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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, 15 AIBREÁN 2019**

**MINUTES OF THE ORDINARY MEETING OF KERRY COUNTY COUNCIL HELD IN  
THE COUNCIL CHAMBER, ÁRAS AN CHONTAE, TRALEE ON MONDAY,  
15 APRIL 2019**

**PRESENT/I LÁTHAIR**

**Councillors/Comhairleoirí**

T. Barry	R. Beasley	M. Cahill
P. Connor-Scarteen	B. Cronin	J.J. Culloty
P. Daly	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
P. McCarthy	T. McEllistrim	J. Moloney
N. Moriarty	T. O'Brien	B. O'Connell
M. O'Shea	L. Purtill	D. Quigg
J. Sheahan		A. Thornton

**APOLOGIES/LEATH SCÉAL**

**G. Spring**

**IN ATTENDANCE/I LÁTHAIR**

<b>Ms. M. Murrell, Chief Executive</b>	<b>Mr. C. O'Sullivan, Dir. of Operations</b>
<b>Mr. M. O'Donoghue, Director Housing</b>	<b>Mr. M. Scannell, Dir. Job Cr/Sust. ED</b>
<b>Mr. C. O'Connor, Director Corp. Servs.</b>	<b>Ms. A. McAllen, Head of Finance</b>
<b>Mr. P. Neary, SE Water Services</b>	<b>Mr. L. Quinlan, Meetings Administrator</b>
<b>Mr. O. O'Shea, Press Officer</b>	<b>Ms. D. Griffin, SO Corporate Support</b>
<b>Ms. O. O'Shea, CO Corporate Support</b>	<b>Ms. E. O'Connell, CO Corp. Support</b>
<b>Mr. G. O'Brien, A/SEO Environment</b>	<b>Mr. T. Hayes, Local Enterprise Officer</b>
<b>Ms. K. Moriarty, Finance</b>	<b>Ms. B. Fitzgerald, Ec. Dev. Officer</b>

The meeting commenced at 10.35 a.m. Cllr. N. Foley, Cathaoirleach, took the Chair.

The Cathaoirleach welcomed Senator John Dolan and his team to the Chamber and acknowledged the work he is doing as an independent Senator and in the area of disabilities.

**Vote of Sympathy**

The Cathaoirleach proposed a vote of sympathy to the family of Sally O'Neill Sanchez. Ms. O'Neill Sanchez worked with Trócaire for almost 10 years and was a driving force for human rights in Central America. She dedicated her life to improving the lives of others. She visited Kerry on many occasions and received the Hugh O'Flaherty Humanitarian Award in 2011. She was a woman of incredible courage, nobility and generosity. May she rest in peace.

Cllrs. T. Ferris and D. Grady wished to be associated with this vote of sympathy.

### **Vote of Sympathy**

Cllr. M. Cahill proposed a vote of sympathy to the family of Mícheál McMahon, Cromane, a young man who is a loss to his family and an entire community.

### **Vote of Sympathy**

Cllr. T. Ferris proposed a vote of sympathy to the family of Tony Hannon who had recently passed away.

### **County Clean-up Day**

The Cathaoirleach, on behalf of all Elected Members, acknowledged the tremendous engagement with the county clean up on Saturday, 13 April. People in communities across the county did great work to present the county in the best possible light.

### **120<sup>th</sup> Anniversary of the first Local Elections 1899**

Cathaoirleach N. Foley said April 2019 marks the 120<sup>th</sup> anniversary of the first local authority elections in Ireland. In January of that year, Urban District Councils were elected, and on 6 April 1899, further elections were held for County Councils and Rural District Councils. The 1899 local elections marked several historic “firsts”:

- Women could vote in local elections for the first time.
- Women could serve on directly-elected Rural District Councils for the first time; and they made valuable use of that right, with Lady Castlerosse and Mrs Theresa Leonard topping the poll in Killarney Urban and Killarney Rural divisions, respectively, for election to Killarney Rural District Council.
- In addition, Miss Frances Mary Donovan (Ballynahaglish) and Mrs Mary Harrington (Tralee Urban) were elected to serve on Tralee Rural District Council.

The new Rural District Councils met for the first time on 15 April 1899, and the new County Council held its first meeting in the County Grand Jury Rooms at Tralee Courthouse on Saturday 22 April 1899.

We sit in this Chamber today following in a generous tradition of public service. By our deeds and our actions we hope to honour and emulate the services of those gone before us.

#### **15.4.19.01 Cathaoirleach’s Report on CPG meeting held on 9 April 2019**

The Cathaoirleach read the Cathaoirleach’s report on the CPG meeting held on 9 April 2019, which had been circulated, and was noted by the Members.

It was unanimously agreed to retrospectively approve a Civic Reception held in Tralee Municipal District on 12 April 2019 to honour Tralee Warriors basketball team on winning the Superleague national title 2019.

Cllr. M. O’Shea expressed his dissatisfaction with the boundaries that the Boundary Commission have applied within Kerry and the renaming of the Killorglin Electoral Area as the Kenmare Electoral Area. He added that many constituents are now unaware of changes to their electoral areas and it is causing confusion among the electorate. He asked that there would be media coverage on the closing date for the registration for the Register of Electors. In relation to the Kilderry Bends he called for Kerry County Council to engage with Transport Infrastructure Ireland on the provision of a walkway/cycleway on the new road and to provide a link pathway from Killorglin to Tinahalla Cross.

Cllr. M. Healy-Rae agreed with Cllr. O'Shea in relation to the new electoral areas. She said the requirement to attend a Garda station as part of the registration process to get on the Register of Electors is making it difficult for people to register due to limited opening times of some Garda stations. She expressed disappointment that her request for a civic reception to honour Margo was not considered.

Cllr. J.F. Flynn supported the call for a walkway/cycleway on the new Kilderry road. He called for wild flowers to be planted along the roadway. He also expressed his disappointment at the renaming of the Killorglin Electoral Area to Kenmare Electoral Area when Killorglin is the main town in terms of population. He suggested that the Electoral Area could have been named the South Kerry Electoral Area and asked what consultation was had regarding renaming the Electoral Areas.

Cllr. M. Cahill said the new Electoral Area name of Kenmare is causing confusion for constituents and candidates are unable to explain why the name was changed. In relation to the Kilderry bends he said he was the first public representative to call for that road to be constructed and he supported the urgent need for the provision of a footpath, a cycle lane and a viewing point. He said additional crash barriers also need to be installed.

Cllr. D. Quigg expressed disappointment that the Taoiseach, on his visit to the county on 13 April, did not travel to South Kerry. He said while he supports the South Kerry Greenway the area needs IDA investment to provide sustainable jobs.

The Chief Executive said management will revert to the Municipal Districts regarding options for the provision of a walkway/cycle lane on the Kilderry road. She said Kerry County Council did make a submission to the Boundary Commission.

Cllr. J. Healy-Rae supported sentiments expressed regarding the renaming of the Killorglin Electoral Area. He said there is a need for additional crash barriers on the Kilderry road and the provision of a viewing point.

Cllr. P. Daly welcomed the community engagement in County Clean-up Day. He asked if anything could be done regarding effluent going into the Killeen River.

Cllr. T. Ferris supported Cllr. Daly's request regarding the Killeen River. She asked that an explanatory note would issue to Elected Members on how the Council Budget will work with the division of the Dingle & Castleisland Municipal District over two Electoral Areas.

Cllr. J.F. Flynn proposed that a letter issue to the Boundary Commission asking that the naming of the areas would be a matter for the Local Authority as it is important that constituencies are named properly and appropriately.

Cllr. J.J. Culloty supported sentiments expressed regarding the new Electoral Areas and said people do not realise that their Electoral Area may have changed. In defining Electoral Areas consideration must be given to where people are tied to historically. He welcomed the commitment given by the private waste collection operator to support the County Clean-up Day.

Cllr. J. Finucane said it must be noted that Irish Water has recently appointed a Consulting Engineer to carry out a Drainage Plan for the Killeen River.

Cllr. S. Locke said there is need for a further press release to issue regarding the change in boundaries and advised that registration of voters should be done on-line.

The Cathaoirleach said a letter would issue to the Boundary Commission expressing the sentiments of the Elected Members.

Mr. P. Neary, SE Water Services, said Irish Water are working on the Drainage Area Plan for Tralee and a Consultant has been appointed. There are four stages to this process, the first of which is data collection and scoping. A contractor has been appointed to do this work which will continue for the remainder of this year. A review will be undertaken to determine if any works can be done in the short term regarding the Killeen River.

Mr. C. O'Connor, Director of Service, said an advertising campaign will be run regarding the closing date for the supplement to the Register of Electors.

#### **15.4.19.02 Confirmation of Minutes**

On the PROPOSAL of Cllr. M. Kennelly, SECONDED by Cllr. S. Locke, it was resolved that the minutes of the March Ordinary Meeting of Kerry County Council held on 11 March 2019 be confirmed.

#### **15.4.19.03 Chief Executive's Report to Council**

The Chief Executive's report for the month of March 2019, which had been circulated, was noted by the Members.

Cllr. D. Grady said illegal dumping has increased since the introduction of the pay by weight refuse collection system. He welcomed progress being made with the provision of housing. He asked if people with disabilities will be accommodated in the new housing development in Killarney. He also asked for an update regarding the provision of homeless accommodation in Killarney and expressed concern regarding the supports that are in place for homeless persons.

Cllr. M. Gleeson said Torc Mountain has been obliterated by gorse burning, with loss of natural habitat and damage to the scenery. He paid tribute to the fire and emergency services who attended the fires. He said should this level of gorse burning continue property will be destroyed and human life may be lost as older people living in these areas may not get away from the fumes and flames. He asked that gorse burning be conducted only in accordance with the long established protocols.

Cllr. S. Locke asked that a survey be conducted of houses that are boarded up and that Kerry County Council would contact the owners of these houses with a view to purchasing them. He said the construction programme is very slow and communities are concerned about start times for housing developments.

Cllr. M. Kennelly asked what Kerry County Council can do in the case of a HAP tenant, in a private housing estate, who is engaging in anti-social behaviour. He said the target of 28 houses purchases for 2019 is a concern as the biggest issue in North Kerry at the moment is housing and in particular that there are no transitional houses available for RAS/HAP tenants who are being issued with a Notice to Quit by their landlord and are unable to secure alternative housing.

Cllr. J. Lucid welcomed the housing targets and said vacant properties around the county must be given consideration by Kerry County Council as a means of increasing housing stock to support the housing waiting list. He asked for an update on the development of the Agri-Tech Hub in Killorglin. While welcoming funding for the 2019 Anti Dumping Initiative, he expressed concern that Kerry County Council does not appear to be in a position to address the issue of illegal dumping in the county.

Cllr. M. Cahill said the lack of housing development for 10 years has resulted in a housing crisis for the county which must be addressed. He welcomed the allocation of funding for festivals as they are hugely important for the economy of towns across the county. He asked that funding would be prioritised for the provision of a footpath on the Sunhill Road in Killorglin which is a most populated area of the town. He paid tribute to the fire service for the work they do regarding gorse fires. He said there is a need for more fire breaks to be put in place and controlled burning of gorse as homes and the forests of the county must be protected.

Cllr. T. Ferris asked why the target for house purchases has been reduced to 28 while at the same time the HAP/RAS/Leasing target has been set at 651. She referred to the Audit of Signage that is to be carried out and asked that the signage for Siamsa Tíre, the home to the National Folk Theatre, would be improved.

Cllr. N. Moriarty welcomed the opening of the Sneem Digital Hub and congratulated organisers of a conference around the hub over last weekend which was very successful. She noted the ambitious housing targets that have been set for 2019. She asked for an update regarding planning permission for Airbnb properties and moved notice of motion No. 18.

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

That we write to all relevant parties seeking to have an incentive scheme introduced to encourage second home owners into renting/leasing their properties as social housing for low income families in an effort to alleviate the housing crisis. The current tax incentive for renting a room needs to be extended to renting homes on a long term basis.

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

Cllr. N. Kelleher SECONDED this motion.

Cllr. J. Finucane said there is a divide which first time buyers cannot meet when trying to compete with those purchasing houses for investment. He said a solution to this is serviced sites being made available for first time buyers as they have the capacity to purchase such sites and build their home. The provision of serviced sites would also create employment for the small/medium builders.

Cllr. M. Healy-Rae said the devastation that has occurred due to gorse fires is unbelievable and upsetting to the people of Killarney. The National Park must put fire belts within the boundary of the park. She moved notice of motion No. 23.

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

To ask Kerry County Council when are the HAP thresholds going to be increased in Kerry.

**The following reply issued:**

The Household Assistance Payment (HAP) thresholds have been in place for over two years since HAP was launched on December 1<sup>st</sup> 2016 in Kerry. It is a national scheme and the thresholds of the scheme are determined/varied by the Department of Housing, Planning and Local Government.

Cllr. M. Healy-Rae said HAP is not a long term or permanent housing solution. She said it is not right to say that a person's housing need has been met when accommodated under the HAP scheme as the landlord could opt out of the scheme at any stage. The difference in HAP thresholds in neighbouring counties is discriminative and families are becoming homeless because HAP is not meeting the plight of what people are facing. She asked that a letter issue to the Minister asking that the HAP threshold for Kerry be increased.

Cllr. J. Healy-Rae **SECONDED** this motion and said housing provision in Killarney, in particular, and in the larger towns is totally inadequate. It is disappointing that the Department has reduced Kerry County Council's house purchases target to 28 for 2019. He said bringing vacant houses back into stock would revitalise smaller towns and villages. He referred to the requirement that applicants for Approved Housing Bodies must now be qualified housing applicants on Kerry County Council's housing waiting list and said this is negatively affecting many people who, for example, had taken short term tenancies following a hospital stay. He asked that a letter issue to the Minister regarding Part V developments whereby Local Authority tenants of those properties cannot purchase their house.

Cllr. M. O'Shea said many landlords are opting out of the RAS/HAP schemes. The HAP threshold is too low and the private market is more lucrative. He said a Rural Restoration Programme could be developed to make vacant properties in rural areas available for housing. The provision of complex apartments must be considered to address the housing needs of single persons on the housing waiting list. He asked if Kerry County Council has been approached regarding the unfinished housing development in Castlemaine. He welcomed the opening of the Sneem Digital Hub and said such developments should be promoted throughout the county as many people are now working from home and broadband connectivity is vital to support this.

Cllr. J.F. Flynn asked for an update regarding planning requirements for Airbnb properties. He complimented the staff of the Local Enterprise Office for their work in facilitating business start-ups, however, unless a person is long-term unemployed they do not qualify for much support for business start-ups and this needs to be reviewed. He asked that housing developments be progressed on Kerry County Council owned lands in Killorglin as a priority to address the growing housing need in the area. He also asked that a call be made for landowners to make lands available for housing developments. He said consideration must be given to rezoning lands outside the perimeter of Killorglin when the Local Area Plan is being reviewed.

Cllr. N. Kelleher said many people have a second property but are not interested in leasing it as there is no incentive and the rules and regulations regarding leasing are restrictive. The provision of tax relief for owners of second properties would bring many properties on to the market for social housing. He asked what plans are in place to meet the HAP targets for 2019.

Cllr. J.J. Culloty said due to high housing demand in Killarney, HAP is not meeting the purpose for which it was put in place. He welcomed funding under the 2019 Anti-Dumping Initiative and said simple initiatives can make a great contribution to addressing littering/illegal dumping. He said assistance must be provided regarding the dumping of inert waste from construction to which stringent rules apply. He expressed concern that it may be malicious burning that resulted in recent gorse fires.

Cllr. R. Beasley said sheltered housing for people that have been issued a notice to quit it not readily available across the county and the lack of housing development for such a long period of time has had a detrimental effect. A housing construction programme is required to address the housing crisis. Illegal dumping has been exacerbated throughout the county and more enforcement staff and additional enforcement measures are required. Enforcement is also necessary regarding gorse fires as they are a threat to people living nearby and to natural habitats.

Cllr. T. Barry welcomed funding under the 2019 Anti-Dumping Initiative. He asked if, as required, HAP houses are being inspected within eight months of a tenancy commencing as many of these properties are not up to standard.

Cllr. B. Cronin asked for an update on the construction of single rural dwellings. He said tremendous damage has been done to the environment of the national park by the recent gorse fires and he condemned the reckless behaviour that led to the starting of these fires. He asked what programme is in place to use the funding provided under the 2019 Anti-Dumping Initiative. He said the rollout of broadband has seen some commercial areas benefitting but there are many tracts of rural areas which are without broadband where people are working from home. He referred to the All-Ireland Coastal Rowing Championships to be held in Kerry this year and expressed disappointment at the contribution made by Kerry County Council given the tourism potential of this event. He asked that the Chief Executive would review the contribution and support of Kerry County Council for this event.

The Chief Executive said housing targets are set by the Department and significant RAS/HAP targets have been set for 2019. She said a higher target for house purchases would be preferable, particularly where Kerry County Council can address derelict properties, and there will be engagement with the Department on this. Over 2019 it is hoped to put a team in place to focus on vacant units across the county as there are a number of Government policies and initiatives in place to support this area. She said a call has been issued for turnkey developments and land owners have been asked to contact Kerry County Council on this, particularly in the critical areas of Dingle, Killorglin and Killarney. In relation to planning permission for Airbnb properties, the Minister has issued a press release and further information is awaited with regard to regulating the sector. She commended the Fire Service for their work while under immense pressure in handling gorse fires. In relation to Broadband, she said the Broadband Officer has had enormous engagement throughout this project and great work has been done. The issue of communication with Elected Members will be discussed with the Economic Development Unit in order to provide support to the Broadband Officer. She asked that the All-Ireland Coastal Rowing Championships would make contact with Kerry County Council to review their application for support.

Mr. M. O'Donoghue, Director of Service, said a 'Bringing Back Homes - Manual for the Reuse of Existing Building' was launched on 10 April 2019, details of which will be circulated to members in due course. He said the construction of 12 no. single rural

dwellings is included in the Housing Construction Programme to 2021. The setting of HAP thresholds is a matter for Government. In relation to the query on HAP tenancies, he said the issue raised was primarily a matter for the landlord and clarified that there are legal protections for the landlord and the tenant and the Residential Tenancies Board is currently very active in this area.

#### **15.4.19.04 Disposal of Property**

- (a) On the PROPOSAL of Cllr. P. Daly, SECONDED by Cllr. M. Kennelly, it was agreed to approve the disposal of a plot measuring 0.03938 Ha in area at No. 6 Samphire Terrace (also known as 6, Harbour Terrace) situated in the townland of Fenit Without in the District Electoral Division of Ballinahaglish and County of Kerry to *(Name & address withheld for data protection purposes. A paper copy of the unedited minutes is available on request)*, in accordance with the terms of notice issued on the 26 March 2019 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.
- (b) On the PROPOSAL of Cllr. P. Daly, SECONDED by Cllr. M. Kennelly, it was agreed to approve the disposal of a plot measuring approximately 50 square metres (approximately 2 perches) in area in Folio KY35698 at Clieveragh, Listowel to *(Name & address withheld for data protection purposes. A paper copy of the unedited minutes is available on request)*, in accordance with the terms of notice issued on the 26 March 2019 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.
- (c) On the PROPOSAL of Cllr. P. Daly, SECONDED by Cllr. M. Kennelly, it was agreed to approve the disposal of a plot measuring approximately 0.487 acres in folio KY5486F at Coomlettra and Shanacashel, Townland of Shanacashel, District Electoral Division of Curraghbeg to *(Name & address withheld for data protection purposes. A paper copy of the unedited minutes is available on request)*, in accordance with the terms of notice issued on the 26 March 2019 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.
- (d) On the PROPOSAL of Cllr. P. Daly, SECONDED by Cllr. M. Kennelly, it was agreed to approve the disposal of a plot measuring approximately 0.097 acres in folio KY7200F situated in the townland of Garrantanvally in the District Electoral Division of Listowel and County of Kerry to *(Name & address withheld for data protection purposes. A paper copy of the unedited minutes is available on request)*, in accordance with the terms of notice issued on the 26 March 2019 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000 and Article 206 of the Planning and Development Regulations 2001.
- (e) On the PROPOSAL of Cllr. P. Daly, SECONDED by Cllr. M. Kennelly, it was agreed to approve the disposal of a plot measuring approximately 0.086 acres in folio KY25081F at Ballinorig, situated in the townland of Clash East in the District Electoral Division of Tralee Rural and County of Kerry to *(Name & address withheld for data protection purposes. A paper copy of the unedited minutes is available on request)*, in accordance with the terms of notice issued on the 26 March 2019 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000.

- (f) On the PROPOSAL of Cllr. P. Daly, SECONDED by Cllr. M. Kennelly, it was agreed to approve the disposal of a plot measuring approximately 0.015 acres in folios KY9285F and KY29677 at Shanakill, situated in the townland of Shanakill in the District Electoral Division of Tralee Rural and County of Kerry to (*Name & address withheld for data protection purposes. A paper copy of the unedited minutes is available on request*), in accordance with the terms of notice issued on the 26 March 2019 pursuant to Section 183 of the Local Government Act 2001, Section 211 of the Planning and Development Act 2000.

#### **15.4.19.05 2019 Service Delivery Plan**

Mr. C. O'Connor, Director of Service, referred members to the 2019 Service Delivery Plan which had been circulated. He outlined that the 2019 Annual Service Delivery Plan has been formulated on the basis of the amount of funding provided in Kerry County Council's annual budget, in respect of each relevant service division and commitments given to the members, subject to any variations arising subsequent to adoption of the budget, for example, in relation to funding levels from State grants. It has regard to the Directorate Service Priorities set out in the 2019 adopted Budget as well as:

- the provisions of the Local Government Act, 2001 (as amended);
- Kerry County Council plans/strategies including the Corporate Plan 2015-2019, the Kerry Local Economic and Community Plan 2015 – 2021; Kerry County Development Plan 2015 – 2021; County Kerry Tourism Strategy and Action Plan 2016 - 2022
- National Government Policy
- Existing Service Level Agreements
- Available Resources (both staff and financial) and,
- The preceding years Annual Service Delivery Plan
- Comparison reports in relation to performance indicators as presented to Council in November 2018

The plan primarily sets out the work programmes of the Directorates, particularly having regard to the grant allocations provided by Department of Housing, Planning and Local Government, Transport Infrastructure Ireland (TII), the Department of Transport Tourism and Sport, the Department of Rural and Community Development and other Government departments for the coming year. It incorporates details of the service delivery being provided by the various Directorates which provide customer focused operational services, including the Housing Estates Unit in Planning, Water Services, (in accordance with our Service Level Agreement with Irish Water); Environmental Services and the Fire Service.

The main objectives of the Plan are to maintain essential services, continue our programme of supports to our communities, support the economic recovery process locally through inward investment and job creation and continue to seek efficiencies in service provision, cost reduction and value of money.

He thanked the Cathaoirleach and Elected Members and the Council staff for their co-operation and commitment to the delivery of the 2018 Works Programme, and looks forward to another successful outcome for 2019. Approval of the members is now sought to proceed with the works programme as outlined in the 2019 Service Delivery Plan.

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. P. Connor-Scarteen it was agreed to approve the 2019 Service Delivery Plan.

#### 15.4.19.06 Draft Kerry County Council Annual Report 2018

Mr. L. Quinlan, Meetings Administrator, referred members to the Draft 2018 Kerry County Council Annual Report which was circulated.

It was unanimously agreed to note the Draft 2018 Kerry County Council Annual Report.

#### 15.4.19.07 Annual Financial Statement for year ended 31<sup>st</sup> December 2018 and approval of additional expenditure (including provisions)

Ms. A. McAllen referred members to the Annual Financial Statement for year ended 31 December 2018 which was circulated. The aim of the Annual Financial Statement is to fairly present the financial position as at end 2018. This is achieved through the production of Statements, Notes and Appendices as required by the regulatory accounting framework set by the Minister for Housing, Planning & Local Government.

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

By Resolution at the October 2007 Ordinary Meeting, the Council established an Audit Committee. Within Kerry County Council, the audit committee forms part of the governance framework. In addition to the agenda items covering all aspects of the Committee's role, management provided detailed briefings and presentations on a range of relevant topics impinging on control and governance issues within the Local Authority which informed the work of the committee.

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

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

<b><u>Expenditure</u></b>	<b>2018</b>	<b>2017</b>
	€	€
Revenue	145,219,841	135,117,955
Capital	<u>79,320,175</u>	<u>60,743,871</u>
Total	224,540,016	195,861,826
<b><u>Income</u></b>	<b>2018</b>	<b>2017</b>
	€	€
Revenue	145,298,655	135,205,746
Capital	<u>88,717,107</u>	<u>58,801,282</u>
Total	234,015,762	194,007,028

This level of expenditure indicates the ongoing extent of day-to-day service delivery, infrastructural development undertaken by the Council across the county during 2018. It also indicates the significance of operations of the County Council on the local economy.

For the purposes of this review, four key elements of the Annual Financial Statement are dealt with: (i) Income and Expenditure Statement - Revenue Account, (ii) Capital Account, (iii) Borrowings and (iv) Fixed Assets.

## 1. Income and Expenditure Statement - Revenue Account

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

The Account may be summarised as follows: -

	<b>2018</b>	<b>2017</b>
	<b>€</b>	<b>€</b>
Income	145,298,655	135,205,746
Total Expenditure	<u>145,219,841</u>	<u>135,117,955</u>
Surplus / (Deficit) for year	78,814	87,791
Opening Credit Balance	6,443,037	6,355,246
Closing Credit Balance	6,521,851	6,443,037

An excess of income over expenditure in 2018 has resulted in a surplus of €78,814 for 2018. Total Expenditure reflected above is gross of the transfer to reserves i.e. transfer to reserves are included. The Income and Expenditure Account Statement indicates the movement from Gross expenditure to Net expenditure.

Over the course of 2018, Kerry County Council has managed the resource base effectively despite the many challenges faced. The Council has prudent expenditure controls in both Revenue and Capital, strengthened debt management measures and maximises the impact of all grant funding to optimise budgeted resources throughout the year. This effective resource management has facilitated continued delivery of local services by this Council, and, has enabled the Council to carry forward provisions for a number of on-going specific projects following review of the financial accounts and identification of specific projects in future years.

The main provisions carried forward include in particular: -

- €200,000 towards Killorglin Area Service Centre funding obligation. This provision is made to provide a specific reserve to fund committed future financial obligations of €7.942m for this project, due for payment in 2020.
- €300,000 towards the upfront purchase and upgrading of plant/equipment in the Council's Machinery Yard – which forms part of the review.
- €200,000 – Opportunity Site Development: Kerry County Council has secured URDF and EU funding for the towns of Tralee and Killarney. Significant investment is required to match this grant funding. This provision will contribute to the overall investment in these areas.
- €200,000 – Town and Village Enhancement Schemes: Given the significant grants received under the Town and Village schemes throughout the county, this provision will contribute to the overall own-resource requirement associated with this and similar schemes.
- €200,000 – Public Realm Developments: The Council has secured RRDF, URDF and EU funding. This provision will contribute to the own-resource requirement associated with these grant schemes. Given the scale of investment required, it is likely that the Council will apply for loans to co-fund these grant schemes.

- €200,000 – Climate Change Adaptations Initiatives
- €200,000 - Local Authority Land: A provision is made to provide cashflow in respect of future strategic land purchase and as a contribution to the servicing of housing land loans financial planning.
- €200,000 towards critical capital infrastructural upgrade of Corporate Buildings across the county.
- €100,000 towards I.T. Cyber Security Fund to upgrade hardware and software across the county and to meet information security resilience and data protection obligations.
- €100,000 – Housing Team: A vacant property county-wide assessment unit to be established in 2019.
- €100,000 – Health and Safety provision; capital programme.

The pensions liability for this Council is significant for 2018; the 2018 out-turn reflects €350,000 additional expenditure over the 2018 budget provision. This trend will continue into the future given the profile of the workforce. A provision of €700,000 is required to ensure that adequate funds are available to ensure that any exceptional pension payments liability arising in any given year are met.

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

- Division A - Housing and Building

Adopted Allocation	€26,706,510
Out-Turn	€29,105,320

Additional Expenditure was incurred in relation to RAS and Social Leasing, which is fully recoupable. Additional Expenditure was incurred on Vacant/Void properties, Housing Adaptation Grants and Homeless Grants, the majority of which is also recoupable. The out-turn reflects the provision towards the Land Bank Fund referred to above.

- Division B - Road Transportation and Safety

Adopted Allocation	€33,795,230
Out-Turn	€40,427,256

The main reason for additional expenditure is attributable to increased grant allocations of €20,745,945 versus budget allocation of €15,583,250. The main grant allocations not included in Adopted budget 2018 were € 1,209,990 Local Improvement Scheme, € 800,000 under a new Special Maintenance Grant, Community Involvement Scheme €500,000 and Drainage grant € 477,500.

A provision of €300,000 for Plant and Machinery towards capital replacement is provided from own resources. Transfers to capital included contributions to on-going upgrading projects and aged debit balances. Contribution was also provided to Outdoor Rural Infrastructure Scheme projects.

- Division D - Development Management

Adopted Allocation	€13,840,208
Out-Turn	€14,684,976

The main reason for additional expenditure is the charging of LEADER expenditure of €0.72m to Revenue Account, whereas when Budget 2018 was prepared, indications were that this new funding source was to be accounted for within the Capital programme. This expenditure has been fully recouped from Government grants. In addition, provisions of €200,000 each are made for Opportunity Site development and Town and Village enhancement schemes.

- Division E - Environmental Services

Adopted Allocation	€18,160,398
Out-Turn	€19,108,492

Extra expenditure was incurred due to increased recycling activity at our Transfer Stations. Additional revenue funding was also applied to electrical upgrade works at North Kerry Landfill, upgrading works at the Transfer Stations and Landfill Closure Capital Balances. Additional operational costs, linked to increased activity, were incurred in the Fire Service along with an increase in Retained Fire Fighters gratuity payments. The county-wide street cleaning programme and Water Safety over expenditure are included in Division E. Water Safety over expenditure relates to increased activity at beaches across the county. €200,000 is provided to support Climate Change Adaptation and Flooding related initiatives and programmes.

For 2018, the Plant and Machinery Chip Stocks activity is reflected in the Capital Account. The year-end balances of chip stocks in Area Depots for 2018 are reflected in the Balance Sheet (Note 4 Stocks). For 2019, all activities relating to the Plant and Machinery Account will be recorded in the Council's Revenue Account.

### Local Income

Our reliance on locally sourced income is increasing and will gain greater significance into the future. We will continue to maintain and strengthen our focus on debt collection. A Summary of Major Collections - Appendix 7 of the AFS illustrates the percentage collections for 2018 and a reduction in the level of debt associated with each of these income streams. Our collection staff continue to work through satisfactory payment plans with all our debtors where necessary. We encourage all debtors to engage, particularly those experiencing financial distress. Unfortunately, where no reasonable means is taken to pay outstanding debts we have no choice but to take appropriate court action or other recovery measures.

During 2018, we saw further considerable improvement in both collection and reduction of arrears owing in the critical area of Rates. We issued 280 registered 6-day notices with 206 by way of ordinary post in respect of outstanding rates and a total of 47 rates summonses were subsequently issued. The need for our customers to engage fully and constructively with our collection staff must be emphasised. The % collection for Rates increased from 82.55% in 2017 to 84.62% in 2018 reflecting continued strong collection performance. Out-turns for 2018 also exceeded the nationally set target of 84.55% for Kerry under the Debt Management Project. The closing arrears for 2018 have reduced by €951,609 compared to 2017.

Charge on Non-Principal Private Residences:- This charge, repealed in 2014, yielded a gross income, countywide, to Kerry County Council of €1,486,330 for 2018 in respect of arrears owing by owners of NPPR's which were discharged during the year.

## 2. Capital Account

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

	<u>2018</u> €	<u>2017</u> €
Income	88,717,107	58,801,282
Expenditure	<u>79,320,175</u>	<u>60,743,871</u>
Surplus (Deficit) for year	9,396,932	(1,942,589)
Credit Balance @ 1 January	52,826,174	54,768,763
Credit Balance @ 31 December	62,223,106	52,826,174

There is no general contingency fund available in the account. The favourable balance arising is attributable to a mixture of debits on some schemes and credits on others. However, all the credit sums have been allocated for specific projects, as approved by the Elected Council and are reviewed continuously. An unrealised amount of €10,940,801 is included in the closing capital balance.

The Public Spending Code (PSC) was brought into effect in September 2013 as the comprehensive set of expenditure appraisal, Value for Money requirements and related guidance covering all public expenditure. All Government Departments and other bodies, including local government, must comply with the requirements of the PSC. The Quality Assurance exercise in respect of 2018 expenditure which will include an inventory of projects/programmes undertaken during 2018 is underway and will be an ongoing annual requirement for the Council.

The Balance Sheet indicates that Capital work was in progress and design/planning was advancing to the overall cumulative value of €24.234m at 31<sup>st</sup> December 2018. This represents an increase of 88.07% on the 2017 figure and is primarily due to the advancement of Housing Developments at Bridewell, Milltown and Killeen, Tralee as well as continued progression of the Dingle Inner Relief Road Phase 4 and the N70 Kilderry Bends Road Projects. The figure of €24.234m is represented by:-

	€
Local Authority Housing and Building	4.408m
Road Transportation and Safety	16.931m
Burial Grounds	0.132m
Recreation and Amenity	2.315m
Miscellaneous	0.448m

## 3. Capital Borrowing/ Loans Payable

The Council's Capital Debt at 31<sup>st</sup> December 2018 amounted to €72.922m, a decrease of €1.08m on the December 2017 figure of €73.997m. Of the €72.922m, €7.6m relates to mortgage secured Housing Loans. €43.97m relates to Assets/Grants, an increase of €0.15m on 2017. Borrowings during 2018 totalled € 2.57m, made up of €1.55m for Non-Mortgage Loans and €1.02m for Mortgage Loans (including €0.7m for Rebuilding Ireland Home Loans). Redemptions were limited during 2018 with redemptions totalling €0.87m. Redemptions of €0.87m refer to redemption of €0.1m North Kerry Landfill Integrated Construction Wetland, € 0.32m Housing Land loan and €0.45m relates to Mortgage loans.

## 4. Fixed Assets

The Balance Sheet indicates that at 31<sup>st</sup> December 2018, the Net Book Value of our accountable assets is €3,560.1m (an increase of €31.77m on the 2017 figure after depreciation), and was constituted as follows:-

	€
Land	143.1m
Housing	487.0m
Buildings	119.5m
Plant and Machinery	2.0m
Computer/Hire Equipment/Furniture	0.4m
Heritage/Parks	9.4m
Roads Network	2,798.7m

The value and complexity of the Council's asset portfolio require continuous management and financial support in the interests of the overall economic and social well-being of the County. The 2018 increase in assets includes Housing stock value of €21.9m (149 units added and 31 units sold) and €9.6m for the completed roads project on the N86 Lispolle to Mountoven.

## 5. Conclusion

The Revenue Surplus for 2018 is €78,814; as a result, the accumulated revenue reserve as at the end of 2018 is €6,521,851. The retention of a cumulative revenue reserve is a very positive reflection on both the elected members and the continuous efforts of staff of Kerry County Council in maximising resources, achieving better value for money, maximising revenue and increasing overall efficiencies over the past number of years. However, it must be noted that this is based on accrual accounting and not all of the funds are realised at the end of 2018. The balance on the account is considered prudent and satisfactory for an organisation of this size and complexity.

The ongoing financing of the Council is not without its challenges both in the short and long term. The Council has responsibilities in relation to financial liabilities which are significant. Investment required for successful delivery of the Action Plan for Jobs, the Local and Economic Community Plan, and Tourism Strategy will require substantial own resource funding to match any grant aid available. The current schemes, although very welcome, all require an own-resource co-funding allocation. In addition, further capital investment is required for the purchase of strategic lands, the development of Greenways and Smarter Travel projects throughout the county.

This investment is set against a back drop of challenging revenue collection and reducing income streams. This includes the impact of reduced Irish Water income, finite NPPR income and the impact of global rates revaluation year on year. KCC has increasing financial responsibilities in relation to landfill aftercare, the servicing of a material land loan liability and a substantial liability in relation to Killorglin Area Services Centre. This necessitates a continued prudent approach to financing and budgeting.

Kerry County Council took actions during 2018 and continues into 2019 and the future, to adjust and match both operational day-to-day spend and its long-term capital investment programme with available funding and resources. Central to all of Kerry County Council's services is the objective to maintain and support business and households through provision of quality driven services within the current financial constraints.

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

Cllr. T. Ferris referred to Kerry County Council's pension liability and the additional expenditure of €350,000 over the 2018 budget provision. She said she has been

advised by the Head of Finance that much of the monies transferred from the former Tralee Town Council was used to meet some pension liabilities. She asked how much was transferred from the former Tralee Town Council, what is the total amount that has been used for the pension liability and detail of other areas to where these monies were allocated. She also asked how much of monies transferred from the former Listowel Town Council and Killarney Town Council were used for the pension liability. She asked how additional expenditure arose in Division E – Environmental Services. She said the amount of money used in relation to planned maintenance is very low considering the council's housing stock. She proposed that an audit of housing stock, starting with the bungalows in Connolly Park, would be carried out. In relation to the closing credit balance of €6.5m she asked if some of that can be used to increase the allocation to the maintenance of properties.

Cllr. J. Finucane referred to the pensions liability being paid out of the Local Authority's Revenue Account and asked that a letter issue to the Minister for Finance requesting that a pension fund be put in place as a matter of urgency. He said the biggest misnomer is that we do not have a fully funded state pension fund. As Local Government evolves, e.g. Local Authorities have taken on economic development, it is important that the Local Authority has a strong financial standing.

Cllr. J.F. Flynn welcomed the assignment of an additional member of staff to the Housing Adaptation Grants section. He asked if the proposed Vacant Properties Unit will deal with vacant houses only or if vacant shop fronts will form part of its remit. He asked for an update on the interest only loan agreement Kerry County Council had with the HFA which is due to expire shortly. He asked if the Council has funds to purchase lands that may become available.

Cllr. S. Locke asked for clarification on monies paid to Irish Water which formed part of €3.24m capital expenditure.

Cllr. D. Grady referred to the collection of rates and asked that the recently retired Revenue Collector would be replaced in Killarney.

Cllr. P. Connor-Scarteen said additional funding allocated for housing and roads is resulting in an extra commitment for the Local Authority. He welcomed the allocation of funding towards Climate Change Adaptations Initiatives and the housing team to conduct a vacant property county-wide assessment. He asked for clarification regarding the Council's commitment to the Killarney Leisure Centre and the Killorglin Area Services Centre.

The Chief Executive said a total of €224.5m was expended on capital and revenue with a similar amount of income over 2018, therefore, it is hugely important that governance standards are of the highest order and it is an area that is very strong within Kerry County Council. Assurances are received from the Local Government Auditor that he is satisfied that strong governance is in place within the Local Authority. We have an Internal Audit Plan adopted by the Audit Committee and a strong Internal Audit Unit in place. We are accountable by way of reports presented to Council indicating strong control and governance. Through engagement with NOAC they have indicated that they are satisfied with the strong controls and oversight management within the Local Authority. Kerry County Council engaged in a pilot scheme with the IPA on a governance and how it will develop and evolved within the organisation. Also, we have a number of external Departmental audits as well as layers of external audit with

LEADER and SICAP, along with EU audits. All the above show very high standards of governance and controls are in place within the organisation.

Ms. A. McAllen, Head of Finance, said a breakdown of the transfer to and from reserves is provided on Note 14 of the AFS. The amounts transferred from revenue to capital and vice versa are set out in Appendix 9 of the AFS. Any amounts brought from the former Town Councils, if not spent, are ring fenced for the Town Council areas. With regard to pensions, any pension provisions from the Town Councils were kept for staff from those Councils and as those provisions have expired at this stage, provisions are now made within the Kerry County Council budget.

The Chief Executive said figures have been provided to Cllr. Ferris previously and those funds allowed for the development of a number of urban schemes in Tralee. While significant funds were transferred, significant liabilities were also transferred for Town Councils.

Ms. A. McAllen, Head of Finance, made reference to the preparation of the 2018 AFS in the context of transferred amounts from the Town Councils. She understood Cllr. Ferris's question to be related to the 2018 position on the transferred balances, and confirmed this would require preparation of AFS 2018 to provide an up to date position. In relation to over and under expenditure, note 17 of the AFS details both income and expenditure. Additional expenditure has been outlined as is required by legislation. With regard to additional loan charges, the interest only agreement expires this year and, unless it is renegotiated, it will have a significant impact on the 2020 budget. The recently retired Rate Collector will be replaced. Kerry County Council provides an annual subvention of €100,000 to the Killarney Leisure Centre and there is a good governance structure in place to ensure any deficits are minimised.

Cllr. J. Finucane PROPOSED that this Council hereby resolves, having considered the Annual Financial Statement for the year ended 31 December 2018 to approve additional expenditure, including provisions, as outlined in the Financial Review.

Cllr. B. Cronin SECONDED this proposal.

A vote was taken which resulted as follows:

**For:** Cllrs. Cahill, Connor-Scarteen, Cronin, Culloty, Finucane, Fitzgerald, Flynn, Grady, M. Healy-Rae, Lucid, D. McCarthy, Moloney, O'Shea, Sheahan, Thornton, Foley **(16)**

**Against:** Cllrs. Barry, Daly, Ferris, Locke, Quigg **(5)**

**Not Voting:** None **(0)**

**Absent:** Cllrs. Beasley, Gleeson, J. Healy-Rae, Kelleher, Kennelly, P. McCarthy, McEllistrim, Moriarty, O'Brien, O'Connell, Purtill, Spring **(12)**

The Cathaoirleach declared the proposal CARRIED.

#### **15.4.19.08 Update on Economic Initiatives aligned to the Local Economic & Community Plan**

The Cathaoirleach welcomed Ms. Bridget Fitzgerald, Economic Development Officer, to the meeting and invited her to make a presentation on the update on economic initiatives aligned to the Local Economic & Community Plan.

Ms. Fitzgerald outlined her presentation to the Elected Members, which included:

- Context – Kerry At A Glance – Economy
- Planning for the future
- Regional & County Planning
- Economic Infrastructure
- Southwest Regional Action Plan for Jobs
- RDI Hub, Agritech Centre of Excellence, Tom Crean Centre, Institute of Technology Tralee, Killarney Technology Innovation Centre (KTI)
- Coastal hubs, Sneem Digital Hub
- Castleisland Carnegie Co-Working Space
- Clustering – Kerry SciTech
- Skellig Centre for Research and Innovation
- Atlantic Economic Corridor (AEC)

#### **15.4.19.09 Presentation on the role of Hemp in the Environment**

The Cathaoirleach welcomed Ms. Kate Carmody to the meeting and invited her to make a presentation on the role of hemp in the environment.

Ms. Kate Carmody outlined her presentation to the Elected Members, which included:

- The many uses of hemp – Ireland's answer to climate change?
- Hemp and linseed/Flax potential
- Irish Hemp Co-operative Society Limited

The Cathaoirleach thanked Ms. Carmody for a most informative presentation and the work she is doing in this area.

#### **Lunch break**

The meeting adjourned for lunch at 1.40 p.m. The meeting resumed at 3.00 p.m.

#### **15.4.19.10 Report on the Economic Development & Enterprise SPC Meeting**

Report from Cllr. J. Finucane on the meeting of the Economic Development and Enterprise SPC held on 6 March 2019 was noted.

#### **15.4.19.11 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) AILG In-Service Training Module 2 2018 on Councillors & Community Safety held on 24 May 2018 by Cllr. T. McEllistrim.
- (b) AILG In-Service Training Module 1 2019 on Draft Regional Spatial and Economic Strategies held on 24 January 2019 by Cllr. J. Lucid.

#### **15.4.19.12 Approval for the Opening of Tenders**

- (a) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Cahill, it was agreed to approve the opening of tenders for N70 Brackaharagh Ground Investigation Contract – Closing Date: 17 April 2019 at 12.00 p.m.
- (b) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Cahill, it was agreed to approve the opening of tenders for N72 Anglont Topographical Survey – Closing Date: 8 April 2019 at 4.00 p.m.
- (c) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Cahill, it was agreed to approve the opening of tenders for N72 Anglont Ground Investigation Survey– Closing Date: 24 April 2019 at 4.00 p.m.
- (d) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Cahill, it was agreed to approve the opening of tenders for N71 Five Mile Bridge & Cromglen Bridge Ground Investigation – Closing Date: 25 April 2019 at 4.00 p.m.
- (e) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Cahill, it was agreed to approve the opening of tenders for N72 Flood Studies Ground Investigation – Closing Date: 26 April 2019 at 4.00 p.m.
- (f) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Cahill, it was agreed to approve the opening of tenders for Architect Led Design Team Consultancy Services for the construction of 14 No. Housing Units and associated Siteworks at Gortamullin, Kenmare, Co. Kerry - Services Stages (ii) (iii) (iv) & (v) – Closing Date: 9 April 2019 at 3.00 p.m.
- (g) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Cahill, it was agreed to approve the opening of tenders for Architect Led Design Team Consultancy Services for a Housing Development comprising of 10 No. housing units and all associated siteworks at Baile an Gharraí, Lixnaw, Co. Kerry - Services Stages (ii) (iii) (iv) & (v) – Closing Date: 26 April 2019 at 3.00 p.m.
- (h) On the PROPOSAL of Cllr. J. Moloney, SECONDED by Cllr. M. Cahill, it was agreed to approve the opening of tenders for the construction of a public toilet facility and all associated siteworks at Ballybunion, Co. Kerry – Closing Date: 8 May 2019 at 3.00 p.m.

#### **15.4.19.13 Notices of Motion**

##### **1. Secondary School Admissions Policy**

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

I am calling on the Minister for Education, Joe McHugh to instruct all Secondary Schools to carry out a review of their admissions policy to ensure that pupils living within a catchment area will be given a fair and just opportunity of attending their local secondary school.

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

Cllr. B. Cronin said a statement from Board of Management of Presentation Secondary School Milltown states “Some parents believe students have an entitlement to attend their nearest post-primary school, however, this is not the case”. This smacks of arrogance, total disregard and disconnect with the local community and publicly confirms local parents views that their children are being selectively discriminated against. Children attending national schools within the catchment and parish should

have basic entitlements to attend their local secondary school with friends. The Board of Management are discriminating against those children by refusing them entry to the school. The Board of Management mention rural schools in the catchment area but failed to address the private buses and coaches travelling up to 18 miles with students from urban centres to attend the school, passing local children that the same Board of Management have refused entry. He called on Minister Mc Hugh to amend the Education Act 2018 to ensure priority for feeder schools within a specific radius and to bring an end to local children being selectively discriminated against.

Cllr. J.F. Flynn SECONDED this motion. He said this issue is causing a divide within the community and it is absurd that a school like this can treat students and parents in such a way. Students living less than 100m from the school are being refused and yet students from 20km away are being bussed to the school each day.

## **2. Immunity for Landowners**

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

That Government would introduce, as a matter of great urgency, legislation granting immunity from prosecution to land owners who facilitate access onto their lands by people visiting historic and archaeological sites. The present situation does a dis-service to the landowners, visitors and the vital tourist industry.

### **Mr. L. Quinlan stated this is a matter for consideration by the members.**

Cllr. M. Gleeson called on the Government to introduce, as a matter of great urgency, legislation indemnifying from prosecution, land owners who facilitate access onto their lands by people visiting historic or archaeological sites. There are many thousands of historic and archaeological sites in our county that are inaccessible to the visitor or the research student because they are on privately owned lands. At present many land owners, quite rightly, refuse to allow access because they are fearful of being sued for compensation in the event of a visitor receiving an injury. Maximising the potential of these sites would greatly enhance the economy of our county. Successive Governments have failed to introduce the necessary legislation. The present situation is therefore most unsatisfactory for both the property owner and for the intending visitor. It is important that a national indemnity scheme would be introduced in order to overcome the present impasse.

Cllr. N. Moriarty SECONDED this motion.

## **3. Fresh Water Pearls Mussel**

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

That this Council write to the Minister for Heritage, Culture and Gaeltacht calling on her not to remove the current protection from the endangered Fresh Water Pearl Mussel from part of the Blackwater River.

### **The following reply issued:**

Kerry County Council is not aware of any plans to remove the current protections that exist for the Fresh Water Pearl Mussel in the Blackwater River. Presently there is an EU funded project in place called KerryLIFE which is a demonstration project in the Caragh and Blackwater River catchments in South Kerry over a 5½ year period from 2014 to 2019 to restore the two internationally important freshwater pearl mussel populations.

Cllr. J.J. Culloty said this notice of motion relates to the the bigger Munster Blackwater river and not the Kerry Blackwater river (which runs from Lough Brin to Kenmare). He said while the threat of removing the current protection from the endangered Fresh Water Pearl Mussel has somewhat lessened, he asked that a letter issue to the Minister regarding concerns on this matter.

Cllr. J. Finucane SECONDED this motion.

#### **4. Areas deemed to be under Intense Urban Pressure**

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

To ask Kerry County Council that some consideration and recognition must be given to people living in areas deemed to be under intense urban pressure who have been born, reared and lived there, who do not have a family holding but can buy a site locally from a neighbour, who are being adversely affected because they may not own a site.

##### **The following reply issued:**

In order to comply with the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, Kerry County Council was required to identify the following rural area types in the preparation of the Kerry County Development Plan, 2015-2021: (a) Rural Areas under Strong Urban Influence, (b) Stronger Rural Areas and (c) Structurally Weak Areas. Rural Areas under Strong Urban Influence are areas which exhibit characteristics such as proximity to the immediate environs or close commuting catchment of the Hub Towns and larger towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area and pressures on infrastructure such as the local road network. Capacity in these areas is limited, therefore, it is considered reasonable that any remaining capacity is reserved for immediate family members (sons and daughters) on family farms and landholdings. In areas identified as a Rural Areas under Strong Urban Influence Objective RS-7 of the County Development Plan 2015-2021 applies: 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 This objective is consistent with The Sustainable Rural Housing Guidelines for Planning Authorities, which are issued by the Minister. The Council must have regard to the County Development Plan, and the policy of the Minister in making a decision on a planning application. Each application is assessed on its own merits and Objective RS-7 is interpreted and implemented by the Planning Department in accordance with the Ministerial guidelines and the understanding and spirit of the objective as adopted. In addition, a working group has been established by the Department of Housing, Planning, Community and Local Government, comprising of representatives from the Department and the Local Government Management Agency Land Use and Transport Service committee to examine a recent European Courts of Justice ruling, and to ascertain, if any, the implications for the planning policy guidance issued by the Minister; Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

Cllr. M. Healy-Rae said the reply refers to “Capacity in these areas is limited, therefore, it is considered reasonable that any remaining capacity is reserved for immediate family members (sons and daughters) on family farms and landholdings” which in itself is discriminating against those who may not have a family farm. People may be able to access a site from a neighbour. There has been much debate about the legality of this. The EU Court of Justice rule is in place since 2013 yet people are being prevented from

getting planning permission. The Planning Department is working within the Department Guidelines which are in conflict with this EU ruling. The findings of the Working Group are still awaited. She asked that a letter issue to the Minister asking for an update on the Working Group and if it is possible to amend the County Development Plan to provide for people who can access a site.

Cllr. B. Cronin **SECONDED** this motion.

Mr. M. Scannell, Director of Service, said the Planning Department is required to abide by national policy regarding rural settlements. The County Development Plan clearly sets out the rules for areas under strong urban influence. Overall, it remains that the vast majority of rural applications are being granted planning permission. The vast majority of development in Kerry has taken place in rural areas and this continues to support the rural population. Any attempt to change the County Development Plan would result in a Ministerial intervention.

## **6. Durapatcher Machine**

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

What is the cost of a Durapatcher and what are the costs of running the machine. North Kerry needs this machine on a full time basis.

**The following reply issued:**

Kerry County Council are currently purchasing two Archway Roadmaster Velocity Patchers (Durapatchers). The units are expected to be delivered in late summer. The cost of the two units is €616,265. The Council had a leased unit on trial over the past 18 months, which identified greater outputs over the older patching units, increased storage capacity for materials, giving improved efficiency and a higher quality of repair, as well as improved safety for operators.

The daily running cost for road repair operations using the Durapatcher (including supply of materials), as well as operational cost in providing traffic control/signage, averaged €2,458, from the trial. The operation of this service on a full time basis with 2 vehicles would cost approximately €1.25m, representing 40% of the overall maintenance budget for the regional and local road network in the county.

The older patching units were trailer units drawn by a lorry, with the lorry previously being deployed on roadworks during the summer months.

Given the significant investment in this infrastructure, the Council will be optimizing the usage of the Durapatchers, within the level of funding available for ordinary road maintenance. On this basis, the two machines will provide a service countywide and the assignment of the vehicles will be determined having regard to road conditions and level of service agreed in the adopted Schedule of Municipal District Workplans.

Cllr. A. Thornton asked for clarification on the Discretionary Maintenance Programme, the availability of a Durapatcher in the county and delays in assigning the durapatcher to Listowel Municipal District.

Cllr. R. Beasley **SECONDED** this motion.

Mr. C. O'Sullivan, Director of Service, said Kerry County Council has had a Durapatcher on lease on a trial basis. Two Durapatchers are being purchased. The level of funding available for discretionary maintenance works across the county is approximately €3.5m. The cost of operating a Durapatcher is €2,500 per day. If two Durapatchers are

working full time, it equates to €1.25m of the budget. The trial period has shown that the Durapatcher gives efficiencies and a better quality of work. As the machine goes out to an area the cost of the machine is charged to the relevant Municipal District. The costs of the Durapatcher are being spread over 10 years. Assignment of the Durapatcher to an area is prioritised to roads with the most traffic and having regard to the level of funding available. As 50% of the county's local road network is in poor condition, a significant increase in central grant aid is required to bring those roads up to standard. When the two Durapatchers are available there will be a planned approach to identifying what roads will be done.

## **7. Number of Jobs offered in 2017, 2018 & 2019**

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

That Kerry County Council give a detailed report in regards to the number of jobs that were offered in 2017, 2018 and to date in 2019. How many positions were offered to Outdoor staff for each of these periods and how many positions is it anticipated that will be offered to Outdoor staff between now and the end of the year in each Municipal District.

### **The following reply issued:**

Staffing levels are primarily determined by funding levels available and outdoor staff levels in particular are very closely aligned with funding levels, particularly funding for roads programme. The increase in staffing is closely aligned to the expenditure increase. Since 2016, Kerry County Council's Budget increased by 15% to €143.96m. Over a number of years the Council experienced significant reduction in staff levels particularly in outdoor staff levels as central government funding and roads grants in particular reduced. We are seeing a reversal of this trend and the details as requested are as follows;

In 2017, 143 new appointments were made across the local authority of which 104 were in respect of outdoor staff across all grades. 74 of the outdoor appointments were in respect of seasonal staff which included 20 seasonal general operatives, and 11 seasonal drivers as well as our annual intake of beach lifeguards over the summer months. Included in the 2017 overall appointments were 14 student work experience placements.

In 2018, 156 new appointments were made across the local authority of which 115 were in respect of outdoor staff. 98 of the outdoor appointments were in respect of seasonal staff which included 41 seasonal general operatives and 9 seasonal drivers. It should be noted that of the seasonal general operatives employed during 2018, 33 currently remain employed. Included in the 2018 overall appointments were 10 student work experience placements.

To the end of March this year, 50 new appointments were made across the local authority of which 5 are seasonal drivers. Included in the 2019 appointments to date are 12 student work experience placements.

Further general operative appointments across the various municipal districts are anticipated from the panels due to be formed following the completion of the general operative interviews currently underway and nearing completion. However, the actual number to be appointed between now and the end of the year is dependent on a number factors and the Operations Directorate management is currently examining requirements in that respect in the context of planning the delivery of the 2019 Roadworks programme.

Cllr. M. Cahill welcomed the recruitment of staff and said there is a need for a full-time Caretaker at Rossbeigh Beach. He asked if more staff would be recruited during 2019.

Mr. C. O’Sullivan, Director of Service, said definitive figures cannot be provided at this stage, but seasonal staff will be employed and there is a commitment to filling permanent positions as they arise.

**8. Adoptee Identity Rights**

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

On behalf of Aitheantas, I am calling on Kerry County Council to write to Minister Zappones Department requesting/demanding that her Department acknowledges Adoptee Identity Rights and immediately allows Adoptees access to their own information on Health, History and Heritage in line with the equality and personal autonomy rights of other citizens and as voted for in two referenda.

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

Cllr. T. Ferris everyone has a right to know who they are and this is calling on the Minister to acknowledge Adoptee Identify Rights, particularly regarding health information and the history of their heritage.

Cllr. P. Daly SECONDED this motion.

**9. Social Housing Applicants**

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

How many Kerry County Council Social Housing Applicants are on the One Bed Housing List and of these how many have been waiting 13 years or more.

**The following reply issued:**

There are at present 1,986 qualified applicants on the one bedroom property waiting lists in Kerry, 144 of which have been on the waiting list greater than 13 years. Of these 144, 96 are Housing Applicants and 48 are transfer applicants. The breakdown of theses 96 Housing Applicants by MD are as follows:

Killarney MD	-	22
Listowel MD	-	4
South & West MD	-	26
Tralee MD	-	44

Cllr. J. Moloney said 50% of the housing waiting list are applicants for a one bed property yet there are very little one bed properties being bought or constructed. He asked what plan is in place to provide one bed properties.

Mr. M. O’Donoghue, Director of Service, same a number of one and two bed units are proposed in the programme to 2021.

**10. Shared Ownership House Purchase Scheme**

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

That this Council calls on the Minister and the Department to review the current restructuring model available for Shared Ownership House Purchase Scheme with the emphasis of now making it viable for people to purchase their homes outright.

**The following reply issued:**

Shared Ownership borrowers have the option to restructure their loan arrangement into a single variable interest rate Annuity Loan. The term of the Annuity Loan will be

determined by the amount of the monthly repayment deemed to be affordable and sustainable for each Shared Ownership borrower. Kerry County Council has written to Shared Ownership Borrowers who we feel may be candidates suitable for this option. The option is not appropriate in all cases. To-date the Credit Committee has approved the restructuring of seven Shared Ownership Loans.

Cllr. J. Finucane said there is a review of this scheme ongoing. These tenants bought their properties under this scheme when house prices were high, they have been paying rent for a long time now and they are reaching an age where they will not have the resources to pay off the loan on their property. He suggested that consideration could be given to increasing the rent portion of their payments and at the end of the day the tenant would have outright ownership of their property.

Cllr. J. Sheahan **SECONDED** this motion.

### **11. Ballybunion to Listowel Road**

#### **Pursuant to notice duly given Cllr. R. Beasley PROPOSED:**

That the main Ballybunion to Listowel Road be upgraded to National Secondary from Regional Road, this is something that should have been done many years ago as Ballybunion is a primary town where the population increases dramatically from March to October and the same applies to the Tralee Ballybunion Road (R551) which should also be upgraded to National Secondary.

#### **The following reply issued:**

A similar motion was moved in January 2018 at which the members were advised that the classification of any public road as a national road can only be made by order of the Minister, in accordance with the provisions of Section 10 of the Roads Acts 1993-2015.

The Council has engaged with the Department of Transport, Tourism and Sport and Transport Infrastructure Ireland in relation to this proposal and have been advised that a detailed report, with an assessment of the route and justification for reclassification would be required by the Minister for his consideration. This assessment will be carried out and presented to Council in advance of submitting to the Minister.

Currently there are 94km of national primary roads and 330km of national secondary roads in the county. The national secondary road network accounts for approximately 12.4% of the entire national secondary road network. In Kerry, all towns with a population over 2,000 are on a national road.

Cllr. Beasley asked when is it expected that the report with an assessment of the route will be presented to Council.

Cllr. T. Barry **SECONDED** this motion.

The Chief Executive said it is expected that the report will be presented to Council in Quarter 3 of 2019.

### **12. Recruitment of Consultants at UHK**

#### **Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:**

That Kerry County Council write to the Chief Operations Officer of the HSE South which runs University Hospital Kerry to insist that they are actively recruiting for Consultant positions in Pathology, Cardiology and Respiratory medicine.

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

Cllr. J. Sheahan said Consultants are leaving UHK, a number of nurses have retired and graduating nurses are going abroad. A lack of consulting cover in the Pathology, Cardiology and Respiratory Departments could lead to growing waiting lists and affecting patient care. The HSE must provide incentives to bring nurses home and to keep Doctors, proper pay and conditions are required.

Cathaoirleach N. Foley SECONDED this motion.

### **13. Support for Small Businesses**

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

To call on the Government to support small businesses especially small pubs in rural villages that are facing demise due to the rising costs of running their business, i.e. tax, insurance and stock price increases. There is also a major decline in these businesses due to the drink driving bill that was put in place. These businesses provide a much needed social hub for many that live in rural isolation. Unless assistance of some form is provided I have no doubt our renowned rural pubs in our local villages face extinction.

#### **Mr. L. Quinlan stated this is a matter for consideration by the members.**

Cllr. M. O'Shea said across the country the rural pub is facing extinction and the social hub of the community is fading away. The costs of running a pub are now exorbitant. VAT exemptions should be put in place for rural pubs with turnover of up to €175,000. A reduction in the number of years to recoup the capital allowance threshold could also be introduced.

Cllr. J. Finucane SECONDED this motion.

### **14. "See Something Say Something Campaign"**

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

That Kerry County Council will work with the Gardaí to ensure that the "See Something Say Something Campaign" which has been a great success in Tralee will be extended to the rest of the county as soon as possible.

#### **The following reply issued:**

This matter will be referred to the JPC for attention.

Cllr. T. Barry said he raised this matter at the JPC meeting and all members of the JPC supported it. It was a successful campaign in Tralee and while it is being rolled out in Killarney, it needs to be rolled out across the entire county.

Cllr. J. Moloney SECONDED this motion.

### **15. Support for People Working from Home**

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

What assistance can Kerry County Council give to people living in the County who work remotely from their own homes.

#### **The following reply issued:**

Kerry County Council Local Enterprise Office is the first stop shop to provide support and services to start, grow and develop micro business in Kerry. Small businesses are supported to maintain and build on a thriving and local economy to create sustainable

jobs. Some of the supports provided include Business Information and Advice, Training, Mentoring, Financial Supports, Networking, Local Economic Development Services and Enterprise Education. The Kerry County Council Local Enterprise Office provides services and training across the County.

Kerry County Council supports a network of remote working hubs within the County including the Sneem Digital Hub which was officially opened in April 2019, Dingle Hub, Killarney Technology Innovation Centre, Tom Crean Centre Tralee and Castleisland Carnegie Centre. These hubs provide support to remote workers in the County. Training and mentoring programmes are delivered through the Hub network which support individuals and businesses within the County. Kerry County Council has liaised with Amazon and a large stakeholder group including the IDA, Institute of Technology Tralee, Kerry ETB, local Chambers, local development companies, the Hub network and local communities to promote remote working opportunities with Amazon in the County and this has resulted in up to 50 positions within the County.

Cllr. P. Connor-Scarteen said there is 68% broadband coverage across the county, but with more people working from home full broadband coverage is required. As a county we are leading the way with Fin-Tech, Agri-Tech and hot desks in various towns which are revitalising communities and providing a meeting point for home workers and small business owners.

Cllr. J. Finucane **SECONDED** this motion.

**16. Classification of Fibromyalgia as a Long Term Disability  
Pursuant to notice duly given Cllr. N. Foley PROPOSED:**

That Kerry County Council recognise and support the call for fibromyalgia to be classified as a long term disability as is the case in North Ireland. We also call on the Minister for Health and the relevant state agencies to make this designation as a matter of urgency.

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

Cathaoirleach N. Foley said many people are living with this horrendous condition which has a significant impact on their life.

Cllr. J. Finucane **SECONDED** this motion.

**17. Radar Speed Signs**

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

I call on Kerry County Council to bring forward a programme to install radar speed signs in villages and towns across the County as a means of reducing speed on the roads and villages, thereby improving safety for all road users.

**The following reply issued:**

In recent years, the Council has installed 36 radar speed signs throughout the county. The cost of providing and installing such signs is €7,000 per location.

As well as increasing awareness of the statutory speed limit, the units also have the capability of recording traffic volumes and actual traffic speeds, at specific times, which can be used to inform the Council and other agencies on the need for any further safety measures, including the need for targeted enforcement of inappropriate speeding.

An annual programme is developed for the provision of these signs, having regard to the level of funding available from grants (under low cost safety measures

programme, school safety measures programme) and where members have committed funding from own resource funding (including Councillors Allocations).

The prioritisation for the erection of speed radar signs is determined having regard to any history of road traffic accidents and particular risks, such as:-

- facilities with a higher proportion of vulnerable road users (schools, play facilities)
- the statutory speed limit, and
- traffic volumes

as well as having regard to concerns identified by An Garda Síochána, who are responsible for the enforcement of the provisions of the Road Traffic Acts.

Cllr. J. Lucid said speeding is an issue on the entrance to villages with very heavy volumes of traffic. An Garda Síochána do not have the resources to mount regular speed checks. Radar speed signs have been erected in many areas which has the effect of slowing traffic. At the recent JPC meeting An Garda Síochána said these signs influence driving behaviour in a positive way. He asked that a co-ordinated plan be put in place to install radar speed signs across the county. These signs can also record traffic volumes and actual speeds which will inform the Local Authority on traffic movement.

## **19. Inventory of Kerry County Council Machinery**

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

Please provide an inventory of all machines in ownership of Kerry County Council. The year of registration and the last log of mileage/hours. Have any failed the CVT and the cost associated with repairs per machine.

### **The following reply issued:**

Attached is an inventory of plant owned by the Council and operated through the Machinery Yard and the local Engineering Area, including the year of registration and the last log of mileage/hours. Details of the annual maintenance costs are also attached.

All of the vehicles/plant have the required CVRT & Mandatory Test Certifications, in accordance with statutory requirements. In 2018, 5 vehicles initially failed the CVRT test. 4 of these vehicles were resubmitted after further maintenance work and passed the test whilst a light commercial van was taken out of service.

The extensive range of plant was purchased pre-2006 when the level of annual funding available for road works was significantly greater than in the past 10 years. The challenging fiscal environment, since 2007 led to an annual reduction in income generated by the Machinery yard from an income of €7m in 2007 to €3.6m in 2016. This resulted in a reduction in the level of usage of a significant number of plant items.

The relative increase in road grants over the past 2 years, has resulted in an increase in plant requirements, with an income of €4.1m in 2018.

The Council has carried out a number of reviews of the Machinery Yard in recent years, which examined the sustainable operation of the service. The Council is in negotiations with staff in relation to reorganization of current work practices allied to investment in new plant. These negotiations have been referred to the Workplace Relations Commission.

Fleet No.	Description	Year of Registration	Age	Usage in KM/Hours	Maintenance Cost 2018
109	Low Loader Trailer	2001	18	-	€15,773
113	Scania Tractor Unit	1995	24	112,543	€10,922
126	Low Loader Trailer	2000	19	-	€7,659
125	Volvo Tractor Unit	2001	18	83,202	€5,742
127	Volvo Tractor Unit	2000	19	143,907	€7,239
141	Volvo FM12 Tractor Unit	2002	17	306,016	€10,667
143	Bulk Tipping Trailer	2006	13	-	€8,379
124	Phoenix Chip Spreader	2004	15	5165 hr	€25,496
140	Chip Spreader	2007	12	6095 hr	€32,919
111	Tar Sprayer No 1	1991	28	306,195	€6,540
118	Tar Sprayer No 8	1996	23	316,477	€3,454
123	Tar Sprayer	2004	15	170,235	€19,840
144	Phoenix Tar Sprayer	2008	11	139,865	€37,560
904	Vibromax RTR	2003	16	4229 hr	€8,763
939	Ammann RTR	2007	12	2967 hr	€9,335
181	JCB No 1	1998	21	14000 hr	€16,983
182	JCB No 2	1998	21	8100 hr	€16,131
188	JCB No 8	1998	21	15000 hr	€11,055
189	JCB No 9	1998	21	18000 hr	€15,011
193	Maint Grader No 3 Caley	1986	33	-	€3,161
195	Maint Grader No 5 Caley	1990	29	-	€3,098
197	Joyley Grader No 1	1986	33	-	€8,859
705	Faun Frisch 85 Grader	1985	34	35341 hr	€8,549
107	Bitelli Asphalt Paver	2001	18	8172 hr	€39,316
142	Bitelli Paver	2003	16	8771 hr	€18,104
205	TA Lorry 205 Scania	1995	24	160,089	€11,107
209	TA Lorry 209 Scania	1997	22	531,850	€18,888
211	TA Lorry 211 Scania	1997	22	543,924	€20,575
213	TA Lorry 213 Scania	1998	21	246,258	€14,173
218	TA Lorry 218 Scania	2000	19	443,103	€13,518
219	TA Lorry 219 Scania	2000	19	1,069,323	€11,499
220	TA Lorry 220 Scania	2000	19	922,700	€16,751
221	TA Lorry 221 Scania	2000	19	926,836	€13,769
222	TA Lorry 222 Renault	2007	12	502,670	€18,257
223	TA Lorry 223 Renault	2006	13	486,209	€22,659
225	TA Lorry Scania	2011	8	151,900	€8,275
453	Mitsubishi Canter	2005	14	454,100	€9,597
592	SA Lorry 92 Scania	1996	23	544,592	€8,367
594	SA Lorry 94 Scania	1995	24	391,032	€10,511
595	SA Lorry 95 Scania	1996	23	176,600	€10,648
596	SA Lorry 96 Volvo	1997	22	262,547	€11,808
135	Durapatcher Killorglin (P)	1998	21	-	€5,895
136	Durapatcher Listowel (P)	1997	22	-	€2,397
137	Durapatcher Tralee Area (P)	1999	20	-	€5,679
138	Durapatcher Tralee and Ciland (P)	1999	20	-	€67
139	Durapatcher Killarney Lorry (P)	1999	20	-	€232
822	Toyota Hiace	2001	18	182,678	€1,947
823	Toyota Hiace	2001	18	226,689	€1,214
829	Fiat Ducato Maxi	2006	13	285,787	€15,825
830	Fiat Ducato Maxi	2006	13	184,049	€5,249
839	Ford Transit	2005	14	293,128	€7,422
840	Ford Transit	2010	9	284,100	€13,610
401	3A Lorry 401 Renault	2006	13	782,728	€24,799
402	3A Lorry 402 Renault	2006	13	632,150	€24,970
403	3A Lorry 403 Renault	2007	12	559,200	€24,969
834	Toyota Landcruiser	2008	11	320,750	€4,705
837	Toyota Hiace Van	2009	10	322,568	€2,442
224	Scania Beavertail Recovery Vehicle	1999	20	862,468	€6,377
Tralee MD	DAF Roadsweeper	2007	12	164,420	(*)
Tralee MD	Iveco Sweeper	2003	16	142,629	(*)
Tralee MD	Mitsubishi Canter	2000	19	178,645	(*)
Tralee MD	Isuzu	2008	11	100,809	(*)
Killarney MD	Refuse Truck	2008	11	171,391	(*)
Killarney MD	DAF Roadsweeper	1997	22	-	Decommissioned
Killarney MD	Mitsubishi Canter	2004	15	205,237	(*)
Killarney MD	DAF Roadsweeper	2018	1	9,012	(*)
Listowel MD	DAF Roadsweeper	2002	17	80,759	(*)
Listowel MD	Daf Tipper Truck	2005	14	148,202	(*)
Listowel MD	Isuzu Tipper Truck	2007	12	56,629	(*)

\* Details not available as charged to central code in MD office

Cllr. N. Kelleher said a lot of the machinery in the yard is very old, with high mileage and there are high costs associated with maintaining these machines. The machinery must also be considered from a health and safety perspective. He asked what cost was involved in making the 5 no. vehicles that failed the CVRT test in 2018 roadworthy. He asked if RSA and HSA inspections have been conducted on these vehicles. He asked if consideration should be given to leasing vehicles. He said there must also be a fuel efficiency issue with these older vehicles. He asked what outcomes arose from the review of the machinery yard and when a conclusion is expected to the negotiations that have been referred to the Workplace Relations Commission (WRC).

Cllr. J.F. Flynn SECONDED this motion and asked if consideration has been given to leasing machinery.

Mr. C. O'Sullivan, Director of Service, said Kerry County Council has a high standard of health and safety and machines are regularly inspected. The RSA has carried out audits regarding the vehicles and no issues have been identified. The 5 no. vehicles that initially failed the CVRT represent 10% of vehicles in the machinery yard. Minor works were required to these vehicles and following re-testing they were deemed road worthy. Work is ongoing with staff regarding the review of the machinery yard. For the machinery yard to be sustainable extensive changes are required in work practices and there is an ongoing process with the WRC in this regard. High mileage is not unknown on HGVs in the commercial sector. It is acknowledged that the plant is old and there are efficiencies that could be achieved but that requires significant investment and co-operation and working with the staff across the machinery yard. He said leasing machinery has been considered but a straight purchase was deemed more efficient.

## **20. Sheep Inspections**

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

To write to the Minister of Agriculture to suspend all sheep inspections until the end of May.

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

Cllr. N. Kelleher SECONDED this motion.

## **24. Learner Drivers**

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

That Kerry County Council call on the Minister for Transport Shane Ross and the Road Safety Authority to examine the possibility of Learner Drivers who have fulfilled the 12 lessons requirement be given a special permit to allow them to drive solely to and from work and/or to and from college once it is signed off on by the Driving Instructor while they await their Driving Test as the current system is causing enormous difficulties for young drivers and their families.

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

Cllr. M. Cahill said young drivers are waiting a long time for driving tests and this special permit could allow them to drive to college or work.

Cllr. D. McCarthy SECONDED this motion.

## **25. Native Wildflowers**

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

That Kerry County Council will select a number of locations in each Municipal District to be sown with native wildflowers.

### **The following reply issued:**

Kerry County Council through the Biodiversity Office is working with several community groups on the All Ireland Pollinator Plan. The plan encourages groups to consider actions for our wild pollinators. This year the Biodiversity office will continue to work with and fund Tidy Town committees, sporting groups and resident associations that are willingly to manage public spaces for pollinators including the planting of wild/native flowers; changing mowing regimes of grass and/or building/installing nesting habitats – all important actions to protect pollinators. These projects have been supported through the Community Support Fund and recently projects have also been through the LEADER programme under the environmental theme.

Cllr. T. Ferris said there are 98 different species of wildflowers with  $\frac{1}{3}$  of these at risk of extinction. The sowing of wildflowers would enhance the environment and the bee population as well as being aesthetically pleasing for most of the year and reducing maintenance requirements.

Cllr. R. Beasley SECONDED this motion.

## **26. Sale of Goods on Private Property**

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

That we call on the relevant Minister to bring about regulations to make it an offense for any person who sells goods on private property, when they haven't been invited by the owner of the property. As part of this regulation, the genuine people who are VAT compliant, should be able to apply for a licence for their regular routes for selling their goods.

### **Mr. L. Quinlan stated this is a matter for consideration by the members.**

Cllr. J.F. Flynn said the licence referred to in the notice of motion should be free of charge and be issued by An Garda Síochána. Many people are using this practice of selling goods to scout out houses and it is frightening for elderly people. This licensing system would be a proactive step towards addressing this unwelcome behaviour.

Cllr. D. Quigg SECONDED this motion.

## **27. Poor Box Policy in the Court Service**

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

That this Council write to the Minister for Justice and request that the changes to the poor box policy in the court service would entail that the pre-qualifying local charities would be direct beneficiaries and that the monies would be rotated on an annual basis to these charities.

### **Mr. L. Quinlan stated this is a matter for consideration by the members.**

Cllr. J. Finucane said in excess of €440,000 was collected in the court poor box over 2018 and he would like to see only pre-qualified local charities benefitting from this on a rotational basis.

Cllr. N. Kelleher SECONDED this motion.

## 29. Plant Hire & Haulage Contractors

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

To request that the Elected Members of this Council be provided with the full list of all plant hire and Haulage contractors employed by Kerry County Council from January 1<sup>st</sup> 2018 to December 31<sup>st</sup> 2018 and the full amounts paid to each contractor.

### The following reply issued:

The following schedule provides details of the total payments made and accrued to Contractors in respect of the hire of plant/equipment and haulage services in the financial year 2018.

In 2018 the hire of plant and machinery for Kerry County Council was procured through the Dynamic Purchasing System for Local Authorities (the “DPS”). The DPS is an ‘open market’ procurement mechanism that remains open to new or previously unsuccessful applicants. This makes the DPS an effective compliant arrangement for supporting micro, small and medium-sized enterprises. This was developed by the Local Government Operational Procurement Centre, based in Killarney and managed by Kerry County Council.

Essentially, this procurement arrangement is a wholly electronic process which takes the form of a dynamic mechanism from which Local Authorities can look to award future contracts to Applicants admitted to the DPS by way of a competitive process. In each Local Authority the available work is tendered among the DPS Applicants. This competitive process is conducted by means of a mini-competition via [www.Supplygov.ie](http://www.Supplygov.ie).

When Kerry County Council purchasers (Buyers) need to hire an item of plant, a mini-competition is created on [www.Supplygov.ie](http://www.Supplygov.ie). Once the tender is created and published, the SupplyGov system will generate an email to contractors/suppliers who have been admitted to the DPS and expressed an interest in the Lot, Local Authority and Category of Plant (e.g. Excavator) being procured. The request for tender includes specific information about the service required, such as type of machine, pricing method (e.g. Rate per Hour with Driver) and will state the time limit available to contractors/suppliers to submit their response. It will also specify the contract evaluation and award criteria.

The overall effectiveness of our works programme and the achievement of best return on the sizeable level of expenditure incurred, require that we carefully assess the plant hire on an ongoing basis, having regard to the use of the current central purchasing mechanism of the Dynamic Purchasing System and effective use of the Financial Management System. Ongoing achievement of cost effectiveness/value for money and focus on achieving efficiencies in this expenditure area, as in all other activities, remains critically important to the Council.

As previously indicated to Council, a Centralised Procurement Compliance Unit (CPCU) was established to create a centralised approach to procurement processes across the County. The initial pilot selected was for plant hire expenditure which began in 2018. Purchase requisitions for plant hire products are now routed through the CPCU to check for compliance with procurement processes at an early stage in the purchase cycle, with the unit also providing organisation support in the overall management of procurement processes.

<b>Supplier Name &amp; Address</b>	<b>Total 2018</b>
AOK Plant Ltd, Knocknacrohy, Abbeyfeale, Co Limerick	6,000.00
Archway Products Ltd, Jamestown, Carrick on Shannon, Co Leitrim	77,033.13
Atlantic Diesel Services Ltd, Dreenagh, Ballyheighue, Co Kerry	2,023.35
Brendan McGillycuddy ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	10,456.76
BTM Drains of Ireland Ltd ta Irish Drain Services, 4 Park Business Centre, Farranfore, Co Kerry	4,221.39

<b>Supplier Name &amp; Address</b>	<b>Total 2018</b>
Charleville Hire & Platform Ltd, Kilmallock Road, Charleville, Cork	14,646.82
Clancy Plant Hire Ltd, Knockanure, Moyvane, Listowel, Co Kerry	260,302.00
Crean & McHugh t/a CMP, North Esk Business Park, Glanmire, Co Cork	53,071.61
Cyril Wharton Plant Services Ltd, Lissataggle, Gortatlea, Tralee, Co Kerry	5,116.80
D and L Tool Hire, Clash Industrial Estate, Tralee, Co Kerry	29,361.38
Dave Power Plant Ltd, Owenacurra Business Park, Knockgriffin Road, Midleton, Co Cork	21,783.30
David Knightly Plant Hire, Ballyandreen, Annascaul, Co Kerry	139,978.02
Dick Dalton Garden & Tool Supplies Ltd, Dromtrasnacollins, Abbeyfeale, Co Limerick	6,429.00
Dillons Waste Disposal, The Kerries, Tralee, Co Kerry	134,450.44
Donal Murphy ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	2,287.80
Eamonn & Seamus Hobbins Ltd, Coolroe, Killorglin, Co Kerry	116,400.50
Eddie Stack, Agri and Plant Hire Moyvane South, Moyvane, Co Kerry	13,456.56
Eugene McGillycuddy ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	14,630.50
Farran Plant Hire Ltd, Farran, Castleisland, Co Kerry	82,539.54
Frank O Connor ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	65,711.35
Gerard Culloty ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	68,135.33
GPT Plant & Tool Hire (Cork), Little Island Ind Est, Little Island, Co. Cork	91,709.13
GPT Plant & Tool Hire Commercial Estate (Galway), Tuam Road, Galway	6,890.96
Griffin & Sons Agricultural Contracting Ltd, Cools, Emlaghmore, Co Kerry	23,888.23
Healy-Rae Plant Hire Ltd, Main Street, Kilgarvan, Co Kerry	196,514.21
Height for Hire Ltd, Ashbourne Business Centre Ballybin Road, Ashbourne, Meath	7,441.50
Higgins Waste & Recycling Services Ltd, The Kerries, Tralee, Co Kerry	4,687.57
Hireservices (I) Limited, T A Hireservices Plovervale, Castlebar, Co Mayo	22,965.33
J Curtin T/A Listowel Garden Machinery & Tool Hire, Unit 3A Tanavalla Industrial Estate, Listowel	3,371.96
James Riordan ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	36,892.60
John Kerins & Sons Ltd., Curragraigue, Blennerville, Tralee, Co. Kerry	31,564.75
John M Hartnett ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	9,220.80
John McGillycuddy( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	10,347.38
John Paul Breen ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	11,292.05
JS Plant & Equipment Hire Ltd., Derrindaffe, Duagh, Listowel, Co. Kerry	7,618.70
Kelliher Crane & Hoist Ltd, Clashatlea, Ballymacelligott, Tralee, Co Kerry	12,200.00
Kerry Plant & Tool Hire Ltd, TA Kerry Tool Hire & Allo Sales Woodlands Industrial Pk, Killarney	2,296.04
Kingdom Fast Hire Ltd, John Joe Sheehy Road, Tralee, Co Kerry	41,014.34
Leanes Tool Hire, Woodlands Industrial Estate, Killarney, Co Kerry	63,023.20
Lixnaw Plant Hire Ltd TA T McCarthy & Sons, Tullacremmin, Abbeydorney, Co Kerry	3,790.00
McSweeney Bros. Contracts Ltd., Mid Cork Tar Macadam Manch, Ballineen, Co Cork	4,000.00
Michael F Quirke & Sons, Ranguie, Killorglin, Co Kerry	4,688.00
Michael Gaynor ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	15,348.00
Mike Cronin & Sons Limited, Coolnageragh Currow, Farranfore, Co Kerry	194,211.95
Murphy Plant & Tool Hire Ltd., Listellick North, Tralee, Co. Kerry	94,645.78
Murphy Tool Hire, Listellick North, Tralee, Co Kerry	8,997.45
Myers Waste & Recycling Ltd, Unit B6 4 Park Business Centre, Farranfore, Co Kerry	12,215.87
Nicholas Browne & Son Limited, Clahananoe, Balinskelligs, Killarney, Co Kerry	68,786.59
Northgate Vehicle Hire Ltd, 200A Northwest Business Pk, Blanchardstown, Dublin 15	29,579.07
O Connor Kerry Haulage Ltd, 5 Clonmore Cottages, Boherbee, Tralee, Co Kerry	3,739.20
O Connors Hardware & Farm Supplies Ltd, Duagh, Listowel, Co Kerry	128,363.01
Padraig Campion ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	56,622.00
Pat O Driscoll Civil Engineering Ltd, Woodfield Castlefreke, Clonakilty, Cork	83,878.41
Patrick A O'Sullivan ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	5,834.50
Randles Bros Fussa Kilgarvan Plant and Agri Hire Ltd, Fussa, Kilgarvan, Kerry	86,722.91
RT Hedge & Tree Cutting Limited, Mullin, Cordal, Castleisland, Kerry	84,267.39
Sandmore Ltd, Camp Cross, Tralee, Co Kerry	198,290.50

<b>Supplier Name &amp; Address</b>	<b>Total 2018</b>
Sean O Shea ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	59,434.50
Thomas Barton T/A Envirodrain, Ballyarkane, Keel, Castlemaine, Co. Kerry	3,536.60
Tim Healy Plant Hire (Killarney) Ltd, Upper Barraduff, Headford, Killarney, Co Kerry	5,361.30
Timothy O'Connor ( <i>address withheld for data protection purposes. A paper copy of the unedited minutes is available on request</i> )	14,771.25
Tommy Finucane Haulage, Lake Vale, Ballydesmond, Co Cork	88,673.30
Walker Vehicle Rentals Ltd, Bluebell Lane, Bluebell, Dublin 12	34,283.79
Westpark Motor Co Ltd, Kylemore Park West, Dublin 10	7,835.10
Wirten Ireland Ltd., Enfield Industrial Estate Trim Road, Enfield, Co. Meath	5,535.00
Miscellaneous Payments under €2,000 (23 suppliers)	14,513.50
The Collector General - Reverse Charge VAT	236,739.61
	<b>3,265,638.91</b>

Cllr. B. Cronin asked that the reply to this notice of motion be circulated to all Elected Members.

### **30. Community CCTV**

#### **Pursuant to notice duly given Cllr. J. Sheahan PROPOSED:**

That Kerry County Council write to Minister Charlie Flanagan to sort out the issues around the control of community CCTV in the hope of tackling crime in our towns and communities.

#### **The following reply issued:**

This is a matter for the Members.

This is a matter which has been considered in detail at the Joint Policing Committee (JPC) meeting held on Friday 12th April 2019, where it was agreed that a letter would be sent to the Department of Justice and Equality, the Department of Housing, Planning and Local Government and An Garda Síochána, setting out the main issues arising in relation to difficulties being encountered by communities regarding the roll out of the Community CCTV Scheme, and requesting urgent liaison between the various parties to accelerate the deployment of Community CCTV schemes around the country and in this County.

A similar letter can be sent on behalf of the Council if agreed by Council.

Cllr. J. Sheahan said the provision of Community CCTV is long overdue, it would help An Garda Síochána apprehend culprits and it would be of benefit to our citizens.

Cllr. J. Finucane SECONDED this motion and said arising from a recent JPC meeting it appears that the Community CCTV Scheme is unworkable as An Garda Síochána can only act on live streaming as data protection is an issue.

### **31. Beef Plan Movement**

Cllr. J. Moloney moved Notice of Motion No. 31 on behalf of Cllr. O'Shea.

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

That we the members of Kerry County Council fully support the beef plan movement that's taking both this County and Ireland as a whole by storm seeking increased fairer prices and conditions for beef farmers throughout Ireland. This increase is needed for maintaining a livelihood and providing a sustainable income for all farmers. Practices and specifications currently in place are having massive implications on the marketability and net price of the cattle.

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

### **32. Funding for Local Improvement Scheme**

#### **Pursuant to notice duly given Cllr. P. Connor-Scarreen PROPOSED:**

That Kerry County Council request further funding from the Department of Rural & Community Affairs for Local Improvement Schemes.

#### **The following reply issued:**

This is a matter for consideration by the members.

The Department of Community and Rural Development announced details of the funding allocations for Local Improvement Schemes on the 28th February 2019. Of the €10m funding under the programme nationally, €669,930 has been allocated to Kerry County Council. The funding will allow for the improvement of approximately 26 roads.

The Council was required to submit details of the schemes to be improved this year by early April and members were informed of our submission to the Department, on the 4th April 2019.

The 2019 programme includes the last 16 applications from the original 2007 scheme and 5 emergency and hardship cases. The balance of the schemes on the 2019 programme, have been prioritized having been assessed initially under the marking scheme developed through the Operations SPC, which was approved by Council in 2018, and follow up surveys of these roads and governance checks on the applications.

A supplementary list of 16 schemes has also been submitted to the Department in the event of additional monies being made available this year.

### **33. Homeowners Grant Scheme**

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

That this Council write to the Minister for Environment, requesting to introduce a grant scheme, which would incentivise homeowners to fit insulation and double-glazed windows, change oil burners etc., which would in turn reduce the amount of CO<sub>2</sub> emissions.

#### **Mr. L. Quinlan stated this is a matter for consideration by the members.**

Cllr. J.J. Culloty said Ireland is not moving towards meeting its targets in relation to CO<sub>2</sub> emissions. He suggested that instead of paying a fine for not meeting these targets that this money would be used for works that will help meet the targets.

Cllr. J. Moloney SECONDED this motion.

### **34. Taking Group Water Schemes in Charge**

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

That we write to the Minister for the Environment seeking an increase in the budget for taking Group Water Schemes in charge and the investment needed to bring them up to the required standard that will ensure that IW takes them over.

#### **Mr. L. Quinlan stated this is a matter for consideration by the members.**

Cllr. J.F. Flynn SECONDED this motion.

### 35. Rates Collection

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

How much rates are:

1. Billed
2. Collected per Municipal District and also for the DED's of the former Town Council areas of Killarney, Tralee and Listowel.

#### The following reply issued:

Rates are a critical source of local income, accounting for 29% of the funds required to deliver all of Kerry County Council's revenue services in 2019. The maximising of the collection of rates is vital to service delivery by the Council. However, any additional buoyancy in this area is limited for the foreseeable future due to the unavailability of new properties for rateable purposes in Kerry together with the rates 8-year harmonisation process which limits any increase, locally, in the Annual Rate on Valuation. In addition, the reduction in global valuations from 2016 continues to impact on income generation in this area.

1. The net accrued rates as per Appendix 7 of the Annual Financial Statement 2018, were €33,173,233 (including globals).
2. The total amount of rates collected in 2018 for the Municipal Districts of Tralee, Killarney, Listowel and South & West are set out in the table below (excluding globals). Also set out are the amount of rates collected for the Tralee, Killarney and Listowel Urban Electoral Districts for 2018 (excluding globals).

	Amount Collected
	€
Tralee MD	8,551,153
Killarney MD	10,753,837
Listowel MD	6,592,420
South and West MD	5,507,682

	Amount Collected
	€
Tralee Urban Electoral District	6,773,296
Killarney Urban Electoral District	6,752,035
Listowel Urban Electoral District	1,455,620

Cllr. N. Kelleher said Killarney is contributing significantly to the rates collection. He proposed that the Municipal Districts should have some form of ring fenced funding.

Cllr. J.J. Culloty SECONDED this motion and said if the rates collection is high in an area there must be more call on the services of that area.

### 36. Broadband Rollout

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

To get an update from the Minister for Communications to find out a timescale for the roll out of Fibre Broadband in Rural Ireland.

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

Cllr. M. Cahill SECONDED this motion.

### **37. The Square, Listowel**

#### **Pursuant to notice duly given Each Member of the Listowel Municipal District PROPOSED:**

Following the announcement of President Michal D. Higgin's visit to Listowel on Saturday, 25<sup>th</sup> May 2019, we the members of the Listowel Municipal District request that funding would be made available to resurface the Square in Listowel in advance of the President's visit.

#### **The following reply issued:**

This matter is under consideration between the Members of the Listowel Municipal District and the MD Manager.

#### **15.4.19.14 Correspondence – Conferences and Seminars**

On the PROPOSAL of Cllr. M. Gleeson, SECONDED by Cllr. J. Sheahan, it was agreed to approve the attendance of Cllr. G. Spring at the reception to celebrate the 120<sup>th</sup> Anniversary of Local Elections, 1899, held in the Custom House, Dublin, on 18 April 2019.

#### **15.4.19.15 Correspondence General**

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

<b>Date</b>	<b>From</b>	<b>Description</b>
5-Mar-19	Minister for Education & Skills	Response to a resolution from Kerry County Council regarding schools re-opening in September as opposed to late August in any school year.
12-Mar-19	Minister for Housing, Planning & Local Government	Correspondence regarding Housing Delivery Programme 2019
12-Mar-19	Minister Brendan Griffin, Minister of State for Tourism & Sport	Response to a resolution from Kerry County Council regarding the ambulance service.
12-Mar-19	Minister for Transport, Tourism & Sport	Response to a resolution from Kerry County Council regarding allowing driving instructors to carry out driving tests.
12-Mar-19	Minister for Transport, Tourism & Sport	Response to a resolution from Kerry County Council regarding driving test wait times.
15-Mar-19	Minister for Education & Skills	Response to a resolution from Kerry County Council regarding making Civics and Community a subject on the school curriculum at second level.
19-Mar-19	Minister for Health	Response to a resolution from Kerry County Council regarding the Nurses and Midwives Pay and Conditions.
21-Mar-19	Minister for Housing, Planning & Local Government	Response to a resolution from Kerry County Council regarding payments to private Landlords.
25-Mar-19	Minister for Health	Response to a resolution from Kerry County Council regarding scan scandal at UHK.

<b>Date</b>	<b>From</b>	<b>Description</b>
28-Mar-19	Transport Infrastructure Ireland	Response to a resolution from Kerry County Council regarding planning decisions and the policy of building homes on national roads.
29-Mar-19	Minister for Housing, Planning & Local Government	Response to a resolution from Kerry County Council regarding the review of the 2006 Wind Energy Development Guidelines.
29-Mar-19	Minister for Health	Response to a resolution from Kerry County Council regarding Hemp and the Misuse of Drugs Legislation.
1-Apr-19	Minister for Education & Skills	Response to a resolution from Kerry County Council regarding school placement allowance.
2-Apr-19	Central Bank	Response to a resolution from Kerry County Council regarding Statutory Bodies being charged to have public monies on deposit and lending to small and medium builders .
3-Apr-19	Minister for Rural and Community Development	Response to a resolution from Kerry County Council regarding the Indemnity Scheme for land owners.
29-Nov-18	Laois County Council	Resolution adopted by Laois County Council regarding a request for funding from the Department of Justice & Equality to facilitate the operational expenses of the County Morgue and Coroner, including reply from the Department of Justice & Equality.
13-Mar-19	Cork County Council	Resolution adopted by Cork County Council asking the Government to bring the Petroleum and Other Minerals Development (Amendment)(Climate Emergency Measures) Bill before the Dail without delay.
26-Mar-19	Tipperary County Council	Resolution adopted by Tipperary County Council calling on the Minister for Justice to introduce a cap on the number of times that a repeat offender can avail of free legal aid.
27-Mar-19	Westmeath County Council	Resolution adopted by Westmeath County Council calling on Government to accelerate its insurance reform programme.
5-Apr-19	Kilkenny County Council	Resolution adopted by Kilkenny County Council calling on all state bodies to position a 'fada' where it should be in any given word in Irish in all communications.

### **Any Other Business**

Cllr. J.F. Flynn asked that a letter issue to the Minister for Housing, Planning & Local Government requesting that a mechanism be put in place to deal with serial objectors to planning applications.

Cllr. J. Moloney seconded this.

The meeting concluded at 4.35 p.m.

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

**Cathaoirleach of Kerry County Council**