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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 , 9 MEAN FÓMHAR 2013

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 9th SEPTEMBER, 2013

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. Connor-Scarteen	S. Counihan
B. Cronin	J. J. Culloty	P.J. Donovan
T. Ferris	J. Finucane	S. Fitzgerald
N. Foley	M. Gleeson	M. Griffin
D. Healy-Rae	J. Healy-Rae	P. Leahy
P. McCarthy	A. McEllistrim	T. O'Brien
B. O'Connell	P. O'Donoghue	M. O'Shea
L. Purtill	J. Sheahan	G. Wharton Slattery

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran County Manager	Mr. J.D. Flynn, Dir. of Corp. Serv.
Mr. J. Breen Dir. Hsg. & C&E	Mr. G. MacNamara, A/Dir. of Roads
Mr. O. Ring, Dir. Env. & Water Serv.	Ms. A. McAllen A/Head of Finance
Mr. P. Stack, A/Dir. of Planning	Mr. D. O'Malley Sen. Exec. Planner
Mr. G. O'Brien, Meetings Admin.	Mr. P. Corkery, Press & Comm. Off.
Ms. B. Reidy, SSO Corp. Affairs	Ms. O. O'Shea, CO Corp. Affairs
Ms. A. Lynch, Library Assistant	Ms. T. Cronin ASO Co. Library

The meeting commenced at 10.40am.

Suspension of Standing Orders

The Mayor informed the meeting that Minister of State at the Department of Communications, Energy & Natural Resources and Environment, Community & Local Government Mr. Fergus O'Dowd T.D. was present in the Chamber and he PROPOSED that Standing Orders would be suspended to allow Item 6 to be taken first. When elected Mayor he gave a commitment he would invite Minister O'Dowd to address the Council on Irish Water. Fergus's father came from West Kerry and his brother Neil O'Dowd is a famous Irish emigrant who was actively

involved in the peace process. He then called on the Minister to address the meeting.

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

13.09.09.06 Presentation by Minister of State, Mr. F. O'Dowd T.D.

Minister of State, Mr. Fergus O'Dowd T.D. thanked the members for the opportunity to address them. He said he was a councillor for 27 years and he appreciates the work councillors do. He wanted to get an understanding of the issues on Irish Water as the members of Kerry County Council see them. The key issues are water scarcity, value and cost. It costs €1.2b annually for water services and that includes capital and revenue. There are 34 authorities administering water services throughout the country and the Government set up Irish Water to administer this service nationally. The key issue is jobs and the need for an adequate supply of water for industry. Internationally there is a shortage of water but we are lucky in Ireland as we get a lot of rain but we must treat the water. We must ensure we are in a position to attract water intensive industries to the country. Climate change exasperates water issues and earlier this year there was a water shortage during the very fine weather. The population is growing at a rate of 1% per annum and provision must be made for our increasing population. 42% of water is unaccounted for and this is an awful waste of a valuable resource. The key people in water services are planning for improvements in this area and it is important that this knowledge is available to Irish Water. A 12 year Service Level Agreement will be entered into with all local authorities to continue to run the service. It is important that staff are secure in their employment and there will be no immediate changes. Some counties have the capacity to improve supply while others do not. That is why it is important to administer the service nationally. As a result there will be significant improvements to supply.

Minister O'Dowd said a key aspect will be the accountability of Irish Water to the public and at a regional level councillors are part of that. It is important to ensure that the national plan for water services comes from local need. Legislation relating to Irish Water will be introduced over the next few months. The members' representative associations have also been consulted and it is important to get the collective wisdom of these organisations. In the last quarter of 2013 service level agreements will be put in place at which time the legislation will also be in place. Water charges will commence in January 2015. People in rural areas know how water can be saved and in Cavan / Monaghan a group water scheme achieved savings of 70%. It is anticipated there will be a minimum of 10% saving in usage once metering is introduced. The free domestic allowance is in the Programme for Government but the amount has not yet been decided. The issue of affordability and medical problems will also be addressed. The installation of meters commenced in Kerry that week and 1.2m homes will

be metered in the entire country. Many local contractors are involved in the metering programme.

Minister O'Dowd said the Energy Regulation will decide on the charge and he will publish his intention to fix the charge in a transparent way. The key role of the Energy Regulator is to protect the customer. 25% of the unaccounted for water is on the customer side and this is a significant issue. The cost of fixing the first leak will be free to the customer and this should give them confidence. If a customer refuses to pay and can afford to pay their supply will be reduced but no one will have their water supply cut off. At present the law does not allow for the privatisation of the service and this will be reaffirmed in the upcoming legislation. Irish Water will remain a public utility company that will be accountable.

All members welcomed Minister of State, Mr. Fergus O'Dowd T.D., to the meeting and thanked him for his presentation.

Luaigh an Cllr. M. Ó Glíósáin go raibh amhras air nár éirigh go maith le na seirbhísí eile i.e. FSS, SUSI etc. agus d'fhiafraigh sé cén deimhniú a d'fhéadfadh an tAire a thabhairt nach mbeadh Uisce Éireann mar an gcéanna. D'fhiafraigh sé an mbeadh costas € 700 ar mhéadar a shuiteáil.

Cllr. B. Cronin requested clarification on whether there would be a Waiver Scheme to facilitate those who cannot afford to pay. He asked what the domestic allowance is at present. There is a huge issue in Mid Kerry with leaks in the pipe network and customers in this area depend on the service crews to carry out repairs quickly. He asked if the service crews would continue into the foreseeable future. He asked if it is true that Irish Water will be exempt from Freedom of Information and if so why.

Cllr. D. Healy-Rae asked the Minister to confirm that Irish Water will not be sold off as there is concern Bord Gáis is being partly privatised. There are major problems in Mid Kerry with leakages and he asked if there is any possibility funding would be made available to replace this section of pipe. It is unfair to ask customers in this area to pay for water when their lives are disrupted because of constant interruptions to the water supply. Cllr. D. Healy-Rae asked if funding will continue to be provided for Group Schemes and will Kerry County Council continue to have responsibility for them into the future. These schemes are very important and he wanted assurances that they would continue to be funded.

Cllr. J. Brassil requested clarification on the difference between a meter charge and an assessed charge. There is a large number of group water schemes in Kerry and the Clanmaurice Group Water Supply Scheme is 12,500m long. There are persistent problems with leaks on this scheme and the people who administered it are old and are no longer in a position to maintain it. Provision should be made for Group Schemes in the forthcoming legislation. Kerry County Council did an excellent job on water services but funding was a problem. Cllr. Brassil asked if the water services programme will be prepared on a county by

county basis in future. He asked if it would be possible to borrow on the strength of the income from water charges.

Cllr. M. Cahill asked how long the contracts for the installation of meters are. He asked that consideration would be given to fixing the first three or four leaks free for customers in order to instil confidence. He asked will there be well grants for those on the public supply. The water supply scheme in Mid Kerry is very problematic and a lot of money was spent on repairing leaks. He called for the installation of meters to be deferred until this issue is resolved. Cllr. Cahill asked if funding will continue to be made available for group water/sewerage schemes into the future.

Cllr. S. Counihan said he is opposed to water charges. It was announced there would be jobs for the unemployed when the meters were being installed and he asked if this is being monitored. He referred to the 400 jobs to be created and asked does that include existing staff. Cllr. Counihan expressed concerned that future governments would sell off Irish Water. In the past Pretty Polly abstracted water from the River Flesk and he asked if this would be permitted in the future.

Cllr. T. Ferris expressed concern that legislation could be changed at any time in the future and Irish Water could be privatised. She asked what the cost of installing the meters is. The individual installing them is getting a two digit figure while she understood the company that got the contract are getting a four digit figure. She asked how the government could justify charging households so much for the meter and how many digits per meter did the company who were awarded the contract get. The cost to the State of fixing ongoing leaks in the pipe network is huge and she could not see the logic of charging for water without addressing this problem.

Cllr. P. McCarthy said a small number of customers at the end of the line experience problems with dirt and grit in the water. In this situation it would be helpful if a ring main was installed and this would result in a continuous rotation of water.

In response to queries Minister O'Dowd said there will be no comparison between the HSE and Irish Water. Irish Water will be answerable to everyone. The 400 jobs will be in a call centre where the customer can phone if there is a problem with the water supply in their area. Irish Water will report annually to the Dáil. It will also be answerable to the public and regional committees. The HSE was established very quickly with no transition. Irish Water will enter into a service level agreement with all local authorities in the country for 12 years and by the end of that period any issues that emerge will be resolved. All of the costs i.e. cost of installing the meters, pipe upgrade costs etc. will be provided to the Energy Regulator who will examine them. He said he was not familiar with the Mid Kerry water scheme but it is an example of the need for investment. The Manager will forward a programme for investment to Irish Water and the

Regulator will decide on a 5 year programme. It is intended that all current and future costs will be examined and the charge will be calculated. It is important to make provision to improve the service and infrastructure. The domestic allowance has not yet been decided and following this the issue of affordability will be addressed. In relation to Cllr. Cronin's query on FoI he said it is important there is transparency but it is important to strike a balance. This issue has not yet been finalised. Irish Water will produce an Annual Report which will be available to local authorities. There is no question of privatising Irish Water and it is not permitted in legislation. Bord Gáis Energy is being sold but the networks will remain in public ownership.

Cllr. J. Brassil said some counties do not have enough water and he asked if there is a policy to link the entire country and what rights will individual counties have.

Minister O'Dowd said it is intended that Dublin will take water from the Shannon at certain times of the year. It is intended to construct a huge reservoir at Garryhinch which will hold a 6 month supply of water for the Dublin area. This issue must be addressed by 2020. The process for the future will be what is in place now and it will be necessary to do an EIS. This project will cost €0.5bn. There is a similar reservoir in England and 1m visitors a year visit the reservoir which has become a tourist attraction. All the necessary certification must be issued by the EPA and safeguards are provided for in legislation.

Cllr. Brassil said if one project costs €500m it is important to ensure that the rest of the country is provided for.

Minister O'Dowd agreed with Cllr. Brassil and said Kerry County Council would make a submission for inclusion in the national programme. It is then up to Irish Water and the Energy Regulator to agree the final programme. All existing group schemes will remain outside Irish Water. A sum of €39m was provided for group schemes in 2012 and it is not intended to take them from local authorities. However, these schemes can still apply to be taken over. The 400 jobs in the call centre will be permanent as they will take calls from customers who have problems with their water supply. The consumer is at the heart of Irish Water. The ESB have a tremendous network response and Irish Water must have a similar response.

Cllr. S. Counihan said Murphy's of London secured the contract for the installation of meters and he asked how Irish Water will monitor the condition that 25% of the jobs will be for the unemployed.

The Minister said Irish Water must monitor that. If it is not happening the Minister undertook to get back to Cllr. Counihan on it. There will be 1200 to 1600 jobs involved in the installation of meters over a 3 year period. The EPA regulates the quality of water and the abstraction of water will be allowed if the

EPA issues a licence. All the costs involved including the treatment of water will be examined by the Energy Regulator and the costs will have to be met by the consumer.

Cllr. T. Ferris said if the consumer must meet all the costs involved how Irish Water will justify the charge.

The Minister again said 1.2m meters will be installed. Not all meters are made and installed by the same company. It was opened to regions and sub contractors secured the work. There is a requirement that a percentage of unemployed people must be employed and this target must be met. If contractors do not meet the standards set out they will no longer be employed. It is important to ensure that meters are installed correctly and to the highest standard. He was confident that would happen. Mr. John Tierney former Dublin City Manager is Managing Director of Irish Water and he is very familiar with water services. Mr. Galvin who is originally from Kerry is the Chief Technical Advisor. In conclusion Minister O'Dowd said a lot of experience in local government has now transferred to Irish Water.

Cllr. D. Healy-Rae asked how much power the Regulator will have and will he be answerable to the Government.

Cllr. J. Finucane said the Minister dealt with a lot of the issues of concern to members including the issue of privatisation. He considered the Murphy Group, who secured the contract for the installation of the meters; to be an Irish employer and he welcomed the fact that Moriarty's are doing the work in Tralee. The main issue for the future is funding.

Cllr. M. Cahill expressed his concern that water meters are being installed in Mid Kerry when there are such problems with the water supply.

Cllr. J. Brassil asked if local authority houses will be liable for water charges and will there be an abstraction charge for private wells.

In response Minister O'Dowd said everyone will have to pay water charges but the issue of affordability will be addressed. The issue of private wells is not a matter for Irish Water.

Mayor Fitzgerald thanked Minister O'Dowd for addressing the meeting.

13. 09.09.01 Mayor's Report on the CPG Meeting held on 3rd September 2013

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

Item 1 "Agenda for the September Council Meeting"

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

Item 2 Financial Review Year to Date

Ms. A. McAllen, A/Head of Finance informed the meeting that close monitoring and effective use of resources by both Budget holders and Senior Management have ensured that expenditure for the year to date remains in line with Budget. This monitoring will continue to year end.

In relation to major revenue income streams they remain under severe pressure whilst our Rates income is in line with amounts this time last year, it is not without huge efforts on the part of both our collection staff and our rate payers. Provision of payment plans, though increasing the administrative burden to our collection staff, to our small to medium rate payers has certainly enabled collections to perform to Budget.

Water collections remain on a par with collections this time last year, it is noticeable, however, that presently consumption has fallen again by approx. €200,000 mostly due to reduced consumption in the farming sector.

Rent and Loan collection rates remain on target. NPPR and levies collections are ahead of this time last year. NPPR has generated €4m countywide year to date.

75% of the Local Government Fund is received at this stage of the year and the last tranches are due in September and December 2013.

Item 3 Funding for remedial works on the N70 Milltown Castlemaine Road at Heffernan's Bends

Mr. G. MacNamara, A/Director of Roads informed the meeting that the NRA has provided an allocation to allow Kerry County Council to re-surface the roadway by means of a pavement overlay. This is a short term solution and is being designed at present to allow completion within a few months.

It is also proposed that a 60km/hr road works speed limit order be applied for to the NRA and the Gardaí and be put in place as part of the pavement overlay works.

The NRA has indicated that it will also look at a long term solution to Heffernan's Bends. This would more than likely mean a re-alignment. This design work will be carried out by the Castleisland Road Design Office, who will progress it through all the statutory processes.

Cllr. P. Connor-Scarteen welcomed the allocation and said this issue was raised on a number of occasions in Council. He complimented the Roads Office for liaising with the NRA which has resulted in this allocation.

Item 4 Traveller Accommodation Programmes 2014 – 2018

Mr. J. Breen, Director of Housing briefed the meeting on this item as follows:

Circular 26/2013 was received on 2nd August last and this requests local authorities to prepare and adopt a 5 year Traveller Accommodation Programme 2014 - 2018. The Programmes must be adopted by 30th April 2014. Members must receive the draft proposed Programme by 1st January 2014. In preparing the Draft Programme consideration must be given to the distinct needs of the area and must contain an estimate of needs, need for transient sites, views of the LTACC and set accommodation targets per year of programme.

There is provision for consultation with adjoining housing authorities/Town Councils/HSE/LTACC/TIG/members of the public (2 month consultation process). Work has commenced on preparation of the Draft Programme and it is anticipated it will be available by October for public consultation. The needs for land for traveller accommodation must be reflected in the County Development Plan also. If the Programme is not adopted the Manager must adopt it.

Item 5 Update on National/Regional Issues

(a) Update on the Housing Rents Scheme

Mr. J. Breen briefed the meeting on this item as follows:

The Housing (Amendment) Act 2013 was enacted and this legislation gives effect to changes to Rent Schemes. Section 31 makes provision for the introduction of revised Rent Schemes where there is a minimum base rent plus an amount for household composition and an additional amount where income exceeds a certain threshold. A new Rents Scheme is due by the 1st January 2015. There is provision for a transitional period where new rent would be a significant change. The Housing Agency has modelled the effects and will be providing a report to each housing authority on the implications. The making of a Rent Scheme is a reserved function of the members of Council.

(b) Further supplementary allocation – Housing Grants

Mr. J. Breen briefed the meeting on this item as follows:

The Housing Department has been consistently in touch with the Department following a report to Council on the effect of the reduction in grant funding in 2013. A letter was received from the Department on 19th July last allocating additional funding of €109,533. Grants in the system were immediately allocated and members received a letter updating them on the situation. We will continue to press for funding for next year but it is too late now to process any new grants and have work finished by the end of 2013.

(c) Action Programme for Effective Local Government – Transition Framework for Sub-County/Municipal Reorganisation

Mr. M. O'Donoghue, A/Director of Corporate Services briefed the meeting on this item as follows:

As members are aware Central Government has embarked on a comprehensive programme for Local Government Reform under the Action Programme for Effective Local Government. One of the primary goals of the programme is the abolition of the Town Councils and their replacement with a re-organised structure at sub-County level.

A statutory framework for the programme will be established through the Local Government Bill/Act expected to be enacted later this year. At this stage the precise detail of the changes and the revised statutory provisions remains to be clarified. At the same time however it is clear that this will entail one of the most comprehensive change programmes seen in Local Government.

Advance preparatory work has been ongoing in a number of areas both nationally and locally.

At a National level the re-organisation Advisory body has examined the issues arising from the abolition of the Town Councils and the move to the new sub-County governance and organisation arrangements. As part of the process it has consulted with the representative associations for Elected Members.

It recently produced a guidance Document – Transition Framework for Sub-County/Municipal Re-organisation. It must be noted that this is a guidance document only and each Local Authority is required to plan and implement arrangements best suited to its local needs within the framework designed nationally.

We have been asked to circulate the guidance document to Elected Members locally which we intend to do shortly. We will also be required to circulate it to our staff as part of this process.

The local work involved in the transition planning and then implementation of the change programme is complex and challenging and is a major project in its own right.

It will involve detailed consultation with Elected Members, staff and the representative Unions. A steering committee has been established to oversee the work.

As part of the consultation process with Elected Members it is the intention to work through the CPG. Clearly any briefing or consultation required with the full Council will be undertaken but primarily the CPG will be the vehicle to represent the full Council in the work with the Steering Committee.

The CPG and Council will be further briefed on the Implementation Plan in due course.

Cllr. S. Counihan asked if the County at Large Charge would be reformed. The Minister promised that legislation would be in place by September but that has not happened.

The County Manager said this is a guidance document and as a result he is not yet clear what type of support structure will be put in place. A steering group is in place and there is a lot of work to be done on the amalgamations of the Town Councils i.e. Banking, IT systems, varying services etc. The larger towns will require a different level of service to ensure they are no worse off than they are now. Rates must be equalised for the county. It is not yet clear what powers municipal areas will have. Management will be guided by the Elected Members on how best to take this forward. He wants to ensure that the people of the county will be no worse off when this new structure is in place. He said he was concerned a lot of income streams will disappear. To-date €4m was collected for NPPR in the county and this charge is to be abolished from December and he did not know what would replace it. Some issues are a matter for interpretation and the National Group are trying to give guidance.

Mayor Fitzgerald said 2014 is fast approaching and he asked if the new structure will be in place before the Local Elections.

The County Manager said the new structure must be in place by March 2014. There are 280 staff in the three Town Councils and they are anxious about their future. They also want to know what services will be provided in the towns.

Cllr. P. Connor-Scarteen asked if there will be a headquarters for each Municipal area or will the existing offices remain.

In response the Manager said in Tralee, Killarney and Listowel offices will be maintained but he was not sure what would happen in South & West Kerry. Once the Town Councils are abolished at the end of May all arrangements must be in place. The 'Action Programme for Effective Local Government – Transition

Framework for Sub-County/Municipal Reorganisation' gives a broad outline and the details will have to be worked on. He would be working closely with the CPG on this issue.

(d) Update on domestic water metering

Mr. O. Ring, Director of Environment and Water Services said the installation of domestic water meters would commence next week in the Oakpark area of Tralee. 180 letters were issued to householders to advise them a meter would be installed for their property. The contracts were sub let in bundles of 500. There will be 30 crews involved in the metering project in Kerry. It is anticipated work will be complete by the end of 2013 or early 2014. The main contractor is John Murphy and Moriarty's in Tralee secured some of the work.

Cllr. S. Counihan said it was intended that some jobs would be created for the unemployed by Irish Water and he asked if this is materialising.

Mr. Ring said this is a matter for Irish Water.

(e) Update on septic tank inspections

The County Manager said the EPA produced a National Inspection Plan which sets down the basis for and the number of inspections to be carried out by the Local Authorities over the next 12 months. 1,000 septic tanks will be inspected in the country with a minimum of 57 being inspected in Kerry. The National Plan states the inspections will have a risk based approach, High, Medium and Low and a certain number of the 57 inspections in Kerry will be in each of these categories. The inspectors will be Council staff who have been trained and approved by the EPA. The inspection plan will have a two pronged approach with the first being Citizen Engagement. Brochures and posters are being circulated in Council Offices, GP waiting rooms etc. They advise people how to maintain their tank, the risk posed by a mal-functioning tank and what to expect with an inspection. As part of Citizen Engagement Micheal Ó Coilean's article in the Kerryman last week dealt with this issue.

The Council received a database of the names of the almost 32,000 households who have registered. It is thought there are approx. 35,000 to 36,000 septic tanks in the county. The Council will be prioritising unregistered septic tanks for inspection. We know where the public sewer is and if a property is outside that they must have a septic tank. He anticipated inspections would commence in the next few months and they must be completed by June 2014. A letter will issue to the householder in advance advising them of the date of the inspection. Access to the house will not be required therefore the inspection will be non-intrusive. Following inspection a letter will issue advising the household if the septic tank passed or failed. If it fails they will be given a reasonable period to rectify it. Grants will be available for those whose septic tanks fail and who registered by 1st February 2013. Grants will be means tested and where the

income is less than €50,000 the grant is 80% subject to a maximum of €4,000. If the income is between €50,000 and €75,000 the grant is 50% subject to a maximum of €2,500. If the income exceeds €75,000 they will not be eligible for a grant.

(f) Update on Rural Transport re-organisation

The County Manager said the Department of Transport reviewed the Rural Transport Programme which is being operated by 35 Companies. This review is now complete and The Rural Transport Programme is now administered by The National Transport Authority. There will be a rationalisation of the Companies involved and they will be reduced to 18 and they will be named Transport Co-Ordination Units (T.C.U.). Kerry will continue as a stand alone unit and Kerry Community Transport are the only Company operating in Kerry. They must now apply to be a Transport Co-Ordination Unit. It is proposed that their headquarters will be based in a local authority building but offices are not available at present. Kerry County Council will be invited to nominate an official onto the Board and they are considering inviting a councillor onto the Board also. The Council will be responsible for the development of a County Transport Plan from 2015.

Item 6 County Development Board Update

Mr. J. Breen briefed the meeting on the CDB as follows:

Alignment

There has been no further update during the month of August regarding the proposed alignment process. As per previous reports, there are 10 counties where a pilot process is being implemented to establish new Socio Economic Committees and the learning from these pilots will be used to inform the development of the Socio Economic Committees in all areas thereafter. The CPG will be kept apprised of any developments in this area as the CDB becomes informed.

Seafood Development Programme 2014 – 2020

The members of the CDB have been circulated with a copy of the Department of Agriculture, Food and Fisheries document titled “**Seafood Development Programme 2014 – 2020**” as part of the public consultation process seeking submissions on the document. We have been informed that the deadline for submissions has been extended to 27th September next and any views of members can be incorporated into the County Development Board submission to the document.

Item 7 Update from Chairs of SPCs

In Cllr. Gleeson’s absence Mr. O. Ring briefed the meeting on the items considered at the last Environment and Water Services SPC meeting held on the 25th July under the following headings:

- Update on the status of the Irish Water Programme
- Update on plans for domestic water metering in Kerry
- Invasive species in the Irish environment i.e. Japanese Knotweed and the potential threat to the Killarney lakes from the Zebra Mussel.

Cllr. P. McCarthy said the next Planning SPC meeting will be held at the end of September.

Cllr. S. Counihan said a Housing SPC meeting will be held early in October.

Cllr. P. Connor-Scarteen said there was no recent meeting of the Transport SPC.

Item 8 Civic/Mayoral Receptions

Mr. G O'Brien A/SEO Corporate Affairs said that a request was received from Cllr. JJ Culloty that approval be sought from the CPG to honour Killarney CCE who won 6 All-Ireland titles, in both set and ceili dancing. Four other groups of dancers also won silver and bronze medals.

The CPG agreed that these groups would be presented with Scrolls at a future meeting of the Killarney Electoral Area Committee.

Item 9 Any other business

Cllr. S. Counihan said he has a Notice of Motion for the September Council Meeting regarding the issuing of invitations to dignitaries to visit Kerry. He said there should be a procedure in place where all such invitations are issued through the Mayor.

The Manager said there is no formal procedure in place but where the Council hosts an event, invitations are issued in the Mayor's name. The CPG can work with the executive to draw up a procedure.

The CPG agreed to this."

Cllr. N. Foley referred to the retention of the headquarters for Tralee, Killarney and Listowel and said this is a positive development as these offices are already known to the public. She asked does this mean the old structure of Town Manager and staff will be retained. Cllr. Foley then referred to the inspection of septic tanks and asked if an unregistered septic tank fails inspection will they get a grant and will individual circumstances be taken into account. She asked what the Council is doing in relation to the provision of offices for the Rural Transport Unit.

Cllr. J. Healy-Rae referred to the Property Tax and said this charge was taken from the pensions of Council tenants. He wrote to Revenue in connection with a number of cases but they still deducted the charge from their pensions. Cllr. J. Healy-Rae said one elderly person who is in hospital was asked to vacate their house as they are not living there all the time. He asked how these decisions are arrived at.

Cllr. M. Gleeson asked has the Minister reassured the staff of the Town Councils.

Cllr. M. O'Shea welcomed the funding for Heffernan's Bends and asked why the NRA Office is doing the design work. He asked if there was any announcement on a new Tenant Purchase Scheme.

Mr. G. O'Brien informed the meeting Cllr. D. Healy-Rae's Notice of Motion No. 23 on the inspection of septic tanks would then be taken.

23. Selection process for septic tank inspectors

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

To ask Kerry County Council's Environment Section to explain the criteria and specifications laid down by the Department regarding the selection process for the septic tank inspectors and how it could be right or fair that if you are not one of the 57 septic tanks to be inspected this year, you will not be considered for grant assistance even though Kerry County Council has identified problems with your septic tank already.

The following report issued:

The EPA has published the National Inspection Plan for Domestic Waste Water Treatment Systems. The Plan outlines how septic tanks and waste water treatment systems will be inspected in coming years, while making people aware of the risks to their health and to the environment if treatment systems are not working properly.

The National Inspection Plan initially focuses on a campaign to advise, educate and help people to operate and maintain their systems. This will increase the chances of treatment systems passing inspections as this will deliver the best outcome for public health and the environment. Inspections will begin later this year and will be concentrated in areas in need of greatest protection. Selection of the properties to be inspected is based on a risk assessment model developed by the EPA. While the inspection will be spread throughout the County, a higher number of inspections will be carried out in areas which are considered environmentally sensitive or vulnerable to surface or ground water pollution. The National Inspection Plan requires Kerry County Council to carry out a minimum of 57 inspections annually.

We estimate that about 90% of domestic systems have been registered and the Council intends to target non-registered properties for inspection initially. It should be noted that non-registered properties are not liable for grant aid should remedial works be required. The grant scheme is intended to provide assistance for registered property owners who may be required to carry out remedial work to their wastewater treatment system following inspection.

Cllr. D. Healy-Rae said the Government advised householders to register their septic tanks in order to qualify for a grant. As a result it is only fair that those who registered and have a problem with their septic tank would now get a grant. 57 inspections will take place in the first year but there are other problems. He asked if the owner would be informed of the inspection in advance and is permission needed from the property owner to allow the inspector to enter the property.

The Manager said if a septic tank was not registered by 1st February 2013 they will not be eligible for a grant. People were advised to register their septic tank in order to qualify for a grant.

Cllr. N. Foley asked if a septic tank is not registered, is inspected and passes will the property owner be fined for not registering.

The Manager said they will not provide they register at the time of inspection. However if they refuse to register they will be taken to Court. He advised anyone who has not registered to do so immediately. The EPA came up with a risk based assessment in conjunction with the EU and as a result a minimum of 57 inspections will take place in Kerry in the first year. A procedure for inspections is being worked on at present. It is possible that further inspections will take place but that will be decided based on a risk assessment. The Council is obliged to notify householders in advance of the inspection and they will be breaking the law if they refuse access. It will be an external inspection of the site. The notification will state the date and time of inspection. All staff will have the appropriate ID and he wanted to make it clear to the public that no inspections will take place without advance notice. The Manager said we will be as flexible as possible but we must meet the criteria. This programme is designed to protect public health, water and the environment.

Cllr. D. Healy-Rae asked what would happen if the owner was not present and the septic tank was not apparently visible.

The Manager said contact would be made with the owner in that instance. We are looking for pragmatic solutions. Guidelines on the establishment of municipal authorities are unclear therefore he was unsure what the staffing position would be. If this reform is to work properly we must do business in a different way to

the present. The document in relation to the re-organisation sets out guidelines and these are open to interpretation. There is mention of Area Managers and not Town Managers. He assured members that staff would not be let go but they may not be working in the Town Councils. Discussions will take place with the Unions in due course. Mr. Curran then referred to the Rural Transport Units and welcomed the fact that Kerry will be a stand alone Unit. He welcomed the opportunity for Kerry County Council to have more of a role in working for its citizens in this area. However a lot of engagement will be required with the HSE and the Department of Education. Kerry Rural Transport has 4 staff at present and we are working on trying to secure office accommodation for them.

Mr. J.D. Flynn said there is no specific redundancy package for staff under the re-organisation but there is a general voluntary redundancy package with a closing date of 30th September.

Cllr. J.J. Culloty said some septic tanks are in place for a long time when regulations were very different to what they are now. He asked what would happen if there was no inspection chamber.

The Manager said it will be a general inspection checking for pollution. It is not intended to dig holes. A common sense approach will be taken to resolve pollution problems.

Cllr. B. Cronin said Minister Hogan made a statement last week that desludging of septic tanks would go a long way to resolving issues. He asked the Manager to comment on this.

The Manager said in some areas there is no solution. Then the simple solution would be to use the septic tanks as a holding tank and to empty it regularly.

Cllr. S. Counihan referred to Item 8 in the Mayor's Report which refers to his Notice of Motion and he then moved Notice of Motion No. 8.

8. Criteria for inviting dignitaries to the County.

Pursuant to notice duly given Cllr. S. Counihan PROPOSED:

That Kerry County Council would outline the criteria for inviting dignitaries, be they royal or otherwise to this County. I would have thought that the appropriate person to invite anyone in an official capacity be the Mayor of the County or in the case of the three local authorities – the Town Mayor.

The following report issued:

While there is no formal written procedure in place, when the Council organises an event or invites a dignitary to visit the County, all such invitations are issued in the name of the Mayor with the approval of the Full Council. The Council does not have control over events which they do not

organise where dignitaries' may be invited to attend. The executive will work with the CPG to develop such a procedure document if the members so wish.

Cllr. Counihan said he thought the most appropriate person to invite dignitaries to the County is the Mayor. A Kerry MEP recently invited the King of Belgium to Kerry and he should know that such an invitation should come from the Mayor's Office. Where there is a cost to the Council all invitations should issue through the Mayor.

Mr. G. O'Brien said Notice of Motion No. 3 would then be taken.

3. Amendment of the road engineering areas to coincide with the new electoral areas

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

That Kerry County Council would immediately amend the road engineering areas to coincide with the new electoral areas as announced by Minister Phil Hogan - to allow councillors represent their new electorate.

The following report issued:

Structural changes and re-organisation of service delivery methods to give effect to the Programme of Local Government Reform will be required over the coming months. This work is significant given the impact of issues such as the abolition of the Town Councils for example. As part of this work the impact of the revision of the Local Electoral Areas is being assessed. Any proposals in relation to changes required to Roads Engineering Areas fall within that work. Regrettably this cannot be implemented in the shorter term.

Cllr. J. Brassil said he was not satisfied with the reply. There is just 12 months till the Local Election and people will be asking councillors to follow up on issues for them when they are canvassing. If the engineering areas are not realigned it will be a huge disadvantage for councillors. He asked that all engineering areas would be realigned as soon as possible.

Cllr. B. O'Connell said Castleisland has moved many times as a result of boundary changes. It is ludicrous that people from Scartaglin and Currow must go to the Killarney Area Office when they go to mass in Castleisland. There is a state of the art facility in the Castleisland Area Offices and he asked that a practical approach would be taken on this issue. He supported Cllr. Brassil's motion and said this matter should be addressed immediately.

Cllr. D. Healy-Rae opposed the motion and said he was satisfied with the service he is getting from the local Area Engineering Offices. He asked the Manager not to re-organise the engineering areas before the 2014 Local Elections.

Cllr. S. Counihan supported the views expressed by Cllr. D. Healy-Rae and said he hoped the Oireachtas members would oppose the abolition of the Town Councils and that it would not proceed.

Mr. J.D. Flynn said the county is facing huge re-organisation. In effect we have 4 separate companies to be amalgamated to one entity. It will not suffice to tweak around the edges. It will be very difficult to have everything in place by early 2014. We will be looking at a completely new organisation and he asked members to accept the present structure for another year.

Mr. J. Breen undertook to speak directly to Cllr. J. Healy-Rae on the issue of an elderly person being asked to vacate their council house.

Ms. A. McAllen, A/Head of Finance said at the introduction of the Property Tax tenants got letters from Revenue and they were advised to inform Revenue that they were Council tenants. Where that was not done Revenue used their legislative power and took the payment. The Council is working with tenants to ensure they have the required paper work for Revenue.

Mr. G. MacNamara, A/Director of Roads and Transportation said all overlays must be designed and this is being done by the Kerry County Council. The NRD Office is designing the re-alignment at Heffernan's Bends and this could include CPO etc. He anticipated work would commence either late September or early October.

Vote of Sympathy

Cllr. D. Healy-Rae extended his sympathy to the family of the late Flor O'Donoghue and Tom O'Dwyer former staff members who passed away recently.

Vote of Congratulations

Cllr. D. Healy-Rae congratulated the Kerry Minor B Hurling Team on winning the All Ireland that weekend.

Cllr. J. Brassil requested that a letter of congratulations would issue to Ian Brick of the Housing Department who coached the team.

13.09.09.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. A. McEllistrim, it was resolved that the Minutes of the Annual Meeting of Kerry County Council held on 28th June, 2013 be confirmed.

- (b) On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. N. Foley, it was resolved that the Minutes of the July Ordinary Meeting of Kerry County Council held on 15th July, 2013 be confirmed.

13.09.09.03 Tralee/Killarney Hub Functional Area Local Area Plan 2013 - 2019

- (a) **Manager's Report on submissions received on the proposed material alterations to the Draft Tralee/Killarney HUB Functional Area Local Area Plan 2013 - 2019**

Members Duties under Ethics Legislation.

Mayor Fitzgerald informed members that he wished to remind them of their duties under Part 15 (Ethics Framework) of the Local Government Act 2001 and the Code of Conduct for Councillors. He then read the following statement into the record of the meeting.

"Councillors should be aware that the onus for complying with the requirement of the Act and the Code of Conduct lies with each individual Councillor. Under the beneficial interest provision and should that provision apply, a Councillor must

- (1) Disclose the nature of his/her interest or the fact of a connected persons interest at the meeting and before discussion or consideration of the matter commences and
- (2) Withdraw from the meeting for so long as the matter is being discussed or considered, and accordingly, he/she shall take no part in the discussion or consideration of the matter and shall refrain from voting in relation to it."

In conclusion the Mayor informed members that there could be no interaction with members of the public during the meeting.

Mr. P. Stack, A/Director of Planning referred members to the County Manager's Report and recommendations on submissions received on the proposed material alterations to the Tralee Killarney HUB Functional Area Local Area Plan 2013 – 2019 dated August 2013 which was circulated. He said the draft plan, in conjunction with the publication of notice inviting submissions from the public, was placed on public display from 13th March 2013 to 25th April 2013. Two open days for members of the public were held in County Buildings and the Killarney Library on the 9th and 11th April 2013 respectively.

In all, 54 no. submissions were received during the consultation period of the plan. The County Manager's Report and Recommendations on Submissions was presented and considered at the Kerry County Council Special Planning Meeting held on the 27th May 2013. The Elected Members, following this meeting, adopted a total of 32 proposed material alterations.

The material alterations were advertised in the Kerryman newspaper on Wednesday 26th June, 2013 with a closing date for submissions of Thursday 25th July. 9 no. submissions on the proposed material alterations were received during the consultation period. These submissions relate to 5 of the proposed material alterations and no submissions were received in relation to the remaining 27.

Mr. Stack said 6 General Submissions were received from the following statutory bodies:

- Department of the Environment, Community and Local Government
- National Roads Authority
- Office of Public Works
- Environmental Protection Agency
- Inland Fisheries Ireland
- Irish Rural Dwellers

While there are a number of amendments arising from these submissions there is no significant change to the Plan. Three further submissions were received as follows:

TR-1 (Name withheld for Data Protection purposes. A paper copy of the unedited Minutes is available on request)

This submission relates to lands designated as “Existing Development”. It requests that the Council insert greater clarification as to what types of development would be appropriate in such zones.

The following is the response:

This submission does not relate to any proposed material alteration on display and cannot be considered here.

It is recommended that there would be no amendment to the plan.

TR-2 Tom Halley on behalf of O’Flynn Construction Co.

This submission relates to lands located at Caherweesheen, Tralee.

The following is the response:

This submission does not relate to any proposed material alteration on display and cannot be considered here.

It is recommended that there would be no amendment to the plan.

TR-3 Coakley O'Neill on behalf of Boyle Bros

This submission relates to lands located at Manor West, Tralee. The submission seeks to amend the extent of the SS-1 zoning of Map 7 (amendment no. 13) so it is consistent with the existing MIX1 designation of the current LAP.

It seeks to give further consideration to the creation of access options for the Strategic Industrial/business site at Manor in consultation with the relevant authorities during the lifetime of the plan.

The following is the response:

Kerry County Council considers that given the available infrastructure, access through the existing retail park, and the proximity of the retail parks and other services that the remaining small part of the site would also be suitable for a strategic industrial/business park use. Kerry County Council is aware of the official policy as outlined in the DoECLG Spatial Planning and National Roads Guidelines regarding the construction of and the restriction of new accesses onto new roads. It is therefore not appropriate to include any reference to a new connection from the Tralee Bypass to adjacent lands at Manor West.

It is recommended that these lands are zoned strategic industrial/business park use see Tralee Environs Map 1.

Cllr. J. Finucane asked Mr. Stack to go through O'Flynn's submission again.

Mr. Stack said it was a long submission and as it did not relate to a material alteration on public display it could not be considered.

Cllr. J. Brassil referred to the submission from the DoECLG in relation to flood planes and said because this submission did not relate to an amendment on public display it was not possible to take out lands at risk of flooding. He asked when a further revision of local area plans takes place that any land zoned in an area at risk of flooding would be dezoned and other land zoned.

(b) Making of the Tralee/Killarney HUB Functional Area Local Area Plan 2013 - 2019.

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. A. McEllistrim this Council having considered the County Manager's Report on the proposed material alterations that went on public display for the Draft Tralee/Killarney HUB Functional Area Local Area Plan 2013 – 2019 resolves to make the Tralee/Killarney HUB Functional Area Local Area Plan 2013 – 2019 subject to the material alterations previously agreed and modifications outlined in the Manager's Report and subject to the amendment agreed by Council (Map 1 attached).

A vote was taken on this proposal which resulted as follows:

For: Cllrs. Beasley, Brassil, Buckley, Cahill, Counihan, Cronin, Culloty, Ferris, Finucane, Foley, Gleeson, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistrim, O'Brien, O'Donoghue, Purtill, Sheahan, Wharton-Slaterry and Fitzgerald **(22)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Connor-Scarteen, Donovan, Griffin, O'Connell and O'Shea **(5)**

The Mayor declared the proposal CARRIED.

13.09.09.04 Variation No. 11 to the Kerry County Development Plan

(a) Manager's Report on submissions received in relation to Proposed Variation No. 11 to the Kerry County Development Plan 2009 - 2015

Mr. P. Stack, A/Director of Planning referred members to the County Manager's Report and recommendations on submissions received on the proposed 11th Variation to the Kerry County Development Plan 2009 - 2015 dated August 2013 which was circulated. He briefed them on the report.

(b) Making of Variation No. 11 to the Kerry County Development Plan 2009 – 2015

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. D. Healy-Rae this Council having considered the County Manager's Report on submissions received in relation to Proposed Variation No. 11, resolves to vary the Kerry County Development Plan 2009 – 2015 to incorporate the provisions of the Tralee/Killarney HUB Functional Area Local Area Plan 2013 – 2019 and the rezoning of lands at Coolcashlagh, Killarney from Industrial to Rural General (Map 2 attached).

A vote was taken on this proposal which resulted as follows:

For: Cllrs. Brassil, Buckley, Cahill, Counihan, Cronin, Culloty, Ferris, Finucane, Foley, Gleeson, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistrim, O'Brien, O'Donoghue, Purtill, Sheahan, Wharton-Slaterry and Fitzgerald **(21)**

Against: None **(0)**

Not Voting: None **(0)**

Absent: Cllrs. Beasley, Connor-Scarteen, Donovan, Griffin, O'Connell and O'Shea (6)

The Mayor declared the proposal CARRIED.

13.09.09.05 Local Government Auditors Report 2012

Ms. A. McAllen, A/Head of Finance referred members to report dated 3rd September, 2013 on this item which was circulated. She informed the meeting that she circulated a copy of the report of the Local Government Auditor on the Accounts of the Council for the year-ended 31 December 2012 dated 9th August 2012 (Schedule A) together with a copy of the certified Audit Opinion from the Annual Financial Statement (Schedule B).

The Local Government Auditor's principal objective is to form an opinion on whether the Annual Financial Statement of Kerry County Council presents fairly its financial position and its income and expenditure for the period under audit in accordance with the accounting requirements applicable.

The Council's global total financial activity (aggregated Revenue and Capital Expenditure and Income) amounted to €402.87m for 2012. In addition, the Council managed an asset portfolio of €3.464b.

The Lead Auditor has completed the Statutory Audit of the Accounts of Kerry County Council for year-ended 31 December 2012 and issued his Audit Opinion, which is unqualified. The Lead Auditor has stated that in his opinion the Annual Financial Statement presents fairly, in accordance with the Accounting Code of Practice and Accounting Regulations, the financial position of Kerry County Council at 31 December, 2012 and its Income and Expenditure for the year then ended.

Given the extent and complexity of the Council's work programmes the Audit Report must be considered quite satisfactory. Efforts continue, of course at improving processes, procedures and effectiveness across the organisation and strengthening our controls and this is an ongoing objective and challenge.

Cllr. M. Cahill asked why G4 is utilised for lodgements.

Ms. McAllen said that is in response to a procedure introduced by the Bank. They no longer receipt coins.

Cllr. Cahill asked how much this service is costing.

Ms. McAllen said costs in 2013 are covered by the Finance Budget while costs for 2014 will be considered in the context of Budget 2014.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Cahill it was agreed to note the report of the Local Government Auditor on the Council's Accounts for the financial year ended 31 December 2012.

13.09.09. 07 Takeover of Meenbannivane Group Water Scheme

Mr. O. Ring, Director of Environment and Water Services referred members to report dated 20th August on this item which was circulated. He briefed them on the report.

On the PROPOSAL of Cllr. N Foley, SECONDED by Cllr. G Wharton Slattery it was agreed to approve the takeover of Meenbannivane Group Water Scheme in accordance with Section 95 of the Water Services Act 2007.

13.09.09.08 Kerry Local Authorities Noise Action Plan

Mr. G. MacNamara, D/Director of Roads and Transportation referred members to his report dated 2nd September on this item which was circulated. He briefed them on the report.

Cllr. D. Healy-Rae said the timeframe for this plan is too long and he requested that the NRA assist residents who are experiencing problems with traffic noise from nearby roads.

In response Mr. G. MacNamara said the Draft Plan seeks to address environmental noise from major roads in the county with more than three million vehicles per annum. In 2014 these areas and others will be assessed. If an area exceeds the acceptable noise levels a feasibility study will be undertaken on methods of mitigation to address the problem. Applications for funding will be submitted from 2015 – 2017.

Cllr. S. Counihan said the housing estate near the Cleaney Roundabout is subject to a lot of noise from traffic and he asked that this area would also be considered.

Mr. MacNamara said the submissions would be considered and noise data is available for the area mentioned by Cllr. Counihan and this will also be considered.

Cllr. J. Sheahan said he made a submission regarding this area and he hoped the issue would be addressed.

On the PROPOSAL of Cllr. J Finucane SECONDED by Cllr. T O'Brien it was agreed to note the Kerry Local Authorities Noise Action Plan prepared in accordance with the Environmental Noise Regulations 2006 (S.I. 140 of 2006).

13.09.09.09 Report on the Environment and Water Services SPC

Cllr. M. Gleeson briefed the meeting on the items considered at the last meeting of the Environment and Water Services SPC under the following headings:

- Irish Water Programme and the plans for domestic water metering in Kerry.
- Japanese Knotweed and the potential threat to the Killarney lakes from the Zebra Mussel.
- The potential for the accidental introduction of exotic invasive species to the lakes of Killarney and requested that a submission be made to the National Parks and Wildlife Services' review on boating on the lakes.
- The SPC members were taken on an interesting and informative tour of the Water Treatment Plant by the plant operators.

Cllr. Gleeson then moved Notice of Motion No. 1.

1. Threat to the environment and to properties posed by Japanese Knotweed

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

That this Council calls on the Government to give legal effect to: The Birds and Natural Habitat Regulations 2011, in particular in so far as it refers to the control/ elimination of Alien Species with particular reference to authorising and financing Local Authorities to take decisive action against the devastating threat to the environment and to properties posed by Japanese Knotweed.

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

Cllr. M. Gleeson said Japanese Knotweed is a pernicious and invasive plant that has the ability to do terrible and lasting damage to roads, footpaths and buildings. Japanese Knotweed is thriving and propagating in our country. It is threatening and actively attacking some of our expensive public and private infrastructure.

As its name suggests this weed has its origin in Japan – on the slopes of volcanic Mount Fuji. To continue to thrive on the sides of volcanically active mountains, the Knotweed has developed the ability to penetrate through up to 2 metres of rock, not to mention surviving the intense heat of the lava.

The weed is prospering along the margin of some of our roads – the Curran's flyover, Farranfore Village & parts of the Tralee to Dingle Road. Each time it is cutback and left on the ground - a new growth is guaranteed from the cutting. If

the weed is micro-cut with a strimmer there is a virtual certainty of a multitude of new plants. It is, therefore, absolutely VITAL that the Knotweed is not cut and left lying on the roadside or grass margin.

To commence the process of control and elimination, it is VITALLY important that people can recognise the plant.

A pictorial information programme is necessary for all of us especially for landowners and Council employees. It is absolutely certain that the plant has been spreading widely by traffic movement, involving the wheels of trucks and machinery, through absolutely no fault of the drivers or workers.

The Knotweed propagates naturally under ground through its rhizomes – a new plant can shoot up as much as 6 metres from the parent plant.

Killarney Town Council is at present undertaking an eradication programme along Mission Road by means of injection prior to Autumn die-back. This process may have to be repeated for up to 3 years.

Spraying with Glyphosphate is also effective.

It is urgent, irrespective of expense that an all-out effort is made now to eliminate this terrible scourge.

It is also imperative that Government introduce proper and punitive legislation to deal adequately with the threat from importation of highly dangerous invasive species of both land and water.

In Britain, it is a serious offence to cause Japanese Knotweed to grow in the wild. It and the Giant Hogweed are classed as the 2 most undesirable and dangerous of plants.

We, because of lack of legislation in this and other areas such as the Zebra Mussel will have to pay the high price of Governments ineptitude.

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

16. Measures to tackle the issue of Japanese knotweed spreading in the County.

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

What are Kerry County Council doing to tackle the issue of Japanese knotweed spreading in the County. Are staff educated in how to safely remove and dispose of it. What are the associated costs to-date. The public also need to be informed about it.

The following report issued:

The subject of Japanese Knotweed was discussed lately by the Environment Strategic Policy Committee. Japanese Knotweed is an invasive species that can easily be spread by rivers and along railways and roads, by cutting the plant, on contaminated construction vehicles and by incorrect disposal and it has been spreading throughout the country. Kerry County Council conducted an information seminar with experts in this field for our Area Engineers and supervisory staff about 2 years ago. The eradication of this species is extremely costly and requires on going treatment over 2, 3, 4 or more years. Kerry County Council Biodiversity Officer is involved with the Tidy Towns Committee in a pilot scheme in Reennagross Park in Kenmare. That Officer has been having discussions with an interested person to carry out a survey, firstly on the Dingle Peninsula, to record locations of the plant and then to feed this information into the national data base being promoted by Invasive species Ireland. As part of an awareness campaign the Roads Section intends sending out an information leaflet to landowners at the same time as it sends notices to them to cut their hedges. This Council does not have the resources to tackle this issue alone. A national campaign is required with buy in from all agencies and with funding supplied by Central Government.

Cllr. P. Connor-Scarteen said the problems caused by Japanese Knotweed came to his attention during the construction of the new hospital in Kenmare. It resulted in considerable additional expense during construction. This weed is a problem throughout the county for roads, houses etc and it is an invasive species. If it is not eradicated it will spread further. It is important that the general public area aware of the correct way to treat it.

Cllr. J.J. Culloty supported the motions.

Cllr. M. Cahill thanked Cllr. Gleeson for raising this important issue. There is a considerable problem with Japanese Knotweed on the river bank of a private estate in Killorglin and it is growing over the wall into a Council water treatment plant. He said he would give details of the location to staff and he asked them to follow up on it immediately. Cllr. Cahill said the public should be given more information on this weed and how to eradicate it.

The Mayor said the only way to eradicate Japanese Knotweed is to kill it with roundup.

Mr. G. MacNamara said there are certain areas in the county where this weed is rampant. However it is important to quantify it. An information leaflet on Japanese Knotweed will be sent to 5,000 landowners with hedge cutting notices in the near future and he hoped they would take note of it.

Tidy Towns Competition

Cllr. T. O'Brien congratulated Tralee on winning a Gold Medal in the Tidy Towns Competition in 2013.

13.09.09.10 Report on Kerry County Enterprise Board Ltd.

It was agreed to note Cllr. J. Finucane's written report on the operations and activities of Kerry County Enterprise Board Ltd. which was circulated.

13.09.09.11 Summary of Proceedings at Conferences/Seminars

(a) How to Access Funding for Community Programmes Seminar

It was unanimously agreed to note Cllr. T Ferris' written report on "How to Access Funding for Community Programmes" Seminar held from the 17th to 19th May, 2013 which was circulated.

(b) European Movement Ireland Conference

It was unanimously agreed to note Cllr. N Foley's written report on "European Movement Ireland" Conference held from the 28th to 30th June, 2013 which was circulated.

(c) External Delivery of Public Services Seminar

It was unanimously agreed to note Cllr. P Connor-Scarteen's written report on "External Delivery of Public Services" Seminar held on the 4th July, 2013 which was circulated.

(d) MacGill Summer School

It was unanimously agreed to note Cllr. J. Finucane's written report on the MacGill Summer School held from the 28th July to 2nd August, 2013 which was circulated.

13.09.09.12 Opening of tenders since the July Meeting

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Gleeson it was agreed to note the opening of the following tenders since the July Meeting.

- (a) 2013 Non-National Pavement Overlay - Closing date: Friday, 9th August, 2013 at 4pm
- (b) Roof Insulation Works – Killarney Library - Closing date: Monday, 12th August, 2013 at 11am.

- (c) Roof Insulation Works – Library Headquarters and Tralee Library - Closing date: Monday, 12th August, 2013 at 11am.
- (d) Window Replacements – Library Headquarters and Tralee Library - Closing date: Thursday, 15th August, 2013 at 11am.
- (e) Supply & Installation of 2 Centrifugal Booster Pumps with Motors to replace the existing split case type pumps at Coolcorcoran Pump Station - Closing date: Thursday 15th August, 2013 at 3pm.

13.09.09.13 Approval for the opening of Tenders

- (a) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. L. Purtill it was agreed to approve the opening of tenders for External Window & Door Replacement to Kerry County Council Water Treatment Plant, Dromin, Listowel, Co. Kerry - Closing date: Friday 6th September, 2013 at 3pm.
- (b) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. A. McEllistrim it was agreed to approve the opening of tenders for the Supply and Implementation of a Laboratory Information Management System - Closing Date: Tuesday, 10th September 2013 at 3pm.
- (c) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. J. Finucane, it was agreed to approve the opening of tenders for the Percent for Art Commission Tralee By-Pass Road Improvement Scheme - Closing date: Thursday 12th September, 2013 at 4pm.
- (d) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Finucane it was agreed to approve the opening of tenders for the Removal and Treatment/Disposal of Mixed Municipal Waste from Kerry County Council's Waste Facilities - Closing date: Wednesday 25th September 2013 at 4pm.
- (e) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. A. McEllistrim it was agreed to approve the opening of tenders for the Provision of a Bird Control Service at the North Kerry Landfill - Closing date: Wednesday 25th September 2013 at 4pm.
- (f) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. Leahy, it was agreed to approve the opening of tenders for Mains Rehabilitation Works – Derry, Listowel – Ground Investigation Contract - Closing date: Tuesday 10th September 2013 at 4pm.

- (g) On the PROPOSAL of Cllr. J. Healy Rae, SECONDED by Cllr. J. Sheahan, it was agreed to approve the opening of tenders for the Provision of Technical Services for the Development of an Amenity Trail (Greenway) between Glenbeigh and Caherciveen - Closing date: Monday 9th September 2013 at 4pm.

Mr. O'Brien informed the meeting that a letter issued that day to members from Ms. A. McAllen, A/Head of Finance informing them that as of 5th September 2013 Kerry County Council advertised (a) Plant Hire Framework 2014 and (b) the Road Markings Framework 2014 – 2016 on www.etenders.gov.ie and also in the European Journal. All information will be captured through the LA Quotes System. The closing date for both tenders is 3.00 p.m. on Friday 18th October, 2013.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of these tenders.

13.09.09.14 Notices of Motion

Mr. G. O'Brien informed the meeting that Notice of Motion Nos. 2, 22 and 29 were similar and would be taken together.

2. Progressing the Glenbeigh to Reenard greenway.

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

That Kerry County Council and South Kerry Development Partnership engage with all land owners with a view to progressing the Glenbeigh to Reenard green way (old railway line). What are the findings of the feasibility study that €50,000 was provided for in June 2013. Has an application been made to the Department of Transport, Tourism and Sport to commence works on this green way that boasts possibly some of the worlds most amazing scenery. Will the Council do everything to ensure that this project is brought to fruition as it has the potential to transform tourism in South Kerry, attracting 100,000 visitors, will help maintain and create jobs and will the County Manager make a statement on the matter.

The following report issued:

This walking route project is one of four in the County that Kerry County Council has been involved with and has been attempting to progress in these challenging economic times. After considerable time and effort the first section of the Tralee/Fenit walkway has been completed and opened. Kerry County Council has engaged with South Kerry Development Partnership over the last year to progress the Glenbeigh to Reenard project, by providing guidance and assistance on numerous issues including the provision of a draft agreement to be used with the landowners. South Kerry Development Partnership employed consultants

to carry out a Feasibility Study on this project. Whilst the Feasibility Study supports the development of the route, the indicative costs for the proposed works are substantial. An allocation of €50,000 has been received from the Department of Transport, Tourism and Sport to carry out a structural assessment of the main structures on this route, namely the Viaduct at Gleesk, the two railway tunnels at Mountain Stage and the railway bridge into Cahersiveen and the general route itself. The tendering process to appoint suitable qualified consultants is under way and we expect a report towards the latter part of the year. Depending on the outcome of this report, Kerry County Council intends to make a bid for funding to the Department by mid November. Projects such as these walkways are extremely difficult to deliver due to a range of conflicting view points, and they can be extremely costly to put in place. Due to the economic benefits that these projects can bring to a region and as Kerry has some of the most iconic scenery that people can enjoy, Kerry County Council has just appointed an Engineer to oversee the progress of the four walks that it is currently involved in.

Cllr. M. Cahill said this is a very important project for the Iveragh Peninsula and it should be prioritised. A similar project in Mayo has transformed the area. The scenery from Glenbeigh to Renard is spectacular and every effort should be made to bring the landowners along with us on this project. In Mayo they had similar issues but they were resolved. He believed this project has the potential to attract up to 100,000 visitors to the area. He welcomed the allocation of €50,000 to review existing tunnels and the viaduct. South Kerry Development Partnership invited the landowners to view the project in Mayo but not many landowners took up this offer. He asked that landowners and political representatives would again be invited to view the project in Mayo. This project has the potential to create many new jobs and to maintain existing jobs.

22. Development of the Great Southern Trail.

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

What action will Kerry County Council take to progress the development of the Great Southern Trail.

The following report issued:

This Council does not have the necessary resources to actively progress development of the Great Southern Trail at this time, owing to the fact that it is involved in progressing 4 other trails, namely Glenbeigh to Reenard, the Fossa Loop Trail, Tralee/Fenit cycleway and Ballyseedy/Tralee/Spa walk and cycleway.

Funding for the development of walks and cycleways comes from the Department of Transport, Tourism and Sport and we have received a

circular indicating that there is approximately €6.5m available country wide over the period 2014 to 2016.

The allocation of this funding is by means of a competition and therefore it is essential that we concentrate our efforts on those walks that have the best chance of delivering some of this funding into the County. To assist in this Kerry County Council has just appointed an Engineer to oversee the progress of the four walks that it is currently involved in.

Cllr. T. Ferris said she understands the Minister has ring fenced €1m for the section of the Great Southern Trail from Abbeyfeale to Listowel. She asked that contact would be made with the Minister's office to establish if this is the case. She expressed her disappointment that 4 other projects are getting priority over this one. There would be enormous benefit to the county if this route was developed.

The County Manager said the Council is working on a number of trails at present. There is strong local opposition to the Great Southern Trail and it is up to Iarnród Éireann to exercise their powers of ownership. If the Council had unencumbered access it would be a different issue. Substantial funding is provided nationally for these projects but it is important to be in for the first tranche. His biggest concern is the amount of staff time involved. One member of staff has been assigned to the Glenbeigh to Renard greenway. He added that the Minister has indicated that there will be a level of local contribution but he has not yet indicated how much. The Tralee to Fenit trail was undertaken by the Council. However if there are legal challenges our hands are tied.

Cllr. Ferris said this is a matter for CIE and she could not understand why Kerry is so problematic.

The Manager said CIE have not yet registered first title and there are a lot of issues behind the scenes.

Cllr. R. Beasley supported the motion and said it looks bad for Kerry when the development on the Limerick side has progressed. He asked that the outstanding issues with landowners would be resolved if possible.

29. Call for increased funding for walks in rural areas

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

That Kerry County Council request the Minister for Environment, Community & Local Government, Mr. Phil Hogan, TD, to increase funding for walks in rural areas in Ireland in the next allocation of funding. New walks could be introduced and current walking trails could be improved and made safer.

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

Cllr. P. Connor-Scarteen said sections of the Kerry and Beara Way need to be improved. He understood there was 90% agreement with landowners in relation to the Glenbeigh to Renard greenway. If the landowners could see how well a similar project in Mayo works he believed they would agree to it. He welcomed the €50,000 for the Glenbeigh to Caherciveen greenway. If this project was completed it could result in up to 100,000 extra visitors to the County. In conclusion Cllr. Connor-Scarteen congratulated Kenmare on winning the best small town award in the Tidy Towns Competition.

Mayor Fitzgerald SECONDED the motion.

4. Measures to prevent further landslides on roads in the county.

Pursuant to notice duly given Cllr. P. O'Donoghue PROPOSED:

That Kerry County Council furnish a report as to what preventative measures it is in a position to take to prevent further landslides in Kells, or onto the Ring of Kerry Road or any other road in the County.

The following report issued:

The event of the 28th of July that occurred at Mountain Stage is being incorrectly described as a landslide. What happened was that a very localised rainfall event occurred, where in excess of 25 mm/hour of rain fell in a very confined area of Drung Hill. This intensity gave rise to large volumes of water collecting into two adjacent streams that run off this mountain and this in turn caused a large volume of stones and mud from the bed of one of these streams to be deposited onto the National Secondary Road. Areas close by in Kells and Mountain stage had no rain at that time. It is not possible to predict when and where high intensity of rainfall might occur nor is it possible to indicate what might happen as a result of this rainfall. Kerry County Council does not have the resources to monitor the extent of mountain in the county to identify lands that might possibly be the subject of landslides into the future.

Cllr. P. O'Donoghue said the reason he submitted this motion was because of the catastrophic event on the Ring of Kerry road where a landslide created traffic mayhem. No emergency plan was in place to deal with this event and traffic was going both ways on the Ballaughasheen road which is much too narrow. Each local area office should have an emergency plan to deal with this type of situation. It is not correct to say that it is not possible to predict the landslide as it has happened in Kells in the past. He expressed concern that areas susceptible to landslide are not monitored and he asked that a safety audit would be undertaken.

Cllr. M. Cahill said he attended the scene of the landslide and was in contact with the Area Engineer. Council staff and the Gardaí were on the scene and there were exceptionally heavy showers the evening this event happened. The road was cleared very quickly and the only issue was that all traffic was diverted to the Ballaghasheen road which should not have happened as it is too narrow and there are very few places to pull in. This caused upset for locals and visitors. This was a major incident on the Ring of Kerry and the Council played its role. He spoke to the Gardaí and Ger MacNamara informed him there was a plan but it was not implemented.

Mr. G. MacNamara informed the meeting the Council has plans for major emergencies but this was not a major emergency. Staff had the road cleared at 9pm that night and the Gardaí did what they had to do. If the emergency had continued traffic would have been diverted the other way round the Ring of Kerry.

Mr. G. O'Brien said Notice of Motion Nos. 5, 6 and 7 would then be taken together as they relate to the same issue.

5. Official recognition for Irish Sign Language

Pursuant to notice duly given Cllr. N Foley PROPOSED:

That Kerry County Council support the Kerry Deaf Association Campaign and call on the Government to officially recognise Irish Sign Language (ISL).

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

Cllr. N. Foley called for the support of the members for this motion. The Kerry Deaf Association has a campaign calling on the Government to officially recognise Irish Sign Language. They are showing great leadership and they are asking for the support of the Council. Irish Sign Language is the indigenous sign language and has all the attributes of oral language and yet for all these years it has not been given recognition. There is no universal sign language and each country has its own. In Northern Ireland and England Irish sign language is recognised but that is not the case in Southern Ireland. A large number of countries have given status to our sign language yet the Irish government has not. A group of people in this country speak a minority language and it is time Kerry County Council supported their campaign and that the Government resolved this injustice.

6. Official recognition for Irish Sign Language

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

That this Council call on the Government to give official recognition to the Irish Sign Language.

Cllr. J. Finucane said 5,000 people in Ireland use Irish Sign Language and it is about communication. Just 2 minutes a day is given on TV to the News for the Deaf at the end of the News Bulletin. It is extraordinary that a means of communication for an entire community is not recognised.

7. Official recognition for Irish Sign Language

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

That this Council calls on the Government to give official recognition to Irish Sign Language (ISL).

Cllr. T. Ferris said this is a dreadful disenfranchisement of these people and a lot of deaf people have poor English literacy skills. By recognising Irish Sign Language it would give them confidence. It is ironic if you live in the 6 counties the State recognises both Irish and British Sign Language yet in the South it is not recognised. She supported this campaign.

The meeting adjourned for lunch at 1.30pm.

The meeting resumed at 2.20pm.

9. Provision of extra staff in the Motor Taxation Office

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

To ask Kerry County Council to provide extra staff in the Motor Taxation Office to assist with the massive workload and to help answer the telephone, as many people are complaining they cannot get through to the office to deal with their queries.

The following report issued:

The Motor Taxation Office is experiencing a peak volume of work currently due to (i) changes to the Drivers Licensing application and issuing system and the imminent transfer of this function to the RSA and (ii) Recently introduced changes to the processes around periods of vehicle non use.

Both these changes have been significant.

In overall terms the Council has seen a significant reduction in staff resources in recent times. Despite changing work practices, additional productivity and efficiencies, it is impossible to effect such significant staff reductions without some impact on service delivery. In addition, taken with the implementation of the additional changes to the service required by Government, it is regrettably not possible to avoid an impact on the service to the public.

The Motor Taxation service is one where alternative approaches are available to customers. For example there is a very efficient on-line service available for the majority of transactions. This should reduce the need for personal visits to the Office. However the take up of this service in Kerry is still relatively low.

The position is being kept under constant review and some changes have been implemented in recent weeks. The transfer of Driver Licenses to the RSA at the end of October should also significantly improve the situation.

Cllr. D. Healy-Rae said he felt compelled to put down this motion as he gets calls daily on this issue. A young man back from Australia needed his driving licence number but he could not get through to the Motor Tax Office. Lorry drivers cannot get through to Motor Tax to enquire about their licences. He asked that a staff member would be assigned to answer phone calls immediately. The people he represents are finding it very hard to get information and as a result they have to travel a long distance to get the information.

Cllr. J. Healy-Rae **SECONDED** the motion and said the situation is particularly bad at the start of the month. He failed to get through to Motor Tax himself and he said it is not physically possible for the existing staff numbers to keep the work up to-date with the volume of work.

Mr. J.D. Flynn said from June 2008 to-date we lost 300 staff. The driver licences will be gone from Motor Tax to the RSA on 31st October and it is taking some time to do the necessary checks. Under the Haddington Road Agreement staff are working an additional 2 hours per week. All Departments are under pressure and he anticipated things would ease in Motor Tax after the 31st October. A lot of time is also being spent on the new procedure for 'off the road' vehicles.

Cllr. B. Cronin asked if the 'off the road' vehicle forms are now available in the stands in the Motor Tax Office.

Mr. G. MacNamara said this is a complex issue. People took forms away and up to 50% of them were incorrect and this resulted in additional correspondence.

Mr. G. O'Brien said Notice of Motion Nos. 10, 27 and 30 would be taken together.

10. Hedge cutting in the county

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

To again ask Kerry County Council to cut the hedges in our County in the interest of tourism, health and safety and people living and working in the area and also to again ask how much it costs Kerry County Council to cut hedges the last year that they carried out a full hedge cutting programme which I think was in the early 2000's.

The following report issued in respect of Notice of Motions 10 and 27:

As has been mentioned on numerous occasions, the responsibility for hedge cutting along public roads does not rest with the Local Authority. Section 70 of the Roads Act, 1993 clearly outlines the responsibility for hedge cutting as follows:-

“The owner or occupier of land shall take all reasonable steps to ensure that a tree, shrub, hedge or other vegetation on the land is not a hazard or potential hazard to persons using a public road and that it does not obstruct or interfere with the safe use of a public road or the maintenance of a public road”. This Act puts the legal responsibility for hedge cutting on to landowners and occupiers of land. This has been the position since the introduction of the Roads Act in 1993. The Agresso Financial Management System was introduced in Kerry County Council in mid year 2001. Retrieval of data and costings prior to that time is extremely difficult. On interrogation, Agresso shows that €75,000 approximately was paid to hedge cutting contractors for the period of August to December of 2001. A sum of €132,000 approximately was paid to hedge cutting operators in 2002. These figures represent the cutting of hedges required prior to the carrying out of the Road Improvement and Surface Dressing works around the County, as well as work done on County Council lands, primarily at entrances into towns. As a conservative estimate, the approximate cost of cutting all hedges on all public roads in the County in any one year would be in the order of a million euro. Each and every Councillor knows that the funding allocated each year at budget time for road maintenance, which included County Councillors Allocation has always been inadequate to properly maintain the road network, even before trying to get the Council to take on board the responsibilities of landowners. To suggest using the Councillors Allocation would further reduce the available money for maintenance and targeted improvements and would attempt to remove the legal responsibility that exists for all landowners and occupiers. Kerry County Council has a Roads Enforcement Officer, one of his duties is to police this matter. If there are specific locations that any councillor wants investigated, please supply us with the details and it will be investigated.

Cllr. J. Healy-Rae said there is a big problem with overgrown hedges in the county. He understood the council does not have €1m to cut hedges and the legislation does not allow the cutting of hedges from the 1st March to 31st August. Visibility for motorists is impaired by seriously overgrown hedges. This gives a very bad first impression of the county to tourists. Some hedges have grown as much as 1m onto the road. He called for some solution to this problem. He suggested that a letter could be sent to the Minister calling for a change in legislation. The hedge cutting notices sent to landowners are not working for various reasons i.e. the health and safety of farmers cutting hedges on busy

narrow roads and (2) foreigners own land and they only visit for 2 weeks in the year and are unaware of their responsibility to keep hedges trimmed.

27. Use of Councillor's Allocation to cut the hedges on minor roads

Pursuant to notice duly given Cllr. P.J. Donovan PROPOSED:

That Kerry County Council would allow councillors use some of their allocation to cut the hedges in minor roads as some roads are completely overgrown and are extremely dangerous.

Cllr. P.J. Donovan said this is a matter of safety. In the past councillors were allowed use their Councillors Allocations to cut hedges. He submitted locations where hedges needed to be cut urgently in the past 12 months but nothing was done. The Rocky Road in Caherciveen and the road to Derrynane House are very dangerous as the hedges are almost closing in from both sides of the road. Cllr. Donovan said €1,000 would cut a lot of hedges and he asked, in the interest of safety, that councillors would be allowed to allocate money from their Councillors Allocation to cut roadside hedges.

30. Proposal to change legislation in relation to hedge cutting

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

That in the interest of public safety and general road safety this Council propose a change in the current hedge cutting legislation which prohibits cutting from March to September in order to allow landowners to cut road side hedges in the month of August as the situation now on narrow rural roads is highly dangerous for motorists, cyclists and pedestrians and cannot continue any longer.

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

Cllr. B. Cronin said current legislation prohibits the cutting of hedges from March to September. Legislators are urban orientated and do not realise what it is like to live in a rural area. In his area the problems are similar in that hedges etc. are growing out onto the road. He complimented the substantial number of landowners who cut their hedges annually and said he disagreed that the hedge cutting notices are not working. Legislation is very restrictive in that hedges cannot be cut until the end of September but that is too late. It is the Council's responsibility to ensure best safety standards and to ensure motorists can travel safely. He pointed out that no birds are nesting in September and the legislation should be changed to allow hedges to be cut from 1st September. He PROPOSED that the relevant Minister would be requested to allow roadside hedges to be cut from 1st September.

Mayor Fitzgerald SECONDED this proposal.

Cllr. M. Gleeson also supported the motion and said it would facilitate school buses.

Cllr. B. O'Connell said Enforcement Notices are sent from one central office but it is not possible for the Roads Enforcement Officer to police the entire county. He suggested that these notices should issue from the Area Offices as they are familiar with the area. It would only take a day for a staff member from the Area Office to inspect the roads. He asked how many prosecutions have been taken for non compliance with a Hedge Cutting Notice.

Cllr. M. Cahill said the policy has failed miserably. It is a health and safety issue and many directional signs are overgrown.

Mr. G. MacNamara said the Council does not have sufficient funding to cut hedges. The law clearly states that it is the landowner's responsibility to cut hedges and he emphasised that many landowners do comply with the law. He accepted that some landowners do not and added that it can be difficult to establish who the landowner is. Efforts are made to identify the occupier of the land. He understood from the tourism sector that tourists like our hedges. There are contractors who are trained in health and safety and will cut hedges. The 5,500 Hedge Cutting Notices are produced on a database and perhaps the Area Engineers could liaise with the Roads Enforcement Officer. He issued 166 notices last year and as a result the hedges were cut. The Council cut hedges for two people and we are having difficulty recovering the cost from the landowners and we may have to take them to Court. In conclusion he asked councillors to let the Roads Department know if landowners are not cutting hedges and they would follow up on it.

Cllr. D. Healy-Rae said the Council owns roadside hedges and not all of them are cut.

Cllr. S. Counihan supported Cllr. Cronin's motion and said the legislation must be changed. He added that there are no ditches in many EU countries and as a result they would not understand this problem.

11. Improve site distance and safety measures at the junction of L10696 with the N21.

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

That Kerry County Council in co-operation with the NRA improve site distance and safety measures at the junction of L10696 with the N21.

The following report issued:

Sight distance at this junction at Crinny West on the N21 is not an issue as there is in excess of 215 metres available in both directions, which is the standard for a National Primary road. I understand that there may be an issue with heavy agricultural vehicles turning off the main road into the narrow side road. The side road is at a skew to the main road and is also steep. This results in vehicles leaving the main road slowly accompanied with the fear of vehicles approaching from the rear at speed. Kerry County Council will request the NRA through its Road Safety Engineer to inspect this junction to see if there are any additional measures warranted.

Cllr. B. O'Connell said this is a very dangerous junction and something should be done before there is an accident. It is on the N21 Castleisland to Abbeyfeale road and it is dangerous for traffic turning onto the L10696 road.

Cllr. J. Finucane SECONDED the motion.

Mr. G. O'Brien informed the meeting that Notice of Motion Nos. 12, 35 and 39 would be taken together.

12. Vat Rate for Tourism and Hospitality Sector

Pursuant to notice duly given Cllr. P.J. Donovan PROPOSED:

That Kerry County Council support the campaign of the Restaurants Association of Ireland to keep the Vat Rate for Tourism and Hospitality at 9% into 2014 and beyond.

35. VAT Rate for Tourism and Hospitality Sector

Pursuant to notice duly given Cllrs. P. Connor Scarteen and J. Sheahan PROPOSED:

That Kerry County Council supports the campaign of the Restaurants Association of Ireland to keep the VAT rate for tourism and hospitality at 9% into 2014 and beyond.

39. Retention of the 9% VAT rate for the tourism industry

Pursuant to notice duly given the Members of Tralee Electoral Area Committee PROPOSED:

The members of the Tralee Electoral Area Committee are calling on the Minister for Finance to keep the VAT rate at 9% for the tourism industry.

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

At the May Council Meeting members requested that a letter would issue to the Minister for Finance calling on him to retain the 9% VAT rate for the tourism sector. The follow reply was received from the Minister's Office:

"The Minister for Finance, Mr. Michael Noonan TD, has asked me to refer to your letter regarding the VAT rate for the tourism sector and to inform you that the contents of your letter will be considered in the context of the forthcoming Budget."

Cllr. P.J. Donovan requested that a further letter would issue to the Minister for Finance on this issue in advance of the Budget.

Cllr. P. Connor-Scarteen said Kerry is the premier tourist county and if the VAT rate remains at 9% it will facilitate the employment of additional people.

Cllr. J. Finucane said the 9% VAT rate has worked and it should be allowed to remain.

13. Funding for Pedestrian Crossings in Rathmore

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

That Kerry County Council request that the NRA provide funding for two pedestrian crossings in Rathmore (a) at the community centre (b) at Hickey's Centra Supermarket, East End Rathmore.

The following report issued:

A similar Notice of Motion was raised at the February 2013 Killarney Electoral Area Meeting in connection with another location in Rathmore, where the following reply was given:

"A preliminary examination will be undertaken by the Road Design Office, when resources are available to determine if the number of pedestrians crossing at this location would warrant a full examination having regard to current National Roads Authority advice. Unless there is a significant demand, the NRA will not provide funding for a pedestrian crossing".

When this preliminary examination is being carried out the two locations above will be considered also to see if any of the 3 locations mentioned warrants a full examination.

Cllr. J. Sheahan said he was contacted by a number of people regarding the provision of pedestrian crossings in Rathmore. The N72 is a very busy road and these two locations are very busy with a Community Centre, a number of pubs, a Funeral Home, a Crèche, Post Office, Hickey's Supermarket and adjacent housing estates with young children. This is a health and safety issue and he called on the Council to raise this issue with the NRA before someone gets hurt.

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

14. Repetitive Garda clearance requests

Pursuant to notice duly given Cllr. T. O'Brien PROPOSED:

That this Council would call on Minister Shatter to examine the number of repetitive Garda clearance requests that are made to his Department and consider issuing the Garda clearance to the individual that applies rather than current situation.

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

Cllr. T. O'Brien said he works for the Irish Wheelchair Association and they are exhausted from this process. Community Employment Schemes are a stepping stone to employment yet it can take 10 to 14 weeks to get Garda clearance which needs to be in place at the outset. A lot of schemes are suffering as a result of this and the Minister needs to address this problem immediately. If someone abroad needs Garda clearance there is an additional cost involved. He called on Minister Shatter to consider this issue and to issue the Garda clearance to the person for a year. This can then be used for any purpose and it would be a simple solution.

Cllr. S. Counihan **SECONDED** the motion and said he understood there is co-ordination between Departments. There is a window of just 8 weeks to fill positions on a Community Employment Scheme and the delays with the Garda clearance are causing major problems.

15. Replacement of water main on N69

Pursuant to notice duly given Cllr. P. Leahy PROPOSED:

When will the watermain be replaced on the N69 Road from Derry to Tarbert and how many leaks have been recorded on this stretch of road for 2013.

The following report issued:

There have been 14 breaks on the watermain along the N69 so far in 2013. It is intended to replace 3.5km of 300mm diameter AC pipe along the N69 between Derry and Tarbert as part of the Mains Rehabilitation Programme.

A Site Investigation Contract will proceed in October. The main contract works will be advertised in January 2014 with the contract due to commence in June 2014.

Cllr. P. Leahy expressed his disappointment with the reply and said there were 14 breaks on this watermain so far this year and three of those were in one week when the weather was very hot and there was a significant demand for water by farmers. As a result of the breaks farmers were in dire straights. The wastage of water each time there is a break and the cost of repairs is huge and a waste of resources. He understood funding is in place for the past two years and he asked why this watermain was not replaced before now.

Cllr. T. Buckley **SECONDED** the motion and said the number of breaks on this watermain are at an all time high. It is urgent that it is replaced as soon as possible.

Mr. O. Ring, Director of Water Services said he was aware of the number of breaks in this watermain in recent years. The worst section was replaced and the next section is 3.5km long and proper processes must be followed.

Cllr. Leahy asked if funding is in place to replace this watermain for the past two years.

Mr. Ring said we have funding in principal for the entire county but we must go through each individual proposal with the Department before we can proceed.

17. Financial assistance towards the running costs of Fleadh Cheoil Na Mumhan in Killarney in July 2014

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

To ask that Kerry County Council recognise the culture and tourism importance of Fleadh Cheoil Na Mumhan which is being hosted in Killarney in July 2014 and to give some financial assistance towards the running costs which are estimated at €100,000. This major week long event will bring over 3,000 competitors along with their families supporters and the general public and is being jointly hosted by the local branches of Kilcummin, Killarney, Fossa/Two-mile, Glenflesk, Gneeveguilla, Rathmore and is more than worthy of the support of this Council.

The following report issued:

I can confirm that a submission has been received by the Head of Finance in relation to this event scheduled for 2014. Work has commenced in the preparation of the Council's Draft Budget for 2014, the applicant's timely submission can be now considered as part of that Budget process. However the present economic and financial climate for the public finances continues to be very difficult and the Council's Budget for 2014 will have to be considered in that harsh context. The request for any contribution will be considered on its merits and the availability of funds.

Cllr. B. Cronin said Killarney has been given the honour of hosting the Munster Fleadh Cheoil in 2014. This is a highly prestigious event that is a showcase for talent. This will promote our tradition and approx. 3,000 people will be directly involved. This will be a major event from a business point of view. He recognised the financial constraints on the Council but said it will cost €100,000 to run this event. While the organisers will run fund raising events they would appreciate any assistance the Council could give.

Cllr. M. Gleeson **SECONDED** the motion and welcomed the fact that the Munster Fleadh Cheoil will be held in Killarney in 2014. This will be a great boost to Killarney but by then the Town Council will no longer be in existence. Rates will then be payable to Kerry County Council therefore the county council will be the beneficiary.

18. Funding for tertiary roads in Killarney Electoral Area

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

As there are a number of public tertiary roads in the Killarney Electoral Area, which are in an extremely poor condition, and unfit for their purpose, this Council should instruct each Area Engineer to identify a number of these roads. Having done so, that this Council write to the Department seeking funding for these specific roads.

The following report issued:

Due to the generally recognised constraints in national funding each Engineering Area in the county has a number of local roads, including tertiary roads which are in need of repair. The level of funding that is available from Central Government in the Restoration Improvement and Restoration Maintenance programmes as well as from Kerry County Council's own resources does not allow repair to all our road stock. There is nothing to be gained by submitting a further list of roads needing repair to the Department than those required under the above programmes.

Each Area Engineer has received training on Pavement Condition Surveying and under the Pavement Management System that has been rolled out by the Department, they rate all sections of the local roads in their area on a scale of 1 to 10, depending on the defects encountered.

This data is recorded onto a central data base to which the Department have access. The Department therefore is well aware of the condition of all the roads in the County.

Cllr. J.J. Culloty said he understood there is nothing to be gained by submitted a list of roads to the Department. However some roads are in a deplorable condition and they were not improved over the past few years. In fact some are virtually impassable and he was ashamed to say the Council can do nothing. He

again asked that a list of these roads would be drawn up and submitted for funding. People who use these roads pay their road tax and are entitled to have their roads maintained.

Cllr. M. Cahill SECONDED the motion and said many of the worst roads are in East Kerry.

In response Mr. G. MacNamara said hard choices must be made and these are based on volumes of traffic.

19. Provision of pedestrian crossing in Castlemaine.

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

That Kerry County Council call on the NRA to provide a pedestrian crossing in Castlemaine Village to facilitate pedestrians, particularly school children, crossing the N70 and R561.

The following report issued:

A preliminary examination will be undertaken by the Road Design Office when resources are available, to determine if the number of pedestrians crossing at this location would warrant a full examination having regard to current National Roads Authority advice. Unless there is a significant demand the NRA will not ultimately provide funding for a pedestrian crossing from it's National Secondary Safety Programme.

Cllr. M. O'Shea said this location has been flagged on many occasions. A large volume of traffic travels through Castlemaine and it warrants a pedestrian crossing. The population growth in this area is reflected in the numbers attending the National School. Local people shopping in the village find it impossible to cross the street especially in the summer time. He asked that the NRA would be contacted on this issue immediately.

Mayor Fitzgerald SECONDED the motion.

20. Planting of roadside trees

Pursuant to notice duly given Cllr. M Gleeson PROPOSED:

As roadside trees, when and if they fall, can be a very real hazard to road users, that the Council would adopt as policy the planting of trees that on maturity do not exceed approximately 4 metres in height.

The following report issued:

Most planting along newly constructed roads is carried out in accordance with the guidance and policies of the National Roads Authority. This would include low/medium canopy cover consisting of alder and willow and ground cover shrubs.

Planting is generally carried out outside the clear zone, which is usually a distance greater than 10m from the roadway. Trying to restrict height of trees to 4 meters would require grafting on rootstock, which would be expensive and might be contrary to NRA policy in relation to use of native trees. One has to balance the probability of a tree falling onto the public road and being a hazard with the benefits that accrue from trees over their lifespan in relation to aesthetics, carbon footprint, shelter and general ecology.

Cllr. M. Gleeson said on his return from Cork recently near Macroom a tree fell and narrowly avoided the car he was travelling in. It is reasonable to ask that trees grown on roadsides would not exceed 4 metres in height at maturity. He asked, as far as possible, that an assessment would be carried out of old trees on the roadside.

Cllr. D. Healy-Rae said he was opposed to the planting of trees on the roadside.

21. Acquisition of land for the extension to the footbridge in Sneem

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

Further to numerous previous requests and in the interest of health and safety I propose that Kerry County Council expedite the acquisition of land for the purpose of the extension to the footbridge in Sneem Village. Will this Council take into consideration that this is the narrowest point on the entire Ring of Kerry road, that this bridge in its current format is extremely dangerous. A number of accidents have occurred at this location not to mention the numerous near misses. Will the Council take immediate action and give a time frame for the commencement of works, the completion date, and the cost of these works as local and tourists alike are anxious that this major health and safety matter is attended to with immediate effect.

The following report issued:

This Notice of Motion was previously moved at the Killorglin Electoral Area Meeting in July 2012, at which the following response was given:-

“When this footbridge on the N70 National Secondary Road in Sneem was originally constructed it did not prove possible at the time to secure the land required at the western end of the structure by agreement. It is proposed to re-examine this matter to determine if the land can now be acquired by the Council. The extension of the footbridge would have to be considered for funding by the National Roads Authority”.

Staff of the Council have attempted to purchase the necessary lands but have been unsuccessful to date.

Cllr. M. Cahill said he raised this issue on a number of occasions as it is important, in the interest of public safety, that it is addressed. This is a health and safety matter and he asked that discussions with the landowner would be re-opened.

Cllr. P. O'Donoghue said this issue is ongoing for years and if negotiations are not working the Council has other powers at its disposal.

24. Proposed change to the County At Large Charge under the reform of Local Government.

Pursuant to notice duly given Cllr. S. Counihan PROPOSED:

That the Executive would inform the members and the general public of any proposed change to the County At Large CHARGE under the reform of Local Government.

The following report issued:

As you are aware, Central Government has embarked on a comprehensive programme for Local Government Reform under the Action Programme for Effective Local Government. A statutory framework for the programme will be established through the Local Government Act/Bill expected to be enacted later this year. The main provisions of the legislation will deal with amongst many others, financial matters including rating, budgetary arrangements and certain audit provisions. I will update the CPG and the Council further in relation to these matters as clarity is received.

Cllr. S. Counihan said the County at Large Charge will no longer be there when Town Councils are abolished. This charge was established in 1949 and it should be abolished. Tralee, Killarney and Listowel paid large sums to Kerry County Council down through the years. The area of local government financing needs attention. If it is proposed to be changed those going for election in the Local Election in 2014 are entitled to be aware of the proposed changes.

25. Meeting of all the counties involved in the Wild Atlantic Way

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

That Kerry County Council host a meeting of all the counties involved in the Wild Atlantic Way, to co-ordinate a common strategy for tourism promotion and development.

The following report issued:

The Wild Atlantic Way has been designed by and is being funded and promoted by Failte Ireland in co-operation with the National Roads Authority and the Western Seaboard Counties. As their website states:

"A major international promotional push has begun this week to profile Ireland's first ever long-distance driving route, the Wild Atlantic Way which will be open in March 2014. Fáilte Ireland has developed a suite of exciting promotional material which is being targeted today at 500 key overseas operators and Tourism Ireland overseas market offices around the globe".

These people are best placed to develop and promote this national incentive.

Cllr. J. Finucane welcomed the reply and said there are two economic zones in the country (1) the greater Dublin area where there is no recession and (2) the rest of the country. Dublin has a large number of tourists and the Chinese visitors spend an average of 2 days in Dublin. The Brazilian market is growing but we do not have an input into it. The online video for the Wild Atlantic Way is very good and this will be of huge significance to tourism. However, it is important that the counties involved take control of the marketing to ensure the best return from this initiative. He called on the Council to take a lead role and to invite the other counties to become involved to ensure we have a product that all counties can buy into. He asked that a one day Seminar would be organised in Kerry for all the counties involved as we cannot depend on a State Agency to market it for us. It is important that all the counties involved would agree a strategy.

Cllr. T. Ferris supported the motion and said holding a Conference could be profitable. There is a story to be told in each of the areas and the group she is involved with are telling the story of St. Brendan. She urged her colleagues to support the development of the Wild Atlantic Way and said any profit from the holding of the Conference could be invested in promoting it.

Cllr. P. O'Donoghue said Kerry must take a lead role and must consider the infrastructure required. Investment in infrastructure would be beneficial to the project. In Scandinavia viewing platforms were developed and they were very successful. Funding is available through the Atlantic Strategy and applications must be submitted on a regional basis. Kerry should take the lead as applications for funding must be submitted by the end of 2013.

The Manager informed the meeting that he attended a number of meetings with the Managers from the West of Ireland. Fáilte Ireland is still actively involved. 159 sites have been identified and local authorities must cost the improvements required. He said he would work with Fáilte Ireland rather than taking over. This is a 10 year project and there will be substantial funding for signage. He suggested that a report would be sought from Fáilte Ireland for Council.

Cllr. T. O'Brien said Kerry is often forgotten. He suggested that a committee of 5 or 6 councillors should get together under the Mayor's Office to consider this very important initiative.

Cllr. J. Finucane said members do not know what is happening with the Wild Atlantic Way.

The Manager said a lot is going on behind the scenes and we are working with Fáilte Ireland. He said perhaps a committee should be working on it and they could provide monthly updates to Council.

Cllr. P. O'Donoghue asked that Fáilte Ireland would be invited to co-host a meeting in Kerry for all the counties involved. Any application for funding must be on a regional basis.

The Manager agreed that the application is likely to be a regional one. He undertook to consult with Fáilte Ireland in relation to co-hosting a conference.

Cllr. D. Healy-Rae then moved Notice of Motion No. 26 on behalf of Cllr. J. Healy-Rae.

26. Mobile phone coverage in the County

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

To ask Kerry County Council to write to the Minister for Communication, Energy & Natural Resources to ask him to do something about mobile coverage in the County which is consistently getting worse instead of better.

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

28. Automatic Medical Cards for people with cancer

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

That Kerry County Council write to the Minister of Health and request that any person with a cancer diagnosis, be automatically issued a medical card regardless of means.

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

Cllr. J. Sheahan said everyone knows someone who has cancer and the bureaucracy involved in getting a Medical Card in those circumstances is causing huge problems for cancer patients. A person with a terminal illness should automatically get a Medical Card. He appealed to the Department of Health to reconsider this issue. He asked that the Motion would be sent to the Minister for Health for consideration.

Cllr. J. Finucane SECONDED the motion.

Cllr. D. Healy-Rae also supported the motion and said up to a year ago a person diagnosed with cancer got a Medical Card regardless of means. This was changed by the present Minister for Health and he asked those with access to the Minister to let him know it is having an adverse impact on very vulnerable people. Some people had Medical Cards up to 2016 but they were suspended.

Cllr. M. Cahill said this is a disgraceful situation and added that people with other serious illnesses are affected in a similar way.

31. Call for reversal of recent FEMPI (Financial Emergency Measures in the Public Interest) cuts in the Health Service

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

That this Council call on the Minister for Health & Children, to reverse recent FEMPI (Financial Emergency Measures in the Public Interest) cuts, which have already resulted in reduced patient services and disproportionately affect elderly and rural patients, the weakest in our society.

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

Cllr. J.J. Culloty said since 2008 gross expenditure on Health was cut by 10%. Cuts of €160m have been imposed and these affect people in the country. Previously doctors were paid for home visits depending on the distance they travelled but now there is just one rate and this will adversely impact on patients living in remote rural areas. He called on the Minister to rescind the last cuts imposed.

32. Awareness campaign on the control of dangerous dogs

Pursuant to notice duly given Cllr. T. O'Brien PROPOSED:

That Kerry County Council would immediately run an awareness campaign in relation to the control of dangerous dogs as set out in the Control of Dogs Act 1986 (as amended).

The following report issued:

An increased awareness campaign in relation to the control of dangerous dogs will be carried out by Kerry County Council beginning this month with newspaper advertisements to remind dog owners of their legal responsibilities. New information signage is being ordered and will shortly be erected in appropriate locations. The matter has already been mentioned in a newspaper article by our Environmental Awareness Officer and the message will be repeated in a future article.

Cllr. T. O'Brien said in Tralee recently there was an attack by a dog on a dog and the dog had to be beaten to death to stop the attack. This dangerous dog breed was not muzzled and sometimes they are not on leads. Kerry County Council

has two part time and one full time Dog Warden. These owners are very careless and he said he was not referring to greyhound owners who are responsible. These dangerous dog breeds are considered to be a status symbol and what is happening in Tralee is shocking.

Cllr. S. Counihan asked who is responsible for dog licensing. The country is full of dogs and these dangerous dog breeds are very strong and sometimes the owners cannot manage them. Someone should check the licences for these dogs.

Mr. O. Ring said Kerry County Council is responsible for dog licences and Kerry has the highest percentage of dog licences in the country. We have two active Dog Wardens who issued 195 fines for not having licences last year. The Council works with the Gardaí and the first incident in Tralee was dealt with by the Gardaí while the second incident was dealt with by the Council. He assured members that a publicity campaign would be undertaken.

Cllr. J. Sheahan said there should be a special type of licence for dangerous dog breeds.

33. Traffic control plans for Brackhill Cross

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

What is the view of Kerry County Council and the National Roads Authority relating to future traffic control plans to deal with the heavy traffic at Brackhill Cross and the commencement date for improvements on the N70.

The following report issued:

The NRA does not have any plans to review the layout of Brackhill Junction on the N70 at this time as its funding does not allow. The NRA has provided an allocation to carry out re-surfacing works on the N70 in the vicinity of Heffernan's Bends. Work on the design and procurement is currently underway. It is hoped to complete this work within a number of weeks. The NRA has also indicated that it will look at a long term solution to the alignment of the road at Heffernan's Bends. This design work will be carried out by the Castleisland Road Design Office, who will progress it through all the statutory processes.

Cllr. M. O'Shea asked why the NRA will not accept that this is a very busy junction which needs a roundabout. There is adequate width for a roundabout. He called on the Roads Department to pursue this issue with the NRA as there were accidents at this junction in the past.

Mr. G. MacNamara said the NRA has very limited funding and Kerry got 1/3 of national funding for pavement overlay in 2012. Funding for this type of work is not available.

34. Suicide prevention and support for families affected by suicide

Pursuant to notice duly given Cllrs. R. Beasley & T. Ferris PROPOSED:

That Kerry County Council is alarmed at the steady rise in suicide rates in this County and country in recent years. We call on the Government to increase funding to organisations and services active in suicide prevention and support for families affected by suicide. This Council further calls for an all-Ireland National Suicide Authority to be established with the aim of synchronising the efforts of all anti-suicide organisations and creating clarity and unity in suicide prevention.

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

Cllr. T. Ferris said Kerry has the highest incidence of suicide in the country. She called on the Government to match funding for suicide prevention to that provided for road safety and said she could not understand why this issue is not getting more attention. Senator Mary White is doing excellent work in this area. Successive administrations have not addressed this problem. Males involved in the construction industry and farming are very vulnerable as there is very little work available in these sectors and lack of income has resulted in huge pressure on them. Anyone who saw the interview with one of the residents of Priory Hall had to be affected by her story and the tragic death of her partner. She said additional resources should be put into suicide prevention. In Northern Ireland they developed a strategy on suicide prevention and it appears to be working. There should be an all Ireland service in this area. There are excellent services in Kerry but funding is a major issue. In conclusion, Cllr. Ferris said it is a disgrace that the issue of suicide is not being seriously addressed in Ireland. Cllr. J. Finucane SECONDED the motion and said it is extraordinary to see the emphasis on other campaigns but not on suicide prevention. If the figures from single vehicle accidents, where the driver took his/her own life, were included the numbers of suicides would be much higher. Many people take their own lives because of isolation, pressure and stress. That was the reason the partner of the lady from Priory Hall took his own life. The financial institution involved issued a statement the following Sunday because she was a high profile case stating they would not be pursuing her for the arrears due. There will come a time when the Government will have to enforce its will on financial institutions who are still operating as they wish. This would not be tolerated in any other jurisdiction.

Cllr. M. Cahill said there is a need to co-ordinate the efforts of all groups working on suicide prevention and supporting families affected by suicide.

36. Funding collected in parking fines by the Council in each town in Kerry during the past 5 years.

Pursuant to notice duly given Cllrs. M. Cahill and B. Cronin PROPOSED:

That Kerry County Council give a detailed report in regards to how much was collected in parking fines by the Council in each town in Kerry during the past 5 years and will the Council give a detailed breakdown of how this money was spent.

The following report issued:

The attached table shows the income from parking fines in the 6 scheduled towns over the past 5 years.

Traffic Fines	2008	2009	2010	2011	2012	Total
Kenmare	8,750	7,530	15,750	11,040	6,048	49,118
Castleisland	16,570	10,880	5,850	13,394	7,550	54,244
Dingle	19,207	18,958	12,767	19,220	19,180	89,332
Ballybunion	6,860	5,320	5,580	4,680	4,520	26,960
Killorglin	24,720	19,840	21,930	16,410	13,790	96,690
Caherciveen	6,900	6,230	9,280	10,040	8,610	41,060
Total	€83,007	€68,758	€71,157	€74,784	€59,698	€357,404

The overall yearly cost of providing Traffic Wardens in these towns is of the order of €370,000. The money received from fines goes towards paying this. The balance comes from Kerry County Council's own resources.

Cllr. M. Cahill welcomed the report and said he accepted traffic must be kept flowing. However on days when special events occur i.e. communion, confirmation or big funerals common sense should apply.

37. Guard of honour at funerals of former employees

Pursuant to notice duly given Cllrs. J. Healy-Rae and D. Healy-Rae PROPOSED:

To ask Kerry County Council why they have stopped organising guard of honour ceremonies at funerals of former employees.

The following report issued:

It is not, nor has it ever been Council Policy to organise a Guard of Honour at the funeral of former employees. It has been the occasional and informal practice in such cases that the person's former colleagues determined whether a Guard of Honour may be appropriate and if so to organise same. It is a complex and sensitive issue with a lot of factors affecting such consideration.

Currently we have 458 former employees/ or their spouses in receipt of Council Pensions. Of this number 85 are over the age of 80 and are therefore retired from our employment for at least 15 years and much longer in many instances. In many cases there is little or no contact apart from the payment of pension and the administrative matters associated with this. It is not unusual for the Council to become aware of the passing of a pensioner until sometime later.

Cllr. D. Healy-Rae said he has great respect for Council employees who have given excellent service. They work in the public eye and occasionally get criticised for the condition of roads. It is nice to see a guard of honour for them when they pass away but that does not seem to be happening in recent times. He asked, where possible, that a guard of honour would be organised for former employees in recognition of the great service they have given.

38. Improvement works on the Sunhill Road, Killorglin

Pursuant to notice duly given Cllrs. P. O'Donoghue and M. O'Shea

PROPOSED:

That Kerry County Council carry out urgent improvement works on the Sunhill Road linking the residential area with Killorglin town.

The following report issued:

Part funding for this resurfacing job was provided by Knockaneaden Wind Farm Development Company and that funding was passed on to the Council by the Sunhill Residents Association very recently. The job is being planned and it is hoped to commence work in mid-September.

13.09.09.15 Correspondence – Conferences and Seminars

- (a) On the PROPOSAL of Cllr. J. Finucane, **SECONDED** by Mayor S. Fitzgerald it was agreed to authorise the attendance of Cllrs. B. O'Connell, T. Buckley & M. Griffin at the Kadenza Conference on the theme 'The Defining Document on the New Local Government Structures for June 2014' to be held in the Silver Tassie Hotel, Letterkenny, Donegal from 13th to 15th September, 2013.

Cllr. T. Buckley was nominated to report back to Council on this Conference.

- (b) On the PROPOSAL of Cllr. P.J. Donovan, **SECONDED** by Cllr. B. Cronin it was agreed to authorise the attendance of Cllrs. B. O'Connell, J. Healy Rae & D. Healy Rae at the Rattoo Heritage Society Conference and Training Seminar to be held in the Golf Hotel, Ballybunion, Kerry from 18th to 21st September 2013.

Cllr. B. O'Connell was nominated to report back to Council on this Conference.

- (c) On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. Finucane it was agreed to authorise the attendance of Cllr. M O'Shea at the Good Energies Alliance Conference on the theme '2030 Vision - The Future of Energy in Ireland' to be held in the Bush Hotel, Carrick-on-Shannon, Co. Leitrim on the 19th September, 2013.

Cllr. M O'Shea was nominated to report back to Council on this Conference.

- (d) On the PROPOSAL of Cllr. D. Healy Rae, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Cllrs. J. Healy Rae & M. Griffin at the TGR Seminars on the theme 'Poverty in Ireland today - overview of Contemporary facts and figures' to be held in Bunratty Castle Hotel, Bunratty, Co. Clare on the 27th and 28th September, 2013.

Cllr. M Griffin was nominated to report back to Council on this Seminar.

- (e) No member expressed an interest in attending the BG Seminars Conference on the theme ' How the Elected Member can help combat crime' to be held in the Quality Hotel, Killarney from 27th to 29th September, 2013.

- (f) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Cllrs. P. O'Donoghue & P. Leahy at the Esperanza Conference on the theme 'Community Living for Older People' to be held in The Connacht Hotel, Dublin Road, Galway on the 4th and 5th October, 2013.

Cllr. O'Donoghue was nominated to report back to Council on this Conference.

- (g) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. T. Buckley it was agreed to authorise the attendance of Cllrs. P. Connor Scarteen, T. Buckley, P. O'Donoghue, M. Griffin and J. Finucane, at the LAMA Autumn Seminar 2013 to be held in The Falls Hotel, Ennistymon, Clare on the 11th and 12th October, 2013.

Cllr. McCarthy was nominated to report back to Council on this Conference.

13.09.09.16 Correspondence General

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

Minutes September 2013

1.	E-mail dated 4 th April, 2013 from the Minister for Transport in relation to issues the Council has with the NRA.
2.	Letter dated 10 th July, 2013 from the Office of the Minister for Education in relation to the administration of the Student Grant Scheme.
3.	Letter dated 12 th July, 2013 from AIB in relation to the provision of additional cash machines in the Killarney area.
4.	Letter dated 15 th July, 2013 from Ordnance Survey Ireland in relation to the development of in-vehicle satellite navigation systems.
5.	Letter dated 17 th July, 2013 from Killarney Town Council in relation to the importance of Kerry Airport to the county.
6.	E-mail dated 18 th July, 2013 from the Office of the Minister for Finance in relation to Local Property Tax.
7.	Letter dated 18 th July, 2013 from the NRA in relation to the provision of traffic lights or a roundabout in Farranfore Village.
8.	Letter dated 18 th July, 2013 from the Commission for Energy Regulation in relation to energy prices in Ireland.
9.	Letter dated 22 nd July, 2013 from ComReg in relation to mobile phone signals in Mid Kerry.
10.	Letter dated 22 nd July, 2013 from Fáilte Ireland in relation to the poor condition of the road surface at Mangerton, Killarney.
11.	E-mail dated 23 rd July, 2013 from the Minister for Transport in relation to the provision of funding for the bridge at Ceanguilla on the Scartaglin to Currow Road.
12.	Letter dated 26 th July, 2013 from the OPW in relation to flooding at Scarteen Park Housing Estate, Kenmare.
13.	E-mail dated 29 th July, 2013 from the Office of the Minister for Health in relation to the availability of Pirfenidone.
14.	Letter dated 29 th July, 2013 from the HSE in relation to emergency ambulances for patients suffering from cancer.
15.	E-mail dated 29 th July, 2013 from the Office of the Minister for Jobs, Enterprise and Innovation in relation to the future of the Kerry Technology Park.
16.	Letter dated 31 st July, 2013 from the Chief Superintendent, Personal Assistant to the Commissioner of An Garda Síochána in relation to delays in Garda Vetting for applicants for Community Employment Schemes.

Minutes September 2013

17.	Letter dated 1 st August, 2013 from the NRA in relation to the provision of a cycle land from Feales Bridge to the Castleisland Bypass.
18.	Letter dated 8 th August, 2013 from Listowel Town Council in relation to the review of the Listowel Town Development Plan.
19.	Letter dated 9 th August, 2013 from the NRA in relation to an assessment of modern motor vehicles.
20.	E-mail dated 12 th August, 2013 from the Office of the Minister for Environment, Community and Local Government in relation to water charges.
21.	Letter dated 16 th August, 2013 from the NRA in relation to funding for resurfacing works to the road at Bealnadeega, Gneeveguilla, Rathmore.
22.	E-mail dated 21 st August, 2013 from the Office of the Minister for Environment, Community and Local Government in relation to Sewerage Schemes for Ballyfinnane and Boolteens.
23.	Letter dated 22 nd August, 2013 from the Office of the Minister for Justice regarding the future of closed Garda Stations.
24.	Letter dated 26 th August, 2013 from the Minister for Communications, Energy and Natural Resources in relation to mobile phone coverage throughout the county.
25.	Letter dated 26 th August, 2013 from the HSE in relation to the closure of CWO clinics.
26.	E-mail dated 27 th August, 2013 from the Office of the Minister for Finance in relation to the VAT rate for the tourism sector.
27.	E-mail dated 28 th August, 2013 from the Office of the Minister for Housing in relation to a supplementary allocation for housing grants.
28.	E-mail dated 29 th August, 2013 from the Minister for Transport in relation to improvements to access roads into Kerry.
29.	Letter dated 29 th August, 2013 from Bus Éireann in relation to the provision of a Bus Shelter in Killorglin.
30.	E-mail dated 2 nd September, 2013 from the Minister for Transport in relation to the assessment of the fragility of modern motor vehicles.
31.	Letter dated 5 th July, 2013 from Monaghan Town Council indicating support for the Kerry County Council motion on the Student Grant Scheme.
32.	<p>Letter dated 10th July, 2013 from Monaghan Town Council in relation to resolutions adopted by that authority:</p> <p>(a) calling on the Minister for Education and Skills to reverse his decision relating to the reduction in support hours to children with special educational needs</p>

	(b) calling on the Minister to make provision that any company that has gone into receivership or liquidation cannot tender for public contracts for a period of 5 years under a new company name when that new company is relying on technical or professional abilities of the old company.
33.	Letter of support dated 11 th July from Killarney Town Council for the Kerry County Council resolution regarding the substantial monies spent on Coroners functions each year.
34.	Letter dated 12 th July, 2013 from Limerick City & County Council in relation to a resolution adopted by that authority calling on the Minister for Education and Skills to allow some choice based on the old second level school catchment areas and tradition when it comes to assessing school transport eligibility.
35.	Letter dated 16 th July, 2013 from Monaghan County Council in relation to a resolution adopted by that authority in light of the Government's improved financial situation calling on the Minister for Social Protection to increase all Old Pensions to match the inflation rate over the last three years.
36.	Letter dated 16 th July, 2013 from Carrickmacross Town Council in relation to a resolution adopted by that authority in relation to immigration reform legislation in the US.
37.	Letter dated 17 th July, 2013 from North Tipperary County Council supporting the Kerry County Council resolution in relation to the Student Grant Scheme.
38.	Letter dated 18 th July, 2013 from Waterford City Council in relation to resolutions adopted by that authority as follows: (a) commending the 10 former workers from Waterford Crystal in respect of their pensions and welcoming the decision of the European Court of Justice etc. (b) Calling on the Minister for Justice to introduce laws to address human trafficking, exploitation and abuse of women and girls.
39.	Letter dated 19 th July, 2013 from Monaghan Town Council noting the Kerry County Council resolution on the Student Grant Scheme.
40.	Letter dated 19 th July, 2013 from Offaly County Council in relation to a resolution adopted by that authority supporting the radical reform of Seanad Éireann.
41.	Letter dated 19 th July, 2013 from Offaly County Council in relation to a resolution adopted by that authority highlighting the importance of Community Care and the role of the Public Health Nurse.
42.	Letter dated 24 th July, 2013 from Mullingar Town Council indicating support for the Kerry County Council resolution on SUSI.
43.	Letter dated 24 th July, 2013 from Dundalk Town Council in relation to a resolution adopted by that authority calling on the Government to give official recognition status to Irish sign Language.

44.	E-mail dated 29 th July, 2013 from New Ross Town Council indicating their support for the Kerry County Council resolution on Student Support Grants.
45.	Letter dated 30 th July, 2013 from Clones Town Council in relation to a resolution adopted by the authority calling on the Minister for Health to confirm that discretionary medical cards will not be withdrawn from cancer patients who are not considered terminally ill.
46.	<p>Letter dated 7th August, 2013 from Kildare County Council in relation to a resolution adopted by that authority as follows:</p> <p>(a) Calling on the Minister for Environment, Community and Local Government in the context of his proposed reform of local government, to ensure that funding will be allocation in a fair manner across the proposed Municipal Districts within the Local Authorities.</p> <p>(b) Calling on the DoE to invest a minimum of €100,000,000 on a house building programme to address the housing crisis.</p>
47.	Letter dated 16 th August, 2013 from Limerick City & County Council in relation to a resolution adopted by that authority calling on the Government to carry out a review of its present policies on Free Legal Aid.
48.	Letter dated 16 th August, 2013 from Clonakilty Town Council in support of the Council's resolution on SUSI.
49.	Letter dated 20 th August, 2013 from Macroom Town Council in support of the Council's resolution on SUSI.
50.	E-mail dated 22 nd August, 2013 from Clones Town Council in support of the Council's resolution on SUSI.

Votes of Sympathy

The following Votes of Sympathy were noted from the Vote of Sympathy book:

- (a) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John O'Callaghan.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Thomas O'Dwyer.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Florence O'Donoghue.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Dylan Crowley.

- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael Fleming.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael Whelan.
- (g) Cllrs. D. Healy-Rae, J. Healy-Rae, J Sheahan and J Finucane proposed that a vote of sympathy be extended to the family of the late Denis Griffin.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Bridie Dineen.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Joe Crowley.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John Doyle.
- (k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Maidhc Dainín Ó Sé.
- (l) Cllrs. D. Healy-Rae, J. Healy-Rae, J Sheahan and J. Finucane proposed that a vote of sympathy be extended to the family of the late Marie Lenihan.
- (m) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary Ann (Molly) Treacy.
- (n) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Denis Healy.
- (o) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John Doona.
- (p) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Kathleen O'Leary.
- (q) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Jim O'Sullivan.
- (r) Cllrs. D. Healy-Rae, J. Healy-Rae, J Sheahan and J. Finucane proposed that a vote of sympathy be extended to the family of the late Brendan Heffernan.
- (s) Cllrs. J Sheahan and J. Finucane proposed that a vote of sympathy be extended to the family of the late Sarah Mangan

- (t) Cllrs. M Gleeson and B Cronin proposed that a vote of sympathy be extended to the family of the late Nora Dennehy.

13.09.09.18 Any Other Business – Aon Ghnó Eile

Cllr. T. Ferris sought permission from the Mayor to move an emergency motion and PROPOSED that the Council would call on the Minister to meet with representatives of Local Development Companies to discuss their contracts.

Cllr. J. Finucane said he was in favour of the realignment of Development Companies.

The Mayor said the normal practice is that members would notify him at the start of the meeting of their intention to move an emergency motion. Cllr. Ferris had not done this and as the majority of members were not now present at the meeting he would not allow the motion to be considered.

Cllr. Ferris said she was advised last week that these workers want issues relating to their contracts sorted out.

Cllr. J. Finucane said Fine Gael met with the Leadership groups and advised them that the final report on the realignment is due at the end of the month. Until this report is presented the Minister will not meet them.

Cllr. Ferris voiced her dissatisfaction with the Mayor's decision.

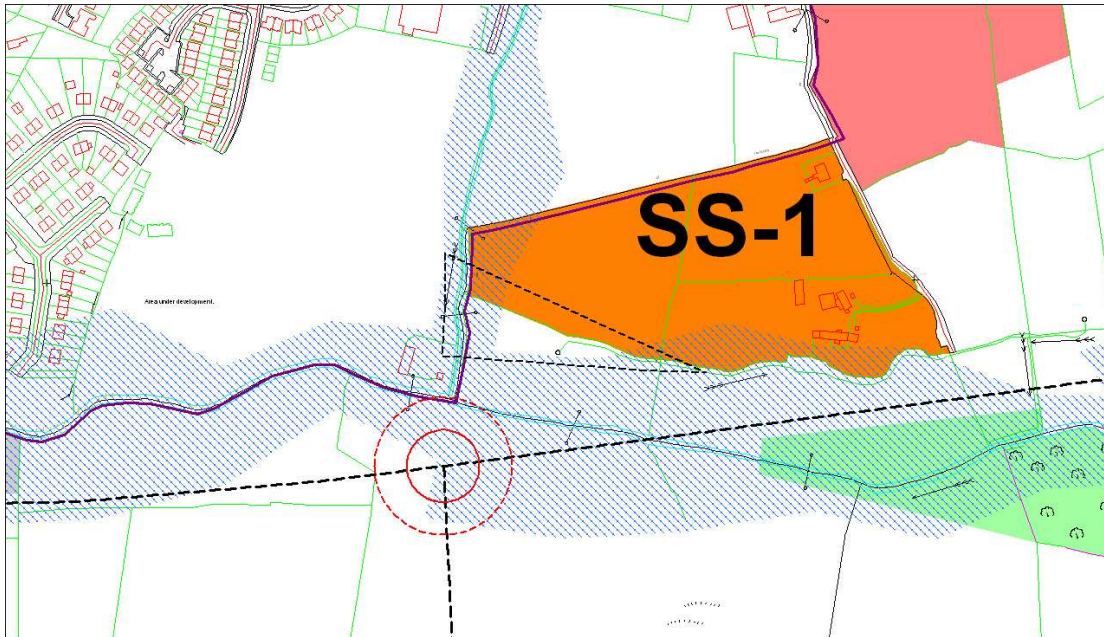
The meeting concluded at 4pm.

Gerard O'Brien
Meetings Administrator

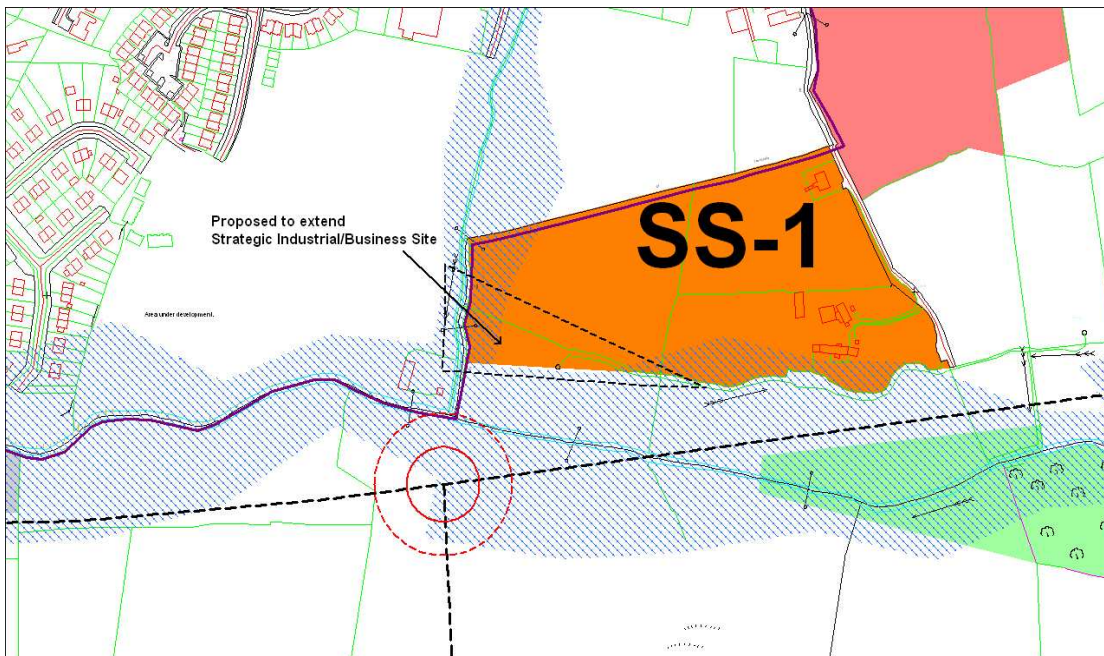
Mayor of Kerry

Proposed Modification 17 Submission no TR-3.
Amended Draft that went on Display

Map 1



Proposed Amendment



Map 2

Rezoning of lands at Coolcashlagh, Killarney from Industrial to Rural General

