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A paper copy of the unedited Minutes is available on request.**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY,
16 JANUARY, 2012**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN
CHONTAE, TRÁ LÍ, AR AN LUAN, 16 Eanáir, 2012**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

J. Brassil	T. Buckley	M. Cahill
P. Connor-Scarteen	J.J. Culloty	B. Cronin
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
B. Moynihan Cronin	T. O'Brien	B. O'Connell
P. O'Donoghue	M. O'Shea	L. Purtill
J. Sheahan	G. Wharton-Slattery	

IN ATTENDANCE/I LÁTHAIR

Mr. T. Curran, County Manager	Mr. M. McMahon, Director of Planning
Mr. J.D. Flynn, Director of Corp. Servs	Mr. O.Ring, Dir Water & Env Servs
Mr. J. Breen, Dir Hsg & Comm & Ent	Mr. C. O'Sullivan, Dir. of Roads
Ms. A. McAllen, Acting Head of Finance	Mr. G. O'Brien, Meetings Adminr.
Mr. P. Corkery, Press Officer	Ms. D. Griffin, SO Corporate Affairs
Ms. M. Galvin, CO Corporate Affairs	Ms. O. O'Shea, CO Corporate Affairs
Mr. P. Stack, SE Planning	Mr. G. MacNamara, SE Roads
Mr. E. Scanlan, SEE Roads	

The meeting commenced at 10.35 a.m.

Mayor T. Buckley took the Chair.

Vote of Sympathy

Mayor T. Buckley paid tribute to the late Seamus McConville. He was editor of the Kerryman from 1974-1988. He was a native of Louth and joined the Kerryman in 1957. He expressed his sympathy to Mr. McConville's wife and family.

All members were associated with this vote of sympathy.

Cllr. M. Gleeson proposed a vote of sympathy to the community of Union Hall, West Cork, on the loss of fishermen following the sinking of a fishing trawler off the south-west coast.

All members were associated with this vote of sympathy.

Notices of Motion regarding Increase in the Pupil/Teacher Ratio

Cllr. M. O'Shea welcomed representatives from Fybough and Lispolie National Schools who are in attendance regarding the increase in the pupil/teacher ratio for schools with 86 pupils or less. He asked if the Notices of Motion on the agenda regarding this matter could be moved to the start of the meeting.

Mayor T. Buckley said the long standing procedure is these items be dealt with when the Notices of Motion agenda item is dealt with. It is a long standing procedure. The Notices of Motion item will be dealt with early today.

Cllr. M. O'Shea asked if these Notices of Motion could be dealt with first when dealing with the Notices of Motion agenda item.

Mayor T. Buckley agreed to allow these Notices of Motion be moved first when dealing with the Notices of Motion agenda item.

Vote of Congratulations

Cllr. J. Brassil proposed a Vote of Congratulations to Causeway Comprehensive School for their achievements in the Young Scientist Award.

Mayor T. Buckley SECONDED this proposal.

Cllr. N. Foley proposed a Vote of Congratulations to Presentation School, Tralee, who came first in their category and also Presentation School, Milltown, who came first in their category in the Young Scientist Award.

Harbour Bye-Laws

Cllr. M. Griffin PROPOSED that Item 3 on the agenda regarding the Harbour Bye-Laws would be suspended and referred to the Transport SPC for consultation with the harbour users.

Mayor T. Buckley said this item would be dealt with shortly.

12.01.16.01 Mayor's Report on CPG Meeting held on 10th January 2012

Mayor T. Buckley read the following report into the record of the meeting:

Item 1 Agenda for the January Council Meeting

Mr. G. O'Brien, Meetings Administrator, briefed members on the agenda for the January Council meeting.

With regard to Item 13, Presentation by RPS Consultants on the preparation of a Shannon Integrated Framework Plan (SIFP) for the Shannon Estuary, Mr. M. McMahon, Director of Planning, said this is part of the consultation process to bring the members up date on this matter. The final document will be presented to the elected members for consideration to be adopted as a variation to the Kerry County Development Plan.

Item 2 County Development Board Update

Mr. J. Breen, Director of Housing and Community & Enterprise, outlined that a County Development Board Executive meeting was scheduled for the afternoon of 10th January. The next County Development Board is scheduled for Friday,

17th February, 2012 at Kerry Technology Park. Executive meetings will be held every two months from here on due to staffing constraints.

Issues to be considered by the CDB Executive as items for the CDB Agenda include:

- Progress reports from CDB Subgroups: Social, Health & Community, Economic Hub, SIM Working Group and Culture, Recreation & Heritage Group
- ESRI Labour Activation Report – for consideration and actions by the Board
- Infrastructural/Other Projects – assignment of responsibility
- Schedule of subgroups reporting to the Executive Committee in 2012 – to be agreed
- Agenda for February CDB meeting:
 - Presentation on Local Development Companies Planning Process
 - County tourism structures – clarifying roles & responsibilities
 - Resourcing of agreed CDB actions
 - Update on Kerry Rural Transport
 - Presentation on Kerry Technology Park
 - Business Closure Strategy – present final document

Item 3 Update from Chairs of SPCs

It was noted that a full report from the Culture SPC, Environment & Water SPC and the Transport SPC will be presented to the January Council meeting.

Item 4 Training and Development Programme 2012

Mr. G. O'Brien, Meetings Administrator, circulated a copy of the Training and Development Programme 2011. A review of the Training and Development Programme must be undertaken annually. Events listed on the Council Agenda are tied into the Training and Development Programme. A number of elected members have provided feedback on conferences and seminars attended in 2011 which will be useful in undertaking the review of the Training and Development Programme.

Elected members are requested to revert to Mr. G. O'Brien with feedback on conferences and seminars they attended in 2011.

The executive, through the County Manager, thanked the elected members for their prompt submission of expense claims for their attendance at events in 2011 which enables us to have finances up to date.

Item 5 Civic/Mayoral Receptions

A Civic Reception for the Kerry Ploughing Association will be held during the February Council Meeting.

Item 6 Any Other Business

Household Charge

Ms. A. McAllen, A/Head of Finance, updated members on the payment options for the Household Charge. Kerry County Council is rolling out receipting facilities, for persons who wish to pay the charge in full by cash or cheque, at all Area Offices and the Killarney Area Services Centre in the Town Hall, Killarney. People can avail of internet facilities to make online payments at the libraries. Direct Debits for payment of the Household Charge in instalments must be arranged by 1st March, 2012. Direct Debits will be then be paid in March, May, July and September. The Finance

Department will be placing an advertisement in the papers outlining how Kerry County Council will accept payment for the Household Charge.

Budget 2012

Mr. T. Curran, County Manager, on his own behalf and on behalf of the staff, thanked elected members for the professional way the Budget meeting was dealt with on 9th January. It was a very business like meeting, queries from the members were appropriate to the Budget and the key issues were focused on.

CPG Members complimented Ms. A. McAllen on her presentation of Budget 2012.

County Manager said, following on from comments from a number of members regarding many of the good achievements of Kerry County Council, it is proposed that the Mayor or appropriate SPC Chair would present a report to Council on such issues.

CPG members agreed to this proposal.

Cllr. D. Healy-Rae referred to a copy of the letter issued with regard to Votes of Sympathy. He said the elected member proposing the vote of sympathy should be mentioned on the letter.

Cllr. B. O'Connell disagreed and said the letter is from the Council. He PROPOSED that the letter regarding a vote of sympathy remain as is.

Cllr. P. O'Donoghue the letter is a message from the members of Kerry County Council. He SECONDED Cllr. O'Connell's proposal.

12.01.16.02 Confirmation of Minutes

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Foley, it was resolved that the Minutes of the Special Meeting of Kerry County Council held on 21st November, 2011, be confirmed.

12.01.16.03 Manager's Report on the submissions received and making the County of Kerry Scheduled Harbours Bye-Laws

Cllr. M. Griffin PROPOSED the suspension of the order of business so the elected members could consider the following motion.

"That Item 3 on today's agenda - Draft Harbour Bye-Laws - would be suspended and sent back to the transport SPC for further consideration and consultation with all the harbour users involved."

Cllr. Griffin said if Kerry County Council were to enact these Bye-Laws as presented they would result in the loss of jobs, additional cost to a fishing industry already under severe pressure and hinder the further development of our harbours as a recreational and tourism asset to our county. The SPC should consider the introduction of Bye-Laws less bureaucratic and more consultative in nature. Kerry County Council should seek to limit the administration cost involved in any new Bye-Laws and move in the direction of an agreed code of practice, voluntary registration of pier users and regulate the cost and upkeep of the pier.

Cllr. S. Fitzgerald **SECONDED** this proposal. He said there is a lot of confusion regarding the proposed charges in the Draft Bye-Laws. Fishermen were not aware these Bye-Laws were being introduced. The Bye-Laws were advertised at the end of July 2011 when the fishermen were busy. While management presented these issues to elected members over the last number of months, he said he was not aware of the feelings of the fishermen at the time. He said he assumed the fishermen were aware these Bye-Laws were coming into force. Fishermen and harbour users missed the opportunity to engage in the consultation process. There is a lot of change proposed in the Bye-Laws. No two piers/harbours in the county are the same. Fishermen and harbour users should have time to give their submissions. There is no point in progressing the Bye-Laws without the co-operation of the fishermen.

Mayor T. Buckley said there is a proposer and seconder to defer the item and discussion on the matter should be held for the next meeting.

Cllr. P. O'Donoghue **PROPOSED** an amendment to Cllr. Griffin's proposal and **PROPOSED** that management engage with representatives of the fishing community not just referring the item to the SPC. The fishermen accept and acknowledge regulation is required. The major issue is the proposed charges in the Bye-Laws.

Cllr. T. Ferris **PROPOSED** that the consultation process be re-started and re-advertised in the newspapers. The Local Authority has nothing to lose except the cost of an advert. The public must be made aware of the Bye-Laws.

Cllr. A. McEllistrim **SECONDED** this proposal.

Mr. C. O'Sullivan, Director of Roads & Transportation, said it is a matter for the members to decide how to progress with the Bye-Laws. The Bye-Laws can be deferred if it is the wish of the members to allow for consultation with fishermen and harbour users. He said he does not take on board the criticism that the Local Authority was undemocratic with the process. Cllr. O'Donoghue has had many motions regarding progressing these Bye-Laws. There was much publicity regarding the Bye-Laws. The Senior Executive Engineer with responsibility for piers and harbours has been liaising with the fishermen on the basis that he has been receiving complaints regarding activity on the piers and harbours and was advising the fishermen that Bye-Laws were being presented to Council. The consultation process was followed. He said he does not see the need to start the process again as that would delay the introduction of the Bye-Laws by 6-8 months.

Cllr. J. Brassil said there are two choices, (1) deferring the issue and consulting with the interested groups and bringing it back to the members in one or two months or (2) starting the process again. Only two submissions were made following the public consultation. It is obvious that the vast majority of people did not see the notice. He said he was made aware of the Bye-Laws at an Area Meeting and he consulted the local group but many groups in the county were not aware of the Bye-Laws. The fairest way, and agreeing with Cllr. Ferris, is that the Bye-Laws be re-advertised. The charges are not relevant to the Kerry piers because facilities are not in place.

Cllr. N. Foley supported the previous speakers and said businesses and livelihoods in the county for generations are being affected. If what is proposed in the Bye-Laws is adopted, it will bring to an end to occupations that have been in this county for generations. The Fianna Fáil Party will not be supporting the charges which would be

detrimental to businesses. She supported the Bye-Laws going out to public consultation again. It is in our best interest that this sector would flourish well into the future. Everybody will have an opportunity to bring their experience to the table to make a decision for the benefit of all concerned.

Cllr. B. Moynihan-Cronin said the Labour Party has discussed issue and agrees that public consultation should be re-started. A lot of people missed the advert as the time of year it was advertised was a busy time for them. It would be for the betterment of the Council and communities to re-start public consultation.

Cllr. D. Healy-Rae said he supported the call for a deferment of the Bye-Laws in order to give the fishermen and the tourism sector a proper chance to consider them. It is unfair to impose charges at piers and harbours in Kerry when there are no facilities and services. The tidal piers can only be accessed and used when the water levels are high. He asked if management realises that if charges are imposed that Kerry County Council will be liable for any damage incurred to vessels frequenting these piers and harbours and exposing Kerry County Council and the members that would have voted for these Bye-Laws. The imposition of charges is wrong in the times people are living in. As presented, these Bye-Laws are very unfair. People missed the advertisement so we should re-advertise and make everyone aware of what is going on.

Cllr. A. McEllistrim said as well as advertising in the local newspapers an advert should also be placed on the radio. Many people were unaware of these Bye-Laws having been advertised. One particular business, which employs 15 people, would not be able to operate if these Bye-Laws were adopted. These Bye-Laws must be re-advertised.

Cllr. P. Connor-Scarteen asked if Management was agreeable to re-advertising the Bye-Laws.

Mr. C. O'Sullivan said the statutory provisions under Part 19 of the Local Government Act were complied with in advertising the Bye-Laws. Powers to make or not make the Bye-Laws rests with the members. If the members want that the Bye-Laws be re-advertised, management will do that.

Cllr. P. Connor-Scarteen asked what is the timeframe for the process if it is re-advertised.

Mr. C. O'Sullivan said the process would take between 5-6 months, depending on the amount of submissions received.

Cllr. P. Connor-Scarteen asked if the Bye-Laws will go to the Transport SPC again.

Mr. C. O'Sullivan said the Harbour Bye-Laws is a policy document so it will be presented to the Transport SPC again.

Cllr. J. Finucane said there is a commercial aspect to this with fishing and leisure tourism. To have more strategies on the county's economic recovery is vital. He took exception that Fianna Fáil are opposed to charges at piers and harbours. It was the last Government administration that decided to disband Fenit Harbour Board. The direction from the Government was to give Fenit Harbour Board to Foynes in Limerick.

The county is fortunate that Kerry County Council took Fenit Harbour on board. There must be a best policy for everyone concerned in using the county's natural harbours.

Cllr. T. Ferris thanked the Director of Roads & Transportation for agreeing to re-start the consultation process for the Bye-Laws. She said the reason she wanted to re-start the process is that while there are identifiable organisations in the county, there are other organisations outside the county who will also be affected as it is for commercial purposes that many of the provisions are in the Bye-Laws. Fishermen go out for 14 hours of work a day and have little income from it. It is very important to get these Bye-Laws right, particularly for those dependent on fishing for a living. She conveyed best wishes to the community of Union Hall who are searching for their loved ones following the sinking of a fishing trawler.

Cllr. M. Gleeson said there are significant economic implications in the introduction of these Bye-Laws, not just from the fishing industry, but also for Liebherr in Killarney. Everything must be done properly and correctly in preparing these Bye-Laws. He said he did not see the advertisement for the Bye-Laws. He welcomed the fact that there will be a full re-advertisement of the public consultation process.

Cllr. M. Cahill said that there were just two submissions on the Bye-Laws so it is obvious people were not aware of the advertisement. The representation here today shows the fishermen are concerned. The fishermen and all interested parties must be working in co-operation with Kerry County Council on this process.

Cllr. M. O'Shea said it is an extremely positive response to re-start this process. It is important that all groups are proactive in developing these Bye-Laws. These groups should send deputations to all Electoral Area meetings for the next few months. There must be Bye-Laws in place to correct any anomalies and all groups should come together and put a proper set of Bye-Laws in place.

Cllr. P.J. Donovan welcomed the decision to defer consideration of the Bye-Laws. When this matter was discussed previously members were told all piers are different and they will be treated individually. Submissions on the Bye-Laws must also be presented to the Area Meetings and be passed at area level before being presented to a Council Meeting.

Cllr. J. Healy-Rae said the lack of information on the Bye-Laws is very crippling. Brandon fishermen must park in Fenit at this time of year because facilities are so bad at Brandon Pier. He asked what service will be given for charges at piers and harbours.

Cllr. M. Griffin acknowledged that the consultation process undertaken by Kerry County Council was followed correctly. Draft Bye-Laws are now in place. He PROPOSED the Bye-Laws be referred to the SPC and re-start the consultation with the harbour users. Take two or three months as necessary for the consultation.

Mr. T. Curran, County Manager, said he respects the decision of the members to re-start the consultation process, however, a very dangerous precedent is being set on the basis that of what stage does Kerry County Council stop public consultation on an issue. There was public consultation on the Bye-Laws and it was well advertised. The Bye-Laws were considered at Electoral Area meetings. Kerry County Council has previously gone through full consultation on planning issues and got no

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submissions. He said while he does respect the members' decision he does recommend caution. There is only one way to go now and that is to re-start public consultation. If elected members do not accept the charges, this county will not have Bye-Laws for its piers and harbours.

On the PROPOSAL of Cllr. T. Ferris, SECONDED by Cllr. A. McEllistrim, it was agreed that the process in relation to the drafting of Harbours Bye-Laws would be re-started, with a new public consultation process to take place to allow for further consultation with interested parties.

12.01.16.04 Dedication of New Bridge at Tulligmore, Killorglin

Cllr. M. Cahill complimented the work done in making this bridge very safe. He PROPOSED that Kerry County Council dedicate the new bridge to the memory of the late Mr. Michael J. Hoare. Mr. Hoare was a well respected businessman (___).

Cllr. J. Healy-Rae SECONDED this proposal.

On the PROPOSAL of Cllr. M. Cahill, SECONDED by Cllr. J. Healy-Rae, it was agreed to dedicate the new bridge on the Killorglin/Glenbeigh Road at Tulligmore to the memory of the late Mr. Michael J. Hoare, (Address withheld for data protection purposes).

12.01.16.05 Kerry Library Events & Exhibitions Policy

Cllr. M. Cahill, Chair of the Culture SPC, said the need for an Events & Exhibitions Policy was discussed at a previous SPC meeting. An example of the types of exhibitions held in libraries are:

- Energy Conservation Workshops
- Kerry Surnames Lecture
- National Science Week
- Creative Writing Workshops
- Tracing Your Irish Ancestors with Genealogist John Grenham

The Exhibitions Policy was agreed by the members of the SPC and is recommended to the elected members for adoption.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. T. O'Brien, it was agreed to adopt the Policy for the Hosting of Exhibitions and Events in Kerry Library Service premises.

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

Mr. J.D. Flynn, Director of Corporate Services, referred elected members to report dated 3rd January, 2012, which was circulated by the Ethics Registrar. In accordance with Section 174 of the Local Government Act, 2001 notice will shortly be issued to each member of the Council informing them of the requirement to prepare and furnish an annual declaration of declarable interests to the Ethics Registrar. This declaration must be returned before the 29th of February, 2012.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson, it was agreed to note the issue of Annual Declaration Forms in accordance with Part 15 (Ethics) of the Local Government Act 2001.

12.01.16.07 Report from Chair of the Community, Cultural and Tourism SPC

Cllr. M. Cahill, Chairperson of the Community, Cultural and Tourism SPC, highlighted the following from the SPC meeting held on 9th November, 2011:

- **Library Update**

Major renovation work is currently being carried out on Caherciveen Library. A review of Library staffing and opening hours is currently taking place. Over 500,000 items loaned to the general public to November, 2011. This has exceeded last year's figures showing that library usage has greatly increased, but there has been a decline in Internet Usage in the Library.

Killarney Library is host to the Europe Direct Information Centre. As one of only eight centres in Ireland, the role of the Library is to provide information at local level on the activities of the European Union. The Centre is located in the branch and is open during library opening hours.

County Librarian has outlined the need for Child Protection Guidelines for the protection of children and staff members. The Library Guidelines were circulated for comment and were approved.

- **Report from Kerry County Development Board**

The CDB has been reconstituted into 5 Hubs – Economic, Social, Health & Community, SIM Working Group, Learning Forum (Education & Training), Culture, Recreation & Heritage Group.

- **Oifig na Gaeilge**

Oifig na Gaeilge and CDB organised a seminar, targeted at the public sector, on using Irish in the public domain. Sixty people attended.

Oireachtas na Samhna drew approximately 12,000 people to Killarney.

Kerry County Council and Killarney Town Council sponsored this year's youth events and competitions including Scleip na hÓige.

Review of the Official Languages Act 2003 - Kerry County Council will be making a submission on this document and submissions are invited from SPC members.

- **Community Communications Network**

The aim of this Project is to promote preparedness and resilience in the event of an emergency. Brochures and information cards with emergency phone numbers have been distributed around the county.

A Local Emergency Plan has also been produced. This document will be used by volunteers in each community and will include key contact numbers and a list of resources.

This Project was runner-up in the Community Safety Category at the Pride of Place Awards and Kerry County Council won "Best Local Authority" Prize at the Awards Ceremony.

Matters raised included the lack of signage on side roads in rural areas of the county which is a barrier to access in emergencies.

The need for the implementation of the Good Samaritan legislation was discussed.

A Seminar is being organised in March 2012 entitled "Building Community Preparedness and Resilience – An International, National and Local Perspective".

- Tourism

A report was presented on the activities of the Kerry Bus.

The retention of the Cork/Swansea Ferry Service was discussed.

The issue of dog fouling on the streets/beaches was discussed and a number of initiatives agreed. A discussion took place on promotion and the need to build on opportunities in the tourism area.

12.01.16.08 Report from Chair of the Environment & Water Service SPC

Cllr. B. Cronin, Chairperson of the Environment & Water Services SPC, highlighted the following from the SPC meeting held on 8th November, 2011:

- Public Awareness Campaign

An information leaflet entitled “Keep the chill from your pipes this winter” was circulated. The leaflet was designed in-house and is intended to provide general protection ‘tips’ to the general public.

- Inspection of Private Water Supplies.

The SPC was briefed on a meeting between KCC and the HSE on 16/09/2011 in relation to the potential for cross-contamination of the public water supply by commercial premises which supplement their public supply with a private supply.

- Update Report – Kenmare Abstraction Order.

Kerry County Council has been served notice of an objection lodged in the Circuit Court to the Provisional Order granted by An Bord Pleanála to abstract a supplementary supply from the Sheen River subject to certain conditions as listed in the Order. It is now a matter for the Courts to consider the terms of objection.

- Licensing of Food Service Establishments for Fats, Oils and Greases

An inspection of commercial premises in Dingle Town, to ascertain awareness of and compliance with the obligations of the Food Waste Regulations, has been carried out in conjunction with the Regional Waste Management Office. A report on the findings will be prepared and included on the agenda for the next meeting of the SPC.

- Update on Oil Pollution Plan

A draft of the plan is now complete and has been forwarded to the Coast Guard for formal approval. When this process is complete the Plan will be incorporated as a sub-plan of the Major Emergency Plan.

- Update Report on the Part 8 Planning Process – Leachate pipeline from the North Kerry Landfill

The proposed project involves the laying of a 10.8km long pipeline from North Kerry Landfill at Muingnaminnane to Castleisland Waste Water Treatment Plant. (WWTP) to replace the tankering by road of the leachate. This would reduce the risk and also involve a reduction in noise, traffic hazard, visual nuisance and air quality.

Following the public consultation process, a total of 14 submissions were received, some of which were group submissions, with a total of 178 signatories. The main concern raised in the submissions relates to the risk of a potential leak from the pipeline. It is proposed to hold a public meeting in Castleisland with the objective of allaying the concerns expressed.

- **Water Services (Amendment) Bill 2011**
A summary of the main provisions of the Bill was circulated. The Bill has yet to go through the committee stage and also that the detail pertaining to the proposed septic tank inspection process is to be outlined in Regulations that will only be made when the legislation has been enacted.
- **Policy Relating to Election posters**
Legal advice is that it is not possible to make bye-laws to supersede the existing exemption provided for the erection of election posters under the Electoral (Amendment) (No 2) Act, 2009 (Section 9). It was agreed to request the Department of Environment, Community & Local Government to have this matter included for consideration in the context of any amendment to Litter Pollution Legislation/Electoral Legislation proposed. It is the objective of the SPC to have a policy regulating election posters in place in time for the 2014 Local Elections. The designation of particular areas within which posters may only be erected was proposed by Cllr. Paul O'Donoghue and received unanimous support.

12.01.16.09 Report from Chair of the Roads & Transportation SPC

Cllr. P. Connor-Scarteen, Chairperson of the Roads & Transportation SPC, highlighted the following from the SPC meeting held on 12th December, 2011:

- **Budget Priorities**
The Committee considered a report on the Budget Priorities for 2012 and the Director highlighted the challenges facing the Council in 2012 and future years, having regard to recent announcements by Government. A summary of the issues is as follows:
 - Major national road projects are being deferred.
 - The level of Capital funding being made available for National Roads in 2012 is €605m and less than €288m per annum from 2013 to 2016, which is substantially down from €1.115 b and €867 m in 2010 and 2011 respectively.
 - The level of Capital funding being made available for Regional and Local Roads in 2012 is €285m and less than €250m per annum from 2013 to 2016, which is substantially down from €411m and €375m in 2010 and 2011 respectively.
 - NRA will progress a limited number of relatively low cost targeted Improvement Schemes on the National Secondary Road Network, where road safety is an issue and in tourist areas.
 - Funding is being provided for the development of Smarter Travel Initiative, including cycle lanes and cycle ways, pedestrianisation projects, etc.
 - Current expenditure provision for the Department of Transport, Tourism and Sport in 2012 is €786 million which is a reduction of €69 m on the previous year.
 - Indication that grants under the Local Improvement Scheme are to be discontinued
- **Adopt a Road Scheme**
SEE Roads presented a report on the initiative "Adopt a Road Scheme" The benefits of the proposal were highlighted as follows:-
 - It will help to ensure that the approach roads into the towns are properly cleaned and maintained

- It will give ownership to the local businesses
- With ever decreasing maintenance budgets the Council already has insufficient funds to maintain its road network. If the downward trend continues, it is inevitable that the roads will not be adequately maintained, which will lead to poor scoring on the National Litter Programme and as a result this has a knock on affect to the businesses in the region.

12.01.16.10 Date for the March Ordinary Meeting

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. M. Gleeson, it was agreed to hold the March Ordinary Meeting on Monday, 12th March, 2012, at 10.30 a.m.

12.01.16.11 Report on the Operation and Activities of Fáilte Ireland Kerry Tourism Board

It was agreed to note Cllr. S. Fitzgerald's written report on this item which was circulated.

12.01.16.12 Summary of Proceedings at Conferences

9th National Radon Forum – 24th November, 2011

It was agreed to note Cllr. J. Sheahan's written report on behalf of the delegates that attended the 9th National Radon Forum held on 24th November, 2011.

Conference "Being Positive in a Negative Climate" – 9th–11th December, 2011

It was agreed to note Cllr. S. Fitzgerald's written report on behalf of the delegates that attended the Conference on the theme "Being Positive in a Negative Climate" held from 9th – 11th December, 2011.

Training Seminar on the Local Government (Charges) Act 2009 – 16th–18th December, 2011

It was agreed to note Cllr. B. Cronin's written report on behalf of the delegates that attended the Training Seminar on the Local Government (Charges) Act 2009 held from 16th – 18th December, 2011.

12.01.16.14 Notices of Motion

As agreed at the start of the meeting, Notices of Motion Nos. 6, 7 & 17 were moved first.

Proposed Changes to Pupil Teacher Ratio in National Schools

6. Pursuant to Notice duly given, Cllr. S. Fitzgerald PROPOSED:-

"That we the members of Kerry County Council express our grave concern to the Minister for Education Ruairí Quinn regarding the targeted changes which his Department intends to induce on the pupil teacher ratio for 2 - 4 teacher National School. Kerry County Council deplores this decision and calls on the Minister not to go ahead with this proposal"

7. Pursuant to Notice duly given, Cllr. M. Griffin PROPOSED:-

"That Kerry County Council would write to the Minister for Education requesting a review of the teacher ratio for 2, 3 and 4 teacher schools introduced in the December 2012 Budget with particular reference to Fybough N.S. Keel, Castlemaine, Co Kerry. This school has achieved the old D.E.S. criteria in 2011"

and will meet the new criteria of budget in future years. Common sense should prevail in cases such as Fybough N.S.”

17. Pursuant to Notice duly given, Cllr. M. O’Shea PROPOSED:-

“That Kerry County Council support rural communities, where the majority of primary national schools with four teachers or less are located. These schools will be most affected by the Minister for Education’s ‘staffing adjustments’. Added to the doubling of school transport charges which apply only to the rural school going population parents of school going children are in dread of the future”

Mr. G. O’Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. S. Fitzgerald said since the Government Budget was announced the smaller, finer details regarding Primary Schools have emerged. The numbers of children to keep or appoint a teacher in small schools has changed dramatically.

For a 2 teacher school the teacher pupil ratio is now 14. This will be increasing to 20 or more students in September 2014.

For a 3 teacher school the teacher pupil ratio is now 49. This will be increasing to 56 or more students in September 2014.

For a 4 teacher school the teacher pupil ratio is now 80. This will be increasing to 86.

Most schools on the Dingle Peninsula will lose a mainstream class teacher within the next four years. Some schools will be closed. There will be an impact on learning support. It will be a difficult situation for the teacher and students, particularly those with learning difficulties. Teachers will be forced to deal with bigger class sizes. The recent changes to the staffing ratio only apply to schools with less than 86 pupils. The vast majority of 2 and 3 teacher schools are located in rural areas. Many multi-grade classes, consisting of 3 or 4 different class groups will now be placed in classrooms containing 25-20 pupils. The larger schools with 4 or more teachers will not have any ratio changes.

Fybough National School in Castlemaine will lose a teacher because of the increase in the pupil teacher ratio. Scoil Naomh Eoin Baiste in Liospóil, which presently is a 4 teacher school, will increase from 76 pupils to 83 pupils, an increase of almost 10%.

In the case of a 4 teacher school outside of the Gaeltacht the number will increase from 81 to 83 students. The changes disproportionately affect Gaeltacht schools in a greater capacity at national level. The small advantages that the Gaeltacht schools had has ended.

Minor Works Grant Funding is being discontinued. Funding will be reduced to €6,000 per school per annum. He called on Minister Quinn to reconsider this decision regarding teacher pupil ratios. Small schools will be at a major disadvantage. It is also putting the children at a disadvantage.

Cllr. M. Griffin said the loss of a teacher will be a disadvantage for these schools. He requested that a letter issue to the Minister requesting him to review this proposal. The loss of a teacher from a school seems to be the only mechanism the Department of Education has used to keep budgets balanced. No other means of cost saving has been considered. The Minister is reviewing the position regarding disadvantaged schools and is publishing the report on Value for Money in Schools in the next weeks. He said he hopes some common sense will prevail and teachers and pupils will not be the ones to suffer.

Cllr. M. O'Shea said the question must be asked what is happening rural Ireland regarding all the cuts. Government has a slash and burn policy. Cut and close and amalgamate services. Cuts mean job losses. The end result is job losses. The pressures on rural schools are mounting. The Rural School Bus service was affected first. This Government is dismantling rural Ireland bit by bit. A community is made up of a small school, shop, pub and Garda station. The small school is facing ruin if this policy comes in. The Government promised so much and is not delivering. If rural Ireland does not stand and fight together there will be no more rural Ireland. 100 schools in Kerry will be affected in the next three years. If we lose half our rural schools it will cause massive effects. The Minister announced he would review some of the disadvantaged schools. The review will have an affect for the urban schools not the rural schools. The Minister's proposal regarding the teacher pupil ratio in small rural schools must be refused outright. He thanked the parents from Fybough, Lispole and West Kerry for attending the Council meeting. This issue is so important going forward. He called on the Council to support this motion.

Cllr. M. Gleeson **SECONDED** the motions. He said he is sorry there is a need for the deputation to be in attendance today. It is an awful thing that these schools are in trouble. This is almost a rewind of a clock to the 1970's when it was proposed to close small rural schools. The parents and INTO stood up and were listened to. People wanted to protect their schools and communities and children who had special educational needs. There was no long term planning to resolve the problems in the country. Problems are solved by having long term vision. Vision is required in education. If children are deprived of proper education there is going to be long term suffering for the children and community. Schools give life, focus and vibrancy to an area. He said he hopes this call on the Minister will be successful.

Cllr. M. Cahill expressed grave concern regarding the future of small schools. Ireland boasts about a well-educated workforce. The Minister's proposal flies in the face of this boast. It goes against our young people. Teachers and parents are concerned. Many of these schools have built on extensions in recent times and the proposal is to downgrade and close these schools. Also with the increase in the bus transport costs everything is moving against rural Ireland. He supported the motions and called on the Minister to reverse this decision. The Minister should be asked to give funding of €100m to public schools instead of private schools.

Cllr. D. Healy-Rae welcomed the teachers and parents with concerns who attended the meeting today. He supported the Notices of Motion. The rules are being changed retrospectively and this will affect many rural schools. Laws made retrospectively are very unfair. Clonkeen School is already closed. The pupil teacher ratio is very important, particularly for children with special needs. In rural schools there are also non-national children who need a bit more time from teachers. The school transport fees are being doubled. It was the case that where a school was closed the pupils would be given free transport to the next school. That was changed also. It is a very important issue affecting children. He requested that a letter issue to the Minister. He appealed to the members aligned to the Government parties and those with access to local Deputies to call on them to vote against this proposal in the Dáil.

Cllr. A. McEllistrim supported the motions. People think that the Minister is dealing with this matter. It is only a review. He has not said he will reverse this decision.

Primary education is of the utmost importance. Literacy and numeric literacy levels in the schools need to be improved. Class sizes need to be small. The change to the pupil teacher ratio means larger class sizes and it will have an impact at secondary level. The proposals regarding changes to class sizes and amalgamation of schools must be reversed. With regard to Secondary Schools the implementation of a reduction in Guidance Counsellors is detrimental.

Cllr. J.J. Culloty supported the motions. It is important we all stand together on this. Urban legislators are trying to urbanise rural Ireland. We must all stand together and speak with one voice. The pupil teacher ratio must be kept at a reasonable level. Many of the schools have investment made in their buildings recently. He said he cannot see where the savings can be made. Foundation learning in Primary School is most important.

Cllr. B. Cronin welcomed the parents and teachers to the meeting. He said he is speaking as an elected member and Chairman of a Board of Management of a 3 Teacher School. He said he regrets this savage attack on rural Ireland, education and rural National Schools which are the foundation of our county and country. Cllr. O'Shea is correct when he said the rules changed after the elections. Oireachtas members must seek that these proposals do not proceed. The raising of the pupil teacher ratio is a major issue because support grants are based on attendance numbers as is the number of teachers. This proposal will affect funding and teachers. The Minor Works Scheme, SNAs who do great work, Language Support and Transport are all being cut. He called on the Fine Gael and Labour members to call on their Oireachtas members to oppose this proposal. There is an opportunity to rectify this.

Cllr. G. Wharton-Slattery, on behalf of the Labour Party, said the Labour Party supports the call to reverse the increase to the pupil teacher ratio. It is appreciated how important rural schools are to the rural community. The position regarding DEIS Schools is being reviewed by the Minister. All of this is as a result of the recklessness of the previous Government. Rural schools are the soul of rural communities. The Minister and Oireachtas members are being lobbied on this matter. She welcomed the representatives attending from the schools.

Cllr. N. Foley supported the motions and sentiments of previous speakers. Being involved in education, she said she is always fascinated by and often wonders what happens the people who are elected to Leinster House. Many of them are products of rural schools themselves. It is in the Primary School that the seeds of education are sown. Once inside Leinster House they forget the debt of gratitude and obligation they owe to rural schools. Regarding rural education, the standard and level provided is second to none. These schools are huge contributors to their communities. There is a wipe out by stealth of the rural schools. If it is the intention of the Minister to wipe out rural schools he should just tell us and be clear. All members are supporting this issue.

Cllr. P. O'Donoghue supported the motions and welcomed the deputations. This is nothing but a shocking attack on education in our rural communities. It is hard to appreciate where the Government is coming from on this. This will not assist education. The lack of consistency is mind-boggling. People had reason to believe education facilities in rural areas were to be maintained. In 2010 there was a programme to maintain. The new Programme for Government suggested

maintaining the policy as was. Now we will have closure by stealth. These closures will be a death knell for rural communities. There was a promise of transport for pupils from closed schools to the nearest alternative school. He called on Oireachtas members to have a joint motion to call on the Minister to reverse this decision.

Cllr. J. Finucane said he is speaking as Chairman of a Primary School Board in Tralee. It is a legal obligation for children to be sent to primary education. The logic was to give children a foundation in education. We have to make priorities in any approach to try to resolve the problems in this country. There are employment opportunities where we do not have enough people trained. Education is what must be prioritised. Any issues that arise must be addressed in primary school. The impact of changes on the ground is significant. Deputy Brendan Griffin is proposing alternatives to this. Education is the foundation of our society. It is the basis of our future.

Cllr. T. Ferris said elected members oppose this proposal by the Minister. Those who are most vociferous against these measures, and support the rural schools, are those who benefited from education in rural schools. She welcomed the deputation to the meeting.

Cllr. P. McCarthy welcomed the deputation and thanked them for attending today. Cllr. Gleeson said the national school breathes hope and light into a community. This is correct. The onus on all of us is to stand up for our national schools. He said he sees the difference in third level in the performance of students who come from schools with 2, 3 or 4 teachers and those with very large numbers. A survey was done recently by staff in the I.T. Tralee which highlighted this. Every effort should be made to ensure that this decision, a wrong decision, is reversed. Oireachtas members must oppose this. This will have a devastating effect on our young people.

Cllr. P. Connor-Scarteen said there will be devastation to smaller schools if this goes ahead. He said he wrote to the Taoiseach and Minister of State on this matter on behalf of the Fine Gael party.

Cllr. T. O'Brien said this is hurting across the county. The county's TDs should come together on this and ask the Minister to review this again. He welcomed the deputation to the meeting. This Minister has listened before and will listen again.

Mayor T. Buckley supported the motions. He welcomed the deputation from the schools. Kerry County Council members will do everything in our power to have the decision reversed.

1. Housing Leasing Scheme

Pursuant to Notice duly given, Cllr. M. Gleeson PROPOSED:-

"As the Government's Leasing Scheme has very little relevance for Kerry's towns and villages where there is but limited surplus housing stock available for leasing, that this Council calls on the Government to introduce a scheme that will allow our Local Authorities make meaningful inroads into the ever lengthening lists of people desperately waiting for a house of their own."

The following report issued:

As Members are aware, substantial work has been done on identifying possible housing units for lease under the Social Housing Leasing Initiative, but for the following reasons, as recently set out in the Budget Report, these units have not been forthcoming.

- **Properties in locations where there is low or no demand for social housing.**
- **Properties not of the standard required by Kerry County Council.**
- **Properties where there are issues relating to compliance with Planning and Building Regulations.**
- **Some landlords are not in a position to enter into leases because they require consent from their financial institutions which is either not forthcoming or there are significant delays receiving same.**

Notwithstanding these limitations, we intend to pursue the option of leasing single accommodation units and would hope to make substantial progress on this matter in the first quarter of 2012.

Cllr. M. Gleeson said it has been said to him that the Leasing Scheme was devised as a city solution. Priory Hall in Dublin is an example of the short and long term difficulties that could be experienced. What are the financial obligations that will accrue to Local Authorities to return those properties in pristine condition to the owners? He said he understands that nobody in Kerry need be homeless. He said he understands the problem created by the Rent Supplement Scheme. He realises many houses and units do not comply with the scheme requirements due to negligence, location, etc. There are large housing waiting lists in Kerry. He said he is asking that if the Government does not show a willingness to introduce a more appropriate scheme Kerry County Council would do everything possible to ease the torments for people that are on the waiting lists. He said he is concerned about this scheme and no scheme should exist without ready implementation. This scheme appears to be not ready for implementation in the County of Kerry.

2. Re-branding the Ring of Kerry Drive

Pursuant to Notice duly given, Cllr. J. Finucane PROPOSED:-

"That Kerry County Council would "re-brand" the Ring of Kerry drive and in so doing, promote authentic aspects of Kerry life and culture."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. J. Finucane said in developing tourism we must put our minds into that of the tourist in what we provide. There is one constant in Kerry tourism, i.e. the Ring of Kerry, but a new marketing approach is required. It must be borne in mind that the profile of the person visiting the county has changed and what they are looking for has evolved, but our approach has not evolved. A new approach to marketing the Ring of Kerry is required. There should be a premier/authentic experience provided. There is an opportunity to respond to a modern tourist who likes to do their own research and knows what they are seeking. He PROPOSED that the Ring of Kerry be newly marketed and areas off the Ring of Kerry, which add a different dimension, be highlighted. Knowledge of what the tourist wants from their visit must be developed. The Ring of Kerry should be marketed energetically and aggressively and give it a new lease of life.

Cllr. M. Gleeson supported this motion. There is a need for emphasis on signage and off main road attractions and the importance of promoting Kerry food, e.g. Kerry Lamb, developing the Iveragh walkway, etc.

3. Signage at Access Points to County Kerry

Pursuant to Notice duly given, Cllr. N. Foley PROPOSED:-

"In acknowledging the rich heritage of this County in terms of the arts, culture and heritage and in an effort to raise the profile of same, that Kerry County Council erect appropriate signage at entry points to the County welcoming people to the County - The Home of the Arts and The National Folk Theatre of Ireland."

The following report issued:

As Members are aware, Kerry County Council has erected gateway signage at the access points into our County on the N22 at the County Bounds and on the N21 near Abbeyfeale. This signage welcomes visitors to our beautiful County. We have also erected signage at the entry points to our unique Gaeltacht areas to welcome visitors and recognise that they are entering a special and unique place. It may not be appropriate to select one building/activity for special mention over all other attractions in this County.

It is suggested that this matter be referred to the Community, Cultural & Tourism SPC for consideration.

Cllr. N. Foley acknowledged the reply and the signage which has been erected at the access points to the county. However, she said she considered that this signage is standardised and similar to what is in other counties. There is so much more to the county. Kerry is home of painters, poets, writers, dancers and the National Folk Theatre of Ireland. Kerry is the premier county for cultural tourism. She said she thinks it would be appropriate to have a different type of signage promoting artists in the county. It should be visual signage, created by artists and sign writers to make it attractive, innovative and unique to this county. It should be a colourful, bright, artistic visual. This is a project which could be considered under the funding being set aside for tourism. This project could be circulated to the artists involved and invite their opinions, particularly the National Folk Theatre of Ireland.

4. Waiver System for Waste Disposal

Pursuant to Notice duly given, Cllr. M. O'Shea PROPOSED:-

"To ask the County Manager what steps can this Council take to ensure the most vulnerable in society will not be financially penalised when the waiver system for waste disposal ceases as promised in February 2013."

The following report issued:

The terms of the sale of the Council's waste collection business stipulate that the current waiver terms will continue for current waiver customers until February 2013. Management are satisfied that market forces and competition will ensure that prices will remain competitive after the 2013 date. Over the past year, many customers on waivers left the Council service in order to use private contractors whose charges were more financially attractive.

The Minister has initiated a review of Waste Management policy. This included the publication last June of a Discussion Document on the Household Waste Collection Markets which had a section on meeting the

needs of low income households. It is expected that a Policy Paper will be published in the New Year.

Cllr. M. O'Shea said whatever amount of people left the Council refuse collection service have joined the private sector refuse collection service. 2,131 people availed of the Waiver Scheme in 2011. A discussion document is awaited, but, in case this does not happen what steps will Kerry County Council put in place to help these people in 2013. Will resources be found in our funding to help these people? If this fails will an increase in the Local Government Fund be sought to provide assistance? The Waiver Scheme is important to many people in the county and those people are concerned as to what will happen after 2013 with the Waiver Scheme.

5. Funding for Flood Prevention and Relief Works in Kenmare and Sneem

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

"That Kerry County Council sets aside substantial funding for flood prevention and relief works in Kenmare and Sneem."

The following report issued:

The Council made provision of €25,000 for planned protection of coastal regions in the 2012 Budget. This funding is provided on the basis of co-funding being required as a condition of any grant aid provided by the OPW for such works.

Cllr. P. Connor-Scarteen said the Council does not have a huge budget, but these two areas are constantly highlighted. In Kenmare in 2008 there was huge financial loss to businesses and residents homes. The GAA pitch and some houses in Sneem are still prone to flooding. If it happens again it could have serious implications. He requested that a letter issue to Minister Brian Hayes and the OPW to request substantial funding for flood relief measures in these areas and to protect them from flooding in future years. Reports have been done but there has been no action.

Cllr. J. Sheahan supported the motion. Many premises were flooded in 2008. Funding must be set aside to put measures in place to safeguard against future flooding.

Cllr. J. Healy-Rae supported this motion. He asked that provision be made to help these areas. Much of the work is minor work and he asked that the Council consider this much needed work favourably.

8. Legalising Undocumented Irish in the United States

Pursuant to Notice duly given, Cllr. J.J. Culloty PROPOSED:-

"That this Council would call on the Government to use all diplomatic channels to ensure that the current legislation being proposed in Washington, to help legalise the undocumented Irish in the United States, is passed."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. J.J. Culloty called on the Government to help the estimated 50,000 undocumented Irish people in the US. These people cannot travel home. Whatever

avenues can be taken to help this in the US Senate would be of great benefit. Government must give these people whatever support is possible and take whatever steps are possible to get this through Senate.

Cllr. J. Finucane SECONDED this motion.

Cllr. D. Healy-Rae called on the Government to do everything possible to get this through Senate. It is not easy for the families living like this and they cannot come home.

9. Funding for Kerry Network of People with Disabilities Ireland

Pursuant to Notice duly given, Cllr. T. Buckley PROPOSED:-

"That Kerry County Council would call on the Department of Justice and Law Reform to reconsider the decision to withdraw all funding from Kerry Network for People with Disabilities Ireland."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Mayor T. Buckley said financial support for the Kerry Network of People with Disabilities Ireland has been withdrawn. He called on the Government to reconsider this and provide some funding to this network.

Cllr. T. Ferris called for an exemption for people in receipt of disability from the Household Charge.

Cllr. N. Foley SECONDED this PROPOSAL. She requested that a letter issue to the Minister.

10. Use of Wetlands as an Alternative to Sewerage Treatment Plants

Pursuant to Notice duly given, Cllr. M. Cahill PROPOSED:-

"That Kerry County Council promote the provision of constructive wetlands in the County as an alternative to sewerage treatment plants in view of the significant cost savings that can be made and that the Council identify suitable towns and villages for such schemes. Does the Council propose to commence any such schemes in 2012."

The following report issued:

Kerry County Council has developed Integrated Constructed Wetlands as pilot schemes at two locations in the County in recent years. Integrated Constructed Wetlands are not suitable for all locations due to significant land requirements but there are circumstances where this method of wastewater treatment can offer advantages. Kerry County Council made a submission to the Department of the Environment, Community and Local Government in January 2011 for funding to develop Integrated Constructed Wetlands to augment a number of existing Sewerage Schemes where improved treatment is required to comply with environmental legislation. This submission was in response to a Department Circular requesting proposals. No funding has been forthcoming from this initiative to date.

Cllr. M. Cahill said this is disappointing. 12 months ago he asked for proposals. He said he understands a lot of Local Authorities are constructing wetlands because it

is a good way of treating sewerage and it is a lot cheaper. Wetlands work well. He asked how many areas were submitted to the Department in 2011.

Mr. O. Ring, Director of Water Services, said the submissions included village schemes. Kerry County Council is trying to get a number of developments proceeding.

Cllr. M. Cahill asked if Kerry County Council will resubmit the list to the Department.

Mr. O. Ring said Kerry County Council will make an application for any areas that become available.

Cllr. M. Cahill said he thinks the use of wetlands is the way to proceed as an alternative to treatment plants as it is a cheaper system.

Suspension of Standing Orders

On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. M. Griffin, it was agreed to suspend Standing Orders in order to receive a presentation from RPS Consultants on the preparation of a Shannon Integrated Framework Plan (SIFP) for the Shannon Estuary.

12.01.16.13 Presentation by RPS Consultants on the preparation of a Shannon Integrated Framework Plan (SIFP) for the Shannon Estuary

Mr. P. Stack, SE Planning, introduced Mr. Alan Barr and Ms. Aideen McCabe from RPS Consultants. This presentation relates to the Shannon Estuary. It is a joint venture between Kerry, Clare, Limerick County and City Councils and Shannon Foynes Port Development. Consultants RPS were appointed to carry out this report and develop this Framework Plan. The timescale for completion is end 2012. This project is critical to the Shannon Estuary. He invited Mr. Barr to make a presentation.

Mr. Alan Barr, RPS Consultants, made a presentation to the elected members which included the following:

- Background to the Overall Project
 - Regional Aim of the SIFP for the Shannon Estuary
 - Regional Aim supported in the County & City Development Plans for the four adjoining Local Authorities
- Potential Economic Activities or Themes
- Proposed Adoption Process
- Proposed Public Engagement/Consultations
- Strategic Environmental Assessment
- Appropriate Assessment
- Programme – Preparation of SIFP, SEA, Environmental Report and AA – August 2012
- Plan Variation Adoption Process – August - December 2012

Cllr. J. Finucane thanked Mr. Barr for his presentation. There are huge concerns about the Birds Directive for the estuary. The LNG project in Tarbert would have a significant impact. There is also a new application for a power station. These are significant developments. He said he has slight concerns about the predominance of Limerick and with regard to the Kerry stretch of the estuary, that from a political point

of view that Kerry will not fare well in concoctions with other counties. While the proposal to have an overall strategy is welcome, one of the biggest issues is the whole estuary area being designated under the Birds Directive. There is concern that the airport is involved with the Committee. He thanked Mr. Barr for the presentation.

Cllr. D. Healy-Rae thanked Mr. Barr for the presentation. The extension of the SAC would be very preventative. The entire estuary should not be included in an SAC as it would prevent a lot of development in the estuary over the coming years.

Mayor T. Buckley supported Cllr. Finucane's comments. In that area there is a landbank of 600 acres and the proposed LNG project. This area is of great importance to the county as a whole. There is concern that the designation will have a negative impact on development in the area.

Cllr. P. Leahy thanked Mr. Barr for the presentation. He supported the concerns for the area regarding the designation. He acknowledged that consultation meetings will be taking place in the area and people will have an opportunity to raise their concerns.

Mr. Alan Barr said it is hoped to consolidate the industrial side and protection of the area. The centres of Ballylongford and Tarbert are key for Kerry going forward. Ballybunion is focused for tourism. Development could proceed to the north of Ballybunion. The airport is involved so that their plans fit in with the SIFP. The Clare County Manager is the Chair of the Committee.

Cllr. J. Finucane said the Kerry County Manager should be joint Chair. LNG is crucial and could have national impact.

Mr. T. Curran, County Manager, said the whole concept of developing the plan arose initially as a result of the designations in the estuary and the impact on Kerry and Clare. He said he discussed this with the County Manager of Clare County Council and he is satisfied Kerry is getting a fair hearing. Bodies on the Steering Group have to prepare plans which fit in with this plan. He said he chaired the board which selected the consultants. Mr. P. Stack, SE Planning, is involved in the Steering Group. The group is aiming towards developing a plan for inclusion in the County Development Plan regarding zonings and to help fast track planning applications. He said he wished to allay the concerns of the members.

Mr. Alan Barr said the SIFP will help the planning process for industries. With regard the SPA designations the local stakeholders are meeting the Minister today. The inner part of the estuary is already designated. That will most likely be zoned as a 'no go' area for future development. Members can also comment on what is happening on the Limerick and Clare sides of the estuary.

Mayor T. Buckley thanked Mr. Barr and Ms. McCabe for the presentation. He said the information being provided is appreciated and it is hoped the result will be favourable to all interested parties.

The meeting adjourned at 1.15 p.m.

The meeting resumed at 2.00 p.m.

Correspondence from HSE regarding Sexual Assault Unit in KGH

Cllr. T. Ferris referred to correspondence dated 10th January, 2012, received from the HSE Kerry regarding the Sexual Assault Unit (SAU) in Kerry General Hospital. Never was there a question that the evidence would not be acceptable in a court of law. The evidence would never be compromised. There was never a question of that. The HSE are cynically putting that in the letter to justify what they are doing. She requested that a letter issue to HSE Kerry regarding this.

Cllr. N. Foley said in many respects it is casting aspersions on the staff and their credentials to be involved in the SAU. She supported asking for clarification on that. The €100,000 referred to in the letter has not been assigned to Cork but the Emergency Unit of KGH. She welcomed this. This funding was for the setting up of an SAU not for anything else. She asked that this also be mentioned in the letter to the HSE Kerry. It is a right that the SAU be established and we will continue to fight for it.

12.01.16.14 Notices of Motion, Continued

11. Operation of KCC Public Water Reservoirs and Treatment Plants

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

“That we the Members ask Kerry County Council not to surrender our public water reservoirs or treatment plants to any private companies or individuals under the guise of Design Build and Operator Contracts as it would not benefit the public interest that the Local Authority would lose control of our water plants. Any contract should only include Design and Build and the management and supply of water throughout our County should be continued by our Local Authority as it has successfully done over many years.”

The following report issued:

It is Department Policy that all treatment plants included in the Water Services Investment Programme must be assessed for suitability for procuring under the Public Private Partnership model. An assessment is carried out for each project and where this assessment concludes that the project is suitable to be procured under the Design-Build-Operate model, then that is the procurement model under which the project will be best able to secure funding.

Kerry County Council has procured three Waste Water Treatment plants to date under the DBO model but each contract has buy-out clauses which will enable Kerry County Council to take over operation of a plant if it considers it to be economically and practically attractive. However, there is no question of Kerry County Council losing control of plants under DBO; the ownership and the responsibility for meeting legal compliance standards remains with Kerry County Council. Furthermore, water reservoirs are not ever procured by DBO contracts.

Cllr. D. Healy-Rae said the announcement this morning regarding the establishment of the Irish Water body will result in a further diminution of the powers of the Local Authority. When a DBO contract is issued the company manages the operation of the plant. There is concern regarding Lough Guitane. Kerry County Council should undertake Design Build contracts rather than Design Build Operation. In Cork the Lee Valley plant that supplies all of Cork satisfactorily was a Design Build contract and Cork County Council operates the plant. If private companies are running

these plants their only interest will be to maximise their own profits rather than providing a service to the people of Kerry. Kerry County Council would lose all the expertise it has accumulated over the years. It is of great importance to the county that a private company not be allowed to operate the Lough Guitane plant. This plant is of major importance and has been run well by Kerry County Council.

Mr. O. Ring, Director of Water Services, said Kerry County Council does not have a treatment plant in Lough Guitane. Chlorine and lime dousing is done there. The EPA is putting pressure on Kerry County Council to construct a treatment plant at Lough Guitane. Kerry County Council would not be reducing expertise because it does not have such expertise. Kerry County Council is not getting funding under a Design Build contract. The contract would have to be Design Build Operate. Irish Water is being introduced and a buy-out clause which has been in previous contracts may not be relevant. Kerry County Council has three DBO plants at present. Waterville will be another. Those contracts have buy-out clauses in them. Kerry County Council is very conscious of what is required to protect the water supply of the county.

12. Smell of Sewerage in Kilgarvan Village

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

“To ask Kerry County Council to again ask Water Services if anything is going to be done about the smell of raw sewerage in the houses in Kilgarvan Village as it is consistently bad and a health hazard.”

The following report issued:

This motion relates to an ongoing odour nuisance issue at a private housing estate in Kilgarvan. Kerry County Council staff, including Water Services personnel, are due to meet with the developer of this estate and his agent on 18th January 2012 to try to resolve this and other issues. If necessary, Kerry County Council can issue proceedings under the Water Services Act, 2007 to resolve the matter.

Cllr. J. Healy-Rae said the response is positive with the meeting arranged. During the Christmas period the smell was bad again. People are leaving their houses because of the smell. He asked that Kerry County Council would resolve this matter. A meeting with the developer is arranged for 18th January. If the outcome of that meeting is not satisfactory or the developer is not going to resolve the problem he asked that Kerry County Council would do the work. It is ridiculous that this situation is continuing.

Cllr. D. Healy-Rae SECONDED this motion. The smell continued over Christmas and it was terrible for the residents. He asked that this matter be given special attention.

Mr. O. Ring, Director of Water Services, said a meeting has been arranged with the developer on 18th January. The problem is with the chamber of the system. Kerry County Council has good powers under the Water Services Act 2007 and can use those if necessary.

13. Mortgage Applications to Kerry County Council

Pursuant to Notice duly given, Cllr. B. Cronin PROPOSED:-

“As many people who are currently trying to purchase or build a house are finding it extremely difficult to secure a mortgage from financial institutions, can the Housing Department clarify, from January 2010 to January 2012 how many applicants have applied to Kerry County Council for a housing loan and how many have successfully secured a mortgage.”

The following report issued:

In April 2009, Housing (Local Authority Loan) Regulations 2009 took effect which updated legislative provisions underpinning Local Authority lending for house purchase and construction. These Regulations introduced increased loan limits, amended income eligibility criteria and introduced credit policy guidelines. The credit policy states that the House Purchase Loan is not, as a general rule, available to those in receipt of unemployment/social welfare benefits. Also, applicants for a Local Authority Loan must submit two loan refusal letters from two financial institutions (Bank or Building Society Lenders only) with their application documents.

The table below details the number of applications received in 2010 and 2011 and their current status:

	2010	2011
Applications Received	<u>33</u>	<u>25</u>
Current Status of Applications received		
Withdrawn by Applicant/Cancelled	4	4
Refused	28	16
Awaiting Further Information/Under review	1	5
	<u>33</u>	<u>25</u>

The following sets out the detail of new loans issued by Kerry County Council in the past number of years prior to the introduction of the new 2009 Regulations:-

2007	32
2008	21
2009	6

Cllr. B. Cronin said he borrowed from Kerry County Council years ago. He said he tabled this motion to get clarity as it has been brought to his attention that people are trying to buy a house and they are running into difficulty with the lending institutions. He said he wanted to compare how Kerry County Council fared. Based on the details in the reply he said he is shocked by the fact that not one applicant succeeded in securing a mortgage from this Local Authority. Out of the 58 applicants in 2010-2011, 6 are under review and none were successful. There is continuous criticism that the lending institutions are restrictive and refusing mortgage applications. It turns out Kerry County Council has not approved a mortgage application in the last two years. He said he wanted more detail on this. Kerry County Council set aside substantial money for loan applications. He asked is there anything that can be done to reverse this trend and approve a mortgage for an applicant so they could acquire a house for themselves.

Mr. J. Breen, Director of Housing and Community & Enterprise, said Kerry County Council has over 700 loans. Loans were being issued generally to 2009 when new Regulations were introduced. In April 2009 new Regulations were introduced which were a direct result of the general credit situation and to minimise risk. It requires Local Authorities to apply a risk assessment. Applicants must have two refusals from lending institutions. The Local Authorities are not being capitalised while lending institutions are. Repayments cannot exceed 35% of the net income. That is a burden for tenants. Secondly, there is a provision in the Regulations that the principal earner must have had two years continuous employment and the subsequent earner must have one year continuous employment. Kerry County Council applies a stress test and those applicants did not meet that stress test. With 5.5% interest rate they cannot meet that test. For commercial enterprises there is an Office of Review whereby if their application is refused they can take a review. Given the difficult financial situation, consideration should be given to people having an option to have a review after two refusals, before they apply to the Local Authority. Kerry County Council makes every effort possible to assist people with these applications. Kerry County Council must equally be prudent. Any application submitted is taken and the applicant is interviewed. Notwithstanding the difficulties with credit, Kerry County Council did sell 30 houses last year. The new Regulations are imposing strict restrictions. Over 85% of Kerry County Council's tenants are solely dependent of social welfare.

Cllr. B. Cronin said it is a contradiction that 80% of tenants will not be successful if they do apply. He asked if there is anything that can be done to alter this. The new Regulations have caught people in this category. Not all applicants are Local Authority tenants and that is another aspect which must be highlighted. They are being caught as well and they have no where else to go. He asked for clarification on the funding for the loans scheme. He said he wants to see people being approved for loans so they can try and purchase a house while the market is so suitable. He asked how much has been set aside for the loan scheme.

Mr. J. Breen said he accepts what is being said regarding the difficulties being faced. There are some things that have been suggested regarding change. One of those is that there would be an independent review to the financial institutions. Kerry County Council has not been given the funds private institutions have. Minister Penrose has said the state will not be intervening and assisting people. The two years continuous employment and 35% requirement is catching people. Kerry County Council has taken into consideration income that is not regular, however, it is not helping with the application. Kerry County Council must also be prudent. Every effort is being made to try to approve applications. Kerry County Council is curtailed by the guidelines, which, if they had been retrospectively applied would have made a difference to people. He said he has had discussions with the Credit Unions and financial institutions as he believes they could be more flexible. A budget is set aside for existing loans and 2012 loans. The funding is dependent on what might come on board. All loans are subject to a credit check with the Irish Credit Bureau and that is also impacting.

Ms. A. McAllen, Acting Head of Finance, said the approved budget is €978,000 for loan interest and other charges. Land Aggregation type loans are included in this amount. Approximately €800,000 is set aside for house loans.

Cllr. B. Cronin expressed disappointment that Kerry County Council has a loan scheme and no applicant in 2010 or 2011 has been successful.

Cllr. J. Finucane supported the motion. In effect the changes in Regulations removed the Local Authority from the granting of loans. The Housing Department go to a lot of effort with applicants. In the past tenants were in a position to buy their homes by increasing rent and it encouraged people to buy and take responsibility for their homes. There is a need to do something with lending institutions or for the Minister to sanction a scheme of purchasing by increasing the amount of rent. Submitting people to credit testing is not helping.

14. Leak Alarm on Water Meters

Pursuant to Notice duly given, Cllr. J. Sheahan PROPOSED:-

“That this Council, when fitting water meters, would ensure that the meters have the capability of alerting the householder when there is a leak in the system, thus averting a very costly water charge.”

The following report issued:

The meters which were installed on all non-domestic water connections have all been fitted with a radio unit which facilitates automatic meter reading. In addition, these units can detect if there is constant flow for a 24 hour period which might indicate a possible leak. When the meters are read, these leak alarms are detected and leak notices are issued to customers informing them of the possible leak. In 2010, over 1,100 leak notices were sent out to customers.

There are difficulties in having a ‘real time’ leak alarm as there is no means of communicating this to the customer and there is also a limited battery life on the radio unit. Therefore, there is no economical solution available at present. However there are constant developments in the area of automatic meter reading and the feasibility of an ‘in house’ alarm feature could be considered if and when the metering of domestic supplies takes place.

Alternatively, there are commercially available leak detection systems which work independently of the meter. These act like a trip switch and cut off the flow if unusual usage is detected. These can be installed by householders or businesses themselves.

Cllr. J. Sheahan said the technology to alert the householder of a leak in the system is available and Kerry County Council should be using it. There are great advantages to the customer. The system detects a leak quickly. There is less wastage and the system cuts off if the leak is detected indoors. There is a large saving on resources, e.g. chlorination of water. He provided the executive with information on the system and said this information could be forwarded to people with their bills. Any time treated water can be saved and create jobs is good. He asked how long it takes for the notice regarding the leak to be issued to the customer.

Cllr. M. O'Shea supported the motion. It is something Kerry County Council should consider as it would save the Local Authority a lot of money and save people a lot of stress. He complimented Cllr. Sheahan on his work on this matter.

15. Media Coverage of Junior Certificate & Leaving Certificate Exams

Pursuant to Notice duly given, Cllr. M. Gleeson PROPOSED:-

“That this Council proposes that all media coverage of the Junior Certificate and Leaving Certificate examinations would be prohibited for seven [7] days prior to the commencement of the examinations.”

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. M. Gleeson said young people are bombarded by media stories of success and failure at the time of exams. It creates a sense of fear and foreboding for these students. Sports people refrain from the media when preparing for big events. Students intent on success should also be spared from such stories. The reassurance of family and friends would help the students compose themselves better for the upcoming challenge.

Cllr. J.J. Culloty SECONDED this motion.

16. Streamlining of all Development Agencies in the County

Pursuant to Notice duly given, Cllr. J. Finucane PROPOSED:-

“That this Council calls on the Minister to streamline all the development agencies in the County under the County Enterprise Board and to establish an SPC specifically for enterprise and economic growth.”

The following report issued:

Mr. G. O'Brien, Meetings Administrator, said while this is a matter for consideration by the Members. The current Strategic Policy Committee Scheme was adopted by the Members of Kerry County Council following the Local Elections in 2009 to cover the term of this Council. Consideration can be given to this proposal when a new Scheme is being adopted following the Local Elections in 2014.

Cllr. J. Finucane said the present Minister established a Steering Group to advise him on an issue and it published an Interim Report in December 2011. He said he has concerns which he has raised previously. In Kerry there are 7 agencies promoting employment (North East Kerry Development, South Kerry Development Partnership, IRD Duhallow, Údarás na Gaeltachta, Shannon Development, Enterprise Ireland and the Kerry County Enterprise Board). It needs to be streamlined and he suggested this be done under the Kerry County Enterprise Board. Referring to the report he outlined that “The work of the Steering Group identified some €227m delivered in 2011 through Local Development Companies on programmes/schemes on behalf of the state. 4 core programmes account for some €186m (or 81%) of the overall amount. The cost to the state of administering these 4 programmes in 2011 will be in the region of €35m. An analysis of available data suggests that a significant proportion – some €71m (or 31%) of the overall amount allocated – is expended on employment costs for some 1,943 employees.

An analysis on the cost effectiveness of the LCDP in November 2010 examined indicators from the 52 Local Development Companies and found that in relative terms the levels of administration costs within Local Development Companies (i.e. costs not allocated to programmes and projects) are high, at between 30-45%. It was recommended that administration costs should be set at 25% in line with other small businesses. Under the current arrangements and structures, there is a clear

gap in accountability to the democratically mandated Local Government structures. This is notwithstanding the role Councillors and Local Authority officials play on the boards of these companies and the shared involvement of all in the CDB structure. Ultimately Local Authorities have little input into strategy or decision making in relation to programmes and interventions delivered by Local Development Companies.”

He said his information is that administration costs can go to 60-65%. Kerry has 7 companies promoting employment. There is overall confidence in the way the County Enterprise Board is operated. 6 other companies are competing for this vast amount of money. He called on the Minister that these Development Companies need to be streamlined and brought under the County Enterprise Board of Local Authorities. This is a situation which is unacceptable and not sustainable in the current climate.

Cllr. M. O’Shea supported the motion and any motion that would create jobs for Kerry. More jobs must be enticed into the county. He said he called for something similar in December last regarding Kerry County Council. He said he got support on that motion with regard to creating a cross-party group for developing employment. The development of an SPC will not come to pass in the short term. In the interim he said he believes Kerry County Council should hold a cross-party development meeting to generate employment for Kerry. Meeting Kerry based companies and hearing what they would be able to add regarding advice as well as holding an international conference for job creation and promote the attributes of Kerry would be a start.

18. Acceptance of Blood Donations from People with Haemochromatosis

Pursuant to Notice duly given, Cllr. J. J. Culloty PROPOSED:-

“That this Council would call on the Minister for Health to direct the Irish Blood Transfusion Service to accept blood donations from people with Haemochromatosis.”

Mr. G. O’Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. J.J. Culloty said this affects millions of people. Haemochromatosis is a condition where there is too much iron in the blood. The only way to keep this condition under control is by donating blood. The blood that is donated by people with Haemochromatosis is disposed of on a technicality. It is possible that this blood could be used. There are thousands of people giving blood every week and it is being thrown away. He called on the members to support the motion and send a letter to the Minister.

Cllr. J. Brassil SECONDED this motion. He said as a sufferer of Haemochromatosis he has seen the situation where every day perfectly good blood is disposed of. In the UK this blood is passed on to the blood bank and used. It would solve problems with shortages of blood.

Cllr. J.J. Culloty said one reason why the blood would not be used is if a person has an infection. On that occasion the donation could be disposed of.

19. Provision of a Bus Shelter in Killorglin

Pursuant to Notice duly given, Cllr. M. Cahill PROPOSED:-

“That Kerry County Council and Bus Éireann immediately address the ongoing unacceptable situation in Killorglin whereby members of the public are subjected to extreme weather conditions due to the non-existence of a bus shelter.”

The following report issued:

Many motions have been raised in the past in relation to the provision of bus shelters throughout the County.

It is our understanding that, where bus shelters have been provided, they have been erected by private companies who recoup their costs through advertising panels on these shelters.

Kerry County Council does not fund bus shelters and should the Members agree, we can write to Bus Éireann to ask them to consider the provision of a shelter in Killorglin.

Cllr. M. Cahill expressed disappointment with the reply. It is an unacceptable situation. Killorglin is one of the busier towns for the use of the bus service yet this area is deprived of a bus shelter. A representative from Bus Éireann did attend a Killorglin Electoral Area meeting who gave an indication that Killorglin would be a priority, but there is no progress yet. He asked that a letter issue to Bus Éireann requesting that a bus shelter be provided in Killorglin.

Cllr. J. Healy-Rae supported the motion. Queries are constantly made at clinics. It is ridiculous that there is no bus shelter in Killorglin.

20. Flights from Farranfore Airport to London

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

“To ask Farranfore Airport to assist passengers who have to work in London by organising earlier flights out on Monday morning at 5.30am and later return on Friday evening leaving London at 7.00 p.m.”

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. D. Healy-Rae said he has been asked by a number of people about this as many people have to travel to London for work. They find the flight out of Farranfore on Monday will not arrive on time. The suggested times are 5.30 a.m. on Monday morning and a later return flight time of 7.00 p.m. on Friday evening, otherwise they are losing time or even a day with travelling. What has been highlighted to me is that a flight at these times would be full and that the flight operators would benefit. He requested that a letter issue to Farranfore Airport on this matter to determine if it is possible to accommodate these people. It is also a benefit to the economy if these people return to the county for the weekend.

Cllr. B. Cronin SECONDED this motion and said it is critically important to try and accommodate these people. A large number of people are flying to London for work. A letter should issue to the Board of Kerry Airport on this matter. It is more suitable for people to fly into Farranfore which is near to home. Kerry County Council has an elected member on the Kerry Airport Board and at the next Board meeting this matter should be raised that flights would be more suitable and more flexible.

21. Discontinuation of the Local Improvement Scheme (LIS)

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

"That Kerry County Council ask the Minister for Transport to review his decision to discontinue the LIS for private roads as the loss of this scheme will hurt Kerry more than any other County and to consider a slightly reduced grant rather than cancelling the scheme completely. I am also calling on the Councillors who are aligned to the Government Parties to bring this to the attention of the Minister as well."

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. J. Healy-Rae said the removal of the LIS is a loss to people who had no other way to get the road surfaced in such a way that it was adequate for daily use or an emergency vehicle. This scheme was never ceased before. It is of great importance to rural Ireland. He requested that a letter issue to the Minister on this matter. It is another attack at rural Ireland.

Cllr. D. Healy-Rae SECONDED this motion. It has a shattering effect on many people. 160 schemes were waiting to be completed and a multiple of houses on those roads are affected. It is very unfair because these people are paying motor tax and these people have no other means of accessing their homes. This is coming from Department officials who tried this with the last Government. These officials have no interest in rural Ireland.

Cllr. B. Cronin asked when was this matter last discussed. Did this arise from a CPG meeting?

Mr. G. O'Brien, Meetings Administrator, said his initial memory is that it was discussed at the December CPG meeting arising from the Transport SPC.

Cllr. P. Connor-Scarteen said this matter was raised at the Transport SPC.

Cllr. B. Cronin asked the Meetings Administrator to photocopy and circulate the letter which was sent to the Department regarding the LIS.

Mr. G. O'Brien undertook to do this.

Cllr. J. Brassil said he received a letter from a group of residents who wanted an LIS and now want the road to be taken in charge by the Local Authority. He asked what powers Kerry County Council has to do this.

Cllr. M. Cahill said there is a category of people who could get lost in all of this, i.e. people with disabilities, wheelchair users and people with serious illness. He requested that a letter issue to the Minister that there be some scheme in place.

Cllr. T. Ferris said members were told a road is unable to be taken in charge unless it is at a certain standard. She asked if Councillor's Allocations could be used.

Mr. C. O'Sullivan, Director of Roads & Transportation, said the procedure for taking in charge a road is set out in the 1993 Roads Act. There are 4,700 km of public roads in County Kerry. 2,700 km of that is local road and Kerry County Council does not have sufficient funding to maintain that network. If Kerry County Council

takes private roads in charge it will add to the amount to be maintained. Just because a road is taken in charge does not mean the Local Authority will be in a position to main the road. There is provision under the Roads Act for taking roads in charge. The only roads Kerry County Council has taken in charge are those in housing developments that were taken in charge.

Cllr. J. Brassil said it should be an agenda item for the Roads SPC. Up to now there was a solution in the LIS and getting on that list. When there is no possibility of a solution there is a different pressure on the elected members.

Cllr. D. Healy-Rae PROPOSED that a deputation go to Dublin to the Minister regarding this matter.

Cllr. J. Healy-Rae said Kerry is the county which is most affected by the abolition of the LIS.

Cllr. J. Brassil said Kerry has TDs and Senators in Dublin who should be following up this matter.

Mayor T. Buckley said a letter will issue to the Minister seeking a deputation.

22. Lands in Aghadoe for a Burial Ground

Pursuant to Notice duly given, Cllr. B. Cronin PROPOSED:-

“To ask for clarification on the purchase of lands in Aghadoe for a new burial ground as there is serious local concern at the lack of information regarding the site location and access to the public road. I am requesting that these concerns be addressed and that those directly affected in the area be properly briefed.”

The following report issued:

No land has yet been purchased for a new public cemetery to serve the Killarney area. A 5.2 acre site (immediately underneath / south and also west of the existing viewing park which is directly opposite the hotel) in Aghadoe has been identified and discussions have taken place between the landowners and officials of Killarney Town Council. A preliminary layout plan shows a capacity for approx 3,000 burial plots and 100 car spaces. It is envisaged that the access to the development would be located to the west of the viewing park, but the exact position would depend on the public Planning process, Roads / Traffic considerations, etc.

Because the site is contiguous to a National Monument (Parkvonear Castle), Ministerial consent for the proposed development was sought and received by the Town Council. A Condition attached to this Consent is that a geophysical survey be carried out on the site. The Town Council has engaged a private Company and the survey is currently underway.

It is proposed that any such development of a graveyard facility for the area would be jointly promoted by Killarney Town Council and Kerry County Council. A Part 8 Planning procedure is necessary for any such development.

Cllr. B. Cronin thanked the executive for the response to the motion. He said since 1999 and joining the Council he has been seeking the Local Authority to find lands to provide a public burial ground in Aghadoe. He said this request has been made to him by many people on many occasions. He said he is aware that negotiations have been ongoing and up until recently it seemed difficult to get exact clarification

regarding the location and access to the proposed lands regarding the location for parking facilities. There are serious concerns regarding the lack of information. He said he is concerned that there would be objections at the planning process which would upset the progress of this development. An agreeable situation is desired. He said he is aware a number of bodies and people have made written submission to Killarney Town Council. He asked if a meeting could be arranged with the people involved to give them a briefing on the proposals which may be of benefit.

Cllr. J. Sheahan **SECONDED** this motion. He said he is also receiving representations and people are anxious that a burial ground would be provided.

23. Use of Effluent from Household Soak Pit as Farm Slurry

Pursuant to Notice duly given, Cllr. J. Sheahan PROPOSED:-

“That Kerry County Council writes to the Department of the Environment, Community and Local Government to consider allowing farmers pump treated effluent from household soak pit to the farm slatted unit. Also to be allowed to spray it as slurry during the spring and that the Department of the Environment, Community and Local Government provide grant aid for the most deserving cases where necessary to upgrade their septic tanks.”

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. J. Sheahan said he met farmers recently who are very concerned. These are unprecedented times and families are experiencing financial difficulties like never before. The issue of septic tanks is causing great concern especially for those in rural Ireland as it is unknown what this legislation will entail. As a solution he said he is suggesting that treated household effluent be transferred to the farm for spreading. A grant could be made available for people who want to upgrade their septic tanks. This is a major issue for people as they do not know what the final cost will be to them. They are in difficulty at present to pay their bills.

Cllr. J.J. Culloty agreed with the motion. It would be solving a problem by transferring the effluent to the farm. For septic tank users who have to upgrade their tanks it is very important that a grant scheme be put in place as the majority of people might not be able to afford what might have to be done for upgrading. Government should seeking funding from the EU for these grants.

24. Condemnation of Recent Budgetary Measures

Pursuant to Notice duly given, the Members of the Fianna Fáil Party PROPOSED:-

“That the Fianna Fáil Members of Kerry County Council condemn the recent budgetary measures which are a blatant attack on people living in rural areas.”

Mr. G. O'Brien, Meetings Administrator, said this is a matter for consideration by the Members.

Cllr. J. Brassil said he tabled this motion as in the last number of months decision after decision by Government shows a strong policy direction against rural Ireland. As a rural county and rural Councillors we must take up this challenge and fight it. The first decision taken was abandoning the decentralisation process. There were certain elements of the process that should have been thought out. To abandon the whole project in its entirety gives a strong indication of where the Government's thoughts are. The issue regarding rural schools was discussed this morning. All

members oppose what is being done to the rural schools. The school transport issue is affecting rural Ireland and is not affecting the cities. Other issues are the closing of Garda stations, introduction of septic tank regulations, the abolition of the Local Improvement Scheme and cuts in Community Employment Schemes. Each of these is a single attack in what goes on in County Kerry. Combined they will be detrimental. This morning was the most concerning of all developments with the announcement by the Minister for the Environment that he is centralising the Water Board for Ireland. As a result Kerry County Council, both Councillors and executive, will lose control of a service which was being provided successfully for countless years. No doubt in time it will be privatised. Centralisation was applied to the medical cards in the health service and this has not worked satisfactorily. The problem is not the administration of the Water Scheme but the funding of it. This should be taken on full and wholesome and not accepted. If County Kerry and its elected members continue to accept decision after decision it will get progressively worse. Fianna Fáil members have had enough and are calling on the current Government to stop this blatant attack on rural Ireland and give rural Ireland the same treatment as towns and cities.

Cllr. M. O'Shea asked how can the fiscal problems Ireland is facing be corrected. The country was told the last administration had nothing to offer. The current Government after five months of reviewing the financial situation announced a five point plan to work the country out of its fiscal problems. In the last budget there were major announcements that will destroy rural Ireland. One that has not been mentioned is a provision in the budget to reduce funding for maintenance grants included a capital asset test as part of a grant application and the abolishment of post-grad grants which will impact on students. In 2013 this will have a major affect on the self-employed in respect of their children attending third level education. Many services have been and are being removed from this county, medical cards, driving licences and national third level education grants. Employees of Government Departments in Killarney bought sites in Kerry with the intention of settling in Kerry and they find themselves on notice that their jobs are to go from Killarney. That will have a huge impact on rural Kerry. He asked Government members to lobby and save the 200 jobs in the Department of Justice in Killarney.

Cllr. J.J. Culloty agreed with the two previous members. This is a serious issue for rural Ireland. Something must be done to stop this. Everybody must pull together to oppose these cuts. It is proposed to remove the nurses training status from Kerry General Hospital. KGH is recognised to be one of the best training facilities in the country. There is public consultation at present on this proposal. The effect of centralising medical cards has been seen. Local people who were familiar with the applicant's circumstances were dealing with applications and with centralisation this has been lost.

Cllr. J. Finucane said this is an outlandish motion. This state paid the banks €6.2m in 2011 to recapitalise to address what was left after the Fianna Fáil Government. The decentralisation programme was mentioned. There is a building in Birr, Co. Offaly, which is empty. He said he regrets some of the decisions made to subsidise the banks in this country and meanwhile people have had their homes repossessed. He said this motion is an insult and he resents the fact that it has been tabled. He said he will be voting against this motion as it is unacceptable.

Cllr. P. Connor-Scarteen said he also opposes this motion. The Fianna Fáil party should apologise for the way they treated rural Ireland. Their policies have urbanised Ireland. It is a disgrace. The Fine Gael/Labour Government is trying to solve the problems left by the previous Government. Positive proposals should be brought to the Chamber regarding rural Ireland. Facilities in rural areas have closed and have been hit severely over the last number of years.

Cllr. M. Griffin said he finds this Notice of Motion insulting to the members of Kerry County Council. To table this motion and grip rural people's fears like this is a disgrace. The country will be paying for the last 14 years for the next 10 years.

Cllr. G. Wharton-Slattery said she would not ask Fianna Fáil to apologise. Fine Gael/Labour found a terrible situation when it went into Government. She said she invested in her children's education and as there is nothing for them they may have to emigrate. It was mentioned earlier that the county must work together. Throwing insults at each other will not do any good. Decisions are not just affecting rural Ireland, they are affecting all of Ireland. It will take years to come out of the depths of despair.

Cllr. P. Leahy said it is a bit rich for this to be coming from the Fianna Fáil party. He said he is not happy with some measures in the budget. The Fianna Fáil Government brought the country to this situation and were part of the bank bailout. This motion should be taken back as it is an insult.

Cllr. B. Cronin said he has often criticised the Fianna Fáil Government for their financial irresponsibility. Fine Gael and Labour will have to realise they will need thick skin in Government. The cuts are affecting all services, the health service is cut into bits. These are the facts. No personal insult was given. Cllr. Brassil highlighted issues on the ground.

Cllr. D. Healy-Rae said what went on in the past Government's tenure must be condemned. There were bright ideas about how the country could be brought out of recession during the election. Government must go forward and they will be judged while they are in office.

Cllr. J. Sheahan said the country is facing a difficult challenge. Borrowings are in the range of €400m per week. There is no easy answer in this. The only way out is to try and fight it together.

Cllr. P. McCarthy said the state of the country could be argued about continuously and blame could be thrown around but this will not help. The one thing we have learned from history is that we have not learned from history. This country must move forward and it is not going to be easy. No one in the opposition party believes it is going to be easy. What is vitally important for the next generations is what is being legislated for now. The reality for the Government is that they may become the most disliked Government as they will have to legislate for a long time ahead. It is very important also that the opposition parties provide strong opposition and good suggestions. The Ministers in Government should be willing to take such good suggestions on board. This Council has worked very well in a professional way, e.g. in the budget meeting and this morning regarding the national schools, and it will continue to do so.

Cllr. J. Brassil said he is in this Chamber 13 years and to the best of his knowledge he does not think he has insulted anybody. He said he makes his point in the Chamber. This was not thrown at anybody. He made his point on the Government attacks on rural Ireland which he is not supportive of. He said he was told he should be making positive proposals and he sees nothing negative in asking the Minister not to abolish the LIS, not to implement an increase in the pupil teacher ratio, not to implement changes to the water service and not to close the nursing training service in Kerry. He said he thinks this is all positive for Kerry and every member would be supportive of it. That is why the Notice of Motion was tabled. It might not be palatable to other members but he considers that these issues should be highlighted. The Fianna Fáil members do not support the budgetary attacks on rural Ireland. He said he does not accept that he came into the Chamber to insult anybody. He came to the Chamber to make points that are relevant to Kerry. Fianna Fáil have been criticised many times. He said he will highlight decisions that are poor for the county.

Cllr. M. O'Shea said he did not come to the Chamber to insult his colleagues. It is their Government peers that are being addressed. Regarding the Notice of Motion, he said it is his personal view that in the last election the Irish people were conned regarding the five point plan which was proposed by Fine Gael. The bankers, bond holders must be taken on and taxes must be kept as low as possible. In the public sector there should be a replacement of an outdated budget system with an open system to manage finance. The Government budget was a bundled budget. Rural Ireland is now paying for that. With regard to the last number of years, Fianna Fáil did not rob anybody. As a Fianna Fáil member it hurts to be accused of robbing the country. In every budget Fianna Fáil was not spending enough for any opposition party in any Government Department. There is no point in throwing blame about.

Cllr. J.J. Culloty said he did not insult anybody. When he joined Kerry County Council it was the one thing that impressed him that the members worked together. He said it is not in his nature to insult anybody. It is not a bad thing to condemn the closure of schools and Garda stations. The time will come when things will turn around but those services will not re-open.

Cllr. J. Finucane said the majority of members do not agree with the sentiments expressed by that Notice of Motion.

Cllr. P. McCarthy asked what would a vote on this motion do for the hard pressed people of this country.

25. Burial Ground at Cromane

Ms. D. Griffin, Staff Officer, declared that she has a beneficial interest in lands at Cromane as her father is part-owner.

Ms. D. Griffin left the meeting.

Pursuant to Notice duly given, Cllrs. M. Cahill & B. Cronin PROPOSED:-

"That Kerry County Council give a detailed timeframe for the acquisition of land and the development of a burial ground at Cromane."

The following report issued:

A very suitably located site has been identified and the results of ground-investigation works have proved satisfactory. It is planned that provisional Agreement to purchase the property will be reached in the coming weeks. The Part 8 planning process will then be undertaken by the Council, and, pending a positive outcome, it is planned that the development would commence on site in Summer 2012.

Cllr. M. Cahill welcomed the reply and said he hopes the burial ground will be developed in Cromane in 2012. He thanked the Council for making funding available.

Cllr. P. Connor-Scarteen welcomed the reply and said he is glad to see that a burial ground will be provided in Cromane in 2012. He thanked the Water Services Department and Cllr. M. Cahill for pursuing this matter for many years.

Cllr. J. Healy-Rae welcomed the purchase of lands in Cromane for the provision of a burial ground.

Ms. D. Griffin returned to the meeting.

26. Resurfacing of Mangerton Road

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

"That Kerry County Council ask the NRA and the OPW to provide funding to resurface Mangerton Road as it is now almost impassable."

The following report issued:

This Notice of Motion was previously moved by Cllr. Culloty at the November 2011 meeting of the Killarney Electoral Area meeting at which the following response was given:-

"There is currently no funding available to carry out improvement works on the L-11077 road to Mangerton Mountain. However, it may be considered for inclusion in the 2012 Road Works Programme under the appropriate grant headings having regard to next year's DOT/NRA allocations and also having regard to the Department of Transport's December 2010 Memorandum on Grants for Regional and Local Roads. In the interim, essential repair works will be carried out to the extent that funding will allow".

Cllr. D. Healy-Rae said the motion includes asking the OPW for money because there is a lot of traffic going to Mangerton Mountain for walks. The more traffic, the more damage to the road. There is an issue with surface water and if it could be drained properly the filling of potholes would not be required as often. He asked if it would be possible to get funding from the OPW for this heavily tourist-trafficked road.

Mr. C. O'Sullivan, Director of Roads & Transportation, said the OPW can be requested for funding.

Cllr. J. Healy-Rae **SECONDED** the motion and said this road is very important for tourists and it is a ridiculous state. He asked that Kerry County Council ask the OPW to assist with funding for this road.

Cllr. J.J. Culloty said Fáilte Ireland could be considered as a source for funding. Many people go walking on Mangerton Mountain and it is very important to prioritise this road. This tourist attraction is selling Killarney and residents in the area also deserve to have this road attended to.

12.01.16.15 Correspondence – Conferences and Seminars

(a) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P.J. Donovan, it was agreed to authorise the attendance of Cllr. B. O'Connell at the Mid-West Regional Authority 17th Annual Conference – Economic Development in the Regions: the Way Forward to be held in Ennistymon, Co. Clare, from 16th – 17th February 2012.

(b) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to authorise the attendance of Cllrs. B. O'Connell and J.J. Culloty at the IPA – The A-Z of Irish Local Government – Funding & Financial Management to be held in Ennis, Co. Clare, on 23rd February, 2012.

Cllr. J. J. Culloty was nominated to report to Council on this conference.

(c) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. J. Finucane, it was agreed to authorise the attendance of Cllrs. P. Leahy and M. Cahill at the 21st Annual Kerry Environmental Conference to be held in Tralee from 23rd – 26th February, 2012.

Cllr. P. Leahy was nominated to report to Council on this conference.

(d) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to authorise the attendance of Cllrs. M. Griffin, M. Cahill and J. Finucane at the Building Community Preparedness and Resilience: An International, National and Local Perspective Seminar to be held in Killarney on 9th March, 2012.

Cllr. M. Griffin was nominated to report to Council on this conference.

(e) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J. Finucane, it was agreed to authorise the attendance of Cllr. B. O'Connell at the "The Role of the Council in Encouraging and Supporting the Development of Enterprise through Tourism and Sport" to be held in Nenagh, Co. Tipperary, from 27th – 29th January, 2012.

(f) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. J.J. Culloty, it was agreed to authorise the attendance of Cllrs. J. Finucane, P.J. Donovan and B. O'Connell at the AMAI Spring Seminar 2012 to be held in Cavan on 10th & 11th February, 2012.

(g) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. P. Connor-Scarteen, it was agreed to authorise the attendance of Cllrs. T. Ferris and B. O'Connell at the Mental Health & Suicide Awareness – Supports & Developments Conference to be held in Dungarvan, Co. Waterford, from 24th – 26th February, 2012.

(h) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J.J. Culloty, it was agreed to authorise the attendance of Cllrs. P.J. Donovan and B. O'Connell at the 23rd Colmcille Winter School to be held in Letterkenny, Donegal, from 24th – 26th February, 2012.

- (i) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J.J. Culloty, it was agreed to authorise the attendance of Mayor T. Buckley on a visit to the US for St. Patrick's Day.

12.01.16.16 Correspondence General

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

1. Letter dated 13 December, 2011, from the Minister for Justice and Equality regarding illegal dumping.
2. Letter dated 16 December, 2011, from the Minister for Jobs, Enterprise and Innovation regarding impediments to the progression of the Shannon LNG development in Tarbert/Ballylongford.
3. Letter dated 22 December, 2011, from Deputy Tom Fleming enclosing copy of Parliamentary Questions submitted to Minister for Jobs, Enterprise and Innovation regarding EU regional aid grants.
4. Letter dated 22 December, 2011, from Deputy Michael Healy-Rae regarding a resolution of Kerry County Council regarding EU regional aid grants.
5. Letter dated 23 December, 2011, from the Road Safety Authority regarding road safety and in particular the safety of pedestrians and cyclists.
6. E-mail dated 3 January, 2012, from the Minister for Education & Skills regarding the weight of school bags.
7. Letter dated 4 January, 2012, from Senator Paul Coghlan regarding a resolution of Kerry County Council regarding EU regional aid grants.
8. Letter dated 4 January, 2012, from Senator Tom Sheahan regarding a resolution of Kerry County Council regarding EU regional aid grants.
9. Letter dated 5 January, 2012, from the Minister for Health regarding the provision of a Sexual Assault Unit in County Kerry.
10. Letter dated 5 January, 2012, from the Minister for Health regarding staffing for Kerry Mental Health Services.
11. Letter dated 10th January, 2012, from Area Manager, HSE Kerry, regarding the provision of a Sexual Assault Unit in County Kerry.
12. Letter dated 15 December, 2011, from South Dublin County Council regarding a resolution adopted by the authority regarding that Council recommitting itself to the inclusive representation of all residents within that Local Authority.
13. Letter dated 21 December, 2011, from Monaghan Town Council regarding a resolution adopted by the authority regarding:
 - (a) deploring the withdrawal by Government of the 6 week winter fuel allowance.
 - (b) condemning the proposed cuts in funding for CE Scheme participants.
 - (c) supporting and promoting a move to accept payments by direct debit spread over 12 months for motor tax with no additional cost to the fixed annual fee.

14. Letter dated 22 December, 2011, from Limerick County Council regarding a resolution adopted by the authority calling on the Minister for Foreign Affairs and Government to restore the Irish Ambassador to the Holy See.
15. Email dated 4 January, 2012, from Kilkenny County Council regarding a resolution adopted by the authority calling on the Department of the Environment, Community & Local Government to be more flexible with the Housing Adaptation Grant Scheme to include funding for Local Authority houses.

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 would be extended to the family of the late Mary Cahillane.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late James (Jimmy) McCarthy.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Noreen O'Sullivan.
- (d) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Kathleen Murphy.
- (e) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Sheila O'Connell.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Noreen Curtin.
- (g) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Denis O'Connell.
- (h) Cllr. P. Leahy proposed that a vote of sympathy would be extended to the family of the late Dan Keane.

12.01.16.17 Any Other Business

Cllr. D. Healy-Rae referred to the road from Mick the Bridges to Kenmare. Every 3/4 cats eyes are lifted from the road. This is very serious as money has been paid for putting down the cats eyes. He asked that the cats eyes be replaced on this road.

Vote of Congratulations

Cllr. G. Wharton Slattery PROPOSED a vote of congratulations to the staff of the Kerry Recreational Sports Partnership for organising the "Let's Get Kerry Walking" event in Killarney on 14th January. Over 1,000 walkers attended the event.

Cllr. J.J. Culloty SECONDED this proposal.

The meeting concluded at 4.15 p.m.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry