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**MIONTUAIRISCÍ NA CRUINNITHE MHIOSIÚIL DE COMHAIRLE CONTAE CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN LUAN , 10 NOLLAIG 2012
MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY, 10 DECEMBER 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
S. Fitzgerald	N. Foley	M. Griffin
D. Healy-Rae	J. Healy-Rae	P. Leahy
P. McCarthy	A. McEllistrim	T. O'Brien
B. Moynihan Cronin	B. O'Connell	
P. O'Donoghue	M. O'Shea	
J. Sheahan	G. Wharton Slattery	

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 SEO Housing
Ms. A. McAllen, A/Head of Finance	Mr. C. O'Sullivan, Dir. of Roads
Mr. M. McMahon, Dir of Planning	Mr. G. O'Brien, Meetings Admin.
Mr. G MacNamara SE Roads & Trans	Ms. K. Lynch, A.O. Finance
Ms. M West AO Roads & Trans.	Mr. P. Corkery, Press & Comm.Off.
Ms. C. Fitzgerald, A.S.O. Corp. Aff.	Ms. O. O'Shea, C.O. Corp. Affairs
Ms. S Broderick SO	

The meeting commenced at 11.45am.

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

Annual Mass

On behalf of the members, The Mayor Cllr. T O'Brien complimented all involved in the organisation of the Annual Mass which was celebrated in the Church of the Immaculate Conception at 10.30am. He said that the choir was superb and the readers were exceptional.

Vote of Sympathy

On the PROPOSAL of Cllr. PJ Donovan SECONDED by Cllr. P O'Donoghue a vote of sympathy was extended to the family of the late Danny O'Donoghue who had worked in the Caherciveen roads area.

All the members wished to be associated with the sentiments expressed by Cllrs. Donovan and O'Donoghue.

Apologies for Absence

The Mayor, Cllr. T O'Brien informed the meeting that apologies for absence had been received from Cllrs. M Gleeson and J Finucane.

12.12.10.01 Mayor's Report on the CPG Meeting held on 4th December 2012

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

Item 1 Agenda for the December Council Meeting

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

In relation to Item 8 Mr. C. O'Sullivan briefed the meeting on the transfer of the Driver Licence Function to the Road Safety Authority and said a detailed report will be considered at the December meeting.

Ms. A. McAllen briefed the meeting on Item 9 and said the Manager's report will be considered at the December meeting.

Item 2 County Development Board Update

Mr. L. Quinlan briefed the meeting on the current status of the CDB as follows:

- Circular Letter CD 5/12, dated 23rd November 2012, advised local authorities that City/County Development Boards will continue to operate until the new Socio Economic Committees are introduced in 2013.
- Department has indicated that work on membership, terms of reference and details on development of local and community plans will be undertaken early in 2013.
- Department will establish an Alignment Implementation Group to include representation from local government and the local development sector.
- It is intended to reschedule the next County Development Board Meeting for early January when there should be greater clarity on these issues. In the interim the Executive of the CDB will continue to direct the work of the Board.

Kerry Forum for Integrated Transport

Forum met last week and are making good progress in mapping the various transport routes available as well as promoting Kerry as a perspective pilot area for a new model of integrated rural transport.

Innovate Kerry

An event was held in Tralee on Thursday, 28th last, looking at ways to promote, foster and assist innovative business ideas.

Migrant Forum

An information day was recently organized for those in the migrant communities to make them more aware of the services and supports that are available from state and voluntary agencies. The event was well attended.

Original Kerry Craft & Food Forum

This Forum is seeking to promote Kerry Craft and artisan food producers and a wider market. For Christmas shopping ideas for original Kerry gifts see www.originalkerry.ie or www.tasteofkerry.ie.

Cllr. P. Connor Scarteen welcomed the continuation of the CDB until the Socio Economic Committees are established. He asked if there was any update on the future of the local development companies.

Mr. M. McMahon said other that what is contained in the document 'Putting People First' no further information was received.

Item 3 Update on Budget 2013

Ms. A. McAllen briefed the meeting on Budget 2013 as follows:

- It is hoped notification of the Local Government Fund Allocation for 2013 will be received in the next day or two following publication of the National Budget, our Budget will be finalised upon receipt of the LGF allocation for 2013.
- The Budget was extremely difficult to balance as our fixed charges are substantial.
- Each Section worked with the Finance Department to try to maintain core services while agreeing the reductions in the Budget.
- The main issues impacting on the Budget are as follows:
 - (a) The ongoing uncertain economic climate particularly in the Eurozone which is affecting the domestic market.
 - (b) The decrease in the Local Government Fund Allocation which could be back to 2003 levels.
- It is intended that the Property Tax will fund the Local Government Fund in future, this could result in cash flow problems in the first half of the year.
- It is not proposed to increase rates or water charges in 2013 but overall expenditure will be reduced on last years figure.
- Provisions will have to be provided from capital to balance the Budget and this is the last year this funding will be available.
- The North Kerry landfill will remain open but it will be reviewed as new legislation will change what can be accepted and some waste will have to be treated and this will have cost implications.

Item 4 Update on North Kerry Landfill

Mr. J. Kennelly briefed the meeting on this item as follows:

- From July 2013, the EPA will impose a restriction of 40% organic material being transferred to landfill.
- Against this backdrop Kerry County Council is considering the future of the North Kerry Landfill and is seeking expressions of interest from private companies to operate in a partnership arrangement with the Council to underpin the long-term viability of the site and possibly justify the opening of a new cell.
- The private companies would be utilized for their expertise in areas such as pre-treatment of organic material (e.g. composting) prior to disposal in landfill. These are areas where Kerry County Council currently does not have the necessary expertise. Kerry County Council wishes to see what level of interest is available from the private sector in this regard.
- KCC will not be disposing of the North Kerry Landfill site as they are the holders of the waste license granted by the EPA.

Item 5 Update on the 2013 – 2016 Multi-Annual Road Works Restoration Programme

Mr. C. O'Sullivan stated that the 4 year Multi-Annual Road Works Restoration Programme was considered and agreed at Electoral Area Meetings. The Programme will be considered at the December meeting.

Item 6 Update on the Household Charge

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

- 74% of households in Kerry have now paid the Household Charge.
- All the Local Government Fund Allocation for 2012 was received with the exception of the sum of €417,000 which was deducted from Q3.
- The Revenue Commissioners will be taking over the collection of the Household Charge from 2013 and they will also have responsibility for the collection of the Property Charge.
- The Council is continuing to work with the Bureau on the collection of the Household Charge.

Item 7 Update from Chairs of SPCs

Cllr. P. Connor-Scarteen said the Roads & Transportation SPC meeting was held on the 3rd December and a report will be presented to the January Council Meeting.

Item 9 Any other business

On the suggestion of the Mayor the CPG agreed that a letter would issue from the Mayor to Petrel Resources inviting them to a meeting with the Mayor and Manager to offer assistance to them if they decide to bring oil in through Kerry.

The Mayor, Cllr. T O'Brien said that a reply to this letter had been received from Chairman of Petrel Resources Mr. John Teeling advising that no drilling would be taking place until 2014. He undertook to contact Kerry County Council when a partner was found and suggested that this would be a more appropriate time for a meeting to be arranged.

Cllr. T Ferris referred to Budget 2013 and said that she hoped that a cut in or abolition of Councillors Conference Allocation would be recommended with a view to sending out a clear message that everybody will share in the pain caused by the economic downturn.

Cllr. B Cronin referred to the update on North Kerry Landfill and asked if it could be taken for granted that the landfill will be sold if a suitable offer was received from a private company and how would such a sale impact on staff at the landfill.

Cllr. B O'Connell asked why the Council's level of expertise in areas such as pre-treatment of organic material was so far behind the private companies.

Mr. O Ring Director of Environment & Water Services said that the disposal of organic waste was new in this country. This type of waste may be disposed of through composting and anaerobic digestion. While Kerry County Council was encouraging home composting and a separate organic waste collection service was available in parts of the county, this would not be sufficient in 2013 and the Council is not in a position to provide the level of treatment required at the landfill.

Cllr. B Cronin queried the situation for the landowners in the vicinity of the landfill should the facility be sold on.

Mr. Ring said that currently only expressions of interest were being sought. The existing cells would be filled by next year and the Council was obliged to reduce the amount of organic waste going to landfill by July 2013. The Council would like to keep the landfill operational and was examining all options at present.

Cllr. M O'Shea asked if the transfer stations would remain in the ownership of Kerry County Council.

Mr. Ring said that the transfer stations were important resources in the county and it was the intention of the Council to retain them but may have to change the way they are operated. A policy document on waste disposal was due from the Government

shortly and a decision would be made in accordance with the policy set out in the document.

Cllr. D Healy Rae asked if the landfill would be closed if no expressions of interest were received from private companies. He said that the members had approved the allocation of funding towards the development of the landfill and asked if they would be consulted or would they be just informed that it had been sold as in the case of the sale of the refuse collection service.

Cllr. J Brassil referred to the update on North Kerry Landfill and said that it was a very valuable asset for the county. A considerable amount of time and effort had gone into keeping it operational to date and he would have huge issues with the selling of the landfill or the transfer stations. With regard to seeking expressions of interest from private companies Cllr. Brassil said that private companies will not generally get involved in enterprises that are not owned by themselves. As Cork and Limerick Local Authorities had similar issues and there was a Regional Waste Management office in place he felt that the Local Authorities should co-operate with a view to coming up with a viable solution.

Cllr. A McEllistrim asked if a media campaign had been put in place to encourage householders to purchase brown bins for the segregation of organic waste.

Mr. O Ring Director of Environment & Water Services said that the current capacity at the landfill will be used up in approximately a year. The development of another cell would incur a huge capital investment for the Council. This would be a risk as there was a large landfill in Cork which has not opened yet. He said that Kerry County Council was examining all options and endeavouring to plan for the future. He undertook to update the members regarding this matter early in 2013.

Cllr. D Healy Rae asked if the members would have a say with regard to the future of the landfill site.

County Manager, Mr. T Curran said that the disposal of property is dealt with under Section 183 of the Local Government Act 2001 and is a reserved function of the members.

Cllr. A McEllistrim said that that she would like to discuss the payment of the local property tax by the Local Authority for its social housing at the Budget meeting on Monday 17th Dec 2012.

Cllr. P O'Donoghue referred to the update on the Household Charge and said that he was involved with Caherciveen Social Services and was concerned that Voluntary Housing Bodies were required to pay the new Property Tax.

12.12.10.02 Confirmation of Minutes

On the PROPOSAL of Cllr. N Foley SECONDED by Cllr. P. O'Donoghue it was resolved that the minutes of the November Ordinary Meeting of Kerry County Council held on 19th November 2012 be confirmed.

Cllr. D Healy Rae said that he had read the minutes of the previous meeting and had found that all of his contributions to the meeting had not been recorded in the minutes.

Mr. G O'Brien, Meetings Administrator clarified that minutes of a meeting were a record of decisions taken. He added that in comparison with other Local Authorities, the minutes of meetings of Kerry County Council which are circulated are much longer and contain much more of the debate that takes place at the meeting.

12.12.10.03 Lease of plot of land to Royal National Lifeboat Institution

On the PROPOSAL of Cllr. PJ Donovan SECONDED by Cllr. P O'Donoghue it was agreed to grant a 21 year lease of a plot of land measuring 0.017 acres approximately in total with a Lifeboat Station thereon, situated in the townland of Farranreagh in DED of Valentia, to the Royal National Lifeboat Institution, West Quay Road, Poole, Dorset, BH 15 1HZ in accordance with the terms of the notice issued on 15th November 2012 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.

12.12.10.04 Lease of kiosk at Ballybunion

On the PROPOSAL of Cllr. R Beasley SECONDED by Cllr. T Buckley it was agreed to grant a 10 year lease of a kiosk, consisting of a single room lock-up shop measuring 15.65 sq. m. that fronts directly onto Ballybunion's South Beach, situated in the DED of Killehenney, to (name has been withheld for data protection purposes a paper copy of the minutes is available on request), Ballybunion Surf School, Sandhill Road, Ballybunion, Co. Kerry in accordance with the terms of the notice issued on 23rd November 2012 pursuant to Section 183 of the Local Government Act 2001.

12.12.10.05 Installation of an additional Waste Water Treatment Unit and associated site works at existing Waste Water Treatment Plant site at Moyvane North, Moyvane.

On the PROPOSAL of Cllr. Pat Leahy SECONDED by Cllr. Robert Beasley it was agreed to note the Manager's Report thereon in accordance with Section 179(3) of the Planning and Development Act, 2000, Part VIII of the Planning and Development Regulations 2001 and Articles 17 to 19 of the Planning and Development Regulations 2006 in respect of the installation of an additional Waste Water Treatment Unit and

associated site works at existing Waste Water Treatment Plant site at Moyvane North, Moyvane, Co. Kerry.

12.12.10.06 2013 – 2016 Multi-Annual Road Works Restoration Programme

Mr. C O'Sullivan Director of Roads Transportation & Safety briefed the members on his report dated 3rd December 2012 which was circulated.

Mr. O'Sullivan said that the 2013 – 2016 Multi-Annual Road Works Restoration Programme has already been presented to the members at electoral area level when they were advised that the funding had been reduced to 85% of the 2012 allocation.

He thanked the staff of the Roads, Transport & Safety Department and the members for their co-operation and support. He said that he expected that approximately 300km of regional and local roads would be improved under this programme.

Cllr. D Healy Rae acknowledged that funding was scarce but was concerned that many local roads which were included on the programme for works to be carried out in 2016, would be impassable by then.

He referred to a recent news item which he said had indicated that residents would be required to contribute to the upkeep of local roads. In his view this would be another form of taxation as residents of these roads were already paying motor tax and from July 2013 would be paying the local property tax.

Cllr. M Cahill acknowledged the report and thanked Mr. O'Sullivan and the staff of the Roads Transportation & Safety Department. He said that he was very concerned about the poor condition of the Sunhill road in Killorglin and also there were many bridges throughout the county which needed to be upgraded.

Cllr. B Cronin thanked management and staff of the Roads, Transportation & Safety Department and in particular Killarney Area Engineer, Ms. Breeda Mulryan. He acknowledged the work involved in trying to accommodate as many roads as possible with the reduced funding. He referred to a deputation from the residents of Barleymount which was received at a recent meeting of the Killarney Electoral Area Committee when it was pointed out that the residents collectively had paid approximately €20,000 in motor tax. He said that there was an onus on Kerry County Council to address the condition of this road as soon as possible. Cllr. Cronin also said that drainage works were needed on the road from Farrankeal to Currow City as this road had been eroded due to inadequate drainage .

Cllr. J Brassil thanked Mr. O'Sullivan for the report and acknowledged the work of the staff of the Roads, Transportation & Safety Department.

He sought confirmation that the road from Farranwilliam Cross to Tubrid Station Cross in the Tralee Electoral Area would be addressed in 2013.

He mentioned Cllr. D Healy Rae's reference to a news item concerning the contribution by residents to the cost of repairing local roads and said that this may be

a scheme to replace the Local Improvement Scheme and would not be restricted to roads to farm holdings.

Cllr. P O'Donoghue thanked Mr. O'Sullivan and the staff of the Roads, Transportation & Safety Department for the report and said that it was regrettable that there was a decrease of 15% in funding. He queried why so much of the road works were now being carried out by contractors while the Council itself had excellent staff. He referred to the overlay which had been used on roads in the past year and commented that it appeared to be very smooth and asked if this would pose a danger during icy conditions.

Cllr. P Connor Scarteen thanked Mr. O'Sullivan and the staff of the Roads, Transportation & Safety Department for the report and said that it was unfortunate that funding had been reduced. He asked that the resurfacing of Sneem village would be carried out as soon as possible as it was on the connecting route between west Cork and south Kerry.

Cllr. A McEllistrim asked what criteria was used for the selection of roads for the programme as the number of roads included from the Tralee area appeared to be less than other areas.

Cllr. R Beasley thanked Mr. O'Sullivan and the staff of the Roads, Transportation & Safety Department and overseer in the Listowel Area, Mr. Tom Devane for their commitment and excellent work. He said that the Tarbert/Ballylongford road was in very poor condition, also the Dale road from Ballinclogher Cross to Abbeydorney which is a very heavily trafficked road that needed to be addressed as a matter of urgency.

Cllr. Beasley welcomed that the road from Bolands Cross to Farranastack would be addressed in 2013. He asked that surface dressing on the road from the Golf Club in Ballybunion to the Cashen car park would be re-examined.

Cllr. B O'Connell said that he had made representations concerning various roads in his area and had been advised that there was a minimum requirement of 1000 meters in length.

Mr. C O'Sullivan Director of Roads Transportation & Safety thanked the members for their comments. He said that no details had been received regarding funding for local roads. He had made a submission to the Department of Transport on the Hardship and Emergency Scheme which was unique to Kerry County Council and had been prepared in conjunction with the Transport SPC and with the support of the members. An acknowledgement had been received and further details were awaited.

Mr. O'Sullivan said that contracts for the provision of overlay for national roads must be advertised for tender. Despite this a considerable amount of work is carried out by the Council's own staff and contractors were employed only when the Council does not have the capacity or the resources to do the work.

With regard to the employment of temporary staff, Mr. O'Sullivan said that he would not be in a position to advise on this matter until the final grant allocation is announced by the Department of Transport in February/March 2013.

Mr. O'Sullivan said that the criteria for the selection of roads was set out by the Department taking into consideration the length of the road and the underlying ground conditions. The minimum length of road that can be considered was reduced this year from 1km to 500m. He said that this amendment had only been announced recently and regretted if Cllr. B O'Connell had received inaccurate information.

Cllr. M O' Shea welcomed the report and said that he wished to raise the following issues:

What is the final analysis regarding the section of the N70 at Heffernan's bend? .

There were millions of euro invested in regional and local road and in order to reduce damage to the surface he asked that that when heavy rain/flooding is forecast that people would also be made aware of the need to clean drains and culverts.

Cllr. JJ Culloty welcomed the report and thanked Mr. O'Sullivan and the staff of the Roads Transportation & Safety Department. With regard to the length of roadway which could be considered for inclusion in the programme, he said that the request for submissions had stated "no less than 1km"

Cllr. D Healy Rae asked why the Roads Programme could not be developed early in the year as November/December was very late.

Mr. C O'Sullivan Director of Roads Transportation & Safety advised Cllr. O'Shea that an investigation into the resurfacing of the N70 at Heffernan's bend was ongoing. With regard to smoothness of the road surface, Mr. O'Sullivan said that any surfacing material supplied must comply with the required specifications and standards. The surface is now layered with a paving machine and an anti skidding guarantee is included.

He advised Cllr. D Healy Rae that starting the Roads Programme earlier was not possible as surveying and tendering must be carried out and all other counties are going through this process at the same time.

The 2013 – 2016 Multi-Annual Road Works Restoration Programme was adopted on the PROPOSAL of Cllr. B O'Connell SECONDED by Cllr. M O'Shea

12.12.10.07 Update on Irish Water

County Manager, Mr. T Curran referred the members to his report dated 10th December 2012 on this item which had been circulated in advance of the meeting. He briefed them in detail on the report as follows:

The Programme for Government sets out a significant new approach to the provision of water services in the future. It proposes the creation of Irish Water, a State

Company that will take over the water investment and maintenance programme of the 34 County & City Councils. In April 2012, the Government decided that Irish Water should be established as an independent state owned company within the Bord Gais Group.

It is envisaged that Irish Water will have responsibility for the following:-

- The abstraction, treatment and distribution of drinking water;
- Conserving water supplies through maintaining and upgrading the infrastructure;
- The collection and treatment of wastewater and the management and operation of combined sewer overflows;
- Sludge disposal;
- Customer billing and relationship management, including requests for new connections.
- Strategic planning for the sector, water resource management and localised catchment management focused on source protection;
- The roll-out of the water metering programme;
- Sourcing private finance for investment in capital projects;

There will be a phased transition from Local Authorities to Irish Water as follows:-

1. Legislation to be passed before end of 2012 for:

- (a) The establishment of Interim Irish Water;
- (b) Establishment of Water Sector Regulation role under the Commission for Energy Regulation;

2. Further legislation to be passed by Quarter 3 of 2013 which will cover:

- Governance of Irish Water;
- Re-iteration of the public ownership of water assets;
- Transfer of Water Services Authority Functions;
- Provide for agency arrangements (Service Level Agreements) which will not be time-bound;
- Changes to planning law etc to support consultation/dialogue between Local Authorities and Irish Water;
- Necessary provisions in relation to Irish Water Staff;

3. 2014-2017 - Transition Phase

- Irish Water to take ownership of all Local Authority Water Services Assets;
- Be responsible for the next Water Services Investment Programme(first regulatory cycle 2014-2015);
- Local Authority staff to continue the operation and maintenance of water services under S.L.A. with Irish Water;
- Some staff to transfer to Irish Water, by agreement;

4. Post 2017

Local Authorities may remain as agents of Irish Water into the future.

The Local Authorities, under the County & City Managers, are in the process of setting-up a Transition Office to engage with the Department of the Environment, Bord Gais (Irish Water). New Era and CER to ensure a smooth transition with minimum disruption to customers and to protect the interests of Local Authorities and their staff.

5. Domestic Metering

The installation of domestic meters is likely to commence mid 2013 and Local Authority staff will shortly commence a data capture exercise to facilitate the installation of meters.

Further updates will be provided to the Council as matters develop and we are assured that implementation will be under pinned with extensive communications with staff, stakeholders and the public.

Cllr. D Healy Rae said that he was very disappointed that this proposal was going ahead. He envisaged that consumers would pay exorbitant water charges in the future and would not get the level of service currently provided by Local Authorities. He said that he was very concerned that many services would be based in Dublin and the east coast and rural counties would loose out as a result.

Cllr. J Healy Rae agreed with Cllr. D Healy Rae and said that currently if a break or leak occurs on a water main, service is available locally. He asked if the Council's water maintenance crews had been reduced since last year.

Cllr. B Cronin said that he was disappointed that one of the Local Authority's core services was being taken away. With the current system consumers had a guarantee that the Local Authority was responsible for Water Services and they also had the public scrutiny provided by the elected members. He said that he totally objected to this proposal by the Government and if the members vote in favour of this new approach to the provision of water services it will be a retrograde step.

Cllr. M Cahill commented that we are where we are with regard to Irish Water and hopefully in time it may be a welcome boost for the county.

He asked if the domestic meters would be installed by Local Authority staff. He also expressed concern about the high level of breaks on the Mid Kerry Regional Water Supply and said that consumers deserve to have the water mains upgraded.

Cllr. M O'Shea said that he was concerned that the provision of local services was being taken from Local Authorities. He asked if meters would have to be replaced in properties which were currently metered. Also, there were a huge number of properties where it will not be possible to install a meter and charges will be based on assessment. Cllr. O'Shea expressed concern about the high number of breaks on the Mid Kerry Regional Water Supply and said that the old pipes should be replaced as repairs to the mains were very expensive.

Cllr. N Foley supported the previous speakers and acknowledged the excellent service provided by council staff in the provision and maintenance of water services. She said that staff were now in a vacuum with regard to their futures which was an unacceptable situation for people who had given an excellent service for many years. She PROPOSED that a letter be written to the Minister for the Environment, Community & Local Government seeking clarification regarding the future for water services staff.

Cllr. T Ferris said that she wished to raise two issues;

1. With regard to the transfer of Local Authority staff to Irish Water, what was the view of the unions and was there any assistance that could be provided by the elected members.
2. Would the transfer of ownership of assets from Kerry County Council to Irish Water be a reserved function of the Council? If so, she hoped that all the members would vote against it so that ownership of assets would be retained by the people of the county.

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

Cllr. P McCarthy said that he had concerns regarding the transfer of water services from Local Authorities as he feared that as in the case of Higher Education Grants it will become more difficult for people to access the service.

Cllr. P O'Donoghue said that in his view this was a retrograde step for the Government. He also expressed concern that disconnection of domestic water supplies would be carried out due to inability to pay charges.

Cllr. JJ Culloty said that the staff of the Water Services Department of Kerry County Council were very capable and experienced and there was a plentiful supply of water in the county.

Cllr. D Healy Rae said that it appeared that the Labour party was in favour of the transfer of water services from Local Authorities.

Cllr. B Moynihan Cronin said that she had explored all the options and was opposed to the transfer.

Mr. T Curran said that he had the same concerns as the members. He had not received any further information but the transfer of ownership of assets may be included in the legislation. He said that 30% of the Council's business was the provision and upkeep of water services in the county and this generated substantial income and expenses. He would like to see Kerry County Council involved in the provision of water services into the future but this was a matter for Irish Water. Mr. Curran referred to the secondment of staff to Irish Water and said that a top level union management group had been set up to examine staff matters. While Local Authorities may have surplus staff as a result of the transfer of water services there was no question of staff being forced to transfer to Irish Water.

With regard to breaks on the Mid Kerry Regional Water Supply, Mr. Curran said that the high level of breaks was due to the lack of investment in the water mains network over the past number of years. A future investment programme will require a huge investment in water mains replacement. As one organisation in the country with responsibility for the provision and upkeep of water services, Irish Water would be in a better position to source funding for this investment as it could borrow off - balance sheet. It is estimated that approximately €600 million would be needed to bring water services infrastructure up to the required standard. Irish Water could borrow on the basis of income from water charges which would be determined by the regulator.

The Mayor informed that meeting that as it was now 1.30pm he would suspend Standing Orders to allow for the meeting to continue.

Cllr. G Wharton Slattery said that she wanted to assure Cllr. D Healy Rae that she was opposed to the transfer of water services away from Local Authorities.

Cllr. B Moynihan Cronin referred to Cllr. D Healy Rae's previous remark and said that she did not agree with the new administration systems for processing Higher Education Grants or Medical Cards and wanted to put on record that she was opposed to the transfer of water services from Local Authorities.

Cllr. D Healy Rae said that it was most likely that the transfer of assets would be included in the legislation and in his opinion Local Authorities would be decimated as a result.

The meeting adjourned for lunch at 1.35pm

The meeting resumed at 2.10pm

12.12.10.08 Transfer of the Driver Licence Functions to the Road Safety Authority.

It was agreed to note the report dated 3rd December 2012 by Mr. C O'Sullivan Director of Roads Transportation & Safety on the Transfer of the Driver Licence Functions to the RSA which was circulated.

12.12.10.09 Managers Report on Ballybunion Swimming Pool

County Manager, Mr. T Curran referred the members to his report dated 10th December 2012 on this item which had been circulated in advance of the meeting. He read his report into the record of the meeting as follows:

"Kerry County Council issued a guarantee to Bevely Ltd the promoters of the pool and gym facility in Ballybunion in 2005, to permit the company to draw down grant funding, from the Department of Arts, Sport and Tourism. The grant was in the amount of €3.8m and the guarantee sought and approved by Council was that Kerry County Council would guarantee the operation of the facility for a 15 year period from its opening in 2006.

In order to protect the Councils interest and its legal guarantee, an operations committee was established by Kerry County Council in discussions with the company, to oversee the operations of the sports complex. This Operations Committee comprises of, the Manager of the facility, Directors of Bevely Ltd and representatives from Kerry County Council. Ms Angela McAllen, Head of Finance, and Mr. John Breen, Director of Services currently represent the Council on this committee, which oversees the efficient operation of the complex.

The facility, like all businesses, has struggled to meet its operational costs, mainly due to the extensive increases in energy costs over the past number of years. From recent meetings with the Company Directors and on examination of accounts, it is clear that the facility is not financially viable without either a substantial annual subvention or a reduction in energy costs. The installation of a combined Heat and Power Plant(CHP) would reduce energy costs by over €40,000/annum, making the operation of the facility viable. In order to address this issue, Kerry County Council has made an application to the Department of Transport, Tourism & Sport for funding, for a new combined heat and power plant for the facility, under the local authority swimming pool's programme, operated by the Department. This application has been granted by the Department and a grant offer of €163,644 has been received. *(a copy of the letter of office is enclosed).*

The letter of offer, dated 8th November, 2012 has a number of conditions, some of which are directly relevant to this Council.

(a) "Kerry County Council provide an undertaking that the swimming pool will remain in use for 10 years from the date of the first drawdown or the grant of €163,644 will have to be paid on a reducing balance basis (10% per annum i.e. €16,365/annum)".

The Council has already provided a 15 year guarantee in 2005 for the original €3.8m and I believe the installation of the CHP Plant will reduce substantially the risk of the facility closing and thus exposing this Council to having to refund the Department a

substantial sum of money. On this account, I believe it to prudent to support the installation of the CHP Plant.

Further conditions of the grant are that “Kerry County Council must publicly support the facility” and “Kerry County Council must set out a commitment to subvent this facility for the next 3 years, on terms to be agreed between the Council and the company”.

A revised business plan submitted by the Company shows that (a) with the reduced energy costs and (b) reasonable support from the Community, that the facility will be close to break-even in 3 years. We are satisfied that the proposed projections in this business plan are reasonable and achievable, with proper marketing and management.

It is estimated that the level of financial support from Kerry County Council will be €40,000 in 2013 and reducing to zero by 2016.

It is important, in support of Ballybunion and its business community, that Kerry County Council supports this facility.

It is a reserved function of the Council, in accordance with Section 67 of the Local Government Act 2001, to approve the guarantee sought in this instance and support and promote the interests of the local community.

I recommend same to Council.”

Mr. Curran said that he was satisfied that the proposed projections in the revised business plan were reasonable and achievable, with proper marketing and management. It shows that with reduced energy costs and reasonable support from the community that the facility will be close to break-even in approximately three years. The facility was used by several schools in the area which had to try to find alternative facilities at much higher cost. Mr. Curran said that he was confident that the local community will support the leisure centre by taking out annual membership and that it would become a worthwhile business over the next few years.

Cllr. R Beasley thanked the County Manager and Kerry County Council for supporting the facility. He hoped that it would become a success over the next few years.

Cllr. R Beasley PROPOSED that this Council resolves to approve the guarantees in relation to Ballybunion Swimming Pool as sought by the Department of Transport, Tourism and Sport and set out in the Managers Report

Cllr. T Buckley SECONDED this proposal.

A vote was taken which resulted as follows:

For: Cllrs. Beasley, Buckley, Cahill, Culloty, Donovan, Ferris, Fitzgerald, Foley, D Healy Rae, J Healy Rae, McCarthy, McEllistrim, Moynihan-Cronin, O’Connell, O’Donoghue, O’Shea, Wharton –Slattery, O’Brien (Mayor) **(18)**

Against: (0)

Absent: Cllrs. Brassil, Connor Scarteen, Cronin, Finucane, Gleeson, Griffin, Leahy, Purtill, Sheahan **(9)**

The Mayor declared the proposal CARRIED.

Cllr. B O' Connell acknowledged the role of the County Manager and the intervention of Minister for Mr. Jimmy Deenihan TD in connection with the successful application for funding.

The Mayor Cllr. T O'Brien said that this was a good news story for North Kerry.

Cllr. P O'Donoghue supported the proposal and said that this was an excellent project which he believed would be successful. He said that it was very important for Kerry County Council to support tourism projects.

Cllr. O'Donoghue congratulated Portmagee on being the overall winner of Failte Ireland's National Tourism Towns Awards and its achievement should be honoured by Kerry County Council through the hosting of a Civic Reception.

Cllr. D Healy Rae also supported the proposal for Ballybunion Swimming Pool and welcomed that Ms. A McAllen A/Head of Finance and Mr. J Breen Director of Services were representing Kerry County Council on the Operations Committee.

12.12.10.10 Date for an Adjourned Budget Meeting

On the PROPOSAL of Cllr. P O'Donoghue SECONDED by Cllr. T O'Brien it was agreed that an Adjourned Budget Meeting would be held on Wednesday 20th December, 2012 commencing at 10.30am if required.

12.12.10.11 Dates for Electoral Area meetings

On the PROPOSAL of Cllr. T Ferris SECONDED by Cllr. N Foley it was agreed that the next Tralee Electoral Area Meeting would be held on - Monday 4th February, 2013 in the Council Chamber, County Buildings, commencing at 10.40am.

On the PROPOSAL of Cllr. Cllr. B Cronin SECONDED by Cllr. Cllr. J J Culloty it was agreed that the next Killarney Electoral Area Meeting would be held on Wednesday 6th February, 2013 in the Council Chambers, Town Hall, Killarney commencing at 10.00am.

On the PROPOSAL of Cllr. S Fitzgerald SECONDED by Cllr. M O'Shea it was agreed that the next Dingle Electoral Area Meeting would be held on Thursday 14th February, 2013 in Killorglin Golf Club commencing at 9.45am.

On the PROPOSAL of Cllr. P O'Donoghue SECONDED by Cllr. PJ Donovan it was agreed that the next Killorglin Electoral Area Meeting would be held on Friday 22nd February, 2013 in the Carnegie Arts Centre, Kenmare, commencing at 9.45am.

On the PROPOSAL of Cllr. T Buckley SECONDED by Cllr. T O'Brien it was agreed that the next Listowel Electoral Area Meeting would be held on Monday 25th February, 2013 in Áras an Phiarsaigh, Listowel, commencing at 10.00am

12.12.10.12 North East Kerry Development Company

It was agreed to note Cllr. G Wharton Slattery's written report on North and East Kerry Development Company which was circulated

12.12.10.13 Aoife Conference

It was agreed to note Cllr. G. Wharton Slattery's written report on the Aoife Conference held on the 8th & 9th November, 2012 which was circulated

12.12.10.14 Approval for the Opening of Tenders

On the PROPOSAL of Cllr. P O'Donoghue SECONDED by Cllr. A McEllistrim it was agreed to approve the opening of tenders for the Appointment to a Multiparty Framework Agreement for the supply of Bitumen Emulsions 2013 - Closing Date: Monday 7th January, 2013 at 3.00 pm.

12.12.10.15 Notices of Motion

2. Kerry Gathering Committee seek to incorporate a 'Thank You' aspect to all Kerry based events in 2013.

Pursuant to notice duly given Cllr. N Foley PROPOSED:

That The Kerry Gathering Committee seek to incorporate a 'Thank You' aspect to all Kerry based events in 2013. This event should acknowledge the support, moral and financial, offered by the Kerry Diaspora to the County down through the years.

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

Cllr. N Foley said that the Gathering 2013 was a very strong marketing tool to encourage people with connections to the county to return to visit. The country has benefited immeasurably from the good will, expertise and the generosity of people who have left Ireland over the years and continue to wave the Irish flag in their adopted countries. In Kerry this would be an opportunity to acknowledge the dept of gratitude to the Kerry dispora and a Mile Buiochas aspect should be incorporated into all Kerry based events.

Cllr. M Cahill SECONDED the motion and said that it was very important to say thanks. He PROPOSED that a letter would be written to the Minister for Transport &

Sport, Mr. Leo Varadcar TD requesting that in view of the anticipated increase in visitors to the country for The Gathering that Airport Charges would not be increased during 2013

3. Request the Department of the Environment, Community and Local Government to reintroduce the Tenant Purchase Annuities Scheme

Pursuant to notice duly given Cllr. M Cahill PROPOSED

That Kerry County Council request the Department of the Environment, Community and Local Government to reintroduce the Tenant Purchase Annuities Scheme and allow tenants that are experiencing great difficulty in acquiring loans the opportunity to purchase their homes and also request the Department to extend the time allowed for the payment of the purchase price which expires at the end of the year.

The following report issued:

National regulations have recently been made to give legal effect to the decision by the DECLG to terminate the 1995 Tenant Purchase Scheme. No new applications can be accepted after 31st December 2012 and all sales under the scheme must be completed by 30th June 2013 as advised by recent DECLG circular, which is an extension of the original deadline of 31st December 2012 notified to us. We are advised that it is intended to replace the 1995 scheme with an alternative incremental purchase scheme to be introduced in the middle of next year which will be based on household income. Further details are awaited in this regard which will require the enactment of primary legislation.

Cllr. M Cahill welcomed the response, however, he said that the Tenant Purchase Annuities Scheme which was discontinued in the 1980's should be revisited in order to assist tenants in owning their own houses.

Cllr. D Healy Rae supported the motion.

4. Call on the Minister to leave in place, the current system, by which Leader, Local & Community Programmes, and other related Programmes are administered

Pursuant to notice duly given Cllr. J J Culloty PROPOSED

That this Council call on the Minister for the Environment, Community & Local Government, to leave in place, the current system, by which Leader, Local & Community Programmes, and other related Programmes are administered. At present, integrated local development companies are successfully administering this funding to projects & communities, who benefit enormously, as a result of this funding.

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

Cllr. JJ Culloty read the following into the minutes.

“The Final Report on Local Government/Local Development Alignment recently published is currently causing a lot of unnecessary confusion and concern.

Firstly, it is very strange at this time when local government structures themselves are being reformed by the minister that an additional complication is being brought to bear on this reform process. Indeed, recent reports acknowledge that city/county councils may find themselves short of the essential skills required to assume an enhanced role in the co-ordination and oversight of local and community development programmes’!

Therefore, it is obvious that reform of local authorities is needed before local authority can even begin to take on a very different role that they are obviously not ready for.

The confusion is added to as it is proposed that a new quango – a Socio Economic Committee – should replace an old quango – the County Development Board – that patently didn’t work.... How and why should this new quango work?!

The Integrated Local Development Companies in Ireland, such as those in Co. Kerry – IRD Duhallow, South Kerry Development Partnership and North & East Kerry Development (which covers Corca Dhuibhne now) – are celebrated the best examples of community led local development in the EU. The EU Commission has laid down a partnered local development approach to be implemented by the local action groups, and the existing groups satisfy the following conditions, which I feel will not be satisfied by local authority:

- Area-based local development strategies for Natural Areas of Development, small enough to be cohesive but large enough to enable development occur... if development of strategies and delivery of actions is done at county level, by definition they cannot recognise local issues and many relevant actions may be excluded (e.g. when the County Development Board was developing its plan some years ago, there was no real focus in the final document on the fishing industry, despite consultation and recommendations on that industry which is vital in some communities in our county).
- Local Action Group: with the decision-making body comprising of at least 50% membership from civil society. It is imperative that the majority of the decision-making body is made up of non-statutory and non-public representative people, in order to facilitate participation of groups not always represented through those bodies nomination and election processes, and to ensure balance in society.
- Bottom-up approach: The reports seek to dismantle local development organisations and the “role and functions assigned to the SEC should either reduce the need for State representation on the boards of a range of local development entities and /or allow the phasing out of certain structures”. This appears to suggest that government – or is the civil and public servants – want to retain local development entities to do the hard graft with the communities

(that it has been acknowledged they cannot do) and the funding goes to the local authorities.

- It is significant that the word “authority” has very different connotations than “development”!
- Multi-sectoral design and implementation: The LEADER Partnerships have shown to be very able to facilitate the interaction between actors and projects of different sectors of the local economy (a real example of this in Co. Kerry was the instigation of the Future Skills Report, which was driven by local development personnel, and included all the main stakeholders in education and training).
- Implementation of innovative approaches which as included LAG’s expanding their capacity and scope. Local Development companies can be more creative in supporting businesses and communities than other enterprise bodies, and if closely “aligned” with local authorities, this flexibility (e.g. re farm diversification, small business start-ups) would be compromised.
- Implementation of co-operation projects at local, regional, national and transnational level.
- Networking of local partnerships & LAG’s”

Local Development expenditure on management and administration is more efficient than Local Government, Enterprise Boards etc. (I’m unsure of the figures here)

The number of business start ups last year was more than 5,000 nationally supported through the local development companies (per LCDP Progress Report 2011). In Kerry the figure was more than 240. More than any other agency, local development bodies are close to the ground, accessible and approachable for all potential business start up promoters.

Village renewal, basic services etc, local development companies work very closely with the county councils but operate in a very different manner (as acknowledged by the reports). The retention of autonomy from the council – or indeed any state body – in facilitating communities to articulate their needs re village projects and community infrastructure is imperative”.

5. Kerry County Council reject Minister proposal to downgrade and undermine the local partnership groups

Pursuant to notice duly given Cllr. D Healy Rae PROPOSED

That we the members of Kerry County Council reject Minister Hogan's proposal to downgrade and undermine the local partnership groups - South Kerry, North & East Kerry and IRD Duhallow by transferring their funding to the County Council's. This would be a retrograde step as much local knowledge and experience would be lost along with the voluntary contributions from many people, this is another savage attack on rural areas as they could never hope to get the same commitment from a centralised Local Authority.

Mr. Ger O’Brien said that this is a matter for consideration by the members.

Cllr. D Healy Rae said that he was concerned that if the current system was changed that rural areas would receive less attention. Also, a lot of the work done by local partnership groups is done on a voluntary basis and staff were available to attend meetings at night time.

Cllr. JJ Culloty said that similar to the transfer of water services from Local Authorities to Irish Water, services which were working well were being changed.

Cllr. B O'Connell said that the administration costs per € aid granted for North East Kerry Leader Partnership and South Kerry Development was €0.62. He believed that the elected members should have a say in how the funding allocated to Local Area Groups is spent. Kerry County Council had a proven track record in accountability and would have surplus staff if Water Services and Motor Taxation were removed from its remit.

Cllr. M O'Shea said that he was a member of South Kerry Development Partnership and acknowledged the excellent work being done by the group. He asked if the County Manager had been informed by the Minister for the Environment, Community & Local Government that Local Authorities may apply for LEADER funding in 2013.

County Manager, Mr. T Curran said that he had not intended to speak on this issue but was taken aback by the comments of the elected members. He said that while he was not casting aspirations on any of the local development groups, he would like to remind the members that the Local Authority provided services in every corner of the county i.e. upkeep of roads, libraries, water services, housing and environmental services. There were Community & Voluntary Fora in nine areas in the county which were regularly facilitated by staff of the Local Authority at night time.

Cllr. J Healy Rae said that questions were being posed by the members and no criticisms were being made. He asked the County Manager to withdraw his remarks.

Mr. Curran referred to Cllr. Culloty's statement above and said that while he had no difficulty with any of the local development groups and was responding to comments which he considered to be at the expense of Kerry County Council.

Cllr. JJ Culloty said that he was not casting aspirations on anyone but local people were in favour of keeping the current system in place.

Mr. J Flynn Director of Corporate Services suggested that the members would familiarise themselves with the content of "Putting People First" and invited them to call to his office if they required any assistance regarding this matter.

Cllr. J Brassil said that while he acknowledged the views of the members he welcomed that the Local Authority would not be losing control of the local development groups.

Cllr. D Healy Rae referred to Cllr. B O'Connell's statement that administration costs per € aid granted for North East Kerry Leader Partnership and South Kerry Development was €0.62 and asked for the source of this information.

Cllr. B O'Connell said that it was contained in item in the *Irish Farmers Journal* on 21st April 2012 and handed a copy of the item to Cllr. Healy Rae.

6. Call on the Minister for Education to scrap the student grant awarding authority - Student Universal Support Ireland (S.U.S.I)

Pursuant to notice duly given Cllr. S Fitzgerald PROPOSED

That we the members of Kerry County Council call on the Minister for Education to scrap the student grant awarding authority - Student Universal Support Ireland (S.U.S.I) and to let the Local Authorities and the V.E.C.'s administer the schemes once again.

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

Cllr. S Fitzgerald said that the administration of Higher Education Grants locally by the Local Authorities and VEC's was more accessible for students. He said that it was not acceptable that a considerable number of students have not to date been informed if their application has been successful or not.

Cllr. M O'Shea said that he was aware of students who were denied access to the college library as their fees had not been paid due to the delay in the processing of their grant. He said that the Minister should be asked to increase staff levels in order to progress the administration of the scheme this year

Cllr. Michael Cahill SECONDED the motion. He said that the lack of information was unacceptable and was causing unnecessary hardship to families.

Cllr. G Wharton Slattery said that she had personal experience of this matter as her son was one of the many students who were waiting for confirmation regarding an application for a higher education grant. She was aware of students in Cork who could not afford food and were forced to go to Cork Penny Dinners for their food. Also, many families had taken out loans to tide them over until the grant was paid.

Cllr. T Ferris offered her support and solidarity to the students and their families who were in this situation. She said that the grant was payable on attendance in class and there were also problems with the new system in this regard. She said that the Student Universal Support Ireland S.U.S.I. should be scrapped and the Minister for Education should revert to the previous system which worked very well.

7. Up to date position with the Low Volume National Secondary Project for the N86

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

To ask the Director of Roads and Transportation what is the up to date position with the Low Volume National Secondary Project for the N86 in view of An Bord Pleanála's request to re-design the cycle lane which is an integral part of the project.

The following report issued:

A CPO and EIS was prepared for this route, which was submitted to An Bord Pleanála in early 2012. The Board held an oral hearing in May, on the submissions received. The only submissions received by the Board, on the EIS, and which were presented to the Inspector at the Oral hearing, were negative towards the scheme, in particular on the provision of the cycleway, as part of the scheme.

The Board wrote to Kerry County Council on the 7th November, 2012, and whilst it *"accepted that there was a demonstrated need to upgrade the route, it considered that the road improvement scheme as proposed would represent an excessive intervention into the landscape not commensurate with the single carriageway route being delivered"*.

The Board has also expressed serious concerns in relation to the long distance cycleway proposed and considered that (a) *"it would not form part of any national cycle network devised by Fáilte Ireland or the National Roads Authority"*, (b) *"might not offer an attractive recreational or amenity route, by virtue of the proximity of cyclists to the carriageway of a busy national secondary route, and might therefore remain under utilized"* and (c) *"would contribute to the excessive width of the overall road corridor and the detrimental landscape impacts"*.

It also suggests that the development of a cycleway along quieter non-national roads, possibly in conjunction with the Dingle way walking route, as identified in the Bord Fáilte strategy, would likely deliver a more desirable and successful cycleway, that would serve a wider cross section of the cycling population and would deliver better long – distance connectivity between population centres.

Taking the above consideration into the account, the Board has stated that *"it is not minded to approve the development as applied for"* and has requested alterations to the scheme, with the following considerations to be taken into account:-

- *A narrower overall road cross section should be adopted, omitting the cycleway and reducing the total width of the alignment in so far as possible, including minimizing the working strips required on a temporary basis alongside the edge of the final carriageway and the overall landtake.*

- *Re-examine the alignment to minimize interference with natural landscape features, hedgerows and tree-lines and minimizing other interventions including embankments and excavation that would create scarring of the landscape. The total length of tree-line and hedgerow to be lost should be minimized.*
- *Submit more detailed proposals in relation to the re-instatement and landscaping of the completed scheme, with a view to minimizing the extent and duration of visual impacts.*

The Board has requested a response be submitted by the 7th May 2013 and any such response may be subject to the requirements of Section 217B of the Planning and Development Act, 2000, which would require the amendments to be placed on public display, with further submissions from the public and prescribed statutory bodies.

The Council is re-examining the design for the scheme in the context of the request from the Board and we have held preliminary discussions with the NRA. Members should be cognizant of the fact that this project is part of a pilot programme, being promoted by the NRA, for the improvement of specific tourist routes nationally.

Whilst, the Council hopes to be able to address some of the concerns expressed by the Board, it also has to be mindful of statutory requirements, as a Road Authority, to comply with prescribed road design standards, for the safety of all road users, and if these standards cannot be achieved, the viability of the overall project could be at risk.

Cllr. M O'Shea said that an identical project in Donegal had been granted and for An Bord Pleanála to omit the cycleway was questionable as this is an important tourist route. The local roads would not appeal to cyclists due to e.g. agricultural traffic, therefore the obvious route for a cycleway was beside the carriageway of the N86. He urged tourism interests and Community Councils in West Kerry to make submissions when the amendments are placed on public display.

Cllr. S Fitzgerald agreed with Cllr. O'Shea and said that the suggestion that the cycleway be located along the old railway line was not realistic as the majority of the line had already been incorporated into the N86 and into farm holdings where the owners may claim adverse possession. Also, it must be pointed out to An Bord Pleanála that the The Dingle Way runs through private land holdings and walkers are allowed with the good will of the land owners. Cllr. Fitzgerald asked if it would be appropriate for the members of Kerry County Council to write to An Bord Pleanála to express their concerns regarding the matter.

Mr. C O'Sullivan Director of Roads & Transportation said that from a statutory viewpoint An Bord Pleanála would not be in a position to deal with a letter from the members at this point. There was a need for the local community to take the matter on board and ensure that submissions were made when the amendments were

placed on public display. It was a matter for An Bord Pleanála to determine if a further Oral Hearing would take place.

10. Coastal protection works at Rossbeigh.

Pursuant to notice duly given Cllr. M Cahill PROPOSED

That Kerry County Council give a detailed report in relation to coastal protection works at Rossbeigh. Has an application for funding been submitted to the Office of Public Works. When is it anticipated that works will be carried out.

The following report issued:

Kerry County Council has made previous submissions in respect of Rossbeigh under the Coastal Minor Flood and Erosion Mitigation Programme seeking funding to put protection in place over approximately 220m of the beach front area from adjacent to the public toilets as far as the children's playground and tennis courts. It would involve the installation of new protection measures as well as the repairs to the existing infrastructure. Funding was not made available on foot of that application. Consideration will be given to a further application for funding in 2013 once the funding details are made available by the OPW.

Cllr. M Cahill said that there were two critical areas i.e. the children's playground and Rossbeigh Point. He said that he would like to see some coastal protection works being carried out and asked if there was any possibility of accessing some private funding for this very necessary work.

Cllr. M O'Shea SECONDED the motion

11. implement a proper drainage programme for roads

Pursuant to notice duly given Cllr. D Healy Rae PROPOSED

To ask Kerry County Council to safeguard our road structure, road users by implementing a proper drainage programme and to especially relieve ponding by opening and clearing water inlets and to seek extra funding if necessary from the NRA.

The following report issued:

The maintenance and upkeep of the 4717 kms of road network in the county is carried out through our 8 Area Offices, having regard to the funding made available from the NRA and the Department of Transport, Tourism and Sport by way of grant aid, and funding provided from Council's own resources in the adopted budget. Substantial work has been carried out over the past 10 years on improving and strengthening the road network with the funding provided.

However, the Council has always acknowledged that the level of funding provided is inadequate to address fully the level of maintenance required, particularly for the local road network. This will always be a challenge in the county because of the extent of the network, the size and peripherality of the county and the low density of population. The Area Engineer has to make an informed decision on what elements of maintenance to carry out within the inadequate maintenance budget provided. This can be skirting, opening drainage inlets and providing drainage channels, patch repairs and filling pot holes, replacing lining and signs, litter picking and removal, footpath repairs, repairing public lighting, repairing of safety barriers and attendance at flooding instances and accidents. There are a lot of maintenance elements contesting for the limited maintenance fund. It is not possible that one element can be favoured over all the others as each element is required to safeguard the road structure.

In the current climate the Local Authority is grateful for helpful measures that landowners can carry out to protect the roads by ensuring that water is not allowed to run onto the public road from their property, and by ensuring that all drains within their responsibility and ownership are maintained clear.

Cllr. D Healy Rae welcomed the response and said that every effort must be made to protect roads by opening and clearing water inlets. He referred to past harsh winters when roads became impassable due to drainage problems and said that it was very important that “we protect what we have”. He said that previously a staff member was assigned to keeping inlets and drains open to allow water to flow off the road, this has been discontinued and the condition of roads has deteriorated as a result.

Cllr. T Ferris supported the essence of the motion and said that if there is no drainage, carrying out road improvements was a waste of resources.

12. Call on Minister for Justice to lift embargo on recruitment to An Garda Siochana.

Pursuant to notice duly given Cllr. J J Culloty PROPOSED

As people in rural areas are witnessing the reduction in the number of gardai on the ground, who acts as a deterrent to criminals. I call on this Council to write to the Minister for Justice, calling on him, to have the embargo on new recruits lifted immediately.

Mr. Ger O’Brien said that this is a matter for consideration by the members.

Cllr. JJ Culloty said that it would take approximately two years from the lifting of the embargo to having new Gardaí in place. People living in rural areas no longer felt safe due to the closing of rural Garda Stations.

Cllr. D Healy Rae supported the motion and asked that the Minister would be requested to clarify as to why Garda Stations in some areas are to remain open and

no Gardaí assigned to them and as a consequence the coast line was wide open for drug trafficking

13. Introduce an 80% tax rate on all former state employees' and bankers' pensions over €100,000.

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

That Kerry County Council requests the Government to introduce an 80% tax rate on all former state employees' and bankers' pensions over €100,000.

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

Cllr. M O'Shea said that Budget 2013 had created a class distinction. The salaries and entitlements of Oireachtas Members, Ministers and top Civil Servants have not been reduced.

He referred to former bankers who were getting a pension of €1.1 million

If a person of 40 years of age wished to avail of such a pension they would have to pay €30, 000 per month into it.

When American banks went burst a tax of 90% on pensions of over €80,000 was imposed. He appealed to all the members to support his motion.

Cllr. P McCarthy SECONDED the motion.

15. Open the newly refurbished public toilet at Rossbeigh beach at weekends in the off season.

Pursuant to notice duly given Cllrs. M Cahill /JJ Culloty PROPOSED

That Kerry County Council open the newly refurbished public toilet at Rossbeigh beach at weekends in the off season.

The following report issued:

The opening schedule for the newly refurbished public toilets at Rossbeigh was increased from 183 days in 2011 to 193 in 2012.

In general terms the facility is open during Christmas / New Year, for 3 or 4 days around St Patrick's Day and from Easter to late September. Due to the prevailing financial constraints, there is currently no additional funding available to increase these hours of opening for Rossbeigh public toilets in 2013.

Cllr. M Cahill said that he was disappointed with the reply as the nearest public toilets were in Killorglin and Caherciveen and the toilets at Rossbeigh should be open at least on Sundays when many people visit the beach.

Cllr. JJ Culloty supported the motion.

Mr. O Ring Director of Environment said that he would discuss the matter further with Cllr. Cahill but it was a matter of balancing funding, if additional funding was allocated to the opening of the public toilets at Rossbeigh it would have to be taken from another area.

16. Details of amount spent on outside legal expenses for 2010 and 2011.

Pursuant to notice duly given Cllrs. J Healy Rae/D Healy Rae PROPOSED

To ask Kerry County Council to give details as to the amount spent on outside legal expenses for 2010 and 2011.

The following report issued:

Kerry County Council has an in house Legal Department which carries out the majority of the legal work required by the Kerry Local Authorities. There are occasions however, when it is necessary to procure external legal services. The main area of such procurement is the engagement of Barristers for Circuit and High Court legal proceedings and certain advice work. Specialist external legal services have been also retained in connection with some capital projects. In addition, there are occasions when third party legal fees have to be discharged by Kerry County Council.

The total amount reflected in the Council's Annual Financial Statement for the year 2010 on external legal services is €90,581.

The total amount reflected in the Council's Annual Financial Statement for the year 2011 on external legal services is €153,227.

17. Ask Minister for Education to urgently provide the additional staff to process the third level grant applications and ensure payments are made before the end of the year

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

That Kerry County Council write to the Minister for Education to urgently provide the additional staff to process the third level grant applications and ensure payments are made before the end of the year to alleviate the serious pressures on students and parents alike. There is a serious threat that a large number of students will opt out of university and thus add to the numbers applying for state support.

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

12.12.10.16 Correspondence – Conferences and Seminars

(a) On the PROPOSAL of Cllr. Michael Cahill SECONDED by Cllr. JJ Culloty it was agreed to authorise the attendance of Cllr. J Healy Rae at the Training Seminar on

the theme of 'Health & Safety and the Councillor to be held in Clonmel Park Hotel, Clonmel, Tipperary 14/12/2012 -- 15/12/2012:

(c) Payment of Cllr. Jim Finucane's 2013 Conference Allocation to the Irish Management Institute towards the cost of course fees in connection with a Diploma in Leadership which he has undertaken.

Mr. G O'Brien said that Cllr. Jim Finucane is currently undertaking a Diploma in Leadership with the Irish Management Institute. Cllr. Finucane has requested payment of his 2013 conference allocation to the IMI towards the cost of course fees in connection with this Diploma. We have sought clarification from the DECLG on this matter and they have confirmed as outlined by the Minister for the Environment, Community and Local Government, in his response to a recent PQ, that there is a legal basis to enable Local Authorities to pay expenses relating to educational courses, including third level degree courses, undertaken by Elected Members. The proposal is also in compliance with the Guidelines issued by the Minister in February 2010 along with the Training and Development Programme for Councillors 2012.

Cllr. B Cronin said that he would be against this proposal as in his opinion Conference Allocations should be paid to councillors in respect of conferences which they had already attended.

Cllr. D Healy Rae agreed with Cllr. Cronin regarding this matter.

Mr. G O'Brien said that Cllr. Finucane had already commenced this course

Cllr. J Brassil said that in his view it was not appropriate to discuss this matter in the absence of Cllr. Finucane.

It was agreed that this issue would be deferred until the January meeting.

(d) On the PROPOSAL of Cllr. T Buckley SECONDED by Cllr. P Leahy it was agreed to authorise the attendance of Cllr. P Leahy at the Maximising Energy Efficiency in Local Authorities Conference in the Kings Valley Hotel, Merlin Park Galway on 14/12/12 – 15/12/12

12.12.10.17 Correspondence General

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

1.	Letter dated 15 November, 2012 from the Office of the Minister for Agriculture, Food and the Marine in relation to assistance to farmers following bad summer conditions.
2.	Letter dated 19 November, 2012 from the Office of the Minister for Public Expenditure and Reform in relation to a meeting on the proposed merger of Shannon Airport and Shannon Development.
3.	Letter dated 20 November, 2012 from the Office of the Minister for Environment, Community and Local Government in relation to the reduction in Kerry County Council's General Purpose Grant Q3.
4.	Email dated 20 November, 2012 from Senator Mark Daly in relation to Housing Capital

	Allocations.
5.	Letter dated 20 November, 2012 from the Office of the Minister for Finance in relation to the closure of the Tarbert Branch of AIB.
6.	Letter dated 29 November, 2012 from Pobal in relation to the LEADER Programme.
7.	Letter dated 22 November, 2012 from Ballinasloe Town Council in relation to a resolution adopted by that authority rejecting the decision to abolish Town Councils.
8.	Letter dated 29 November, 2012 from Donegal County Council in relation to a resolution adopted by that authority calling on the Minister for Finance to put measures in place in the Budget to help those who are finding it extremely difficult to pay their mortgage.
9.	Letter dated 29 November, 2012 from Donegal County Council in relation to a resolution adopted by that authority objecting to the abolition of County Enterprise Boards.

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 Paul Casey.
- (b) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Kathleen O'Donoghue.
- (c) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Donal Lucey.
- (d) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Johnny Cahill.
- (e) Cllrs. D. Healy-Rae and J. Healy-Rae proposed that a vote of sympathy be extended to the family of the late Helena O'Leary.
- (f) Cllrs. T Ferris and R Beasley proposed that a vote of sympathy be extended to the family of the late Kieran Tracey.

12.12.10.18. Any Other Business/Aon Ghnó Eile

Reception of Deputation

Cllr. J Healy Rae requested that a deputation be received from the Residents of Bonane in relation to the condition of the road.

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

The meeting concluded at 3.55 pm.

Gerard O'Brien
Meetings Administrator

Mayor of Kerry