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**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL
HELD IN THE COMMUNITY HALL, CLOUNMACON, LISTOWEL ON MONDAY,
23 APRIL, 2012**

**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE
CHIARRAÍ A THIONÓLADH I HALLA POBAL, CLOUNMACON, LIOS
TUATHAIL AR AN LUAN , 23 AIBREAN, 2012**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

R. Beasley	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, Dir. of Planning
Mr. J.D. Flynn, Dir. of Corp. Services	Mr. O. Ring, Dir. Env. & Water Services
Mr. J. Breen, Dir Housing & Comm & Ent	Mr. G. MacNamara, D/Dir. of Roads
Ms. A. McAllen, Acting Head of Finance	Mr. G. O'Brien, Mtgs. Administrator
Mr. Pat O'Shea, A/SEO Finance	Ms. K. Moriarty, A/SEO Finance
Ms. K. Lynch, AO Finance	Mr. T. Sheehan, AO Motor Tax
Mr. P. Corkery, Press Officer	Ms. B. Reidy, SSO Corp. Affairs
Ms. S. Sheridan, SSO Finance	Ms. M. Galvin, CO Corporate Affairs
Ms. O. O'Shea, CO Corporate Affairs	

The meeting commenced at 11.15 a.m.

Mayor T. Buckley took the Chair.

At the outset Mayor Buckley welcomed all present to the Clounmacon Community Hall for the meeting and said it was a great occasion for him to have a Council Meeting in his own area. In 1878 his great grandfather went to school in the local school which is now the Community Hall and both his grandfather and his father also went to school there. The school was amalgamated with Listowel and the old school was then developed into a Community Centre. He called on Mr. Anthony Curtin to address the meeting.

On behalf of the Community Hall Committee Mr. Anthony Curtin welcomed the members, officials and press to Clounmacon. He said the school closed in 1974 and in 1986 approx. the local community started to improve the building. To-date almost €100,000 has been spent on the renovations and they are very proud to have it for the community. This is a rural community with no village and comprising of approx. 10 townlands. There had no football pitch until 1992 and they want to keep their identity.

On behalf of his colleagues Cllr. M. Gleeson said they were delighted to be in Clounmacon. He thanked the local committee for the magnificent courtesy and food.

12.04.23.01 Mayor's Report on the CPG Meeting held on 17th April, 2012

"At the outset the CPG agreed that all future CPG Meetings would commence at 11.00am.

Item 1 Agenda for the April Council Meeting

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

In relation to Item No. 7 – Approval for the raising of a loan of €250,000 for the development of Integrated Constructed Wetlands at North Kerry Landfill – Mr. O. Ring briefed the meeting on this item and said it would be dealt with at the April meeting.

Item 2 County Development Board Update

Mr. J. Breen briefed the meeting on the County Development Board as follows:

- A meeting of the Executive of the County Development Board is scheduled to take place on Tuesday next to consider the annual plans of South Kerry Development Partnership and North and East Kerry Development as part of the process of endorsement of their annual plans by the Board.
- A meeting of the Social Inclusion Measures Group of the County Development Board took place last evening at which the SIM Members received a presentation from both companies on their annual plans. It was a robust meeting with detailed questioning of the companies particularly in the areas of:-
 - Duplication of work being carried out by Statutory Bodies.
 - Costs of administration for programmes delivered.The recommendation of the SIM Group will be considered by the Executive next week.

Minutes April Meeting

- A new Programme of Sports Capital Funding has been announced by the Department of Transport, Tourism and Sport. Among the features of the programme are that:-
 - Groups in RAPID areas will only need to raise 5% of the project costs.
 - Groups in CLÁR areas will only need to raise a minimum of 10% of the project costs to apply.This is half what was required in the last round of funding in 2008.
- All certifications for ED's in CLÁR or RAPID areas will be handled by our Electoral Register Division – Contact Pat O'Sullivan. Closing date for applications online is 1st June next.
- The Board has requested, as its current strategic plan expires at the end of 2012, to prepare a 2 year Strategic Plan. Work has commenced on this request.
- No further update has been received on the future composition or Director of the County Development Boards. A report is imminent on the alignment of the Local Development and Local Government Structures, but to date we have not received a further indication of the likely publication date.
- The Community Awards which were originally set up by the CDB are taking place on Sunday next in the Dromhall Hotel in Killarney to honour and acknowledge the efforts and contribution of community and voluntary work for our County. The standard this year was, again, exceptionally high.

Item 3 Update from Chairs of SPCs

Cllr. P. McCarthy informed the meeting that a meeting of the Planning SPC would be held at the end of April.

Cllr. B. Moynihan Cronin informed the meeting that the Housing SPC will meet in May.

Cllr. P. Connor-Scarteen informed the meeting that a date for the next Roads and Transport SPC meeting would be agreed shortly.

Cllr. B. Cronin briefed the meeting on the main topics considered at a recent Environment and Water Services SPC meeting and a report will be presented at the April Council Meeting.

Cllr. M. Cahill said a date for the next meeting of the Community, Cultural and Tourism SPC will be agreed shortly.

Item 4 Civic/Mayoral Receptions

The CPG members agreed that (Name and address withheld for Data Protection purposes. A paper copy of the Minutes is available on request) would be honoured at the next Listowel Electoral Area Meeting for winning the All Ireland under 75kg Boxing Championships.

The CPG members agreed to hold a Civic Reception later in 2012 to honour Kerry winners of World and All Ireland Handball Titles.

Item 5 Request from Connect Ireland to make a presentation to Council

Mr. G. O'Brien informed the meeting that Connect Ireland requested approval to make a presentation to Council. ConnectIreland was appointed by the Government and the IDA to deliver the Succeed in Ireland initiative. ConnectIreland is an innovative way to create new jobs in Ireland by harnessing the power of our global connections. Using these connections, ConnectIreland would like to reach out to overseas small to medium sized companies planning international expansion.

The CPG agreed that this presentation would be made at the May Council Meeting.

Item 6 Any Other Business

NPPR

Ms. A. McAllen informed the meeting that the due date for payment of the NPPR was 31st March and people have until the end of June to pay. Reminders will be issued to all those who are already registered to pay. A publicity campaign will also be undertaken. The Council has initiated a pilot project, with the assistance of a planner, to identify all second homes in an area and to pursue the payment of this charge.

Household Charge

Cllr. B. Moynihan-Cronin asked how many households had paid the Household Charge.

Ms. McAllen said that nationally 56% of households have paid and the figures are not yet available on a county by county basis.

An Taisce Report on Planning

It was agreed that the An Taisce Report on Planning would be circulated to the CPG members.

Mr. J.D. Flynn outlined the indicators used in compiling the Report and the issues arising.”

It was unanimously agreed that ConnectIreland would make a presentation at the May Council Meeting.

Cllr. D. Healy-Rae referred to the An Taisce Planning Report and asked if members would be given an opportunity to discuss it.

The Mayor informed the meeting that it was decided to consider this report at the May CPG and it could then be discussed by the full Council.

Cllr. D. Healy-Rae rejected the An Taisce report and said members did their best at all times. Any proposal to zone land was passed by a majority of members.

Cllr. J. Brassil said the An Taisce report said Kerry County Council came in fifth worst in the country and he was not proud of that. He could not argue with the report as the members of Kerry County Council over zoned land that is now being dezoned. Members voted to zone large tracts of land against planner’s advice.

12.04.23.02 Confirmation of Minutes

- (a) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. T. O’Brien it was agreed that the Minutes of the February Ordinary Meeting of Kerry County Council held on Monday 20th February, 2012 be confirmed.
- (b) On the PROPOSAL of Cllr. P. O’Donoghue, SECONDED by Cllr. N. Foley it was agreed that the Minutes of the Special Roads Meeting of Kerry County Council held on Monday 5th March, 2012 be confirmed.
- (c) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. B. Cronin it was agreed that the Minutes of the March Ordinary Meeting of Kerry County Council held on Monday 12th March, 2012 be confirmed.
- (d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Sheahan it was agreed that the Minutes of the Special Planning Meeting of Kerry County Council held on Monday 2nd April, 2012 be confirmed.

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

- (a) Molta ag an gCllr. T. O'Brien agus cuidithe ag an gCllr M. Gleeson, glacadh le Tuairiscí an Bhainisteora a nótail de réir Mír 179(3) den Acht um Pleanáil agus Forbairt 2000 agus Cuid VIII de na Rialacháin um Pleanáil agus Forbairt 2001 agus Airteagail 17 go 19, de na Rialacháin um Pleanáil agus Forbairt 2006 maidir le hlonad Cóireála Uisce, oibreacha gaolmhara agus bóthar rochtana le tógáil i mbaile fearainn Leataoibh, Baile na nGall, Co. Chiarraí.

On the PROPOSAL of Cllr. T. O'Brien, SECONDED by Cllr. M. Gleeson it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the construction of a Water Treatment Plant, associated site works and an access road in the townland of Leataoibh, Baile na nGall, Co. Kerry.

- (b) Molta ag an gCllr.P. O'Donoghue agus cuidithe ag an gCllr P. Connor Scarteen, glacadh le Tuairiscí an Bhainisteora a nótail de réir Mír 179(3) den Acht um Pleanáil agus Forbairt 2000 agus Cuid VIII de na Rialacháin um Pleanáil agus Forbairt 2001 agus Airteagail 17 go 19, de na Rialacháin um Pleanáil agus Forbairt 2006 maidir le hlonad Cóireála Uisce, oibreacha gaolmhara agus bóthar rochtana le tógáil i mbaile fearann Baile na Leacan, An Clocháin, Trá Lí.

On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P. Connor Scarteen it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the construction of a Water Treatment Plant, associated site works and an access road in the townland of Baile na Leacan, An Clochán, Tralee.

- (c) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. J. Healy-Rae it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the proposed development at Kilcummin Village, which will include the construction of approximately 170m of new footpaths, the provision of additional parking

adjacent to the L-3018 local primary route at Kilcummin Village, pedestrian crossing, public lighting and all other ancillary and accommodation works at Kilcummin Village, Co. Kerry.

(d) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. Leahy it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the construction of a Single Rural Dwelling at Coolaclarig, Listowel.

(e) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. J. Brassil it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the construction of Single Rural Dwellings at Clashmealcon, Causeway and Dreenagh, Ballyheigue.

12.04.23.04 Disposal of Property

In accordance with Section 177 of the Local Government Act 2001 Cllr. P. O'Donoghue declared he was one of the Trustees of the Caherciveen Community Sports Field Association and he would leave the meeting while this item was being considered.

Cllr. O'Donoghue then left the meeting.

On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J. Healy-Rae it was agreed to dispose of a plot of land measuring 3.663 acres approximately at Castlequin, Caherciveen in the DED of Castlequin to The Trustees of Caherciveen Community Sports Field Association in accordance with the terms of notice issued 13 April, 2012 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act, 2000 and Article 206 of the Planning and Development Regulations 2001.

Cllr. O'Donoghue then returned to the meeting.

Cllr. P. Leahy then moved Notice of Motion No. 15.

15. Funding for the construction of Single Rural Dwellings in 2012

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

What is the up-to-date position with funding for the building of rural cottages in 2012?

The following report issued:

An allocation of €1m has recently been advised to Kerry County Council for Local Authority Housing under the Social Housing Investment Programme 2012. This is to meet the construction and acquisition requirements of the four Kerry Housing Authorities. While its distribution has not been finalized it is hoped to be able to commence the construction of between 6 – 8 single rural dwellings in the current year. Given the limited capital funding available in recent years and the number of Single Rural Dwelling applications which we continue to receive we will need to review the whole criteria under which applications for single rural dwellings are decided through our Housing SPC and revert to Council on the matter later in the year.

Cllr. P. Leahy welcomed the report and said he was concerned in relation to one particular house in North Kerry. It is important to proceed with the construction of these houses as a number of the applicants have been on the waiting list for a number of years.

Cllr. J. Brassil **SECONDED** the motion and also the views expressed by Cllr. Leahy. It will not be possible to commence a major development with an allocation of just €1m and it will be a few years before any group housing will be funded. Therefore the only option is to construct single rural dwellings. He called on the Housing Department to commence six to eight single rural dwellings in 2012 and to complete them in 2013.

Cllr. J. Healy-Rae said in some areas there may be other options i.e. the RAS Scheme but in many rural areas, such as Lauragh, the only option is a single rural dwelling as there are no houses to rent.

Cllr. B. Cronin welcomed the funding available for the construction of single rural dwellings as some applications are in the pipeline for a number of years. He asked if the house in Knockataggle would commence in 2012.

Cllr. M. O'Shea said it takes between two and four years from the time an application is made to the construction of a house. If eight houses are to commence in 2012 priority should be given to those on the housing list the longest.

Mr. J. Breen informed the meeting that the allocation of €1m is for the four housing authorities. Kerry County Council alone got €24.5m four years ago. The notification received stated that the Minister will announce a three year programme later in 2012. He undertook to revert to Cllr. Cronin in relation to his query when he had an opportunity to review the file.

12.04.23.05 Audit Committee's Annual Report for 2011

Cllr. T. O'Brien informed the meeting under the provisions of the Audit Committee Charter for Kerry County Council and in compliance with the Department of the Environment, Heritage and Local Government (DoEHLG) Circular Letter (FIN 11/07), the Audit Committee is required to report to the Council at least annually, and in any event within three months of the end of each calendar year.

The report circulated outlines the work of the Committee in 2011 and he proceeded to highlight some relevant areas as follows.

Membership

The Committee comprises five people, three external non executive members and two councillors.

Meetings

The Committee met on six occasions in 2011 and at each meeting reviewed audit reports and other reviews which were undertaken by the Councils internal audit team. At each meeting senior management were also invited to present and discuss service priorities and risk management issues as well as performance and value for money initiatives across the various business units and directorates. The Committee also met the Local Government Auditor to discuss audit and control issues outlined in their external audit report, which was also tabled at a previous Council Meeting in 2011.

Work Programme

In terms of the work programme, Cllr. O'Brien highlighted some additional issues:

- The Audit Committee approved the Annual Audit Plan and Work Programme at the start of 2011 and monitored progress throughout the year.
- Internal audit and reviews undertaken in areas including Waste Management, Refuse Collection Service, Motor Taxation, Traffic Fines, Service Indicators, Statutory Registers, Personal Computers/Laptops, Housing Loans and Pay Parking.
- Spot Checks and Verification audits within Machinery Stores, Motor Taxation, Area Offices and Cash Offices, Planning, Environment, Library and Town Councils.

- The Committee received regular updates on Financial Position and Performance of the Council and wider financial management developments.

During the year the Committee also received various informative presentations and updates on procurement and the new Public Service Internal Audit Standards which will direct the work of the Internal Audit unit in 2012 and beyond.

Conclusions

The Audit Committee acknowledges the shift in emphasis to systems audits and reviews, the ongoing emphasis on value for money initiatives at management level as well as a more risk based audit approach will facilitate prioritisation of the audit resources available.

The uncertainty and challenges within the economic, business and operating environment at local and national level remains, which underlines the need for good governance, good leadership and effective control systems across all public service organisations including local authorities. The Audit Committee looks forward to assisting and supporting in 2012 by delivering effectively on its mandate.

12.04.23.06 Annual Financial Statement for the year ended 31st December 2011 and approval of additional expenditure

Ms. A. McAllen read the following report into the record of the meeting:

"I present to you today the Annual Financial Statement 2011, it is a comprehensive document in a format as prescribed by the Local Government Finance Section of the DoECLG. This year's AFS saw some additions and changes to format, notes, the introduction of a Funds Flow Statement and change in accounting treatments, which make year-on-year comparison of the Income and Expenditure Account difficult. Some of these are as a result of the Memorandum of Understanding with The Troika, the Local Government Audit Service, Dept. of ECLG. This year sees the introduction of Appendix 9 which details the Transfers from the Capital A/c to the Revenue A/c totalling €2.89m and transfers from Rev A/c to Capital A/c of €2.7m. This Appendix is introduced at the request of the Local Government Auditor and to provide further information to readers of the AFS in particular the Elected Members. Accounts for 2011 remained within budget, expenditure of €189m overall between Revenue and Capital, illustrates extent of financial activity in the Council, much of which is spent within the County.

Income and Expenditure Statement – Revenue Account

The Table illustrated on Page (iii) illustrates Revenue activity in the county in 2011:

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	€
Income (including accrual income)	128,521,843
Total Expenditure	<u>128,234,776</u>
<u>Surplus (Deficit) for year</u>	<u>287,067</u>

2011 was another challenging year from a financial perspective which required effective budgetary management and debt management in particular, the area of Local Revenue Collection. We continue to work with all our customers through Revenue Collectors, through the Revenue Department and the Housing Department through early intervention and availability of payment plans and work with customers particularly those suffering financial hardship. Our reliance on locally sourced income will continue to gain increasing significance in the coming years given the inevitable cuts in Local Government funding. Appendix 7 in Page 39 illustrates the percentage collection for Rates, Commercial Water, Rents, Loans and Waste Disposal. The % collection across these streams has broadly been maintained and debtors for these income streams have decreased overall. Local Income figure for Waste Disposal is significantly below budget in 2011 owing to a fall-off of waste deposited at Muingnaminnane. We have intensified our focus in the area of NPPR and are investigating enforcement measures in this area.

Expenditure remained within Budget overall allowing a number of provisions to be made. These provisions are intended to enable us to cope with any exceptional payments that may occur in so far as we can provide for at this time.

The main provisions carried forward include in particular:-

- €175,000 contribution towards contingency superannuation fund to avoid exceptional pension payments liability in any given year
- €20,000 towards public lighting upgrading capital refurbishment works
- €20,000 as a provision towards legal costs associated with planning enforcement.
- €13,000 towards support of the Kerry Economic Development Unit to stimulate economic and enterprise development in the County
- €10,000 towards upgrading of laboratory equipment to enable increased in-house sampling which in turn will reduce reliance on external laboratory testing

- €25,000 towards a start-up fund to support Kerry County Council in the maintenance of Land Drainage areas in view of over-expenditure in recent years due to flooding
- €10,000 towards staff training and development in recognition of the changing skill and aptitude requirements owing to staff redeployment needs and the Croke Park Agreement
- €25,000 as a provision to support exceptional payments for Coroners and Inquests/Post Mortem Expenses

Additional expenditure to the allocation approved in the Adopted Budget was incurred as illustrated in Pages (iv) and (v). Also, I have illustrated broadly any areas of over-expenditure within a Division experiencing an overall under-expenditure for your information. Additional expenditure of €1.3m was incurred in Housing, the main reasons for the additional expenditure in this Division was increased expenditure on maintenance of local authority housing, additional expenditure on housing support grant schemes of €0.995m as a result of increased allocations during the year. In Roads, additional expenditure of €2,442,582. The main reasons for the additional expenditure in this Division were as a result of an increased allocation of €2.8m for the Regional and Local Road Restoration Improvement Programme (significantly offset by increased grant-aid).

In Division H the additional expenditure incurred was due mainly to write-off of irrecoverable rates of €3.443m and additional costs in respect of inquests/post mortems and advertising costs for NPPR (recoupable). A higher than anticipated level of retirements was experienced across all Divisions during 2011. This resulted in over-expenditure of €728,000 in the amount provided for pensions and lump sums in Budget 2011.

We have very many ratepayers who pay on time and through payment plans. Unfortunately, where no reasonable means is taken to pay outstanding debts we have no choice but to take appropriate court or other recovery measures. During 2011 we issued 603 registered 6-day Notices in respect of outstanding rates and 185 Rates Summonses were issued afterwards. A total of 47 water supply disconnections were carried out during the year.

Charge on Non-Principal Private Residences – this charge has yielded a gross income to Kerry County Council of €2.2m, in addition the Town Councils benefitted by €1m. The liability date for 2012 is 31 March and payment is due by 30 June at the latest if late payment fees are to be avoided.

At the March 2011 Ordinary Council Meeting, the Council approved the investment of €50,000 through a secured bond purchase as financial support towards the restoration of the Cork-Swansea Ferry Service in accordance with

S.66 of the Local Government Act, 2001. This sum was paid from within the approved budget for Division D Service - Tourism Development and Promotion.

At the November 2011 Ordinary Council Meeting the Council approved additional funding, totalling €20,000, towards the costs of the Examinership process. The amount actually incurred was €14,300.

Following a fundamental review, Kerry County Council sold the Refuse Collection Service in November 2011 to Killarney Waste Disposal Ltd. The net proceeds from the sale are ringfenced in the Capital Account to fund future liabilities associated with the Landfill and Waste Disposal Infrastructure throughout the county.

The AFS 2011 also reflects the Assets and Liabilities arising from the takeover of Tralee and Fenit Harbour during 2011.

Pages (vii) and (viii) cover the Capital A/c which illustrate that we are still advancing major projects in 2011 with expenditure of €60.8m.

In relation to Capital Borrowing/Mortgaged Housing Loan Activity the Council's capital debt at 31 December 2011 amounted to €100.47m, a decrease of €1.42m on the December 2010 figure of €101.89m.

The retention of a cumulative surplus is a very positive reflection on both the Elected Members and the continuous efforts of staff of Kerry County Council in maximising resources, achieving better value for money, maximising revenue and increasing overall efficiencies during these, uncertain challenging economic times. Ongoing commitment to successful implementation of EU/IMF/ECB Troika Memorandum of Understanding, The National Recovery Plan and implementation of recommendations from the Local Government Efficiency Review Group will continue to impact on our funding streams and our operating environment over the coming years.

Kerry County Council took actions during 2011 and continues into 2012 and the future, to adjust and match both operational day-to-day spend and its long-term capital investment programme with available funding and resources. Central to all of Kerry County Councils services is the objective to maintain and support business and household through provision of quality driven services.

I would like to take this opportunity to thank Kathleen Moriarty, Pat O'Shea, Sheila Sheridan, Pat O'Connor, Karen Lynch, and the staff of Finance, for their hard work in compiling this comprehensive document this year."

Cllr. M. Gleeson welcomed the report and complimented Ms. McAllen and the staff of the Finance Department on the prudent management of the Council finances. He complimented business people who pay their rates in these difficult economic times and said they deserve our gratitude. He referred to the level of irrecoverable rates and said while he accepted some businesses could not pay others could make a better effort to pay. Cllr. Gleeson said it is ludicrous that the cost of Inquests and Post Mortem are charged to the Council and this again highlights the lack of commitment by successive Governments to reform Local Government. A further example of this is the €100 Household Charge. People thought this would be additional income for the local authority but instead the Government is reducing the allocation to local authorities from the Local Government Fund to take account of the projected income from this charge. In conclusion he called on the Government and Kerry TD's to give public enactment to the reform of Local Government.

Cllr. R. Beasley welcomed the report and said many small businesses are struggling to pay rates. Those that can afford it do pay but others simply cannot afford it. He asked that they would be given reasonable consideration otherwise they will go out of business and will need unemployment benefit.

Cllr. N. Foley acknowledged the report and she specifically acknowledged those who manage to pay their rates. These are particularly difficult times and it is important that those in difficulty would engage with the Council at an early stage as there maybe an opportunity for resolution.

Cllr. M. O'Shea said that everyone accepts that people are experiencing severe austerity measures but businesses are suffering from lack of business. Many small shops and pubs are in severe trouble. It is time the Government changed the criteria for determining rates to a charge based on turn over.

Cllr. J. Finucane welcomed the report and said that it is very detailed. He recommended that a synopsis of the report would be made available to businesses. A large number of business people and indeed the general public are not fully aware of all the services provided by the Council. An Annual Report should be attractive and illustrated. The present economic climate is challenging for small to medium sized businesses and any reserves they had are now gone. He was aware of some businesses who are keeping going in the hope that the turn will come. The Energy Regulator's final decision on the Shannon LNG project is due to be submitted to Minister Rabbitte on the 11th May. Kerry County Council has been very active and involved in trying to get this project under way. It is a reflection on the State that it takes six years, €40m and the investor is still awaiting a final decision. It took 2½ years to get the Foreshore Licence and it is critical to maintain the pressure up to the 11th May.

Cllr. P. O'Donoghue welcomed the report and complimented Ms. McAllen and the staff of the Finance Department on their management of the Council finances.

He had hoped members would be informed how many households paid the Household Charge in Kerry. Cllr. O'Donoghue said a lot of businesses are struggling but in fairness to the Finance Department they have been flexible once a business submits their accounts for the previous three years. However, now 50% of rates must now be paid in order to qualify for a review. This is unfair on a business that is in dire difficulty and there should be more flexibility.

Cllr. J. Sheahan thanked Ms. McAllen and her staff for the report. He said businesses are finding it very difficult at the present time and any assistance offered to them would be very welcome. If a business is registered with Bord Fáilte they must pay their rates and this is very unfair and many of these business people are very annoyed about that.

Cllr. D. Healy-Rae thanked Ms. McAllen for the report and said he had the same concerns as other councillors in relation to the payment of rates by businesses who are struggling. This is particularly true in Killarney town where six or seven businesses closed down recently. Rates should be based on income or profit and he called for the introduction of a fairer system. He called on the Council to assist those in difficult circumstances. Cllr. Healy-Rae then referred to the Household Charge and said members were informed if a person was living over their business and paying rates they would not be liable for this charge. He asked if further clarification was received on this issue. He expressed concern at the funding of Local Government and said that local authorities are being down graded. He was concerned at the impact of the establishment of Irish Water on Kerry County Council. He called on the Government to ensure that local authorities remain intact even if it means maintaining responsibility for water services.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was agreed to note the Annual Financial Statement for the year ended 31st December, 2011 and to approve additional expenditure (including provisions) as outlined in the Financial Review.

12.04.23.07 Approval for the raising of a loan of €250,000 for the development of Integrated Constructed Wetlands at North Kerry Landfill.

Ms. A. McAllen, A/Head of Finance referred members to her report dated 16th April, 2012 on this item which was circulated. She briefed them in detail on the report.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Finucane it was unanimously agreed to approve the raising of a loan of €250,000 for the development of Integrated Constructed Wetlands at the North Kerry Landfill.

12.04.23.08 Kerry Local Authorities Draft Annual Report 2011

Mr. J.D. Flynn, Director of Corporate Services, referred members to the Kerry Local Authorities Draft Annual Report 2011 which was circulated. Section 221 of the Local Government Act 2001 requires that a Draft Annual Report be submitted to the Elected Members before 30th April, 2012. The final report will be presented to the Elected Members for adoption at the June Council meeting. If members have any comments to make they should revert to him, the Meetings Administrator or the Press Officer and they will be incorporated into the report. The Draft Report covers activities of Kerry County Council and the Town Councils. Mr. Flynn said the theme of the report is 'Maximising efficiencies, prioritising our work'. As requested by Council in 2011 the final Annual Report will be formally launched.

12.04.23.09 Date for the Annual Meeting

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. P. O'Donoghue it was unanimously agreed to hold the Annual Meeting of Kerry County Council at 12 noon on Friday 29th June, 2012.

12.04.23.10 Update on Kerry Sustainable Energy Community (SEC) Project

Mr. T. Curran, County Manager, referred members to his report on this item which was circulated. He informed the meeting that the Kerry Sustainable Energy Community Project has been selected along with Dublin City and South Dublin County Council by SEAI to partner Dundalk 2020. Towards the development of this project, SEAI has committed a support grant of €50,000 per annum for the next 5 years, to Kerry to defray some costs associated with the project. Mr. Curran outlined the Kerry Sustainable Energy Community Project's vision statement and the immediate benefits of the project. He then outlined the project targets, the progress to-date and the next stage of the project.

Cllr. P. Connor-Scarteen then moved Notice of Motion No. 12.

12. Replication of the Wood Energy Project in Tralee

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

"That the wood energy project in Tralee be replicated throughout the County as it is good for the environment, the economy and local communities."

Cllr. P. Connor Scarteen said Minister McEntee recently visited this project in Tralee and was impressed by it. The Feasibility Study is for Tralee and Killarney and he asked that consideration would also be given to the rest of the county. If this is not possible then businesses should be provided with the necessary information. An extension of this project would be good for the environment, reduce the amount of oil required, increases energy efficiency and would result in

construction jobs. He asked that this project would be replicated around the county.

Cllr. T. Ferris **SECONDED** the motion and said that our objectives are fairly ambitious. She hoped the Exchequer would realise the savings that can be achieved. A list of objectives are set out in the report including the retro fitting of local authority housing and she asked if this will be realised with the funding available.

Cllr. M. Gleeson said this is a good news story. He attended a meeting in Killarney where a project similar to this was detailed minutely. The Astellas factory in Killorglin runs on sustainable energy and he recommended that those interested would visit it. The fact that local fuel is used where the timber grows quickly is very welcome. If tourism is to prosper it must be very competitive. If hotels and guesthouses can reduce their costs they will be more competitive. He was satisfied that hotel managers would not object to giving the Council access to their energy bills if it would help to achieve savings for them. Wherever the plant is located the road should be capable of carrying the large delivery trucks.

Cllr. J. Finucane agreed that Tim McSwiney is the driving force behind this project. He said he is involved with Moyderwell School and he hoped cheaper heat could be provided to other state services.

Cllr. J. Brassil concurred with the views expressed by Cllr. Finucane and said that given the location of the plant he hoped the Gaelscoil, Presentation School and others could avail of cheaper heat. If different types of facilities i.e. schools, library, housing etc. are included it is more attractive.

Cllr. T. O'Brien said Kerry Local Authorities have two employees who excel in this area and they are recognised nationally. He **PROPOSED** that a letter of acknowledgement would issue to Mr. T. McSwiney and Mr. W. Moynihan in appreciation of their work.

Cllr. B. Moynihan Cronin **SECONDED** this proposal and she welcomed anything that will benefit business. However there is a fear of anything new and there is a need to educate people, in particular where the plant will be located.

Cllr. D. Healy-Rae welcomed the report and said the cost of oil is increasing rapidly. Any project that will use local fuel would be very welcome.

Cllr. N. Foley acknowledged the outstanding innovation of the two employees who spearheaded this project. A number of schools in Tralee would like to be included in this project and she asked if the project could facilitate them. As the project in Tralee is such a success there is an opportunity for disclosure for Killarney people. In conclusion Cllr. Foley said she would like to see the project in Tralee expanded.

The County Manager said it is hoped to retro fit approx. 60 local authority houses in 2012. The capital cost involved in this project is substantial yet real savings can be achieved. Turf is not a suitable fuel as the moisture content is too high. The plant installed in Tralee is a 1mw plant and it could not cater for the Gaelscoil and Presentation School. Part of the study involves a study of all the energy users and it must be established if one large plant is required or a number of smaller ones. He welcomed the tributes to Tim McSwiney and Willie Moynihan and was aware they are very highly regarded nationally. SEI has the highest regard for them. A recent regional meeting was held in Tralee and those in attendance were given a demonstration and they could not believe how far advanced we are in Kerry. It will cost approx. €20m per town and it is intended to fund it through the ESCO model. He said he has the greatest respect for the private sector but if they control the plant there is no national standard in relation to price control. He took this matter up with the Minister recently. Mr. Curran said he believed the project in Killarney maybe premature. If members of the public had any queries they can contact Tim McSwiney or Willie Moynihan. He agreed that a large plant should be located away from a residential area.

Cllr. P. McCarthy requested that Tim McSwiney and Willie Moynihan would make a presentation to Council on this project.

Cllr. P. Connor-Scarteen requested that the study would include smaller towns.

The County Manager said this would not happen in the first phase. When the study is complete it will be easier to replicate it. If we get in early we may be able to secure capital funding.

Cllr. P. Connor-Scarteen said a good source of supply is needed for this project and he called for a change in the regulations in relation to the planting of forestry in upland areas.

The County Manager said there is enough timber in the county for the next 20 years.

Cllr. D. Healy-Rae asked who will own the underground pipes in Tralee and Killarney. He said it is vital that they remain in public ownership.

The County Manager said this is one of the issues he raised at national level.

12.04.23.11 Briefing on the EPA Drinking Water Quality Report for 2010

Mr. O. Ring, Director of Water Services referred members to his report dated 16 April, 2012 on this item which was circulated. He briefed them in detail on the report.

The Mayor informed the meeting that a number of Notices of Motion relate to this topic and they would then be taken.

1. Levels of non-farming chemicals and pharmaceuticals in rivers and lakes.

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

As the beneficial effects of programmes such as: The Nitrates Directive, REPS and other such schemes are becoming obvious in the water quality of our waterways, that the Council would state if there is an increase in the presence of non-farming chemicals and pharmaceuticals in those same rivers and lakes and if so do they pose a threat to human, animal and aquatic well-being.

The following report issued:

There are thousands of such chemicals, known as priority substances, which can potentially end up in our waterways. Such chemicals include plant protection products (herbicides, pesticides) metals, combustion by-products, polyaromatic hydrocarbons, flame retardants, dry-cleaning solvents, plasticizer, paint and oil based solvents as well. As it is not logistically possible to analyze for every chemical, the EPA have selected 33 substances or groups of substances which they consider representative of presence of these chemicals. The EPA have only recently (since 2007) commenced monitoring for these chemicals as part of their surveillance monitoring program. They monitor certain river sites throughout country, including Kerry. So far, according to latest EPA report (water quality in Ireland 2007-2009) there are very few exceedances of individual Environmental Quality Standards (EQS) compared with most other European countries. Compounds which have exceeded their EQS (in a few cases) include DEHP and Polyaromatic Hydrocarbons (PAHs) . DEHP is a plasticizer which is found in many plastic based products. The main concern with this compound with regard to water environment is that it has been implicated in causing hormonal changes in fish species when present in large amounts as exists in some other countries. PAHs are combustion based compounds i.e. thought to have entered environment mostly as a by product of fossil fuel burning or from oil based products. Other compounds found to be present in trace amounts in water environment (but below their EQS) include pesticides such as MCPA, Diuron, Atrazine, Simazine and Glyphosphate. In addition to this monitoring, Kerry Co Council laboratory staff have been monitoring discharges from wastewater treatment plants, as part of EPA license conditions, for such compounds. So far no significant levels have occurred. Monitoring of these chemicals on a systematic scale is only in its infancy and it will take a few more years of monitoring to gauge properly the extent of these chemicals in the water environment. In the meantime controls are been put in by means of • stricter conditions in waste water licensing • stricter monitoring of their use

at source using such instruments as EU (REACH) directive, which deals with monitoring sourcing, sale and distribution of chemicals • ceasing the use of certain problematic products by replacement with less environmentally hostile ones.

Cllr. M. Gleeson said it is interesting that in one of Saturday's daily papers there was the following headline: 'Anglers fear that emissions will wipe out river's fish'. It recalled for him a sad incident as a number of years ago he watched fish die from chemical pollution. He knew precisely from where the pollution was coming, but the damage was done and in the following days papers a denial of responsibility by the company.

He said much has been achieved over the past ten or so years by various organisations and by individuals to ensure improved water quality in our rivers and lakes. He expressed his thanks to farmers, foresters and householders. However surface waters are less than pristine and modern living releases large amounts of chemicals and pharmaceuticals into our streams, rivers and lakes. Some of this deleterious material is removed by treatment plants but only a small percentage of water goes to and through those plants.

The drug companies are producing new compounds virtually every day and sometimes little or nothing is known of how these will break down in water or what impact they will have when they interact with that water. Mostly everything that is produced ends up either directly or most frequently indirectly in a water system. Even the drugs we take are mostly passed through our bodies and end up sooner or later in some water course.

Because of the disposal of so many chemicals into our water courses (a) new bugs are evolving (b) there are changed patterns of behaviour in aquatic life and (c) there is growing antibiotic resistance to necessary drug treatment. DEPH is Plasticiser and Polyaromatic Hydrocarbons (PAHs) from fossil fuels as stated in the reply can impact adversely on salmon.

The vast array of Detergents that we use and our insatiable consumption of antibiotics and other toxic substance pose serious challenges to our water quality, to our environment and ultimately to ourselves. We need greater levels of study of the side impacts of the multiplicity of drugs and pharmaceuticals on the market and we need a much greater level of awareness of how such material, when surplus to intake requirements, need to be disposed of. Progress is good and desirable but we must always be aware of the unintended impact and of the fragility of our environment.

4. Fluoridation of Water Supplies

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

To ask the County Manager and Director of Services in light of the recommendations and findings of a number of reports including that by Environmental Scientist, Declan Waugh, outlining the human health risks, environmental impacts and legal implications of water fluoridation, in particular, the fact that no human health risk studies or environmental assessments have been undertaken on the commercial grades of silicofluorides used in water treatment in Ireland and that they are now known to contaminate prepared foods such as infant formula feed making them unsafe for infant consumption, that in the interests of public safety the Manager and Director of Services will instruct the Water Services Department to cease the fluoridation of drinking water until the Department of Health and the Department of Environment can provide documentary evidence to show that the chemicals used are safe for human consumption, do not impact negatively on the environment and have been tested in accordance with EU law.

19. Fluoridation of Drinking Water

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

“Are Kerry County Council ignoring the human health risks and legal implications of fluoridation of drinking water and should the use of these chemicals in drinking water be ceased until the Department of Health and Department of Environment provide documentary evidence that the chemicals being used are safe and are not a health risk.”

The following report issued:

Under the Fluoridation of Water Supplies Regulations, 2007 (S.I. No. 42 of 2007), Kerry County Council is legally obliged to add fluoride to public water supplies at concentrations ranging from 0.6 mg/l to 0.8 mg/l. Public Water supplies are fluoridated by the addition of hydrofluorosilicic acid to the water as specified in these Regulations. The fluoridation of public water supplies is overseen by the Health Service Executive. The HSE also has responsibility for the procurement and direct supply of hydrofluorosilicic acid to Water Services Authorities, including Kerry County Council.

Mr. Waugh’s report was raised in the Oireachtas in March 2012 and the following reply was provided by the Irish Expert Body on Fluorides & Health:

“This is a lengthy document which appears to be the personal opinion of this individual ‘Any opinions, findings, conclusions or recommendations

expressed in this report are those of the Author and do not reflect the view of the organisations or agencies that provided information for this report’.

The report will be reviewed by the Expert Body, which will take some time. In the meantime the Expert Body will continue to bring attention to the fact that water fluoridation is supported by the Irish Expert Body on Fluorides and Health, the World Health Organisation, the Centre for Disease Control and Prevention of the U.S.A., the Royal College of Physicians of England, the Irish Forum on Fluoridation, The Ministry of Health UK, The International Association for Dental Research, the World Dental Federation (FDI) and by major international scientifically validated reviews in many countries. A recent study from the Scientific Committee on Health and Environmental Risks (SCHER) considered general health effects and did not conclude that there were any health risks involved, including many of the issues that Mr Waugh refers to.

We would like to assure you that the Expert Body continues to carry out its remit from the Report of the Irish Forum on Fluoridation 2002, which was a Government initiative.”

Cllr. T. Ferris said the report did not state that the EPA or the Departments of Environment or Health had carried out a study of the impact of fluoride on health. In the US people are advised not to use fluoridated water for baby’s feeds. Roisín Shorthall confirmed that the Department do not know the impact of fluoride on human health as no human health assessment has been carried out. Chile called for a cessation of their fluoridation scheme until an EIS was carried out. Under EU law Ireland is obliged to carry out an EIA and it has not done so. 75,000 tonnes of fluoride is discharged into water yet no study has been undertaken by the appropriate authorities. She said her motion called on the Departments of Environment and Health and the EPA to carry out an EIA.

Cllr. B. Cronin said the reply states that Kerry County Council is legally obliged to add fluoride to public water but he pointed out that the Council also has a legal and moral obligation to protect our customers and to comply with EU law. No assessment of the impact of fluoride on human health has been carried out in Ireland yet the Minister for Health in Chile stopped the fluoridation of public water supplies until a study is carried out. He has given priority to the health of the people. Fluoride is added to public water mechanically and there is a possibility of a mechanical failure. Senior medical consultants have expressed serious concern in relation to the overuse of fluoride and the medical reactions that can take place. This study should have been undertaken years ago and if the Government are not prepared to do it then Kerry County Council should carry out the study. Many European countries including Germany, Finland and Austria do not fluoridate public water supplies.

Cllr. A. McEllistrim said it is likely to be an extremely long time before any study is undertaken and completed and it would be safer to cease the fluoridation of water in the interim. Many people are very concerned about this issue including the students in Mercy Mounthawk and their parents. She asked if Kerry County Council has the power to stop the fluoridation of water supplies in Kerry.

Cllr. J.J. Culloty said this is a very serious issue and there is a lot of concern among the general public. A report should be commissioned immediately and its findings should be acted upon without delay. He agreed with the sentiments expressed by previous speakers. In conclusion Cllr. Culloty welcomed progress under the Water Services Investment Programme.

Cllr. D. Healy-Rae said he recently attended a presentation by the students of Mercy Mounthawk and they stated there is a percentage of arsenic in fluoride. So many people are dying of cancer questions are being asked how they are getting it. There is a lot of opposition to the fluoridation of water supplies and members should support the motions. He asked for clarification on the chlorination of water supplies as those living nearest the reservoirs get a strong taste of chlorine from the water and they are concerned that their health is being compromised and they need reassurance.

Cllr. J. Brassil expressed his support for the two Notices of Motion and what they are trying to achieve. He suggested that a vote should be taken to refer them to the relevant Government Departments. Mr. Ring can advise members if the Council can stop the fluoridation of water supplies. Other countries in Europe are not adding fluoride to drinking water and a policy should be adopted to stop this practice. Members want to send a clear message to the Government that they are not in favour of the fluoridation of public water supplies until a study has been carried out to prove it is safe. He asked if the Council had the power to stop the fluoridation of water supplies. He welcomed Mr. Ring's report and the high quality of water produced in Kerry and also the level of testing undertaken. It is proposed to establish a national water company and he asked what control on testing the Council will then have. He understood local authorities and indeed the general public were invited to make submissions on Irish Water. When a report was compiled on the submissions it was to be presented to the Minister. Kerry County Council made a submission but he understood the final report on submissions has not yet been produced yet the Minister made an announcement last week that Irish Water will be a subsidiary of Bord Gáis.

Mr. G. O'Brien informed the meeting that Mr. Ring's report and the Notices of Motion would be dealt with first and then members could comment on Irish Water.

Cllr. J. Sheahan said there is a lot of concern in relation to the fluoridation of public water supplies. Members receive many emails daily from people who claim to be experts in this area and they are calling on local authorities to stop the fluoridation of water supplies. We should not ignore these warnings. A study should be undertaken as a matter of urgency.

Cllr. T. O'Brien asked if the Council has the power to stop the fluoridation of water supplies and if we do what are the implications of this action.

Cllr. J. Healy-Rae requested clarification on the fluoridation and chlorination of water supplies. He understood chlorine was added to kill bacteria. There is less bacteria in water from lakes than river water yet Kerry County Council proposes to extract water from the River Sheen rather than from the very many lakes in the area.

Cllr. J. Finucane said he believed there is a legal obligation on the Council to fluoridate public water supplies. He suggested that members agree to notify the Minister that we are considering stopping the addition of fluoride to public water supplies. He pointed out that members or officials do not have the expertise to decide on this very important issue.

Cllr. R. Beasley pointed out that fluoride is added to water for dental hygiene but now all tooth pastes contain fluoride.

Cllr. M. Cahill said he too had concerns regarding the fluoridation of water and he read an article recently about concerns in relation to the impact on babies. It is better to err on the side of caution.

Cllr. N. Foley said now that members know there is a doubt about the effects of fluoride in water it would be a dereliction of their duty not to take some action. She asked management if the Council can stop adding fluoride to public water. She suggested that the Minister should be put on notice of this intended course of action and that the Minister would be requested to commission a report immediately and that Kerry would be the pilot area for the study.

Mr. O. Ring, Director of Water Services thanked members for their kind remarks and said that chlorine is used as an agent to kill harmful bacteria and it must remain in the water until it reaches the end of the supply network. Chlorine is the most widely used method of disinfection in the world for the past 130 years. The Council must continue this practice to ensure a safe water supply. It is as a result of the addition of chlorine to water that we have such good quality water. Some people are more susceptible to the smell of chlorine from water than others but if they leave the water in a jug for 15 to 20 minutes the smell will go. Fluoride is added to water for dental health. Ten years ago there was concern regarding the fluoridation of public water supplies and the then Minister for Health, Micheál Martin, established a Forum on Fluoridation. This was one of the most

successful bodies ever and it represented experts from all over the country. The Forum heard evidence over a two year period and their conclusions were that fluoride is safe but they recommended a reduction in the rate. If anyone feels that new evidence is available they should make a submission to that body and the Department of Health and ask that it would be reviewed. Mr. Ring said he is not an expert in this area. The laws states that the HSE can request local authorities to fluoridate public water supplies and we must comply.

Cllr. B. Cronin again pointed out that in mainland Europe no country is adding fluoride to water supplies. He accepted that the Council must comply with the law but serious concerns have been expressed regarding this practice. Members should be entitled to request a detailed analysis of this process as too many experts are raising concerns about it. He called for a detailed analysis of the fluoridation programme to reassure the people of the county.

Mr. Ring said there has been a lot of research done in this area and maybe some new information is available. Fluoride toothpaste must be ingested to work.

Cllr. T. Ferris said the toothpaste pack advises you not to ingest the toothpaste. Fluoride was first added to water because there was a concern for dental health. Toothpaste has fluoride in it so there is no need to add it to water now. She PROPOSED, given that EU law is superior to Irish law that an EIS should be carried out and that the Council should advise the Department that we will not continue to add fluoride to water until the EIS is completed in accordance with EU law.

Cllr. B. O'Connell asked how much it cost to add fluoride to public water supplies.

In response Mr. Ring said he did not have the cost involved to hand but the HSE pays the full cost. He pointed out that the Department of Health are the experts in this area.

Cllr. J. Finucane said there is consensus that the Department should be notified that the Council is considering a certain course of action and it will then be up to them to prove or disprove what they are doing.

Mr. T. Curran, County Manger, said that Irish law takes precedence. He is under instruction from the Government to add fluoride to public water supplies. He suggested that members could agree to forward a motion to the Department of Environment and Department of Health asking them to carry out a study on the implications of adding fluoride to water. He said he must respect the law.

Cllr. J. Finucane suggested that members should agree to write to the Department indicating they are considering no longer adding fluoride to water and to await a response.

Cllr. P. O'Donoghue said members cannot direct the Manager to do something that is unlawful. If the Council does not have the expertise in this area they should be engaged.

Mr. J.D. Flynn advised members it is likely the response from the Department will state they must comply with the law.

Cllr. Finucane said the letter to the Department could state that the Council is considering not adding fluoride to water due to the fact that Ireland is not in compliance with EU law as it has not carried out an EIS.

Mr. Flynn said a letter could issue to the Department on behalf of the members stating that the Council is considering not adding fluoride to public water supplies and asking them to produce the evidence that it is safe to add fluoride to water. Members could also request that a study would be commissioned immediately by the Department.

The County Manager said he had no difficulty issuing a letter on behalf of the members asking for a study to be carried out. However if we say we are considering not adding fluoride to public water we will be told to comply with the law. He believed the best option would be to call on the Department to carry out a study.

Cllr. P. O'Donoghue said the letter could highlight members concerns and ask the Department to produce the evidence to show that adding fluoride to water is safe.

It was agreed that a letter would issue to the Department of Environment and the Department of Health highlighting members concerns in relation to the fluoridation of public water supplies and asking them to carry out an EIS in accordance with EU law.

Cllr. D. Healy-Rae then moved Notice of Motion No. 10.

10. Continued involvement of local authorities in the provision of water

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

That we the members discuss further the Departments proposal to take over our local authorities Water Services Section i.e. management and stock and further to our recent motions to the Minister to see if we can make a stronger statement, pass a resolution or join with other councils by way of deputations or petitions to ensure the continuation of our Local Authority's role in the provision of water to the people of Kerry and if it is to be the case and we can't maintain the status quo that we insist on having the maximum role possible.

The following report issued:

A submission on behalf of the Members was made in February as part of the public consultation process in relation to the Position Paper on the Reform of the Water Sector. (It was open to Members and to the public in general to make individual submissions.) The Members' submission generally covered the points raised in this notice of motion. As members are aware the Minister for the Environment, Community & Local Government recently announced the Government decision to establish Irish Water as a wholly owned subsidiary of Bord Gáis. The best information available at this stage is that it is intended that Local Authorities will continue to operate the existing water services infrastructure, in the medium term at least, under a Service Level Agreement arrangement. It is our view that there is a clear benefit to local communities that certain water services functions should continue to be operated in this manner in the long term.

Cllr. D. Healy-Rae said this is the most serious issue to face Kerry County Council for many years. He was very concerned that the Council would loose control of all water mains, reservoirs and water sources in the county. It was announced recently that Irish Water will be a subsidiary of Bord Gáis. The Taoiseach stated that jobs would be created but there are 3,600 people employed in the provision of water services at present and they could loose their jobs. The present Government said they will not privatise Irish Water but a future Government could privatise it. Local authorities have been trying to secure funding for investment in the water and wastewater infrastructure for years and now that the metering of domestic properties is about to be introduced funding would be available yet responsibility is being transferred to Irish Water. He said he was concerned for both the consumer and for staff. He PROPOSED that his resolution would be forwarded to the Government.

Cllr. B. Cronin SECONDED the motion and said this is one of the most serious proposals to effect local authorities for years. He believed the water supply in rural Kerry will be in jeopardy with the loss of local knowledge. An adequate water supply is priceless as customers realised during the very harsh winters of 2009 and 2010. At that time the Council staff were out with stand pipes for customers and they defrosted the mains water pipes. 4,000 customers were cut off by Bord Gáis last year. If there is a burst water main in Barleymount will he have to ring Cork or Limerick to report it? Staff in the Water Services Department are out day and night and they provide an excellent service. He believed the transfer of responsibility for water services to Irish Water is a retrograde step and it is in line with the policy to centralise all services. This was proved not to be a success and he objected to this service being removed from local authorities.

Cllr. J. Brassil asked if Kerry County Council made a submission on Irish Water and were submissions to form part of the final report to Government. He understood when the final report was submitted to Government that a decision

would then be taken. He asked if that report was finalised and if not the submissions from all local authorities were ignored. Irish Water is to be a subsidiary of Bord Gáis. The Council currently has experience of the Commissioner for Energy Regulation in relation to the Shannon LNG project and therefore he had no confidence in that system.

Cllr. M. O'Shea said he understood 530,000 customers will not be metered as some apartments and pre 1940 buildings etc cannot be metered. While the Government announced that Irish Water will be a subsidiary of Bord Gáis this company is listed to be sold. If that happens what will happen to Irish Water – will it also be sold? He believed this is badly thought out and will not work.

Cllr. J.J. Culloty said he had serious concerns regarding the transfer of responsibility for water services to Irish Water. The water supply for most of the county comes from Lough Guittane and if there was a water shortage in Cork is there anything to stop a pipeline being laid to Cork. It is important that this function would remain with local authorities.

Cllr. T. Ferris welcomed the motion and referred to the recent Government announcement that Irish Water will be a subsidiary of Bord Gáis. She requested that the relevant Minister would be asked how this was decided without a formal tendering process. The Council must advertise for roadworks and FÁS must advertise if they want to run a course. She wanted to know how this contract was awarded to Bord Gáis without going through a formal tendering process.

Cllr. J. Healy-Rae said he was very concerned that Kerry County Council would lose control of this vital service. Eircom's infrastructure is a disaster as the company was sold many times in recent years. Two years ago on Christmas Day the water was off when the caretaker went in that morning and the Council staff had it back on that evening. He asked where interruptions to supply will be reported in future. He said the members are very frustrated at this proposal. He called on the County Manager to comment.

Cllr. B. O'Connell also called on the County Manager to make a statement on the proposal to establish Irish Water. He believed a system would be put in place to ensure leaks will be repaired. He also believed that the current staff will transfer to Irish Water. Irish Water will have the ability to raise money on the open market for investment in the water infrastructure.

Cllr. J. Finucane said at the last meeting members discussed the reason Irish Water was set up i.e. to allow a semi state body raise money on the open market. It will cost millions to upgrade the network. The Government is facing an inherited deficit of €24.9b. It is clearly outlined that it is intended that the current staff will act as agents for Irish Water. The main driving force in setting up Irish Water was to allow for major investment in the pipe network in the country.

Cllr. P. O'Donoghue said the Minister's announcement that Irish Water will be a subsidiary of Bord Gáis was unusual as he engaged experts to prepare a report and he did not take their advice on board. He was concerned for the future of the 4,700 staff working in the water services area throughout the country as it is inevitable it will have an impact on them. He asked if any discussions had taken place between the Council and the Department and what is the security of tenure of staff. To suggest that Irish Water will not be privatised is flying in the face of reality. He called on the Minister to reverse his decision to establish Irish Water as a subsidiary of Bord Gáis and to go to the market place to raise money to upgrade the infrastructure.

Cllr. B. Moynihan Cronin said members are rightly concerned about this issue. A document circulated from LAMA documents similar concerns and they deserve members support. There is a lot of confusion and answers are not forthcoming. The Minister is moving too quickly and it is important to get it right. Local authorities informed the Department that the pipe network needs to be upgraded but they do not have the funding to allow them do this work. Minister Hogan should take his time and get this right as he will have only one opportunity to do so. This is similar to the Household Charge and people who paid it this year say they will not pay it next year unless everyone pays.

Cllr. D. Healy-Rae asked the Mayor if he would go to meet the Taoiseach with other Mayors on this issue.

Cllr. M. O'Shea called on Cllr. D. Healy-Rae to amend his motion and to call on the Minister to reverse his decision to make Irish Water a subsidiary of Bord Gáis. There is a lot of concern it will be privatised in a few years.

Cllr. D. Healy-Rae said he proposed that the Mayor, the County Manager and other Mayors should seek a meeting with Minister Hogan to discuss this issue.

The County Manager said it is a Government decision to set up Irish Water. The Department was asked to appoint consultants and they prepared a report recommending that Irish Water be set up as a stand alone utility. This report was then put out for public consultation. However the Government felt they could not set up a new body and they set it up as a subsidiary. They engaged with a number of semi state companies and they decided to set it up as a subsidiary of Bord Gáis. There are a number of reasons for their decision primarily that we do not have the funds to upgrade the pipe network. Local Authorities have clearly identified that €600m per annum is required to maintain water services but the budget is to be reduced to €250m by 2014. This is not sustainable to meet EU requirements. The Government decided to set up Irish Water to allow them to borrow money on the open market. In setting up Irish Water he believed that some efficiencies will be created but local expertise will be lost. When a decision was taken to set up this body the Department of the Environment put a Steering Group in place to oversee its establishment. He informed the meeting that he is the County and City Manager's Association representative on the Steering

Group. It is his task to represent the 34 local authorities at that Forum to the best of his ability. To-date there has been three meetings. The utilisation of Bord Gáis for the establishment of Irish Water is a Government decision. Local authorities and the County and City Manager's Association made submissions and one of the biggest issues he has is that staff want to know what the future will be but he does not know. Because Irish Water will be a semi state company a Service Level Agreement will be drawn up with local authorities to continue the provision of the service. He did not know if they will take over the service or what staff will transfer to Irish Water. He said he did not have the resources to pay staff that do not transfer but he understood there would be no forced redundancies. He again informed the meeting that it was a Government decision to establish Irish Water as a utility and to set it up as a subsidiary of Bord Gáis. He anticipated that by mid May processes and procedures will be put in place and it will take until 2017 to go through all the steps i.e. transferring assets, dealing with IR/HR issues, rewriting legislation etc. He pointed out that no one has all the answers at this stage. Many issues need to be addressed including the response time to call outs. He would like to think that Kerry County Council will be involved in this service into the future but he would mislead the Council if he said they would. He did not know what was happening with the submissions made under the public consultation process. It is his job to implement Government policy and to look after the interests of staff. If Kerry County Council receives a planning application in 2019 that involves large effluent treatment or requires a large water supply it is unclear how this will be dealt with.

Cllr. D. Healy-Rae called for a vote to be taken on his motion and on his proposal that the Mayor, together with other Mayors and the County Manager would seek a meeting with the Taoiseach to outline members concerns. He then PROPOSED that a deputation led by the Mayor would meet with the Taoiseach on this issue.

Cllr. J. Brassil SECONDED this proposal and PROPOSED that Cllr. D. Healy-Rae would also go on this deputation.

Cllr. M. O'Shea asked what the financial consequences for this local authority will be if this service is lost.

In response the County Manager said he did not know as it all depends on whether some or all the staff transfer to the new body and also the terms of the Service Level Agreement.

Cllr. J. Brassil requested further clarification on the submissions made by local authorities and asked if they were considered subsequently.

In response the County Manager said he understood the submissions are still being evaluated but the Government had already taken the decision to establish Irish Water as a subsidiary of Bord Gáis.

Cllr. J. Brassil pointed out that this decision was taken by the Government without taking the submissions into account and from his own experience of Bord Gáis he would not have confidence in them.

Cllr. J. Finucane supported the motion and said that the Taoiseach should be informed of members concerns at the ongoing process and future role of the local authority and its staff.

Mr. G. O'Brien said that a letter could issue to the Taoiseach requesting a meeting but it would be necessary to approve the membership of the deputation.

The Mayor said that the Party Whips could go on the deputation.

Cllr. J. Healy-Rae PROPOSED that Cllr. D. Healy-Rae would also attend.

Cllr. M. O'Shea PROPOSED that the Minister would be asked to reverse his decision to give control of Irish Water to Bord Gáis and calling on him to engage in proper procurement.

Cllr. P. O'Donoghue SECONDED this proposal.

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

For: Cllrs. Brassil, Cahill, Culloty, Cronin, Ferris, Foley, Gleeson, J. Healy-Rae, Leahy, O'Donoghue, O'Shea, Wharton Slattery **(12)**

Against: Cllrs. Connor-Scarteen, Donovan, Finucane, Fitzgerald, Griffin, McCarthy, Moynihan Cronin, O'Connell, Purtill, Sheahan, Buckley **(11)**

Not Voting: Cllr. D. Healy-Rae **(1)**

The Mayor declared the proposal CARRIED.

Mr. G. O'Brien then informed the meeting that a letter would issue to the Minister on this proposal.

12.04.23.12 Report on the Environment & Water Services SPC

Cllr. B. Cronin referred members to his report on the most recent meeting of the Environment and Water Services SPC which was circulated. He briefed them on the issues discussed as follows:

- Briefing on recent EPA Drinking Water Report
- Food Waste Regulation Presentation
- Lough Léin Update
- Update on Oil Pollution Plan
- Presentation on historic and legacy landfills
- Plastic Bottle Bring Banks

- Update on leachate pipeline
- Sale of refuse collection service
- Update in relation to policy on election posters

Cllr. Cronin said at this meeting he recorded a query in relation to a legacy landfill site at Rockfield, Killarney.

12.04.23.13 Rural Settlement Policy – Sale of completed dwellings

Mr. M. McMahon read the following report into the record of the meeting.

“Introduction

The Rural Settlement Policy of the County Development Plan and the inclusion of an Occupancy Clause in individual planning permissions has been the subject of a number of debates at Council Meetings most recently at special *in-committee* meetings held on the 21st February 2011 and the 20th June 2011.

Following these discussions it was decided that the Council would adopt the ‘Occupancy Clause’ used by An Bord Pleanála in their appeal decisions, which does not include a ‘named’ individual and gives greater flexibility to the subsequent use of the house by ‘persons from the same category of housing need as the applicant’. However, there is a provision that the condition ‘shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such sale.’ It is important to point out that no financial institution would provide funding for a dwelling with an Occupancy Clause if this condition was not included.

Current Housing Market

The Planning Authority is keenly aware that there are huge difficulties in the housing market at present arising from oversupply and lack of available credit for new mortgages. The recently published CSO census figures show that on census night there were 19,719 unoccupied houses in Kerry. These may be broken down as follows:-

Unoccupied Vacant Houses	9860
Unoccupied Vacant Flats	1657
Unoccupied Holiday Homes	<u>8202</u>
	19,719

Therefore, excluding holiday homes there are 11,517 housing units available for occupation.

It is important to point out that a substantial portion of these houses are located in towns and villages and consequently do not have an Occupancy Clause applied and accordingly can be sold to any willing buyer.

Rural Housing

It is accepted however that there are a considerable number of vacant one-off houses in rural areas which have an Occupancy Clause applied. Unfortunately due to the downturn in the economy some individuals are experiencing financial difficulties and may be required to sell. Under present arrangements these houses can only be sold to persons who need to reside in the rural area and can demonstrate ties to that rural area. In considering any relaxation of this requirement it is desirable that the principles of the Rural Housing Settlement Policy are adhered to and that a *'free for all'* is not put in place.

In particular any such relaxation should:-

- *safeguard against urban generated housing demand,*
- *should only apply to fully and partially completed houses,*
- *should not contribute to unsustainable travel patterns,*
- *should not give rise to a subsequent application for another house on the same land holding.*

Proposal

Therefore, in order to address the current difficulties being experienced, it is proposed that from now until a new County Development Plan is adopted, in 2015, that any person who needs to sell their home where an Occupancy Clause applied would be permitted to do so provided that:-

- (a) the Vendor can satisfy the Planning Authority (in confidence) that financial difficulties exist which require a disposal of the house,
- (b) the Purchaser can satisfy the Planning Authority that the house will be used as a permanent place of residence,
- (c) the Purchaser does not own a house already,
- (d) the sale does not give rise to unsustainable travel i.e. the Purchaser must be within a reasonable commuting distance from place of work.

It is important to point out that that the Planning Authority has always facilitated the sale of houses where family circumstances such as relocation for employment or staff transfer occur."

Cllr. T. Ferris thanked Mr. McMahon for including this item on the Agenda and said it was not understood that the inclusion of that clause was to satisfy the Banks. The reason it was inserted was to allow people to avail of mortgages. She commended management on their fairness in amending this policy. She asked that any such applications would be dealt with as speedily as possible.

Cllr. J. Finucane welcomed the report.

Cllr. D. Healy-Rae also welcomed the report and said it will help people in difficult financial circumstances and allow them the dignity to sell their homes. He asked if the intended purchaser would have to apply for planning permission.

Mr. McMahon said it depends on the occupancy clause on the permission, when a person is named on the occupancy clause a house can only be sold when a new permission is granted to the purchaser.

Cllr. M. O'Shea asked if the same leniency will apply to rural sites.

Mr. McMahon said it does not apply to sites as there are plenty houses already built.

Cllr. M. Cahill said that this amendment is very welcome but it does not go far enough. There is no housing market at the present time. People who must sell their home will not get a purchaser locally and there are some very difficult cases out there.

12.04.23.14 Report on Efficiencies, savings and future developments in the delivery of Motor Tax Services in Kerry.

Cllr. P. Connor-Scarteen referred members to his report dated 30th March, 2012 on this item. He read the following report into the record of the meeting.

“Background:

This report is a summary of a presentation made to the Transport SPC on changes in the delivery of Motor Tax Services in recent years and future proposals in this area, having regard to the following national policy documents:-

- Report of the Local Government Efficiency Review Group
- The National Recovery Plan 2011 – 2014
- Government for National Recovery 2011 – 2016
- Implementation Plan under the Croke Park Agreement

The core objective, as set out in each of these documents, is to achieve a reduction in staffing across the public service, and to maximise efficiencies and savings through regional delivery, the use of shared services, new work practises and online transactions.

Current Position:

The Motor Tax Office in Tralee is responsible for the processing and issuing of vehicle registration licences and driver licences in the county. The cost of delivering the service in 2011 was €1.07 million and the income from vehicle and driver licence fees was €18.16 million.

Kerry has the 6th highest number of vehicles to be licensed nationally after Dublin, Cork, Galway, Kildare and Mayo.

An on-line service was introduced, for the renewal of vehicle licences, nationally in March 2004 and the service was extended for new and imported cars in 2006.

Since 2008, it has been a key objective of the Motor Tax annual operation plan to promote the use of the on-line facility to all customers and following a review of operations through the Killarney One Stop Shop, all applications since 1st of November 2010 processed in Killarney are now via the on-line system only.

As a result, there has been a significant increase in the number of applications processed on-line, over the past four years. There has been a corresponding decline in the number of customers presenting to the motor tax office, whilst postal applications has remained broadly unchanged.

As of October 2011, the number of on-line applications had increased to 48.93% of total transactions. This is the highest percentage for a licensing authority outside of Cork, and the Greater Dublin area.

Performance Indicators:

During the last 4 years as part of the Operational Plan for the Motor Tax Office, other measures recorded include:-

- Waiting times for customers
- Processing Time for Postal Applications
- Response Times to written queries
- Total Number of transactions per full time equivalent employee
- Overtime cost per fulltime equivalent employee and Absenteeism

Following a review of operations, the introduction of procedures manuals for all operations and the training of staff to broaden their expertise, overtime costs have been eliminated. Since 2008 there has been an increase in the total number of transactions per full time employee, without impacting on queuing times.

As a result of the above measures staffing levels in Motor Tax have been reduced from 22 full time equivalent in 2008 to 18 in 2011.

Savings Achieved:

The revised procedures have resulted in a 16 % reduction in staffing levels in Motor Tax, and the elimination of overtime, whilst improving customer service delivery.

The revised procedures in the Killarney One Stop Shop with the roll out of the on-line service resulted in a

- a 35% reduction in the costs associated with the provision of the service in the Killarney office
- a substantial reduction in processing errors,
- an equally fast if not quicker response time for customers receiving their motor tax discs

The overall savings in the operating costs for the Motor Tax Service, since 2008, is €134,000.

Currently, applicants using the on-line motor tax facility can expect to receive a renewal certificate, within 48 hours, which is comparable to the postal service.

Future Proposals:

The review of the operations of the Killarney One Stop Shop would indicate that there is potential to deliver an on-line motor tax service through our network of Area Offices. A payment facility for other services (Refuse, Water, Housing and Traffic Fines etc.) is provided for customers in all our Area Offices. All of our branch libraries and Area Offices have an internet service.

The Council will be rolling out the provision of an on-line vehicle licensing facility in the Cahersiveen and Dingle Area Offices, by September 2012.”

Cllr. M. O’Shea called on the County Manager to comment on recent media reports that the NRA will have total control of all roads in two years time.

The County Manager said he did not know. The NRA is under the Department of Transport and all road grants come from that Department. The NRA has an involvement in road allocations and they are more involved each year. They are now also involved in the Maintenance Programme for Non-National roads.

Cllr. M. O’Shea asked if that means that works will be privatised.

The County Manager said that he hoped not. However, more and more roadworks would be put out to contract.

Cllr. J. Brassil said at the Special Roads Meeting it was agreed to refer an item to the Roads and Transportation SPC. He asked when that meeting is scheduled to be held.

In response Cllr. P. Connor-Scarteen said it would be held in the next few weeks.

Vote of Sympathy

Cllr. M. Cahill said on the previous Wednesday night a tragic incident occurred on the outskirts of Killorglin where James Cahillane lost his life. He PROPOSED a vote of sympathy to his family. Mr. Cahillane was a very popular man who had many friends and this was evident from the huge turn out at his removal and burial. He was a decent and honest man who worked as an electrician with FEXCO. On Saturday an article in the Sun newspaper stated that he was in Killarney that night and was involved in an incident and that he was followed home. This is totally untrue and he was never involved in any incident. He was a man who took great pride in his family and an apology should be issued by the paper. He called on the Council to write to the Editor to demand an apology.

Mr. J.D. Flynn said it would be more appropriate that the family would contact the Editor of the paper and if they are not satisfied with the response they could make a complaint to the Press Council.

12.04.23.15 Summary of proceedings at Conferences

- (a) It was agreed to note Cllr. M. Griffin's written report on behalf of the delegates that attended the Seminar on the theme 'Building Community Preparedness and Resilience: an International, National & Local Perspective' held on 9th March, 2012 which was circulated.
- (b) It was agreed to note Mayor Buckley's written report on his recent visit to New York for St. Patrick's Day which was circulated.
- (c) It was agreed to note Cllr. P. Leahy's written report on behalf of the delegates that attended the Eures Cross-Border Partnership Tourism Conference held on 28th March, 2012 which was circulated.
- (d) It was agreed to note Cllr. N. Foley's written report on behalf of the delegates that attended the Disability Access Certificate Training Seminar held on 6th & 7th April, 2012 which was circulated.
- (e) It was agreed to note Cllr. B. Moynihan-Cronin's written report on behalf of the delegates that attended the LAMA Spring Seminar held on the 13th & 14th April, 2012 which was circulated.

12.04.23.16 Reception of Deputations

- (a) Cllr. M. O'Shea requested that a deputation would be received from the Residents of Clounmore/Ballymacandy regarding a dangerous bend.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. G. Wharton Slattery it was agreed that this deputation would be received at the next Dingle Electoral Area Meeting.

- (b) Cllr. M. O'Shea requested that a deputation would be received from the Residents of Galvin's Development of Ard na Gréine Estate, Knockavota, Milltown in relation to the completion of the estate.

On the PROPOSAL of Cllr. M. O'Shea, SECONDED by Cllr. S. Fitzgerald it was agreed that this deputation would be received at the next Dingle Electoral Area Meeting.

- (c) Cllr. D. Healy-Rae requested that a deputation would be received from concerned people in Gneeveguilla in relation to the state of the road between Lisheen Cross to Knocknagree.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. B. O'Connell it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

- (d) Cllr. D. Healy-Rae requested that a deputation would be received from the Residents of Inch, Clonkeen in relation to signage and safety issues accessing the junction to their local road.

On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. J. Healy-Rae it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

- (e) Cllr. J. Healy-Rae requested that a deputation would be received from the Residents of Lahern, Killorglin in relation to the maintenance of the green area between the public road and the public footpath.

On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Cllr. P.J. Donovan it was agreed that this deputation would be received at the next Killorglin Electoral Area Meeting.

- (f) Cllr. B. O'Connell requested that a deputation would be received from the Currans Development Association in relation to improvements to their area.

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. J. Sheahan it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

12.04.23.17 Opening of Tenders

- (a) On the PROPOSAL Of Cllr. N. Foley, SECONDED by Cllr. T. Ferris it was agreed to approve the opening of tenders for Fenit Harbour Viaduct Repairs – Closing date: 4.00pm on Tuesday 8th May, 2012.
- (b) On the PROPOSAL Of Cllr. T. Ferris, SECONDED by Cllr. J. Finucane it was agreed to approve the opening of tenders for Fenit West Pier Remediation Works – Closing date: 4.00pm on Tuesday 8th May, 2012.
- (c) On the PROPOSAL Of Cllr. M. Gleeson, SECONDED by Cllr. J. Healy-Rae it was agreed to approve the opening of tenders for 2012 Roadworks Programme – Bituminous Overlay Requirements – Closing date: 4.00pm on Friday 20th April, 2012.
- (d) On the PROPOSAL Of Cllr. S. Fitzgerald, SECONDED by Cllr. B. O’Connell it was agreed to approve the opening of tenders for the Upgrading of Eight Water Treatment Facilities in An Daingean Area - Closing date: 4.00pm on Thursday 26th April, 2012.
- (e) On the PROPOSAL Of Cllr. B. Cronin, SECONDED by Cllr. N. Foley it was agreed to approve the opening of tenders for Appointment to a Multi-Party Framework Agreement for Building Maintenance and Refurbishment Contractors for Kerry Local Authorities – Closing date: 3.00pm on Friday 11th May, 2012.

12.04.23.18 Notices of Motion

2. Installation of water saving devices in all public toilets

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

That Kerry County Council would install water saving devices in all their public toilets as they have done in Waterville already.

The following report issued:

Self-closing taps and energy efficient hand-dryers, as are in place in Waterville, have been installed in the majority of the Council’s public conveniences. This is now our standard practice and the remaining locations will be upgraded as the opportunity arises.

Cllr. J. Brassil welcomed the report and said the cost of carrying out this kind of work is small and will result in savings.

3. Delays in processing medical card applications

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

That the elected members of this Council condemn the prolonged delays being encountered by applicants for medical cards under the new centralised unit and that these unwarranted delays, particularly when further information has been submitted, be immediately addressed by the Minister for Health.

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

Cllr. B. Cronin said that the delays encountered by applicants for medical cards since the system was centralised is totally unacceptable. Applications from people over 70, who are within the income limit, are taking a very long time. Additional information is requested and when it is submitted the application appears to go to the back of the queue. People who are seriously ill are very concerned. He stated categorically that the present system is not working and it is unacceptable. He was aware of applicants who submitted additional information two and three times.

Cllr. M. Cahill then moved Notice of Motion No. 21.

21. Long waiting time for the processing of social welfare entitlements and medical cards.

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

That Kerry County Council would request the Government to immediately address the outrageously long waiting time for the processing of social welfare entitlements and medical cards.

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

Cllr. M. Cahill endorsed the sentiments expressed by Cllr. Cronin and said he was aware of one case where additional information was submitted on eight occasions. It appears when further information is submitted the application is put to the end of the queue. Some applicants are waiting as long as twelve months for a decision and this is unacceptable. Applicants for social welfare encounter similar delays and it is as if the Government is prolonging the processing of these applications in order to save money. There should be a set time within which an application would be dealt with.

Cllr. B. Cronin requested that a letter would issue to the Minister for Health expressing members concerns at these delays.

This was agreed.

5. Structure at all embassies to enable your Irish emigrants to contribute to our economic recovery.

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

That the Department of Foreign Affairs would set up a structure at all of our embassies to enable young Irish emigrants to contribute in a positive fashion to our economic recovery. This structure or organisation to be utilised for networking and for highlighting market opportunities.

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

Cllr. J. Finucane said with the number of young people who have emigrated such a structure could be used as a networking base who would be Friends of Ireland. He requested that a letter would issue to the Minister for Foreign Affairs and Ms. Lucinda Creighton calling on them to establish such a structure. Many young people have left Ireland and are very angry. We can now assist them and they can also assist the State and it will provide an opportunity for young people abroad to come together.

Cllr. P. McCarthy **SECONDED** the motion.

Cllr. N. Foley also called on the Minister to offer an opportunity to emigrants to vote.

6. Access to Disabled Toilets

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

That Kerry County Council would investigate the possibility of introducing a pilot scheme in Kerry for disabled persons similar to the RADAR Toilet Scheme operated throughout the UK whereby wheelchair users are given a key to access all public toilets.

The following report issued:

It is necessary in the UK to keep at least some of the toilets for the disabled locked to stop vandalism and misuse. The Radar (Royal Association for Disability Rights) / National Key Scheme (NKS) offers disabled people independent access to locked public toilets around the country. There is no need to keep the public toilets locked for reasons of vandalism in Ireland.

Cllr. M. Cahill said in the UK disabled people have access to locked toilets through the RADAR Toilet Scheme. Public toilets are closed in Ireland at approx. 6pm and he met a person in a wheelchair on St. Patrick's Day who was looking to use a public toilet at 5.45pm but it was closed. It was very embarrassing as he could not gain access to a public toilet. The RADAR Toilet Scheme is an excellent idea. In Ireland many towns still do not have disabled toilets. He asked

that this motion would be raised with disability bodies and the relevant Government Department calling for the introduction of such a scheme and that Kerry would be a pilot area.

Cllr. M. Gleeson SECONDED the motion.

9. Re-routing the public road at Ballinakilla, Glenbeigh

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

That Kerry County Council check the possibility of re-routing the public road going through the farm yard at Ballinakilla, Glenbeigh.

The following report issued:

This Notice of Motion was considered at the September 2011 Killorglin Electoral Area Meeting. The Department of Transport through the National Roads Authority support road realignment schemes and significant road improvements on the Regional and Local Road Network on the basis of balanced regional development, development of economic infrastructure, local enterprise development and rural development. These criteria principally restrict the programme to works on strategically important Regional Roads in the County. This specific matter has been examined in some detail on site by the Roads' Department and as this is a Local Secondary Road it would not meet any of the necessary criteria and it is therefore not feasible to undertake the works being proposed.

Cllr. P.J. Donovan said that the Health and Safety Inspector raised this issue with the farm owner. The road is going through his farm yard and when a funeral takes place it is very dangerous. He is willing to give land and he has the machinery to help to construct the new road. He called on the Council to enter into discussions with the landowner in question.

Cllr. J. Sheahan SECONDED the motion and said it is very stressful on this landowner carrying out his farming activities. He called on the Council to enter into discussions with him to see if a solution can be found.

Cllr. M. Cahill said he raised this matter last year. This road leads to the burial ground and it is a health and safety issue. He also called on the Council to enter into negotiations with the landowner.

Cllr. M. Cahill moved Notice of Motion No. 11 on behalf of Cllr. McEllistrim.

11. National Integrated Rural Transport Committee.

Pursuant to notice duly given Cllr. A. McEllistrim PROPOSED:For Kerry County Council to ask Minister Kelly to pick Kerry as a pilot area under the National Integrated Rural Transport Committee.

The following report issued:

The Minister of State for Public and Commuter Transport, Alan Kelly, T.D., recently announced plans for the integration of transport services in rural areas. This follows on from the value for money review of the Rural Transport Programme and from a recent initiative in Donegal which has seen a 25% reduction in transport costs of the Local Health Service by working with a rural transport group. The Minister now intends to establish a high level committee to oversee six proposed pilot areas where full integration of all rural transport provision is fully co-ordinated. The intention is to ensure greater value for money for the tax payer and a more co-ordinated local service. The Rural Transport Programme has evolved from a very strong local community and voluntary ethos and the Department of Transport is anxious that these core principles remain at the heart of local and rural transport for the future.

13. Strengthening of law to deal with boy racers.

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

That Kerry County Council write to the Minister for Justice & Law Reform, Mr. Alan Shatter asking him to strengthen the laws to deal with boy racers when they are found to be driving in a reckless fashion such as "Doughnuts" and revving the car engines in built up areas keeping communities awake late at night. The penalty for those found guilty of a first offence should have their car confiscated and for a longer period thereafter until such time that they treat road users and communities with respect.

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

Cllr. J. Sheahan said in Killarney there is a problem with anti social behaviour and boy racers every weekend. They congregate at the Reeks Filling Station and park underneath the canopy. They then race up and down the road making loud noises with their cars. People are tired of this happening every weekend as it is late at night and they cannot sleep. The Gardaí have said they can do very little with them. He requested that a letter would issue to the Minister for Justice calling on him to enact the appropriate legislation to allow the Gardaí to deal this matter effectively.

Cllr. M. Gleeson SECONDED the motion.

14. Grant of extensions to planning permissions.

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

That Kerry County Council would grant extensions to planning permission for people who are unable to proceed with the construction of their dwelling houses due to the fact that they are unable to acquire finance from financial institutions. These extensions should incorporate the same planning conditions as the original planning permission.

The following report issued:

In accordance with Section 28 of the Planning & Development (Amendment) Act 2010, extensions of up to 5 years of a planning permission can now be granted - even where no works have been carried out - where the Planning Authority is satisfied that, for commercial, economic or technical reasons, no development took place or substantial works were not carried out.

However, this provision is subject to:-

No significant change in the Development Plan or Regional Plan such that the development would no longer be consistent with the proper planning and sustainable development of the area

Compliance with Ministerial Guidelines including those issued after the permission was granted

EIS/AA not required.

Correspondence from the Department of the Environment, Community & Local Government received in September 2011 further clarifies the issue of site suitability tests and states that extensions of permission, where no works have been carried out, can only be granted if such tests are in accordance with the 2010 EPA Code of Practice and the results are satisfactory.

If the tests were not carried out in accordance with the Code of Practice the applicant has the option of reapplying for permission and submitting site assessment results carried out in accordance with the new code.

Any extension granted is subject to the conditions attached to the original permission.

Cllr. J.J. Culloty said people bought sites at the height of the boom and cannot now afford to build a house. They paid up to €80,000 for the site which, with the benefit of hindsight, was a mistake. He called for a relaxation in the granting of

extensions for planning permissions. In neighbouring counties extensions are being granted. The numbers involved are small and he accepted that these houses may never be built but if they got a three year extension it would give them some hope.

Cllr. M. Cahill **SECONDED** the motion and said that he moved a similar motion at the end of 2011. Applications for an extension of time are causing serious problems. When applications are made on economic grounds, the application is being adjudicated on the new EPA Guidelines. There is a case to be made for people who bought sites with planning and there is greater leniency in other counties in dealing with these applications. He understood that this issue could be addressed at Senior Management level in Kerry.

16. Review of Development Contribution Scheme

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

To ask Kerry County Council to review the levies attached to planning permission. The charges are totally out of context in the current climate.

The following report issued:

This Notice of Motion was replied to in February, 2012 with a comprehensive report. The current scheme which was adopted on 21st March, 2011 was subject to consultation with the Minister for the Environment along with input from the County Development Board and full consideration by the Planning S.P.C. The scheme was also subject to public consultation. The S.P.C. recommended to Council that levies should relate, in the interest of fairness, to the size of a development and this proposal was adopted as part of the scheme. Recently, a number of applications for the development of large houses and extensions have been received and hence these permissions have attracted significant levies. As advised previously, the adoption of a scheme with reduced charges would not be a wise or prudent decision at this time with the large number of projects on hand across the organisation dependent on local financial contribution. Reduced contributions would not be sufficient to deliver the infrastructure within a reasonable timeframe and the level of funding required cannot be provided from the Council's revenue budget. A new scheme is due for adoption prior to 31st December, 2013.

Cllr. J. Healy-Rae said that an extension of up to 60 m² does not attract development levies. However an extension of 70 m² must pay development levies on the full 70 m² instead of the excess over the 60 m². These people paid levies when they first built their houses and they are now being asked to pay again. He asked that the first 60 m² would be free and that levies would only apply to anything over that size.

Cllr. D. Healy-Rae supported the motion and said that development levies should be reviewed in the light of the introduction of the Household Charge.

17. Opening of the Ice Plant in Dingle.

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

That Kerry County Council write to Minister Simon Coveney requesting him to get the Ice-Plant in Dingle opened as soon as possible.

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

Cllr. S. Fitzgerald said BIM closed the Ice Plant in Dingle and then sought expressions of interest to re-open it. He requested that a letter would issue to the Minister asking him to ensure that the Ice Plant in Dingle is re-opened as soon as possible.

18. Beneficiaries from rich oil sources off shore

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

As reliable reports indicate that there is a rich oil source offshore off Kerry, that this Council call on the Government to ensure that Kerry and Éire will be the principal beneficiaries when the matter is brought ashore.

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

Cllr. M. Gleeson said when he was a school boy he was told that Ireland had very little mineral wealth. There was mediocre coal to be found in Castlecomer, Co. Kilkenny and Gypsum was plentiful in Kingscourt, Co. Cavan. Some years later Europe's largest Lead and Zinc mine was discovered near Navan and we exported the raw material to smelters in the Rhur Valley. But we felt that was as good as it gets. The Kinsale Gas Field was the next great discovery and that continues to serve and service Ireland well. But still we had no long term optimism about future discovery and certainly no long term plan. All was Ad hoc. Oil and Gas trails, particularly off shore, began to be mentioned and there was cautious optimism but still no real National Plan.

Oil and Gas wells are being discovered. The one off the Mayo Coast has achieved its own degree of notoriety. Very recently an Oil Field has been discovered off the Cork Coast. It is quite large and will be developed. The question is who will benefit. Will it be Ireland or will it be some Multinationals who will come for the cream? We still do not have a National Plan that will benefit Ireland and the Irish people. When the Oil Field off the Kerry Coast is officially announced he hoped that by then an Irish Government will have had the wit and the wisdom to have a proper overall national plan for the development of the Industry and for the enrichment of the Irish economy. He said he hoped the raw material will not end up in Holland because of lack of infrastructure in Ireland.

There is growing belief among geologists and explorers that there is considerable Oil and Gas richness off the Irish coast and particularly in the deeper parts of the continental Shelf. We left other countries take the fish wealth of that area, let us not repeat that terrible mistake in the matter of Oil and Gas. In conclusion Cllr. Gleeson said he wished to affirm that that oil source exists off our county's coast. Our county and our country must be the major beneficiaries.

Cllr. B. O'Connell supported the motion.

20. Voluntary contribution by recently retired staff from the public service to ensure their expertise is not lost.

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

That an initiative is established to encourage people who have recently retired from the public service to contribute in some voluntary capacity to ensure their expertise is not lost.

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

Cllr. J. Finucane said with cut backs in the public service many senior staff have been lost to early retirement. They would like to make a voluntary contribution if structures are put in place to allow them to do so.

Cllr. J. Brassil said in the US the majority of tourist attractions are run by retired people who act as guides in a voluntary capacity.

23. Derelict site at Reenroe, Ballinskelligs

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

That Kerry County Council give an up to date account on the derelict site at Reenroe, Ballinskelligs.

The following report issued:

As advised at the recent Killorglin Area meeting our Derelict Sites Officer has examined this site on a number of occasions. The property in question is a disused hotel at Reeroe, Ballinskelligs, Co Kerry. It is located on a rocky coastal headland with two sandy beaches either side. Under the Derelict Sites Act a derelict site is defined as any land which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood. The building in question is a few hundred meters from the nearest dwelling and even further from the public roadway. The roof of the structure has collapsed into the building and there aren't any windows and doors but this can only be seen when one is standing directly outside the building which is private property. Although the building can be seen from both nearby beaches, the extent of the dereliction cannot. Therefore it is questionable whether it is appropriate to utilize our powers under the Derelict Sites Act in this case given the fact

that the extent of the dereliction is only apparent immediately beside the property. In any event it is unclear what works we could require to be carried out which would improve the visual aspect of the building when viewed from neighbouring lands given the distance involved. It should also be noted that there is an existing planning permission for the redevelopment of this hotel granted in November 2007 (following appeal to an Bord Pleanála), which may, on application, be extended for a further 5 years beyond November 2012 in accordance with the Planning & Development (Amendment) Act 2010. Should this planning permission be implemented it would deal with the issues involved.

Cllr. P.J. Donovan said under the Derelict Sites Act Kerry County Council cannot take any action to improve this site. He asked if the Environment Department could do anything to improve the situation. He asked that a letter would issue to the owners calling on them to clean up the site as the area is frequented by tourists.

Mr. J. Breen, Director of Housing said this is a very substantial building with no windows and doors. There is an existing planning permission for the redevelopment of this hotel and while the Council could ask to have the window and door openings closed if these are not maintained they would look worse as they deteriorate. If the current planning permission is availed of it will resolve this situation. It would be wrong of the local authority to grant permission and then to require that the building would be demolished.

Cllr. P.J. Donovan asked if the locals can do anything to improve the situation.

Mr. J. Breen said that peer pressure might have some impact and he did not want to make an already bad situation worse.

24. Wind Energy Policy

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

That we ask Kerry County Council to bring forward our Wind Energy Policy without further delay to assist with the provision and creation of jobs in our County.

The following report issued:

The Draft Renewable Energy Policy which incorporates the Wind Energy Policy will be presented to the Elected Members at the May Council Meeting for noting and will go on Public Display subsequently. It is hoped to have the final document before the Members for adoption as a Variation to the County Development Plan at the July meeting.

Cllr. D. Healy-Rae welcomed the report and said that he called for the preparation of a new Wind Energy Policy for some time. He has been informed

that the grid connection with England will be completed by the end of the year and he does not want Ireland to fall behind.

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

Cllr. J. Sheahan moved Notice of Motion No. 25 on behalf of Cllr. P. Connor-Scarteen.

25. Improved standard of service by Mobile Phone Operators

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

That Kerry County Council contact mobile phone operators and requests them to provide a good standard of coverage to their customers in Kerry as coverage in some parts of the County has deteriorated greatly in recent months.

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

26. Replacement of the outdated street lights in Rathmore Village

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

That Kerry County Council replace the inefficient and outdated street lights which are located in Rathmore Village.

The following report issued:

This Notice of Motion was previously considered at the full Council Meeting in July 2010. As a result of recently enacted legislation, SI 542 European Communities (Energy End-Use Efficiency and Energy Services) Regulations 2009, and the National Energy Efficiency Action Plan 2009 - 2020 Kerry County Council must improve greatly its energy efficiency and reduce considerably its energy usage. For the year 2020, the National Energy Efficiency Action Plan 2009 - 2020 states that: "The public sector will improve its energy efficiency by 33% and will be seen to lead by example - showing all sectors what is possible through strong, committed action". This is an aggregate target across the whole public sector. The energy savings from individual public sector organisations, when combined, will deliver 33% across the entire public sector. These targets are mandatory. One of the greatest energy consumers within the Kerry Local Authorities is our public lighting. If we are to achieve the mandatory targets, we will need to be far more rigorous in looking at additions to the existing network. Existing resources for public lighting will also need to be targeted at achieving greater efficiencies in the existing network rather than adding to the existing network. Following recent representations, we examined the public lighting in Rathmore. Against the SI 542 requirements we will not be able to introduce additional public lighting to the village. We are examining ways of improving the energy efficiency of the existing lighting which may well improve the quality of the lighting through the

village, but due to current financial constraints it is regrettable that there are no immediate plans to replace the existing street lights.

Cllr. J. Sheahan expressed his disappointment with the reply and said that a man and woman recently attended a funeral at the Funeral Home in Rathmore and she tripped because of the poor lighting. That is why he is raising this matter again. Surely something can be done to improve the situation and he asked if Councillors Allocations could be used for this purpose.

Cllr. B. Cronin **SECONDED** the motion and said there had been a long standing problem with inadequate lighting in Rathmore, in particular in relation to the section of road leading to the Funeral Home which is very busy and the lighting is deplorable. This section warrants urgent attention and the lighting needs to be improved to a modern day standard.

Mr. G. MacNamara, Deputy Director of Roads informed the meeting that funding for public lighting comes from own resources and there is a shortage of funding. His Department is trying to put in more energy efficient lighting and the funding available through Councillors Allocation would not be adequate.

Cllr. J. Sheahan asked if seven councillors allocated €5,000 each would that be sufficient to carry out these works.

Mr. G. MacNamara undertook to arrange for the preparation of an estimate for this work.

27. Imposition of the €100 Household Charge on those already paying NPPR.

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

That Kerry County Council would call on the Minister for the Environment not to impose the €100 household charge on owners of second dwellings as they are already paying the €200 annual non principal private residence tax on that property, along with paying the €100 household tax on their principal dwelling.

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

Cllr. J. J. Culloty said it is very unfair on people with second houses who are already paying the NPPR hat they now have to pay the Household Charge on the second house.

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

Cllr. T. Ferris objected to the motion and said the vast majority of people with second homes have them as investment properties. Many people with first homes are struggling to pay their mortgage and it should be a priority to look after them. If this motion is acted upon it would result in a loss of revenue.

28. Emergency funding for improvements to the Ring of Kerry road.

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

To ask the Minister for the Environment for emergency funding to improve the main Ring of Kerry road. It's one of our main tourist attractions and a lot of the road is in a very poor state.

The following report issued:

There are 335Km of National Secondary road network within the County. The section of the N70 from Killorglin around to Kenmare, which forms the majority of The Ring of Kerry route measures approximately 116 Km. From 2005 to the present year in excess of 25 million Euro has been received from the NRA for improvement works on this route and these improvements are clearly visible when one drives the route. Kerry County Council has always included the Ring of Kerry in submissions to the National Roads Authority for funding of the National Secondary Road Network and will continue to do so into the future. However, due to the current economic climate it would appear that all Local Authorities will receive a much reduced allocation for improvement works on all our National Routes in the coming years.

Cllr. J. Healy-Rae acknowledged the improvements carried out to parts of the Ring of Kerry road especially with the black top surfacing which is now used. He asked that a special case would be made for additional funding for the Ring of Kerry road from a tourism point of view. The Ring of Kerry is a prime tourist attraction and it is clearly visible that improvements have been made but further sections need urgent improvements.

Cllr. P.J. Donovan SECONDED the motion.

30. Extension of the energy efficiency scheme to all local authority houses.

Pursuant to notice duly given Cllrs. M. Cahill and J.J. Culloty PROPOSED:

To ask Kerry County Council what are its plans to extend the energy efficiency scheme to all local authority houses in Kerry. How many of our housing stock needs to be insulated, how many local authority houses were insulated in 2011 and how many will be insulated in the current year.

The following report issued:

Each year, the DECLG makes a sum of money available from within the Social Housing Investment Programme Allocation to fund Energy Efficiency measures. In 2011, € 1.275m was made available in total to Kerry County Council and each of the Town Councils towards energy efficiency measures to vacant Council Dwellings which were carried out in conjunction with routine pre-letting repairs.

This allocation was fully spent and drawn down from the DECLG. Specifically in respect of Kerry County Council, energy efficiency upgrades were completed on 97 & 65 units in 2010 and 2011 respectively. These works included wall/attic insulation where required as well as plumbing, electrical including energy saving bulbs and heating/oil condenser boilers. The resultant improvement in the Building Energy Rating of these properties will have significant energy cost savings over time for our tenants.

We were advised recently by the DECLG of reduced funding of €637,500 towards Energy Efficiency works as part of the 2012 SHIP allocation. Again this funding is required to be distributed across the four Kerry Housing Authorities. The 2012 energy efficiency programme, which is currently being drawn up, will result in more limited works being put in place this year compared to the last two years, given the reduction in available funding. This programme will require part funding from our housing internal capital receipts in addition to the DECLG grant allocation.

Only a small number of dwellings in our overall housing stock of 2,400 dwellings require to be insulated. We are separately preparing a limited programme to either provide insulation or upgrade the existing insulation in respect of our older housing stock in the current year. It is intended to provide a separate sum of €80,000 from our housing internal capital receipts for this purpose. This will be in addition to the energy efficiency programme which is primarily focused on dwellings which become vacant.

Cllr. M. Cahill said a number of houses in Iveragh Park need to be insulated.

31. Provision of a uniform system for entry and exit from roundabouts.

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

To ask Kerry County Council and the NRA to provide a uniform system for an entry and exiting of roundabouts as there is total confusion for visitors and learners drivers with the present set up at roundabouts in our County and especially with those proximate to Killarney Town.

The following report issued:

The procedure for entering and leaving all roundabouts is clearly outlined in the Rules of the Road and these have been established for many a year. The Rules of the Road identify the correct lane one should travel on depending on which exit one requires off the roundabout. In order to utilise road space, the established priority may be changed due to the pattern of vehicle turning movements. These are highlighted by directional arrows. The Rules of the Road also request drivers to watch out for pedestrians, traffic crossing over to exits, traffic straddling both lanes, motorcyclists,

cyclists and horse riders and long vehicles. The following message is highlighted very clearly in the Rules of the Road for all road users:

"Remember, Conditions at roundabouts may vary. Exercise caution at all times. In particular, be aware of traffic signs, traffic lights, road markings and traffic coming from your right when approaching roundabouts".

Cllr. D. Healy-Rae said there is a lot of confusion at roundabouts. In Killarney at one roundabout motorists take the right lane to go straight through while at another they take the left lane. There should be a clear system that would apply to all roundabouts. Several roundabouts are not adequately marked and motorists do not know which lane they should be in. There are no arrows at the roundabout at the Castleisland By-Pass to indicate what lane to take. He called on the Council to talk to the NRA to devise a system that would apply to all roundabouts.

Cllr. J. Healy-Rae **SECONDED** the motion and said that signage at roundabouts is perfect if you are in a car but if you are in a small lorry it blocks your line of vision. He asked that this would be reviewed.

32. Introduction of new planning legislation to ensure that serial objectors are prevented from making planning objections.

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

That Kerry County Council requests the Minister for Environment to introduce new Planning legislation to the Oireachtas to incorporate criteria to ensure that serial objectors are prevented from making planning objections.

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

Cllr. J. Finucane said in the Courts vexatious claims are dealt with. It is unfair that people have a right to object to a proposed development when they have no connection to the area in which the development will take place yet their objection is taken into account. The planning process should be able to deal with such objections.

Cllr. N. Foley said that an objector should have a demonstrable tie to an area if they are objecting to a planning application.

Cllr. J. Healy-Rae said an objector should be able to prove how the proposed development would affect them.

Cllr. D. Healy-Rae said that most objections are from the members of An Taisce who criticise the members of Kerry County Council.

Cllrs. M. O'Shea and P. O'Donoghue requested that their motions would be deferred to the May meeting.

This was agreed.

12.04.23.19 Conferences and Seminars

- (b) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Cahill it was agreed to authorise the attendance of Cllrs. B. Cronin, B. O'Connell, L. Purtill and P. McCarthy at the Agri-Food Sector Conference on the theme "The Agri-Food Sector in the Cork Region" to be held in the Trident Hotel, Kinsale on the 27th April, 2012.

Cllr. B. Cronin was nominated to report back to Council on this Conference.

- (c) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. B. O'Connell it was agreed to authorise the attendance of Mayor T. Buckley at the London Rose of Tralee Selection and a meeting with the Kerry Businessmen's Association in London from 27th to 30th April, 2012.

- (e) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. S. Fitzgerald it was agreed to authorise the attendance of Cllrs. P. O'Donoghue and M. Gleeson at the 19th ECAD Mayors' Conference 2012 on the theme "Co-Operation in Practice – A Broader Perspective" to be held in the Malton Hotel, Killarney from 9th to 12th May, 2012.

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

- (f) On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. N. Foley it was agreed to authorise the attendance of Cllrs. J. Brassil, R. Beasley, M. O'Shea, B. Cronin, B. O'Connell, L. Purtill, M. Cahill, T. Ferris, J. Sheahan, J. Finucane, J.J. Culloty, P.J. Donovan and G. Wharton Slattery at the ACCC Annual Conference 2012 to be held in Newpark Hotel, Kilkenny on the 10th and 11th May, 2012.

Cllr. R. Beasley was nominated to report back to Council on this Conference.

- (h) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. Leahy it was agreed to authorise the attendance of Mayor T. Buckley at the Annual 2012 Daniel O'Connell Commemoration in Glasnevin, Dublin.

12.04.23.20 Correspondence General

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

1.	Letter dated 6 th March, 2012 from the Department of Health regarding funding for PWDI.
2.	Letter dated 13 March, 2012 from the Office of the Minister for Agriculture, Food and Marine in relation to the Ice Plant at Dingle.
3.	Email dated 14 th March, 2012 from the Office of the Minister for Environment, Community and Local Government in relation to the Water Services (Amendment) Act 2012.
4.	Email dated 15 th March, 2012 from the Office of the Minister for Environment, Community and Local Government in relation to Irish Water.
5.	Letter dated 21 st March, 2012 from the HSE regarding parking facilities for student nurses and doctors.
6.	Letter dated 26 th March, 2012 from the OPW in relation to the provision of funding for flood prevention and relief works in Kenmare and Sneem.
7.	Letter dated 28 th March, 2012 from Mr. Padraig Burke, Returning Officer Kerry North-West Limerick/Kerry South in relation to compliance with Electoral Laws.
8.	Letter dated 30 th March, 2012 from the Office of the Minister for Justice and Equality in relation to Garda numbers and stations in Kerry.
9.	Letter dated 4 th April, 2012 from Liam Aylward MEP in relation to harmonising the rate of minimum wage across the EU.
10.	Letter dated 4 th April, 2012 from the HSE in relation to mental health services in Kerry.
11.	Letter dated 10 th April, 2012 from the Department of Health in relation to the reduction of nursing home and community hospital beds and the reduction of home help hours.
12.	2012 Sports Capital Programme – Guide to filling out the Application Form.
13.	Letter dated 5 th March, 2012 from South Tipperary County Council in relation to a resolution adopted by that authority concerning under age drinking.
14.	Letter dated 22 nd March, 2012 from North Tipperary County Council in relation to a resolution adopted by that authority calling on Minister Shatter to roll out a National Programme of Restorative Justice.

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 Andrew Moynihan.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Eileen Greaney.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Norann O'Sullivan.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Nora Howard.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Stephen Buckley.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Julia O'Leary.
- (g) Cllrs. D. Healy-Rae, J. Healy-Rae, B. Cronin and M. Gleeson proposed that a vote of sympathy would be extended to the family of the late Charlie Talbot.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Stephen O'Sullivan.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Neil Daly.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late James Cahillane.
- (k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Peggy Bartlett.
- (l) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late John Egan.
- (m) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Dermot Hanafin.
- (n) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Timmy O'Reardon.

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- (o) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Richard Dick Smyth.
- (p) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Hannah O'Donoghue.
- (q) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy would be extended to the family of the late Patrick Coen.
- (r) Cllrs. J. Sheahan and P. Connor-Scarteen proposed that a vote of sympathy would be extended to the family of the late Michael Kenny.

The Mayor thanked members for their co-operation in completing the meeting on schedule. He thanked the Community Centre Committee, the ICA and the GAA for facilitating the meeting.

Cllr. B. Cronin extended his gratitude to the Mayor and the people of Clounmacon for hosting the meeting.

Cllr. G. Wharton-Slattery extended best wishes to Cllr. T. Ferris on the expected arrival of her new baby in the next few weeks.

The meeting concluded at 4.00pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry