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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 IÚIL 2019**

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

**PRESENT/I LÁTHAIR  
Councillors/Comhairleoirí**

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

**IN ATTENDANCE/I LÁTHAIR**

<b>Ms. M. Murrell, Chief Executive</b>	<b>Mr. C. O'Sullivan, Dir. of Operations</b>
<b>Mr. J. Breen, Director Water Services</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. L. Quinlan, Meetings Administrator</b>
<b>Mr. O. O'Shea, Press Officer</b>	<b>Ms. B. Conway, AO Corporate Support</b>
<b>Ms. O. O'Shea, CO Corporate Support</b>	<b>Ms. E. O'Connell, CO Corp. Support</b>
<b>Ms. K. Lynch, SEO Housing</b>	

The meeting commenced at 10.35 a.m.

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

**Vote of Sympathy**

The Cathaoirleach proposed a vote of sympathy to the wife and family of the late Brendan Grace.

Cllr. Norma Foley proposed a vote of sympathy to the family of the late Gerry Enright.

The Cathaoirleach proposed a vote of sympathy to the wife and family of the late Willie Dillane.

Cllr. Norma Foley proposed a vote of sympathy to the family of the late Denis O'Mahony.

Cllr. Michael Gleeson proposed a vote of sympathy to the family of the late Mrs. Kathleen Moyles.

Cllr. Marie Moloney proposed a vote of sympathy to the family of the late Noel Whelan.

### **15.7.19.01 Cathaoirleach's Report on CPG meeting held on 9 July 2019**

The Cathaoirleach's report on the CPG meeting held on 9 July 2019, which had been circulated, was noted by the Members.

Cllr. Toiréasa Ferris asked if a review of requests for civic honours that are on hand will be undertaken and decided upon.

Cllr. Brendan Cronin asked that the process be streamlined to ensure events to award honours are held in a timely manner and said decision making on requests at Municipal District level would be welcome.

Cllr. Johnny Healy-Rae asked when Standing Orders would be reviewed and in particular the criteria regarding notices of motion. He added that Elected Members should be able to raise whatever motion they see fit at full council level.

All members supported the request to review the Protocol for Civic Honours and Standing Orders.

The Cathaoirleach said a meeting of the expanded CPG group will be convened in the next two weeks to review the Protocol for Civic Honours and Standing Orders. These documents will then be brought back to full council for approval.

Cllr. Toiréasa Ferris asked for a timeframe for the review of Standing Orders. She also referred to a request she had made previously that the Councillor's conference/training budget could be used to avail of Irish classes and that a council meeting agenda item be dealt with in Irish.

Cllr. Patrick Connor-Scarteen asked for a timeline for the sectoral nominations to the Strategic Policy Committees. He said it appears that only by placing a notice of motion at Municipal District level can a full response be received on any matter. He asked for a review of procedures for replies to Councillor's correspondence.

Cllr. Norma Foley acknowledged the publication of the Annual Report 2018 and the huge body of work done by the Press Officer in compiling the report. She said the Annual Report is a clear reflection of the huge body of work done by this local authority over the last year.

The Chief Executive said with a new Council in place it is a good time to review the conferring of awards. The Standing Orders are implemented based on what was adopted by the Elected Members. In reviewing the Standing Orders, any structure put in place regarding notices of motion must support the work of the Municipal Districts. Progress of each motion is tracked by management to ensure any outstanding issues are dealt with.

Cllr. Niall O'Callaghan asked that in an election year, that only half the Councillor's Allocation would be allocated to the outgoing members and the other half held for the incoming members.

Cllr. Donal Grady opposed Cllr. O'Callaghan's request.

### **15.7.19.02 Confirmation of Minutes**

- a) On the PROPOSAL of Cllr. Norma Foley, SECONDED by Cllr. Patrick Connor-Scarteen, it was resolved that the minutes of the April Ordinary Meeting of Kerry County Council held on 20 May 2019 be confirmed.
- b) On the PROPOSAL of Cllr. Bobby O'Connell SECONDED by Cllr. Brendan Cronin, it was resolved that the minutes of the First Annual Meeting of Kerry County Council held on 7 June 2019 be confirmed.

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

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

Cllr. Jimmy Moloney welcomed funding provided for greenways in north Kerry and that there will be a dedicated team working on progressing this development. He asked that plans be put in place to maximise benefits to the areas, e.g. a link to the town park in Listowel and town centres along the greenways. He asked that consideration be given to holding a bulky waste collection day with funding from the anti-dumping initiative.

Cllr. Norma Foley welcomed funding provided for greenways which will be of great benefit to Listowel and Tralee/Fenit. She acknowledged the allocation of a large portion of Councillors' Allocations to support this project which has potential to benefit the areas and the entire county. She congratulated all involved in the success in retaining the county's blue flags. Under the anti-dumping initiative she supported Cllr. Jimmy Moloney's request and also asked that additional covert cameras be acquired. She congratulated all involved in the Pride of Place competition and the Creative Ireland Programme. She deplored the cut in funding for the Disabled Persons Grant allocations for council stock and said it is a massive reduction in an area that is hugely important in terms of the positive impact it has on the quality of life for families. She asked that the DHPLG be requested to review this decision.

Cllr. Michael Gleeson said the cut in funding for the Disabled Persons Grant allocations for council stock is disrespectful. With regard to the anti-dumping initiative he asked that volunteers continue to be supported in the work that they do. He reiterated his request that Kerry County Council encourage the NPWS to repair the roadway leading to the Old Kenmare Road which is almost inaccessible to the one resident on that road and for visitors to this walking route.

Cllr. Aoife Thornton, in welcoming funding for the greenways, said a dynamic plan for progressing the greenway projects and maximising funding was required. She again requested that a Recreation Officer to be put in place for North Kerry to best maximise the potential of funding opportunities that are available and the beneficial amenities that can be put in place when the greenway is ready. She reiterated her request that consideration be given to the use of drones under the anti-litter initiative. She wished Listowel well in the forthcoming judging day for the Entente Florale competition.

Cllr. Robert Beasley welcomed funding for the greenways which will provide a boost to tourism when they are developed. He welcomed housing in Tarbert and expressed his disappointment that the proposed housing development in Ballybunion is postponed until November. He welcomed the retention of the 14 Blue Flags for

Kerry beaches, and called for Council staff to be on the beaches from 7.00 a.m. for beach cleaning. He said waste generated from fast food outlets is a problem and these outlets must be required to provide bins outside their premises. He said hedge cutting is an issue across the county. He again asked for an electric car charging point be put in place in Ballybunion.

Cllr. Pa Daly welcomed the economic links made with Coventry through the Joining the Dots programme and asked that links be made with the Coventry Irish Centre. In welcoming funding for the greenways he asked that focus move to the next phases, e.g. the river walkway in Tralee and the Ballyroe-Tubrid-Abbeydorney cycleway. He said the DPG section of Kerry County Council is most efficient and it is very disappointing that this funding has been reduced.

Cllr. Donal Grady welcomed funding for housing in Tarbert and said Kerry is lucky to have active Approved Housing Bodies in the county. He said the reduction in the Disabled Persons Grant allocations for council stock is disgraceful. He asked that covert cameras be provided in the Killarney area under the anti-dumping initiative.

Cllr. Toiréasa Ferris proposed that Kerry County Council provide water bottle refill stations along the greenways and in Tralee and Killarney town centres. With regard to the Disabled Persons Grant allocations for council stock, she said this reduction is outrageous. Council tenants are waiting years for assessments for adaptation works which are essential to their health, while private applications are being processed efficiently.

Cllr. Maura Healy-Rae said the reduction in funding for the Disabled Persons Grant allocations for council stock is shocking when the works done with this funding can have a life changing effect for an individual and family. She asked for an expected timeline for a reply on the town and village renewal scheme projects.

Cllr. Sam Locke supported comments made by Cllr. Ferris regarding assessments for Disabled Persons Grant applications. He called for additional staffing to resource the municipal districts. He welcomed funding for housing and the greenways.

Cllr. Patrick Connor-Scarteen asked for a start date for the housing development at Ard Bhearna, Kenmare. He said the reduction in the Disabled Persons Grant allocations for council stock is ridiculous and must be reversed. Under the Outdoor Recreation Infrastructure Scheme he asked for the provision of a car park on the Kenmare side of the Old Kenmare/Killarney road and he welcomed works at Strickeen. He wished the 'Welcome Kenmare Group' well in the Pride of Place Awards. He welcomed the approval of funding for projects under the LEADER Programme.

Cllr. Jackie Healy-Rae said the reduction in the Disabled Persons Grant allocations for council stock is extremely disappointing and an attack on the most vulnerable in our society. He asked how many DPG applications are on hand to be approved. He asked what initiatives management have planned for the anti-dumping initiative funding. He wished Pride of Places contenders the best in the awards competition. He supported calls for hedge cutting to be carried out by Kerry County Council and said each municipal district should have its own tractor and hedge cutter. He said a water refill station was installed in Sneem recently and these refill stations should be rolled out throughout the county.

Cllr. Michael O'Shea welcomed the retention of the Blue Flag for Inch Beach and asked for an update on acquiring lands to provide a car park at the beach. In relation to the Disabled Persons Grants, he asked if Kerry County Council will be in a position to seek an additional allocation later in the year, as would be normal. He said additional covert cameras should only be purchased if the footage can be used as evidence to secure prosecution against littering.

Cllr. Johnny Healy-Rae said Kerry County Council always availed of the second rounds of grant allocations from the Department and he acknowledged the work done by staff in this regard. He said it is a sad reflection on Government that they chose to reduce the allocation for the Disabled Persons Grants. He welcomed the announcement regarding the Blue Flag Beaches. He asked that hedge cutting works be carried out on the Ring of Kerry road and that the requirements on landowners to cut their hedges be enforced.

Cllr. Marie Moloney welcomed funding for the greenways. She asked for a report on the success of litter prosecutions using covert camera footage, and if this report was presented to Council recently that it be circulated to new members. She said the cut in the allocation for the Disabled Persons Grants funding is disgraceful and asked if, at this stage, the allocation has been used for 2019 and if any additional monies will be made available.

Cllr. Jim Finucane, in welcoming the announcement of funding for the greenways, said this will see the delivery of two iconic projects within the county. He said housing continues to be an issue with only local authority developments being built in Tralee. More options must be made available for first-time buyers along with an affordable housing scheme or serviced sites at a discounted rate for them to have the capacity to build their own homes. He said the funding under the anti-dumping initiative should be spent on detection, enforcement and prosecution. The reduction in the Disabled Persons Grants funding is unacceptable given we have an aging population.

Cllr. Norma Moriarty wished all involved in the Pride of Place competitions the best of luck and thanked them for showcasing their areas in the best light. In relation to the Town and Renewal Schemes, she said there is a lot of work involved in making the applications, and hopefully the applications will be successful. She asked that an access be provided to Ballinskelligs beach for children's buggies. The reduction in the Disabled Persons Grants funding is wrong, and could result in elderly people having accidents at home and costing the exchequer more in the health service. She welcomed the positive links made with Coventry and looks forward to the return visit to Kerry.

Cllr. John Francis Flynn said Kerry County Council should be leading by example in relation to anti-dumping initiatives, e.g. extending the provision of facilities for beach visitors including providing and collecting waste bins on beaches throughout the year. In relation to the reduction in Disabled Persons Grants funding, he said these grants give the biggest change to a person's life and family, and it is also good value for money. He referred to 14 no. houses being built in Killorglin that do not have a bedroom on the ground floor, therefore, being unsuitable for many families. He said going forward council housing must be built which is suitable for people with disabilities. He asked what authority Kerry County Council has in relation to the Ring of Kerry road, particularly a barrier that was removed from an area at which a

footpath has been provided, and where a car has gone on to that footpath. Where it is clear to Kerry County Council that there is a danger there should be a better connect with the TII in relation to undertaking works.

Cllr. Brendan Cronin welcomed the positive statements in the Chief Executive's reports regarding the Coventry link, Town and Village Renewal and the Blue Flag Beaches. He said the reduction in the Disabled Persons Grant funding is an attack on the most vulnerable. That grant, which is administered efficiently by Kerry County Council staff transforms lives and called for a reversal of the decision to reduce this funding. In relation to illegal dumping he said he cannot understand the GDPR issue and he asked if any prosecution case has been won based on evidence from the covert cameras. He expressed disappointment in relation to the lack of enforcement regarding hedge cutting notices that are issued. He said until there is an adequate supply of waste bins there will be littering.

Cllr. Niall O'Callaghan asked if there is a strategic plan in place to connect the greenways being provided across the county. He said covert cameras should only be invested in if they can help in prosecuting illegal dumping cases and in relation to election campaign literature, the citizens are being charged to dispose of that. He said the reduction in the Disabled Persons Grant for council stock cannot be justified.

Cllr. Charlie Farrelly said the lack of hedge cutting at junctions is a major problem and the reduction in the Disabled Persons Grant for council stock is shocking. He welcomed housing being provided in Tarbert and asked for details on a new Approved Housing Body that are in Kerry. He said waste bins are over flowing in Castleisland and, following the recent interviews for General Operative, more outdoor staff must be employed.

The Chief Executive said the reduction in funding for Disabled Persons Grants related to funding for council stock. Kerry has a good tradition of taking up additional allocations in previous years, arising from underspend in other counties, and expect it will be similar this year. She undertook to revert to the Department requesting a reversal of the reduced allocation. In relation to housing, the start date for Ardbhearna, Kenmare, is December 2019, with an expected completion date of November 2020. There is big progress in housing for the Killarney area. The Park, Killarney, did not proceed due to the economic down turn when there was no national construction programme for many years. Kerry County Council is working with the Approved Housing Bodies who are critical to the delivery of the housing programme. There is a delay regarding procurement on the Marconi housing development in Ballybunion which is being worked on to be resolved. With regard to beaches, increased enforcement is being reviewed. In relation to Coventry, as links strengthen there will be opportunities as there is a strong diaspora there. With regard to hedge cutting, at budget time a commitment was given to give monitoring and ownership of this area to the Municipal Districts. She undertook to meet with Municipal Districts on this important issue to ensure hedge cutting requests are being acted upon as quickly as possible, though it must be acknowledged that there is a lot of road mileage and hard to keep under control during this growth period. She said hedge cutting notices are followed up through the courts as a contract debt as it is the landowner's responsibility to cut their hedges. In relation to water refill stations, this is being reviewed by the Environment Department with a view to providing them in urban/central areas. With regard to staffing in Municipal Districts, there are substantial panels in place and a commitment was given that where there is a

permanent retirement there will be a permanent filling of that position. Where Kerry County Council can undertake works on the greenways we will draw from those panels. In relation to Inch Beach, which is within special area of conservation, a lot of work has been done regarding traffic management and Kerry County Council is committed to finding a parking area. She noted that projects in Caherciveen have done exceptionally well under the town and village scheme. She said significant investment of €28m has been made over the last two year period into the roads on the Ring of Kerry. She said a universal housing design is being developed through the national age friendly group and it is incumbent on the Local Authority to make this housing design central to housing development. She said it is proposed that the greenways across the county will be linked and Kerry 2040 includes plans for this proposal.

Mr. J. Breen, Director of Service, said littering starts and ends with personal responsibility and cannot be tolerated. There has been six convictions to date in 2019 with fines from €250 to €930. Litter fines are being issued and prosecutions are being pursued. Presently an audit of the covert cameras is being undertaken. The outcome of the audit is awaited as there is extensive GDPR legislation which includes the use of drones. A free 'bulky waste' event being held in August. Quotations are currently being sought for bottle refill stations.

#### **15.7.19.04 Draft Strategic Policy Committee Scheme**

Mr. C. O'Connor, Director of Service, referred Elected Members to report dated 11 July 2019, which had been circulated. He outlined the report, referring to the requirement under Section 48 of the Local Government Act 2001, to establish by resolution committees to be known as Strategic Policy Committees and a new draft scheme has been prepared on the basis of the Departmental Guidelines dated June 2014, which provides for the proposed number, policy configuration, the numbers and functions of each SPC and an outline framework for sectoral representation in respect of the five SPCs which the Council established at its Annual Meeting held on 7 June, 2019, namely:

1. Economic Development, Enterprise, Tourism and Community SPC
2. Roads, Transportation and Marine SPC
3. Environment, Climate Change and Emergency Planning SPC
4. Housing SPC
5. Culture, Heritage and the Gaeltacht SPC

The Draft Strategic Policy Committee Scheme for Kerry County Council which outlines the proposed membership and sectoral representation on each SPC has been circulated to Elected Members. The Draft Scheme is now being brought before Council for approval to commence the public consultation process. This will include consultation with the Public Participation Network and National Stakeholder Pillar contacts. Councillors who are not Members of the Local Community Development Committee will also be requested to submit their preferences for which SPC they wish to be included on.

The adoption of the SPC Scheme will be considered at the September Meeting of Kerry County Council. Following the adoption of the Scheme, nominations will then be sought from the National Key Stakeholder Pillars and other sectors. The formal appointment of sectoral interests to the SPCs is a reserved function of the Council and it is hoped that this will be done at the October Council Meeting.

Cllr. Toiréasa Ferris asked that a report be presented to Elected Members on the powers of the SPCs versus the local authority as the time it takes to bring something to

fruition is quite frustrating. Management say issues will be referred to the SPCs, e.g. my request to review the Priority of Lettings Scheme; we are not building communities, we are simply housing people.

Cathaoirleach Niall Kelleher said the SPCs set their own work agenda and their purpose is to formulate policy.

The Chief Executive said policy is developed through the SPCs. The revised SPC structure has a housing specific SPC and Cllr. Ferris's request could be a first priority for that SPC.

#### **15.7.19.05 Scheme of Priority for Affordable Dwelling Purchase Arrangements**

Report dated 3 July 2019, from Martin O'Donoghue, Director of Services, Housing and Human Resources, had been circulated.

Cllr. Marie Moloney asked for clarification on the different classes of households set out in the report and said consideration should be given to extending the kilometres distance for full-time students in third level education. She said tenants applying under the Tenant Purchase Scheme are still waiting for a decision on their applications and if funding is available to Kerry County Council.

Cllr. Johnny Healy-Rae asked if an update has been received on the review of the Tenant Purchase Scheme.

Ms. K. Lynch, SEO Housing, said while Kerry County Council currently does not have an Affordable Purchase Scheme, there is a statutory obligation to have a Scheme of Priority for Affordable Dwelling Purchase Arrangements in place. She said the purpose of the different classes of household is to provide a means of prioritising applications when an Affordable Purchase Scheme is in place and in the event of there being more applicants than houses available. If an Affordable Purchase Scheme is in place the Scheme of Priority for Affordable Dwelling Purchase Arrangements will be brought back to the members. The Scheme of Priority being presented is based on a national template and the kilometres referred to is subject of review when a definitive Affordable Purchase Scheme is in place.

Cllr. Toiréasa Ferris noted that one of the criteria in the scheme is "if you have 12 months or more living in the area" and said the scheme should recognise how long an applicant has indicated an area as an area of choice and any connection the applicant has to the area. She asked for confirmation that funding is available to provide mortgages under the Tenant Purchase Scheme (TPS) and if applications can still be made and approved under the TPS.

Ms. K. Lynch, SEO Housing, said applications can still be made under the TPS.

Cllr. Jim Finucane said, while accepting there is a process to be gone through, there is a need for an Affordable Housing Scheme. There is no private development in Tralee and no housing product available for first time buyers who must be given the opportunity to get off the housing list. He asked if, on purchasing a private site, there is a mechanism available to a developer to build housing that would qualify as affordable housing.

Cllr. Michael O'Shea asked if derelict sites throughout the county could be used under the Affordable Housing Scheme.



Cllr. Aoife Thornton asked is an extension of time could be sought regarding the adoption of the Scheme of Priority for Affordable Dwelling Purchase Arrangements.

The Chief Executive said the Affordable Housing Scheme is an important pillar within the housing delivery programme. Initially, areas experiencing very high housing costs were allocated, e.g. in Dublin, for Affordable Housing Schemes. The second stage was done on the basis of eligibility criteria, which were applied to two sites in Tralee, and the criteria were not met. While we do not have an Affordable Housing Scheme it is important that the Scheme of Priority is adopted and submitted to the Department. Kerry County Council can then identify some sites in Kerry, taking on board the suggestion regarding derelict sites, and work with the Department in an effort to get an Affordable Housing Scheme in place. If an Affordable Housing Scheme is developed the Scheme of Priority for Affordable Dwelling Purchase Arrangements will be brought back to the members for amendment.

On the PROPOSAL of Cllr. Bobby O'Connell, SECONDED by Cllr. Jim Finucane, it was agreed to adopt the Scheme of Priority for Affordable Dwelling Purchase Arrangements.

#### **15.7.19.06 Nominee to IPB Insurance CLG**

Mr. L. Quinlan, Meetings Administrator, referred members to the request received from IPB Insurance CLG seeking a nominee which had been circulated.

Cllr. Norma Foley PROPOSED Cllr. Fionnán Fitzgerald for this position for a period of five years.

Cllr. Jimmy Moloney SECONDED this proposal and it was agreed.

#### **15.7.19.07 Nominee to IRD Duhallow**

Mr. L. Quinlan, Meetings Administrator, said Kerry County Council has been requested to nominate two Elected Members to the board of IRD Duhallow.

Cllr. Norma Foley PROPOSED Cllr. Fionnán Fitzgerald for one position.

Cllr. John Francis Flynn SECONDED this proposal.

Cllr. Johnny Healy-Rae PROPOSED Cllr. Maura Healy-Rae for one position.

Cllr. Toiréasa Ferris SECONDED this proposal.

Cllr. Norma Foley PROPOSED Cllr. Marie Moloney for one position.

Cllr. Jim Finucane SECONDED this proposal.

Cllr. Marie Moloney withdrew her name for this nomination.

The Cathaoirleach declared Cllr. Fionnán Fitzgerald and Cllr. Maura Healy-Rae as the nominees to the board of IRD Duhallow.

### **15.7.19.08 Dates for Meetings**

- a. On the PROPOSAL of Cllr. Robert Beasley, **SECONDED** by Cllr. Patrick Connor-Scarteen, it was agreed that the Briefing on the Council's Budget 2020 would be held on Monday, 16 September 2019 from 10.30 a.m. to 12.30 p.m.
- b. On the PROPOSAL of Cllr. Robert Beasley, **SECONDED** by Cllr. Patrick Connor-Scarteen, it was agreed that the September Ordinary Meeting would be held on Monday, 16 September 2019 at 12.30 p.m.
- c. On the PROPOSAL of Cllr. Robert Beasley, **SECONDED** by Cllr. Patrick Connor-Scarteen, it was agreed that the Special Meeting to consider the Draft Budget Policy/Strategy and consideration of setting a local adjustment factor in relation to the Local Property Tax would be held on Monday, 23 September 2019 at 10.30 a.m.
- d. On the PROPOSAL of Cllr. Robert Beasley, **SECONDED** by Cllr. Patrick Connor-Scarteen, it was agreed that the Draft Budgetary Meetings for the five Municipal Districts would be held on Friday, 25 October 2019.

### **15.7.19.09 Kerry 2040**

Mr. M. Scannell, Director of Service, made a presentation on Kerry 2040 which included the following:

- Kerry 2040 - Economic Vision & Strategy for County Kerry
- Purpose of Kerry 2040
- Inform the review of the Kerry county Development plan and local Economic and Community Plan
- Provide an overview for detailed actions to be delivered through these plans
- Provide a coherent message for economic growth in the county
- Position Kerry to maximise opportunities for investment from both the private and public sectors

Cllr. Michael Cahill welcomed the Kerry 2040 plan and said it must include/consider the South Kerry Greenway, the ferry service between Caherciveen and Renard/Dingle, a hop on/hop off bus on the Ring of Kerry with bike facilities and a cable car development.

Cllr. Jim Finucane welcomed the process and urged that the economic fundamentals be reviewed, e.g. why businesses that have been set up and mentored with the support of the Local Enterprise Office must move under the remit of Enterprise Ireland or the IDA when their business expands and employee numbers increase.

Cllr. Michael O'Shea asked if Kerry County Council is in line with what was approved and adopted at Southern Regional Assembly and Department level. He said this is an important document to support attracting industry to the county. Access to the county is also vital in attracting businesses to the county. He asked that David Kelly of the Southern Regional Assembly be invited to a briefing with Kerry County Council to discuss what could be achieved to promote what we have in the county, attract industry and make this a working document.

Cllr. John Francis Flynn said a conference, which he had previously called for, must be held in the county, with diaspora invited to attend and use it as an opportunity to show business people around the world what the county has to offer.

Cllr. Norma Moriarty welcomed Kerry 2040 going to public consultation in order that the business community can engage on it. She said, along with a business approach, a community and social responsibility element must be included. Schools at primary, secondary and third level must also form part of the process so they can see that they have a future in the county.

Cllr. Toiréasa Ferris said as this document is going to public consultation, social inclusion must be a key aspect of Kerry 2040. She suggested that the document be sent to the Chambers of Commerce offices and other interested parties and that round table discussions be held on the document. She asked that improvements be made on the public consultation processes Kerry County Council is involved in to ensure that it is a consultative process whereby all stakeholders have an input.

The Chief Executive said Kerry 2040 will be aligned to the national plan and the Regional Spatial and Economic Strategy (RSES). Kerry County Council has made a detailed and impactful input into the regional spatial planning as part of the national plan. It is important that Kerry has its own 2040 plan and identify a town plan for each town for 2040. There will be widespread consultation on the Kerry 2040 document, and it will include social inclusion and an environmental element, as was done with the Local Economic & Community Plan and Tourism Strategy. She said Kerry County Council is committed to connecting with the diaspora and the County Economic Development Officer, who is the contact person, has linked with the London group as well as other groups. We have aligned ourselves with the Dublin diaspora because that is where a large amount of our diaspora have links. It is intended to travel to London later this year to promote Kerry amongst the Kerry association. It is proposed to hold a targeted economic/diaspora conference in Kerry in February 2020.

Cllr. Michael Cahill moved notice of motion No. 27.

**Pursuant to notice duly given Cllr. Michael Cahill PROPOSED:**

That Kerry County Council introduce/initiate a major annual award to recognise and honour Kerry people throughout the world who have carried out extraordinary work, excelled, delivered and contributed and whose priority has always been the Irish Diaspora.

**The following reply issued:**

This is a matter for consideration of the Members. It can be considered by CPG in the first instance and incorporated into a review of the Protocol for Civic Honours Conferral.

Cllr. Michael Cahill asked that the introduction of this award be progressed in 2019.

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

On the **PROPOSAL** of Cllr. Toiréasa Ferris, **SECONDED** by Cllr. Michael Gleeson, it was agreed that Kerry 2040 proceed to public consultation.

### **Suspension of Standing Orders**

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

On the PROPOSAL of Cllr. Jimmy Moloney, SECONDED by Cllr. Aoife Thornton it was agreed to suspend Standing Orders to allow the meeting to continue.

### **15.7.19.10 Draft Climate Change Adaptation Strategy 2019-2024**

Mr. C. O'Sullivan, Director of Service, referred Elected Members to report dated 9 July 2019, which had been circulated. The public consultation documents will be on public display from 18 July until 15 August 2019. Submissions and observations in relation to the Draft Strategy, and the accompanying SEA and AA Screening Reports, are invited from members of the public. Following this public consultation, a report on the submissions shall be made and revisions made to the Draft Strategy and Environmental Reports. The revised Adaptation Strategy, Environmental Reports and Public Consultation Report will then be presented to the Members for adoption by 20 September 2019.

Cllr. Norma Foley proposed that Kerry County Council receive a presentation from the Kerry Climate Action Group.

On the PROPOSAL of Cllr. Toiréasa Ferris, SECONDED by Cllr. Michael Gleeson, it was agreed that the Draft Climate Change Adaptation Strategy 2019-2024 proceed to public consultation.

### **15.7.19.11 Kerry County Council Noise Action Plan**

Mr. C. O'Sullivan, Director of Service, referred members to report dated 9 July 2019 on this item which was circulated.

On the PROPOSAL of Cllr. Toiréasa Ferris, SECONDED by Cllr. Michael Gleeson, it was agreed to the Kerry County Council Round 3 Noise Action Plan prepared in accordance with the Environmental Noise Directive (2002/49/EC) (END).

### **15.7.19.12 Revised Code of Conduct for Councillors**

Mr. C. O'Connor, Director of Service, said the Revised Code of Conduct for Councillors (in accordance with the provisions of Section 169 of the Local Government Act 2001) has been circulated to all Elected Members.

### **15.7.19.13 Summary of proceedings at events**

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

- (a) Celtic Conferences EU Education Programmes Conference held on 8-10 February 2019 by Cllr. Damian Quigg.
- (b) Irish Planning Institute Integrating Planning and Development Conference held on 3-5 April 2019 by Cllr. Robert Beasley.

#### **15.7.19.14 Tenders opened since the May Council Meeting**

- a) On the PROPOSAL of Cllr. Robert Beasley, SECONDED by Cllr. Toiréasa Ferris, it was agreed to note the opening of tenders for Architect Led Design Team Consultancy Service for the construction of 30 no. Housing Units at Croogorts, Tralee - Closing Date: 20 June 2019 at 3.00 p.m.
- b) On the PROPOSAL of Cllr. Robert Beasley, SECONDED by Cllr. Toiréasa Ferris, it was agreed to note the opening of tenders for the construction of 22 no. houses including 10 no. two storey two bedroom and 6 no. bedroom apartments at Farranwilliam, Ardfert, Co. Kerry - Closing Date: 26 June 2019 at 3.00 p.m.

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

- a) On the PROPOSAL of Cllr. Norma Moriarty, SECONDED by Cllr. Maura Healy-Rae, it was agreed to approve the opening of tenders for HD28 Pavement Resurfacing and Cat B Defect Repair 2019 – at locations N22 Ballydeenlea, Kilcummin: N23 Kilfelim, Currow: N70 Brackaharagh, Castlecove: N70 Derryquin, Sneem: N71 Eirc (Molls Gap): N71 Gortroe (Derrycunnihy): N86 Kilelton, Derrymore: N86 Gortacurran, Annascaul: N69 Popes Cross. Closing Date: 24 July 2019 at 1.00 p.m.
- b) On the PROPOSAL of Cllr. Norma Moriarty, SECONDED by Cllr. Maura Healy-Rae, it was agreed to approve the opening of tenders for a three Bay Extension to Existing Fire Station at Killarney – Closing Date: 26 July 2019 at 12.00 p.m.
- c) On the PROPOSAL of Cllr. Norma Moriarty, SECONDED by Cllr. Maura Healy-Rae, it was agreed to approve the opening of tenders for N70 Brackaharagh, N72 Stagmount Bends and N86 Ballynasare Lower to Annascaul & Doonore North to Ballygarret Road Improvement Schemes - Archaeological Consultancy Services Contract – Closing Date: 16 August 2019 at 4.00 p.m.
- d) On the PROPOSAL of Cllr. Norma Moriarty, SECONDED by Cllr. Maura Healy-Rae, it was agreed to approve the opening of tenders for N86 Ballynasare Lower to Annascaul & Doonore North to Ballygarret Site Investigation – Closing Date: 16 August 2019 at 12.00 noon.
- e) On the PROPOSAL of Cllr. Norma Moriarty, SECONDED by Cllr. Maura Healy-Rae, it was agreed to approve the opening of any tenders that may arise up to the September 2019 Council Meeting.
- f) On the PROPOSAL of Cllr. Norma Moriarty, SECONDED by Cllr. Maura Healy-Rae, it was agreed to approve the opening of tenders for the construction of 20 No. Housing Units and associated siteworks at Rathmore – Closing Date: 9 August 2019 at 3.00 p.m.

#### **Lunch break**

The meeting adjourned for lunch at 1.40 p.m. The meeting resumed at 2.10 p.m.

#### **Emergency Motion**

##### **Cllr. Michael Cahill PROPOSED:**

That Kerry County Council address for once and for all the ongoing issues pertaining to the large influx of illegal settlements every year at Rossbeigh.

Cllr. Michael Cahill said on Friday night last a number of different groups arrived at Rossbeigh beach. He said while some do clean up, many of the groups are not cleaning up and are leaving the beach in a disgraceful state. He said Rossbeigh is a blue flag beach and he called on Kerry County Council to address this matter.

## **15.7.19.16 Notices of Motion**

### **1. Objections to Planning Applications**

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

Can this Council clarify if anything can be done to help planning applicants prevent individuals 20 miles away objecting to applications.

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

Article 29 of the Planning and Development Regulations 2001 – 2018 states:

Any person or body, on payment of the prescribed fee, may make a submission or observation in writing to a planning authority in relation to a planning application within the period of 5 weeks beginning on the date of receipt by the authority of the application.

Changes to Article 29 of the Planning Regulations are a matter for the Minister.

Cllr. Brendan Cronin said he fully recognises and defends the right of an individual affected by a planning application to make an objection to the application, however, “that is affected by” are the important words here. One particular person, over the last two years, has made 21 objections to planning applications in the Killarney and Tralee Municipal Districts. This person was in no way affected by these planning applications and it is unfair to people making a planning application to build their home that the planning system can be manipulated in such a fashion. He called on TDs to put together a private members bill to address the change required in legislation.

Cllr. Jim Finucane SECONDED this motion and said the legislation should read “Any person or body impacted/affected”.

Cllr. Patrick Connor-Scarreen said phantom objectors are also an issue and should be included in the legislation.

### **2. Maltreatment of members of Christian Communities**

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

That this Council calls on Rialtas na h-Éireann to focus attention in International forums such as the United Nations and the European Union on the on- going organised maltreatment and sometimes murder of members of Christian Communities in very many countries throughout the world.

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

Cllr. Michael Gleeson read the following statement: “On Wednesday the 3<sup>rd</sup> of July the Taoiseach, Leo Vardakar, in the privilege of the Dáil drew a direct analogy between Micheál Martin and the Parish Priest sinning behind the Altar having earlier performed his priestly duties in public. It was the most despicable, scurrilous and pathetic use of language and abuse of people that I have heard in my years in politics. How come he didn’t refer to a Doctor going behind a screen, or a teacher going behind a desk, or a sports coach going behind a dressing room? No. He opted for the easy target - the priest, in the fairly certain knowledge that they would not fight back or demand an apology.

The Taoiseach’s initial statement of ‘regret’ was merely a self-serving piece of rhetoric and self-justification and contained not even a hint of a meaningful apology

to priests or to Mícheál Martin. As a result, I had seriously considered not proceeding with my Notice of Motion asking the Irish Government to focus attention in International forums on asking for: Protection Internationally for Christians of All Denomination.

However, I am somewhat relieved that the Taoiseach did eventually on the 10<sup>th</sup> of July utter a long overdue 'sort of' apology for his insensitivity and arrogance. As far as I can see, however, he failed to specifically mention the words Parish Priest in his apology. In the light of that attempt at apology I will briefly move my Motion and hope that the Government will pay at least some heed to its contents and pleading.

It is estimated that worldwide a Christian is killed every six minutes because of his or her religion - that is 240 people per day on average. The United General Assembly has proclaimed the 22<sup>nd</sup> of August 2019 to be International Day for Victims of Violence based on Religion. Sam Brownback of the U.N. states that 80% of the world's population live in religiously restricted countries. Many of these people are Christian. There are countries whose Governments have near genocidal intent for Christians.

The Irish Government, even if it is unlikely to be able to 'change the world' in respect of an individual's right to freedom of religion, can at least highlight the terrible plight of so many who live in daily terror and mortal danger because of their religion. I hope I am not asking too much of Mr Varadker and his colleagues in this matter. I am not overly optimistic but I am asking for their goodwill. And if he and they want an exemplar and inspiration they might look to Jacinda Ardern the New Zealand Prime Minister who at a time of terrible sadness in her country stood tall and brought hope, healing and reform. She insisted that her country would be a world leader in the areas of tolerance and mutual understanding and Not a place of pathetic bickering and religious put-down."

Cllr. John Francis Flynn SECONDED this motion.

### **3. Wage levels for Carers**

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

To ask the Minister of Health why carers are being paid less than the minimum wage.

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

Cllr. Jim Finucane said the work carers do results in a significant saving for the state. He called on the Minister to ensure that carers are paid properly.

Cllr. Norma Foley SECONDED this motion and said carers are the back bone of the health system and should be paid the living wage.

### **4. Japanese Knotweed**

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

What progress has Kerry County Council made with Japanese Knotweed if any.

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

In relation to National Roads, Kerry County Council, in conjunction with the TII has embarked on a 4-year programme to treat Japanese Knotweed. We are currently 3 years into this programme and will not know the full extent of progress until the end of year 4. However, early indications are that this programme will yield positive results in dealing with Japanese Knotweed along national roads.

In relation to non-national roads, there is ongoing liaison between Kerry County Council and various landowners, tidy towns committees and community groups. An awareness campaign was initiated and information leaflets on Japanese Knotweed were issued to the public and where growth of the weed was identified, special signs were provided by MD offices, advising the public not to cut it. While it is difficult to quantify whether there has been an overall improvement in the control of Japanese Knotweed countywide, it is reasonable to conclude that there has not been any deterioration in the spread of this invasive species since the launch of the awareness campaign.

Cllr. Robert Beasley said the situation with Japanese Knotweed has not improved.

Cllr. Niall O'Callaghan **SECONDED** this motion.

## **5. Public Sewerage Schemes**

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

That Kerry County Council seek an emergency meeting with the Minister for Housing, Planning and Local Government, Eoghan Murphy and Irish Water in regards to the most serious sewerage issues pertaining to towns and villages such as Glenbeigh and Kenmare where the Public Sewerage Schemes are at capacity and where Planning applications are currently being refused and in regards to unsewered villages such as Beaufort, Cromane, Portmagee and Caherdaniel where major 'Health and Safety' issues now exist. The total lack of basic public infrastructure in Kerry is no longer acceptable.

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

Whilst the seeking of a meeting with the relevant minister is a matter for the members, by way of update, Irish Water is the Water Authority responsible for the provision of all Water Services across the country. Since the establishment of Irish Water, Kerry County Council has made numerous submissions and had frequent discussions seeking funding for both upgrades to existing Public Sewerage Schemes and for the provision of Public Sewerage Schemes in villages which do not currently have public wastewater collection and treatment facilities. In particular, in July 2018, following consideration by the members at the July Council meeting, Kerry County Council made a submission in relation to the Draft Irish Water Capital Investment Plan (2020 to 2024). The Plan has not yet been published.

Cllr. Michael Cahill said a sewerage scheme is the most basic of public infrastructure and of great importance. Now is the time to get the basics right and get these schemes up and running as soon as possible.

Cllr. Jackie Healy-Rae **SECONDED** this motion and said Scartaglen and Currow also need a sewerage scheme.

Cllr. Johnny Healy-Rae said Elected Members have been advised the Kenmare sewerage scheme has gone to design and it is to come before the Kenmare Municipal District members in September.

Mr. J. Breen, Director of Service, said environmental reports are still being completed. It is expected this scheme will go to construction in 2020 with a completion date of 2022.



## **6. 100 Year Anniversary of the War of Independence & Civil War**

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

That Kerry County Council put in place a comprehensive programme of events to mark the 100 year anniversary of the War of Independence & Civil War. The events should be similar to the successful 1916 Anniversary Events which were marked in a factual, respectful, and sensitive manner.

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

The Council, through its Arts, Culture and Tourism SPC prepared a policy on the Decade of Commemorations which was considered and agreed by Council This policy sets out the assistance and the programmes that the Local Authority will provide in the commemoration of the War of Independence and in the Civil war. As outlined in the policy it is our intention to present the factual history of this period in a manner which respects all views and which encapsulates the consideration of this sensitive period in our history.

Cllr. Patrick Connor-Scarreen asked that Kerry County Council put in place a comprehensive programme of events to mark the 100 year anniversary of the War of Independence & Civil War. The events should be similar to the successful 1916 Anniversary Events which were marked in a factual, respectful, and sensitive manner. He said while we don't dwell on the past rather we look to the future and help improve our County, it is important to acknowledge and honour the men and women from the County who took part in the struggle for independence, many of whom lost their lives. The 1916 rising along with sacrifices in with the War of Independence and Civil War shaped the Country and political representation we have today at National and Local level. County Kerry excelled in relation to commemorating the 100th anniversary of the 1917 rising events. Banna Beach, Ballykissane, Tomas Ashe to name but a few. The Department of Culture, Heritage and the Gaeltacht, the Decade of Commemorations Committee, Kerry County Councils Management and the Culture, Heritage & Gaeltacht SOC, County Museum, County Library all co-operated to deliver a fantastic programme of events. The events nationally and indeed in Kerry were dealt with in a respectful, balanced and factual manner. Nationally there is a plan to commemorate the remainder of events for the Decade of commemorations. As there are a considerable amount of events in Kerry he called on Kerry County Council's Culture, Heritage & Gaeltacht SPC starting into a new term to start work on events to include events in each municipal district and a large exhibition at the County museum. Kerry can once again lead the way in terms of events.

Cllr. Robert Beasley SECONDED this motion and said this is a significant event that is to be honoured.

Cllr. Jim Finucane supported this motion.

Cllr. Toiréasa Ferris asked that this be referred to as the tan war.

## **7. N69 from Bolton's Cross to Lower Cahirdown, Listowel**

Cllr. Aoife Thornton moved Notice of Motion No. 7 on behalf of Cllr. Kennelly.

### **Pursuant to notice duly given Cllr. Mike Kennelly PROPOSED:**

Can Kerry County Council explain why the despicable stretch of road on the N69 from Bolton's Cross to Lower Cahirdown in Listowel has not been addressed.

**The following reply issued:**

Kerry County Council has requested Transport Infrastructure Ireland to include some or all of the Cahirdown (from the Tim Kennelly Roundabout) to Bolton's Cross section of the N69 as part of the N69 Listowel Bypass Road Improvement Scheme or as a standalone scheme and the determination of TII in this regard is awaited. Kerry County Council is also prioritising the upgrade of the N69 Cahirdown to Upper Church Street road pavement ahead of the Listowel Bypass scheme as this road will be downgraded to non-national road status once construction of the bypass is complete. Kerry County Council anticipates that the TII will allocate funding for this section of road in 2020.

Cllr. Michael Foley SECONDED this motion.

**8. Housing Aid for Older People Grant**

**Pursuant to notice duly given Cllr. Norma Foley PROPOSED:**

That Kerry County Council change its current policy not to grant aid the replacement of double-glazed windows in poor condition. If windows are in poor, damaged or unacceptable condition they should be replaced irrespective of whether they are double glazed or not. The current policy is causing both hardship and upset particularly for older members in the community.

**The following reply issued:**

The Housing Aid for Older People (HOP) is available to assist older people living in poor housing conditions, to have necessary repairs or improvements carried out to owner occupied housing units.

Kerry County Council assess the applications on a case by case basis, and approve the works to be undertaken in accordance with the terms of the scheme. Decisions in relation to window replacement under the scheme is determined on a priority basis having regard to the limited funding available in each financial year.

In 2019 to date Kerry County Council has allocated €370,662 under 108 HOP grants approved.

Cllr. Norma Foley acknowledged the reply but said in her experience this is not the case and asked that the policy be reviewed.

Cllr. John Francis Flynn SECONDED this motion.

**9. Income Eligible for Tenant Purchase Scheme Assessment**

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

Why is it that Carers Allowance is disregarded for the purposes of the Tenant Purchase Scheme and not rent calculation.

**The following reply issued:**

The terms of the Tenant (Incremental) Purchase Scheme 2016 are set out in legislation under the Housing (Miscellaneous Provisions) Act 2014. The primary requirement for eligibility is that the applicants must have a threshold level of income per annum, and this must include a proportion of employment income. The inclusion of Social Welfare payments in assessing eligibility is permissible provided they represent a secondary source of income. However there is an extensive list of 30 income sources which must be disregarded under the terms of the Scheme, and Carers Allowance is amongst these. Kerry County Council does not have any discretion on the matter. A review of the Scheme by has been undertaken by the

Department of Housing, Planning and Local Government and we are awaiting the outcome of that review.

The calculation of rent for Kerry County Council tenants is carried out under the Councils Differential Rent Scheme. The assessment of Rent to be charged is based on a household's ability to pay and is calculated based on a proportion of a household's weekly income. There is no distinction drawn between employment income and Social Welfare income.

Cllr. Aoife Thornton said she understands Kerry County Council can choose to disregard Carer's Allowance for the purpose of rent calculation.

Cllr. Toiréasa Ferris asked why the working family payment is also excluded under the assessment of Tenant Purchase Scheme applications.

The Chief Executive undertook to discuss the matters raised with the Director of Housing.

## **10. County Plan for Greenways**

### **Pursuant to notice duly given Cllr. Pa Daly PROPOSED:**

Given the funding announcements for Tralee Fenit amenity trail that This Council will confirm whether plans are being prepared for Design, Planning and Land agreements for the next phase of walkways, in particular the Big River Walkway in Tralee.

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

Kerry County Council will be developing a plan for Greenways in the County as part of Kerry 2040 which will prioritise strategic linkages including the completion of the Southern Greenway from Tralee to Listowel and this plan may also include other projects such as Big River Walkway in Tralee.

Full details will be brought to Council in this regard in due course. A preliminary design and route alignment for the Big River Walkway has already been completed.

Cllr. Pa Daly said the issue, if addressed, would see the land owners sign over the land for the Big River Walkway. Development of walkways supports the Climate Action Plan and would be of benefit to the whole town.

Cllr. Toiréasa Ferris SECONDED this motion.

## **11. Equal Status Act**

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

Considering obligations under the Good Friday Agreement (GFA), this Council calls on the Irish Government to bring the Equal Status Act in line with legislation in the 6 County state and include 'political belief' as an unlawful ground for discrimination.

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

Cllr. Toiréasa Ferris said the Good Friday Agreement included obligations on the Irish Government to bring the Equal Status Act in line with legislation in the six county state and include 'political belief' as an unlawful ground for discrimination. There should be recourse to go to the WRC to challenge anything believed to be based on

our political and socio-economic beliefs. She asked that this notice of motion be circulated to all Local Authorities.

Cllr. Marie Moloney SECONDED this motion and said political and religious beliefs could be included in the Equal Status Act as unlawful grounds for discrimination, similar to the Unfair Dismissals Act.

## **12. Record of Vacant Properties**

### **Pursuant to notice duly given Cllr. Michael Foley PROPOSED:**

To ask Kerry County Council have they compiled a record of vacant properties in the County.

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

One of the strategic objectives of the Government's Rebuilding Ireland Plan is the greater use / re-use of vacant homes and properties. This is a complex area with a multitude of differing data sets and statistics on vacancy rates – GeoView / Geo Directory, CSO / Census etc. In addition, properties may be vacant and not in use for a multitude of varying reasons (holiday / second home, owners temporarily away or in residential care, derelict / poor condition or indeed where there are title or legal issues preventing occupation), there are also the fundamental individual property rights to consider. As part of the national programme, a number of pilots are currently underway to carry out an extensive on the ground exercise to validate current vacant rate data. Preliminary information and work done by a number of other Local Authorities seems to suggest that the true vacancy rate for properties reasonably available with potential for re-use, is significantly lower than CSO or other data. However, further and more extensive work is required in this area and indeed in Kerry specifically. This work will require fundamental surveys on the ground and the development of detailed plans under a Vacant Home Action Plan.

Kerry County council has engaged a wholetime Vacant homes officer and is currently in the process of developing a Vacant Home Action Plan. Significant work has been carried out to date and it is expected that this Action plan will be complete over the coming months. On completion of the action plan and the establishment of the real vacancy level in the County, Kerry County Council will focus on a systematic engagement with the owners of vacant properties. This engagement will include options open to the owners under the various Government initiatives such as repair and lease, sale, lease of the property etc. Where there is no prospect of progress, all alternatives will be considered including pursuing options under Derelict Sites legislation and Compulsory Powers.

Cllr. Michael Foley said read the following statement "I was shocked to see when I was canvassing the amount for vacant properties that are in the North Kerry area and I am sure this is just not isolated to my area. The majority of these properties are habitable and it would cost very little to bring the remaining up to a habitable standard. According to the 2016 Census in Listowel town alone there was a total of 2516 houses of which 2057 was occupied, 42 temporarily absent (on the night of the census), 61 unoccupied holiday homes and a staggering 356 vacant dwellings. In the whole county again according to the census there are 3519 vacant dwellings an enormous figure. I can understand some of these are properties for sale but with my experience these are very few.

The question is why are these properties been left vacant and why the owners are not putting them on the market of sale or rent. There are 365 vacant properties

in Listowel town alone and approximately 753 on the social housing list in Listowel Municipal District.

I know we have the Repair and Lease scheme for which there is very little take up. The total number of applications received by Kerry County Council at the end of 2018 was 98, of those 30 were inspected, 23 deemed unsuitable, 7 suitable and no lease agreement signed. I want you to just look at the possible return for those who maybe successful under the scheme.

For example rent in the Listowel area for a standard 3 bed house is approx. €600 monthly. The normal lease rate by the Council is 80% of the market value which comes to €480 monthly. We say it cost €15,500 to carry out renovations on the house and one gets a 10 year leases agreement with the Council. This means the owner will only get €351 monthly rent for the house because there is €129 taken off the rent monthly to recoup the funding over the 10 years. It is even worse if one gets the maximum funding available of €40,000 then one will only get €147 monthly. The Department of Housing, Planning and Local Government needs to be made aware by the Council regarding the amount of vacant properties in our Rural Towns and Villages throughout the county. This situation is really not tenable when they could be made available to families who are finding it difficult to purchase or build a home or made available to the Council to purchase them for Social Housing.

An incentive should be made available to the owners of these properties to sell them by way of tax relief through possible Capital Gains Tax or through Income Tax. Maybe a special grant scheme towards the purchase of these properties could be provided to families. The purchase of vacant properties could be included as one of the qualifying criteria for the Rebuild Ireland Home Loan. I also would hope that the Help to Buy Incentive which ends this year will be continued and also extended to second-hand homes as presently it only includes newly built and once off self-build homes.

A positive take up of these vacant properties would transform Towns/Villages aesthetically, improve the local economy, increase numbers in local schools with declining numbers and boost participation in Sport Clubs i.e. GAA, Soccer and Athletic Clubs etc. as well as voluntary groups such as Tidy Towns groups .

I am delighted to see that Kerry County Council has drawn down a considerable amount of funding under the Buy & Renew Scheme since its introduction in 2017.

Also I wonder are the owners of commercial buildings aware that if their property lay vacant for more than two years that there is an exemption from planning permission to change the use to residential and that this exemption applies for a limited period, ending in December 2021."

He asked how much of the funding from Buy & Renew Scheme was used for the purchase of houses that were vacant for more than a year. In relation to the Repair & lease Scheme:

1. Why has there been very poor take up of the Repair and Lease Scheme.
2. Why is the inspection process very slow as by end of 2018 out of 98 applications only 30 were inspected and there was still 68 applications to be inspected.
3. How may lease agreements has been signed to date under the scheme.

In 2018 Kerry Council Council received €7,597,133 to purchase social housing. By the end of first quarter of this year €980,710 was approved. This is only around 12% of last year's spend. He asked why this is very low for the start of this year and what the up to date figure is.

Cllr. Pa Daly **SECONDED** this motion and said the CPO process should be used to acquire these properties.

Cllr. Brendan Cronin moved notice of motion No. 23.

**Pursuant to notice duly given Cllr. Brendan Cronin PROPOSED:**

To ask the Housing Department of Kerry County Council how many successful applications have been made for the Repair & Lease Scheme in Kerry since its introduction.

**The following reply issued:**

Under the Government's Repair and Lease Scheme, financial assistance can be provided to a property owner to bring a vacant property up to minimum rental standards on the basis that the property owner leases the property back to the local authority for a period of 5 to 20 years and the financial assistance is then deducted from the rental payment.

Currently 75 applications are being evaluated in consultation with the property owners under the term of the modified scheme. An additional 23 applications which were also assessed were deemed unsuitable base on demand, condition and suitability for the scheme.

Cathaoirleach Niall Kelleher **SECONDED** this motion.

Mr. Frank Hartnett, A/SE Housing, said he has been reviewing means of getting vacant houses into usage. A Government publication issued in April combines all guidelines and legislation into a targeted and strategic approach to draw down monies. 19 Buy & Renew developments are in place at present and, while they require a lot of work, there is a focus on getting them turned around and occupied. A call was issued some time ago under the Repair & Lease Scheme and the current situation is as set out in the reply to notice of motion No. 23 and we may advertise this scheme again. €40,000 is the maximum amount available per unit under the Repair & Lease Scheme. A Vacant Homes Officer has been appointed who will be the first point of contact on such applications.

The Chief Executive said with the Repair & Lease Scheme the big issue for Kerry County Council is that the applicants had a lot of work to do, e.g. get planning permission. The focus to reach Department housing targets has been on new build and Buy & Renew properties. The Vacant Houses Team has been put in place to resource this area and support applicants through the process. It is hoped to have a list of vacant properties by year end, however, there it must be noted that this is a significant body of work.

**13. Joint Policing Committee for each Municipal District**

**Pursuant to notice duly given Cllr. Tom Barry PROPOSED:**

That Kerry County Council will support my call for a Joint Policing Committee for each Municipal District in the County.

**The following reply issued:**

The legislation giving effect to Joint Policing Committees requires that they be established on a countywide basis. However, the Joint Policing Committee does provide regular briefings to elected members at Municipal District level.

Cllr. Tom Barry acknowledged the reply but said one JPC for the county is not enough. He asked that a letter issued to the Minister requesting that the legislation be reviewed to include a JPC for each of the Municipal District areas. Municipal District JPCs could deal with issues specific to those areas. He asked that for the year ahead JPC meetings would be held in each Municipal District area and that issues specific to those areas would be dealt with at those meetings.

Cllr. Pa Daly **SECONDED** this motion and said the abolishment of Town Councils removed the focus on towns and many issues cannot be raised in the public forum of the JPC.

Cathaoirleach Niall Kelleher supported this motion and said briefings have been set up even though it is not a requirement under the JPC legislation. He said the local policing fora also need to be expanded.

#### **14. Additional Hospital Beds**

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

That we the members pass a resolution to ask the Minister for Health, when will the additional beds be made available in both Dingle Community Hospital and Kerry University Hospital.

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

Cllr. Michael O'Shea said there are 33 unoccupied bed spaces at present. Nationwide the HSE is running overbudget. The health service and TDs must put pressure on TDs and the HSE to get hospitals open to full capacity.

Cllr. Seamus Fitzgerald said beds cannot be opened up as there is difficulty in recruiting nurses to staff them.

Cllr. Johnny Healy-Rae asked that Kenmare Hospital also be included in the letter to the Minister.

#### **15. Import of South American Beef**

Cllr. Norma Moriarty moved Notice of Motion No. 15 on behalf of Cllr. McCarthy.

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

To ask Kerry County Council to write to the Minister for Agriculture if there is a contingency plan put in place to deal with the import of South American beef.

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

#### **16. Carbon Tax**

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

That this Council would totally reject the proposed rise in Carbon Tax and the full abolition of diesel and petrol cars in the next 10 years.

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

Cllr. Johnny Healy-Rae said some environmental initiatives are not workable in this country and particularly in rural areas. It is not appropriate to raise carbon tax on a household. This Council must reject any rise in the carbon tax in this year's budget.

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

### **17. Medals for Irish Soldiers who served at Jadotville in 1961**

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

That we write to the Minister for Defence and An Taoiseach asking that the long overdue medals for gallantry and distinguished service specifically for the Irish soldiers of A Company who served at Jadotville in 1961 be awarded. These medals were promised by former Taoiseach Enda Kenny in his final days in Office and still they have not been received.

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

Cllr. Norma Moriarty said a commitment was given by former Taoiseach Enda Kenny that these medals would be awarded. Only eight of the survivors are still living. It is very important that these medals are given the extraordinary feats of these men recognised. She asked that this notice of motion be circulated to all Local Authorities.

Cllr. Jim Finucane SECONDED this motion and said a debt of acknowledgment and gratitude is owed to these men.

### **18. Signage in the National Park, Killarney regarding ticks**

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

To ask Kerry County Council to engage with the Department to urge the National Parks & Wildlife Services to erect signage in the National Park, Killarney reminding visitors to check themselves for ticks in order to prevent Lyme Disease.

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

Cllr. Maura Healy-Rae said Lyme Disease has a crippling physical and emotional impact. As a basic effort to raise public awareness the National Park could erect signage. There is an onus on us to highlight this matter to the public and there should be some responsibility on the NPWS.

Cllr. Norma Foley SECONDED this motion and said it is a horrendous disease for families to deal with. Information on this must be provided and highlighted.

### **19. VAT Refund on Renovations to Derelict Houses**

#### **Pursuant to notice duly given Cllr. Seamus Fitzgerald PROPOSED:**

Will Kerry County Council call on the Minister for Housing to introduce a full VAT refund on all costs for first time owners who wish to renovate a derelict house and make it their principal place of residence, and also allow flexibility on the septic tank and percolation issues where these derelict houses are located.

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

Cllr. Seamus Fitzgerald said there are many derelict properties around the county and this could be a means to incentivise renovation of these properties. A VAT refund is available for farm buildings and this could also be applied to renovation of derelict properties.

Cllr. Breandán Fitzgerald SECONDED this motion.



## **20. Setback Distance for Wind Turbines**

### **Pursuant to notice duly given Cllr. Charlie Farrelly PROPOSED:**

I am calling for a variation to be made to the County Development Plan in relation to Wind Turbines and their distance from residential properties. I am calling on Kerry County Council to introduce a process for maximum visual amenity setback for Wind Turbines of 15 times the turbine's height between a Wind Turbine and the nearest residential property.

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

As agreed with the previous Council a revision of the Renewable Energy Policy is being undertaken. At the January meeting of full Council, The Chief Executive outlined that a revision of renewable energy policy informed by a revised Landscape Character Assessment (known as a Visual Sensitivity Assessment) had commenced.

Subsequently a detailed presentation outlining the work carried out to date (informed by the preferred draft approach announced by the Minister in June 2017), including a draft Visual Sensitivity Assessment and emerging draft policy was presented to the members at a meeting of the full Council on the 11th of March 2019.

This detailed presentation set out the process involved in the preparation of the Revised Policy, including the mapping of Visual Sensitivity Assessment, consideration of the various Environmental and Landscape protection designations, protection of the coastal fringe, Protected Structures, Sites and monuments, Archaeology, Settlements and other related matters. The emerging draft policy based on this work was presented to members at the March meeting and it was agreed to continue this work over the coming months to finalise same.

It is expected that on completion of these assessments the Draft Ministerial guidelines will be published, at which time an assessment can be carried out as to the compatibility of the Council's revised Renewable Energy Strategy with national policy.

Cllr. Charlie Farrelly said planning is being granted for wind turbines around the county putting stress on family life and health of families. The Departmental Guidelines are awaited for years not and he asked for a variation to be made to the County Development Plan.

Cllr. Toiréasa Ferris **SECONDED** this motion.

Mr. M. Scannell, Director of Service, said as agreed with the previous Council a review of the policy is being undertaken. Numerous presentations were given and at the January meeting the Chief Executive outlined that a Visual Sensitivity Assessment had commenced. This will impact on land available for renewable energy proposals in the future. It is hoped to finalise the Visual Sensitivity Assessment in the Autumn when it is expected the Draft Guidelines will be available. We can then review our document with the Guidelines to progress this matter.

## **21. Emergency Housing Plan**

### **Pursuant to notice duly given Cllr. Breandán Fitzgerald PROPOSED:**

That Kerry County Council create an Emergency Housing Plan for each of its Municipal Districts in light of the new 'New Regulations of Short-Term Lettings' from the Department of Housing, Planning and Local Government and how they don't make any difference to any person looking for a home in the County of Kerry.

**The following reply issued:**

The use of a dwelling or apartment in its entirety for short term letting constitutes a change of use and is, therefore, unauthorised unless planning permission has been granted for its use as a holiday home.

Recent changes to the Planning Act and Regulations with respect to short term lettings are applicable in designated Rent Pressure Zones only. Currently no Local Electoral Area in Kerry is designated as a Rent Pressure Zone therefore the revised regulations do not currently apply in Kerry.

However, given the emerging upward trends in relation to rents and the criteria for the designation of a rent pressure zone, it is likely that one or more settlements in the County will be designated as Rent Pressure Zones. Consequently, the Council will be taking appropriate measures in relation to the registration process enshrined in the legislation that will be applicable in Rent Pressure Zones only.

Cllr. Jim Finucane SECONDED this motion said the focus on the housing crisis is a Dublin focus. Individual Local Authorities should be allowed flexibility in responding to the housing crisis.

**22. International PSO from Kerry Airport to Amsterdam**

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

That Kerry County Council would write to Minister Shane Ross to establish an international PSO from Kerry Airport to Amsterdam to increase both business and tourism connectivity to the County.

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

Cllr. Jackie Healy-Rae said such an international PSO with Amsterdam would have a great impact for the entire county with increased tourism connectivity and business from around the world as Amsterdam connects to 200 destinations.

Cllr. Maura Healy-Rae SECONDED this motion.

**24. Food Donations to Charitable/Humanitarian Organisations**

**Pursuant to notice duly given Cllr. Michael Gleeson PROPOSED:**

That this Council calls on Government to introduce legislation which would make mandatory the donation to Charitable/ Humanitarian Organisations of all food that has reached its Best Before date. The amount of perfectly good food in Ireland being committed to landfill is outrageous.

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

Cllr. Michael Gleeson said it is a disgrace what is being thrown out because of a best before date on packaging. While some stores do donate their food, he asked that it become a legal requirement that such food be put to productive use.

Cllr. Toiréasa Ferris SECONDED this motion.

**25. Pay and Conditions in the Defence Forces**

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

To call on the Minister for Defence to publish the review on pay and conditions in the Defence forces as a matter of urgency and to implement a pay increase that reflects on their contribution towards society.

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

Cllr. Jim Finucane said since he tabled this motion the review on pay and conditions in the Defence Forces has been published with an unacceptable level of pay increase. He asked that the letter to the Minister for Defence include dissatisfaction with the outcome of the review.

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

Cllr. Niall O'Callaghan supported this motion and said the outcome of the review is disgraceful.

## **26. Locations for Children's Playgrounds**

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

That Kerry County Council identify suitable locations for children's playgrounds in locations where a need for such amenities has been identified.

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

Kerry County Council maintains and insures 34 playgrounds in the County. In 2019 so far, communities in Abbeydorney, Ballyfinane and Castlegregory have received new playgrounds. 2 more playgrounds at Glencar and Boolteens will be completed by the year end. Expansions at Tralee, Killarney, Sneem, Knightstown and Listowel playgrounds are also scheduled to be constructed.

The Council is mandated through its own "Ag Spraoí" policy to work with Communities to develop facilities in their own area thus fostering and a sense of ownership and pride. Currently the Council is working with Local Groups in Ballinskelligs, Dromid, Annascaul, Kilgarvan, Brosna for new playgrounds in the future with expansions planned at Waterville and Knightstown.

Local Area Plans identify suitable amenity areas within villages and towns. Generally an indicative area for a playground is shown. Unfortunately in many instances this maybe on private lands. This may be beyond the financial resources of a local group to acquire. They Council will offer any suitable lands it has subject to availability.

Cllr. Robert Beasley said he understood playgrounds were to be facilitated in all areas. Ballylongford has a suitable site available and a playground is needed here, as they are in other locations. He asked that consideration be given to the site in Ballylongford with a view to progressing the development of a playground at this location.

Cllr. Michael Cahill **SECONDED** this motion and expressed his disappointment that Beaufort does not appear on this list. He acknowledged the support of Kerry County Council in providing the playground at Rossbeigh. He said where communities cannot get land Kerry County Council should provide a site, even it a site is to be purchased.

## **28. Steps to Combat Climate Change**

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

That Kerry County Council please outline what steps will be taken in the short to medium term in the County to combat climate change and to protect our Environment.

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

Climate change is recognised as a global challenge with policy responses required in terms of both mitigating the causes of climate change and in adapting to the inevitable consequences of our changing climate.

### **Mitigation**

All local authorities were given a target of improving energy performance by 33% by the end of 2020, based on our energy consumption for 2008. This involves reporting the organisations total energy consumption to SEAI annually for evaluation. We are on-line to meet these targets.

In 2016 Kerry County Council committed to implementing an ISO 50001 Energy Management System which resulted in the implementation of a structured systematic approach to Energy Management across the organisation, reducing energy consumption and minimising waste. The implementation of this Energy Management system has been key to maintaining our energy performance on track to meet the national target of 33% improvement in energy performance. As part of the Energy Management implementation process the following were identified as Significant Energy Users (SEU), accounting for over 80% of the organisation's annual energy consumption

- Public Lighting
- County Buildings Campus
- Castleisland Area Service Centre
- Killorglin Area Service Centre
- Ashe Memorial Hall
- Killarney Sports & Leisure Centre
- KCC Fleet

There are standard operating procedures in place for all these significant energy users.

Other recent key activities that have helped improve the organisations Energy performance include;

- SEAI grant programmes/applications for management and implementation of energy efficiency upgrade works to Public Buildings, Public Lighting, etc
- Procurement of bulk energy for Kerry County Council including electricity (OGP national procurement), vehicle fuel, woodchip (E-tenders) etc.

The next big Energy Step will be the replacement of the county's Public Lighting with LED bulbs/fittings.

At the February 2019 Council Meeting, the members approved the raising of a loan for these works. This lighting replacement programme will go a long way (40%+) towards achieving our energy performance reduction targets of 50%.

Also, Kerry County Council, in conjunction with the OPW, and as part of the Optimising Power @ Work Programme have organising staff energy awareness days in County Buildings. To the core of the Optimising Power @ Work programme is the encouragement of behavioural change with the aim of identifying and eliminating wastage (both at work and at home). In the past information stands were available on the day to engage staff, create awareness and effect behavioural change.

The recently (June 17<sup>th</sup>) launched “Government’s Climate Action Plan to Tackle Climate Breakdown”, contains proposals/policies to reduce Ireland’s greenhouse gas emissions. In this Plan, each Local Authority will be required to adopt a Mandate for Climate Change, and some of the key measures will include:

- Development of a Green Procurement Policy
- Targets of 50% Energy Efficiency (from 33% to 2020) and 30 % greenhouse gas emissions reduction
- A trajectory for the price of Carbon to create incentives which help avoid locking in carbon intensive technologies
- Compact, connected and sustainable development
- Promotion of research and innovation to meet the climate challenge

Specific Targets have been set for Electricity, Buildings, Transport, Enterprise and Waste sectors.

In setting these targets the Climate Action Plan 2019 sets out a series of 183 Actions across all sectors. Local authorities are specifically mentioned in 25 of these actions, varying from retrofitting of LA houses and Public buildings, Anaerobic Digestion, EV charging points, transport planning, completion of LED lighting replacement, to adopting local Climate Change Adaptation Strategies (Q3 2019).

### **Adaptation**

With regards adapting to Climate Change, Kerry County Council’s DRAFT Climate Change Adaptation Strategy 2019 to 2024 has been prepared and the members received a briefing at the March ’19 Council Meeting. This DRAFT will go on Public Display for a four week period from 18<sup>th</sup> July until 15<sup>th</sup> Aug, where members of the public will be invited to make submissions, following which a report on the submissions will be prepared and brought back to the members at the September Meeting for consideration and adoption.

Cllr. Patrick Connor-Scarteen said it is important the Climate Action strategy is circulated to all relevant bodies. We have seen flooding across the county over the last number of years. There are two elements to climate change; mitigation and adaptation. He welcomed the inclusion of a dedicated SPC for Environment and Climate Change in the Draft SPC Scheme.

Cathaoirleach Niall Kelleher SECONDED this motion.

### **29. Kerry County Council Nominations to External Bodies**

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

That a list would be provided of all external bodies on which members of Kerry County Council sit and a detailed report given on payments made to members over the course of the last Council term, remuneration, expenses, professional fees etc.

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

The list of external bodies to which Councillors are nominated is as follows:-

Association of Irish Local Government (AILG)  
Governing Body of UCC  
IRD Duhallow  
Irish Public Bodies CLG  
Kerry Airport PLC  
Kerry Community Transport Ltd.

Kerry Education and Training Board (KETB)  
Killarney National Park Liaison Committee  
Local Authority Members Association (LAMA)  
Regional Health Forum South  
SKDP - MacGillycuddy Reeks Mountain Forum  
SKDP - South Kerry Development Partnership  
Southern Regional Assembly  
Southern Regional Drugs Task Force  
Udarás na Gaeltachta  
Úibh Ráthach Gaeltacht Task Force

In accordance with the relevant legislation and Department circulars, members appointed to these outside bodies are required to notify to the Local Authority details of all attendances by them at meetings of these bodies and also payments made to them by or on behalf of those bodies. Any outstanding requirements in this regard are being established.

Cllr. Toiréasa Ferris said the reason she tabled this motion is that it is important for the public to know exactly how much each Elected Member is receiving as a member of this Local Authority. She asked for clarification on how many members did not return the information, why Kerry County Council is only following this up now and when it is expected to have the entire information available.

Cllr Jim Finucane said he disagreed with this notice of motion. These bodies are public and statutory bodies and anybody can obtain that information directly from those bodies. He said a change is required in the way members are paid to include a pension scheme that members can pay into, otherwise the role of Elected Member will become the preserve of the aged/elderly as people will not be able to afford to come in to politics.

Mr. C. O'Connor, Director of Service, said all Members have been contacted to same information and it will be forwarded when received.

The Chief Executive said an assessment of the information available will be done. This is a transparent process and as the Director of Service has indicated on finalisation of this assessment the information will be published.

### **30. Traffic Count at Maharees**

Cllr. Breandán Fitzgerald moved Notice of Motion No. 30 on behalf of Cllr. O'Shea.

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

In view of the Tralee Bay Coastal Erosion Risk Mitigation Study which is currently ongoing, I ask that a traffic count be put in place at Maharees as this would create further data in the volume of tourists that visit the Maharees area resulting in the sourcing of further funding to create facilities & promote tourism in the area and to support the current ongoing study.

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

This request has been referred to the Consultants who are carrying out the Study for consideration and their response is awaited. In the meantime, Kerry County Council will install a traffic counter at the Maharees to establish baseline traffic data and will refer this data to the consultants for their consideration and possible inclusion in the study.

### **31. CPR Training on School Curriculum**

Cllr. Norma Moriarty moved Notice of Motion No. 31 on behalf of Cllr. McCarthy.

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

To ask Kerry County Council write to the relevant Ministers asking that CPR Training become a mandatory part of the school curriculum.

### **32. Works on National Secondary Roads**

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

That Kerry County Council carry out works on National Secondary Roads in the County earlier in the year rather than carrying out these works in the height of the summer/tourist season.

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

The works programme for National Secondary Routes is contingent on the announcement of annual grant allocations by Transport Infrastructure Ireland. The mandatory tender periods invariably result in contracts commencing during the summer months and there is also the added pressure to complete contracts by the close of the TII Financial year (30th November) to ensure full draw down of grant allocations. It should also be noted that the optimum time for pavement overlay contracts to proceed is during the summer months when weather conditions and daylight are most favourable.

Cllr. Johnny Healy-Rae said the closure of the Molls Gap road for works to be undertaken affected bus tours and businesses in that area over the tourist season as well as affecting traffic in Kenmare. He asked that quay walls, such as that on the Molls Gap and Ring of Kerry Road would be assessed for defects and any works required carried out early in the year. He asked that consideration be given to giving a partial waiver of rates to the affected businesses.

Cllr. Maura Healy-Rae SECONDED this motion.

Mr. C. O'Sullivan, Director of Service, said we were aware of the issues with the road in question and it was being monitored with the intention of carrying out the works at the end of the Summer season. Unfortunately, the road deteriorated and structural engineers advised that emergency repairs were required. The businesses in the area were consulted before works were undertaken. Transport Infrastructure Ireland have agreed to put monitoring in place on some routes throughout the county. We are in active negotiations with Transport Infrastructure Ireland to get funding for such repairs/defects.

### **33. Support for the Irish Beef and Agri Sector**

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

That in light of the imminent MERCOSUR deal with the EU that immediate and meaningful measures be taken to protect, bolster and support an already reeling Irish Beef and Agri sector.

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

Cllr. Norma Moriarty said this deal makes no sense when a level playing field is required. Supports must be put in place for the agri-sector. There are significant legislative barriers that mitigate against a healthy beef sector.

Cllr. Pa Daly SECONDED this motion.

### **34. Family Income Supplement**

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

To ask Kerry County Council that the income cap be raised and that Family Income Supplement should not be counted when assessing people for the Housing List.

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

The qualifying criteria for social housing supports are set out in the Social Housing Assessment Regulations 2011 as amended by the Social Housing (Amendment) Regulations 2011.

These criteria include Residency status, Income, Rent arrears, Availability of alternative accommodation and Social housing support previously provided to the applicant household.

The maximum household net income threshold for each local authority is set out in these regulations. The only deductions which are taken into account when calculating the net income are Tax, USC, PRD and PRSI.

The net maximum annual income for a single person household for Kerry is set at €30,000.00 with an allowance of 5% for each additional adult member up to a maximum allowance of 10% and 2.5% for each child subject to a maximum allowance under this category of 10%. Therefore the maximum net income threshold that applies in Kerry regardless of household composition is €36,000 per annum.

These regulations also set out the incomes that are assessable for eligibility purposes and include income from the Family Income Supplement payment and can only be amended by a Ministerial Order by the Minister for Housing, Planning and Local Government.

Cllr. Maura Healy-Rae said the Family Income Supplement/Working Family payment is 60% of the difference between weekly income and the weekly limit. It also has additional benefits, e.g. back to school allowance. It is not taken into account for the medical card. Why is it taken into account in assessing people for the housing list? She asked that a letter issue to the Minister asking him to address this matter.

Cllr. Johnny Healy-Rae SECONDED this motion and asked if it is taken into account for the Tenant Purchase Scheme.

The Chief Executive undertook to discuss this matter with the Director of Housing.

### **35. Council Machinery Yard**

#### **Pursuant to notice duly given Cllr. Charlie Farrelly PROPOSED:**

I wish to request from Management of Kerry County Council what is the latest update on investment in the Council Machinery Yard and if the age profile and condition of the present fleet are causing delays to the implementation of the 2019 Road Works Program.

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

Discussions between management and representative unions are continuing through the established Industrial Relations mechanisms with a view towards achieving agreement on work practices and productivity which is an essential requirement ahead of a fleet upgrade in the in the Machinery Yard.

Overall, the 2019 Roads Programme is currently on schedule.

Cllr. C. Farrelly said the 2019 road works programme is not on schedule. He referred to recent machinery breakdowns which are delaying the schedule. He also referred



to ongoing discussions with the unions in relation to the Machinery Yard. He said last year overlay works were carried out with a demo machine, the machine has since been returned.

Cllr. Johnny Healy-Rae asked if Kerry County Council has bought machinery and if staff are in place to drive machinery as maintenance of the road network is very important.

The Chief Executive said this matter has been raised over the last year or two. While acknowledging that Kerry County Council's plant is aging, she said we do want to invest and bring efficiencies into the operation of the machinery yard and referred to recent investment with the purchase of two durapatchers. She confirmed that this council has never failed to deliver its full Roads Programme and this year is no exception. She said she expects we will deliver the Roads Programme and be in a position to draw down further funding. The Dale Road is an addition significant project that has come in. The Greenways are also additional requirements on our staff and machinery. She rejected any view that the Roads Programme would not be completed. She said she hopes the WRC will form a conclusion soon.

### **36. Exemption from Water and Wastewater Charges**

#### **Pursuant to notice duly given Cllr. Breandán Fitzgerald PROPOSED:**

That Kerry County Council contact the relevant Minister and make the case that all Local Voluntary Groups such as Sports Clubs who are not charitable organisations be exempted from charges such as Water and Wastewater charges if they are providing a voluntary service to their own local communities.

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

Cathaoirleach Niall Kelleher SECONDED this motion.

### **37. Battery Stations**

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

That Kerry County Council would state the following in relation to the proposed battery stations in County Kerry:

- (a) Is there an emergency and evacuation plan in place should any of these stations go on fire.
- (b) Have our fire crews in Kerry been trained to deal with such fires should they break out and have they got the required specialised equipment to do so.
- (c) Have Kerry County Council conducted cross county planning with other local authorities where appropriate with regards to emergency and evacuation plans if these proposed stations were to go on fire.

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

- A) Is there an emergency and evacuation plan in place should any of these stations go on fire:

The Battery storage Compounds as described in recent Planning Applications are outside the requirements of the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (S.I. No. 209 of 2015) more commonly known as the COMAH Regulations. Accordingly, the requirement for an External Emergency Plan does not apply.

Kerry Fire Service visit various premises each year to develop Pre-Incident-Plans (PIP's) and perform site familiarisation with the local fire

brigade units. In these PIP's the fire service review the fire risks and advise the owner in developing procedures to be followed in the event of an emergency.

These Battery Storage compounds, when constructed, will be visited by the fire service crews and the associated PIP's developed as required.

- B) Have our fire crews in Kerry been trained to deal with such fires should they break out and have they got the required specialised equipment to do so:

Yes and the relevant specialist equipment is available. Should any further equipment be required once the process as outlined in a. above has been carried out, this will be procured.

Kerry Fire Service has access to a 24/7 emergency response helpline operated by the National Chemical Emergency Centre (NCEC) in the UK when dealing with fires or dangerous substances.

- C) Have Kerry County Council conducted cross county planning with other local authorities where appropriate with regard to emergency and evacuation plans if these proposed stations were to go on fire:

The nearest available fire service resource (in terms of speed of arrival) is deployed to emergency incidents irrespective of administrative boundaries. The order of attendance of fire appliances to an incident is detailed in the Predetermined Attendance (PDA) for an area or premises. The PDA's is an automated system operated by the Munster Regional Control centre in Limerick. When a PDA dictates that the nearest fire service resource is from across a county boundary then that fire brigade unit will also be involved in the development to the Pre-Incident-Plans (PIP's) and site familiarisation visits as set out at a. above. The national Standard Operational Guidelines (SOG's), national appliance/equipment specifications and standardised national training mean officers and fire-fighters from all fire services can readily operate in 'mutual assistance' mode in another county.

Cllr. Jackie Healy-Rae said there are two proposed stations in the county. The reply states the Killarney Fire Services will visit the premises once developed. The fire crew should have knowledge of these premises before this. He asked when the training took place and if the specialised equipment was already on hand or if it had to be acquired. In relation to cross county planning with other Local Authorities, the relevant Chief Fire Officers must be contacted immediately and made aware of these battery station developments so contingency plans can be put in place.

Cathaoirleach Niall Kelleher **SECONDED** this motion and said he had been told that this matter was being referred to the SPC and he asked for a reply to his queries on this matter.

Mr. J. Breen, Director of Service, said in the last Council it was agreed to bring this matter to the SPC. This does not come under the Major Accident Document 2015. The local fire service visits the premises when developed and a plan is then put in place. He said fire service crew have been trained to deal with electrical fires. As happens with any industrial facility in the county a strategic plan is put in place. We will be in contact with neighbouring counties as is standard.

### 15.7.19.17 Correspondence – Conferences and Seminars

- a) On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Norma Foley, it was agreed to approve the attendance of Cathaoirleach Cllr. Niall Kelleher at the reception of the 40th anniversary of the establishment of China-Ireland diplomatic relations and Ambassador of the People's Republic of China to Ireland arrival to Ireland held in Dublin on 20 June 2019.
- b) On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Norma Foley, it was agreed to approve the attendance of Cathaoirleach Cllr. Niall Kelleher at the National Day of Commemoration Ceremony in Cork on 14 July 2019.
- c) On the PROPOSAL of Cllr. Jim Finucane, SECONDED by Cllr. Norma Foley, it was agreed to authorise the attendance of Cllr. Jimmy Moloney at the Green Flag Awards 2019 in Kildare on 17 July 2019.

### 15.7.19.18 Correspondence General

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

Date	From	Description
13/05/2019	Minister for Health	Response to a resolution from Kerry County Council regarding fibromyalgia.
14/05/2019	Minister for Training, Skills, Innovation, R&D	Response to a resolution from Kerry County Council regarding apprenticeships.
15/05/2019	Minister for Finance and Public Expenditure	Response to a resolution from Kerry County Council regarding the PAYE Modernisation Programme.
20/05/2019	Minister for Housing, Planning & Local Government	Response to a resolution from Kerry County Council regarding the publication of the review of the Tenant (Incremental) Purchase Scheme, and Part V as part thereof.
20/05/2019	Minister for Housing, Planning & Local Government	Response to a resolution from Kerry County Council regarding the HAP threshold for Kerry.
21/05/2019	Minister for Culture, Heritage & the Gaeltacht	Response to a resolution from Kerry County Council regarding indemnifying landowners.
21/05/2019	Minister for Transport, Tourism & Sport	Response to a resolution from Kerry County Council regarding the duty of car hire companies to make their customers aware of the importance to pass cyclists at a safe distance.
21/05/2019	Minister for Transport, Tourism & Sport	Response to a resolution from Kerry County Council regarding the additional charge associated with the taking out of quarterly motor tax discs.
21/05/2019	Minister for Transport, Tourism & Sport	Response to a resolution from Kerry County Council regarding learner drivers awaiting their tests.

<b>Date</b>	<b>From</b>	<b>Description</b>
22/05/2019	Minister for Communications, Climate Action & Environment	Response to a resolution from Kerry County Council regarding energy efficiency grant schemes.
23/05/2019	Minister for Rural & Community Development	Details of website: <a href="http://www.gov.ie/drcd">www.gov.ie/drcd</a>
31/05/2019	Minister for Justice & Equality	Response to a resolution from Kerry County Council regarding the Court Poor Box.
28/06/2019	Minister for Education & Skills	Response to a resolution from Kerry County Council in relation to admissions policies in secondary schools.
20/06/2019	Clare County Council	Resolution adopted by Clare County Council regarding 5G.
20/06/2019	Clare County Council	Resolution adopted by Clare County Council calling on the Minister for Health to roll out a free folic acid programme.

### **15.7.19.19 Any Other Business**

#### **Use of Round Up**

Cllr. Niall O’Callaghan referred to a reply issued to a freedom of information request regarding the Council’s use of round up and asked for clarification on same.

Mr. J. Breen, Director of Service, said the question received related to what was spent on glyphosate. He said Kerry County Council does not break down that data, hence the way the reply issued.

The Chief Executive said we were able to look at the amount we used. We are trying to reduce our usage of it significantly. Within the burial grounds is the first place we are trying to reduce usage. In more than half the burial grounds we do not use it. We are trialling three different types of week killers. When we do seek to eliminate its usage perhaps the way we view keeping areas pristine may change also.

#### **Public Consultation**

Cllr. Jackie Healy-Rae said during his election campaign people said it can be difficult to be involved in the public consultation process and he asked that consideration be given to this.

Mr. C. O’Sullivan, Director of Service, said the Public Participation Network is very active in Kerry in this regard and consideration will be given to better ways of communication.

The meeting concluded at 4.40 p.m.

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

**Cathaoirleach of Kerry County Council**