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**MIONTUAIRISCÍ NA CRUINNITHE SPEICIALTA DE COMHAIRLE CONTAE  
CHIARRAÍ A THIONÓLADH I SEOMRA NA COMHAIRLE, ÁRAS AN CHONTAE,  
TRÁ LÍ, AR AN LUAN, 3 MÉAN FÓMHAIR, 2018**

**MINUTES OF THE SPECIAL MEETING OF KERRY COUNTY COUNCIL HELD IN  
THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY,  
3<sup>rd</sup> SEPTEMBER, 2018**

### **PRESENT/I LÁTHAIR**

#### **Councillors/Comhairleoirí**

<b>R. Beasley</b>	<b>P. Connor-Scarteen</b>	<b>B. Cronin</b>
<b>J.J. Culloty</b>	<b>P Daly</b>	<b>T. Ferris</b>
<b>J. Finucane</b>	<b>S. Fitzgerald</b>	<b>N. Foley</b>
<b>M. Gleeson</b>	<b>D. Grady</b>	<b>J. Healy-Rae</b>
<b>N. Kelleher</b>	<b>M. Kennelly</b>	<b>S. Locke</b>
<b>J. Lucid</b>	<b>P. McCarthy</b>	<b>T. McEllistrim</b>
<b>N. Moriarty</b>	<b>T. O'Brien</b>	<b>B. O'Connell</b>
<b>M. O'Shea</b>	<b>L. Purtill</b>	<b>G. Spring</b>

#### **APOLOGIES/LEATH SCÉAL**

<b>T. Barry</b>	<b>J. Moloney</b>	<b>D. Quigg</b>
<b>J. Sheahan</b>		

#### **IN ATTENDANCE/I LÁTHAIR**

<b>Ms. M. Murrell, Chief Executive</b>	<b>Mr. M. O'Donoghue, Director Housing</b>
<b>Mr. L. Quinlan, Meetings Administrator</b>	<b>Ms. D. Griffin, SO Corporate Support</b>
<b>Ms. K. Lynch, SEO Housing</b>	<b>Ms. K. Curtin, AO Housing</b>
<b>Ms. B. O'Riordan, AO Housing</b>	<b>Ms. B. Conway, AO Corporate Support</b>
<b>Ms. O. O'Shea, CO Corporate Support</b>	

The meeting commenced at 9.45 a.m.

Cllr. N. Foley, Cathaoirleach, took the Chair and welcomed everyone to the meeting. She advised that a request had been received from RTÉ to record proceedings, visual and audio, and it would be necessary to suspend Standing Orders to facilitate this request.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. N. Kelleher, it was agreed to suspend Standing Orders to allow RTÉ to record proceedings, visual and audio.

All Elected Members welcomed the prospective candidates to Kerry.

The Cathaoirleach said this is a special meeting of Kerry County Council to facilitate prospective candidates to make a presentation before a vote is taken on 17<sup>th</sup> September, 2018 regarding the nomination of a candidate by Kerry County Council. She expressed her appreciation to the prospective candidates that travelled

to Kerry today to make a presentation. A time slot of 30 minutes is being allocated per prospective candidate to include their presentation and a questions and answers session. There will be no further time allocation. She invited Mr. Gavin Duffy to make his presentation.

Mr. Gavin Duffy said it is an honour to be in Kerry this morning at this special meeting of Kerry County Council. The constitution puts a duty and obligation on Elected Members to nominate a candidate for the Presidential Election. He acknowledged the success of the presidency of Michael D. Higgins, however, noted that the majority of people want a Presidential Election and, therefore, a field of candidates. There are things a President can do in selecting the pillars of their presidency, e.g. advocacy, it represents encouragement and acknowledgement of the people, assisting people who want to right a wrong, mobilise a community and lead positive change for a better Ireland. A President can also underling our achievements nationally and internationally. He said throughout his work life he has worked with a range of people with the dream of making a difference. The 5 pillars, important areas of challenge and opportunity, are areas he has been working in for a long time and in the office of President he would use his time to generate focus and dialogue to address these 5 pillars:

1. Youth – working with the youth, introducing an Ireland International Youth Corp for 18-23 year olds to work abroad for a period of time.
2. Age – how to care for an aging population.
3. Diversity and inclusion.
4. Respect – there is a need to end shaming in Ireland.
5. Working together – to bring inward investment and develop exporting.

He said his office would be one of openness and transparency regarding costs and he will not promise things he cannot do. The President's 4 powers under the constitution require broad experience, e.g. sound judgement, expertise and the ability to waive the advice of experts, all of which he has. He said he wants to offer an evolving and dynamic presidency. He asked that Kerry County Council Elected Members would consider giving him the opportunity to put his case directly to the people.

The Cathaoirleach thanked Mr. Duffy for his presentation and asked for questions from the Elected Members.

Cllr. M. Gleeson directed the following to all 4 prospective candidates:

1. Fé mar is eol daoibh deireann Airteagal 8 d'en mBunreach: Os í an ghaeilge an teanga náisiúnta is í an phríomhthenga oifigiúil í.  
What is your position in relation to Article 8 of the Constitution of Ireland, which states that the Irish language is the first official language?
2. In relation to Article 13 of the Constitution of Ireland, which states, Every Bill passed or deemed to have been passed by both Houses of the Oireachtas shall require the signature of the President for its enactment into law, will you sign the Bill on the 8th Amendment?

Mr. Duffy said our own unique identity is critical and the one thing that is unique about Ireland is our 'teanga'. He said he has competence and commitment to the Irish language. With regard to any Bill that has been passed by the Oireachtas, as Uachtarán na hÉireann, if a Bill has been democratically decided and enacted, unless there is something specific in Article 27 having regard to the Constitution, you have to respect the decision of the people. In the case of the 8<sup>th</sup> Amendment, he said he would sign the Bill, because that has been the wish of  $\frac{2}{3}$  of the people. When necessary the Council of State would be convened.

Cllr. S. Locke asked if Mr. Duffy has a response to homelessness in this nation.

Cllr. J. Finucane said the incumbent President has a career in public service, human rights and a strong career history. He asked if Mr. Duffy were unsuccessful in his Presidential campaign would he consider contesting the local elections.

Mr. Duffy said it is an honour and a compliment to be asked by Elected Members if he will contest the local or general elections. He said he would give it serious consideration, however, he is here today seeking Kerry County Council's nomination for the Presidential election and it leads to a question on his political background. He is standing as a non-party candidate. He said he has worked with political parties in his professional career, however, has never been a member of a political party. He said he led the campaign for independent local radio some 30 years ago. One does not have to be in public office to help the community.

Cllr. P. McCarthy asked if Brexit will have a long term effect on the relationship between North and South Ireland.

Cllr. T. Ferris asked what symbolism Mr. Duffy intends including in his campaign to ensure he shows how serious he is taking the homeless crisis. She asked what Mr. Duffy plans to do in respect of payment to the President and pension thereafter and, with regard to the democratic wishes of the people, is there a circumstance in which he would find himself unable to sign something into law.

Cllr. P. Daly asked what Mr. Duffy sees as the solution to the homeless crisis. He also asked for his view on the rights of workers engaging in collective bargaining and unions.

Mr. Duffy said the responsibility on entrepreneurs to their staff is changing. In relation to the constitution, the President as guardian of the state, must protect it. Therefore, if a number of members made a petition under Article 27, then the matter would be referred back to the Oireachtas. If there is precedent law, the President's hands are tied, and he referred to Meath County Council -v- Murray. Waiting until a piece of legislation is going through the Dáil is too late, you must stand with the people when they need it. With regard to Brexit, the peace process has been so successful and this is something I am concerned about. Post-Brexit there is a role for the President but it must be under the direction of the Department of the Taoiseach. He said he will watch the progress of Brexit closely as Britain will still be the main importer of our exports.

Cllr. J.J. Culloty asked what influence the President can have on a fair distribution of funding across the country.

Cllr. T. O'Brien spoke on behalf of himself and Cllr. Spring and said while they are part of the party that nominated the incumbent President, they acknowledge each of the prospective candidates putting themselves forward and wished them the best with their campaign.

Cllr. D. Grady said it is brave of each of the prospective candidates to put themselves forward for nomination and he wished them all luck with their campaigns.

Cllr. J. Healy-Rae asked what difference the President can make to County Kerry.

Mr. Duffy said it was with great pride that he came to Kerry today. The reason he came to Kerry is to seek a nomination from the Elected Members. He asked that the Elected Members would give consideration to nominating him having made the effort to attend today to make a presentation.

In response to the distribution of funding nationally, he said he cannot make false promises. If Dublin city and the greater Dublin area keeps growing, there is a case to be made to develop the western seaboard. We have a motorway network that leads to and from Dublin. Investment in the road and rail network are things the President can highlight on the national platform.

In reply to Cllr. Ferris, he said a symbol of his campaign would be a torch. He said he is offering people a change and a choice. He thanked the Elected Members for their time asked that they would grant him their nomination on 17<sup>th</sup> September.

The Cathaoirleach thanked Mr. Duffy for his presentation. She invited Mr. James P. Smyth to make his presentation to the Elected Members.

Mr. Smyth thanked the Elected Members for the opportunity to make a presentation today. He said he campaigned on the appeal of the 8<sup>th</sup> Amendment and supported the Same-sex Marriage Referendum. These changes represent a new Ireland. He said he is a musician, composer and has been a lecturer in DIT for 7 years, he is not a politician. He said he is seeking nomination for President as a proud citizen of Ireland to ensure the status of citizenship and meet needs and expectations of the people. He said he speaks to Elected Members today first as citizens, secondly as Councillors and thirdly as politicians. Ireland has a 'homeless' and a 'home' crisis, suicide rates are connected to alcohol and drug use, the majority of our citizens are saddled with debt, our most vulnerable citizens are suffering. Achievement of everything is possible but it requires work and focus. There is a sense of entitlement in this generation. He said he is aware of the Presidential remit and constraints. He is working towards the Presidency with a view to engaging/bridging the chasm between Government and the people. He referred to Articles 47 and 48 of the Constitution of Ireland and the importance of Article 41.2 (protection of the family). If he were President, he would have to uphold the Constitution of Ireland. There is more that could be done within the remit of President.

The Cathaoirleach thanked Mr. Smyth for his presentation and asked for questions from the Elected Members.

Cllr. T. Ferris asked what symbolic gesture Mr. Smyth would make to propel those with power politically and if there is any circumstance in which he would find himself unable to sign something into law.

Mr. Smyth said Article 27 of the Constitution refers and he is fully aware of the President constraints. It would have to be asked if there was a moral or ethical question to the circumstance. Ultimately, however, the job is to uphold the Constitution.

The Cathaoirleach said with regard to affecting change, this lies very much in the political domain. She asked why he has chosen the route of President rather than another political route. She also asked what his political affiliation was in the past.

Mr. Smyth said he has been representing Ireland as a musician for many years and in that regard I am an ambassador for our country. He said he was a member of Sinn Féin for 1 year. He is currently a member of 'Concerned Citizens'. He said the Irish

language is very important. He said he did Irish in school for 14 years, yet he cannot have a conversation in Irish, which is representative of a broken education system. Re-identifying ourselves culturally may be a thing we have to do.

The Cathaoirleach thanked Mr. Smyth for his presentation. She invited Ms. Gemma O'Doherty to make her presentation to the Elected Members.

Ms. O'Doherty said it is a pleasure to be in Kerry this morning to make a presentation to Kerry County Council. She outlined her career in journalism and the work she has done in exposing corruption in public office, particularly An Garda Síochána, this being the main reason for putting herself forward to seek a nomination. There is an elite in Ireland which appear to be above the law and there is grave inequality between the elite and the ordinary citizen. There is a strong disconnect between politics and the people on the ground. A lot of citizens feel their basic rights to truth and justice are being denied, along with their right to housing and their right to health care. The intolerable situation of homelessness cannot be allowed to continue. She expressed her deep concern regarding the ongoing gap in equality in society.

She referred to her journalism investigations into the HSE and Ireland's health services. We cannot continue to tolerate our citizens waiting for treatment. There is also an awful lot of wastage within the health service, with the public seeing their tax money being squandered. There is no transparency. The Irish public have lost trust in the political elite and feel disenfranchised. Citizens are approaching me regarding injustices they are experiencing every day. She said she believes Ireland no longer has a free press. Victims of the housing crisis and victims of abuse must be highlighted. We must say no to the culture of cronyism and corruption. Our citizens must be put first, before the elite.

The Cathaoirleach thanked Ms. O'Doherty for her presentation and asked for questions from the Elected Members.

Cllr. J.J. Culloty asked Ms. O'Doherty if she would she consider contesting the general elections to affect change in homelessness and the health services if she were unsuccessful in her Presidential campaign.

Cllr. D. Grady thanked Ms. O'Doherty for the important journalistic investigation work she has done.

Ms. O'Doherty said victims of abuse are not getting justice and are not being listened to. She said she is presenting herself for nomination on an anti-corruption manifesto. At present running as a TD is not a consideration. Citizens should not be beholden to TDs for a right to basic housing and services.

Cllr. P. Daly congratulated Ms. O'Doherty on her journalistic work and wished her well in her campaign.

Cllr. T. Ferris said while she greatly admires a lot of the work Ms. O'Doherty has done, given that the Presidency is a Presidency for all of Ireland, statements that have been linked to Ms. O'Doherty in media such as "Ireland is a magnet for radical Islam" are of concern. The President cannot be xenophobic. She asked Ms. O'Doherty to comment on this.

Ms. O'Doherty said many things have been said in the media that have been devastating to her. She said she lived on the Gaza border and saw the devastation that was inflicted on the Palestinians. She said she has been at the forefront of dealing with issues facing the Muslim community in Ireland and how the issues that face them can fit better into Irish society. The idea that I am 'anti-anybody' is despicable to me. I was at the forefront of pushing minority issues and protecting minorities. She said she is desperately worried about a culture of racism in Ireland.

Cllr. B. Cronin complimented Ms. O'Doherty on the outstanding amount of research and investigative work she has done. He asked what she, if elected President, could do to reduce the waiting lists within the health care service.

Cllr. S. Locke said there are constraints on the office of President and asked if Ms. O'Doherty feels that as a woman there is a better voice to be heard as President than that of a man.

Ms. O'Doherty said in relation to the health service she would focus on the people, speak to them and let them know there is a sanctuary and refuge for them at Áras an Uachtarán. She expressed great concern for people working as Carers. The President is the guardian of the Constitution and can act as a watchdog and ensure citizens' rights are being upheld and that accountability is demanded on behalf of the citizens.

With regard to being a woman seeking a Presidential nomination, she said she is not caught up in the gender issue. She said she would like to see more women involved in politics.

The Cathaoirleach thanked Ms. O'Doherty for her presentation. She invited William Delaney 1957-1970 to make a presentation to the Elected Members.

William Delaney 1957-1970 is a name assumed for the purpose of the Presidential campaign. The proposal being presented to you is unusual, however, it is being made with absolute respect for the other candidates, the office of President, yourselves as Elected Members and the highest respect for William Delaney.

William Delaney was one of many children who have died whilst in the care of the State and the religious orders appointed to the management of child care in Ireland and across the globe. William Delaney was born in Kilkenny on the 8<sup>th</sup> of May, 1957 the eldest of a large family. When he was 9 years old he was convicted of stealing a loaf of bread and was sentenced to six years in Letterfrack detention centre/industrial school. His sister, Kathleen, remembers a very kind boy who stole bread to feed his younger brothers and sisters. Statements from fellow classmates describe how the Christian Brother in charge of their care swung the handle of a broom stick at the boy beside William, the boy ducked and William, in its path was struck unconscious by the blow.

All levels of society are compromised if we do not have the courage to stand up to abuse in authority. We can dignify those who have been treated wrongly by our state. President Mary Robinson has been quoted as saying that 'to remember is an ethical act' insisting that we must remember correctly and, in so doing, we must act ethically. Responsibility for our collective history must be shared collectively. We have the power to act in solidarity and collectively in honouring the life of William Delaney 1957-1970. He asked the Elected Members to act in solidarity with the most vulnerable of our state's history.

The Cathaoirleach said she accepts the sincerity of this campaign and the importance of highlighting this issue in the public domain. She acknowledged the pain and suffering inflicted on the most vulnerable in our society. She noted that the speaker today has changed his name by deed poll to 'William Delaney 1957-1970' and asked, if he is successful in getting a nomination, what are the logistics to facilitate his campaign.

William Delaney 1957-1970 said if nominated, he will change his name back, leaving William Delaney 1957-1970 as a candidate for election. If elected, the name William Delaney 1957-1970 will be added to the list of Irish Presidents. As there would be no person named William Delaney 1957-1970, a re-election would then be required.

Cllr. T. Ferris thanked William Delaney 1957-1970 for highlighting the victims of child abuse in industrial schools and for using this process to bring this issue to the public domain.

Cllr. D. Grady said today's presentation has highlighted all these children that suffered. Those children deserve to have a statue erected in their honour. He wished William Delaney 1957-1970 well with his campaign.

Cllr. N. Moriarty acknowledged the sincerity of the campaign of William Delaney 1957-1970 and supported honouring those who suffered under industrial school regimes. As a nation we have not dealt with this history and a lot that needs to be done to help us properly face the future.

In reply to Ms. O'Doherty's presentation Cllr. Moriarty said a healthy democracy cannot be overstated. There must also be trust in the media.

In reply to Mr. Smyth's presentation Cllr. Moriarty agreed that culture and the arts are very important and acknowledged the formation of the Film Board.

In reply to Mr. Duffy's presentation Cllr. Moriarty agreed that the conversation about the need for respect is important and is required.

She said that the casual ageism that is there about our incumbent President should not be allowed, such ageism must be resisted.

Cllr. S. Locke commended William Delaney 1957-1970 for standing in front of this chamber in relation to the issues highlighted. He asked how his campaign would be funded should he get a nomination.

William Delaney 1957-1970 said a 'go fund it' campaign would be started. The William Delaney 1957-1970 campaign is a hugely symbolic gesture to the victims of child abuse in industrial schools.

Cllr. M. Gleeson commended William Delaney 1957-1970 on his presentation and thanked all candidates for their presentations. He expressed disappointment that the greatest challenge, the degradation of our environment, was not addressed. The environment and its future must be at the top of any agenda.

The Cathaoirleach thanked William Delaney 1957-1970 for his presentation. She thanked all prospective candidates for making the effort to attend Kerry County Council this morning. Kerry County Council will vote on making a nomination at their full Council meeting on Monday, 17<sup>th</sup> September, 2018.

**Vote of Congratulations**

The Cathaoirleach expressed a vote of congratulations to the Kerry Minor Football team on winning their fifth All-Ireland minor title in a row.

All Elected Members supported this vote of congratulations.

The meeting concluded at 12.00 p.m.

***Liam Quinlan***  
**Meetings Administrator**

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**Cathaoirleach of Kerry County Council**