

KILDARE COUNTY COUNCIL
Minutes of Meeting of Council
held at 2.00pm
Monday 25 September 2017
Áras Chill Dara, Devoy Park, Naas, Co Kildare

Members Present: Councillor M Miley Jnr (Mayor), Councillors M Aspell, A Breslin, F Brett, K Byrne, B Caldwell, D Callaghan, M Coleman, R Cronin, I Cussen, M Dalton, S Doyle, T Durkan, D Fitzpatrick, B Hillis, I Keatley, C Kelly, P Kennedy, A Larkin, M Lynch, M McCabe, P McEvoy, J McGinley, F McLoughlin Healy, S Moore, T Murray, J Neville, N O’Cearúil, S O’Neill, J Pender, R Power, S Power, T Redmond, D Scully, M Stafford, M Wall, P Ward, B Weld and B Young

Apologies: Councillor A Breen

Also Present: Mr P Carey, Chief Executive, Messrs J Boland, T McDonnell, P Minnock, N Morrissey and Ms S Kavanagh (Directors of Services), Ms E Hanlon (Head of Finance), Ms M McIvor (Meetings Administrator), Ms K Keane (Meetings Secretary) and other officials.

01/0917

Vote of Sympathy

The Mayor welcomed the members to the meeting and also welcomed Mr Denis O’Donovan, Cathaoirleach of the Seanad who was in attendance in the visitors’ gallery. The Mayor extended his sympathy to the families of the late:

Mrs Maeve (Connie) Rahilly, mother of Stephen Rahilly Motor Tax.

Mr. Costigan, father of Dan Costigan, Environmental Overseer.

Mrs. Catherine Murphy, Pairc Mhuire, Newbridge, Co. Kildare, mother of Matt Murphy, Machinery Yard.

Mr Michael Dempsey, father of Cora Dempsey, Water Services.

Mr Patrick Rhatigan, father of Colin Rhatigan from IT.

Mr Michael Fitzsimons retired Kildare Chief Fire Officer.

Ms Anna Craig, Kildare Town Library.

Mrs. Johannah MacCurtain, mother of Anna Marie Campbell, Corporate Services.

Mr. Nicholas Mooney, father of Suzanne Mooney, Housing Department.

Mr Pat Coleman, brother of Councillor Michael Coleman.

The Mayor acknowledged Councillor Colemans bereavement and also acknowledge the 27 years' service given by Mr Michael Fitzsimons as Chief Fire Officer in Kildare.

A minute's silence was observed.

02/0917

Adoption of minutes

The council considered the minutes of the monthly meeting of 31 July 2017, together with the progress report.

Resolved on the proposal of Councillor Fitzpatrick, seconded by Councillor Moore that the minutes of the monthly meeting of 31 July 2017 be adopted and the progress report noted.

The council considered the minutes of the Leixlip Local Area Plan on 28 July 2017.

Resolved on the proposal of Councillor Byrne, seconded by Councillor Neville that the minutes of the Leixlip local Area plan on 28 July 2017 be adopted.

03/0917

To note monthly management report

The members considered the monthly management report.

Resolved that the management report be noted.

04/0917

To approve the Section 183 Disposal of 0.225 Hectares of Land at The Paddocks, Highfield Park, Kilcock

Councillor Stafford noted that as agreed, the consideration in relation to this transfer needed to be increased to a minimum of €100. Mr T McDonnell, Director of Service confirmed this would be amended prior to completion.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Wall and agreed by all members present to approve the Section 183 Disposal of 0.225 Hectares of Land at the Paddocks, Highfield, Kilcock for a consideration of €100.

05/0917

To approve the Section 183 Lease of lands at (0.9682 hectares) Moone to Moone Tidy Towns Committee

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Wall and agreed by all members present to approve the Section 183 Lease of lands at (0.9682 hectares) Moone to Moone Tidy Towns Committee.

06/0917

To approve the Section 183 Lease of lands (0.2203 hectares) at Rathangan Industrial Estate to Rathangan Football Club

Resolved on the proposal of Councillor McEvoy, seconded by Councillor Wall and agreed by all members present to approve the Section 183 Lease of lands (0.2203 hectares) at Rathangan Industrial Estate to Rathangan Football Club.

07/0917

To approve, pursuant to Section 85 of the Local Government Act 2001 as amended, agreement with Meath County Council for the purpose of carrying out rehabilitation of the N51 Slane Retaining Wall and associated site works.

Resolved on the proposal of councillor McEvoy, seconded by Councillor McCabe and agreed by all members present to approve, pursuant to Section 85 of the Local Government Act 2001 as amended, agreement with Meath County Council for the purpose of carrying out rehabilitation of the N51 Slane Retaining Wall and associated site works.

08/0917

To approve, pursuant to Section 85 of the Local Government Act 2001 as amended, agreement between Kildare County Council and Meath County Council to advance the delivery of the Cycle Greenway along the banks of the Royal Canal from Maynooth in County Kildare to Athlone in County Westmeath through County Meath.

Resolved on the proposal of Councillor McGinley, seconded by Councillor Moore and agreed by all members present to approve, pursuant to Section 85 of the Local Government Act 2001 as amended, agreement between Kildare County Council and Meath County Council to advance the delivery of the Cycle Greenway along the banks of the Royal Canal from Maynooth in County Kildare to Athlone in County Westmeath through County Meath.

09/0917

To receive a presentation from Horse Racing Ireland

The Mayor welcomed Mr Brian Kavanagh, CEO Horse Racing Ireland (HRI) to the meeting and stated it was timely given the importance of the horse racing industry to the county of Kildare. Mr Kavanagh thanked the Mayor and the members for their invitation to present to them at their

meeting. Mr Kavanagh confirmed Horse racing Ireland is a commercial semi-state body and the national authority for horse racing in Ireland with the responsibility for the development, promotion, governance and administration of horse racing in the county. The company is based in Ballymany, Newbridge and employs 179 full-time employees.

Mr Kavanagh outlined the economic impact of Irish breeding and racing in Ireland stating Kildare is at the heart of the industry with the Irish Equine Centre based in Johnstown, Goffs Bloodstock based in Kill, 81 licensed trainers and 821 registered breeders based throughout the county, three racecourses ie Naas, Punchestown and the Curragh and many more equine related facilities based in the county. Mr Kavanagh updated the members on the redevelopment of the Curragh and Punchestown Racecourses and noted the Curragh racecourse and gallops are regarded as one of the best in the world. Mr Kavanagh informed the members that HRI are heavily involved in the Kildare Lexington twinning and a reception is being held in Kentucky in three weeks time to encourage the use of Irish trainers and breeders. He also noted the work ongoing with Mario Corrigan, Executive Librarian and Archivist and Peter Minnock, Director of Service in relation to the documenting and digitizing of equine records going back 250 years on racing and breeding results.

The Mayor thanked Mr Kavanagh for his extremely interesting presentation and invited questions from the members. Councillor Redmond thanked Mr Kavanagh for his presentation and asked how Brexit was going to impact the horse racing industry. Mr Kavanagh confirmed this is something the HRI is actively addressing and there is a real danger that Ireland will become collateral damage as the English and Irish industry is inextricably linked. He also mentioned a threat of tariffs post Brexit and the knock on effect to the industry on the impact Brexit is having on sterling. Councillor Keatley complimented Mr Kavanagh on his presentation and enquired regarding the business model the HRI have in place for trainers starting out and what incentives are available for them. He also asked regarding the possibility of an equine museum on the Curragh and the possibility of putting a product together to incorporate the entire Curragh. Councillor Stafford noted the increased use of Naas racecourse during the redevelopment of the Curragh racecourse which was very welcome. Councillor Power acknowledged the success of HRI and also wished to acknowledge the input HRI have made to improve the service to stable staff. Councillor Pender thanked Mr Kavanagh and acknowledged the role HRI plays in the horse racing industry in Kildare but queried him in relation to the serious issues of pay and conditions for stable staff and noted she had been made aware of cases where prize money that is to be shared amongst stable staff is

being withheld by trainers. Councillor Pender asked what the relationship is between the HRI and the Stable Staff Association and queried why the members are entitled to a share of prize money but yet the association has no ballot or democratic structure for its members. Councillor Moore stated HRI might also concentrate on the wide range of attractions around horses, not just the thoroughbreds and that HRI could be the lead agency on this. He also suggested that an anchor hotel on the Curragh is badly needed. Councillor Fitzpatrick acknowledged the role Mr Kavanagh has played in the horse racing industry in Kildare and suggested a museum for horse-racing be established and possibly located in Kildare Town in the old courthouse.

Mr Kavanagh thanked the members for their comments and noted the redevelopment of the Curragh racecourse might indeed prove to be the catalyst in the development of the Curragh as an entire product to include horse racing, the military, a location for exercise/walking trails etc. and that a credible tourism product to tie them all together would be the aim. With regard to supports for new trainers trying to break into the industry, Mr Kavanagh confirmed some initiatives have been introduced to support the smaller trainers such as lower grade races but the challenge is to balance excellence with start ups. Mr Kavanagh confirmed the Stable Staff Association are recognised by the industry and that there are schemes in place to support stable staff and noted the Work Relations Commissions have been carrying out inspections.

The Chief Executive joined with the Mayor and the members in congratulating Mr Kavanagh on the work being carried out by HRI and noted there is €85 million direct investment coming from the three racecourses based in Kildare through direct employment, indirect employment, heritage etc and that it is a hugely important industry for the county. He thanked Mr Kavanagh for his leadership in this regard.

10/0917

To receive report from the Chair of the Transportation Safety and Emergency Services Strategic Policy Committee (SPC)

The Chair of the Transportation Safety and Emergency Services SPC Councillor Darren Scully outlined the areas of responsibility of the SPC to include road safety and rural transport and updated the members on the work programme 2017 confirming the completion of the Policy on Electric Vehicles in February 2017. Other areas being considered by the SPC include shared

spaces, speed ramps in housing estates, signage and enforcement in private car-parks, the establishment of the Kildare Cycling Forum and developing policy on car sharing initiatives. Councillor Scully confirmed 4 presentations had been scheduled for 2017 under the S26 Fire Service Plans and 3 had been received to date; 1) Community Fire Safety, 2) Emergency Management and pre-incident planning and 3) Fire Services Operations – policy and procedures. Councillor Scully outlined the work of the Kildare Cycling Forum and confirmed the objectives of the forum to support and critique the development of cycling projects within the county and to provide a regular forum for professional and advocacy organisations to input into ongoing policy and the practical development of sustainable transport solutions in Kildare. Councillor Scully noted his role as Chair of the Forum but is hoping to rotate the Chair role in the future. Councillor Scully thanked Mr Niall Morrissey, Director of Service and all the members of the SPC for their continued support and their work on this committee. The Mayor thanked Councillor Scully for his presentation and wished the SPC well in their continued work.

11/0917

To note Higher Education Grant Scheme for Academic Year 2017/2018

A report dated 12 September from Ms Mclvor, Senior Executive Officer outlining the details of the scheme was circulated to the members. Approval for the adoption of the Higher Education Grant Scheme 2017/2018.

Resolved by the members present that the Higher Education Grant Scheme for the Academic Year 2017/2018 be noted.

12/0917

To review appointment of chairs of the 5 Strategic Policy Committees

A report from Ms M Mclvor, Senior Executive Officer confirmed Kildare County Councils Strategic Policy Committee Scheme (SPC) 2014-2019 contains a requirement that the SPC chairs should hold office for a minimum period of three years which can be renewed by the council. Subsequent chairs should be appointed from among the existing councillor members of the SPC and noted that the matter was considered by the Corporate Policy Group at their meeting on 11 September 2017.

The Mayor invited nominations for the positions of SPC chairs. Following a discussion amongst the members, it was agreed that the appointment of each SPC chair would be dealt with individually. The meetings administrator advised that if there was more than one nominee for a position, the members present would be asked to indicate their preferred nominee and the nominee receiving the greatest number of votes would be deemed appointed.

The Mayor invited nominations for the position of Chair of the Economic Development, Enterprise and Planning Strategic Development SPC. Councillor Fitzpatrick nominated Councillor Doyle for this position, Councillor Ó'Cearúil seconded the nomination. Councillor Cussen nominated Councillor Lynch for this position, Councillor Redmond seconded the nomination. As there were two nominees for the position, the Meetings Administrator asked the members to indicate their preferred nominee as previously advised.

Resolved with 32 members voting in favour of Councillor Doyle, 4 members voting in favour of Councillor Lynch and 3 abstentions, that Councillor Doyle be appointed to the position of Chair of the Economic Development, Planning and Strategic Development SPC.

The Mayor invited nominations for the position of Chair of the Local Community and Cultural SPC. Councillor McGinley nominated Councillor Byrne for this position, Councillor Wall seconded the nomination.

Resolved with all members in agreement, that Councillor Byrne be appointed to the position of Chair of the Local Community and Culture SPC.

The Mayor invited nominations for the position of Chair of the Environmental Services and Water SPC. Councillor Kelly nominated Councillor S Power for this position, Councillor Wall seconded the nomination.

Resolved with all members in agreement, that Councillor S Power be appointed to the position of Chair of the Environmental Services and Water SPC.

The Mayor invited nominations for the position of Chair of Housing SPC. Councillor McEvoy nominated Councillor Kennedy for this position, Councillor Breslin seconded the nomination.

Councillor Pender nominated Councillor Redmond for this position, Councillor Cussen seconded the nomination. As there were two nominees for the position, the Meetings Administrator asked the members to indicate their preferred nominee as previously advised.

Resolved with 31 members voting in favour of Councillor Kennedy, 7 members voting in favour of Councillor Redmond and 1 abstention, that Councillor Kennedy be appointed to the position of Chair of the Housing SPC.

The Mayor invited nominations for the position of Chair of the Transport, Safety and Emergency Services SPC. Councillor Weld nominated Councillor Scully for this position, Councillor Moore seconded the nomination. Councillor Cussen nominated Councillor Cronin for this position, Councillor Redmond seconded the nomination. As there were two nominees, the Meetings Administrator asked the members to indicate their preferred nominee as previously advised.

Resolved with 32 members voting in favour of Councillor Scully, 7 members voting in favour of Councillor Cronin and no abstentions, that Councillor Scully be appointed to the position of Chair of the Transport, Safety and Fire Services SPC.

13/0917

Gnó an Mhéara/Mayor's Business

The Mayor confirmed he had attended approximately 42 events since taking up the position of Mayor. He stated he had attended the contract signing for the Athgarven Road housing project and had attended the judging of the Banking Enterprising Town Awards in Kilcullen with Ms Siobhan O'Rourke. He also confirmed he had attended a presentation in Kilkea Castle by Kildare Failte at which Ms Aine Mangan, Tourism Officer for Kildare gave a very positive presentation on tourism in Kildare.

The Mayor stated he had attended the Green Flag award in the Linear Park in Newbridge and took the opportunity to compliment the councils Parks Department along with the Tidy Towns groups in Newbridge for all their efforts in this regard.

The Mayor noted he had attended a night of reflection ceremony by Hope-D in Monasterevin and complimented all those involved in running this very important and moving event.

The Mayor confirmed he had attended the unveiling of the sculpture in Kildare Town commissioned to celebrate their IBAL win and also attended the launch of culture week at the unveiling of the mural of Eric Donovan, professional boxer at the boxing club in Athy. Mr Donovan was also the Ambassador for Culture week in Kildare.

The Mayor concluded by thanking the members and the management for their continued support.

14/0917

Comhfhreagras/Correspondence.

Ms Mclvor, Senior Executive Officer confirmed all items of correspondence had been circulated with the progress report.

15/0917

Comhdhálacha agus Traenáil/Conferences and Training

The Meetings Administrator referred to the report dated 21 September 2017 circulated to the members.

Resolved on the proposal of Councillor Doyle, seconded by Councillor McCabe and agreed by all members present that having regard to Section 142(5) of the Local Government Act 2001, as amended by Section 53(2) of the Local Government Reform Act 2014 the following retrospective approval is granted for the attendance of Councillor Redmond at the MSc in Spatial Planning Year 1 in D.I.T. Bolton Street, the attendance of Councillor Kelly at AILG training for elected members on 14 September in City North Hotel, Gormanstown, Co. Meath and the attendance of Councillors Dalton, Aspell and Kennedy at AILG training for elected members in Clayton Silver Springs Hotel, Tivoli, Co. Cork.

Approval is granted to Councillor Redmond to attend MSc in Spatial Planning Year 2 in D.I.T. Bolton Street, the attendance of Councillors Caldwell, Brett, Keatley, Miley Jnr and S Power at LAMA autumn training on 29 and 30 September in Manila Hotel, Clonmel, Co. Tipperary,

attendance of Councillors Redmond, O'Neill and Kelly at the IPI autumn planning conference in the Gibson Hotel, Point Village, Dublin 1 and the attendance of Councillors Kennedy, Brett and Dalton to attend the AILG autumn training on the 12 and 13 October in the Sligo Park Hotel, Sligo.

16/0917

Introduction to an exhibition by the ShareRing Skills Group which will be displayed in Áras Chill Dara as part of "Social Inclusion Week 2017"

Ms Marian Byrne and Ms Irene Christie attended from the ShareRing Skills group and thanked the members for their invite to the council meeting today. They also thanked the Celbridge community for supporting the work of the group since its inception. They outlined the work of the group which is about bringing people together and learning new skills such as painting, photography, poetry and film making. Ms Byrne stated how valuable the group has been to her as a way of getting out and meeting people whilst learning valuable skills in the process. Ms Christie then read a poem that she had written and a short film followed showcasing the work of the group.

The Mayor thanked Ms Byrne and Ms Christie for their very interesting presentation which was timely given it was the start of Social Inclusion week. He noted that given 70% of the population in Kildare has moved into the county, this kind of group is hugely beneficial from an integration point of view. He congratulated them on their work to date and wished them continued success in the future. Councillor Cussen thanked the group for their presentation and stated she had attended some of their meeting and there was something for everyone at them.

17/0917

To receive report from the Chair of the Local Community and Cultural Services Strategic Policy Committee (SPC)

The Chair of the Local Community and Cultural Services SPC Councillor Kevin Byrne gave an update to the members of the work ongoing by this SPC over the course of 2017. He noted that Athy library is nearing completion, Naas library is at design stage and that work on the county's Culture and Creativity Plan under Creative Ireland Initiative is ongoing. Councillor Byrne outlined

the work within the Arts Service to include the culture night initiatives which had a programme of 80 events countywide. He also confirmed the outcome of the County Kildare Play Policy consultation exercise had been compiled and presented to the SPC and the objectives arising from the consultation are being compiled at present with the aim being to present the final policy to the SPC in December. Councillor Byrne noted grant funding in the sum of approx. €1.4 million had been awarded in 2017 across a wide selection of areas. He further noted work is ongoing in relation to the Kildare Age Friendly County Programme, the Public Participation Network and the Kildare Integration Strategy. Councillor Byrne referred to two very successful events run through the Kildare Integration Strategy - A taste of Africa on the 20 May 2017 and the Respect through understanding event: Garda and Muslim Conference 27 May 2017 which were both very well received. Councillor Byrne noted the work of the Kildare Sports Partnership continues and confirmed they will be making a presentation to council later in the year to advise the members of their programme. Other updates received by the SPC in 2017 included a presentation from Carolann Courtney on the Kildare Music and Health Programme, Alan Kerry on the Rural Transport Strategy and Niamh Keaveney on the Kildare Mojo programme.

Councillor Byrne concluded by thanking the staff of Kildare County Council, the members of the SPC, the Director of Service Ms S Kavanagh and the entire council for their continued work and support to this SPC. He also noted the multi-agency involvement which is key to the success of this SPC programme and thanked all those involved.

The Mayor thanked Councillor Byrne for his detailed presentation and also thanked the Library and Arts Service for all their work also. He paid particular thanks to Ms Lucina Russell, Arts Officer for her work in securing funding for so many worthwhile projects and for the very successful Culture Weekend with Mr Eric Donovan acting as Culture Ambassador. The Mayor congratulated Mr Donovan on his recent Celtic Belt title fight win and noted his professionalism both inside the ring and outside. The Mayor also thanked Simon Wallace, Senior Executive Parks Superintendent and Marian Higgins, County Librarian for their work in organising the recently run National Play Day which was a huge success and thanked the Chief Executive for his continued support for these events. The Mayor also noted the recently held Heritage Week and thanked Ms Bridget Loughlin, Heritage Officer for her work in organising the 128 events held over the course of this week.

18/0917

To note budgetary reports for the six months up to 30 June 2017

Ms Hanlon confirmed that revenue expenditure is broadly in line with budgets and as at 30 June 2017, approximately 51% of budget had been expended. She noted that significantly more monies have been spent under Division A Housing in the first six months of 2017 as compared to 2016 which is in line with the increased budgets and reflected the ongoing prioritisation of Housing nationally and within Budget 2017.

Resolved on the proposal of Councillor McEvoy, seconded by Councillor McGinley that the budgetary reports for the six months up to 30 June 2017 be noted.

19/0917

Local Property Tax – Consideration of setting local adjustment factor

The Mayor, with the agreement of Councillor Pender, stated that he would take statutory item number 16 on the agenda together with motion number 21.

The following motion in the name of Councillor Pender was considered

That Kildare County Council reduce the local property tax rate by 15%.

The motion was proposed by Councillor Pender and seconded by Councillor Young.

Ms E Hanlon, Head of Finance gave an overview of the Chief Executives report dated 18 September 2017 in the consideration of the setting of a local adjustment factor for 2018 and what is required of the members as per the Finance (Local Property Tax) Act 2012 (as amended). Ms Hanlon noted a local authority may as a reserved function resolve to vary the basic rate of Local Property Tax within its functional area by a maximum of +/- 15%. She noted the report of the Chief Executive included the following:

- The local authority's estimation of the income it will receive and the expenditure it will incur in the period for which the varied rate is to have effect
- The financial position of the local authority
- The financial effect of the varied rate and
- Feedback from any consultation held.

Councillor Pender reiterated how unpopular this tax is and noted that 68% of LPT collected is from those whose house value is less than €200K thus it negatively affects those that are less well-off and confirmed we are supplementing the National Government Fund to the tune of €10 million. Councillor McEvoy asked members to consider the achievements arising out of LPT monies and noted that the scheme is set nationally. He stated each Municipal District had carried out significant works with the future possibility of projects being considered across the municipal districts on a shared basis.

Councillor McEvoy proposed an amendment to the motion for consideration.

That Kildare County Council increase the local property tax rate by 5%.

The amended motion was proposed by Councillor McEvoy and seconded by Councillor Kennedy.

Councillor S Power stated that LPT was introduced nationally and was now a source of funding for the local government. He welcomed Councillor McEvoy's suggestion of looking at projects on a shared basis and stated it would be beneficial if the members could agree a flagship project on a shared basis that would demonstrate the worth of this tax to the people of Kildare and proposed a further amendment to the motion for consideration.

That Kildare County Council does not increase or decrease the local property tax rate.

The amended motion was proposed by Councillor S Power and seconded by Councillor Ó'Cearúil

Councillor Cussen supported Councillor Pender's motion and noted that 31 members had voted against a 0% rate in 2014 and 30 members voted against a 0% rate in 2015. She also noted that house units will be re-valued in 2019. Councillor Cronin also supported Councillor Pender's motion stating Sinn Fein had given a commitment to reduce the local property tax rate by 15% each year given it bears no relation to your ability to pay and the interest rate charged on any non-payment is higher than on a bank loan.

Councillor Murray supported Councillor McEvoy's proposal of a flagship style shared project across all the municipal districts. Councillor Keatley noted the function of setting the local property tax rate is one piece of autonomy given to councillors since 2014 and stressed the importance of using that power to the benefit of the people of Kildare. Councillor Caldwell stated he had seen firsthand the work that can be done in the community through LPT funding and to get rid of a property tax would be a seriously retrograde step. Councillor McCabe stated he too had seen the

benefit of LPT funding noting a group in the Kildare-Newbridge Municipal District were facing financial collapse but were saved through funding received through LPT.

The Chief Executive, Mr Carey noted this matter is at the member's discretion but that LPT has expedited jobs around the county and realised significant results which has been invaluable to communities around the county. Mr Carey also referred to a recent AIRO report which confirms Kildare has a rapidly growing population which Mr Carey noted has proved challenging for this council to keep pace with especially around the delivery of amenity facilities hence the importance of this funding stream.

The Meetings Administrator confirmed that as per standing orders, no second or subsequent amendment shall be moved until the first amendment has been dealt with. Accordingly the Meeting Administrator confirmed the amendment proposed by Councillor McEvoy be taken first. Six members called for a roll call vote.

That Kildare County Council increase the local property tax by 5%.

With 5 members voting in favour of the amendment, 25 members voting against and 7 abstentions, the motion fell.

The following members voted in favour

Councillors Kennedy, Larkin, McCabe, McEvoy and Murray

The following members voted against

Councillors Aspell, Breslin, Brett, Byrne, Caldwell, Callaghan, Coleman, Cronin, Cussen, Dalton, Durkan, Hillis, Kelly, Lynch, McGinley, Miley Jnr, Neville, Ó'Ceairúil, Pender, R Power, S Power, Redmond, Wall, Ward and Young.

The following members abstained

Councillors Doyle, Fitzpatrick, Keatley, Moore, O'Neill, Scully and Weld

On this basis, the Meetings Administrator moved to take the second amendment.

That Kildare County Council does not increase or decrease the local property tax rate.

With 29 members voting in favour of not increasing or decreasing the local property tax rate and 8 members voting against, the motion was passed.

The following members voted for

Councillors Aspell, Breslin, Brett, Caldwell, Callaghan, Coleman, Dalton, Doyle, Durkan, Fitzpatrick, Hillis, Keatley, Kelly, Kennedy, Larkin, McCabe, McEvoy, Miley Jnr, Moore, Murray, Neville, Ó'Ceairúil, O'Neill, R Power, S Power, Scully, Wall, Ward and Weld.

The following members voted against

Councillors Byrne, Cronin, Cussen, Lynch, McGinley, Pender, Redmond and Young.

Resolved with 29 members voting in favour and 8 members voting against that in accordance with the Finance (Local Property Tax) Act 2012 (as amended) the members agreed not to adjust the base rate of Local Property Tax for the year 2018 in respect of relevant residential properties situated in the administrative area of Kildare County Council.

20/0917

To approve the raising of a €12m loan to finance housing land purchase

A report from Ms Eileen Hanlon, Head of Finance stated that as part of the Rebuilding Ireland Programme, Kildare County Council is identifying lands to be bought for the construction of social housing. In order to facilitate these land purchases, Kildare County Council will require a loan to cover purchase costs until such time as the Department reimburses the council. The members approval is sought to approve the raising of a €12m loan for this purchase of land.

Resolved on the proposal of Councillor Keatley, seconded by Councillor McGinley and agreed by all members present to approve the raising of a €12m loan to finance housing land purchase.

21/0917

Part V Units Delivered

The following motion in the name of Councillor Doyle was considered

That we get a report on the number of Part V units delivered in 2016, projected numbers for 2017 and 2018 with details of numbers to be acquired by the local authority and by Approved Housing Bodies and the necessary budget to achieve same.

The motion was proposed by Councillor Doyle and seconded by Councillor Ó'Cearúil.

Report: A report from Ms A Aspell, A/Director of Housing and Corporate Services confirmed the number of Part V units delivered in 2016 was 10 and the number to the end of August in 2017 was 5. The Housing department is currently in discussions with developers on the provision of an additional 105 units deliverable over 18 months between 2017 and 2018 (estimated 51 to local authority and 54 to approved housing bodies). It is anticipated that 40 of these 105 units will be finalised by the end of 2017. Estimated cost to the local authority of the 51 units is €9.7m. Estimated costs to approved housing bodies of the 54 units is €13.6m.

There are also 326 Part V units that have been granted planning permission however negotiations are only commencing on these (estimated cost €75m). These figures are currently estimates and are subject to change.

Councillor Doyle thanked the Director for the report and noted that the approved housing bodies appear to be going to carry the larger burden and queried whether the figures had been discussed with the Department. She also noted the requirement to deliver strong sustainable communities and stated social integration will not be achieved unless Part V is delivered on. Councillor Keatley supported Councillor Doyle's comments and stated the rate of private development in Athy and surrounds is nothing like in Naas/Newbridge/Leixlip etc. He stated a line of communication needs to be established between the Department of Housing, the council and the Approved Housing Body Agency. Councillor Redmond noted that some communities in his municipal district are not integrated due to the higher proportion of social housing in certain locations. Councillor Young queried the figures contained in the report stating it works out at €190K for a local authority unit and €251K for an Approved Housing Body unit yet Minister Eoghan Murphy had indicated a €140K unit cost for a 2-bed unit and €160K unit cost for a 3-bed unit. Councillor McEvoy queried whether the Housing section/Architects section are involved in the negotiations on Part V units in the Strategic Housing Development applications submitted directly to An Bord Pleanála.

Mr McDonnell, Director of Housing and Corporate Services stated one of the reasons for the increased pressure on housing is due to household sizes getting smaller. As Kildare County Council have a lot of 3-bed units in stock, we are delivering an increased number of 1 and 2 bed units as opposed to the approved housing bodies who are delivering mainly 3-bed units. Mr McDonnell confirmed Part V is a function of planning and its delivery is dependent on the developer

delivering the units which the council does not have control over. He further confirmed the numbers of units granted planning permission are submitted to the Department on a quarterly basis and noted that Part V legislation does not deal with social integration but the developer does have to engage with the council during the currency of his planning permission and is obliged to conclude an agreement with Housing before they go on site.

Councillor Doyle indicated the requirement for social integration is set out in the County Development Plan.

Resolved by the members present that the report be noted.

22/0917

TidyTowns winners

With the member's agreement, the Mayor invited an update from Mr Joe Boland, Director of Services on the National Tidy Town award winners as he was just back from the announcement. Mr Boland thanked the Mayor and advised the members that Kildare had done extremely well winning 10 medals, 4 gold, 3 silver and 3 bronze making exceptional progress in the last 12 months. Mr Boland acknowledged the hard work by all the Tidy Town committees around the county as the work they do not only benefits the immediate community, but also benefits tourism and industry throughout the county. Mr Boland confirmed further detail would be circulated to the members.

23/0917

Dog Pound

The following motion in the name of Councillor O'Neill was considered

That this council creates social media accounts for the Pound, to assist with the homing of lost pets and the re-homing of abandoned animals.

The motion was proposed by Councillor O'Neill and seconded by Councillor Doyle.

A report from the Environment section confirmed they have existing arrangements in place with approved animal charities to allow access to the Dog Pound to assist with efforts to rehome dogs.

The current arrangements are managed through weekly visits to the Pound by the Kildare & West Wicklow Society for the Protection of Cruelty to Animals who photograph the dogs and place the details on their social media accounts. Dogs are also rehomed through the Dogs Trust.

The existing arrangements have recorded a significant increase in the number of dogs rehomed over recent years. The council's own website and social media accounts will be amended to include details to promote the work of the relevant rehoming organisations.

Resolved by the members present that the report be noted.

24/0917

New Business Commercial Rates Grant Scheme

The following motion in the name of Councillor Lynch was considered

That this council develops a new business commercial rates grant scheme for any eligible small indigenous start-up on main streets in villages or towns in an attempt to foster new start-ups within the county, with consideration given to a rates holiday for up to a two-year period. These eligible businesses should not detract from any other business or service within the area who are already council ratepayers.

The motion was proposed by Councillor Lynch and seconded by Councillor Redmond.

A report from Ms E Hanlon Head of Finance and Ms S Kavanagh, Director of Economic, Community and Cultural Development stated the basis for setting and charging commercial rates is set down in statute and regulation. The annual rate on valuation is set by the council each year at its Budget meeting. The valuation of relevant property is set by the Valuation Office. Kildare County Council is dependent on commercial rates income to fund the services it provides. Commercial rates income accounts for 38% of all Kildare County Council income in 2017.

Any scheme to alleviate rates requires the sanction of the Minister for Local Government as outlined in Section 2 of the Local Government (Rates) Act 1970 and The Local Government (Rates) (Waiver) Regulations 1970. Records indicate that submissions of "rates alleviation schemes" by other local authorities seeking ministerial sanction have been refused.

Proposals similar to this have been discussed by the Finance Committee and the Economic Development SPC and it has been agreed that a Business Support and Development Fund of

€150,000 in the 2017 Budget be established to support and encourage business rather than alleviate rates.

It would be recommended subject to available resources to continue to provide a Business Support and Development Fund in the 2018 Budget. The use of which could be a matter for discussion by the Planning, Economic Development and Enterprise SPC.

There have also been changes included in the Local Government Reform Act 2014, where subsequent occupier legislation Section 14 (2) of the Local Government Act 1946 has been repealed and the provisions no longer apply. Thus, new occupiers are liable for rates from date of occupation only and will not be responsible for rates outstanding from previous occupiers. The responsibility for unpaid rates remains with the previous occupier or owner.

The report stated Kildare Local Enterprise Office act as a 'one stop shop' to deliver enterprise supports. They offer Business Information and Advisory Services; Enterprise Support and Development Services and Entrepreneurship Support Services.

Councillor Lynch stated that the high streets are dying due to the shift to on-line shopping and we should be doing more to try and support them. Ms Kavanagh, Director of Service, made the point that the SPC had considered all options, including a rates related scheme, previously and that they found there was no evidence to suggest that such a scheme had a positive outcome. She suggested that businesses should contact the LEO office as a one stop shop for business supports; both financial and advisory.

Resolved by the members present that the report be noted.

25/0917

Objective RAO12 – Public Rights of Way

The following motion in the name of Councillor Cussen was considered

That the members be provided with an update on Objective RAO12 re Public Rights of Way in County Kildare which was adopted in the County Development Plan to include the time-frame for this and progress to-date.

The motion was proposed by Councillor Cussen and seconded by Councillor Redmond.

A report from Mr K Kavanagh, Senior Executive Officer, Planning Department stated Objective RAO 12 in the County Development Plan seeks to identify, list and map public rights of way in County Kildare that give access to places of natural beauty or recreational utility over the lifetime of the plan. At present, priority is being afforded to finalising a number of Local Area Plans eg. Leixlip, Celbridge and to commencing the LAP process on a number of others eg. Naas and Athy.

Councillor Cussen referred to a Right of Way in Castletown Celbridge and an enforcement notice that had been served but subsequently the members were informed this notice had been served in error. Councillor Keatley supported the motion but indicated the forward planning work programme is already very heavy and that the Athy Municipal District is still waiting for the Athy Local Area plan review to commence. Councillor McEvoy asked where the responsibility lay for this work. Mr Kavanagh confirmed Planning is the lead department on this but will require assistance from the Roads Department. He further noted this is one of fourteen objectives in this particular chapter alone.

Resolved by the members present that the report be noted.

26/0917

Smart Kildare

The following motion in the name of Councillor Ó Cearúil was considered

That this council explores the possibility of a Smart County initiative in conjunction with the Local Enterprise Office. Smart Kildare would be a competition for small and medium enterprises (SMEs) to come up with proposals for new approaches to dealing with issues facing the county.

The motion was proposed by Councillor Ó Cearúil and seconded by Councillor S Power

A report from Ms J McNabb, Head of Enterprise stated that in 2018 it is envisaged that we will launch Smart Kildare as an initiative of Kildare Local Authority and Kildare Local Enterprise Office to engage by way of competition with smart technology providers, researchers and citizens to solve challenges and improve county life. The first part of this process is to host the Economic Forum in October 2017 to identify a program of activity around the needs and challenges of the county as identified by public and private stakeholders.

The objectives being to Provide Better Services, Promote Innovative Solutions, Improve Economic Activity and Increase Collaboration and Engagement. The benefits of Smart Kildare will be that it acts as a reference site to validate smart technologies, moves from research to reality, builds a collaboration framework to solve Kildare's challenges, delivers more efficient services, increased engagement with citizens and service users and enhances the quality of life.

Councillor Ó'Ceairúil welcomed the report and stated the key is the sharing of ideas with a view to finding solutions to issues facing this local authority. He did note from the report that it seems very data/I.T. based and asked that it not be just purely technology driven.

Resolved with the members agreement that the report be noted.

27/0917

Chair of Kildare County Council Audit Committee

The following motion in the name of Councillor McLoughlin Healy was considered

In light of the recent confirmation to me by the Local Government Auditor and communicated by me to the Chief Executive, that councillors are entitled to communicate with, seek information from, and therefore are entitled to contact details for the Chair of Audit Committees of councils that the contact details for the Chair of Kildare County Council's Audit Committee be provided without further delay to elected representatives.

Report: A report from Ms A Aspell, A/Director of Service, Housing and Corporate Services confirmed the Audit Committee is a statutory body that operates under regulation. The elected members are represented by Councillors Paul Ward, Mark Stafford and Teresa Murray and it is suggested that this is the appropriate channel for communication. However, if any of the elected members wish to correspond with the Chair of the Audit Committee they can forward correspondence to Mr Tadhg McDonnell, as Secretary to the Audit Committee and the correspondence will then be forwarded to Mr. Denis Doherty, Chair of the Audit Committee.

Councillor McLoughlin Healy expressed her growing frustration in trying to bring governance issues relating to zoning/lobbying, failure of due diligence around Affordable Housing Bodies and lack of transparency on grant application to the attention of the Chair of the Audit Committee. She confirmed she had routed queries through two of the three elected representatives that sit on the committee and through Mr McDonnell as Secretary of the Committee. She also noted the Audit

Committee Annual Report 2016 was put before the members for noting at the April 2017 council meeting and expressed the view that councillors have a statutory entitlement to consider the report yet no detail was given at that meeting in relation to the audits that had been conducted and the recommendations/outcomes of same. Councillor McLoughlin Healy also noted she had been refused access to audit committee reports when she had asked for them.

Councillor McLoughlin Healy referred to Section 4.1 of the Audit Committee Regulations which states that the Audit Committee and its members shall be accountable to the local authority. The committee reports directly to the council to ensure its independence from the executive and the Internal Audit unit. The role of the Internal Auditor is primarily for the benefit of the Chief Executive. Councillor McLoughlin Healy asked why the Chair of the Audit Committee was not invited to be present at the meeting where the Audit Committee Annual Report 2016 was listed in order to take any questions members had on it.

Councillor Pender supported the motion and stated in her role as an SPC member, she had sought information from the Audit Committee and experienced significant delays in getting any response. Councillor Lynch also supported the motion and expressed his frustration around the difficulties members encounter in seeking information of this nature. Councillor Redmond queried why the members of the Housing SPC had not been informed that a particular Affordable Housing Body had not been included on the register of Approved Housing Bodies. Councillor McEvoy outlined the role of the Audit Committee in risk based analysis of a calculated and forensic nature on policy's and the length of time since they have been reviewed eg. the regional inventory of assets in the local authority. Councillor Doyle noted the regulation in the area of Approved Housing Bodies (AHB) has become increasingly onerous with the amount of administration required becoming unsustainable. Councillor Murray wished to clarify that she had been approached by Councillor McLoughlin Healy and that she had referred her to the Secretary of the Committee which is the appropriate channel for relaying information to the Chair of the Audit Committee.

At 6pm on the proposal of Councillor Ó'Cearúil seconded by Councillor Caldwell with all members in agreement, Standing Orders were suspended for 15 minutes.

Mr T McDonnell, Director of Service clarified that a number of the issues referred to by Councillor McLoughlin Healy do not refer to the Audit Committee but refer to the Ethics Registrar when relating to standards in public office and to Protected Disclosures. He advised the members that

the Audit Committee regulations state that the Audit Committee and its members are independent in the performance of their functions. He also confirmed the AHB issue raised by Councillor Redmond was not the subject of an Audit Committee report. Mr McDonnell confirmed all correspondence received by him as Secretary to the Audit Committee had been relayed to the Chair of the Committee as requested. He acknowledged there had been a delay in responding to Councillor Pender's requests due to him being on annual leave. Mr McDonnell further clarified that inaccurate information given to Councillor McLoughlin Healy regarding the availability of audit committee reports had been corrected within 24 hours.

Councillor McLoughlin Healy reiterated her view that the Audit Committee has a duty to report to the council at the next practical meeting and that council members should be able to comment on the Audit Committee's report. She also stated that as far as she is aware, the requirement to route correspondence to the Chair of the Audit Committee via the secretary is not set down in any legislation.

Resolved by the members present that the report be noted.

28/0917

Lifebuoys

The following motion in the name of Councillors McEvoy, Larkin, Murray and Kennedy was considered

That the council report on the numbers of lifebuoys that are maintained in terms of:

- (a) how many per water body or per locality, and
- (b) how many replacements have been deployed due to interference, theft or deterioration over the last 12 months, and that revised notices are developed with contact details that invite members of the public to discourage and report unauthorised interference.

The motion was proposed by Councillor McEvoy and seconded by Councillor Redmond.

On the proposal of Councillor Lynch seconded by Councillor Caldwell with all members in agreement, Standing Orders were suspended for a further period of 10 minutes.

A report from Ms S Kavanagh, Director of Service stated there are ring buoys at 92 locations throughout the county, predominantly on our two main rivers, the Barrow and the Liffey. The areas

that have needed the greatest number of replacements are; along the Barrow in Athy (between the Courthouse and the Horsebridge), at the Aqueduct in Monasterevan, at the Liffey Bridge in Clane and at the Liffey Bridge in Celbridge. It has been necessary to replace 18 buoys, lengths of rope and 14 boxes. In the majority of cases the boxes had been burned.

The members' suggestion regarding reviewing the efficacy of the notice has been noted and the Water Safety Officer will take this on board and deal with the matter.

Councillor Larkin thanked the Director for the report and stated the importance of this issue cannot be underestimated. Councillor Murray asked if the text on the life-buoy units can be revisited. Councillor Cronin supported the motion and asked if it should be referred to the relevant Strategic Policy Committee (SPC) for consideration. Councillor Kelly confirmed there is a new Life Saving Equipment Bill, with strict new penalties, going through the Dáil at present. Councillor Durkan supported the motion and asked whether covert CCTV cameras could be considered for these locations. Ms Kavanagh thanked the members for their practical suggestions and stated the matter would be referred to the SPC and the roll out of a school's education programme be considered.

Councillor Pender asked that if any such education programme was being rolled out through the schools, could it include information in relation to defibrillators also. Ms Kavanagh agreed it would.

Resolved by the members present that the report be noted and the matter referred to the Local Community and Cultural SPC.

Tairsceanna Láithreach (Nach feidhmeanna na Comhairle Contae iad)

Current Motions (Non-Kildare County Council Functions)

29/0917

'Support Your Local' Campaign

The following motion in the name of Councillor Durkan was considered

That this council backs the 'Support Your Local' campaign in calling for a reduction in excise tax on alcohol in budget 2018, in order to support local jobs, the hospitality sector and the local economy in Kildare.

The motion was proposed by Councillor Durkan and seconded by Councillor Neville.

A report from Ms A Aspell, A/Director of Service, Housing and Corporate Services confirmed that this is a matter for the members.

On the proposal of Councillor Durkan seconded by Councillor Neville with all members in agreement, Standing Orders were suspended for a further 10 minutes.

A number of members spoke against the motion following which Councillor Durkan asked that the motion be withdrawn.

Resolved that the motion be withdrawn.

30/0917

Housing Emergency

The members agreed to take motion no. 27 and motion no. 29 on the agenda together.

The following motion in the name of Councillor Young was considered

That Kildare County Council calls on the Minister for Housing, Planning Community and Local Government, to declare a housing emergency under which a State Housing Agency would be established, financed from public funds including the Strategic Investment Fund and the NAMA reserves; in conjunction with local councils and using direct labour, it should promptly commence building public housing for rent with a target of 90,000 units over 5 years.

The motion was proposed by Councillor Young and seconded by Councillor Redmond.

The following motion in the name of Councillor Redmond was considered

That this council immediately write to Minister Eoghan Murphy, Department of Housing, Planning, Community and Local Government asking that he declare a national housing emergency and resource local authorities for dealing with such.

The motion was proposed by Councillor Redmond and seconded by Councillor Young.

A report from Ms A Aspell, A/Director of Service, Housing and Corporate Services stated this is a matter for the members

Councillor Young outlined his view that there is a projected need for 500k housing units in Ireland and that this number of units will not be delivered by private developers and that the state reserves should be used to address this crisis.

Councillor Redmond noted that on the 26 August 2017 a lady had died in homeless accommodation in Kildare and that it is now time for a housing emergency to be called.

On the proposal of Councillor Ó'Ceairúil seconded by Councillor Caldwell with all members in agreement, standing orders were suspended for a further 10 minutes.

Councillor McLoughlin Healy asked the Chief Executive about the recent Housing Summit called by Minister Eoghan Murphy. Mr Carey stated that the emphasis is now on accelerated delivery with a new emphasis on local authority delivery with a number of different incentives, such as Rapid Build programmes, being introduced to assist in this. Mr Carey confirmed a follow up meeting is to be held in 6/8 weeks' time.

Resolved on the proposal of Councillor Young, seconded by Councillor Redmond and agreed by the members present that Kildare County Council calls on the Minister for Housing, Planning Community and Local Government, to declare a housing emergency under which a State Housing Agency would be established, financed from public funds including the Strategic Investment Fund and the NAMA reserves; in conjunction with local councils and using direct labour, it should promptly commence building public housing for rent with a target of 90,000 units over 5 years.

31/0917

Supreme Court Findings

The following motion in the name of Councillor Cronin was considered

That Kildare County Council supports the findings from the Supreme Court on the right of an individual living in direct provision to work and earn a livelihood and calls upon the government to implement this right without any further delay.

The motion was proposed by Councillor Cronin and seconded by Councillor Byrne.

A report from Ms A Aspell, A/Director of Service, Housing and Corporate Services stated this is a matter for the members

Councillor Cronin asked for the members support in this matter as something needs to be done to enable these people to be able to work. Councillor Power suggested that the word findings be replaced with ruling and all members were in agreement to this amendment.

Resolved on the proposal of Councillor Cronin seconded by Councillor Byrne and agreed by all members present that Kildare County Council supports the ruling from the Supreme Court on the right of an individual living in direct provision to work and earn a livelihood and calls upon the government to implement this right without any further delay.

32/0917

Tourism Asset Signage

The following motion in the name of Councillor McCabe was considered

That this council write to the Minister for Transport, Tourism and Sport as well as Transport Infrastructure Ireland, seeking more control over of the installation of tourism asset signage on our motorways and national routes with a view to making tourists and citizens who transit on these routes more aware of the cultural, heritage, tourism assets and the tourism branding (Into Kildare and Ancient East) within our county.

The motion was proposed by Councillor McCabe and seconded by Councillor Redmond.

A report from Ms A Aspell, A/Director of Services, Housing and Corporate Services stated this is a matter for the members

Councillor McCabe noted he attended the meeting on tourism in Kildare in Kilkea Castle recently and suggested Kildare needs to improve its tourism signage and referred to a photomontage he had prepared and circulated prior to the meeting. Councillor Redmond noted this issue had been raised at the last Athy Municipal District meeting and that tourism signage needs to be developed in the county.

Resolved on the proposal of Councillor McCabe, seconded by Councillor Redmond and agreed by all members present that this council write to the Minister for Transport, Tourism and Sport as well as Transport Infrastructure Ireland, seeking more control over of the installation of tourism asset signage on our motorways and national routes with a view to making tourists and citizens

who transit on these routes more aware of the cultural, heritage, tourism assets and the tourism branding (Into Kildare and Ancient East) within our county. Photomontage to be submitted also.

On the proposal of Councillor Ó'Ceairúil seconded by Councillor Moore with all members in agreement, Standing Orders were suspended for a further 10 minutes.

33/0917

Community Garda Force Division

The following motion in the name of Councillor Moore was considered

That this council write to the Minister for Justice and Equality and any An Garda Síochána Review Body, requesting them to consider dividing the future An Garda Síochána Force to provide for a Community Garda Force Division which is completely separate from the Road Traffic, Serious Crime and State Security sections with members living and working in the areas they are responsible for.

The motion was proposed by Councillor Moore and seconded by Councillor McEvoy.

A report from Ms A Aspell, A/Director of Service, Housing and Corporate Services stated this is a matter for the members.

Councillor Moore stated this is a community based motion due to the fact there are no community Gardai anymore and that there is a need for policing to be reviewed. Councillor Cussen asked that this matter be referred to the Joint Policing Committee (JPC) for consideration. Following discussion amongst the members, it was agreed that a letter issue to the Minister as outlined and that the response be referred to the JPC for consideration.

Resolved on the proposal of Councillor Moore, seconded by Councillor McEvoy and agreed by all members present that council write to the Minister for Justice and Equality and any An Garda Síochána Review Body, requesting them to consider dividing the future An Garda Síochána Force to provide for a Community Garda Force Division which is completely separate from the Road Traffic, Serious Crime and State Security sections with members living and working in the areas they are responsible for and the response be referred to the JPC.

The meeting concluded.