

**KILDARE COUNTY COUNCIL**  
**Minutes of meeting of Council**  
**held at 2.00pm**  
**Monday 27 November 2017**  
**Áras Chill Dara, Devoy Park, Naas, Co Kildare.**

**Members Present:** Councillor M Miley Jnr (Mayor), Councillors M Aspell, A Breen, F Brett A Breslin, 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, 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 T Murray

**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.

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**01/1117**

**Suspension of Standing Orders**

Councillor McLoughlin Healy asked that the members consider the suspension of standing orders to allow time for a discussion on the significant serious issues that have arisen around irregularities identified in the KWETB. She stated Wicklow County Council had suspended their standing orders at a recent council meeting to allow a discussion to take place. Councillor Cronin seconded Councillor McLoughlin Healy’s proposal to suspend standing orders to allow debate on this issue. Councillor McLoughlin Healy asked for a roll-call vote on the matter with six members supporting her request. The Mayor stated the council has no statutory role in the KWETB but indicated the matter would be put to a roll-call vote as had been requested but wished to point out

that this was the first he had heard of Councillor McLoughlin Healy wanting to raise this issue and noted that before looking to suspend standing orders, every effort should be made through the normal channels to have the matter listed on the agenda.

**Resolved** with 7 members voting for the proposal to suspend standing orders to allow a discussion to take place on the KWETB, 24 voting against and 2 abstentions the motion was defeated.

### **02/1117**

#### **Vote of Sympathy**

The Mayor welcomed the members to the meeting and extended his sympathy to the families of the late:

Kathleen (Peg) Doyle (née Maher), mother of John Doyle, General Operative in Transport.

Philomena Lawless, mother of Annette Keaveney, Planning Department.

Mr Paddy McDonagh, Tankardsgarden Halting Site – member of the Kildare County Council Local Traveller Accommodation Consultative Committee.

A minute's silence was observed.

### **03/1117**

#### **Adoption of minutes**

The council considered the minutes of the monthly meeting of 23 October 2017, together with the progress report.

Councillor Cussen referred to page 19 where it stated that the "issues identified on the audit in the Celbridge-Leixlip Municipal District alone amounted to €700,000" and stated this was incorrect and should refer to the Maynooth Municipal District. The Meetings Administrator advised that this would be amended in the adopted minutes.

**Resolved** on the proposal of Councillor Hillis seconded by Councillor Kennedy and agreed by all members present that the minutes of the monthly meeting of 23 October 2017, to include the amendment to Maynooth Municipal District on page 19, be adopted and the progress report noted.

**04/1117**

**To note Chief Executives monthly management report**

The members considered the monthly management report.

Councillor Wall referred to page 37 regarding the Shop Front Grant Scheme noting the Athy Municipal District had allocated €10,000 in 2017 for this purpose.

Councillor McLoughlin Healy complimented the LEO for surpassing all their targets but asked for clarification on page 34 regarding the target set under grant applications approved for the finance allocated to businesses in County Kildare noting the spend to date as €854,216 as no target was indicated.

**Resolved** that the Chief Executives monthly management report be noted.

**05/1117**

**Draft Fire and Emergency Operations Plan 2017-2022**

Ms C Barrett, Chief Fire Officer attended the meeting and gave a presentation to the members on the Draft Fire and Emergency Operations Plan 2017-2022. She confirmed the plan had gone to four Strategic Policy Committee meetings, had been approved by the Corporate Policy Group and uploaded to the Fire Service Portal. Ms Barrett stated the current plan is significantly out of date and stated that the concerns of the last council, who failed to adopt the plan, had been addressed as all references to staffing issues had been removed from the plan and confirmation given that Kildare Fire Service will respond to HSE requests.

A lengthy discussion took place amongst the members with a number of them asking that the adoption of the plan be deferred for a month to enable them give further consideration to the document having regard to the issues raised in a letter sent to each councillor from SIPTU on

behalf of the firefighters, citing their concerns over the plan and the issue around the lack of consultation with the fire services staff. Councillor Pender specifically asked in relation to timber framed construction, referring to the fire at Millfield where 6 houses were destroyed in under half an hour, and whether this is addressed in the plan. Councillor Wall raised the issue of the poor condition of the Monasterevan Fire Station noting this issue was not contained in the plan.

Ms Barrett stated a large part of the focus of the plan is on the operational response and that the plan covers the wider remit of the Fire Service to include fire safety, fire operations and emergency management. She stated that in line with the Departmental Circulars, the required building stock had been reviewed post Grenfell. She stated she was hugely disappointed with the letter from SIPTU and categorically opposed the suggestion being made by them that the plan is unsafe. Ms Barrett stated she had met with each of the Fire Stations when the plan was originally before council and the issue of risk categorisation had been discussed. She confirmed that in advance of today's meeting, the document was put on the Fire Services portal.

The Chief Executive Officer thanked Ms Barrett for her presentation and her work on the plan noting that Kildare has 6 fire stations, 68 firefighting staff, a €6 million budget and he did not want there to be any suggestion of divisiveness as the council has huge respect for the Fire Service and the work that they do. He stated there is a national policy in place now for five years and there is a statutory requirement to have this plan in place. He confirmed it was a reserved function of the members to adopt the plan adding he was happy with the plan but was not happy with the fact that the council is currently in breach of its statutory duty by not having a plan.

Councillor Moore stated it was a disgrace that it was taking 4 years to adopt the plan stating the problems identified will not be solved by not adopting it. He further enquired how long the plan lasted for and would there be a mid-term review. The Chief Executive stated he had no difficulty with committing to an annual review as this was good practise.

On the proposal of Councillor S Power, seconded by Councillor Weld the Mayor put the adoption of the Draft Fire and Emergency Operations Plan 2017-2022 to a vote by the members.

**Resolved** on the proposal of Councillor S Power seconded by Councillor Weld with 20 members voting in favour, 13 members voting against and 3 abstentions that the Draft Fire and Emergency Operations Plan 2017 - 2022 be adopted with an agreed undertaking to an annual review of the Plan, confirmation that Monasterevan Fire Station will be the next Fire Station to be replaced after

Maynooth and a Hazmat vehicle will be located in Leixlip Fire Station when the Aerial Platform is retired from service.

**06/1117**

**To receive report from the Chair of the Housing Strategic Policy Committee**

Councillor Kennedy outlined the key policy areas over the course of 2017 to include the five pillars under the Rebuilding Ireland Homeless Action Plan, Vacant Homes Strategy, the Homeless Action Plan for the Mid-Eastern Region which has been endorsed by the SPC and the Disability Strategy. Under the Rebuilding Ireland Programme and up to the end of Quarter 3 2017, Councillor Kennedy confirmed 82 houses had been delivered under the acquisition programme which includes Part V acquisitions, 31 bed spaces had been delivered by CAS and 682 households have been supported by HAP/RAS/Leasing. With regard to Choice Based lettings, he noted an IT system was currently being sourced with the assistance of the council's IT Department with an expected completion date of Quarter 1, 2018.

Councillor Kennedy confirmed the council has one site identified under the Rapid Build Housing in Maynooth and that stage 1 approval for 50 houses had been submitted to the Department of Housing, Planning and Local Government. He confirmed the Anti-Social Behaviour Strategy was adopted at the February council meeting and noted the Integration Strategy Implementation Committee meet on a monthly basis in the Eyre Powell, assisting residents to source housing and that a number of motions had been referred to the SPC for consideration during the course of the year. Councillor Kennedy outlined the challenges facing the Housing SPC going forward as being the housing market, homelessness, changes in social housing options / delivery, resources and supporting the dedicated and committed staff that work in this challenging area. Councillor Kennedy thanked the Director and all the staff in the housing department for their dedicated work and welcomed the recent addition of 20 new staff to the department.

Councillor McEvoy complimented the SPC on the policy development being delivered. Councillor Cussen reiterated her view that the monthly vacant housing report is less than adequate and asked if reference to water charges had been removed from the Tenant Purchase Scheme. Councillor Moore enquired regarding his previous motion that the council give consideration to a lead agency to look after our housing estates taking the initiative on education, employment etc. Councillor Weld raised his concerns over the length of time some Part 8's are taking and that the council's policy on anti-social behaviour needs to be strengthened. Councillor Wall raised the

issue of anti-social behaviour in the voluntary housing estates and the difficulties encountered by residents when trying to make contact with the Affordable Housing Body.

Mr McDonnell, Director of Service, Housing and Corporate Services confirmed the vacant housing report had been through the Protocol Committee who had agreed the current format and noted that not all anti-social behaviour is housing related with a lot of the issues relating to agencies outside the council's remit. He thanked Councillor Kennedy for his work on the SPC and acknowledged the work of the staff in the housing department in this very challenging area.

### **07/1117**

#### **To approve appointments to the Local Traveller Accommodation Consultative Committee**

A report from Ms S Fitzpatrick, Administrative Officer Housing Department stated Ms Kathleen Donoghue and Ms Rosie Mc Inerney are proposed to the Traveller Accommodation Consultative Committee (LTACC) to replace Ms Elizabeth Trapp and Ms Sandra Mc Donagh who have resigned from the committee.

Councillor McGinley noted the passing of Mr Paddy McDonagh who had been a member of the LTACC for a long time stating he will be missed. Councillors Kennedy, Cussen and Pender all wished to be associated with Councillor McGinley's comments noting Mr McDonagh's great character and his passing was a great loss to his wife Ann and his entire family. Councillor Breen stated she had attended his removal and sent a mass card to his wife Ann on behalf of the Local Traveller Accommodation Consultative Committee.

**Resolved** on the proposal of Councillor Breslin seconded by Councillor Breen and agreed by all members present to approve the appointment of Ms Kathleen Donoghue and Ms Rosie McInerney to the Local Traveller Accommodation Consultative Committee.

### **08/1117**

#### **To consider meetings calendar for 2018**

A report from Ms M McIvor, Senior Executive Officer outlined the changes to the meetings calendar 2018 noting the day of the Maynooth meeting changing from a Tuesday to a Friday, the

Athy Municipal District date changes due to clashes with CPG and bank holidays and further revised dates for the Housing SPC and Economic Development, Enterprise and Planning SPC.

**Resolved** with the agreement of all members present to approve the meetings calendar for 2018.

**09/1117**

**Gnó an Mhéara/Mayor's Business**

The Mayor began by congratulating Councillor Daragh Fitzpatrick and his wife on the birth of their baby son Michael and wished them all well for the future.

The Mayor spoke about the recent visit to Lexington USA stating an official delegation travelled out in response to an invitation from Lexington-Lafayette County to mark the 60th anniversary of their Twinning under the Sister Cities Programme. He stated they had attended a huge number of different events under the Academic, Business, Education and Cultural Programme themes.

The Mayor stated it had been an intense trip but hugely beneficial and interesting and complimented Mr Senan Griffin, Chair of the Twinning Committee and Mr Peter Minnock, Director of Service for all their work in preparing for this extremely successful delegation. The Mayor stated one of the highlights of the trip was the 'Birth of a Nation' drama created by Mario Corrigan and performed by K Culture which was a resounding success.

The members thanked the Mayor for his work and complimented the delegation on its success.

The Mayor confirmed the Deputy Mayor had attended Kildare County Councils awards night for Community Groups which was held while he was away and thanked him for this.

The Mayor confirmed he had attended a Community Alert Group meeting which was very informative and also attended the Kildare Sports Partnerships Strategic Plan launch in Áras Chill Dara which was a great evening and very well attended.

The Mayor stated he and the Chief Executive and Ms J McNabb, Head of Enterprise had attended the Kildare Chambers Awards night on the 17 November where there were 350 businesses in attendance with Intel winning the overall award. He noted a huge amount of positivity and goodwill

was directed towards Kildare County Council and complimented the Chief Executive and his team for their achievements in the area of economic development in this regard.

The Mayor stated the Deputy Mayor had attended the Chambers Ireland presentation recently and was delighted to announce that Kildare County Council had won the award for best library and complimented Ms Marian Higgins, County Librarian and her staff for the immensely important and successful work they are carrying out in the area of libraries, community and culture.

The Mayor stated he had attended a presentation in Newbridge Town Hall by the Drugs Taskforce attended by Minister Jim Daly, noting it was a fantastic event.

The Mayor also thanked the members for attending the earlier Mojo Presentation given by Ms Niamh Keaveney with guest speakers Mr Mike Bartlett and Ms Kirsten Cunningham, who spoke with such honesty and noted the immense and vitally important work being carried out across the county through this programme with minimal funding.

#### **10/1117**

#### **Comhfhreagras/Correspondence**

The Meetings Administrator confirmed eight items of correspondence had been circulated with the progress report, to include four resolutions passed by other local authorities.

#### **11/1117**

#### **Comhdhálacha agus Traenáil/Conferences and Training**

The Meetings Administrator referred to the report dated 23 November 2017 circulated to the members.

**Resolved** on the proposal of Councillor Hillis seconded by Councillor Fitzpatrick 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, retrospective approval is granted for the attendance of Councillor Aspell at the AILG module 5 training at the Springhill Court Hotel, Kilkenny on 26 October, the attendance of Councillors Keatley and Neville at the AILG Autumn Seminar in the Sligo Park Hotel, Sligo on 12 & 13 October and for the attendance of

Councillors Kennedy, O'Neill and Hillis at the AILG November training on 18 November in the Dunboyne Castle Hotel, Meath.

**12/1117**

**To receive report from the Chair of the Environmental Services and Water Strategic Policy Committee**

Councillor S Power started by congratulating the council on winning the tender to host the Climate Change Office in Kildare County Council headquarters noting the SPC had received a presentation from Mr Kevin Motherway, Senior Executive scientist in the Eastern and Midlands Regional Climate Change Office confirming Kildare County Council will be the lead authority for 17 local authorities in this area. Councillor Power went on to outline the work programme of the Environmental Services and Water SPC to date which included a special meeting on illegal dumping in May and work in relation to the Eastern Midlands Regional Waste Plan to include a presentation from Mr Hugh Coughlan, their Regional Co-ordinator, in June. The SPC also worked on policy issues around the Draft River Basin Management Plan, abandoned cars, illegal dumping/littering, reducing food waste, construction and demolition Waste and the proposed new Civic Amenity Site.

Councillor Power outlined the work programme for the December SPC meeting to include work on the Draft Cemetery By-Laws, the Tidy Towns Programme and a joint meeting with the Economic Development and Planning SPC on a signage policy for the county.

Councillor McEvoy complimented the SPC for the recycling booklet they produced and asked that it be placed on the council's website. Councillor Redmond queried the issue of flooding and the position with the Barrow Drainage Programme. Councillor S Power noted that flood alleviation is an area the SPC will be looking at in 2018. Councillor Redmond also asked that the council's civic amenity sites open for longer hours and an increased number of days. Councillor Durkan welcomed the development in relation to abandoned cars and queries the 21 days for removal when ownership details come to light once the sticker has been put in place. Councillor Larkin stated his reservations in relation to the location of the proposed civic amenity site in Kilmacreddock and asked what stage the project is at. Mr Boland Director of Service confirmed it was at design stage. Mr Boland thanked the members of the SPC for their input and complimented

Councillor Lynch's motion in relation to the recycling booklet that had been produced and noted the opening hours/days of the civic amenity site in Athy would be looked at. He also confirmed he would revert to Councillor Durkan on his query regarding abandoned cars.

The Mayor thanked Councillor S Power for this presentation and thanked Mr Boland and the members of the SPC for the work they are doing in particular, the Green Kilometre initiative which has been a huge success in the rural areas of the county.

### **13/1117**

#### **To consider the Audit Committee report on the Annual Financial Statement for year ended 31 December 2016 in accordance with Section 121 of the Local Government Act 2001**

The members considered the Audit Committee report on the Annual Financial Statement for year ended 31 December 2016 in accordance with Section 121 of the Local Government Act 2001.

Councillor McLoughlin Healy asked that the Chair of the Audit Committee be invited to attend a meeting of the council, as is statutorily provided for, to answer any queries the members may have on the report. She also noted the Local Government Auditor had indicated deviations in his report that concerned her citing point no. 6 in relation to purchase orders and that the work ongoing on the Property Interest Register will not now be completed for another 2/3 years.

Councillor Stafford stated he was one of the three members that sit on the Audit Committee. He noted that the Audit Committee Annual Report and the Audit Committee Report on the Annual Financial Statement and Local Governments Auditors Report are two different reports. Councillor Stafford confirmed the Local Government Auditor attended the Audit Committee meeting in July 2017, and he was very clear that there were no serious issues to be raised by him. Councillor Stafford stated some issues had been raised but that steady improvements have been made in these areas. Councillor Stafford also referred to improvements in the area of the Property Interest Register, on the collection of housing loans and noted that a new Agresso system has been put in place that will assist in relation to purchase order procurements. He further confirmed the Chairman of the Audit Committee has indicated he is available to attend a council meeting to discuss any issues the members wish to raise. Councillor Pender expressed her concern in relation to point no.6 also. Ms Hanlon addressed the concerns raised in relation to purchase orders and advised that purchase orders for grants, utility bills and LVP cards are raised

concurrent with approval to pay. She indicated further improvements will be made on this under the Agresso Milestone 4 project. The Chief Executive stated that with a revenue budget of almost €150 million and a capital programme of €350 million it is a significant achievement to receive a clean audit report and is a huge compliment to our staff. He also pointed out that external representatives sit on the Audit Committee and that the National Oversight and Audit Committee (NOAC) have an evaluation role on our financial performance also.

Mr McDonnell, Director of Service stated the item for consideration today is the Audit Committee Report on the Annual Financial Statement 2016 and Local Government Auditors Report and the discussion that was taking place was broader than the item under consideration. Mr McDonnell repeated the point that no issues had been raised in the report that was under consideration today that warranted a request for the Chairperson to attend. He stated that in terms of the Annual Report of the Audit Committee, the Chairperson could be invited to attend the relevant meeting however it would be prudent to wait for the report to issue before considering issuing such an invitation. Councillor McLoughlin Healy asked that the Chair of the Audit Committee be invited to attend the relevant council meeting in 2018 at which the Audit Committee Annual Report 2017 is listed, Councillor Cussen supported this request.

**Resolved** on the proposal of Councillor McGinley seconded by Councillor Hillis and agreed by all members present to note the Audit Committee report on the Annual Financial Statement for year ended 31 December 2016 in accordance with Section 121 of the Local Government Act 2001.

#### **14/1117**

#### **Reduction in the number of seats on municipal districts**

The following motion in the name of the Maynooth Municipal District members was considered: In light of the recent memo taken to cabinet about the reduction in the number of seats on municipal districts, that the council agrees to make a submission to the Boundary Commission, once it is established, to ensure the best interests of the people of Kildare are protected.

The motion was proposed by Councillor Fitzpatrick and seconded by Councillor Weld.

A report from Mr T McDonnell, Director of Services stated this was a matter for the members to agree. Councillor Fitzpatrick stated the Boundary Commission are considering reducing all nine-seater Municipal Districts to seven seats which will have an impact in Kildare and sought the members support to write to the Commission asking them to have regard to the county of Kildare as a whole. Councillor McEvoy supported the motion stating the need to have regard to how this will impact on functions and that moving to six municipal districts would be very difficult given there will be no additional resources given to service the committees. Mr McDonnell stated he would discuss the wording of the submission in advance of it being sent, with Councillor Fitzpatrick. Councillor O'Cearuil asked that the submission be circulated to all the members for their information.

**Resolved** on the proposal of Councillor Fitzpatrick, seconded by Councillor Weld and agreed by all members present that the council agrees to make a submission to the Boundary Commission, once it is established, to ensure the best interests of the people in Kildare are protected.

#### 15/1117

#### **To consider referral from Protocol Committee regarding the definition of motions and questions**

A report from Ms McIvor stated the issue of lengthy motions was raised at the Protocol Committee meeting in May 2017 in an effort to seek clarity and create consistency regarding the content and length of motions and questions being submitted by the elected members for both full council and municipal district meetings. Following discussion at CPG, the matter was further discussed at the July Protocol meeting where it was agreed to refer the proposed definitions to all the elected members for their feedback. Following the circulation of same, two responses were received and a further report was prepared, to include these responses, was considered at the October Protocol Committee meeting. A further revised wording was agreed by the Protocol Committee and a recommendation made to refer the matter to the full council for consideration.

In this regard, the proposed definitions for consideration are as follows:

**Motion:** A formal proposal for action to be put before a committee for approval.

**Question:** A request for information relating to a function of the council.

A motion and question shall be written in a concise and transparent form to set out a clear proposal/question in relation to a single issue.

Motions should be accurate, comprehensible, logical and likely to prompt good debate. Short, declarative sentences are encouraged and subordinate clauses are to be avoided. Where necessary, a short descriptive appendix with supporting evidence, quoted reports or a small number of accessible references can also be submitted as informal information for officials preparing a policy response.

Motions that are frivolous or vexatious; mislead, misrepresent, misquote or overstate; or exceed more than three sub-parts (excluding the stem of the sentence) shall be returned to the proposer for improvement.

Councillor Lynch proposed an amendment to the motion:

**Motion:** A formal proposal for action to be put before a committee for approval.

**Question:** A request for information relating to a function of the council.

A motion and question shall be written in a concise and transparent form to set out a clear proposal/question in relation to a single issue.

Motions should be accurate, comprehensible, logical and likely to prompt good debate. Short, declarative sentences are encouraged and subordinate clauses are to be avoided. Where necessary, a short descriptive appendix with supporting evidence, quoted reports or a small number of accessible references can also be submitted as informal information for officials preparing a policy response.

Motions should attempt to adhere to keeping within three sub-parts, excluding the stem of the sentence.

The amended motion was proposed by Councillor Lynch and seconded by Councillor McLoughlin Healy.

Councillor McEvoy asked that motions should comprise a maximum of 3 parts and if it becomes unworkable, the matter can be reviewed. He also noted that an appendix can be submitted in addition to the motion for further consideration.

**Resolved** on the proposal of Councillor Lynch seconded by Councillor McLoughlin Healy and agreed by all members that the amended motion be agreed and the matter reviewed through the Protocol Committee in 6 months' time.

## **Tairisceana Reatha (Feidhmeanna na Comhairle Contae)**

### **Current Motions (Kildare County Council Functions)**

**16/1117**

#### **Grant scheme for community Halloween activities**

The following motion in the name of Councillor Stafford was considered:

That the council devise and implement a grant scheme to assist with organised community Halloween activities and festivals in order to encourage people away from stock piling of materials for backyard burning and use of illegal fireworks.

The motion was proposed by Councillor Stafford and seconded by Councillor Hillis

**Report:** A report from Ms C O'Grady, A/Director of Services, Economic, Community and Cultural Development stated community groups have made applications for Halloween festivals under the Festival Grants Scheme in 2017. The budget for this scheme in 2018 is €79,000 and advertisement for this scheme will be published in local newspapers in early February inviting groups to make application for funding.

A report from Mr J Boland, Director of Service, Environment and Water Services stated that it was agreed that problems still persist in some areas at Halloween time resulting in significant clean up costs as well as instances of anti-social behaviour. All the council departments, particularly community, roads/fire services, environment and housing, do collaborate fully in order to address issues as best as is possible. However, it is agreed that a broader local community response is required and such lies at the heart of any future approach and that such an initiative which was launched by the Athy Municipal District in 2016 is worth citing in this context. This relates to an annual Halloween festival, sponsored by the municipal district, which has really captured the hearts and minds of the local community. It has been a positive intervention and has resulted in the abatement of most of the problems which previously existed.

Councillor Stafford stated he was not aware of the Athy festival and thought it was an excellent idea and asked that the Community and Environment Departments would work together to discourage the illegal stockpiling of materials for bonfires. Councillor Weld outlined the difficulties encountered by Environment staff in the north of the county when they tried to remove stockpiles and were attacked. Councillor Larkin asked that a wording be inserted in any community/housing estates grants being issued by the council prohibiting bonfires. Ms S Kavanagh, Director of Service stated this year had been particularly busy given the mild night and that the Community Section will support the Environment Section on planned events and activities in the future and agreed the matter should be referred both to the Environmental Services and Water SPC and the Local Community and Cultural SPC for consideration following which the Local Community and Cultural SPC will create a policy.

**Resolved** on the proposal of Councillor Stafford, seconded by Councillor Hillis that the council devise and implement a policy to assist with organised community Halloween activities and festivals in order to encourage people away from stock piling of materials for backyard burning and use of illegal fireworks and the matter should be referred both to the Environmental Services and Water SPC and the Local Community and Cultural SPC for consideration following which the Local Community and Cultural SPC will create a policy.

### 17/1117

#### **National Affordable Housing Scheme**

The following motion in the name of Councillor Wall was considered:

In the absence of a National Affordable Housing scheme, that Kildare County Council investigate potential possibilities for such a scheme within the county, looking at the O’Cualann scheme as an example, and to confirm if the council has had any interest from other agencies looking to provide affordable housing schemes.

The motion was proposed by Councillor Wall and seconded by Councillor Breslin.

**Report:** A report from Mr T McDonnell, Director of Service stated the then affordable housing schemes aimed to help lower-income households to buy their own homes. They offered eligible first-time purchasers the chance to buy newly constructed homes and apartments at prices significantly less than their market value. Under the scheme a local authority would buy houses at

a discount from developers, and sell them to first-time buyers whose incomes were below a certain threshold. Under the Planning & Development Act 2000 developers had to provide 20 per cent of any new housing estate for social or affordable housing. The Part V arrangements were agreed with the developers when the estates received planning permission and the discounts passed on to the purchasers when the homes were completed and sold.

In September 2011, the then Minister for Housing and Planning announced that all existing affordable housing programmes were being stood down. The Affordable Housing Scheme was discontinued by Central Government, as a result of potential purchasers being unable to source funds to allow them to buy an 'affordable' home. Indeed, many local authorities (including Kildare) were left with a stock of 'unsold affordables'. Rebuilding Ireland has identified the need for affordable homes, both in terms of availability for rental, by addressing the obstacles to greater private rental sector delivery, to improve the supply of units available at affordable rents, and availability for purchase through the increase of private housing to meet demand at affordable prices. It is understood that the terms of a new scheme, including eligibility criteria, have not yet been finalised, but the Department of Housing, Planning and Local Government has indicated that scheme details will be announced in the next few weeks.

Finally, the Housing Department of the council has had contact from the promoters of the O' Cualann scheme, and will shortly be meeting with them to ascertain details associated with the development. There has been interest from another group also who are exploring the model of co-operative housing.

Councillor Wall thanked Mr McDonnell for the comprehensive report asking when the meeting was due to take place and would the council engage with Dublin City Council on this form of initiative. Councillor Breslin supported the motion stating the forgotten people are those that cannot get a mortgage and that these people should not be on housing waiting lists. Councillor Pender also supported the motion stating there had been a meeting in Kilcullen recently on the O' Cualann Scheme and noted that mortgage approval for the affordable bracket is the real issue. Mr McDonnell stated the meeting will happen as soon as a date can be agreed by the relevant parties and the Housing Department have had contact with the group in Kilcullen but noted all such proposed schemes will have to have regard to the budget.

**Resolved** on the proposal of Councillor Wall, seconded by Councillor Breslin and agreed by all members present that the report be noted.

18/1117

### Vacant Sites Levy

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

That the council confirms that the process regarding the Vacant Sites Levy is underway in Kildare, how much revenue is expected to be raised and how the allocation and spend of that revenue will be decided upon.

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

**Report:** A report from Mr P Minnock, Director of Service, Planning and Strategic Development stated the vacant sites levy is intended to apply to land which has been sold primarily for residential purposes and land which has been designated with the objective of development and regeneration regardless of who owns it.

The Urban Regeneration and Housing Act defines a vacant site as any land in an urban area (exceeding 0.05 hectares) where:

- In the case of residential land, there is a need for housing in the area, the site is suitable for housing and the majority of the site has not been in use (i.e. vacant) for an extended period of time
- In the case of regeneration land, the majority of the site has not been in use for an extended period of time and where the fact that the site being vacant is having a negative impact on existing amenities or on the character of the area.

In respect of those areas that are primarily zoned residential, the suitability of lands for housing will be determined by reference to –

the core strategy – has the area been identified as a development area, with particular reference to the settlement hierarchy,

is the area serviced by public infrastructure and facilities necessary to enable housing to be provided and serviced, and

whether there is anything affecting the physical condition of the area which might affect the provision of housing

It will be necessary for the council to engage in a detailed assessment of potential vacant sites in the county. An identified vacant site can be entered on the vacant sites register when the council is of the opinion that it has been vacant for a minimum of 12 months preceding its entry on the register. At present the Register does not contain any entries, as the council is in the process of satisfying itself that relevant sites have been vacant for the preceding 12 months.

To form an opinion on whether a site meets the criteria, the site will have to be inspected and a report prepared which includes a general description of the site and previous planning history if same exists.

The vacant site levy will be an annual charge of 3% of the market value of each site (7% from 2019 onwards). A levy will be charged in respect of each vacant site in which a market value has been determined and which stands entered on the register. The levy is payable in arrears for each year beginning in 2019 by the land owner of the vacant site. The market valuation shall be determined by the council by engaging a suitably qualified person to estimate the price which the site would fetch if sold on the open market. The levy shall be payable by the registered owner(s) of the site. Non-payment of the levy due will remain a charge on the land concerned. Where a vacant site is subject to a mortgage and the value of the security on the site is greater than the market value of this site, a zero rate of levy applies. The land owner cannot be charged a derelict site levy and a vacant site levy, only one or the other. There is also an appeals process which is open to any property owner included on a register.

It is not possible at this stage to determine either how much revenue might be raised, or how it would be allocated but it would form part of the council's annual budget process. It should also be noted that a number of possible target sites have been the subject of planning applications, permissions or development.

Council O'Neill thanked Mr Minnock for the report noting the motivation for the motion was the Bill was introduced in January 2017 and allowed a lead in time but welcomed the clarification contained in the report.

**Resolved** on the proposal of Councillor O'Neill, seconded by Councillor Cronin and agreed by all members present the report was noted.

19/1117

**Compliance with standard recommendations in the private rented sector**

The following motion in the name of Councillor Cronin was considered:

That the council outline its plans to ensure compliance with minimum standard regulations in the private rented sector and outline if we are seeking additional resourcing to ensure a comprehensive inspection regime applies to private rentals in Kildare.

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

**Report:** A report from Mr T McDonnell, Director of Service stated Kildare County Council has a service level agreement with the Environmental Health Services of the Health Service Executive (HSE) to carry out functions on behalf of the council across a number of departments, including Housing. In relation to Housing, the Environment Health Officers provide a service to inspect private rented accommodation, including properties rented under the Rental Accommodation Scheme (RAS) and Housing Assistant Payment (HAP) schemes. Where issues of non-compliance with the current private rented standards are identified, and the landlord fails to address them, the council issues a notice to the landlord, in accordance with the appropriate legislation, outlining the issues to be addressed.

In addition, the Department of Housing, Planning and Local Government published new regulations on minimum standards for rented accommodation, entitled the Housing (standards for rented houses) Regulations 2107, which came into force on 1 July 2017. At the beginning of 2017 the Health Service Executive (HSE) indicated that based on the level of staff resources available to them, they would be in a position to carry out 500 inspections in 2017. Given the number of dwellings to be inspected on foot of the HAP scheme, together with inspections of RAS properties and private rented properties, it was recognised by the Housing Department that this would not be adequate to meet our needs.

At the request of Kildare County Council, the Department of Housing, Planning and Local Government has sanctioned a contract position to allow the appointment of a Clerk of Works to the Housing Department to carry out inspections of private rented dwellings. Interviews have been held and the Housing Department await the appointment by the Human Resources Department in the near future. To end of Quarter 3 2017, 333 inspections have been carried out by the Environmental Health Officers on behalf of the local authority.

Councillor Cronin thanked Mr McDonnell for the detailed report and welcomed the appointment of the additional Clerk of Works. She also made reference to the town of Maynooth which has a high level of rented properties due to it being a university town.

**Resolved** on the proposal of Councillor Cronin, seconded by Councillor Redmond and agreed by all members present that the report be noted.

## 20/1117

### **Streaming/transcription of council meetings**

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

That the council follow the lead of other county councils around the country who have enhanced the transparency and accountability of their councils while protecting against misrepresentations of what happens in the chamber and introduce either streaming or transcription of council meetings.

The motion was proposed by Councillor McLoughlin Healy and seconded by Councillor Redmond.

**Report:** A report from Mr T McDonnell, Director of Service stated that this council resolved in January 2016 to explore options for cost effective recording in the chamber for public meetings and to refer the matter to the protocol committee for consideration. This was on foot of a motion tabled by Councillor McLoughlin Healy on 25 January 2016.

The Protocol Committee considered the matter at their meeting on 21 March 2016 and resolved “that Councillor McLoughlin Healy will work with Mr Bernard Higgins, Head of Information Systems, on further exploring options for cost effective recording in the chamber for public meetings”.

In response to two previous motions tabled in 2014 which were defeated in the chamber, Mr Higgins prepared a detailed report including estimated costings for streaming council meetings. Earlier this year he provided an updated estimate of costs and detailed specification to Councillor McLoughlin Healy and discussed the various options with her. The matter of streaming of council meetings is still with the Protocol Committee who awaits the outcome of the work that Councillor McLoughlin Healy and Mr Higgins were to undertake.

In relation to misrepresentation of what happens in the chamber, Mr McDonnell confirmed the minutes of meetings, which are adopted by the members, are the official record of decisions taken.

Councillor McLoughlin Healy stated that she did not wish to pursue the option of transcription due to the high cost involved but that the web-casting element would only cost between €15,000 and €30,000 a year stating the cost argument not to stream council meetings does not hold up on this basis. She also stated the only way of knowing if there is better value to be had for this service is to put the question to the market to submit proposals in this regard.

A discussion ensued amongst the members with regard to the potential legal issues, transparency considerations and the opportunity for grandstanding that such a proposal might lead to. Councillor Darren Scully stated this matter was currently before the Protocol Committee and the process should be completed through this committee. He also noted the council is very transparent at their meetings and the minutes are adopted by the members. Councillor McLoughlin Healy requested a roll-call vote on the motion. Councillor Fitzpatrick proposed that the motion be referred back to the Protocol Committee, Councillor Ó'Cearúil seconded this request.

**Resolved** on the proposal of Councillor Fitzpatrick seconded by Councillor Ó'Cearúil and agreed by the members that this motion be referred back to the Protocol Committee for further consideration.

## 21/1117

### **Celbridge and Leixlip Local Area Plans**

The Mayor asked the members for their agreement to suspend standing orders for a period of 15 minutes to enable the meeting to continue.

**Resolved** on the proposal of Councillor Kelly, seconded by Councillor O'Neill and agreed by all members present, the standing orders were suspended for a period of 15 minutes in order for the meeting to continue.

The following motion in the name of Councillor Young was considered:

That Kildare County Council notes with regret the recent Directions by the Minister in relation to the Celbridge and Leixlip Local Area Plans and resolves to respond by writing to the Minister requesting that the democratic decisions of the council be respected and these Directions be withdrawn.

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

A report from Mr K Kavanagh, Senior Executive Officer and Mr M Kenny, Senior Planner stated that when considering a County Development Plan or Local Area Plan for adoption, the members are formally advised that, acting in the interests of the common good, and the proper planning and sustainable development of the area, and in accordance with the 'Code of Conduct for Councillors' prepared under the Local Government Act, they must follow due process and make their decisions based on relevant considerations.

The members are also advised that, under the Planning and Development Act 2000 as amended, they are restricted to considering the proper planning and sustainable development of the area to which the Local Area Plan relates the statutory obligations of the local authority any relevant policies or objectives of the Government or any Minister of the Government

Prior to adopting the Celbridge Local Area Plan, the members were aware of the Department's view that the proposed plan was "seriously defective" with regard to policy and statutory requirements, and that the approach adopted by the council was "inconsistent and incoherent" as regards the implementation of national policy.

In confirming the Direction (10 November 2017) on the Celbridge Local Area Plan 2017-2023 as per the draft direction of 13 September 2017, the Minister concluded that the Planning Authority did not take account of submissions made on the Minister's behalf and that the plan as adopted is not in compliance with the requirements of the Planning & Development Act. In notifying the council of his intent to issue a direction on the Local Area Plan, the statutory process afforded the members, and the general public, the opportunity to make submissions to the Minister which he is required to consider prior to making his decision.

In compliance with the statutory process, and in exercise of the powers conferred on him by the Planning & Development Act, the Minister issued the Direction in respect of the Celbridge Local Area Plan.

As in the case of Celbridge, the members were advised and aware of the Department's submission on the Leixlip Local Area Plan that, should the council not implement the Department's requests, the Minister was "likely to consider the use of his powers to direct the planning authority accordingly under Section 31 of the Act".

The members are also aware that the Leixlip Local Area Plan is contrary to the core strategy of the Kildare County Development Plan and is therefore in breach of the Planning & Development Act, ie that a Local Area Plan must be consistent with the core strategy of the County Development Plan.

For the purposes of clarity, the notice of motion as submitted is incorrect in referring to a request to withdraw a direction in respect of the Leixlip Local Area Plan as no such direction has issued to date. Notwithstanding this, it is ultimately a matter for the members whether to write to the Minister as outlined in the notice of motion.

The Mayor noted what was being asked in the motion is deviating from the law of the land stating that the council is failing in its powers as 3 of our Local Area Plans have now gone to the Minister. Councillor Weld stated councils have lost a lot of statutory functions and the adoption of Local Area Plans is an extremely important function that needs to be retained. Councillor Young stated there is nothing in legislation preventing the members from writing to the Minister as requested.

**Resolved** on the proposal of Councillor Young, seconded by Councillor Redmond with 6 members voting in favour of the motion, 15 members voting against the motion and no abstentions the motion was defeated.

## 22/1117

### Current public toilet contract

The Mayor asked the members for their agreement to further suspend standing orders for a period of 15 minutes to enable the meeting to continue.

**Resolved** on the proposal of Councillor Kelly, seconded by Councillor O'Neill and agreed by all members present, the standing orders were suspended for a further period of 15 minutes in order for the meeting to continue.

The following motion in the name of Councillor Keatley was considered:

That Kildare County Council put in place a scheme similar to the “shop front renovation scheme”, to incentivize businesses in our towns and villages to allow public use of their toilet facilities which could replace our current public toilet contract.

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

**Report:** A report from Ms J McNabb, Head of Enterprise stated this request would need considerable thought as to the type of incentive that could be proposed as on initial review it would be difficult to award and then police the business community regarding compliance.

Councillor Keatly stated the contract for the current public toilet in Athy ends in 2019 and asked that the matter be referred to the Economic Development, Enterprise and Planning SPC for consideration and requested that money be ring fenced in the 2019 budget for this purpose. Councillor Redmond stated his opposition to the closing of the public toilets in Athy and noted the potential insurance implications of such a scheme and asked that the Municipal District building be opened up to the public for this purpose.

**Resolved** on the proposal of Councillor Keatley, seconded by Councillor Durkan that Kildare County Council put in place a scheme similar to the “shop front renovation scheme”, to incentivize businesses in our towns and villages to allow public use of their toilet facilities which could replace our current public toilet contract, be referred to the Economic Development, Enterprise and Planning SPC for consideration.

## **Tairisceana Reatha (Nach feidhmeanna na Comhairle Contae iad)**

### **Current Motions (Non-Kildare County Council Functions)**

**23/1117**

#### **Support of the Catalan parliament, ministers and officials**

The following motion in the name of Councillor Lynch was considered:

That the council supports the Catalan parliament, Ministers and Officials in their right to hold democratic elections and send them our wishes in this regard and we denounce the Spanish Government for their jailing of Catalan Ministers, violence towards voters and the anti-democratic manner in which they are conducting themselves in relation to core human, political and civil liberties; the right to freedom of association and suffrage.

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

A report from Mr T McDonnell Director of Service stated this is a matter for the members to agree.

Councillor Lynch stated this issue is of significant importance yet in his view there has been very little debate on the matter. Councillor S Power stated his reluctance to speak on the matter given the inappropriateness of interfering in national issues in Spain and further questioned its appropriateness given the position as outlined by Minister Coveney with regard to the challenges

Ireland faces through the Brexit fallout. Councillor McEvoy stated the council's role does not involve discussions on national issues. Councillor Redmond referred to the detail given by the Mayor earlier in our role in Twinning and the Lexington visit stating it is our role to be involved and supported Councillor Lynch's motion. The Mayor proposed the motion be put to a vote.

**Resolved** on the proposal of Councillor Lynch seconded by Councillor Cussen with 6 members voting in favour of the motion, 7 members voting against and 4 abstentions the motion was defeated.

#### **24/1117**

#### **Opposition to downgrading of Portlaoise Hospital**

The following motion in the name of Councillor Redmond was considered:

That the council writes to the Minister of Health and state our opposition to the downgrading of Portlaoise Hospital and we ask that this motion is sent to all neighbouring counties.

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

A report from Mr T McDonnell Director of Service stated this is a matter for the members to agree.

Councillor Redmond expressed the importance of supporting this motion given the current waiting list total of 685,000 people in the health service noting the downgrade of this hospital will in effect turn it into a health centre. He also noted this hospital currently deals with 40,000 admissions annually and were it to be downgraded, this would have serious knock on effects on the neighbouring hospitals in Tullamore and Naas. Councillor Wall and the Mayor both supported the motion and Councillor Miley encouraged everyone to take part in the demonstration march due to take place in Portlaoise on Saturday 02 December.

**Resolved** on the proposal of Councillor Redmond seconded by Councillor Cussen and agreed by all members present that the council writes to the Minister of Health and state our opposition to the downgrading of Portlaoise Hospital and that this motion be sent to all neighbouring counties.

The meeting concluded.