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**MIONTUAIRISCÍ AN CRUINNÍÚ DE COMHAIRLE CONTAE CHIARRAÍ
A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR AN
LUAN, 17 FEABHRA 2020**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY,
17 FEBRUARY 2020**

**PRESENT/I LÁTHAIR
Councillors/Comhairleoirí**

Robert Beasley	Michael Cahill	Patrick Connor-Scarteen
Brendan Cronin	Charlie Farrelly	Jim Finucane
Breandán Fitzgerald	Fionnán Fitzgerald	Seamus Fitzgerald
John Francis Flynn	Cathal Foley	Michael Foley
Michael Gleeson	Donal Grady	Jackie Healy-Rae
Johnny Healy-Rae	Maura Healy-Rae	Niall Kelleher
Michael Kennelly	Sam Locke	Dan McCarthy
Jimmy Moloney	Marie Moloney	Norma Moriarty
Terry O'Brien	Niall O'Callaghan	Bobby O'Connell
Michael O'Shea	Mikey Sheehy	Aoife Thornton

IN ATTENDANCE/I LÁTHAIR

Ms. M. Murrell, Chief Executive	Mr. C. O'Sullivan, Dir. of Rds, Transp'n & Marine
Mr. J. Breen, Director Water Services	Mr. M. O'Donoghue, Director Housing
Mr. M. Scannell, Dir. Job Cr/Sust. ED	Mr. C. O'Connor, Director Corp. Servs.
Ms. A. McAllen, Head of Finance	Ms. J. McCarthy, Meetings Administrator
Ms. D. Griffin, SO Corporate	Mr. O. O'Shea, Press Officer
Ms. O. O'Shea, CO Corporate Support	Mr. G. O'Brien, A/SEO Environment
Mr. P. Corkery, SEO Internal Audit	Ms. N. O'Sullivan, SEO Community Dept.
Ms. H. Switzer, AO Community Dept.	Ms. B. O'Riordan, AO Housing
Ms. C. Keenan, Property Manager	Ms. S. Fitzpatrick, CO Housing

The meeting commenced at 10.40 a.m.

Cllr. Cllr. Niall Kelleher, Cathaoirleach, took the Chair.

Vote of Sympathy

Cathaoirleach Niall Kelleher proposed a vote of sympathy to Cllr. Terry O'Brien on the passing of his Mother-in-law, Mrs. Bridget O'Sullivan. May she rest in peace.

All Elected Members and management wished to be associated with the votes of sympathy.

General Election 2020

Cathaoirleach Niall Kelleher congratulated Deputy Pa Daly and Deputy Norma Foley on their election to Dáil Éireann. He said he would be extending an invitation to the Kerry TDs to attend a meeting to discuss issues of importance for County Kerry. He commended all candidates who stood in the election and said all public representatives have the future of Kerry at the forefront of their work. He said public

representatives come from political parties and from none and, while not always agreeing, we always have respect for each other. He criticised the derogatory commentary of election candidates that appeared on social media. He said he hopes the Elected Members will be united and critical of such language and abuse. Public representatives are in the public eye as politicians, but they are there to serve their communities. They are not a target for insults or as political punch bags. Social media needs to be more regulated in this regard.

Cllr. Michael Gleeson agreed with the sentiments expressed by Cathaoirleach Kelleher and congratulated all who put their name on the ballot paper. Only by doing this can democracy be promoted, enhanced and protected. He commended those who placed their names on the ballot paper and who were not successful, it is a noble deed for democracy.

Cllr. Terry O'Brien, on behalf of the Labour Party, congratulated Deputy Norma Foley and Deputy Pa Daly, and supported the call to meet with all TDs regarding issues important to the county. He said he has huge respect for those that put their name on the ballot paper. He thanked former TDs, John Brassil and Martin Ferris, for their service to the county.

Cllr. Jim Finucane congratulated Deputy Norma Foley and Deputy Pa Daly on their election to Dáil Éireann. He congratulated all candidates that contested the General Election, adding that it takes huge commitment and courage to contest an election and it enriches our democracy.

Cllr. Cathal Foley congratulated Deputy Norma Foley and Deputy Pa Daly on their election to Dáil Éireann and added that all TDs will work for the betterment of County Kerry. He commiserated with those that were not successful on this occasion.

Cllr. Donal Grady congratulated newly elected Deputy Norma Foley and Deputy Pa Daly along with all candidates that stood for election.

Cllr. Charlie Farrelly congratulated the five TDs elected to Dáil Éireann. He commiserated with those that were unsuccessful, adding that it shows great commitment to the county to put their name on the ballot paper. He wished to be associated with the Cathaoirleach's remarks regarding social media.

Cllr. Maura Healy-Rae congratulated the five TDs elected to Dáil Éireann, and in particular Deputy Pa Daly and Deputy Norma Foley. She acknowledged those candidates that were unsuccessful and said it takes great courage for anyone to put their name before the people. She extended best wishes to outgoing Deputies John Brassil and Martin Ferris who served this Council and the county for many years. She thanks all staff and the County Registrar's team for their meticulous work on the election count.

Cllr. Michael O'Shea congratulated Kerry's five TDs on their election to Dáil Éireann. He commiserated with those that were not successful and commended them for standing for election. He thanked outgoing Deputies John Brassil and Martin Ferris for their service to Kerry County Council and County Kerry.

Cllr. Niall O'Callaghan said, as a victim of online abuse, he concurs with the Cathaoirleach's comments regarding social media. He congratulated the TDs that

were elected and commended those who put their names on the ballot paper. He called on all TDs to use the mandate they have to find common ground and create a Government.

Cllr. Sam Locke concurred with the Cathaoirleach's comments regarding social media and said the Gardaí should be involved in any investigation of same. He congratulated Kerry's five TDs on their election to Dáil Éireann. He commended all candidates who put their name on the ballot paper.

17.2.2020.01 Cathaoirleach's Report on CPG meeting held on 11 Feb 2020

The Cathaoirleach's report on the CPG meeting held on 11 February 2020, which had been circulated, was noted by the Members. It was unanimously agreed to extend the timescale for the preparation of the Kerry County Council Corporate Plan 2019-2024 to the April 2020 Full Council meeting. It was unanimously agreed that the GDPR Workshop would be deferred until the casual vacancies on Kerry County Council have been filled.

Cllr. Michael Gleeson thanked the executive for their promptness in informing the Elected Members of the damage to the R569 at Loo Bridge and the closure of this road. He acknowledged that diversion signage has been put in place and asked that the directional signs for Kenmare, from Lissivigeen roundabout towards the R569, would be covered for the duration of the works on the R569.

Cllr. Sam Locke commended Kerry County Council workers for alleviating the difficulties that arose during the recent severe weather event. There are many drainage issues to be assessed and addressed as roads are being damaged by excess water. He referred to damage done in Fenit and asked that the sluice gates in this area would be assessed.

Cllr. Patrick Connor-Scarteen welcomed the commencement of works on the R569 and the provision of laybys on the diversion route at Foiladuane. He said it is essential that the public be updated regularly of the situation with this route.

Cllr. Maura Healy-Rae referred to the closure of the R569 and the diversion route via Foiladuane. She expressed concern that the road is not fit for two-way traffic. She asked for an update on the expected completion date for works on the R569.

Cllr. Marie Moloney paid tribute to the Council staff for their work during the recent storms and to the emergency services that are always on hand and respond to calls quickly. She referred to subsidence on the road from Tangney's Cross to Kilcummin and asked that works be carried out at that location. She said drainage works are required in locations prone to flooding in each Municipal District; clearing out drains to allow the water to flow freely.

Cllr. Jackie Healy-Rae complimented management and staff of Kerry County Council on the proactive response to the damage caused by two storms in recent weeks. He referred to the R569 and thanked management for their work on the alternative routes and asked when the R569 will reopen.

Cllr. Robert Beasley referred to damage to the embankment at Banna during Storm Ciara over last weekend and called for immediate action for sluice gates or rock armour to be put in place.

Cllr. Donal Grady referred to the R569 and thanked management for their promptness in informing the Elected Members of the damage to the R569 and the closure of this road. He asked for the expected completion date for works on the road. He supported the call for works to be carried out on the road from Tangney's Cross to Kilcummin.

Cllr. Niall O'Callaghan thanked management for their promptness in informing the Elected Members of the damage to the R569 and the closure of this road. He acknowledged the press release issued on Friday, 14 February 2020 indicating that the works would take four weeks. He said the ponding of water on roads is most dangerous. He complimented the work of the council staff during the recent storms.

Cllr. Breandán Fitzgerald thanked management for their proactive response during recent storms and for keeping the Elected Members informed. He referred to flooding at the Maharees and acknowledged the work of Kerry County Council that is ongoing in this area.

The Chief Executive thanked Elected Members for their remarks and thanked management and staff, community teams, the Gardaí and emergency services for their work during the recent storms. A timeline of four weeks had been set for the completion of works on the R569; it is now estimated that the works will be completed in three weeks, to reopen this key route. The storm damage at Banna is being assessed and Elected Members will be updated.

17.2.2020.02 Confirmation of Minutes

- a) On the PROPOSAL of Cllr. Michael Gleeson, SECONDED by Cllr. Mikey Sheehy, it was resolved that the minutes of the LPT Meeting of Kerry County Council held on 23 September 2019 be confirmed.
- b) On the PROPOSAL of Cllr. Jimmy Moloney, SECONDED by Cllr. Jim Finucane, it was resolved that the minutes of the Budget Meeting of Kerry County Council held on 18 November 2019 be confirmed.
- c) On the PROPOSAL of Cllr. Patrick Connor-Scarteen, SECONDED by Cllr. Michael Gleeson, it was resolved that the minutes of the Ordinary Meeting of Kerry County Council held on 20 January 2020 be confirmed.

17.2.2020.03 Chief Executive's Report to Council

The Chief Executive's report for the month of January 2020, which had been circulated, was noted by the Members.

Cllr. Brendan Cronin moved notice of motion no. 28.

Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:

As it is now nearly 2 years since the closing date for Local Improvement Schemes in this County, when will Kerry County Council provide the Elected members with the priority list of these schemes. There is major public frustration, anger and disbelief at how long it is taking the Council to carry out the assessment and make public the priority list.

The following reply issued:

Council was previously advised of the extensive work programme involved in assessing the 804 applications received for this programme and our commitment to have the assessments complete by the end of January 2020.

The assessments are now complete and the priority list is being validated, following which it will be issued to all members.

Cllr. Brendan Cronin said there is anger, frustration and disbelief among the public at the timescale involved in assessing the Local Improvement Scheme applications. While assessments are now complete, the priority list must yet be validated. The Local Improvement Scheme was in place up to 2008. It has been 12 years since Local Improvement Scheme applications were accepted. Roads are torn to pieces with trenches, potholes and water. He asked if the same timescale would apply to assessment of 804 applications. He asked how many applications were unsuccessful. He welcomed that the priority list is going to be published and asked when it will be published, in what format and to whom it will the priority list will be issued.

Mr. C. O'Sullivan, Director of Service, said the process in relation to the Local Improvement Scheme was set out clearly to Elected Members. The process included validating with the applicants ownership of lands and who would benefit from the scheme. Strict criteria must be made regarding the Local Improvement Scheme. A commitment was given to have the assessment complete by January, which was met. This is a Kerry County Council priority list and programme, therefore, the priority list will be issued to the Elected Members by e-mail with an advance text message notification also issuing. A number of applications were unsuccessful and there was also an issue regarding strategic community roads. Approximately 15 community roads will have to be considered in the process.

Cllr. Maura Healy-Rae asked how many roads will have work done this year.

Cllr. Robert Beasley asked if a report will issue to Elected Members on all applications, successful and unsuccessful.

Cllr. Michael Cahill asked how many applications are on the hardship and emergency scheme.

Mr. C. O'Sullivan, Director of Service, said an indicative price will be provided for the top 50 on the priority list. To date funding has not been allocated by the Department for the Local Improvement Scheme, therefore, an indication cannot be given as to when work under this scheme will proceed. In relation to the query regarding the Emergency and Hardship Scheme, there is not a separate list of these cases. By their nature, they can arise where circumstances are particularly difficult and it becomes an emergency that the works are done. When funding becomes available, the Local Improvement Scheme will be discussed at Municipal District meetings.

Cllr. Mike Kennelly said a desktop assessment of the applications was carried out and he asked how the applications have been prioritised.

Cllr. Michael O'Shea asked if there is an appeal process within the scheme.

Cllr. Michael Foley asked how the applications have been prioritised.

Cllr. Jackie Healy-Rae asked if the list would include all successful applications or only a number of the successful applications.

Cllr. Michael Cahill said he understood that Hardship and Emergency cases were categorised and prioritised separately.

Cllr. Norma Moriarty said she understood Elected Members could contribute to the Local Improvement Scheme from their Councillors Allocation, and asked if that is still the case.

Cllr. Fionnán Fitzgerald asked when funding for the Local Improvement Scheme will be made available and how many applications will be funded this year.

Mr. C. O'Sullivan, Director of Service, said this was not just a desktop exercise. The engineer assessing the applications inspected all roads. The marking scheme was adopted by Council, having been brought through the Transport SPC. The priority list will include all applications. Estimate costing will be provided for the top 50. Full costings will be done when funding becomes available. The process of contributing from Councillors Allocations was put in place at a time when there was no funding for Local Improvement Schemes. If an emergency case arises, it will be assessed and taken into account when funding is available. An indicative time has not been received from the Department regarding funding. When funding is made available Elected Members will be notified of same and the number of roads that will be accommodated.

Cllr. Jim Finucane moved notice of motion no. 10.

Pursuant to notice duly given Cllr. Jim Finucane PROPOSED:

That this Council prioritise the Economic Conference for the County and its inclusion of a broad spectrum of the Kerry Diaspora.

The following reply issued:

Kerry County Council will host the Joining the Dots Economic Conference on the 25th March 2020. This conference will focus on developing diaspora links to the County as well as dealing with broader economic development themes for Kerry, the southwest region and forming alliances with businesses based in the UK. Kerry County Council has also engaged with the diaspora through the "Prosper Series". This is a joint initiative between Kerry County Council, Guinness Enterprise Centre, Dublin and the ITT through a number of high-profile events, where meetings have been held introducing the services and supports within the county to our diaspora. Referral support has also been sought from the diaspora to assist a number of aspiring businesses seeking market extension contacts.

In addition, the Council will host a Diaspora training event in 2020, which will focus on developing the most appropriate avenues of engagement with the Diaspora to ensure their long term engagement with Kerry.

Cllr. Jim Finucane welcomed the reply and the economic conference scheduled for March, a significant conference for the county. The outcome of the commitment of Kerry County Council can be seen in the recently opened RDI Hub in Killorglin, an important advancement for the county and proof that people will come to Kerry to work.

Cllr. John Francis Flynn SECONDED this motion and said it is very important for this county that links are maintained with the diaspora. He asked for details on the conference.

The Chief Executive said when finalised, the conference schedule will be circulated to Elected Members.

Cllr. Jim Finucane moved notice of motion no. 24.

Pursuant to notice duly given Cllr. Jim Finucane PROPOSED:

That this Council in conjunction with Kerry Airport, would initiate a marketing campaign on the new route between Farranfore and Manchester.

The following reply issued:

Kerry Airport hosted industry workshops for the launch of the Manchester to Kerry route in the past week which were well attended. The workshops were held in conjunction with Kerry County Council and our tourism partners Tourism Ireland, Fáilte Ireland & Ryanair to scope the opportunities that may ensue for industry from this new route. It is proposed to commence a three-year development programme with Kerry Airport in relation to this route. It is also proposed to host a Kerry event in Manchester over the coming months and discussions have initiated with both the British and Irish embassies in this regard.

Cllr. Jim Finucane welcomed the work that has been done and said Kerry's Tourism Office should have a presence in Manchester airport or Manchester City, in order to have an impact in this region.

Cllr. Niall O'Callaghan SECONDED this motion and said it is important to build on this route, for example Killarney is linked with Kendall, which is within an hour of Manchester airport.

Cllr. Mikey Sheehy welcomed the increased funding from the Department of Transport. He asked that communication continue with the public affected by the closure of the Dale Road. He welcomed works planned within Tralee Municipal District. The announcement of the Kerry-Manchester route is hugely important for the county from a tourism and enterprise perspective. He asked that as much as possible be done to promote tourism and the county within the north of the UK.

Cllr. Fionnán Fitzgerald welcomed the increased funding from the Department of Transport and the launch of the Kerry-Manchester route, a lot of good can be gained by way of contacts with the Kerry diaspora.

Cllr. Jackie Healy-Rae welcomed the launch of the Kerry-Manchester route as Kerry airport is critical to the economic role of this county. This route will help attract tourism and new businesses; it will also be widely used by the people of Kerry. He supported the request to have a tourism presence in Manchester. The more routes that can be secured for Kerry airport the better for the tourism and economic growth of the county.

Cllr. Jimmy Moloney welcomed the investment in the Kerry Library service and that Listowel town has been selected as one of thirteen towns to work towards achieving accreditation from AsIAm [www.asiam.ie] as an Autism Friendly Town. He asked that update reports on the Dale Road continue to be presented to the Listowel Municipal District meetings and local residents. He referred to roads funding and said it is difficult to accept that the level of funding will be sufficient to address all the local roads in the Listowel Municipal District which are in poor condition. Due to

works on the Adare Bypass, the Foynes-Tarbert road should be improved to accommodate an increase in traffic.

Cllr. Michael Gleeson referred to the reply received from Transport Infrastructure Ireland to his notice of motion in relation to cycling lanes on Adare and Macroom Bypasses. He expressed disappointment that the reply states that dedicated cycle lanes are not to be included. When the bypass is in place cyclists are to use the old roads, the standard of maintenance of those roads will decline further and will become less safe for cyclists. Cycle lanes should be included, and there is a huge economic dimension to this.

Cllr. Robert Beasley welcomed funding received which will allow for the commencement of construction of the R556 Dale Road. The effect on the tourism sector, because of the closure of this road, must also be taken into account, and hopefully these works will be complete within 12 months. He appealed for additional funding to be made available to address the poor condition of the local and tertiary roads in the Listowel Municipal District.

Cllr. Marie Moloney welcomed the application made by Kerry Library for grant funding to support children and adults with sensory impairments, learning differences, additional needs and those on the Autism spectrum. She asked that Elected Members be updated with progress on that application. She welcomed the road grants funding. She welcomed the submission made by Kerry County Council to An Bord Pleanála in support of the N21 Foynes-Limerick (Adare By-Pass) Scheme. She asked for an update on the Municipal District Enforcement Officers. She welcomed the opening of the RDI Hub in Killorglin, which will be good for the county. She asked for details of the timescale for making proposals under the Urban Regeneration Development Fund (URDF) and Rural Regeneration Development Fund (RRDF). She said the Kerry-Manchester flight is very important for tourism, particularly in the South Kerry area and for the development of Kerry Airport.

Cllr. John Francis Flynn welcomed increased funding for road grants. He acknowledged Kerry County Council's involvement in the RDI Hub. He acknowledged the contribution of FEXCO to the town of Killorglin and the county, for the employment they provide and that they are open to joint business ventures. He asked if the Municipal District Enforcement Officers have taken their positions. He referred to the N70 road at Laharn, Killorglin, where road barriers have been removed and asked that this be raised at the meeting with Transport Infrastructure Ireland.

Cllr. Donal Grady welcomed the opening of the Kerry-Manchester route and congratulated all involved in securing this route. He also welcomed the receipt of 348 applications for the Community Support fund.

Cllr. Michael Cahill welcomed the opening of the RDI Hub in Killorglin, the result of a public private partnership between Kerry County Council and FEXCO, and a world class facility which will provide much employment in the area. Kerry County Council and Transport Infrastructure Ireland must expedite the acquisition of lands for a footpath and cycleway, along with relining, from Killorglin to the RDI Hub.

Cllr. Breandán Fitzgerald welcomed the progress regarding the Local Improvement Scheme. Funding for Scéim na mBóithre Áise has not yet been reinstated for roads

in the Gaeltacht areas. He congratulated all involved in the opening of the RDI Hub in Killorglin and acknowledged the investment of Kerry County Council, which was required in order for this to be achieved. The connection between the LPT and the RDI Hub must be acknowledged. He welcomed the Kerry-Manchester route and said the workshops for the tourism industry were very useful. It is important that all viable routes from Kerry Airport be explored.

Cllr. Charlie Farrelly welcomed the increased road grants funding and the detailed e-mail from the Director of Service for Roads and Transportation regarding same.

The Chief Executive said the Elected Members were advised at Municipal District level that the design for the N72 route to the RDI Hub is well advanced and it is hoped to go to planning this year. This route has been prioritised with Transport Infrastructure Ireland. In relation to the increased traffic from Foynes to Tarbert, Kerry County Council is aware of this. The delivery of the Adare Bypass is critical. In any submissions Kerry County Council has made the Adare and Macroom Bypasses have been identified as being the two routes that will transform this county from an access point of view. With regard to the Municipal District Enforcement Officers, four officers are in place and the appointment of the Killarney officer is awaited. The Municipal District Enforcement Officers will be introduced to the Elected Members at Municipal District meetings and their work programme outlined. She welcomed any contacts that the Elected Members may have in relation to the Manchester diaspora. In relation to the barriers at Laharn on the N70, a reply was provided to the January meeting of Kenmare Municipal District regarding this matter.

17.2.2020.04 Date for Special Meeting of Kerry County Council

On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Jimmy Moloney, it was agreed to hold a Special Meeting of Kerry County Council on Tuesday, 25 February 2020 at 10.30 a.m. to fill the casual vacancies on the Council following the election to Dáil Éireann of Deputy Pa Daly and Deputy Norma Foley.

Mr. C. O'Connor, Director of Service, said casual vacancies on the following committees will also be filled at the special meeting on 25 February: two vacancies on Kerry Education and Training Board, two vacancies on the Housing SPC, the appointment of a Chair to the Housing SPC and one vacancy on the JPC.

17.2.2020.05 Section 85 Agreement

On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. John Francis Flynn, it was agreed to authorise the making of an agreement between Kerry County Council and Cork County Council, pursuant to the provisions of Section 85 of the Local Government Act 2001 (as amended), whereby Cork County Council will carry out all of the functions of Kerry County Council in respect of the "Public Lighting Energy Saving LED Retrofit Project – South West Region", with the exception of obtaining any necessary planning approvals and undertaking public consultation procedures as required under the Planning and Development Acts and Regulations.

17.2.2020.06 2018 NOAC Report on Performance Indicators

On the PROPOSAL of Cllr. Michael Gleeson, SECONDED by Cllr. Jim Finucane, it was agreed to note the 2018 NOAC Report on Performance Indicators.

17.2.2020.07 Update on Community Department Work Programme

Cathaoirleach Niall Kelleher welcomed Ms. Niamh O'Sullivan, SEO Community Department, to the Council Chamber and invited her to make a presentation.

Ms. O'Sullivan made a presentation to the Elected Members on the Community Department work programme which included the following:

- Working directly with:
 - Community groups and Chamber Alliances
 - Local Partnerships and agencies that involve communities in their work
 - Public Participation Network (PPN) and Comhairle na nÓg
- Key Areas of Work
 - Implementing Key Strategies and Plans:
 - Local Economic and Community Plan (LECP)
 - Kerry's Age Friendly Strategy
 - Developing Healthy and Active Communities.
 - Delivering Programmes through Kerry's Local Sports Partnership and Healthy Ireland.
- Developing Healthy and Active Communities
- Revitalisation of Towns and Villages across the county

Cllr. Fionnán Fitzgerald commended the work of the Community Department with Comhairle na nÓg, which provides a focus and place for students to develop and present their thoughts and ideas. He welcomed the work of the Kerry Age Friendly Strategy which helps to keep older people active; the support for active retirement groups across the county is of great benefit. He commended the work of the Kerry Sports Partnership and work done to bring the youth of the county together as well as providing for people with special needs.

Cllr. Niall O'Callaghan commended the work being done by the Community Department which has a positive impact on the community. Inclusion, especially in sport and for young people, is hugely beneficial.

Cllr. Charlie Farrelly commended the work of the Community Department and congratulated Ms. Niamh O'Sullivan on being an excellent leader of the LCDC along with the Cathaoirleach.

Cllr. Jim Finucane said the most important aspect of this work is building communities. The investment in the protection of communities is essential to protect the rural way of life in this county, keeping people interested in their communities and keeping communities alive and active.

Cllr. Marie Moloney commended the work of the Community Department. Community is the most important word, we are all here to work for our communities and the county.

Cllr. Donal Grady thanked Ms. O'Sullivan for her presentation. He expressed concern regarding substance mis-use and abuse that is taking place across the county and country. Services must be provided for those who need help in this area.

Cllr. Michael Cahill congratulated the Community Department for the tremendous work they carry out. Provision of services for all age groups is welcome. In relation to playgrounds, Kerry County Council has a great record in providing sites,

equipment and grant aid. Where communities are unable to secure a site for a playground, Kerry County Council should be assisting those communities in acquiring a site.

Cllr. Sam Locke commended the work of the Community Department. He said it would be useful if information could be provided to social housing tenants on how to set up a Residents Association/Community Group within their community.

Cathaoirleach Niall Kelleher thanked Ms. O'Sullivan for her presentation and her work with the LCDC. He commended the Community Department on the wide range of good work that is being done in rural communities across the county.

17.2.2020.08 Presentation from Home for Life

Cathaoirleach Niall Kelleher welcomed Mr. Stephen Curtis, Director of Operations, Home For Life, to the Council Chamber and invited him to make a presentation.

Mr. Curtis made a presentation to the Elected Members on Home for Life which included the following:

- Home for Life – Mortgage to Rent
- What is Mortgage to Rent
- Eligibility Criteria
- Benefits of the Scheme
- Borrower concerns in relation to the Scheme
- Awareness of the Scheme
- MTR is a needed solution to Long term Mortgage Arrears
- Role Local Authorities Play in MTR

Cathaoirleach Niall Kelleher thanked Mr. Curtis for his presentation.

17.2.2020.09 Presentation from iCare Housing

He welcomed Ms. Marcella Cussen, Project Manager, iCare Housing, to the Council Chamber and invited her to make a presentation.

Ms. Cussen made a presentation to the Elected Members on iCare Housing which included the following:

- iCare Housing: Overview
- iCare properties and pipeline: Nationwide
- iCare properties and pipeline: County Kerry
- High level overview of iCare process
- Issues affecting iCare completions

Cathaoirleach Niall Kelleher thanked Ms. Cussen for her presentation and invited comments from Elected Members on both presentations.

Cllr. Jim Finucane said the Mortgage to Rent process is convoluted and there is a lack of empathy towards homeowners in difficulty. A simplified process is required. It is not acceptable that the state is not challenging vulture funds that are taking advantage of homeowners in dire situations. He asked if the tenants will be able to re-purchase their house at a future stage, and what criteria will apply.

Mr. Curtis acknowledged that the Mortgage to Rent Scheme is a complicated process and needs to be better explained, e.g. raising awareness that the tenant can repurchase the property should their circumstances change and subject to certain criteria.

Cllr. Michael O'Shea asked if people who do not qualify for social housing and who do not qualify for a mortgage, are facilitated within this scheme.

Ms. M. Cussen said at present they are not facilitated, as it is a requirement of the Mortgage to Rent scheme that they qualify for social housing.

Mr. S. Curtis said the requirement to qualify for social housing is the biggest issue within the scheme. It is difficult to get people qualified under the social housing thresholds. There are also anomalies, e.g. Galway City and County have an upper income threshold of €42,000, whereas Kerry County Council has an upper income threshold of €36,000.

Cllr. Norma Moriarty agreed with Cllr. Finucane's comments regarding vulture funds. This scheme is dependent on releasing the indebted person into this scheme. She complimented the staff of the Housing Department of Kerry County Council who have worked with people to get them on this scheme.

Mr. S. Curtis said the vast majority of people in deep mortgage arrears will find their mortgages are sold to vulture funds. The vulture funds want to secure cash rather than a court repossession order. The vulture funds are beginning to realise that the Mortgage to Rent Scheme is a means of providing them with funds. In response to a query from Cllr. Donal Grady, he said the Mortgage to Rent Scheme applies to private and local authority houses.

Cllr. Michael Cahill said the Mortgage to Rent scheme allows families to remain in their homes, which is critical. He asked for clarification on the criteria that apply to the buyback option. The income thresholds for mortgage applicants are very restrictive, making it very difficult for people to secure a mortgage from a financial institution or Kerry County Council.

Cllr. Marie Moloney said people are anxious to stay in their own homes and through this scheme they can do that, as well as repurchase their home should their circumstances change. She asked if the homeowner's mortgage arrears are written off and if the homeowner gets any credit for the amount of the mortgage they had paid, should they wish to repurchase their home.

Mr. S. Curtis said when the Mortgage to Rent scheme takes effect the arrears are no longer in place. The tenant can buy back the property during the lifetime of the tenancy for either what the property is worth at that time or for the amount the Approved Housing body paid for the property plus their costs. The repurchase price cannot be less than what the Approved Housing body paid for the property.

Cllr. Johnny Healy-Rae asked if people who are in difficulty with their mortgage are being directed towards companies such as Home for Life and iCare.

Suspension of Standing Orders

The Cathaoirleach indicated that it was 1.30 p.m. and it would be necessary to suspend Standing Orders.

On the PROPOSAL of Cllr. Johnny Healy-Rae, SECONDED by Cllr. Brendan Cronin it was agreed to suspend Standing Orders to allow the meeting to continue.

Ms. M. Cussen said a number of options are considered before the Mortgage to Rent scheme, e.g. an interest only repayment. It is when a mortgage is deemed unsustainable that the Mortgage to Rent option is pursued, as the homeowner is surrendering their home.

Cllr. Breandán Fitzgerald said this is a Government scheme which the Approved Housing Bodies are operating and making the scheme easier for people.

Cllr. Brendan Cronin said the Approved Housing Body is providing a means by which a family does not have to face the trauma of having to leave their own home and may, in time, be in a position to repurchase their home.

Cathaoirleach Niall Kelleher said today's presentations show that there must be more awareness of the Mortgage to Rent scheme. The Approved Housing Body via the Mortgage to Rent scheme is providing a way for homeowners struggling with mortgage repayments to stay in their home. He acknowledged the issue regarding the income thresholds in relation to the social housing qualification criteria. He thanked Mr. Curtis and Ms. Cussen for their informative presentations

Lunch break

The meeting adjourned for lunch at 1.40 p.m. The meeting resumed at 2.15 p.m.

17.2.2020.10 Report on the Regional Health Forum South

It was agreed to note Cllr. Mikey Sheehy's written report on the operations and activities of the Regional Health Forum South, which was circulated.

17.2.2020.11 Summary of Proceedings at Events

It was agreed to note the reports on proceedings at the following events on behalf of the Kerry County Council delegates that attended in accordance with Section 142(5)(f) of the Local Government Act 2001 as amended:

- (a) AILG Training Module 5 "Climate Action" held in Cork on 23 November 2019 by Cllr. Breandán Fitzgerald.
- (b) LAMA Autumn Training Seminar on Biodiversity and Sustainability held in Ennistymon, Co. Clare from 17-19 October 2019 by Cllr. Michael Foley.
- (c) Celtic Conferences conference on the theme "First Time Home Buyers Incentive" held in Carlingford, Co. Louth, on 14 December 2019 by Cllr. Patrick Connor-Scarteen.

17.2.2020.12 Approval for the Opening of Tenders

- (a) On the PROPOSAL of Cllr. Charlie Farrelly, SECONDED by Cllr. Johnny Healy-Rae, it was agreed to approve the opening of tenders for Kerry Bridge Rehabilitation Contract No. 1, 2020 (Aghort 2 Bridge, Maulin Bridge) – Closing Date: 14 February 2020 at 1.00 p.m.

- (b) On the PROPOSAL of Cllr. Norma Moriarty, SECONDED by Cllr. Jimmy Moloney, it was agreed to approve the opening of tenders for Kerry Bridge Rehabilitation Contract No. 2, 2020 (Cappateige 2 Bridge, Moybella North Bridge) - Closing Date: 21 February 2020 at 1.00 p.m.
- (c) On the PROPOSAL of Cllr. Mikey Sheehy, SECONDED by Cllr. Seamus Fitzgerald, it was agreed to approve the opening of tenders for Architect Led Design Team Consultancy Services for the construction of 14 Housing Units and associated Siteworks at Marconi South, Ballybunion, Co. Kerry - Services Stages (ii) (iii) (iv) & (v) - Closing Date: 21 February 2020 at 3.00 p.m.
- (d) On the PROPOSAL of Cllr. Donal Grady, SECONDED by Cllr. Johnny Healy-Rae, it was agreed to approve the opening of tenders for the former Pretty Polly/Sara Lee Facility, Killarney, Co. Kerry - Closing Date: 14 February 2020 at 12.00 noon.
- (e) On the PROPOSAL of Cllr. Johnny Healy-Rae, SECONDED by Cllr. Sam Locke, it was agreed to approve the opening of tenders for the provision of Tenancy Sustainment Services/Housing Support Services - Closing Date: 24 February 2020 at 12.00 p.m.
- (f) On the PROPOSAL of Cllr. Sam Locke, SECONDED by Cllr. Johnny Healy-Rae, it was agreed to approve the opening of tenders for the construction of 21 No. Housing Units and all associated siteworks at Ballyrickard, Tralee - Closing Date: 28 February 2020 at 3.00 p.m.
- (g) On the PROPOSAL of Cllr. Sam Locke, SECONDED by Cllr. Mikey Sheehy, it was agreed to approve the opening of tenders for the extension to Rathass Burial Grounds, Kerry County Council – Closing Date: 6 March 2020 at 12:00 noon.

Emergency Motion

Cllr. Jim Finucane PROPOSED:

To call on the IDA to give immediate clarification as to the status of the Advanced Unit in Kerry Technology Park. Since the announcement by Central Pharma very little progress of a start up has been announced. It is now a matter of urgency.

Cllr. Terry O'Brien SECONDED this motion.

Emergency Motion

Cllr. Michael Cahill PROPOSED:

That Kerry County Council call on the Minister for Social Protection to immediately address the discrepancy in respect of the Over 80 weekly allowance of E10 currently made payable to all State Pension recipients when they reach 80 years of age by including all Adult Dependents who currently receive their payment through their husband's/wife's/partner's State Pension. The omission of Adult Dependents who reach the 80 year milestone from this payment is discriminatory and needs to be corrected immediately with all persons entitled to this allowance reimbursed ASAP.

Cllr. Norma Moriarty SECONDED this motion.

17.2.2020.13 Notices of Motion

1. HAP Thresholds

Pursuant to notice duly given Cllr. Michael Cahill PROPOSED:

That Kerry County Council call on the Minister for Housing, Planning and Local Government to immediately address the exceptionally low HAP caps in Kerry as they are notoriously out of date with the former Rent Allowance payments and do not take

into consideration the strong Tourism Industry in our county and the strong rental market, resulting in young families and individuals being forced into a Poverty Trap and Homelessness as a result of these caps being too low.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Michael Cahill said the HAP thresholds are too low and people are being forced into poverty.

Cllr. Donal Grady SECONDED this motion.

2. Municipal District Maintenance Budgets

Pursuant to notice duly given Cllr. Aoife Thornton PROPOSED:

What is the balance of the Maintenance Budgets in all Municipal Districts as of the 1st of November 2019.

The following reply issued:

The funding for road maintenance and improvement works on the road network are primarily from the road grants allocated by the Department of Transport, Tourism and Sport and the TII. It was a condition of the grants that the funding be expended, and claims submitted, by the 6th December 2019. All the budgets across the 5 Municipal Districts were fully expended as the work programmes were fully delivered and a report on the outcomes will be presented as part of the Schedule of Municipal District Work Plans in March 2020.

Cllr. Aoife Thornton asked for clarification that the maintenance budget of all Municipal District has been expended by the end of November and did not have funding for pothole repairs in November/December.

Mr. C. O'Sullivan, Director of Service, said all grant allocations must be drawn down by the end of November, so works must be complete or committed by then. Budgets within each of the Municipal Districts are spent or committed at that stage. Maintenance works are carried out in December. Municipal Districts make provision to have funding available in November/December and work within the resources they have.

Cllr. Aoife Thornton said it can take weeks to get potholes filled at the worst time of the year and when it is most needed. She asked that every effort be made to ensure a shortfall does not continue to happen at that time of the year. With a shortfall occurring, a submission must be made to the Department showing when the funds are spent.

Cllr. Jimmy Moloney SECONDED this motion and said over the last two years it has happened that there is a shortfall in the Listowel Municipal District maintenance budget. The Service Delivery Plan is being agreed and not being adhered to. At the end of the year funding is not available when it is most needed.

The Chief Executive said the delivery of the Municipal District Plans are monitored against KPIs, achieving 90% across the board. The Municipal District maintenance budget is distributed equitably across the county, to ensure each Municipal District has an adequate budget. Each Municipal District manages its budget to ensure funding is available towards the end of the year. The weather does impact on the

roads and it is the time of year when specific works are required. Works are committed to over November and December. The Maintenance Budget is in place for the twelve months of the year. Municipal District profile spending across the year and in the majority of cases funds are available to fill potholes at the end of the year. The Municipal District Engineers are doing great work with the budgets they have and huge funds are spent on the road network every year. Each Municipal District has seen an increase in its roads budget allocation over the last number of years.

Cllr. Aoife Thornton asked if pothole repairs are funded from the Municipal District maintenance budget.

Mr. C. O'Sullivan, Director of Service, said the funding for maintenance comes from the maintenance budget. The challenge, in Kerry, is the large length of road network it is not possible to maintain every road to the standard we would like. Municipal Districts are given a budget which is prioritised at Municipal District level.

3. Tenant Purchase Scheme

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

How many people have qualified for Tenant Purchase Scheme since it was introduced and how many have purchased property.

The following reply issued:

389 valid applications to purchase have been received since the introduction of the Tenant (Incremental) Purchase Scheme 2016, of which 247 qualified under the terms of the scheme. 60 sales have been completed.

Sales Completed	60	
Applications withdrawn or not pursued	59	
Applications Ineligible	142	73 % of ineligible applications related to household income and failure to meet national criteria.
Letters of offer issued awaiting applicant response	73	
In processing stages	55	Various application stages (e.g. valuation, BER certification, legal/conveyancing processes)

Cllr. Johnny Healy-Rae welcomed that 60 sales have been completed and said the proceeds from the sale of properties is used for the maintenance of existing stock. He said the terms of the Tenant Purchase Scheme are restrictive, e.g. an applicant is deemed ineligible if their income is by way of Carer's Allowance and the tenant does not get any allowance for any improvement works they did to the house at their own cost. A call has been made for a total review of the current Tenant Purchase Scheme.

Cllr. Maura Healy-Rae SECONDED this motion and asked how many of the ineligible applications related to the income source being (i) Carer's Allowance and (ii) family assistance.

Mr. M. O'Donoghue, Director of Service, undertook to provide this breakdown to Cllr. Maura Healy-Rae.

4. Rising Sea Levels

Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED:

As much is being spoken and written about rising sea levels, that Kerry County Council would, as far as possible, quantify the extent to which that phenomenon has already taken place/is taking place in the Atlantic Ocean off the Kerry Coast and of the likely implications for coastal communities and for the rivers that drain the County and thus far free flow into that ocean.

The following reply issued:

A Climate Research Coordination Group (CRCG) was established under the direction of the Environmental Protection Agency (EPA), whose main function is to coordinate climate change-related research in Ireland. This research, which is available on the EPA website, is used to inform the development of national policy on both climate adaptation and climate action by Government. Kerry County Council is guided by the national policy. The Kerry County Council Climate Adaptation Strategy 2019-2024, which was adopted by Council at its meeting of the 16th September 2019, provided details of the impact of climate change on the county, with records of severe weather events over the past 35 years. The strategy also outlined the potential risks of various scenarios for sea level changes, which was based on studies carried out by the OPW. These studies are available on the OPW website.

Cllr. Michael Gleeson said the challenge of this Notice of Motion is that it is concerned primarily with eventualities some years into the future and that makes the taking of appropriate action more difficult. But appropriate action must be taken as in my opinion and, far more importantly, in the opinion of very many eminent scientists, the greatest challenge facing this country into the future is that of rising sea levels and the devastating impact that could have on our island. That challenge is enormous. On one day last year it was estimated that eleven billion tonnes of ice melted in Greenland. That is equivalent to the water capacity of 4 million Olympic sized swimming pools. Assuming that comparative levels of ice melt is happening in both the Arctic and Antarctic and, of course, also on the high mountains then we may get some idea of the additional amount of water that is entering our oceans. The magazine NATURE has stated based on scientific measurement that the Greenland Sheet is melting seven times faster than in 1990 and it is not being replenished. Rising sea levels are going to have an enormous impact on coastal areas. Low lying coastal areas will no longer be habitable and people will have to relocate. Many of our rivers are slow moving as they approach the Atlantic for example the Shannon and the Laune. The River Laune at its source in Killarney Lakes is 20 metres above sea level and it is approximately 20 kilometres from the ocean. That equates to a gradient of 1:1,000 and that is very, very little. In truth, it is barely moving. Imagine, therefore, what will happen if the Atlantic Ocean over the next 40 years rises by 30 centimetres. The implications for the River Laune and local property owners will be most serious. There will also be serious implications for Killarney Lakes and for the River Flesk. There are already small islands in the Pacific Ocean in imminent danger of disappearing under the water. We, as individuals and as nations, have to take notice and take serious action. We cannot put the hope for future generations in talk of building ramparts and dykes because water displacement at one location would have serious and terminal implications elsewhere. We have to think of the wellbeing of future generations and heed the warnings from the most eminent and objective of scientists. Failure to do so will be a crime against the future of our world and against those as yet unborn. Each one of us must play our part in preserving and enhancing a fragile planet that is both magnificent and seriously under threat.

Cllr. Robert Beasley SECONDED this motion.

5. Legislation preventing the burning of Turf and Timber

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

That we the members of Kerry County Council would write to the relevant departments highlighting our opposition to any future legislation that would prevent the burning of turf and timber.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Maura Healy-Rae said there is concern regarding this matter. This is a resource that is readily available and affordable, particularly to elderly people and it may be their only form of heating. Common sense must prevail and consideration taken of the damage to the environment from the promotion of oil for heating, along with the cost of retrofitting homes. The use of turf is a tradition and forms part of our heritage.

Cllr. Jackie Healy-Rae SECONDED this motion. The production of turf is also a means of providing income for many people. Many houses are now being built without a chimney and not using this source of fuel.

6. NPPR clearance for the sale of Non Residential Properties

Pursuant to notice duly given Cllr. Fionnán Fitzgerald PROPOSED:

To call on the relevant authorities to improve the process of NPPR clearance for the sale of Non Residential Properties. Those involved in the sale of properties such as stakeholders, solicitors, estate agents and vendors find the delay in getting a timely response very frustrating and it is delaying the sale process for people who want to move on with their lives.

The following reply issued:

Under the LG Household Charge Act 2011, on or before the completion of the sale of a residential property, the vendor must give to the purchaser one of the following, as issued by the Local Authority:

A certificate of discharge (where the property is an Non Principal Private Residence),

A certificate of exemption (property is a Principal Private Residence)

A letter of clearance (property uninhabitable)

Under the Act, the certificate must issue by the Local Authority with 14 days of receipt of request. In Kerry County Council, where a request is received and all necessary documents attached, the relevant certificate generally issues within 5 working days. It is quite common for Kerry County Council to receive applications for Certs at the point when the house is at "sale agreed". Delays can be experienced where incomplete applications are received and /or where further information seeking confirmation of status of the property.

Cllr. Fionnán Fitzgerald welcomed clarification provided in the reply.

Cllr. Brendan Cronin SECONDED this motion.

7. Public Transport Strategy for Kerry

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

That Kerry County Council liaise with the Department of Transport, Tourism & Sport and other relevant state agencies in formulating a long-term public transport strategy for Kerry.

The following reply issued:

The National Transport Authority (NTA) is the responsible authority for licensing road passenger transport operators and for the development of policy framework for the operation of public transport services. This includes public transport provided by Bus Éireann, Local Link, Taxis, etc.

The Council, as the road authority, has a function in facilitating the provision of infrastructure to support these services, such as the provision and regulation of bus stops and taxi ranks.

The Council will consult with the NTA, on the feasibility of developing a transportation plan for the county and bring a report back to the Transport SPC.

Cllr. Patrick Connor-Scarteen noted that Kerry County Council will liaise the NTA and asked for an update to be brought to the Transport SPC and full Council in due course. As the population of the county is increasing and with 1.5m visitors to the county every year, a public transport strategy is required. Greater connectivity is required between various types of transport and Kerry Airport, as well as more cost effective transport options, e.g. free travel for students. An improved public transport system would ease traffic congestion in our towns.

Cllr. Breandán Fitzgerald SECONDED this motion.

8. Unused Pedestrian Bridge

Pursuant to notice duly given Cllr. Charlie Farrelly PROPOSED:

I am requesting that Kerry County Council and its elected members to sanction the transfer of the unused pedestrian bridge that is been stored in a Killarney Carpark to the Castleisland Corca Dhuibhne Municipal District to be used as a Pedestrian Bridge crossing over the River Maine in Barrack Street, Castleisland. I am also asking Kerry County Council how much it costs to have this Bridge manufactured first day.

The following reply issued:

The footbridge is part of the Council's contingency planning in the event of an emergency and has previously been used for such purposes. It was never intended nor it is appropriate for use as a permanent structure.

Cllr. Charlie Farrelly said this bridge was originally made to accommodate an emergency situation that arose in Rossbeigh in October 2015, but it was never used. This footbridge should be put in place as a Pedestrian Bridge crossing over the River Maine in Barrack Street, Castleisland before an emergency situation arises there. He asked that the cost of the bridge be provided to the Elected Members.

Cllr. Jackie Healy-Rae SECONDED this motion and said as this bridge has never been used for an emergency it should be put in place as a Pedestrian Bridge crossing over the River Maine in Barrack Street, Castleisland.

Cllr. Donal Grady opposed this notice of motion and said there is a proposed use for this bridge in the Killarney Municipal District.

Cllr. Niall O'Callaghan also opposed this notice of motion and any proposal that the bridge would be moved from Killarney Municipal District.

Mr. C. O'Sullivan, Director of Service, said this bridge was originally purchased for an emergency situation. There are no plans to use this bridge as a permanent structure

at any location. If this bridge is deemed not necessary as an emergency structure, this could be reconsidered. This bridge is not suitable for use at Barrack Street, Castleisland. The cost was approximately €70,000 and it was funded from emergency funding from the Department at the time.

Cathaoirleach Niall Kelleher said this bridge is a countywide asset and not for use by any particular area.

9. Security of Tenure in Rented Accommodation

Pursuant to notice duly given Cllr. Robert Beasley PROPOSED:

Given the current Housing crisis that this Council call on the Government to provide certainty and security of tenure and tenancy to people in rented accommodation by introducing laws that prevent eviction except on grounds of anti-social behaviour.

The following reply issued:

While this is a matter for resolution clearly the Council would have difficulty with a blanket ban on eviction particularly in the area of anti-social behaviours and rent payments.

Cllr. Robert Beasley said many families are experiencing difficulty in securing accommodation and often within a short period of time they are issued with an eviction notice. The Government must intervene in this situation.

Cllr. Dan McCarthy SECONDED this motion.

11. Income Threshold for Social Housing

Pursuant to notice duly given Cllr. Michael O'Shea PROPOSED:

That we the members of Kerry County Council pass a resolution asking the Minister for Housing and Finance to increase the threshold for families to qualify for social housing as currently persons who are earning between €34,000 and €45,000 are not qualifying for a mortgage or for social housing.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Michael O'Shea said many people have income which is above the social housing threshold and under the mortgage threshold, therefore they cannot qualify for social housing or for a mortgage. The Minister for Housing and Minister for Finance must review this situation.

Cllr. Brendan Cronin SECONDED this motion.

12. Planning Applications for Wind Turbines

Pursuant to notice duly given Cllr. Michael Foley PROPOSED:

That Kerry County Council would put on hold all future planning applications for Wind Turbines until the New Wind Energy Guidelines are in place.

The following reply issued:

Kerry County Council is statutorily obliged to accept and consider valid planning applications and make a decision on any such application in accordance with Section 34 of the Planning and Development Acts.

Cllr. Michael Foley expressed concern that before these new guidelines are in place Kerry County Council will be inundated with applications as Wind Turbine Companies may feel that the new changes may not favour their applications in the future. As all

new applications received from now to when the new guidelines are in place will be assessed under the old guidelines by Kerry County Council and An Bord Pleanála. He welcomed some of the new recommendations in the new guidelines like separation distance, noise and flicker assessment and more community involvement. He also welcomed the submission by Kerry County Council to the Draft Guidelines. However, if a hold is not put on future planning applications before the new guidelines are in place it will contribute to further divisions in communities because successful planning applicants can wait until they are ready to construct the Turbines ignoring all the new rules in the New Wind Energy Guidelines.

Cllr. Fionnán Fitzgerald SECONDED this motion.

The Chief Executive pointed out that Kerry County Council is obliged to assess a planning application within eight weeks.

13. Illegal dumping and flytipping of rubbish

Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:

That this Council call for Legislative changes to be made to give protection to landowners/ farmers who are victims of ever-increasing illegal dumping and flytipping of rubbish on their lands in the County. It is totally unacceptable that landowners who are the victims of illegal dumping must carry all liability and responsibility for the illegal actions of others, also what steps are Kerry County Council taking to clampdown on the increased incidents of dumping rubbish from public roads on to adjoining roadside lands.

The following reply issued:

Kerry county council is very active in the pursuit and prosecution of those who litter our countryside and urban areas and takes a very serious view of such activity. During 2019 Kerry County Council investigated 942 complaints of littering. Kerry County Council Litter wardens investigate all such complaints in accordance with the stringent legal processes and evidence proofs that are required under the Litter Pollution Act. There were 112 litter fines issued during the year. Litter prosecutions were actively taken in 2019 with eight convictions secured in the year. The activity in this area will be stepped up during 2020.

Cllr. Brendan Cronin said the current situation is that the law states that the landowner is the person held responsible for any litter that has been dumped on their land, despite this being a crime committed against the landowner. He asked that this notice of motion would be circulate to all Local Authorities, to seek a legislative change to protect the farmer and landowner. He said there is a need for Kerry County Council to increase enforcement of the litter laws, to address the situation regarding the use CCTV footage and review the price for disposing of a black bag of rubbish at the transfer stations for the protection of our communities.

Cllr. John Francis Flynn SECONDED this motion.

14. ‘Efficiency’ Cut to Disability Sector Funding

Pursuant to notice duly given Cllr. Breandán Fitzgerald PROPOSED:

That Kerry County Council call on the HSE and the Minister for Health for the immediate reversal of the ‘efficiency’ cut to the funding for the Disability Sector in the County that was imposed in January 2020.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Breandán Fitzgerald said in early January the HSE advised they were reducing budgets as part of the 2020 Plan. The savings of 1% amount to a cut of €20m for the disability sector.

Cllr. Mikey Sheehy moved notice of motion No. 30.

Pursuant to notice duly given Cllr. Breandán Fitzgerald PROPOSED:

To ask Kerry County Council to call on the HSE to immediately reverse the proposed cuts to disability funding in Kerry.

Cllr. Sheehy said funding has been cut for St. Mary's of the Angels, Beaufort, by €130,000 and for Kerry Parents and Friends by €60,000. The HSE say these cuts are part of efficiencies and realignment of services. As a result of these cuts many services will not be provided for the most vulnerable, people with disabilities and those caring for them.

Cllr. Norma Moriarty SECONDED these motions and said there is no justification for taking money away from services for the most vulnerable in our society.

Cllr. Aoife Thornton said she is on the board of Kerry Parents and Friends and with some of the parents she met with Tánaiste, Mr. Simon Coveney. She said while she has not seen it, she understands that a statement in writing issued, advising that the cut to Kerry Parents and Friends would not happen. She said Kerry County Council should ask for confirmation of the statement that was made around the time of the General Election on the commitment given.

Cllr. Breandán Fitzgerald and Cllr. Mikey Sheehy agreed with this.

15. Bus Éireann service from Annascaul Village

Pursuant to notice duly given Cllr. Seamus Fitzgerald PROPOSED:

Will Kerry County Council write to Bus Éireann requesting them to provide a school transport service for the secondary school students who wish to use it from the Annascaul Village to Milltown/ Killorglin Secondary Schools.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Seamus Fitzgerald said 19 students from Annascaul are attending Milltown/Killorglin secondary schools next year. The students will have to be brought from Annascaul to Inch to meet the Bus Éireann School Bus. It is nonsensical that the Bus Éireann School Bus cannot collect the students from Annascaul. A precedence has been set in that the Bus Éireann School Bus is collecting students from Annascaul for Tralee secondary schools.

Cllr. Breandán Fitzgerald SECONDED this motion.

16. Ban on Election Posters in Kerry

Pursuant to notice duly given Cllr. Mikey Sheehy PROPOSED:

That this Council supports a motion to ban election posters in Kerry or at the very least put in place strict criteria for the use of these posters during election campaigns.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Mikey Sheehy said while understanding the election posters can have a positive impact on elections, more engagement with the public and broadens the reach of candidates, there are minute uses for upcycling the posters. From a Kerry perspective, the vast majority of tourism is related to eco-tourism, outdoor activities, etc. We are also moving towards a digital society and there are other means of getting people involved in elections. He called for a ban on election posters henceforth or at the least that strict criteria would apply to the use of posters during election campaigns.

Cllr. Niall O'Callaghan SECONDED this motion and said the intense use of election posters is disgraceful, as is the strategic parking of posterised vehicles at roundabouts and busy junctions. If candidates do work on the ground there is no need for election posters. He said it would be great for the county if a precedent were set not to allow election posters or posterised vehicles.

Cllr. Breandán Fitzgerald said if election postering is done properly it provides a necessary information to people, e.g. primary school children begin to know about the democratic process. Also, not all of society is working digitally. He suggested that better locating of election posters would be a solution. In the right locations and in the right numbers they would play an important role in our democracy.

Cllr. Jackie Healy-Rae agreed with Cllr. Breandán Fitzgerald's suggestion regarding a specific location being used for election posters and said as a first time candidate he believes election posters did serve a purpose.

Cathaoirleach Niall Kelleher said this is an important issue and suggested it would be considered by the Environment, Climate Change and Emergency Planning SPC.

Cllr. Charlie Farrelly said he ran a poster free election campaign and agreed with a ban on election posters.

Cllr. Norma Moriarty said work has started on legislation regarding designated areas for a limited number of election posters. She asked if posters for charity events and fundraisers would also be banned.

Cllr. Maura Healy-Rae said she does not support this notice of motion in its current format. While we are moving towards a digital society, election posters make people aware of the election, aware of the candidates and raises awareness in young people about the democratic process.

Cllr. Michael Cahill asked what the position is if a poster falls and causes an accident, i.e. who is responsible.

Cllr. Fionnán Fitzgerald said while understanding the notice of motion, the erection of election posters opens up the democratic process for everybody. Online is not the way for everyone just yet and it could leave people uninformed. He acknowledged the use of designated areas in other countries.

Cllr. Mikey Sheehy acknowledged that election posters have an impact on the democratic process. However, many posters can be ripped off poles and cause littering. He said if there is no support for a total ban on election posters, he would suggest that there would be criteria per Municipal District or countywide that there

would be a certain number of posters per candidate and that there would be designated areas for erecting posters.

Cllr. Niall O'Callaghan said he wanted to see a ban on election posters. There are 3,300 people over the age of 65 in the townland of Killarney that use social media.

Cathaoirleach Niall Kelleher said the law states that election posters can be erected and they do create an awareness of the democratic process. The sentiment of the notice of motion in relation to littering and plastic waste is supported. Therefore, as a group, Kerry County Council Elected Members, following consideration of the matter by the Environment SPC, could form an agreement regarding criteria for the erection of election posters. He asked if there is agreement that the matter be referred to the Environment SPC.

Cllr. Mikey Sheehy said he would like to have the matter put to a vote.

Cllr. Breandán Fitzgerald said there is legislation in place and at the next Local Election new candidates may not want to adhere to what the current Council agrees.

The Chief Executive referred to the legislation covering this area and pointed out that any agreement would only be on the basis of good will as it would not have legislative support.

Cllr. Marie Moloney suggested that Kerry could start a pilot scheme where one area is designated for election posters. She said there is also a relevant process going through the Seanad at present.

Mr. J. Breen, Director of Service, said the Litter Pollution Act is silent on the designation of one area for election posters. The exemption is that posters can be erected for an election and must be removed after the election. Any accident caused by a fallen election poster would have to be decided by the courts.

18. Road Repairs on the Ring of Kerry

Cllr. Maura Healy-Rae moved Notice of Motion No. 18 on behalf of Cllr. Johnny Healy-Rae.

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

That Kerry County Council would urgently repair certain sections of the Ring of Kerry Road in particular those areas that are in a bad state with lags and dips i.e. the Road between Caherdaniel and Sneem.

The following reply issued:

Transport Infrastructure Ireland has allocated €2 million in funding for the N70 Road Improvement Scheme at Brackaharagh, the tender documentation for which is currently being prepared, and is expected to go to construction later this year.

The initial grant allocations for ordinary maintenance on the national road in Kerry, announced at the start of each year, was reduced in 2017 / 2018, with the funding allocated this year (€1.0m) being €320,000 lower than was provided in 2016. However, additional funding may be provided by the T.I.I. for exceptional repairs to the road network and funding for such works has to be recorded on the "TII Defects Management System".

The Area Engineers are examining sections of the national road network route where such repairs are necessary and an application for additional funding will be made to the TII.

19. Signage at Multi-Lane Roundabouts

Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED:

That the Council and the TII would seek to devise some better form of advance signage in order that road users would have reasonable certainty in the matter of lane selection as they enter multi-lane roundabouts.

The following reply issued:

The provision of Road Traffic Signs on all public roads in Kerry is in accordance with national directives issued by the Department of Transport Tourism and Sport.

There are a limited number of roundabouts, with two lane approaches, in the county, and these are mainly on the national road network and heavily trafficked routes, with road markings provided on the approaches to guide motorists.

We will review the signage on these roundabouts in consultation with Transport Infrastructure Ireland.

Cllr. Michael Gleeson said arrows on the roadways are of no use and asked that advance signage would be considered in order to provide clarity.

Cllr. Maura Healy-Rae SECONDED this motion.

20. Killarney ByPass

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

To ask Kerry County Council and the TII what is the most up to date information regarding the progression of a bypass for Killarney from Muckross to Farranfore. This is a most vital piece of infrastructure not just for the Killarney area but indeed for the county of Kerry.

The following reply issued:

Consultants have been appointed for this project. Their brief is to bring the project through the various statutory consents to planning.

Cllr. Maura Healy-Rae said the Killarney ByPass is at capacity and many junctions and roundabouts around Killarney are congested with traffic. She asked for an outline of the statutory process and its timeframe. She asked if the link from Muckross to Lissivigeen, which is vital for the entire project, is included in the brief.

Cllr. Patrick Connor-Scarteen SECONDED this motion.

The Chief Executive said the Muckross to Lissivigeen is included in the brief.

Mr. C. O'Sullivan, Director of Service, said the statutory process includes environment screening which will determine what type of planning process is involved, an EIA and CPO for the acquisition of lands and most likely an oral hearing will be required.

21. Road Laybys

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

More laybys are needed for greater road safety and to take advantage of the beautiful scenery throughout Kerry. Please investigate and outline where such improvements can be made in the short to medium term.

The following reply issued:

The Council has included improvements to existing lay-bys on the road network when undertaking road improvement schemes. The development of new laybys on many scenic routes can be challenging given environmental constraints on many of these routes.

The provision of lay-bys at scenic locations throughout the county have to be considered on a case by case basis having regard to the safety of other road users, availability of land, suitability of road alignment, environmental constraints and funding availability.

Proposals can be developed at Municipal District level, where the funding of such works can be considered.

Cllr. Patrick Connor-Scarteen said more lay-bys are needed on the road network for road safety throughout the county. As a tourism county they are needed to take advantage of the county's beautiful scenery. He asked that when a landowner is in agreement, particularly on the Ring of Kerry and Ring of Beara, that lay-bys would be provided.

Cllr. Dan McCarthy SECONDED this motion.

22. Cross Road Junction at Farranfore Village

Pursuant to notice duly given Cllr. Michael Cahill PROPOSED:

That Kerry County Council request Transport Infrastructure Ireland (TII) to address as a matter of priority the extremely dangerous and busy 4 Cross road junction at Farranfore village where the Tralee/Killarney road meets with the Killorglin/Firies/Farranfore road and the Currow/Farranfore road and will the Council request TII to take into consideration the fact that 17,000 vehicles pass through Farranfore every day and the fact that this road carries a significant amount of traffic that enters/exits our County on a daily basis v Limerick/Castleisland by carrying out a major improvement scheme before someone is seriously injured or killed at this location.

The following reply issued:

Farranfore is included in a programme for safety improvement measures based on the collision history along this section of the N22 (known as HD15 sites), and this junction is being considered as part of the overall plan.

A Feasibility Report has been prepared which examines a number of options to address the safety issues arising particularly at the junction. This is a complex scheme which requires extensive consultation with property owners adjacent to the junction.

It is hoped that improvement proposals can be finalised in the coming months and TII funding secured to carry out the necessary works at this location.

Cllr. Michael Cahill said this junction has been highlighted in the past. Farranfore is one of the busiest villages in the county in terms of traffic. There have been many incidents and accidents at this location and many near misses. He welcomed the reply and hoped that TII funding will be secured.

Cllr. Jackie Healy-Rae SECONDED this motion.

23. Kerry County Council Machinery Fleet

Pursuant to notice duly given Cllr. Charlie Farrelly PROPOSED:

I am asking Kerry County Council on the latest update on replacing the ageing machinery fleet in the Machinery Yard and how much will be invested before the commencement of the 2020 Roads Programme.

The following reply issued:

As Council has been previously advised there is ongoing IR engagement with staff and their unions on achieving agreement on work practices and productivity, which is at an advanced stage.

The upgrading of plant is contingent on this agreement.

Cllr. Charlie Farrelly said he noted the Code of Ethics requirements as an employee of Kerry County Council. He noted the reply and urged Kerry County Council to finalise discussions with the unions. He said Kerry County Council has an aging fleet and must invest in new machinery.

Cathaoirleach Niall Kelleher said he had a similar notice of motion some months ago and asked if matters have progressed since then.

Mr. C. O'Sullivan, Director of Service, said engagement is at an advanced stage and it is hoped to get a resolution quickly.

25. Housing Allocations

Pursuant to notice duly given Cllr. Robert Beasley PROPOSED:

That Kerry County Council furnish a detailed report including the following details to be provided by the Housing Department: (a) The total number of 3 bed council owned properties allocated to applicants qualified for 2 beds over the past 10 years (b) That the numbers would be broken down by each MD and by the year for the past 10 years (c) That the number of years each applicant was qualified would be detailed for each applicant i.e. 2019 Listowel MD, 4 applicants, 5 years, 2 years, 9 years and 11 years respectively.

The following reply issued:

This information is not readily available as personal circumstances of tenants change regularly in the lifecycle of their tenancy. Only current information is available on occupancy.

The approach to the allocation of Units is set out in the Council's Allocation Scheme and if there is a specific case or circumstances the Councillor wishes to review with Housing Management that matter can be reviewed.

In response to a query from Cllr. Robert Beasley, Mr. M. O'Donoghue, Director of Service, said the information is not available on the Housing I.T. system and would involve manually establishing the change in circumstances from the start of the housing allocation. A tenant's current circumstances are recorded on the system. He undertook to speak with Cllr. Robert Beasley in relation to a number of cases.

26. Forward Plan for Milltown

Pursuant to notice duly given Cllr. Michael O'Shea PROPOSED:

That Kerry County Council put in place an independent forward plan for Milltown and that they would liaise with the various Government Departments of Housing, Education, Environment, Justice, Finance and Health as Milltown's population is rapidly expanding and current services are under immense pressure.

The following reply issued:

That Kerry County Council put in place an independent forward plan for Milltown and that they would liaise with the various Government Departments of Housing, Education, Environment, Justice, Finance and Health as Milltown's population is rapidly expanding and current services are under immense pressure.

Kerry County Council is currently preparing the Draft LAP for the Dingle Electoral Area of which Milltown forms a significant settlement. As part of this LAP process a comprehensive local planning framework with clear policies and objectives including land use zoning in the interests of the common good will be set out for Milltown. This process will have a significant public consultation process. In addition to this statutory planning process a masterplan and economic strategy is being developed for the town taking in to account the significant recent developments, increase in population, areas of dereliction all of which are being considered in the context of the road improvement proposals serving this settlement.

Cllr. Michael O’Shea said approximately 140 houses are due to go to construction yet the education facilities in Milltown are at capacity. Milltown is located in the middle of the Killarney-Tralee-Killorglin economic triangle. There is also uncertainty regarding the GP service in Milltown. If Milltown is to be developed as a satellite town provision of facilities is required and services must be put in place first.

Cllr. Norma Moriarty SECONDED this motion and said there must be joined up thinking in relation to planning in this way. Additional development and growing population must be properly supported.

27. Rent Arrears

Pursuant to notice duly given Cllr. Michael Foley PROPOSED:

That Kerry County Council would make available the up to date amount of rent arrears owed to the Council by their Tenants.

The following reply issued:

2019 Financial Accounts and Collection figures are in the process of being finalised. Full details will be presented to Members in the Annual Financial Statement for 2019 at the full April Council Meeting.

The Annual Financial Statement for 2018 presented to Members showed a 93% collection rate for rents and annuities which was an increase from 92.6% in 2017 and also reflected a reduction in arrears. The Council’s collection performance of this income stream has remained consistently strong and exceeds the average of 89% for the Local Government Sector. Collection, however, remains challenging with arrears management a high priority for the housing section and systems are in place to monitor and manage housing rents to maximise collections.

The Financial report presented to Members at the December 2019 Council meeting showed 91% collection rate at the end of Quarter 3 2019 for Housing Rents. The Council has resources allocated to Rent collection, arrears management and the targeted follow up or arrears cases to ensure continued strong collection levels.

Cllr. Michael Foley said in January 2020 Radio Kerry reported that Kerry County Council is owed nearly €920,000 in rent arrears. Two weeks ago, the Kerry’s Eye newspaper reported that Kerry County Council was owed €1.3m in rent arrears by 2,306 of its tenants which equates to 38% of its overall number of tenants. What is owed by tenants is just short of what will be raised in 2020 by the increase of the Local Property Tax. This money that is owed could be put into the repair of void houses and given to those who deserve to be housed the most or put into other vital services for our county or even avoid increasing the Local Property Tax. He asked how the arrears arose in the first place, how is Kerry County Council going to recoup this money and what steps are been taken to prevent such arrears in the future. He referred to Kerry County Council’s Landbank and said 138 acres of that landbank is prone to flooding.

Mr. M. O'Donoghue, Director of Service, said every year Kerry County Council collects 93% of its rents, being one of the highest collection rates in the country. Not everybody pays their rent or pays their rent on time. The Housing Department has a proactive arrears management system.

Ms. A. McAllen, Head of Finance, said the 93% collection rate is a strong collection rate. The Finance Department is currently finalising the 2019 accounts and it is hoped the rents will turnout at that high rate again for 2019. The Local Government Auditor reviews rent arrears with the Housing Department each year.

The Chief Executive said the reported figures do not represent the very strong reports from the Local Government Auditor who assesses Kerry County Council's Annual Financial Statement. Kerry County Council is very strong in its financial management. It must be acknowledged that in the NOAC report on Performance Indicators Kerry County Council is listed among the highest in financial collections. Kerry County Council has a very stable financial position, a stable position because decisions were made around an increase of rates and around the local property tax. The stable financial position of Kerry County Council was set out in the Local Government Auditor's report that was presented to the January 2020 Council Meeting. The Council's landbank was acquired many years ago and is being used for the Housing Programme. Zoning laws may change and render lands more developable. There are many reasons lands cannot be developed at particular times and the landbank is assessed on an ongoing basis.

29. National Car Test

Pursuant to notice duly given Cllr. Breandán Fitzgerald PROPOSED:

That Kerry County Council write to the Minister for Transport and the Road Safety Authority and request that under the new contract for the National Car Test each Municipal District or Local Electoral Area in Kerry would have its own National Car Test Centre.

Ms. J. McCarthy stated this is a matter for consideration by the members.

Cllr. Breandán Fitzgerald said even when all three National Car Test centres in Kerry are operating it is difficult to get a test slot. Additional test centres are required, e.g. in Dingle, Listowel and Castleisland.

Cllr. Fionnán Fitzgerald SECONDED this motion.

17.2.2020.14 Correspondence – Conferences and Seminars

- a) On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Dan McCarthy, it was agreed to authorise the attendance of Cllr. Michael O'Shea at the Celtic Conferences Conference on the theme "Regional Development and EU Cohesion Policy beyond 2020" to be held in Carlingford, Co. Louth from 20-22 March 2020.
- b) No members expressed interest in attending the Celtic Conferences Conference on the theme "Tourism Technology & Competitive Strategies" to be held in Clonakilty, Cork from 27-29 March 2020.
- c) On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Dan McCarthy, it was agreed to authorise the attendance of Cathaoirleach Niall

Kelleher, Cllr. Jim Finucane and Cllr. Jimmy Moloney at the All Ireland Community & Council Awards at Croke Park Hotel, Dublin, held on 15 February 2020.

17.2.2020.15 Correspondence General

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

Date	From	Description
15/01/2020	Minister for Housing, Planning and Local Government	Response to a resolution from Kerry County Council in relation to HAP thresholds for Kerry.
23/01/2020	Minister for Transport, Tourism and Sport	Response to a resolution from Kerry County Council in relation to obligatory use of high visibility clothing by cyclists.
23/01/2020	Minister for Transport, Tourism and Sport	Response to a resolution from Kerry County Council in relation to penalty points.
24/01/2020	Minister for Agriculture, Food and the Marine	Response to a resolution from Kerry County Council in relation to the sale of animal dosing.
27/01/2020	Transport Infrastructure Ireland	Response to a resolution from Kerry County Council in relation to cycling lanes on Adare and Macroom Bypasses.
29/01/2020	Minister for Housing, Planning and Local Government	Response to a resolution from Kerry County Council in relation to amending planning legislation in relation to building-to-building broadband fibre.
29/01/2020	Minister for Communications, Climate Action & Environment	Response to a resolution from Kerry County Council in relation to funding for a Climate Change Officer.
31/01/2020	Minister for Education and Skills	Response to a resolution from Kerry County Council in relation to cycling lanes on Adare and Macroom Bypasses.
3/02/2020	Minister for Justice and Equality	Response to a resolution from Kerry County Council in relation to Garda resources.
11/02/2020	Food Safety Authority of Ireland	Response to a resolution from Kerry County Council in relation to naming chemicals on food labels.
30/01/2020	Galway County Council	Resolution adopted by Galway County Council supporting calls for the provision of Personal Assistance Services to be legislated for as a right for people living with disabilities.

Any Other Business

Cllr. Breandán Fitzgerald referred to new An Garda Síochána Mobile Safety Cameras vans, the locations of which will not have signage.

Mr. C. O'Sullivan, Director of Service, said the location of the Mobile Safety Cameras vans are listed on the Garda.ie website.

The meeting concluded at 4.00 p.m.

Joan McCarthy
Meetings Administrator

Cathaoirleach of Kerry County Council