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**MIONTUAIRISÍ AN CRUINIÚ DE COMHAIRLE CONTAE CHIARRAÍ
A THIONÓLADH I LÁR IONAD SPORT, INSTITIÚID TEICNEOLAÍOCHTA, TRÁ LÍ, AR
AN LUAN, 20 IÚIL 2020**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN THE
KERRY SPORTS ACADEMY, I.T. TRALEE, ON MONDAY, 20 JULY 2020**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

Tom Barry	Robert Beasley	Michael Cahill
Patrick Connor-Scarteen	Brendan Cronin	Charlie Farrelly
Deirdre Ferris	Jim Finucane	Breandán Fitzgerald
Fionnán Fitzgerald	Seamus Fitzgerald	John Francis Flynn
Cathal Foley	Michael Foley	Michael Gleeson
Donal Grady	Jackie 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	Johnnie Wall	

IN ATTENDANCE/I LÁTHAIR

Ms. M. Murrell, Chief Executive	Mr. M. Scannell, Dir. Job Cr/Sust. ED
Mr. C. O'Connor, Director Corp. Servs.	Ms. A. McAllen, Head of Finance
Mr. J. Kennelly, A/Dir. Of Service	Mr. P. Neary, SE Water Services
Mr. P. Corkery, Meetings Admin'r.	Mr. L. Quinlan, SEO Human Resources
Mr. O. O'Shea, Press Officer	Ms. D. Griffin, SO Corporate
Ms. O. O'Shea, CO Corporate	Mr. F. Hartnett, SE Housing
M. K. Lynch, SEO Housing	Ms. C. Roberts, Fin./Management Accountant

The meeting commenced at 10.30 a.m.

Cllr. Patrick Connor Scarteen, Cathaoirleach, took the Chair.

Vote of Sympathy

Cllr. Donal Grady expressed of Vote of Sympathy to the Downey family, Killarney, on the passing of Joanne Downey.

Cllr. Marie Moloney expressed a Vote of Sympathy to the family of Ruth Morrissey, the campaigner for justice for women in the cervical cancer screening scandal.

20.7.2020.01 Protocols/Induction

Mr. C. O'Connor, Director of Service, referred Elected Members to the Protocols for Kerry County Council Meetings held in Kerry Sports Academy, ITT North Campus during COVID-19 which had been circulated. The protocols were approved at the Special Meeting of Kerry County Council held on 29 May 2020. They are based on national guidelines and public health guidance. He gave an overview of the protocols, highlighting the symptoms of COVID-19, hand hygiene and social distancing procedures, time limit for meetings and documentation.

Mr. P. Corkery, Meetings Administrator, pointed out that the Chief Emergency Management Officer has confirmed that it is not mandatory to wear face masks at today's meeting as social distancing requirements are being met.

20.7.2020.02 Cathaoirleach's Reports on CPG meetings

- a) On the PROPOSAL of Cllr. Jim Finucane, **SECONDED** by Cllr. Brendan Cronin, the Cathaoirleach's report on the CPG meeting held on 26 June 2020, which had been circulated, was noted by the Members.
- b) On the PROPOSAL of Cllr. Seamus Fitzgerald, **SECONDED** by Cllr. Mikey Sheehy, the Cathaoirleach's report on the CPG meeting held on 14 July 2020, which had been circulated, was noted by the Members.

20.7.2020.03 Confirmation of Minutes

- a) On the PROPOSAL of Cllr. Jackie Healy-Rae, **SECONDED** by Cllr. Bobby O'Connell, it was resolved that the minutes of the June Ordinary Meeting of Kerry County Council held on 15 June 2020 be confirmed.
- b) On the PROPOSAL of Cllr. Terry O'Brien, **SECONDED** by Cllr. Deirdre Ferris, it was resolved that the minutes of the Annual Meeting of Kerry County Council held on 29 June 2020 be confirmed.

20.7.2020.04 Chief Executive's Report to Council

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

Cllr. Breandán MacGearailt asked that consideration be given to extending the closing date for submissions/observations for the County Development Plan Issues Paper by a month to September. Irish Water must be asked to address Kerry County Council in relation to their plans for Kerry in line with the County Development Plan. In relation to reopening the county for business, he called for measures to ensure visitors are adhering to COVID-19 restrictions, e.g. a representative from Kerry County Council, the Gardaí or another state body to monitor beaches and public areas.

Cllr. Michael Foley asked if the Landscape Character Assessment forms part of the review of the County Development Plan. He asked for an update in relation to housing grant inspections.

Cllr. Jimmy Moloney asked for an update on the Community Support Fund as community groups have no fund-raising options this year.

Cllr. Mike Kennelly said the County Development Plan is the roadmap for the future of our county and asked that a meeting of Listowel Municipal District Members would be held in relation to the North Kerry area. He asked for an update on the Community Support Fund, adding that it is unfortunate that funding has been cut for community groups.

Cllr. Deirdre Ferris asked if rights of way will be included in the next County Development Plan as despite being registered and approved through a court issued directive, they were not included in the current County Development Plan. The exclusion of rights of way from the County Development Plan could leave them open to objection. By including rights of way in the County Development Plan it will alleviate any confusion with landowners.

Cllr. Jackie Healy-Rae asked if a webinar could be held as part of the public consultation process on the Issues Paper of the County Development Plan.

Cllr. Mikey Sheehy asked for an update in relation to the introduction of contactless car parking pay machines. He asked for an update on the marketing campaign of Kerry as a remote working hub.

Cllr. Jim Finucane said in relation to reopening the county, tourism facilities are trying to stay open and people must act with responsibility. Tourism businesses will not make money this year, they are concentrated only on keeping their business open. They are operating on scarce resources to continue operating. If people are acting irresponsibly and not adhering to public health guidance on social distancing, it is a matter for An Garda Síochána.

Cllr. Niall O'Callaghan asked that the County Development Plan would incorporate a provision to support communities objecting to wind farms in their area in order to stop those communities having to raise money to take legal challenges against wind farm developments. He expressed concern regarding the lack of social distancing at busy beaches in the county, adding that there is confusion amongst the public who see packed beaches and yet they cannot attend outdoor football matches.

Cllr. Charlie Farrelly said Irish Water must meet with Kerry County Council regarding the County Development Plan and their proposed investment plan for Kerry. He asked if any community groups will receive funding under the 2020 Community Support Fund.

Cllr. Michael Cahill said it is vital that government funding is provided to progress investment in water and wastewater plants in the county. This is important now more than ever for the economic development of our county and to address issues with water quality being experienced in the county.

Cllr. Aoife Thornton asked if the public consultation process on the County Development Plan has issued to the Kerry PPN. She asked that the consultation process would be advertised widely now and again near the closing date to ensure active engagement and submission of observations. She suggested that each Municipal District could meet to identify the pressing issues for their area, including issues with Irish Water and Broadband and Mobile Phone service providers.

Cllr. Marie Moloney said the County Development Plan must take account of the number of wind farms already in the county, this county is doing its fair share for renewable energy with the number of wind farms already developed. Communities do not have finances to protect their homes and environment from these developments. In relation to tourism, businesses are under a lot of pressure to keep their businesses open. She asked that the Safe Streets Programme would be reviewed in light of the amount of street furniture that is now in place.

Cllr. Robert Beasley agreed with previous speakers regarding water breaks being experienced in Listowel and in particular breaks happening at peak times, e.g. Listowel Races and Writers Week. He said while supporting green energy, the county is at saturation point in relation to wind farm developments. He welcomed the provision of new public toilets in Ballybunion and asked that they would be opened as soon as possible.

Cllr. Brendan Cronin referred to the County Development Plan and said it must include a protection for communities and residents of the county, e.g. there is serious concern regarding a proposed development in East Kerry. There are a lot of outstanding issues in relation to wind farm developments. He referred to a road traffic accident at Listry bridge over the weekend and asked of an update on widening this bridge.

Cllr. Niall Kelleher said it is concerning that despite the provisions of the County Development Plan and Wind Energy Guidelines Wind Farm development companies are succeeding in developing wind farms in areas that are not open to consideration for same. It is important that Irish Water meet with Kerry County Council in relation to development of the county's water and wastewater infrastructure.

Cllr. Maura Healy-Rae said a meeting was held in Barraduff in relation to a proposed wind farm in the area. Our County Development Plan is a statutory document which must be taken into account by An Bord Pleanála when considering appeals.

Cllr. Michael Gleeson said residents in the east Kerry area are extremely concerning regarding this proposed development which contradicts our County Development Plan and Wind Energy Guidelines.

The Chief Executive outlined that the County Development Plan review process, until the time it is to be considered for adoption by full Council, will take approximately three years, and for a vast majority of that time it is open for public consultation.

It is not a requirement to prepare an Issues Paper, however, it was considered that it would be beneficial to the public consultation process, with quite a lot of feedback already on key issues. There will be engagement with the PPN and webinars held as necessary. A change in the closing date for submissions on the Issues Paper would result in a shorter timeframe for consideration of a draft County Development Plan.

In relation to An Bord Pleanála taking a different view regarding wind farm developments, a submission has been made by Kerry County Council on the new Wind Energy Guidelines. Kerry's contribution to wind energy is very high in a national perspective.

The Landscape Character Assessment will be part of the County Development Plan. There will be reference to the Wild Atlantic Way and changes to NATURA and environmental designations since the last County Development Plan, along with the need to work with communities.

In January 2020 Elected Members agreed Kerry County Council's submission to include a setback distance of between 7 times the tip height and 10 times the tip height would be included in the guidelines, to replace the setback distance of 4 times the tip height that is in the draft guidelines. The consultation and submission period on the new Wind Energy Guidelines is now closed and the decision of the Department is awaited.

In relation to Irish Water, a report will be presented to the September Council meeting setting out a comprehensive list regarding infrastructural needs and deficits regarding water and wastewater. It is very important that our County Development Plan, and development needs for towns and villages, dovetails with the Irish Water

Development Plan. Engagement with Irish Water will be central to this County Development Plan. Rights of way will be dealt with as part of the County Development Plan process.

With regard to the Community Support Fund, a full review and assessment of applications is underway in relation to legitimate expenditure outside of events/festivals that did not proceed.

A commitment has been made to proceed with the upgrading of parking meters.

Kerry County Council is following public health advice issued from the National Public Health Emergency Team (NPHE). A lot of work has been undertaken across the county in relation to the Safe Destination Programme to accommodate citizens and a high footfall of visitors to the county over July and August. The Safe Destination Programme was a four-pronged approach which included: 1) Working with industries on training over 4,000 staff to the highest standard to achieve the Safety Badge; 2) Promotion of online shopping within the county, which was requested by Elected Members previously; 3) Safe streets programme to provide greater access for people, a programme which may have to be extended in some areas.

Our Enforcement Officers will follow up any instances of businesses operating with street furniture outside of this programme, i.e. not operating in a planned way. 4) Safety messaging using visual signage, radio advertising and social media. Policing of adherence to social distancing guidance is a matter for An Garda Síochána. The Chief Executive undertook to revert to Council in relation to Listry Bridge.

20.7.2020.05 Disposal of Property

- a) On the PROPOSAL of Cathaoirleach Patrick Connor-Scarreen, SECONDED by Cllr. Norma Moriarty, it was agreed to approve the disposal of a plot of land consisting of approximately 2.4 acres (0.96 hectares) and containing eight existing Industrial Units of varying sizes situated in the townland of Garranearagh, in the Barony of Iveragh, in the Electoral Division of Caher, County Kerry to Skellig Distillers, Unit AF2, IDA Industrial Estate, Caherciveen, Co. Kerry, in accordance with the terms of notice issued 30 June 2020 pursuant to Section 183 of the Local Government Act 2001, Section 211 and Section 211(5) of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.
- b) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Michael Gleeson, it was agreed to approve the disposal of a plot of ground consisting of approximately 1.08 acres in folio KY7200F (Entry no 258) and KY6689, at Gortshanavogh Currow, Townland of Gortshanavogh, District Electoral Division of Magunihy to (*Name withheld for data protection purposes. A paper copy of the unedited document is available on request*), in accordance with the terms of notice issued 7 July 2020 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.

20.7.2020.06 Section 85 Agreement

Mr. J. Kennelly, A/Director of Service, referred Elected Members to report dated 8 July 2020 which had been circulated. Limerick City and County Council have received approval from Transport Infrastructure Ireland to progress the development of the N21 Abbeyfeale Road Scheme. The initial phase of this project involves the identification of a preferred route for a by-pass of Abbeyfeale town and a broad study area has

been identified, within which Route Options will be identified and appraised. Most, if not all of the lands on which the road scheme is to be developed will be within the functional area of Limerick City & County Council. However, a small portion of lands may lie within the functional area of Kerry County Council, where it will be necessary to undertake surveys, investigations and assessments. Limerick City and County Council as the Lead Authority for the scheme are seeking to enter into an agreement with Kerry County Council under Section 85 of the Local Government Act, 2001 (as amended), and Section 14 of the Roads Act, 1993 (as amended). The purpose of the agreement is to give Limerick City and County Council all the powers, duties and functions of Kerry County Council, insofar as they relate to the development of this scheme.

In response to queries raised by Cllr. Aoife Thornton, Mr. J. Kennelly, A/Director of Service, said the Section 85 Agreement will give Limerick City & County Council full authority to carry out the development of this scheme.

On the PROPOSAL of Cllr. Aoife Thornton, SECONDED by Cllr. Jim Finucane, it was agreed to authorise the making of an agreement under Section 85 of the Local Government Act, 2001 (as amended), and Section 14 of the Roads Act, 1993 (as amended), between Kerry County Council and Limerick City and County Council, for the carrying out by Limerick City and County Council of the relevant statutory procedures, procuring the design work, the employment and appointment of all consultants, experts and advisors, acquiring the land and carrying out of the construction works and any other powers, functions and duties necessary for the N21 Abbeyfeale Road Scheme.

20.7.2020.07 Annual Financial Statement for year ended 31st December 2019 and approval of additional expenditure (including provisions)

Ms. A. McAllen, Head of Finance referred members to the Annual Financial Statement for year ended 31 December 2019 which was circulated. The aim of the Annual Financial Statement is to fairly present the financial position as at end 2019. This is achieved through the production of Statements, Notes and Appendices as required by the regulatory accounting framework set by the Minister for Housing, Planning & Local Government.

The Annual Financial Statement is subject to external audit by the Local Government Audit Service whose purpose is to form an independent opinion of the accounts following a comprehensive review of the Council's accounting records and management practices, to certify the correctness of the Annual Financial Statement and to submit an Audit Opinion and an Audit Report, if appropriate, to the Local Authority, to the Director of Audit and to the Minister for the Housing, Planning and Local Government, in accordance with Sec. 120 of the Local Government Act, 2001, and as provided for in the Local Government Reform Act, 2014. A copy of the Auditor's Opinion and Report will be circulated to each Member of the Council when it is received, in accordance with normal practice.

By Resolution at the October 2007 Ordinary Meeting, the Council established an Audit Committee. As per the Local Government Reform Act, 2014, and in accordance with the approved Audit Committee Charter, the functions of the Committee are to:-

- Review financial and budgetary reporting practices and procedures within the Council.
- Foster the development of best practice in the internal audit function.

- Review auditors' reports and special reports and assess follow-up action by management.
- Assess and promote efficiency and value for money.
- Review risk management systems and make such recommendations to the authority as the Committee considers appropriate in relation to the foregoing.

Within Kerry County Council, the audit committee forms part of the governance framework. The Audit Committee comprises two elected members and three external members. It met on four occasions in 2019. In addition to the agenda items covering all aspects of the Committee's role, management provided detailed briefings and presentations on a range of relevant topics impinging on control and governance issues within the Local Authority which informed the work of the committee.

Internal Audit plays a key role within the governance framework of Kerry County Council. Working in partnership with management, it provides objective assurance and insight on the effectiveness and efficiency of risk management, internal control and governance processes which are designed to help the organisation achieve strategic, operational, financial and compliance objectives.

In 2019 Internal Audit reviewed the audit universe; this informed the audit work programme. Eight audits were completed during the year on a broad range of topics and five audits were underway at the year end. Internal Audit findings and recommendations were reported to management and presented to the Audit Committee. Progress on the implementation of audit recommendations was also reviewed throughout the year and, in addition, the unit undertook a comprehensive checking programme in a diverse range of areas, e.g., Motor Tax, Area Offices, County Museum, Fenit Harbour, Waste Recycling Facilities, Stores, Pay Parking, Revenue Collection, Libraries.

Total Financial Activity of the Council for the year 2019 and a comparison with the previous year is provided on page 21 - Income and Expenditure Account Statement for the year ended 31st December 2019, and page 22 - Balance Sheet as at 31st December 2019. A Funds Flow Statement as at 31st December 2019 is also provided. The Accounting Policies underpinning the accounts (in accordance with the Accounting Code of Practice) are laid out from Page 15 to Page 19 and supporting notes and appendices to the accounts are provided from Page 24 to Page 53.

The Overall Financial Activity of the Council for the year is summarised below:

<u>Expenditure</u>	2019	2018
	€	€
Revenue	153,285,793	145,219,841
Capital	<u>81,407,190</u>	<u>79,320,175</u>
Total	234,692,983	224,540,016
<u>Income</u>	2019	2018
	€	€
Revenue	153,369,577	145,298,655
Capital	<u>87,147,341</u>	<u>88,717,107</u>
Total	240,516,918	234,015,762

This level of expenditure indicates the ongoing extent of day-to-day service delivery, infrastructural development undertaken by the Council across the County

during 2019. It also indicates the significance of operations of the County Council on the local economy.

However, for the purposes of this review, I will deal with four key elements of the Annual Financial Statement, (i) Income and Expenditure Statement - Revenue Account, (ii) Capital Account, (iii) Borrowings and (iv) Fixed Assets.

The charts at the end of this review give the distribution of expenditure amongst the Divisions/Programme Groups and the sources of income of both the Revenue and Capital Accounts.

2. Income and Expenditure Statement - Revenue Account

2.1 This account covers the everyday expenses of the Council, such as payroll, maintenance of Housing, Roads, Irish Water, Land-Use Planning, provision of waste management infrastructure, pollution control, fire protection and firefighting, library service, administration/support costs, repayment of loan charges, insurance, central management charges etc.

2.2 The Account may be summarised as follows: -

	2019	2018
	€	€
Income	153,369,577	145,298,655
Total Expenditure	<u>153,285,793</u>	<u>145,219,841</u>
Surplus / (Deficit) for year	83,784	78,814
Opening Credit Balance	6,521,851	6,443,037
Closing Credit Balance	6,605,635	6,521,851

An excess of income over expenditure in 2019 has resulted in a surplus of €83,784 for 2019. Total Expenditure reflected above is gross of the transfer to reserves i.e. transfer to reserves are included. The Income and Expenditure Account Statement indicates the movement from Gross expenditure to Net expenditure; Note 14 and Appendix 9 to the Accounts provide greater detail.

2.3 Over the course of 2019, Kerry County Council has managed the resource base effectively despite the many challenges faced. The Council has prudent expenditure controls in both Revenue and Capital, strengthened debt management measures and maximises the impact of all grant funding to optimise budgeted resources throughout the year. This effective resource management has facilitated continued delivery of local services by this Council, and, enabled the Council to carry forward provisions (reflected in the relevant expenditure headings), for a number of on-going specific projects following review of the financial accounts and identification of specific projects in future years.

The main provisions carried forward include in particular: -

- €75,000 towards the upfront purchase and upgrading of plant/equipment in the Council's Machinery Yard which forms part of the review.
- €100,000 Seed funding Urban/Rural Enhancement Scheme: The Council has significant applications submitted for RRDF and URDF funding schemes. This provision will contribute to the own-resource requirement associated with these grant schemes. Given the scale of investment required, it is likely that the Council will need to apply for loans to co-fund these grant schemes.

- €200,000 Local Authority Land: A provision in respect of strategic land purchase and as a contribution to the servicing of housing land loans financial planning.
- €75,000 towards Critical Capital Infrastructural Upgrade of Corporate Buildings across the County.
- €100,000 towards I.T. Cyber Security Fund to upgrade hardware and software across the County and to meet information security resilience and data protection obligations.
- €100,000 Provision for funding of contribution for dredging of Fenit Harbour.
- €250,000 COVID 19 Contingency Fund: Provision towards expenditure arising in relation to Pandemic Planning.
- €250,000 Economic Recovery Fund: Provision towards the implementation of tourism and economic initiatives to support recovery.
- €250,000 Co-funding Grants: Contingency to co-fund capital grants under the Stimulus Programme.
- €250,000 Critical Infrastructure Seed Capital Fund
- €50,000 Public Conveniences Capital Improvement Works Fund
- €60,000 Provision towards the own resource element of the Greenways Programme Design.
- €150,000 Housing Support Grants- Provision towards the own resource provision to match government funding for this scheme.

The pensions liability for this Council is significant for 2019; the 2019 out-turn reflects €592,725 additional expenditure over the 2019 budget provision. This trend will continue into the future given the profile of the workforce. A provision of €700,000 is required to ensure that adequate funds are available to ensure that any exceptional pension payments liability arising in any given year are met. Provision for Fire Fighters' gratuity of €75,000 is also reflected in AFS 2019.

2.4 Additional expenditure variances to the allocations approved in the Adopted Budget are outlined below: -

- Division A - Housing and Building

Adopted Allocation	€29,260,901
Out-Turn	€32,588,464

Additional expenditure was incurred in refurbishing vacant/void properties, providing Housing Adaptation grants, Mobility Aids grants and Homeless grants, the majority of which was recoupable. Additional expenditure was also incurred in RAS and Social Leasing which is fully recoupable.

- Division B - Road Transportation and Safety

Adopted Allocation	€36,822,354
Out-Turn	€43,790,005

B03 Regional & B04 Local grant funded works increased by €3.86m on adopted budget attributable to increased allocations. B01 National Primary & B02 National

Secondary allocations increased by €975m which included Pavement Renewals and Safety Barriers. Other grant funding included €224m for Public Lighting Upgrades. Provisions include €250,000 for COVID 19 Contingency Fund and €75,000 for Machinery Yard plant replacements. Transfer to capital include partial funding for Car Parking development including Pay and Display Machines and upgrade to Traffic Management System. Contributions were also provided for aged debit balances and support for Rural Schemes.

- Division D - Development Management

Adopted Allocation	€15,549,605
Out-Turn	€16,249,699

The main reasons for additional expenditure are the charging of the LEADER Administration and Administration expenditure of €0.56m to Revenue Account whereas previously it was accounted for in the Capital Account, and additional funding of €0.4m paid out to Promoters of LEADER approved projects in excess of amount estimated when Budget 2019 was prepared. This expenditure has been fully recouped from Department Grants in both cases. In addition, a provision of €30,000 was made towards the cost of the proposed national on-line Planning system.

- Division E - Environmental Services

Adopted Allocation	€18,177,191
Out-Turn	€18,233,410

Extra expenditure was incurred due to increased recycling activity at our Transfer Stations and Waste/Refuse Services. Additional revenue funding was also applied to completion of electrical upgrade works at North Kerry Landfill, upgrading works at the Transfer Stations and Landfill Closure Capital Balances. Additional operational costs, linked to increased activity, were incurred in the Fire Service. The county-wide street cleaning programme and waste enforcement over expenditure are also included in Division E.

- Division F – Recreation and Amenity

Adopted Allocation	€8,380,630
Out-Turn	€8,835,482

Extra expenditure was incurred due to €250,000 provision toward co-funding of grants targeted to drive economic recovery of the County. A €60,000 Greenway Programme Design fund is also included. Funding was also provided to Community enhancement projects, playgrounds and amenities across the County within this division.

- Division H - Miscellaneous Services

Adopted Allocation	€17,667,622
Out-Turn	€17,695,374

Minor additional expenditure was incurred by the Local Government Operational Procurement Centre. This expenditure has been recouped in full.

2.5 Local Income

Our reliance on locally sourced income is increasing and will gain greater significance into the future. We will continue to maintain and strengthen our focus on debt collection. Appendix 7 - Summary of Major Collections provides the percentage collections for 2019 and the level of debt associated with each of these income streams. Our collection staff continue to work through satisfactory payment plans with all our debtors where necessary. We encourage all debtors to engage, particularly those experiencing financial distress. During 2019 we saw further considerable improvement in both collection and reduction of arrears owing in the critical area of Rates. We issued 120 registered 6-day notices with 354 by way of ordinary post in respect of outstanding rates and a total of 16 rates summonses were subsequently issued. We continue in the current environment to engage fully and constructively with our customers. The percentage collection for Rates increased from 84.62% in 2018 to 86.22% in 2019 reflecting continued strong collection performance (national target 86.62%). The closing arrears for 2019 have reduced by €400,919 compared to 2018.

2.6 The charge on Non-Principal Private Residences, repealed in 2014, yielded a gross income, countywide, to Kerry County Council of €1,142,390 for 2019 in respect of accrued income by owners of NPPRs which were discharged during the year.

3. Capital Account

3.1 The current capital category transactions may be summarised as follows: -

	<u>2019</u> €	<u>2018</u> €
Income	87,147,341	88,717,107
Expenditure	<u>81,407,190</u>	<u>79,320,175</u>
Surplus (Deficit) for year	5,740,151	9,396,932
Credit Balance @ 1 January	62,223,106	52,826,174
Credit Balance @ 31 December	67,963,257	62,223,106

Pages 48 to 49 of the Annual Financial Statement set out the details.

3.2 There is no general contingency fund available in the account. The favourable balance arising is attributable to a mixture of debits on some schemes and credits on others. However, all the credit sums have been allocated for specific projects, as approved previously and are reviewed continuously. An unrealised amount of €9,654,720 is included in the closing capital balance.

3.3 The Public Spending Code (PSC) was brought into effect in September 2013 as the comprehensive set of expenditure appraisal, Value for Money requirements and related guidance covering all public expenditure. All Government Departments and other bodies, including local government, must comply with the requirements of the PSC. The Quality Assurance exercise in respect of 2019 expenditure which will include an inventory of projects/programmes undertaken during 2019 is underway and will be an ongoing annual requirement for the Council.

3.4 The Balance Sheet shows Capital work in progress with an overall cumulative value of €18.624m at 31st December 2019, representing a decrease of 23% on the 2018 figure. This reduction is mainly due to the completion of:

- Housing Developments at Killeen, Tralee; Ardmoniel, Killorglin; Courthouse Lawn, Listowel; Pinewood, Killarney and Bridewell, Milltown
- Dingle Inner Relief Road Phase 4 and the N70 Kilderry Bends road projects.

The figure of €18.624m is represented by: -

	€
Local Authority Housing and Building	6.806m
Road Transportation and Safety	8.769m
Burial Grounds	0.160m
Recreation and Amenity	2.805m
Miscellaneous	0.084m

4 Capital Borrowing/ Loans Payable

4.1 The Council's Capital Debt at 31st December 2019 amounted to €68.5m, a decrease of €4.4m on the December 2018 figure of €72.9m. Of the €68.5m, €9m relates to mortgage secured Housing Loans. €39.2m relates to Assets/Grants, a decrease of €4.7m on 2018. (3.765m of Land Loans were redeemed in 2019) Borrowings during 2019 totalled €2.4m all for Mortgage Loans of which 2.2m was for Rebuilding Ireland Home Loans. Total Redemptions during 2019 totalled €4.65m. As previously stated, 3.765m were redeemed on Land Loans while there were Redemptions of €300K on Mortgage Loans.

5. Fixed Assets

5.1 The Balance Sheet indicates that at 31st December 2019, the Net Book Value of our accountable assets is €3,586m (an increase of €25.97m on the 2018 figure after depreciation), and was constituted as follows: -

	€
Land	143.1m
Housing	506.4m
Buildings	119.7m
Plant and Machinery	2.5m
Computer/Hire Equipment/Furniture	0.9m
Heritage/Parks	9.2m
Roads Network	2,804.2m

The value and complexity of the Council's asset portfolio require continuous management and financial support in the interests of the overall economic and social well-being of the County.

6. Conclusion

6.1 This financial overview supports the draft Annual Financial Statement for 2019, the impact of COVID-19 pandemic during 2020 is referenced in the 2019 Accounts under Note 23. It is clear that the financial impact for 2020 is severe and will impact the Councils finances in 2020 and the coming years. In relation to the current financial position for 2020, clarification of the level of Central Government support is awaited.

While the 2019 draft Annual Financial Statement reflects a minor surplus on the Revenue Account, the financial outlook for 2020 is very uncertain given the overall economic impact of the pandemic on the Councils financial position. As this Council prepares for Draft Budget 2021, sources of local income and the commercial rate base will continue to be negatively impacted. Provisions made in this Draft Annual Financial Statement are reflective of the challenges posed by the current economic environment.

In addition, *Circular Letter Fin.03/2009* dated 13th February 2009 from the Department of Environment, Heritage and Local Government continues in force. This Circular imposes very strict obligations on local authorities to avoid any deficit in the current account, to keep expenditure and income in the capital account in balance, to borrow only in accordance with ministerial sanction and to keep the net bank position limited to the previous year's level. This Circular was updated in January 2015 in relation to the Control and Monitoring of Local Authorities Contributions to the General Government Balance. This, in effect, leaves very little discretion to local authorities to manage their affairs."

Cllr. Jim Finucane said he has spoken previously about the lack of a Government sponsored pension scheme for the Local Government sector. We are one of the few countries that does not have a specific Government pension fund, rather state pensions are paid from the Revenue Budget. He asked that a letter issue to the Minister for Finance requesting that a state pension public service fund be put in place for public service workers as a matter of urgency.

Mr. P. Corkery, Meetings Administrator, said a vote would now be taken on the following:

"On the PROPOSAL of Cllr. Jim Finucane, **SECONDED** by Cllr. Michael Gleeson, that this Council hereby resolves, having considered the Annual Financial Statement for the year ended 31 December 2019 to approve additional expenditure, including provisions, as outlined in the Financial Review."

The result of the vote was as follows:

For: Cllrs. Tom Barry, Robert Beasley, Michael Cahill, Brendan Cronin, Charlie Farrelly, Deirdre Ferris, Jim Finucane, Breandán Fitzgerald, Fionnán Fitzgerald, Seamus Fitzgerald, Cathal Foley, Michael Foley, Michael Gleeson, Donal Grady, Jackie Healy-Rae, Maura Healy-Rae, Niall Kelleher, Mike Kennelly, Sam Locke, Dan McCarthy, Jimmy Moloney, Marie Moloney, Norma Moriarty, Terry O'Brien, Niall O'Callaghan, Mikey Sheehy, Aoife Thornton, Johnnie Wall, Cathaoirleach Patrick Connor-Scarteen **(29)**

Against: **(0)**

Not Voting: **(0)**

Absent: Cllr. John Francis Flynn, Johnny Healy-Rae, Bobby O'Connell, Michael O'Shea **(4)**

Mr. P. Corkery, Meetings Administrator, declared the resolution **CARRIED**.

20.7.2020.08 County Kerry Recovery Plan

Mr. M. Scannell, Director of Service, made a presentation to the Elected Members on the Kerry Economic Recovery Plan which included the following:

- COVID-19 Targeted Response Measures
- Safe Destination Kerry Programme – Safe Streets Initiative
- Promotion of Local Business Recovery
- Kerry Business Advisory Team
- Enhanced Regional Connectivity and Infrastructure
- Projects / Roads / National Roads
- Regeneration of our Town and Villages – Town Centre First Policy
- Tourism, Culture, Amenities and Heritage Projects
 - Destination Development & Placemaking
 - Cycling and Walking
 - Short-term and Medium to Longer Term Marketing
- Two Transitions: Low Carbon and Digital Economy
 - Digital Strategy
 - Broadband Connection Points
 - Digital Hubs and Remote Working

20.7.2020.09 Kerry County Council Annual Report 2019

Mr. C. O'Connor, Director of Service, outlined that the draft Kerry County Council Annual Report 2019 had been circulated for consideration by the Elected Members.

On the PROPOSAL of Cllr. Terry O'Brien, SECONDED by Cllr. Michael Gleeson, it was agreed to adopt the 2019 Kerry County Council Annual Report in accordance with Section 221 of the Local Government Act 2001 as amended.

20.7.2020.10 Nomination to Kerry Comhairle na nÓg Steering Group

On the PROPOSAL of Cllr. Sam Locke, SECONDED by Cllr. Niall O'Callaghan, it was agreed to nominate Cllr. Jackie Healy-Rae to the Kerry Comhairle na nÓg Steering Group.

20.7.2020.11 Dates for Meetings

- a) On the PROPOSAL of Cathaoirleach Patrick Connor-Scarteen, SECONDED by Cllr. Johnnie Wall, it was agreed that the Briefing on the Council's Budget 2021 would be held in the John Mitchel's Complex, Ballyseedy, Tralee, on Monday, 21 September 2020 from 10.00 a.m. to 12.00 noon.
- b) On the PROPOSAL of Cathaoirleach Patrick Connor-Scarteen, SECONDED by Cllr. Johnnie Wall, it was agreed that the September Ordinary Meeting would be held in the John Mitchel's Complex, Ballyseedy, Tralee, on Monday, 21 September 2020 at 12.30 p.m.
- c) On the PROPOSAL of Cathaoirleach Patrick Connor-Scarteen, SECONDED by Cllr. Johnnie Wall, it was agreed that the CPG Meeting for consultation on Budget 2021 would be held on Tuesday, 22 September 2020 at 10.30 a.m.
- d) On the PROPOSAL of Cathaoirleach Patrick Connor-Scarteen, SECONDED by Cllr. Johnnie Wall, it was agreed that the Special Meeting to consider the Draft Budget Policy/Strategy and consideration of setting a local adjustment factor in relation to the Local Property Tax would be held in the John Mitchel's Complex, Ballyseedy, Tralee, on Monday, 28 September 2020 at 10.30 a.m.

20.7.2020.12 Reports from Chairs of SPCs

- a) Report from Cllr. Michael Cahill on the meeting of the Environment, Climate Change and Emergency Planning SPC held on 13 February 2020 was noted.
- b) Report from Cllr. Mike Kennelly on the meeting of the Roads, Transportation and Marine SPC held on 10 March 2020 was noted.

20.7.2020.13 Summary of Proceedings at Events

It was agreed to note the report on proceedings at the Celtic Conferences conference on EU Cohesion Policy 2014-2020 held in Clonakilty, Co. Cork from 5-7 October 2018 by Cllr. Johnny Healy-Rae 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.

20.7.2020.14 Approval for the Opening of Tenders

- (a) On the PROPOSAL of Cllr. Seamus Fitzgerald, SECONDED by Cllr. Michael Gleeson, it was agreed to approve the opening of tenders for Supply of Stationery and Office Supplies for Kerry County Council - Closing Date: 22 July 2020
- (b) On the PROPOSAL of Cllr. Jackie Healy-Rae, SECONDED by Cllr. Seamus Fitzgerald, it was agreed to approve the opening of tenders for Re-Roofing of County Building, County Buildings, Rathass, Tralee – Closing Date: 31 July 2020
- (c) On the PROPOSAL of Cllr. Mikey Sheehy, SECONDED by Cllr. Sam Locke, it was agreed to approve the opening of tenders for Blennerville Windmill Sails Upgrade, Blennerville Windmill, Blennerville, Tralee - Closing Date: 31 July 2020
- (d) On the PROPOSAL of Cllr. Dan McCarthy, SECONDED by Cllr. Sam Locke, it was agreed to approve the opening of tenders for Construction of a Single Rural Dwelling House (SRD) including all associated siteworks at Glannagilliagh, Caragh Lake, Killorglin - Closing Date: 16 July 2020
- (e) On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Michael Gleeson, it was agreed to approve the opening of tenders for Collection and Processing of Glass Bottles and Cans - Closing Date: 24 July 2020
- (f) On the PROPOSAL of Cllr. Marie Moloney, SECONDED by Cllr. Jimmy Moloney, it was agreed to approve the opening of tenders for 2020 Kerry Invasive Alien Plant Species Eradication Contract – Closing Date: 28 August 2020
- (g) On the PROPOSAL of Cllr. Mike Kennelly, SECONDED by Cllr. Jimmy Moloney, it was agreed to approve the opening of tenders for R552 Clieveragh Listowel Culvert Replacement (Bridge Rehabilitation Programme) – Closing Date: 24 July 2020
- (h) On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Deirdre Ferris, it was agreed to approve the opening of tenders for Supply, Installation and Commission of 1 no. Pelican Crossing and 1 no. Toucan Crossing with associated civil works, Connolly Park/Rock Street Junction, Tralee – Closing Date: 7 August 2020
- (i) On the PROPOSAL of Cllr. Brendan Cronin, SECONDED by Cllr. Mike Kennelly, it was agreed to approve the opening of any tenders that may arise up to the September 2020 Council meeting.

Emergency Motion

Cllr. Terry O'Brien PROPOSED:

To call on Kerry County Council to contact Minister Humphries in support of the Debenhams workers and calls on the new Government to do all that it can to support the campaign of the Debenhams workers for a resolution to the ongoing dispute with the company. The workers are demonstrating for over 100 days outside Debenhams stores to stop the company taking their stock back to England. The Debenhams company must be fair to the workers, they are looking for a fair redundancy package.

Cllr. Deirdre Ferris **SECONDED** this motion and said Kerry County Council Elected Members must support our constituents in this matter. Contracts with employees are being ignored and there is a refusal to pay redundancy.

Cllr. Robert Beasley supported this motion.

Emergency Motion

Cllr. Niall O'Callaghan PROPOSED:

That this Council writes to the Minister for Health to ask him, in consultation with NPHET, to reconsider the opening date for pubs (currently at 10 August 2020) which could provide a regulated and socially distanced environment.

Cllr. Niall O'Callaghan said it is a disgrace that pubs have to remain closed until 10 August 2020 when unregulated house parties are taking place. It would be safer for people to be in a socially distanced environment and regulated pub. Many pub owners will struggle to provide for their families if they have to wait until 10 August to open their business.

Cllr. Jackie Healy-Rae **SECONDED** this motion and said a lot of pubs had expected to open and had taken on the responsibility of undertaking works on their premises to provide a safe environment.

Emergency Motion

Cllr. Michael Cahill PROPOSED:

In view of the lack of medical facilities, transport, employment, water and sewage, etc, in many rural towns and villages in our county, that Kerry County Council call on the Government Department now charged with issuing contracts to Developers to provide accommodation to Asylum Seekers, to allow the Planning Authority i.e. Kerry County Council, view such applications in advance of any decision being taken. This would be with a view that Kerry County Council would have an input into identifying on behalf of the Department, any infrastructure that would require to be put in place in advance to facilitate an addition of a sizeable number of new citizens to that location. The advice of the HSE should also be sought and strictly adhered to in advance of any future contracts being signed.

Cllr. Michael Cahill said there is concern among residents in South Kerry regarding any substantial increase in the population in areas that do not have sufficient basic services and facilities in place. This proposal, with greater consultation, would allow control of numbers and services and proper planning for our towns and villages.

Cllr. Dan McCarthy **SECONDED** this motion and said the experience from Caherciveen raises concern that facilities are not in place to provide accommodation to asylum seekers.

Cllr. Donal Grady said Kerry has accommodated many asylum seekers and what happened in Caherciveen is wrong.

20.7.2020.15 Notices of Motion

1. Maintenance of Cycle Lanes

Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED:

That the Council would ensure that dedicated Cycle Lanes are at all times preserved free from ponding, muck and briars and that the lanes are also preserved to their original width. Far too many of the lanes are overgrown to sometimes half their proper width, thus making remaining in-lane particularly difficult and unsafe. That the Council would also ensure that the appropriate new signage asking for mutual respect is erected in Walking cum Cycling Pathways.

The following reply issued:

All cycle lanes along non-national routes are maintained as part of the normal maintenance programme. Regulatory signs, which are used to indicate the presence of pedestrian and cycle facilities, both shared and segregated, are set out in Section 5.18 of the Traffic Signs Manual.

Specifically, in relation to shared walkways and cycleways, it is a legal requirement for bicycles used in public places to be fitted with reflectors, front and rear brakes and a bell that can be heard from a reasonable distance. Cyclists are also obliged to cycle with reasonable consideration towards others.

Any specific areas requiring either maintenance or signage should be directed to the relevant Municipal District in the first instance, who will arrange for these areas to be inspected.

Cllr. Michael Gleeson said our aim should be to make Kerry the cycling capital of Ireland. To achieve that objective we must have safe, clean and properly maintained cycle lanes and cycle paths. We of course also urgently need proper and as safe as possible Bicycle Parking Bays. Wherever cyclists and pedestrians are sharing a pathway there must be clear directional signage e.g. Keep Right, Respect Others, Please use your Bell. On roadways there is need for universal acceptance of the 1.5 metres distancing by motorists and of course the cycle lanes must have adequate width. On Sunday [19th July] we walked for quite some time in the National Park and saw many cyclists-not one of them used a Bell. The proper development of cycling, post-COVID, can and hopefully will have a transformative beneficial effect on individual health and on the economy of the county.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

2. Choice Based Letting System for Housing Allocations

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

That Kerry County Council would set in place a timeline for moving to the Choice Based Letting system for Housing Allocations. This is working very well in Cork County Council and we too should strive to get it in place as soon as possible.

The following reply issued:

The Council has indicated previously that it intends moving to a Choice Based Letting (CBL) process for the majority of allocations. This process entails the Council advertising units among qualified applicants who would then express a preference as to whether they wish to be considered for that specific properties. The allocations would then be determined under the Councils Scheme of Letting Priorities, but only from within the group who have expressed their preference to be considered. Special allocations such as specially adapted units, sheltered accommodation and similar would continue to be dealt with under existing approaches.

The use of CBL has, to date, been paper based and the number of properties offered has been limited in number and also to Council stock allocations. The Council intends to move to an online platform to enhance our capability in this area. This will enable applicants to view suitable properties that would be available/coming available for letting and express an interest in being considered for the tenancy of same. It is the Council's intention to use CBL for both Council allocations and Approved Housing Body nominations.

One of the technology solutions under consideration is that developed by Cork City Council, which is the system in use in Cork County Council. Housing management have visited Cork County Council to gain a greater understanding of the CBL platform in use and the business issues involved. The expansion of the system including the IT based solution was delayed due to the recent COVID19 restrictions but is a priority for delivery with our IT Department.

Cllr. Jackie Healy-Rae asked if there is a timeline for the introduction of the CBL system. He said we must work towards getting applicants housed and it would also help our refusal rate which was quite high last year. He asked if that this matter would be referred to the Housing SPC to consider it in detail.

Cathaoirleach Patrick Connor Scarteen **SECONDED** this motion.

The Chief Executive said the introduction of the CBL system was interrupted by COVID-19. Its introduction is being prioritised and it is hoped to have the CBL system in place in late 2020/early 2021.

3. Record of Vacant Properties

Pursuant to notice duly given Cllr. Michael Foley PROPOSED:

To ask Kerry County Council what is the up to date position on compiling a record of vacant properties in the County.

The following reply issued:

The 2016 census estimated that there were 74,094 dwellings in the county of which 8,527 were classified as vacant houses, with an additional 1,164 vacant apartments and 8,056 vacant holiday homes. The corresponding figures from the 2011 census were 9,860 vacant dwellings, 1,657 vacant apartments and 8,202 vacant holiday homes. Excluding holiday homes, the vacant properties constitute 13.1% of dwellings.

While the vacancy level has dropped since 2011 census, it continues to be higher than expected in a time of housing shortage. As part of the Governments Vacant Housing Reuse Strategy 2018-2021 and in conjunction with the Governments housing policy document, Rebuilding Ireland: An Action Plan for Housing & Homelessness (Pillar 5 – Reuse Existing Buildings) whereby existing housing stock is used to the maximum. In order to achieve this, robust and accurate data is needed in relation to vacancy in order to identify vacant homes and monitor vacancy levels. In this regard, a full time Vacant Homes officer was appointed in 2019 and has worked to identify the vacant homes in the Hub & Regional towns in the County: Tralee, Killarney, Listowel, Castleisland, Caherciveen, Dingle, Killorglin & Kenmare. The next objective, after establishing where exactly the vacant homes are located, is to establish ownership, how their location matches current and future housing needs and what actions would have greatest effect in returning these vacant homes into use. As an aid to Local Authorities, the Government published *Bringing Back Homes*: a manual for the reuse of existing buildings. It highlights the various options available

to property owners to return vacant homes to reuse as well as the financial options available to assist them. Kerry County Council Housing Department placed a public advertisement for expressions of interest in the Repair & Leasing scheme along with the regular leasing of vacant properties in January 2020 which had some success and it is planned to re-advertise again mid-2020. The Vacant Homes Officer will continue to engage with property owners to increase the take up of the Repair & Leasing Scheme.

Cllr. Michael Foley said he is continually raising the issue of Vacant properties in our towns and villages which would take very little to bring them back into use for family homes. There should be incentives made available to the owners of these properties which would encourage them to put them on the market and make them available to families. Also, an incentive to encourage families to purchase them. In the programme for government under the heading Town Centres First it is stated “*We will implement a strategic approach to town centre regeneration by utilising existing buildings and unused lands for new development and we will promote residential occupancy in rural town and villages.*” It is important that the list of vacant properties is compiled here in Kerry as soon as possible to prepare for whatever scheme that the Government Develop. However, I hope the scheme the Government come up with to promote residential occupancy in rural town and villages doesn’t hinder or rule out the construction of one-off family homes in the rural areas on family owned land.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

4. Notification of Pension Entitlements

Pursuant to notice duly given Cllr. Michael Cahill PROPOSED:

In line with Department of Social Protection Customer Service obligations, I propose that it should be mandatory on the Government to inform all citizens prior to their 66th Birthday of their entitlements by inviting them to apply for their Pension. This can be easily achieved as the Department maintains a record of all citizens including their name, address, PRSI record, etc. Under the current Social Welfare Act, a claim for benefit must be made within the prescribed time as set out in Section 241 Social Consolidation Act 2005. Any failure to claim your entitlements can result in Pensioners and other claimants losing out on their entitlements. Every year this results in many claimants who have contributed to the Social Insurance Funds not receiving large sums to which they are entitled notwithstanding the fact that they have already paid for their entitlement.

Mr. P. Corkery said this is a matter for consideration by the members.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

5. Deferral of the National Rates Review

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

To ask that we, the members of Kerry County Council, by resolution, write to both the Ministers for Finance and Local Government asking them to defer the national rates review for at least 5 years due to the current COVID-19 pandemic. In the interim to look at an alternative option, of a rate based on a business financial turnover, per financial year ending.

Mr. P. Corkery said this is a matter for consideration by the members.

Cllr. Michael O’Shea said consideration must be given to using the financial turnover of a business as a basis for a new rates base.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

6. Hedge Cutting Works

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

Please outline what hedge cutting works have been carried out in the County and what plans are there for the remainder of the year

The following reply issued:

Regular Updates on hedge cutting are provided at Municipal District meetings, including details of hedge cutting notices issued. Hedge cutting is currently prohibited until 1st September, except for instances where overgrown hedges pose a hazard to road users. Should members become aware of hedges posing such a hazard, they should contact the relevant MD Enforcement Officer who will carry out an inspection and if necessary, arrange for hedges to be cut.

Cllr. Aoife Thornton SECONDED this motion.

7. Roundabout at Madams Hill Junction, Killarney

Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:

To ask has any progress been made following my numerous requests of the TII to construct a roundabout to alleviate traffic congestion at the Madams Hill Junction, Killarney.

The following reply issued:

In order to fully assess the traffic problems at this junction and in accordance with TII requirements, the traffic movements through this particular junction are currently being modelled using specialist traffic simulation software. The TII requires this process to be undertaken in order to inform the selection of the most appropriate junction improvement works to be carried out in compliance with the applicable TII design standard: "*Geometric Design of Major/Minor Priority Junctions & Vehicular Access to National Roads.*" The options being examined as part of this simulation include a roundabout junction amongst other junction types. This assessment, which will be completed in August, will be forwarded to the TII as part of a Junction Analysis proposal for their consideration.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

8. Control of Japanese Knotweed

Pursuant to notice duly given Cllr. Robert Beasley PROPOSED:

That Kerry County Council take immediate action to eliminate the spread of Japanese Knotweed which is out of control especially in North Kerry but all around the County.

The following reply issued:

Transport Infrastructure Ireland has recently completed a 3-year eradication programme for Invasive and Alien Plant Species (IAPS) along national routes in the county which has proved very successful with a reduction in infestations along national routes of over 90%. Kerry County Council will shortly advertise for tender for further IAPS treatment in 2020.

As previously agreed, each Municipal District has prepared inventory maps of the locations where there are infestations along the non-national road network and treatment programmes developed, subject to available funding over a 3-year treatment cycle. The development of a treatment programme in 2020 has been delayed by the impact of COVID-19.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

9. Re-instatement of Ophthalmology Services

Pursuant to notice duly given Cllr. Norma Moriarty PROPOSED:

That we as a Full Council call on the HSE and Minister for Health to do all possible to have Ophthalmology Services reinstated. Not as much as an assessment appointment can be secured with any Eye Consultant anywhere in the country as of this minute and they will not or cannot indicate when they will recommence. Meanwhile people are having to live in pain and endure increasing sight loss.

Mr. P. Corkery said this is a matter for consideration by the members.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

10. Grant to Upgrade Septic Tank

Pursuant to notice duly given Cllr. Marie Moloney PROPOSED:

That we write to the new Minister for the Environment seeking clarification of the criteria for making applications for a grant to upgrade septic tanks. Whilst its acknowledged that recent changes have been made to the grant scheme, however there are many people outside of the new designated areas of who need to and want to upgrade their septic tanks and are ineligible for the grant. We should be encouraging people to upgrade which would be far better for the environment.

Mr. P. Corkery said this is a matter for consideration by the members.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

11. Sheep Welfare Scheme

Pursuant to notice duly given Cllr. Dan McCarthy PROPOSED:

To ask the Minister for Agriculture to extend the Sheep Welfare Scheme.

Mr. P. Corkery said this is a matter for consideration by the members.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

12. Temporary Wage Subsidy Scheme

Pursuant to notice duly given Cllr. Breandán Fitzgerald PROPOSED:

That Kerry County Council write to the Minister for Finance asking that seasonal businesses which were closed at the start of the year be treated the same as businesses that were open before COVID-19 and allow them use the Temporary Wage Subsidy Scheme as they are now being unfairly treated and not receiving State assistance to meet employee wages even though they are severely impacted in their ability to trade by COVID-19 restrictions.

Mr. P. Corkery said this is a matter for consideration by the members.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

13. 'Buy Kerry Scheme'

Pursuant to notice duly given Cllr. Mikey Sheehy PROPOSED:

That this Council looks to support local businesses and enterprise as much as possible by initiating a 'Buy Kerry Scheme'. In doing so, the Council should lead by example and, where possible, purchase from within the County.

The following reply issued:

Kerry County Council in association with our industry and retail partners are currently developing a short-term marketing campaign which will promote supporting local retailers and businesses in the County. Kerry County Council has developed the web portal **#OpenforBusiness**. There are approximately 400 businesses registered on the Portal. The Local Enterprise Office is actively supporting local businesses through the provision of trading online vouchers.

Kerry County Council is collaborating with the Kerry Chamber Network to develop Shop Local initiatives within the County and it is expected to finalise proposals in association with the industry and retailers shortly.

A separate short-term domestic tourist marketing campaign is being rolled out with the Kerry Tourism Industry Federation, with a number of specific projects over the coming weeks.

Cathaoirleach Patrick Connor Scarteen **SECONDED** this motion.

14. Parental Alienation

Pursuant to notice duly given Cllr. Fionnán Fitzgerald PROPOSED:

That Kerry County Council call on the Departments of Health, Justice and Equality and Children and Youth Affairs to recognise that Parental Alienation is “Substantial and sustained dissatisfaction within a caregiver-child relationship associated with significant disturbance in functioning” and to implement recommendation 36 of the Report of the Reform of the Family Law System October 2019 in the immediate future.

Mr. P. Corkery said this is a matter for consideration by the members.

Cllr. Fionnán Fitzgerald said this motion is in relation to the recently published Report on reform of the family law system, specifically Recommendation 36. Parental Alienation is “Substantial and sustained dissatisfaction within a caregiver-child relationship associated with significant disturbance in functioning” coded by the World Health Organisation in the latest International Classification of Diseases version 11 and to implement recommendation 36 of the Report of the Reform of the Family Law System October 2019. Legislation needs to be updated regarding Family Law.

Cathaoirleach Patrick Connor Scarteen **SECONDED** this motion.

15. Deer Management and Public Health and Safety

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

To ask the relevant Government Departments to fully recognise and respond to the genuine concerns and issues highlighted by the members of Kerry County Council surrounding deer management and public health and safety.

Mr. P. Corkery said this is a matter for consideration by the members.

Cllr. Maura Healy-Rae said we are all aware of the numerous near misses and fatalities in this county that have happened because of deer. She referred to a letter dated 20 March 2020 from former Minister Madigan which states that this is a matter for the Road Safety Authority and Kerry County Council. Members of Kerry County Council are calling for fencing to be erected where there have been accidents, e.g. Ballydowney to Fossa. The improvement of sight lines would require the removal of hedges and trees, which will require the agreement of the NPWS. She asked that a letter issue to the new Minister for Heritage outlining these matters and requesting a meeting with members of Killarney Municipal District, as was requested previously.

Cathaoirleach Patrick Connor Scarteen **SECONDED** this motion.

16. Resurfacing of the N22 from Clonkeen to Killarney

Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED:

That the Council would seek clarification from the TII on its intentions regarding the urgently needed resurfacing of the N22 from Clonkeen to Killarney.

The following reply issued:

TII appoint consultants who utilise a Pavement Management System to identify sections of the National Network where surface improvements will be funded. The section from Park Road Roundabout to Lissyviggeen Roundabout has been identified for Pavement Improvements and the Pavement Asset Repair and Renewal Report will be prepared in Quarter 3 of 2020 with a view to securing the funding and carrying out the works in 2021.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

17. Confidential Cyber Medical Facilities

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

To provide a list of ALL the vacant properties held by Kerry County Council throughout the County, where it is located, how much it is estimated to bring it back into use and how long it has been vacant

The following reply issued:

There are **139** houses currently vacant in the County which represents 3.2% of the total Council Housing Stock.

- 58 houses are vacant for less than 12 months
- 7 houses are vacant between 1-2 years
- 74 houses are vacant over 2 years

The breakdown of these unit types is as follows:

Fire Damaged/ Structural Issue awaiting Insurance resolution	7
Legal Issue (title/ boundaries)	7
Regeneration property – part of larger project	1
Requiring significant works and being assessed for procurement/tender	8
Repossessed requiring works	4
Buy & Renew & Acquired Properties (works ongoing in 7houses)	32
Voids Programme	46
Sub-total (Works required)	105
Available for letting	28
Derelict / Sites (potential disposals)	6
Total 139	139

Kerry County council is committed to ensuring that any property in our ownership, which becomes vacant, is re-tenanted as soon as possible subject to available finance. The finance required for the works to be carried out on the 105 houses listed above is estimated at in excess of €4,400,000.

The Council cannot supply the addresses of these properties given the GDPR consideration arising and additionally the safety and security of Council Assets.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

18. Notification of Overpayment of Taxes

Pursuant to notice duly given Cllr. Michael Cahill PROPOSED:

Tens of thousands of PAYE workers over pay their taxes every year and given that the Revenue Commissioners with their advanced computer systems are aware of these overpayments, I propose that it should be mandatory that they should inform all taxpayers who have overpaid tax, that they are due a repayment and that the 4 year rule should not apply where the taxpayer has not been so informed. Under current guidelines overpayments over 4 years are forfeited to the State and are never repaid. Revenue will only repay an overpayment where they receive a valid claim for repayment and PAYE taxpayers are not obliged to fill out an annual return of income (and most do not) with the consequence that they never receive a repayment of the taxes overpaid.

Mr. P. Corkery said this is a matter for consideration by the members.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

19. Wastewater Schemes and Upgrades

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

How many towns and villages are awaiting wastewater schemes and upgrades in the County. What are the estimated costs involved.

The following reply issued:

Kerry County Council made a detailed submission to the Irish Water Draft investment plan 2020-2024 in July 2018. A report on the draft investment plan was brought to the July 2018 council meeting and the views of members sought at that time and incorporated into the submission to the Commission for the regulation of Utilities.

In our submission on the draft investment plan we stated; "Some of the 11 projects listed on the draft IP will be substantially complete by the end of 2019. In relation to the others listed clarification is required on the scope of work and investment proposed. There is an urgent need for major upgrades or total replacement of upwards to 17 additional wastewater treatment plants in Kerry many of which effectively provide no treatment"

The 11 projects listed were:

- Abbeydorney WWTP
- Ardferf SS- WWTP Upgrade
- Ballyduff WWTP
- Castlegregory WWTP
- Castlemaine SS- WW
- Fenit WWTP TP Upgrade
- Glenbeigh WWTP
- Kenmare SS- WWTP Upgrade
- Killarney WWTP
- Killorglin WWTP
- Rathmore WWTP

In summary the following waste water treatment plants were also highlighted as in need of upgrade

- North Kerry Wastewater Treatment Bundle (Brosna / Causeway / Kilflynn/ Knocknagoshel / Moyvane)
- West Kerry Wastewater Treatment Bundle - (Ballydavid / Ballyferriter / Feohanagh / Murreagh / Ventry)
- Anascaul WwTP
- Cloghane WwTP
- Castleisland WwTP
- Duagh WwTP

- Dungeagan/Ballinskelligs WwTP
- Gneeveguilla WwTP
- Kilfenora WwTP
- Kilgarvan WwTP
- Knightstown WwTP
- Listowel WwTP
- Lixnaw WwTP
- Portmagee WwTP
- Ballylongford Network

Unsewered villages

The following comment was also made in the Council's submission regarding the matter of unsewered villages: - *"In relation to the need for investment in Wastewater Infrastructure in unsewered villages there are serious reservations at the suggestion that the rural regeneration and development fund of the NDP be used for this purpose. This is not what this fund is for and will be quickly expended if targeted in this area. For example, it is estimated that a Wastewater Treatment Plant for Scartaglin Village would cost around €3.5m.*

There are approximately 32 villages that are in this category in Kerry and immediate priorities include Beaufort, Scartaglin, Caherdaniel and Currow. A plan needs to be put in place for working through these by using standard layouts & technology, Integrated Constructed Wetland sites and by bundling."

No.	Name
1	Asdee
2	Aughasla
3	Ballyfinnane
4	Ballyhar
5	Beaufort
6	Boolteens
7	Caherdaniel
8	Camp
9	Cashen
10	Castlecove
11	Chapletown, Valentia
12	Cromane
13	Currans
14	Currow
15	Dunquin
16	Finuge
17	Glencar
18	Glenflesk
19	Inch
20	Kells
21	Kilcummin
22	Kilmoyley
23	Knockanure
24	Lauragh
25	Liselton
26	Lispole
27	Scartaglin
28	Spa, Fenit
29	Stradbally
30	Templenoë
31	The Glen
32	Tuosist

The final investment plan 2020 – 2024 has not yet been published by the CRU. The Relevant costs associated with each these projects as well as the time scales involved are a matter for Irish Water.

Cllr. Aoife Thornton SECONDED this motion.

20. Change of use from Holiday Home to Permanent Place of Residence Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:

To ask that the new County Development Plan address the issue where houses that were originally part of historical holiday villages and have now become the permanent place of residence for many people due to their affordability, these home owners should be allowed in the County Development plan change the house status to reflect that its their permanent residence.

The following reply issued:

Development Standards for multi-unit residential developments are set out in Chapter 13 of the Current County Development Plan 2015-2021. Where holiday home developments meet the standards as set out in Chapter 13, the Planning Authority are favourably disposed to change of use applications from holiday homes to permanent places of residences.

In a limited number of permitted holiday developments, reduced development standards were accepted on the basis that the completed development was to be a holiday home scheme centrally managed. Many of these schemes were permitted and constructed in the 1990's with the benefit of a tax incentive scheme. However, with the passage of time and the expiration of the tax relief concerned, the demand for these dwellings as holiday homes has waned. Many of these dwellings are in or adjacent to urban areas throughout the County, some of which are experiencing a high demand for housing. It is the intention of the Planning Department to consider policy in this area as part of the forthcoming review of the County Development Plan.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

21. Housing Maintenance

Pursuant to notice duly given Cllr. Robert Beasley PROPOSED:

That Kerry County Council change their attitude to local authority houses where the hinges and locks on doors and windows are damaged and rotting as a result of salt air especially along the coastal regions.

The following reply issued:

The tenant of a Local Authority house is responsible for all external doors, locks, hinges and handles. This applies irrespective of the age of the property. It is a condition of the tenancy agreement and is outlined in the Tenant's Handbook.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

22. Tourism Support Package

Pursuant to notice duly given Cllr. Norma Moriarty PROPOSED:

That given the significant expense that has had to be made by Bed & Breakfast providers to meet standards that allow them to comply with COVID 19 measures and that many of these operators did not qualify for the Restarting Grant Scheme, that we call on Fáilte Ireland and the responsible Departments to ensure that when they eventually announce the Tourism Support package that they allow these SME's to apply retrospectively for any grant towards the cost of sanitation equipment and

materials that they had to source given the opening dates etc were brought forward. The Bona Fides of the expenses can be easily verified.

Mr. P. Corkery said this is a matter for consideration by the members.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

23. Anti-Social Behaviour in HAP or Leased Properties

Pursuant to notice duly given Cllr. Marie Moloney PROPOSED:

What is Kerry County Council procedure for dealing with anti-social behaviour in HAP or Leased properties. It seems that the owners of these properties are experiencing difficulties in having the property vacated by offending tenants.

The following reply issued:

HAP or Leased tenancies are tenancies that social housing households enters into with a landlord of a property. The households are approved social housing applicants by Kerry County Council. The tenancy relationship is between the landlord and the tenant. Any issues such as anti-social behaviour, property maintenance or notice to vacate matters are a matter for the landlord to deal with the tenant. Kerry County Council has no role in these matters. The Councils involvement relates to the payment of social housing supports to support the tenancies. The termination of a tenancy is governed by a statutory framework with the Residential Tenancies Board having a formal role in dealing with disputes.

Cllr. Marie Moloney said once a tenant takes up tenancy of a leased property Kerry County Council is no longer involved, and it is the responsibility of the landlord. Kerry County Council should have some responsibility in these cases.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

24. Special Parking Space out Chemist Shops

Pursuant to notice duly given Cllr. Dan McCarthy PROPOSED:

That the Council should consider having a special parking space outside chemist shops for up to 15 minutes in duration, so that people can pick up their prescriptions easily.

The following reply issued:

Kerry County Council has introduced 15-minute set-down parking in a number of its larger towns to meet particular needs as part of the "Safe and Welcoming Streets COVID-19: Town Centre Mobility Plans" for each Municipal District. Depending on the circumstances, some of these new set down areas have targeted businesses with a high customer turnover, including pharmacies. In addition, some towns have designated certain parking bays as "Age Friendly" parking and again these are targeted at businesses who would have a high proportion of elderly customers, including pharmacies.

The Mobility Plans are being kept under continual review and should a specific issue arise on an individual town or street, then this will be examined, taking the detailed factors outlined in the Mobility Plan for that Municipal District and the various consultations and briefings into consideration.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

25. Business Restart Grant to support Mná Tí

Pursuant to notice duly given Cllr. Breandán Fitzgerald PROPOSED:

That Kerry County Council calls on the Minister for the Gaeltacht to ensure that the compensation scheme to support Mná Tí for loss of income this year not be tied to provisions of Irish language services for next year, and that Mná Tí be able to apply for the Business Restart Grant to adhere to social distancing or a grant scheme like the Business Restart Grant be set up to enable Mná Tí to adhere to social distancing in their homes.

Mr. P. Corkery said this is a matter for consideration by the members.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

26. Chemotherapy Day Unit at University Hospital Kerry

Pursuant to notice duly given Cllr. Mikey Sheehy PROPOSED:

That this Council writes to the Minister for Health to ask for clarification on the plans for the Chemotherapy Day Unit at University Hospital Kerry and the temporary/permanent location of this Unit into the future.

Mr. P. Corkery said this is a matter for consideration by the members.

Cllr. Mikey Sheehy said the location of this unit has been moved four times over the last number of years and moved again due to COVID-19. Clarification is needed as a matter of urgency on plans for this unit.

Cllr. Deirdre Ferris SECONDED this motion.

27. Planning Permission for Rural Housing

Pursuant to notice duly given Cllr. Fionnán Fitzgerald PROPOSED:

That Kerry County Council do all in its power to ensure that directives around planning permission in this County take all factors into account so as to allow those who are from rural communities to build and live in rural Ireland.

The following reply issued:

Current policy in relation to rural housing is contained in Chapter 3, Settlement Strategy of the current County Development Plan 2015-2021. This policy was consistent with the relevant National and Regional plans and Ministerial guidelines in place at the time of the plan formulation and adoption.

A review of the current County Development commenced in June of this year. Revised policy in respect of rural housing will be drafted for consideration by the members as part of the draft County Development Plan 2021-2028.

Cathaoirleach Patrick Connor Scarteen SECONDED this motion.

28. Autism Friendly Town

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

To ask Kerry County Council to consider designating one or more of our towns as an 'Autism Friendly Town'. This has been done in Clonakilty, Co. Cork through collaboration with the 'As I Am Organisation'.

The following reply issued:

Kerry County Council is supportive of community lead Autism Friendly initiatives throughout the county. Following a public meeting held in January 2020, a Tralee Autism Friendly Committee was set up with the aim of progressing Tralee's

application to become Autism Friendly. Listowel is also progressing a similar application. Kerry County Council is represented on the committee, but it has not convened during the period of the COVID-19 crisis.

Kerry Library – sensory resource provision

In early 2020, Kerry Library was approved funding of €20,000 to enable the provision of enhanced library services for children, teens and adults with sensory impairments, additional needs, learning differences and those on the Autism spectrum.

The primary focus will be on providing resources at Listowel Library as Listowel town is currently working towards achieving accreditation from AsIAM [www.asiam.ie] as an Autism Friendly Town.

Some resources will also be introduced to Tralee Library to support their aim of becoming an Autism Friendly Town and to Killarney Library to support the objectives of the Killarney Accessible Tourism programme. A range of start-up resources will be provided to all other libraries.

Cllr. Maura Healy-Rae said it is important to accommodate people with different levels of disabilities. She asked if Kerry County Council has a representative on the Autism Friendly Committee and what funds are available.

Cathaoirleach Patrick Connor Scarteen **SECONDED** this motion.

20.7.2020.16 Correspondence General

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

Date	From	Description
26/05/2020	Minister for Housing, Planning and Local Government	Response to a resolution from Kerry County Council in relation to security of tenure in rental accommodation.
25/06/2020	Minister for Transport, Tourism & Sport	Response to a resolution from Kerry County Council in relation to driving tests.
26/06/2020	Minister for Transport, Tourism & Sport	Response to a resolution from Kerry County Council in relation to the Tourism Recovery Taskforce.
26/06/2020	Minister for Employment Affairs & Social Protection	Response to a resolution from Kerry County Council in relation to COVID payments.
26/06/2020	Minister for Transport, Tourism & Sport	Response to a resolution from Kerry County Council in relation to refunds of motor tax.
30/06/2020	Minister for Transport, Tourism & Sport	Response to a resolution from Kerry County Council in relation to the VAT rate in the tourism sector.
13/07/2020	Minister for Housing, Planning and Local Government	Response to a resolution from Kerry County Council in relation to areas and villages not served by an Irish Water wastewater network.
14/07/2020	Minister for Education	Response to a resolution from Kerry County Council in relation to staffing at primary level.
19/06/2020	Carlow County Council	Resolution adopted condemning the action of the PSNI in disrupting the Black Lives Matter protest in Derry on 6 June.
24/06/2020	Westmeath County Council	Resolution adopted in relation to the proposal of "First Choice for All".
25/06/2020	Roscommon County Council	Resolution adopted by in relation to financial support for Tidy Towns and Voluntary Groups.
8/07/2020	Limerick City & County Council	Resolution adopted in relation to supporting the National Small Business Recovery Plan.

Date	From	Description
13/07/2020	Sligo County Council	Resolution adopted in relation to banning the use of inflatable dinghies and all dangerous inflatable products at official and unofficial bathing places and sale of same at any location within the county.
13/07/2020	Sligo County Council	Resolution adopted in relation to registration of right of way in The Property Registration.
13/07/2020	Waterford City & County Council	Resolution adopted in relation to supporting SIPTU and the "Big Start Campaign".

Any Other Business

Local Property Tax - Public Consultation

In response to a query from Cllr. Jackie Healy-Rae, Ms. A. McAllen, Head of Finance, advised that the Local Property Tax (Local Adjustment Factor) Regulations 2014 requires the Local Authority to consult with the public in its administrative area in relation to its consideration of the setting of a local adjustment factor. The period of consultation will run from 22 July 2020 to 27 August 2020. Correspondence regarding same will issue to Elected Member this week.

AILG Training regarding the Moorhead Report

It was noted that notification has been received of AILG Training regarding the Moorhead Report to be held in August 2020 in a number of venues across the country. Attendance by Elected Members at AILG training events in 2020 was approved at Council meetings earlier in 2020.

The meeting concluded at 12.30 p.m.

Pádraig Corkery
Meetings Administrator

Cathaoirleach of Kerry County Council