called for a vote to be taken on her proposal.

Mr. M. O'Donoghue urged caution that the Council is not seen to give a blanket exclusion from tax compliance. He advised members to accept the Guidelines as they are and they could be reviewed as applications are processed.

Cllr. T. O'Brien PROPOSED that the Draft Community Support Fund Guidelines be adopted.

Cllr. B. Cronin SECONDED this proposal and it was agreed.

**16.03.21.07 Date for a Special Meeting to consider the Operations  
Department Service Delivery Plan incorporating the Roads  
Programme**

Cllr. T. Ferris asked if there was consultation with the Unions on the Service Delivery Plan.

The Chief Executive stated the normal procedure is that the Roads Programme is adopted following which the stake holders are consulted to agree how the Programme will be delivered.

Cllr. Ferris stated she failed to understand how a date for a Special Meeting to adopt the Programme can be agreed when agreement has not been reached with the Unions. She PROPOSED that the date for the meeting would allow for a timeframe for consultation with the Unions.

Cllr. J. Finucane suggested that members agree a date for the meeting and added that consultation with the Unions is a matter for the Executive.

Mr. M. O'Donoghue stated the Roads Programme will be adopted by members at a Special Meeting. It has been agreed with the Unions once the Programme is adopted the Council will enter into discussion with them on the delivery of the Programme. Kerry County Council has the most active IR with Unions and Council officials met with SIPTU 3 weeks ago and will meet them again later that week.

Cllr. M. Gleeson PROPOSED that the Special Meeting to consider the Operations Department Service Delivery Plan incorporating the Roads Programme would be held on Monday 11<sup>th</sup> April 2016 at 11am.

Cllr. J.J. Culloty SECONDED this proposal and it was agreed.

Cllr. Ferris pointed out her objection related to the adoption of the Service Delivery Plan and she had no objection to the adoption of the Roads Programme.

#### **16.03.21.08 Kerry Wildfire Reduction Strategy for 2016**

Mr. J. Breen referred members to the Kerry Wildfire Reduction Strategy 2016 which was circulated. The report was prepared by the Kerry Wildfire Inter Agency Group to raise awareness of the dangers of wildfires and of the promotion of controlled burning in a responsible manner.

The cutting, grazing or burning of vegetation is prohibited in the period 1<sup>st</sup> March to 31<sup>st</sup> August annually in accordance with Section 40 of the Wildfire Acts 1976 – 2012. Since the establishment of the Kerry Wildfire Inter Agency Group, the overall incidence of wildfires has been reduced by over 50% from a high of 561 callouts in 2010 to 220 callouts in 2015. The promotion of the Control Burning Notification System has also ensured that the Fire Services are not called out to attend a controlled burn where there is no threat to human life, forests or property. In 2015, nearly 700 control burning notifications were received and Mr. Breen thanked all landowners for their responsible attitudes and notifications. Mr. Breen then briefed the meeting on the Strategy.

Cllr. J. Healy-Rae stated the current burning period does not take account of bad weather when landowners cannot burn their land. Marginal land that has not been burned off is not eligible for Single Farm Payments and for this reason the burning season should be extended. In many areas land needs to be burned to be productive but he did not support malicious burning. Farmers must be permitted to carry out controlled burning but they cannot contact the Council outside the burning period. It is unfair of the Department to state if a farmer is in the Glas Scheme they cannot burn their land. If most of their land is marginal they must burn it to be able to use it. These landowners must be accommodated. If the weather is dry for a week or two it makes sense that burning should be permitted to allow farmers to maintain their livelihood.

Cllr. M. Gleeson complimented the Fire Service on what they achieve and continue to do for the county. He made one of the 188 submissions to the Department on the burning period and he deeply regretted that no action was taken on these submissions. It was an excellent initiative when the Fire Service worked with the local community on this issue and it resulted in a reduction in the number of wildfires. There is a need for common sense on this issue. If the weather does not allow burning then when the weather improves landowners



should be allowed burn their land. Cllr. Gleeson welcomed the 700 burning notifications received and added that inappropriate burning at the wrong time diminishes the county.

Cllr. J.J. Culloty agreed that the burning period should be extended to 1<sup>st</sup> April as it would be more practical. People's livelihoods are involved and a more constructive approach should be adopted by the Department.

Cllr. A. Thornton concurred with the views expressed by Cllr. J. Healy-Rae in relation to the timelines for burning and suggested that a similar campaign should be undertaken in relation to hedge cutting. Overgrown hedges are a major problem in the county and this should be targeted more seriously. There is a time limit on the spreading of slurry also and this is also weather dependant. The weather is not always suitable for spreading during the permitted time. She PROPOSED that a letter would issue to the Department seeking to have this changed. Cllr. Thornton asked that a letter would issue to the Department of Arts, Heritage and the Gaeltacht calling for an extension of the burning period and the time when hedges can be legally cut.

Cllr. J. Healy-Rae SECONDED this proposal and it was agreed.

Cllr. S. Locke complimented the Fire Service on their work and he concurred with Cllr. J. Healy-Rae in relation to the timeframe for burning. He asked that burning would take place when the wind is suitable to ensure neighbouring properties are not adversely affected.

Cllr. B. Cronin complimented the Fire Service and all the relevant bodies involved in the Strategy. He supported the call for an extension of the burning period and added that he also made a submission asking that it would be extended by 1 month. It is disappointing that following the public consultation by the Minister there was no response to it. It is critically important that clarification is given and that the timeframe is extended in law.

Cllr. S. Fitzgerald concurred with previous speakers and stated he also made a submission and requested that the burning period be extended to 1<sup>st</sup> April. Burning is weather dependant and after 4 months of floods land is too wet to burn. He expressed his disappointment that the burning period was not extended following the public consultation as land needs to be burned every few years otherwise the gorse etc. get stronger. Forestry owners should be asked to clean their fire breaks every few years and this should be a requirement by the Department for those in receipt of grants.

Cllr. D. McCarthy stated there is an urgent need to extend the burning period and farmers cannot be fined when a fire comes onto their land from adjoining property. Forestry owners should be required to clear their fire breaks.

Mr. M. Flynn, Assistance Fire Officer stated the Inter Agency Group also made a submission during the public consultation period. The burning of land is a management tool and while the dates are prohibitive landowners must abide by the law. The role of the Fire Service is to deal with Road Traffic accidents, house fires etc. The Fire Service promotes controlled burning notices and there was a three year extension to the derogation for pile burning. The controlled burning notice is also used for pile burning. It is a waste of the Fire Services time having to attend gorse fires.

#### **16.03.21.09 Approval for the Opening of Tenders**

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Kennelly it was agreed to approve the opening of tenders for the Kerry, Cork and Clare Bridge Rehabilitation 2016 – Technical Consultants – Closing date: Friday 1<sup>st</sup> April 2016 at 1pm.
- (b) On the PROPOSAL of Cllr. M. Kennelly, SECONDED by Cllr. J. Moloney it was agreed to approve the opening of tenders for the N69 William Street, Listowel Rehabilitation Scheme – Closing date: Friday 8<sup>th</sup> April, 2016 at 12 noon.

Cllr. M. Kennelly welcomed the tender for William Street in Listowel and asked that the work would not be carried out during Writers Week from 1 – 7 June or during the Fleadh Cheoil which will commence on the 11<sup>th</sup> July.

#### **16.03.21.09.10 Presentation by the Institute of Technology Tralee**

The Cathaoirleach welcomed Dr. Oliver Murphy and Ms. Bríd McElligott to the meeting.

Dr. Murphy thanked the members for the opportunity to address the meeting. There are approx. 3,200 students attending IT, Tralee. The three Schools of Study are:

1. School of Science, Technology, Engineering & Mathematics
2. School of Health and Social Sciences
3. School of Business, Computing and Humanities.

The IT has two campuses

- the shared Dromtacker site of 113 acres in total, comprising of:
  - ITT North Campus (60 acres)
  - Kerry Technology Park (53 acres) – owned by Shannon Commercial Properties
  - Seamless integration of education and enterprise

- ITT South Campus at Clash (9.4 acres).

IT Tralee has a staff of 330 across the academic community, central services and research community. The Pay budget for 2015 was €19.5m while the total income for the same year was €23.1m. The total economic impact of IT, Tralee on the region is €53m annually. International students attending IT Tralee bring €6m to the region.

The Institute offers programmes at:

- Higher Certificate (2 years)
- Ordinary Degree (3 years)
- Honours Degree (4 years)
- Postgraduate Taught programmes
- Postgraduate Research programmes
- Across the major discipline areas in Business, Science, Engineering, Technology and Humanities.

The majority of Institute programmes incorporate a work-placement. Programmes are offered on a full-time / part-time basis (Springboard) and a number of programmes are delivered on-line.

The following are the Research Centres at IT Tralee:

- Irish Academy of Hospitality and Tourism
- Centre for Entrepreneurship and Enterprise Development (CEED)
- UNESCO Chair in Inclusive Physical Education, Sport, Fitness and Recreation.
- The Shannon Applied Biotechnology Centre (Shannon ABC)
- Intelligent Mechatronics and RFID (IMaR)

Enterprise Ireland has a National Technology Gateway Network involving 12 nationally funded centres and IT Tralee is included in these. Each centre has a clear pre-existing skill and its own uniqueness.

Dr. Murphy stated there is a Research Community of 80 at IT, Tralee and he outlined their roles. There is €10.2m of research ongoing of which €8.7m is led by IT Tralee. IT Tralee's industrial partners include Kerry, Dairymaster, Analog Devices, Kostal, Regeneron, Intel, Temmler, Astellas and Borg Warner Beru Systems.

Dr. Murphy stated the Tom Crean Business Centre is home to 25 companies and he briefed them on some of the companies and the Programmes there.

The following are the IT Tralee strategic priorities:

- Campus Development
  - IT Tralee: Kerry Sports Academy
  - Integration of all activities to the North Campus

- Kerry Technology Park
- To achieve Munster Technology University status
- Funding.

The Kerry Sports Academy is a €15m project and will be home to:

- Health and Leisure Programmes at IT Tralee
- UNESCO Chair in Inclusive Physical Education, Sport Fitness and Recreation
- National Centre for Adapted Physical Activity (CARA)
- Kerry GAA Centre of Excellence
- Comhaltas Ceoltóirí Éireann (Kerry)

Planning permission has been granted for the Kerry Sports Academy and a Design team appointed with work being brought to tender stage. €12.7m has been committed to the project. A Foundation Board is in place and fundraising activity is ongoing. The project is currently in the pre-tender process and it is hoped work will commence in September 2016 resulting in 120 jobs during construction.

Dr. Murphy informed the meeting it is intended to have a Single Integrated Campus. At present 65% of students are on the North Campus and 35% attend the South Campus. The key objectives are to integrate all activities on the North Campus and that the South Campus can be sold to provide an opportunity for a major Capital Development Project for Kerry.

In relation to achieving Munster Technological University status 3 of the 4 step process are completed. The International Panel at Stage 3 concluded: *"In our experience of universities internationally, this proposed MTU would sit comfortably in their company"*. Under proposed legislation ITT and CIT would merge to create the Munster Institute of Technology and then apply to become a Technological University.

Dr. Murphy then referred to Kerry Technology Park and stated Shannon Development was dissolved and their enterprise function transferred to Enterprise Ireland while their property portfolio transferred to Shannon Commercial Properties. Kerry County Council and IT Tralee launched a joint bid to purchase the Park and the conveyancing is ongoing. In conclusion Dr. Murphy acknowledged the work of Cllr. T. O'Brien and Cllr. S. Fitzgerald both of whom represent Kerry County Council on the Board of IT Tralee.

All members thanked Dr. Murphy for his detailed presentation.

Cllr. T. O'Brien acknowledged the importance of IT Tralee both to Tralee and the county. In his opinion the Munster Technological University is the only way forward. While qualifications from IT Tralee are recognised a qualification from a University gets greater recognition. He welcomed the joint bid by Kerry County Council and IT Tralee to acquire the Technology Park. This Park is very successful and the acquisition needs to be finalised as soon as possible. The Kerry Sports Academy will be a great boost to IT Tralee and hopefully will attract more sport and music students.

Cllr. S. Locke wished Dr. Murphy success for the future and assured him he has the support of Kerry County Council. He asked what would happen to the South Campus when the two campuses are merged.

Dr. Murphy stated it is hoped to dispose of the South Campus because at present the cost of running two campuses is significant.

Cllr. G. Spring welcomed the ambitious targets outlined by Dr. Murphy and the intention to increase the number of international students. He also welcomed the engagement with local businesses and added it is important to establish what kind of graduates they require. The Kerry Sports Academy will be an excellent addition to the IT.

Cllr. S. Fitzgerald stated IT Tralee has grown over the years and it is now worth €53m annually to the county. Hopefully when it gets MTU status it will grow further. The IT offers an excellent range of courses including one in Nursing. The Tourism Courses are also very beneficial for the county while the new Sports Academy will showcase sports in the county. Cllr. Fitzgerald asked that a half day tour of the IT would be organised for Councillors during the summer.

Cllr. N. Moriarty welcomed the developments at IT Tralee and stated there are excellent Media Courses available there. The achievement of University status would be very beneficial. The depopulation of rural areas is an ongoing problem and this starts when students leave the county to go to University. Cllr. Moriarty commended Dr. Murphy and his staff on their work and offered her support for it.

Cllr. P. Daly state the IT is very beneficial for the town of Tralee and the county. He offered his support for their bid to get University status provided jobs or courses are not lost as the economy in Tralee is very dependant on public sector jobs.

Cllr. T. Ferris complimented Dr. Murphy on getting the UNESCO Chair which was a great achievement. The Kerry Sports Academy will be a welcome addition to the IT facilities. While she understood the advantages of securing University status there is a need to retain the route through Certificate, Diploma, Degree etc. to ensure a student who leaves after 2 or 3 years has a qualification. She asked that that progression route would be maintained. She expressed concern,

for economic reasons, if MTU status was achieved that some courses would no longer be delivered in Tralee. She hoped that students in Kerry would continue to have a vast range of courses available to them.

Cllr. D. Nolan stated it is great to see the IT working with outside organisations and the fact that Research is reaching out to businesses. She welcomed the Kerry Sports Academy and the objectives outlined by Dr. Murphy.

As Chair of the Economic Planning and Development SPC, Cllr. J. Finucane stated he learned in difficult economic times if there is no centre of enterprise the county is solely dependent on assistance from State agencies. Having the IT in Tralee together with the Technology Park is a huge resource for the town and county where innovation is encouraged. Tralee IT has a lot of benefits including the fact that it is cheaper to live in Tralee than in cities and this should be pointed out in advertising campaigns. Cllr. Finucane welcomed the progress in the bid to achieve MTU and added that other Technological Universities work closely with industry. Kerry County Council's involvement with the IT to acquire Kerry Technology Park is an excellent partnership.

The Chief Executive thanked Dr. Murphy and Ms. McElligott for attending the meeting and stated the Council has a strong relationship with the IT. The acquisition of University status is very important for the IT and the county and the enterprise hub and University would have a strong future. The acquisition of Kerry Technology Park is a very important undertaking by Kerry County Council and IT Tralee and she hoped the Park would expand in the future.

Dr. Murphy informed the meeting that IT Tralee is committed to the region and he hoped the entity would grow in the future. IT Tralee has a strong engineering background and it is one of their key research areas.

Ms. B. McElligott stated IT Tralee is very conscious of the importance of different levels of qualification and within the Technological University this remit must be retained. Portfolios of courses will continue to be offered in Tralee. A qualification from Tralee IT is an excellent qualification. She accepted there would be increased opportunities with University status. At present there are 250 – 300 international students at IT Tralee and they come from the EU, Malaysia, China, India and the Middle East. When making contacts abroad she has to explain what an Institute of Technology is but if their bid for University status was successful that would not be necessary. Calls inviting applications for funding for Research are not open to Institutes of Technology and with University status additional funding opportunities would be available. The Programme of work with KETB called the Mapped Pathway Programme will also be maintained and this offers unlimited possibilities in terms of progression.

The meeting adjourned for lunch at 2pm.

The meeting resumed at 2.30pm.

#### **16.03.21.11 Notices of Motion**

##### **Emergency Motion – Call for a retention of the postal service at Lerrig**

Cllr. T. Ferris PROPOSED that Kerry County Council would make a submission in support of the retention of the postal service at Lerrig, Ardfert.

Cllr. S. Fitzgerald SECONDED this proposal and it was unanimously agreed.

#### **1. Call for an amendment to Chapter 10 Section 8 of the County Development Plan 2015 – 2021**

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

That the Chapter 10 Section 8 of the County Development Plan 2015-2021 would be suitably amended/ expanded to include a provision that all future commercial planting in the county would have to contain a minimum of sixty per cent (60%) Native Trees i.e. Broadleaf Trees. This positive action is vitally necessary in order to: [1] protect air quality and [2] help reduce the too rapid flow of water into the county's rivers at times of downpour.

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

**“The Local authority has a limited legal role in relation to afforestation. Generally the use of land for agriculture and forestry is exempted development.**

##### **The following exemptions to planning permission apply:**

- **Art 8A-P&D Regulations 2001-2015 – Initial Afforestation shall be exempted development**
- **Class 16 – The replacement of broadleaf high forest by conifer species (less than 10 hectares) is also exempt.**

**Forestry Programme 2014 – 2020: IRELAND Submitted in accordance with European Union Guidelines on State aid for agriculture and forestry and in rural areas 2014 to 2020 sets the policy framework for forestry in Ireland. Its overall aim is set out as follows: “To develop an internationally competitive and sustainable forest sector that provides a full range of economic, environmental and social benefits to society and which accords with the Forest Europe definition of sustainable forest management.”**

**The following four needs have been identified in relation to Ireland’s forest sector:**

- **Increase on a permanent basis, Ireland's forest cover to capture carbon, produce wood and help mitigation;**
- **Increase and sustain the production of forest-based biomass to meet renewable energy targets;**
- **Support forest holders to actively manage their plantations;**
- **Optimise the environmental and social benefits of new and existing forests.**

**The County development plan sets out in detail both in chapters 8 & 10 its policies on woodlands and trees and forestry developments and includes objectives to:**

- **Increase broadleaf cover in the county**
- **Encourage the planting of local species**
- **Conservation of protected species**
- **Support the continued sustainable expansion and diversification of the forestry sector**
- **Flood risk management.**

**The application of a provision that all future commercial planting in the county would have to contain a minimum of sixty per cent (60%) Native Trees i.e. Broadleaf Trees would be unenforceable by the council and may if implemented undermine the commercial viability of forestry in many locations.”**

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

“There is now general acceptance of the reality of climate change and of the fact that appropriate actions will have to be taken to cope with that reality. Many of those actions will have to be long term in nature. One very positive action that individuals, communities and countries can take is in the area of tree planting. Generally speaking it is true to state that deciduous trees such as oak, holly and sycamore have much deeper roots than most evergreen trees such as Sitka Spruce. When tree roots penetrate deep into the soil they make the soil more porous to accept rain water and the roots themselves absorb more water through the process of osmosis. These facts result in a slower rush of water to nearby streams and rivers and thus help reduce flooding levels.”

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



**2. Acceptance of an email with proof of address for people trying to acquire a driving licence**

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

That this Council would ask the RSA to accept an email with proof of address for people trying to acquire a driving licence. People under the age of 18 normally don't have proof and the RSA are not accepting emails from schools or Gardai. This in turn leads people to drive an hour and half each way just to provide a sheet of paper that could be sent by email.

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

Cllr. J. Healy-Rae stated since the Driver Licence function moved to the RSA it has become very strict. If an applicant does not have a particular document they must return to the office in person with it. A person under the age of 18 is entitled to apply for a licence but they do not have a utility bill. Up until recently the RSA accepted a letter from the Gardaí or a School but that is no longer the case. They must now have evidence of a Bank or Credit Union Account. Surely an email from their School would be acceptable proof of address. Cllr. Healy-Rae requested that his motion would be referred to the RSA for consideration. The present system is very unfair on those living far away from the National Driving Licence Office in Tralee.

Cllr. M. Gleeson SECONDED the motion.

**3. Options available to homeowners in rural areas who want to downsize**

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

To ask the Planning Department to explain the options available to homeowners in rural areas, who wish to sell their family home, and construct a smaller more efficient house, either in their current area, or elsewhere in the County. This need may arise as a result of children moving out of the family home.

**The following reply issued:**

**It is the policy of Kerry County Council that future housing in rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities, 2005 (DoECLG). Based on these guidelines, the County Development Plan 2015 - 2021 requires that all new rural housing is for use as a primary, permanent place of residence. As a result the construction of second homes is not permitted in the rural landscape. Applications for residential development in Rural Areas require establishing that there is a genuine housing need for permanent occupation. Applications will be considered on this basis. Because of the variations in the demand for rural houses in different areas of the County and also the significant distinction in the sensitivity of the landscapes, the definition of genuine housing need**

**varies depending on the location within the following structural and amenity areas:**

- **Rural Areas under Strong Urban influence**
- **Stronger Rural Areas • Structurally Weaker Areas**
- **Rural general • Secondary Special Amenity**
- **Prime Special amenity** In all cases it is recommended that applicants have appropriate pre-planning consultations in advance of submitting applications.

Cllr. J.J. Culloty stated some homeowners want to downsize and it would be their primary place of residence. He understood from the reply that a homeowner would first have to sell their home and then apply for permission for a smaller home. If they wanted to live in other areas it would cause problems. This would free up family homes in rural areas and he asked if such applications would be looked at sympathetically and will the County Development Plan be amended.

Mr. M. Scannell stated there are a lot of permutations in the County Development Plan. If a person is leaving a house and moving to a weak rural area the Council would look favourably on it. However if they want to move to an area under strong urban pressure there maybe issues with that.

Cllr. J.J. Culloty asked if the person would have to sell the family home first or would it be acceptable that they would give a commitment to sell the house once they get permission.

In response Mr. M. Scannell stated if it is a genuine case that can be established the Council will not impose obstacles.

Cllr. D. Grady stated he would defer Notice of Motion No. 4 to the April Meeting.

## **5. Calling on the HSE to provide smoking rooms in Psychiatric facilities**

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

That Kerry County Council will write to the HSE to provide smoking rooms in Psychiatric facilities.

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

Cllr. J. Sheahan stated he recently met a lady in a psychiatric facility in Killarney and she explained the implications of the smoking ban on her and others. If this ban is implemented they will not be permitted to smoke in their home and they will be forced out into bad weather to smoke. The treatment they undergo is hard and it is wrong to impose a smoking ban on them. If the HSE want a smoke free facility for staff they should provide smoking rooms for patients. Kerry County Council should also provide smoking rooms for staff, councillors and the Press.

Cllr. B. Cronin **SECONDED** the motion. He wrote to the HSE on this issue and received a standard reply. There is very little consideration for patients many of whom are dependent on cigarettes.

Cllr. M. Kennelly moved Notice of Motion No. 6 on behalf of Cllr. P. Connor-Scarteen.

**6. Call for a review of hedge cutting policy**

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

Overgrown hedges and trees on our roadsides are a serious and dangerous road hazard. Kerry County Council have to change their current policy to ensure that this problem is adequately dealt with.

**The following reply issued:**

**Similar motions were moved on this issue, in August and September 2015, at which the current policy was outlined in response. It was acknowledged that the policy is adequate but there needed to be more targeted implementation of the policy and additional resources assigned to investigating complaints at local level.**

**Following the moving of these motions, Area staff carried out additional investigations of the road network to identify areas where landowners were not complying with the requirements of the Roads Act. Furthermore, in communication issued to the members on the 11th September 2015, the Director of Operations outlined revised procedures for monitoring complaints in relation to hedgecutting and our response to these complaints.**

**Since these procedures were implemented, 64 locations, involving at least 97 landowners, were identified by Area staff where hedges were considered to pose a risk for road users. Notices instructing the relevant landowners to cut the hedges, within 14 days, were issued to 77 landowners and in follow up inspections, all of the landowners have complied with these notices. A further 20 notices are currently being issued with a similar direction.**

**Since the new procedures for monitoring complaints have been put in place, 36 complaints were received, of which 31 were through representations from elected members, identifying 32 locations for examination. Following inspections of these locations, 3 complaints were not related to public roads and 20 notices have been issued to landowners with a direction to cut their hedges within 14 days. 3 landowners have complied with the direction given and follow up inspections are on-going at present in relation to the other locations where notices were issued.**

**To date, instructions have been given to the Area Office to cut the hedge at one location, between Rossanean Cross and Castleisland Cross, where it has not been possible to identify the landowner.**

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

**7. Call to establish a Task Force to deal with coastal erosion and flooding**

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

That Kerry County Council immediately set up a Task Force to deal with the very serious and urgent coastal erosion and flooding problem in the County.

**The following reply issued:**

**There are significant sections of the Kerry coastline which are prone to erosion and flooding. It is acknowledged that there are many challenges in addressing the impact of coastal erosion and flooding on local communities, particularly given the significant costs that may be involved, the designation of many of the habitable coastal areas under EU Habitats Directives, and the potential impact of climate change which may be a contributory factor to the increased frequency of severe weather events in recent years, which cannot be resolved without active engagement from other state agencies.**

**Whilst the OPW is the lead State body for the coordination and implementation of Government policy on the management of flood risk and coastal erosion in Ireland, and have published a number of policies in this regard, it is acknowledged that at local level there is a requirement for an inter-agency response, to examine practical measures that can be delivered, identify supports to develop community resilience and to pursue the need for State aid programmes.**

**Having regard to this motion, a full report can be brought to the Operations SPC on the priority areas of the county where the impact of coastal erosion need to be addressed, current national policy, measures available to support communities and identifying all barriers / constraints for the Council in providing local solutions. The need for an inter agency working group or task force can then be considered by the SPC.**

Cllr. M. Cahill stated coastal erosion is a growing problem and in Cromane Lower 2 houses were flooded but a further 9 were at immediate risk of flooding. This problem needs to be taken seriously.

Cllr. J.F. Flynn **SECONDED** the motion.

**8. Call to take in charge the Track Road at Castleinch, Listowel**

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

That Kerry County Council take in charge, through any means necessary, the Track Road at Castleinch, Listowel.

**The following reply issued:**

**Motions in relation to this issue were previously moved at Listowel Town Council meetings. There are a number of private properties accessed by this road.**

**Under the provisions of Section 11 of the Roads Act, 1994, “A road Authority may, by order, declare any road over which a public right of way exists to be a public road.” and the procedures for declaring a road a public road are prescribed under this legislation.**

**A section of the road in question is in private ownership, though there appears to be an established right of access for home owners in the adjoining estates. A public right of way does not exist over the road and the consent of all landowners is required if the Council were to pursue the “taking in charge” of this road. Unfortunately, the Council has been unable to secure such consent.**

Cllr. J. Moloney stated this road services in excess of 100 houses and it is a health and safety issue. He lives there and the road is off the N69. There are no paths in some parts of the road for prams and pedestrians. One land owner had stated he would give land and the Council owns land at the end. When houses in this area are being sold this is causing problems and Solicitors are being told by the Council’s Legal Department that they believe this issue can be resolved. Cllr. Moloney asked how this road could be declared a legal right of way.

Cllr. M. Kennelly **SECONDED** the motion and stated many home owners in this area are distraught. He called on the Council to resolve this issue.

Cllr. A. Thornton stated at the time she lived there an Ambulance driver also lived there. A red line was marked on the road and home owners were advised they could not pass it. This is a very difficult situation and she called on the Council to do everything in their power to resolve it.

Mr. C. O’Sullivan advised members that the Council made numerous approaches to landowners in the area but they were unable to reach agreement. He sought advice from the Legal Department but he was informed without agreement it would be very costly. The access cannot be blocked for people living in the area for 20 years. If the agreement of landowners can be achieved the Council would pursue this matter.

Cllr. Moloney asked if the CPO procedure could be utilised and in that instance the landowner should not be in a position to dictate the price.

Mr. C. O'Sullivan stated the rules governing the valuation of land under the CPO procedure are very complex and he did not want to go down that route. To declare a public right of way in accordance with the Planning and Development Act the landowner must consent. The issue of public rights of way, private rights of way and dedicated rights of way are very complex. In conclusion Mr. O'Sullivan undertook to review this matter.

Cllr. A. Thornton stated there are 70 – 100 houses on this road and a lot of people are adversely affected. She requested that a further report would be brought either to a Listowel MD meeting or a meeting of full Council.

Mr. C. O'Sullivan stated there are other provisions to get a private right of way registered.

**9. Call to take Firies Drive, Firies Close and the Village Green Developments taken in charge by Kerry County Council**

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

To ask when will Firies Drive, Firies Close, and the Village Green Developments be taken in charge by Kerry County Council, as I was informed at previous meetings that these estates were ready to be included in the next group of developments to be taken over.

**The following reply issued:**

**A commitment was given to having these estates taken in charge by the end of 2015. The taking in charge process involves an assessment of the estates by the Municipal District staff, prior to going to public consultation, so that a report can be presented to members for their consideration in accordance with the provisions of Section 11 of the Roads Act 1994.**

**Unfortunately, due to the severe weather events since early December 2015, and subsequent site examinations & consequential reporting on the damage caused to our infrastructure and dealing with affected communities, the assessments of the estates to be taken in charge was inadvertently delayed.**

**However, these assessments are now complete, and it is our intention to commence the statutory consultation process as prescribed under Section 11 (1) (b) of the Act within the next 3 weeks.**

Cllr. B. Cronin stated this issue has been on the Agenda for Municipal District and full Council meetings for a number of years and he has campaigned for a long time to have these estates taken in charge. He understood all the problems were resolved but he acknowledged that the extreme weather conditions delayed the work. The residents are anxious to have these estates taken in charge and he asked at what meeting it is proposed to take them in charge. Cllr. Cronin then referred to Greenfields Estate and stated that work is being funded through the Bond. The public lights along the main road are a major problem and he asked can the lights on the footpath and on the access to the public road be taken in charge because of the huge safety issue involved.

Cllr. J. Sheahan SECONDED the motion.

Mr. C. O'Sullivan advised members that it is hoped to have reports on the taking in charge of these estates on the Agenda for the June meeting. Public notice must first be given and submissions invited. In relation to the query on Greenfields Estate Mr. O'Sullivan stated he did not want to pre-empt members decision on the Public Lighting Policy but if the Policy is adopted he undertook to consider Cllr. Cronin's request.

**10. Consideration of local community organisation for insulation works on Local Authority houses**

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

That this Council will explain why local community organisations are not considered for insulation works on Local Authority houses.

**The following reply issued:**

**Kerry Local authorities have actively worked with local community organisations in many aspects of the provision of its housing services for some time. The work carried out by such groups is a welcome addition to the councils own work and the value, knowledge and experience of the community organisations involve in providing this work is most appreciated .**

**The Department of Environment, Community and Local Government funded Energy Efficiency and Insulation programme, is a complex programme which Kerry County Council is anxious to facilitate community based organisations in assisting us to deliver. The process is complex, however the Director of Services has recently met one such community based organisation and we are giving active consideration to a proposal submitted from the organisation.**

Cllr. P. Daly welcomed the reply.

**11. Call to erect a light in the vicinity of Scoil Eoin Baiste, Lispole, the Community Hall, Lispole and the GAA grounds**

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

To ask Kerry County Council to immediately erect a light in the vicinity of Scoil Eoin Baiste, Lispole, the Community Hall, Lispole and the GAA grounds, Lispole to prevent any further accidents occurring due to the lack of lighting.

**The following reply issued:**

**This motion was moved by Cllr. Fitzgerald, at the South & West Municipal District meeting, of the 29th January 2016, at which the following response was given to the members:-**

**“Currently due to the constraints on maintaining the existing public lighting network, including increasing energy costs, the Council has not been in a position to fund the provision of additional lighting to the public network, except in exceptional circumstances. In recent years the taking in charge of housing estates has increased our public lighting costs and there will be additional costs with the proposed taking in charge of other estates in the coming years.**

**Under the provisions of EU Directive 2006/32/EC and S.I. No. 542/2009 - European Communities (Energy End-use Efficiency and Energy Services) Regulations 2009, Kerry County Council is also required to make substantial reductions in energy consumption, including on public lighting. This will necessitate substantial investment in either retrofitting our existing public lighting network with more efficient lighting equipment and/or restricting the provision of new lights on the existing network.**

**This is an issue that needs to be further examined in the context of the limited funding available for the provision of all services, and the needs of the community.**

**Any request to provide additional public lighting at Lispole Community hall, will need to be assessed as part of a Public Lighting policy, which will be developed through the Operations SPC, given the existing demands on the Council to maintain existing public lighting infrastructure throughout the county”.**

**A draft policy was considered by the Operations SPC at its meeting of the 15th March 2016 and a full report on the recommendations of this committee will be given by the Chair at the April meeting.**



Cllr. M. O'Shea stated he raised this issue on a number of occasions. This is a slip road off the N86 at Lispole which serves the School, Community Hall and the Gall Grounds and there is only 1 light there. Recently at the General Election at Lispole National School both gates were opened out leaving the centre piece in position. A young person kicked the centre piece and fell and was hurt. The reason for this was the lack of lighting. Cllr. O'Shea asked that the lighting at the School and GAA facilities be improved forthwith.

Cllr. D. McCarthy SECONDED the motion.

Cllr. S. Fitzgerald stated he moved motions on this issue and additional lighting should be provided on the public road between the school, childcare facility and the GAA grounds.

Mr. C. O'Sullivan informed the meeting that the Operations SPC recently considered the Public Lighting Policy and he asked that the motion would be deferred until this Policy is considered at the April Meeting.

Cllr. O'Shea asked that consideration would be given to providing public lighting at Lispole National School.

**12. Request that every citizen who turns 18 years of age would be automatically included on the Register of Electors**

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

That this Council contact the Department of the Environment to request that every citizen in this County and Country who turns 18 years of age be automatically included on the Register of Electors.

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

Cllr. M. Kennelly stated the Department of Environment is responsible for the legislation dealing with the registration of Electors and the conduct of elections and referenda. Ireland's voter registration system needs reform as it disadvantages young peoples' chance of engaging with our political system. It is out-dated and needs to be reviewed.

The Department of Environment urgently needs to make the system of registering to vote in this country user friendly by giving direct online access to the voter. A total of 59,000 people turned 18 before the General Election 2016, surely all this information can be centralised and personally updated online. In the UK you can start the process of registering to vote at the age of 16 but can't cast your vote until 18 years while in Northern Ireland it is 17 years.

One statistic to prove our current system is not working – last year in the same sex marriage Referendum, 120,000 young people aged between 18-25 years of age i.e 30% of that age bracket were not registered to vote. In Kerry alone that figure was 3,602 young people who could not vote.

On the 4<sup>th</sup> February, 2016, our Garda Stations across the country were jammed with students registering to vote including students from our own IT campus in Tralee.

In summary, we need to simplify the process to enable our youth to engage directly with the Department of Environment via a user friendly online registration process. This option should be available from the age of 16 so that when a person turns 18 their pre registration automatically includes them on the Register of Electors.

Cllr. B. Cronin SECONDED the motion and stated PPS Nos. should be required for voter id.

### **13. Call for the implementation of a proper Social Housing Programme**

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

That this Council use whatever resources it has to impress upon the next Government, to implement a proper Social Housing Programme as we in this County are in the worst housing crisis in the history of the State.

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

Cllr. R. Beasley stated the housing situation has not improved and people are on the housing list for a long time as no houses are being built. Young families are living with their parents and that is causing a lot of distress. However the only other option for them is the Homeless shelter.

Cllr. M. Healy-Rae SECONDED the motion and said housing is the worst problem facing the country.

### **14. Breakdown of monies to be spent on the current Roads Programme per Municipal District**

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

Can Kerry County Council provide a breakdown of the monies to be spent on the current Roads Programme regarding each Municipal District.

**The following reply issued:**

**We are currently in the process of preparing the Service Delivery Plan for the Operations Directorate, which will include the roadworks programme and level of funding available in each of the municipal districts. The level of funding will be allocated broadly based on the length and condition of the road network in each municipal district but also taking into consideration the urban settlements in each of the MD's where there are higher traffic volumes. The funding and prioritization for improvements and repairs to the national road network is determined by the TII, based on an independent condition assessment.**

**This programme will be presented to Council at a Special meeting for consideration and adoption in April, for which the date is to be agreed at today's Council meeting.**

Cllr. A. Thornton requested that members be provided with the figures requested in advance of the Special Meeting. Many roads in North Kerry are in a dreadful condition and she wanted to ensure North Kerry gets a fair share of the funding.

Cllr. M. Kennelly **SECONDED** the motion and concurred that many roads in North Kerry are in a poor condition.

**15. Calling on the Minister for Finance to put pressure on the Banks to be more proactive with their customers who are in arrears**

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

That Kerry County Council calls on the Minister and the Department of Finance to put pressure on the Banks to be more proactive with their customers, who are in arrears with their house mortgage and who may wish to enter the Mortgage to Rent Scheme administered by the relevant Councils.

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

Cllr. S. Fitzgerald stated he had encountered a number of families who are in difficulty with their mortgage. They purchased a house and then both lost their jobs. They want to enter the Mortgage to Rent Scheme but the Banks will not co-operate with them. Cllr. Fitzgerald asked if the Minister can put pressure on Banks to co-operate with customers on this issue. In one instance the Bank is ready to evict the family from the family home and they will end up on the housing waiting list.

Cllr. J. Finucane stated he moved a Motion asking the Governor of the Central Bank to meet with a deputation from the Council but he did not agree. Some Irish banks are using English companies to monitor sales etc. and this is a huge issue.

Cllr. A. Thornton supported the motion.

Mr. J. Breen stated that access to the Mortgage to Rent Scheme is a matter between the client and the Bank. Kerry County Council has no role in it.

**16. Call to ensure all public transport in rural areas, especially Bus Éireann is wheelchair accessible**

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

To ask the Minister for Transport that all public transport in rural parts of the Country, especially Bus Éireann, will be wheelchair accessible.

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

Cllr. D. McCarthy stated it is important that all buses are wheelchair friendly as many wheelchair users do not have any other means of transport. If accessible public transport is not available they would have to move to a larger town.

Cllr. M. Gleeson SECONDED the motion.

**17. Call for support for the KDYS application to the Council of Europe**

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

Given the vitally important role that Kerry Diocesan Youth Service performs in enhancing the lives of so many young people, that this Council would offer every support possible to the application by KDYS to the Council of Europe to have the Council of Europe Quality Label for Youth Centres awarded to the KDYS Youth Centre at Fair Hill, Killarney.

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

Cllr. M. Gleeson stated KDYS has applied to the Council of Europe to establish the first European Youth Centre in Ireland at its facility at Fair Hill, Killarney. If successful it will represent Ireland's commitment, as a member state of the Council of Europe to the development of young people in this country and throughout Europe.

The purpose of this initiative is to ensure that the future well being of our young people is declared as a key priority in our county and in our country. The European Youth Centre Kerry will be a location of innovation that brings together young people who with volunteers and professionals at local, national and international level will design and develop ideas and initiatives to ensure a brighter and better future for all our youth.

The EYC will represent Kerry County Council's commitment and vision for the development of our youth as part of the National Youth Strategy and of our international membership of Europe.

In this significant year in Irish history and on behalf of the youth of Kerry and Ireland he requested and formally PROPOSED that this Council would fully endorse and actively support this very worthwhile initiative. In that regard he requested the Chief Executive and Area Manager on request to be available to meet with the KDYS leadership in order to progress the application.

Cllr. J.J. Culloty SECONDED the motion.

Cllr. J. Sheahan moved Notice of Motion No. 18 on behalf of Cllr. P. Connor-Scarteen.

**18. Development of a Family Resource Centre in Kenmare and elsewhere throughout Kerry**

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

What assistance can Kerry County Council give in developing a Family Resource Centre in Kenmare and elsewhere throughout Kerry.

**The following reply issued:**

**Tusla, the Child & Family Agency, has responsibility for the development of Family Resource Centres. Kerry County Council has worked very successfully in partnership with Tusla in the provision of Family Resource Centres in a number of locations throughout the County. Tusla is involved in an ongoing process in Kenmare and Kerry County Council will assist this process where appropriate.**

**19. Call to set up a Task Force to bring life back to towns and villages**

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

That Kerry County Council immediately set up a special Task Force that will bring life back to the towns and villages of our County and that will deal with the sorrowful sight of closed premises and boarded up properties and the ever increasing rise in "For Sale" and "To Let" signs.

**The following reply issued:**

**This issue has been raised by members over the past number of months, highlighting the concerns in relation to vacant premises in particular towns and villages throughout the county. As outlined previously Kerry County council will take a lead role in the revival of towns and villages in the county through targeted investment in infrastructure, improvements in streetscapes, public lighting, car parking and the general appearance of these areas.**

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

**The draft LECP will be coming before members at the April meeting for consideration and adoption. The plan includes a number of actions to improve in conjunction with local communities the fabric of our towns and villages and also supports for business to establish chambers of commerce to assist businesses in these areas.**

**The Municipal District managers, officers and engineers will work with the members to identify funding opportunities in areas that may arise through grant schemes that emerge including the town and village renewal grant scheme announced a number of months ago and make strong submissions for funding when the detailed funding requirements are announced. The Council will be supported in this work by the appointment of an economic development officer for the county.**

**The Council is also committed to work with communities in the development of village design statements, tidy town initiatives and working with local development companies in delivering Leader projects in these areas and also to fund projects under the community support fund.**

Cllr. M. Cahill welcomed the reply and added there is an urgent need for a new Town Renewal Scheme. A Rates rebate Scheme should also be considered to support small businesses. A Loyalty Card Scheme has worked well in some areas and he called on the Council to assist with the setting up of such a Scheme in Killorglin.

Cllr. A. Thornton **SECONDED** the motion and added that the new Development Levy Scheme has not yet been presented to Council. There are plans for development in Listowel but the present levies are prohibiting development. She asked that the new Development Levy Scheme would be prioritised.

**20. Call for the provision of tax relief and grant assistance for home owners to install security alarm systems**

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

That this Council call on the relevant Government Departments to provide tax relief and grant assistance for home owners to install security alarm systems, which will be a major benefit and assistance in the fight against crime while protecting homes and property in our County.

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

Cllr. B. Cronin acknowledged the excellent work done by Community Alert Groups in notifying an Garda Síochana of suspicious activity. This initiative would be of major benefit to homeowners and it is critically important that alarms are installed. Security systems give added security to those living alone. Cllr. Cronin requested that his motion be referred to the Minister for Finance and the Minister for Justice for consideration.

Cllr. J.J. Culloty **SECONDED** the motion and added that a lot of people are living alone and it would save the State money in the long term.

**21. Call for a continuation of the proposed gas pipeline from Listowel to Tralee**

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

That this Council calls on the Minister for Energy to ensure that the Gas pipeline being built from Limerick to Listowel continues to Tralee.

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

Cllr. P. Daly stated he understood a plastic pipe will be used to bring gas to the Kerry Group Plant in Listowel but that will not be strong enough to pump gas further. He asked that the pipe would at least be strong enough to allow it to be extended at a later date.

The Leas-Cathaoirleach stated the construction of the pipeline from Limerick to Listowel is an attempt to sideline the Shannon LNG project. Kerry Group always maintained they needed to reduce costs.

Cllr. Daly pointed out that if the pipeline to Listowel is provided by the tax payer it should at least be capable of extension.

The Leas-Cathaoirleach opposed the motion and added that for the last 8 years every impediment was put in the way of the Shannon LNG Project. At present Shannon LNG is seeking an investor and they deserve an opportunity to succeed.

Cllr. Daly asked what is the timeframe for the Shannon LNG Project as this pipeline is due to be built next year.

The Leas-Cathaoirleach stated he did not have that information but the proposed gas pipeline will only have one end user. If the pipeline continues it will be the end of the LNG Project.

Cllr. Daly again stated if the pipeline is provided to Listowel it should be capable of extension. His Party submitted an Fol request to the Department and Bord Gáis in relation to the cost to the State to subsidise the extension of the pipe to the Kerry Group Plant.

Cllr. R. Beasley stated he would also have serious concerns if the pipeline is extended it will lead to the demise of the Shannon LNG Project and this would have serious repercussions for North Kerry and Limerick.

Cllr. Daly then agreed to defer his motion for 2 months.

## **22. Call for additional Gardaí for Killarney**

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

That we would write to the relevant Minister requesting more Gardaí for Killarney, as we have a severe shortage due to a lot of retirements in the past and they have not been replaced. I have raised this previously at a meeting of the Municipal District of Killarney.

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

Cllr. D. Grady congratulated the Gardaí on the wonderful work they do despite the fact that they are seriously under resourced. Currently Killarney District (South Kerry) is down 4 Sergeants and 14 Gardaí from 2010 staffing levels. Killarney Station has no community Gardaí and they had 3 in 2010. This function is now being done by operational uniform Gardaí. Also on a weekly basis due to the loss of Garda numbers the Killarney Station covers shortages in Kenmare and Killorglin despite reduced staffing levels. From 4am to 7am the Garda patrol car in Killarney must also cover Caherciveen and all of South Kerry. This all reduces the ability to provide a police service often resulting in delays in responding to calls and placing significant pressure on Sergeants/Gardaí who are trying to respond to calls. In conclusion Cllr. Grady stated Tralee and North Kerry got an additional 10 Gardaí recently.

Cllr. M. Healy-Rae SECONDED the motion and added that Killarney Garda Station covers a huge geographical area. Additional Gardaí would give people a sense of safety.

## **24. Call to lift the embargo on recruitment**

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

That Kerry County Council lift the embargo on hiring staff as there is a shortage of man power on our roads. It has become very noticeable and maintenance work has been neglected as a result.



**The following reply issued:**

**The Council is required to operate within the agreed National Manpower Planning processes. However, these processes are not the only consideration in this matter and the most critical factor is the level of funding available for the Roads Programme. This above all other factors ultimately dictates the staffing levels.**

**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 and it is important to be mindful of the ratio of staffing costs to non-staffing costs from an efficiency point of view.**

**The Council is conscious of the needs of our public roads network. This matter was discussed at length at the January Meeting, and Management committed to keeping this matter under review having regard to the funding levels available. At that meeting a commitment was also given that critical posts within the staffing structures would be filled in 2016.**

Cllr. R. Beasley called on the Council to lift the embargo on the recruitment of staff. Many roads in his area have suffered due to the lack of manpower during the bad winter. Additional staff are required to maintain roads at a proper standard. Cllr. Beasley called on the Cathaoirleach to ensure additional staff are recruited.

Cllr. M. Gleeson stated his sister picks roadside litter from Poulgorm to the County Bounds and every gully on this road is blocked. Water tables are not being opened and gullies cleaned and as a result roads are deteriorating.

## **25. Call to be allowed to do the Green Cert online**

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

That we the Council would write to the Department of Agriculture to highlight that young people who had to emigrate would be allowed to do the Green Cert online as it would then entice them to move home and take up farming as currently they are at a disadvantage.

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

Cllr. J. Healy-Rae stated the Green Cert is part of training for young farmers. It takes up to 2 years to complete but it should be possible to do it online. The parents of a number of young people who have emigrated are getting older and want to hand over the family farm but if they do not have the Green Cert they would be liable for the higher rate of Stamp Duty. Without the Green Cert they cannot avail of farm grants.

Cllr. D. McCarthy SECONDED the motion.

**26. Definition of “Wind Farm” and “Wind Turbine”**

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

That a legal definition be provided to show what the difference is between "Wind Farm" and "Wind Turbine" for planning purposes.

**The following reply issued:**

**Wind turbines are machines that are used to convert the wind's kinetic energy to electricity and are described as such in the Planning Guidelines for Wind Energy Development for Planning Authorities 2006.**

**A Wind Farm as ‘an area containing a group of energy producing windmills or wind turbines’. In essence a single wind turbine does not constitute a windfarm.**

Cllr. J. Moloney asked where the definition of Wind Farm is contained, is it in the Planning Guidelines. If there are two separate applications for single wind turbines but they are 1km apart would that be classified as a Wind Farm.

Cllr. A. Thornton **SECONDED** the motion. She urged caution in any proposed amendments to the County Development Plan and asked that members would be consulted.

Mr. M. Scannell stated a Wind Turbine is singular as outlined in the Guidelines however a Wind Farm is not defined. However it is reasonable to say a Wind Farm consists of more than one turbine.

The Chief Executive stated she did not want to prejudice the adjudication of an application under Planning legislation.

Cllr. A. Thornton suggested that a request would be submitted to the Department for the updated Guidelines.

**27. Call to allow cattle with one tag to be sold through the Marts**

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

To ask the Minister for Agriculture to change the rules and allow cattle with one tag to be sold through the marts.

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

Cllr. D. McCarthy stated there is a cost to farmers when an animal cannot be sold because it has only one tag. He discussed this issue with a Department official in Kerry and he agreed it could be resolved through the Mart. He **PROPOSED** that the Mart would order the tag and send it on to the new owner.

Cllr. J. Healy-Rae SECONDED the motion.

**28. Call to put Garda Vetting under one Central System**

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

That this Council call on the Government to put Garda Vetting under one Central System, as is done with Safe Pass. The present system is totally inefficient.

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

Cllr. J.J. Culloty asked that a common sense approach would be taken to Garda Vetting as there is a lot of repetition. One Garda Vetting should be adequate for all organisations.

Cllr. J. Healy-Rae SECONDED the motion.

**16.03.21.12 Correspondence – Conferences and Seminars**

- (a) On the PROPOSAL of Cllr. J. Moloney, SECONDED BY Cllr. S. Fitzgerald it was agreed to authorise the attendance of Cllrs. Beasley, M. Healy-Rae, J. Healy-Rae, Culloty and Sheahan at the Celtic Conferences Conference on the theme "Local Economic and Community Plans" to be held in Clonakilty, Co. Cork from 8<sup>th</sup> to 10<sup>th</sup> April, 2016.

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

- (b) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED BY Cllr. J. Sheahan it was agreed to authorise the attendance of Cllrs. Purtill, O'Connell, Fitzgerald, O'Shea, Culloty, Finucane and Sheahan at the National Planning Conference 2016 to be held in Athlone from 13<sup>th</sup> to 15<sup>th</sup> April, 2016.

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

- (c) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED BY Cllr. J. Moloney it was agreed to authorise the attendance of Cllr. R. Beasley, Chairperson of the Tourism, Culture, Arts & Recreation SPC at the LAI/CLIP Ireland Joint Library Conference and Exhibition 2016 to be held in Killarney on the 14<sup>th</sup> and 15<sup>th</sup> April, 2016.

Cllr. Beasley was requested to report back to Council on this Conference.

- (d) On the PROPOSAL of Cllr. J. Finucane SECONDED BY Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllr. M. Kennelly, Chairperson of the Operations SPC at the Road Safety Authority iSafer Conference to be held in Dublin on the 28<sup>th</sup> April, 2016.

Cllr. Kennelly was requested to report back to Council on this Conference.

#### **16.03.21.13 Correspondence General**

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

1.	Letter dated 23 <sup>rd</sup> February 2016 from the Central Bank of Ireland in response to a request from Kerry County Council for a meeting with them to discuss a possible moratorium on potential evictions from family homes.
2.	Letter dated 25 <sup>th</sup> February, 2016 from TII in response to a resolution from Kerry County Council in relation to the N22 Ballyvourney-Macroom Scheme.
3.	Letter dated 29 <sup>th</sup> February, 2016 from the Office of the Minister for Finance in response to a resolution from Kerry County Council requesting a moratorium on all potential evictions from family homes pending the introduction of new rules/guidelines to deal with financial institutions and their processes.
4.	Letter dated 4 <sup>th</sup> March, 2016 from the Department of Arts Ireland 2016 Programme in response to a resolution from Kerry County Council requesting that the centenary of the 1916 Easter Rising would be marked with a public holiday.
5.	Email dated 7 <sup>th</sup> March, 2016 from the Minister for Transport in response to a resolution from Kerry County Council in relation to the N22 Macroom/Ballyvourney Bypass.
6.	Email dated 7 <sup>th</sup> March, 2016 from Irish Water in response to a resolution from Kerry County Council in relation to connection charges.
7.	Email dated 7 <sup>th</sup> March, 2016 from Irish Water in response to a resolution from Kerry County Council in relation to discounts for customers on the Mid Kerry Water Supply Scheme.
8.	Letter dated 25 <sup>th</sup> February 2016 from Limerick City & County Council in relation to a resolution adopted by that authority calling on the Ministers for Finance and Agriculture to legislate for the immediate reintroduction of the Early Retirement and Farm Installation Schemes.

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**16.03.21.15 Any other business**

**Get Well wishes**

Cllr. D. McCarthy wished Deputy Michael Healy-Rae a speedy recovery.

**Votes of Sympathy**

Cllr. R. Beasley extended a vote of sympathy to the Greene Family on the death of their son Tommy.

The Leas-Cathaoirleach, Cllr. J. Finucane extended a vote of sympathy to Marie O’Gorman on the death of her husband.

The meeting concluded at 3.50pm.

**Gerard O’Brien**  
**Meetings Administrator**

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**Cathaoirleach of Kerry County Council**