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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 , 15 DEIREADH FÓMHAIR  
2012**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL  
HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON  
MONDAY, 15 OCTOBER 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	S. Fitzgerald	N. Foley
M. Gleeson	M. Griffin	D. Healy-Rae
J. Healy-Rae	P. Leahy	P. McCarthy
A. McEllistrim	B. Moynihan Cronin	B. O'Connell
M. O'Shea	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. Serv.
Mr. O. Ring, Dir. Env. & W.S.	Mr. L. Quinlan, A/Dir. Of Housing
Ms. A. McAllen A/Head of Finance	Mr. C. O'Sullivan, Dir. of Roads
Mr. M. McMahon Dir of Planning	Mr. D. Lenihan, Sen.Exec.Chemist
Mr. G. O'Brien, Meetings Admin.	Mr. G. MacNamara, SE Roads
Mr. P. Corkery, Press & Comm.	Ms. K. Lynch, AO Finance
Ms. M. West, A.O. Roads	Ms B. Reidy SSO Corp. Affairs
Ms. C. Fitzgerald ASO Corp. Affairs	Ms. O O'Shea CO Corp. Affairs
Ms. M. Galvin, CO Corp. Affairs	

The meeting commenced at 10.40am.

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

**Vote of Sympathy**

Cllr. M. Gleeson extended a vote of sympathy to Cllr. B. Cronin on the death of his mother.

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

### **Vote of Congratulations**

Cllr. M. Gleeson congratulated Killarney on winning an award in Canada for Tidy Towns.

Cllr. J. Healy-Rae congratulated Kenmare on winning the Castleisland Mart Junior Football Club Championship.

### **12.10.15.01 Mayor's Report on the CPG Meeting held on the 9<sup>th</sup> October, 2012**

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

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

Mr. J.D. Flynn, Director of Corporate Services, briefed members on the Agenda for the October Council Meeting.

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

Mr. J.D. Flynn briefed the meeting on the items discussed at the last meeting of the CDB on 21<sup>st</sup> September 2012.

- Kerry Data Hub
- Impact of the poor weather of the Summer 2012 and agriculture in the county.
- Tourism update with regard to particularly what has been ongoing on the Gathering.
- An update on the operation of the Social Inclusion Measures Workgroup.
- An update from Victor Sheahan, County Enterprise Board on the launch of Microfinance Ireland to provide funding for small companies.
- An update from members of the Board on infrastructural and other projects.

A report is attached to the Mayor's Report which also outlines issues considered at the most recent CDB Executive Meeting.

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

Cllrs. P. Connor-Scarteen and J. Healy Rae briefed the meeting on the reports from the Transport SPC and Community, Culture & Tourism SPC.

Cllr. B. Moynihan Cronin said the report from the Housing SPC would be circulated at the October Meeting.

Cllrs. P. McCarthy and M. Gleeson said there would be meetings of the Planning and Environment SPC's shortly.

#### **Item 4 Update on the Household Charge**

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

- Kerry remains in third place in the country for the collection of the Household Charge with 71.3% compliance. In the past three weeks in excess of 1,000 properties were registered.
- The third set of reminder letters have been issued to those on the NPPR list.
- Data matching is continuing and the next listing of reminders will issue in relation to the data matching exercise with data from the Property Registration Authority.
- The LGMA are working with data obtained from the ESB with a view to supplying each local authority with a list.

#### **Item 5 Expenditure adjustment – update**

The Manager briefed the meeting on this item as follows:

- In July the Council was notified of a €1.6m reduction in the allocation from the Local Government Fund and a report was presented to the September meeting showing adjustments of €1.3m to the Budget.
- Since then a further Circular was received from the Department indicating that any local authority with a collection for the Household Charge of 65% or over would not have their allocation reduced in the fourth quarter.
- A sum of €417,000 was deducted from Q3 and that will not be restored.
- Much of the cuts outlined in his report in September related to deferred expenditure rather than cuts and if this work can be carried out before year end then the funding will be restored.
- However income from rates and water charges is down in 2012 and the Budget must be balanced.
- 2013 will be an extremely difficult year and he was most anxious to ensure that we do not have a deficit at the end of 2012.

#### **Item 6 Update on Domestic Wastewater Treatment Registrations**

The Manager briefed the meeting on this item as follows:

- It is estimated that 15 to 16,000 septic tanks have registered in Kerry. 12,000 of these are already processed with approx 4,000 in the system.
- This is one of the highest registration figures in the country.
- It is estimated there are between 30,000 and 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

- Ireland Inc. was before the European Court last week and officials felt they got a fair hearing. The verdict was reserved.
- The EPA are finalising the inspection regime and inspections will commence in mid 2013 and he expected local authority staff would carry out the inspections.
- The Council is legally obliged to maintain a register of properties on domestic treatment systems.

#### **Item 7 The Gathering – update**

The Manager briefed the meeting on this item as follows:

- A Steering Group was established in Kerry and they are working with the Partnership Groups.
- It is hoped to employ staff through the Jobs Bridge Programme to run the event. There is great enthusiasm around the county for The Gathering.
- The Steering Group is trying to finalise a list of events to be held in the county and they are in discussions with the National Group as they would like to vet events before they are added to the list.
- Events will be tiered with major festivals on Tier 1 i.e. Rose of Tralee Festival, Listowel Writers Week etc.
- In Tralee a committee was established and they are working on a 'Heros Gathering' while Killarney are looking to host a number of events. Dingle is hoping to build an event around the Blasket Centre while Caherciveen hope to organise a Daniel O'Connell week.
- A lot of help will be required and it is hoped that volunteers will come forward to assist.
- Local authorities are asked to make some provision for The Gathering in their 2013 Budget.
- Very little funding would be provided at national level for this event which is disappointing.
- Fáilte Ireland has additional funding for The Gathering and it is anticipated it will be allocated shortly.
- He would assign a member of staff to a "Gathering" office shortly.

#### **Item 8 Multi-Annual Road Restoration Programme**

Mr. C. O'Sullivan, Director of Roads informed the meeting that in 2010 a Multi-Annual Road Restoration Programme was prepared which covered the period 2010 to 2013. Because additional funding was provided we are slightly ahead of schedule. The Department has requested that a new four year Programme would now be prepared for the period 2013 to 2016. The cost per annum cannot exceed 80% of the 2012 allocation. The Programme is being draw up at present with an annual budget of €6.8m. Members would be written to in the near future asking them to submit roads for inclusion in the Programme. The Programme will be considered at the next round of Electoral Area Meetings and it will be presented at the December Council Meeting. It must be submitted to the Department by the 14<sup>th</sup> December 2012.

**Item 09 Civic/Mayoral/Area Receptions**

It was agreed to defer consideration of this item to the November CPG Meeting.”

Cllr. J. Brassil requested that a presentation on ‘The Gathering’ would be made at the November Council Meeting to allow members to suggest what Kerry County Council can do to make this event a success in Kerry.

Cllr. D. Healy-Rae referred to the surface dressing of roads that are in a good condition while the roads leading onto them are potholed. In the past he asked that the NRA would be requested to give the Council some discretion in relation to these works. The public cannot understand why a perfectly good road is being surfaced while bad roads are being ignored.

In response, Mr. C. O’Sullivan said that this issue was discussed at a meeting with the Inspector from the NRA. Strict criteria is laid down for any funding provided and funding provided for restoration/improvement can only be used for this purpose. Funding provided under the Maintenance Programme aims to protect the investment of previous years. The Department requested that a Multi-Annual Road Restoration Programme for the years 2013 - 2016 would now be prepared and the roads referred to by Cllr. Healy-Rae can be included in this Programme. The level of funding will be 85% of that provided in 2012 with approximately 85 roads improved each year.

Cllr. B. O’Connell referred to The Gathering and said that Irish Public Bodies have a large fund for this purpose and he asked if a good project would be submitted for funding by Kerry County Council.

The County Manager confirmed that an application has already been submitted.

Cllr. M. Cahill said recently he asked that Puck Fair would be included in the official events for The Gathering and he requested confirmation that it has been submitted to Fáilte Ireland for inclusion.

In response, the County Manager said that Tier One events are the long-established events such as the Festival of Kerry, Writers' Week, Puck Fair and Killarney Summerfest. He understood that all these festivals got additional funding from Fáilte Ireland for The Gathering.

Cllr. T. Ferris said that some sub-contractors are not being paid by the primary contractor.

Mr. C. O’Sullivan confirmed that an issue has arisen and legal advice is presently being sought.

Cllr. Ferris requested Management to address this issue and suggested for all future contracts, payment would not be made to the primary contractor until he proves that sub-contractors have been paid.

The County Manager said that while he had sympathy for the sub-contractors, the Council is legally obliged to pay the contractor once the works are completed satisfactorily. The sub-contractors can take the principal contractor to Court.

Cllr. Ferris said that she could not see why the local authority would not pay the primary contractor unless evidence is produced that a sub-contractor has been paid.

The County Manager said it was not legally possible for a local authority to operate in this way.

Cllr. Ferris said that at the tendering stage, prior history should be taken into account. Elected Members are very frustrated with the present system and price seems to decide all. This issue needs to be raised and addressed at national level.

Cllr. J. Finucane said he understands the system cannot be changed, however, if there is a problem with a contractor, they should be put on a list and this list should be published for every local authority in the country.

Cllr. J. Healy-Rae asked if legislation was introduced in the Dáil recently to address this issue.

Cllr. J. Brassil said that while he agreed with the sentiments expressed by previous speakers, in Limerick 10 years ago a contractor who was not awarded a contract was awarded €13m in Court. Many years ago when he was involved in a job in Kilkenny the main contractor went out of business but the sub contractors submitted their invoices and were all paid subsequently. There are different types of contracts that can allow the sub-contractor to be paid and if possible, Kerry County Council should be pursuing this option.

Cllr J.J. Culloty said it is too expensive for the sub-contractors to go the legal route.

Cllr. M. Cahill said that this issue needs to be addressed urgently as some sub-contractors are being put out of business.

Mr. C. O'Sullivan, Director of Roads said that draft legislation is before the Houses of the Oireachtas but it has not yet been passed. Kerry County Council is bound by contract and Guidelines from the NRA and the Department of Environment. The normal contract is a fixed price contract which is for design, build and operate. The successful tenderer submits a price for the works and the design. This transfers the risk of overruns etc to the contractor. We are then bound by legislation and the terms and conditions of the contract. Technically speaking, our contract is only with the main contractor and the sub-contractors must get their own legal advice.

Cllr. T. Ferris said that more than one sub-contractor has not been paid. She asked would Officials from the Council meet with the sub-contractors as the Council has information that would be relevant to their case. Would the Council be willing to furnish them with this information which would assist them in recovering their costs?

Cllr. P. McCarthy called on the relevant Minister to expedite the legislation in relation to the awarding of contracts and to ensure that sub-contractors are protected.

Mr. C. O'Sullivan said that he would have no difficulty meeting with the sub-contractor. However, he would have difficulty providing them with certain information on the main contractor as he could not reveal information that may affect an arbitration process. Certain milestones have to be achieved by the contractor and part of the work may only yet be done.

#### **123.10.15.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J. Finucane it was resolved that the Minutes of the September Ordinary Meeting of Kerry County Council, held on 10<sup>th</sup> September, 2012 be confirmed.

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

Mr. O. Ring, Director of Environment and Water Services referred members to his reports dated 15<sup>th</sup> October 2012 on this item which were circulated. He briefed them on the reports.

- (a) Molta ag an Cllr. S. Fitzgerald agus cuidithe ag an Cllr. M. Gleeson, glacadh le Tuairisc an Bhainisteora a nótáil de réir Mír 179(3) den Acht um Pleanáil agus Forbairt 2000 agus Cuid VIII de na Rialacháin Rialtais Áitiúil 2001 (Pleanáil agus Forbairt) agus Airteagail 17 go 19, de na Rialacháin um Pleanáil agus Forbairt 2006 maidir le hIonad Cóireála Uisce, oibreacha gaolmhara agus bóthar rochtana le togáil i Baile an Éanaigh – Ceathrú an Chaisleáin, Baile an Fheirtéaraigh, Trá Lí, Co. Chiarra – Scéim Soláthair Uisce An Riasc.

On the PROPOSAL of Cllr. S. Fitzgerald, SECONDED by Cllr. M. Gleeson it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the construction of a Water Treatment Plant, associated site works and an access road in Baile an Éanaigh – Ceathrú an Chaisleáin, Baile an Fheirtéaraigh, Tralee, Co. Kerry – Riasc Water Supply Scheme.

- (b) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. S. Fitzgerald 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 Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the construction of a Water Treatment Plant, associated site works and an access road in Banogue South, Annascaul, Co. Kerry – An Mhín Áird No 1 Water Supply Scheme.
- (c) On the PROPOSAL of Cllr. M. Cahill SECONDED by Cllr. D. Healy-Rae it was agreed to note the Manager's Report in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Local Government (Planning and Development) Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the development of a new burial ground in Cromane.

Cllr. M. Cahill welcomed the new Burial Ground for Cromane and he thanked Mr. O. Ring and the staff of the Water Services Department for acquiring the land. He also welcomed the provision of funding for the development of the Burial Ground.

#### **12.10.15.04 Update on the Local Government Fund Allocation 2012**

The Manager referred members to his report dated 15 October, 2012 on this item which was circulated. He briefed them on the report as follows:

A Report was presented to the Council on 10<sup>th</sup> September indicating a possible reduction of €1,668,174 (8.8%) on the Local Government Fund Allocation 2012 of €19,005,401. The information presented to the Council was on foot of Circular Fin 09-2012 of 18<sup>th</sup> July, 2012, in which the reduction was highlighted and which also requested us to reforecast expenditure, taking account of the reduced income, to achieve a balanced budget at the end of 2012.

A further Circular Fin 11-2012 of 21<sup>st</sup> September, 2012 has been received which has reconsidered the proposed reduction. In summary, it states:

- (a) The adjustment made to the Grant Payment in Quarter 3 is confirmed. This means that the reduction to Kerry of €417,043 stands and will not be paid to this County.
- (b) The Quarter 4 allocation will be paid in two instalments.
  - (i) The first instalment, to be paid in September, will be half of the initial, UNADJUSTED, Quarter 4 instalment. (Note: We have received €2,375,675 in September which is half of the Quarter 4 Allocation)



- (ii) The second instalment to be paid in mid-November will be half of the initial (unadjusted) Quarter 4 instalment, less a deduction reflecting Household Charge compliance in each County area at that date.

If the compliance rate >65% no further deduction will be made.

The compliance rate in Kerry, as of 4<sup>th</sup> October, 2012 was 71% and it is now 72%. He was delighted to inform the Council that Kerry will receive its full Quarter 4 allocation and that overall the reduction in the Local Government Fund to Kerry is €417,043.

The Manager said we will continue to manage expenditure against income for 2012, as we have done in the past, to ensure a balanced budget at the end of the year. Projects which we indicated previously that would be postponed to 2013 will now proceed where possible.

Finally the Manager thanked the members for their support and those, in Kerry, who have paid the Household Charge and have ensured that this Council can continue to provide the services we outlined, when Budget 2012 was adopted, where it is within our control to do so. Mr. Curran said the Council would continue to pursue those who have not paid in the interest of equality and fairness.

Cllr. T. Ferris expressed her gratitude to the Manager for not adopting the tactics adopted by Clare County Council who asked grant applicants for evidence that they had paid the Household Charge.

Cllr. D. Healy-Rae complimented the Manager and Acting Head of Finance on the prudent way they manage the Council finances. He expressed concern that there was a shortfall of €417,043 in Quarter 3 even though the collection targets set by the Minister were achieved in Kerry. He asked that this concern would be conveyed to the Minister.

Cllr. J. Brassil welcomed the Manager's update and also the fact that in excess of 71% of households in Kerry paid the charge to ensure we retain our services.

Cllr. J. Finucane thanked the 71% of households in Kerry that paid the Household Charge and added that they deem the work of the local authority relevant and they support it.

Cllr. M. Gleeson said the Household Charge was introduced in a crude fashion without recognition of ability to pay and a corresponding reduction in taxes to central government. He thanked the households that paid the Charge and he urged the remaining households to pay. The more services are centralised the more we will suffer because of it. He referred to the expected announcement that all Town Councils will be abolished and said it is time all members who have a commitment to representing local people stood up and have their voice heard. Successive Governments have ignored submissions from councillors.

He represents Killarney Town which has been transformed because of the commitment of that authority. He called on all members to fight the abolition of Town Councils in every way possible to try to achieve justice for the people they represent.

Cllr. N. Foley said when the Minister announced that any local authority that achieved a 65% collection rate for the Household Charge he only referred to the last Quarter of the Local Government Fund Allocation. Yet the reduction of €417,000 in Quarter 3 is a substantial reduction. She agreed that the Minister should be informed of member's disappointment with this reduction. As a result of this reduction if additional funding became available for grants we would not be in a position to provide the 20% matching funding. The Minister should be informed of the implications of this cut for Kerry County Council and the services impacted should be outlined.

Cllr. M. O'Shea referred to the application form for the Household Charge and said a question should have been included to establish if the household is served by a private wastewater system. If this was done it would have saved a lot of money.

Cllr. D. Healy-Rae said he was very disappointed to learn that the Minister intends to abolish the Town Councils especially Killarney which has served the town so well. The improvements carried out to the town cannot be overstated.

#### **12.10.15.05 Policy on Improvement Works to Non-Public Roads**

Cllr. P. Connor-Scarteen referred members to his report dated 1<sup>st</sup> October, 2012 on this item which was circulated. He informed the meeting that following a request from Council, arising out of the decision of the Department of Tourism, Transport and Sport to suspend funding for Local Improvement Schemes in 2012, the Transport SPC examined options for the funding of improvement works to non-public roads, on hardship and emergency grounds. In developing the policy members considered the following key issues:

- The statutory mechanism to allow the Council provide funding towards the works and under what circumstances.
- A process to determine what is a Hardship and Emergency case and how do we assess and prioritize applications.
- The funding of the works.

Cllr. Connor-Scarteen said in accordance with the provisions of Section 81 of the Local Government Act, 2001 the Council can provide funding for improvement works (not drainage works only or maintenance works) but subject to terms and conditions prescribed by the Minister. The vast majority of non-public roads in the County would meet the criteria for funding under Section 81 of the Act, but given the current constraints on financial resources and the length of the road network (both public and non-public) in the county, there is a need to ensure that any allocation provided is for genuine exceptional hardship and emergency cases i.e. elderly or disabled occupants.

If it is the intention of the Council to make a specific scheme to allocate funding solely on Emergency and Hardship grounds, it is acknowledged by the SPC that there is a need to review how applicants will be assessed and prioritized, having regard to the very sensitive nature of the grounds on which applicants are seeking financial aid. It was agreed that consideration should be given to

- The exceptional personal circumstances of an applicant, including the provision of detailed person information from a medical consultant.
- The ability of the owners of the road to contribute towards the cost, in particular having regard to the fact that the application is being considered on hardship grounds and applicants cannot be disadvantaged because of their inability to contribute financially.
- The level of works that can be provided, commensurate to the specific needs of the applicant, on whose behalf the financial contribution is being sought on exceptional hardship and emergency grounds.

Cllr. Connor Scarteen said when the proposal was initially discussed in the Chamber some members suggested that the level of local contribution be increased to 25% but having regard to the fact that the primary objective of the scheme is for hardship and emergency circumstances, a large local contribution could be a barrier for some applicants. There may even be merit in lowering the local contribution level, where there is extreme hardship.

The average cost of schemes on the priority list for 2011 was €28,000. On this basis to allow for two schemes to be constructed annually, funding of €60,000 will have to be provided specifically in the Budget estimates. Given the constraints on funding, this will have to be provided from own resource funds and the policy was prepared having regard to the proposal by members that the funding would be provided from County Councillor Allocations under Programme B in the Budget. Subject to the adoption of the policy, provision will then have to be made in the 2013 Budget for a reduction in County Councillor Allocations, to fund any works under this Scheme next year.

Cllr. J. Brassil welcomed this reasonable proposal from the Transport SPC and said it is not too onerous on councillors. It is a small gesture by Kerry County Council to assist people in dire need. Efforts should continue to be made to get funding for Local Improvement Schemes restored as this Scheme was very beneficial for rural communities. He referred to the local contribution and said while he did not want to put a barrier in place a target of 25% should be set and if this is not achievable the local residents can make their case. He PROPOSED that the Draft Kerry County Council Scheme for Funding of Improvement Works to Non-Public Roads on Hardship and Emergency Grounds be adopted.

Cllr. M. Gleeson SECONDED this proposal and said the abolition of the Local Improvement Scheme was one of the worst blows to rural Ireland. This Scheme transformed rural roads and the lives of those living there. He complimented Cllr. Brassil on suggesting the Scheme and said he hoped it would be adopted. He trusted the integrity of the Director of Roads to ensure those most in need will be catered for. In conclusion he said he hoped the Council would be as reasonable as possible in relation to the local contribution.

Cllr. M. Cahill welcomed the Draft Policy and thanked the Transport SPC for their work in compiling it. He welcomed the fact that two roads would be catered for annually. He asked that a pre Budget submission would be made to Minister Varadkar calling on him to restore funding for the Local Improvement Scheme.

Cllr. A. McEllistrim said many rural roads were transformed through the Local Improvement Scheme. She agreed that Minister Varadkar should be asked to reinstate funding for that Scheme or at a minimum to provide funding for hardship and emergency cases.

Cllr. D. Healy-Rae expressed his dissatisfaction that Minister Varadkar allowed officials to abolish the Local Improvement Scheme. These are not strictly private roads and they are utilised by the public. Residents on these roads pay motor tax and are entitled to have their roads improved. He welcomed the Draft Scheme and said while just two roads a year would be improved it was a start. The members requested a meeting with Minister Varadkar in relation to the abolition of the Local Improvement Scheme but this request was ignored. He was in favour of the Director of Roads deciding what roads get funding under the scheme.

Cllr. N. Foley concurred with the views expressed by previous speakers in relation to the abolition of the Local Improvement Scheme. She asked that the Minister would be informed that there were 165 qualified applicants on our priority list when the Local Improvement Scheme was abolished. She agreed that the Council must take a proactive stand and each councillor would contribute approx. €2,200 per annum. In conclusion she asked that the Scheme would be reviewed at the end of 2013.

Cllr. M. O'Shea asked how the roads would be picked in each electoral area to receive funding under this Scheme. Will the existing LIS priority list be used and will members be informed of the roads to be improved up to 2014. He asked if each electoral area would get an equal amount of funding.

Cllr. B. Cronin said he voiced his concern when the Minister abandoned the Local Improvement Scheme and it was an attack on rural communities. There are 165 applications still outstanding on the priority list for this Scheme and it is unknown the number of applications received in the Roads Department since the priority list was drawn up a number of years ago. The LIS was the only way to improve roads leading to people's homes. The officials responsible for the abolition of the Scheme are urban based and do not understand the importance of this scheme. Kerry County Council operated this scheme for 45 years and he asked that the strongest possible case be made to the Minister for the reinstatement of the Scheme. He asked how much councillors would have to contribute to the new Scheme and he asked that it would be fair.

In response Mr. C. O'Sullivan, Director of Roads said in order to improve two roads a year funding in the order of €60,000 would be required. This would be €2,300 approx. per councillor. The fairness of the Scheme was also one of his concerns and for this reason the operation of the Scheme had to be transparent for those who receive funding. The Scheme must satisfy Section 81 of the Local Government Act 2001 and he envisaged the vast majority of private roads in the county would qualify. To be considered for funding an application must be submitted and a medical consultants report will be required where the application is made on medical grounds. Mr. O'Sullivan outlined the assessment process which will be done in two phases and said that phase two will not commence unless the applicant gets a minimum of 10 marks in Phase 1. He referred members to Page 9 of the Draft Scheme where details of the level of contribution on a sliding scale are set out. Given the level of funding available for just two schemes annually it is not possible to allocate the funding on an electoral area basis. He again emphasised that the Scheme must be transparent and balanced.

Cllr. M. O'Shea PROPOSED in the interest of fairness that one road in each electoral area would receive funding from now to 2014.

Cllr. O'Shea's proposal was not seconded.

Mr. C. O'Sullivan said it would not be possible to operate the Scheme on an electoral area basis as the funding will be allocated based on greatest need.

It was agreed to adopt the Policy in relation to the administration of funding for Improvement Works to Non-Public Roads on grounds of Hardship and Emergency.

#### **12.10.15.06 Making of Casual Trading Bye-Laws and the extinguishment of Market Rights in Killorglin**

Mr. C. O'Sullivan, Director of Roads referred members to his report, dated 8<sup>th</sup> October, 2012 on this item which was circulated. He briefed them on the report.

Cllr. M. Cahill welcomed the report and thanked Mr. J. Flynn, Mr. C. O'Sullivan and Ms. M. West for progressing this matter. Three submissions were received and he was glad that Birds Amusements would be facilitated. He also welcomed the provision made for the farming community. He asked that the lining of the car park would be completed to facilitate delivery vehicles. He PROPOSED that we the Members of Kerry County Council hereby resolve to designate the Fairfield, Killorglin as a Casual Trading area and make the Bye-Laws for the control, regulation, supervision and administration of Casual Trading in the Fairfield, Killorglin, in accordance with the statutory provisions of Section 6 of the Casual Trading Act, 1995, as amended by Section 98 of the Consumer Protection Act, 2007 and to Extinguish the Market Rights, owned by Kerry County Council, in Killorglin, in accordance with the statutory provisions of Section 8 of the Casual Trading Act, 1995.

Cllr. P. Connor-Scarteen SECONDED this proposal and said this was a long legal process. He welcomed the surfacing and the lining of the Fairfield. He called on Management to proceed with Kenmare if possible before Christmas.

Mr. C. O'Sullivan said a vote must be taken on the two proposals separately. He informed the meeting that confirmation was received from the Planning Department, on the 19<sup>th</sup> June, 2012, that the proposals are in accordance with the objectives of the Kerry County Development Plan 2009 – 2015, the Killorglin Local Area Plan 2010 – 2016, and the proper planning and sustainable development of the area. Additional car parking was provided at the new Area Services Centre and a report by Mr. Padraic Teahan, SEE in the Roads Department, dated 19<sup>th</sup> June, 2012, also confirms that the additional traffic, likely to be generated by casual trading in the casual trading area, will not adversely impact on the existing road network and existing traffic volumes. Mr. O'Sullivan outlined the three submissions received and the Council's response to them. In conclusion he recommended that the Casual Trading Bye Laws for the Fairfield, Killorglin would be made and that the Market Rights in Killorglin would be extinguished.

Cllr. T. Ferris asked what the difference is between the Market Rights and Casual Trading Bye Laws.

Mr. C. O'Sullivan said there was a casual trading area in Killorglin but people were trading outside that area and it had to be regulated. It is necessary to extinguish the Market Rights but the Bye Laws must first be made.

Cllr. Ferris asked if this was done in any other town in Kerry.

Mr. J.D. Flynn, Director of Corporate Services said there are Market Rights in just two towns, Killorglin and Kenmare. It is a matter of extinguishing the Earl of Lansdowne Charter.

Mr. G. O'Brien informed the meeting that a vote would first be taken on the following proposal made by Cllr. M. Cahill and seconded by Cllr. P. Connor-Scarteen - "That we the Members of Kerry County Council hereby resolve to designate the Fairfield, Killorglin as a Casual Trading area and make the Bye-Laws for the control, regulation, supervision and administration of Casual Trading in the Fairfield, Killorglin, in accordance with the statutory provisions of Section 6 of the Casual Trading Act, 1995, as amended by Section 98 of the Consumer Protection Act, 2007."

This vote resulted as follows:

**For:** Cllrs. Buckley, Cahill, Connor-Scarteen, Cronin, Culloty, Ferris, Finucane, Fitzgerald, Foley, Gleeson, Griffin, D. Healy-Rae, J. Healy-Rae, McCarthy, McEllistrim, Moynihan-Cronin, Purtill, Wharton-Slattery, O'Brien **(19)**

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

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

The Mayor declared the resolution CARRIED.

Mr. O'Brien then informed the meeting that a vote would be taken on the second proposal made by Cllr. Cahill and seconded by Cllr. P. Connor-Scarteen as follows – "That we the Members of Kerry County Council hereby resolve to Extinguish the Market Rights, owned by Kerry County Council, in Killorglin, in accordance with the statutory provisions of Section 8 of the Casual Trading Act, 1995."

This vote resulted as follows:

**For:** Cllrs. Buckley, Cahill, Connor-Scarteen, Cronin, Culloty, Ferris, Finucane, Fitzgerald, Foley, Gleeson, Griffin, J. Healy-Rae, McCarthy, McEllistrim, Moynihan-Cronin, Purtill, Wharton-Slaterry, O'Brien **(18)**

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

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

The Mayor declared the resolution CARRIED.

#### **12.10.15.07 Audit Committee Progress Report**

Mayor O'Brien referred members to his report dated 30 September 2012 on this item which was circulated. The purpose of the report is to update Council on the ongoing work of the Audit Committee since the 2011 Annual Report was presented earlier this year. He outlined the functions of the Audit Committee and said they met on four occasions in 2012. So far in 2012 seven reviews have been completed on Pay Parking, Service Indicators, Cash Handling procedures, Code of Conduct, Fire Service Charges and Follow up audit on CORE Human Resource/Payroll system. In addition to these audits there is an ongoing programme of verification and spot checking audits in areas such as motor taxation, cash offices, stores and machinery areas and area offices.

#### **12.10.15.08 Report and presentation on the Council's Laboratory Service**

Mr. D. Lenihan, Senior Executive Chemist said that the Council's Laboratory is in existence since 1981 with a staff complement of 11. It is based at Áras an Chontae in the Environment Department. The role of the Laboratory is (1) to monitor the environment for the people of Kerry, (2) to sample and analyse chemical Microbiological, Biological and Physical parameters of environmental and Public health concerns and (3) to report data to Environment & Water Services Departments of Kerry County Council as well as to the EPA and to the Public. This is in accordance with Kerry County Council's Corporate Plan and the monitoring requirements of relevant EU and National legislation. They also respond to environment pollution and Water Services problems as they arise. They assist in Environmental Projects relevant to Kerry, i.e. Lough Lein Catchment Project, Blue Flag monitoring, Road design baseline projects. They also act as analytical support for Pollution service staff, e.g. Farm surveys. It is a Strategic Objective in the Corporate Plan to protect the environment of our County through high quality regulation and enforcement.

Mr. Lenihan then displayed a list of the various environmental legislation to be complied with which covers the monitoring of air, bathing water, surface water, wastewater, drinking water and shellfish waters.

Mr. Lenihan displayed a graph showing the increase in workload testing between 2004 and 2011. He said a sample can contain from 1 - 20 tests and tests are thus more representative of the workload than samples. There was a 20% increase in workload in 2011 compared to 2004 with the same workforce. The reason for the increase in workload is as follows:

- Increased monitoring of vulnerable river/lake catchments, e.g. Lough Currane, Lough Lein.
- Increased sampling demands - new Regulations for Drinking water, Bathing water, Wastewater treatment plants, Rivers and lakes, EPA audit demands.
- Increased emphasis on quality control measures and protocols - with regard to all aspects of Lab process.

Mr. Lenihan then outlined the staffing structure in the Laboratory. At least 95% of monitoring needs for the County to-date are tested in-house with at least 100 different tests analysed by the Council Lab.

The following are the achievements of the Laboratory:

- Succeeded in attaining at least 95% of monitoring needs for the County to date.
- Drinking water, rivers and lakes more comprehensively measured than most other parts of the country (significantly contributed to fact of improvement in compliance with EU microbiological standards for Drinking water - now over 99.9%).
- Extremely valuable database of knowledge built up which will aid in future decision making - over 1 million quality assured tests built up over the last 10 years.
- Highly motivated and skilled expertise built up which should act as a huge resource for the future.
- Pursuit of excellence and quality is the hallmark of the Laboratory - one of only 11 out of 112 Laboratories to be on the EPA register for all parameters (26) that they assess.
- Greatly assisted Kerry County Council in attaining a record number of Blue Flag beaches.

The advantages for the Local Authority of having the in-house Laboratory is a fast and prioritised response to issues concerning the County and better guarantee that parameters are analysed within quality control time limits. There are significant cost savings by doing analysis in-house and the Laboratory staff has developed specialised skills which are not widely available in other Local Authority Laboratories. It also boosts the profile of the Council. The future challenges are an increase in mandatory and operational demands, both sampling and analysis. There is an increase in reporting requirements from the EPA and other agencies and mandatory requirement to have the Laboratory formally accredited by 2015.



The Laboratory has always operated in as cost effective manner as possible with available resources and future efficiencies include the use of longer working day using the flexi-time system which will extend sampling hours and increased sample catcher. There will be an increasing move towards automation of the remainder of the manual methodologies in the Lab and there will be shared services.

The Mayor thanked Mr. Lenihan for his presentation.

Cllr. M. Gleeson welcomed the presentation and said as Chair of the Environment SPC, he looked forward to Mr. Lenihan's advice. He is particularly interested in the environment of the County as he has seen the de-generation of the River Flesk and subsequently the lives of residents. There has also been a threat to our major tourism industry. He has seen a severe reduction in fish numbers and the work being undertaken by the Laboratory is achieving wonderful results as he has seen the regeneration of Lough Leane. There is a need to encourage all interested parties to constantly improve their attitude and activities in order to protect the environment. In conclusion, Cllr. Gleeson said that the Laboratory is owed a huge debt of gratitude for the improvements brought about in recent years.

Cllr. A. McEllistrim welcomed the comprehensive presentation and said that she has been inundated with correspondence in relation to the addition of fluoride to public water schemes. People are very concerned arising from the information produced by Declan Waugh and she asked in the course of testing in the Laboratory, were there unacceptable levels of fluoride in public water.

Cllr. B. Moynihan-Cronin welcomed Mr. Lenihan and complimented him on the service provided by the Council's Laboratory. The Environmental Services Department is a great example of public service working as it should. Kerry has a very extensive coastline with many beauty spots and the Environment Department must monitor it at all times. They developed huge experience and that is why it is working so well.

Cllr. J. Finucane thanked Mr. Lenihan for his presentation and asked if the facilities are adequate. If additional work is taken on for other Local Authorities, what additional facilities would be required?

Cllr. P. McCarthy said as a member of staff of the IT Tralee, he would like to see co-operation between the Council's Laboratory and the IT. He asked what level of co-operation could be achieved.

Cllr. D. Healy-Rae welcomed the presentation and referred to Discharge Licenses for Septic Tanks. He asked if the Council is totally opposed to granting these licenses. Whenever a problem arises in relation to the water quality for bathing waters, does the Council try to identify the source of the problem and have it rectified or do they simply prohibit bathing in those waters. In Kilgarvan, children used to learn to swim in the local river but this is no longer feasible as the quality of the water is not acceptable. They must now go to Kenmare.

Mr. D. Lenihan said if there is a problem with a stream, beach or river, they monitor it and work with the agencies in the Environment Department. Certain standards are acceptable but if readings exceed that, the information is made available to Pollution Services within the Environment Department and they act on that information and try to source the problem. He had discussions with Mr. Noel Mulligan of the IT in relation to shared services with a view to sharing equipment and that is presently being explored. In relation to the levels of fluoride in public water supply schemes, he said once or twice in his experience the levels had exceeded the recommended levels by a very marginal amount. The amount of fluoride added to water was reduced following a recommendation from the Forum on Fluoridation. In relation to facilities at the Lab, he said he was confident with automation they can take on additional work. The biggest limiting factor is the taking of samples. There is scope to take in more samples from outside agencies. Accreditation will be a challenge but we should be able to cope with it with increased automation. This will be achieved in stages and there may be a need for capital investment at a later date.

#### **12.10.15.09 Community, Culture and Tourism SPC Report**

It was agreed to note Cllr. J. Healy-Rae's written report on the issues considered at the meeting of the Community, Culture and Tourism SPC which was circulated.

#### **12.10.15.10 Transport SPC Report**

Cllr. P. Connor-Scarteen informed members that the last Transport SPC Meeting was held on Monday, 24<sup>th</sup> September 2012. The policy on the funding of improvement works to non-public roads was considered at that meeting and this item has already been dealt with. The policy for the taking in charge of private roads was also considered. Members expressed concern at the cost of the works on those who own the road and the fact that only a few people may contribute towards the cost. Members asked that the criteria would be reviewed further on the basis of the function of the road, i.e. preference maybe given to roads that serve amenities and community facilities.

The Director outlined the existing road network and the lack of funding to maintain same. It is not unreasonable to expect that if the local authority is taking a road in charge that it would be at least 15 to 20 years before any further maintenance would be required. Works carried out under a road restoration programme would be expected to last 12 to 15 years before substantial further maintenance was required. The specifications for Roads in Housing Estates are of a higher standard.

Cllr. D. Healy-Rae said the report presented to the SPC indicated if a private road is to be taken in charge it must have a bitumen surface that would last for up to 20 years before requiring maintenance. Members could not agree to this. He added that this new policy cannot apply to roads previously proposed to be taken in charge. He then moved Notice of Motion No. 14.

#### **14. Taking in charge of the Black Road, Muckcross, Killarney**

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

To ask Kerry County Council to proceed with the statutory process to progress the taking in charge of the Black Road in Muckcross, Killarney.

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

A motion, to take this road in charge, was moved at the Council meeting of the 20<sup>th</sup> February 2012, where there was an extensive and constructive debate on the motion. The motion was considered further at the Special Roads meeting, on the 5<sup>th</sup> March 2012, and it was proposed that a specific policy be developed, by the Transport SPC, for the taking in charge of private roads. A resolution to commence the statutory process with a view to taking in charge the Black Road was made at this meeting.

The Council currently maintains over 4,700 km of public roads, of which approximately 4,300 km is classified as either a regional or local road, and, given the peripheral nature of the county, the road network per head of population, in Kerry, is 50% higher than the national average. This places a considerable onus on Council finances.

The statutory provisions, for the Declaration of a road to be a public road, are as prescribed in Section 11 of the Roads Act, 1993, and, in particular, Section 11 (1) (b) requires that the road authority *shall "consider the financial implications for the authority of the proposed declaration"*.

During the debates, members stated that the road would be brought up to an "acceptable standard", by the residents, prior to it being taken in charge. The primary issue that needed to be addressed, by the Transport SPC, was to develop a policy, on what would be an "acceptable standard", particularly having regard to the statutory requirements of Section 11 (1) (b) of the Act. It was also acknowledged that there is a need for a consistent approach to assessing all applications for roads to be taken in charge.

A discussion document was considered, by the members of the Transport SPC, at its meeting of the 28<sup>th</sup> May 2012 (which was circulated with the report, presented by the Chair, at the Council meeting of the 18<sup>th</sup> June 2012). It was agreed, at this meeting, that a policy would be prepared for final consideration at our meeting of the 24<sup>th</sup> September 2012, with the following principles:-

- A maintenance free period of 20 years minimum should be provided
- Standard of road to deliver this, to be developed, including an appropriate bituminous surface finish, adequate passing widths, good drainage and adequate safety provisions and signage
- All land owners to agree to the works being carried out on the road and to allow for drainage off the road onto their lands, where necessary, in writing.

The draft policy, which was considered by the Transport SPC, is attached to the report from the Chair of the Committee, on today's agenda. When the policy was considered by the members of the SPC, at its' last meeting, the general consensus was that the cost of applying these standards to a local road could be particularly onerous on the local residents.

If the terms of the draft policy were applied to the Black Road, the estimated cost implications would be as follows:-

- Surfacing of carriageway € 60,000
- Construction of passing bay € 10,000
- Signing & Lining at junctions € 5,000

*(The width of the carriageway is less than 3m in places but the road is relatively straight and set backs are provided at a number of house entrances. However one passing bay is required at a bend in the road, to allow for safe passing by on-coming traffic. Furthermore the underlying ground conditions appear to be reasonably good, which limits the need for any further roadworks prior to surfacing.)*

There are 11 properties with direct access, 13 properties in two housing estates with indirect access and two individual farm landholdings along this road.

This estimate is broadly consistent with the cost rates provided to the Council for the improvement of roads, under the non-national road restoration improvement programme. The members of the Transport SPC had requested if these works could be funded from this programme, possibly under a CIS scheme.

Having regard to the recent circular, from the Department of Transport, Tourism and Sport, on the "2013 – 2016 Multi-Annual Road Works Restoration Programme", it is envisaged that funding will be provided to improve 85km of regional and local roads annually for the next 4 years – this is equivalent to 1/50<sup>th</sup> of our overall non-national road network. Furthermore, the level of funding provided, under the Restoration Maintenance programme in 2012, will allow for the surface dressing of 118 km of non-national roads (1/36<sup>th</sup> of the network). Given that a surface dressing cycle of 8 to 10 years is required for roads restored under the above programmes, the application of these funds on private roads will result in a further deterioration of the existing public road network.

**In this context, it is not unreasonable for the Council to expect that any road, to be taken in charge, should be to an acceptable standard, broadly equivalent to that set out in the draft policy, before it commences the statutory process under Section 11 of the Roads Act, 1993.**

Cllr. D. Healy-Rae said that he was calling on the Council to commence the statutory process to progress the taking in charge of the Black Road in Muckross, Killarney. Members are aware that many public roads need improvement works but the Black Road is just 1km in length and is effectively a public road. At a meeting earlier this year, Members agreed the road would be taken in charge yet 4 or 5 months later there is no progress. The residents did give a commitment that they would bring the road up to an acceptable standard. He was concerned that the new standards would now be applied retrospectively to this road and said this was unfair. Other issues are also being raised such as the taking in charge of the water scheme and the possibility that street lighting would be required. He called on the Council to progress the taking in charge of the Black Road as soon as possible. He could not agree that private roads must have a bituminous surface before they would be taken in charge as many public roads do not have this surface.

Cllr. B. Moynihan-Cronin requested clarification on the following issue. In February it was agreed to commence the process to take in charge the Black Road at Muckross. No policy is presented to Members for adoption today and if the proposal on the taking in charge of the Black Road is passed and no policy in place, will the taking in charge of the Black Road proceed.

Mr. C. O'Sullivan confirmed that Members agreed at a previous meeting to commence the process to take the Black Road in charge. However, the Roads Act requires the Local Authority to have regard to the financial implications of taking in charge a road. In order to commence the process, a policy must be in place and that is why the recommendations were put before the SPC for consideration. A figure of €100,000 was mentioned at the Transport SPC Meeting as being required to bring the Black Road up to an adequate standard, however, he had since got an Engineer to cost the work if this policy was applied and he confirmed that it would cost approximately €75,000 to bring this road up to an acceptable standard. The Council has been moving over to the use of bituminous surfaces where possible. We already have a huge volume of roads under our charge and we are now being asked to takeover more roads at a time when funding is being curtailed. The Draft Policy was considered by Members of the Transport SPC but they expressed concern in relation to the costs involved.

Cllr. D. Healy-Rae asked what policy applied to roads that were taken in charge up to now. Whatever policy was in place at that time must now be applied to the Black Road. Members agreed to commence the process to take this road in charge and management are just delaying it. He PROPOSED that whatever policy applied up to now would also apply to the Black Road.

Cllr. B. Moynihan-Cronin                      SECONDED                      this                      Proposal.

Cllr. J. Healy-Rae said that Members agreed to take the Black Road in charge and as repairs are required, it can go on the list like any other road.

Cllr. J. Brassil said that Members agreed to commence the process to take the Black Road in charge and a commitment was given that the road would be up to a certain standard. The SPC were asked to come up with a policy on what that standard should be and it is reasonable to expect private roads to be brought up to this standard before they are taken in charge.

Cllr. A. McEllistrim said she is on the Transport SPC and one of the people on the Black Road indicated that just 7 houses would contribute to the repair of the road and it would cost them €10,500 each. People cannot afford to contribute this amount.

The Mayor said that the issue should be referred back to the Transport SPC for a recommendation.

Cllr. P. Connor-Scarteen, Chair of the Transport SPC said that in taking a road in charge the Council must consider the financial implications.

Cllr. J. Brassil PROPOSED that the policy formulated by the Transport SPC be adopted.

Cllr. D. Healy-Rae PROPOSED that it would not apply to the Black Road.

The County Manager said that this debate has been ongoing for years and Members agreed not to take roads in charge. One or two roads were taken in charge as they were strategic yet Members are now proposing to take additional roads in charge at a time when less funding is available for road maintenance and improvements. This will add to the financial burden on the Council. The SPC are trying to formulate a policy to allow roads to be taken in charge but Members cannot proceed without taking the financial implications into account.

Cllr. D. Healy-Rae said that in February Cllr. Breeda Moynihan Cronin proposed that the Black Road would be taken in charge and he seconded this proposal. The people living on this road said that they would surface the road prior to it being taken in charge. He asked that the old policy that applied to the taking in charge of roads would apply to the Black Road.

The Manager said that the roads taken in charge by the Council in the past are predominantly in housing estates where there is a black top surface and as a result the financial burden on the Council was not increased. The policy says that roads should be black-topped before being taken in charge and he believed this was the correct decision.

Mr. C. O'Sullivan, Director of Roads said that he cannot comply with Cllr. D. Healy-Rae's motion unless a policy is in place.

Cllr. J. Brassil PROPOSED that the Black Road would be taken in charge in accordance with the new policy.

Cllr. A. McEllistrim pointed out that no recommendation was brought forward from the Transport SPC, therefore, it is more appropriate to refer the matter back to the Transport SPC for further consideration.

Cllr. P. Connor-Scarteen, Chair of the Transport SPC confirmed that Members could not agree on the cost involved and it was agreed that it should be debated further at the full Council meeting.

Cllr. P. Leahy said he also attended the Transport SPC Meeting and he agreed with Cllr. McEllistrim that there was no agreement on the policy.

The Mayor informed the meeting that this issue would be referred back to the Transport SPC to formulate a draft policy for consideration by the full Council.

### **Suspension of Standing Orders**

The Mayor informed the meeting that it was 1.30pm and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. J. Sheahan, it was agreed to suspend Standing Orders to allow the meeting to continue.

### **12.10.15.11 Housing SPC Report**

It was agreed to note Cllr. B. Moynihan Cronin's written report on the most recent meeting of the Housing SPC which was circulated.

### **12.10.15.12 Dates for the next round of Electoral Area Meetings**

#### **(a) Tralee Electoral Area Meeting**

On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. G. Wharton Slattery it was agreed that the next Tralee Electoral Area Meeting would be held in the Council Chamber, County Buildings on Monday 5<sup>th</sup> November, 2012 at 3.00pm.

#### **(b) Listowel Electoral Area Meeting**

On the PROPOSAL of Cllr. J. Brassil, SECONDED by Cllr. L. Purtill it was agreed that the next Listowel Electoral Area Meeting would be held in the Council Chamber, County Buildings, Tralee on Monday 12<sup>th</sup> November, 2012 at 2.30pm.

#### **(c) Killorglin Electoral Area Meeting**

On the PROPOSAL of Cllr. P.J. Donovan, SECONDED by Cllr. M. Cahill it was agreed that the next Killorglin Electoral Area Meeting would be held in the Library, Caherciveen on Friday 7<sup>th</sup> December, 2012 at 9.45am.

#### **(d) Killarney Electoral Area Meeting**

On the PROPOSAL of Cllr. J.J. Culloty, SECONDED BY Cllr. J. Sheahan it was agreed that the next Killarney Electoral Area Meeting would be held in the Library, Killarney on Tuesday 27<sup>th</sup> November, 2012 at 10.00am.

**(e) Dingle Electoral Area Meeting**

On the PROPOSAL of Cllr. M. Griffin, SECONDED by Cllr. S. Fitzgerald it was agreed that the next Dingle Electoral Area Meeting would be held in Brandon on Thursday 29<sup>th</sup> November, 2012 at 9.45am.

**12.10.15.13 Dates for Meetings**

- (a) On the PROPOSAL of Cllr. P. McCarthy, SECONDED by Cllr. M. Griffin it was agreed to hold a Special Planning Meeting to consider the Manager's Report on submissions received on the material alterations to Variation No. 8 to the Kerry County Development Plan 2009 – 2015 (Renewable Energy Strategy) on Monday 5<sup>th</sup> November, 2012 at 10.30am.
- (b) On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. P. Leahy it was agreed that the Briefing on the Council's Budget 2013 would be held on Monday 12<sup>th</sup> November, 2012 at 10.30am.
- (c) On the PROPOSAL of Cllr. J. Healy-Rae, SECONDED by Mayor T. O'Brien it was agreed to hold the December Ordinary Meeting on Monday, 10<sup>th</sup> December, 2012 at 11.30am. Mr. O'Brien informed the meeting that the Christmas dinner would be held following the meeting.
- (d) On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. S. Fitzgerald it was agreed that the Kerry County Council Budget 2013 Meeting would be held on Monday 17<sup>th</sup> December, 2012 at 10.30am.

**12.10.15.14 Report on the operations and activities of the Association of County and City Councils**

It was agreed to note Cllr. P.J. Donovan's written report on the operations and activities of the Association of County and City Councils which was circulated.

**12.10.15.15 Summary of Proceedings at Conferences**

**(a) 8<sup>th</sup> Environmental Conference**

It was agreed to note Cllr. M. Gleeson's written report on the 8<sup>th</sup> Environmental Conference held on the 13<sup>th</sup> September, 2012 which was circulated.

**(b) Third Age Conference**

It was agreed to note Cllr. P. Connor-Scarteen's written report on the Third Age Conference held on the 1<sup>st</sup> October, 2012 which was circulated.

**(c) Constitutional & Political Reform Conference**

It was agreed to note Cllr. M. Cahill's written report on the Constitutional & Political Reform Conference held on the 5<sup>th</sup> & 6<sup>th</sup> October, 2012 which was circulated.



### **12.10.15.16 Reception of Deputations**

- (a) Cllr. R. Beasley requested that a deputation be received from the Residents of Farranstack, Lisselton in relation to the condition of the road from Boland's Quarry to Larha Cross.

On the PROPOSAL of Cllr. R. Beasley, SECONDED by Cllr. T. Ferris it was agreed that this deputation would be received at the next Listowel Electoral Area Meeting.

- (b) Cllr. M. Cahill requested that a deputation be received from the Residents of Cromane Lower, Killorglin in relation to the condition of the road from Jack's Seafood Restaurant, Cromane to the Turning Table at Cromane Lower.

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

- (c) Cllr. M. Cahill requested that a deputation be received from Sneem Development Co-Op Society Ltd. in relation to the condition of footpaths and road surface within Sneem village.

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

- (d) Cllr. S. Fitzgerald requested that a deputation be received from Brandon/Cloghane Residents in relation to infrastructural deficiencies in the area.

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

- (e) Cllr. B. Cronin requested that a deputation be received from Barleymount Residents in relation to road conditions.

On the PROPOSAL of Cllr. B. Cronin, SECONDED by Cllr. M. Griffin it was agreed that this deputation would be received at the next Killarney Electoral Area Meeting.

### **12.10.15.17 Tenders opened since the September Meeting**

- (a) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. P. Connor-Scarteen it was agreed to note the opening of tenders for the Supply, Installation & Commissioning of a Pipe Network and Ancillary Works at Ballahantourig, Scartaglen – Closing Date: Monday 1<sup>st</sup> October, 2012 at 4.00pm since the September Meeting.

- (b) On the PROPOSAL of Cllr. A. McEllistrim, SECONDED by Cllr. P. Connor-Scarteen it was agreed to note the opening of tenders for the Supply, Installation and Commissioning of a Pipe Network and Ancillary Works at Clanmaurice, Causeway, Co. Kerry – Closing Date: Wednesday 10<sup>th</sup> October, 2012 at 4.00pm since the September Meeting.

**12.10.15.18 Approval for the Opening of Tenders**

- (a) On the PROPOSAL of Cllr. M. Gleeson SECONDED by Cllr. S. Fitzgerald it was agreed to approve the opening of tenders for the Provision of a Water Tanker for Fire & Rescue Service – Closing Date: Thursday, 20<sup>th</sup> September, 2012 at 12.00pm.
- (b) On the PROPOSAL of Cllr. A. McEllistrim SECONDED by Cllr. D. Healy-Rae it was agreed to approve the opening of tenders for the Supply, Installation & Commissioning of Pumps with Associated Equipment at 7 Water Services Stations for Kerry County Council – Closing Date: Thursday, 11<sup>th</sup> October, 2012 at 3.00pm.
- (c) On the PROPOSAL of Cllr. P. Connor-Scarteen SECONDED by Cllr. A. McEllistrim it was agreed to approve the opening of tenders for the Design, Supply, Installation & Commissioning of a 100mm diameter watermain (laid under water) and Ancillary Works at Portmagee – Closing Date: Friday, 12<sup>th</sup> October, 2012 at 4.00pm.
- (d) On the PROPOSAL of Cllr. D. Healy-Rae SECONDED by Cllr. M. Gleeson it was agreed to approve the opening of tenders for the Relining of Derrynane Water Reservoir & The Glen Reservoir, Caherdaniel and Glen, Co. Kerry – Closing Date: Monday 15<sup>th</sup> October, 2012 at 3.00pm.
- (e) On the PROPOSAL of Cllr. B. O'Connell SECONDED by Cllr. J.J. Culloty it was agreed to approve the opening of tenders for Building Cleaning Services Contract – Closing Date: Tuesday 16<sup>th</sup> October, 2012 at 11.00am.
- (f) On the PROPOSAL of Cllr. J. Sheahan SECONDED by Cllr. M. Griffin it was agreed to approve the opening of tenders for Liquid Petroleum Gas Combined Heat and Power Unit at Áras an Chontae, Rathass, Tralee – Closing Date: Wednesday, 17<sup>th</sup> October, 2012 at 11.00am.
- (g) On the PROPOSAL of Cllr. S. Fitzgerald SECONDED by Cllr. M. Gleeson it was agreed to approve the opening of tenders for the N70 Pilot Delineation Project – Closing Date: Friday, 26<sup>th</sup> October, 2012 at 4.00pm.

- (h) On the PROPOSAL of Cllr. D. Healy-Rae SECONDED by Cllr. J.J. Culloty it was agreed to approve the opening of tenders for Appointment to a Multi-Party Framework Agreement for the Supply of Fuel to Local Authorities in 2013 & 2014 – Closing Date: Friday 16<sup>th</sup> November, 2012 at 3.00pm.

The meeting adjourned for lunch at 1.40pm.

The meeting resumed at 2.25pm.

### **12.10.15.19 Notices of Motion**

#### **1. Introduction of free screening for Haemochromatosis**

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

As the disease Haemochromatosis, which affects one in seven of the adult Irish population, can have fatal consequences and as it can be easily managed when diagnosed at a relatively young age, that this Council calls on the Minister for Health, Dr James Reilly to sanction the introduction of free screening for all adults under the age of thirty.

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

Cllr. M. Gleeson said on the 10<sup>th</sup> July he said farewell to a friend whose death was imminent. He was dying from the long term harmful effects of Haemochromatosis. He was absolutely clam and serene, maybe he should be as he had served for over 40 years as a priest in Nottingham Diocese. They did not indulge in any morbid talk – other than for him to say that it is shameful that there is still not a national screening process undertaken on young adults, particularly on families that are known carriers. Ironically when he exited that home he met a friend of his who was calling to say his farewell. He informed him that he was many years ago diagnosed as having Haemochromatosis, but his is being dealt with regularly and he is very well.

Haemochromatosis is the most common genetic disease in Europe. 1 in 9 individuals of European ancestry are carriers of the mutation (1 in 7 in Ireland). 1 in 200 are at risk of actually contracting the potentially fatal disease. Individuals with Haemochromatosis absorb and store excess dietary iron. The excess iron builds up in the organs, particularly in the heart and liver. This results in organ damage and this damage is ultimately fatal and most commonly as liver sclerosis. It is easily treatable if diagnosed early and treated before organ damage. The treatment of removing the excess iron is through Phlebotomy which is the removal of blood or by being a blood donor. A simple mouth swab DNA test using Buccal swabs can determine if a person is a carrier and therefore at risk. The cost of DNA testing would be minuscule in contrast with the cost of medical treatment when the disease becomes established.

Cllr. J. Sheahan SECONDED the motion

Cllr. J. J. Culloty also supported the motion and said he is very familiar with this disease. Since 2007 a pilot scheme has operated in Dublin where the blood taken from haemochromatosis patients is used by the Blood Transfusion Service. He called for an extension of this pilot scheme to the entire country.

Cllr. M. O'Shea requested that Notice of Motion No. 2 would be deferred for a month.

This was agreed.

### **3. E-Tendering system**

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

That Kerry County Council make the tendering process more user friendly. Small contractors don't have the support or the time to keep an eye on the E-Tendering system and at times have missed opportunities to tender for works advertised by Kerry County Council.

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

**Kerry County Council has recently increased resources in the Procurement Section in order to meet national, regional and local demands. These additional resources have been reassigned to deal promptly with the queries (phone calls, emails) and to help develop Supplier and Buyer training manuals that are available online at [www.LAQuotes.ie](http://www.LAQuotes.ie). The helpdesk, 066 7183701, is manned five days a week from 8am to 5pm and queries can also be sent to [eproc@kerrycoco.ie](mailto:eproc@kerrycoco.ie) and will be responded to without delay.**

**Contractors/Suppliers will automatically be sent an email alerting them to all Request for Tenders (RFT) and Request for Quotations (RFQ) that they have been invited to tender/quote for via the LAQuotes system. These emails also contain details in relation to the closing time for each individual competition. A similar email alert functionality is available from the national etenders website, [www.etenders.gov.ie](http://www.etenders.gov.ie) alerting Contractors/Suppliers to potential tendering opportunities. Therefore there should be no need for Contractors/Suppliers to be checking regularly the eTendering system as their email will give summary information.**

**One of the key objectives of the Procurement section is to assist all Contractors/Suppliers in tendering/quoting and simplifying the process as much as possible. Contractors/Suppliers can meet with the procurement staff and they will take them through the etendering systems and any queries that they may have. However, the systems and processes are bound by national and EU legislation and regulations and it is of paramount importance that all systems and processes comply with these requirements.**

**We currently have 3,682 Contractors/Suppliers registered on our LAQuotes system that receive email alerts and notifications.**

**There are plans in 2013 to introduce a text messaging alert system for the LAQuotes system, initially for all Plant Hire & Haulage Contractors/Suppliers that will send a text message to their mobile phone alerting them to RFT's & RFQ's that they have been invited to tender/quote for.**

Cllr. S. Fitzgerald welcomed the reply and said the text messaging alert system will be very helpful.

Mr. G. O'Brien informed the meeting that Notice of Motion Nos. 4 and 7 would be taken together.

#### **4. Closure of AIB in Tarbert**

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

That this Council would write to the Minister for Finance and AIB to stop the closing of AIB in Tarbert.

#### **7. Closure of AIB in Tarbert**

**Pursuant to notice duly given Cllr. L. Purtill PROPOSED:**

That Kerry County Council would ask the relevant Minister to request that the AIB would defer the closure of their branch in Tarbert pending the outcome of the decision on the Shannon LNG plant and that Kerry County Council request an urgent meeting with the relevant senior members of the AIB to discuss their proposed closure.

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

Cllr. P. Leahy called on AIB to reverse its decision to close the Tarbert branch as this would be devastating for the communities of Tarbert, Ballylongford and Moyvane who use this branch frequently. If this branch closes there will be no AIB branch between Listowel and Limerick City. It will have a massive impact on the commercial life of Tarbert while Tarbert is still waiting on good news on the future of the Shannon LNG Plant. He said Deputy Arthur Spring is working very hard to save this branch and he called for support from all members for his motion.

Cllr. L. Purtill said the closure of the Allied Irish Bank Branch in Tarbert on Friday 26<sup>th</sup> October will not alone inconvenience many customers, but it will come as a major blow to a rural community fighting for survival.

The Tarbert Development Association and representatives of other organisations in the Community have met local and regional management of A.I.B. trying to persuade them to cancel or defer closure or at least provide a two day opening service per week at the branch. All options have been rejected.

The Branch under one name or another has traded profitably at the same location on the Main Street since 1872. It has survived two World Wars, various depressions and recessions, providing a good financial service not only for Tarbert but for customers from the surrounding parishes of Glin, Ballylongford and Moyvane. It is a freehold premises wholly owned by A.I.B.

The closure of the Branch will mean depriving a rural area in North Kerry of another service and will have a knock on effect on other business outlets in the village. All of these are small family owned retail outlets, rate payers with Kerry County Council. Customers who move to the bigger town to do their banking will have less reason to shop locally.

The potential for development of the Shannon Estuary and the provision of some 400 jobs lies with L N G who has sought and has been granted a Judicial Review of the tariff structure. A.I.B. out of loyalty and to show its commitment to the area, should defer the Tarbert closure until L N G makes a definitive decision on the project which at this stage is likely to be made over the next few months.

A.I.B. should consider recent remarks of the Tidy Towns adjudicators who wrote "Tarbert is a lovely destination with a strong regional and national profile and has much to offer its own community, visitor and the travelling public" An open bank branch should be part of that service. In conclusion Cllr. Purtill PROPOSED that the Manager would write to the Board of A.I.B. and also to the Minister requesting a meeting or meetings urgently after all the Bank is now state owned.

Cllr. J. Finucane said the Banks are state owned and they should have some social responsibility, at a minimum the Bank should remain open three afternoons each week to service the community that supported them down through the years. (Name withheld for Data Protection purposes, a paper copy of the minutes is available on request), former AIB Group Chief Executive is in receipt of a pension in excess of €240,000. He agreed that a letter should issue to the Director of Retail Banking in AIB stating that it is not acceptable that the Tarbert branch will be closed. The Bank should be open to some kind of compromise. He asked that a copy of the letter would also be send to the Area Manager.

## **5. Putting the clocks back for Winter Time**

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

That Kerry County Council call on the Government not to revert to winter time and not to put the clocks back one hour in future.

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

Cllr. B. O'Connell said it is time for us to seriously consider altering our current summertime arrangements to benefit the economy and society. For a number of years he raised the possibility of extending our summertime period which runs from the last weekend in March until the last weekend in October. Research in the UK and the US shows that such a move could have numerous benefits. They include a reduction in electricity consumption and carbon emissions, a fall in road deaths and a boost to tourism and leisure industries as people benefit from an hour extra of daylight in the evenings. It has also been suggested that an increase in daylight in the evening would lead to a reduction in obesity and crime levels.

In the US, summertime was extended for four weeks in 2007, beginning in the second weekend of March and ending the first weekend in November. In 2008, the US Department of Energy published a report stating that the change had saved enough energy to power 100,000 homes for over a year or 1.3 trillion watt-hours per day, resulting in savings of \$76 million. Since the change road collisions have also fallen.

In the UK, the Daylight Saving Bill passed its second reading in the House of Commons in December 2010. Estimates there indicate that more daylight in the early evenings would deliver a boost to British tourism of an estimated £2.5bn per annum and up to 80,000 new jobs in leisure and tourism. This would provide a real boost to any economy in the current climate. A similar boost could be expected here if summertime was extended. Cllr. O'Connell said he believed that, given the benefits, the time has come to re-examine our summertime arrangements.

Cllr. M. Cahill **SECONDED** the motion.

## **6. Work placements for college graduates**

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

That Kerry County Council calls on the Ministers for Enterprise and Education to initiate a scheme where all college graduates would be offered work placements for a 12 month period. Remuneration to be based on allowances and credits for further education.

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

Cllr. J. Finucane said it is not only frustrating helping young people get visas to work abroad but we must consider the substantial investment by the State in third level education so another country can benefit from it. He accepts that it is good for young people to travel but there should be an option for those who would like to remain at home. A scheme should be established that would allow a graduate to work for 12 months with a reasonable income and credits if they wish to return to college. Many young people are leaving the country disenchanted and we are exporting our own investment. If graduates were given the opportunity to work for 12 months the State would get a return on its investment and it would help to rebuild the confidence of our young people.

Mayor O'Brien SECONDED the motion.

**8. Provision of additional bus stops at Clonkeen, Killarney and Lawlor's Cross, Killarney**

That Kerry County Council write to the Minister for Transport Tourism & Sport to request that Bus Éireann provide additional bus stops on its routes, notably at Clonkeen, Killarney and Lawlors Cross, Killarney.

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

Cllr. J. Sheahan said a number of people are very annoyed at the service provided by Bus Éireann. Someone living between Farranfore and Killarney must take the bus into Killarney and arrange to be collected to bring them out the same road again. The bus will not stop and this service is too rigid and does not meet the present day needs of customers. In order to be successful Bus Éireann needs to understand and meet the needs of its customers. He called for the provision of a bus stop at Lawlor's Cross and that Bus Éireann would review the service they provide for the entire county.

Cllr. J. Finucane SECONDED the motion.

Cllr. M. Gleeson also supported the motion and said he moved a similar motion a few years ago in relation to the provision of a bus stop at Clonkeen but he got a negative response on that occasion.

**9. Re-surfacing of the road at Faughcullia, Muckcross, Killarney**

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

That this Council re-surface the section of road at Faughcullia, Muckcross, Killarney. This section of road is extremely dangerous in its current state and is in this very poor condition for a number of years.

**The following report issued:**

**This Motion was previously moved at the June Killarney Electoral Area Meeting and again at the September Electoral Area Meeting, at which the following response was given:**

**"There is no funding available in the Council's 2012 Road Works Programme to enable strengthening and surfacing works to be undertaken this year on the L-3015 Local Primary Route from Loughquittane School to Muckcross Church. Having regard to the requirements of the Department of Transport's 2012 Memorandum on Grants for Regional and Local Roads, this road will need to be considered for inclusion in the next Restoration Improvement Programme when the Department invites submissions. Maintenance works will be carried out on the roadway in the interim to the extent that funding will allow".**



**The Council has now been requested by the Department of Transport, Tourism and Sport to prepare a new Multi-Annual Road Restoration Programme for the period 2013 to 2016, and this road can be considered for inclusion, having regard to the criteria set out by the Department.**

Cllr. J.J. Culloty expressed his disappointment with the reply and said it could be 2016 before this road is improved. The Area Engineer met with the residents on the road and they pointed out there was a problem with water on the road. If the money used patching this road was used to divert the water off the road it could have been repaired. This short section of road is in a very poor condition for a long time and he called on the Council to repair it as soon as possible.

Cllr. M. Gleeson **SECONDED** the motion and said this road is in a horrific condition and it is the worst stretch of road he knew. His sister is principal in Lough Guittane National School and he asked that the road would be repaired as a matter of urgency.

Cllr. T. Ferris then moved Notice of Motion Nos. 10 and 28 on behalf of Cllr. Beasley.

#### **10. Circuit of North Kerry**

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

That Kerry County Council act immediately to map out the circuit of North Kerry that was suggested at a Council meeting about 18 months ago that would come in from Tarbert after coming off the ferry and proceed to Ballylongford, Ballybunion on to Ballyduff and Ballyheigue. To use the coastal route and proceed to Ardfert into Tralee and return to Listowel.

**The following report issued:**

**In mapping out a circuit of North Kerry, consideration would have to be given to the key objectives of developing such a circuit including, branding the initiative, promoting its cultural, architectural and landscape heritage from a tourism perspective, as well as having substantial input from the business sector. Such an initiative would require substantial investment and input from other state agencies, with a statutory remit in these areas of expertise.**

**Members will be aware from the report to the last meeting of the proposal being managed and driven by Fáilte Ireland, in partnership with local authorities, local development agencies and the tourism sector to develop the “Wild Atlantic Way”. Under this project, it is proposed to identify and develop a driving route along the Atlantic coast which will include a section from Tarbert, through Ballylongford, Ballybunion, Ballyduff and Ballyheigue onto Ardfert and Tralee.**

**It is also proposed to develop a series of loops and spurs off the main route 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 area.**

**The report presented to the members at the last meeting outlined the phases for the development of the route.**

**It is more appropriate that any mapping of a circuit in North Kerry be developed as part of the “Wild Atlantic Way” project.**

**28. Lifting of the recruitment embargo in the Health Services**

**Pursuant to notice duly given Cllrs. R. Beasley & T. Ferris PROPOSED:**  
That this Council calls on the Government to immediately lift the recruitment embargo in our health services.

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

**11. Use of the old Health Centre at Henry Street, Kenmare as a Family Resource Centre**

**Pursuant to notice duly given Cllr. P. Connor-Scarteen PROPOSED:**  
That Kerry County Council request the HSE to explore the possibility of transferring the old Health Centre at Henry Street, Kenmare to be used as a Family Resource Centre or other community purpose and to give us their response.

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

Cllr. P. Connor Scarteen said the Health Centre premises at the top of Henry Street is not utilised very much. He called on the Council to liaise with the HSE to establish what plans they have for the Centre. It would be a very suitable location for a Family Resource Centre which would be of benefit to the entire community.

Cllr. J. Finucane SECONDED the motion.

**12. Provision of financial assistance to the Kerry Network for People with Disabilities**

**Pursuant to notice duly given Cllr. T. Ferris PROPOSED:**  
That Kerry County Council would provide financial assistance to Kerry Network of People with Disabilities who despite having their funding withdrawn have managed to open a new office in Blennerville.

**Kerry County Council supports and makes contributions to very many local organisations which promote and support the economic, social, tourism, sports and recreational interests and many meritorious projects throughout the County overall as outlined in the County Manger's Report on Budget 2012. In view of the restrictive budgetary climate within which we are, and continue to operate, it is felt that this request falls within the remit of the Department of Health and Children.**

Cllr. Ferris then moved Notice of Motion No. 22.

## **22. Justice for the victims of the Magdalene Laundries**

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

That this Council is ashamed of the recent defeat of a Dáil Motion calling for justice for the victims of the Magdalene Laundries.

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

Cllr. T. Ferris said she was disgusted at the way women were treated in the Magdalene Laundries. In the Dáil recently the Minister stated that given the opportunity these women would receive an apology. But rather than give an apology she said now was not the time. She requested that a letter would issue to Minister of State Kathleen Lynch calling on her to apologise to these women before it is too late for some of them. She condemned the role the State played in maintaining these institutions.

Cllr. J. Finucane pointed out that Senator Martin McAleese is carrying out an investigation and is due to publish his report in the near future. He felt it would be appropriate to await the publication of that report.

Cllr. Ferris said the motion was agreed with the victims of the Magdalene Laundries and she could see no reason to await the publication of the report before issuing an apology.

Cllr. M. Gleeson **SECONDED** the motion and said he visited a Magdalene Laundry and it was sad to see the incarceration of these ladies and what was inflicted on them was terrible. The State needs to purge itself for its corporate guilt for its role in the running of these institutions.

## **13. Plans to address the housing crisis in Kerry**

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

What plans have Kerry County Council to address the housing crisis in the County in view of the recent announcement that a miserly three single rural cottages will be built in Kerry over the next 3 years. How many applicants are currently on the County Council waiting list and the three Town Council waiting lists?

**The following report issued:**

**As advised by the Director of Services at the recent Council meeting, housing capital funding has been severely curtailed in 2012. At present there are 10 single rural dwellings throughout the county which are at similar stages in relation to site transfer and are almost ready to go to tender. While we made an application to the DECLG to provide capital funding for four houses a year for the next three years, we recently received approval for only one house per annum for the next three years as part of the 2012-2014 Social Housing Investment Programme. We have been in contact with the DECLG seeking to have more funding made available for the single rural dwellings construction programme and have outlined the various issues. The response we received is that that our case for additional funding will be fully considered and we will keep the Council fully updated on the matter. Separately, we are reviewing all applications on hands for single rural dwellings with a view to examining their eligibility for RAS accommodation.**

**We will continue to address housing need throughout the county utilising all the social housing options available, i.e. the filling of casual vacancies from within our significant social housing stock, the utilisation of the Rental Accommodation Scheme and the Social Housing Leasing Initiative. We are awaiting details of the proposed introduction of a Housing Assistance Payment which is being considered at a National level by the DECLG.**

**At present there are 4,863 approved housing applicants between Kerry County Council and the three Town Councils. It should be noted that the majority of these approved applicants are renting privately with rent allowance provided by the Department of Social Protection.**

Cllr. M. Cahill said in 2009 the Council provided 61 houses. This increased to 70 in 2010 and reduced to just 4 in 2011 with no house built or purchased in 2012. We are in a crisis and the Government must do something to address it swiftly. People cannot afford to pay mortgages or rent. The Long Term Leasing Scheme has not been a success. 4,000 NAMA properties were identified for social housing and he asked how many of these are in Kerry and will funding be provided to acquire them. He called on the Council to be more proactive in pursuing the Long Term Leasing Scheme.

Cllr. D. Healy-Rae supported the motion and said it is very difficult to address this crisis affectively. At the start of 2012 members were informed that the Housing Capital Allocation was €1m and that 10 single rural dwellings would be built. This was very welcome but in August members were informed this was reduced to one per annum for the next three years. He called on the Council to purchase some of the more affordable houses that are for sale.

## **15. Maintenance of roadside drains**

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

As our climate would seem to have more severe rain downpours that on occasion result in flooding on our roadways, that the Council would ensure that all water gullies are functioning properly, not just at the point of intake but also at the point of entry to the underground piping.

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

**The Council takes all reasonable precautions to ensure drainage outlets are capable of operating to their optimum capacity where there is significant advance notice of impending severe weather. Where road gullies are provided, the type of gullies procured, and the installation of same, is in accordance with prescribed national design standards. Localised flooding can occur where the intensity of the rainfall is greater than the design capacity of the road gullies or where the gully has not been maintained.**

**However, given the nature of some of the extreme periods of rainfall experienced in recent times it has not been possible at times to avoid flooding on the public road.**

**The level of maintenance that can be provided is dependant on the level of resources available, which is extremely challenging in the current climate, particularly given the large network of public road to be maintained and reduced sources of funding.**

Cllr. M. Gleeson said he and many others recall with horror the potholes and disintegrating roads of the 1980's and early 1990's. We do not wish to revert to that terrible era. If gullies are not kept open and allowed function to their maximum there will be flooding and there will be road damage. He recently saw a workman from a Council removing material from a water gully and he was amazed at the amount of material extracted. It is imperative that prior to the onset of winter all water gullies are functioning to their maximum.

Perhaps consideration should be given to extending the Adopt a Road Scheme for litter for the opening of drains and gullies.

Cllr. J.J. Culloty **SECONDED** the motion and asked that the road cleaning trucks would use suction to clear gullies.

## **16. Financial support for farmers**

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

Due to the serious adverse weather that Kerry County Council would ask the Department of Agriculture to provide financial support to farmers experiencing severe shortage of winter fodder.

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

Cllr. M. O'Shea said the farming community experienced the worst year in living memory. Many farmers do not have enough winter fodder and they are facing ruin. He called on the Minister for Agriculture to release funds to help these farmers survive the coming winter.

Cllr. J.J. Culloty supported the motion and said he moved a similar motion in September. The Solidarity Fund is there for situations like this and the Minister should look to draw down funding to help farmers through this crisis.

**17. Meeting with major employers in the County to identify new job opportunities**

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

That the Mayor and the Manager, in conjunction with the Enterprise Officer, would convene a meeting with all the major employers in the County to facilitate the identification of new job opportunities and opportunities for future suppliers to these industries.

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

Cllr. J. Finucane said in the last number of weeks and months there were issues with the Technology Park in Tralee, the restructuring of Shannon Development and their assets and the Shannon LNG Project. With the recent announcement from Kerry Group that they will open a R&D facility in Naas we must face reality. If job opportunities are to be created we must do it ourselves. He called on all the major employers to identify materials they are sourcing outside the county, in the format of an exhibition, so that suppliers in the county would be given an opportunity to provide these supplies. This would encourage job creation and we can no longer wait for outside agencies to bring investors to the county. Tralee is just 1½ hours from two international airports. We must bring together the key components we have to offer and the creation of new jobs must be driven from within the county. The IDA offer greater financial assistance in Limerick than in Kerry and that is very frustrating.

Mayor O'Brien SECONDED the motion.

Cllr. J. Finucane moved Notice of Motion No. 18 on behalf of Cllr. Sheahan.

**18. Progress report on the refurbishment works at Killarney House**

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

That Kerry County Council writes to the Minister for Arts, Heritage & Gaeltacht seeking an updated progress report on the refurbishment works at Killarney House, notably that Phase 2 has commenced and that works are on target to be completed by 2014.

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

## **19. Daniel O'Connell Exhibition**

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

That Daniel O'Connell's exhibition currently on display in Caherciveen Library be transferred to other libraries around the County in the winter time.

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

**The Daniel O'Connell exhibition currently on display at Caherciveen Library is a permanent one and so, not amenable to transfer around the county.**

**Kerry Library will, however, be able to display a range of other Daniel O'Connell material at various times, including books and documents at each of its libraries as part of its Events and Exhibitions Programme.**

**In addition, an extensive range of material, including books, information files and newspaper sources relating to Daniel O'Connell are available to the public for research and consultation during opening times in the Local History and Archives Section of Kerry Library in Tralee.**

Cllr. B. O'Connell expressed his disappointment with the reply and said while Caherciveen should have the exhibition during the tourist season it should be possible to move it around the county during the winter. This would be very beneficial for local schools.

Mr. G. O'Brien undertook to contact the County Librarian to ask him to contact Cllr. O'Connell directly on this issue.

Cllr. P. Connor-Scarteen **SECONDED** the motion and said the exhibition should be made available in the main towns in the county.

## **20. Removal of gravel from rivers and stonebanking rivers**

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

That this Council call on the Minister for the Environment, Community & Local Government to make the process of seeking permission to remove gravel from rivers and stonebanking rivers a less complicated one. At present it is virtually impossible to get permission to do this work. Landowners are very frustrated, as in a large number of cases; a small amount of work would alleviate problems of erosion and secure their property.

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

Cllr. J.J. Culloty said he was contacted by a number of landowners who find it very difficult to get permission to remove gravel from a river. There are a number of agencies involved and it is very complicated. He called on the Minister to simplify this process.

Cllr. D. Healy-Rae supported the motion and said landowners have been told to go to the OPW and the Fisheries body for permission to remove gravel from a river. Kerry County Council states that it is the landowner's responsibility to clear a river. There are too many agencies involved and it is not clear who is responsible for making the decision.

## **21. Extension of the digital switch over date**

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

That Kerry County Council request the Minister for Communications to extend the digital switchover date on 28th October in places where there are difficulties with reception mainly due to the mountainous terrain until a time when all areas are reception mainly due to the mountainous terrain until a time when all areas are covered and no people are left behind.

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

Cllr. P. Connor Scarteen said households in parts of the county, i.e. Lauragh, Glencar and Bonane will have difficulty picking up the signal when the digital switchover happens on the 24<sup>th</sup> October. Television helps combat rural isolation and the 2% of the population that will have difficulty getting a signal are mostly in Kerry. Some of these people have been told it will be difficult to get a signal due to the mountainous terrain. He called on the Minister for Communications to extend the switch over date until these problems are resolved.

Cllr. M. Cahill supported the motion and said there will be problems in parts of the county. It is unfair to force this on people when money is exceptionally tight. B&B premises and hotels must buy new televisions at considerable cost. Those in the problem areas can overcome the problem if they spend €400 but this is wrong and the switch over date should be extended until the entire country gets the service it deserves.

## **23. Enhancing relations with the Kerry Association in London**

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

That Kerry County Council builds up and enhances relations with the Kerry Association in London.

**Kerry County Council has commenced developing closer contacts with the Kerry diaspora in London. Cllr. Tim Buckley, as Mayor, and the County Manager went to London in April this year to launch the gokerry website and raise its awareness by having posters placed on construction vans, owned by Kerry people. A meeting was held with members of the Kerry Association at that time to consider other initiatives. One of the outcomes of this meeting is that we are making a presentation to an invited group of Kerry people at the end of this month and are also attending the Kerry Association Dinner.**



**This presentation will be given by Michael McMahon, Director of Services and Tomás Hayes, CEO, Kerry County Enterprise Board and will be on investing in Kerry and the assistance we can give. If this event is successful, we are considering a further event in the Spring where businesses in Kerry will meet possible buyers/investors in London.**

**The building of closer links with the Kerry Association in London and elsewhere is something that this County should make as a priority in the future.**

Cllr. M. Cahill welcomed the reply. He welcomed the launch of gokerry.ie and the advertising on the vans in London. He said he would like to see members more involved. Now more than ever we need the Irish abroad and they are willing to help.

Cllr. P. Connor Scarteen **SECONDED** the motion and said while he lived in London for four years he was a Committee member with the Kerryman's Association. There is a great sense of community there and they provide assistance for those that need it. The advertising by the builders is excellent and should be acknowledged.

#### **24. Ballyvourney/Macroom Bypass Routes**

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

That Kerry County Council ask the NRA to progress the Ballyvourney/Macroom Bypass route as a matter of urgency and to seek assistance from Cork County Council with this request.

**The following report issued:**

**An Bord Pleanála made an Order approving the CPO and the EIS for the Ballyvourney/Macroom By-Pass in April 2011. However a stay was put on the Order following an application to the High Court for a judicial review of the Board's decision. The scheme cannot be progressed until the High Court considers the judicial review in full.**

Cllr. D. Healy-Rae said Kerry people travelling to hospital in Cork for cancer treatment are delayed in Ballyvourney and Macroom. These Bye Passes are delayed because of wildlife and priority should be given to people. The recent announcement by Kerry Group that it will open a new R&D facility in Naas was very disappointing. Access to the county was one of the reasons given for locating it outside Kerry. Access to Cork Airport is important for industrialist in Kerry and until such time as Ballyvourney and Macroom are bypassed the journey time is too long. He asked that a letter would issue to the NRA and the Cork County Manager calling on them to progress these road projects as soon as possible.

Cllr. P. Connor-Scarteen **SECONDED** the motion and said Minister Varadkar stated he hoped these Bye-Passes would be completed during his term in office.

## **25. Development of an Enterprise Support Unit**

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

**PROPOSED:**

That Kerry County Council develops an Enterprise Support Unit linked with council services with the aim of setting up enticements and reducing bureaucracy to encourage industry. This unit would link up available information, supports, local and national agencies, funding sources and infrastructure services all with the focus of providing incentives and easing the path for new industry in Kerry.

**The following report issued:**

**Kerry County Council through the County Development Board has established the Kerry Economic Development Unit (KEDU) chaired by the County Manager. This unit has sought to enhance the marketing and development of our county from a business and industrial development perspective. Most recently KEDU has launched the [www.countykerry.ie](http://www.countykerry.ie) website as an aid to start up businesses in the county and to market all that Kerry has to offer economically.**

**This website provides all of the relevant contacts and information for any person or company considering starting up a business in Kerry. It also provides a single point of contact, Tomás Hayes, CEO of County Enterprise Board, which, to date, is working very satisfactorily in assisting interested parties in getting all necessary information and appropriate contacts. A Kerry Business Incentive Pack has been developed which provides some incentives for small businesses or single operators to set up in Kerry.**

**Given the recent announcements regarding the County Enterprise Boards and the expected announcement on the direction of the future of enterprise supports by the Minister for the Environment we will need to consider how such imminent changes can be maximised for the economic benefit of Kerry.**

Cllr. M. O'Shea said he recently attended a presentation by North Tipperary County Council where they outlined the service they provide to those wishing to set up business in their area. All the State agencies work together and make it easier for potential investors. As a county we should also make it easier for potential investors. We should be more focussed on The Gathering as 87,000 people are emigrating each year and we should aim to attract a large number of Kerry emigrants home next year. He believed State agencies are not interested in attracting potential investors to Kerry. He said it is up to the people of the county to attract industry into Kerry.

## **26. Matching funding for Leader Projects**

### **Pursuant to notice duly given Cllrs. J.J. Culloty & N. Foley PROPOSED:**

Due to the recent cuts to the budget of Kerry County Council, it is becoming evident that this Council will not be in a position to provide the matching funding required for some of the Leader Projects, which are currently seeking, or are about to seek funding. What amount of money has been collected from the Amenity Levies over the past five years, and what became of this money? Should this Council not be in a position to provide matching funding, it will put in jeopardy many very important community projects.

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

**The purpose of the Amenity Development Levy is to assist funding the provision of playgrounds in accordance with the Council's Playground Policy and to support the development of local amenity/environmental facilities. The development of this infrastructure is of considerable economic importance to the county, supports growth in the tourism sector and enhances the range of recreational services for everyone (residents and tourists).**

**From 2007 to the end of 2011, the Council collected €1.869m from Amenity Levies. A further €70,000 has been collected to date in 2012. A total of €881,000 from the Amenity Fund has been spent on the various projects outlined below in the period 2007 - 2011 including:-**

- The development of playgrounds in many of the larger towns, including Listowel, Castleisland, Valentia, Ardfert, Glenbeigh, Kenmare and Sneem. A number of these Projects also received Leader Grant funding and the Council worked closely with Leader and the Local Community to develop these invaluable amenities. There are currently demands for the development of further playground facilities and existing facilities will need capital funding for replacement in the future.**
- Various local amenity facilities such as the Carrantuohill Footbridges, Dun Deanna Amenity Facility, Abbey Cross, Muckcross, Dingle and Castleisland Town Parks, Aghadoe Amenity Facility, Tarbert Ferry Amenity Facility, Lisleibane Car Park Beaufort, Castleconway, Killorglin Amenity Facility, Fenit and Ballyheigue Beach Amenity Facilities.**

**The cumulative balance brought forward on the Amenity Fund at 1 January 2012 is €1.1m.**

The fund has also been used to co-fund projects which had received grant support but which were dependant on local funding/associated works being provided by the Council. To facilitate various amenity works the Council has currently committed funding/works to various projects in the total estimated sum of €741,000 to be funded from the Amenity Levy Fund. These projects range from playgrounds and associated works, amenities associated with car parking and the Tralee/Fenit Walkway. Many of these projects are also dependant on the Council to match grant funding being provided by Leader and the required contribution from the Local Community. The contribution by the Council includes works to be provided to facilitate projects, e.g. parking, access paths, walls, etc. In addition as outlined above, existing playground facilities will need capital funding for replacement in the future.

The Local Development Companies can allocate Rural Development (LEADER) Programme funding to projects until December 31<sup>st</sup> 2013. This has created a greater demand on the Council for any available funding to facilitate various projects.

Given the downturn in the level of amenity income in recent years, any remaining funding from Amenity Levies will be required for the consideration by the Council of particularly meritorious projects which enhance local amenities in accordance with the terms of the Scheme. Projects will be assessed on their own merits in order to maximize use of available funds for the enhancement of local amenities.

Cllr. J.J. Culloty said a number of projects coming on stream require a 20% local contribution from the Council. These projects are very important to the communities and projects will have to be prioritised. The reduction of €417,000 in Q3 from the Local Government Fund would provide a lot of matching funding. For each €20,000 in matching funding that cannot be met a further €75,000 is lost. He asked that this issue would be highlighted to the Minister and that his Department would be called on to provide the 20% wherever there is a shortfall.

Cllr. M. Cahill SECONDED the motion and said we must work with rural development agencies as they have funding. These projects are very beneficial for the community and often include works such as footpath improvements. He called for a greater input from the Council in these projects.

## **27. Footbridge in Sneem**

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

That Kerry County Council immediately investigate the possibility of completing the footbridge in Sneem village as this beautiful structure continues to be a health and safety issue until such time as the matter is attended to.

**The following report issued:**

**This Motion was previously moved at the moved at the July Meeting of the Killorglin Electoral Area Committee at which the following response was given:**

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

Cllr. M. Cahill said he moved this motion on health and safety grounds. Pedestrians must walk on the road which is dangerous but if the footbridge was provided it would be much safer. He understood it was intended to approach the landowner this week and he hoped he would be willing to co-operate. The footpaths and roads in the village are in a poor condition with six manhole covers protruding above the road surface which is highly dangerous. He called on the NRA to provide funding to surface the street in Sneem and to repair the footpaths.

## **29. Further taxes on PAYE workers and the self-employed**

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

That we the Members of Kerry County Council ask the Government to realise that ordinary PAYE workers and the self-employed can't pay any more taxes of any kind as they are currently stretched to the bone.

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

Cllr. D. Healy-Rae said PAYE workers and the self employed, including farmers, cannot be expected to pay any more. They are paying higher petrol and diesel costs and for some it may no longer be feasible to continue to work as they would be better off on social welfare. It is very difficult for the self employed to operate with all the regulation in relation to the employment of staff and sub contractors.

Cllr. J.J. Culloty supported the motion and said it is becoming harder to employ people. When a sub-contractor is being hired you must first get approval. Employers must now pay two weeks sick payment and they must also pay a greater portion of redundancy payments. All these issues are militating against the employment of additional staff.

### **12.10.15.20 Correspondence – Conferences and Seminars**

- (b) On the PROPOSAL of Cllr. G. Wharton Slattery, SECONDED by Cllr. P. Leahy it was agreed to authorise the attendance of Cllr. Ferris at the Conference on the theme “Publication of the Valuation (Amendment) Bill 2012 – What will it mean for Local Authorities” to be held in Monaghan from 19<sup>th</sup> to 21<sup>st</sup> October, 2012.

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

- (c) On the PROPOSAL of Cllr. P. Connor Scarteen, SECONDED by Cllr. P. Leahy it was agreed to authorise the attendance of Cllr. O’Connell at the Respond Housing Association Conference on the theme “Better Being – Promoting Well-being within Communities” to be held in Cork on the 25<sup>th</sup> October, 2012.

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

- (d) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. M. O’Shea it was agreed to authorise the attendance of Cllrs. Wharton Slattery and Moynihan Cronin at the Association of Irish Festival Events Annual Conference 2012 on the theme “Gathering for the Business of Fun” to be held in Ballinasloe, Galway on the 8<sup>th</sup> & 9<sup>th</sup> November, 2012.

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

- (e) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. G. Wharton Slattery it was agreed to authorise the attendance of Cllrs. Purtill, Cronin and O’Shea at the European Union Open Days 2012 - Association of Irish Regions Seminar to be held in Kilkenny on the 16<sup>th</sup> November, 2012.

Cllr. O’Shea was nominated to report back to Council on this Seminar.

- (f) On the PROPOSAL of Cllr. P. Leahy, SECONDED by Cllr. J.J. Culloty it was agreed to authorise the attendance of Cllrs. O’Donoghue, Beasley, McCarthy, O’Shea and Culloty at the Training Seminar on the theme “Environmental Implications of Harvesting Wind Energy” to be held in Westport, Co. Mayo on the 23<sup>rd</sup> & 24<sup>th</sup> November, 2012.

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

### 12.10.15.21 Correspondence General – Comhfhreagras Ginearálta

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

1.	Letter dated 4 <sup>th</sup> September, 2012 from the Office of the Minister for Housing and Planning in relation to the Social Housing Leasing Initiative.
2.	Letter dated 13 <sup>th</sup> September, 2012 from the Office of the Minister for Environment, Community and Local Government in relation to the provision of Fire Services in Castlegregory.
3.	Letter dated 18 <sup>th</sup> September, 2012 from the Office of the Minister of State for the Gaeltacht in relation to the 20 Year Strategy for the Irish Language and also the amalgamation of the office of An Coimisinéir Teanga with the office of the Ombudsman.
4.	Letter dated 19 <sup>th</sup> September, 2012 from the Office of the Minister for Education and Skills in relation to the assessment of capital assets for Higher Education Grants and school transport.
5.	Email dated 26 <sup>th</sup> September 2012 from the Office of the Minister of State for Housing & Planning at the Department of the Environment regarding Housing Capital Allocations.
6.	Email dated 26 <sup>th</sup> September 2012 from Mr. Pat Rabbitte, Minister for Communications, Energy and Natural Resources in relation to resolution by the Members of Kerry County Council regarding the Shannon LNG Project.
7.	Letter dated 26 <sup>th</sup> September 2012 from Office of the Minister for Arts, Heritage & the Gaeltacht in relation to the housing capital allocations.
8.	Letter dated 26 <sup>th</sup> September 2012 from Department of the Environment, Community and Local Government in relation to the streamlining of development agencies in County Kerry.
9.	Letter dated 27 <sup>th</sup> September 2012 from Mr. Jimmy Deenihan, Minister for Arts, Heritage & the Gaeltacht in relation to Ballybunion Castle.
10.	Email dated 28 <sup>th</sup> September 2012 from Mr. Martin Ferris, TD in relation to correspondence he received from Minister Jan O'Sullivan regarding the Housing Capital Allowance 2012.
11.	Letter dated 1 <sup>st</sup> October 2012 from the Office of the Minister for the Environment, Community and Local Government in relation to the reduction in General Purpose Grants.
12.	Email dated 2 <sup>nd</sup> October 2012 from Mr. Alan Shatter, TD, Minister for Justice, Equality and Defence in relation to the downgrading of the four Garda District Headquarters in County Kerry.

13.	Letter dated 2 <sup>nd</sup> October 2012 from Mr. Brendan Griffin, TD in relation to correspondence he received from Minister Jan O'Sullivan regarding the Housing Capital Allocations.
14.	Email dated 3 <sup>rd</sup> October 2012 from Deputy Brendan Griffin in relation to funding for single rural dwellings.
15.	Email dated 3 <sup>rd</sup> October 2012 from Mr. Arthur J. Spring, TD in relation to correspondence he received from Minister Jan O'Sullivan regarding the Housing Capital Allowance 2012.
16.	Email dated 4 <sup>th</sup> October 2012 from the Office of the Minister for the Environment, Community and Local Government in relation to payment of Motor Tax.
17.	Letter dated 4 <sup>th</sup> October 2012 from the National Roads Authority in relation to the appeal of planning permissions granted by Kerry County Council on National Routes.
18.	Email dated 4 <sup>th</sup> September, 2012 from Donegal County Council in relation to a resolution adopted by that authority in relation to the payment of commercial rates and water charges by small enterprises.
19.	Email dated 13 <sup>th</sup> September, 2012 from Monaghan County Council in relation to a resolution adopted by that authority in relation to its opposition to the introduction of abortion in this country in the absence of a Referendum.
20.	Email dated 18 <sup>th</sup> September, 2012 from Dublin City Council in relation to a resolution adopted by that authority calling for a change in legislation to criminalise the collection of clothes by operators operating under false pretences.
21.	Email dated 18 <sup>th</sup> September, 2012 from Leitrim County Council in relation to a resolution adopted by that authority calling for meaningful changes to the car registration system for 2012.
22.	Letter dated 1 <sup>st</sup> October 2012 from Monaghan Town Council in relation to Notices of Motion adopted at their September Monthly Meeting.
23.	Letter dated 3 <sup>rd</sup> October 2012 from Donegal County Council in relation to a resolution adopted by that authority requesting that the Department of Social Protection restore all benefits withdrawn from our elderly and disabled.

### **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 Felix McCarthy.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Tom Sullivan.



- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary (Maunie) Scannell.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Mary Foley.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael O'Donoghue.
- (f) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Michael O'Connor.
- (g) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late John Casey.
- (h) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Jim O'Brien.
- (i) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Timothy (Tade) Mahony.
- (j) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Don Murphy.
- (k) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Dan Healy.
- (l) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Jeremiah Frank O'Connor.
- (m) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Batt Kerrisk.
- (n) Cllrs. M. Gleeson and P. Leahy proposed that a vote of sympathy be extended to the family of the late Bríd Ní Fhoghlú.
- (o) Cllrs. M. Gleeson and P. Leahy proposed that a vote of sympathy be extended to the family of the late Mary Carmel O'Dwyer.
- (p) Cllrs. M. Gleeson and P. Leahy proposed that a vote of sympathy be extended to the family of the late Pat Ahern.
- (q) Cllrs. M. Gleeson and P. Leahy proposed that a vote of sympathy be extended to the family of the late Fr. Ken O'Riordan.
- (r) Cllrs. P. Leahy and B. Moynihan Cronin proposed that a vote of sympathy be extended to the family of the late Patrick 'Paddy' Fitzmaurice.

- (s) Cllrs. J. Sheahan and B. O'Connell proposed that a vote of sympathy be extended to the family of the late Michael O'Leary.

The meeting concluded at 4.00 pm.

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

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**Mayor of Kerry**