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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE  
CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE,  
ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 10 MEAN FHOMHAIR  
2012**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
MONDAY, 10 SEPTEMBER 2012**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

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

**IN ATTENDANCE/I LÁTHAIR**

Mr. T Curran County Manager	Mr. J.D. Flynn, Dir. of Corp. Servs.
Mr. O. Ring, Dir. Water & Env. Servs.	Mr. J. Breen, Dir. Hsg.& Comm& Ent
Ms. A. McAllen A/Head of Finance	Mr. C. O'Sullivan, Dir. of Roads
Mr. M McMahon Dir of Planning	Mr. G. O'Brien, Meetings Admin.
Ms. J. McCarthy, SEO Planning	Mr. M. O'Donoghue, SEO H.R.
Ms. K. Moriarty A/SEO Finance	Mr. J. Kennelly, SE Water Serv.
Mr. P. Corkery, Press & Comm.	Ms. K. Lynch, AO Finance
Ms B Reidy SSO Corp. Affairs	Mr. T. O'Connor, County Librarian
Mr. P. O'Connor, SSO Finance	Ms. C Fitzgerald ASO Corp. Aff.
Ms. O O'Shea CO Corporate Affairs	

The meeting commenced at 10.40am

The Mayor Cllr. T O'Brien took the Chair.

**Vote of Congratulations**

Cllr. M. Gleeson extended a vote of congratulations to the Kerry Junior Footballers on winning the All Ireland Junior Football Championship 2012.

Cllr. D. Healy-Rae congratulated the Glenflesk and Sliabh Luachra Senior set dancers, the Kilcummin Senior Set Dancers and the Sliabh Mish U15 Set Dancers who won All Ireland competitions at Fleadh Cheoil na hÉireann 2012.

Cllr. J. Brassil congratulated the Kerry Minor B Hurling Team who won the All Ireland Minor B Championship recently.

The Mayor congratulated all involved with the Rose of Tralee Festival and said it was a tremendous success.

### **Vote of Sympathy**

The Mayor extended a vote of sympathy to the family of the late John Doody, former Town Clerk in Listowel.

### **12.09.10.01 Mayor's Report on CPG Meeting held on 4 September 2012**

Mayor T. O'Brien read the following report into the record of the meeting:

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

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

In relation to Item No 7, The Manager briefed members on the reduction in the Local Government Fund allocation 2012 and said that a full report on the budget adjustments would be presented at the September meeting.

#### **Item 2 County Development Board Update**

Mr. J Breen advised the CPG that the following items were presently the priorities of the County Development Board.

- Structures of CDB's for the Future.
- CDB Strategy
- Pride of Place
- National Broadband Plan

A comprehensive report on these issues is attached to the Mayor's Report.

#### **Item 3 Update from Chairs of SPCs**

Members advised the CPG that no SPC meetings were held since the July Council Meeting but meetings were scheduled to be held in the next few weeks.

**Item 4 Household Charge Update**

Ms. A. McAllen briefed the meeting on the current position in relation to the Household Charge as follows:

- There is a link between the Household Charge and the Local Government Fund.
- Notification of a cut to the 2012 Local Government Fund allocation was received.
- Collection levels are almost 70% in Kerry.
- LGMA on a continual basis are carrying a data matching exercise where they compare the list of those paid against data available from various agencies as listed in the legislation the first comparisons are with data from payment of the Non-Principal Private Residencies.
- Following this a list of those that had not paid was received from the LGMA and 3,500 reminder letters issued. Subsequently 1,200 of these paid and a third reminder letter will issue shortly to those still outstanding.
- This is just the start of the data matching process and it is quite complex, the next listing of reminders will issue in September in relation to the data matching exercise with data from the Property Registration Authority.
- The Council must work with the LGMA in relation to reminders to persons not paid.
- All avenues including Radio Kerry are being utilised to raise awareness of the charge and the link between payment and the provision of local services.

**Item 5 Update on Domestic Wastewater Treatment Registrations**

The Manager briefed the meeting on this item as follows:

- It is estimated there are 40,000 individual treatment systems in the county.
- There is a statutory obligation on all owners to register their system before 1<sup>st</sup> February 2013.
- The registration fee is €5 up to 28<sup>th</sup> September following which it increases to €50.
- Council staff will deliver an information leaflet to as many houses as possible before the 28<sup>th</sup> September. He emphasised that staff are not collecting information on the Household Charge nor are they collecting this charge.
- The Council is legally obliged to maintain a register of properties on domestic treatment systems.

**Item 6 Update on Housing Capital Funding**

Mr. J. Breen informed the meeting that Housing Capital funding was severely curtailed in 2012. Funding was provided (1) to purchase three houses, (2) for Armagh House, Killarney and (3) to construct one single rural dwelling. At present 10 single rural dwellings are ready to go to construction and the Department was requested to provide funding for four houses a year for the next three years. However approval was received for one house per annum for the next three years. He outlined that he is in contact with the Department seeking to have more funding made available for the single rural dwellings construction programme.

Work continues on the Leasing Programme but progress is very slow. Discussions took place with the CIF and he was confident that they would assist in identifying suitable properties. All funding received for grants in 2012 has now been allocated and funding is now available for emergency cases only.

**Item 7 Civic/Mayoral Receptions**

Mr. G. O'Brien informed the meeting that Cllr. D. Healy-Rae had proposed that a Civic Reception would be held to honour the Glenflesk and Sliabh Luachra Senior set dancers, the Kilcummin Senior Set Dancers and the Sliabh Mish U15 Set Dancers who won All Ireland competitions at Fleadh Cheoil na hÉireann 2012 in Cavan recently.

The CPG agreed that these groups would be honoured at the next Killarney Electoral Area meeting."

Cllr. P. Leahy referred to the reduced allocation for the construction of single rural dwellings and said he was extremely disappointed that funding would only be provided for one house in 2012. Earlier this year he was informed that construction on two houses would commence in the Listowel area in October.

Cllr. J. Brassil said that at the Budget, members were informed that Kerry Local Authorities received a housing allocation of €1m and earlier this year, members were informed that approximately 4 - 6 dwellings would commence in 2012. The report now before the members states that just one house per year will be constructed. This is completely unacceptable. Members support the Director of Housing in his efforts to secure additional funding for this purpose. There are at least 10 houses ready to commence and this reduced allocation cannot be accepted. A letter should issue from the Members to the relevant Minister supporting the efforts of the Director of Housing to secure an increased allocation for single rural dwellings.

Cllr. T. Ferris said that it is quite likely that an agency will take over the Long-Term Leasing Scheme. Banks are not lending to people who want to build a house and the Council is not now in a position to offer assistance to those who want to own their own home. In relation to the reduction in the Local Government Fund allocation, she PROPOSED that the Members pass a resolution to write to Minister Hogan calling on him to reverse the cuts and to call for an immediate restoration of funding.

Cllr. D. Healy-Rae expressed his concern with the reduction in funding for the construction of rural dwellings. There are two applicants in the Killarney Electoral Area on the waiting list for many years and no house commenced in that area last year. He asked if the reduction in funding was as a result of the non-payment of the Household Charge. Members were informed that an allocation of €1m was received for 2012. He suggested that a letter should issue to the Kerry Oireachtas Members in the Government Parties calling on them to raise this matter with the Government. This is a very serious issue for rural Kerry.

Cllr. D. Healy-Rae said he was also concerned that Council staff are delivering leaflets on the registration of Domestic Wastewater Treatment systems as this should be a job for An Post. The roads in his area are closing in with bushes and roadside drains are not being opened yet staff are being sent out to deliver these leaflets. He referred to his request for a Civic Reception for the set dancers mentioned in the Mayor's Report and said that they have won these titles for the past 3 years and this is a tremendous achievement. He asked who decides what group gets a Civic Reception.

In response, Mr. J.D. Flynn, Director of Corporate Services said that the CPG decide as mandated by Council and the CPG operates in accordance with Council policy.

Cllr. Healy-Rae again asked what level of achievement is required in order to be afforded a Civic Reception.

The Mayor said that there was a good discussion on this item at the CPG Meeting. A Civic Reception should be afforded for extraordinary achievements only and the CPG decided that these groups would be honoured at area level. A Civic Reception would be held that day to honour a European Silver Medallist.

Cllr. R. Beasley concurred with the concerns expressed by previous speakers in relation to the reduction in funding for single rural dwellings. Earlier in the year members were informed that €1m was provided in 2012 for the construction of these houses and he was very surprised to hear now that just one house would be constructed in 2012. He pointed out that no single rural dwelling was constructed in the Listowel Electoral Area over the past 7 or 8 years.

Cllr. B. Cronin said that in response to a recent Notice of Motion, he was informed that 24 single rural dwellings were constructed over the past number of years yet funding is now provided for just one per annum and this is deplorable. Some applicants are on the housing waiting list for the past 9 or 10 years. He asked Mr. Breen to clarify how the €1m allocation would be spent and where will the one house be constructed in 2012.

Mr. J. Breen said that notification of this was received from the Department at the end of July. His Department outlined to the Department their concerns and the fact that approximately 10 houses were ready to go to construction. They put forward a programme to clear the backlog over the next 3 years.

The Mayor said that a letter would issue to the Minister expressing members outrage at the reduction in funding for single rural dwellings.

Cllr. N. Foley asked that this letter would also be sent to Kerry Oireachtas Members.

Cllr. J. Healy-Rae asked that priority would be given to applicants in more isolated rural areas rather than those living near towns as they have no other option.

A number of members did not agree with this suggestion.

#### **12.09.10.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J. Brassil it was resolved that the minutes of the July Ordinary Meeting of Kerry County Council, held on 16<sup>th</sup> July, 2012 be confirmed.

#### **12.09.10.03 Section 85 Agreement with the Town Councils to undertake certain Water Services powers, functions and duties on behalf of Kerry County Council**

Mr. O. Ring referred members to his report dated 3 September 2012 on this item which was circulated. He briefed them in detail on the report.

Cllr. B. O'Connell PROPOSED that we the members of Kerry County Council hereby resolve to authorise and approve the making of agreements between Kerry County Council and Tralee, Killarney and Listowel Town Councils in accordance with Section 85 of the Local Government Act 2001, to provide that the Town Councils continue to undertake certain Water Services powers, functions and duties on behalf of Kerry County Council within their administrative areas in accordance with the report circulated.

Cllr. P. Leahy SECONDED this Proposal.

A vote was taken on the Proposal which resulted as follows:

**For:** Cllrs. Brassil, Buckley, Cahill, Connor-Scarteen, Cronin, Culloty, Donovan, Ferris, Finucane, Foley, Gleeson, Griffin, D. Healy-Rae, J. Healy-Rae, Leahy, McCarthy, McEllistram, O'Connell, Purtill, Sheahan, Wharton-Slaterry, O'Brien **(22)**

**Against:** None **(0)**

**Not Voting:** None **(0)**

The Mayor declared the resolution CARRIED.

Cllr. B. Cronin referred to the water mains leading from Aglish Reservoir and said there were three bursts in very recent times and this seems to be an ongoing problem. The Killarney Electoral Area Meeting will be held on 27<sup>th</sup> September and he PROPOSED that the Water Services Department would prepare a report outlining (1) the cost to replace this section of pipe (2) the number of leaks recently in this area and (3) the length of pipe that would need to be replaced to resolve this issue.

Cllr. M. Gleeson SECONDED this Proposal.

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

Mr. O. Ring, Director of Environment and Water Services referred members to his report dated 10<sup>th</sup> September 2012 on this item which was circulated and he briefed them on the report.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. B. Cronin 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 & Development Regulations 2006 in respect of the proposed construction of a trial Integrated Constructed Wetland (ICW) at North Kerry Landfill to assess the potential for on-site treatment of leachate.

**12.09.10.05 Ainmniúchán comhalta de chuid Chomhairle Contae Chiarraí a mheas do bhord nua Údarás na Gaeltachta de réir na bhforálacha i gCuid 16 d'Acht na Gaeltachta 2012.**

Cllr. J. Finucane PROPOSED that Cllr. S. Fitzgerald be nominated to the new Board of Údarás na Gaeltachta.

Cllr. P.J. Donovan SECONDED this proposal.

It was unanimously agreed that Cllr. S. Fitzgerald would be nominated to represent Kerry County Council on the new Board of Údarás na Gaeltachta.

Ba chúis aiféala é dar leis an gClr. M Ó Gliosáin gur bheartaigh an tAire an próiseas roghnaithe inar thogh pobal na Gaeltachta ionadaithe ar Údarás na Gaeltachta a chaitheamh san aer. Dheineadar obair iontach agus is mór an trua go bhfuil an gné ríthábhachtach den ionadaíocht áitiúil imithe. Dhein se comhghairdeas leis an gClr. Mac Gearailt as a ainmniúchán.

Cllr. M. Gleeson expressed regret that the Minister decided to abandon the old selection process whereby people from the Gaeltacht were elected to Udarás na Gaeltachta. They did wonderful work and it is regrettable that the vital dimension of local representation is gone. He congratulated Cllr. Fitzgerald on his nomination.

#### **12.09.10.06 Draft Cahersiveen, Waterville & Sneem Functional Areas Local Area Plan**

Mr. M. McMahon said the Draft Cahersiveen, Waterville and Sneem Functional Areas Local Area Plan 2012 – 2018 was circulated to members for their information.

It was agreed to note the Draft Cahersiveen, Waterville and Sneem Functional Areas Local Area Plan 2012 – 2018.

#### **12.09.10.07 Budget adjustments arising from the reduction in the Local Government Fund allocation**

The County Manager referred members to his report dated 10<sup>th</sup> September, 2012 on this item which was circulated. He read his report into the record of the meeting.

“A Circular Fin 09-2012 dated the 18<sup>th</sup> July 2012 was issued by the Department of the Environment, Heritage and Local Government indicating a possible reduction of €1,668,174(8.8%) in our Local Government Fund Allocation 2012 of €19,005,401.

The Local Government Fund is paid to each Local Authority on a quarterly basis, and while we received the full amount for Quarter 1 and Quarter 2, the Quarter 3 allocation was reduced by €417, 043.

The justification for the proposed reduction was primarily based on:-

- (a) The overall level of funds available in the Local Government Fund.
- (b) The level of Household Charge compliance achieved to date.



The Household Charge for 2012 was estimated to be €160 million, if fully collected, and it now appears that this sum was budgeted for by the Government, to go directly to the Local Government Fund in place of Exchequer funding. At the date of issue of this letter, 18<sup>th</sup> July, 2012, approximately €100m of the projected €160m had been collected. It appears the Minister has taken an ultra cautious approach and has indicated the reductions outlined above, but has since indicated that the Quarter 4 allocation would be revisited if the level of compliance in the Household Charge Payment increases.

The level of compliance in Kerry is at 68% and is the 4<sup>th</sup> highest % collection rate nationally. This level is rising daily, borne out by the fact that, in the past week alone, a further 200 households had paid the charge in Kerry. It should be noted that the level of compliance in Kerry on 18<sup>th</sup> July, 2012, when the reductions in the Local Government Fund was indicated was 65%.

***Circular Fin 09-2012 reminds Local Authorities of the requirement to achieve a balanced budget, taking into account the reduced income, and should reforecast expenditure for the remainder of the year to achieve balance.***

As Manager, there is an obligation on me to make necessary adjustments to Budget 2012, where anticipated income is not realised. This would be normal practice each year. Therefore, I am proposing to make the following budget adjustments, mindful of having to achieve a balanced budget by end of 2012 and taking cognisance of the 68% of Kerry Households who have paid their Household Charge. The adjustments are a combination of deferral of some expenditure to 2013, identified savings to date through effective budgeting management and more efficient procurement and some minimal impacts on services.

The Budget adjustments I am proposing are for €1.42m and not €1.668m, as outlined in the Circular Fin 09-2012. I believe that this reflects the increased level of income from Household Charge in Kerry from 65% to 68% and I am confident that this income level will increase further by the end of 2012, which should result in a lesser cut in the Local Government Fund Allocation to Kerry.

***Adjustments listed by Budget Heading.***

<i>Housing</i>	<i>€ 60,000</i>
<i>Roads&amp; Transportation</i>	<i>€ 135,000</i>
<i>Water Services</i>	<i>€ 550,000</i>
<i>Development Management</i>	<i>€ 56,000</i>
<i>Environmental Services</i>	<i>€ 105,000</i>
<i>Recreation and Amenity</i>	<i>€ 120,000</i>
<i>Miscellaneous Services and Central Management Charge</i>	<i>€ 293,000</i>
<i>PRD Adjustment (DoECLG-Once off adjustment)</i>	<i>€ 101,000</i>
<b><i>Total Adjustment</i></b>	<b><i>1,420,000</i></b>

**Housing: €60,000**

The Housing Adaptation Grant Schemes for Older people and People with a Disability are funded by an Exchequer contribution from the DOECLG (80%) and a contribution from Kerry County Council (20%). An estimate of grant income was included in Budget 2012 for these schemes of €3,547,000 pending clarification by the DOECLG during early 2012. The actual grant allocation to Kerry County Council was for the lesser amount of €3,257,000. A saving of €60,000 to the revenue Budget has resulted here as less own resource funding is required to match the grant funding in 2012.

**Roads: €135,000**

Funding for the general maintenance of Non- National Roads will be reduced by €90,000, which represents 1.2% of the budget allocation. Resources will be focused on safety works and maintenance of the National Road network, for which additional funding was received from the NRA, subsequent to the adoption of the 2012 Roads Programme. The reduction in general maintenance may result in the deferral of desirable small works, purchasing of signage etc.

A further reduction in funding of €45,000, is being made through the deferral of Road Safety promotions, deferral of Traffic Management Plans and deferral of improvement works to the public lighting network

**Water Services: €550,000**

Kerry County Council has 57 public water schemes listed by the EPA on a Remedial Action list (RAL), grant aid has been secured towards the upgrading of 48 schemes, Kerry County Council have, by far, the largest work programme underway than any other water authority in the country. As a result, the Water Services Budget was one of the few Budgets to increase over previous years for 2012. Unanticipated delays in commissioning 19 of the RAL Treatment Plants planned for 2012 have resulted in cost deferrals/savings of €525,000 in 2012. Unanticipated delays are due to external unforeseen circumstances, such as delays in land acquisition, technical issues, contractual issues etc. These issues will be resolved and these RAL plants will be commissioned by end of 2012. These deferred costs, of course, will be incurred in full for Budget 2013 including the new RAL schemes due for completion in 2013. In addition a delay in issuing Wastewater Treatment Plant licenses by the EPA during 2012 has resulted in a cost deferral of €25,000. This will also incur a cost in Budget 2013.

**Development Management: €56,000**

Cost deferrals associated with protracted ongoing legal cases and associated costs in relation to Planning, including some operational savings - €56,000

**Environmental Services: €105,000**

Cost deferrals within the Environment department relating to equipment purchase €55,000.

Fire Services- €50,000 cost saving as a result of decreased gorse fire activity in the Fire Service year to date.

**Recreation and Amenity €120,000**

Library - €55,000. The amalgamation of An Chomhairle Leabharlanna (The Library Council) with the LGMA during 2012 has resulted in savings of the annual levy of €30,000. A reduction of €25,000 to the Library Book Fund is made possible through the availability of better value for money initiatives for book purchasing and cataloguing. It is intended to maintain the level of service including opening hours and stock availability in our County's Libraries.

A reduction in the maintenance budget for Outdoor Leisure Areas, in the sum of €65,000 is being achieved due to the exceptionally poor weather conditions and the associated decline in the usage of our beaches and other outdoor amenities. Maintenance savings due to new playground construction that did not commence during 2012 due to unforeseen circumstances, the construction is due to commence in 2013.

**Once off Pension Related Deduction Adjustment €101,000**

Prior to 2012, the DOECLG estimated the anticipated receipts due from the Pension Related Deduction from each employee of Kerry County Council annually and netted this estimated figure as income against the Local Government Fund. Any adjustment to the actual receipted amounts for PRD was reflected in the following year's Local Government Fund. The adjustment here reflects a once off adjustment arising from reconciliation of PRD receipts versus estimates to 2011. As the Local Government fund is now shown exclusive of PRD, this adjustment will not occur into the future.

**Miscellaneous Services and Central Management Charge €293,000**

Cost deferrals in the areas of minor contracts, in house / contract works, IT upgrading works reduction of operational expenditure in Finance, Information Technology, Corporate Buildings, Human Resources and Training €98,000. Unanticipated payroll savings of €195,000 as a result of unbudgeted unpaid leave due to maternity leave, shorter working year and parental leave applications during 2012."

Cllr. J. Brassil then moved Notice of Motion No. 9 as it was relevant to this item.

**9. Reduction in the Local Government Fund allocation**

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

That Kerry County Council would pass a resolution to demand that the Minister for Local Government would immediately rescind his decision to cut our Local Government grant by €1.8 million. This is a totally unacceptable method of dealing with the non payment of the property tax and ensures that those who have paid get penalised.

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

Cllr. Brassil said there was great uncertainty on how the Household Charge would be paid up to April and two Ministers clashed on whether the charge could be paid through the Post Office or not. This Council and the majority of its members supported the payment and there is 70% compliance in Kerry. In July, the Minister told Kerry County Council to adjust the Budget by €1.6m for a Budget that was already very difficult to balance. It is very unfair to penalise local authorities in this way. In 2013, a property tax of between €250 and €400 will be introduced and it should be possible for the Minister to allow the adjustments to be made to the Budget in 2013. The Budget for the maintenance of roads is being reduced and many roads are already in a dangerous condition. It would be irresponsible of members to approve these reductions to the Budget. Cllr. Brassil called on the Council to support his resolution and to agree to send a letter to the Minister calling on him to rescind his decision as it is putting members in an impossible position.

Cllr. T. Ferris suggested that the Council should also ask the Minister to replace the Household Charge with a more equitable system based on ability to pay and not on the value of the house. Many households are in mortgage arrears and cannot afford to pay this charge. She called on the Minister to ensure that any tax is based on ability to pay. In 2008, the General Purpose allocation was €29m while in 2012 it is just €19m. This is a huge reduction. She stated that people have a right not to pay the Household Charge. She referred to the 70% collection rate in Kerry and said she did not believe that 70% of the people in Kerry actually paid the charge. She did not receive a warning letter. The level of reduction in the Local Government Fund allocation is not the fault of the people of Kerry who have not paid the charge. Some of these people simply cannot afford to pay it or are refusing to pay an inequitable tax. She would have concerns in relation to road safety if the budget for road maintenance is reduced. She said that she hoped that the €60,000 referred to in the reduction in the Housing Budget could be used for grant applicants.

Cllr. M. Gleeson said that the housing function could be centralised in the future. With the establishment of Irish Water, Water Services will be centralised and local authorities are under constant attack. Centralisation is at the heart of the thinking of the present Government. Local authorities should be allowed to raise funds yet they have been forced to be dependent on Central Government for funding. Any arrangements to allow local authorities to raise funds locally must be accompanied by a reduction in tax to Central Government. It is important to have regard to those who can pay the various charges. Unfortunately in this instance, the Government did not have sufficient regard for local government to allow them to set the charge and in doing so, he alienated some very good people. He said he remembered the state of the roads in the late 1980s and early 1990s and it was an enormous achievement to restore these roads to respectability. It would be wrong, because of the reduction in funding, if the roads were allowed to disintegrate. There was a headline in the daily newspaper that day that €7m was being

allocated to a body to co-ordinate the collection of the Property Tax at a time when local authorities could have done it.

Cllr. B. Cronin said he was deeply concerned at this reduction in the Local Government Fund allocation and the Manager had warned members about the difficulty in balancing the Budget for 2013. Any reduction in the budget for the maintenance of rural roads is a backwards step. In the past, roads that were in a very poor condition were improved and he was concerned that they would now deteriorate. He paid the Household Charge and the Domestic Wastewater Treatment System registration charge as did many more in Kerry but they are now being penalised. He referred to the reduction of €60,000 in the Housing Budget for the grants schemes and said that these are most beneficial schemes and they have transformed people's lives. He would much prefer if the €60,000 could be allocated in grants. Arising from these reductions he said it is possible that a lot of people that paid the Household Charge and the Domestic Wastewater Treatment System registration charge in 2012 will not pay in 2013. He asked due to the extreme rainfalls this summer and the subsequent damage to roads, would roads be repaired in the light of this reduction in funding. In conclusion Cllr. Cronin said he agreed with the sentiments of Cllr. Brassil's Motion.

Cllr. R. Beasley expressed his disappointment at the Minister's arrogance and the way he handled the Household Charge. In 2013, the Taoiseach says the Household Charge will be between €275 and €400 perhouse and he asked will this funding be ring fenced for local government. He referred to roadworks carried out in the Listowel area recently and said that a portion of a road was left undone and he asked if this was as a result of the cutbacks. He referred to beach cleaning etc and said that 7 part-time staff were not brought back this year and as a result they cannot afford to pay the Household Charge.

Cllr. D. Healy-Rae **SECONDED** Cllr. Brassil's Motion and he acknowledged the efforts of the County Manager and the Finance Department in trying to keep the finances of the county in order. He pointed out that some local authorities are in financial difficulty. For some time, he has been highlighting the need to protect the road network by opening roadside drains to ensure the water flows off the road. With the level of rainfall over the summer months, many roads are dangerous. He asked Management to send out a team of people around the county on a bad day to witness first-hand what is happening with water on roads. Motorists are paying their Motor Tax and if the roads are not maintained, they will not continue to do so. He asked if there was any discretion to use the €60,000 in the Housing Budget for urgent grant cases.

Cllr. N. Foley said it was a very bleak day. She referred to the proposed reduction in the Road Maintenance Budget and said she queried the wisdom of the cut to the Road Safety Budget at a time when huge strides have been made to improve road safety. She also expressed concern at the reduction in the Budget for Housing Adaptation Grants and said there is a huge uptake of these grants. In previous years, an additional allocation was received later in the year. She asked if this reduction is made to the Housing Budget, would we be in a position to take up additional funding later in the year. Many applicants just need a small grant to make a huge difference to their lives. She asked when the fourth payment from the Local Government Fund is due and if there is any change, can these cuts be re-visited. She believed that the reduction of €1.6m in the Budget is unworkable and unfair and she called on the Minister to reverse these cuts.

Cllr. P. McCarthy said the reason we are in this situation is that we proved we could not run our own country. As a result, the EU is now telling us what to do. The way some of these issues have been handled leaves a lot to be desired and it is very difficult to justify these charges when many families are struggling financially.

Cllr. A. McEllistrim said that this is setting a precedent and 70% of households in Kerry have already paid the charge. She asked what would happen next year if there is an increase in this charge. Will less household spray in 2013?

Cllr. M. Cahill said that the 2012 Budget was prepared and adopted in good faith and these readjustments to the Budget are very unfair. The real losers are the people of Kerry who have already paid the charge. It is proposed to reduce the Water Services Budget by €0.5m yet there are issues in his own area where an area was without water for 3½ weeks despite the fact that they paid the Household Charge and NPPR. He referred to the reduction of €60,000 in the Housing Budget and asked if additional funding was received later in the year would the Council be in a position to come up with the matching funding required. He expressed his disappointment at the proposed reduction in the Roads Maintenance budget. He was also disappointed that Council workers were used to hand out the leaflets on the Domestic Wastewater Treatment Registration Charge at a cost of €10,000. Thousands of letters will issue to landowners in relation to hedge cutting notices and he asked why were the leaflets not included with those letters. Any property tax should be based on ability to pay and many families are in very difficult financial circumstances.

Cllr. P. O'Donoghue asked if the Council could validly reduce the Budget by €1.6m. He acknowledged that Management are in a dilemma but said members adopted a Budget and passed the necessary resolutions. He asked if members could legally adjust the Budget on the basis of a report from Management and in his opinion they could not. It is ironic that the Council is dealing with this issue on the day when it was announced that €7m is being allocated to an agency to collect this levy. Advertisements on the Household Charge stated that if you paid the charge, you would not lose services yet now because 30% of households in Kerry did not pay the charge, these cuts are being imposed and it is unfair and unjust. It was announced that the Household Charge will be increased in 2013. He PROPOSED that the reduction in the Budget would be deferred until 2013. He again questioned the validity of these reductions and said a debate with the Minister was required in relation to the powers of local authorities whose functions are being minimalised. Members are obliged to stand by the Budget and he reminded Council that the late Michael Ahern challenged the way the Budget was adopted in the High Court and he won his case. He supported Cllr. Brassil's Motion and proposal that the cuts would be deferred until 2013.

Cllr. P. Connor-Scarteen said that Kerry has 70% payment compliance in the payment of the Household Charge. He asked that there would be no reduction in funding for the Housing Adaptation Grants as these are very important for older people. Many roads in the county have deteriorated as a result of the very heavy rainfall during the summer months. He called on the Environment and Roads Departments to continue to work with Tidy Towns Committees throughout the county.

Cllr. J. Finucane said that it is the task of the County Manager to come to terms with the reality of these cuts. The deficit faced by this country is €29bn and we are borrowing €44m per day, 7 days a week to run the country. He was not happy with the cuts to local government and he had proposed an alternative. In 2011, 52 development companies spent €227m. The administration for these companies costs €35m per annum. These development companies could be streamlined and their numbers reduced. Ireland has lost its independence through the incompetence of previous Governments and he apologised for the politicians of the past who failed to manage our finances. He added that the Fine Gael Party requested a meeting with the Minister and they would bring the views of the members of Kerry County Council to him at that meeting.

The Mayor informed the meeting that when the letter was received from the Department notifying the reduction in the Local Government Fund allocation, he had a meeting with the Manager. A number of Councillors suggested that a special meeting should be held but he was in constant contact with the County Manager and it was agreed that a report on the reduction to the Budget would be brought to the September Meeting. He supported Cllr. Brassil's Motion calling on the Minister to re-visit this reduction. He added that he paid the €100 Household Charge as did 70% of the households in Kerry. This reduction in funding is very harsh.

The County Manager said that he was as frustrated as the members and the 2012 Budget adopted by the members was the best estimate we had at the time of proposed expenditure and income. On that day, the various resolutions were adopted. If the bad debt provision for rates is not realised, he would adjust expenditure accordingly. When the AFS is presented to Council, members adopt the readjusted Budget. Kerry County Council has been prudent and made very difficult decisions to ensure that the Council is not in debt. If he does not ensure the Budget is balanced in 2012 we will go into 2013 with a deficit. If that is the case, the Bank may not sanction an overdraft. He felt it was his duty as Manager to ensure a balanced budget. If the budget is not adjusted now, the first thing to be done in 2013 is to take that €1.6m off the Budget and he would not advocate that. He pointed out that it will be very difficult to balance the 2013 Budget without an increase in rates and water charges. He informed the meeting that he felt he was within his legal rights to impose these reductions in the Budget. He did not think that the indicative cuts notified in July will be the final figure. He met with all the Directors to decide on these cuts to ensure the minimum impact on services. Over 40,500 households in Kerry have registered for the Household Charge. Figures are available based on CSO statistics but until a full database is established, the final figure will not be known. 3,500 letters were issued to people who had not paid the charge when the NPPR listing was compared to the list of those that had already paid. This work will continue until all 18,000 households get reminder letters to pay the charge.

He referred to the delivery of the leaflets by Council staff in relation to the Domestic Wastewater Treatment Registration Charge and said that he had considered all options. He wanted to ensure that the people of the county could save €1.8m by paying the charge before 28<sup>th</sup> September. An Post could not differentiate between rural and unsewered rural houses. He wanted to ensure that only those households with septic tanks got the leaflets and he stood by his decision to use staff to distribute the leaflets. He informed the meeting that he intended to proceed with the savings outlined in his report and if members direct him not to do so, we will go into 2013 with a deficit. Other local authorities made substantial cuts on the divisions but he took a different approach to defer expenditure where possible with a minimum impact on services.

Ms. A. McAllen, A/Head of Finance informed the meeting that people continue to pay the Household Charge daily with 40,515 households having paid as at 8.30am that morning. Those figures are made available daily by the LGMA and the Finance Department work closely with them on data matching. The first exercise in data matching was against the NPPR listing and following this, 3,500 reminder letters issued. Over one-third of these paid in the first few weeks. The next exercise in data matching will be with data from the Property Registration Authority and these reminder letters will issue in late September. ESB Networks have now reached agreement to share data and reminder letters will be issued to households in October or November. The Circular Letter in relation to the reduction in the Local Government Fund allocation was received in July which was half-way through the year with half



the Budget already spent and this posed its own difficulties. 50% of the remaining budget is fixed and could not be touched. Budget holders were tasked to find savings that would not impact on services if possible. Budget 2012 was propped up with €1m from the Capital Fund. She was most anxious that the Council would continue to keep its budget balanced. We are operating in a very difficult economic climate at present. The cut to Quarter 3 payment from the Local Government Fund has already been implemented. She anticipated that the Quarter 4 allocation would be received in November or December. Should the reality of the €1.6m reduction not be realised, any additional funding would be ring fenced for those areas whose budgets have been reduced and any additional expenditure will be outlined in the AFS which will be presented to members in 2013. In conclusion, Ms. McAllen said Kerry County Council has a very good financial integrity and she strives to maintain that.

Cllr. J. Brassil said his Motion was unanimously agreed, however, he did not believe that members should accept the reductions as outlined in the report. The Minister should be informed of this decision and he should make the necessary adjustments in 2013. He could not accept a reduction of €135,000 for Road Maintenance. He PROPOSED that a vote would be taken on the proposed reductions to the Budget and that the outcome of the vote would be notified to Minister Hogan.

Cllr. P. O'Donoghue SECONDED this proposal and said it is important members would send a message to Minister Hogan that they cannot change the Budget mid-year. Expenditure on the Draft Local Area Plans could be shelved for a few years and this would result in significant savings. The Council never before cut €1.4m from its Budget with just 4 months remaining in the year. He called on the members to reject these reductions as he was questioning the legality of what members were being asked to do.

Cllr. G. Wharton-Slattery said it was pointless sending a letter to the Minister if the members agree that the Fine Gael members will raise this issue with the Minister when they meet him shortly.

Cllr. B. Cronin said that the members of Kerry County Council always balanced the Budget and he objected to being put in this position by Minister Hogan.

The County Manager said that he has a legal obligation to balance the Budget and the reason he brought the report to Council is because of the extent of the cuts. We have been notified of an indicative figure of €1.6m but he was going with a figure of €1.4m. He said if the issue for members is taking the €90,000 out of the Roads Maintenance Budget, he could adjust the reductions to allow this funding to remain in place and to defer expenditure in other areas.

Cllr. T. Ferris said members are unanimously stating that they reject the cuts and they do not accept the Manager's suggestion.

Cllr. J. Finucane supported the Manager's compromise suggestion. Members have always had a good relationship with the County Manager and the Head of Finance and he could not support any mechanism that would defer a debt to 2013. He supported the Manager in balancing the Budget.

Cllr. J. Brassil said his Motion was unanimously accepted and he also proposed that members would not accept the €1.4m reduction to the Budget.

Ms. McAllen pointed out that the reduction to the Budget is mostly deferral of expenditure which will have a minimum effect of the people of the county.

The County Manager said that he had no issue with writing to the Minister who has indicated that he would review the position if the income from the Household Charge increased. His concern, however, would be if members directed him not to proceed with the reductions to the Budget which would result in a deficit at the end of 2012 which he believed was not legal.

Cllr. B. Cronin said the €95,000 reduction in the Road Maintenance budget is critical for members and he asked the Manager was he confirming that he could forego that reduction.

The County Manager said that the €1.4m reduction could become €1.3m and that €100,000 could be put back into the Roads Budget.

Cllr. J. Finucane PROPOSED that the members of Kerry County Council would accept the Manager's Report with the amendment that the Roads Maintenance Budget would not be reduced and that the Council would not go into a deficit at the end of 2012.

Cllr. M. Cahill PROPOSED that further consideration of this item would be deferred until the Fine Gael members meet with Minister Hogan.

Cllr. J. Brassil said that Minister Hogan cut the allocation from the Local Government Fund on the basis that the Household Charge is not fully paid. He proposed that the members would not accept this reduction and he added it was very poorly handled.

Cllr. T. Ferris SECONDED this Proposal.

Mr. J.D. Flynn, Director of Corporate Services said that there is a proposal before Council for a €1.32m adjustment to balance the Budget and Cllr. Brassil's Motion is accepted.

Cllr. J. Finucane said that Cllr. Brassil proposed that the members would direct the County Manager to incur a deficit and he could not accept that.

Cllr. J. Brassil PROPOSED that we the Members of Kerry County Council hereby resolve to reject the adjustments proposed by the County Manager in the sum of €1.32m.

Cllr. T. Ferris SECONDED this proposal.

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

**For:** Cllrs. Brassil, Cahill, Cronin, Culloty, Ferris, Foley, D. Healy-Rae, J. Healy-Rae, McEllistram, O'Donoghue, Wharton-Slattery  
**(11)**

**Against:** Cllrs. Buckley, Connor-Scarteen, Donovan, Finucane, Gleeson, Griffin, Leahy, McCarthy, Purtill, Sheahan, O'Brien **(11)**

**Not Voting:** None **(0)**

As the vote resulted in a tie, it was decided on the casting vote of the Mayor who voted Against the Proposal.

The Mayor declared the proposal DEFEATED.

The Mayor informed the Meeting that it was 12.30pm and Item 9 would then be taken.

#### **12.09.10.09 Presentation on the switch over from Analogue to Digital TV**

(Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) of North & East Kerry Development thanked the members for the opportunity to address them and introduced (Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request ) Manager of the Kerry Flyer.

(Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) informed the meeting that there is a National Campaign presently underway on TV, radio and in the newspapers advising the public that analogue TV will be switched off on 24<sup>th</sup> October. A dedicated Outreach Programme was put in place targeting older people, those most isolated and rural and most likely not to understand the need to switch to digital TV. The digital champions in Kerry are (Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) for South Kerry and (Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request ) for North Kerry and they are responsible to get the message out to the most rural areas. This is being done in two ways: (1) through Community/Parish meetings and they are committed to holding meetings in every Parish in the county before the deadline and (2) Specific Agency support. At the Parish meetings they look for support from the following groups - Community Alert, Active Retirement, GAA, Community Council, Parish Priest, IFA, Meals on Wheels and any other groups involved in the parish. They also look to the following groups who are actively working in the community for support with a view to getting the message out there – HSE - District Nurses / Community, Rural Social

Schemes, Family Resource Centres, Community & Voluntary Forum, GAA and the IFA.

(Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) then addressed the meeting. She said that the purpose of the campaign is to ensure that all members of the Target Group of older people and people with disabilities are made aware of the switchover and to make sure that people switch to digital TV. You will know if you need to make the switch if you see the date "24<sup>th</sup> October 2012" displayed on your TV screen. Signals vary from place to place and if you already have four channels, your options are get a new TV or a Saorview box. If you have three channels, you can get a new TV or box plus an aerial adjustment. If you have two channels, you can get a new TV or a box plus a new aerial. Some areas do not get TV3 and they have announced that they will not be investing any more as they already reach 95% of the population.

(Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) said there is a dedicated Technical Support Unit and the Lo-Call number for that Unit is 1890 222012. He advised members that households should be aware of bogus callers. No-one should cold call to any home on behalf of Saorview, RTÉ or any organisation attempting to sell or install equipment. In conclusion, (Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) said that RTÉ Networks state that 98% of the country has coverage yet almost all of the 2% that does not have coverage is in South Kerry and in the Dingle Peninsula. He said they are working with RTÉ and local communities to make sure that no-one is left out. He then displayed a map which showed the TV coverage in the county and while the map indicates that some areas may not have coverage, he advised that an installer should be consulted. He asked members to encourage all people in their communities to switch to digital TV.

Cllr. D. Healy-Rae welcomed the presentation and said that he was advised that a mast in Glenflesk will be removed and that will result in a large area not being able to get digital TV without installing a dish. It is unfair to deprive this densely populated area of coverage and it will result in substantial additional costs per household and they will not get all the channels.

Cllr. J. Healy-Rae said that Bonane and Lauragh are particularly badly hit and it will cost households €400 to get a satellite dish to ensure they will have coverage.

(Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) said that there are some smaller areas where RTÉ have indicated that the smaller masts are no longer viable. Saorsat costs €400 for areas like Glenflesk. They have been advised that no grants would be made available to these households.

The Mayor thanked (Names withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) for their presentation.

### **12.09.10.10 Presentation by the Irish Rural Dwellers Association**

The Mayor welcomed (Names withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) to the meeting.

(Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) said, on behalf of the co-ordinating Committee of The Rural Challenge, they were honoured and delighted to have been afforded the opportunity to address the members of Kerry County Council. The Rural Challenge is the title of a publication launched on the 30<sup>th</sup> April last at the IT Tralee. This study document is the result of collaboration between the Chairpersons of the Rural Dwellers Association, Kerry IFA and the Kerry County Board of the GAA. They also acknowledged the input from Breda O'Dwyer, Lecturer in Entrepreneurship and Marketing at IT Tralee and (Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) Graduate of IT Tralee. While this initiative originated in Kerry, they believe that the issues and concerns that have been highlighted in the document are common to all areas of rural Ireland.

What is the Rural Challenge? Rural decline and rural depopulation is a very worrying trend across our county and indeed across much of rural Ireland. The McCrohan/Pigott report commissioned by the Kerry County Board and some recently released Census figures provide startling evidence of dramatic reductions of population in many of our rural parishes. So the ultimate challenge for all of us with an interest in the welfare of the rural countryside is about empowering rural communities to achieve sustainability and growth.

Rural Ireland is the heart and soul of our country. It is the repository of our heritage, our native language, our music, song and dance, our customs and traditions, our folkways and our folklore. These are the essentials that give us our distinctive culture and it behoves us all to preserve, foster and promote this rich heritage. Tourism is hugely important to Ireland and tourists are attracted to our country not simply to view the scenery but to experience the real Ireland, its people and its distinctive way of life.

Rural people have a very strong sense of identity with their native place or parish. To quote the late poet and balladeer, Gary McMahon, "pride of race and love of place inspire a love of land". This sense of belonging and attachment must be respected and acknowledged in the formulation of public policy. The spirit of the 'meitheal' is still strong in rural Ireland and given a fair deal rural communities have the capacity and the resolve to prosper and grow.

Quality of life is very important and it is generally agreed that those fortunate enough to reside in the rural countryside, provided they have economic independence, enjoy a quality of life that is well nigh impossible to replicate in the large urban setting. Public policy and planning in Ireland has, they believe in recent decades, tended to strongly favour the concept of urbanisation perhaps to the detriment of rural Ireland and its people.

The central theme of The Rural Challenge is about the inalienable right of people to continue to live and prosper in rural Ireland. They were calling for the establishment of a Rural Forum to address, in a non confrontational manner, the needs, aspirations and the ongoing welfare of those who wish to live, work and raise their families in the Irish Rural Countryside. This Rural Forum would provide a meaningful opportunity where rural issues and concerns could be validated in a bottom up approach and would give rural people a strong voice and input into policies which impact on their way of life.

(Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) said The Rural Challenge Group is entirely non political and not aligned to any particular movement. They are not interested in public protests or civil disobedience campaigns. They want to enter into dialogue with public representatives and with both local and national Government to draw up a realistic vision for the development of rural Ireland and its people into the 21<sup>st</sup> century and beyond. 1.5m people live in rural Ireland and it is a great place to live.

(Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) said The Rural Challenge proposes a twelve point action plan as follows:

1. Fair and equitable rural planning, whereby rural peoples' inalienable right to reside in the countryside is acknowledged and asserted.
2. A reversal of Government and public policy strategies, which to date seem focussed on the reduction or closure of services throughout rural Ireland.
3. Providing infrastructure and appropriate access to encourage vibrant rural enterprises. This could include better road access to western seaboard counties, better rail and air services.
4. Provision of high speed broadband and advanced technology, which would facilitate the proliferation of small rural industries and support home-working.
5. Provision of appropriate business support services to allow for innovative rural enterprise. The removal of bureaucratic blockages which tend to stymie small-scale rural enterprise.
6. Ongoing development of family farm enterprise and of the Agri-Food sector which has the capacity to create much sustainable employment.
7. Quality of life issues such as home care strategies for the elderly and meaningful community care programmes. Support for the concept of the extended family, which traditionally has been a welcome feature of rural life.

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8. Recognition of rural customs and traditions and the preservation of our rural heritage.
9. Establish one stop shop service outlets in the local communities utilising perhaps the local Post Office as the preferred location.
10. A review of the National Spatial Strategy which tended to concern itself primarily with urban development.
11. Developing first class sustainable rural communities through ongoing genuine collaboration and engagement with local communities and community organisations.
12. Retention and development of the rural transport system.

In conclusion Mr. O'Sullivan again thanked the members for the opportunity to address them on this very important issue and he stated that they had launched a website [www.theruralchallenge.com](http://www.theruralchallenge.com).

The Mayor thanked (Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) for his presentation.

Cllr. J. Healy-Rae welcomed the IRDA and the representatives of other organisations to the meeting and said he supported the majority of what is contained in The Rural Challenge.

Cllr. J.J. Culloty welcomed the various groups to the meeting and said it was a great opportunity for them to put forward their views. Rural Ireland is being left behind with inadequate services including broadband.

Cllr. D. Healy-Rae welcomed the presentation on behalf of rural Kerry and said there are many issues that would have to be worked on by both elected members and the groups involved in the presentation. The Planning Department has been very helpful to family members; however, there are many areas in the county where, even though the families lived there until recently but are not now living there, they are not permitted to build a house in a rural area. It is a positive thing to revitalise rural areas. It is very difficult to get permission in the countryside and the policy appears to be to keep people in urban areas. The members must work with Management to address these issues. The Liebherr factory in Killarney would not be granted planning permission today yet it is thriving in a rural setting. There was a drop in the Live Register recently but this is largely due to the fact that many young people have emigrated. Funding for Local Improvement Schemes was discontinued in 2012 and this was a further blow to rural Ireland. When this was announced members requested a deputation with the Minister to outline their concerns to him and to call on him to restore that Scheme.

Cllr. M. Cahill welcomed the IRDA to the meeting and said that The Rural Challenge was never more appropriate than today. Young people were emigrating, Garda Stations and Post Offices are closing and there is a

possibility that some rural schools will also close. He called on the Planning Authority to work with rural communities. He said he would like to see the concept of one-stop outlets in rural areas developed.

Cllr. B. Cronin said that the organisations represented in this presentation are the backbone of rural communities and he complimented them on the report. North & East Kerry and South Kerry Development Partnership are doing excellent work in grant aiding plans for villages. There is no doubt there is an issue with isolation and depression in rural areas and he hoped this issue could be addressed. The closure of the local creamery and the nearby local shop associated with it was very damaging to many rural communities down through the years. Many Government Ministers are urban based and do not have a connection with rural communities. The loss of the Local Improvement Schemes will have major consequences for rural communities.

Cllr. M. Gleeson welcomed the presentation and the various groups represented and said that he valued living in a rural community and also his involvement with his local GAA Club. Broadband in his area is not very satisfactory. He called on the Government to address the high fuel costs for those commuting from rural areas.

Cllr. J. Finucane said the combination of organisations involved in the production of The Rural Challenge epitomises what is good in rural life. Unfortunately some of the present urban generation have become somewhat removed from it. We have a social responsibility to these communities. 2013 is the year of the Gathering and it is hoped that some of our emigrants will return home. As Chair of Kerry Education Service he invited the Irish Rural Dwellers Association to make a similar presentation to that Board.

Cllr. P. Connor-Scarteen said that The Rural Challenge is having a great impact and all these organisations are working together for the betterment of rural Ireland which is under attack. The various partnership groups are doing excellent work and as Chair of the County Development Board he invited the IRDA to make the presentation to that Board in due course. Cllr. P. Connor-Scarteen asked that The Rural Challenge would be represented on SPC's.

Cllr. A. McEllistrim complimented the three organisations on this very important initiative and said if there was anything she could do to help promote their aims she would be willing to do so.

(Name withheld for Data Protection purposes – a paper copy of the unedited minutes is available on request) of the IFA informed the meeting that they were trying to establish a national Rural Forum where all bodies could come together to represent the 1.5m people living in rural communities. Their voice needs to be focused and he said they were very positive for the future. There is a myriad of organisations in rural Ireland and it is the soul of our country. National policy appears to be to move people into urban areas and while that has some advantages it has also some serious disadvantages. He did not want to promote one at the expense of the other. It is important to recognise



the strengths of rural Ireland and he would work with members to achieve their goals.

The Mayor informed the meeting that it was 1:30pm and the meeting would adjourn for lunch and the Civic Reception.

The meeting resumed at 2:50pm.

### **Tidy Towns Competition**

The Mayor congratulated all involved in the Tidy Towns and in particular Kenmare, Killarney, Listowel and Tralee, all of which won Gold Medals in 2012.

### **Release of Marian Price and Martin Corey**

Cllr. T. Ferris PROPOSED that this Council call for the release of Marian Price and Martin Corey who were granted bail by the Courts but are still detained without trial. She asked that a letter would be forwarded immediately to the Secretary of State in Northern Ireland calling on her to stop undermining the Justice System by continuing to detain these people.

Cllr. R. Beasley SECONDED this proposal and it was agreed to issue a letter to the Secretary of State in Northern Ireland.

### **12.09.10.08 The Wild Atlantic Way**

The County Manager referred members to his report dated 10<sup>th</sup> September, 2012 on this item which was circulated. This is a new project being driven and managed by Fáilte Ireland, to identify and develop a driving route along the Atlantic Coast from Donegal to Cork. The route itself will comprise of a central spine, together with a series of loops and spurs off it to encourage people to spend more time exploring all that the West Coast has to offer. It is hoped that this route, properly branded and marketed, will result in greater visitor numbers to the West Coast of Ireland. The identification of the route will include a public consultation process, the details of which have yet to be finalised but it is anticipated it will commence towards the end of September.

Cllr. M. Gleeson then moved Notice of Motion No. 16 as it was relevant to this Item.

### **16. Development of the former railway line to Cahirciveen as a Cycleway cum Walkway**

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

That the Council would detail the progress made with South Kerry Development Partnership towards the development of the former railway line to Cahirciveen as a Cycleway cum Walkway. The tourism potential of the development will be enormous for the entire Iveragh Peninsula.

**The following report issued:**

**South Kerry Development Partnership employed consultants to carry out a Feasibility Study on this project. Whilst the Feasibility Study supported the development of the route, the indicative costs for the proposed works are substantial. The Council is working in partnership with SKDP and providing assistance on a number of options to progress the project, given the generally recognized constraints on national funding.**

**Initial discussions have taken place with all property owners bounding the old railway line and it is now proposed by SKDP to have further discussions with the landowners with a view to getting their support for the project.**

Cllr. Gleeson welcomed the report which is positive. This railway line is one of the most scenic routes in the country and if developed it would enhance tourism in Kerry. The future development of tourism will be focused on walking tourism and this walkway would give a welcome boost to the economic life of the Iveragh Peninsula and the county. In conclusion Cllr. Gleeson said he hoped this project would be progressed and it would repay the capital costs over and over again.

Cllr. R. Beasley welcomed the report and said he proposed some time ago that a ring of North Kerry would be developed and he hoped it would be included in the Wild Atlantic Way. He called on the Council to mark out the Ring of North Kerry for the next tourism season.

Cllr. P. O'Donoghue endorsed the views expressed by Cllr. Gleeson in relation to the development of the old railway line. The views from this railway line are magnificent. He said the Atlantic Forum in the EU is looking for two projects to fund and this might qualify for funding. In early 2013, during the Irish Presidency the results will be announced by the Taoiseach and it would be timely if this project was successful.

Cllr. M. Cahill supported the motion and said he recently attended a meeting in Glenbeigh which was attended by landowners and South Kerry Development Partnership. There are some issues to be addressed as sheds and houses were built on the old railway line. He would welcome the development of the line as many roads are very dangerous for pedestrians and cyclists.

## **12.09.10.11 Summary of proceedings at Conferences/Seminars**

### **(a) ACCC Annual Conference 2012**

It was agreed to note Cllr. R. Beasley's written report on the ACCC Annual Conference 2012 held on the 10<sup>th</sup> & 11<sup>th</sup> May, 2012 which was circulated.

**(b) Elected Members Training Seminar on the Draft Building Control (Amendment) Regulations 2012**

It was agreed to note Cllr. M. O'Shea's written report on the Elected Members Training Seminar on the Draft Building Control (Amendment) Regulations 2012 held on the 29<sup>th</sup> & 30<sup>th</sup> June, 2012 which was circulated.

**(c) Elected Members Training Seminar on the theme 'Local Government Auditing'**

It was agreed to note Cllr. B. O'Connell's written report on the Elected Members Training Seminar on the theme 'Local Government Auditing' held on the 3<sup>rd</sup> & 4<sup>th</sup> August, 2012 which was circulated.

**(d) Elected Members Training Seminar on the theme 'Personal Insolvency Bill 2012'**

It was agreed to note Cllr. P. O'Donoghue's written report on the Elected Members Training Seminar on the theme 'Personal Insolvency Bill 2012' held on the 10<sup>th</sup> & 11<sup>th</sup> August, 2012 which was circulated.

**12.09.10.12 Reception of Deputations**

- (a) Cllr. M. Cahill requested that a deputation be received from An Bhainseach Residents Association, Killorglin in relation to issues of concern to them.

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

- (b) Cllr. B. Moynihan Cronin requested that a deputation be received from Spa Community in relation to the provision of a footpath from Spa Football Field to the Industrial Estate.

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

- (c) Cllr. B. O'Connell requested that a deputation be received from the Residents of Cahereen Heights, Castleisland in relation to a progress report on developments in their estate.

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. L. Purtill it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

**12.09.10.13 Tenders opened since the July Meeting**

On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. N. Foley it was agreed to note the following tenders opened since the July Council Meeting.

- (a) Sewage Pump Efficiency Improvement Projects at Four Locations for Kerry County Council - Closing Date: Thursday 26th July, 2012 at 3.00 pm.
- (b) Bedroom Extension for a Single Rural Dwelling - Closing Date: Friday 10th August, 2012 at 4.00 pm.
- (c) RFT for Pump Efficiency Improvement Projects at two locations for Kerry County Council - Closing Date: Tuesday 14th August 2012 at 3.00 pm.
- (d) N69 Ahlahana to Dooncaha Pavement Overlay - Closing Date: Wednesday 15th August 2012 at 4.00 pm.
- (e) N70 Tooreennasliggaun Pavement Overlay - Closing Date: Wednesday 15th August 2012 at 4.00 pm.
- (f) Supply, Installation & Commissioning of a Fine Bubble Diffused Aeration System at Listowel WWTP - Closing Date: Monday 20th August 2012 at 3.00 pm.
- (g) Supply & Installation of a new Package Waste Water Treatment Plant in Moyvane - Closing Date: Thursday 23rd August 2012 at 4.00 pm.
- (h) Supply, Installation & Commissioning of Pipe Network & Ancillary Works at Shrone, Rathmore - Closing Date: Wednesday 29th August 2012 at 4.00 pm.
- (i) N70 Kenmare to Templenoe Pavement Overlay - Closing Date: Friday 31st August 2012 at 4.00 pm.
- (j) Lining Services for the permanent capping of cell 15B/16 at NKLF - Closing Date: Friday 31st August 2012 at 4.00 pm.
- (k) CQA for the permanent capping of cell 15B/16 at NKLF - Closing Date: Tuesday 4th September 2012 at 4.00 pm.
- (l) Principal Inspections of Regional and Local Road Bridges in Kerry - Closing Date: Tuesday 4th September, 2012 at 4.00 pm.
- (m) N72 Gortanahaneboy East Pavement Overlay - Closing Date: Wednesday 5th September 2012 at 4.00 pm.
- (n) N72 Rathmore Village Pavement Overlay - Closing Date: Wednesday 5th September 2012 at 4.00 pm.

**12.09.10.14 Opening of Tenders**

- (a) On the PROPOSAL of Cllr. P. O'Donoghue, SECONDED by Cllr. P.J. Donovan it was agreed to approve the opening of tenders for the N70 Garranearagh, Caherciveen to Portmagee Junction Pavement Overlay - Closing Date: Monday 10th September 2012 at 4.00 pm.
- (b) On the PROPOSAL of Cllr. D. Healy-Rae, SECONDED by Cllr. B. Cronin it was agreed to approve the opening of tenders for the Supply, Installation & Commissioning for a Pipe Network and Ancillary Works at Glenflesk, Co. Kerry - Closing Date: Tuesday 11th September 2012 at 4.00 pm.
- (c) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. P. O'Donoghue it was agreed to approve the opening of tenders for the Supply, Installation & Commissioning for a Pipe Network and Ancillary Works at Rossdohan, Sneem, Co. Kerry - Closing Date: Friday 14 September, 2012 at 4.00 pm.
- (d) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. P. O'Donoghue it was agreed to approve the opening of tenders for the Supply, Installation & Commissioning of a Waste Water Treatment Package Plant and Ancillary Works at Knightstown, Co. Kerry - Closing Date: Tuesday 18th September 2012.
- (e) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. P. Connor Scarteen it was agreed to approve the opening of tenders for a Fire Service Water Tanker - Closing Date: Tuesday 25th September 2012 at 4.00 pm.
- (f) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. T. O'Brien it was agreed to approve the opening of tenders for Appointment to a Multi Party Framework Agreement for the Supply of Plant Hire and Haulage - Closing Date: Friday 12th October, 2012 at 3.00 pm.
- (g) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. A. McEllistrim it was agreed to approve the opening of tenders for Appointment to a Multi Party Framework Agreement for the Supply of Road Making Materials - Closing Date: Friday 12th October, 2012 at 3.00 pm.
- (h) On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. T. O'Brien it was agreed to approve the opening of tenders for Appointment to a Multi Party Framework Agreement for the Supply of Ready Mix and Concrete Additives - Closing Date: Friday 12th October, 2012 at 3.00 pm.

- (i) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. M. Gleeson it was agreed to approve the opening of tenders for Appointment to a Multi Party Framework Agreement for the Supply of General Construction & Trade Services - Closing Date: Friday 12th October, 2012 at 3.00 pm.
- (j) On the PROPOSAL of Cllr. J. Finucane, SECONDED by Cllr. J.J. Culloty it was agreed to approve the opening of tenders for the N71 Castlelough to Carrigafreaghane Muckross Pavement Overlay – Closing Date: Friday 21<sup>st</sup> September, 2012 at 4.00 pm.

#### **12.09.10.15 Notices of Motion**

##### **1. Continued use of an automatic stair lift.**

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

That when a grant assisted automatic stair-lift becomes surplus to requirements in a given residence it would be relocated to another residence where its services are required. These straitened times demand the maximisation of Council assets for the benefit of those in immediate need.

###### **The following report issued:**

**Under the Mobility Aids Grants Scheme the Council allocates grants to eligible applicants towards the purchase and fitting of stair-lifts to help address their mobility issues. The fitted stair-lift is therefore in the ownership of relevant homeowner and the Council would not be in the position to require it to be subsequently removed and re-fitted to an alternative property at some later stage when it is no longer required. If however in the very rare instance where stair-lifts are fitted to Council properties then, where appropriate and when no longer required, we would be prepared to arrange for it to be removed and re-fitted to an alternative Council property. However we are not aware of any instance where a stair-lift has been fitted in a Council property which is no longer required.**

Cllr. M. Gleeson expressed his disappointment with the reply. He asked where a stair lift is no longer needed that it would be relocated and reused. He asked that consideration would be given to including this as a condition for a grant for a stair lift in future.

Cllr. D. Healy-Rae SECONDED the motion and said it should be agreed when a grant is allocated for a stair lift that it would be returned when it is no longer needed. He asked the members on the HSE Regional Forum South to raise the issue of the return of crutches and wheelchairs. Presently the HSE do not take back crutches or wheelchairs and this policy should be reviewed.

Cllr. J. Finucane supported the motion and said it is wrong to see that kind of waste. The crutches and wheelchairs should be donated to a third world country.

Cllr. J.J. Culloty supported the motion.

## **2. Improvements to the Sunhill Road, Killorglin**

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

That Kerry County Council surface the Sunhill Road Killorglin as a matter of urgency as this road which serves a large national primary school and up to 500 houses is in a shocking state of disrepair and is in a very dangerous condition.

### **The following report issued:**

**There is no funding available in the current year to carry out improvements to the Sunhill Road. Kerry County Council propose to include this road in our Restoration Maintenance Programme for 2013, subject to funding being made available from the NRA and having regard to the Department of Transport, Tourism and Sport's Memorandum on Grants for Regional and Local Roads.**

Cllr. M. Cahill said he raised this issue on a number of occasions as this road is in a dreadful condition. There is a large Primary School and approx. 500 houses on this road and there are a number of wheelchair users also. He called for improvements to be carried out to this road as soon as possible.

Cllr. P. Connor-Scarteen supported the motion.

## **3. Closure of Island View House**

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

That Kerry County Council calls on the Minister for Health to ensure that the Health Service Executive does not proceed with the closure of Island View House, Caherciveen, Co. Kerry until such a time as proper and appropriate services, facilities and amenities are put in place for the residents and until such a time as there has been proper and meaningful consultations with all relevant stakeholders including the Iveragh Mental Health Association.

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

Cllr. P. O'Donoghue said the proposal to close Island View House in Caherciveen is very cruel. There are 9 residents there and it is proposed to close this facility without putting adequate structures in place. In the 1980's a decision was taken to close St. Finian's Hospital and to move the residence out into the community. At that time these nine residents were relocated to Caherciveen and this is their home. Councillors and Oireachtas members met with representatives of the HSE in August and they were not willing to listen to any arguments against the closure of this facility. He was only asking that the HSE would put facilities in place for these people before the facility is closed. The Minister for Health can stop the closure of Island View House and he called for the support of the members for his motion.

Cllr. M. Cahill **SECONDED** the motion and said there is outrage in South Kerry in relation to this proposal. No structures have been put in place to address the closure of the facility and there was no consultation with families, staff or the Iveragh Mental Health Association. What is being proposed is completely contrary to "A Vision for Change." These people have no voice and there is a lot of anguish and upset in the community in relation to this proposal.

Cllr. P.J. Donovan also supported the motion and said that the HSE are not listening to either public representatives or the local community on this very important issue. A proposal put forward by the Iveragh Mental Health Association would achieve savings.

#### **4. Down grading of Garda District Headquarters in County Kerry**

**Pursuant to notice duly given Cllr. N. Foley PROPOSED:**

That Kerry County Council calls on the Minister for Justice to ensure that there will be no down grading of the four Garda District Headquarters in County Kerry.

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

Cllr. N. Foley said that currently there are 109 Garda District Headquarters in Ireland and a review of these districts is under way and a number of them could be down graded with a subsequent reduction in Garda numbers. Kerry has four Garda District Headquarters and the prospect of a down grade of one of these is adding to the fears of communities. Giving the geographical nature of the county it is important that we would retain the four Garda Districts. Nothing is more important than Garda stations and the down grading of a Garda District Headquarters would have a huge negative impact on an area. Members should call on the Minister to ensure that there are no further cuts to the number of rural Garda stations or Garda numbers. She also asked when would the review be concluded and will the public be consulted.

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

#### **5. Signage on new Tralee By-Pass**

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

That the Council ensures that a comprehensive signage plan is put in place prior to the Tralee Bye-Pass being completed and that this appropriate signage would highlight the vibrancy of Tralee town and its main features and attractions.



**The following report issued:**

**The signage plan in place for the N22/N69 Tralee bypass has been designed in accordance with the Traffic Signs Manual and approved by the National Roads Authority. All of the junctions on the Bye-Pass will have directional signage for the town centre.**

**The erection of signage on national roads is tightly regulated for road safety and environmental reasons. The guidelines discourage the proliferation of roadside signage, especially outside the 50kph speed limit areas, on the basis that it can reduce the effectiveness of essential signage such as direction and other authorized road traffic signs, create visual clutter and reduce visibility at junctions/ interchanges and bends. Given that Tralee is an end destination from both the N21 and N22 national primary routes and an end terminus from the N69, N70 and N86 national secondary routes, the need for promotional signage is not as critical as other towns by-passed by new major roads nationally.**

**The Council will review the provision of limited promotional signage with the NRA and also on the declassified existing national routes into the town, having regard to existing national signage policy, as set out in the Department of the Environment, Community and Local Government's publication "Spatial Planning and National Roads Guidelines for Planning Authorities" and the NRA's Policy on the Provision of Tourist & Leisure Signage on National Roads".**

**Any additional signage will most likely have to be funded from the Council's own resources.**

Cllr. J. Finucane welcomed the comprehensive reply and said that when the Castleisland By Pass was opened there was a number of issues with signage. He called on the Roads Department to ensure that the signage for the Tralee By Pass is comprehensive and clear before the By Pass is opened.

Cllr. Finucane then moved Notice of Motion No. 18

## **18. Assets of Shannon Development**

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

That all Kerry assets of Shannon Development which would include the E-Town Tarbert, the Landbank Tarbert/Ballylongford, buildings and industrial lands in Listowel and the Technology Park in Tralee and the required resources to continue to manage the operation would remain in Kerry and preferably under the auspices of Kerry County Council.

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

Cllr. J. Finucane said that this is one of the most critical issues to face Kerry for many years. Minister Varadkar announced that Shannon Development and its property portfolio will be subsumed into the new Shannon Airport Company. He was concerned that if the transfer of assets takes place these assets would be used to subsidise the airport. He called for a meeting with Minister Varadkar to allow members the opportunity to highlight their concerns regarding this proposal. If a developer comes to Kerry there are a number of options at present including the site at the I.T.T., E-Towns Tarbert and Listowel. If the assets are transferred to the Shannon Airport Authority we will be subsidising our competition who can offer a lot more than we can. If the meeting with Minister Varadkar takes place he will leave him under no illusion but that the transfer of assets cannot take place. The lands at the I.T. Tralee are to be used solely for job creation. Shannon LNG sought a Judicial Review of the decision of the Commission for Energy Regulation and this is the only option for development in North Kerry which is being delayed by Minister Rabbitte. Bord Gás were recently granted an 8% increase in gas prices and the tariff proposed for Shannon LNG is unacceptable.

Cllr. L. Purtill **SECONDED** the motion and said the proposal put forward by Cllr. Finucane is worthy of very serious consideration and he was happy to support it. In Kerry we have been fortunate to have had the services of Ogie Moran and his team, who have been based in Tralee for over 20 years, looking after Shannon Development Company's - Kerry assets, such as "the Technology Park in Tralee, the Listowel Business Park, the E-Town in Tarbert and the Tarbert/Ballylongford Land Bank", to mention but a few.

Now that major changes are coming down the tracks and control of these Kerry assets are being handed over to a new company, whose primary function will be to promote Shannon Airport, whilst using the Kerry assets as an income stream. This income could/should be used to generate jobs in Kerry, not elsewhere.

Cllr. Purtill said he believed that we/Kerry County Council should take over these Kerry assets, as he felt it would be at worst "Cost Neutral" and could even provide a small profit, which could be used to promote the various properties as a base for further development within the county. The rental income from Kerry assets to Shannon Development Company is €1.5m p.a. allowing for costs that would give a net gain for Kerry County Council of €1m p.a. Kerry County Council has always been able to see "the Bigger Picture" and to take the "Longer View". This is one of those occasions where we must do the right thing. He acknowledged that times are tough, but we have to retain control of future development and work locations. Cllr. Purtill said we have to rely on ourselves to deliver the goods. We must not be dependant on the "kindness of strangers".

Cllr. J. Brassil supported the motion and said that members are only trying to secure what is best for the county and the region. He hoped that the Judicial Review would be successful for Shannon LNG. In the past two years the Energy Regulator has sanctioned a 30% increase for Bord Gás and one of the reasons for his decision in relation to Shannon LNG is that he believes if they enter the market it will result in an increase in gas prices. Ministers Varadkar and Bruton announced that Shannon Development would be subsumed into the new Shannon Airport Authority and they will retain all assets currently owned by Shannon Development. Kerry Technology Park is one of the best examples of business success and he was aware that the County Manager and councillors have been involved and fully support it. He PROPOSED that ownership of this Park would remain in the county. When the new Shannon Airport Authority was mandated to look after the airport and the lands around it there was no intention, he believed, to include the lands in Tralee. The Entrepreneur Programme and the Young Enterprise Programmes are very successful and he was concerned if the assets of Shannon Development are taken over by the new Shannon Airport Authority these Programmes will fall by the way side. It is a very serious task to convince Government of the importance of the retention of these assets in Kerry.

Cllr. Finucane said that the Council must be united in their vision for the Technology Park in Tralee. Those involved in the Technology Park want to manage it not for profit. When the new Airport Authority was established he believed it was an oversight and it might be a relief to the Minister if the Council put forward a plan for it. He called on the County Manager to meet with the companies involved in the Kerry Technology Park to ensure there is agreement of the future of the Park.

Mayor O'Brien said this was a hugely important motion. He requested a meeting with Minister Varadkar and if it goes ahead representatives of the four local authorities in the county would attend. He asked that a reminder letter would issue to Minister Varadkar regarding this deputation.

Cllr. P. Leahy said that he attended the deputations in relation to Shannon LNG and the Taoiseach and Minister outlined the position to members. Now a Judicial Review has been sought and he hoped that this would be successful.

The County Manager informed members that he had a meeting with the I.T., The Chamber of Commerce and representatives of those in business in the Technology Park and they are trying to take a strategy forward. There are two major issues involved 1) ownership of the Park and 2) management of it. A meeting of the Task Force will take place next week to consider this matter further.

Cllr. J. Finucane said that he was conscious of the stakeholders involved, the role of the local authority and also who will undertake management of the site. Shannon LNG is paying substantial sums to Shannon Development to retain their right to the land at the Tarbert/Ballylongford Landbank.

Mr. G. O'Brien informed the meeting that Notices of Motion Nos. 7, 11 and 23 would be taken together.

## **7. Provision of assistance for the farming community**

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

That this Council call on the Minister for Agriculture, Simon Coveney, TD and the Government to take immediate action to put in place measures to help and assist the broad farming community who are facing a devastating crisis as a result of months of rainfall. Many farmers do not have enough fodder for the winter and will be wiped out and it is critical that the Minister must use his position and introduce hardship schemes and if necessary, to source fodder and feeds, from outside this country in an effort to salvage the agriculture industry.

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

Cllr. B. Cronin said that he wished to highlight the crisis facing the farming community at present. Agriculture is critical to the economy and Kerry has been particularly badly hit by the amount of rainfall over the summer months. Many farmers are facing a crisis because of the lack of fodder. Farm land is saturated and land is destroyed from cattle. In some instances cattle are in day and night for the last number of months which will result in additional costs for farmers. The dairy farming industry is in difficulty as their cows would normally be out from March to October but many have been housed for the last number of months and once they are housed the milk yield drops resulting in a corresponding reduction in income. Much silage was made in very poor conditions which will not be fed to cattle, action must be taken now. He complimented the IFA on taking out a 1 page advertisement in the Farmers Journal outlining their concerns to the Minister and the actions that now need to be taken. Kerry Co-Op also has a role to play. Lee Strand imported feed stuff for their suppliers and he complimented them on this. Many farm families are under severe mental pressure and they are trying to salvage crops. They have loans from the banks and they will not be able to meet their repayments. He called on the Minister to extend the dead line for spreading slurry. In the present circumstances there is a requirement for feed suppliers to produce a cheaper grade feed which would help to keep stock going over the winter. The pressure the farmers are under at the minute can cause depression and extreme worry. IFA and Teagasc are holding meetings to try to assist farmers. He called on the Minister for Agriculture to stand by those involved in agriculture and he said a little assistance will help people out of this crisis. He called for the opening of live exports to Libya.

**11. Funding from the European Union Solidarity Fund**

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

As many farmers in Kerry have been unable to harvest winter fodder due to the unprecedented levels of rainfall this summer, I ask this Council to call on the Minister for Agriculture to request funding from the European Union Solidarity Fund. This process should commence immediately, as it is very obvious that there will be a serious shortage of fodder this winter.

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

Cllr. John Joe Culloty said that action needs to be taken immediately to help the farming community. The very heavy rainfall experienced this summer will have repercussions in the Spring of 2013 and it will be too late to take action then. He called on the Minister to seek funding from the European Union Solidarity Fund to help farmers out of this crisis. He also called for an extension to the deadline for the spreading of slurry.

**23. Financial assistance for farmers**

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

That we the members of Kerry County Council ask the Minister for Agriculture to provide financial assistance for farmers who are experiencing severe losses due to the heaviest and longest period of rainfall in living memory.

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

Cllr. D. Healy-Rae said that farmers are in a desperate state especially those who have very heavy ground. Fields are ploughed up by cattle and it will be very expensive to restore them. He called on the members of Fine Gael and Labour Parties to ask the Minister to come to Kerry to view the plight of Kerry farmers first hand. Some farmers had to house their cattle for the past two months and they now have little or no fodder left. They must buy in feed stuff which is very costly. The cost of feed stuff from Kerry Group has almost doubled and he called on Kerry Group to assist farmers in any way they can. He questioned the practice of spreading slurry which he believes could be rotting the grass and he called on the Department to review this practice. The correct time to spread slurry is in the fall of the year. He asked that the Minister be invited to come to Kerry to see the plight of farmers at first hand.

Cllr. R. Beasley supported the motions and said that farmers are trying to save hay and straw in very difficult conditions.

The Mayor asked that Minister Coveney would be invited to come to Kerry and to meet with the members of Kerry County Council.

## **8. Ongoing delays with the Shannon LNG Project**

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

To call on Kerry County Council to write to Minister Rabbitte outlining our concerns about the ongoing delays to the Shannon LNG Project.

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

Cllr. R. Beasley said that last April a deputation from Kerry County Council met with the Taoiseach and Minister Rabbitte and they were reasonably satisfied with the meeting. In mid July they were informed that there would be a delay of three years with the Shannon LNG project. These jobs are very badly needed in North Kerry. Members were told by the Minister that they wanted to protect the consumer yet Bord Gás were granted a 14% price increase last year and a 7% increase this year.

Cllr. J. Finucane SECONDED the motion.

Cllr. L. Purtill supported the motion and said that Shannon LNG is the only hope of recovery in the Shannon region. He called on the Minister to use his powers to ensure that this project is allowed to proceed.

## **10. Widening of the bridge at Bealnadeega**

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

That Kerry County Council widen the bridge at Bealnadeega on the N72 between Barraduff and Rathmore.

#### **The following report issued:**

**This motion was previously moved at the Killarney Electoral Area meeting on the 3rd April 2012, at which the following response was given to the members:- “Bridge improvements on National Routes are managed directly by the National Roads Authority’s Bridge Team and the Authority is aware that the Council considers improvements to this bridge a priority. However, no funding has been allocated by the NRA for new National Secondary Bridge Widening work this year. It is proposed however, that reflective markings will be placed on the bridge to highlight its alignment to approaching motorists”.**

Cllr. J. Sheahan expressed his disappointment with the reply and said that this bridge is very narrow and he called on the Council to pursue funding for this bridge as soon as possible.

Cllr. JJ Culloty supported the motion and said it is a very busy road with some very bad bends.

Cllr. J. Sheahan then moved Notice of Motion No. 22.

**22. Provision of a sewage treatment plant for Currow Village and Farranfore**

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

That Kerry County Council ensures that the sewage treatment plant planned for Currow Village, Farranfore will be included on Kerry County Council Water Services priority list, for funding to the Department of Environment, Community & Local Government.

**The following report issued:**

**Currow Sewerage Scheme is not included in the Water Services Investment Programme 2010-2013 and as such is unlikely to receive funding in the short term.**

**An assessment carried out in 2007 estimated the cost of providing a sewerage scheme to meet the existing and potential future wastewater collection and treatment needs of Currow Village and its immediate environs to be in the order of €2.6m**

**Currently, Currow is prioritized at No. 49 out of the 68 agglomerations listed in the Council's Wastewater and Sludge Strategy Study prioritization list.**

**The prioritisation of water services projects is undertaken as part of the Assessment of Needs process. Currow Sewerage Scheme may be considered for prioritisation as part of the next Assessment of Needs which is expected to be undertaken in 2013.**

**12. Provision of a 50km speed limit adjacent to Glenflesk Church**

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

That we the members of Kerry County Council ask again that the NRA provide a 50km speed limit adjacent to Glenflesk Church for the safety of all who attend Mass and the local shop.

**The following report issued:**

**The provision of a 50 km/h speed limit at this location would have to be considered as part of a Speed Limit Review for the County. In relation to the general matter of a Speed Limit Review, a report regarding this was considered by the Transport SPC on the 14th April 2011. The report of the Chairperson of the SPC was in turn presented at the April 2011 Council meeting. The SPC recommended that the Council should proceed with the speed limit review when resources are available and when the Department of Transport, Tourism and Sport has completed a consultation process on proposed changes to speed limits. There are currently insufficient resources available to the Roads' Department to enable a full speed limit review to be undertaken.**

Cllr. D. Healy-Rae expressed his dissatisfaction with the reply and said that he submitted a motion for an Area Meeting in July asking what progress was made and he was informed that his request was not forwarded to the NRA. This is a national primary route where there is a Church and a Shop. On a Saturday evening a lot of people go to Church and they park on both sides of the road. Both young and old are vulnerable crossing this road as it is very busy. He felt it was a reasonable request that the signs at this location would be changed. He pointed out that there is precedence for this when reduced speed limit signs were provided at Lissarda where there is a shop and garage. He was concerned about this area and also the junction at Coolcashlaugh.

Cllr. JJ Culloty supported the motion and said that this is a very dangerous location. Lissarda is a similar situation and speed limits have been imposed there. There have been a lot of near accidents at Glenflesk and this situation is highly dangerous and should not be allowed to continue.

Cllr. B. Cronin supported the motion.

Cllr. M. Cahill said there is an urgent need for a countywide Speed Limit Review. During the course of the last Speed Limit Review, speed limits were placed in the most outrageous locations. At a local school in his area there is an 80km speed limit sign where the carpark is located. This is outrageous. On health and safety grounds he called for an urgent review of all speed limits in the county.

In response Mr. C. O'Sullivan, Director of Roads said that the power to make Bye Laws is a reserved function. During the course of the last Speed Limit Review one engineer was engaged full time for a year. In recent year he had to apply resources to secure grant aid. The review of speed limits will be reviewed in the context of the 2013 Road Works Programme; however, he must allocate resources based on priorities. When speed limits are reviewed they must be reviewed for the entire county and the NRA must approve any speed limit changes on national routes.

#### **14. Casual trading in Killorglin and Kenmare**

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

Please provide an update on the casual trading situation in Killorglin and start the process in Kenmare as soon as possible in the interests of both traders and business people in both towns.

##### **The following report issued:**

**Regular briefings have been provided the members at the Killorglin Electoral Area meetings in relation to the progress on the extinguishment of the market rights in Killorglin and Kenmare.**



**As outlined at the last Area meeting, revised proposals in the case of Killorglin were drafted and presented to the members to address the issues that arose following the original public consultation process. The revised proposals were subsequently advertised and put on public display, in accordance with the provisions of Sections 6 & 8 of the Casual Trading Act, 1995 (as amended). All parties who had made previous submissions were also directly informed of the revised proposals and invited to make a submission or comment on these proposals. The closing date for receipt of submissions was Friday 17th August 2012. A report on the submissions received is currently being prepared and issues arising will be presented to the members at the next Killorglin Electoral Area meeting on the 28th September.**

**It is our intention to bring a final report and recommendation to the October meeting of the Council, for consideration.**

**As previously advised to the members, it is now our intention to commence the process for Kenmare, and the process will be progressed as part of the work programme for the Department and as resources allow.**

Cllr. P. Connor-Scarteen welcomed the report and said that he understood that it was a long process. He asked that the process for Kenmare would commence as soon as possible. He acknowledged that there were major issues in Killorglin but said in Kenmare traders and business people alike are calling for the casual trading situation to be addressed. He hoped that a designated trading area would be established with set times and fees for trading. In conclusion he said he hoped this matter would be resolved in Kenmare in 2013.

Cllr. PJ Donovan SECONDED this motion.

Cllr. D. Healy-Rae then moved Notice of Motion No. 15 on behalf of Cllr. J. Healy-Rae.

#### **15. Threat to beaches from e-coli**

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

To ask Kerry County Council what threat to our strands and beaches is there from e-coli in Kerry following the closure of some beaches in Cork, has Kerry County Council any knowledge of e-coli in beaches in Kerry and if so what do they propose to do about it as it will be detrimental to our tourism.

**The following report issued:**

**In accordance with the provisions of the Bathing Water Quality Regulations 2008 County Kerry currently has 15 designated bathing waters. Thirteen of these fifteen are also blue flag beaches. These beaches are listed in the table below:**

<b>Castlegregory</b>		Designated Bathing Water
<b>Maharabeg</b>	Blue Flag	Designated Bathing Water
<b>Rossbeigh</b>	Blue Flag	Designated Bathing Water
<b>Banna</b>	Blue Flag	Designated Bathing Water
<b>Derrynane</b>	Blue Flag	Designated Bathing Water
<b>Inch</b>	Blue Flag	Designated Bathing Water
<b>Ballyheigue</b>	Blue Flag	Designated Bathing Water
<b>Baile An Scelig</b>	Blue Flag	Designated Bathing Water
<b>Fionntrá (Ventry)</b>	Blue Flag	Designated Bathing Water
<b>Kells</b>	Blue Flag	Designated Bathing Water
<b>Fenit</b>	Blue Flag	Designated Bathing Water
<b>Ballybunnion South</b>	Blue Flag	Designated Bathing Water
<b>Ballybunnion North</b>	Blue Flag	Designated Bathing Water
<b>White Strand Caherciveen</b>	Blue Flag	Designated Bathing Water
<b>Inny Waterville</b>		Designated Bathing Water

**In accordance with the provisions of the regulations Kerry County Council monitors the quality of these bathing waters throughout the bathing season which extends from the 1st June to 15th September.**

**During the 2012 bathing season there have been extremely high levels of rainfall throughout the County. As a result, surface water runoff, which is one of the major factors affecting coliform levels in the waters at our beaches, has been greatly increased. As expected in such conditions, coliform levels at a number of our bathing waters are significantly higher this year than in previous years. In a small number of instances the mandatory levels for E. coli have been exceeded. This has led to the issuing of advisory notices to bathers on a number of occasions throughout the season and, in a small number of instances, the erection of a red flag on the beach advising against bathing.**

**As the level of rainfall and consequent runoff is the primary contributor to elevated coliform levels, there is very little that can be done other than to monitor levels and inform the public of current bathing water status.**

**17. Downgrade of the Caherciveen Garda District**

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

That Kerry County Council calls on the Minister for Justice and Defence to confirm that the Minister will not down grade the Caherciveen Garda District and that a superintendent will be appointed to the Caherciveen Garda District without further delay as this post has been left vacant now for almost a year.

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

Cllr. P. O'Donoghue said that there was always four Garda District Headquarters in Kerry with one in Caherciveen. A Superintendent was always assigned there, however, last year the Superintendent was appointed to Killarney and no one was appointed to replace him in Caherciveen. The Caherciveen area covers a very wide geographic area and a number of Garda stations have been downgraded around the county. He was concerned that there were moves a foot to subsume the Caherciveen District into the Killarney District. By doing this it would not be possible to carry out the duties in the Caherciveen District properly. Many people living in rural areas are concerned for their safety and criminals attack the most vulnerable areas. He wanted to highlight this issue for the Minister for Justice and to call on him to give Caherciveen their full compliment of staff. The Minister announced recently that all the Garda District Headquarters would be reviewed with the exception of Dublin, Wicklow and Kildare.

Cllr. PJ Donovan SECONDED the motion and said that Caherciveen has been without a Garda Superintendent for the past 12 months.

**20. Assessment of capital assets for Higher Education Grants**

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

That Kerry County Council condemn any moves by the Minister for Education & Skills, Mr. Ruairi Quinn to factor in for the assessment of income, the productive assets of farming families and other self employed families, for the purpose of third level maintenance grants. Furthermore, that this Government would refrain from any further cuts to student grants or increase in student fees and that the Council would request the Government to support parents in every way possible so that children can continue to access third level education.

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

Cllr. M. Cahill said there is a genuine fear among parents that they will not be able to afford third level education for their children. There is speculation that the assets of farm families will be taken into account for grants purposes. He asked that a letter would issue to the Minister for Education voicing members concerns regarding this proposal. He pointed out that we are in very difficult economic times but education is extremely important. Farm families have seen the abandonment of the REP's Scheme and it was mentioned that the Minister would reintroduce AEOS scheme however this has not yet happened. There was also a change in the stock number rules and some people who had adequate stock numbers in 2011 lost out in 2012.

Cllr. PJ Donovan SECONDED the motion.

## **21. Condemnation of attacks on rural Ireland**

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

To condemn the concentrated attacks by this Government on rural communities particularly Minister for Education Ruairi Quinn TD, first with the changes to the School bus transport scheme hitting and affecting only rural families and now his targeting of the farming and self employed sector by means testing assets of families trying to give their children third level education. This follows the wiping out of the Local Improvement Scheme earlier this year again affecting only rural communities living in cul-de sac roads. I am calling on this FG/Labour Government to stop its attack on rural communities.

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

Cllr. B. Cronin said that everyone has seen the way changes were deliberately made to small schools and the school transport system. This is having a detrimental affect on many families. The rules in relation to, the distance from home to college, also changed recently and this is a further attack on rural communities. Minister Quinn is now considering assessing the assets of commercial and self employed people for the purpose of Higher Education Grants. These assets are liquid and they are only worth as much as the income you can make from them. A substantial number of farming families have paid the Household Charge and the Domestic Wastewater Treatment Registration Charge. Local Improvement Schemes were abolished which again had a detrimental effect on rural communities. He asked why the Government are not targeting millionaires and stud farm owners. But he believed they do not have the will to do so as this would be challenged. He called on Minister Quinn not to attempt to deny farm families the opportunity for their children to gain access to third level education.

Cllr. R. Beasley SECONDED the motion.

#### **24. Sympathy for people in small businesses**

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

That Kerry County Council treat with leniency and sympathy, people that are struggling in small businesses as a result of the bad season on top of the overall economic situation.

**The following report issued:**

**This Council is very conscious of the challenges faced by the business/commercial sectors in the current economic climate. Rates continue to be the largest source of income over which the Council has control and account for 17% of the overall adopted Budget 2012, the Budget was balanced on an Annual Rate in valuation of €80.35 the 3rd year in which no increase was applied.**

**It must also be realised that maximising the collection of rates is vital to service delivery by the Council. The Council, while making all efforts to optimise collections, will continue to review the position of businesses experiencing difficulties owing to the current economic climate, on an individual case by case basis ,where supporting documentation indicates a serious downturn in activities and turnover for a period of time.**

Cllr. R. Beasley said many small business people have a lot of pride and kept paying rates, sometimes from their savings but they are now in dyer difficulty and if the business closed they would be on unemployment benefit. The Finance Department is telling them to pay their rates and their case will then be reviewed. He called on the Finance Department to be more lenient with such business people.

Cllr. P. Leahy SECONDED the motion.

#### **25. Funding for the N70 Ring of Kerry Road in 2013**

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

That Kerry County Council submit an application to the National Roads Authority for substantial funding in 2013 for the N70 Ring of Kerry Road.

**The following report issued:**

**Last year, Kerry County Council submitted schemes to the value of €5 million for works (out of a total funding submission for €11.3 million for the County) on the Ring of Kerry and we received €25million for Pavement and Improvement works.**

**In the last 5 years, in excess of €16 million has been received in funding to carry out improvements on this important tourist route. Kerry County Council will submit a request to the National Roads Authority in the coming months under the Pavement and Minor Works Programme for funding on all the National Secondary Routes in the County and this will include the Ring of Kerry.**

Cllr. P. Connor-Scarteen said he hoped Kerry would be included in the Wild Atlantic Way. Some sections of the Ring of Kerry are in a poor state, in particular, near Castlecove and Caherdaniel and the village of Sneem would need to be resurfaced. There is an area in Blackwater where the bushes have not been cut and buses are getting scratched. He thanked the local Area Engineer for the work he is doing in the area with the resources provided.

Cllr. JJ Culloty supported the motion and said it is bad for tourism when the buses are getting scratched.

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

## **26. Appeal of planning permissions by the NRA**

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

To ask the NRA to give favourable consideration to planning permissions granted by Kerry County Council before appealing them to An Bord Pleanála, especially in the case of applicants that are using or enhancing an existing entrance to accommodate their planning permission.

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

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

This was agreed.

## **28. Puck Fair 2013**

### **Pursuant to notice duly given Cllrs. M. Cahill & B. Cronin PROPOSED:**

As Puck Fair 2013 will be the 400th anniversary of the Festival, I am calling on the Kerry County Council to support this Festival as one of the main Gathering 2013 events in the county.

### **The following report issued:**

**Kerry County Council, in its initiative to plan for the Gathering 2013, has identified a number of strategically important festivals which it will be promoting and supporting. Puck Fair is one of these festivals whose importance in terms of its economic potential to the town and its worldwide reach to entice the Diaspora home will be recognised.**

**It is important to note that Kerry County Council presently supports this festival in the amount of some €31,000 each year, being the cost of cleaning streets and disposal of waste, hiring equipment, public notices for road closures and traffic and parking management during the festival. This is a substantial cost to the Local Authority and we will work with the organising committee to find ways of reducing these costs in hosting this event.**

Cllr. M. Cahill said that next year would be the 400<sup>th</sup> Anniversary of Puck Fair and the Festival will be extended to 4 days. He welcomed the inclusion of Puck Fair in the Gathering. He called on the Council's Tourism Officer to meet with the Puck Fair Committee with a view to enhancing next year's Festival.

Cllr. P. Connor-Scarteen supported the motion and asked that Puck Fair Festival would be included as part of the itinerary for the Gathering.

The County Manager said that there is a Steering Group for the Gathering and they will be meeting with groups in due course.

## **29. Problem with overhanging trees on roads**

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

To ask Kerry County Council's Roads and Transportation Section what, if any, course of action will be taken to deal with the many roads that are almost totally closed in by overhanging trees and bushes compromising safety and causing costly damage to buses, commercial vans, lorries and agricultural tractors, the current state of many of our roads is totally unacceptable to owners and drivers who tax these vehicles and who expect fairness on our roads.

**The following report issued:**

**As has been outlined to this Council on numerous occasions, the responsibility to maintain hedges and boundaries of lands adjoining a public road lies with the landowner or occupier of such lands. This responsibility is conveyed to them under Section 70 of the Roads Act, 1993 which states as follows:- "The owner or occupier of land shall take all reasonable steps to ensure that a tree, shrub, hedge or other vegetation on the land is not a hazard or potential hazard to persons using a public road and that it does not obstruct or interfere with the safe use of a public road or the maintenance of a public road"**

**The Road Enforcement Officer has policed this and will continue to do so within the available resources. If there are roadways or properties known to the members that they want investigated, they should pass on this information to the Roads Section.**

**Equally if costly damage is being caused to vehicles by the inaction of the landowners, as alleged, it is open to the owners of such vehicles to get their own legal advice on recovering the costs of repairs from these landowners.**

Cllr. D. Healy-Rae declared that he has a hedge cutter on the Plant Hire list and he was not trying to get work for himself. He called on the Council to cut road side hedges, in particular from Tahilla Church to Sneem. Buses or cars cannot drive that road without hitting branches of trees and bushes. The same applies in Glencar. He added that the Council has land that was acquired for road widening and the road side hedges and bushes are not being cut at these locations. In many areas pedestrians walking the roads are not safe. Hedge cutting notices are not sent out until September and he pointed out that peoples safety must be put before wildlife. It is too late at that point of the year to cut the hedges.

Cllr. JJ Culloty said he raised this issue at the July meeting. Truck drivers vehicles were damaged due to overhanging trees and bushes and it is very difficult for walkers and cyclists to use country roads with any degree of safety. He asked that a letter would issue to the Department calling on them to bring the date forward for the cutting of road side hedges.

### **30. Notification to homes and businesses of water being turned off**

#### **Pursuant to notice duly given Cllrs. P. Connor-Scarteen & M. Gleeson PROPOSED:**

That Kerry County Council's Water Services Department inform in writing homes and especially businesses 48 hours in advance of water being turned off for repairs, upgrading or maintenance.

#### **The following report issued:**

**It is not the policy of Kerry County Council to notify consumers individually of water outages. The majority of water outages in the county are caused by bursts and, consequently, advance notice is not possible. Kerry County Council alerts consumers of water outages through radio notices and on the Council website.**

**Consumers may also subscribe to the text alert service provided by Kerry County Council which informs subscribers in 'real-time' of water outages. To subscribe to this service, simply text "follow countykerry" to 51210. The service is free, apart from the initial sign up text.**

**Commercial properties that rely on water supplies for business purposes are strongly advised to have adequate water storage within their premises as Kerry County Council does not guarantee a continuous, 24-hour water supply.**



Cllr. P. Connor-Scarteen said that this issue was brought to his attention during the summer when there was an upgrade to the network, yet businesses were not notified of the interruption in service and they were very annoyed. He asked that customers would be written to in advance of any such works in the future.

Mr. O. Ring said that the water and road updates are available by text and this is a very useful service. Commercial premises should have 24 hours water storage.

Cllr. M. Cahill supported the motion and acknowledged that the Council uses Radio Kerry to notify the general public of any interruption to supply. Some effort should be made to notify businesses of a cut in supply in particular where food is served.

#### **12.09.10.16 Correspondence – Conferences and Seminars**

- (b) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P.J. Donovan it was agreed to authorize the attendance of Cllr. O'Donoghue at the Kerry Autumn Environmental, Cultural and Heritage Conference to be held in Tralee from the 19<sup>th</sup> to 22<sup>nd</sup> September, 2012.

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

- (d) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J.J. Culloty it was agreed to authorize that attendance of Cllr. P. Connor-Scarteen at the Third Age Conference on the theme 'An older wisdom, a younger vision – Europe's recovery through intergenerational solidarity' to be held in Dublin on the 1<sup>st</sup> October, 2012.

Cllr. Connor-Scarteen was nominated to report back to Council on this Conference.

- (e) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J.J. Culloty it was agreed to authorize that attendance of Cllr. Cahill at the Training Seminar for Councillors on the theme 'Constitutional & Political Reform & the Councillor' to be held in Bunclogh on the 5<sup>th</sup> and 6<sup>th</sup> October, 2012.

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

- (f) On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J.J. Culloty it was agreed to authorize that attendance of Cllrs. Foley, J. Healy-Rae, D. Healy-Rae, O'Donoghue and Cahill at the TGR Seminar on the theme 'Reform of Local Government II – Helping councillors become effective leaders 2012' to be held in Bunratty from the 19<sup>th</sup> to 21<sup>st</sup> October, 2012.

Cllr. J. Healy-Rae was nominated to report back to Council on this Seminar.

### **12.09.10.17 Correspondence General**

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

1.	Letter dated 16 <sup>th</sup> July, 2012 from the HSE in relation to the Stroke Unit at Kerry General Hospital
2.	Letter dated 17 <sup>th</sup> July, 2012 from the Office of the Minister for Agriculture, Food and the Marine in relation to farm inspections.
3.	Letter dated 18 <sup>th</sup> July, 2012 from the Office of the Tánaiste and Minister for Foreign Affairs and Trade in relation to Irish emigrants.
4.	Letter dated 19 <sup>th</sup> July, 2012 from the Office of the Minister for Transport, Tourism and Sport in relation to boy racers.
5.	Letter dated 24 <sup>th</sup> July, 2012 from the HSE in relation to cuts in Home Help service.
6.	Letter dated 25 <sup>th</sup> July, 2012 from L. Andor, Member of the European Commission in relation to the possible harmonisation of minimum wages in the EU.
7.	Letter dated 30 <sup>th</sup> July, 2012 from the Office of the Minister for Health in relation to cuts to home help hours.
8.	Letter dated 31 <sup>st</sup> July, 2012 from Minister P. Rabbitte in relation to Saorview.
9.	Letter dated 3 <sup>rd</sup> August, 2012 from the Department of Social and Family Affairs in relation to the granting of the same entitlements as a married couple to the surviving partner of a long standing co-habiting couple in the case of bereavement.
10.	Letter dated 9 <sup>th</sup> August, 2012 from the NRA in relation to the provision of signage on newly constructed bypasses in the county.

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11.	Email dated 10 <sup>th</sup> August, 2012 from the Office of the Minister for Environment, Community and Local Government in relation to domestic water services charges.
12.	Letter dated 16 <sup>th</sup> August, 2012 from the Office of the Minister for Justice and Equality in relation to human trafficking.
13.	Email dated 17 <sup>th</sup> August, 2012 from the Office of the Minister for Environment, Community and Local Government in relation to the provision of sewerage schemes in Currow, Scartaglin and Kilgarvan.
14.	Letter dated 20 <sup>th</sup> August, 2012 from the Office of the Minister for Agriculture, Food and the Marine in relation to the AEOS Scheme.
15.	Letter dated 9 <sup>th</sup> July, 2012 (copy) from Longford County Council in relation to a resolution adopted by that authority in relation to the new property tax.
16.	Letter dated 10 <sup>th</sup> July, 2012 from Fingal County Council in relation to a resolution adopted by that authority calling on the Minister for Environment to meet with the trade unions representing those who work in the water services at Local Government.
17.	Letter dated 18 <sup>th</sup> July, 2012 from Monaghan Town Council in relation to resolutions adopted by that authority in relation to (1) the cessation of unemployment payments to part-time firemen who are on 24 hour call and (2) the use of wild animals in circuses.
18.	Letter dated 2 <sup>nd</sup> August, 2012 from Donegal County Council in relation to a resolution adopted by that authority opposing any form of legislation on abortion.

### 12.09.10.19 Any other business

Cllr. D. Healy-Rae said that he understood a lot of work will be given out to contractors and many Council staff are concerned there will not be adequate work for them. Temporary workers are concerned for their future and he asked if the current system is changing.

Mr. J. D. Flynn, Director of Corporate Services said existing procedures are not changing. There is an agreed protocol with Unions in relation to the taking on of contractors. Any changes to procedures will be dealt with through the Partnership Committee and staff are represented on that committee.

### **Votes of Sympathy**

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

- (a) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Donal Moynihan.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary Courtney.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Dave Courtney.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Jackie Lynch.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Kate O'Shea.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Seamus Treacy.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Susan Daly.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Eileen Moriarty.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John Curran.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Sheila Doona.
- (k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Liam O'Shea.
- (l) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Paudie O'Leary.
- (m) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John William O'Sullivan.
- (n) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Sheila Greer.
- (o) Cllrs. J. Healy-Rae and D. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary McDonnell.

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- (p) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Johnny Mick (Mike) Brosnan.
- (q) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Marion O'Sullivan.
- (r) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Cyril O'Donoghue.
- (s) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael Riordan.
- (t) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Donal O'Sullivan.
- (u) Cllrs. M. Gleeson and B. Cronin proposed that a vote of sympathy be extended to the family of the late Con Houlihan.
- (v) Cllrs. M. Gleeson and B. Cronin proposed that a vote of sympathy be extended to the family of the late Peggy Reidy.
- (w) Cllrs. R. Beasley and T. Ferris proposed that a vote of sympathy be extended to the family of the late Paddy Campbell.

The meeting concluded at 4.55pm.

**Gerard O'Brien**  
**Meetings Administrator**

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**Mayor of Kerry**