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**MIONTUAIRISCÍ AN CRUINIÚ DE COMHAIRLE CONTAE CHIARRAÍ
A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE, TRÁ LÍ, AR
AN LUAN, 19 SAMHAIN, 2018**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN
THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY,
19 NOVEMBER, 2018**

PRESENT/I LÁTHAIR

Councillors/Comhairleoirí

T. Barry	R. Beasley	M. Cahill
P. Connor-Scarteen	B. Cronin	J.J. Culloty
T. Ferris	J. Finucane	S. Fitzgerald
J.F. Flynn	N. Foley	M. Gleeson
D. Grady	J. Healy-Rae	M. Healy-Rae
N. Kelleher	M. Kennelly	S. Locke
J. Lucid	D. McCarthy	T. McEllistrim
J. Moloney	N. Moriarty	T. O'Brien
B. O'Connell	M. O'Shea	L. Purtill
D. Quigg	G. Spring	A. Thornton

APOLOGIES/LEATH SCÉAL

P. Daly

IN ATTENDANCE/I LÁTHAIR

Ms. M. Murrell, Chief Executive	Mr. J. Breen, Director Water Services
Mr. C. O'Sullivan, Dir. of Operations	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	Mr. L. Quinlan, Meetings Administrator
Mr. O. O'Shea, Press Officer	Ms. D. Griffin, SO Corporate Support
Ms. O. O'Shea, CO Corporate Support	Ms. J. O'Sullivan, CO Corporate Support
Ms. B. Fitzgerald, Ec. Dev. Officer	Mr. T. Hayes, Local Enterprise Officer
Ms. N. O'Sullivan, SEO Community	

The meeting commenced at 10.40 a.m.

Cllr. N. Foley, Cathaoirleach, took the Chair.

Vote of Congratulations

The Cathaoirleach said it was a very successful weekend for Kerry County Council and communities involved in the All Ireland Pride of Place competition. This all-island competition acknowledges the work that communities are doing all over the island of Ireland and is a phenomenal endorsement of work done in communities. The results for Kerry were:

- K-Fest, Killorglin – Runner up in the Creative Place Initiative Category
- Blackwater Women's Group – Special Award
- Maharees Coastal Area – Special Award

Vote of Sympathy

The Cathaoirleach expressed a vote of sympathy to the wife and family of Weeshie Fogarty. She said his passing has seen sadness sweep across the county and country. He was an author, broadcaster, journalist and sportsman with a humorous and beguiling personality, and was a proud Kerryman. She extended sympathies to Weeshie's colleagues at Radio Kerry, his GAA family and friends and family throughout the country.

Cllr. M. Gleeson supported this vote of sympathy and said he was a good friend of Weeshie who was a gregarious, outgoing, caring and considerate person. He had a great ability to empathise with people and put them at ease.

All members supported this vote of sympathy.

19.11.18.01 Cathaoirleach's Report on CPG meeting held on 13th Nov. 2018

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

Agenda for the November Council Meeting

Mr. L. Quinlan briefed the meeting on the Agenda for the November Council Meeting.

It was noted that a Civic Reception to honour the Listowel Tidy Towns Committee on winning Ireland's Tidiest Towns Award 2018 will be held at 1.30 p.m.

Following a discussion, it was agreed that a briefing for Elected Members, on lands in Kerry County Council's ownership in the context of the Housing Construction Programme, would be held at 9.30 a.m. on 17 December 2018, before the December Council Meeting.

Update from the Chairs of SPCs

A report from the Quality of Life SPC on their meeting held on 22nd October 2018 will be circulated at the November 2018 meeting.

Cllr. J. Finucane advised that the next meeting of the Economic Development & Enterprise SPC will be held in December 2018.

Cllr. M. Kennelly advised that the next meeting of the Operations SPC will be held in January 2019.

Cllr. M. Cahill advised that the next meeting of the Tourism, Culture, Arts & Recreation SPC will be held in January 2019.

Request for Civic Receptions/Annual Awards

Requests on hand were considered by CPG having regard to the Kerry County Council Protocol for Civic Honours Conferral adopted at the Council Meeting held on the 17th October 2016 and agreed as follows:

Civic Reception to Elma & Fionnbar Walsh, in recognition of the work they have done through The Donal Walsh #LiveLife Foundation	Civic Reception – Full Council
Paul Donegan - PTO scientific invention	Listowel Municipal District Annual Awards
Isabel Shaw - winner of 3 gold medals in Martial Arts in Portugal	Listowel Municipal District Annual Awards

Shane Conway - winner of the Bord Gáis Hurling All Ireland U-21 Player of the Year	Listowel Municipal District Annual Awards
Mentors Donagh McElligott and Ciara Shannon who mentored Ceoltóirí Na Ceolainne - the Munster champions in the 15-18 Grúpa Cheoil category from this year's Munster Fleadh Cheoil.	Listowel Municipal District Annual Awards

It was agreed that arrangements for the County Annual Awards and Municipal District Annual Awards would be discussed at the December CPG meeting.

Local Authority Elected Members Role and Remuneration Review

It was noted that a review of the role of elected members of local authorities, as well as the remuneration and other supports provided to assist members in carrying out their duties has commenced. Elected Members have been invited to make submissions. The Terms of Reference will be circulated with General Correspondence at the November 2018 meeting.

Request for Presentation to Council

It was agreed that the Quality of Life SPC will receive a presentation from the President of the Student Union of University College Cork to outline student accommodation and other student related issues.

It was agreed that the Operations SPC will receive a presentation from Rural Link.

Any other business

GDPR Training

Mr. C. O'Connor, Director of Service, outlined that GDPR training for Elected Members will be arranged before year end. Date for training to be advised to the Elected Members shortly.

Criminal Justice (Corruption Offences) Act 2018

Mr. C. O'Connor, Director of Service, outlined that a report on the Criminal Justice (Corruption Offences) Act 2018 will be presented to the December Council Meeting.

Draft Waste Presentation By-Laws

Mr. J. Breen, Director of Service, advised that the Draft Waste Presentation By-Laws are going back for public consultation in order to consult with private waste operators on the proposed By-Laws. It is expected the Draft Waste Presentation By-Laws will be presented to the January 2019 Council Meeting.

Christmas Mass

It was noted that the Christmas Mass will be held on Friday, 7th December 2018 at 10.00 a.m."

Cllr. J.F. Flynn said he requested a report on lands that the Council owns be on the agenda for the November meeting and that the CPG made a new proposal to have a briefing before the Council meeting in December instead, which is contrary to the public meeting he wanted. He referred to the legislative role of the CPG in "advising and assisting the elected council" and said he wanted a list of the lands, and understood they are on the website and questioned the decision not to provide the list to the Elected Members.

Cllr. T. Ferris referred to the governance arrangements between the Elected Members and Executive and referred to a number of areas of concern to her, highlighting a number of policies she raised previously. She also said Elected Members have made proposals on policy in relation to staffing, to increase staffing for better delivery of services and she referred to a case before the WRC regarding Water Services staff.

Cllr. J. Finucane said the logic behind the discussion at CPG is that an analysis of the assets and landbanks is required. A priority programme must be developed and assets considered from a strategic point of view to develop a coherent plan. The December briefing was intended to begin the process on that priority programme.

In support of Cllr. Flynn, Cllr. D. Grady expressed concern regarding issues raised by him and queried CPG's role in respect of decisions made by the Elected Members.

Cllr. J. Healy-Rae said Elected Members are entitled to submit 2 Notices of Motion for Full Council and that they should be able to submit whatever Notices of Motion they see fit, however, it is difficult to put down Notices of Motion as management often deem Notices of Motion to be a local issue. With regard to the decision by CPG, if a matter is proposed and seconded in the Chamber, the only way that should change is if the Elected Members change it in the Chamber. In relation to the meeting on lands, if management have a good and logical reason, e.g. commercially sensitive information, then we should agree that. The CPG should not change a decision of Council.

Cllr. N. Kelleher advised, while not at the last CPG meeting, that the CPG is made up of the Chairs of SPCs and the executive attend meetings to serve CPG members.

Cllr. R. Beasley supported the comments by Cllr. Flynn and Cllr. Healy-Rae, adding that Elected Members are doing a job for the people that elected them.

The Chief Executive advised that the policy role of Members and the executive's role are clear and it is borne out in the Chamber where difficult decisions are made and where the important policy-making role of the Members and the accountability of the executive can be seen. The role of the CPG is set out in statute. In relation to Notices of Motions, the Chief Executive advised that Standing Orders were agreed by the Elected Members of this Council and were reviewed within the current term of office. The Standing Orders can be reviewed again with the next Council and is something management would be keen to work on with the Members. She said the number of Notices of Motion allowed at Council need to be taken into account also in the context of work done at Municipal District level and also what is brought through the SPC structure to the Council Chamber. She advised in relation to the WRC matter raised by Cllr. Ferris that there is no issue for Kerry and it has been confirmed that they are more national issues. She advised that outdoor staffing was not curtailed in the budget because grant funding is available to support it. She also advised that a number of indoor appointments had to be stalled because funding was not available. Regarding lands, there is no issue with the landbank information being provided to the Elected Members. It is available on the Rebuilding Ireland website with zoning, acreage and maps provided. She said the purpose of the proposed briefing is to consider the list of lands and determine if Elected Members had any particular issues within the parameters which she, as Chief Executive, could discuss. A number of proposals for lands are being considered at present which will come before the Elected Members as part of the Local Area Plans and other policies and proposals. There is also a sensitivity around some lands and therefore may not be appropriate for discussion at a public meeting. It was in this context that the CPG considered it appropriate to have this briefing to facilitate particular issues and views from the Members.

Cllr. Ferris said the CPG decided something different to what was agreed by Council. She quoted Section 133 of the Local Government Act 2001 “Nothing in this section prejudices or derogates from the functions conferred on an elected council by this or any other enactment.” She asked why this was allowed to happen.

Cllr. J.F. Flynn said he had proposed this matter would be put on the agenda. He said he had previously proposed it would be on the agenda for the November meeting, not an in camera meeting.

In relation to CPG’s role, the Cathaoirleach said the request for the lands list was not submitted as a motion before Council, written or otherwise. It was raised as a request.

Cllr. J. Finucane said the information is available publicly. There are certain sensitivities around this matter and this briefing is an opportunity to discuss and decide what to do with the assets.

Cllr. J. Healy-Rae said he appreciated the workload management have to deal with in relation to Notices of Motions. He agreed that the same motions should not be coming up month after month, however, it should be the entitlement and right of the Elected Members to raise whatever issue they see fit at their monthly meeting. He acknowledged that there is a lot of work done at Municipal District meetings. At the South & West Municipal District Elected Members agreed to reduce the number of notices of motions and questions due to the workload it brought and he asked that the process be reviewed.

The Chief Executive said Notices of Motions are part of the Standing Orders agreed which were reviewed during the current term. These are the rules decided by Elected Members to allow smoother working of meetings. If a motion raised at Municipal District level remains unresolved, then under Standing Orders it can be submitted to full Council. The rules that are there, and which are applied by management, are determined by Standing Orders. If Members want more flexibility with full Council meetings new Standing Orders can be agreed in the context of the new Council. Management are here to answer the questions of the Elected Members and there must be some rules around it to make the process work effectively. It is the strategic role of the full Council to get decisions and policies through the Chamber and Municipal District meetings are best equipped to deal with more specific and local issues, the workings of which must be done under relevant Standing Orders.

The Cathaoirleach advised that the Chief Executive had confirmed where Members are being contacted regarding motions that this is in the context of abiding with Standing Orders. If Elected Members wish to change Standing Orders that can be done. In relation to Cllr. Flynn’s request, she referenced the Chief Executive’s advice that the list of lands, which are already public knowledge, will be distributed to all the Members. She asked that it be made very clear that decisions are not made behind closed doors, rather they are always a matter of public discussion, voting and the final decision being made by full Council.

Cllr. T. Ferris said the substantive question is why CPG overruled a formal decision of this Chamber.

The Cathaoirleach said the CPG did not overrule and was only considering the manner of meeting the request which was made. The Chief Executive advised that it was discussed at CPG how best to keep Elected Members informed. This is public

information which is on the Rebuilding Ireland website. In a further effort to try to facilitate the request from Cllr. Flynn it was considered a briefing would be an appropriate way to discuss plans given there are some sensitivities around this matter.

Cllr. J.F. Flynn advised this matter should not have come to CPG and he PROPOSED this lands report on the agenda for the January Council meeting.

Cllr. R. Beasley SECONDED this proposal.

Cllr. J. Finucane said part of the function of CPG is to deal with the agenda of the meeting. He said there was no other issue except to give people the fullest possible information and that was the modus operandi of CPG.

Cllr. T. Ferris said she would seek further advice in relation to Section 133 of the Local Government Act.

19.11.18.02 Confirmation of Minutes

On the PROPOSAL of Cllr. B. O'Connell, SECONDED by Cllr. M. Gleeson, it was resolved that the minutes of the October Ordinary Meeting held on the 15th October 2018 be confirmed.

19.11.18.03 Chief Executive's Report to Council

The Chief Executive's report for the month of October 2018, which had been circulated, was noted by the Members.

Cllr. M. Gleeson referred to the rebranding of Kerry County Council Bring Banks and asked that the area around the Bring Banks would be maintained to the highest possible standard and suggested that consideration might be given to having the barriers around them presented in an artistic fashion similar to such facilities on the continent.

Cllr. D. Quigg SECONDED Cllr. M. Gleeson on this matter. In relation to IDA visits to Kerry he asked what long term plans the IDA have for the provision of sustainable employment in South Kerry. He also raised concerns regarding the provision of Broadband in the county and asked that an invitation be issued to Broadband providers to attend a meeting of Kerry County Council, at which they would provide details of how they propose to improve infrastructure in South Kerry. Provision of Broadband is essential to getting business to relocate to Kerry.

Cllr. M. Kennelly asked when the Listowel Municipal District Local Area Plan would be presented to Elected Members. He also asked for an update on the Landscape Character Assessment and the review of the County Development Plan. He asked when the Wind Energy Guidelines would be before the Elected Members.

Cllr. J. Healy-Rae asked that Bring Banks in the Black Valley would be emptied on a regular basis and emptied once a month during the Summer. He asked that Kerry County Council would liaise with Irish Water regarding the pipeline from the Lough Guitane Treatment Plant which is breaking regularly. He asked that the road from Farranfore to Killarney would be resurfaced. He asked for an update on the upgrading of the Kenmare Sewerage Treatment Plant.

The Chief Executive said the upgrading of the pipeline from Lough Guitane Treatment Plant will be pursued with Irish Water. In relation to Kenmare Sewerage Treatment Plant, Irish Water have advised that a contractor will be appointed in Quarter 3 of 2019 with expected construction starting in 2020.

The IDA has been very active in, and engaged with, this county and a priority for them is to identify a tenant for the facility at the Technology Park in Tralee. A lot of work has been done in South Kerry, e.g. the iHub, work is being done on Visitor Development Plans, small enterprise growth is very important, along with hotel developments which are providing employment. Investment in piers and harbours is supporting the fishery industry.

It is expected that the Listowel Local Area Plan will be presented to the Elected Members in January 2019.

Mr. M. Scannell, Director of Service, said the commencement of the review of the County Development Plan is dependent on the completion and adoption of the Regional Spatial & Economic Strategy (RSES), which is due in early 2019. The Landscape Character Assessment will be presented to the Elected Members when the County Development Plan review commences. The Wind Energy Guidelines are due shortly.

Cllr. T. Ferris asked if a Skills Audit for the County would form part of the County Development Plan.

Cllr. R. Beasley said a meeting was being held that night regarding the Tintéan Theatre in Ballybunion. He asked for clarity on who owns the theatre as €4m of tax payers money went into building that facility and there is a query over the ownership of the land.

Cllr. M. Kennelly He asked if Kerry County Council has an interest in this theatre which is an important tourism attraction.

The Chief Executive said she is available to meet with Elected Members after the Council meeting to discuss the Tintéan Theatre.

She said the Skills Audit is being worked on with various bodies in relation to the individual hubs throughout the county. Discussions have been held on different experiences of conducting a Skills Audit for the county and more work will be done on this.

19.11.18.04 Progress Report on Local Economic & Community Plan 2016-2021

Mr. M. Scannell, Director of Service, referred members to his report dated 19 November 2018 on this item, which was circulated, and he briefed them on the report. He said this was the first Local Economic & Community Plan for County Kerry and collaboration between a number of agencies is key to the success of the plan. Only actions which required true collaboration or those that added something new to the county were included in the plan. He highlighted that at the end of the second year of the implementation of the Local Economic & Community Plan, several high level collaborative actions and transformational projects have been initiated, progressed and completed across the four Municipal Districts. Of the 270 actions in the Local Economic & Community Plan, 122 actions are Kerry County Council led, of which 42% of projects are completed or in progress and some of these are multi-annual programmes.

Cllr. J. Finucane commended the work of the Local Enterprise Office, adding that the creation of jobs remains a priority as is addressing rural population decline being experienced by many isolated communities. He asked that consideration be given to creating a TV advertisement which would showcase the quality of life and how attractive the county can be for young families to live here, particularly given the plans to host an economic conference in the county in 2019.

Cllr. M. Gleeson asked that every support possible be provided to Men's Shed groups to set up and progress their facilities.

Cllr. M. O'Shea asked if the IDA will be working on attracting businesses the peninsulas of Kerry to create badly needed employment in these areas.

Cllr. S. Locke asked for an update on the development of the Denny Site in Tralee.

Cllr. G. Spring suggested that the IDA be invited to address a future Council meeting.

The Chief Executive said under the stewardship of the Director of Service for Economic & Community Development we have an Economic Development Officer, the Local Enterprise Office, a Broadband Officer and the Tourism Unit. Following this mid-term review of the Local Economic & Community Plan she said she is satisfied that the economic role, which was assigned to Local Authorities in 2014, has been met with significant achievements throughout the county. The provision of economic infrastructure, e.g. the hubs, has helped when prioritising strategic links. The work of the Local Enterprise Office is very important as many businesses in Kerry are employing under 10 members of staff. It is important to know what services we can provide to the IDA, e.g. identifying the skills set and having a Broadband service, so they can then work on identifying international companies who may wish to invest in the county. The IDA is focusing on securing a tenant for the advanced manufacturing facility in Tralee. Tralee is the only campus that has a third level institute alongside a technology park. The science/technology cluster are working with Local Government to show how attractive a place Kerry is to work in. Through 'Prosper Kerry' there is engagement with the diaspora in Dublin and internationally. A Master Plan was adopted for the Denny Site and Elected Members will be updated at Municipal District level on plans being developed.

Cllr. A. Thornton asked that management follow up with the American Chamber of Ireland their 'Second Site Strategy' whereby businesses would relocate to Kerry rather than in expensive office suites in Dublin.

Mr. M. Scannell, Director of Service, said despite the economic upturn, job creation is difficult and challenging. It must be acknowledged that many companies have been long established in County Kerry and have thrived. Work is progressing on encouraging multi-national companies to locate in the county, e.g. working groups and forums have been established, there is continuing engagement with the IDA and Enterprise Ireland. The IDA has engaged regarding South Kerry's Sneem project, Dingle Hub peninsula and in the home working initiative. They are engaging and supporting the county in any location where they find a proposal for development. Work is also progressing with LEADER groups on supporting enterprise at a smaller, however, very important level. To retain employment positions is equally important as creating them. Identifying good locations and the size of developments is key. All agencies are working together to create successful developments for the county.

19.11.18.05 2017 NOAC Report on Performance Indicators

Report dated 19th November 2018 from Mr. C. O'Connor, Director of Service, regarding the 2017 NOAC Report on Performance Indicators, which had been circulated, was noted.

19.11.18.06 Incurring of Overdraft Accommodation for year ending 31/12/2018

Ms. A. McAllen, Head of Finance, referred members to her report dated 9 November 2018 on this item, which was circulated, and she briefed them on the report.

On the PROPOSAL OF Cllr. M. Gleeson, SECONDED by Cllr. S. Fitzgerald it was agreed to approve the incurring of overdraft accommodation not exceeding €10m for the 12 months ending 31st December 2019.

19.11.18.07 Report from Cllr. N. Kelleher on the Quality of Life SPC Meeting

Report from Cllr. N. Kelleher on the meeting of the Quality of Life SPC held on 22nd October 2018 was noted.

19.11.18.08 Summary of proceedings at events

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

- (a) Celtic Conferences conference on the theme "Audit Committees in the Irish Local Government System" held in Co. Louth from 1-3 December 2017 by Cllr. B. O'Connell.
- (b) Irish Private and Public Bodies (Consulting) Ltd conference on the theme "Health & Safety for your Council, the Workplace and your Constituents" held in Carlow from 9–11 February 2018 - Cllr. B. O'Connell.
- (c) AILG In-Service Training, Module 4, 2018 on the theme "The new ePlanning (on-line planning applications) & The National Building Management Project" held in Cork on 15 September 2018 - Cllr. J.F. Flynn.
- (d) Department of Foreign Affairs and Trade conference on the theme "Getting Ireland Brexit Ready" held in Cork on 5 October 2018 - Cllr. J. Lucid.
- (e) Celtic Conferences Conference on the theme "A Practical Guide to Budget 2019" held in Carlingford, Co. Louth, from 12–14 October 2018 - Cllr. John Joe Culloty.

19.11.18.09 Approval for the Opening of Tenders

- a) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of tenders for Purchase of Long Wheel Base 4 WD Commercial Jeep - Closing date: Monday, 24 September 2018 at 12.00 noon.
- b) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of tenders for Purchase of 4WD Crew Cab Pickup with covered cargo area - Closing date: Friday, 28 September 2018 at 12.00 noon.
- c) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of tenders for Purchase of LWB 4WD and Crew Cab 4WD Commercial Vehicles – Closing date: Friday, 28 September 2018 at 12.00 noon.

- d) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of tenders for Refurbishment Works to the Cultural Centre, East Avenue Road, Killarney - Closing date: Wednesday, 14 November 2018 at 3.00 p.m.
- e) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of tenders for N69 Listowel Bypass Topographical Survey Contract - Closing date: Thursday, 15 November 2018 at 4.00 p.m.
- f) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of tenders for Housing Development at Ardmoniel, Killorglin - 14 No. Housing Units - Closing Date: Thursday, 29 November, 2018 at 3.00 p.m.
- g) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. S. Fitzgerald, it was agreed to approve the opening of tenders for Supply, Installation, Maintenance of Mains and Solar Powered Pay and Display Parking Machines - Closing date: Monday, 3 December 2018 at 3.00 p.m.

Emergency Motion – GP Service in Milltown

Cllr. M. O’Shea moved the following Emergency Motion.

“That this Council write to the HSE calling for the situation in Milltown and the wider community regarding our local General Practitioner to be addressed. The local GP is currently not available for work due to ill health and as there is no other doctor in the community, we ask that the HSE and the primary care unit would fill this position, within the short term, with immediate effect. The medical centre in Milltown covers a broad area with a population of 12,000 with only one doctor covering and we are now in the Winter months and the most vulnerable in our community are our elderly and young.”

Cllr. D. McCarthy SECONDED this motion.

19.11.18.10 Notices of Motion

1. Ambulance Deployment Point in Killorglin

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

That Kerry County Council call on the Minister for Health, Simon Harris TD, the HSE and the National Ambulance Service to provide an “Ambulance Deployment Point” in Killorglin to service the greater Killorglin area and vast Mid Kerry Region where the population dramatically increases during the summer season.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. M. Cahill said an Ambulance deployment point is required in Killorglin, to service the vast mid-Kerry region, particularly during the Summer season. He asked the Kerry County Council consider allowing the Fire Brigade station to be used as a base for this deployment point.

2. Protection on Cetaceans

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

As the number of Cetaceans [Whales, Dolphins etc] in Ireland's coastal waters continues to increase, that Rialtas na h-Éireann would seek to ensure that these

beautiful and endangered creatures are, in the interest of the species welfare/survival and of growing tourism, protected from attack by unscrupulous foreign fishing vessels.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. M. Gleeson said climate change and warming of the oceans has resulted in a considerable increase in the number of Cetaceans, particularly Dolphins and certain types of Whales residing in the waters off the south and west coast of Ireland. These creatures need our protection - protection firstly from foreign trawlers. Unscrupulous fishing has robbed our waters of millions of euro worth of fish and they are quite capable of plundering our Dolphins and Whales. Since the 1960's all Irish territorial waters are whale and dolphin sanctuaries which we must ensure are safeguarded. As sprat is a staple diet of many of these creatures, we must ensure that Sprat resources are properly managed and safeguarded. We must seek to ensure that Micro Plastics and Poisonous Chemicals do not get into the oceans as these materials have the potential to be lethal to all marine life. Proper protection for the cetacean population in our territorial waters will hugely benefit coastal economies as very many people will wish to travel by boat to see these majestic creatures of the deep in their new Irish coastal habitats. Taking this course of action will give protection to very beautiful creatures and also give vibrancy and economic hope to areas suffering deprivation.

Cllr. S. Locke supported this motion.

3. Vat Rebate on Building Products

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

To ask both the Minister for Finance and Minister of the Environment to give a waiver period for housing construction in both urban and rural areas across the country with a tax and VAT rebate on building products so as to reduce the cost of dwellings and make them affordable for builders to build and purchasers to buy.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. M. O'Shea said builders have to meet strict specifications in building houses which carry high costs, and along with the exorbitant cost of building supplies newly constructed houses are going on the market at high sale values which buyers cannot afford.

Cllr. J. Moloney SECONDED this motion.

4. ARCs in SAC Designated Areas

Pursuant to notice duly given Cllr. N. Moriarty PROPOSED:

That we call on both the ministers for Agriculture and Arts, Heritage and the Gaeltacht to immediately address the untenable situation that has come to light as the SAC designated areas are being formalised. The details that have emerged around ARC's (Actions Requiring Consent) will make farming in said areas utterly impractical and uneconomical. It also places our NPWS personnel in an invidious position.

The following reply issued:

In Natural Heritage Areas, Special Areas of Conservation and Special Protection Areas, certain activities or operations that might be damaging to the habitat can only be carried out with the permission of the Minister. (National Parks and Wildlife Service) These are called Actions Requiring Consent and vary depending on the type of habitat

that is present on the site. Landowners are sent copies of the Actions Requiring Consent that are relevant to their lands. The activities listed require the landowner/occupier to consult (in practice with the local Conservation Ranger) in advance.

This is a matter for National Parks and Wildlife Service

Cllr. N. Moriarty said NPWS staff are not happy with this requirement on them as they are not equipped to deal with this. The NPWS will be overwhelmed with requests and certifying ARCs, normal farming activities which under this requirement farmers will have to apply for permission to do. Farmers have Green Certs and are farming responsibly within EU Directives. She suggested that a spot checking system would be sufficient or alternatively farmers could submit a multi-annual plan similar to that submitted for REPS/GLAS.

Cllr. D. McCarthy SECONDED this motion.

5. Use of Drones for Litter Investigations

Pursuant to notice duly given Cllr. A. Thornton PROPOSED:

Can Kerry County Council please update the members regarding its investigations into the use of drones in our County.

The following reply issued:

A number of Local Authorities use drones for waste investigation/survey work and it is becoming more common. To date, Kerry County Council has not made use of this technology for this area of work, however, we will keep the option open as the need and circumstances arise. Drone-technology is developing constantly and the operation of drones in these circumstances require specific certification, training and qualifications. There has also been a tightening of regulation in this area. There is also a clear requirement to comply with GDPR requirements with regard to the capturing and processing of data obtained using drone-technology. In light of the issues highlighted, the Council may look at the option of hiring-in the expertise required for drone-operation as and if required.

Cllr. A. Thornton advised that this motion relates specifically to the use of drones to combat littering in the county which is dependent on tourism. Kerry County Council should be moving forward with the use of this technology, even on a pilot basis. She requested that this matter be considered by the Quality of Life SPC and go back to Listowel Municipal District.

Cllr. J. Finucane SECONDED this motion.

6. Roundabout Sponsorship Scheme

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

That Kerry County Council engage in a Roundabout Sponsorship Scheme with businesses taking charge of the upkeep of roundabouts in exchange for promoting their own businesses.

The following reply issued:

In principle, the Council is supportive of the proposal. However, there is a need to develop a policy in relation to the terms and conditions of a scheme and its implementation. This will be developed through the Transport SPC.

Cllr. B. O'Connell said as the roundabouts in Castleisland are on one of the main entry routes to county and the entrances to the town, their upkeep is of the utmost

importance. He PROPOSED that the Roundabout Sponsorship Scheme be offered as a pilot scheme to the businesses of the town.

Cllr. T. Ferris SECONDED this motion adding that it is a practice that has worked very well in Tralee and could be replicated throughout the county.

7. Main Sewer on the Oakpark Road

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

That this Council seek a deputation to the Minister and Irish Water regarding the urgent development of the main sewer on the Oakpark Road. This is a major bearing on Allwood Road and the Technology Park and is a major impediment to any further development on the Northern part of Tralee Town.

The following reply issued:

This is a matter for resolution by the elected members.

It should be noted that Irish Water, working in partnership with Kerry County Council, is currently preparing a Drainage Area Plan for the sewer network in Tralee Town. The purpose of this Drainage Area Plan is to examine the condition and capacity of the entire wastewater collection system in the town and identify areas where improvements are required. The foul sewer on the Oakpark Road is included in this study. Irish Water has appointed a Consulting Engineer to undertake the Drainage Area Plan. Condition surveys are programmed to commence early in 2019 and work is currently underway on procuring the appropriate specialist surveying contractors. Due to the extensive scale of the Tralee sewer network, the Drainage Area Plan is not due for completion until the end of 2020 and this then will inform Irish Water of the priority areas for funding in the Tralee Town sewer network.

Cllr. J. Finucane welcomed the response as with the development of the Technology Park the absence of an adequate sewer line could impede further development.

The Cathaoirleach SECONDED this motion.

8. National Standing4Women Campaign

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

That this Council, noting the recent Cervical Check Scandal, calls upon An Taoiseach and the Minister for Health to acknowledge, support and respond in detail to the demands of the national Standing4Women campaign. These include legislation and policy on mandatory open disclosure, the provision of a start and end date and full disclosure on the 1800 smears yet to be audited, and details of new packages being negotiated with laboratories carrying out smear slide analysis, including mandatory site audits.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. T. Ferris called for support for the national Standing4 Women Campaign which is seeking legislation and policy to be put in place following the recent cervical check scandal.

The Cathaoirleach SECONDED this motion.

9. Power Connection for 'Defibrillator in old phone box' initiative

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

That this Council recognise the voluntary fundraising and community and public importance of the provision of a "defibrillator in old phone box" initiative and that this

Local Authority would play its part by providing a power connection to these particular life saving units.

The following reply issued:

In principle, the Council is supportive of this motion and will support local communities in the provision of a power supply to such facilities, subject to the costs being reasonable.

Cllr. B. Cronin said over 5,000 people are lost each year to sudden cardiac arrest. Quick access to a defibrillator could help and it has saved lives. He welcomed the reply to his notice of motion and said he would provide funding to meet the cost of providing a power supply to such facilities.

Cllr. J.J. Culloty **SECONDED** this motion and also offered to provide funding to meet the cost of providing a power supply to such facilities.

The Chief Executive said Kerry County Council will provide support to local communities in the provision of a power supply to such facilities across the county. Contributions from Councillors from other Municipal Districts would also be welcome.

Cllr. G. Spring asked that a letter would issue to Google requesting that a map of defibrillator locations would be the first thing listed when searching for defibrillator locations.

The Cathaoirleach **SECONDED** this proposal.

10. Youth Cafés

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

That Kerry County Council do all they can do to assist in the setting up of Youth Cafés and call for greater provision of mental health services for young people in the County.

The following reply issued:

Kerry County Council is actively working with local Community Groups and Chamber Alliances across the County to develop Youth Cafés and funding has also been provided through the Community Support Fund and the Town and Village Renewal Scheme to support these initiatives. Also under the Healthy Ireland Programme, the Council and the LCDC are also working on a number of projects which promote health and wellbeing in local communities.

Cllr. P. Connor-Scarteen welcomed the reply and said the provision of youth cafés is very important for teenagers, particularly as outside of youth clubs and sports clubs there are very few facilities for young people.

Cllr. A. Thornton **SECONDED** this motion.

Cllr. J.F. Flynn supported this motion.

12. Ban on Mobile Phones during school hours

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

As the pilot project carried out in Blennerville Primary School where children were not allowed to have mobile phones during school hours, was deemed to be successful, that this Council call on the Minister for Education to introduce this policy to all Primary Schools.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. J.J. Culloty said it was found that there was a noticeable change in student interaction when phones were removed from use during school hours. Research shows that children spend 5 hours per day on electrical devices which can lead to anxiety, stress and being less emotionally stable. He asked that a letter issue calling on the Minister for Education to issue a directive to all schools to implement this policy.

Cllr. M. Gleeson SECONDED this motion.

13. Community CCTV Cameras

Pursuant to notice duly given Cllr. T. Barry PROPOSED:

Has a specific date been outlined for the conclusion of the audit currently been undertaken by the Data Protection Commissioner into the use of Community CCTV cameras?

The following reply issued:

The first stage in this Audit was a Local Authority sector wide, paper based, fact finding Audit in relation to the operation of Community CCTV. The second stage is currently underway and involves site visits to at least a number of local authorities to inspect the CCTV systems in place and the governance arrangements associated with those systems. A number of such inspections have taken place to-date and it is anticipated that there will be further inspections over the next number of weeks.

No specific date has been given as yet for the conclusion of this Audit

Cllr. T. Barry expressed disappointment that this matter is still ongoing as it is important for many communities that the operation of Community CCTV proceeds. While acknowledging the data protection issues must be addressed, there are many benefits to the use of these systems, and this audit must be brought to a conclusion. He asked that the Minister for Justice be contacted to expedite this matter.

Cllr. A. Thornton SECONDED this motion.

Cllr. J.J. Culloty supported this motion.

14. Flu Injection

Pursuant to notice duly given Cllr. D. McCarthy PROPOSED:

To ask Kerry County Council to write to the HSE to provide the flu injection free of charge to all.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. D. McCarthy said if the flu injection was provided free of charge to all it would result in shorter waiting lists for Doctors and in hospital.

Cllr. M. Cahill SECONDED this motion.

Cllr. M. Gleeson supported this motion and said this would be cost effective for the whole country.

15. Funding for Pobal & Tusla

Pursuant to notice duly given Cllr. J. Lucid PROPOSED:

I ask that Kerry County Council call on the Minister for Finance and the Minister for Community, Rural & Gaeltacht Affairs to increase funding in the Finance Bill to Pobal

& Tusla so they can provide additional funding to Local Community Groups and Family Resource Centres. This will enable them to meet the cost of the very welcome increase in the minimum wage.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. J. Lucid said the provision of increased funding to Pobal and Tusla would in turn provide additional funding to local Community Groups/Projects and Family Resource Centres and this will assist them to meet the increase in cost in the minimum wage provided for in the last budget. Several years ago the funding to these community groups was cut significantly and they are finding it very difficult to maintain the range and level of services that they provide and to continue to stay within the financial guidelines and audit requirements set out for them under their funding model. These groups must run fundraising events in order to stay in operation and continue the very important work they do. These groups provide excellent support to their communities and parishes and many people rely on these services.

Cllr. N. Moriarty **SECONDED** this motion.

16. Public Lights

Pursuant to notice duly given Cllr. J. Moloney PROPOSED:

How many new public lights were erected in the County in the past 2 years?

The following reply issued:

Over the past two years, the Council has erected 32 new lights throughout the county, 6 of which were funded from Councillors Allocations. A further 32 new lights were erected in estates, being taken in charge, where the developer had failed to provide adequate lighting.

A previous report was presented to the Transport SPC and Council on the challenges with the ageing public lighting network, requirements to reduce energy costs, and the implications of taking additional public lights in charge under the taking in charge of estates policy. The Council currently maintains over 14,000 public lights throughout the county. 310 public lights were added to the Council's inventory with the taking in charge of housing estates in the past two years.

The Council's priority is to maximise the availability of grant aid, with the most effective use of our own resources, on the upgrade of our public lighting system. Kerry County Council secured €87,838 in grant aid from SEAI and under CLAR, with €81,774 provided from our own resources, for the replacement of 231 lights, in the Dark Sky Reserve, with LED lighting. The TII funded the upgrade of 126 lights to LED lanterns on the N22 in 2017. In total over 1,214 LED lights have been installed throughout the county in the past 2 years.

The Council is engaged in a national "Public Lighting Energy Efficiency Project" targeted at replacing all existing lights with LED lighting. This is expected to yield significant reductions in energy and allow the Council to meet the 33% energy efficiency improvement target that has been set for all Local Authorities for 2020. This will also result in a reduction in maintenance costs, but will require major capital investment. Details on the programme and the capital investment requirements will be brought to Council in 2019.

Cllr. J. Moloney asked if there is a public lighting plan/priority list in place that could be circulated to the Elected Members. He asked that the provision of public lighting be included as a condition of planning on all future housing developments.

Cllr. M. O'Shea **SECONDED** this motion and said new housing estates are being built outside the speed limits without public lighting being provided, adding that developers must be required to put public lighting in place.

17. Deputation to TII regarding dangerous junctions on Primary Routes

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

That we the members would urgently seek a Deputation with the TII regarding dangerous junctions on our Primary Routes.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. J. Healy-Rae said he was calling for a deputation with Transport Infrastructure Ireland (TII) regarding junctions coming on to primary routes in the county. In particular, there is concern with a number of recent accidents at Poulgorm junction, where the R569 (Kenmare Road) intersects with the N22. He asked that the barrier at this junction, which was damaged recently, would be replaced. He objected to the proposed removal of the deceleration lane as it is an extremely busy junction, the road lining has faded and visibility is very poor. Hedgecutting is required on the Killarney side of this junction. Traffic calming measures, streetlights and a reduced speed limit are required at this junction. He asked for an update on the Speed Limit Review.

Cllr. M. Healy-Rae **SECONDED** this motion and said the removal of the deceleration lane would only exacerbate the problem, there is a problem with sight distance and public lighting is necessary at this junction.

Cllr. P. Connor-Scarteen asked that he would be included to attend the deputation with the TII when arranged.

Mr. C. O'Sullivan, Director of Service, said there has been a number of proposals regarding Poulgorm junction which have been brought to the Transport Infrastructure Ireland and discussed with the Killarney Municipal District members. Accident data must be available through An Garda Síochána to support changes to the junction. The removal of the deceleration lane is a policy decision of Transport Infrastructure Ireland which will be discussed with them again. As part of any junction improvement scheme sight visibility lines would be considered. A deputation with the Transport Infrastructure Ireland will be requested.

18. Water and Sewerage Services in Rural Areas

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

To ask Kerry County Council and Irish Water to address the anomalies regarding water and sewerage services that are affecting residents in rural areas by putting a plan in place to ensure that all remaining private Group Water Schemes are taken in charge and to also provide funding for the provision of new Group Water Schemes and Group Sewerage Schemes and Sewerage Scheme Extensions. To also ask Irish Water to provide funding for Well Grants and Group Well Grants.

The following reply issued:

The administration of grants and subsidies for Group Schemes continues to be a responsibility of Kerry County Council under the auspices of the Rural Water Programme which is funded through the Department of Housing, Planning, Community & Local Government. The Department, through the Rural Water Office of Kerry County Council, continues to administer well grants for private wells and subsidies for group schemes.

The Department, through its multi-annual programme, provides funding for upgrade works prior to takeover of Group schemes. Funding under this heading has been allocated for 5 schemes in Kerry – Bonane, Brosna, Rossdohan, Tuosist and Dawros. It is hoped to submit these schemes to Irish Water for takeover in the coming months as responsibility for the takeover of Group Schemes now rests with Irish Water.

In relation to extensions to the public water and sewer networks, Irish Water's policy is that any extension to their networks will be funded directly by the Developer

Cllr. M. Healy-Rae asked if there is sufficient finance available to fund Private Well Grant applications. She asked if applications can still be submitted for Group Schemes and if there is finance available to fund those applications. She asked how many applications are on hand for group schemes to be taken in charge. In relation to the extension to the sewerage scheme for the houses she is referring to have been in place for years and there is no longer a developer involved. These houses are within the speed limit for Castleisland and an extension to the sewerage scheme is required as a group scheme would not be feasible.

Mr. J. Breen, Director of Service, said Irish Water are reviewing new facilities presently and their Capital Investment Plan sets out what they are committed to investing in. He confirmed that there is sufficient finance available to fund Private Well Grant applications. He advised that grants are also available for work on lead piping replacement.

19. Electrical Car Chargers in Car Parks

Pursuant to notice duly given Cllr. N. Kelleher PROPOSED:

That Kerry County Council work with the ESB and other providers to provide electrical car chargers in its car parks in the County.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. N. Kelleher said given the rise in the number of electrical vehicles in use he was calling for Kerry County Council to include the provision of electrical car charging points to develop and extend the network in its Car Parking Strategy. Electrical car charging points should also be provided in Kerry County Council staff car parks.

Cllr. J.J. Culloty SECONDED this motion.

20. Increase on VAT Rate

Pursuant to notice duly given Cllr. J.F. Flynn PROPOSED:

That Kerry County Council call on the Government to relook at the recent VAT increase and look at a system where there would be 1% per annum applied rather than one amount of 4%.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. J.F. Flynn said the implementation of a 4% increase on VAT is a hardship to many businesses and is putting businesses under pressure.

Cllr. D. Grady SECONDED this motion.

21. Negotiating two-lane roundabouts

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

That the Council and the TII would jointly try to bring some clarity and safety to the difficulty, confusion and danger that are ever-present features of attempting to safely negotiate two lane Roundabouts.

The following reply issued:

The Road Safety Authority has published a Guidance Document on the use of roundabouts entitled "Roundabouts – Using the correct lane". This document together with Media Videos provide guidance on how to comply with the Rules of the Road in relation to Roundabout Use. The RSA has done a number of promotions on national television on this issue. There are times where for capacity reasons the conventional roadmarkings are replaced with specific arrows to encourage traffic to make use of a particular lane to reduce queuing, particularly in urban areas.

The Council will carry out a detailed review of all roundabouts on the road network in Kerry to determine where improvements can be made to the current lane markings having regard to capacity issues and compliance with the Traffic Signs Manual/ Rules of the Road.

Cllr. M. Gleeson said road markings are not visible early enough on approach to roundabouts. He asked for consistency to be applied and visible signage rather than road markings being used.

The Cathaoirleach **SECONDED** this motion.

Lunch break

The meeting adjourned for lunch at 1.30 p.m. The meeting resumed at 2.45 p.m.

19.11.18.10 Notices of Motion, Contd.**22. Safety Fence for Deer****Pursuant to notice duly given Cllr. M. Cahill PROPOSED:**

That Kerry County Council, the National Parks and Wildlife Service and the Office of Public Works act responsibly in the interest of "Public Health and Safety" by taking immediate action and erecting a "Safety Fence" at specific locations along the Ring of Kerry road, as a matter of extreme urgency, so as to avoid any further accidents/fatalities on this road as a result of wild Deer jumping out in front of unsuspecting motorists.

The following reply issued:

As agreed previously the Council meets regularly with the NPWS, at which concerns raised by the members, such as the control of deer on their lands, would be considered. A meeting is being arranged in the coming weeks, at which this matter will be raised.

Cllr. M. Cahill called for action to be taken regarding this matter, particularly at specific blackspots, which could be fenced.

Cllr. D. Grady **SECONDED** this motion.

23. Unfinished Estate Scheme**Pursuant to notice duly given Cllr. J. Finucane PROPOSED:**

To call on the Minister for the Environment to introduce an Unfinished Estate Scheme which would have a major impact on the estates such as Oakfield Square, Tralee.

The following reply issued:

The most recent funding initiative for Unfinished Housing Estates was the 2016 National Taking In Charge Initiative for Residential Estates (NTICI). Kerry County Council received €362,652 under this initiative which funded the carrying out of works on 18 Housing Estates, which have now been taken in charge by the Council. The introduction of a further scheme similar to the NTICI would be very much supported in

the context of addressing the outstanding issues on both this and other estates. We understand that the Department of Housing, Planning and Local Government are considering a new more limited funding initiative but to date Local Authorities have not been circulated with the details.

The Housing Estates Unit manage a very active taking in charge program. A total of 18 estates have been formally taken in charge to date in 2018. A further 3 have recently been advertised and they will be taken in charge before year end. Since 2016 43 estates have been taken in charge by the Council. The Council currently has 44 "Taking in Charge" applications on hand. Many of the remaining estates to be taken in charge are historic estates where there is no bond in place. We also require the formal approval of Irish Water before proceeding to commence the taking in charge process in accordance with the MOU agreed in 2015.

Kerry County Council is processing a taking in charge application for this estate in accordance with our taking in charge of estates policy and our Memorandum of Understanding with Irish Water. Irish Water require CCTV and water audit condition surveys to be carried out, along with the preparation of a detailed Site Resolution Plan, before they will consider any taking in charge application for this development. Also, a new, relocated pumping station needs to be provided in the estate. In addition, this is a mixed used development which further complicates the taking in charge process. We are endeavouring to process matters but this is likely to take some time in light of what has already been highlighted.

Cllr. J. Finucane welcomed the reply.

Cathaoirleach N. Foley SECONDED this motion.

24. Kerry Trades Council

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

That this Council recognises the need for the establishment of a Kerry Trades Council and commits to supporting the establishment of same.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. T. Ferris said a Trades Council would lead to co-operation and working collectively to improve working conditions of all workers in the county.

Cllr. T. Barry SECONDED this motion.

25. CVRT Certificate and inspections

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

To ask what the legal status of a successfully passed CVRT test of a heavy goods vehicle/bus for the owner of such a vehicle and also to clarify the powers of RSA inspectors where the owner of a HGV/bus has a certificate of roadworthiness in their possession.

The following reply issued:

The Road Safety Authority Commercial Vehicle Roadworthiness Act 2012, which was enacted in May 2012, provided for (i) the transfer of the functions of local authorities in relation to the roadworthiness testing of commercial vehicles to the RSA, and (ii) the obligations on owners of commercial vehicles to ensure that they are maintained in a roadworthy condition and that vehicles are periodically inspected and that defects are rectified. The RSA and An Garda Síochána are the statutory authorities for enforcing the provisions of this legislation.

Cllr. B. Cronin said vehicle owners do not know what this certificate means and if it is relevant at RSA/Gardaí checkpoints.

26. National Standing4Women Campaign

Pursuant to notice duly given Cllr. N. Moriarty PROPOSED:

That Kerry County council noting the recent Cervical Check Scandal, calls upon the Minister for Health and An Taoiseach to acknowledge, support and respond in detail to the demands of the Standing4Women campaign. These include legislation and policy on mandatory open disclosure independent of the patient safety bill, Provision of a start and end date and full disclosure on the 1800 smears yet to be audited, and a breakdown of the new packages being negotiated with laboratories carrying out smear slide analysis including mandatory site audits.

Mr. L. Quinlan stated this is a matter for resolution by the members.

The Cathaoirleach SECONDED this motion.

28. Waiting Lists for General Practitioners

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

We are calling on the HSE to immediately address the waiting lists that are often experienced by many people when they require an appointment with their general practitioner.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. M. O'Shea said this matter has to be addressed nationally as waiting lists for GP appointments are causing distress to people who are already ill and to people caring for ill relatives.

Cllr J.J. Culloty SECONDED this motion.

Cllr. D. Quigg said a number of Elected Members from Kerry County Council are appointed to the HSE and a meeting has been requested with the Minister for Health, a date for which is still awaited and is urgently required.

Cllr. J.J. Culloty supported Cllr. Quigg's comments.

The Cathaoirleach said the position of the Southern Region Health Forum in relation to this matter is supported.

29. Columbarian Walls in Burial Grounds

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

Please give an update in relation to the provision of Columbarium walls in graveyards in the County and what plans are there for the future.

The following reply issued:

Kerry County Council are developing plans for the provision of a Columbarium Wall at both Rath Burial Ground, Tralee and Killarney Burial Ground.

It is anticipated that proposals will be presented to the Elected Members of Tralee and Killarney Municipal Districts in early 2019.

Cllr. P. Connor-Scarteen welcomed the reply and asked that Columbarian Walls would also be provided in Burial Grounds in other larger towns in the county.

Cllr. J.J. Culloty SECONDED this motion and asked that the provision of a Columbarian Wall at Killarney Burial Ground be expedited.

30. Staffing at University Hospital Kerry

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

That this Council write to the Minister for Health and the HSE, calling on them to urgently secure replacement of Histopathologist to University Hospital Kerry. Also, to confirm progress regarding recruitment of Consultant Cardiologist, Respiratory Physician, and full time Geriatric Consultant.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. J.J. Culloty referred to a report regarding staff recruitment at University Hospital Kerry and said there is a patient waiting list of 10,000 in Kerry. It is very serious that these posts are not being filled. He undertook to raise this matter again at the next Southern Region Health Forum meeting.

The Cathaoirleach SECONDED this motion.

31. Collection dead wildlife from the roadside

Pursuant to notice duly given Cllr. D. McCarthy PROPOSED:

To ask Kerry County Council to find out who are responsible for collecting dead wildlife from the side of the road.

The following reply issued:

In general, when notified, the Council remove dead animals from the public road, particularly where it may be a hazard to road users.

Cllr. D. McCarthy welcomed the reply.

Cllr. D. Grady SECONDED this motion.

32. CERN the European Organisation for Nuclear Research

Pursuant to notice duly given Cllr. J. Lucid PROPOSED:

Given that the Irish Government promotes the importance of having a knowledge economy, I ask Kerry County Council to call on the Government to have Ireland join CERN the European Organisation for Nuclear Research.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. Lucid said CERN performs world class research in fundamental physics and pushes the frontiers of science and technology to its very limit. It provides a unique range of facilities and is a prime example of international collaboration. The vast majority of European countries are members and only Ireland, Iceland and Malta remain outside. Membership would bring huge benefit to Ireland and would help improve research and development and the so called knowledge economy everyone speaks about. Scientists and students from Ireland cannot get staff positions at CERN because Ireland is not a member. Irish students miss out on their training events and workshops and are excluded from placements at one of the best research facilities in the world. CERN has a 1 billion euro budget to spend on procurement for companies in member states, again Ireland is excluded. Among CERN's many achievements was the development of the World wide web in 1989. This has completely revolutionised computer technology and communications. In 2016 the Irish Government expressed

an interest in joining but changed its mind. He called on Government to reconsider their position and join CERN.

Cllr. M. Healy-Rae SECONDED this motion.

33. Payments to Farm Families

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

That Kerry County Council would write to the Department of Agriculture to ask them to ensure that all farm families are paid their payments before Christmas.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. J. Healy-Rae said farmers must make an application for payment to the Department of Agriculture in May each year. The arrangement for payment is that 25% is due to be paid before the end of September and 75% by year end. If there are any anomalies in an application payment is withheld in full. He suggested that if there are any anomalies in applications that a maximum of 15% would be withheld rather than withholding the full payment.

The Cathaoirleach SECONDED this motion.

34. Local Area Clause

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

To ask Kerry County Council to address the problems that people wishing to provide a house for themselves are encountering under our planning guidelines, specifically the difficulty that the Local Area clause is causing in areas deemed to be under intense urban pressure and local residents trying to get planning permission on their own land adjacent to the N72.

The following reply issued:

Current planning policy in respect of rural housing is contained in Chapter 3 Settlement Strategy of Kerry County Council Development Plan 2015 - 2021, which was adopted unanimously at Full Council on the 16th of February 2015. Chapter 3 was prepared having regard to the Ministerial guidelines issued under Section 28 of the Planning and Development Acts 2000 – 2016, Sustainable Rural Housing, Guidelines For Planning Authorities.

In Rural Areas under Strong Urban Influence it is an objective of the Council under objective RS-7 to:-

Ensure that favourable consideration is given to individual one – off house developments for immediate family members (sons, daughters or favoured niece/nephew) on family farms and land holdings; subject to compliance with normal planning criteria and environmental protection considerations.

However, regard must be had to National Policy as contained in the Spatial Planning and National Roads Guidelines, published by the Dept. of the Environment, Heritage and Local Government in 2012. Planning authorities and An Bord Pleanála are required to have regard to these guidelines in the performance of their functions under the planning acts. These guidelines state that where development is proposed on lands adjoining the National Road network to which speed limits greater than 60kph apply:

The policy of the planning authority will be to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which the speed limits greater than 60kph apply.

This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

Following a Notice of Motion passed at the July ordinary meeting relating to proposals to construct dwellings onto the N72 Killorglin/Killarney road, the Council wrote to the CE of Transport Infrastructure Ireland. In reply the CE highlighted National Policy in relation to this matter as contained in Spatial Planning and National Roads Guidelines and specifically referred to the above policy regarding development onto National roads where speed limits greater than 60kph apply

Cllr. M. Healy-Rae said the guidelines under which Planning staff are working are restricting people who wish to build their own home, e.g. on a site they wish to buy from a neighbour or where an additional access point is required onto the N72. She asked that the use of an existing entrance for a development be raised again with Transport Infrastructure Ireland as a blanket policy is not sensible. She referred to an EU ruling which deems these practices to be inappropriate and asked for an update on the working group that was to be set up to consider this ruling.

Cllr. J. Healy-Rae **SECONDED** this motion.

Mr. M. Scannell, Director of Service, said a national working group was established regarding local interest and economic attachment to an area, particularly in relation to the EU court case. Transport Infrastructure Ireland have been quite clear that new entrances on secondary routes contravene their policy. Kerry County Council has granted planning permissions allowing a new entrance onto a secondary route only to have it appealed by Transport Infrastructure Ireland and planning subsequently refused on the grounds that it was a private roadway and the addition of another household would create further traffic. He undertook to contact the Department for an update from the national working group.

35. Columbarian Walls in Burial Grounds

Pursuant to notice duly given Cllr. N. Kelleher PROPOSED:

What is the provision of Columbarium Walls in graveyards in the County.

The following reply issued:

Kerry County Council are developing plans for the provision of a Colombarium Wall at both Rath Burial Ground, Tralee and Killarney Burial Ground.

It is anticipated that proposals will be presented to the Elected Members of Tralee and Killarney Municipal Districts in early 2019.

Cllr. N. Kelleher welcomed the reply.

36. New Tax System for Employers

Pursuant to notice duly given Cllr. J.F. Flynn PROPOSED:

To call on the Minister for Finance to relook a the new tax system that is to be introduced from January as it is going to have serious implications for employees and employer.

Mr. L. Quinlan stated this is a matter for resolution by the members.

Cllr. J.F. Flynn said this is the biggest change to the tax system for 50 years. This system is to be introduced from January 2019 will have a huge impact for employers and their employees. Accountancy bills for employers will increase due to the extra work that is required from their accountants in preparation for the new system and also

in managing the new system going forward. There is also an outlay for employers to invest in software for this new system. It has been suggested that staff be paid once per month instead of once per week which would have an impact on employees.

Cllr J. Healy-Rae said the introduction of the RCT system for sub-contractors a number of years ago had a huge effect on many small businesses. The new tax system for employers will have a similar effect as up to 60% of employers are not using payroll software. This will cause mayhem for employers and employees who could be without wages.

Cllr. J.J. Culloty supported this motion and said employers have to train staff to run their payroll systems. The majority of small employers will be affected by this new tax system.

19.11.18.11 Correspondence – Conferences and Seminars

- a) On the PROPOSAL of Cllr. P. Connor-Scarteen, SECONDED by Cllr. J. Lucid, it was agreed to approve the attendance of Cllr. N. Foley at the Pride of Place Awards held in Cork on 17 November 2018.
- b) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J. Lucid, it was agreed to authorise the attendance of Cllr. J.J. Culloty at the Chambers Ireland Excellence in Local Government Awards to be held in Dublin on 22 November 2018.
- c) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J. Lucid, it was agreed to authorise the attendance of Cllrs. J. Moloney, J. Healy-Rae and M. Healy-Rae at the “Approaches in Contemporary River Management” Conference to be held in Clonakilty, Cork, from 7th-9th December 2018.
- d) On the PROPOSAL of Cllr. J.J. Culloty, SECONDED by Cllr. D. Quigg, it was agreed to authorise the attendance of all Elected Members at GDPR Training to be held in County Buildings, Tralee on 10 December 2018.
- e) On the PROPOSAL of Cllr. N. Foley, SECONDED by Cllr. J. Moloney, it was agreed to authorise the attendance of Cllrs. J. Sheahan and N. Moriarty at the Bank of Ireland National Enterprise Town Awards to be held in Kilkenny on 28 November 2018.

19.11.18.12 Correspondence General

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

Date	From	Description
18-Oct-18	Minister for Communications, Climate Action & Environment	Response to a resolution from Kerry County Council regarding Eircodes.
18-Oct-18	Minister for Transport, Tourism & Sport	Response to a resolution from Kerry County Council regarding incentivising the purchase of electric vehicles.
19-Oct-18	Kerry Airport	Response to a resolution from Kerry County Council regarding exploring other viable routes.

Date	From	Description
22-Oct-18	An Post	Response to a resolution from Kerry County Council regarding Ballylongford Post Office.
22-Oct-18	Minister for Agriculture, Food and the Marine	Response to a resolution from Kerry County Council regarding new sheep tagging rules.
24-Oct-18	Minister for Communications, Climate Action & Environment	Response to a resolution from Kerry County Council regarding a request that SKY grant exemptions to nursing homes, day care centres and hospitals for their GAA Coverage.
24-Oct-18	Environmental Protection Agency	Response to a resolution from Kerry County Council regarding the testing of water sources/supplies to determine if radon gas is present.
31-Oct-18	Department of Housing, Planning & Local Government	Terms of Reference in relation to the Local Authority Elected Members Role and Remuneration Review.
6-Nov-18	Department of Housing, Planning & Local Government	Response to a resolution from Kerry County Council regarding the Wind Energy Guidelines.
9-Nov-18	Department of Housing, Planning & Local Government	Response to a resolution from Kerry County Council regarding planning application fees and objections.
4-Oct-18	Donegal County Council	Resolution adopted by Donegal County Council calling on An Post and Government to reverse their decision to close Post Offices across the state.
6-Nov-18	Kilkenny County Council	Resolution adopted by Kilkenny County Council supporting the immediate implementation of 24/7 Cardiac Care in UHW.
6-Nov-18	Kilkenny County Council	Resolution adopted by Kilkenny County Council supporting the proposal for a full DNA analysis of children found at the site of the former Bon Secours Mother and Baby Home in Tuam, Co. Galway.

19.11.18.13 Any Other Business

Tralee Womens Resource Centre

Cllr. T. Ferris expressed her disappointment that the Tralee Womens Resource Centre is due to cease operation on 6th December 2018 as this service provides vital services to women in Kerry.

Dale Road

Cllr. A. Thornton referred to a meeting held with Minister Ross regarding the Dale Road. She said she is hopeful that the road should be reassessed by the Department As to any other safety measures that could be taken to make it safer in the interim. The provision of lighting was also suggested. If planning were to go through it would take a year and construction would also take a year. She asked Kerry County Council to review and reassess the road to see if any safety measures could be taken in the interim.

Mr. C. O'Sullivan, Director of Service, welcomed the indications from the meeting with the Minister. Kerry County Council has been in contact with the Department and the project appraisal has been submitted. A further review was carried out over the summer months and additional signage was erected regarding advisory speed limits.

Speed Limit Review

Cllr. J. Healy-Rae asked of an update on the Speed Limit Review.

Mr. C. O'Sullivan, Director of Service, said it is expected to hold briefings on the Speed Limit Review with the Municipal Districts shortly and then bring it to full Council.

The meeting concluded at 3.30 p.m.

Liam Quinlan
Meetings Administrator

Cathaoirleach of Kerry County Council