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MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 18 SAMHAN 2013

MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 18TH NOVEMBER, 2013

PRESENT/I LÁTHAIR

Cllrs/Comhairleoirí

R. Beasley	J. Brassil	T. Buckley
M. Cahill	P. Connor-Scarteen	S. Counihan
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
M. O'Shea	L. Purtill	J. Sheahan
G. Wharton Slattery		

APOLOGY/LEATH SCÉAL

P. O'Donoghue

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. M. McMahon, Dir. of Planning	Mr. C. O'Sullivan, DoS L.A. Procur. Off.
Mr. G. O'Brien, Meetings Admin.	Mr. P. Corkery, Press & Comm. Off.
Ms. B. Reidy, SSO Corp. Affairs	Mr. T. Sheehy, SE Environment
Ms. C. Fitzgerald, ASO Corp. Aff.	Ms. M. Galvin, CO Corp. Affairs

The meeting commenced at 10.40am.

The Mayor Cllr. S. Fitzgerald took the Chair.

The Mayor welcomed the students from the Intermediate School Killorglin together with their teacher, *(name withheld for data protection purposes. A paper copy of the unedited minutes is available on request)* to the meeting.

All Ireland Pride of Place Awards

The Mayor congratulated Valentia on winning the Island Category, for the second time, in the All Ireland Pride of Place Awards Ceremony in Derry at the weekend. He also congratulated Caherdaniel and Kilcummin who were runners up in their categories at these Awards.

Vote of Sympathy

The Mayor extended his sympathy to Cllr. P. O'Donoghue and John O'Donoghue on the sudden death of their brother Dr. Dan O'Donoghue.

Cllr. J. Brassil informed the meeting that Dr. O'Donoghue's funeral would take place in Blarney that evening and it would arrive at Caherciveen Church at 8pm on Tuesday. Funeral Mass would take place at 12 noon on Wednesday.

All members said they wished to be associated with this expression of sympathy.

Chambers Ireland Excellence in Local Government Awards 2013

The Mayor informed the meeting that Kerry County Council won a Chambers Ireland Excellence in Local Government Award 2013 for supporting active communities and he congratulated all involved. The following Kerry County Council projects were also shortlisted at these Awards:

- Tralee Wetland Centre
- Graveyards Project
- The Stacks Gathering (The Gathering)

13.11.18.01 Mayor's Report on the CPG meeting held on 12 November 2013

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

Item 1 "Agenda for the November Council Meeting"

Mr. G. O'Brien, Meetings Administrator, briefed members on the Agenda for the November Council Meeting. He also informed the meeting that Mr. Jamie O'Shea, a US Fire Fighter and a colleague, will be received by the Mayor at the November Meeting at 12.45am. Mr. O'Shea's great grandfather came from Caherciveen and he wants to present a plaque to the Council in his memory. Mr. O'Shea will be presented with a scroll to mark his visit to Kerry.

Item 2 Update on Kerry County Council Budget 2014

Ms. A. McAllen said work is progressing on the Budget but notification of the Local Government Fund allocation was not received. The Budget Meeting is scheduled to take place on Monday 9th December but it may have to be deferred. The Department Circular setting out the prescribed dates for the holding of the Budget Meeting has not issued by the Department. The Agenda for the Special Planning Meeting to be held on Monday 2nd December will issue on Tuesday 26th November and if necessary an item will be included to seek the approval of Council to reschedule the Budget Meeting.

Cllr. S. Counihan asked if the Council had written to the Department on this issue.

Ms. McAllen said she was in contact with the Department of Environment who are liaising with the Department of Finance who in turn are liaising with the Department of Public Expenditure.

The Manager said he raised this issue with the Department but the difficulty for them is the Budget for Irish Water is very large. However local authorities were informed they would be no worse off financially in 2014 than in 2013. Mr. Curran also pointed out that in the past Budget Meetings were held in January.

Item 3 Library Refurbishment Works

Mr. J. Breen informed the meeting that works are being undertaken on the Killarney and Listowel libraries using SEAI grants and own resources. However to ensure the works are completed in time it will be necessary to close Killarney Library next week and Listowel the following week.

Item 4 Update on National/Regional Issues

(a) Land Aggregation Scheme

Mr. J. Breen said the Council agreed that certain lands in the Council's ownership would be submitted to the Department for inclusion in the Land Aggregation Scheme. This application was made last February. However, he was recently informed by the Department that they would not agree any proposals without first reviewing public expenditure. Formal written notification has not yet been received. It is therefore a matter for local government finance to provide for the loan repayments. This will have serious implications for the Council as the interest repayments will have to be met from the revenue budget.

(b) Irish Water

Mr. O. Ring said the Commissioner for Energy Regulation issued two papers recently (1) a general briefing paper and (2) a consultation paper seeking views on how Irish Water will be financed. The closing date for receipt of submissions is 29th November, 2013. These documents can be viewed under Reports and Publications Section at www.cer.ie.

Item 5 Corporate Risk Register

Ms. A. McAllen circulated the Corporate Risk Register and briefed the members of the CPG on its content.

Item 6 County Development Board

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

Update on Future Role of the Kerry County Development Board

The Local Government Bill 2013 has presently been published and is under consideration by the Óireachtas. The proposed legislation provides for the dissolution of the County Development Board in its present format and its replacement with a Local Community Development Committee (LCDC) which will have 15 members on a committee which will be independent of the Local Authority, but whose membership will be approved by the Local Authority. The legislation also provides that the general role of this committee will be to consider and to advise the Local Authority in terms of community development generally, it will also have a role in terms of managing and distributing the LCDP (Local Community Development Programme) funding which presently comes from POBAL through the local development companies.

Provision is also made in the legislation for contractual arrangements to be entered into with local development companies to carry out community development work. The County Development Board will await the publication of the legislation, following adoption and any regulations in determination or direction given by the Minister in this regard. It should be noted also that whilst previously the Chairperson of the County Development Board was nominated by the Members of Kerry County Council, the Chairperson of the new LCDC will be nominated from within the 15 member membership of the new LCDC. The CPG will be kept appraised of any developments in this area.

Recent CDB Executive Meeting

A meeting of the County Development Board Executive was held on the 1st October last and among the items discussed were:-

- **Harvest 2020 Update**

An update was given on the Harvest 2020 Programme which is the Department of Agriculture, Food and Forestry Policy Development Programme for Ireland for 2020. In this regard, focus in Kerry remains on the removal of the dairy quotas in 2015 and the opportunities that this may present to Kerry and its agricultural industry.

- **Public Consultation and Tourism Policy**

A discussion took place on the Tourism Policy Document which had been circulated by the Department of Tourism and Transport seeking submissions by the 1st November. It was agreed by the County Development Board Executive that a workshop would be held with the Community and Voluntary Forum to establish and convey the community views in respect of the future development of tourism policy. It was strongly felt by the CDB Executive that substantial submission should be prepared and submitted to this policy.

- **South West FLAG under Access 4 Fisheries Local Area Development Scheme**

The CDB Executive was updated on this programme which is a European Programme to provide funding to areas where fishing communities have been impacted. This European-wide programme provides funding for a marine or fisheries area and also provides funding up to 10 miles inland. The potential for this programme to deliver for Kerry and particularly areas where the fishing industry has been severely impacted or highlighted and it was agreed that this would be explored further with a view to establishing and formulating suitable submissions for funding in this area.

- **National Library Strategy Consultation**

The Board were appraised of the National Libraries Consultation Document for the future development of libraries and particularly with regard to the renewed focus on libraries as facilitators and enablers of economic development through becoming business centres and enhancing their role in the community.

- **Update on SEC Pilot Programme**

The Executive were updated on the Pilot Programme for the Socio and Economic Development Committees which was being rolled out in 10 Local Authorities. The learning from the implementation of these SEC's would inform the role-out, the establishment and the work plans of the Local Community Development Committees which are now part of the legislation.

- **County Development Plan Update**

The CDB Executive were updated on the preparation of the County Development Plan and its proposed consideration by members of Kerry County Council in December.

Funding of Local Development Programmes

The County Development Board has been advised of arrangements for the funding of Local Development Programmes for the first half of 2014 in advance of the establishment of the LCDC's. In this regard we are advised that the Local Development Companies will be provided with budgets to administer the local development programmes up until mid-year 2014, following which arrangements will be made for the transfer of such funding, its consideration and distribution through the Local Community Development Committees.

Cllr. S. Counihan said the county is deprived of industry and will remain so while the current format for State grants remain. Kerry County Council should be assisting the ITT in any way possible to achieve University status. It will only be possible to attract companies to Kerry if there is a young well educated work force in the area. The Council should make a strong submission to the Department of Education to this effect. He expressed concern at the level of representation provided for local authorities on the LCDC's.

The Mayor asked if local authority representation on LCDC's can be strengthened.

Mr. J. Breen said when the legislation is passed the Minister will issue guidelines. He added that the Council has a good working relationship with the development companies.

Mr. M. McMahon pointed out that there is provision for the appointment of a Chief Officer of the LCDC by the Manager/CEO.

Cllr. P. McCarthy pointed out that the IT Tralee and Cork IT are working towards securing Munster Technological University status and this is an ongoing process.

The Manager said it is important that Tralee and Cork IT's get Technological University status. The Board of IT Tralee should be commended for pursuing this objective. It would make a big difference in retaining students and securing better research facilities. It is incumbent on the Council to support this initiative.

Item 7 Update from Chairs of SPCs

Cllr. Counihan said the Housing SPC will meet again in December.

Cllr. P. McCarthy briefed the meeting on the items considered at a recently Planning SPC Meeting under the following headings:

- Update on the Review of the County Development Plan
- Update on Housing Estates Unit
- Landscaping as a Condition of Planning
- Update on the Development Contribution Scheme.

Cllr. M. Gleeson said the Environment and Water Services SPC will meet again in December.

In the absence of Cllr. Connor-Scarteen Mr. G. MacNamara informed the meeting the Roads SPC would meet in two weeks.

Item 8 Civic/Mayoral Receptions

Mr. G. O'Brien said at the October CPG meeting members were informed that Cllr. P. Leahy requested that a Civic Reception would be held to honour *(name withheld for data protection purposes. A paper copy of the minutes is available on request)* who won the U11's World Irish Dancing Championship 2013. At that time it was agreed to establish if any other Kerry dancer won a title at the Championships. It was established that *(name withheld for data protection purposes. A paper copy of the minutes is available on request)* won the Men's 18 – 19 World Irish Dancing Championship which was his fourth World Title.

The CPG agreed to honour *(names withheld for data protection purposes. A paper copy of the minutes is available on request)* with a Civic Reception early in 2014.

Mr. O'Brien also informed the CPG that Cllr. Cahill requested that a Civic Reception would be held to honour *(name withheld for data protection purposes. A paper copy of the minutes is available on request)* who was recently inducted into the Hall of Fame. *(name withheld for data protection purposes. A paper copy of the minutes is available on request)* also won 10 Senior All Ireland Titles and 10 All Star Awards.

The CPG agreed that a reception would be held to honour *(name withheld for data protection purposes. A paper copy of the minutes is available on request)* at a meeting of the South and West Kerry Area Committee early in 2014.

Item 9 Any other business

The Mayor said members attended a very informative talk on suicide awareness yesterday and he asked have councillors a role to play in this area.

Following a debate it was agreed that this issue should be taken up by the proposed LCDC who would prepare a strategy on community resilience.

Work on Heffernan's Bends

Mr. G. MacNamara informed the meeting that the tender was awarded for the work on Heffernan's Bends and the contractor will commence work on Thursday next."

Cllr. B. O'Connell referred to the proposed membership of 15 of the Local Community Development Committees and he asked how many of these would be appointed by Kerry County Council.

Mr. J. Breen said he could only advise members on what is contained in the Local Government Bill presently. Once the Bill is passed Regulations will issue from the Department. There is clear provision for the appointment of an Officer to work with the LCDC and the membership will be approved by Kerry County Council.

Cllr. M. Gleeson asked what would the difference would be between the new Board and the Partnerships as they exist at present.

In response Mr. J. Breen said the legislation provides for some of the funding presently channelled through the Partnerships to be administered by the new LCDC. He advised members there would be a transitional period and the new LCDC will manage funding into the future.

Cllr. T. Ferris said the Seminar on Suicide Awareness was excellent and she PROPOSED that a similar Seminar would be organised and that councillors from other local authorities would be invited to attend. The profits could be used to support the organisations involved in this area including Jigsaw. Cllr. Ferris then referred to the Land Aggregation Scheme and said at the time this was considered members agreed to submit free portions of land for inclusion in the Scheme. However they were led to believe that all three may not be accepted. In fact she understood it was hoped that one portion of land might be accepted. She asked how much is provided in the Budget for the payment of the interest on these loans. Cllr. Ferris said Tralee Town Council proposes to host a Civic Reception for an individual and she asked that Kerry County Council would consider co-hosting it.

The Mayor advised Cllr. Ferris this request would be considered by the CPG and he asked that the relevant details would be submitted to the Meetings Administrator.

Cllr. M. Cahill welcomed the students from the Intermediate School, Killorglin to the meeting and also their teacher (*name withheld for data protection purposes. A paper copy of the minutes is available on request*). He asked has funding been allocated for the provision of a disabled toilet in Killarney Library. He pointed out that some libraries have no public toilets and this is not acceptable. He referred to the Access 4 Fisheries Local Area Development Scheme and asked if funding is available for Piers and Harbours under this Scheme. If so he asked that an application for funding would be submitted for Cromane Pier. This community was not treated fairly by successive governments and he asked that this project would be progressed if possible. He added that he was informed by the Department that Kerry County Council has not submitted an application for funding for this project. He asked has an application for funding been submitted for Greenways, in particular the Greenway from Glenbeigh to Caherciveen. If this project proceeds it will transform South Kerry.

Cllr. J. Brassil referred to the Land Aggregation Scheme and said this development has very serious implications for our Budget especially as notification of the Local Government Fund Allocation has not been received. When the Land Aggregation Scheme was considered earlier in the year members were informed if they did not agree to submit land for inclusion in the Scheme it would have a detrimental effect on the Budget. He asked how much the loan repayments on this land would be in 2014. There is a need for a discussion on how we can continue to meet these commitments.

Cllr. Brassil said the closing date for receipt of submissions on Irish Water is the end of November and he hoped the Council would make a full submission to the Regulator outlining members concerns as stated on many occasions i.e.

- Future funding for Group Water Schemes
- Capital investment
- Possible privatisation of Irish water in the future.

Cllr. Brassil said the latest issue to emerge from Irish Water relates to development levies and he asked what the standard charge for a water collection will be from 2014 onwards. It is important to ensure that this charge is reasonable. Kerry County Council collected development levies down through the years to fund capital projects and he asked how much is now in this fund. He was concerned the Regulator will look for this money and he would be totally opposed to that. He suggested that the Council should spend this fund on projects within the County as soon as possible.

Cllr. D. Healy-Rae expressed his disappointment that notification of the Local Government Fund Allocation has not been received. The financial year begins on 1 January and it is important that the Council is aware of this allocation as soon as possible. People are being asked to pay the Property Tax in respect of 2014 in 2013 and he did not think this was correct and he wanted his concerns noted. At this point members do not know whether the Budget Meeting will proceed on the 9th December and that is unsatisfactory. He asked how long will Killarney Library be closed. Cllr. D. Healy-Rae then referred to the Land Aggregation Scheme and said he was disappointed that the Council was being asked to hand land over to the Department. He asked why the Department would not just provide the funding for the loan repayments and allow the land to remain in the ownership of the Council. He suggested that the Council should meet with financial institutions and hold off repaying these loans for as long as possible. He pointed out that there is an urgent need for housing and this land will be required in time. He referred to Irish Water and expressed his amazement that the government still does not know how to fund it yet local authorities know how much it costs to run the service. Rural Kerry is losing out as a result of the centralising of services. Cllr. Healy-Rae expressed concern that small milk producers will lose out in 2015 when milk quotas are abolished and larger producers in the Midlands increase production. Under the Access 4 Fisheries Local Area Development Scheme funding will be provided for fishermen up to 10 miles inland but he asked that those beyond this with a long tradition in fishing would also be included.

Cllr. J. Healy-Rae referred to the Land Aggregation Scheme and asked in light of the Department's failure to fund the Scheme could the Council renegotiate its loans with the banks. The Regulator is now seeking submissions on how to fund Irish Water yet in Mid Kerry the pipe network needs to be replaced. He believed it would be a long time before funding would be provided to replace the pipe network. Cllr. J. Healy-Rae asked what role South Kerry Development Partnership will have if it will not have control over its own funding. Approval for the funding of projects will have to be given by Kerry County Council and he asked who will decide on the projects to be funded.

Cllr. J.J. Culloty referred to the Local Government Fund Allocation and asked the Head of Finance if she had any idea when notification will be received. Kerry County Council operates a business and it is unprofessional to have to await notification of funding in this way.

Cllr. R. Beasley referred to the Land Aggregation Scheme and said it is an embarrassment to members that land was purchased on the Conor Pass which will never be used and also in Listowel where the land is landlocked. He referred to land purchased by the Town Councils and asked will Kerry County Council be liable for their loans also when the Town Councils are abolished.

Cllr. P. McCarthy referred to the Local Property Tax and said it is important that people are aware that all that is required of them is that they would select payment Option 5 and return the form to the Revenue Commissioners. They can then pay the LPT in January or February.

Cllr. M. Griffin welcomed the commencement of the works at Heffernan's bends that morning and asked has an application for funding for other works been applied for.

Mr. G. MacNamara said approval was received from the NRA to proceed to design the improvements to this section of road between Milltown and Castlemaine.

Cllr. N. Foley supported the views expressed by previous speakers in relation to the Land Aggregation Scheme. If Tralee IT could achieve Munster Technological University status it would be a huge boom for the town and the students who attend there. Cllr. Foley said she appreciated the support the Council is giving to this initiative but we should go further and seek a meeting with Tralee IT to see if there is any way we can assist them. Cllr. Foley referred to the presentation on suicide awareness and PROPOSED that the JPC might consider running a similar event as a public meeting. This is very relevant to many families. Cllr. Foley referred to the Tourism Policy and asked if Kerry County Council made a submission. If they did she asked that a copy would be circulated to members.

Cllr. Foley acknowledged the excellent work being done by the Town Council and Chamber Alliance in regard to business and tourism promotion. A successful public meeting was held by them recently.

Cllr. S. Counihan said at the CPG meeting he referred to Irish Water and he asked about the future of staff working in the Water Services Department but this was not included in the Mayor's Report. He referred to the forthcoming Budget and said Kerry County Council has a responsibility to its' citizens. He was concerned that something very devious was going on as notification of the Local Government Fund Allocation was not yet received. When the Property Tax was introduced members understood the proceeds would remain in the county. In a similar way in relation to Irish Water he was concerned the income from water charges would be used to replace the outdated pipe network in Dublin city. He called on the Executives of all Western counties to stand up to the Minister and tell them they would not accept this.

Ms. A. McAllen said in relation to the Local Government Fund normally a Department circular is received prescribing the dates within which the first Budget meeting must take place. She expected this Circular would be received that week. She informed members it will be necessary to reschedule the Budget Meeting and she would write to them on this. She was advised that notification of the Local Government Fund Allocation is anticipated. The decision to defer the Budget Meeting is prudent as she would prefer to present a known figure to members rather than an estimated figure. If notification is received next week she would not be in a position to hold the Budget Meeting until early January. In relation to the Land Aggregation Scheme provision was made in the 2013 Budget of €608,000. €155,000 of this relates to land that will be retained and €453,000 relates to land submitted for inclusion in the Scheme. In 2014 it is estimated presently that it will cost €943,000 to service the loans for land. Of this €220,000 relates to retained land with €730,000 relating to Land Aggregation Scheme lands. In anticipation of Budget 2014 Mr Breen and herself exerted pressure on the Department and engaged with the HFA to attempt to resolve this problem.

Cllr. T. Ferris said members were never under the illusion that all land submitted would be accepted into the Scheme. She asked how much had we provided in the Budget to cover these loan repayments.

Ms. McAllen said when the land was submitted she, as Head of Finance, was hopeful it would all be accepted.

Cllr. T. Ferris asked who will be liable for the loan repayments on lands purchased by the Town Councils. Will it be Kerry County Council?

Mr. Curran, County Manager pointed out that all assets and liabilities of the Town Councils will transfer to Kerry County Council on the abolition of Town Councils.

Mr. M. McMahon, Tralee Town Manager said the loan repayments for Tralee Town Council would be in the region of €900,000.

Cllr. J. Healy Rae asked if it would be possible to renegotiate these loans.

Ms. McAllen, A/Head of Finance asked councillors to await the Budget Meeting to discuss this matter further.

Mr. J. Breen referred to the Fishery Local Action Group established under Axis 4 of EU funding which provides for investment in communities where traditional fishing has declined. In response to Cllr. Cahill's query Mr. Breen advised that funding for the provision of disabled access to Killarney Library is being provided in the 2014 Budget. Killarney Library will be closed for one week but customers will be allowed to take out additional books. As a result of the works being carried out libraries will be enhanced. He referred to the query on the funding of Local Development Companies and said that will be a matter for those companies. Mr. Breen informed members two submissions were made on the Tourism Policy Consultation, (1) from Kerry County Council and (2) from the Community and Voluntary Forum. These will be forwarded to members.

Mr. J.D. Flynn confirmed Cllr. Counihan raised the issue of the future of Water Services staff with Irish Water and he confirmed that a Service Level Agreement would be entered into between Kerry County Council and Irish Water for a period of 12 years and this provides for all staff. Any staff who want to go to Irish Water are free to do so and the others will remain employees of Kerry County Council.

The Manager said Irish Water is a new entity and the purpose of the public consultation is to establish what the issues are. Each local authority made a submission to Irish Water on the cost of running water services and they in turn made a submission to the Government for funding. Local authorities are in constant liaison with Irish Water and the Department to secure our future. The cost of Irish Water management will not be met from the Local Government Fund and this is welcome. Operational costs only will be met from the Local Government Fund. In relation to development levies the Manager said levies collected in Kerry cannot legally be spent anywhere else. Our position is that the funding was not spent as the projects had not progressed. For the first six months of 2014 Kerry County Council will provide water connections and our current rate will apply until the Commissioner for Energy Regulation decides what the charge will be for the entire country. The timescale allowed for the introduction and operation of Irish Water was very ambitious. There are three new IT systems which have not yet been received by local authorities. He informed the members that he hoped customers would not see a difference in the service they receive in 2014.

Cllr. J. Brassil asked how much is in the development levy fund at present.

Ms. McAllen said there is a fund of €7 million but loan charges must be paid out of that and there are debit balances on the capital account.

Cllr. Brassil said he was concerned Irish Water would try to take control of this fund.

The Manager said that this matter has been raised with both the Department and Irish Water and it has been proposed to both bodies that the monies collected should remain with the local authorities until the projects, for which the monies had been levied, commence. The Manager raised concerns on the likely impact this new Irish Water body could have on planning, both on single connections and capital infrastructure to facilitate future developments. If this is not covered in legislation, which obliges Irish Water and the CER to have regard to local development plans, then planning and development in counties, such as Kerry, could prove difficult. The legislation is being enacted in two parts, the first part will establish Irish Water and this will be enacted in 2013. The remainder of the legislation will be enacted later. As the sections of the legislation become available local authorities can comment on them.

Cllr. M. Gleeson asked if there is a guarantee that the water connection charge will be the same in urban and rural areas.

The Manager said he did not know.

Cllr. Gleeson said he hoped rural dwellers would not suffer when Irish Water take over responsibility for this service.

Cllr. T. Ferris referred to the proposal by Cllr. Foley that the JPC would hold a public meeting on suicide awareness and suggested that might not be appropriate as suicide is sometimes criminalised. For this reason it would not be a good idea to link it to the JPC. She referred to the Ardfert Sewerage Scheme and said while some works have been funded there is no funding to replace the storm water pipes. She asked that the development levy fund would be used to fund this type of work.

Cllr. Foley acknowledged the point raised by Cllr. Ferris and suggested that the Seminar could be organised by the Community and Voluntary Forum.

13.11.18.02 Confirmation of Minutes

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. M. Griffin it was agreed that the Minutes of the October Ordinary Meeting of Kerry County Council held on the 21st October, 2013 be confirmed.

13.11.18.03 Disposal of Land

Mr. J. Breen referred members to his report dated 8th November 2013 on this item which was circulated. He briefed them in detail on the report.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. Healy-Rae it was agreed to approve the disposal of a plot of land comprising of 0.5 acres approximately in total in the townland of Banshagh, in the DED of Killorglin, to An Bhainseach Estates Ltd., Killorglin in accordance with the terms of notice issued on the 8th November 2013 pursuant to Section 183 of the Local Government Act 2001; Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

Cllr. M. Cahill welcomed the transfer of this land to An Bhainseach Estates Ltd. with a view to providing a playground. He thanked the Housing Department for their assistance in this matter. He added once the land has transferred all other arrangements will be in place. Cllr. Cahill requested that a letter would issue to the Department calling on them to provide funding for this playground.

13.11.18.04 Tuairiscí an Bhainisteora de réir Mír 179(3) den Acht um Pleanáil agus Forbairt 2000 agus Cuid VIII de na Rialacháin Rialtais Áitiúil 2001 (Pleanáil agus Forbairt) agus Airteagail 17 go 19, de na Rialacháin um Pleanáil agus Forbairt 2006

Reports in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006

(a) Ionad Cóireála Fuíolluisce ag Baile an Fheirtéaraigh, Co. Chiarraí

Mr. O. Ring, Director of Environment and Water Services, referred members to his report dated 6 November 2013 on this item which was circulated. He briefed them in detail on the report.

Ar mholadh ón Méara S. Mac Gearailt, cuidithe ag an Cllr. J. Finucane aontaíodh ár n-aire a thabhairt do Thuarascáil an Bhainisteora ar aonad breise Cóireála Fuíolluisce agus oibreacha láithreáin gaolmhara a chur in áit ag an Ionad Cóireála Fuíolluisce reatha i mBaile an Fheirtéaraigh de réir Ailt 179(3) den Acht um Pleanála agus Forbartha 2000, Cuid VIII de na Rialacháin Pleanála agus Forbartha 2001 agus Ailt 17 go 19 de na Rialacháin Pleanála agus Forbartha 2006.

(b) Waste Water Treatment Plant at Castlegregory, Co. Kerry.

Mr. O. Ring, Director of Environment and Water Services referred members to his report dated 6 November 2013 on this item which was circulated. He briefed them in detail on the report.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. J. Finucane it was agreed to note the Manager's Report on the provision of a Wastewater Treatment Plant at Castlegregory Co. Kerry in accordance with Section 179(3) of the Planning and Development Act 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006.

13.11.18.05 Approval for the incurring of overdraft accommodation for 2014

Ms. A. McAllen referred members to her report dated 8th November, 2013 on this item which was circulated. She briefed members on the report.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P.J. Donovan it was agreed to approve the incurring of overdraft accommodation not exceeding €10m for the 12 months ending 31st December, 2014.

13.11.18.06 Change of start time for the Special Planning Meeting

Mr. M. McMahon, Director of Planning, informed the meeting as agreed a Mass would be held in memory of the late Denis Foley on Monday 2nd December at 10.30am. For this reason it is suggested that the Special Planning Meeting would commence at 12 noon.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. G. Wharton Slattery it was unanimously agreed to change the start time for the Special Planning Meeting to be held on Monday, 2 December 2000 to 12.00pm.

13.11.18.07 Report on the future of the North Kerry Landfill

Mr. O. Ring, Director of Environment and Water Services referred members to his report dated 18th November, 2013 on this item which was circulated. He read his report into the record of the meeting:

"The filling of the latest cell, cell 9, commenced in 2012 and by the end of 2013 there will be approximately 10,000 tonnes capacity remaining. This is sufficient to meet the needs of waste deposited at our transfer stations around the County and the small fraction deposited, directly by individuals, at the North Kerry Landfill for the next 12 months.

Consideration has been given for some time to the construction of another cell, cell 10, at the North Kerry site at a capital cost of circa €1.6m. However, there are many risks associated with an investment proposal of this magnitude that had to be considered.

- European & Government Policy is to divert waste away from landfill and the landfill levy has been increased substantially over the years and is now at €75/tonne.
- A fundamental review of Ireland's waste policy is under consideration for some time and the uncertainty as to the direction of this policy makes any short-term investment in infrastructure risky.
- In July 2013, the limit for the biodegradable fraction of waste entering a landfill was reduced to 40%. This limit will reduce further to 15% in July 2016.
- The current biodegradable fraction into the North Kerry Landfill is 59%. In order to reach the 40% biodegradable limit Kerry County Council has to source approximately 8,000 tonnes of "stabilised waste" at 0% biodegradable content to achieve this 40% target and thus avoid prosecution by the EPA. A nominal charge of €5/tonne is levied on this stabilised waste fraction and this is not sustainable into the future, as the costs of developing and maintaining a properly constructed cell will not be recovered at this nominal cost. Furthermore, a guarantee of securing this stabilised waste stream into the future is not forthcoming.
- The 2011 National Waste Report indicated 21 operational landfills in this Country. This is now reduced to 8, with a number of these reaching capacity.
- Waste suppliers are unwilling to enter contracts for the supply of waste to landfill and are constantly looking for cheaper disposal options. Over 250,000 tonnes of residual waste was exported in 2012 and all indications are that this figure has increased substantially in 2013.
- Continued demand from continental incinerators is reducing the demand for landfill nationally and the cost of landfilling apparently exceeds the cost of export and disposal of residual waste.
- In order to meet the future biodegradable limits for landfilling of waste extensive pre-treatment of waste is required. In 2013, Kerry County Council advertised for expressions of interest from waste contractors to use the facilities at the North Kerry Landfill either in a joint venture or on a leased arrangement. Only one submission was received and having considered what was on offer, it was considered not to be economical for this Council to pursue this option further at this time.
- Having considered all of the above, the changing waste environment, no guarantees of getting adequate quantities of mixed waste to meet the biodegradable content, the adverse income versus expenditure balances, it makes no financial or economic sense to invest circa €1.6m on the development of a new cell at this time.

Table 1, attached, sets out the net costs of operating the North Kerry Landfill for 2014, 2015 and 2016 based on closure after 2014. The potential viability of developing a new cell at the NKL, which would operate from January, 2015 to July 2016, has been examined in detail. It is clear that the development of a new cell would considerably increase the financial negative net costs associated with the NKL.

It is proposed to retain the available capacity for waste deposited at our transfer stations and domestic customers to the landfill and to mothball the landfill from the end of 2014.

The licence at the North Kerry Landfill is valid for a period of three years from the date of closure/mothballing. An extension beyond this period can be applied for. The facility remains as a valuable resource and can be re-opened within this period should circumstances change.

There is no reason to expect that the closure of the landfill to commercial waste collectors will have any impact on the cost of a collection service to customers in Kerry as the waste collectors have not depended on the North Kerry Landfill for some years.

The Transfer Stations will remain open to the public for the foreseeable future and the options for the disposal of waste from these transfer stations post 2014 is now being considered.”

Table 1

**Income & Expenditure for the North Kerry Landfill for 2014 to 2016
(Keep NKL open for KCC waste only until December 2014 and then close)**

	2014	2015	2016	Total
Landfill Operational Cost	€814,140	€281,644	€281,644	€1,377,428
Capital Costs	€133,740	€0	€0	€ 133,740
Loan charges	€468,934	€467,542	€233,249	€1,169,725
TOTAL EXPENDITURE	€1,416,814	€749,186	€514,893	€2,680,893
INCOME	€477,780	€0	€0	€477,780
INCOME – EXPENDITURE	- €939,034	- €749,186	- €514,893	- €2,203,113

Cllr. J. Brassil said every councillor fought hard to secure the North Kerry landfill. However it is now the most prudent option to close it temporarily. This could prove to be a very valuable asset in time. He requested further information on the submission received when expressions of interest were sought. He would have thought the waste disposal companies might be interested. He asked if there would be any merit in developing a smaller cell at a reduced cost. He noted that it is intended to use the remaining 10,000 tonne capacity to dispose of waste from the Transfer Stations and to facilitate private individuals who use the facility. He asked what would the cost would be to dispose of the waste from the Transfer Stations elsewhere as he felt it could be beneficial to retain the remaining capacity in the landfill in reserve. If it would not be very expensive to transfer this waste outside the County for disposal we should consider it and retain the existing capacity for the future.

Cllr. J. Finucane welcomed the report and said the Environment SPC recently considered a report on this issue. The fact is it is cheaper to transfer waste through the ports of Cork and Foynes to export it to Germany than to landfill it. The proposed incinerator and the subsequent cheaper heat is a matter for government. He agreed with the proposal outlined in the report. Cllr. Finucane said Kerry County Council got out of the refuse business and the cost per lift increased from €6 to €12 which is significant. The Transfer Stations are critical to a clean environment and for the Tidy Towns Committees. He agreed that the landfill should be mothballed and it could be re-opened if necessary. The critical issue is that it is more cost-effective to export waste rather than to landfill it.

Cllr. M. Cahill said he would have major concerns if the Council either sells or closes the landfill as it would have major implications for the Kerry public. The cost of disposing of refuse has increased 150% since 2011 and he asked if the closure of the landfill would have implications for the future of the Transfer Stations. It is important that these are retained if at all possible and that the licence for the landfill would be retained also.

Cllr. D. Healy Rae expressed concern at the proposal to mothball the landfill as he feared it would never re-open. He asked why we are not competitive enough to secure waste from private operators. He asked what it costs to remove waste from the Transfer Stations and he expressed concern that they may close in future also. He asked if it would be economically viable to develop half a cell and if that is not feasible he asked that some part of the landfill would remain open. Cllr. Healy-Rae asked if the landfill is closed how long would it take to develop a new cell before it could re-open. This is a very serious issue and while Kerry County Council fought to provide the landfill he feared if it closed it would never re-open. He pointed out that a number of services provided by Kerry County Council are being lost and this is yet another one.

Cllr. S. Counihan said Killarney Town Council maintained a refuse service for its customers. He acknowledged that it is important to consider the economic position but said the environment must also be taken into consideration. Every local authority where the waste service was privatised ended up with difficulties. He requested that the refuse service be retained in Killarney when the new Municipal Districts are established.

Cllr. M. Gleeson said the Town Councils will be abolished next May. This is a further erosion of the powers and services provided by local government. The Minister increased the landfill levy on a number of occasions and this is a crippling factor for everyone. Some incentive is required to encourage people to dispose of refuse properly. This issue was considered by the Environment SPC at which time members stated that full and final closure of the landfill would not be the correct course of action. He called on Management to make a long-term commitment to the Transfer Stations and said if they disappear Kerry, as a tourism county, will disappear and this would do irreparable damage to the industry. Members cannot in all conscience inflict further financial hardship on the people of the County. In conclusion Cllr. Gleeson said most waste is exported to Holland to generate cheap heat.

Cllr. J. Healy Rae requested a breakdown of the cost of developing a cell in the landfill. It would be a disaster if the Transfer Stations closed and he called on management to put a long-term plan in place to secure their future. If they are closed where will the refuse be disposed of and would it be more expensive.

Mr. O. Ring said the expressions of interest had to do with the provision of a biological treatment facility which would provide a guaranteed supply of compliant waste. The difficulty was that the earliest date this waste would be available would be the end of 2015. A decision must now be made on the future of the landfill. There is no guarantee that the proposal received would proceed because of the uncertainty in this area. We are as competitive as we can be but we are only a small operator. Bigger landfills like Limerick are experiencing the same problems. The number of landfills has reduced from 21 to 8 as it is cheaper to export waste. The landfill levy is €75 per tonne at present and this is not sustainable in the medium to long term. It would take approximately a year to develop a cell. In the past this work was put out to tender but we developed the last few cells ourselves. He was satisfied that the Council could carry out this work as economically as possible. A smaller cell would cost as much to construct as a larger cell because of the economies of scale. It would cost €1.6 million to develop a cell with a capacity of 40,000 tonnes and this would last till 2016. It is difficult to see how we can achieve the proposed biodegradable levels. It is intended that the remaining capacity will be retained for our own use. The remaining capacity is so small that it could not be considered to be strategic. The income is important to us but we must deal with the waste from the Transfer Stations and the people who use the landfill site. However it would be closed to competitive operators.

Mr Ring undertook to give a breakdown of the cost of the development of a cell to Cllr Healy Rae. In conclusion Mr Ring said he was not in a position to give a guarantee that the landfill would reopen in the future.

13.11.18.08 Report on the Planning SPC

It was agreed to note Cllr. P. McCarthy's written report on the recent Planning SPC meeting which was circulated.

13.11.18.09 Summary of proceedings at Conferences/Seminars

(a) "Community Living for Older People"

It was unanimously agreed to note Cllr. P. O'Donoghue's written report on the Seminar on the theme "Community Living for Older People" held on the 4th and 5th October, 2013 which was circulated.

(b) "The Role of Universities in Regional Development"

It was unanimously agreed to note Cllr. P. Connor-Scarteen's written report on the Conference on the theme "The Role of Universities in Regional Development" held on the 30th October, 2013 which was circulated.

13.11.18.10 Opening of Tenders

- (a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Griffin, it was agreed to approve the opening of tenders for Lining Works associated with the permanent capping of cells 18/19 at the North Kerry Landfill – Closing Date: Wednesday 20th November 2013 at 4pm.
- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J.J. Culloty, it was agreed to approve the opening of tenders for Construction Quality Assurance Services associated with the permanent lining of cells 18/19 at the North Kerry Landfill – Closing Date: Wednesday 20th November 2013 at 4pm.
- (c) On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. B. O'Connell, it was agreed to approve the opening of tenders for the Supply and Installation of a New Package Wastewater Treatment Plant for Kilgarvan – Closing Date: Thursday 5th December 2013 at 3pm.
- (d) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Griffin, it was agreed to approve the opening of tenders for the Supply and Installation of a New Package Wastewater Treatment Plant at Ballyferriter – Closing Date: Thursday, 5th December, 2013 at 3pm.

- (e) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. J. Finucane, it was agreed to approve the opening of tenders for the Supply & Installation of a New Package Wastewater Treatment Plant in Castlegregory – Closing Date: Thursday, 5th December, 2013 at 3pm.

13.11.18.11 Notices of Motion

1. Designated week to celebrate the spirit of volunteerism

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

As volunteering is central to the vibrancy of a community and as its existence in the County is well exemplified by so many clubs, organisations and community groups, that this County would give favourable consideration to having a designated week each year to celebrate that spirit and that reality of generosity and sharing.

The following report issued:

County Kerry has a very strong volunteering spirit and this is clear when one considers that there are currently 840 groups registered on the Kerry Register of Community & Voluntary Groups. The Kerry Community & Voluntary Forum approached Kerry County Council with the idea of honouring this spirit of volunteerism and out of this partnership came the Kerry Community Awards. For the past eleven years Kerry County Council has been one of the main partners of the Kerry Community Awards, an initiative that highlights and rewards the work of voluntary and community groups. The Kerry Community Awards project spans a period of up to 5 months each year with different categories highlighted on a monthly basis with our media partners. The Pride of Place initiative has also been very successful in County Kerry due to the support of Kerry County Council with four to five geographic based communities facilitated and promoted on a yearly basis, also over the past eleven years.

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

“At this time of year in every town and village in the county there are willing people of all ages preparing and putting into action plans to make their place special for Christmas. They seek neither mention nor reward. All they desire is that all who live in or visit will enjoy the fruits of their labours. They are unsung heroes for the energy and economy of where they live.

All year round sporting clubs are there for the young of the county. These clubs provide a safe haven in which to practise and perfect the innate talents of the participants. All those clubs are run by volunteers who give of their time and energy because they love the club and they love the game.

Yesterday my wife and I climbed a somewhat slippery Torc mountain. As I climbed I thought of the quiet heroism of the Mountain Rescue people. Day or night; hail, rain or snow they non-judgementally don their gear and hurry to the rescue.

Our lifeboat and sea rescue people are probably the most heroic of all. But they don't see themselves that way. They are just glad that they have been trained to meet the challenge of the mighty ocean as they rock and roll to the rescue.

Each January most localities in the county send forth their volunteers to ready their place for the Tidy Towns adjudication. No big deal, just love of place and shared friendship.

None of the people that I have mentioned or the many more unmentioned have any interest in personal reward or monetary gain. Their only wish is to make the place they love, the game they enjoy or the pursuit they follow more accessible, more safe and more enjoyable for other people.

It would be good if once a year in some dignified way this Council could acknowledge those great people and say a word of public thanks for generosity of spirit and magnanimity of gesture."

Cllr. Gleeson said the fact that 140 groups are registered in the County is enormous. It is important to highlight the work they do on a more widespread scale. He PROPOSED that consideration would be given to extending this Award Scheme.

Cllr. G. Wharton Slattery said the Kerry Volunteer Bureau put on a day every year to acknowledge volunteers. She undertook to get the details for Cllr. Gleeson.

2. Review of Kerry County Council's site resolution policy for unfinished estates

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

That Kerry County Council would review its site resolution policy for unfinished estates to include the following statement to safeguard the residents' interests: "Kerry County Council shall engage in a consultative manner with one residents' association / group in the preparation and implementation of any site resolution plan for their estate".

The following report issued:

The "Resolving Ireland's Unfinished Housing Developments Report" of the Advisory Group on Unfinished Housing Developments published in May 2011 introduced the term Site Resolution Plan and it also outlines recommendations on the preparation and agreement of such plans. The Advisory Group emphasises that where works are required, they should be first identified in full, and then prioritised. Of course, the level of response depends largely on the availability of funding, but priority actions may be undertaken, where possible.

The report also states 'in deciding on a plan of action, it is essential that the various stakeholders work together and take a pragmatic and flexible approach to arriving at solutions'.

The Housing Estates Unit are agreeable to engaging in a consultative manner with one residents' association/group in the preparation and implementation of any Site Resolution Plan for their estate, subject to one / two representative's names and contact details, being forwarded to the Housing Estates Unit.

It must be noted that the Site Resolutions Plans are intended to introduce a pragmatic solution to an unfinished housing estate to reflect the current economic realities. It has been our experience that the process may involve several reiterations and can take a long period of time before a Plan is finally agreed.

Cllr. M. Griffin welcomed the report and said he understood this would be policy from now on.

3. Planning Bonds

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

That Kerry County Council give a detailed report in relation to: (a) The number of planning development bonds sitting in bank accounts. (b) The value of these bonds (c) The amount of interest that these bonds have generated, with many being invested for more than 10 years. (d) The reason that all of these monies have not been used to date, to complete unfinished estates.

The following report issued:

As the Members are aware, Kerry County Council established a Housing Estates Unit in 2009 with a view to inspecting all unfinished Estates in the County and to work proactively with Developers, Financial Institutions and Receivers in securing the satisfactory completion of services and infrastructure on Estates. However, where a Developer is not willing, or may not be in a financial position to carry out the necessary outstanding works and where a Bond is in place, this Bond will be claimed by the Planning Authority.

BONDS

The provision of a bond is normally a condition of planning permission for residential developments in order to ensure the satisfactory completion of essential communal services including roads, footpaths, car-parking areas, water services, infrastructure, public lighting and amenities.

There are two types of Bond, a Cash Bond and an Insurance Bond. The Local Authority place Cash Bonds on deposit and they can be utilised without any delay.

Insurance Bonds are the most common form of Bonds and are provided by Banks and Financial Institutions.

There can be difficulties in calling in Insurance Bonds as claims can be disputed and payment can be delayed. In some cases, the Financial Institution may seek agreement to arrange to have an unfinished estate completed. Where this is proposed, a schedule of works is then agreed and a Site Resolution Plan put in place. The Bond is not paid out to the Planning Authority but all outstanding works agreed with the Housing Estates Inspector are completed. This solution has worked satisfactorily in a number of cases to date.

The following are the current statistics on Cash Bonds and Insurance Bonds.

(a)	No. of Cash Bonds on hand	-	85
	Total Value	-	€1,460,372.00

All Cash Bonds received by Kerry County Council are lodged to the Kerry County Council current account and reflected in the Annual Financial Statement of Kerry County Council as refundable deposits. On the completion of the individual developments to the satisfaction of the Planning Authority, the Bond will be returned to the beneficiary. Where the completion of the development is unsatisfactory, Kerry County Council use all or part of the Bond to carry out the necessary remedial works.

There is no interest accrued to the Kerry County Council current account, therefore, there is no interest accrued on these Bonds. However, on refund of a Cash Bond, Kerry County Council allows interest at the bank demand rate prevailing throughout the period the Bond is on deposit with Kerry County Council. This interest rate over the past 11 years has varied between 0.55%, 1%, 0.02%, and is currently .01%.

The interest is only calculated for each Bond at the date of the refund.

(b)	No. of Insurance Bonds	-	276
	Total Value	-	€27,021,482.00
	No. of Insurance Bonds Released		79
	(Works completed to a satisfactory standard) -		
	Value of Insurance Bonds Released		EUR5,305,047

SPENDING OF BONDS RECEIVED

The Roads and Transportation Section of the Council take responsibility for arranging works in estates which are to be funded from Bonds. The works to be undertaken depend on the monies available. The work is undertaken as part of their overall works programme.

Cllr. M. Cahill welcomed the reply and asked if there was interest owing on the Bond would all of it be used on the estate. He asked how many Bonds were called in by the Council and how many were paid by the Banks.

Mr. J.D. Flynn said that information was not included in the Motion.

4. Support for the Graduate Equalities Campaign

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

That Kerry County Council supports Graduate Equalities Campaign for the extension of the franchise for the 6 university seats in Seanad Éireann to graduates of the Institute of Technology Tralee and all other currently excluded third level institutions.

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

Cllr. B. O'Connell said all graduates should be entitled to vote in Senate Elections. There should be radical reform of the Senate Elections. There are highly qualified people from other educational facilities that should also be entitled to vote in Senate Elections. Irish people living abroad should also have a vote.

Cllr. A. McEllistrim said some people have several votes if they studied at a number of different Universities. Graduates from all universities and third level institutions should have a vote in Senate Elections. Cllr. McEllistrim **SECONDED** the motion.

Cllr. T. Ferris opposed the motion because it is elitist. She asked what about people with qualifications from FÁS etc. She said there should be complete reform of the Senate.

Cllr. R. Beasley supported the sentiments expressed by Cllr. Ferris.

It was unanimously agreed that the motion would be amended calling for real reform and universal franchise in Senate Elections.

5. Works on the traffic calming islands at Caharn, Caherciveen

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

That Kerry County Council carry out the necessary works on the traffic calming islands at Caharn, Caherciveen, so that people don't have to walk on the main road.

The following report issued:

This motion was discussed at the April 2013 Killorglin Area Electoral Meeting where the following reply was given:

"The National Roads Authority will be undertaking a Road Safety Audit on this Scheme shortly and this matter will be brought to the attention of the auditors. It is hoped that the NRA will provide funding for any additional works that will be identified by the audit".

Following the Safety Audit, the NRA has provided funding to allow remedial works to be carried out. These works are in hand.

Cllr. P.J. Donovan welcomed the reply and said the works are ongoing and will be completed shortly.

6. Subcontracting of work by Kerry County Council

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

Where Kerry County Council subcontracts work, in the event of an issue arising in relation to those works, who is liable?

The following report issued:

There are two aspects to this, first if there is an issue arising between the parties to the Contract and second if an issue arises affecting a third party (e.g. member of the public).

In relation to the first issue, there are well established mechanisms to deal with disputes that may arise between the parties to the Contract. Settlement of disputed elements of a Contract is most often achieved by a negotiated agreement. Where negotiation fails, there is a non-binding conciliation process and ultimately an arbitration process (which is binding on both parties) provided for in most Contracts.

In relation to the second issue, Kerry County Council requires all contractors to have a minimum limit of Employer's Liability and Public Liability insurance in place prior to appointment. These limits are as advised by IPBM Insurer's on behalf of all public bodies. IPBMI also provides a service to local authorities whereby it reviews the insurances in place by Contractors and advises on compliance with the particular insurance requirements of the contract.

Furthermore, in the event of any proven defect in the works carried out by a contractor, the contractor is liable for that defect.

Cllr. T. Ferris said most work is now subcontracted. If an accident happens due to the quality of road surface is the Council liable.

Mr. G. McNamara said if someone damages their car and they take a case against Kerry County Council, if the Council feels the subcontractor is responsible they will offload the claim to the sub-contractor.

Cllr. T. Ferris said there is an issue with some social housing but when approached by about it management said the house was built too long.

Mr. J. Breen said in accordance with the Tenant Purchase Scheme a tenant who buys a house buys it as it is (caveat emptor). This is pointed out to the tenant on four separate occasions before the house is purchased.

7. Local Property Tax

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

That Kerry County Council asks the Minister for the Environment:

(a) Why property owners, who have already paid the 2013 LPT, are receiving demands for payment and any communication with Revenue is near impossible and costly due to the waiting times incurred.

(b) Explain how property owners are receiving notification of LPT due that is in some cases three times the amount their properties were valued at. Many of these property owners paid fees for current valuations.

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

Cllr. M. O'Shea said there is a misunderstanding in relation to the Local Property Tax. This relates in particular to the charge for 2014 which in some instances will be paid in 2013. This caused great confusion, especially for older people as they had already paid the charge for 2013. This is a cynical trick by the government to get more money in. He called for a more sympathetic approach in 2014 by the Revenue Commissioners in dealing with Local Property Tax. Some people had their properties valued initially yet when they got the bill for 2014 it was twice and in some instances three times the value they submitted. It is very difficult to get through to the Revenue Freephone No. and this is very frustrating. He asked why these queries are not dealt with in the local Revenue offices in Tralee. He called on the Minister to ask the Revenue Commissioners to have a more sympathetic approach in 2015.

The Mayor **SECONDED** the motion.

Suspension of Standing Orders

The Mayor informed the meeting it would be necessary to suspend Standing Orders as the visiting firemen from the US were present in the Chamber.

On the PROPOSAL of Cllr. J. Finucane, **SECONDED** by Cllr. A. McEllistrim it was agreed to suspend Standing Orders.

8. Payment of LPT by debit / credit card in respect of 2014

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

That this Council call on the Minister for Finance to change the date from November, 2013 to at least the 21st of March, 2014 for those who wish to pay their Local Property Tax by using a debit or credit card, or by Cheque. This is the date given for those who choose the Single Debit Authorisation Option.

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

Cllr. J.J. Culloty said the method of payment of LPT should be simplified. Two people contacted him with queries but by the time he got through to Revenue and came back with the replies they had paid the charge. He called on the Revenue Commissioners to make it clearer in 2015.

9. Surface dressing of the road between Barraduff Village and Glenflesk Church

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

To ask the NRA for funding to resurface the very bad sections of the regional road between Barraduff Village and Glenflesk Church.

The following report issued:

This motion was discussed at the June 2013 Killarney Electoral Area Meeting where the following reply was given:

"The R-570, Barraduff to Shronedarraugh road is scheduled to receive €140,000 of funding under the Department of Transport, Tourism and Sport's Restoration Improvement Programme in 2016. In the interim, the roadway will continue to be maintained to the extent allowable by available funding. The repair of the defects on the roadway would have to be examined on a section by section basis and would be suitable for funding through County Councillors Allocations".

Cllr. D. Healy Rae expressed his disappointment with the reply. He said this is a heavily trafficked road and is as busy as some national secondary and primary roads. It is the main artery from South Kerry to Mallow and Dublin. It is in a desperate state of repair in parts. He was aware of the allocation of €140,000 for the section of the road after the village to Shronedarraugh but that work will not be done until 2016 and that is too long as cars are being damaged. He requested that additional funding would be identified to bring this work forward as a matter of urgency. The sumps of cars are being damaged due to the lags in the road. Bushes are also growing out onto the road and vans, lorries and buses cross the white line to avoid them. He asked that this would also be addressed.

Cllr. M. Gleeson SECONDED the motion.

10. Change in policy on Voluntary Housing for the elderly

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

That Kerry County Council change their policy in relation to Voluntary Housing where elderly people are all accommodated in the same units while there are many young single people awaiting housing accommodation. A mix of age groups would generally help to stimulate activity in the units and help to address a lot of the loneliness experienced by many of the residents especially during the long dark Winter evenings.

The following report issued:

Kerry County Council is presently working on a memorandum of understanding for the Voluntary Housing Sector which will cover various aspects of how the sector manages their housing stock. This MOU will include elements of tenancy and stock management as well as the arrangements for liaison with the housing authority. The matters raised in the notice of motion will be discussed with the voluntary housing agencies and included in the MOU as necessary.

Cllr. R. Beasley said in Ballybunion in the Respond Housing development all the elderly are kept together. He believed it would be better to integrate them with younger people who would take an interest in them and assist them as required. They feel isolated and there are some things they cannot do for themselves. If they were integrated the younger people would help them. While it is not stated he believed it is national policy to segregate older people. He added that there is also a gender imbalance in these developments and in some instances mothers and children are considered for housing but not fathers.

Cllr. J. Finucane SECONDED the motion.

11. Provision of designated resource hours in primary school for children with Triple 'A' Syndrome

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

That Kerry County Council request the Department of Education to provide designated resource hours in primary school for children who have conditions such as Triple A Syndrome.

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

Cllr. A. McEllistrim said children with high incidence conditions get additional resource hours but those with low incidence conditions are not allocated any specific hours. The resource hours allocated to the school must be divided to facilitate them.

Cllr. M. Gleeson SECONDED the motion and said he had seen the difference a specific allocation of hours makes and in reverse he has seen the problems created due to the lack of resource hours. Giving children the assistance they need now will save the State into the future.

12. Arranging of payments to farmers more quickly

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

That Kerry County Council request the Minister for Agriculture, Food and The Marine to arrange payments to farmers to be made quicker and with less "red tape".

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

Cllr. P. Connor Scarteen said many farmers are very angry because their Single Farm Payments are being delayed. In many instances the satellite maps are incorrect. This is causing huge distress to many elderly farmers.

Cllr. M. Cahill **SECONDED** the Motion and said penalties are being applied in many cases. Also in some areas Disadvantaged Area Scheme Payments are being penalised and this is following the worst crisis in farming in 2012.

Cllr. M. O'Shea requested that Cllr. P. O'Donoghue's motions be deferred to the December meeting.

This was agreed.

14. Reversal of decision to impose 50% rates on commercial premises not in use

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

To ask this Government to reverse their decision to impose 50% rates on commercial premises that are not in use.

The following report issued:

Kerry County Council welcomes the decision to impose 50% rates on commercial premises that are not in use, we believe it will encourage landlords to let long term vacant property particularly in town centre areas. As the Members are aware, the lack of buoyancy in our Rates income currently and in recent years has caused a difficulty particularly, during the Budget process.

Cllr. J. Healy Rae said he submitted this Motion in light of the government's proposal to apply 50% rates on vacant premises. He accepted the reply in so far as it relates to major town centres but said it fails to recognise that small family owned businesses are struggling. This proposal will also discourage those who are thinking of establishing a business. If this proposal is enacted any small business that closes will have to apply for a change of use immediately as they could not afford the 50% rates charge. He asked that a letter would issue to the government outlining members concerns.

Cllr. D. Healy Rae **SECONDED** the motion and said this will have a negative impact on smaller businesses as no one will want to rent their property.

Cllr. J. Finucane said that the key issue for business is not the level of rates but the cost of rents which are now dropping. Tralee Town Council is very sympathetic to rate payers and a number of new businesses have opened in Tralee in recent times.

Cllr. J. Brassil asked what the definition of commercial premises not in use is. Will they be charged 50% of the rates due?

Ms. A. McAllen said this issue is being considered in the Local Government Bill. As she understood it the premises must be closed but available for rent to be liable for 50% of the rates. In cities property owners must pay the full rates and they are then recouped 50%. The Local Government Bill proposes to charge 50% of the rates bill on vacant premises.

Cllr. J. Healy Rae said his Motion stands as this proposal will have an adverse effect on the County. Many property owners will not be able to afford this charge. A lot of shops and pubs are available for letting at certain times of the year.

Cllr. M. Cahill requested that this issue would be included on the Agenda for the Budget Meeting as it will impact on a lot of premises.

Cllr. S. Counihan said in his opinion the amount of property in Killarney owned by one individual is enormous. This proposal is unfair on people in business. Speculators that bought properties will no longer be able to demand high rent from young people who want to start up in business. Heretofore they would not reduce the rent and they allowed the property to remain idle until they got a higher rent.

Cllr. T. Ferris said members could not vote on this Motion until they see what was proposed in the Local Government Bill and also any amendments that will be agreed by the Oireachtas. The big problem for many businesses is rents and if property owners have to pay commercial rates on a vacant building they might reconsider and reduce the rent.

The Mayor informed the meeting when the Local Government Bill is enacted this issue can again be discussed.

Cllr. M O'Shea said at the last meeting of the ACCC this issue was debated and they agreed that further clarification would be sought from the Minister on it.

Mr. J.D. Flynn said the Minister could be requested to provide clarification on how this will be applied.

This was agreed.

Cllr. J.J. Culloty moved Notice of Motion No. 15 on behalf of Cllr. Cronin and requested that the reply would be forwarded to Cllr. Cronin.

This was agreed.

15. Cuts in the recent Budget seriously affecting those on medical cards, old age pensioners, the less well off and vulnerable people

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

To condemn this Government's further cuts in the recent budget seriously affecting those on medical cards, old age pensioners, the less well off and vulnerable people who are trying to survive in our society.

Mr. G. O'Brien said t his is a matter for consideration by the members.

16. Liaising with the ESB in relation to the 3 Year Roads Programme

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

That Kerry County Council liaise with the ESB to notify them of their 3 Year Roads Programme thus preventing the undoing of costly road resurfacing works, recently undertaken.

The following report issued:

Kerry County Council liaise with both Eircom and the ESB on a regular basis in relation to works that Kerry County Council want to undertake and in relation to works that these service providers might want to undertake. This Council has actually deferred works for a period of time and has transferred road works to other locations pending completion of works by these service providers. However it is not possible to totally avoid some unforeseen or emergency situations that can arise.

Cllr. J. Sheahan said works on a section of a road on the Roads Programme was deferred due to ongoing works by the ESB. This is welcome as the Council spent a lot of money upgrading the road to Shinnagh Cross. He was informed that in another area a road was upgraded and it is now being dug up by the ESB. He called on the Council to make the ESB aware of the Three Year Roads Programme and asked them to have regard to it.

Cllr. J. Healy Rae **SECONDED** the motion and said this constitutes proper planning. He requested that Éircom and other service providers would also be notified.

17. Introduction of a new Tenant Purchase Scheme

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

Has the Minister of State for Housing and the relevant Department provided any date for the introduction of a Tenant Purchase Scheme or given any details of the conditions that will apply for qualifying tenants?

The following report issued:

We are advised by the DECLG that work is proceeding on the preparation of the General Scheme of a Housing (Miscellaneous Provisions) Bill, which is expected to be submitted for Government approval later this year. Among other things, the Bill will underpin a new tenant purchase scheme for existing local authority tenants along incremental purchase lines, involving discounts for purchasing tenants. These will be linked to household income and a discount-related charge on the property that will dwindle away over a period unless the house is resold or the purchaser fails to comply with conditions of the sale. The commencement date for the new scheme will be set when the necessary regulations are made on enactment of the Bill.

Cllr. M. Gleeson said one of the great successes of his career was in the '80s when the Tenant Purchase Scheme was introduced. Now that house prices are at a more sensible level is an appropriate time for tenants to be allowed the opportunity to consider purchasing.

In the late 1980's such a Scheme operated and it proved to be most successful. Tenants were afforded the opportunity to purchase at very attractive prices. The results of the successful Scheme were that people became ever more committed to their homes and very importantly to the community in which they lived. The overall result was that society in general benefited from the Scheme. He asked if the Council sells a house for €60,000 what happens this money.

Mr. J. Breen, Director of Housing said the proceeds can only be used to repair and maintain the existing housing stock. Details of the scheme are not yet available, however, it is indicated that it will be an incremental purchase scheme. Mr. Breen indicated that while this will be beneficial to the tenants it will reduce the amount of annual funding available to Kerry County Council.

Cllr. M. Gleeson said he would like if such a Scheme was considered by the government and that the funds would accrue to the Council.

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

Cllr. J. Finucane supported the motion and said a Tenant Purchase Scheme should be incremental for people who would not be able to afford to purchase their home otherwise.

18. Spidogue Bridge, Beaufort

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

That Kerry County Council give a detailed report in respect of the Spidogue Bridge, Beaufort, which has been closed for a long period of time:

- (a) How long will it take to complete the works on this bridge?
- (b) When will the bridge be open to locals and the general public?
- (c) What specific works have been carried out?
- (d) What are the total costs of these works?

The following report issued:

The collapse of the Spiddoge Bridge in Beaufort was discussed at the December 2012 Killorglin Area Electoral Meeting.

Kerry County Council sought funding from the Department of Transport, Tourism and Sport under the Specific Improvement Grant Scheme to carry out repairs. Unfortunately no funding was provided under this scheme. However owing to the location of the bridge a decision was taken to prioritise this work and fund the repairs out of our own day to day resources. Following receipt of the Section 50 approval from the OPW works were started. The rebuilding will be completed and the bridge open by the end of this month. The work consists of installing large diameter pipes to increase the capacity of the bridge by 50%, ducting through the bridge to facilitate service providers, watermain replacement, new stone parapet walls at the request of the Local Community, as well as new surfacing. The costs to date are in the order of €75,000.

Cllr. M Cahill said this Bridge opened the previous week but works took four months. However it is a job well done and he thanked the Council for the work carried out on the bridge and for funding it. He was glad that it has opened for the benefit of the people of the parish who were inconvenienced while it was closed.

19. Local Representation

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

That Kerry County Council asks the Minister for the Environment to explain the reason for local representation. What is the purpose of county councillors and what is their work to involve.

In view of the transfer of services from local authorities – old health boards, medical cards scheme, ambulance service, water services, 3rd level grant scheme, waste collection and permits, driving permits, local property tax - and with the proposed move of the Fire Service, Housing and Roads Departments, will the Planning Department be next.

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

Cllr. M. O'Shea said the future of local government is changing rapidly. It is a disaster that so many services are being removed from local authorities. He asked why Oireachts members are standing idly by while many services are being centralised. Local Government was established to provide local services yet these services are being eroded. He asked what the function of local government is now. It appears following the Local Elections in 2014 their role will be to formulate policy only. He asked why members should consider going forward for election in 2014 if this is the case.

20. Clarification on the payment of the Local Property Tax for 2014

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

That Kerry County Council would provide urgent clarification to the people of Kerry through their own website and local media to facilitate full understanding of the upcoming 2014 LPT payment, to alleviate any misunderstandings of the recently issued LPT notifications.

The following report issued:

The Revenue Commissions have sole responsibility for the collection of the LPT. Any clarifications on matters arising from the payment of the LPT are dealt with by them.

Cllr. M. Griffin accepted that it is up to the Revenue Commissioners to provide information on the Local Property Tax but he asked if the Council could provide clarification on it.

Mr. J.D. Flynn said Kerry County Council cannot get involved as it is not their function. This is purely a matter for the Revenue Commissioners.

21. Standardising of lanes accessing and exiting all roundabouts in the country

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

To ask the NRA and the RSA to standardise the lanes accessing and exiting all roundabouts in the country.

The following report issued:

This matter was discussed at the June 2012 Ordinary Council Meeting where the following reply was given:

"The procedure for entering and leaving all roundabouts is clearly outlined in the Rules of the Road and these have been established for many a year. The Rules of the Road identify the correct lane one should travel on depending on which exit one requires off the roundabout. In order to utilise road space, the established priority may be changed due to the pattern of vehicle turning movements. These are highlighted by directional arrows. The Rules of the Road also request drivers to watch out for pedestrians, traffic crossing over to exits, traffic straddling both lanes, motorcyclists, cyclists and horse riders and long vehicles. The following message is highlighted very clearly in the Rules of the Road for all road users: "Remember, Conditions at roundabouts may vary. Exercise caution at all times. In particular, be aware of traffic signs, traffic lights, road markings and traffic coming from your right when approaching roundabouts".

Cllr. D. Healy Rae said he spoke to the Town Engineer in Killarney and the County Council Engineer in relation to this issue. There are three roundabouts on the By-Pass road in Killarney. If you want to proceed straight ahead at the Cleeny roundabout you must take the left lane while at the Mackie Shea roundabout you must take the middle lane. Many visitors come to Killarney each year and this is very confusing for them. It should be possible to simplify this matter for motors. The new roundabout at Castleisland does not have arrows indicating the correct lane. He asked that a letter would issue to the NRA calling on them to regularise the lanes at all roundabouts.

Mr. G. McNamara said the important sentence in the reply is as follows "*in order to utilise road space, the established priority may be changed due to the pattern of vehicle turning movements. These are highlighted by directional arrows*". It is important to consider the percentage of traffic using each lane when deciding the layout of the lanes of roundabouts.

Cllr. D. Healy Rae said most of the traffic at the Mackie Shea roundabout is going straight ahead and it is very confusing.

Cllr. J. Healy Rae SECONDED the motion.

22. Deplore the savage attacks on young people by the current Government

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

That this Local Authority deplores the savage attacks on our young people by the current Government.

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

Cllr. T. Ferris said that you can justify the attacks on young people over the past few years. Large numbers of young people emigrate each year. A young man from Ballyheigue was informed by the Department of Social Protection that positions were available in Canada. He has specialised training and subsequently got a job. People on social welfare are being advised to take up courses that are not available. There is age discrimination when houses are being allocated as a number of young men under 40 are on the waiting list and they are not being housed. She advised them to bring a case under the Equality legislation. There is no justification for forcing young people to emigrate. Jobs advertised under the Job Bridge Scheme do not require any training and the Scheme is being abused. She called on all members to stand up for the young people of the country. Maternity benefit is now being taxed and it appears there is no place in Ireland for young people. The only concession in the Budget was free GP care for under 5's.

Cllr. G. Wharton Slattery concurred with the views expressed by Cllr. Ferris. She has two young sons and they spend approximately €40 each week sending out letters of application but they do not get replies. There is an onus on us to nurture our young people and to encourage them until they find work. She referred to the Suicide Awareness Seminar and said the most of the people in the audience would be young people as society has turned its back on them.

Cllr. J. Finucane said all members are familiar with emigration. If we exit the Troika Agreement in December it will be the first chance this government will have to make a decision without outside influence. Processes will begin to change when we exit the Troika Agreement on 15 December. Cllr. Finucane said he was opposed to the motion.

Suspension of Standing Orders

The Mayor informed the meeting that it was 1:30pm and it was necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. M. O'Shea it was agreed to suspend Standing Orders to allow the meeting to continue.

23. Roll out of Fibre Optic Broadband to Kenmare

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

That Kerry County Council request Eircom to progress the roll out of Fibre Optic Broadband to Kenmare and to please give an update on when it is estimated to be fully operational.

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

Cllr. P. Connor-Scarteen requested that a letter would issue to Eircom calling on them to proceed to roll out fibre optic broadband to Kenmare as soon as possible. This is vital for hotels and households.

Cllr. J. Healy Rae **SECONDED** the motion and said the provision of fibre-optic broadband in Kenmare is essential.

Cllr. J.J. Culloty then moved Notice of Motion No. 24 on behalf of Cllr. Cronin and he requested that the reply would be forwarded to Cllr. Cronin.

24. Loss of revenue when Water Services transfers to Irish Water

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

To specify the revenue sources and approximate yearly amounts this Council will lose to Irish Water from January 2014 and to clarify how Kerry County Council will cover the substantial costs of repairs to burst mains, and wages of Water Services staff.

The following report issued:

Pending legislation, from 1st January 2014 it is envisaged that Kerry County Council will provide most of the existing water services as agents for Irish Water under a Service Level Agreement (SLA). The SLA will be in place for a minimum period of 12 years. Part of the SLA involves the preparation of an Annual Service Plan which provides details of the annual budget including staff headcount as well as details of day to day expenditure including mains repair. The proposed 2014 Budget for inclusion into the Annual Service Plan has been submitted to Irish Water for Agreement. It is based on outturn costs for 2012 with allowances also made for additional expenditure items, e.g. new RAL plants. Once agreed, all approved costs in the 2014 Budget will be fully recoupable from Irish Water.

25. Dangerous section of road at Gortanahaneboy West, Rathmore

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

That Kerry County Council continue raising the issue of the very dangerous section of road at Gortanahaneboy West, Rathmore on the N72.

The following report issued:

This motion was discussed at the September 2013 Killarney Area Electoral Meeting where the following reply was given:

"This location on the N72 National Secondary Road is currently being investigated by the National Roads Authority and the location has also been examined by the Council. There is evidence on site that a number of accidents have been occurring. However, it would appear that many of these have not been reported to An Garda Síochána as the National Roads Authority's accident database indicates only one minor injury accident at this location. This level of accident reporting has not been sufficient to support an application by the Council to the NRA for enhanced safety measures on this section of the N72. However, the Council will support and advance any scheme proposed by the NRA for improvements at this location arising from the Authority's investigation".

Cllr. J. Sheahan said this is an accident black spot. He called on the Council to request the NRA to provide funding for this section of road. He pointed out there was one fatality at this location and another person wrote off her car on the eve of the County Final and her family were in the car with her.

26. Issue of Driving Licences only at Manor West

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

That we the members of Kerry County Council ask the Department of Transport how can it be fair for anyone renewing or getting a new licence to come to the Manor West to have their picture taken, it is unrealistic for people in South Kerry.

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

Cllr. J. Healy Rae referred to the recent transfer of responsibility for the issuing of driving licences to the RSA and said it was sad to see this service taken from the Council. Up until recently an ordinary passport photo taken by machine was acceptable but this is no longer the case. Chemists invested a lot of money in these machines and they cannot now be used for the purpose for which they were purchased. Elderly people in South Kerry must hire a taxi to come to Tralee to have their photograph taken. One elderly woman, who only drives locally in South Kerry, had to pay €160 for a taxi to bring her to Manor West to renew her licence. This is completely unacceptable.

Cllr. D. Healy Rae SECONDED the motion and said it takes a day to drive to Tralee from places like Lauragh.

27. Keeping roads open while maintenance work/ pipe laying is done

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

That this Council will do everything in its power to keep roads open while maintenances work or pipe laying is being done. This is especially important to people who are running commercial businesses in this difficult environment.

The following report issued:

Where it is feasible, the Council will endeavour to keep roads open to traffic while works are being carried out. However, where works cannot be carried out in a safe manner, where traffic is passing e.g limited road width, deep excavations, the road has to be closed to comply with health and safety regulations. Every effort will be made to accommodate local access and businesses in these cases.

Cllr. J.J. Culloty said Kerry County Council and businesses are restricted by Guidelines and Chapter 8. He accepted that health and safety must be given priority but said he observed a situation recently where a road was closed. Two articulate trucks met on a narrow road which was the detour and one had to reverse 100m down the road with two cars behind it. The road that was being improved should have been able to facilitate traffic while the works were being undertaken. He asked that the Department would be requested to reconsider the provisions of Chapter 8. There should be fewer restrictions for smaller jobs. He said it is possible that diverting traffic onto narrow roads will pose a greater risk for motorists. He understood a Dáil Committee are considering this at present.

28. Provision of a playground in Beaufort

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

That Kerry County Council give a detailed progress report with regards to the provision of a playground in Beaufort. Will the Council exhaust all avenues with a view to providing a playground for the children of this highly populated parish.

The following report issued:

Kerry County Council will offer any assistance it can within the present budgetary constraints to the local community group in identifying a site and developing a playground within the village. The Council recognizes that site acquisition may be a difficulty but will examine it's land resources in the area with a view to making a site available if possible.

Cllr. M. Cahill said he was working closely with the Beaufort committee with a view to providing a playground. There is a large young population in the area with three national schools. Most parishes of similar size already have a playground. He called on the Executive to make every effort to progress the provision of a playground for Beaufort.

29. Improvements at Heffernan's Bends

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

To ask the Roads and Transportation Department - what will the improvements consist of at Heffernan's Bends and when will they commence.

The following report issued:

The initial improvements consist of re-paving 570 m of the roadway through Heffernan's Bends. The contractor is due on site today. The National Roads Design Office in Castleisland is preparing to commence a Constraints Study and Environmental Assessment of the road from Milltown to Castlemaine in order to upgrade this section of road.

Cllr. M. O'Shea requested a detailed report on the work is likely to be undertaken at a future date at this location.

Mr. G. MacNamara said 750m of road will be repaved but it would be a bigger job to realign the road from Castlemaine to Milltown. The Road Design Office in Castleisland is working on this.

30. Accountability of the Regulator for Irish Water to the Minister

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

That we the members of Kerry County Council seek assurance from the Minister of the Environment that the newly appointed Regulator of Irish Water can be and will be accountable to the Minister of the day on behalf of the local authorities to the consumers on all issues related to the provision of water and public sewerage plants - i.e. charges, timescales for upgrade and maintenance of services and extension of services as required.

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

Cllr D Healy Rae asked Minister O'Dowd when he attended a recent council meeting to ensure that the Minister has control over of the regulator. Kerry county council has encountered difficulties with regulators in the past. He asked that a letter would issue to the Department of environment and the government to ensure the control over the regulator of is maintained at a political level.

Cllr J Healy Rae SECONDED the motion.

31. Centralising of funding from the Local Property Tax

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

That Kerry County Council condemns the decision by the Government to centralise funding generated by LPT rather than ring fencing it for local authorities as committed to when introduced.

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

Cllr. R. Beasley said when the Local Property Tax was introduced members believed the income generated in the County would be ring fenced for the County. Householders paid the charge on this understanding.

Cllr. T. Ferris **SECONDED** the motion and said that anyone who tried to justify the introduction of the Property Tax to improve local services has been proved wrong as all services have been reduced. She said members must voice their concern at the loss of services in the County.

32. Funding to resurface Sneem Village

Pursuant to notice duly given Cllrs. P. Connor-Scarteen & P.J. Donovan PROPOSED:

Further to the necessary study now completed on the N70 road at Sneem Village, that Kerry County Council call upon the National Roads Authority and the Minister for Transport, Leo Varadkar TD, to allocate the required funding in 2014 to have Sneem Village resurfaced.

The following report issued:

The design of the pavement works for Sneem Village has been completed by the Roads Department. It is hoped that an allocation will be received from the NRA to complete these works next year.

Cllr. P. Connor Scarteen said the required study is now complete and the North Square, South Square and approach roads need to be resurfaced. He requested that a letter would issue to the NRA and the Minister for Transport calling on them to provide funding for these works before the next tourism season.

Support for the 'Ballyhea says No' campaign

Cllr. T. Ferris informed the meeting that next week a private member's motion, in support of the 'Ballyhea says No' campaign will come before the Dáil for discussion. She wanted the members of Kerry County Council to support this campaign and the motion.

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

Cllr. J. Finucane said members did not have the detail of the motion and could not therefore vote on it.

Cllr. P. Connor Scarteen concurred with the view expressed by Cllr. Finucane.

The Mayor, Cllr. S. Fitzgerald said that he had not heard anything about this campaign and the detail of the motion to come before the Dáil was not available to members so it was not appropriate to vote on it.

Pedestrian crossing in Listowel

Cllr. T. Ferris called on the Roads Department to cease works on the pedestrian crossing in Listowel until there is consultation with local councillors.

Mr. G. MacNamara said the pedestrian crossing is being provided at the request of the Listowel Area Councillors. The members of Listowel Town Council also supported this request. The design is based on the geometry of the area and it is in the most suitable location. There is no other pedestrian crossing on the N69 in this area. They consulted with the NRA and then went to public consultation. One objection was received on the grounds, that it will obstruct the entrance/exit to his business, that the need for the pedestrian crossing was not established and that he believed it would hinder his business. The business owner feels that articulated lorries will not be able to get in and out of his premises. The Part VIII report on the proposed pedestrian crossing was considered at the July Council meeting and was approved unanimously. At this point the crossing is 95% constructed and when he viewed this location recently, even without lights in operation, traffic recognised the crossing. It is for the safety of road users and pedestrians.

Cllr. R. Beasley asked why the crossing was not located in close proximity to the school.

Mr. G. MacNamara said it would be too far away from the graveyard. Generally speaking national school children are brought to and from school. It is important to ensure the safety of the 13 to 15-year-olds.

Cllr. J. Brassil said the pedestrian crossing is constructed now. He suggested that it should be monitored for a period of 12 months and that it would then be reviewed.

This was agreed.

13.11.18.12 Conferences and Seminars

- (a) On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllrs. O'Shea and Finucane at the Conference on the theme "The New Personal Insolvency Legislation" to be held in Rosscarbery, West Cork from the 22nd to 24th November, 2013.

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

- (b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P.J. Donovan it was agreed to authorise the attendance of Cllr. O'Shea at the Conference on the theme "Local Government Bill 2013" to be held in Bunclody, Co. Wexford on the 29th & 30th November, 2013.

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

- (c) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J. Finucane it was agreed to authorise the attendance of Cllrs. Culloty, Ferris and Cahill at the Conference on the theme "SIPO and Councillors Obligations" to be held in Newlands Cross, Naas Road, Dublin from the 29th November to 1st December, 2013.

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

- (d) On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. L. Purtill it was agreed to authorise the attendance of Cllr. Wharton Slattery at the Conference on the theme "Contemporary Overview of Immigration into Ireland" to be held in Bunratty, Co. Clare on the 6th & 7th December, 2013.

Cllr. Wharton Slattery was nominated to report back to Council on this Conference.

- (e) On the PROPOSAL of Cllr. M. Cahill SECONDED by Cllr. G. Wharton Slattery it was agreed to approve the attendance of Mayor S. Fitzgerald at the Chambers Ireland Awards Ceremony held in the Burlington Hotel, Dublin on Wednesday 13th November, 2013.

- (f) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. D. Healy Rae it was agreed to authorise the attendance of Mayor S. Fitzgerald at the 2013 SEAI Sustainable Energy Awards to be held in the Shelbourne Hotel, Dublin on Thursday 21st of November 2013.

13.11.18.13 Correspondence General

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

1.	Letter dated 21 st October, 2013 from the Restaurants Association of Ireland in relation to the campaign to retain the 9% VAT rate on hospitality and tourism services.
2.	Letter dated 31 st October, 2013 from the Office of the Minister Mary Health in relation to medical cards for persons diagnosed with cancer.
3.	Letter dated 31 st October, 2013 from the Office of the Minister for Health in relation to cuts made to General Practitioners under the Financial Emergency Measures in the Public Interest (FEMPI) Act 2009.

4.	Letter dated 1 st November, 2013 from the NRA in relation to Adare Bypass.
5.	Email dated 3 rd November, 2013 from Mr. Michael Fitzgerald, HSE Area Manager in response to a request to attend a meeting of Kerry County Council.
6.	Letter dated 5 th November, 2013 from the Office of the Minister for Arts, Heritage and the Gaeltacht in relation to the Birds and Natural Habitat Regulations 2011.
7.	Letter from Cavan County Council in relation to a resolution adopted by that authority calling for support for towns and villages.
8.	Letter dated 4 th November, 2013 from Kildare County Council in relation to a resolution adopted by that authority requesting the introduction of a national equalisation scheme as part of the introduction of water charges.
9.	Email dated 8 th November 2013 from South Tipperary County Council in relation to a resolution adopted by that authority calling for the introduction of laws which make it an offence to pay for sex.

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 Margaret Brosnan.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Willie Courtney.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Tim O'Keeffe.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Paddy Doyle.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Jimmy Moynihan.
- (f) Cllrs. M. Gleeson and S. Counihan proposed that a vote of sympathy be extended to the family of the late Finbar McAuliffe.

The meeting concluded at 2.05pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry